



MINUTES

Ordinary Council Meeting

21 November 2023

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED by Council as the official record for the Shire of Gingin's Ordinary Council Meeting held on 21 November 2023.

Councillor C W Fewster
PRESIDENT

Date of Confirmation: _____

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

ACKNOWLEDGEMENT OF COUNTRY



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

TABLE OF CONTENTS

1	DECLARATION OF OPENING	5
2	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE	5
3	DISCLOSURES OF INTEREST	5
4	PUBLIC QUESTION TIME	7
4.1	RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE.....	7
4.2	PUBLIC QUESTIONS.....	8
5	PETITIONS	12
6	APPLICATIONS FOR LEAVE OF ABSENCE	12
7	CONFIRMATION OF MINUTES	13
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER	13
9	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS.....	13
10	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	13
11	REPORTS - OFFICE OF THE CEO.....	15
11.1	2024 COUNCIL MEETING DATES.....	15
11.2	WHEATBELT DEVELOPMENT COMMISSION BOARD - CALL FOR NOMINATIONS	18
11.3	CONSTRUCTION OF SEA WALL - PROPOSAL BY LANCELIN VOLUNTEER MARINE RESCUE GROUP	21
12	REPORTS - CORPORATE AND COMMUNITY SERVICES.....	26
12.1	CALLING OF TENDERS - DISPOSITION OF PROPERTY LOT 125 (20) BROCKMAN STREET GINGIN	26
12.2	MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2023	31
12.3	LIST OF PAID ACCOUNTS OCTOBER 2023	55
12.4	APPLICATION OF CURTILAGE REVIEW	63
13	REPORTS - REGULATORY AND DEVELOPMENT SERVICES	69
13.1	APPLICATION FOR SUBDIVISION APPROVAL AT LOT 598 (12) HARPER DRIVE, LEDGE POINT.....	69
13.2	APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED DECK ON LOT 136 (4) ROBINSON STREET, GINGIN (GINGIN BOWLING CLUB).....	78
13.3	APPLICATION FOR DEVELOPMENT APPROVAL - USE NOT LISTED - SHORT STAY (CAMPING FACILITY) ON LOT 1001 (51) BOOBABBIE ROAD, GUILDERTON	89
13.4	PROPOSED PERMANENT CLOSURE OF UNCONSTRUCTED ROAD RESERVE - LOT 803 COWALLA ROAD, COWALLA	142

**MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023**



13.5	APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED SINGLE HOUSE ON LOT 48 BREERA ROAD, BREERA.....	154
13.6	REPORT OF REVIEW TO LOCAL PLANNING SCHEME NO. 9	217
13.7	APPLICATION FOR DEVELOPMENT APPROVAL - ANCILLARY ACCOMMODATION ON LOT 413 (598) CARABAN ROAD, CARABAN	239
13.8	PROPOSED AMENDMENT NO. 24 TO LOCAL PLANNING SCHEME NO. 9 - ADDITIONAL USE (INDUSTRY-LIGHT) ON PT LOT 8021 (27) WATERVILLE ROAD, NEERGABBY	277
14	REPORTS - OPERATIONS AND ASSETS	322
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	322
16	COUNCILLORS' OFFICIAL REPORTS.....	322
17	NEW BUSINESS OF AN URGENT NATURE.....	323
18	MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC	323
18.1	COMMUNITY CITIZEN OF THE YEAR AWARDS 2024	324
19	CLOSURE.....	325

ORDER OF BUSINESS

1 DECLARATION OF OPENING

The President declared the meeting open at 3:07 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

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

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), V Crispe (Executive Manager Operations and Assets) via teams link, J Bayliss (Manager Planning and Building), G Koorasingh (HR Officer), and K Johnston (Governance Support Officer/Minute Officer)

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

2.2 APOLOGIES

R Kelly (Executive Manager Regulatory and Development Services)

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Councillor Balcombe

Item: 13.2 Application for Development Approval - Proposed Deck on Lot 136 (4) Robinson Street, Gingin (Gingin Bowling Club)

Interest: Impartiality

Reason: As an employee of Bendigo Bank who are co-funders of this application.

Item: 18.1 Community Citizen of the Year Awards 2024

Interest: Impartiality

Reason: My daughter nominated one candidate.

Councillor Kestel

Item: 13.2 Application for Development Approval - Proposed Deck on Lot 136 (4) Robinson Street, Gingin (Gingin Bowling Club)
Interest: Impartiality
Reason: Bendigo Bank have granted money to this project and I am a director of the bank.

Councillor Peczka

Item: 18.1 Community Citizen of the Year Awards 2024
Interest: Impartiality
Reason: Association with and known community volunteers associated with volunteer membership to Fire and Rescue Services, local football club and the St John Ambulance Service, Lancelin.

Councillor Stewart

Item: 12.4 Application of Curtilage Review
Interest: Financial
Reason: I am a DVA Gold card holder and currently in receipt of a rates reduction as per department of water guidelines. Any decision on this Agenda item may affect me financially.

Item: 13.3 Application for Development Approval - Use Not Listed - Short Stay (Camping Facility) on Lot 1001 (51) Boobabbie Road, Guilderton
Interest: Impartiality
Reason: With regard to Item 13.3, I disclose that I have an association with the applicant. This association is that I have previously enquired to the Gingin Shire about developing nature based camping. As a consequence, there is a or could be a perception that my impartiality on the matter may be affected. I declare I will consider this matter on its merits.

Councillor Woods

Item: 18.1 Community Citizen of the Year Awards 2024
Interest: Impartiality
Reason: I am a nominator.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Ordinary Meeting 17 October 2023

4.1.1 Lindsie Leahy - Neergabby

Food Trucks

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

A1. The fees are set (and increased) to reflect a recovery of administrative time and resources in assessing, issuing, and monitoring this service.

For fee comparative purposes for the 2023/24 financial period, the following local government authorities' fee structure, apply to food vans trading in public places as outlined below:

1. Shire of Chittering

Trading in Public Places Stall Holder Annual Fee is \$85.00

Note: The Shire of Chittering has limitations on their issued permit as follows:

- a. Permit holders can only trade in 10 identified locations within the Shire of Chittering.
- b. Food Vans cannot trade in the Shire of Chittering central business district unless the businesses are closed.
- c. There is no trading allowed during bushfire season, generally from November to May, a 7 month period.

2. City of Wanneroo

Trading in Public Places Stall Holder Annual Fee is \$1,014.00

3. City of Swan

Trading in Public Places Stall Holder Annual Fee is \$1,272.00

4. Shire of Dandaragan

Trading in Public Places Stall Holder Annual Fee is \$ 680.00

5. Shire of Serpentine Jarrahdale

Trading in Public Places Stall Holder Annual Fee is \$1,125.00

As outlined above, the Shire of Gingin's fee for trading in public places is comparable.

4.2 PUBLIC QUESTIONS

4.2.1 Stan Sykes - Caraban

Item 13.3 Application for Development Approval – Use Not Listed – ShortStay (Camping Facility) on Lot 1001 (51) Boobabbie Road, Guilderton

Questions submitted in writing prior to the meeting.

Mr Sykes' questions were submitted in writing prior to the meeting. The questions and responses were read aloud by the President.

Q1. How can the Shire prohibit caravans and camper vans from using a Nature Based Park when clause 29(2) of the Caravan and Camping act states: "Where there is conflict or inconsistency between a regulation made under this Act and a local law referred to in subsection (1), the regulation, to the extent of the conflict or inconsistency, prevails."

A1. Local Planning Scheme No. 9 (LPS 9) is not a local law prepared under the Local Government Act 1995 and therefore clause 29 of the Caravan Parks and Camping Grounds Act 1995 does not apply.

The use class 'Caravan Park' is an 'X' use in the General Rural zone under LPS 9, meaning that the use is prohibited. If a proposal seeks approval to accommodate caravans, it will constitute a 'Caravan Park', which is a prohibited use. Therefore, the local government is bound to refuse such a proposal. In relation to Item 13.3, the condition prohibiting caravans is to ensure the development is used as a camping ground, not a caravan park.

Q2. State government guidelines indicate quite clearly that caravans and camper vans are permitted to use Nature Based Parks. Why is this Shire attempting to restrict tourist opportunities to local businesses when nearly a quarter of a million caravans are registered in WA?

A2. It is assumed that the submitter is referencing the document 'Nature Based Parks: Licensing guidelines for developers and local government' prepared by the Department of Local Government, Sport and Cultural Industries.

This document is a guideline to consider as part of a licensing application under the Caravan and Camping Ground Regulations 1997. Item 13.3 is not a licensing application under the Caravan and Camping Ground Regulations 1997. Item 13.3 relates to development approval under the planning framework.

Q3. Why does the Shire believe it loses its discretionary power to approve Nature Based Parks if caravans are involved, as the requirements for licensing as a long stay caravan park or a short stay Nature Based Park are totally different in respect of amenities required, location, purpose and duration of stay?

- A2. The local government must refuse to approve any 'X' use of land, there is no discretion to approve a prohibited use.

**4.2.2 Kate Lane - Neergabby
Guilderton Café**

- Q1. Can Council confirm that there actually are 2 commercial dishwasher, two toasters and two flat grill plates at Guilderton Café?*

Response by the President

Question taken on Notice

- Q2. The invoice from All Kitchen Solutions dated March 2022 is vague in its description of the over \$53,000 worth of items listed, no make or model numbers are given and there is no confirmation that the items are new. On enquiring at ASIC, I am informed that All Kitchen Solutions deregistered in June 2019 and that the ABN number shown on this invoice (dated March 2022) is registered to a company that sells Mustang cars. Can Council shed any light on this perplexing anomaly?*

Response by CEO

We purchased the items from Belgravia. The documentation as being quoted is provided for proof of purchase from Belgravia.

Response by the President

We purchased the equipment off Belgravia which wasn't brand new as they operated for a month or two. It is Belgravia's business who they buy their equipment off.

- Q3. In the absence of any detailed tax invoice from Belgravia, will Council explain how the GST element was handled and how the \$75,000 expenditure is shown in the Shire accounts?*

Response by Executive Manager Corporate and Community Services

The GST component of the \$75,000 has not been paid as the Shire has not been issued with an invoice.

**4.2.3 Wendy from the Tribe Shulze
Verbal Abuse and Councillor Training**

- Q1. Can we have some strategy put in place where people and Councillors learn how to have adult to adult conversations?*

Response by the President

We have a Code of Conduct for Councillors and staff.

Q2. What happens when the Code of Conduct is not followed?

Response by the President

You will need to lodge a complaint, let us know what you are referring to and we will investigate.

Q3. Is there some way we can have some training for Councillors?

Response by the President

We can have training however it is up to the individual Councillors to request it. We also have continuous training and a part of that is how we deal with the public.

**4.2.4 Ed Hartman - Neergabby
Solar Panel Policy 1.40**

Q1. The Enright's lease ended on the 31 July 2021 as per the Shire policy, one second past midnight the solar panels became the property of the Shire, are these the same panels that the Shire purchased from Belgravia?

Response by the President

When the lease was expiring and the negotiations were taking place, the Shire had no interest in the solar panels and the Enright's were advised they would have to remove them. However, we also referred the Enright's to Belgravia and they had an agreement to purchase the solar panels off the Enright's. The solar panels stayed in situ because Belgravia took on the lease and possession of the solar panels they then formed part of the negotiations when we purchased the of Belgravia.

Q2. Did the Shire agree to the Enright's selling the solar panels and if so why? According to Policy it needs be mutually agreed between you and the lessor.

Response by the President

The Enright's offered to sell them to us, if they couldn't sell them, they were going to remove them. All we did was facilitate the Enright's selling the solar panels to the new lessee. We never took possession of the solar panels.

Q3. Did you check to make sure that they sold them to Belgravia before the lease terminated or after?

Response by the President.

The negotiations with Belgravia were made before Belgravia took over.

- Q4. The invoice that was issued by the Enright's to Belgravia for the solar panels, what date was on the invoice?*

Response by the President

We don't see that invoice.

Response by the CEO

Council in good faith, enabled the Enright's to sell to Belgravia, so that the Enright's were able to sell an asset that they wouldn't normally receive an income from.

Response by the President

We were clear to the Enright's that Council didn't want to purchase the solar panels, and that they can leave them there at no cost and we will retain ownership. They chose to sell to the new lessee; we had already signed an agreement with Belgravia and as part of that, we referred the Enright's to Belgravia.

- Q5. Did Enright's issue an invoice to Belgravia prior, not negotiations, an actual invoice on which the legal legality of the solar panels passed from the Enright's to legally pass onto Belgravia?*

Response by the CEO

A legal invoice does not need to be handled prior to the date, the commitment was in place and then whenever the funds changed hands is completely between Enright's and Belgravia Leisure, it has nothing to do with Council.

**4.2.5 Lindsie Leahy - Neergabby
Food Trucks and Council Briefing Session**

- Q1. What rationale can be provided to justify our \$1100 trading in public places permit?*

Response by the President

The food vans have unlimited licence within the Gingin Shire. It was the decision of Council when we adopted the fees and charges within the budget.

- Q2. You have chosen two huge cities, but the city of Cockburn which also has an arguably huge population, their trading in public places permit is \$385, why was that not used as a comparison?*

Response by the President

I can't give you an explanation, there were no questions asked when we adopted the budget. Technically there has been an average of 2.5% increase over the past 2 years.

- Q3. At any stage will Briefing Sessions be opened for community attendance and or minutes made available for public record as per council policy?*

Response by the Shire President

It is up to the individual Councillors to bring it forward as an agenda item if they wish to open the Briefing Sessions to the public.

- Q4. We ask Council to provide justification for decisions being made and we are told that a discussion was had and a decision was made?*

Response by the President

There are no fixed decisions made at a Briefing Session. We discuss items and then get a consensus as to whether it needs to be brought back as a formal agenda item. Briefing Sessions are for discussion only, and debate is held at a council meetings where members of the public can hear the debate.

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Balcombe

That Council confirm the Minutes of the Ordinary Council Meeting held on 17 October 2023 and the Special Council Meeting held on 24 October 2023 as a true and accurate record.

**CARRIED UNANIMOUSLY
9 / 0**

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

AGAINST: *Nil*

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputations

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

Item 13.7 Application for Development Approval – Ancillary Accommodation on Lot 413 (598) Caraban Road, Caraban

Speakers: Ryan Soerja Djanegara and Naomi Murray

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

Item 13.8 Proposed Amendment No.24 to Local Planning Scheme No.9 – Additional Use (Industry Light) on Pt Lot 8021 (27) Waterville Road, Neergabby

Speakers: Nick Grinrod

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

9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

COUNCIL RESOLUTION

MOVED: Councillor Balcombe

SECONDED: Councillor Peczka

That Items 13.7 and 13.8 and be brought forward for consideration as the first item of business.

CARRIED UNANIMOUSLY

9 / 0

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

AGAINST: *Nil*

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

- *Item 13.7 Application for Development Approval – Ancillary Accommodation on Lot 413 (598) Caraban Road, Caraban– see page 239.*
- *Item 13.8 Proposed Amendment No. 24 to Local Planning Scheme No.9 – Additional Use (Industry - Light) on Pt Lot 8021 (27) Waterville Road, Neergabby – see page 277.*

11 REPORTS - OFFICE OF THE CEO

11.1 2024 COUNCIL MEETING DATES

File	GOV/8
Author	Kelli Johnston - Governance Support Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the proposed dates for Ordinary Council meetings to be held between 1 January 2024 and 31 December 2024.

BACKGROUND

Section 5.3 of the *Local Government Act 1995* (the Act) specifies that every Council must hold ordinary meetings not more than three months apart and may also hold additional special meetings if required.

Under s.5.4 of the Act, an ordinary or special meeting of Council is to be held if called for by either the Shire President or at least one third of elected members, or as decided by the Council.

In addition, Regulation 12 of the *Local Government (Administration) Regulations 1996* requires that local public notice must be given of the dates, time and place at which ordinary Council meetings and Committee meetings that are required under the Act to be open to members of the public are to be held in the next 12 months.

COMMENT

The Shire of Gingin's Ordinary Council Meetings are customarily held on the third Tuesday of each month, commencing at 3.00pm.

The following dates are therefore proposed for Council's consideration with respect to Ordinary Meetings of Council in 2024:

• 16 January 2024	• 16 July 2024
• 20 February 2024	• 20 August 2024
• 19 March 2024	• 17 September 2024
• 16 April 2024	• 15 October 2024
• 21 May 2024	• 19 November 2024
• 18 June 2024	• 17 December 2024

All meetings will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin and will commence at 3.00 pm.

Any proposal to vary the venue or time for a scheduled meeting of Council will be subject to public advertising in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 – Administration

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

Subdivision 1 – Council meetings

Clause 5.3 – Ordinary and special council meetings

Local Government (Administration) Regulations 1996

Part 2 – Council and committee meetings

Regulation 12 – Meetings, public notice of (Act s.5.25(1)(g))

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Balcombe

That Council approve the following schedule of Council Meetings for 2024:

Date	Meeting Type	Venue	Start Time
16 January 2024	Ordinary	Council Chambers	3:00pm
20 February 2024	Ordinary	Council Chambers	3:00pm
19 March 2024	Ordinary	Council Chambers	3:00pm
16 April 2024	Ordinary	Council Chambers	3:00pm
21 May 2024	Ordinary	Council Chambers	3:00pm
18 June 2024	Ordinary	Council Chambers	3:00pm
16 July 2024	Ordinary	Council Chambers	3:00pm
20 August 2024	Ordinary	Council Chambers	3:00pm
17 September 2024	Ordinary	Council Chambers	3:00pm
15 October 2024	Ordinary	Council Chambers	3:00pm
19 November 2024	Ordinary	Council Chambers	3:00pm
17 December 2024	Ordinary	Council Chambers	3:00pm

CARRIED UNANIMOUSLY

9 / 0

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

AGAINST: *Nil*

11.2 WHEATBELT DEVELOPMENT COMMISSION BOARD - CALL FOR NOMINATIONS

File	GOV/33
Author	Kelli Johnston - Governance Support Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider nominating a Councillor for a vacancy on the Wheatbelt Development Commission Board.

BACKGROUND

The Wheatbelt Development Commission (the Commission) is a statutory authority established under the *Regional Development Commissions Act 1993*. Its purpose is to promote balanced economic and social development in the Wheatbelt Region, which encompasses the following local government authorities (in alphabetical order):

Beverley	Gingin	Narembeen	Wandering
Brookton	Goomalling	Narrogin	West Arthur
Bruce Rock	Kellerberrin	Northam	Westonia
Chittering	Kondinin	Nungarin	Wickepin
Corrigin	Koorda	Pingelly	Williams
Cuballing	Kulin	Quairading	Wongan Ballidu
Cunderdin	Lake Grace	Tammin	Wyalkatchem
Dalwallinu	Merredin	Toodyay	Yilgarn
Dandaragan	Moora	Trayning	York
Dowerin	Mt Marshall	Victoria Plains	
Dumbleyung	Mukinbudin	Wagin	

The Commission's objectives include maximizing job creation, broadening local economies, identifying the need for infrastructure and services, providing information and advice to business and ensuring equitable access to government services. The Commission also promotes and facilitates effective partnerships between local government and regional communities.

The Commission is seeking nominations for two local government representative vacancies on its Board. In accordance with the *Regional Development Commissions Act*

1993, nominees must be Councillors, and must be nominated by their local government. If appointed, nominees will serve a term of between one and three years.

Each local government in the region is entitled to nominate up to two representatives for consideration. All nominations must be submitted to the Commission by 4 December 2023.

COMMENT

The Commission advises that nominees should have:

1. An understanding of key issues impacting the development of the Wheatbelt region;
2. Demonstrated involvement in the economic and/or social development of the region; and
3. The ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.

Nominees must complete a standard nomination form and provide a two-page Curriculum Vitae. As part of the nomination process, nominees must give details of what they consider to be key issues impacting on economic development in regional WA and the key actions they think the Commission can take to deliver its objectives for the Wheatbelt. Nominees must also provide evidence of their involvement in regional development (economic, social or environmental) and their ability to work co-operatively across a wide range of issues and stakeholders and set out the specific areas of interest/expertise in which they believe they could contribute to the effective performance of the Commission.

A copy of the Commission's information and nomination form was emailed to all Councillors on 13 November 2023. Councillors were requested to advise the Coordinator Governance by 15 November 2023 if they were interested in nominating, however no responses have been received.

Council may resolve not to nominate a candidate.

STATUTORY/LOCAL LAW IMPLICATIONS

Regional Development Commissions Act 1993

Part 3 Operation of commissions

Division 1 Constitution and proceedings of commissions

Section 15 Board of management of a commission

Section 16 Method of appointment of appointed members

Regional Development Commissions Regulations 1994

Regulation 2 Appointed members of boards

Regulation 12 Members nominated by local government authorities – method of nomination (section 16)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.5 Key Stakeholder Partnerships - Foster applicable relationships and partnerships with key stakeholders to achieve outcomes

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council nominate for a position on the Wheatbelt Development Commission Board.

LAPSED FOR LACK OF A MOVER AND SECONDER

Due to there not being a nominee, the motion lapsed and the Presiding Member moved to the next Item of the Agenda.

11.3 CONSTRUCTION OF SEA WALL - PROPOSAL BY LANCELIN VOLUNTEER MARINE RESCUE GROUP

File	ENV/17
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. DFES Correspondence [11.3.1 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To form a Council position with respect to a proposal by the Lancelin Volunteer Marine Rescue Service (VMRS) for a geo textile sandbag sea wall within Lot 606 (Reserve 32942) Hopkins Street, Lancelin (Grace Darling Park) in front of the VMRS building situated on Lot 784 (Reserve 38405) Hopkins Street, Lancelin.

BACKGROUND

The Lancelin VMRS has formulated a proposal to protect the VMRS building on Hopkins Street from the effects of coastal erosion, which in the future is likely to undermine the foundations of the building to the point it will need to be demolished.

The VMRS provided preliminary information to the Shire regarding the project and noted that members had been meeting with Mr Mark Eatts from the Department of Fire and Emergency Services (DFES). The information provided was not an engineering solution, but rather a proposed scope that the VMRS would need to assume liability for, and only provided based on the purchase of specific materials from the company providing the report.

Contact was made with Mr Eatts from DFES seeking confirmation as to the Department's commitment to the project. The categorical response was that whilst DFES was supportive of the Group, it would not be contributing to or involved in the project and would not wear any liability in relation to the proposed sea wall.

This position of refusing to accept any liability whilst supporting the Group was provided verbally on a number of occasions, resulting in the Shire seeking a meeting with the DFES Commissioner, Mr Darren Klemm. Commissioner Klemm subsequently provided a written confirmation with respect to the position of DFES on this matter and a copy of this response is provided for Council's information (**see appendix**). It reaffirms that DFES is not in a position to protect the building and that once erosion is within 1.8 metres of the building the volunteers will be relocated and the building removed.

It should be noted that DFES provided the VMRS with a new purpose-built premises in Atkinson Way, Lancelin some years ago.

COMMENT

Previous reports have outlined the risk associated with building a geo textile sandbag seawall, and the requirement for Council to be protected against any liability that may arise in association with such an action. Due to the scale of potential liability and risk that could arise from a construction of this nature, it would be necessary for the liability to sit with DFES as the structure for which protection is intended is associated with DFES volunteers.

Council's Coastal Erosion Advisory Group discussed this matter at its meeting on 5 September 2023, and recommended that Council advise the VMRS that it is not prepared to consider any proposal for a seawall within Reserve 32942 (Grace Darling Park) until such time as the DFES:

1. *Provides a design for the proposed seawall prepared by a qualified coastal engineer utilising localised coastal data, to the satisfaction of the State;*
2. *Provides an environmental impact assessment of the proposal utilising localised coastal data and conditions, to the satisfaction of the State;*
3. *Provides a localised Coastal Hazard Risk Management Adaptation Plan for approval by the Shire of Gingin justifying the proposal, taking into account:*
 - a. *Localised coastal activity data;*
 - b. *The recommendations of the Assessment of Coastal Erosion Hotspots in Western Australia report prepared by Seashore Engineering Pty Ltd for the Department of Transport and Department of Planning, Lands and Heritage in 2019;*
 - c. *The Shire of Gingin's Coastal Hazard Risk Management Adaptation Plan and Coastal Management Strategy; and*
 - d. *The fact that a purpose-built VMRS facility has been constructed in an alternative location;*
4. *Provides evidence that its volunteers are covered for any liability and/or injury incurred during or as a result of sea wall construction; and*
5. *Enters into a Deed of Agreement with the Shire of Gingin which:*
 - a. *Indemnifies the Shire against any and all liability arising from the sea wall construction, including but not limited to:*

- i. Increased erosion activity to the north and south of the sea wall;*
 - ii. Loss of beach in front of the sea wall; and*
 - iii. Loss of the VMRS building currently located on Lot 784 (Reserve 38405) Hopkins Street, Lancelin; and*
- b. Committing to undertaking all future sand renourishment that may be required as a result of the construction of the wall to the satisfaction of the Shire of Gingin.*

As this outcome has been provided, with the recommendation from the Advisory Group that it recommend to Council not to support the protection of the building, unless DFES accept the conditions, it is now provided to Council to consider the recommendation from the Advisory Group.

In view of this outcome, there does not seem to be any purpose in taking further action given that DFES has already confirmed that there is no prospect of it taking any of the actions required in order for Council to support the LVMR Group's proposal.

Instead, and in accordance with the intent of the Advisory Group's recommendation, it is recommended that Council agree to advise the LVMR Group that it is not prepared to support construction of the proposed sea wall.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Kestel

That Council:

1. Advise the Lancelin Volunteer Marine Rescue Group that it does not support the proposed construction of a sea wall to protect the former Sea Search Rescue building located on Lot 784 (Reserve 38405) Hopkins Street, Lancelin given that the Department of Fire and Emergency Services has confirmed that it is not willing to accept liability for the structure; and
2. Note the Department's confirmed position that the building will be evacuated and removed once erosion reaches within 1.8 metres of the building.

**CARRIED
6 / 3**

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

AGAINST: *Councillor Stewart, Councillor Weeks and Councillor Peczka*



Government of Western Australia
Department of Fire & Emergency Services



Our Ref: D24374; 23/203526
Your Ref: ENV/17

Chief Executive Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503

Dear Mr Cook

MARINE RESCUE LANCELIN BUILDING - COASTAL EROSION

Thank you for your letter dated 3 October 2023 concerning the request by Marine Rescue Lancelin volunteers to construct a sea wall for erosion protection of the original group building situated at Hopkins Street, Lancelin.

The Department of Fire and Emergency Services (DFES) has undertaken significant discussion with Marine Rescue Lancelin on this issue over the last three (3) years.

Marine Rescue Lancelin is aware that DFES is unable to contribute financially to the erosion mitigation solution that volunteers have requested. DFES has an agreement with Marine Rescue Lancelin that should the erosion encroach within 1.8 metres of the building in Hopkins Street, it will be evacuated due to safety concerns.

Since 2015, the majority of Marine Rescue activity, such as training, vessel maintenance, group meetings and incident co-ordination has taken place at the purpose-built Marine Rescue facility in Atkinson Way, Lancelin. While radio monitoring activities continue to be undertaken at Hopkins Street, recently installed contemporary technology allows radios to be monitored from any location that has an internet connection.

Whilst any decision to allow construction of a sea wall ultimately rests with the Shire of Gingin, Marine Rescue capability in the Lancelin area will not be compromised should the sea wall not be supported or the Hopkins Way building be removed from use.

Yours sincerely

**DARREN KLEMM AFSM
COMMISSIONER**

27 October 2023

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 CALLING OF TENDERS - DISPOSITION OF PROPERTY LOT 125 (20) BROCKMAN STREET GINGIN

File	A6824
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Lot 125 Brockman Road [12.1.1 - 1 page]

Cr Johnson left the meeting at 4.46pm.

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider calling tenders for the sale of property 20 (Lot 125) Brockman Street, Gingin.

BACKGROUND

Council, when considering the acquisition of a future sporting precinct for the Gingin Shire, identified a number of properties surplus to requirements which may offset, in part, any acquisition cost.

20 (Lot 125) Brockman Street, Gingin has been identified as one of these surplus properties. This property is owned in freehold title by the Shire of Gingin and has an area of 1310m². It is located at the intersection of Brockman Street and Robinson Street, Gingin (**Appendices**), and zoned Town Centre

A licensed valuer was engaged, and a market valuation was obtained. A copy of the document dated 26 May 2022 is attached for Council's information (**see Confidential Appendices**).

COMMENT

Given the disposal of 20 (Lot 125) Brockman Street, Gingin is not included within the 2023/24 Budget, Council approval is required to call tenders.

Should Council grant approval, tenders will be invited from the public for the sale of the property over a three week period. Once received, a further report will be submitted to Council to consider any tenders received. There is no obligation on Council to accept any tender.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 (Act)

s. 3.58 Disposing of property

- (2) *Except as stated in this section, a local government can only dispose of property to –*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
 - (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision, and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

While an expression of interest has been received for this property, it is proposed that tenders be called for the disposition of the property to test the market.

Local Government (Functions and General) Regulations 1996

Reg. 30 Dispositions of property excluded from Act s.3.58

Outlines those dispositions which are exempt from s.3.58. These include land disposed to -

- an adjoining landowner with a market value less than \$5,000,
- a charitable, benevolent, religious, cultural, educational, recreational, sporting, or other like nature,
- the Crown or other local government, and
- various leasing arrangements.

As the proposed disposal does not meet any of the above criteria, it is not exempt from the requirements of s. 3.58.

POLICY IMPLICATIONS

Council Policy 3.18 Disposition of Assets

The policy identifies the process relating to the disposal of assets with a value less than \$50,000.

Delegation 1.1.12 Disposing of Assets

Outlines which powers under Act s.3.58 are delegated to the CEO, including any conditions or limitations.

Condition 1a, 1b, and 2 prohibit the CEO from disposing of this property as its disposal is

-

- Not specified in the 2023/24 Budget (1a)
- Not exempt from disposition under Reg.30 (1b)
- Likely to exceed a disposal value set under s.5.44 (2)

Council is therefore required to exercise its power under s.3.58 in determining this matter.

BUDGET IMPLICATIONS

Expenses relating to the advertising of tenders on the disposal of 20 (Lot 125) Brockman Street, Gingin will be allocated to Council's advertising budget.

No provision for the revenue from the sale of this property is included in the 2023/24 Budget. Should Council after considering tenders received agree to accept a tender, Council will need to authorise an amendment to the budget to recognise the proceeds.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Sorensen

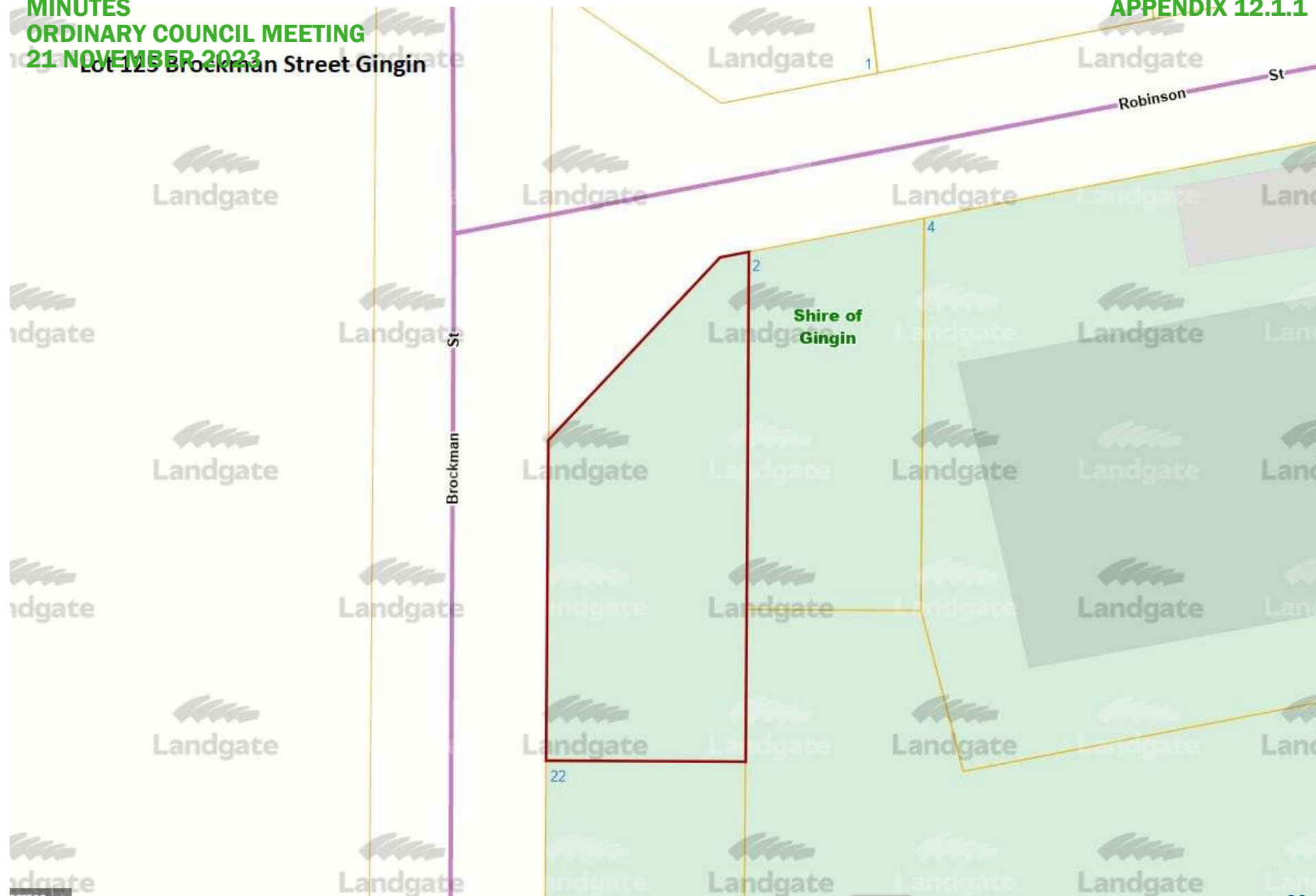
That Council authorise the calling of public tenders for the sale of 20 (Lot 125) Brockman Street, Gingin.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

Councillor Johnson returned to the meeting at 4.46 pm.



12.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2023

File	FIN/25
Author	Alarna Richards - Coordinator Financial Planning & Reporting
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Monthly Financial Report - October 2023 1 [12.2.1 - 21 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Financial Reports for the period ending 31 October 2023.

BACKGROUND

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

COMMENT

The Monthly Financial Reports for the period ending 31 October 2023 present the financial performance of the Shire for the 2023/24 financial year and compare year-to-date expenditure and revenue against the corresponding year-to-date budget.

A break-up of the **\$2,053,651** variance in the Monthly Financial Report for the period ending 31 October 2023 is summarised across operations, investing and financing below, with a detailed explanation of variations within each area contained within the **Appendix**.

Under Budget

Operating Fund Surplus/Deficit	\$(357,178)
Operating Revenue	\$(288,793)
Operating Expenditure	\$1,033,858
Investing Activities – Expenditure	\$1,196,816

Over Budget

Investing Activities -Revenue	\$475,665
Financing Activities – Expenditure	(6,718)

An explanation outlining a summary of the variances across each of the above areas is provided in Note 14, and those specific to capital works at Note 7.

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

Investments

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial Report

Local Government (Financial Management) Regulations 1996

Part 4 – Financial Reports

Reg 34 – Financial activity statement required each month.

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

POLICY IMPLICATIONS

Policy 3.2 – Investments

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Sorensen

That Council endorse the Monthly Financial Reports for the period ending 31 October 2023.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

SHIRE OF GINGIN

**MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 31 October 2023**

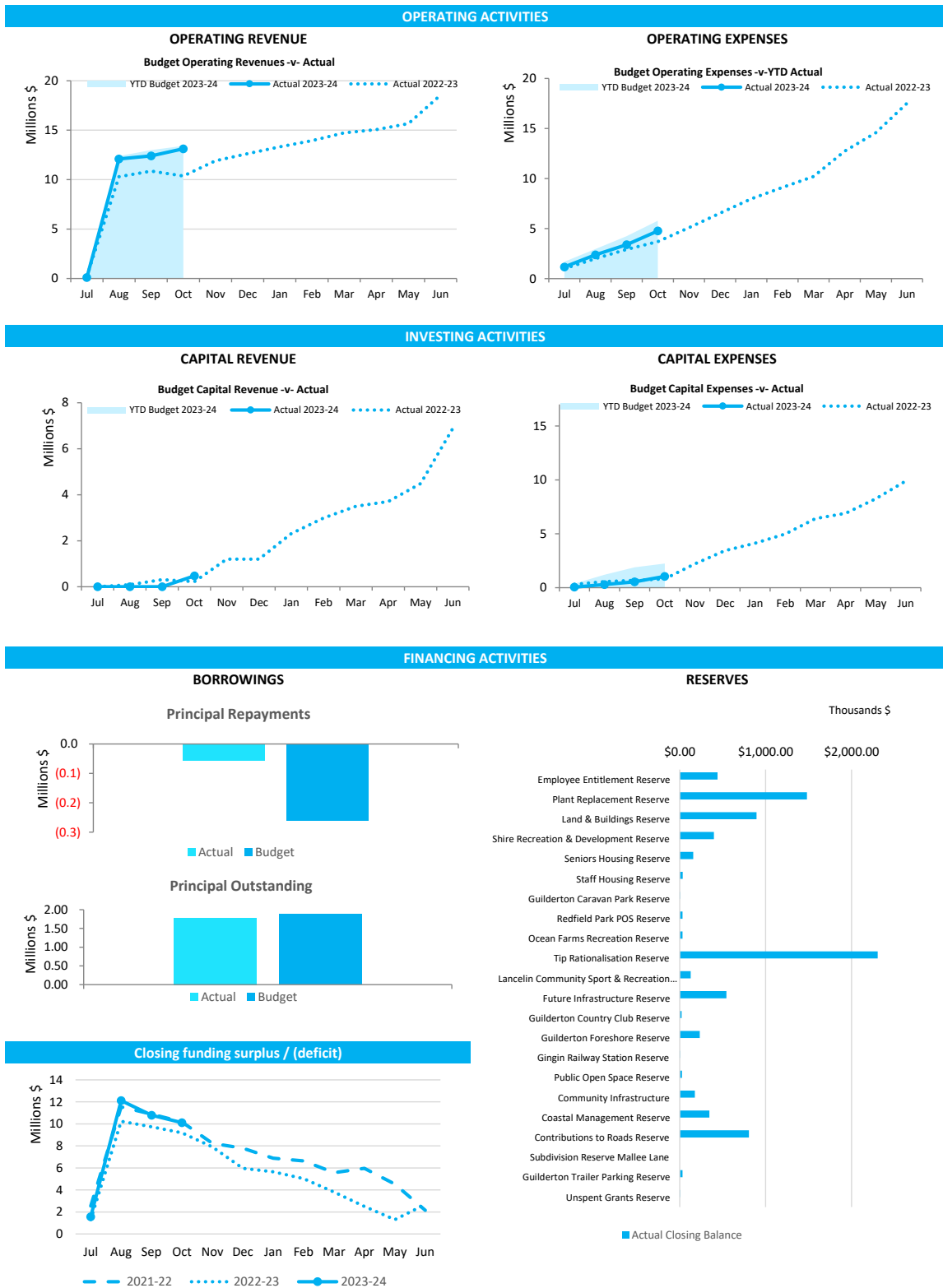
***LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996***

TABLE OF CONTENTS

Statement of Financial Activity by Nature or Type	5
Basis of Preparation	6
Note 1 Statement of Financial Activity Information	7
Note 2 Cash and Financial Assets	8
Note 3 Receivables	9
Note 4 Other Current Assets	10
Note 5 Payables	11
Note 6 Disposal of Assets	12
Note 7 Capital Acquisitions	13
Note 8 Borrowings	15
Note 9 Lease Liabilities	16
Note 10 Reserve Accounts	17
Note 11 Other Current Liabilities	18
Note 12 Operating grants and contributions	19
Note 13 Non operating grants and contributions	20
Note 14 Explanation of Material Variances	21

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 31 OCTOBER 2023**

SUMMARY INFORMATION - GRAPHS



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

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 31 OCTOBER 2023**

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components

	Funding surplus / (deficit)			
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.67 M	\$2.67 M	\$2.31 M	(\$0.36 M)
Closing	\$0.00 M	\$8.05 M	\$10.11 M	\$2.05 M

Refer to Statement of Financial Activity

Cash and cash equivalents			Payables			Receivables		
	\$17.84 M	% of total		\$1.67 M	% Outstanding		\$0.97 M	% Collected
Unrestricted Cash	\$9.74 M	54.6%	Trade Payables	\$0.68 M		Rates Receivable	\$3.35 M	68.1%
Restricted Cash	\$8.10 M	45.4%	0 to 30 Days		82.3%	Trade Receivable	\$0.97 M	% Outstanding
			Over 30 Days		17.7%	Over 30 Days		6.4%
			Over 90 Days		0.3%	Over 90 Days		4.5%

Refer to Note 2 - Cash and Financial Assets Refer to Note 5 - Payables Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities				Rates Revenue			Operating Grants and Contributions			Fees and Charges		
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	YTD Actual	YTD Budget	% Variance	YTD Actual	YTD Budget	% Variance	YTD Actual	YTD Budget	% Variance
\$0.57 M	\$7.63 M	\$8.37 M	\$0.75 M	\$10.09 M	\$10.08 M	0.1%	\$0.53 M	\$0.69 M	(23.9%)	\$2.41 M	\$2.48 M	(2.9%)

Refer to Statement of Financial Activity Refer to Statement of Financial Activity Refer to Note 12 - Operating Grants and Contributions Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities				Proceeds on sale			Asset Acquisition			Capital Grants		
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	YTD Actual	Adopted Budget	%	YTD Actual	Adopted Budget	% Spent	YTD Actual	Adopted Budget	% Received
(\$5.52 M)	(\$2.17 M)	(\$0.50 M)	\$1.67 M	\$0.00 M	\$0.36 M	(100.0%)	\$0.97 M	\$10.22 M	(90.5%)	\$0.48 M	\$4.34 M	(89.0%)

Refer to Statement of Financial Activity Refer to Note 6 - Disposal of Assets Refer to Note 7 - Capital Acquisitions Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities				Borrowings			Reserves			Lease Liability		
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Principal repayments	Interest expense	Principal due	Reserves balance	Interest earned		Principal repayments	Interest expense	Principal due
\$2.29 M	(\$0.07 M)	(\$0.08 M)	(\$0.01 M)	\$0.06 M	\$0.03 M	\$1.78 M	\$8.10 M	\$0.01 M		\$0.01 M	\$0.00 M	\$0.05 M

Refer to Statement of Financial Activity Refer to Note 8 - Borrowings Refer to Note 10 - Cash Reserves Refer to Note 9 - Lease Liabilities

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

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 31 OCTOBER 2023**

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

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

FEES AND CHARGES

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

SERVICE CHARGES

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

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

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

PROFIT ON ASSET DISPOSAL

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

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

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

DEPRECIATION ON NON-CURRENT ASSETS

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

INTEREST EXPENSES

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

OTHER EXPENDITURE

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

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

BY NATURE OR TYPE

	Ref	Adopted Budget	YTD Budget	YTD Actual	Variance \$	Variance % ((c) - (b))/(b)	Var.
	Note	(a)	(b)	(c)	(c) - (b)		
Opening funding surplus / (deficit)	1(c)	\$ 2,665,937	\$ 2,665,937	\$ 2,308,759	\$ (357,178)	% (13.40%)	▼
Revenue from operating activities							
Rates		10,077,038	10,077,038	10,092,057	15,019	0.15%	
Rates (excluding general rate)		6,299	0	0	0	0.00%	
Operating grants, subsidies and contributions	12	1,587,992	691,502	526,304	(165,198)	(23.89%)	▼
Fees and charges		4,195,911	2,483,243	2,410,211	(73,032)	(2.94%)	▼
Interest earnings		308,442	14,666	50,530	35,864	244.54%	▲
Other revenue		375,476	144,691	43,245	(101,446)	(70.11%)	▼
Profit on disposal of assets	6	76,025	0	0	0	0.00%	
		16,627,183	13,411,140	13,122,347	(288,793)	(2.15%)	
Expenditure from operating activities							
Employee costs		(6,856,559)	(2,383,713)	(2,108,598)	275,115	11.54%	▲
Materials and contracts		(7,487,183)	(2,664,393)	(2,076,984)	587,409	22.05%	▲
Utility charges		(509,110)	(169,740)	(133,114)	36,626	21.58%	▲
Depreciation on non-current assets		(6,309,532)	0	(10,974)	(10,974)	0.00%	
Interest expenses		(92,173)	(19,666)	(31,296)	(11,630)	(59.14%)	▼
Insurance expenses		(393,956)	(393,956)	(322,517)	71,439	18.13%	
Other expenditure		(645,229)	(152,600)	(77,701)	74,899	49.08%	▲
Loss on disposal of assets	6	(291,099)	0	0	0	0.00%	
		(22,584,841)	(5,784,068)	(4,761,184)	1,022,884	(17.68%)	▼
Non-cash amounts excluded from operating activities	1(a)	6,524,606	0	10,974	10,974	0.00%	
Amount attributable to operating activities		566,948	7,627,072	8,372,137	745,065	9.77%	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	4,336,989	0	475,665	475,665	0.00%	▲
Proceeds from disposal of assets	6	356,900	0	0	0	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans	8	2,327	0	0	0	0.00%	
Payments for financial assets at amortised cost - advances	8	1,964	0	0	0	0.00%	
Payments for property, plant and equipment and infrastructure	7	(10,222,871)	(2,169,600)	(972,784)	1,196,816	55.16%	▲
Amount attributable to investing activities		(5,524,691)	(2,169,600)	(497,119)	1,672,481	(77.09%)	▲
Financing Activities							
Proceeds from new debentures	8	300,000	0	0	0	0.00%	
Transfer from reserves	10	2,917,096	0	0	0	0.00%	
Payments for principal portion of lease liabilities	9	(32,089)	(10,827)	(10,804)	23	0.21%	
Repayment of debentures	8	(262,349)	(58,059)	(58,060)	(1)	(0.00%)	
Transfer to reserves	10	(630,852)	0	(6,740)	(6,740)	0.00%	
Amount attributable to financing activities		2,291,806	(68,886)	(75,604)	(6,718)	9.75%	
Closing funding surplus / (deficit)	1(c)	0	8,054,523	10,108,174	2,053,651	25.50%	▲

KEY INFORMATION

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

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

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

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 31 OCTOBER 2023**

BASIS OF PREPARATION

BASIS OF PREPARATION

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

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

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

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

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

SIGNIFICANT ACCOUNTING POLICIES

CRITICAL ACCOUNTING ESTIMATES

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

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

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

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

GOODS AND SERVICES TAX

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

ROUNDING OFF FIGURES

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 October 2023

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Non-cash items excluded from operating activities

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

	Notes	Original Budgeted Closing Balance 30 June 2023	Actual Closing Balance 30 June 2023	YTD Actual 31/10/2023
Non-cash items excluded from operating activities		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	0	(226,582)	0
Less: Fair value adjustments to financial assets at amortised cost		0	(3,686)	
Movement in pensioner deferred rates (non-current)		0	(16,069)	0
Movement in employee benefit provisions (non-current)		0	(189,256)	
Movement in other provisions (non-current)			3,335,769	0
Add: Loss on asset disposals	6	0	217,662	0
Add: Depreciation on assets		4,922,951	6,084,964	10,974
Total non-cash items excluded from operating activities		4,922,951	9,202,802	10,974

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

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

		Original Budgeted Closing Balance 30 June 2023	Actual Closing Balance 30 June 2023	YTD Actual 31 October 2023
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(6,532,846)	(8,092,530)	(8,099,270)
Less: - Financial assets at amortised cost - self supporting loans	4	0	(4,291)	(4,291)
Add: Borrowings	8	550,001	261,817	203,756
Add: Lease liabilities	9	0	20,122	16,738
Total adjustments to net current assets		(5,982,845)	(7,814,882)	(7,883,067)

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

Current assets				
Cash and cash equivalents	2	8,580,267	13,161,376	17,837,333
Rates receivables	3	376,190	393,514	3,348,654
Receivables	3	1,563,864	498,724	973,468
Other current assets	4	409,202	474,094	295,369
Less: Current liabilities				
Payables	5	(3,392,338)	(1,942,604)	(1,672,534)
Borrowings	8	(550,001)	(261,817)	(203,756)
Contract liabilities	11	0	(922,102)	(1,313,133)
Lease liabilities	9	0	(20,122)	(16,738)
Provisions	11	(1,004,339)	(1,257,422)	(1,257,422)
Less: Total adjustments to net current assets	1(b)	(5,982,845)	(7,814,882)	(7,883,067)
Closing funding surplus / (deficit)		0	2,308,759	10,108,174

CURRENT AND NON-CURRENT CLASSIFICATION

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

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

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Municipal Bank Account	Cash and cash equivalents	2,235,763	0	2,235,763	Bendigo Bank	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	92,530	92,530	Bendigo Bank	0.00%	At Call
Cash on hand	Cash and cash equivalents	2,300	0	2,300	Petty Cash/Till float	N/A	At Call
Municipal Investment 4508681	Cash and cash equivalents	3,000,000	0	3,000,000	Bendigo Bank	4.82%	20/03/2024
Municipal Investment 4533499	Cash and cash equivalents	4,500,000	0	4,500,000	Bendigo Bank	4.10%	13/11/2023
Reserve Investment 4508680	Cash and cash equivalents	0	2,006,740	2,006,740	Bendigo Bank	4.10%	20/11/2023
Reserve Investment 4515174	Cash and cash equivalents	0	6,000,000	6,000,000	Bendigo Bank	4.79%	26/03/2024
Total		9,738,063	8,099,270	17,837,333			
Comprising							
Cash and cash equivalents		9,738,063	8,099,270	17,837,333			
		9,738,063	8,099,270	17,837,333			

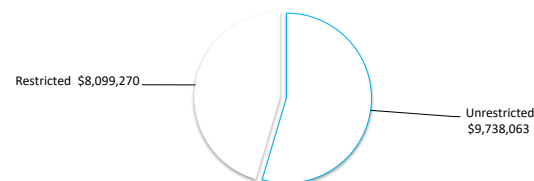
KEY INFORMATION

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

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

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

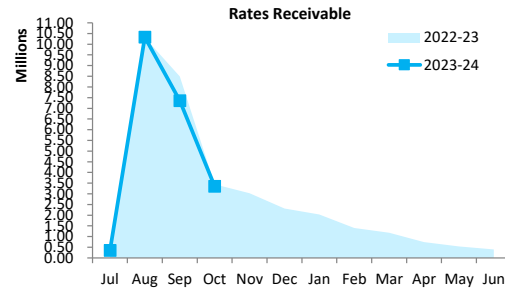
Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

Rates receivable	30 Jun 2023	31 Oct 2023
	\$	\$
Opening arrears previous years	399,663	393,514
Levied this year	9,437,442	10,092,057
Less - collections to date	(9,443,591)	(7,136,917)
Gross rates collectable	393,514	3,348,654
Net rates collectable	393,514	3,348,654
% Collected	96%	68.1%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	29,989	424,072	9,024	(7)	21,597	484,674
Percentage	6.2%	87.5%	1.9%	0%	4.5%	
Balance per trial balance						
Sundry receivable						484,674
GST receivable						134,116
Allowance for impairment of receivables from contracts with customers						(8,871)
Legal costs - recovery of rates						80,807
Rubbish fees						282,742
Total receivables general outstanding						973,468
Amounts shown above include GST (where applicable)						

KEY INFORMATION

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

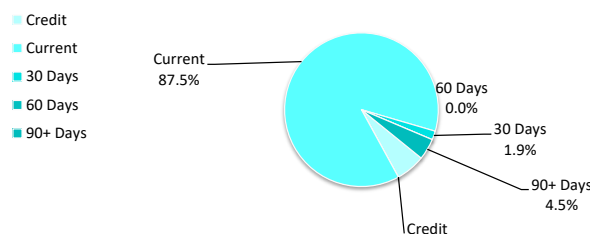
Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

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

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

Accounts Receivable (non-rates)



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS**

	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 31 October 2023
Other current assets	\$	\$	\$	\$
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,327	0	0	2,327
Financial assets at amortised cost - loan advances	1,964	0	0	1,964
Inventory				
Fuel	8,222	130,839	(20,505)	118,556
History books	14,690	0	0	14,690
Other Assets				
Prepayments	39,059	0	(39,059)	0
Contract assets				
Contract assets	407,832		(250,000)	157,832
Total other current assets	474,094	130,839	(309,565)	295,369
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

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

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Inventory

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

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

Contract assets

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

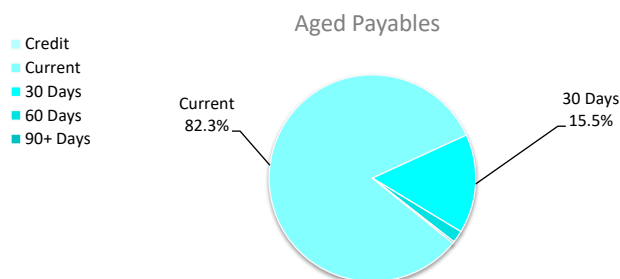
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**OPERATING ACTIVITIES
NOTE 5
PAYABLES**

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	560,259	105,567	12,898	1,869	680,592
Percentage	0%	82.3%	15.5%	1.9%	0.3%	
Balance per trial balance						
Sundry creditors						678,592
ATO liabilities						59,602
Prepaid rates						97,874
Bonds & deposits						807,896
Accrued interest on long term borrowings						28,570
Total payables general outstanding						1,672,534
Amounts shown above include GST (where applicable)						

KEY INFORMATION

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



MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

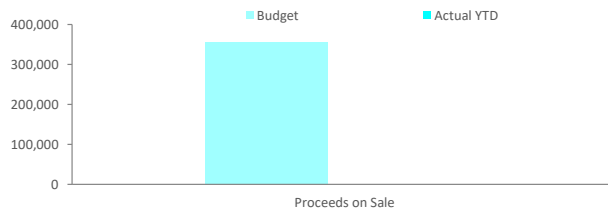
APPENDIX 12.2.1

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2023

OPERATING ACTIVITIES NOTE 6 DISPOSAL OF ASSETS

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

* A result of a Council approved budget variation



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS**

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	FY Budget	YTD Budget		
	\$	\$	\$	\$
Land	90,000	0	0	0
Buildings - non-specialised	662,900	25,000	35,819	10,819
Buildings - specialised	1,027,687	248,332	176,789	(71,543)
Plant and equipment	2,829,097	229,114	234,131	5,017
Vehicles	348,672	0	0	0
Infrastructure - roads	2,885,954	1,455,154	469,101	(986,053)
Infrastructure - parks & ovals	242,500	119,000	49,005	(69,995)
Infrastructure - other	454,000	93,000	7,939	(85,061)
Infrastructure - bridges	1,682,061	0	0	0
Payments for Capital Acquisitions	10,222,871	2,169,600	972,784	(1,196,816)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	4,336,989	0	475,665	475,665
Borrowings	300,000	0	0	0
Lease liabilities	44,967	15,232	15,232	0
Other (disposals & C/Fwd)	356,900	0	0	0
Cash backed reserves	2,917,096	2,917,096	0	(2,917,096)
Contribution - operations	2,266,919	(762,728)	481,886	1,244,615
Capital funding total	10,222,871	2,169,600	972,784	(1,196,816)

SIGNIFICANT ACCOUNTING POLICIES

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

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

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

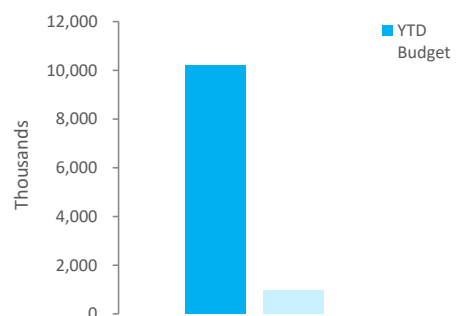
Initial recognition and measurement for assets held at cost

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

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

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

Payments for Capital Acquisitions



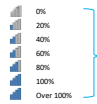
MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

APPENDIX 12.2.1

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2023

INVESTING ACTIVITIES NOTE 7 CAPITAL ACQUISITIONS (CONTINUED)

Capital expenditure total
Level of completion indicators



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

Level of completion indicator, please see table at the end of this note for further detail.

		Adopted			
		FY Budget	YTD Budget	YTD Actual	Variance (Under)/Over
Account Description		\$	\$	\$	\$
BC11100-141101120	Granville Civic Centre - Building (Capital)	80,000	0	0	0
BC11103-141101120	Gingin CWA - Building (Capital)	90,000	90,000	80,913	(9,087)
BC11316-141103120	Gingin Equestrian Clubs - Building (Capital)	35,000	11,666	0	(11,666)
BC11319-141103120	Gingin Recreation Centre - Building (Capital)	30,000	10,000	0	(10,000)
BC11361-141103120	Guilderton Country Club - Building (Capital)	30,000	30,000	28,850	(1,150)
BC11700-141107120	Old Granville Building - Building (Capital)	280,000	0	25,105	25,105
BC1182-141007120	Abulution Block - Ledge Point De Burgh St - Buldin	30,000	0	11,830	11,830
BC1192-141103120	Abulution Block - Lancelin Harold Park - Building (13,500	0	0	0
BC12100-141201120	Guilderton Shire Depot - Building (Capital)	30,000	30,000	26,479	(3,521)
BC12200-141201140	Gingin Depot - Building (Capital)	75,000	25,000	30,256	5,256
BC13260-141302120	Guilderton Caravan Park - Building (Capital)	79,000	40,000	2,268	(37,732)
BC14200-141402120	Gingin Administration Office - Building (Capital)	130,000	36,666	0	(36,666)
BC5100-140501120	Gingin Colocation Fire Facility - Building (Capita	40,187	0	0	0
BC7700-140707140	Gingin Medical Centre - Building (Capital)	15,000	0	5,564	5,564
BC8390-140803120	Lancelin Playgroup - Building (Capital)	10,000	0	1,345	1,345
BC9301-140807140	13 Robinson Street, Gingin (Treasure Trove) - Bull	35,500	0	0	0
BC9301-140901140	CEO Residence 57 Lefroy Street - Building (Capital)	40,000	0	0	0
BC9305-140901140	4 Fewster Street - Building (Capital)	20,000	0	0	0
BC9490-140904120	Seniors Units - Lancelin - Building (Capital)	150,000	0	0	0
CH90201-140902140	Gingin - Eco Lifestyle Purchase of Property	477,400	0	0	0
LC13200-141302080	Guilderton Foreshore Road Reserve- Land Capital	90,000	0	0	0
P002-141203300	Replacement of Prime Mover GG002	350,000	0	0	0
P005-140501310	4WD Utility Dual Cab CF5M	93,472	0	0	0
P034-141203300	Mower (Kubota) Lancelin - Capital Project	30,539	0	0	0
P041-141203300	Mower (Kubota) Gingin - Capital Project	30,539	0	0	0
P045-141203300	Volvo FM13 Prime Mover	350,000	0	0	0
P056-141203300	Flatbed Crew Cab Truck GG056 - Plant Capital	250,000	0	0	0
P058-141203300	GG058- New Isuzu D-Max Utility- Plant Capital	71,000	71,000	72,441	1,441
P059-141203300	GG059- New Isuzu D-Max Utility- Plant Capital	71,000	71,000	72,441	1,441
P076-140501310	Beermullah Light Tanker GG076 - (Capital)	255,200	0	0	0
P077-140501300	Guilderton Fire Tanker GG077 - Plant Capital	549,100	0	0	0
P079-141203300	Bomag roller BW212 GG079	200,000	0	0	0
P088-141203300	Replacement of 8 Wheeler Truck GG088	100,000	0	0	0
P6014-141203300	GG6014-HOWARD PORTER SEMI TRAILER (SIDE TIPPER)	45,000	0	0	0
P6017-141203300	HOWARD PORTER SEMI TRAILER (SIDE TIPPING) GG6017	45,000	45,000	66,281	21,281
PNEW12-141203300	New Rubbish Trailer	70,000	0	15,000	15,000
PNEW2-141203300	Skid Steer	113,805	0	0	0
PNEW5-141203300	Side Tipping Semi Trailer	140,000	0	0	0
PNEW7-141203300	Mitsubishi Fuso 8 Wheeler	300,000	0	0	0
PNEW8-141402300	New administration pool car	21,000	0	0	0
BR661-141201670	Weld St Bridge - Bridge (Capital)	1,682,061	0	0	0
DC000-141201650	Drainage Construction	30,000	30,000	0	(30,000)
LAC0002-140503900	LRC - CCTV Guilderton Foreshore	40,000	0	0	0
LRC0003-141103700	LRC - Upgrade Power Supply Lancelin Sporting Comp	63,500	0	0	0
OC10701-141007900	De Burgh St Abulution Block Carpark - Infrastructur	60,000	0	0	0
OC11200-141102900	Gingin Swimming Pool Infrastructure (Capital) MUN	18,000	18,000	0	(18,000)
OC13261-141302900	Guilderton Caravan Park Infrastructure Other (Capi	36,000	75,000	7,939	(67,061)
PC1102-141103700	Gingin - Constable St Park	30,000	30,000	0	(30,000)
PC11316-141103700	Gingin Equestrian Clubs - Infrastructure Parks & G	29,000	29,000	0	(29,000)
PC11701-141103700	Seabird Douglas Park Infrastructure Parks & Garden	15,000	0	0	0
PC1191-141103700	Lancelin Wangaree Park	0	0	344	344
PC1192-141103700	Lancelin Harold Park - Infrastructure Parks & Gard	50,000	50,000	17,930	(32,070)
PC1198-141103700	Lancelin Skate Park Bowl (at BMX Track)	10,000	10,000	12,281	2,281
PC14200-141402700	Gingin Administration Office - Park (Capital)	20,000	0	0	0
R28019-141201460	Coonabidgee Road (R28)	323,436	323,436	211,487	(111,949)
RC004-141201420	Beermullah Road West (Capital)	54,800	0	2,590	2,590
RC012-141201420	Wannamal Road West (Capital)	320,510	320,510	93,283	(227,227)
RC019-141201420	Coonabidgee Road (Capital)	0	0	322	322
RC032-141201490	Aurisch Road (Capital)	344,508	344,508	92,568	(251,940)
RC038-141003900	Wannamal Road South (Capital)	132,700	132,700	25,666	(107,034)
RC066-141201620	Old Ledge Point Road (Capital)	0	0	6,875	6,875
RC254-141103271	Todman Road (Capital)	304,000	304,000	28,232	(275,768)
RRG001-	Moolabeenee Road (RRG)	1,376,000	0	8,078	8,078
-		10,222,871	2,169,600	972,784	(1,196,816)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

FINANCING ACTIVITIES

NOTE 8

BORROWINGS

Repayments - borrowings

Information on borrowings			New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Loan No.	1 July 2023	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Health										
Gingin Medical Centre	100	36,081	0	0	(17,747)	(36,081)	18,334	0	(493)	(1,771)
Community amenities										
Tip Rationalisation Site	111	374,840	0	0	(11,216)	(22,797)	363,624	352,043	(8,026)	(23,963)
Seabird Sea Wall	127	81,001	0	0	(11,143)	(22,426)	69,858	58,575	(608)	(1,893)
Recreation and culture										
Guilderton Country Club Hall Extension	114	254,993	0	0	0	(44,105)	254,993	210,888	(6,085)	(17,433)
Regional Hardcourt Facility	120	192,913	0	0	0	(27,111)	192,913	165,802	(4,331)	(12,441)
Regional Hardcourt Facility	124A	188,721	0	0	0	(23,769)	188,721	164,952	(2,619)	(7,551)
Gingin Swimming Pool Tiling	126	49,937	0	0	(8,006)	(16,136)	41,931	33,801	(459)	(1,424)
Gingin Outdoor Activity Space	132	143,591	0	0	0	(17,066)	143,591	126,525	(691)	(1,995)
Lancelin Cunliffe Street Carpark	133	250,000	0	0	0	(20,774)	250,000	229,226	0	(11,165)
Economic services										
Guilderton Caravan Park Waste Water	New	0	0	300,000	0	0	0	300,000	0	0
Other property and services										
Altus Financials Suite	131	139,253	0	0	0	(9,516)	139,253	129,737	(907)	(2,653)
Lot 44 Weld Street, Gingin	123	116,589	0	0	(9,947)	(20,241)	106,642	96,348	(2,697)	(7,768)
		1,827,919	0	300,000	(58,060)	(260,022)	1,769,859	1,867,897	(26,917)	(90,057)
Self supporting loans										
Recreation and culture										
Ledge Point Country Club Cool Room	130	14,745	0	0	0	(2,327)	14,745	12,418	(106)	(306)
		14,745	0	0	0	(2,327)	14,745	12,418	(106)	(306)
Total		1,842,664	0	300,000	(58,060)	(262,349)	1,784,604	1,880,315	(27,023)	(90,363)
Current borrowings		262,349					203,756			
Non-current borrowings		1,580,315					1,580,848			
		1,842,664					1,784,604			

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

New borrowings 2023-24

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

KEY INFORMATION

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

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

FINANCING ACTIVITIES

NOTE 9

LEASE LIABILITIES

Movement in carrying amounts

Information on leases		1 July 2023	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Lease No.		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Other property and services										
Lancelin administration office	1A	0	15,232	22,634	(2,417)	(7,236)	12,815	15,398	(261)	(797)
Photocopier - Ineo 958	2	2,559	0	0	(2,559)	(2,559)	0	0	(6)	(6)
Photocopier NEW	2A	0	0	22,333	0	(4,726)	0	17,607	0	(554)
IT Server	4	42,836	0	0	(5,828)	(17,568)	37,008	25,268	(177)	(451)
Total		45,395	15,232	44,967	(10,804)	(32,089)	49,823	58,273	(444)	(1,808)
Current lease liabilities		20,122					16,737			
Non-current lease liabilities		25,273					33,086			
		45,395					49,823			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

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

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

MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

APPENDIX 12.2.1

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2023

OPERATING ACTIVITIES

NOTE 10 RESERVE ACCOUNTS

Reserve accounts

Reserve name	Actual Opening Balance	Budget Interest Earned	Actual Interest Earned	Current Budget Transfers In (+)	Actual Transfers In (+)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
LSL, Annual, Sick Leave and Staff Contingency	\$ 440,075	\$ 8,828	\$ 367	\$ 0	\$ 0	\$ 0	\$ 0	\$ 448,903	\$ 440,442
Plant and Equipment Reserve	1,479,886	28,859	1,233	7,500	0	(1,295,955)	0	220,290	1,481,119
Land and Buildings Reserve	893,170	17,916	744	0	0	(875,350)	0	35,736	893,914
Guilderton Caravan Park Reserve	4,842	97	4	100,000	0	0	0	104,939	4,846
Shire Recreation Development Reserve	393,010	7,883	327	0	0	(40,000)	0	360,893	393,337
Redfield Park Reserve	32,231	647	27	0	0	0	0	32,878	32,258
Ocean Farm Recreation Reserve	31,915	640	27	0	0	0	0	32,555	31,942
Tip Rationalisation Reserve	2,302,313	46,181	1,917	71,428	0	(37,500)	0	2,382,422	2,304,230
Lancelin Community Sport and Recreation Reserve	127,542	2,558	106	26,530	0	0	0	156,630	127,648
Community Infrastructure Reserve	35,790	718	30	8,000	0	0	0	44,508	35,820
Staff Housing	34,372	690	29	0	0	(34,372)	0	690	34,401
Future Infrastructure Reserve	542,123	10,874	452	0	0	0	0	552,997	542,575
Guilderton Country Club Reserve	21,219	426	18	8,232	0	0	0	29,877	21,237
Coastal Management Reserve - Coastal Inundation	344,272	6,906	287	100,000	0	(85,000)	0	366,178	344,559
Guilderton Foreshore Reserve	232,411	4,662	194	0	0	(50,000)	0	187,073	232,605
Unspent Grants Reserve - Youth Services Website Grant	5,136	103	4	0	0	0	0	5,239	5,140
Seniors Housing Reserve	157,126	3,152	131	25,000	0	(150,000)	0	35,278	157,257
Gingin Railway Station Reserve	5,886	118	5	0	0	0	0	6,004	5,891
Contributions to Roads Reserve - Cullalla Road Intersection	46,221	927	38	0	0	0	0	47,148	46,259
Contribution to Roads Reserve - Cowalla Road Intersection	16,434	330	14	0	0	0	0	16,764	16,448
Contribution to Roads Reserve - Chitna Road	3,081	62	3	0	0	0	0	3,143	3,084
Contribution to Roads Reserve - Balance of Muni Funds	739,584	14,835	616	0	0	(348,919)	0	405,500	740,200
Community Infrastructure Reserve - Lower Coastal Fire Control	25,878	519	22	0	0	0	0	26,397	25,900
Community Infrastructure Reserve - Gingin Logo Plates	8,497	170	7	300	0	0	0	8,967	8,504
Community Infrastructure Reserve - Gingin Ambulance	55,285	1,109	46	6,000	0	0	0	62,394	55,331
Community Infrastructure - Lancelin Ambulance	49,686	997	41	18,000	0	0	0	68,683	49,727
Public Open Space Reserve	26,681	535	22	0	0	0	0	27,216	26,703
Guilderton Trailer Parking Reserve	32,913	660	27	84,611	0	0	0	118,184	32,940
Gingin Outdoor Activity Space	4,951	99	4	0	0	0	0	5,050	4,955
Gingin Resilience Fund	0	0	0	13,750	0	0	0	13,750	0
	8,092,530	161,501	6,740	469,351	0	(2,917,096)	0	5,806,286	8,099,270

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

**OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES**

	Note	Opening Balance 1 July 2023	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 31 October 2023
Other current liabilities		\$		\$	\$	\$
Other liabilities						
- Contract liabilities		922,102	0	602,241	(211,210)	1,313,133
Total other liabilities		922,102	0	602,241	(211,210)	1,313,133
Employee Related Provisions						
Annual leave		605,946	0	0	0	605,946
Long service leave		535,718	0	0	0	535,718
Total Employee Related Provisions		1,141,664	0	0	0	1,141,664
Other Provisions						
Provision for sick leave		115,758	0	0	0	115,758
Total Other Provisions		115,758	0	0	0	115,758
Total other current assets		2,179,524	0	602,241	(211,210)	2,570,555
Amounts shown above include GST (where applicable)						

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

KEY INFORMATION

Provisions

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

Employee Related Provisions

Short-term employee benefits

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

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

Other long-term employee benefits

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

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

Contract liabilities

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

Capital grant/contribution liabilities

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

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

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget Revenue	YTD Adopted Budget	YTD Revenue Actual
	1 July 2023		(As revenue)	31 Oct 2023	31 Oct 2023	\$	\$	\$
Operating grants and subsidies								
General purpose funding								
Financial Assistance Grant - General Purpose	0	0	0	0	0	0	0	11,996
Financial Assistance Grant - Roads	0	0	0	0	0	0	0	13,450
Financial Assistance Grant - Bridges	350,062	0	0	350,062	350,062	0	0	0
Law, order, public safety								
DFES Operating Grant	0	0	0	0	0	224,404	112,202	99,164
Community amenities								
Coastal Hazard Risk Management Plan Grant	0	0	0	0	0	10,580	3,528	0
CAP Grant Funding	0	0	0	0	0	45,000	0	0
CMPAP Coastal Inundation Integration	0	0	0	0	0	20,000	6,668	0
Recreation and culture								
Library - Technology & Digital Grant	0	5,000	0	5,000	5,000	0	0	0
Transport								
Direct Road Grant MRWA	0	0	0	0	0	261,330	261,330	267,159
	350,062	5,000	0	355,062	355,062	561,314	383,728	391,769
Operating contributions								
General purpose funding								
Rates incentive Prize Night	0	0	0	0	0	12,000	9,600	16,682
Law, order, public safety								
CESM Grant - DFES	0	0	0	0	0	96,143	39,336	45,468
BRMO Grant - DFES	72,084	46,508	(23,471)	95,121	95,121	111,618	111,618	23,471
MAF Mitigation - DFES	0	0	0	0	0	600,517	0	0
Gingin Resilience Project - Mindaroo Foundation	100,000	0	(677)	99,323	99,323	137,500	100,000	677
Community amenities								
Claymont Estate - Planning contributions	0	0	0	0	0	8,000	2,664	1,600
Recreation and culture								
Naming Sponsorship - Gingin Aquatic Centre - Image	0	0	0	0	0	10,000	10,000	0
Contribution income for suite of events	0	0	0	0	0	36,400	21,388	46,636
Transport								
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	12,500	12,500	0
Economic services								
Guilderton Caravan Park Deposit Liability	282,340	0	0	282,340	282,340	0	0	0
Market PLI contributions	0	0	0	0	0	2,000	668	0
	454,424	46,508	(24,148)	476,784	476,784	1,026,678	307,774	134,535
TOTALS	804,486	51,508	(24,148)	831,845	831,845	1,587,992	691,502	526,304

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2023**

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

Provider	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget	YTD Adopted	YTD Revenue
	1 July 2023		(As revenue)	31 Oct 2023	31 Oct 2023	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Non-operating grants and subsidies								
Law, order, public safety								
DFES - Capital Grant - Buildings	40,187	0	0	40,187	40,187	40,187	0	0
DFES - Capital Grant - Vehicles	0	0	0	0	0	804,300	0	0
Recreation and culture								
LRCI - Unspent funds	15,101	0	(15,101)	0	0	103,500	0	0
Transport								
LRCI - Unspent Funds Roads	21,732	550,733	(131,364)	441,101	441,101	892,579	0	146,466
Roads to Recovery	40,596	0	(40,596)	0	0	1,641,309	0	40,596
Regional Road Group (Mooliabeenee Rd)	0	0	0	0	0	505,053	0	288,603
Wheatbelt Secondary Freight Network (KW Rd)	0	0	0	0	0	350,061	0	0
	117,616	550,733	(187,061)	481,288	481,288	4,336,989	0	475,665

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			NOTE 14			
FOR THE PERIOD ENDED 31 OCTOBER 2023			EXPLANATION OF MATERIAL VARIANCES			
The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.						
The material variance adopted by Council for the 2023-24 year is \$20,000 or 10.00% whichever is the greater.						
			Explanation of positive cash variances		Explanation of negative cash variances	
Nature or type	Var. \$	Var. %	Timing	Permanent	Timing	Permanent
	\$	%				
Opening funding surplus / (deficit)	(357,178)	(13.40%) ▼				Increase in Employee Leave Provisions, Reserve Transfer and additional 2022/23 supplier invoices recognised in correct financial year
Revenue from operating activities						
Operating grants, subsidies and contributions	(165,198)	(23.89%) ▼			Timing of DFES Reimbursements for BRMO and CESM; CHRMAP and Coastal Funding; Aurisch Road Contribution due December	Adjustment to DFES ESG for 21/22
Fees and charges	(73,032)	(2.94%) ▼			Gullderton Caravan Park fee income due to timing of season	
Interest earnings	35,864	244.54% ▲		Rates Penatly Interest		
Other revenue	(101,446)	(70.11%) ▼			Rates to lessees of Shire owned properties to be completed; Administration Reimbursements; Insurance claim for Aircon in Gullderton Country Club; Property insurance administration	
Expenditure from operating activities						
Employee costs	275,115	11.54% ▲	Timing of salary changes due to budget adoption in August 2023.			
Materials and contracts	587,409	22.05% ▲	Timing of payments for operating expenditure; Sand renourishment complete at Grace Darling to Edward Island Point;MAF Mitigation works; Firebreak contractor costs; Audit Fees; Planning consultant use;			
Utility charges	36,626	21.58% ▲	Timing of billing cycle for utilities			
Interest expenses	(11,630)	(59.14%) ▼			Timing of Accrued Interest	
Insurance expenses	71,439	18.13% ▲	Property insurance administration			
Other expenditure	74,899	49.08% ▲	Timing of community grant payments			
Investing activities						
Proceeds from non-operating grants, subsidies and contributions	475,665	0.00% ▲	Timing of capital projects funding			
Payments for property, plant and equipment and infrastructure	1,196,816	55.16% ▲	Timing of capital projects			
Closing funding surplus / (deficit)	2,053,651	25.50% ▼				

12.3 LIST OF PAID ACCOUNTS OCTOBER 2023

File	FIN/25
Author	Alarna Richards- Coordinator Financial Planning and Reporting
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Voucher List 2023-2024 - October 2023 - Public [12.3.1 - 5 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in October 2023.

BACKGROUND

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

COMMENT

Accounts totalling \$6,570,784.58 were paid during the month of October 2023.

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

- Municipal Fund electronic funds transfers (EFT) \$1,491,707.73
- Municipal Fund cheques \$245.10
- Municipal Fund direct debits \$571,843.90
- Municipal Fund - Transfer to Term Deposit Investments \$4,500,000.00

TOTAL MUNICIPAL EXPENDITURE \$6,563,796.73

- Reserve Fund – Transfer to Term Deposit Investments \$6987.85

TOTAL RESERVE FUND EXPENDITURE \$6,987.85

TOTAL EXPENDITURE \$6,570,784.58

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

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Woods

That Council note all payments made by the Chief Executive Officer under Delegation 1.1.13 for October 2023 totaling \$6,570,784.58 as detailed in the schedule appended to this report, comprising:

• Municipal Fund electronic funds transfers (EFT)	\$1,491,707.73
• Municipal Fund cheques	\$245.10
• Municipal Fund direct debits	\$571,843.90
• Municipal Fund term deposit investment	\$4,500,000.00
• Reserve Fund term deposit investment	\$6,987.85

**CARRIED UNANIMOUSLY
9 / 0**

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

AGAINST: *Nil*

MINUTES ORDINARY COUNCIL MEETING 31 NOVEMBER 2023

APPENDIX 12.3.1

Payments made by the Council on behalf of
Creditors for the period 01/10/2023 - 31/10/2023

Payment Category

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

TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-39753	02/10/2023	Australian Taxation Office (PAYG)	Payroll deduction	48,889.00
EFT-39754	02/10/2023	LGRCEU (WA Division)	Payroll deduction	44.00
EFT-39755	02/10/2023	AMPAC Debt Recovery WA Pty Ltd	Debt recovery costs for the period 30/08/2023	1,256.75
EFT-39756	02/10/2023	Aurora Delta Pty Ltd	Pre Employment Medical - RS & EH administrative Support Officer	170.00
EFT-39757	02/10/2023	Belgravia PRO Pty Ltd	Gullderton Caravan Park - 85% OF PURE GLAMPING INCOME August 2023	2,234.22
EFT-39758	02/10/2023	Brooks Hire Service	Skids Steer 01.08.23 - 31.8.23	9,399.06
EFT-39759	02/10/2023	Cometaries and Crematoria Association of WA (CCAWA)	2023/24 CCAWA Membership	130.00
EFT-39760	02/10/2023	Charlotte Bentley	Reimbursement for processing error in licensing	20.40
EFT-39761	02/10/2023	Construction Training Fund	Construction Training Fund payments for August 2023	5,492.87
EFT-39762	02/10/2023	Coocoe Couriers & Transport	Construction Training Fund Payments July 2023	745.80
EFT-39763	02/10/2023	County Copiers	Freight charges for operations, rangers and fire.	4,548.63
EFT-39764	02/10/2023	Wandera Transport Pty Ltd T/A Fewsters Earthmoving	Colour Copier Fees Gngin Office June - July, August 2023	11,550.00
EFT-39765	02/10/2023	Greenway Solutions Pty Ltd U/as Greenway Turf Solutions	Carling gravel for re-sheeting to Aurisch Road	6,864.00
EFT-39766	02/10/2023	Hanson Construction Materials Pty Ltd	General Maintenance and 40L weed killer for road verge maintenance.	1,983.93
EFT-39767	02/10/2023	Haulmore Trailer Rentals Pty Ltd	CWA building renovation. Purchase 8cu/m, 5mm blue metal for sub floor structure.	5,621.00
EFT-39768	02/10/2023	Hersey's Safety Pty Ltd	Supply soft fill sand for Gullderton / Seabird playgrounds.	2,114.20
EFT-39769	02/10/2023	Hot Works Yanchep	Hire Trailer-Cont hire	1,872.81
EFT-39770	02/10/2023	Indian Ocean Pest Control	PPE and road marking paints	2,255.00
EFT-39771	02/10/2023	Iron Mountain Australia Group Services Pty Ltd	5 x dancer tape, 15 x rolls fly cream	635.06
EFT-39772	02/10/2023	IT Vision Australia Pty Ltd	GG041 - Kubota - repairs	1,247.40
EFT-39773	02/10/2023	JB Hi-Fi	GG017 - Spray attachments	1,369.00
EFT-39774	02/10/2023	Kleen West Distributors	Contractor eliminate bee hive located next to Playground in Gabbadah Park.	165.99
EFT-39775	02/10/2023	Lancelin Trade and Rural Supplies	Verge Spraying - Chitna Rd, Barragoon Rd, Chitna Rd	1,021.40
EFT-39776	02/10/2023	Local Health Authorities Analytical Committee (LHAAC)	Storage Business Cartons 2023 / 2024	1,388.30
EFT-39777	02/10/2023	McIntosh and Son	Adjustment required for email rates notice update	1,755.16
EFT-39778	02/10/2023	McLeod's Barristers and Solicitors	Mobile Phone Cases iPhone 11 (Otterbox x6)	6,735.35
EFT-39779	02/10/2023	Noise & Vibration Measurement Systems (NVMS)	Replacement TV for Shire Fover	1,265.00
EFT-39780	02/10/2023	Omnicom Media Group Australia Pty Ltd (Marketforce)	Hand towels and toilet tissue Lancelin admin.	504.10
EFT-39781	02/10/2023	Phase3 Landscape Construction Pty Ltd	Lancelin Hardware expenses- August 2023	13,509.55
EFT-39782	02/10/2023	Scavenger Supplies Pty Ltd	Annual Health Analytical Services based on ABS Population 5,892	32,835.00
EFT-39783	02/10/2023	Sonic HealthPlus Pty Ltd	GG016 - Repair oil leak	399.30
EFT-39784	02/10/2023	Sunny Signs Company Pty Ltd	Legal Advice	1,484.87
EFT-39785	02/10/2023	Urbis Pty Ltd	Finalisation of omnibus scheme amendment LPS9	9,444.60
EFT-39786	02/10/2023	Wren Oil - Romine Holdings Pty Ltd	Oil Waste Disposal - Admin & Compliance Fees - Gngin Depot	16.50
EFT-39787	02/10/2023	Andrea Vis	Deputy Shire President Quarterly Payment 01/07/2023 - 30/09/2023	3,705.00
EFT-39788	02/10/2023	Colin Fewster	Shire President Quarterly Payment 01/07/2023 - 30/09/2023	8,525.00
EFT-39789	02/10/2023	Erik Sorensen	Shire Councillor Quarterly Payment 01/07/2023 - 30/09/2023	2,705.00
EFT-39790	02/10/2023	Frank Johnson	Shire Councillor Quarterly Payment 01/07/2023 - 30/09/2023	2,705.00
EFT-39791	02/10/2023	Frank Peczka	Shire Councillor Quarterly Payment 01/07/2023 - 30/09/2023	2,705.00
EFT-39792	02/10/2023	Justin Rule	Shire Councillor Quarterly Payment 01/07/2023 - 30/09/2023	2,705.00
EFT-39793	02/10/2023	Linda Bakombe	Shire Councillor Quarterly Payment 01/07/2023 - 30/09/2023	2,705.00
EFT-39794	03/10/2023	AMPAC Debt Recovery WA Pty Ltd	Debt Recovery Costs for the period 25/08/2023 and 08/09/2023	56.10
EFT-39795	03/10/2023	Annelize Hanekom	Reimbursement for pre employment medical	330.00
EFT-39796	03/10/2023	Avon Waste	Shire of Gngin Kerbside Collections for the period 28/08/2023 - 08/09/2023	20,544.02
EFT-39797	03/10/2023	Brown Automotive Gngin	Service GG074 and 4GG	855.00
EFT-39798	03/10/2023	Coastal Courier	1x Advertisement - "Summer Suite of Events" flyer in Coastal Courier	40.00
EFT-39799	03/10/2023	Commercial Locksmiths	Supply 5x E87 GMK Master Key system	137.50
EFT-39800	03/10/2023	Daimler Trucks Perth	Fix Compressor fault	1,540.43
EFT-39801	03/10/2023	David Roe	Prize winner completion of 2023 community perception survey	100.00
EFT-39802	03/10/2023	David Van Leen	Prize winner completion of 2023 community perception survey	100.00
EFT-39803	03/10/2023	Department of Mines, Industry Regulation and Safety - Bond Administrator DMIR	BSL Payments for July and August 2023	11,266.51
EFT-39804	03/10/2023	Ecowater Services	Routine Service for Brockman St Offices	300.40
EFT-39805	03/10/2023	Wandera Transport Pty Ltd T/A Fewsters Earthmoving	Gravel Carting Aurisch Road Capital works	10,587.50
EFT-39806	03/10/2023	Gngin District Community Resource Centre Inc (CRC)	1x Advertisement - "Summer Suite of Events" flyer in Gngin Buzz	110.00
EFT-39807	03/10/2023	Gngin Tree Services	Multiple Tuert removal at Gabbadah park Gullderton	4,675.00
EFT-39808	03/10/2023	Gullderton Country Club Inc.	Electricity & supply charge reimbursement for Gullderton Hall for 29 days for the period 07/08/2023 - 05/09/2023	156.56
EFT-39809	03/10/2023	Hydrosteer Pty Ltd	GG056 - steering pump	2,673.00
EFT-39810	03/10/2023	Indian Ocean Pest Control	Contractor apply insecticide to Neergabby grounds to eliminate tick infestation prior to Fireworks Event.	550.00
EFT-39811	03/10/2023	K B Riley & Sons Pty Ltd U/as Lancelin Sands	Gullderton Caravan Park - septic pump out	1,800.00
EFT-39812	03/10/2023	Ledge Point Reticulation & Refiltration	Supply and install relief valve and relay switch for irrigation - Key Biscayne park	1,045.00
EFT-39813	03/10/2023	McLeod's Barristers and Solicitors	Legal Advice	1,079.45
EFT-39814	03/10/2023	Mitel Networks Limited	Telecommunication Service 01/10/2023 - 31/10/2023	1,253.51
EFT-39815	03/10/2023	Moore River Electrical Services	Gullderton Caravan Park: Emergency works - No power to GPO's in Boiler Room, faulty RCD & replacement	198.00
EFT-39816	03/10/2023	Moore River News Inc	1x Advertisement - Summer Suite of Events flyer in Moore River News	110.00
EFT-39817	03/10/2023	Novatec Energy Solutions Pty Ltd	Gullderton Store / Cafe / Restaurant - Replace roof obsolete mounted A/C same with 2 x split system units complying with latest Australian Standards.	35,695.00
EFT-39818	03/10/2023	Plumb It Right Pty Ltd	Gullderton Store / Cafe / Restaurant - Repair / replace components on Freezer and cool room to comply with latest Australian Standards.	285.00
EFT-39819	03/10/2023	Presidential Building Services Pty Ltd	Gullderton Caravan Park - Urinal repairs men's toilets	30,278.88
EFT-39820	03/10/2023	Sunny Signs Company Pty Ltd	Repair works to Granville Weir Bridge. 50 % deposit	242.00
EFT-39821	03/10/2023	Team Global Express Pty Ltd	CWA building - plastering / waterproofing - final balance	216.83
EFT-39822	03/10/2023	Tiffany's Catering	CWA building - external roof works. Final Balance	350.00
EFT-39823	03/10/2023	TONER PLUS	CWA Building Renovation - Contractor carry out roof restoration including high pressure clean, re-point seal and paint tiles	110.00
EFT-39824	03/10/2023	Usher Bay Pty Ltd T/As Lancelin Mechanical	CWA building renovation. Builder supply / install PVC cabinet / cupboard / kitchenette stainless steel sink and tiled splashback.	250.00
EFT-39825	06/10/2023	Shire of Gngin	CWA building renovation. Builder supply / install PVC cabinet / cupboard / kitchenette stainless steel sink and tiled splashback.	4,222.12
EFT-39826	07/10/2023	Ausrecord Pty Ltd	Gullderton Caravan Park Signs - CAUTION CHILDREN PLAYING SLOW DOWN (SYMBOL kids on cycles & text)	189.20
EFT-39827	07/10/2023	Club Band Pty Ltd (The Trustee for Club Band Unit Trust)	Postage and freight charges 22.8.23-28.8.23: Operations.	960.38
EFT-39828	07/10/2023	Coastal Courier	Staff Meeting breakfast - 20.09.2023	40.00
EFT-39829	07/10/2023	Coastline Cleaning Services	Waste toner for Colour Printer	4,576.00
EFT-39830	07/10/2023	EVSE Australia Pty Ltd	Pick up abandoned vehicle on Seabird Road and take it to Seabird tip	330.00
EFT-39831	07/10/2023	Frank Johnson	Bonds and Deposits Refunds	365.61
EFT-39832	07/10/2023	Frontline Fire and Rescue Equipment	100 tube clips - full set	1,512.50
EFT-39833	07/10/2023	Gngin District High School P & C	SUMMER SUITE 2023 Band for Music in The Park - 25% Booking Deposit	2,727.50
EFT-39834	07/10/2023	Indian Ocean Pest Control	1x Advertisement - Public Notice of Planning Proposal in Coastal Courier	16,610.00
EFT-39835	07/10/2023	Ledge Point Community Association - LPCA	Cleaning Services August 2023 - Lancelin & Ledge Point Ablution Blocks	
EFT-39836	07/10/2023	LJ Hughes	4G SIM CARD AND EO CLOUD SUBSCRIPTION	
EFT-39837	07/10/2023	Mellanie Culhane T/A Environmental Resilience	Shire Councillor Quarterly Travel & Out of Pocket Expenses 01/07/2023 - 30/09/2023	
EFT-39838	07/10/2023	Research Solutions	Shire Councillor Quarterly Payment 01/07/2023 - 30/09/2023	
EFT-39839	07/10/2023	Sherrin Rentals Pty Ltd	Firefighter PPE	
EFT-39840	07/10/2023	Sonic HealthPlus Pty Ltd	23/24 Community Funding - Playground Shade Enhancement	
EFT-39841	07/10/2023	Sovereign Hill Community Association Inc. SHCA	Verge Spraying - Rural Roads & Ocean Farms	
EFT-39842	07/10/2023	Sunny Signs Company Pty Ltd	Verge Spraying Redfield Park	
EFT-39843	07/10/2023	Team Global Express Pty Ltd	Verge Spraying Sovereign Hill	
EFT-39844	07/10/2023	Total Wkplace Safety Compliance Pty Ltd	Verge Spraying Woodridge	
EFT-39845	07/10/2023	Van Ryl Industries	23/24 Community Grant - Ledge Point Show & Shine Family Day	
EFT-39846	07/10/2023	WANT Plumbing Services Pty Ltd	Reimbursement of water & service charges for the period 06/06/2023 - 07/08/2023 for the Shire of Gngin Lancelin Office	
EFT-39847	10/10/2023	AFGRi Equipment Pty Ltd	Mitigation and Environmental Consultancy - Minderoo Muster	
EFT-39848	10/10/2023	Alarm Assets Group & Austech Surveillance	Resident Perception Survey 2023 Consultancy	
EFT-39849	10/10/2023	Area Safe Products Pty Ltd	Hire water truck 01/09/2023 - 08/09/2023	
EFT-39850	10/10/2023	Brown Automotive Gngin	Steel Drum Roller Hire 06/09/2023 - 08/09/2023	
EFT-39851	10/10/2023	AFGRi Equipment Pty Ltd	Pre Employment Medical - General Hand Casual	
EFT-39852	10/10/2023	Alarm Assets Group & Austech Surveillance	Sovereign Hill Community Association Inc PLI Grant Contribution	
EFT-39853	10/10/2023	Area Safe Products Pty Ltd	Lancelin Sands Direction Sign (to be charged to owner) Bolts for signage	
EFT-39854	10/10/2023	Brown Automotive Gngin	Freight charges 30.8.23 - Lancelin Library	
EFT-39855	10/10/2023	AFGRi Equipment Pty Ltd	LG Compliance Seminar 19 October 2023 - Compliance Officer	
EFT-39856	10/10/2023	Alarm Assets Group & Austech Surveillance	GOAS playground - Purchase replacement swing, existing swing damaged.	
EFT-39857	10/10/2023	Area Safe Products Pty Ltd	Disconnect drain / water supply from sink in CWA building in preparation for removal of floor.	
EFT-39858	10/10/2023	Brown Automotive Gngin	Clear blocked RV dump point.	
EFT-39859	10/10/2023	AFGRi Equipment Pty Ltd	Contractor clear blockage in RV septic waste dump. Blockage was due to baby wipes plugging up pipework.	
EFT-39860	10/10/2023	Alarm Assets Group & Austech Surveillance	Granville Civic Centre - Replace boiling hot water unit in kitchen.	
EFT-39861	10/10/2023	Area Safe Products Pty Ltd	GG004 - service and GG019 - Filling of tractor door	
EFT-39862	10/10/2023	Brown Automotive Gngin	Gngin Collocation Fire Facility - Monitored security 01/10/2023 - 31/12/2023	
EFT-39863	10/10/2023	AFGRi Equipment Pty Ltd	Gullderton Caravan Park - Purchase of new picnic setting style benches for camp kitchen area.	
EFT-39864	10/10/2023	Alarm Assets Group & Austech Surveillance	Service for GG050, GG049 and GG040	

MINUTES ORDINARY COUNCIL MEETING 31 NOVEMBER 2023

APPENDIX 12.3.1

Payments made by the Shire of Gingin to
Creditors for the period 01/10/2023 - 31/10/2023

Payment Category

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

TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
EFT-39753	02/10/2023	Australian Taxation Office (PAYG)	Payroll deduction	48,889.00	
EFT-39851	10/10/2023	Catherine Vinh	Prize winner for completion of 2023 community perception survey	100.00	
EFT-39852	10/10/2023	Dandargagan Community Resource Centre	Additional drivers license course HR course - Fleet Manager	500.00	
EFT-39853	10/10/2023	Eagleeye Technical Services	Gingin Recreation Centre - Repair light switch Rec Centre change rooms	201.30	L
EFT-39854	10/10/2023	Frank Peczka	Shire Councillor Quarterly Travel & Out of Pocket Expenses 01/07/2023 - 31/07/2023	700.33	C
EFT-39855	10/10/2023	Greenway Solutions Pty Ltd t/as Greenway Turf Solutions	Purchase pre-post emergent herbicides / chemical to spray turfed areas in parks and sports grounds throughout Shire for control of current weed infestations / control germination of summer weeds.	13,557.50	
EFT-39856	10/10/2023	Henry Morris	Shire of Gingin Waste Facilities x3 (Gingin, Lancelin, Seabird) Cell Management & Push Up Services for the period 01/07/2023 - 31/07/2023 and 01/08/2023 - 31/08/2023	26,428.00	
EFT-39857	10/10/2023	Hot Works Yanchep	Supply 5 x medium duty drain covers for stock for various areas within Shire (replace once drains break)	2,596.00	L
EFT-39858	10/10/2023	Lynnette Carter	Reimbursement for animal trap bond	55.00	R
EFT-39859	10/10/2023	Office of the Auditor General	Audit Fee for the certification of the Local Roads and Community Infrastructure Program for the year ended 30 June 2022	1,650.00	
EFT-39860	10/10/2023	Offshore Diving Services	Contractor replace / reinstate Gulderton Foreshore Pontoon mooring / anchoring system.	4,290.00	
EFT-39861	10/10/2023	Presidential Building Services Pty Ltd	Paint Depot Office	1,677.50	
EFT-39862	10/10/2023	Tiffany's Catering	Catering - Special Council Meeting 24 October 2023 to be delivered at 3.45 pm @ \$20 p/head for 22 people	596.00	L
EFT-39863	12/10/2023	WA BOS Semi Trailer Equipment Pty Ltd	Refurbish Semi Side Tipper (P6017) - Modifications to side tipper to have road train capability	80,971.09	
EFT-39864	10/10/2023	WA Stump Grinding & Tree Services	Tree pruning works for Beermullah Road West	75,020.00	
EFT-39865	12/10/2023	Abcorp Australasia Pty Ltd	3,000 Minimum quantity - Shire of Gingin Library bar codes to put onto books for borrowing - Lancelin and Gingin Library.	473.00	
EFT-39866	12/10/2023	ASK Waste Management Pty Ltd	Stage Four - Community Consultation Waste Reform - Shire of Gingin	4,169.00	
EFT-39867	12/10/2023	BGL Solutions Pty Ltd	First application of nutrients to balance soil chemistry.	4,840.00	
EFT-39868	12/10/2023	Bunnings Buildings Supplies Pty Ltd	Metal tube bracing Ledge Point information bay	131.12	
EFT-39869	12/10/2023	Caraban Limestone & Sand Supplies	Limestone for Caravan Park	3,457.48	L
EFT-39870	12/10/2023	Country Heights Estate (Claymont Development Pty Ltd)	Country Heights Estate - Refund for Early Rates Incentive Scheme Gold Sponsorship paid twice	2,200.00	R
EFT-39871	12/10/2023	Dakky Pty Ltd t/a Fuel Creative	Edits to Flavours of Gingin Banner - Addition of sponsorship logo	55.00	
EFT-39872	12/10/2023	Darren Haman	Reimbursement for work boots as per EBA agreement	1,880.00	R/S
EFT-39873	12/10/2023	David Gaylard	Rates Refund	1,932.53	
EFT-39874	12/10/2023	Denise Knapp	Rates Refund	723.12	
EFT-39875	12/10/2023	Dielectric Security Systems	Gingin Administration Office, Lancelin Shire Office, Gingin Medical Centre and Gulderton Caravan Park - Alarm monitoring fees for the period 01/11/2023 - 31/01/2024.	560.56	
EFT-39876	12/10/2023	Donna Keogh	Rates Refund	126.35	
EFT-39877	12/10/2023	Edwin Boyd	Rates Refund	385.64	
EFT-39878	12/10/2023	Felicity Scott	BOOKING SYSTEM - FACILITY BOND ONLY with refund request	500.00	R
EFT-39879	12/10/2023	Gingin District Community Resource Centre Inc (CRC)	Gingin CRC Synergy Account - Reimbursement - 50% Medical Centre usage 13 July 2023 - 26 Sept 2023	8,228.39	
EFT-39880	12/10/2023	Gingin Fuel & Tyres	Provision of Library Services 1 October 2023 - 31 December 2023	1,000.00	L
EFT-39881	12/10/2023	Gingin Tree Services	Supply & Deliver 23,500 litres of fuel to Shire Depot 3.10.23	49,585.00	
EFT-39882	12/10/2023	Greenway Solutions Pty Ltd t/as Greenway Turf Solutions	Gulderton Caravan Park - pruning, chipping and mulching of multiple trees within the park.	12,100.00	L
EFT-39883	12/10/2023	Iron Mountain Australia Group Services Pty Ltd	Purchase 45 x 25kg slow release granular fertiliser bags and 200L kelp /seaweed concentrate liquid fertiliser in order for Shire to carry out fertiliser applications to smaller turf areas, inhouse.	6,517.50	
EFT-39884	12/10/2023	LG Best Practices	Storage Business Cartons 2023 / 2024 - October 2023	317.53	
EFT-39885	12/10/2023	Malcolm Harrington	Provision of payroll services for pay period ending 18 July 2023	1,237.50	
EFT-39886	12/10/2023	Moore River News Inc	Rates Refund	399.50	
EFT-39887	12/10/2023	Northern Valley News	1x A4 Advertisement - Seniors Movie Matinee for September, October & November editions in the Moore River News	330.00	L
EFT-39888	12/10/2023	Nqetro Pty Ltd	1x Advertisement - "Local Government Financial Audit Results 2021/2022" Media Release in Northern Valley News	225.00	
EFT-39889	12/10/2023	Raymond Dunstan	Fuel tank checked	718.70	
EFT-39890	12/10/2023	Robert Kelly	Rates Refund	337.54	R/S
EFT-39891	12/10/2023	Seabird Progress and Sports Association Inc	Reimbursement for Phone expenses	47.00	
EFT-39892	12/10/2023	Sunny Signs Company Pty Ltd	23/24 Community Grants - Seabird Seawall Weed Control	1,105.00	
EFT-39893	12/10/2023	Sydney Tools Pty Ltd	Parking area signs for Gulderton Foreshore & Dog Beach	341.55	
EFT-39894	12/10/2023	Timber Insight Pty Ltd	Asset tools Purchase 18V grease gun and battery to apply specialised grease to the water wheel at Granville Park.	1,827.50	
EFT-39895	12/10/2023	Tony Pleconeri	Level 1 Bridge Inspections 28/09/2023: Bridge No. 4035 Nolan Bridge, Bridge No. 4036 Junction Bridge, Bridge No. 4806 Cowalla Road, Bridge No. 0836 Lennards, Bridge No. 0661 Weld Street	3,894.00	
EFT-39896	12/10/2023	Wandera Transport Pty Ltd T/A Fewsters Earthmoving	Management/Supervision Seabird and Lancelin Waste Facility for the period 01/09/2023 - 30/09/2023	17,374.00	L
EFT-39897	12/10/2023	Waterlogic Australia Pty Ltd	Carling gravel for re-sheeting to Aurisch Road	25,025.00	L
EFT-39898	16/10/2023	Australian Taxation Office (PAYG)	Carling gravel for re-sheeting to Coonabidgee Road 27.9.23 to 29.9.23	50,371.00	
EFT-39899	16/10/2023	LGRCEU (WA Division)	Gingin Administration Office and Council Chambers Kitchens - rental and service of SD5 Cool & Cold Countertop and Clean Stream for the period 01/10/2023 - 31/10/2023	161.38	
EFT-39900	17/10/2023	Aurora Delta Pty Ltd	Payroll deduction	44.00	
EFT-39901	17/10/2023	Bindoon Hill Gravel Supply	Payroll deduction	20,625.00	
EFT-39902	17/10/2023	BOC Pty Ltd	Medical Subsidy Payment July, August & September 2023	155,317.21	
EFT-39903	17/10/2023	Brown Automotive Gingin	8500 tonne gravel Coonabidgee Capital Road Project	103.33	
EFT-39904	17/10/2023	Clublinks Management Pty Ltd T/As Toodyay Recreation Centre	Gas & Oxygen Supplies for the Workshop & Gingin Medical Centre for the period 01/09/2023 - 30/09/2023	120.00	L
EFT-39905	17/10/2023	Coastline Cleaning Services	Service GG059	274.00	
EFT-39906	17/10/2023	Digitalreze Australia	Provide First Aid Certification Lifeguard Requalification 7-8 October 2023 Aquatic Centre Manager	5,088.00	L
EFT-39907	17/10/2023	Eagleeye Technical Services	Contract cleaning ablutions Lancelin/Ledge September	325.78	
EFT-39908	17/10/2023	K B Riley & Sons Pty Ltd t/a Lancelin Sands	Gulderton Caravan Park - Windcave Online Bookings/Access Fee 01/09/2023 - 30/09/2023	2,167.00	L
EFT-39909	17/10/2023	Kevin Vine	Replacement Hot Water System for Gingin Railway Station	1,000.00	L
EFT-39910	17/10/2023	Langdate	Empty septic tank at Ledge Recreation Grounds	8,617.95	L
EFT-39911	17/10/2023	Michael King Auto Electrics	Lower Coastal Public Ablutions - Cleaning Services September 2023 - Gulderton Foreshore - Public Ablutions, Shelters & Barbeques, Gulderton Skate Park/Activity Space, Gabbadah Park, Silver Creek, Woodroge & Seabird	1,738.39	
EFT-39912	17/10/2023	Moore River News Inc	Copy of Transfer of Land Act Document 16/05/2023: Consolidated Mining Tenement Roll: Gross Rental Valuations Chargeable Schedule Dated 10/05/2023 to 07/07/2023 and 05/09/2023 to 01/09/2023	372.30	
EFT-39913	17/10/2023	Northern Valley News	GG019 - electric checks	45.00	L
EFT-39914	17/10/2023	Public Libraries Western Australia	1x Public Notice of Planning Proposal in Moore River News	1,250.00	
EFT-39915	17/10/2023	RARA Marketing Pty Ltd T/A Signarama Joondalup & Midland	1x Advertisement - Summer Suite of Events flyer in Northern Valley News, Advertising - C2C in Northern Valley News for 2023/24 - 11 editions and 1x Advertisement - Public Notice of Planning Proposal in Northern Valley News	250.00	
EFT-39916	17/10/2023	Team Global Express Pty Ltd	Public Library of WA 2023/24 Membership Fees	689.67	
EFT-39917	17/10/2023	The National Trust of Western Australia	Flavours of Gingin Roadside Banner 2023	45.82	
EFT-39918	17/10/2023	Tiffany's Catering	Freight charges for 11/09/2023 - Perth Trade Centre	510.74	
EFT-39919	17/10/2023	T-QuiP	Gingin Railway Station - Rent 28/07/2023 - 27/08/2023 and 28/08/2023 - 27/09/2023	3,055.00	L
EFT-39920	17/10/2023	Uniforms at Work	Catering for 10 people Briefing Session 3 October 2023 and Flavours Long Table Dinner Catering - 50% Balance Payment	192.65	
EFT-39921	17/10/2023	WA Stump Grinding & Tree Services	GG095 - Mower spares	7,917.67	
EFT-39922	17/10/2023	Wandera Transport Pty Ltd T/A Fewsters Earthmoving	Staff Uniforms	42,900.00	
EFT-39923	17/10/2023	Work Clobber	Lennards Brook Road	11,261.25	L
EFT-39924	20/10/2023	Jd Consulting Pty Ltd	Cartage to Wannamal Road West	145.00	
EFT-39925	20/10/2023	AFGRI Equipment Pty Ltd	1 Pair safety boots	3,630.00	
EFT-39926	20/10/2023	Aurora Delta Pty Ltd	Community Profile 23/24 subscription	2,671.41	
EFT-39927	20/10/2023	Avon Vets Pty Ltd	GG006 - Loader greasing system	6,875.00	
EFT-39928	20/10/2023	Belgravia PRO Pty Ltd	Medical Subsidy Payment September 2023	20,428.91	
EFT-39929	20/10/2023	Brown Automotive Gingin	Shire of Gingin Kerbside Collections for the period 11/09/2023 - 22/09/2023	48,426.19	
EFT-39930	20/10/2023	Brown Automotive Gingin	Gulderton Caravan Park - 85% OF PURE GLAMPING INCOME August 2023 and September 2023 plus Gulderton Park Management Fee for 2023/24 (September 2023)	205.00	L
EFT-39931	20/10/2023	Caraban Limestone & Sand Supplies	4GG - Repairs to vehicle	236.01	
EFT-39932	20/10/2023	Cat Haven	Materials for Gulderton depot	3,362.30	L
EFT-39933	20/10/2023	Club Band Pty Ltd (The Trustee for Club Band Unit Trust)	316 STAINLESS STEEL 'U' CLAMPS - Gulderton Foreshore	11.00	
EFT-39934	20/10/2023	Complete Office Supplies Pty Ltd	Limestone for Seabird Park	2,701.87	
EFT-39935	20/10/2023	Eagleeye Technical Services	Cat adoption report from Cat Haven - July 2023 - June 2024 (September 2023)	279.47	
EFT-39936	20/10/2023	GAS Assets Pty Ltd t/a Gecko Contracting Turf & Landscape Maintenance	Evening Entertainment for Flavours event	1,133.00	L
EFT-39937	20/10/2023	Gingin Fuel & Tyres	COS - Stationery Order for CEO, Building and Depot departments	8,948.50	
EFT-39938	20/10/2023	Gingin IGA Express	Repair light at Gingin Hardcours	771.98	
EFT-39939	20/10/2023	Gingin Trading	Contractor apply pre/post emergent herbicides to all Shire turf surfaces		
EFT-39940	20/10/2023	Hersey's Safety Pty Ltd	Repairs to GG070, GG079, GG017, GG072, GG029 and Diesel and ULP charges for Fire Appliances GG072 and GG083 for the month of September 2023		
EFT-39941	20/10/2023	Inn Tree Event Pty Ltd	Refreshments and receptions for September 2023	508.65	L
EFT-39942	20/10/2023	Kleen West Distributors	Hardware and maintenance supplies for September 2023	1,118.91	L
EFT-39943	20/10/2023	Kleenheat Gas Pty Ltd	Lip balm/ fly cream	624.62	
EFT-39944	20/10/2023	Lancelin Community & Sporting Club Inc.	Long Table Dinner - Pub company bar and staff including travel.	2,150.00	
EFT-39945	20/10/2023	Lancelin Community Resource Centre Inc (CRC)	Cleaning Supp2023	1,028.83	
EFT-39946	20/10/2023	Lancelin Trade and Rural Supplies	Supply & deliver 635L LPG Bulk Gas on 13/09/2023. Yearly equipment service charge for Lancelin/Ledge Point Depot.	830.37	
EFT-39947	20/10/2023	Local Government Professionals WA - LGPA	Quarterly contribution to Lancelin Community Bus - 23/24 Financial Year (For the period October 2023 to December 2023)	500.00	L
EFT-39948	20/10/2023	McGees Property	Printing of Coloured Copy A4 Flavours of Gingin Artwork for Coastal Courier - October Edition	142.50	
EFT-39949	20/10/2023	Michael Emmanuel	Hardware and maintenance supplies- Coastal- September 2023	1,688.15	
EFT-39950	20/10/2023	Moore River Electrical Services	Employment advertisement - Building Services Support Officer on LG Pro website.	165.00	
EFT-39951	20/10/2023	Plumb it Right Pty Ltd	Valuation - Lot 7 Dewar Road, Granville	2,145.00	
EFT-39952	20/10/2023	Seabreeze Landscape Supplies	Reimbursement for purchase of Work Boots	130.00	R/S
EFT-39953	20/10/2023	Seek Limited	Replace balon light unit 10 Lancelin aged units	2,101.00	
EFT-39954	20/10/2023	Sovereign Hill Community Association Inc. SHCA	Heatlink connections Lancelin South bore		
EFT-39955	20/10/2023	Team Global Express Pty Ltd	Gulderton Caravan Park - re-install bypass switch to switchboard for generator and ensure generator is running properly.	1,450.00	L
EFT-39956	20/10/2023	Thomas Kusters	Gulderton Caravan Park - burst panel on our hot water solar unit		
EFT-39957	20/10/2023	Ultimate Inspiration	Gulderton Caravan Park - Fix burst in retic		
EFT-39958	20/10/2023	Ultimate Inspiration	Gulderton Caravan Park - Jet clean urinals		
EFT-39959	20/10/2023	Ultimate Inspiration	Gulderton Caravan Park - jet clean blocked grey water drain on site 47		L
EFT-39960	20/10/2023	Ultimate Inspiration	Purchase 12CuM Jungle Mulch to apply to Parks / Gardens around Gingin Townsite in preparation for upcoming Flavours event.	1,138.00	
EFT-39961	20/10/2023	Ultimate Inspiration	Employment advertisement - Heavy Plant Operator/General Hand on Seek.com website	401.50	
EFT-39962	20/10/2023	Ultimate Inspiration	Mowing July/Aug/Sep	720.00	L
EFT-39963	20/10/2023	Ultimate Inspiration	Freight charges for 19/09/2023 - T-QuiP	32.82	
EFT-39964	20/10/2023	Ultimate Inspiration	Unblock sewerage line Ledge Point Oval	280.00	L
EFT-39965	20/10/2023	Ultimate Inspiration	Health And Wellbeing	993.30	2

MINUTES ORDINARY COUNCIL MEETING 31 NOVEMBER 2023

APPENDIX 12.3.1

Payment Category				Payment Category	
Creditors for the period 01/10/2023 - 31/10/2023				L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	
TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
EFT-39753	02/10/2023	Australian Taxation Office (PAYG)	Payroll deduction	48,889.00	
EFT-39958	20/10/2023	WEX Australia Pty Ltd	Caltex fuel cards - fuel purchases for the month of September 2023	1,760.42	
EFT-39959	24/10/2023	ACS Swan Express Print	Printing - Interim Rate Notice Explained & Overdue Rates Owner and Tenant Responsibilities Explained Brochures	1,100.00	
			Rates Notice form x 500 copies		
EFT-39960	24/10/2023	AFGRl Equipment Pty Ltd	Flavours of Gingin Marketing - Marketing promo 3000 postcards		
EFT-39961	24/10/2023	AMPAC Debt Recovery WA Pty Ltd	G0003 - breakdown brake issue G0004 - Oil sample fitting	1,875.13	
EFT-39962	24/10/2023	Aurora Delta Pty Ltd	Debt Recovery Costs for the period 27/09/2023 and 01/09/2023 - 29/09/2023	1,320.35	
EFT-39963	24/10/2023	Boya Equipment	Pre Employment Medical - Senior Finance Officer	185.00	L
EFT-39964	24/10/2023	Brooks Hire Service	PGG080 - Excavator bucket teeth	141.32	
EFT-39965	24/10/2023	Bruce Maguire	Hire Skid Steer 01/09/2023 - 30/09/2023	9,399.06	
EFT-39966	24/10/2023	Bunnings Buildings Supplies Pty Ltd	Rates Refund	274.25	
			Gyprock sheeting - Gulldo Depot	1,925.58	
EFT-39967	24/10/2023	Cooee Couriers & Transport	Polyurethane sealant for around drain lids		
EFT-39968	24/10/2023	Country Copiers	Freight charges for the period 01/09/2023 - 30/09/2023	580.80	
EFT-39969	24/10/2023	Duncan Solutions	Colour Copier Fees - 07/09/2023 to 10/10/2023 (Gingin Depot, Gingin Office and Lancelin Office)	2,133.72	
EFT-39970	24/10/2023	Elan Energy Matrix Pty Ltd	Gullderton Parking Meters - Credit Card Transactions and Monthly support fee for September 2023	244.08	
EFT-39971	24/10/2023	Element Advisory Pty Ltd	Tyre Recycling - Seabird Landfill. 100 tyres Pickup and removal from site	2,847.35	
EFT-39972	24/10/2023	Gingin District Community Resource Centre Inc (CRC)	Processing of Scheme Amendment No. 23 - Section 26 Order	852.50	
EFT-39973	24/10/2023	Gingin Grading Service Pty Ltd	Reimbursement 50% charges for repair of Solar panels for 1a Lily King Place Gingin	1,364.00	L
EFT-39974	24/10/2023	Gullderton Country Club Inc.	Annual Rates Makout 2023 - 06/10/2023, Cover cartage for cell development	2,145.00	L
EFT-39975	24/10/2023	Haulmore Trailer Rentals Pty Ltd	Electricity & supply charges for the period for Gullderton Hall for 30 days for the period 06/09/2023 - 05/10/2023	152.70	L
EFT-39976	24/10/2023	McLeods Barristers and Solicitors	Hire Trailer - Tri Side Tipper 01/09/2023 - 30/09/2023	5,621.00	
			Legal Advice	5,894.30	
EFT-39977	24/10/2023	Patricia Elliot	Rates Refund	62.25	
EFT-39978	24/10/2023	Presidential Facility Services Pty Ltd	Commercial cleaning of Civic Centre floor and windows and Depot floors	1,210.00	
EFT-39979	24/10/2023	RARA Marketing Pty Ltd T/A Signarama Joondalup & Midland	Signage for Lancelin Community Car	1,815.00	
EFT-39980	24/10/2023	Talis Consultants ATF Talis Unit Trust	Fair Valuations (Bridges) - Nolan Bridge, Junction Bridge, Cowalla Bridge, Weld St Bridge, Lennards Bridge	10,340.00	
EFT-39981	24/10/2023	Teresa Helm	Staff Meeting Breakfast - 18 October 2023	300.00	L
EFT-39982	24/10/2023	The Flying Spanner	GG074 - Rotate tyres and carryout Wheel alignment	179.50	
EFT-39983	24/10/2023	Total Workplace Safety Compliance Pty Ltd	LG Compliance Seminar 19 October 2023 - Building Surveyor and Manager Ranger Services	583.00	
EFT-39984	24/10/2023	Urbis Pty Ltd	Review of LPS9 and associated LPP (scheme review)	228.80	
EFT-39985	24/10/2023	Ziplorn	Annual Rates Makout 2023 - printing & posting of rate notices & accompanying inserts	18,674.90	
EFT-39986	26/10/2023	AFGRl Equipment Pty Ltd	G0004 - Oil sample connector	135.63	
EFT-39987	26/10/2023	All Hours Auto Electronics Pty Ltd	GG021 - electrical rewiring	11,179.45	
EFT-39988	26/10/2023	Aurora Delta Pty Ltd	Pre Employment Medical - Operations and Assets Administration Support Officer	185.00	L
EFT-39989	26/10/2023	Australia Post	Additional postage charges for the period 01/09/2023 - 30/09/2023	5,980.23	
EFT-39990	26/10/2023	Bob Walbrook & Associates Pty Ltd	Additional Invoice - Assistance providing Rates Services WE 30/07/2023. Check & Respond to ESL reconciliation query.	44.20	
EFT-39991	26/10/2023	Brown Automotive Gingin	Service for GG070 and GG073 plus GG048 - engine and gearbox service	1,410.00	L
EFT-39992	26/10/2023	Cromag Pty Ltd T/A Sigma Chemicals	Chlorine and Sulphuric Acid Order beginning season 2023 (Liquid Chlorine)	2,269.52	
			Chlorine and Sulphuric Acid Order beginning season 2023 (Sulphuric Acid)		
EFT-39993	26/10/2023	D.A. Christie Pty Ltd (All Park Products)	Purchase for Pool Testing Tablets as low stock	19,723.00	
EFT-39994	26/10/2023	Eagleeye Technical Services	BPO's Harold Park	1,273.80	L
EFT-39995	26/10/2023	Genellee	Install temp power metre and float switch for Moolabeenee Roads works	191.40	
EFT-39996	26/10/2023	Gingin Fabrication & Steel	Purchase / replace all stickers, decals after upcoming sand blasting / painting of Admin generator.	1,281.50	L
EFT-39997	26/10/2023	Gingin Mechanical Services	Repairs to pipes and rear bumper on Gingin West 4.4 fire appliance	1,225.40	L
EFT-39998	26/10/2023	Gingin Tree Services	2x Kero drums 2025.	6,985.00	L
EFT-39999	26/10/2023	Indian Ocean Pest Control	Remove 3 trees that are termite infested hanging over shire asset at Scout Hall	3,630.00	L
			Contractor supply 4 x tubs granular insecticide for Shire workers to apply on selected turf areas in-house.		
EFT-40000	26/10/2023	J. & K. Hopkins	Spraying Moquember Road West and Nabaroo Road	6,432.99	
EFT-40001	26/10/2023	Marindust Sales	Office furniture for new Depot Office fit out x 3 offices	4,380.20	
EFT-40002	26/10/2023	Metrocount	4 x internal haberd requisites for Shire Administration building.	9,662.40	
EFT-40003	26/10/2023	Mitel Networks Limited	Metro Count A1Net Subscription September 2023 to October 2024	1,253.51	
EFT-40004	26/10/2023	Moore Sepics	Telecommunication Service 01/11/2023 - 30/11/2023	1,375.00	L
EFT-40005	26/10/2023	Novaltec Energy Solutions Pty Ltd	Gullderton Foreshore Ablution Block. Contractor called out to pump out septic waste .	4,295.50	
EFT-40006	26/10/2023	PFD Food Services Pty Ltd	Aircon unit for Gullderton Depot and Electrical work for depot	494.70	
EFT-40007	26/10/2023	Redfield Park Community Association	Purchase of Kiosk Items for commencement of season	161.14	L
EFT-40008	26/10/2023	Rise Merchandise Pty Ltd	Redfield Park Progress Association PLI Grant Contribution	3,830.75	
EFT-40009	26/10/2023	Seabreeze Landscape Supplies	50x poly digital printed Shire of Gingin lies and 50x poly chiffon digital printed scarves	2,276.00	
			Contractor supply / deliver 12 Cu/m jungle mulch for GOAS garden beds.		
EFT-40010	26/10/2023	Sunny Signs Company Pty Ltd	Contractor supply / deliver 12 Cu/m jungle mulch for topping up garden beds around Gingin Townsite.	69.30	
EFT-40011	26/10/2023	Team Global Express Pty Ltd	Compliance vehicle magnets for 8GG	270.73	
			Freight charges for 08/09/2023 - Lancelin Library; Freight charges for 22/09/2023 - 29/09/2023; Freight charges for 02/10/2023 - 09/10/2023		
EFT-40012	26/10/2023	Truck Centre WA Pty Ltd	GG028 - Windscreen calibration	671.88	
EFT-40013	31/10/2023	Access Icon Pty Ltd T/As Cascada	4 x Square tiles to replace on Weld Street	10,759.65	
			Headwalls 375mm and 450mm for Moolabeenee Road		
EFT-40014	31/10/2023	Advanced Liquid Waste	Camera investigation Weld Street Drainage	701.25	
EFT-40015	31/10/2023	Australian Taxation Office (PAYG)	Payroll deduction	63,865.00	
EFT-40016	31/10/2023	Avon Waste	Shire of Gingin Kerbside Collections for the period 25/09/2023 - 06/10/2023	20,671.12	
EFT-40017	31/10/2023	Belgravia PRO Pty Ltd	Gullderton Caravan Park - RMS License Fees 2022/23 (September 2023)	913.00	
EFT-40018	31/10/2023	Bunnings Buildings Supplies Pty Ltd	Purchase landscape materials Lancelin /Ledge	2,329.97	
			Materials for Gullderton Depot		
			Asset tools		
			Racks for shelving in archive shed		
EFT-40019	31/10/2023	DFES - Department of Fire and Emergency Services	Shade sails Wangaree Park		
			2023/2024 ESL in accordance with the Fire & Emergency Services Act 1998 Part 6A - Emergency Services Levy - Section 36L & 36M.	7,179.85	
EFT-40020	31/10/2023	Howard & Sons Pyrotechnics (Displays) Pty Limited	ESL Income Local Government.		
			Flavours of Gingin	1,500.00	
EFT-40021	31/10/2023	Indian Ocean Pest Control	Fireworks		
EFT-40022	31/10/2023	Kleen West Distributors	Carry out millipede spraying at VFBF stations	770.00	L
EFT-40023	31/10/2023	LGRCEU (WA Division)	Toilet tissue supplies Lancelin/Ledge Point	2,666.40	
EFT-40024	31/10/2023	Lit Letters Pty Ltd	Payroll deduction	44.00	
			Flavours of Gingin	800.00	
EFT-40025	31/10/2023	Moore River Tours	Giant Lights "Gingin"		
EFT-40026	31/10/2023	Presidential Building Services Pty Ltd	Hire Boat for removal of Gullderton Silver creek Boardwalk. (4 days total).	800.00	L
			Gingin Admin Building. Contractor prep / paint Governance office.	7,282.00	
EFT-40027	31/10/2023	RARA Marketing Pty Ltd T/A Signarama Joondalup & Midland	Contractor paint refurbish park benches as part of dam barrier and park upgrades.		
			Sensory Zone & Event Tent Signage	1,078.00	
EFT-40028	31/10/2023	Roamin Enterprises PTY LTD			
			Replace existing culvert on Wannamal Road South	14,800.00	
EFT-40029	31/10/2023	Teresa Helm	SLK 0.73 Wannamal Road South new culvert		
EFT-40030	31/10/2023	Truck Centre WA Pty Ltd	Catering (30 - 35 people) Election Night - 21 October 2023	300.00	L
			GG045/GG02 service kit	671.88	
EFT TOTAL				1,491,707.73	
CHEQUES					
CHQ-116485	16/10/2023	Department of Transport	Jetty 4576: Gullderton foreshore renewal fee	45.10	
CHQ-116486	16/10/2023	Shire of Gingin (Petty Cash)	Gingin Aquatic Centre - Pool Float for beginning of 2023/2024 season	200.00	
CHEQUES TOTAL				245.10	
DIRECT DEBIT					
DE-3895	1/10/2023	Bendigo Bank	BPay Monthly Fee Bpay Biller Fee	1,479.28	
DE-3896	1/10/2023	Bendigo Bank	Transfer - Fees	62.50	
DE-4071	1/10/2023	Gullderton Holiday Park	Gullderton Holiday Park - quest disputing payments on cards	134.50	
DE-3899	2/10/2023	Bendigo Bank	De Fees - Bank Fees	6.15	
DE-3861	2/10/2023	Synergy	Electricity 13/07/2023 - 08/09/2023 - Gingin Constable St Park	177.66	
DE-3804	2/10/2023	Go Go Media	Monthly On Hold Message Service September 2023	75.90	
DE-3928	2/10/2023	Bendigo Bank	Bank Fee: Fts De Process GST	5.38	
DE-3920	2/10/2023	Department of Transport	Department of Transport: Police Licensing DOT 28.09.2023	2,410.85	
DE-3947	3/10/2023	Bendigo Bank	Bank Fee: DE Fees	4.65	
DE-3958	3/10/2023	Department of Transport	Department of Transport - Police Licensing DOT: 29.09.2023	1,369.65	
DE-3961	3/10/2023	Bendigo Bank	Bank Fee: Tyro Fees August 2023	1,310.19	
DE-3966	3/10/2023	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	2,684.94	
DE-3967	3/10/2023	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	1,132.32	
DE-3968	3/10/2023	Bendigo Bank	Bendigo Bank: Tyro Fees August 2023	66.00	
DE-3969	3/10/2023	Bendigo Bank	Bendigo Bank: Tyro Fees August 2023	385.54	
DE-3970	3/10/2023	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	456.07	
DE-3971	3/10/2023	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	39.99	
DE-3866	4/10/2023	Synergy	Electricity 15/07/2023 - 12/09/2023 - Gingin Recreation Ground	297.72	
DE-3865	4/10/2023	Synergy	Electricity 15/07/2023 - 07/09/2023 - Gingin Depot	1,225.16	
DE-3957	4/10/2023	Department of Transport	Department of Transport - Police Licensing DOT: 02.10.2023	1,916.10	
DE-3863	4/10/2023	Synergy	Electricity 14/07/2023 - 07/09/2023 - 37A Leftoy St	109.92	
DE-3864	4/10/2023	Synergy	Electricity 15/07/2023 - 07/09/2023 - Gingin Pioneer Pavilion	63.83	
DE-3862	4/10/2023	Synergy	Electricity 09/08/2023 - 12/09/2023 - Gullderton Holiday Park	1,650.53	
DE-3867	4/10/2023	Synergy	Electricity 15/07/2023 - 07/09/2023 - Gingin Constable St Park	108.46	
DE-3868	4/10/2023	Synergy	Electricity 09/08/2023 - 12/09/2023 - Granville Civic Centre	1,579.93	3
DE-3869	4/10/2023	Synergy	Electricity 15/07/2023 - 12/09/2023 - Gingin Railway Station	422.79	

MINUTES ORDINARY COUNCIL MEETING 31 NOVEMBER 2023

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Payment Category			Payment Category	
Creditors for the period 01/10/2023 - 31/10/2023			L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-39753	02/10/2023	Australian Taxation Office (PAYG)	Payroll deduction	48,889.00
DE-3871	4/10/2023	Synergy	Electricity 07/08/2023 - 07/09/2023 - Treasure Trove	231.63
DE-3870	4/10/2023	Synergy	Electricity 14/07/2023 - 07/09/2023 - CEO Residence	151.23
DE-3872	4/10/2023	Synergy	Electricity 09/08/2023 - 12/09/2023 - Gingin Aquatic Centre	1,113.10
DE-3874	4/10/2023	Synergy	Electricity 09/08/2023 - 12/09/2023 - Gingin Administration Office & Council Chambers	1,352.67
DE-3873	4/10/2023	Synergy	Electricity 14/07/2023 - 07/09/2023 - 3 Fewster St	85.65
DE-3876	5/10/2023	Synergy	Electricity 15/07/2023 - 08/09/2023 - Street Lighting, Lot 501 Honeycombe Rd Gingin	943.29
DE-3875	5/10/2023	Synergy	Electricity 15/07/2023 - 08/09/2023 - Gingin Tp	223.66
DE-3972	5/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 03.10.2023	3,432.85
DE-3973	5/10/2023	Bendigo Bank	Bendigo Bank: Bank Confirmation Fee	30.00
DE-3901	5/10/2023	Helen Sampson	Supervision/Management Gingin Waste Facility for the period 24/09/2023 - 07/10/2023	2,538.46
DE-3874	6/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 04.10.2023	1,722.85
DE-3889	8/10/2023	Westnet Internet Services	Gingin Medical Centre - Email hosting for the period 05/09/2023 - 05/09/2024	25.00
DE-3905	9/10/2023	Synergy	Electricity 20/07/2023 - 15/09/2023 - Lancelin Wangaree Park	291.75
DE-3908	9/10/2023	Telstra	Telstra telephone charges up to 13/09/2023	288.70
DE-3907	9/10/2023	Telstra	Telstra telephone charges up to 13/09/2023 Gulderton Holiday Park	235.29
DE-3976	9/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 05.10.2023	2,632.15
DE-3975	9/10/2023	Bendigo Bank	Bendigo Bank: De Fees	3.15
DE-3911	9/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - 4 Fewster Street	54.91
DE-3910	9/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - 37A Lefroy Street	52.96
DE-3909	9/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - CEO Residence	51.01
DE-3912	9/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - 3 Fewster Street	47.10
DE-3906	9/10/2023	Synergy	Electricity 20/07/2023 - 15/09/2023 - Lancelin Shire Office	584.45
DE-3903	9/10/2023	Synergy	Electricity 20/07/2023 - 15/09/2023 - Lancelin Harold Park	298.39
DE-3904	9/10/2023	Synergy	Electricity 20/07/2023 - 15/09/2023 - Wangaree Community Centre	719.03
DE-3977	10/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 06.10.2023	3,690.50
DE-3913	10/10/2023	Synergy	Electricity 21/07/2023 - 18/09/2023 - Lancelin/Ledge Point Depot	238.07
DE-3914	11/10/2023	Synergy	Electricity 22/07/2023 - 19/09/2023 - Ledge Point Key Biscayne Park	143.34
DE-3978	11/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 09.10.2023	3,641.60
DE-3916	11/10/2023	Synergy	Electricity 22/07/2023 - 19/09/2023 - Ledge Point Recreation Ground	654.44
DE-3979	11/10/2023	Bendigo Bank	Bendigo Bank: De Fees	2.70
DE-3915	11/10/2023	Synergy	Electricity 20/07/2023 - 18/09/2023 - Lancelin Grace Darling Park	223.72
DE-3980	11/10/2023	Telstra	Telstra mobile charges up to 21/09/2023	327.86
DE-3921	12/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - Gingin CWA	34.46
DE-3923	12/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - Gingin Medical Centre	472.35
DE-3922	12/10/2023	Water Corporation	Water 17/07/2023 - 20/09/2023 - Gingin Administration Office	756.89
DE-3917	12/10/2023	Synergy	Electricity 17/08/2023 - 20/09/2023 - Gingin Colocation Fire Facility	702.61
DE-3918	12/10/2023	Synergy	Electricity 17/08/2023 - 20/09/2023 - Ledge Point Golf Club	586.05
DE-3919	12/10/2023	Synergy	Electricity 21/07/2023 - 19/09/2023 - Seniors Units Lancelin	88.10
DE-4014	12/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 10.10.2023	4,496.95
DE-4013	12/10/2023	Bendigo Bank	Bendigo Bank: De Fees	16.05
DE-4005	12/10/2023	Water Corporation	Water 01/08/2023 - 05/10/2023 - Lancelin Anoling & Aquatic Club	370.74
DE-4015	12/10/2023	Precision Administration Services Pty Ltd	Payroll deduction	32,104.02
PAYJ-92	12/10/2023	Shire of Gingin	Net Pavs	164,195.01
DE-3927	13/10/2023	Water Corporation	Water 17/09/2023 - 21/09/2023 - Old Board Road/Playgroup	5.73
DE-3925	13/10/2023	Water Corporation	Water 17/07/2023 - 21/09/2023 - Treasure Trove	5.73
DE-3929	13/10/2023	Water Corporation	Water 17/07/2023 - 21/09/2023 - Line Yard (Brockman St)	28.67
DE-3926	13/10/2023	Water Corporation	Water 17/09/2023 - 21/09/2023 - Seniors Units Gingin	146.22
DE-3924	13/10/2023	Synergy	Electricity 25/07/2023 - 20/09/2023 - Beaches Ledge Point	172.69
DE-4016	13/10/2023	Bendigo Bank	Bendigo Bank: De Fees	4.95
DE-4017	13/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 11.10.2023	434.15
DE-4046	14/10/2023	Credit Card - EMCCS	Credit Card - EMCCS: August 2023 Expenses	3,054.59
DE-4042	14/10/2023	Credit Card - CEO	Credit Card - CEO: September 2023 Expenses	1,610.78
DE-4043	14/10/2023	Credit Card - EMRDS	Credit Card - EMRDS: August 2023 Expenses	1,725.70
DE-4045	14/10/2023	Credit Card - CESM	Credit Card - CESM/CBFCO: September 2023 Expenses	393.42
DE-4067	14/10/2023	Credit Card - EMO	Credit Card EMO September 2023 Expenses	3,801.30
DE-4020	16/10/2023	Bendigo Bank	Bendigo Bank: (1) Bont Dr	128.60
DE-4021	16/10/2023	Bendigo Bank	Bendigo Bank: De Fees	0.30
DE-3930	16/10/2023	Water Corporation	Water 25/07/2023 - 27/09/2023 - Gulderton Caravan Park Residence	101.78
DE-4018	16/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 12.10.2023	5,062.60
DE-4019	16/10/2023	Western Australian Treasury Corporation (WATC)	LN-123-Lot 44 Weld St, Gingin Repayment: 31	14,004.63
DE-4060	16/10/2023	Synergy	Electricity 20/07/2023 - 14/09/2023 - Lancelin South Public Open Space	132.22
DE-4023	17/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 13.10.2023	3,871.35
DE-4022	17/10/2023	Bendigo Bank	Bendigo Bank: De Fees	3.60
DE-3936	17/10/2023	Water Corporation	Water 18/07/2023 - 22/09/2023 - Gingin Colocation Fire Facility	130.33
DE-3933	17/10/2023	Water Corporation	Water 18/07/2023 - 22/09/2023 - Seabird Douglas Park	8.80
DE-3931	17/10/2023	Business Service Brokers T/A TeleChoice	Mobile charges for the period 01/10/2023 - 31/10/2023	236.00
DE-3932	17/10/2023	Water Corporation	Water 18/07/2023 - 22/09/2023 - Gingin Granville Park	1,570.61
DE-3934	17/10/2023	Water Corporation	Water 18/07/2023 - 22/09/2023 - Gingin Railway Station	11.47
DE-3935	17/10/2023	Water Corporation	Water 18/07/2023 - 22/09/2023 - Gingin Railway Station (Museum)	20.07
DE-3938	18/10/2023	Water Corporation	Water 25/07/2023 - 26/09/2023 - LGA Standpipe (King Dr Woodridge)	45.67
DE-4024	18/10/2023	Department of Transport	Department of Transport - Police Licensing DOT 16.10.2023	3,128.65
DE-3939	18/10/2023	Water Corporation	Water 25/07/2023 - 26/09/2023 - Woodridge Fire Shed	97.48
DE-3937	18/10/2023	Water Corporation	Water 25/07/2023 - 26/09/2023 - Woodridge Hall	1,209.87
DE-4059	18/10/2023	Synergy	Electricity 01.10.2023 - 11.10.2023 - Gingin Administration Office	176.41
DE-3943	19/10/2023	Water Corporation	Water 25/07/2023 - 27/09/2023 - Gulderton Shire	137.73
DE-3940	19/10/2023	Water Corporation	Water 25/07/2023 - 27/09/2023 - Gulderton Hall	115.99
DE-3942	19/10/2023	Water Corporation	Water 25/07/2023 - 27/09/2023 - Ablution Block Gulderton Foreshore	14.34
DE-3941	19/10/2023	Water Corporation	Water 25/07/2023 - 27/09/2023 - Gulderton Caravan Park	2,230.53
DE-4025	19/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 17.10.2023	978.35
DE-4061	19/10/2023	Synergy	Electricity 18.08.2023 - 18.10.2023 - Ocean Farm Community Hall	498.83
DE-3944	20/10/2023	Water Corporation	Water 26/07/2023 - 28/09/2023 - Gabbadah Park	20.07
DE-4040	20/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 18.10.2023	688.85
DE-4039	20/10/2023	Bendigo Bank	Bendigo Bank: De Fees	5.25
DE-4026	20/10/2023	Helen Sampson	Supervision/Management Gingin Waste Facility for the period 08/10/2023 - 21/10/2023	2,538.46
DE-4066	21/10/2023	Telstra	Telstra telephone charges up to 13/10/2023	234.99
DE-3945	22/10/2023	Vocus Communications	Gingin Administration Office & Gingin Colocation Fire Facility - Fibre Internet & IP Allocation 01/10/2023 - 30/09/2023	1,769.90
DE-4064	22/10/2023	Telstra	Telstra Integrated Messaging 22.10.2023 - 21.11.2023	53.57
DE-3993	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Common Residential)	257.80
DE-4041	23/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 19.10.2023	3,150.30
DE-3992	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 11)	274.36
DE-3991	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 10)	278.27
DE-3990	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 9)	270.46
DE-3988	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 8)	268.59
DE-3987	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 7)	288.03
DE-3986	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 6)	266.55
DE-3985	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 5)	271.43
DE-3984	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 4)	275.34
DE-3983	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 3)	272.41
DE-3982	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 2)	265.57
DE-3981	23/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Unit 1)	291.94
DE-3946	23/10/2023	Synergy	Electricity 01/09/2023 - 02/10/2023 - Granville Park Gingin (Pump)	142.08
DE-3948	24/10/2023	Australia Post	Postage charges up to 30/09/2023	502.00
DE-3949	24/10/2023	Water Corporation	Water 31/07/2023 - 02/10/2023 - LGA Standpipe (Edward St Seabird)	57.34
DE-3950	24/10/2023	Water Corporation	Water 31/07/2023 - 02/10/2023 - Seabird Douglas Park	68.81
DE-3996	24/10/2023	Synergy	Electricity 20/07/2023 - 14/09/2023 - Lancelin South Public Open Space	131.16
DE-3995	24/10/2023	Synergy	Electricity 13/09/2023 - 30/09/2023 - Gingin Administration Office & Council Chambers	487.31
DE-4044	24/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 20.10.2023	1,173.00
DE-4065	24/10/2023	Telstra	Telstra telephone charges up to 13.10.2023	922.00
DE-3951	25/10/2023	Westnet Internet Services	Internet 27/10/2023 - 26/11/2023 - CEO Residence	74.99
DE-3952	25/10/2023	Water Corporation	Water 01/08/2023 - 03/10/2023 - Lancelin Grace Darling Park	950.66
DE-3953	25/10/2023	Water Corporation	Water 31/07/2023 - 03/10/2023 - Ablution Block De Burch St Ledge Point	63.07
DE-3954	25/10/2023	Water Corporation	Water 31/07/2023 - 03/10/2023 - Ledge Point Country Club	206.42
DE-3955	25/10/2023	Water Corporation	Water 31/07/2023 - 03/10/2023 - LGA Standpipe (Jones St Ledge Point)	8.53
DE-3956	25/10/2023	Water Corporation	Water 31/07/2023 - 03/10/2023 - Hydrant (De Burch St Ledge Point)	315.37
DE-3997	25/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Seniors Units Lancelin (Reserve)	47.10
DE-4047	25/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 23.10.2023	1,418.15
DE-3959	26/10/2023	Water Corporation	Water 02/08/2023 - 04/10/2023 - Seaview Park Community Hall	45.87
DE-3960	26/10/2023	Water Corporation	Water 07/08/2023 - 04/10/2023 - Lancelin Pioneer Park	530.63
DE-3998	26/10/2023	Synergy	Electricity 18/07/2023 - 13/09/2023 - Gingin Rural Industrial Depot (Frommore)	371.62
DE-4048	26/10/2023	Precision Administration Services Pty Ltd	Payroll deduction for PE: 26/10/2023	31,236.64
DE-4050	26/10/2023	Bendigo Bank	Bendigo Bank: De Fees	16.05
DE-4051	26/10/2023	Bendigo Bank	Bendigo Bank: De Fees	4.05
DE-4052	26/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 24.10.2023	375.20
DE-4053	26/10/2023	Bendigo Bank	Bendigo Bank: De Fees	4.05
PAY-03	26/10/2023	Shire of Gingin	Net Pavs	193,202.52
DE-4027	27/10/2023	Telstra	Telephone charges Seabird Fire Shed 05/09/2023 - 04/10/2023	93.70
DE-4000	27/10/2023	Water Corporation	Water 01/08/2023 - 05/10/2023 - Ablution Block Lancelin Back Beach	11.47
DE-4001	27/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Lancelin/Ledge Point Depot	25.74
DE-4002	27/10/2023	Water Corporation	Water 01/08/2023 - 05/10/2023 - Lancelin Anoling & Aquatic Club	398.51
DE-4003	27/10/2023	Water Corporation	Water 07/08/2023 - 05/10/2023 - Lancelin Hall	286.24
DE-4004	27/10/2023	Water Corporation	Water 01/08/2023 - 05/10/2023 - Wangaree Community Centre	71.68
DE-3999	27/10/2023	Synergy	Electricity 09/08/2023 - 06/10/2023 - Ablution Block Seabird	133.74
DE-4054	27/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 25.10.2023	12,622.80

MINUTES ORDINARY COUNCIL MEETING 31 NOVEMBER 2023

APPENDIX 12.3.1

Payments made (including payments to the Council) Payment of Creditors for the period 01/10/2023 - 31/10/2023				Payment Category	
				L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	
TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
EFT-39753	02/10/2023	Australian Taxation Office (PAYG)	Payroll deduction	48,889.00	
DE-4006	30/10/2023	Synergy	Electricity 05/08/2023 - 05/10/2023 - Sovereign Hill Playground	135.47	
DE-4007	30/10/2023	Synergy	Electricity 05/08/2023 - 04/10/2023 - Sovereign House & Ablution Block	188.42	
DE-4008	30/10/2023	Synergy	Electricity 08/08/2023 - 05/10/2023 - Redfield Park Fire Station	514.67	
DE-4058	30/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 30.10.2023	9,715.10	
DE-4009	31/10/2023	Synergy	Electricity 08/08/2023 - 06/10/2023 - Ablution Block Seabird	228.64	
DE-4029	31/10/2023	Synergy	Electricity - 08/08/2023 - 06/10/2023 - Douglas Seabird Park	1,096.71	
DE-4010	31/10/2023	Synergy	Electricity 13/07/2023 - 18/09/2023 - Lancelin Hall	162.34	
DE-4026	31/10/2023	Synergy	Electricity - 06/09/2023 - 04/10/2023 - Woodridge Hall	1,322.97	
DE-4069	31/10/2023	Bendigo Bank	Bendigo Bank: Bank Fee	2.70	
DE-4068	31/10/2023	Department of Transport	Department of Transport - Police Licensing DOT - 27.10.2023	2,779.55	
DE-4072	31/10/2023	LJ Hughes	Allocation of lease payment for October 2023 - Lancelin Office Lease	669.50	
DE-4073	31/10/2023	Dell Financial Services Pty Ltd	Allocation of lease payment for September 2023 - IT Server Refresh	1,651.29	
DE-4074	31/10/2023	QPC Group	Allocation of lease payment for September 2023 - Photocopier Develop Ineo 958	705.40	
DIRECT DEBIT					
TOTAL					571,843.90
TERM DEPOSIT INVESTMENTS					
DE-3994	12/10/2023	Bendigo Bank (Investments)	Term Deposit Transaction Ref 4533499 - 12/10/2023	4,500,000.00	
TERM DEPOSIT INVESTMENTS TOTAL					4,500,000.00
TOTAL MUNICIPAL					6,563,796.73
RESERVE - TERM DEPOSIT INVESTMENT					
DE-4096	20/10/2023	Bendigo Bank (Investments)	Bendigo Bank (Investments) Term Deposit Transaction Ref 4541915	6,987.85	
RESERVE - TERM DEPOSIT INVESTMENT TOTAL					6,987.85
TOTAL EXPENDITURE					6,570,784.58
CREDIT CARD BREAK-UP					
September	CEO	Mail Chimp Crown Promenade Perth Crown Promenade Perth Mervwell Perth Bendigo Bank	Monthly Subscription - August 2023 2023 WALGA Convention - Accomodation CEO 2023 WALGA Convention - Accomodation Crs Vis & Sorensen 2023 WALGA Convention Refreshments Credit Card Bendigo Bank Fee - September 2023	111.62 441.72 954.44 99.00 4.00	
	EMCCS	JB Hifi Harris Scarfe Temu Silmline Warehouse Display Setting Ebay Burnings Ikea Ikea Kmart Bendigo Bank	Seniors Week Movies - A Man called Otto Long Table Dinner - Table Cloths Flavours of Gingin - Sensory Zone - Ear Plugs Flavours of Gingin - Easels for history display Flavours of Gingin - Sensory Zone - Tee Pee Tents Flavours of Gingin - Fairy Lights Events - Napkins Events - Napkins Flavours of Gingin - Sensory Zone items, glasses & Servinq ware Credit Card Fee - September 2023	18.27 999.80 409.66 940.86 498.00 178.00 90.00 29.00 487.00 4.00	
	EMRDS	Spot Me WA Police Finance Maya Maya at Mandon Bendigo Bank	Spot Me Fee September 2023 WA Police FOI Request Fee 128300 Rangers Conference Accomodation Credit Card Fee - September 2023	1,193.70 30.00 498.00 4.00	
	EMO	Evenbright Specialised Tilttray Main Roads Department of Transport Shire of Gingin The Good Guys Bendigo Bank	Coatings Protecta Clear for De Burce St Ablutions Transport Guilderton Pontoon Permit GG003 Contractor lift pontoon onto tow truck Fees for Admin Depot Building Dishwasher 4 Fewster St Credit Card Fee - September 2023	150.80 2,750.00 25.00 122.15 342.55 407.00 4.00	
	CESM	Tradelink Joondalup Bendigo Bank	Filters for Billi HS System GESC Credit Card Fee - September 2023	389.42 4.00	
	Total				11,185.79
PUMA CARD BREAKUP					
September	WEX Australia		3GG - 249.34 Litres 4GG- 40.13 Litres GG005 - 119.24 Litres GG033 - 122.13 Litres GG05 - 31.44 Litres GG069 - 1.25 Litres GG070 - 59.72 Litres GG009 - 162.76 Litres Card Fees	558.34 89.85 258.92 262.01 71.37 2.50 136.52 357.91 3.00	
					1,760.42

12.4 APPLICATION OF CURTILAGE REVIEW

File	Rates
Author	Natasha Harry
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Councillor Stewart disclosed a financial interest in Item 12.4 as he is a DVA Gold card holder and currently in receipt of a rates reduction as per Department of Water guidelines. Any decision made on this item may affect him financially. Councillor Stewart left the meeting at 5.05 pm.

PURPOSE

This report seeks approval to validate and standardise the process of curtilage calculation for pensioner/senior rebate assessments across the Shire of Gingin, in compliance with section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* (Act).

The objective is to establish an equitable and consistent method for calculating concessions on commercial and farming properties occupied by pensioners and seniors.

BACKGROUND

It is recognised that concessional arrangements are targeted at pensioner owned and occupied residential properties. Commercial property is generally excluded from concessional arrangements due to several reasons:

- Rates charges for commercial operations are often tax-deductible, making concessions less relevant.
- The rating value of commercial properties reflects their non-residential use, further justifying exclusion.
- In the case of farm properties, the annual and volumetric charges, particularly for water, are levied at a discount compared to residential land.
- Providing a pensioner/senior rates concession in addition to the benefits mentioned above could result in a double benefit for the owner/occupier of a commercial/farm property.

However, section 28(2) of the Act provides flexibility by enabling administrative authorities to apportion the prescribed charge and any allowable rebate for properties where residential use is not the sole use of the land. This apportionment can be based on the extent of the land used for residential purposes compared to other uses.

This provision allows for an equitable concession to be provided for the residential component of a commercial property. This is known as curtilage.

Historically, the curtilage calculation process has not been standardised within the Shire of Gingin, resulting in disparities in pensioner and senior rebate assessments.

The *Rates and Charges (Rebates and Deferments) Act 1992* mandates the fair and uniform calculation of pensioner/senior rebates, necessitating a consistent approach.

To maintain consistency and fairness in providing concessions to pensioners and seniors in similar circumstances the Shire of Gingin is exploring several options which are identified in the Procedural Manual (issued under Section 9 of the *Rates and Charges (Rebates and Deferments) Act 1992*), as follows.

1. No concession for commercial/farm properties.
2. A proportionate rebate, based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
3. Where the residential portion of the property cannot be determined, determination of a proportionate rebate by applying an arbitrary curtilage of 2ha in respect to the residential component of the rated property.
4. A minimum or valuation-based rate, for example in the case of hobby farms or where the residence is situated on a distinct identifiable parcel of land that has no commercial use, irrespective of the property size.
5. A concession based on the total rates levied against the property, regardless of whether the property has commercial/farm use.

The following examples illustrate how each method works in practice and how the rebate is calculated for different scenarios. The examples are provided for understanding the practical implications of each method to assist with the decision on calculation of curtilage moving forward for the Shire of Gingin.

Method 1

No pensioner or seniors' concession provided. Full rates apply.

Method 2

Example: A pensioner couple occupy a house that is situated on a farm. The farm is worked by their son who resides on a neighbouring property. The house has been constructed on a 5ha block, which has no facilities used for farming operations (that is, no shearing or equipment storage sheds). A single rate notice is issued for the total property including the area occupied by the pensioner couple.

Total rateable area: 300ha
Residential portion: 5ha
Rates: \$2,000.00
Rates proportioned in accordance with Section 28(2).
By area: $(5/500) \times \$2,000 \times 50\% = \10.00 (Rebate)

Method 3

Example: A pensioner couple occupy a house that is situated on a farm. The farm is worked by their son who resides on a neighboring property. The house occupied by the pensioner couple is located amidst the various farm sheds etc. (it may be the original farmhouse) and cannot be separately distinguished from the rest of the property. A single rate notice is issued for the total property including that area occupied by the pensioner couple. As the residential area is non-specific and cannot be clearly identified, an arbitrary curtilage of 2ha is applied.

Total rateable area: 500ha
Curtilage: 2ha
Rates: \$2,000.00
Rates proportioned in accordance with section 28(2).
By arbitrary curtilage: $(2/500) \times \$2,000 \times 50\% = \4 (Rebate)

Rural properties will be asked to complete a declaration on their application for a rebate to determine whether they are an income producing farming property.

Method 4

Example: A pensioner couple occupy a house located on a 2 hectare (5 acre) block. The couple use the property to grow vegetables for their own consumption and have several small farm animals grazing their land. There are no commercial farming buildings. The farm is primarily for the pensioner couple's pleasure rather than profit and is therefore determined to be a hobby farm.

A single notice is issued for the total property including the residential area occupied by the pensioner couple.

Total rateable area:	2ha
Rates:	\$2,000.00
Rates proportioned in accordance with Section 28(2).	
Full rebate to apply	\$2,000 x 50% capped at \$750 = \$750.00 (Rebate)

Rural properties will be asked to complete a declaration on their application for a rebate to determine whether they are an income producing farming property.

Method 5

A pensioner/senior concession based on the total rates levied against the property, notwithstanding that all or part of the property may have some commercial/farm use.

It is important to note that local governments are not obligated under the Act to provide concessions to persons residing on properties used for income generation. However, if circumstances justify such concessions, section 28(2) offers a means by which the authority may provide assistance.

Consistency in approach is essential to ensure fairness and equitable treatment for pensions and seniors in similar circumstances within the municipality.

COMMENT

The recommendation would be to implement Method 5 which provides a concession based on the total rates levied against the property.

Method 5 simplifies the process and promotes fairness as it considers the total rates paid by the property owner, regardless of whether all or part of the property may have some commercial or farm use. It offers a straightforward and consistent approach to pensioner rebate calculations.

By adopting Method 5, the Shire of Gingin will ensure that all eligible pensioners and seniors with the municipality are treated equally, irrespective of the specific use of their properties. This approach aligns with the principles of fairness and uniformity.

This method also eliminates the need for complex curtilage calculations, streamlining the administration of pensioner/senior rebates processing.

Implementing Method 5 enhances transparency, as the rebate is based on clear and easily verifiable criteria – the total rates levied against the property.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.47 Concessions

Rates and Charges (Rebates and Deferments) Act 1992
s.28 Proportionate interests

POLICY IMPLICATIONS

As there is currently no policy detailed for the Shire of Gingin, a new policy will be developed to assist with the implementation, management, and actioning of the pensioner/senior rebate process based on Council's decision. The new policy will be submitted for review and approval to include in Council's Policy Manual.

BUDGET IMPLICATIONS

The implementation of Method 5, which provides a concession based on the total rates levied against the property, will not directly affect the Shire's budget as all rebates are claimed from the Office of State Revenue.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective	2.7 Accessibility - Ensure that the Shire's infrastructure and services are accessible to seniors and community members with a disability

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Weeks

That:

1. Council agree to adopt Method 5 (concession based on the total rates levied against the property, regardless of whether the property has commercial/farm use) as the process for calculating curtilage for pensioner/senior rebate assessment across the Shire of Gingin, in compliance with section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992*; and
2. Administration prepare a Pensioner/Seniors Concession Curtilage Policy for review and endorsement by Council for inclusion in its Policy Manual.

CARRIED BY ABSOLUTE MAJORITY

8 / 0

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

AGAINST: *Nil*

Councillor Stewart returned to the meeting at 5.11 pm and was advised of Council's decision.

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 APPLICATION FOR SUBDIVISION APPROVAL AT LOT 598 (12) HARPER DRIVE, LEDGE POINT

File	LND/720
Applicant	The Land Division
Location	Lot 598 Harper Drive, Ledge Point
Owner	Coralie Corich
Zoning	Residential 15
WAPC No	598-23
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Item 11.3.1 – 19 September 2006
Appendices	<ol style="list-style-type: none">1. Location Plan - Lot 598 Harper Drive, Ledge Point [13.1.1 - 1 page]2. Aerial Plan - Lot 598 Harper Drive Ledge Point [13.1.2 - 1 page]3. Subdivision Plan - Lot 598 Harper Drive, Ledge Point - Plan [13.1.3 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a subdivision referral from the Western Australian Planning Commission (WAPC) to create two survey strata lots on Lot 598 Harper Drive, Ledge Point.

BACKGROUND

The Western Australian Planning Commission (WAPC) is the responsible authority for subdivision approvals in Western Australia. Subdivision applications are registered by the Department of Planning, Lands and Heritage (DPLH) then referred to relevant State agencies and the local government for comment.

The subject land is 1109.9m² in area and contains two separate and independent dwellings. Proposed Lot 1 is 542m² and proposed Lot 2 is 568m².

Development approval was issued for the existing dwellings (approved as grouped dwellings) at the Ordinary Council Meeting on 19 September 2006.

The application in 2006 was assessed under the provisions of former Town Planning Scheme No. 8 (TPS 8), with the site zoned 'Residential 15' (R15). This zoning afforded a minimum lot size of 580m² and an average lot size of 666m², and as such the property did not qualify for grouped dwellings or subdivision potential.

Clause 5.3.1 of TPS 8 provided discretion to consider an average lot size of 571m² if the land was connected to deep sewer, which it is. The site still did not meet the required land area of 1142m².

The report to Council at the time indicated that the land was forecast to be zoned R12.5/20 under Local Planning Scheme No. 9 (LPS 9). Given the land has deep sewer connectivity, the minimum lot size at an R20 density afforded a minimum lot size of 440m² and an average lot size of 500m² (this has since changed under the current density code to 350m² and 450m² respectively).

Notwithstanding that the development did not satisfy the provisions of TPS 8, Council supported the development on the assumption that the land would be rezoned as R12.5/20 as part of the revised LPS 9 and as such would therefore meet the future lot size requirements. Ultimately, the land was not rezoned as assumed, but remained zoned R15. The land is therefore currently still below the required area threshold (being 1332m²) to subdivide at an R15 density.

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

The subdivision plan is provided (**see appendices**).

It should be noted that the applicant has provided no information supporting the subdivision.

COMMENT

Stakeholder Consultation

Local governments are not responsible for advertising subdivision proposals.

PLANNING FRAMEWORK

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

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.*

‘Clause 4.2. - Residential Design Codes’ of LPS 9 states:

4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

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

The resultant lot sizes do not comply with the minimum and average site area for R15 zoned land as described in the Background section of this report. Given the subdivision does not meet the prescribed lot sizes, the Design Principles of Clause 5.1.1 – Site Area apply as referenced below:

Design Principle	Officer Comments
<p><i>P1.2</i></p> <p><i>The WAPC may approve the creation of a lot, survey strata lot or strata lot of a lesser minimum and/or average site area than that specified in Table 1, and the WAPC in consultation with the local government may approve the creation of a survey strata lot or strata lot for a single house or a grouped dwelling of a lesser minimum site area than that specified in Table 1 provided that the proposed variation would be no more than five per cent less in area than that specified in Table 1; and</i></p>	<p>The variation sought is 16%. The proposed subdivision does not therefore fulfil this design principle.</p>

<ul style="list-style-type: none"> • <i>facilitate the protection of an environmental or heritage feature;</i> • <i>facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention;</i> • <i>facilitate the development of lots with separate and sufficient frontage to more than one public street;</i> • <i>overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature;</i> • <i>allow land to be developed with housing of the same type and form as land in the vicinity and which would not otherwise be able to be developed; or</i> • <i>achieve specific objectives of the local planning framework.</i> 	
<p>P1.3</p> <p><i>The WAPC, in consultation with the local government, may approve the creation of a survey strata lot or strata lot for an existing authorised grouped dwelling or multiple dwelling development of a lesser minimum and average site area than that specified in Table 1, where, in the opinion of the WAPC or the local government, the development on the resulting survey strata or strata lots is consistent with the objectives of the relevant design elements of the R-Codes, and the orderly and proper planning of the locality.</i></p>	<p>The existing grouped dwelling has been approved, notwithstanding the inconsistency with the previous and current planning framework.</p> <p>The resulting lot sizes are of little consequence given the dwellings currently exist. Land capability is therefore not a significant issue. There is no utility in refusing the development, as it does not achieve any sort of deterrence or prevention of similar proposals being lodged, as the existing situation has been created by a historical error.</p>

The officer is of the view that the proposal meets relevant design principle (P1.3) of the R-Codes

Operational Policy 1.1 Subdivision of Land – General Principles (OP 1.1)

This policy sets out the general principles that are used by the WAPC in determining applications for the subdivision of land. The below objectives are viewed as being relevant to the proposed subdivision:

- *To ensure that the subdivision of land is consistent with: State Planning Policy No. 1 and State Planning Framework (SPP No. 1), relevant WAPC policies and plans and the provisions of the relevant local planning scheme.*
- *To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.*

Section 3.7 – Lawful Development states:

3.7.1 Local planning schemes usually incorporate standards governing the development of lots, most commonly through minimum lot size for different land uses. Also relevant are minimum frontage requirements, the need to meet setback requirements, and compliance with open space provisions. In areas not subject to an operational scheme, similar requirements may be contained in local laws made under the Local Government Act 1995. For residential development, State Planning Policy 7.3 Residential Design Codes – V1 provides guidance on the minimum and average lot sizes of which the WAPC will have due regard.

3.7.2 Lots that cannot be developed in accordance with relevant statutory requirements will not be approved. The WAPC will also ensure that, by creating a new lot, it does not render an existing lot or development upon that lot illegal in terms of statutory requirements. Such matters may include lot sizes, parking, setbacks or the provision of services.

In this instance, the existing lot sizes are insufficient and do not accord with the applicable density coding. The land area is 1109.9m² (1110m²) in lieu of the required 1332m². This is a shortfall of 222m² which represents a 16% variation. The property doesn't qualify for any variations, which would be limited to 5% in any event.

There is a strong basis to argue that the proposed subdivision does not satisfy OP 1.1.

Summary

Considering that the proposed lot already contains dwellings, creation of lots will not alter the on-ground reality of the development. On this basis, support for the development is unlikely to set an undesirable precedent. It is further noted that Design Principle P1.3 affords the WAPC and the local authority discretion to approve shortfalls in circumstances such as this.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Operational Policy 1.1 Subdivision of Land – General Principles

State Planning Policy 7.3 – Residential Design Codes

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

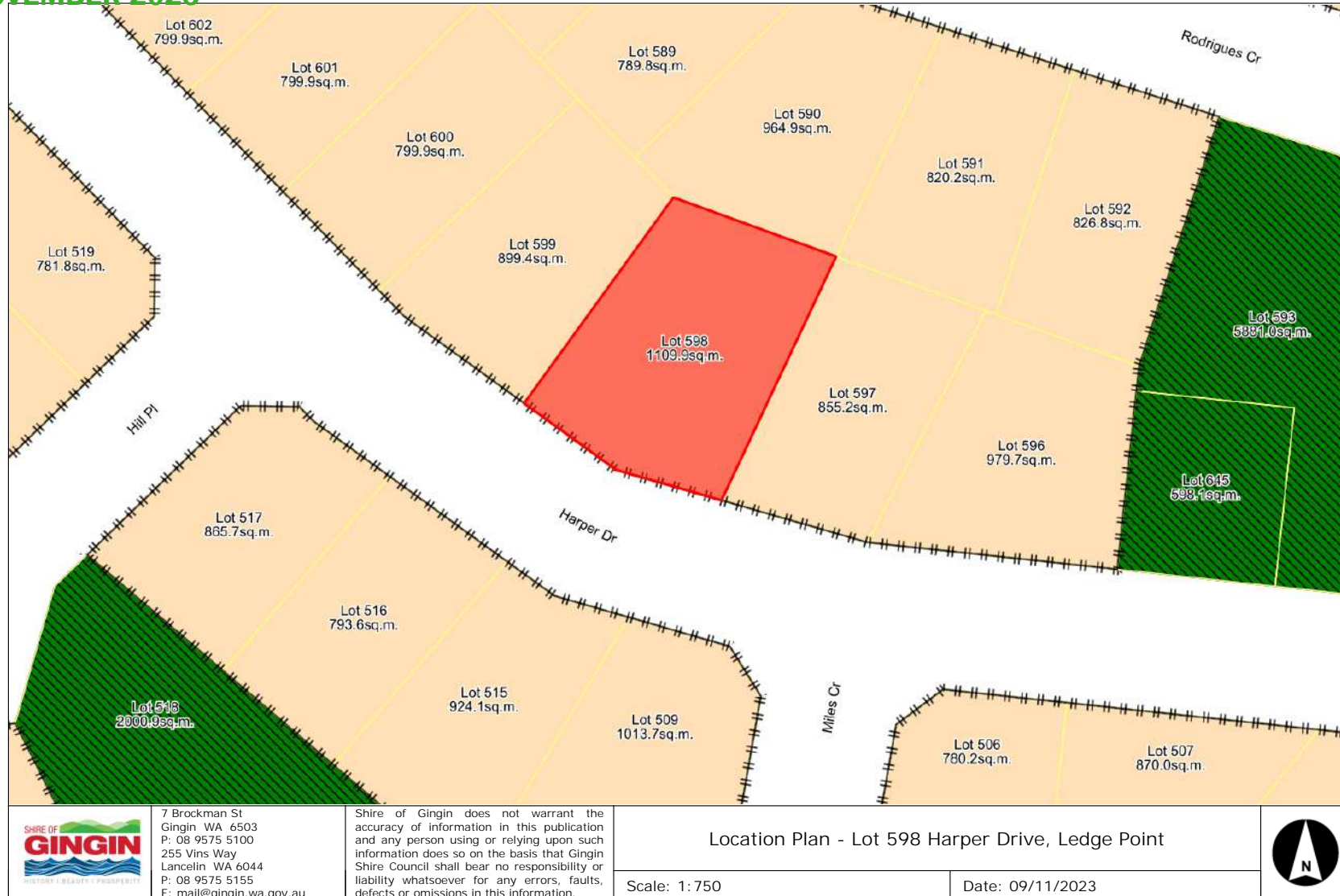
SECONDED: Councillor Balcombe

That Council advise the Western Australian Planning Commission that the proposed two lot survey strata subdivision of Lot 598 Harper Drive, Ledge Point is unconditionally supported.

CARRIED UNANIMOUSLY
9 / 0

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

AGAINST: *Nil*







13.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED DECK ON LOT 136 (4) ROBINSON STREET, GINGIN (GINGIN BOWLING CLUB)

File	BLD/6932
Applicant	Gingin Bowling Club – Steve Beckwith
Location	Lot 136 (4) Robinson Street, Gingin – Reserve 25847
Owner	Shire of Gingin
Zoning	Parks and Recreation
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Plan - Lot 136 (4) Robinson Street, Gingin [13.2.1 - 1 page] 2. Aerial Plan - Lot 136 (4) Robinson Street, Gingin [13.2.2 - 1 page] 3. Decking Plan 1 [13.2.3 - 1 page] 4. GINGIN BOWLING CLUB [13.2.4 - 3 pages]

DISCLOSURES OF INTEREST

Councillor Balcombe (Deputy President) disclosed an impartiality interest in Item 13.2 as she is an employee of the Bendigo Bank who are co funders of this item.

Councillor Kestel disclosed an impartiality interest in Item 13.2 as Bendigo Bank have granted money toward this project of which he is a director.

PURPOSE

To consider an Application for Development Approval for decking on Lot 136 (4) Robinson Street, Gingin (Reserve 25847).

BACKGROUND

The subject land is 6639m² in area and accommodates the Gingin Bowling Club. The Bowling Club aims to increase membership and building use, and to improve the experience at the facility for members and guests.

On 22 February 2023 the Gingin Bowling Club completed a concept enquiry to install decking overlooking both bowling greens with the following information provided in support of their proposal:

With a goal to increase membership, increase building use, and improve members' and guests' experience at the Gingin Bowling Club, we would like to extend the Bowling Club building with an Alfresco decking area flowing out from the bar area. This decking area will overlook both A and B greens and will open up from the existing Bar area.

The club sees this as an exciting opportunity to upgrade the building and significantly increase the potential use of the Shire owned asset. This decking will increase the social opportunities for community groups and events that can be enjoyed both inside and outside. The view outlook towards the Eastern hills from Gingin is very inviting and would create a nice setting for sundowners and such social and networking events.

The venue would therefore be a more attractive option for functions such as birthday parties, business events, Christmas events, Friday night social events, as well as being an inviting option to view both bowling greens during bowling events.

With this improvement, we believe we can attract and grow a larger membership base and attract many more guests to the club. The Gingin community is growing with the increase in new houses with the new sub divisions and the club would like to welcome this growing population.

The project has the opportunity to significantly increase the use of the building for 3rd party functions. At present the building's use for this is quite limited, but with this added attraction, promoting the building with the new function area would prove very popular.

We see this as a great opportunity to increase the membership base and continue to grow the connections and social interactions of members and guests.

Maintenance of the floor decking, which involves oiling, would be carried out by the Gingin Bowling Club annually and ongoing. Any painting and ongoing maintenance would be covered by the Gingin Bowling Club and this work would fall under the House and Grounds Committee.

The Executive Management Team (EMT) considered and supported the project subject to all relevant approvals being obtained.

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

The applicant's proposal is provided (see appendices).

COMMENT

Stakeholder Consultation

No community consultation has been undertaken by the Planning Department.

PLANNING FRAMEWORK

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

The subject land is zoned 'Local Reserve' (Parks and Recreation) under LPS 9.

The use and development of local reserves is controlled under Part 2 of the Scheme which states:

2.5 Use and Development of Local Reserves

2.5.1. A person must not -

- a) use a Local Reserve; or*
- b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.*

2.5.2. In determining an application for development approval the local government is to have due regard to

- a) the matters set out in clause 67 of the deemed provisions; and*
- b) the ultimate purpose intended for the Reserve.*

2.5.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

LPS 9 does not prescribe any objectives for the 'Parks and Recreation' reserve, and therefore it is appropriate to consider the objectives prescribed to the reserve type in the model provisions (*Planning and Development (Local Planning Schemes) Regulations 2015*). The model provisions do not explicitly reference 'Parks and Recreation' as a reserve, but do outline the following respective objectives for 'Recreational' reserves:

- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.*
- *Public Purposes which specifically provide for a range of public recreational facilities.*

The proposed addition is viewed as being consistent with the objectives of the reserve purpose by enhancing a recreational facility.

Summary

In view of the above assessment, the officer supports the development subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Any budget implications will be considered as a separate Council Item (if required).

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Peczka

That Council grant Development Approval for decking on Lot 136 (4) Robinson Street, Gingin (Reserve 25847), 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.

ADVICE NOTES:

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

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

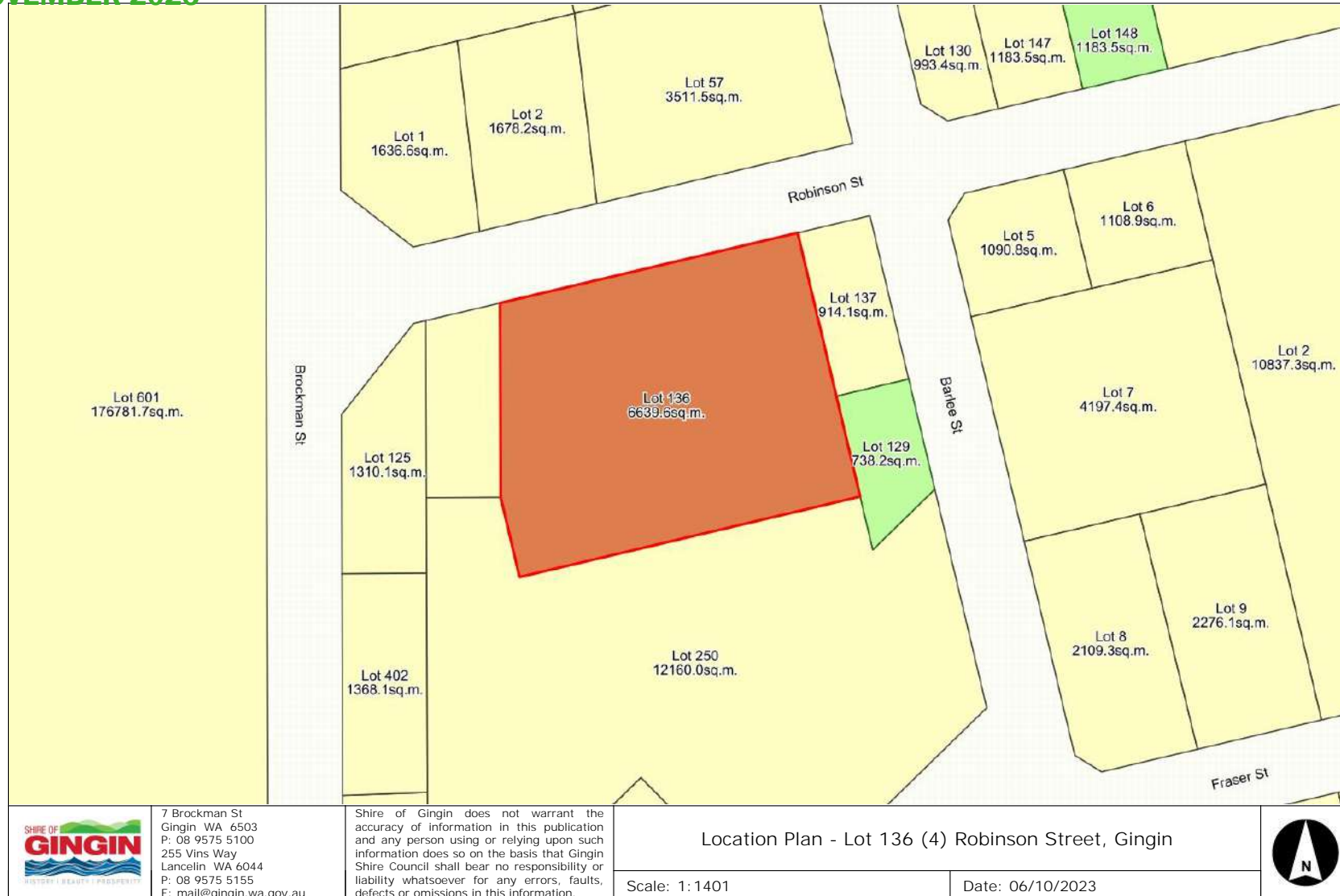
Note 3: Where an approval has so lapsed, no development must be carried out without further approval of the local government having first been sought and obtained.

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

CARRIED UNANIMOUSLY
9 / 0

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

AGAINST: *Nil*

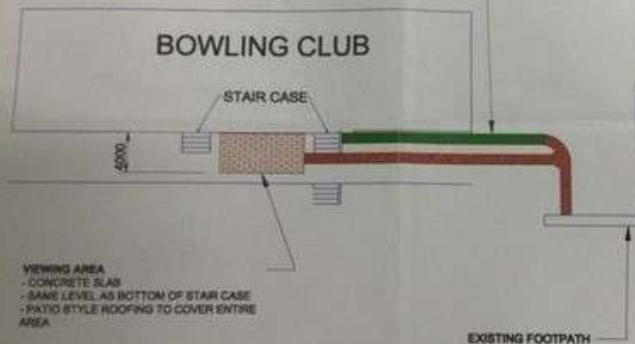


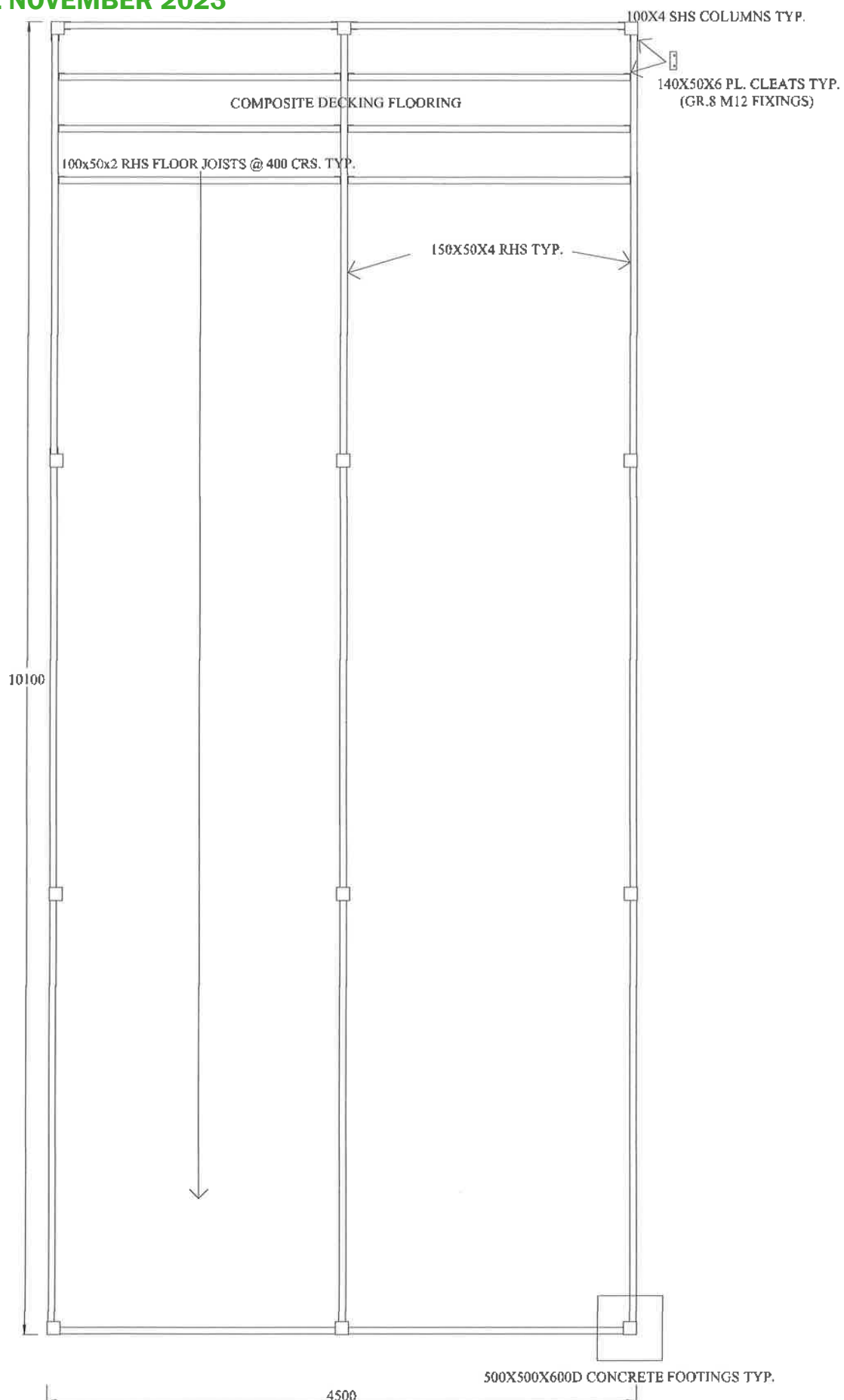


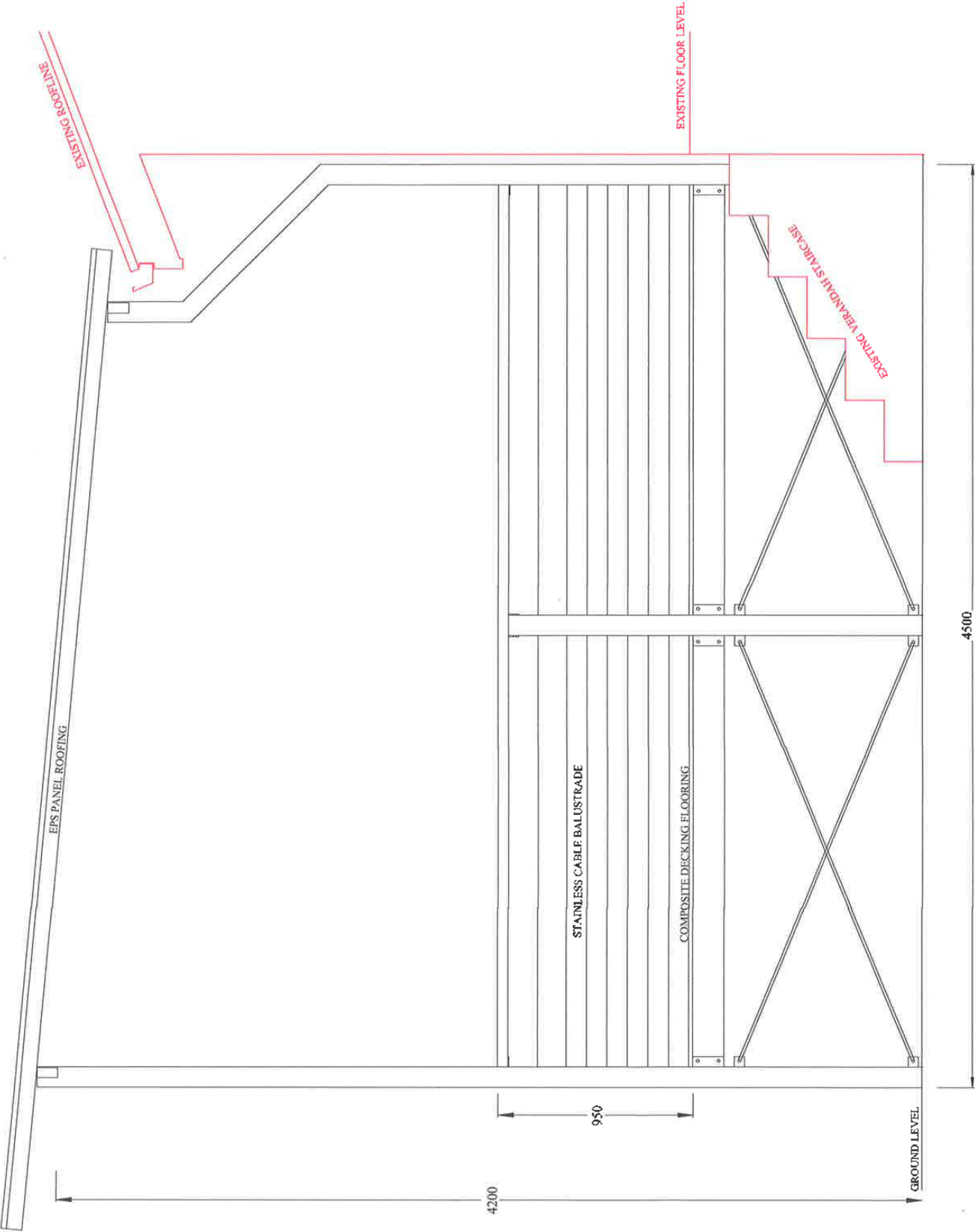
MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

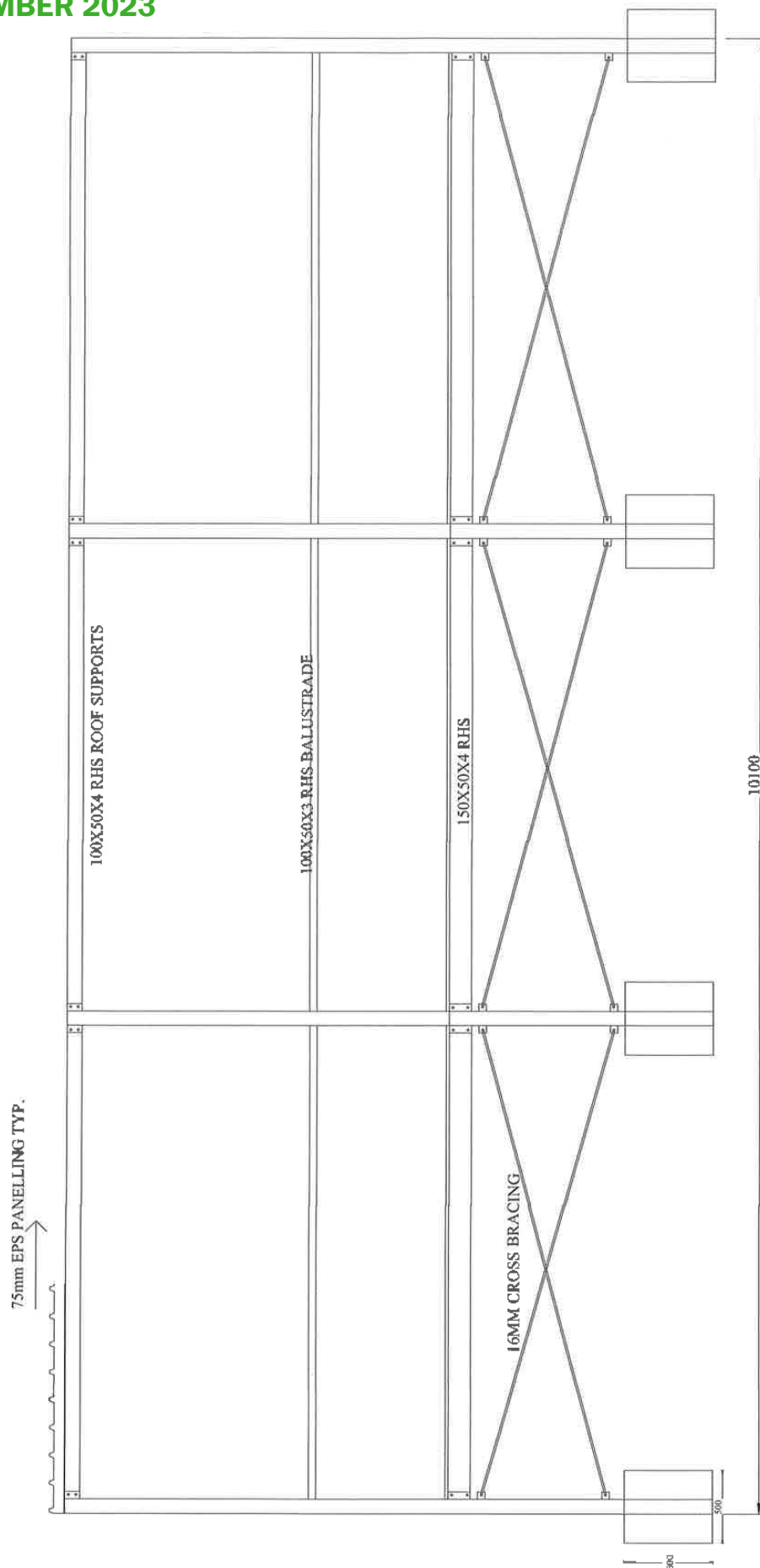
APPENDIX 13.2.3

ACCESS RAMP & CONCRETE FOOTPATH
 - NEW RAMP TO BE BUILT TO THE NEW AND EXISTING FOOTPATHS
 - ALL REQUIRED HAND RAILING, LANDINGS AND TACTILES
 - NEED TO EDIT THE CURRENT VERANDA HANDRAIL TO ALLOW ACCESS TO RAMP
 - FOOTPATH EXTENDS FROM END OF RAMP TO EXISTING FOOTPATH AND NEW VIEWING AREA









13.3 APPLICATION FOR DEVELOPMENT APPROVAL - USE NOT LISTED - SHORT STAY (CAMPING FACILITY) ON LOT 1001 (51) BOOBABBIE ROAD, GUILDERTON

File	BLD/3018
Applicant	Dynamic Planning and Developments
Location	Lot 1001 (51) Boobabbie Road, Caraban
Owner	Greg Murray
Zoning	General Rural
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Aerial Plan [13.3.1 - 1 page] 2. Location Plan [13.3.2 - 1 page] 3. Planning Report [13.3.3 - 19 pages] 4. Operation Management Plan [13.3.4 - 7 pages] 5. Development Plans [13.3.5 - 1 page] 6. Aerial overlay of camp sites [13.3.6 - 1 page] 7. Schedule of Submissions [13.3.7 - 6 pages]

Councillor Woods left the meeting at 5.25 pm.

The Governance Support Officer left the meeting at 5.28 pm.

DISCLOSURES OF INTEREST

Councillor Stewart disclosed an impartiality interest in Item 13.3 as he has an association with the applicant and has previously enquired to the Shire of Gingin about developing nature-based camping.

PURPOSE

To consider an Application for Development Approval for a Use Not Listed – Short Stay (Camping Facility – Nature Based Park) on Lot 1001 (51) Boobabbie Road, Caraban.

BACKGROUND

The proposed development seeks approval for a ‘Camping Facility – Nature Based Park’ to provide a short stay tourism facility which maximises the natural setting and relies upon the patrons being self-sufficient.

The subject property is 343 hectares (ha) in area and is located on the corner of Guilderton Road and Indian Ocean Drive. The western portion of the property is cleared with a large expanse of native vegetation located along the eastern portion of the subject property that intersects the Moore River.

The site contains an extractive industry located on the south-western portion of the lot.

The proposal is summarised as follows:

- The development will only be in operation between 1 March – 30 November. This avoids summer months so as to reduce bushfire risk.
- The overall facility comprises of four (4) individual camping sites separated by approximately 156m to 635m between sites, along a 1.7km section of the Moore River frontage.
- There will be generally no more than 4 persons per site for a maximum of 16 persons on the site at any one time.
- The typical duration of the stay will be between 1 – 2 days with the operator enforcing a 'pack it out policy'.
- Minimal facilities are provided to campers, with no effluent disposal facilities, water supply point or power source provided.
- The area is serviced via a phone tower ensuring connection is available.
- The 'pack it out policy' requires campers to capture and remove litter and effluent in self-contained systems, leaving only their footprints.
- The southern-most point of the facility will serve as a muster point with a 10,000L water tank for firefighting purposes.
- Access to each of the camping sites is provided via an access loop that will provide emergency access via Indian Ocean Drive and primary access via Guilderton Road.

Approval Regimes

The Shire is aware of a growing number of small-scale caravan parks/camping grounds that are operating without having first obtained the required approvals.

Two forms of approval are necessary in all cases:

- Development approval issued under Local Planning Scheme No. 9 (LPS 9); and
- Licensing issued under section 6(1) of the *Caravan Parks and Camping Grounds Act 1995* (CPCGA).

Therefore, the facility will be subject to an assessment and license issued under the *Caravan Parks and Camping Grounds Regulations 1997* (CPCGR).

This report relates to development approval under the planning framework, which is the first approval required to be obtained prior to operating. While there is some duplication between planning and licensing considerations, this report focuses on the planning framework and does not explicitly address the CPCGR considerations.

A planning approval should not be misconstrued as permission to undertake the approved development in a manner inconsistent with a subsequent CPCGR license.

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

The applicant's proposal is provided (**see appendices**) and comprises of the following:

- Planning Report;
- Operational Management Plan;
- Development Plans; and
- Aerial overlay of camp sites.

COMMENT

Stakeholder Consultation

The application was advertised to the following State agencies for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015*:

- Department of Water and Environmental Regulation (DWER);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Fire and Emergency Services (DFES);
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Local Government, Sport and Cultural Industries (DLGSCI);
- Department of Health (DoH);
- Department of Mines, Industry Regulation and Safety (DMIRS);
- Department of Planning, Lands and Heritage (DPLH);
- Aboriginal Heritage Council – DPLH; and
- Tourism Western Australia.

Notably, the land intersects with the following Aboriginal Cultural Heritage Places:

- ID 20749 (Moore River Waggy);
- ID 21616 (Boonanarring Brook);
- ID 21617 (Wallerang Brook);
- ID 20008 (Gingin Brook Waggy);
- ID 20650 (Lennard Brook);
- ID 21619 (Breera Brook);
- ID 21618 (Nullilla Brook); and
- ID 21620 (Chandala Brook).

Therefore, approvals under the *Aboriginal Cultural Heritage Act 2021* (ACH Act) may be required prior to the commencement of any ground disturbing works.

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

PLANNING FRAMEWORK

Local Planning Policy 3.1 – Tourist Development in Rural Areas (LPP 3.1)

Typically, a planning assessment firstly considers LPS 9. However in this instance it is considered prudent to assess the development under LPP 3.1 as the proposal will either require a scheme amendment to proceed, or the exercise of Council's discretion to consider via a development application.

The intent of LPP 3.1 is to provide for a range of low impact accommodation and other low impact tourist related uses in the rural areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the locality.

The objective of LPP 3.1 is stated below:

To provide guidelines for the development of tourist facilities in General Rural areas to strengthen the economic base while enhancing the rural character of the area.

The policy separates tourist developments into two categories as outlined below:

- (a) *High impact proposals involving significant capital investment or having the potential to conflict with surrounding land uses;*
- (b) *Low impact proposals not involving significant capital investment and unlikely to conflict with adjoining land uses.*

Sections 3.2 and 3.3 respectively state:

High impact proposals will require the site to be included in the Tourism zone or listed as an additional use site for that purpose.

Low impact proposals, which may include proposals such as chalets or boarding houses with accommodation for less than 10 persons or small service establishments may be permitted in the General Rural zone at Council's discretion.

LPP 3.1 therefore outlines that larger scale developments and land uses will not be approved under this policy and will require an amendment to LPS 9.

The proposal outlines that there will be generally no more than four (4) persons per site, meaning a maximum of 16 persons on the site at any one time over four camp sites. The proposal will therefore have 6 additional patrons beyond that contemplated under LPP 3.1. The officer is of the view that a variation of 6 persons will largely have a negligible impact on surrounding properties or the locality.

The development is viewed as being 'low impact' and consistent with the objective of the policy and thus capable of consideration via a development application as opposed to a scheme amendment.

Local Planning Scheme No. 9 (LPS 9)

The subject property 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.*

Officer comment:

The proposed development is generally consistent with the above objectives, however it does depend on the scale and intensity of the proposal. As outlined above, this is viewed as being low impact and is anticipated to maintain the rural character of the area.

It is not anticipated that the proposal will impact upon the rural uses operating on the site or introduce a sensitive use into an area that is likely to accommodate agricultural pursuits in the future due to the environmental constraints.

The drawback of 'nature based' accommodation is the environmental qualities of the setting. Introducing tourists into areas of high natural amenity does put environmental attributes at risk from being degraded unless carefully managed.

In this instance, the officer is of the view that the objectives of the zone are generally satisfied.

Use Class

The proposed development does not comfortably fit within an existing use class under LPS 9 and is therefore assessed as a 'use not listed'. However, to give context to this conclusion the various potential use classes and relevant terms have been referenced below.

The use class 'Caravan Park' is defined under LPS 9 as follows:

has the same meaning as in the Caravan Parks and Camping Grounds Act 1995;

The term 'Caravan Park' is defined under the *Caravan Parks and Camping Grounds Act 1995* as follows:

***caravan park** means an area of land on which caravans, or caravans and **camp**s, are situated for habitation.*

Caravan Park is an X – prohibited use under LPS 9. Note 4 of Clause 3.3.3 states:

The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the scheme.

The CPCGA defines the relevant terms as follows:

***caravan** means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe.*

***camp** means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances.*

***camping ground** means an area of land on which **camp**s, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition.*

***facility** means a caravan park or camping ground.*

***nature based park** means a **facility** in an area that -*

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 m for a distance of 500 m or more; and*
- (b) has been predominantly formed by nature; and*
- (c) has limited or controlled artificial light and noise intrusion;*

Officer Comment:

In the present case, the proposal does not provide for caravans to occupy the sites. If it did, the development would be prohibited and would have to be refused. Accordingly, the proposed use would not constitute a “caravan park” as defined.

Given the wording of the definitions, an area of land on which only camps are situated would constitute a “camping ground” as defined in the CPCGR as it is an area of land on which camps, but not caravans, are situated for habitation.

Additionally, it would constitute a ‘nature based park’ as defined in the CPCGR, which in effect is a camping ground that meets the additional definitional criteria of a ‘nature based park’. As neither of the above terms are defined in LPS 9, the proposal would constitute a ‘use not listed’.

The proposed use does fall within the definition of “short stay”, which is defined under LPS 9 as:

*tourist accommodation facilities (including...caravan and **camping facilities**...or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period.*

Nonetheless, whilst “short stay” is a defined land use it is not a use class under the zoning table. Therefore, the proposal would still be classified as a ‘use not listed’.

Clause 3.4.2 outlines the process for dealing with land uses that are not listed in the zoning table as provided below:

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

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

The officer is of the view that the use may be consistent with the objectives of the zone and as such appropriate advertising was undertaken in accordance with clause 3.4.2 (b) referenced above.

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 matters are considered to be relevant to the proposal.

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (m) the compatibility of the development with its setting, including -
 - (i) the compatibility of the development with the desired future character of its setting;**
- (n) the amenity of the locality including the following -
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;**
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (s) the adequacy of -
 - (i) The proposed means of access to and egress from the site; and*
 - (ii) Arrangements for the loading, unloading, manoeuvring and parking of vehicles;**
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (y) any submissions received on the application;*
- (za) the comments or submissions received from any authority consulted under clause 66;*

The following matters have been identified as key considerations, which subsequently address the suite of applicable considerations listed above.

Separation Buffer

A separation distance relates to the shortest distance between the boundary of the area that may potentially be used by the development, and the boundary of the area of the sensitive land use. Separation distances are intended to avoid conflicts between incompatible land uses.

The subject land contains an extractive industry, located ~850m south-west of the nearest camp site. The proposed development constitutes a 'sensitive land use' which is defined as follows:

*Land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, **short-stay accommodation**, schools, hospitals and childcare centres. Generally, excludes commercial or industrial premises.*

Given the size of the property and the favourable topographical and environmental features (being large tracts of native vegetation separating the developments), the camp sites and the existing extractive industry are unlikely to adversely impact the respective operations. There is a potential conflict related to tourists accessing the camping area should adequate directional signage not be provided, however this can be captured via a condition of approval.

Environmental Considerations

Draft State Planning Policy 2.9 – Planning for Water (SPP 2.9) was prepared in August 2021 and has undergone an advertising period which concluded on 15 November 2021. This policy consolidates the current water-related policy framework and will supersede the current version of SPP2.9 once gazetted.

The relevant policy outcomes from section 6 of draft SPP2.9 are as follows:

6.1 Planning and development maintains or enhances water quality and hydrological regimes to protect public health and support healthy ecosystems through the:

iii. appropriate siting and management of land uses;

The policy measures of draft SPP2.9 contained within section 7.2 state that proposals should:

- i) minimise export of nutrient and non-nutrient contaminants entering water resources.*
- l) demonstrate that infrastructure and site management practices are in place to manage contaminants, particularly within sensitive water resource areas and public drinking water source areas.*

The development sites are located in a sewage sensitive area due to proximity to the Moore River. The proposal provides a management plan to ensure that operational practices are in place to protect the environment from adverse impacts.

The Operational Management Plan (OMP) states:

'Pack it out policy' requires campers to capture and remove litter and effluent in self contained systems, so as to 'leave only their footprint' meaning campers must not dispose of litter or effluent on site due to the proximity to Moore River and impact on the local rural and natural amenity.

The above infers that campers must be entirely self-contained, however it does not explicitly state how patrons of each site must demonstrate to the manager that a chemical toilet is present on arrival. The OMP should be revised to expressly outline how self-containment will be demonstrated and enforced.

In view of the above, management practices can be refined to satisfy the above provisions of SPP 2.9.

Local Planning Policy No. 1.4 – Foreshore Reserves along Water Course (LPP 1.4)

The policy objective of LPP 1.4 is:

To protect the margins and foreshores of water courses from future development.

Policy Statement 3.1 requires that:

the building line for all development adjacent to a water course shall be 50 metres measured from the top of the bank of the water course.

The proposal does not include a building, however the camp sites are greater than 50m from the top of the Moore River bank.

Bushfire Considerations

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The development area is mapped as being bushfire prone. A key objective of SPP 3.7 is to:

*Avoid any increase in the threat of bushfire to people, property and infrastructure.
The preservation of life and the management of bushfire impact are paramount.*

The officer considers the development to be a 'vulnerable use' which is defined under the Guidelines as:

tourism or recreational land uses which involve visitors who are unfamiliar with the surroundings and/or where they present evacuation challenges.

Section 5.2.2 - Vulnerable Tourism Land Uses states:

The preparation of a BMP to demonstrate compliance with the acceptable solutions in Element 5 and an emergency evacuation plan should be undertaken.

Protection of life is the priority for tourism land uses. The protection of structures associated with the development, is at the discretion of the landowner/ developer.

Where a landowner/developer makes the economic decision that some or all of the built structures is a tolerable risk/loss, then this should be clearly documented. If not, then an APZ should be provided to minimise likelihood of loss of these structures during a bushfire event. This should be clearly detailed within the BMP.

Different tourism land uses demonstrate different characteristics and may require different levels of risk management. Reasons for setting bushfire acceptable solutions specific to the type of tourism land use include, but are not limited to:

- *whether the operation will occur during bushfire season or not;*

Section 5.5.2.3 - Remote Camping Grounds and Nature Based Parks states:

Nature-based parks are low cost, small-scale tourism uses, with the key aim of having minimal or no impact on the environment.

The BMP and the emergency evacuation plan (EEP) should identify risks and propose bushfire management measures to reduce risk. This could include improvements to vehicular access, signage and options for on-site and off-site shelter.

The applicant's proposal confirms that the proposed development will only operate between March – November to ensure that tourists are not present during the period of highest bushfire risk.

The proposed Operational Management Plan (OMP) sets out the role of the onsite fire warden and emergency response procedures. The OMP also indicates that the camp sites would adhere to declared fire bans, vehicle movement bans and burning restrictions and ensure compliance with the Shire's Bushfire Notice. The camp manager would then be responsible for overseeing compliance with these requirements.

The camp sites are positioned in existing, isolated clearings to provide a balance between proximity to the natural setting and avoiding bushfire prone vegetation.

The proposed development indicates that there is two-way access and egress available from Guilderton Road, with emergency access options to Indian Ocean Drive (only if required).

Any forthcoming approval will require installation of a dedicated firefighting water tank located in the lower-threat muster point area directly accessible from the driveway. The officer is of the view that an onsite light tanker should be available to respond to a bushfire to avoid a threat escalating while emergency service vehicles are enroute.

It should be noted that the proponent seeks the security of obtaining an approval prior to commissioning a BMP and BEEP. While the officer notes that this is not the preferred approach for planning assessments, given the use class has not been considered previously by Council, there is little certainty for the proponent that a development approval would be forthcoming even if a BMP/BEEP was provided.

In consideration of the above, the officer is satisfied that preparation of a BMP/BEEP can satisfy SPP3.7, noting the camp sites and limited infrastructure are a tolerable loss. On that basis, conditions have been recommended to capture the above.

Effluent Disposal

Noting that the landowner is not proposing to install any new effluent disposal systems, the OMP states the following:

Located directly north of the subject site is the Moore River Rest Area. The Moore River Rest Area is located 50 meters West of the bridge over the Moore River on Indian Ocean Drive, entrance is on the North side of the road, dump point is on your left as you enter the rest area near the toilet block with non-potable water available.

The officer does not agree that public infrastructure, such as that located at the Moore River rest area, should service an independent commercial development as this area is maintained at the public expense. Furthermore, the officer understands that the Moore River rest area has a finite lifespan, and the infrastructure is likely to be decommissioned by Main Road Western Australia in the medium term.

The officer further notes that the CPCCGR indicates that in the event toilets are not provided, a communal chemical dump point is an alternative option. The subject property should be self-sufficient in this regard.

On that basis, the officer is of the view that the development should be serviced by a communal chemical dump point, most likely at the muster point and water tank. It is suggested that any approval be conditioned accordingly.

Condition Overview

Operating procedures and management plans are secured via a condition of approval, to ensure that ongoing management and operational commitments are able to be administered and enforced if required.

Rather than imposing multiple conditions requiring the submission of individual management plans addressing various matters to the Shire for approval, the preferred approach is for a single OMP to incorporate all relevant operational aspects. The proposal includes an OMP, however the officer is of the view that this should be revised to include and expand upon the following:

- Operating Strategy;
- Operating hours and months;
- Guest list register;
- Waste/litter management;
- Potable water comments (refer to Department of Health comments);
- Dump point/chemical toilet checks;
- Fire pit usage;
- Noise management (i.e., code of conduct to prevent parties etc);
- Traffic Statement (including access from Guilderton Road, access track seal).

Furthermore, an approval should require submission of a BMP and BEEP.

Summary

In view of the above, the officer supports the development subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Caravan Parks and Camping Grounds Regulations 1997 (CPCGR).

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Local Planning Policy No. 1.4 - Foreshore Reserves along Water Courses

Local Planning Policy 3.1 - Tourist Development in Rural Areas

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

State Planning Policy 2.9 - Planning for Water

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

Councillor Woods returned to the meeting at 5.30 pm.

The Governance Support Officer returned to the meeting at 5.32 pm.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Peczka

That Council grant Development Approval for a Use Not Listed – Short Stay (Camping Facility – Nature Based Park) on Lot 1001 (51) Boobabbie Road, Caraban subject to the following conditions:

1. The approved development plans, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued, unless conditioned otherwise.
2. The development plans, including accompanying documentation (Planning Report and Operational Management Plan – version 6) prepared by Dynamic Planning and Developments, together with any requirements and annotations detailed thereon, are the plans and documents approved as part of this application and shall form part of the development approval issued;
3. This approval is granted for a limited period of 8 years and shall expire on 21 February 2031;
4. This approval is granted for use of the property as a Camping Facility – Short Stay (Camping Facility - Nature Based Park) only. Caravans are prohibited from using the facility.

5. Prior to the commencement of site works, a revised Operational Management Plan shall be submitted to and approved by the Shire of Gingin, that at a minimum includes the following:
 - Operating Strategy;
 - Operating hours and months;
 - Guest list register;
 - Waste/litter management;
 - Dump point/chemical toilet checks;
 - Fire pit usage;
 - Noise Management (i.e., code of conduct to prevent parties etc); and
 - Traffic Statement (including access from Guilderton Road, access track seal).
6. The approved Operational Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.
7. Prior to the commencement of site works, a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) shall be submitted to and approved by the Shire of Gingin, on advice from the Department of Fire and Emergency Services (if required).
8. The approved BMP and BEEP are to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.
9. Prior to the commencement of the approved 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 within a bushfire prone area and is subject to a Bushfire Management Plan and Bushfire Emergency Evacuation Plan (BEEP). Additional planning and building requirements may apply to development on this land.
10. Access onto Indian Ocean Drive is prohibited, unless necessary in an emergency;
11. This approved use is only permitted to cater for up to a maximum of 16 patrons at any one time.
12. The approved operating months are between 1 March – 30 November annually. The development is prohibited from operating between December – February;

13. Prior to the commencement of the approved use, the landowner shall demonstrate to the Shire of Gingin that an approved communal chemical dump point has been installed and is operational;
14. The operator is required to keep legible and up to date records of guest bookings, patron numbers and length of stay. A copy of such records is to be provided to the Shire of Gingin within 14 days upon written request;
15. Prior to occupation of the development, the landowner/applicant is to demonstrate to the Shire of Gingin that adequate internal directional signage is provided to guide patrons from the property entry to the communal location and camping site.

ADVICE NOTES:

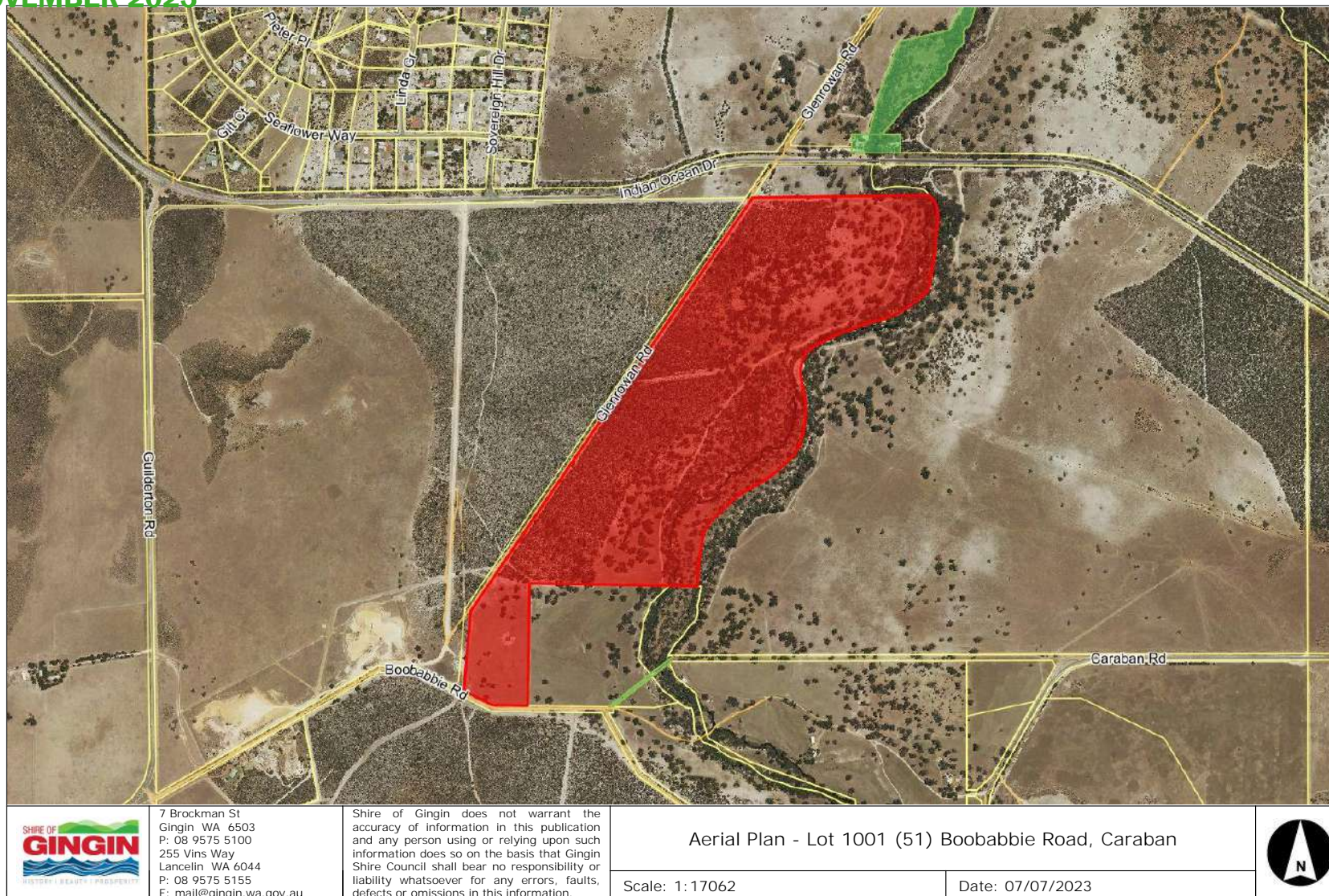
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*;
- Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained;
- Note 3: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*;
- Note 4: The development is to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2004*;
- Note 5: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property;
- Note 6: Please be advised that you will be required to obtain a license issued under the *Caravan Parks and Camping Grounds Regulations 1997*. This approval should not be misconstrued as approval to operate without having obtained all relevant approvals;
- Note 7: Please be advised that you may be required to obtain approval under the *Aboriginal Heritage Act 1972*. Please liaise with the Aboriginal Heritage Council (DPLH);
- Note 8: The proposal at all times is to comply with the definition of 'Short Stay Accommodation' as defined by Local Planning Scheme No. 9 which defines short stay as:

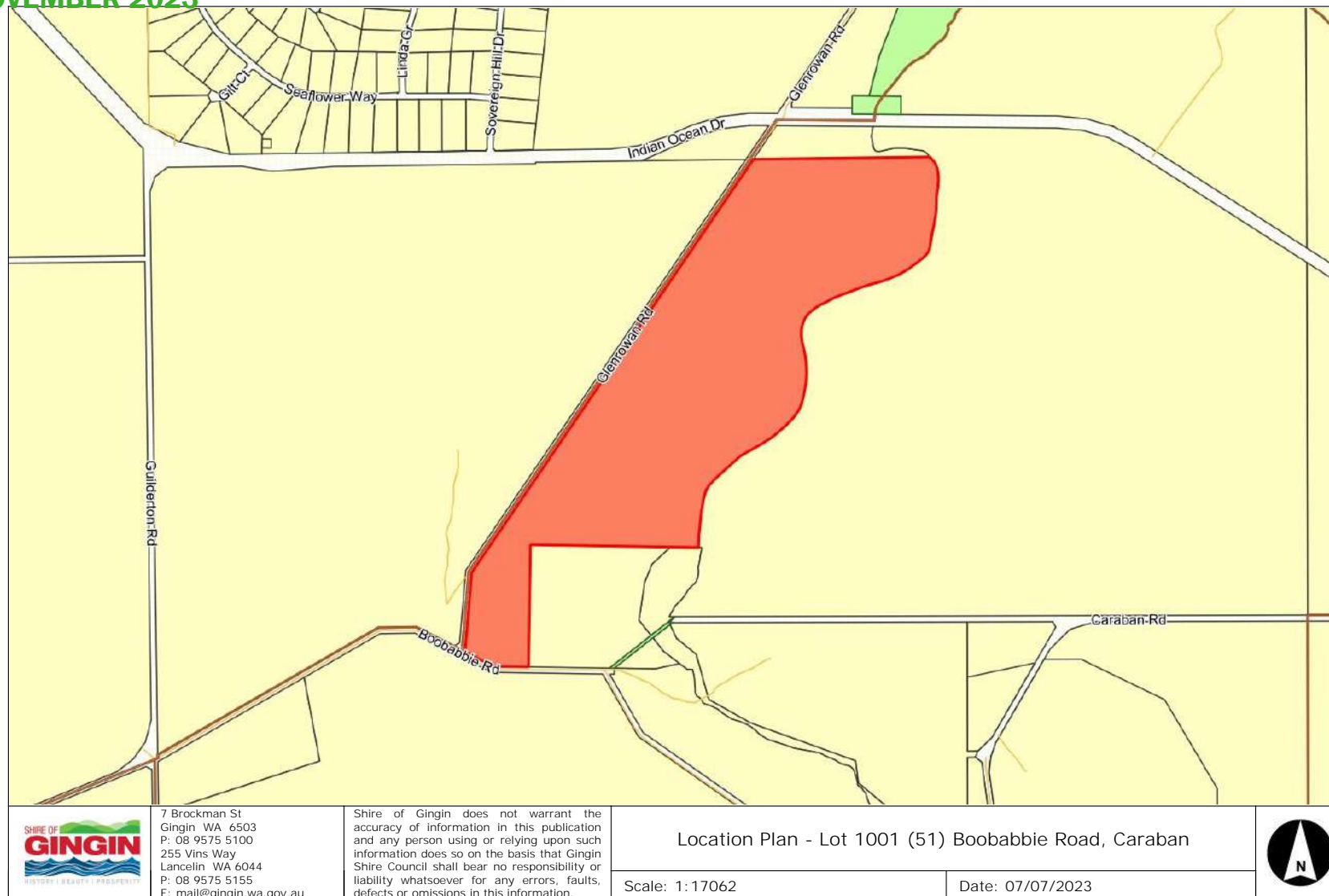
'means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12 month period'.

**CARRIED
8 / 1**

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

AGAINST: *Councillor Sorensen*





NATURE BASED PARK – DEVELOPMENT APPLICATION

LOT 1001 (NO. 51) BOOBABBIE ROAD, CARABAN



PROJECT REF: 1477

MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

APPENDIX 13.3.3

Prepared for

Moore Sands Resources Pty Ltd
PO Box 2094
Clarkson WA 6030

History and Status of this Document

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LOT 1001 (NO. 51) BOOBABBIE ROAD, CARABAN



Table of Contents

1.0 Introduction	4
2.0 Site Details.....	5
2.1 Legal Description.....	5
2.2 Locational and Land Use Context	5
2.2.1 Regional and Local Context	5
3.0 Planning Framework	7
3.1 Metropolitan Region Scheme (MRS)	7
3.2 Shire of Gingin Local Planning Scheme No. 9 (LPS No. 9)	7
3.2.1 Zoning.....	7
3.2.2 Land Use Permissibility.....	7
4.0 Proposal Details	8
4.1 Development Details	8
5.1 Land Use Permissibility	9
5.2 Development Requirements.....	10
5.2.1 Local Planning Policy Statement No – 3.1 Tourist Development in Rural Areas.....	10
5.2.2 Caravan Parks and Camping Grounds Regulations 1997.....	11
5.2.3 State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7)	13

7.0 Conclusion.....	15
----------------------------	-----------

Appendices	16
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APPENDIX 1 - Certificate of Title.....	17
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APPENDIX 2 - Development Plans.....	18
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APPENDIX 3 – Operational Management Plan.....	19
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1.0 Introduction

Dynamic Planning and Developments acts on behalf of Greg Murray the director of Moore Sands Resources Pty Ltd the registered proprietor of Lot 1001 (No. 51) Boobabbie Road, Caraban (herein referred to as the 'subject site').

This planning report has been prepared in support of an Application for Planning Approval for a proposed 'Nature Based Park' over a portion of the subject site. The planning report contains the following pertinent details of the proposal relevant to the assessment of the proposed application:

- Details of the proposal;
- Detailed assessment of the proposal against the relevant planning provisions under the Shire of Gingin Local Planning Scheme No. 9 and any relevant Local Planning Policies;
- Detailed assessment of the proposal against the Nature Based Parks: Licencing guidelines for developers and local government and the Caravan Parks and Camping Grounds Regulations 1997; and
- Detailed justification of any variations sought.

In addition to this planning report, the following documentation has been provided in order to assist the Shire of Gingin in making a recommendation on the proposed application:

- Certificate of Title pertaining to the subject site (**Attachment 1**);
- Relevant development plans (**Attachment 2**);
- An Operational Management Plan (**Attachment 3**);
- Completed and signed Shire of Gingin Development Application Form.

It will be demonstrated in subsequent sections of this submission that the proposed development is entirely appropriate for approval.

2.0 Site Details

2.1 Legal Description

The subject site is legally described as:

Lot	Plan	Volume	Folio	Street Address
1001	400439	2827	985	51 Boobabbie Road

The total area of the subject site is 3430383ha, however the area the subject of this Development Application is the eastern portion serified by way of public roads intersecting the site. The area of this portion of the site is 92.118ha.

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

2.2 Locational and Land Use Context

2.2.1 Regional and Local Context

The subject site is located within the municipality of the Shire of Gingin and is located in the suburb of Caraban. The subject site is afforded frontage to Indian Ocean Drive, Guilderton Road, Boobabbie Road and Glenrowan Road, with the latter two roads unsealed and intersecting the subject site. The subject site is zoned as 'General Rural' under the provisions of the Shire of Gingin Local Planning Scheme No 9 (LPS 9).

More broadly, the subject site is located approximately 3.5km north-east of the Guilderton townsite, 35km west of the Gingin townsite, with a portion of the site containing a section of the Moore River. The subject site consists of mainly vacant land, however, contains a homestead dwelling in the south-west

corner of the subject site, and has an approved extractive industry business operating at the site to mine limestone and sand resources.

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

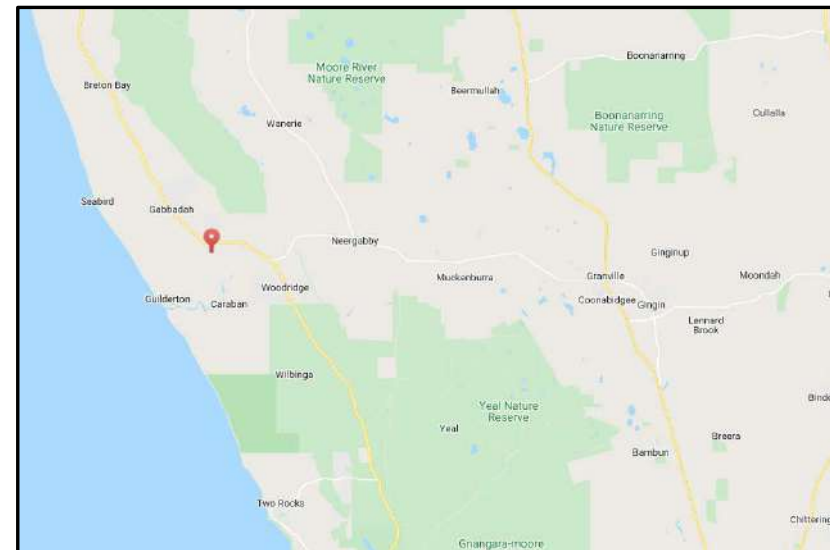


Figure 1 – Regional Context



Figure 2 – Local Context

3.0 Planning Framework

3.1 Metropolitan Region Scheme (MRS)

The subject site is not zoned under the provisions of the Metropolitan Region Scheme (MRS).

3.2 Shire of Gingin Local Planning Scheme No. 9 (LPS No. 9)

3.2.1 Zoning

The subject site is zoned 'General Rural' under the provisions of LPS No. 9. The objectives of the 'General Rural' zone is outlined in Clause 3.2.7 of LPS No. 9 and has been summarised below:

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

Detailed assessment of the proposal against the provisions LPS No. 9 and any relevant Local Planning Policies is further covered under section 5.0 of this planning report.

Figure 3 illustrates the subject site in the context of the land use zoning applicable under the provisions of LPS No. 9.

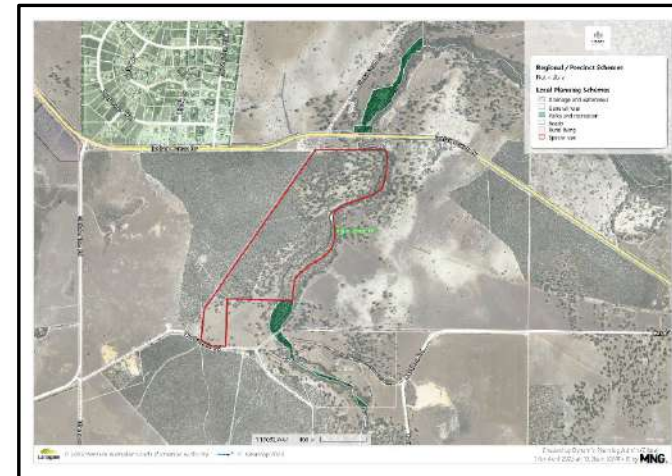


Figure 3 – LPS No. 9 Zoning Map

3.2.2 Land Use Permissibility

The permissibility of land uses is determined with regard to the Shire of Gingin Local Planning Scheme No. 9. Table 1 of LPS No. 9 specifies land uses capable of approval in the 'General Rural' zone.

Land use permissibility is further discussed under section 5.0 as part of the detailed assessment against the provisions of the LPS No. 9.

4.0 Proposal Details

The proposed development seeks approval for a 'Nature Based Park' camp site to provide a short stay camping facility, which maximises the natural setting and relies upon the patrons to be self-sufficient.

4.1 Development Details

Key aspects of the proposed design have been summarised below:

- The four (4) individual camping sites are being separated between approximately 156m to 635m per site along a 1.7km section of the Moore River.
- There will be generally no more than 4 persons per site for a maximum of 16 persons on the site at any one time.
- The typical duration of the stay will be between 1 – 2 days with the operator enforcing a 'pack it out policy'.
- Minimal facilities are provided to campers, with no effluent disposal facilities or a water supply point.
- The area is serviced via a phone tower ensuring connection is available.
- The 'pack it out policy' requires campers to capture and remove litter and effluent in self-contained systems, leaving only their footprints.
- The 'Nature Based Camp' site would only be in operation between 1 March – 30 November, outside of summer months, so as to reduce bushfire risk.
- The southern most point of the 'Nature Based Camp' site will serve as a muster point with a 10,000L water tank for firefighting purposes.
- Access to each of the camping sites is provided via an access loop that will provide emergency access through

Indian Ocean Drive and primary access through Guilderton Road.

Full details of the proposal are contained within **Attachment 2**, with Figure 4 providing an extract of the proposed development plan.

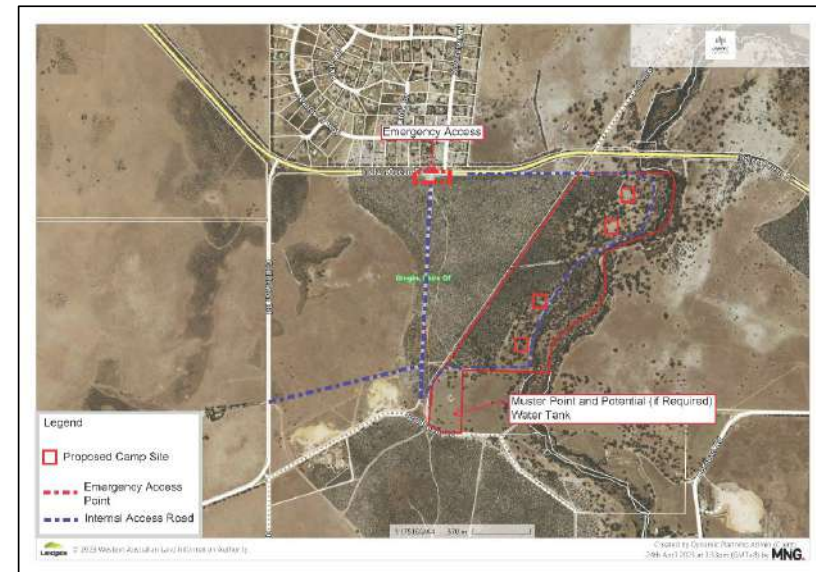


Figure 4 – Proposed Site Plan (camp site locations shown in red boxes)

5.0 Assessment

The statutory provisions applicable to the subject site require assessment of the proposal to be undertaken against the provisions of the following documents:

- Shire of Gingin Local Planning Scheme No. 9 (LPS No. 9);
- Local Planning Policy Statement No – 3.1 Tourist Development in Rural Areas;
- Caravan Parks and Camping Grounds Regulations 1997; and
- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7).

The below sections will address the relevant land use permissibility and development requirements outlined in the abovementioned statutory planning documents.

5.1 Land Use Permissibility

The proposal is not considered to fall within any of the applicable land use definitions defined under LPS No. 9. While LPS No. 9 provides the following land use definition for 'Caravan Parks':

'has the same meaning as in the Caravan Parks and Camping Grounds Act 1995;'

With the *Caravan Parks and Camping Grounds Act 1995* defining a 'Caravan Park' as follows:

'Caravan Park means an area of land on which caravans, or caravans and camps, are situated for habitation;'

As the proposed development does not provide for caravans to occupy the site the 'Caravan Park' definition is not appropriate to be applied to this development.

The proposed development is a form of camping category regulated by the *Caravan Parks and Camping Grounds Regulations 1997 (Regulations)*, wherein a 'Nature Based Park' is defined as follows:

'Nature based park means a facility in an area that –

- a) Is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more; and*
- b) Has been predominantly formed by nature; and*
- c) Has limited or controlled artificial light and noise intrusion.*

It is considered that the proposed development is consistent with this above definition. As the proposed use is not contained within LPS No. 9 Table 1, in accordance with clause 3.4.2 as the proposed use cannot be reasonably 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 64 of the deemed provisions in considering an application for development approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Meaning that approval is possible pending compliance with the objectives of the 'General Rural' zone and the applicable development requirements and the potential requirement to advertise to adjoining properties as discerned by the Shire.

Compliance with the applicable development requirements has been addressed below in Section 5.2. Further, it is considered that the proposed land use is consistent with the 'General Rural' zone in LPS No. 9:

- Camping is predominantly an activity undertaken in the country, which is typically Rural.
- Importantly the scale and intensity of the proposed development will not impact upon the existing rural uses on the site, which is currently operating as an extractive industry, or the surrounding rural land uses.
- Further the area that contains the proposed development seeks to capitalise on the natural amenity and the environmental quality of the site, the proposed development ensures the protection of these qualities from future development.
 - Additionally, each camp site would include an area for the vehicles to park without the requirement for tree removal. This will ensure the site remains of a 'nature based' environment, protecting the pristine environment.
- The proposed 'Nature Based Park' is not a sensitive use or impact the operation of land uses within the 'General Rural' zone.

In light the above the proposed 'Nature Based Park' warrants favourable consideration and support.

LOT 1001 (NO. 51) BOOBABBIE ROAD, CARABAN | PAGE 10

5.2 Development Requirements

The relevant development requirements pertaining to the proposed development are outlined in:

- Local Planning Policy Statement No – 3.1 Tourist Development in Rural Areas;
- Caravan Parks and Camping Grounds Regulations 1997; and
- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7).

An assessment of the proposed developments compliance with the abovementioned documents has been provided below in following sections.

5.2.1 Local Planning Policy Statement No – 3.1 Tourist Development in Rural Areas

The policy objectives of Local Planning Policy Statement No – 3.1 Tourist Development in Rural Areas are as follows:

To provide guidelines for the development of tourist facilities in General Rural Areas to strengthen the economic base while enhancing the rural character of the area.

Within the Local Planning Policy there are also a number of provisions provided in support of the overarching objective, the provisions are as follows:

- 3.1 *Tourist developments in rural areas will be considered in either one of two categories:*

- a) *high impact proposals involving significant capital investment or having the potential to conflict with surrounding land uses; and,*
 - b) *low impact proposals not involving significant capital investment and unlikely to conflict with adjoining land uses.*
- 3.2 *High impact proposals will require the site to be included in the Tourism zone or listed as an additional use site for that purpose.*
- 3.3 *Low impact proposals, which may include proposals such as chalets or boarding houses with accommodation for less than 10 persons or small service establishments may be permitted in the General Rural zone at Council's discretion.*
- 3.4 *All tourist developments in the General Rural areas of the Shire should be located and incorporate landscaping elements to ensure they do not visually intrude on the rural landscape.*

In consideration of the above the proposed development is considered a Low Impact proposal and may be permitted in the 'General Rural' zone for the following reasons:

1. The proposed development provides a diversification to the land uses operating on the site capitalising on the existing natural amenity associated within the existing rural character. The area of the proposal due to the existing environmental factors is incapable of accommodating rural uses.

2. The proposed use of a 'Nature Based Park' does not involve significant capital investment and proposes no conflict with the adjoining land uses.
3. While Clause 3.3 states that Low Impact proposals generally should accommodate less than 10 people, due to the nature of the proposal being significantly less intrusive than chalets or boarding houses and the max capacity of 16 people being unlikely to be met at all times. In all likelihood the site will generally be occupied by approximately 10 people and therefore compliant with the requirements of a Low impact proposal.
 - a. The Low Impact nature is further reinforced by the *Nature Based Parks: Licencing guidelines for developers and local government* that states the following:

"The local government should consider that nature based parks are meant to be low-cost, small-scale tourist accommodation when requesting further information from the operator."
4. The proposal has chosen the sites based on the natural vegetation present to achieve a minimal amount of disturbance. As such the proposed development is entirely environmentally orientated and proposes no changes to the rural landscape.

5.2.2 Caravan Parks and Camping Grounds Regulations 1997

As highlighted above in Section 5.1 the proposed development is consistent with the definition of 'Nature Based Parks' under the *Caravan Parks and Camping Grounds Regulations 1997*. There

are a number of other provisions that a 'Nature Based Parks' has to comply with under the *Regulations*. These requirements have been listed in detail below:

- *Regulation 51 provides that the maximum number of camping sites endorsed by a local government on a licence for use as a nature based park is not to exceed one site per 50 square metres of camping ground available at the facility.*
- Schedule 7, Clause 11(4): The only buildings allowed on a nature based park are a manager's house, toilets, an ablution block, washing up facilities and a campers kitchen (if approved) and there will be no buildings allowed on an individual site.
- Regulation 34 (4): A rigid annexe is not to be on a nature based park unless it is attached to the residence of the manager.
- Regulation 39 (3): No carport or pergola is to be on a nature based park unless it is attached to the residence of the manager.
- Regulation: 40 (3): No storage shed is to be on a nature based park except one that is associated with the operation of the facility. Only one storage shed is permitted on the nature based park.
- Schedule 7, Clause 5A: Maximum length of stay to be 28 days in any three month period in a nature based park.
- Schedule 7, Clause 16A:
 - A facility entrance road is to be at least 6 m wide or a narrower width that is approved.
 - A facility road which is a one way road is to be at least 4 m wide or a narrower width that is approved.
 - A facility road which is a 2 way road is to be at least 6 m wide or a narrower width that is approved.

- A local government may approve of a narrower width under subclause (2), (3) or (4) for a nature based park only if it is satisfied that the management plan for the facility adequately deals with traffic access and egress.
- A facility road is to be constructed and maintained as is approved but need not be paved or sealed.

In consideration of the above the proposed development is considered to meet the requirements of a 'Nature Based Park' as outlined within the Caravan Parks and Camping Grounds Regulations 1997 for the following reasons:

- The proposed development does not exceed one site per 50sqm.
- No permanent buildings or structures are proposed as part of this application.
- No rigid annexure is proposed as part of this application.
- No carpark or carport has been provided, it is expected that patrons will park at the individual camping sites.
- No Storage Shed is proposed.
- The maximum length of stay will be 28 days in any three month period as specified within the Operational Management Plan contained in **Attachment 3**.
- The proposed development plan provides a two-way road providing access to the surrounding road network and the individual camp sites. The road will be unsealed and constructed to the specified requirements.

5.2.3 State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7)

As the proposed 'Nature Based Park' is within a Bushfire Prone area the below BAL contour report contained in Figure 5 has been prepared. As evidenced by Figure 5 the proposed development area is subject to the BAL-40 and BAL-FZ contours.

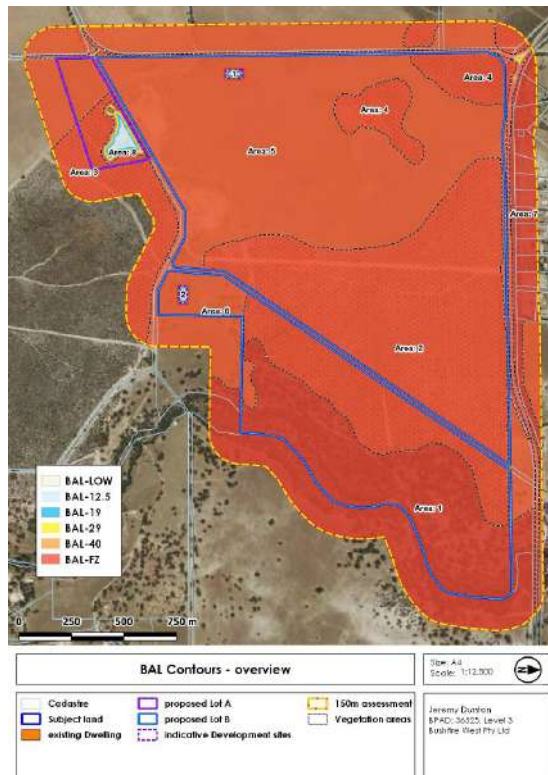


Figure 5 – BAL Contour Mapping

In response to the applicable BAL contours we can provide the following information for consideration of an application for a Nature Based Park in relation to the Guidelines for Planning in Bushfire Prone Areas:

Element 1: Location

- The proposed camp sites are within the BAL-FZ and is not considered 'unavoidable' or 'minor' development.
- In response it is proposed that the proposed development will only operate the camp sites between March – November. This ensures that the camp sites, despite the BAL-FZ rating, are not populated at the highest risk months for a bushfire.

Element 2: Siting and Design

- According to the Planning Regulations, a habitable building would need to have at least one solid material wall and roof. Therefore, tents do not classify here.
- With ““No bushfire construction standards apply to tents, camper trailers, vans, etc, and with regard to the Position Statement: Tourism land uses in bushfire prone areas, no Asset Protection Zones are required.”
- It is therefore considered that despite each of the campsites are identified as BAL-FZ, the intent for Element 2 should still be considered.
- The adoption of the OMP would ensure that there is a coordinated approach to evacuating these high BAL rating sites in an emergency.
- The OMP also indicates that the camp sites would adhere to any declared fire bans, vehicle movement bans, burning restrictions and ensuring compliance with the Shire's Bushfire Notice. The camp manager would then be responsible for advising campers of high fire risk situations

and in advising that there should be a vacation of the camp sites. This places emphasis on management measures that would occur prior to a fire event, so that in the instance of an event there are no campers on site to be affected.

- The existing, isolated clearings provide natural camp site areas. Alternatively, clustering of camp sites together to reduce the potential bushfire impact would likely require removal of native vegetation.
- Fire pits should be installed to contain any campfires [with use in accordance with the Bush Fires Act].

Element 3: Vehicular Access

- The proposed development indicates that there is two-way access and egress available from Guilderton Road with emergency access can be taken from Indian Ocean Drive. This would ensure another access during an emergency situation.
- Guilderton Road and Indian Ocean Drive are considered to meet the requirements of a public road, suitable for access/egress of the site in an emergency situation.
- In relation to the private driveways, the OMP enforced would require the internal access to be maintained as follows:
 - Minimum trafficable surface: 4m
 - Horizontal clearance: 6m
 - Vertical clearance: 4.5m
 - Minimum eight capacity: 1.5 tonnes
 - Maximum grade: 1 in 10
 - Maximum cross-fall: 1 in 33
 - Curves minimum inner radius: 8.5m
 - Minimum 19m turn-around areas at each campsite.

- Minimum 20m long, 6m wide passing bays to be located every 200m.
- All-weather surface (compacted gravel, limestone or sealed surface).
- These factors considered would ensure that there are suitable egress routes from site in an emergency situation.
- An emergency evacuation plan is proposed which requires a fire warden to be nominated for the site to provide details and directions to campers during a fire event. As indicated within the Operation Management Plan the Camp Manager will take on the role as Fire Warden.
- Campers are required to exit site via their own private vehicles.

Element 4: Water

- If no drinking water is to be provided onsite, then no firefighting water supply is required unless mandated by Council.
- If required, firefighting water will be in a compliant tank [capacity to be determined, at least 20,000L] located in the lower-threat muster point area directly accessible from the driveway.

In consideration of the above the proposed development is considered to meet the requirements of a 'Nature Based Park' as outlined within SPP3.7.

7.0 Conclusion

The application seeks approval for a nature based park, intended to maximise the rural characteristics of the site. The application seeks to provide minimal amenities in a low scale impact proposal, which would generally be of benefit to the area and align with the Shire's intent to support the local tourism industry.

Based on the assessment provided above the proposed development is compliant with the applicable development requirements, the Shire of Gingin Local Planning Scheme No. 9 and the State Planning Framework. In this regard the proposed development is considered to warrant favourable consideration and subsequent approval for the following reasons:

- The proposal is consistent with the applicable 'General Rural' zoning;
- The proposed development is compliant with the Local Planning Policy Statement No – 3.1 Tourist Development in Rural Areas;
- Compliance has been demonstrated with the relevant State Planning Framework being the Caravan Parks and Camping Grounds Regulations 1997 and State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7); and
- An Operational Management Plan has been prepared to ensure that the proposed development operates in compliance with the applicable requirements.

As such, we respectfully request that the Shire of Gingin support and approve the proposed 'Nature Based Park'.

Should you have further queries or seek clarification with regard to the matters raised above, please do not hesitate to contact Dynamic Planning and Developments on 08-9275-443

Appendices

APPENDIX 1 - Certificate of Title

APPENDIX 2 - Development Plans

APPENDIX 3 – Operational Management Plan



OPERATION MANAGEMENT PLAN



**LOT 1001 (NO.51) BOOBABBIE ROAD, CARABAN
NATURE BASED PARK OPERATION MANAGEMENT PLAN**

OUR REF: 1407



Our Ref: 1407

Moore Sands Resources Pty Ltd
PO Box 2094
Clarkson WA 6030

07 June 2023

LOT 1001 (NO.51) BOOBABBIE ROAD, CARABAN
NATURE BASED PARK OPERATION MANAGEMENT PLAN

1.0 Introduction

The Operations Management Plan (OMP) has been prepared in support of a 'Nature Based Park' development application at Lot 1001 (No. 51) Boobabbie Road, Caraban providing camp sites for guests to stay at. The OMP provides an outline on how the park will be managed and enforced by the Camp Manager to ensure there are no impacts on the adjoining neighbours and the rural and natural amenity of the locality are protected.

A copy of this OMP and site map will be publicly accessible at the entry point to the 'Nature Base Park'.



2.0 Nature of the Nature Based Park

The landowner is seeking approval for a 'Nature Based Park' use in the form of four (4) individual camp sites, which maximises the natural setting and relies upon the patrons to be entirely self-contained and self-sufficient.

2.1 Operation Details

The four (4) individual camp sites are being separated between approximately 156m to 635m per site along a 1.7km section of the Moore River. There will be generally no more than four (4) persons per site, meaning a maximum of 16 persons on the site at any one time. The typical duration of the stay will be between 1 – 2 days with the operator enforcing a 'pack it out policy' (outlined in section 4 of this plan). Minimal facilities are provided to campers, with no effluent disposal facilities or water supply point. The area is serviced via a phone tower ensuring connection is available.

The 'Nature Based Park' camp site would only be in operation between 1 March – 30 November, outside of summer months, so as to reduce bushfire risk. Additionally, no carpark or carport is involved in the proposal and therefore campers are to park at the individual camping sites.

3.0 Services

3.1 Role of Camp Manager

The designated 'Camp Manager' of the Nature Based Park will also be taking on the responsibility of as Fire Warden. The 'Camp Manager's' responsibilities are to oversee overall upkeep and maintenance of the site in a nature that keeps the site in accordance with the nature it is approved under. The camp manager may also guide campers to their respective camp sites when necessary.

3.2 Role of Fire Warden

The role of Fire Warden requires the Camp Manager to outline an 'Emergency Evacuation Plan' as well as informing campers of the designated muster point and emergency access at Indian Ocean Drive.

The Camp Manager should make sure that camp sites adhere to any declared fire bans, vehicle movement bans, burning restrictions and ensuring compliance with the Shire's Bushfire Notice, with the Camp Manager being responsible for advising campers of high-risk situations and in advising that there should be a vacation of the camp sites.

In extreme conditions the Fire Warden should assess the safety of campers staying or booking to stay at the Nature Based Park to mitigate any affects on campers in advance.

3.2 Camp Site Clean Up and Preparation

After campers have completed their stay, the respective camp site is required to be cleaned of waste and disposed of in the skip bin at the muster point in order to maintain a clean Nature Based Park as a whole that 'leaves no more than a footprint'.



4.0 Waste Management

The site presently has no waste management services and the landowner is not proposing to install any new effluent disposal systems. As such the aforementioned 'pack it out policy' requires campers to capture and remove litter and effluent in self-contained systems, so as to 'leave only their footprint' meaning campers must not dispose of litter or effluent on site due to the proximity to Moore River and impact on the local rural and natural amenity.

Further, located directly north of the subject site is the Moore River Rest Area. The Moore River Rest Area is located 50 meters West of the bridge over the Moore River on Indian Ocean Drive, entrance is on the North side of the road, dump point is on your Left as you enter the rest area near the toilet block with non-potable water available.

Campers are encouraged to place rubbish in the skip bin located at the muster point for waste removal, as previously mentioned it is the role of the Camp Manager to make sure the Nature Based Park camp sites are clean, and the skip bin is accessible for waste removal to be performed via a commercial waste contractor as needed.

5.0 Access

5.1 Vehicular Access

Access to each of the camping sites is provided via an access loop that will provide emergency access through Indian Ocean Drive and primary access through Guilderton Road (visible in dashed blue on site plan).

The internal access road is to be maintained as follows:

- Minimum trafficable surface: 4m
- Horizontal clearance: 6m
- Vertical clearance: 4.5m
- Minimum weight capacity: 1.5 tonnes
- Maximum grade: 1 in 10
- Maximum cross-fall: 1 in 33
- Curves minimum inner radius: 8.5m
- Minimum 19m turn-around areas at each campsite.
- Minimum 20m long, 6m wide passing bays to be located every 200m.
- All-weather surface (limestone).

These factors considered would ensure that there are suitable egress routes from site in an emergency situation. Additionally, campers are required to exit via their own private vehicle.

5.2 Emergency Access and Evacuation

An emergency evacuation plan is to be proposed which requires a fire warden to be nominated for the site to provide details and directions to campers during a fire event. The camp manager will fulfill this role and would always be on site should campers be at the premises.

In case of emergency, emergency access is to the north via connection to Indian Ocean Drive and the fire warden (camp manager) is to direct campers to the emergency access if necessary. (The emergency access is visible in dashed red on the site plan).

5.3 Muster Point

To mitigate the high bushfire risk, the southernmost point of the 'Nature Based Park' camp site will serve as a muster point with a 10,000L water tank for firefighting purposes if required by the Shire, located in the area of lowest-threat and directly accessible from the driveway. The location of the muster point is outline below in Figure 1.

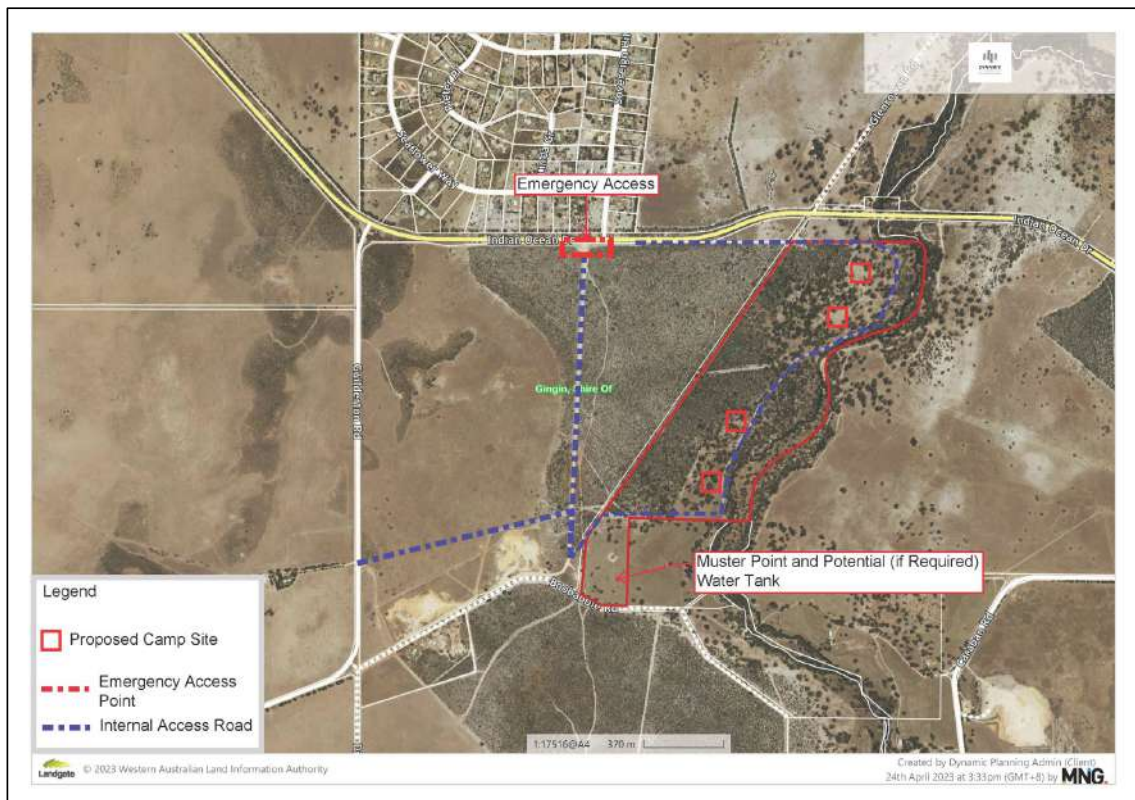


Figure 1 – Site Plan (camp site locations shown in red boxes)



6.0 Complaints Procedure

The Camp Manager will be responsible to ensure that all campers behave in accordance with the requirements of the OMP. Notwithstanding this, however, should there be any issues that arise (such as effluent disposal and litter), the adjoining neighbours will be able to contact the Camp Manager who will respond immediately.

All complaints will be recorded in the complaints register (see Appendix A), which will be available to the Shire upon request.

Upon approval of the application the Camp Manager will correspond with all immediate neighbours providing relevant contact details, including after-hours contacts.

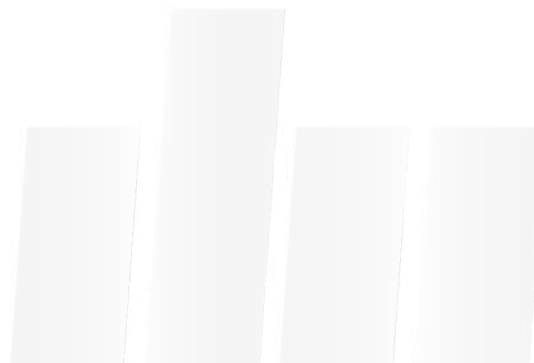
7.0 Conclusion

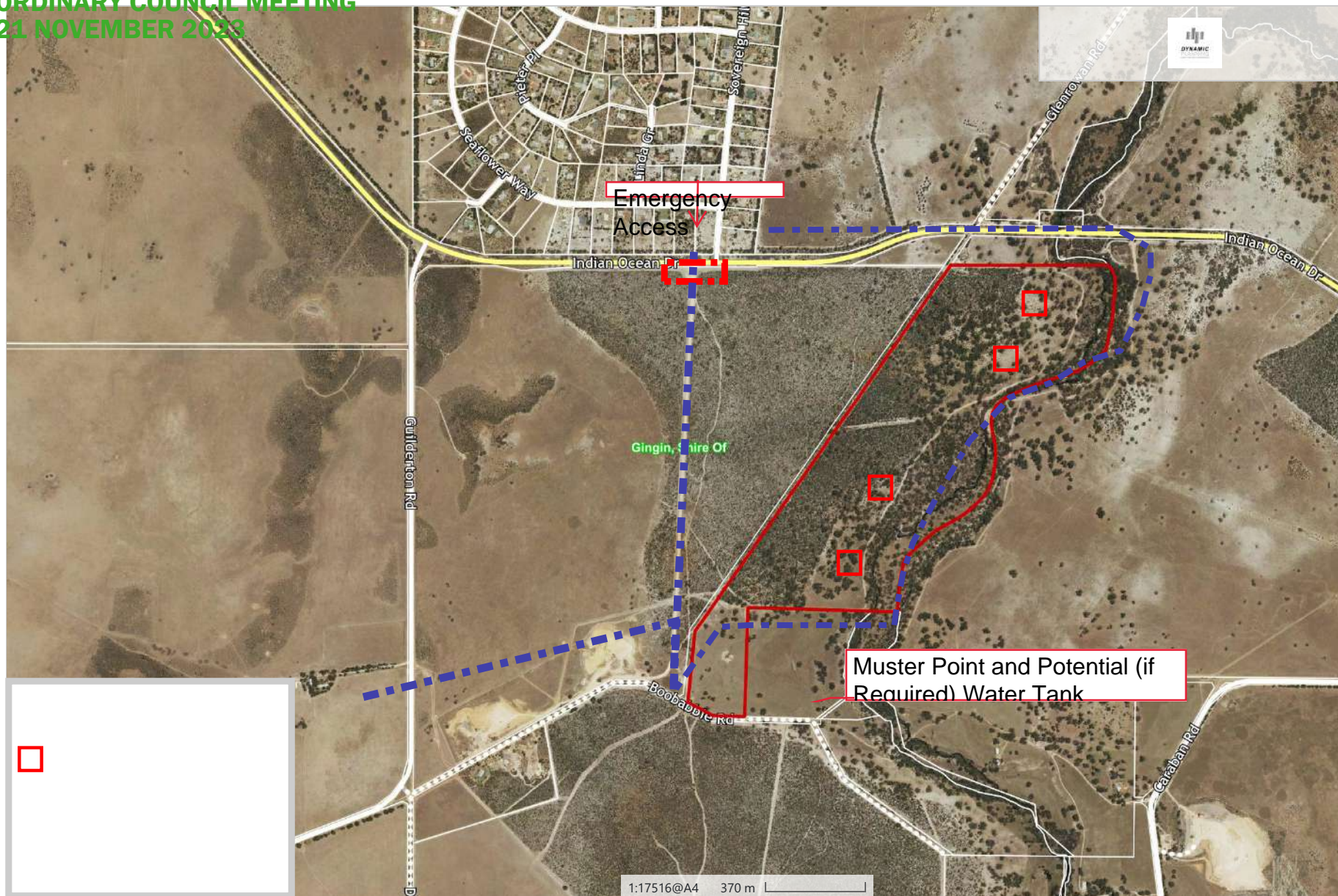
The measures as contained within this OMP will be implemented by the 'Camp Manager'. This will ensure that the land use for the 'Nature Based Park' will not cause any amenity impacts to the rural or natural amenity of the locality.

Attachment 1

Complaints Register

Date	Time	Who Made the Complaint	Nature of Complaint	How the Matter was Resolved





**MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023**

Emergency
Access

Indian Ocean Dr

Emergency
Access Loop w
Sinnage

APPENDIX 13.3.6



Muster Point
and Water



1:10000@A4 210 m

SCHEDULE OF SUBMISSIONS AND APPLICANTS' RESPONSES

**DEVELOPMENT APPLICATION: PROPOSED CAMPING FACILITY (NATURE BASED) ON LOT 1001 BOOBABIE ROAD,
CARABAN**

No.	Submitter	Submission details	Applicants response
1.	DPIRD	The submitter provides the following general comment : <i>See attached PDF.</i>	Noted
2.	Tourism WA	The submitter provides the following general comment : <i>Tourism WA has looked at the proposal and assessed it based on the tourism need (visitor demand) and surrounding facilities (especially as there is to be no waste disposal supplied on-site). Tourism WA supports the planned nature based Park facility as the proposed site will offer visitors travelling with RVs or sophisticated Caravans a unique accommodation opportunity near the popular GinGin attractions.</i>	Noted, however the proposal does not include RVs or Caravans.
3.	DBCA	The submitter provides the following general comment : <i>It is the DBCA's expectation that the Shire of Gingin will address any environmental issues associated with the proposal and will ensure that,</i> <ul style="list-style-type: none"> <i>the proposal complies with the requirements of the Western Australian Planning Commission's Planning for Bushfire Prone Policy (SPP 3.7) and Guidelines, and that adequate bushfire management arrangements are implemented to address the risk of bushfires occurring on the property and spreading onto adjacent properties, and</i> <i>that any clearing of native vegetation associated with the development is undertaken in accordance with the Environmental Protection Act 1986 (EP Act) and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and discussed with the Department of Water and Environmental Regulation.</i> 	Noted.

4.	DFES	<p>The submitter provides the following general comment:</p> <p><i>DFES believes a BMP should be completed for this referral even though they are not operating during the summer period. Fires can and do occur at other times of the year, and being a vulnerable land use, SPP 3.7 should be considered. We will close the referral and when the applicant has the BMP we can reopen the referral.</i></p>	<p>Noted. The officer generally agrees, however given the circumstances outlined within the officers report, lodgement post conditional approvals is viewed as being acceptable in this instance.</p>
5.	DWER	<p>The submitter provides the following general comment:</p> <p><i>The Department of Water and Environmental Regulation has assessed the proposed camping facility and has no objections.</i></p>	<p>Noted.</p>
6.	DMIRS	<p>The submitter provides the following general comment:</p> <p><i>The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</i></p> <p><i>DMIRS lodges no objections to the above development application.</i></p>	<p>Noted.</p>
7.	DPLH, Aboriginal Heritage Conservation	<p>The submitter provides the following general comment:</p> <p><i>Thank you for your patience while we have attended to this matter. You may now find our formal response addressing your enquiry attached.</i></p> <p><i>A review of the Aboriginal Cultural Heritage Directory concludes that the proposed works, as indicated by the provided maps, intersect with the boundaries of the following Aboriginal Cultural Heritage Places:</i></p> <ul style="list-style-type: none"> • ID 20749 (Moore River Waugal) • ID 21616 (Boonanarring Brook) • ID 21617 (Wallerung Brook) • ID 20008 (Gingin Brook Waggy) • ID 20650 (Lennard Brook) • ID 21619 (Breera Brook) 	<p>Noted. Advice has been provided to this effect.</p>

		<ul style="list-style-type: none"> • ID 21618 (Nullilla Brook) • ID 21620 (Chandala Brook) <p>Therefore, based on the information held by DPLH, approvals under the Aboriginal Cultural Heritage Act 2021 (ACH Act) may be required prior to the commencement of any ground disturbing works.</p>	
8.	DoH	<p>The submitter provides the following general comment:</p> <p>The DoH provides the following comments:</p> <ol style="list-style-type: none"> 1. The Camping Facility is to be operated according to the Operation Management Plan. 2. Only self-contained* vehicles are permitted to use the facility due to lack of onsite toilet facilities. 3. All potential visitors to the facility are to be notified that no potable water is available on site. This includes on all advertising materials, websites and on signs at the entrance to the facility. 4. Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with drinking water, by clearly labelling the non-drinking water taps. 5. It is recommended the Shire of Gingin consults with the Department of Local Government, Sport and Cultural Industries (DLGSC) to ensure the proposal complies with the Caravan Parks and Camping Grounds Regulations 1997. The DLGSC Nature Based Park Guidelines provides further information. <p>*Self-contained vehicle should be defined as having water tanks for drinking and other purposes, holding tanks for 'grey water' and holding tanks for toilet effluent and shower facilities.</p>	<p>Noted. The suggestions have been incorporated into the OMP.</p>



Department of
**Primary Industries and
Regional Development**

Your reference: BLD/3018
P2564
Our reference: LUP 1668
Enquiries: Grant Stainer

James Bayliss
Coordinator Statutory Planning
Shire of Gingin
PO Box 510
Gingin WA 6503
mail@gingin.wa.gov.au

11 August 2023

Dear Mr Bayliss,

BLD/3018 P2564 – Development application: Proposed camping facility (Nature based park) – Lot 1001 (51) Boobabbie Road, Caraban

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.

DPIRD does not object to the proposal, subject to the following comments.

Distance from irrigated horticulture

DPIRD considers tourist accommodation, including low impact camping, to be a sensitive use which must be adequately separated from agricultural and other rural industries.

As the closest horticultural activity is more than [the required 500m](#) away from the proposed camp sites on the property, this provides an adequate buffer to minimise the risk to human health from accidental spray drift. The broadacre cropping also appears to meet the required 300m buffer.

Firewood

The proponent will need to put in place a plan to ensure that clients bring all of their firewood and kindling, and to ensure that collection of firewood from the surrounding bush is prohibited.

75 York Road Northam 6401
PO Box 483 Northam WA 6401
Telephone +61 (0)8 9690 2000 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745

Denudation of bushland from the collection of firewood is a well known problem in a large number of parks and reserves, even those where such collection is explicitly prohibited. As such, it will be a substantial task for the proponent to prevent the denudation of the bushland from firewood collection.

Biosecurity

There will need to be measures put in place to prevent any introduction or spread of *Phytophthora* (dieback) on the property.

There will also need to be measures put in place to prevent the introduction of any weeds to the site. Weed seeds have the potential to be introduced through soil attached to vehicles or shoes, or loose seeds, or even in some packaged foods. More information about weeds and biosecurity can be found on the DPIRD website.

Effluent management

It is noted that the proposal is reliant on all campers capturing and removing all effluent via self-contained systems. There will need to be a verification process to ensure that all campers have this capacity and are prepared to use it. Waste generated by any pets accompanying the campers must also be collected and removed from site.

Pets and wildlife interactions

Dogs and cats are well known to have a deterrent effect on native wildlife even when they are not in the process of actively harassing the wildlife.

Ideally pets would not be permitted. If they are permitted, then there will need to be surveys of wildlife undertaken to assess and measure the impact of the presence of the pets on the native wildlife.

Advice should be sought from the Department of Biodiversity, Conservation and Attractions (DBCA) on this proposal.

Bushfire risk

It is noted in the application that the camping will not occur during the December-February period so as to avoid the worst of the bushfire season. Nevertheless, adjacent months also present a bushfire risk, which is becoming more extreme as a result of climate change.

The application notes that the camp manager will be responsible for providing details and directions to campers during an emergency such as a fire event. However, there is no description of the way the camp manager will contact the campers, particularly if the access road becomes inaccessible. There is also no description of what the process will be for evacuation if the campers are affected by alcohol and hence unable to drive.

Soil landscape mapping

The mapped soil landscape unit for where the campsites are proposed is the Moore River terrace phase (212Mo_Rt), which is described as "river terrace with variable alluvial soils – sands, humic sands, clays and marl".

There is also the nearby Spearwood Kp phase (211Sp_Kp) on the western side of where the camping is proposed. This is described as "dune ridges with, and slopes up to 15%. Deeply bleached grey sands with yellow-brown subsoils". These sands have

the potential to be disturbed and degraded if excess traffic occurs, such as 4WD activity.

Checking for any land title restrictions

Standard checks mean looking at the title to see if there are any covenants, memorials, or other restrictions on the land title. Whilst the application information suggests that the proponent tried to include this information in the application, the page is blank. DPIRD is mainly looking for any conservation covenants or agreements to reserve (ATRs) aimed at the preservation of native vegetation on the title.

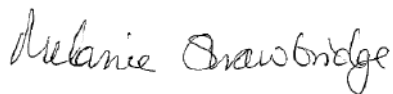
DPIRD has checked our systems, and there are no memorials (conservation covenants, ATRs or Soil Conservation Notices) listed on the property.

Moore River

It is likely that campers will seek access to the Moore River to undertake recreational activities. Measures will need to be put in place to prevent erosion occurring to the riverbank cumulatively over time.

For more information, please contact Grant Stainer on 90813 113 or grantley.stainer@dpird.wa.gov.au

Yours sincerely



Dr Melanie Strawbridge
**Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

13.4 PROPOSED PERMANENT CLOSURE OF UNCONSTRUCTED ROAD RESERVE - LOT 803 COWALLA ROAD, COWALLA

File	BLD/7611
Applicant	Developed Property Pty Ltd
Location	Unconstructed road reserve between Lots 5727 and 803 Cowalla Road, Cowalla
Owner	Department of Planning, Lands and Heritage
Zoning	Road Reserve
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Plan [13.4.1 - 1 page] 2. Aerial Plan - Road Reserve between Lots 5257 & 803 Cowalla Rd, Cowalla [13.4.2 - 1 page] 3. Road Closure Cover Letter [13.4.3 - 3 pages] 4. Road Closure Plan [13.4.4 - 1 page] 5. Schedule of Submissions and Recommended Responses (2) [13.4.5 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the proposed permanent closure of an unconstructed road reserve between Lots 5727 and 803 Cowalla Road, Cowalla.

BACKGROUND

The Shire is in receipt of a request from GTF Investments No 2 Pty Ltd (landowners) of both Lot 5257 (No. 2800) and Lot 803 Cowalla Road, Cowalla to consider the permanent closure of the road reserve between the two lots.

The road reserve is approximately 20m wide, 1.38km long and has an area of 2.77ha. The road reserve is connected to Cowalla Road to the west, and links up with a broader but unconstructed road network. The unconstructed road provides an access point mainly for the adjoining land to the east, which consist of Crown land (State Forest).

The procedure to permanently close road reserves or part thereof is outlined under section 58 of the *Land Administration Act 1997* and subsequently under regulation 9 of the *Land Administration Regulations 1998*.

The decision making authority for the permanent closure of roads sits with the Minister for Lands. As such this matter is being presented to Council in order to consider whether a request is to be made to the State. Should Council support the proposal, then the Shire must submit a request to the Minister for Lands accompanied by all information required under Regulation 9 of the *Land Administration Regulations*, which is to include a copy of Council's resolution.

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

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

- Cover letter
- Road Closure Plan

COMMENT

Stakeholder Consultation

The proposal was advertised for a period of 35 days in accordance with the *Land Administration Act 1997*, which included written notification to adjoining landowners and a notification placed in The West Australian newspaper (13 October 2023).

Furthermore, the proposal was referred to the following State agencies and public service utility providers:

- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulation (DWER);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Biodiversity, Conservation and Attractions (DBCA); and
- Western Power.

The Shire received two general comments during the consultation period. A copy of the Schedule of Submissions and Recommended Responses is provided (**see appendices**).

PLANNING FRAMEWORK

Road closure consideration

The following four considerations have historically been applied to road closure requests:

- Whether the road is, indeed, unused and whether future planning for the area may necessitate the retention of the road;
- The views of adjoining landowners and whether or not they support the proposal and any other submissions made on the proposal during the 35 day consultation period;

- Whether adjoining landowner(s) are prepared to purchase the land and whether it can be disposed of in its entirety; and
- The concerns of various service authorities who may have infrastructure contained within the road reserve.

Road reserve status

The portion of unconstructed road related to this request is unconstructed. There is no plan to construct the road. There is no evidence that this road has ever been used and there is no strategic requirement for the road to be retained.

Adjoining landowners

During the consultation period adjoining landowners to the west were consulted and no comments were received. The land adjacent to the subject road reserve is owned by the same parties who have instigated the request to close the road.

Future tenure of the portion proposed to be permanently closed

Adjoining land to the north and south of the road reserve is under singular ownership and this closure will enable the land to be amalgamated into either of those lots (at the owner's expense). The improved connectivity will likely result in better land management and avoid the removal of vegetation due to road construction.

It is unclear what burden the road reserve provides to the landowners currently, as the burden seems to be the existence of above ground power poles impacting pivots associated with the existing turf farm.

Infrastructure provider comments

No comments were received from Western Power. Nevertheless, their infrastructure can be protected via an easement on the Certificate of Title.

Summary

In view of the above, the officer supports closure of the unnamed and unconstructed road reserve.

STATUTORY/LOCAL LAW IMPLICATIONS

Land Administration Act 1997

Land Administration Regulations 1998

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil. All costs associated with this process will be at the landowner/applicant's expense.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Kestel

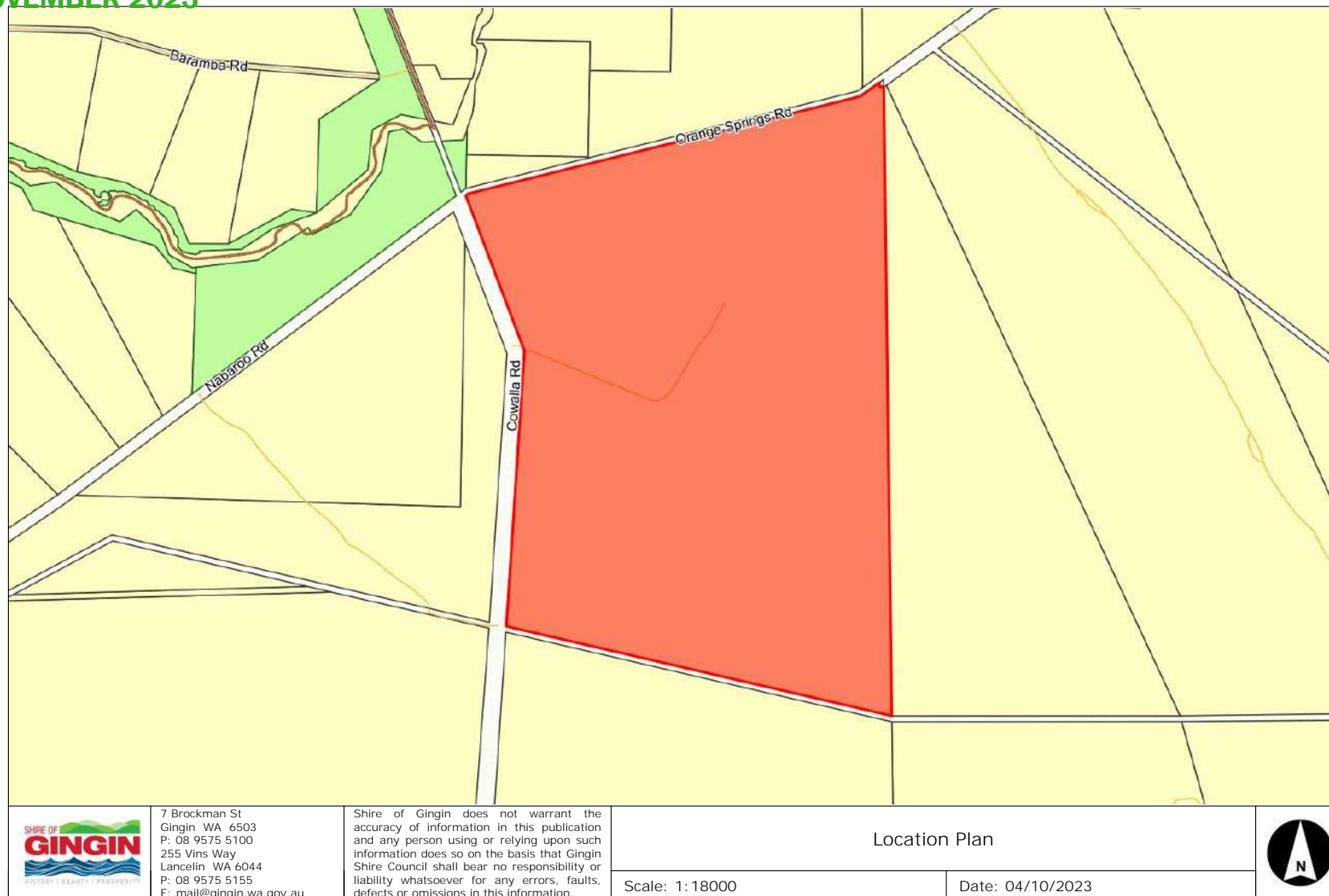
It is recommended that Council, pursuant to Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*, authorise the CEO to submit a request to the Minister for Lands to permanently close the portion of unnamed and unmade road reserve between Lots 5727 and 803 Cowalla Road, Cowalla as depicted in the appendices.

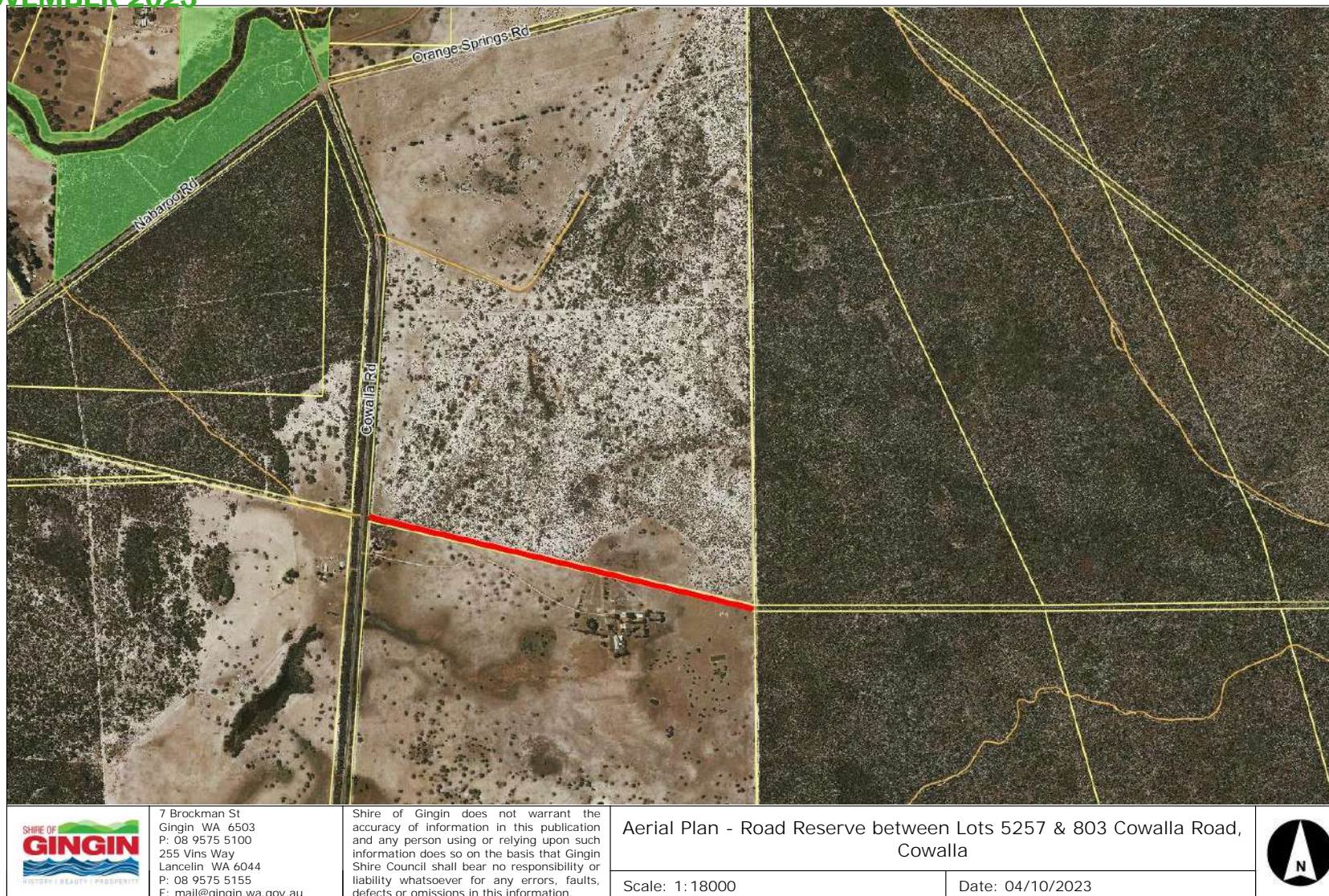
CARRIED UNANIMOUSLY

9 / 0

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

AGAINST: *Nil*







Our Ref: PN23168
Address: Cowalla Rd 2800, Cowalla
Date: 18/09/2023

Developed Property Pty Ltd
ABN: 62 624 180 310
Phone: (08) 6119 9175
Office: 1/294-296 Rokeby Road Subiaco
Postal: PO Box 662 Subiaco WA 6008
Email: info@developedproperty.com.au
Website: www.developedproperty.com.au

Dear Sir/Madam

**REQUEST TO CLOSE ROAD RESERVE BETWEEN LOT 5257 (NO. 2800) AND LOT 803
COWALLA ROAD, COWALLA**

This letter has been prepared by Developed Property on behalf of the Gtf Investments No 2 Pty Ltd (landowners) of both Lot 5257 (No. 2800) and Lot 803 Cowalla Road, Cowalla to request the Shire of Gingin to formally close the existing unnamed, unconstructed road reserve (road reserve) between the two properties.

Subject site

The road reserve is approximately 20m wide, 1.38km long and has an area of 2.77ha. The road reserve is connected to Cowalla Road to the west, and links up with a broader but unconstructed road network (see Appendix A). The surrounding area is zoned "General Rural" land. The surrounding lots that would be serviced by the unnamed road have been identified in the table below:

ID. No	Owner	Lot No. & address	Volume	Folio	Deposited Plan
(A)	Gtf Investments No 2 Pty Ltd	Lot 803 Cowalla Road, Cowalla 6503	2601	318	P41345
(B)	Gtf Investments No 2 Pty Ltd	Lot 5257 (No. 2800) Cowalla Road, Cowalla 6503	2050	101	P162517
(C)	State of WA	Lot 11292 (No. 2793) Cowalla Road, Cowalla 6503	LR3136	862	P238399
(D)	State of WA	R32681	LR3019	956	P238399
(E)	Stock Route	N/A	N/A	N/A	N/A

Table 1: Summary of owners affected.

Notwithstanding the above, there is no evidence that this road has not been used vehicle access purposes, particularly as the lots have direct road frontage to either Cowalla Road (to the west) or Orange Spring Road (to the north).

Existing Services

There are existing above ground power poles located along the southern property boundary of Lot 803 and outside the existing road reserve (see picture below). These poles can be protected via an easement on the Certificate of Title and Deposited Plan



Figure 1: Aerial Photo with High Voltage lines shown

There are no other services or infrastructure (such as water, sewer or telecommunications) located within the road reserve to be closed.

Conclusion

In summary, we request that the unnamed public road reserve be able to be closed as:

1. it does not form part of a constructed road network, nor has the Shire indicated that the road will ever be constructed,
2. is unlikely to ever be required for vehicle access for fire access, as the other lots have direct frontage to Cowalla Road or Orange Spring Road,
3. the surrounding lots affected are either state owned or reserved (stocking route), and
4. any existing infrastructure can be protected by easements or relocated if required.

Should the road be closed, it would either be partially or wholly amalgamated into either:

- the southern property - Lot 5257 (No. 2800) Cowalla Road, Cowalla, or
- the northern property - Lot 803 Cowalla Road, Cowalla.

Should you have any questions or request further information, please email or call us using the contact details in the signature block below.

Yours sincerely,



Ryan Soerja Djanegara

Planning Consultant

ryan@developedproperty.com.au

(08) 6119 9175

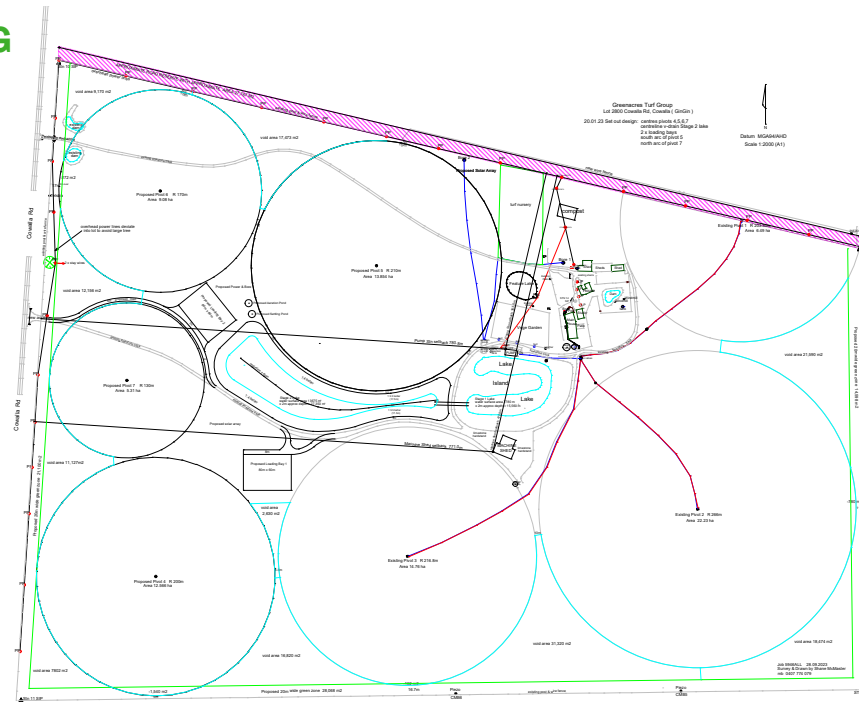


Attachments:

1. **Appendix A – Affected lots identified (to be read with Table 1)**
2. **Appendix B – Subject lots and Power lines location**

**MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023**

APPENDIX 13.4.4



Proposed road (with an area of 27,767sqm) to be closed and amalgamated into Lot 5257 (No. 2800) Cowalla Road, Cowalla

SCHEDULE OF SUBMISSIONS AND OFFICERS RESPONSES

DEVELOPMENT APPLICATION: CLOSURE OF A PORTION OF THE COWALLA ROAD RESERVE BETWEEN LOT 5257 (NO.2800) AND LOT 803 COWALLA ROAD, COWALLA

No.	Submitter	Submission details	Officers' response
1.	Department of Primary Industries and Regional Development	<p>The submitter provides the following general comment:</p> <p><i>DPIRD does not object to the proposal, particularly as this could help protect native vegetation from being cleared due to road construction.</i></p>	Noted
2.	Department of Planning Lands and Heritage	<p>The submitter provides the following general comment:</p> <p><i>The Department's Regional Central Land Use Planning Team have reviewed the proposal and confirm that the closure of this portion of unconstructed road will not impact on vehicular access for surrounding lots. This includes Lots 803, 5257 and 11292 Cowalla Road, which will still maintain frontage to Cowalla Road, as well as Reserve 32681 and the Stock Route lot which will have access onto Orange Springs Road. Further, the existing Cowalla Road Reserve is unconstructed and unutilised, with its possible amalgamation into Lot 803 or Lot 5257 presenting opportunities for improved land management practices given these lots are owned by the same landowner. The existing power poles which run adjacent to the road reserve can also be protected via an easement on Certificate of Title and Deposited Plan if required by Western Power.</i></p>	Noted
3.	Western Power	<p><i>Please check out the Planning your project section of our website – we don't actually process submissions: the information here (along with 'Dig Before You Dig') allows you to check that any work need to do will not be impacted by proximity to your network.</i></p> <p><i>This section provides advice for Building near the electricity network and paths to take if your find that your project will</i></p>	It is noted that WP no longer consider referrals.

**MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023**

APPENDIX 13.4.5

		<i>encroach on electrical assets, such as booking to Speak to an engineering expert or applying for a feasibility study.</i>	
		<i>Local Government Authorities can review our Strategic Planning information to determine if any electrical infrastructure is located.</i>	

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

File	BLD/6998
Applicant	Withheld
Location	Lot 48 Breera Road, Breera
Owner	Withheld
Zoning	General Rural
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Applicants Proposal - Lot 148 Breera Road Breera Redacted [13.5.1 - 37 pages] 2. SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES [13.5.2 - 7 pages] 3. DWER's - Decision Report [13.5.3 - 10 pages] 4. Road Reserve alignment [13.5.4 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

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

BACKGROUND

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

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

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

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

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

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

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

COMMENT

Stakeholder Consultation

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

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

Adjoining landowners were not advertised to as their comments of support were provided by the proponent as part of the information submitted in 2020.

PLANNING FRAMEWORK

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

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

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

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

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

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

Setbacks

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

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

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

Officer comment:

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

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

Officer comment:

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

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

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

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

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

Officer comment:

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

The DBCA provided the following comments in relation to the CCW and TEC:

Conservation Category Wetland

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

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

Threatened Ecological Communities

DBCA advised that the inspection of the application area and its surrounds undertaken by DWER Officers identified specific characteristics that may be indicative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act. The DBCA recommended that surveys be undertaken to ascertain the presence of this TEC within the application area and advised that inspection by Species and Communities Program specialists is likely to be required to verify the presence or absence of this TEC within the application area (DBCA 2019a). There is no evidence that further surveys have been undertaken to confirm the presence of the above TEC.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As such the development is inconsistent with SPP 3.7.

Summary

The proposed development location results in the need to remove native vegetation to accommodate the built structures and to provide for bushfire mitigation measures. The ecological significance of the environment in proximity to the development in the officer's view outweighs the desire of the proponent to build on an accessible portion of the property. Furthermore, the reduced lot boundary setbacks will likely cause an adverse visual impact on the streetscape of Breera Road.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9

Planning and Development (Local Planning Schemes) Regulation 2015

POLICY IMPLICATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Balcombe

That Council refuse development approval for a proposed Single House and Outbuilding on Lot 148 Breera Road, Breera in accordance with clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason(s):

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

Advice Notes:

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
9 / 0**

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

AGAINST: *Nil*

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

JUSTIFICATION RE PROPOSED SETBACKS

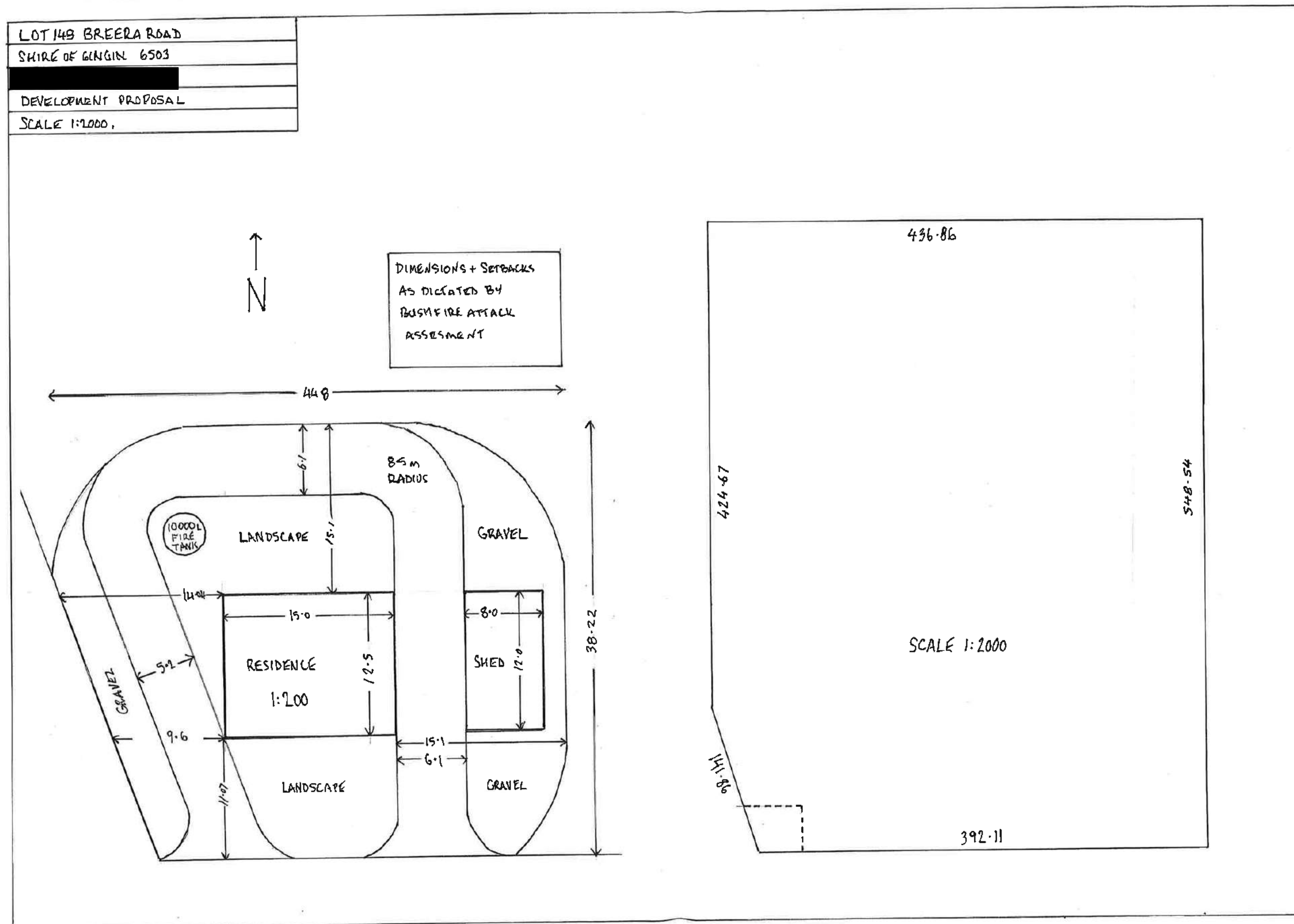
Dear Planning Officer

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

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

Yours truly,

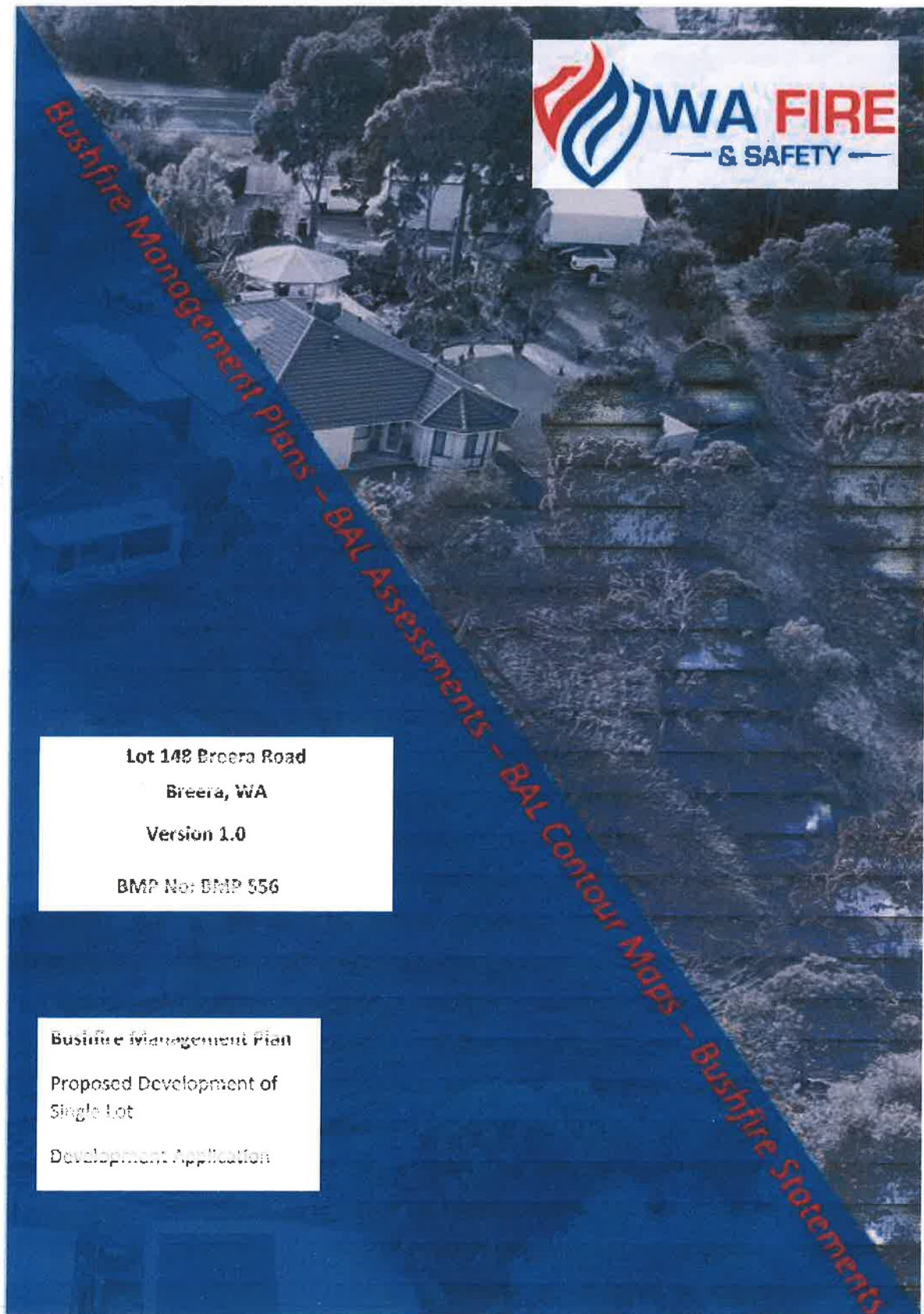




**MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023**

APPENDIX 13.5.1

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



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

Table of Contents

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

List of figures

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

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

Bushfire Management Plan/Statement addressing the Bushfire Protection Criteria Coversheet

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

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

Report Author: Dwayne Griggs Level 1
Accredited BPAD 40486

Report Reviewer: Roddy Cameron Level 2
Accredited BPAD 37279

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

BMP Date: 12 March 2020

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

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

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

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

Dwayne Griggs, WA Fire & Safety, 12 March 2020



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

Document control

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

Disclaimer

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

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

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

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

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

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

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

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

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

Lot 148 Breera Road, Breera, Western Australia

Bushfire Management Plan – BAL Assessment

Compliance Statement

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

Bushfire management Plan Author:

WA Fire & Safety

Dwayne Griggs - BPAD40466 Level 1

Phone: 0415684681 Email Admin@wafiresafety.com.au



Reviewed By:

Roddy Cameron - BPAD36638 Level 2



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

1.0 Introduction and Proposal Details

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

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

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

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

1.1 Site Location

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

1.2 Aims and Objectives

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

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

The objectives of this Bushfire Management Plan are to:

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

1.3 Document Preparation

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

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

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

FIGURE 1: Copy of Site Plan



FIGURE 2: Proposed Location



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

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



2.0 Environmental Considerations

Limited considerations below have been assessed with multiple issues:

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



Figure 3 DBCA-019 – Wetlands Swan Coastal Plain

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

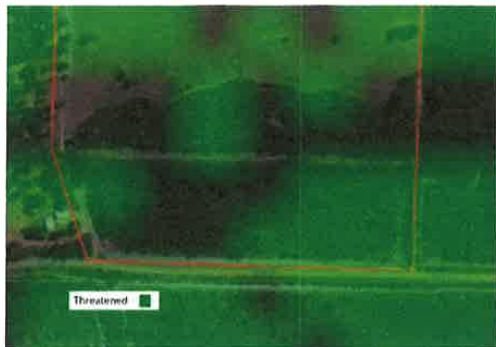


Figure 4 DBCA-038 – Threatened ecological communities

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



Figure 6 DWER-046 – Environmentally Sensitive Areas

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

2.1 Native vegetation – Modification and Clearing

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

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

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

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

2.2 Revegetation/Landscape Plans

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

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



3.0 Bushfire Assessment Results

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

3.1 Vegetation Classification

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




FIGURE 4: Vegetation Classification Map






**MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023**

APPENDIX 13.5.1



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

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

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

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

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

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

3.2 Slope

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

Table 3A: Vegetation Classification and Slopes

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

3.3 Fire Danger Index

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

3.4 BAL-Assessment

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

Table 3B: Determined BAL Ratings

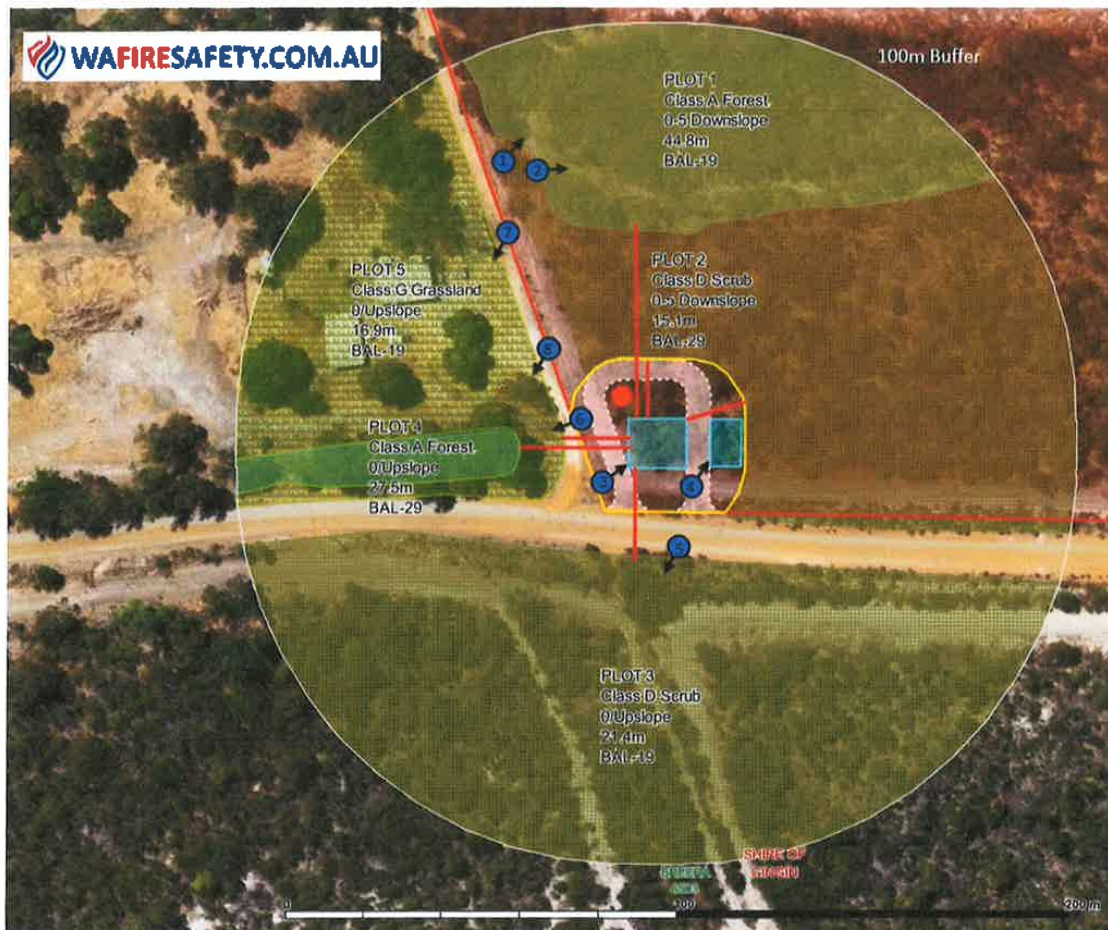
Method 1 BAL determination				
Plot	Applied vegetation classification	Effective slope under the classified vegetation (degrees)	Separation distance to the classified vegetation (metres)	Highest BAL
1	Class A	0-5	44.8m	BAL-19
2	Class D	0-5	0m	BAL-FZ
3	Class D	0/Upslope	21.4m	BAL-19
4	Class A	0/Upslope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

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

Table 3C: Prescriptive BAL ratings.

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

FIGURE 5: Prescribed BAL Assessment Results



Line Of Measure
Effective Angle / linear distance

Proposed Building

**Asset Protection
Zone (If Applicable)**

Site Boundary

Vegetation Plot

Photo Location & Direction

North

4.0 Compliance and Justifications

4.1 SPP 3.7 Objectives and Application of Policy Measures

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

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

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

4.2 Compliance table

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

Bushfire Management Plan – BAL Contour

Table 4: Compliance with bushfire protection criteria

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

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

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

FIGURE 6: Magnified contour map



3.5 Additional Bushfire Hazard Issues

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

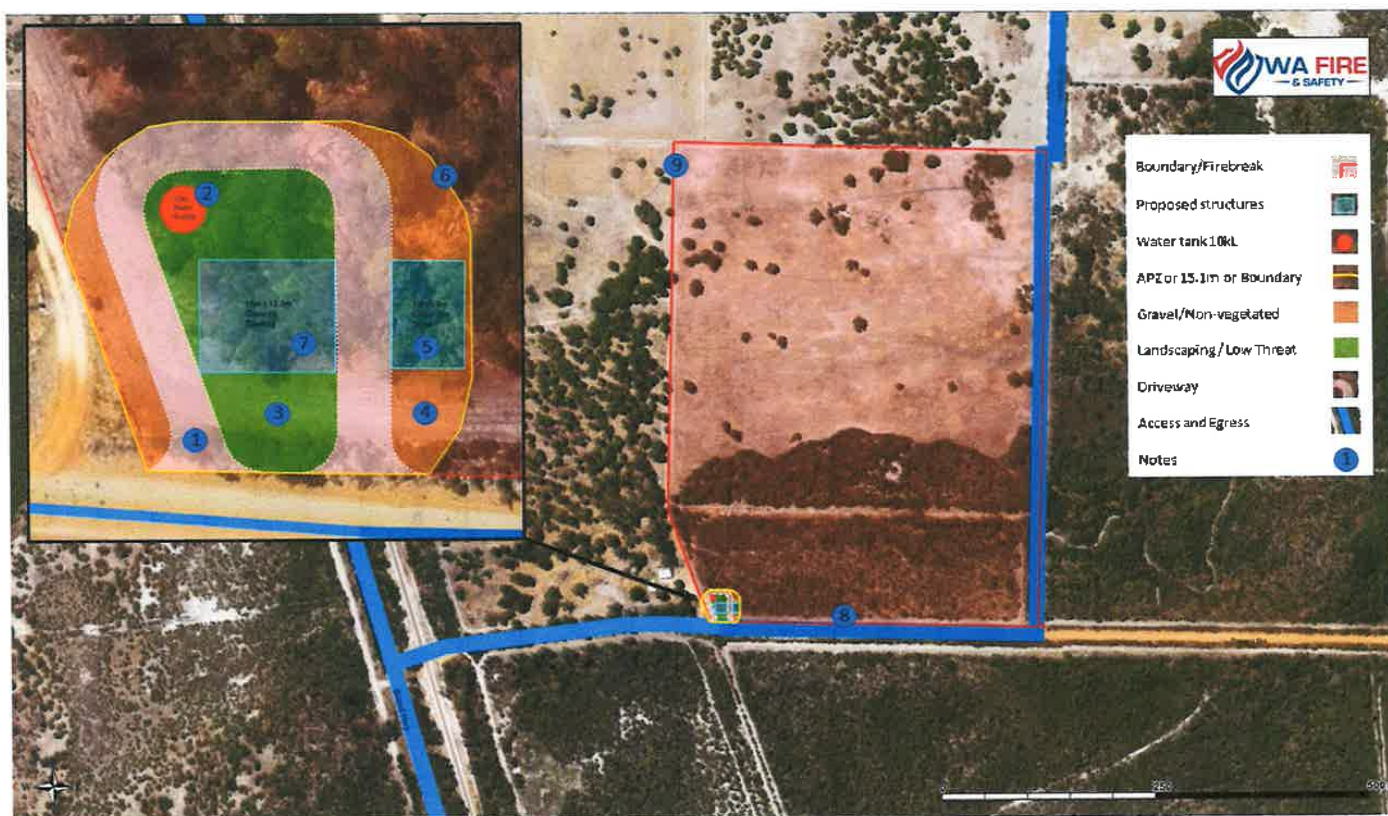
- The development is bounded by class D scrub on the north and east.
- Road access/egress is not available to the east along Breera Road, the secondary access and egress will be to the north east along Nullilla Road.
- Asset Protection Zones are to be established early and maintained in perpetuity to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

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

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

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

5.0 Bushfire Risk Management Strategies



Notes:

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

Location: Lot 148 Breera Road, Breera Western Australia
LGA: Shire of Gingin
Assessment Date: 18 January 2020
Prepared by: Dwayne Griggs, Level 1 BPAD40466
Reviewed by: Roddy Cameron Level 2 BPAD37279
BMP Version: BMP556

Table 5A: Bushfire risk management strategies

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

Bushfire Management Plan – BAL Contour

6.0 Roles and Responsibilities

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

Table 6A: Roles and responsibilities

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

21 NOVEMBER 2023

Lot 46 Biscuit Road, Espera, Western Australia
Bushfire Management Plan – BAL Assessment

Appendices

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

An APZ is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level. The width of the required APZ varies with slope and vegetation. The APZ should at a minimum be of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m^2 (BAL-29). It should be lot specific. Hazard separation in the form of using subdivision design elements (refer to E2) or excluded and low threat vegetation adjacent to the lot may be used to reduce the dimensions of the APZ within the lot.

Hazard on three sides
APZ



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

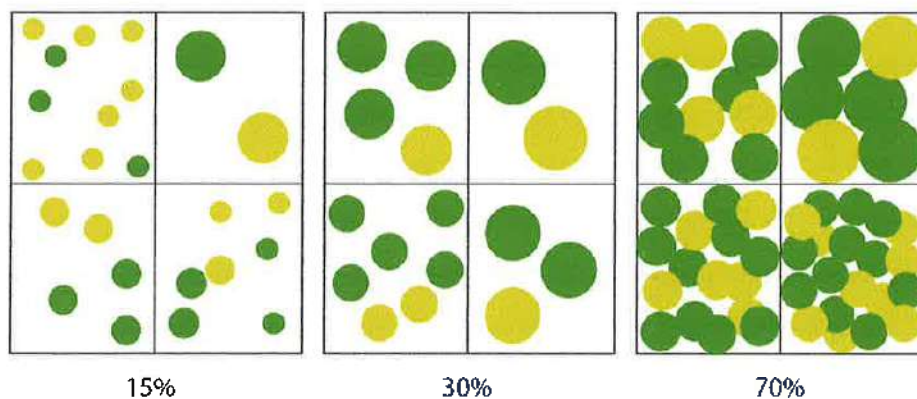
The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity. The APZ may include public roads, waterways, footpaths, buildings, rocky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

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

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

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

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



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

Appendix 2 – Shire of Gingin Firebreak Orders 2019/20

YOUR LEGAL REQUIREMENTS

1. For your property

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

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

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

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

2. Any other Requirements

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

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

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

3. To Vary your Firebreak

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

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

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

4. If you have a Plantation less than 3 Ha

Install firebreaks that are:

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

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

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

5. If you have a Plantation greater than 3 Ha

Install firebreaks that are:

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

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

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

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

6. Burning your Garden Waste

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

Obtain a permit from a Gingin area Fire Control Officer and follow the directions on that permit.

Let your neighbours know prior to burning.

Only burn dry garden waste from your property.

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

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

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

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

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



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

There is a clear vertical access of a minimum of 4m in a low access for emergency vehicles



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

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

Firebreaks can

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

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

Firebreaks can't

Detour around multiple large trees without a variation.

Be outside the boundaries of your land.

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

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

Firebreak Variations

You might apply to vary your firebreak if

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

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

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

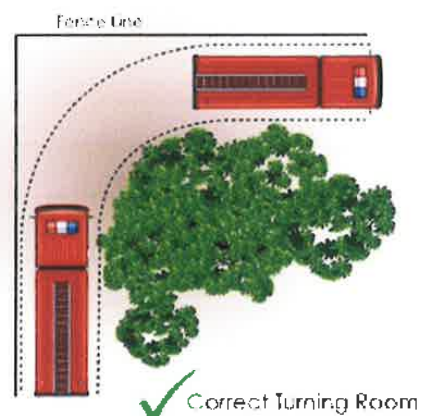
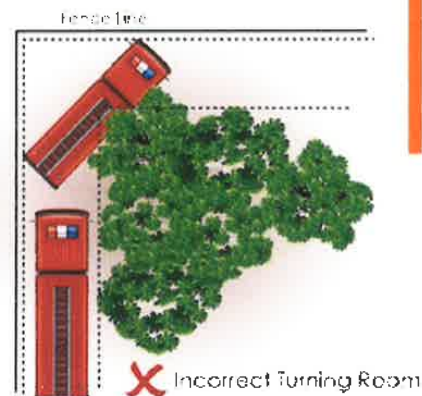
A normal firebreak would encroach on reticulated garden beds, orchards or other sustained cultivation. You need to ensure clear trafficable access for emergency vehicles to your buildings and land.

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

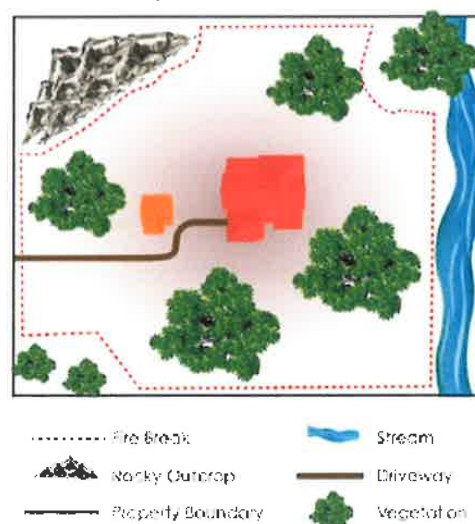
Parcels of land that are contiguously rated do not require a variation and a shared firebreak may be installed around the boundary of all the lots.

Do your Firebreaks allow for turning room for emergency vehicles?

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



Example of a Firebreak Variation



Asset Protection Zone

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

An APZ is:

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

An APZ serves to:

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

Maintaining your garden:

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

Figure 2: Shrub Foliage Separation from Tree Foliage.

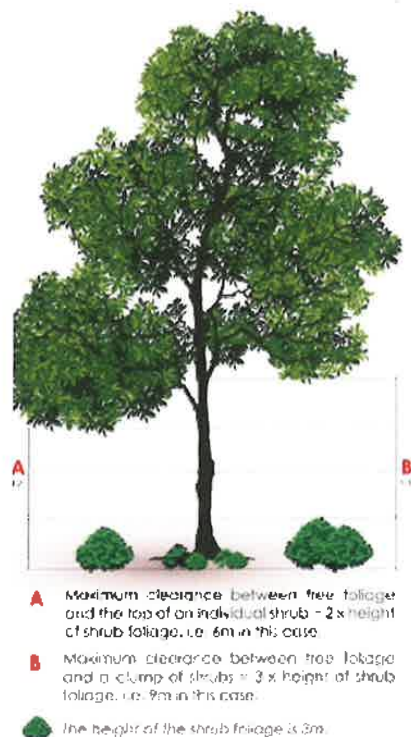
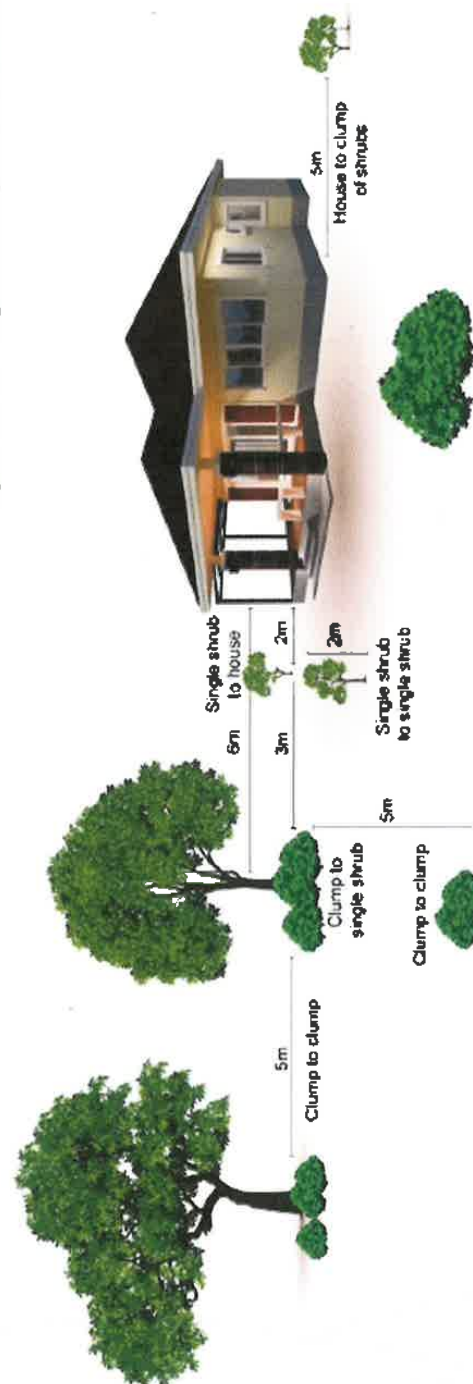


Figure 1: APZ - Vegetation Separation Distances.



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

Fire Danger Rating (FDR)

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

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



When the FDR is:

Very High

Severe

Extreme

Catastrophic

Permits are automatically canceled.

No burning (including garden refuse) is allowed.

You can't use any BBQ or cooker in the open air that requires solid fuel (wood or charcoal). This includes wood-fired ovens or stoves.

Campfires aren't allowed wood-fired ovens or stoves.
Campfires aren't allowed.

Burning Periods

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

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

Prohibited Burning Period

All burning and fires are prohibited during this time including cooking and campfires without a valid permit.

Restricted Burning Period

(No burning on Sundays/Public Holidays)
You need a permit to burn grass, paddocks and bush. Details about permits can be found on pages 20 to 24.

Unrestricted Burning Period

(Burning allowed on any day)
There are no fire restrictions on burning; however, health legislation is still applicable. Let your neighbours know you intend to burn and consider the smoke impact.

Fire Bans

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

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

Total Fire Ban (enacted by DFES)

Harvest & Vehicle Movement Ban (enacted by the Shire of Gingin)

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

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

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

Your Fire: Your Responsibility

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

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

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

It is recommended that before you burn you have appropriate insurance to cover you, your land and your public liability responsibilities.

We recommend you undertake weed control after burning to help maintain the reduced fuel loading.

Fines & Penalties

As per the Bushfires Act 1954.

Offence	Infringement	Maximum Penalty
Failure to produce permit to burn	\$100	\$500
Failure to comply with the directions of a Fire Control Officer	\$250	\$2,000
Offences relating to lighting a fire in the open air	\$250	\$3,000
Obstruction of an authorised officer	\$250	\$5,000
Disposal of burning cigarettes etc.	\$100	\$5,000
Apply to another Fire Control Officer for a permit where a permit has already been refused or granted subject to special conditions	\$250	\$10,000
Failure of occupier to extinguish bush fire	\$250	\$10,000
Selling fire to the bush during prohibited burning time	\$250	\$10,000 and/or 12 month imprisonment

Shire of Gingin Ranger Services 9575 5140
(All Areas)

Burning Permits

If you want to burn grass, paddocks and bush during the Restricted Burning Period then you will need a burning permit. To apply for a permit call your local Fire Control Officer **at least 1 week before your burn**. They will assess your proposed burn and issue a written permit (if approved).

Before you apply

Have your address ready.

Know the size of your burn and ensure materials are dry.

Check your firebreaks are maintained and that the burn area is trafficable.

Check your firefighting equipment and resources are in good working order.

Have the contact numbers of 3 able bodied people who will be at the burn.

Remove plastics, treated wood, tyres and other materials (you can only burn vegetation).

Remember the Environment

Some properties have environmental issues that need to be considered. These include but are not limited to:

Threatened ecological communities.

Environmentally sensitive areas.

Areas protected under the *Environmental Protection Act 1986*.

Specific development or subdivision approval conditions.

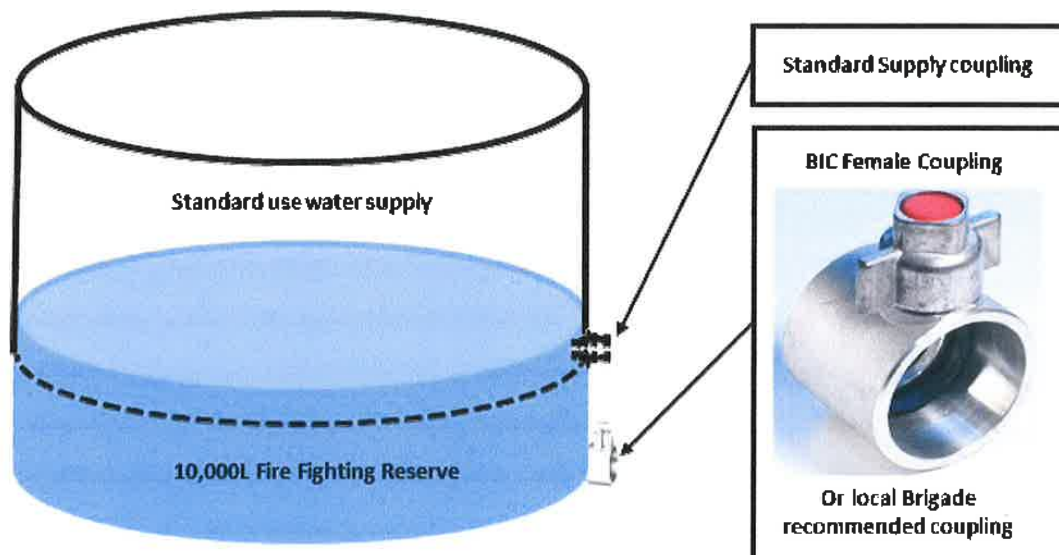
If you think that your land may be affected by environmental concerns, please contact the Shire on **9575 5100**.

Appendix 3 – Vehicular Access Requirements

TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	N/A	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum crossfall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5
*Refer to E3.2 Public roads: Trafficable surface					

Appendix 4 – Water Supply

Water tank, 10kL or more of dedicated firefighting reserve



SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED DEVELOPMENT APPLICATION – PROPOSED SINGLE HOUSE AND OUTBUILDING ON LOT 48 BREERA ROAD, BREERA.

No.	Submitter	Submission Detail	Recommended Response
1.	Submitter	The submitter makes the following general comment:	
	Parks and Wildlife Service	<p>I refer to your correspondence of 27 July 2020 in relation to the above development application. The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) provides the following comments.</p> <p>Clearing of native vegetation</p> <p>The proposed building envelope and associated Building Protection Zone (BPZ) will result in the clearing of up to 0.25ha of native vegetation. The clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from the DWER, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. DBCA understands that an application for a clearing permit was submitted by the proponent to DWER's Native Vegetation Branch (CPS 8184/1) in August 2018. DWER have undertaken a comprehensive assessment of the values of the subject area and received input from DBCA's specialist branches in relation to threatened ecological communities (TEC) and wetland values of the area under assessment.</p> <p>Based on the potential impact of the proposal on conservation significant flora, threatened ecological communities and a conservation category wetland, DWER has recently decided to refuse the application on this basis. A copy of the DWER Decision report is provided for your information. The decision report sets out the justification for the refusal of the clearing application and</p>	Noted. Refer to Council report.

		<p>contains advice provided by DBCA in relation to TEC and wetland values.</p> <p>A summary of this advice is provided below:</p> <p>Conservation Category Wetland</p> <p>The area under application occurs within Conservation Category Wetland (CCW) 'UFI15110', which is part of an extensive palusplain system which connects to the Breera Brook (situated approximately 757 metres from the application area) and flows into Chandala Brook (situated approximately 1.5 kilometres from the application area). The wetland is part of the 'Mungula consanguineous suite' (DBCA 2019b). Only 12.6 per cent of these CCW's currently remain, of which only 4.1 per cent are palusplain wetlands (DBCA 2019b). A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). The wetland is valued for its vegetation buffer, vegetation composition, proximity to both priority and threatened ecological communities, threatened fauna habitat value, hydrological connection and its value as a site of indigenous significance (DBCA 2019b). The proposed clearing of 0.25 hectares of vegetation within the buffer of the CCW may impact the values of the wetland.</p> <p>Threatened Ecological Communities</p> <p>DBCA advised that the inspection of the application area and its surrounds undertaken by DWER Officers identified specific characteristics that may be indicative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act. The DBCA recommended that surveys be undertaken to ascertain the presence of this TEC within the application area and advised that inspection by Species and Communities Program specialists is likely</p>	
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		to be required to verify the presence or absence of this TEC within the application area (DBCA 2019a). There is no evidence that further surveys have been undertaken to confirm the presence of the above TEC.	
2.	Submitter DWER	<p>The submitter makes the following general comment:</p> <p>Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposed development will impact on environment and water values and management. Key issues and recommendations that should be addressed are provided below:</p> <p><u>Acid Sulfate Soils Advice</u></p> <p>Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to high risk of ASS occurring within 3 metres of the natural soil surface. The Department advises that a model ASS related condition is not considered necessary in this instance as there is no indication in the proposal to suggest that dewatering or ground disturbance is proposed.</p> <p><u>Native Vegetation Clearing Advice</u></p> <p>Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (the Clearing Regulations).</p>	Noted. Refer to Council report.

		<p>Based on the information provided, no exemption applies to the proposed clearing and a clearing permit is required.</p> <p>The Department received a Clearing Permit application (CPS 8184/1) on 31 August 2018 from the applicant to clear 0.25 hectares of native vegetation at this location for the purposes of constructing a dwelling. The Department's assessment of the application noted that the proposed clearing may impact on conservation significant flora, threatened ecological communities and a conservation category wetland. The applicant was provided the opportunity to provide biological surveys to better inform the extent of environmental impacts. The required surveys have not been provided and the Department is therefore likely to refuse the application on this basis.</p> <p>It is noted that the clearing footprint specified in the development application is slightly smaller than that applied for within the clearing permit application. Despite the smaller footprint the above potential impacts remain.</p> <p><u>Water Resource Management Advice</u></p> <p>The site is located within the Ellen Brook Surface Water Area, proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>, and Breera Brook runs through the property. Over this portion of the waterway is a mapped Conservation Category Wetland (CCW) and Threatened Ecological Community (TEC).</p> <p>An on-site wastewater treatment and disposal system is required for the proposed single house as reticulated sewerage is unavailable in the area. According to Table 3 in <i>Water Quality Protection Note 70: Wastewater treatment and disposal – domestic systems</i> (DoW, 2016), onsite sewage systems should be set back at least 100 metres from waterways and wetlands, measured from the edge of dampland vegetation.</p>	
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		<p>The required setbacks for on-site sewage systems to the Breera Brook and CCW are not achievable at the location proposed for the building envelope. Setbacks less than 100 metres may be considered, however, the proponent has not provided any details on the wastewater system or justification that water contamination risks from domestic wastewater can be managed.</p> <p>As such, the Department objects to the proposal in its current form. The Department of Biodiversity, Conservation and Attractions (DBCA) should be consulted further regarding the CCW and TEC matters.</p>	
3.	<p>Submitter</p> <p>DFES</p>	<p>The submitter makes the following general comment:</p> <p><i>I refer to your email dated 12 June 2020 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by WA Fire & Safety and dated 12 March 2020, for the above development application. The BMP is accompanied by a letter from the proponent titled "Justification Re Proposed Setbacks" for the above development application (DA).</i></p> <p><i>It should be noted that this advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</i></p> <p><i>Assessment</i></p>	<p>Noted. Refer to Council report.</p>

		<p>• DFES acknowledge that the development application has been referred to DFES seeking expert technical advice on bushfire risk where refusal of the application is contemplated by the decision maker.</p> <p>1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map</p> <p><i>Issue Assessment Action</i> Vegetation classification Evidence to support the exclusion of the firebreak/driveway on the adjoining lot as managed to low threat in accordance with AS3959 is required.</p> <p><i>It is unclear if there is an enforceable mechanism for the decision maker to consider management of the neighbouring lot to the west to a low-threat standard in perpetuity. This is required to provide certainty that the proposed management measures within the BMP can be enforced by the decision maker. Insufficient information. The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</i></p> <p><i>If unsubstantiated, the vegetation classification should be revised to apply the worst-case scenario as per AS3959, or the resultant BAL ratings may be inaccurate.</i></p> <p>2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</p> <p><i>Element Assessment Action Siting & Design</i> A2.1 – not demonstrated Should the decision maker consider that there is no enforceable mechanism in place to ensure the vegetation exclusion on the adjoining lot to the west can be managed to low threat, the proposed development should be modified to ensure bushfire protection measures can be achieved wholly within the lot boundaries.</p> <p><i>The acceptable solution requires an Asset Protection Zone to be contained wholly within the lot boundaries on which the building is situated except in instances where the neighbouring lot will be managed</i></p>	
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		<p><i>in a low-fuel state on an ongoing basis, in perpetuity. The decision maker to be satisfied.</i></p> <p><i>Water A4.3 – not demonstrated</i> <i>The BMP states that a tank with 10,000L reserved for firefighting purposes will be installed to comply with Element 4.</i> <i>The acceptable solution is for a dedicated tank to be installed for firefighting purposes for the following reasons:</i></p> <ul style="list-style-type: none"> <i>•In the event of an emergency incident firefighters may drain the entire domestic tank in suppression efforts. Until the tank is refilled residents cannot return to their homes.</i> <i>•When a tank, used mainly for domestic purposes, is entirely emptied the sediment at the bottom of the tank may be disturbed when re-filling which can make the water unpotable.</i> <i>•There is no guarantee that the tank will have the reserve of 10,000L as this is at the discretion of the land owner. Modification to the BMP is required.</i> <p><i>Recommendation – not supported modifications required</i></p> <p><i>It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:</i></p> <p><i>1. The development design has not demonstrated compliance to Element 2: Siting and Design; and - Element 4: Water.</i></p>	
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Government of Western Australia
Department of Water and Environmental Regulation

Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8184/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Withheld
Application received date: 31 August 2018

1.3. Property details

Property: Lot 148 On Deposited Plan 411514
Local Government Authority: Shire of Gingin
Localities: Breera

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.25012		Mechanical Removal	Building or structure

1.5. Decision on application

Decision on Permit Application: Refuse
Decision Date: 24 July 2020
Reasons for Decision:

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance with principles (e) and (f), may be at variance with principles (a), (c) and (d), is not at variance with principle (j) and is not likely to be at variance with the remaining principles.

Through the assessment it was determined that the application area may support populations of conservation significant flora species, is situated within a Conservation Category Wetland (CCW) identified as 'UFI-15110', may contain an occurrence of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' or 'Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain' threatened ecological community (TEC) and is likely a significant remnant of native vegetation in an extensively cleared area. The applicant has not provided flora and vegetation surveys to confirm the presence or absence of the aforementioned values.

The proposed construction of a dwelling within Lot 148 on Deposited Plan 411514 requires Development Approval to be obtained from the Shire of Gingin. It is understood that an application for Development Approval has been made but to date has not been approved.

The Delegated Officer noted that the siting of a dwelling within a vegetated area of land would likely require additional clearing to maintain a level of bushfire prevention beyond the area applied for and as such, additional clearing and impacts to the surrounding vegetation may occur.

The Delegated Officer considers that the proposed clearing is likely to result in unacceptable environmental impacts to flora species of conservation significance, a CCW and may result in impacts to a TEC. The Delegated Officer has therefore determined to refuse the application.

2. Site Information

Clearing Description	The application seeks approval to clear 0.25 hectares of native vegetation within Lot 148 on Deposited Plan 411514, for the purpose of constructing a dwelling. An inspection of the application area, undertaken by officers of the Department of Water and Environmental Regulation (DWER) on 6 December 2018, determined that part of the application area has previously been cleared for the creation of firebreaks.
Vegetation Description	<p>The application area is mapped as occurring within the Yanga Complex (Hedde et al. 1980). This complex is defined as predominantly a closed scrub of <i>Melaleuca</i> species and low open forest of <i>Casuarina obesa</i> (Swamp Sheoak) on the flats subject to inundation (Hedde et al. 1980). On drier sites the vegetation reflects the adjacent vegetation complexes of Bassendean and Coonambidgee (Hedde et al. 1980).</p> <p>The 2018 DWER inspection of the application area and the surrounding vegetation identified the vegetation community in this area as mixed <i>Melaleuca</i> sp. woodland with <i>Eucalyptus rudis</i> (Flooded Gum) over <i>Acacia saligna</i> (Orange wattle), <i>Pteridium esculentum</i> (Bracken) over mixed herbs and sedges.</p>
Vegetation Condition	<p>The 2018 DWER inspection determined that the vegetation in the application area ranges from Excellent to Degraded (Keighery 1994) condition, described as follows:</p> <ul style="list-style-type: none"> • Excellent: Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species (Keighery 1994). • Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994). • Good: Vegetation structure significantly altered by very obvious signs of multiple disturbance; retains basic structure or ability to regenerate (Keighery 1994). • Degraded: Basic vegetation structure severely impacted by disturbance; scope for regeneration but not to a state approaching Good condition without intensive management (Keighery 1994). <p>The outer edges of the application area (western and southern edges) appeared to be in a Good to Degraded (Keighery 1994) condition. Moving towards the north and east of the application area, the vegetation condition transitions from Very Good to Excellent (Keighery 1994) condition.</p>
Soil type	The application area is mapped as occurring within the Yanga 8x phase (Department of Primary Industries and Regional Development, 2017). This land system is defined as a flat plain with occasional low dunes, subject to seasonal inundation, deep white and pale yellow sands interspersed with swamp and generally underlain by siliceous / humic pans at depth (Department of Primary Industries and Regional Development 2017).
Comment	The local area referred to in the below assessment is defined as the area within a ten kilometre radius of the application area.



Figure 1: The application area (depicted in blue) against lot boundaries (depicted in yellow).

3. Minimisation and mitigation measures

The applicant has positioned the application area within an area which has already been partially cleared to support the establishment of firebreaks. The applicant has advised that they have reduced their rural setbacks to between five and ten metres, though it is noted that this is likely to be subject to the approval of the Shire of Gingin.

4. Assessment of application against clearing principles, planning instruments and other relevant matters

(a) Native vegetation should not be cleared if it comprises a high level of biodiversity.

Proposed clearing may be at variance with this Principle

As discussed in Section 2, the vegetation found in the application area varies in condition from Excellent to Degraded (Keighery 1994) condition. A review of available databases determined that 26 flora species of conservation significance have been recorded in the local area, comprising of five Threatened flora species, one Priority 1 flora species, five Priority 2 flora species, ten Priority 3 flora species and five Priority 4 flora species (Western Australian Herbarium 1998-). Noting the vegetation within the application area is in Excellent to Degraded (Keighery, 1994) condition, it was considered the vegetation may support the following priority flora based on similarities between the mapped vegetation and soil types the known habitat requirements of the following species:

- *Grevillea evanescens* (Priority 1) is known from 15 records from the Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) region (Western Australian Herbarium 1998-). Advice received from the Department of Biodiversity, Conservation and Attractions (DBCA;2019a) indicates that there is the potential for this species to occur in the application area as it has been recorded from sites where flora species reflect higher water retention for longer periods of time
- *Tetraria* sp. Chandala (G.J. Keighery 17055) (Priority 2) is known from four records within the Swan Coastal Plain IBRA region (Western Australian Herbarium 1998-). Advice received from the DBCA (2019a) states that this species occurs within winter-wet sites and swamps and therefore it is likely that this species occurs within the application area (DBCA 2019a). The DBCA (2019a) also advised that since *Tetraria* sp. Chandala (G.J. Keighery 17055) is only known from four locations, any impacts to individuals of this species are likely to be significant to the conservation status of this species; and
- *Isotropis cuneifolia* subsp. *glabra* (Priority 3) is known from 17 records from the Avon Wheatbelt and Swan Coastal Plain IBRA regions. Advice received from the DBCA (2019a) states that this species occurs within winter-wet sites and swamps and suitable habitat for this species appears to be present in the application area (DBCA 2019a).

DWER's assessment and DBCA's advice (2019a) also indicate that three Threatened flora species have the potential to occur in the application area. These species are discussed further under Principle (c).

A review of available databases determined that the application area is situated the following distances from recorded occurrences of priority ecological communities (PEC):

- Approximately 157 metres north-west from the nearest recorded occurrence of the Priority 3 '*Banksia* Dominated Woodlands of the Swan Coastal Plain IBRA Region' PEC. This ecological community is also listed as an 'Endangered' TEC under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- Approximately 157 metres north-west from the nearest recorded occurrence of the Priority 3 '*Banksia* Dominated Woodlands of the Swan Coastal Plain IBRA Region' PEC. This ecological community is also listed as an 'Endangered' TEC under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- Approximately 5.6 kilometres north-west from the nearest recorded occurrence of the Priority 2 'Wooded wetlands which support colonial waterbird nesting areas' PEC; and
- Approximately 1.2 kilometres south west from the nearest recorded occurrence of the Priority 2 '*Banksia* woodland of the Gingin area restricted to soils dominated by yellow to orange sands' PEC.

Noting the species observed during the DWER (2018) site inspection, the proposed clearing area is not likely to represent the abovementioned PEC's. Given the extent of the proposed clearing and the separation distances between the application area and the above PEC's, no impacts to these PEC's are anticipated to result from the clearing activities. A review of aerial photography of the local area found the clearing of the application area will not result in the loss of ecological linkages promoting species diversity and recruitment within the above PEC's. However, it is noted that the application area is within a mapped proposed ecological linkage (Government of Western Australia, 2009) as part of the Gnarup Sustainability Strategy as discussed Principle (b) below.

Advice received from the DBCA (2019b) stated that the application area may be representative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC. This is discussed further under Principle (d).

The application area occurs within CCW 'UFI-15110'. A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). This matter is discussed further under Principle (f).

As discussed under Principle (b), a review of available databases found that nine fauna species of conservation significance have been recorded in the local area. The proposed clearing is not likely to impact on significant habitat for any conservation significant species. The impact of the proposed clearing on habitat for these species is discussed further under Principle (b).

Based on the presence of a CCW, and the potential presence of Priority flora, Threatened flora and a TEC, the Delegated Office considers that the application area may comprise a high level of biodiversity and the clearing may therefore be at variance with this Principle.

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

Proposed clearing is not likely to be at variance with this Principle

A review of available databases determined that nine fauna species of conservation significance have been recorded in the local area (Department of Biodiversity, Conservation and Attractions -2007 - onwards). These species are listed below:

- *Calidris melanotos* (Pectoral Sandpiper) (listed as 'Migratory birds protected under an international act' under the *Biodiversity Conservation Act 2016* (BC Act) and 'Marine, Migratory' under the EPBC Act);
- *Calyptorhynchus latirostris* (Carnaby's Cockatoo) (listed as 'Endangered' under the BC Act and the EPBC Act);
- *Galaxiella munda* (Western Dwarf Galaxias) (listed as 'Vulnerable' under the BC Act);
- *Neelaps calonotos* (Black-striped Snake) (Priority 3);
- *Oxyura australis* (Blue-billed Duck) (Priority 4);
- *Plegadis falcinellus* (Glossy Ibis) (listed as 'Migratory birds protected under an international act' under the BC Act and 'Marine, Migratory' under the EPBC Act);

- *Tringa glareola* (Wood Sandpiper) (listed as 'Migratory birds protected under an international act' under the BC Act and 'Marine, Migratory' under the EPBC Act);
- *Tringa nebularia* (Common Greenshank) (listed as 'Migratory birds protected under an international act' under the BC Act and 'Marine, Migratory' under the EPBC Act); and
- *Westralunio carteri* (Carter's Freshwater Mussel) (listed as 'Vulnerable' under the BC Act and the EPBC Act).

The site inspection undertaken by Officers from DWER (2018) did not identify tree species comprising nesting habitat for the Carnaby's Cockatoo. Some species suitable as foraging habitat were observed but overall it is considered that the application area provides minimal foraging habitat. The application area is therefore unlikely to comprise significant habitat for this species.

The Black-striped Snake is known to occur within *Banksia* woodlands and sandy areas of the Perth region (Western Australian Museum 2019). Whilst sandy soils was observed within the application area during the site inspection, the application area did not contain *Banksia* woodlands and is therefore not considered suitable habitat for this species.

The remaining conservation significant fauna habitat types include:

- In Australasia, the Pectoral Sandpiper prefers shallow fresh to saline wetlands and is found in coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands (Department of the Environment and Energy 2018a).
- The Blue-billed Duck is found in temperate wetlands where it leads an almost wholly aquatic lifestyle and is seldom seen on land (Birdlife Australia 2019). The Glossy Ibis's preferred habitat comprises fresh water marshes at the edges of lakes and rivers, lagoons, flood plains, wet meadows, swamps, reservoirs, sewage ponds, rice fields and cultivated areas under irrigation (Department of the Environment and Energy 2018b).
- The Wood Sandpiper occurs within well-vegetated, shallow, freshwater wetlands including swamps, billabongs, lakes, pools and waterholes (Department of the Environment and Energy 2019c). This species is typically associated with emergent aquatic plants or grass, dominated by taller fringing vegetation, such as dense stands of rushes or reeds, shrubs, or dead or live trees, especially *Melaleuca* sp. and River Red Gums (*Eucalyptus camaldulensis*) and often with fallen timber (Department of the Environment and Energy 2019c).
- The Common Greenshank is typically found in a wide variety of inland wetlands and sheltered coastal habitats of varying salinity, including swamps, lakes, dams, rivers, creeks, billabongs, waterholes and inundated floodplains, claypans and saltflats (Department of the Environment and Energy 2019d).
- The Western Dwarf Galaxias prefers swift-flowing streams near submerged vegetation (Fishes of Australia 2019). The water in these streams is usually acidic (pH 3.0 - 6.0) and darkly tannin-stained with wide temperature fluctuations during the seasons (Fishes of Australia 2019). This species also occurs occasionally in ponds, swamps and roadside drains (Fishes of Australia 2019).
- The current distribution of Carters Freshwater Mussel includes freshwater streams, rivers, reservoirs and lakes within 50 – 100 kilometres of the coast of South Western Australia, from Gingin Brook southward to the Kent River, Goodga River and Waychinicup River (Klunzinger et al. 2015).

The application area occurs within conservation category wetland 'UFI-15110' with both standing and flowing water observed approximately 60 metres north of the application area during the site inspection undertaken by DWER Officers (DWER 2018). Therefore the application area may provide supporting habitat for the abovementioned species. However, the application area occurs on the outer edges of the wetland which has undergone disturbance in the past to support the establishment of firebreaks. Given this and the fact that the application area only represents approximately 0.3 per cent of the wetland's overall mapped extent, it is considered that the application area is unlikely to comprise significant habitat for these fauna species.

As noted in Principle (a) above, the application is within a mapped proposed ecological linkage (Government of Western Australia, 2009) as part of the Gnangara Sustainability Strategy which aims to design ecological linkages that allow for landscape-level connectivity and to design ecological linkages of importance at sub-regional level that are focussed around key assets. It is considered that the proposed clearing of 0.25 hectares is not likely to impact the ecological linkage values determined by the strategy.

Based on the above, the clearing under application is not likely to be at variance with this Principle.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

Proposed clearing may be at variance with this Principle

Advice received from the DBCA (2019a) outlines that the threatened flora species *Grevillea curviloba*, which is known from 19 records within the Swan Coastal Plain IBRA Region, has the potential to occur in the application area (DBCA 2019a). This species has been recorded from sites where flora species reflect higher water retention for longer periods of time (DBCA 2019a).

The DBCA (2019a) also advised that an additional two threatened flora species (*Chamelaucium lullfitzii* and *Ptychosema pusillum*) are known to occur within five kilometres of the application area. The first threatened flora species is known from 17 records within the Swan Coastal Plain IBRA Region. The second threatened flora species is known from 7 records from the Geraldton Sandplains and Swan Coastal Plain IBRA Regions. The DBCA (2019a) advised that the preferred habitat for these species is *Corymbia calophylla* (Marri), *Banksia attenuata* (Slender Banksia), *Eucalyptus tottiana* (Coastal Blackbutt), *Jacksonia sternbergiana* (Stinkwood), *Xanthorrhoea preissii* (Grass Tree) and *Banksia sessilis* (Parrot Bush) over low mixed shrubs and sedges on grey to yellow sands. If this habitat type is present within the application area, it is likely that these species could occur in this area (DBCA 2019a). The DWER site inspection did not identify the preferred species for *Chamelaucium lullfitzii* and *Ptychosema pusillum* within the application area (DWER 2018).

Given the potential for threatened flora species *Grevillea curviloba* to occur within the application area, the proposed clearing activities may be at variance with this Principle.

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Proposed clearing may be at variance with this Principle

A review of available databases determined that the application area is situated the following distances from recorded occurrences of the following state listed TEC's:

- Approximately 3.7 kilometres south-east from the nearest recorded occurrence of the 'Herb rich saline shrublands in clay pans' TEC, listed as 'Vulnerable' by the Western Australian Minister for Environment and 'Critically Endangered' under the EPBC Act;
- Approximately 4.1 kilometres northwest from the nearest recorded occurrence of the '*Banksia attenuata* woodlands over species rich dense shrublands' TEC, listed as 'Endangered' by the Western Australian Minister for Environment and under the EPBC Act;
- Approximately 1.1 kilometres east from the nearest recorded occurrence of the 'Perth to Gingin Ironstone Association' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act; and
- Approximately 3.7 kilometres south east of the nearest recorded occurrence of the 'Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain' TEC, listed as 'Vulnerable' by the Western Australian Minister for Environment.

Given the vegetation types observed during the 2018 site visit (DWER, 2018) it is considered that vegetation within the application is not representative of the above listed mapped occurrences of TEC's. Therefore, no impacts to these mapped TEC's are anticipated to result from the clearing activities. A review of aerial photography of the local area found the clearing of the application area will not result in the loss of ecological linkages promoting species diversity and recruitment within the above TEC's.

The DBCA (2019a) advised that the inspection of the application area and its surrounds undertaken by DWER Officers identified specific characteristics that may be indicative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act. The DBCA recommended that surveys be undertaken to ascertain the presence of this TEC within the application area and advised that inspection by Species and Communities Program specialists is likely to be required to verify the presence or absence of this TEC within the application area (DBCA 2019a).

The presence of *Melaleuca rhaphiophylla* (swamp paperbark) as a dominant species noted in the site inspection (DWER, 2018) may also indicate the presence of 'Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain' TEC.

Given the potential for the application area to comprise the whole or part of, or be necessary for the maintenance of a TEC, the proposed clearing may be at variance with this Principle.

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Proposed clearing is at variance with this Principle

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750 (i.e. pre-European settlement) (Commonwealth of Australia 2001). This is the threshold level below which species loss appears to accelerate exponentially at an ecosystem level.

As indicated in Table 1, the Swan Coastal Plain IBRA region retains approximately 38.5 per cent of its pre-European extent (Government of Western Australia 2018a). The vegetation complex mapped over the application area (Yanga Complex) currently retains approximately 16 per cent of its pre-European vegetation extent (Government of Western Australia 2018b). The local area retains approximately 52.7 per cent of its pre-European extent.

As discussed under Principles (a), (c) and (d), the application area may comprise a high level of biodiversity, may be necessary for the maintenance of threatened flora species and may comprise or be necessary for the maintenance of a TEC. As discussed under Principle (f), the application area comprises part of Conservation Category Wetland 'UFI-15110', which is identified as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b).

When the above is considered alongside the highly cleared nature of the Yanga Complex, the application area likely represents a significant remnant of native vegetation. Based on the above, the proposed clearing is at variance with this Principle.

Table 1: Vegetation extents

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current Extent in DBCA Managed Lands (ha)	DBCA (%)
IBRA Bioregion*					
Swan Coastal Plain	1,501,221.93	578,997.37	38.57	222,766.51	14.84

CPS 8184/1

Page 6 of 10

**Swan Coastal Plain Vegetation
Association**

38: Yanga Complex	26,176.45	4,245.98	16.22	520.68	1.99
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(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Proposed clearing is at variance with this Principle

The inspection of the application area and its surrounds undertaken by DWER Officers determined there are no watercourses in the application area (DWER 2018). The DWER Officers identified vegetation that is growing in association with a wetland (DWER 2018).

The DBCA (2019b) advised that the area under application occurs within Conservation Category Wetland (CCW) 'UFI-15110', which is part of an extensive palusplain system which connects to the Breera Brook (situated approximately 757 metres from the application area) and flows into Chandala Brook (situated approximately 1.5 kilometres from the application area). The wetland is part of the 'Mungula consanguineous suite' (DBCA 2019b). Only 12.6 per cent of these CCW's currently remain, of which only 4.1 per cent are palusplain wetlands (DBCA 2019b). A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). The wetland is valued for its vegetation buffer, vegetation composition, proximity to both priority and threatened ecological communities, threatened fauna habitat value, hydrological connection and its value as a site of indigenous significance (DBCA 2019b). The proposed clearing of 0.25 hectares of vegetation within the buffer of the CCW may impact the values of the wetland.

Given the application area includes vegetation growing in, or in association with, an environment associated with a wetland, the proposed clearing under application is at variance with this Principle.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Proposed clearing is not likely to be at variance with this Principle

No significant land degradation impacts were visible in historically disturbed portions of the application area or adjacent firebreaks during the inspection of this area undertaken by DWER Officers (DWER 2018).

Given the extent and nature of the clearing under application, the most likely land degradation impact which would result from the clearing activities would be anticipated to be surface erosion. While the proposed clearing may result in land degradation impacts through erosion, these impacts would be expected to be temporary in nature, with the establishment of the dwelling and its associated infrastructure expected to stabilise the application area and mitigate any long term land degradation impacts. It is therefore not anticipated that the clearing under application would result in long-term land degradation impacts which would impact the ecological values of the surrounding vegetation on an enduring basis.

Based on the above, the clearing under application is not likely to be at variance with this Principle.

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Proposed clearing is not likely to be at variance with this Principle

A review of available databases determined that the application area is situated approximately 4.6 kilometres east south-east of the Yeal Nature Reserve, approximately 4.5 kilometres south south-east of the Nullilla Nature Reserve, approximately 2.5 kilometres south east of the Bambanup Nature Reserve, approximately 9.3 kilometres north east of the Gngara-Moore River State Forest, 5.2 kilometres north north-west of the Chandala Nature Reserve, approximately 2.6 kilometres west of the Breera Road Nature Reserve, approximately 1.4 kilometres north east of the Timaru Nature Reserve and approximately 4.2 kilometres north west of unnamed conservation reserve R 50678. When consideration is given to the separation distances between the application area and the above conservation reserves, no impacts to the ecological values of the above conservation reserves are anticipated to result from the proposed clearing activities. A review of aerial photography of the local area found the clearing of the application area will not result in the loss of ecological linkages promoting species diversity and recruitment within the above conservation reserves or have a significant impact on the mapped linkage and values identified as within the Gngara Ecological Linkages (Government of Western Australia, 2009). The proposed clearing is not likely to be at variance with this Principle.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Proposed clearing is not likely to be at variance with this Principle

The assessment of Principle (g) determined the clearing activities under application could result in temporary surface erosion impacts. These land degradation impacts could result in the sedimentation of local surface water resources within conservation category wetland 'UFI-15110'. However these land degradation impacts, as discussed under Principle (g), would be expected to be temporary in nature and mitigated through the establishment of the dwelling and its associated infrastructure, which would be

expected to stabilise the application area. Therefore, any impacts to surface water quality resulting from the clearing activities would not be expected to be ongoing.

A review of available databases determined the groundwater resources underlying the application area are mapped as having a total dissolved solids content of 500 – 1000 milligrams per litre. Given the extent of the application area and the knowledge that the local area retains approximately 52.7 per cent of its pre-European clearing extent, the clearing under application is not anticipated to adversely impact the quality of local groundwater resources.

Based on the above, the proposed clearing is not likely to be at variance with this Principle.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Proposed clearing is not at variance with this Principle

The Yanga 8x land system shows a high potential for flooding in response to disturbance (Department of Primary Industries and Regional Development 2017). A review of available databases determined the application area is situated within the Swan Avon – Lower Swan catchment area. This catchment has an area of approximately 3,966 square kilometres.

As discussed in Principle (f), the application area is associated with a mapped CCW and but is devoid of any mapped watercourses. DWER's site inspection (2018) noted the application area contains vegetation growing in association with a wetland. It is possible that the application area may be seasonally inundated which would may not have been visible during the inspection in summer. A review of the topographical contours of the local area also determined that the application area is situated within a low-lying flat plain environment which only varies 5 metres in elevation over a distance of approximately 1.3 kilometres. These factors are expected to limit both surface water accumulation within the application area and the potential for surface water runoff out of the application area as a result of the proposed clearing.

While the high potential of the Yanga 8x land system for flooding is acknowledged and the value of wetlands in providing flood mitigation, consideration is given to the extent of the vegetation within application area and the extent of vegetation remaining within the immediate vicinity. The proposed clearing is unlikely to alter the flooding regime of the local area.

Based on the above, the proposed clearing is not at variance with this Principle.

Planning instruments and other relevant matters.

A review of available databases determined that the application area is situated within the 'Gingin Brook Waggy' (FID-22575) Aboriginal Heritage Site of Significance. This Aboriginal Site of Significance is recognised for its historical and mythological value, its uses as a camp site and a hunting place and its value for both plant and water resources. The applicant is advised that any clearing undertaken within the above Aboriginal Heritage Site of Significance will be subject to the requirements of the *Aboriginal Heritage Act 1972*. The applicant is advised to contact the Department of Planning, Lands and Heritage for more information on this matter.

The construction of a dwelling within the application area requires a Development Approval (DA) from the Shire of Gingin. A DA has been lodged with the Shire of Gingin but to date has not been approved.

The assessment above is for the proposed clearing of 0.25012 ha which is inclusive of a dwelling and cleared areas around the dwelling including a driveway, gravelled area, shed and landscaped area, some of which may constitute a Building Protection Zone (BPZ). The BPZ is described by Department of Fire and Emergency Services (DFES) as an area for managing and reducing fuel loads for a minimum of 20 meters around a building to increase its likely survival from a bushfire. Under Regulation 5, Item 15 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* clearing to create or maintain a BPZ may be exempt from requiring a permit. The Delegated Officer considers that the siting of the residence in this location, close to vegetated areas, makes it highly likely that additional clearing beyond the assessed clearing footprint will be required to manage long-term bushfire risk.

5. Applicants submissions

To address the impacts identified through DWER's assessment of the application, a request for more information was sent to the applicant on 15 March 2019. The correspondence noted the environmental values identified within the preliminary assessment and requested the applicant provide information on avoidance and minimisation efforts to reduce the likely impacts and to provide any additional information addressing the findings of the preliminary report. The correspondence also noted that a large portion within Lot 148 was already cleared and should be considered as an alternative location for the proposed dwelling.

The applicant provided a response on 14 April 2020 noting the following:

- The original proposed clearing area remains preferred due to anticipated costs of running services to the cleared area at the rear of the property and planning for fire events.
- The original proposed clearing area contains rubbish within the vegetation which would be removed at a later date regardless and may damage vegetation.
- A request should be sent to DBCA noting the comparison of the two sites and noting funding should be requested if DWER maintains its position (of not granting a permit and requiring surveys).
- A building envelope could be re-shaped to improve the chance of a permit being granted.

In response to the above comments provided and a discussion with the applicant, it was determined that commissioning consultants to undertake biological surveys within the application area may resolve some of the concerns raised by DWER. It is

noted however that concerns for potential impacts on the CCW and the TEC considered to be potentially associated with this wetland may not be able to be addressed. It was noted that the reduction of the application area may also mitigate DWER's concerns for environmental impacts but would still need to meet Shire of Gingin development requirements.

6. References

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GIS Databases:

- Aboriginal Sites of Significance
- DAFWA_Subsystems_V5
- Department of Biodiversity, Conservation and Attractions, Managed Tenure
- Environmentally Sensitive Areas 2015
- Geomorphic Wetlands Management Category
- Groundwater Salinity - Statewide
- Hydrography Linear – Linear
- Remnant Vegetation all regions
- SAC bio datasets
- SAPPR Interim Measures – High Value Wetlands
- Swan Coastal Plain – Vegetation Complex Mapping
- TPFL Data December 2018
- WAHerb Data December 2018
- WA TEC PEC Boundaries



13.6 REPORT OF REVIEW TO LOCAL PLANNING SCHEME NO. 9

File	LND/8
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Nil
Appendices	1. Report of Review Local Planning Scheme No 9 V 3 (1) [13.6.1 - 15 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider providing the West Australian Planning Commission (WAPC) with a report of review in relation to Local Planning Scheme No.9.

BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires that a local government carry out a review of its Local Planning Scheme in the 5th year after the Scheme is gazetted.

Local Planning Scheme No. 9 (LPS9) was gazetted on 24 September 2012. Since gazettal, there have been 14 amendments to the scheme, with two amendments currently being considered.

The most recent review related to Amendment No. 14, which was gazetted on 8 April 2016 and incorporated modifications to LPS 9 in line with the Regulations. Amendment No. 14 included multiple insertions and deletions of scheme text consistent with the Regulations, including reference to the Deemed Provisions.

Council may note that a review of LPS9, in the form of an omnibus scheme amendment, was commenced in 2021 (being the 5th year after the gazettal of Amendment No. 14) and is currently being progressed. This report is presented as a precursor to Council considering the omnibus amendment.

The Report of Review is provided (**see appendices**).

It should be noted that Table 4 of the report is yet to be finalised with the details currently being compiled. This has little consequence on the substance of the report, and rather than delay this matter any further, the officer recommendation ensure this will occur prior to referral to the WAPC.

COMMENT

The below outlines the statutory basis for the report of review process:

Division 1 – Review of Local Planning Scheme

65. Review of local planning scheme

- (1) A local government must carry out a review of each local planning scheme prepared by the local government –
 - (a) in the 5th year after the scheme is published in the Gazette under section 87(3) of the Act; and*
 - (b) in the 5th year after the completion of each review carried out under this Division.**
- (2) Sub regulation (1) applies to a local planning scheme that was published in the Gazette more than 5 years before the commencement of this regulation as if it were published in the Gazette on the day that is 3 years before the day on which this regulation comes into operation.*
- (3) The review must consider whether the local planning scheme is up-to-date and complies with these regulations.*
- (4) The review may be undertaken in conjunction with the preparation of a consolidation of a scheme under Part 5 Division 5 of the Act.*

66. Report of review

- (1) The local government must, no later than 6 months after the requirement to carry out the review of a local planning scheme arises under regulation 65, or such longer period as the Commission allows –
 - (a) prepare a report of the review; and*
 - (b) approve the report by resolution; and*
 - (c) provide the approved report to the Commission.**
- (2) The report must be prepared in the manner and form approved by the Commission and must include the following information –
 - (a) the date on which the local planning scheme was published in the Gazette in accordance with section 87(3) of the Act;**

- (b) the date on which each amendment made to the scheme was published in the Gazette in accordance with section 87(3) of the Act;*
 - (c) the date on which the scheme was last consolidated under Part 5 Division 5 of the Act;*
 - (d) an overview of the subdivision and development activity, lot take-up and population changes in the scheme area since the later of -*
 - (i) the date on which the scheme was published in the Gazette in accordance with section 87(3) of the Act; and*
 - (ii) the date on which the scheme was last reviewed;*
 - (e) an overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.*
- (3) The report must make recommendations as to -*
- (a) whether the scheme -*
 - (i) is satisfactory in its existing form; or*
 - (ii) should be amended; or*
 - (iii) should be repealed and a new scheme prepared in its place; and*
 - (b) whether the local planning strategy for the scheme -*
 - (i) is satisfactory in its existing form; or*
 - (ii) should be amended; or*
 - (iii) should be revoked and a new strategy prepared in its place; and*
 - (c) whether any structure plan or local development plan approved under the scheme -*
 - (i) is satisfactory in its existing form; or*
 - (ii) should be amended; or*
 - (iii) should have its approval revoked*

67. Decision of Commission

- (1) *Within 90 days of receiving a report of a review of a local planning scheme, or such longer period as the Minister or an authorised person allows, the Commission must consider the report and –*
 - (a) *decide whether the Commission agrees or disagrees with the recommendations in the report; and*
 - (b) *notify the local government which prepared the report of the Commission's decision.*
- (2) *After receiving notification of the Commission's decision on a report of a review of a local planning scheme the local government must publish in accordance with regulation 76A –*
 - (a) *the report; and*
 - (b) *notice of the Commission's decision.*

Local Planning Scheme No. 9

The review indicates that LPS9 is still fit for purpose and has largely been kept up to date since gazettal. However, it will benefit from modernisation to maintain consistency with the Deemed Provisions.

LPS9 will ultimately benefit from the following actions:

1. Updating the Scheme to follow the structure and content of Model Scheme Text provisions as per the *Planning and Development (Local Planning Scheme) Regulations 2015*.
2. Administrative updates.
3. Insertion of additional objectives for local reserves.
4. Removal of caretakers dwelling provisions.
5. Insertion of Priority 1 drinking water definition.
6. Insertion of transportable/prefabricated dwelling provisions.
7. Insertion of Gingin Brook provisions to SCA No. 1.
8. Renumbering of clauses as necessitated by the above changes.

Noting the above, it is considered that overall, LPS9 still applies appropriate development requirements for the municipality. Therefore, the officer recommends that the Scheme be updated rather than completely replaced.

Local Planning Strategy

The Shire's Local Planning Strategy (Strategy) was endorsed by the Commission in 2012. It continues to set out a relevant strategic planning framework, and there is no pressing need to update it. There may be some benefit in updating the population figures and projections, as this would provide the opportunity to review future industrial land and commercial land supply based on current population data.

An update of the strategy could also be contemplated to harmonise the objectives and vision of the Shire's Strategic Community Plan 2022-2032. While this is not pressing, if desired it could be done via a future scheme amendment.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No. 9

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The amendment of LPS 9 has been accommodated within the 2023/24 budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

The Chief Executive Officer left the meeting at 5.38 pm.

The Chief Executive Officer returned to the meeting at 5.40 pm.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Balcombe

Councillor Peczka foreshadowed his intention to move an Alternative Motion to defer the Scheme Report of Review.

That Council:

1. Endorse the Scheme Report of Review (subject to Administration finalising Table 4 and 5) and forward the report to the Western Australian Planning Commission in accordance with Regulation 66 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Advise the Western Australian Planning Commission that Local Planning Scheme No. 9 is satisfactory in its existing form, but would benefit from revision based on an agreed program of Scheme Amendments in accordance with Regulation 66(3)(a)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Advise the Western Australian Planning Commission that the Local Planning Strategy is satisfactory in its existing form, and there is no pressing need to undertake a review.

PROCEDURAL MOTION

MOVED: Councillor Peczka

SECONDED: Councillor Kestel

That Council defer the Scheme Report of Review of the *Local Planning Scheme No.9* to the Western Australian Planning Commission.

LOST
0 / 9

FOR: *Nil*

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

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Johnson

SECONDED: Councillor Balcombe

That Council:

1. Endorse the Scheme Report of Review (subject to Administration finalising Table 4 and 5) and forward the report to the Western Australian Planning Commission in accordance with Regulation 66 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Advise the Western Australian Planning Commission that Local Planning Scheme No. 9 is satisfactory in its existing form, but would benefit from revision based on an agreed program of Scheme Amendments in accordance with Regulation 66(3)(a)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Advise the Western Australian Planning Commission that the Local Planning Strategy is satisfactory in its existing form, and there is no pressing need to undertake a review.

CARRIED UNANIMOUSLY

9 / 0

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

AGAINST: *Nil*



Report of Review

Local Planning Scheme No. 9

Table of Contents

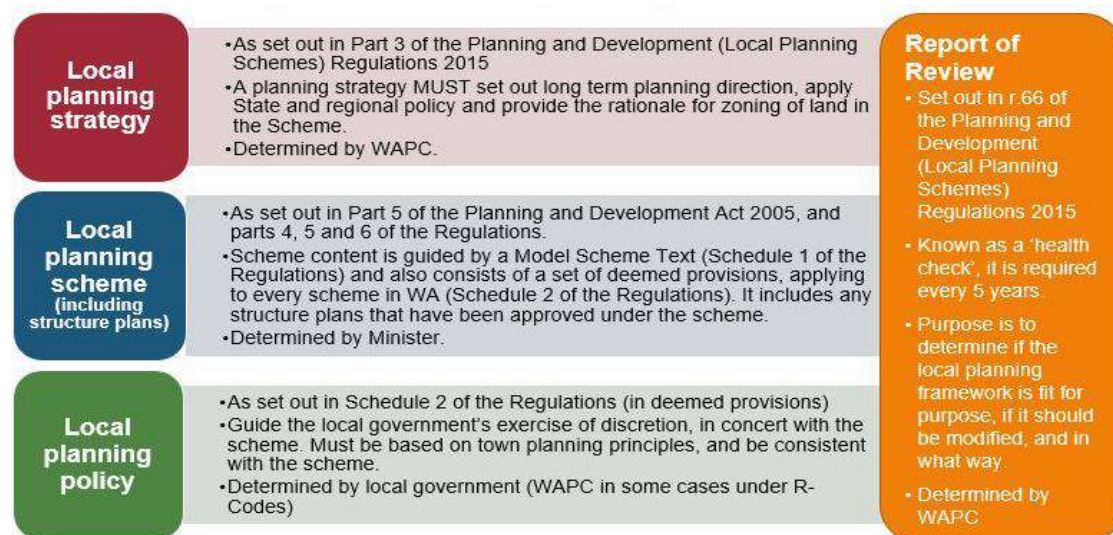
1.0	BACKGROUND	2
1.1	About the WA Planning System	2
1.2	What is a Report of Review?	2
1.3	About the Shire of Gingin	3
2.0	EXISTING PLANNING FRAMEWORK	3
2.1	Local Planning Strategy	3
2.2	Local Planning Scheme.....	3
2.3	Structure Plans	3
2.4	Local Planning Policies	4
3.0	PLANNING CONTEXT	4
3.1	Population.....	4
3.1.1	Historical Trends and Forecasts.....	4
3.1.2	Future population	5
3.2	Economy and Employment	5
3.3	Environment.....	6
3.3.1	Coastal Vulnerability.....	6
3.3.2	Carbon and Soil Sequestration.....	7
3.3.3	Protection of Surface Water	7
3.3.4	Biodiversity.....	7
4.0	SUPPLY OF LAND.....	7
4.1	Subdivision Approvals – New Lots	7
4.2	Building Commencements.....	8
4.3	Future Land Supply Requirements.....	8
4.3.1	Residential.....	8
4.3.2	Industrial	9
4.3.3	Commercial.....	10
4.3.4	Future Demand	10
5.0	OFFICER COMMENTS.....	10
5.1	Local Planning Strategy	10
5.2	Local Planning Scheme.....	10
5.3	Structure Plans	11
5.4	Local Planning Policies	12
6.0	RECOMMENDATION	12
7.0	Appendices	12
	APPENDIX A – AMENDMENTS TO GINGIN LPS 9 SINCE GAZETTAL	12

1.0 Background

1.1 About the WA Planning System

The Western Australian Planning system revolves around three key decision makers: the Minister for Planning, Western Australian Planning Commission (Commission) and local governments. These roles and responsibilities are also set out in legislation and regulation, principally the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*. As shown in Figure 1, the local planning framework consists of three key components; a local planning strategy, a local planning scheme, and a suite of local planning policies that guide local government discretion in decision-making. Central to the operation of the local planning framework is a Report of Review.

Figure 1 – The Local Planning Framework



1.2 What is a Report of Review?

A Report of Review is colloquially known as a health-check for the local planning framework and is required to be carried out every 5 years to assess how the framework is operating, and if adjustments need to be made. A Report of Review is required to consider whether a local government's local planning strategy and scheme, and any structure plans adopted under the scheme are:

1. Satisfactory in their existing form; or
2. Should be amended; or
3. Should be revoked and/or have a new one prepared.

Local planning policies may also be considered as part of this review, but it is at the local government's discretion.

Following the recommendation from the local government, the Commission is to decide whether the Commission agrees or disagrees with the Report of Review and notify the local government of its decision. The local government is then required to publish the Report of Review and notice of the Commission's

decision. The reason for this is to increase transparency in the planning system and provide stakeholders and community members with a 'road map' of future changes (or not) to the local framework.

This Report of Review will examine the Shire of Gingin's local planning framework and make recommendations to the Commission.

1.3 About the Shire of Gingin

The Shire of Gingin (Shire) is approximately 60 kms north of Perth and covers an area of 3,211 square kilometres. The Shire, which is one of the 42 local governments within the State's Wheatbelt planning region, is surrounded by the Shire's of Dandaragan (north), Victoria Plains, Chittering (east) and the City of Wanneroo (south).

Gingin is the Wheatbelt's third most populous area with an Estimated Resident Population of 5,480 in 2021. This accounts for approximately 7% of the population living in the Wheatbelt region. According to the 2016 Census of Population and Households (Census), the Shire's main population centres (by population) were:

- Gingin (852 persons)
- Lancelin (726)
- Gabbadah (672)
- Ledge Point (240)
- Nilgen (230)
- Guilderton (172)
- Seabird (78)

2.0 Existing Planning Framework

The Shire's Local Planning Framework consists of:

2.1 Local Planning Strategy

The Shire of Gingin's Local Planning Strategy (Strategy) was endorsed by the Commission in 2012. The Strategy identifies key land use planning issues impacting the Shire and defines a comprehensive suite of strategic directions/actions to address these.

2.2 Local Planning Scheme

The Shire's Local Planning Scheme 9 (Scheme), which applies to the whole of the Shire, was gazetted in 2012. Since gazettal, the Scheme has been amended 14 times. **Appendix 1** provides a detailed explanation of the amendments to the Scheme since 2012.

2.3 Structure Plans

There are six major structure plans in the Shire as detailed in **Table 1**. There are a number of historical structure plans that the Shire has on physical record but are not listed below.

Table 1: List of Structure Plans

ID	Names / Address	Expiry
SPN / 0285	Lancelin South Stage 1	19 October 2025
SPN/2048	Lancelin South Stage 2	11/01/28
SPN/0285	Moore River South	19/10/25
837/3/8/003P	Lot 435 Walker Avenue, Lancelin	19/10/25
SPN/2220	Seabird Golden Beach Structure Plan	22/04/30
SPN/0589	Gingin Townsite Structure Plan	19/10/25
SPN/0285	Lancelin South Stage 1	19/10/25

Source - Department of Planning, Lands and Heritage (2023)

2.4 Local Planning Policies

The Shire has 25 local planning policies which have been prepared since gazettal of the Scheme, to address land use planning issues in the local context. The suite of policies would benefit from a consolidated review.

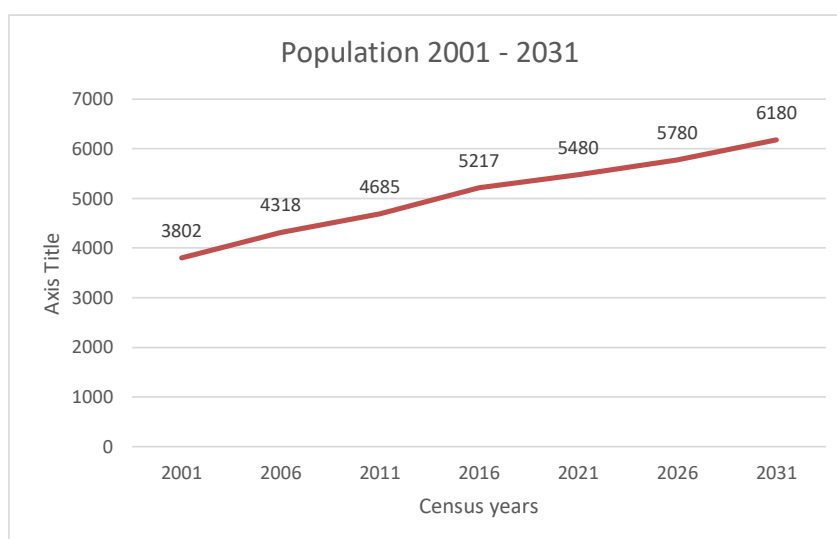
3.0 Planning Context

This section identifies anticipated drivers of change that are currently or anticipated to have implications for future land use planning over the next 10 -15 years.

3.1 Population

3.1.1 Historical Trends and Forecasts

Between 2001 and 2021, the population of the Shire increased by approximately 1,670 people (or by 2.1% per annum) (Figure 1).



Source: ABS (2021)

The following population trends are relevant to future planning for the Shire:

- Children aged 0 to 14 constitute approximately 16.5 per cent of the Shire's population which is slightly below the WA average (19.2%), largely due to the lack of education infrastructure in the coastal settlements;
- Approximately 25.9 per cent of the population is aged 65 years old or over which is considerably higher than the WA average (14%), as the Wheatbelt has an older population, plus people retire to the region;
- Median age of the Shire is 47 which is comparatively higher than the WA figure (36);
- The Shire's households are generally families and the average household size is 2.4 persons per dwelling compared to 2.6 for WA.
- Approximately 45% of the Shire was unoccupied at the time of the 2016 Census. This high-level of 'lock and leave' has implications particularly for the Shire's coastal settlements, and how these sites are managed during peak times. The challenge is to provide a satisfactory level of service and infrastructure to cater for peak periods, noting that those service levels are excessive and costly while the towns are largely unoccupied.

3.1.2 Future population

The future population scenarios, including the latest population forecasts published by the WAPC in its WA Tomorrow publication in 2019 show the population increasing by between 700 ('C' band) and 1,780 ('E' band) persons by 2031.

At a current household size of 2.4, this translates into a requirement for approximately 291-741 additional dwellings by 2031. Most of these new dwellings are likely to be required in Gingin and Lancelin as these townsites are expected to remain as the Shire's major population centres. However, residential growth is also expected to occur in Caraban with a significant area already identified for future urban activity.

Continuation of the 'ageing' trend within the population may have implications for the types of housing that is required. Another impact on housing in the Shire, particularly on the coast, is the increase in demand for holiday homes or holiday rentals.

3.2 Economy and Employment

The key sectors for the Shire's economy at the 2016 Census were Agriculture, Forestry and Fishing (broadacre livestock, intensive farming including piggeries, poultry farms and horticulture with commercial fishing along the coast), tourism, construction, and mining (particularly extraction of basic raw materials such as lime, sand and gravels).

Commercial activities including retail, services and other businesses/administration functions are generally located within the town centre precincts of Gingin and Lancelin. The Shire's economic base is predominantly based on primary production, fishing and basic raw materials. However, tourism is becoming increasingly important, traditionally for the coastal towns, but also with 'inland' options such as the Gingin Gravity Discovery Centre.

Of the 2,145 persons working within the Shire, the 'Agriculture, Forestry and Fishing' sector (29%) employs the most people followed by 'Construction' (11%); 'Retail Trade' (7%) and 'Mining' (7%).

Since 2011, there have been number of State significant development proposals across the Shire within these sectors that are driving the economy (see Table 2).

Table 2: Development Assessment Panel Approvals

Address	Development	Approval Date
Lot 501 Fynes Road, Red Gully	Expansion of existing piggery (\$13M)	2018
Lot 3099 Barragoon Road, Caraban	Photovoltaic Solar Facility (\$16M)	2018
Lot 6 Coonabidgee Road, Muckenburra	Poultry hatchery (\$20M)	2020
Lot M1254 Hunter Road, Orange Springs	Poultry broiler farm (\$50+M) 3x separate JDAP approvals 1 pending application	2022-23
Lot 200 Sappers Road, Nilgen	Poultry farm (\$6.7M)	2022
Lot 800 & 801 Military Road, Muckenburra	Poultry farm (\$6.7M)	2023

Source - Department of Planning, Lands and Heritage (2023)

All of the above proposals are located in rural areas and are mostly for large primary production operations. The Shire is generally well positioned to accommodate and manage these types of land uses.

The Shire has become aware of a growing number of small-scale caravan parks/camping grounds that are operating without having first gained required approvals. The use of online booking platforms has facilitated this form of growth, similar to trends previously (and still) observed with holiday homes. Similar to the history associated with holiday homes, many operators appear to be unaware of the need for approvals and/or do not wish to bear the costs associated with approvals and the provision of services. Given the fine balance between protecting rural areas from sensitive uses encroaching into the agricultural regions, with promoting small scale nature based tourism, a separate scheme amendment and community engagement process is proposed.

The Shire is developing an increasingly diverse economic base, with many of these activities being “place-based” and associated with existing townsites. The presence of numerous small towns with dominant economic functions, and the ability of the rural sector to diversify in response to local and global markets ensures that the local economy and local employment will continue to grow.

3.3 Environment

3.3.1 Coastal Vulnerability

The Shire has a coastline of approximately 70 kms stretching from the metropolitan region (City of Wanneroo) to the Shire of Dandaragan in the north. The coastline like other parts of the State is affected by coastal hazards and erosion and other impacts associated with climate change. The Shire's Strategy recognises these issues and states that future growth along the coast will be subject to consideration of coastal processes and contemporary estimates of anticipated sea level rises.

Given the impact of coastal hazard, and the need for substantial community engagement, a separate scheme amendment and community engagement process is proposed to consider scheme provisions that respond to predicted coastal challenges.

3.3.2 Carbon and Soil Sequestration

The Shire is beginning to experience increased enquiries in relation to carbon and soil sequestration activities, which may be an area for close review into the future, to ensure that finite agricultural land is being used for the most productive agricultural purpose and supports local employment.

3.3.3 Protection of Surface Water

The Moore River and the Gingin Brook are the two major water courses in the Shire and are fed by numerous tributaries. These two water courses are significant because the quality of water is important for the economic, environmental, and social well-being of the Shire. These watercourses also support the Shire's horticultural activity, through a series of groundwater licences.

3.3.4 Biodiversity

There are a number of areas of environmental significance held in State and Commonwealth ownership, including regionally significant wetlands and vegetation and include the Moore River National Park, and the Moore River and Boonanarring Nature Reserves amongst others. Privately owned land is also being purchased by the Department of Conservation, Biodiversity and Attractions for environmental offsets, as southern portions of the Shire have good representation of cockatoo habitat.

4.0 Supply of Land

This part evaluates land supply requirements in response to the key drivers identified in **Part 3**.

4.1 Subdivision Approvals – New Lots

When the WAPC determines subdivision applications, these are typically given preliminary approval which is subject to conditions. When conditions have been fulfilled, applicants may then proceed to final approval, where new lot titles are issued.

Between 2016 and 2023, 2,513 lots received conditional approval across the Shire. Most of this activity was for residential purposes (78%), Rural or Rural Living (16%) and Non-Residential (5%) During this time, 139 lots received final approval of which 87% were for Rural or Rural Living purposes, 10% was for Residential and 2% for Non-Residential (refer to Table 3).

Table 3: Preliminary and Final Approvals (No. of Lots) by Zone (2016 - 2023)

Address	Residential	Rural	Rural Living	Industrial	Commercial	Total
Preliminary	1978	80	324	129	2	2,513
Final	14	67	54	2	2	139

Source: Department of Planning, Lands and Heritage

4.2 Building Commencements

Table 4 below outlines building commencements in each year since the Scheme was gazetted. Since 2011, building has commenced for XXX lots (XX per annum). Most of these were construction of Residential Dwellings (XX%) followed by Residential Other (XX%), Commercial/industrial/other (XX%) and Community facilities (XX%).

Table 4: Building Commencements

Year	No. of Building commencements	Type of Development			
		Dwellings	Outbuildings	Commercial and Industrial	Community Facilities
22/23					
21/22					
20/21	221	69	50	4	0
19/20	162	27	36	2	1
18/19	156	35	38	6	1
17/18	210	29	35	3	0
16/17	222	41	30	3	1
15/17	224	34	43	4	1
14/15	241	36	48	3	0
13/14	216	53	58	2	1
12/13	221	37	29	2	1
11/12	224	39	36	6	1

Source: Shire of Gingin

4.3 Future Land Supply Requirements

The [Gingin Regional Land Supply Assessment](#) (2019) (land supply assessment) assessed land within the Shire for future residential, industrial and commercial uses to provide a context for land-use planning and infrastructure provision required to meet demand in the future.

4.3.1 Residential

The majority of the identified growth areas are located within the localities of Lancelin and Caraban, which account for 64 per cent and 29 per cent respectively, of the entire stock of proposed dwellings in identified areas (**Table 5**). Approximately 85 per cent of the dwelling yield anticipated for release in the short term is located in the locality of Caraban. This is due to a subdivision application lodged in July 2018 to create 1,927 residential, commercial and tourism lots to facilitate development of an urban/tourist node at Moore River South.

It is noted that since release of the Land supply assessment, 99 residential Lots have been approved in the Gingin townsite and included in **Table 5** below. Gingin has allocated land zoned for residential purposes that links Edgar Street with Cheriton Road and land zoned 'future development' to accommodate

population increases. Infill development is prioritised under the local planning strategy to encourage development of identified lots.

The majority of growth in the medium to long term is expected to occur in Lancelin. This is primarily due to the Lancelin South development area. The proposed development will comprise of approximately 3,227 single lots, 46 grouped housing lots and incorporate other uses, including commercial, community facilities and public open space.

The local planning strategy identifies Gabbadah, Gingin, Lancelin and Ledge Point as long-term settlement investigation areas. Areas in Gabbadah and Gingin have been identified as potential rural residential, whilst potential urban expansion has been identified in Gingin, Guilderton and Lancelin. It also aims to promote infill development around the existing townsites of Lancelin, Ledge Point and Gingin.

Table 5: Estimated dwelling yield from identified future development areas

Locality	Short-term (0-5 years)	Medium term (6-10 years)	Long term (10+ years)	Total
Caraban	1927	0	0	1927
Coonabidgee	9	0	0	9
Gabbadah	0	0	0	0
Gingin	8	159	21	188
Ginginup	313	0	72	385
Granville	0	0	0	0
Lancelin	0	1186	3098	4284
Ledge Point	0	0	6	6
Seabird	0	0	0	0
Total	2266	1357	3197	6820

Source: Department of Planning, Lands and Heritage

4.3.2 Industrial

The land supply assessment identified approximately 205 hectares of Industrial zoned land within the Shire with 83% already developed with a further 10% and 7% considered to be undeveloped or unrated respectively. Both the Moore River South development in Caraban and the Lancelin South Structure Plan have identified a combined total of 178 future industrial/mixed business lots as part of the respective developments. Since 2008 there has been limited land development of 'industry' zoned land with the majority of the Shire's industrial land zoned 'rural industry' in the Frogmore Rural Industry area in Coonabidgee which is located in close proximity to the Gingin townsite.

Non-rural industry type activities are likely to be impacted by the lack of development in this sector in the short to medium term if new areas are not considered in the near future. This should be reviewed and, if necessary, addressed in an amendment to the local planning strategy.

4.3.3 Commercial

Land identified for commercial activities covers approximately 35 hectares with this being distributed amongst the Gingin, Lancelin and Ledge Point townsites. Of the 35 hectares 20 hectares (57%) is considered to be developed with a further five hectares (14%) and 10 hectares (29%) considered to be undeveloped and unrated respectively. There is currently a limited supply of commercial zoned land. The local planning strategy identifies the need to expand commercial opportunities in all the townsites. This should be reviewed and, if necessary, addressed in an amendment to the local planning strategy.

4.3.4 Future Demand

With the projected population increases to the year 2031 and the requirement for additional housing of between 270 – 684, the Shire has sufficient residential (both residential and rural living) lots available to accommodate the expected demand.

There is sufficient land available for both commercial and industrial activity in the short to medium term. However, to facilitate commercial and industrial land supply to service the increasing population and to equitably share the activates around each of its townsites, the Shire will need to consider the longer-term land supply both in terms of quantity and location.

5.0 Officer Comments

This part evaluates the existing planning framework given the planning context presented in **Part 3** and the assessment of land supply in **Part 4** and considers whether the Local Planning Strategy, Local Planning Scheme, Structure Plans/Development Plans and Local Planning Policies are: 1 - satisfactory in their existing form; or 2 - should be amended; or 3 - should be revoked and/or have a new one prepared.

5.1 Local Planning Strategy

The Shire's Local Planning Strategy (Strategy) was endorsed by the Commission in 2012. It continues to set out a relevant strategic planning framework, and there is no pressing need to update it. There may be some benefit in updating the population figures and projections, as this would provide the opportunity to review future industrial land and commercial land supply based on current population data. An update of the strategy could also be contemplated to harmonise the objectives and vision of the Shire's Strategic Community Plan 2019-2029. If desired, this could be done via a scheme amendment.

The Strategy is considered satisfactory in its existing form as it remains fit-for-purpose. No review of the Strategy is required at this time.

5.2 Local Planning Scheme

The Shire's Local Planning Scheme No. 9 is generally operating in a suitable manner, however it is recommended to be updated via an omnibus amendment to address the following:

- (a) Align the Scheme structure and content with the *Planning and Development (Local Planning Scheme) Regulations 2015* (Model Scheme Text and Deemed Provisions);
- (b) Introduce model zones, objectives and definitions;
- (c) Update the zoning table, such that land use permissibility's accord with zone objectives and reflect use classes under the definitions;

- (d) Update existing scheme provisions and maps to clarify or reflect minor changes;
- (e) Update and/or insert zone-specific and general development provisions to provide contemporary planning controls for a range of land uses and development issues;
- (f) Set out structure plan areas that are not currently reflected in the Scheme (Moore River, Walker Ave);
- (g) Review and rationalise additional uses, restricted uses and special use zones (as required);
- (h) Review and incorporate any necessary scheme provisions to support local planning policies; and
- (i) To correct anomalies, typographical errors, inconsistencies between the scheme text and maps.

It is recommended that the Shire's Local Planning Scheme No. 9 be amended via an omnibus amendment to address the above matters.

It is noted that complex matters requiring significant consultation and resourcing, such as coastal vulnerability, small-scale caravan parks and carbon and soil sequestration activities, will be considered separately and at a later stage under individual scheme amendments (if required).

5.3 Structure Plans

A preliminary assessment by the Department of Planning, Lands and Heritage (Department) indicates that there are a substantial number of structure plans expiring across the state in October 2025.

A review of the major structure plans in place in the Shire has been completed. The following major structure plans are recommended for retention:

1. Lancelin South Stages 1 & 2 and Moore River South (SPN/0285, SPN/2048, SPN/0063) – planning arrangements for the site have been framed following consideration by State Cabinet, though area is yet to be developed. Structure plan is required to guide future proposals.
2. Lot 435 Walker Ave Lancelin ODP (837/3/8/003P) to be retained as there are issues with lot layout and requirements for new roads which are more easily dealt with in a structure plan.
3. Seabird Golden Beach (SPN/2220) is a structure plan from 2021 that addresses land use and has extensive design criteria for a future tourism and residential proposal. To be retained.
4. Gingin Townsite Structure Plan (SPN/0589) – recommended for retention as these requirements cannot be easily converted into scheme requirements.

However, given there are a number of historical structure plans that will need to be reviewed, it is suggested that a full audit be completed at a later stage and a strategy be developed in liaison with the Department to respond to all expiring structure plans.

This may involve normalising structure plans through basic scheme amendments, providing short-term extensions to allow for reviews and/or granting longer term extensions where a structure plan is determined to be suitable.

5.4 Local Planning Policies

A number of the Shire's policies are dated and may no longer be relevant to current matters. The suite of local planning policies should be reviewed to identify:

- obsolete policies or where existing policies that address common issues can be consolidated;
- policies that need to be updated or new policies to address current best practices; and/or
- policies that are not specific to land use planning that can be adopted as general Council policies or local laws under the *Local Government Act 1995*.

6.0 Recommendation

That Council, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that the:

1. Shire of Gingin Local Planning Strategy is satisfactory in its existing form.
2. Shire of Gingin Local Planning Scheme No. 9 should be amended.

7.0 Appendices

APPENDIX A – AMENDMENTS TO GINGIN LPS 9 SINCE GAZETAL

AMD NO	GAZETAL DATE	DETAILS
	27/09/12	New Scheme
6	31/10/14	Replacing the text in Schedule No. 2 Additional Use No. 21 relating to Lot 7 Gingin Brook Road, Neergabby. Modifying the Scheme Map to correctly depict Additional Use No. 21 over the subject site, Lot 7 (1679) Gingin Brook Road, Neergabby. Modifying Additional Use 20 by deleting "AA" in the Conditions column and replacing it with "D".
9	27/02/15	"Inserted Additional Use No. 22 into Schedule 2 - Additional Uses"
7	02/04/15	Rezoned Lot 101 Cheriton Road from General Rural zone to Rural Living zone with a RL4 code. Introduced a new Schedule 12 - Rural Living Zones. Amended the Scheme Maps accordingly.
3	25/09/15	Rezone Lot 1 Old Ledge Point Road and Lot 9001 Lancelin Road, Lancelin from 'General Rural' to 'Future Development', 'Conservation' and 'Landscape Protection'. Insert Clause 5.10.8.2, 5.10.8.3, 5.10.8.4, 5.10.8.5, 5.10.8.6, 5.10.8.7, 5.10.8.8 and 5.10.8.9. Insert a new Schedule 12: Additional provisions for Future Development zones. Insert a new 'Landscape Protection' zone as Clause 4.2.11. Insert 'Landscape Protection' zone into Table 1 Zoning Table with land use permissibility. Insert 'Landscape Protection' zone in Part 5 as Clause 5.10.12. Amend the Scheme Maps accordingly.
11	08/04/16	Rezoning Lot 105 Cheriton Road, Gingin from General Rural to Special Use (SU 9); Insert Special Use provisions at Schedule 4 - Special Use Zones SU9. Amend the Scheme maps

AMD NO	GAZETAL DATE	DETAILS
		accordingly.
14	08/04/16	<p>Deleting the following clauses from the Scheme Text, having been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Parts 2, 7, 8, 9, 10 and 11 in their entirety; Clause 5.7; 5.8; 5.9.3 in their entirety; Schedules 6, 7, 8 and 9 in their entirety;</p> <p>Removing the following clauses from the Scheme Text and inserting them into Schedule A - Supplemental Provisions: Clause 8.2 (c), (d), (f), (h); Inserting the following provisions into Schedule A - Supplemental Provisions:</p> <p>Clause 61(1): (k), (l), (m), (n), (o) Clause 61(2): (g), (h)</p> <p>Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: advertisement; amenity; cultural heritage significance; local government; local planning strategy; owner; place; premises; region scheme; residential design codes; structure plan; substantially commenced; town planning act; zone;</p> <p>Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Clauses: 3.4.1, 3.4.2(a); 4.2.9; 4.3.2; 4.3.3 (note); 4.4.2(b); 4.8(c); 4.9.2; 5.4.2; 5.5.2; 5.5.3;</p> <p>5.10.12.1. The clause reference in Table 1 - the Zoning Table for the Future Development Zone;</p> <p>Delete reference to the following terms and replace them with the corresponding term throughout the scheme: 'consent' replaced with 'approval'; 'planning consent' replaced with 'development approval'; 'planning approval' replaced with 'development approval'; 'council' replaced with 'local government'; 'outline development plan' replaced with 'structure plan'; 'Town Planning Regulations 1967' replaced with 'Planning and Development (Local Planning Schemes) Regulations 2015'.</p> <p>Update the definition for 'non-conforming use'.</p> <p>Modify the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;</p> <p>Additional amendments to scheme provisions as follows: Insert reference to the deemed provisions and supplemental provisions in Part 1.4; Insert Clause 18(7) of the model provisions to ensure guidance is provided for when considering applications within a Future Development Zone;</p> <p>Inserting reference to the deemed provisions in the preamble to the Scheme.</p> <p>Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p>
4	31/05/16	<p>Rezone Lot 500 Casserley Way from 'Parks and Recreation' reserve to 'Environmental Conservation' reserve.</p> <p>Rezone a portion Lot 1022 (Reserve No. 33549) from 'Tourism' Zone to 'Environmental Conservation' reserve.</p> <p>Rezone a portion of Lot 31 (Reserve No. 21760) from 'Tourism' Zone to 'Environmental Conservation' reserve.</p> <p>Rezone Lot 1028 (Reserve No.44620) from 'Parks and Recreation' reserve to 'Public purposes - Infrastructure services' reserve.</p> <p>Delineate Special Control Area No.4 - Wastewater Infrastructure around the Casserley Way wastewater pump station on Reserve 44620.</p> <p>Number the existing clause under '2.3 Local Reserves' as 2.3.1. Add a new clause 2.3.2.</p> <p>Insert new Clause 2.4 Additional uses for local reserves.</p> <p>Renumber Use and development of Local Reserves as Clause 2.5 and the sub-clauses as 2.5.1, 2.5.2 and 2.5.3.</p> <p>Insert into Schedule 2 Additional Use 23: Amend the Scheme Maps accordingly.</p>
12	06/09/16	<p>Rezone Lot 801 Orange Springs Road, Cowalla from 'General Rural' zone to 'General Rural - Coded' and 'General Rural Area' (GR30) and amend the Scheme Maps accordingly.</p> <p>Insert new Schedule - Schedule 10 - General Rural (Coded) Zones.</p> <p>Clause 4.8.6 General Rural Zone of the Scheme - insert two new clauses, 4.8.6.10 and 4.8.6.11.</p>
17	26/05/17	<p>Rezone a portion of Lot 601 Brockman Street, Gingin from 'Residential R5', 'Residential R10', 'Future Development Zone', 'Town Centre' and 'Roads' to 'Residential R10', 'Residential R10/30', 'Town Centre' and 'Parks and Recreation' reserve.</p> <p>Amend the Scheme Map by rezoning a portion of Lot 601 Brockman Street, Gingin as 'Residential R10', 'Residential R10/30', 'Town Centre' and 'Parks and Recreation' reserve</p>
8	06/02/18	<p>Rezoned a portion of Lot 5450 Wannamal Road West, Boonanarring from "General Rural" to "Special Use (Landfill and Composting Facility)".</p> <p>Schedule 4 - Special Use Zones - amended by inserting SU8 - Portion of Lot 5450 Wannamal Road West, Boonanarring.</p> <p>Schedule 1 - Land Use Definitions - added definition for "composting". Table 1 - Zoning Table - included "composting".</p> <p>Scheme Maps amended accordingly.</p>
16	15/05/18	<p>Rezone Lot 2 (Plan 10531) Breton Bay from 'General Rural' zone to 'Tourism' and 'Conservation' zones.</p> <p>Scheme Maps amended accordingly.</p> <p>Part 4 - General Development Requirements amended by inserting clause 4.8.7.13.</p> <p>New Schedule 11 - Tourism Conditions inserted with provisions for Lot 2 (Plan 10531) Breton Bay, Seabird.</p>

AMD NO	GAZETAL DATE	DETAILS
20	12/03/19	Inserted Lot 39 (No. 56) Hoy Road, Coonabidgee into Schedule 2 - Additional Uses. Amend the Scheme Map accordingly.
19	09/08/19	Modify Table 1 – Zoning Table by deleting the land use and associated permissibility for 'storage' and 'warehouse'. Insert the land use 'warehouse/storage' with permissibility: P in the Mixed Business and General Industry zones, D in the Town Centre zone, A in the Rural Industry zone and X in the Residential, Rural Living, General Rural, Tourism, Conservation and Landscape Protection zones. In Schedule 1 – Dictionary, delete the land use definitions for 'Warehouse' and 'Storage'. In Schedule 1 – Dictionary, insert the following land use definitions: Warehouse/storage, Freeway Service Centre and Roadhouse. Delete Additional Use site A17 from Schedule 2 and the Scheme Maps. In Schedule 2 – Additional Uses, insert Lot 1021 Gingin Brook Road, Woodridge as AU25 and Lot 1022 Indian Ocean Drive as AU26 with the following additional land use(s) and site-specific conditions. Amend the Scheme map accordingly.
21	15/09/2020	Insert Additional Use 27, Portion of Lot 201 Brand Highway, Ginginup, as identified on the Scheme Map. Amend the Scheme Map by applying Additional Use Site No. 27 to a portion of Lot 201 Brand Highway, Ginginup.

13.7 APPLICATION FOR DEVELOPMENT APPROVAL - ANCILLARY ACCOMMODATION ON LOT 413 (598) CARABAN ROAD, CARABAN

This matter was brought forward for consideration as the first item of business. See page 14.

File	BLD/7600
Applicant	Developed Property Pty Ltd
Location	Lot 413 (598) Caraban Road, Caraban
Owner	Sandra Murray and Noel Murray
Zoning	General Rural
WAPC No	Nil
Author	Ross Harper - Planning Officer
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Aerial Plan [13.7.1 - 1 page] 2. Location Plan [13.7.2 - 1 page] 3. Development Application [13.7.3 - 5 pages] 4. Original Development Plans (119 sqm) [13.7.4 - 11 pages] 5. Revised Development Plans (132 sqm) [13.7.5 - 11 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for Ancillary Accommodation on Lot 413 (598) Caraban Road, Caraban.

BACKGROUND

The subject land is located on the corner of Barragoon Road and Caraban Road. The property enjoys direct frontage to the Moore River and has a total area of 15.2 hectares.

Council, at its Ordinary Meeting on 16 May 2023, approved two chalets on the property to be used for short-stay accommodation purposes. The property therefore contains an existing dwelling and two chalets.

The current proposal initially sought approval for an oversize ancillary dwelling with a floor area of 119m². The applicant subsequently revised the development plans to increase the floor area to 133.4m². Local Planning Policy 1.7 - Ancillary Accommodation (LPP 1.7) provides for a maximum floor area of 100m².

The officer is unaware of an approval being issued for an ancillary dwelling with such a large variation. The largest variation supported was for an ancillary dwelling with an area of 117m². Determination of this proposal may therefore set a precedent.

The officer initially informed the applicant that the officer recommendation would be to support the 119m² ancillary dwelling.

Upon receipt of the revised plans the officer informed the applicant that the amended proposal is excessive in the context of LPP 1.7 and on that basis would not be supported at officer level.

The applicant is seeking Council's approval for the larger ancillary dwelling. However they have requested that, in the event that the variation is not supported, then rather than refuse the proposal entirely the initial 119m² design be substituted.

This is an ad hoc way of processing a development proposal, however for the sake of efficiency the request has been entertained.

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

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

COMMENT

Stakeholder Consultation

The application was not advertised, as the increase in floor area was not viewed as having any impact on surrounding property owners due to the setbacks provided.

PLANNING FRAMEWORK

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

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

- a) *manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*

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

The proposed Ancillary Accommodation does not contravene any of the above objectives.

Local Planning Policy 1.7 - Ancillary Accommodation (LPP1.7)

LPP 1.7 outlines that ancillary accommodation shall have the same meaning as “ancillary dwelling” as defined in Appendix 1 of the Residential Design Codes (R-codes).

The R-codes define an ancillary dwelling as:

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

The R-Codes define ‘Plot Ratio Area’ as follows:

The gross total area of all floors of buildings on a development site, including the area of any internal and external walls but not including:

- *the areas of any lift shafts;*
- *stairs or stair landings common to two or more dwellings;*
- *machinery, air conditioning and equipment rooms;*
- *space that is wholly below natural ground level;*
- *areas used exclusively for the parking of wheeled vehicles at or below natural ground level;*
- *storerooms*
- *lobbies, bin storage areas, passageways to bin storage areas or amenities areas common to more than one dwelling; or*
- *balconies, eaves, verandahs, courtyards and roof terraces.*

LPS9 does not permit the development of two independent dwellings (grouped dwellings) on Rural zoned land. It is therefore important for the Shire to have clear guidelines that distinguish between ‘grouped dwellings’ and ‘ancillary accommodation’. In essence, for a particular development to be considered eligible as an ancillary accommodation, it must be demonstrated that it is truly related and subordinate to the main dwelling, as opposed to the development being two separate independent dwellings.

One of the main criteria to assist with distinguishing the difference relates to the maximum plot ratio area. The Residential Design Codes (R-codes) provide for a plot ratio area of 70m². LPP 1.7 was created to provide for larger ancillary dwellings on lots greater than 4000m².

The objectives of LPP 1.7 are:

1. *To provide for a range of criteria that will distinguish an ancillary accommodation from independent additional dwellings in the Shire of Gingin.*
2. *To provide for a form of housing that does not compromise the amenity and character of the locality.*

Section 2 - General Policy Provisions' states:

In addition to the relevant development provisions contained within the Shire of Gingin's Local Planning Scheme No. 9, subclause 5.5.1 of State Planning Policy 3.1 – Residential Design Codes and any relevant adopted Structure Plans (if applicable), development of an ancillary accommodation shall also comply with the following:

- 2.1 *An ancillary accommodation shall be associated with a Single House, which either exits or will be developed concurrently on the property.*
- 2.2 *The development will not result in more than one ancillary accommodation being constructed on the property.*
- 2.3 *The plot ratio area of any ancillary accommodation shall not exceed 70m² except on lots greater than 4,000m² in area where the plot ratio area of any ancillary accommodation may be up to 100m².*
- 2.4 *An ancillary accommodation shall contain a bathroom, toilet, laundry and kitchen facility.*

Officer Comment:

The subject site contains an existing single house and two chalets. Although the property contains a number of habitable structures, the proposal represents the only ancillary dwelling.

The subject lot is 15.1 hectares in area and therefore a plot ratio area of 100m² is capable of being approved in lieu of the typical 70m². The development comprises of a plot ratio area of 133.4m² and is self-contained.

As outlined above, approval of the variation sought would represent the largest ancillary dwelling approved by the Shire. LPP 1.7 has already increased the prescribed area from 70m², so the variation should be kept in context.

To allow a continual graduation of variations to the maximum plot area progressively undermines the intent of LPP 1.7 to distinguish between ancillary accommodation and dwellings as opposed to grouped dwellings (prohibited use). In situations of large rural lots where the dwelling does not impact the character or amenity of the area, the officer's position is that up to 120m² could be contemplated, depending on the circumstances.

In exercising discretion, the planning principles identified as relevant to a proposal should not be casually departed from without a sound basis for doing so, with the basis itself being grounded in planning principle. The proposal for an area of 132m² goes beyond a minor variation and erodes the principles of orderly and proper planning. There is no sound planning reason for such a significant departure and to do so will set an undesirable precedent.

On that basis the officer does not support the revised plans. The officer does however support the development plans seeking approval for the lesser variation, noting the scale of the property and previous decisions of Council.

Summary

The officer recommendation reflects support for the lesser variation, subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 7.3 – Residential Design Codes, Volume 1

Local Planning Policy 1.7 – Ancillary Accommodation

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Kestel SECONDED: Councillor Sorensen

That Council grant Development Approval of the original proposed Ancillary Accommodation (119.5m²) on Lot 413 (598) Caraban Road, Caraban subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans (drawing detail WD02,03 and 05 dated 12 September 2023) unless conditioned otherwise in this approval;
2. This approval relates to ancillary accommodation only. The development is not to be used for short-stay accommodation purposes;
3. The approved development is to be serviced by a secondary treatment effluent disposal system with nutrient removal capabilities given the property is located in a sewage sensitive area;
4. The colours, design and materials of the ancillary accommodation shall complement those of the existing single house where practicable;
5. Stormwater from all roofed and paved areas shall be collected and contained on site to the satisfaction of the Shire of Gingin; and
6. Prior to occupation of the ancillary dwelling, the landowner(s) 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 a notification to prospective purchasers as follow:

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

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, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 4. It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5. In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalizing the actual setback dimensions.

AMENDMENT MOTION

MOVED: Councillor Johnson

SECONDED: Councillor Peczka

That the Officers Recommendation be amended by changing the proposed ancillary accommodation size from 119.5m² to 133.4m² and by removing “(drawing detail WD02,03 and 05 dated 12 September 2023)” in condition 1.

CARRIED
8 / 1

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

AGAINST: *Councillor Fewster*

COUNCIL RESOLUTION

MOVED: Councillor Johnson

SECONDED: Councillor Peczka

That Council grant Development Approval of the original proposed Ancillary Accommodation (133.4m²) on Lot 413 (598) Caraban Road, Caraban subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans unless conditioned otherwise in this approval;
2. This approval relates to ancillary accommodation only. The development is not to be used for short-stay accommodation purposes;
3. The approved development is to be serviced by a secondary treatment effluent disposal system with nutrient removal capabilities given the property is located in a sewage sensitive area;
4. The colours, design and materials of the ancillary accommodation shall complement those of the existing single house where practicable;
5. Stormwater from all roofed and paved areas shall be collected and contained on site to the satisfaction of the Shire of Gingin; and
6. Prior to occupation of the ancillary dwelling, the landowner(s) 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 a notification to prospective purchasers as follow:

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

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, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 4. It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

Note 5. In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalizing the actual setback dimensions.

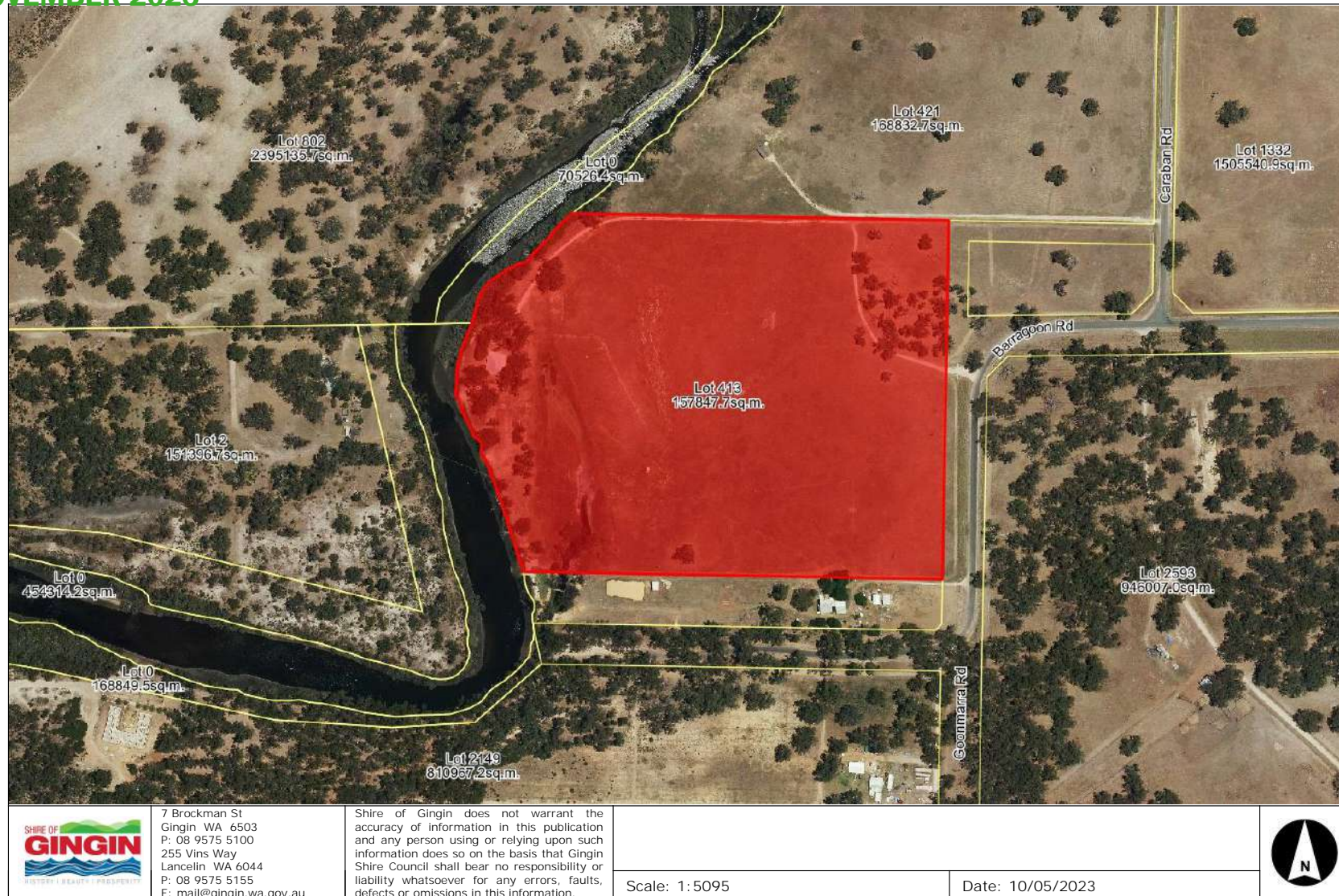
**CARRIED UNANIMOUSLY
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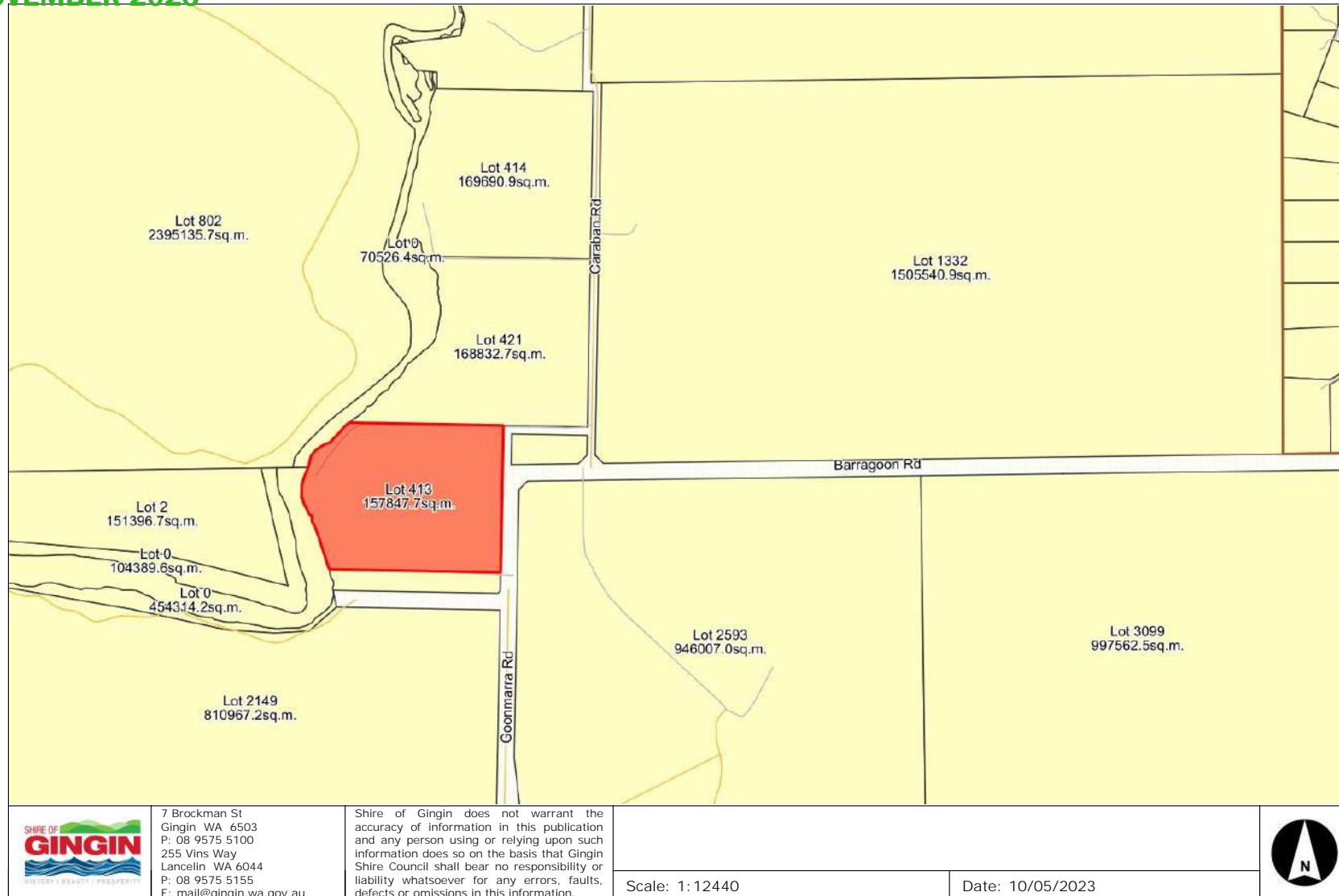
FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

Reason for Amendment

To allow for additional space within the dwelling due to the need for mobility aids.







Our Ref: DP23149
Address: Caraban Rd 598, Caraban (Ancillary Dwelling)
Date: 2/11/2023

Developed Property Pty Ltd
ABN: 62 624 180 310
Phone: (08) 6119 9175
Office: 1/294-296 Rokeby Road Subiaco
Postal: PO Box 662 Subiaco WA 6008
Email: info@developedproperty.com.au
Website: www.developedproperty.com.au

Att: James Bayliss
Manager Planning Services
Shire of Gingin
Via email: mail@gingin.wa.gov.au

Dear James

Development Application for the proposed Ancillary Accommodation at 598 Caraban Rd, Caraban

We, Developed Property Pty Ltd, on behalf of the Moore River Trust (landowners) are seeking approval from the Shire of Gingin for an Ancillary Accommodation at 598 Caraban Road, Caraban. The proposed development will consist of the following:

- a 3 bedroom, 2 bathroom self-contained dwelling with have a plot ratio floor area of 133.4m², and
- a double carport and verandah surrounding the dwelling (to be built by the landowners).

There is an existing house on the property (which has an approximate floor area of 250m²) that is currently being occupied by the daughter's landowner (Naomi Murray), her husband (Shawn Squire) and their 2 children. The proposed Ancillary Accommodation will be used by the landowners (Sandra and Noel Murray) and her mother.

It is not intended for the Ancillary Accommodation to be used for short term or tourist accommodation uses.

A detailed planning assessment of the development proposal has been undertaken against the Shire's Local Planning framework (see Appendix A). While the development generally complies with the Shire's Local Planning framework, the Ancillary Accommodation is proposing a variation that will exceed the maximum plot ratio area of 100m² as permitted under Local Planning Policy 1.7 (LPP1.7) for an Ancillary Accommodation.

Notwithstanding the above, it is considered that the development can meet the objectives of LPP1.7, and can be justified as follows:

- the variation of 33.4m² (including the external walls) is relatively minor in context of the size of the property (being 15.785ha). Excluding the external walls, the internal floor area of the Ancillary Accommodation 126m², and therefore only 26m² over,
- the Ancillary Accommodation is smaller than the main house and will be intended to accommodate family members only,

- the size of the dwelling is necessary to accommodate the needs of the landowners, and will allow for them to age in place as they live on the property with their children, and grandchildren,
- the Ancillary Accommodation has been setback appropriately and will not compromise on the rural character or amenity of the area, and
- the size of the proposed building is still significantly less than the average size of a new Single House in Western Australia. According to the Australian Bureau of Statistics (ABS), the average size of a new Single House in Western Australia was 223.2m².

If you require any further clarification regarding the above matters, please contact us via telephone or email as per the below details.

Yours sincerely



Ryan Soerja Djanegara

Planning Consultant

ryan@developedproperty.com.au

(08) 6119 9175



Appendix A - Planning Assessment

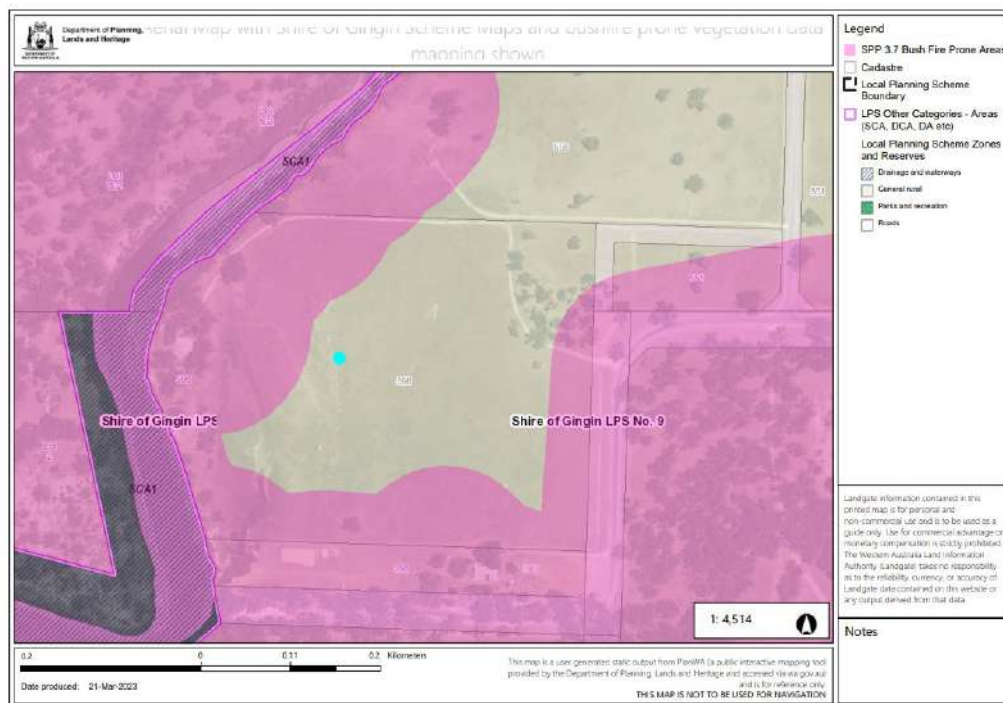


Figure 1: Zoning Map with Bushfire Prone Vegetation overlay
Source: <https://espatial.dplh.wa.gov.au/planwa/>

Summary of the Planning Framework	
Local Planning Scheme	Shire of Gingin Local Planning Scheme No. 9
Local Planning Scheme - Zone	General Rural
Proposed land use	Ancillary Accommodation (P)
Bushfire Prone Area	Yes. A BAL assessment has been provided as part of the application, which recommends the dwelling is constructed to a BAL rating of 12.5.
Heritage	N/A
Other	N/A
State Planning Policies	<ul style="list-style-type: none"> State Planning Policy 3.7 – Planning in Bushfire Prone Areas Government Sewerage Policy
Local Planning Policies	<ul style="list-style-type: none"> Local Planning Policy Statement No – 1.4 Foreshore Reserves Along Water Course Local Planning Policy Statement No – 1.7 – Ancillary Accommodation

Scheme Requirement for the Rural Zone

In accordance with the Table 2 of the Scheme, setback of 20m to all boundaries is required. A summary of the setbacks proposed for the chalets has been assessed in the table below:

	Requirement	Proposed
Front (closest to Caraban Road)	20m	340m+
Rear (closest to Moore River)	20m	60m+
Side (closest to Northern neighbour)	20m	60m

Shire's Local Planning Policy 1.4 – Foreshore Reserves Along Water Course

The site abuts the Moore River to the West, which has a 'Special Control Area' over it. The Shire of Gingin's Local Planning Policy 1.4 (LPP1.4) provides guidance on the management and protection of foreshores and water courses within the Shires jurisdiction. Clause 3.1 of LPP1.4 sets out the requirement that development located on a lot abutting a water course shall be setback 50m from the top of the bank of the water course. This application is seeking proposing a setback of 60m+ from the banks of Moore River, therefore it complies with this policy provision.

Shire's Local Planning Policy 1.7 – Ancillary Accommodation

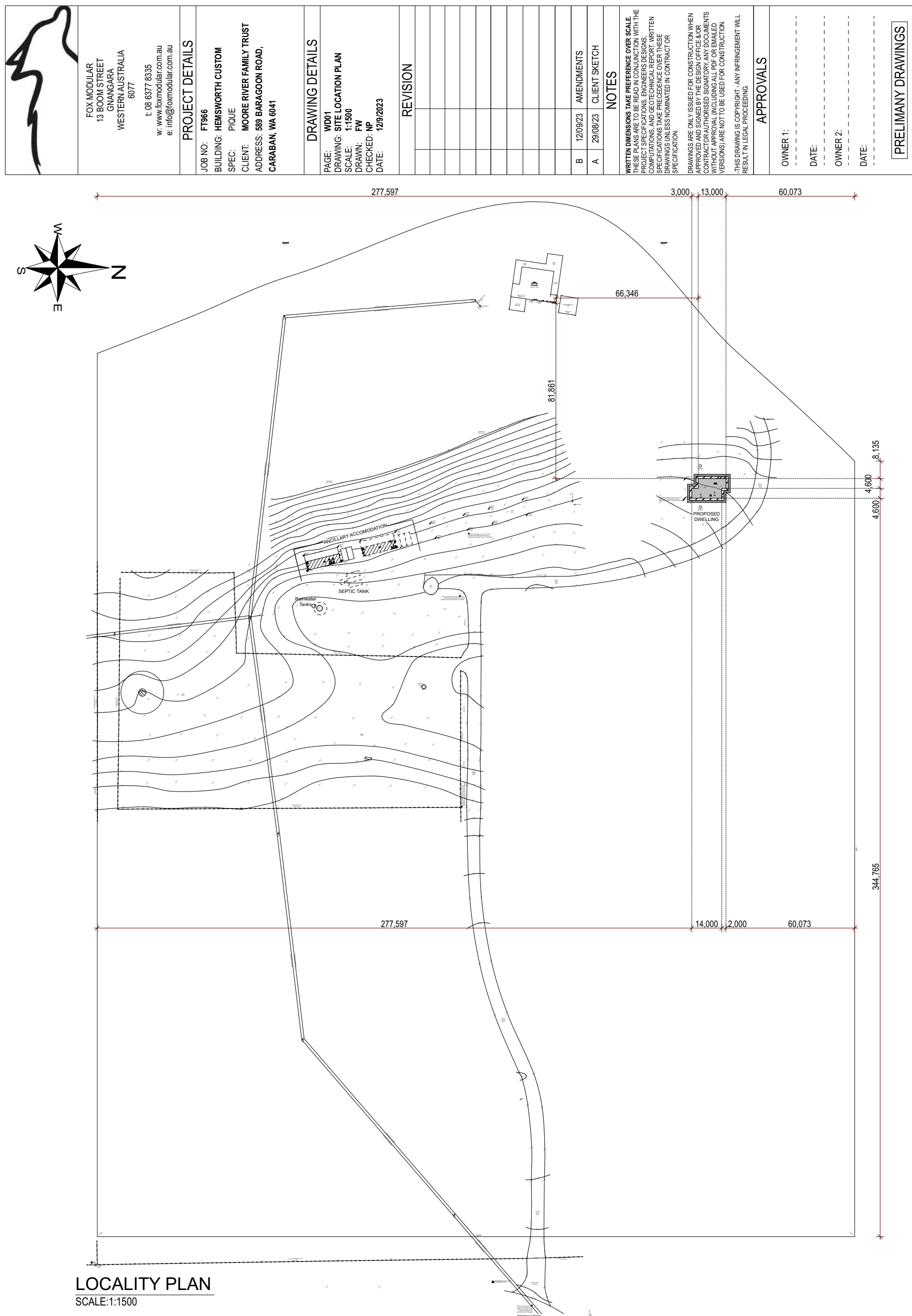
The objectives of the Shire's Local Planning Policy 1.7 (LPP1.7) is to:

1. *To provide for a range of criteria that will distinguish an ancillary accommodation from independent additional dwellings in the Shire of Gingin.*
2. *To provide for a form of housing that does not compromise the amenity and character of the locality.*

The development has been assessed against LPP1.7 in the table below:

General Provision	Comments	Compliance
2.1 An ancillary accommodation shall be associated with a Single House, which either exits or will be developed concurrently on the property.	<p>The main house is currently being occupied by the daughter's landowner (Naomi Murray), her husband (Shawn Squire) and their 2 children.</p> <p>The proposed Ancillary Accommodation will be associated with the existing main house as it is intended to be used by the landowners and her elderly mother. The Ancillary Accommodation is located approximately 80m to the northeast of the main house.</p> <p><u>It is not intended to be used for short term or tourist accommodation uses.</u></p>	Complies

	It cannot be located closer to the main house as this would require a variation to LPP 1.4.	
2.2 The development will not result in more than one ancillary accommodation being constructed on the property.	The application is only proposing 1 Ancillary Accommodation dwelling to be constructed.	Complies
2.3 The plot ratio area of any ancillary accommodation shall not exceed 70m ² except on lots greater than 4,000m ² in area where the plot ratio area of any ancillary accommodation may be up to 100m ² .	The site is over 15.785ha, and therefore allowed to have an ancillary dwelling of 100m ² . We are proposing a 3 bedroom, 2 bathroom modular home which proposes to have a plot floor area of 133.4m ² . Excluding the external wall measurement, the proposed ancillary accommodation will have a plot ratio area of 126m ² .	Variation. Justification provided.
2.4 An ancillary accommodation shall contain a bathroom, toilet, laundry and kitchen facility.	The Ancillary Accommodation is proposed to consist of: <ul style="list-style-type: none"> • 2 bathrooms and toilets (including an ensuite) • a laundry, and • a kitchen in an open plan living arrangement 	Complies





MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

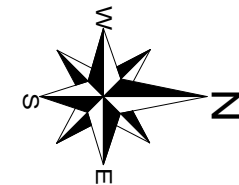
SITE WORKS NOTES

• SITE WORKS TO COMPLY WITH NCC 3.1.1

STORMWATER NOTES

• STORMWATER TO COMPLY WITH AS3500, NCC 3.1.2 & LG REQUIREMENTS.

• ROOF AREA: 190.95m²
• VOLUME: 190.95m² X 0.0125 = 2.39m³
• SIZE: 2 X Ø1200 X 1200 DEEP
CONCRETE SOAKWELLS
• POSITION: 1.0m MIN. FROM BOUNDARY



⊕	Power Pole
⊕	Power Pole
⊕	Phone Pits
⊕	Water Conn.
⊕	Top Pillar/Post
⊕	Top Wall
⊕	Top Retaining
⊕	Top Fence

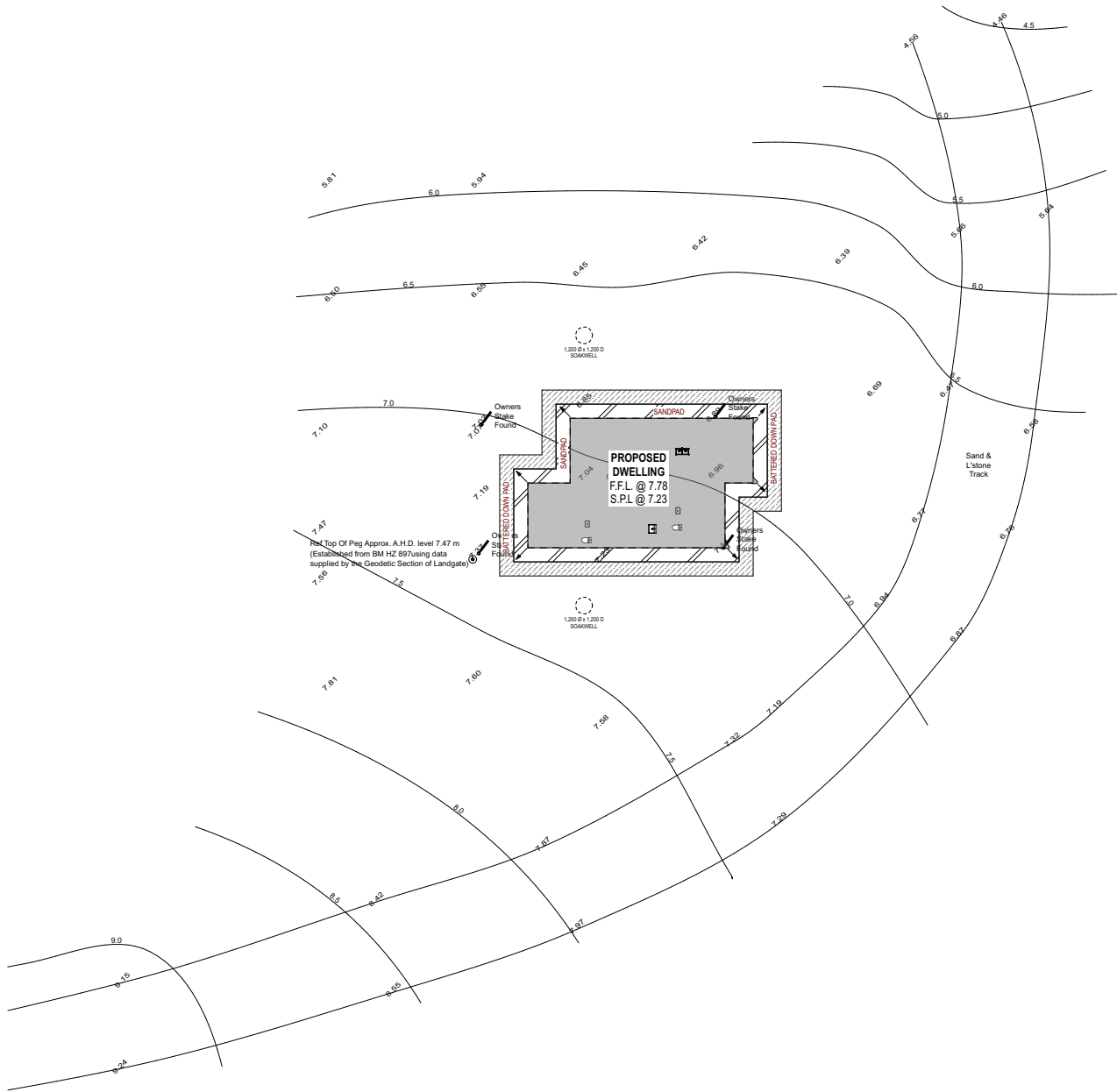
▲ NOTE:
TELSTRA/COMMS. PIT NOT LOCATED
ADJACENT TO LOT AT TIME OF SURVEY.
VERIFY AVAILABILITY WITH TELSTRA.

DISCLAIMER:
Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

DISCLAIMER:
Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

DISCLAIMER:
Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

DISCLAIMER:
Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

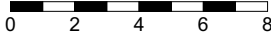


SITE PLAN
SCALE:1:400



BEWARE: POSSIBLE SERVICE RUN IN & COST

Scale 1:200



COTTAGE SURVEYS LICENSED SURVEYORS	87-89 Guthrie Street Osborne Park, WA 6017	JOB # 530288	GPS Lat: -32.008703 Long: 116.03258	ROADS Bitumen	ELEC. O/Head
	PO Box 1611 Osborne Park Business Centre WA 6917	ADDRESS #598 Caraban Road	LOT Lot 413 (DP 231045)	KERBS Nil	COMMS. Not loc.
	P: (08) 9446 7361 E: perth@cottage.com.au W: www.cottage.com.au	SUBURB Caraban	AREA 14.1412ha VOL. 1526 FOL. 964	FOOTPATH Nil	WATER Nil
		LGA SHIRE OF GINGIN	DATE 29 Aug 22 SSA No	SOIL Sand, L'Stone(Exp)	GAS Check Alinta
		DRAWN B. Smith		DRAINAGE Good	SEWER Nil
				VEGETATION High Grass Cover	COASTAL 50m To River (Approximate Only Confirm With Shire)

APPENDIX 13.7.4



FOX MODULAR
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GNANGARA
WESTERN AUSTRALIA
6077

t: 08 6377 8335
w: www.foxmodular.com.au
e: info@foxmodular.com.au

PROJECT DETAILS

JOB NO: FT966
BUILDING: HEMSWORTH CUSTOM
SPEC: PIQUE
CLIENT: MOORE RIVER FAMILY TRUST
ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD02
DRAWING: SITE PLAN
SCALE: 1:400
DRAWN: FW
CHECKED: NP
DATE: 12/9/2023

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

WRITTEN DIMENSIONS TAKE PREFERENCE OVER SCALE.
THESE PLANS ARE TO BE READ IN CONJUNCTION WITH THE
PROJECT SPECIFICATIONS, ENGINEERS DESIGNS,
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APPROVALS

OWNER 1:

DATE: -----
OWNER 2:

DATE: -----

PRELIMINARY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

- THE HOME OWNER IS SOLELY RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL FUTURE WORKS AND ANY EFFECT IT SHALL HAVE ON THE EXISTING STRUCTURE.
- ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE NOMINAL DIMENSIONS ONLY WHICH DO NOT ALLOW FOR PLASTER THICKNESS/ WALL LINING THICKNESS.
- PLANS TO BE READ IN CONJUNCTION WITH ENGINEERS DETAILS.
- FLOOR WASTE, CEILING VENT & MANHOLE LOCATIONS ARE SUBJECT TO CHANGE AT THE BUILDER'S DISCRETION.
- THE BUILDER RESERVES THE RIGHT TO ADJUST WINDOW AND SLIDING DOOR SIZES, INTERNAL ROOM SIZES, AND O'ALL LENGTH AND WIDTH OF DWELLING, WHICH MAY RESULT IN A CHANGE IN THE O'ALL HOUSE AREA FROM THE ORIGINAL STANDARD HOUSE PLAN.
- DO NOT SCALE FROM THIS DRAWING. ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEERS REQUIREMENTS AND COUNCIL APPROVAL.

TRADES/ SUPPLIERS/ SUPERVISORS NOTE

- FOR TYPICAL FOX CONSTRUCTION DETAILS. REFER TO SEPARATE DETAILS DOCUMENT. CONTACT BUILDING SUPERVISOR IF REQUIRED.
- FOR NON-STANDARD FOX CONSTRUCTION DETAILS REFER TO DETAIL PLANS.

N.C.C NOTES

- ALL BALUSTRADE & HANDRAILS AS PER N.C.C (BCA VOL 2) CLAUSE 3.9.2.
- (S) HARD WIRED, INTERCONNECTING SMOKE ALARMS AS PER N.C.C (BCA VOL 2) CLAUSE 3.7.5 AND AS 3786.
- CONDENSATION MANAGEMENT (PLIABLE BUILDING MEMBRANES - AS 4200, EXHAUST SYSTEMS AND ROOF VENTILATION) TO BE AS PER NCC 3.8.7

ROOF PLUMBER NOTES

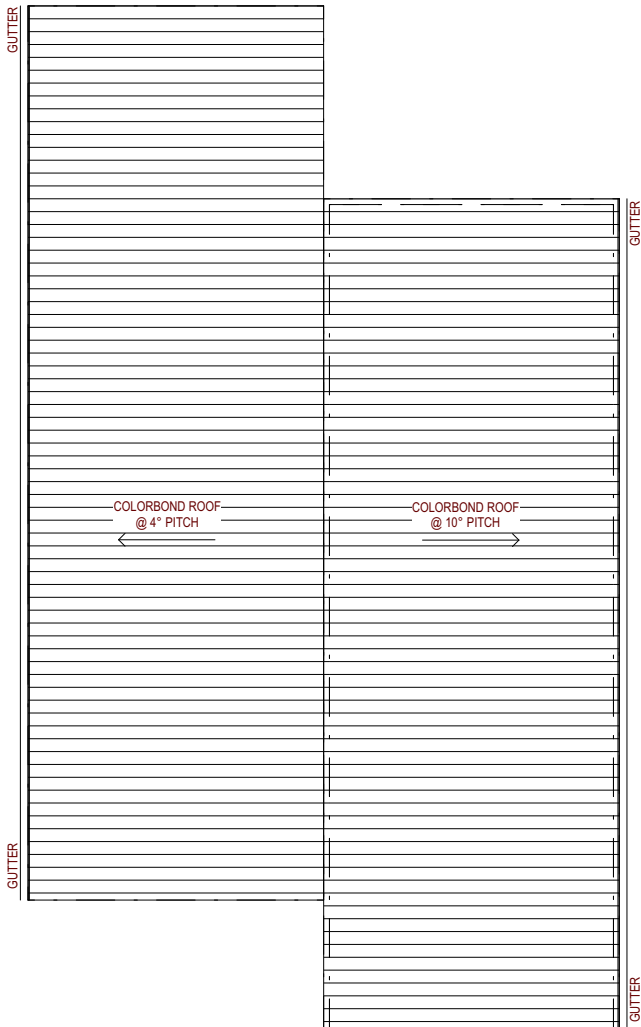
- DOWNPIPES TO BE LOCATED AS PER PLANS BUT MAY BE RELOCATED AT SUPERVISORS DISCRETION.
- GUTTER BRACKETS TO BE INSTALLED @ 1200mm MAX CENTRES
- GUTTER AND DOWNPIPES TO BE INSTALLED TO NCC 3.5.3 & AS 2179.1 (METAL) / AS 1273 (UPVC)

BAL NOTES

- DWELLING TO BE CONSTRUCTED TO **BAL TBC.**

VAPOUR BARRIER NOTES

- VAPOUR BARRIER TO BE FITTED IN ACCORDANCE WITH BCA 3.2.2.6.



ROOF PLAN

SCALE:1:100



APPENDIX 13.7.4



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e: info@foxmodular.com.au

PROJECT DETAILS

JOB NO: **FT966**
BUILDING: **HEMSWORTH CUSTOM**
SPEC: **PIQUE**
CLIENT: **MOORE RIVER FAMILY TRUST**
ADDRESS: **589 BARAGOON ROAD,
CARABAN, WA 6041**

DRAWING DETAILS

PAGE: **WD04**
DRAWING: **ROOF PLAN**
SCALE: **1:100**
DRAWN: **FW**
CHECKED: **NP**
DATE: **12/9/2023**

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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APPROVALS

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DATE:

OWNER 2:

DATE:

PRELIMANY DRAWINGS

ROOF AREA	
AREA [m2 ON FLAT]	190.95

MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

GENERAL NOTES

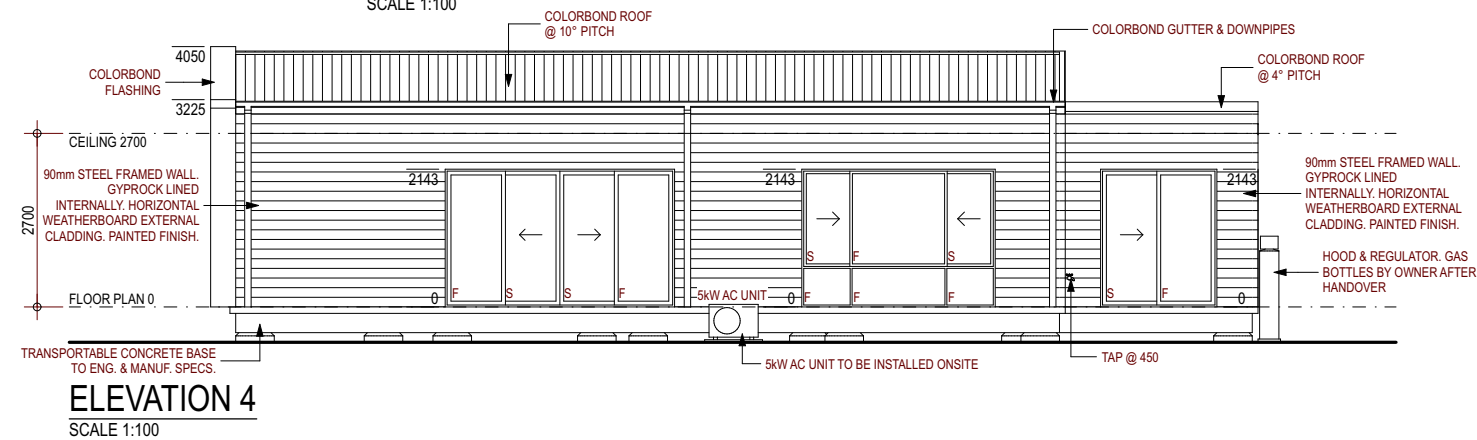
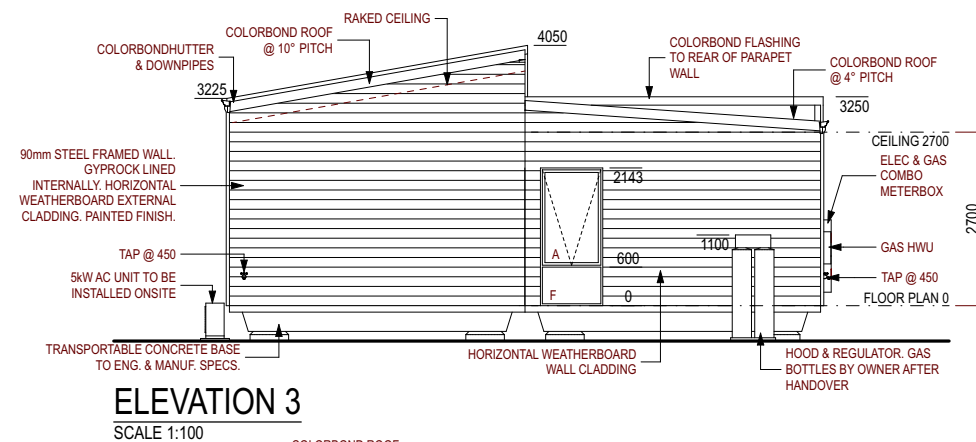
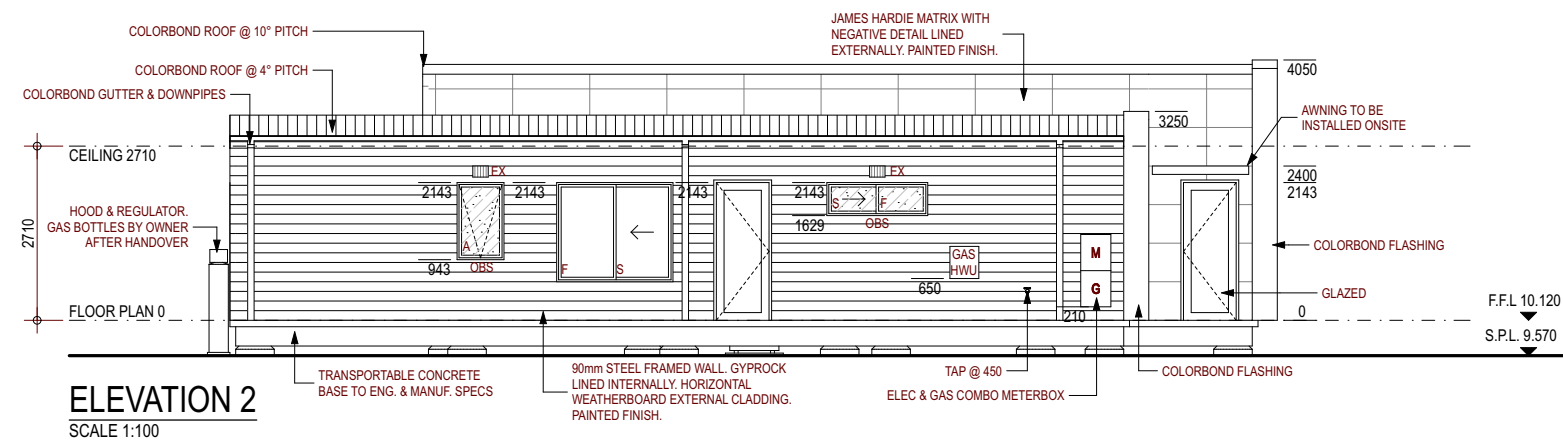
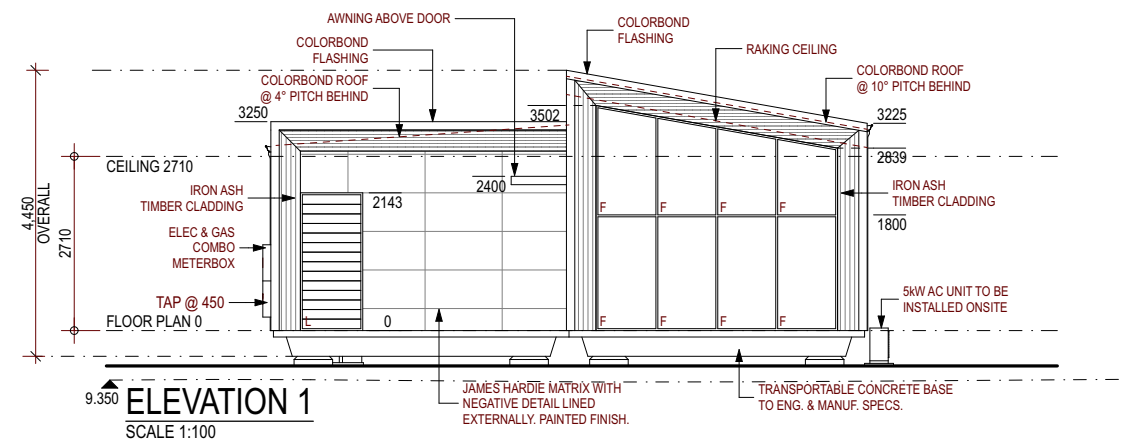
- DO NOT SCALE FROM THIS DRAWING. CHECK ALL DIMENSIONS ON SITE PRIOR TO SETTING OUT & COMMENCEMENT OF ANY WORK.
- ALL SUB-CONTRACTORS TO CHECK DIMENSIONS & NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- ALL DIMENSIONS TO STUD/WORK.
- RESTRICTED OPENING AS PER NCC 3.9.2.6 & 3.9.2.7.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

WINDOW SUPPLIER NOTES

- SHADED WINDOWS INDICATE OBSCURE GLAZING.
- GLAZING DESIGNED AND CONSTRUCTED IN ACCORDANCE TO AS1288 AND AS2047.

FIXING NOTES

- FIXINGS TO BE REMOVED BEFORE TRANSPORT



APPENDIX 13.7.4



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PROJECT DETAILS

JOB NO: **FT966**
BUILDING: **HEMSWORTH CUSTOM**
SPEC: **PIQUE**
CLIENT: **MOORE RIVER FAMILY TRUST**
ADDRESS: **589 BARAGOON ROAD,
CARABAN, WA 6041**

DRAWING DETAILS

PAGE: **WD05**
DRAWING: **ELEVATIONS**
SCALE: **1:100**
DRAWN: **FW**
CHECKED: **NP**
DATE: **12/9/2023**

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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DATE:

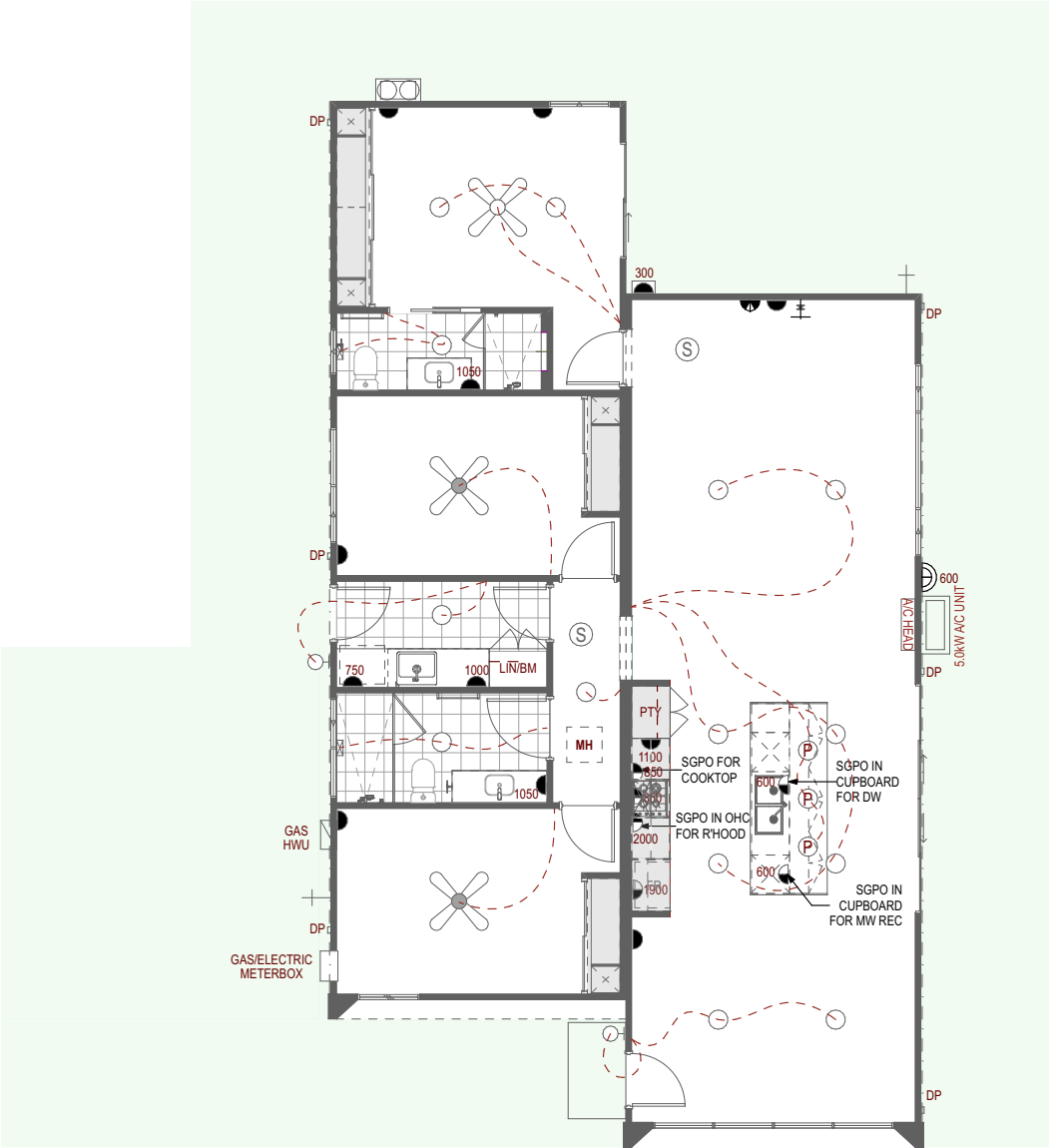
PRELIMINARY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

ELECTRICAL NOTES














- ELECTRICAL POINTS & A/C UNITS MAY BE RELOCATED ON SITE TO SUIT CURRENT STATUTORY REQUIREMENTS.
- WP GPO INSIDE RECESSED BOX UNDER HWU.
- HARD WIRED, INTERCONNECTING SMOKE ALARMS AS PER N.C.C (BCA VOL 2) CLAUSE 3.7.5 AND AS 3786.
- GPO & LIGHT LOCATIONS ARE APPROXIMATE UNO
- LIGHT SWITCHES TO BE MOUNTED @ 1300 AFL.
- GPO FOR HOT PLATE @ 850 AFL.

ADDITIONAL 16 LED LIGHTS AND ADDITIONAL 5 GPO AS PER QUOTE. LOCATIONS TO BE DETERMINED AT PRESTART BY CLIENT.



ELECTRICAL PLAN
SCALE:1:100

APPENDIX 13.7.4

ELECTRICAL LEGEND			
LED DOWNLIGHT		14	
DOUBLE GPO @300AFL UNLESS STATED OTHERWISE		12	
SINGLE GPO @ 300 UNLESS STATED OTHERWISE		7	
PENDANT LIGHT		3	
CEILING FAN/LIGHT		2	
WALL LIGHT		2	
WALL EXHAUST FAN		2	
CEILING FAN		1	
DOUBLE WATER PROOF GPO @ 300 UNLESS STATED OTHERWISE		1	
ISOLATION SWITCH @ 600 UNLESS STATED OTHERWISE		1	<div>FOX MODULAR 13 BOOM STREET GNANGARA WESTERN AUSTRALIA 6077 t: 08 6377 8335 w: www.foxmodular.com.au e: info@foxmodular.com.au</div>
DATA POINT @ 300 UNLESS STATED OTHERWISE		1	
TV POINT @ 300 UNLESS STATED OTHERWISE		1	
PROJECT DETAILS			JOB NO: FT966 BUILDING: HEMSWORTH CUSTOM SPEC: PIQUE CLIENT: MOORE RIVER FAMILY TRUST ADDRESS: 589 BARAGOON ROAD, CARABAN, WA 6041
DRAWING DETAILS			PAGE: WD06 DRAWING: ELECTRICAL SCALE: 1:100 DRAWN: FW CHECKED: NP DATE: 12/9/2023
REVISION			
B	12/09/23	AMENDMENTS	
A	29/08/23	CLIENT SKETCH	
NOTES			WRITTEN DIMENSIONS TAKE PREFERENCE OVER SCALE. THESE PLANS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS. ENGINEERS DESIGNS, COMPUTATIONS, AND GEOTECHNICAL REPORT. WRITTEN SPECIFICATIONS TAKE PRECEDENCE OVER THESE DRAWINGS UNLESS NOMINATED IN CONTRACT OR SPECIFICATION. DRAWINGS ARE ONLY ISSUED FOR CONSTRUCTION WHEN APPROVED AND SIGNED BY THE DESIGN OFFICE &/OR CONTRACTOR AUTHORISED SIGNATORY. ANY DOCUMENTS WITHOUT APPROVAL (INCLUDING ALL PDF OR EMAILED VERSIONS) ARE NOT TO BE USED FOR CONSTRUCTION. -THIS DRAWING IS COPYRIGHT - ANY INFRINGEMENT WILL RESULT IN LEGAL PROCEEDING.
APPROVALS			OWNER 1: ----- DATE: ----- OWNER 2: ----- DATE: ----- <div>PRELIMANY DRAWINGS</div>

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

- WET AREAS CONSTRUCTED IN ACCORDANCE WITH PART 3.8.1 OF NCC AND AS3740.
- THE APPEARANCE OF FIXTURES AND FITTINGS ARE SHOWN REPRESENTATIONAL ONLY.
- LOCATION OF BENCHTOP JOINS ARE AT THE DISCRETION OF THE CABINET MAKER.
- PANTRY SHELVING DEPTH IS AT THE DISCRETION OF THE CABINET MAKER.
- DO NOT SCALE FROM THIS DRAWING. ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

CABINET MAKER NOTE

- TILING EXTENTS SHOWN SHADED.
- TILE LAYOUTS NOTATIONAL ONLY. CUT TILES TO TILER'S DISCRETION.
- JOINS TO BENCHTOPS AT CABINET MAKER'S DISCRETION.
- 145H KICKBOARD TO BATHROOM, ENSUITE & LAUNDRY WITH 200mm SETBACK UNO.
- 145H KICKBOARD TO KITCHEN & LAUNDRY ONLY UNO
- MITRED TILING TO WET AREAS.
- ALL DIMENSIONS, DOOR SWINGS & PANEL SIZES ARE NOMINAL & MAY VARY ON SITE AT CABINET MAKER'S DISCRETION UNLESS ADVISED AS CRITICAL.
- ANY CRITICAL MINIMUM CLEARANCE TO BE ADVISED BY CLIENT TO BUILDER.
- ALL SCRIBES ARE NOMINAL AT CABINET MAKER'S DISCRETION.
- 40mm OVERHANG TO FRONT OF KITCHEN BENCH TOPS
- REFER TO PLANS FOR DEPTH OF BREAKFAST BAR (IF APPLICABLE.)
- CABINET MAKER TO OBTAIN CUT-OUT SIZES FROM MANUFACTURER TO SUIT APPLIANCES SELECTED.
- ENSURE COMPLIANCE WITH MANUFACTURERS VENTILATION REQUIREMENTS.
- 20mm STONE BENCH TOPS THROUGHOUT.
- 20mm STONE WATERFALL ENDS TO KITCHEN ISLAND BENCH.

TILING NOTE

- EXTENT OF WALL TILING SHOWN SHADED AS PER ADDENDA.
- THE TILER MAY CUT THE TILES IN THE SHOWER IN ORDER TO ACHIEVE THE CORRECT FALLS. THIS MAY RESULT IN THE DRAIN NOT BEING CENTRAL TO THE TILE.

TILING LEGEND

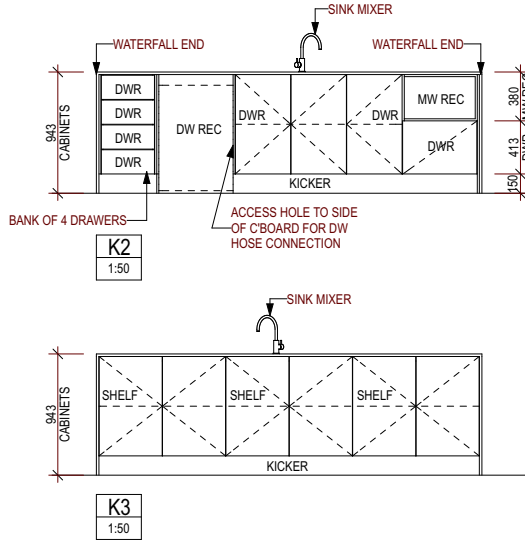
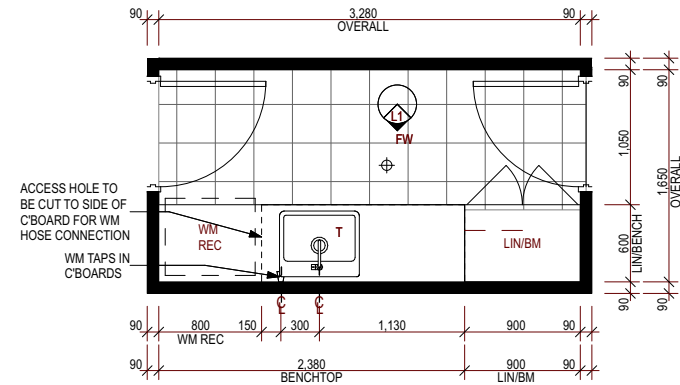
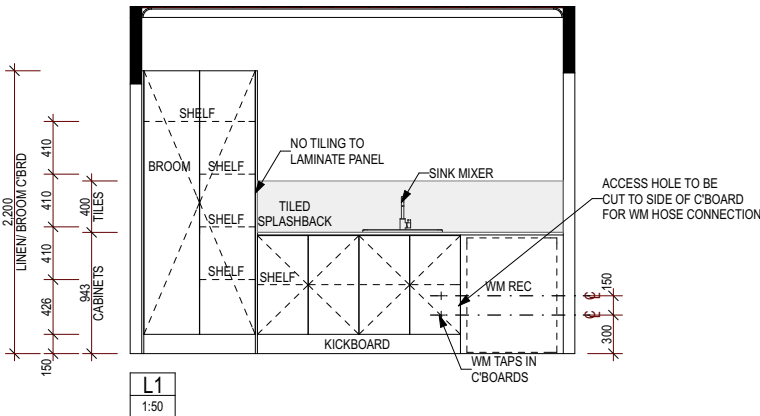
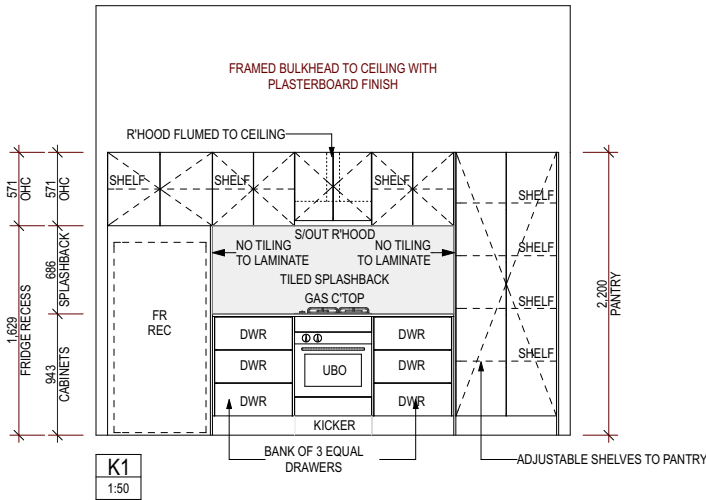
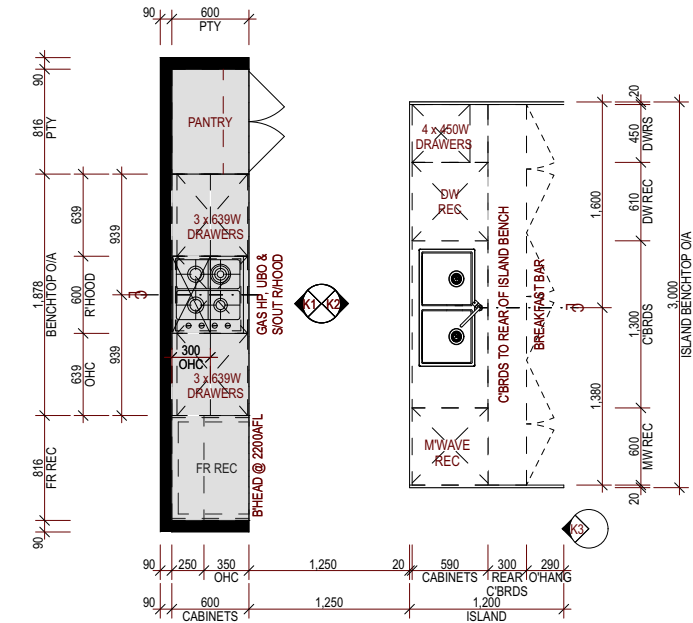
- TILING EXTENTS SHOWN AS SHADED. REFER COLOUR SCHEDULE FOR DETAILS.
- FEATURE TILING EXTENTS SHOWN AS SHADED.

FIXING CARPENTER NOTE

- 450D SHELF & RAIL @ 1800 HIGH TO ROBES. WITH 4x450D OPEN SHELVES UNLESS NOTED OTHERWISE.
- 4x450D SHELVES TO LINEN.
- ALL SHELVES TO BE ADJUSTABLE.

DISHWASHER PROVISION

- 610W OPENING UNDER BENCHTOP.
- COLD WATER OUTLET.
- SINK TRAP SUITABLE TO CONNECT DISHWASHER WASTE.
- SUPPLY S.G.P.O.
- CABINETWORK CUTOUT FOR SERVICES BY DISHWASHER INSTALLER.



APPENDIX 13.7.4



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PROJECT DETAILS

JOB NO: FT966
BUILDING: HEMSWORTH CUSTOM
SPEC: PIQUE
CLIENT: MOORE RIVER FAMILY TRUST
ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD07
DRAWING: ROOM LAYOUTS 1
SCALE: 1:50
DRAWN: FW
CHECKED: NP
DATE: 12/9/2023

REVISION

B	12/09/23	AMENDMENTS
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NOTES

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DATE:

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DATE:

PRELIMINARY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

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- PANTRY SHELVING DEPTH IS AT THE DISCRETION OF THE CABINET MAKER.
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CABINET MAKER NOTE

- TILING EXTENTS SHOWN SHADED.
- TILE LAYOUTS NOTATIONAL ONLY. CUT TILES TO TILER'S DISCRETION.
- JOINS TO BENCHTOPS AT CABINET MAKER'S DISCRETION.
- 145H KICKBOARD TO BATHROOM, ENSUITE & LAUNDRY WITH 200mm SETBACK UNO.
- 145H KICKBOARD TO KITCHEN & LAUNDRY ONLY UNO
- MITRED TILING TO WET AREAS.
- ALL DIMENSIONS, DOOR SWINGS & PANEL SIZES ARE NOMINAL & MAY VARY ON SITE AT CABINET MAKER'S DISCRETION UNLESS ADVISED AS CRITICAL.
- ANY CRITICAL MINIMUM CLEARANCE TO BE ADVISED BY CLIENT TO BUILDER.
- ALL SCRIBES ARE NOMINAL AT CABINET MAKER'S DISCRETION.
- 40mm OVERHANG TO FRONT OF KITCHEN BENCH TOPS
- REFER TO PLANS FOR DEPTH OF BREAKFAST BAR (IF APPLICABLE.)
- CABINET MAKER TO OBTAIN CUT-OUT SIZES FROM MANUFACTURER TO SUIT APPLIANCES SELECTED.
- ENSURE COMPLIANCE WITH MANUFACTURERS VENTILATION REQUIREMENTS.
- 20mm STONE BENCH TOPS THROUGHOUT.
- 20mm STONE WATERFALL ENDS TO KITCHEN ISLAND BENCH.

TILING NOTE

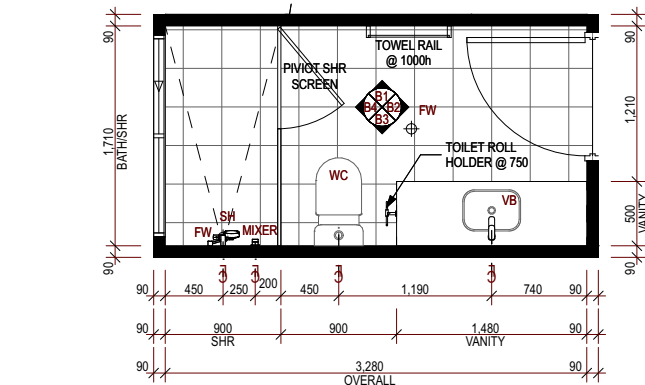
- EXTENT OF WALL TILING SHOWN SHADED AS PER ADDENDA.
- THE TILER MAY CUT THE TILES IN THE SHOWER IN ORDER TO ACHIEVE THE CORRECT FALLS. THIS MAY RESULT IN THE DRAIN NOT BEING CENTRAL TO THE TILE.

TILING LEGEND

- TILING EXTENTS SHOWN AS SHADED. REFER COLOUR SCHEDULE FOR DETAILS.
- FEATURE TILING EXTENTS SHOWN AS SHADED.

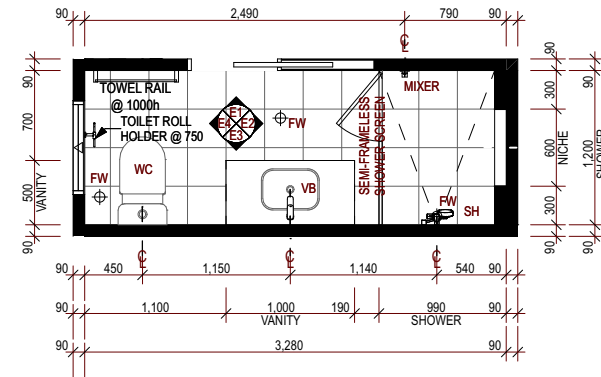
FIXING CARPENTER NOTE

- 450D SHELF & RAIL @ 1800 HIGH TO ROBES. WITH 4x450D OPEN SHELVES UNLESS NOTED OTHERWISE.
- 4x450D SHELVES TO LINEN.
- ALL SHELVES TO BE ADJUSTABLE.



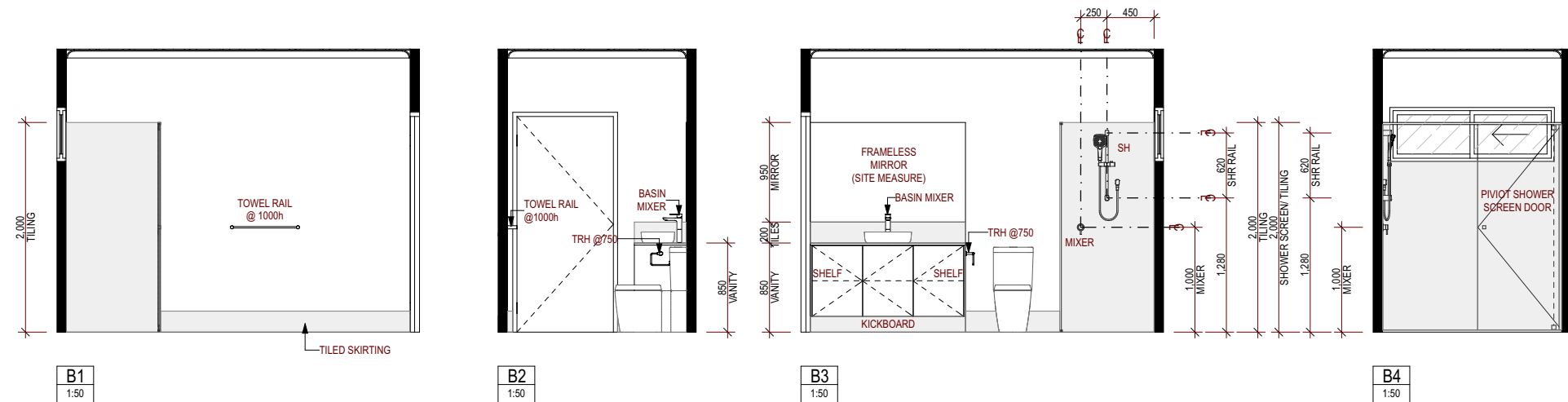
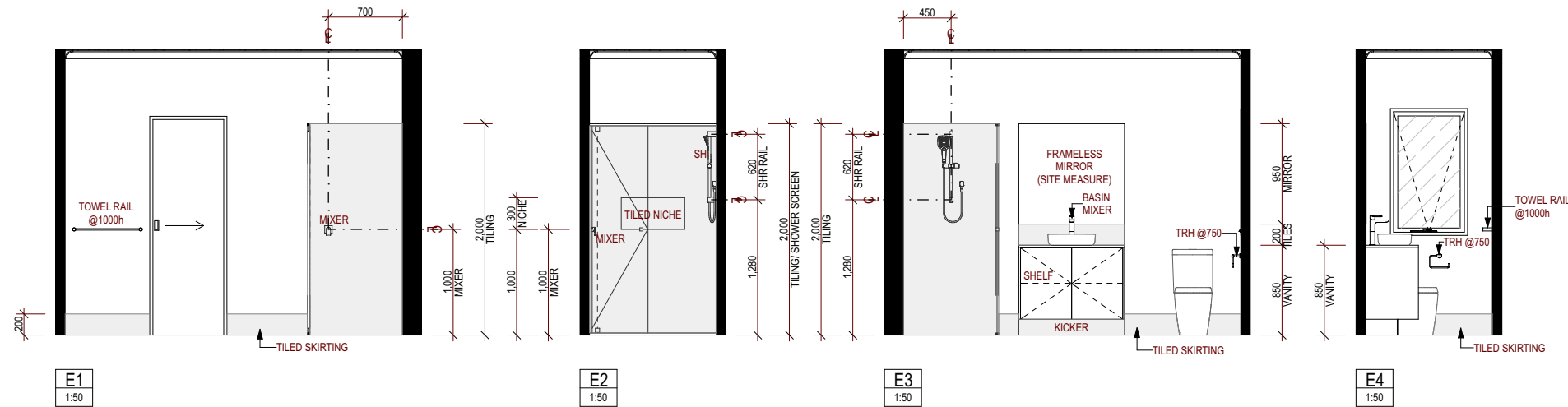
BATHROOM LAYOUT

SCALE:1:50



ENSUITE LAYOUT

SCALE:1:50



APPENDIX 13.7.4



FOX MODULAR
13 BOOM STREET
GNANGARA
WESTERN AUSTRALIA
6077

t: 08 6377 8335
w: www.foxmodular.com.au
e: info@foxmodular.com.au

PROJECT DETAILS

JOB NO: FT966
BUILDING: HEMSWORTH CUSTOM
SPEC: PIQUE
CLIENT: MOORE RIVER FAMILY TRUST
ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD08
DRAWING: ROOM LAYOUTS 2
SCALE: 1:50
DRAWN: FW
CHECKED: NP
DATE: 12/9/2023

REVISION

NO.	DATE	DESCRIPTION
B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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APPROVALS

OWNER 1: _____
DATE: _____
OWNER 2: _____
DATE: _____

PRELIMINARY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

- WET AREAS CONSTRUCTED IN ACCORDANCE WITH PART 3.8.1 OF NCC AND AS3740.
- THE APPEARANCE OF FIXTURES AND FITTINGS ARE SHOWN REPRESENTATIONAL ONLY.
- LOCATION OF BENCHTOP JOINS ARE AT THE DISCRETION OF THE CABINET MAKER.
- PANTRY SHELVING DEPTH IS AT THE DISCRETION OF THE CABINET MAKER.
- DO NOT SCALE FROM THIS DRAWING. ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

CABINET MAKER NOTE

- TILING EXTENTS SHOWN SHADED.
- TILE LAYOUTS NOTATIONAL ONLY. CUT TILES TO TILER'S DISCRETION.
- JOINS TO BENCHTOPS AT CABINET MAKERS'S DISCRETION.
- 145H KICKBOARD TO BATHROOM, ENSUITE & LAUNDRY WITH 200mm SETBACK UNO.
- 145H KICKBOARD TO KITCHEN & LAUNDRY ONLY UNO
- MITRED TILING TO WET AREAS.
- ALL DIMENSIONS, DOOR SWINGS & PANEL SIZES ARE NOMINAL & MAY VARY ON SITE AT CABINET MAKER'S DISCRETION UNLESS ADVISED AS CRITICAL.
- ANY CRITICAL MINIMUM CLEARANCE TO BE ADVISED BY CLIENT TO BUILDER.
- ALL SCRIBES ARE NOMINAL AT CABINET MAKER'S DISCRETION.
- 40mm OVERHANG TO FRONT OF KITCHEN BENCH TOPS
- REFER TO PLANS FOR DEPTH OF BREAKFAST BAR (IF APPLICABLE.)
- CABINET MAKER TO OBTAIN CUT-OUT SIZES FROM MANUFACTURER TO SUIT APPLIANCES SELECTED.
- ENSURE COMPLIANCE WITH MANUFACTURERS VENTILATION REQUIREMENTS.
- 20mm STONE BENCH TOPS THROUGHOUT.
- 20mm STONE WATERFALL ENDS TO KITCHEN ISLAND BENCH.

TILING NOTE

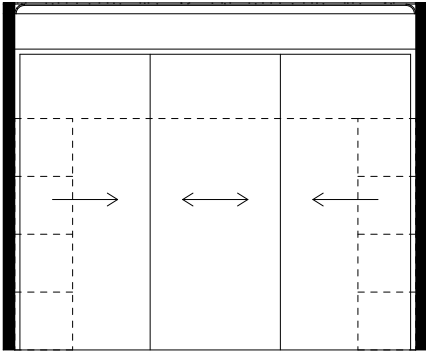
- EXTENT OF WALL TILING SHOWN SHADED AS PER ADDENDA.
- THE TILER MAY CUT THE TILES IN THE SHOWER IN ORDER TO ACHIEVE THE CORRECT FALLS. THIS MAY RESULT IN THE DRAIN NOT BEING CENTRAL TO THE TILE.

TILING LEGEND

- TILING EXTENTS SHOWN AS SHADED. REFER COLOUR SCHEDULE FOR DETAILS.
- FEATURE TILING EXTENTS SHOWN AS SHADED.

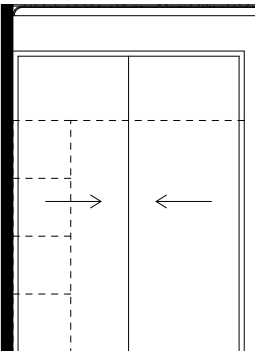
FIXING CARPENTER NOTE

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- 4x450D SHELVES TO LINEN.
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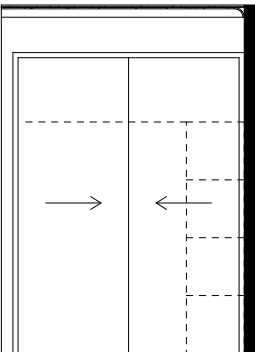
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SCALE:1:50



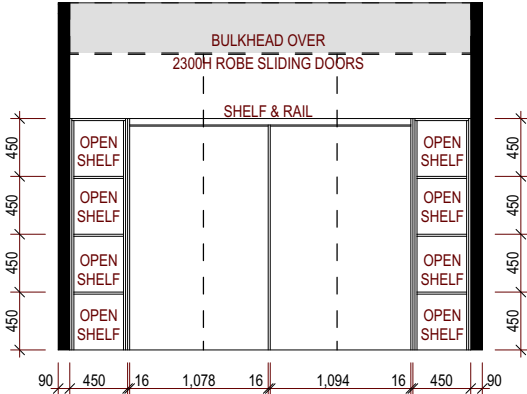
BED 2 ROBE ELEVATION

SCALE:1:50



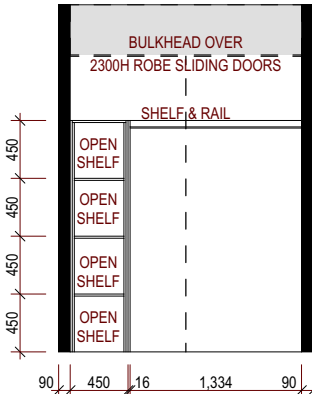
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SCALE:1:50



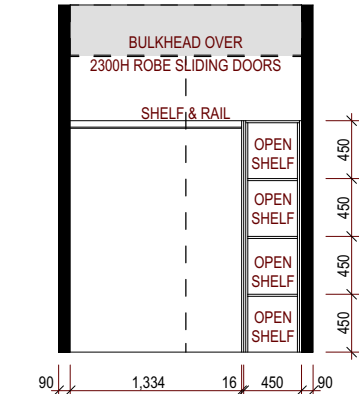
BED 1 ROBE ELEVATION

SCALE:1:50



BED 2 ROBE ELEVATION

SCALE:1:50



BED 3 ROBE ELEVATION

SCALE:1:50

APPENDIX 13.7.4



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ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD09
DRAWING: ROOM LAYOUTS 3
SCALE: 1:50
DRAWN: FW
CHECKED: NP
DATE: 12/9/2023

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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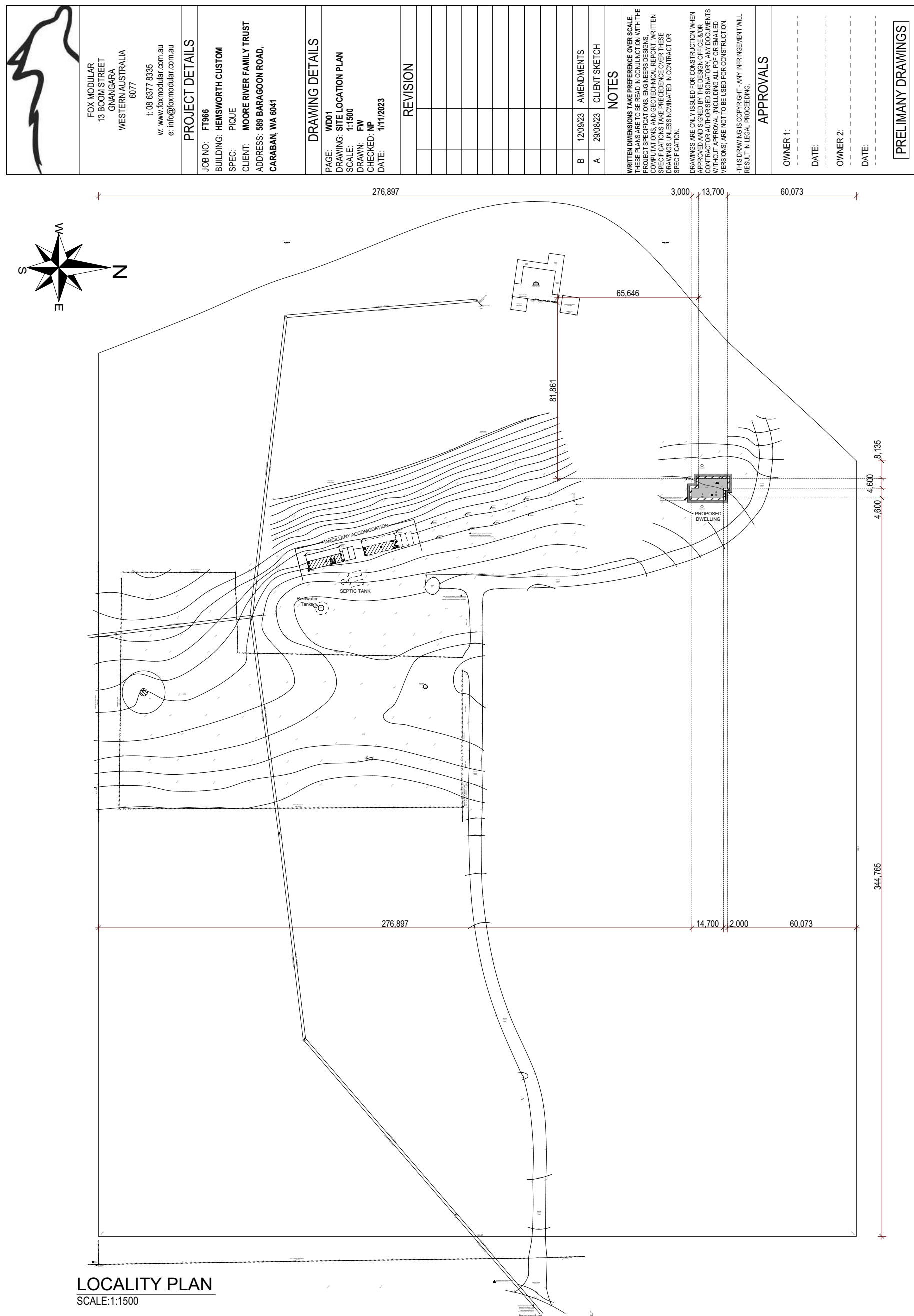
OWNER 1:

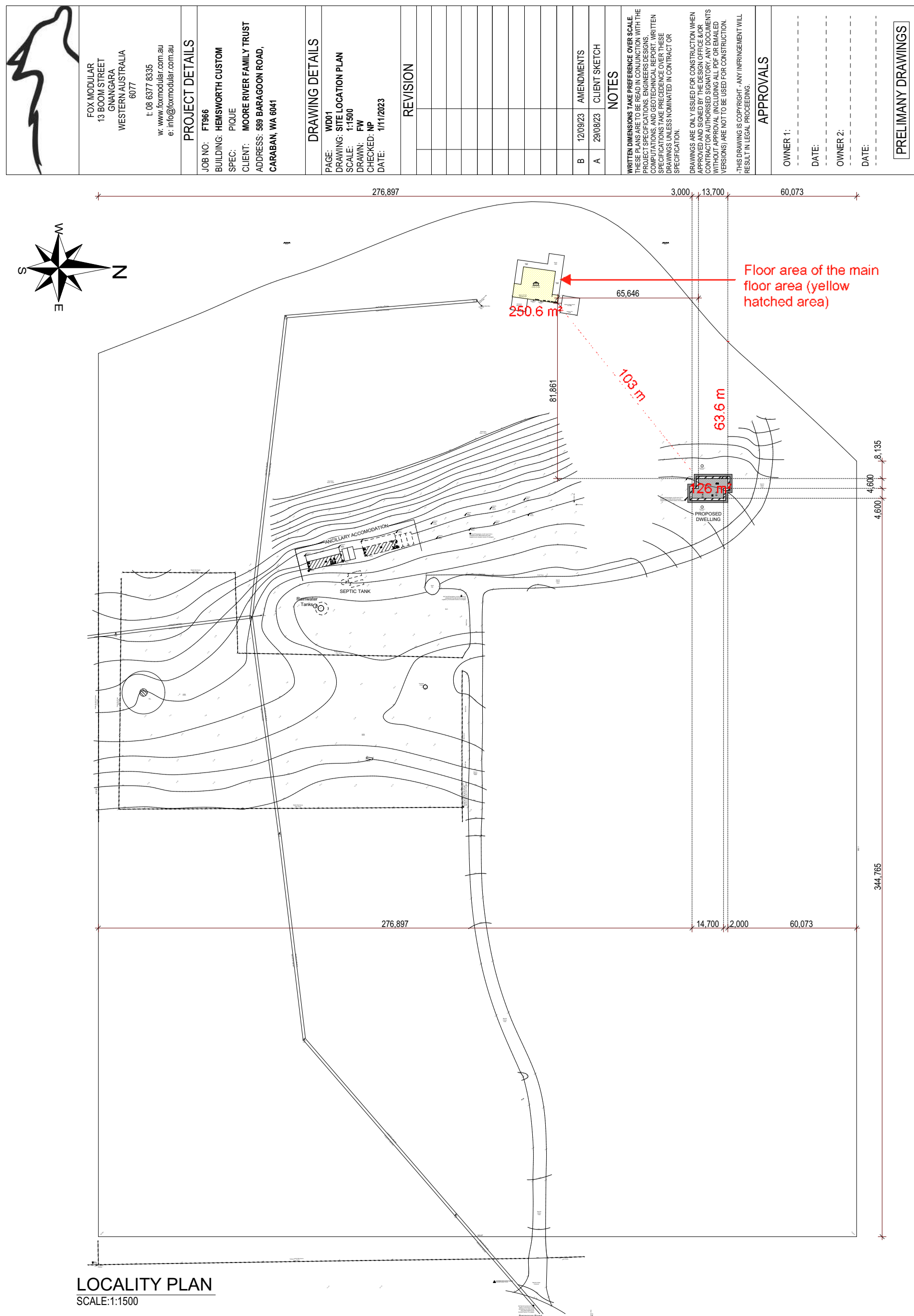
DATE:

OWNER 2:

DATE:

PRELIMANY DRAWINGS





MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

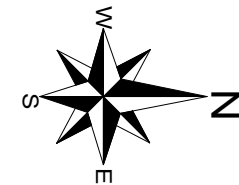
SITE WORKS NOTES

• SITE WORKS TO COMPLY WITH NCC 3.1.1

STORMWATER NOTES

• STORMWATER TO COMPLY WITH AS3500, NCC 3.1.2 & LG REQUIREMENTS.

• ROOF AREA: 190.95m²
• VOLUME: 190.95m² X 0.0125 = 2.39m³
• SIZE: 2 X Ø1200 X 1200 DEEP CONCRETE SOAKWELLS
• POSITION: 1.0m MIN. FROM BOUNDARY



LEGEND		Power Pole
		Phone Pits
		Water Conn.
		Top Pillar/Post
		Top Wall
		Top Retaining
		Top Fence

▲ NOTE:
TELSTRA/COMMS. PIT NOT LOCATED
ADJACENT TO LOT AT TIME OF SURVEY.
VERIFY AVAILABILITY WITH TELSTRA.

DISCLAIMER:
Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

DISCLAIMER:
Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

DISCLAIMER:
Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

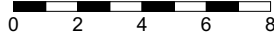
DISCLAIMER:
Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

SITE PLAN
SCALE:1:400



BEWARE: POSSIBLE SERVICE RUN IN & COST

Scale 1:200



 LICENSED SURVEYORS	87-89 Guthrie Street Osborne Park, WA 6017	JOB #	530288	GPS	Lat: -32.008703 Long: 116.03258	ROADS	Bitumen	ELEC.	O/Head
	PO Box 1611 Osborne Park Business Centre WA 6917	ADDRESS	#598 Caraban Road	LOT	Lot 413 (DP 231045)	KERBS	Nil	COMMS.	Not loc.
	P: (08) 9446 7361 E: perth@cottage.com.au W: www.cottage.com.au	SUBURB	Caraban	LGA	SHIRE OF GINGIN	FOOTPATH	Nil	WATER	Nil
		AREA	14.1412ha	VOL.	1526	SOIL	Sand, L'Stone(Exp)	GAS	Check Alinta
		FOL.	964	DATE	29 Aug 22	DRAINAGE	Good	SEWER	Nil
		SSA	No	VEGETATION	High Grass Cover	COASTAL	50m To River (Approximate Only Confirm With Shire)		



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PROJECT DETAILS

JOB NO: FT966
BUILDING: HEMSWORTH CUSTOM
SPEC: PIQUE
CLIENT: MOORE RIVER FAMILY TRUST
ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD02
DRAWING: SITE PLAN
SCALE: 1:400
DRAWN: FW
CHECKED: NP
DATE: 1/11/2023

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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APPROVALS

OWNER 1:

DATE:

OWNER 2:

DATE:

PRELIMINARY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

- THE HOME OWNER IS SOLELY RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL FUTURE WORKS AND ANY EFFECT IT SHALL HAVE ON THE EXISTING STRUCTURE.
- ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE NOMINAL DIMENSIONS ONLY WHICH DO NOT ALLOW FOR WALL LINING THICKNESS
- PLANS TO BE READ IN CONJUNCTION WITH ENGINEERS DETAILS.
- FLOOR WASTE, CEILING VENT & MANHOLE LOCATIONS ARE SUBJECT TO CHANGE AT THE BUILDER'S DISCRETION.
- THE BUILDER RESERVES THE RIGHT TO ADJUST WINDOW AND SLIDING DOOR SIZES, INTERNAL ROOM SIZES, AND O'ALL LENGTH AND WIDTH OF DWELLING, WHICH MAY RESULT IN A CHANGE IN THE O'ALL HOUSE AREA FROM THE ORIGINAL STANDARD HOUSE PLAN.
- DO NOT SCALE FROM THIS DRAWING. ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

TRADES/ SUPPLIERS/ SUPERVISORS NOTE

- FOR TYPICAL FOX CONSTRUCTION DETAILS. REFER TO SEPARATE DETAILS DOCUMENT. CONTACT BUILDING SUPERVISOR IF REQUIRED.
- FOR NON-STANDARD FOX CONSTRUCTION DETAILS REFER TO DETAIL PLANS.

FIXING CARPENTER NOTE

- 450D SHELF & RAIL @ 1800 HIGH TO ROBES, **WITH 4x450D OPEN SHELVES** UNLESS NOTED OTHERWISE.
- 4x450D SHELVES TO LINEN.
- ALL SHELVES TO BE ADJUSTABLE.

N.C.C NOTES

- ALL BALUSTRADE & HANDRAILS AS PER N.C.C (BCA VOL 2) CLAUSE 3.9.2.
- (S) HARD WIRED, INTERCONNECTING SMOKE ALARMS AS PER N.C.C (BCA VOL 2) CLAUSE 3.7.5 AND AS 3786.
- CONDENSATION MANAGEMENT (PLIABLE BUILDING MEMBRANES - AS 4200, EXHAUST SYSTEMS AND ROOF VENTILATION) TO BE AS PER NCC 3.8.7

ROOF PLUMBER NOTES

- DOWNPIPES TO BE LOCATED AS PER PLANS BUT MAY BE RELOCATED AT SUPERVISORS DISCRETION.
- GUTTER BRACKETS TO BE INSTALLED @ 1200mm MAX CENTRES
- GUTTER AND DOWNPIPES TO BE INSTALLED TO NCC 3.5.3 & AS 2179.1 (METAL) / AS 1273 (UPVC)

BAL NOTES

- DWELLING TO BE CONSTRUCTED TO **BAL TBC.**

METAL WALL CLADDING NOTES

- METAL CLADDING TO COMPLY WITH A1562.1.

SUB FLOOR VENTING NOTES

- SUB FLOOR VENTILATION TO COMPLY WITH NCC 3.4.1.

GLAZING NOTES

- GLAZING TO NCC 3.6 AND AS2047/AS1288.

WET AREA NOTES

- WET AREAS TO NCC 3.8.1 & AS3740.

VAPOUR BARRIER NOTES

- VAPOUR BARRIER TO BE FITTED IN ACCORDANCE WITH BCA 3.2.2.6.

PLUMBER NOTES

- ALL PLUMBING WASTE TO RUN TO ONE CONNECTION POINT UNDER BUILDING.
- WC'S TO BATHROOM & ENSUITE TO RUN ON SEPERATE WATER SYSTEM TO REST OF HOUSE.

CEILING FIXER NOTES

- CEILING @ **2700** UNLESS NOTED OTHERWISE.

INSULATION REQUIREMENTS

REFER ENERGY REPORT FOR DETAILS

EXTERNAL WALLS: R2.5 BATTS & REFLECTIVE WRAP
INTERNAL WALLS: R2.5 BATTS
CEILING: R4.1 CEILING BATTS
ROOF: 55mm ANTICON

APPENDIX 13.7.5

AREAS		
	PERIM. (m)	AREA (m2)
FLOOR AREA	52.40	133.40
		133.40 m²

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PROJECT DETAILS

JOB NO: **FT966**
BUILDING: **HEMSWORTH CUSTOM**
SPEC: **PIQUE**
CLIENT: **MOORE RIVER FAMILY TRUST**
ADDRESS: **589 BARAGOON ROAD,
CARABAN, WA 6041**

DRAWING DETAILS

PAGE: **WD03**
DRAWING: **FLOOR PLAN**
SCALE: **1:100**
DRAWN: **FW**
CHECKED: **NP**
DATE: **1/11/2023**

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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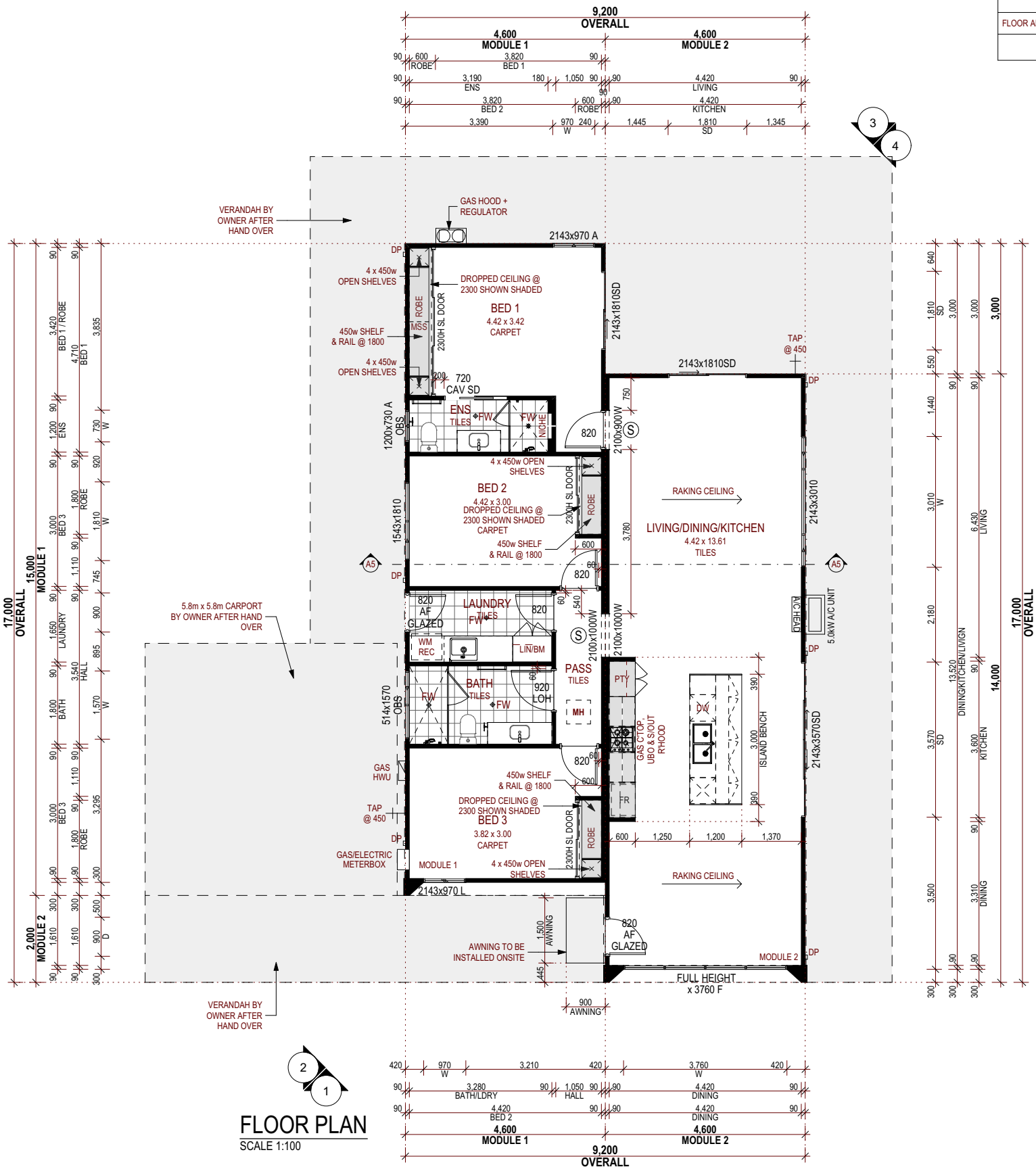
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DATE: _____
OWNER 2: _____
DATE: _____

PRELIMANY DRAWINGS



FLOOR PLAN
SCALE 1:100

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

APPENDIX 13.7.5

GENERAL NOTES

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- 4x450D SHELVES TO LINEN.
- ALL SHELVES TO BE ADJUSTABLE.

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- GUTTER AND DOWNPIPES TO BE INSTALLED TO NCC 3.5.3 & AS 2179.1 (METAL) / AS 1273 (UPVC)

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- WC'S TO BATHROOM & ENSUITE TO RUN ON SEPERATE WATER SYSTEM TO REST OF HOUSE.

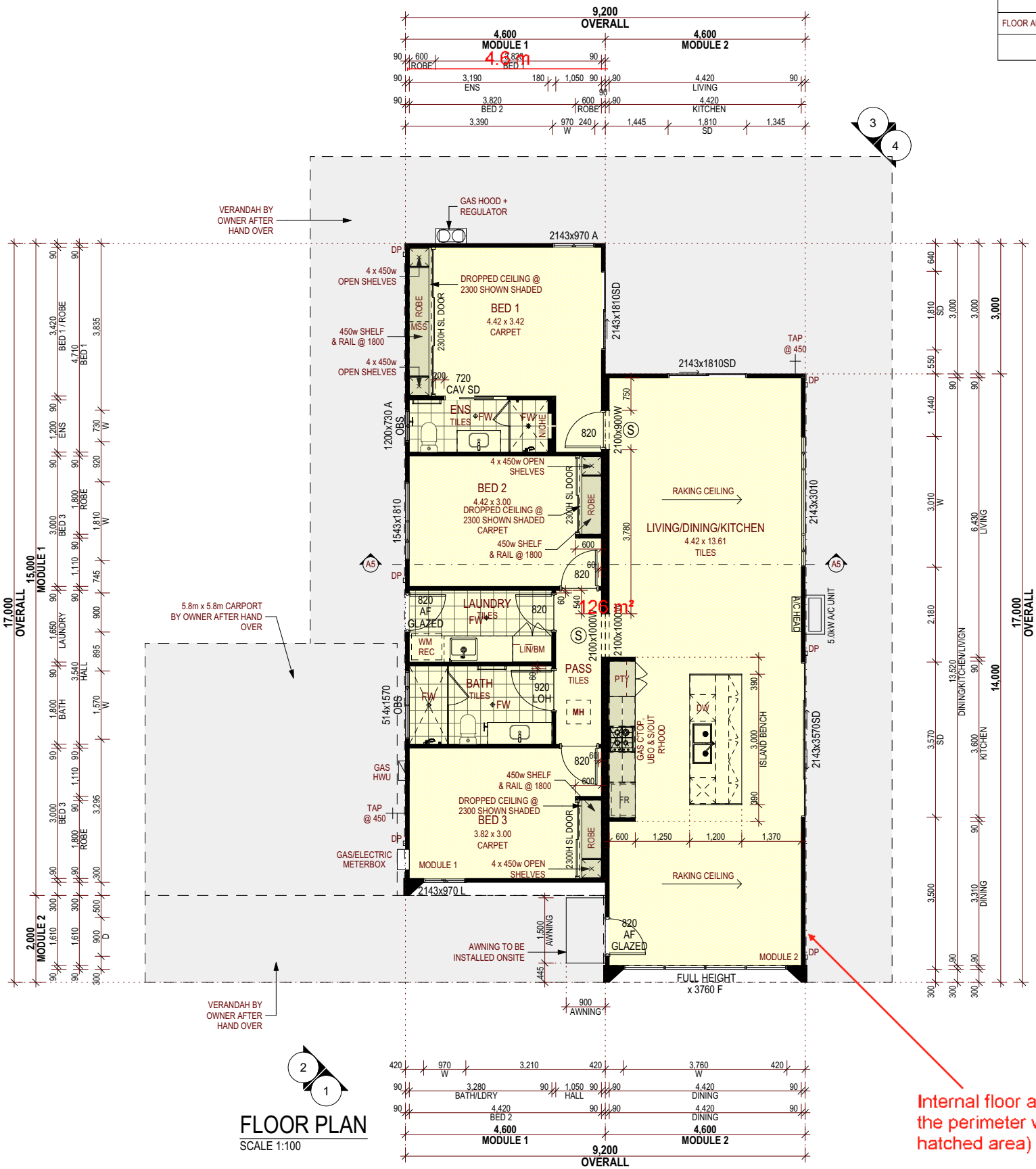
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INTERNAL WALLS: R2.5 BATTS
CEILING: R4.1 CEILING BATTS
ROOF: 55mm ANTICON



FLOOR PLAN
SCALE 1:100

AREAS		
	PERIM. (m)	AREA (m2)
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		133.40 m²

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PAGE: **WD03**
DRAWING: **FLOOR PLAN**
SCALE: **1:100**
DRAWN: **FW**
CHECKED: **NP**
DATE: **1/11/2023**

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B	12/09/23	AMENDMENTS
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PRELIMANY DRAWINGS

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21 NOVEMBER 2023

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- PLANS TO BE READ IN CONJUNCTION WITH ENGINEERS DETAILS.
- FLOOR WASTE, CEILING VENT & MANHOLE LOCATIONS ARE SUBJECT TO CHANGE AT THE BUILDER'S DISCRETION.
- THE BUILDER RESERVES THE RIGHT TO ADJUST WINDOW AND SLIDING DOOR SIZES, INTERNAL ROOM SIZES, AND O'ALL LENGTH AND WIDTH OF DWELLING, WHICH MAY RESULT IN A CHANGE IN THE O'ALL HOUSE AREA FROM THE ORIGINAL STANDARD HOUSE PLAN.
- DO NOT SCALE FROM THIS DRAWING. ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

TRADES/ SUPPLIERS/ SUPERVISORS NOTE

- FOR TYPICAL FOX CONSTRUCTION DETAILS. REFER TO SEPARATE DETAILS DOCUMENT. CONTACT BUILDING SUPERVISOR IF REQUIRED.
- FOR NON-STANDARD FOX CONSTRUCTION DETAILS REFER TO DETAIL PLANS.

N.C.C NOTES

- ALL BALUSTRADE & HANDRAILS AS PER N.C.C (BCA VOL 2) CLAUSE 3.9.2.
- (S) HARD WIRED, INTERCONNECTING SMOKE ALARMS AS PER N.C.C (BCA VOL 2) CLAUSE 3.7.5 AND AS 3786.
- CONDENSATION MANAGEMENT (PLIABLE BUILDING MEMBRANES - AS 4200, EXHAUST SYSTEMS AND ROOF VENTILATION) TO BE AS PER NCC 3.8.7

ROOF PLUMBER NOTES

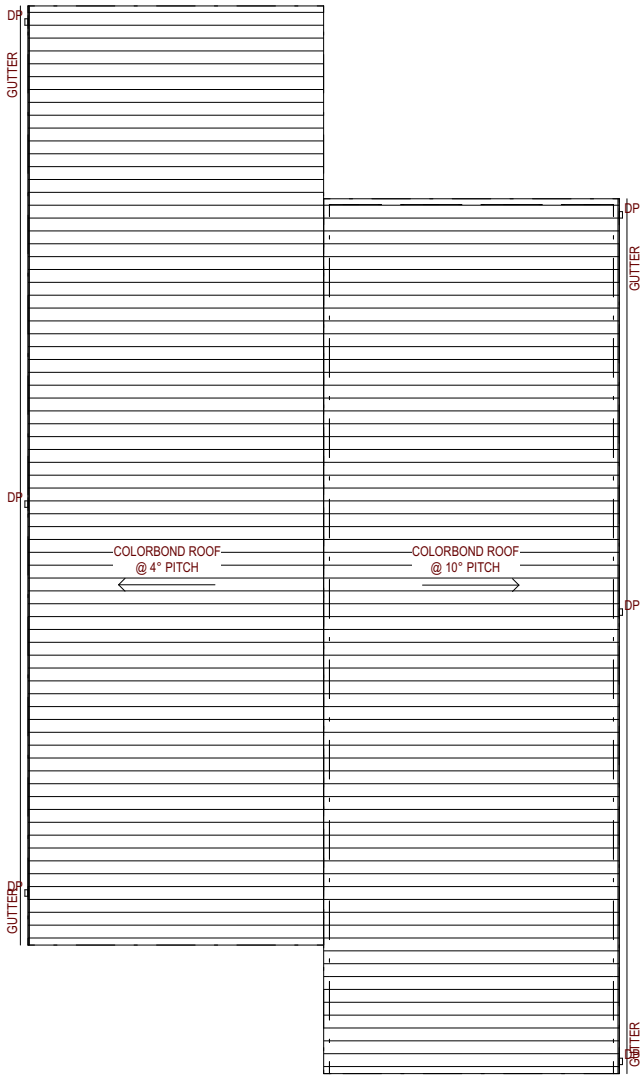
- DOWNPIPES TO BE LOCATED AS PER PLANS BUT MAY BE RELOCATED AT SUPERVISORS DISCRETION.
- GUTTER BRACKETS TO BE INSTALLED @ 1200mm MAX CENTRES
- GUTTER AND DOWNPIPES TO BE INSTALLED TO NCC 3.5.3 & AS 2179.1 (METAL) / AS 1273 (UPVC)

BAL NOTES

- DWELLING TO BE CONSTRUCTED TO **BAL TBC.**

VAPOUR BARRIER NOTES

- VAPOUR BARRIER TO BE FITTED IN ACCORDANCE WITH BCA 3.2.2.6.



ROOF PLAN

SCALE:1:100

APPENDIX 13.7.5



FOX MODULAR
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GNANGARA
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6077

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PROJECT DETAILS

JOB NO: **FT966**
BUILDING: **HEMSWORTH CUSTOM**
SPEC: **PIQUE**
CLIENT: **MOORE RIVER FAMILY TRUST**
ADDRESS: **589 BARAGOON ROAD,
CARABAN, WA 6041**

DRAWING DETAILS

PAGE: **WD04**
DRAWING: **ROOF PLAN**
SCALE: **1:100**
DRAWN: **FW**
CHECKED: **NP**
DATE: **1/11/2023**

REVISION

B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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OWNER 1:

DATE:

OWNER 2:

DATE:

PRELIMANY DRAWINGS

ROOF AREA	
AREA [m2 ON FLAT]	197.40

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

- DO NOT SCALE FROM THIS DRAWING. CHECK ALL DIMENSIONS ON SITE PRIOR TO SETTING OUT & COMMENCEMENT OF ANY WORK.
- ALL SUB-CONTRACTORS TO CHECK DIMENSIONS & NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- ALL DIMENSIONS TO STUDWORK.
- RESTRICTED OPENING AS PER NCC 3.9.2.6 & 3.9.2.7.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

WINDOW SUPPLIER NOTES

- SHADED WINDOWS INDICATE OBSCURE GLAZING.
- GLAZING DESIGNED AND CONSTRUCTED IN ACCORDANCE TO AS1288 AND AS2047.

FIXING NOTES

- FIXINGS TO BE REMOVED BEFORE TRANSPORT

APPENDIX 13.7.5



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PROJECT DETAILS

JOB NO: FT966
BUILDING: HEMSWORTH CUSTOM
SPEC: PIQUE
CLIENT: MOORE RIVER FAMILY TRUST
ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD05
DRAWING: ELEVATIONS
SCALE: 1:100
DRAWN: FW
CHECKED: NP
DATE: 1/11/2023

REVISION

B	12/09/23	AMENDMENTS
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NOTES

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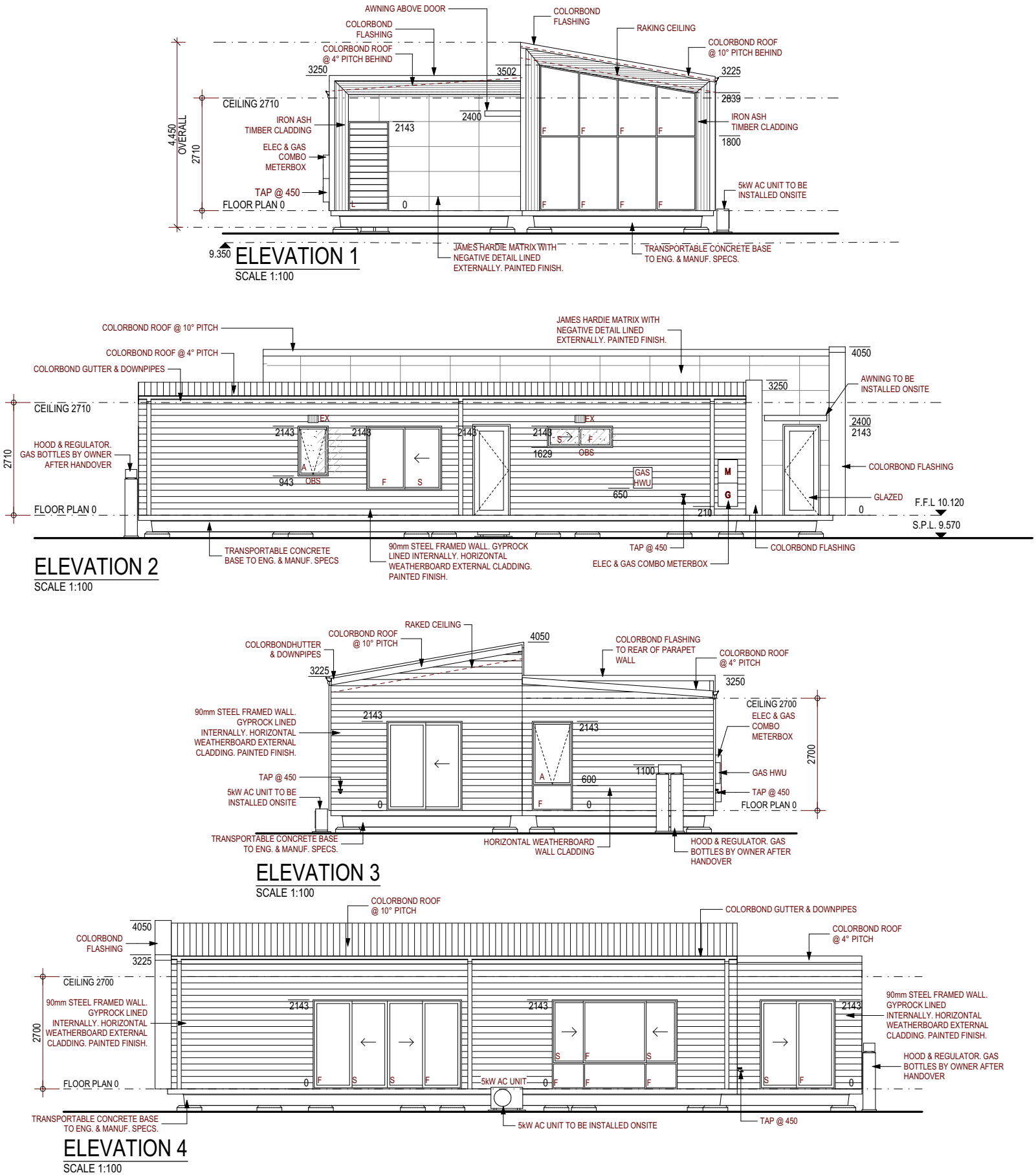
OWNER 1:

DATE:

OWNER 2:

DATE:

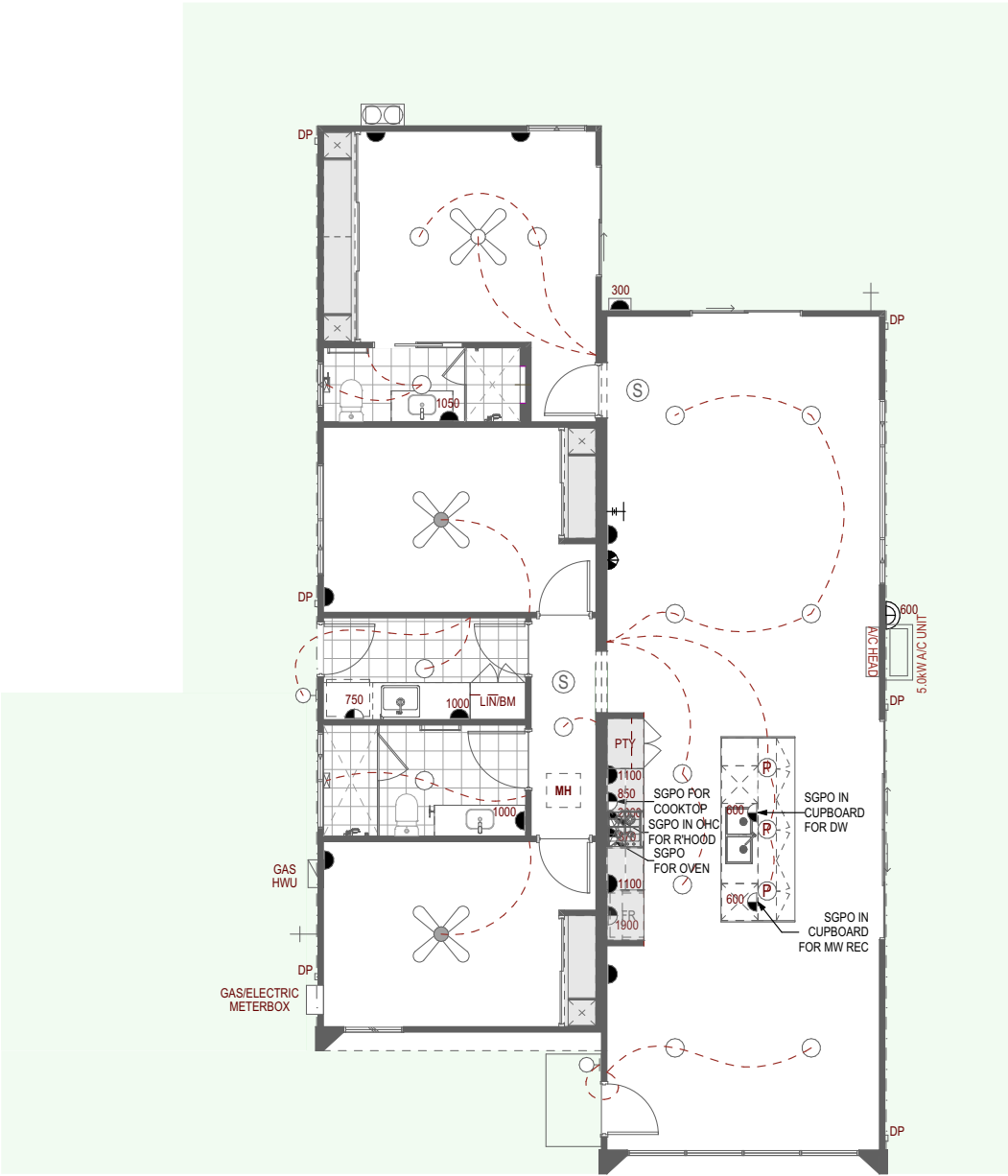
PRELIMANY DRAWINGS



MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

- ELECTRICAL NOTES
- ELECTRICAL POINTS & A/C UNITS MAY BE RELOCATED ON SITE TO SUIT CURRENT STATUTORY REQUIREMENTS.
 - WP GPO INSIDE RECESSED BOX UNDER HWU.
 - HARD WIRED, INTERCONNECTING SMOKE ALARMS AS PER N.C.C (BCA VOL 2) CLAUSE 3.7.5 AND AS 3786.
 - GPO & LIGHT LOCATIONS ARE APPROXIMATE UNO
 - LIGHT SWITCHES TO BE MOUNTED @ 1300 AFL.
 - GPO FOR HOT PLATE @ 850 AFL.

ADDITIONAL 16 LED LIGHTS AND ADDITIONAL 5 GPO AS PER QUOTE. LOCATIONS TO BE DETERMINED AT PRESTART BY CLIENT.



ELECTRICAL PLAN
SCALE:1:100

APPENDIX 13.7.5

ELECTRICAL LEGEND		
LED DOWNLIGHT		14
DOUBLE GPO @300AFL UNLESS STATED OTHERWISE		12
SINGLE GPO @ 300 UNLESS STATED OTHERWISE		7
PENDANT LIGHT		3
CEILING FAN/LIGHT		2
WALL LIGHT		2
WALL EXHAUST FAN		2
CEILING FAN		1
DOUBLE WATER PROOF GPO @ 300 UNLESS STATED OTHERWISE		1
ISOLATION SWITCH @ 600 UNLESS STATED OTHERWISE		1
DATA POINT @ 300 UNLESS STATED OTHERWISE		1
TV POINT @ 300 UNLESS STATED OTHERWISE		1

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ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD06
DRAWING: ELECTRICAL
SCALE: 1:100
DRAWN: FW
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DATE: 1/11/2023

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B	12/09/23	AMENDMENTS
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DATE:

OWNER 2:

DATE:

PRELIMANY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

- WET AREAS CONSTRUCTED IN ACCORDANCE WITH PART 3.8.1 OF NCC AND AS3740.
- THE APPEARANCE OF FIXTURES AND FITTINGS ARE SHOWN REPRESENTATIONAL ONLY.
- LOCATION OF BENCHTOP JOINS ARE AT THE DISCRETION OF THE CABINET MAKER.
- PANTRY SHELVING DEPTH IS AT THE DISCRETION OF THE CABINET MAKER.
- DO NOT SCALE FROM THIS DRAWING. ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- FINAL DESIGN SUBJECT TO SITE SURVEY, ENERGY EFFICIENCY ASSESSMENT, ENGINEER'S REQUIREMENTS AND COUNCIL APPROVAL.

CABINET MAKER NOTE

- TILING EXTENTS SHOWN SHADED.
- TILE LAYOUTS NOTATIONAL ONLY. CUT TILES TO TILER'S DISCRETION.
- JOINS TO BENCHTOPS AT CABINET MAKERS'S DISCRETION.
- 145H KICKBOARD TO BATHROOM, ENSUITE & LAUNDRY WITH 200mm SETBACK UNO.
- 145H KICKBOARD TO KITCHEN & LAUNDRY ONLY UNO
- MITRED TILING TO WET AREAS.
- ALL DIMENSIONS, DOOR SWINGS & PANEL SIZES ARE NOMINAL & MAY VARY ON SITE AT CABINET MAKER'S DISCRETION UNLESS ADVISED AS CRITICAL.
- ANY CRITICAL MINIMUM CLEARANCE TO BE ADVISED BY CLIENT TO BUILDER.
- ALL SCRIBES ARE NOMINAL AT CABINET MAKER'S DISCRETION.
- 40mm OVERHANG TO FRONT OF KITCHEN BENCH TOPS
- REFER TO PLANS FOR DEPTH OF BREAKFAST BAR (IF APPLICABLE.)
- CABINET MAKER TO OBTAIN CUT-OUT SIZES FROM MANUFACTURER TO SUIT APPLIANCES SELECTED.
- ENSURE COMPLIANCE WITH MANUFACTURERS VENTILATION REQUIREMENTS.
- 20mm STONE BENCH TOPS THROUGHOUT.
- 20mm STONE WATERFALL ENDS TO KITCHEN ISLAND BENCH.

TILING NOTE

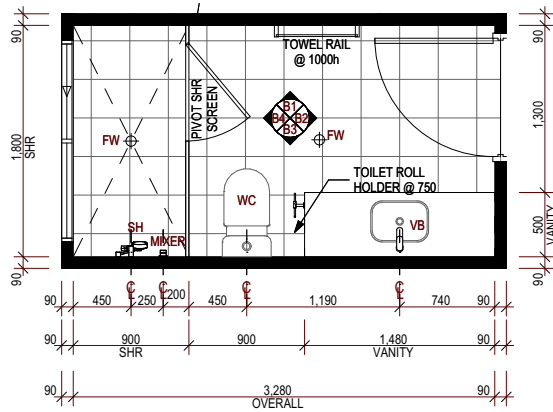
- EXTENT OF WALL TILING SHOWN SHADED AS PER ADDENDA.
- THE TILER MAY CUT THE TILES IN THE SHOWER IN ORDER TO ACHIEVE THE CORRECT FALLS. THIS MAY RESULT IN THE DRAIN NOT BEING CENTRAL TO THE TILE.

TILING LEGEND

- TILING EXTENTS SHOWN AS SHADED. REFER COLOUR SCHEDULE FOR DETAILS.
- FEATURE TILING EXTENTS SHOWN AS SHADED.

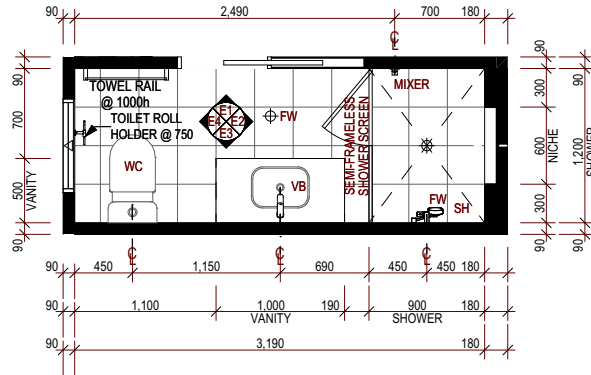
FIXING CARPENTER NOTE

- 450D SHELF & RAIL @ 1800 HIGH TO ROBES. WITH 4x450D OPEN SHELVES UNLESS NOTED OTHERWISE.
- 4x450D SHELVES TO LINEN.
- ALL SHELVES TO BE ADJUSTABLE.



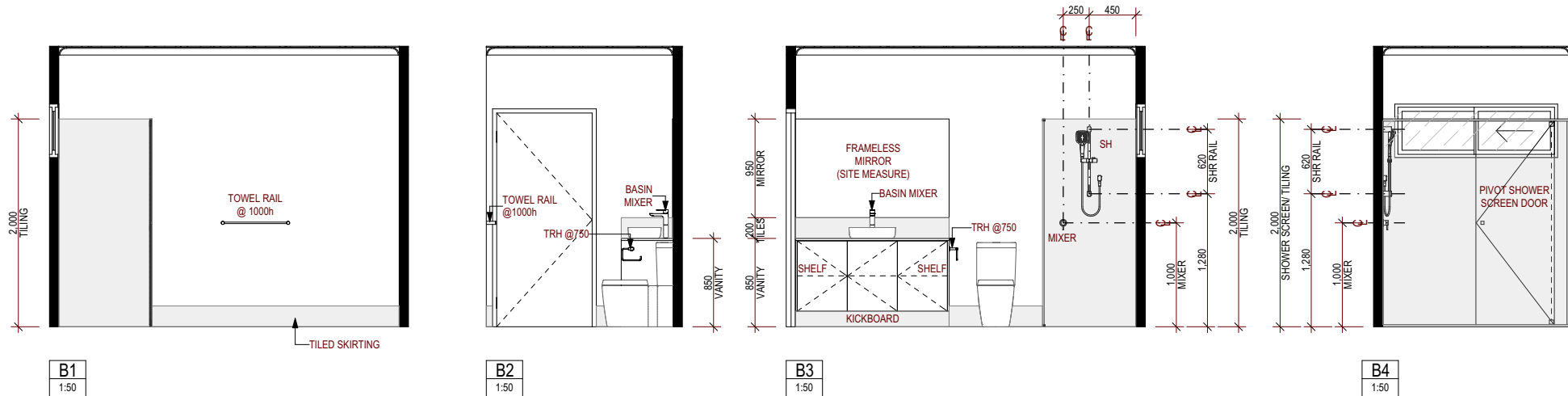
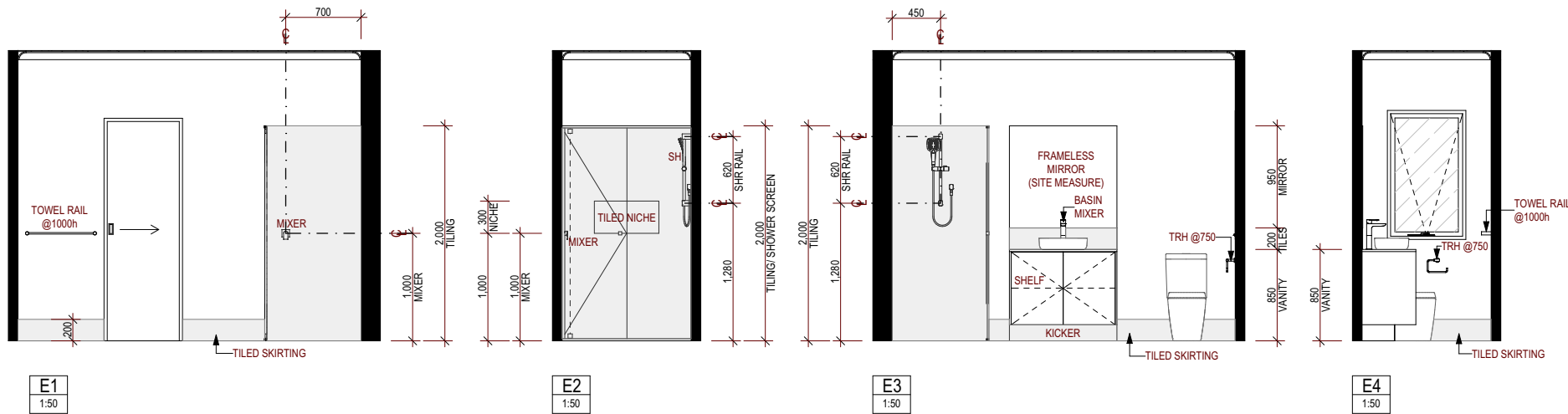
BATHROOM LAYOUT

SCALE:1:50



ENSUITE LAYOUT

SCALE:1:50



APPENDIX 13.7.5



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PROJECT DETAILS

JOB NO: FT966
BUILDING: HEMSWORTH CUSTOM
SPEC: PIQUE
CLIENT: MOORE RIVER FAMILY TRUST
ADDRESS: 589 BARAGOON ROAD,
CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD08
DRAWING: ROOM LAYOUTS 2
SCALE: 1:50
DRAWN: FW
CHECKED: NP
DATE: 1/11/2023

REVISION

NO.	DATE	DESCRIPTION
B	12/09/23	AMENDMENTS
A	29/08/23	CLIENT SKETCH

NOTES

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DATE: _____
OWNER 2: _____
DATE: _____

PRELIMINARY DRAWINGS

MINUTES
ORDINARY COUNCIL MEETING
21 NOVEMBER 2023

GENERAL NOTES

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TILING NOTE

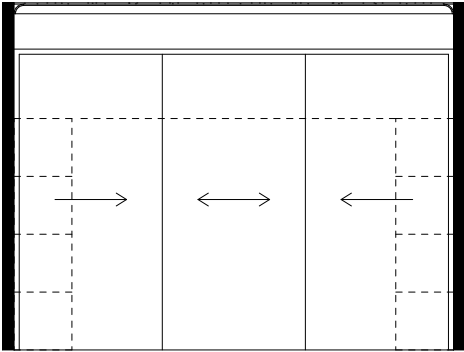
- EXTENT OF WALL TILING SHOWN SHADED AS PER ADDENDA.
- THE TILER MAY CUT THE TILES IN THE SHOWER IN ORDER TO ACHIEVE THE CORRECT FALLS. THIS MAY RESULT IN THE DRAIN NOT BEING CENTRAL TO THE TILE.

TILING LEGEND

- TILING EXTENTS SHOWN AS SHADED. REFER COLOUR SCHEDULE FOR DETAILS.
- FEATURE TILING EXTENTS SHOWN AS SHADED.

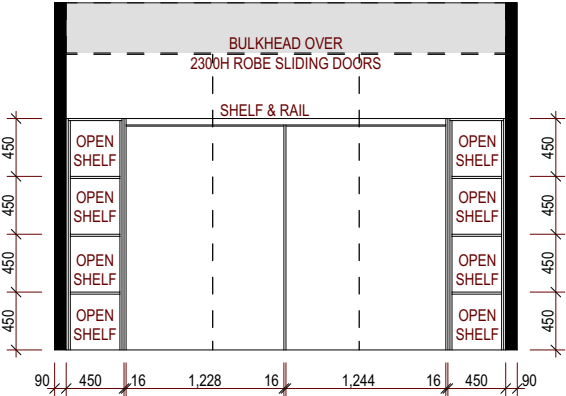
FIXING CARPENTER NOTE

- 450D SHELF & RAIL @ 1800 HIGH TO ROBES. WITH 4x450D OPEN SHELVES UNLESS NOTED OTHERWISE.
- 4x450D SHELVES TO LINEN.
- ALL SHELVES TO BE ADJUSTABLE.



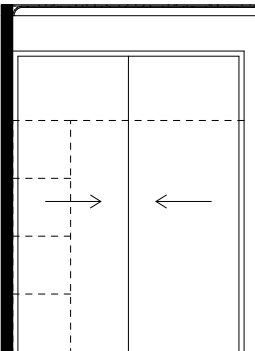
BED 1 ROBE ELEVATION

SCALE:1:50



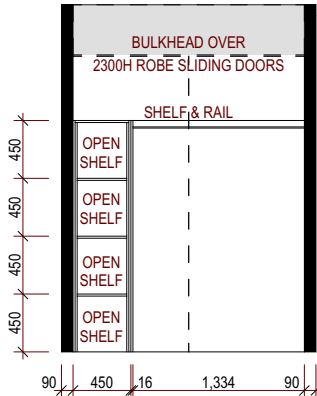
BED 1 ROBE ELEVATION

SCALE:1:50



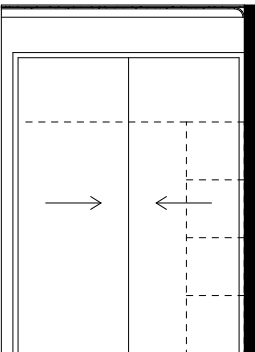
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SCALE:1:50



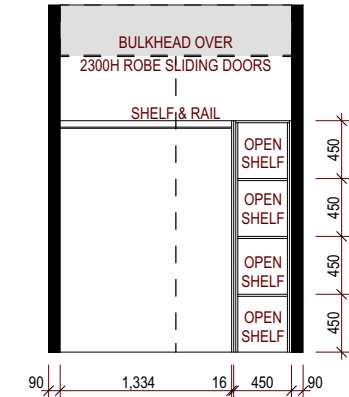
BED 2 ROBE ELEVATION

SCALE:1:50



BED 3 ROBE ELEVATION

SCALE:1:50



BED 3 ROBE ELEVATION

SCALE:1:50

APPENDIX 13.7.5



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CARABAN, WA 6041

DRAWING DETAILS

PAGE: WD09
DRAWING: ROOM LAYOUTS 3
SCALE: 1:50
DRAWN: FW
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B	12/09/23	AMENDMENTS
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OWNER 2:

DATE:

PRELIMANY DRAWINGS

**13.8 PROPOSED AMENDMENT NO. 24 TO LOCAL PLANNING SCHEME NO. 9 -
ADDITIONAL USE (INDUSTRY-LIGHT) ON PT LOT 8021 (27) WATERVILLE ROAD,
NEERGABBY**

This matter was brought forward for consideration as the first item of business. See page 14.

File	LND/715
Applicant	Rise Urban
Location	Lot 8021 (27) Waterville Road, Neergabby
Owner	Giuseppe Scarvaci and Gaetano Scarvaci
Zoning	General Rural - Uncoded
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	James Bayliss – Manager Planning and Building
Refer	18 July 2023 – Item 13.4
Appendices	<ol style="list-style-type: none"> 1. Aerial Plan [13.8.1 - 1 page] 2. Location Plan [13.8.2 - 1 page] 3. Scheme Amendment Report [13.8.3 - 22 pages] 4. Scheme Amendment Map - 27 Waterville Rd Neergabby [13.8.4 - 2 pages] 5. Schedule of Submissions and Recommended Responses [13.8.5 - 2 pages] 6. Schedule of Submissions and Recommended Responses - Rise Urban [13.8.6 - 2 pages]

Councillor Sorensen left the meeting at 4.05 pm.

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider proposed Amendment No. 24 to Local Planning Scheme No.9 (LPS9) to introduce an Additional Use (Industry - Light) on part of Lot 8021 (27) Waterville Road, Neergabby.

BACKGROUND

Council, at its Ordinary Meeting on 18 July 2023 resolved as follows:

1. *Resolve, pursuant to Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, that Local Planning Scheme Amendment No. 24 is a standard scheme amendment as the proposal will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and may not result in any significant environmental, social, economic or governance impacts on land in the Scheme area;*
2. *Pursuant to Section 75 of the Planning and Development Act 2005, initiate proposed Amendment No. 24 to the Shire of Gingin Local Planning Scheme No. 9 to amend the Scheme Map by including an 'A28' notation over the relevant part of Lot 8021 Waterville Road, Neergabby and introduce into 'Schedule 2 - Additional Uses' the following:*

No.	Description of lands	Additional Use	Conditions
28	Part of Lot 8021 Waterville Road, Neergabby	Industry - Light	<ol style="list-style-type: none"> 1. <i>Development is not permitted unless the local government has exercised its discretion by granting development approval.</i> 2. <i>Development approval is to be time limited to an initial period of 10 years. Further time extensions are not to exceed 5 years and will be subject to an assessment of the development against the planning framework as it applies at that time.</i> 3. <i>The development is to remain as a secondary use to the primary agricultural use of the land at all times.</i> 4. <i>The development is restricted to the assembly of modular/transportable buildings, associated structures and any incidental operations to the satisfaction of the local government.</i> 5. <i>The development area is to be located in one contiguous area within the lot that meets the following criteria:</i> <ol style="list-style-type: none"> a. <i>partially located on land that is not required for the primary agricultural use of the lot;</i> b. <i>does not conflict with any area of consolidated remnant native vegetation;</i>

			<p><i>c. is not visible from any adjoining lot or public road; and</i></p> <p><i>d. is set back a minimum of 500m from any lot boundary.</i></p> <p><i>6. The development area is limited to a maximum area of 3 hectares.</i></p> <p><i>7. Access and egress for the development is limited to Waterville Road.</i></p> <p><i>8. The presence of the development is not grounds to progress subdivision of the land.</i></p>
--	--	--	---

3. *Pursuant to section 81 of the Planning and Development Act 2005, refer Local Planning Scheme Amendment No. 24 to the Environmental Protection Authority (EPA); and*
4. *Advertise Local Planning Scheme Amendment No. 24 in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

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

The site is located on the corner of Cowalla Road and Waterville Road, with a total land area of 653 hectares. The north-eastern portion of the property is cleared farmland used for grazing. The remainder of the subject land consists of remnant and native vegetation. The property contains a single house and associated outbuildings over a 2 hectare portion of land within the cleared farmland area.

The applicant proposes the following:

- Approximately 1ha of hardstand in and/or adjacent to the homestead area;
- No new buildings or structures except for a transportable staff room, office and ablutions to be assembled on site;
- Use of an existing shed (340m²);
- Upgrade and use of the existing driveway connecting to Waterville Road;

- Assembly of an average of 180 buildings per year;
- Approximately 20 employees and contractors on site at any given time; and
- 1-2 truck movements in and out of the site per week are anticipated in the first year, with potential to grow to approximately 4 per week afterwards.

The largest vehicles associated with the development are anticipated to be semi-trailers (i.e., 19m). Assembly of the buildings will require use of a forklift and water cart, with all other machinery to be of a smaller scale (e.g., handheld).

It is anticipated that each transportable building will take approximately 1 month to build, with approximately 10-20 buildings under construction at any given time.

The Amendment will facilitate lodgment of a development application for the proposed use. Currently the use class 'Industry – Light' and 'Industry – General' are 'X' uses, meaning the development is prohibited under LPS 9.

Section 75 of the *Planning and Development Act 2005* allows a local government to amend its local planning scheme, subject to approval by the Minister for Planning.

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

The applicant's proposal is provided (**see appendices**) which includes an updated map.

COMMENT

Stakeholder Consultation

The proposed amendment was referred to the Environmental Protection Authority (EPA) on 26 July 2023. The EPA requested further details as the property contains potentially significant environmental values and the amendment may impact flora, vegetation, and terrestrial fauna. These comments were on the basis that the amendment mapping indicated the entire property formed part of the additional use area, notwithstanding that the proposal was in fact to use an area of 3 hectares. The applicant subsequently provided revised mapping to reflect the true extent of the proposal.

The EPA decision outlined that:

Future development may result in clearing of isolated trees that may provide habitat for threatened species of black cockatoo. Potential impacts can be managed through existing and proposed scheme provisions and planning controls ('Additional Use A28 conditions'). The Environmental Protection Authority (EPA) recommends the location of the hardstand infrastructure should avoid black cockatoo habitat.

The EPA ultimate determined as follows:

Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be assessed under Part IV of EP Act. No Advice Given. (Not Appealable).

In view of the above, the amendment was advertised to surrounding landowners and State agencies, published on the Shire's website and a development sign placed on the verge of the property for a period of 42 days in accordance with clause 47 of the Regulations. The Shire received 4 submissions from State agencies with no objections raised.

The Shire received one submission from a surrounding landowner opposed to the proposal as outlined below:

I think this lot is good agricultural land with water accessible. Its elevation makes it suitable for an extended range of horticultural activities. I would not like to see the encroachment of industrial activity here unless it was for a definite duration of time without the possibility of extension or passing of title between current and future ownership.

The officer generally concurs with the concerns raised regarding industrial activity encroaching into rural areas. It should be noted that the Shire does not have the ability to prevent a proponent from applying for future extensions to an approval or to capture scenarios such as the approval lapsing upon the transfer of land from one property owner to another.

Furthermore, even in the event a time limited condition was imposed on the amendment, which it is, it is open to an owner of land to apply to vary a time limited condition and Council has the discretion to consider such a request. As well intentioned as the condition may be in the context of providing a definitive timeframe, it simply provides an opportunity to reconsider the development in the event the planning framework changes.

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

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

PLANNING FRAMEWORK

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

Local Planning Strategy 2012

The Local Planning Strategy ('Strategy') is a planning tool that enables Council to set out its vision for the municipality, and the longer term directions for land use and development.

The strategy provides a strategic direction for longer term planning, mainly on the matter of identifying general rural land for subdivision.

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

The proposed amendment is not considered to be a catalyst for subdivision of the land or to impede the ability of the property to function as it otherwise would.

‘Section 2.5.5 – Industry’ outlines that most of the industrial activities within the Shire service or relate to primary industries such as agriculture, fishing and basic raw material extraction. The Shire lacks ‘general industry’ zoned land and industrial land along the lower coastal strip. Increasing the diversity of industrial activity will contribute to growth in local employment and the economy.

The officer notes that a case could be made either way whether or not the proposal is consistent with the Strategy. The officer is of the view that the general stance of the Strategy is to limit non rural uses from encroaching into rural areas, and noting the prohibition of the use class in the General Rural zone suggests that the policy framework presumes against such proposals.

State Planning Policy 2.5 – Rural Planning (SPP 2.5)

The purpose of this policy is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. The Western Australian Planning Commission (WAPC) seeks to protect rural land as a state resource by a variety of mechanisms such as requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme.

The WAPC will seek to protect rural land as a state resource by:

- (a) *requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;*
- (b) *retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;*
- (c) *ensuring retention and protection of rural land for biodiversity protection, natural resource management and protection of valued landscapes and views;*
- (d) *protecting land, resources and/or primary production activities through the State’s land use planning framework;*
- (e) *creating new rural lots only in accordance with the circumstances under which rural subdivision is intended in Development Control Policy 3.4: Subdivision of rural land;*

- (f) preventing the creation of new or smaller rural lots on an unplanned or ad-hoc basis, particularly for intensive or emerging primary production land uses;*
- (g) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land; and*
- (h) accepting the impacts of well-managed primary production on rural amenity*

It could be argued that the proposed 'industry – light' is not provided for under the Shire's Strategy as outlined above and that development of this nature was expressly and deliberately prohibited from being undertaken in the Rural zone under LPS9.

The financial challenges associated with the current grazing operation and a desire to retain land ownership within the family for sentimental purposes, in the officer's view, has no nexus with relevant planning considerations. Consideration of such matters could easily apply to any 'unproductive' paddock or rural land holding throughout the Shire. This may set an undesirable precedent.

The officer is of the view that the proposed use should take place in the designated location, being Frogmore Rural Industrial Estate where such uses are permitted.

The officer forms the view that the proposed amendment is not consistent with the underlying intent of SPP 2.5.

State Planning Policy 4.1 - Industrial Interface (SPP 4.1)

This policy applies to industrial land and land uses in Western Australia, in particular:

- c) industrial land uses on land that is not zoned for industrial purposes*

The provisions of SPP 4.1 broadly relate to planning for industrial precincts as opposed to spot rezonings, however some key considerations are nevertheless relevant.

Section 5.11 of SPP 2.5 sets out broad locational criteria for regional facilities (for rural industries) located on rural land. While this relates to regional facilities, relevant criteria that could be applied in the context of a planning assessment for this amendment include:

- b) impacts of the land use are contained within the lot boundaries, or satisfactorily avoided, mitigated or managed, such that noise, amenity, and air and water quality do not detrimentally affect nearby sensitive land uses*

Officer comment:

The impacts from the proposal will likely be contained within the confines of the subject land given the size of the rural lot. Nearby sensitive receptors are unlikely to be adversely impacted.

- c) they are not visually dominant within key viewsheds, and are visually compatible with surrounding land uses and development*

Officer comment:

The proposal affords 3 hectares of land containing the assembly and storage of transportable buildings that may result in a visual anomaly within the rural landscape. It is noted up to 20 buildings may be under construction at any one time, reflective of an industrial appearance as opposed to a rural appearance. The large lot boundary setback does afford a degree of mitigation and could arguably be resolved via conditions of a future development application, nevertheless it is a foreseeable anomaly in the rural landscape.

- d) they are provided with essential services commensurate with the intended land use.*

Officer comment:

The true extent of vehicle and truck movements has not been scrutinised via a Transport Impact Statement (TIS). The proposal outlines assembly of 180 buildings per year, which equates to 3.4 buildings per week.

The truck movements outlined in the proposal anticipated up to 4 truck movements per week when at capacity. At best, this results in one truck movement for delivery of goods per week. The suggested vehicle movements do not seem to reflect the intensity of the development sought.

While this could be viewed as a matter to consider as part of a development application, it is nevertheless relevant given the poor state of Waterville Road and the intersection between Waterville Road and Cowalla Road.

- c) the availability of industrial land in the locality*

Officer comment:

Frogmore Estate contains unused vacant landholdings capable of accommodating the use.

It is likely the DPLH will consider the recent creation of the Muchea Industrial Park intended for these very uses, which although not in the immediate locality is strategically located on the State's major arterial route.

- d) *the strategic direction for rural land and land uses in an applicable local planning strategy*

Officer comment:

The Strategy seeks to protect rural land from encroachment of incompatible uses. The use class 'industry - light' was subsequently prohibited in the Rural zone. A case could be made that the development site is not priority agricultural land, however as pointed out earlier, this does not necessarily mean the land should be spot rezoned to cater for a use that is otherwise prohibited. There is no strong planning basis to do so.

General Comments

The following points favour support for the proposal:

- The portion of land is 3 hectares in area and does not impede the ability of the balance portion of land to be used for agricultural purposes.
- Assuming the applicant's comments regarding viability of the existing enterprise are genuine, the proposal may assist with the land continuing to be used for agricultural purposes by this supplementary use.
- The subsequent development is unlikely to impact nearby sensitive receptors.

The following points favour refusal of the proposal:

- The proposed use was intended to be prohibited in the Rural zone. The proposal does not provide any sound planning reason to depart from the existing planning framework. The main reason seems to be to aid the landowner's son, a builder, to create a startup transportable building construction company and to mitigate risk of leasing a fit for purpose site.
- Rural land that has a portion of unproductive soil is not in itself a sufficient reason to undertake a spot rezoning.
- The site has been used by the landowner for grazing purposes for 45 years. This indicates that the site is capable of accommodating standalone agricultural pursuits. Dilapidated fencing and a recent reduction in cattle/sheep prices affecting profitability are not relevant planning matters that inform a planning assessment. Even if they were, no evidence has been presented to support the assertions in any event.
- Waterville Road and Cowalla Road are not constructed to a standard that considers heavy vehicle movements related to industrial uses. The Shire's rural roads are under pressure from rural uses, let alone the introduction of industrial uses.

- Entertaining a spot rezoning for an industrial use into the rural area, on marginal planning grounds that themselves are not engrained with the planning framework, will create an undesirable precedent.

Alternate recommendation

Notwithstanding the above, the officer notes Council's earlier deliberations on this matter. In the event Council supports the amendment, Part 2 of the officer's recommendation should be submitted with the below wording.

2. Pursuant to Clause 50 (3) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support Amendment No. 22 to Local Planning Scheme No. 9 to introduce into Schedule 10 – General Rural (coded) zones for the following:

No.	Description of lands	Additional Use	Conditions
28	Part of Lot 8021 Waterville Road, Neergabby	Industry – Light	<ol style="list-style-type: none"> 1. Development is not permitted unless the local government has exercised its discretion by granting development approval. 2. Development approval is to be time limited to an initial period of 10 years. Further time extensions are not to exceed 5 years and will be subject to an assessment of the development against the planning framework as it applies at that time. 3. The development is to remain as a secondary use to the primary agricultural use of the land at all times. 4. The development is restricted to the assembly of modular/transportable buildings, associated structures and any incidental operations to the satisfaction of the local government. 5. The development area is to be located in one contiguous area within the lot that meets the following criteria:

			<ul style="list-style-type: none"> a. partially located on land that is not required for the primary agricultural use of the lot; b. does not conflict with any area of consolidated remnant native vegetation or habitat of the Carnaby black cockatoo; c. is not visible from any adjoining lot or public road; and d. is set back a minimum of 500m from any lot boundary. <p>6. The development area is limited to a maximum area of 3 hectares.</p> <p>7. Access and egress for the development is limited to Waterville Road.</p> <p>8. The presence of the development is not grounds to progress subdivision of the land.</p>
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Summary

In view of the above, the officer is of the view that the proposed amendment is generally inconsistent with the local and state planning framework. There is no cogent reason (reason that has planning merit) that warrants a departure from LPS9. On that basis, the officer does not support the amendment.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act (2005)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No.9

Shire of Gingin Local Planning Strategy 2012

POLICY IMPLICATIONS

State Planning Policy No. 2.5 - Rural Planning

State Planning Policy 4.1 - Industrial Interface

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

Councillor Sorensen returned to the meeting at 4.05 pm.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Stewart

SECONDED: Councillor Balcombe

Councillor Johnson foreshadowed his intention to move an Alternative Motion to support Amendment No.24 should the motion under debate be lost.

That Council:

1. Accept the submissions received during the advertising period and endorse the recommended response.
2. Pursuant to Clause 50(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, not support Amendment No. 24 to Local Planning Scheme No. 9 to introduce an Additional Use (Industry - Light) on part of Lot 8021 (27) Waterville Road, Neergabby for the following reasons:
 - a. The proposed amendment is inconsistent with the Local Planning Strategy and Local Planning Scheme No. 9. Industrial uses were purposefully prohibited from being undertaken on general rural zoned land. There is no cogent reason to depart from the existing position of LPS9.
 - b. Progressing the amendment will set an undesirable precedent.
3. Pursuant to Clause 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provide proposed Amendment No. 24 to Local Planning Scheme No. 9 to the Western Australian Planning Commission (WAPC) for consideration.

LOST
1 / 8

FOR: *Councillor Fewster*

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

COUNCIL RESOLUTION/ALTERNATIVE MOTION

MOVED: Councillor Johnson

SECONDED: Councillor Weeks

That Council:

1. Accept the submissions received during the advertising period and endorse the recommended response.
2. Pursuant to Clause 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support Amendment No. 24 to Local Planning Scheme No. 9 to introduce an Additional Use (Industry - Light) on part of Lot 8021 (27) Waterville Road, Neergabby for the following reason:
 - a. That the proposed Additional Use (Industry – Light) does not impede the ability of the balance portion of land to be used for agricultural purposes and is likely to make the continued rural use of the land more viable, and maintainable.
3. Pursuant to Clause 50 (3) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support Amendment No. 24 to Local Planning Scheme No. 9 to introduce into Schedule 10 – General Rural (coded) zones the following:

No.	Description of lands	Additional Use	Conditions
28	Part of Lot 8021 Waterville Road, Neergabby	Industry – Light	<ol style="list-style-type: none"> 1. Development is not permitted unless the local government has exercised its discretion by granting development approval. 2. Development approval is to be time limited to an initial period of 10 years. Further time extensions are not to exceed 5 years and will be subject to an assessment of the development against the planning framework as it applies at that time.

			<ol style="list-style-type: none"> 3. The development is to remain as a secondary use to the primary agricultural use of the land at all times. 4. The development is restricted to the assembly of modular/transportable buildings, associated structures and any incidental operations to the satisfaction of the local government. 5. The development area is to be located in one contiguous area within the lot that meets the following criteria: <ol style="list-style-type: none"> a. partially located on land that is not required for the primary agricultural use of the lot; b. does not conflict with any area of consolidated remnant native vegetation or habitat of the Carnaby black cockatoo; c. is not visible from any adjoining lot or public road; and d. is set back a minimum of 500m from any lot boundary. 6. The development area is limited to a maximum area of 3 hectares. 7. Access and egress for the development is limited to Waterville Road. 8. The presence of the development is not grounds to progress subdivision of the land.
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4. Pursuant to Clause 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provide proposed Amendment No. 24 to Local Planning Scheme No. 9 to the Western Australian Planning Commission (WAPC) for consideration.

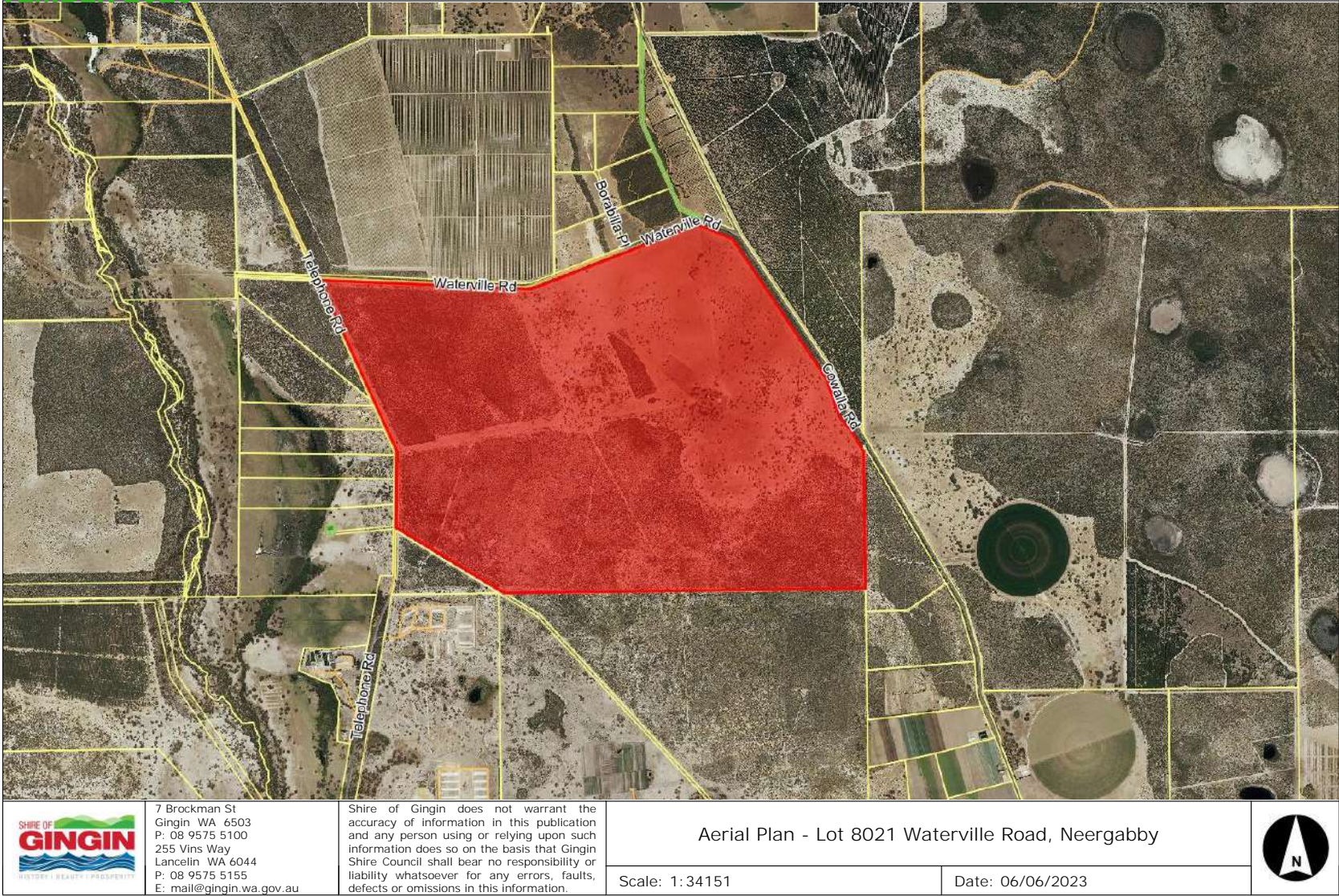
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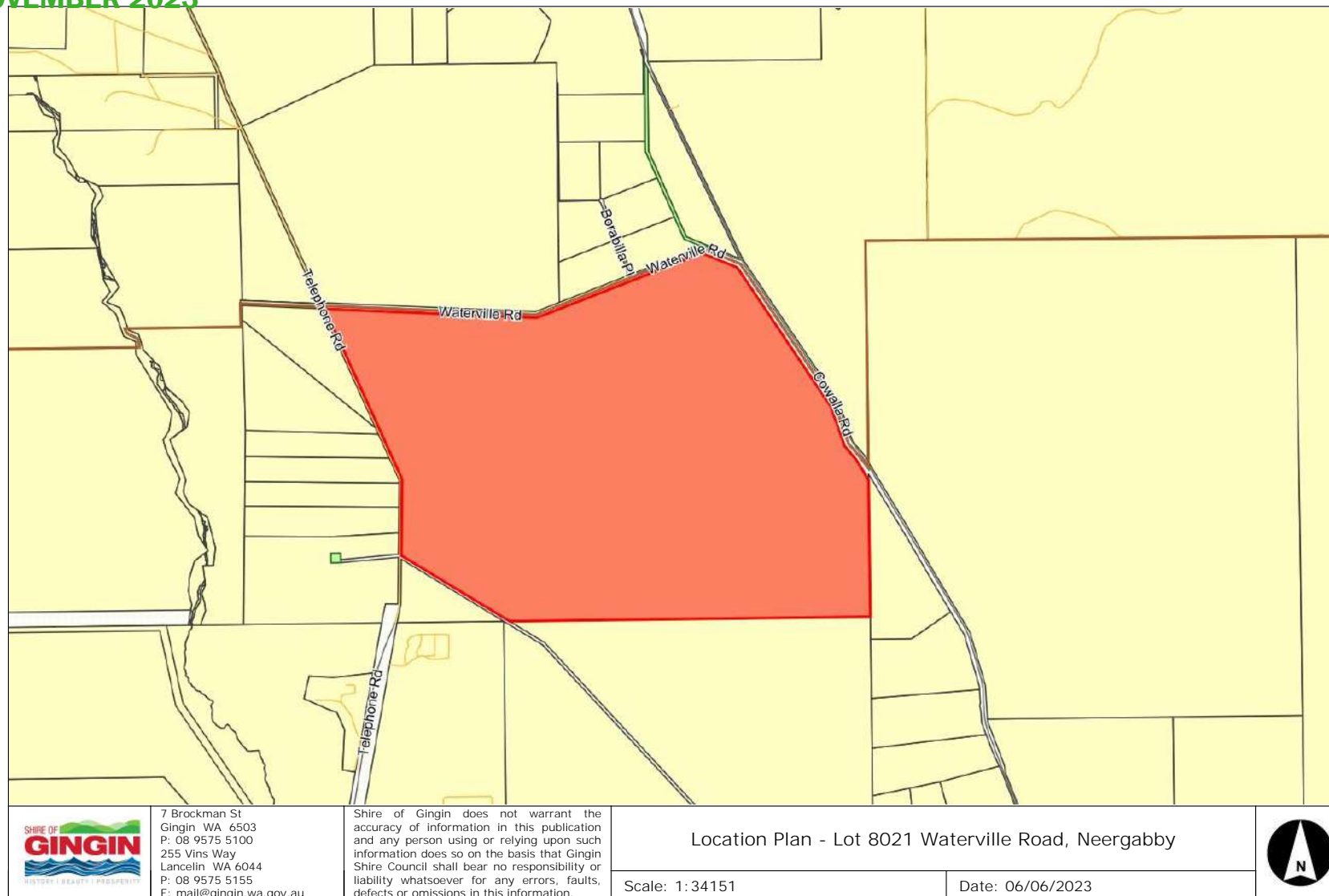
FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

Reason for Alternative Motion

- a. The matter has not raised any major concerns with the relevant State Government Agencies, while the owner is currently unable to maintain the property, and use it to its full potential, due to various constraints.
- b. This Additional Use, if approved, will provide additional income that will enable the owner to continue to use, and improve, the property for the Rural Purposes designated.
- c. The proposed period of initial operation will allow an assessment of the Additional Use after 8 years, and the suitability of its continuation on the land.





Rise Urban

Lot 8021 (27) Waterville Road, Neergabby

Additional Use Scheme Amendment - Light Industry

Vintian Construction Pty Ltd

RISEURBAN.COM.AU

Lot 8021 (27) Waterville Road, Neergabby

**Proposed Amendment to Shire of Gingin Local Planning Scheme No. 9
Additional Use for Light Industry – Assembly of Transportable Buildings**

Prepared for:	Vintian Construction Pty Ltd
Prepared by:	Rise Urban Pty Ltd 3/448 Roberts Road Subiaco WA 6008 Cameron@riseurban.com.au
Project Planner	Cameron Leckey – Director Nick Grindrod – Senior Planner
Job Code:	1202023
Doc Reference:	Rep04-1202023
Issue No:	2 – Lodgement
Date:	6 June 2023



Contents

1. Purpose	3
2. Background.....	3
2.1 About Vintian Construction	3
2.2 About the Grazing Operation	3
2.3 Site Description	4
3. The Proposal	6
4. The Proposed Amendment to LPS3.....	7
4.1 Land Use	8
4.2 Special Conditions	9
4.3 Nature of Scheme Amendment	11
5. Planning Justification.....	12
5.1 Shire of Gingin Local Planning Strategy.....	12
5.2 Shire of Gingin Local Planning Scheme No. 9	15
5.3 State Planning Policy 2.5 – Rural Planning	17
5.4 Local Planning Policy No. 4.1 – Industrial Development in Rural Areas.....	19
6 Next Steps	20
7 Conclusion	20

Attachments

1. Attachment 1 – Preliminary Site Concept Plans (Vizi Design, 2023)
2. Attachment 2 – Proposed Scheme Map (Rise Urban, 2023)

1. Purpose

The purpose of this amendment is to create an Additional Use over part of Lot 8021 (27) Waterville Road, Neergabby ("the subject land") such that hardstand can be constructed on a small area of the subject land for the specific purpose of assembling transportable buildings for use off site.

2. Background

The following sections set out the background to this proposal, including the context / objectives of the amendment and the current site context.

2.1 About Vintian Construction

Vintian Construction is a new construction company partially owned by Enzo Scarvaci, a registered builder of 16 years. Enzo is the son of Giuseppe Scarvaci, the owner of the subject land.

Vintian Construction has recently been incorporated with the intent to construct transportable buildings. Initially, the business intends to construct transportable accommodation for use by the mining industry but intends to grow over time and construct transportable buildings for other purposes and industries including rural and agri-industries. Vintian intends to assemble and sell the buildings on a to-order basis and expects most of the buildings that it assembles to form part of orders for multiple buildings.

Given the business has been recently incorporated, it is unable at this early stage to justify purchasing or leasing a large site in an industrial area, given the likelihood that the business will generate irregular income during its early operational period. To overcome this obstacle, Enzo and Giuseppe have agreed that Vintian Construction may lease a small part of Lot 8021.

Should the business grow beyond the capacity of the subject land in the future, Vintian Construction may relocate to a purpose-built facility in a well-located industrial area if the company's finances and turnover allow.

2.2 About the Grazing Operation

The subject land is owned by Giuseppe Scarvaci and Carolina Nobile. Giuseppe has grazed cattle on the land since the Scarvaci family first purchased the property in the 1970's – for approximately 45 years.

As of late the family has found it increasingly difficult to graze the land in a financially viable way due to increased costs, a reduction in annual rainfall, and other external market factors. In addition a significant amount of fencing around the property is failing and the grazing operation does not generate enough income to cover the costs of replacing and upgrading the fencing.

Increasing the intensity of the grazing operation is not an option given the land is not suitable for a water licence, it is unlikely that approval would be issued to clear any areas of remnant vegetation, and the landowners are not as physically capable as they once were.

Given Enzo's skill and experience as a registered builder, there is an opportunity for Vintian Construction to lease a small part of the subject land to undertake its operations. The rent paid by Vintian Construction will provide the Scarvaci family with the financial stability necessary to

continue grazing the land, including well overdue upgrades to fencing and farm machinery. Without this proposed Additional Use, the Scarvaci family would no longer be able to afford to continue to graze the land and it would likely become a disused retirement property. The land holds strong sentimental value to the Scarvaci family, and so selling or subdividing is not an option.

2.3 Site Description

Lot 8021 Waterville Road, Neergabby is a 635ha parcel of land located approximately 2km north of Gingin Brook Road and immediately adjacent to the west of Cowalla Road in Neergabby. A site context plan is shown at Figure 1 below.



Figure 1 – Site Context Plan – 27 Waterville Road, Neergabby (source: MNG Access, 2023)

The land forms part of a broader north-south ridge east of Moore River that travels from a point east of Lancelin to Gingin Brook. The elevation on the subject land ranges from 25-35m Australian Height Datum (AHD) along the west boundary at Telephone Road, rising to 105m AHD at the homestead and falling to 70-80m AHD along the east boundary at Cowalla Road.

The north-eastern third of the landholding (approximately 210ha) is cleared farmland with sparse paddock trees. The remainder of the subject land (approximately corresponding with the western and southern halves) is remnant and degraded native vegetation. A rectangular fenced 2ha area in the central east part of the lot contains the homestead and associated outbuildings, storage areas and gardens. The homestead and associated outbuildings and gardens occupy approximately 6,000m² of the 2ha homestead area, with the remainder (to the west, east and south of the homestead) disused.

The soils in the part of the lot used as farmland are mapped as Spearwood phase 2 or 3, comprising yellowish brown weak clayey sand with some areas of limestone. The Scarvaci family has advised that the majority of the soil on the subject land is sandier than this mapping suggests, and comprises yellow sand in some places. Approximately half of the farmland is mapped by the Department of Primary Industries and Regional Development (DPIRD) as being located in an area where over 70% of the land has low to very low capability for grazing, and the other half of the farmland is mapped as being located in an area where over 70% of the land has moderate to very high capability for grazing.

The DPIRD mapping showing the subject land is provided at Figure 2 below. The area where over 70% of land has low capability for grazing is coloured purple, and the area where over 70% of the land has moderate to very high capability for grazing is coloured yellow.

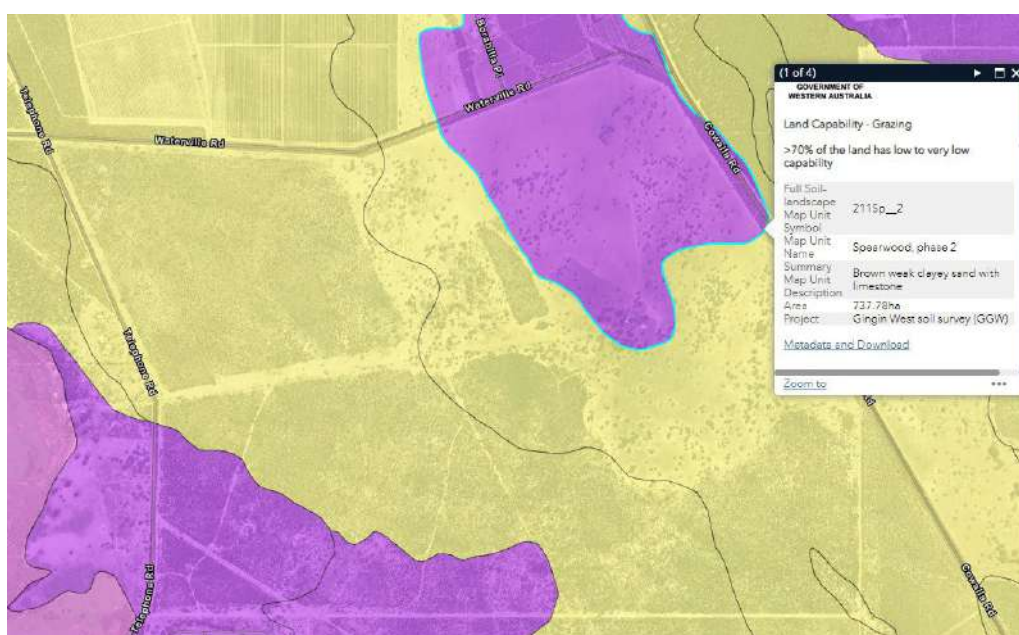


Figure 2 – Grazing Land Capability Map (Department of Primary Industries and Regional Development, 2023)

The base dataset for this rating includes the following qualification: “*Capability ratings do not take into account factors such as the availability and quality of water supplies for irrigation or climatic risks such as frost or heat stress.*” This means that the dataset does not take into account that this lot does not have a water licence. In addition, the experience of the Scarvaci family is that water has become increasingly scarce on the subject land over the last few years and as described above, the soil conditions are sandier than the mapping suggests.

It is due to this combination of factors that the Scarvaci family is now finding it difficult to graze the land in a financially viable way.

3. The Proposal

The purpose of this amendment is to put in place the statutory planning framework required to enable transportable buildings to be assembled on hardstand in this area.

The proposed assembly area is intended to be primarily located in the disused area to the east of the homestead. Currently, Vintian Construction is intending to propose the following:

- Approximately 1ha of hardstand in and/or adjacent to the homestead area;
- No new buildings or structures except for a transportable staff room, office and ablutions to be assembled on site by Vintian Construction;
- Use of an existing disused roofed shed (340m²);
- Upgrade and use of the existing driveway connecting to Waterville Road;
- Assembly of an average of 180 buildings per year;
- Approximately 20 employees and contractors on site at any given time, with people living locally to be sought as employees or contractors as a priority; and
- 1-2 truck movements in and out of the site per week are anticipated in the first year, with potential to grow to approximately four afterwards. The largest truck anticipated to access the site is a semi-trailer.

Assembly of the buildings will require use of a forklift and water cart, with all other machinery to be of a smaller scale (eg. handheld). It is anticipated that each transportable building will take approximately 1 month to build, with approximately 10-20 buildings to be under construction at any given time.

The above details are indicative forecasts given the proposal is currently at a preliminary stage. The site area/location and operational details will be finalised for inclusion in the development application.

Although the exact boundaries and size of the assembly area are yet to be finalised, the preliminary site concept plans at Attachment 1 show the likely initial extent of the assembly area as well as the access driveway. Once constructed, it is intended that the transportable staff room, office and ablution blocks will be positioned on the hardstand and any required car bays and circulation areas will be marked on the hardstand.

As this area is currently disused and is located on the part of the site that is mapped as having a low to very low capability for grazing, it is well suited for use by Vintian Construction to ensure no loss of productive farmland.

As Vintian Construction intends to employ and contract local workers as much as possible, this proposal will not generate a need for workforce accommodation. It is intended that employees will commute to the site via private vehicle. No form of subdivision is intended or required to facilitate use of the land by Vintian Construction.

4. The Proposed Amendment to LPS3

This amendment proposes the following two modifications to LPS 9:

- i. Insert Additional Use No. 28 in Schedule 2 – *Additional Uses* as shown below.

Schedule 2 – Additional Uses

No.	Description of land	Additional use	Conditions
28	Lot 8021 Waterville Road, Neergabby	Industry – Light	<ol style="list-style-type: none">1. A development application is required. Any development approval issued pursuant to this Additional Use is to be time limited to a maximum of 10 years from the date of the approval. A time extension of no more than 5 years may be sought prior to the expiry of any approval, subject to the applicant demonstrating to the satisfaction of the Shire that any approved 'Industry – Light' use continues to meet all other Conditions associated with the Additional Use.2. The Additional Use may only operate while the primary use of the land is for agricultural purposes, and is to remain a secondary use of the land at all times.3. The processes undertaken as part of the Additional Use are restricted to assembly of structures and equipment, and incidental operations. Fabrication and any equivalent processes listed in the 'industry' definition in this Scheme are not permitted to be carried out pursuant to this Additional Use.4. The Additional Use is to be located in one contiguous area within the lot that meets the following criteria:<ul style="list-style-type: none">• at least partially located on land that is not required for the primary agricultural use of the lot;• does not conflict with any area of consolidated remnant native vegetation;• is not visible from any adjoining lot or public road; and• is set back a minimum of 500m from any lot boundary.5. The site area of the Additional Use is limited to a maximum area of 3ha.6. No subdivision of the site for the purposes of this Additional Use is permitted.7. Access and egress for the Additional Use shall be limited to the existing driveway connecting to Waterville Road.

- ii. Amend the Scheme Map to designate the Additional Use by including an 'A28' notation over Lot 8021 Waterville Road, Neergabby.

The proposed amendment to the Scheme Map is shown indicatively at Attachment 2.

4.1 Land Use

As noted previously, the purpose of this amendment is to facilitate development of an assembly area for transportable buildings. On 3 February 2023, Vintian Construction provided a site plan showing an indicative 7,550m² of hardstand adjacent to the homestead and the following supporting information to the Shire of Gingin:

"The proposed area will be used to manufacture accommodation buildings, we would be looking at producing around 15-20 per month 180-240 modules per year. No new permanent structures would be built on the property."

We understand that based on the site plan and the above information, the Shire obtained legal advice stating that the development would be classified as an 'Industry – General' land use.

The information provided as part of this Scheme amendment report is substantially more detailed than the information on which the above legal advice was based, and therefore the legal advice is not based on the complete operational context of the proposal. On this basis, we are of the view that the Shire should place greater weight on the information provided in this Scheme amendment report than the legal advice in determining the most appropriate land use to apply to this proposal.

The proposal cannot reasonably be classified as a rural industry as the transportable buildings are not intended to be primarily used in rural settings. In this regard, the Shire of Gingin Local Planning Scheme No. 9 ("LPS 9") defines 'Industry – Light' and 'Industry – General' as follows:

"Industry – light means an industry —

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;"*

"Industry – general means an industry other than a cottage, extractive, light, mining, rural or service industry;"

This proposal would most appropriately be classed as 'Industry – Light' (and therefore not 'Industry – General') on the basis that it meets the 'Industry – Light' land use definition. The proposal meets both criteria required for the 'Industry – Light' use to apply as follows:

'Industry – Light' Criteria	Comment
(a) An industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;	<p>Materials used to assemble the buildings (eg. walls, flooring, roofing and fixings) will be delivered to the site. On this basis the processes carried on as a result of this proposal will be limited to assembly, which has lesser impacts than fabrication or manufacturing – which are not proposed and are prevented by condition 3.</p> <p>Assembly of transportable buildings includes use of hand-held power tools and light industrial vehicles and machinery on the proposed hardstand.</p> <p>The assembly area will be located approximately 1km from the nearest lot and 1.5km from the nearest off-site dwelling. The</p>

	<p>assembly area will not be visible from outside of the lot. These setbacks and lack of visibility will ensure that the proposal does not cause injury to or adversely affect the amenity of the locality. This proposal will not generate odour, gas or other types of emissions, and will likely be far less impactful on the amenity of the area than some agricultural pursuits such as the existing poultry farm to the south-west of the site.</p> <p>This proposal will also necessitate trucks to deliver materials and dispatch the buildings. The trucks will travel between the existing driveway entrance at Waterville Road and Gingin Brook Road via Cowalla Road. As the trucks required by this proposal will be smaller than the trucks that already use Cowalla Road, and as this proposal is anticipated to only generate a comparatively small number of trips each day, truck movements generated by this Additional Use will not adversely affect the amenity of occupants of lots adjoining Cowalla Road.</p>
(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;	<p>Establishment of the proposal is limited to construction of hardstand, which does not require use of any essential services.</p> <p>The conduct (operation) of the proposal is only anticipated to require a power connection at the homestead and will not draw enough power from the local network to necessitate any upgrades. Telecommunications requirements will be met using the existing NBN connection at the site. Water and sewerage associated with the ablutions and office are intended to be delivered and collected from the site respectively.</p>

On this basis, it is clear that the proposal is consistent with the 'Industry – Light' land use rather than 'Industry – General'.

4.2 Special Conditions

The amendment proposes to include seven special conditions in Schedule 2 to apply to the site intended to:

- a) ensure that the primary function of the land remains as rural / agricultural;
- b) remove the potential for approval of the Additional Use to impact on the amenity of the locality; and
- c) ensure that this proposal will not act as a precedent for industrial development on rural land elsewhere in the Shire of Gingin.

The following table summarises and justifies each of the proposed conditions.

Proposed Condition	Comment
1. A development application is required. Any development approval issued pursuant to this Additional Use is to be time limited to a maximum of 10 years from the date of the approval. A time extension of no more than 5 years may be sought prior to the expiry of any	This is to ensure that all relevant development-related aspects of the proposal, such as the final extent and location of the hardstand, staff amenity building locations, parking, traffic movements, stormwater and the like can be assessed by the Shire.

	approval, subject to the applicant demonstrating to the satisfaction of the Shire that any approved 'Industry – Light' use continues to meet all other Conditions associated with the Additional Use.	The time limitation is proposed in recognition that this proposal is intended to support operation of the agricultural use, and that this type of support is unlikely to be required in perpetuity. It is also reflective of Vintian Construction's vision to outgrow this site and relocate to an industrial area in the future.
2.	The Additional Use may only operate while the primary use of the land is for agricultural purposes, and is to remain a secondary use of the land at all times.	This condition will ensure that the scale of the use is limited to an extent where it can support the primary agricultural use on the subject land, rather than become a separate and/or competitive use in its own right. This will ensure that the overall use of the land remains consistent with the LPS 9 General Rural zone objectives and the relevant provisions of the Local Planning Strategy.
3.	The processes undertaken as part of the Additional Use are restricted to assembly of structures and equipment, and incidental operations. Fabrication and any equivalent processes listed in the 'industry' definition in this Scheme are not permitted to be carried out pursuant to this Additional Use.	This is to ensure that the nature and effect of the operations associated with any 'Industry – Light' use on the subject land are commensurate to that described by this Scheme amendment proposal, being assembly as opposed to potentially intensive and impactful operations such as fabrication, manufacturing, processing or treating.
4.	<p>The Additional Use is to be located in one contiguous area within the lot that meets the following criteria:</p> <ul style="list-style-type: none"> • at least partially located on land that is not required for the primary agricultural use of the lot; • does not conflict with any area of consolidated remnant native vegetation; • is not visible from any adjoining lot or public road; and • is set back a minimum of 500m from any lot boundary. 	<p>These location requirements are proposed to ensure that the Additional Use does not impact any adjacent or nearby landowners or rural land uses, maintains the visual amenity of the locality and minimises use of agricultural land.</p> <p>Restriction of the Additional Use boundary on the Scheme map to a specific area within the lot is not preferred as it would be difficult to identify the exact location of the boundaries, and would risk inadvertently limiting any potential future expansion of the hardstand within (and not beyond) the 3ha limit required by Condition 5.</p>
5.	The site area of the Additional Use is limited to a maximum area of 3ha.	<p>This limitation is proposed to ensure that the extent of any 'Industry – Light' use on the subject land is consistent with that described by this Scheme amendment, and will also support Conditions 2 and 4.</p> <p>The 3ha area is reflective of the potential for extra hardstand to be required to support the land use in the future, but also ensures that the proposal occupies less than 1% of the property at an absolute maximum.</p>
6.	No subdivision of the site for the purposes of this Additional Use is permitted.	This is to prevent any subdivision for the purposes of this Additional Use, which would be inconsistent with the Shire's Local Planning

	Scheme and Strategy and the WAPC's Subdivision of Rural Land operational policy.
7. Access and egress for the Additional Use shall be limited to the existing driveway connecting to Waterville Road.	This is to support Condition 4 and ensure that the use is located and operated in such a manner that does not conflict with the primary agricultural use on the subject land.

These conditions will limit the scale of any light industrial proposal to that required by Vintian Construction to prevent further unplanned industrial development, ensure that the location of the proposal will not impact the rural amenity or character of the locality or nearby properties, and ensure that the predominant use of the subject land for agricultural purposes is not undermined.

These conditions ensure that this proposal is consistent with the intent and objectives of the applicable planning framework, including the Shire of Gingin's Local Planning Strategy and Local Planning Scheme No. 9. On this basis this application seeks for the Shire of Gingin and Western Australian Planning Commission to holistically assess this proposal, inclusive of the proposed land use as limited by the proposed conditions.

4.3 Nature of Scheme Amendment

Having regard to regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, we are of the view that the proposal meets the relevant criteria for a 'Standard' amendment as it:

- a) is consistent with the objectives of the General Rural zone of the Shire's LPS 9 as detailed in section 5.2 of this report below;
- b) is consistent with the Shire of Gingin Local Planning Strategy as detailed in section 5.1 of this report below;
- c) will have minimal impact on land in the scheme area that is not the subject of the amendment as detailed above in relation to the 'Industry – Light' land use criteria and due to the limitations of the proposed conditions;
- d) will not result in any significant environmental, social, economic or governance impacts on land in the scheme area as:
 - The proposal will have an indirect positive environmental impact by enabling the agricultural use of the land to continue and the remnant native vegetation on the lot to remain undisturbed;
 - Removal of a small number of paddock trees to accommodate an expansion of the hardstand is possible under the proposed conditions, however this is not a 'significant' environmental impact;
 - The proposal will have a positive social impact by generating local employment opportunities;
 - The proposal will have a positive economic impact by supporting an existing agricultural business as well as a new industrial business; and
 - There will be no governance impacts associated with this proposal through limitation of the additional use to the subject land only and application of stringent conditions to ensure that the Additional Use remains the secondary use on the subject land, does not form a viable precedent for other industrial uses and ensure that the use does not impact adjoining or nearby landholdings.

It is also noted that Amendment 19 to LPS 9, which added additional uses of 'Warehouse/Storage', 'Office' and 'Roadhouse' into the General Rural zone, was treated as a Standard amendment. 'Warehouse/Storage' and 'Office' are both not permitted in the General Rural zone, consistent with 'Industry – Light' as proposed by this Scheme amendment. This is a precedent for this Scheme amendment to be treated as a Standard amendment.

5. Planning Justification

The following subsections set out the justification for the proposed amendment in the context of the applicable strategic planning framework.

5.1 Shire of Gingin Local Planning Strategy

The Shire of Gingin Local Planning Strategy ("the Strategy") sets out the Shire's long-term vision for land use and development within its boundaries. The Strategy map identifies the subject land as 'Rural smallholding', which is reflective of the surrounding fragmented rural land. Unlike most other land identified as 'Rural smallholding', the subject land has not been subdivided in recent decades due to its poor soil composition and restricted access to water.

The lack of water licence for the subject land, as well as the need to preserve the areas of consolidated remnant native vegetation on the subject land, confirm that subdivision of the site is not the best approach even though it is contemplated by the Strategy.

The following subsections detail how this proposal is consistent with and/or addresses the relevant provisions of the Local Planning Strategy.

Key Provisions – Rural Land

The following relevant issues and objectives are listed in the Strategy in relation to Rural land:

- Issue: *"The importance of rural land as a resource for sustaining diverse agriculture and other rural uses, and its importance for long term growth and development."*
- Issue: *"The need for local employment opportunities."*
- Objective: *"Protect the rural land in order to provide for a wide range of land uses associated with primary production".*

The associated Policy Position and Actions for the Rural Smallholding zone do not exclude industrial development proposals from Rural zoned areas. Notwithstanding, conditions are proposed to be applied to the Additional Use ensuring that the agricultural use will continue to be the primary use of the land, limiting the size of the assembly area and ensuring that it is located to minimise usage of land that is used for agricultural purposes. The proposal will also generate substantial employment opportunities for local residents. On this basis, the conditions ensure that the proposal is consistent with the key issues and objectives for Rural zoned land.

Key Provisions – Economy

This proposal is also consistent with the relevant economic objectives of the Strategy as follows:

- *"Ensure that the use and development of rural land is both compatible and complementary to agricultural activities;"*
- *"Promote the establishment of processing and value adding industries in the Shire;"*
- *"Promote the Shire of Gingin as an opportune location for regional development of industry, infrastructure and other specialised regional facilities."*

Physical development associated with this proposal only includes hardstand and small transportable buildings, which are compatible with the agricultural activity on the subject land. It will complement and sustain the primary agricultural use of the subject land by providing the financial support that the use requires to continue to be viable. This proposal also represents a vote of confidence by Vintian Construction in the Shire of Gingin as an ideal area for an industrial use in a manner that does not compromise the planning intent of the Rural Smallholding zone under the Strategy.

The relevant economic Policy Position and Actions are as follows: *“Direct non-rural development away from agricultural land towards townsites”* and *“Support the appropriate placement of rural industries / processing within the rural zone”*. Although targeted at rural industry, the second policy requirement is addressed by the proposed conditions, which limit the size of the operation associated with the Additional Use and ensure that its location is prioritised for land that is not used for agricultural purposes.

It is not possible for this proposal to directly address the first policy requirement, as locating the assembly business anywhere but the subject land would result in the agricultural use on the subject land ceasing due to lack of financial viability, and the subject land becoming disused as a result. This scenario is inconsistent with the Local Planning Strategy.

This proposal seeks for the proposed non-rural development to be accepted on land used for agricultural purposes and away from townsites for the following reasons:

- This outcome is the best and most viable option to ensure continuation of the agricultural use of the site, which is the key intent of the Local Planning Strategy for rural land
- The proposed conditions meet and address all other relevant objectives, issues and policy statements in the Local Planning Strategy, including maximising use of non-agricultural land, ensuring no impacts to surrounding rural-based uses and maintaining the agricultural use as the primary use on the subject land.

Other Relevant Provisions

The following relevant excerpts from the Strategy also support this proposal, as detailed below:

s.	Excerpt	Comment
2.5.2	<p>The continued use of rural land for production is paramount to the economic future of the Shire. ... The future growth and viability of diversified agriculture in the Shire is dependent on numerous factors, many of which are unique to the Gingin Shire, including:</p> <ul style="list-style-type: none"> • availability of adequate water supply; ... • availability and cost of good agricultural land; • freedom from conflict with other land uses; and • sustainability of production in terms of the physical environment. 	<p>This proposal will support the continued use of this rural land for primary production by ensuring its financial viability. Conditions have been proposed to ensure that the operation of the Additional Use is limited to this purpose, is sized, located and operated in a manner that does not conflict with the primary agricultural use or impact nearby agricultural uses, and maximises use of the subject land for agriculture.</p> <p>The key reason for the agricultural use not being financially viable is the poor soil conditions and lack of water supply, given no water licence is available. The Strategy acknowledges that this is an issue in section 2.6.2. This issue is responsible for the need for this Additional Use.</p>

2.5.5	The Shire generally lacks General Industry zoned land. Increasing the diversity of industrial activity will undoubtedly contribute to growth in local employment and economy...	This proposal will contribute to growth in local employment and the economy, and represents increased diversity of industrial activity.
2.5.7	The key issues for Gingin Shire's economy include:	See below.
	There is a need to increase local resident employment opportunities and reduce the need for residents to leave the Shire for work. This will be partly facilitated through the retention and promotion of a variety of employment opportunities in existing and new developments;	This proposal will contribute to growth in local employment.
	Introduction of non-rural land uses, such as rural living, residential, and tourist facilities, adjacent to diversified agricultural land uses may create conflicts between each of the different activities;	Conditions are proposed to ensure that there are no conflicts between the Additional Use and the agricultural use on the subject land as well as nearby land. The development and operation of the Additional Use will be compatible with the agricultural use, and the limitation of operations to assembly will ensure that the nature of the industrial activities undertaken will not create conflicts.
	The protection of quality agricultural land is important to ensure the long-term sustainability of agricultural land use as an important economic and employment base for the Shire within its regional context;	As detailed in this report, the soil profile and water availability of the subject land does not match the characteristics of quality agricultural land. Notwithstanding, the location of the Additional Use is proposed to be prioritised for an area of the subject land that is not currently used for agriculture so as to protect and retain agricultural land.
	Untapped opportunity for regional industrial development and institutions to take advantage of Gingin's proximity to Perth, availability of unconstrained land and opportunity for regional infrastructure development;	The subject land is suitable for the proposed Additional Use due to its proximity to Perth.
2.6.6	The quality of the landscape setting of the Shire of Gingin is a natural asset and community resource. The maintenance and protection of the rural nature of the Shire, including the open pasture, natural bushland, river environment and dynamic landform are worthy objectives.	Conditions are proposed to ensure that the Additional Use does not affect the rural nature or amenity of the area, and is not visible from adjacent roads or properties.
2.6.9	The key issues for Gingin Shire's environment include:	See below.

Encouragement of land use and land management which is environmentally and ecologically sustainable;	The current agricultural land use would require a water licence or approval to clear the areas of consolidated remnant vegetation to expand or become financially viable, both of which are not environmentally or ecologically sustainable. On this basis, this proposal is a better environmental outcome for the subject land.
Protection of natural resources, including soil, waterways and wetlands, significant vegetation including old growth trees, flora and fauna;	Conditions are proposed to ensure that the Additional Use does not impact the areas of consolidated remnant native vegetation on the subject land.
Management of diverse and dynamic rural landscapes, and maintenance of visual qualities of areas surrounding townsites and areas adjacent to major tourist routes;	Conditions are proposed to ensure that the Additional Use does not affect the rural nature or amenity of the area, and is not visible from adjacent roads or properties.
3.1 Priorities for the Shire are:	See below.
Protection of agricultural land, broad acre grazing and crop production areas due to their economic significance.	The location of the Additional Use is proposed to be prioritised for an area of the subject land that is not currently used for agriculture so as to protect and retain agricultural land.
Enhanced visual quality and character of the rural landscape, coastal environs and heritage features.	Conditions are proposed to ensure that the Additional Use does not affect the rural nature or amenity of the area, and is not visible from adjacent roads or properties.

This proposal is consistent with the Local Planning Strategy on the basis that it will support the continued primary agricultural use of the subject land. Conditions are proposed requiring any approval to be time limited, enabling the Additional Use to operate only while the primary use of the land is for agricultural purposes, and ensuring that the proposal is located and operated to minimise impacts on the agricultural use.

5.2 Shire of Gingin Local Planning Scheme No. 9

The subject land is zoned 'General Rural' under LPS 9. The following table details how the proposal meets the General Rural zone objectives.

Objectives	Comment
(a) Manage land use changes so that the specific local rural character of the zone is maintained or enhanced.	A condition is proposed requiring the Additional Use to be located such that it is limited to assembly, will not be visible from any adjacent or nearby road reserves or lots, and is set back from lot boundaries to minimise noise transmission outside the subject land. This will ensure that the local rural character is maintained.

(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.	The intent of this proposal is to encourage and protect the predominant broadacre agricultural activity on the subject land (grazing), which is confirmed by the proposed condition enabling the Additional Use to operate only while the primary use of the land is for agricultural purposes. Other conditions ensure that the proposed secondary Additional Use will be compatible 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.	A proposed condition requires the Additional Use to be located in an area on the subject land that does not impact any existing remnant native vegetation worthy of protection. The hardstand is proposed to be located on a plateau to ensure no need for cut and fill. No impacts to soils or water bodies are anticipated.
(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 proposal will ensure the ongoing operation of the existing rural land use into the future by ensuring its financial viability, and is not a sensitive land use.

The proposal is also consistent with relevant Scheme aims as follows:

Aims	Comment
(h) Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry and farm forestry, which are compatible with surrounding farming practices.	The proposal represents diversification of the use of rural land, however due to the limitation of the use as secondary to a primary agricultural use, it will not affect (and will in fact support) use of the subject land for rural purposes on an ongoing basis.
(i) Ensure that the use and development of rural land is both compatible and complementary to traditional livestock, grazing and agricultural activities.	Physical development associated with this proposal is limited to hardstand, and in this regard is compatible with the agricultural activities. The operation of the use will not impact the agricultural activities either. This will be enforced by the proposed conditions.
(o) Promote Gingin Shire as an opportune location for regional development of industry, infrastructure and other specialised regional facilities.	This aim mirrors an economic objective in the Local Planning Strategy, which this proposal will meet.
(q) Promote sustainable management and land use to ensure the quality and adequate supply of groundwater and surface water bodies within the scheme area.	This proposal will not affect quality or supply of groundwater or any surface water bodies. The proposed location of the hardstand on a plateau at the top of the ridgeline crossing the subject land will ensure land that is closer to groundwater is only used for agricultural purposes.

(r)	Protect the natural environment and biodiversity while ensuring appropriate development opportunities within the scheme area are realised.	A condition requires the Additional Use to be located in an area on the subject land that does not impact any existing native vegetation worthy of protection. The location of the hardstand will also minimise removal of paddock trees as a bonus.
(s)	Minimise land degradation and vegetation loss through integration of landcare principles within the planning process.	The only works associated with this proposal comprise hardstand, which will not degrade the land in the long term. A condition requires a development application to be submitted, which could address drainage from the hardstand to minimise impacts to adjacent soil.

A condition is proposed to apply to the Additional Use preventing subdivision for industrial purposes in recognition that this proposal does not fit within the circumstances listed in Development Control Policy 3.4 – Subdivision of rural land, as referred to by clause 4.8.6.1 of LPS 9.

5.3 State Planning Policy 2.5 – Rural Planning

The Western Australian Planning Commission's (WAPC) State Planning Policy 2.5 – Rural Planning (SPP 2.5) applies to all rural land in the state. One of the key objectives of SPP 2.5 is to support primary production by protecting rural land. This proposal meets the associated policy requirements as follows:

Policy Requirement		Comment
5.1	The WAPC will seek to protect rural land as a State resource by:	
(a)	requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;	This is the intent of this Additional Use proposal.
(b)	retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;	Conditions are proposed to address this as follows: <ul style="list-style-type: none"> • Prioritisation of the location of the Additional Use on land that is not used for agricultural purposes. • Application of a time limit to the Additional Use to ensure that the land continues to be used for agricultural purposes in the long term. • Ensuring that the Additional Use only operates to support the agricultural use.
(c)	ensuring retention and protection of rural land for biodiversity protection, natural resource management and protection of valued landscapes and views;	Conditions are proposed to address this as follows: <ul style="list-style-type: none"> • Prioritisation of the location of the Additional Use on land that is not used for agricultural purposes.

		<ul style="list-style-type: none"> The location of the Additional Use is to be set back 500m from lot boundaries, not conflict with areas of consolidated remnant native vegetation and not be visible from adjoining or nearby roads or properties.
(d)	protecting land, resources and/or primary production activities through the State's land use planning framework;	As confirmed above, the proposal will protect the primary production activity undertaken on this land by ensuring its financial viability, while remaining a secondary use and being at least partially located on land that is not used for agricultural purposes.
5.5	The WAPC's decisions will be guided by the need to provide economic opportunities for rural communities and to protect the State's primary production and natural resource assets. WAPC policy is to:	This proposal represents an economic opportunity to provide local employment for residents of the Shire, and will protect and support the primary production use and remnant native vegetation on the subject land.
(a)	continue to promote rural zones in schemes as flexible zones that cater for a wide range of land uses that may support primary production, regional facilities, environmental protection and cultural pursuits;	The unique characteristics of this proposal and the subject land in particular warrant flexibility to enable the 'Industry – Light' land use to support the primary production use of the subject land. Limitation of the operations to assembly only will also protect the agricultural use of the land by restricting the intensity of the land use.
5.12.1	where a development is proposed for	The proposed Additional Use is located such that it will not generate noise and visual amenity impacts, and it does not give rise to the need for any buffers. Conditions are proposed requiring these matters to be addressed and confirmed through lodgement of a development application.
(b)	a land use that may generate off-site impacts, there should be application of the separation distances used in environmental policy and health guidance, prescribed standards, accepted industry standards and/or Codes of Practice, followed by considering –	
	(i) whether the site is capable of accommodating the land use; and/or	The subject land is capable of accommodating the proposed Additional Use by virtue of the lot size and through inclusion of a condition limiting the size and scale of the use to a negligible proportion of the lot (less than 1%).
	(ii) whether surrounding rural land is suitable, and can be used to meet the separation distances between the nearest sensitive land use and/or zone, and would not limit future rural land uses; and	To meet consideration (ii), a condition is proposed requiring the location of the Additional Use to be set back 500m from lot boundaries and not visible from adjoining or nearby roads or properties, to ensure that the rural amenity of the area is maintained and nearby dwellings or rural land uses are not impacted.
	(iii) whether if clauses (i) and/or (ii) are met, a statutory buffer is not required;	

5.4 Local Planning Policy No. 4.1 – Industrial Development in Rural Areas

Although Local Planning Policies are not typically assessed as part of Scheme amendment proposals, Local Planning Policy 4.1 – Industrial Development in Rural Areas (“LPP 4.1”) is directly relevant to this proposal and will need to be addressed by any development application made pursuant to the proposed Additional Use. In this regard, this proposal is capable of meeting the relevant requirements of LPP 4.1 as follows:

Policy Requirement	Comment
3.1 Industrial Developments in the rural areas will be considered if they fall 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	As described above, this land is well suited to the proposed industrial use due to its size and the availability of land that is not used for agricultural purposes in the centre of the property, which enables a condition to be proposed requiring a substantial buffer of 500m around the assembly area.
(b) Light manufacturing industries that may be producing farm equipment and operates in conjunction with the rural activities of the property.	<p>Although the proposed light industry is not initially intended to produce farm equipment, it will operate in conjunction with the rural activity of the property by generating the financial stability required for those rural activities to be undertaken. Conditions associated with the Additional Use will ensure that it will operate in such a manner that does not affect the rural activity. On this basis the proposal meets the intent of this requirement.</p> <p>It is noted that the term “may” does not limit light manufacturing industries in rural areas to production of farm equipment. It should also be noted that transportable buildings are often in demand by primary producers as accommodation for seasonal workers, and it is anticipated that Vintian Construction will service this market once operational.</p>
3.2 Generally light manufacturing type industries will be considered in accordance with the Light Industry provisions of the Scheme.	This proposal falls within the broad ‘light manufacturing type industry’ category. The proposed conditions will effectively require this proposal to comply with the relevant Light Industry development requirements. Car parking will be confirmed at development application stage.
3.4 All industrial developments in rural areas should be located and incorporate landscape elements to ensure they do not visually intrude on the rural landscape.	A proposed condition will ensure that the proposal complies with this requirement by ensuring that it is not visible from any adjacent or nearby roads or properties. On this basis the proposal will not visually intrude on the rural landscape.

6 Next Steps

This Amendment, if approved, does not in and of itself enable development or the assembly operation to occur on the subject land, given a development application will also be required to be lodged with the Shire. Once the amendment is further progressed to the point that it has been advertised and is considered to be 'seriously entertained', and it is clear that both the Shire and WAPC are supportive of the proposed additional use and associated conditions, we will proceed to lodge a development application seeking approval to construct the hardstand and commence operation of the 'industry – light' land use.

The development application will build on the information included in section 3 of this report and include confirmation of the area and boundaries of the hardstand, and all relevant details regarding the operation of the business, including truck movements to and from the site.

7 Conclusion

In the context of potential industrial operations this proposal is very limited in nature, and the lack of need for buildings and limited anticipated truck movements will ensure that this proposal does not undermine the objectives of the zone or the relevant intentions and provisions of the Local Planning Strategy. The special conditions associated with the Additional Use reflect its site-specific nature and will ensure that approval of the Scheme amendment will not set any form of precedent for other 'Industry – Light' uses within the General Rural zone.

The intent of this proposed Scheme amendment is to facilitate an arrangement between a father and his son that will enable the son to start and grow a transportable building assembly business, with some of the profits to be paid as rent to the father to enable him to continue to graze the family farm until retirement. Due to the poor soil conditions and lack of water licence for the land, without the transportable building assembly business the family would no longer be able to afford to continue to graze the land and it would become a disused retirement property owing to the family's strong sentimental attachment to the land.

This Scheme amendment proposal is unique in that the reason it is being proposed is to enable an agricultural use to continue to operate on land zoned General Rural. This proposal is therefore consistent with the intent of the strategic planning framework for rural uses such as agriculture to be supported and protected in rural areas. On this basis this proposal would most appropriately be classified as a 'Standard' amendment.

The proposed Additional Use will only be applicable to the subject land, and only while the land is used for agricultural purposes. Seven stringent and restrictive conditions are proposed to apply to the Additional Use to ensure the operation is limited to that described in this submission and does not have any unforeseen impacts on the subject land and maintains the rural amenity of the locality. These conditions are essential to ensuring that this proposal is consistent with the intent and objectives of the applicable planning framework, including the Shire of Gingin's Local Planning Strategy and Local Planning Scheme No. 9.

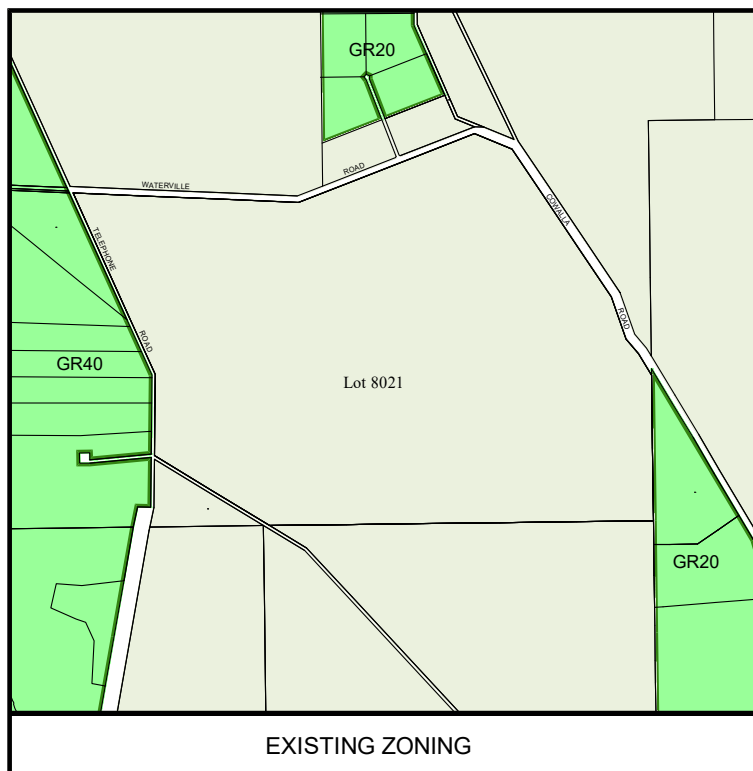
On this basis it is requested that the Shire of Gingin proceeds to initiate the standard amendment to create this additional use over Lot 8021 Waterville Road, Neergabby, and the Western Australian Planning Commission supports this proposal through the Scheme amendment process to a determination by the Minister for Planning.



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**SHIRE OF GINGIN
LOCAL PLANNING SCHEME No. 9**

Planning and Development Act 2005



LEGEND

LOCAL SCHEME RESERVES

ROADS

LOCAL SCHEME ZONES

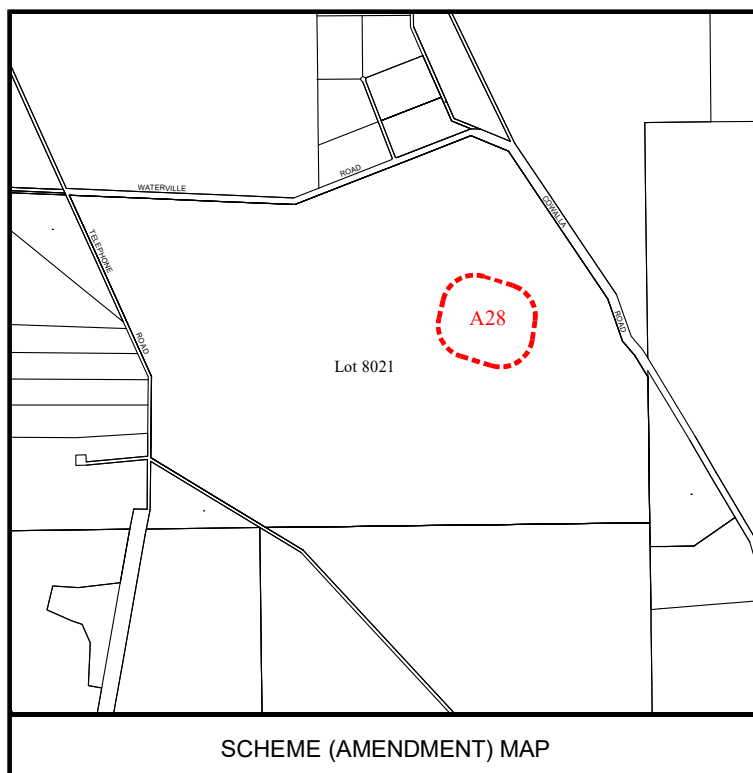
GENERAL RURAL - CODED

GENERAL RURAL

OTHER CATEGORIES

(see scheme text for additional information)

A28 ADDITIONAL USES



SCALE: 1:40 000
DATE: 14.08.2023

Amendment No.



NOTE:
Base Data supplied by Landgate
Areas and dimensions shown are
subject to final survey calculations.

Revision	Date	Item

- LEGEND**
- SUBJECT LOT BOUNDARY
 - AREA SUBJECT OF REZONING

	:	CLIENT
A3 @ 1:5000	:	SCALE
4th AUGUST 2023	:	DATE
	:	PLAN No.
14th AUGUST 2023	:	REVISION
N.G.	:	PLANNER
S.B.	:	DRAWN



SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: PROPOSED AMENDMENT NO. 28 TO LOCAL PLANNING SCHEME NO. 9 - ADDITIONAL USE (INDUSTRY - LIGHT) ON LOT 8021 WATERVILLE ROAD, NEERGBBY

No.	Submitter	Submission details	Applicants response
1.	DWER	<p>The submitter provides the following general comment:</p> <p><i>The Department of Water and Environmental Regulation has considered the proposal and has no objections and no further comments.</i></p>	Noted.
2.	DPIRD	<p>The submitter provides the following general comment:</p> <p><i>DPIRD does not object to the proposal or the proposed conditions (Schedule 2 – additional uses). The temporary nature (approximately 15 years) of this activity would support the Scarvaci family's grazing operation as Mr G Scarvaci transitions to retirement, without unduly impacting the long-term agricultural potential of this property.</i></p> <p><i>DPIRD requests that once the assembling of transportable buildings use ceases, excess hardstand areas (identified as not needed for an ongoing agricultural use) are rehabilitated to its previous land use.</i></p>	Noted.
3.	DBCA	<p>The submitter provides the following general comment:</p> <p><i>DBCA has reviewed the proposed scheme amendment and has no comments to make on this occasion.</i></p>	Noted.
4.	DMIRS	<p>The submitter provides the following general comment:</p> <p><i>The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DMIRS lodges no objections to the above local planning scheme amendment</i></p>	Noted.

5.	Morcombe	<p>The submitter does not support the application and provides the following general comment:</p> <p><i>I think this lot is good agricultural land with water accessible. Its elevation makes it suitable for an extended range of horticultural activities. I would not like to see the encroachment of industrial activity here unless it was for a definite duration of time without the possibility of extension or passing of title between current and future ownership.</i></p>	<p>Noted. The officer generally concurs with the principle of industrial uses encroaching into the rural area. Refer to Council report for further commentary.</p>
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1.	DWER	<p>The submitter provides the following general comment:</p> <p><i>The Department of Water and Environmental Regulation has considered the proposal and has no objections and no further comments.</i></p>	Noted.
2.	DPIRD	<p>The submitter provides the following general comment:</p> <p><i>DPIRD does not object to the proposal or the proposed conditions (Schedule 2 – additional uses). The temporary nature (approximately 15 years) of this activity would support the Scarvaci family's grazing operation as Mr G Scarvaci transitions to retirement, without unduly impacting the long-term agricultural potential of this property.</i></p> <p><i>DPIRD requests that once the assembling of transportable buildings use ceases, excess hardstand areas (identified as not needed for an ongoing agricultural use) are rehabilitated to its previous land use.</i></p>	<p>Noted.</p> <p>We thank DPIRD for its acknowledgement that the proposal will not impact the long-term agricultural potential, and would add that the intent of this proposal is to support the financial viability of continuation of agricultural activities on the site.</p> <p>We have no objections to removal of any hardstand that is not necessary for the agricultural use once the transportable building assembly operation ceases, and believe this would most appropriately be addressed at development application stage.</p>
3.	DBCA	<p>The submitter provides the following general comment:</p> <p><i>DBCA has reviewed the proposed scheme amendment and has no comments to make on this occasion.</i></p>	Noted.
4.	DMIRS	<p>The submitter provides the following general comment:</p> <p><i>The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DMIRS lodges no objections to the above local planning scheme amendment</i></p>	Noted.

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14 REPORTS - OPERATIONS AND ASSETS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

16.1 GINGIN CRC AGM AND FLAVOURS OF GINGIN

File:	GOV/21
Councillor:	L Balcombe
Report Date:	21 November 2023

I attended the Gingin CRC AGM and it was pleasing to see new committee members and a good turnout the CRC understand their financial obligations and are excited by the Staying in Place project which is getting good traction which will assist the community to keeping people in their homes.

I attended the Flavours of Gingin Long Table Dinner on the 10th November and it was a fantastic event with so many positive comments from everyone there. The layout, the food and drinks were perfect. It was great to taste some fantastic food cooked to perfection from our region. Thank you to Amy ,Shania and their team on a great evening. The chorus of black cockatoos set the evening perfectly in such a beautiful setting.

I attended the Flavours of Gingin on the Saturday and whilst the crowd was a bit spare (more due to layout maybe) the day was a great success. I was honored to read the Remembrance day speech and also lucky enough to judge the best dressed dog competition. I heard a lot of fantastic comments about the "Paint by number" mural and with the day finishing with the fireworks, Gingin gin garden and music it made it a fantastic community event in our beautiful park. It was so great to see so many families making the most of the weather catching up with old friends and making new friends, the kids were making the most of the safe place to run around and dance to the music. I just really love our community.

Sadly, I attended Carolyn Johnson's funeral with the Shire President and CEO and whilst it was with sadness we said goodbye it was lovely to see so many people there and hear the amazing life Carolyn had. Condolences to Frank and his family.

The rates incentive prize night was another huge success and great to see the prizes spread out over the whole of the Shire. Great work to the rates team on organizing another good event. It was nice to hear positive comments about our Shire and great to see people paying their rates on time.

16.2 REGIONAL ROAD GROUP MEETING AND STABLE FLY AGM

File:	GOV/21
Councillor:	C W Fewster
Report Date:	21 November 2023

I attended the Regional Road Group meeting with Councillor Kestel and Executive Manager Operations and Assets in Moora.

I attended the Stable Fly AGM with the Stable Fly Officer.

17 NEW BUSINESS OF AN URGENT NATURE

Nil

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Balcombe

That Council move into a Confidential Session to discuss Item 18.1.

**CARRIED UNANIMOUSLY
9 / 0**

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

AGAINST: *Nil*

The meeting was closed to the public and all members of the public present in the Gallery, and Manager Building and Planning left Council Chambers at 5.53 pm.

Councillor Peczka left the meeting at 5.54 pm.

18.1 COMMUNITY CITIZEN OF THE YEAR AWARDS 2024

File	REC/5
Author	Amy Gibbs – Coordinator Community Development & Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Nominations 2024 [18.1.1 – 61 pages] 2. Past Award Recipients [18.1.2 – 1 page]

Reasons for Confidentiality

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- b. the personal affairs of any person;

Councillor Balcombe disclosed an impartiality interest in Item 18.1 as her daughter nominated a candidate.

Councillor Peczka disclosed an impartiality interest in Item 18.1 as he has an association with known community volunteers associated with volunteer membership to Fire and Rescue services, the local football club and St John Ambulance Service Lancelin.

Councillor Woods disclosed an impartiality interest in Item 18.1 as she was a nominator.

Councillor Peczka returned to the meeting at 5.55 pm.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Johnson

That this resolution remain confidential until the Presentation Ceremony on 26 January 2024.

**CARRIED UNANIMOUSLY
9 / 0**

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

AGAINST: *Nil*

Councillor Stewart left the meeting at 6.01 pm and did not return.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Johnson

That the meeting be re-opened to the public.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

The meeting re-opened to the public at 6.02 pm. No members of the public returned to the Gallery.

19 CLOSURE

There being no further business, the President declared the meeting closed at 6:02 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 19 December 2023, commencing at 3.00 pm.