MINUTES

ORDINARY MEETING

OF COUNCIL

16 OCTOBER 2018

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ORDINARY MEETING OF COUNCIL
HELD ON 16 OCTOBER 2018

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SHIRE OF GINGIN

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 16 OCTOBER 2018 AT 3.03 PM

DISCLAIMER

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

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

ORDER OF BUSINESS

1. DECLARATION OF OPENING

The Shire President declared the meeting open at 3:03 pm and welcomed those in attendance.

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2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – I B Collard (Shire President), J W Elgin (Deputy Shire President), J Court, C W Fewster, F Johnson, J C Lobb, J E Morton and J K Rule.

Staff – A Cook (Chief Executive Officer), K Lowes (Executive Manager Corporate and Community Services), R Rasool (Executive Manager Assets), A Butcher (Executive Manager Operations-Construction), K Bacon (Acting Executive Manager Planning and Development), J Bayliss (Acting Manager Statutory Planning), L Burt (Governance Officer), A Martinovich (Personal Assistant to Executive Manager Planning and Development) and O Edwards (Minute Officer).

Gallery - There were six members of the public in the Gallery.

2.2 APOLOGIES

Councillor F J Peczka

2.3 LEAVE OF ABSENCE

Nil

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3. DISCLOSURES OF INTEREST

3.1 Councillor C W Fewster

Item 11.3.1 Application For Retrospective Development Approval - Retaining Walls and Fill and Development Approval - Retaining Wall and Timber Slat Fence on Lot 171 (20) Mortimer Road, Guilderton

Councillor Fewster declared a Financial Interest in Item 11.3.1 due to the fact that his parent-in-law own the adjoining property.

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4. PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

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5. PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 PETITIONS

Nil

5.2 DEPUTATIONS

5.2.1 Item 11.3.2 Application for Development Approval - Proposed Extractive Industry (Sand) - Lot 1021 Gingin Brook Road and Lot 1022 Indian Ocean Drive Neergabby

Speaker/s: Scott Moyle

5.2.2 Item 11.3.2 Application for Development Approval - Proposed Extractive Industry (Sand) - Lot 1021 Gingin Brook Road and Lot 1022 Indian Ocean Drive Neergabby

Speaker/s: Sarah Jones

5.2.3 Item 11.3.1 Application For Retrospective Development Approval - Retaining Walls And Fill And Development Approval - Retaining Wall And Timber Slat Fence On Lot 171 (20) Mortimer Road, Guilderton

Speaker/s: Alistair Smith

5.3 PRESENTATIONS

Nil

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6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Elgin SECONDED: Councillor Johnson

That the Minutes of the Ordinary Meeting of Council held on 18 September 2018 be confirmed.

CARRIED UNANIMOUSLY

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8. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

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9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

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

Nil

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11. REPORTS

11.1. OFFICE OF THE CEO

11.1.1 PROPOSED LANCELIN SPORTING FACILITIES WORKING GROUP

Location:	Reserve 28303 Lancelin Road, Lancelin
Applicant:	Lancelin Community and Sporting Club Inc
File:	BLD/4143
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	16 October 2018
Refer:	18 September 2018 Item 11.1.2
Appendices:	1. Draft Lancelin Sporting Facilities Working Group Terms of Reference

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a request from the Lancelin Community Sporting Club Inc (LCSC) to form a Working Group to progress the redevelopment of the Lancelin Sporting Complex.

BACKGROUND

As Council would be aware, requests have been received from the Lancelin Community and Sporting Club (LCSC) in the past with respect to the formation of a working group to progress the future development of the Lancelin sporting complex.

The LCSC Committee and its component sporting groups continue to be frustrated by a lack of direction with regard to the future progression and development of the facilities at the recreation complex. The LCSC has advised that, whilst many of the individual clubs are expanding, the facilities themselves are aging and, in some cases, failing. A coordinated plan is needed to ensure that facilities are fit for purpose and relevant to the needs of the Lancelin community and surrounding areas into the future.

A report in relation to this matter was presented to the Ordinary meeting of Council on 18 September 2018, at which time Council resolved to defer further consideration of the matter until its October 2018 meeting.

COMMENT

The original proposal was for Council to establish a working group, consisting of Council representatives and representatives of the LCSC Committee, to progress the preparation of a Master Plan for the future development of the Lancelin Sporting Complex. However, the general consensus at Council's September meeting was that the planning process should be extended to consider the needs of other communities within the Shire's upper coastal region, with a view to rationalising and consolidating sporting facilities in the region over time.

The draft Terms of Reference provided as **Appendix 1** has been amended to encompass this goal. The proposed membership of the Lancelin Sporting Facilities Working Group membership now comprises:

- Three Councillors;
- Two representatives of the LCSC Committee;
- Two representatives from the Ledge Point community;
- One representative from the Ocean Farm community; and
- One representative from the Seaview Park community.

It is anticipated that the primary aims of the expanded Working Group will be to:

1. Undertake a reassessment of previously prepared plans for the complex, identifying which components are still relevant and what other facilities are, within reason, likely to be required in order to provide a facility that will cater for the upper coastal region as a whole in the future.

2. Prepare a scope of works for use by the Shire in engaging a consultant to formulate a new Master Plan.

3. Liaise with the consultant during the Master Plan preparation process.

As previously advised, funding for production of a new Master Plan is likely to be difficult to obtain given that previous plans have been the subject of external funding in the past. However, the availability of an achievable Master Plan which recognises the needs of relevant clubs and all upper coastal region communities will provide a solid base which will assist the LCSC, individual clubs and the Shire in working towards sourcing project funding in a staged and coordinated manner.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Infrastructure & Development*
Objective	*3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner*
Outcome	*3.2 Community Infrastructure – the Shire provides fit for purpose community infrastructure in a financially responsible manner*
Key Service Areas	*Community Infrastructure*
Priorities	*3.2.1 Improve the use and financial sustainability of community infrastructure*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Fewster SECONDED: Councillor Johnson

That Council:

1. **Agree to form a Lancelin Sporting Facilities Working Group in accordance with the Terms of Reference provided as Appendix 1.**

2. **Appoint Councillors Court, Elgin and Lobb as Council's representatives on the Working Group.**

CARRIED UNANIMOUSLY

APPENDIX 1

SHIRE GINGIN

TERMS OF REFERENCE

LANCELIN SPORTING FACILITIES WORKING GROUP

16 October 2018

Name:	Lancelin Sporting Facilities Working Group
Role/Purpose:	To progress the preparation of a Master Plan for the future development of the Lancelin Sporting Complex as a consolidated facility for the Shire's Upper Coastal Region.
Aims & Functions:	1. Undertake a reassessment of previously prepared plans for the complex, identifying which components are still relevant and what other facilities are, within reason, likely to be required in order to provide a facility that will cater for the upper coastal region as a whole in the future. 2. Prepare a scope of works for use by the Shire in engaging a consultant to formulate a new Master Plan. 3. Liaise with the consultant during the Master Plan preparation process.
Membership:	1. The Working Group shall consist of the following representation: • three Councillors; • two members of the Lancelin Community Sporting Club Inc Committee; • two representatives of the Ledge Point community; • one representative of the Ocean Farm community; and • one representative of the Seaview Park community. 2. The Shire's Coordinator Community Development and Services will attend all meetings to provide technical advice and guidance to the Committee. Other officers may attend in an advisory capacity as required. 3. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 4. Working Group membership shall be appointed or removed by consensus of Council. 5. Members must comply with the Shire's Code of Conduct. 6. The Working Group has authority to second external individuals, on a voluntary basis, for their expert advice.
Operating procedures:	1. Presiding Member: a) The members of the Working Group are to appoint a presiding member from amongst themselves at the first meeting of the Working Group. b) The Presiding Member must be a Councillor.

	c) In the absence of the Presiding Member a person is to be appointed by the Working Group members present to lead the meeting. d) The Presiding Member is responsible for the proper conduct of the Working Group. 2. Meetings: a) The Working Group shall meet as required. b) Working Group members will be given at least 72 hours' notice of a proposed meeting where possible. However, if convenient and necessary, impromptu meetings may be held on occasions when all Working Group members are present for other purposes if time permits. c) The Presiding Member shall ensure that notes of all meetings are kept and shall provide the Working Group members with a copy of such notes. 3. Quorum: The quorum for a meeting shall be at least 50% of the number of endorsed members. 4. Reporting: Any Working Group outcomes requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.
Appointing legislation:	N/A
Delegated Authority:	The Working Group has no delegated power and has no authority to implement its recommendations without approval of Council.

Version	Decision Reference	Synopsis
1.	16/10/2018 – Item	Working Group established

11.1.2 DELEGATION 4.10 *HEALTH (ASBESTOS) REGULATIONS 1992* - APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS

File:	GOV/15
Author:	Lee-Anne Burt – Governance Officer
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Delegation 4.10 *Health (Asbestos) Regulations 1992* – Appointment of Authorised and Approved Officers

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider delegating power to the Chief Executive Officer to appoint authorised and approved officers under the *Health (Asbestos) Regulations 1992* (the Regulations).

BACKGROUND

On 24 January 2017, the Regulations were amended to increase penalties and to enable local governments to issue infringement notices for specific offences relating to asbestos cement products.

The Regulations enable local governments to appoint both authorised and approved persons to carry out actions relating to the infringement process, and to delegate the power of appointing such officers to its Chief Executive Officer. In the absence of a specific delegation, then all such appointments must be made by the local government (ie, the Council) itself.

COMMENT

Delegations with respect to the appointment of authorised persons or officers already exist from Council to the Chief Executive Officer with respect to the *Local Government Act 1995*, the *Food Act 2008*, the *Public Health Act 2016*, the *Building Act 2011*, the *Planning and Development Act (Local Planning Schemes) Regulations 2015*, the *Cat Act 2011* and the *Dog Act 1976*.

The proposed delegation under the *Health (Asbestos) Regulations 1992* is therefore considered appropriate and consistent with Council's previously demonstrated position on the appointment of authorised officers under legislation.

For the purposes of the Regulations:

1. An **Authorised Officer** has the power to issue an infringement notice in instances where the officer suspects that a person is creating a risk to public health by the incorrect management and/or disposal of asbestos or materials containing asbestos.

2. An **Approved Officer** has the power to review applications both for extension of time to pay an infringement, and for the withdrawal of an infringement notice.

Under s. 7 of the *Criminal Procedure Act 2004*, the same person cannot be appointed as both an Authorised Officer and an Approved Officer.

STATUTORY ENVIRONMENT

Health (Asbestos) Regulations 1992
Part 5 – Miscellaneous
Reg. 15D – Infringement notices

Criminal Procedure Act 2004
Part 2 – Dealing with alleged offenders without prosecuting them
Section 7 – Authorised and approved officers

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Community Wellbeing*
Outcome	*1.3 Healthy and Safe* *Our community has access to quality health and community safety programs, services and initiatives that promote resilience.*
Key Service Area	*Environmental Health*
Priorities	*N/A*

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Fewster

That Council agree to delegate its powers under Regulation 15D of the *Health (Asbestos) Regulations 1992* with respect to the appointment of authorised and approved officers to the Chief Executive Officer in accordance with Delegation 4.10 as shown in Appendix 1.

CARRIED BY ABSOLUTE MAJORITY
8-0

APPENDIX 1

DELEGATION REGISTER

4.10 *HEALTH (ASBESTOS) REGULATIONS 1992* – APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS

Legislative authority to delegate	*Health (Asbestos) Regulations 1992* – r. 15D(7)
Power exercised or duty delegated	*Health (Asbestos) Regulations 1992* – r. 15D(5)
Delegation to	Chief Executive Officer
Delegation	To appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	Nil. The *Health (Asbestos) Regulations 1992* do not contain any power of sub-delegation.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.		

11.2. CORPORATE AND COMMUNITY SERVICES

11.2.1 TRAILS MASTER PLAN

File:	RES/25
Author:	Jodie Mortadza – Coordinator Community Development and Services
Reporting Officer:	Raees Rasool – Executive Manager Assets
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Trails Master Plan (NCP14352)

DISCLOSURES OF INTEREST

Nil

PURPOSE

To receive the Trails Master Plan and consider future resourcing and implementation.

BACKGROUND

The Trails Master Plan came about as a result of the feedback from the Community Perceptions Survey 2016, whereby 'Trails and Paths' had a 52% 'satisfied' rating and 23% 'dissatisfied' rating, with the balance being neither satisfied nor dissatisfied. Furthermore 7.8% felt that the Shire could make a difference with 'more-improved pathways/cycleways/walking trails'.

The 2018 Community Perceptions Survey, which was undertaken after the completion of the Trails Master Plan, shows a further decline in the level of satisfaction with the Trails and Paths component and a corresponding increase in the level of dissatisfaction. There was also an increase (to 8.5%) in the number of respondents who felt that the Shire could make a difference with 'more-improved pathways/cycleways/walking trails'.

In addition, the Shire of Gingin had worked in collaboration with neighbouring Shires to plan upgrades for the Old Stock Route and following this, it was felt that there could be benefit to improving the Shire's other trails. The benefits would not only be to the Shire's communities but also support tourism and associated economic development in the region.

The Trails Master Plan was 50% grant funded by Lotterywest. A consultant who specialises in trails assessment and development was contracted to undertake the research and development of the Trails Master Plan. This included community consultation which was undertaken in each of the three sub-regions.

With resourcing constraints taken into consideration, the Executive staff overseeing the project elected to focus on enhancing existing trails rather than the development of new trails. A nominated trail in each of the Shire's sub-regions was selected for enhancement as follows:

1. Lower Coastal - Guilderton Boardwalk Trail (includes Moore River Road and Silver Creek Road);

2. Upper Coastal – Lancelin Coastal Trail; and

3. Gingin and Rural – Three Bridges Trail, Gingin.

A copy of the Trails Master Plan has previously been circulated to Councillors for their information and can be located in the Shire's Records Management System as Record NCP14352.

COMMENT

The completed Trails Master Plan is a comprehensive document that includes the consultant's recommendations and indicative costs to implement and maintain the three defined trails. It is important to note that the consultant recommended the decommissioning of the Three Bridges Trail however this was not supported by Officers due to potential community concern. The trail is acknowledged in the Gingin Town Heritage Trail upgrade programme and is noted for future consideration as significant works would be required to improve this particular trail.

The Trails Master Plan was also developed with some input from Officers with respect to, for example, determining a realistic and achievable timeframe and delivery model (e.g. Implementation Plan, pages 87-88), considerations and local information. During this process, it became very evident to Officers that implementation of the Trails Master Plan and maintenance of the resulting enhanced trails will require not only an ongoing financial commitment on the part of the Shire, but also additional resourcing including a Project Manager and support staff to deliver on the identified requirements.

Some of the identified projects may also have linkages with proposed projects in the Reconciliation Action Plan and potentially the impending Northern Alliance Tourism Strategy.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

An annual budget allocation will be required to enable implementation of the identified projects within the Trails Master Plan along with an ongoing financial commitment to maintain the enhanced trails to an adequate standard. Grant funding will be required to support implementation of the identified works.

STRATEGIC IMPLICATIONS

Shire of Gingin's Strategic Community Plan 2017-2027

Focus Area	*Community Wellbeing*
Objective	*1. To support the Shire of Gingin community to be inclusive, vibrant and healthy through the Shire's service delivery.*
Outcome	*1.1 Inclusive Community* *Our community has access to a range of community programs, services and initiatives that support wellbeing and inclusion.*
Outcome	*1.2 Vibrant* *Our community can participate in a range of activities and events that celebrate and promote our unique lifestyle and heritage*
Focus Area	*Natural Environment*
Objective	*2. To develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management*
Outcome	*2.1 Conservation* *The Shire's ecological services and natural assets are respected and enhanced.*
Focus Area	*Infrastructure and Development*
Objective	*3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner*
Outcome	*3.2 Community Infrastructure* *The Shire provides fit for purpose community infrastructure in a financially responsible manner.*
Focus Area	*Economic Development*
Objective	*4. To support economic development through the Shire's service delivery*
Outcome	*4.1 Tourism Playground* *An internationally acclaimed tourist playground.*
Priority	*4.1.1 Support the development of the Shire of Gingin as a premier tourist destination for ocean and sand adventures.*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Elgin SECONDED: Councillor Court

That Council:

1. **Receive the Trails Master Plan (October 2018); and**

2. **Consider including the works identified in the Trails Master Plan in the Forward Capitals Works Plan 2019/20 to 2028/29 for implementation.**

CARRIED UNANIMOUSLY

11.2.2 LEASE - SHIRE OF GINGIN AND GINGIN PLAYGROUP INC. - PORTION OF LOT 126 CONSTABLE STREET, GINGIN

Location:	Lot 126 Constable Street, Gingin
File:	A4069
Author:	Cher Groves – Community Services and Events Officer
Reporting Officer:	Kaye Lowes – Executive Manager Corporate & Community Services
Report Date:	16 October 2018
Refer:	18 December 1997 Item 5.2.1.1 2 November 2004 Item 10.2.1
Appendices:	1. Draft Lease Document

DISCLOSURES OF INTEREST

Nil

PURPOSE

The proposed lease between the Shire and the Gingin Playgroup has been negotiated in the format employed by the Shire for lease arrangements involving community organisations who are affiliated with a state or federal body and have exclusive use of the facility. This includes the standard lease term of five years plus a further five year term for these types of organisations.

BACKGROUND

The Gingin Playgroup has leased the subject premises from the Shire on an ongoing basis for more than 20 years. Over this time the property has been well looked after and well patronised. The previous lease expired on 1 July 2018.

Lot 126 is held in freehold by the Shire of Gingin, and therefore the lease is not subject to endorsement by the Department of Planning, Lands and Heritage.

COMMENT

The proposed lease between the Shire and the Gingin Playgroup has been negotiated in the format employed by the Shire for lease arrangements involving community organisations, including the standard lease term of five years.

A copy of the draft lease document is provided as **Appendix 1**.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996
Part 6 – Miscellaneous
Clause 30 – Dispositions of property excluded from Act s. 3.58
In accordance with Regulation 30(b)(i), a disposition of land is an exempt disposition if the land is disposed of to a body, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Community Wellbeing*
Outcome	*1.1 Inclusive* *Our community has access to a range of community programs, services and initiatives that support wellbeing and inclusion.*
Key Service Area	*N/A*
Priorities	*1.1.2 Improve activities for children and young people.*
Focus Area	*Infrastructure and Development*
Outcome	*3.2 Community Infrastructure* *The Shire provides fit for purpose community infrastructure in a financially responsible manner.*
Key Service Area	*Community Infrastructure*
Priorities	*3.2.1 Improve the use and financial sustainability of community infrastructure*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Elgin SECONDED: Councillor Johnson

That Council:

1. **Agree to enter into a lease agreement with the Gingin Playgroup Inc. for the Old Road Board building, located at Lot 126 Constable Street, Gingin, for a period of five years with a further five year option in accordance with the lease document shown as Appendix 1; and**

2. **Authorise the Chief Executive Officer to execute the lease document on Council's behalf.**

CARRIED UNANIMOUSLY

APPENDIX 1

LEASE AGREEMENT

SHIRE OF GINGIN

AND

GINGIN PLAYGROUP INC.

CONDITIONS

Parties

Shire of Gingin – "The Lessor"

AND

Gingin Playgroup Inc. – "The Lessee"

Use

The premises is not to be used for any purpose other than that specified in **Item 6** of the Schedule.

The use of the premises must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Premises

That area of land and buildings located at Lot 126 Constable Street, Gingin as depicted on the plan included as **Annexure 1**.

Term

The term of the lease is set out at **Item 2** of the Schedule. The Lessee may request the Lessor to grant a renewal of this Agreement for the further term set out at **Item 3** of the Schedule by giving written notice at least one month prior to the expiry of the initial term.

Holding Over

If the Lessor consents to the Lessee continuing to occupy the Leased Area after the expiry date, after the end of any extended term or during a lease renewal negotiation period, the Lessee is a monthly Lessee of the Leased Area and

(a) the monthly tenancy may be terminated by either party giving to the other at least one month's notice which may expire on any day;
(b) the rent is the same rent payable immediately before the expiry date or after the end of any extended term; and
(c) all the other provisions of this Lease apply to the monthly tenancy except any option to extend this Lease.

Provision of Information

The Lessee agrees to provide to the Lessor:
(a) a copy of the Lessee's audited annual statement of accounts for each year;
(b) a copy of the Certificate of Currency or renewal certificate to be provided to the Lessor on an annual basis for each insurance policy, including Public Liability and Contents Insurance;
(c) written advise of any changes in its office holders or its rules of Association during the Term; and
(d) any information reasonably required by the Lessor.

RENT AND OTHER PAYMENTS

Rent

As specified in **Item 5** of the Schedule.

Outgoings

Electricity, gas, water, refuse collection and other consumable charges are the responsibility of the Lessor.

Key Bond

The Lessee will pay a bond of $200.00 for a set of access keys to the premises prior to access being granted. If required, the bond may be withheld by the Lessor in the event that replacement of keys is required at the time of the Lessee vacating the premises.

The Lessee may request additional sets of access keys from the Lessor, if approved the Lessee is responsible for the cost of the additional access keys and to maintain a record of who is assigned the keys.

Building Bond

The Lessee will pay a building bond of $400.00 prior to gaining access to the premises. If required, the bond may be withheld by the Lessor to make good any repairs or minor maintenance that may be necessary at the time of the Lessee vacating the premises.

Insurance

Public liability insurance in accordance with **Item 7** of the Schedule shall be maintained by the Lessee. The Lessee shall also maintain adequate and sufficient contents insurance. A copy of the certificate of currency is to be provided to the Lessor upon commencement of the lease, illustrating the full term of cover.

All cover is to be renewed annually, with a certificate of currency or renewal certificate to be provided to the Lessor on an annual basis.

Insurance for personal property is the Lessee's responsibility. All policy and certificate details are to be made available on request.

Arrangement of and payment for all public liability insurance is the responsibility of the Lessee.

TERMINATION

The Lessor may terminate this agreement by providing three months' written notice to the Lessee if at any time the building is not being used in accordance with the requirements of **Item 6** of the Schedule, or maintained to the Lessor's requirements.

Under exceptional circumstances the Lessor may ask the Lessee to vacate the premises immediately.

The Lessor reserves the right to terminate the agreement in the event that the Lessee commits a breach of its obligations under the agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor.

Restore Premises

Upon termination of this agreement the Lessee must, at its expense, restore the premises to a condition satisfactory to the Lessor.

The Lessor will undertake an assessment and provide a checklist of items to be restored.

Property Inspections

The Lessor may conduct property inspections of the premises on an annual basis to ensure the appearance and the condition of the building is being maintained to the satisfaction of the Lessor and the *Health (Public Buildings) Regulations 1992*.

LESSEE'S RESPONSIBILITIES

Maintenance, Repair and Cleaning

The Lessee must strictly comply with the Maintenance and Cleaning Schedule included as **Annexure 2**.

Where the Lessee is responsible for any damage to the premises, such damage is to be promptly repaired, at the Lessee's expense, to the satisfaction of the Lessor.

Report to Council

The Lessee must report all vandalism, defects and pollution to the Lessor within 24 hours of any such occurrence being identified.

To report any issues please email mail@gingin.wa.gov.au or send via post to PO Box 510, GINGIN WA 6503. If urgent please telephone 9575 2211 during office hours.

Alterations

No alterations, additions or improvements are to be made to the premises without the written consent from the Lessor.

Alterations, additions or improvements to the premises may result in a Lease Variation as project costs, including ongoing maintenance, may be the responsibility of the Lessee.

The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor, except where necessary for urgent safety reasons.

Securing the Premises

The Lessee is to ensure the premises are appropriately secured at all times. Where an alarm is present the alarm should be activated and the Lessor supplied with access codes.

Lessor's Right of Reasonable Entry

The Lessee must permit the Lessor or its authorised representative/s to enter the premises for the following purposes:

- in the event of an emergency;
- to undertake property inspections to ensure compliance with the terms of this Agreement;
- to carry out routine repairs or other work necessary to maintain the premises in good condition; and
- to carry out Capital Project works.

Hiring of the Premises

The Lessee shall not hire out or sub-lease the premises or any part thereof without the prior written approval from the Lessor.

Fire Mitigation

(a) Fire Prevention – Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
   i. the *Bush Fires Act 1954* and any other laws relating to the prevention and control of fires; and
   ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.

(b) Fire Control – The Lessee must immediately :
   i. notify the Lessor as soon as a fire is detected on the Leased Area; and
   ii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area.

(c) Authorised Fires – The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
   i. not prohibited by law or by a direction of the Lessor or an Authority; and
   ii. the fire is not dangerous and is properly controlled so that it cannot become dangerous.

(d) Liability for Fires – The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
   i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
   ii. was started by a cause beyond the Lessee's reasonable control.

(e) Risk Management Plan – Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with **Item 8**.

(f) Failure to comply can lead to immediate termination of this lease.

Smoking on Premises

The Lessee must not smoke or permit a person to smoke within the leased premises.

Comply with Legislation and Statutory Obligations

The Lessee must promptly comply with all statutes and local laws from time to time in force relating to the premises.

The Lessee must apply for, obtain and maintain in force all consents, approvals, authorities, licenses and permits required under any statute for the use of the premises.

The Lessee must not allow a person to carry out any harmful, offensive or illegal act within or around the premises.

Work within Premises

The Lessee must carry out works in accordance with Work Safe (WA) practices, being mindful of the risk to health and fire hazards.

Any works must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Behaviour

The Lessee is not to allow any anti-social behaviour in or around the premises including but not limited to loud music, foul language, drunken behaviour, uncontrollable parties, fighting, acts of physical violence and unwanted entry onto neighbouring properties.

INDEMNITY

Indemnity

The Lessee indemnifies, and shall keep indemnified, the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor or brought, maintained or made against the Lessor in respect of:

(a) any loss whatsoever (including loss of use);

(b) injury or damage of, or to, any kind of property or thing; and

(c) the death of, or injury suffered by, any person,

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

(a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.

Noise Restrictions apply from 7pm to 7am.

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(b) injury or damage of, or to, any kind of property or thing; and

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Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

(a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.

(b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

(1) The Lessee:

(a) agrees to occupy and use the Premises at the risk of the Lessee; and

(b) releases to the full extent permitted by law, the Lessor from:

(i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person, occurring on the Premises or arising from the Lessee's use or occupation of the Premises by; and

(ii) loss of or damage to the Premises or personal property of the Lessee;

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

agreed to by the parties between the CEO and the President of the Lessee for the purpose of resolving the dispute.

c) Appointment of Arbitrator: Phase 3

In the event the dispute is not resolved in accordance with **Disputes - clause B** of this Lease then the dispute shall be determined by an independent arbitrator as agreed to by both parties, and the Lessor and the Lessee may each be represented by a legal practitioner, or otherwise as each party determines appropriate.

d) Payment of Amounts Payable to Date of Award

The Lessee must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies paid.

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SCHEDULE

ITEM 1: LAND

Lot 126 (6) Constable Street, Gingin on Deposited Plan 167298, being a portion of the land comprised in Certificate of Crown Title Volume 2712 Folio 309

PREMISES

The land and buildings contained within the area shown in **Annexure 1**.

ITEM 2: TERM

Five years

ITEM 3: FURTHER TERM

Five years

ITEM 4: COMMENCEMENT DATE

1 July 2018

ITEM 5: RENT

One dollar (peppercorn) per annum.

ITEM 6: USE

Infants' and Children's Playgroup and Childhood Education, and all uses reasonably ancillary to that purpose.

ITEM 7: PUBLIC LIABILITY INSURANCE

$10,000,000.00 to $20,000,000

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

Nil

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It is acknowledged that the Shire of Gingin and the Gingin Playgroup Inc. agree on the above conditions and responsibilities.

Signed on behalf of the Shire of Gingin:

AARON COOK **CHIEF EXECUTIVE OFFICER**	**DATE**

Signed on behalf of the Gingin Playgroup Inc.

SIGNATURE	**DATE**
PRINT NAME	**OFFICE HELD**

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Annexure 1 – Plan of Premises

Not to Scale

Leased Area
29m x 21m x 27.5m x 28m as hatched

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Annexure 2 – Maintenance and Cleaning

The following outlines the cleaning, maintenance and repair obligations of the Lessee for premises' that are leased under this Lease Agreement. This is to be read and adhered to in conjunction with the Lease Agreement.

The Lessor's expectation is that the Lessee is responsible for the cleaning, maintenance and repair of damage as a result of the use of the leased area.

LESSEE Responsibilities:

INTERNAL

The interior of the building is to be maintained in a clean and tidy condition at all times and within the terms of the Lease, is to be kept free of dirty marks, cobwebs and vermin.

Internal	Lessee Responsibilities
Windows	To be kept clean, free from any marks and cobwebs. To be lockable and operable.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed without the prior approval of the Lessor. Locks must be keyed to Lessor's Master Key System.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Ceilings	To be kept clean, free of cobwebs and cleaned of any temporary decoration. Penetrations for appliances such as air conditioning vents shall be kept clean and in good working order. **NOTE:** Any water damage or sagging to be reported to the Lessor.
Floors	To be kept clean and regularly maintained in accordance with the requirements of the type of surface i.e. carpets to be vacuumed regularly and steam cleaned annually, hard floors to be swept and mopped. Hard floors to be stripped back and resealed as required by the lessor. In kitchen areas, relevant Health requirements should be strictly complied with.
Cupboards	To be regularly cleaned with all doors, latches, drawers and shelves being in good working order. To be free from any marks or food residue.
Built in Joinery: (benches, cabinets)	To be regularly cleaned and free of debris.
Electrical Fittings	All electrical fittings such as power points, light switches and light fittings to be kept clean and in good working order and undertake testing of Residual Current Devices in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* Replace light globes and fluorescent light tubes which may fail.

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Fire Fighting Equipment and Exit Signs	To ensure Fire Fighting Equipment is not tampered with or removed from designated area. Lessee is responsible for costs incurred for replacement, mis-use, tampered or lost Fire Fighting Equipment. A clear path or access should be maintained with no obstruction within 1 meter of firefighting equipment. The Lessee is responsible for notifying the Lessor if the Fire Evacuation Exit Signs are not in good working order.
Rubbish Bins	All rubbish is to be placed in the outside Rubbish Bins in the designated bin areas / enclosures.
Security Systems	The Lessee to pay all costs associated with the installation and ongoing monitoring of the security system. To be maintained in accordance with the supplier's instructions. Provide evidence of regular annual maintenance (maintenance Report) by a licensed provider. All Telecommunications and any other fees are to be met by the Lessee. Lessee to provide Access Keys and alarm codes to the Lessor.
Sinks, Basins, Pedestal Pans & Cisterns	To be maintained in a clean and operable condition.
Toilets & Showers	To be kept in a clean and operable condition at all times. All consumables (i.e. toilet paper, paper towels) are the responsibility of the Lessee. All walls and floor surfaces to be kept cleaned and undamaged.
• **Stove, Fans, Refrigerators, Heaters, & other White Goods**	All to be kept clean and operated in accordance with the manufacture's requirements. All items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*

EXTERNAL

The whole of the exterior of the building is to be kept in a clean and tidy condition free from cobwebs, leaves and debris/litter.

In particular, the following items must be given attention:

External	Lessee Responsibilities
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed or altered. All locks are keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.
Walls	To be kept clean, free from any marks, damage and cobwebs.

Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves and debris.
Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately. Any approvals or licences for signs are to be kept current.
Outdoor Sponsorship Signs	To be maintained to not less than the standard outlined above. Sponsorship Signs require approval of the Lessor before being installed.
Surrounds	To be kept clean, tidy and free from litter, rubbish, leaves and debris.
Rubbish Bins	Rubbish bins are to be kept neat and clean. To be placed in the designated areas. Bin enclosures to be kept clear of all rubbish and secured.

LESSOR Responsibilities:

The Lessor will undertake mowing, fertilising, weed control, edging, whipper snipping, removal of garden debris and tree maintenance.

Internal / External	Lessor Responsibilities
Gutter Cleaning	To maintain and clean guttering of natural product, including leaves, twigs and soil.
Fire Protection Equipment	To service and replace fire equipment as required.
Building Structural Repairs	To maintain and repair the building structure from wear and tear.
External Drainage	To repair external drainage infrastructure failure.
Redecoration	To redecorate as required.
Air conditioning	The annual maintenance report is to be undertaken by a licensed provider.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All items to be tested and tagged by a licensed provided in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*
Sinks, Basins, Pedestal Pans & Cisterns	Clearing of all blockages and repairs to fittings.

Toilets & Showers	To clear all blockages. Replacement and repair of fittings such as taps, roll dispensers and coat hangers.

END OF DOCUMENT

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11.2.3 LEASE - SHIRE OF GINGIN AND SEAVIEW PARK PROGRESS ASSOCIATION - PORTION OF LOT 269 SEAVIEW DRIVE, KARAKIN

Location:	Lot 269 Seaview Drive, Karakin
File:	A5706
Author:	Cher Groves – Community Services and Events Officer
Reporting Officer:	Kaye Lowes – Executive Manager Corporate and Community Services
Report Date:	16 October 2018
Refer:	17 June 2014 Item 11.1.2
Appendices:	1. Draft Lease Document

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a lease agreement between the Seaview Park Progress Association Inc. (SPPA) and the Shire of Gingin for the Seaview Park Community Hall located at Lot 269 Seaview Drive, Karakin, as depicted within the lease agreement, for a period of two years with a two year further term.

BACKGROUND

For a number of years the SPPA has been utilising the community hall and grounds at Lot 269 Seaview Park, Karakin for community and recreation uses associated with the group. SPPA also manages the hiring of the premises to third parties on behalf of the Shire. The Community Hall was provided by the developer of Seaview Park for use by the community.

The previous lease agreement expired on 1 June 2018.

Lot 269 is held in freehold by the Shire of Gingin and therefore the proposed lease is not subject to endorsement by the Department of Planning, Lands and Heritage.

COMMENT

The proposed lease between the Shire of Gingin and the SPPA has been negotiated in the format now employed by the Shire for lease arrangements involving community groups, including the standard lease term of two years with a further two year option.

A copy of the draft lease document is provided as **Appendix 1**.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996
Part 6 – Miscellaneous
Clause 30 – Dispositions of property excluded from Act s. 3.58

In accordance with Regulation 30(b)(i), a disposition of land is an exempt disposition if the land is disposed of to a body, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Community Wellbeing*
Outcome	*1.2 Vibrant* *Our community can participate in a range of activities and events that celebrate and promote our unique lifestyle and heritage.*
Key Service Area	*N/A*
Priorities	*1.2.1 Support community groups and volunteers.*
Focus Area	*Infrastructure and Development*
Outcome	*3.2 Community Infrastructure* *The Shire provides fit for purpose community infrastructure in a financially responsible manner.*
Key Service Area	*Community Infrastructure*
Priorities	*3.2.1 Improve the use and financial sustainability of community infrastructure*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Johnson

That Council:

1. **Agree to enter into a lease agreement with the Seaview Park Progress Association Inc. for the Seaview Park Community Hall, located at Lot 269 Seaview Drive, Karakin, for a period of two years with a further two year option in accordance with the lease document shown as Appendix 1; and**

2. **Authorise the Chief Executive Officer to execute the lease document on Council's behalf.**

CARRIED UNANIMOUSLY

APPENDIX 1

LEASE AGREEMENT

SHIRE OF GINGIN

AND

SEAVIEW PARK PROGRESS ASSOCIATION INC.

CONDITIONS

Parties

Shire of Gingin – "The Lessor"

AND

Seaview Park Progress Association Inc. – "The Lessee"

Use

The premises is not to be used for any purpose other than that specified in **Item 6** of the Schedule.

The use of the premises must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988*, *Health (Food Hygiene) Regulations 1993*, *Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Premises

That area of land and buildings located at Lot 269 Seaview Drive, Karakin as depicted on the plan included as **Annexure 1**.

Term

The term of the lease is set out at **Item 2** of the Schedule. The Lessee may request the Lessor to grant a renewal of this Agreement for the further term set out at **Item 3** of the Schedule by giving written notice at least one month prior to the expiry of the initial term.

Holding Over

If the Lessor consents to the Lessee continuing to occupy the Leased Area after the expiry date, after the end of any extended term or during a lease renewal negotiation period, the Lessee is a monthly Lessee of the Leased Area and

(a) the monthly tenancy may be terminated by either party giving to the other at least one month's notice which may expire on any day;
(b) the rent is the same rent payable immediately before the expiry date or after the end of any extended term; and
(c) all the other provisions of this Lease apply to the monthly tenancy except any option to extend this Lease.

Provision of Information

The Lessee agrees to provide to the Lessor:
(a) a copy of the Lessee's audited annual statement of accounts for each year;
(b) a copy of the Certificate of Currency or renewal certificate to be provided to the Lessor on an annual basis for each insurance policy, including Public Liability and Contents Insurance;
(c) written advise of any changes in its office holders or its rules of Association during the Term; and
(d) any information reasonably required by the Lessor.

RENT AND OTHER PAYMENTS

Rent

As specified in **Item 5** of the Schedule.

Outgoings

Electricity, gas, water, refuse collection and other consumable charges are the responsibility of the Lessor.

Key Bond

The Lessee will pay a bond of $200.00 for a set of access keys to the premises prior to access being granted. If required, the bond may be withheld by the Lessor in the event that replacement of keys is required at the time of the Lessee vacating the premises.

The Lessee may request additional sets of access keys from the Lessor, if approved the Lessee is responsible for the cost of the additional access keys and to maintain a record of who is assigned the keys.

Building Bond

The Lessee will pay a building bond of $400.00 prior to gaining access to the premises. If required, the bond may be withheld by the Lessor to make good any repairs or minor maintenance that may be necessary at the time of the Lessee vacating the premises.

Insurance

Public liability insurance in accordance with **Item 7** of the Schedule shall be maintained by the Lessee. The Lessee shall also maintain adequate and sufficient contents insurance. A copy of the certificate of currency is to be provided to the Lessor upon commencement of the lease, illustrating the full term of cover.

All cover is to be renewed annually, with a certificate of currency or renewal certificate to be provided to the Lessor on an annual basis.

Insurance for personal property is the Lessee's responsibility. All policy and certificate details are to be made available on request.

Arrangement of and payment for all public liability insurance is the responsibility of the Lessee.

TERMINATION

The Lessor may terminate this agreement by providing three months' written notice to the Lessee if at any time the building is not being used in accordance with the requirements of **Item 6** of the Schedule, or maintained to the Lessor's requirements.

Under exceptional circumstances the Lessor may ask the Lessee to vacate the premises immediately.

The Lessor reserves the right to terminate the agreement in the event that the Lessee commits a breach of its obligations under the agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor.

Restore Premises

Upon termination of this agreement the Lessee must, at its expense, restore the premises to a condition satisfactory to the Lessor.

The Lessor will undertake an assessment and provide a checklist of items to be restored.

Property Inspections

The Lessor may conduct property inspections of the premises on an annual basis to ensure the appearance and the condition of the building is being maintained to the satisfaction of the Lessor and the *Health (Public Buildings) Regulations 1992*.

LESSEE'S RESPONSIBILITIES

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The Lessee must strictly comply with the Maintenance and Cleaning Schedule included as **Annexure 2**.

Where the Lessee is responsible for any damage to the premises, such damage is to be promptly repaired, at the Lessee's expense, to the satisfaction of the Lessor.

Report to Council

The Lessee must report all vandalism, defects and pollution to the Lessor within 24 hours of any such occurrence being identified.

To report any issues please email mail@gingin.wa.gov.au or send via post to PO Box 510, GINGIN WA 6503. If urgent please telephone 9575 2211 during office hours.

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The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor, except where necessary for urgent safety reasons.

Securing the Premises

The Lessee is to ensure the premises are appropriately secured at all times. Where an alarm is present the alarm should be activated and the Lessor supplied with access codes.

Lessor's Right of Reasonable Entry

The Lessee must permit the Lessor or its authorised representative/s to enter the premises for the following purposes:

- in the event of an emergency;
- to undertake property inspections to ensure compliance with the terms of this Agreement;
- to carry out routine repairs or other work necessary to maintain the premises in good condition; and
- to carry out Capital Project works.

Hiring of the Premises

The Lessor acknowledges that the Lessee manages the hiring out of the premises to third parties. Hire fees be set as part of the Schedule of Fees and Charges in the Lessor's annual budget.

Records of all income derived from hire charges shall be forwarded to the Lessor on a quarterly basis. Said income can be retained by the Lessee as a management fee, less the Goods and Services Tax (GST) which is payable to the Lessor. Records will be used to provide quarterly provision of consumables.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988, Health (Food Hygiene) Regulations 1993, Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Fire Mitigation

(a) Fire Prevention – Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
   i. the *Bush Fires Act 1954* and any other laws relating to the prevention and control of fires; and
   ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.

(b) Fire Control – The Lessee must immediately :

i. notify the Lessor as soon as a fire is detected on the Leased Area; and
ii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area.

(c) Authorised Fires – The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
i. not prohibited by law or by a direction of the Lessor or an Authority; and
ii. the fire is not dangerous and is properly controlled so that it cannot become dangerous.

(d) Liability for Fires – The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
ii. was started by a cause beyond the Lessee's reasonable control.

(e) Risk Management Plan – Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with **Item 8**.

(f) Failure to comply can lead to immediate termination of this lease.

Smoking on Premises

The Lessee must not smoke or permit a person to smoke within the leased premises.

Comply with Legislation and Statutory Obligations

The Lessee must promptly comply with all statutes and local laws from time to time in force relating to the premises.

The Lessee must apply for, obtain and maintain in force all consents, approvals, authorities, licenses and permits required under any statute for the use of the premises.

The Lessee must not allow a person to carry out any harmful, offensive or illegal act within or around the premises.

Work within Premises

The Lessee must carry out works in accordance with Work Safe (WA) practices, being mindful of the risk to health and fire hazards.

Any works must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Behaviour

The Lessee is not to allow any anti-social behaviour in or around the premises including but not limited to loud music, foul language, drunken behaviour, uncontrollable parties, fighting, acts of physical violence and unwanted entry onto neighbouring properties.

Noise Restrictions apply from 7pm to 7am.

INDEMNITY

Indemnity

The Lessee indemnifies, and shall keep indemnified, the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor or brought, maintained or made against the Lessor in respect of:

(a) any loss whatsoever (including loss of use);

(b) injury or damage of, or to, any kind of property or thing; and

(c) the death of, or injury suffered by, any person,

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

(a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.

(b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

(1) The Lessee:

(a) agrees to occupy and use the Premises at the risk of the Lessee; and

(b) releases to the full extent permitted by law, the Lessor from:

(i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person, occurring on the Premises or arising from the Lessee's use or occupation of the Premises by; and

(ii) loss of or damage to the Premises or personal property of the Lessee;

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Limit of Lessor's liability

(1) The Lessor will not be liable for loss, damage or injury to any person or property in or about the Premises however occurring, except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The Lessor will not be liable for any failure to perform and observe any of the Lessor's Covenants due to any cause beyond the Lessor's control.

DISPUTES

a) Referral of Dispute: Phase 1

Except as otherwise provided any dispute arising out of this Lease is to be referred in the first instance in writing to the Lessor's Representative as nominated in writing by the Lessor from time to time (the Lessor's Representative) who shall convene a meeting within 15 days of receipt of such notice from the Lessee or such other period of time as is agreed to by the parties between the Lessor and a nominated representative of the Lessee for the purpose of resolving the dispute (the Original Meeting).

b) Referral of Dispute: Phase 2

In the event the dispute is not resolved in accordance with **Disputes - clause A** of this Lease then the dispute shall be referred in writing to the Chief Executive Officer (CEO) of the Lessor who shall convene a meeting within 15 days of the Original Meeting or such other date as is agreed to by the parties between the CEO and the President of the Lessee for the purpose of resolving the dispute.

c) Appointment of Arbitrator: Phase 3

In the event the dispute is not resolved in accordance with **Disputes - clause B** of this Lease then the dispute shall be determined by an independent arbitrator as agreed to by both parties, and the Lessor and the Lessee may each be represented by a legal practitioner, or otherwise as each party determines appropriate.

d) Payment of Amounts Payable to Date of Award

The Lessee must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies paid.

SCHEDULE

ITEM 1: LAND

Lot 269 Seaview Drive, Karakin, on Plan 049546, being the land in Certificate of Crown Title Volume 2625 Folio 270.

PREMISES

The land and buildings contained within the area shown in **Annexure 1**.

ITEM 2: TERM

Two years

ITEM 3: FURTHER TERM

Two years

ITEM 4: COMMENCEMENT DATE

1 July 2018

ITEM 5: RENT

One dollar per annum.

ITEM 6: USE

Social and recreational activities of the Seaview Park Progress Association Inc. and all uses reasonably ancillary to that purpose.

ITEM 7: PUBLIC LIABILITY INSURANCE

$20,000,000.00

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

Nil .

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It is acknowledged that the Shire of Gingin and the Seaview Park Progress Association Inc. agree on the above conditions and responsibilities.

Signed on behalf of the Shire of Gingin:

AARON COOK **CHIEF EXECUTIVE OFFICER**	**DATE**

Signed on behalf of the Seaview Park Progress Association Inc.

SIGNATURE	**DATE**
PRINT NAME	**OFFICE HELD**

DRAFT

Annexure 1 – Plan of Premises

Leased Area
66.13m - 95.79m - 55.2m - 85.3m - 154.99m - 206.1m as hatched

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Annexure 2 – Maintenance and Cleaning

The following outlines the cleaning, maintenance and repair obligations of the Lessee for buildings that are leased under this Lease Agreement. This is to be read and adhered to in conjunction with the Lease Agreement.

The Lessor's expectation is that the Lessee is responsible for the cleaning, maintenance and repair of damage as a result of the use of the leased area.

Lessee Responsibilities:

INTERNAL

The interior of the building is to be maintained in a clean and tidy condition at all times and within the terms of the Lease, is to be kept free of dirty marks, cobwebs and vermin.

Internal	Lessee Responsibilities
Windows	To be kept clean, free from any marks and cobwebs. To be lockable and operable.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed without the prior approval of the Lessor. Locks must be keyed to Lessor's Master Key System.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Ceilings	To be kept clean, free of cobwebs and cleaned of any temporary decoration. Penetrations for appliances such as air conditioning vents shall be kept clean and in good working order. **NOTE:** Any water damage or sagging to be reported to the Lessor.
Floors	To be kept clean and regularly maintained in accordance with the requirements of the type of surface i.e. carpets to be vacuumed regularly and steam cleaned annually, hard floors to be swept and mopped. Hard floors to be stripped back and resealed as required by the lessor. In kitchen areas, relevant Health requirements should be strictly complied with.
Cupboards	To be regularly cleaned with all doors, latches, drawers and shelves being in good working order. To be free from any marks or food residue.
Built in Joinery: **(benches, cabinets)**	To be regularly cleaned and free of debris.
Electrical Fittings	All electrical fittings such as power points, light switches and light fittings to be kept clean and in good working order and undertake testing of Residual Current Devices in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* Replace light globes and fluorescent light tubes which may fail.
Fire Fighting Equipment and Exit Signs	To ensure Fire Fighting Equipment is not tampered with or removed from designated area. Lessee is responsible for costs incurred for replacement, mis-use, tampered or lost Fire Fighting Equipment.

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	A clear path or access should be maintained with no obstruction within 1 meter of firefighting equipment. The Lessee is responsible for notifying the Lessor if the Fire Evacuation Exit Signs are not in good working order.
Rubbish Bins	All rubbish is to be placed in the outside Rubbish Bins in the designated bin areas / enclosures.
Security Systems	The Lessee to pay all costs associated with the installation and ongoing monitoring of the security system. To be maintained in accordance with the supplier's instructions. Provide evidence of regular annual maintenance (maintenance Report) by a licensed provider. All Telecommunications and any other fees are to be met by the Lessee. Lessee to provide Access Keys and alarm codes to the Lessor.
Sinks, Basins, Pedestal Pans & Cisterns	To be maintained in a clean and operable condition.
Toilets & Showers	To be kept in a clean and operable condition at all times. Additional consumables, after usage of quarterly provision (i.e. toilet paper, paper towels) are the responsibility of the Lessee. All walls and floor surfaces to be kept cleaned and undamaged.
• **Stove, Fans, Refrigerators, Heaters, & other White Goods**	All to be kept clean and operated in accordance with the manufacture's requirements.

EXTERNAL

The whole of the exterior of the building is to be kept in a clean and tidy condition free from cobwebs, leaves and debris/litter.

In particular, the following items must be given attention:

External	Lessee Responsibilities
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed or altered. All locks are keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves and debris.

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Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately. Any approvals or licences for signs are to be kept current.
Outdoor Sponsorship Signs	To be maintained to not less than the standard outlined above. Sponsorship Signs require approval of the Lessor before being installed.
Surrounds	To be kept clean, tidy and free from litter, rubbish, leaves and debris.
Rubbish Bins	Rubbish bins are to be kept neat and clean. To be placed in the designated areas. Bin enclosures to be kept clear of all rubbish and secured.

Lessor Responsibilities

Internal / External	Lessor Responsibilities
Gutter Cleaning	To maintain and clean guttering of natural product, including leaves, twigs and soil.
Fire Protection Equipment	To service and replace fire equipment as required.
Building Structural Repairs	To maintain and repair the building structure from wear and tear.
External Drainage	To repair external drainage infrastructure failure.
Redecoration	To redecorate as required.
Air conditioning	The annual maintenance report is to be undertaken by a licensed provider.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All items to be tested and tagged by a licensed provided in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*
Sinks, Basins, Pedestal Pans & Cisterns	Clearing of all blockages and repairs to fittings.
Toilets & Showers	To clear all blockages. Replacement and repair of fittings such as taps, roll dispensers and coat hangers. A quarterly provision of consumables (i.e. toilet paper, paper towels) will be provided subject to usage (as reported on a quarterly basis plus a "group use" allocation).

11.2.4 LEASE - SHIRE OF GINGIN AND ST JOHN AMBULANCE AUSTRALIA - PORTION OF LOT 267 KING DRIVE, WOODRIDGE

Location:	Lot 267 King Drive, Woodridge
File:	A4974
Author:	Cher Groves – Community Services and Events Officer
Reporting Officer:	Kaye Lowes – Executive Manager Corporate and Community Services
Report Date:	16 October 2018
Refer:	18 September 2018 Item 11.3.2
Appendices:	1 Location Plan

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a lease agreement between St John Ambulance Western Australia Ltd (St John) and the Shire of Gingin for the proposed development of a new Sub Branch of the Lancelin and Coastal Districts Sub Centre located at Lot 267 King Drive, Woodridge, for a period of twenty years.

BACKGROUND

The subject site is located on the corner of King and Birdwood Drive within the Woodridge Estate, and has been cleared to commence the proposed building.

The south-eastern portion of the site currently accommodates an emergency building used by St John Ambulance (Lancelin Sub Centre) and the Gingin West Bushfire Brigade as a shared facility. In March 1998 a Co-Location Management Agreement (Deed) was signed by St John Ambulance Australia and the Shire of Gingin for a period of 21 years, with a further 21 year option for use of the existing facility. This facility is no longer large enough to cater for future emergency services needs along the busy Indian Ocean Drive.

At its meeting of 18 September 2018, Council resolved to grant development approval for a new ambulance sub-centre on Lot 267, subject to the following conditions:

1. *The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;*

2. *The proposed crossovers shall be designed and constructed to the satisfaction of the Shire of Gingin prior to occupancy or use of the development;*

3. *Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;*

4. *The 1.8 metre high black garrison fence and gate shall be visually permeable and remain free of any advertising signage; and*

5. The vehicle parking area shall be sealed, drained and line marked in accordance with the approved plans and specifications, prior to occupancy or use of the development and shall be thereafter maintained to the satisfaction of the Shire of Gingin.

Advice Notes

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

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

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

Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and Health Act 1911, which are to be approved by the Shire of Gingin.

Note 5: The required crossover is subject to the approval of the Shire of Gingin. A Vehicle Crossover Application is required to be submitted and approved prior to the commencement of the crossover installation.

Note 6: The applicant/landowner is advised to refer to the requirements of the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.

COMMENT

St John has third party grant funding obligations with respect to the development of this facility, including a designated completion date. However, the building cannot commence until tenure of the land has been negotiated with the Shire of Gingin.

A detailed lease document has been drafted by Council's solicitors and is currently being reviewed by the Shire's Executive Management Team and St John. Whilst lease negotiations continue, officers request that Council consider granting exclusive use to the subject portion of Lot 267 King Drive, Woodridge, thus enabling St Johns to commence the project in a timely manner.

It should be noted that Council will not be financially responsible for the building, its ongoing maintenance or insurances.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996
Part 6 – Miscellaneous
Clause 30 – Dispositions of property excluded from Act s. 3.58

In accordance with Regulation 30(b)(i), a disposition of land is an exempt disposition if the land is disposed of to a body, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Community Wellbeing*
Outcome	*1.1 Inclusive* *Our community has access to a range of community programs, services and initiatives that support wellbeing and inclusion.*
Key Service Area	*N/A*
Priorities	*N/A*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Elgin

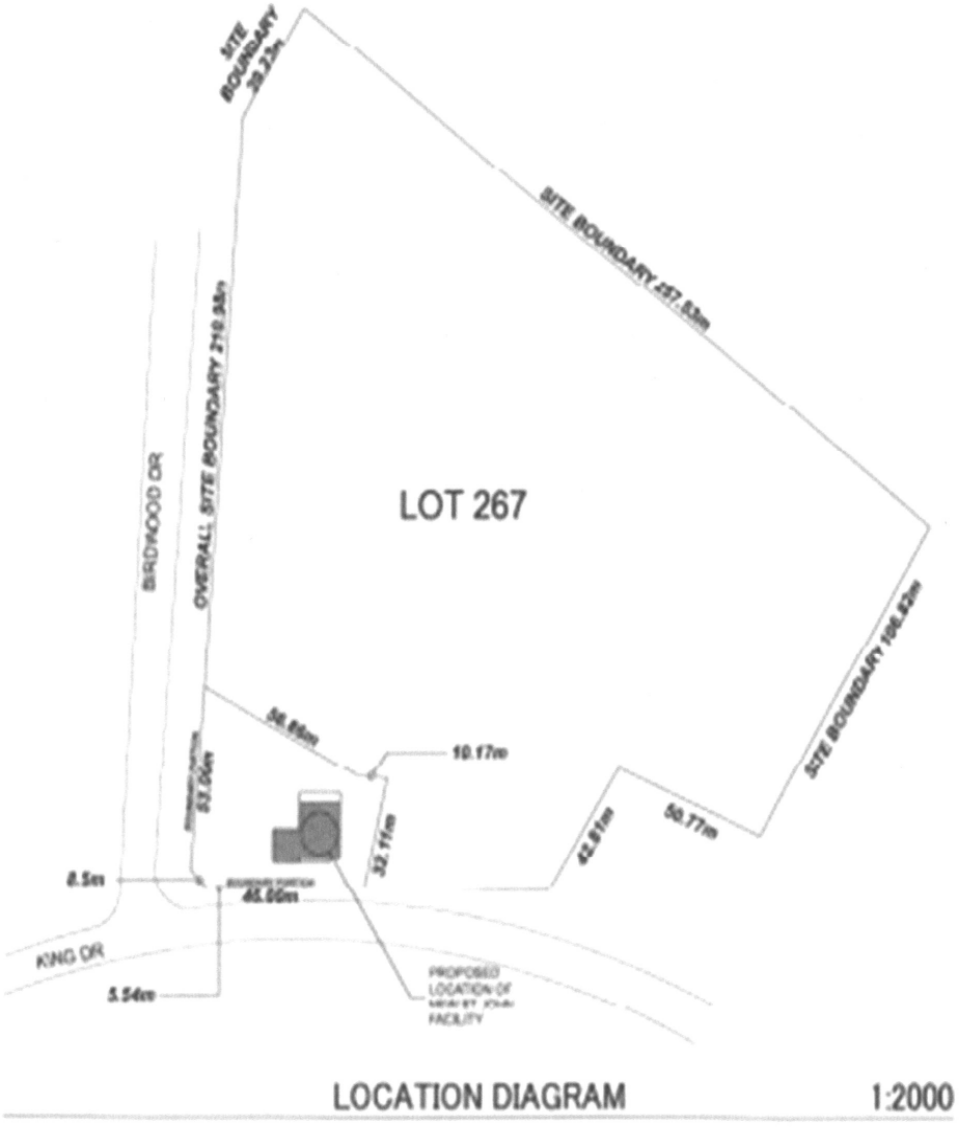
That Council:

1. **Grant St John Ambulance Western Australia Ltd exclusive use of that portion of Lot 267 King Drive, Woodridge, as depicted in Appendix 1, for a period of twenty years subject, to the preparation of a mutually acceptable lease agreement to the satisfaction of the Chief Executive Officer; and**

2. **Authorise the Chief Executive Officer and Shire President (as necessary) to execute the resulting lease document, including affixing of the Common Seal if required.**

CARRIED UNANIMOUSLY

APPENDIX 1


SITE BOUNDARY 39.23m
SITE BOUNDARY 257.53m
LOT 267
BIRDWOOD DR
OVERALL SITE BOUNDARY 210.38m
SITE BOUNDARY 106.52m
56.89m
10.17m
53.00m
33.11m
42.81m
50.77m
8.5m
45.00m
KING DR
5.54m
PROPOSED LOCATION OF FACILITY
LOCATION DIAGRAM
1:2000

Lot 241
10620.2sq.m.
Lot 254
12555.5sq.m.
Lot 253
11408.4sq.m.
Lot 256
11667.0sq.m.
Lot 257
11229.7sq.m.
Lot 261
10634.8sq.m.
Lot 404
18775.8sq.m.
INDIAN OCEAN DR
Lot 253
11481.0sq.m.
Lot 252
11095.4sq.m.
Lot 55
2856.8sq.m.
Lot 263
10666.9sq.m.
Lot 264
11039.4sq.m.
Lot 265
11138.2sq.m.
Lot 266
12067.2sq.m.
Woodridge Community Hall
Lot 301
51344.5sq.m.
KING DR
Lot 267
38890.3sq.m.
Lot 12208
2043.3sq.m.
BIRDWOOD DR
Lot 302
10287.0sq.m.
WOOLLY BUSH LOOP
Lot 203
10565.0sq.m.
Lot 303
10309.6sq.m.
Lot 304
10319.7sq.m.
Lot 353
10589.1sq.m.
Lot 354
10671.5sq.m.
Lot 202
10562.0sq.m.
Lot 305
20398.5sq.m.
Lot 201
11568.0sq.m.
Lot 1
20383.5sq.m.
Lot 306
10272.4sq.m.
Lot 352
10587.9sq.m.
Lot 355
10278.4sq.m.
Lot 462
455.0sq.m.
Lot 200
11421.0sq.m.
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Lot 267 King Drive, Woodridge
Scale: 1:3285
Date: 11/10/2018
N

11.2.5 MONTHLY FINANCIAL STATEMENT AND LIST OF PAID ACCOUNTS

File:	FIN/25
Reporting Officer:	Kaye Lowes - Executive Manager Corporate & Community
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Statement of Financial Position for the Period to 31 August 2018

DISCLOSURES OF INTEREST

Nil

COMMENT

The following are presented for Council's consideration:

1. Statement of Financial Position for the period to 31 August 2018.

   This Statement of Financial Position was unavailable for presentation to the Council meeting on 18 September 2018 and is now provided for Council's consideration.

2. Statement of Financial Position for the period to 30 September 2018.

3. List of Paid Accounts for the period to 30 September 2018 in accordance with the following summary of activity:

PAYMENT TYPE	**$**
Municipal	
EFT	701,988.16
Cheque	6,230.43
Direct Debit	95,103.95
Total (Municipal)	**803,322.54**
Trust	**9.10**
Bank Statement	
Bank Fees and Charges	6,416.21
Wages and Salaries	262,862.01
Police Licensing	86,243.20
LA Office Rent	643.38
Total (Bank Statement)	**356,164.80**
TOTAL EXPENDITURE	**1,159,487.34**

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

STATUTORY ENVIRONMENT

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 – s.6.4
Regulation 34 – Financial activity statement required each month (Act s.6.4)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Governance*
Objective	*5. To demonstrate effective leadership, governance and advocacy on behalf of community*
Outcome	*5.1 Values* *Our Organisational/business values are demonstrated in all that we do.*
Key Service Area	*Financial Management*
Priorities	*Nil*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Morton

That Council:

1. **Receive the Statement of Financial Position for the period ending 31 August 2018 as presented in Appendix 1;**

2. **Receive the Statement of Financial Position for the period ending 30 September 2018 as presented in Appendix 2; and**

3. **Endorse the List of Paid Accounts for the period ending 30 September 2018.**

CARRIED UNANIMOUSLY

APPENDIX 1

MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2018 TO 31 AUGUST 2018

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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SHIRE OF GINGIN
Information Summary

Key Information

Report Purpose:

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

Items of Significance:

The material variance adopted by the City/Town/Shire of Gingin for the 2018/19 year is $10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Ziggy Edwards
Reviewed by: Kaye Lowes
Date Prepared: 11/10/2018

Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %	Timing/ Permanent	Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,509,994	1,509,994	1,423,382	(86,612)	(5.74)%	Permanent	Variance relates to adjustment for Leave Liability not included in Budget Calculation
REVENUE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	1,121,521	186,912	165,235	(21,677)	(11.60)%	Timing	
GENERAL PURPOSE FUNDING - RATES	7,937,123	7,914,619	7,918,857	4,238	0.05%		
GOVERNANCE	50	8	0	(8)	(100.00)%	Timing	
LAW ORDER PUBLIC SAFETY	567,488	94,566	220,845	126,279	133.54%	Timing	BRPC Grant Funded by DFES in full
EDUCATION & WELFARE	105,500	17,582	18,930	1,348	7.67%		
HEALTH	316,848	52,802	195,279	142,477	269.83%	Timing	Includes Voluntary Fly Levy raised which will vary
HOUSING	22,200	3,696	4,288	592	16.02%	Timing	
COMMUNITY AMENITIES	1,491,573	1,344,161	1,539,468	195,307	14.53%	Timing	
RECREATION & CULTURE	234,708	39,102	16,565	(22,537)	(57.64)%	Timing	
TRANSPORT	179,057	29,840	3,644	(26,196)	(87.79)%	Timing	
ECONOMIC SERVICES	1,687,847	281,288	162,243	(119,045)	(42.32)%	Timing	
OTHER PROPERTY & SERVICES	280,550	46,752	54,012	7,260	15.53%	Timing	
TOTAL REVENUE	13,944,465	10,011,328	10,299,366	288,038	2.88%		
EXPENDITURE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	(359,061)	(59,836)	(63,717)	(3,881)	(6.49)%		
GOVERNANCE	(1,086,849)	(181,092)	(174,019)	7,073	3.91%		
LAW ORDER PUBLIC SAFETY	(1,526,634)	(255,899)	(188,906)	66,993	26.18%	Timing	
EDUCATION & WELFARE	(213,405)	(37,257)	(22,303)	14,954	40.14%	Timing	
HEALTH	(808,727)	(139,167)	(134,727)	4,440	3.19%		
HOUSING	(40,509)	(7,423)	(5,229)	2,194	29.56%	Timing	
COMMUNITY AMENITIES	(2,798,660)	(478,374)	(239,436)	238,938	49.95%	Timing	
RECREATION & CULTURE	(3,233,764)	(552,859)	(322,489)	230,370	41.67%	Timing	
TRANSPORT	(4,475,577)	(747,051)	(363,255)	383,796	51.37%	Timing	Depreciation not raised until 2017/18 accounts finalised
ECONOMIC SERVICES	(1,466,484)	(247,993)	(165,817)	82,176	33.14%	Timing	
OTHER PROPERTY & SERVICES	(602,530)	(101,460)	(119,637)	(18,177)	(17.92)%	Timing	
TOTAL EXPENSES	(16,612,200)	(2,808,411)	(1,799,536)	1,008,875	35.92%	Timing	
OPENING ACTIVITIES EXCLUDED FROM BUDGET							
ADJUST BACK DEPRECIATION	4,333,416	722,208	0	(722,208)	(100.00)%	Timing	Depreciation not raised until 2017/18 accounts finalised
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	119,132	19,864	0	(19,864)	(100.00)%	Timing	

Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %	Timing/ Permanent	Comments
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	1,784,813	7,944,989	8,499,829	554,840	6.98%		
INVESTING ACTIVITIES							
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	5,006,278	1,401,036	1,074,400	(326,636)	(23.31)%	Timing	
PROCEEDS FROM DISPOSAL OF ASSETS	128,453	21,404	0	(21,404)	(100.00)%	Timing	
PURCHASE LAND AND BUILDINGS	(857,307)	(117,906)	(2,670)	114,836	97.73%	Timing	
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(4,705,611)	(784,238)	(1,439)	782,799	99.82%	Timing	
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(676,540)	(112,744)	(24,533)	88,211	78.24%	Timing	
PURCHASE PLANT AND EQUIPMENT	(1,479,073)	(246,598)	(27,825)	218,773	88.72%	Timing	
PURCHASE FURNITURE AND EQUIPMENT	(106,880)	(17,804)	(16,173)	1,631	9.16%		
PURCHASE FOOTPATHS	(200,000)	(33,332)	(40,000)	(6,668)	(20.00)%	Timing	
PURCHASE OTHER INFRASTRUCTURE	(54,000)	(8,996)	(7,783)	1,213	13.49%	Timing	
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(66,666)	0	66,666	100.00%	Timing	
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(3,345,280)	34,556	953,876	919,420	2,660.67%		
FINANCING ACTIVITIES							
PROCEEDS FROM NEW DEBENTURES	455,740	70,832	0	(70,832)	(100.00)%	Timing	
PROCEEDS FROM SELF-SUPPORTING LOANS	6,353	1,058	0	(1,058)	(100.00)%	Timing	
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(173,602)	(28,918)	(1,181)	27,737	95.92%	Timing	
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	540,958	90,152	0	(90,152)	(100.00)%	Timing	
REPAYMENT OF DEBENTURES	(205,446)	(57,384)	(56,802)	582	1.01%		
SELF-SUPPORTING LOANS RAISED	(33,740)	(4,166)	0	4,166	100.00%	Timing	
PROCEEDS FROM ADVANCES	11,986	1,996	5,902	3,906	195.71%	Timing	
RESTRICTED CASH	(529,777)	(95,796)	15,000	110,796	115.66%	Timing	
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	50,472	(22,226)	(37,081)	(14,855)	(66.83)%		
CLOSING FUNDING SURPLUS(DEFICIT)	0	9,467,319	10,840,107	1,372,794	14.50%		

Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

Statement of Financial Activity by Nature & Type

	Current Budget	Current YTD Budget	YTD Actual	Var $	Var %	Timing/ Permanent	Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,509,994	1,509,994	1,423,382	(86,612)	(5.74)%		
REVENUE FROM OPERATING ACTIVITIES							
RATES	7,937,123	7,914,619	7,918,857	4,238	0.05%		
GRANTS & SUBSIDIES (OPERATING)	1,743,983	290,640	443,804	153,164	52.70%	Timing	Bushfire Risk Planning Officer Grant paid in full by DFES
FEES & CHARGES	3,879,071	1,742,031	1,709,679	(32,352)	(1.86)%		
INTEREST EARNINGS	244,000	40,660	9,406	(31,254)	(76.87)%	Timing	Funds Invested September
OTHER REVENUE	140,288	23,378	217,578	194,200	830.70%	Timing	Includes Voluntary Levies raised which will vary
OTHER EXPENDITURE	0	0	41	41			
TOTAL REVENUE	**13,944,465**	**10,011,328**	**10,299,366**	**288,038**	**2.88%**		
EXPENDITURE FROM OPERATING ACTIVITIES							
EMPLOYEE COSTS	(5,450,925)	(908,318)	(752,947)	155,371	17.11%	Timing	Lower than anticipated employee costs
MATERIALS & CONTRACTS	(5,086,938)	(847,174)	(653,794)	193,380	22.83%	Timing	
UTILITIES (GAS WATER ETC)	(450,650)	(75,065)	(61,028)	14,037	18.70%	Timing	
INSURANCES	(355,268)	(94,505)	(252,302)	(157,797)	(166.97)%	Timing	Timing of payments
DEPRECIATION OF ASSETS	(4,333,416)	(722,208)	0	722,208	100.00%	Timing	Awaiting finalisation of 2017/18 accounts prior to depreciation calculation
INTEREST EXPENSES	(130,778)	(27,201)	(27,777)	(576)	(2.12)%		
OTHER EXPENDITURE	(685,091)	(114,106)	(51,148)	62,958	55.17%	Timing	
LOSS ON SALE OF ASSETS	(119,132)	(19,854)	0	19,854	100.00%	Timing	
ADMIN ALLOCATED	(1)	20	0	(20)	(100.00)%		
STOCK - MATERIALS	0	0	(540)	(540)			
TOTAL EXPENSES	**(16,612,200)**	**(2,808,411)**	**(1,799,537)**	**1,008,874**	**35.92%**		
OPENING ACTIVITIES EXCLUDED FROM BUDGET							
ADJUST BACK DEPRECIATION	4,333,416	722,208	0	(722,208)	(100.00)%	Timing	
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	119,132	19,864	0	(19,864)	(100.00)%	Timing	
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	**1,784,813**	**7,944,989**	**8,499,829**	**554,840**	**6.98%**		
INVESTING ACTIVITIES							
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	5,006,278	1,401,036	1,074,400	(326,636)	(23.31)%	Timing	
PROCEEDS FROM DISPOSAL OF ASSETS	128,455	21,404	0	(21,404)	(100.00)%	Timing	
PURCHASE LAND AND BUILDINGS	(857,307)	(117,506)	(2,670)	114,836	97.73%	Timing	
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(4,705,611)	(784,238)	(1,439)	782,799	99.82%	Timing	
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(676,540)	(112,744)	(24,533)	88,211	78.24%	Timing	
PURCHASE PLANT AND EQUIPMENT	(1,479,675)	(246,598)	(27,825)	218,773	88.72%	Timing	
PURCHASE FURNITURE AND EQUIPMENT	(106,880)	(17,804)	(16,173)	1,631	9.16%	Timing	
PURCHASE FOOTPATHS	(200,000)	(33,332)	(40,000)	(6,668)	(20.00)%	Timing	
PURCHASE OTHER INFRASTRUCTURE	(54,000)	(8,996)	(7,783)	1,213	13.49%	Timing	
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(66,666)	0	66,666	100.00%	Timing	
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	**(3,345,280)**	**34,556**	**953,976**	**919,420**	**2,660.67%**		
FINANCING ACTIVITIES							
PROCEEDS FROM NEW DEBENTURES	455,740	70,832	0	(70,832)	(100.00)%	Timing	

Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

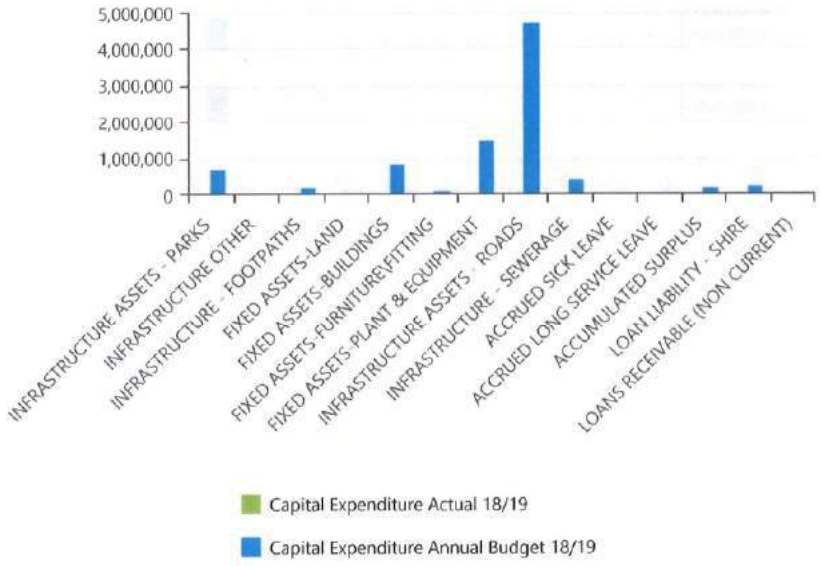
	Current Budget	Current YTD Budget	YTD Actual	Var $	Var %	Timing/ Permanent	Comments
PROCEEDS FROM ADVANCES	11,986	1,996	5,902	3,906	195.71%	Timing	
PROCEEDS FROM SELF-SUPPORTING LOANS	6,353	1,058	0	(1,058)	(100.00)%	Timing	
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(173,602)	(28,918)	(1,181)	27,737	95.92%		EOY Transactions
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	540,958	90,152	0	(90,152)	(100.00)%		EOY Transactions
REPAYMENT OF DEBENTURES	(205,446)	(57,384)	(56,802)	582	1.01%		
SELF-SUPPORTING LOANS RAISED	(55,740)	(4,166)	0	4,166	100.00%	Timing	
RESTRICTED CASH	(529,777)	(95,796)	15,000	110,796	115.66%	Timing	
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	**50,472**	**(22,226)**	**(37,081)**	**(14,855)**	**(66.83)%**		
CLOSING FUNDING SURPLUS(DEFICIT)	**0**	**9,467,313**	**10,840,107**	**1,372,794**	**14.50%**		

Shire of Gingin Financial Statement of Activity
1 July 2018 to 31 August 2018

Acquisition of Assets & Other Non-Capital Expenditure (cont.)

By Category

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
ACCRUED SICK LEAVE	3,641	0
ACCRUED LONG SERVICE LEAVE	14,625	0
LOAN LIABILITY - SHIRE	56,802	205,446
FIXED ASSETS-LAND	970	40,000
FIXED ASSETS-BUILDINGS	1,700	817,307
FIXED ASSETS-FURNITURE\FITTING	16,173	106,880
FIXED ASSETS-PLANT & EQUIPMENT	27,825	1,479,675
INFRASTRUCTURE ASSETS - ROADS	1,439	4,705,611
INFRASTRUCTURE ASSETS - PARKS	24,533	676,540
INFRASTRUCTURE OTHER	7,783	54,000
INFRASTRUCTURE - FOOTPATHS	40,000	200,000
LOANS RECEIVABLE (NON CURRENT)	0	55,740
INFRASTRUCTURE - SEWERAGE	0	400,000
ACCUMULATED SURPLUS	1,181	173,602
TOTAL	196,673	8,914,801

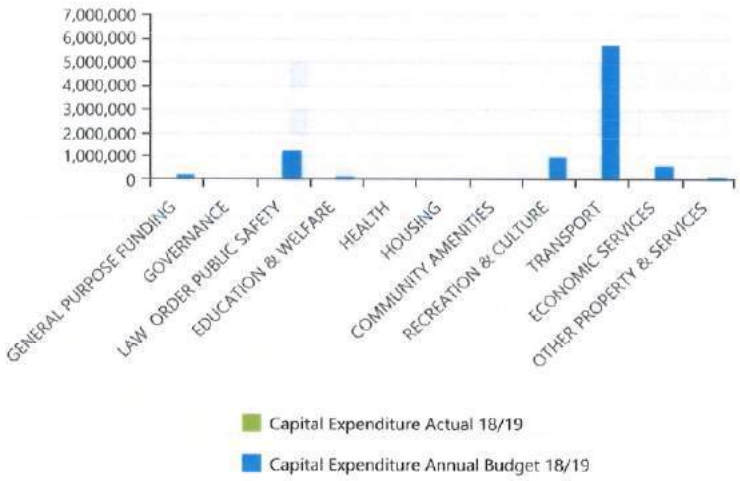


Shire of Gingin Financial Statement of Activity
1 July 2018 to 31 August 2018

Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
GENERAL PURPOSE FUNDING	1,181	163,990
GOVERNANCE	0	2,500
LAW ORDER PUBLIC SAFETY	0	1,205,400
EDUCATION & WELFARE	103	105,000
HEALTH	12,821	28,066
HOUSING	127	0
COMMUNITY AMENITIES	17,987	74,362
RECREATION & CULTURE	32,868	936,580
TRANSPORT	77,047	5,718,286
ECONOMIC SERVICES	34,180	571,610
OTHER PROPERTY & SERVICES	20,360	109,007
TOTAL	196,673	8,914,801



Shire of Gingin Monthly Financial Statement of Activity
1 July to 31 August 2018

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
05 LAW ORDER PUBLIC SAFETY		
SALE OF ASSETS		
05318015 Sale Of Ranger's D/Cab Utility 4wd GG073	15,000	0
05318020 Sale Of Ranger's D/Cab Utility 4wd GG074	15,000	0
Total SALE OF ASSETS	30,000	0
LOSS ON SALE OF ASSETS		
05307400 Loss On Sale Of Assets	-26,798	0
Total LOSS ON SALE OF ASSETS	-26,798	0
Total 05 LAW ORDER PUBLIC SAFETY	3,202	0
12 TRANSPORT		
SALE OF ASSETS		
12318203 Sale of Husqvana Mower Mower GG095	4,000	0
12318918 Sale of Mitsubishi Bobtail GG060	25,455	0
12318929 Sale of Kanga GG040	2,000	0
12318945 Sale GG061 - Ford Utility	2,000	0
12318954 Sale of Mitsubishi Canter Truck GG048	25,000	0
12318960 Sale of Bomag Roller GG029	40,000	0
Total SALE OF ASSETS	98,455	0
LOSS ON SALE OF ASSETS		
12307400 Loss On Sale Of Assets	-92,334	0
Total LOSS ON SALE OF ASSETS	-92,334	0
Total 12 TRANSPORT	6,121	0
TOTAL	9,323	0

Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

Information on Borrowings

Loan	Opening Balance	New Loan	Principal (YTD Actuals)	Principal (YTD Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (YTD Actuals)	Interest (YTD Budget)
100 Gingin Medical Centre	185,141	0	12,821	13,033	172,320	172,108	6,026	5,818
111 Wannamal West Road	469,334	0	8,150	8,282	461,183	469,334	15,230	15,098
114 Guilderton Country Club Extensions	434,545	0	0	0	434,545	434,545	0	0
120 Regional Hardcourt Facility	304,695	0	0	0	304,695	304,695	0	0
123 Purchase Lot 44 Weld St, Gingin	199,400	0	0	0	199,400	199,400	0	0
124A Regional Hardcourt Facility	294,026	0	0	0	294,026	294,026	0	0
126 Gingin Aquatic Centre Tiling	123,574	0	6,864	6,918	116,709	123,574	1,916	1,862
127 Seabird Seawall Extension	185,113	0	9,837	9,898	175,276	175,214	2,323	2,262
128 Lancelin Caravan Park Assets	181,108	0	19,130	19,251	161,978	181,100	2,282	2,161
103 Gingin Sale Yards	6,353	0	0	0	6,353	6,353	0	0
131 Guilderton Caravan Park Waste Water	0	400,000	0	0	0	400,000	0	0
TOTAL	2,383,267	400,000	56,802	57,382	2,326,485	2,760,347	27,777	27,201

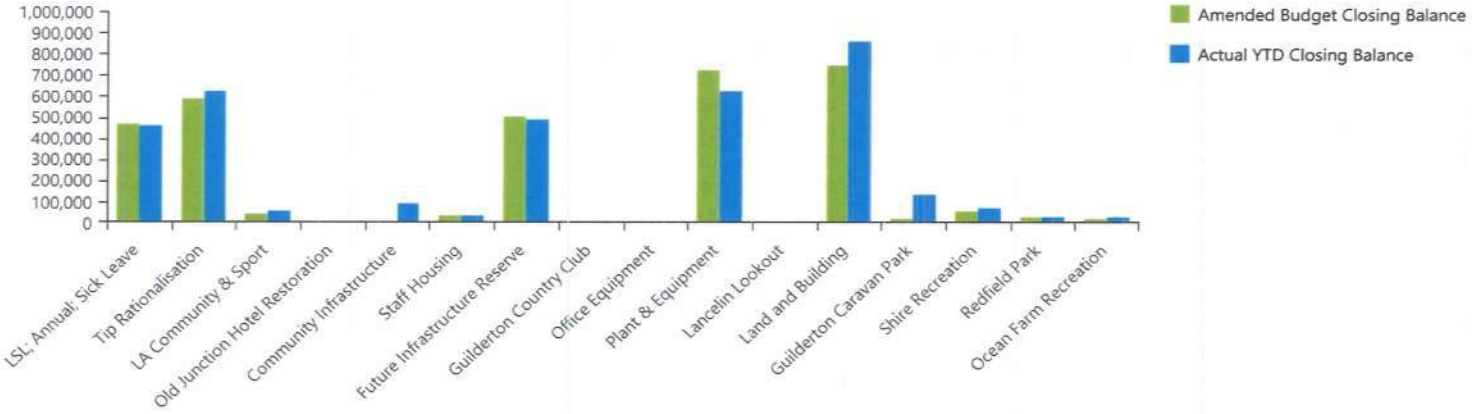
Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

Cash-Backed Reserves

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Actual Transfers-Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
01 LSL Annual Sick Leave and Staff Contingency	457,923	10,015	154	0	0	0	0	467,938	**458,077**
02 Office Equipment Reserve	2,841	342	1	0	0	0	0	3,183	**2,842**
03 Plant and Equipment Reserve	623,669	2,989	210	100,000	0	0	0	726,658	**623,879**
04 Lancelin Lookout Reserve	0	0	0	0	0	0	0	0	**0**
05 Land and Buildings Reserve	856,805	17,652	289	8,600	0	139,000	0	746,257	**859,094**
06 Guilderton Caravan Park Reserve	137,226	1,198	46	0	0	115,000	0	23,424	**137,272**
07 Shire Recreation Development Reserve	69,861	3,989	24	0	0	17,302	0	56,548	**69,885**
08 Redfield Park Reserve	30,366	581	10	0	0	0	0	30,947	**30,376**
09 Ocean Farm Recreation Reserve	30,068	714	10	0	0	7,635	0	23,147	**30,078**
10 Tip Rationalisation Reserve	625,112	13,608	210	0	0	52,000	0	586,720	**625,323**
11 Lancelin Community Sport and Recreation Reserve	53,292	956	18	0	0	10,960	0	43,288	**53,310**
12 Old Junction Hotel Reserve	0	0	0	0	0	0	0	0	**0**
13 Community Infrastructure	89,201	1,707	30	0	0	89,061	0	1,847	**89,231**
14 Staff Housing Reserve	32,383	620	11	0	0	0	0	33,003	**32,394**
15 Future Infrastructure Reserve	491,055	10,375	165	0	0	0	0	501,430	**491,221**
16 Guilderton Country Club Reserve	5,846	56	2	0	0	0	0	5,902	**5,848**
TOTAL	3,507,648	65,002	1,181	108,600	0	430,958	0	3,250,292	**3,508,829**

Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

Year-to-date Reserve Balances



Shire of Gingin Monthly Statement of Financial Activity
1 July to 31 August 2018

Net Current Assets

Net Current Assets	YTD Actual	Balance Forwarded
CURRENT ASSETS		
Cash - Unrestricted	2,572,221	67,251
Cash - Restricted Reserves	3,508,829	3,507,648
Cash - Restricted General	760,906	760,906
Rates - Current	8,002,117	1,098,376
Sundry Debtors	485,849	805,936
Inventories	55,459	30,494
Total Current Assets:	**15,385,381**	**6,290,611**
LESS: CURRENT LIABILITIES		
Payables	(347,220)	(652,990)
Employee Provisions	(659,385)	(677,651)
Accrued Interest on Loans	(29,840)	(29,840)
Long Term Borrowings (Current)	(148,641)	(205,444)
Total Current Liabilities:	**(1,185,086)**	**(1,565,025)**
Total	**14,200,295**	**4,725,587**
Less: Cash - Restricted Reserves	(3,508,829)	(3,507,648)
Add: Current Portion of Debentures	148,641	205,444
NET CURRENT ASSET POSITION	**10,840,107**	**1,423,382**

Shire of Gingin Statement of Financial Activity
1 July 2018 to 31 August 2018

Rating Information

Rating Information		Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites	8.5169	1,761	28,789,481	2,451,971					2,451,971
03010006 Grv - Other	8.5169	957	15,379,672	1,309,871					1,309,871
03010010 Uv - Rural	0.4960	454	272,021,000	1,349,224					1,349,224
03010015 Uv - Other	0.4960	1	2,800,000	13,888					13,888
03010018 Uv - Intensive	0.8821	123	63,980,000	564,368					564,368
03010025 Grv - Townsites	@ $1017	870	6,627,132		884,790				884,790
03010026 Grv - Other	@ $1017	718	3,971,566		730,206				730,206
03010030 Uv - Rural	@ $1285	377	68,663,490		458,745				458,745
03010035 Uv - Other	@ $1285	3	653,000		29,555				29,555
03010038 Uv - Intensive	@ $2285	93	15,279,185		212,505				212,505
03010045 Interim Rates						6,210			6,210
03010046 Interims - Back Rates						-3,571			-3,571
03010078 Concession - Intensive								-88,906	-88,906
TOTAL		5,357	478,164,526	5,689,322	2,315,801	2,640		-88,906	7,918,057

Shire of Gingin Statement of Financial Activity
1 July to 31 August 2018

Trust Funds

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
CAR PARKING CASH IN LIEU	13,014	0	0	13,014
BOND	12,487	0	0	12,487
COMMUNITY GROUPS TRUST	4,293	0	0	4,293
DOROTHY WEDGE TRUST	6,327	0	0	6,327
EXCAVATION BONDS	26,096	0	0	26,096
FOOTPATH/CROSSOVER BONDS	5,982	0	0	5,982
LANDSCAPING BOND	49,767	0	0	49,767
OLD JUNCTION HOTEL TRUST	1,743	0	0	1,743
OTHER BONDS/TRUSTS	21,117	437	(432)	21,122
PUBLIC OPEN SPACE	45,715	0	0	45,715
REHABILITATION BONDS	85,832	0	0	85,832
SUBDIVISION BONDS	207,139	0	0	207,139
SECOND HAND DWELLINGS BONDS	47,639	0	0	47,639
STAFF TRUST	22,655	9,096	(2,450)	29,301
TRUST INTEREST	3,750	317	0	4,067
TREE PLANTING BONDS	5,456	0	0	5,456
TOTAL	559,010	9,850	(2,882)	565,978

APPENDIX 2

MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2018 TO 30 SEPTEMBER 2018

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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SHIRE OF GINGIN
Information Summary

Key Information

Report Purpose:

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

Items of Significance:

The material variance adopted by the City/Town/Shire of Gingin for the 2018/19 year is $10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Ziggy Edwards
Reviewed by: Kaye Lowes
Date Prepared: 12/10/2018

Shire of Gingin Monthly Statement of Financial Activity
1 July to 30 September 2018

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %	Timing/ Permanent	Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,509,994	1,509,994	1,423,382	(86,612)	(5.74)%		
REVENUE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	1,121,521	280,368	256,528	(23,840)	(8.50)%		
GENERAL PURPOSE FUNDING - RATES	7,937,123	7,916,867	7,916,642	(225)	0.00%		
GOVERNANCE	50	12	0	(12)	(100.00)%		
LAW ORDER PUBLIC SAFETY	567,488	141,849	224,911	83,062	58.56%		
EDUCATION & WELFARE	105,500	26,373	23,205	(3,168)	(12.01)%		
HEALTH	316,848	79,203	203,238	124,035	156.60%		
HOUSING	22,200	5,544	6,088	544	9.82%		
COMMUNITY AMENITIES	1,491,573	1,358,895	1,534,897	176,002	12.95%		
RECREATION & CULTURE	234,708	58,653	34,140	(24,513)	(41.79)%		
TRANSPORT	179,057	44,760	8,865	(35,895)	(80.20)%		
ECONOMIC SERVICES	1,687,847	421,932	301,820	(120,112)	(28.47)%		
OTHER PROPERTY & SERVICES	280,550	70,128	89,929	19,801	28.24%		
TOTAL REVENUE	13,944,465	10,404,584	10,600,264	195,680	1.88%		
EXPENDITURE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	(359,061)	(89,754)	(73,799)	15,955	17.78%		
GOVERNANCE	(1,086,849)	(271,638)	(181,491)	90,147	33.19%		
LAW ORDER PUBLIC SAFETY	(1,526,634)	(382,493)	(291,979)	90,514	23.66%		
EDUCATION & WELFARE	(213,405)	(53,158)	(23,519)	29,639	55.76%		
HEALTH	(808,727)	(204,854)	(166,578)	38,276	18.68%		
HOUSING	(40,509)	(10,156)	(5,432)	4,724	46.51%		
COMMUNITY AMENITIES	(2,798,660)	(708,522)	(310,460)	398,062	56.18%		
RECREATION & CULTURE	(3,233,764)	(808,796)	(387,743)	421,053	52.06%		
TRANSPORT	(4,475,577)	(1,120,079)	(542,776)	577,303	51.54%		
ECONOMIC SERVICES	(1,466,484)	(369,031)	(242,556)	126,475	34.27%		
OTHER PROPERTY & SERVICES	(602,530)	(149,575)	(270,837)	(121,262)	(81.07)%		
TOTAL EXPENSES	(16,612,200)	(4,168,056)	(2,497,169)	1,670,887	40.09%		
OPENING ACTIVITIES EXCLUDED FROM BUDGET							
ADJUST BACK DEPRECIATION	4,333,416	1,083,312	0	(1,083,312)	(100.00)%		
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	119,132	29,796	0	(64,796)	(217.47)%		
ADJUST PROVISIONS AND ACCRUALS	0	0	26	-27	-100%		
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	1,784,813	7,349,636	8,103,120	(1,234,747)	10.25%		

Shire of Gingin Monthly Statement of Financial Activity
1 July to 30 September 2018

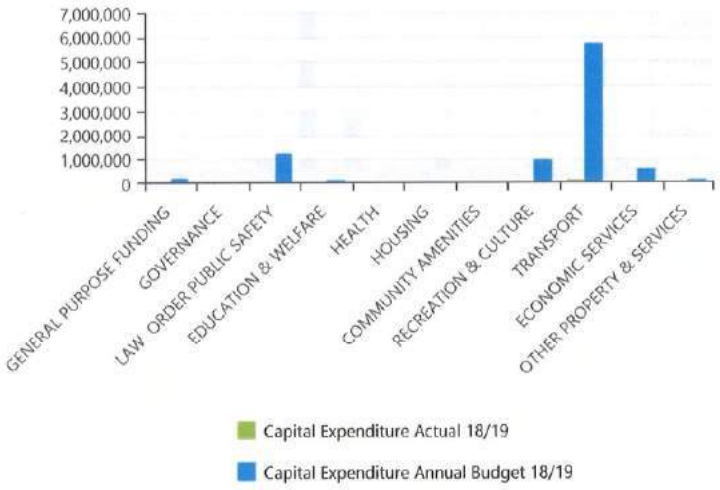
	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %	Timing/ Permanent	Comments
INVESTING ACTIVITIES							
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	5,006,278	1,601,554	1,077,258	(524,296)	(32.74)%		
PROCEEDS FROM DISPOSAL OF ASSETS	128,455	32,106	35,000	2,894	9.01%		
PURCHASE LAND AND BUILDINGS	(857,307)	(176,259)	(55,078)	121,181	68.75%		
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(4,705,611)	(1,176,357)	(6,792)	1,169,565	99.42%		
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(679,940)	(169,116)	(55,039)	114,077	67.45%		
PURCHASE PLANT AND EQUIPMENT	(1,479,675)	(369,887)	(27,815)	342,072	92.48%		
PURCHASE FURNITURE AND EQUIPMENT	(106,880)	(26,706)	(18,903)	7,803	29.22%		
PURCHASE FOOTPATHS	(200,000)	(49,998)	(106,690)	(56,692)	(113.39)%		
PURCHASE OTHER INFRASTRUCTURE	(54,000)	(13,494)	(7,312)	6,182	45.82%		
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(99,999)	0	99,999	100.00%		
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(3,345,280)	(448,166)	834,619	1,282,785	286.23%		
FINANCING ACTIVITIES							
PROCEEDS FROM NEW DEBENTURES	455,740	106,248	0	(106,248)	(100.00)%		
PROCEEDS FROM SELF-SUPPORTING LOANS	6,353	1,587	0	(1,587)	(100.00)%		
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(173,602)	(43,377)	(1,181)	42,196	97.28%		
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	540,958	135,228	0	(135,228)	(100.00)%		
REPAYMENT OF DEBENTURES	(205,446)	(57,384)	(56,802)	582	1.01%		
PROCEEDS FROM ADVANCES	11,986	2,994	5,902	2,908	97.14%		
RESTRICTED CASH	(529,777)	(143,694)	15,818	159,512	111.01%		
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	50,472	(4,647)	(36,262)	(31,615)	(680.34)%		
CLOSING FUNDING SURPLUS(DEFICIT)	0	8,406,817	10,324,858	1,883,017	22.82%		

Shire of Gingin Financial Statement of Activity
1 July 2018 to 30 September 2018

Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
GENERAL PURPOSE FUNDING	1,181	163,990
GOVERNANCE	0	2,500
LAW ORDER PUBLIC SAFETY	13,548	1,205,400
EDUCATION & WELFARE	403	105,000
HEALTH	12,821	28,066
HOUSING	127	0
COMMUNITY AMENITIES	17,987	74,362
RECREATION & CULTURE	74,270	936,580
TRANSPORT	148,619	5,718,286
ECONOMIC SERVICES	70,324	571,610
OTHER PROPERTY & SERVICES	28,089	109,007
TOTAL	367,368	8,914,801

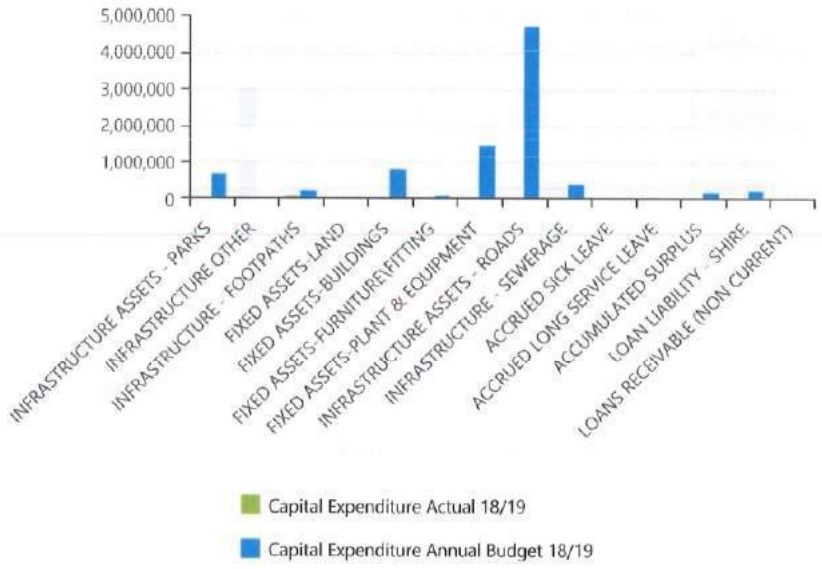


Shire of Gingin Financial Statement of Activity
1 July 2018 to 30 September 2018

Acquisition of Assets & Other Non-Capital Expenditure (cont.)

By Category

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
ACCRUED SICK LEAVE	3,641	0
ACCRUED LONG SERVICE LEAVE	28,106	0
LOAN LIABILITY - SHIRE	56,802	205,446
FIXED ASSETS-LAND	5,970	40,000
FIXED ASSETS-BUILDINGS	49,108	817,307
FIXED ASSETS-FURNITURE\FITTING	18,903	106,880
FIXED ASSETS-PLANT & EQUIPMENT	27,825	1,479,675
INFRASTRUCTURE ASSETS - ROADS	6,792	4,705,611
INFRASTRUCTURE ASSETS - PARKS	55,039	676,540
INFRASTRUCTURE OTHER	7,312	54,000
INFRASTRUCTURE - FOOTPATHS	106,690	200,000
LOANS RECEIVABLE (NON CURRENT)	0	55,740
INFRASTRUCTURE - SEWERAGE	0	400,000
ACCUMULATED SURPLUS	1,181	173,602
TOTAL	367,368	8,914,801



Shire of Gingin Monthly Financial Statement of Activity
1 July to 30 September 2018

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
05 LAW ORDER PUBLIC SAFETY		
SALE OF ASSETS		
05118010 Sale Of Vehicles (Fire)	0	-35,000
05318015 Sale Of Ranger's D/Cab Utility 4wd GG073	15,000	0
05318020 Sale Of Ranger's D/Cab Utility 4wd GG074	15,000	0
Total SALE OF ASSETS	30,000	-35,000
LOSS ON SALE OF ASSETS		
05307400 Loss On Sale Of Assets	-26,798	0
Total 290 LOSS ON SALE OF ASSETS	-26,798	0
Total 05 LAW ORDER PUBLIC SAFETY	3,202	-35,000
12 TRANSPORT		
SALE OF ASSETS		
12318203 Sale of Husqvana Mower Mower GG095	4,000	0
12318918 Sale of Mitsubishi Bobtail GG060	25,455	0
12318929 Sale of Kanga GG040	2,000	0
12318945 Sale GG061 - Ford Utility	2,000	0
12318954 Sale of Mitsubishi Canter Truck GG048	25,000	0
12318960 Sale of Bomag Roller GG029	40,000	0
Total SALE OF ASSETS	98,455	0
LOSS ON SALE OF ASSETS	0	0
12307400 Loss On Sale Of Assets	-92,334	0
Total LOSS ON SALE OF ASSETS	-92,334	0
Total 12 TRANSPORT	6,121	0
TOTAL	9,323	-35,000

Shire of Gingin Monthly Statement of Financial Activity
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Information on Borrowings

Loan	Opening Balance	New Loan	Principal (YTD Actuals)	Principal (YTD Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (YTD Actuals)	Interest (YTD Budget)
100 Gingin Medical Centre	185,141	0	12,821	13,033	172,320	172,108	6,026	5,818
111 Wannamal West Road	469,334	0	8,150	8.282	461,183	469,334	15,230	15,098
114 Guilderton Country Club Extensions	434,545	0	0	0	434,545	434,545	0	0
120 Regional Hardcourt Facility	304,695	0	0	0	304,695	304,695	0	0
123 Purchase Lot 44 Weld St, Gingin	199,400	0	0	0	199,400	199,400	0	0
124A Regional Hardcourt Facility	294,026	0	0	0	294,026	294,026	0	0
126 Gingin Aquatic Centre Tiling	123,574	0	6,864	6,918	116,709	123,574	1,916	1,862
127 Seabird Seawall Extension	185,113	0	9,837	9,898	175,276	175,214	2,323	2,262
128 Lancelin Caravan Park Assets	181,108	0	19,130	19,251	161,978	181,100	2,282	2,161
103 Gingin Sale Yards	6,353	0	0	0	6,353	6,353	0	0
131 Guilderton Caravan Park Waste Water	0	400,000	0	0	0	400,000	0	0
TOTAL	2,383,287	400,000	56,802	57,382	2,326,485	2,760,347	27,777	27,201

Shire of Gingin Monthly Statement of Financial Activity
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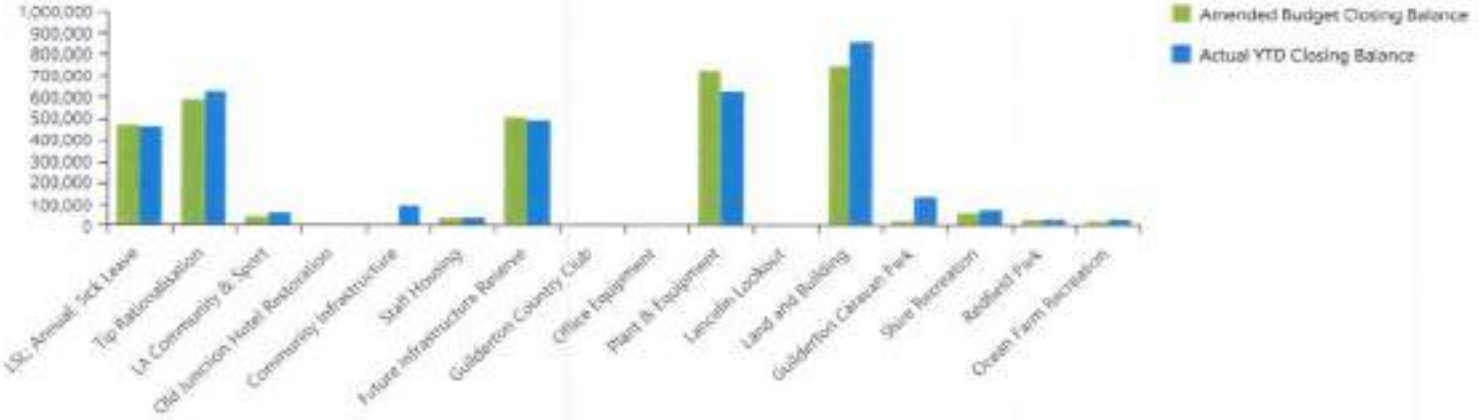
Cash-Backed Reserves

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Actual Transfers-Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
01 LSL: Annual: Sick Leave and Staff Contingency	457,923	10,015	154	0	0	0	0	467,938	**458,077**
02 Office Equipment Reserve	2,841	342	1	0	0	0	0	3,183	**2,842**
03 Plant and Equipment Reserve	623,669	2,989	210	100,000	0	0	0	726,658	**623,879**
04 Lancelin Lookout Reserve	0	0	0	0	0	0	0	0	**0**
05 Land and Buildings Reserve	858,805	17,852	289	8,600	0	139,000	0	746,257	**859,094**
06 Guilderton Caravan Park Reserve	137,226	1,198	46	0	0	115,000	0	23,424	**137,272**
07 Shire Recreation Development Reserve	69,861	3,989	24	0	0	17,302	0	56,548	**69,885**
08 Redfield Park Reserve	30,366	581	10	0	0	0	0	30,947	**30,376**
09 Ocean Farm Recreation Reserve	30,068	714	10	0	0	7,635	0	23,147	**30,078**
10 Tip Rationalisation Reserve	625,112	13,608	210	0	0	52,000	0	586,720	**625,323**
11 Lancelin Community Sport and Recreation Reserve	53,292	956	18	0	0	10,960	0	43,288	**53,310**
12 Old Junction Hotel Reserve	0	0	0	0	0	0	0	0	**0**
13 Community Infrastructure	89,201	1,707	30	0	0	89,061	0	1,847	**89,231**
14 Staff Housing Reserve	32,383	620	11	0	0	0	0	33,003	**32,394**
15 Future Infrastructure Reserve	491,055	10,375	165	0	0	0	0	501,430	**491,221**
16 Guilderton Country Club Reserve	5,846	56	2	0	0	0	0	5,902	**5,848**
TOTAL	3,507,648	65,002	1,101	108,600	0	430,958	0	3,250,292	**3,508,829**

Shire of Gingin Monthly Statement of Financial Activity
1 July to 30 September 2018

Year-to-date Reserve Balances



Shire of Gingin Monthly Statement of Financial Activity
1 July to 30 September 2018

Net Current Assets

	YTD Actual	Balance Forwarded
CURRENT ASSETS		
Cash - Unrestricted	6,093,681	87,251
Cash - Restricted Reserves	3,508,829	3,507,648
Cash - Restricted General	760,906	760,906
Rates - Current	4,077,591	1,098,376
Sundry Debtors	376,635	805,936
Inventories	70,129	30,494
Total Current Assets:	**14,887,770**	**6,290,611**
LESS: CURRENT LIABILITIES		
Payables	(378,340)	(652,000)
Employee Provisions	(645,904)	(677,651)
Accrued Interest on Loans	(29,840)	(29,840)
Long Term Borrowings (Current)	(148,641)	(205,444)
Total Current Liabilities:	**(1,202,725)**	**(1,565,025)**
Total	**13,685,046**	**4,725,587**
Less: Cash - Restricted Reserves	(3,508,829)	(3,507,648)
Less: Loans Receivable (Current)		
Less: Cash - Restricted unspent grants		
Less: Loans Advances		
Add: Current Portion of Debentures	148,641	205,444
Add: Current Liabilities not expected to be cleared at end of year		
Add: Cash back portion of LSL Provision		
NET CURRENT ASSET POSITION	**10,324,858**	**1,423,382**

Shire of Gingin Statement of Financial Activity
1 July 2018 to 30 September 2018

Rating Information

Rating Information		Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites	8.5169	1,761	28,789,481	2,451,971					2,451,971
03010006 Grv - Other	8.5169	957	15,379,672	1,309,871					1,309,871
03010010 Uv - Rural	0.4960	454	272,021,000	1,349,224					1,349,224
03010015 Uv - Other	0.4960	1	2,800,000	13,888					13,888
03010018 Uv - Intensive	0.8821	123	63,980,000	564,368					564,368
03010025 Grv - Townsites	@ $1017	870	6,627,132		884,790				884,790
03010026 Grv - Other	@ $1017	718	3,971,566		730,208				730,208
03010030 Uv - Rural	@ $1285	377	68,663,490		458,745				458,745
03010035 Uv - Other	@ $1285	3	653,000		29,555				29,555
03010038 Uv - Intensive	@ $2285	93	15,279,185		212,505				212,505
03010045 Interim Rates						3,959			3,959
03010046 Interims - Back Rates						-3,534			-3,534
03010070 Concession - Intensive								-88,906	-88,906
		5,357	478,164,526	5,689,322	2,315,801	425		-88,906	7,916,642
TOTAL		5,357	478,164,526	5,689,322	2,315,801	425		-88,906	7,916,642

Shire of Gingin Statement of Financial Activity
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Trust Funds

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
CAR PARKING CASH IN LIEU	13,014	0	0	13,014
BOND	12,487	0	0	12,487
COMMUNITY GROUPS TRUST	4,293	0	0	4,293
DOROTHY WEDGE TRUST	6,327	0	0	6,327
EXCAVATION BONDS	26,096	0	0	26,096
FOOTPATH/CROSSOVER BONDS	5,982	0	0	5,982
LANDSCAPING BOND	49,767	0	0	49,767
OLD JUNCTION HOTEL TRUST	1,743	0	0	1,743
OTHER BONDS/TRUSTS	21,117	450	(444)	21,122
PUBLIC OPEN SPACE	45,715	0	0	45,715
REHABILITATION BONDS	85,832	0	0	85,832
SUBDIVISION BONDS	207,139	0	0	207,139
SECOND HAND DWELLINGS BONDS	47,639	0	0	47,639
STAFF TRUST	22,655	13,644	(2,450)	33,849
TRUST INTEREST	3,750	317	0	4,067
TREE PLANTING BONDS	5,456	0	0	5,456
TOTAL	559,010	14,410	(2,894)	570,526

11.2.6 REQUEST FOR CHANGE OF BASIS OF RATES FROM DIFFERENTIAL UV-INTENSIVE TO UV RURAL – LOT 3917 (733) MIMEGARRA ROAD, NILGEN

Location:	Lot 3917 (733) Mimegarra Road, Nilgen
File:	RAV/1; FIN/46-1819
Reporting Officer:	Kaye Lowes - Executive Manager Corporate & Community Services
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Location Plan

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an application for change of use from UV – Intensive to UV – Rural for the period 2011/12 to 2017/18, refund of variation from Differential Minimum Rates to UV – Rural Minimum Rate for each year during the period and correction of 2018/19 rates levied.

BACKGROUND

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

In 2011/12 the Shire of Gingin introduced differential rating for intensive use properties and has continued to do so up to and including 2018/19.

In 2011/12 differential rates were raised for Lot 3917 (733) Mimegarra Road, Nilgen with no objection being received. Each subsequent year differential rates have been raised for this property with no objections being received.

Following receipt of the 2018/19 rates notice the landowner contacted the Shire's Rates Department questioning why they were being charged differential intensive rates as there was no intensive use being conducted on the land.

The owner of the property has completed a Statutory Declaration which states as follows:

That the rural property situated at 733 Mimegarra Road Nilgen in the Shire of Gingin Western Australia with rating assessment number A2119 is used for grazing only and not for intensive use as stated on the Rates Notices received issued by the Shire of Gingin in August 2018. The property has not been used for intensive agriculture and specifically not as a vineyard at any time and specifically not between 2011 and 2018, during which years the Shire of Gingin has classified the property as intensive for rating purposes.

It is pertinent to note Tagasaste (Lucerne Trees) is being grown on the property, however, this is not deemed to be an intensive use.

COMMENT

Section 6.39 (2)(b) of the *Local Government Act 1995* (the Act) provides Council with the ability to amend the rate record for the five years preceding the current financial year. Additionally, section 6.12 of the Act empowers Council to grant concessions or write off any amount of money that is owed to the local government. Accordingly, it may be considered appropriate to accede to the applicant's request for a refund or a credit to be applied to the property assessment on the same basis.

Council considered a similar request for refund at its meeting on 21 August 2018, where it agreed to amend the Rate Book from UV-Intensive to UV-Rural and refund the rates variation for a period of five years.

Accordingly, in this instance Council may wish to:

1. Amend the Rate Book and credit the difference between the differential intensive rates levied and the UV-Rural rates that would have been applicable for the five year period from 2013/14 to 2017/18, less the outstanding UV-Rural rates for 2018/19, equating to a credit of $17,319.11 to Assessment 2119; and

2. Amend the 2018/19 rates levied from UV-Intensive to UV-Rural from 1 July 2018.

The following table shows the individual amounts comprising this proposal:

Year	Differential UV-Intensive Rates Levied	UV - Rural Rates Levied	Difference
2013/14	$6,892.76	$3,593.49	($3,299.27)
2014/15	$7,232.13	$3,861.63	($3,370.50)
2015/16	$7,761.78	$4,137.05	($3,624.73)
2016/17	$7,995.79	$4,263.20	($3,732.59)
2017/18	$8,135.42	$4,337.35	($3,798.07)
	$38,017.88	$20,192.72	($17,825.16)
2018/19	Rates outstanding after change in basis of rating		$506.05
	Total Credit (if approved)		($17,319.11)

It should be noted that the applicant has requested a refund from 2011/12 which would equate to a total credit of $27,636.91 if Council was to accede to the applicant's request.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 6 – Financial management
Division 4 – General financial provisions
Section 6.12 – Power to defer, grant discounts, waive or write off debts
Division 6 – Rates and service charges
Section 6.39 – Rate record

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

If Council accedes to this request and agrees with the Officer's recommendation, there will be an impact to the Budget of the amount of $17,319.11. Savings would need to be identified during the mid-year Budget Review to offset this reduction in rates income.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Governance*
Objective	*5. To demonstrate effective leadership, governance and advocacy on behalf of community*
Outcome	*5.1 Values* *Our Organisational/business values are demonstrated in all that we do.*
Strategy	*Financial Management*

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Fewster SECONDED: Councillor Rule

That Council:

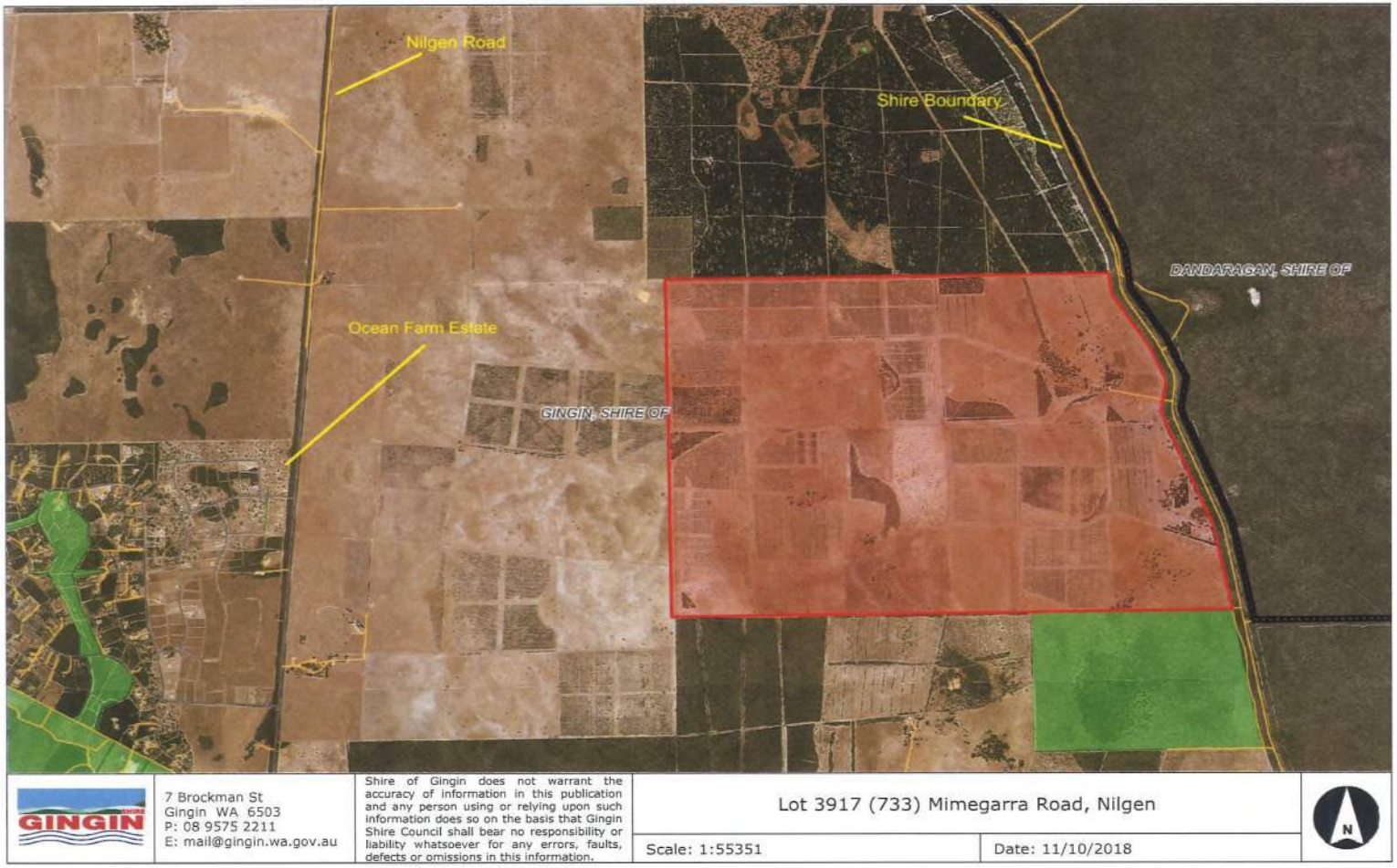
1. **Amend the Rate Book for Lot 3917 (733) Mimegarra Road, Nilgen from UV-Intensive to UV-Rural;**

2. **Credit the amount of $17,319.11 to rates assessment 2112 for Lot 3917 (733) Mimegarra Road, Nilgen, being the difference in rates levied as a result of the change of use for the period 1 July 2013 to 30 June 2019; and**

3. **Require the credit to remain on the property assessment until offset by future years rates levied.**

CARRIED BY ABSOLUTE MAJORITY
8-0

APPENDIX 1


Nilgen Road
Shire Boundary
DANDARAGAN, SHIRE OF
Ocean Farm Estate
GINGIN, SHIRE OF
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Lot 3917 (733) Mimegarra Road, Nilgen
Scale: 1:55351
Date: 11/10/2018
N

11.3. PLANNING AND DEVELOPMENT

11.3.1 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - RETAINING WALLS AND FILL AND DEVELOPMENT APPROVAL - RETAINING WALL AND TIMBER SLAT FENCE ON LOT 171 (NO. 20) MORTIMER ROAD, GUILDERTON

File:	BLD/6967
Applicant:	Alistair Smith
Location:	Lot 171 (20) Mortimer Street, Guilderton
Owner:	Alistair Smith
Zoning:	Residential (R12.5/20)
WAPC No:	N/A
Reporting Officer:	Kylie Bacon – Acting Executive Manager Planning and Development
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Location Plan, Aerial Image and Applicant's Proposal. 2. Site Photographs 3. Schedule of Submissions

DISCLOSURES OF INTEREST

Councillor Fewster declared a Financial Interest in Item 11.3.1 due to the fact that his parent-in-law own the adjoining property and left Council Chambers at 3:28pm.

PURPOSE

To consider an Application for Retrospective Development Approval for retaining walls and fill and Development Approval for a proposed retaining wall and timber slat fence on Lot 171 (20) Mortimer Road, Guilderton.

BACKGROUND

The subject property is approximately 966.36m^2 in area and currently accommodates one existing single dwelling. The subject property has direct frontage to both Mortimer Road and Anderson Street.

The Applicant has already commenced works on a retaining wall and a portion of the fill is already on the premises. The common boundary retaining walls appear to be built within the centre line of those boundaries, however the footings are located within both neighbouring properties at 18 Mortimer Road and 3 Anderson Street, Guilderton.

Part of the works yet to be completed include the development of a timber slat fence to be located on top of the existing retaining wall on the Anderson Street frontage and further fill on site.

Ultimately it is proposed that the extent of the works on site will include the following:

- Site works - Up to 1.8 metres of fill (approximately) within the north-western corner of the lot. This will achieve a consistent finished floor level across the whole site; and

- Retaining walls – At its peak on the Anderson Street boundary, the maximum height of the current retaining wall is 2.14 metres measured from the natural ground level of the verge. At this point, the total height of the retaining wall with the proposed timber slat fence will be 3.6 metres.

A location plan, aerial image and a copy of the Applicant's proposal are provided at **Appendix 1**.

Site photographs are provided at **Appendix 2**.

COMMENT

Community Consultation

The application was advertised to surrounding landowners for a period beginning on 31 August 2018 and concluding on 23 September 2018 in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* The Shire received a total of 15 submissions.

Of the 15 submissions received, 13 were in support of the proposed development application. One submission objected to the proposal and another raised general concerns.

The objection was received from the adjoining property at 18 Mortimer Road, Guilderton and follows an earlier submission which initially expressed support and authorization for the development. The objection expressed concerns about the property ground level being raised and the resultant impact this may have on adjoining property.

The submission of general concern related to the possible impact on the streetscape and the height of the wall. The submitter did, however, state that their concerns did not amount to an objection to the proposal itself.

In terms of all the submissions of support, there appeared to be a common sentiment that all development and re-development in Guilderton should be encouraged and supported. It is not clear whether all submissions were from other Guilderton landowners but it is assumed that many were. More specifically, the neighbouring property owner at 3 Anderson Street, Guilderton has advised that they have no objections to the finished development. Both adjoining landowners were made aware that the footings of the development encroached into their property and authorization has been given by the owner of 3 Anderson Street provided there are no further cost implications.

Clause 67(y) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires due regard to be given to any submissions received and it is clear that in this instance there is overwhelming support for the proposal and indeed, all new development in the locality.

Notwithstanding the above, there may be instances in the future where development of this nature could lead to incompatibility issues where there are significant disputes between neighbouring landowners. In giving due regard to these submissions, some caution should be exercised with any notion that there should somehow be leniency with the exercise of discretion and the application of orderly and proper planning principles in Guilderton.

A copy of the Schedule of Submissions is attached at **Appendix 3.**

Local Planning Scheme No. 9 (LPS 9)

The subject lot is zoned Residential (R12.5/20) under the Shire of Gingin's Local Planning Scheme No. 9 (LPS9). The objectives of the Residential zone as stated at clause 3.2.1 include 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 the development takes cognisance of the land and other environmental factors.

State Planning Policy 3.1 – Residential Design Codes

State Planning Policy 3.1 – Residential Design Codes (R-Codes) provides a comprehensive basis for the control of residential development throughout Western Australia. Where a development proposal does not comply with the deemed-to-comply provisions, the application is assessed against the associated design principles to determine whether the justification is acceptable. Clause 5.3.7 – Site Works and clause 5.3.8 – Retaining Walls are applicable to the proposal.

Clause 5.3.7 outlines the design principles in relation to Site Works. The design principles state the following:

P7.1 Development that considers and responds to the natural features of the site and requires minimum excavation/fill.

P7.2 Where excavation/fill is necessary, all finished floor levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

Clause 5.3.8 provides the design principles for Retaining Walls. The design principles state the following:

P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

Comment

The proposed development does not comply with design principle P7.1 as the development does not respond to the natural features of the site. Nor does it minimize the use of fill and retaining.

It is acknowledged that some fill is required given the cross fall of the land from east to west, however the development proposes the addition of up to 1.8 metres of fill to level the lot at its highest point which then completely eliminates the natural slope of the site.

The proposed development does not comply with design principle P7.2 which requires that where fill is necessary, all finished floor levels respect the natural ground level at the lot boundary of the site and as viewed from the street. It is proposed that the entire lot will be essentially filled to the level of the existing dwelling on the south-east corner of the site. Again, the fill and retaining required for this does not comply as it disregards the natural slope of the subject land.

Further to this, the proposed development is inconsistent with design principle P8 in regards to the retaining wall not having any detrimental effect on the adjoining properties. It is acknowledged that both neighbouring properties have provided the Applicant with authorization in regards to the retaining wall encroaching into their land on the basis that costs are borne by the Applicant. Although the broader support for the proposal seems to have been withdrawn in part by the owner of 18 Mortimer Road, the repercussion of such a significant elevation of the finished floor level on the site might be more apparent to all the neighbours with any other future development on the land (e.g a new dwelling) which could then also have a further detrimental visual impact on the existing streetscape, especially when viewed from Anderson Street.

More specifically, the retention of the existing single dwelling on the subject land (which is very small) provides the opportunity for the Applicant to subsequently transform it into an ancillary dwelling and develop a new dwelling on the western portion of the site. Should the Applicant choose to do this, it could lead to the opportunity for them to utilize Anderson Street as the secondary street and therefore only a 1.5 metre setback from the secondary street would be required. Such a reduced setback, together with the considerable elevation of the height of the lot, would have a detrimental impact on the current streetscape.

During a site visit on 17 September 2018, it was apparent that the Applicant's retaining wall boundary along Anderson Street did not match the plans submitted to the Shire for retrospective approval. It is noted that the plans illustrate a 23.8m wall with a truncation measuring 4m that follows the boundary of the lot. The portion of the wall that currently exists along Anderson Street is, in fact, different to that shown on the submitted plans as it is 31.7m in length with no truncation. Therefore, the Applicant has developed outside of the lot boundary and into the road reserve and, irrespective of the decision, should be required to submit a Regulation 25a survey of the boundary to ascertain exactly where the wall has been developed.

Even in the absence of any other future development, the height difference of the wall from the natural ground level and the verge of the street is profound. The retaining wall, once completed with the proposed timber slat fence on top of the existing retaining wall, will have a maximum height of 3.6 metres. This in itself will have a detrimental visual impact on the existing streetscape with the significant height difference between the finished wall and the natural ground level.

It is acknowledged that there are other examples within the locality of retaining walls of a similar nature, including 7 Anderson Street which has similar stone pillars and timber slat fence on top of retaining. However, in that instance, the retaining wall is considerably lower, as is the case with most other examples in the locality (refer to **Appendix 2**). Almost all other examples have provided relief through measures such as stepping down to the streetscape and/or providing permeable fencing on top of retaining to soften the impact of the bulk and height of the finished wall and fence.

Conclusion

In summary, the overall height of the proposed retaining wall has a significantly detrimental visual impact on the existing streetscape. The proposed fill levels for the site are not consistent, nor do they respect the natural ground level of the lot especially when viewed from Anderson Street. It is recognised that, whilst retaining walls of a similar nature exist within the locality, they do not match the height or extent of this proposal. As such, it is recommended that the proposal be granted development approval subject to some modifications.

The top two rows of blocks along the western boundary wall (Anderson Street) should be removed to reduce the bulk and height of the wall from the streetscape. Further to this, the southern boundary wall adjoining 3 Anderson Street, Guilderton should then taper down accordingly. As a consequence, the finished ground level would similarly need to taper down away from the existing dwelling to the Anderson Street boundary.

Whilst the position of the retaining walls on the common boundaries with the neighbouring properties appears to be accurate, it is acknowledged that the footings are located within the neighbouring properties. This seems sensible given the neighbouring properties are positioned on higher ground due to the natural slope and there is no impediment to development on these lots owing to the footings being considerably below their finished ground levels. In any event, it is not an issue specifically raised by either neighbour and they have both previously provided consent in this regard.

As for the position and extent of the wall on the Anderson Street frontage, there should be no development within the road reserve and the breach in this regard appears to be significant. The development needs to be removed and the Applicant should be required to submit a Regulation 25a survey of the boundary to the Shire so that the full extent can be determined.

Finally, it is acknowledged that there is significant support for new development to occur within the locality. However, approval of such a development in its current state would create an undesirable precedent where developments of this nature could lead to numerous incompatibility and amenity issues amongst neighbours.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 3 – Zones and the Use of Land
3.2 Objectives of the Zones
3.2.1 – Residential Zone

Planning and Development (Local Planning Schemes) Regulations 2015
Schedule 2 – Deemed Provisions for Local Planning Schemes

State Planning Policy 3.1 – Residential Design Codes of Western Australia

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Infrastructure and Development*
Objective	*3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.*
Outcome	*3.1 Development of new and existing developments meet the Shire's Strategic Objectives and Outcomes.*
Key Service Areas	*Building and Planning Permits.*
Priority	*3.1.2 Support strategies that facilitate an increase in housing diversity.*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Elgin SECONDED: Councillor Court

That Council grant Retrospective Development Approval for the retaining walls and fill, and Development Approval for the proposed retaining wall and timber slat fence at Lot 171 (20) Mortimer Road, Guilderton subject to the following conditions:

1. **All development shall be undertaken in accordance with the approved plans and specifications, including the following modifications marked in RED to the satisfaction of the Shire of Gingin:**

    a. **The top two rows of blocks are to be removed from the western wall along Anderson Street;**

b. The southern wall is to be further stepped down towards the Anderson Street boundary as required;

c. The finished ground level is to taper away from the existing dwelling to the Anderson Street boundary; and

d. The timber slat fence and its piers to be installed on top of the approved retaining wall (refer to conditions 1a and 1b) are not to exceed 1.2 metres in height.

2. This approval is for Retaining Walls and Fill only as indicated on the approved plans;

3. The landowner at their own cost is to produce a Regulation 25A certificate, prepared by a suitably qualified Licensed Surveyor, of the boundary along the Anderson Street frontage and the portion of retaining wall located within the Shire's road reserve on any frontage is to be removed so that it is consistent with the approved plans and specifications (including any modifications marked in RED);

4. A crossover is to be installed via Mortimer Road to the satisfaction of the Shire of Gingin at the landowner's cost;

5. The landowner is required to undertake remedial works to repair the damaged kerbing along Mortimer Road and Anderson Street at their own cost, all works to be undertaken within 60 days of the date of this approval to the satisfaction of the Shire of Gingin;

6. The external surfaces of the retaining wall shall be finished to a professional standard, to the satisfaction of the Shire of Gingin; and

7. Stormwater shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

<u>Advice Notes</u>

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

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

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

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

Note 5: This planning approval shall not be constructed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land;

Note 6: The applicant/landowner is advised to refer to the requirements of the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974;*

Note 7: This approval does not authorize any interference with dividing fences, or entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961* in this regard; and

Note 8: It is recommended that the applicant/landowner liaise with the Shire's Operations-Construction Department with respect to Conditions 4 and 5.

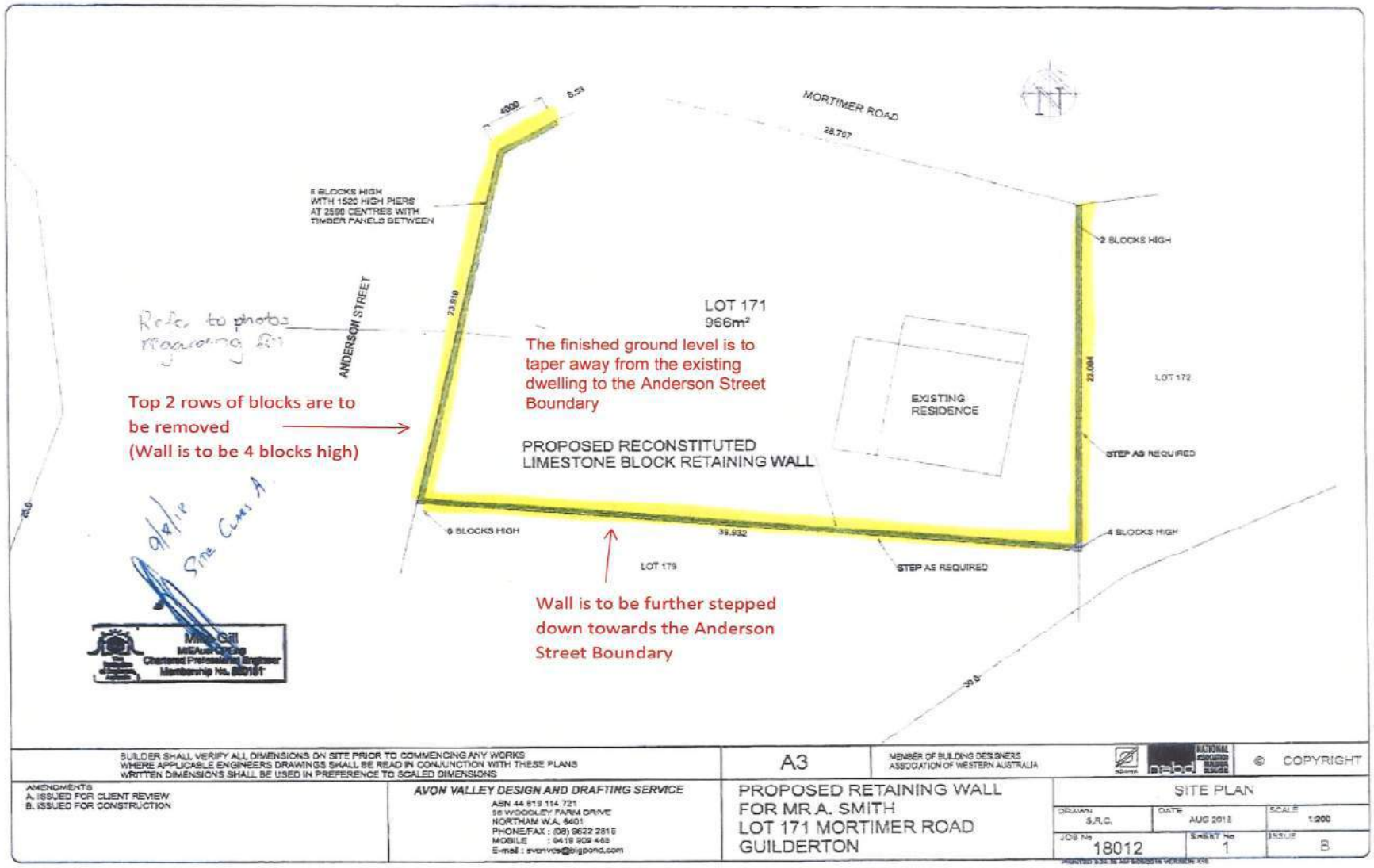
CARRIED UNANIMOUSLY

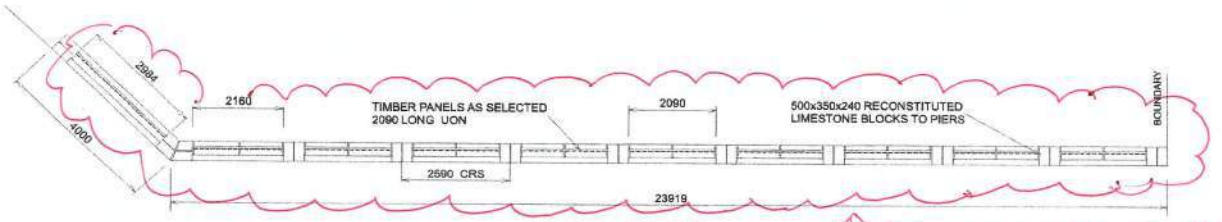
Councillor Fewster returned to Council Chambers at 3:30pm. The Shire President advised Councillor Fewster of Council's decision.

APPENDIX 1

PROPOSED SITE
GUILDERTON COUNTRY CLUB
GUILDERTON CARAVAN PARK
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Location plan - Lot 171 Mortmer Street, Guilderton
Scale: 1:9314
Date: 4/10/2018

BURNETT RD
MORTIMER RD
ANDERSON ST
MULLINS ST
MURRAY ST
MURRAY ST
Lot 163 925.3sq.m.
Lot 164 885.1sq.m.
Lot 165 950.7sq.m.
Lot 167 996.9sq.m.
Lot 166 1062.2sq.m.
Lot 171 966.4sq.m.
Lot 172 831.0sq.m.
Lot 173 874.7sq.m.
Lot 174 906.9sq.m.
Lot 179 951.1sq.m.
Lot 177 894.2sq.m.
Lot 176 859.8sq.m.
Lot 175 904.2sq.m.
Lot 178 957.2sq.m.
Lot 206 2599.9sq.m.
Lot 423 96965.8sq.m.
Lot 180 850.7sq.m.
Lot 181 888.3sq.m.
Lot 182 890.9sq.m.
Lot 183 962.1sq.m.
Lot 184 893.2sq.m.
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Aerial map - Lot 171 (20) Mortimer Street, Guilderton
Scale: 1:1000
Date: 13/08/2018
N

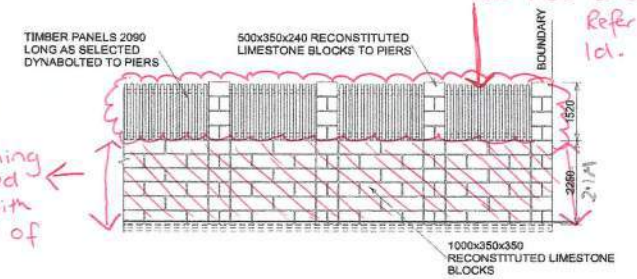

MORTIMER ROAD
28.707
8 BLOCKS HIGH
WITH 1520 HIGH PIERS
AT 2590 CENTRES WITH
TIMBER PANELS BETWEEN
2 BLOCKS HIGH
ANDERSON STREET
LOT 171
966m²
The finished ground level is to taper away from the existing dwelling to the Anderson Street Boundary
EXISTING RESIDENCE
LOT 172
Top 2 rows of blocks are to be removed
(Wall is to be 4 blocks high)
PROPOSED RECONSTITUTED LIMESTONE BLOCK RETAINING WALL
STEP AS REQUIRED
6 BLOCKS HIGH
39.932
4 BLOCKS HIGH
LOT 175
STEP AS REQUIRED
Wall is to be further stepped down towards the Anderson Street Boundary
Site Class A
BUILDER SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS
WHERE APPLICABLE ENGINEERS DRAWINGS SHALL BE READ IN CONJUNCTION WITH THESE PLANS
WRITTEN DIMENSIONS SHALL BE USED IN PREFERENCE TO SCALED DIMENSIONS
A3
MEMBER OF BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA
© COPYRIGHT
AMENDMENTS
A. ISSUED FOR CLIENT REVIEW
B. ISSUED FOR CONSTRUCTION
AVON VALLEY DESIGN AND DRAFTING SERVICE
ABN 44 819 114 721
56 WOODLEY FARM DRIVE
NORTHAM W.A. 6401
PHONE/FAX : (08) 9622 2815
MOBILE : 0419 909 469
E-mail : avonvdd@bigpond.com
PROPOSED RETAINING WALL
FOR MR A. SMITH
LOT 171 MORTIMER ROAD
GUILDERTON
SITE PLAN
DRAWN S.R.C.
DATE AUG 2018
SCALE 1:200
JOB No 18012
SHEET No 1
ISSUE B



FENCE PLAN
ANDERSON STREET
1:100

↑ Retaining wall, Timber Slat fence and it's piers must be amended to comply with Conditions 1a, 1b & 1d of this approval.

The height of the timber slat fence & its piers are not to exceed 1.2m. Refer to Condition 1d.



Height of retaining wall to be reduced in accordance with condition 1a & 1b of this approval.

PART FENCE ELEVATION
FROM ANDERSON STREET
1:100

Mike Gill
MIEAust CPEng
Chartered Professional Engineer
Membership No. 860131

BUILDER SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS
WHERE APPLICABLE ENGINEERS DRAWINGS SHALL BE READ IN CONJUNCTION WITH THESE PLANS
WRITTEN DIMENSIONS SHALL BE USED IN PREFERENCE TO SCALED DIMENSIONS

A3

MEMBER OF BUILDING DESIGNERS ASSOCIATION OF WESTERN AUSTRALIA

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AMENDMENTS
A. ISSUED FOR CLIENT REVIEW
B. ISSUED FOR CONSTRUCTION

AVON VALLEY DESIGN AND DRAFTING SERVICE
ABN 44 819 114 721
56 WOODLEY FARM DRIVE
NORTHAM W.A. 6401
PHONE/FAX : (08) 9622 2816
MOBILE : 0419 909 485
E-mail : avonvds@bigpond.com

PROPOSED RETAINING WALL
FOR MR A. SMITH
LOT 171 MORTIMER ROAD
GUILDERTON

FENCE PLAN & ELEVATION

DRAWN	DATE	SCALE
S.R.C.	AUG 2018	1:100

JOB No	SHEET No	ISSUE
18012	2	B

PRINTED 8:24:36 AM 5/05/2018 VERSION X10

Level of fill
from natural ground level
2.
3.0m
Fill

3.
Level of fill

5.

APPENDIX 2

Appendix 2

Photo 1: View of the retaining wall boundary along eastern boundary

Photo 2: View of the retaining wall footings along eastern boundary

Photo 3: View of the boundary wall along western boundary (Anderson Street)

Photo 4: View of the retaining wall from Anderson Street

Photo 5: View of the subject land from the Mortimer Road

Photo 6: Example of retaining wall at No. 7 Anderson Street, Guilderton

4

Photo 8: Example of retaining wall at No. 33 Moore River Drive, Guilderton

Photo 7: Example of retaining wall at No. 35 Moore River Drive, Guilderton

Photo 9: Example of retaining wall at No. 39 Moore River Drive, Guilderton

Photo 10: Example of retaining wall at No. 7 & 9 Walebing Way, Guilderton

APPENDIX 3

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

APPLICATION FOR DEVELOPMENT APPROVAL PROPOSED RETROSPECTIVE RETAINING WALLS AND FILL AND PROPOSED RETAINING WALL AND TIMBER SLAT FENCE AT LOT 171 MORTIMER STREET, GUILDERTON

No.	Submitter	Submission Detail	Recommended Response
1.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"I would like to express my opinion and contingency towards the new development at Lot 171 Mortimer Street in Guilderton. The development thus far, is not only viewed as prosperous and professional, but gives great outlook to the future developments and prospects throughout the town of Guilderton. When I see such works, it brings hope that the town will be even more attractive to young family's which in turn, will bring with it new resources and opportunities for the community of Guilderton for not only growth, but maintaining the true sense of the word "community" that has been so strong in the town for many years. With new ideas and developments such as this, it will only grow the spirit of the community for many more years to come. The development brings hope to many that have similar proposals in mind, and if certain building litigation's restrict such activity, the town simply won't be as inviting to the people we really want to attract. The young owners have utilised local builders and resources which is exactly what we encourage in the town. It brightens and intensifies the perspective of the street, and hopefully in turn, encourages others to take a similar approach."*	Noted.

2.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"I see that comment has been invited on the wall and development happening in Guilderton on the corner of Anderson Street and Mortimer Road. My partner and I are happy that something is finally being done with this property as it was really run down and being a bit of an eyesore. The wall for instance neatens the corner block, previously a shack with a track (barely) leading in and out. We are keen to support any investment in Guilderton and development of its housing properties, and also to encourage young people to settle in or regularly come to town. We feel sure the town and its economy will inevitably benefit."*	Noted.
3.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"We have no problem with the erection of the above limestone wall and agree that the centre of the wall will be in line with the boundary, of both properties."*	Noted.
4.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"We are writing in regards to the above property and the limestone wall that has been erected around it.* *As locals our opinion of the wall is that it looks fantastic and once it is finished and landscaped it will be an asset to the owners. It is great to see something being done to this block and the fact that local builders are being used is even better.*	Noted.

		It is a shame that some locals have taken it upon themselves to complain about the development and we feel that on completion of the works their opinions will change. *We would like to wish the owners good luck with their build."*	
5.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"20 Mortimer street Guilderton recently purchased by Alistair Smith has had significant improvements since the recent purchase of the property, as this property was overgrown with vegetation and in a derelict state prior to the purchase.* *With the use of local contractors to undertake the works and now providing the street with a more respectable looking property it is clear that the works undertaken are a lot more beneficial to the overall view of the street and town itself."*	Noted.

6.	Submitter	The submitter **supports** the proposal and makes the following comment: *"As frequent visitors to Guilderton many times/year I would like to state how great it is to see the above property being upgraded and look forward to seeing the finished product.* *Guilderton is a magic holiday place for us and to see properties being improved, which helps with the upkeep of the town site and permanent residents to have their community maintained is very pleasing.* *We would very much hope that one day we can call ourselves permanent residents and have the opportunity to purchase property.* *Congratulations to the owners for their purchase and improvement of this property."*	Noted.
7.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"Being a rate payer of the Guilderton area I want to comment on Lot 171 Mortimer Street. I think this wall has tidied the street up and made it not such an eye sore. It is good to see people finally tidying up the old land blocks and shacks that have had no attention for a very long time.* *Also since you have made this wall a subject of public comment now in future every wall and development in Guilderton will have to have public notice on because you've done it to this lot*	Noted.

		and you can no way do it on one landowners plans and not another. And how come you haven't done this to all the other developments, walls, houses etc. around the whole shire that have been built recently, why just this one? Why is it a public matter what people do to their yard? Something doesn't make sense and is not right about how this seems to be being dealt with, why is a fuss being made about good being done that improves the street and it being made difficult for people that are trying to make an effort on improving Guilderton. *Please let people improve Guilderton."*	
8.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"I'm writing to you in regards to the wall in Guilderton that has been put under public notice on a sign and on the Gingin shire website. (Application for Development Approval Retrospective Retaining Walls and Fill and Proposed Retaining Wall and Timber Slat Fence) I feel the wall is to standard, built safely and has the appropriate backing. I'm very happy with the job they've done, limestone always looks so neat and blends naturally into the surroundings well. It's nice to see old blocks being tidied up, it makes Guilderton so much more attractive. The shire should be encouraging young people that are building and tidying up and making their homes in Guilderton.* *I also would like to say I don't see why there has been a public issue made on someone's private place. I'm not happy and feel it makes people uncomfortable with finding out the shire is allowed to post peoples private plans and photos of there private dwelling without their permission onto a public site. I*	Noted.

		would be interested to know who approved this to be a made a public matter, and who approved peoples private issues to be made public?? I understand the neighbours should be allowed a say in it probably but why is it anyone else's business? *In Redfield there are a lot of fences that are very poor, that are more worthy of public scrutiny than this wall in question.* *I hope that other people see and appreciate the effort made by these land owners and are encouraged to do the same with their properties."*	
9.	Ratepayer	The submitter makes the following **general comment**: *"I have inspected the documents and comment as follows:* *On reviewing the proposed plans and the actual property site, the currently built retaining walls height is extremely high, in particular the front section on Anderson Street in relationship to other retaining walls with the town-site of Guilderton from a "Streetscape" point of view. This property is on one of the main roads within our town; residents/visitors/holiday makers either walk or drive past this area on a regular basis.* *The proposed plans for retaining walls and in-fill do not appear as high from the perspective of viewing the walls from within the property i.e. from existing residence northwards to the front boundary on Anderson Street. But, from the street (Anderson*	Noted.

		Street) in a southward direction, the newly constructed limestone wall is six (6) limestone blocks high (2250m or approximately 7 feet 3 inches) with a proposed additional height with limestone pillars and a slat fence on top, an additional 1520m or five (5) feet. The final height of this retaining wall/fence will become 3.1m or approximately 12 feet.3 inches as a straight wall of height. *There are a number of retaining walls within the town-site which are possibly as high or higher (ranging from 4 – 6 blocks in height) but the height has been broken up by having a smaller height wall first, then stepped back around 1m – 1.5m and the additional retaining wall built to the final height. Within the step back shrubs have been planted which breaks up the solidness of such a high wall. From the "Streetscape" view this is a more attractive option and has been quite successful around the town – an example would be the retaining wall in the Caravan Park.* *I am attaching photos of this wall as it currently stands to illustrate the ugliness in the height of the first section of this retaining wall, given that the second stage of this retaining wall/fencing is yet to go on top increasing the height even further.* *I also have concerns regarding this proposal as I did observe the clearing of the property, removal of the building exterior of*	

		its asbestos cladding and the wall being laid prior to the current proposal submission. *I am not against a proposed retaining wall but consideration needs to be given to the "Streetscape" view as well as the property owners need to retain soil and develop the block. I would like to see the main retaining wall broken up so to disguise the height."*	
10.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"Aaron, I think the wall on Mortimer looks great, good to see something finally being done to this block."*	Noted.
11.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"Aaron Cook, commenting on Lot 171 Mortimer St, Guilderton.* *I live in Guilderton and pass this wall more than once everyday, it looks great and will do alot for the street. This place was such an eye sore before so I'm looking forward to seeing it finished. Thankfully the new owners have wasted no time in making improvements.*	Noted.

		I think people should be encouraged to improve their properties and better the look of Guilderton. *I hope this wall and fence gets approved, it is a well constructed and designed project, I wish more walls were built properly like this one in Guilderton."*	
12.	Ratepayer	The submitter **supports** the proposal and makes the following general comment: *"To Aaron Cook, I'm writing to you in regards to the public notice on Lot 171 Mortimer Street, Guilderton, stating that comments may be made on the PROPOSAL: RETROSPECTIVE RETAINING WALLS AND FILL AND PROPOSED RETAINING WALL AND TIMBER SLAT FENCE.* *First of all I'd like to start by saying, in truth, I don't feel that it's the public's business what these home owners do to their property. They only bought that recently from what I remember and as soon as they start improving their place they get a bit red sign stuck out the front, saying anyone can comment. Not very encouraging for their efforts. I also looked up the Gingin Shire website and found their plans and photos on there, again why should their private projects be put on a public site? (No other private developments such as walls, houses, sheds etc. have had public notice signs put up and their private plans and photos put on the shire website recently from what I understand, so why this one?)* *But if you do want comments, I would like to say that it's an impressive wall. It makes the place look a lot neater and I'm*	Noted.

		looking forward to seeing it finished off with the timber fence, I believe it will look great! I'm glad they used limestone and are finishing it off with timber as both of these products suit the landscape well, look natural and blend in with the surroundings. I also appreciate the fact that, from what I understand, they used local business' and resources for their project, its good to see the community supporting local workers. *This wall improves the look of the whole street, and makes the area look more attractive. It's nice to see some attention being given to the old blocks/shacks around the town as they are in need of a makeover. Hopefully more home owners in Guilderton will be encouraged to do so after seeing how much better this one looks.* *I've lived in Guilderton ever since I was born (my family have lived in the Gingin Shire for 7 generations) and we've always felt that the shire should get along side locals thinking of tidying, renovating and improving their places around the town and be encouraging and supportive of such ideas as why wouldn't we want Guilderton spruced up a bit?* *Its such a great place to live and being made even greater by the home owners who take the time to give their places a little love."*	
13.	Ratepayer	The submitter **supports** the proposal and makes the following general comment: *"I am a long term resident in the area of Guilderton. Recently as we drove past the above address my 12 year old commented, "That's a nice wall, isn't it Mum?" I agreed, then*	Noted.

		saw the Public Notice sign. I am not sure why some-one's garden wall, which is not finished but looks very neat and smart and will have a timber slatting fence on top, should be a subject of public opinion. I have not seen this on other limestone walls in the area, of which there are many. *We have no complaint with the owners using their hard earned resources to improve the look and streets of Guilderton. It is far better than the scruffy asbestos shacks around here. Has the shire thought about encouraging and helping Guilderton house owners to replace the dangerous asbestos in this area, instead of pasting private house and garden plans on the internet and campaigning against them.* *None of the house owners here knew of the dangers involved with this toxic material that was offered them, or used on houses they have more recently bought. It has been made very expensive to have it removed and it is good that these people are doing the right thing and also tidying up their yard.* *We were not warned that some-one was going to plonk a massive eye-sore on the only bit of grass available for families to play on and enjoy picnics and views of our lovely river, there is such a lack of space already. A locked toilet that no-one has seen being used and none of us can make use of, to avoid the dirty old public toilets that have been there for so many years and never improved or cleaned often enough. There is already a disabled toilet that could have been adjusted. It is so horribly placed and in the way.*	

		We say, 'good job' on this up and coming property improvement, it upgrades the look of this area and at least it is not in anyone's way or view of our amazing coastal landscape."	
14.	Ratepayer	The submitter **does not support** the proposal and makes the following general comment: *"A verbal agreement was reached between Lot 171 owner and myself that the retaining wall on our property border could encroach onto our property on the provision that a double sided colour bond fence was installed on the centre line of the wall at Lot 171 owners full cost. I do have reservations about the property ground level being raised as this could have an impact on our future development heights affecting us."*	Noted.
15.	Ratepayer	The submitter **supports** the proposal and makes the following general comment: *"My name is not really wanted but you probably have it anyway and if you use it, I will sue, Kylie. 20 Mortimer the young people have tried to make a home for themselves and have spent a lot of money maybe they did the wrong thing about the fence but they did the right thing about the asbestos".*	Noted.

11.3.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED EXTRACTIVE INDUSTRY (SAND) ON LOT 1021 GINGIN BROOK ROAD & LOT 1022 INDIAN OCEAN DRIVE NEERGABBY

File:	BLD/6670
Applicant:	Harley Dykstra
Location:	Lot 1021 Gingin Brook Road & Lot 1022 Indian Ocean Drive, Neergabby
Owner:	C and L Dewar
Zoning:	General Rural GR30
WAPC No:	N/A
Reporting Officer:	Kylie Bacon – Acting Executive Manager Planning and Development
Report Date:	16 October 2018
Refer:	21 March 2017 Item 11.3.1
Appendices:	1. Location Plan, Site Plan and Amended Proposal 2. Schedule of Submissions (November 2015) 3. Schedule of Submissions (September 2018)

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Extractive Industry (Sand Operation), Incidental Site Building and Extractive Industry Licence on Lot 1021 Gingin Brook Road and Lot 1022 Indian Ocean Drive, Neergabby

BACKGROUND

The subject lots are situated at the corner of Gingin Brook Road and Indian Ocean Drive. The vast majority of the land is cleared of vegetation and is predominately surrounded by rural land, including an olive plantation immediately to the east. Since the application was lodged, a single dwelling has been constructed north of the extraction area on Lot 13 Gingin Brook Road. The Woodridge rural residential estate is located approximately 1km south-west of the proposed extractive industry site.

Lot 1021 has an area of 30.11ha and Lot 1022 41.12ha and contains a total resource area of 8.75ha. Lot 1022 has a number of existing buildings outside the proposed extractive industry site, including a dwelling and associated outbuildings, a vacant packaging shed, a greenhouse and an open hard stand area. The proposed Incidental Site Building and toilet for the management of the facility will also be located onsite.

The extractive industry is proposed to be located towards the eastern boundary of Lots 1021 and 1022, generally bounded by the 70m AHD contour, resulting in the majority of the extractive industry being located within Lot 1021. The pit will be excavated to a depth of 13m below the natural ground level (to a minimum of 64m AHD) with a working face of up to 7m.

An access road approximately 450m long will extend south generally through the centre of Lot 1021, providing access via Gingin Brook Road. Approximately 640,000m^3 (1,024,000 tonnes) of sand is proposed to be extracted over the lifetime of the pit.

The maximum output is likely to be up to 1,500 tonnes (937.5m^3) per day in the peak period (to fulfil a particular contract), while during off-peak operations, an average output is likely to be in the order of 500 tonnes (312.5m^3) per day. The total lifetime of the quarry is expected to exceed 20 years. The proposed hours of operation are 6am to 6pm (Monday to Friday) and 6am to 5pm (Saturday).

The application was originally lodged with the Shire in November 2015. However, the proposal was placed on hold in order to deal with traffic issues resulting from not only the proposed extractive industry but also from increased traffic volumes resulting from the other proposed land uses on the same lots (road house and storage). At the request of Main Roads Western Australia (MRWA), a Traffic Impact Assessment (TIA) was undertaken. With respect to the extractive industry proposal, access has been amended from Croot Place to Gingin Brook Road and this is addressed further in the Comment section of the report.

A copy of the Location Plan, Site Plan and updated proposal are attached as **Appendix 1.**

COMMENT

Community Consultation

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* This included advertising to surrounding landowners, placement of a development sign on the verge of the property and publication on the Shire's website, all for a period of 21 days. State Agencies were also consulted.

The proposal underwent two rounds of advertising. Firstly, when the application was lodged in November 2015 the Shire received 34 submissions, comprising 26 objections, five general comments, two from State agencies with no comment and one submission of support. Furthermore, MRWA objected to the access route being from Croot Place and instead recommended that the Applicant should use Gingin Brook Road for access. MRWA also required the Applicant to undertake a TIA. The scope of the TIA considered the overall traffic implications on the road network associated with both the extractive industry proposal, the road house and storage uses which are the subject of a scheme amendment.

Given the amended access route to the site, the proposal was re-advertised in September 2018. On this occasion the Shire received 14 submissions, comprising ten objections, two submissions in support and two providing general comments.

The November 2015 and September 2018 Schedules of Submissions and recommended responses have been included as **Appendices 2 and 3** respectively.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

The subject lot is zoned "General Rural – GR 30" under LPS 9. 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.*

A 20m setback provision applies to all development within the General Rural zone.

Extractive industry is identified as an "A" use within the General Rural zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.

Setbacks

The pit is to be set back 20m from the eastern boundary, 40m from the northern boundary and more than 100m from the southern and western boundaries. The incidental site building is set back greater than 20m. Therefore, the proposal is compliant with the General Rural setbacks outlined in LPS 9.

Design

The Applicant proposes to extract 640,000m^3 (1,024,000 tonnes) of sand over the lifetime of the pit (greater than 20 years). The extraction will be undertaken in stages, with extraction beginning at the southern end of the pit and proceeding north. The active working area at any one time is not expected to be more than 1ha. A front end loader will be used to strip the topsoil/overburden to a depth of about 0.3m. The topsoil will be windrowed (to a height of less than 2m) for later use in rehabilitation.

The production rate will be a maximum output of up to approximately 1500 tonnes (937.5m^3) per day, while typical output is likely to be in the order of 500 tonnes (312.5m^3) per day (140,000 tonnes (87,500m^3) per annum).

Dust disturbance will be managed by ensuring that no dry topsoil stripping will occur in winds of greater than 40km/hr. Dust suppression watering will be carried out as required on stockpiles, topsoil windrows and other disturbed surfaces to minimise dust generation during dry windy conditions. A water cart will be located on site for this purpose.

Noise will be managed by fitting trucks with standard exhaust noise attenuation equipment. No blasting or rock breaking will be required.

Environmental Impact

There will be no loss of vegetation as the site is already cleared. The final landform will be a gentle (1:6 or less) bowl sloping inward from the pit perimeter at the 70m AHD contour down to 64m AHD. The excavation area will be returned to its former use of grazing at the end of its operation. Therefore, there is no significant environmental impacts are envisaged.

Rehabilitation

The Applicant has advised as follows with respect to proposed rehabilitation measures:

'Rehabilitation of quarried areas will be progressive and will consist of terrain reshaping and the re-establishment of pasture grasses. The topsoil from each extraction block will be saved and re-shaped over the surfaces of restored landforms to allow for the re-establishment of pasture from the seed bank in the top soil. Where necessary, the rehabilitated surface will be seeded with pasture species to promote regrowth. Where practical the stripped topsoil from each new extraction block will be spread immediately onto restored surfaces to minimise double handling and stockpiling'.

In the event that Council approves the application, as a condition of the planning approval the landowner will be required to implement all rehabilitation measures to the satisfaction of the Shire of Gingin.

Separation from Sensitive Land Uses

The *Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses* (Guidance Statement) recommends a buffer distance of between 300m - 500m, depending on the size, for an Extractive Industry (Sand Extraction). When the proposal was originally lodged in 2015, the closest dwelling was located approximately 680m to the north and more than 1km to the south. Since that time, a dwelling has been constructed on Lot 13 Gingin Brook Road located approximately 140m north from the excavation pit.

The landowners were advertised to and have not objected to the proposal. Notwithstanding this, appropriate measures need to be put in place to ameliorate the likely effects of traffic, noise, dust and vibration arising from the extractive industry on the amenity of the surrounding locality.

Furthermore, *State Planning Policy 2.5 Rural Planning (SPP 2.5)* clause 5.12.1 Avoiding Land Use Conflict sets out parameters where development is proposed that may generate off-site impacts. In this case, the separation distances as recommended in the Guidance Statement as outlined above should be applied.

The application of separation distances is enforced on the foundation that no parameters are put in place to mitigated offsite impacts. Where a proposal does not comply with the prescribed separation distances, the proposal is required to demonstrate that appropriate measures can be taken to ameliorate any adverse impacts. In this instance the primary offsite impacts from the extractive industry are envisaged to be dust, noise and, to a certain extent, vibration (it is acknowledged that the extraction of sand will create less impact in terms of vibration than, for example, limestone).

The Applicant has proposed that additional noise and screening measures will be employed when excavation encroaches within the 300m separation buffer. These measures would consist of a bund stabilised with additional landscaping being designed and implemented in accordance with the recommendations of an acoustic report. Furthermore, by the time the excavation reaches to the northern end of the pit, the vegetation screening should be established to a standard that minimises dust and provides visual relief.

It is not possible to gauge whether these mitigation measures will be sufficient to protect the amenity of adjoining landowners until such time they are employed. Therefore, it is proposed that any approval will be conditioned to require the immediate cessation of all excavation within the 300m separation buffer, at the discretion of the Shire of Gingin, in the event that such activity cannot be managed to mitigate offsite impacts to the Shire's satisfaction. At this point any extractive industry licence will cease to apply to this section of the property.

Traffic Implications

The Applicant commissioned Move Consultants to undertake a TIA dated February 2018 for both the proposed extractive industry and the scheme amendment for a road house and storage facilities, in accordance with the requirements of MRWA.

The anticipated traffic generation associated with the extractive industry will be in the order of 20 to 30 truck movements per day with three to four movements maximum during the typical peak hour. As already mentioned, the access route to the extraction pit has been amended from Croot Place to Gingin Brook Road.

MRWA was consulted on the proposal and has provided the following comment:

'Main Roads accept the vehicles entering the Indian Ocean Drive from Gingin Brook Road on condition that the intersection is upgraded as part of the service station development, it is required following Main Roads further assessment….Main Roads has previously advised that an acceleration lane may be required to accommodate increased heavy vehicles (D15#803195)'.

It is considered that egress to and from Lot 1021 will efficiently and effectively distribute the site traffic to and from the existing road network.

As the access has been amended from Croot Place to Gingin Brook Road, the submitted TIA requires amendments to reflect the current traffic conditions on Gingin Brook Road. This includes taking into consideration the long term implications of the proposed road house.

Water Supply

Lot 1022 has a 15,000 kL water licence for the purposes of dust suppression for industrial purposes, road maintenance and windbreak purposes. The environmental report submitted with the proposal has indicated that the operation will require up to approximately 7,000 kL of water per year for dust suppression and truck washdown. Therefore, the current allocation of 15,000 kL is sufficient to meet these requirements.

STATE PLANNING FRAMEWORK

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. A very small portion of Lot 1022 is designated as being bushfire prone (south-west corner). The applicant has submitted a bushfire attack level (BAL) assessment (BASIC) report that designates a rating of BAL LOW.

Indian Ocean Drive Planning Guideline:

The Indian Ocean Drive Planning Guideline (IODPG) sets out broad guidelines for the location, sighting and design of various land uses and development, including extractive industries in the locality of Indian Ocean Drive (IOD).

An overarching objective of the Guidelines in terms of safeguarding Indian Ocean Drive's key function as a 'scenic, coastal tourist route' is to:

"protect the primarily natural landscape character of the route, while restoring and enhancing character and environmental outcomes where needed".

The Guideline states that basic raw material extraction sites should not be evident from IOD, and further;

a. *should be located and sited where they can be screened behind landforms such as dunes and ridges. Where this is not feasible they should be located where there is sufficient setback to create a vegetation screen of a height that would obscure the development. Locally indigenous plant species that are common along IOD and will grow to the required height and density should be used in the vegetation screening;*

b. *should not have their entry points located at positions that are prominent within important views such as at focal points; and*

c. *entry points should be designed to the minimum dimensions allowed by Main Roads' standards, to reduce their prominence.*

The extractive industry pit will be potentially visible from parts of the surrounding roads at distances from 45m to more than three kilometres. Figure 5 in the submitted Bailey Environmental Report shows simulated views from some of these points.

Overall the visual impact of the pit will be low. Screening will be provided by the existing vegetation and terrain and impacts will be further minimised by the planned progress of excavation from south-east to north-west.

Notwithstanding the above, the proposal was referred to the Department of Planning, Lands and Heritage for assessment against the Guideline. The Department has concluded that additional screening within both lots will be required to minimise the proposal's visual appearance when viewed from the adjoining road network and across the locality in general. In the event that the application is approved by Council, then a condition of the planning approval will require a detailed landscaping plan to be submitted and approved by the Shire of Gingin. It is to include, at a minimum, details of the additional vegetation screening that is required to be undertaken as marked up in red ink on the submitted plans.

Conclusion

It is considered that the subject lots can accommodate the proposed extractive industry with the appropriate planning conditions and management plans in place to ensure off site impacts can be controlled in a manner that will not adversely affect the amenity of the locality and will uphold the objectives of the General Rural zone.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9
Part 3 – Zones and the Use of Land
3.2.7 Objectives of the General Rural Zone

Part 4 – General Development Requirements
4.8.6 General Rural Zone
4.8.10 Extractive Industries

State Planning Policy 2.5 Rural Planning

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Indian Ocean Drive Planning Guideline

Shire of Gingin Extractive Industries Local Law 2004

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Fewster SECONDED: Councillor Elgin

That Council grant Development Approval for the proposed Extractive Industry (Sand Operation), Incidental Site Building and Extractive Industry Licence on Lot 1021 Gingin Brook Road and Lot 1022 Indian Ocean Drive, Neergabby subject to the following conditions:

1. **The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;**

2. **No excavation is to be undertaken within the 300m separation buffer as marked in red ink on the approved plan(s), unless the following are undertaken to the satisfaction of the Shire of Gingin:**

    a. **Prior to excavation works occurring within the 300m separation buffer, the landowner, at their cost is to construct an earth bund on the north side of the pit. The bund is not to encroach outside the boundary of the excavation pit and must be screened with vegetation. The bund is to be designed in accordance with the recommendations of an acoustic report; and**

    b. **The vegetation screening along the portion of the northern boundary abutting the northern edge of the pit is to be established to the extent that it will help to minimise dust suppression;**

3. **Prior to the issue of an Extractive Industry Licence, the Figure 3 - Site Plan submitted with the Applicant's proposal is to be amended and resubmitted to the satisfaction of the Shire of Gingin. At a minimum the Site Plan is to outline the following detail:**

a. The amended boundary of the extractive industry area taking into consideration the 300m buffer; and

b. The size of the amended excavation area.

4. All excavation activities within the 300m separation buffer are to cease immediately in the event that, in the opinion of the Shire of Gingin, such activities cannot be managed to mitigate offsite impacts to the Shire's satisfaction. At this point any extractive industry licence will cease to apply to this section of the property;

5. The Extractive Industry operation over both Lot 1021 and Lot 1022 is limited to a total area that is outlined on the amended site plan (as required in Condition 4), with the working pit not to exceed an area of 1ha at any one time;

6. In the event the extractive industry can demonstrate extraction within the 300m separation buffer without causing amenity issues to the satisfaction of the Shire of Gingin, the extraction industry operation over both Lot 1021 and Lot 1022 is limited to a total area of 8.75ha, with the working pit not to exceed an area of 1ha at any one time;

7. Extraction shall be limited to a depth of 13m;

8. Prior to the issue of an Extractive Industry Licence, a Staging Plan outlining the staging of the excavation works is to be submitted to the satisfaction of the Shire of Gingin;

9. A landscaping buffer is required to be planted to the satisfaction of the Shire of Gingin and shall generally accord with the location marked in red ink on the approved plan;

10. Prior to the development of a landscaping buffer (see Condition 9), a landscaping plan is required to be submitted for approval by the Shire of Gingin. The landscaping plan must, at a minimum, address the extent of the buffer area, the location and spacing of trees and shrubs, a list of tree species and how the buffer area is to be maintained, having regard for the provisions of the Shire of Gingin Firebreak Notice;

11. The landscaping buffer is required to be installed prior to the issue of an Extractive Industry Licence and is to be maintained at all times to the satisfaction of the Shire of Gingin;

12. Prior to the issue of an Extractive Industry Licence, the submitted Dust Management Plan outlined in the Bayley Environmental Services Environmental Management Plan dated 28 January 2015 is required to be amended and resubmitted to the satisfaction of the Shire of Gingin to further address the following:

a. How further dust suppression measures will be addressed in the event that the dust suppression measures outlined in the submitted Dust Management Plan are not adequate;

13. Prior to the issue of an Extractive Industry Licence, the submitted Rehabilitation Plan outlined in Bayley Environmental Services Environmental Management Plan dated 28 January 2015 is required to be amended as follows and resubmitted to the satisfaction of the Shire of Gingin:

a. Section 4 heading Decommissioning and Rehabilitation, dot point eight is to be deleted and replaced with the following: 'The access road from Gingin Brook Road will be ripped and allowed to regrow unless it is required for farming purposes';

14. Prior to the issue of an Extractive Industry Licence, a Rehabilitation Bond for the sum of the rehabilitation costs, plus indexation, is to be submitted for the Extractive Industry area. The Chief Executive Officer may accept payment for a staged excavation area provided that progressive rehabilitation is undertaken in accordance with the stages identified in the approved Staging Plan;

15. Prior to commencement of works on any stage, in accordance with the approved staging plan, the relevant stage must be surveyed and a Survey Plan endorsed by the Shire of Gingin. Endorsement of a Survey Plan, which is to be to a scale of between 1:500 and 1:2000 showing 1m contours, may be withheld where either:

a. The Survey Plan is in conflict with the Planning Approval and/or staging plan; or

b. Rehabilitation of a previous stage has not been satisfactorily progressed;

16. At the completion of each stage of excavation, the land shall be re-contoured and rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the Shire of Gingin;

17. When Excavation occurs outside the 300m separation buffer, the extractive industry can only operate within the hours of 6am to 6pm Monday to Saturday, with no operating to occur on Sundays. When excavation occurs within the 300m separation buffer, the extractive industry can only operate within the hours of 7am to 5pm Monday to Saturday, with no operating to occur on Sundays;

18. Prior to the issue of an Extractive Industry Licence, the Traffic Impact Assessment dated February 2018 is to be amended and approved to the satisfaction of the Shire of Gingin;

19. The crossover servicing Lot 1021 Gingin Brook Road is to be installed to the satisfaction of the Shire of Gingin at the Applicant/Landowner's cost;

20. Stock piling of material shall not impact the visual amenity or rural character of the area to the satisfaction of the Shire of Gingin;

21. The Landowner/Operator shall institute all necessary on-site mitigation measures to ensure that the amenity of the adjacent landowners is not detrimentally affected by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise; and

22. The Landowner/Operator shall comply within the requirements of the Extractive Industry Licence at all times.

Advice Notes

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

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

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

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

Note 5: This planning approval shall not be construed as an approval or support of any kind for any other planning-related application (including subdivision) on the subject land;

Note 6: The applicant/landowner is advised to refer to the requirements of the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974;*

Note 7: The *Environmental Protection Act 1986* contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested that the Applicant has due regard for this in the operation of the development;

Note 8: With respect to Condition 2, a qualified acoustic engineer must undertake the acoustic report to the satisfaction of the Shire of Gingin; and

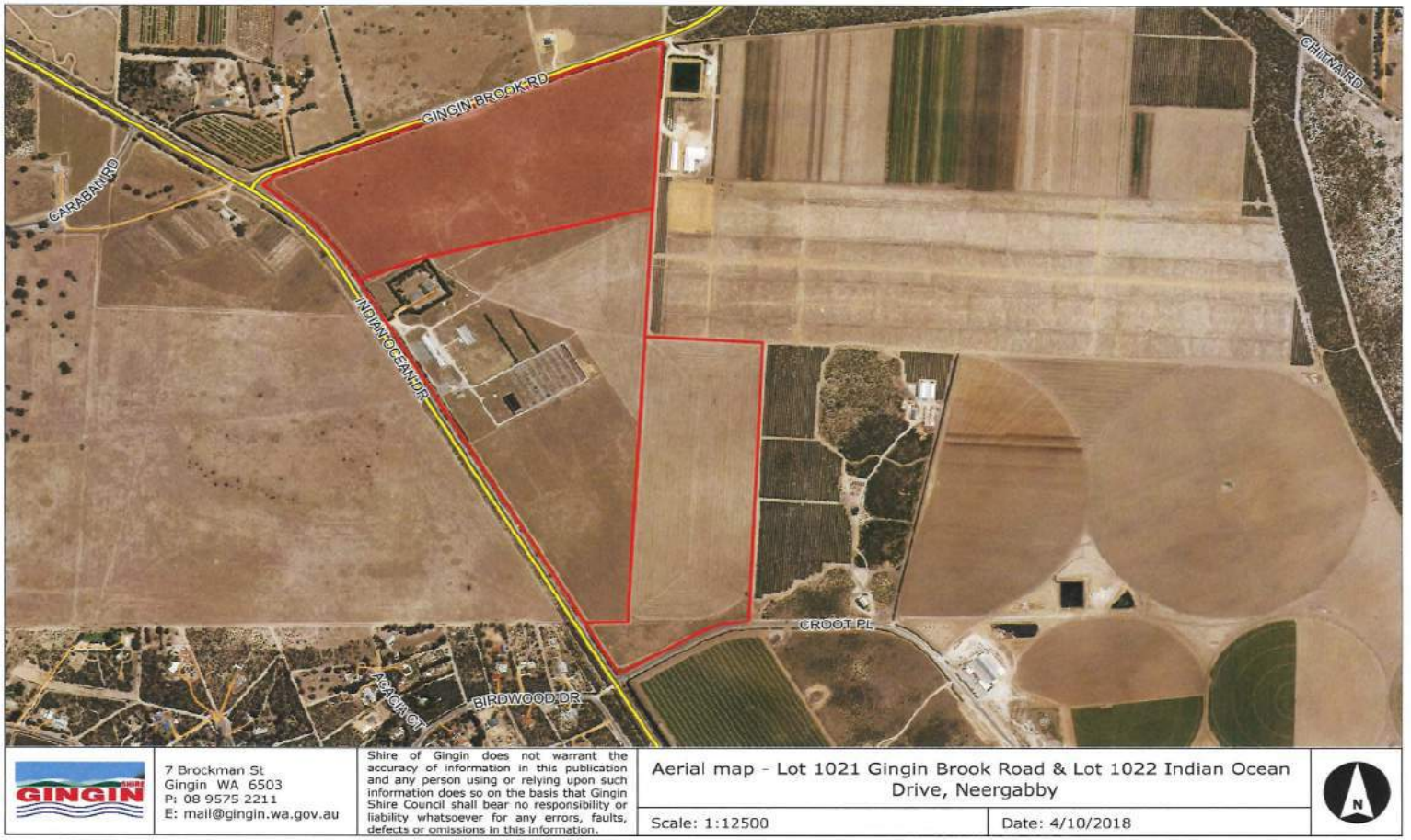
Note 9: With respect to Condition 18, the Traffic Impact Assessment, at a minimum, is to reflect the most updated traffic numbers and implications for Gingin Brook Road

CARRIED UNANIMOUSLY

Note: An amended report incorporating changes to the officer's recommendation (Conditions 9 and 17) and amended Site Plan (page 149) were tabled at the meeting.

APPENDIX 1

GINGIN SHIRE	7 Brockman St Gingin WA 6503 P: 08 9575 2211 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Location plan - Lot 1021 Gingin Brook Road & Lot 1022 Indian Ocean Drive, Neergabby Scale: 1:40019 Date: 4/10/2018	N


GINGIN BROOK RD
CARABAN RD
INDIAN OCEAN DR
CHITNA RD
CROOT PL
BIRDWOOD DR
ACACIA CT
GINGIN
7 Brockman St
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Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Aerial map - Lot 1021 Gingin Brook Road & Lot 1022 Indian Ocean Drive, Neergabby
Scale: 1:12500
Date: 4/10/2018
N

Harley Dykstra
PLANNING & SURVEY SOLUTIONS

Our Ref: 20195 – V2 16.08.2018

16 August 2018

Shire of Gingin
PO Box 510
GINGIN WA 6503

ATTENTION: Kylie Bacon – Executive Manager of Planning and Development

Dear Kylie,

Development Application for Extractive Industry (Sand Quarry) and Extractive Industry Licence Lot 1021 Gingin Brook Road and Lot 1022 Indian Ocean Drive, Neergabby

Harley Dykstra, on behalf of our client Kirk Dewar, is pleased to submit the enclosed Development Application for an Extractive Industry (Sand Quarry) at Lot 1021 Gingin Brook Road (Lot 1021) and Lot 1022 Indian Ocean Drive (Lot 1022), Neergabby.

Details and rationale in support of the proposal are provided below.

1.0 Purpose of the Application

This submission has been prepared by Harley Dykstra on behalf of Kirk Dewar in respect of a proposed Extractive Industry on a portion of Lot 1021 and Lot 1022. Access to the Extractive Industry shall be via Gingin Brook Road. The submission also seeks the issue of an Extractive Industry Licence to facilitate the operation of the Extractive Industry.

2.0 Application History

This submission acknowledges that the strategic and planning framework applicable to the subject land supports the proposed development at this location. The proposal also has regard to issues raised during the initial advertising of the proposal in November 2015 in relation to access.

3.0 The Subject Land

The legal description of the subject lots are provided below.

	Plan/Deposited Plan	Volume	Folio	Area
Lot 1021 Gingin Brook Road	54971	2679	548	30.116 ha
Lot 1022 Indian Ocean Drive	54971	2679	549	41.127 ha

The subject land is located approximately 74km north of Perth CBD, at the corner of Gingin Brook Road and Indian Ocean Drive (**Figure 1** *overleaf*). The vast majority of the subject land is cleared of vegetation and is predominately surrounded by rural land, including an olive plantation immediately to the east (**Figure 2** *overleaf*). The Woodridge rural residential estate is located approximately 1km south of the proposed extractive industry site.

PERTH
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Albany Bunbury Busselton Kelmscott Perth

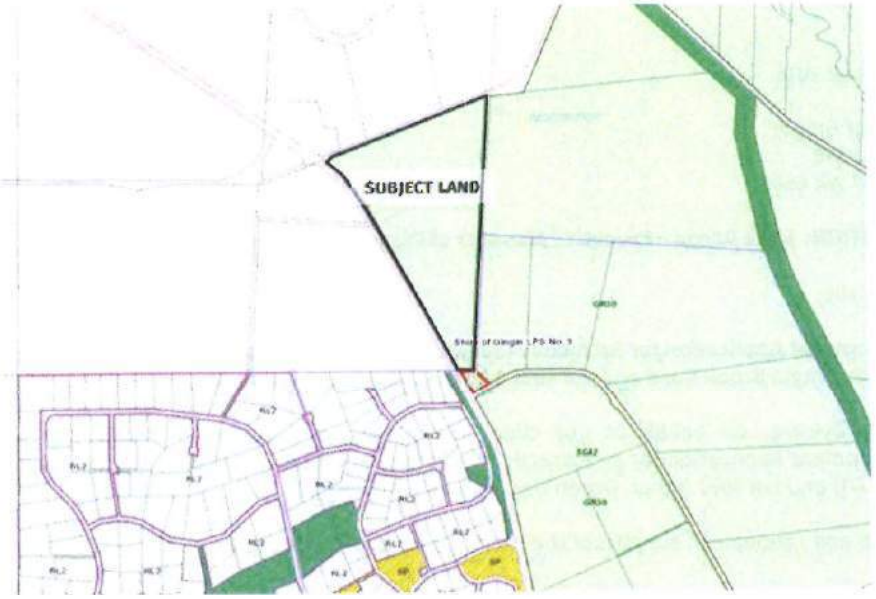


Figure 1 Location Plan

Figure 2 Aerial photograph

Lot 1022 has a number of existing buildings outside the proposed Extractive Industry area, including a dwelling and associated outbuildings, a vacant packing shed, a greenhouse and an open hardstand area. Given these existing uses are also under the same ownership, there is no objection to the proposed location of the Extractive Industry.

The proposed development area, as shown in the development plans at **Appendix A**, traverses both Lots 1021 and 1022. Whilst a future application to realign the lot boundaries may be progressed to accommodate the landowners' development intentions for the subject land, it is not considered rationalisation of lot boundaries would be required as a condition of this Development Approval.

The Extractive Industry Proposal and Environmental Management Plan was prepared by Bayley Environmental Services at **Appendix B** on the 28 January 2015, and as such, still refers to original proposal to obtain access via Lot 52 Croot Place. Site access has now been replaced with access only from Gingin Brook Road. Further, the report does not account for the recent construction a dwelling on Lot 13 Gingin Brook Road (north of the extraction area). Notwithstanding, it is considered that the operation of the extractive industry can be managed via the application of appropriate planning conditions, so as to ensure there is no adverse impact on the residents of Lot 13. The environmental report provides details on the extraction programme, environmental impact, and decommissioning and rehabilitation of the Extractive Industry.

4.0 Planning Considerations

4.1 Shire of Gingin Local Planning Scheme No.9

The subject land is zoned "General Rural – GR30" under the Shire of Gingin Local Planning Scheme No.9 (LPS 9). 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."*

Clause 5.9.1 identifies a minimum setback to development of 20m from all boundaries in the General Rural Zone.

Extractive Industry is identified as an "A" use within the General Rural Zone meaning that the use is permitted at the discretion of the local government by granting planning approval following advertising.

4.2 Indian Ocean Drive Planning Guideline

The Indian Ocean Drive Planning Guideline sets out broad guidelines for the location, sighting and design of various land uses and development, including extractive industries in the locality of Indian Ocean Drive. The Guideline is classified as a B5 Operational Policy under State Planning Policy 1 - State Planning Framework Policy and endorsed by the WAPC.

An overarching objective of the Guidelines in terms of safeguarding the Indian Ocean Drive's key function as a 'scenic, coastal tourist route' is to:

> *"to protect the primarily natural landscape character of the route, while restoring and enhancing character and environmental outcomes where needed."*

The Guideline states that basic raw material extraction sites should be inevident from Indian Ocean Drive and:

(a) *"should be located and sited where they can be screened behind landforms such as dunes and ridges. Where this is not feasible they should be located where there is sufficient setback to create a vegetation screen of a height that would obscure the development. Locally indigenous plant species that are common along Indian Ocean Drive and will grow to the required height and density should be used in the vegetation screening;*

(b) *should not have their entry points located at positions that are prominent within important views such as at focal points; and*

(c) *entry points should be designed to the minimum dimensions allowed by Main Roads' standards, to reduce their prominence.*

The proposed Extractive Industry complies with the above requirements being set back 40m from Gingin Brook Road and 370m from Indian Ocean Drive. Excavation will progress from south to north, and thus will be screened from view from the north until the final stage of operation when excavation reaches the 70m AHD level. Landscaping along Gingin Brook Road and Indian Ocean Drive is proposed, as illustrated on the Development Site Plan at **Appendix A**, to provide vegetation screening from Gingin Brook Road, Indian Ocean Drive and surrounding rural residential land.

Access to the Extractive Industry is proposed via unsealed access road to Gingin Brook Road, approximately 420m east of the intersection with Indian Ocean Drive, as shown on the Attached Development Site Plan.

5.0 The Application

The Extractive Industry is proposed to be located towards the eastern boundary of Lot 1021 and 1022, generally bounded by the 70m AHD contour, resulting in the majority of the Extractive Industry being located within Lot 1021. The pit will be excavated to a depth of 13m below the natural ground level with a working face of up to 7m. An access road approximately 450m long will extend south generally through the centre of Lot 1021, providing access to the Extractive Industry from Gingin Brook Road.

The proposed development plans for the Extractive Industry are included at **Appendix A** which depict the following:

- 640 000m^3 sand quarry covering an area of 8.75ha;
- 450m long internal access road; and
- A site office and toilet, for management of the facility.

In regards to the objectives of the General Rural zone stated in section 3.0, the rural character of the zone shall be maintained through the progressive rehabilitation of the extraction area,

including terrain reshaping and re-establishment of pasture grasses. The Extractive Industry Proposal and Environmental Management Plan anticipates the proposed development will have very limited impact on the environment and will be returned to its former use of grazing at the end of its operation. The final landform will be a gentle (1:6 or less) bowl sloping inward from the pit perimeter at the 70m AHD contour down to 64m AHD.

Details on site operations, servicing, traffic generation, management and rehabilitation of the site are included in the attached report by Bayley Environmental Services, which are summarised below:

- Topsoil is to be stripped to a depth of 0.3m and windrowed for later use in rehabilitation.
- Extraction will be undertaken in stages, beginning at the southern end of the pit and proceeding north, with the active working area at any one time not exceeding 1ha.
- The maximum output is likely to be up to 1,500 tonnes per day (to fulfil a particular contract), while during off-peak operations, an average output is likely to be in the order of 500 tonnes per day.
- The total lifetime of the quarry is expected to exceed 20 years.
- Hours of operation are 6am-6pm Monday to Friday and 6am-5pm Saturday.
- The operation will require up to approximately 7,000 KL of water per year for dust suppression and truck wash-down upon exit from the quarry.
- Rainfall runoff will be captured in the pit where it will infiltrate to the groundwater.
- Dust disturbance will be managed by ensuring no dry topsoil stripping will occur when the wind speed is greater than 25km/hr and no dry excavation or truck loading will occur in winds of greater than 40km/hr. Dust suppression watering will be carried out as required on stockpiles, topsoil windrows and other disturbed surfaces to minimise dust generation during dry windy conditions. A water cart will be located on site for the purpose of dust suppression.
- Noise will be managed by fitting trucks with standard exhaust noise attenuation equipment. No blasting or rock-breaking will be required.
- Rehabilitation will be progressive and will consist of terrain reshaping and the re-establishment of pasture grasses. The topsoil from each extraction block will be saved and re-spread over the surfaces of restored landforms to allow for the re-establishment of pasture from the seed bank in the topsoil.

4.1 Traffic

A Traffic Impact Assessment (TIA) was prepared by Move Consultants following extensive post-lodgement consultation with the Shire of Gingin and Main Roads Western Australia. The scope of the TIS was considered the overall traffic implications on the road network associated with both the extractive industry proposed and the road house and storage uses proposed under Scheme Amendment No. 19. The Development Context Plan, attached at **Appendix C**, illustrates the overall development intent for the site. The TIA and Main Roads WA correspondence are also attached at **Appendix C**.

This proposal includes a north-south access road, of approximately 450m in length, traversing the centre of the site. This access road provides the sand quarry access and egress to Gingin Brook Road via unsealed access track. This approach has been supported by Main Roads WA.

The TIA analysis anticipates that the extractive industry will generate 20 – 30 truck movements (in/out) per day on average, with a typical maximum of 3 – 4 movements per peak hour, and these increases in traffic should be able to be comfortably accommodated within the existing road network.

This proposed access track will efficiently and effectively distribute the site traffic to and from the existing road network (especially in the context of the adjacent proposed roadhouse) and achieves the minimum sight distance requirements to meet the Safe Intersection Sight Distance (SISD) approach.

6.0 Conclusion

It is respectfully requested that Council approve the development of an Extractive Industry on a portion of Lot 1021 Gingin Brook Road and Lot 1022 Indian Ocean Drive, Neergabby as documented in this report and issue an Extractive Industry licence to facilitate its operation.

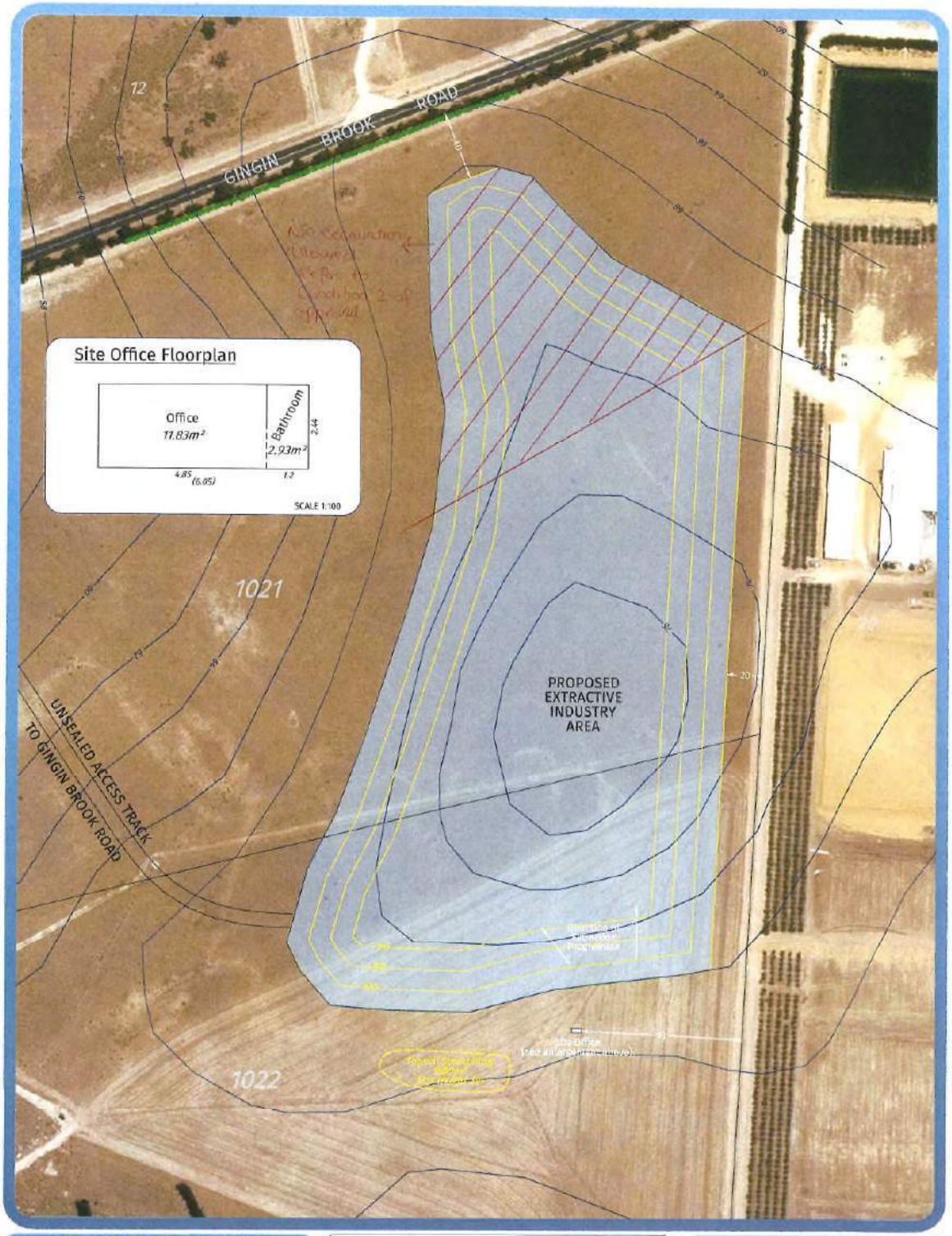
It is contended that the proposed development and land use being rural in nature, is sympathetic with the particular characteristics of the locality and will not have a significant environmental impact. In this regard, the proposed development is considered to be consistent with the objectives of LPS 9 for the General Rural zone.

I trust the enclosed information is satisfactory; however should you require any further information to facilitate approval, please do not hesitate to contact the undersigned at this office.

Yours faithfully

David Maiorana
Manager of Planning – Perth

GINGIN BROOK ROAD
Landscaping
1021
Extractive Industry Area
Landscaping
1022
Additional Landscaping
12
13
1
20
101
M878
52
64
DEVELOPMENT SITE PLAN
Lot 1021 Gingin Brook Road &
Lot 1022 Indian Ocean Drive,
NEERGABBY
Harley Dykstra
PLANNING & SURVEY SOLUTIONS


GINGIN BROOK ROAD
Site Office Floorplan
Office
11.83m²
Bathroom
2.93m²
4.85
(6.05)
1.2
2.44
SCALE 1:100
1021
1022
PROPOSED
EXTRACTIVE
INDUSTRY
AREA
UNSEALED ACCESS TRACK
TO GINGIN BROOK ROAD
PART DEVELOPMENT
SITE PLAN
Lot 1021 Gingin Brook Road
Lot 1022 Indian Ocean Drive
NEERGABBY
Harley Dykstra
PLANNING & SURVEY SOLUTIONS
DRAWN
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CHECKED
MM 16/08/18
DRAWING No
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SCALE AT A3 1:2000
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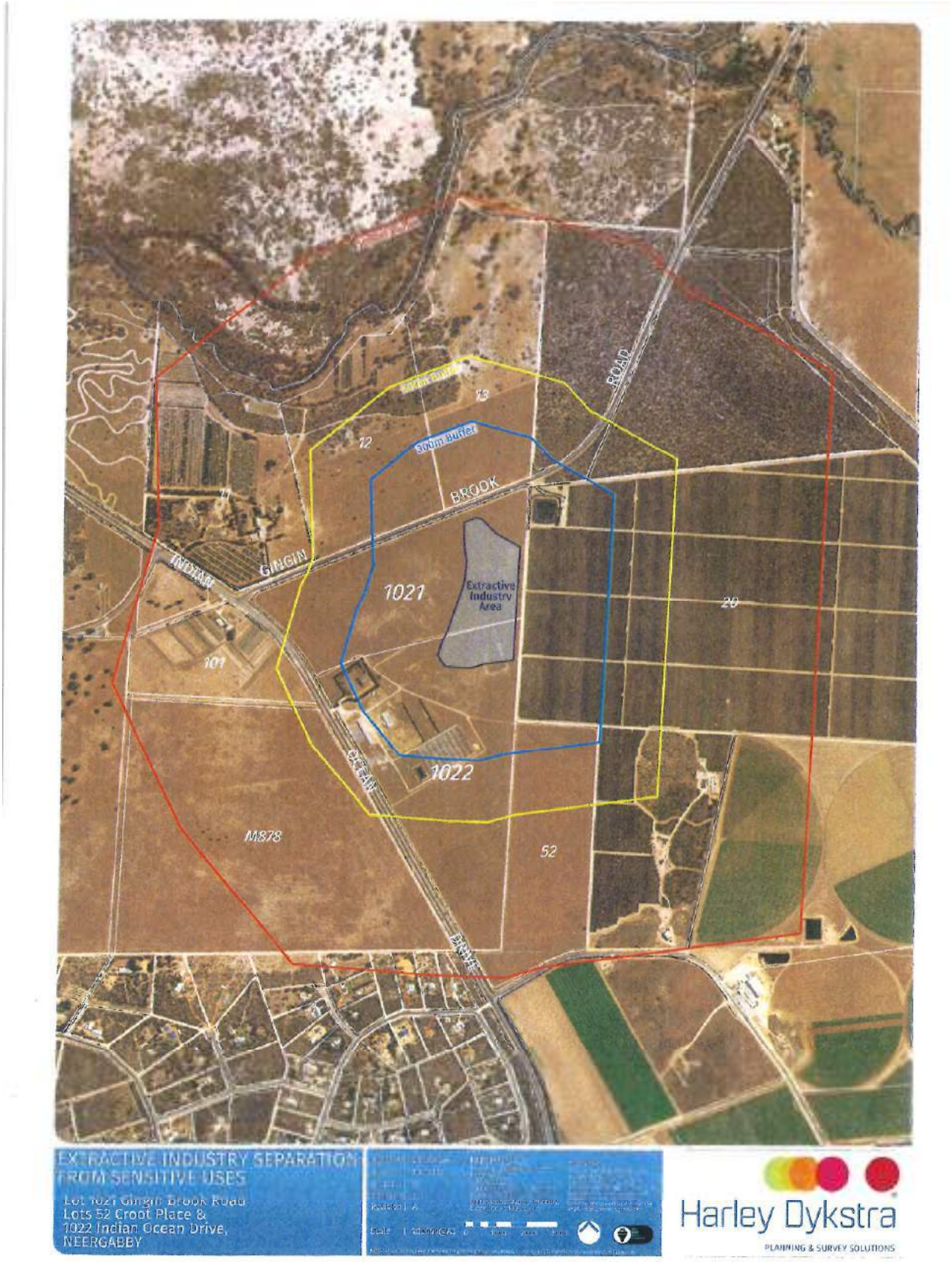
ALL DISTANCES ARE IN METRES
DIAL BEFORE YOU DIG


ROAD
300m Buffer
13
12
BROOK
GINGIN
INDIAN
1021
Extractive Industry Area
20
101
1022
M878
52
EXTRACTIVE INDUSTRY SEPARATION FROM SENSITIVE USES
Lot 1021 Gingin Brook Road
Lots 52 Croot Place &
1022 Indian Ocean Drive,
NEERGABBY
Harley Dykstra
PLANNING & SURVEY SOLUTIONS

PROPOSED SAND QUARRY

LOT 1021 GINGIN BROOK ROAD, LOT 1022 INDIAN OCEAN DRIVE AND LOT 52 CROOT PLACE, WOODRIDGE

EXTRACTIVE INDUSTRY PROPOSAL AND ENVIRONMENTAL MANAGEMENT PLAN

Prepared for

LW & CA Dewar
c/- Harley Dykstra
2953 Albany Hwy
KELMSCOTT WA 6991

Draft Report No. J14026
28 January 2015

BAYLEY ENVIRONMENTAL SERVICES
30 Thomas Street
SOUTH FREMANTLE WA 6162

Sundowner Nominees Pty Ltd as trustee for the Bayley Cook Family Trust ABN 20 822 598 897
trading as Bayley Environmental Services

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1.0 INTRODUCTION

LW & CA Dewar (the owners) propose to establish a sand quarry on Lot 1021 Gingin Brook Road, Lot 1022 Indian Ocean Drive and Lot 52 Croot Place, Woodridge. Figure 1 shows the location of the property and the proposed quarry. The quarry is expected to operate for more than 20 years and will be used to supply sand to commercial customers in Gingin and elsewhere.

The subject land is a farming property located in the Shire of Gingin and owned by LW & CA Dewar. This document has been prepared in accordance with the Shire of Gingin's *Extractive Industries Local Law (2004)*.

2.0 EXTRACTION PROGRAMME

2.1 Sand Resource

The owners have identified an economic sand resource in excess of one million tonnes covering an area of about 8.75ha. The quarry will have a total volume of about 640,000m^3 including about 26,000m^3 of overburden (topsoil). The resource is a yellow siliceous sand of varying grades with particle size distributions suitable for use in bricklaying, plastering, house pads and general construction. Figure 2 shows the approximate proposed outline of the quarry.

2.2 Area and Depth of Excavation

The quarry will be bounded approximately by the 70m AHD contour, within which it will be excavated to a depth of up to 13m below the natural ground level (to a minimum of 64m AHD) with a working face of up to 7m.

The extraction area will be set back at least 20m from all lot boundaries and 40m from Gingin Brook Road. Figure 2 shows the existing and proposed final contours of the quarry.

2.3 Access Roads Superseded. Access via Gingin Brook Road.

Access to the site will be from Indian Ocean Drive via Croot Place. The turnoff from Indian Ocean Drive has good sight lines of about 300m to the north and south. The turnoff from Croot Place has sight lines of about 70m to the west and 90m to the east. Traffic speed in the vicinity of this turnoff is low due to the proximity of the junction with Indian Ocean Drive. Croot Place is currently used by heavy vehicles servicing agricultural industries including a rural export business and market gardens.

An unsealed internal access road about 1.1km long will be constructed from Croot Place to the quarry. The alignment of the access road will follow the eastern boundary of the property. The crossover onto Croot Place will be sealed.

2.4 Method of Excavation

A front-end loader will be used to strip the topsoil/overburden to a depth of about 0.3m. Initially, the topsoil will be windrowed (to a height of less than 2m) for later use in rehabilitation. Later, as the pit progresses, stripped topsoil will be placed directly onto previously quarried areas of the pit.

The loader will then be used to excavate the sand and load it directly into trucks.

2.5 Duration and Staging of Excavation

The extraction will be undertaken in stages, with extraction beginning at the southern end of the pit and proceeding north. Extraction will proceed progressively within each stage, with rehabilitation taking place behind the extraction front. The active working area at any one time is not expected to be more than 1ha.

The production rate of the quarry will depend upon the demand. The maximum output is likely to be up to 1,500 tonnes per day, while typical output is likely to be in the order of 500 tonnes per day (140,000 tpa). The total lifetime of the quarry is expected to be in excess of twenty years.

2.6 Plant and Equipment

A front-end loader will be kept on site and used to strip topsoil, extract the sand and load it into trucks. A workshop/shed may be constructed to garage machinery. Other ancillary facilities will be limited to a site office and toilet.

On-site refuelling of the loader will be carried out by a mobile tanker. On-site maintenance will be limited to routine oil changes. Major maintenance will be carried out off-site. No fuel or oils will be stored or discharged on site.

2.7 Hours of Operation

Sand extraction and dispatch will occur between the hours of 6am - 6pm Monday to Friday and 6am - 5pm Saturday, excluding public holidays. The intensity of the quarrying operation will depend on sand demand.

2.8 Water Demand and Supply

The operation will require up to approximately 7,000 KL of water per year for dust suppression (as required) and truck washdown upon exit from the quarry. The owners have applied to the Department of Water for an allocation of 300,000 KL/year of groundwater from the superficial aquifer, via the existing bores on the property, to provide water for a commercial garden, cattle and domestic lawns as well as the quarry operation.

2.9 Truck Movements

Sand will be transported from the quarry by semi-trailer trucks in 12 to 32 tonne loads. This will typically involve in the order of 120 truck movements (in/out) per week, with a maximum of about 10 truck movements per hour at full capacity. ~~Groot Place already~~

carries heavy vehicles at all hours and days of the week and is well able to handle the extra traffic.

2.10 Drainage Management

The highly porous sands of the site will generate little or no runoff under any but the most extreme rainfall conditions. Any runoff that does occur will be captured in the pit, where it will infiltrate to the groundwater within a few hours.

Runoff from the unsealed access road will be allowed to drain to the roadside, where it will infiltrate.

2.11 Dust Management

Dust may be generated by excavation, by truck loading and by wind action on exposed surfaces. The main potential for dust generation will occur during the stripping of topsoil, which contains fine sand and particulate organic matter. The potential for dust generation during excavation and loading of quarry sand, which has much more evenly sized particles, will be much lower.

No dry topsoil stripping will occur when the wind speed is greater than 25km/hr. No dry excavation or truck loading will occur in winds of greater than 40km/hr. Progressive rehabilitation of quarried areas will mean that the area of sand exposed at any one time is generally less than 1ha, thus reducing the potential for dust generation.

Dust suppression watering will be carried out as required on stockpiles, topsoil windrows and other disturbed surfaces to minimise dust generation during dry windy conditions.

2.12 Noise Management

Mechanical equipment used at the quarry will be limited to a front-end loader and trucks carrying the sand. These will be fitted with standard exhaust noise attenuation equipment. No blasting or rock-breaking will be required.

The quarry is remote from noise-sensitive premises. The nearest neighbouring houses are 680m to the north-west and more than 1km to the south. Therefore, noise nuisance is not expected to be an issue.

2.13 Rehabilitation

Rehabilitation will be progressive and will consist of terrain reshaping and the re-establishment of pasture grasses. The topsoil from each extraction block will be saved and re-spread over the surfaces of restored landforms to allow for the re-establishment of pasture from the seed bank in the topsoil. Where necessary, the rehabilitated surface will be seeded with pasture species to promote regrowth. Where practical the stripped topsoil from each new extraction block will be spread immediately onto restored surfaces to minimise double handling and stockpiling.

The final landform will be a gentle (1:6 or less) bowl sloping inward from the pit perimeter at the 70m AHD contour down to 64m AHD.

2.14 Public Safety

The excavation area will be fenced with ringlock and barbed wire to discourage unauthorised access. Warning signs will be fixed to the fence at least every 200m in accordance with Shire of Gingin Local Law 6.2(c).

No explosives or other hazardous materials will be kept or used on the site.

3.0 ENVIRONMENTAL ASSESSMENT

3.1 Existing Environment

3.1.1 Physiology

The project site is mapped by the Geological Survey of Western Australia (GSWA) as Qts: Sand derived from Tamala Limestone. The soil is described as "Sand – pale and olive yellow, medium to coarse-grained, sub-angular quartz and a trace of feldspar, moderately sorted, of residual origin. The sand resource consists of a dune that stands about 9m above elevated surroundings. Figure 2 shows the topography of the site.

The Department of Agriculture & Food (DAFWA) has mapped the project site as having a high to extreme wind erosion risk due to its elevation, loose soils and thin vegetation cover.

3.1.2 Hydrology

Groundwater

GSWA (1977) mapping shows that groundwater occurs at a level of about 8-9m AHD (62-68m below ground) beneath the proposed quarry and flows south-southwesterly towards the ocean. The depth of the aquifer means that groundwater will not be a significant factor in the operation of the quarry.

The project site is located within the Guilderton South (superficial aquifer) and SA 3 South (confined aquifer) sub-areas of the Gingin Groundwater Area. The Department of Water manages allocations for this sub-area under the *Gnangara Groundwater Areas Allocation Plan* (2009). The Allocation Plan shows that the total quantity available for allocation from the superficial aquifer in this sub-area is 11 GL/a, but that more than 11.5 GL/a is currently allocated, meaning that no additional superficial groundwater is available for allocation in this sub-area. The Leederville aquifer is also over-allocated in this sub-area (2.9GL/a allocated vs 2.6GL/a available).

The property has previously held a licence to abstract water from the superficial aquifer and three production bores remain on the property, although they are not currently used. The owners have applied to the Department of Water for a new allocation, as described in Section 2.8.

Surface Water

There is no permanent surface water on or near Lot 1021. The nearest major water feature is Gingin Brook, located about 780m north-west of the quarry site. There is no defined surface drainage path between the quarry and Gingin Brook.

3.1.3 Wetlands

There are no wetlands on or near Lot 1021. The nearest wetlands are seasonally saturated areas fringing Gingin Brook, about 530m north of the quarry site.

3.1.4 Vegetation and Flora

The project site is fully cleared of native vegetation. No native vegetation will be disturbed for the quarry operation.

3.1.5 Fauna and Habitat

The project site has no significant fauna habitat values, although kangaroos may use the pastures on the site for grazing.

3.1.6 Existing and Surrounding Land Uses

Lot 1021 is fully cleared and has previously been used for sheep and/or cattle grazing, although there are no stock on the property at present.

The land to the north and west of Lot 1021 is used for broadacre grazing. To the south-west, about 1km from the quarry site and across Indian ocean Drive, is the Woodridge rural-residential estate, consisting of about 340 1ha to 5ha lots. To the east is an olive tree orchard, while further to the south-east are extensive irrigated horticulture operations.

~~The nearest neighbouring residences are about 680m and 800m north of the quarry site across Gingin Brook Road.~~ Figure 3 shows the surroundings of the project site.

3.1.7 Aboriginal Heritage

The Department of Aboriginal Affairs (DAA) online database shows one registered Aboriginal heritage site (20008: Gingin Brook Waggyl Site) impinging on part of the project site (Appendix A and Figure 3). However, the DAA has advised that the actual registered site boundaries are restricted to the vicinity of Gingin Brook and do not affect the project site. The DAA's advice is attached in Appendix A.

The owners are aware of and will comply with their obligations under the *Aboriginal Heritage Act 1945* in relation to the discovery of previously unknown sites during excavations.

3.2 Environmental Impacts and Management

3.2.1 Erosion

The measures taken in the quarrying operation to minimise dust generation (Section 2.12) will also serve to minimise wind erosion. These measures will include:

- minimising the area of disturbance;
- cessation of work during windy conditions;
- dust suppression watering as required; and
- progressive rehabilitation.

3.2.2 Groundwater and Surface Water

The quarry will not intersect the water table so will have no impact on groundwater levels or flows. The quarry operation will not produce any runoff, wastewater or other contaminants, and so will have no impact on the quantity or quality of groundwater or surface waters.

3.2.3 Visual Impacts

Visibility From Residences

The quarry will be visible at certain stages from neighbouring residences to the north-west and south-west. Figure 4 shows view profiles from a number of residences.

Two residences located 750m and 900m north-west of the quarry will have unobstructed views but, because the quarry will work from south to north, it will be screened from their view until the final stage of operation when excavation reaches the 70m AHD level on the north side.

The quarry will be visible in its early stages from parts of the Woodridge estate located to the south-west. Most of the estate will be screened from view by terrain and vegetation within the estate. The visibility from within the estate will be long-range (1.1km – 4km) and will mostly occur only in the early stages, before the quarrying moves below the highest point of the hill.

Visibility From Public Roads

The quarry will be potentially visible from parts of the surrounding roads at distances from 45m to more than 3km. Figure 5 shows simulated views from some of these points. At most other places the quarry will be screened from view by either terrain or roadside vegetation.

From Gingin Brook Road to the north-east, the quarry will be visible at long range (>3km) and short range (45m). These views will be intermittent and partly screened by vegetation. From most parts of the road, the quarry will not be visible due to terrain.

The quarry will not be visible from Indian Ocean Drive to the north-west due to terrain and roadside vegetation. From Indian Ocean Drive to the west, the quarry will be visible on the horizon. From the south-west it will be mostly hidden by terrain and roadside vegetation.

Overall, the visual impact of the quarry will be low. The visibility from houses and roads will be minimised by the planned progress of excavation from south-east to north-west.

Management

The owners will plant screening trees and shrubs inside the property boundaries where views from the roads are possible. These plantings will be carried out before quarrying begins. The effect of these plantings, combined with the screening afforded by existing vegetation, terrain and distance, will be to ensure that the quarry will not be directly visible from any residence or public road.

4.0 DECOMMISSIONING AND REHABILITATION

Rehabilitation of quarried areas will occur progressively throughout the life of the operation. As a result, when the quarry reaches the end of its life the final rehabilitation and decommissioning requirements will be modest.

The decommissioning program will include:

- Remaining disturbed areas will be recontoured and spread with topsoil.
- Any slopes remaining above 1 in 6 will be reduced to less than 1 in 6.
- Any remaining stockpiled topsoil will be spread over rehabilitated areas.
- Any remaining bare areas will be seeded if necessary to promote pasture growth.
- Any soil contaminated by hydrocarbons or other material will be removed from the site to a licensed landfill.
- All plant, equipment, buildings and other structures will be removed.
- All fences and warning signs around the quarry will be removed.
- The access road from Croot Place will be ripped and allowed to regrow unless it is required for farming operations.

At the end of the operation the land used for the quarry will be returned to its former use for grazing.

5.0 REFERENCES

Geological Survey of Western Australia (1977). *Moore River – Cape Leschenault Map Sheets 2035 III and Pt 1935 II.*. 1:50,000 Urban Geology Series. GSWA, Perth.

Shire of Gingin (2004). Extractive Industries Local Law. Shire of Gingin, Gingin.

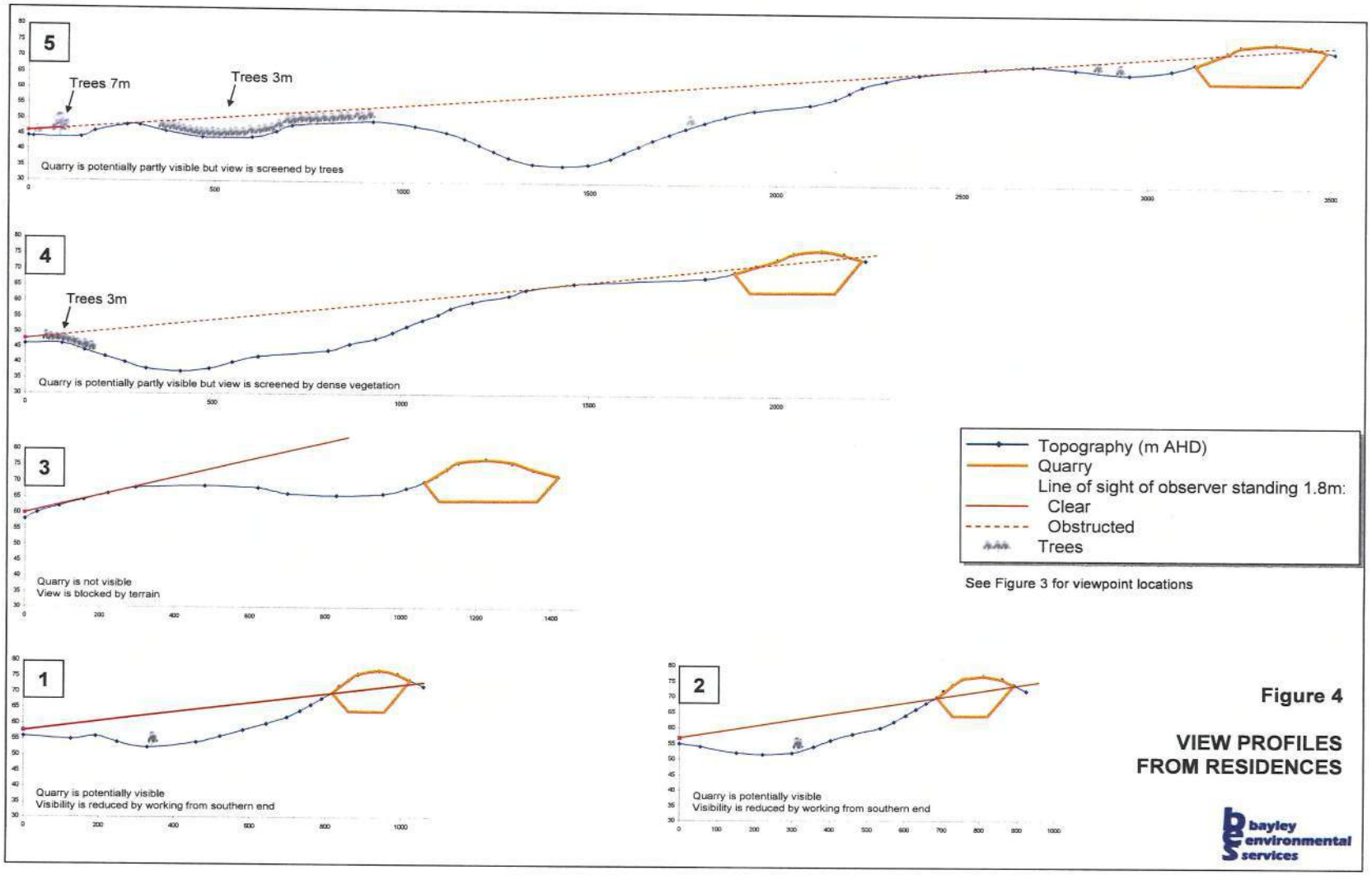
DoW (2009). *Gnangara Groundwater Areas Allocation Plan.* Water resource allocation and planning series Report no. 30. Department of Water, Perth.

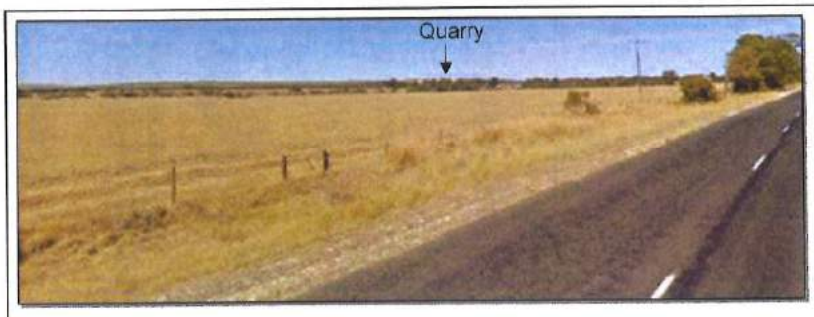
Figures

Gingin Brook Rd
1021
Proposed Quarry
Proposed Access Road
1022
52
0 100 200 Meters
Figure 1
LOCATION AND LAYOUT
bayley environmental services

60
62
64
66
68
70
72
74
76
0
50
100 Meters
Pit outline (conceptual)
Existing contour
Final contour (conceptual)
Figure 2
PIT PLAN
bayley environmental services

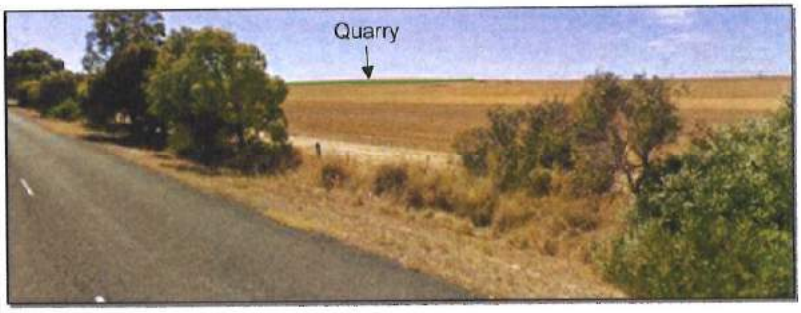
Property boundary
Quarry outline
Aboriginal heritage site
View profile from residence (see Figure 4)
View from road (see Figure 5)
Woodridge Estate
Figure 3
SURROUNDINGS
bayley environmental services


5
Trees 7m
Trees 3m
Quarry is potentially partly visible but view is screened by trees
4
Trees 3m
Quarry is potentially partly visible but view is screened by dense vegetation
3
Quarry is not visible
View is blocked by terrain
1
Quarry is potentially visible
Visibility is reduced by working from southern end
2
Quarry is potentially visible
Visibility is reduced by working from southern end
Topography (m AHD)
Quarry
Line of sight of observer standing 1.8m:
Clear
Obstructed
Trees
See Figure 3 for viewpoint locations
Figure 4
VIEW PROFILES FROM RESIDENCES
bayley environmental services

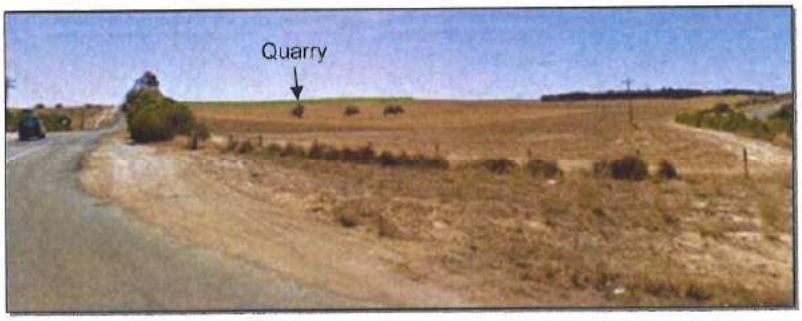


View 1
From Gingin Brook Road 2.46km north-east. Quarry is barely visible on skyline, partly hidden by trees.

View 2
From Gingin Brook Road 45m north. Quarry is visible in foreground, partly sreened by trees.



View 3
From Gingin Brook Road 405m west. Quarry is visible on skyline in background through gaps in roadside trees.



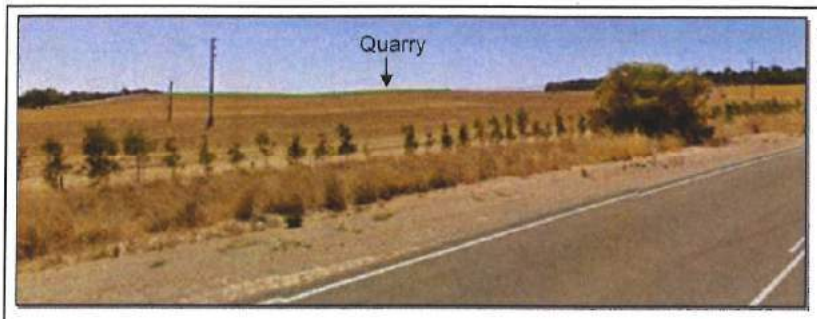
View 4
From corner of Gingin Brook Road and Indian Ocean Drive 680m west. Quarry is visible on skyline in background.

Figure 5a

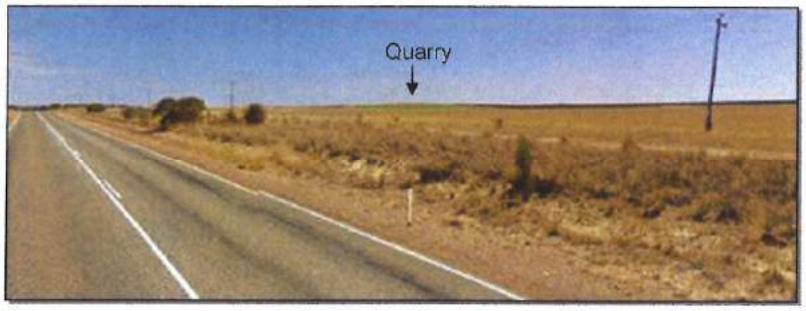
VIEWS FROM ROADS

bayley environmental services

See Figure 3 for viewpoint locations



View 5
From Indian Ocean Drive 520m west.
Quarry is visible on skyline
in background



View 6
From Indian Ocean Drive 740m south.
Quarry is visible on skyline
In background.

View 7
From Indian Ocean Drive 1.4km south.
Quarry is hidden from view by terrain
and vegetation.

Figure 5b

VIEWS FROM ROADS

bayley environmental services

See Figure 3 for viewpoint locations

Appendix A

DAA Aboriginal Heritage Sites Search

Correspondence from Department of Aboriginal Affairs

Government of Western Australia
Department of Aboriginal Affairs

Aboriginal Heritage Inquiry System

Aboriginal Sites Database

Search Criteria

3 Registered Aboriginal Sites in Custom search area: 365145.63mE, 6532660.87mN (zone 50) : 367503.23mE, 6535106.89mN (zone 50)

Disclaimer

The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Aboriginal Affairs by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at HeritageEnquiries@daa.wa.gov.au and we will make every effort to rectify it as soon as possible.

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Coordinate Accuracy

Accuracy is shown as a code in brackets following the coordinates.

Government of **Western Australia**
Department of **Aboriginal Affairs**

Aboriginal Heritage Inquiry System

Aboriginal Sites Database

Terminology (NB that some terminology has varied over the life of the legislation)
Place ID/Site ID: This a unique ID assigned by the Department of Aboriginal Affairs to the place
Status:

- **Registered Site**: The place has been assessed as meeting Section 5 of the *Aboriginal Heritage Act 1972*
- **Other Heritage Place which includes:**
  - **Stored Data / Not a Site:** The place has been assessed as not meeting Section 5 of the *Aboriginal Heritage Act 1972*
  - **Lodged:** Information has been received in relation to the place, but an assessment has not been completed at this stage to determine if it meets Section 5 of the *Aboriginal Heritage Act 1972*

Access and Restrictions:

- **File Restricted = No:** Availability of information (other than boundary) that the Department of Aboriginal Affairs holds in relation to the place is not restricted in any way.
- **File Restricted = Yes:** Some of the information that the Department of Aboriginal Affairs holds in relation to the place is restricted if it is considered culturally sensitive. This information will only be made available if the Department of Aboriginal Affairs receives written approval from the informants who provided the information. Download the Request to Access Restricted Information letter and form.
- **Boundary Restricted = No:** place location is shown as accurately as the information lodged with the Registrar allows.
- **Boundary Restricted = Yes:** To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km²) provides a general indication of where the place is located. If you are a landowner and wish to find out more about the exact location of the place, please contact DAA.
- **Restrictions:**
  - **No Restrictions:** Anyone can view the information.
  - **Male Access Only:** Only males can view restricted information.
  - **Female Access Only:** Only females can view restricted information

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place. This has been replaced by the Place ID / Site ID.

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Government of Western Australia
Department of Aboriginal Affairs

Aboriginal Heritage Inquiry System

Aboriginal Sites Database

List of Registered Aboriginal Sites with Map

Site ID	Site Name	File Restricted	Boundary Restricted	Restrictions	Status	Site Type	Knowledge Holders	Coordinates	Legacy ID
20008	Gingin Brook Waggyl Site	Yes	Yes	No Gender Restrictions	Registered Site	Historical, Mythological	*Registered Knowledge Holder names available from DAA	Not available when Place location is restricted	
20749	MOORE RIVER WAUGAL	No	No	No Gender Restrictions	Registered Site	Mythological	*Registered Knowledge Holder names available from DAA	389582mE 6549548mN Zone 50 [Reliable]	
21620	Chandala Brook	No	No	No Gender Restrictions	Registered Site	Mythological	*Registered Knowledge Holder names available from DAA	389626mE 6549540mN Zone 50 [Reliable]	

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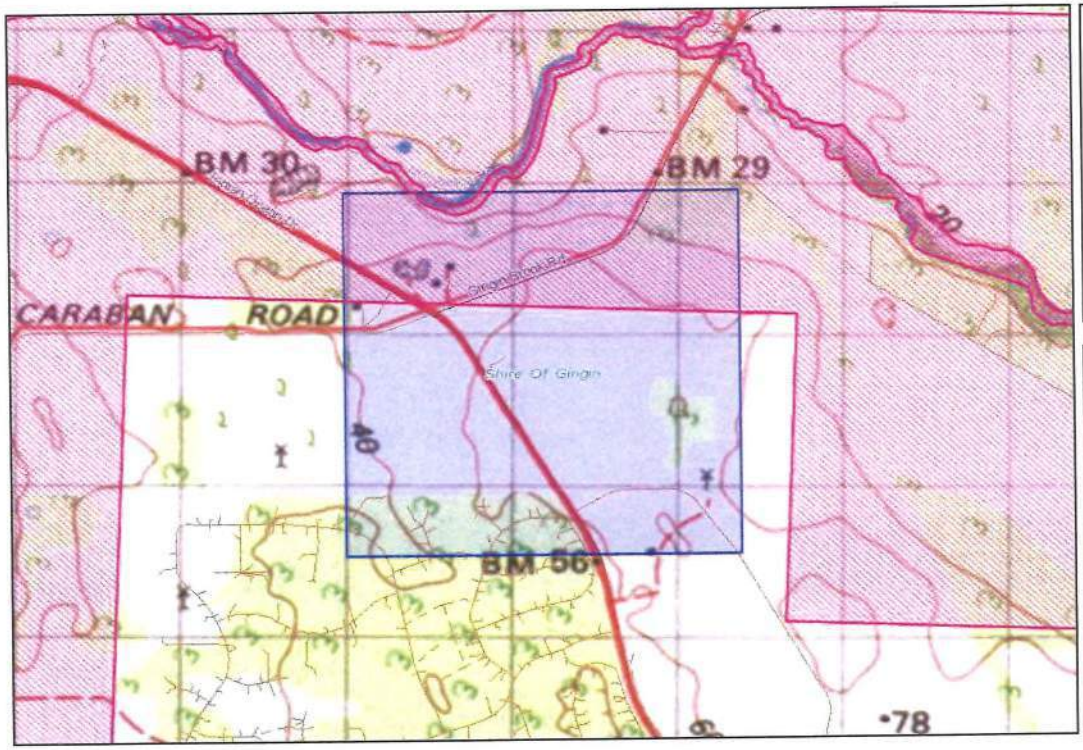
Government of Western Australia
Department of Aboriginal Affairs

Aboriginal Heritage Inquiry System

Aboriginal Sites Database



Legend

Selected Heritage Sites

- Registered Sites
- Aboriginal Community Occupied
- Aboriginal Community Unoccupied
- Town
- Search Area

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Getting Started
Feedback
DAA Home
Go!
20749
21620
20008
Gingin Brook Rd
Shire Of Gingin
Map Scale 1 : 14,400
400 Meters
Topographic maps and data copyright © Commonwealth of Australia, Geoscience Australia (2014).
Aerial Photos, Cadastre, Local Government Authority, Native Title boundary, Roads data copyright © Western Australian Land Information Authority trading as Landgate (2014).
Geotherma Application, Geothermal Title, Mining Tenement, Petroleum Application, Petroleum Title boundary data copyright © the State of Western Australia (DMP) (2014.11).
esri

Phil Bayley

From: Cesar Rodriguez (Heritage) [Cesar.Rodriguez@daa.wa.gov.au]
Sent: Thursday, 20 November 2014 6:05 PM
To: Phil Bayley
Subject: RE: Site search - Woodridge

Hi Phil

Thank you for that. I can confirm that neither location intersects with the boundary of any Registered Aboriginal heritage site or 'Other Heritage Place'. There are no known heritage reasons for the works not to proceed. Prior to commencing works it is recommended you review the State's Aboriginal Heritage Due Diligence Guidelines available at the link below:

http://www.daa.wa.gov.au/Documents/HeritageCulture/Heritage%20management/Aboriginal%20Heritage%20Due%20Diligence-30-April-2013-Updated-Oct.pdf

Please contact me if you require further information

Kind regards

Cesar

Cesar Rodriguez
Manager Approvals & Advice
Department of Aboriginal Affairs
Ground Floor, 151 Royal Street, East Perth WA 6004
Ph: (08) 6551 8092 Fax: (08) 6551 8088
Cesar.Rodriguez@daa.wa.gov.au www.daa.wa.gov.au

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-----Original Message-----
From: Phil Bayley [mailto:bayley@iinet.net.au]
Sent: Thursday, 20 November 2014 5:49 PM
To: Cesar Rodriguez (Heritage)
Subject: RE: Site search - Woodridge

Hi Cesar,

The Woodridge site is Lot 1021 Gingin Brook Road. The Aboriginal site crosses at MGA 366 192 mE / 6 534 330 mN.

The Serpentine site is Lots 611 and 615 Arnold Road. The Aboriginal site crosses at about 404 894 mE / 6 418 134 mN.

Thanks muchly,

Phil Bayley
BAYLEY ENVIRONMENTAL SERVICES
30 Thomas Street
SOUTH FREMANTLE 6162

1

APPENDIX C

Development Context Plan
Traffic Impact Assessment
Main Roads WA Correspondence

GINGIN BROOK ROAD
INDIAN
OCEAN
DRIVE
Additional Use Site 24
Application Area
3ha
1021
Extractive
Industry
Area
Roadhouse
Dwelling/
Office
Caravan/Boat
Storage
Open Caravan
Parking/Hardstand
1022
12
13
20
101
M878
52
64
DEVELOPMENT CONTEXT
PLAN
Lot 1021 Gingin Brook Road &
Lot 1022 Indian Ocean Drive,
NEERGABBY
Harley Dykstra
PLANNING & SURVEY SOLUTIONS

Proposed Extractive Industry and Scheme Amendment for Roadhouse and Storage Facility

Lots 1021 and 1022, Gingin Brook Road

TRANSPORT IMPACT ASSESSMENT – V7

FINAL REPORT

Prepared for: Harley Dykstra

Prepared by: Move Consultants

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February 2018

DOCUMENT ISSUE AUTHORISATION

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2	1	30/08/16	REV	HH	HH
3	2	15/09/16	REV	HH	HH
4	3	28/10/16	REV	HH	HH
5	4	22/01/18	REV	HH	HH
6	5	24/01/18	REV	HH	HH
7	6	22/02/18	REV	HH	HH

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1. INTRODUCTION

1.1 OVERVIEW

This Revised Transport Impact Assessment has been prepared by Move Consultants on behalf of Harley Dykstra with regard to a proposed Extractive Industry Use and a Scheme Amendment for a Roadhouse and a Storage Facility to be located at the south-east corner of Indian Ocean Drive and Gingin Brook Road, Neergabby in the Shire of Gingin on Lots 1021 and 1022, Gingin Brook Road, Neergabby in the Shire of Gingin. Lot 1021 is currently vacant.

1.2 SITE LOCATION

The site is located on the south side of Gingin Brook Road, Neergabby, east of Indian Ocean Drive. The site is located within the south-east corner of the unsignalised T-intersection of Indian Ocean Drive/Gingin Brook Road, approximately 9km due north-east of the Guilderton Townsite. The subject site is located within a primarily rural area and is shown in **Figure 1**.

Figure 1: Site Location

The general regional context is shown in Figure 2.

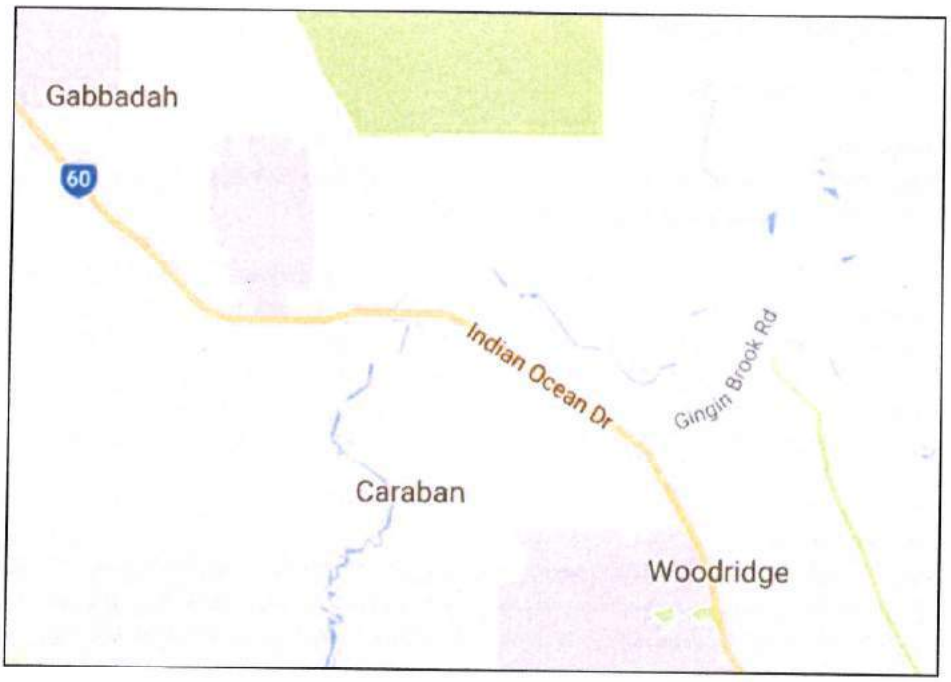


Figure 2: Regional Context

1.3 SCOPE OF REVISED ASSESSMENT

This report has been prepared in accordance with the Western Australian Planning Commission's *Transport Assessment Guidelines for Developments: Volume 2 – Structure Plans* (2006) and the Shire of Gingin's. Local *Planning Scheme No. 9* as well as with regard to discussions undertaken with MRWA Mid-West Region in late 2017.

Specifically, this report aims to assess the impacts of the proposed development on Lot 1021 and future activity on Lot 1022 on the boundary road network as part of the technical supporting documentation for both the proposed Extractive Industry uses and the proposed Scheme Amendment for the Roadhouse and Storage Facility uses. In addition, the assessment considers the proposed access, circulation, and egress arrangements to and from the lands.

For this purpose, the traffic impacts to the boundary road network including Indian Ocean Drive and Gingin Brook Road have been assessed under future proposed traffic conditions with regard to the potential impacts from additional traffic generated by the proposed development of the lands under ultimate activity conditions. The future assessment scenario has been considered to be 10+ years post-commissioning.

2. EXISTING SITUATION

2.1 ROAD INFRASTRUCTURE

Indian Ocean Drive

Indian Ocean Drive forms the primary north-south road within the Shire of Gingin connecting the areas of Cervantes and Jurien Bay to other smaller built-up areas within the Shire.

It has been classified as a *Primary Distributor* road under the Main Roads Western Australia *Functional Road Hierarchy* and is defined as a road which "*...provides for major regional and inter-regional traffic movement and carries large volumes of generally fast-moving traffic. Some are strategic freight routes, and all are National or State roads and are managed by Main Roads.*" Indian Ocean Drive, in the vicinity of the site, has been constructed as a single divided carriageway with a flush central median and with turn pockets in place at the intersection with Gingin Brook Road. It operates under a speed limit of 110kph and is operated, maintained and owned by Main Roads Western Australia.

Gingin Brook Road

Gingin Brook Road is a major east-west distributor road serving the rural and agricultural areas to the east of Indian Ocean Drive. It has been classified as a *Regional Distributor* road and is defined as a road which "*...links significant destinations and has been designed for efficient movement of goods and people within and between regions. It also connects between Primary and Distributor roads. These roads are managed by Local Government.*" Gingin Brook Road has been constructed a single undivided carriageway along the northern boundary of the subject site flaring wide on approach to the T-intersection with Indian Ocean Drive. It operates under a speed limit of 110kph and is owned, operated and maintained by the Shire of Gingin.

Figure 3 shows the road hierarchy in the vicinity of the site.

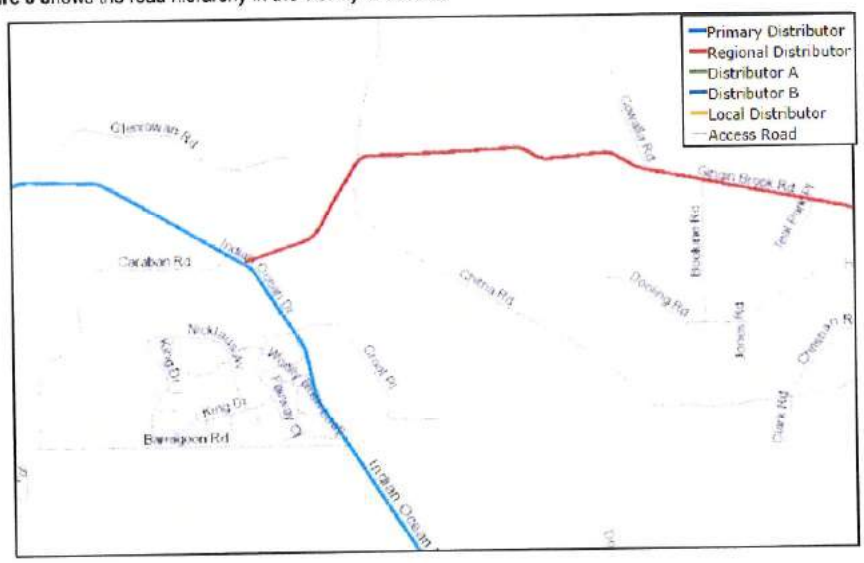


Figure 3: MRWA Functional Road Hierarchy – Local Road Network

Existing traffic volumes were obtained from Main Roads WA and indicate that the existing volumes for Indian Ocean Drive, in the vicinity of the site and both north and south of Gingin Brook Road, are in the order of 2,500 vpd on a typical weekday and an average of 3,200 vpd on a weekend day (MRWA, 2016). No documented data for Gingin Brook Road, abutting the site; however, a review of the existing spatial distribution of land uses, connections to the boundary road network and travel patterns indicates that indicative daily volumes along Gingin Brook Road would be less than 1,000 vpd, east of Indian Ocean Drive. These volumes are consistent with the road classification of these roads and are within the practical road capacities for these roads.

3. PROPOSED DEVELOPMENT

Indicative development plans for the site have been prepared by Harley Dykstra and are attached in **Appendix A**.

3.1 PROPOSED LAND USES

The proposal seeks the development of a roadhouse/service station to incorporate the following elements:

Lot 1021

- Restaurant/Roadhouse/Shop
    - 3 conventional fuel bowsers
    - Truck parking (for vehicles up to 27.5m in length)
    - On-site car parking for motor vehicles and caravans
    - A bus layover/caravan layover area
    - Diesel bowsers.
- Sand extraction activities (near the eastern boundary of the lands)

Lot 1022

- Caravan and boat storage facility.

3.2 CAR PARKING ARRANGEMENTS

The proposed access to the site consists of three proposed crossovers to the south side of Gingin Brook Road to be located approximately 90m, 220m and 260m, respectively, east of the intersection with Indian Ocean Drive, on Lot 1021 and retention of the existing crossover to Lot 1022 on Indian Ocean Drive, approximately 460m south of the intersection with Gingin Brook Road. The proposed access arrangements will allow for efficient and effective distribution of site-generated traffic to and from the boundary road network. The westernmost crossover to Gingin Brook Road will be utilised by vehicles up to 19m in length with all other vehicles greater in length using the central crossover for access and egress to and from the road house. The easternmost crossover will accommodate sand trucks up to 19m in length and will allow for ingress and egress by these vehicles. The crossover to Indian Ocean Drive will also accommodate vehicles up to 19m in length.

Access to the extraction industry activities (sand extraction and carting) will be accommodated via the easternmost crossover to Gingin Brook Road.

4. REVISED TRANSPORT ANALYSIS

A traffic generation and distribution exercise has been undertaken to assess the potential traffic impacts associated with the proposed development. The aim of this exercise was to establish the traffic volumes which would be generated from the proposed development and to quantify the effect that the additional traffic has on the surrounding road network.

4.1 TRIP GENERATION

A detailed review of documented information relating to similar road house developments both in Perth and in the Pilbara and similar facilities indicates that the expected trip generation would be in the order of a maximum of 200 to 300 vph during the respective weekday peak hours.[1] An additional reference was sourced in relation to a similar proposed facility in Karratha within the Gap Ridge industrial area.[2] The estimated traffic generation was similar to that documented in the Horrocks (2014) and Arup (2013) report with peak hour traffic in the order of 280vph. It should be noted that due to the type of facility proposed, it is reasonable to assume that 50% of the traffic generated by the development is derived from passing trade with the majority of this trade originating and destined to Indian Ocean Drive.

The anticipated traffic generation associated with the sand extraction activities would be in the order of 20 to 30 truck movements per day with 3 to 4 movements maximum during the typical peak hour. This would result in a net increase in trips on Indian Ocean Drive in the order of 36 to 40 vehicle trips during the respective peak hours with an increase in traffic on Gingin Brook Road of a maximum of 150vph associated with development on Lot 1021, inclusive of the roadhouse and sand extraction industry activities. It has been estimated that the daily traffic generation associated with the roadhouse element is in the order of a maximum of 2,000 vpd with 80% of this traffic as 'passing trade' during the typical peak periods of assessment. In relation to future traffic generation on Lot 1022, which has direct frontage to Indian Ocean Drive, the expected activity is estimated to be in the order of a maximum of 80 traffic movements per day, inclusive of staff movements (both inbound and outbound) with peak traffic generation typically occurring during school holiday and summer periods and generally distributed during the daytime period. Peak maximum hourly traffic generation during the typical weekday a.m. and p.m. peak periods is anticipated to be in the order of 8 to 10 movements per hour (maximum 4 to 5 inbound and outbound).

In total, the maximum traffic generation, including the seasonal activities currently undertaken on Lot 1022, on a daily basis is expected to be in the order of 3,000 vpd or less over both road frontages and when adjusted to reflect passing trade, the net additional traffic would be in the order of 1,200 vpd.

4.2 TRIP DISTRIBUTION

Based upon the existing traffic patterns in the area and the spatial distribution of adjacent land uses, the following distribution for the proposed 'new' development generated traffic for Lot 1021 has been assumed:

- 55% to and from the north via Indian Ocean Drive (north);
- 40% to and from the south via Indian Ocean Drive (south); and

[1] Source: Horrocks Engineers (2014) *All American Truck Stop Traffic Impact Study.*
[2] Source: Arup (2013) *Lot 9, Gap Ridge, Karratha Transport Statement.*

- 5% to and from the east via Gingin Brook Road.

All traffic to and from the proposed activity on Lot 1022 will access the site via Indian Ocean Drive with an estimated distribution equally distributed between northbound and southbound traffic. No permeability or reciprocal access between Lots 1021 and 1022 is proposed as part of this application with all vehicles associated with the proposed roadhouse development and the future extraction industry uses entering and exiting via Gingin Brook Road. All vehicles entering and exiting the roadhouse will do so via the westernmost and central crossovers to Gingin Brook Road with all movements destined to and originating from the sand extraction site will do so via the easternmost crossover. The resultant new site-generated traffic in the context of weekday daily and a.m. and p.m. peak hour-generated traffic for the boundary road network would be as follows based upon the replacement of the existing land uses on the site taking into account the 50% passing trade element.

- Indian Ocean Drive (North):
  - Daily: +325 vpd
  - A.M. Peak Hour: +30 vph
  - P.M. Peak Hour: +35 vph

- Indian Ocean Drive (South):
  - Daily: +350 vpd
  - A.M. Peak Hour: +45vph
  - P.M. Peak Hour: +30vph
- Gingin Brook Road:
  - Daily: +1,800 vpd
  - A.M. Peak Hour: +80 vph
  - P.M. Peak Hour: +80 vph

A review of the Shire's TPS indicates that land to the south-west flanking the western boundary of Indian Ocean Drive has been zoned to *Rural Living* with an indicative yield of approximately 300 dwelling units which would result in approximately 2,400 vpd traffic generation. The inclusion of this ultimate development scenario into the total traffic plus the subject site-generation would still result in significant residual practical capacity along Indian Ocean Drive in the vicinity of the site with practical capacity in the order of 10,000 to 15,000 vpd. No upgrades to Indian Ocean Drive are planned in the vicinity of the site.

4.3 INTERSECTION AND CROSSOVER ASSESSMENT

4.3.1 SIDRA Intersection Analysis

The operational performance of the existing Indian Ocean Drive/Gingin Brook Road, Indian Ocean Drive/Caraban Road and Indian Ocean Drive/King Drive intersections were initially assessed to establish baseline traffic operations in the vicinity of the site. Following consideration of the results of the existing conditions, a 10+ year future scenario was assessed for these locations as well as for the proposed full movements crossovers to both Gingin Brook Road and Indian Ocean Drive on Lots 1021 and 1022, respectively. No assessment was undertaken for the proposed left-out only crossover near the north-western boundary of Lot 1021.

These locations have been assessed using the software program *SIDRA Intersection* for existing and future road conditions. This was undertaken for existing conditions and also with the addition of the development generated traffic under the future scenario assuming a minimum 2% growth rate per annum. The heavy vehicle percentages

have been derived from current MRWA data provided by MRWA Mid-West Region office and have been assumed to be 20% for Indian Ocean Drive, 15% for Gingin Brook Road and 5% for the minor roads and crossover locations with less than 5% of these heavy vehicle proportions consisting of vehicles longer than 19m in length.

Detailed peak hour data collection was also undertaken at the Indian Ocean Drive intersections with Gingin Brook Road, Caraban Road and King Drive for the weekday a.m. peak period (6 to 9 a.m.) and p.m. peak period (3 to 6 p.m.). However, for the purposes of 'worst case' scenario assessment, the through volumes on Indian Ocean Drive were based upon weekend peak periods which are approximately 40% higher than typical weekday peak period volumes.

SIDRA is a commonly used intersection modelling tool used by traffic engineers for all types of intersections. Outputs for four standard measures of operation performance can be obtained, being Degree of Saturation (DoS), Average Delay, Queue Length, and Level of Service (LoS).

- **Degree of Saturation** is a measure of how much physical capacity is being used with reference to the full capability of the particular movement, approach, or overall intersection. A DoS of 1.0 equates to full theoretical capacity although in some instances this level is exceeded in practice. SIDRA uses maximum acceptable DoS of 0.90 for signalised intersections for its Design Life analysis. Design engineers typically set a maximum DoS threshold of 0.95 for new intersection layouts or modifications.
- **Average Delay** reports the average delay per vehicle in seconds experienced by all vehicles in a particular lane, approach, or for the intersection as a whole. For severely congested intersections the average delay begins to climb exponentially.
- **Queue Length** measures the length of approach queues. In this document we have reported queue length in terms of the length of queue at the 95th percentile (the maximum queue length that will not be exceeded for 95 percent of the time). Queue lengths provide a useful indication of the impact of signals on network performance. It also enables the traffic engineer to consider the likely impact of queues blocking back and impacting on upstream intersections and accesses.
- **Level of Service** is a combined appreciation of queuing incidence and delay time incurred, producing an alphanumeric ranking of A through F. A LoS of A indicates an excellent level of service whereby drivers delay is at a minimum and they clear the intersection at each change of signals or soon after arrival with little if any queuing. Values of B through D are acceptable in normal traffic conditions. Whilst values of E and F are typically considered undesirable, within central business district areas with significant vehicular and pedestrian numbers, corresponding delays/queues are unavoidable and hence, are generally accepted by road users.

4.3.2 Results of SIDRA Analysis

The results of the SIDRA analysis under existing and proposed peak period 'worse case' scenario conditions are detailed **Appendix B.**

The results indicate that the intersections of along Indian Ocean Drive at Gingin Brook Road and at Caraban Road to the north and King Drive to the south will continue to operate at acceptable Levels of Service during the weekday roadway peak periods with the impact of site-generated traffic on intersection operations comfortably accommodated within the existing practical road capacity under future road traffic conditions with no unacceptable increases in queuing at these locations.

The proposed full movements site crossovers to the south side of Gingin Brook Road to Lot 1021 and the east side of Indian Ocean Drive to Lot 1022 to South-Western Highway as well as the left-out only western crossover to Gingin Brook Road are also expected to operate at acceptable Levels of Service during both the weekday a.m. and p.m. peak hours with negligible queuing and delays at these locations.

The left-out crossover to Gingin Brook Road will accommodate mainly trucks tankers and diesel customers (less than 30 vehicles during a typical peak hour).

A review of the existing layout of the Indian Ocean Drive/Gingin Brook Road intersection is sufficient to accommodate the anticipated site-generated traffic with the dedicated northbound right-turn and southbound left-turn pockets adequate to accommodate vehicles up to 27.5m in length with no anticipated queuing or vehicular delays at this location. Similarly, the existing layouts at the intersections along Indian Ocean Drive to Caraban Road to the north and King Drive to the south, respectively, are adequate and will not require any modifications due to the increases in traffic associated with the proposal.

It should be noted that the proposed layout of the proposed activities on both Lots 1021 and 1022 will ensure an efficient and effective distribution of site-generated traffic to and from the boundary road network. The estimated increases in traffic on the boundary road network can be comfortably accommodated within the practical capacities of the respective road links. The boundary road network is classified as a *RAV Network 4* which allows for passage and use by vehicles less than or equal to 27.5m in length, as per Main Roads WA *Restricted Access Vehicle Network* guidelines. It can therefore also be concluded that the proposal is consistent with the adjacent road network's RAV Network classification. If 36.5m vehicles are proposed to access the site under future build-out conditions, an application to modify the existing RAV Network to a minimum *RAV Network 6* will be required to be submitted to the Shire in consultation with MRWA. However, as noted previously, the proportion of *RAV Network 4* vehicles is relatively low by comparison the balance of 'as of right' traffic.

The relatively low inbound and outbound traffic volumes associated with future activities on Lot 1022 do not warrant any additional upgrades to Indian Ocean Drive adjacent to the lands. Previous discussions relating to the sharing of the crossover to Lot 1022 to accommodate traffic associated with the extraction industry activity have been considered; however, it is recommended that all vehicular traffic associated with Lot 1021, inclusive of both the roadhouse and extraction activity, be accommodated via Gingin Brook Road. As a result, no acceleration lane exiting the crossover to Lot 1022 or deceleration lane entering Lot 1022 will be required and is not warranted under either the MRWA or Austroads guidelines.

A detailed review of the proposed crossover location to Lot 1022 on Indian Ocean Drive indicates that there is sufficient sight distance to meet minimum Safe Intersection Sight Distance (SISD), Approach Sight Distance (ASD) and Minimum Gap Sight Distance (MGSD) requirements outlined in Austroads *Guide to Road Design: Part 4A – Signalised and Unsignalised Intersections.* The anticipated maximum peak hourly volumes as well as the indicative distribution of demand during a typical peak demand day is very low and would not meet minimum volume warrants which would dictate that a Basic Right-Turn Treatment (BAR) is not warranted at this location with a vehicle entering from the south would occur on average less than once an hour maximum. A review of the crash history along this section of road does not indicate a rear end crash pattern and this is indicative that the existing risk associated with manoeuvring into a driveway or intersection utilising a right-turn is minimal. The expected maximum number of right-turns at this location is in the order of 25 vehicles per day, representing an increase of 13 to 15 vehicles per day Therefore, auxiliary treatments at this location are not warranted. The crossover will be upgraded to allow for

sufficient manoeuvring into and out of the site by vehicles up to 19m in length through the full sealing of the existing crossover.

The easternmost crossover to Gingin Brook Road will be constructed as a minimum 15m wide sealed crossover to allow for vehicles up to 27.5m in length to enter and exit at this location. The central crossover will allow for vehicles up to 27.5m in length only (originating from the roadhouse development only) and will be restricted to left-out movements only. The easternmost crossover will allow for vehicles up to 19m in length to enter and exit the sand extraction facility.

5. VEHICULAR ACCESS AND PARKING

5.1 ON-SITE QUEUING, CIRCULATION AND ACCESS

The proposed site plan indicates three points of access and egress to and from the site as follows:

- Westernmost crossover to the south side of Gingin Brook Road approximately 90m east of Indian Ocean Drive – left-out exit only by vehicles up to 27.5m in length originating from the roadhouse.
- Central crossover to the south side of Gingin Brook Road approximately 220m east of Indian Ocean Drive – entry/exit by passenger vehicles and caravans plus entry/exit by vehicles up to 27.5m in length.
- Easternmost crossover to the south side of Gingin Brook Road, approximately 270m east of Indian Ocean Drive – entry/exit by vehicles destined to and originating from the sand extraction facility up to 19m in length.
- Full movements crossover to the east side of Indian Ocean Drive approximately 460m south of Gingin Brook Road – entry/exit by passenger vehicles, caravans and vehicles up to 19m in length.

A brief review of the proposed on-site circulation and car parking layout was undertaken to assess the adequacy of the proposed site access and circulation in addition to service/delivery areas on the site on Lot 1021. The design of the proposed car parking areas adjacent to the rear of the building on the site has been reviewed using AutoTrack and the relevant Australian Standards and Austroads guidelines, with the proposed indicative layout considered to be adequate to accommodate on-site manoeuvring and circulation for all vehicles expected to use the facility, including those up to 27.5m in length including fuel tankers. In relation to Lot 1022, a detailed review of on-site circulation will be undertaken as part of a detailed Development Application.

5.2 CAR PARKING

The proposed car parking supply on Lot 1021 for passenger vehicles is indicatively shown adjacent to the northern flankage of the shop tenancy and will be addressed in more detail as part of a detailed Development Application. Appropriate signage will be implemented on the site to direct passenger vehicles to this area which will minimise conflict between passenger vehicles and heavy vehicles on the site which will park within the eastern portion of the subject site. Heavy vehicles will be directed to the truck parking areas near the eastern boundary in forward gear in south-north direction allowing for effective and efficient egress from the site via the proposed eastern crossover to Gingin Brook Road. All passenger vehicles will be directed to exit the site primarily via the western crossover to Gingin Brook Road. This separation of traffic movements on the site will allow for minimal conflict on the site and risk to users on the facility and an effective and efficient distribution of traffic to and from the boundary road network.

In relation to movement of vehicles to and from Lot 1022, there is more than sufficient room allotted across the site to allow for entry and exit by all vehicles in forward gear with detailed car parking layout to be addressed as part of a future Development Application associated with the storage facility.

Concept plans for the proposed access arrangements are attached in Appendix C and are consistent with MRWA, Shire and Austroads guidelines.

No additional road upgrades, inclusive of pedestrian and cycling infrastructure, is warranted as a result of the proposal.

5.3 SIGHTLINE REVIEW AND CRASH HISTORY

A review of the sightlines along the Gingin Brook Road frontage entering and exiting vehicles, respectively, in the vicinity of the proposed crossover locations has been undertaken and it can be concluded that the sightlines meet minimum Austroads sightline requirements at the proposed site crossovers.

A review of the crash history for the reporting period of 2012-2016 indicates only one (1) crash at the intersection of Indian Ocean Drive/Gingin Brook Road which involved a single vehicle hitting an object. No crashes were recorded on the section of Gingin Brook Road, east of Indian Ocean Drive, along the northern frontage of the site during this time period. In relation to Indian Ocean Drive, 9 crashes were recorded during this time period, inclusive of the single crash noted above and the majority of crashes involving hitting an animal or fixed object, between Caraban Road and King Drive. No crashes were recorded on Indian Ocean Drive relating to manoeuvring into or out of a driveway or a right-angle crash associated with a right-turning movement. This would indicate that the additional traffic associated with the development on Lot 1022 will have a minimal impact on the risk profile along the local roads at these locations.

6. REVISED CONCLUSIONS

This Revised Transport Impact Assessment has been prepared by Move Consultants on behalf of Harley Dykstra with regard to a Scheme Amendment associated with regard to a proposed Extractive Industry and Scheme Amendment for a Roadhouse and Storage Facility to be located at the south-east corner of Indian Ocean Drive and Gingin Brook Drive, Neergabby on Lot 1021 and on Lot 1022.

The proposed access to the site consists of three proposed crossovers to the south side of Gingin Brook Road to be located approximately 90m, 220m and 270m, respectively, east of the intersection with Indian Ocean Drive, on Lot 1021 and retention of the existing crossover to Lot 1022 on Indian Ocean Drive, approximately 460m south of the intersection with Gingin Brook Road. The proposed access arrangements will allow for efficient and effective distribution of site-generated traffic to and from the boundary road network. The westernmost crossover to Gingin Brook Road will be designed to accommodate vehicles up to 27.5m in length and will allow for left-only outbound movements originating from the roadhouse only. The central crossover will function as a full movements crossover accommodating all inbound and outbound movements associated with the roadhouse only. The easternmost crossover will service the future extraction industry. The crossover to Lot 1022 on Indian Ocean Drive will also accommodate vehicles up to 19m in length.

A review of the Shire's TPS indicates that land to the south-west flanking the western boundary of Indian Ocean Drive has been zoned to *Rural Living* with an indicative yield of approximately 300 dwelling units which would result in approximately 2,400 vpd traffic generation. The inclusion of this ultimate development scenario into the total traffic plus the subject site-generation would still result in significant residual practical capacity along Indian Ocean Drive in the vicinity of the site with practical capacity in the order of 10,000 to 15,000 vpd. No upgrades to Indian Ocean Drive are planned in the vicinity of the site. The existing layout of the Indian Ocean Drive/Gingin Brook Road intersection is sufficient to accommodate the anticipated site-generated traffic with the existing dedicated northbound right-turn and southbound left-turn pockets adequate to accommodate vehicles up to 27.5m in length with no anticipated queuing or vehicular delays at this location.

Detailed traffic analysis under a conservative 10+ year 'worst case' scenario along Indian Ocean Drive to the north and south of Gingin Brook Road indicates that upgrades to Caraban Road to the north and King Drive to the south are not warranted under the full build-out and commissioning of the roadhouse, boat and caravan storage facility and the proposed extractive industry uses. No other road improvements or upgrades, inclusive of pedestrian and cycling infrastructure, is warranted along the frontages of the site.

It should be noted that the proposed layout of the proposed activities on both Lots 1021 and 1022 will ensure an efficient and effective distribution of site-generated traffic to and from the boundary road network. The estimated increases in traffic on the boundary road network can be comfortably accommodated within the practical capacities of the respective road links. The boundary road network is classified as a *RAV Network 4* which allows for passage and use by vehicles less than or equal to 27.5m in length, as per Main Roads WA *Restricted Access Vehicle Network* guidelines. It can therefore also be concluded that the proposal is consistent with the adjacent road network's RAV Network classification. If 36.5m vehicles are proposed to access the site under future build-out conditions, an application to modify the existing RAV Network to a minimum *RAV Network 6* will be required to be submitted to the Shire in consultation with MRWA.A review of the sightlines along the Gingin Brook Road frontage entering and exiting vehicles, respectively, in the vicinity of the proposed crossover locations has been undertaken and it can be concluded that the sightlines meet minimum Austroads sightline requirements at the proposed site crossovers.

A detailed review of the proposed crossover location to Lot 1022 indicates that there is sufficient sight distance to meet minimum Safe Intersection Sight Distance (SISD), Approach Sight Distance (ASD) and Minimum Gap Sight Distance (MGSD) requirements outlined in Austroads *Guide to Road Design: Part 4A – Signalised and Unsignalised Intersections.* The anticipated maximum peak hourly volumes as well as the indicative distribution of demand during a typical peak demand day is very low and would not meet minimum volume warrants which would dictate that a Basic Right-Turn Treatment (BAR) is not warranted at this location with a vehicle entering from the south would occur on average less than once an hour maximum. A review of the crash history along this section of road does not indicate a rear end crash pattern and this is indicative that the existing risk associated with manoeuvring into a driveway or intersection utilising a right-turn is minimal. The expected maximum number of right-turns at this location is in the order of 23 to 25 per day. Therefore, auxiliary treatments at this location are not warranted. If shared access between Lots 1021 and 1022 is to be afforded as part of a future Development Application, an additional review will be required. The crossover would benefit from upgrading to allow for sufficient manoeuvring into and out of the site by vehicles up to 19m in length through the full sealing of the existing crossover.

Concept plans for the proposed access arrangements to Lots 1021 and 1022 are attached in Appendix C.

A review of the crash history for the reporting period of 2012-2016 indicates only one (1) crash at the intersection of Indian Ocean Drive/Gingin Brook Road which involved a single vehicle hitting an object. No crashes were recorded on the section of Gingin Brook Road, east of Indian Ocean Drive, along the northern frontage of the site during this time period. In relation to Indian Ocean Drive, 9 crashes were recorded during this time period, inclusive of the single crash noted above and the majority of crashes involving hitting an animal or fixed object. No crashes were recorded on Indian Ocean Drive relating to manoeuvring into or out of a driveway or a right-angle crash associated with a right-turning movement and in particular, not in relation to the existing crossover serving Lot 1022. This would indicate that the additional traffic associated with the development on Lots 1021 and 1022 will have a minimal impact on the risk profile along the local roads at these locations.

This indicative on-site car parking supply and circulation as well as access arrangements are considered to be adequate and will cater effectively and efficiently to the demands associated with the activities on both Lots 1021 and 1022 and will be addressed in more detail as part of a detailed Development Application.

In conclusion, it should be noted that based both on a review of the modelled total traffic assessment and observed traffic operations of the boundary road system, the anticipated site-generated traffic associated with the proposed development can be accommodated within the existing practical capacity and functional road classification of the local road system.

APPENDIX A: DEVELOPMENT PLANS

1021
1022
52
20
12
13
M878
DEVELOPMENT SITE PLAN
Lot 1021 Gingin Brook Road,
Lots 52 Croot Place &
1022 Indian Ocean Drive,
NEERGABBY
Harley Dykstra

APPENDIX B: SIDRA ANALYSIS

Client Name: Harley Dykstra
Project Name: Lot 1021 & Lot 1022 Gingin Brook Road

February 2018

MOVEMENT SUMMARY

Site: Indian Ocean Dr/GGB Road - Existing A.M. Peak Hour

Existing A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
2	T	157	10.0	0.086	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
3	R	17	15.0	0.036	16.2	LOS C	0.2	1.3	0.43	0.74	44.9
Approach		174	10.5	0.086	1.6	LOS C	0.2	1.3	0.04	0.07	58.3
East: Gingin Brook Road East											
4	L	14	15.0	0.020	7.1	LOS A	0.1	1.0	0.52	0.55	34.6
6	R	15	15.0	0.058	15.9	LOS C	0.3	2.3	0.64	0.74	29.8
Approach		28	15.0	0.058	11.6	LOS C	0.3	2.3	0.58	0.65	31.9
North: Indian Ocean Drive North											
7	L	17	15.0	0.010	8.2	LOS A	0.0	0.0	0.00	0.65	49.4
8	T	222	20.0	0.129	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		239	19.6	0.129	0.6	LOS A	0.0	0.0	0.00	0.05	59.2
All Vehicles		441	15.7	0.129	1.7	NA	0.3	2.3	0.05	0.10	56.1

MOVEMENT SUMMARY

Site: Indian Ocean Dr/GGB Road - Existing P.M. Peak Hour

Existing P.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
2	T	188	10.0	0.103	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
3	R	33	15.0	0.062	15.0	LOS C	0.3	2.3	0.36	0.73	46.2
Approach		221	10.8	0.103	2.3	LOS C	0.3	2.3	0.05	0.11	57.7
East: Gingin Brook Road East											
4	L	24	15.0	0.032	6.2	LOS A	0.2	1.6	0.46	0.52	35.1
6	R	22	15.0	0.080	14.8	LOS B	0.4	3.3	0.63	0.74	30.3
Approach		46	15.0	0.080	10.3	LOS B	0.4	3.3	0.54	0.63	32.7
North: Indian Ocean Drive North											
7	L	18	15.0	0.011	8.2	LOS A	0.0	0.0	0.00	0.65	49.4
8	T	169	20.0	0.098	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		187	19.5	0.098	0.8	LOS A	0.0	0.0	0.00	0.06	58.9
All Vehicles		455	14.8	0.103	2.5	NA	0.4	3.3	0.08	0.14	54.4

MOVEMENT SUMMARY

Site: Indian Ocean Dr/GGB Road - Future A.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
2	T	150	10.0	0.082	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
3	R	57	15.0	0.126	17.1	LOS C	0.6	4.6	0.48	0.79	44.0
Approach		207	11.4	0.126	4.7	LOS C	0.6	4.6	0.13	0.22	55.1
East: Gingin Brook Road East											
4	L	56	15.0	0.082	7.3	LOS A	0.5	4.2	0.54	0.60	34.5
6	R	46	15.0	0.193	18.1	LOS C	1.0	8.0	0.68	0.83	28.8
Approach		102	15.0	0.193	12.2	LOS C	1.0	8.0	0.60	0.70	31.6
North: Indian Ocean Drive North											
7	L	59	15.0	0.035	8.2	LOS A	0.0	0.0	0.00	0.65	49.4
8	T	200	20.0	0.116	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		259	18.9	0.116	1.9	LOS A	0.0	0.0	0.00	0.15	57.5
All Vehicles		568	15.4	0.193	4.8	NA	1.0	8.0	0.16	0.27	49.9

MOVEMENT SUMMARY

Site: Indian Ocean Dr/GGB Road - Future P.M. Peak Hour

Future P.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
2	T	180	10.0	0.098	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
3	R	73	15.0	0.142	15.8	LOS C	0.7	5.4	0.41	0.76	45.4
Approach		254	11.4	0.142	4.6	LOS C	0.7	5.4	0.12	0.22	55.4
East: Gingin Brook Road East											
4	L	66	15.0	0.087	6.4	LOS A	0.6	4.6	0.48	0.55	35.0
6	R	54	15.0	0.206	16.8	LOS C	1.1	8.8	0.67	0.82	29.4
Approach		120	15.0	0.206	11.0	LOS C	1.1	8.8	0.57	0.67	32.3
North: Indian Ocean Drive North											
7	L	59	15.0	0.035	8.2	LOS A	0.0	0.0	0.00	0.65	49.4
8	T	147	20.0	0.085	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		206	18.6	0.085	2.3	LOS A	0.0	0.0	0.00	0.19	56.8
All Vehicles		580	14.7	0.206	5.1	NA	1.1	8.8	0.17	0.30	49.1

MOVEMENT SUMMARY

Site: Indian Ocean Dr/Caraban Rd - Existing A.M. Peak Hour

Existing A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	3	10.0	0.002	8.1	LOS A	0.0	0.0	0.00	0.65	49.4
2	T	166	20.0	0.096	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		169	19.8	0.096	0.2	LOS A	0.0	0.0	0.00	0.01	59.8
North: Indian Ocean Drive North											
8	T	232	20.0	0.141	1.2	LOS A	1.6	12.9	0.37	0.00	53.3
9	R	5	10.0	0.142	12.4	LOS B	1.6	12.9	0.37	0.69	49.0
Approach		237	19.8	0.141	1.5	LOS B	1.6	12.9	0.37	0.02	53.2
West: Caraban Road											
10	L	3	10.0	0.019	7.4	LOS A	0.1	0.7	0.40	0.45	34.3
12	R	7	10.0	0.019	8.1	LOS A	0.1	0.7	0.40	0.62	34.6
Approach		11	10.0	0.019	7.9	LOS A	0.1	0.7	0.40	0.57	34.5
All Vehicles		416	19.5	0.141	1.1	NA	1.6	12.9	0.22	0.03	55.0

MOVEMENT SUMMARY

Site: Indian Ocean Dr/Caraban Rd - Existing P.M. Peak Hour

Existing P.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	9	10.0	0.005	8.1	LOS A	0.0	0.0	0.00	0.65	49.4
2	T	198	20.0	0.116	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		207	19.5	0.115	0.4	LOS A	0.0	0.0	0.00	0.03	59.5
North: Indian Ocean Drive North											
8	T	179	20.0	0.122	1.5	LOS A	1.3	10.7	0.40	0.00	52.8
9	R	13	10.0	0.121	12.7	LOS B	1.3	10.7	0.40	0.70	48.8
Approach		192	19.3	0.122	2.2	LOS B	1.3	10.7	0.40	0.05	52.6
West: Caraban Road											
10	L	9	10.0	0.019	5.8	LOS A	0.1	0.7	0.33	0.47	35.4
12	R	4	10.0	0.019	6.4	LOS A	0.1	0.7	0.33	0.61	35.7
Approach		14	10.0	0.019	6.0	LOS A	0.1	0.7	0.33	0.51	35.5
All Vehicles		413	19.1	0.122	1.4	NA	1.3	10.7	0.20	0.05	55.0

MOVEMENT SUMMARY

Site: Indian Ocean Dr/Caraban Rd - Future A.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	3	10.0	0.002	8.1	LOS A	0.0	0.0	0.00	0.65	49.4
2	T	187	2.0	0.097	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		190	2.1	0.097	0.1	LOS A	0.0	0.0	0.00	0.01	59.8
North: Indian Ocean Drive North											
8	T	193	20.0	0.119	1.2	LOS A	1.3	10.6	0.36	0.00	53.5
9	R	5	10.0	0.120	12.3	LOS B	1.3	10.6	0.36	0.69	49.1
Approach		198	19.7	0.119	1.5	LOS B	1.3	10.6	0.36	0.02	53.4
West: Caraban Road											
10	L	3	10.0	0.018	6.8	LOS A	0.1	0.6	0.38	0.45	34.7
12	R	7	10.0	0.018	7.4	LOS A	0.1	0.6	0.38	0.60	35.0
Approach		11	10.0	0.018	7.2	LOS A	0.1	0.6	0.38	0.55	34.9
All Vehicles		399	11.1	0.119	1.0	NA	1.3	10.6	0.19	0.03	55.6

MOVEMENT SUMMARY

Site: Indian Ocean Dr/Caraban Rd - Future P.M. Peak Hour

Future P.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	9	10.0	0.005	8.1	LOS A	0.0	0.0	0.00	0.65	49.4
2	T	210	20.0	0.121	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		219	19.6	0.122	0.3	LOS A	0.0	0.0	0.00	0.03	59.5
North: Indian Ocean Drive North											
8	T	232	20.0	0.347	2.4	LOS A	3.6	28.5	0.48	0.00	50.6
9	R	147	10.0	0.347	13.5	LOS B	3.6	28.5	0.48	0.74	47.8
Approach		379	16.1	0.347	6.7	LOS B	3.6	28.5	0.48	0.29	49.6
West: Caraban Road											
10	L	9	10.0	0.023	7.1	LOS A	0.1	0.8	0.36	0.48	34.5
12	R	4	10.0	0.023	7.8	LOS A	0.1	0.8	0.36	0.66	34.9
Approach		14	10.0	0.023	7.3	LOS A	0.1	0.8	0.36	0.53	34.6
All Vehicles		612	17.2	0.347	4.4	NA	3.6	28.5	0.31	0.20	52.4

MOVEMENT SUMMARY

Site: Indian Ocean Dr/King Drive - Existing A.M. Peak Hour

Existing A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	4	5.0	0.002	7.9	LOS A	0.0	0.0	0.00	0.66	49.4
2	T	152	20.0	0.088	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		156	19.6	0.088	0.2	LOS A	0.0	0.0	0.00	0.02	59.7
North: Indian Ocean Drive North											
8	T	245	20.0	0.142	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
9	R	12	5.0	0.015	8.8	LOS A	0.1	0.6	0.29	0.59	48.0
Approach		257	19.3	0.142	0.4	LOS A	0.1	0.6	0.01	0.03	59.4
West: King Drive West											
10	L	45	5.0	0.043	3.0	LOS A	0.2	1.6	0.24	0.38	28.5
12	R	20	5.0	0.056	8.2	LOS A	0.2	1.7	0.53	0.62	26.4
Approach		65	5.0	0.056	4.6	LOS A	0.2	1.7	0.33	0.46	27.8
All Vehicles		478	17.5	0.142	0.9	NA	0.2	1.7	0.05	0.08	52.3

MOVEMENT SUMMARY

Site: Indian Ocean Dr/King Drive - Existing P.M. Peak Hour

Existing P.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	39	5.0	0.022	7.9	LOS A	0.0	0.0	0.00	0.66	49.4
2	T	185	20.0	0.107	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		224	17.4	0.107	1.4	LOS A	0.0	0.0	0.00	0.11	58.1
North: Indian Ocean Drive North											
8	T	156	20.0	0.090	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
9	R	24	5.0	0.035	9.4	LOS A	0.2	1.3	0.35	0.61	47.5
Approach		180	18.0	0.090	1.3	LOS A	0.2	1.3	0.05	0.08	58.2
West: King Drive West											
10	L	11	5.0	0.010	3.2	LOS A	0.1	0.4	0.28	0.38	28.5
12	R	11	5.0	0.027	6.9	LOS A	0.1	0.8	0.49	0.54	26.9
Approach		21	5.0	0.027	5.0	LOS A	0.1	0.8	0.38	0.46	27.7
All Vehicles		425	17.0	0.107	1.5	NA	0.2	1.3	0.04	0.12	55.4

MOVEMENT SUMMARY

Site: Indian Ocean Dr/King Drive - Future A.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	4	5.0	0.002	7.9	LOS A	0.0	0.0	0.00	0.66	49.4
2	T	114	20.0	0.066	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		118	19.5	0.066	0.3	LOS A	0.0	0.0	0.00	0.02	59.6
North: Indian Ocean Drive North											
8	T	244	20.0	0.141	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
9	R	12	5.0	0.015	8.5	LOS A	0.1	0.6	0.24	0.58	48.3
Approach		256	19.3	0.142	0.4	LOS A	0.1	0.6	0.01	0.03	59.4
West: King Drive West											
10	L	45	5.0	0.042	2.8	LOS A	0.2	1.6	0.21	0.37	28.6
12	R	20	5.0	0.053	7.5	LOS A	0.2	1.6	0.51	0.59	26.6
Approach		65	5.0	0.053	4.3	LOS A	0.2	1.6	0.30	0.44	28.0
All Vehicles		439	17.2	0.142	0.9	NA	0.2	1.6	0.05	0.09	51.8

MOVEMENT SUMMARY

Site: Indian Ocean Dr/King Drive - Future P.M. Peak Hour

Future P.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
1	L	39	5.0	0.022	7.9	LOS A	0.0	0.0	0.00	0.66	49.4
2	T	172	20.0	0.100	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		211	17.2	0.100	1.5	LOS A	0.0	0.0	0.00	0.12	57.9
North: Indian Ocean Drive North											
8	T	191	20.0	0.110	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
9	R	12	5.0	0.016	9.2	LOS A	0.1	0.6	0.34	0.60	47.7
Approach		202	19.1	0.110	0.5	LOS A	0.1	0.6	0.02	0.03	59.2
West: King Drive West											
10	L	11	5.0	0.010	3.1	LOS A	0.1	0.4	0.27	0.38	28.5
12	R	11	5.0	0.027	7.2	LOS A	0.1	0.8	0.50	0.56	26.7
Approach		21	5.0	0.027	5.2	LOS A	0.1	0.8	0.38	0.47	27.6
All Vehicles		434	17.5	0.110	1.2	NA	0.1	0.8	0.03	0.10	55.9

MOVEMENT SUMMARY

Site: GGB Road/Central Xover - Future A.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop Queued	Effective Stop Rate per veh	Average Speed km/h
South: Central Crossover South											
1	L	38	40.0	0.043	10.6	LOS B	0.2	1.7	0.17	0.65	47.9
3	R	5	40.0	0.007	11.9	LOS B	0.0	0.2	0.30	0.68	46.7
Approach		43	40.0	0.043	10.8	LOS B	0.2	1.7	0.19	0.65	47.8
East: Gingin Brook Road East											
4	L	4	15.0	0.074	8.7	LOS A	0.0	0.0	0.00	1.10	49.0
5	T	126	15.0	0.074	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		131	15.0	0.074	0.3	LOS A	0.0	0.0	0.00	0.04	59.6
West: Gingin Brook Road West											
11	T	74	20.0	0.184	3.7	LOS A	1.7	14.6	0.48	0.00	50.5
12	R	68	40.0	0.184	13.5	LOS B	1.7	14.6	0.48	0.83	46.1
Approach		142	29.6	0.184	8.4	LOS B	1.7	14.6	0.48	0.40	48.3
All Vehicles		316	25.0	0.184	5.4	NA	1.7	14.6	0.24	0.28	52.3

MOVEMENT SUMMARY

Site: GGB Road/Central Xover - Future P.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop Queued	Effective Stop Rate per veh	Average Speed km/h
South: Central CrossoverSouth											
1	L	38	40.0	0.040	10.3	LOS B	0.2	1.6	0.14	0.64	48.3
3	R	5	40.0	0.007	11.5	LOS B	0.0	0.2	0.26	0.67	47.1
Approach		43	40.0	0.040	10.4	LOS B	0.2	1.6	0.15	0.64	48.1
East: Gingin Brook Road East											
4	L	126	15.0	0.123	8.7	LOS A	0.0	0.0	0.00	0.79	49.0
5	T	84	15.0	0.123	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		211	15.0	0.123	5.2	LOS A	0.0	0.0	0.00	0.48	52.9
West: Gingin Brook Road West											
11	T	68	20.0	0.211	6.4	LOS A	1.9	16.9	0.58	0.00	47.2
12	R	68	40.0	0.211	16.2	LOS C	1.9	16.9	0.58	0.89	43.7
Approach		137	30.0	0.211	11.3	LOS C	1.9	16.9	0.58	0.45	45.4
All Vehicles		391	23.0	0.211	7.9	NA	1.9	16.9	0.22	0.48	49.5

MOVEMENT SUMMARY

Site: GGB Road/Eastern Xover - Future A.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Eastern Crossover											
1	L	5	95.0	0.009	13.6	LOS B	0.0	0.5	0.23	0.64	47.0
3	R	1	95.0	0.003	15.1	LOS C	0.0	0.1	0.31	0.66	43.9
Approach		7	95.0	0.009	13.9	LOS C	0.0	0.5	0.24	0.64	46.3
East: Gingin Brook Road East											
4	L	1	95.0	0.070	11.9	LOS B	0.0	0.0	0.00	1.29	46.6
5	T	126	15.0	0.072	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		127	15.7	0.072	0.1	LOS B	0.0	0.0	0.00	0.01	59.8
West: Gingin Brook Road West											
11	T	74	20.0	0.063	5.6	LOS A	1.2	10.6	0.63	0.00	49.0
12	R	6	95.0	0.063	17.6	LOS C	1.2	10.6	0.63	0.04	45.7
Approach		80	25.9	0.063	6.6	LOS C	1.2	10.6	0.63	0.07	48.8
All Vehicles		214	21.9	0.072	2.9	NA	1.2	10.6	0.24	0.05	54.7

MOVEMENT SUMMARY

Site: GGB Road/Eastern Xover - Future P.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Eastern Crossover											
1	L	4	95.0	0.007	12.9	LOS B	0.0	0.3	0.16	0.63	47.7
3	R	1	95.0	0.003	14.4	LOS B	0.0	0.1	0.24	0.66	44.5
Approach		6	95.0	0.007	13.2	LOS B	0.0	0.3	0.18	0.64	46.8
East: Gingin Brook Road East											
4	L	1	95.0	0.048	11.9	LOS B	0.0	0.0	0.00	1.28	46.6
5	T	84	15.0	0.048	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		85	16.0	0.048	0.1	LOS B	0.0	0.0	0.00	0.02	59.8
West: Gingin Brook Road West											
11	T	68	20.0	0.054	3.5	LOS A	1.0	8.5	0.53	0.00	50.8
12	R	5	95.0	0.054	15.4	LOS C	1.0	8.5	0.53	0.04	47.5
Approach		74	25.4	0.054	4.3	LOS C	1.0	8.5	0.53	0.07	50.6
All Vehicles		164	22.8	0.054	2.5	NA	1.0	8.5	0.24	0.06	54.8

MOVEMENT SUMMARY

Site: Indian Ocean Dr/Lot 1022 Crossover - Future A.M. Peak Hour

Future A.M. Peak Hour
Giveway / Yield (Two-Way)

Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
2	T	147	20.0	0.100	5.6	LOS A	1.6	13.0	0.49	0.00	49.8
3	R	7	15.0	0.100	17.2	LOS C	1.6	13.0	0.49	0.80	44.0
Approach		154	19.8	0.100	6.1	LOS C	1.6	13.0	0.49	0.03	49.5
East: Lot 1022 Crossover East											
4	L	5	15.0	0.008	7.3	LOS A	0.1	0.4	0.53	0.53	34.5
6	R	5	15.0	0.022	17.3	LOS C	0.1	0.9	0.64	0.73	29.2
Approach		11	15.0	0.022	12.3	LOS C	0.1	0.9	0.59	0.63	31.6
North: Indian Ocean Drive North											
7	L	5	15.0	0.139	8.2	LOS A	0.0	0.0	0.00	0.84	49.4
8	T	234	20.0	0.139	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		239	19.9	0.139	0.2	LOS A	0.0	0.0	0.00	0.02	59.8
All Vehicles		404	19.7	0.139	2.8	NA	1.6	13.0	0.20	0.04	54.3

MOVEMENT SUMMARY

Site: Indian Ocean Dr/Lot 1022 Crossover - Future P.M. Peak Hour

Future P.M. Peak Hour
Giveway / Yield (Two-Way)

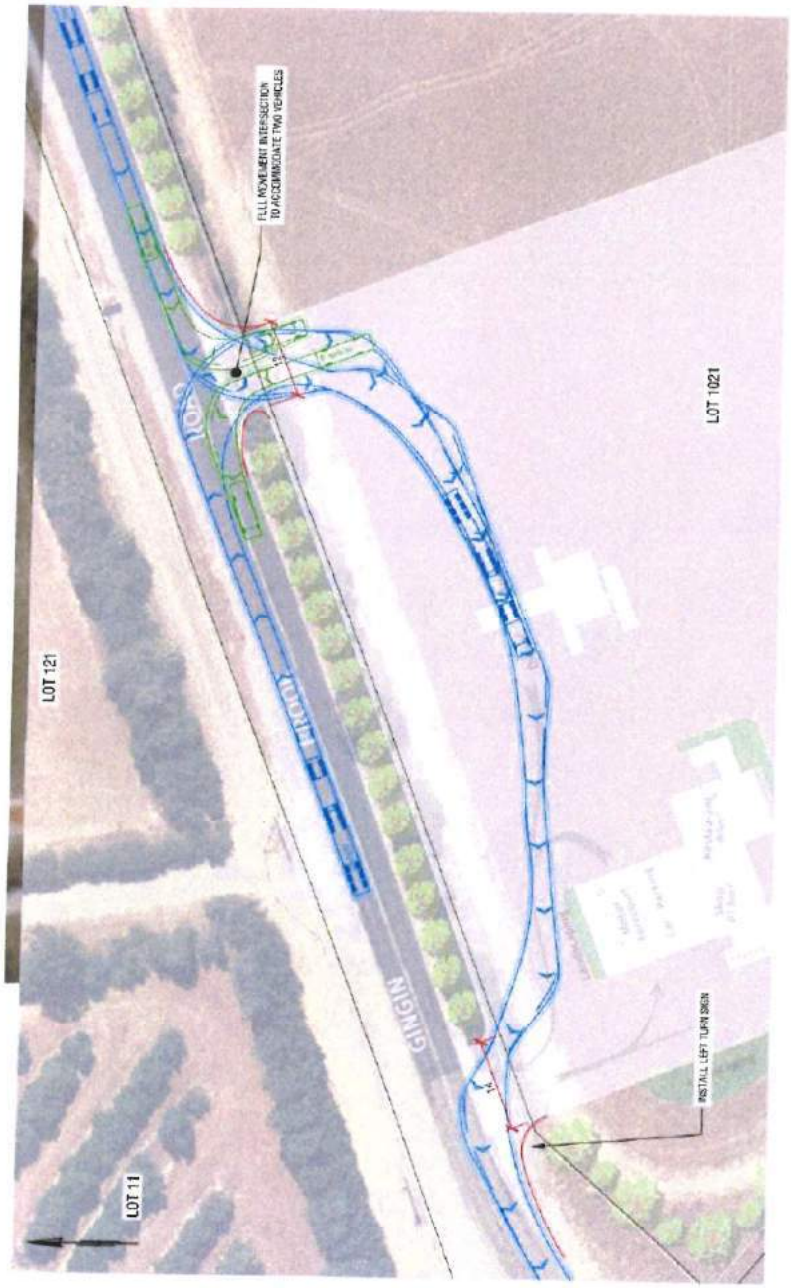
Movement Performance - Vehicles

Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	95% Back of Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Indian Ocean Drive South											
2	T	177	20.0	0.116	4.6	LOS A	1.8	14.6	0.43	0.00	51.2
3	R	7	15.0	0.115	16.1	LOS C	1.8	14.6	0.43	0.78	45.1
Approach		184	19.8	0.116	5.0	LOS C	1.8	14.6	0.43	0.03	51.0
East: Lot 1022 Crossover East											
4	L	5	15.0	0.007	6.6	LOS A	0.0	0.4	0.49	0.50	34.9
6	R	5	15.0	0.021	16.3	LOS C	0.1	0.8	0.63	0.72	29.7
Approach		11	15.0	0.021	11.5	LOS C	0.1	0.8	0.56	0.61	32.1
North: Indian Ocean Drive North											
7	L	5	15.0	0.117	8.2	LOS A	0.0	0.0	0.00	0.84	49.4
8	T	198	20.0	0.118	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		203	19.9	0.118	0.2	LOS A	0.0	0.0	0.00	0.02	59.7
All Vehicles		397	19.7	0.118	2.7	NA	1.8	14.6	0.21	0.04	54.3

APPENDIX C: CONCEPT PLANS – CROSSOVERS

Client Name: Harley Dykstra
Project Name: Lot 1021 & Lot 1022 Gingin Brook Road

February 2018



1:500
23.01.2018
SK01 A

LOT 1021 GINGIN BROOK ROAD, NEERGABBY
27.5m TURN MOVEMENTS

1:500
23.01.2018
SK02 A

LOT 1021 GINGIN BROOK ROAD, NEERGABBY
19m TURN MOVEMENTS

1:500
05.02.2018
SK03 A

LOT 1021 GINGIN BROOK ROAD, NEERGABBY
19 TURN MOVEMENTS TO EXTRACTIVE INDUSTRY AREA

APPENDIX 2

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

APPLICATION FOR PLANNING APPROVAL PROPOSED EXTRACTIVE INDUSTRY (SAND QUARRY) ON LOT 1021 GINGIN BROOK ROAD, LOT 1022 INDIAN OCEAN DRIVE AND 52 CROOT PLACE, NEERGABBY
NOVEMBER 2015

No.	Submitter	Submission Detail	Recommended Response
1.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: 1. *I believe this quarry will have significant negative impact on our residential area. Noise, dust, exhaust, pollution etc. we already have to tolerate general traffic noise from Indian Ocean Drive but to have to tolerate large trucks moving from 6am to 6pm every weekday is far too much – also consider large trucks turning on to a major route with a 110 speed – slow moving trucks may cause accidents.*	1.1. Dismiss. The Environmental Protection Authority Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* suggests a separation distance of 300-500m between sand extraction sites and sensitive uses. No sensitive uses are located within 500m of the proposed extractive industry (other than on Lot 1022 which forms part of the application area) and thus no significant impacts from noise, dust, exhaust emissions and pollution are anticipated. As detailed in the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services, no dry topsoil stripping will occur when wind speed is greater than 25km/hr. No dry excavation or truck loading will occur in winds of greater than 40km/hr. A groundwater licence has been issued by the Department of Water for dust suppression. Progressive rehabilitation of quarried areas will mean that the area of sand exposed at any one time is generally less than 1ha, thus reducing the potential for dust generation. **Further consultation with Main Roads WA regarding traffic access, the access has now been amended from Croot Place to Gingin Brook Road.** 1.2. Dismiss. The site is zoned "General Rural (GR 30)". Extractive Industry is an "A" use within this zone and is thus a land use that may be anticipated in this locality.

		2. *We moved here for the serenity of the bush now someone plans to rob us of that.*	
2.	DMP	The Submitter provides **general comments** regarding the proposal: *A continuing supply of low cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australian's enjoy. This area is recognised by the Geological Survey of Western Australia (GSWA) a division of the Department of Mines and Petroleum (DMP), as a regionally significant sand resource as shown on recent mapping.* *Although Extractive Industry Licences fall outside the Mining Act 1978, information on mineral resources, including basic raw materials, is of importance to the GSWA. The information is used in our MINEDEX database (http://www.dmp.wa.gov.au/3970.aspx), which is a source of information for our State wide resource mapping system (http://www.dmp.wa.gov.au/7113.aspx). The locations and status of basic raw materials extraction sites are also valuable inputs to the Geological Survey's resource assessment and land use planning role.* *Our aim is for the database to be a comprehensive and up to date source of information on all mining related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials.* *I appreciate the opportunity for the GSWA to note this proposal. For future reference it would be appreciated if all matters relating to extractive industry licences could be addressed to the Executive Director of the Geological Survey of Western Australia.*	2. Noted and supported.
3.	Ratepayer	The Submitter **does not support** the above proposal and makes the following comments:	3.1 Dismiss. See response to 1.1. Significant traffic numbers already travel along Indian Ocean Drive

		Noise pollution is already an issue for residents of Birdwood Drive regarding traffic travelling along Indian Ocean Drive, GRV of Birdwood properties have been reduced as a consequence.	thus, the proposal will not significantly increase the noise already generated by traffic travelling along Indian Ocean Drive. Perceived impacts on property values associated with existing traffic along Indian Ocean Drive is a separate matter and is not in any way related to this application.
		Start times are unrealistic for heavy vehicle movements and will add to the current levels of noise pollution what restrictions regarding use of air breaks? What type of excavation equipment is to be used?	3.2 Dismiss. See response to 1.1 and 3.1. In any event, the proposed use would be required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. A front end loader will be used to strip topsoil, extract sand and load it into trucks.
			3.3 Dismiss. This is not a valid planning consideration.
		Road digestion will occur resulting shire to foot repair bill. *If my property is devalued I require appropriate compensation.*	3.4 Dismiss. See response to 1.1. and 3.1
		My residence is situated approximately … metres from Indian Ocean Drive (IOD) and nearly …… Croot Place and there is no suitable sound barrier to contain Highway Traffic Noise. When a light Easterly breeze blows then the sound is magnified so that it impossible to sit outside.	3.5 Dismiss. This argument has no relevance to the extractive industry proposal. Traffic noise will not significantly increase along Indian Ocean Drive as a result of this proposal.
		Department of Land Administration (DOLA) has devalued our property due to road noise. Tests carried out by DOLA substantiated the excessive noise on IOD.	3.6 Dismiss. See response to 1.1.
		I am concerned that the excavation site will act like an amphitheatre and when a Northerly wind is blowing, noise will be carried above any barriers and be clearly heard by residents in Woodridge.	3.7 Dismiss. See response to 3.1.
		Trucks that have to wait for passing traffic when entering IOD from Croot Place will only further exasperate the noise pollution in the area.	3.8 Dismiss. A BAL Assessment has been undertaken in accordance with SPP 3.7 and the associated

		I am also concerned that any sparks emitted from diesel exhausts could ignite grass opposite my property. *The refuelling of vehicles on site does not appear to be addressed and therefore I am concerned about underground water contamination should I go ahead and have a bore installed.* *The 6am start for operations is deplorable. I came here to Woodridge to retire after 30 years of city living not to live nearby to a mining venture.* *If the application is approved I will seek another property valuation from DOLA and resort to some form of compensation if my property is again devalued.*	Guidelines. Appropriate fire management controls will be in place to reduce fire risk, including the requirements of the Shire of Gingin Firebreak Order. 3.9 Dismiss. Refuelling of vehicles is addressed in the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services which formed part of the Application. Refuelling will occur via a mobile tanker. Bulk fuels will not be stored on site. 3.10 Dismiss. See response to 1.1,1.2 and 3.2 3.11 Dismiss. Not a valid planning argument.
4.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *We are 100% against the proposal as above. We already have one (Moore River Sands).* *As well as the dust and noise, Woodridge will be submitted to more traffic and noise passing by. It's bad enough now since Indian Ocean Drive became a highway without sand trucks going up and down on a daily basis on a road with a 110 speed limit.* *We came to Woodridge 25 years ago to retire to the country. This dream has been shattered over the years, now a sandpit. What next?*	4.1 Dismiss. Not a valid planning argument. The Moore River Sands site is owned and operated by different landowners. See submission by Department of Mines and Petroleum. 4.2 Dismiss. See response to 1.1 and 3.1. 4.3 Dismiss. See response to 1.2.

5.	Ratepayer Association	The Submitter **does not support** the proposal and makes the following comments: *After holding a General Meeting, the committee are in Opposition to this for the following reasons:* *1. Traffic* *Since the new lanes were created over the last 5 years in many places on the road from Wanneroo to Lancelin there has been an explosion of vehicle numbers. Especially by caravans and big earth moving trucks (Even after the locals were informed that these 'trucks' would be principally using Brand Highway).* *Locals have observed these at 4am and 6am on their trips to work places.* *The number of boats on trailers that are regularly seen now never existed before the road expansions. They add to the congestion, especially on weekends.* *To think of this main road being 'congested' is deplorable for all of us who lived here before the road expansion, for a period of many decades in most cases. There are literally convoys of vehicles all of which feeds the frustration of travelling anywhere.* *Adding potentially dozens of single and double trailer sand trucks to the picture implies a lack of awareness of the traffic situation along Indian Ocean Drive.* *Between Gingin Brook Road and just south of Lancelin the main road is the only road! A massive traffic hazard, like that caused by a sand truck in an accident with another vehicle, will close that road!*	5.1 Dismiss. Truck movements will be an average of 20 movements per day with a maximum of 10 movements (in and out) per hour which will only occur at peak times. As identified by the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services, Croot Place already carries heavy vehicles at all hours and days of the week and is capable of accommodating the additional traffic expected to be generated by this proposal. In reviewing submissions from Woodridge residents concerned with traffic impacts associated with the proposal, the Proponent has examined alternative options for access in consultation with the Shire of Gingin. Having reviewed all alternative access options, the Proponent is of the view access via Croot Place remains the preferred option. **Further consultation with Main Roads WA regarding traffic access, the access has now been amended from Croot Place to Gingin Brook Road.**

		2. *Noise* *The noise contribution, mainly from the trucks, has already agitated and adversely affected many locals since the extra lane was added. More trucks equal more noise!* 3. *Safety* *We have some 4 school buses which travel twice a day as far as Lancelin to Gingin and the northern metropolitan area, Monday to Friday. These children include pre-schoolers and not all buses have seat belts.* *Furthermore, the use of Croot Place as an access for the trucks, all day for 6 days a week is chilling. The momentous dip in the main road just north of this intersection is primed for an accident (Personal observation of coming across a vehicle on a winter's evening doing only 70kph in that dip where 110kph is the norm was a horror experience. To think there are careless drivers doing ridiculous speeds like 40kph below the speed indicated!).* *There are double lines in that area with overtaking opportunities a distance down the road. More frustration for people going to work.* 4. *Alternatives* *Alternatives already exist in the shape of the sand quarry literally a few minutes away at Woodridge on Cerramar Road and the other, a little further away, on Guilderton Road!* *In summary, we don't want our travel experiences further compromised by unnecessary, numerous, heavy, noisy, trucks for 6 days a week potentially decreasing the safety of travel for our school children and the general population.*	5.2 Dismiss. See response to 1.1 and 3.1. Dismiss. See response to 1.1 and 4.1. **Further consultation with Main Roads WA regarding traffic access, the access has now been amended from Croot Place to Gingin Brook Road.** 5.3 Dismiss. See response to 5.1. 5.4 Dismiss. See response to 1.1, 3.1 and 5.3.
6.	Ratepayer	The Submitter **does not support** the above proposal and makes the following comments:	6. Dismiss. See response to 3.1, 5.1 and 5.3.

		Our main objection is Traffic: *Since the new lanes were created over the last 5 years in many places on the road from Wanneroo to Lancelin there has been an explosion of vehicle numbers up to 5 times more, especially by caravans and trucks.* *Locals in Redfield park have observed these at 4am and 5am on their trips to work places. The number of boats on trailers that are regulars, they add to the congestion, especially on the weekends.* *Adding potentially dozens of single and double trailer sand trucks to the picture implies a lack of awareness of the traffic situation along Indian Ocean Drive. We have had meeting with Main Roads regarding the intersection at Indian Ocean Drive and Gingin Brook Road. After meeting with owners locals voiced their concerns at using Croot place as entry / exit. Many felt Croot Place was dangerous and the Gingin Brook Road may be a better exit point.* *We have some 4 school buses which travel twice a day as far as Lancelin to Gingin and the northern metropolitan area, Monday to Friday. These children include pre-schoolers and not all buses have seat belts and another major concern.* *The residents have already got issues with current traffic noise let alone the added truck and breaking noise safety is very important. Will some sort of safety audit be performed with the projected change in usage?* *Many near misses have already been had on Gingin Brook and Indian Ocean Drive intersection as well as previous incidents at King Drive and Indian Ocean Drive.*	**Further consultation with Main Roads WA regarding traffic access, the access has now been amended from Croot Place to Gingin Brook Road.**
7.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *We are all for progress within the community, but not for this. With all the traffic use on Indian Ocean Drive, Caravans etc., Market Garden Trucks, Croot Place, School Buses, Local Traffic, Blind Spots, there will be a fatality not to mention noise, sand, and dust.*	7. Dismiss. See response to 1.1 and 5.3. The lot is zoned General Rural (GR30) and an Extractive Industry is an "A" use meaning it is permitted at the

		We thought the area was zoned horticultural purposes not mining lease. If this is the case, change Woodridge to Commercial.	discretion of the local government following advertising.
8.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *I don't have a problem with a sandpit itself but the location of Croot Place as entry or exit for heavy trucks and semi-trailers or any access on to Indian Ocean Drive is of huge concern for all of the following reasons:* *1. Traffic* *As a resident of Woodridge for 16 years already seriously affected by the incessant noise of traffic on Indian Ocean Drive (IOD) since it was extended to the north of Lancelin, and due to the number of serious accidents that have occurred on what has become an extremely busy and fast road* ***I ABSOLUTELY REJECT THE PROPOSAL FOR CROOT PLACE AS AN ACCESS ROAD ON / OFF AND INTO INDIAN OCEAN DRIVE TRAFFICE****. Over the last two or three years huge money was spent to reduce the risk for Woodridge residents entering and leaving the estate via our only access point onto IOD from Kind Drive…this was following a spate of fatal accidents within the area which our local ambulance volunteers had to attend.* *We are already faced with huge volumes of traffic and it can be difficult to make a right hand turn out of the estate (especially at long weekends when the holiday traffic is literally nose to tail) to travel south due to the huge increase in the number of cars, cars towing trailers or caravans, motor bikes, small trucks, large trucks, massive great trucks and semi-trailers (which we were told would be using the Brand Highway which they do not).* *I have on occasions had to turn north when I wanted to travel south and drive north to do a U turn at Gingin Brook Road in order to get back into the traffic heading south which is travelling at the speed limit of 100kms/hour…*	8.1 Dismiss. See response to 1.1, 6.1 and 6.3. **Further consultation with Main Roads WA regarding traffic access, the access has now been amended from Croot Place to Gingin Brook Road.**

		To add heavy laden sand trucks / semi-trailers that are far heavier than those already using Croot Place from the market garden industries entering Indian Ocean Drive right opposite the Woodridge Estate at slow take off gear speed into the fast moving traffic moving at 110 kph approximately every 10 minutes during the day from 6am to 6pm is a serious danger to all traffic, an accident waiting to happen and I simply cannot believe that this could ever be considered as acceptable. 2. *Noise* *We have had several residents letters in regard to excessive noise levels between State Government, and Main Roads, after a year or so following these letters, representatives from the State Government Agencies, Gingin Shire, the police, and Main Roads attended a meeting at the Woodridge Community Hall where the continuous high level of traffic noise impacting on the health of residents of Birdwood Drive and Woollybush Loop were discussed at some length. They were informed that noise tests had been done that showed noise levels were way above the acceptable levels and requests were made for a quieter road surface, a reduction of the speed limit, a high wall the length of the estate, anything that could help reduce the unending din of motor vehicles drowning out conversation both outside and at times inside the home.. To add heavily laden semi-trailers rolling down Croot Place opposite Birdwood Drive gearing down to meet Indian Ocean Drive opposite Birdwood Drive every 10 minutes would be heartless and insane.*	9.2 Dismiss. See response to 1.1, 3.1, and 3.2
9.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *As a full time resident I strongly object to the proposed project because of:* 1. *Wind blowing dust and sand across residential area;* 2. *Increased noise;* 3. *Trucks entering and leaving site causing traffic hazards; and*	 9.1 Dismiss. See response to 1.1. 9.2 Dismiss. See response to 1.1. 9.3 Dismiss. See response to 5.3.

		4. No beneficial gain to local area.	9.4 Dismiss. The excavation site will supply sand to development within the Shire as well as to the Perth Metropolitan Region.
10.	Department of Planning	The Submitter makes **general comments** regarding the proposal as follows: *The Department has reviewed the proposal and offers the following comments:* *Under the Shire of Gingin Local Planning Scheme No. 9 (the Scheme) the land is zoned 'General Rural' with a GR30 coding. The provisions of the Scheme allow for development of an extractive industry on the land subject to the local government granting development approval after advertising the proposal. In considering the proposal, the local government would need to be satisfied that the proposal is consistent with the 'General Rural' zone objectives in Part 4 of the Scheme.* *The proposal should also be assessed against the Western Australian Planning Commission's (WAPC) Indian Ocean Drive Planning Guideline (2014) which sets out relevant matters when considering development applications within 500 metres of Indian Ocean Drive, and provides guidance on roadside vegetation screening (Appendix 3). The status of Indian Ocean Drive as a scenic tourist route indicates that screen planting, located within the property, is needed along Indian Ocean Drive within Lots 1021 and 1022, as well as along approximately the first 30 m of Croot Place, within Lot 52. However, screening would not be required adjacent to the developed north western portion of Lot 1022 where established trees and buildings provide a screen.* *Another relevant document to consider is the WAPC's Visual Landscaping Planning in Western Australia: a manual for evaluation, assessment, siting and design (2007), which contains specific guidance on the location, siting and design of extraction sites, including sand pits. Application of the table at p161 indicates*	10. Noted. Tree planting for screening is proposed as detailed within the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services. In the event Council approvals the proposal, it is accepted that conditions of development approval will require additional tree plantings and controls over operations.

		that Gingin Brook Road is likely to be of regional significance as a viewing location. The proposed extraction pit would occupy a hill top location that is visible across the property where there is no vegetation cover. Therefore screen planting would also be appropriate along this road, within Lot 1021, for its entire length, not just where the pit would be very close to the road. Current roadside trees provide an inadequate screen because of their open character, and as the road reserve is narrow, these trees may be removed for future road widening purposes. *As a general observation, it is recommended that if granted approval, all elements of the proposal which can be measured and quantified be specifically outlined as devilment conditions. This would include matters such as hours of operation, site areas, staging, stockpiling, access, rehabilitation etc. This will assist the local government with ongoing management and compliance should it be required. Attachment 1 provides an outline of matters that could be incorporated into a development approval.*	
11.	AEMCO Pty Ltd	The Submitter **does not support** the proposal and makes the following comments: *The proposed development will have the following impacts that does not appear to be addressed in sufficient details:* 1. *Fugitive and fallout dust generation – a full baseline dust assessment with classification of the dust particle fractions size e.g. % below PM10 and the type of dust and silica content and quartz type. The risk of silicosis is very high with these types of quarries and a full health and risk assessment in this regard will be a minimum requirement. The potential zone of influence from <PM10 and <PM1 size particles will need to be done through dust modelling and a health and safety assessment. This is absolutely critical!* 2. *The dust suppression – there is an application for 300,000kL of water from the superficial aquifer that is already over allocated. The DoW will not issue this licence so how is dust suppression going to be managed?*	11.1 Dismiss. Responses have been received from the Department of Environmental Regulation, the Department of Parks and Wildlife and the Water Corporation raising no objections to the proposal. 11.2 Dismiss. The Proponent holds a current groundwater licence with an annual entitlement of 15000KL for uses including dust suppression for industrial purposes.

		3. *Groundwater – there is a reference on Page 6 that the water table is 62-68m below ground and therefore no risk of impact to groundwater. This information is based on a 1977 (38 year old information) map and sound incorrect. Groundwater normally occurs from near surface to about 15m below surface in this region. A hydrogeological study by a qualified hydrogeologist is therefore required to establish baseline groundwater data, levels and quality with an impact assessment in this regard. Any abstraction and the impact on surrounding water users also need to be addressed and modelled through a baseline numerical model.*	11.3 Dismiss. See response to 12.1 and 12.2. It is not considered a hydrogeological study is necessary to support the proposal.
		4. *The visual impact of this high laying operation in combination with dust plumes and dust suppression needs to have more detail and information on the type of trees and shrubs that will be planted that can screen off this large operation.*	11.4 Dismiss. See submission by Department of Planning and response at 10 above and response to 11.1.
		5. *The number of additional trucks and their impact on the surrounding land owners appears to be significant – up to 10 trucks per hour. A baseline traffic assessment and impact on the roads and safety needs to be done. This impact is again very significant as the area is already experiencing a high truck movement load.*	11.5 Dismiss. See response to 1.2, 3.1 and 5.1.
		6. *Then in general the Environmental assessment plan is not up to standard. It needs an environmental impact assessment and matrix that classify all impacts before and after amelioration as per industry standard.* *I strongly suggest the applicant needs to do more work to study the baseline environment, understand the degree and significance of the impacts and then provide a more professional application and report in this regard. The current application and documents are substandard.*	11.6 Dismiss. See response to 11.1.
12.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *We moved to a rural peaceful location in Woodridge to get away from vehicle noise and associated traffic of suburbia. Frequent*	12. Dismiss. See response to 1.1.

		wildlife is a beautiful part of our rural and tranquil property. Our little pond of fish has increased in population and we have a family of frogs. As well as that our chooks are joined by an annual nesting pair of kookaburras, and tawny frog mouth owls, blue tongues, goannas and kangaroos are regularly seen on Birdwood Drive. *Please don't allow the proposed sand quarry – it would ruin this environment and increase danger to our children and grandchildren and pets, and this …*	
13.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *We would like to express our strong opposition to the proposed sand quarry development. Our main concerns are:* *11. Increased traffic, trucking affecting road safety;* *12. Noise pollution, trucking, heavy earthmoving equipment;* *13. Dust pollution effecting asthmatic's in our household; and* *14. Environmental impact on local habitat.* *We moved out here to enjoy the quiet country lifestyle, not to live next to a quarry!*	13.1 Dismiss. See response to 5.3 13.2 Dismiss. See response to 1.1 and 3.2. 13.3 Dismiss. See response to 1.1. 13.4 Dismiss. See response to 1.1 and 11.1. No significant vegetation containing environmental value exists on the proposed extractive industry site.
14.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *For this quarry to take place the roads all have to be upgraded to dual carriageways from Moore River Bridge to the dual road just past Woodridge but even with road updated I think it is a fatality waiting to happen. The dip in Indian Ocean Drive would be a concern.* *Also we don't need more quarries in the area we need a service station with roads upgraded. Also Indian Ocean Drive wasn't*	15. Dismiss. See response to 6.1 and 6.3. Dismiss. Not a valid planning argument. Applications for Development Approval should be considered on

		meant to be used by heavy vehicles from Jurien and beyond we were assured that Brand Highway would be used.	their own individual merits. See response to 7 and Department of Mines and Petroleum submission.
15.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *This submission is my comment OPPOSING the application of a sand quarry being implemented at the proposed site.* *I seek to have my opposition to this proposal and my comments formally recorded before the Shire of Gingin continues to consider this application.* ***However, I do not want my personal details make public.*** *In providing response to the Planning Application document [Harley Dykstra ref 20195 – that briefly covered off on the proposed environmental management for this activity], I submit that there is significant uncertainty with respect to the environmental impact [and the health and wellbeing of the residents] of this industry being permitted to operate at this site on the nearby Woodridge community.* *Notwithstanding the machinery and industry used to extract the sand, the number of proposed truck/vehicle movements in support planned (perhaps understated), the noise emissions and the displaced dust and debris from fully laden trucks and their impact on local traffic conditions cannot be accurately forecasted.* *The two main thoroughfares of Indian Ocean Drive and Gingin Brook Road already carry significant domestic and commercial traffic. The intersection of King Drive [and Croot Place] and the Indian Ocean Drive is already very busy and is an area with the potential for high speed crashes as being only controlled by a stop sign.* *The proposed hours of operation appear excessive and indicate that some community members may be subject to this intrusive activity before rising in the morning and again upon returning home from work, school etc. in the afternoon. Many Woodridge residents*	16. Dismiss. See response to 1.1. Dismiss. See response to 1.1 and 6.1. The *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services provided significant detail on operations and truck movements to which environmental management measures respond. Dismiss. See response to 6.3. Dismiss. See response to 1.1 and 3.2.

		may have built their properties and lives [and grown their families] in this idyllic rural location specifically away from the noise [and other forms of pollution] typically found in inner city / metropolitan areas.	
		I contend that it would be onerous [and perhaps impact financially] on the Shire of Gingin to effectively monitor and hold to account the operators to ensure compliance with what is proposed by developers. *Further, what regimen of monitoring would be employed by Gingin Shire to monitor the health implications (breathing issues, eye irritation) of community members and livestock? The disturbance of underground water and the impact of dust covering other vegetation are other considerations that appear understated and unknown at this time.*	Dismiss. See response to 1.1. It would be normal planning practice in the event Council approves the proposal for the Shire to require a Dust Management Plan as a condition of development approval. Similarly, adherence to the requirements of a Dust Management Plan would be standard practice for the operators of a sand extraction site. It is considered the planning process, through the granting of planning approval with appropriate conditions and issue of an Extractive Industry Licence, can suitably manage any potential issues associated with dust generation.
		The potential for health affecting dust movements affecting the Woodridge community members is a probable outcome and for "dust suppression watering to be carried out as required" would be insufficient and will most likely have a detrimental effect on the general cleanliness with remnants of this activity likely affecting the aesthetics of the area.	
		The sourcing of yellow siliceous sand for use in construction is abundant elsewhere and could be sourced from another area within the Shire that would have a significantly reduced impact on a local community and the environment. The Woodridge and Neergabby areas already support a large number of agricultural and commercial activities [and market garden area].	Dismiss. Not a valid planning argument. See submission by Department of Mines and Petroleum.
		If the Shire of Gingin permits the progression of this application, an independent environmental assessment should be implemented that addresses the impact of: - *The disturbance of land and vegetation;* - *The disturbance of river beds or coastal marine areas;*	Dismiss. The *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services sufficiently addresses (with further amendments to be addressed as conditions of the planning approval) disturbance of land and vegetation (rehabilitation), dust, noise, vibration (no blasting proposed), traffic, visual effects, and cultural heritage values. The land is of low environmental

		- *Dust;* - *Vibration;* - *Noise;* - *Traffic;* - *Visual effects;* - *Impact on cultural and historic heritage values;* - *The discharge of contaminants into air, water, land and the coastal marine area.* *Further, a thorough public consultation should also be undertaken prior to any progression and/or approval of this application.*	value consisting of pasture and grass vegetation. Disturbance of river beds and coastal marine area have not been addressed since the proposal will not have any impact on these environmental features, given it will be located more than 700m from the Moore River and 11km from the coast. Dismiss. Public Consultation has already been undertaken in accordance with the requirements of clause 64 of the deemed provisions.
16.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *This location was once called 'Woodridge Country Estate', this has certainly been eroded as we now have four lane road, there is more traffic than ever, only to be advised that a large number of trucks will be passing from 6am – 6pm every day using the tourist road Indian Ocean road, the impact of noise as well as excessive traffic on public holidays.* *I ask has any consideration been given to the residents of Woodridge when allowing the sand quarry and all that it entails.* *The intersection of Woodridge and Indian Ocean Drive is very busy at the best of times. Now we have trucks to contend with. The noise factor will be horrendous as we have little or no buffer zone on the Eastern side of the Estate.*	16. Dismiss. See response to 1.1, 3.1 and 3.2. Noted. Public advertising has been undertaken in accordance with the requirements of clause 64 of the deemed provisions. Dismiss. See response to 1.1 and 3.1.
17.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments:	

		We object most strongly to the above development. Almost everyone living in Woodridge came here for the country living. For the peace and tranquillity. Has already been abused by the constant noise we now get from Indian Ocean Drive, i.e. is not a noise you get used to as it is intrusive and cannot be ignored to get the extra noise from the sand trucks is more than we should have to contend with. *The older and younger element living in Woodridge will move elsewhere to get the peace and quiet they crave. It's for sure that none of the people in favour of this project live in Woodridge.* *We sincerely hope this project will be refused and we can continue to live the life we moved here for.*	17. Dismiss. See response to 1.1 and 3.1. Dismiss. Not a valid planning argument.
18.	Ratepayer	The Submitter makes a **general comment** regarding the proposal as follows: *We are concerned with the amount of traffic that would occur with trucks coming out of Croot Place onto Indian Ocean Drive.* *There is lack of visibility with traffic coming over the hill heading South on Indian Ocean Drive.* *It would be better if they could find an alternative entry to the Sand Pit.*	18. Dismiss. See response to 5.1. Dismiss. See response to 5.3. Dismiss. See response to 5.1.
19.	Ratepayer	The Submitter **supports** the proposal and makes the following comments: *To provide trees surrounding the pit site as a screen to contain dust and noise.*	19. Noted. Vegetation screening is proposed and additional screening will be required as a condition of planning approval in the event Council approves the proposal.
20.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *To near to Woodridge regarding noise, dust, truck movement. Croot Place entry is narrow and dangerous. The Indian Ocean Drive is at that point narrow, with very fast traffic. The visibility*	20. Dismiss. See response to 1.1 and 5.3.

		North and South very restricted. In short, the whole idea is very dangerous and will, I foresee lead to a death (but I hope not).	
21.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *This is at the front door of Woodridge and will have an impact on the land values also the dust and heavy transport will cause major problems. It would appear that the area is becoming an industrial estate.* *We strongly object to this Sand Quarry, as it will devalue due to dust and sand in our homes in Woodridge, bring more heavy duty trucks entering/leaving from the Quarry to traverse to Ocean Drive.* *This is extremely unsafe, as there is mainly light traffic on the road at any time, the possibility of a fatal accident is highly on the cards.* *I believe 50 – 60 trucks on a daily basis, beginning at 6am each day, will cause undue stress on the residents. Not to mention the lack of employment of locals to service this industry. Only one (1) person in the office and trucks no doubt on leases with own drivers.*	21. Dismiss. See response to 1.1, 1.2 and 3.1 Dismiss. See response to 1.1 and 3.1. Dismiss. See response to 5.3. Dismiss. Unsubstantiated claim.
22.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *In reference to the above proposal we object, knowing it would be a dangerous hazard and will cause accidents.*	22. Dismiss. See response to 5.3. If the submission raises concerns with onsite safety, the excavation area will be fenced with ringlock and barbed wire to prevent unauthorised access. Warning signs will be fixed to the fence at least every 200m in accordance with Shire of Gingin Local Law 6.2(c). No explosives or other hazardous materials will be kept or used on the site.
23.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: 1. *Peace and tranquillity will be disturbed!*	23.1 Dismiss. See response to 1.1. 23.2 Dismiss. See response to 6.1 and 6.3.

		2. *Road usage increased, we have many school buses use this road, this extra TRUCK traffic will now cause more disruption hence impatience will become worse!* 3. *Extra Dust imposing upon Woodridge residents is not what they bought up here, to live through;* 4. *Damage of road, already major damage because of TRUCK usage and only a band aid repair system.*	23.3 Dismiss. See response to 1.1. 23.4 Dismiss. Unsubstantiated claim. See response to 5.1.
24.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *Our property is mostly affected by this change. If you place a quarry where you are proposing our property value will reduce, noise from truck slowing down and beeping horns and traffic flow will totally affect our life greatly.* *Sand flow will affect our pool, plants and cleaning of our property, inside and out.* *If it goes ahead the entry should be on Gingin Brook Road not Croot Place as it is dangerous to all traffic and people in this area.*	Dismiss. See response to 1.1 and 5.1. Dismiss. See response to 5.1.
25.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *We are of the strong opinion that this project is **Not at All** in the best interest or welfare to the Woodridge and adjacent area residents due to the following:* 1. *The speed limit past Woodridge is 100kmph (there have been many crashes and accidents at the Woodridge entrance/exit prior to and since the Main Roads modified and altered the entrance/exit intersection);* 2. *The traffic flow on Indian Ocean Drive has increased hugely since the road was fully opened in the last two years or so;* 3. ***Indian Ocean Drive has been named recently by Members of Parliament** (and many others) as one of the most dangerous roads in Western Australia. There have been many fatalities*	25.1 Dismiss. See response to 5.3. 25.2 Dismiss. See response to 5.1. 25.3 No evidence has been provided by the submitter to support this claim.. See response to 5.1 and 5.3.

		and accidents on Wanneroo (now Indian Ocean) Drive due to the condition of this road in the past. (i.e. not enough passing lanes and the width of the road being in the majority single lane each way);	
		4. *The Croot Place/Indian Ocean Drive intersection has been documented as the exit/entrance for the trucks hauling the sand out of the Sand Pit. According to the documents (from Shire of Gingin: re the Pit submission) there could be 10 trucks per hour ("Bobtail" Truck & Trailer carrying **up to** 50 tonne each) departing out of the Croot Place exit/entrance. The pit is proposed to be operating **6 days a week from 6am Mon – Fri to 6pm, and 6am to 5pm Saturdays**;*	25.4 Dismiss. The submitter has re-stated details of the application but infers the peak number of traffic movements could occur all day (during operating hours), 6 days per week on an ongoing basis. This is not the case. Peak truck movements (10 trucks per hour) would only occur on an intermittent basis to fulfil particular contracts. Further, the reference to 50 tonne loads is incorrect. Semi-trailer loads would be between 12-32 tonnes as referenced in the *Extractive Industry Proposal and Environmental Management Plan.*
		5. ***Worst possible scenario** Therefore there is the strong possibility of 20 more heavy haulage trucks exiting / entering the Croot Place intersection **all day** onto and off Indian Ocean Drive, probably carting the sand southwards down Indian Ocean Drive to the major road works being done and planned to the Freeway extensions etc. **The current Croot Place road (as it is) could not handle this traffic?** This intersection is only 800 metres or so North East of the Woodridge (Kind Drive) Intersection;*	25.5 Dismiss. See response to 25.4 above. Further, the submitter makes assumptions about the end use of the sand material which are purely speculative and have no basis in fact.
		6. *The additional trucks therefore using Indian Ocean Drive for hauling the sand can only aggravate the road safety and current traffic congestion North from Wanneroo and past Woodridge etc. (i.e. there are currently approximately 8 school buses a day entering/exiting Woodridge! (Mon – Fri);*	25.6 Dismiss. See response to 5.3.
		7. *Probable Noise factor from the fully loaded trucks exiting Croot place getting up to speed past Woodridge (up to the speed limit of 100kmph);*	25.7 Dismiss. See response to 3.1.
			25.8 Dismiss. See response to 3.1 and 3.2.

		8. *Probably Noise factor from trucks slowing down to enter into Croot Place from Indian Ocean Drive (slowing down from the 100kmph speed limit for these trucks) Most heavy haulage trucks use an exhaust brake system which is known to be extremely noisy. This is why many Residential areas now have a signs up "Not to use Exhaust Brakes". I can't imagine this happening here!*	
		9. *There is bound to be additional air pollution by these trucks (exhaust fumes and sand dust from the trucks loads);*	25.9 Dismiss. See response to 1.1.
		10. *Probably noise pollution from the Sand extraction pit by machinery and trucks as the pit is proposing to operate 12 hours a day 6 days a week;*	25.10 Dismiss. See response to 1.1.
		11. *Probably Air Pollution from the Pit (Exhaust and Dust Fumes);*	25.11 Dismiss. See response to 1.1.
		12. *Possible further contamination to the water table under Woodridge (already badly affected by the actions of the local market gardens) it has been noted that in the testing results being done (for the last 5 years or so) that the contamination is not improving greatly. Therefore the possibility of it being further contaminated by the sand pits proposed dust suppression etc. is probably very real!*	25.12 Dismiss. See response to 11.1. *The Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services states that the extractive industry will not intersect the water table and thus will have no impact on groundwater.
		13. *Majority of the residents who moved to (and live in) the Woodridge and adjacent areas have done so for the peace and tranquility of a quiet rural location. This has been hugely eroded by the increased road usage and traffic plus industrial activities that have happened in the area in the past few years. Therefore the Sand Pit proposal can only have a further severe impact on the lifestyle of residents who reside in the area;*	25.13 Dismiss. See response to 1.1 and 3.1.
		14. *As the Sand pit has a proposed "Operational" life of (as documented) as 20 years! The value of the Woodridge (and possibly adjacent communities) properties will be **devalued due to the proximity of the sand pit**. Documents show that it will come as close as 40 metres towards Indian Ocean Drive (there are several residences that are very close to the edge of*	25.14 Dismiss. See response to 1.1. This submission does not properly reflect the details of the proposal. The extractive industry is approximately 400m from Indian Ocean Drive at its closest point. Further, perceived impacts on property values are not a valid planning argument.

		the proposed pit that will be severely affected! There would not be many people wanting to live adjacent or in the locality of a "Huge" Sand Pit that can operate for 20 years (or more!) *15. There will be nil or very little employment opportunities for residents of the area by the operation of the proposed pit as the operation is machinery based (large loaders) and the trucks will be contractors mainly from other areas.* *We believe that the Shire of Gingin need to carefully review the Sand Pit Extraction Proposal on the basis of the environmental and lifestyle effects that will take place in Woodridge, Neergabby and adjacent areas as a result of this proposed "Huge" Sand extraction project at the location documented. Surely there must be much more suitable locations available to the developer in their property portfolio that will not affect any locations* ***"as will the current proposal"***	26.15 Dismiss. Unsubstantiated claim. Not a relevant planning consideration. Dismiss. See response to 7. The site has no native vegetation or significant fauna habitat values and thus will not negatively impact the environment.
26.	Ratepayer	The Submitter **does not support** the above proposal and makes the following comments: *This application for a sand quarry should be denied, obviously the plan will be to extend the quarry to all three blocks, with the trucks using the quarry into Croat Place then onto Worcester Road which is all two lane road not a multi-lane highway.* *Already a plan for a service station has already been turned down for this reason of access and exit, this plan is even worse.* *Also the dust and noise to effect the local resident of Woodridge would be too much.* *This application should be turned down.*	26. Dismiss. Unsubstantiated claim. Dismiss. See response to 5.1. Dismiss. See response to 1.1.
27.	Department of Water (DoW)	The Submitter makes **general comment** regarding the proposal as follows:	

		The DoW has assessed the proposal and has no comment to provide, however please note that there is no groundwater currently available for licensing. An alternative source of water for dust suppression will be required.	28. Since the DoW provided this comment, a groundwater licence for dust suppression has been obtained.
28.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: 1. *Too many trucks on the Indian Ocean Drive when this road is not suitable for this use. During certain times of the day we have numerous school buses and people travelling to work – to have any accidents or congestion as a result would be catastrophic.* 2. *The extra noise and dust spreading would be causing health problems for nearby residents, especially Woodridge people.* 3. *Other alternatives already exist, so no more quarries.*	29.1 Dismiss. See response to 5.1 and 5.3. 29.2 Dismiss. See response to 1.1. 29.3 Dismiss. Not a valid planning argument. See response to 7 and Department of Mines and Petroleum submission.
29.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: *Will create dust hazard on Indian Ocean Drive. Solution is to water the load prior to departing quarry. State Government already concerned about water resources particularly from aquafyer (bores).* *Will create increase in road maintenance between quarry and delivery point along Indian Ocean Drive with increase in heavy transport. Who pays for this? Increase risk of road accidents.* *Why create another major "T" Junction at Croote Place and Indian Ocean Drive and close to left hand bend in North direction.* *With … traffic travelling South creating overtaking hazard close to curve. Why not take the sand traffic to Gingin Brook Road and via intersection with Indian Ocean Drive. Does not create second busy intersection trucks have chance to reach road speed quickly. Some upgrade to Gingin Brook Intersection will be required.*	30.1 Dismiss. See response to 1.1. Dismiss. See response to 5.1 and 5.3. Dismiss. See response to 5.1 and 5.3. Dismiss. See response to 5.1.

30.	Department Parks & Wildlife (DPaW)	The Submitter has **no comments** regarding the above proposal.	31. Noted.
31.	Department Environment Regulation (DER)	The Submitter has **no comments** on the application in reference to regulatory responsibilities under the *Environmental Protection Act 1986* and the *Contaminated Sites Act 2003*.	32. Noted.
32.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: 1. *It is unknown as to where the sand will be taken. If it is relocated outside the Gingin area, does this leave a shortage of sand for future development of the local area, therefore increasing the cost of future development from the import of sand material;* 2. *The setback distance from surrounding roads and land uses is not wide enough to prevent impact of sand drift and dust. This could become a safety hazard on the roads;* 3. *The access roads are not suitable for heavy truck movements and increased volumes of traffic. Present conditions are not suited for traffic now with several accidents having already occurred in the area. With Indian Ocean Road used more and more during school holiday and public holiday periods it would be impossible for a truck to safely pull out from Croot Place onto Indian Ocean Drive. The line of site would not be safe. The section of road in question is a double line, which already shows the risk to drivers. For a truck to exit safely onto Indian Ocean Drive an additional lane would need to be added to each side of the road to allow safe traffic movement. The heavy weight of the trucks and the number of truck movements would tear and damage the road causing additional repairs and maintenance, in turn costing the community money;* 4. *The hours of operation would cause significant noise issues to the nearby Woodridge community, with noise mainly coming from the haulage trucks;* 5. *No groundwater licenses are available therefore dust management would not be able to be conducted. A water*	30.1 Dismiss. Sand is to be taken wherever there is demand which may include areas within Gingin. There are a number of sand extraction sites in the region and untouched resources that could provide sand to Gingin. 30.2 Dismiss. See response to 1.1. 30.3 Dismiss. See response to 5.1 and 5.3. 30.4 Dismiss. See response to 1.1 and 3.1.

		licence should not be granted as this would put additional pressure on the resources within the area potentially affecting surrounding businesses and residents;	30.5	Dismiss. The Proponent holds a current groundwater entitlement for uses including dust suppression.
		6. *It is stated in the proposal that no dry truck loading will occur in winds greater than 40km/hr, does this mean that water will be used to wet down the sand before loading or that the business will 'pause' despite having a contract to fill?*	30.6	No loading will occur during winds greater than 40km/h. Further details are provided for in a Dust Management Plan which would be required as a condition of development approval in the event Council approves the proposal.
		7. *How will the dust be suppressed from the progressive rehabilitation? It takes time for plants/grasses to grow. There is no mention of additional seed being added to the topsoil, will the topsoil produce plants and will they grow quick enough to prevent dust?*	30.7	Progressive rehabilitation of quarried areas will mean that the area of sand exposed at any one time is generally less than 1ha, thus reducing the potential for dust generation. As stated in the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services, the topsoil from each extraction block will be saved and re-spread over the surfaces of restored landforms to allow for the re-establishment of pasture from the seed bank in the topsoil. Where necessary, the rehabilitated surface will be seeded with pasture species to promote regrowth. Further details can be provided in a Dust Management Plan and Rehabilitation Plan which will be required as conditions of planning approval in the event Council approves the proposal.
		8. *Noise nuisance is expected to be a major problem. It is stated in section '2.9 Truck Movements' that the maximum truck movements would be 10 per hour at full capacity. This equates to 120 truck movements per day during operational hours. I can't see how 120 truck movements would not cause a noise nuisance issue plus be a major traffic hazard; and*	30.8	Dismiss. See response to 25.4. The Application advises 120 truck movements (in/out) are anticipated **per week**.
		9. *A final landform of 1:6 is not a gentle slope for the rehabilitation of a sand quarry. Once topsoil is removed and stored and then returned it can become water repellent. It is highly likely that runoff will occur causing erosion.*		

			30.9 Dismiss. Sufficient rehabilitation will be carried out to ensure the final landform does not result in erosion.
33.	Ratepayer	The Submitter **does not support** the proposal and makes the following comments: 1. *Noise level* ++++ 2. *Sand Dust* ++++ 3. *Increased traffic* ++++	 33.1 Dismiss. See response to 1.1 33.2 Dismiss. See response to 1.1. 33.3 Dismiss. See response to 5.1.
34.	Main Roads of Western Australia	The Submitter makes **general comments** regarding the proposal as follows: Information provided by the Shire of Gingin and the applicant stated that: • The proposal would generate a total of 120 truck movements in and out of the site per week on average, with a total maximum of approximately 10 truck movements per hour at output; • The majority of trucks would transport sand south along IOD to service developments in Perth; • Semi-trailers and trucks with trailers of a maximum length of 19m would be used; • At full capacity to fulfil a contract the maximum output would be 1,500 tonnes per day, while during off-peak operations an average output would be 500 tonnes per day; and • The total lifetime of the sand quarry is expected to exceed 20 years. In examining the above information it is clear that the proposed development would generate a high number of heavy vehicle movements turning onto and off IOD via Croot Place, particularly when operating at full capacity. In addition, given the scale and total operational life of the proposed development and the prospect of additional heavy vehicle turning movements, it is considered likely	Noted. Main Roads advice regarding this proposal has been updated in their correspondence dated 11 June 2018.

		that there would be a detrimental impact on the level of service, amenity or safety of users of IOD. As a result, Main Roads would recommend that for access the applicant should use Gingin Brook Road rather than Croot Place. Main Roads requests that this is included as a condition of the development approval, however we recognise that Gingin Brook Road is a local gazetted road and that the vehicles proposed for use qualify as 'As of Right' vehicles and would therefore not be subject to permitted restrictions which would otherwise be used to control the routes taken. While it may not be deemed reasonable to impose such a condition, it is considered to be the most suitable and best available option given that: • The intersection of Gingin Brook Road and IOD has been constructed to a higher standard with a channelized right and left turning lanes and therefore is capable of accommodating a larger number of heavy vehicles; • The intersection of Croot Place and IOD would require a major upgrade to accommodate the additional truck turning movements as follows: o A widening of IOD opposite Croot Place to provide for safe left overtaking for northbound traffic of right turning trucks; and o Construction of an acceleration lane for southbound trucks. (Note: it has been assessed that there is insufficient length to provide an acceleration lane for southbound trucks due to the proximity of the Woodridge estate intersection treatment). • The option to use Gingin Brook Road will relocate access for trucks further north away from Woodridge residential estate where there has already been local opposition to this development and existing general complaints about traffic noise. This option will also save the proponent the cost of road widening opposite Croot Place.	

		In addition, Main Roads would recommend the Shire of Gingin impose a condition requiring at the cost of the applicant or landowner the intersection treatment of Gingin Brook Road and IOD to be upgraded to include an acceleration lane. This would enable trucks to safely turn left onto IOD, which is a predominate turning movement associated with the trucks hauling sand to and from the site south towards Perth. Subject to the imposition of the above conditions, Main Roads has no objection to the proposed development and use.	

APPENDIX 3

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

APPLICATION FOR DEVELOPMENT APPROVAL PROPOSED AMENDED PLAN EIL (SAND QUARRY) AT LOTS 1021 GINGIN BROOK ROAD & 1022 INDIAN OCEAN DRIVE, NEERGABBY
SEPTEMBER 2018

No.	Submitter	Submission Detail	Recommended Response
1.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: *". Very concerned for dust emission* *. Extra and heavy traffic* *. Noise level will be increased enormously* *. Disruption of peaceful, rural residential life style we have enjoyed since 2010 in Woodridge* *. No working sand quarry to inspect to compare, Shire told us on the phone."*	Dismiss. 1.1 Environmental considerations The Environmental Protection Authority Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* suggests a separation distance of 300-500m between sand extraction sites and sensitive uses. The nearest dwelling within the Woodridge rural residential estate is located greater than 1000m to the south of the proposed extraction site. Having regard to prevailing wind directions, no significant impacts from noise or dust, are anticipated at Woodridge Estate. As detailed in the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services, no dry topsoil stripping will occur when wind speed is greater than 25km/hr. No dry excavation or truck loading will occur in winds of greater than 40km/hr. A groundwater licence allocation of 15,000kL valid until August 2021 has been issued by the Department of Water which includes use of water for dust suppression for industrial purposes. Progressive rehabilitation of quarried areas will mean that the area of sand exposed at any one time is generally less than 1ha, thus reducing the potential for dust generation. In the event Council approves the proposal, the approval would include a condition requiring preparation and implementation of a Dust Management Plan. Further, the extractive industry would be required to comply with the *Environmental Protection (Noise) Regulations, 1997* at all times.

			1.2 Traffic There has been extensive consultation with Main Roads WA and the Shire in relation to both the original proposal for access to be obtained from Croot Place and the current proposal for access to the extractive industry to be taken from Gingin Brook Road, as preferred by Main Roads. The current proposal has been supported by a Transport Impact Assessment which demonstrates the traffic generated by the extractive industry can be accommodated by the existing road network. Main Roads has confirmed in correspondence dated 11 June 2018 that proposal is acceptable and the extractive industry use can proceed.
2.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: *"I have been advised that a submission for an application for extractive industry Licence at Lot 1021 Gingin Brook Rd and Lot 1022 Indian Ocean Drive has been re submitted.* *I have read the 74 page document and can see once again as back in 2015 a serious cause for concern if this is passed.* *Indian Ocean drive is one of Western Australia's worst roads for accidents and deaths. The vision from both Croot Place and Gingin Brook road is not clear, as prescribed in the proposal. Both roads are double white lines on hill crests and blind spots.* *The submission speaks of clear vision of around 300 meters. This is not the case. The traffic since 2015 has increased significantly in these 3 areas.* *We already have 3 sand and limestone Quarry's in the area that are not on the main roads.*	Dismiss. Traffic Refer to response 1.2 above in relation to traffic considerations.

		Yes there are trucks that come from market gardens within Croot Place. At a maximum there would be 5-6 Trucks in 24 Hr period not 5-6 an hour if a Quarry was to start. The trucks used for market gardens are not the same as quarrying trucks and the associated machinery required to carry out such an undertaking. *I have been a resident of Woodridge for 23 Years and have serious concerns for the Safety and Welfare of the residents travelling on these intersections. Particularly the School Buses and all other road users.* *I believe this could be detrimental to all if it is given the go ahead. If the owners wish to spend money on up grading both roads for this purpose at their cost and do it right then so be it. I personally would not like to see my rates going toward this as it will be of no benefit to myself or other residents.* *I have been involved in mining industry for 32 years and know exactly how a small parcel of land given the rights to mine does and will turn into the total amount available, triple its size and amount of machinery used in no time.* *Last time this proposal was raised I made contact with the Minister for Road safety, Safe Works and the Minister for Transport and will contact them again if need be."*	
3.	Ratepayer	The submitter **supports** the proposal and makes the following comment: *"Kymer P/L has no objection to the development of a sand quarry on Lot 1021 and 1022."*	Noted
4.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: *"(5.1?) (4.1) Traffic 20-30 trucks will impact – Indian Ocean Drive is already dangerous enough. 1,500 Tonnes does not equate to 20-30 trucks. How big are they? Can you guarantee they will always be covered? Who will police this?*	Dismiss. 4.1 Traffic Refer to response 1.2 above in relation to traffic considerations.
		Noise? *(5.0) 6:00am too early, 6:00pm too late. Dust disturbance at carrot farm not managed, so how will the quarry??*	4.2 Environmental considerations (noise and dust)

		7,000 KL of water – precious waste, who will police usage? *(5.1?) 4.1 Who is going to repair RDS? Ratepayers?* *4.1 A hole in the ground is not in keeping with the rural character."*	Refer to response 1.1 above in relation to environmental considerations. The Proponent holds a current groundwater licence issued by the (former) Department of Water with an annual entitlement of 15,000KL for uses including dust suppression for industrial purposes. Both Gingin Brook Road and Indian Ocean Drive are constructed to a sufficient standard to accommodate traffic generated by the proposed extractive industry operation. 4.3 Rural Character The site is zoned 'General Rural (GR 30)'. Extractive Industry is an 'A' use within this zone and is thus a land use that may be anticipated in this locality. Appropriate conditions of development approval relating to landscaping, dust management, noise and traffic access can ensure the proposed use does not impact on the rural character of the locality.
5.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: *"Re the proposed sand Quarry Indian Ocean Drive and Gingin Brook Road* *We are opposed to this development for the following reasons* *1.Noise Factor from excavation machinery* *2.Traffic Hazard on bend,* *3. Too near a residential area* *4. Trucks on Indian Ocean Drive where speed limit is 100* *5. This Road is already dangerous with the traffic now."*	Dismiss 5.1 Environmental considerations (noise) Refer to response 1.1 above in relation to environmental considerations. 5.2 Traffic Refer to response 1.2 above in relation to traffic considerations.
6.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: *"There are number of concerns I have about the proposed sand quarry on the corner of Gingin Brook Rd and Indian Ocean Drive that have not been addressed. Both my family - myself, husband, 3.5yo and 5month old - and my*	Dismiss

		elderly father own properties just outside of 1km from the proposed quarry. My father lives at... Wayeela Place and we live over the road.	
		1. Wind direction - this isn't mentioned and will have a big impact, especially in Summer with the easterly winds. The sand will dry in seconds - even when wet they can't keep it wet overnight, so what happens with the easterly winds in Summer overnight or in the afternoon? We'll end up with sand particles over everything - there are always fine particles. If they are constantly wetting the ground then, gees what a waste of water too, they'd have to do it 24 hrs a day.	6.1 - 6.3 Environmental Considerations (Dust) It is noted the submitter refers to properties located greater than 1000m from the proposed extractive industry. Refer to response 1.1 above in relation to environmental considerations. Furthermore, in the event Council approves the proposal a condition of the planning approval requires the Dust Management Plan to be amended to address further address dust suppression measures in the event the dust suppression measures outlined in the Dust Management Plan are not adequate.
		2. Wind speed - the upper limit of 40km/hr - this wind speed is actually pretty strong! 30 to 40km/hr winds are quite usual around here. And if it's a north easterly this is terrible for us. This needs revising! Also, the max for topsoil removal - 25km/hr - also is way too strong for us over 1km - again if the wind direction is directly towards us!	
		3. Air quality - what will be the impact on air quality? I have 2 small children that I want growing up here - as I grew up. They need to be able to play outside without fear that they will end up with respiratory problems. So what affect will it have on air quality? There's nothing about testing - impact must be assessed as there are vulnerable people, children and the elderly, that may be affected at the 1km mark. My husband, father and I also suffer from hayfever and non allergic rhinitis, which is always worse with the easterly winds as it is, how much worse will it be? My father has a heart condition and chronic cough, both of which are adversely affected by dust particles (see link below). *https://www.health.nsw.gov.au/environment/factsheets/Pages/mine-dust.aspx* *Quote from the above factsheet -* *"People who may be more susceptible to the health effects of fine and coarse particles are:* *infants, children and adolescents* *elderly* *people with respiratory conditions such as asthma, bronchitis and emphysema* *people with heart disease* *people with diabetes.* *If health effects arise from exposure to coarse particles, such as from mining activities, the symptoms are likely to be:* *cough* *wheeze, or worsening of asthma*	

		increased need for medications (e.g. puffers, antibiotics) *increased breathlessness.* *Some recent research suggests that heart problems, such as angina and heart attacks may also be associated with coarse particle pollution.* *High levels of TSP may also cause coughing, sneezing or sore eyes."* *I also found this article: https://m.sunshinecoastdaily.com.au/news/kids-elderly-could-suffer-from-mining/2815369/*	
		4. How will the proposed venture affect property prices? It's hard enough to sell property up here as it is and this would certainly have an impact in my opinion, but would like this looked into. I don't want the equity in my home being reduced as we planned to refinance in a few years time.	6.4 Impact on Property Value Perceived impacts on property value is not a valid planning argument. There are a range local, national and global factors that may affect property values both positively and negatively and hence this issue cannot be taken into consideration by the planning assessment and approval process.
		5. Noise and hours of operation - noise will travel easily over 1 km, especially the lovely still quiet mornings which would be ruined with truck and bulldozer noise, and extra truck noise on the hwy (has increased a lot over the years). I would at least want reduced hours of operation - 7 to 5 mon to fri, not Saturdays! Not weekends when the kids (or us) are outside, or school holidays.	6.5 Environmental Considerations (Noise) Refer to response 1.1 above in relation to environmental considerations.
		6. More trucks on the road - average 20 to 30 per day? I really do not agree with the investigation that says in the proposal that the roads can handle the extra traffic. From a safety viewpoint this is ridiculous, the road is already undergoing transformation to increase safety because of the number of crashes, and they want to add to this? The risk will increase, for my children I worry greatly, and these trucks on the road when people are taking their kids to school and childcare? Increasing the chance of being stuck behind a truck, or stuck behind a string of cars stuck behind a truck - anything that causes impatient people to overtake unsafely. This puts people travelling the opposite direction at risk, and that could be my kids, my husband, my dad, myself. No thank you, I do not need more worry, and neither do any of the residents here."	6.6 Traffic Refer to response 1.2 above in relation to traffic considerations.
7.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: "We have inspected the documents and comment as follows:-	Dismiss

		We oppose the decision on the following bases, • We have strict bio-security control and cannot have dust entering the properties as this can cause serious crop failure due to un-wanted pathogens and disease issues. • Our packing shed packs fresh produce and must at all times be dust free and is a HACCP requirement. • 7000 KL a year is not enough water to stabilise and control the proposed 8.75 ha of exposed soil! Note that water licenses under 10,000 KL a year do not require a water license! • Our water aquifer is already over allocated in this area for farming and is under review at the end of this year, further impacting potential restrictions within this area.	Intensive agriculture is not considered a 'sensitive use' for the purpose of Environmental Protection Authority Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses*. This notwithstanding, in the event Council approves the proposal a condition of the planning approval will require the implementation of a Dust Management Plan. The granting of planning approval with appropriate conditions and issue of an Extractive Industry Licence, can suitably manage any potential concerns associated with dust generation. The Proponent holds a current groundwater licence with an annual entitlement of 15,000KL for uses including dust suppression for industrial purposes. Progressive rehabilitation of quarried areas will mean that the area of sand exposed at any one time is generally less than 1ha, thus reducing the potential for dust generation. As stated in the *Extractive Industry Proposal and Environmental Management Plan* prepared by Bayley Environmental Services, the topsoil from each extraction block will be saved and re-spread over the surfaces of restored landforms to allow for the re-establishment of pasture from the seed bank in the topsoil.
		• Croot place will not be able to handle more truck movements than it does already per day, unless the road has major overhaul and is re-surfaced. Further trucks on Croot Place and Gingin Brook Road have the potential to increase the unnecessary risk of vehicle accidents and further deterioration of road surfaces. And has the potential to increase accidents on the notorious Indian Ocean Drive.	<u>Traffic</u> Refer to response 1.2 above in relation to traffic considerations.
		• We require a 100 meter buffer from the closest point of our boundary to the proposed site to protect our business from possible dust exposure.	<u>Environmental considerations (dust)</u> Refer to response above to issue raised by submitter regarding dust management.
		• The application grant of the sand quarry will de-value our land and that of the surrounding properties.	<u>Impact on Property Value</u> Perceived impacts on property value is not a valid planning argument. There are a range local, national and global

			factors that may affect property values both positively and negatively and hence this issue cannot be taken into consideration by the planning assessment and approval process.
		• The proposed figures for tonnage of the quarry do not appear accurate? 500 tonnes per day x 300 days per year x 20 years = 30,000,000 tonnes=yellow sand=1.4ton/m³,142,857 m³ for the term of the quarry, not the 640,000 m³ as stated on the proposal.	Volume of sand extraction The submitter erroneously assumes the extractive industry will have a consistent output of 500 tonnes per day over 20 years. The Applicant has further advised this will not be the case. It is expected the life of the extractive industry will be much less than 20 years and the pit will operate intermittently, to cater for specific contracts, rather than on a consistent basis.
		• The area is zoned rural and in this location is mainly dominated with horticulture farms or cattle farms, sand quarry will have an impact on these farms and the suburb of Woodridge with its many hobby farms. Please do not hesitate to contact us regarding any content of this letter."	Rural Character The site is zoned 'General Rural (GR 30)'. 'Extractive Industry' is an 'A' use within this zone and is thus a land use that may be anticipated in this locality. Appropriate conditions of development approval relating to landscaping, dust management, noise and traffic access can ensure the proposed use does not impact on the rural character or amenity of the locality. Also refer to response 1.1 above regarding environmental considerations in relation to dust and noise.
8.	Ratepayer	The submitter **supports** the proposal and makes the following general comments: "Due to the porous nature of the soil and depth to be excavated, nothing is mentioned as to how the company will contain fuel spills from leaching into water table. How will they monitor this? How will wind speeds be measured to comply with dust and shut down procedures and noise factor from truck brakes".	Noted. Refuelling On-site refuelling of the loader will be carried out by a mobile tanker, in a manner that is consistent with normal best practice for plant and equipment operated on agricultural properties. On-site maintenance will be limited to routine oil changes. Major maintenance will be carried out off-site. No fuel or oils will be stored or discharged on site. Monitoring of Wind Speed

			Wind speed can readily be monitored, both by reviewing weather forecasts prior to commencement of works and also by monitoring real time weather data using mobile phone applications.
9.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: "We moved into the locality of Woodridge last year so were not aware of the initial proposal in November 2015. We have a few concerns regarding this proposal for extractive operations to be held on the above lots in Neergabby. Firstly, our major concern is the noise factor not only from the operations of machinery on site but also truck movement on the roads. As we live on elevated property in line of sight of Indian Ocean Drive and Croot Place we already, experience high road and agriculture noise at certain times of the day especially when the winds are easterly or when it is very still i.e. early morning and evenings. From reading the documents associated with the proposal we understand from the sand quarry will be operational from 6 am until 6 pm Monday to Friday and 6am until 5pm on a Saturday. Therefore, operating during these times so close to the Woodridge town site, we strongly believe would significantly increase the noise pollution heard at not only our property but also other properties in Woodridge. The mere fact that the quarry will be operational for 20 plus years is also a concern. We moved to Woodridge to escape the traffic and noise of suburbia so to refer to how close this site is from Woodridge (less than 1 km) is very disappointing to read. We certainly had planned to live in Woodridge for a very long period of time with our young family however, fear that if the noise was to increase due to the excavation and carting of sand, our peaceful Woodridge community and idyllic lifestyle would suffer as a consequence.	Dismiss. 9.1 <u>Environmental Considerations (Noise)</u> Refer to response 1.1 above in relation to environmental considerations.
		Another concern of ours is the traffic and safety of Indian Ocean Drive. There is already an increasing number of vehicles, small and large, that use Indian Ocean Drive without the need to increase the number of trucks. As residents of Woodridge, at times it can be difficult turning from King Drive onto Indian Ocean Drive during peak times. As stated in the documents the proposed number of truck movements will be 30 per day or 3-4 per hour. We understand that the entry point for the quarry is Gingin Brook Road however, the trucks will still be using the highway to cart sand. The safety of this highway is already a huge concern without adding more risks to this problem. From our	<u>Traffic</u> Refer to response 1.2 above in relation to traffic considerations.

		experience, Gingin Brook Road intersection is not always safe and we fear that with increased traffic on that section of road, including trucks exiting and entering onto Indian Ocean Drive, this may become a problematic or worse, deadly intersection.	
		We understand from the documents that there will be strategies and policies in place to try and combat the dust pollution from the sand quarry operations, we would certainly hope this is sufficient in keeping dust to a minimum as no property owner living directly south west, on the opposite side of Indian Ocean Drive, deserves to be suffering from dust pollution for the next 20 plus years. We would be very surprised if there were no other land sites available to use for sand excavation away from so many affected residential properties. We would be very disappointed if the quarry was to be successful based on our concerns outlined above. The noise, traffic and pollution would ruin not only the idyllic lifestyle but also the peace and tranquillity of living in a semi-rural setting away from the hustle and bustle of industrial operations. We strongly oppose this proposal and really hope that Councillors of Gingin Shire take into respect not only the Woodridge Community and residents but also the road safety of Indian Ocean Drive when deciding on this proposal. Thank you for considering our comments."	Environmental Considerations (Dust) Refer to response 1.1 above in relation to environmental considerations. In its response to the original proposal, the Department of Mines and Petroleum advised a continuing supply of low cost basic raw materials is a significant consideration for the State of Western Australia and notes this site forms part of a regionally significant sand resource.
10.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: ***"DO NOT SUPPORT** the development of the proposed Extractive (Sand Quarry) and Extractive Industry License Lot1021 Gingin Brook Road, Lot 1022 Indian Ocean Drive and Lot 52 Croot Place, Neergabby, for the following reasons:* *1. The proposal goes against the LPS 9, specifically (a) and (c) in that the extraction of sand would create a scar on the landscape, not providing any enhancement to the area.*	Dismiss. 10.1 Objectives of LPS 9 The proposed extractive industry is consistent with the objectives of the General Rural zone with the appropriate planning conditions and management plans in place. 'Extractive Industry' is an 'A' use within this zone and is thus a land use that may be anticipated in this locality. Appropriate conditions of development approval relating to landscaping, dust management, noise and traffic access can ensure the proposed use does not impact on the rural character or amenity of the locality.

		2. The proposal goes against the Indian Ocean Drive Planning Guideline specifically its overarching objective to protect the natural landscape character of the route, whilst restoring and enhancing character and environmental outcomes. The extraction of sand would create a scar on the landscape.	10.2 Indian Ocean Drive Planning Guideline The proposal has been prepared having regard to the Indian Ocean Drive Planning Guideline and is supported by a visual impact assessment. The proposal demonstrates it is consistent with the objectives of the Guideline with regard to basic raw material extraction.
		3. The proposal does state that the area will be landscaped, however it does not state if native vegetation will be used and it is unlikely that the vegetation will grow sufficiently to provide adequate screening and dust control.	10.3 Landscaping Landscaping has already been established and maintained adjacent to Indian Ocean Drive and Gingin Brook Road, which will be supplemented with further plantings as depicted on the Site Plans. The groundwater licence allocation is also for the purpose of establishing landscaping, which will enhance the survival rate of additional plantings.
		4. Maps in Appendix A do not contain a legend and therefore aren't fully interpretable or transparent.	10.4 Mapping Detail Site plans are sufficiently detailed to illustrate the development proposal.
		5. It is unknown as to where the sand will be taken. If it is relocated outside the Gingin area, does this leave a shortage of sand for future development of the local area, therefore increasing the cost of future development from the import of sand material;	10.5 Whilst this is not a relevant planning consideration, supplying the local market/markets closer to the extraction site will increase the efficiency of the operation by reducing transport costs.
		6. *The set back distance from surrounding roads and land uses is not wide enough to prevent impact of sand drift and dust. This could become a safety hazard on the roads;*	10.6 Environmental Considerations (Dust) Refer to response 1.1 above in relation to environmental considerations and also response 1.2 in relation to traffic considerations
		7. The access roads are not suitable for heavy truck movements and increased volumes of traffic. Present conditions are not suited for traffic now with many serious accidents having already occurred in the area (some requiring helicopter rescue). With Indian Ocean Road being used more and more during school holiday and public holiday periods it would be impossible for a truck to safely pull out from Gingin Brook Road onto Indian Ocean Drive. The line of site would not be safe. The section of road in question is a double line, which already shows the risk to drivers. For a truck to exit safely onto Indian Ocean Drive an additional lane would need to be added to each side of the road to	10.7 Traffic Refer to response 1.2 above in relation to traffic considerations.

		allow safe traffic movement. The heavy weight of the trucks and the number of truck movements would tear and damage the road causing additional repairs and maintenance, in turn costing the community money;	
		8. The hours of operation would cause significant noise issues to the nearby Woodridge community, with noise mainly coming from the haulage trucks;	10.8 -10.9 Traffic Noise The proposal will not significantly increase the noise already generated by traffic travelling along Indian Ocean Drive.
		9. *As stated in Appendix B, the area is already subject to regular and frequent heavy truck use and currently road noise is an issue. Additional heavy trucks will add to this noise.*	
		10. *No groundwater licenses are available therefore dust management would not be able to be conducted. A water license should not be granted as this would put additional pressure on the resource within the area potentially affecting surrounding businesses and residents;*	10.10 The Proponent holds a current groundwater licence with an annual entitlement of 15,000KL for uses including dust suppression for industrial purposes.
		11. *It is stated in the proposal that no dry truck loading will occur in winds greater than 40km/hr, does this mean that water will be used to wet down the sand before loading or that the business will 'pause' despite having a contract to fill?*	10.11 Water will be used to wet down sand before loading.
		12. *How will the dust be suppressed from the progressive rehabilitation? It takes time for plants/grasses to grow. There is no mention of additional seed being added to the topsoil, will the topsoil produce plants and will they grow quick enough to prevent dust?*	10.12 Refer to section 2.13 – *Rehabilitation* of the Environmental Management Plan.
		13. Noise nuisance is expected to be a major problem. It is stated in section '2.9 Truck movements' that the maximum truck movements would be 10 per hour at full capacity. This equates to 120 truck movements per day during operational hours. I can't see how 120 truck movements would not cause a noise nuisance issue plus be a major traffic hazard and create an increase risk for road accidents; and	10.13 Traffic Refer to response 1.2 above in relation to traffic considerations.
		14. A final landform of 1:6 is not a gentle slope for the rehabilitation of a sand quarry. Once topsoil is removed and stored and then returned it can become water repellent. It is highly likely that runoff will occur causing erosion."	10.14 The Shire's Extractive Industry Local Law requires that any face permitted to remain upon the completion of a sand excavation site must be sloped to a batter of not more

			than 1:3 (vertical: horizontal). The final landform of 1:6 (or less) proposed by this application complies with the Shire's Local Law.
11.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: *"APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED EXTRACTIVE INDUSTRY (SAND QUARRY) ON LOT 1021 GINGIN BROOK ROAD & 1022 INDIAN OCEAN DRIVE & 52 CROOT PLACE NEERGABBY / WOODRIDGE* *I refer to your correspondence dated 22 August 2018 with respect to an Application for Development Approval (Amended Plan) for the abovementioned application of sand quarry.* *In the covering email that accompanies this, I also re-provide my initial correspondence to the original and ongoing application, to which (despite numerous written and verbal requests to Shire of Gingin), I have not received any progression updates.* *This submission (as per previous submission) is my comment **OPPOSING** the application of a sand quarry being implemented at the proposed site.* *I seek to have my opposition to this proposal and my comments formally recorded before the Shire of Gingin continues to consider this application.* ***However I do not want my personal details made public.*** *In providing response to the Planning Application document [by Harley Dykstra ref 20195 - that briefly covered off on the proposed environmental management for this activity], I submit that there is significant uncertainty with respect to the environmental impact [and the health and wellbeing of the residents] of this industry being permitted to operate at this site on the nearby Woodridge community.*	Dismiss. Environmental Considerations (Noise and Dust) Refer to response 1.1 above in relation to environmental considerations.
		Notwithstanding the machinery and industry used to extract the sand, the number of proposed truck/vehicle movements in support planned (perhaps understated), the noise emissions and the displaced dust and debris from fully laden trucks and their impact on local traffic conditions cannot be accurately forecasted. *The two main thoroughfares of Indian Ocean Drive and Gingin Brook Road already carry significant domestic and commercial traffic. The intersection of King Drive [and Croot Place] and the Indian Ocean Drive is already very busy*	Traffic Refer to response 1.2 above in relation to traffic considerations.

		and is an area with the potential for high speed crashes as being only controlled by a stop sign.	
		I am also very concerned as the potential impact an industry of this type could have upon Fire Control to a very nearby residential area.	Bushfire Risk A BAL Assessment Report was prepared in support of the original application which designated a BAL-Low rating for the site. Accordingly, the proposal is not considered to present a significant fire risk to the Woodridge Estate.
		The proposed hours of operation appear excessive and indicate that some community members may be subject to this intrusive activity before rising in the morning and again upon returning home from work, school etc in the afternoon. Many Woodridge residents may have built their properties and lives [and grown their families] in this idyllic rural location specifically away from the noise [and other forms of pollution] typically found in inner city/metropolitan areas. *I contend that it would be onerous [and perhaps impact financially] on the Shire of Gingin to effectively monitor and hold to account the operators to ensure compliance with what is proposed by developers.*	Environmental Considerations (Noise) Refer to response 1.1 above in relation to environmental considerations.
		Further, what regimen of monitoring would be employed by Gingin Shire to monitor the health implications (breathing issues, eye irritation) of community members and livestock? The disturbance of underground water and the impact of dust covering other vegetation are other considerations that appear understated and unknown at this time. *The potential for health affecting dust movements affecting the Woodridge community members is a probable outcome and for "dust suppression watering to be carried out as required" would be insufficient and will most likely have a detrimental effect on the general cleanliness with remnants of this activity likely affecting the aesthetics of the area.*	Compliance monitoring In the event Council approves the proposal, Standard conditions of development approval for extractive industry operations would be anticipated and in addition, an extractive industry licence would be issued following development approval, which would also be subject to conditions. It is not expected that this particular proposal would require a different level of compliance monitoring by the Shire than any other similar operation, or for that matter a range of other rural activities in the Shire.
		The sourcing of yellow siliceous sand for use in construction is abundant elsewhere and could be sourced from another area within the Shire that would have a significantly reduced impact on a local community and the environment. The Woodridge and Neergabby areas already support a large number of agricultural and commercial activities [and market garden area].	Use of alternative sand resource In its response to the original proposal, the Department of Mines and Petroleum advised a continuing supply of low cost basic raw materials is a significant consideration for the State of Western Australia and notes this site forms part of a regionally significant sand resource.

		If the Shire of Gingin permits the progression of this application, an independent environmental assessment should be implemented that addresses the impact of; • *the disturbance of land and vegetation* • *the disturbance of river beds or coastal marine areas* • *dust* • *vibration* • *noise* • *traffic* • *visual effects* • *impact on cultural and historic heritage values* • *The discharge of contaminants into air, water, land and the coastal marine area.*	Further, a key objective of *SPP 2.5 – Rural Planning* is to secure significant basic raw material resources and provide for their extraction (outside of the Perth and Peel planning regions). An Environmental Management Plan has been prepared in support of the application by a suitably qualified environmental consultant. Each of these matters have been sufficiently addressed and in any event, the site is not within a particularly sensitive environment which would warrant an independent environmental assessment.
		Further, a thorough public consultation should also be undertaken prior to any progression and/or approval of this application. *Below is an excerpt referenced from Shire of Gingin Planning Considerations 3.1* *Local Planning Scheme No.9* *The subject land is zoned* *"General Rural* *–* *GR30"* *under the Shire of Gingin Local Planning* *Scheme No.9 (LPS 9)* *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*	Objectives of LPS 9 The proposed extractive industry is consistent with the objectives of the General Rural zone. 'Extractive Industry' is an 'A' use within this zone and is thus a land use that may be anticipated in this locality. Appropriate conditions of development approval relating to landscaping, dust management, noise and traffic access can ensure the proposed use does not impact on the rural character or amenity of the locality.

		(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." *Below is an excerpt referenced from Shire of Gingin Guidelines document;* *An overarching objective of the Guidelines in terms of safeguarding the Indian Ocean Drive's key function as a 'scenic, coastal tourist route' is to:* *"to protect the primarily natural landscape character of the route, while restoring and* *enhancing character and environmental outcomes where needed."*	
		The Guideline states that basic raw material extraction sites should be inevident from Indian Ocean Drive and: *(a) "should be located and sited where they can be screened behind landforms such as dunes and ridges. Where this is not feasible they should be located where there is sufficient setback to create a vegetation screen of a height that would obscure the development. Locally indigenous plant species that are common along Indian Ocean Drive and will grow to the required height and density should be used in the vegetation screening;* *(b) should not have their entry points located at positions that are prominent within important views such as at focal points; and* *(c) entry points should be designed to the minimum dimensions allowed by Main Roads' standards, to reduce their prominence.* *Woodridge is a very unique rural community that I believe requires Shire Gingin protection from heavy industry where some of the likely contributions returned may be the potential detriment to health from the silica dust, the noise from heavy industry and an eyesore for all travelling along the picturesque Indian Ocean Drive for at least the next twenty years.* *I seek for the Shire of Gingin to keep me fully informed of this process as I would seek to provide deputation in person at Council should this application progress."*	<u>Indian Ocean Drive Planning Guideline</u> The proposal has been prepared having regard to the Indian Ocean Drive Planning Guideline and is supported by a visual impact assessment. The proposal demonstrates it is consistent with the objectives of the Guideline with regard to basic raw material extraction. Refer to previous responses to these issues above.
12.	Ratepayer	The submitter **does not support** the proposal and makes the following comment:	The proposal will not significantly increase the noise already generated by traffic travelling along Indian Ocean Drive.

		"The noise from Indian Ocean Drive is getting worse everyday without having noise from more large vehicles from this proposed sand quarry. If David Melorane wants this then tell him he can buy my house and he can put up with the noise."	
13.	Ratepayer	The submitter makes the following **general comment**: *"The questions I have are as follows –* - *How is the applicant going to stop sand, dust and debris from entering my property and the irrigation dams?* - *Will a hard, solid windbreak be installed, and if so out of what material and height.* - *Will any trees be planted for long-term wind break?* - *Is a 20m set back enough?* - *What is the size of the batter of the wall? , eg 1-2, 1-6.* - *How will the20m setback be protected from any undermining?* - *Will the water truck be able to spray down and suppress sand over the full width of the batter?"*	Upon these matters being raised during the advertising process, the proponent consulted with the submitter and arranged for a joint site inspection to discuss relevant operational details. As a result of this additional consultation, the submitter advised the Shire that he was satisfied there would be no adverse impact from the proposal.
14.	Ratepayer	The submitter **does not support** the proposal and makes the following comment: My concerns of having the business across the road from my property are: 1. I am an asthmatic and my triggers are environmental and dust and smoke are some of my triggers. Having air borne fibres would affect my health. 2. Most has increased over the 20 years of living here, noise would be heard all day from my property; 3. Dust and fibres flying in the air all week long. I am forwarding my concerns before and have many factors why this shouldn't happen and if it did, it would decrease my property value a lot. I am very stressed and upset about this happening as it would affect my health and because property value has decreased already in the area over the years I am unable to move house and can not afford medical cost that this cause on my health.	Dismiss <u>Environmental Considerations (Dust and Noise)</u> Refer to response 1.1 above in relation to environmental considerations. <u>Impact on Property Value</u> Perceived impacts on property value is not a valid planning argument. There are a range local, national and global factors that may affect property values both positively and negatively and hence this issue cannot be taken into consideration by the planning assessment and approval process.

11.3.3 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OVER HEIGHT AND OVER SIZE OUTBUILDING ON LOT 233 BELEURA AVENUE, GINGIN

File:	BLD/6973
Applicant:	Northwest Shedmasters Pty Ltd
Location:	Lot 233 Beleura Avenue, Gingin
Owner:	Peter Withers and Glenda Withers
Zoning:	Residential R2.5
WAPC No:	N/A
Author:	James Bayliss – Acting Manager Statutory Planning
Reporting Officer:	Kylie Bacon – Acting Executive Manager Planning and Development
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Location Plan and Applicant's Proposal

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed over height and over size outbuilding on Lot 233 Beleura Avenue, Gingin.

BACKGROUND

The Shire received an Application for Development Approval for a proposed outbuilding on the subject lot, which is 4028m^2 in area. The site currently contains an existing dwelling.

The application proposes an outbuilding 14 metres in length and 13 metres in width, equating to an area of 182m^2. The proposed wall height is 4 metres tapering to a ridge height of 5.2 metres. The outbuilding is located at the rear of the subject lot, setback 4 metres from the side (eastern) and rear (southern) boundaries.

The proposal seeks variations to Clause 5.4.3 – Outbuildings of the Residential Design Codes of Western Australia (R-Codes) in regards to the wall height, ridge height and overall area. The proposal also seeks variations to Local Planning Policy 2.1 – Residential Outbuildings (LPP 2.1) with respect to the proposed wall height, ridge height and overall area. As such, Council consideration is required.

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

COMMENT

Community Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* The Shire received no written comments during the advertising process.

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned Residential R2.5 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 5.2.2 states:

"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 to the provision of those codes."

The relevant objective of the residential zone under LPS 9 in this instance is deemed to be *b) Maintain and enhance the residential character and amenity of the zone*. It is the officer's opinion that the proposal does not satisfy this objective. The proposed outbuilding is deemed to be of a scale which does not maintain or enhance the residential character of the Honeycomb Estate. The size of the outbuilding in all aspects (wall height, ridge height and area) is not conducive to an incidental structure on a residential property. The scale of the proposed outbuilding is likely to adversely affect the visual amenity of the locality, particularly if outbuildings of this nature are common within the residential zone.

State Planning Policy 3.1 - Residential Design Codes of Western Australia

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

The R-Codes define an 'Outbuilding' as:

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

The deemed-to-comply provisions of the R-Codes relating to Outbuildings stipulates that a wall height of 2.4m and an overall height of 4.2m are not to be exceeded. The wall height proposed is 4m tapering to a ridge height of 5.2 metres. Given the proposal does not satisfy the deemed-to-comply provisions, the application is assessed against the associated 'Design Principle' which states:

"Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."

It is noted the applicant has positioned the proposed outbuilding at the rear of the property in an attempt to avoid any adverse impact on the existing streetscape. This notwithstanding, the outbuilding is visible from the primary street (Beleura Avenue). The assessment has taken into consideration the impact of the proposed development on not only the amenity of the existing streetscape, but the likely future amenity of the locality which is shaped by the R-Codes and LPP 2.1. The size and scale of the proposed outbuilding is deemed to be excessive and therefore impose undesirable bulk on the streetscape and surrounding properties.

Currently there are a number of vacant lots within the estate and it is reasonable to expect that current and future landowners will maintain or enhance the visual amenity of the locality, by way of compliance with the applicable planning framework. Were it otherwise, the overall amenity of a locality would be undermined and diminished incrementally, application by application, should the planning framework, particularly for outbuildings, be departed from.

Furthermore, Local Planning Policy 2.1 considered the Design Principles when determining the maximum dimensions for outbuildings within the Shire. It should be noted that the application varies the maximum dimensions prescribed by LPP 2.1.

Local Planning Policy 2.1 – Residential Outbuildings

The Shire adopted Local Planning Policy 2.1 – Residential Outbuildings (LPP 2.1) in January 2013 to complement the provisions of the R-Codes relating to outbuildings to better reflect community expectations.

Clause 3.5 – Scale of Outbuilding Development outlines the maximum allowable standards for outbuildings throughout the Shire based on lot size and location. The table below is applicable to the subject lot.

TOWNSITE	**STANDARD**	**MAXIMUM**	**PROVIDED**
Gingin (>4000sqm)	Area Wall Height Overall Height	$140m^2$ 3.6m 4.2m	$182m^2$ - non-compliant 4m - non-compliant 5.23m - non-compliant

The proposed development does not comply with the maximum wall height, maximum ridge height and maximum area as outlined in the table above. There are no relevant objectives under LPP 2.1 to assess the variations against, therefore the primary objectives are those outlined under LPS 9 within the residential zone.

LPP 2.1 provides dimensions for the maximum allowable standards that are considered to be acceptable throughout the Shire as stated in Clause 3.5. The dimensions in the above table were created having regard to the Design Principles outlined in the R-Codes and the associated impacts in terms of building bulk/scale. The maximum standards were created to prevent unwanted built form and prescribe standards to prevent excessively large outbuildings being constructed. Therefore any variation that exceeds these requirements is not deemed to satisfy the intent of the Policy.

Further Comments

The applicant's rationale behind the scale of the proposed outbuilding is noted, however the intent of 'zones' under LPS 9 is to segregate incompatible land uses and built form (amongst other things) to create localities with a sense of place and character which accords with expectations of the residents within that locality or zoning. In this instance, it is reasonable to assume that current and future landowners have invested in a residential environment, as opposed to a rural living environment, where an outbuilding of this scale may be approved subject to compliance with large setback provisions (20 metres).

Planning controls exist for the benefit of the community as a whole. Their effectiveness depends not only upon formal enforcement, but also upon a pervasive culture of general observance and respect for the underlying communal purpose which this proposal is not deemed to adhere to.

Conclusion

In summary, the application seeks a variation to 'Local Planning Policy 2.1 – Residential Outbuildings' and the R-Codes. The variations sought are not considered to be in accordance with the intent of LPP 2.1. Given the maximum allowable standards have been exceeded, the proposal is not deemed to satisfy the objectives of the residential zone under LPS 9 or the relevant design principles under the R-Codes. The proposal is therefore not supported in this instance.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Scheme) Regulations 2015
Schedule 2 – Deemed Provisions for Local Planning Schemes

Local Planning Scheme No. 9
Local Planning Policy 2.1- Residential Outbuildings

State Planning Policy 3.1 – Residential Design Codes of Western Australia

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Elgin

That Council refuse Development Approval for a proposed over height and oversize outbuilding on Lot 233 Beleura Avenue, Gingin under clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. **The scale of the outbuilding does not demonstrate compliance with the Design Principles of Clause 5.4.3 of State Planning Policy 3.1 – Residential Design Codes of Western Australia; and**

2. **The scale of the outbuilding does not satisfy the objectives of the residential zone under Local Planning Scheme No. 9 nor does it satisfy Local Planning Policy 2.1 – Residential Outbuildings.**

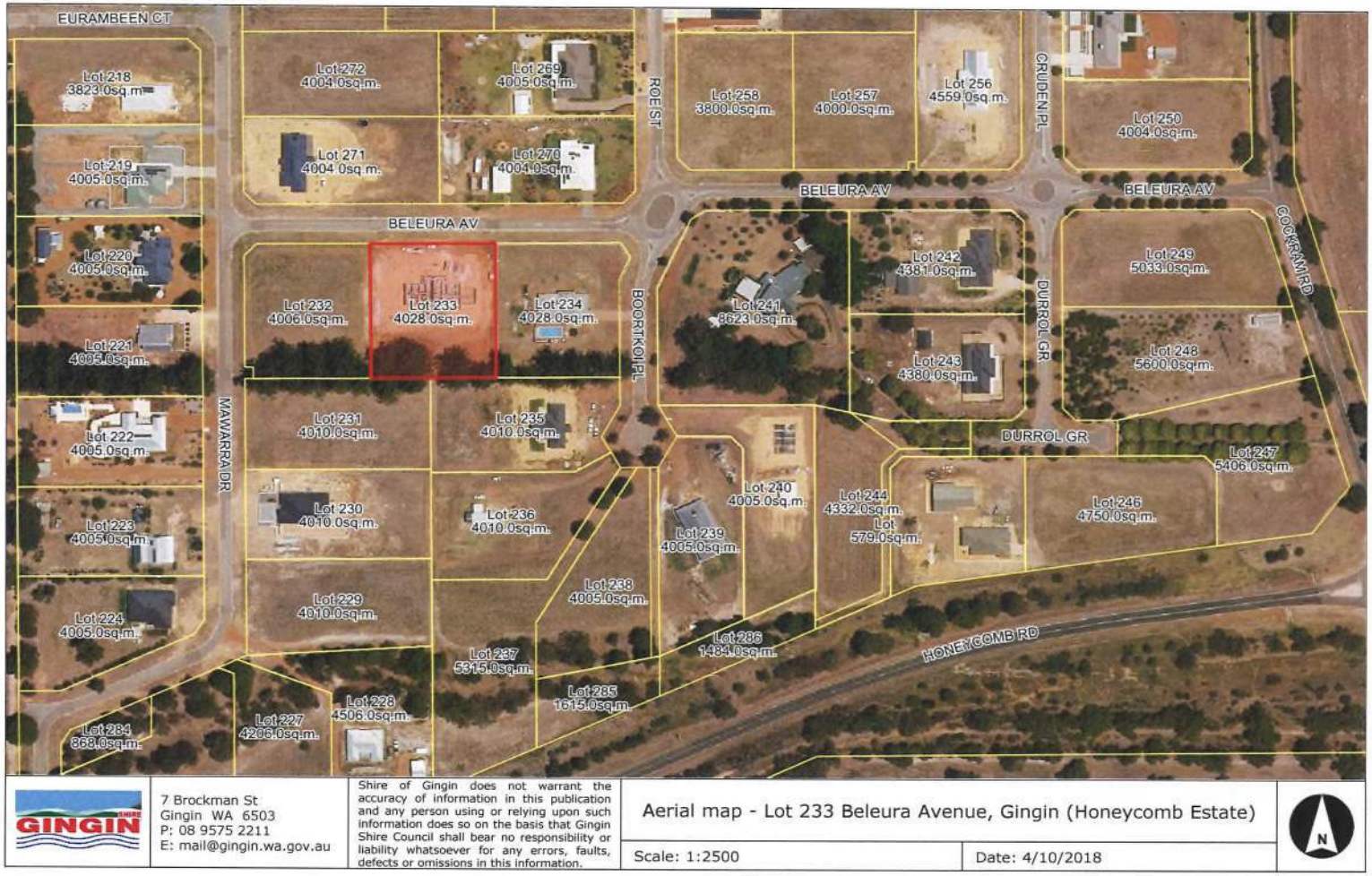
Advice Notes

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

CARRIED UNANIMOUSLY

APPENDIX 1

ROE ST
JONES ST
GULL GINGIN
OLD MOOLIABEENEE RD
NEW ST
WELD ST
ROE ST
YORK ST
QUIN ST
ROE ST
COCKRAM RD
MAWARRA DR
BELEURA AV
BELEURA AV
HONEYCOMB ROUNDABOUT
PROPOSED SITE
MOOLIABEENEE RD
HONEYCOMB ROAD
HONEYCOMB RD
COCKRAM RD
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Location plan - Lot 233 Beleura Avenue, Gingin (Honeycomb Estate)
Scale: 1:8461
Date: 4/10/2018
N


EURAMBEEN CT
Lot 218 3823.0sq.m.
Lot 219 4005.0sq.m.
Lot 220 4005.0sq.m.
Lot 221 4005.0sq.m.
Lot 222 4005.0sq.m.
Lot 223 4005.0sq.m.
Lot 224 4005.0sq.m.
Lot 272 4004.0sq.m.
Lot 271 4004.0sq.m.
Lot 269 4005.0sq.m.
Lot 270 4004.0sq.m.
BELEURA AV
Lot 232 4006.0sq.m.
Lot 233 4028.0sq.m.
Lot 234 4028.0sq.m.
Lot 231 4010.0sq.m.
Lot 235 4010.0sq.m.
Lot 230 4010.0sq.m.
Lot 236 4010.0sq.m.
Lot 229 4010.0sq.m.
Lot 237 5315.0sq.m.
Lot 228 4506.0sq.m.
Lot 227 4206.0sq.m.
Lot 284 869.0sq.m.
MAWARRA DR
ROE ST
BOORTKOI PL
Lot 258 3800.0sq.m.
Lot 257 4000.0sq.m.
Lot 256 4559.0sq.m.
CRUDEN PL
Lot 250 4004.0sq.m.
BELEURA AV
BELEURA AV
COCKRAM RD
Lot 242 4381.0sq.m.
Lot 241 8623.0sq.m.
Lot 243 4380.0sq.m.
DURROL GR
Lot 249 5033.0sq.m.
Lot 248 5600.0sq.m.
DURROL GR
Lot 247 5406.0sq.m.
Lot 240 4005.0sq.m.
Lot 244 4332.0sq.m.
Lot 579.0sq.m.
Lot 246 4750.0sq.m.
Lot 239 4005.0sq.m.
Lot 238 4005.0sq.m.
Lot 286 1484.0sq.m.
HONEYCOMB RD
Lot 285 1615.0sq.m.
GINGIN SHIRE
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Aerial map - Lot 233 Beleura Avenue, Gingin (Honeycomb Estate)
Scale: 1:2500
Date: 4/10/2018
N

New Proposed Gable Roof Colorbond Shed 10/09/2018

Dear Council,

Regarding the Development application for the new proposed 14m Wide x 13m Long x 4m high gable roof shed that Registered Builders, Northwest Shedmasters Pty Ltd are constructing at LOT 233 Beleura Ave, Gingin WA 6503.

The justification for the new proposed shed to have a wall height of 4.0m high and size of 182m2.

The reasoning we propose to have a wall height of 4.0m is for a clear opening access of 3.30m high. We require this access due to storage of our following;

- Roadstar Caravan
- Vintage 1929 Case Tractor
- One (1) Tandem Axle Trailer

We've lowered the wall height as much as we can, though the head room needed for the B&D Series 2 Light Industrial Roller Door is 670mm, hence why the 4.0m wall height to allow a 3.0m high opening is required.
So having a 3.6m wall height would only allow for an approx. 2.9m opening which is not practical.
Note we've also kept as practical as possible for the build a 10 degree roof pitch which would make the ridge height of 5.234m high.

Regarding the building area of 182m2.
The reasoning we propose to have the shed size 14m wide x 13m long is due to the safe & accessible storage of our following items;

- Roadstar Caravan (total length of approx. 11m)
- Vintage 1929 Case Tractor
- Four (4) Vintage Stationary Engines
- Tandem Axle Trailer
- Hobby Workshop, Tools, Work Benches
- Home Gym Equipment

Note, Photos can be provided if required.
Again, we've designed the shed to have as small an area as practical.

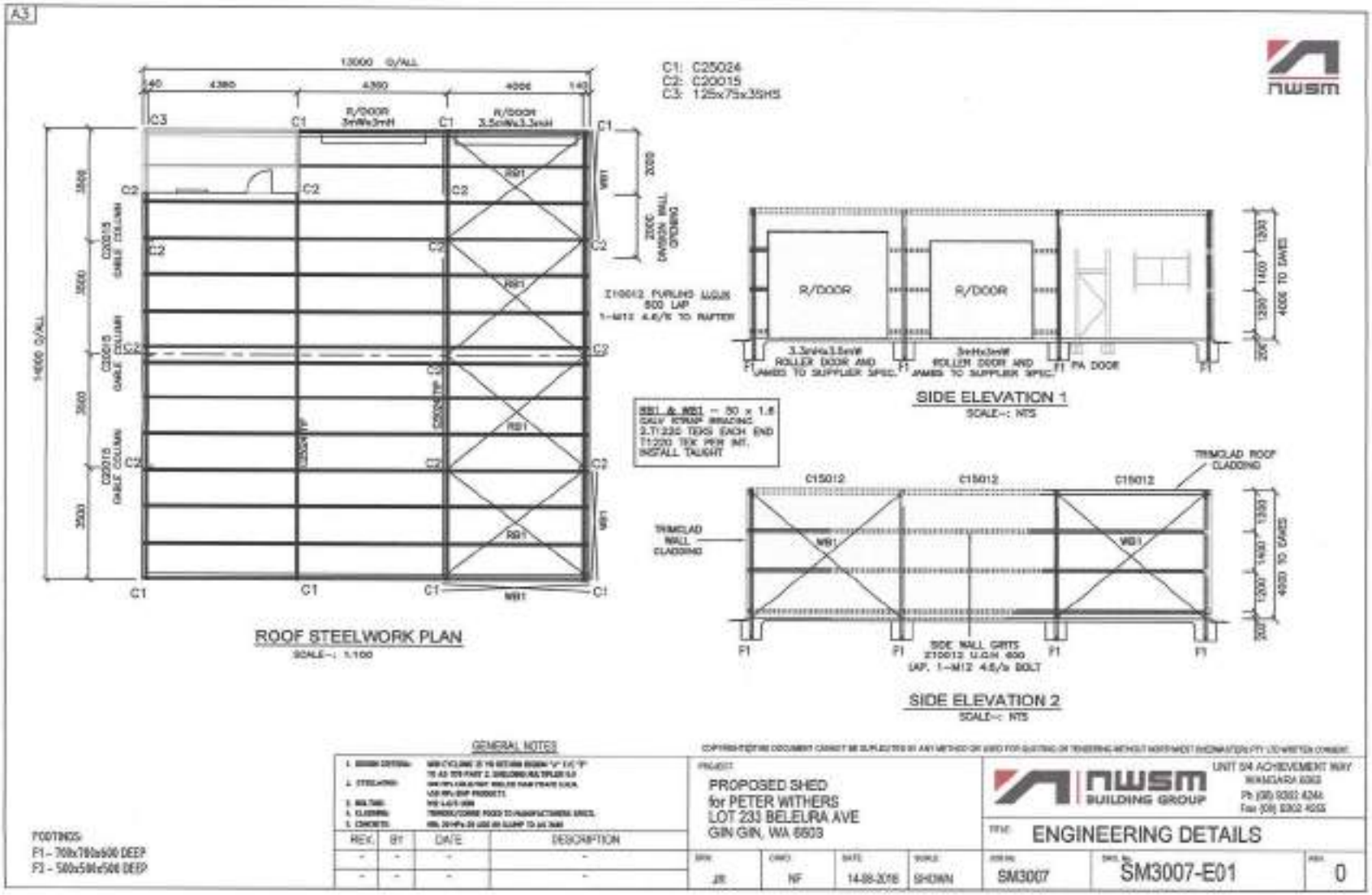
Regarding our residence, it does not impose on our neighbours & we've come off our boundaries as best possible (4m). Our Lot (LOT 233) has a large set-back in which we thought would be a positive & in no means does it affect the street scape.

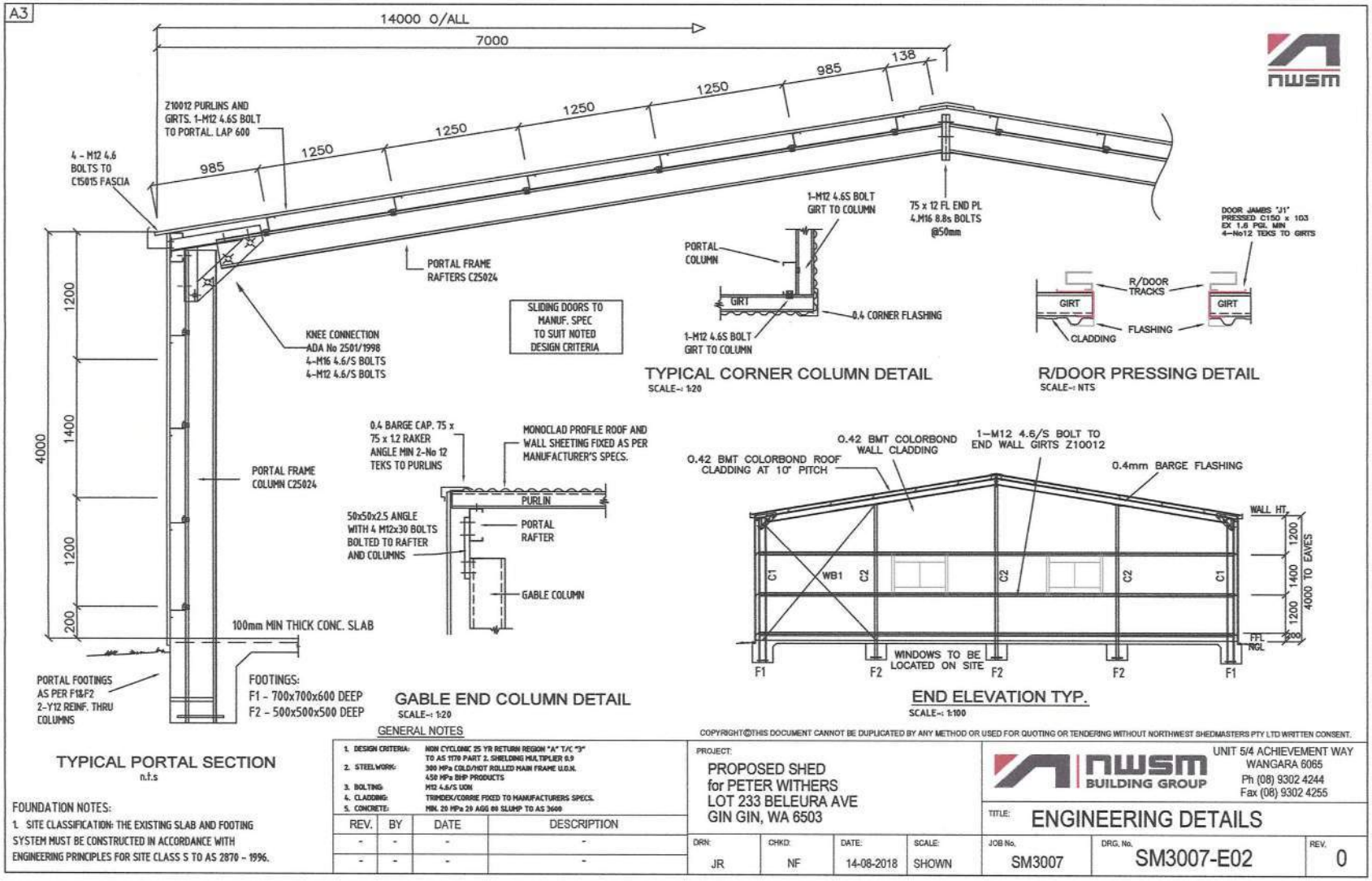
We're happy to work with you to help reach what we propose. Understanding that we're trying to be as practical as possible.

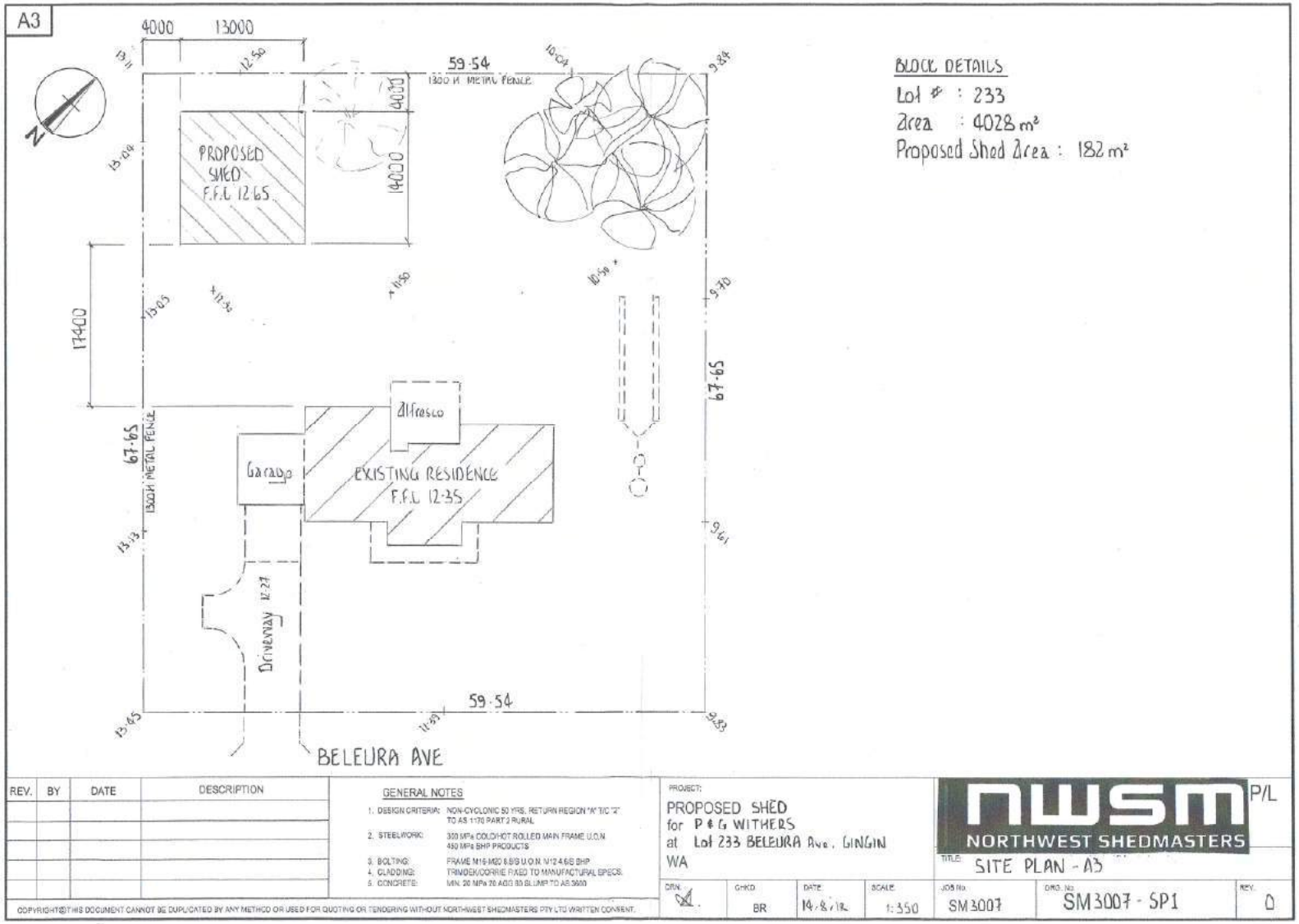
Should you require any further information please feel free to contact me on 0499 735 194 or our Builder who's looking after the application & process, Nick Farrell (NWSM Building) on 9302 4244 or 0411 330 193

Kind regards

Peter and Glenda Withers


A3
13000 O/ALL
C1: C25024
C2: C20015
C3: 125x75x3.5HS
R/DOOR
R/DOOR
RB1
WB1
ROOF STEELWORK PLAN
SCALE:- 1:100
SIDE ELEVATION 1
SCALE:- NTS
SIDE ELEVATION 2
SCALE:- NTS
TRIMDEK ROOF CLADDING
TRIMLAD WALL CLADDING
GENERAL NOTES
PROPOSED SHED
for PETER WITHERS
LOT 233 BELEURA AVE
GIN GIN, WA 6503
nwsm BUILDING GROUP
ENGINEERING DETAILS
SM3007-E01
FOOTINGS:
F1 - 700x700x600 DEEP
F2 - 500x500x500 DEEP


A3
14000 O/ALL
7000
985
1250
1250
1250
1250
985
138
Z10012 PURLINS AND GIRTS. 1-M12 4.6S BOLT TO PORTAL. LAP 600
4 - M12 4.6 BOLTS TO C15015 FASCIA
PORTAL FRAME RAFTERS C25024
KNEE CONNECTION ADA No 2501/1998 4-M16 4.6/S BOLTS 4-M12 4.6/S BOLTS
SLIDING DOORS TO MANUF. SPEC TO SUIT NOTED DESIGN CRITERIA
1-M12 4.6S BOLT GIRT TO COLUMN
75 x 12 FL END PL 4.M16 8.8s BOLTS @50mm
PORTAL COLUMN
GIRT
0.4 CORNER FLASHING
1-M12 4.6S BOLT GIRT TO COLUMN
TYPICAL CORNER COLUMN DETAIL
SCALE-: 1:20
DOOR JAMBS "J1" PRESSED C150 x 103 EX 1.6 PGL MIN 4-No12 TEKS TO GIRTS
R/DOOR TRACKS
GIRT
GIRT
FLASHING
CLADDING
R/DOOR PRESSING DETAIL
SCALE-: NTS
4000
1200
1400
1200
200
PORTAL FRAME COLUMN C25024
100mm MIN THICK CONC. SLAB
PORTAL FOOTINGS AS PER F1&F2 2-Y12 REINF. THRU COLUMNS
FOOTINGS: F1 - 700x700x600 DEEP F2 - 500x500x500 DEEP
0.4 BARGE CAP. 75 x 75 x 1.2 RAKER ANGLE MIN 2-No 12 TEKS TO PURLINS
MONOCLAD PROFILE ROOF AND WALL SHEETING FIXED AS PER MANUFACTURER'S SPECS.
PURLIN
50x50x2.5 ANGLE WITH 4 M12x30 BOLTS BOLTED TO RAFTER AND COLUMNS
PORTAL RAFTER
GABLE COLUMN
GABLE END COLUMN DETAIL
SCALE-: 1:20
0.42 BMT COLORBOND ROOF CLADDING AT 10° PITCH
0.42 BMT COLORBOND WALL CLADDING
1-M12 4.6/S BOLT TO END WALL GIRTS Z10012
0.4mm BARGE FLASHING
WALL HT.
C1
WB1
C2
C2
C2
C1
1200
1400
1200
4000 TO EAVES
200
FFL RGL
WINDOWS TO BE LOCATED ON SITE
F1
F2
F2
F2
F1
END ELEVATION TYP.
SCALE-: 1:100
TYPICAL PORTAL SECTION
n.t.s
FOUNDATION NOTES:
1. SITE CLASSIFICATION: THE EXISTING SLAB AND FOOTING SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH ENGINEERING PRINCIPLES FOR SITE CLASS S TO AS 2870 - 1996.
GENERAL NOTES
1. DESIGN CRITERIA: NON CYCLONIC 25 YR RETURN REGION "A" T/C "3" TO AS 1170 PART 2. SHIELDING MULTIPLIER 0.9
2. STEELWORK: 300 MPa COLD/HOT ROLLED MAIN FRAME U.O.N. 450 MPa BHP PRODUCTS
3. BOLTING: M12 4.6/S U.O.N
4. CLADDING: TRIMDEK/CORRIE FIXED TO MANUFACTURERS SPECS.
5. CONCRETE: MIN. 20 MPa 20 AGG 80 SLUMP TO AS 3600
REV. BY DATE DESCRIPTION
- - - -
- - - -
COPYRIGHT@THIS DOCUMENT CANNOT BE DUPLICATED BY ANY METHOD OR USED FOR QUOTING OR TENDERING WITHOUT NORTHWEST SHEDMASTERS PTY LTD WRITTEN CONSENT.
PROJECT:
PROPOSED SHED for PETER WITHERS
LOT 233 BELEURA AVE
GIN GIN, WA 6503
nwsm BUILDING GROUP
UNIT 5/4 ACHIEVEMENT WAY
WANGARA 6065
Ph (08) 9302 4244
Fax (08) 9302 4255
TITLE: ENGINEERING DETAILS
DRN: JR
CHKD: NF
DATE: 14-08-2018
SCALE: SHOWN
JOB No. SM3007
DRG. No. SM3007-E02
REV. 0


A3
4000
13000
59·54
1800H METAL FENCE
PROPOSED SHED F.F.L 12·65
4000
14000
17400
67·65
1800H METAL FENCE
Alfresco
Garage
EXISTING RESIDENCE F.F.L 12·35
Driveway 12·27
59·54
BELEURA AVE
BLOCK DETAILS
Lot # : 233
Area : 4028 m²
Proposed Shed Area : 182 m²
REV. BY DATE DESCRIPTION
GENERAL NOTES
1. DESIGN CRITERIA: NON-CYCLONIC 50 YRS. RETURN REGION "A" T/C "2" TO AS 1170 PART 2 RURAL
2. STEELWORK: 350 MPa COLDHOT ROLLED MAIN FRAME U.O.N 450 MPa BHP PRODUCTS
3. BOLTING: FRAME M16 M20 8.8/S U.O.N. N12.4.6/S BHP
4. CLADDING: TRIMDEK/CORRIE FIXED TO MANUFACTURAL SPECS.
5. CONCRETE: MIN. 20 MPa 20 AGG 80 SLUMP TO AS 3600
COPYRIGHT© THIS DOCUMENT CANNOT BE DUPLICATED BY ANY METHOD OR USED FOR QUOTING OR TENDERING WITHOUT NORTHWEST SHEDMASTERS PTY LTD WRITTEN CONSENT.
PROJECT:
PROPOSED SHED
for P & G WITHERS
at Lot 233 BELEURA Ave. GINGIN
WA
NORTHWEST SHEDMASTERS
P/L
TITLE: SITE PLAN - A3
DRN. BR
CHKD
DATE 14/8/18
SCALE 1:350
JOB No. SM3007
DRG. No. SM3007 - SP1
REV. 0

11.3.4 APPLICATION FOR PLANNING APPROVAL - PROPOSED OUTBUILDING AND STORAGE ON LOT 22 (44) BELL ROAD, COONABIDGEE

File:	BLD/3729
Applicant:	High Steel Buildings Pty Ltd
Location:	Lot 22 (44) Bell Road, Coonabidgee
Owners:	Abuklea Pty Ltd/ Loganville Pty Ltd
Zoning:	Rural Industry
WAPC No:	N/A
Author:	James Bayliss – Acting Manager Statutory Planning
Reporting Officer:	Kylie Bacon – Acting Executive Manager Planning and Development
Report Date:	16 October 2018
Refer:	Nil
Appendices:	1. Location Plan, Aerial and Applicant's Proposal

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for an Outbuilding to be used for storage purposes on Lot 22 (44) Bell Road, Coonabidgee.

BACKGROUND

The subject property is 8.5 hectares in area and currently contains an existing outbuilding that is relatively dilapidated and appears to be unused. The eastern portion of the site consists of crushed limestone hardstand with the western portion having recently been cleared and backfilled to create further hardstand. The western portion of the site is subject to a compliance investigation for alleged unauthorised clearing of a conservation category wetland and does not form part of this approval.

The proposal includes an outbuilding which consist of two sections outlined on the submitted plans as 'Shed 1A' and Shed 1B'. Both outbuildings are connected and essentially form one structure, however the dimensions do vary somewhat. Shed 1A is 24 metres in length and 18.7 metres in width equating to an area of 448.8m^2 and Shed 1B is 30 metres in length and 18 metres in width equating to an area of 540m^2, giving a total area of 988.8 m^2.

The proposed wall height of Shed 1A is 5 metres tapering to an overall height of 7.5 metres. Shed 1B has a proposed wall height of 7.5 metres tapering to an overall height of 8.3 metres. The site has ample hardstand area for the loading and unloading of materials and to provide a manoeuvring area for vehicles.

The applicant seeks approval for the outbuilding to be used for storage purposes, with the items to be stored consisting predominantly of machinery associated with drilling operations, trucks, trailers and piping amongst other things. No staff are proposed to be permanently based onsite, with the storage being long term and equipment only removed when required by drilling operations.

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

COMMENT

Community Consultation

In this instance the only potentially affected adjoining land is owned by the Shire of Gingin (the Shire's Frogmore Depot). Therefore, the matter is presented for Council's consideration rather than undertaking the usual advertising process.

LOCAL PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

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

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

Storage is considered to be a 'D – Discretionary' use within the Rural Industry zoning.

The land use 'Storage' is defined as follows:

"Premises used for the storage of goods, equipment, plant or materials"

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

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

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

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

Given the site is used for open storage currently and the construction of the outbuilding will enable a significant amount of material to be relocated within the outbuilding, screening is not considered necessary at this stage. It is also noted that in this instance the subject site has very limited frontage to the primary street (Bell Road) due to the lot configuration and therefore screening will offer limited benefit to the visual amenity of the streetscape.

Once the outbuilding is erected and equipment relocated, it is intended to inspect the property to ascertain any areas being used for 'outdoor storage' which does require development approval. This will be addressed in conjunction with the compliance investigation relating to clearing undertaken to increase the hardstand area, which was to be used for outdoor storage purposes. It is considered appropriate to deal with any screening requirement as part of this process once the existing material has been rearranged and an appropriate screening location can be established.

Parking

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

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

The parking ratio that is generally applied to a storage use is 1 bay per 100m^2 of gross leasable area, as per the 'warehouse' land use under Table 3, which Administration considers to be of a similar nature to that of storage. The total amount of leasable area is 988m^2, therefore 9.8 (10) car bays are required in order to satisfy LPS 9. The proposed development indicates parking for five vehicles, however it is noted the area is considerable in size with ample room for sufficient parking should the need arise. The provision of parking is deemed appropriate due to the nature of the storage use and given that no members of public will frequent the property.

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

"(a) No land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials.

(b) The local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction.

(c) Parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the local government, shall be provided prior to any occupation of the development or at such time as may be agreed.

(d) External servicing areas shall be established and maintained to the satisfaction of the local government."

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

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

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone. Given the land use proposed is for storage purposes the two outbuildings are deemed to be non-habitable. SPP 3.7 provides for exemptions for non-habitable structures from requiring a BAL assessment to be prepared. In the event the outbuildings were to be reclassified as habitable in the future a BAL can be requested an addressed accordingly.

Summary

In view of the above assessment, Administration is of the view that the proposed outbuilding and storage use can be accommodated on the subject lot in the location proposed. The owner is aware that any future change to the land use or design layout may require a development application and any additional provisions of the Scheme that need to be satisfied will be addressed accordingly.

STATUTORY ENVIRONMENT

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Morton

That Council grant Development Approval for the proposed Outbuilding and Storage on Lot 44 (22) Bell Road, Coonabidgee subject to the following conditions:

1. **The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;**

2. **Stormwater from all roofed and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;**

3. **The finished floor level of the Outbuilding must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;**

4. **The outbuilding shall not be used for human habitation; and**

5. **The existing crossover shall be upgraded to the satisfaction of the Shire of Gingin.**

<u>Advice Notes</u>

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

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

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

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

Note 5: The existing vegetation on the property may be associated with a Conservation Category Wetland. Please contact the Department of Water and Environmental Regulation (DWER) prior to the removal of any vegetation;

Note 6: This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land;

Note 7: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property;

Note 8: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment;

Note 9: Please note the outdoor storage occurring at the subject property will require retrospective development approval issued by the Shire of Gingin; and

Note 10: Any required upgrades to the existing crossover are subject to the approval of the Shire of Gingin. A "Vehicle Crossover Application" is required to be submitted and approved prior to the commencement of any remedial works to the crossover.

CARRIED UNANIMOUSLY

APPENDIX 1

GINGIN BROOK ROAD
BRAND HIGHWAY
PROPOSED SITE
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Location plan - Lot 22 Bell Road, Coonabidgee
Scale: 1:15382
Date: 4/10/2018

Lot 21
76320.0sq.m.
Lot 20
35362.3sq.m.
BELL RD
Lot 765
479390.0sq.m.
Lot 22
85050.1sq.m.
Lot 23
34610.7sq.m.
Lot 30
70234.0sq.m.
Lot 31
20011.0sq.m.
GINGIN SHIRE
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Aerial map - Lot 22 (44) Bell Road, Coonabidgee
Scale: 1:2000
Date: 18/09/2018
N

DCA

DRILLING CONTRACTORS OF AUSTRALIA

Allpine Nominees Pty Ltd ACN 073 605 197 ABN 68 073 605 197

P O Box 98, Kalamunda
Western Australia 6926
Phone: 08 9293 4570

3rd September 2018

Shire of Gingin
7 Brockman Street
GINGIN W A 6503

To whom it may concern,

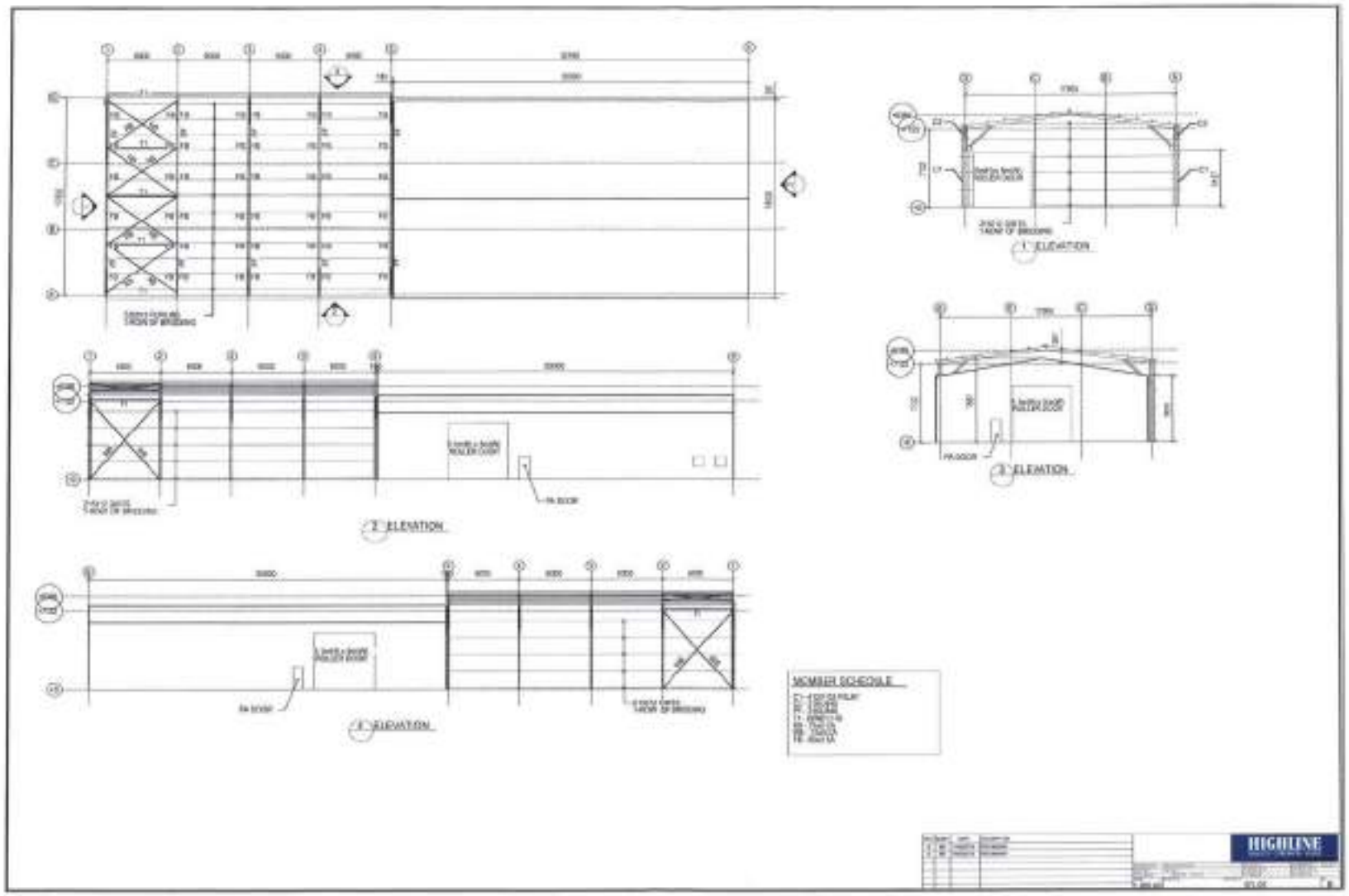
Our new Highline shed is required as a storage facility only for our plant and equipment when not out on site. It will provide shelter and security, rather than leaving valuable plant exposed to the elements and possible theft.

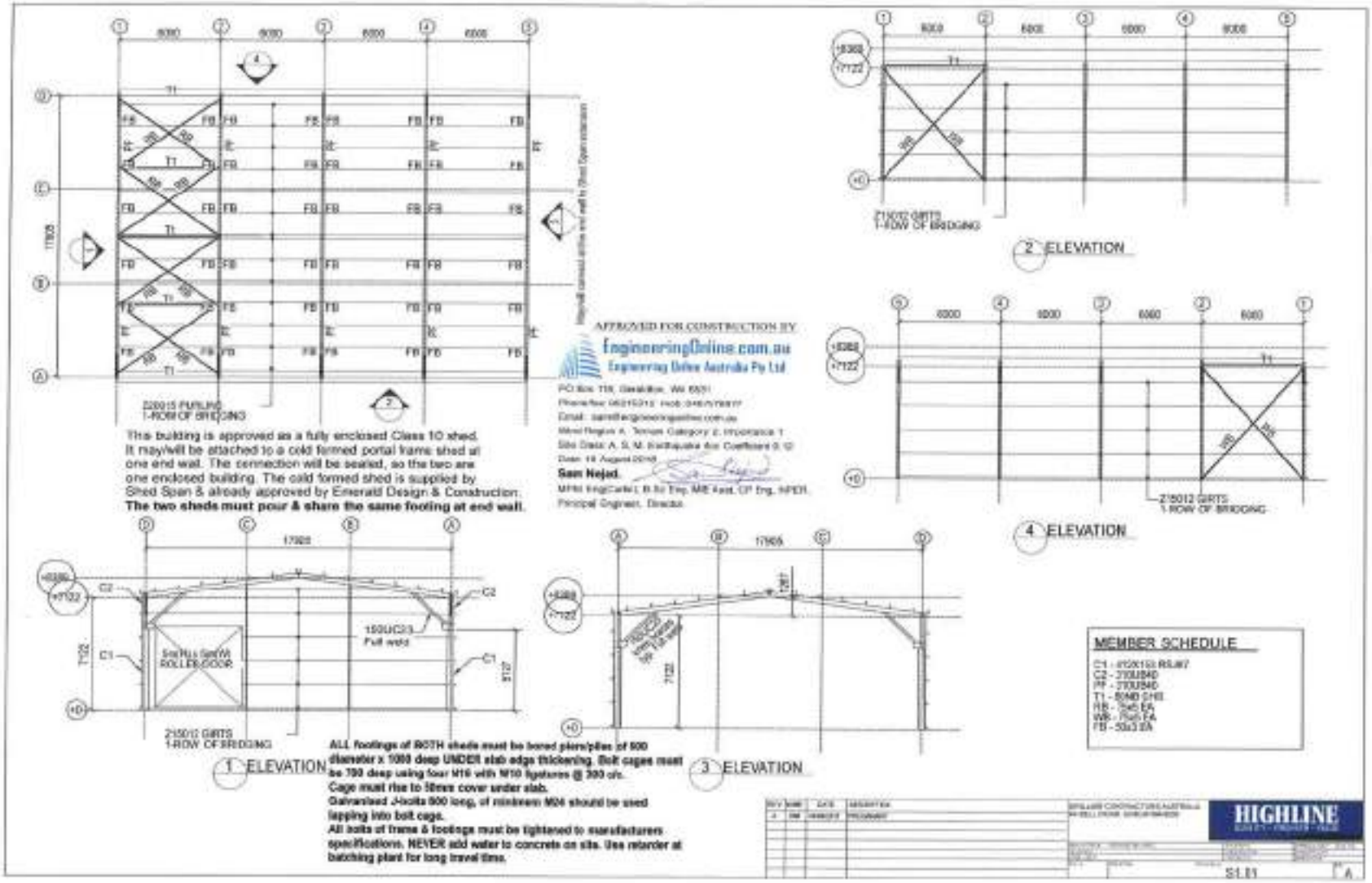
Yours sincerely

Trevor Iley
Director
Abuklea Pty Ltd
29 Lenori Road
Gooseberry Hill, W A 6076

Malcolm Iley
Director
Loganville Pty Ltd
67 Dickenson Way
Booragoon, W A 6154

22
23
44 Bell Road Gingin
SITE PLAN
SCALE 1:500


1 ELEVATION
2 ELEVATION
3 ELEVATION
4 ELEVATION
MEMBER SCHEDULE
HIGHLINE


This building is approved as a fully enclosed Class 10 shed.
It may/will be attached to a cold formed portal frame shed at one end wall. The connection will be sealed, so the two are one enclosed building. The cold formed shed is supplied by Shed Span & already approved by Emerald Design & Construction.
The two sheds must pour & share the same footing at end wall.
APPROVED FOR CONSTRUCTION BY
EngineeringOnline.com.au
Engineering Online Australia Pty Ltd
Sam Nejad
1 ELEVATION
2 ELEVATION
3 ELEVATION
4 ELEVATION
ALL footings of BOTH sheds must be bored piers/piles of 600 diameter x 1000 deep UNDER slab edge thickening. Bolt cages must be 700 deep using four M16 with M10 tiglatures @ 300 c/s.
Cage must rise to 50mm cover under slab.
Galvanised J-bolts 600 long, of minimum M24 should be used lapping into bolt cage.
All bolts of frame & footings must be tightened to manufacturers specifications. NEVER add water to concrete on site. Use retarder at batching plant for long travel time.
MEMBER SCHEDULE
HIGHLINE
S1.01

11.3.5 APPLICATION FOR PLANNING APPROVAL - PROPOSED USE NOT LISTED (OUTBUILDING) ON LOT 71 (NO. 199) SEAFLOWER WAY, GABBADAH

File:	BLD/6982
Applicant:	Judith Marshall
Location:	Lot 71 (No. 199) Seaflower Way, Gabbadah
Owner:	Judith Marshall and Judith Allison
Zoning:	Rural Living 1
WAPC no:	N/A
Author:	James Bayliss – Acting Manager Statutory Planning
Reporting Officer:	Kylie Bacon – Acting Executive Manager Planning and Development
Report date:	16 October 2018
Refer:	Nil
Appendices:	1. Location Plan, Aerial Image and Applicant's Proposal

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed use not listed (Outbuilding) on Lot 71 (199) Seaflower Way, Gabbadah.

BACKGROUND

The subject property is one hectare in area and is located within Sovereign Hill Estate. The site is relatively clear of vegetation, however some scrub is present in the front portion of the site. The applicant has advised that their intention for the property is to erect a single house and outbuilding in conjunction with one another. The location of the proposed single house is set back 20 metres from the property boundary and would therefore be exempt from the need to obtain development approval, with a building permit only being required. However due to delays in receiving an owner/builder license issued by the Building Commission, the Shire is unable to issue a building permit for the single house at this point in time.

It should be noted that in order for the proposed use not listed (outbuilding) to be considered as a traditional outbuilding, it must be constructed in association with a dwelling. An outbuilding is not permitted as a stand alone structure on an otherwise vacant lot. Therefore, given the subject site does not contain an existing dwelling and in the absence of a current building permit for a dwelling to be erected on the property, the officer is unable to approve the proposed structure under delegation.

The proposed use not listed (outbuilding) is 11 metres in length and 6 metres in width, equating to an area of 66m^2. The proposed wall height is 2.8 metres tapering to a ridge height of 3 metres. The structure is set back 12 metres from the side (western) boundary and 64 metres from the side (eastern) boundary.

At the June 2015 Concept Forum, Administration presented a discussion paper to Council seeking direction for processing proposals of this nature. It was indicated that such proposals can be processed as a 'Use Not Listed (Outbuilding)' and the application determined on its merits.

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

COMMENT

Community Consultation

The proposal was not advertised to surrounding landowners as the applicant provided neighbour consent as part of the submission. The Officer has confirmed this consent with the adjoining landowners.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

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

a) Protect the rural environment and landscape;

b) Accommodate single dwellings at very low densities on individual allotments beyond the urban areas;

c) Restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;

d) Prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;

e) Avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and

f) Provide a suitable level of physical and community infrastructure.

Clause 3.4.2 of LPS 9 outlines the process in dealing with uses not listed in the Zoning Table:

3.4.2 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 the 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 proposal is deemed to be consistent with the objectives of the Rural Living zone, subject to a dwelling being built.

Table 2 – Site Requirements of LPS 9 requires a 20 metre setback from all lot boundaries. In this instance the applicant seeks an 8 metre variation as the proposed outbuilding is set back 12 metres from the side boundary. The structure is not considered to be of a scale that would warrant the provision of screening to the adjoining property to the west. It is noted that larger sheds exist within the rural living locality and the reduced setback is acceptable given neighbour consent has been provided.

Further Comments

The applicant has advised that their intention is to build a dwelling in conjunction with the proposed outbuilding, however unforeseen delays in receiving an owner/builders permit for the dwelling has resulted in the Shire being required to consider the structure as a use not listed (outbuilding) for reasons outlined in the Background section of this report.

Given that the ability of the proposal to satisfy LPS 9 is reliant upon a dwelling being constructed, it is recommended that an appropriate condition be imposed to ensure the landowners follow through on their commitment to build a dwelling in conjunction with the outbuilding.

Summary

Administration is of the view that the site is capable of accommodating the Use Not Listed (Outbuilding) and a conditional approval is recommended.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Scheme) Regulations 2015
Schedule 2 Deemed Provisions

Local Planning Scheme No. 9
Part 3 – Zones and the Use of Land
3.2 Objectives of the Zones
3.2.6 Rural Living Zone
3.4.2 Interpretation of the Zoning Table (Use Not Listed)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Fewster

That Council grant Development Approval for a Use Not Listed (Outbuilding) on Lot 71 (199) Seaflower Way, Gabbadah, subject to the following conditions:

1. **The land use and development shall be in accordance with the approved plans and specifications unless otherwise conditioned by this approval;**

2. **This approval is for a use not listed (outbuilding) only as indicated on the approved plans.**

3. **The landowner is required to remove the use not listed (outbuilding) unless the construction of a dwelling has been substantially commenced within 18 months from the date of this approval;**

4. **The finished floor level of the outbuilding must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin.**

5. **The outbuilding is not to be used for human habitation or any other industrial or commercial use; and**

6. **Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.**

<u>Advice Notes</u>

Note 1: If you are aggrieved with 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* with respect to the patio addition, which are to be approved by the Shire of Gingin;

Note 5: This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land;

Note 6: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property; and

Note 7: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

CARRIED UNANIMOUSLY

APPENDIX 1

PROPOSED SITE
GUILDERTON ROAD
INDIAN OCEAN DRIVE
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Location plan - Lot 71 Seaflower Way, Gabbadah
Scale: 1:20000
Date: 4/10/2018
N

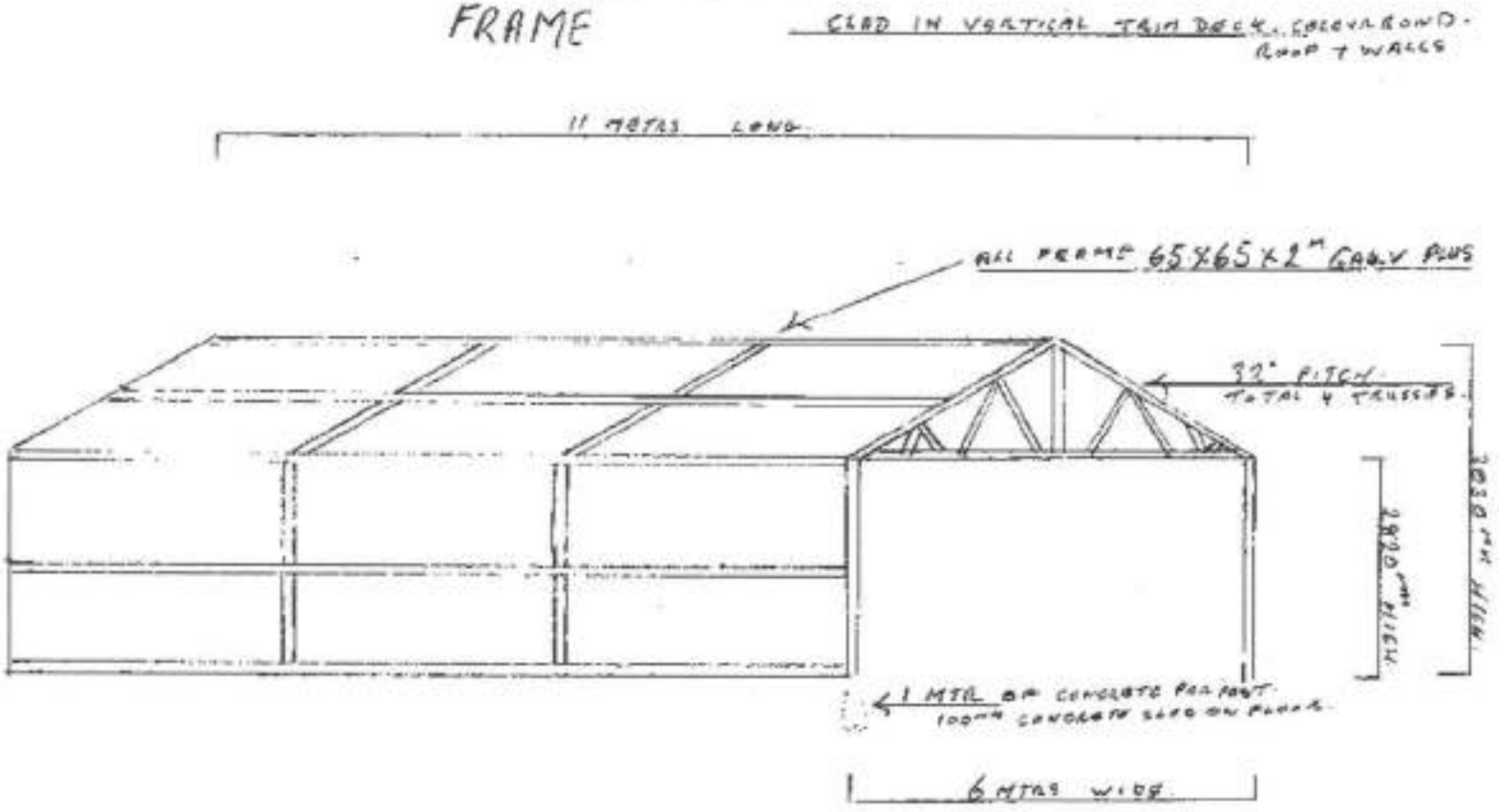
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.
Aerial map - Lot 71 Seaflower Wey, Gabbadah
Scale: 1:1348
Date: 4/10/2018
N

175.69
191°10'38"
24.79
SEAFLOWER
58.04
82°52'21"
15
70
1.4621ha
81°49'18"
52.16
105°29'43"
171.82
71
1.0618ha
64m
152.09
85°40'54"
75.87
N
77°34'
72
1.1994ha
81
87°51'2"
98'
3.56

CLASS A10 SHED

FRAME

CLAD IN VERTICAL TRIM DECK. COLORBOND. ROOF & WALLS



11.3.6 APPLICATION FOR SUBDIVISION APPROVAL - PROPOSED MOORE RIVER SOUTH DEVELOPMENT ON LOTS 2593, 3156, 2802, 2914, 2424 AND 3099 BARRAGOON ROAD, CARABAN

File:	LND/142
Applicant:	Moore River Company Pty Ltd
Location:	Lots 2593, 3156, 2802, 2914, 2424 & 3099 Barragoon Road, Caraban
Owner:	Moore River Company Pty Ltd
Zoning:	General Rural – Future Development
WAPC No:	156906
Author:	James Bayliss – Acting Manager Statutory Planning
Reporting Officer:	Kylie Bacon – Acting Executive Manager Planning and Development
Report Date:	16 October 2018
Refer:	16 August 2011 Item 11.3.2 18 December 2012 Item 11.1.3 15 April 2014 Item 11.1.2 21 August 2018 Item 11.3.6
Appendices:	1. Applicant's proposal

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a proposal to subdivide the Moore River South Development Area consisting of Lots 2424, 2802, 2914, 2593, 3099 and 3156 Barragoon Road, Caraban.

BACKGROUND

The subject properties referenced above form part of a development area known as Moore River South, located on the southern side of the Moore River approximately two kilometres from the Guilderton townsite.

On 17 September 2013 Council endorsed a structure plan for the development area which was subsequently approved by the Western Australian Planning Commission (WAPC) on 30 October 2013. All future subdivision is required to have due regard to this structure plan.

Subdivision approval was duly granted by the WAPC on 22 September 2014, however subdivision has not been substantially commenced. Given the nature of the development, the proponent is required to obtain separate approvals from various State authorities prior to legally undertaking any subdivisional works onsite, mainly with respect to a licensed supplier for potable water and waste water services.

At the Ordinary Council meeting on 21 August 2018 Council resolved to advise the WAPC to defer the matter to enable the applicant to submit additional information to satisfy State Planning Policy 3.7 – Planning in Bushfire Prone Areas and State Planning Policy 2.6 – State Coastal Planning Policy. Additional information and proposed modifications to the subdivision layout have since been referred to the Shire by the WAPC and form the basis of this report.
The intent of this report is to examine the revised plans, and where relevant address the applicable planning instruments.

The applicant's proposal is attached as **Appendix 1**.

COMMENT

Community Consultation

Not applicable

REVISED SUBDIVISION DETAILS

The applicant has provided a detailed report with respect to the revised subdivision, however below is a summary of various components that warrant further discussion. It should be noted that the Department of Planning, Lands and Heritage (DPLH) also requested additional information/amendments from the applicant, hence the number of alterations within the applicant's submissions.

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

SPP 3.7 was gazetted in December 2015 after the original subdivision approval was endorsed by the WAPC. The proposed subdivision has been prepared taking into account the provisions of SPP 3.7 and a Bushfire Management Plan (BMP) has been prepared accordingly.

The applicant was requested to consider installing a second access road to satisfy SPP 3.7, which has been provided as part of the revised submission. The plan of subdivision now includes a road reserve extension from Barragoon Road to the existing road reserve for Goonmarra Road. This road will be constructed to a trafficable standard for two-wheel drive vehicles (crushed limestone/gravel) as required under SPP 3.7. It will be requested that Goonmarra Road also be upgraded to a trafficable standard at the landowner's cost.

In order for the subdivision to achieve a BAL 12.5 rating, a 25 metre wide Asset Protection Zone (APZ) is required to be implemented around the entirety of the estate and between development stages. The APZ will consist of the subdivisional road reserve (either 18 m or 20 m wide) plus seven metres or five metres of crushed limestone from the edge of the road reserve into adjacent land.

It should be noted that where the adjoining land is in private ownership, the BMP is reliant upon that landowner installing and maintaining their firebreak at either five or seven metres in lieu of the required three metres under the Shire's Firebreak Order. It is noted that the adjoining land is under the ownership of Moore River Company, however there is no mechanism to prevent sale of affected land in the future. As such, it would be considered necessary to place a caveat on the titles to ensure there is an enforcement mechanism for the additional firebreak to be installed.

The proposal identifies eight different scenarios where the peripheral subdivision road reserve and the interface with rural or future development zone land occurs. This is not considered to be a reasonable approach given the Shire will be responsible for monitoring and ensuring the APZ is maintained in a low fuel state and that additional firebreak requirements of private landowners are installed.

The officer is of the view that where the road reserve adjoins private land the road reserve should be 25 metres rather than the proposed 18 metres or 20 metres as indicated in the BMP. Where the road reserve adjoins public open space, a landscaping plan can address the low fuel state of between seven and five metres which may include a dual use path or similar.

In the situation where there is no road reserve between a newly created lot and private land (e.g. waste water treatment plant site), a caveat should be placed on the title of the new lot and adjoining land holdings to ensure that a 12.5 metre firebreak is implemented by each landowner to satisfy the APZ requirements of the BMP.

<u>State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6)</u>

The purpose of SPP 2.6 is to provide direction for decision-making within the coastal zone including managing development and land use change, establishment of foreshore reserves, and to protect, conserve and enhance coastal values.

The objectives of this Policy are to:

1. *ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*

2. *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*

3. *provide for public coastal foreshore reserves and access to them on the coast; and*

4. *Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*

Schedule One of SPP 2.6 provides guidance for calculating the coastal foreshore reserve required to allow for coastal processes. The width calculated to allow for coastal process does not include a coastal foreshore width, which is in addition to the predicted coastal process setback. Clause 5.9(i) states:

"An appropriate coastal foreshore reserve will include a component to allow for coastal processes and be of an appropriate width to ensure a coastal foreshore reserve continues to provide the values, functions and uses prescribed should the coastal processes be realised over the planning timeframe."

The revised subdivision plan has increased the coastal foreshore reserve over the north-western portion of the development area where it abuts the tourism site. This has resulted in the area designated for tourism being reduced somewhat, however the coastal foreshore reserve is considered to be sufficient and satisfies SPP 2.6.

Access to Indian Ocean Drive

Access to the proposed development has previously been approved via an intersection with Indian Ocean Drive (IOD) and Barragoon Road. The construction requirements of the intersection would be established once an updated Traffic Impact Assessment is completed. However given IOD is under the care and control of Main Roads Western Australia (MRWA), it is acknowledged that this is largely under MRWA'S jurisdiction rather than the Shire's. The proposed access option, having been approved previously, is considered appropriate from a planning perspective.

Residential Interface with Mixed Business

The proximity of the proposed mixed business lots indicated as part of stage 1B and stage 5 to the adjacent residential lots was of some concern, given potential land uses may not be compatible with the residential environment. The applicant has adequately justified that the two zonings do not require isolation. It is, however, considered prudent to impose a notification on the title of the residential properties at the interface with the mixed business lots, alerting prospective purchasers of proximity to the mixed business developments.

Summary

The above matters are considered to be the pertinent issues for Council consideration with respect to the revised subdivision plans. The revisions are deemed to have due regard for the previously endorsed structure plan and reflect the planning provisions that are now applicable.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 3 – Zones and the Use of Land
3.2 Objectives of the Zones

Part 4 – General Development Requirements
4.7 General Development Standards
4.8.6 – General Rural Zones

POLICY IMPLICATIONS

WAPC Development Control Policy 3.4 Subdivision of Rural Land

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	*Infrastructure and Development*
Objective	*3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.*
Outcome	*3.1 Development new and existing developments meet the Shire's Strategic Objectives and Outcomes.*
Priority	*3.1.1 Support strategies that facilitate commercial development.*

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Rule

That Council:

1. Advise the Western Australian Planning Commission that the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 is supported subject to the following conditions:

a. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:

i. lots can accommodate their intended use; and

ii. finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.

b. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved Local Water Management Strategy.

c. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site.

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

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

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

g. Prior to the first stage of subdivision, a Traffic Management and Parking Strategy is to be prepared by a suitably qualified traffic engineer which demonstrates:

i. the required upgrading works for the local road system;

ii. the staging of works relative to the staging of the subdivision;

iii. future public, private residential and tourist car park requirements generated by the development proposed in the subdivision area;

iv. that sufficient foreshore parking or alternative access is provided for tourist and residential development as well as the demands of visitors and the general public;

v. a noise impact assessment undertaken for Barragoon Road adjoining Woodridge Estate so as to demonstrate the need for any noise attenuating requirements as part of the road upgrading work; and

vi. and other traffic management works considered relevant by the local government.

Works are to be undertaken in accordance with the approved plan of subdivision and the Traffic Management and Parking Strategy to the satisfaction of the local government.

h. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area, in accordance with the Traffic Management and Parking Strategy, to the satisfaction of the Shire of Gingin and Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/applicant at their expense.

i. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Barragoon Road to Indian Ocean Drive, including any required noise attenuation works, to the specifications of the local government and Main Roads WA.

j. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Goonmarra Road to the specifications of the local government.

k. The proposed public open space reserves shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserves for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.

l. The proposed community purpose reserves shown on the approved plan of subdivision dated 21 September 2018 being shown on the diagram or plan of survey (deposited plan) as reserves for civic and community purposes and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.

m. The proposed Emergency Service (ES) lot shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as a reserve for emergency services and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.

n. The proposed Council Depot (CD) lot shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as a reserve for government services and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.

o. A Landscape Plan is to be prepared for road reserves, including Barragoon Road, and public open space demonstrating, at a minimum:

i. the location and species of all trees to be removed and/or retained;

ii. the location and type of any fencing to be installed;

iii. the location and type of reticulation to be installed;

iv. the location and type of any paving to be installed;

v. a plant schedule nominating each species, the spacing of species, the number of plants required, the size of each plant to be used at the time of planting and the anticipated height of each plant at maturity; and

vi. provisions for the specific approval of the local government for the removal of any tuart trees.

Works are to be undertaken in accordance with the Landscape Plan to the specification of the local government and satisfaction of the Western Australian Planning Commission.

p. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for three summers in accordance with the approved Landscape Plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government.

q. Uniform fencing being constructed along the boundaries of the proposed lots abutting public open space.

r. The proposed foreshore reserves shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as a reserve for foreshore management and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.

s. Prior to the commencement of subdivisional works the Moore River South Foreshore Management Plan by Cardno (Version 5, dated 17 September 2014) is to be updated and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan by the landowner/applicant.

t. Local Development Plans being prepared and approved for proposed tourist accommodation, town centre and mixed business lots shown on the approved plan of subdivision to the satisfaction of the Shire of Gingin and Western Australian Planning Commission, that address the following:

i. building location, orientation and setbacks;

ii. building heights, scale and roof pitch;

iii. built form and design standards;

iv. external colours and materials;

v. curtilage, landscaping and fencing;

vi. vehicle parking and access;

vii. separation of land uses;

viii. integration of development into the landscape and topography and retention of vegetation; and

ix. any other siting and development matters considered relevant by the local government.

u. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply.

v. At all stages of subdivision, two different vehicular access routes are to be provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents and the public at all times and under all weather conditions.

w. The Bushfire Management Plan by Bushfire Prone Planning (version 1.0, dated 14 May 18) is to be updated to:

i. reflect the approved plan of subdivision;

ii. demonstrate the provision of two access routes at all stages of subdivision; and

iii. in the event a 25 metre wide asset protection zone (APZ) is proposed, the additional 5 or 7 metres of land needed to satisfy the BAL 12.5 requirement shall be encompassed on private land to ensure there is no maintenance burden placed on the Shire of Gingin.

x. A notification pursuant to section 70a of the *Transfer of Lands Act 1893* is to be placed on the certificate(s) of title of the relevant lots zoned residential where they abut or are Adjacent to mixed business zoned land. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are located in close proximity to mixed business zoned land and may be subject to amenity issues associated with commercial activities'

y. An amended staging plan is to be submitted to and approved by the Shire of Gingin, which outlines two different vehicular access routes to be provided at each stage. Staging of the subdivision shall generally be in accordance with the approved staging plan.

2. Authorise the Chief Executive Officer to amend, insert or delete conditions referenced in Part 1 of the recommendation, in consultation with the Western Australian Planning Commission should the need arise.

CARRIED UNANIMOUSLY

APPENDIX 1

20 September 2018

Mr Mark Johnston
Planning Officer, Land Use Planning
Department of Planning, Lands and Heritage
140 William Street
Perth WA 6000

Please note points 3 - 17 in this document are actually shown as 4 - 18 on Attachment 1

Dear Mark

RE: WAPC 156306 MOORE RIVER SOUTH

Further to recent CD+P communications with you and other DPLH personnel regarding your emailed initial comments on the Moore River South subdivision renewal, I am pleased to provide revised plans and a package of information relating to the points raised.

We have also taken the opportunity to make some other adjustments to the subdivision design in response to the altered coastal reserve and by way of subtle improvements to the layout. These are numbered on **Attachment 1** and explained below. Numbering relates to those shown on the plan.

1. Bushfire Risk. The subdivision plan has been amended to create a road reserve from Barragoon Road extension to connect to the existing road reserve for Goonamarra Road, as suggested. This road will be constructed to a trafficable by a two-wheel drive vehicle (eg: limestone or gravel) but it is not intended that the road will be sealed.

   With reference to proposed Asset Protection Zones described by cross-sections in the Bushfire Management Plan and concerns regarding the APZ in some situations extending into 'private land', there are two circumstances in which this could occur:

   - Between subdivision stages;
   - Adjacent to Rural and Urban Development zoned land outside the structure plan boundaries.

   The proposal is to achieve a 25 m wide APZ utilising the subdivisional road reserve (either 18m or 20m wide) plus 7m or 5m of crushed limestone from the edge of the road reserve into the adjacent land. This width exceeds the width of the statutorily required firebreak for land exceeding 4,000m² in area, and crushed limestone requires very minimal maintenance and is an effective firebreak. Moore River Company Pty Ltd is the owner of all of the 'private' land and intends to create the crushed limestone barriers on its land as part of the subdivision works.

   This solution was chosen instead of creating 25m wide reserves because these would be excessive when subsequent subdivision stages are built. The owner of the 'private' land has a legal obligation to maintain firebreaks on the perimeter of their land. Hence, the responsibility for maintaining the firebreak on the private land rests as it always has – with the owner of the private land. Please see **Attachment 2**.

   We request that modifications to the lodged BMP be required as a condition of subdivision approval.

2. Access to Indian Ocean Drive. We understand that Main Roads WA has expressed an objection to the proposal but the reasons for that objection have not been provided. From a conversation with Mr Mark Willson of the

S:\Word\CDP\MrcM\Sub\4. Correspondence - Reports\Correspondence\WRCMRSUB Subdivision Revisions CoverLetter 20180920.docx
28 BROWN STREET
EAST PERTH WA 6004
PO BOX 6697
EAST PERTH WA 6892
T +61 8 9325 0200
F +61 8 9325 4818
E info@creativedp.com.au
ACN 600 658 722
ABN 47 600 658 722
CD & P PTY LTD T/AS CREATIVE DESIGN + PLANNING

MRWA Geraldton office we understand that MRWA is planning other work along Indian Ocean Drive that may impact on the proposal for an intersection with Barragoon Road, but details have not been provided to which we are able to respond.

It is acknowledged that traffic conditions in the surrounding area may have changed since the Traffic Impact Assessment was completed and that an updated TIA is appropriate to address current traffic volumes and road planning on Indian Ocean Drive. Similarly, the nature of the intersection with Barragoon Road will need negotiation with and approval from MRWA and the Shire of Gingin. Given that neither organisation is yet unable to provide definitive advice on this point, we request that this be required as a condition of subdivision approval.

3. Coastal Foreshore Reserve. An amended coastal foreshore reserve is proposed that we consider meets the objectives of SPP 2.6 whilst retaining lot yield for the developer. The foreshore reserve has been enlarged from 25.8365 ha to 42.131 ha. This has been achieved in the south by bringing some of the previously proposed POS into the foreshore reserve. The new boundary curves in response to landform. In the north it was necessary to encroach into the proposed integrated tourism site; again, the new boundary responds to elements of landform and natural drainage.

   The justifications in response to the guidelines and criteria of *SPP 2.6 State Coastal Planning Policy* is contained in **Attachment 3.**

4. Rural Land. As requested we have reduced the number of rural lots from six to five by showing the amalgamation of proposed lots 1939 and 2286 on the originally lodged plans. The smallest of the proposed Rural lots is 72.145 ha as before, and the largest will now be 572.4302 ha. The Urban Development and Rural zoned land south of the approved structure plan area will now be in a single lot rather than two as had previously been approved. This addresses the expressed concern that an additional rural lot would have been created, potentially resulting in an additional dwelling being allowed.

5. Roundabouts. The diameters of all proposed roundabouts have been reduced. Previously all roundabouts had diameters of approximately 66m. These are now considered unnecessarily large and have been reduced to approximately 55m for proposed dual carriageway/boulevard streets and 42m for Neighbourhood Connector B streets.

   Allowance has been made for a future roundabout in the south-eastern most corner of the subdivision area, but it is not proposed to construct it at this time as it is not considered necessary. The location of the southernmost roundabout has been moved east to avoid the relocated foreshore reserve.

6. Residential Interface with Mixed Business. Concern was expressed at the potential conflict between residential and non-residential lots where proposed Residential zoned and Mixed Business zoned lots adjoin (a change from the 2014 approval in response to bushfire planning considerations).

   None of the residential lots in question is less than 900m² in area. It is our opinion that these lots are large enough to accommodate a significant setback from the common boundary with Mixed Business lots, which would provide an adequate separation with any non-residential use on those lots. It should be kept in mind that the objectives of the Mixed Business zone in the Shire of Gingin LPS No. 9 include (inter alia) to:

   - provide for a wide range of light and service industries, wholesale sales, showrooms, trade and services;

- allow for commercial and light industrial uses that are compatible with nearby uses; and
- ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

By contrast, the Industry Zone (which will not apply within Moore River South) includes the objective to:

- provide for industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.

Clearly, uses in the Mixed Business zone should not need to be isolated from residential uses. Furthermore, the intention stated in the Structure Plan (ODP) is to (inter alia) support home-based businesses and for Local Development Plans to be prepared to control the apportionment of areas for residential and business use on one lot.

Based on these points, we consider that there is little risk of incompatibility between land uses, and this can be further mitigated by LDPs for the Mixed Business lots, which would be prepared as a condition of subdivision before those lots are created.

7. Battleaxe Lots. The missing truncations have been shown on the revised plans.
8. On-Street Parking. We are content for preparation of a traffic management and parking strategy to remain as a condition of subdivision. It is more appropriate for this to be prepared when more information on the development that will take place on the relevant lots is available to accurately predict parking needs. On-street parking will be able to be accommodated within the indicated town centres due to the type of road reserve proposed, but details will be worked out with the Shire as detailed design advances.
9. Tourism Sites. The northern tourism site has been significantly reduced from 22.5539 ha to 16.265 ha as a response to the requirement to provide additional coastal foreshore reserve. The intention for the site has always been that the future 'resort' type facility would be integrated into the landscape and include conservation of vegetation and landform. The boundary between this site and the foreshore reserve has been redrawn based on landform and drainage requirements.

   The road between the 'resort' site and the proposed caravan park site has been straightened out to:

   - Create a more regular shaped lot for the caravan park and retain a similar area as before (5.239 ha);
   - Provide a view corridor to the ocean from the top of the hill;
   - Allow for relocation of residential lots displaced elsewhere, adjacent to the town centre.

   The foreshore reserve remains unchanged in width directly in front of the caravan park. The 20 m road reserve between the caravan park site and the foreshore reserve will continue to provide public access in the future should coastal processes result in the HSD line reaching the 2120 Vulnerability Line (current reserve boundary). The road may be 'sacrificial' in future as open space if necessary in the sense that it is determined not essential for vehicular circulation or access to the caravan park site (refer to **Attachment 3**).

   To off-set the loss of tourism land caused by the widening of the foreshore reserve into the northern tourism site, an additional (fourth) site has been created further south by relocating some residential lots, realigning

the coastal road and reconfiguring one of the other proposed tourism sites. The total area now proposed for tourism is 35.18 ha compared with 35.5934 ha originally.

10. Town Centre. The northern town centre remains primarily the same with some minor amendments in response to changes to the foreshore reserve. Three sites are still provided, but one road has been removed. The total area of this town centre is 3.4794 ha compared with 3.298 ha. The configuration will allow for retail development at each end of the larger site, with a shared central car park which will also allow for pedestrian passage through the combined site. This will be the subject of a separate Local Development Plan for the town centre.

    The two other town centres remain essentially unchanged except for minor adjustments to lot shape resulting from realignment of streets and reductions in the size of roundabouts. Total town centre site area is 1.238 ha compared with 1.262 ha previously.

11. Small Lot Residential Product. Some of the small lot product with rear laneway vehicular access (235m² – 550m²) has been relocated away from the ocean frontage to be closer to the northern town centre. This enables an increase of residential density and to provide more intensity urban character. The minor residential redesign provides better connectivity to the coast and a more efficient layout. The overall yield of this product type has been reduced by seventeen to 320 to accommodate this change.

12. Primary School. The primary school site has been reduced to 4.014 ha from 4.737 ha.

13. Community Purpose Sites. The previous location of the community purpose lots did not relate very well to the northern town centre. The design relocates the community purpose lots to the eastern side of 'Main Street' on either side of the road leading to the Stage 1 northern town centre where they will provide both an entry statement and an anchor for the main street. These are more appropriate uses at the main entry into the town centre than residential lots and are better able to respond to the roundabout at this intersection.

14. Public Open Spaces The number of POS has been increased. The increase of the foreshore reserve significantly reduced the area of POS proposed and some new areas have been created in response. Others have been relocated to provide better functionality and access. These are summarised in **Attachment 4**, which includes a revised POS plan. The creditable amount of POS has reduced but still exceeds 10%.

15. Road widths and alignments. The width of some 20 m road reserves for 'Access Streets' have been reduced to 18 m. This has allowed more land to be given to adjacent POS and development sites.

    The coastal road varies in width varies between 20m and 25m depending on whether it is adjacent to the foreshore reserve or POS on the seaward side. Where the foreshore reserve is adjacent to the road, the road reserve is 25m; where it is adjacent to POS it is 20m and the additional 5m to achieve BAL 12.5 on the residential land opposite will be managed within the POS.

16. Sewer Pump Station sites. Sewer Pump station sites have been provided within POS areas based on the preliminary sewer design. This has allowed us to take them into account in the revised area calculations.

17. Groundwater Treatment Plan site. A 7,000m² site has been created for the water treatment plant, adjacent to the existing production bore in the eastern part of the site.

Threatened Ecological Community

The Banskia Woodlands of the Swan Coastal Plan TEC was declared after the previous subdivision approval. We have now reviewed the relevant documents and existing environmental studies and are satisfied that the TEC is highly unlikely to occur within the proposed subdivision area and certainly not anywhere that would influence the configuration of the coastal reserve. We therefore consider that an EPBC Act referral is not required.

Attachment 5 provides a justification for this conclusion.

If necessary, we would be prepared to accept a condition requiring an environmental assessment and (if needed to establish certainty regarding whether any observed vegetation meets the criteria for an EPBC Act referral) a Spring survey prior to commencement of the area within proposed Stage 4, which is the only area affected by the subdivision that could possibly include this community. However, we do not believe that anything on site would meet the criteria for referral.

Conclusions

Updated statistics for the amended subdivision plan are provided in **Attachment 6.**

The amendments made to the subdivision plan are intended to satisfactorily respond to comments from DPLH at the same time as minimising the impact on yield for the developer. Considerable resources have been expended on technical studies based on the approved 2014 subdivision, primarily to address water supply and waste water treatment and disposal; further changes to the plan to address requirements that have arisen in the intervening period risk making much of that time and expenditure redundant. We trust that the plan adjustments and supporting information are sufficient for WAPC to issue a conditional approval to the proposal.

Please do not hesitate to contact Denise Morgan, Chee Mok or the undersigned of this office should you wish to discuss any aspects of the proposal further.

Yours faithfully

CREATIVE DESIGN + PLANNING

FRANK ARANGIO
MANAGING DIRECTOR

CC: Moore River Company Pty Ltd

Enc: Attachment 1: Amendments Plan
Attachment 2: Updated Bushfire Interface Management Plan
Attachment 3: Coastal Foreshore Justification
Attachment 4: Public Open Space Amendments
Attachment 5: Banksia Woodlands of the Swan Coastal Plain TEC assessment
Attachment 6: Updated Subdivision Statistics

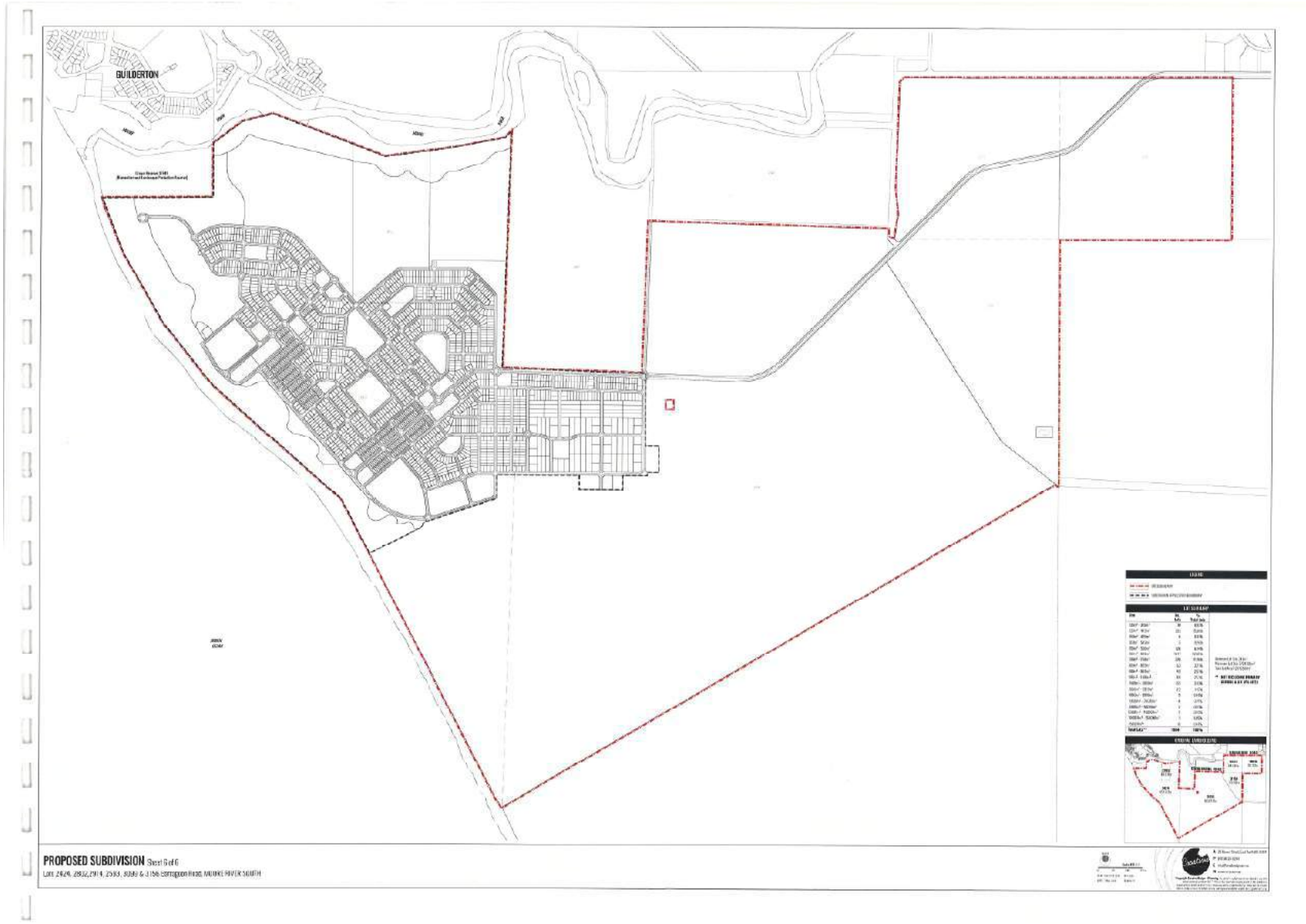
PROPOSED SUBDIVISION Sheet 1 of 6
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH

2802
2481
PROPOSED SUBDIVISION Sheet 2 of 6

2424
PROPOSED SUBDIVISION

PROPOSED SUBDIVISION

PROPOSED SUBDIVISION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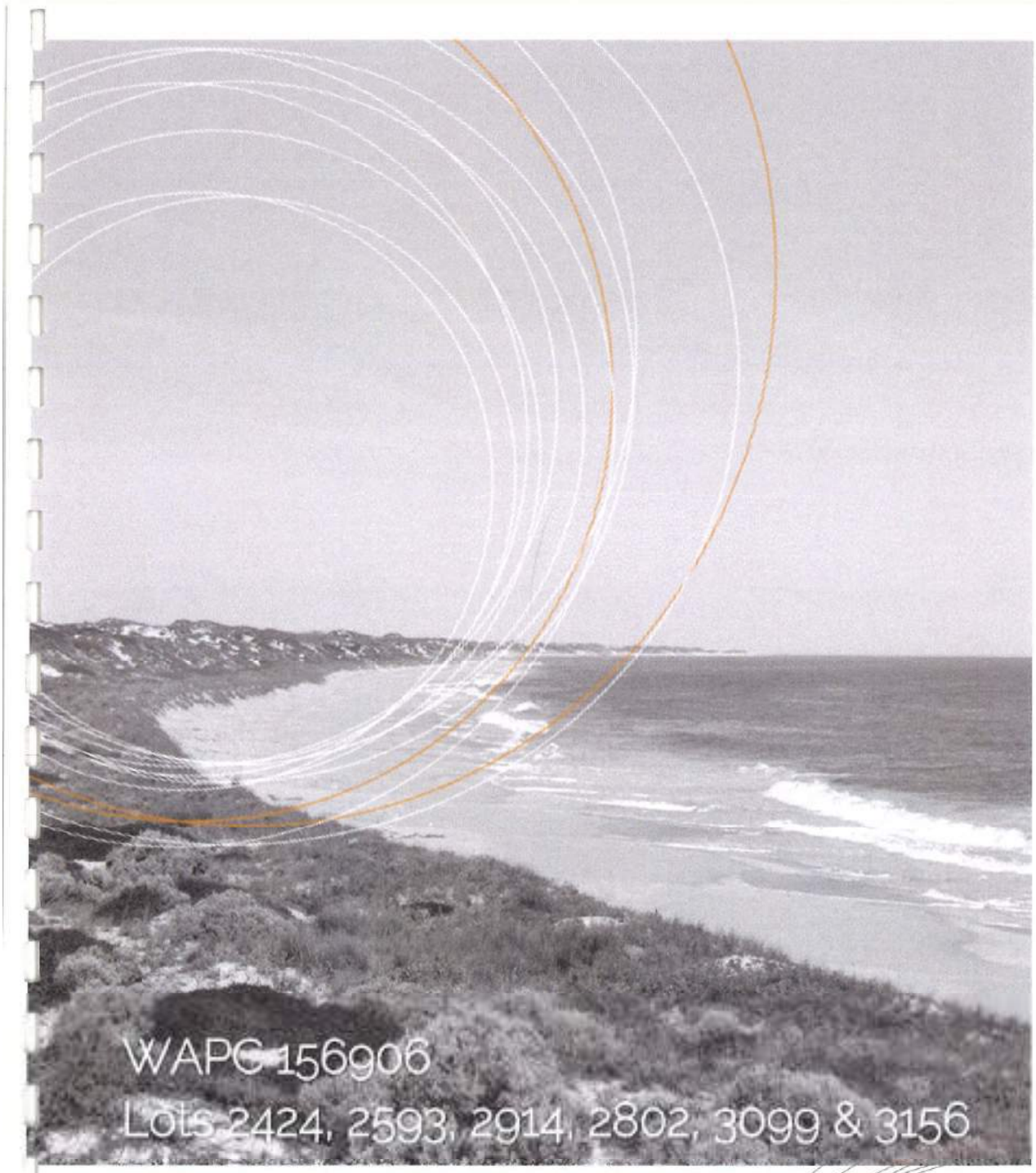
PROPOSED SUBDIVISION Stage 6 of 6
Lots 2626, 2632, 2914, 2593, 3080 & 3156 Lancelin Road, MOORE RIVER SOUTH



ATTACHMENTS TO RESPONSE TO DPLH COMMENTS ON SUBDIVISION APPLICATION

Prepared for Moore River Company Pty Ltd

September 2018

Creative DESIGN+PLANNING

ATTACHMENTS TO RESPONSE TO DPLH COMMENTS ON SUBDIVISION APPLICATION WAPC 156906

SEPTEMBER 2018

Prepared for:

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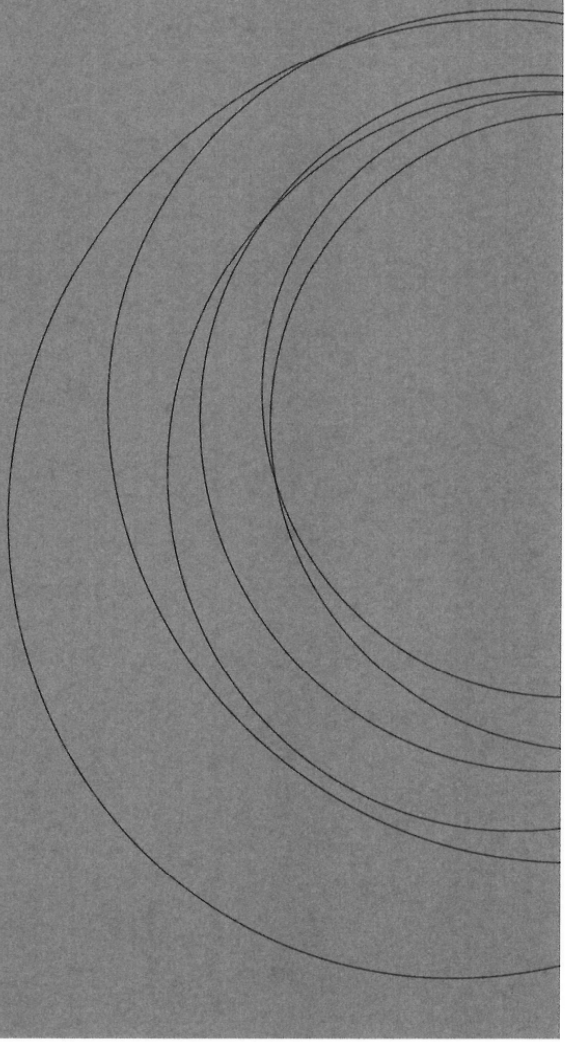
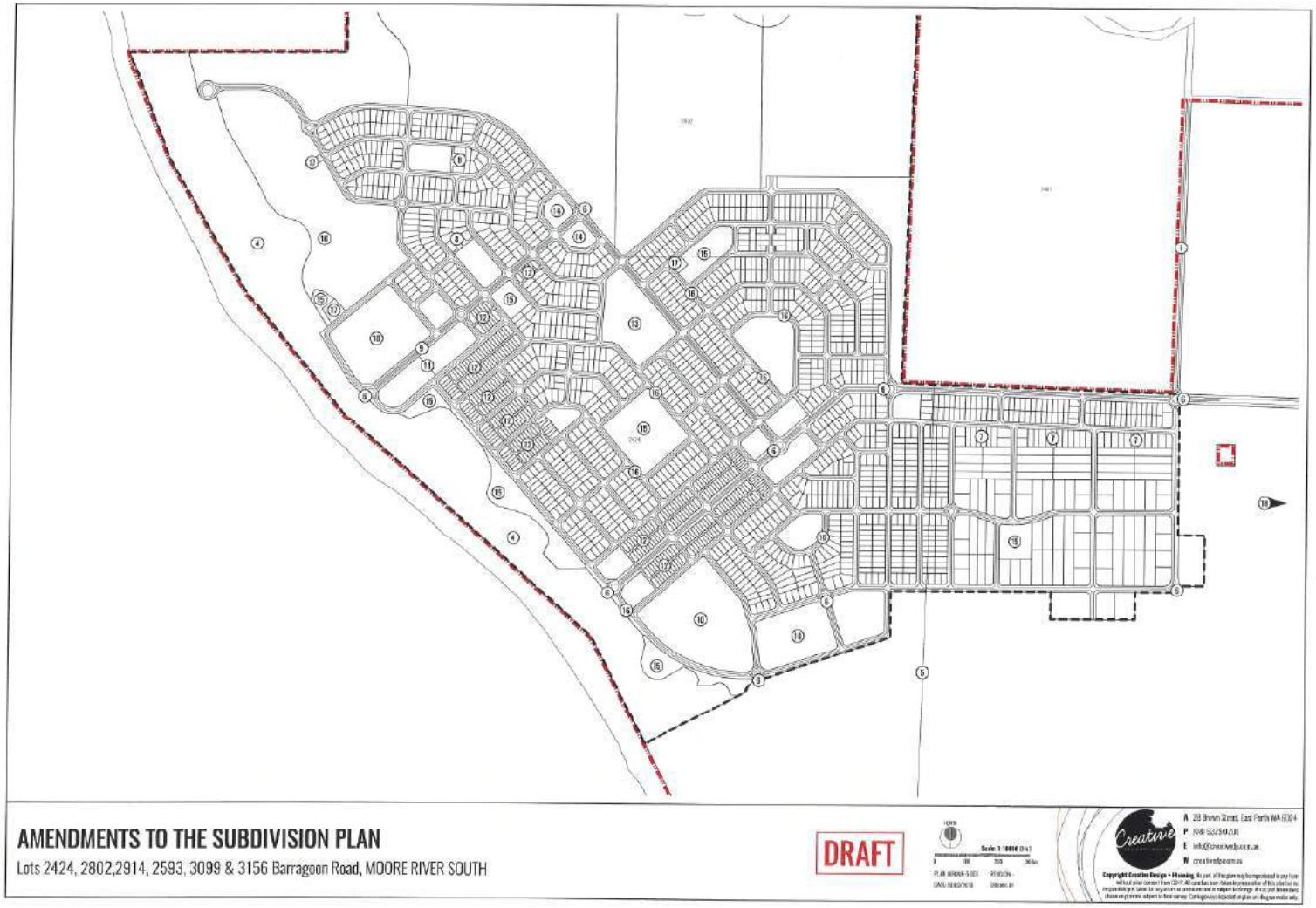
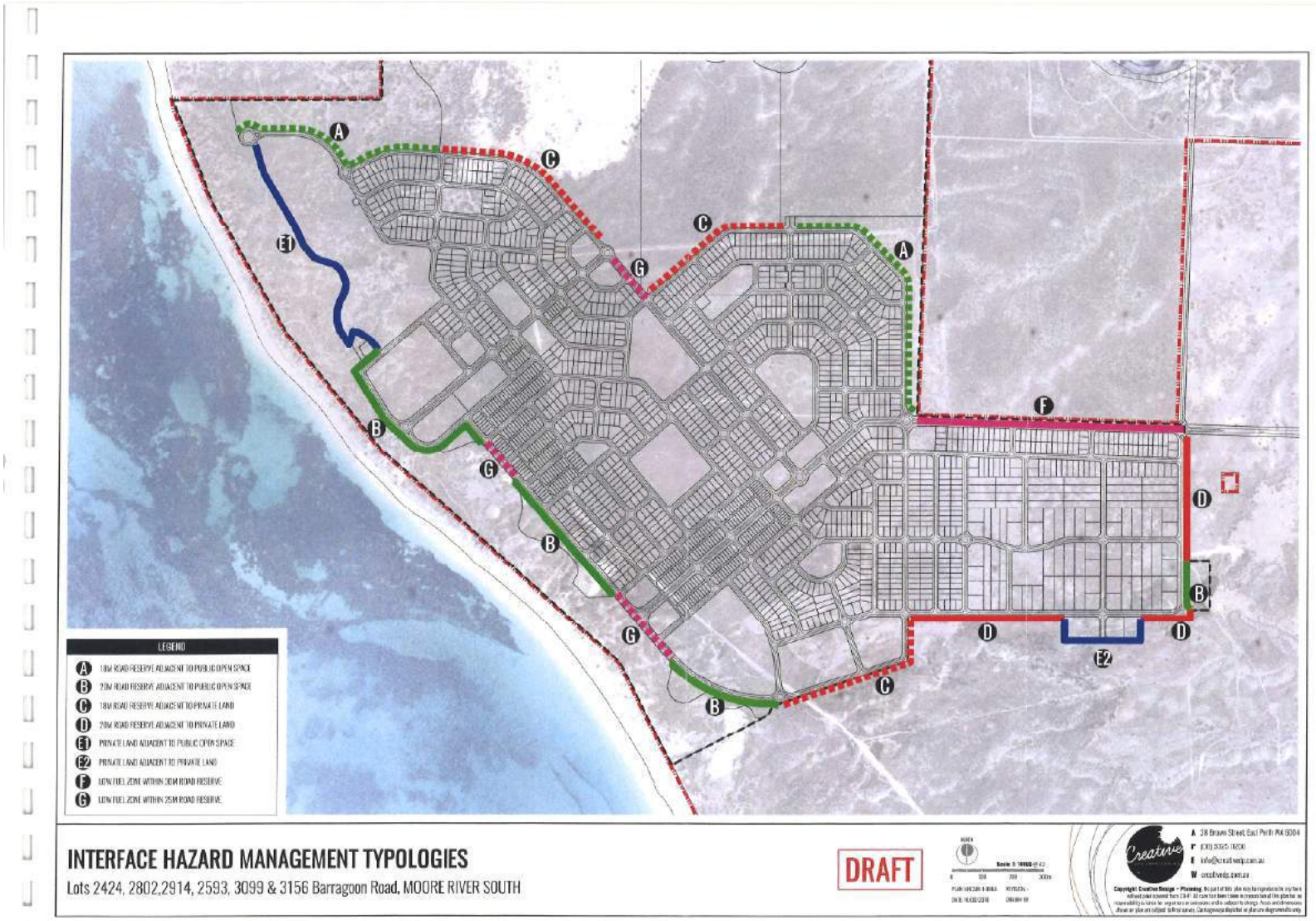
Attachment 2 Bushfire Interface Plan
Attachment 3 Coastal Foreshore Justification
Attachment 4 Public Open Space Amendments
Attachment 5 Banksia Woodlands of the Swan Coastal Plain TEC
Attachment 6 Updated Subdivision Statistics
Attachment 7 Revised Indicative Staging Plan

Attachment 1
Subdivision Amendments Plan




AMENDMENTS TO THE SUBDIVISION PLAN
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
DRAFT

Attachment 2
Bushfire Interface Plan


LEGEND
A 18M ROAD RESERVE ADJACENT TO PUBLIC OPEN SPACE
B 20M ROAD RESERVE ADJACENT TO PUBLIC OPEN SPACE
C 18M ROAD RESERVE ADJACENT TO PRIVATE LAND
D 20M ROAD RESERVE ADJACENT TO PRIVATE LAND
E1 PRIVATE LAND ADJACENT TO PUBLIC OPEN SPACE
E2 PRIVATE LAND ADJACENT TO PRIVATE LAND
F 60M FUEL ZONE WITHIN 30M ROAD RESERVE
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INTERFACE HAZARD MANAGEMENT TYPOLOGIES
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
DRAFT

Attachment 3
Coastal Foreshore Justification

Technical Memo

Coastal Foreshore Reserve

To:	Mark Johnstone, Department of Planning, Lands and Heritage
From:	Denise Morgan, Creative Design + Planning
Date:	20 September 2018
Job Code	MRCMRSUB
WAPC Ref	156906

In response to comments from DPLH, the revised coastal foreshore reserve has been increased. The current approved subdivision WAPC 150242 provides approximately 25.8 hectares of coastal foreshore reserve. The revised subdivision plan proposes an increase of the coastal foreshore reserve to 42.1 hectares being an increase of some 16.3 hectares. The rationale for the revised alignment is documented herein.

As set out in the Coastal Planning Guidelines, "in determining an appropriate foreshore reserve the intent is that all the values, functions and uses prescribed for current foreshore reserves today will be available at the end of the planning timeframe."

The *Moore River South Development - Foreshore Management Plan* prepared by Cardno and approved by the Shire of Gingin for the foreshore reserve shown in the approved 2014 subdivision WAPC 150242 addresses matters required to be considered in the creation of the revised foreshore reserve. It is noted that the approved Foreshore Management Plan was prepared in line with SPP 2.6 as it was in operation in 2014. The foreshore reserve was determined by the Coastal Development Setback Boundary which was consistent with the 2120 Vulnerability Line and the WAPC did not at that time require additional land to be provided.

This justification relates only to the additional land included in the revised foreshore reserve.

PROPOSED AMENDMENTS TO COASTAL FORESHORE

The new foreshore compared with the previously approved foreshore reserve is shown in **Attachment 1.**

- In the northern portion of the coastal foreshore area, being north of the neighbourhood coastal node, additional foreshore reserve has been provided by reducing the size of the adjacent Integrated Tourist Accommodation Site. The revised foreshore reserve boundary which delineates public and private land holding is site responsive. A minimum of 50 metres has been added to the existing foreshore reserve adjacent to the northern integrated tourist accommodation site, with the balance being up to 120 metres more to retain portions of the immediate Quindalup Dune (Q4) landform. The adjacent tourism site retains enough land to achieve the envisaged integrated holiday resort (tourist accommodation, resort, conference facilities), albeit on a more constrained site. The approved structure plan requires the preparation of 'Design and Settlement Guidelines' that, inter alia, "will require that any development in the northern holiday resort site will require consideration to the retention of vegetation and be designed sympathetically to the vegetation and topography of the site".
- The portion of foreshore reserve adjacent to the proposed Tourism Accommodation (Caravan Park) and Town Centre remains unchanged. The 20 metres coastal road reserve is outside the projected 2120 horizontal shoreline datum (HSD). It provides public access to the coast but is not vital for access to adjacent properties so can be considered to be 'sacrificial' beyond the planning timeframe. It can be closed and converted to POS

or foreshore reserve should the HSD reach a defined distance (it is noted that the draft 'Planned or Managed Retreat Guidelines' suggest 40 metres seaward of the HSD as an appropriate trigger for initiation of 'retreat' activity.

- This location is the primary focus for tourist and supporting commercial activity for which proximity to the beach is an important factor. All proposed development assets are outside of the foreshore reserve but will otherwise function as a 'coastal node' and it is for this reason that a further setback of these activities is not proposed. It is anticipated that the western part of the town centre land will accommodate restaurants and other more tourist/recreation-oriented retail taking advantage of the relative proximity to the beach.

  It should be noted that the lineal frontage of this 'node' to the coast has been reduced. The original frontage is approximately 360 metres and the revised frontage is approximately 300 metres. This is achieved by the reconfiguration of the Tourist Accommodation (Caravan Park) site, the Town Centre site and the reduced size of the round-a-bout adjacent to the foreshore reserve.

- To the south of the coastal node, the previously proposed 25.513 hectares Public Open Space has been amended to include additional land into the coastal foreshore reserve. The new meandering foreshore reserve boundary responds to topographic features and has resulted in between approximately 30 metres to 200 metres being added landward of the 2120 HSD. Some pockets of public open space are also created adjacent to the new foreshore reserve to provide passive recreation, public amenities sheltered from strong sea breezes, drainage, and strategic beach access. This design change to the coastal foreshore reserve also facilitated the consolidation of the public open space contribution for Moore River South Development. The existing subdivision plan provided approximately 29.28 hectares (12.8%) of creditable public open space contribution whereby the revised subdivision plan provides a reduced amount of 25.91 hectares (11.3%) of creditable public open space. The coastal road has been moved further west into part of the previously proposed public open space to balance the loss of land from the northern tourism site.

The beach at Moore River South is flanked by high dunes, which will be retained within the foreshore reserve. Photo source: Graeme Sampson

6. Coastal Processes

Coastal processes were modelled by MP Rodgers and Associates for the project and resulted in the delineation of the foreshore reserve shown in the approved structure plan and approved subdivision WAPC 150242, corresponding with the forecast 2110 HSD. The additional land provided is required primarily to ensure public ownership of land in the coastal reserve at the end of the planning timeframe.

CONCLUSION

Since commencement of planning for this project the foreshore reserve has been amended four times. We trust that the continued accommodation of the State's changing requirements for the coastal reserve is demonstration of the land owner's bona fides and commitment to achieving a quality coastal development to meet demand for coastal tourist accommodation as well as providing an alternative product for people wishing to live near the coast.

The revised boundary responds to topography, adjacent land uses and anticipated community amenities within and adjacent to the foreshore. It provides for a total coastal foreshore reserve of 42.13 ha, an increase of 16.3 hectares from the initially lodged plan of subdivision in 2014, that will ensure that land in public ownership remains beyond the coastal processes line at the end of the planning timeframe. This will allow continuation of the various functions of the coastal reserve.

Importantly, additional width beyond the 2120 HSD of between 30 metres and 200 metres on either side of the coastal node will be available to preserve the existing aesthetics and accommodate the relocation of any public facilities or assets provided within the foreshore reserve should the need arise.

Regards

DENISE MORGAN RPIA (Fellow)
SENIOR PLANNER

Attachment 1: Foreshore Reserve comparison

LEGEND
PUBLIC OPEN SPACE
FORESHORE RESERVE
2120 VULNERABILITY LINE
EXISTING FORESHORE
PROPOSED FORESHORE

Attachment 4
Public Open Space Amendments

PUBLIC OPEN SPACE
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
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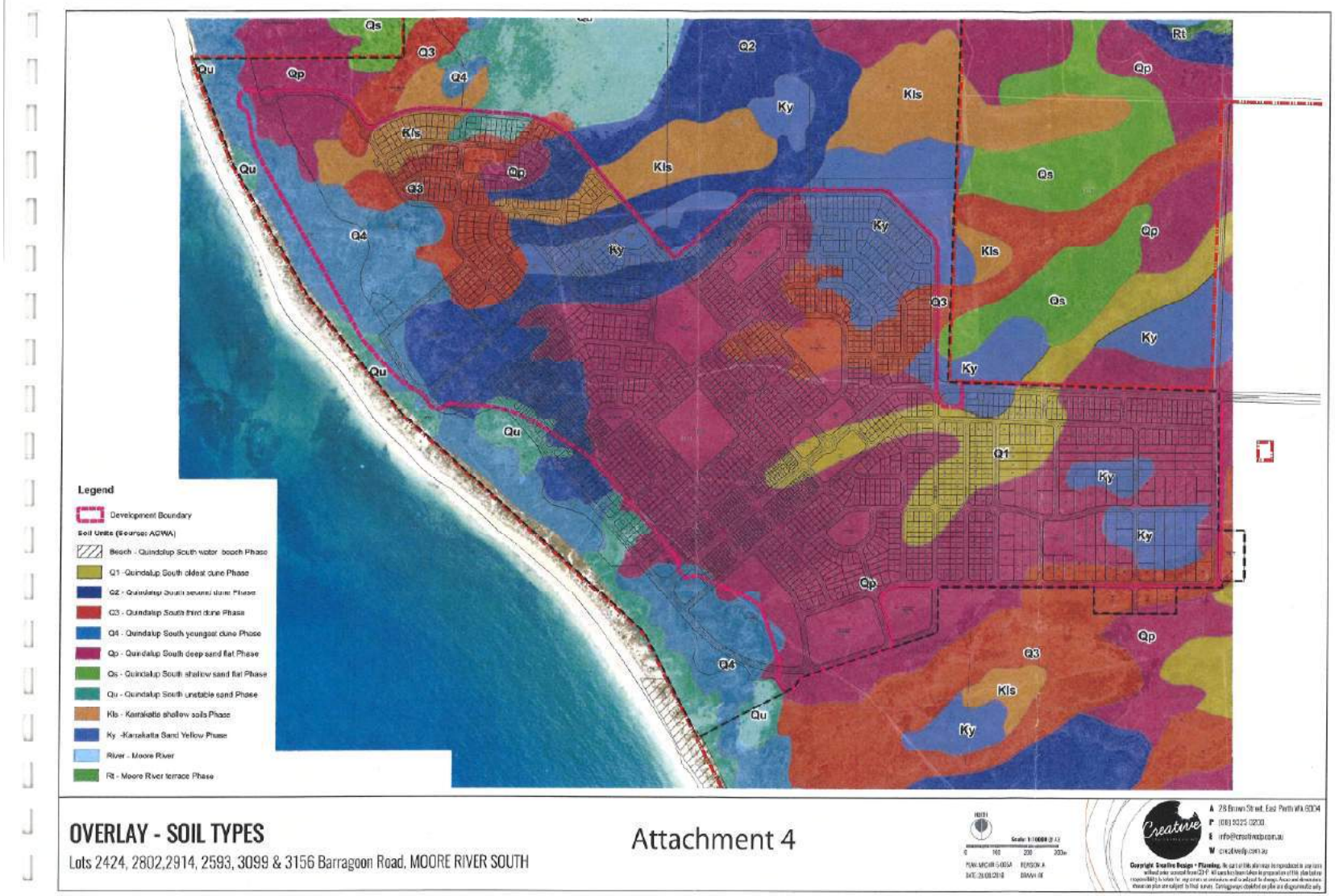
Legend
Development Boundary
Soil Units (Source: AGWA)
Beach - Quindalup South water bearch Phase
Q1 - Quindalup South oldest dune Phase
Q2 - Quindalup South second dune Phase
Q3 - Quindalup South third dune Phase
Q4 - Quindalup South youngest dune Phase
Qp - Quindalup South deep sand flat Phase
Qs - Quindalup South shallow sand flat Phase
Qu - Quindalup South unstable sand Phase
Kls - Karrakatta shallow soils Phase
Ky - Karrakatta Sand Yellow Phase
River - Moore River
Rt - Moore River terrace Phase
OVERLAY - SOIL TYPES
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
Attachment 4

ORTHOPHOTO
Attachment 5

Attachment 6
Updated Subdivision Statistics

Technical Memo

Subdivision Statistics

To:	Mark Johnstone, Department of Planning, Lands and Heritage
From:	Denise Morgan, Creative Design + Planning
Date:	20 September 2018
Job Code	MRCMRSUB
WAPC Ref	156906

In response to comments from DPLH, various amendments have been made to the subdivision plans lodged on 29 June 2018. To assist with assessment of the amended plan, updated data is provided herein.

Lot Yield Statistics

Table 1: Residential Lot Breakdown

RESIDENTIAL LOT YIELD			LOT AREA		
Size (m²)	No. Lots	% Total Lots	Average Size (m²)	% of Total rea	Area (m²)
235 - 319	18	0.98	259	0.40	4,663
320 - 449	293	15.92	353	8.98	103,700
450 - 499	6	0.33	472	0.25	2,832
500 - 549	5	0.27	520	0.23	2,601
550 - 699	1,137	61.79	640	63.06	728,316
700 - 799	220	11.96	724	13.80	159,429
800 - 899	63	3.42	840	4.59	52,962
900 - 999	49	2.66	947	4.02	46,423
1,000 – 1,499	49	2.66	1,103	4.68	54,053
Total Lots	1,840				1,154,979

- Minimum Lot Size 241 m²
- Maximum Lot Size 1,384 m²
- Average Lot Size 627 m²

Table 2: Industrial (Mixed Business) Lot Breakdown

INDUSTRIAL LOT YIELD			LOT AREA		
Size (m²)	No. Lots %	Total Lots	Average Size (m²)	% of Total Area	Area (m²)
1,999 – 2,999	65	73.86	2,596	67.67	168,781
3,000 – 3,999	23	26.14	3,506	32.33	80,642
Total Lots	88				249,423

- Minimum Lot Size 2,175 m²
- Maximum Lot Size 3,756 m²
- Average Lot Size 2,834 m²

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Table 7: Public Open Space Type and Staging

POS NO.	TYPE	DEVT STAGE	POS AREA (HA)
-	River Foreshore	1	22.213
-	Ocean Foreshore	1,2,3,6	42.134
1	Conservation POS and drainage	1	12.06
2	Conservation POS	2	1.049
3	Park and drainage	2	0.3617
4	Park, vegetation retention and drainage	2	1.143
5	Park and drainage	1	0.7864
6	Park and drainage	1	0.6289
7	Park and drainage	1,3	2.43
8	Park and vegetation retention	1	0.5365
9	Park (active recreation)	3	3.76
10	Park, vegetation retention and drainage	4	1.54
11	Park and vegetation retention	4	5.5
12	Park (active recreation) and vegetation retention	4	2.91
13	Park and vegetation retention	3	0.5402
14	Park and drainage	5	0.6141
15	Park and vegetation retention	6	1.12
16	Park and drainage	6	1.58
17	Park and drainage	6	1.09
18	Park and drainage	6	1.28
Total POS including Foreshore			103.2768

Regards

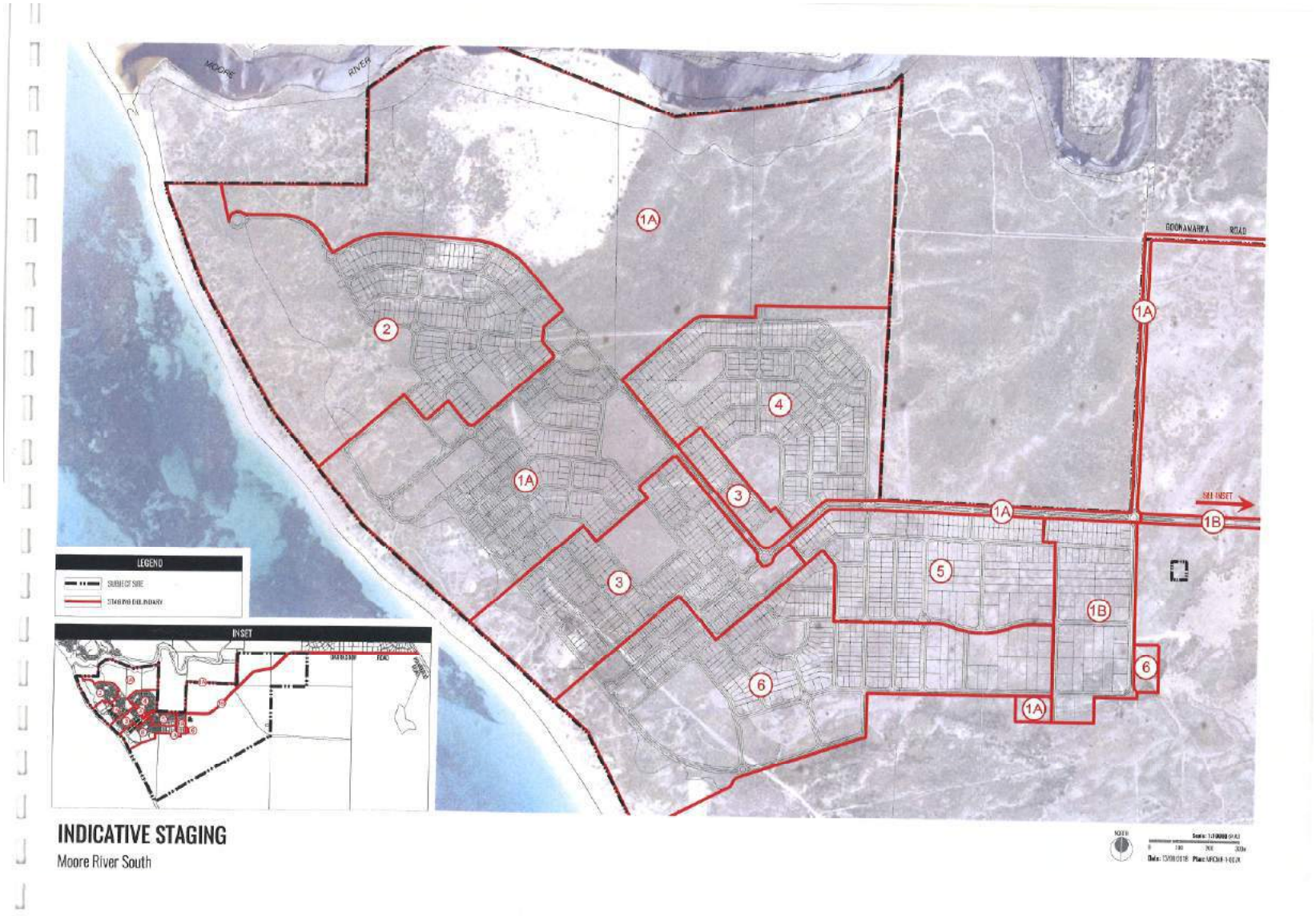
DENISE MORGAN RPIA (Fellow)
SENIOR PLANNER

Public Open Space

Table 6: Public Open Space Provision

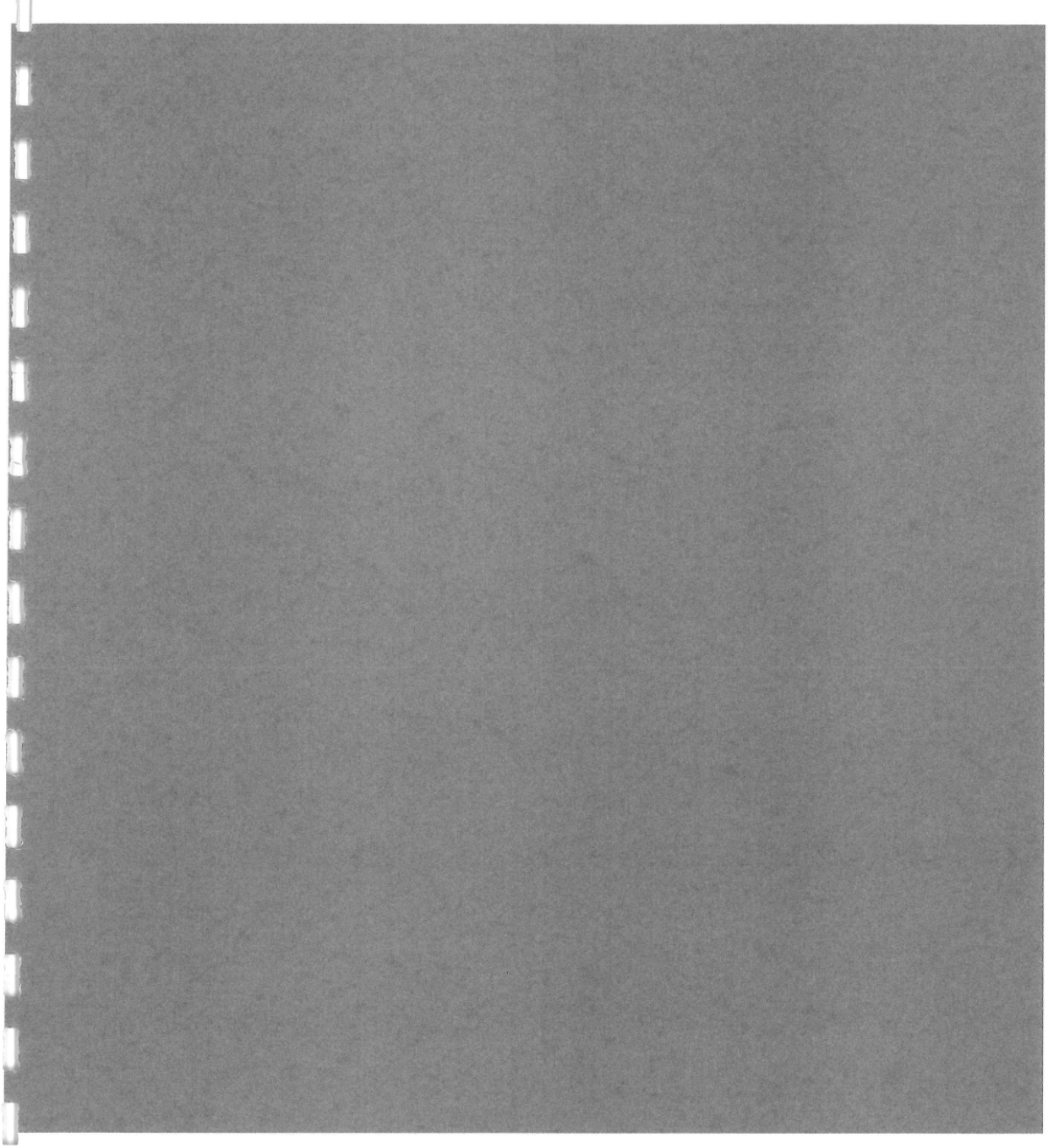
PUBLIC OPEN SPACE SCHEDULE CALCULATION MOORE RIVER SOUTH	
Gross Site Area (ha)	**1,433.02**
Minus Deductions	
1:1yr Drainage	1.9395
Foreshore (Moore River)	22.214
Foreshore (Indian Ocean)	42.0956
Primary School	4.010
Council Depot and Emergency Services sites	1.016
Tourist sites	35.180
Mixed Business R5	24.942
Community Sites	1.238
Neighbourhood Commercial	6.900
Infrastructure (WWTP)	1.033
Sewer Pump Station	0.457
Groundwater Treatment Site	0.700
Surplus Restricted Open Space	11.423
Balance/residual lots	1051.159
Total Deductions	**1204.307**
Gross Subdivisible Area	**228.713**
Maximum 20% Restricted POS	4.574
Minimum 80% Unrestricted POS	18.297
10% POS Requirement	**22.871**
POS Provision	
Gross Public Open Space Provision	**36.9903**
Restricted POS Provision	
1:5yr Drainage	4.629
Conservation	0.174
Total Restricted POS	**4.803**
Creditable Restricted POS Provision	**1.803**
Surplus Restricted POS Provision	11.65125
Total Gross POS	**41.793**
Total Gross POS (%)	**11%**
Overprovision of POS	**2.47**

Attachment 7
Revised Indicative Staging Plan



INDICATIVE STAGING

Moore River South



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Attachment 5

Banksia Woodlands of the Swan Coastal Plain TEC

Technical Memo

Banksia Woodlands TEC at Moore River South

To:	Mark Johnstone, Department of Planning, Lands and Heritage
From:	Denise Morgan, Creative Design + Planning
Date:	20 September 2018
Job Code	MRCMRSUB
WAPC Ref	156906

In September 2016 the Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community was declared under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This declaration post-dates the approved Structure Plan and 2014 subdivision approval for Moore River South so was not addressed in of the environmental studies prepared for the site.

This document assesses the likelihood of the TEC occurring on the site to an extent that would trigger a referral under the EPBC Act.

1 Mapping

Indicative mapping of where TEC distribution available from the Department of Environment and Energy website[1] is clearly based on aerial photography. The mapping identifies areas where the community is 'likely' to occur, whilst the entirety of the rest of the Swan Coastal Plain is identified as 'may occur'.

An accurate overlay of this map onto an aerial photo of the subdivision area is possible due to the clear landmarks visible on the TEC map, despite its scale (refer to **Attachment 1**). It is evident that the 'likely to occur' classification corresponds to areas of obvious vegetation coverage. None of these affect the subdivision area.

Conclusion: No parts of the subdivision area have been identified as 'likely to occur' for the Banksia Woodlands of the Swan Coastal Plain TEC.

2 Woodlands

As described by the Department of Environment and Energy website[2]:

"The term woodland is generally used in Australia to describe ecosystems which contain widely spaced trees, the crowns of which do not touch (Yates & Hobbs 1997). In temperate Australia, woodlands are mainly dominated by Eucalyptus species. Temperate woodlands occur predominantly in regions with a mean annual rainfall of between 250-800mm, forming a transitional zone between the higher rainfall forested margins of the continent and the shrub and grasslands of the arid interior (Beadle 1981)."

The Bushfire Management Plan[3] prepared for the subdivision application classified vegetation within 150m of the site in accordance with *AS 3959-2009*. One area of Class B Woodland was identified north of the proposed development area within Crown Reserve 17949 and adjacent proposed conservation public open space. The remaining perimeter areas were classed as either Class C Shrubland or Class G Grassland. See **Attachment 2**.

---

[1] http://www.environment.gov.au/biodiversity/threatened/communities/pubs/131-indicative-distribution-map.pdf
[2] http://www.environment.gov.au/land/woodlands accessed 30/08/18.
[3] Bushfire Prone Planning 2018, *Bushfire Management Plan (Subdivision Application) Moore River South*, unpublished report prepared for Moore River Company Pty Ltd.

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Conclusion: **No area of vegetation fitting the 'Woodlands' description is located within the subdivision area.**

3 Environmental Surveys

The Moore River South development has a long history and there have been several flora and fauna surveys undertaken since 1993. The Structure Plan (ODP) area was modified from an original boundary approved in 2000 to the current boundary generally described by the extent of development area shown on the current subdivision application.

South Guilderton Environmental Assessment 1993

Alan Tingay and Associates undertook a flora and vegetation assessment for the site in 1993[4] to support the original ODP (2000). This assessment involved botanical field work. The mapping from this work overlaid on the current subdivision application is provided as **Attachment 3.** It shows four areas of *Banksia attenuata* vegetation within the survey area (which also included Lot 2481, owned by others and outside the subdivision area). Matched against aerial photography it is evident that a fenced area north of an existing track corresponds with the largest of these mapped areas. This area is partly contained on a proposed balance lot outside the Structure Plan area. A small sliver is contained within a proposed area of POS.

Tingay's report states, inter alia, "Where the Spearwood sand covers the limestone, *Banksia attenuata* Low Woodlands predominate. These areas area located in isolated patches of the inland area. *Banksia prionotes* is also found amongst the *B. attenuata* Woodlands in places." **The inland area referred to is the area that has been removed from the Structure Plan area and is therefore not affected by this subdivision application.**

Moore River South Vertebrate Fauna Survey 1997

Alan Tingay and Associates undertook a fauna survey in 1997 at sites within the main habitat areas, identified using a combination of vegetation formation, association and plant floristics. The report describes Banksia communities as occurring within 'Sand over Limestone' habitats, as follows. The vegetation associations are the same as mapped in **Attachment 3.**

> *Banksia attenuata* Low Woodlands and *Eucalyptus gomphocephaia* (Tuart) Woodlands predominate areas on deeper Spearwood Sand over limestone.
>
> *Banksia* woodland areas are located in isolated patches further inland in the central and eastern portion of the ODP area and property. *Banksia prionotes* is also prominent amongst the *B. attenuata* woodlands and dominates some small areas of Banksia woodland in places, Tuart woodland with trees up to 20m tall occur in ODP area and adjacent Reserve mainly in one woodland west of the large sand blowout. The understorey of the Tuart Woodland in these areas consists mainly of an *Allocasuarina lehmanniana* Shrubland. Stands of Tuarts are also present outside the ODP area, in the eastern portion of the property, however, the understorey in these areas is generally absent or degraded and largely replaced by pasture.

Two survey sites within this habitat type are described in detail, as follows:

> Site B1: Sand Over Limestone: *Banksia attenuata / Banksia prionotes* Woodland.
>
> Stratum 1: 3-6m tall, 10-30% canopy cover, Banksia attenuata and B. prionotes.
>
> Stratum 2: 1 – 1.5m tall, 30-70% canopy cover, *Melaleuca acerosa, Calothamnus quadrifidus, Hemiandra pungens, Grevillea* sp, and other shrubs.

---

[4] Alan Tingay & Associates 1993, *South Guilderton Environmental Assessment,* unpublished report, for Moore River Company Pty Ltd.

Stratum 3: 0.5m tall, 30-70% canopy cover, mixed shrubs including *Lomandra* sp, and *Conostylis* sp, Soil: grey-brown sand. Leaf-litter: 70% cover narrow leaves and twigs, and small logs, 3-5cm deep clumped to 10cm under trees.

Site B2: Sand Over Limestone: Banksia prionotes Woodland Similar to Site B1 except lacking Banksia attenuata.

According to the survey results the richest assemblage of vertebrate fauna is supported in Tuart Woodland (44 species) and Banksia Woodland (40 species). The number of species detected within the Tuart Woodland habitat type, however, includes 15 species which were only detected at Site T3 which lies outside of the Moore River South subdivision area. The report concluded that the proposed development of Moore River South will have minimal effect on the conservation status of any of the vertebrate fauna occurring in the area. The vast majority of species recorded are known to occur at other sites within the region and many are present within more secure habitats at Yanchep National Park and the Wilbinga reserve which contain similar coastal habitats.

The significance of this report to the matter of the Banksia TEC is that the identified areas of Banksia Woodland are outside the development area.

Moore River South Environmental Update Report 2003

The 1993 assessment was updated in 2003 by ATA Environmental[5] as part of the Moore River South Environmental Report Update. This involved desktop assessment only and was intended to support the subdivision proposed at the time, which covered approximately 60ha in a location approximating Stages 1 and 2 of the current application. **The report concluded that that subdivision would not have a detrimental impact on any environmentally significant features and was therefore environmentally acceptable.**

Moore River South – Flora and Vegetation Assessment 2010

Cardno prepared this report in support of the current Structure Plan. This work included Spring surveys. Cardno used a different classification of vegetation communities but generally corresponded with those identified by Tingay in 1993. Two plant communities were identified that may contain *Banksia* species, being communities MsAlSg (*Melaleuca systena/Melaleuca lasiocarpa* Heath over limestone) and MsAlAp (*Melaleuca systena/Melaleuca lasiocarpa* and *Spyridium globulsoum* Heath to Scrub on Quindalup dunes). Refer to **Attachment 4.** Relevant extracts of the community descriptions are as follows:

> ***MsAlSg**: 'occasional pockets of Low Woodland B of Banksia attenuata over Open Herbs of Lomandra maritima, Parietaria debilis, Phyllanthus calycinus, Poranthera microphylla, Senecio pinnatifolius and Trachymene Pilosa.'*
>
> ***MsAlAp**: Low Heath B of Melaleuca systena, Acacia lasiocarpa, Acanthocarpus preissii and Calothamnus quadrifidus with occasional pockets of Low Woodland B of Banksia attenuata or Thicket to Scrub of Acacia rostellifera in the swales over Open Herbs of Conostylis candicans, Desmocladus asper and Heliophila pusilla, Lepidosperma pubisquameum, Bromus diandrus and Poa porphyroclados on cream-grey shallow sands over limestone.'*

As noted by the Bushfire Management Plan, only one area of Class B Woodland was identified, with most of the remnant vegetation areas being classified as Class C Shrubland (**Attachment 2**). The Cardno classifications are indicated on **Attachment 4.**

[5] ATA Environmental 2003, *Moore River South Environmental Update Report,* unpublished report, for Moore River Company Pty Ltd.

Cardno identified that vegetation within the fenced off foreshore areas is generally in pristine – excellent condition, whereas vegetation east and south of the fenced off areas is in variable condition due to grazing and regular burning practices.

Fauna Habitat Impact Assessment 2010

In his report "Moore River South – Fauna Habitat Impact Assessment" in July 2010 for Cardno[6], zoologist and environmental scientist Greg Harewood observed that:

> "The adjustment to the ODP area has in particular resulted in the retention of areas of *Banskia attenuata, B. Sessilis* and *Allocasuarina lehmanniana* scrub outside the area proposed for development, and design of the ODP retains areas of Tuart woodland and *Allocasuarina lehmanniana* scrub in POS."

Plate 1 is a photograph of this excluded Banksia woodland mentioned in that report, which is now outside the proposed development area. Other photographs (Plates 2 – 4) illustrate other parts of the site.

Bushfire Management Plan (Subdivision Application) Moore River South 2018

Although not a vegetation survey per se, the BMP prepared to accompany the subdivision application included and mapped site photography that clearly shows the type of vegetation present across the site, including locations where Banksia Woodland, if present, would be visible. The only woodland photographed is within or adjacent to Crown Reserve 17949, within conservation POS. **Attachment 2** shows how the vegetation within the subdivision area was classified for the purposes of bushfire planning. Note that although some aspects of the subdivision design have now changed in response to DPLH comments, the boundaries of the subdivision remain the same and the classification of vegetation is current.

Conclusion: **This combination of evidence suggests that Banksia Woodland is not present within the development area.**

4 EPBC Act TEC Key Diagnostic Characteristics

The first step to determining whether a referral under the EPBC Act is required is to use the key diagnostic characteristics to determine if the ecological community is present. Based on guidance provided by the *'Banksia Woodlands of the Swan Coastal Plain ecological community - Guidance for referrals under the Environment Protection and Biodiversity Conservation Act 1999'*, an assessment of the likelihood of the Banksia Woodlands TEC occurring within the Moore River South subdivision has been undertaken.

The following table identifying the key stages of assessment is adapted from the guidance document. (emphasis from original document).

Key diagnostic characteristics	• Must meet these characteristics to be considered the Banksia Woodlands TEC. • If the key diagnostic characteristics are met, the additional information should be provided for consideration.
Additional information	• Define the condition, size, sub-community and specific characteristics of the ecological community.
Significant impact guidelines	• Discuss the likelihood that the proposed action has a real chance or possibility in resulting in a significant impact. • Impacts expected need to be explained and, to the extent possible, quantified.

[6] Harewood, Greg. July 2010. *Fauna Habitat Impact Assessment Proposed Subdivision Moore River South* Version 4.

The following table summarises the key diagnostic characteristics identified in the EPBC Act conservation advice against the subdivision proposal area.

Table 1: Assessment against key diagnostic characteristics

Description	Information	Key diagnostic questions	Site
Location and physical environment	Bioregion See **Attachment 1** – Swan Coastal Plain	Is the proposal site within the Swan Coastal Plain IBRA bioregion (including Dandaragan plateau), or adjacent areas within the Jarrah Forest IBRA bioregion? • The Banksia Woodlands ecological community primarily occurs in the Swan Coastal Plain IBRA bioregion, which covers the coastal plain from around Jurien Bay south, through Perth, to around Dunsborough.	• Yes, located in the Swan Coastal Plain IBRA region.
Soils and landform	Soil type See **Attachment 5** – Soils Map.	Is the soil type consistent with where the Banksia Woodlands TEC may occur? • The Banksia Woodlands ecological community typically occurs on well drained, low nutrient soils on sandplain landforms, particularly deep Bassendean and Spearwood sands and occasionally on Quindalup sands.	• The site is comprised largely of Quindalup sands. Descriptors relating to the mapped soil types identifies only one, Ky (Karrakatta Sand Yellow Phase) as being likely to support Banksia species woodlands (refer footnote[7]). The occurrence of this soil type on site corresponds well with the areas of *Banksia* mapped by Tingay.
	Location in the landscape, topography See **Attachment 6** - Orthophoto	Is the topography consistent with where the Banksia Woodlands TEC may occur? • Banksia Woodlands typically occur on the tops and slopes of sand dunes, but do not occur on clay flats. • The extent to which *Banksia attenuata* in particular is groundwater dependent decreases with	• The landform is undulating sand dunes. Tingay's areas of Banksia woodlands occur on slopes with a western aspect. • Groundwater in the vicinity of the mapped Banksia is between 20m and 30m deep. Groundwater in

[7] Sp__Ky: Karrakatta Sand Yellow Phase; Low hilly to gently undulating terrain. Yellow sand over limestone at 1-2 m. Banksia spp. woodland with scattered emergent *E. gomphocephala* and *E. marginata* and a dense shrub layer. http://www.asris.csiro.au/mapping/viewer.htm accessed 29/08/18.

Description	Information	Key diagnostic questions	Site
		increasing water table depth, and this species is generally unable to access groundwater in areas where the water table depth is more than about 30 metres	the north-eastern area of MsAISg vegetation (Cardno) is generally 30m and deeper.
Structure	Tree composition, understory composition, diversity, species. (see **Attachments 2, 3** and **4**)	Is the structure consistent with the characteristics set out in the conservation advice? • The structure of the ecological community is a low woodland to forest with these features: o A distinctive upper sclerophyllous layer of low trees1 (occasionally large shrubs more than 2 m tall), typically dominated or codominated by one or more of the *Banksia* species identified below; AND o Emergent trees of medium or tall (>10 m) height *Eucalyptus* or *Allocasuarina* species may sometimes be present above the *Banksia* canopy; AND o An often highly species-rich understorey that consists of: ▪ a layer of sclerophyllous shrubs of various heights; and, ▪ a herbaceous ground layer of cord rushes, sedges and perennial and ephemeral forbs, that sometimes includes grasses. The development of a ground layer may vary depending on the density of the shrub layer and disturbance history.	• There is one area of vegetation classified as woodland within the subdivision area, located north of the proposed development area. • There are few tall trees on the site apart from tuarts located in the existing and proposed POS at the northern extremity of the site. One area mapped as *E. gomphocephala* (tuart) and *Allocasuarina lehmanniana* (she-oaks) is identified for retention within POS (see **Attachment 4**) as it contains potential Black Cockatoo habitat. • Much of the site is cleared grazing land. Any remnant trees are isolated with no understorey (see **Plate 2**). • In two sites mapped by Cardno as containing specimens of *B. attenuata*, just three of the species listed in the conservation advice as being "Key species in the sclerophyllous shrub layer" and "Key species in the herbaceous ground layer" were identified.

Description	Information	Key diagnostic questions	Site
Composition		Is the structure consistent with the characteristics set out in the conservation advice? • The canopy is most commonly dominated or co-dominated by *Banksia attenuata* (candlestick banksia, slender banksia) and/or *B. menziesii* (firewood banksia). Other Banksia species that dominate in some examples of the ecological community are *B. prionotes* (acorn banksia) or *B. ilicifolia* (holly-leaved banksia); AND • The patch must include at least one of the following diagnostic species: o *Banksia attenuata* (candlestick banksia) o *Banksia menziesii* (firewood banksia) o *Banksia prionotes* (acorn banksia) o *Banksia ilicifolia* (holly-leaved banksia); *AND* • If present, the emergent tree layer often includes *Corymbia calophylla* (marri), *E. marginata* (jarrah), or less commonly *E. gomphocephala* (tuart); AND • Other trees of a medium height that may be present, and may be codominant with the Banksia species across a patch, include *E. todtiana* (blackbutt, pricklybark), *Nuytsia floribunda* (Western Australian Christmas tree), *Allocasuarina fraseriana* (western sheoak), *Callitris arenaria* (sandplain cypress), *Callitris pyramidalis* (swamp cypress) and *Xylomelum occidentale* (woody pear); AND	• *Banksia attenuata* species were mapped by Tingay in 2003, mainly outside the proposed subdivision area but one section north of a track slightly overlaps the proposed subdivisible area on proposed Lot 1940 (see attached Plan 4) and corresponding with an area mapped as soil type Ky. • Specimens of *B. attenuata, B. menziesii and B. prionotes* were all identified in a flora survey by Tingay in 1993 within the development area, however only *B. attenuata* was identified in the Cardno spring survey undertaken in 2009. • Tuart has been identified in the north of the site only. It is to be included within public open space. No jarrah or marri has been identified. • Apart from *Nuytsia floribunda*, none of these species have been identified on site.

Description	Information	Key diagnostic questions	Site
		The understorey typically contains a high to very high diversity of shrub and herb species that often vary from patch to patch.	

Conclusion: The general absence of areas of woodland within the subdivision area, the limited specimens of *Banksia* identified in two past flora surveys, and the absence of common codominant species suggests that the TEC is not present.

Plate 1: Viewed from Guilderton on the north side of the Moore River, a canopy of Tuart can be glimpsed. These trees can be easily seen on aerial photography and are located outside the development area. Photo source: Cardno. 31/03/2010.

Plate 2: Example of remnant tree on cleared land, which comprises most of the development site. Photo source: Cardno. 07/09/2009

Plate 3: Banksia species located north of a track and fence line defining the edge of proposed Lot 1940 (balance lot) and adjacent proposed public open space, corresponding with Ky soil type in proposed Stage 4. Photo source: Cardno (09/09/2009)

Plate 4: *Banksia attenuata/prionotes* Low Woodland north and outside the subdivision area. This area was excluded from the Structure Plan area and hence from the subdivision area. Photo Source: Greg Harewood

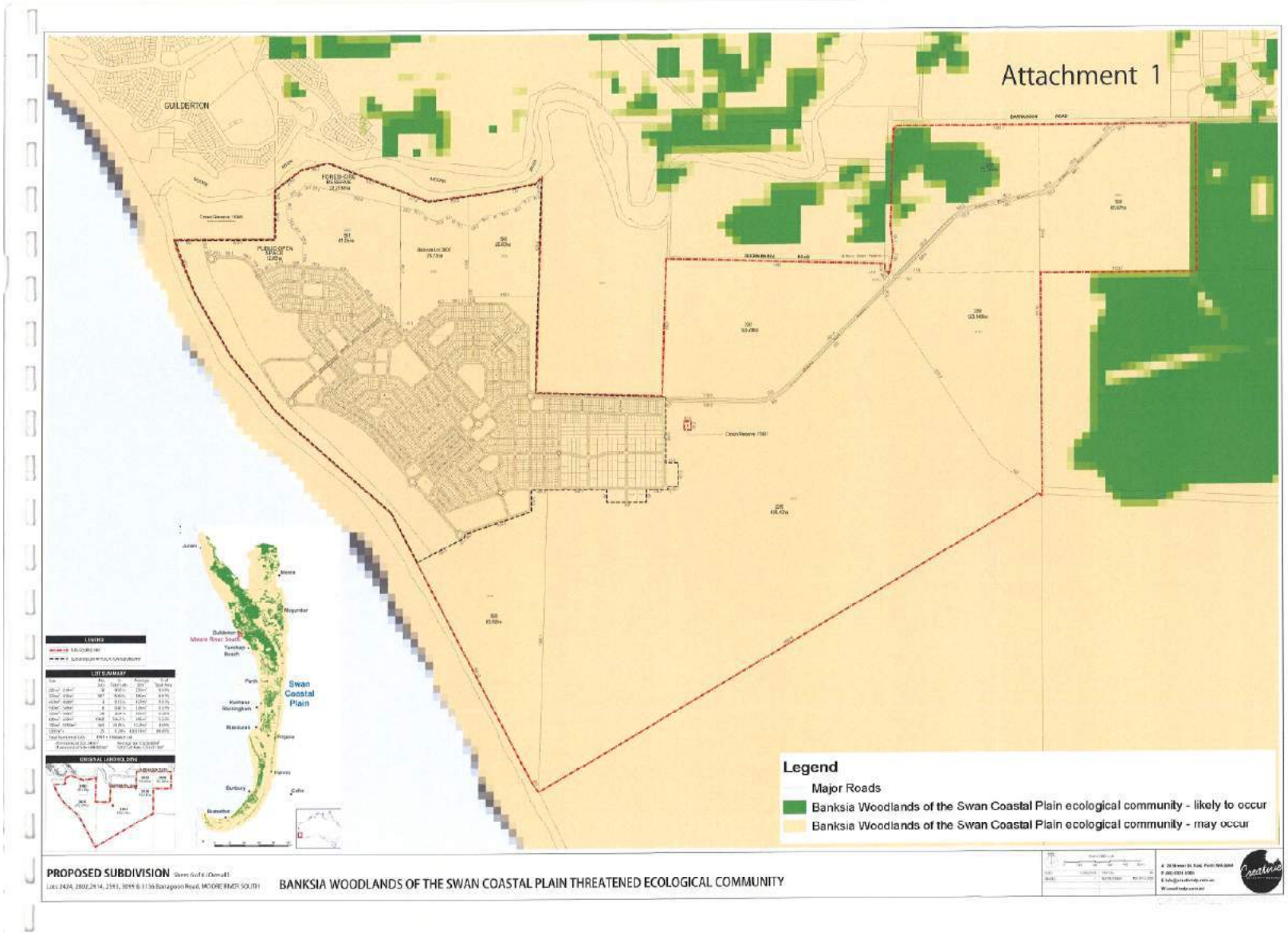
Conclusions

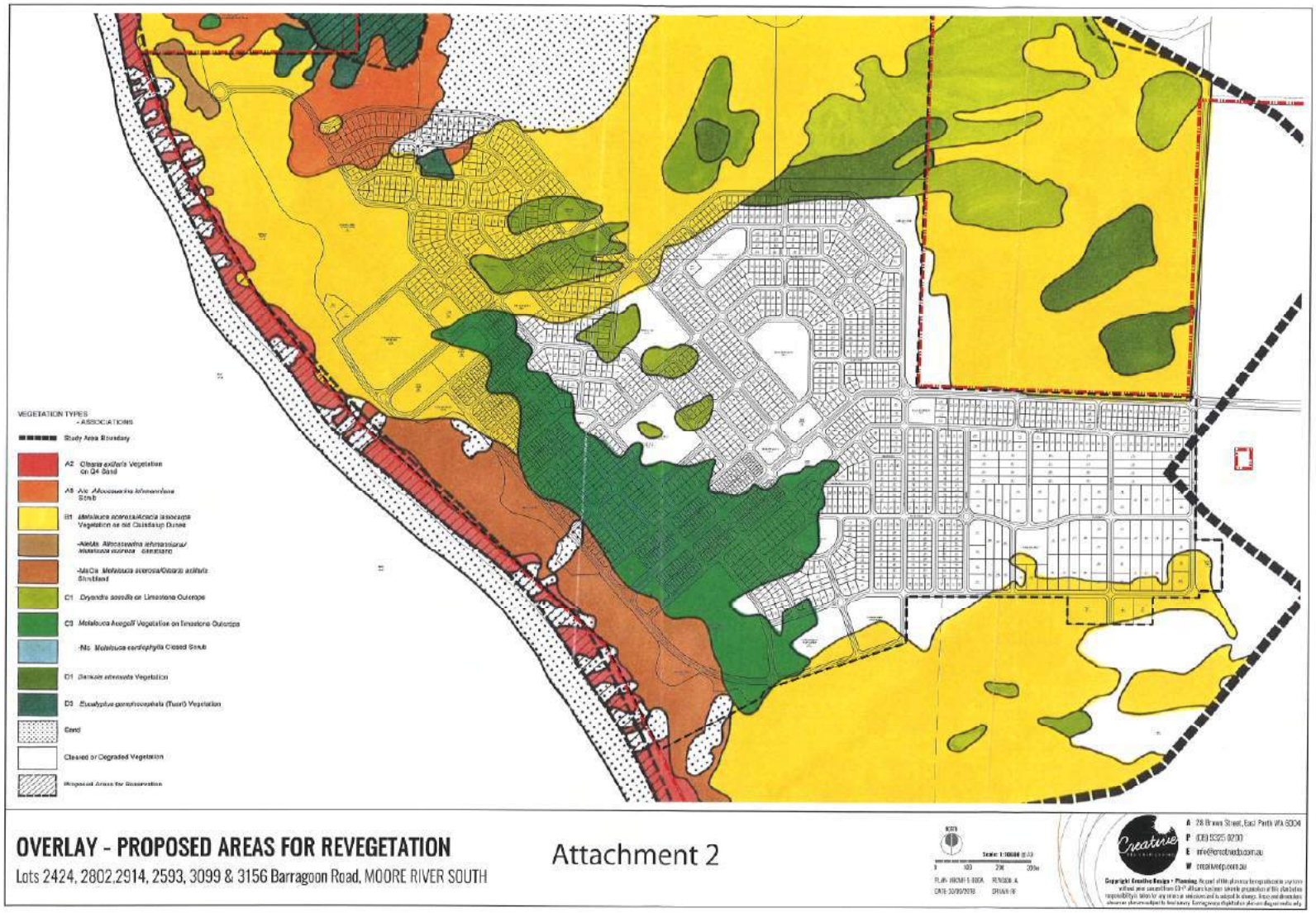
Based on a considerable amount of environmental information gathered over several years, there is little evidence to suggest that any areas of Banksia Woodland TEC will be impacted by the proposed subdivision. Indeed, the weight of evidence suggests that the few areas of Banksia Woodland in the area are located outside of the subdivision boundaries although in much earlier stages of planning some may have been affected but have since been excluded as a result of amendments over time.

A spring survey may be warranted in the area identified as Stage 4 to confirm that no Banksia woodland is affected in this area, as although all current mapping suggests that the community does not exist in this area, if it exists anywhere within the subdivision area it will be in this locality. **It is requested that any such survey be required as a condition of subdivision - if indeed a condition is necessary.** The landowner is aware of obligations under the EPBC Act and will seek to confirm the evidence of past work prior to commencing development work in this area.

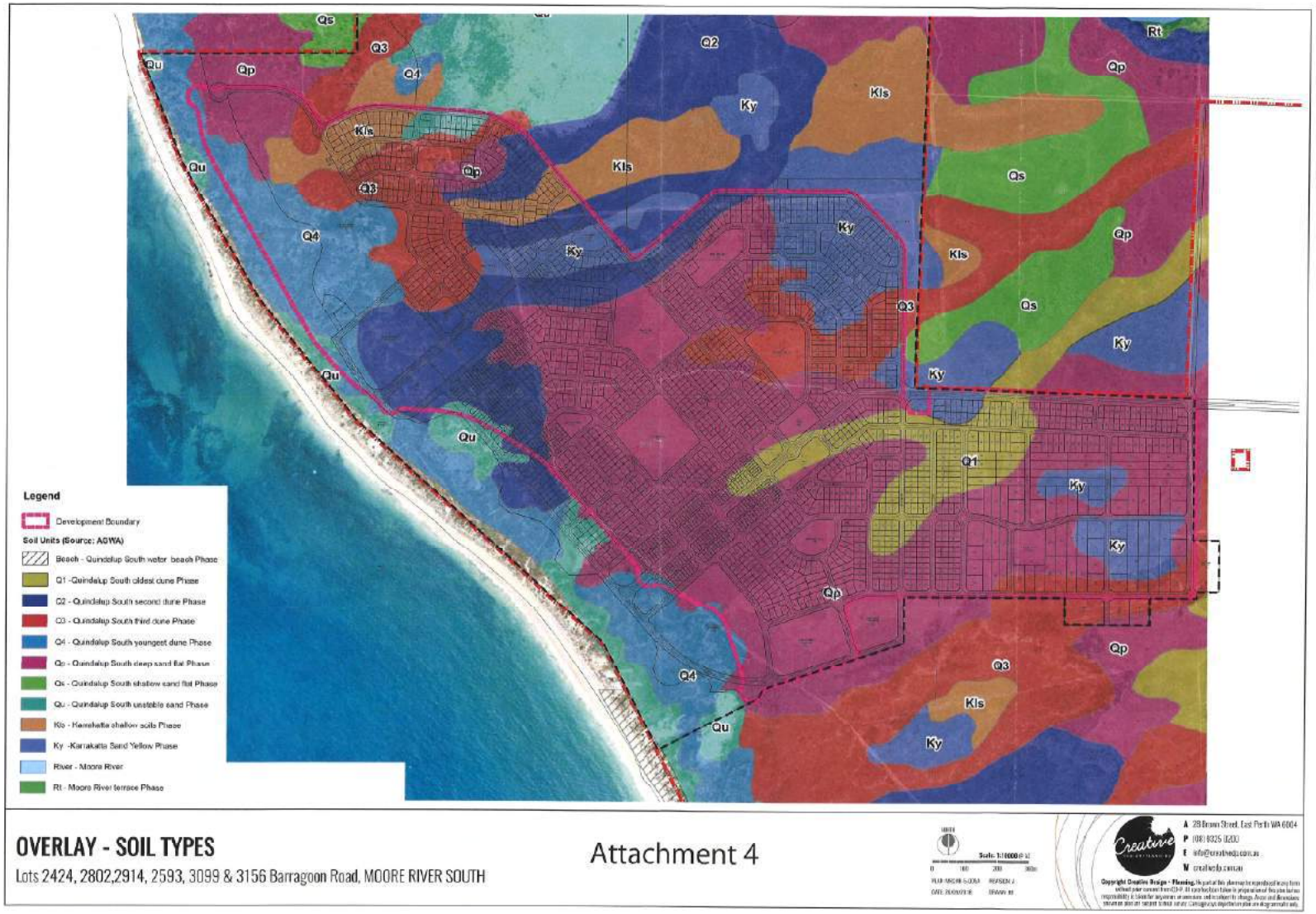
DENISE MORGAN RPIA (Fellow)
SENIOR PLANNER

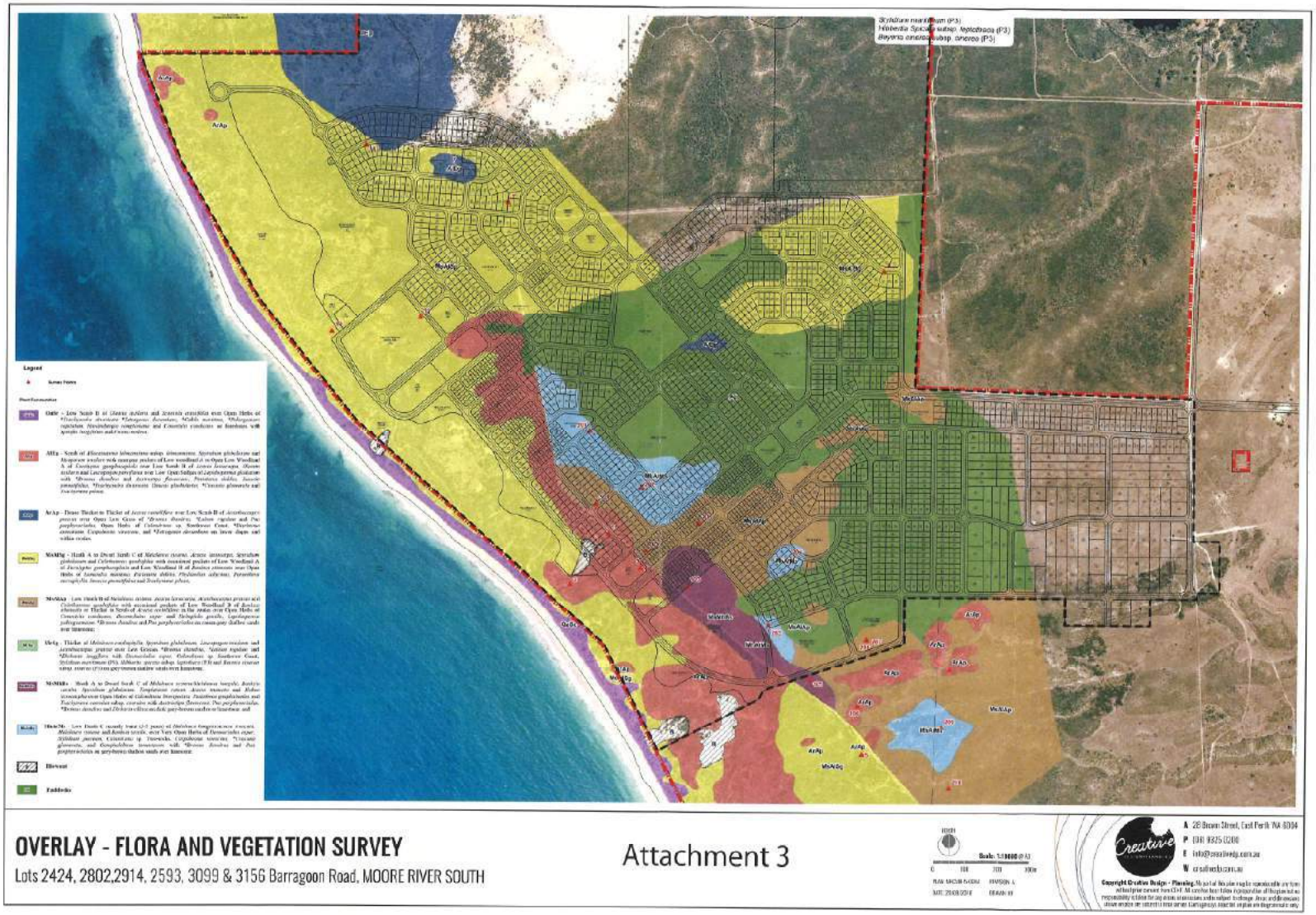
Attachment 1: Site overlay – TEC mapping
Attachment 2: BMP Vegetation classification 2017
Attachment 3: Alan Tingay & Associates vegetation mapping 1997
Attachment 4: Cardno vegetation mapping 2010
Attachment 5: Soils map
Attachment 6: Orthophoto - topography


Attachment 1
GUILDERTON
Swan Coastal Plain
Legend
Major Roads
Banksia Woodlands of the Swan Coastal Plain ecological community - likely to occur
Banksia Woodlands of the Swan Coastal Plain ecological community - may occur
PROPOSED SUBDIVISION
BANKSIA WOODLANDS OF THE SWAN COASTAL PLAIN THREATENED ECOLOGICAL COMMUNITY


VEGETATION TYPES
- ASSOCIATIONS
Study Area Boundary
A2 Clearing
Cleared or Degraded Vegetation
OVERLAY - PROPOSED AREAS FOR REVEGETATION
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
Attachment 2

ORTHOPHOTO
Attachment 5


Legend
Development Boundary
Soil Units (Source: AGWA)
Beach - Quindalup South water beach Phase
Q1 -Quindalup South oldest dune Phase
Q2 - Quindalup South second dune Phase
Q3 - Quindalup South third dune Phase
Q4 - Quindalup South youngest dune Phase
Qp - Quindalup South deep sand flat Phase
Qs - Quindalup South shallow sand flat Phase
Qu - Quindalup South unstable sand Phase
Kls - Kemerkalla shallow soils Phase
Ky -Karrakatta Sand Yellow Phase
River - Moore River
Rt - Moore River terrace Phase
OVERLAY - SOIL TYPES
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
Attachment 4


OVERLAY - FLORA AND VEGETATION SURVEY
Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, MOORE RIVER SOUTH
Attachment 3

11.4. OPERATIONS-CONSTRUCTION

11.4.1 RESTRICTED ACCESS VEHICLE APPLICATION – (NETWORK 5) ON MOGUMBER ROAD WEST (FROM BRAND HIGHWAY), MINDARRA FOR TOSCANA (WA) PTY LTD

File:	RDS/10
Location:	Mogumber Road West, Mindarra
Reporting Officer:	Allister Butcher - Executive Manager Operations - Construction
Report Date:	16 October 2018
Refer:	19 September 2017 Item 11.4.3
Appendices:	1. Location Plan

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an application from Toscana (WA) Pty Ltd regarding the use of Restricted Access Vehicles (RAV) - Network 5 on Mogumber Road West, Mindarra within the Shire of Gingin.

BACKGROUND

The Shire is in receipt of a new application received on 3 July 2018 for Toscana (WA) Pty Ltd seeking approval to access Mogumber Road West for the 2018/19 year.

On 19 September 2017, Council approved an application from Toscana (WA) Pty Ltd for use of Mogumber Road West. Council was of the view that, given that the proposed route was not a “through route”, approval of the application would not result in an undue increase in traffic on Mogumber Road West and could be managed through the letter of approval process.

The vehicles that are the subject of the application will be combinations less than or equal to 36.5m in length, as follows:

- A prime mover and semi-trailer towing a dog trailer (with a combined mass not exceeding 84 tonnes and a height not exceeding 4.6 metres);

- A prime mover towing a b-double configuration and converter dolly (with a combined mass not exceeding 67.5 tonnes plus the weight of the dolly and a height not exceeding 4.6 metres);

- A prime mover and semi-trailer towing a dog trailer and converter dolly (with a combined mass not exceeding 84 tonnes and a height not exceeding 4.6 metres); and

- A prime mover with a b-triple (2 b-double trailers and dog trailer) combination (with a combined mass not exceeding 84 tonnes and a height not exceeding 4.6 metres).

The final combination above (b-triple) is the combination that will be predominately used by the applicant.

Currently the Shire of Gingin has RAV approvals on Mogumber Road West for Network 4 unconditional only.

Council's Policy 7.6 Road Transport Heavy Vehicle Combinations, specifically part (d), relates to the approval of pocket road trains (Restricted Access Vehicles Network 3 and 4 vehicles) and states:

(d) Pocket Road Trains

Where Pocket road train configurations are utilised on an infrequent basis to deliver to or collect from bona fide primary producers within the Shire of Gingin, the Chief Executive Officer can provide approval or otherwise upon receipt of a formal application for same.

Section 7.6a (i) states the following:

These combinations can be used on all local roads to deliver to and collect from bona fide primary producers within the Shire of Gingin.

It is a requirement of RAV operators that, first and foremost, approval must be gained from the local government before applying to Main Roads WA Heavy Vehicle Operations (HVO) for a permit if the road/s are not already on the approved RAV Network lists and are without conditions.

Due to these current restrictions all RAV applications outside these areas and over these RAV Network types must be presented to Council for consideration. As this application is to use RAV Network 5 combinations, Mogumber Road West will need to be considered by Council for approval prior to Main Roads WA Heavy Vehicle Services (HVS) undertaking an assessment of the roads in question.

The only road currently approved for RAV Network 5 combinations in the Shire is Wannamal Road West (from Brand Highway to Westpork Piggery) with conditions as follows:

- A current written approval from the Local Government, permitting use of the road, must be carried and produced and demand; and

- A speed restriction of 60km/h.

A location plan is attached as **Appendix 1.**

COMMENT

Mogumber Road West is currently a sealed road at the following standards:

- Shire of Gingin's length of road is 24.95km long;
- 7.4m wide sealed surface in very good condition;
- Last reseal in 1998 (sealed surface 19 years old);
- Pavement width (shoulder to shoulder) between 12m from Brand Highway for 530m and the remaining length (24.42km) at 10m;
- Road was upgraded to its current standard (sealed to 7.4m wide) in 1998 (pavement is 19 years old; technically, remaining useful life of 21 years); and
- The pavement is predominately in good condition with some minor pavement failures approximately 900m east of Brand Highway.

The current traffic volume on Mogumber Road West (58 day count between February 2016 and April 2016) is 193 vehicles per day (of which 112 (58%) were specifically pocket road trains; RAV Network 3 and 4).

As advised with respect to the previous application, in the event that Council resolves to approve this RAV application for Network 5 then other RAV operators will have the right to also apply for Network 5 combinations on this roads. All RAV Network 5 applications would be subject to final HVS approval before use.

Administration supports approval in this instance subject to the following conditions;

1. No operation during school bus hours. Operators must contact the relevant schools directly for school bus timetables.

2. This Authority will expire on 30 June 2019 and is subject to review at that date.

3. Current written approval from the Shire of Gingin, permitting the use of the road must be carried and produced on demand.

4. Not to be used as a through route. For local delivery and pick up only. Driver must carry documentation as proof of a local delivery/pickup.

5. Permit holders must maintain a close liaison with the Shire of Gingin, specifically in relation to prevailing weather conditions and adverse road conditions which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road.

6. All approvals will be suspended where the road surface has deteriorated and where the Executive Manager Operations - Construction has determined either that the surface is unsafe for heavy haulage or any form of transport, or that continuing use will cause a safety risk and/or significant damage. Main Roads WA is to administer a Council request of this nature and issue Suspension Notices to permit holders.

7. Any permit holder who fails to comply with these conditions may have their permit withdrawn. Such withdrawal will affect all Local Government Authority permits and no reinstatement will be contemplated unless the complaining Local Government Authority is satisfied that the permit holder will adhere to the conditions.

It should also be noted that the Shire only issues RAV permits for a period of 12 months (1 July to 30 June annually). Should Council deem it appropriate to approve the RAV application with a review at 30 June 2019, then the Shire could apply to HVS to revoke the RAV Network 5 approval prior to the review date in the event that Officers determine prior to 30 June 2019 that there are safety concerns or too much damage is occurring to the Shire's infrastructure.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 7.6 - Road Transport Heavy Vehicle Combinations

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2015-2025

Focus Area	*Built Environment*
Objective	*3 To effectively manage growth and provide for community*
Outcome	*3.1 Meet transport infrastructure and service needs*
Strategy	*3.1.1 Effective integrated transport planning and implementation in partnership with State and Federal Government Agencies*
Focus Area	*Local Business*
Objective	*4. To facilitate local business growth*
Outcome	*Nil*
Strategy	*Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Morton SECONDED: Councillor Rule

That Council:

1. **Approve the Restricted Access Vehicles (network 5) application from Toscana (WA) Pty Ltd for the use of Mogumber Road West, Mindarra subject to the following conditions:**

   a. **No operation during school bus hours. Operators must contact the relevant schools directly for school bus timetables.**

   b. **This Authority will expire on 30 June 2019 and is subject to review at that date.**

   c. **Current written approval from the Shire of Gingin, permitting the use of the road must be carried and produced on demand.**

   d. **Not to be used as a through route. For local delivery and pick up only. Driver must carry documentation as proof of a local delivery/pickup.**

   e. **Permit holders must maintain a close liaison with the Shire of Gingin, specifically in relation to prevailing weather conditions and adverse road conditions which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road.**

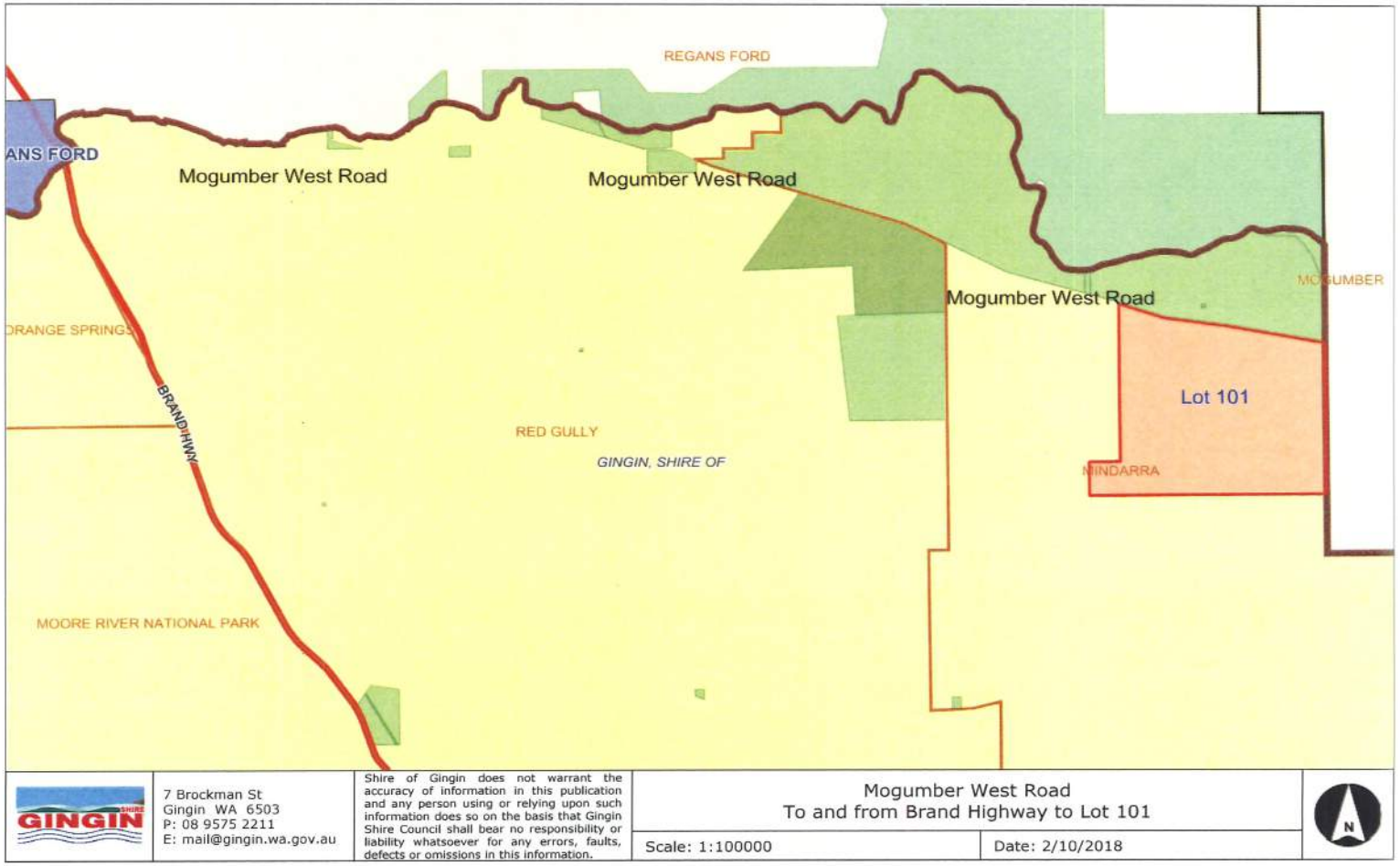
   f. **All approvals will be suspended where the road surface has deteriorated and where the Executive Manager Operations-Construction has determined either that the surface is unsafe for heavy haulage or any form of transport, or that continuing use will cause a safety risk and/or significant damage. Main Roads WA is to administer a Council request of this nature and issue Suspension Notices to permit holders.**

   g. **Any permit holder who fails to comply with these conditions may have their permit withdrawn. Such withdrawal will affect all Local Government Authority permits and no reinstatement will be contemplated unless the complaining Local Government Authority is satisfied that the permit holder will adhere to the conditions.**

2. **Advise the proponent accordingly.**

CARRIED UNANIMOUSLY

APPENDIX 1


REGANS FORD
ANS FORD
Mogumber West Road
Mogumber West Road
Mogumber West Road
MOGUMBER
ORANGE SPRINGS
BRAND HWY
Lot 101
RED GULLY
GINGIN, SHIRE OF
NINDARRA
MOORE RIVER NATIONAL PARK
GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 2211
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Mogumber West Road
To and from Brand Highway to Lot 101
Scale: 1:100000
Date: 2/10/2018
N

11.4.2 UNBUDGETED EXPENDITURE - HINCHCLIFFE LOOKOUT CARPARK AND PATHWAY

File:	ENV/17
Location:	Hinchcliffe Lookout, Lancelin
Reporting Officer:	Allister Butcher - Executive Manager Operations - Construction
Report Date:	16 October 2018
Refer:	Nil
Appendices:	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider allocating additional funds to allow for the installation of a carpark and pathway to the north of the Hinchcliffe Lookout in Lancelin.

BACKGROUND

Over the last two financial years the Shire has been undertaking works in the Hinchcliffe Lookout area including:

- Installing a boardwalk to the south of the lookout; and
- And disabled access boardwalk to the north of the lookout.

The next stage of the works is to install a carpark to the north of the lookout at Hinchcliffe Street and a concrete pathway from Hinchcliffe Street to the existing disabled boardwalk directly to the north of the lookout.

After consulting with the community, the Shire determined a detailed design for the carpark and pathway and called for quotes for the works through the relevant Western Australian Local Government Association (WALGA) e-Quote Preferred Suppliers Panel. Quotes were sought from the following companies:

- Certa Civil Works;
- All Earth Group (now in administration);
- GDR Civil; and
- Remote Civils Australia (RCA).

The lowest quote received was from RCA at a price of $170,932.64 (excluding GST). Council's 2018/19 Budget currently includes an amount for this project of $82,125 (excluding GST), resulting in a shortfall of $88,807.64.

COMMENT

The price supplied by RCA is broken down into (all excluding GST):

Carpark $135,941.90
Pathway $ 34,990.74
TOTAL **$170,932.64**

The currently budgeted amount was based on construction of the pathway to an assisted disabled access standard. However, the final design provided for quote includes cut and fill to allow for an improved level of disabled access, together with new pathway fencing. The higher standard of construction will enhance the area and provide a better standard of disabled access so that everyone can access the lookout and enjoy the Lancelin Bay and Lancelin Island vistas.

It is proposed to install the carpark and pathway at the same time.

It is proposed that the additional funding required for the pathway be sourced from the Footpath Projects unallocated budget, with the carpark being funded from the Capital Roadworks restricted cash transfer, as follows:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
12209781	Roads – Balance of Muni Funds – Transfer to Restricted Cash	$937,431	$883,614.10	-$53,816.90
12259990	Footpath Projects Unallocated	$100,000	$65,009.26	-$34,990.74
11259083	LA Hinchcliffe Hill Pathway and Carpark	$82,125	$170,932.64	$88,807.64
			Net Effect	**NIL**

The pathway projects allocated for completion this financial year are:

Locality	Road	Section	Budget
Lancelin	Gingin Road	Cray Street to North Street (eastern side)	$77,500
Gingin	Weld Street	New Street to southern Rec Centre access (western side)	$22,500
		TOTAL	**$100,000**

Specifically, it is proposed that the Gingin Road pathway budget allocation be amended from $77,500 to $42,509.24 (excluding GST). This would mean that the length of pathway constructed along Gingin Road in the 2018/19 financial year would be reduced from 620m down to 340m (Cray Street to Shell Street). This would align with the pavement repair works (Shell Street intersection) and asphalting works on Gingin Road (Sidney Street to Shell Street) budgeted for this year.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 6 – Financial Management
Division 4 – General financial provisions
Section 6.8 – Expenditure from municipal fund not included in annual budget

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATION

It is proposed that the 2018/19 Budget be amended as follows:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
12209781	Roads – Balance of Muni Funds – Transfer to Restricted Cash	$937,431	$883,614.10	-$53,816.90
12259990	Footpath Projects Unallocated	$100,000	$65,009.26	-$34,990.74
11259083	LA Hinchcliffe Hill Pathway and Carpark	$82,125	$170,932.64	$88,807.64
			Net Effect	**NIL**

STRATEGIC IMPLICATIONS

Focus Area	*Infrastructure and Development*
Objective	*3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.*
Outcome	*3.1 Development of new and existing developments meet the Shire's Strategic Objectives and Outcomes.*
Priority	*3.1.1 Support strategies that facilitate commercial development.*

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Lobb SECONDED: Councillor Elgin

That Council amend its adopted 2019/19 Budget in accordance with the following table:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
12209781	Roads – Balance of Muni Funds – Transfer to Restricted Cash	$937,431	$883,614.10	-$53,816.90
12259990	Footpath Projects Unallocated	$100,000	$65,009.26	-$34,990.74
11259083	LA Hinchcliffe Hill Pathway and Carpark	$82,125	$170,932.64	$88,807.64
			Net Effect	NIL

CARRIED BY ABSOLUTE MAJORITY
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11.5. ASSETS

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

13.1 ANNUAL SHIRE OF GINGIN GOLF DAY – FRIDAY 12 OCTOBER 2018

LOCATION: Guilderton
FILE: GOV/20-1
COUNCILLOR: C W Fewster
REPORT DATE: 16 October 2018

Councillor Fewster advised that the 2018 Shire of Gingin Golf Day held on 12 October 2018 was once again a fantastic event. He extended his congratulations and thanks to the Shire's Community Services and Events Officer and other Shire staff for their efforts in organising and running the day, and to the Guilderton Golf Club for hosting the event.

Councillor Fewster advised that he received a significant amount of feedback from participants regarding the course format and the overwhelming consensus was that the nine hole format was preferred.

14. NEW BUSINESS OF AN URGENT NATURE

Nil

15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

Nil

16. CLOSURE

There being no further business, the Shire President declared the meeting closed at 3:46 pm.

The next Ordinary Meeting of Council will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on Tuesday, 20 November 2018 commencing at 3.00 pm.

These Minutes are confirmed as the official record of the Ordinary Meeting of the Gingin Shire Council held on 16 October 2018.

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Councillor I B Collard
Shire President
20 November 2018