



MINUTES

Ordinary Council Meeting

20 June 2023

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED by Council as the official record for the Shire of Gingin's Ordinary Council Meeting held on 20 June 2023.

Councillor C W Fewster
SHIRE PRESIDENT

Date of Confirmation: _____

DISCLAIMER

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

ACKNOWLEDGEMENT OF COUNTRY



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

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 3:13 pm and welcomed all in attendance.

He also advised that a trial recording of the meeting would be made as part of the Shire's preparations for forthcoming changes to legislation that will require audio recordings of all Council meetings to be made publicly available. It was not intended that this trial recording would be made available to the public.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

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

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), R Kelly (Executive Manager Regulatory and Development Services), V Crispe (Executive Manager Operations and Assets), K Bacon (Coordinator Strategic Planning & Projects), J Bayliss (Coordinator Statutory Planning), N Jurmann (Statutory Planning Officer), K Johnston (Governance Support Officer) and L Burt (Coordinator Governance/Minute Officer).

Gallery – There were 14 members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Councillor Peczka

Item: 11.2 – Formal Position of Council – Mining of Lancelin Sand Dunes
Interest: Impartiality
Reason: Small business owner and mining of the Lancelin sand dunes will impact his business in term of tourist visitation to its shop and town exposure.

Councillor Rule

Item: 11.2 - Formal Position of Council – Mining of Lancelin Sand Dunes
Interest: Financial
Reason: I have a sand mining tenement, No. 70/57.

Councillor Fewster (Shire President)

Item: 11.4 – Order to Initiate Scheme Amendment 23 to Local Planning Scheme No.9
Interest: Financial
Reason: I have immediate family members who are adjoining landowners.

Councillor Kestel

Item: 11.4 – Order to Initiate Scheme Amendment 23 to Local Planning Scheme No.9
Interest: Proximity
Reason: I share a boundary with the land.

J Bayliss – Coordinator Statutory Planning

Item: 11.4 – Order to Initiate Scheme Amendment 23 to Local Planning Scheme No.9
Interest: Proximity
Reason: I am an adjoining landowner.

Councillor Vis (Deputy Shire President)

Item: 11.6 – 2023 WA Local Government Association Convention – Attendance by Councillor Vis
Interest: Financial
Reason: The item directly relates to her attending the convention.

Councillor Balcombe

Item: 12.2 – Community Funding Program 2023/24
Interest: Impartiality
Reason: I am a member of the Gingin CRC.

Councillor Johnson

Item: 12.2 – Community Funding Program 2023/24
Interest: Impartiality
Reason: I am a Shire Representative on the Gingin High School Board.

Councillor Peczka

Item: 12.2 – Community Funding Program 2023/24
Interest: Impartiality
Reason: I am a paying member of the Lancelin Bowling Club.

Councillor Vis (Deputy Shire President)

Item: 13.4 – Application for Development Approval – Proposed Industry – Service and Associated Structures on Lot 16 Bell Road, Coonabidgee
Interest: Impartiality
Reason: My name is on an email sent to an applicant on behalf of my husband's business.

Councillor Kestel

Item: 13.5 – Application for Development Approval – Addition to Abattior at Lot 195 (326) Cockram Road, Lennard Brook
Interest: Impartiality
Reason: Borrello Beef sponsor the Gingin Football Club of which I am the President.

J Bayliss – Coordinator Statutory Planning

Item: 13.5 – Application for Development Approval – Addition to Abattior at Lot 195 (326) Cockram Road, Lennard Brook
Interest: Impartiality
Reason: The landowner sponsors the Gingin Football Club of which I am a player. I am involved in the cattle industry and may be a potential future client.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

**4.2.1 Katie Enright - Guilderton
Guilderton Parking Meters**

The Shire President advised that he owed Ms Enright an apology in relation to his response to her question asked at the last Council meeting on 16 May 2023 about whether a survey had been conducted with respect to the introduction of paid parking at Guilderton. His response at the time was that there had not been survey undertaken, however he had subsequently been advised that a survey was in fact undertaken in 2017. A letter will be forwarded to Ms Enright in this regard.

Ms Enright's questions were submitted in writing prior to the meeting. The questions and responses were read aloud by the Shire President.

- Q1. Could you please clarify what metric system you used to come to the conclusion of “but contribute little to the economy”? referring to Day visitors? Did you seek financial evidence to ALL surrounding businesses to gain that prospective?

Response by Shire President

This advice is anecdotal as many day visitors bring their own supplies. Seeking financial evidence from other local businesses is not required in this instance and is private information and would need to be fact checked.

- Q2. Is the Elected Members open to exploring such a survey to gain a clear indication of other Business and the Community? [Referring to a survey conducted by the City of Joondalup in relation to paid parking in 2019.]

Response by Shire President

A survey was conducted across the entire Shire back in 2017 and if another survey was to be facilitated it would include all Shire Residents not just Guilderton as the impacts of this decision affect all ratepayers of the Shire.

- Q3. If so, can there please be a fair survey conducted prior to any executive decision be made to keep parking as is as I believe that is fair to the community?

Response by Shire President

Unless moved and accepted as an alternative resolution to the item presented another survey will not be facilitated.

- Q4. If not, could the Elected Members please explain why?

Response by Shire President

This decision would come from the consideration of the item and if not accepted it is because the Elected Members feel it is not warranted.

- Q5. Why has the Shire not looked at introducing other avenues of income by introducing something like Bike hire or electric scooter hire?

Response by Shire President

This would be a strategic decision of Council and has not been discussed at this point in time.

Q6. Would the shire consider looking at this adventure?

Response by Shire President

Bike Hire or E Scooter hire is an opportunity for a local business to embrace. Should no businesses wish to undertake this opportunity then Council may consider its viability in the future.

Kate Lane - Neergabby

Q1. The Guilderton shop lease has been reassigned to the Sun City Group, are Belgravia Leisure no longer involved with this lease?

Response by Shire President

Belgravia Leisure are no longer involved.

Q2. Does the lease now assigned to Sun City Group start from now, with a new seven year term and a \$15,000 per annum rent increase? Or does it run as per the Belgravia Leisure Lease, terminating in 2028?

Response by Shire President

My understanding is that it is a re-assignment of the current lease so expires as of the date that Belgravia signed it to expire in 2028.

Q3. Was an independent valuation obtained for the kitchen equipment and "capital upgrades" purchased from Belgravia Leisure for \$75,000?

Response by Shire President

No.

Q4. Under the terms of the lease is the tenant, or the Shire responsible for maintaining and replacing of the equipment and building repairs?

Response by Shire President

Yes, under the general terms of a commercial lease they have to maintain it.

Further Response by CEO

It depends on which repairs and maintenance it is. If the equipment fails while they are using it, they are obligated to fix it or repair it.

- Q5. When they relinquish the lease, will the equipment have to be of a standard of when they took over, not 7 or 14 years older and therefore not really usable?

Response by CEO

It needs to be in a usable condition.

- Q6. Are copies of all invoices for the items purchased in the Shire's possession?

Response by Shire President

Yes.

- Q7. Does the Shire have an itemised list detailing make, model, condition, year of manufacture and value?

Response by Shire President

Yes.

- Q8. Has each item, including the serial number and manufacturing date, been crosschecked with equipment onsite?

Response by Shire President

Not as yet.

- Q9. Will this actually happen, so what you think you're buying, you are actually getting?

Response by Shire President

I'm sure the staff will go and check to make sure.

- Q10. Have any warranties been re- assigned to the Shire?

Response by Shire President

Where the equipment has a warranty, yes.

- Q11. What are the legal costs of the lease re-assignment? Were these paid by Belgravia, or the Shire?

Response from CEO

All relevant costs are to be paid for by each party, I can't tell you what that is at the moment as it hasn't concluded.

Q12. So there have been some legal costs to the Shire?

Response from CEO

Absolutely.

Q13. What was the purpose of this re-assignment - the Shire appears to have undertaken an expensive paper exercise, which has not resulted in any discernable benefit?

Response by Shire President

Council and the community were disappointed with how the Café was being managed. We believe it was inappropriate to have a third party be reassigned the lease, we wanted someone who was operating the shop and/or cafe to have the assignment of the lease.

Q14. You agreed to the reassignment of the lease, but we've got the same tenant and the same lease and although the rent has gone up, it actually only covers the cost of \$75,000 until the end of this lease. If they choose not to renew, there doesn't seem to be any possible gain for the Shire, in fact we have had to pay other costs and we are in the same situation as before with the same tenant.

Response by CEO

That is not correct. The sub tenant over a very small portion of the facility is now going to be the head tenant. Obviously, the Council will be the Lessor but now Sun City Group is the overall tenant of the overall facility.

Q15. But what's the actual difference, we've got the same person in there doing the same thing?

Response by CEO

Belgravia were the head tenant before and Sun City Group only ran the shop before, now they are looking to run the whole facility.

Further Response by Shire President

Sun City Group were never part of the Cafe/Restaurant side of the business, only the shop.

Q16. Have Belgravia paid the Shire the monies owing for the vehicles and other equipment that were "overlooked" in October 2020?

Response by Shire President

Question taken on notice.

Q17. When were Councillors first notified that these items had not been paid for or overlooked, was it October 2020, beginning of 2022 or early 2023?

Response by Shire President

It was discussed previously quite a while ago, maybe 6-8 months.

Q18. Was a valuation for these assets obtained in October 2020?

Response by Shire President

Question taken on notice.

Q19. A valuation was done in 2022 which was over 12 months before it was formally considered by Council. Why did it take so long if you had the value and it was never pursued for over 30 months because it doesn't seem very proactive in getting money back that belongs to the Shire?

Response by Shire President

I believe I've answered this on a previous occasion and all I can say is that it was an oversight by both Council and Administration.

Q20. Have Belgravia reimbursed the Shire for the rego fees for the ute and trailer that they had use of since October 2020?

Response by Shire President

No.

Q21. Are they going to reimburse us?

Response by Shire President

Probably not. Not sure whether it is part of the invoice or not.

Further advice by Executive Manager Corporate and Community Services

The arrangement with the sale of the equipment and the pricing acknowledged on the invoice were all included in the registration.

- Q22. I understand the Shire intend to borrow funds of \$300,000 to upgrade the septic and sewerage system at Guilderton Caravan Park - can you tell me why it is necessary to borrow, when the park generates a large annual income for the Shire and these works would have been an obvious future expense for at least three years?

Response by Shire President

There is not a lot of money in the Caravan Park reserve account, and certainly not \$300,000. We could fund it out of the municipal fund but then something else would have to give whether its roads or community facilities. The Council believes at this stage we are better borrowing the money and amortise it over the next 0 - 15 years to pay it off. Obviously, we are limited on funds and we use borrowings on a regular basis.

- Q23. In the next budget the Shire is planning additional unquantified "maintenance works", will this cost be covered by income or a further loan?

Response by Shire President

This is yet to be decided, but at a guess I'd say it will be a combination of both options. It will depend on a number of factors including cost.

- Q24. Why does the Council need to employ an outside consultant to indicate how the park is structured and what potential upgrades are needed?

Response by Shire President

Question taken on notice, but my initial response is we don't have the expertise within the staff to manage the Caravan Park so we believe we need a consultant to advise us on how best to improve the park by getting an independent assessment done.

- Q25. Who has recommended using such a consultant and what will it cost?

Response by Shire President

We haven't gone down the path of engaging a consultant at this point.

Further Response by CEO

We've received three quotes and it was internal staff who did the investigation. All quotes were submitted by WALGA preferred suppliers.

Q26. How much, in total, does the Shire currently owe in loans and at what rates of interest?

Response by Shire President

Question taken on notice.

Q27. Is the Shire repaying the capital sums on all loans, or interest only?

Response by Shire President

Generally, the Council pays capital and interest.

Q28. Why does the Shire consider continuing to borrow money to be acceptable fiscal management when it directly impoverishes Shire finances into the future? Do you not think in the current economic climate that it is probably not a good idea?

Response by Shire President

It's a very subjective matter and everyone has a different opinion on whether we should borrow money or not.

Q29. But this is borrowing on behalf of ratepayers and with respect you will one day resign and the CEO will go and get another job but the ratepayers are going to be here and any debts are going to affect them into the future.

Response by Shire President

There are many pieces of infrastructure in the Shire built over the last 40 - 50 years that wouldn't have been built if the Council hadn't gone to loan.

Q30. What plan does the Shire have to clear its outstanding debts?

Response by Shire President

Council budgets every year for loan repayments.

Q31. Over what length of time would you expect to pay off a loan?

Response by Shire President

The loan term varies.

Further Response by Executive Manager Corporate and Community Services

Every month Council is provided with an update on its monthly financial statement of operations and position, including our loan position. Current loans outstanding as of 01 July 2022 were \$1.843 million, of which \$252,000 is due this financial year. In terms of repayments, Council prepares a ten year financial plan and loans are no different to any other operational costs. We include our provisions and capital payments over that ten year period and that gets loaded into each annual budget. The use of loans is a legitimate and appropriate funding source that enables Council to undertake its operations. Essentially taking out a loan is using money to buy capital for future use which is paid for by its use. Council has \$150 million worth of assets so our debt service to asset is very comfortable, as is servicing \$252,000 out of a \$25 million annual budget. Council also has the advantage of sourcing its loans from Treasury, which provides a discounted rate that is fixed for the life of the loan.

Kerry Enright - Guilderton

- Q1. Do we have a committee at the Gingin Shire for tourism? If not, can we establish one or have a liaison person who can meet with a special group designated to increase tourism within the Shire?

Response by Shire President

No, there is no tourism committee at the moment. It is something that Council can consider.

- Q2. Can we have someone from Council or the staff to help us come up with tourism ideas or help us facilitate those ideas?

Response by Shire President

I can't respond to that but put the request in writing and we can put it to Council.

- Q3. Can the Guilderton Caravan Park Committee implement a program at the Caravan Park for children over school holidays?

Response by Shire President

The CEO will include this matter on the agenda for discussion at the next meeting of the Guilderton Caravan Park and Foreshore Development Advisory Committee.

- Q4. There used to be three river licences for the boat operators - two for the canoes and one for the tour boat. Are those river licenses still current valid?

Response by Shire President

Question taken on notice as to the validity of the licences. The actual business on the water are issued by the Department of Transport, not the Shire. The Shire provides permits for the land-based portion of the business.

- Q5. Who approached Council to pay and purchase the equipment in the general store from Belgravia for the use of Mr Chris Young?

Response by the Shire President

We approached Belgravia with a view to getting a resolution.

- Q6. If there is a special fund for these purchases, then why did the Shire refuse to purchase my equipment?

Response by the CEO

There was a new tenant coming in and Mrs Enright had every right to negotiate with the new tenant.

Further Response by Shire President

We went through a process of advertising a new lease and it is up to the new lessee to decide how they wanted to fit out the shop and cafe/kitchen - it wasn't up to the Shire to provide them with assistance. When we went to negotiate a deal to buy the equipment so we could then on-sell it, which we have done by way of getting a new tenant in and charging them extra lease money then it's a totally different argument.

- Q7. Which CEO did not tell me the complete truth, was it the previous CEO Mr Jeremy Edwards who told me the Shire would have to pay me for my improvements or was it the current CEO Mr Cook who said no?

Response by Shire President

If the Shire had to pay you for your improvements, it would have been in the lease. If you have documentation that gives evidence of commitments made by Mr Edwards then we'll take it further.

Q8. Has the Shire's new tenant applied to sublet the cafe?

Response by Shire President

No.

Q9. Is it correct Mr Chris Young is going to open an IGA in Gingin in direct competition to existing businesses?

Response by Shire President

Yes, there is intention is build a supermarket in Gingin.

Q10. Does it seem fair to existing businesses when the population has not substantially increased?

Response by Shire President

Anti-competition laws prohibit the Shire from interfering with decisions made by people in relation to their businesses provided that the proposal meets all the necessary requirements in terms of planning and building. Council cannot stop anyone from establishing a business if it is compliant.

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Vis

That Council confirm the Minutes of the Ordinary Council Meeting held on 16 May 2023 and of the Special Council Meeting held on 30 May 2023 as a true and accurate record.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputations

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

Item 13.2 To support the Officer's Recommendation in relation to Agenda Item 13.2 Application for Development Approval - Change of Use from Agricultural Intensive (Perennial Horticulture) to Agriculture Intensive (Annual Horticulture) and Associated Shed on Lot 2 (182) Waterville Road, Wanerie

Speaker: Nicole Gill

The Deputation was to support the Officer's Recommendation in relation to Agenda Item 13.2

Item 11.2 Formal Position of Council - Mining of Lancelin Sand Dunes
Speaker/s: Craig Edmonds and Chris Sialtsis (Save Lancelin Sand Dunes Action Group)

The Deputation was to encourage Council to adopt a formal position opposing mining of the Lancelin sand dunes.

9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11 REPORTS - OFFICE OF THE CEO

11.1 2022/23 REVIEW OF DELEGATED AUTHORITY REGISTER

File	GOV/15
Author	Lee-Anne Burt – Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. Current Delegation Register [11.1.1 - 130 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To undertake an annual review of the Shire of Gingin Delegated Authority Register in accordance with the requirements of s.5.46 of the *Local Government Act 1995* (the Act), and amend Policy 3.18 Disposition of Assets.

BACKGROUND

The *Local Government Act 1995* and many other pieces of legislation relevant to local government in Western Australia empower the Council to delegate certain powers, usually to the CEO. The CEO may also be provided with the ability to subdelegate to other employees, or to delegate any powers that are granted under legislation to the position of CEO.

Under s.5.46(1) of the Act, the CEO is required to keep a register of all delegations made to the CEO and to other employees.

At least once every financial year, delegations are to be reviewed by the delegator. Council last undertook a review of its delegations to the CEO and other officers at its meeting on 15 June 2021.

COMMENT

Following a major review of the Delegated Authority Register in 2021/2022, no amendments are proposed by Administration.

A Briefing Paper was submitted to the Briefing Session on 2 May 2023, providing Councillors with the opportunity to submit questions, comments and suggestions with respect to all delegations by 30 May 2023. No feedback was received prior to the deadline, although a Councillor did submit a number of questions after the close of the comment period.

Responses to the questions have been provided to the Councillor, however given that they were received after the close of the Agenda for this meeting and didn't raise anything of particular urgency, with the Councillor's agreement they have not been addressed in this report but will be considered in conjunction with the annual review next year.

The review process has now been concluded, and the Delegated Authority Register (see Appendix) is submitted to Council for formal consideration.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 - Administration

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

Section 5.16 - Delegation of some powers and duties to certain committees

Section 5.18 - Register of delegations to committees

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	4. Excellence and Accountability
Strategic Objective	4.2 Effective Governance Apply systems of compliance which assist Council to make informed decisions within a transparent, accountable and principled environment

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council adopt the delegations as detailed in Appendix 11.1.1 without amendment.

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

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

AGAINST: *Nil*



Shire of Gingin Delegated Authority Register

Adopted OCM 19 July 2022 Item 11.1

REVIEW

Reviewed by	Date approved	References
Council	19 Jul 2022	OCM 19 July 2022 - Item 11.1.1
CEO	22 Jul 2022	Synergy Document: NM23016

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INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

Planning and Development Act 2005 and associated regulations
Dog Act 1976 and regulations;
Cat Act 2011 and regulations
Bush Fires Act 1954, regulations and local law created under that Act;
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Building Act 2011

N.B. – This is not an exhaustive list.

DELEGATIONS

1. Local Government Act 1995

Delegation	1.1.1 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.25 Notices requiring certain things to be done by owner or occupier of land • s.3.26 Additional powers when notices given
Function	<p>1. To issue notices requiring the owner or, unless indicated otherwise by Schedule 3.1, the occupier of land to do anything:</p> <ul style="list-style-type: none"> • specified in Schedule 3.1, Division 1; or • that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 1. <p>2. If the notice recipient fails to comply with the notice, to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>3. To recover the cost of anything done under 2. above from the person who fails to comply with the notice.</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets Executive Manager Regulatory and Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Sch. 3.1 Powers under notices to owners or occupiers of land
Policy	Nil

Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	15 June 2021
Adoption references	OCM 15 June 2021 - Item 11.1

Delegation	1.1.2 Doing Any of the Things Prescribed in Schedule 3.2 on Land That is Not Shire Property
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.27 Particular things local governments can do on land that is not local government property
Function	To do any of the things prescribed in Schedule 3.2 even though the land on which the thing is to be done is not Shire property and the Shire does not have consent to do it.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets Executive Manager Regulatory and Development Services
Subdelegate conditions	Executive Manager Regulatory and Development Services Subdelegation is restricted to: Sch. 3.2(6) Place on land signs to indicate the names of thoroughfares.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	6 May 2008
Adoption references	OCM 6 May 2008 - Item 11.2.2

Delegation	1.1.3 Administering the Shire's Local Laws
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s. 5.42 Delegation of some powers and duties to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s. 3.18 Performing executive functions
Function	To exercise all the powers and discharge all the duties of the Shire of Gingin so as to administer the Local Laws made by the Shire.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995</i> s. 5.44 CEO may delegate powers and duties to other employees
Subdelegates	Community Emergency Services Manager/Chief Bush Fire Control Officer Executive Manager Operations and Assets Executive Manager Regulatory and Development Services Ranger Senior Ranger
Subdelegate conditions	CESM/CBFCO Delegated powers limited to: 1. Activities in Thoroughfares and Public Places and Trading Local Law 2004 a. cl. 5.15 When application for permit can be approved b. cl. 5.16 Prohibitions on burning
Statutory framework	Shire of Gingin Local Laws <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2004 • Bee Keeping Local Law 2004 • Bush Fire Brigades Local Law 2004 • Cemeteries Local Law 2014 • Dogs Local Law 2004 • Extractive Industries Local Law 2004 • Fencing Local Law 2016 • Health Local Law 2017 • Keeping and Control of Cats Local Law 2016 • Local Government Property Local Law 2004 • Meeting Procedures Local Law 2014 • Parking and Parking Facilities Local Law 2004 • Pest Plants Local Law 2015 • By-laws Relating to Signs and Bill Posting 1982 • Waste Local Law 2016

Policy	Nil
Record keeping	Records of the exercise of all delegations are to be kept in accordance with: <i>Local Government Act 1995</i> s. 5.46 Register of, and records relevant to, delegations to CEO and employees <i>Local Government (Administration) Regulations 1996</i> Reg. 19 Delegates to keep certain records (Act s. 5.46(3))
Date adopted	6 May 2008
Adoption references	OCM 6 May 2008 - Item 11.2.2

Delegation	1.1.4 Powers of Entry
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.28 When this Subdivision applies • s.3.32 Notice of entry • s.3.33 Entry under warrant • s.3.34 Entry in an emergency • s.3.36 Opening fences
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the local government's functions under the <i>Local Government Act 1995</i>, other than entry under a local law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	<p>Executive Manager Operations and Assets Executive Manager Regulatory and Development Services Manager Ranger Services Senior Ranger</p>
Subdelegate conditions	<p>Manager Ranger Services Delegation is restricted to authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</p> <p>Senior Ranger Delegation is restricted to authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</p>

Statutory framework	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons - refer also s.3.32(2) Part 3, Division 3 - prescribes statutory processes for Powers of Entry
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	16 June 2020
Adoption references	OCM 16 June 2020 - Item 11.1.2

Delegation	1.1.5 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates)
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Schedule 1 Model code of conduct <ul style="list-style-type: none"> • cl.11(2)(a) and (b) and 11(3) Complaint about alleged breach
Function	<ol style="list-style-type: none"> 1. Approve the form in which complaints relating to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates must be submitted. 2. Appoint authorised persons to receive complaints and withdrawals of complaints in relation to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	Nil
Policy	Code of Conduct for Council Members, Committee Members and Candidates
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	16 February 2021
Adoption references	Minute Item 11.1.3

Delegation	1.1.6 Tenders for Goods and Services - Call Tenders
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.3.57 Tenders for providing goods or services <p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> • r.11(1) and (2) when tenders have to be publicly invited • r.13 Requirements when local government invites tenders though not required to do so • r.14 Publicly inviting tenders, requirements for
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [r.11(1)]. 2. Authority to invite tenders although not required to do so [r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided with notice of the variation [r.14(5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new annual budget where: <ol style="list-style-type: none"> a. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the local government; r b. a current supply contract expiry is imminent; and c. the value of the proposed new contract has been included in the draft annual budget proposed for adoption; and d. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by Council.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Executive Manager Corporate and Community Services Executive Manager Operations and Assets Executive Manager Regulatory and Development Services
Subdelegate conditions	1. Sub-delegation only applies to Function 5. All variations to tender information are to be forwarded to Governance for distribution. 2. Request for Tender (RFT) documents, including selection criteria and details of information to be disclosed to prospective tenderers, are to be approved by the CEO as part of the decision-making process to invite tenders under Function 2.
Statutory framework	Nil
Policy	Policy 3.10 Purchasing
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	1.1.7 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.3.57 Tenders for providing goods or services <p><i>Local Government (Functions and General) Regulations 1995</i></p> <ul style="list-style-type: none"> • r.11(2)(i) Exercising contract extension options • r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders • r.20(1), (2), (3) Variation of requirements before entry into contract • r.21A Varying a contract for the supply of goods or services

<p>Function</p>	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)] 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&Gr.18(4a)] 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> a. The extent to which each tender satisfies the criteria for deciding which tender to accept; and b. To accept the tender that is most advantageous within the value limitation detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)] 5. Authority to accept the next most advantageous tender if, within 6 months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied and do not change the scope of the original contract or increase the contract value beyond the amount set aside in the adopted Budget. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract [F&G r.11(2)(j)]
<p>Delegates</p>	<p>CEO</p>

Conditions	<p>1. In accordance with s.5.43(b), tenders may only be accepted under this delegation where:</p> <p>a. The total consideration under the resulting contract is \$500,000 or less; and</p> <p>b. The expense is included in the adopted Annual Budget.</p> <p>2. A decision to vary a tendered contract <u>before</u> entry into the contract can only be made under this delegation where the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>3. A decision to vary a tendered contract <u>after</u> entry into the contract can only be made under this delegation if the variation is necessary for the goods and/or services to be supplied, and does not change the scope of the contract.</p> <p>4. A decision to vary any contract can only be made under this delegation if the cost of the variation can be met from funds set aside for the contract in the adopted Budget.</p> <p>5. A decision to renew or extend a contract can only be made under this delegation if:</p> <p>a. The original contract contained an option to renew or extend its term as per f.11(2)(j); and</p> <p>b. The contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term; and</p> <p>c. The extension is either on the same terms and conditions as the last year of the original term (allowing for price increases in line with the contract provision for price, if any), or is subject to a variation that is deemed to be a minor variation.</p> <p>6. Variations to tenders and contracts with a value exceeding 10% of the total contract value must be progressed in consultation with the Shire President and Deputy Shire President.</p>
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	<p>Executive Manager Corporate and Community Services Executive Manager Operations and Assets Executive Manager Regulatory and Development Services</p>
Subdelegate conditions	<p>1. Sub-delegation applies only to the following functions:</p> <ul style="list-style-type: none"> • Function 2; and • Function 3a. <p>2. All other functions require the submission of a written recommendation by the relevant Executive Manager to the CEO. The CEO will then make the final decision under delegated authority.</p>
Policy	<p>Policy 3.10 Purchasing</p>
Record keeping	<p>Details of each exercise of delegated power must be captured within the Shire's electronic records management system in accordance with s.5.46 of the <i>Local Government Act 1995</i> and r.19 of the <i>Local Government (Administration) Regulations 1996</i>.</p>
Date adopted	<p>15 June 2021</p>

Shire of Gingin

Adoption references	Minute Item 11.1
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Delegation	1.1.8 Application of Regional Price Preference Policy
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegations of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996</i> <ul style="list-style-type: none"> • r.24G Adopted regional price preference policy, effect of
Function	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	CEO
Conditions	1. This delegation may only be exercised following an investigation that determines there are no regional tenderers that are able to provide the services.
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	Delegates are designated employee under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Council Policy 1.44 Regional Price Preference Council Policy 3.10 Purchasing
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	19 October 2021
Adoption references	OCM 19 October 2021 - Item 13.1

Delegation	1.1.9 Waive or Grant Concessions on Money Owed to the Shire
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.6.12(10)(b) & (c) Power to defer, grant discounts, waive or write off debts
Function	To: <ol style="list-style-type: none"> 1. Waive or grant concessions in relation, or write off, any amount of money which is owed to the Shire; and 2. Determine any conditions that may be applicable to the granting of a concession under subsection 6.12(1)(b).
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The maximum amount to be written off under this delegation is \$1,000.00. 2. This delegation extends only to monies owed to the Shire under the provisions of the <i>Local Government Act 1995</i>. 3. Fees levied under the <i>Planning and Development Act 2005</i> and the <i>Building Act 2011</i> are addressed by Council's Policy 3.19 - Fees Relating to Planning and Building Matters. 4. This delegation does not apply to the writing off or waiving of rates or service charges in accordance with s.6.12(2) of the <i>Local Government Act 1995</i>.
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate powers to other employees
Subdelegates	Executive Manager Corporate and Community Services
Subdelegate conditions	In accordance with conditions relating to Primary Delegation.
Statutory framework	Nil
Policy	Council Policy 3.19 - Fees Relating to Planning and Building Matters
Record keeping	Each exercise of delegation must be recorded in the Shire's Records Management System.
Date adopted	5 June 2007
Adoption references	OCM 5 June 2007 - Item 11.2.2

Delegation	1.1.10 Power to Invest and Manage Investments
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.6.14 Power to invest <p><i>Local Government (Financial Management) Regulations 1995:</i></p> <ul style="list-style-type: none"> • r.19 Investments, control procedures for
Function	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [r.19].
Delegates	CEO
Conditions	1. All investment activity must comply with r.19C ad Council Policy 3.2 Investments.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers ad duties to other employees
Subdelegates	Executive Manager Corporate and Community Services
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	<p><i>Local Government (Financial Management) Regulations 1995:</i></p> <ul style="list-style-type: none"> • r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
Policy	Policy 3.2 - Investments
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	5 June 2008
Adoption references	Minute Item 11.2.2

Delegation	1.1.11 Rates and Service Charges
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.6.39(2)(b) Rate record • s.6.49 Agreement as to payment of rates and service charges • s.6.50 Rates or service charges due and payable • s.6.56 Rates or service charges recoverable in court • s.6.60 Local government may require lessee to pay rent • s.6.64(3) Actions to be taken • s.6.76 Grounds of objection
Function	<ol style="list-style-type: none"> 1. Authority to determine any requirement to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)]. 2. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. 3. Authority to determine the date on which rates or service charges become due and payable to the Shire of Gingin [s.6.50]. 4. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 5. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 6. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Gingin [s.6.60(2)]. 7. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. 8. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 9. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing that written notice of the decision and reasons for the decision are promptly served upon the person who made the objection [s.6.76(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Corporate and Community Services
Subdelegate conditions	In accordance with primary delegation.

Statutory framework	<p>Functions 1 & 8 <i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.6.40 Effect of amendment of rate records <p>NOTE: Decisions under these delegations may be referred to the State Administrative Tribunal for review. Affected parties must be provided with written reasons for any decision and informed of their rights of objection and review in accordance with s.9.4 and 9.5 of the <i>Local Government Act 1995</i>.</p> <p>Functions 5 & 6 <i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.6.61 Requirement to give name of person liable • s.6.62 Application of money paid for rates and service charges • Sch. 6.2 Provisions relating to lease of land where rates or service charges unpaid
Policy	Policy 1.39 Financial Hardship
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3

Delegation	1.1.12 Disposing of Assets
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.58(2) & (3) Disposing of property
Function	<p>1. Authority to dispose of property to:</p> <ol style="list-style-type: none"> a. the highest bidder at public auction [s.3.58(2)(a)]. b. the person who at public tender called by the local government makes what is considered by the delegate to be the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. <p>2. Authority to dispose of property by private treaty only in accordance with s.3.58(3) and, prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p>
Delegates	CEO
Conditions	<p>1. Disposal of land or building assets is limited to:</p> <ol style="list-style-type: none"> a. Matters specified in the annual Budget; or b. The following instances of property that is exempt from disposition of property requirements under s.30 of the <i>Local Government (Functions and General) Regulations 1996</i>: <ol style="list-style-type: none"> i. The leasing of land to community groups, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions. ii. The leasing of land to an employee of the local government for use as the employee's residence. iii. The leasing of residential property to a person. <p style="margin-left: 40px;">In any other instance a Council resolution is required for the disposal of land.</p> <p>2. In accordance with s.5.43 of the Act, disposal of property for any single project, or where not part of a project but part of a single transaction, is limited to a maximum value of \$50,000.</p> <p>3. Assets other than land with a value not exceeding \$20,000 can be disposed of regardless of whether such disposal has been identified in the annual Budget, provided that disposal is undertaken in accordance with Council Policy 3.18 Disposition of Assets.</p>

Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	N/A
Statutory framework	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.58 Disposal of property <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.30 Dispositions of property excluded from Act s.3.58
Policy	Policy 3.18 - Disposition of Assets
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	20 August 2013
Adoption references	Minute Item 11.1.2

Delegation	1.1.13 Payments from the Municipal or Trust Funds
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.12(1) Payments from municipal fund or trust fund, restrictions on making
Function	To make payments from the Municipal Fund or Trust Fund.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Authority to make payments is subject to annual budget limitations. 2. Requests for donations can be determined under this delegation where the individual value of the donation sought is \$1,000 or less and sufficient funds are available in the current adopted budget, subject to the following criteria: <ol style="list-style-type: none"> a. it can be demonstrated that the donation will be of significant benefit to the local community; b. The request is made by a community group or not for profit organization, or from a person or group who is running a not for profit activity; c. The group's financial status is such as to justify a donation from the Shire; d. Special circumstances or needs existing,, in the opinion of the CEO, to warrant a donation (eg support of needy groups or individuals who bring credit to the municipality by achieving State or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses). 3. Details of all donations approved under delegated authority, including justification of the decision, are to be provided to Council on a monthly basis.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate powers and to other employees.
Subdelegates	<p>Executive Manager Corporate and Community Services Executive Manager Operations and Assets Executive Manager Regulatory and Development Services</p>

<p>Subdelegate conditions</p>	<p><u>General Payments</u></p> <p>1. Cheques/electronic fund transfers in excess of \$200,000 are to be signed by the Chief Executive Officer and the Executive Manager Corporate and Community Services.</p> <p>2. Cheques/electronic fund transfers up to the value of \$200,000 are to be jointly signed by any two of the following officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer; • Executive Manager Corporate and Community Services; • Executive Manager Regulatory and Development Services; and • Executive Manager Operations. <p><u>Donation Requests</u></p> <p>1. Sub-delegation does not extend to the consideration of donation requests. All requests for donations are to be determined by the CEO.</p>
<p>Statutory framework</p>	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries' Operational Guideline No. 11 - Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries' Accounting Manual</p>
<p>Policy</p>	<p>Council Policy 3.2 Investments Council Policy 3.9 Purchasing and Ordering of Goods Council Policy 3.10 Purchasing</p>
<p>Record keeping</p>	<p>Each exercise of delegation is to be recorded in the Shire's records management system.</p>
<p>Date adopted</p>	<p>16 June 2020</p>
<p>Adoption references</p>	<p>OCM 16 June 2020 - Item 11.1.2</p>

Delegation	1.1.14 Declare Vehicle to be Abandoned Vehicle Wreck
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.40A(4) Abandoned vehicle wreck may be taken
Function	Authority to declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	6 May 2008
Adoption references	OCM 6 May 2008 - Item 11.2.2

Delegation	1.1.15 Confiscated or Uncollected Goods
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.46 Goods may be withheld until costs paid • s.3.47 Confiscated or uncollected goods, disposal of • s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. Authority to sell or otherwise dispose of uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 3, s.3.58 Disposing of property - applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Policy	Policy 3.18 Disposition of Assets
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	7 December 1999
Adoption references	OCM 7 December 1999 - Item 10.7

Delegation	1.1.16 Disposal of Sick or Injured Impounded Animals
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.46A Sick or injured animals, disposal of • s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 1. Authority to determine, when an impounded animal is ill or injured, that treating it is not practicable, and that it shall be humanely destroyed and the carcass disposed of [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The disposal of animal carcasses will be undertaken accordance with any requirements of cl. 6.7 of the Shire of Gingin Health Local Law 2017.
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	<ol style="list-style-type: none"> 1. In accordance with the primary delegation. 2. Actual destruction and disposal of impounded animals shall only be carried out by Rangers.
Statutory framework	<i>Shire of Gingin Health Local Law 2017:</i> cl.6.7 Disposal of dead animals
Policy	Nil
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of the <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	17 June 2014
Adoption references	OCM 17 June 2014 - Item 11.1.1

Delegation	1.1.17 Gates Across Public Thoroughfares
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.9 Permission to have gate across public thoroughfare - Sch. 9.1 cl.5(1)
Function	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [r.9(5)]. 5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [r.9(6)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The road in question must be of a minor nature with a low traffic density. 2. The proposed gate must be a heavy duty swing type. 3. The proposed gate must be left unlocked at all times. 4. All landowners adjoining the road or using the road for access must confirm, in writing, their support for the proposal. 5. Actions under this delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> - prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</p>
Policy	Nil

Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	21 August 1997
Adoption references	OCM 21 August 1997 - Item 5.1.33333

Delegation	1.1.18 Close Thoroughfares to Vehicles
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.3.50 Closing certain thoroughfares to vehicles • s.3.50A Partial closure of thoroughfare for repairs or maintenance • s.3.51 Affected owners to be notified of certain proposals
Function	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and, before doing so, to: <ol style="list-style-type: none"> a. give public notice, written notice to the Commissioner for Main Roads and written notice to prescribed persons and persons who own prescribed land; and b. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare, without public notice, for repairs or maintenance where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]. 5. Authority, before doing anything to which s.3.51 applies, to take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or to drain water from a thoroughfare to private land [s.3.51].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Delegation only relates to circumstances where there is an alternative route available to traffic which might otherwise use the section of road to be closed, or where the closure is intended to be of such short duration that no great inconvenience will be suffered. 2. Elected Members are to be advised of any road closure likely to be in effect for more than five working days.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets
Subdelegate conditions	In accordance with the primary delegation.

Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	1.1.19 Obstruction of Footpaths and Thoroughfares
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.5(2) Interfering with, or taking from, local government land • r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl.3(1)(a) • r.7A Obstruction of public thoroughfare by fallen things - Sch. 9.1 cl.3(1)(b) • r.7 Encroaching on public thoroughfare - Sch. 9.1 cl.3(2)
Function	<p>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [r.5.2].</p> <p>2. Authority to provide permission including imposing appropriate conditions, or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare [r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission given at the time written notice is given to the person to whom permission is granted [r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [r.7A].</p> <p>5. Authority to require an owner or occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority, on a public thoroughfare [r.7].</p>
Delegates	CEO

Conditions	<p>1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>2. Permission may only be granted where the proponent has:</p> <p>a. where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>b. provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of the works.</p> <p>c. provided evidence of sufficient public liability insurance.</p> <p>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Regulations are administered in accordance with the <i>Local Government Act 1995</i>, Part 9, Division 2.</p>
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	1.1.20 Public Thoroughfare - Dangerous Excavations
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> • r.11(1), (4), (6) and (8) Dangerous excavation in or near public thoroughfare - Sch. 9.1 cl.6
Function	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner/occupier in writing to fill in or securely fence the excavation [r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [r.11(4)]. 3. Authority to impose conditions on granting permission [r.11(6)]. 4. Authority to renew a permission granted or vary at any time any condition imposed on a permission granted [r.11(8)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where the proponent has: <ol style="list-style-type: none"> a. Where appropriate, obtained written permission from, or entered into a legal agreement with, each owner of adjacent property which may be impacted by the proposed works. b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public asset/s at the completion of the works. c. Provided evidence of sufficient public liability insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets
Subdelegate conditions	In accordance with the primary delegation.

Statutory framework	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Regulations are administered in accordance with the <i>Local Government Act 1995</i>, Part 9, Division 2.</p> <p>Determination of bond value and conditions – refer to Delegation 1.2.5 Determine and Manage Conditions on Permission for Dangerous Excavations on or on Land Adjoining Public Thoroughfares</p>
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	1.1.21 Crossing - Construction, Repair and Removal
Category	1. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.42 Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> • r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch. 9.1 cl.7(2) • r.13(1) Requirement to construct or repair crossing - Sch. 9.1 cl.7(3)
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the local government [r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing, and to recover 50% of the cost of doing so as a debt due from the person [r.13(2)].
Delegates	CEO
Conditions	1. Actions under this delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express power to subdelegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Manager Operations and Assets
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Regulations are administered in accordance with the <i>Local Government Act 1995</i> , Part 9, Division 2.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	19 July 2022

Shire of Gingin

Adoption references	OCP 19 July 2022 - Item 11.1
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Delegation	1.2.1 Information to be Available to the Public
Category	1. Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.95(1)(b) and (3)(b) Limits on right to inspect local government information <i>Local Government (Administration) Regulations 1996:</i> <ul style="list-style-type: none"> • r.29B Copies of certain information not to be provided (Act s.5.96)
Function	<ol style="list-style-type: none"> 1. Authority to determine not to provide a right to inspect information, where it is considered that doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions. 2. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied by statutory declaration or otherwise, that the information will not be used for commercial purposes [r.29B].
Delegates	Executive Manager Corporate and Community Services
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	20 May 2008
Adoption references	OCM 20/05/2008 - Item 11.2.3

Delegation	1.2.2 Infringement Notices
Category	1. Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.9.13(6)(b) Onus of proof in vehicle offences may be shifted • s.9.19 Extension of time • s.9.20 Withdrawal of notice <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> • r.70(1A), (1) and (2) Approved officers and authorised officers
Function	<p>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</p> <p>2. Authority to extend the 28 day period within which payment of a modified penalty may be paid, whether or not the period of 28 days has elapsed [s.9.10].</p> <p>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</p>
Delegates	Executive Manager Regulatory and Development Services
Conditions	<p>1. A delegate who participated in a decision to issue an infringement notice MUST NOT determine any matter related to that infringement under this delegation.</p> <p>2. <u>Extension of Time to Pay or Withdrawal of Infringements Relating to the Building Act 2011</u> In order to exercise the functions of s.9.19 and s.9.20 of the LGA with respect to infringements relating to the <i>Building Act 2011</i>, a delegate must also be appointed as an "Approved Officer" in accordance with r.70(1) of the <i>Building Regulations 2021</i> for the purposes of the <i>Criminal Procedure Act 2004</i> s.6(a) and <i>Building Act 2011</i> infringement notices. Del. No. 2.1.8 empowers the CEO to make such appointments.</p>
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil

Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	20 June 2019
Adoption references	Synergy Document: NM15447

Delegation	1.2.3 Determine if an Emergency for Emergency Powers of Entry
Category	1. Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.3.34(2) Entry in emergency
Function	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions.
Delegates	Executive Manager Operations and Assets Executive Manager Regulatory and Development Services Manager Ranger Services Senior Ranger
Conditions	1. An emergency is deemed to exist where the circumstances are such that compliance with the usual requirements for obtaining entry would be impractical or unreasonable because of, or because of the imminent risk of: a. injury or illness to any person; or b. a natural or other disaster or emergency.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Shire of Gingin Delegation 1.19 Powers of Entry
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>
Date adopted	20 June 2019
Adoption references	Synergy Document: NM15447

Delegation	1.2.4 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Category	1. Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> • r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl.3(1)(a)
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.1.19: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [r.6(5)(b)]. 3. Authority to determine and require in writing that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [r.6(5)(d)].
Delegates	Executive Manager Operations and Assets
Conditions	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegation 1.1.19 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Shire of Gingin Delegation 1.1.19 Obstruction of Footpaths and Thoroughfares
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	22 July 2022
Adoption references	Synergy Document: NM23016

Delegation	1.2.5 Determine and Manage Conditions on Approvals for Dangerous Excavations on or on Land Adjoining Public Thoroughfares
Category	1. Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> • r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare
Function	When determining to grant permission for a dangerous excavation under Delegated Authority 1.1.20: 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(70)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been undertaken satisfactorily.
Delegates	Executive Manager Operations and Assets
Conditions	1. Decisions under this Delegation must be exercised in alignment with Council's Delegation 1.1.20 Public Thoroughfare - Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Shire of Gingin Delegation 1.1.20 Public Thoroughfare - Dangerous Excavations
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	22 July 2022
Adoption references	Synergy Document: NM23016

Delegation	1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll
Category	1. Local Government Act 1995
Delegator	CEO
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.4.32(4), (5A) and (5) Eligibility to enrol under s.4.30, how to claim • s.4.34 Accuracy of enrolment details to be maintained • s.4.35 Decision that eligibility to enrol under s.4.30 has ended • s.4.37 New roll for each election <p><i>Local Government (Elections) Regulations 1997:</i></p> <ul style="list-style-type: none"> • r.11(1a) Nomination of co-owners or co-occupiers - s.4.31 • r.13(2) and (4) Register - s.4.2(6)
Function	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Delegates	Executive Manager Corporate and Community Services

Conditions	1. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	23 June 2020
Adoption references	Synergy Document: NM17408

2. Building Act 2011

Delegation	2.1.1 Approve or Refuse a Building Permit
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.18 Further information • s.20 Grant of building permit • s.22 Further grounds for not granting an application • s.27(1) and (3) Conditions imposed by permit authority
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) and (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [s.27(1) and (3)]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]. b. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. This delegation applies to retaining walls between 1 metre and 1.8 metres in height. Plans showing height, length and location and accompanied by certification of structural adequacy prepared by a Professional (Structural) Engineer (as defined in the Building Code of Australia) must be submitted. 2. Plans submitted for retaining walls with a height exceeding 1.8 metres must be referred to Council for determination. 3. Discretion is to be exercised in issuing a building licence for earthworks and retaining walls prior to issuing a building licence for a dwelling on the subject lot.
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services

Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • s.119 Building and demolition permits - application for review by SAT • s.23 Time for deciding application for building or demolition permit • s.17 Uncertified application to be considered by building surveyor <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> • r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) - reviewable by the State Administrative Tribunal <p><i>Building Services (Registration) Act 2011:</i></p> <ul style="list-style-type: none"> • s.7 Carrying out prescribed building service when not registered <p><i>Home Building Contracts Act 1991:</i></p> <ul style="list-style-type: none"> • Part 3A, Division 2 - Part 7, Division 2 <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Policy	<p>Policy 8.1 (Building Control Disclaimer) Policy 8.3 (Building Licence - Deposit for Footpaths/Cycleways) Policy 8.4 (Sign Applications) Policy 8.5 (Amalgamation of Lots for Building Sites) Policy 8.6 (Roof Drainage) Policy 8.7 (Roof Guttering on Outbuildings) Policy 8.8 (Temporary Accommodation) Policy 8.9 (Retaining Walls) Policy 8.10 (Retaining Walls - Cut and Fill of Lots) Policy 8.11 (Oversized Outbuildings)</p>
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>
Date adopted	18 October 2011
Adoption references	OCM 18 October 2011 - Item 11.4.1

Delegation	2.1.2 Occupancy Permits and Building Approval Certificates
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.55 Further information • s.58 Grant of occupancy permit, building approval certificate • s.62(1) and 93) Conditions imposed by permit authority • s.65(4) Extension of period of duration <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> • r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and(3)]. 4. Authority to extend or refuse to extend the period within which an occupancy permit or building approval certificate has effect [s.65(4) and r.40].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the primary delegation.

Statutory framework	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • s.59 Time for granting occupancy permit or building approval certificate • s.60 Notice of decision not to grant occupancy permit or grant building approval certificate • s.121 Occupancy permits and building approval certificates - application for review by SAT <p><i>Building Services (Complaint Resolution and Administration) Act 2011:</i></p> <ul style="list-style-type: none"> • Part 7, Division 2 <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	18 October 2011
Adoption references	OCM 18 October 2011 - Item 11.4.1

Delegation	2.1.3 Building Orders
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.110(1) A permit authority may make a building order • s.111(1) Notice of proposed building order other than building order (emergency) • s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect • s.118(2) and (3) Permit authority may give effect to building order if non-compliance • s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. Authority, if there is non-compliance with a building order, to cause an authorised person to: <ol style="list-style-type: none"> a. Take any action specified in the order; or b. Commence or complete any work specified in the order; or c. If any specified action is required to cease by the order, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover, as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to s.110.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with primary delegation.

Statutory framework	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • s.111 Notice of proposed building order other than building order (emergency) • s.112 Content of building order • s.113 Limitation on effect of building order • s.114 Service of building order • Part 9 Review - s.122 Building orders - application for review by SAT
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>
Date adopted	18 October 2011
Adoption references	OCM 18 October 2011 - Item 11.4.1

Delegation	2.1.4 Demolition Permits
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.18 Further information • s.21 Grant of demolition permit • s.22 Further grounds for not granting an application • s.27(1) and (3) Impose conditions on permit <i>Building Regulations 2012</i> <ul style="list-style-type: none"> • r.23 Application to extend time during which permit has effect (s.32) • r.24 Extension of time during which permit has effect (s.32(3)) • r.26 Approval of new responsible person
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [4.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]. b. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with primary delegation.

Statutory framework	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> • s.119 Building and demolition permits - application for review by SAT • s.23 Time for deciding application for building or demolition permit <p><i>Building Services (Complaint Resolution and Administration) Act 2011:</i></p> <ul style="list-style-type: none"> • Part 7, Division 2 <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	18 October 2011
Adoption references	OCM 18 October 2011 - Item 11.4.1

Delegation	2.1.5 Designate Employees as Authorised Persons
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.96(3) Authorised persons • s.99(3) Limitations on powers of authorised person
Function	1. Authority to designate an employee as an authorised person[s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. NOTE: An authorised person for the purposes of s.96(3) and 99(3) is not an approved officer or authorised officer for the purposes of r.70 of the <i>Building Act 2011</i> .
Delegates	CEO
Conditions	1. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local government
Subdelegate conditions	N/A
Statutory framework	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.97 Identity cards
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	20 August 2013
Adoption references	OCM 20 August 2013 - Item 11.1.1

Delegation	2.1.6 Private Pool Barrier - Alternative and Performance Solutions
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) an (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> • r.51 Approvals by permit authority
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if they were compliant with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner/occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	2.1.7 Smoke Alarms - Alternative Solutions
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> • r.55 Terms used (alternative building solution approval) • r.61 Local government approval of battery powered smoke alarms
Function	1. Authority to approve alternative building solutions which meet the performance requirements of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	2.1.8 Appointment of Approved Officers and Authorised Officers
Category	2. Building Act 2011
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> • r.70 Approved officers and authorised officers
Function	1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i> , in accordance with r.70(1) and 70(1A). NOTE: Only employees delegated under s.5.44(1) of the <i>Local Government Act 1995</i> with power under s.9.19 or 9.20 of that Act may be appointed as "approved officers". 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i> , in accordance with r.70(2). NOTE: Only employees appointed under s.9.10 of the <i>Local Government Act 1995</i> and authorised for the purpose of performing functions under s.9.16 of that Act may be appointed as "authorised officers".
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • s.127(6A) Delegation: special permit authorities and local governments
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> • r70(3) Approved officers and authorised officers - each authorised officer must be issued with a certificate of appointment.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	21 April 2020
Adoption references	OCM 21 April 2020 - Item 11.1.2

3. Bush Fires Act 1954

Delegation	3.1.1 Prohibited Burning Times - Vary and Control Activities
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • s.48 Delegation by local government • s.17(10) Prohibited burning times may be declared by Minister (power of delegation to Mayor or President and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express power or duty delegated	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • s.17(7) Prohibited burning times may be declared by Minister • s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions • s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <p><i>Bush Fires Regulations 1954</i></p> <ul style="list-style-type: none"> • r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. • r.15C Local government may prohibit burning on certain days • r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times • r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it, to determine a variation of prohibited burning times after consultation with an authorized CALM Act officer [s.17(7)]. 2. Authority to determine permits to burn during a Prohibited Burning Time that have previously been refused by a Bush Fire Control Officer [r.15]. 3. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of Sunday or public holiday in the whole or a specified part of the District during a Prohibited Burning Time is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 4. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 5. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 6. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Prohibited Burning Time, and to give permission for use of same during a Prohibited Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 7. Authority to recover the cost of measures taken by the Shire of Gingin or a Bush Fire Control Officer to extinguish a fire burning during a Prohibited Burning Time where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

Delegates	CEO Community Emergency Services Manager/Chief Bush Fire Control Officer President
Conditions	<p>1. Delegation of power to the President and the Community Emergency Services Manager/Chief Bush Fire Control Officer relates to Function 1 only. Decisions must be undertaken jointly and must comply with the procedural requirements of s.17(7B) and (8).</p> <p>2. Delegation of power to the CEO relates to Functions 2-6 only.</p> <p>3. The delegation of power under Function 2 is only to be exercised where:</p> <p>a. The Chief Bush Fire Control Officer is unable or unwilling to make a determination in this regard; or</p> <p>b. The determination relates to a decision made by the Chief Bush Fire Control Officer.</p>
Express power to subdelegate	Nil
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	3.1.2 Restricted Burning Times - Vary and Control Activities
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> • s.18(5), (11) Restricted burning times may be declared by FES Commissioner • s.22(6) and (7) Burning on exempt land and land adjoining exempt land • s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions • s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <p><i>Bush Fires Regulations 1954</i></p> <ul style="list-style-type: none"> • r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. • r.15C Local government may prohibit burning on certain days • r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times • r.39B Crop dusters etc., use of in restricted or prohibited burning times

Function	<p>1. Authority, where seasonal conditions warrant it, and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].</p> <p>2. Authority to determine to prohibit burning during a Restricted Burning Time on Sundays or specified days that are public holidays in the District [r.15C].</p> <p>3. Authority, where a permitted burn fire escapes or is out of control in the opinion of a Bush Fire Control Officer or an officer of a Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</p> <p>4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</p> <p>5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and a Bush Fire Brigade to cooperate in burning firebreaks, and require the occupier of adjoining land to provide, by the date of the burning, ploughed or cleared firebreaks parallel to the common boundary [s.22(6) and (7)].</p> <p>6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during a Restricted Burning Time is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>8. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>9. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Restricted Burning Time, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>10. Authority to recover the cost of measures taken by the Shire of Gingin or a Bush Fire Control Officer to extinguish a fire burning during a Restricted Burning Time, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Delegates	CEO
Conditions	<p>1. The delegation of power granted under Function 4 is only to be exercised where:</p> <p>a. The Chief Bush Fire Control Officer is unable or unwilling to make a determination in this regard; or</p> <p>b. The decision to refuse a permit to burn has been made by the Chief Bush Fire Control Officer.</p>
Express power to subdelegate	Nil
Statutory framework	Nil

Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

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

Record keeping	Exercise of delegation must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 December 2020
Adoption references	Minute Item 11.1.1

Delegation	3.1.4 Appoint Bush Fire Control Officer/s and Fire Weather Officer/s
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> S. 48 Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s. 38 Local government may appoint bush fire control officer
Function	<p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and</p> <p>a. Of those Officers, to appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</p> <p>b. To determine the respective seniority of the other Bush Fire Control Officers so appointed [s.38(1)].</p> <p>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Gingin [s.38(5A)].</p> <p>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and, where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]</p> <p>4. Authority to appoint Deputy Fire Weather Officer/s as considered necessary and, where two or more deputies are appointed, to determine seniority [s.38(10)].</p>
Delegates	CEO
Conditions	<p>1. Chief Bush Fire Control Officer is to be the Shire's Community Emergency Services Manager (or equivalent position). Any other proposed appointment must be presented to Council for consideration.</p> <p>2. Appointments to the position of Deputy Chief Bush Fire Control Officer must result from a recommendation of the Shire's Bush Fire Advisory Committee.</p> <p>3. Appointments to the position of Bush Fire Control Office must result from a recommendation of the Shire's Bush Fire Advisory Committee.</p> <p>Condition 3 does not apply to the appointment of Shire Rangers as Bush Fire Control Officers for the Shire in its entirety.</p>
Express power to subdelegate	Subdelegation is specifically prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
Subdelegate conditions	Not applicable
Statutory framework	<i>Shire of Gingin Bush Fire Brigades Local Law 2004</i>
Policy	Policy 4.2 - Bush Fire Control

Record keeping	<p>Records of bush fire control officers and bush fire brigade officers appointed by or holding office under the local government to be maintained in accordance with:</p> <p><i>Bush Fires Act 1954</i> s. 50 Records to be maintained by local government</p> <p>In addition, each exercise of delegation must be captured in the Shire's records managementsystem as required by <i>LocalGovernment Act 1995</i> s.5.46 and <i>LocalGovernment (Administration) Regulations 1996</i> r.19.</p>
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	3.1.5 Firebreaks
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.33 Local government may require occupier of land to plough or clear firebreaks
Function	<p>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District requiring them, to the satisfaction of the Shire of Gingin:</p> <p>a. to clear firebreaks as determined necessary and as specified in the notice; and</p> <p>b. to act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</p> <p>c. as a separate or coordinated action with any other person, to carry out similar actions [s.33 (1)].</p> <p>2. Authority to direct a Bush Fire Control Officer or any other employee to enter into the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</p> <p>3. Authority to recover any costs an expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice ([s.33(5)].</p> <p>4. Authority to, at the request of an owner or occupier of land within the District, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger and, if necessary, recover the expense of undertaking such works from the owner or occupier in a court of competent jurisdiction.</p>
Delegates	CEO
Conditions	The draft firebreak notice shall be submitted to the Shire's Bush Fire Advisory Committee for consideration prior to submission to the Chief Executive Officer for approval.
Express power to subdelegate	Nil
Statutory framework	Nil
Policy	N/A
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 June 2021

Shire of Gingin

Adoption references	Minute Item 11.1
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Delegation	3.1.6 Burning Garden Refuse/Open Air Fires
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.24F Burning garden refuse during limited burning times • s.24G Minister or local government may further restrict burning of garden refuse • s.25 No fire to be lit in open air unless certain precautions taken • s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954</i> <ul style="list-style-type: none"> • r.27(3) Permit, issue of
Function	<ol style="list-style-type: none"> 1. Authority to give written permission, during Prohibited and Restricted Burning Times, for an incinerator located within two metres of a building or fence, to be used for the burning of garden refuse [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. 3. Authority to issue directions to an authorised officer as to the manner in which, or the conditions under which, permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. 4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34]. 5. Authority to provide written approval, during Prohibited and Restricted Burning Times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]; and b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 6. Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such period during a Prohibited Burning Time as is specified in a notice published in the Government Gazette and a newspaper circulating in the District, and authority to vary such notice [s.25(1a) and (1b)]. 7. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in the open air, prohibiting that person from lighting a fire, and to determine conditions on the notice [s.25A(5)].
Delegates	CEO

Conditions	1. Function 1 is only to be exercised where the CEO can be satisfied that approval is not likely to create a fire hazard.
Express power to subdelegate	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	3.1.7 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.58 General penalty and recovery of expenses incurred
Function	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Gingin or those acting on behalf of the Shire of Gingin to do [2.58].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1954</i> s.5.46 and <i>Local Government (Administration) Regulations 1956</i> r.19.
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	3.1.8 Prohibit or Postpone the Lighting of Fires
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	<p>1. Authority to prohibit or postpone the lighting of a fire, including where a permit has been issued, where in the opinion of the Delegate the lighting of a fire would be, or would become, a source of danger by escaping from the land on which it is proposed to be lit.</p> <p>2. Authority to direct, where a fire is burning on land and the Delegate is of the opinion that the fire is in danger of escaping from that land, that the owner or occupier of the land take all reasonable steps to extinguish the fire or to prevent the fire from spreading.</p> <p>3. Authority to exercise the powers contained within Functions 1 and 2 with respect to fires on land within three kilometres of the boundary of forest land, where an authorised CALM Act Officer is not available or has failed to exercise those powers.</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	3.1.9 Control of Operations Likely to Create Bush Fire Danger
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954</i> <ul style="list-style-type: none"> • r.39C Welding and cutting apparatus, use of in open air • r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. • r.39D Explosives, use of • r.39E Fireworks, use of
Function	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ul style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus or a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse or any other combustible matter that is burning) [s.27D].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1954</i> r.19.
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

Delegation	3.1.10 Make Request to FES Commissioner - Control of Fire
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.13(4) Duties and powers of bush fire liaison officers
Function	Authority to request on behalf of the Shire of Gingin that the FES Commissioner authorise a Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Sub-delegation is prohibited by s.48(3) of the <i>Bush Fires Act 1954</i> .
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19
Date adopted	15 June 2021
Adoption references	Minute Item 11.1

4. Cat Act 2011

Delegation	4.1.1 Cat Registrations
Category	4. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.9 Registration • s.10 Cancellation of Registration • s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> <ul style="list-style-type: none"> • Sch. 3, cl.1(4) Fees payable
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any cat or class of cats within the Shire's District [Sch. 3 cl. 1(4)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.
Express power to subdelegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	<ol style="list-style-type: none"> 1. In accordance with the primary delegation. 2. Function 5 is delegated to the position of Executive Manager Regulatory and Development Services only.

Statutory framework	<p><i>Cat Regulations 2012:</i></p> <ul style="list-style-type: none"> • r.12 Period of registration (s.9(7)) • r.14 Registration certificate (s.11(1)(b)) • r.15 Registration tags (s.76(2))
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	4.1.2 Cat Control Notices
Category	4. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.26 Cat control notice may be given to cat owner
Function	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> • r.20 Cat control notice [s.23(3)], prescribes the form of the notice.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 - Item 11.1.1

Delegation	4.1.3 Approval to Breed Cats
Category	4. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.37 Approval to breed cats • s.38 Cancellation of approval to breed cats • s.39 Certificate to be given to approved cat breeder
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	CEO
Conditions	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express power to subdelegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	<ol style="list-style-type: none"> 1. In accordance with the primary delegation.
Statutory framework	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> • r.21 Application for approval to breed cats [s.36(2)] • r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) • r.23 Person who may not be refused approval to breed cats (s.37(5)) • r.24 Duration of approval to breed cats (s.37(6)) • r.25 Certificate given to approved cat breeder (s.39(1))
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.

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Date adopted	19 July 2022
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Delegation	4.1.4 Recovery of Costs - Destruction of Cats
Category	4. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.49(3) Authorised person may cause cat to be destroyed
Function	1. Authority to recover the amount of the costs associated with the destruction and disposal of a cat [s.49(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	1. In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by Local Government Act 1995 s.5.46 and Local Government (Administration) Regulations 1996 r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	4.1.5 Applications to Keep Additional Cats
Category	4. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.44 Delegation by local government
Express power or duty delegated	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> <ul style="list-style-type: none"> • r.8 Application to keep additional number of cats • r.9 Grant of approval to keep additional number of cats
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)]. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	<ol style="list-style-type: none"> 1. In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	4.1.6 Reduce or Waive Registration Fee
Category	4. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.44 Delegation by local government
Express power or duty delegated	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> • Sch. 3 Fees cl.1(4)
Function	1. Authority to reduce or waive a fee payable under Sch. 3 cl.(2) or (3) in respect to any individual cat.
Delegates	CEO
Conditions	This delegation does not provide authority to determine to reduce or waive the fees payable in regard to any class of cat within the District, which would require a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	4.2.1 Infringement Notices - Extensions and Withdrawals
Category	4. Cat Act 2011
Delegator	CEO
Express power to delegate	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.45 Delegation by CEO of local government
Express power or duty delegated	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> • s.64 Extension of time • s.65 Withdrawal of notice
Function	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Executive Manager Regulatory and Development Services
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Not applicable.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	22 July 2022
Adoption references	Synergy Document: NM23016

5. Dog Act 1974

Delegation	5.1.1 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10A Payments to veterinary surgeons towards costs of sterilisation
Function	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog would suffer hardship in paying the whole of the cost of sterilisation and determine to make a payment towards such costs [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(a)(b) and (2)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	5.1.2 Refuse or Cancel Registration
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.15(2) and (4A) Registration periods and fees • s.16(3) Registration procedure • s.17A(2) If no application for registration made • s.17(4) and (6) Refusal or cancellation of registration
Function	<p>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</p> <p>2. Authority to direct a registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:</p> <p>a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3 years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</p> <p>b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</p> <p>c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or</p> <p>d. the dog is required to be microchipped but is not microchipped; or</p> <p>e. the dog is a dangerous dog [s.16(3) and s.17A(2)].</p> <p>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s.15(4A)].</p> <p>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration, the applicant/owner has not applied to the State Administrative Tribunal for the decision to be reviewed [s.17(4)].</p> <p>5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found to be in contravention of s.31, 32 or 33A and had not been claimed [s.17(6)].</p>
Delegates	CEO
Conditions	Nil

Express power to subdelegate	<p><i>Dog Act 1976:</i></p> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	<p>Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger</p>
Subdelegate conditions	<p>Subdelegations relate to Functions 1, 2, 4 and 5 ONLY. Function 3 has NOT been subdelegated to any position.</p>
Statutory framework	<p><i>Dog Act 1976:</i></p> <ul style="list-style-type: none"> • s.17A If no application for registration made - procedure for giving notice of decision under s.16(3). <p>NOTE: Decisions made under this delegation may be referred for review by the State Administrative Tribunal - s.16A, s.17(4) and (6).</p>
Policy	<p>Nil</p>
Record keeping	<p>Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>.</p>
Date adopted	<p>19 July 2022</p>
Adoption references	<p>OCM 19 July 2022 – Item 11.1.1</p>

Delegation	5.1.3 Kennel Establishments
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.27 Licensing of approved kennel establishments
Function	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	CEO
Conditions	1. Application processing and decisions under this delegation are to comply with the Shire of Gingin Dogs Local Law 2004.
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	1. In accordance with primary delegation.
Statutory framework	Decisions made under this delegation may be referred for review by the State Administrative Tribunal - s.16A, s.17(4) and (6).
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	5.1.4 Recovery of Moneys Due under this Act
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and dutes
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.29(5) Power to seize dogs
Function	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	1. In accordance with primary delegation.
Statutory framework	Includes recovery of expenses relevant to: <i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense • s.33M Local government expenses to be recoverable • s.47 Veterinary service expenses recoverable from local government <i>Dog Regulations 2013:</i> <ul style="list-style-type: none"> • r.31 Local government expenses as to dangerous dogs (declared)
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.

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Date adopted	19 July 2022
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Delegation	5.1.5 Dispose of or Sell Dogs Liable to be Destroyed
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.29(11) Power to seize dogs
Function	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.19(11)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	5.1.6 Declare Dangerous Dog
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	1. Authority to declare an individual dog to be a dangerous dog.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	5.1.7 Dangerous Dog Declared or Seized - Deal with Objections and Determine When to Revoke
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.33F(6) Owners to be notified of making of decision • s.33G(4) Seizure and destruction • s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33(1)]. 4. Authority, before dealing with an application to revoke a declaration or notice, to require the owner of the dog to attend, with the dog, a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	<p>The power to deal with an objection to, or to revoke, a dangerous dog declaration should not be delegated to a position which also holds the power to enable the declaration of a dangerous dog under s.33E(1). The Shire's Manager Ranger Services, Senior Ranger and Rangers are authorised to declare individual dogs to be dangerous dogs (Del. 5.1.6).</p> <p>NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.</p>
Policy	Nil

Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.33H(5) Local government may revoke declaration or proposal to destroy
Function	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties NOTE: The CEO is expressly authorised to subdelegate to employees.
Subdelegate conditions	Not applicable.
Statutory framework	The power to deal with an objection to a notice to revoke a dangerous dog declaration or destruction notice should not be delegated to a position which either holds the power to declare an individual dog to be a dangerous dog, or to deal with an objection to, or to revoke, a dangerous dog declaration. NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration
Category	5. Dog Act 1974
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.33M(1)(a) Local government expenses to be recoverable
Function	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the local government in making enquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> • s.10AA(3) Delegation of local government powers and duties <p>NOTE: The CEO is expressly authorised to subdelegate to employees.</p>
Subdelegates	Executive Manager Regulatory and Development Services Manager Ranger Services
Subdelegate conditions	Nil
Statutory framework	<i>Dog Regulations 1976:</i> <ul style="list-style-type: none"> • r.31 Local government expenses as to dangerous dogs declared - prescribes the maximum charge allowable with respect to s.33M(1)(a).
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

6. Food Act 2008

Delegation	6.1.1 Appoint Authorised Officers and Designated Officers
Category	6. Food Act 2008
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation
Express power or duty delegated	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.122(1) Appointment of authorised officers • s.126(6), (7) and (13) Infringement officers
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or s.24 (1) of the <i>Public Health Act 2016</i> to be a Designated Officer for the purposes of issuing infringement notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements) for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. A person who is a Designated Officer for the purposes of Function 2 cannot also be a Designated Officer for the purposes of Function 3, and vice versa [s.126(13)]. 2. A list of appointed Authorised Officers must be prepared and maintained [s.122(3)].
Express power to subdelegate	Nil - the <i>Food Regulations 2008</i> do not provide for subdelegation.
Subdelegate conditions	Not applicable.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	6.1.2 Prohibition Orders
Category	6. Food Act 2008
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation
Express power or duty delegated	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.65(1) Prohibition orders • s.66 Certificate of clearance to be given in certain circumstances • s.67(4) Request for re-inspection
Function	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	Nil
Express power to subdelegate	Nil - the <i>Food Regulations 2008</i> do not provide for subdelegation.
Subdelegate conditions	Not applicable.
Statutory framework	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	17 June 2014
Adoption references	OCM 17 June 2014 - Item 11.1.1

Delegation	6.1.3 Registration of Food Businesses
Category	6. Food Act 2008
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation
Express power or duty delegated	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.110(1) and (5) Registration of food business • s.112 Variation of conditions or cancellation of registration of food businesses
Function	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions applicable to, or cancel the registration of, a food business [s.112].
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	Nil
Express power to subdelegate	Nil - the <i>Food Regulations 2008</i> do not provide for subdelegation.
Subdelegate conditions	Not applicable.
Statutory framework	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	6.1.4 Determine Compensation
Category	6. Food Act 2008
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation
Express power or duty delegated	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.56(2) Compensation to be paid in certain circumstances • s.70(2) and (3) Compensation
Function	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be submitted to Council for consideration.
Express power to subdelegate	Nil - the <i>Food Act 2008</i> does not contain any express power to subdelegate.
Subdelegate conditions	Not applicable.
Statutory framework	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	6.1.5 Debt Recovery and Prosecutions
Category	6. Food Act 2008
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.118(2)(b), (3) and (4) Functions of enforcement agencies and delegation
Express power or duty delegated	<i>Food Act 2008:</i> <ul style="list-style-type: none"> • s.54 Cost of destruction or disposal of forfeited item • s.125 Institution of proceedings
Function	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (sized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	Nil - the <i>Food Regulations 2009</i> do not provide for subdelegation.
Subdelegate conditions	Not applicable.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

7. Graffiti Vandalism Act 2016

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Category	7. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.18(2) Notice requiring removal of graffiti • s.19(3) and (4) Additional powers when notice is given
Function	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.17 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	1. Where a notice is issued to an occupier of land who is not the owner of the property, the owner is to be informed in writing that the notice was given [s.18(3)].
Statutory framework	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	7.1.2 Notices - Deal with Objections and Give Effect to Notices
Category	7. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.22(3) Objection may be lodged • s.24(1)(b) and (3) Suspension of effect of notice
Function	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)]; and b. give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.17 Delegation by CEO of local government
Subdelegate conditions	Nil
Statutory framework	NOTE: Decisions under this delegation may be referred for review by the State Administrative Tribunal.
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	7.1.3 Obliterate Graffiti on Private Property
Category	7. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.25(1) Local government powers on land not local government property
Function	1. Authority to determine to obliterate graffiti without the consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.17 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the Primary Delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

Delegation	7.1.4 Powers of Entry
Category	7. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.28 Notice of entry • s.29 Entry under warrant
Function	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> • s.17 Delegation by CEO of local government
Subdelegates	Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	19 July 2022
Adoption references	OCM 19 July 2022 – Item 11.1.1

8. Planning and Development Act 2005

Delegation	8.1.1 Town Planning Powers
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes cl. 82 Delegations by local government
Function	<p>Subdivision/Amalgamation</p> <p>To provide advice on and grant clearance for the following subdivisions and amalgamations of land referred to Council by the Western Australian Planning Commission:</p> <p>(a) All subdivisions for 50 lots or less that conform with Council's Local Planning Scheme No. 9 (as amended).</p> <p><i>NOTE: Subdivisions for more than 50 lots must be referred to Council for determination.</i></p> <p>(b) All subdivisions/amalgamations that comply with the subdivision detail depicted on a Structure Plan/Detailed Area Plan or Outline Development Plan adopted by Council.</p> <p>Permitted Uses</p> <p>To:</p> <p>(a) Approve all applications for planning approval where the proposed use is a 'P' use in the zoning table of Local Planning Scheme No. 9.</p> <p>(b) Approve all applications for planning approval where the proposed use is incidental under the Local Planning Scheme No. 9, subject to:</p> <ul style="list-style-type: none"> (i) Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice; (ii) Compliance with any requirements of Council established by earlier relevant Council decisions in respect of such uses, which are considered relevant to the application. <p>Residential Development - Residential Design Codes of Western Australia (as amended)</p> <p>To approve all development applications for a single house (including outbuildings) and grouped or multiple dwelling developments to a maximum of six dwelling units where:</p> <p>(a) The permissibility is designated a 'P', 'D' or 'A' use in Table 1: Zoning Table of the Shire of Gingin Local Planning Scheme No. 9 (as amended);</p> <p>(b) No objection or concern has been raised by an adjoining landowner or residents (if required to be advertised); and</p> <p>(c) The application complies with Scheme provisions and any relevant Local Planning Policy standards and requirements except for the extent of variation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration</i></p>

where, in the opinion of the delegated officer, it is considered appropriate.

Other Use and Development

To:

(a) Approve all development applications for the discretionary use class under designated zones subject to no objection received during advertising in accordance with the details below:

- (i) Land Use Development: Aquaculture
Delegated Zones: General Rural/Rural Living/General Industry/Rural Industry
Specific Delegation Criteria: N/A
- (ii) Land Use Development: Ancillary Accommodation
Delegated Zones: Residential/Rural Industry/Rural Living
Specific Delegation Criteria: Approval for applications that comply with Scheme requirements, Residential Design Codes and relevant Local Planning Policy.
- (iii) Land Use Development: Bed and Breakfast
Delegated Zones: Rural Living
Specific Delegation Criteria: Approval for:
 - Applications that comply with Scheme requirements; and
 - Applications where no adverse public submissions have been received.
- (iv) Land Use Development: Caretaker's Dwelling
Delegated Zones: Mixed Business/Rural Industry/General Rural/Tourism/Conservation
Specific Delegation Criteria: Subject to compliance with cl. 5.10.9 of LPS No. 9.
- (v) Land Use Development: Child Care Premises
Delegated Zones: Rural Living
Specific Delegation Criteria: Approval for:
 - Applications that comply with Scheme requirements; and
 - Applications where no adverse public submissions have been received.
- (vi) Land Use Development: Home Occupation
Delegated Zones: Residential/Tourism/General Rural/Rural Industry/Rural Living
Specific Delegation Criteria: Approval for:
 - Applications that comply with Scheme requirements; and
 - Applications where no adverse public submissions have been received.
- (vii) Land Use Development: Agriculture Intensive - Irrigated Horticulture
Delegated Zones: General Rural
Specific Delegation Criteria: Approval for:
 - Proposals greater than 300m from any sensitive land use (ie single dwelling);
 - Proposals that are able to comply with the standard approval conditions relative to Agriculture Intensive; and
 - Minor development incidental to Agriculture Intensive (eg. storage sheds, silos, water tanks, bushfire mitigation infrastructure and solar panels).
- (viii) Land Use Development: Industry - Light
Delegated Zones: Rural Industry
Specific Delegation Criteria: N/A
- (ix) Land Use Development: Market
Delegated Zones: Tourism/Town Centre/General Industry/General Rural

	<p>Specific Delegation Criteria: Approval for applications that comply with Scheme provisions.</p> <p>(x) Land Use Development: Restaurant Delegated Zones: Tourism/Town Centre Specific Delegation Criteria: N/A</p> <p>(xi) Land Use Development: Industry - Rural Delegated Zones: General Industry/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xii) Land Use Development: Industry - Service Delegated Zones: Town Centre/Mixed Business/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xiii) Land Use Development: Shop Delegated Zones: Tourism Specific Delegation Criteria: N/A</p> <p>(xiv) Land Use Development: Trade Display Delegation Zones: Town Centre/General Industry/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xv) Land Use Development: Transportable Dwellings Delegation Zones: All zones Specific Delegation Criteria: Approval for applications that:</p> <ul style="list-style-type: none"> ◦ Comply with Council's Policy Statement 1.7 - Transportable Dwellings; and ◦ Are designated 'P' or 'D' in the Policy Statement Table. <p>(xvi) Land Use Development: Vehicle Repairs Delegation Zones: Rural Industry Specific Delegation Criteria: N/A</p> <p>(xvii) Land Use Development: Vehicle Sales and Hire Delegation Zones: Town Centre Specific Delegation Criteria: N/A</p> <p>(xviii) Land Use Development: Warehouse Delegation Zones: Mixed Business/Rural Industry Specific Delegation Criteria: N/A</p> <p>(b) Approve an amendment or relocation of designated building envelopes on 'Rural Living' and 'General Rural' zoned properties where no objection is raised from adjoining landowners and the proposal will not result in removal of significant vegetation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p> <p>(c) Approve all development applications for Use Not Listed - Signs, subject to no objection being received during advertising, in accordance with the following criteria:</p> <p>(i) Land Use Development: Advertisement Delegated Zones: All zones Specific Delegation Criteria: Approval for applications that fully comply with the Shire's local laws and policies relating to signage.</p>
Delegates	CEO

Conditions	<p>1. The delegations given to the Chief Executive Officer hereunder only permit that Officer to approve applications. Applications that the Chief Executive Officer is not prepared to approve shall be referred to Council for determination.</p> <p>2. The Chief Executive Officer, when exercising a power delegated by Council in this section, shall only make such decisions after ensuring that the approval complies with the provisions of the Local Planning Scheme and is consistent with other decisions of Council in respect of such uses.</p> <p>3. All subdivision proposals in the "General Rural" zone intended to accommodate service infrastructure. Council's support for such proposals to include the following condition:</p> <p><i>A Restrictive Covenant being placed on the land, at the subdivider's cost, under a legal agreement that ensures:</i></p> <p><i>i) Use of the subdivided portion of land shall be limited to service infrastructure; and</i></p> <p><i>ii) If the infrastructure is no longer required, the subdivided portion of land could not be sold, but would be amalgamated with the adjoining land.</i></p>
Express power to subdelegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers
Subdelegates	<p>Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer</p>
Subdelegate conditions	<p>In accordance with the primary delegation.</p>
Statutory framework	<p>Shire of Gingin By-laws Relating to Signs and Bill Posting</p>
Policy	<p>Nil</p>
Record keeping	<p>Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.</p>
Date adopted	<p>5 August 2003</p>
Adoption references	<p>OCM 05 August 2003 - Item 10.1.2</p>

Delegation	8.1.2 Advertising
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl.82 Delegations by local government
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl. 64 Advertising applications
Function	1. Authority to initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions of cl. 64 and in accordance with Local Planning Policy.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	15 March 2011
Adoption references	OCM 15 March 2011 - Item 11.1.4

Delegation	8.1.3 Non-Statutory Delegations
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	N/A
Express power or duty delegated	N/A
Function	To respond to requests, applications or referrals received by the Shire on the following matters: <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government departments; • Land clearing applications from State or Commonwealth agencies; and • Mining tenement and exploration licence referrals from Department of Mines, Industry Regulation and Safety.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	N/A
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 March 2011
Adoption references	OCM 15 March 2011 - Item 11.1.4

Delegation	8.1.4 Miscellaneous
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl. 82 Delegations by local government
Express power or duty delegated	N/A
Function	To: <ol style="list-style-type: none"> Address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required; Determine Council's position in consultation with the Shire President (or Deputy Shire President in the absence of the Shire President) with respect to any mediation process resulting from an appeal lodged with the State Administrative Tribunal; Serve notices on property owners who are deemed to be in breach of the Shire's Local Planning Scheme No. 9 (as amended). This may relate to unlawful land use or development, non-compliance with a condition/s of development approval or contravention of a direction set by the Scheme or a Local Planning Policy; Obtain legal advice in relation to a planning matter within the designated budget allocation; Entertain initial discussions and provide direction to applicants on development proposals in line with state planning policy and current planning instruments including strategy documents endorsed/adopted by Council; and To engage an independent planning consulting service at the State Administrative Tribunal should Council's Resolution differ from Shire Officer's Recommendation resulting in the Review of an Application for Planning Approval
Delegates	CEO
Conditions	<ol style="list-style-type: none"> All development applications or subdivision referrals where the Chief Executive Officer or other delegated officers recommend refusal/objection of the application shall be presented to Council for consideration and a decision; and The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire's Local Planning Scheme No. 9 (as amended) shall be subject to a resolution of Council.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers

Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 March 2011
Adoption references	OCM 15 March 2011 - Item 11.1.4

Delegation	8.1.5 Sea Containers
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 82 Delegations by local government
Express power or duty delegated	<i>Shire of Gingin Local Planning Scheme No. 9:</i> <ul style="list-style-type: none"> • cl. 4.4.2 (applicable to sea containers only)
Function	1. To process and approve planning applications for sea containers.
Delegates	CEO
Conditions	1. Subject to full compliance with Local Planning Policy 1.9 - Sea Containers.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Local Planning Policy 1.9 - Sea Containers
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	20 August 2013
Adoption references	OCM 20 August 2013 - Item 11.1.1

Delegation	8.1.6 Illegal Development
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.4.52(b) Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> • s.214(2), (3) and (5) Illegal development, responsible authority's powers as to
Function	<ol style="list-style-type: none"> 1. Authority to give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Authority to give a written direction to the owner or any other person who undertakes an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Authority to give a written direction to the person whose duty it is to execute work, to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Where a Direction Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Direction Notice will be allowed for the owner or alleged offender to comply.
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> • Part 13
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 11.1.1

Shire of Gingin

Date adopted	19 December 2017
Adoption references	OCM 19 December 2017 - Item 11.3.3

9. Public Health Act 2016

Delegation	9.1.1 Designation of Authorised Officers
Category	9. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> • s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> • s.24(1) and (3) Designation of authorised officers
Function	1. Authority to designate a person or class of persons as authorised officers for the purpose of: <ul style="list-style-type: none"> a. The <i>Public Health Act 2016</i> or another specified Act. b. Specified provisions of the <i>Public Health Act 2016</i> or another specified Act. c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. An environmental health officer or environmental health officers as a class; OR b. A person who is not an environmental health officer or a class of persons who are not environmental health officers; OR c. a mixture of the two [s.24(1) and (3)].
Delegates	CEO
Conditions	1. Subject to each person so appointed being: <ul style="list-style-type: none"> a. appropriately qualified and experienced [s.25(10)(a)]; and b. issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. <p>2. A register of authorised officers is to be maintained in accordance with s.27.</p>
Express power to subdelegate	Nil - the <i>Public Health Act 2016</i> does not contain a power of subdelegation unless a regulation enacted under the <i>Public Health Act 2016</i> specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	Not applicable.

Statutory framework	<p><i>Public Health Act 2016:</i></p> <ul style="list-style-type: none"> • s.20 Conditions on performance of functions by enforcement agencies • s.25 Certain authorised officers required to have qualifications and experience • s.26 Further provisions relating to designations • s.27 Lists of authorised officers to be maintained • s.28 When designation as authorised officer ceases • s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers • s.30 Certificate of authority • s.31 Issuing and production of certificate of authority for purposes of other written laws • s.32 Certificate of authority to be returned • s.136 Authorised officer to produce evidence of authority <p><i>Criminal Investigation Act 2006:</i></p> <ul style="list-style-type: none"> • Parts 6 and 13 - refer s.246 of the <i>Public Health Act 2016</i> <p><i>The Criminal Code:</i></p> <ul style="list-style-type: none"> • Chapter XXVI - refer s.252 of the <i>Public Health Act 2016</i>
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	21 February 2017
Adoption references	OCM 21 February 2017 - Item 11.1.1

Delegation	9.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
Category	9. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> • r15D(7) Infringement notices
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> • r.15(30(5) Infringement notices
Function	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Delegates	CEO
Conditions	1. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express power to subdelegate	Nil - the <i>Health (Asbestos) Regulations 1992</i> do not provide for subdelegation.
Subdelegate conditions	Nil
Statutory framework	<i>Criminal Procedure Act 2004</i> - Part 2
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	16 October 2018
Adoption references	OCM 16 October 2018 - Item 11.1.2

AMENDMENTS

For Period 2021-2022

Delegation	Approved or adopted	Type	Amendment	References
1.1.1 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land	19 Jul 2022	Amended delegation	Formerly Delegation 1.10 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land.	OCM 19 July 2022 - Item 11.1.1
1.1.4 Powers of Entry	19 Jul 2022	Amended delegation	Formerly Delegation 1.19 Powers of Entry.	OCM 19 July 2022 - Item 11.1.1
1.1.5 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates)	19 Jul 2022	Amended delegation	Formerly Delegation 1.20 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates).	OCM 19 July 2022 - Item 11.1.1
1.1.6 Tenders for Goods and Services - Call Tenders	19 Jul 2022	Amended delegation	Formerly Delegation 1.21 Tenders for Goods and Services - Call Tenders.	OCM 19 July 2022 - Item 11.1.1
1.1.7 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	19 Jul 2022	Amended delegation	Formerly Delegation 1.22 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.	OCM 19 July 2022 - Item 11.1.1
1.1.8 Application of Regional Price Preference Policy	19 Jul 2022	Amended delegation	Formerly Delegation 1.23 Application of Regional Price Preference Policy.	OCM 19 July 2022 - Item 11.1.1
1.1.9 Waive or Grant Concessions on Money Owed to the Shire	19 Jul 2022	Amended delegation	Formerly Delegation 2.2 Waive or Grant Concessions on Money Owed to the Shire.	OCM 19 July 2022 - Item 11.1.1
1.1.10 Power to Invest and Manage Investments	19 Jul 2022	Amended delegation	Formerly Delegation 2.4 Investing Money Not Required for the Time Being. Reference to investment of funds held in Reserve deleted.	OCM 19 July 2022 - Item 11.1.1

Delegation	Approved or adopted	Type	Amendment	References
1.1.11 Rates and Service Charges	19 Jul 2022	Amended delegation	Formerly Delegation 2.6 Rate Book. Reference to delegation of powers under s.6.40 of the Local Govt Act 1995 deleted. Function 5 added. Function 5 subdelegated to position of Executive Manager Corporate & Community Services.	OCM 19 July 2022 - Item 11.1.1 Synergy Document: NM23016
1.1.12 Disposing of Assets	19 Jul 2022	Amended delegation	Formerly Delegation 2.14 Disposition of Assets Other Than Land. Scope of delegation extended to cover property that is exempt from disposition of property requirements of the Local Government Act 1995.	OCM 19 July 2022 - Item 11.1.1
1.1.13 Payments from the Municipal or Trust Funds	19 Jul 2022	Amended delegation	Formerly Delegation 2.15 Payments from the Municipal or Trust Fund	OCM 19 July 2022 - Item 11.1.1
1.1.14 Declare Vehicle to be Abandoned Vehicle Wreck	19 Jul 2022	Amended delegation	Formerly Delegation 3.11 Declaring an Impounded Vehicle to be an Abandoned Vehicle Wreck. Function reworded for purposes of clarity.	OCM 19 July 2022 - Item 11.1.1
1.1.15 Confiscated or Uncollected Goods	19 Jul 2022	Amended delegation	Formerly Delegation 3.12 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods. Specific reference to the sale of abandoned vehicles and animals deleted. Delegation extended to encompass s.3.46 Goods may be withheld until costs paid and s.3.48 Impounding expenses, recovery of. Condition requiring all confiscated/uncollected goods to be disposed of via public tender and limiting CEO's power to accept such tenders at a maximum value of \$500 deleted.	OCM 19 July 2022 - Item 11.1.1
1.1.16 Disposal of Sick or Injured Impounded Animals	19 Jul 2022	Amended delegation	Reference included to recovery of expenses associated with exercise of delegation in accordance with s.3.48 of the Local Government Act 1995.	OCM 19 July 2022 - Item 11.1.1
1.1.17 Gates Across Public Thoroughfares	19 Jul 2022	Amended delegation	Formerly Delegation 5.2 Registered Gates. Function reworded for purposes of clarity.	OCM 19 July 2022 - Item 11.1.1

Delegation	Approved or adopted	Type	Amendment	References
1.1.18 Close Thoroughfares to Vehicles	19 Jul 2022	New delegation	Encompasses powers formerly addressed by Delegations 5.4 Temporary Closure of Thoroughfares, 5.5 Partial Closure of Thoroughfares for Repairs or Maintenance, 5.6 Revocation of Road Closure Order and 5.7 Temporary Closure of Thoroughfares - Events.	OCM 19 July 2022 - Item 11.1.1
2.1.1 Approve or Refuse a Building Permit	19 Jul 2022	Amended delegation	Formerly Delegation 6.1 Approve or Refuse a Building Permit. Function reworded for purposes of clarity. Delegation extended to include Functions 4 and 5.	OCM 19 July 2022 - Item 11.1.1
2.1.2 Occupancy Permits and Building Approval Certificates	19 Jul 2022	Amended delegation	Formerly Delegation 6.3 Issue an Occupancy Permit and a Building Approval Certificate. Delegation extended to include Functions 1, 3 and 4.	OCM 19 July 2022 - Item 11.1.1
2.1.3 Building Orders	19 Jul 2022	Amended delegation	Formerly Delegation 6.6 Issue Building Orders. Functions 2, 3, 4, 5 and 6 added.	OCM 19 July 2022 - Item 11.1.1
2.1.4 Demolition Permits	19 Jul 2022	Amended delegation	Formerly Delegation 6.8 Approval or Refuse a Demolition Permit. Delegation extended to include Functions 1, 3, 4 and 5 added.	OCM 19 July 2022 - Item 11.1.1
2.1.5 Designate Employees as Authorised Persons	19 Jul 2022	Amended delegation	Formerly Delegation 6.9 Building Act 2011 - Appointment of Authorised Persons.	OCM 19 July 2022 - Item 11.1.1
2.1.8 Appointment of Approved Officers and Authorised Officers	19 Jul 2022	Amended delegation	Formerly Delegation 6.10 Appointment of Approved Officers and Authorised Officers.	OCM 19 July 2022 - Item 11.1
3.1.1 Prohibited Burning Times - Vary and Control Activities	19 Jul 2022	Amended delegation	Formerly Delegation 3.1 Prohibited Burning Times.	OCM 19 July 2022 - Item 11.1.1
3.1.2 Restricted Burning Times - Vary and Control Activities	19 Jul 2022	Amended delegation	Formerly Delegation 3.1A Restricted Burning Times - Vary and Control Activities.	OCM 19 July 2022 - Item 11.1.1
3.1.3 Prosecution of Offences	19 Jul 2022	Amended delegation	Formerly Delegation 3.2 Prosecution of Offences.	OCM 19 July 2022 - Item 11.1.1

Delegation	Approved or adopted	Type	Amendment	References
3.1.4 Appoint Bush Fire Control Officer/s and Fire Weather Officer/s	19 Jul 2022	Amended delegation	Formerly Delegation 3.4A Appoint Bush Fire Control Officer/s and Fire Weather Officer/s.	OCM 19 July 2022 - Item 11.1.1
3.1.5 Firebreaks	19 Jul 2022	Amended delegation	Formerly Delegation 3.4B Firebreaks.	OCM 19 July 2022 - Item 11.1.1
3.1.6 Burning Garden Refuse/Open Air Fires	19 Jul 2022	Amended delegation	Formerly Delegation 3.5 Burning Garden Refuse/Open Air Fires.	OCM 19 July 2022 - Item 11.1.1
3.1.7 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954	19 Jul 2022	Amended delegation	Formerly Delegation 3.6 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954.	OCM 19 July 2022 - Item 11.1.1
3.1.8 Prohibit or Postpone the Lighting of Fires	19 Jul 2022	Amended delegation	Formerly Delegation 3.7 Prohibit or Postpone the Lighting of Fires.	OCM 19 July 2022 - Item 11.1.1
3.1.9 Control of Operations Likely to Create Bush Fire Danger	19 Jul 2022	Amended delegation	Formerly Delegation 3.8 Control of Operations Likely to Create Bush Fire Danger.	OCM 19 July 2022 - Item 11.1.1
3.1.10 Make Request to FES Commissioner - Control of Fire	19 Jul 2022	Amended delegation	Formerly Delegation 3.9 Make Request to FES Commissioner - Control of Fire.	OCM 19 July 2022 - Item 11.1.1
4.1.1 Cat Registrations	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.2 Cat Control Notices	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.3 Approval to Breed Cats	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.4 Recovery of Costs - Destruction of Cats	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1
4.1.5 Applications to Keep Additional Cats	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 - Item 11.1.1

Delegation	Approved or adopted	Type	Amendment	References
4.1.6 Reduce or Waive Registration Fee	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.15A Cat Act 2011.	OCM 19 July 2022 – Item 11.1.1
5.1.1 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.2 Refuse or Cancel Registration	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.3 Kennel Establishments	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.4 Recovery of Moneys Due under this Act	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.5 Dispose of or Sell Dogs Liable to be Destroyed	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.6 Declare Dangerous Dog	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.7 Dangerous Dog Declared or Seized - Deal with Objections and Determine When to Revoke	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	19 Jul 2022	New delegation	OCM 19 July 2022 – Item 11.1.1	OCM 19 July 2022 – Item 11.1.1
5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration	19 Jul 2022	New delegation	Powers previously addressed by Delegation 3.16 Dog Act 1976.	OCM 19 July 2022 – Item 11.1.1
6.1.1 Appoint Authorised Officers and Designated Officers	19 Jul 2022	New delegation	Powers previously addressed by Delegation 4.3 Food Act 2008 - Appointment of Authorised Officers and Delegation 4.4 Food Act 2008 - Appointment of Designated Officers.	OCM 19 July 2022 – Item 11.1.1

Delegation	Approved or adopted	Type	Amendment	References
6.1.2 Prohibition Orders	19 Jul 2022	New delegation	Formerly Delegation 4.5 Prohibition Orders.	OCM 19 July 2022 – Item 11.1.1
6.1.3 Registration of Food Businesses	19 Jul 2022	New delegation	Formerly Delegation 4.6 Registration of Food Businesses.	OCM 19 July 2022 – Item 11.1.1
6.1.4 Determine Compensation	19 Jul 2022	New delegation	Formerly Delegation 4.9 Food Act 2008 - Determine Compensation. Function 1 added.	OCM 19 July 2022 – Item 11.1.1
8.1.1 Town Planning Powers	19 Jul 2022	Amended delegation	Formerly Delegation 7.1 Town Planning Powers.	OCM 19 July 2022 – Item 11.1.1
8.1.2 Advertising	19 Jul 2022	Amended delegation	Formerly Delegation 7.3 Advertising.	OCM 19 July 2022 – Item 11.1.1
8.1.3 Non-Statutory Delegations	19 Jul 2022	Amended delegation	Formerly Delegation 7.4 Non-Statutory Delegations.	OCM 19 July 2022 – Item 11.1.1
8.1.4 Miscellaneous	19 Jul 2022	Amended delegation	Formerly Delegation 7.5 Miscellaneous.	OCM 19 July 2022 – Item 11.1.1
8.1.5 Sea Containers	19 Jul 2022	Amended delegation	Formerly Delegation 7.7 Sea Containers.	OCM 19 July 2022 – Item 11.1.1
8.1.6 Illegal Development	19 Jul 2022	Amended delegation	Formerly Delegation 7.8 Enforcement and Legal Proceedings for Unauthorised Use or Built Development. Express Power to Delegate, Express Power Delegated and Express Power to Sub-Delegate amended. Wording of Functions amended for the purposes of clarity.	OCM 19 July 2022 – Item 11.1.1
9.1.1 Designation of Authorised Officers	19 Jul 2022	Amended delegation	Formerly Delegation 4.7 Designation of Authorised Officers.	OCM 19 July 2022 – Item 11.1.1
9.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)	19 Jul 2022	Amended delegation	Formerly Delegation 4.10 Appointment of Authorised and Approved Officers.	OCM 19 July 2022 – Item 11.1.1

11.2 FORMAL POSITION OF COUNCIL - MINING OF LANCELIN SAND DUNES

File	ENV/17
Author	Aaron Cook – Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	16 May 2023 – Item 11.1
Appendices	<ol style="list-style-type: none"> 1. Save Lancelin Sand Dunes Explanatory Email [11.2.1 - 1 page] 2. Save Lancelin Sand Dunes Letter [11.2.2 - 2 pages] 3. MOU - Dept of Mines & Petroleum EPA [11.2.3 - 11 pages] 4. Dept of Mines & Petroleum Report - Migration of Limesand Dunes in WA & Their Impacts [11.2.4 - 89 pages]

DISCLOSURES OF INTEREST

Councillor Peczka disclosed an impartiality interest in Item 11.2 as he is a small business owner and mining of the Lancelin sand dunes will impact his business in terms of tourist visitation to his shop and town exposure.

Councillor Rule disclosed a financial interest as he has a sand mining tenement, No. 70/57 and left the meeting at 3.54pm.

PURPOSE

To consider a request from the newly formed “Save the Lancelin Sand Dunes” Group (SLSD) for Council to formally support the actions of the Group.

BACKGROUND

This report was initially submitted to Council for consideration at the Ordinary meeting on 16 May 2023 (Item 11.1). Council ultimately resolved to refer the matter to its 20 June 2023 meeting to provide further opportunity for investigation and discussion. A meeting was held with representatives from the office of the Hon. Roger Cook MLA (then Minister for Tourism), but unfortunately to date no further information has been received as a result of those discussions. That being the case, this report does not differ from the version presented to the May meeting.

Lime sand mining (mining) has been occurring within Lancelin for decades. This action is governed and facilitated by the Department of Mines, Industry Regulation and Safety (DMIRS). The area that is currently being mined has formal approval from DMIRS with the appropriate mining tenement and permits in place to undertake the mining activity.

The lime sand is mined/removed and trucked out for agricultural purposes within the rural sector as it is used to increase the pH in soil, improving farming yields and greatly adding to the economic output from the State of WA.

Next to the main lime sand mine in question is the Lancelin Off Road Vehicle Area (LORVA). Council has been very vocal with the State for years now about having to administer the LORVA on behalf of the State as required by legislation. The LORVA has significant risk associated with the users of the area due to the inherent risks associated with using a variety of off-road vehicles in the area designated. However, the greatest risk is the inability to control these users, inability to erect signage, limit anti-social behaviour and the ever-growing presence of sandboarders and general tourists taking photos and walking through the area.

The LORVA has been in place for some 30 years and has cost the Shire significantly in staff time and expenses with no ongoing support from the State Government other than several minor grants. There have been many deaths in the LORVA over the years and this has been highlighted to the State.

Recently the lime sand mine has come closer to the Lancelin townsite with more focus from residents. The SLSD Group was formed to actively fight against the removal of the lime sand to preserve the sand dunes for future generations.

Correspondence from the SLSD group has been received requesting that Council formally support its actions.

COMMENT

The Lancelin sand dunes is a complicated natural structure that has been a significant draw card for Lancelin for generations. The use of lime sand in the agricultural industry has also been utilised for generations and as the Lancelin lime sand is of a significant quality it was tested and approved for mining by the DMIRS.

Recently, Lancelin community residents have formed the SLSD Group and have been actively seeking to cease lime sand mining in Lancelin. This action has caused a level of angst between the mining company and its earth moving contractor and the general community, and the SLSD Group is asking Council to support its actions.

Information provided by the SLSD Group to Council, and other study documents provided to Elected Members for their general information, form **appendices** to this report.

It is difficult to advise Council as to how to proceed with a discussion point like this, as Council is being asked to actively advocate against the State and DMIRS with respect to decisions that were previously made and approved with the miner having had mining rights over the tenement for an extensive period. In conjunction with this, the main contractor has established themselves in Lancelin and has been a proactive supporter of Lancelin.

It is the right of the SLSD Group to advocate for the closure of lime sand mining in Lancelin, however is it appropriate for the Shire of Gingin to take an active role in this action?

In common with the community, the Shire of Gingin does not want to see the loss of the LORVA and the economic benefit that the sand dunes provide to the greater Lancelin community. It is emphasised that, whilst a mining tenement exists over the LORVA no mining permit has been issued.

Through discussions with DMIRS an offer was made to work with the Shire to identify other possible locations for the LORVA. However other locations would not provide the benefits offered by the current location, namely close proximity to emergency services.

Relocation of the LORVA would detrimentally impact on the economic benefits of the activity and tourism in Lancelin, increase the response time for emergency services to attend incidents and place more pressure on volunteers, reduce the ability of Council staff to service the area, reduce the attendance of Police to incidents of unrest in the LORVA and a whole range of additional issues.

On the other hand, potential positive outcomes would be to ensure that the LORVA area is not lost and remove the ability for any mining to occur in the LORVA area. As part of this outcome DMIRS would also need to prevent users of the LORVA from getting close to and entering the mine site and ensure that the LORVA sand dunes are not negatively affected by the neighbouring sand mining operation.

Should Council wish to take a firm stand on ceasing all lime sand mining in the area then it can do so and actively seek to advocate this point with State Ministers and Departments to seek an outcome and work closely with the SLSD Group.

Should Council not wish to take this advocacy position it could still align with the SLSD Group for the protection of the LORVA as has already been advocated. This, whilst providing some strength to the SLSD Group, would not align with the cessation of all sand mining activity in Lancelin.

There are pros and cons with any decision of Council, this one is difficult as the community are taking action and wishes to have Council's support. Council has received advocacy from the SLSD Group and the mining company and needs to look at the wholistic outcomes of any decision, the possibility of a positive outcome, be focused on the safety issue at hand and the long-term direction and viability of Lancelin.

As such, it is recommended that Council consider the following two options and form a position of Council on this matter.

Option 1

That Council:

- 1. Formally support the Save the Lancelin Sand Dunes Group and advocate to the State Government and the Department of Mines, Industry Regulation and Safety for the cessation of lime sand mining in Lancelin and for the State Government to allocate alternative lime sand resources to be mined outside of the Lancelin area; and*
- 2. That the State Government take immediate responsibility for control of the Lancelin Off Road Vehicle Area to facilitate and regulate users and activities within the Area and to ensure its continued operation into the future.*

Option 2

That Council advocate to the State Government:

- 1. For removal of the Mining Tenement over the Lancelin Off Road Vehicle Area in order to protect the Area into the future; and*
- 2. That the State Government take immediate responsibility for control of the Lancelin Off Road area to facilitate and regulate users and activities within the Area and to ensure its continued operation into the future.*

STATUTORY/LOCAL LAW IMPLICATIONS

Mining Act 1978

Control of Vehicles (Off-road Areas) Act 1978

s.5 – Local government's functions

The issue with the request that has been presented to Council is that mining tenements and permits are not controlled by local government, and the *Mining Act 1978* and its Regulations are some of the most powerful legislation in the State. The mining permit for the area in question has been in place for decades; as such the mining operation and its owners hold this area and resource as a legal asset. If the right to mine were to be removed then it is assumed that the State would need to compensate the mining company for any resulting losses and potentially for costs arising from relocating.

Whilst this does not create a liability or issue for the SLSD Group or for the Shire of Gingin, consideration must be given to the impact of any decision in terms of how any action would be progressed under the relevant legislation, the time required to implement the action and what the potential impacts could be.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	1. Attractions & Economy - Actively Pursue Tourism and Economic Development
Strategic Objective	1.1 Investment Attraction - Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire's economy

VOTING REQUIREMENTS - SIMPLE MAJORITY

The Coordinator Strategic Planning left the meeting at 3:54pm and returned to the meeting at 3.59pm.

OFFICER RECOMMENDATION

MOVED: Councillor Vis SECONDED: Councillor Balcombe

Councillor Johnson foreshadowed his intention to move an Alternative Motion to provide in principle support to the Save The Lancelin Sand Dunes Group in advocating to the State Government for a solution to sand mining in the Lancelin sand dunes.

That Council:

1. Formally support the Save the Lancelin Sand Dunes Group and advocate to the State Government and the Department of Mines, Industry Regulation and Safety for the cessation of lime sand mining in Lancelin and for the State Government to allocate alternative lime sand resources to be mined outside of the Lancelin area; and
2. Request that the State Government take immediate responsibility for control of the Lancelin Off Road Vehicle Area to facilitate and regulate users and activities within the Area and to ensure its continued operation into the future.

LOST
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FOR: *Nil*

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

COUNCIL RESOLUTION/ALTERNATIVE MOTION

MOVED: Councillor Johnson

SECONDED: Councillor Sorensen

That Council:

1. Provide in principle support to the Save the Lancelin Sand Dunes Group and agree to assist the Group in advocating to the State Government and the Department of Mines, Industry Regulation and Safety for an assessment of the impact lime sand mining in Lancelin has on tourism, health/safety and the environment and for the State Government to work with the Save the Lancelin Sand Dunes Group and mining operators to implement a strategy to mitigate these issues as deemed necessary; and
2. Request that the State Government take immediate responsibility for control of the Lancelin Off Road Vehicle Area to facilitate and regulate users and activities within the Area, and to ensure its continued operation into the future.

**CARRIED
4 / 3**

FOR: *Councillor Balcombe, Councillor Johnson, Councillor Kestel and Councillor Peczka*

AGAINST: *Councillor Fewster, Councillor Sorensen and Councillor Vis*

Reason for Alternative

This alternative motion will place the Shire in a position to help bring all stakeholders together to find a resolution for a contentious issue.

Councillor Rule returned to the meeting at 4:06pm.

Karen Okely

Subject: FW: ICP237387 - Fwd: Request for Council to support fight to save Lancelin dunes
Attachments: image003.em_; shire letter.docx; EPA-DMP-MOU.pdf; MP_87678.pdf

Begin forwarded message:

From: Tina Broughton <lanotina@live.com.au>
Date: 14 March 2023 at 8:46:10 am AWST
To: Cr Wayne Fewster <crfewster@gingin.wa.gov.au>, Cr Andrea Vis <CrVis@gingin.wa.gov.au>, Cr Kim Rule <CrRule@gingin.wa.gov.au>, Cr Erik Sorensen <CrSorensen@gingin.wa.gov.au>, Cr Frank Johnson <CrJohnson@gingin.wa.gov.au>, Cr Frank Peczka <crpeczka@gingin.wa.gov.au>, Cr Linda Balcombe <CrBalcombe@gingin.wa.gov.au>, Cr Rob Kestel <CrKestel@gingin.wa.gov.au>
Subject: Request for Council to support fight to save Lancelin dunes

Good morning Councillors.

Please find attached a letter on behalf of the Save Lancelin Sand Dunes Action Group requesting that Council resolve to unite with us to stop sand mining in the Lancelin sand dunes and work towards protecting the sand dunes as a natural landmark of at least state or hopefully national importance.

This does not require direct financial outlay from the Shire, but potentially some staff time in writing and responding to correspondence, and sourcing any records as needed.

It's a big fight. It's going to be a hard fight to win but we have overwhelming public support and a number of well-connected members who are getting in the ears of ministers. We are expecting growing media coverage as Landline release their story in coming months and some other leads with WA Newspapers.

There is almost not a single person you speak to that believes the dunes should not be protected. Even farmers who know the dunes are on our side – there are ample other sources of lime sand available – many already accessible and other large ones that could be brought online if needed.

It has also been discovered that Aglime have misled (whether knowingly or unknowingly) DMIRS in their latest mining proposal. Attached are the MOU which sets out the EPA referral triggers (see page 8) and the recent mining proposal (see page 4) where the applicant ticked the 'No' box for needing to refer to the EPA, along with a photo showing the straight line distance across the centre of town to the coast.

Additionally, the original mining agreement clearly stated that there was a need to protect the aesthetic value of the dunes. As you will see from the picture taken from Mullins Way, this is no longer possible.

Please get in touch if there are any concerns about information provided.

Kind regards

[PO Box 133, Lancelin WA 6044 info@savelancelindunes.com.au][A picture containing text Description automatically generated]

Click

Dear Wayne and Councillors,

Following a community meeting attended by over 100 people and watched by livestream by over 1000, the Save Lancelin Dunes action committee has been formed under the umbrella of the Lancelin Chamber of Commerce.

The ultimate position of the committee, including the overwhelming feedback from our residents and the wider community that we have engaged with, is to cease all sand mining activities **in the Lancelin sand dunes** urgently and protect them for eternity.

By Lancelin sand dunes we mean the entire connected system of sand that on the northern and eastern side of Lancelin Rd/Walker Ave. This includes what is widely regarded as the LORVA through to the area that is currently being mined to the south by Aglime Pty Ltd. It does not include any other mining pits south of Lancelin Rd or Ledge Point or anywhere else in the state.

We call on the Shire to support our community by resolving at Council to join our fight to stop all sand mining in the Lancelin sand dunes. It is the belief of our residents, ratepayers, local businesses and wider community, including people from all over the world – **that it is not possible for sand mining to co-exist with tourism** in the dunes any longer.

1. There is **no need** to mine sand from the Lancelin dunes as there are more than 30 other accessible sources of lime sand around the State, and multiple other untapped sources that do not impact such a major tourist attraction, the livelihoods of so many people in our community and the future of our iconic natural landmark.
2. **No environmental impact studies** have ever been conducted to determine the likely impact of loss of sand from the south on the main tourist dune area. We have photographic evidence to show a significant decline in dune height since mining operations began and there are also concerns about sand replenishment impacts on our foreshore. No studies have been conducted at any time to assess or monitor these issues either.
3. When mining licences were initially granted in the dunes there was concern to maintain ‘the aesthetic nature of the area’. Extraction of sand has already resulted in dramatic impacts on the aesthetic value of the dune system, on this basis alone the mining really should be stopped.
4. There is evidence to suggest that Aglime provided inaccurate information to DMIRS and by doing so avoided EPA referral for their current extraction operations – under the MOU they should’ve referred their proposal to the EPA if it was less than 2km from the town, less than 2km from the ocean and over a water catchment. All three of these triggers occur in this operation.
5. Residents down wind of the mine site are experiencing significant increases in dust due to the mining operations that and no air quality monitoring or assessment has been carried out.

Resolving to support us in this issue does not mean you are against farmers or against sand mining - it shows that you recognise that Lancelin’s magnificent sand dunes are worth far more to our community and the State than the lime sand they contain and understand your mandate to represent the views of your community, especially when they are being made so overwhelmingly clear.

We welcome you to meet with representatives to discuss possible options for achieving this outcome, but we reiterate that while we are prepared to engage with stakeholders we will not

waiver in our ultimate goal of stopping all mining operations in the Lancelin sand dunes as a matter of urgency.

As a significant body of ratepayers, we request that the council endorse our position in stopping mining activities at the Lancelin site and move to permanently protect the sand dunes for the sake of future generations as well as for tourism and the business communities of Lancelin and surrounding towns that rely on this iconic attraction to survive and thrive in the long term.

Yours sincerely

Save Lancelin Dunes Action Group



Memorandum of Understanding
between the
Department of Mines and Petroleum
and the
Environmental Protection Authority
in relation to the referral of
**Mineral and Petroleum (Onshore and Offshore) and
Geothermal Proposals**

Endorsement

The purpose of this Memorandum of Understanding is to establish an efficient and transparent administrative process for the Department of Mines and Petroleum to refer environmentally significant mineral, petroleum and geothermal proposals to the Environmental Protection Authority, pursuant to Part IV of the Western Australian *Environmental Protection Act 1986*.

The Environmental Protection Authority does not abrogate its responsibilities in regard to environmental assessment. The Authority can, under the *Environmental Protection Act 1986*, call in for assessment any proposal that is likely to have a significant effect on the environment.

Richard Sellers
Director General
Department of Mines and Petroleum

Handwritten signature of Richard Sellers in blue ink.

Date: 26/6/09

Dr Paul Vogel
Chairman
Environmental Protection Authority

Handwritten signature of Dr Paul Vogel in blue ink.

Date: 29.6.09

1 Purpose

This document outlines the administrative arrangements between the Environmental Protection Authority (the Authority) and the Department of Mines and Petroleum (the Department) in the referral of proposals under section 38 of the *Environmental Protection Act 1986*. It establishes an agreed process for the Department to refer to the Authority for assessment those mineral, petroleum and geothermal proposals likely to have a significant impact on the environment.

The Authority and the Department commit to working cooperatively to ensure that:

- the objectives of the *Environmental Protection Act 1986* are met
- applications are considered efficiently and effectively, and
- the process is clear, consistent and transparent

A proposal may also require approvals under other legislation and it is the proponent's responsibility to ensure that all necessary State and Commonwealth regulatory requirements are met.

2 Relevant Legislation and Scope

The MoU facilitates the administration of the following legislation:

- *Environmental Protection Act 1986* and Regulations - section 38 requires the Department and any other Decision Making Authority to refer to the Authority any proposal that is likely, if implemented, to have a significant effect on the environment. This includes any proposal that is environmentally significant for reasons other than the factors listed in this MoU
- *Mining Act 1978* and Regulations - that relates to mining on land undertaken in accordance with the *Mining Act 1978*, and on freehold land subdivided before 1899 where most minerals are not 'owned' by the State, and
- *Petroleum and Geothermal Energy Resources Act 1967*, *Petroleum Pipelines Act 1969*, *Petroleum (Submerged Lands) Act 1982* and the relevant Schedules and Regulations, that relate to petroleum exploration and production within Western Australian coastal waters and onshore, and covers seismic and other ground disturbing surveys, drilling, facility (construction, installation, operation, modification and decommissioning), pipeline (construction, installation, operation, modification and decommissioning), and geothermal energy activities onshore

This MoU does not apply to proposals on Commonwealth lands or in Commonwealth waters but recognises that the Department is a lead agency for administration of petroleum legislation for Commonwealth Offshore Areas.

The MoU does not prejudice the provisions of any other written law or the statutory responsibilities of other Government agencies or their respective Ministers. However, to the extent that an inconsistency may arise then the provisions of the *Environmental Protection Act 1986* or approved policy prevails, in accordance with section 5 of the Act.

Matters relating to pre-1899 Crown grant lands and consequently not subject to the *Mining Act 1978*, are managed under the *Environmental Protection Act 1986*.

3 Roles and responsibilities

The following roles apply:

- The Authority has lead responsibility for providing advice to the Minister for Environment regarding environmental protection in the State
- The Authority is responsible for conducting the environmental impact assessment process as required under the *Environmental Protection Act 198*
- The Department has lead responsibility for the regulation of mineral, petroleum and geothermal exploration and development in the State, and
- The Department is a Decision-Making Authority under the *Environmental Protection Act 1986*

4 Agreement

In respect to the purpose of this MoU, the Authority and the Department agree to:

- be effective, timely, transparent and accountable;
- share information, including spatial data, to assist with decision-making under this MoU
- ensure that when referrals occur, the exchange of information and documentation occurs in a timely manner
- consult and pursue collaboration on new and proposed changes to relevant policies, guidelines and standards
- consult and pursue collaboration on new and emerging issues not adequately addressed by the MoU
- communicate decisions through the Authority's Director EPA Service Unit and the Department's Director Environment Division,
- publicly advise on the assessment status of proposals on each website (www.epa.wa.gov.au and www.dmp.wa.gov.au respectively), and
- meet as agreed to discuss specific proposals likely to be referred to the Authority and the general effectiveness of this MoU

In respect to the purpose of this MoU, the Department will:

- require proponents to submit adequate information with their application

- refer to the Authority those proposals it considers likely to have a significant effect on the environment if implemented
- use the best available information to promote industry leading practice
- require proponents to identify and minimise environmental risks associated with their proposals
- seek advice from appropriate agencies, research institutions and independent specialists to minimise the environmental risk of a proposal and determine whether a proposal is likely to have a significant effect on the environment, and
- review each proposal against relevant legislation, policies, guidelines and standards

This agreement between the Authority and the Department recognises that it is the proponent's responsibility to undertake environmental investigations in accordance with relevant guidelines and standards and demonstrate that all practicable measures will be taken, and that any residual risks or impacts are acceptable.

5 Factors to consider in determining whether a proposal is likely to have a significant effect on the environment if implemented

The Department's determination of whether a proposal is likely to have a significant effect on the environment if implemented, and therefore require referral to the Authority, will occur through the consideration of;

- those matters set out in Schedules 1,2 and 3, and
- the capacity of the Department's regulatory processes to deliver an agreed outcome where there would be no residual effects that would be environmentally significant

The following are general factors for determining the environmental significance of a proposal:

- character of the receiving environment
- magnitude, extent and duration of anticipated change
- resilience of the environment and its ability to cope with change
- confidence of prediction of change
- existence of environmental values, policies, guidelines and standards against which a proposal can be assessed, and
- degree of public interest in environmental issues likely to be associated with the proposal

Environmental impact assessment principles will be applied in decision making, including consideration of:

- risk-based assessment of impacts, to include a systematic assessment to identify and characterise the significant potential impacts, so that decisions made are informed by the significance of the environmental risks posed by the environmental aspects of a proposal
- cumulative impacts, so that all decisions will consider the short and long term and cumulative impacts of a proposal or a number of proposals in an area on the environment
- outcome or performance based conditions that set a specific outcome to be met, and are clear and auditable, and
- the strategic context for a proposal is considered early and with stakeholder involvement, including the outcome of previous strategic assessments undertaken by the Authority.

6 Duration and Review

The MoU will commence from the date of signing and continue in its terms until reviewed or terminated by written notice by either party. It will be reviewed if there is a change of legislation or State Government policy affecting the subject of the MoU, or one of the parties determines that a review is required. The review will be undertaken jointly by the parties.

7 Audit

Administrative processes and decision-making under this MoU may be audited every 12 months and the results of the audit will be publicly available.



Memorandum of Understanding
between the
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Proposals**

Schedules

Endorsement

The following schedules attached to the Memorandum of Understanding between the Department of Mines and Petroleum and the Environmental Protection Authority:

1. Criteria for referral of onshore mineral proposals
2. Criteria for referral of onshore petroleum activities
3. Criteria for referral of offshore petroleum activities

valid as of 19 May 2010 are endorsed.

Richard Sellers
Director General
Department of Mines and Petroleum

Handwritten signature of Richard Sellers.

17/6/10
Date:

Dr Paul Vogel
Chairman
Environmental Protection Authority

Handwritten signature of Dr Paul Vogel.

21.5.10
Date:

Schedule 1

CRITERIA FOR REFERRAL OF ONSHORE MINERAL PROPOSALS

This schedule should be read in conjunction with parts 4 and 5 of this MoU

Significance Test: DMP will consult with the Office of the EPA on any proposal considered likely to have a significant impact using the following test of significance:

- Character of the receiving environment;
- Magnitude, extent and duration of anticipated change;
- Resilience of the environment and its ability to cope with change;
- Confidence of prediction of change;
- Existence of environmental values, policies, guidelines and standards against which a proposal can be assessed; and
- Degree of public interest in environmental issues likely to be associated with the proposal.

Irrespective of the outcomes of the **Significance Test**, DMP will take the actions as described in criteria 1-8 contained in the table below for Proposals that meet those circumstances.

		Action Taken	
		Exploration proposals that result in ground disturbance	Development, productive mining, excess tonnage applications and construction proposals
1	Wholly or partly within pre-1899 Crown Grant and consequently not subject to the <i>Mining Act 1978</i>	DMP will liaise with the Office of the EPA on the Proposal	DMP will refer the Proposal to the EPA in accordance with S38(5) of the EP Act 1986
2	Wholly or partly within areas identified or protected under statute; <ul style="list-style-type: none"> • National Park • Nature Reserve • Conservation Park • State Forest and Timber Reserves • Threatened Ecological Communities 		
3	Wholly or partly within the following areas: <ul style="list-style-type: none"> • World Heritage Property; • Biosphere Reserve, • Soil reference site, • Ramsar wetlands; • ANCA wetlands, • Sites visited by species listed under JAMBA or CAMBA. 		
4	Having a direct or indirect effect upon environmentally significant lakes and wetlands including: <ul style="list-style-type: none"> • EPP lakes and wetlands; and • Conservation category wetlands. 	DMP will liaise with the Office of the EPA on the Proposal	DMP will liaise with the Office of the EPA on the Proposal
5	Wholly or partly within 2km of the coastline		
6	Likely to impact on a water resource area, including a water reserve, a declared or proposed water supply catchment area or groundwater protection area.		
7	Area currently subject to formal assessment by the EPA.		
8	Wholly or partly within 2km of a declared occupied townsite	DMP will liaise with the Office of the EPA on the Proposal	DMP will refer the Proposal to the EPA in accordance with S38(5) of the EP Act 1986

Notes

- i. Proposals that are wholly or partly within existing *Conservation and Land Management Act 1984* reserves are forwarded by DMP to DEC under separate administrative arrangements.
- ii. Proposals that require native vegetation clearing will be assessed in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* which are covered by separate administrative arrangements between DMP and DEC.
- iii. DMP will not refer a Proposal to the EPA if the Proposal is part of a Proposal that has already been assessed by the EPA, and is consistent with the conditions of the relevant Ministerial Statement.

Schedule 2

CRITERIA FOR REFERRAL OF ONSHORE PETROLEUM ACTIVITIES

This schedule should be read in conjunction with parts 4 and 5 of this MoU

Significance Test: DMP will consult with the Office of the EPA on any proposal considered likely to have a significant impact using the following test of significance:

- Character of the receiving environment;
- Magnitude, extent and duration of anticipated change;
- Resilience of the environment and its ability to cope with change;
- Confidence of prediction of change;
- Existence of environmental values, policies, guidelines and standards against which a proposal can be assessed; and
- Degree of public interest in environmental issues likely to be associated with the proposal.

Irrespective of the outcomes of the **Significance Test**, DMP will take the actions as described in criteria 1-7 contained in the table below for Proposals that meet those circumstances.

		Action Taken
1	Wholly or partly within 500m of areas identified or protected under statute; <ul style="list-style-type: none"> • National Park • Nature Reserve • Conservation Park • State Forest and Timber Reserves • Threatened Ecological Communities 	DMP will refer the Proposal to the EPA in accordance with S38(5) of the EP Act 1986
2	Wholly or partly within 500m of the following areas: <ul style="list-style-type: none"> • World Heritage Property; • Biosphere Reserve, • Soil reference site, • Ramsar wetlands, • ANCA wetlands, • Sites visited by species listed under JAMBA or CAMBA. 	
3	Likely to have a direct or indirect effect upon environmentally significant lakes and wetlands including: <ul style="list-style-type: none"> • EPP lakes and wetlands; and • Conservation category wetlands. 	DMP will liaise with the Office of the EPA on the Proposal
4	Wholly or partly within 2km of the coastline	
5	Likely to impact to a water resource area, including a water reserve, a declared or proposed water supply catchment area or groundwater protection area	
6	Area currently subject to formal assessment by the EPA	
7	Wholly or partly within 2 kilometres of a declared occupied town site	DMP will refer the Proposal to the EPA in accordance with S38(5) of the EP Act 1986

Notes

- i. Proposals that are wholly or partly within specified reserves are forwarded by DMP to DEC in accordance with S15A of the *PGERA 1967*.
- ii. Proposals that require native vegetation clearing will be assessed in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* which are covered by separate administrative arrangements between DMP and DEC.
- iii. DMP will not refer a Proposal to the EPA if the Proposal is part of a Proposal that has already been assessed by the EPA, and is consistent with the conditions of the relevant Ministerial Statement.

Schedule 3

CRITERIA FOR REFERRAL OF OFFSHORE PETROLEUM ACTIVITIES

This schedule should be read in conjunction with parts 4 and 5 of this MoU

Significance Test: DMP will consult with the Office of the EPA on any proposal considered likely to have a significant impact using the following test of significance:

- Character of the receiving environment;
- Magnitude, extent and duration of anticipated change;
- Resilience of the environment and its ability to cope with change;
- Confidence of prediction of change;
- Existence of environmental values, policies, guidelines and standards against which a proposal can be assessed; and
- Degree of public interest in environmental issues likely to be associated with the proposal.

Irrespective of the outcomes of the **Significance Test**, DMP will take actions as described in criteria 1-8 contained in the table below for Proposals that meet those circumstances.

		Action Taken
1	Surveys, drilling, pipelines and production development wholly or partly within a State Marine Park.	DMP will refer the Proposal to the EPA in accordance with S38(5) of the EP Act 1986
2	Surveys, drilling, pipelines and production development wholly or partly within the following areas of State Marine Management Areas: <ul style="list-style-type: none"> • Special Protection Zones. 	
3	Surveys, drilling, pipelines and production development wholly or partly within a Marine Nature Reserve.	
4	Surveys, drilling, pipelines and production development wholly or partly within a Marine Protection Area other than those managed under the CALM Act, including: <ul style="list-style-type: none"> • Areas protected under the Fish Resources Management Act 1994, • Areas protected under the Rottneest Island Authority Act 1987, • Historic wreck sites • World Heritage Areas. 	
5	Seismic activity wholly or partly within intertidal zones or shallow waters (<15m) in turtle breeding areas during turtle breeding.	
6	Seismic activity wholly or partly located in whale mating/calving areas in the breeding season, or in locations that may affect migrating whales.	
7	Exploration or appraisal drilling wholly or partly within 3nm of coast, islands or intertidal reefs.	
8	Production development and/or pipeline development in State Waters	

Notes

- i. Activities in State or Commonwealth waters may also require referral to DEWHA under the *Environment Protection and Biodiversity Conservation Act 1999*.
- ii. DMP seeks advice from DEC as to whether the proposal is consistent with the Marine Park or Reserve Management Plan, or is otherwise environmentally significant (for example because of potential for impacts on breeding turtles from artificial lighting), when considering whether referral to the EPA is required.
- iii. Proposals that require native vegetation clearing will be assessed in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. The native vegetation clearing process is covered by a separate administrative arrangement between DMP and DEC.
- iv. DMP will seek advice from DEC for proposals in unzoned areas of State Marine Management Areas.
- v. DMP will not refer a Proposal to the EPA if the Proposal is part of a Proposal that has already been assessed by the EPA, and is consistent with the conditions of the relevant Ministerial Statement.
- vi. DMP will not refer a Proposal to the EPA for construction of a well for an existing approved activity.

Appendix A Acronyms, Short Titles and Interpretation

For the purpose of this document, the following acronyms and short titles will be used:

DEC	Department of Environment and Conservation
DEWHA	Department of Environment, Water, Heritage and the Arts
DMP	Department of Mines and Petroleum (the 'Department')
EPA	Environmental Protection Authority (the 'Authority')
MoU	Memorandum of Understanding

Definitions

The terminology used in this document is defined below:

ANCA wetlands	Wetlands of national significance as listed by the Australian Nature Conservation Agency.
Biosphere Reserve	An area of terrestrial and coastal/marine ecosystem that is internationally recognised under UNESCO's 'Man and the Biosphere' program.
Conservation category wetlands	Wetlands categorised in the Geomorphic Wetlands Swan Coastal Plain dataset as 'conservation'.
Decision-Making Authority	Has the meaning as defined under section 3 of the <i>Environmental Protection Act 1986</i> ('the Act') and means a public authority, including a Minister, that is notified in writing by the EPA that they must await authorisation by the Minister administering the Act before making a decision.
Decommissioning	The process that begins near or at the cessation of resource development and ends with the removal of all infrastructure and final rehabilitation of the operation.
Geothermal [activities]	Has the meaning under the <i>Petroleum and Geothermal Energy Resources Act 1967</i> .
Land	Under the <i>Mining Act 1978</i> includes water, and also includes the foreshore and sea bed within the meaning of section 25.
Leading practice	Means the best way of doing things at a given site. Leading practice is flexible and innovative in developing solutions that match site-specific requirements and is as much about approach as it is about a fixed set of practices or a particular technology (DITR 2006)
Minerals	Means naturally occurring substances obtained or obtainable from any land by mining operations carried out on or under the surface of the land, but does not include (a) soil; or (b) a substance the recovery of which is governed by the <i>Petroleum and Geothermal Energy Resources Act 1967</i> or the <i>Petroleum (Submerged Lands) Act 1982</i> ; or (ba) without limiting paragraph (b), geothermal energy resources as defined in the <i>Petroleum and Geothermal Energy Resource Act 1967</i> section 5(1); or (c) a meteorite as defined in the <i>Museum Act 1969</i> ; or (d) any of the following substances if it occurs on private land (i) limestone, rock or gravel; or (ii) shale, other than oil shale; or (iii) sand, other than mineral sand, silica sand or garnet sand; or (iv) clay, other than kaolin, bentonite, attapulgite or montmorillonite.
Mining	Includes fossicking, prospecting and exploring for minerals, and mining operations (s8 of <i>Mining Act 1978</i>).
Mining operations	Means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted or refined or dealt with for the purpose of obtaining any mineral therefrom whether it has been previously disturbed or not and includes (a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; (b) operations by means of which salt or other evaporites may be harvested; (c) operations by means of which mineral is recovered from the sea or a natural water supply; and (d) the doing of all

Mining operations	Means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted or refined or dealt with for the purpose of obtaining any mineral therefrom whether it has been previously disturbed or not and includes (a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; (b) operations by means of which salt or other evaporites may be harvested; (c) operations by means of which mineral is recovered from the sea or a natural water supply; and (d) the doing of all lawful acts incident or conducive to any such operation or purposes.
National park	Has the meaning assigned to it under the <i>Conservation and Land Management Act 1984</i> .
Nature reserve	Has the meaning assigned to it under the <i>Conservation and Land Management Act 1984</i> .
Offshore/ Offshore Area	Means an offshore area of a State or Territory within the meaning of section 7 of the <i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i> .
Onshore	Any locality on the mainland or islands (including Barrow Island) under Western Australian jurisdiction that lies above the mean low water mark.
Petroleum	Petroleum includes: (a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or (c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, hydrogen-sulphide, nitrogen, helium and carbon dioxide, and includes any petroleum as defined by (a), (b) or (c) that has been returned to a natural reservoir, but excludes oil shale.
Petroleum activities	Operations carried out under authority or consent of the <i>Petroleum and Geothermal Energy Resources Act 1967</i> , <i>Petroleum Pipelines Act 1969</i> and <i>Petroleum (Submerged Land) Act 1982</i> and includes the following: seismic and other ground disturbing surveys; drilling; facility (construction, installation, operation, modification and decommissioning); pipeline (construction, installation, operation, modification and decommissioning) and any other upstream petroleum operations; and geothermal energy activities onshore.
Practicable	Capable of being put into practice, done, or effected, especially with the available means or with reason or prudence.
Proposal	An application to the Department for a proposed exploration, mineral or petroleum activity. It includes measures to protect the environment and to rehabilitate disturbed ground. Under the <i>Environmental Protection Act 1986</i> , a proposal can be a project, plan, programme, policy, operation, undertaking or development of change in land use, or amendment of any of these (section 3).
Red Book areas	Proposed conservation reserves for WA recommended by the EPA including the Forest Management Plan and the Department of Environment and Conservation's Regional Management Plans where they formally supercede Red Book areas where such plans have been endorsed).
Refer/Referral	Referral means a proposal that is referred to the EPA for consideration under Part IV (section 38) of the <i>Environmental Protection Act 1986</i> .
Risk	Means the chance of something happening that will have an effect on objectives (i.e. a component of the environment) in accordance with AS / NZS 4360:2004.
State	The State of Western Australia.
Systematic assessment	Clear processes that describe the decisions and decision making criteria, as amended from time to time, are appropriately documented and available to the other party.
Water Resource Management Area	An area where legislation administered by the Department of Water applies.



Government of Western Australia
Department of Mines and Petroleum

Migration of limesand dunes in Western Australia and their impacts



Implications of a geohazard along the
Mid West coast of Western Australia

By Josefine Bruch and Michael Freeman

Migration of limesand dunes in Western Australia and their impacts

**Implications of a geohazard along the
Mid West coast of Western Australia**

By Josefine Bruch and Michael Freeman

February 2017

MINISTER FOR MINES AND PETROLEUM

Hon. Sean L'Estrange

ACTING DIRECTOR GENERAL, DEPARTMENT OF MINES AND PETROLEUM

Tim Griffin

EXECUTIVE DIRECTOR, MINERAL TITLES

Ivor Roberts

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**Other Creators/
Contributors:** Freeman, Michael John, 1946-, author

About this publication

This report represents the results of research by the Department of Mines and Petroleum on the mobility of certain sand dunes along the Mid West coast of Western Australia, between Perth and Geraldton. The Department is releasing the report to ensure a wider distribution of the results, which includes the characterisation of sand dunes and documentation of their rates and directions of travel during the period 1960 to 2010 and interpretations.

Disclaimer

This product was produced using information and data from various sources. The Department of Mines and Petroleum cannot guarantee the accuracy, currency or completeness of the information. DMP and the State of Western Australia accept no responsibility or liability for any loss, damage or costs incurred as a result of any use or reliance whether wholly or in part upon the information provided in this publication or incorporated into it by reference.

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Migration of limesand dunes in Western Australia and their impacts

Implications of a geohazard along the Mid West coast of Western Australia

By Josefine Bruch and Michael Freeman

Preface

This report was compiled by Josefine Bruch, from Dresden University, Germany, as a geomorphological study on the movement of several sand dunes on the Mid West coastal belt of Western Australia. Ms Bruch was assisted with much guidance, support and definitions of concepts by Mr Bob Gozzard of the Geological Survey of Western Australia.

The task was completed as an internship during a three-month period in late 2011 when Ms Bruch was sponsored jointly by the Mineral Titles Division of the Department of Mines and Petroleum and the International Association for the Exchange of Students for Technical Experience (IAESTE). IAESTE is the largest student exchange organisation worldwide, providing high quality practical training for tertiary students in foreign countries. Founded in 1948, it describes itself as a non-political, independent, non-governmental organisation which maintains consultative and operational relationships with agencies of the UN such as the United Nations Educational, Scientific, Cultural Organisation (UNESCO) or the United National Industrial Development Organization (UNIDO).

This report was initially drafted in 2011 but was revised by the second author during 2014–15 to use more non-scientific language to be in keeping with the needs of the inferred audience likely to read the document and to use the information. In addition, amendments, changes and expansion of the interpretations were carried out to improve the readability and organisation of the report. Google Earth images of the latest (2015–16) scenes replaced earlier images to present the latest situation of the dunes.

Summary

This report is a documentation of the rates and directions of migration of limesand dunes in parts of Western Australia. With the application of ArcGIS, georeferenced maps and aerial images from 1960 to 2010 were used to measure and monitor the locations of a selection of mobile dunes along the Mid West coast between Lancelin and Geraldton. Over the period of the study those measured travelled at rates that averaged between 4.1 and 15.8 metres a year for the 50 years, generally moving in a northerly direction, covering between 20,000 and 14 hectares and the longest migration distance identified is 21 kilometres. The monitoring of migration rates can provide valuable information for resource management and geohazard risk reduction as the rates and directions measured can provide predictive tools to document future impacts on built infrastructure. Therefore this report analyses factors that can influence the migration rate and direction of dunes such as climate data, dune

morphology, sediment supply and human activity. The main factors which influence the presence of mobile sand dunes in Western Australia are the wind regime and sediment supply. The study also discusses solutions to stabilise dunes in coastal areas. However, because of the vagaries of natural processes, no prediction of impact dates or severity presented herein are to be taken as fixed or firm. Any users of the data or suggested times or severity of impacts must undertake their own specific studies if definite predictions are required.

Built infrastructure in general had initially been constructed remote from mobile dunes. However, in the decades since construction, the dunes continued migrating and in a number of cases will pose threats to infrastructure. Several of those dunes considered to pose such threats were studied, along with a few others to give better representation of their movements.

It was also concluded that the speeds determined for those dunes included in this study are probably reliable long-term indicators of the rates, but are not reliable on shorter time frames, such as over a decade interval.

The coast and the locus of coastal developments trend parallel to the main winds that mobilise dune sands. This has major implications for land use and development planning because it exposes the maximum number of sites to the geohazard of migrating dunes. Anything built north of and within a close distance of an existing mobile dune near to the coast is likely to eventually become threatened.

The sand mainly consists of sand-sized limestone grains. This limesand is useful for combating increasing acidity in farm soils and is therefore in demand for use through the Wheatbelt region of Western Australia. Physical actions to stop a dune blowing over infrastructure, such as removing the sand with machinery, could be very expensive. Local communities are unlikely to be able to fund such activities without straining local budgets. However, the limesand itself has an economic value when applied to farmland. Therefore, marketing of the limesand from threatening dunes is highly recommended in order to utilise the value of the resource to pay for reducing or removing their threats.

The conclusions for each of the dunes studied follow, commencing at the northern-most dune and progressing southward:

- The Southgate Dune has a total area of 139ha, is moving northwards in the direction of the community of Wandina and will soon blow sand into the housing areas as it is only 230m away. South of this sand dune is the Greenough River mouth which probably supplied sand for the development of the dune. Extraction of limesand from the head of the dune is proceeding and it is recommended that the rate of production be monitored in order to stop the head migrating towards the houses. From the data available it is considered that the order of 25,000m³ (cubic metres) of limesand needs removing at the dune front each year to minimise the forward movement of the dune.
- The Cape Burney sand dune is situated 420m south of the Greenough River mouth. This limesand dune has a total area of 60ha, is moving in a north-northwesterly direction and will soon blow sand into the Greenough River. Blockage of the river may then ensue although if river flows are strong enough it may maintain its course rather than be blocked. It is recommended that the potential problems that might arise from either scenario be considered by the local authority.
- The third area of sand dunes studied southwards is located 8km south of Dongara where dunes are blowing out of the Beekeepers Nature Reserve onto other land tenures. This area contains several discrete dunes, although only two were studied that are moving north-northeasterly and one is currently blowing over Kailis Drive. The sand dunes are named Dongara West, with a total area of 20ha and Dongara East with a total area of 13ha. Dongara West intersected Kailis Drive in the early 2000s and ongoing Shire-facilitated remediation is reportedly in place, though with time the higher parts of the dune will arrive at the roadside and constitute greater difficulties requiring consideration and attention. A mining lease recently granted could facilitate extraction of limesand from the head of the dune to reduce the potential impacts of the migration as the sand blows out of the adjacent Beekeepers Nature Reserve.

- The next dune area studied southward comprises four mobile limesand dunes grouped under the name of the White Point dunes. These sand dunes are located within the Beekeepers Nature Reserve southwest of the Dongara-Eneabba-Railway. The sand dunes are moving north-northeasterly in the direction of the railway line and in a few years they will intersect it. The nose of the largest sand dune in this area is White Point, which is up to 18m high with a total area of 118ha, and is only 750m from the railway. Monitoring of the movement is recommended along with planning on future actions to minimise impacts.
- Illawong Dune, located immediately west of Indian Ocean Drive has a crest up to 4m high and a total area of 111ha. This dune is about 1000m from Indian Ocean Drive. Measured along the trend of its movement and at the 1960–2010 average speed of 9.4m/year it has been estimated to take over 75 years for the dune to intersect the road. However in the period 2001–10 it averaged 30.4m/year and at that rate it will cut the road in 33 years. Monitoring of the movement is recommended to allow for early planning to minimise impacts.
- Coolimba was previously one dune but has separated into two dunes. The western dune, the larger of the two, has an area of 71ha and is located north of the Coolimba-coastal settlement. It has migrated approximately 2.5km north-northeasterly since leaving the beach head and is now closer than 500m to the Indian Ocean Drive and the Beekeepers Nature Reserve. The smaller dune has an area of 9ha and appears that it is being well-colonised with vegetation and may stop moving in the next few years. Extraction of limesand is ongoing from behind the head of the larger dune that will probably reduce its velocity, if not stop the dune. It is concluded this dune poses no immediate threat to the highway but should be assessed about 2050 to ascertain if that is a possibility.
- The next sand dunes southward in the study area are situated near the town of Green Head. The fast moving sand dune, named Green Head North, has a crest height of 3m, is located 2km north of the town and has an area of 28ha. The larger second sand dune, Green Head South, is up to 4m high, is located 4km south of the town of Green Head and has a total area of 191ha. Both mobile sand dunes are moving northwards, and Green Head North dune is less than 150m from a well-used scenic access road to coastal bays and is frequented by tourists. Grant of a mining lease and mining approval to permit extraction of the limesand is recommended to avoid the dune crossing and blocking this road. Green Head South could have impacts upon Indian Ocean Drive as the nose of the limesand dune is only 350-500m away from the highway. Mining Lease 70/782 exists over Green Head South and extraction of the limesand may result in the dune stopping before it reaches the highway. However it is considered that the movement needs monitoring in case the dune still migrates to the highway.
- The sand dune area Sandy Cape used to be one large dune migrating from the south but split into two dunes between 1982 and 2002. The larger eastern sand dune is 80ha in area and has already blown across the access track to Sandy Point. Consequently that road was closed and a new road was built south of the sand dune to access the coast. The smaller western dune appears to be becoming stabilised with vegetation colonising it. No action is recommended.
- The large Grey sand dune (370ha) located in the Nambung National Park and less than 600m northeast of the former coastal settlement of Grey, was blowing sand north-northwesterly over the route of the Indian Ocean Drive before road construction started. Main Roads WA removed sand from a 100 metre-wide strip next to the road alignment before construction commenced and it was revegetated as part of the road construction. This section of the Indian Ocean Drive was opened to the public in 2010 but since then the main bulk of the dune has continued migrating northward. The nearest part of the dune is 400m from blowing over the highway and with the peak of the dune having a height of over 10m, it will pose a significant problem when it reaches the road. It is recommended that this needs consideration and planning to cope with the limesand problem.

- The sand dune area of Wedge Island comprises three mobile dunes which are moving in a northerly and north-northwesterly direction. The dune Wedge Island East is less than 1km away from Indian Ocean Drive and will potentially have a major impact on this road, although it will be decades before that occurs. Wedge Island East is the biggest sand dune of the study area with a total area of 1005ha. This dune is moving into the Wanagarren Nature Reserve from the Commonwealth defence leasehold land of Lancelin. Wedge Island South has an area of 113ha and is possibly going to blow sand over the coastal access road to the beach shacks of Wedge Island as it is currently only 200m southeast of the road, although the sand is blowing into a broad vegetated depression and may halt before intersecting the road. The sand dunes Wedge Island South and East used to be one dune that separated in the decade between 1972 and 1982. Wedge Island North, which has an area of 463ha and a height of 5m, is migrating north-westerly and back into the ocean and does not pose any risks. It is recommended that migration of East and South dunes be monitored in order to plan for future remediation should it become necessary.
- The Lancelin dune is the southern-most studied. This large sheet-dune was migrating at the fast rate of 38m/year during the first period studied (1960–82), but slowed to 10.7m/year in the second period (1982–2004) and then to 6.1m/year in the third period (2004–10). Simultaneously it decreased in area from 1070ha in 1960 to 674ha in 2010. Extraction of limesand from a mining lease at the southern end of the dune correlates in part with this decrease in velocity and area and it is considered likely that this mining resulted in a significant degree of stabilisation of the dune movement. The southern parts of this dune sheet previously had the potential to expose houses on the eastern margin of the townsite to a threat of being impacted. However, it now appears this threat no longer exists.

Introduction

Sand dunes can be found along coastlines worldwide. When located along the coast away from human activities, they don't have a negative impact on human welfare and aren't considered to be a geohazard. In fact sand dunes can even have positive impacts as they provide shelter to the immediate inland areas from storms and flooding sea-level rises and can ameliorate onshore storm winds. However it is critical to be aware of the consequences when sand dunes become mobile and migrate, blowing over infrastructure such as roads, settlements and other developments.

The aim of this report was to document the migration of several sand dunes along coastal parts of Western Australia using ArcGIS, georeferenced maps and aerial images. The monitoring of dune migration rates can provide valuable information for resource management and geohazard risk reduction. This report provides an analysis of various factors which can influence the migration rate of dunes. Climate data, such as temperature, rainfall and wind were analysed in conjunction with dune morphology and sediment supply to ascertain why the sand dunes migrate inland, in which direction they are most likely to travel and at what rate. With the assistance of Mr Bob Gozzard, Senior Geologist in the Geological Survey of Western Australia, the outline of the dunes at various times over 50 years in the study area was analysed and mapped using the computer program ArcGIS. Following this, a study of other available material such as the climate and vegetation data of Western Australia was completed. This data was then organised into tables and charts which allowed conclusions to be made in respect to climate, vegetation cover, sediment supply and human activity all influencing the migration of mobile sand dunes which can have dramatic impacts on the surrounding infrastructure and environment.

In 2011 Damara WA Pty Ltd, in collaboration with the Geological Survey of Western Australia, undertook research into the vulnerability of coastlines by studying wind patterns and sea conditions along WA's Mid West coast (Stul et al, 2012) for the Department of Transport. That study focuses on the offshore and coastal zone and its assessments and conclusions have relationships to this sand dune study.

The research undertaken in this study and reported in this present document leads to recommendations regarding measures that could be taken to monitor, conserve and preserve the dunes while simultaneously preventing further destruction and damage to infrastructure in Western Australia.

Study area, setting and overview

The study area for this report is approximately 265km long and 5km wide, stretching along the WA coastline from Geraldton to Lancelin between 360km and 110km north of Perth (Figure 1). The study focuses on 12 identified sand dunes or groups of dunes, several of which are impacting or may impact various infrastructure or conservation areas. However, there are many more dunes that were not studied and mobilisation of dunes that are currently stable or initiation of new blowouts from the coastal dunes may lead to new geohazards developing. From assessing the images, it is obvious that the mobile dunes have been blowing along the coastal zone possibly since the Pliocene times (about 5 million years ago). There is no reason to consider the process of initiating dunes migrating along the coastal zone has ceased.

A number of towns and other coastal settlements exist within the study area. There are two Nature Reserves, Beekeepers and Wanagarren, Nambung National Park, a number of reserves vested in Local Government authorities intended to allow for locally-managed coastal living and recreational pursuits and a small number of freehold titles. The aim of the conservation reserves is to conserve their natural biological asset and biodiversity and cultural heritage (TasGov, 2011). Nambung contains the Pinnacles Desert a popular tourist feature that is based on unusual limestone pinnacles (Lipar and Webb, 2014) that is on the State Geoheritage Register. Between the two southern-most dunes is an extensive area of leasehold and freehold land in the name of the Commonwealth Government that is utilised for defence training purposes and contains one of the largest sand dunes along the Mid West coast.

Geologically the dunes in the study area are modern coastal sand dunes located within the Perth Basin. The Perth Basin is a tectonic unit extending northwards for approximately 700km from the south coast of the State along the western coastline. It is bounded on the eastern side by the Darling Fault and consists of up to 15,000m of sediments ranging in age from Permian to Holocene (300 million years [Ma] to the present). The basement rocks under the Perth Basin, referred to as the Pinjarra Orogen, consist of igneous and metamorphic rocks with minor areas of sedimentary rocks and have a Proterozoic age ranging from 1300 to 900Ma.

This study focuses on the youngest sediments of the Perth Basin consisting of various sand and limestone units. The geological units are related to physiographic or geomorphological units. The nearshore Safety Bay Sands underlie the Quindalup Dunes. The Safety Bay Sand is Holocene in age (<12 000 years) and includes the modern mobile sand dunes immediately along the shoreline (Abeyinghe 1998; Sanderson and Elliott 1999 and Semeniuk 1988). Inland of these dunes is the Spearwood Dune system underlain by both limestone of the Tamala Limestone and sand derived from the Tamala Limestone. Further inland again is the Bassendean Sand that underlies the Bassendean Dunes. These dune or sand units grade easterly into a more silt or clay-rich unit, the Guildford Formation that underlies the Pinjarra Plain. This unit laps against the Darling Scarp and the Gingin Scarp as well as underlying the sand units.

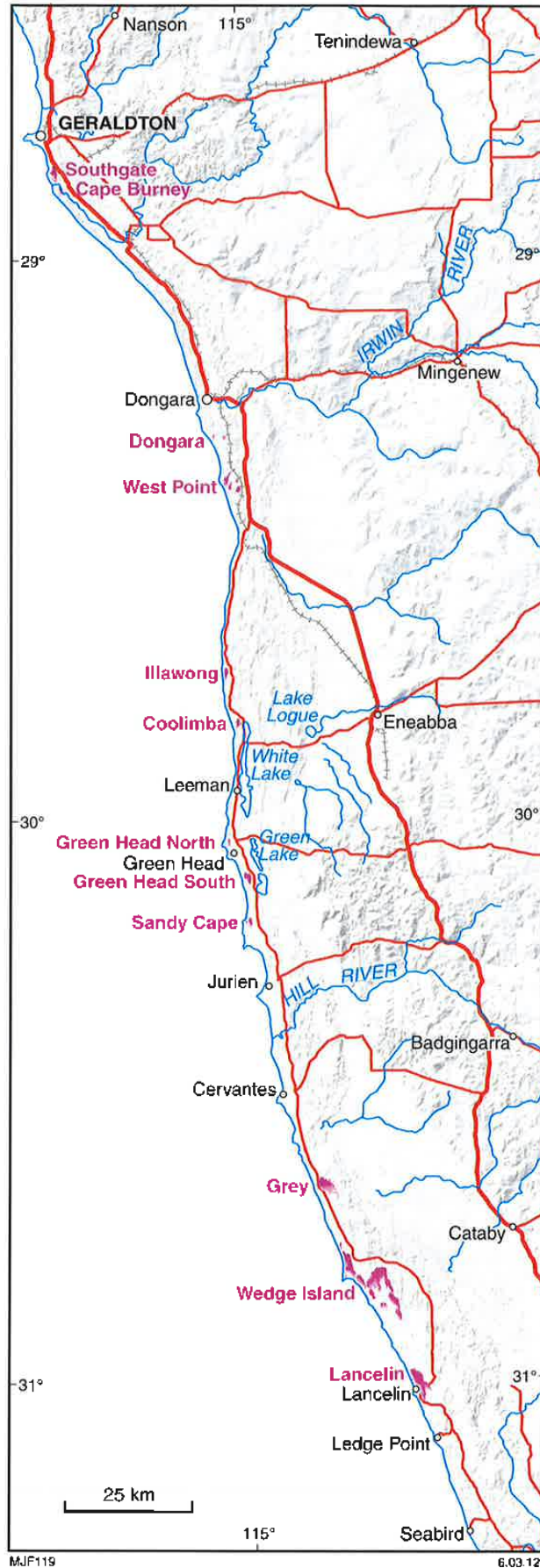
Both the Safety Bay Sand and the Tamala Limestone consist of medium to coarse-grained calcareous sand, quartz sand, limestone consisting of cemented calcareous grains, and calcareous sandstone. The age of the Tamala Limestone is late Pleistocene (ranging between 2.6Ma and 12,000a). The sand-sized sediment grains are almost all originally shell and other biogenic fragments with minor amounts of quartz sand. The shell fragments were formed by the breakdown of sea shells through wave action pulverising the biogenic remnants on or adjacent to beaches.

The modern mobile coastal dunes vary in volume and general physiography and are dependent on the nature of the coastal type and sediment supply. More dunes exist in the middle of the study area than in the south, inferred to be due to the higher aridity and stronger wind regime towards that portion. However, in the north the dunes between Dongara and Geraldton form a noticeably narrower zone. It is inferred that this may reflect the paucity or absence of offshore reefs and the relationship between the trend of the coast and the angle subtended between the coastline and the direction of the dominant winds.

The Holocene dunes overlap the Pleistocene units and therefore Semeniuk (1988) describes it as a "coast to hinterland" relationship. There exists a relationship between coastal facies, which comprise calcareous marine and eolian sediments, and continental facies which consist of eolian quartz sand with a transition between both (Semeniuk 1988) as shown diagrammatically in Figure 2.

Dune sand with a high content of lime (calcium carbonate) has a premium commercial market value through being supplied to farmers for application to farmland to reduce the build-up of acidity in agricultural soils (EPA 2006).

Figure 1. Study area and names applied to dunes as shown by the purple shapes.



Study methods

The main data used in this study was taken from historical and current aerial photographs (airphotos), historical documentary information, topographic maps, tourist-type maps (scale 1:400 000) and Google Earth images, all of which depict a record of dune morphology and migration. The scale of the aerial photographs supplied depends upon the year in which they were taken as well as the area and the survey. For example, in the Perth and Hill River area the scale is 1:50 000 whereas in Dongara it is 1:25 000. The photographs were taken across numerous years between 1960 and 2010. A map also exists for the Green Head to Wedge Island area dating back to 1910 and was drawn by Campbell (Figure 3; Campbell 1910).

The images were digitised and corrected by adjusting the projection, perspective and scale to ensure the data compiled was conducted on comparable images. The aerial photographs were not always taken from the same location and therefore required standardisation of the projection and perspective and to correct the distortion. After all the images were digitised by scanning they were further processed using ArcGIS/ArcMap software.

The airphoto flying was conducted as a series of surveys covering different parts of the study area at different dates. Consequently there are gaps in the data record through this lack of integrated flying of the total area. Some of the gaps were overcome by including nearby airphotos of a slightly different time and allowances were made on the interpretations. Through this interpretive process a much more complete assemblage of results was achieved. The scanned photographs were compiled into ArcGIS's subprogram system ArcMap to be georeferenced utilising current mapping by comparing the digital photograph with fixed locality features on the modern map, such as road intersections, buildings and other features that were identifiable on both images. The next step was mapping the movement of the sand dunes in ArcMap by analysing the aerial photographs for each available year. Each sand dune used for the research had to be mapped at least once in each decade. The outlines of the sand areas were drawn using the ArcGIS polygon feature tool. In a number of cases, vegetation exists within the sand dune areas and therefore the polygons became donut shaped. In these the vegetation areas had to be removed by using the clip tool of the Editor and then converted to lines and smoothed using the XtoolsPro program for a better result. Using the measuring tool of ArcGIS, the average rate of migration of the sand dunes as well as the total area of each dune in each year could be measured. To draw the correct outline of the sand dune the DEM of the area was analysed as well as the vegetation cover surrounding each dune. With both elements it was possible to define the sand dune outline for each year. The results are represented in maps in the Appendices. Figure 4 shows an example of the outcome of the processing for one dune.

The dunes specifically studied were named based on a nearby feature or town (Table 1 and Figure 1). The dunes occur in a number of Local Government Areas as listed in Table 1 along with the latitude and longitude of each dune or group of dunes studied.

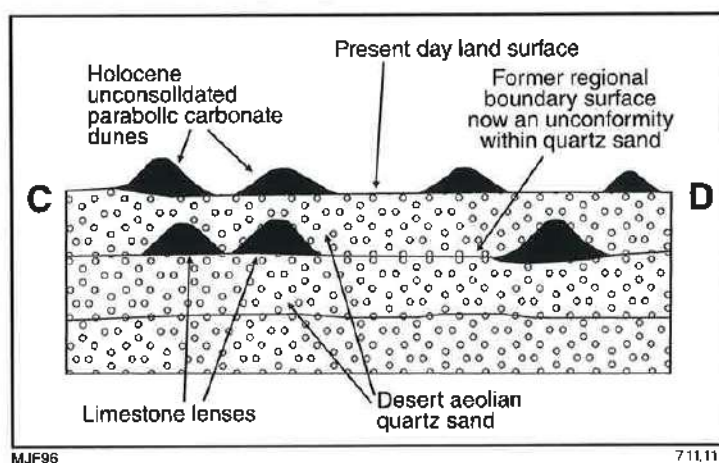


Figure 2. Hypothetical section showing typical Units in the study area (Semeniuk 1988)

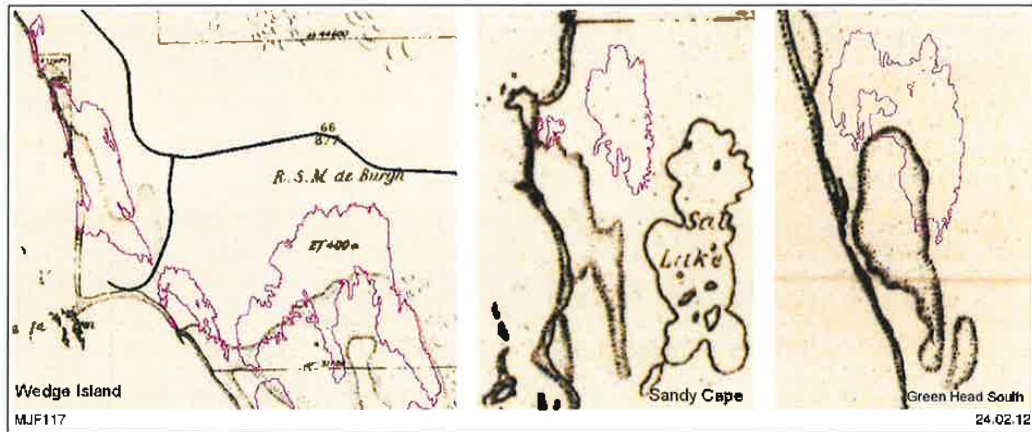


Figure 3. Comparison between sand dunes of 1910 (Campbell 1910, black lines) and 2008-10 (ArcGIS, violet lines)

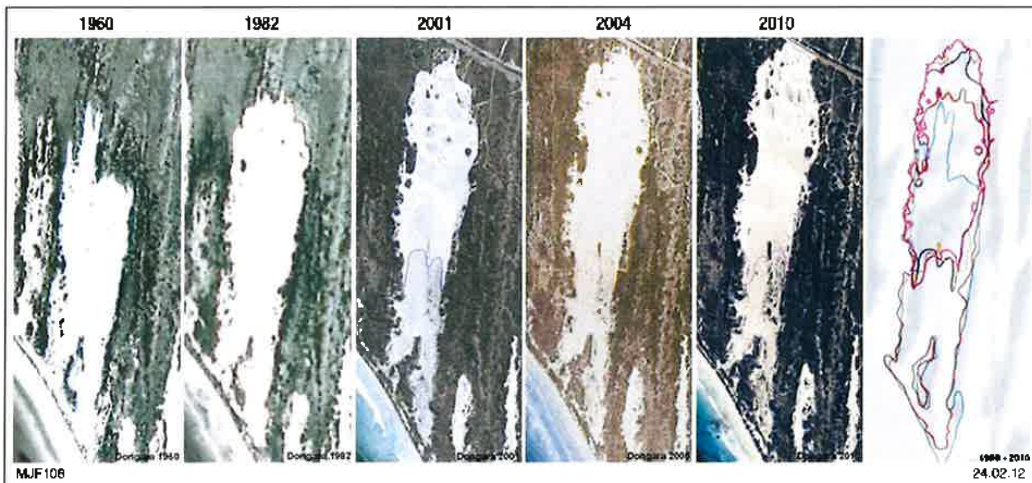


Figure 4. Example of one dune showing the nature of the shape and area change during migration of a sand dune between 1960 and 2010 with the illustration on the right-hand side showing how those changes were represented in ArcGIS

Dune morphology

A sand dune is a ridge or hill of sand created by winds and can be differentiated depending on whether it is located near an ocean, lake or in a desert. To classify the dunes in the study area it is important to differentiate between coastal dunes and desert dunes. Coastal dunes will generally only have sediment supply from off the shore or beach and will be driven dominantly by onshore prevailing winds. Dunes in the desert are not limited by the availability of sediment from one source because the sand supply is available from any wind direction and therefore the wind pattern is the primary factor influencing desert dunes. Dunes adjacent to lakes or playas have specific shapes and sizes governed by the attributes of the specific site.

Table 1. Dune names, relevant local Government responsible for area and location

DUNE	LOCAL GOVERNMENT AREA	APPROXIMATE CENTROID	
		LATITUDE South	LONGITUDE East
Southgate	City of Greater Geraldton	28° 50' 12"	114° 37' 50"
Cape Burney	City of Greater Geraldton	28° 52' 16"	114° 38' 42"
Dongara West	Shire of Irwin	29° 18' 56"	114° 56' 40"
Dongara East	Shire of Irwin	29° 19' 12"	114° 57' 56"
White Point	Shire of Irwin	29° 24' 07"	114° 58' 58"
Illawong	Shire of Carnamah	29° 44' 23"	114° 57' 44"
Coolimba West	Shire of Carnamah	29° 49' 44"	114° 59' 06"
Coolimba East	Shire of Carnamah	29° 49' 58"	114° 59' 22"
Green Head North	Shire of Coorow	30° 2' 34"	114° 57' 43"
Green Head South	Shire of Coorow	30° 5' 55"	115° 00' 02"
Sandy Cape	Shire of Dandaragan	30° 10' 47"	115° 00' 15"
Grey	Shire of Dandaragan	30° 38' 57"	115° 08' 48"
Wedge Island North	Shire of Dandaragan	30° 47' 33"	115° 11' 49"
Wedge Island South	Shire of Dandaragan	30° 49' 16"	115° 13' 14"
Wedge Island East	Shire of Dandaragan	30° 48' 40"	115° 15' 37"
Lancelin	Shire of Gingin	31° 00' 04"	115° 20' 39"

As in many references to the dunes in this study report, the names are in geographical sequence from north to south.

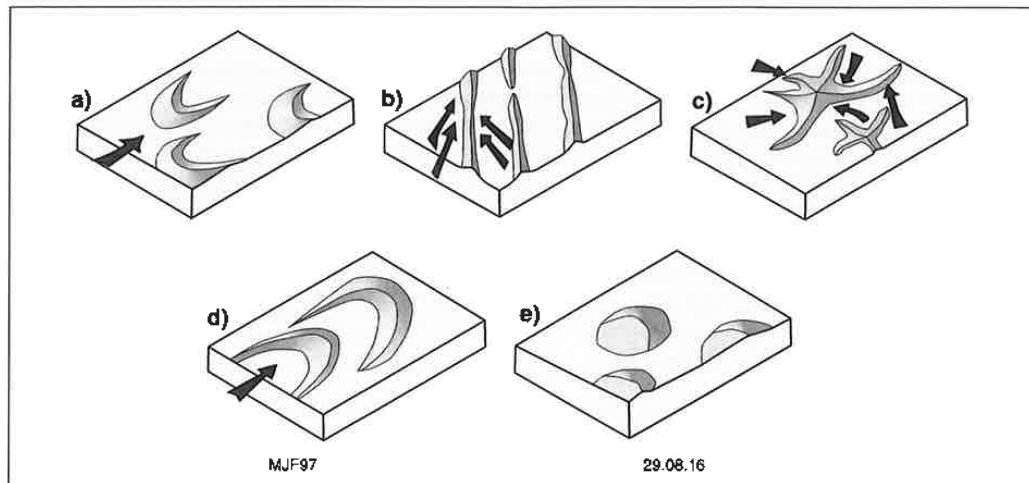


Figure 5. Dune forms (from Short & Nicholas, 2011)

The United States Geological Survey (USGS) classifies five transgressive dune types as below and as shown in Figure 5.

- (a) crescentic (barchan)
- (b) linear
- (c) star
- (d) parabolic
- (e) dome.

In addition, extensive areas or sheets of sand may migrate across the countryside with a range of dunes types on top of the sand sheet. These transgressive sand sheets can cover very large areas in continental dunefields and migrate at slow to fast speeds depending on the nature of prevailing winds. Moderate-sized transgressive sand sheets occur at Lancelin and Wedge Island and a smaller sheet at Cape Burney-Southgate.

Across the various types of dunes the migration velocity ranges from fast to slow and the velocity can vary markedly within a single dune. A crescentic or **barchan dune** (Figure 5a) is wider than it is long with fast moving arms and migrates more rapidly than other dune types. **Linear dunes** (Figure 5b) are longer than they are wide with prominent snakelike ridges. Linear dunes do not migrate; they get longer over time, often up to several kilometres. **Star dunes** (Figure 5c) are the tallest dune type reaching over 100m. These have arms radiating out from the centre formed by the winds which blow from more than three directions and are therefore relatively immobile. **Parabolic dunes** (Figure 5d) look similar to barchan dunes but with arms that follow behind the crest point. Vegetation grows on the arms of the parabolic dune, holding them in place while the body of the dune migrates forward (Ronca 2011). The shape of a parabolic dune changes with the dune becoming longer over time. A **dome dune** (Figure 5e) is circular and these are very rare.

In addition to the USGS classification, there are numerous opinions on how to classify dunes. Girardi (2005) and McKee (1979) classify dunes according to their complexity although their focus seems to relate more to desert dunes than coastal dunes. Their first classification is simple dunes, which have an isolated body with no contact with other dunes in the area. This dune type is common in areas where there is only one dominant wind. Examples of simple dunes are barchan, parabolic and transverse dunes. Their second classification is compound dunes which are multiple dunes of the same type overlapping – eg. star or barchan dunes. The third classification is complex dunes where two different dune types are growing together – eg. blowouts on a transverse dune.

It is not as appropriate to classify coastal dunes in the same manner as desert dunes. The growth of coastal dunes is limited by the sediment availability and the fact that the sand only comes from one main direction, from the beaches. Coastal dunes are strongly influenced by wind, vegetation and moisture, and they always form in the direction the wind is dominantly blowing. At the beginning of the development of the dune the shape is constrained by that of the coast or beach. However, coastal dunes are very sensitive to any change in sediment supply, wind regime or rainfall, especially as those factors can later change the outline and morphology of the dune (McKee 1979).

Mobile sand dunes

The mineral composition of the sand dunes in the study area ranges from limesand to quartz sand. The chemical composition ranges from calcium carbonate-rich to silica-rich. Near-coastal sand is lime-dominant, but the concentration of lime, in general terms, becomes lower progressing inland and the Bassendean Dunes dominantly consist of quartz sand. However, this study has concentrated on the lime-rich mobile dunes within the Quindalup Dune System. Magnesium carbonate occurs in minor to trace amounts with the calcium carbonate. The sands consist of bleached white, yellow, beige, red and grey shell fragments of marine organism (Figure 6 and Figure 7) with grain sizes ranging between 0.4mm and 2.6mm (2.64 Φ – 0.684 Φ ¹; Sanderson and Elliott (1999)). The shell fragments are of Pleistocene to Holocene age (less than 2.6 million years; Bird 1984). The coast of Western Australia has a long length of irregular coastal dune topography, and Bird (1984) suggests limesand dunes were probably formed when the sea level was lower and the sand was blown from what is now the sea floor potentially increasing the complexity of the coastal morphology. However, dunes appear to be forming at today's sea level (for example north of Jurien Bay), arguing against this interpretation.

Bird (1984) inferred that a small tidal range, for example as along the west coast of Australia, results in the sand being delivered to the beach primarily by wave action with tidal range being less important for accumulating the sand on beaches. This is in contrast to coastlines with larger tidal range that allow for greater drying of sand at low-tide times, potentially having a significant control on the rate at which dry sand is blown to form foredunes.



Figure 6. Sea shell fragments in the limesand dune at Lancelin have a particle size of sand typically less than 0.5mm. This is a later stage in comminuting the sediment particles, having undergone a greater degree of wind and water transportation that reduces the grain size as they are carried along.

¹ The Phi (Φ) Scale (defined as the grain size to the $-\log_2$ (diameter in mm)), was conceived by William Krumbein (1934) and is a system of measuring sediment grain sizes. It is useful in that the larger the number, the finer the grains and hence easier to transport. The system can be applied to dune sands as well as the more normal application to alluvial transported sediments. The basic concept is that the Φ size increases as the grain size decreases and is a useful alternative to simply quoting dimensions. 2.64 Φ to 0.684 Φ are equivalent to 0.37 to 1.46 mm which is defined as fine sand to coarse sand using the terminology of Wentworth (1922)



Figure 7. Sea shells that have been partially pulverised by beach and dune processes. The largest fragments are up to 2cm across. This is an earlier stage in comminuting the shells than in Figure 6 (pocket knife is 9cm long) as the fragments have been transported shorter distances and have not been ground down to the same degree.

Once a foredune is built up at the back of the beach by eolian movement, vegetation can become established on it and this traps further blowing sand. Trapping grains enhances the foredune, building it up in height and broadening it as the sand accumulates. The native vegetation dune pioneers on the West Australian coast are dominated by coast fescue (*Festuca littoralis*) and sand spinifex (*Spinifex hirsutus*).

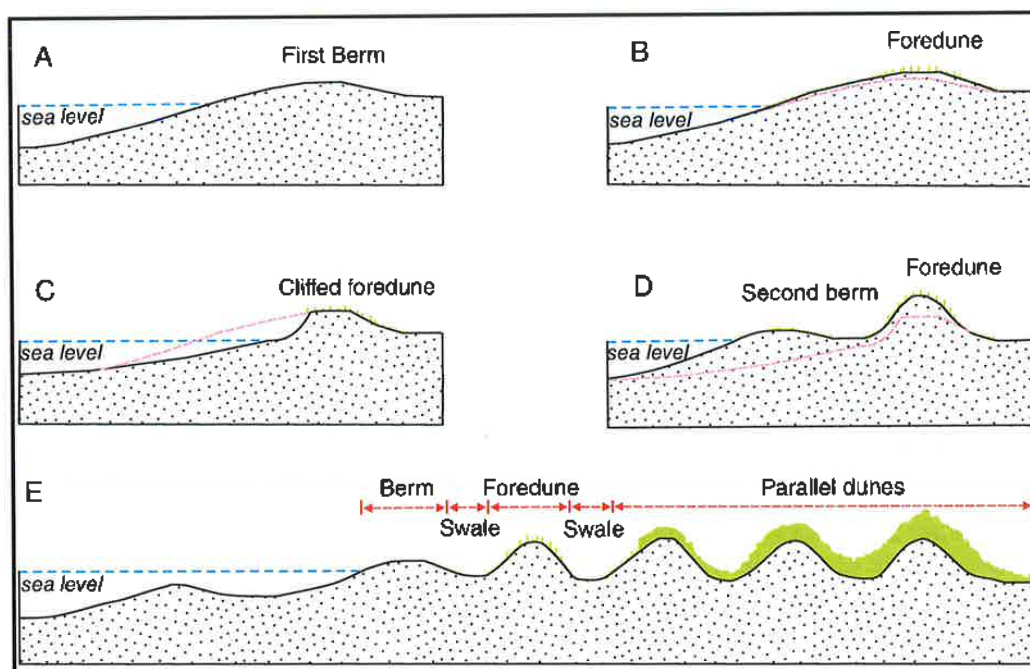
Subsequently cliffed foredunes form when the seaward side of the foredune is eroded or trimmed back by waves in response to higher than usual sea levels, potentially in response to storm surge. The new sand supply from the erosion can lead to the growth of a new foredune at the foot of the eroded dune. Due to this effect the sand builds up a new beach ridge parallel to the foredune and a little further towards the ocean. Again, with the colonisation of vegetation on the new beach ridge the blown sand becomes trapped and a new foredune is established. The old foredune then becomes stable and a vegetation succession starts. With time the dune grass is replaced by scrub vegetation and the vegetation succession in the near-shore environment ends with woodland or heath. Where this process repeats itself several times, a series of parallel dunes will be created (Figure 8). The parallel dunes are separated by swales (Bird 1984).

Storm winds can remove the pioneer vegetation cover allowing erosion of the foredune and thereby exposing the more-inland climax vegetation² to higher wind stress which can cause further sand destabilisation and concomitant removal of the more mature vegetation. The Department of Environment (Beach Protection Authority, Queensland; not dated) quoted that human activity, grazing, rabbits or a phase of aridity, droughts and fire can also cause the removal of vegetation cover from the foredune. Once this occurs, the lowered vegetation density does not protect the dune, the sand starts moving in masses and, as the foredune ridge becomes unstable, strong onshore winds can erode at a gap in the foredune and develop blowouts, (DERM, 2011). Strong onshore winds can then blow the sand landwards (Figure 9).

² Climax vegetation is the association of plants that results when they evolve to colonise an area following some significant environmental change. In the sand dune case, it is the plant association that is the final occupier after a mobile dune is colonised and stabilised.

The shore-parallel dune ridges then locally develop into migrating patches of sand. Commonly, as these patches start to migrate, they become parabolic dunes. This occurs because onshore winds typically cause the nose of the parabolic dune to travel faster than the outer parts which are held back by vegetation and by slightly lower wind velocities. The dunes then develop trailing arms and therefore a parallel dune has the potential to become a parabolic dune migrating inland at an angle to the shore-parallel dunes. While this angle is commonly referred to as being high in many situations, along the Mid West coast, the angle may be as low as 10°. In other words, the blowout is migrating nearly parallel to the shore-line trend.

The movement of the sand dunes is influenced by the direction, frequency and strength of the onshore winds. The nose of the parabolic dune moves parallel to the direction of the onshore winds. The dunes migrate when the wind moves the sand by creep (also referred to as reptation), saltation or suspension movement up the windward slope and over the crest of the dune, and the sand then accumulates on the slip face. Wind strengths required to move dune sands are measured on the Beaufort Scale as Category 3 or higher³. The greater the wind speed, the greater the sand-carrying capacity. Particles with a size of less than 20 microns⁴ are the first to be transported by suspension, whereas particles with a size more than 500 microns move by reptation or creep. Saltation accounts for 80 per cent of the migration of sand with sand particles ranging in size from 70-1000µm move by a hop or bouncing action across the ground, causing other sand grains to hop along in the wind when they are struck by a falling grain (Figure 10; Chevron 2012, Lancaster 2009). As a result of the physics of the sand-grain movement the windward slopes have an angle of 10-15° which is lower than the slip face which has an angle of 30-34° (Figure 11).



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Figure 8. Development of parallel dune ridges (after Bird 1984)

³ The Beaufort Wind Scale describes the wind velocity and the system was derived from a perspective of classifying oceanic or marine wind conditions. The Scale starts at 0 (0km/h) and ends at 12 (>118km/h). Wind with a Beaufort Scale 3 has a velocity of 12-19km/h (BOM, 2011).

⁴ One micron (abbreviated µm) is 1/1000th of a millimetre. Therefore, 20µm is 1/50th of a millimetre and 500µm is half of a millimetre.

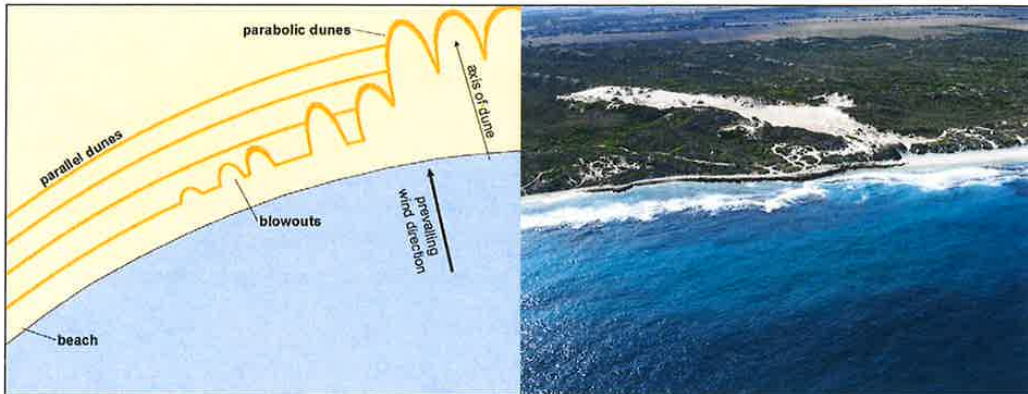


Figure 9. Blowouts in Western Australia (DERM, not dated) and an example of the development of a relatively new blowout south of Dongara.

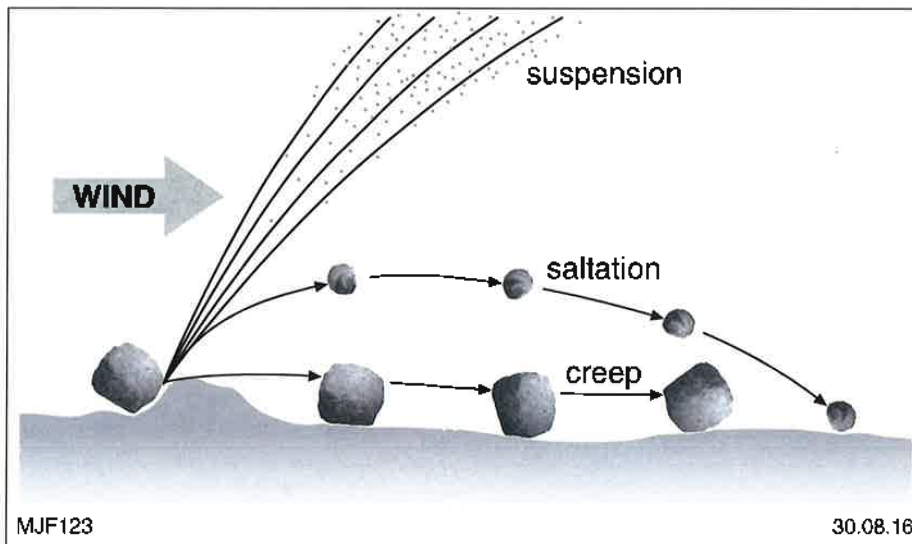


Figure 10. Forms of sand grain movement (NASA 2011)

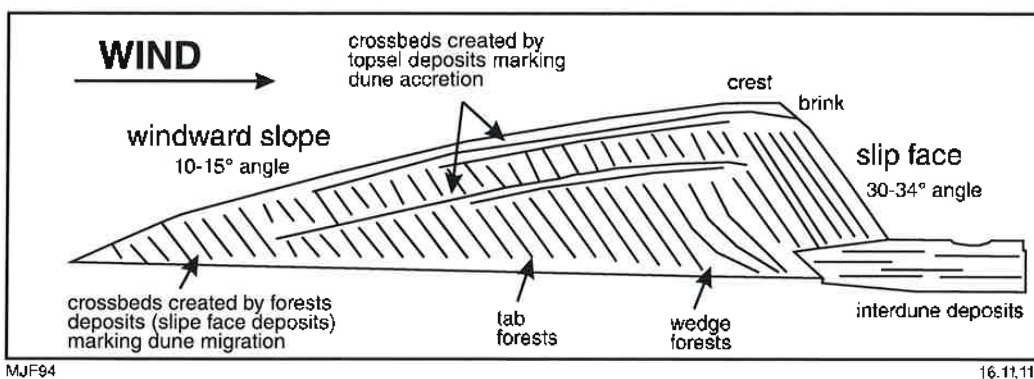


Figure 11. Morphology of a dune. Note orientation of internal bedding (Chevron 2011)

Migration of dunes in Western Australia

Migration direction and velocity and areas of mobile sand dunes

To measure the migration rate of the dunes from 1960 to 2010, each dune nose was identified and used as the basis for measurement. Due to the complex dune morphology within the study area, blowouts on the nose or limb of the dunes can occur and migrate at a different rate than the rest of the dune or of an adjacent lobe of the dune. In order to provide a reasonable measurement of the migration rate, the location of the nose was determined at several points across the front of the dune and these determinations used to measure the migration rate.

The dune speeds were determined in three discrete periods and an overall analysis conducted for the whole 50-year period. The periods are:

- Period 1 1960 to 1982
- Period 2 1982 to 2001–04
- Period 3 2001–02 to 2010

However, because imagery was not consistently available for all the area for each time, there were gaps in the data and the Period 2-Period 3 break was not consistent between all dunes. Details of the measured movement direction and speed are contained in Table 2. The migration direction and velocity is influenced by a range of factors, including wind direction, size, shape and type of the dune, vegetation cover, rainfall, temperature and the morphology and nature of the nearby coastline and ocean currents. Figure 12 shows the generalised outline of the dunes as drawn from the first and last dates images are available.

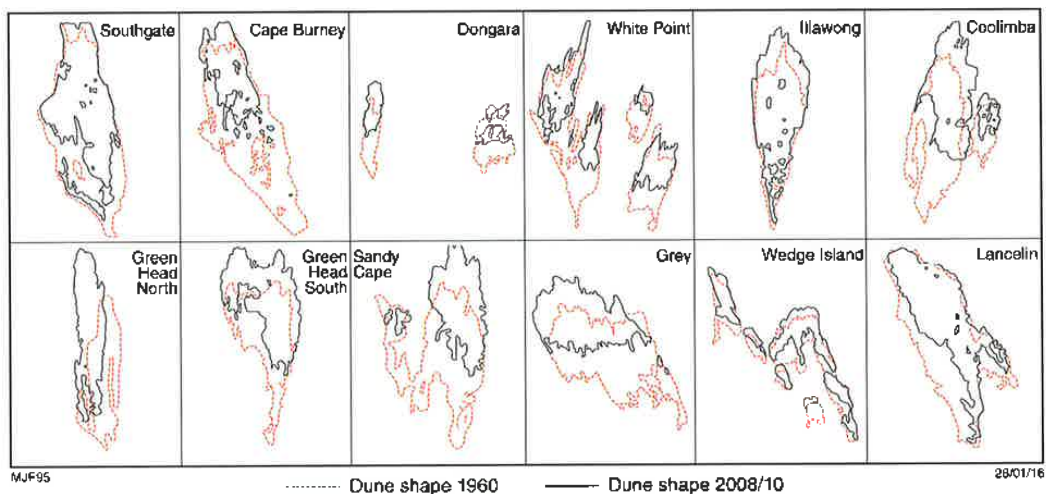


Figure 12. Limesand dunes showing overall movement and change of shape from 1960 to 2010

The mean direction of all the sand dunes is towards the north although there are detailed variations from this general trend (Figure 13).

Dune areas were measured at up to seven discrete times. Table 3 shows the actual areas and the changes in the areas with time and Figure 14 and Figure 15 show graphically the measured areas for each dune for each measurement with the two graphs showing different scales to illustrate the dune sizes for convenience. Note that a few data values are omitted through not having complete imagery or through changes in nomenclature because dunes split apart. In 1960 the biggest dune in the study area was Wedge Island with a total area of 1997ha. During Period 1 this dune split into Wedge Island South and Wedge Island East. Wedge Island East is still the biggest dune in the study area with a total area now of 1005ha. Lancelin, the second-largest in 1960 at 1068ha, has decreased during the study period to 674ha, a decrease of 37 per cent. The smallest dune in size is Dongara East with 13ha in the year 2010. The average areas for each of the three periods for all dunes measured are shown graphically in Appendix B.

During the past 50 years only two dunes have increased in size. Green Head South has increased slightly by 3 per cent and now has a total area of 174ha and Illawong increased by 11 per cent per cent to 111ha.

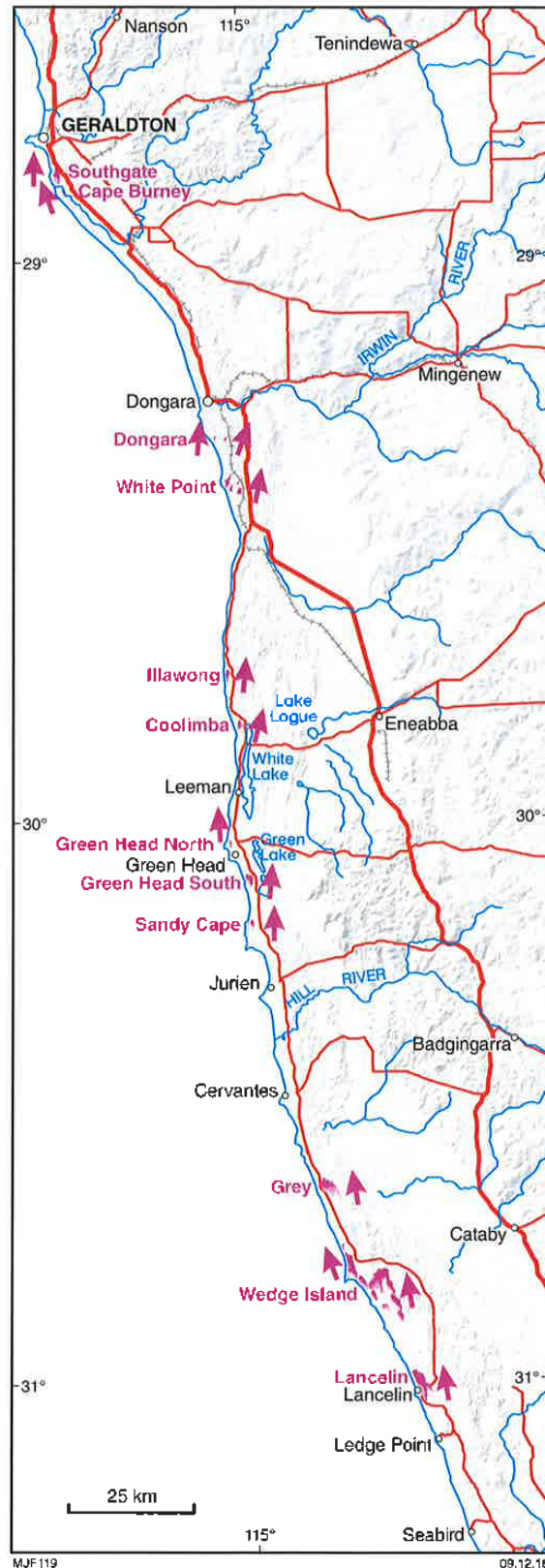


Figure 13. Mid West coastal dunes showing average direction of dune migration 1960–2010. Note subtle variations of trends

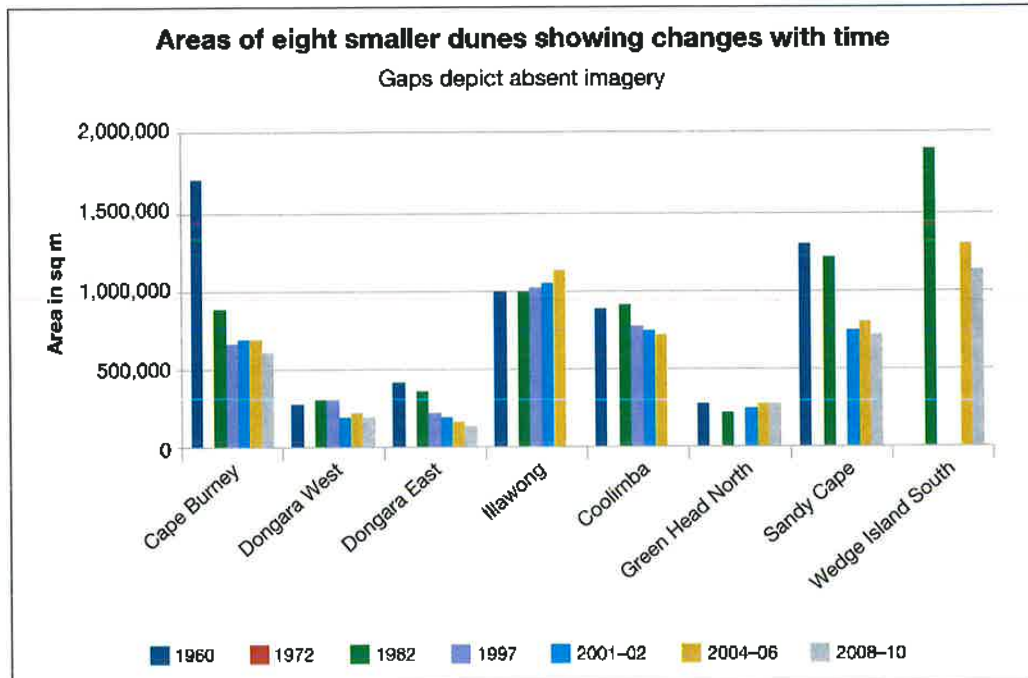


Figure 14. Areas of smaller dunes showing variations in time

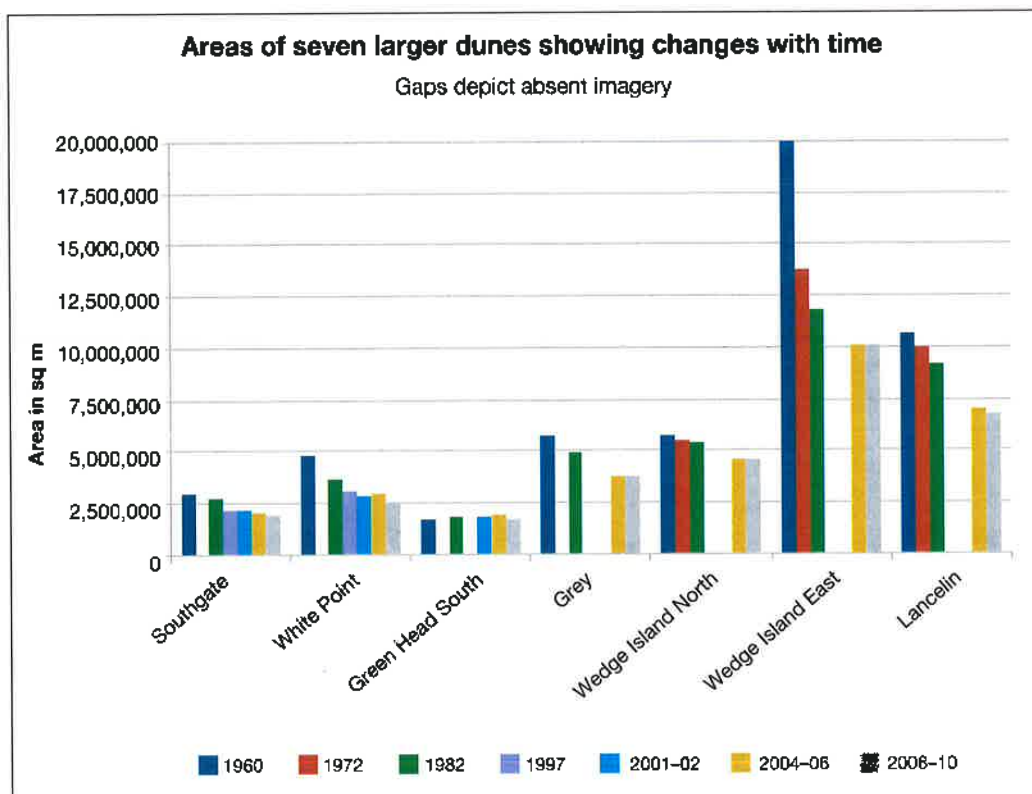


Figure 15. Areas of larger dunes showing changes with time

Table 2. Migration rate and migration direction of dunes.

DUNE	MIGRATION RATE (M YEAR ⁻¹)			MIGRATION OVERALL	
	Period 1	Period 2	Period 3	Distance	Direction ⁵
	1960 – 1982	1982 – 2001/04	2001/04 – 2010	(1960 – 2010)	
Southgate					
Migration in m	155.6	70.2	114.4	340.2	0
Migration rate m/year	8.8	3.6	12.7	6.8	
Cape Burney					
Migration in m	64.0	118.7	91.0	273.7	340
Migration rate m/year	3.5	6.2	10.1	5.4	
Dongara West					
Migration in m	193.6	120.9	72.2	386.7	005
Migration rate m/year	8.8	6.3	8.0	7.7	
Dongara East					
Migration in m	99.25	89.5	20.2	209.0	020
Migration rate m/year	4.5	4.7	2.2	4.1	
White Point					
Migration in m	241	173.2	182.6	596.8	010
Migration rate m/year	10.9	9.1	20.2	11.9	
Illawong					
Migration in m	132.8	182.0	121.7	436.5	005
Migration rate m/year	6.0	9.1	30.4	9.4	
Coolimba					
Migration in m	164.6	166.9	25.7	357.2	015
Migration rate m/year	7.4	8.3	6.4	7.7	
Green Head North					
Migration in m	154.4	131.9	142.0	428.3	330
Migration rate m/year	7.0	6.5	17.7	8.5	
Green Head South					
Migration in m	351.8	151.9	124.3	628.0	005
Migration rate m/year	15.9	7.5	15.5	12.5	
Sandy Cape					
Migration in m	220.1	162.4	182.7	565.2	000
Migration rate m/year	10.0	8.1	22.8	11.3	
Grey					
Migration in m	235.6	448.6	71.9	756.1	350
Migration rate m/year	10.7	20.3	17.9	15.7	
Wedge Island North					
Migration in m	367.7	285.7	108.3	761.7	340
Migration rate m/year	16.7	12.9	27	15.8	
Wedge Island South					
Migration in m	222.0	215.3	75.8	513.3	340
Migration rate m/year	10.0	9.7	18.9	10.6	
Wedge Island East					
Migration in m	243.4	250.6	44.5	538.5	350
Migration rate m/year	11.0	11.3	11.1	11.2	
Lancelin					
Migration in m	835.1	237.3	24.7	1,097.1	
Migration rate m/year	37.9	10.7	6.1	22.8	
Mean migration rate m/year	9.23	8.95	15.13	10.76	

Table 3. Area and change in area of each dune⁶.

AREAS (M ²) MEASURED BETWEEN 1960 AND 2010							
DUNE	Areas (m ²)						
	1960	1972	1982	1997	2001-02	2004/06	2008/10
Southgate	2,962,296		2,693,939	2,113,919	2,153,982	2,018,804	1,937,807
Cape Burney	1,706,223		870,156	659,727	676,457	692,181	600,049
Dongara West	265,405		311,594	309,640	192,019	207,411	202,239
Dongara East	413,258		345,394	217,230	180,506	166,126	137,087
White Point	4,831,483		3,673,269	3,087,301	2,875,786	2,926,648	2,548,702
Illawong	999,645		986,137	1,026,197	1,058,206	1,119,343	
Coolimba	888,560		914,837	780,540	731,366	714,217	
Green Head North	288,006		211,301		239,268	284,975	286,532
Green Head South	1,688,424		1,840,433		1,822,274	1,913,820	1,743,305
Sandy Cape	1,289,965		1,212,357		746,635	805,077	714,878
Grey	5,770,899		4,898,975			3,791,556	3,783,873
Wedge Island North	5,786,110	5,548,187	5,352,312			4,596,679	4,632,569
Wedge Island South			1,903,494			1,283,903	1,132,415
Wedge Island East	19,976,020	13,745,544	11,841,847			10,155,176	10,058,170
Lancelin	10,680,570	9,994,183	9,140,837			6,962,595	6,744,495

CHANGE IN AREA (M ²) FROM 1960 TO 2010				
DUNE	Change in areas for periods (m ²)			OVERALL M ²
	1960 – 1982	1982 – 2004/06	2004/06 – 2008/10	
Southgate	-268,357	-675,135	-80,997	-1,024,489
Cape Burney	-836,067	-177,975	-92,132	-1,106,174
Dongara West	46,189	-104,183	-5,172	-63,166
Dongara East	-67,864	-179,268	-29,039	-276,171
White Point	-1,158,214	-746,621	-377,946	-2,282,781
Illawong	-13,508	133,206		119,698
Coolimba	26,277	-200,620		-174,343
Green Head North	-76,705	73,674	1,557	-1,474
Green Head South	152,009	-1,838,519	1,741,391	54,881
Sandy Cape	-57,608	-407,280	-90,199	-555,087
Grey	-871,924	-1,107,419	-7,683	-1,987,026
Wedge Island North	-433,798	-755,633	35,890	-1,153,541
Wedge Island South		-619,591	-151,488	-771,079
Wedge Island East	-8,134,173	-1,686,671	-97,006	-9,917,850
Lancelin	-1,539,733	-2,178,242	-218,100	-3,936,075

⁶ Note that dunes Wedge Island East and Wedge Island South split apart between 1972 and 1982

In comparison, all other dunes in the study area have decreased in size in the past 50 years. Those of most significance were White Point dune field which decreased from 308ha in 1960 to 175ha in 1982. The other significant decrease occurred at the Lancelin dune from 1982 to 2004 – a decline of 200ha.

There is a correlation between the size of the dune and the migration rate. Fundamentally, the bigger the dune is, the faster it is migrating. For example Dongara East and West have the smallest areas and the lowest mean migration rate per year, whereas the bigger dunes of Wedge Island North and Grey had higher migration rates per year. Figure 16 graphically shows the relationship between size in 2010 and the average speed for the period 1960–2010. However, Wedge Island East is anomalous in that while it is the largest dune at 1006ha in 2010, for the 50-year period its average speed was a relatively low 11.2m/year. Examination of the situation of Wedge Island East dune shows that it is anomalous from a height perspective. Most of the dunes in the study did not climb upslope much, with Grey and Wedge Island East being the exceptions. Appendix D shows graphically the anomalous height situation of Wedge Island East dune. This also is the largest sand sheet on the coast and that fact may have had some influence on the speed. Three Wedge Island dunes were mapped for this exercise. However there are seven or eight individual dunes that extend over distances of 15km north-south and 5km east-west that could be grouped genetically because they appear on airphotos as having a common origin from the same beaches. This is a complex dune area and it is inferred that this complexity of forms may also be part of the reason why Wedge Island East dune has an anomalous speed/size relationship. As a consequence of this dune's speed being an outlier, it was removed from the graph (Figure 16) because of its very large effect on the relationship line for all the other dunes. If Wedge Island East was to conform to the relationship as shown by the correlation line, it would have had an average speed over the 50 years of three times its measured speed.

In Figure 16 the trend line implies that for the 50-year period the dunes had a rate equivalent to one metre a year for each 50ha of bare dune sand. However, this value as noted above, only applies to time frames of the order of 50 years and the relationship between area and speed should not be applied to shorter periods in attempts to project future movements of the dunes.

Figure 17 shows diagrammatically the dune speeds in each of the three individual periods plotted against the area showing the much larger scatter of data points and the inconsistency between area and speed within each of the three periods. It is particularly noted that there is greater scatter in Period 3 as most dunes increased in speed. This suggests that local variations in the factors controlling the dune speed can have a dominating influence on short-term behaviours of the dunes, but that for five decade averages these local controls are less important.

By comparing the 1910 Campbell map (op cit) of dunes (Figure 3) with the more recent images, it was noted that the dune migration rate between 1910 and 1960 was twice as rapid as the migration rate between 1960 and 2008–10. Possible causes of the faster historic migration could be a different climate, higher level of human activity or an inaccuracy of the 1910 Campbell map. While Campbell focused on the importance of the outline and the form of the dunes, the location of the dunes in the 1910 map is considered not to be accurate enough for the present higher precision analysis.

Examination of the regional dune pattern clearly shows the trailing arms of the parabolic dunes as they passed onwards (Figure 18). Once stabilised, the limesand rapidly (geologically speaking) becomes cemented to form limestone, preserving the traces of the migration. Based on these remnant traces of the trailing arms, some of the dunes have migrated considerable distances. Because of successive generations of dunes blowing over older dunes, in many cases the source beach of the most inland dunes is not readily apparent. However, for example, there are good indications that dune remnants appearing to emanate from the bay adjacent to Wedge Island had progressed some 21km before finally stopping. Likewise older dunes emanating from the bay south of Cervantes migrated 15km before totally stabilising. Near Dongara, the distance travelled appears to be in the order of up to 10km while north of Dongara it decreases to 2km. As noted above, it is inferred that this regional change relates to decreases in the supply of sediment onto beaches to the north.

In general directional terms, south of Jurien Bay (Grey to Lancelin) the dunes are moving north-northwesterly, parallel to the coastline. In comparison the limesand dunes north of Jurien Bay are moving northwards to north-northeasterly (Dongara to Sandy Cape). However, north of Dongara the trend reverts to west of north at Southgate and Cape Burney. The migration directions of each dune range from 330° to 020° (north-northwesterly to north-northeasterly). The dunes migrate dominantly in parabolic form and leave tails behind. The tails usually have depleted levels of vegetation, even a long time after stabilisation. These poorly vegetated dune ridges or tails show clearly as white traces on airphoto and satellite images and stand out on images showing enhanced relief (Figure 18).

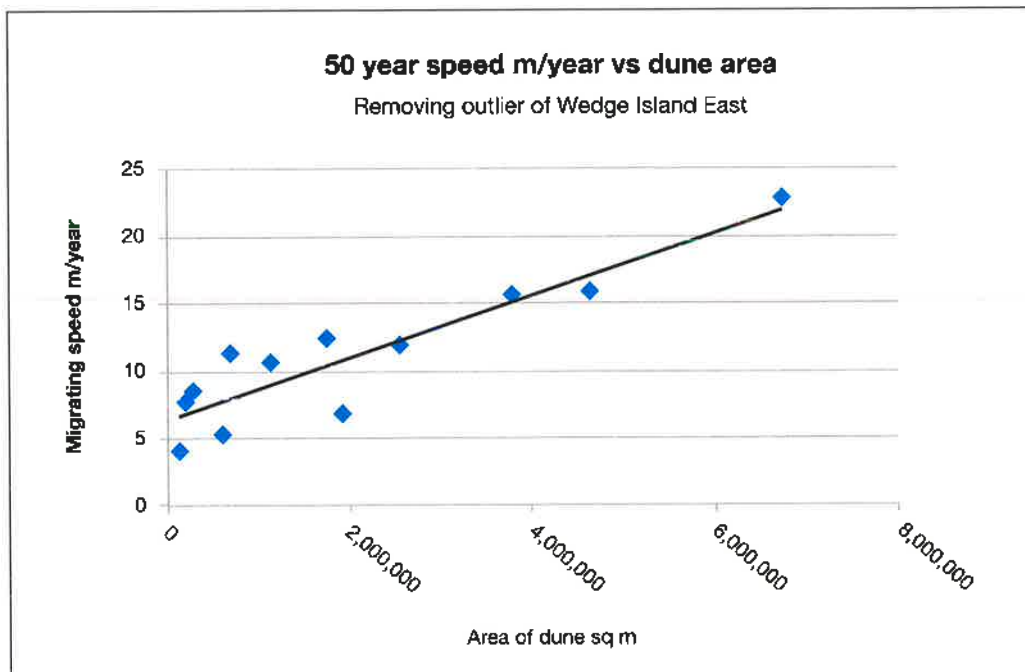


Figure 16. 50-year average speed of dunes showing correlation line between speed and size. Note that Wedge Island East dune is deleted from the graph as being an outlier to the data.

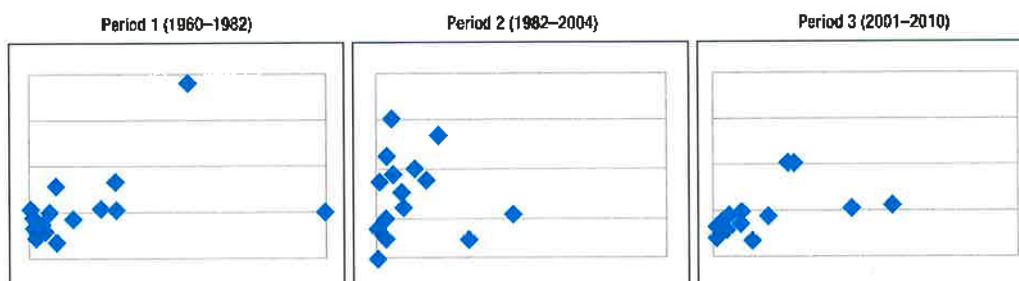


Figure 17. Speed of dunes plotted against dune area in Periods 1, 2 and 3 respectively. Note: The three graphs have the same abscissa and ordinate scales to permit direct comparison although the axis data is omitted for simplicity of presentation. While there is a general relationship between size and speed for each of the shorter periods, the correlation is far inferior to the correlation over a 50-year period as in Figure 16.

The dune migration rate was measured by calculating the distance from nose to nose and did not take into account the nature of the movement within the rest of the dune, with the exception of the Lancelin dune. Due to movement only occurring on the west side of the Lancelin dune the trailing arms were also measured to determine the migration rate.

As the Lancelin dune is not specifically moving in any particular direction, because it is actually decreasing in size, it was therefore excluded from the analysis of the overall migration velocity.

There is a large range in the speed of the various dunes with the slowest at 2.2m/year and the highest at 37.9m/year (Table 2). The Illawong dune had a large acceleration from 6.0m/year in Period 1 and 9.1m/year in Period 2 up to the unusually fast 30.4m/year in Period 3. At the opposite extreme, Dongara East increased slightly from 4.5m/year in Period 1 to 4.7m/year in Period 2 but then slowed to half at 2.2m/year in Period 3. White Point and Sandy Cape dunes markedly accelerated in Period 3. The biggest change was Lancelin that slowed from an extremely fast 37.9m/year to 10.7m/year from Period 1 to Period 2. The dunes Grey and Wedge Island North, both located in the south of the study area, have the highest mean migration rate within the period 1960–2010, with 15.7m/year for Grey and 15.8m/year for Wedge Island North. The lowest mean migration rate has taken place at the dune Dongara East with only 4.1m/year for the whole 50 years.

As an overall statement, the migration rate decreased slightly in the second period (1982–2001) but then increased again in the Period 3, when most of the dunes became highly active and with the migration rate reaching its highest. This is shown by the simple average speeds of all the dunes, at 11.3m/year in Period 1, decreasing to 9.5m/year in Period 2 and then rising to 15.1m/year in Period 3, meaning that the average speed in Period 3 was 34 per cent above that in Period 1. There were exceptions with the Dongara East and Coolimba dunes where the migration rate actually decreased in the past 50 years. Overall, there is considerable inconsistency in the variations of rate depending on the periods and the particular dunes and it is concluded that extrapolation of the present migration rates into the future should be considered only with a significant variation likely.

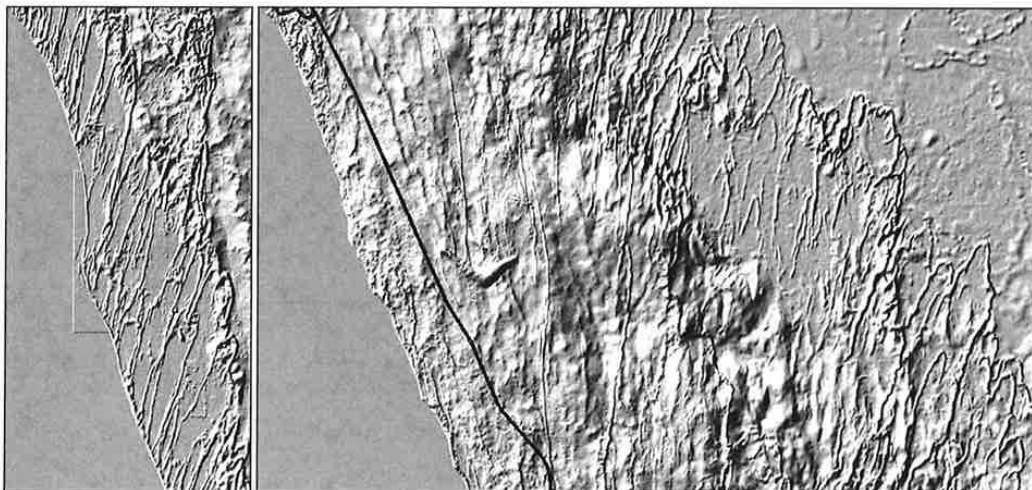


Figure 18. Relict dunes showing the stabilised lateral arms and the parabolic shape reflecting the stabilised head of the former dune. Left-hand image shows White Point and the right-hand is Wedge Island. Images compiled by enhancing the digital relief model and illuminating with strong, low-level source on west (left) horizon. The sharp lines are the stabilised lateral tails and the heads of the parabolic dunes. The left-hand image is 17km north to south (top to bottom) and the right-hand image is 13km north to south.

Migration influenced by climate

To ascertain whether the migration rate of the dunes is influenced by climate, various rainfall, temperature and wind, data were analysed for the towns of Geraldton, Jurien Bay and Lancelin.

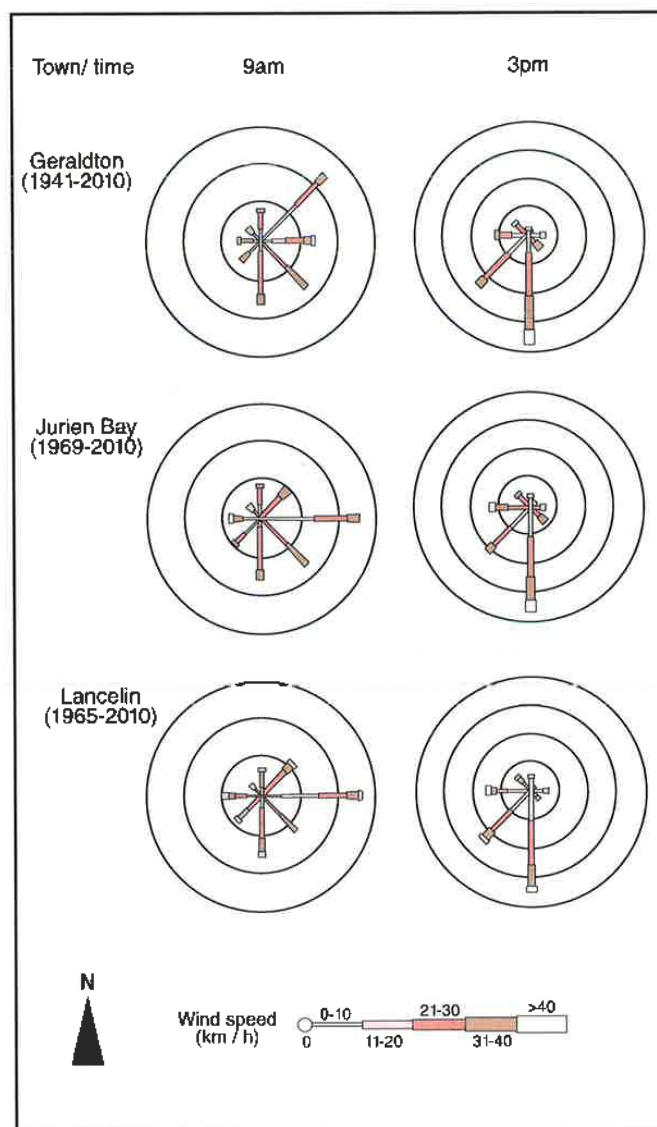
- Geraldton (Latitude: 28.77°S · Longitude: 114.61°E) situated in the north of the study area with an elevation of 9m.
- Jurien Bay (Latitude: 30.31°S · Longitude: 115.03°E) is sheltered by a string of islands and reefs and has an elevation of 2m.
- Lancelin (Latitude: 31.02°S · Longitude: 115.33°E) has an elevation of 4m and is located in the south of the study area

Wind influence

Diurnal change causes the sun, during daytime, to create higher temperatures over land than over the sea, causing the inland air to rise and creating a lower pressure system over the land's surface. As the sea surface temperature increases slower than on the land, it results in a higher air pressure over the ocean. The different pressures create a sea breeze that blows inland from west to the east along this coast and speeds of 25-30km/h are not uncommon for these sea breezes. By contrast, a land breeze is created at night when the land cools more than the water because water, having a higher specific heat capacity, stores the heat energy longer than the land. The resultant air-pressure differential results in the higher-pressure land air pushing the lower-pressure sea air upwards and creating a land breeze. Typically, land breezes are of a lower velocity than the sea breezes due to a lower temperature contrast between the two surfaces from day to night (Figure 19).

The wind direction in the study area has a seasonal as well as a diurnal pattern. During the summer months of November to February strong winds are southerly. In comparison during the winter months there is a dominance of oscillating easterly and westerly winds (BoM 2011).

The west coast sea breeze in summer in Western Australia is controlled by two forces. Pattiaratchi et al (1997) noted that in summer a low pressure trough forms parallel to the coast due to the intense heating of the air across the continent and this leads to inflow of air from the



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Figure 19. Annual wind rosettes for Dongara, Jurien Bay and Lancelin (BOM 2011).

northeast. However, there is also a synoptic development caused by a very large-scale pressure gradient that generates a southwest air movement potential. The combination of the general synoptic weather pattern and the west coast trough with additional influences from diurnal variations and the Coriolis⁷ force generate a dominant southerly air movement. This combination of the potential blowing directions results in one of the strongest southerly sea breeze systems in the world with mean wind velocities of 36km/h but with a direction nearly parallel to the coast.

In winter, there is dominance by an easterly-moving high-pressure anticyclone belt through the Mid West coastal region. Low pressure cells and frontal systems trail each anticyclone with strong winds initially from the northwest and then from the southwest as they recede to the east with the latter causing rainfall and storm events (Pattiaratchi et al. 1997). In summer, the west coast trough becomes established after anticyclones have passed and may remain in place or even migrate slowly to the west offshore for several days, strengthening with time. This draws in low-humidity, hot air from the interior of the continent leading to marked drying off of the region's soils as well as stressing vegetation and contributing to decreased foliage density on the sand dunes.

Figure 19 shows average wind rosettes for varying periods for three major settlements. Winter winds have strongly contrasting directions between mornings and afternoons. In the morning the winds blow from the east or northeast for between 10 per cent and 30 per cent of the time and, in the afternoon, from the south for between 15 per cent and 22 per cent. Lesser components are a northeasterly wind for between 10 per cent and 15 per cent of the time, particularly in the northern part of the area. Therefore the wind direction in winter is highly variable and consequently can be regarded as having a fairly balanced potential to move sand, especially in the afternoon.

During summer by 9am, between 25 per cent and 35 per cent of the wind is southerly whereas between 17 per cent and 23 per cent is from the east to southeast with main wind velocities ranging between 20 and 30km/h. By 3pm, very strong southerly winds develop with 55-62 per cent of all winds blowing from this direction reaching velocities of over 40km/h, with southwesterly winds accounting for between 25 per cent and 30 per cent of the wind direction and having wind velocities of between 20km/h and 30km/h (BoM 2011).

The shore-parallel sea breeze in Western Australia is an unusual phenomenon. During summer there are few westerly morning winds or easterly afternoon winds because the wind blows parallel to the shoreline. In addition, there are slight changes in the orientation of the dune direction and hence average wind direction during the periods of mobility. The consequence of this is strong south-southeast winds in the areas south of Jurien Bay, south or south-southwest winds in the areas from Jurien Bay to Dongara and returning progressively to south and then south-southeast winds to the north of Dongara. However, the strong summer shoreline-parallel sea breeze results in all sand dunes migrating subparallel to oblique to the shoreline.

Yao et al. (2007) identified three prime factors that can create the optimal conditions for high rates of sand migration:

- Dry weather and substrate
- Strong prevailing winds
- None to minimal vegetation coverage

In the study area the driest part of the year in summer occurs when the consistent afternoon sea breeze from the south is strongest. During these summer months the southerly wind velocities reach 40km/h for between 10 per cent and 15 per cent of the time. During this period the dryness of the substrate minimises vegetation density and foliage growth and in extreme periods causes deaths of plants which, coupled with the high wind velocities, ensures maximum sand migration potential occurs in this period. There may also be an influence from electrical storms starting bushfires that bare the sand and may lead to initiation of dune blowouts.

Rainfall and temperature influence

The annual rainfall increases from north to south through the study area. During the 40-year period 1969–2009 the mean rainfall figures for three major towns were:

- Dongara 386mm a year
- Jurien Bay 535mm a year
- Lancelin 623mm a year

Based on the three time periods of data from above (1960–82, 1982–2001 and 2001–10) the lowest rainfall data for Dongara and Jurien Bay occurred in the third period (Figure 20) which correlates with the highest dune migration rates.

⁷ Coriolis force is the property derived from the rotation of the Earth that deflects the wind to the left in the southern hemisphere, thereby generating circular winds around pressure centres.

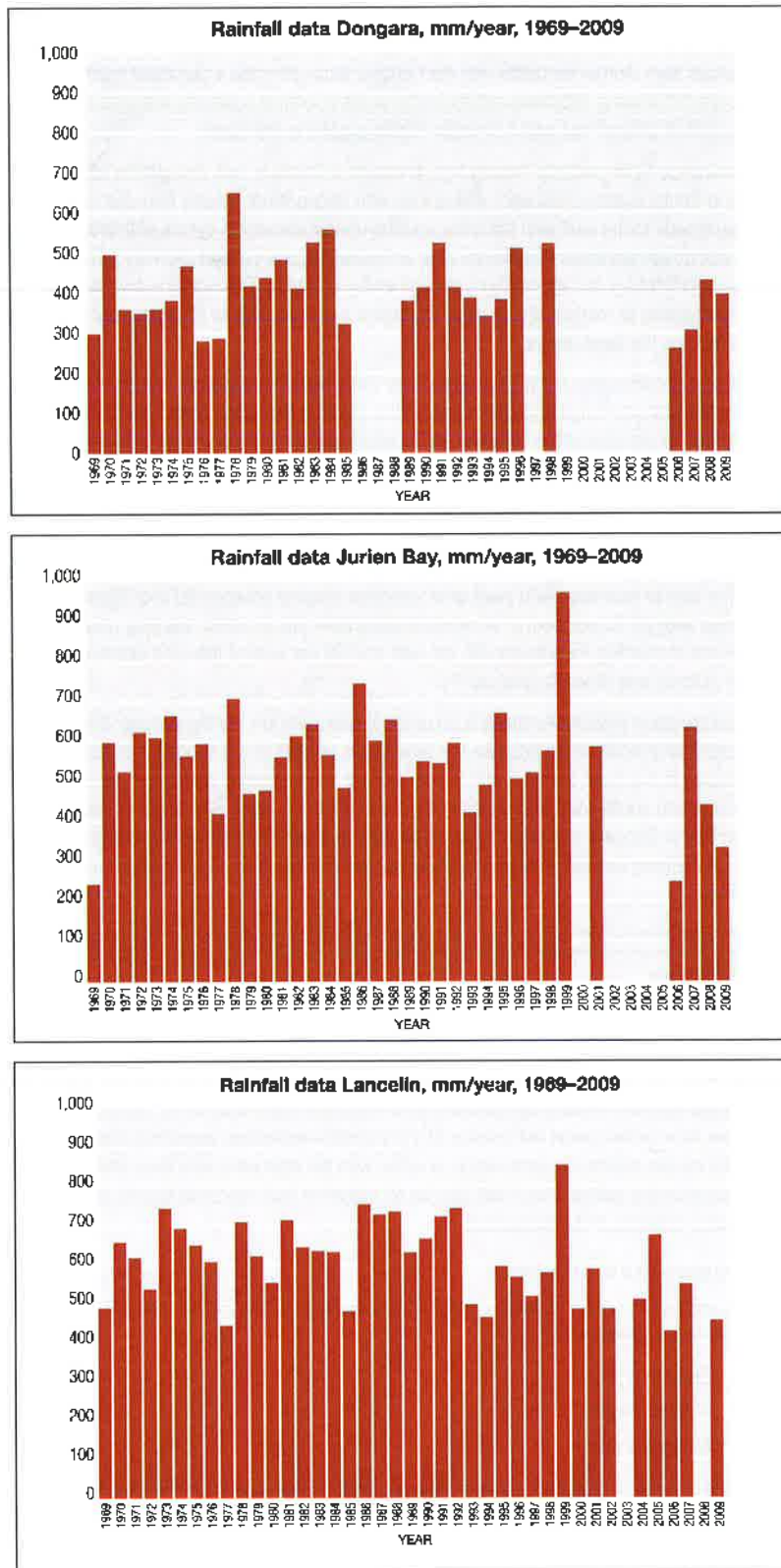


Figure 20. Rainfall data for Dongara, Jurien Bay and Lancelin between 1969 and 2009 (BOM 2011)

However, it is important to note that at Lancelin there was not a significant decrease in the annual rainfall during the third period and the migration rate was no greater than that of the second period.

The highest rainfall occurs in winter (June to July) and the lowest in summer (December to January). The significant anomaly in the year 1999 (Figure 20) was due to the La Niña effect. La Niña is a phenomenon caused by a cooler than normal sea surface temperature of the eastern Pacific Ocean which influences the weather in Australia, bringing rain and flooding, particularly in the eastern and northeastern parts of Australia (BoM 2005). This phenomenon impacted the study area from April to September 1999 (Figure 21) when the rainfall reached levels well above average.

An important consideration for this research is the impact of the El Niño effect on the west coast of Australia (Figure 22). El Niño is a phenomenon that occurs intermittently, in periods ranging from one to 26 years, and relates to a higher sea surface temperature in the central and eastern Pacific Ocean, which can influence climate worldwide. A strong El Niño causes drier than normal conditions over Australia (BoM 2005), particularly eastern and northern parts and although the effects can occur over Western Australia they tend to be weaker. Significant rainfall decreases were observed in the years 1977, 1994 and 2006 for Dongara, Jurien Bay and Lancelin (Figure 20). The year 2006 was especially dry with rainfalls of 428mm in Lancelin, 248mm in Jurien Bay and 260mm in Dongara. For all three towns it was one of the driest or the driest year in the 40-year period 1969 to 2009. That year also was unusually hot with Jurien Bay reporting a mean maximum temperature of 25.6°C and Dongara a mean maximum of 26.9°C respectively (compared with long-term averages of 24.9°C and 25.2°C). Lancelin's highest mean maximum temperature was 26°C in 1978 which coincides with the highest migration rate of the Lancelin dunes in the first period (1960–1982). For the majority of the other dunes, the highest migration rate occurred in the third period between the years 2001 and 2010. Within this third time period two El Niño events impacted the study area (BoM 2011). This helps to explain the higher dune migration rate, averaging 15.13m/year, occurring in Period 3.

Dune migration and the initiation of blowouts will be enhanced when the sand is driest and the vegetation cover is minimised. As noted above, this occurs in summer when the west coast trough has been drawing in dry, hot air from the interior of the continent and this wind has prevailed for several days. Anecdotal comments from residents living or working near mobile dunes supports this contention by having noted that a single dune front may advance by one or several metres over a few days in summer, but then not migrate much for weeks or even for the rest of the year.

Migration influenced by dune type

Coastal dunes form under different conditions from inland or desert dunes. Firstly coastal weather is more humid than in the desert and therefore more vegetation can grow. As such, coastal dunes are often isolated from each other by vegetated areas (Ronca, 2011). The formation of a dune type depends on the presence or absence of vegetation, its degree of coverage and the wind speed and directions. The majority of the dunes analysed in the study area can be classified as parabolic dunes, eg. Dongara West and Wedge Island South. However, the migration of parabolic dunes is poorly understood or analysed.

Essentially a parabolic dune is a blowout that commences in a part of a coastal parallel dune. With a parabolic dune, the dune crest (central blowout) advances rapidly but the limbs are held back by lower wind velocity, possibly caused by vegetation, thus lengthening the dune in a windward direction. However, changes in vegetation can destabilise the parabolic dune morphology and the shape changes (DERM, 2011). With the limbs becoming stabilised, the quantity of sand in the head of the dune progressively decreases. Ultimately too little sand is left and the head becomes stabilised and the dune migration ceases as shown by the relict dune traces in Figure 18.

The majority of the dunes studied have forms related to parabolic types, though a number have been modified from a clearly parabolic shape. The Southgate-Cape Burney dunes in the north and the Wedge Island East and Lancelin dunes in the south of the study area deviate most from the parabolic shape and are better considered as transgressive dune sheets. A transgressive dune sheet occurs specifically in areas with abundant sand supply, powerful onshore winds and winds that may seasonally vary in direction. They are commonly formed from parabolic dunes when the vegetation cover over the trailing arms is removed (Hesp 1990) or does not form a complete coverage, coupled with a copious supply of sand.

Older relict fixed dunes in the study area consist of limesand grains (calcium carbonate) which became cemented to form limestone. This process is called lithification and has been occurring and stabilising the limesand dunes since Pleistocene time (Bird 1984). These are now evident as relict dunes that are still visible from the air (Figure 18), but they are now covered with climax vegetation. The stabilised limbs left behind commonly retain little vegetation and show as semi-continuous slightly wavy white lineaments on airphoto or satellite images.

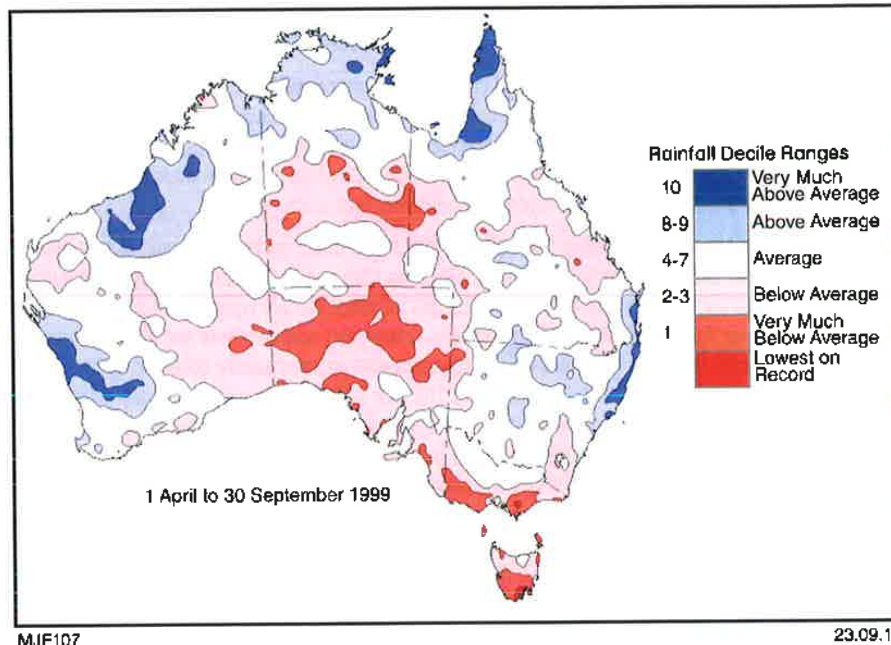


Figure 21. La Nina effect in 1999 (BoM 2011)

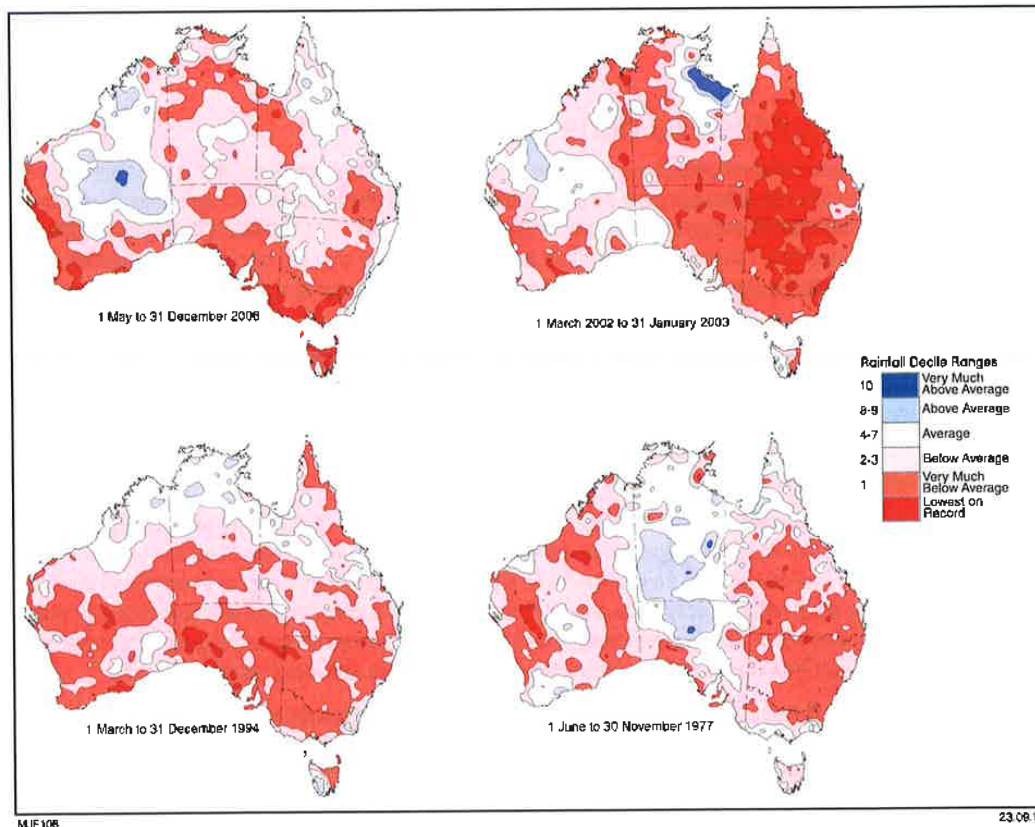


Figure 22. El Niño in the years 1977, 1994, 2002 and 2007 showing very low or lowest-on-record rainfall for the study area (BoM 2011).

Migration influenced by offshore effects

A long, continuous limestone reef system occurs along the Mid West coast of Western Australia. This is located up to 10km west of the coast of the study area parallel to the coastline and extends over some 300km from near Jurien Bay to Cape Bouvard, south of Mandurah, and with sporadic, short reefs between Jurien Bay and Geraldton. The offshore reef development occurred originally when the feature was an onshore limesand dune at times of lower sea level. Following formation of the dune, the limesand became cemented to form the limestone. The presence of this reef system exerts a significant controlling influence on the sand deposition along the beaches.

Sand deposition on beaches is strongly controlled by the coastal morphology and in particular by the concept of littoral cells where sand is cycled onto the beach and then eroded off the beach in storm periods, while moving laterally along the beach. Each littoral cell functions as an isolated cell with sand not moving laterally from one cell to the adjacent cell or moving in restricted quantities, except in times of exacerbated activity through strong longshore movement or through extreme storm event (Bray et al, 1995; Finkl, 2004; Masselink and Pattiaratchi, 2000).

Sanderson and Elliott (1999) described several littoral cells in the study area which are framed by cusped forelands, rocky headlands and reefs. They note that a limestone reef located in the offshore zone also acts as a barrier to incoming swells and can influence the wave energy, water level and water circulation in the near-shore zone. Closed cell circulation of coastal sediment occurs if a reef extends from one rocky headland to another along the coast in such a way that the sediment is trapped within the lagoonal basin. Open cell circulation occurs if there is a gap in the reef system, also known as an energy window, which allows for sediment exchange between the adjacent near-shore compartments and offshore. Open cell circulation means there is always a loss of sediment to adjoining cells or to deep offshore environments.

The Western Australian Planning Commission (WAPC 2003) has noted that there are two potentially closed cell systems respectively north and south of Jurien Bay. In both of these sites, the coast is sheltered by the offshore reef system and that approaches the shore at northern and southern ends.

The offshore reef can prevent 60 per cent of the wave energy reaching the coast. Located between the reef and the coast is the inner shelf plain which is a smooth, gentle slope. A combination of the limestone reef, islands, ridges and shallow banks shelter the coast from wave energy so that cusped forelands, tombolos, embayments and sheltered sandy beaches and lagoons can develop (Richardson et al 2005). The term tombolo is applied to a sand spit that links a reef or offshore island with the coast. A cusped foreland is a landform that has been developed as an accumulation of coastal sediment protruding from the shore by the longshore transport of sediment through opposing drifts or by wave refraction around offshore islands (eg. Island Point). These features all interact with the supply of sand to the beaches and therefore influence dune formation and mobility.

Coastal landforms include river mouths. There are few rivers located within the study area. The mouths of the Greenough and Irwin Rivers are blocked by sediments for half of the year due to the southward longshore drift of sand along the beach (Sanderson and Elliott 1999). The Hill River mouth is blocked intermittently by northward longshore drift.

All of these features can enhance or reduce the supply of sand from offshore onto the beaches and influence sand dune formation (Figure 23).

Coastal environments are highly dynamic and complex because they are influenced by various high-energy weather elements such as air pressure, wind, temperature, precipitation, waves and swell, sea level conditions, tides and currents. The Leeuwin Current system is one such element influencing coastal environments located off the study area. This system consists of three major currents – the Leeuwin Current, the Leeuwin Undercurrent and the Cape Current. The Leeuwin Current is a poleward-migrating tropical current of the Indian Ocean that hugs the west coast of Australia. It's less than 100km wide and approximately 300m deep. The water in the Leeuwin Current has a lower salinity than the surrounding water and is migrating at 1 m/s. It is stronger in winter than in summer as during the summer months the Leeuwin Current is pushed offshore. Strong southerly winds create the Cape Current, a northward flowing shelf current system which is up to 20km wide. This is a wind-driven current that exists from November until March, bringing in cold, nutrient-rich water which plays an important role for the local fishing industry. The third major current is the Leeuwin Undercurrent which is a northward flowing current that flows below the Leeuwin Current at 200-400m depths (Thompson, 1984; Chua 2002, Woo 2005).

The coast of the study area is influenced by a micro-tidal range of less than 0.5m, a strong southerly sea breeze and a low wave energy (WAPC, 2003). Under high energy wave conditions, such as storm events, the breaking waves carry sand offshore. However, under low energy wave conditions the waves and currents deposit the sand directly from the shore

face to the beach. Bird (1984) published several methods on how sand can be accumulated on a beach and Aagaard et al (2004) described how longshore drift can lead to a net build-up of beach sediment. Such methods include the sand supply coming directly from the eroded coast itself, fluvial sediments from river mouths or biogenic calcareous sediments from the ocean via shoreward transportation.

The beach sediments and sand dunes in the study area, as noted earlier, are composed dominantly of fragmented and broken-down biogenic material such as bryozoans, molluscs, foraminifers and calcareous algae. The calcareous sand demonstrates the shoreward transportation of the biogenic material living offshore as far as the continental shelf. However, the transport of sand shoreward, especially during successive marine transgressive cycles, depends on several factors such as sea floor topography, wave energy and the presence or absence of submarine vegetation (Bird 1984). The sediments on the beach and sand dunes consist of at least 70 per cent of marine-derived organic carbonate detritus from the reef which were transported shoreward. The reasons for the high percentage of carbonate in the study area are aridity of the land, the presence of only a few rivers that transport little detritus from the hinterland, a low wave-energy system that is insufficient to transport the fluvial sediments back to the shore, and a rich marine ecosystem.

The biogenic material lives on the deeper inner continental shelf at depths of up to 70m and in sea grass which grows in shallow waters close to the shore. Both of these sites provide a favourable habitat for molluscs, foraminifera and algae and the biogenic material can be eroded and transported shoreward to form low-energy beaches (Figure 23). Longshore currents in the near-shore zone transport sediments along the beach, known as a littoral drift, with the sediments accumulating against headlands and groynes (WAPC 2003). Littoral sand transport is predominantly caused by wind waves generated by the sea breezes. Richardson et al (2005) documented the sea breezes that blow onshore and generate these waves, and they have velocities in the range of 20-28km/h. The sheltered location of the study area provided by the limestone reef is the reason for the low-energy waves that are the main cause of sedimentation on the sandy beaches and the dunes.

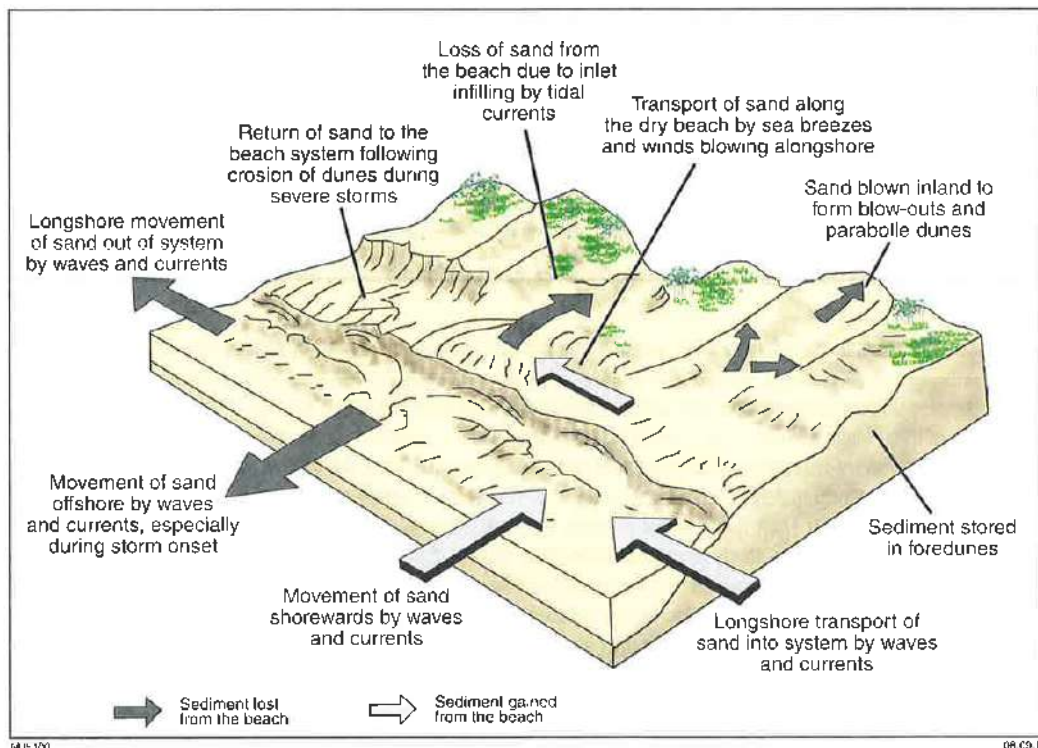


Figure 23. Components of coastal sediment budgets (Western Australian Planning Commission, 2003)

The dunes located in the south of the study area are larger than the dunes in the north which is inferred to relate primarily to the sediment supply. This interpretation was supported by Sanderson and Elliott (1999) who divided the study area into a northern and a southern zone at Green Head. Sanderson and Elliott described the area north of Green Head as one of rocky headlands and outcrops, pocket beaches and shallow lagoonal waters with an average depth under 5m. The reef has a higher elevation but is situated further offshore (5-10km) compared with the southern zone. These factors result in a smaller surf zone, lower wave energy and a narrower beach width (less than 20m). South of Green Head the reef is situated only 2-4km offshore but is more perforated and deeper than in the north with a depth of 5-10m. Therefore, in the south of the study area, sandy beaches are longer and there are fewer large cusped forelands of Holocene age (Sanderson and Elliott 1999).

Dune impacts on infrastructure and consideration of some solutions

In the study area a number of dunes have or will have impacts on built structures and developments. Table 4 lists features within the study area that are vulnerable and provides estimates of times until the potential impacts. These times are determined from both the 50-year average speed and also from the speed determined for Period 3. As noted above, there has been significant variation in the dune speeds and these estimated times are therefore highly vulnerable to change. There is no certainty that the historic rates will persist; the dune speeds may accelerate or decelerate. This imprecision is emphasised in the table where there was significant difference between the overall average speed and the Period 3 speed by showing marked differences in the times of impact.

Bovin & Jonsson (2011) describe sand dunes as natural hazards which can cause major material and socio-economic damage. The dune sands blow over roads, highways and railways and can even bury settlements. In the late 1800s, the town of Eucla, located on the south coast of Western Australia near to the South Australian border, was buried by shifting sand dunes. The ruins at the site of the town now constitute a historical tourist attraction.

The migration of sand dunes is a slow and pervasive geomorphologic event that has consequences for human welfare as the removal of sand from affected infrastructure imposes significant costs on the community and the relevant government authorities. Kailis Drive is currently being impacted by the Dongara West mobile sand dune and the Indian Ocean Drive may be impacted in the next few years by the Grey Dune. However, several other roads will be impacted soon by the migration of dunes, eg. the Wedge Island Road, in the longer term. Once the sand has blown onto the roads it can become a safety hazard that at minimum causes delays and at worst can create road hazards and incur economic loss (Bovin & Jonsson 2011).

Bovin & Jonsson (2011) provide several methods to reduce or stop sand dune migration or provide solutions for infrastructure already damaged. Mobile sand dunes can be slowed or halted by increasing the critical roughness density of the dune surface which will decrease the sand transport capability (Gillies et al. 2011). As roughness increases the ground-level, wind speed decreases which in turn decreases saltation flux. Dong (2004), in considering stabilisation of dunes in the Taklimakan desert, identified the prime fixation technique as mechanical dune stabilisation by fences. Fences that are set up directly across the path of the prevailing wind halt or slow the rate of sand movement because they act as artificial barriers causing sand accumulation at the lee site. The wind in the study area is coming from various directions, so to apply this method here would require fences to be set up as squares creating a checkerboard effect. For example, in Mauritania "close clustered reed fences" with a porosity of less than 10 per cent proved the most effective (Dong 2004).

Another temporary roughness option is to use a straw checkerboard technique which has already been proven as an effective method in China (Figure 24). The straw checkerboard technique was developed by scientists from the Shapotou Desert Research Station in 1957. Rice, wheat or other plants were planted in a checkerboard pattern. By setting up the semi-covered straw checkerboards, the straw is placed vertically. With the heights of the straw between 10 and 20cm, half of the straws are buried in the sand and half are exposed and the grid size ranges from 1x1 to 2x2m. Smaller grid sizes are required in areas of stronger winds (DRI 2011). Straw checkerboards with a height of 10-20cm and a grid size of 1x1m have been proven to be the most effective. In areas with precipitation of more than 200mm, vegetation should be planted simultaneously (Qiu et al 2004).

Table 4. POTENTIAL Dune impacts on features in the study area

DUNE	Infrastructure at risk	Distance to infrastructure in 2011 (m)	Migration rate (m/year)		Estimated width of dune on first arrival (m)	Maximum width (m)	Maximum height (m)	Indicative timing of dune impact (year)	
			For period 2001–10	For period 1960–2010				At speed for period 2001–10	At speed for period 1960–2010
Southgate	Brand Highway	150	12.7	6.8	30	1,200	6	12	22
	Houses in Wandina	200	12.7	6.8	30	1,200	4	16	30
Dongara West	Kailis Drive	0	8.0	7.7	120	300	10	Now	Now
Dongara East	Kailis Drive	130	2.2	4.1	20	370	10	60	31
White Point	Dongara-Eneabba railway line	380	20.2	11.9	25	790	18	19	32
Illawong	Indian Ocean Drive	1,000	30.4	9.4	30	740	4	33	105
Coolimba	Indian Ocean Drive	500	6.4	7.7	50	560	7	78	65
Green Head North	Scenic tourist road	140	17.7	8.5	30	260	3	8	16
Green Head South	Indian Ocean Drive	480	15.5	12.5	30	1,400	4	30	38
Grey	Indian Ocean Drive	250	17.9	15.7	100	1,700	10	13	16
Wedge Island South	Road into Wedge Island	215	18.9	10.6	70	800	3	11	20
Wedge Island East	Indian Ocean Drive	900	11.1	11.2	30	2,100	11	80	80



Figure 24. Straw checkerboard technique (DRI 2011) and its application on the Tarim Highway, China (The Tarim Highway, undated).



The checkerboard technique described above was conceived on the basis of it commencing a progression of vegetation growth that can take up to five years to become properly established and thus lead to a healthy vegetation succession. The first vegetation growth of grasses is followed by shrubs and finally woodland or heath. This environmentally friendly method can halt the sand movement as long as the plants used for brushing meet certain requirements. These requirements include being resistant to strong, hot and dry winds and in the near-coast environment on sand the vegetation must tolerate salty conditions (halophytic plants) and nutrient-poor environments (Goudie 2010).

Goudie (2010) states that the mechanical removal of sand is also an effective method of mitigating the impacts of mobile sand dunes. While this may seem a pragmatic approach, the quantity of sand moving in larger dunes each year can be very large and invoke considerable community expense. However, in Western Australia the sand has a high component of lime and is a very marketable commodity for farm applications. Therefore, extracting and utilising the limesand is playing a crucial role in stopping a number of the dunes from migrating or at the very least minimising the damage by removing the limesand.

The optimum solution is to extract the limesand from the head of the dune at a rate near or above the rate at which the dune is migrating. Marketing of this product for farm application to control farm soil acidity actually utilises the economic value of the sand to overcome the economic cost of managing the migrating sand. Other techniques of management involve significant cost, to the financial detriment of either the State Government or Local Government authorities.

Dunes along the Mid West coast

Southgate Dune

The Southgate Dune, located 7km south of the centre of Geraldton, is migrating northwards on freehold and unallocated Crown land. On the freehold, limesand is not a mineral and extraction is subject to Local Government authority through grant of an Extractive Industry Licence. Southgate dune covers 194ha and is up to 6m high. It has advanced to the edge of a beach access track from which extraction of the limesand is proceeding and appears to be holding the dune head nearly stationary, although it is not clear if sufficient extraction is occurring to stop the dune sand (Figure 25).

Since 1960, Southgate Dune has decreased in area from nearly 300ha to nearly 200ha. This has been caused by the natural stabilisation of the tail parts of the dune, particularly with the flanks becoming stable. It has averaged 6.8m/year of advance at the head, the speed having decreased markedly from Period 1 (8.9m/year) to Period 2 (3.6m/year) but then accelerated markedly in Period 3 (12.7m/year). This acceleration is of concern because if it maintains this speed, the dune will present a geohazard to the Brand Highway and the houses in Wandina. Alternatively, it will require the removal of larger quantities of mobile sand to artificially stop the dune head from moving northwards. However, note the caution expressed earlier in this report that the longer-term speed appears to be a more robust predictor of future average speeds.

The northern 25 per cent of the mobile dune is on freehold land and the remaining southern part is on unallocated Crown land that was proposed in the late 1990s to be converted to freehold. It is recommended that the City of Greater Geraldton monitor the movement of the dune to ascertain if it does pose this threat. The first sign will be the dune crossing the beach access track and entering the freehold property to the north. Successive high waves of sand are approaching from the south and would pose significant costs to remove artificially. Alternatively, stabilisation of the dune south of the head could be caused by vegetating the sand or applying one of the techniques discussed above. However, a public authority considering action will need support from the owner of the land.



Figure 25. Southgate Dune showing proximity to Brand Highway and Wandina subdivision houses. The dune head currently runs along the edge of beach track. Map data: Google, © 2015 CNES/Astrium.

Cape Burney dunes

The Cape Burney sand dune (Figure 26) is situated 420m south of the Greenough River mouth and centred about 4km south of the Southgate Dune. This limesand dune in 2012 had an area of 60ha and a height of about 4m. In Period 3 it was migrating north-northwest at 10.1 m/year, having accelerated from 3.5m/year in Period 1, has progressively shrunk from 170ha in 1960, and will soon blow sand into the Greenough River. Blockage of the river may then ensue. However, if river flows are strong, it may maintain its course rather than be blocked. It is recommended that the potential problems be considered and taken into account by the City of Greater Geraldton when making nearby land-use planning and development decisions adjacent to the watercourse.

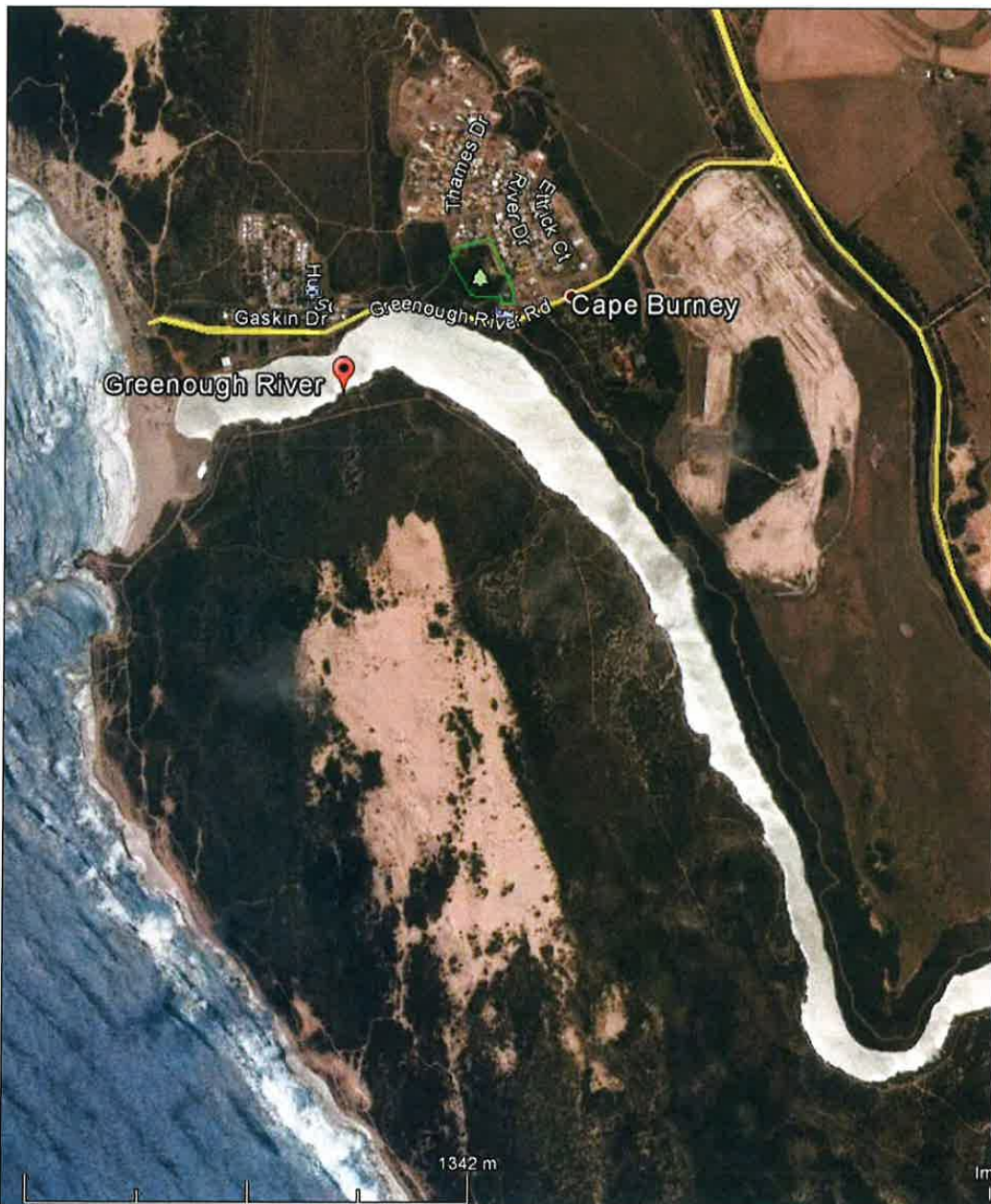


Figure 26. Cape Burney Dune showing proximity to the Greenough River and its mouth. Map data: Google, © 2015 CNES/Astrium.

Dongara dunes

At Dongara the study focused on two dunes, Dongara East and Dongara West, located 7km south of Dongara township.

The Dongara West dune has migrated onto and is depositing sand over Kailis Drive (Figure 27). This dune is up to 11m tall and from 1960 to 2001 it decreased in area from 26ha to 20ha, but did not change thereafter. This suggests that the sand will continue to blow at the measured rate of between 7m/year and 8m/year for the foreseeable future. Kailis Drive is a Shire of Irwin road and the sand removal falls under the maintenance responsibilities of that Shire. Figure 28 shows the very leading edge of the dune about to impinge on the road shoulder in October 2004. Figure 29 shows how the dune front had progressed by November 2009 and at that stage the Shire of Irwin had periodically been removing sand from the road. Mining Lease M70/1271, applied for in 2006 and granted in December 2015 over the dune head, should assist through removing and marketing the limesand to sell to farmers, removing the economic liability on the Shire. An example supporting this option is the granted mining leases on the Coolimba and Lancolin dunes where active mining of those dunes has significantly reduced the migration rate and area over the past 50 years. North of this dune, across Kailis Drive, is a limesand processing operation where high-grade limesand is converted to quicklime.

Dongara East Dune, located 2km east of Dongara West, is approximately 10m high and between 1960 and 2010 it split into four dunes, and in that time shrank and slowed. In Period 1 it was moving north-northeast at 4.5m/year, but slowed to 2.2m/y in Period 3 while decreasing from 41ha to 14ha. It is considered likely that the dune may cease to migrate before it reaches Kailis Drive, some 120m ahead of the front of the dune. Limesand is being extracted at a low rate from the northeastern corner of the dune where the sand has blown onto freehold land. This extraction is authorised by an Extractive Industry Licence granted by the Shire of Irwin.



Figure 27. Dongara dunes (West and East). West has intersected Kailis Drive and East has broken into a number of parts. Note general trend of former dunes that are now stabilised and covered with vegetation. Map data: Google, © 2016 CNES/Astrium.



Figure 28. Dongara West Dune approaching Kailis Drive October 2004. Photo taken looking southeast.



Figure 29. Dongara West Dune on edge of Kailis Drive, November 2009. Photo taken looking southwest.

White Point dunes

There are four separate dunes at White Point (Figure 30) that are moving independently towards the north-northeast. The western two clearly show the stabilisation and revegetation of lands behind the dunes. The eastern dune head is 4.9km from the beach and if it had maintained a rate of 20m/year, it would be over 400 years since initiation of this dune, showing the long-term nature of the mobility of these coastal dunes. The western dune has two separate lobes, and the eastern lobe has advanced 1.4km further than the western lobe. In Period 1 and Period 2 of the study, the average speed was approximately 10m/year. However in Period 3 the rate doubled to 20.2m/year. Simultaneously, the area of the dunes decreased from a total of 483ha in 1960 to 254ha in 2010 and therefore the increase in speed of this dune is in contrast to most other dunes where the migration rate decreased as the dunes shrank.

The eastern dune head is 380m from the Dongara-Eneabba railway line and, at an average speed of 11.9m/year, will be approaching the line in 30 years. This is a large dune that is up to 18m high and is expected to continue migrating for many years. It is recommended that monitoring of the dune be undertaken each five years to continue investigating the likely interruption of rail usage.

Mining Leases 70/642 and 70/711 exist over the majority of the dunes. Extraction previously occurred on M70/642 between 1997 and 2001 and on M70/711 between 1994 and 1996. Extraction from M70/642 ceased as the operator has an alternative feed source. However, if the closure of the railway poses an economic threat, it is recommended that the Public Transport Authority engage with the tenement holder to ascertain if any joint amelioration actions could be entertained.

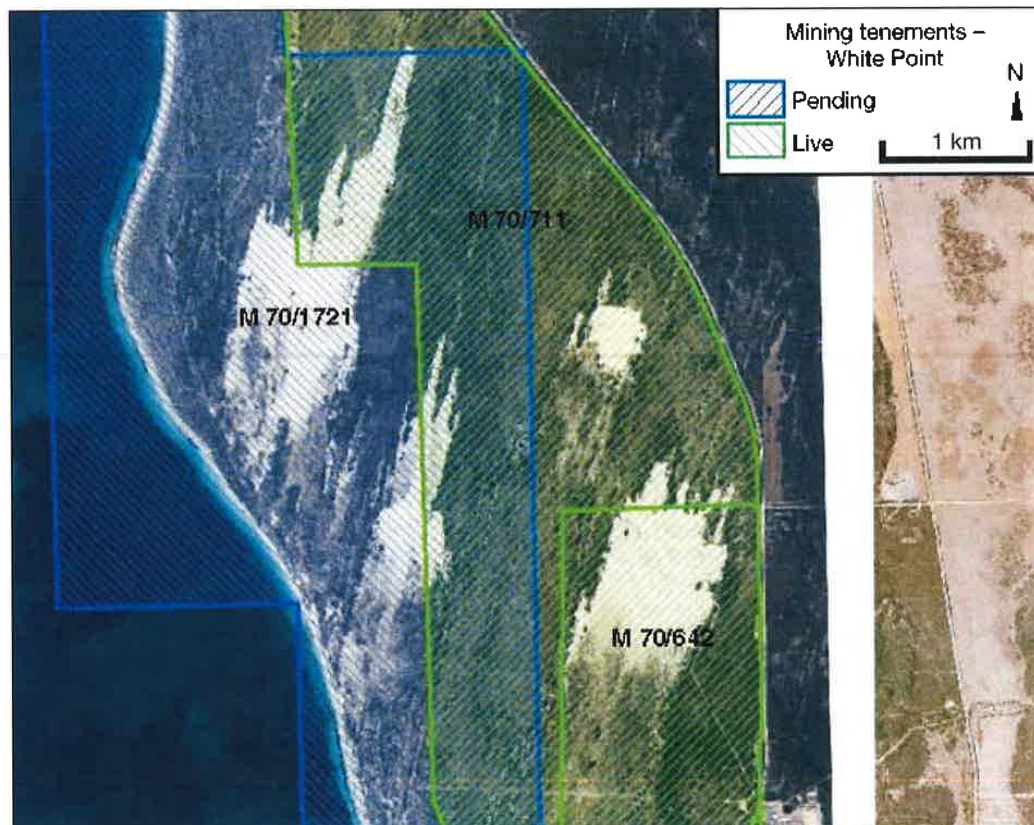


Figure 30. Four dunes at White Point. Map data: Google, © 2016 CNES/Astrium.

Illawong dunes

There are two relatively large dunes at Illawong, both having areas in the order of 100ha, although only the northern was studied in this project (Figure 31). The northern dune is approximately 5km south of the former coastal community of Illawong. This dune is still being fed with beach sand and this is confirmed by the dune area increasing from approximately 100ha to 110ha between 1960 and 2010 as additional sand was fed into the tail of the dune off the beach. In contrast, the southern dune has separated from the beach supply. Both dunes are migrating north-northeasterly. Illawong Dune accelerated markedly between Period 1 and Period 3 from 6.0m/year to 30.4m/year.

At the closest, the head of the northern dune is some 1000m from intersecting Indian Ocean Drive. Both dunes are on Reserve 42 477 for Parkland, Recreation and the Letting of Cottages managed by the Shire of Carnamah. North and east of this reserve and across Indian Ocean Drive, the land is part of the Beekeepers Nature Reserve. At the current rate of movement the dune will not reach Indian Ocean Drive for more than 30 years. Provided the dune maintains the average speed of 9.4m/year as recorded for the period 1960 to 2010 it will be a century before this impact occurs.

The northern dune is largely within the area of the application for Exploration Licence 70/2221, although the head is close to blowing out of the tenement application area. The southern dune is on application for Exploration Licence 70/4652. Exploration licence E70/2221 over the dune will not allow for the removal of sand. It would be beneficial to grant a mining lease over this dune as, if migration is not addressed, it could start to impact on Indian Ocean Drive over the next 30 years. It is recommended that the dune be monitored each five years in order to allow time to prepare and address the complications of any impact.

Coolimba Dune

The Coolimba dune (Figure 32) consists of a large western dune, with an area of over 70ha and a height of up to 7m and a smaller eastern dune with an area of less than 10ha; both had separated from a single large dune historically.

Coolimba Dune in 1960 covered 89ha which increased to 91ha in 1982, but then decreased to 71ha in 2006. This change in area correlates with the speed of the dune, rising from 7.4m/year in Period 1 to 8.36m/year in Period 2 and then slowing to 6.4m/year in Period 3.

The dunes are centred some 4km north-northwest of the intersection of Indian Ocean Drive and Coolimba-Eneabba Road and are migrating north-northeast towards Indian Ocean Drive. The eastern dune is becoming stabilised with vegetation and is likely to stop moving before it has gone much further. However the larger western dune is considered likely to continue migrating and if it maintains the speed in Period 3, it will cover the 500m to reach the Indian Ocean Drive in just over 75 years.

The majority of the dune is within M70/932 and limesand production is proceeding from an area some 500m back from the head of the dune. Continued extraction of the limesand will assist in removing sand that is migrating and will probably slow the movement. Access to the dune is along Miscellaneous Licence 70/75. It is recommended that the migration of the dune be monitored to provide early warning to Main Roads WA if it seems likely to impact on Indian Ocean Drive.

Green Head dunes

Two dunes were studied at Green Head, one north of the townsite and a second south. Green Head North (Figure 33), with an area of 28ha, is up to 3m high and centred 3km north of Green Head, is of particular concern as its migration rate has accelerated from about 7m/year in Period 1 and Period 2 to 17.7m/year in Period 3. At the same time, its area has remained at between 24ha and 28ha. It is inferred that it will continue migrating for some years. The sand dune is currently only 140m from a local beach access road and, if not addressed, within a couple of years this dune will meet and potentially cut the scenic tourist route. This dune is on a reserve for Parkland, Recreation and the Letting of Cottages managed by the Shire of Coprow and therefore maintaining the tourist road will be a Shire responsibility.

A prospecting licence (P70/1468) has been applied for over the dune. However, it is reported that there is community opposition to the grant of the tenement and potential extraction of limesand. Grant of this tenement

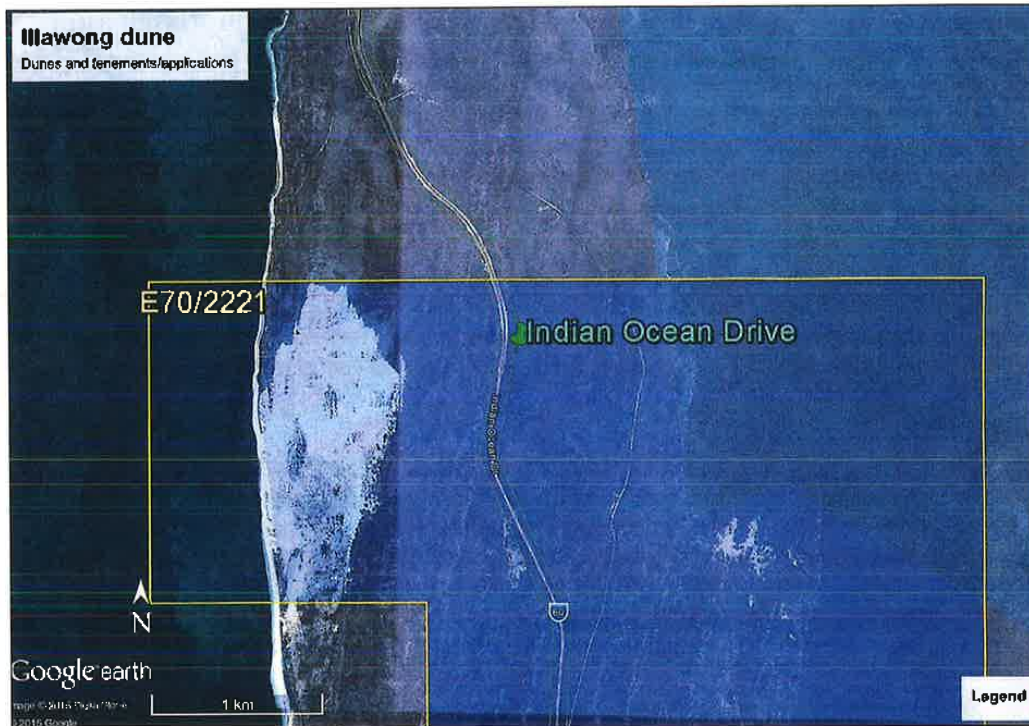


Figure 31. Illawong northern dune showing extent of exploration licence 70/2221. Indian Ocean Drive is the light-coloured line east of the dune. Map data: Google, © 2016 CNES/Astrium.

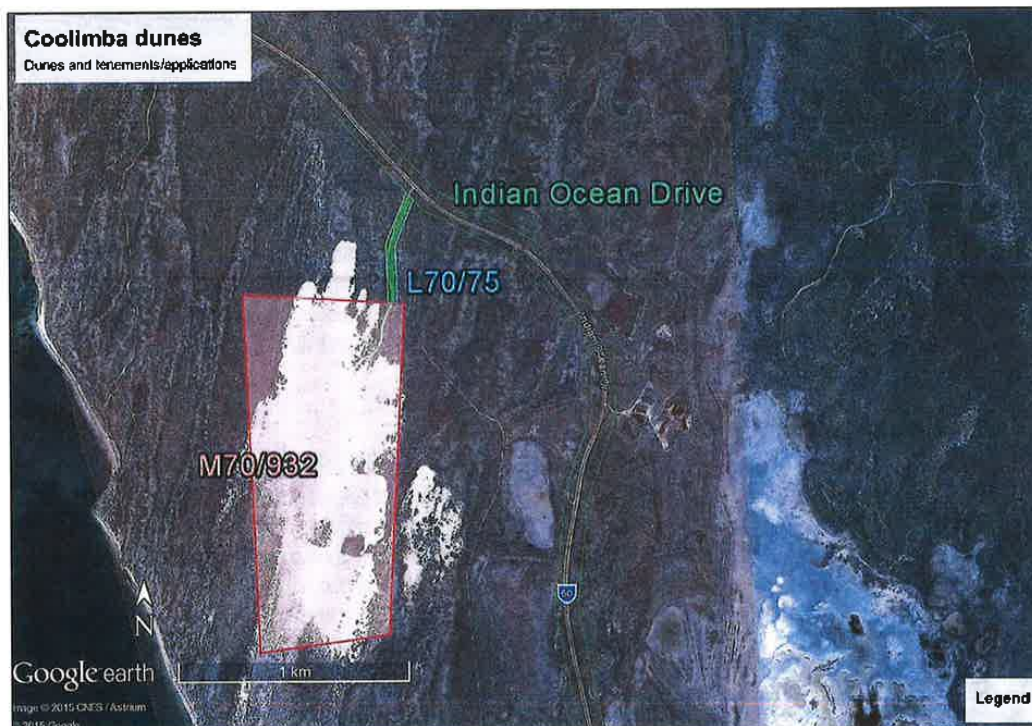


Figure 32. Mining tenements on Coolimba Dune. Indian Ocean Drive is the light-coloured line to the east and north of the dune. Map data: Google, © 2016 CNES/Astrium.

will not permit productive extraction and a mining lease will be required for that activity to be authorised. If productive extraction under authority of the Mining Act is not undertaken, the Shire of Coorow will have to undertake removal of sand blowing over the road at its expense. Remediation of this geohazard is likely to be required in the near future.

Green Head South Dune (Figure 34), located 5km southeast of Green Head, is a moderately large dune (174ha) and up to 4m high that is progressing on a broad front with several leading nodes. It is migrating slightly east of northwards, and has changed speed markedly from 16m/year in the first study period, slowing to half that in the second period and then returning to the original speed in the third period. At the closest, it is nearly 500m from Indian Ocean Drive and could intersect that in 30 years. However, extraction of limesand from behind the dune head is likely to lead to that part of the dune slowing and possibly not reaching the highway. Other nodes of the dune may continue migrating towards the road and future monitoring of that progress is recommended in five-year intervals. Tenements exist over other parts of the dune and extraction on those would assist in reducing any future potential geohazard potential from those parts. The dune is on Parkland and Recreation Reserve 40 544 managed by the Shire of Coorow.

Sandy Cape Dune

The Sandy Cape Dune (Figure 35) is a moderately large north-migrating dune located 14km north of Jurien Bay. It covers 71ha and is up to 7m high and is now well separated from the coast at its source. Since leaving the beach, it has migrated approximately 5km. The dune is advancing over previous generations of coastal dunes that are now fixed and vegetated and does not pose any threat to infrastructure except for four-wheel-drive tracks used to access isolated beaches. Sandy Cape Dune is within Reserve 19 206 for Parkland and Recreation managed by the Shire of Dandaragan.

Sandy Cape Dune has contracted markedly from 129ha in 1960 to 71ha in 2010. As with many other dunes, it slowed from 10m/year in Period 1 to 8.1m/year in Period 2 and then accelerated to 22.8m/year in Period 3.



Figure 33. Green Head North Dune, within 140 metres of intersecting the tourist road that accesses bays and beaches near the township. Map data: Google, © 2016 CNES/Astrium.



Figure 34. Green Head South Dune showing tenements. Green tenements are granted and the blue is an application. Map data: Google, © 2015 CNES/Astrium.

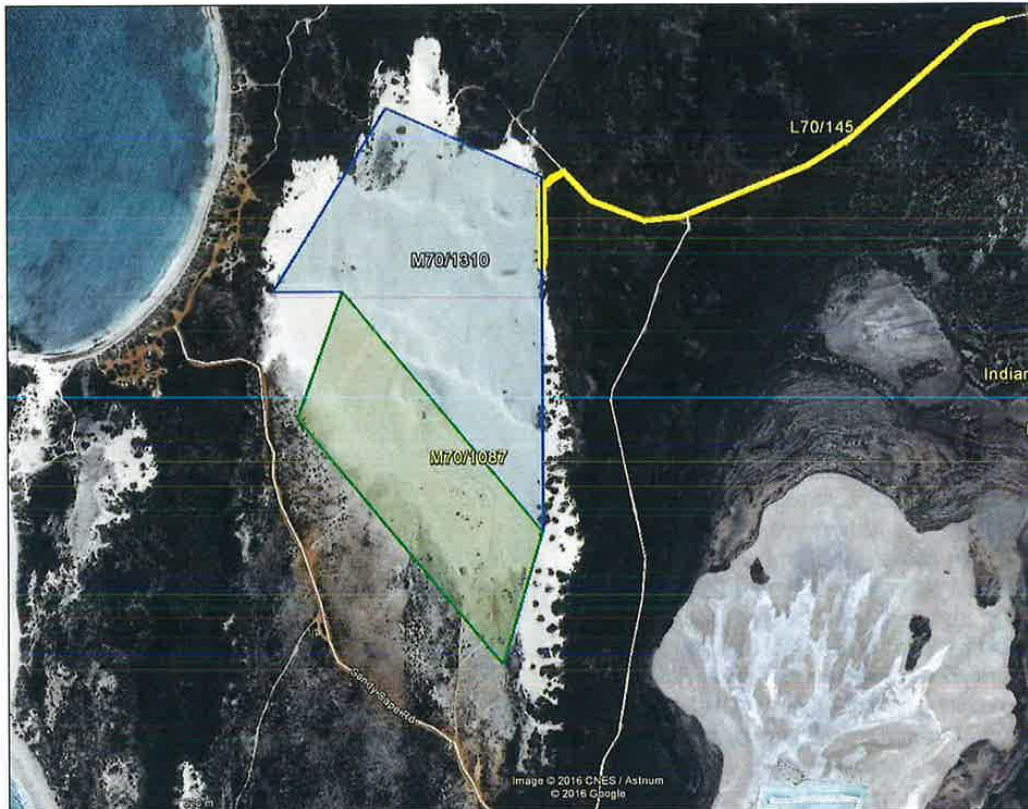


Figure 35. Sandy Cape Dune and tenements. Green lease is granted, blue is application and yellow is miscellaneous licence for access from Indian Ocean Drive. Map data: Google, © 2015 CNES/Astrium.

The tail of the dune has vegetation re-establishing on and stabilising the loose sand. At the head of the dune there is a 250m-wide central lobe that is about 250m ahead of a large wave of sand that extends across the 600m width of the whole mobile sand dune. It is inferred that this dune is the product of an earlier, narrower, central dune that is being overtaken and overcome by the much wider later dune.

Sandy Cape Dune had previously cut across bush tracks that allowed access to coastal recreational sites, more recently replaced by a beach access track across the tail of the dune. Otherwise it does not pose any threats to built infrastructure.

Grey Dune

This dune (Figure 36) is located immediately northeast of the former coastal settlement of Grey and is within Nambung National Park. Grey Dune currently has an area of nearly 380ha and is over 10m high. It appears to have been migrating from a beach source located at least 14km to the south of the present tail and it is therefore inferred it will continue migrating for several more kilometres over future years and decades. During the study period it has been moving in a north-northwest direction, but its speed is unusual when contrasted with other dunes studied. In Period 1 it was migrating at 10.7m/year and then accelerated in Period 2 to 20.3m/year, finally slowing a little in Period 3 to 17.9m/year. Between 1960 and 2010 it shrank from 577ha to 378ha.

The new scenic tourist route along Indian Ocean Drive was opened on 19 September 2010. However it is located on the migration route of the Grey sand dune. Main Roads Western Australia (MRWA) removed bare dune sand over about a 100m width on the western side of the dune adjacent to the road at the time of road construction in 2009–10. Subsequently, to reduce the visual impact of the bare limestone pavement adjacent to the road as well as trying to minimise the movement of the dune sand, the surface of the area, that had consisted of remnant sub-dune limestone pavement, was covered with topsoil and mulch material that consisted of local vegetation including seeds (Figure 37). Two years later the vegetation had grown significantly, covering the bare surface (Figure 38).

Following a report from 360 Environment Pty Ltd, tube stock was planted on the dune in winter 2012. To ensure the seeds were representative of the regional flora and would successfully grow on dune limesand, collection was confined to 25km east of the coast and 50km north or south of the Grey Dune. The seeds germinated and seedlings adapted and have since regenerated vegetation that has stabilised the area and reduced the visual impact. Species suitable for the Grey Dune were presented (Table 5) in the report Dune Stabilisation Concept by 360 Environmental (2010).

The dune is adjacent to Indian Ocean Drive, is moving close to the edge of the highway and will encroach on the highway in time. Remediation to remove the sand will become a significant cost because this dune is high (more than 10m) and wide (more than 1700m). Some 350m of width of this dune will intersect the Indian Ocean Drive, presuming it maintains its current path. From calculations, it is estimated the dune has the potential to deposit over 100,000 tonnes of limesand on the road per year. Remnant stabilised dune limbs are apparent adjacent to Grey Dune and continue for up to 5km north of the head of the dune, indicating the potential for the large Grey Dune to continue migrating and impact the highway. It is recommended that Main Roads WA investigate potential options for alleviating this impact in collaboration with the Department of Parks and Wildlife as the dune is within Nambung National Park.



Figure 36. Grey Dune showing proximity to Indian Ocean Drive and general direction of migration towards the north-northwest. Note that western 350m width of the dune is heading towards intersecting the highway. Map data: Google, © 2015 CNES/Astrium.



Figure 37. Hundred-metre-wide area from where Grey Dune sand was removed along its western margin prior to building of Indian Ocean Drive, August 2011. ▲



Figure 38. Regrowth of vegetation adjacent to Grey Dune following reseeding and planting of tube stock. Similar to site shown in Figure above, but two years afterwards (August 2013). ▶

Table 5. Suitable native plant species for seeding on the Grey Limesand Dune (360 Environmental, 2010).

Genus	Species	Genus	Species
Acacia	cochlearis	Melaleuca	huegelii
Acacia	cyclops	Melaleuca	systema
Acacia	rostellifera	Myoporum	insulare
Allocasuarina	lehmanniana	Olearia	axillaris
Atriplex	cinerea	Rhagodia	baccata
Atriplex	isatidea	Scaevola	crassifolia
Carpobrotus	virescens	Spinifex	longifolius
Ficinia	nodosa	Spyridium	globulosum

Wedge Island dunes

Three dunes are recognised, North, South and East (Figure 39). The western two are close to the coastal community of Wedge Island. All three dunes are migrating to the north-northwest and the eastern two have potential implications for roads.

Wedge Island North is migrating away from the nearby community at a velocity of 27m/year during the last study period (2001–10) and does not pose any threat. It is actually migrating towards the beach and will be contributing sand back onto the beach in the very near future.

Wedge Island South is the smallest of the three dunes with an area of 111ha in 2010 and a height of less than three metres. This is migrating towards the newly constructed Wedge Island access road and could intersect that in about 10 years at the latest velocity of 19m/year. However, it is now migrating into a well-vegetated swale that appears to have the potential to contain all the dune sand at a low level and it is considered that this may slow or stop the dune's migration.

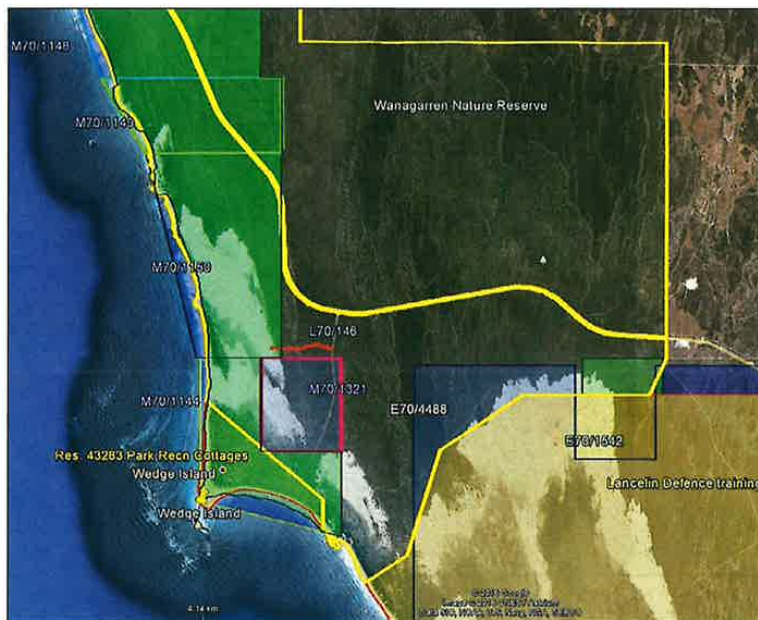
Wedge Island East Dune is the largest dune included in the present study with an area of just over 1000ha, is 2100m wide and up to 11m high. Though it is migrating towards the Indian Ocean Drive, the dune will not intersect it for something like 80 years at the present rate of about 11m/year. It is of note that this dune is one of only three that maintained a consistent rate for each of the three periods studied. However, this is moving at an exceptionally slow speed for its area and this is inferred to be caused by the fact that the dune has been migrating up an incline from about 20m above sea level (ASL) to 110m ASL

in its present location (Appendix D). However, from the present position to the Indian Ocean Drive the ground falls to about 45m ASL and consequently there is a possibility that its migration speed may accelerate and the impact on the highway may occur earlier rather than later.

These three dunes are in the Wanagarren Nature Reserve and the Minister for Environment must support any extraction of limesand from the mobile dunes. The East Dune is migrating out of land leased to the Commonwealth Government as part of the Lancelin Defence Training area.

Tenements have been applied for over all of the dunes for the purpose of extracting the limesand. The economically optimum solution to minimising future impacts of the geohazards would be to progress to granting of tenements and consent to extract limesand, particularly from Wedge Island East Dune.

It is recommended that the migration of East Dune be monitored because it would have a major impact on Indian Ocean Drive. The extraction and marketing of the limesand should be supported as a means of reducing future economic impacts on the road, which is a major tourist route.



**Figure 39. Wedge Island dunes showing North Dune (upper left), South Dune (in the middle) and East Dune (right-hand) dunes with Mining Act tenements.
Map data: Google, © 2014 CNES/Astrium.**

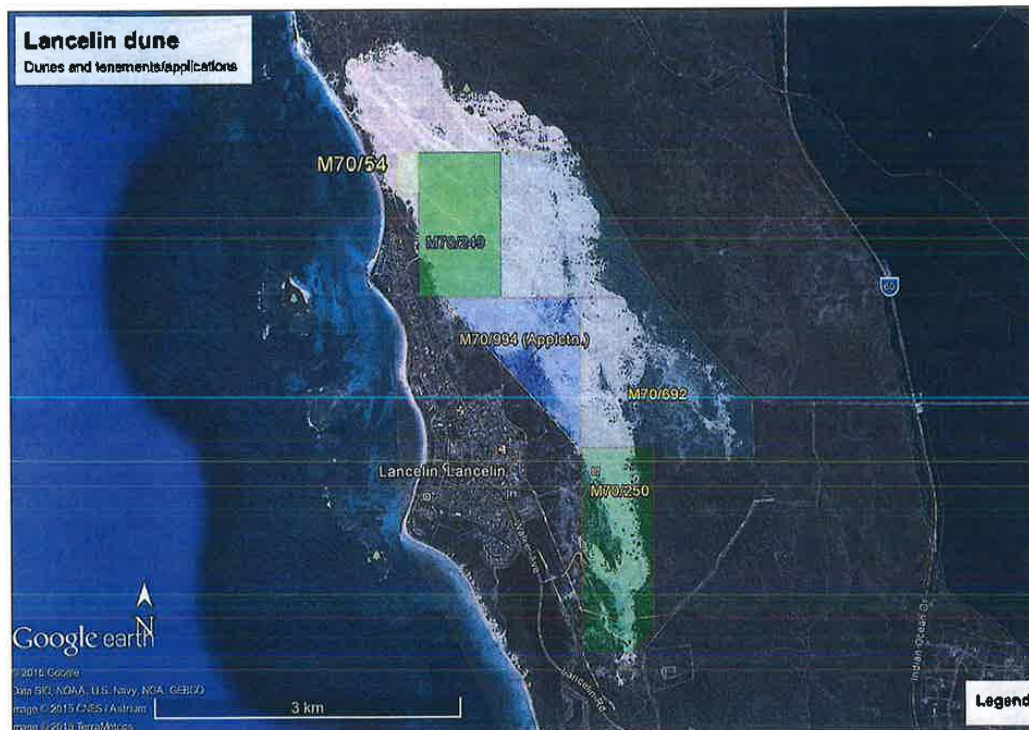


Figure 40. Mining tenements on Lancelin Dune. Note proximity of housing on south western margin of mobile dune. Current limesand extraction is mostly proceeding in the southern-most portion. Map data: Google, © 2015 CNES/Astrium.

Lancelin Dune

The Lancelin Dune (Figure 40), the southern-most dune in the study area, covers a very large area (nearly 700ha), is immediately east of the Lancelin townsite and is well-used for recreational purposes for driving four-wheel-drive motor vehicles, quad-bikes and motorcycles over the bare dunes. As such the community has expressed strong reservations about the ongoing mining of the limesand.

Lancelin Dune has complex morphology and strictly speaking the Lancelin Dune should be referred to as a dune sheet. However, for simplicity in this report it is termed a dune. It is migrating in a north-northwesterly direction. At the northern end it is encroaching onto the beach and the sand is being recycled back into the shoreline environment.

During the study periods, this dune has experienced a significant decrease in its migration rate and area, decreasing in speed from 37.9m/year to 6.1m/year between the first and last periods in the study with a corresponding area decrease of 393ha, representing a 36 per cent change from 1960 to 2010. This decrease has occurred especially on the southwest side mostly near to the extraction areas of limesand. This part of the dune is no longer considered a "mobile dune". The present extraction activities are located on both the body and limbs of the dune and due to this extraction, the dune limb is now located one kilometre further east than in 1960.

The sand is migrating parallel to the eastern edge of the townsite and within 160m of the nearest houses. Through the reduction in area, this dune no longer impacts on the settlement except when the easterly winds are blowing dust from the bare sand. At times of extreme dryness, such as in summer, dust from the dune could be a nuisance to some residents. Previously, the southern portion of the dune was migrating towards the eastern edge of the townsite, but mining in the southern portion appears to have removed this threat.

Possible solutions to resolve or reduce dune impacts

Increasing the roughness index of the surface can reduce the wind velocity, reduce its transport capability and in the best cases, stabilise the dune. Once colonising plants are able to grow on the sand dunes, a vegetation succession can start (Refer to Figures 37, 38 and 41). Natural dune vegetation occurring in the study area that can start the colonising process includes herbaceous plants such as *Cakile maritima*, Grey Saltbush (*Atriplex cinerea*), Coast Saltbush (*Atriplex isatidea*) and the tussocky grass, Beach Spinifex (*Spinifex longifolius*). Once the initial vegetation becomes established, particularly in the offshore slopes of the foredune, perennial woody vegetation grows, eg. Coastal Daisybush (*Olearia axillaris*), Blueberry Tree (*Myoporum insulare*), Summer-scented wattle (*Acacia rostellifera*), and *Tetragonia decumbens* (Eliot, not dated; Western Australian Planning Commission 2010).

Sand extraction has had a positive effect on both the migration rate and area reduction of dunes in the study area. Lancelin has five active mining leases, some of which commenced operation in the 1980s. The migration of this dune used to be fast, but has now slowed and it is inferred part of this reduction has been caused by extraction of the limesand from the leases.

The Southgate Dune will also soon have major impacts on the town of Wandina as there are only 230m between the dune and the nearest houses. To prevent further migration of the dune, extraction must be continued, allowing industry to remove the sand. The Southgate Dune has an approximate volume of 33 million m³ and between 2001 and 2010 was migrating at a rate of 12.7m/year. For the purpose of volume calculations, the dune was assessed as a rectangle (Figure 42) with an average height of 4m and width of 520m at the nose of the dune. Based on these calculations, to halt the nose of the dune progressing towards the town, approximately 26,000m³ of sand needs to be removed annually.



Figure 41. Solutions to halt sand dune migration – mulch material (left-hand photo) as laid, and a vegetation succession commencing (right-hand photo) two years later.

While the dunes at White Point and Sandy Cape have decreased in area, they have increased in migration rate, particularly during the past 10 years. Fortunately, there are several mining tenements located on both dunes which appear to have reduced the area. However, the acceleration shows that the migration rate of these dunes is influenced by other factors such as wind and sediment supply as well as surface area.

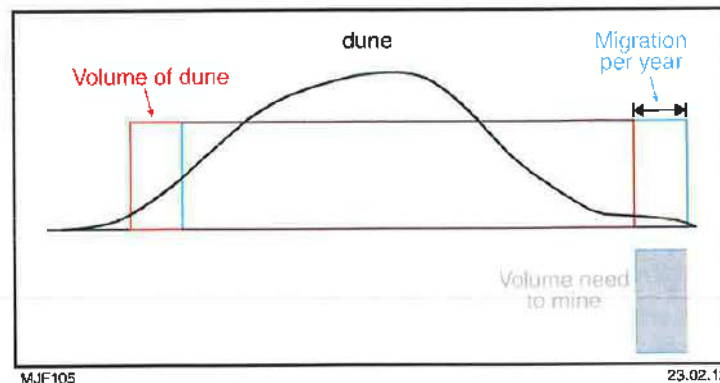


Figure 42. Simplified calculation for the volume which needs to be extracted each year to stop Southgate Dune migration

The limesand extraction has beneficial outcomes to reduce the dune areas and reduce migration speeds. It can also stop the dunes from impacting infrastructure, create local jobs, increase the availability of limesand for agricultural uses, ameliorate environmental impacts on farmland and it can also be used for road and other construction purposes.

The farmland soil in most parts of Western Australia is becoming increasingly acidic. To maintain farm productivity, this acidity must be neutralised by an alkaline material. Calcium carbonate in the form of crushed limestone or limesand is the preferred material. The dunes in the study area are dominantly limesand and are underlain by limestone which also constitutes the widespread relict vegetated dunes.

During the period 1995 to 2005 several attempts were made to compile a State Lime Supply Strategy by State Government authorities to provide guidance and leadership in relation to the availability of limesand and limestone in Western Australia in the face of conflicting issues of protection of native vegetation, especially in conservation lands. However, it is reported that through the complexities of the diverse geological occurrences, of the land tenure issues and of the lime usage regime, it became clear that the initial goal of a Statewide approach was not feasible.

A major component of the drive for the Lime Strategy was the inferred huge impact on the native vegetation on the coastal environments of the agriculture sector. Unfortunately, most of the limesand sites are situated in near-coastal conservation areas to which extraction could pose a threat to the natural vegetation. In addition, there is significant reluctance for freehold land owners to allow extraction, meaning that the industry is pushed onto Crown land (reserves and unallocated Crown land) to seek extraction sites.

This time also corresponded with production of the campaign "Time to Lime" by the Department of Agriculture and Food, designed to encourage farmers to add alkaline limesand to their acidifying soils. The campaign was an overall success and lime usage in agriculture has increased over the past 10 years.

The near-shore limesand contains minor but significant levels of common salt, (sodium chloride), derived from sea spray that can infiltrate the soil and ground water systems, elevating salinity. The quantity of limesand required for agricultural purposes is determined by the percentage of calcium carbonate. As limesand has different neutralising values, the higher the percentage of calcium carbonate in the limesand, the less volume is required for the same pH change in the soil (Environmental Protection Authority 2007). The salt content is not normally considered but needs to be identified as a potential issue if the lime addition rates rise.

Conclusions

The mobile sand dunes in the study area consist of fragmented biogenic material such as bryozoa, mollusc, foraminifer and calcareous algae that originated offshore. The organic lime material is pulverised to sand-sized particles by wave action, transported to the shore, built up on the beach and into foredunes, from where it can be blown as dunes inland. Former terrestrial sand dunes that became cemented into limestone have been submerged through subsequent transgressions and have formed a series of offshore reefs located 2-10km west of the present shoreline. These have become additional sources of limesand through submarine erosion.

The sheltered location created by the reef produced a micro-tidal range and low wave-energy environment that has helped in the development of the sandy beaches. The beach sand is blown to form frontal dunes which, over time, become colonised with vegetation and the dunes then become stabilised. However, natural processes, including fires and drought, and more recently human activity and animal grazing, have all contributed to the subsequent removal of any foredune vegetation cover. Bare sand surfaces allow for the potential destabilisation of the foredune and any adjacent shore-parallel dune ridges that may have developed. Strong onshore winds are then able to erode gaps in the dune ridges and cause blowouts which then migrate as mobile parabolic dunes.

The morphology of a coastal sand dune is influenced by the wind, vegetation and the shape, outline and overall morphology and nature of the coast itself.

Parabolic dunes initiated by blowouts occur when the crest of the dune advances rapidly while the limbs are held back by vegetation, resulting in the trailing arms becoming longer during the migration of the dune. In situations where the vegetation cover over trailing arms is removed, extensive transgressive sand sheets such as Cape Burney-Southgate, Wedge Island East and Lancelin develop.

The wind along the west coast of Australia – the dominant factor governing dune migration – is controlled by competing, large scale, seasonal weather systems. Within the study area, all dunes are migrating northerly rather than inland to the east due to the strong shore-parallel southerly winds. Variation in the trend of the coastline and the wind regime results in the migration directions (Figure 13) of the dunes varying in such a way that the southern-most dunes are migrating north-northwesterly, dunes in the central part of the study area migrate mainly northerly to north-northeasterly, and the most northerly dunes are moving northerly to north-northwesterly.

The strong southerly sea breeze has wind velocities of 20-40km/h and occurs mostly in summer between 2pm and 8pm. Precipitation is lower in summer than winter and temperatures are higher. Therefore, the prime mobilisation period of dunes is mainly in summer. The analysis conducted in this study indicates that the highest migration period was during Period 3 (2001–10) which had lower precipitation levels than Period 2 (1982–2001) and Period 1 (1960–82). It is noticeable that there were two years of abnormally high temperatures in 2003 and 2006 which are correlated with two strong El Niño events in Period 3 when migration rates in general were high.

The correlation between the migration rate and the size of the dune demonstrates that the larger the dune, the faster they migrate. During the past 50 years, the dunes decreased in size with some shrinking over 60 per cent, eg. Cape Burney and Dongara East. Within the study area only the Illawong and Green Head South dunes increased in size. Illawong increased by 11 per cent which was due to the availability of a strong sediment supply. In comparison, Green Head South only increased by 3 per cent. However, this dune, which is now severed from its beach sand supply, no longer has a connection with a beach sediment supply to account for this increase.

Stabilisation of the mobile dunes is extremely important to prevent the dunes becoming geohazards. The dune migration in this study area is a slow and pervasive geomorphologic event which will cause major material and socio-economic damage. As such, mitigating the migration impacts by introducing vegetation cover or extraction and marketing of limesand should be a high priority for all the dunes that are or have potential to become a geohazard over the next few years.

Prime threats to infrastructure occur at the following sites:

- Kailis Drive, which is currently in the migration path of the Dongara West Dune
- The recently opened Indian Ocean Drive which the Grey Dune is approaching
- The very popular scenic tourist route north of the Green Head town, only 42m from the closest dune which has been calculated as migrating at a rate of 17.1m per year

It is recommended that the migration of the mobile sand dunes in the study area be addressed, including assessment of options to prevent the development of future geohazards caused by additional mobile sand dunes commencing from the parallel dune ridges.

To slow the migration of mobile sand dunes, the roughness density needs to be increased. This will decrease the wind speed and therefore the saltation flux. Methods to increase the roughness density include the construction of fences across the path of the prevailing wind, planting local vegetation in a checkerboard pattern and covering the surface of the dune with wood chips, pruning material and straw which need to be crimped to the surface. Government has already taken steps to stop part of Grey Dune from impacting the Indian Ocean Drive by removing limesand adjacent to the highway and covering the surface with stockpiled topsoil and mulch material to allow plants to grow on the remaining sand and ultimately create a vegetation succession (although future impacts in a new part of the highway are predicted). It is hoped that the vegetation cover will stabilise the dune, resulting in the prevention of accidents, delays and economic loss caused by the mobile sand dune adjacent to the treated area.

Mining leases in the study area can play an important role in halting mobile sand dunes where extraction is undertaken. The mechanical excavation of the limesand can reduce the size of the dune, remove sand ahead of the dune and can cut dunes off from sediment supply. The extracted limesand can then be used for road construction and for neutralising acidic soil in the agricultural farmlands of the wheatbelt. However, it is important that only limesand with a high percentage of calcium carbonate can be used in agriculture soil neutralisation because of increased costs from transporting larger quantities of lower grade limesand. Additionally, any increase in the salt levels of modern limesand from the nearshore environment can negatively impact the groundwater underlying farmlands.

While various methods can be implemented to halt and slow down the migration of mobile sand dunes, it is more important to prevent the development of geohazardous mobile dunes in the first place by educating people about the potential geohazards. This increased awareness should have a decisive impact on how mobile sand dunes and potentially mobile dunes are handled and treated in the future. It is also important that parallel beach ridges be protected by the use of signage, artificial walkways and the prohibition of driving vehicles within the threatened dunes. These safety measures will decrease the destruction of the vegetation cover which will in turn prevent blowouts. Without blowouts the sediments will stay on the beach and cannot easily form a mobile sand dune.

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Josefine thanks her supervisor, Mike Freeman from DMP, for his support, guidance and mentoring during the exchange; Ivor Roberts and IASTE for the opportunity to undertake a three-month internship at DMP; Bob Gozzard for his advice on ArcGIS and for providing data, assistance and taking part in many constructive discussions; Sean Doherty for his help with ArcGIS and graphics. Additional data was supplied by the Bureau of Meteorology and many of the images were compiled through using Google Earth.

Finally Josefine would like to thank her family for their unconditional support and guidance along the way.

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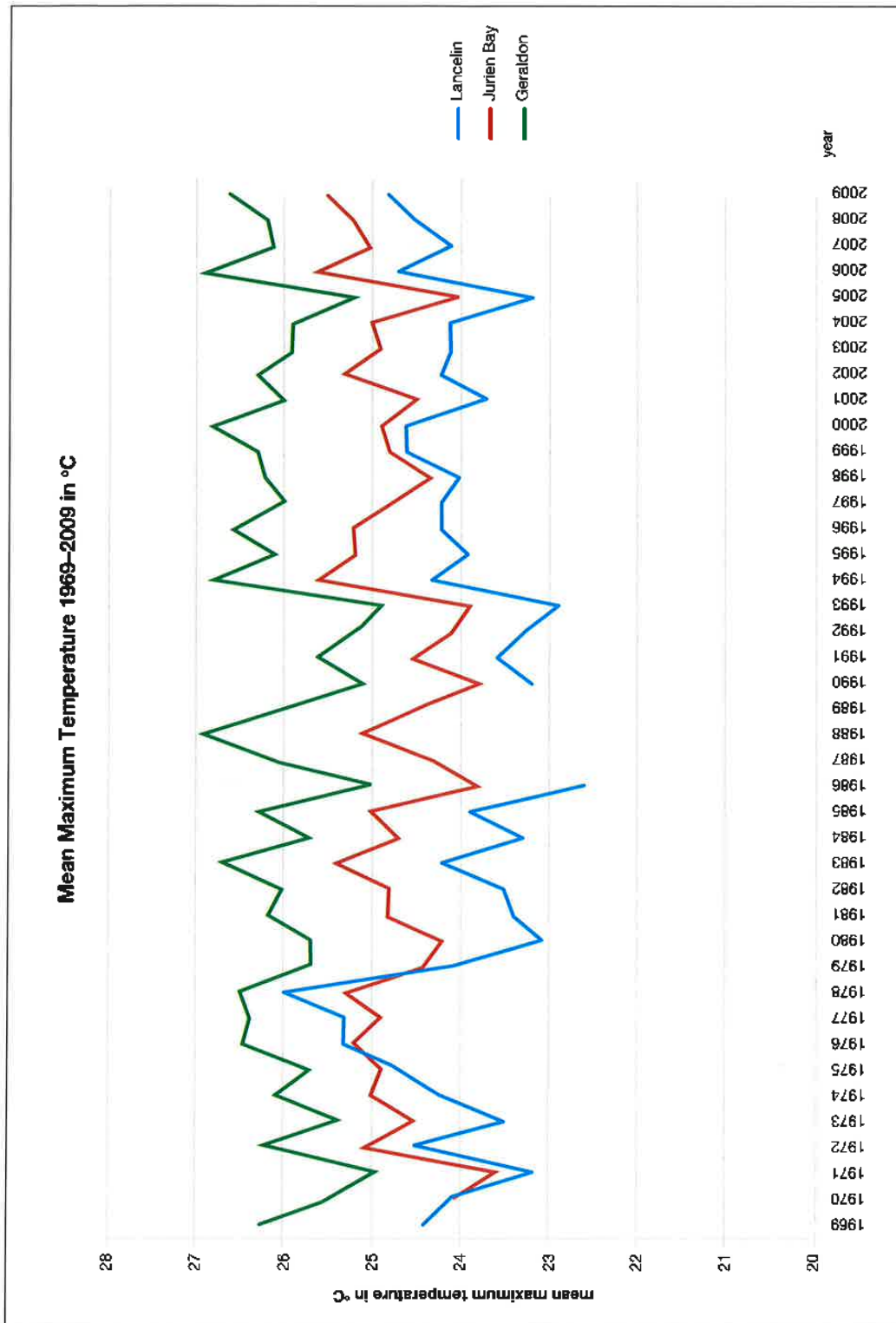
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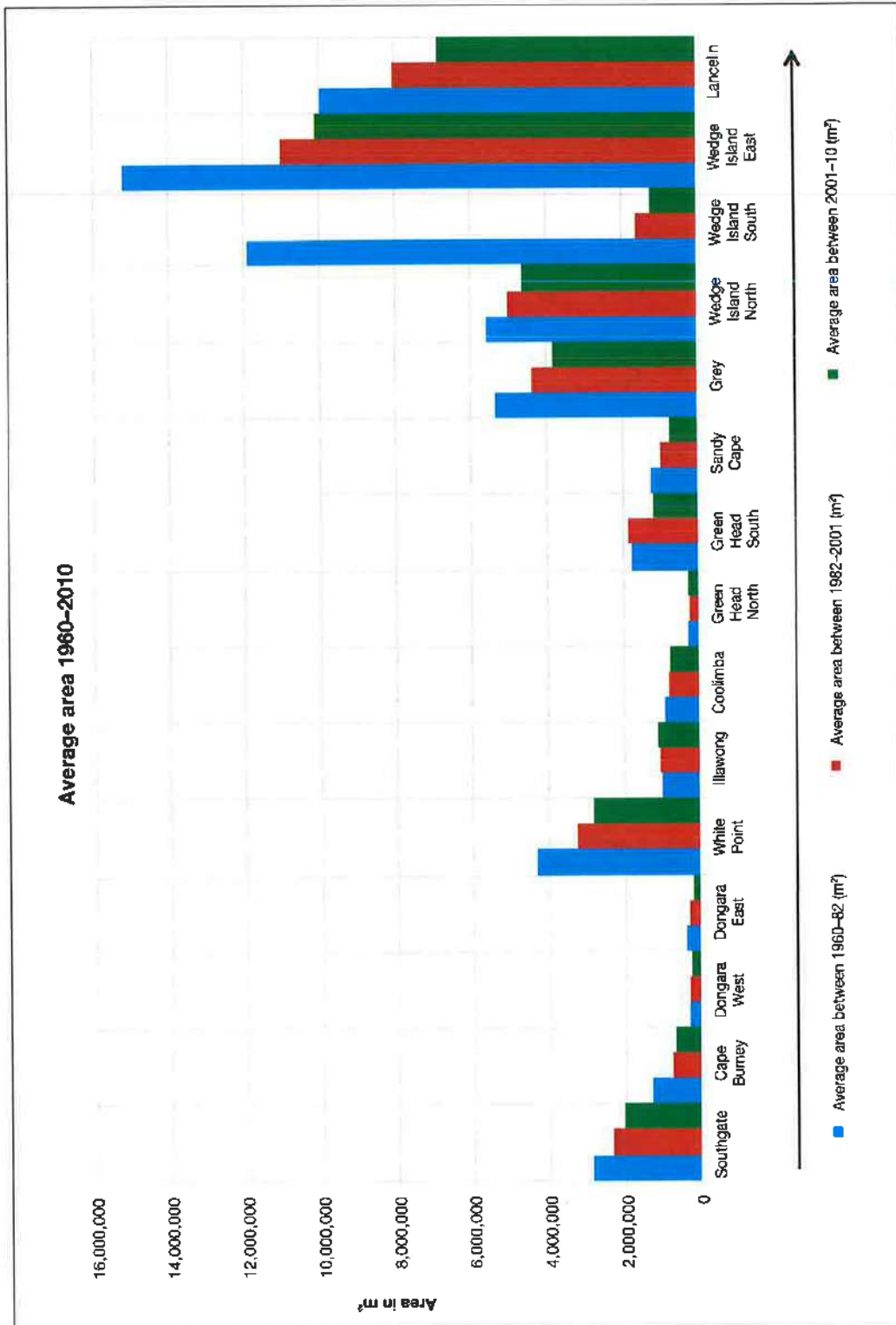


APPENDICES

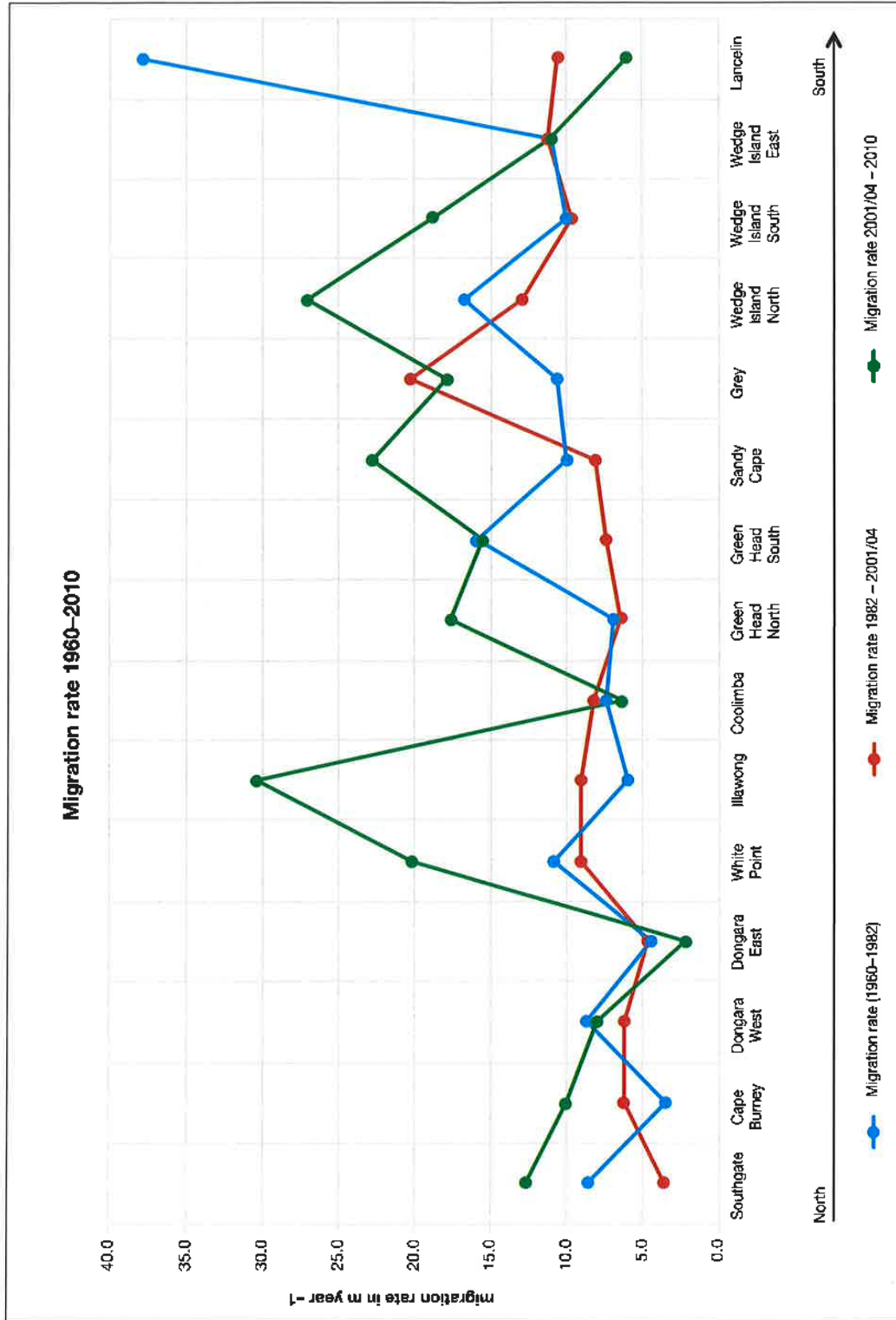
APPENDIX A. Temperature data from 1969–2009



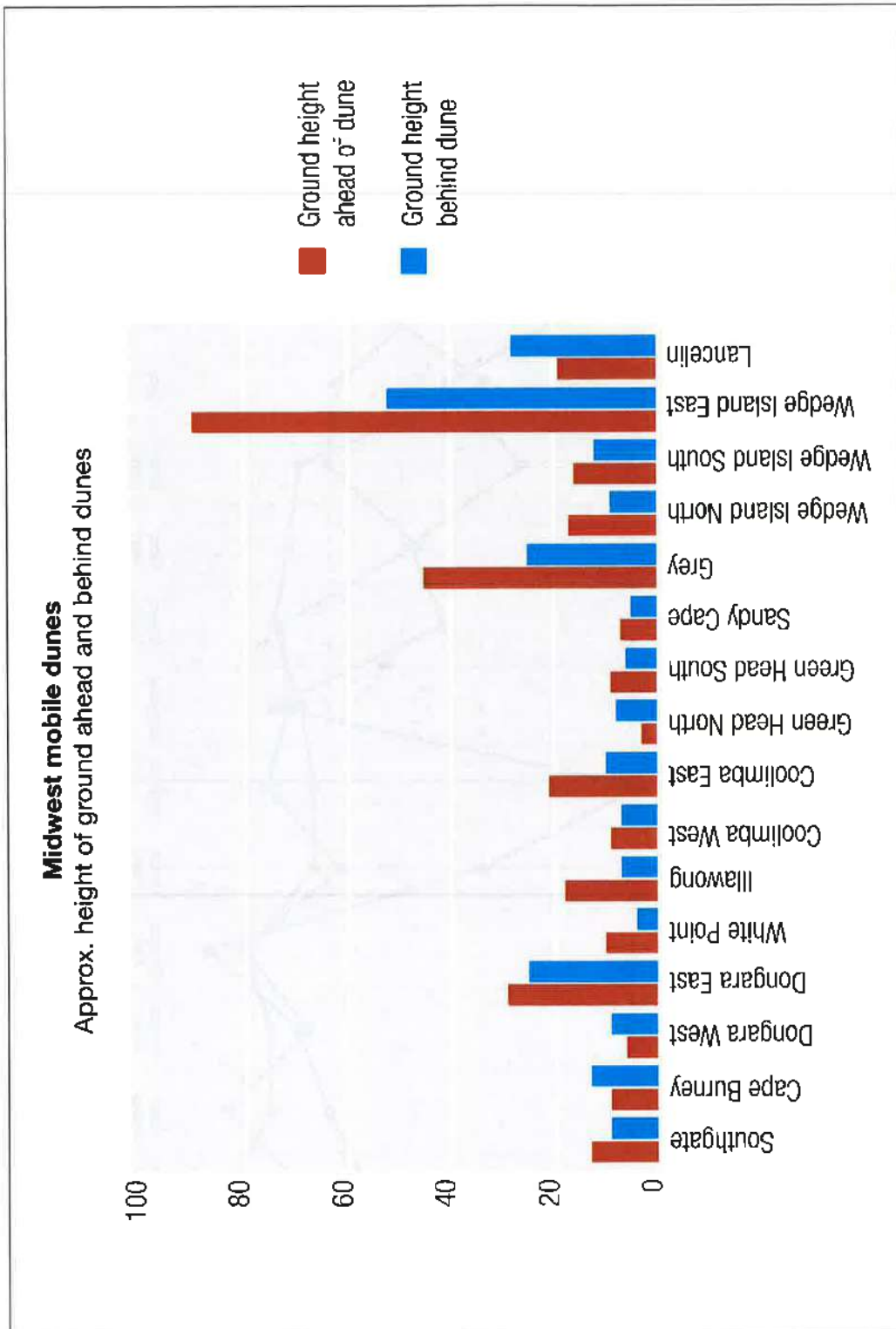
APPENDIX B. Average areas of dunes in three measured periods



APPENDIX C. Migration rate 1960–2010



APPENDIX D. Graph showing relative heights of dunes ahead and behind each.
Note the Wedge Island East is anomalous



**APPENDIX E. Sand areas and volume estimates on tenements related to dunes.
Tenement data as at 6/10/2016**

Dunes	Area (m ²)	Volume (m ³)	Migration rate (m year ⁻¹)	Tenements*#	Status of tenement (#)	Holder/Applicant
Southgate	1 937 807	35 410 078	6.8	See footnote ⁹	–	–
Cape Burney	600 049	17 953 634	5.4	–	–	–
Dongara West	202 239	1 496 578	7.7	M70/311	Live (25/7/1988)	Cockburn Cement Ltd
				M70/1271	Live (10/12/2015)	Westdeen Holdings Pty Ltd
				E70/355	Live (24/7/1987)	Cockburn Cement Ltd
				E70/4634	Pending (7/10/2014)	Bulkwest Pty Ltd
Dongara East	137 087	4 218 115	4.1	See footnote ⁹	–	–
				M70/1343	Pending (20/7/2015)	Ian West
White Point	2 548 702	15 923 192	11.9	M70/642	Live (10/6/1996)	Cockburn Cement Ltd
				M70/711	Live (26/5/1992)	Cockburn Cement Ltd
				E70/1721	Pending (5/8/1996)	Cockburn Cement Ltd
Illawong	1 119 343	8 566 898	9.4	E70/2221	Pending (8/7/1999)	Goldgate Holdings Pty Ltd
Coolimba	714 217	4 472 435	7.7	M70/1357	Pending (9/9/2016)	Minawaha Farms Pty Ltd
				M70/932	Live (26/11/1997)	Minawaha Farms Pty Ltd
Green Head North	286 532	1 353 573	8.5	P70/1468	Live (9/2/2007)	Minawaha Farms Pty Ltd
Green Head South	1 743 305	13 061 003	12.5	M70/782	Live (4/2/1997)	Minawaha Farms Pty Ltd
				M70/1066	Live (9/8/2013)	Westdeen Holdings Pty Ltd
				M70/1667	Pending (7/11/2014)	Westdeen Holdings Pty Ltd
Sandy Cape	714 878	3 396 742	11.3	–	–	–
Grey	3 783 873	147 723 565	15.7	–	–	–
Wedge Island North	4 632 569	34 250 703	15.8	M70/1321	Pending (2/1/2014)	Mineral Sand Mining and Development Pty Ltd
				M70/1150	Pending (3/6/2003)	Mineral Sand Mining and Development Pty Ltd
				M70/1144	Pending (5/5/2003)	Mineral Sand Mining and Development Pty. Ltd
Wedge Island South	1 132 415	16 016 247	10.6	M70/1144	Pending (5/5/2003)	Mineral Sand Mining and Development Pty. Ltd
Wedge Island East	10 058 170	832 504 959	11.2	E70/1542	Live (23/12/2010)	Enmic Pty Ltd
				E70/4488	Pending (12/4/2013)	Mineral Sand Mining and Development Pty. Ltd
Lancelin	6 744 495	100 392 703	22.8	M70/54	Live (28/11/1983)	Lavar Pty Ltd
				M70/249	Live (7/10/1986)	Westdeen Holdings Pty Ltd
				M70/250	Live (20/10/1986)	Westdeen Holdings Pty Ltd
				M 70/692	Live (29/10/1991)	Westdeen Holdings Pty Ltd
				M 70/994	Pending (15/10/1997)	Enmic Pty Ltd

* M = Mining Lease *E = Exploration License *P = Prospecting License # Date of application for pending tenement or of grant for live tenement
⁹ Note. Part is on freehold land and therefore extraction is proceeding by authority of Local Government Authority

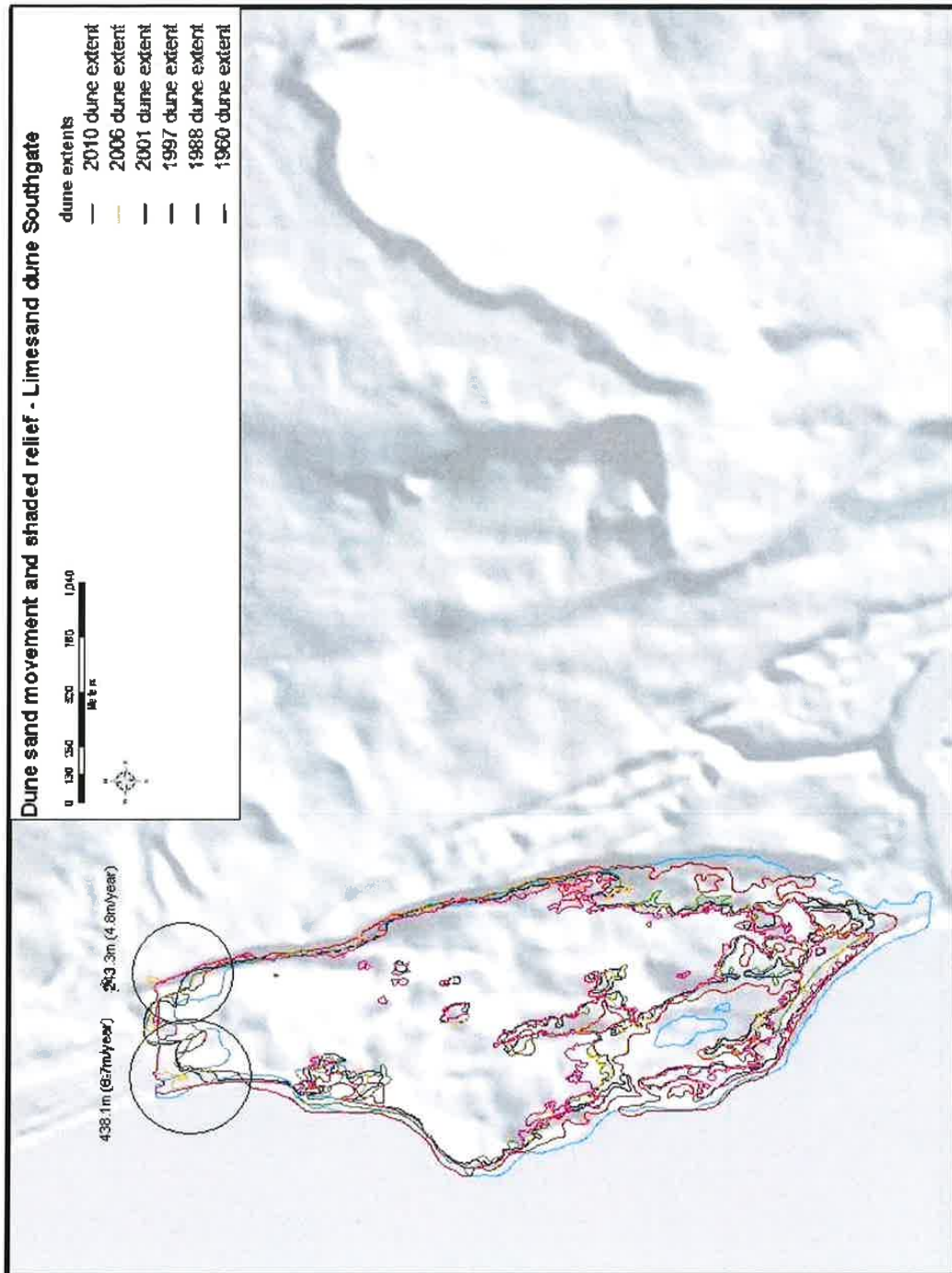
APPENDIX F.

Dune areas analysed in study showing boundaries of areas used for calculation and geomorphology of each dune and surroundings

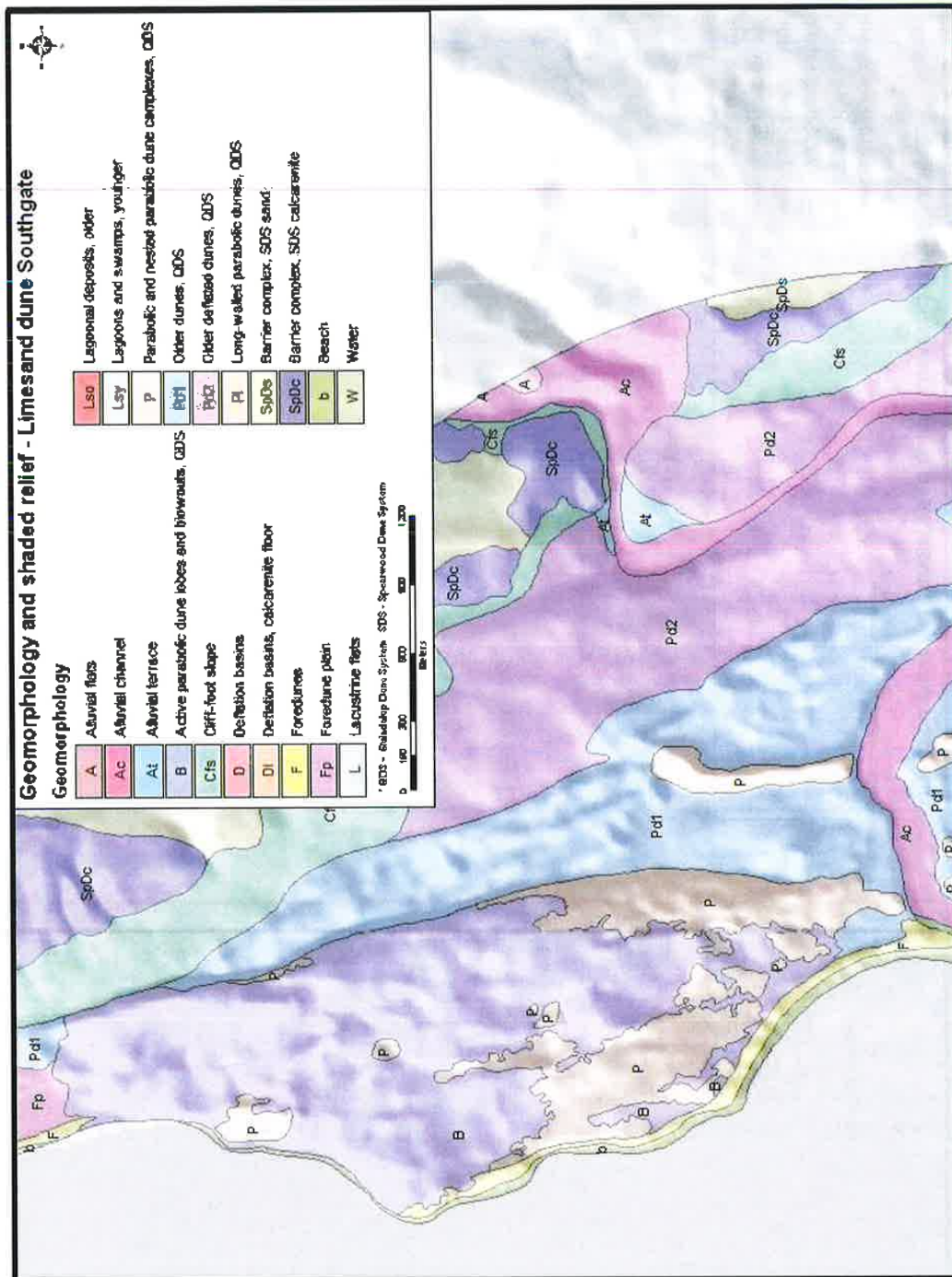
NOTES

1. The circles on the mobile sand dunes show sites of measurements.
2. The movement of the dune heads within each circle defines the direction of movement; and
3. They are listed in sequence from north to south in the study area.

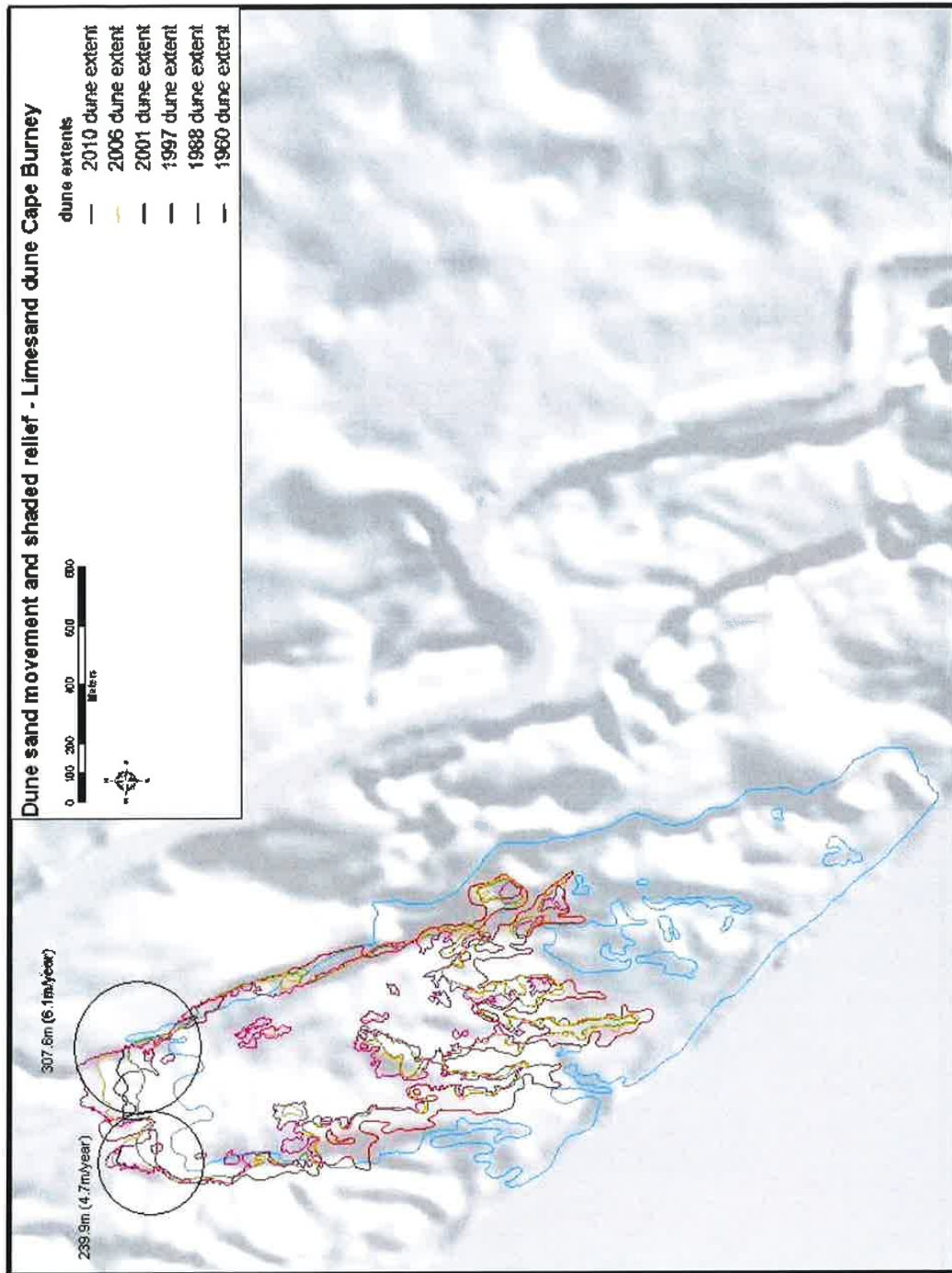
Limesand dune Southgate – Migration



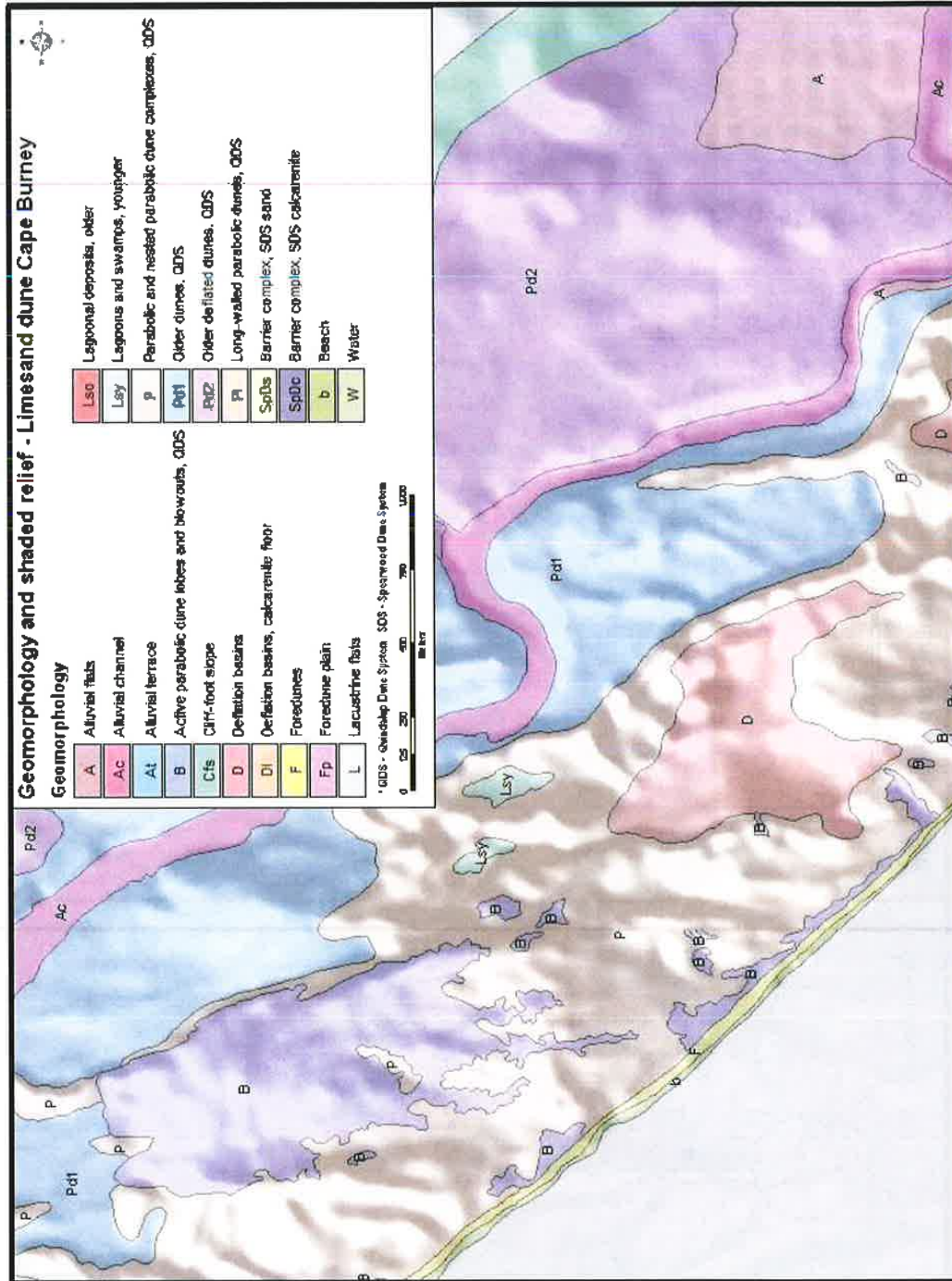
Limesand dune Southgate – Geomorphology



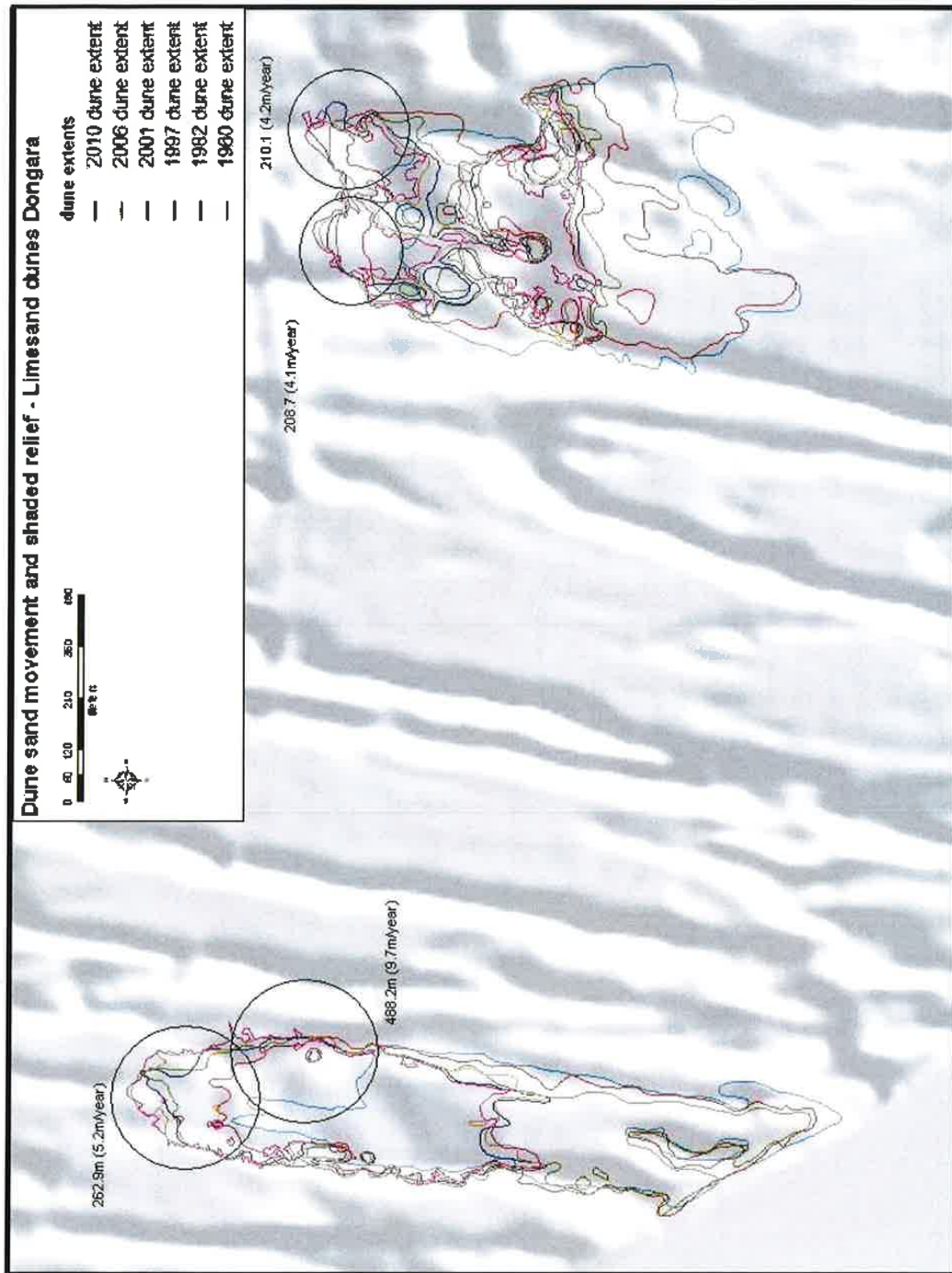
Limesand dune Cape Burney – Migration



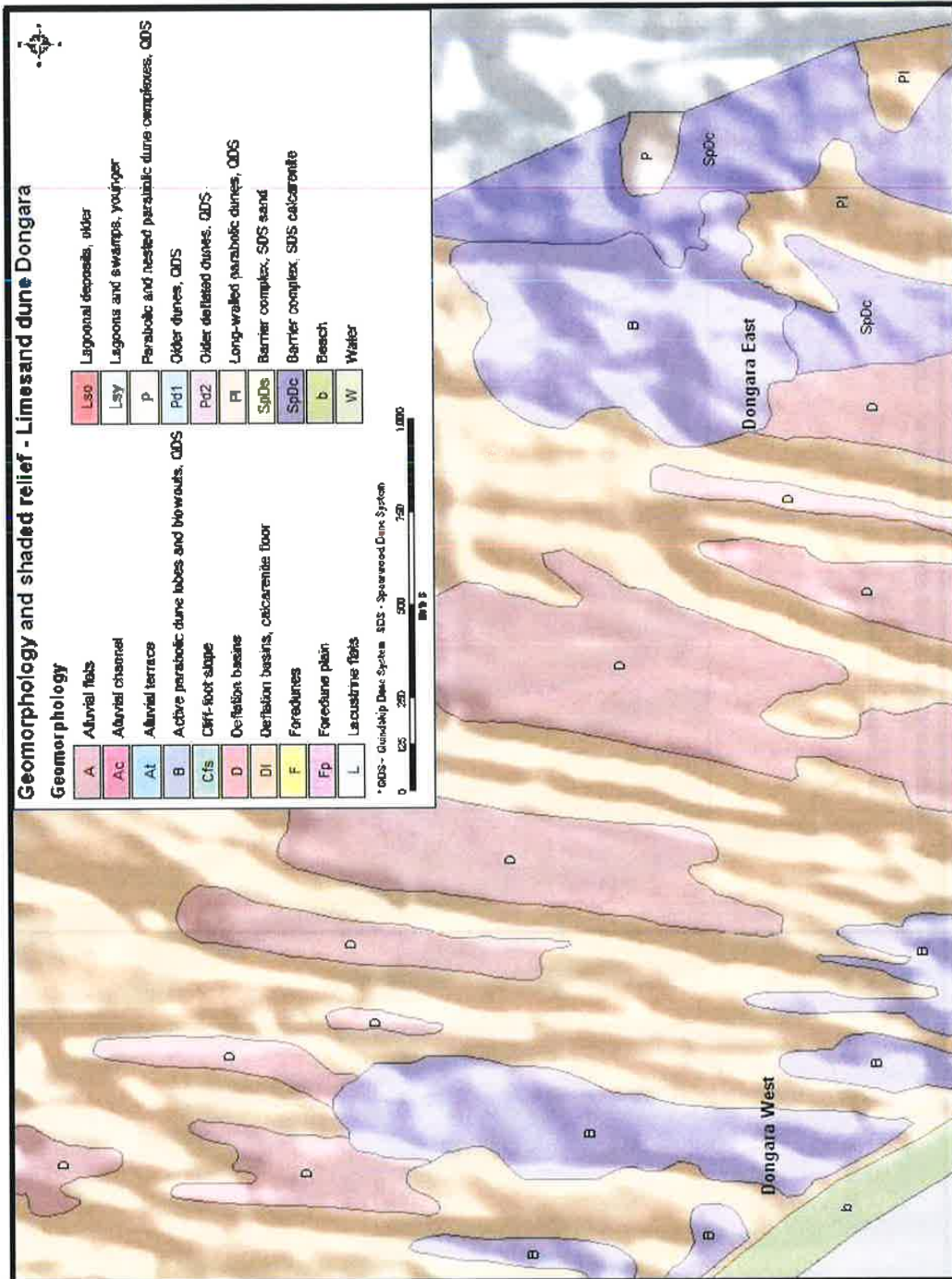
Limesand dunes Cape Burney – Geomorphology



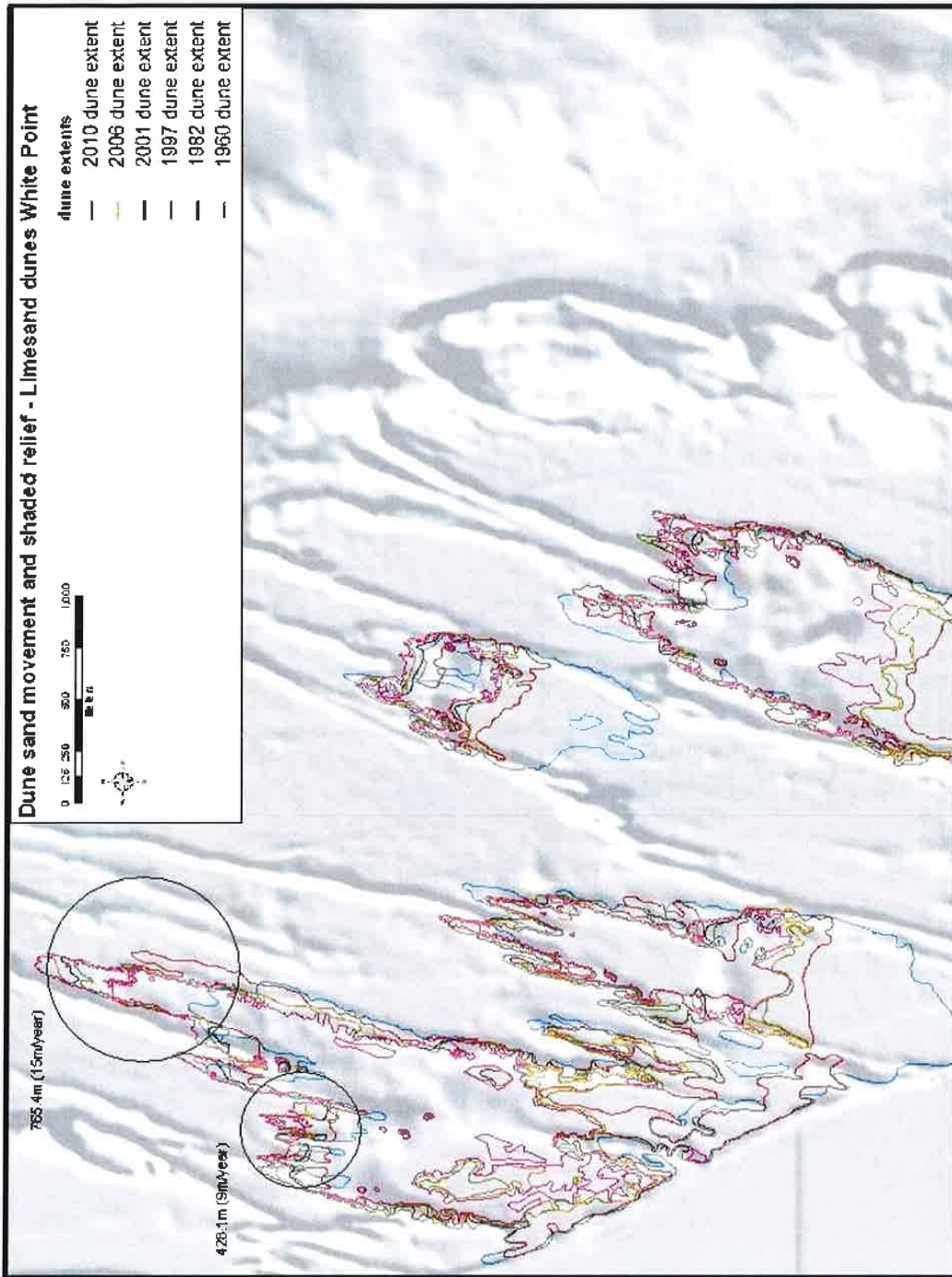
Limesand dunes Dongara – Migration



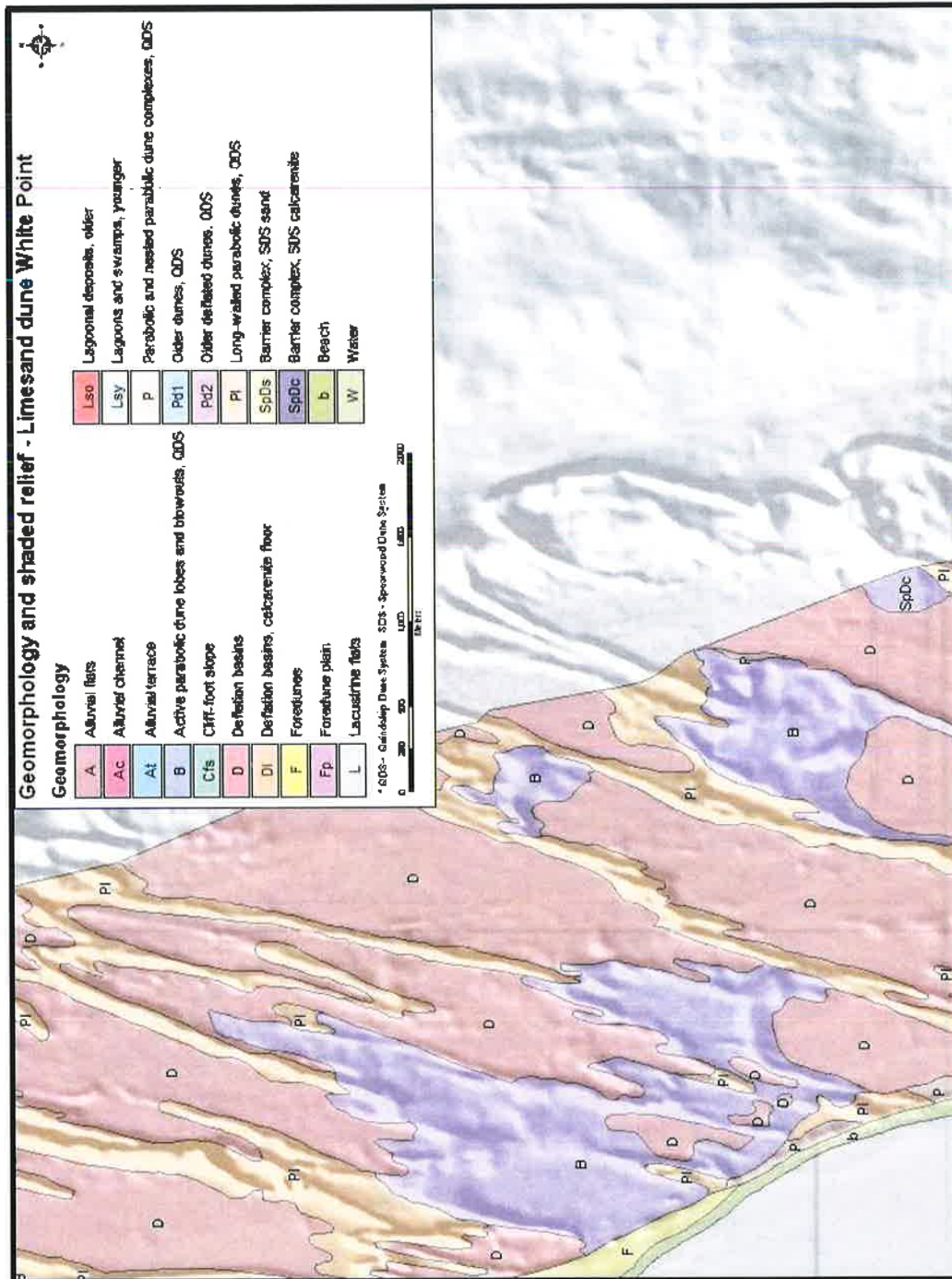
Limesand dunes Dongara – Geomorphology



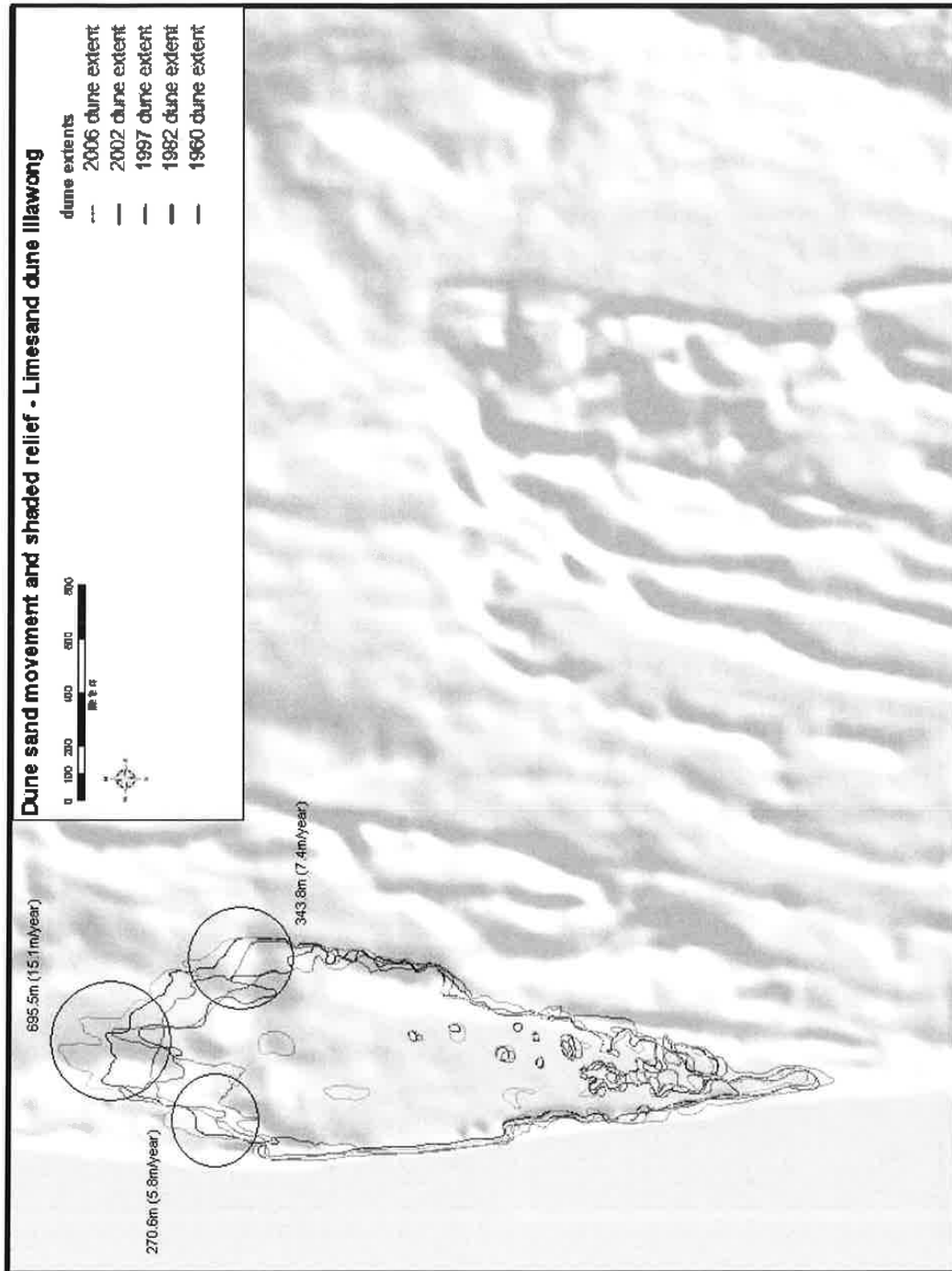
Limesand dunes White Point – Migration



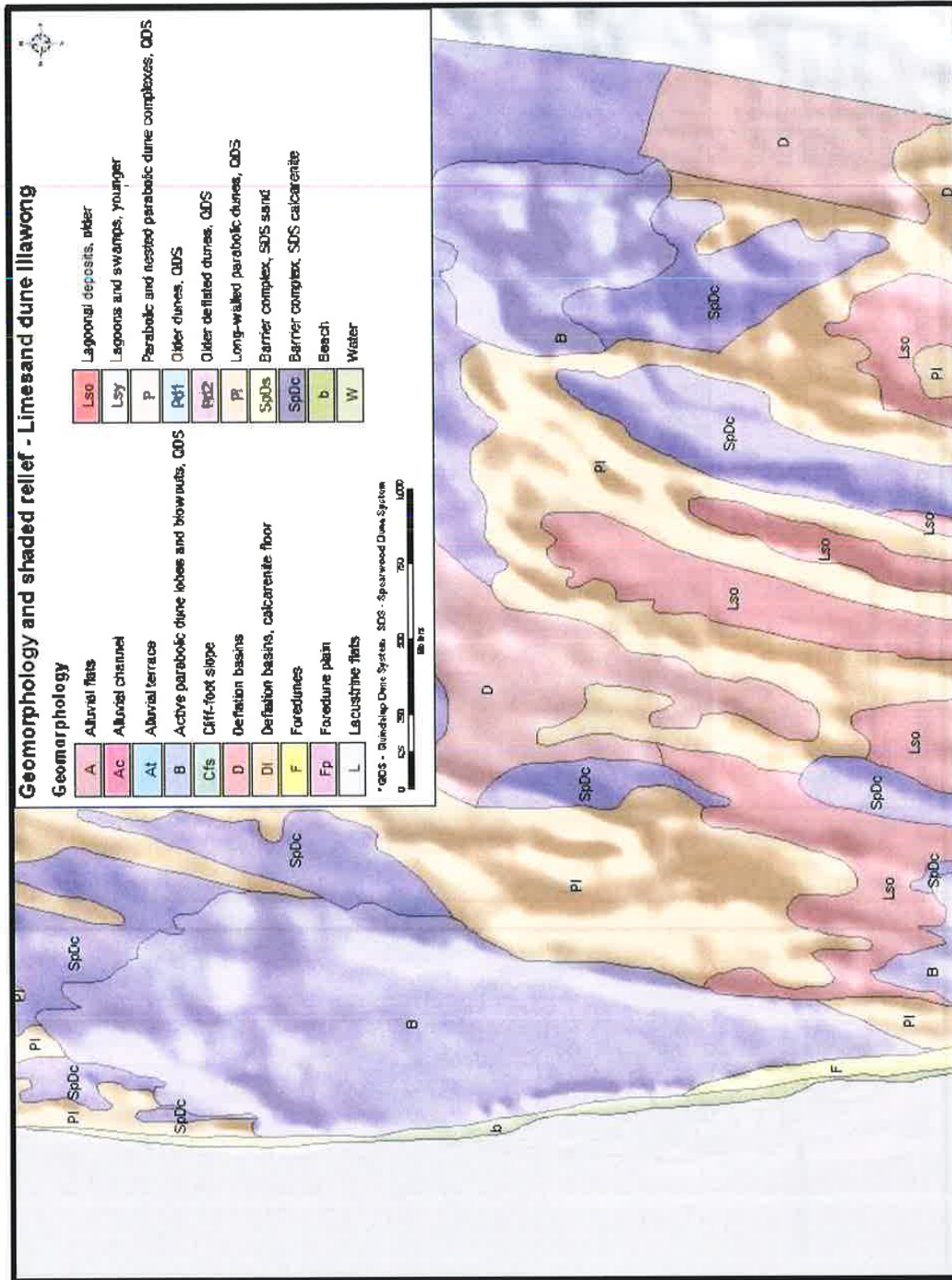
Limesand dunes White Point – Geomorphology



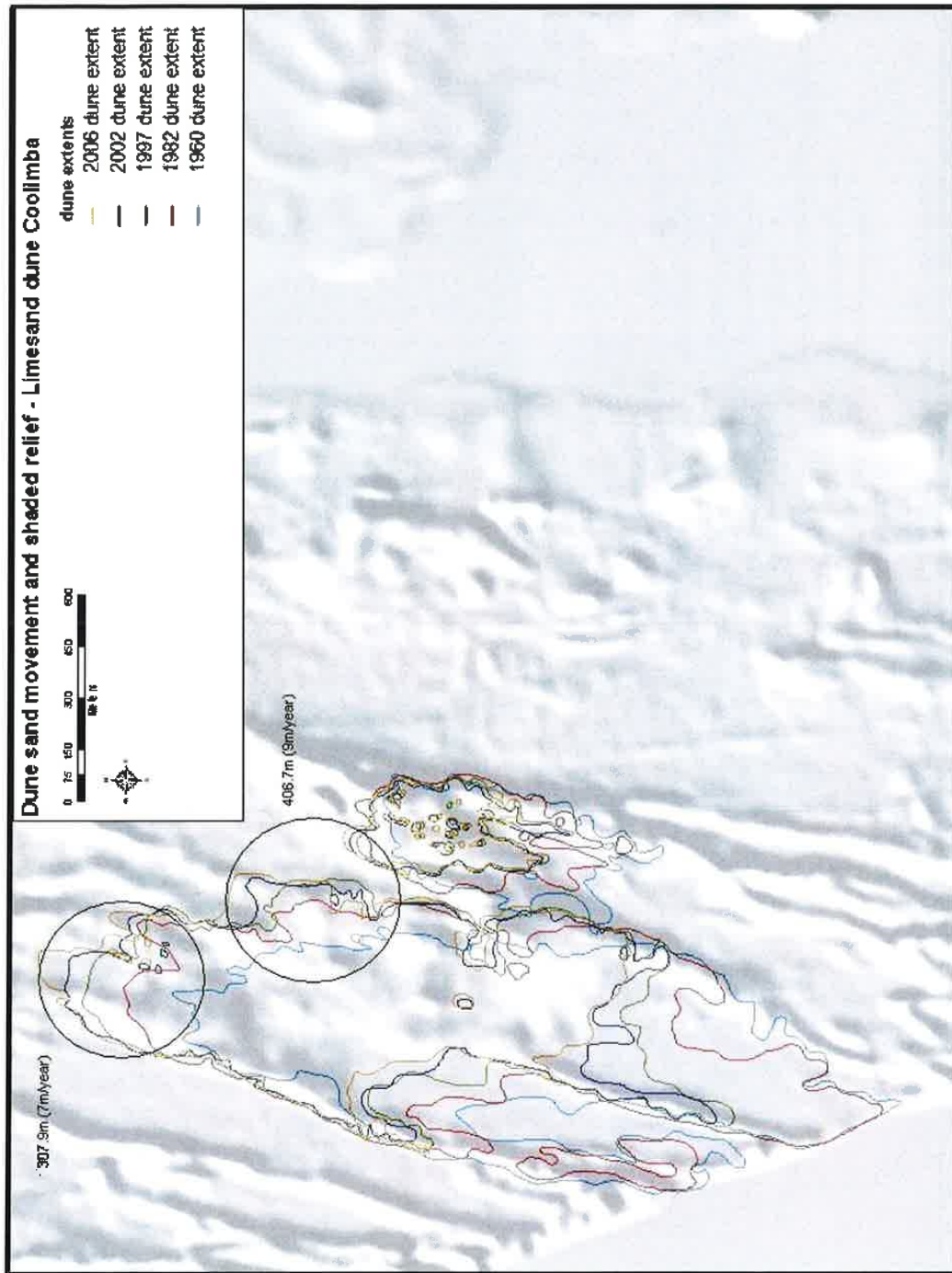
Limesand dune Illawong – Migration



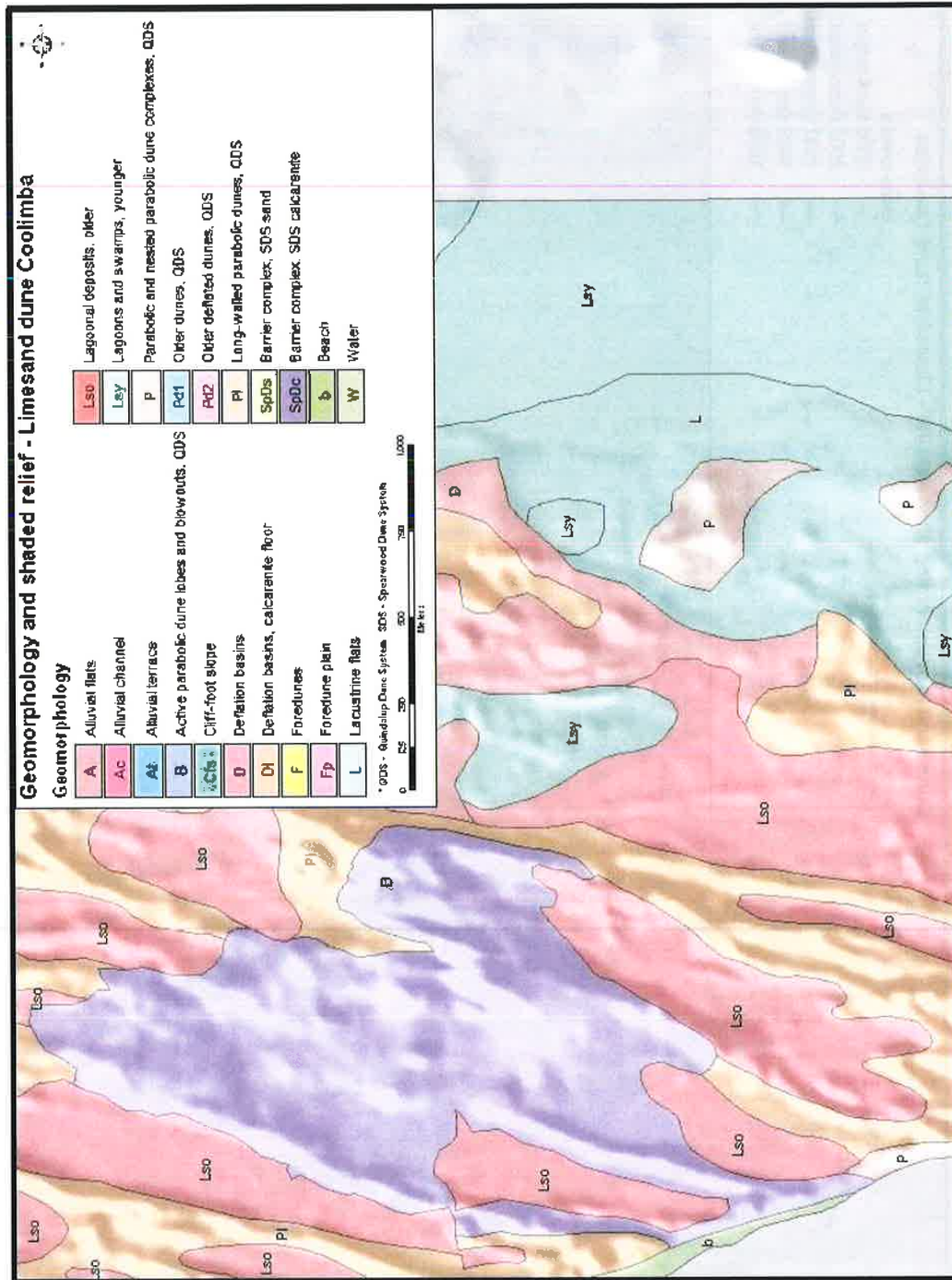
Limesand dune Illawong – Geomorphology



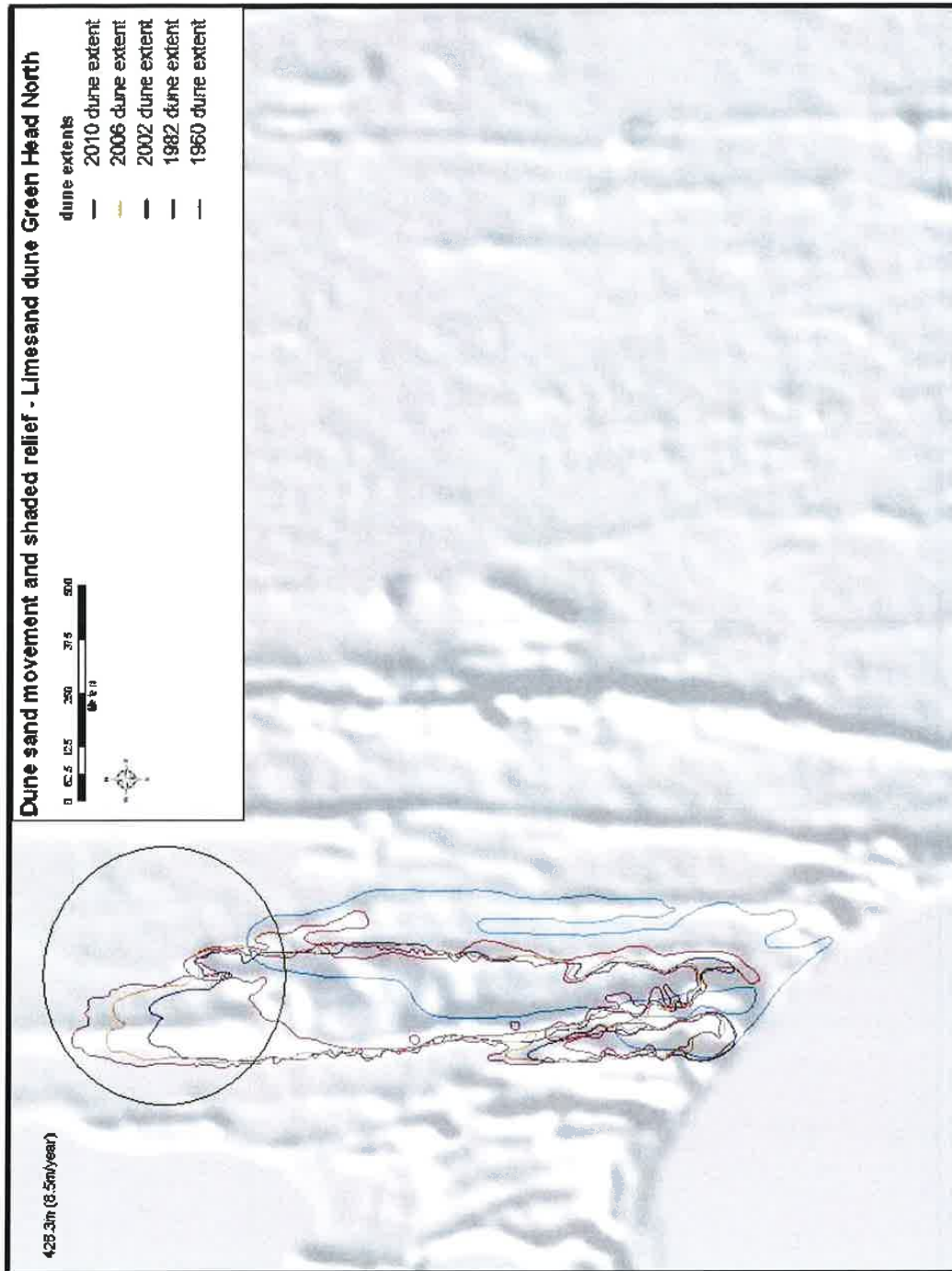
Limesand dune Coolimba – Migration



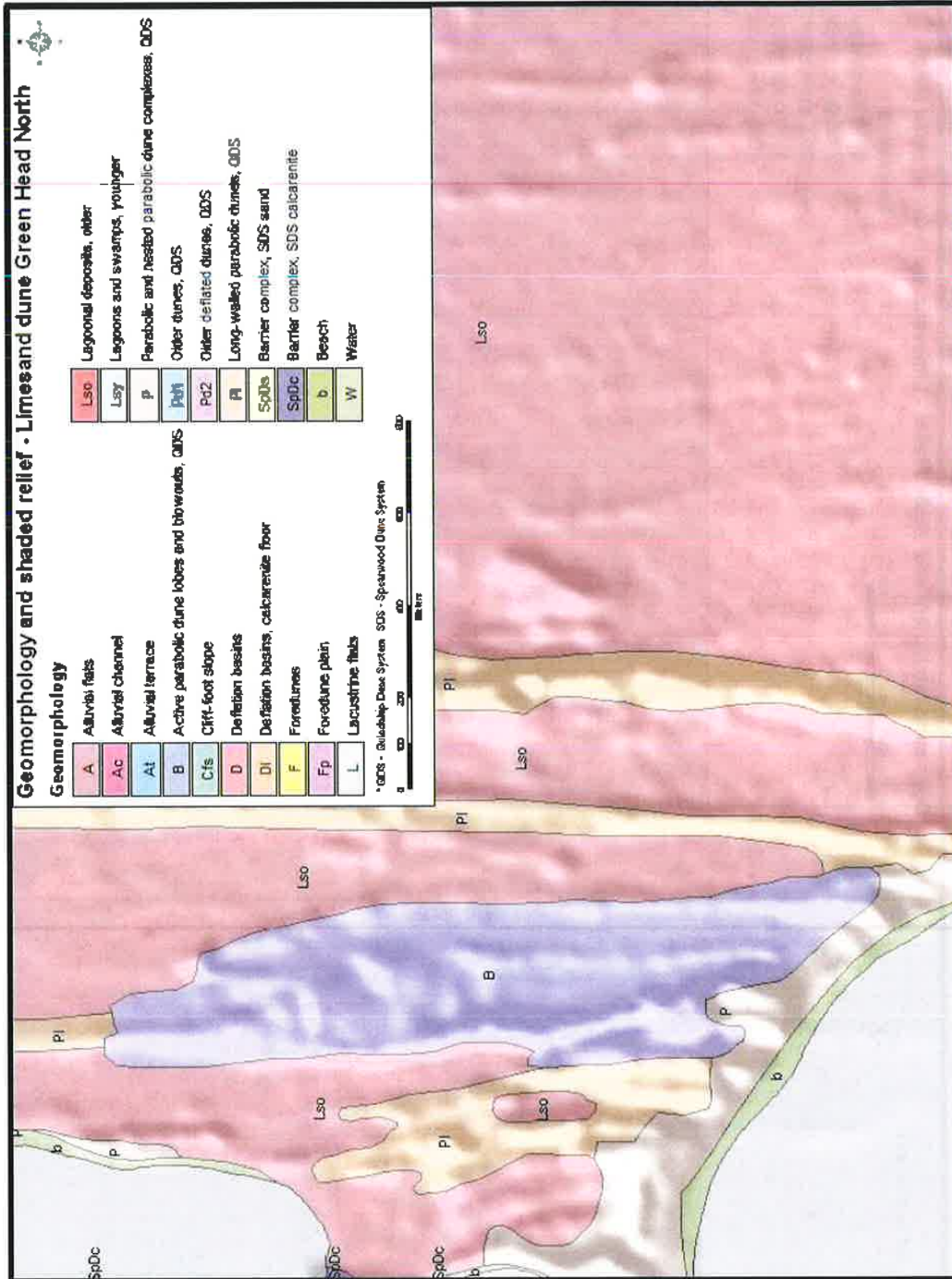
Limesand dune Coolimba – Geomorphology



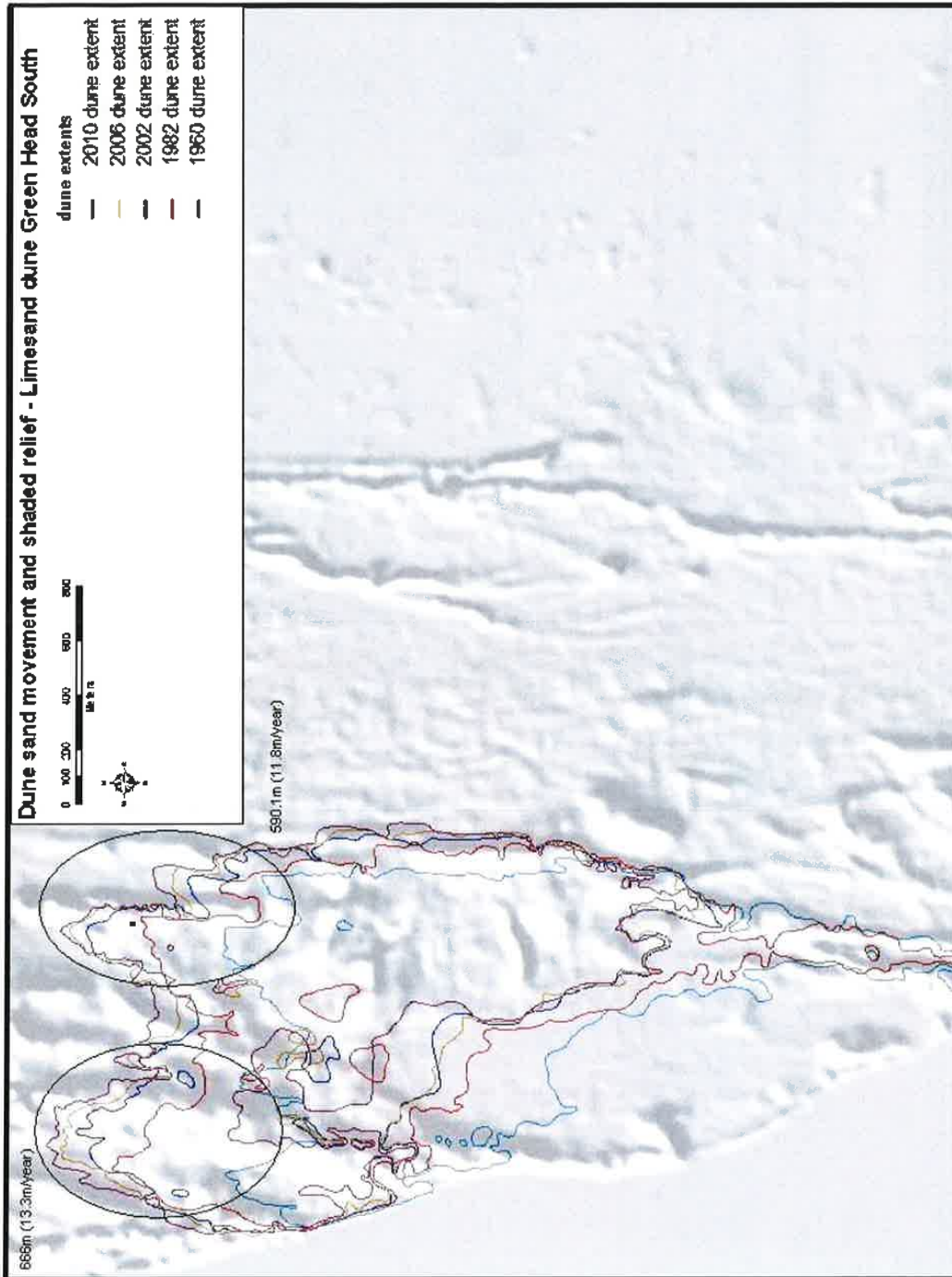
Limesand dune Green Head North – Migration



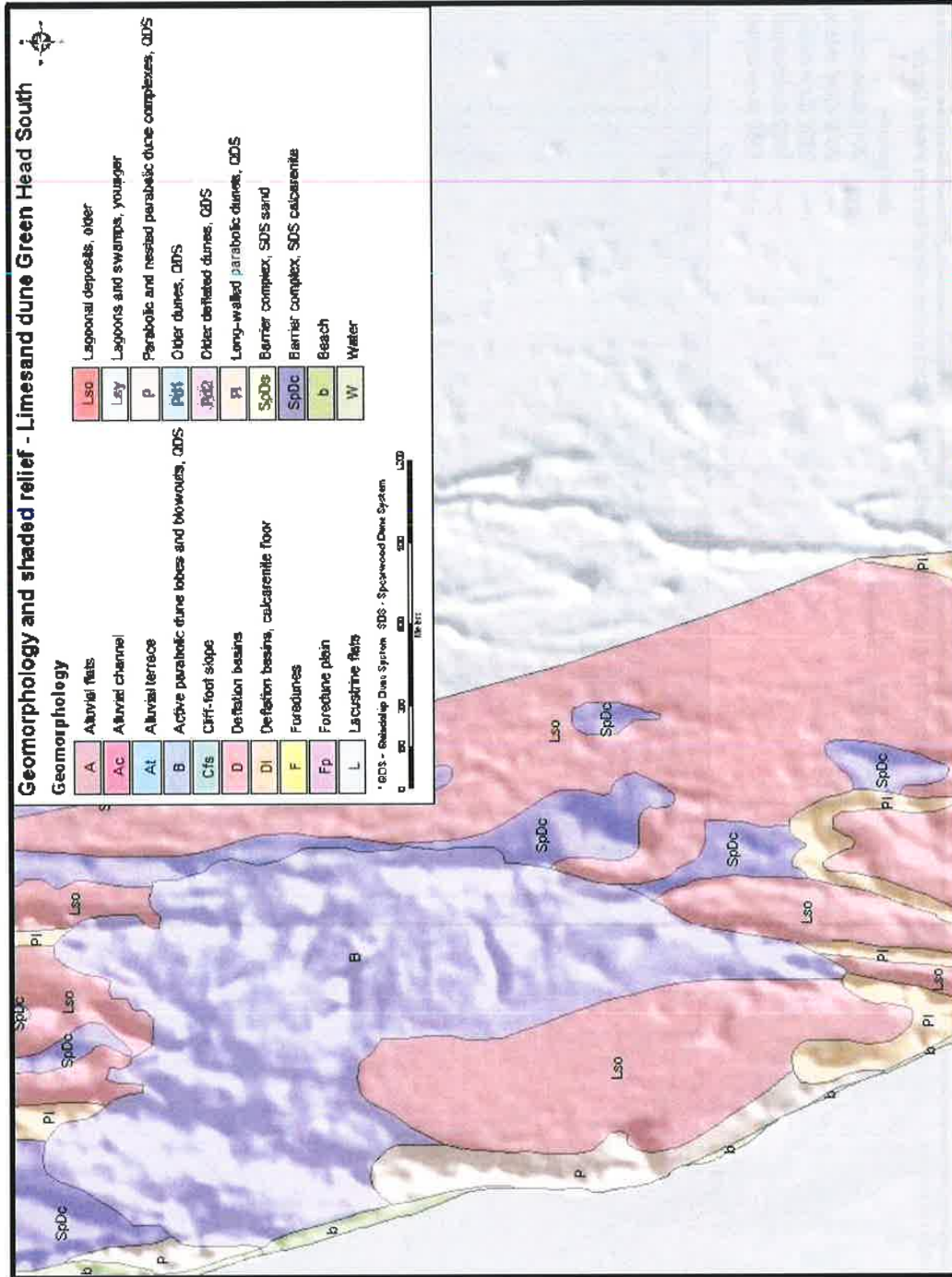
Limesand dune Green Head North – Geomorphology



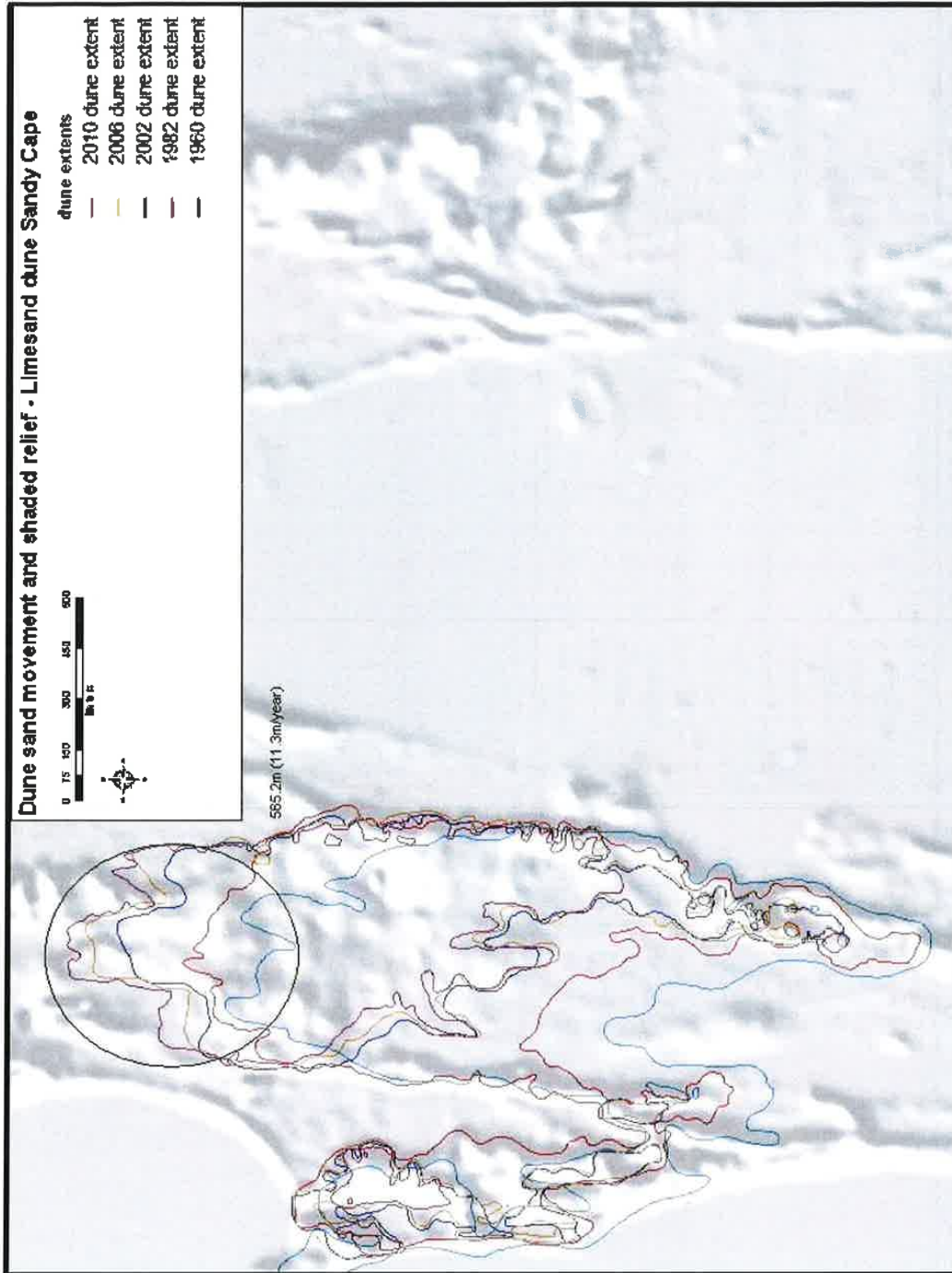
Limesand dune Green Head South – Migration



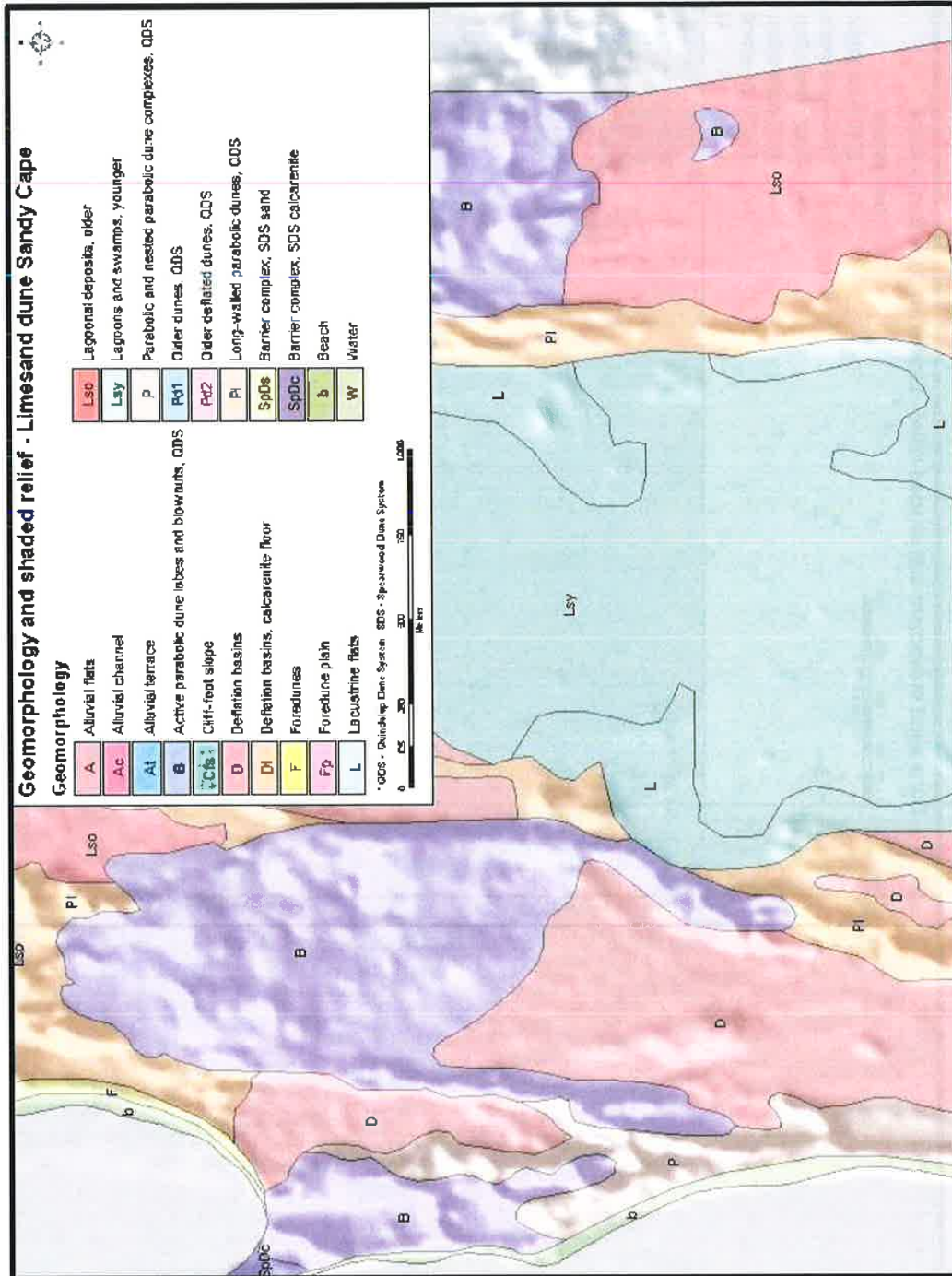
Limesand dune Green Head South – Geomorphology



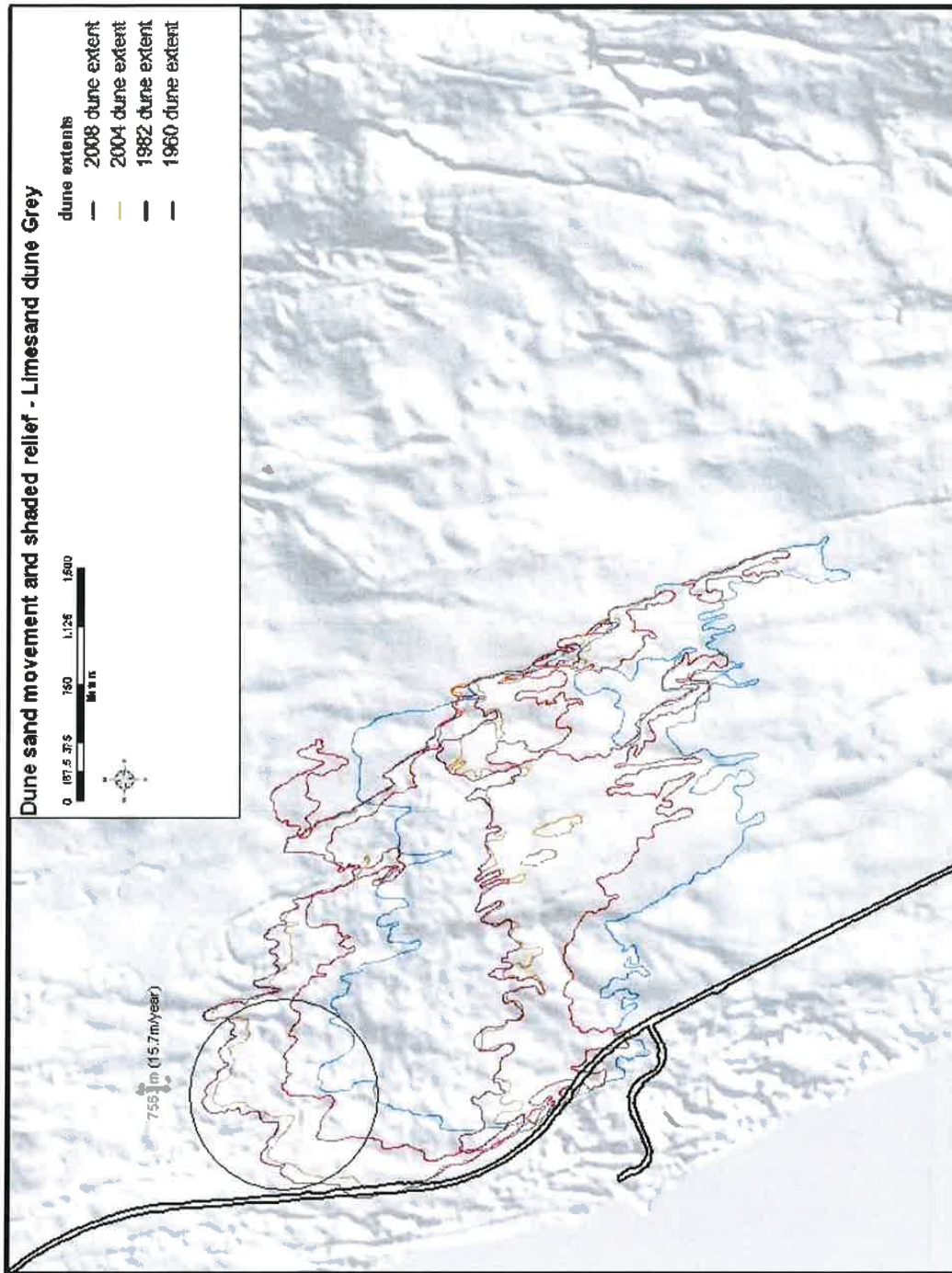
Limesand dune Sandy Cape – Migration



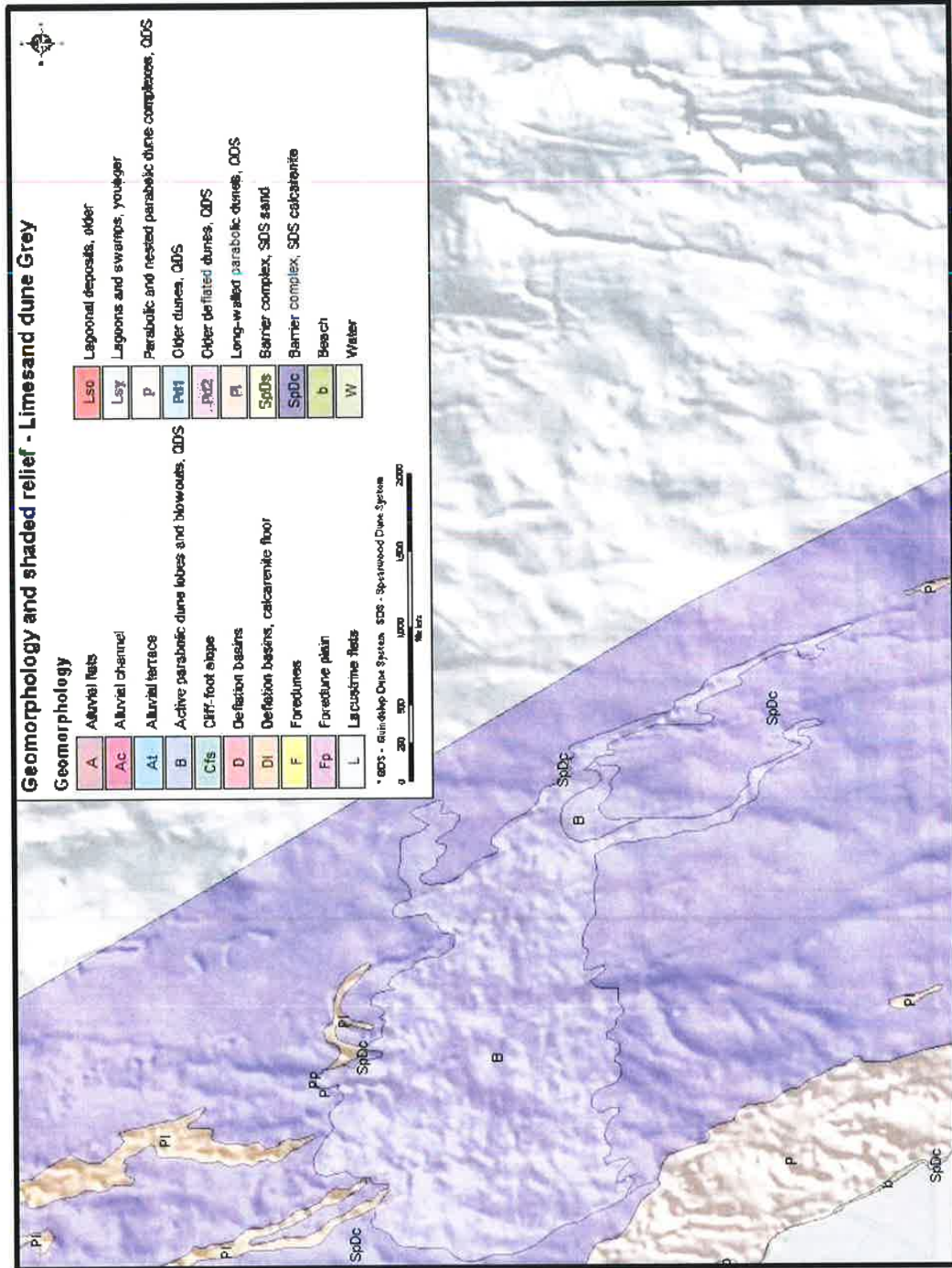
Limesand dune Sandy Cape – Geomorphology



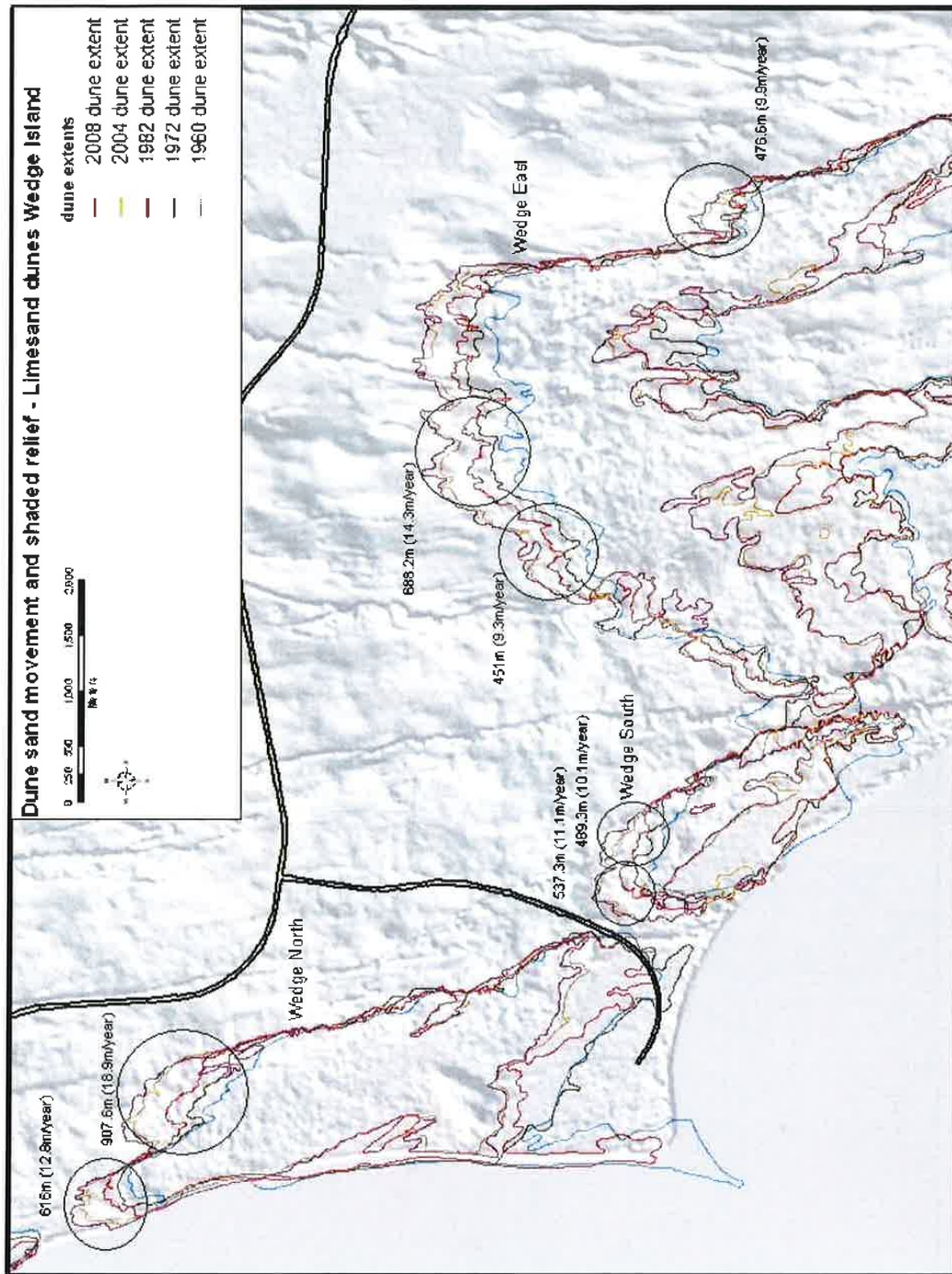
Limesand dune Grey – Migration



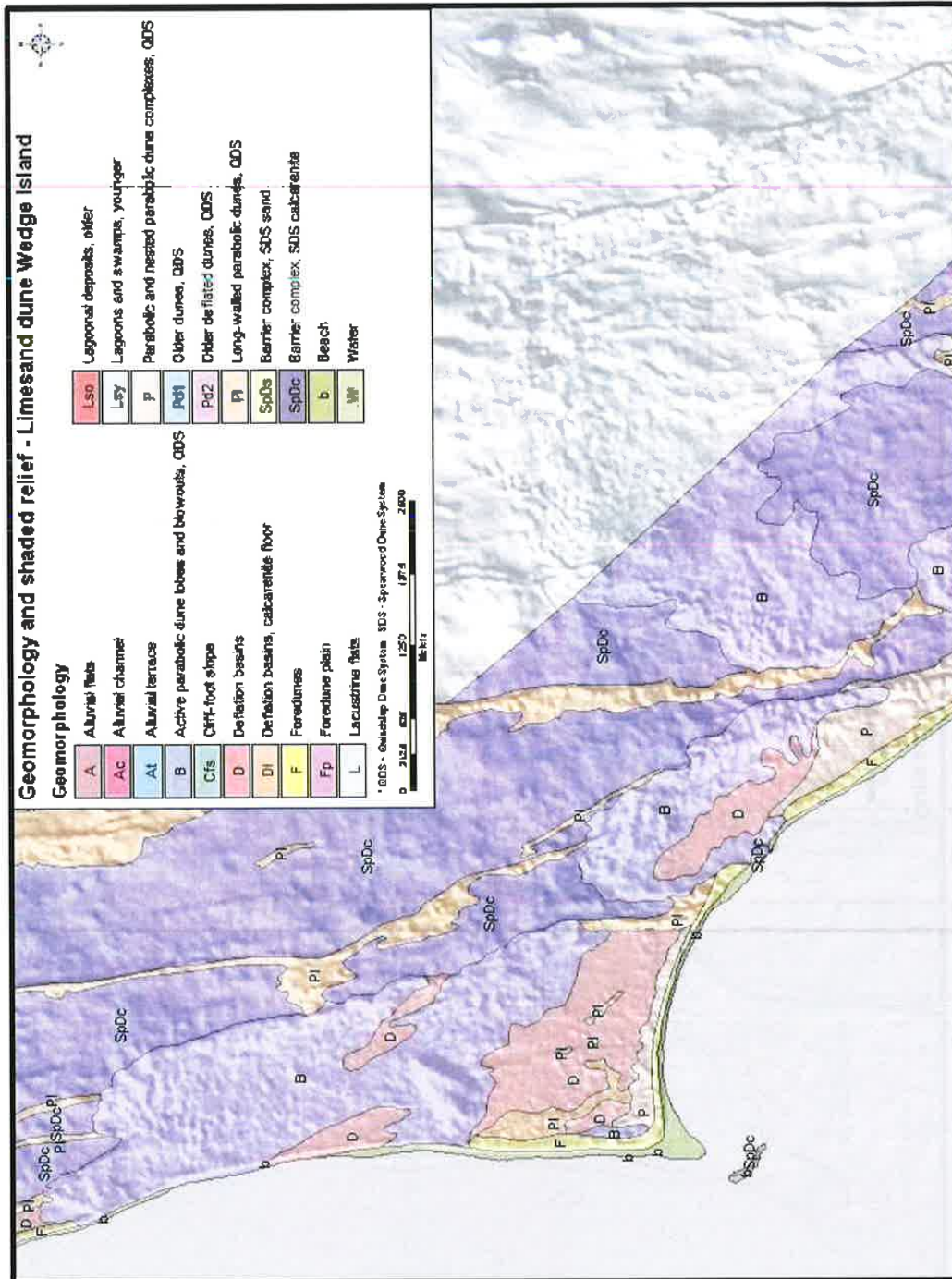
Limesand dune Grey – Geomorphology



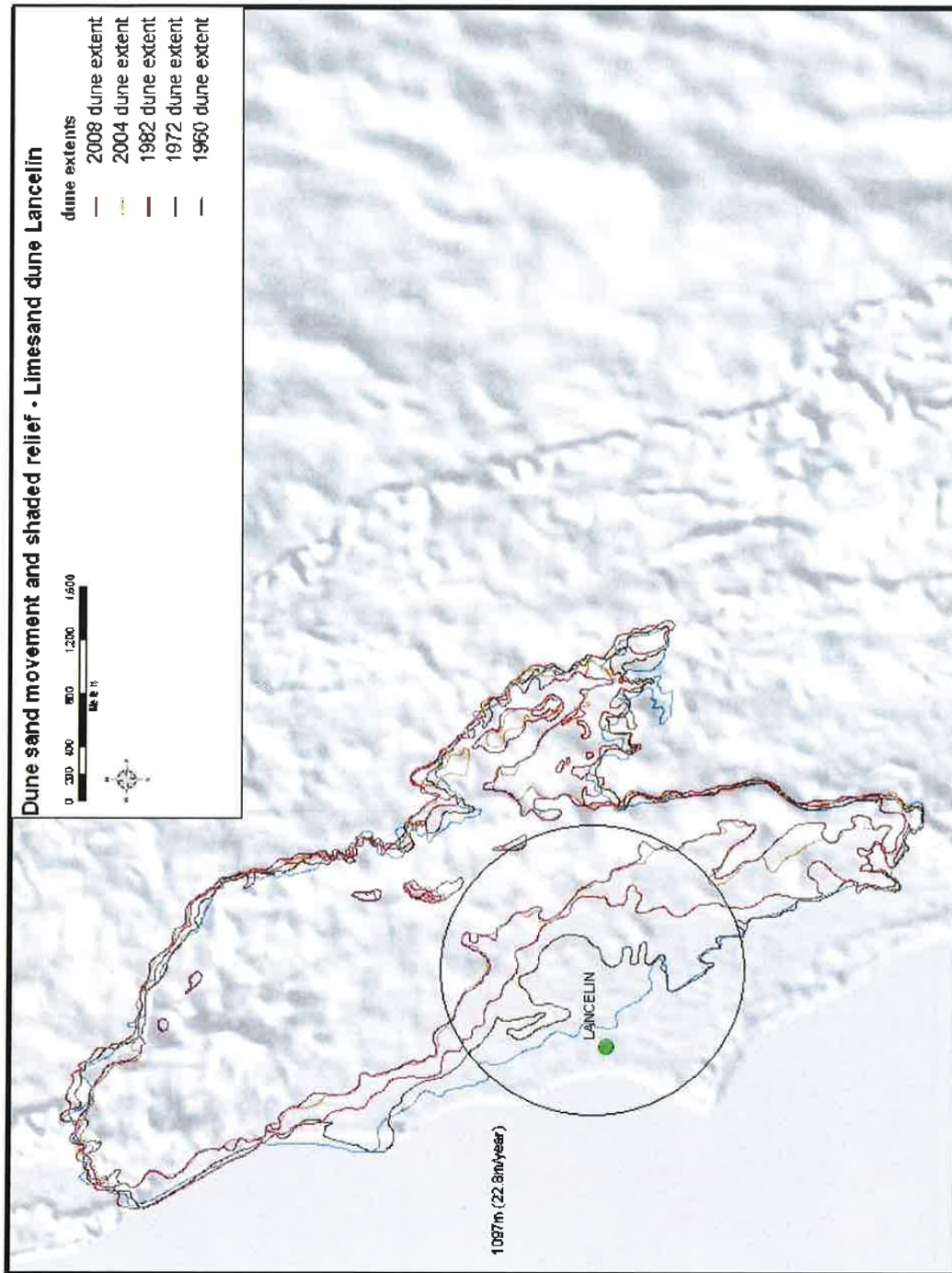
Limesand dunes Wedge Island – Migration



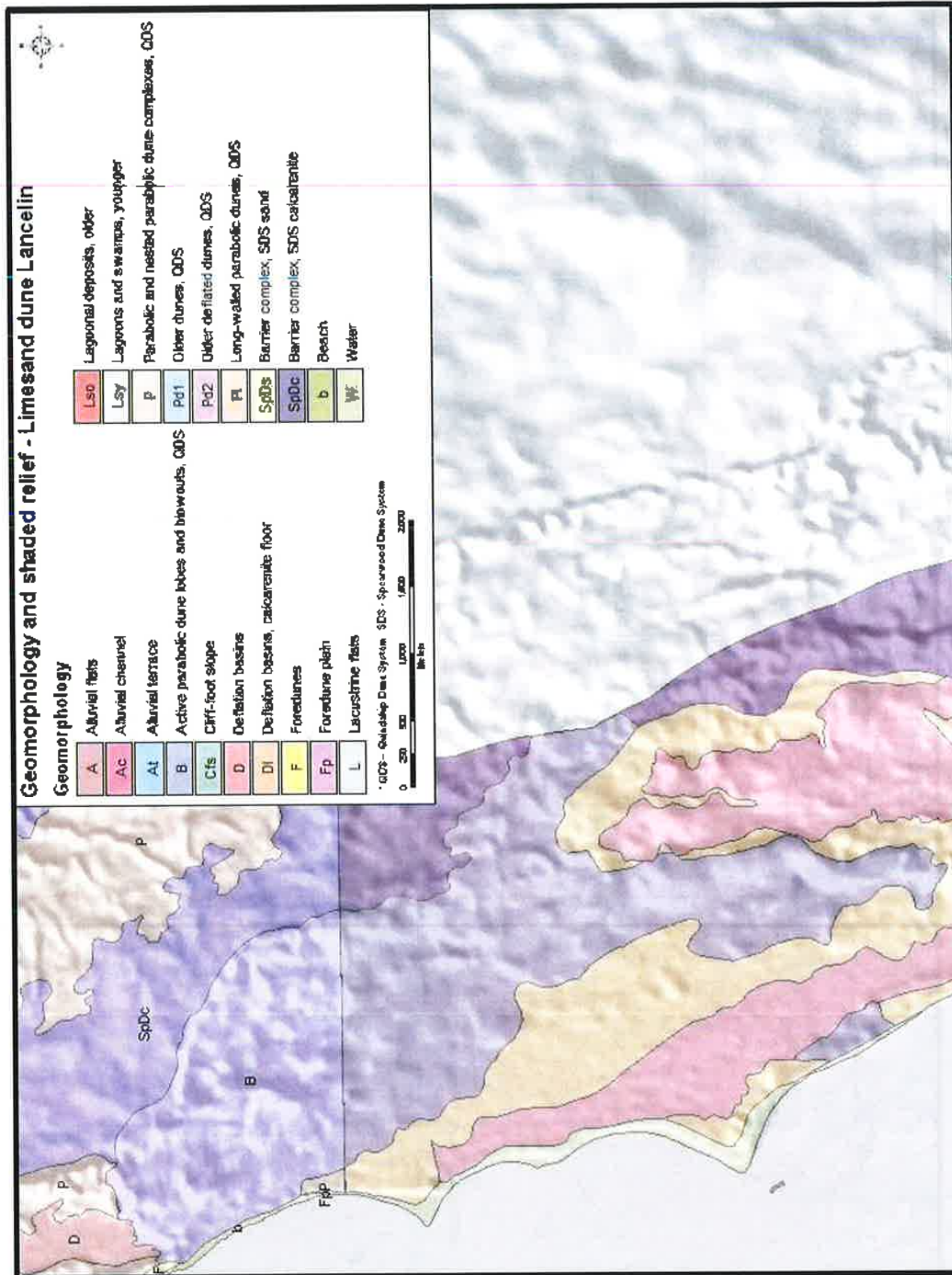
Limesand dunes Wedge Island – Geomorphology



Limesand dune Lancelin – Migration



Limesand dune Lancelin – Geomorphology



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11.3 GUILDERTON PARKING METERS

File	CPT/5-3
Author	Aaron Cook - Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. GCA Letter - Paid Parking on Guilderton Foreshore [11.3.1 - 2 pages] 2. Guilderton Short Stay Accommodation Trend Analysis [11.3.2 - 1 page] 3. Katie Enright Correspondence [11.3.3 - 2 pages] 4. Guilderton Foreshore Parking Management & Maintenance Community Survey - July 2017 [11.3.4 - 4 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider amending or removing the parking meters at the Guilderton Foreshore.

BACKGROUND

A report on this matter was previously submitted to Council at its Ordinary meeting on 16 May 2023 (Item 11.2). The motion debated by Council was ultimately lost with no alternative motion being raised, and therefore effectively there was no decision made in relation to the matter. The matter is therefore re-presented to Council for further consideration. Although the Officer's Recommendation remains unchanged, subsequent to the May meeting correspondence was received from both the Guilderton Community Association and Ms Katie Enright as follows:

1. The Guilderton Community Association has provided both correspondence and a trend analysis of Guilderton short stay accommodation. Both documents have been circulated directly to all Councillors and are included as **appendices** to this report.

The Association has been requested to provide information as to what figures are represented by the graph included in the trend analysis and where the information was sourced from, but unfortunately no response had been received at the time of writing.

2. Ms Enright's correspondence was also circulated directly to all Councillors and is included as an **appendix** to this report.

In her letter Ms Enright raises several questions which will be treated as public questions submitted in writing and addressed during Public Question Time. However it is prudent at this point to provide an explanation in relation to the matter of a public survey.

During Public Question Time at the Council meeting held on 16 May 2023, the Shire President responded to a number of questions submitted in writing by Ms Enright, including the following:

Q2. Was there a survey conducted from the Shire to outer reach areas for potential visitors/re-occurring to the area to see if the parking meters are a deterrent to people to come to Guilderton? And if so why not?

Response by Shire President

No survey was conducted as Council did not believe it was necessary.

In actual fact, a survey was conducted in 2017 and was presented to Council at its meeting on 18 July 2017. An extract from the Minutes of that meeting showing the analysis of results from the survey is also provided as an **appendix**. As the analysis shows, the biggest single category of respondents was residents of Guilderton, with the preferred option being the introduction of paid parking.

Parking meters were installed at the Guilderton Foreshore Carpark in early 2018 after planning the action from as early as 2016. The main impetus for the installation of parking meters was the additional costs that the Shire bears due to the increased visitation rates by day visitors and tourists who go to the foreshore, park up and stay all day using the facilities but contributing little to the local economy. Council has incurred a large amount of cost over the years through damage to the park and infrastructure, increased rubbish and vandalism and this increased cost affects all Shire of Gingin ratepayers.

As part of the roll out of the parking meters, all ratepayers of the Shire of Gingin are issued with two parking permits each year to enable them to park at the foreshore without being required to purchase a parking ticket. As such only visitors and tourists are required to purchase a parking ticket.

There have been many requests received since the parking meters were installed to either remove the meters or to limit their use in one way or another.

The proponents for this change have based their argument on the perceived negative impact of paid parking on tourism.

The last review of the parking meters was conducted in April 2021. At that time Council chose to leave the meters in situ and fully operational all year, with a further review to be undertaken this year. This impending review was raised at the Annual Meeting of Electors held on 7 March 2023.

COMMENT

Since 2018 there has been a level of community unrest in Guilderton over the installation of the parking meters. Council has reviewed its stance on the meters on several occasions over the years and has resolved on each occasion to leave the meters in place and to continue with the requirement for people to pay for parking all year round.

The issues that are being raised are the requirement for people to purchase a parking ticket in the off-season quiet period from approximately May to the end of August, the impact of having to pay for parking on the tourism of Guilderton and the negative perception of Guilderton created by the requirement to pay for parking and the issue of parking fines, especially during the off-season.

The suggestion that the meters impact on tourism is a debate that has parameters with values that are not clear and easily raised. The caravan park, despite the fact that Council has had some issues with the contract Manager, has increased in revenue each year since the current Manager took over. Previously the caravan park income was consistently declining, which would relate back to visitation rates and numbers of caravans staying in the park. Other people that visit Guilderton who are not staying in alternative accommodation are day visitors. Whilst these numbers are not recorded, congestion and pressure on facilities in the town during these times would indicate that the overall number has not reduced.

The following table compares the total actual income from the Guilderton Caravan Park over the last eight financial years to the anticipated income reflected in the adopted Budget for each year.

Year	Total Budget	Total Actual	
2022/2023	\$1,370,000	\$1,322,084	As at 10 May 2023
2021/2022	\$1,320,000	\$1,290,182	
2020/2021	\$1,098,000	\$1,288,163	Contractor started Oct 2020
2019/2020	\$1,050,000	\$916,141	Covid started Feb 2020
2018/2019	\$1,425,000	\$1,242,315	
2017/2018	\$1,485,000	\$1,281,544	Meters installed Jan 2018
2016/2017	\$1,480,000	\$1,308,014	
2015/2016	\$1,360,000	\$1,336,934	

Based on the above data, if tourism (in terms of people staying and spending money in the shops and community) is declining, then this started back in 2015/16 prior to the parking meters being installed. Since the new contractor has been in place revenue has slowly increased back above prior years and this year is expected to be around the income level of 2015/16. Therefore it can be argued that tourist visitation rates are actually on the increase. It should also be noted that this increase in income has occurred without large increases to booking fees and charges.

At a recent presentation to Council the Guilderton Community Association requested either the complete removal of the parking meters and return of the area to previous management practices, or the hooding of the parking meters during the off-season. Both requests have implications for the Shire that need to be seriously considered, as follows:

1. Complete removal of the parking meters and return of the area to timed parking would result in Rangers having to attend site more often to chalk tyres, and then to return again to infringe people overstaying their limit. This is very time consuming for Ranger staff, and it is expected that it would result in a greater negative perception than the requirement to purchase a ticket. In addition, the Shire would be required to alter all of the signage on the foreshore, remove the meters and try to sell the units and repair the infrastructure and electrical connections etc.
2. Hooding of the meters would require the purchase of hoods, which would be a minimal cost. There would be a cost associated with staff time required for installation and removal as required, but this would be offset by the reduction in time spent by Rangers at the parking area.

The parking fee has not been raised as an issue as \$2 an hour (up to \$10 for all day parking) is well under metropolitan rates. In addition, when requested free parking was made available outside the Café and Store so that customers stopping quickly did not need to purchase a ticket.

The income that has been earned from the parking meters is now within a reserve fund to be used for the purpose of developing the Guilderton foreshore. Council is currently commencing preparation of a redevelopment plan for this area and the reserve funds will be utilised as seed money for this project. The reserve currently has \$121,075 in it, but as Council is aware the reserve is owed additional moneys which will bring the total reserve balance to \$236,244 since early 2018.

The income from the parking meters also seems to be a contentious issue within the community. Funds to be transferred to the reserve equate to the income received from the parking meters net of the costs of running the meters and the required boat trailer reserve contribution of 7.2%. As such, materials purchased, subscription costs for electronic payments and the cost of maintaining the machines is deducted from the gross income earned. Council never agreed that the full gross income would be placed into the reserve, and nor was it ever agreed that penalties from parking infringements would be transferred to the reserve.

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

Total gross income received from the parking meters on a month by month basis for the years of 2021 and 2022 is as follows:

Jan 2021	\$21,579
Feb 2021	\$5,969
Mar 2021	\$6,580
April 2021	\$10,582
May 2021	\$2,474
June 2021	\$2,118
July 2021	\$1,654
Aug 2021	\$1,796
Sept 2021	\$4,905
Oct 2021	\$5,915
Nov 2021	\$6,621
Dec 2021	\$12,910
Jan 2022	\$22,953
Feb 2022	\$8,212
Mar 2022	\$7,362
April 2022	\$11,409
May 2022	\$2,171
June 2022	\$2,163
July 2022	\$2,085
Aug 2022	\$1,340
Sept 2022	\$6,112
Oct 2022	\$5,671
Nov 2022	\$5,032
Dec 2022	\$14,940

As shown above, the income that is generated by the parking meters drops considerably during the months of May, June, July and August. The total income for these four months for 2021 and 2022 was \$8,042 and \$7,759 respectively, totalling for these two years alone \$15,801 gross income.

It can be argued that, whilst for consistency it is best to not alter the operation of the meters over the year, hooding during this period would ease some of the angst within the community. However, the number of people purchasing tickets is very minimal regardless and still provides Council with an income. The main benefit of this action would be that the Rangers would not need to review vehicles for ticket purchases, but would still attend the area to make sure that vehicles are not undertaking other illegal actions.

It should also be borne in mind that people who receive an infringement for any reason, whether for parking or any other matter such as non-installation of firebreaks, have the ability to appeal the infringement. If officers are provided with evidence that the infringement was issued in error or there are acceptable mitigating circumstances, then a recommendation is provided to the CEO to withdraw the infringement. There are many such requests received over any given year and a number of withdrawals are issued. However, infringements must be dealt with in a logical and consistent manner and there must be acceptable evidence provided. Excuses such as “I forgot”, “I didn’t see the signage”, “I was not aware” and “The ticket blew out of the window” are not accepted reasons for withdrawing an infringement, but if the meters are not operational (which can be proven by the machine data) or there are other reasons beyond the person’s control that can be substantiated, then the infringement will be withdrawn.

The parking meters have been, and potentially will continue to be, a perceived thorn in the side of the Guilderton community, but continuously requiring the review of the metered parking system only serves to destabilise the decision made by Council. As has been stated, the meters have now been operational, all year round, for over 5 years (since early 2018).

Council now has the opportunity to make a determination that will settle the issue once and for all without the requirement to review the situation again in 12 months.

The following options are open to Council:

1. Remove the parking meters completely and return to timed parking;
2. Hood the parking meters during the months of May, June, July and August; or
3. Leave the parking meters operating as they are for the full extent of each year.

In preparing the above information it has become apparent that the recommended action for Council will be to continue with the parking meters all year as they are currently operating. Whilst hooding the meters from May through to the end of August would have a minor benefit in terms of staff time, the loss of potential income amounting to \$8,000 per annum is significant and limits Council funding options for the Guilderton foreshore upgrade in the near future. In addition, maintaining the status quo limits staff resources required to change the parking conditions and keeps the area consistent.

It is also recommended that the parking meters not be reviewed again until April/May 2029 (and then only if a review is requested by Council) to ensure that the decision made by Council can be properly administered without question for a period of time.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Options 1 and 2 above both have budget implications that need to be addressed.

1. This option has the greatest implication as Council will not only lose the income from the meters being \$89,461 gross last year but will be required to expend an estimated \$50,000 in removing the meters and remaking and installing signage. There may be some income created through the sale of the machines, but as they are 5 years old it's not expected that they would return a large sum. In addition, Ranger Services would need to allocate a significant amount of Ranger time to attend the site to monitor and regulate foreshore parking. This internal cost would be far greater than is current and would reduce the time available for Rangers to attend to other matters.
2. It is estimated that \$3,000 would be required to purchase the necessary hoods. The Shire would also lose the income generated by the meters during the period May to August, which is estimated at \$8,000 gross per annum.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Kestel

Councillor Johnson foreshadowed his intention to move an Alternative Motion to trial hooding of the parking meters from 1 July 2023 to 31 August 2023.

That Council agree:

1. To leave the current operating conditions of the Guilderton parking meters unchanged; and

2. That, if requested by Council at the time, the meters will be reviewed in April or May 2029 unless an issue presents that needs urgent resolution.

LOST
3 / 5

FOR: *Councillor Fewster, Councillor Kestel and Councillor Sorensen*

AGAINST: *Councillor Rule, Councillor Balcombe, Councillor Johnson, Councillor Peczka and Councillor Vis*

COUNCIL RESOLUTION/ALTERNATIVE MOTION

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

That Council agree to:

1. Hood the Guilderton foreshore parking meters for a trial period commencing on 1 July 2023 and terminating on 31 August 2023;
2. Promote the trial availability of free parking in this area for designated period on the Shire's social media platforms and the Council to Community newsletter; and
3. Review the results of the trial at the conclusion of the period in order to determine whether the meters should be hooded for the period 1 June 2023 to 31 August 2023 each year.

CARRIED
7 / 1

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

AGAINST: *Councillor Sorensen*

Reason for Alternative

Although it is too late to introduce the trial for the month of June, this action will provide an opportunity for all stakeholders to ascertain if visitor numbers appear to fall away as the result of continued operation of the meters during winter months.



The Councillors
The Gingin Shire Council
7 Brockman St, Gingin WA 6503

12.06.2023

RE: PAID PARKING ON GUILDERTON FORESHORE

Dear Councillors,

Thank you for your due consideration of the proposed changes to the paid parking on the Guilderton foreshore. GCA sees its role as conveying to the Council the views and sentiments of visitors and residents on various issues.

The GCA seeks to, and strongly urges the council to remove paid parking altogether. The compromise scenario of “hooding” the meters from May to October provides for an increase in visitors during the off season which supports local businesses, and is also strongly supported.

We note the Council’s acknowledgment of the many complaints received over the five years the parking meters have been installed, and reiterate the impact this has had on local businesses.

We acknowledge Council’s need to maintain infrastructure across the Shire, however Guilderton should not be singled out in this instance. Newly incurred expenses for other coastal communities due to coastal processes, does not include Guilderton. Recent unanticipated expenses such as sand dumping in Lancelin and \$300,000 to repair a building in Gingin should not be at the expense of visitors to Guilderton. Thereby we do not agree with any “special area rates” or such that we were threatened with more than five years ago.

To clarify, we note several anomalies in the Minutes of the Council’s meeting of May 16, 2023 and therefore respond by providing further information for your consideration. The comments in the minutes reflecting increased revenues from the caravan park being attributable to the new operators is misguided at best. The attached report on Short Stay Accommodation Trends reflects changes in economic and market conditions, as well as global events as the cause of the increase in occupancy since Belgravia took over. This directly opposes the suggestion that Belgravia management’s performance was responsible for any increase in tourism or occupancy and that paid parking did not impact tourism numbers.

It can also be argued that declines in occupancy and visitation levels were negatively impacted since the parking meters were installed, and that the outlook for occupancy and visitation will return to those pre-covid levels.

It should be noted that prior to paid parking, we observed the Caravan Park residents occupying all the shaded parking spots all day and thereby restricting available parking for day visitors.

An off season hooding of meters is also a viable scenario. Offering free parking over the off season will encourage visitors and hence support local businesses during the slow winter period. Tourists would then be more likely to stay a while rather than drive through. The off season period is seen as consisting of the six months from May to October.

The parking revenue figures outlined in the minutes are around a mere 20% of potential capacity revenues. Further, the six months proposed to be hooded, the revenues are \$18,862 in 2021 and \$19,542 in 2022, and are 22% and 21% of total revenues. The majority of the revenues, less expenses and fines revenues, are allocated to the Reserve Fund for the Guilderton foreshore.

We therefore submit to use the Reserve Fund monies to pay for the cost of the hoods and any re-signing required, as this is clearly a foreshore improvement issue. Alternatively the hoods used over the COVID period could be re-employed without additional cost. And secondly, the foregone revenues can be attributed to a successful marketing campaign to increase off season tourist numbers and support local businesses.

There is an abundance of anecdotal evidence of visitors objecting to paid parking and of spreading their message of dissatisfaction. The negative impact of paid parking works directly against the good work of local businesses in promoting Guilderton as a tourist destination.

We recognise the Council's determination to generate income streams, but there is a considerable underlying cost impacting Guilderton. All Shire townships benefit from Council's revenue generated by Guilderton, but at a direct cost to the Guilderton community.

We thank you for your further consideration in this matter, and trust you will support our desire to make Guilderton a more attractive destination.

Regards

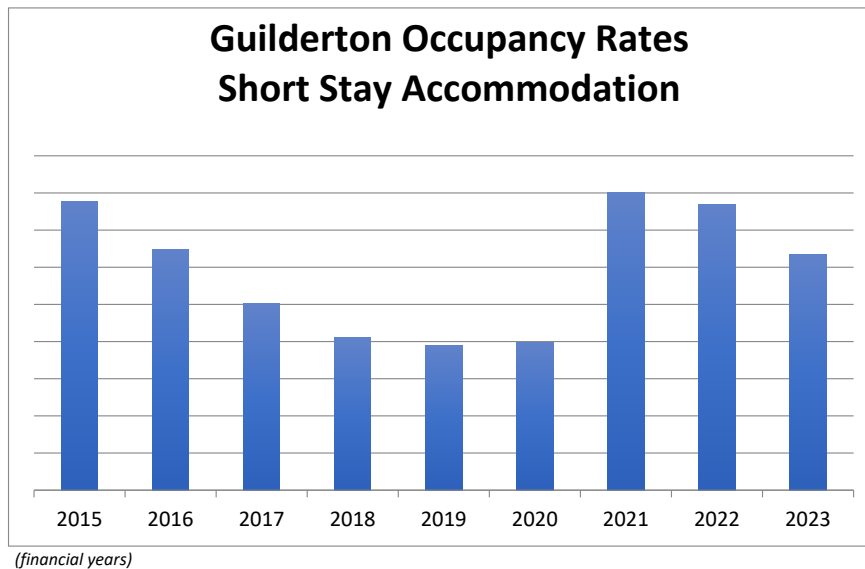
The GCA President and Committee members

BM

GUILDERTON SHORT STAY ACCOMMODATION TREND ANALYSIS

With its close proximity to Perth, Guilderton is an ideal short stay or day destination. The town offers a variety of accommodation, predominantly holiday houses supported by a small caravan park on the river foreshore.

The holiday industry in Guilderton competes directly with Bali, the South West, and north coastal destinations. Visitor and occupancy trends have fluctuated considerably over the last decade, impacted by global and national influences.



The mining boom c2015 saw higher than historical occupancy rates as the local economy was buoyant and discretionary spending was high.

However, the following years saw a steady decline in visitation and occupancy rates every year from 2015 to 2020. The WA economy was stagnating and Guilderton became a less attractive destination. Guilderton property values also steadily declined over the same period. Guilderton’s attractiveness as a short stay destination was on the decline.

The global impact of COVID and the locking down of borders, placed Guilderton in the perfect position as a “getaway” destination for local holiday makers. After the initial wave of cancellations in April and May of 2020, the market rebounded unexpectedly to levels higher than the previous peak in 2015. Occupancy rates remained very high throughout the COVID period, into 2021 and 2022. Local businesses could not meet demand.

When COVID restrictions were lifted, the pent up demand for overseas travel, as well as interstate travel, saw an immediate impact on occupancy rates.

The outlook for 2023 and beyond, is for occupancy rates to return to those during 2018 to 2020, as higher interest rates, inflation and low wages growth all impacting on discretionary spending, and holiday makers ability to travel.

Prepared for GCA by Wil Cuperus.

12/06/2023

Kathryn Enright
5 Moore River Drive Guilderton
0439947743

Delare A Buisness Interest in the Moore River Roadhouse.

Dear Elected Members,

For Council Meeting 20th June 2023.

I Refer to Council Minutes from the 16th May 2023 point 11.2 and my questions in 4.2.

PAID PARKING METERS GUILDERTON.

The Parking Meters have been a constant raised issue in Guilderton since before there installment in 2018.

However the clear concerns of the Local public, complaints of day visitors and buisnesses is still falling on deaf ears in the shire.

Could you please clarify what metric system you used to come to the conclusion of "but contibute little to the local economy"? referring to Day visitors. Did you seek Financial evidence to ALL surrounding buisnesses to gain that prospective?

As at my question at Q1 The shires response was it did not seek financial figures from other buisnesses. So I belive to say that "day visitors did not contribute to local economy" is in fact not a true reflection to guide aacurate measurement on and a decision based on that fact could produce further implications to buisnesses.

The shire have also had not conducted a Community or Buisness survey in retrospect to the Paid Parking Meters. As the shires response shows in the Minutes to my other question.

I refer to Other Shires one being Jonndulup and their Buisness Survey they conducted in regards to Paid Parking in 2019. A letter was sent to surrounding Buisnesses as they were looking at changing Paid Parking conditions and sought the Surrounding Buisnesses feedback. This looked at hours and days of operation, Where their buisnesses were located within the parking in question as well as other questions to the community.

One question in this survey was "IF THE CITY WERE TO CHANGE PAID PARKING CONDITIONS IN THE JOONDULUP CITY CENTRE TO INCLUDE A HALF HOUR FREE PARKING,DO YOU BELIEVE IT IS LIKELY OR UNLIKELY THAT CUSTOMERS WILL CHOOSE TO STAY FOR LONGER AT YOUR BUISNESS?" The responses were over in favour.

Please seek reference to This Survey at <https://www.joondalup.wa.gov.au> COMMUNITY ENGAGEMENT OUTCOMES.

I note that this was a small area and aproximately 28 respondents. Why is this a important note, Because it would be aproximatley the same amount of local buisnesses in Guilderton including holiday rentals ect to the number included in

that survey. The shire have only utilised the shires figures fom the Shires owned facility of the Guilderton Caravan park for any measurement scale on the review of the paid parking which is looked upon as a financial interest.

Is the Elected Members open to exploring such a survey to gain a clear indication of other Buisnesses and the Community?

If so Can there please be a fair survey conducted prior to any executive decision be made to keep parking as is as I believe that is fair to the community.

If not could the Elected memebers please explain why?

Paid Parking has been a excuse from the shire for years as a way to gain Income to support the expenses that come with Using shire facilities and not contributing to local economy.

So my other question is Why has the shire not looked at introducing other avenues of income by introducing something like Bike hire or electric scooter hire.

Busselton have a amazing Electric scooter system. Rottnest and the Swan Shire both have forms of Bike hire.

This would produce income to the shire that would also increase tourism and stimulate local buisnesses if you set them up right.

It would also free up parking in that area as people could access the scooters or bikes eleviating traffic, if they were set up at buisness points in the area. Example 1, Country Club, The Roadhouse, Top car Park and the Caravan Park. All spots have access to Foot paths .

Im sure the Shire would be able to access grants for a community based incentive as such.

So would the shire consider looking at this adventure?

I note That Councillor Eric Sorenson in AGM 2020 5.6 RAISES HIS CONCERNS AND COMMENTS RE PAID PARKING and NOTES "THE GUILDERTON CAR PARKING FEES HAVE NOW BECOME A SHIRE EMBARRASSMENT." He notes that social media even notes the complaints.

We have Buisnesses in Guilderton as a Family and have done so for years as you are well aware. So as from a Buisness prospective we ask the Shire and Elected members to please consider the following if you wont conduct a effective survey.

1. Hood the meters during Winter period.
- 2.Offer a free 1 hour parking

I also request that the shire look at introducing Toursist attraction like the Electric scooters to help produce income to the shire and help stimulate the area.

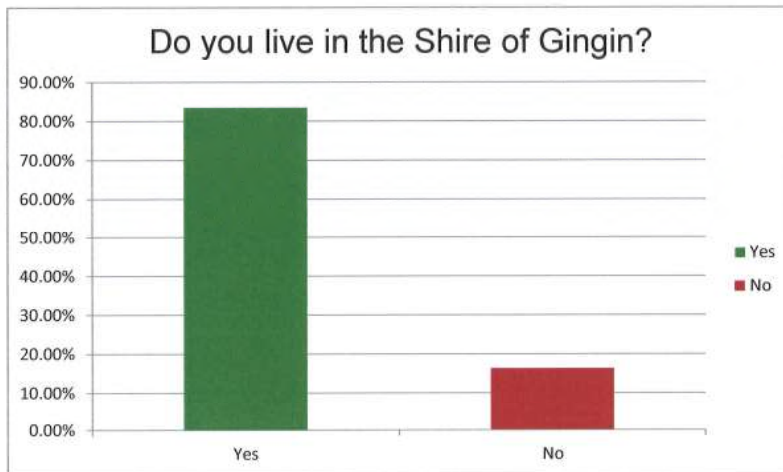
Kind regards
Katie enright

Guilderton Foreshore Parking Management and Maintenance Community Survey

Analysis of Results

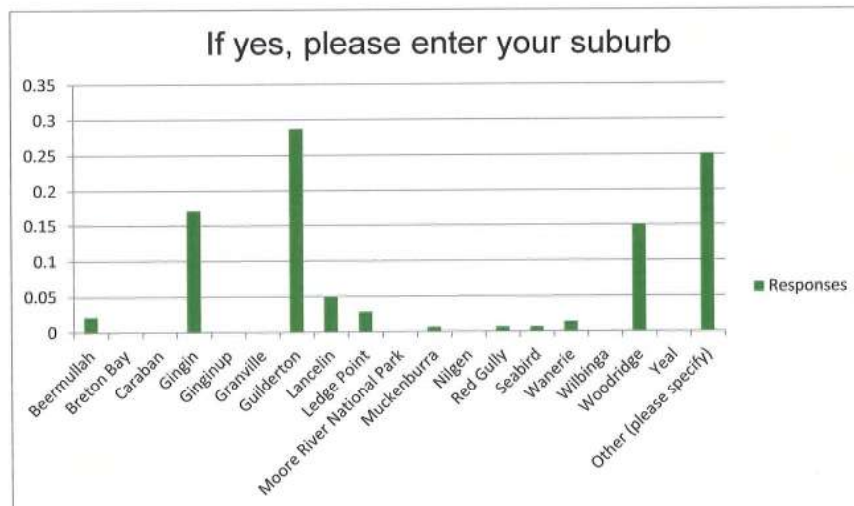
Do you live in the Shire of Gingin?

Answer Choices	Responses	
Yes	83.63%	143
No	16.37%	28
Answered		171
Skipped		0



If yes, please enter your suburb

Answer Choices	Responses	
Beermullah	2.16%	3
Breton Bay	0.00%	0
Caraban	0.00%	0
Gingin	17.27%	24
Ginginup	0.00%	0
Granville	0.00%	0
Guilderton	28.78%	40
Lancelin	5.04%	7
Ledge Point	2.88%	4
Moore River National Park	0.00%	0
Muckenburra	0.72%	1
Nilgen	0.00%	0
Red Gully	0.72%	1
Seabird	0.72%	1
Wanerie	1.44%	2
Wilbinga	0.00%	0
Woodridge	15.11%	21
Yeal	0.00%	0
Other (please specify)	25.18%	35
Answered		139
Skipped		32



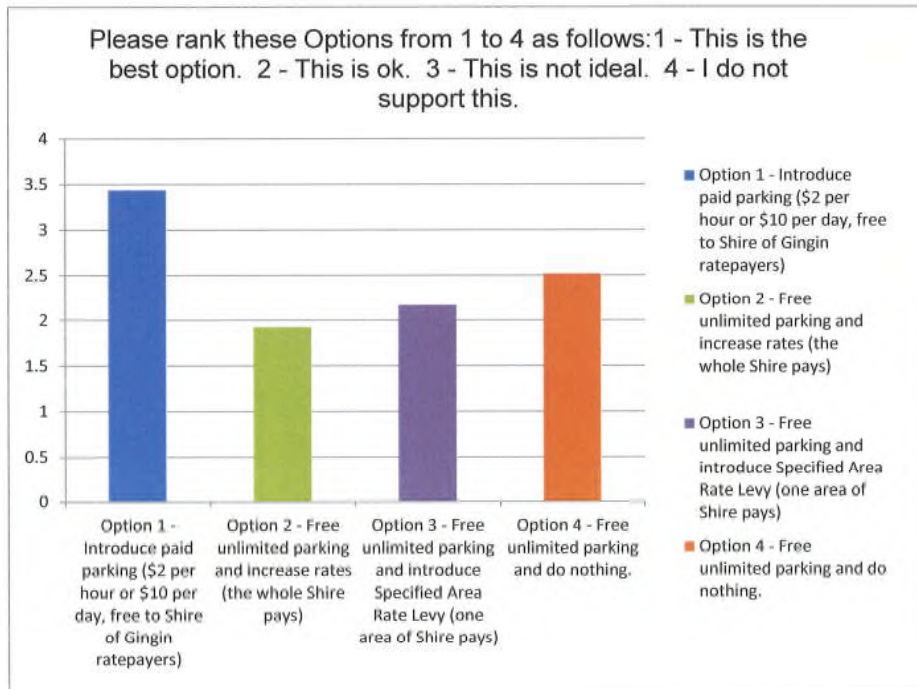
How often do you visit Guilderton Foreshore?

Answer Choices	Responses	
Daily	19.12%	26
Weekly	28.68%	39
Every 2-3 weeks	14.71%	20
Once a month	15.44%	21
Less than once a month	22.06%	30
Answered		136
Skipped		35



Please rank these Options from 1 to 4 as follows: 1 - This is the best option. 2 - This is ok. 3 - This is not ideal. 4 - I do not support this.

Options	1		2		3		4		Total	Score
	%	Number	%	Number	%	Number	%	Number		
Option 1 - Introduce paid parking (\$2 per hour or \$10 per day, free to Shire of Gingin ratepayers)	74.26%	101	8.09%	11	5.15%	7	12.50%	17	136	3.44
Option 2 - Free unlimited parking and increase rates (the whole Shire pays)	2.80%	3	24.30%	26	35.51%	38	37.38%	40	107	1.93
Option 3 - Free unlimited parking and introduce Specified Area Rate Levy (one area of Shire pays)	5.50%	6	33.94%	37	33.03%	36	27.52%	30	109	2.17
Option 4 - Free unlimited parking and do nothing.	24.79%	29	26.50%	31	24.79%	29	23.93%	28	117	2.52
									Answered	144
									Skipped	27



11.4 ORDER TO INITIATE SCHEME AMENDMENT 23 TO LOCAL PLANNING SCHEME NO. 9

File	LND/136
Author	Aaron Cook - Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	21 February 2023 Item 13.1
Appendices	1. Order Under s.76(1) [11.4.1 - 100 pages] 2. Scheme Amendment No. 23 [11.4.2 - 142 pages]

DISCLOSURES OF INTEREST

Councillor Fewster (Shire President) disclosed a financial interest in Item 11.4 as his immediate family members are adjoining landowners and left the meeting at 4.17pm.

Councillor Kestel disclosed a proximity interest in Item 11.4 as he shares a boundary with the land and left the meeting at 4.17pm.

J Bayliss (Coordinator Statutory Planning) disclosed a proximity interest as he is an adjoining landowner and left the meeting at 4.17pm.

Councillor Vis (Deputy Shire President) assumed the chair.

PURPOSE

Pursuant to section 76 of the *Planning and Development Act 2005*, the Minister has ordered the Shire of Gingin to initiate proposed Scheme Amendment No. 23 to Local Planning Scheme No. 9 to rezone a portion of Lot 9501 Cheriton Road, Gingin from General Rural to Rural Living.

BACKGROUND

At the 17 May 2022 Ordinary Council Meeting, Council refused to initiate proposed Scheme Amendment No. 23 to the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9) on the grounds that the proposed development is inconsistent with the Local and State Planning Framework and does not represent orderly and proper planning.

The Applicant subsequently made an application to the Minister for Planning under section 76 of the *Planning and Development Act 2005* (the Act), for the Minister to review Council's decision.

At the 21 February 2023 Ordinary Council Meeting, Council considered the section 76 submission received from the Minister of Planning, asserting that the Shire of Gingin had failed to adopt an amendment to its LPS 9 where it ought to have been adopted. The purpose of that report was for Council to provide a resolution as to how it would like to respond back to the Minister's office. Council reaffirmed its resolution of 17 May 2022 to refuse to initiate the proposed Scheme Amendment and Minister's office was advised accordingly of Council's resolution.

On 7 June 2023, the Shire received correspondence from the Minister's Office advising that, upon due consideration of all the relevant facts and submissions including the resolution made at the Shire's Ordinary Council meeting on 21 February 2023, the Minister had decided to give an order under section 76 of the Act that the Shire initiate Amendment No. 23 to LPS 9 as considered on 17 May 2022 and in accordance with the Applicant's representation attached to the section 76 application.

Therefore, the purpose of this report is comply with the Minister's order.

The section 76 order and the Applicant's representation, together with the applicant's Scheme Amendment proposal originally submitted to the Council meeting on 17 May 2022, are attached as **appendices** to this report.

COMMENT

As outlined above, an order has been given to the Shire of Gingin under section 76(1) of the Act to initiate an amendment to LPS 9 as outlined in the representation by Harley Dykstra Pty Ltd dated 7 July 2022 and as considered by Council on 17 May 2022.

As outlined in the 21 February 2023 report to Council report, in the event that the Minister directs a local government to initiate an amendment, a consultant should undertake the processing of the scheme amendment given that Council did not originally uphold the officer's original recommendation to support its initiation. Moving forward, it is not normal or good practice to then have the officer deal with the amendment. The engagement of a consultant is better placed to deal with matters following a section 76 order.

Two quotes have been received from consultants in this regard which are further discussed under Budget Implications.

Council may elect to reaffirm its position to not support the initiation of Amendment No. 23 despite an order having been issued. In that instance the most likely outcome would be that the WA Planning Commission would deal with processing of the amendment and recover the cost of doing so from the Shire of Gingin. This would be in accordance with s.76(2) of the Act which states as follows:

If the representation under subsection (1) is that a local government has failed to adopt a local planning scheme or an amendment to a local planning scheme, the Minister, in lieu of making an order to adopt the scheme or amendment, may approve of the proposed scheme or amendment subject to such modifications and conditions, if any, as the Minister thinks fit.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Part 5 Local planning schemes

Division 2 Minister's powers in relation to local planning schemes

s.76 Minister may order local government to prepare or adopt scheme or amendment

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No.9

Shire of Gingin Local Planning Strategy 2012 Gingin Townsite and Rural Surrounds Structure Plan

State Planning Policy No. 2.5

Rural Planning State Planning Policy 3 – Urban Growth and Settlement

Government Sewerage Policy 2019

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

In accordance with cl. 4.6 of Council Policy 3.10 Purchasing, two quotes have been obtained from consultants to undertake the processing of the scheme amendment.

The scope of works was broken into two stages. Stage One is to provide costings to undertake an independent review and response (for support or otherwise) of Council's decision dated 17 May 2022 (which was to not initiate the scheme amendment) and the circumstances surrounding the section 76 application. Stage Two, provides costings for processing the scheme amendment as a 'standard amendment' in accordance with the Regulations in the event that the Minister's Office instructs Council to initiate the scheme amendment.

As an order has been made, the applicable quote will be in relation to Stage Two, the details of which are as follows:

Consultant One

\$17,000 - \$20,000 (+ GST and disbursements). This range was given as the full nature of Stage Two tasks cannot be defined with accuracy.

Consultant Two

\$14,500 (+ GST and disbursements) is a fixed price however does come with reasonable assumptions and exclusions.

There are funds available within the 2022/23 planning budget to facilitate the engagement of either consultant.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Balcombe

That Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, initiate proposed Scheme Amendment No. 23 to the Shire of Gingin Local Planning Scheme by:
 - a. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road, Gingin;
 - b. Inserting the definition for Building Exclusion Area under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions in alphabetical order as follows:

Building exclusion area	Means the area of land within which buildings, effluent disposal facilities and any other works on lot must not be located or carried out.
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- c. Inserting the following into Schedule 8 – Rural Living Zones:

No.	Description of Land	Conditions
-----	---------------------	------------

2.	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <ol style="list-style-type: none"> 1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail. 2. The long term storage of materials visible from the public realm shall only be permitted where approved by the Shire. 3. The erection of any signage on any lot shall only be permitted where approved by the Shire.
		<p>Structure Planning</p> <ol style="list-style-type: none"> 4. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 5 to 7 below. <p>Subdivision</p> <ol style="list-style-type: none"> 5. The plan of subdivision and application must: <ol style="list-style-type: none"> a) Identify building envelopes/exclusion areas which respond to the significant environmental features of the site, (including achieving sustainable separation from water resources) and a reduced separation buffer from the General Rural land to the north;

		<p>b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary adjacent to Cheriton Road through to its western boundary at Sloans Road;</p> <p>c) enter into a deed of agreement (at the cost of the applicant/landowner) for the upgrade of Sloans Road to the satisfaction of the Shire of Gingin.</p> <p>d) be supported by:</p> <ul style="list-style-type: none"> i. An approved Local Water Management Strategy to the satisfaction of the Shire of Gingin; ii. An approved Traffic Impact Assessment to the satisfaction of the Shire of Gingin iii. A site and soil evaluation conducted in accordance with <i>AS/NZS 1547 Onsite domestic waste water management</i>. <p>Local Development Plan</p> <p>6. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas and development conditions consistent with Conditions 1 to 5 above.</p> <p>7. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a</p>
--	--	--

		development application shall be required.
--	--	--

2. Resolve, pursuant to clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that Local Planning Scheme Amendment No. 23 is a standard scheme amendment in accordance with clause 34 of the Regulations, as the proposal:
 - a. is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
 - b. will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.
4. Pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the proposal to the Western Australian Planning Commission.
5. Pursuant to Section 81 and 82 of the *Planning and Development Act 2005*, refer Local Planning Scheme No. 23 to the Environmental Protection Authority.
6. Pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, give public notice with a public submission period of not less than 42 days.
7. Pursuant to Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, at the conclusion of the public submission period return the proposal to Council for final consideration to support, modify or not support Local Planning Scheme Amendment No. 23.
2. Agree to engage a consultant to undertake the processing of the Scheme amendment for a fixed price of \$14,500 (+ GST and disbursements).

CARRIED UNANIMOUSLY
6 / 0

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**



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

AGAINST: *Nil*

Councillor Fewster (Shire President), Councillor Kestel and J Bayliss (Coordinator Statutory Planning) returned at 4.19pm.

Councillor Fewster (Shire President) resumed the chair at 4.19pm.



Minister for Transport; Planning; Ports

Our Ref: 72-39245 / 72-44128

Mr Aaron Cook
Chief Executive Officer
Shire of Gingin

Aaron.Cook@gingin.wa.gov.au; mail@gingin.wa.gov.au

Dear Mr Cook

PROPOSED AMENDMENT NO. 23 TO SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9 – SECTION 76 REPRESENTATION

I write in response to a representation made pursuant to section 76 of the *Planning and Development Act 2005* (Act) received from Harley Dykstra Pty Ltd on behalf of Mr Vernon Schofield in relation to a proposed Amendment No. 23 to the Shire of Gingin Local Planning Scheme No. 9. A copy of the representation is attached for your convenience.

Upon due consideration of all the relevant facts and submissions, including the resolution made at the Shire's Ordinary Council meeting on 21 February 2023, I have decided to give an order under section 76 of the Act that the Shire initiate Amendment No. 23 to Local Planning Scheme No. 9 as considered on 17 May 2022 and attached to the applicant's representation. The signed order is attached for your perusal, together with a copy of the reasons for this decision.

It would be appreciated if you would note the contents of the order and ensure that my directions are carried out within the time specified in the order. Please note that the various procedural steps outlined under Part 5 of the Act still apply and must be completed within the timeframe specified in the order, including referral to the Environmental Protection Authority and the Western Australian Planning Commission.

Failure to comply with the order may result in further enforcement action being commenced pursuant to section 212 of the Act.

This direction for the Council to initiate the amendment does not represent any formal support for the proposal, but my view is that the proposed amendment is worthy of further consideration via the scheme amendment process. Please note that there is no right of appeal against this decision.

- 2 -

If you have any questions regarding the practicable operation and effect of this order, please contact Mr Tim Leishman at the Department of Planning, Lands and Heritage on 6551 9069 or at timothy.leishman@dplh.wa.gov.au.

Yours sincerely



**HON RITA SAEI MLA
MINISTER FOR PLANNING**

Enc: Copy of representation
Section 76 Order
Reasons for Decision

- 7 JUN 2023



Minister for Transport; Planning; Ports

Planning and Development Act 2005

Order to Shire of Gingin under section 76(1) of the Act

1. I, the Hon Rita Saffioti MLA, Minister for Planning, pursuant to section 76 of the *Planning and Development Act 2005*, order the Shire of Gingin to initiate an amendment to Local Planning Scheme No. 9 outlined in the representation by Harley Dykstra Pty. Ltd., dated 7 July 2022 (attached), as considered by the Shire's council on the 17 May 2022.
2. The Shire of Gingin is to comply with this order within 60 days of the date of the order.

Signed this 7 day of June 2023.

A handwritten signature in blue ink, appearing to be 'Rita Saffioti', written over a horizontal line.

**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**



Minister for Transport; Planning; Ports

Planning and Development Act 2005

Order to Shire of Gingin under section 76(1) of the Act

Reasons for Decision

I, the Hon Rita Saffioti MLA, Minister for Planning, am satisfied on representations before me that the Shire of Gingin has failed to initiate an amendment to its Local Planning Scheme No. 9 proposed by owners of land in a case where such an amendment ought to be initiated for the following reasons:

1. I consider that the proposal to rezone a portion of Lot 9501 Cheriton Road, Gingin from General Rural to Rural Living zone is in keeping with State Planning Policy and the Shire of Gingin's Local Planning Strategy and, as such, it is appropriate that the proposal be initiated to allow for the amendment to be advertised for public comment and further detailed assessment to be undertaken through the scheme amendment process.

Signed this 7 day of June 2023.

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a series of loops and a horizontal line.

**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**



Minister for Planning
Level 9 number 2 Havlock Street
West Perth WA 6005



BY:

RE: Application – Section 76 – Planning and Development Act 2005 (HD: 20213)

Dear Minister,

I refer to the above and enclose here with a completed Section 76 Application form along with the required supporting documentation.

I confirm that I have familiarised myself with the relevant legislation along with the guidance note for section 76 applications, and have also consulted closely with the DPLH officers in relation to this particular proposal.

I look forward to receiving your acknowledgement of receipt of this application, and would be willing to provide further supporting documentation and further liaison with your office where necessary.

Yours Faithfully,

Henry Dykstra.
Director
Harley Dykstra Pty Ltd

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Albany Bunbury Busselton Forrestdale Perth

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Section 76

Request form (for applicants)

Version: 1 (February 2020)

Section 1 - Applicant's details

Name: Harley Dykstra Pty Ltd

Address: 15,2 Hensbrook Loop

Town / suburb: Forrestdale WA

Postcode: 6112

Phone: 9495 1947

Email: henryd@harleydykstra.com.au

Section 2 - Local government to which this relates

Name of relevant local government: Shire of Gingin

Name of relevant local planning scheme: Shire of Gingin Local Planning Scheme No. 9

Section 3 - Summary of representation

Please provide a brief summary, in 250 words or less, why you believe the relevant local government:

- (a) has failed to take the requisite steps for having a satisfactory local planning scheme or an amendment to a local planning scheme prepared and approved where such a local planning scheme or an amendment to a local planning scheme ought to be made or
- (b) has failed to adopt a local planning scheme or an amendment to a local planning scheme proposed by owners of any land, where such a local planning scheme or an amendment to a local planning scheme ought to be adopted or
- (c) has refused to consent to any modifications or conditions imposed by the Minister.

The Local Authority did not allow the Scheme Amendment (SA) application to receive a fair and proper hearing, and this is evidence by: 1) Notwithstanding preliminary guiding comments provided by the Shire Council at its briefing forum on the 18th May 2021, (as summarised under 1.2 Background in the SA document), the Council at its meeting on the 17th May 2022 resolved to refuse to initiate the SA, with no reasons given at the meeting; 2) The minutes of the meeting note that the reason for the alternative motion by Councilor's was that the development is inconsistent with the Local State Planning Framework and does not represent orderly and proper planning. This reason was not articulated in the meeting, and did not form part of the Council decision to refuse the amendment; 3) The officers report to Council details how the SA is consistent with the Local and State Planning Framework and represents orderly and proper planning. Council has set aside the expert planning advice of both local and state planners, but has not provided any reasons why it considers the application to be inconsistent; 4) the meeting minutes show that James Bayliss, (coordinator of Statutory Planning at Gingin) declared a proximity interest in the agenda item dealing and that he also presented a deputation on behalf of himself (as an adjoining landowner) and a wider landowner group. This deputation was in opposition to the SA; and 5) the meeting minutes show that the Shire President and one other Councilor declared a financial interest due to land adjoining the SA area. Whilst both councilor's left the meeting for the relevant agenda item, they were both present during the relevant deputations, with the Shire presiding.

Section 4 – Summary of consultation with local government

Please provide a brief summary, in 250 words or less, of what consultation you carried out with local government in relation to this matter. Please note that the Minister cannot and will not consider this application if no consultation with local government has occurred, as an applicant must demonstrate as a matter of precedent fact how the local government has purported 'failed' with regard to the stated local planning scheme.

1. Prior to the 18th of May 2021 Council meeting (Briefing forum) where the preliminary rezoning proposal was tabled for discussion, there was consultation with Council technical officers. A preliminary proposal was submitted and discussed between the planning consultant for the applicant and the Council technical staff.
2. The Council meeting on the 18th of May 2021 was a briefing session where the proposal was discussed openly with Councillor's, and preliminary feedback was provided in order to guide the preparation of a more formal Scheme Amendment application, and the various studies required in support of that;
3. Between May 2021 and May 2022 the applicant compiled the Scheme Amendment document along with the supporting Local Water Management Strategy, Transport Impact Statement and concept subdivision plan. These various pieces of work were prepared in consultation with the Local Government technical officers, presented to the May 2022 Council meeting as a formal Scheme Amendment Application.
4. A deputation was made to the Council meeting of 17 May 2022, at which meeting the Council made a determination to refuse the Scheme Amendment.

Section 5 – Documentary evidence and other material

Please list what document evidence or other material you are submitting in support of this application. Ensure all listed material is attached to this form. Please note that the Minister cannot and will not consider this application where no evidence or other material is provided on how the local government has purportedly 'failed' with regard to the stated local planning scheme.

In most situations, you will need to provide the following information in order to make a section 76 application that is capable of being seriously considered by the Minister:

- copies of all relevant written correspondence to and from the applicant and the relevant local government
- a copy of the proposed new scheme or amendment, if prepared by a landowner
- a copy of any relevant local government resolution (e.g. a resolution refusing to prepare or adopt a new scheme or amendment) if applicable
- a brief outline of all attempts at consultation with the relevant local government (e.g. a synopsis of any telephone and personal meetings) and
- a summary of the main points of justification on planning grounds, including all relevant facts and reasons, why local government 'failed', and why a new scheme or amendment 'ought' to be made or adopted in this instance. This should include but is not limited to, all research, consultant reports, submissions or other professional material where relevant.

Without the above information, it may be impossible for the Minister to assess all the relevant considerations, or other planning merits, of an application. Please note additional information can also be submitted, even if it was not previously submitted to the relevant local government.

- Document 1 - Preliminary Rezoning Request to Shire of Gingin considered at May 2021 meeting of Council (briefing forum)
- Document 2 - Shire Planning Notes of Council briefing forum meeting
- Document 3 - Scheme Amendment No. 23 document with other supporting studies, as submitted to Council and considered at its meeting May 2022;
- Document 4 - Agenda of Ordinary Council meeting 17th of May 2022
- Document 5 - Summary of Council meeting outcomes;
- Document 6: Minutes of Council meeting and deputation provided by planning consultant to client on the 17th of May 2022;
- Document 7 - Summary of main points of justification on Planning grounds why the Scheme Amendment ought to be initiated in this instance.

Section 76 Request form
(for applicants)
Version: 1 (February 2020)

Section 6 – Ministerial action sought

Please provide a brief summary, in 250 words or less, what action you seek from the Minister. If you request that the Minister issues an order under section 76 of the *Planning and Development Act 2005*, please provide a brief description of what terms you consider appropriate and necessary:

Our request is firstly, that the Minister determines that Scheme Amendment number 23 to Shire of Gingin Local Planning Scheme Number 9 was not afforded a fair and proper hearing, specifically that;

- a) The Council allowed one of its own planning staff to interfere with the Council decision making process, as an interested adjoining landowner;
- b) The Council allowed one of its own planning staff to represent a group of nearby landowners, in a deputation to Council, without allowing the wider committee to consider and comment on the proposal through the normal statutory advertising process; and
- c) The Council did not discuss or articulate in the meeting its reasons for setting aside the officers recommendation and refusing the SA, and therefore has not demonstrated how the proposal is not consistent with the Local and State Planning Framework.

Secondly, and given its compliance with the local and state planning framework the Minister issues an order under section 76 of the Planning and Development Act to the Shire of Gingin to initiate the Scheme Amendment, forward the proposal to the WAPC and to the environmental protection authority, and pursuant to section 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, give public notice with a public submission period of not less than 42 days.

Section 7 – Other information attached

Please attach all other information, including more detailed written submissions, reasons and documentary evidence.

Where to send this form once completed?

Please send this form, once completed and containing all relevant attachments, to the following address:

Minister for Planning
Level 9, 2 Havelock Street
WEST PERTH WA 6005
Fax: (08) 6552 5501
Ref: Section 76 Application



Our Ref: 20213 – 20210419 – Preliminary SAR – QA:BH

30 April 2021

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

Attn: Kylie Bacon – Manager Statutory Planning

Dear Kylie,

**PRELIMINARY SCHEME AMENDMENT SUBMISSION
PT LOT 9501 CHERITON ROAD & LOT 380 HOWES LANE, GINGIN**

INTRODUCTION

Harley Dykstra, on behalf of the landowner of Lot 9501 Cheriton Road and Lot 380 Howes Road, Gingin ('the subject site'), has prepared this Preliminary Scheme Amendment Submission ('preliminary submission') to seek support from the Shire of Gingin for the rezoning of the land from 'General Rural' to 'Rural Living (RL2)' under Local Planning Scheme No.9 (LPS9).

In the first instance, it is anticipated this preliminary submission could be presented to a Council Briefing Session for feedback.

Subject to a favourable response being received to this preliminary submission (including clarification of the required technical reports that should be provided to support the rezoning of the land) a comprehensive Scheme Amendment application would be prepared to enable formal consideration and initiation by the Shire of Gingin Council.

BACKGROUND

Subdivision approval was granted on 28 August 2020 to subdivide former Lot 9500 into two lots (WAPC Ref: 159477). The subdivision approval was implemented to create Lot 380 (a homestead lot) and the balance rural lot, now known as Lot 9501 Cheriton Road.

Former Lot 9500 was in itself the balance of a larger landholding which, in part, was previously rezoned under Town Planning Scheme No. 8 and thereafter subdivided and developed as Marchmont Estate by the proponent of this current submission. The proponent/landowner of the subject site is committed to developing the land in a manner that is complimentary to the existing Marchmont Estate and of a quality that is commensurate to its prominent location at the periphery of the Gingin townsite, should this Scheme Amendment proposal ultimately be successful.

THE SUBJECT SITE

The subject site comprises Lot 380 and a 26.2589 ha portion of Lot 9501 with a combined area of 31.5189 ha. The subject site is located on the western side of Cheriton Road, 1.5 km north of the Gingin town centre, along Cheriton Road. The subject site is adjacent to 'Rural Living' zoned land to the south (Marchmont Estate) and 'Rural Living (RL 4)' zoned land to the east. Land to the north and west is zoned General Rural. A parks and recreation reserve adjoins Lot 380 to the south. A Context and Zoning Plan depicting the subject site in the context of existing zonings within and surrounding the townsite, is included at Figure 1 below. An Aerial Context Plan is included as Appendix A.

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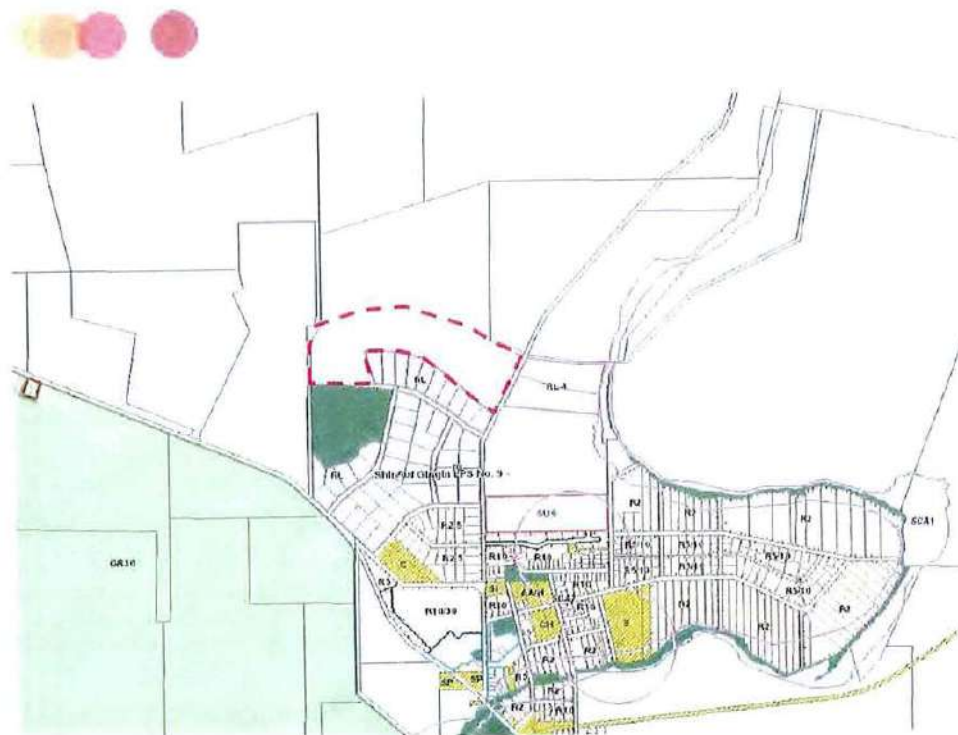


FIGURE 1 – CONTEXT AND ZONING PLAN (SUBJECT SITE OUTLINED IN RED)

Table 1 below provides a summary of the legal description of the land.

LOT NO.	PROPERTY ADDRESS	LANDOWNER	AREA	VOL.	FOLIO	PLAN NO.
380	No Street Address Information Available	Vernon Schofield	5.26 ha	4000	604	420962
9501	No Street Address Information Available	Vernon Schofield	73.4737ha	4000	605	420962

TABLE 1

PLANNING FRAMEWORK

Local Planning Scheme No. 9

The subject site is currently zoned 'General Rural' under LPS 9. The site is proposed to be rezoned to 'Rural Living (RL2)'.

LPS 9 states the objectives of the Rural Living zone are as follows:

- a) protect the rural environment and landscape;
- b) accommodate single dwellings at very low densities on individual allotments beyond the urban areas;
- c) restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;
- d) prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;
- e) avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and
- f) provide for a suitable level of physical and community infrastructure.



Rezoning of the land accompanied by structure planning and subsequent subdivision and development approvals will ensure the above objectives relevant to the Rural Living zone are satisfied and other Local Planning Scheme requirements are appropriately addressed.

Local Planning Strategy (2012)

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer term planning direction for the Shire over a 15 – 20 year planning horizon. One function of the Local Planning Strategy is to outline the broad strategy for both residential and rural land use within the Shire.

A general objective of the Local Planning Strategy is to:

'Promote the planned expansion of all townsites in a manner that concentrates settlement and growth within and around existing townsites.'

With respect to the Gingin townsite, the following key objective is identified:

'provide for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas.'

Complementary policy positions and actions have also been developed to achieve the abovementioned objective, including:

4. Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:
 - i. The extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;
 - ii. Optimising the use and catchment of existing townsite services/facilities;
 - iii. Protection of the character, function and integrity of adjoining/nearby rural land and land uses;
 - iv. Environmental capability and management;
 - v. Staged development cognisant of demand and supply;
 - vi. Locational criteria and other matters as identified in the State Planning Policy 2.5 relating to rural residential settlement;
 - vii. Enhancement of landscape and natural values; and
 - viii. Fire protection.

The Gingin townsite strategic map, which forms part of the Local Planning Strategy, designates the subject site as remaining rural, with the land to the east (now rezoned RL4 comprising two lots of 6.1379ha and 5.5170ha) identified as:

'Transition area. Lot sizes suited to 2000m² - 1ha subject to site considerations.'

The overall Shire of Gingin - Local Planning Strategy map which also forms part of the Local Planning Strategy, identifies part of the subject site as 'Rural Residential'. An extract from the Local Planning Strategy map is included as Figure 2 (over page).

In response to a preliminary enquiry to the DPLH regarding the potential for the subject site to be rezoned to Rural Living, on 10 June 2020, the DPLH advised via email:

'I think a case could be made to support the rezoning of Area 1, but Area 2 is potentially more problematic.'

Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date. The Shire of Gingin Local Planning Strategy also shows that an extension to the



existing Rural Living zoned area has been considered from a strategic perspective. In light of this, an amendment to LPS 9 should, among other things, consider the following:

- The increase to the land zoned for Rural Living would need to be justified to ensure it is guided by existing land supply and take-up.
- How subdivision/development will address wastewater disposal to be consistent with the Government Sewerage Policy.
- The need for design guidelines/development covenants to ensure development is in keeping with the surrounding built form.
- The Department's preference would be for the road link between Cheriton Road and Sloans Road to be provided, this will ensure a hard buffer between the Rural Living and Rural zoned land.
- The extension of Howes Lane to Sloans Road should also be considered, providing a buffer to the reserve to the south.

With regard to Area 2, I start to see land use conflict issues with this deeper extension into the Rural zoned area. I also wonder if demand might be somewhat exhausted by the first stage of subdivision (Area 1), but that is not to say that you could not demonstrate demand. There is also the issue of precedent, as it is reasonable to expect the landowner of Lot B, immediately to the west, will see this as a signal that close subdivision can also occur on this land as of right.

In summary, I think based on the information you have supplied so far, the proposal for Area 1 seems consistent with WAPC policy and is likely capable of approval. Area 2 I suspect could be a bit more of an uphill battle'.

For reference, Area 1 and Area 2 are identified on the attached sketch at Appendix B.



FIGURE 2 – LOCAL PLANNING STRATEGY MAP EXTRACT



The subject site has been identified as having the potential for more intensive development, rather than remaining rural.

Policy Position 4 v) in relation to the supply and demand of rural living lots is addressed in the section titled *Gingin Regional land supply assessment* below.

Gingin Townsite and Rural Surrounds Structure Plan

Consistent with a key objective for the Gingin townsite identified under the Local Planning Strategy, the Shire of Gingin prepared the Draft Gingin Townsite and Rural Surrounds Structure Plan ('the Gingin Townsite Structure Plan'). The Gingin Townsite Structure Plan was adopted for final approval by Council at its Meeting of 18 December 2012 and was intended to provide a strategic framework to facilitate the sustainable growth of the townsite.

The Gingin Townsite Structure Plan was intended to be incorporated into the Local Planning Strategy as part of the finalisation of that document, although this did not eventuate. The Gingin Townsite Structure Plan was supported by a District Water Management Strategy (DWMS) to provide guidance relating to water use and management of surface water and groundwater resources within the Gingin townsite expansion area. In terms of implementation, the Gingin Townsite Structure Plan recommends the following actions:

- Rezoning of identified land to Rural Living (subject to appropriate subdivision guide plans and development provisions); and
- Preparation and implementation of Structure Plans.

Similarly, the DWMS recommends Local Structure Plans be accompanied by detailed information relating to water use, wastewater servicing, surface water and groundwater management, in the form of a Local Water Management Strategy (LWMS).

Whilst the subject site is not identified within a Rural Living land use area (which is inconsistent with the Local Planning Strategy map, the key implementation actions above would nonetheless be undertaken in the event the zoning (and subsequent structure planning) proceeds.

Gingin regional land supply assessment (2019)

With regard to rural living, the *Gingin regional land supply assessment* (LSA) notes the Shire of Gingin Local Planning Strategy has identified areas for potential rural living adjacent to the Gingin townsite and between the Redfield Park and Sovereign Hill estates in Gabbadah. The local planning strategy also establishes a policy position to limit expansion of rural living development to existing areas in the Shire and those identified on the local planning strategy map.

The subject site is not currently identified for Rural Living in the LSA, despite it being identified in part for 'Rural Residential' in the local planning strategy map.

Limited rural living subdivision and development at the periphery of the townsite is supported by the Local Planning Strategy. Based on preliminary design, approximately only 13-14 rural living lots would be created from the subject site and would provide a lot offering which is not currently available in such close proximity to the Gingin townsite.

Table 3: Development Outlook – project summaries identifies a potential yield of 313 rural living lots from the Country Heights Estate (Lots 81 and 83 Cheriton Road, Ginginup) based on existing approvals.

This notwithstanding, the local planning strategy (as acknowledged by the LSA) has already accounted for other sites zoned for rural living in and around the Gingin townsite and therefore the proposal set out in this submission does not conflict with either the Local Planning Strategy or LSA. In any case, the subject site has key attributes that make it particularly suited to rural living subdivision, including:

- Its proximity to the Gingin townsite services and facilities (located only 1.5km north of the town centre).
- Compatibility with adjacent rural living zoned land to the east and south respectively.
- Opportunity to connect to existing public utility services (water, power and telecommunications).



Government Sewerage Policy

The Government Sewerage Policy (GSP) sets the State Government's position on how sewerage services are to be provided in Western Australia through the planning and development of land.

Only the eastern half (approximately) of the subject site is identified within a 'sewage sensitive area' due to its relative proximity to Gingin Brook and therefore the GSP prescribes a minimum lot size of 1 ha (subject to completion of a site and soil evaluation). The land does not occur within a public drinking water source area. If formally approved, the proposed rezoning would result in lot sizes of 2ha minimum on the subject site.

A site and soil evaluation would be undertaken and submitted for assessment as part of any formal application for rezoning of the land to RL2.

PROPOSED REZONING AND CONCEPT STRUCTURE PLAN

Overview

This submission seeks support from Council to proceed with a formal application to rezone the subject site from 'General Rural' to 'Rural Living (RL2)'. The submission is accompanied by a Concept Structure Plan (Appendix C1 and C2) to illustrate (indicatively) the manner by which the subject site may be subdivided following rezoning and identifies a potential design response to opportunities and constraints evident on the site. These matters would be elaborated on as part of a comprehensive rezoning submission.

Concept Structure Plan Design

The Concept Structure Plan depicts the creation of 13-14 rural living lots (2ha minimum) serviced by Cheriton Road and a new subdivisional road which would in turn connect to Sloans Road. Sloans Road is currently constructed to a gravel standard with the exception of its southern portion which is sealed for a length of approximately 230m.

No connection between Howes Lane and Sloans Road is proposed due to the location of the existing dwelling on Lot 380 and also to avoid drivers using this route as a 'rat run' between Cheriton Road through to Brand Highway. Mchavloe Drive is already used for this purpose and it is envisaged the construction of the new subdivisional road will alleviate this existing situation.

The Concept Structure Plan also provides for a potential retirement living site adjacent to Cheriton Road in response to the Shire's long held objective to facilitate the provision of suitable housing for the aging (over 55 yrs) demographic within or in close proximity to the townsite.

SERVICING

The landowner of the subject site installed the Water Corporation water supply pipework servicing Marchmont Estate and extending within Cheriton Road to the southern boundary of Lot 9501 as part of the Marchmont Estate subdivision. This water supply infrastructure was designed (as a requirement of the Water Corporation) to be of sufficient capacity to enable it to be extended to facilitate future subdivision along Cheriton Road.

Power and telecommunications infrastructure is available to the subject site via Cheriton Road. As discussed in previous sections of this submission, no reticulated sewer is available within the Gingin townsite and therefore onsite effluent disposal is proposed. A site and soil evaluation shall be undertaken and submitted in support of a formal rezoning application should the proposal proceed to that stage.

CONCLUSION

This preliminary submission seeks support from the Shire of Gingin to rezone Pt Lot 9501 Cheriton Road and Lot 380 Howes Lane from 'General Rural' to 'Rural Living (RL2)'. It is considered the proposal is consistent with the strategic planning intent for the subject site set out in the Shire's local planning framework and is able to satisfy relevant state



planning policies. As such, the proposal represents orderly and proper planning for the Gingin townsite and surrounds, which will make efficient use of existing servicing infrastructure and assist in supporting the provision of a range of townsite services and facilities.

I trust the rationale provided in this submission is satisfactory to enable the Shire of Gingin Council to give preliminary consideration to this matter in a Briefing Session. Please do not hesitate to contact the undersigned should you require any additional information at this time.

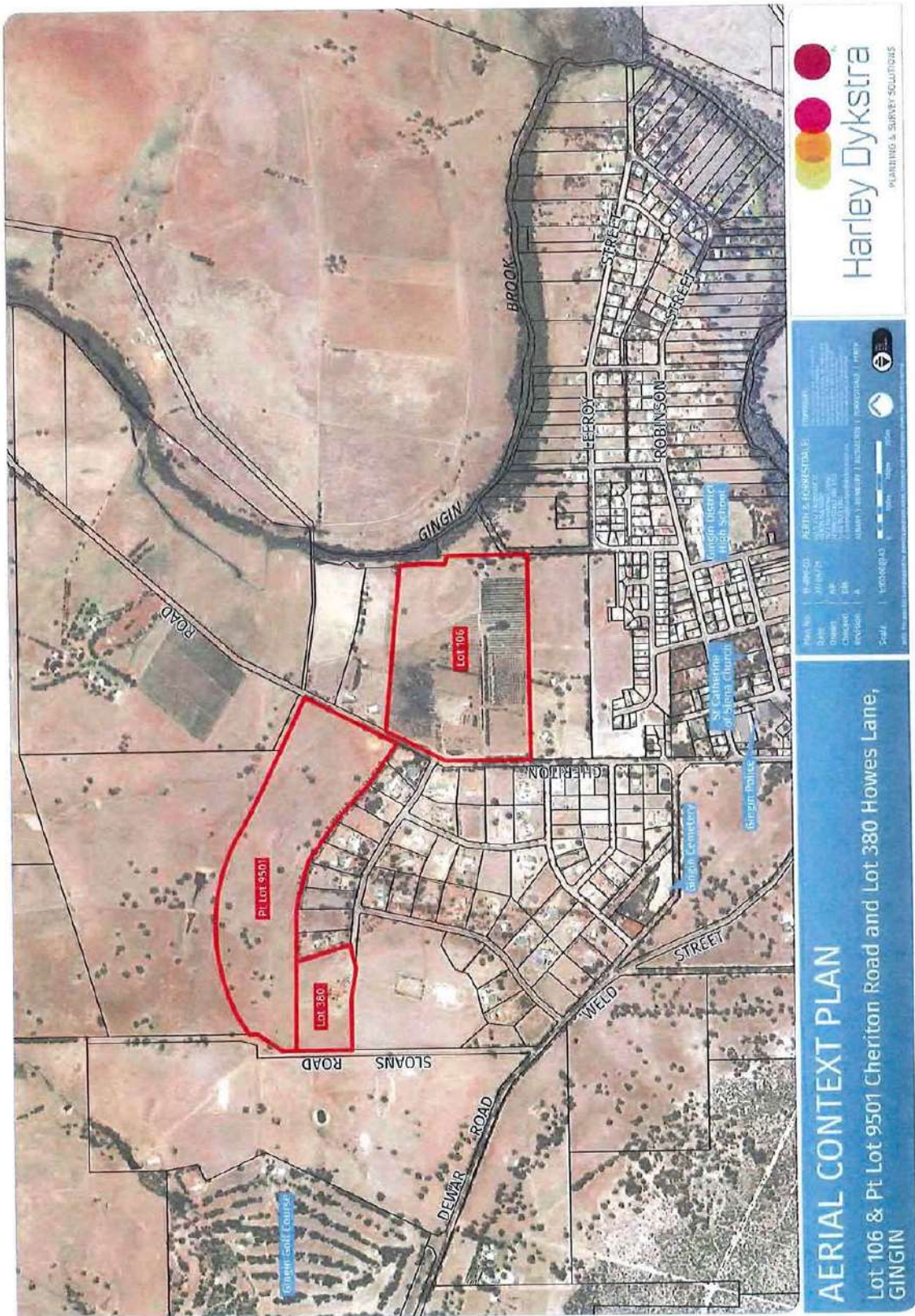
Yours sincerely

Handwritten signature of David Maiorana.

David Maiorana
Planning Director
HARLEY DYKSTRA PTY LTD

E-mail: david@harleydykstra.com.au

APPENDIX A | AERIAL CONTEXT PLAN



AERIAL CONTEXT PLAN
Lot 106 & Pt Lot 9501 Cheriton Road and Lot 380 Howes Lane,
GINGIN

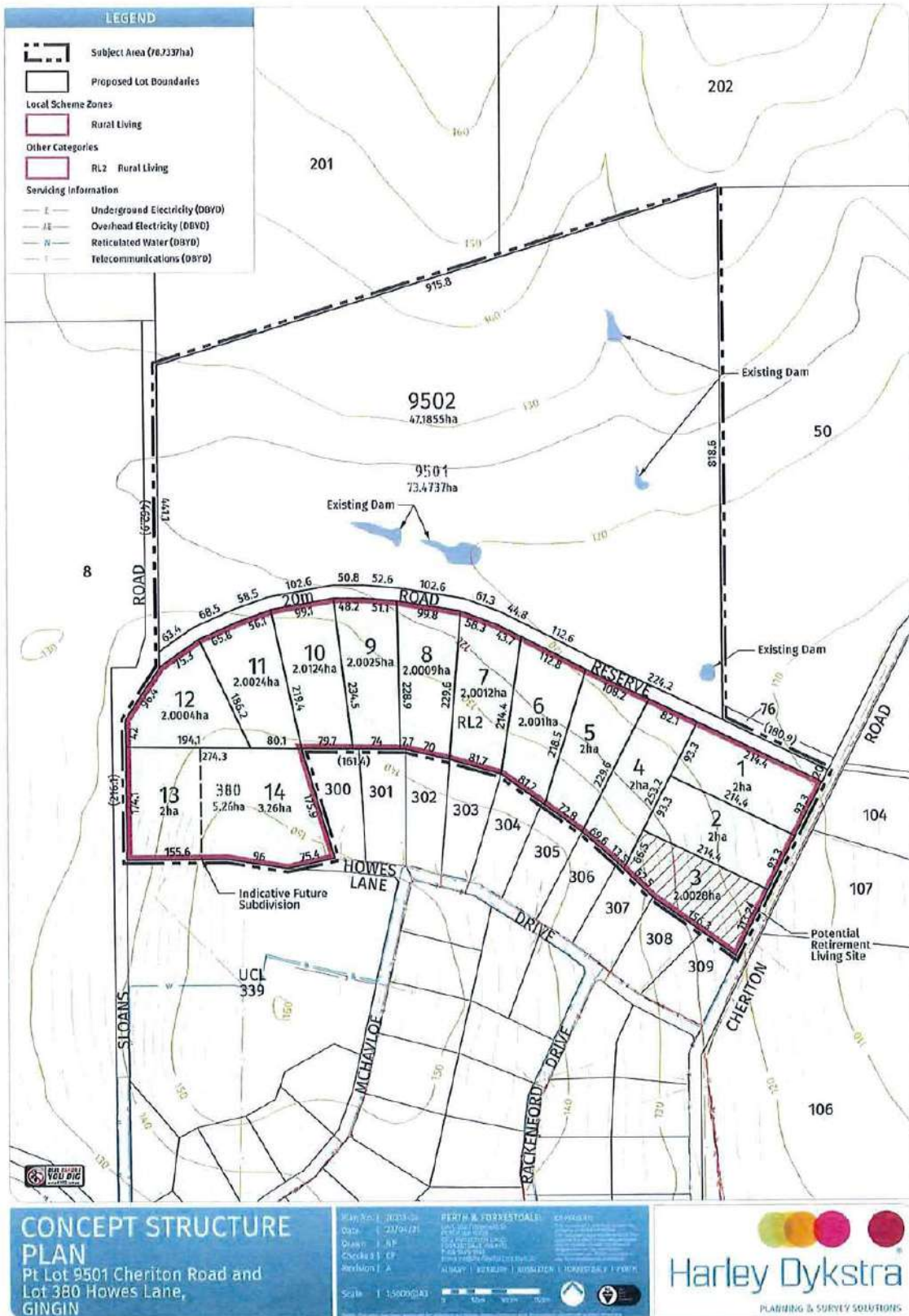
APPENDIX B | AREA 1 AND AREA 2 SKETCH

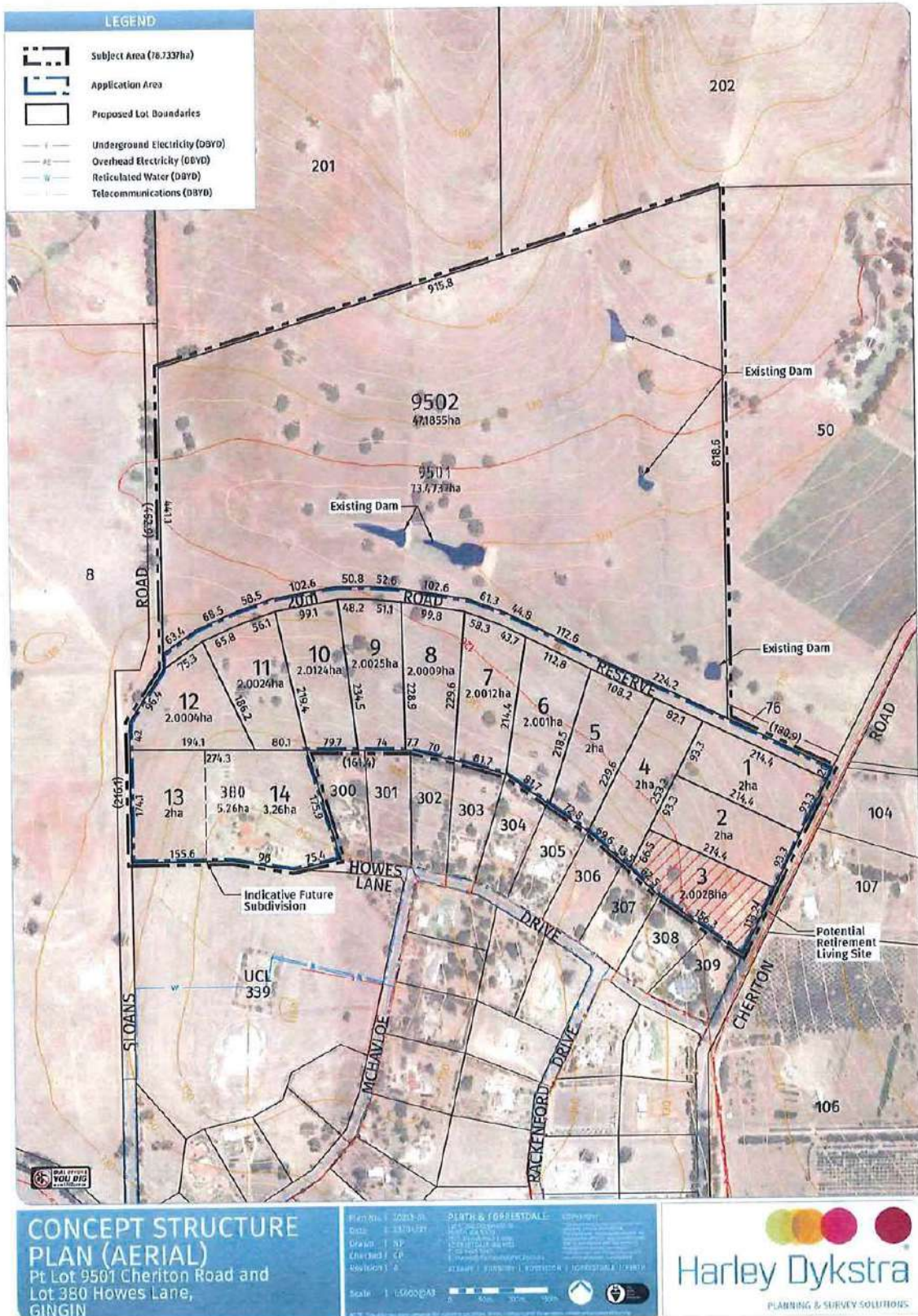
Lot 9500 Cheriton Road, Ginginup



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APPENDIX C | CONCEPT STRUCTURE PLANS





Henry Dylkstra

From: Kylie Bacon <kylie.bacon@gingin.wa.gov.au>
Sent: Tuesday, 29 June 2021 4:28 PM
To: David Maiorana
Subject: Pt Lot 9501 Cheriton Road and Lot 380 Howes Lane, Gingin - 12 May 2021 Briefing Session

Hi David,
Please find the following points with respect to Marchmont.

Pt Lot 9501 Cheriton Road and Lot 380 Howes Lane, Gingin

- Construction of Sloans Road to a seal standard will be required.
- The provision of a dual use path from within the subdivision again along Cheriton Road linking into the network. This particular interface is important if the northern boundary road is going to facilitate truck movements via Sloans Road.
- The potential retirement living site wasn't well received with respect to its location and its connectivity to the Town Centre being too far away.
- With respect to Public Open Space (POS) this didn't seem to raise too much concern because of the fact there is the UCL within the existing Marchmont Estate and more preference is given in the provision of the dual use path. I understand one can't pick and choose whether public open space is provided in one development over another if the provision is triggered but with both proposals, I know that the incorporation of providing dual use paths is at the forefront. That is why in my previous email I outlined I am happy to discuss the interpretation of POS especially in lieu of costings etc. of providing dual use paths for both of the proposals and how strategically this can link up to the network. It may be financially unviable for the subdivision (both proposals) to proceed if POS cash in lieu is required and the provision of dual paths to be constructed to the Shire's satisfaction. This area is worth exploring/discussing further.

With Lot 106, in accordance with DC Policy 2.3 Public Open Space there is the provision of a Foreshore Reserve where a subdivision includes land abutting a watercourse and for reasons outlined in the previous email the Shire is not favourable.

The same position applies with respects to providing a subdivision concept plan and supporting technical information over a "structure plan".



AGENDA

Ordinary Council Meeting

17 May 2022

AGENDA
ORDINARY COUNCIL MEETING
17 MAY 2022



NOTICE OF MEETING

Notice is hereby given that a Ordinary Council Meeting will be held in the Council Chambers at the Gingin Administration Centre on 17 May 2022 commencing at 1:00 pm.

Aaron Cook
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

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

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

ACKNOWLEDGEMENT OF COUNTRY



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



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ORDER OF BUSINESS

- 1 DECLARATION OF OPENING**
- 2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**
 - 2.1 ATTENDANCE**
 - 2.2 APOLOGIES**
 - 2.3 LEAVE OF ABSENCE**

Nil
- 3 DISCLOSURES OF INTEREST**
- 4 PUBLIC QUESTION TIME**
 - 4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE**

Nil
 - 4.2 PUBLIC QUESTIONS**
- 5 PETITIONS**
- 6 APPLICATIONS FOR LEAVE OF ABSENCE**
- 7 CONFIRMATION OF MINUTES**

OFFICER RECOMMENDATION

That Council confirm the Minutes of the Ordinary Council Meeting held on 19 April 2022 and the Special Council Meeting held on 3 May 2022 as a true and accurate record.

- 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER**
- 9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil
- 10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**



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11. REPORTS - OFFICE OF THE CEO

11.1 CORPORATE BUSINESS PLAN 2021-2025

File	COR/37
Author	Linda Fidge - Coordinator Corporate Planning
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	18 May 2021, Item 11.1
Appendices	Nil

DISCLOSURES OF INTEREST

PURPOSE

To adopt the draft Shire of Gingin Corporate Business Plan 2021-2025.

BACKGROUND

The *Local Government Act 1995* (sect. 5.56) and its supporting regulations require local governments throughout Western Australia to 'Plan for the Future' by developing a series of strategies and plans, including a Strategic Community Plan (SCP) and Corporate Business Plan (CBP), as part of the State Government's Integrated Planning and Reporting Framework.

In accordance with the *Local Government (Administration) Regulations 1996* (Section 19DA), the Shire of Gingin is to ensure that it maintains a rolling four-year CBP, revised annually. The Corporate Business Plan is to put into action the Shire's SCP 2019-2029 (adopted by Council on 21 May 2019) and focuses on specific Actions to be undertaken over the next four years. The CBP is used to drive the annual budget process and is integrated with the Shire's Long Term Financial, Asset Management and Workforce Plans.

The first year of the CBP, covering the 2021/22 budget year, is consistent with and reflects the Shire of Gingin's adopted budget (adopted by Council on 17 August 2021).

Regulation 19DA of the *Local Government (Administration) Regulations 1996* specifies that the Shire must meet the following CBP requirements:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*



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13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9 - PROPOSED SCHEME AMENDMENT NO. 23 - PT LOT 9501 CHERITON ROAD, GINGIN

File	LND/136
Author	Kylie Bacon - Coordinator Strategic Planning & Projects
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Applicant's Scheme Amendment No. 23 Proposal [13.1.1 - 142 pages]

DISCLOSURES OF INTEREST

PURPOSE

To consider initiating proposed Scheme Amendment No. 23 to Local Planning Scheme No. 9 (LPS 9) to rezone Part Lot 9501 Cheriton Road, Gingin from 'General Rural' to 'Rural Living' (RL 2).

BACKGROUND

The subject lot is Part Lot 9501 Cheriton Road, Gingin, with the portion considered for rezoning comprising an area of 24.02 hectares.

The subject lot is situated approximately 1.5km from the Gingin town centre and on the western side of Cheriton Road. The existing Rural Living estate known as Marchmont lies to the south of the subject lot and to the east are two Rural Living (RL 4) lots. Land further to the north and west is zoned General Rural.

The proposal consists of rezoning a portion of Lot 9501 Cheriton Road, Gingin from its current zoning of General Rural to Rural Living (RL2) comprising of 12 lots, each being a minimum lot size of 2 hectares. The subdivision concept includes a road reserve on the northern boundary separating the lots to the south from the existing General Rural lot to the north. This road reserve will also link up with Sloans Road providing access to Dewar Road.

A copy of the Applicant's proposal (the Applicant's Report) is contained in **Appendix 13.1.1**



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COMMENT

Shire of Gingin Local Planning Strategy

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer term planning direction for the Shire over a 15 – 20 year planning horizon. One function of the Local Planning Strategy is to outline the broad strategy for both residential and rural land use within the Shire.

A general objective of the Local Planning Strategy is to:

'Promote the planned expansion of all townsites in a manner that concentrates settlement and growth within and around existing townsites.'

With respect to the Gingin townsite, the following key objective is identified:

'Provide for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas.'

Complementary policy positions and actions have also been developed to achieve the abovementioned objective, including:

4. *Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:*
 - i. *The extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;*
 - ii. *Optimising the use and catchment of existing townsite services/facilities;*
 - iii. *Protection of the character, function and integrity of adjoining/nearby rural land and land uses;*
 - iv. *Environmental capability and management;*
 - v. *Staged development cognisant of demand and supply;*
 - vi. *Locational criteria and other matters as identified in the State Planning Policy 2.5 relating to rural residential settlement;*
 - vii. *Enhancement of landscape and natural values; and*
 - viii. *Fire protection.*

The Gingin townsite strategic map, which forms part of the Local Planning Strategy, designates the subject site as remaining rural, with the land to the east (now rezoned RL4 comprising two lots of 6.1379ha and 5.5170ha) identified as: *Transition area. Lot sizes suited to 2000m² - 1ha subject to site considerations.* The overall Shire of Gingin - Local Planning Strategy Map, which also forms part of the Local Planning Strategy, identifies part of the subject site as 'Rural Residential.'



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In response to a preliminary enquiry to the Department of Planning, Lands and Heritage (DPLH) regarding the potential for the subject site to be rezoned to Rural Living, on 10 June 2020, the DPLH advised as follows:

"... a case could be made to support the rezoning of Area 1, but Area 2 is potentially more problematic. Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date".

As mentioned above, the Shire of Gingin Local Planning Strategy Map outlines an extension to the existing rural living zone with consideration of the Strategy objectives. Notwithstanding, the need to demonstrate and address wastewater disposal to be consistent with the Government Sewerage Policy, future development and built form being consistent with the existing standard of the Marchmont Estate, traffic management and stormwater/drainage management.

Gingin Townsite and Rural Surrounds Structure Plan

The Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan) identifies that the demand for rural lifestyle lots will likely continue in Gingin and increase due to greater demand as the Perth Metropolitan Area expands further north. This has become evident with the expansion of the Tonkin Highway which has facilitated a shorter commute to the Perth Metropolitan Area. Better transport corridors are increasing the appeal of Gingin as an attractive place to live.

The Structure Plan identifies the need for expansion of current rural living areas to meet future demand but restricts expansion to within the periphery of the existing townsite. The Structure Plan also specifies that *Rural living expansion is identified within areas identified by the draft Local Planning Strategy and contained areas adjacent to the townsite along major roads into the town to create an interface between rural and town land uses and built form.*

The subject lot sits adjacent to the periphery of the townsite as identified in the Structure Plan. However it is identified as 'Rural Living' under the Local Planning Strategy Map and is further supported by the fact that it achieves the objectives that guide planning for rural living in the Strategy (which have been addressed throughout this report). It is also supported by the Strategy's recognition of the need to *"provide for limited rural living development adjacent to the periphery of the urban expansion areas of the townsite, without compromising primary production in rural areas".*

Gingin Rural Living Land Supply

A factor in supporting the rezoning for additional rural living land is being able to demonstrate the need for demand and supply.



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From a strategic viewpoint, the proposal has demonstrated an ability to achieve the objectives guiding rural living development. However, it is important to note that two hectare lots as proposed are currently in short supply in close proximity to the town centre. The location of the lots capitalises on existing services and infrastructure within the Gingin townsite, providing an attractive asset for future purchases. Furthermore, the larger lot size of two hectares, when compared to the existing one hectare lots of Marchmont, provides a good interface/transition to the General Rural zoned land to the north.

State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 (SPP 2.5) establishes the objectives for the management and protection of rural and rural living land in Western Australia.

The objectives of SPP 2.5 are as follows:

- (a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- (e) avoid and minimise land use conflicts;*
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and*
- (g) protect and sustainably manage environmental, landscape and water resource assets.*

More specifically, clause 5.3 of SPP 2.5 sets out policy measures regarding rural living development. The Applicant's proposal has demonstrated that the proposed scheme amendment is consistent with the policy objectives as outlined in Table 2, on page 14 of the Applicant's Report.

The proposal has provided further justification how it supports the provisions of SPP 2.5, and is consistent with the objectives of State Planning Policy 3 - Urban Growth and Settlement (SPP 3) which is outlined on Pages 18 and 19 of the Applicant's Report.



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Redevelopment Considerations

Traffic Impact Assessment

The proponent has submitted a Traffic Impact Assessment (TIA) which has been reviewed by the Shire. It has been identified that the TIA will need to be updated to reflect the following at a minimum:

- the TIA is three years old and traffic movements in the last three years have increased. Updated figures will need to be reflected to provide a current average week day daily traffic volumes;
- a 10 metre by 10 metre truncation will need to be provided in the southwest corner of the subject lot; and
- the applicant/landowner will need to enter into a deed of agreement (at their cost) for the upgrade of Sloans Road.

The above requirements can be addressed by conditioning any Council approval to require the scheme amendment to be supported by an approved TIA to the satisfaction of the Shire of Gingin.

Local Water Management Strategy

The proponent has submitted a Local Water Management Strategy (LWMS) which has been reviewed by the Shire. It has been identified that the LWMS will need to be updated to reflect the following at a minimum:

- Stormwater Management (Local Water Management Strategy)
 - Clarification of the rate of infiltration that was used for the modelling. It is proposed that the median infiltration rate (2.4m/day) be used for modelling; and
 - Detailed Drainage Management Plan to be submitted to the satisfaction of the Shire of Gingin prior to subdivision and development (LWMS page 23).
- Subdivision and Construction Works
 - While broad in nature, the construction techniques are broadly covered. The detailed technical specifications can be further addressed at the detailed design stage.
- The LWMS does not specifically state what measures are proposed to minimize the impact of works on native vegetation, this is to be amended.



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Government Sewerage Policy 2019

The proposal will need to demonstrate compliance with this policy, taking into consideration that the eastern half of the site is located in a Sewerage Sensitive Area (SSA), being in proximity to the Gingin Brook.

The submitted LWMS, which includes a Site and Soil Evaluation, demonstrates that both the scheme amendment and subsequent subdivision of the two hectare lots satisfies the requirements of the Government Sewerage Policy.

Interface with General Rural Zoned Land

The lots will be separated from General Rural zoned land to the north by the newly constructed road. Nearby land use consists of broad acre agriculture activities.

As part of the Local Development Plan and Subdivision, the lots will need to identify building envelopes taking into consideration the reduced separation buffer between the proposed dwellings to be constructed and the adjoining rural land use. This will also address the requirement under clause 4.8.5.3 of LPS 9. Furthermore, as part of the conditions of subdivision, it will be a requirement that a Section 70A Notification be placed on the Titles of the future rural living lots, advising prospective purchasers of the potential impacts from primary-production activities associated with surrounding agricultural land.

Landscape Protection and Visual Corridors

As part of the Local Development Plan and subdivision design stage, the requirement for building envelopes/exclusion areas will need to be demonstrated to respond to the significant environmental features of the site, including achieving sustainable separation from water resources and a reduced separation buffer from the General Rural land to the north.

Furthermore, in the event subdivision occurs, a Landscaping Plan will be required as a condition of subdivision approval to detail the landscaping requirement for street trees to provide an effective visual screen.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject site is not located in a bushfire prone area and no further investigation in relation to bushfire risk has been undertaken.

Services

Services such as power, water and telecommunications will need to service the proposed lots.



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Amendment Type

Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies the various scheme Amendment types. The Shire has determined that the proposed Amendment to LPS9 is a Standard Amendment, as it is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission, will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Community Consultation

The proposal, once initiated, will be submitted to the Western Australian Planning Commission (WAPC) within 21 days of the making of the Council resolution or such longer period as WAPC allows. Upon receipt of advice from the WAPC, the proposal will be referred to the Environmental Protection Authority for review, and if there are no environmental matters raised, given public notice for a period of 42 days.

Further Comment

Should the amendment be initiated, then pursuant to clause 50(3) of the Regulations the proposal will be returned to Council for final consideration accompanied by comments received during the consultation process. Council will then determine whether to support, modify or not support the amendment.

Conclusion

The site is identified as a logical extension of rural living lots under the Local Planning Strategy, with support in providing limited rural living lots adjacent to the periphery of the urban expansion area of the townsite, provided that it does not compromise the primary production in adjoining rural areas.

The proposed amendment offers an additional 12 rural living lots being a minimum of two ha in area. The number of lots proposed is not excessive, and the proposed larger lot size facilitates the transition and landscape connections of the rural residential landscape (experienced in the locality) to the rural landscape without compromising the character and function of its rural land uses.

The extension of the rural living zone capitalises on the existing townsite services and facilities and offers land supply of a larger rural living lot size in proximity to the town. Therefore, the officer supports the initiation of Amendment No. 23.



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STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Gingin Local Planning Scheme No.9
Shire of Gingin Local Planning Strategy 2012
Gingin Townsite and Rural Surrounds Structure Plan
State Planning Policy No. 2.5 - Rural Planning
State Planning Policy 3 - Urban Growth and Settlement
Government Sewerage Policy 2019

POLICY IMPLICATIONS

Shire of Gingin Policy 7.8 - Guidelines for Roadworks, Drainage and Subdivision Development

BUDGET IMPLICATIONS

Scheme amendment fees will be payable by the proponent.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, initiate proposed Scheme Amendment No. 23 to the Shire of Gingin Local Planning Scheme No. 9 by:
 - a. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road, Gingin;
 - b. Inserting the definition for Building exclusion area under the General Definitions of Schedule 1 - Dictionary of Defined Words and Expressions in alphabetical order as follows:



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Building exclusion area	Means the area of land within which buildings, effluent disposal facilities and any other works on lot must not be located or carried out.
--------------------------------	--

c. Inserting the following into Schedule 8 – Rural Living Zones:

No.	Description of Land	Conditions
2.	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <p>1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.</p> <p>2. The long term storage of materials visible from the public realm shall only be permitted where approved by the Shire.</p> <p>3. The erection of any signage on any lot shall only be permitted where approved by the Shire.</p>
		<p>Structure Planning</p> <p>4. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 5 to 7 below.</p> <p>Subdivision</p> <p>5. The plan of subdivision and application must:</p> <p>a) Identify building envelopes/exclusion areas which respond to the significant environmental features of the site, (including achieving sustainable separation from water resources) and a reduced separation buffer from the General Rural land to the north;</p>



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	<p>b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary adjacent to Cheriton Road through to its western boundary at Sloans Road;</p> <p>c) enter into a deed of agreement (at the cost of the applicant/landowner) for the upgrade of Sloans Road to the satisfaction of the Shire of Gingin.</p> <p>d) be supported by:</p> <ol style="list-style-type: none">i. An approved Local Water Management Strategy to the satisfaction of the Shire of Gingin;ii. An approved Traffic Impact Assessment to the satisfaction of the Shire of Ginginiii. A site and soil evaluation conducted in accordance with <i>AS/NZS 1547 Onsite domestic waste water management</i>. <p>Local Development Plan</p> <p>6. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas and development conditions consistent with Conditions 1 to 5 above.</p> <p>7. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a development application shall be required.</p>
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2. Resolve, pursuant to clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that Local Planning Scheme Amendment No. 23 is a standard scheme amendment in accordance with clause 34 of the Regulations, as the proposal:
 - a. is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
 - b. will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.
4. Pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the proposal to the Western Australian Planning Commission.
5. Pursuant to Section 81 and 82 of the *Planning and Development Act 2005*, refer Local Planning Scheme No. 23 to the Environmental Protection Authority.
6. Pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, give public notice with a public submission period of not less than 42 days.
7. Pursuant to Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, at the conclusion of the public submission period return the proposal to Council for final consideration to support, modify or not support Local Planning Scheme Amendment No. 23.



Henry Dykstra

From: Henry Dykstra
Sent: Wednesday, 18 May 2022 11:30 AM
To: Vernon Schofield
Subject: Report on Council Meeting at Shire of Gingin 17th May 2022

Hello Vernon

I can confirm that I attended the Council Meeting to present your rezoning proposal verbally to the Councillors, and I outline the following key points in my presentation;

- I reminded them of the preliminary rezoning request that was considered at Councils briefing session in May 2021, where Council also provided some guidance in relation to progressing a more formal Scheme Amendment Proposal. That guidance related to the need for a Concept Subdivision Plan and the need to address some infrastructure matters;
- I confirmed that we over the past year have consulted closely with DPLH and Council Planners in preparing the formal rezoning application. DPLH Planners accept the Planning Framework Rationale. A number of supporting reports have also been compiled as part of the Scheme Amendment documentation, in particular a Water Management Strategy, Traffic Assessment, and detailed planning report.
- I could outline how the proposal accords with the Planning Framework, in particular the Local Planning Strategy and other State Planning Policies. I affirmed that the planning report by Council Planner as part of the agenda item was accurate and also supported the proposal in the context of the Planning Framework.
- I gave a background as to how the Local Planning Strategy promotes rural living development adjacent to expanding townsites and services, and how that inter-relates with the preparation of Townsite Expansion Plans. I explained that it is not the intent of the Townsite Expansion Plan to show where rural living development ought to go, rather, the Townsite Expansion Plan shows the extent of future urbanisation, and the Local Planning Strategy then signals that rural living development can go beyond that point.
- I highlighted to Council that there is a significant demand for this popular product in this popular location and that if we can also achieve a water service development, this will increase the demand. I also highlighted that we are only talking about 12 rural living lots, which is not a huge supply or over supply for the market.
- I urged Councillors to set aside the deputation that was undertaken by James Bayliss on behalf of the local landowner group, given that this deputation was premature when the rezoning had not even gone to public advertising as yet. I urged Councillors to allow the rezoning to be advertised to thereby allow a fair and comprehensive advertising process, where as the applicant we could also fairly respond to each of the matters identified by the public.

Vernon, unfortunately the decision was already made before the meeting. James Bayliss did a deputation prior to mine, wherein he in a very jumbled and incoherent way threw as much doubt over the proposal as he could. James Bayliss is one of planning staff at the Shire of Gingin who has used his inside knowledge of the proposal to gain an unfair advantage on behalf of himself and his family and his neighbours. I believe that his use of his position as an officer of the Shire was completely underhand and unorthodox, and may well be subject to a stern review by the Minister for Local Government if it was to go to that Department and Minister as a complaint.

The Councillors Fewster and Kestel declared an interest in the item and excluded themselves from the discussion and decision part of that meeting. There was no real debate on the proposal. Councillor Balcombe and Councillor Johnson moved and seconded the motion. There were no reasons given for refusal, other than a comment that this was pristine agricultural land and should not be wasted by 12 rural living lots. Council's motion to reject your rezoning was carried unanimously.

Vernon, I spoke with Kylie Bacon, the Principal Planner, after the meeting. She obviously felt very compromised by the manner in which her Deputy in the Planning Department had undermined her position and had used his position to his advantage and had obviously worked politically to secure support from Council for rejection of the proposal. We spoke together about various options as to how to challenge this very poor and astonishing decision by the Council. Following the meeting, Kylie also contacted the State Planning Department and discussed it with

several officers there who were equally astonished at Council's behaviour and decision. The options that I can see available to us include the following;

- Write back to Council and express first of all deep concerns about the underhand conduct of their Deputy Planner in interfering with the proposal, and point the Council to section 35 of the Town Planning Regulations, which put the onus on Council to only reject Scheme Amendments for reason that lie within the scope of the regulations, and ask the Council to explain their reasons and if their reasons cannot fit within the scope of the regulations they are to make a new decision;
- Have the matter reviewed by a Solicitor familiar with Planning and Local Government Law, and ask them to lodge complaints with the Minister for Local Government and the Minister for Planning. The focus of such complaints would of course need to be that these Ministers have the power to direct Council to correct their actions;
- Lodge a request with the Minister under the relevant section of the Town Planning and Development Act requesting the Minister to exercise her special power under the act to initiate the Scheme Amendment, regardless of the Council decision. This would be somewhat of an unprecedented action by the Minister, even though the power does exist under the legislation, and this action is really reserved for matters of state significance where a Local Government is being an unreasonable obstacle;
- We could lodge a Subdivision Application with the Department of Planning, Lands & Heritage and ask them to determine it irrespective of the current zoning of the land. We would submit all of the supporting studies that have been undertaken and demonstrate to the Department that we have made every effort to rezone the land in accordance with the objectives of the Local Planning Strategy, but that for political reasons the Council has refused to progress the rezoning.

Vernon, my recommendation is to pursue the option whereby, following my consultation with State Planners, we write to the Shire of Gingin outlining our deep concerns with the unorthodox protocol adopted by Councils Deputy Planner and also ask them to outline how under the Planning Regulations they could make a decision to decline a Scheme Amendment without reasonable grounds. On that basis we would ask them to rescind their earlier decision and reinstate the decision with the original recommendation from the Planning Department to allow the rezoning to at least be advertised for public comment. Vernon, perhaps as part of this action, it would be good for you and I to meet with the Shire Chief Executive Officer, particularly given that we would be raising concerns regarding the conduct of one of his staff, and the conduct of Council in not complying with the regulations in respect of reasons for rejecting the Scheme Amendment.

I hope that this update is helpful. I am happy to discuss it with you further at any time.

Kind regards

Henry Dykstra BA (URP), MPFA
Executive Director / Special Projects
T: 08 9495 1947 | 0407 405 584
Web: www.harleydykstra.com.au



Albany Bunbury Busselton Forrestdale Perth

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 1:09 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

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

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), R Kelly (Executive Manager Regulatory and Development Services), L Solomon (Acting Executive Manager Operations and Assets), K Bacon (Coordinator Strategic Planning & Projects), J Bayliss (Coordinator Statutory Planning), N Jurmann (Statutory Planning Officer), L Burt (Coordinator Governance), and E Mackey (Governance Support Officer/Minute Officer).

Gallery – There were 10 members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Councillor Kestel

Item: 13.1 Shire of Gingin Local Planning Scheme No. 9 - Proposed Scheme Amendment No. 23 - Pt Lot 9501 Cheriton Road, Gingin
Interest: Proximity
Reason: My property shares a boundary with Lot 9501 Cheriton Road.



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Councillor Fewster

Item: 13.1 Shire of Gingin Local Planning Scheme No. 9 - Proposed Scheme Amendment No. 23 - Pt Lot 9501 Cheriton Road, Gingin
Interest: Financial
Reason: My daughter and son-in-law own an adjoining property.

James Bayliss - Coordinator Statutory Planning

Item: 13.1 Shire of Gingin Local Planning Scheme No. 9 - Proposed Scheme Amendment No. 23 - Pt Lot 9501 Cheriton Road, Gingin
Interest: Proximity
Reason: Landowner of adjoining property.

Councillor Peczka

Item: 15.1 Councillor Frank Peczka - Re-Establishment of the Upper Coastal Sporting Facilities Working Group
Interest: Impartiality
Reason: Member of Lancelin Bowling Club and Member of Lancelin Community and Sporting Club.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

4.2.1 James Bayliss – Ratepayer, Gingin

- Q1. Can Council confirm whether the proposed amendment presented and discussed at the Briefing Session in 2021 by the applicant, included Lot 380 Howes Lane being rezoned for Rural Living purposes?
- Q2. Why does point 4 of the recommendation seek to refer the amendment to the Western Australian Planning Commission as per a Complex Amendment under regulation 37, given point 2, and references throughout the report relate to a Standard Amendment?
- Q3. Can you confirm why a draft amendment would require fixing of the Common Seal?



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Response by Deputy Shire President

- A1. Question taken on notice.
- A2. This was a typing error in the report. The application is a Standard Amendment.
- A3. Question taken on notice.

4.2.2 Ian Griffiths – Ratepayer, Gingin

- Q1. Can I move an Alternative Motion in relation to Item 13.1?
- Q2. Can Elected Members consider the following in relation to Item 13.1?

That Council refuse to initiate Proposed Scheme Amendment No. 23 to Local Planning Scheme No. 9 as either a Standard or Complex amendment as the development is inconsistent with the Local and State Planning Framework and does not represent orderly or proper planning.

Response by Deputy Shire President

- A1. An Alternative Motion must come from an Elected Member.
- A2. Your request has been noted by the Elected Members.

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council confirm the Minutes of the Ordinary Council Meeting held on 19 April 2022 and the Special Council Meeting held 3 May 2022 as a true and accurate record.

**CARRIED UNANIMOUSLY
9 / 0**

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

AGAINST: *Nil*



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8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Passing of Mr Norm Wallace - Former Shire Clerk

I wish to acknowledge the passing of former Shire Clerk, Mr Norm Wallace. Norm provided distinguished and loyal service to the Shire of Gingin for a period of 32 years from 1961 to 1993. His funeral will be held at Pinnaroo Valley Memorial Park on 19 May 2022 at 10am for anybody who wishes to attend.

Resignation - Councillor Jan Court

I wish to advise this will be Councillor Court's last Council meeting as she has resigned from her position as an Elected Member for the Shire of Gingin. Councillor Court has served continuously since first being elected in 2011, and on behalf of Council I thank her for her service to the community over the last 11 years. We wish her all the best for her retirement.

Deputations

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

Item 13.1 Shire of Gingin Local Planning Scheme No. 9 - Proposed Scheme Amendment No. 23 - PT Lot 9501 Cheriton Road, Gingin

Speaker/s: James Bayliss

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

Item 13.1 Shire of Gingin Local Planning Scheme No. 9 - Proposed Scheme Amendment No. 23 - PT Lot 9501 Cheriton Road, Gingin

Speaker/s: Henry Dykstra

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

9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil



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13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9 - PROPOSED SCHEME AMENDMENT NO. 23 - PT LOT 9501 CHERITON ROAD, GINGIN

File	LND/136
Author	Kylie Bacon - Coordinator Strategic Planning & Projects
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Councillor Fewster declared a financial interest in Item 13.3 as his daughter and son-in-law own adjoining property.

Councillor Kestel declared a financial interest in Item 13.3 as his property shares a boundary with Lot 9501 Cheriton Road.

James Bayliss (Coordinator Statutory Planning) declared a proximity interest in Item 13.3 as he is a landowner of an abutting property.

Councillor Fewster, Councillor Kestel and James Bayliss (Statutory Planning Officer) left the meeting at 1:33pm and Councillor Rule assumed the chair.

PURPOSE

To consider initiating proposed Scheme Amendment No. 23 to Local Planning Scheme No. 9 (LPS 9) to rezone Part Lot 9501 Cheriton Road, Gingin from 'General Rural' to 'Rural Living' (RL 2).

BACKGROUND

The subject lot is Part Lot 9501 Cheriton Road, Gingin, with the portion considered for rezoning comprising an area of 24.02 hectares.

The subject lot is situated approximately 1.5km from the Gingin town centre and on the western side of Cheriton Road. The existing Rural Living estate known as Marchmont lies to the south of the subject lot and to the east are two Rural Living (RL 4) lots. Land further to the north and west is zoned General Rural.



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The proposal consists of rezoning a portion of Lot 9501 Cheriton Road, Gingin from its current zoning of General Rural to Rural Living (RL2) comprising of 12 lots, each being a minimum lot size of 2 hectares. The subdivision concept includes a road reserve on the northern boundary separating the lots to the south from the existing General Rural lot to the north. This road reserve will also link up with Sloans Road providing access to Dewar Road.

A copy of the Applicant's proposal (the Applicant's Report) is contained in **Appendix 13.1.1.**

COMMENT

Shire of Gingin Local Planning Strategy

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer term planning direction for the Shire over a 15 – 20 year planning horizon. One function of the Local Planning Strategy is to outline the broad strategy for both residential and rural land use within the Shire.

A general objective of the Local Planning Strategy is to:

'Promote the planned expansion of all townsites in a manner that concentrates settlement and growth within and around existing townsites.'

With respect to the Gingin townsite, the following key objective is identified:

'Provide for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas.'

Complementary policy positions and actions have also been developed to achieve the abovementioned objective, including:

4. Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:
 - i. The extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;
 - ii. Optimising the use and catchment of existing townsite services/facilities;
 - iii. Protection of the character, function and integrity of adjoining/nearby rural land and land uses;
 - iv. Environmental capability and management;
 - v. Staged development cognisant of demand and supply;
 - vi. Locational criteria and other matters as identified in the State Planning Policy 2.5 relating to rural residential settlement;
 - vii. Enhancement of landscape and natural values; and
 - viii. Fire protection.



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The Gingin townsite strategic map, which forms part of the Local Planning Strategy, designates the subject site as remaining rural, with the land to the east (now rezoned RL4 comprising two lots of 6.1379ha and 5.5170ha) identified as: *Transition area. Lot sizes suited to 2000m² - 1ha subject to site considerations.* The overall Shire of Gingin - Local Planning Strategy Map, which also forms part of the Local Planning Strategy, identifies part of the subject site as 'Rural Residential.'

In response to a preliminary enquiry to the Department of Planning, Lands and Heritage (DPLH) regarding the potential for the subject site to be rezoned to Rural Living, on 10 June 2020, the DPLH advised as follows:

"... a case could be made to support the rezoning of Area 1, but Area 2 is potentially more problematic. Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date".

As mentioned above, the Shire of Gingin Local Planning Strategy Map outlines an extension to the existing rural living zone with consideration of the Strategy objectives. Notwithstanding, the need to demonstrate and address wastewater disposal to be consistent with the Government Sewerage Policy, future development and built form being consistent with the existing standard of the Marchmont Estate, traffic management and stormwater/drainage management.

Gingin Townsite and Rural Surrounds Structure Plan

The Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan) identifies that the demand for rural lifestyle lots will likely continue in Gingin and increase due to greater demand as the Perth Metropolitan Area expands further north. This has become evident with the expansion of the Tonkin Highway which has facilitated a shorter commute to the Perth Metropolitan Area. Better transport corridors are increasing the appeal of Gingin as an attractive place to live.

The Structure Plan identifies the need for expansion of current rural living areas to meet future demand but restricts expansion to within the periphery of the existing townsite. The Structure Plan also specifies that *Rural living expansion is identified within areas identified by the draft Local Planning Strategy and contained areas adjacent to the townsite along major roads into the town to create an interface between rural and town land uses and built form.*

The subject lot sits adjacent to the periphery of the townsite as identified in the Structure Plan. However it is identified as 'Rural Living' under the Local Planning Strategy Map and is further supported by the fact that it achieves the objectives that guide planning for rural living in the Strategy (which have been addressed throughout this report).



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It is also supported by the Strategy's recognition of the need to "provide for limited rural living development adjacent to the periphery of the urban expansion areas of the townsite, without compromising primary production in rural areas".

Gingin Rural Living Land Supply

A factor in supporting the rezoning for additional rural living land is being able to demonstrate the need for demand and supply.

From a strategic viewpoint, the proposal has demonstrated an ability to achieve the objectives guiding rural living development. However, it is important to note that two hectare lots as proposed are currently in short supply in close proximity to the town centre. The location of the lots capitalises on existing services and infrastructure within the Gingin townsite, providing an attractive asset for future purchases. Furthermore, the larger lot size of two hectares, when compared to the existing one hectare lots of Marchmont, provides a good interface/transition to the General Rural zoned land to the north.

State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 (SPP 2.5) establishes the objectives for the management and protection of rural and rural living land in Western Australia.

The objectives of SPP 2.5 are as follows:

- (a) *support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- (b) *provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- (c) *outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- (d) *provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- (e) *avoid and minimise land use conflicts;*
- (f) *promote sustainable settlement in, and adjacent to, existing urban areas; and*
- (g) *protect and sustainably manage environmental, landscape and water resource assets.*



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More specifically, clause 5.3 of SPP 2.5 sets out policy measures regarding rural living development. The Applicant's proposal has demonstrated that the proposed scheme amendment is consistent with the policy objectives as outlined in Table 2, on page 14 of the Applicant's Report.

The proposal has provided further justification how it supports the provisions of SPP 2.5, and is consistent with the objectives of State Planning Policy 3 - Urban Growth and Settlement (SPP 3) which is outlined on Pages 18 and 19 of the Applicant's Report.

Redevelopment Considerations

Traffic Impact Assessment

The proponent has submitted a Traffic Impact Assessment (TIA) which has been reviewed by the Shire. It has been identified that the TIA will need to be updated to reflect the following at a minimum:

- the TIA is three years old and traffic movements in the last three years have increased. Updated figures will need to be reflected to provide a current average weekday daily traffic volumes;
- a 10 metre by 10 metre truncation will need to be provided in the southwest corner of the subject lot; and
- the applicant/landowner will need to enter into a deed of agreement (at their cost) for the upgrade of Sloans Road.

The above requirements can be addressed by conditioning any Council approval to require the scheme amendment to be supported by an approved TIA to the satisfaction of the Shire of Gingin.

Local Water Management Strategy

The proponent has submitted a Local Water Management Strategy (LWMS) which has been reviewed by the Shire. It has been identified that the LWMS will need to be updated to reflect the following at a minimum:

- Stormwater Management (Local Water Management Strategy)
 - Clarification of the rate of infiltration that was used for the modelling. It is proposed that the median infiltration rate (2.4m/day) be used for modelling; and
 - Detailed Drainage Management Plan to be submitted to the satisfaction of the Shire of Gingin prior to subdivision and development (LWMS page 23).



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- Subdivision and Construction Works
 - While broad in nature, the construction techniques are broadly covered. The detailed technical specifications can be further addressed at the detailed design stage.
- The LWMS does not specifically state what measures are proposed to minimize the impact of works on native vegetation, this is to be amended.

Government Sewerage Policy 2019

The proposal will need to demonstrate compliance with this policy, taking into consideration that the eastern half of the site is located in a Sewerage Sensitive Area (SSA), being in proximity to the Gingin Brook.

The submitted LWMS, which includes a Site and Soil Evaluation, demonstrates that both the scheme amendment and subsequent subdivision of the two hectare lots satisfies the requirements of the Government Sewerage Policy.

Interface with General Rural Zoned Land

The lots will be separated from General Rural zoned land to the north by the newly constructed road. Nearby land use consists of broad acre agriculture activities.

As part of the Local Development Plan and Subdivision, the lots will need to identify building envelopes taking into consideration the reduced separation buffer between the proposed dwellings to be constructed and the adjoining rural land use. This will also address the requirement under clause 4.8.5.3 of LPS 9. Furthermore, as part of the conditions of subdivision, it will be a requirement that a Section 70A Notification be placed on the Titles of the future rural living lots, advising prospective purchasers of the potential impacts from primary-production activities associated with surrounding agricultural land.

Landscape Protection and Visual Corridors

As part of the Local Development Plan and subdivision design stage, the requirement for building envelopes/exclusion areas will need to be demonstrated to respond to the significant environmental features of the site, including achieving sustainable separation from water resources and a reduced separation buffer from the General Rural land to the north.

Furthermore, in the event subdivision occurs, a Landscaping Plan will be required as a condition of subdivision approval to detail the landscaping requirement for street trees to provide an effective visual screen.



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State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject site is not located in a bushfire prone area and no further investigation in relation to bushfire risk has been undertaken.

Services

Services such as power, water and telecommunications will need to service the proposed lots.

Amendment Type

Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies the various scheme Amendment types. The Shire has determined that the proposed Amendment to LPS9 is a Standard Amendment, as it is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission, will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Community Consultation

The proposal, once initiated, will be submitted to the Western Australian Planning Commission (WAPC) within 21 days of the making of the Council resolution or such longer period as WAPC allows. Upon receipt of advice from the WAPC, the proposal will be referred to the Environmental Protection Authority for review, and if there are no environmental matters raised, given public notice for a period of 42 days.

Further Comment

Should the amendment be initiated, then pursuant to clause 50(3) of the Regulations the proposal will be returned to Council for final consideration accompanied by comments received during the during the consultation process. Council will then determine whether to support, modify or not support the amendment.

Conclusion

The site is identified as a logical extension of rural living lots under the Local Planning Strategy, with support in providing limited rural living lots adjacent to the periphery of the urban expansion area of the townsite, provided that it does not compromise the primary production in adjoining rural areas.

The proposed amendment offers an additional 12 rural living lots being a minimum of two ha in area. The number of lots proposed is not excessive, and the proposed larger lot size facilitates the transition and landscape connections of the rural residential landscape (experienced in the locality) to the rural landscape without compromising the character and function of its rural land uses.



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The extension of the rural living zone capitalises on the existing townsite services and facilities and offers land supply of a larger rural living lot size in proximity to the town. Therefore, the officer supports the initiation of Amendment No. 23.

STATUTORY/LOCAL LAW IMPLICATIONS

*Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Gingin Local Planning Scheme No.9
Shire of Gingin Local Planning Strategy 2012
Gingin Townsite and Rural Surrounds Structure Plan
State Planning Policy No. 2.5 – Rural Planning
State Planning Policy 3 – Urban Growth and Settlement
Government Sewerage Policy 2019*

POLICY IMPLICATIONS

Shire of Gingin Policy 7.8 – Guidelines for Roadworks, Drainage and Subdivision Development

BUDGET IMPLICATIONS

Scheme amendment fees will be payable by the proponent.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Vis SECONDED: Councillor Johnson

Councillor Balcombe foreshadowed her intention to move an Alternative Motion to refuse to initiate the Scheme Amendment should the motion under debate be lost.

That Council:



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1. Pursuant to section 75 of the *Planning and Development Act 2005*, initiate proposed Scheme Amendment No. 23 to the Shire of Gingin Local Planning Scheme No. 9 by:
 - a. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road, Gingin;
 - b. Inserting the definition for Building exclusion area under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions in alphabetical order as follows:

Building exclusion area	Means the area of land within which buildings, effluent disposal facilities and any other works on lot must not be located or carried out.
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- c. Inserting the following into Schedule 8 – Rural Living Zones:

No.	Description of Land	Conditions
2.	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <p>1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.</p> <p>2. The long term storage of materials visible from the public realm shall only be permitted where approved by the Shire.</p> <p>3. The erection of any signage on any lot shall only be permitted where approved by the Shire.</p>
		<p>Structure Planning</p> <p>4. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 5 to 7 below.</p> <p>Subdivision</p> <p>5. The plan of subdivision and application must:</p> <p>a) Identify building envelopes/exclusion areas which</p>



**MINUTES
ORDINARY COUNCIL MEETING
17 MAY 2022**



	<p>respond to the significant environmental features of the site, (including achieving sustainable separation from water resources) and a reduced separation buffer from the General Rural land to the north;</p> <p>b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary adjacent to Cheriton Road through to its western boundary at Sloans Road;</p> <p>c) enter into a deed of agreement (at the cost of the applicant/ landowner) for the upgrade of Sloans Road to the satisfaction of the Shire of Gingin.</p> <p>d) be supported by:</p> <ol style="list-style-type: none"> i. An approved Local Water Management Strategy to the satisfaction of the Shire of Gingin; ii. An approved Traffic Impact Assessment to the satisfaction of the Shire of Gingin iii. A site and soil evaluation conducted in accordance with <i>AS/NZS 1547 Onsite domestic waste water management</i>. <p>Local Development Plan</p> <p>6. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas and development conditions consistent with Conditions 1 to 5 above.</p> <p>7. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a</p>
--	---



MINUTES
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		development application shall be required.
--	--	--

2. Resolve, pursuant to clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that Local Planning Scheme Amendment No. 23 is a standard scheme amendment in accordance with clause 34 of the Regulations, as the proposal:
 - a. is consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
 - b. will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation.
4. Pursuant to Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the proposal to the Western Australian Planning Commission.
5. Pursuant to Section 81 and 82 of the *Planning and Development Act 2005*, refer Local Planning Scheme No. 23 to the Environmental Protection Authority.
6. Pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, give public notice with a public submission period of not less than 42 days.
7. Pursuant to Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, at the conclusion of the public submission period return the proposal to Council for final consideration to support, modify or not support Local Planning Scheme Amendment No. 23.

LOST
0/7

FOR: *Nil*
AGAINST: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Peczka, Councillor Sorensen and Councillor Vis*



**MINUTES
ORDINARY COUNCIL MEETING
17 MAY 2022**



ALTERNATIVE MOTION

MOVED: Councillor Balcombe **SECONDED:** Councillor Johnson

That Council refuse to initiate Propose Scheme Amendment No. 23 to Local Planning Scheme No. 9.

**CARRIED UNANIMOUSLY
7 / 0**

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

AGAINST: *Nil*

Reason for Alternative Motion

The development is inconsistent with the Local and State Planning Framework and does not represent orderly and proper planning.

James Bayliss (Coordinator Statutory Planning), Councillor Kestel and Councillor Fewster returned to the meeting at 1:39pm and were advised of Council's decision.

Kylie Bacon (Coordinator Strategic Planning & Projects) left the meeting at 1:39pm.

Councillor Fewster resumed the chair at 1:39pm.



Document 7:
Shire of Gingin – Scheme Amendment Lot 1 Cheriton Road, Gingin (HD:20213)

Summary of Main Points of Justification;

1. The proposal is entirely consistent with the Shire of Gingin Local Planning Strategy in that it;
 - a) Promotes a planned expansion of the Gingin townsite in a manner that concentrates settlement and growth within and around the existing townsite;
 - b) Provides for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas;
 - c) Is illustrated on the Local Planning Strategy Map as an area that is suited for consideration as Rural Residential; and
 - d) Satisfies the various considerations listed within the Local Planning Strategy relating to the matters for which to have regard when considering Rural Living development areas for rezoning.
2. The proposal is consistent with the Gingin townsite and rural surrounds Structure Plan, specifically that the subject land sits adjacent to the periphery of the townsite and is further identified as Rural Living under the Local Planning Strategy map.
3. The Shire planning officers have noted that, from a strategic view point, the proposal has demonstrated an ability to achieve the objectives guiding Rural Living Development, and that the lot sizes proposed are currently in short supply in close proximity to the town. The planners note that the location of the lots under the proposal capitalize on existing services and infrastructure within the Gingin townsite, with the larger lot sizes of 2 hectares providing a good interface and transition to the general rural zoned land to the North.
4. The Scheme Amendment proposal has demonstrated its consistency with the policy objectives outlined in SPP 2.5, specifically clause 5.3 and the policy objectives outlined in Table 2. Further, the proposal has demonstrated compliance with the provisions of the objectives of State Planning Policy 3 (Urban Growth and Settlement). Both of these consistencies with State Planning Policies have been confirmed by the Shire planning department report to Council.
5. The submitted Local Water Management Strategy, including a site and soil evaluation, demonstrates that the Scheme Amendment and subsequent subdivision of 2 hectare lots would satisfy the requirements of the Government Sewerage Policy.
6. The interface with general rural zoned land will be managed in a transitional manner by way of a proposed newly constructed road, building envelopes to establish suitable separation and setbacks, and notifications of title advising prospective purchasers of potential impacts from primary production activities.
7. The subject land is not located within a bushfire prone area and therefore no further investigation in relation to bushfire risk is required at this time, although a bushfire management plan may be required at subdivision stage.
8. The subject land can be adequately serviced with power, reticulated water supply and telecommunications, in addition to the normal road and drainage infrastructure.

9. In summary, the proposal is consistent with the strategic planning intent for the subject site as set out in the Shires Local Planning Framework and is also able to satisfy all the relevant State Planning Policies. As such, the proposal represents orderly and proper planning for the Gingin townsite and surrounds, which will make efficient use of the existing servicing infrastructure and assist in supporting the provision of a range of townsite services and facilities.
10. The Local Authority did not allow the proposal to receive fair and proper hearing and this is shown below:
- a) The Scheme Amendment (SA) application and the supporting documents were prepared by the Landowner in good faith following a favourable Council briefing in May 2021;
 - b) The Shire's Principal Town Planner recommended that Council supports the SA, and progress it to the EPA and public advertising;
 - c) The Shire Council other Planning Officer had free access to the SA application whilst planning to oppose it;
 - d) In his position the Shire Council Officer also had access to Councillors;
 - e) The Shire Council Officer declared a proximity interest at the meeting and advised that he was presenting a deputation on behalf of himself and other landowners;
 - f) The Shire Council Officer, having had that free access made a deputation (on behalf of himself and others) to the Council meeting that had the effect of undermining the position of the Shire's Principal Town Planner;
 - g) In effect the Shire Council Officer, in his personal capacity, and the other landowners were given the opportunity for comment on the SA before the SA was available for public comment;
 - h) Two Councillors (including the Shire President) declared conflicts of interest due to interests in land adjoining the SA area. Although the Councillors and Shire Officer left the meeting for the agenda item, both were present during the deputation by the Shire Council Officer, and the Shire President presided over that part of the Council meeting;
 - i) The fact that the Councillors were present for the deputation had the potential to influence the position of the other Councillors;
 - j) To the extent that the Shire determined that the SA was not consistent with the Local and State Planning Framework;
 - a. That position was not discussed at the Council meeting;
 - b. That position was unfairly influenced by the deputation of the Shire Council Officer;
 - c. The Shire had not provided any reasons why the SA is not consistent with the Local and State Planning Framework; and
 - d. The position of the Shire is at odds with the position of the Shire's Principal Town Planner
 - k) The Shire Council Officer, in his personal capacity and the landowners can and should make their submissions during a public consultation process, not in priority to others.
 - l) The Shire President ought to have rejected the deputation request from James Bayliss (his near relative) on the basis that this was not the time in the process for public consultation and input; and
 - m) The Councillors ought to have made its decision purely on the basis on the information that was presented in the report to Council. By allowing a deputation from a section of the public prior to the formal wider public consultation period, there is no longer any confidence that Council made a decision purely on the information presented in the principal planners report.



SCHEME AMENDMENT NO.23

Shire of Gingin Local Planning Scheme No. 9

Pt Lot 9501 Cheriton Road, Gingin

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL AUTHORITY	Shire of Gingin
DESCRIPTION OF SCHEME	Local Planning Scheme No. 9
TYPE OF SCHEME	Local Planning Scheme
SERIAL NUMBER OF AMENDMENT	Amendment No. 23
PROPOSAL	<ol style="list-style-type: none">1. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road.2. Insert the definition for building exclusion area under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions.3. Inserting relevant conditions into Schedule 8 – Rural Living Zones.

Planning and Development Act 2005

FORM 2A

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

**Shire of Gingin Local Planning Scheme No.9
Amendment No. 23**

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road, Gingin.
2. Insert the definition for building exclusion area under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions in alphabetic order as follows:

building exclusion area	Means the area of land within which buildings, effluent disposal facilities and any other works on a lot must not be located or carried out.
-------------------------	--

3. Insert the following into Schedule 8 – Rural Living Zones:

No.	Description of Land	Conditions
2	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <p>1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.</p> <p>Structure Planning</p> <p>2. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 3 and 4 below.</p> <p>Subdivision</p> <p>3. The plan of subdivision and application must:</p> <p>(a) identify building envelopes/exclusion areas which respond to the significant environmental features of the site, including achieving suitable separation from water resources;</p> <p>(b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary to</p>

		<p>Cheriton Road through to its western boundary to Sloans Road;</p> <p>(c) be supported by:</p> <ul style="list-style-type: none">i. an approved Local Water Management Strategy; andii. a site and soil evaluation conducted in accordance with <i>AS/NZS 1547 On-site domestic wastewater management</i>; <p>Local development plan</p> <p>4. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas consistent with Conditions 1 to 3 above.</p> <p>5. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a development application shall be required.</p>
--	--	--

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons(s):

- a) *The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- b) *The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
- c) *The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Dated this _____ day of _____ 20__

(Chief Executive Officer)

SCHEME AMENDMENT NO.23

Shire of Gingin Local Planning Scheme No. 9

Pt Lot 9501 Cheriton Road, Gingin



DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	15/12/2021	DRAFT	Internal	QA
B	20/12/2021	FINAL	Client	For review
C	25/01/2022	FINAL	Shire of Gingin	For Lodgement

Prepared for: Shaddow Downs Estate

Prepared by: DM

Reviewed by: BH

Date: 15/12/2021

Job No & Name: 20213

Version: A

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APPENDIX B – Certificates of Title

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APPENDIX D – Gingin Townsite and Rural Surrounds Structure Plan

APPENDIX E - Local Water Management Strategy

APPENDIX F – Concept Subdivision Plans

APPENDIX G – Transport Impact Statement



1 INTRODUCTION

1.1 Purpose of Application

This Scheme Amendment has been prepared by Harley Dykstra on behalf of the landowner of Pt Lot 9501 Cheriton Road, Gingin ('the subject site'). The subject site comprises an area of approximately 24.02 ha of land that is currently zoned 'General Rural' under the Shire of Gingin Local Planning Scheme No. 9 (LPS 9). The Application seeks support for Amendment No. 23 to LPS 9 to rezone the subject site from 'General Rural' to 'Rural Living 2 (RL2)'.

The Application proposes to 'round off' the extent of Rural Living zoned land in this locality by providing an appropriate transition between the Rural Living 1 (RL1) lots within the existing Marchmont Estate to the south and General Rural zoned lots to the north. The proposed rezoning will also complement the existing Rural Living zone to the east of the subject site.

1.2 Background

Subdivision approval was granted on 28 August 2020 to subdivide former Lot 9500 into two lots (WAPC Ref: 159477). The subdivision approval was implemented to create Lot 380 (a homestead lot) and the balance rural lot, now known as Lot 9501 Cheriton Road.

Former Lot 9500 was itself the balance of a larger landholding which, in part, was previously rezoned under Town Planning Scheme No. 8 and thereafter subdivided and developed as Marchmont Estate by the proponent of this current Scheme Amendment submission. The proponent/landowner of the subject site is committed to developing the land in a manner that is complimentary to the existing Marchmont Estate and of a quality that is commensurate to its prominent location at the periphery of the Gingin townsite.

A preliminary scheme amendment submission, which was generally consistent with this Scheme Amendment proposal, was presented to the Shire of Gingin Council Briefing Forum on 18 May 2021. Preliminary comments were received from the Shire including the matters summarised below:

- Pursuant to Clause 4.8.6.11 of Local Planning Scheme No. 9 (LPS 9) a Structure Plan would not be required to support the future subdivision of the land (following rezoning). Rather, a concept subdivision plan could be provided at Scheme Amendment stage and any identified issues should be addressed through the provision of relevant technical information.
- Consideration should be given to the provision of dual use paths within the subdivision and linking to the dual use path network within Cheriton Road.

Following receipt of the above comments from the Shire of Gingin, a meeting was attended by Harley Dykstra and the Department of Planning, Lands and Heritage (DPLH) on 17 August 2021 to discuss the preliminary scheme amendment submission.

Matters arising from the preliminary Shire and DPLH comments are addressed in further detail later in this Scheme Amendment Report.



1.3 Site Context

The subject site comprises 24.02ha portion of Lot 9501. The subject site is located on the western side of Cheriton Road, 1.5 km north of the Gingin town centre. The subject site is adjacent to 'Rural Living' zoned land to the south (Marchmont Estate) and 'Rural Living (RL 4)' zoned land to the east. Land to the north and west is zoned General Rural. A Parks and Recreation reserve adjoins Lot 380 to the south. A Context and Zoning Plan depicting the subject site in the context of existing zonings within and surrounding the townsite, is included at **Figure 1** below. An Aerial Context Plan is included as **Appendix A**.

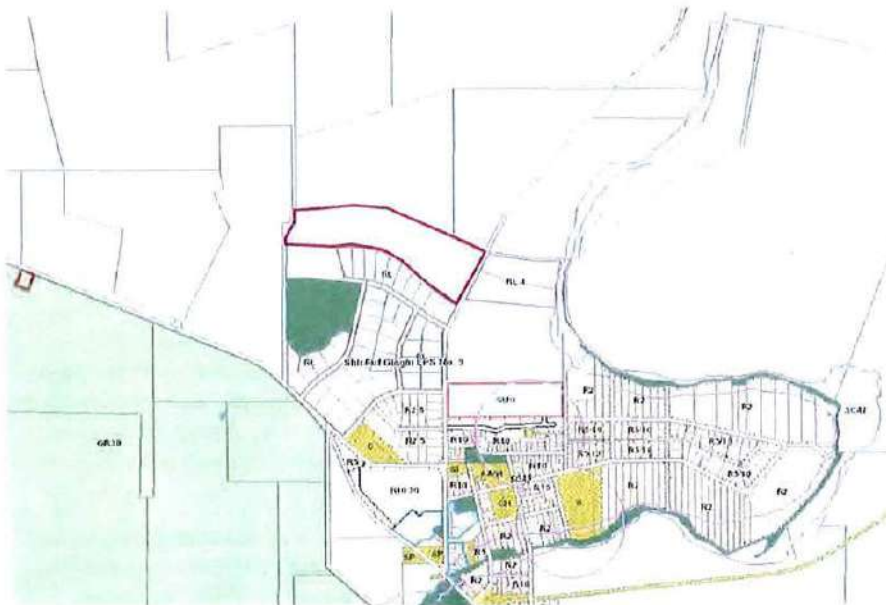


FIGURE 1 – CONTEXT AND ZONING PLAN (SUBJECT SITE OUTLINED IN RED)

Table 1 below provides a summary of the legal description of the land. A copy of the Certificates of Title for the subject lots available at the time of preparing this Report is included as **Appendix B**.

LOT NO.	PROPERTY ADDRESS	LANDOWNER	AREA	VOL.	FOLIO	PLAN NO.
9501	No Street Address Information Available	Vernon Schofield	73.4737ha	4000	605	420962

TABLE 1



2 PLANNING FRAMEWORK

2.1 Local Planning Scheme No.9

The subject site is currently zoned 'General Rural' under LPS 9. The site is proposed to be rezoned to 'Rural Living (RL2)'.

LPS 9 states the objectives of the Rural Living zone are as follows:

- a) *protect the rural environment and landscape;*
- b) *accommodate single dwellings at very low densities on individual allotments beyond the urban areas;*
- c) *restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;*
- d) *prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;*
- e) *avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and*
- f) *provide for a suitable level of physical and community infrastructure.*

Rezoning of the subject site and the inclusion of special conditions at Schedule 8 informed by appropriate planning and technical investigations, along with existing Scheme provisions, will ensure the above objectives for the Rural Living zone are satisfied.

Scheme requirements relevant to subsequent subdivision and development stages have also informed the preparation of this Scheme Amendment proposal.

Clause 4.8.5 of LPS 9 sets out the development and subdivision standards that apply to the Rural Living zone. The proposed Scheme Amendment and accompanying concept subdivision plan will enable the relevant standards to be satisfied at subsequent planning stages.

Clause 4.8.6 of LPS 9 sets out the development and subdivision standards that apply to the General Rural zone.

Clause 4.8.6.10 states:

Prior to any subdivision and development of GR coded land, a structure plan may be required to address issues including:

- (i) *access;*
- (ii) *building exclusion zones;*
- (iii) *bushfire management;*
- (iv) *servicing; and*
- (v) *environmental features and buffers.*

Clause 4.8.6.11 states:

Notwithstanding clause 4.8.6.10, a structure plan may not be required in support of proposals on GR coded land where identified issues may be addressed through the provision of technical information.



The subject land is zoned General Rural *Uncoded* and as such, the above provisions are not specifically relevant. This notwithstanding, Schedule 2 Clause 15 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations, 2015* ('the LPS Regulations') states:

Clause 15. When structure plan may be prepared

A structure plan in respect of an area of land in the Scheme area may be prepared if –

(a) the area is –

(i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and

(ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken; or

(b) a State planning policy requires a structure plan to be prepared for the area; or

(c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.

The subject site is not identified in LPS 9 within an area where a structure plan is required and preliminary advice from the Shire of Gingin and DPLH has confirmed a structure plan would not be required in this instance.

Clause 5.6 of LPS 9 - *Special Control Area No. 5 – Development Contribution Areas* states:

There are no Development Contribution Areas in this scheme as no development contribution plans have been prepared to support contributions. This section establishes enabling clauses for when a development contribution plan is prepared.

Clause 5.6, amongst other matters, advises:

5.6.2.2 Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.

5.6.2.3 Community infrastructure includes, but is not limited to, public open space in rural areas, sporting and recreational facilities, community centres, child care centres, libraries and cultural facilities.

5.6.2.4 Development contributions for community infrastructure may only be levied in accordance with the requirements of State Planning Policy 3.6 - Development Contributions for Infrastructure. Prior to seeking contributions for community infrastructure local government needs to prepare:

(i) a community infrastructure plan for the area with demand analysis and service catchments;

(ii) a capital expenditure plan;

(iii) projected growth figures; and

(iv) infrastructure costs, with provision for cost escalation.

...

5.6.2.6 Development contributions for standard infrastructure can generally be summarised as:



(i) land contributions - public open space, riverine setbacks, land for primary schools, roads and road widening and primary distributor roads where justified by the subdivision;

(ii) infrastructure works - water, sewerage, drainage, electricity, roads and other traffic works, footpaths, pedestrian accessways and dual-use paths, road upgrades, construction and widening;

(iii) standard water, sewerage and drainage headworks charges for off-site works, monetary contributions in lieu of land or works and to reimburse other owners where costs are shared;

(iv) other contributions as provided for in WAPC policies.

The Shire of Gingin, in its response to the preliminary scheme amendment submission considered at the Council Briefing Forum, raised the potential for the provision of a dual use path to be required from within the subdivision and along Cheriton Road, linking to the existing dual use path network. The provision of Public Open Space (POS) was also contemplated, although it was noted POS had already been provided as part of the subdivision of Marchmont Estate.

Development Contributions for standard infrastructure (including provision of dual use paths) is dealt with in State Planning Policy 3.6 – Infrastructure Contributions. The matter of infrastructure provision shall be examined further in subsequent sections of this Scheme Amendment Report.

2.1 Local Planning Strategy (2012)

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer term planning direction for the Shire over a 15 – 20 year planning horizon. One function of the Local Planning Strategy is to outline the broad strategy for both residential and rural land use within the Shire.

A general objective of the Local Planning Strategy is to:

'Promote the planned expansion of all townsites in a manner that concentrates settlement and growth within and around existing townsites.'

With respect to the Gingin townsite, the following key objective is identified:

'provide for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas.'

Complementary policy positions and actions have also been developed to achieve the abovementioned objective, including:

4. Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:
 - i. The extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;
 - ii. Optimising the use and catchment of existing townsite services/facilities;
 - iii. Protection of the character, function and integrity of adjoining/nearby rural land and land uses;
 - iv. Environmental capability and management;
 - v. Staged development cognisant of demand and supply;
 - vi. Locational criteria and other matters as identified in the State Planning Policy 2.5 relating to rural residential settlement;



- vii. *Enhancement of landscape and natural values; and*
- viii. *Fire protection.*

The Gingin townsite strategic map, which forms part of the Local Planning Strategy, designates the subject site as remaining rural, with the land to the east (now rezoned RL4 and comprising two lots of 6.1379ha and 5.5170ha) identified for Rural Residential. The following note is also included:

'Transition area. Lot sizes suited to 2000m² - 1ha subject to site considerations.'

The overall Shire of Gingin Local Planning Strategy map, which also forms part of the Local Planning Strategy, identifies part of the subject site as 'Rural Residential'. An extract from the Local Planning Strategy map is included as **Figure 2** (over page).

In response to a preliminary enquiry to the DPLH regarding the potential for the subject site to be rezoned to Rural Living, on 10 June 2020, the DPLH advised via email:

'I think a case could be made to support the rezoning of Area 1, but Area 2 is potentially more problematic.'

Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date. The Shire of Gingin Local Planning Strategy also shows that an extension to the existing Rural Living zoned area has been considered from a strategic perspective. In light of this, an amendment to LPS 9 should, among other things, consider the following:

- *The increase to the land zoned for Rural Living would need to be justified to ensure it is guided by existing land supply and take-up.*
- *How subdivision/development will address wastewater disposal to be consistent with the Government Sewerage Policy.*
- *The need for design guidelines/development covenants to ensure development is in keeping with the surrounding built form.*
- *The Department's preference would be for the road link between Cheriton Road and Sloans Road to be provided, this will ensure a hard buffer between the Rural Living and Rural zoned land.*
- *The extension of Howes Lane to Sloans Road should also be considered, providing a buffer to the reserve to the south.*

With regard to Area 2, I start to see land use conflict issues with this deeper extension into the Rural zoned area. I also wonder if demand might be somewhat exhausted by the first stage of subdivision (Area 1), but that is not to say that you could not demonstrate demand. There is also the issue of precedent, as it is reasonable to expect the landowner of Lot 8, immediately to the west, will see this as a signal that close subdivision can also occur on this land as of right.

In summary, I think based on the information you have supplied so far, the proposal for Area 1 seems consistent with WAPC policy and is likely capable of approval. Area 2 I suspect could be a bit more of an uphill battle'.

For reference, Area 1 and Area 2 are identified on the attached sketch at **Appendix C**.



FIGURE 2 – LOCAL PLANNING STRATEGY MAP EXTRACT (SUBJECT SITE OUTLINED IN RED)

As noted above, the subject site has been identified as having the potential for more intensive subdivision and development, rather than remaining rural.

Policy Position 4 v) in relation to the supply and demand of rural living lots is addressed in the section of this Report titled *Gingin Regional land supply assessment*.

2.3 Gingin Townsite and Rural Surrounds Structure Plan

Consistent with a key objective for the Gingin townsite identified under the Local Planning Strategy, the Shire of Gingin prepared the Gingin Townsite and Rural Surrounds Structure Plan ('the Structure Plan'). The Structure Plan was adopted for final approval by Council at its Meeting of 18 December 2012. The Structure Plan was subsequently endorsed by the WAPC, with the WAPC approval expiring on 19 October 2025. A copy of the Structure Plan map is included at **Appendix D**.

The Structure Plan was originally intended to be incorporated into the Local Planning Strategy as part of the finalisation of that document, although this did not eventuate. The Structure Plan was supported by a District Water Management Strategy (DWMS) to provide guidance relating to water use and management of surface water and groundwater resources within the Gingin townsite expansion area.



With respect to new Rural Living proposals, the Structure Plan notes future planning is required including preparation of scheme amendments and subdivision guide plans. Further, the Structure Plan advises:

The Gingin Townsite and Rural Surrounds provides for expansion of current rural living areas to meet future demand, however contains expansion to within the periphery of the townsite. Rural living expansion is identified within areas identified by the draft Local Planning Strategy and contained areas adjacent to the townsite along major roads into the town to create an interface between rural and town land uses and built form.

It is noted the Structure Plan boundary is limited to the northern edge of the existing Marchmont Estate rural living area on the western side of Cheriton Road. This notwithstanding, proposed Scheme Amendment No. 23 is not in conflict with the Structure Plan or the Local Planning Strategy in that:

- it provides for a limited expansion of a current rural living area at the periphery of the townsite;
- the subject site is identified for rural residential in the Local Planning Strategy;
- the subject site is located along a significant road into town;
- it will provide a logical interface between rural and existing rural living land, including the provision of a hard edge between these zones via the provision of a road.

In addition to the above, it is also noted the Structure Plan contemplated the opportunity for a developer funded sewer or decentralised wastewater scheme to be provided, and in the absence of a wastewater scheme, assumes lot sizes in the range of 1000m² - 2000m² could be considered by the draft Government Sewerage Policy in place at the time. The opportunity for a wastewater scheme within the townsite has been extensively investigated by the Shire but has not eventuated and is no longer being pursued.

Further, the current Government Sewerage Policy (2019) introduced more stringent controls in relation to onsite effluent disposal. Accordingly, various assumptions in the Structure Plan relating to future development and subdivision within and immediately adjoining the townsite (and hence subsequent housing supply) cannot be realised and therefore these aspects of the Structure Plan are in need of review. This notwithstanding, the Local Planning Strategy provides sufficient guidance regarding planning for rural living adjacent to the townsite.

The DWMS recommends Local Structure Plans be accompanied by detailed information relating to water use, wastewater servicing, surface water and groundwater management, in the form of a Local Water Management Strategy (LWMS).

Notwithstanding the advice of the Shire of Gingin and DPLH that a structure plan would not be necessary in this instance, the proposal includes a LWMS (**Appendix E**) consistent with the recommendation of the DWMS

2.2 Gingin Regional Land Supply Assessment (2019)

With regard to rural living, the *Gingin Regional Land Supply Assessment* (LSA) notes the Shire of Gingin Local Planning Strategy has identified areas for potential rural living adjacent to the Gingin townsite (and between the Redfield Park and Sovereign Hill estates in Gabbadah). The Local



Planning Strategy also establishes a policy position to limit expansion of rural living development to existing areas in the Shire and those identified on the local planning strategy map.

The subject site is not currently identified for Rural Living in the LSA, despite it being identified in part for 'Rural Residential' in the local planning strategy map.

Limited rural living subdivision and development at the periphery of the townsite is supported by the Local Planning Strategy. Based on preliminary design, approximately 12 rural living lots would be created from the subject site and would provide a lot offering which is not currently available in such close proximity to the Gingin townsite.

Table 3: Development Outlook – project summaries identifies a potential yield of 313 rural living lots from the Country Heights Estate (Lots 81 and 83 Cheriton Road, Ginginup) based on existing approvals.

This notwithstanding, the Local Planning Strategy (as acknowledged by the LSA) has already accounted for other sites zoned for rural living in and around the Gingin townsite (such as Country Heights Estate). Therefore the proposal set out in this submission does not conflict with either the Local Planning Strategy which identifies the subject site for rural residential use or consequently the LSA. In any case, the subject site has key attributes that make it particularly suited to rural living subdivision, including:

- Its proximity to the Gingin townsite services and facilities (located only 1.5km north of the town centre).
- Compatibility with adjacent rural living zoned land to the east and south respectively.
- Opportunity to connect to existing public utility services (water, power and telecommunications).

2.3 State Planning Policies

2.5.1 State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 (SPP 2.5) establishes the objectives for the management and protection of rural and rural living land in Western Australia.

The objectives of SPP 2.5 follow:

- (a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;
- (e) avoid and minimise land use conflicts;
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and
- (g) protect and sustainably manage environmental, landscape and water resource assets.



Clause 5.3 of SPP 2.5 recognises there is a market for rural living development and that it provides for a range of housing and lifestyle opportunities. SPP 2.5 notes rural living development should be carefully planned and references the guidance provided by SPP3 - *Urban Growth and Settlement* with respect to the strategic identification of settlement patterns and guidance on rural living use. SPP 3 will be addressed later in this Report.

This Application to rezone the subject site is consistent with the relevant policy measures set out in section 5.3 of SPP 2.5 as demonstrated in **Table 2** below:

SPP 2.5 Policy Measures for rural living (Clause 5.3)	Analysis of this Scheme Amendment Request
<p>a) <i>Rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at 5.3 (b) and (c)</i></p>	<p>The Application is consistent with the objectives of SPP 2.5. Objective (f) is particularly relevant to the proposal, given it shall facilitate sustainable settlement in close proximity to the existing Gingin townsite.</p>
<p>b) <i>The rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;</i></p>	<p>The subject site meets the objectives for rural living development contained within the local planning strategy and is identified on the Local Planning Strategy map as 'rural residential'.</p>
<p>c) <i>The planning requirements for rural living precincts are that-</i></p> <ul style="list-style-type: none"> i. <i>The land be adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities;</i> ii. <i>The proposal will not conflict with the primary production of nearby land, or reduce its potential;</i> 	<p>The subject site is well located with respect to the range of services, facilities and amenities within the Gingin townsite.</p> <p>The subject site will not conflict with the primary production activities conducted on nearby land. Land to the south is already zoned for Rural Living and accommodates an existing rural living subdivision and Parks and Recreation reserve. Land to the east of the subject site is also zoned for Rural Living. Land to the north includes part of the same landholding (being the balance of Lot 9501) and is used for broad acre farming including keeping of livestock and periodic cropping. Viticulture has been established in the</p>



<p>iii. <i>areas required for priority agricultural land are avoided;</i></p> <p>iv. <i>the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections</i></p> <p>v. <i>areas required for urban uses are avoided;</i></p>	<p>past on Lot 50 Cheriton Road, however it is evident the vines have not been maintained and this use has not operated commercially for some time. The rural properties to the north shall be separated from the proposed Rural Living lots by a subdivisional road. To the south-east of the site, on Lot 106 Cheriton Road, an olive grove has been established, but this again, this does not appear to be operated commercially.</p> <p>Land immediately to the west is zoned 'General Rural' and beyond that lies the Gingin Golf Course. The proposal represents a suitable transitional zone between existing rural living land use and general rural zoned land at the periphery of the Gingin townsite.</p> <p>The subject site is not identified for priority agricultural land. The proposal is consistent with the Gingin Regional LSA.</p> <p>No urban uses are planned or will be required in the future within the subject site. Rural living development (Marchmont Estate) has already occurred between the townsite and the proposed rural living expansion area the subject of this application.</p>
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<p>vi. <i>water supply shall be as follows – Where lots with an individual area of four hectares or less are proposed and a reticulated water supply of sufficient capacity is available in the locality, the precinct will be required to be serviced with reticulated potable water by a licensed service provider. Should an alternative to a licensed supply be proposed it must be demonstrated that a licensed supply is not available; or</i></p> <p><i>Where a reticulated supply is demonstrated to not be available, or the individual lots are greater than four hectares, the WAPC may consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health; or – the development cannot proceed if an acceptable supply of potable water cannot be demonstrated;</i></p>	<p>A reticulated water supply is available and shall be provided to service lots.</p>
<p>vii. <i>electricity supply shall be as follows – where a network is available the precinct is to be serviced with electricity by a licensed service provider, or</i></p> <p><i>– where a network is not available, the precinct is to be serviced by electricity from renewable energy source/s, by a licensed service provider, and this has been demonstrated;</i></p>	<p>On overhead power supply is available within the Cheriton Road reserve. Future rural living lots will be able to connect to this network for the supply of electricity to the satisfaction of Western Power.</p>
<p>viii. <i>the precinct has reasonable access to community facilities, particularly education, health and recreation;</i></p>	<p>The subject site is located approximately 1.5 km north of the Gingin town centre and accordingly has ready access to the existing education, health and recreation facilities within the town site.</p>
<p>ix. <i>the land is predominantly cleared of remnant vegetation, or the loss of remnant vegetation through clearing for building envelopes, bushfire protection and fencing is minimal and environmental values are not compromised;</i></p>	<p>The subject site is cleared of remnant vegetation with the exclusion of scattered paddock trees and is not identified as bushfire prone. The accompanying LWMS (including Environmental Report) at Appendix E confirms no environmental values will be compromised by this proposal.</p>



<p>x. <i>the proposal demonstrates and will achieve improved environmental and landscape outcomes and a reduction in nutrient export in the context of the soil and total water management cycle, which may include rehabilitation as appropriate;</i></p> <p>xi. <i>the land is capable of supporting the development of dwellings and associated infrastructure (including wastewater disposal and keeping of stock) and is not located in a floodway or an area prone to seasonal inundation;</i></p> <p>xii. <i>the land is not subject to a separation distance or buffer from an adjoining land use, or if it is, that no sensitive land uses be permitted in the area of impact;</i></p> <p>xiii. <i>the lots can be serviced by constructed road/s capable of providing access during all weather conditions, including access and egress for emergency purposes; and</i></p>	<p>The LWMS at Appendix E addresses environmental and landscape outcomes resulting from the proposal as well as detailing nutrient management having regard to site and soil evaluation and water management. It is noted that under the current general rural zoning, there are very limited controls in place relating to nutrient export associated with the keeping of livestock or other rural uses.</p> <p>The proposal has been supported by an LWMS including site and soil assessment that demonstrates the subject site is capable of supporting the development of dwellings. The subject site is not located within a floodway or area prone to seasonal inundation.</p> <p>The subject site is not located within a buffer of any adjoining land uses likely to impact on the amenity of the proposed rural living development.</p> <p>Access to lots shall be provided via a new subdivisional road or via the existing road network.</p>
<p>d) <i>development standards for rural living zones are to be included in local planning schemes;</i></p>	<p>Development standards are established in LPS 9 and Schedule 8 provides for special conditions to be included for particular sites via amendments to the Scheme.</p>
<p>e) <i>further subdivision of existing rural living lots into smaller parcels is not supported, unless provided for in a local planning strategy and/or scheme; and</i></p>	<p>Not applicable to this proposal.</p>



<p><i>f) rural strata proposals with a residential component are considered to be rural living and will be considered in accordance with the criteria listed at clauses 5.3 (a), (b) and (c) of this policy.</i></p>	<p>Not applicable to this proposal.</p>
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Table 2 – Analysis of proposal under SPP 2.5 Rural Planning

Having regard to the above analysis, the proposal is consistent with the rural living provisions of SPP 2.5 and the criteria contained therein.

2.3.2 State Planning Policy 3 – Urban Growth and Settlement (SPP 3)

SPP 3 identifies the need for rural residential development to be located and designed in a sustainable way which is integrated within the overall pattern of settlement. Specifically, SPP 3 states that planning for rural residential development should:

- *avoid productive agricultural land, important natural resources, areas of high bush fire risk or environmental sensitivity;*
- *avoid future urban areas or areas particularly suitable for urban development in terms of their characteristics and proximity to urban services;*
- *give preference to locations near existing settlements with available services and facilities in order to support the local community and avoid locations where services are not available or costly extensions are necessary;*
- *minimise potential for conflict with incompatible activities associated with productive rural uses or natural resource management;*
- *only include locations which are suitable for this type of development, such as land which is topographically varied, visually attractive and with distinctive environmental attributes or otherwise has potential for lifestyle pursuits; and*
- *take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land.*

This Scheme Amendment proposal is consistent with the above criteria set out in SPP 3. Specifically, the proposal:

- Does not significantly impact on the use of productive agricultural land and is not located on environmentally sensitive land, or land with high bushfire risk.
- Does not encroach on an area that is suitable for future urban development.
- Is well located in relation to its proximity to the existing Gingin townsite and the associated services and community facilities available within the townsite.
- Will not bring about conflict with incompatible activities on adjoining land.
- Is topographically varied and visually attractive and hence has suitable attributes for rural living subdivision.
- Will create only approximately 12` additional lots for rural living purposes in a suitable location and of a lot size that is not otherwise available in this location.



2.3.3 State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6)

The objectives of State Planning Policy 3.6 follow:

- to facilitate the efficient and effective provision of infrastructure and facilities that are essential to meet the demands arising from population growth and development;
- to provide a system for the coordinated delivery of infrastructure necessary to facilitate new urban growth opportunities to achieve compact, consolidated towns and cities;
- to provide clarity on the acceptable methods of collecting and coordinating contributions for infrastructure;
- to establish a system for apportioning, collecting and spending contributions for infrastructure that is transparent, equitable, accountable and consistent; and
- to guide an efficient dispute resolution and arbitration process.

Under SPP 3.6, contributions for all infrastructure must be levied in accordance with eight (8) underlying principles. The first of these, need and nexus, is particularly relevant to this proposal (without diminishing the importance of the remaining 7 principles) given the Shire has foreshadowed the desirability of a dual use path connecting from within the subdivision and along Cheriton Road, linking to the existing dual use path network. Need and nexus is described in SPP 3.6 as:

Need and the nexus: *The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).*

At this point in time, it is not considered the need and nexus for this infrastructure has been demonstrated (by a Development Contribution Plan or otherwise).

It is also noted in SPP 3.6 that DCPs may not be suitable in established regional areas due to the difficulties in establishing the need and nexus of additional infrastructure, or the uncertainty around the rate of growth and certainty regarding the timing of delivery of infrastructure. For these reasons, securing arrangements for infrastructure should not be required as a prerequisite or condition of this Scheme Amendment. Rather, it is logical that any contributions towards standard infrastructure items could be dealt with via a legal agreement at subdivision stage following the 'need and nexus' being sufficiently demonstrated. Such a legal agreement may be required as a condition of subdivision approval.

2.3.4 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

Designated bushfire prone areas are areas identified and designated by the Fire and Emergency Services Commissioner under the Fire and Emergency Services Act, 1998. Such areas are identified on the Map of Bush Fire Prone Areas administered by DFES. The subject site is not identified as bush fire prone on the Map of Bush Fire Prone Areas and hence no further investigation into bushfire risk has been undertaken in relation to this issue.



FIGURE 3 – BUSHFIRE PRONE AREAS MAPPING

2.4 Other Planning Policies and Guidelines

2.4.1 Government Sewer Policy 2019

The Government Sewer Policy (GSP) is a whole of Government policy prepared to establish the Government position on the provision of sewer services within Western Australia through the progressive planning and development of land. In particular, the GSP promotes the sustainable use and development of land through the following objectives:

1. To generally require connection of new subdivision and development to reticulated sewerage;
2. To protect public health and amenity;
3. To protect the environment and the State's water and land resources;
4. To promote the efficient use of infrastructure and land;
5. To minimise costs to the broader community including by ensuring an appropriate level and form of sewage servicing is provided; and
6. To adopt the precautionary principle to on-site sewage disposal.

Future development within the subject site is to utilise onsite effluent disposal systems as outlined within section 5.2 - On-site Sewage Disposal as follows:

5.2 On-site sewage disposal

Where the provisions of 5.1.1 do not apply (requirement to connect to reticulated sewerage), on-site disposal may be considered where the responsible authority is satisfied that:



- *Each lot is capable of accommodating on-site sewage disposal without endangering public health or the environment; and*
- *The minimum site requirements for on-site sewage disposal outlined in this section and Schedule 2 can be met.*

The table at section 5.2.1 of the GSP stipulates a minimum lot size of 1ha for subdivision in sewage sensitive areas. **Figure 4** overleaf illustrates only the eastern part of the subject site is shown as sewage sensitive.

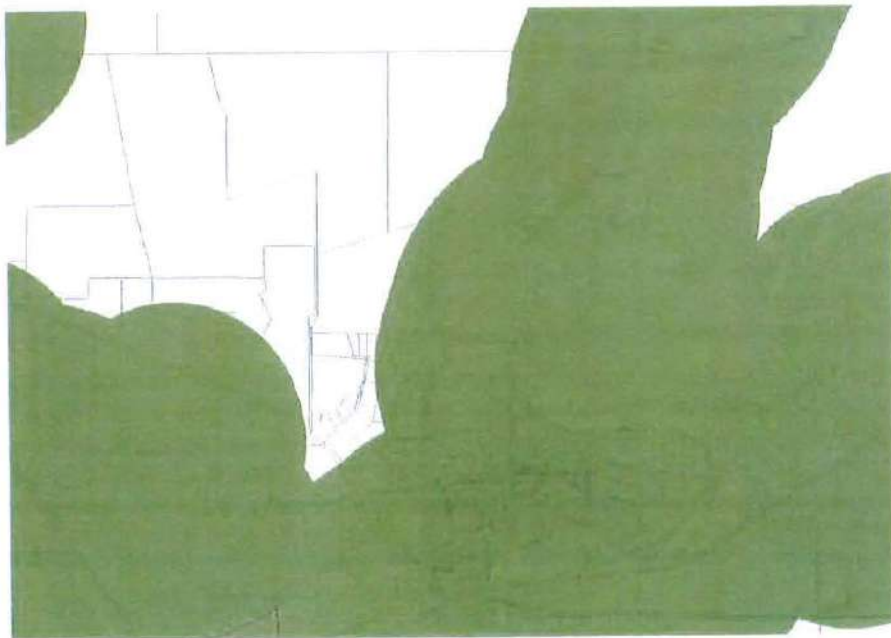




FIGURE 4 – MAP OF SEWAGE SENSITIVE AREAS

The LWMS at **Appendix E**, which includes a Site and Soil Evaluation prepared in accordance with the requirements of the GSP, demonstrates this Scheme Amendment proposal and the subsequent subdivision of the land to create 2ha rural living lots satisfies all requirements of the GSP.

2.4.2 Rural Planning Guidelines

Section 4 of the Rural Planning Guidelines (the Guidelines) provides direction in relation to 'Planning for rural living in a strategy or scheme'. The Guidelines note:

Rural living lots are not considered rural land uses – they are residential uses that need to be factored into settlement planning.

Whilst rural living lots are considered to be 'residential' uses, not all requirements applicable to residential subdivision apply. The WAPC Position Statement – Special Residential Zone is relevant in this regard. Special Residential subdivision typically describes lot sizes between 2,000m² to 10,000m². The Position Statement notes the following with regard to the provision of Public Open Space:

5.2.4 Open Space

a) Generally, a public open space contribution is not requested in special residential zones due to the larger lot sizes.

Similarly, in the case of rural living subdivision involving a minimum lot size of 2ha, a public open space contribution would not be expected.

The relevant considerations set out in the Rural Planning Guidelines in relation to the introduction of necessary development standards (including appropriate lot sizes), the requirement for technical investigations, assessing demand, servicing requirements etc. have all been reviewed and where appropriate, addressed as part of preparing this Scheme Amendment proposal.

2.4.3 Better Urban Water Management

The Better Urban Water Management (BUWM) document provides a framework for how water resources should be considered at each planning stage by identifying the various actions and investigations required to support the particular planning decision being made.

BUWM is intended to be applied to both new greenfield and urban renewal projects where residential, commercial, industrial and rural residential uses and development are proposed, including in rural townsite areas. At the local planning scheme amendment stage, the corresponding report would be a Local Water Management Strategy (LWMS). Accordingly, an LWMS has been prepared in support of the proposed Scheme Amendment which accords with BUWM requirements (**Appendix E**).



2.4.4 Shire of Gingin Guidelines for Roadworks, Drainage and Subdivision Development

The Shire of Gingin Policy Manual includes Policy 7.8 – *Guidelines for Roadworks, Drainage and Subdivision Development*.

Policy 7.8 sets out the construction specifications including materials, methods of construction and design of road and/or drains in the Shire. Policy 7.8 stipulates the road construction standards applicable to roads in town centre, residential, rural, rural living and mixed business areas. With regard to roads servicing rural living areas, there is no stipulation that footpaths or dual use paths should be provided. Clause 2.5 states:

2.5 Miscellaneous Facilities

2.5.1 Footpaths and Dual-Use Paths

Footpaths and dual-use paths in road reserves shall be provided in urban residential subdivisions unless special circumstances prevail in which case they may be omitted at Council's discretion. If such paths are required, they shall be constructed by the Subdivider at the time of Subdivision.

Whilst footpaths and dual use paths are to be provided to service urban residential subdivisions, there is no requirement under Policy 7.8, nor has it been the practice for other rural living subdivisions to provide connecting footpaths or dual use paths.

3 SITE ANALYSIS

3.1 Landform & Topography

The topography of the subject site is evident on the Concept Subdivision Plans at **Appendix F**. The subject site grades upwards from Cheriton Road from a height of 110m AHD firstly in a westerly direction before grading upwards in a southerly direction to a height of approximately 154m AHD along the southern boundary of Lot 380 Howes Lane.

3.2 Soil Profile

The soil profile for the subject site has been investigated as part of the Site and Soil Evaluation undertaken in support of the proposal (**Appendix E**).

3.3 Groundwater and Hydrology

Depth to groundwater and hydrology were investigated as part of the LWMS prepared in support of the proposal (**Appendix E**).



3.4 Geomorphic Wetlands

A review of the Department of Biodiversity Conservation and Attractions Geomorphic Wetlands of the Swan Coastal Plain mapping dataset indicate that no geomorphic wetlands are located within the subject site. The nearest mapped wetland is a Multiple Use Category palusplain in cleared paddocks 95m east of the site. Gingin Brook 440m south-east of the site, is mapped as a Conservation Category palusplain.

3.5 Acid Sulphate Soil Risk

The risk of Acid Sulphate Soils (ASS) or Potential Acid Sulphate Soils (PASS) occurring within the subject site is negligible, with the site identified as having no significant risk of ASS or PASS occurring within 3m of natural soil surface as illustrated by **Figure 5** below.



FIGURE 5 –ACID SULPHATE SOIL RISK (DWER)

3.6 Existing Vegetation – Flora & Fauna

As evident from aerial photography and as described in the LWMS and accompanying Environmental Report at **Appendix E**, the subject site is predominantly cleared of native vegetation with the exception of scattered paddock trees (mostly Marri and Flooded Gum).

The Concept Subdivision Plan (Aerial) at **Appendix F** illustrates there will be virtually no disturbance to existing trees on the subject site as a result of road construction or the future development of dwellings and associated outbuildings.

3.7 Land Capability

No reticulated sewer connection is available for the subject site or within the Gingin townsite. The Site and Soil Evaluation undertaken in support of the proposal (**Appendix E**) has demonstrated the suitability of future rural living lots of 2ha minimum to be serviced with onsite effluent disposal systems.



4 PROPOSED REZONING

4.1 Overview of Proposal

This Application seeks Council's support for the initiation of a Scheme Amendment to rezone the subject site, comprising an area of 24.02 ha of land, from 'General Rural' to 'Rural Living (RL2)'. The submission is accompanied by a Concept Subdivision Plan (**Appendix F1 and F2**) to illustrate the manner by which the subject site may be subdivided following rezoning and provides a design response to opportunities and constraints evident on the site.

4.2 Type of Amendment

Pursuant to regulation 34 of the LPS Regulations, the proposed Scheme Amendment represents a 'standard amendment'. The relevant clauses defining a standard amendment are as follows:

Standard Amendment means any of the following amendments to a local planning scheme –

- a) *An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- b) **An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
- c) *An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- e) **An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
- f) **An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
- g) *Any other amendment that is not a complex or basic amendment.*

(bold text added for emphasis)

It is considered the proposed Scheme Amendment satisfies the relevant provisions in bold text above and hence should be considered a standard amendment.

4.3 Special Conditions

In addition to the standards that generally apply to the Rural Living zone, the following conditions specific to the area to be rezoned to Rural Living (RL2) are proposed to be included in Schedule 8 of LPS 9 as part of the Scheme Amendment:

No.	Description of Land	Conditions
2	Pt Lot 9501 Cheriton Road, Gingin	General 1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.



		<p>Structure Planning</p> <p>2. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 3 and 4 below.</p> <p>Subdivision</p> <p>3. The plan of subdivision and application must:</p> <p>(a) identify building envelopes/exclusion areas which respond to the significant environmental features of the site, including achieving suitable separation from water resources; and</p> <p>(b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary to Cheriton Road through to its western boundary to Sloans Road;</p> <p>(c) be supported by:</p> <ul style="list-style-type: none"> i. an approved Local Water Management Strategy; and ii. a site and soil evaluation conducted in accordance with <i>AS/NZS 1547 On-site domestic wastewater management</i>; <p>Local development plan</p> <p>4. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas consistent with Conditions 1 to 3 above.</p> <p>5. Notwithstanding cl. 61(1)(f), where development is inconsistent with the approved local development plan a development application shall be required.</p>
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4.4 Concept Subdivision Plan

The Concept Subdivision Plan depicts the creation of 12 rural living lots (2ha minimum) serviced by Cheriton Road and a new subdivisional road which would in turn connect to Sloans Road. Sloans Road is currently constructed to a gravel standard with the exception of its southern portion which is sealed for a length of approximately 230m.

4.5 Visual Landscape Considerations

The subject site is located on the western side of Gingin Brook and forms part of the Cheriton Valley. As previously described in this report, the subject site grades upwards from Cheriton Road from a height of 110m AHD firstly in a westerly direction before grading upwards in a southerly direction to a height of approximately 154m AHD along the southern boundary of Lot 380 Howes Lane.

As evident from aerial photographs including the Aerial Context Plan at **Appendix A**, the subject site is generally cleared of vegetation with the exception of some scattered paddock trees.



The Concept Subdivision Plans (**Appendix F1 and F2**) illustrates the proposed subdivision layout and provides for lots of suitable dimensions to accommodate a single house and associated outbuildings which could be located so as to satisfy required setbacks for the rural living zone specified in Table 2 of LPS 9 (20m from all lot boundaries).

Table 2 does not specify minimum landscaping requirements for rural living lots, but notes landscaping is to be provided 'as required by local government'.

Development approval is not required for a single house in the rural living zone as provided under LPS 9 at *Schedule A – Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for Local Planning Schemes*. Therefore, it is not considered necessary or appropriate to introduce an additional requirement for development approval for the lots subject to Scheme Amendment 23 for the purpose of introducing design guidelines or similar. In this regard, a requirement for design guidelines to be incorporated as part of the proposal was not raised as part of the preliminary consultation undertaken by the Shire of Gingin.

If required, conditions could be applied at subdivision stage requiring selective planting of street trees as part of a road construction condition (and also tree planting along the western edge of the Cheriton Road reserve, where appropriate) to provide an effective visual screen for buildings which would complement plantings within the lots undertaken by future landowners.

There will be no adverse impact on other external views of the site (such as from Brand Highway) as a result of the proposal given the natural topography of the site and its surrounds.

4.6 Interfaces with General Rural Zoned Land

As described previously in this report in the section addressing SPP 2.5, the proposal will not conflict with primary production activities undertaken on nearby General Rural zoned land and is considered a suitable transitional land use between surrounding rural land to the north and west, exiting rural living lots and residential land use. In this regard, it is noted nearby rural land use comprises broad acre agricultural activities rather than commercial intensive agricultural enterprises, with surrounding rural land separated from the subject site by existing and proposed roads. This notwithstanding, it is anticipated a s70A Notification being placed on the titles of future rural living lots may be considered appropriate at subdivision stage, advising prospective purchasers of potential impacts from a primary production activities conducted in the surrounding rural areas.

4.7 Servicing and Infrastructure

4.7.1 Traffic, Roads and Pedestrian Access

A Transport Impact Statement (TIS) has been prepared in support of the proposed Scheme Amendment, a copy of which is included at **Appendix G**.

The TIS considers the proposal to rezone the subject site to create up to 14 lots having particular regard to the existing road network and the new subdivisional road linking between Cheriton Road and Sloans Road. Key findings in the TIS include the following:



- The new subdivision road connecting Sloans Road and Cheriton Road, which provides an alternative route to Brand Highway, could assist in reducing traffic flow on Mchavloe Drive heading to Brand Highway, particularly traffic generated from the Country Heights Estate, which will be a significant traffic generator when completed. Therefore, the addition of the new subdivision road would also benefit the existing and future residents by providing more permeability to the road network.
- As the area is rural in nature and not in immediate proximity to shops or other trip attractors, it is unlikely there would be significant demand for designated pedestrian access or cycling. Therefore, it is not necessary to provide footpaths within the subdivision and/or a connection to the surrounding road network.
- The development is conservatively estimated to generate 11 trips in the AM peak hour and 14 trips in the PM peak hour. The volume of trips generated by the subject site is minimal and is not considered to have any substantial impact on the surrounding road network.
- It is considered highly unlikely that the proposed development will cause any material impact to the traffic safety of the surrounding road network.

4.7.2 Drainage

The Local Water Management Strategy attached at **Appendix E** details the method in which stormwater will be managed. The strategy aims to comply with the principles and objectives for stormwater management identified in the *Stormwater Management Manual for WA* (DoW, 2004) and *Beter Urban Water Management* (WAPC, 2008). The drainage system will be designed to maintain surface flow rates and volumes within and from the developed site at their pre-development levels. The drainage design presented is conceptual and will be refined in the detailed subdivision designs.

4.7.3 Power

Power and telecommunications infrastructure is available to the subject site via Cheriton Road and could readily be extended along the proposed subdivisional road connecting to Sloans Road to service proposed lots at subdivision stage. Power and telecommunications infrastructure already extends along Howes Lane via Mchavloe Drive.

4.7.4 Water

The landowner of the subject site installed the Water Corporation water supply pipework servicing Marchmont Estate and extending within Cheriton Road to the southern boundary of Lot 9501 as part of the Marchmont Estate subdivision. Water supply pipework already extends along Howes Lane via Mchavloe Drive.

This water supply infrastructure was designed (as a requirement of the Water Corporation) to be of sufficient capacity to enable it to be extended to facilitate future subdivision along Cheriton Road and therefore is expected to be readily able to service proposed lots at subdivision stage.



5 CONCLUSION

This Scheme Amendment proposal seeks support from the Shire of Gingin to initiate an amendment to rezone Pt Lot 9501 Cheriton Road from 'General Rural' to 'Rural Living (RL2)'. It is considered the proposal is consistent with the strategic planning intent for the subject site set out in the Shire's local planning framework and is able to satisfy relevant state planning policies. As such, the proposal represents orderly and proper planning for the Gingin townsite and surrounds, which will make efficient use of existing servicing infrastructure and assist in supporting the provision of a range of townsite services and facilities.

Following the initiation of the Scheme Amendment and it being subject to the requirements of Part 5, Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, it is respectfully requested the Scheme Amendment be favourably considered by the Western Australian Planning Commission and thereafter approved by the Minister for Planning.

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13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 PROPOSED SCHEME AMENDMENT NO. 23 - SECTION 76 SUBMISSION

File	LND/136
Author	Kylie Bacon - Coordinator Strategic Planning & Projects
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Item 13.1 - 17 May 2022
Appendices	1. 160223 Section 76 Application [13.1.1 - 90 pages]

DISCLOSURES OF INTEREST

Councillor Kestel disclosed a proximity interest in Item 13.1 as his property shares a boundary with Lot 9501 Cheriton Road and left the meeting at 3:05pm.

J Bayliss (Coordinator Statutory Planning) disclosed a proximity interest in Item 13.1 prior to the meeting as he is an adjoining landowner. Mr Bayliss was not in attendance at the meeting at this time.

PURPOSE

For Council to provide direction in dealing with a Section 76 Submission received from the Minister of Planning with respects to the proposed Scheme Amendment No. 23 to the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9).

BACKGROUND

On the 2 February 2023, the Shire received a Section 76 of the *Planning and Development Act 2005* (the Act) from the Minister of Planning, asserting that the Shire of Gingin had failed to adopt an amendment to its LPS 9 where it ought to have been adopted.

Section 76 of the Act provides the Minister to order a local government to prepare and submit for approval an amendment to a local planning scheme. However, prior to making a decision, the Minister has requested that the Department of Planning, Lands and Heritage (DPLH) investigate the matter.

Accordingly, the Department is seeking information or advice from the Shire regarding proposed Amendment 23 to LPS 9, which seeks to rezone a portion of Lot 9501 Cheriton Road, Gingin from General Rural to Rural Living.

The purpose of this report is for Council to provide a resolution to one of the three options below on how it would like to respond back to the Minister of Planning's office. The Minister's decision will occur after considering any input received from the Shire. The Shire has a deadline to provide a response back to the Planning Minister's office by 10 April 2023.



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The Section 76 Application is contained in the Appendix.

COMMENT

In order for Council to respond to the Section 76, the following options are presented.

1. Reinforce Council's decision as per 17 May 2022 Council Resolution;
2. Reconsider the officer's recommendation as supported by the officer's report to the 17 May 2022 Ordinary Council Meeting; or
3. Engage a consultant to undertake an independent review and response to Council's decision dated 17 May 2022 and the circumstances surrounding the Section 76 application.

It should be noted that if option three is progressed and in the event the Minister directs the local government to initiate the amendment, the consultant will also be required to undertake the processing of the scheme amendment.

STATUTORY/LOCAL LAW IMPLICATIONS

Section 76 of Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No.9

Shire of Gingin Local Planning Strategy 2012

Gingin Townsite and Rural Surrounds Structure Plan State Planning Policy No. 2.5 –

Rural Planning State Planning Policy 3 – Urban Growth and Settlement

Government Sewerage Policy 2019

POLICY IMPLICATIONS

Nil



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BUDGET IMPLICATIONS

Three quotes were sought regarding the planning consultant's fee. The scope of works was broken into two stages. Stage one is to provide costings on undertaking an independent review and response (for support or otherwise) to Council's decision dated 17 May 2022 (which was not to initiate the scheme amendment) and the circumstances surrounding the Section 76 application. Stage two, in the event the Ministers office instructs Council to initiate the scheme amendment, provide costings on processing the scheme amendment as a 'standard amendment' in accordance with the Regulations.

The following outlines the quotes received:

Consultant One

Stage One: \$10,000 (+ GST and disbursements). The fee proposal is to the point of lodgement of the written response to the Shire. Any further work after providing the written response would be undertaken at hourly rates or via some other agreed fee.

Stage Two: \$17,000 - \$20,000 (+ GST and disbursements)

At the time of writing the report, the other two consultants' quotes had not been received, however for the purposes of authorising a budget provision if required, it is recommended the first quote figures be applied.

As outlined above, in the event the Minister's office instructs Council to initiate the scheme amendment, Council will need to allocate (depending on timing) in either the 22/23 budget variation or 23/24 budget funds for a consultant to undertake Stage two.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

Councillor Vis foreshadowed her intention to move an Alternative Motion to support Council's previous decision on this matter should the motion under debate be lost.



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That Council support option as outlined in the officer's report so a response can be given to the Planning Minister's officer regarding section 76 submission.

LOST
0/6

FOR: *Nil*

AGAINST: *Councillor Rule, Councillor Balcombe, Councillor Johnson, Councillor Peczka, Councillor Sorensen and Councillor Vis*

COUNCIL RESOLUTION/ALTERNATIVE MOTION

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

That Council support its resolution of 17 May 2022 to refuse to initiate proposed Scheme Amendment No. 23 to Local Planning Scheme No. 9 for the following reasons:

1. Council formed the view that the proposed scheme amendment was inconsistent with the Local and State Planning framework for the following reasons:
 - a. The Gingin Townsite Strategy Map does not identify the subject land for Rural Living Purposes;
 - b. The proposal is viewed as being inconsistent with the objectives of the Local Planning Strategy, which outlines that the Shire ought to limit expansion of this form of development, and that an issue facing the Shire is the removal of agricultural land from production for non-rural uses, such as rural living developments;
 - c. The proposal is inconsistent with the Gingin Townsite and Rural Structure Plan which does not identify this land for Rural Living purposes, and is inconsistent with the Rural Living Scheme Amendments and Subdivision Guide Plans;
 - d. The proposal is inconsistent with the aims of Local Planning Scheme No. 9 which seeks to only support subdivision of rural land which is consistent with the preferred settlement strategy, which Council views as being the Gingin Townsite and Rural Structure Plan;
 - e. The proposal is inconsistent with the Gingin Regional Land Supply Assessment (2019) which outlines a clear position to limit expansion of Rural Living zoned land to areas identified under the Local Planning Strategy. This property is not identified under the appropriate mapping contained within the Local Planning Strategy, being the Gingin Townsite Strategy Map;



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- f. The proposal is inconsistent with State Planning Policy 2.5 – Rural Planning which requires rural living development to form part of a settlement hierarchy as the subject land is not identified under the Local Planning Strategy or the Gingin Townsite Expansion and Rural Structure Plan and therefore does not form part of the settlement hierarchy;
 - g. The proposal is inconsistent with State Planning Policy 2.5 – Rural Planning Guidelines, as the Shire has ample land zoned Rural Living within proximity to the subject site that has not obtained a sufficient occupancy rate that warrants creation of additional land stock of the same zoning;
 - h. The proposal is inconsistent with State Planning Policy 3.0 – Urban Growth and Settlement that outlines planning for Rural Living zoned land should not be based on speculative demand, but rather on forecast estimates. The forecast estimates of the Gingin Regional Land Supply Assessment outlines that this form of development should be limited due to an already sufficient supply. There is no compelling reason to depart from this position, particularly given the stock of land scheduled to be released at Country Heights Estate and pending 99 lot subdivision in the townsite.
 - i. The proposal would result in isolation of Lot 380 Howes Lane from the rural locality that does not represent an orderly interface between Rural Living and General Rural land. The existing interface between the Marchmont Rural Living Estate and General Rural land is viewed as being adequate with no alteration to that interface being required.
- 2. The landowner has attempted to subdivide this portion of land previously and provide for a road reservation on a very similar alignment, which was not supported by Council. The landowner and the applicant should therefore have been aware that the Shire’s Local Planning Framework does not support fragmentation of rural land.
 - 3. Council is of the view that the proposed scheme amendment does not represent a matter of significance that warrants intervention from the Department of Planning or the Minister for Planning potentially ordering the Shire of Gingin to initiate the proposed amendment. Council should be able to interpret and administer its planning framework free from interference.
 - 4. Council is concerned that representations made to the Department of Planning and the Minister for Planning do not accurately reflect the circumstances and events under which Council determined this development.
- CARRIED UNANIMOUSLY
6 / 0**



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

AGAINST: *Nil*

Reason for Alternative Motion

To provide, for the purposes of clarification, additional reasons and justifications for refusal of the proposed Scheme amendment.

Councillor Kestel returned to the meeting at 3:07pm and was advised of Council's decision.



SCHEME AMENDMENT NO.23

Shire of Gingin Local Planning Scheme No. 9

Pt Lot 9501 Cheriton Road, Gingin



MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL AUTHORITY	Shire of Gingin
DESCRIPTION OF SCHEME	Local Planning Scheme No. 9
TYPE OF SCHEME	Local Planning Scheme
SERIAL NUMBER OF AMENDMENT	Amendment No. 23
PROPOSAL	<ol style="list-style-type: none">1. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road.2. Insert the definition for building exclusion area under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions.3. Inserting relevant conditions into Schedule 8 – Rural Living Zones.

Planning and Development Act 2005

FORM 2A

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

**Shire of Gingin Local Planning Scheme No.9
Amendment No. 23**

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road, Gingin.
2. Insert the definition for building exclusion area under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions in alphabetic order as follows:

building exclusion area	Means the area of land within which buildings, effluent disposal facilities and any other works on a lot must not be located or carried out.
-------------------------	--

3. Insert the following into Schedule 8 – Rural Living Zones:

No.	Description of Land	Conditions
2	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <p>1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.</p> <p>Structure Planning</p> <p>2. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 3 and 4 below.</p> <p>Subdivision</p> <p>3. The plan of subdivision and application must:</p> <p>(a) identify building envelopes/exclusion areas which respond to the significant environmental features of the site, including achieving suitable separation from water resources;</p> <p>(b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary to</p>

		<p>Cheriton Road through to its western boundary to Sloans Road;</p> <p>(c) be supported by:</p> <ul style="list-style-type: none"> i. an approved Local Water Management Strategy; and ii. a site and soil evaluation conducted in accordance with <i>AS/NZS 1547 On-site domestic wastewater management</i>; <p>Local development plan</p> <p>4. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas consistent with Conditions 1 to 3 above.</p> <p>5. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a development application shall be required.</p>
--	--	---

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons(s):

- a) *The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- b) *The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
- c) *The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Dated this _____ day of _____ 20__

(Chief Executive Officer)

SCHEME AMENDMENT NO.23

Shire of Gingin Local Planning Scheme No. 9

Pt Lot 9501 Cheriton Road, Gingin



DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	15/12/2021	DRAFT	Internal	QA
B	20/12/2021	FINAL	Client	For review
C	25/01/2022	FINAL	Shire of Gingin	For Lodgement

Prepared for: Shaddow Downs Estate

Prepared by: DM

Reviewed by: BH

Date: 15/12/2021

Job No & Name: 20213

Version: A

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- APPENDIX E** - Local Water Management Strategy
- APPENDIX F** – Concept Subdivision Plans0
- APPENDIX G** – Transport Impact Statement



1 INTRODUCTION

1.1 Purpose of Application

This Scheme Amendment has been prepared by Harley Dykstra on behalf of the landowner of Pt Lot 9501 Cheriton Road, Gingin ('the subject site'). The subject site comprises an area of approximately 24.02 ha of land that is currently zoned 'General Rural' under the Shire of Gingin Local Planning Scheme No. 9 (LPS 9). The Application seeks support for Amendment No. 23 to LPS 9 to rezone the subject site from 'General Rural' to 'Rural Living 2 (RL2)'.

The Application proposes to 'round off' the extent of Rural Living zoned land in this locality by providing an appropriate transition between the Rural Living 1 (RL1) lots within the existing Marchmont Estate to the south and General Rural zoned lots to the north. The proposed rezoning will also complement the existing Rural Living zone to the east of the subject site.

1.2 Background

Subdivision approval was granted on 28 August 2020 to subdivide former Lot 9500 into two lots (WAPC Ref: 159477). The subdivision approval was implemented to create Lot 380 (a homestead lot) and the balance rural lot, now known as Lot 9501 Cheriton Road.

Former Lot 9500 was itself the balance of a larger landholding which, in part, was previously rezoned under Town Planning Scheme No. 8 and thereafter subdivided and developed as Marchmont Estate by the proponent of this current Scheme Amendment submission. The proponent/landowner of the subject site is committed to developing the land in a manner that is complimentary to the existing Marchmont Estate and of a quality that is commensurate to its prominent location at the periphery of the Gingin townsite.

A preliminary scheme amendment submission, which was generally consistent with this Scheme Amendment proposal, was presented to the Shire of Gingin Council Briefing Forum on 18 May 2021. Preliminary comments were received from the Shire including the matters summarised below:

- Pursuant to Clause 4.8.6.11 of Local Planning Scheme No. 9 (LPS 9) a Structure Plan would not be required to support the future subdivision of the land (following rezoning). Rather, a concept subdivision plan could be provided at Scheme Amendment stage and any identified issues should be addressed through the provision of relevant technical information.
- Consideration should be given to the provision of dual use paths within the subdivision and linking to the dual use path network within Cheriton Road.

Following receipt of the above comments from the Shire of Gingin, a meeting was attended by Harley Dykstra and the Department of Planning, Lands and Heritage (DPLH) on 17 August 2021 to discuss the preliminary scheme amendment submission.

Matters arising from the preliminary Shire and DPLH comments are addressed in further detail later in this Scheme Amendment Report.

1.3 Site Context

The subject site comprises 24.02ha portion of Lot 9501. The subject site is located on the western side of Cheriton Road, 1.5 km north of the Gingin town centre. The subject site is adjacent to 'Rural Living' zoned land to the south (Marchmont Estate) and 'Rural Living (RL 4)' zoned land to the east. Land to the north and west is zoned General Rural. A Parks and Recreation reserve adjoins Lot 380 to the south. A Context and Zoning Plan depicting the subject site in the context of existing zonings within and surrounding the townsite, is included at **Figure 1** below. An Aerial Context Plan is included as **Appendix A**.

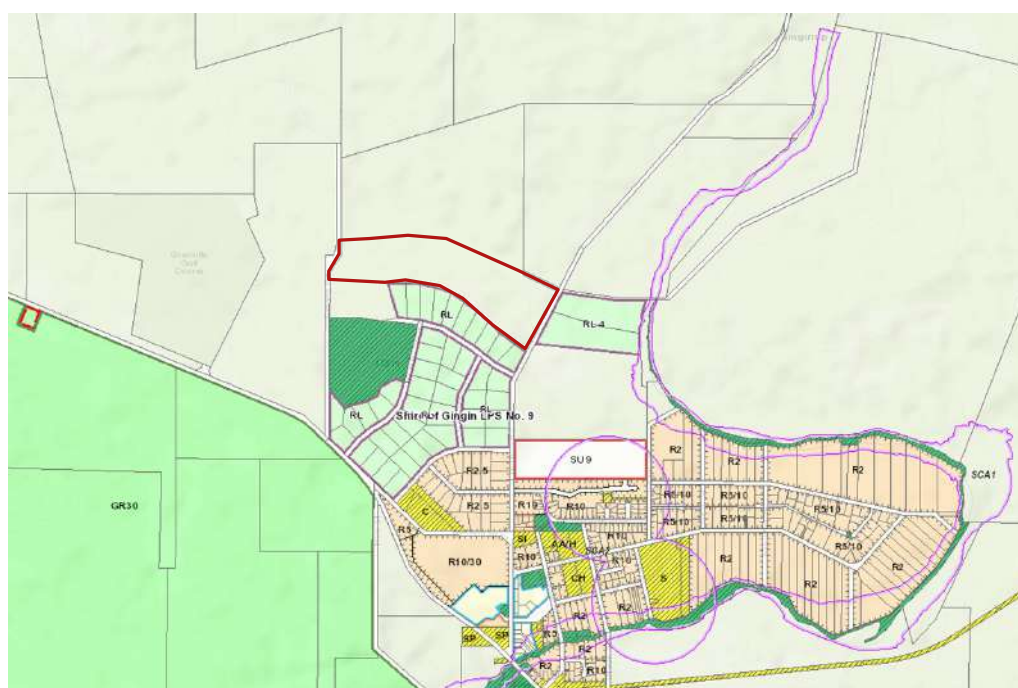


FIGURE 1 – CONTEXT AND ZONING PLAN (SUBJECT SITE OUTLINED IN RED)

Table 1 below provides a summary of the legal description of the land. A copy of the Certificates of Title for the subject lots available at the time of preparing this Report is included as **Appendix B**.

LOT NO.	PROPERTY ADDRESS	LANDOWNER	AREA	VOL.	FOLIO	PLAN NO.
9501	No Street Address Information Available	Vernon Schofield	73.4737ha	4000	605	420962

TABLE 1



2 PLANNING FRAMEWORK

2.1 Local Planning Scheme No.9

The subject site is currently zoned 'General Rural' under LPS 9. The site is proposed to be rezoned to 'Rural Living (RL2)'.

LPS 9 states the objectives of the Rural Living zone are as follows:

- a) *protect the rural environment and landscape;*
- b) *accommodate single dwellings at very low densities on individual allotments beyond the urban areas;*
- c) *restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;*
- d) *prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;*
- e) *avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and*
- f) *provide for a suitable level of physical and community infrastructure.*

Rezoning of the subject site and the inclusion of special conditions at Schedule 8 informed by appropriate planning and technical investigations, along with existing Scheme provisions, will ensure the above objectives for the Rural Living zone are satisfied.

Scheme requirements relevant to subsequent subdivision and development stages have also informed the preparation of this Scheme Amendment proposal.

Clause 4.8.5 of LPS 9 sets out the development and subdivision standards that apply to the Rural Living zone. The proposed Scheme Amendment and accompanying concept subdivision plan will enable the relevant standards to be satisfied at subsequent planning stages.

Clause 4.8.6 of LPS 9 sets out the development and subdivision standards that apply to the General Rural zone.

Clause 4.8.6.10 states:

Prior to any subdivision and development of GR coded land, a structure plan may be required to address issues including:

- (i) *access;*
- (ii) *building exclusion zones;*
- (iii) *bushfire management;*
- (iv) *servicing; and*
- (v) *environmental features and buffers.*

Clause 4.8.6.11 states:

Notwithstanding clause 4.8.6.10, a structure plan may not be required in support of proposals on GR coded land where identified issues may be addressed through the provision of technical information.



The subject land is zoned General Rural *Uncoded* and as such, the above provisions are not specifically relevant. This notwithstanding, Schedule 2 Clause 15 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations, 2015* ('the LPS Regulations') states:

Clause 15. When structure plan may be prepared

A structure plan in respect of an area of land in the Scheme area may be prepared if –

(a) the area is –

(i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and

(ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken; or

(b) a State planning policy requires a structure plan to be prepared for the area; or

(c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.

The subject site is not identified in LPS 9 within an area where a structure plan is required and preliminary advice from the Shire of Gingin and DPLH has confirmed a structure plan would not be required in this instance.

Clause 5.6 of LPS 9 - *Special Control Area No. 5 – Development Contribution Areas* states:

There are no Development Contribution Areas in this scheme as no development contribution plans have been prepared to support contributions. This section establishes enabling clauses for when a development contribution plan is prepared.

Clause 5.6, amongst other matters, advises:

5.6.2.2 Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.

5.6.2.3 Community infrastructure includes, but is not limited to, public open space in rural areas, sporting and recreational facilities, community centres, child care centres, libraries and cultural facilities.

5.6.2.4 Development contributions for community infrastructure may only be levied in accordance with the requirements of State Planning Policy 3.6 - Development Contributions for Infrastructure. Prior to seeking contributions for community infrastructure local government needs to prepare:

(i) a community infrastructure plan for the area with demand analysis and service catchments;

(ii) a capital expenditure plan;

(iii) projected growth figures; and

(iv) infrastructure costs, with provision for cost escalation.

...

5.6.2.6 Development contributions for standard infrastructure can generally be summarised as:



- (i) land contributions - public open space, riverine setbacks, land for primary schools, roads and road widening and primary distributor roads where justified by the subdivision;
- (ii) infrastructure works - water, sewerage, drainage, electricity, roads and other traffic works, footpaths, pedestrian accessways and dual-use paths, road upgrades, construction and widening;
- (iii) standard water, sewerage and drainage headworks charges for off-site works, monetary contributions in lieu of land or works and to reimburse other owners where costs are shared;
- (iv) other contributions as provided for in WAPC policies.

The Shire of Gingin, in its response to the preliminary scheme amendment submission considered at the Council Briefing Forum, raised the potential for the provision of a dual use path to be required from within the subdivision and along Cheriton Road, linking to the existing dual use path network. The provision of Public Open Space (POS) was also contemplated, although it was noted POS had already been provided as part of the subdivision of Marchmont Estate.

Development Contributions for standard infrastructure (including provision of dual use paths) is dealt with in State Planning Policy 3.6 – Infrastructure Contributions. The matter of infrastructure provision shall be examined further in subsequent sections of this Scheme Amendment Report.

2.1 Local Planning Strategy (2012)

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer term planning direction for the Shire over a 15 – 20 year planning horizon. One function of the Local Planning Strategy is to outline the broad strategy for both residential and rural land use within the Shire.

A general objective of the Local Planning Strategy is to:

'Promote the planned expansion of all townsites in a manner that concentrates settlement and growth within and around existing townsites.'

With respect to the Gingin townsite, the following key objective is identified:

'provide for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas.'

Complementary policy positions and actions have also been developed to achieve the abovementioned objective, including:

4. Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:
 - i. The extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;
 - ii. Optimising the use and catchment of existing townsite services/facilities;
 - iii. Protection of the character, function and integrity of adjoining/nearby rural land and land uses;
 - iv. Environmental capability and management;
 - v. Staged development cognisant of demand and supply;
 - vi. Locational criteria and other matters as identified in the State Planning Policy 2.5 relating to rural residential settlement;



- vii. *Enhancement of landscape and natural values; and*
- viii. *Fire protection.*

The Gingin townsite strategic map, which forms part of the Local Planning Strategy, designates the subject site as remaining rural, with the land to the east (now rezoned RL4 and comprising two lots of 6.1379ha and 5.5170ha) identified for Rural Residential. The following note is also included:

'Transition area. Lot sizes suited to 2000m² - 1ha subject to site considerations.'

The overall Shire of Gingin Local Planning Strategy map, which also forms part of the Local Planning Strategy, identifies part of the subject site as 'Rural Residential'. An extract from the Local Planning Strategy map is included as **Figure 2** (over page).

In response to a preliminary enquiry to the DPLH regarding the potential for the subject site to be rezoned to Rural Living, on 10 June 2020, the DPLH advised via email:

'I think a case could be made to support the rezoning of Area 1, but Area 2 is potentially more problematic.

Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date. The Shire of Gingin Local Planning Strategy also shows that an extension to the existing Rural Living zoned area has been considered from a strategic perspective. In light of this, an amendment to LPS 9 should, among other things, consider the following:

- *The increase to the land zoned for Rural Living would need to be justified to ensure it is guided by existing land supply and take-up.*
- *How subdivision/development will address wastewater disposal to be consistent with the Government Sewerage Policy.*
- *The need for design guidelines/development covenants to ensure development is in keeping with the surrounding built form.*
- *The Department's preference would be for the road link between Cheriton Road and Sloans Road to be provided, this will ensure a hard buffer between the Rural Living and Rural zoned land.*
- *The extension of Howes Lane to Sloans Road should also be considered, providing a buffer to the reserve to the south.*

With regard to Area 2, I start to see land use conflict issues with this deeper extension into the Rural zoned area. I also wonder if demand might be somewhat exhausted by the first stage of subdivision (Area 1), but that is not to say that you could not demonstrate demand. There is also the issue of precedent, as it is reasonable to expect the landowner of Lot 8, immediately to the west, will see this as a signal that close subdivision can also occur on this land as of right.

In summary, I think based on the information you have supplied so far, the proposal for Area 1 seems consistent with WAPC policy and is likely capable of approval. Area 2 I suspect could be a bit more of an uphill battle'.

For reference, Area 1 and Area 2 are identified on the attached sketch at **Appendix C**.



FIGURE 2 – LOCAL PLANNING STRATEGY MAP EXTRACT (SUBJECT SITE OUTLINED IN RED)

As noted above, the subject site has been identified as having the potential for more intensive subdivision and development, rather than remaining rural.

Policy Position 4 v) in relation to the supply and demand of rural living lots is addressed in the section of this Report titled *Gingin Regional land supply assessment*.

2.3 Gingin Townsite and Rural Surrounds Structure Plan

Consistent with a key objective for the Gingin townsite identified under the Local Planning Strategy, the Shire of Gingin prepared the Gingin Townsite and Rural Surrounds Structure Plan ('the Structure Plan'). The Structure Plan was adopted for final approval by Council at its Meeting of 18 December 2012. The Structure Plan was subsequently endorsed by the WAPC, with the WAPC approval expiring on 19 October 2025. A copy of the Structure Plan map is included at **Appendix D**.

The Structure Plan was originally intended to be incorporated into the Local Planning Strategy as part of the finalisation of that document, although this did not eventuate. The Structure Plan was supported by a District Water Management Strategy (DWMS) to provide guidance relating to water use and management of surface water and groundwater resources within the Gingin townsite expansion area.



With respect to new Rural Living proposals, the Structure Plan notes future planning is required including preparation of scheme amendments and subdivision guide plans. Further, the Structure Plan advises:

The Gingin Townsite and Rural Surrounds provides for expansion of current rural living areas to meet future demand, however contains expansion to within the periphery of the townsite. Rural living expansion is identified within areas identified by the draft Local Planning Strategy and contained areas adjacent to the townsite along major roads into the town to create an interface between rural and town land uses and built form.

It is noted the Structure Plan boundary is limited to the northern edge of the existing Marchmont Estate rural living area on the western side of Cheriton Road. This notwithstanding, proposed Scheme Amendment No. 23 is not in conflict with the Structure Plan or the Local Planning Strategy in that:

- it provides for a limited expansion of a current rural living area at the periphery of the townsite;
- the subject site is identified for rural residential in the Local Planning Strategy;
- the subject site is located along a significant road into town;
- it will provide a logical interface between rural and existing rural living land, including the provision of a hard edge between these zones via the provision of a road.

In addition to the above, it is also noted the Structure Plan contemplated the opportunity for a developer funded sewer or decentralised wastewater scheme to be provided, and in the absence of a wastewater scheme, assumes lot sizes in the range of 1000m² - 2000m² could be considered by the draft Government Sewerage Policy in place at the time. The opportunity for a wastewater scheme within the townsite has been extensively investigated by the Shire but has not eventuated and is no longer being pursued.

Further, the current Government Sewerage Policy (2019) introduced more stringent controls in relation to onsite effluent disposal. Accordingly, various assumptions in the Structure Plan relating to future development and subdivision within and immediately adjoining the townsite (and hence subsequent housing supply) cannot be realised and therefore these aspects of the Structure Plan are in need of review. This notwithstanding, the Local Planning Strategy provides sufficient guidance regarding planning for rural living adjacent to the townsite.

The DWMS recommends Local Structure Plans be accompanied by detailed information relating to water use, wastewater servicing, surface water and groundwater management, in the form of a Local Water Management Strategy (LWMS).

Notwithstanding the advice of the Shire of Gingin and DPLH that a structure plan would not be necessary in this instance, the proposal includes a LWMS (**Appendix E**) consistent with the recommendation of the DWMS

2.2 Gingin Regional Land Supply Assessment (2019)

With regard to rural living, the *Gingin Regional Land Supply Assessment* (LSA) notes the Shire of Gingin Local Planning Strategy has identified areas for potential rural living adjacent to the Gingin townsite (and between the Redfield Park and Sovereign Hill estates in Gabbadah). The Local



Planning Strategy also establishes a policy position to limit expansion of rural living development to existing areas in the Shire and those identified on the local planning strategy map.

The subject site is not currently identified for Rural Living in the LSA, despite it being identified in part for 'Rural Residential' in the local planning strategy map.

Limited rural living subdivision and development at the periphery of the townsite is supported by the Local Planning Strategy. Based on preliminary design, approximately 12 rural living lots would be created from the subject site and would provide a lot offering which is not currently available in such close proximity to the Gingin townsite.

Table 3: Development Outlook – project summaries identifies a potential yield of 313 rural living lots from the Country Heights Estate (Lots 81 and 83 Cheriton Road, Ginginup) based on existing approvals.

This notwithstanding, the Local Planning Strategy (as acknowledged by the LSA) has already accounted for other sites zoned for rural living in and around the Gingin townsite (such as Country Heights Estate). Therefore the proposal set out in this submission does not conflict with either the Local Planning Strategy which identifies the subject site for rural residential use or consequently the LSA. In any case, the subject site has key attributes that make it particularly suited to rural living subdivision, including:

- Its proximity to the Gingin townsite services and facilities (located only 1.5km north of the town centre).
- Compatibility with adjacent rural living zoned land to the east and south respectively.
- Opportunity to connect to existing public utility services (water, power and telecommunications).

2.3 State Planning Policies

2.5.1 State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 (SPP 2.5) establishes the objectives for the management and protection of rural and rural living land in Western Australia.

The objectives of SPP 2.5 follow:

- support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- avoid and minimise land use conflicts;*
- promote sustainable settlement in, and adjacent to, existing urban areas; and*
- protect and sustainably manage environmental, landscape and water resource assets.*



Clause 5.3 of SPP 2.5 recognises there is a market for rural living development and that it provides for a range of housing and lifestyle opportunities. SPP 2.5 notes rural living development should be carefully planned and references the guidance provided by SPP3 - *Urban Growth and Settlement* with respect to the strategic identification of settlement patterns and guidance on rural living use. SPP 3 will be addressed later in this Report.

This Application to rezone the subject site is consistent with the relevant policy measures set out in section 5.3 of SPP 2.5 as demonstrated in **Table 2** below:

SPP 2.5 Policy Measures for rural living (Clause 5.3)	Analysis of this Scheme Amendment Request
<p>a) <i>Rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at 5.3 (b) and (c)</i></p>	<p>The Application is consistent with the objectives of SPP 2.5. Objective (f) is particularly relevant to the proposal, given it shall facilitate sustainable settlement in close proximity to the existing Gingin townsite.</p>
<p>b) <i>The rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;</i></p>	<p>The subject site meets the objectives for rural living development contained within the local planning strategy and is identified on the Local Planning Strategy map as ‘rural residential’.</p>
<p>c) <i>The planning requirements for rural living precincts are that-</i></p> <ul style="list-style-type: none"> i. <i>The land be adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities;</i> ii. <i>The proposal will not conflict with the primary production of nearby land, or reduce its potential;</i> 	<p>The subject site is well located with respect to the range of services, facilities and amenities within the Gingin townsite.</p> <p>The subject site will not conflict with the primary production activities conducted on nearby land. Land to the south is already zoned for Rural Living and accommodates an existing rural living subdivision and Parks and Recreation reserve. Land to the east of the subject site is also zoned for Rural Living. Land to the north includes part of the same landholding (being the balance of Lot 9501) and is used for broad acre farming including keeping of livestock and periodic cropping. Viticulture has been established in the</p>



<p>iii. <i>areas required for priority agricultural land are avoided;</i></p> <p>iv. <i>the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections</i></p> <p>v. <i>areas required for urban uses are avoided;</i></p>	<p>past on Lot 50 Cheriton Road, however it is evident the vines have not been maintained and this use has not operated commercially for some time. The rural properties to the north shall be separated from the proposed Rural Living lots by a subdivisional road. To the south-east of the site, on Lot 106 Cheriton Road, an olive grove has been established, but this again, this does not appear to be operated commercially.</p> <p>Land immediately to the west is zoned 'General Rural' and beyond that lies the Gingin Golf Course. The proposal represents a suitable transitional zone between existing rural living land use and general rural zoned land at the periphery of the Gingin townsite.</p> <p>The subject site is not identified for priority agricultural land. The proposal is consistent with the Gingin Regional LSA.</p> <p>No urban uses are planned or will be required in the future within the subject site. Rural living development (Marchmont Estate) has already occurred between the townsite and the proposed rural living expansion area the subject of this application.</p>
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<p>vi. <i>water supply shall be as follows –</i> <i>Where lots with an individual area of four hectares or less are proposed and a reticulated water supply of sufficient capacity is available in the locality, the precinct will be required to be serviced with reticulated potable water by a licensed service provider. Should an alternative to a licensed supply be proposed it must be demonstrated that a licensed supply is not available; or</i></p> <p><i>Where a reticulated supply is demonstrated to not be available, or the individual lots are greater than four hectares, the WAPC may consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health; or – the development cannot proceed if an acceptable supply of potable water cannot be demonstrated;</i></p> <p>vii. <i>electricity supply shall be as follows</i> <i>– where a network is available the precinct is to be serviced with electricity by a licensed service provider, or</i></p> <p><i>– where a network is not available, the precinct is to be serviced by electricity from renewable energy source/s, by a licensed service provider, and this has been demonstrated;</i></p> <p>viii. <i>the precinct has reasonable access to community facilities, particularly education, health and recreation;</i></p> <p>ix. <i>the land is predominantly cleared of remnant vegetation, or the loss of remnant vegetation through clearing for building envelopes, bushfire protection and fencing is minimal and environmental values are not compromised;</i></p>	<p>A reticulated water supply is available and shall be provided to service lots.</p> <p>On overhead power supply is available within the Cheriton Road reserve. Future rural living lots will be able to connect to this network for the supply of electricity to the satisfaction of Western Power.</p> <p>The subject site is located approximately 1.5 km north of the Gingin town centre and accordingly has ready access to the existing education, health and recreation facilities within the town site.</p> <p>The subject site is cleared of remnant vegetation with the exclusion of scattered paddock trees and is not identified as bushfire prone. The accompanying LWMS (including Environmental Report) at Appendix E confirms no environmental values will be compromised by this proposal.</p>
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<p>x. <i>the proposal demonstrates and will achieve improved environmental and landscape outcomes and a reduction in nutrient export in the context of the soil and total water management cycle, which may include rehabilitation as appropriate;</i></p> <p>xi. <i>the land is capable of supporting the development of dwellings and associated infrastructure (including wastewater disposal and keeping of stock) and is not located in a floodway or an area prone to seasonal inundation;</i></p> <p>xii. <i>the land is not subject to a separation distance or buffer from an adjoining land use, or if it is, that no sensitive land uses be permitted in the area of impact;</i></p> <p>xiii. <i>the lots can be serviced by constructed road/s capable of providing access during all weather conditions, including access and egress for emergency purposes; and</i></p>	<p>The LWMS at Appendix E addresses environmental and landscape outcomes resulting from the proposal as well as detailing nutrient management having regard to site and soil evaluation and water management. It is noted that under the current general rural zoning, there are very limited controls in place relating to nutrient export associated with the keeping of livestock or other rural uses.</p> <p>The proposal has been supported by an LWMS including site and soil assessment that demonstrates the subject site is capable of supporting the development of dwellings. The subject site is not located within a floodway or area prone to seasonal inundation.</p> <p>The subject site is not located within a buffer of any adjoining land uses likely to impact on the amenity of the proposed rural living development.</p> <p>Access to lots shall be provided via a new subdivisional road or via the existing road network.</p>
<p>d) <i>development standards for rural living zones are to be included in local planning schemes;</i></p>	<p>Development standards are established in LPS 9 and Schedule 8 provides for special conditions to be included for particular sites via amendments to the Scheme.</p>
<p>e) <i>further subdivision of existing rural living lots into smaller parcels is not supported, unless provided for in a local planning strategy and/or scheme; and</i></p>	<p>Not applicable to this proposal.</p>



<p><i>f) rural strata proposals with a residential component are considered to be rural living and will be considered in accordance with the criteria listed at clauses 5.3 (a), (b) and (c) of this policy.</i></p>	<p>Not applicable to this proposal.</p>
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Table 2 – Analysis of proposal under SPP 2.5 Rural Planning

Having regard to the above analysis, the proposal is consistent with the rural living provisions of SPP 2.5 and the criteria contained therein.

2.3.2 State Planning Policy 3 – Urban Growth and Settlement (SPP 3)

SPP 3 identifies the need for rural residential development to be located and designed in a sustainable way which is integrated within the overall pattern of settlement. Specifically, SPP 3 states that planning for rural residential development should:

- *avoid productive agricultural land, important natural resources, areas of high bush fire risk or environmental sensitivity;*
- *avoid future urban areas or areas particularly suitable for urban development in terms of their characteristics and proximity to urban services;*
- *give preference to locations near existing settlements with available services and facilities in order to support the local community and avoid locations where services are not available or costly extensions are necessary;*
- *minimise potential for conflict with incompatible activities associated with productive rural uses or natural resource management;*
- *only include locations which are suitable for this type of development, such as land which is topographically varied, visually attractive and with distinctive environmental attributes or otherwise has potential for lifestyle pursuits; and*
- *take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land.*

This Scheme Amendment proposal is consistent with the above criteria set out in SPP 3. Specifically, the proposal:

- Does not significantly impact on the use of productive agricultural land and is not located on environmentally sensitive land, or land with high bushfire risk.
- Does not encroach on an area that is suitable for future urban development.
- Is well located in relation to its proximity to the existing Gingin townsite and the associated services and community facilities available within the townsite.
- Will not bring about conflict with incompatible activities on adjoining land.
- Is topographically varied and visually attractive and hence has suitable attributes for rural living subdivision.
- Will create only approximately 12` additional lots for rural living purposes in a suitable location and of a lot size that is not otherwise available in this location.



2.3.3 State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6)

The objectives of State Planning Policy 3.6 follow:

- to facilitate the efficient and effective provision of infrastructure and facilities that are essential to meet the demands arising from population growth and development;
- to provide a system for the coordinated delivery of infrastructure necessary to facilitate new urban growth opportunities to achieve compact, consolidated towns and cities;
- to provide clarity on the acceptable methods of collecting and coordinating contributions for infrastructure;
- to establish a system for apportioning, collecting and spending contributions for infrastructure that is transparent, equitable, accountable and consistent; and
- to guide an efficient dispute resolution and arbitration process.

Under SPP 3.6, contributions for all infrastructure must be levied in accordance with eight (8) underlying principles. The first of these, need and nexus, is particularly relevant to this proposal (without diminishing the importance of the remaining 7 principles) given the Shire has foreshadowed the desirability of a dual use path connecting from within the subdivision and along Cheriton Road, linking to the existing dual use path network. Need and nexus is described in SPP 3.6 as:

Need and the nexus: *The need for the infrastructure must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).*

At this point in time, it is not considered the need and nexus for this infrastructure has been demonstrated (by a Development Contribution Plan or otherwise).

It is also noted in SPP 3.6 that DCPs may not be suitable in established regional areas due to the difficulties in establishing the need and nexus of additional infrastructure, or the uncertainty around the rate of growth and certainty regarding the timing of delivery of infrastructure. For these reasons, securing arrangements for infrastructure should not be required as a prerequisite or condition of this Scheme Amendment. Rather, it is logical that any contributions towards standard infrastructure items could be dealt with via a legal agreement at subdivision stage following the 'need and nexus' being sufficiently demonstrated. Such a legal agreement may be required as a condition of subdivision approval.

2.3.4 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

Designated bushfire prone areas are areas identified and designated by the Fire and Emergency Services Commissioner under the Fire and Emergency Services Act, 1998. Such areas are identified on the Map of Bush Fire Prone Areas administered by DFES. The subject site is not identified as bush fire prone on the Map of Bush Fire Prone Areas and hence no further investigation into bushfire risk has been undertaken in relation to this issue.

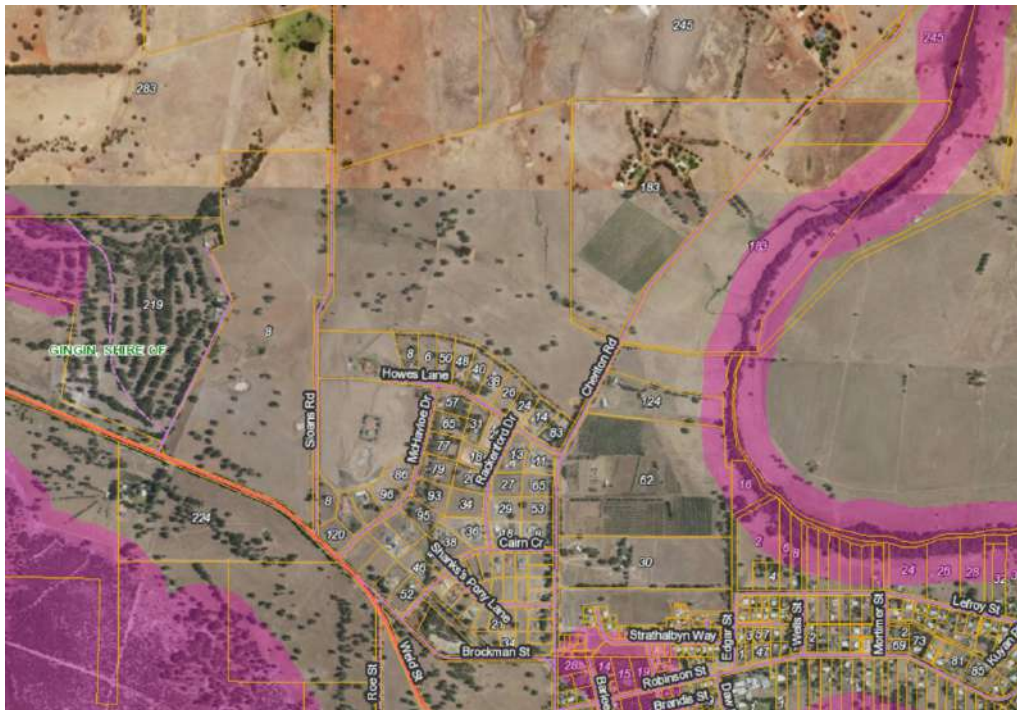


FIGURE 3 – BUSHFIRE PRONE AREAS MAPPING

2.4 Other Planning Policies and Guidelines

2.4.1 Government Sewer Policy 2019

The Government Sewer Policy (GSP) is a whole of Government policy prepared to establish the Government position on the provision of sewer services within Western Australia through the progressive planning and development of land. In particular, the GSP promotes the sustainable use and development of land through the following objectives:

1. To generally require connection of new subdivision and development to reticulated sewerage;
2. To protect public health and amenity;
3. To protect the environment and the State's water and land resources;
4. To promote the efficient use of infrastructure and land;
5. To minimise costs to the broader community including by ensuring an appropriate level and form of sewage servicing is provided; and
6. To adopt the precautionary principle to on-site sewage disposal.

Future development within the subject site is to utilise onsite effluent disposal systems as outlined within section 5.2 - *On-site Sewage Disposal* as follows:

5.2 On-site sewage disposal

Where the provisions of 5.1.1 do not apply (requirement to connect to reticulated sewerage), on-site disposal may be considered where the responsible authority is satisfied that:

- Each lot is capable of accommodating on-site sewage disposal without endangering public health or the environment; and
- The minimum site requirements for on-site sewage disposal outlined in this section and Schedule 2 can be met.

The table at section 5.2.1 of the GSP stipulates a minimum lot size of 1ha for subdivision in sewage sensitive areas. **Figure 4** overleaf illustrates only the eastern part of the subject site is shown as sewage sensitive.

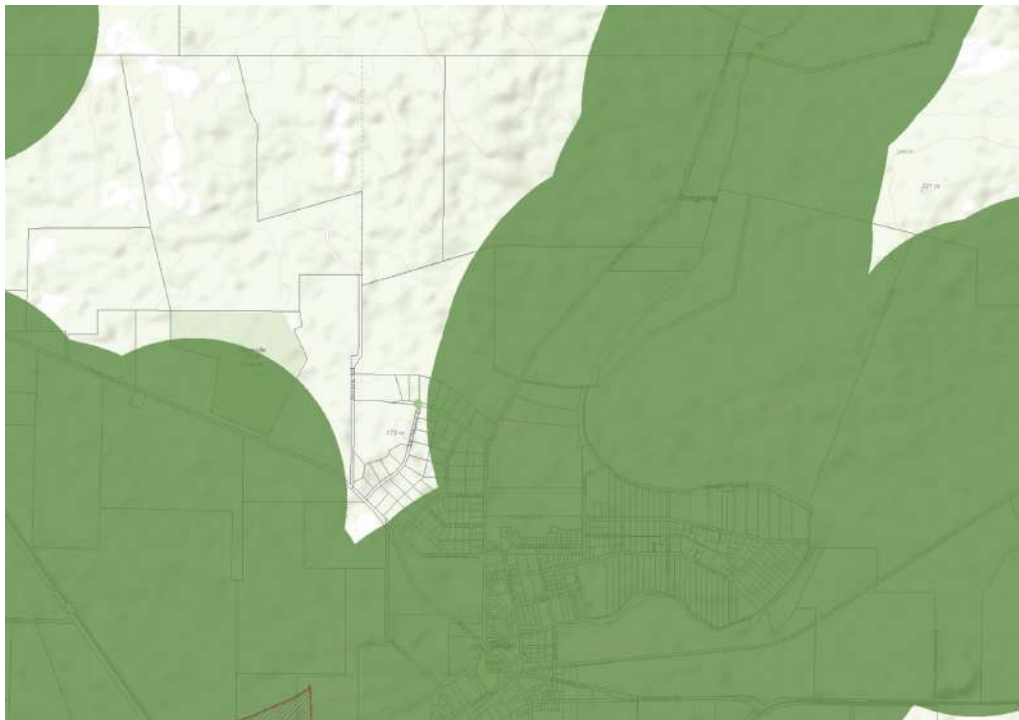




FIGURE 4 – MAP OF SEWAGE SENSITIVE AREAS

The LWMS at **Appendix E**, which includes a Site and Soil Evaluation prepared in accordance with the requirements of the GSP, demonstrates this Scheme Amendment proposal and the subsequent subdivision of the land to create 2ha rural living lots satisfies all requirements of the GSP.

2.4.2 Rural Planning Guidelines

Section 4 of the Rural Planning Guidelines (the Guidelines) provides direction in relation to 'Planning for rural living in a strategy or scheme'. The Guidelines note:

Rural living lots are not considered rural land uses – they are residential uses that need to be factored into settlement planning.

Whilst rural living lots are considered to be 'residential' uses, not all requirements applicable to residential subdivision apply. The WAPC Position Statement – Special Residential Zone is relevant in this regard. Special Residential subdivision typically describes lot sizes between 2,000m² to 10,000m². The Position Statement notes the following with regard to the provision of Public Open Space:

5.2.4 Open Space

a) Generally, a public open space contribution is not requested in special residential zones due to the larger lot sizes.

Similarly, in the case of rural living subdivision involving a minimum lot size of 2ha, a public open space contribution would not be expected.

The relevant considerations set out in the Rural Planning Guidelines in relation to the introduction of necessary development standards (including appropriate lot sizes), the requirement for technical investigations, assessing demand, servicing requirements etc. have all been reviewed and where appropriate, addressed as part of preparing this Scheme Amendment proposal.

2.4.3 Better Urban Water Management

The Better Urban Water Management (BUWM) document provides a framework for how water resources should be considered at each planning stage by identifying the various actions and investigations required to support the particular planning decision being made.

BUWM is intended to be applied to both new greenfield and urban renewal projects where residential, commercial, industrial and rural residential uses and development are proposed, including in rural townsite areas. At the local planning scheme amendment stage, the corresponding report would be a Local Water Management Strategy (LWMS). Accordingly, an LWMS has been prepared in support of the proposed Scheme Amendment which accords with BUWM requirements (**Appendix E**).



2.4.4 Shire of Gingin Guidelines for Roadworks, Drainage and Subdivision Development

The Shire of Gingin Policy Manual includes Policy 7.8 – *Guidelines for Roadworks, Drainage and Subdivision Development*.

Policy 7.8 sets out the construction specifications including materials, methods of construction and design of road and/or drains in the Shire. Policy 7.8 stipulates the road construction standards applicable to roads in town centre, residential, rural, rural living and mixed business areas. With regard to roads servicing rural living areas, there is no stipulation that footpaths or dual use paths should be provided. Clause 2.5 states:

2.5 Miscellaneous Facilities

2.5.1 Footpaths and Dual-Use Paths

Footpaths and dual-use paths in road reserves shall be provided in urban residential subdivisions unless special circumstances prevail in which case they may be omitted at Council's discretion. If such paths are required, they shall be constructed by the Subdivider at the time of Subdivision.

Whilst footpaths and dual use paths are to be provided to service urban residential subdivisions, there is no requirement under Policy 7.8, nor has it been the practice for other rural living subdivisions to provide connecting footpaths or dual use paths.

3 SITE ANALYSIS

3.1 Landform & Topography

The topography of the subject site is evident on the Concept Subdivision Plans at **Appendix F**. The subject site grades upwards from Cheriton Road from a height of 110m AHD firstly in a westerly direction before grading upwards in a southerly direction to a height of approximately 154m AHD along the southern boundary of Lot 380 Howes Lane.

3.2 Soil Profile

The soil profile for the subject site has been investigated as part of the Site and Soil Evaluation undertaken in support of the proposal (**Appendix E**).

3.3 Groundwater and Hydrology

Depth to groundwater and hydrology were investigated as part of the LWMS prepared in support of the proposal (**Appendix E**).



3.4 Geomorphic Wetlands

A review of the Department of Biodiversity Conservation and Attractions Geomorphic Wetlands of the Swan Coastal Plain mapping dataset indicate that no geomorphic wetlands are located within the subject site. The nearest mapped wetland is a Multiple Use Category palusplain in cleared paddocks 95m east of the site. Gingin Brook 440m south-east of the site, is mapped as a Conservation Category palusplain.

3.5 Acid Sulphate Soil Risk

The risk of Acid Sulphate Soils (ASS) or Potential Acid Sulphate Soils (PASS) occurring within the subject site is negligible, with the site identified as having no significant risk of ASS or PASS occurring within 3m of natural soil surface as illustrated by **Figure 5** below.



FIGURE 5 –ACID SULPHATE SOIL RISK (DWER)

3.6 Existing Vegetation – Flora & Fauna

As evident from aerial photography and as described in the LWMS and accompanying Environmental Report at **Appendix E**, the subject site is predominantly cleared of native vegetation with the exception of scattered paddock trees (mostly Marri and Flooded Gum).

The Concept Subdivision Plan (Aerial) at **Appendix F** illustrates there will be virtually no disturbance to existing trees on the subject site as a result of road construction or the future development of dwellings and associated outbuildings.

3.7 Land Capability

No reticulated sewer connection is available for the subject site or within the Gingin townsite. The Site and Soil Evaluation undertaken in support of the proposal (**Appendix E**) has demonstrated the suitability of future rural living lots of 2ha minimum to be serviced with onsite effluent disposal systems.



4 PROPOSED REZONING

4.1 Overview of Proposal

This Application seeks Council's support for the initiation of a Scheme Amendment to rezone the subject site, comprising an area of 24.02 ha of land, from 'General Rural' to 'Rural Living (RL2)'. The submission is accompanied by a Concept Subdivision Plan (**Appendix F1 and F2**) to illustrate the manner by which the subject site may be subdivided following rezoning and provides a design response to opportunities and constraints evident on the site.

4.2 Type of Amendment

Pursuant to regulation 34 of the LPS Regulations, the proposed Scheme Amendment represents a 'standard amendment'. The relevant clauses defining a standard amendment are as follows:

Standard Amendment means any of the following amendments to a local planning scheme –

- a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
- c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
- f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
- g) Any other amendment that is not a complex or basic amendment.

(bold text added for emphasis)

It is considered the proposed Scheme Amendment satisfies the relevant provisions in bold text above and hence should be considered a standard amendment.

4.3 Special Conditions

In addition to the standards that generally apply to the Rural Living zone, the following conditions specific to the area to be rezoned to Rural Living (RL2) are proposed to be included in Schedule 8 of LPS 9 as part of the Scheme Amendment:

No.	Description of Land	Conditions
2	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <p>1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.</p>



		<p>Structure Planning</p> <p>2. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 3 and 4 below.</p> <p>Subdivision</p> <p>3. The plan of subdivision and application must:</p> <ul style="list-style-type: none"> (a) identify building envelopes/exclusion areas which respond to the significant environmental features of the site, including achieving suitable separation from water resources; and (b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary to Cheriton Road through to its western boundary to Sloans Road; (c) be supported by: <ul style="list-style-type: none"> i. an approved Local Water Management Strategy; and ii. a site and soil evaluation conducted in accordance with <i>AS/NZS 1547 On-site domestic wastewater management</i>; <p>Local development plan</p> <p>4. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas consistent with Conditions 1 to 3 above.</p> <p>5. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a development application shall be required.</p>
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4.4 Concept Subdivision Plan

The Concept Subdivision Plan depicts the creation of 12 rural living lots (2ha minimum) serviced by Cheriton Road and a new subdivisional road which would in turn connect to Sloans Road. Sloans Road is currently constructed to a gravel standard with the exception of its southern portion which is sealed for a length of approximately 230m.

4.5 Visual Landscape Considerations

The subject site is located on the western side of Gingin Brook and forms part of the Cheriton Valley. As previously described in this report, the subject site grades upwards from Cheriton Road from a height of 110m AHD firstly in a westerly direction before grading upwards in a southerly direction to a height of approximately 154m AHD along the southern boundary of Lot 380 Howes Lane.

As evident from aerial photographs including the Aerial Context Plan at **Appendix A**, the subject site is generally cleared of vegetation with the exception of some scattered paddock trees.



The Concept Subdivision Plans (**Appendix F1** and **F2**) illustrates the proposed subdivision layout and provides for lots of suitable dimensions to accommodate a single house and associated outbuildings which could be located so as to satisfy required setbacks for the rural living zone specified in Table 2 of LPS 9 (20m from all lot boundaries).

Table 2 does not specify minimum landscaping requirements for rural living lots, but notes landscaping is to be provided '*as required by local government*'.

Development approval is not required for a single house in the rural living zone as provided under LPS 9 at *Schedule A – Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for Local Planning Schemes*. Therefore, it is not considered necessary or appropriate to introduce an additional requirement for development approval for the lots subject to Scheme Amendment 23 for the purpose of introducing design guidelines or similar. In this regard, a requirement for design guidelines to be incorporated as part of the proposal was not raised as part of the preliminary consultation undertaken by the Shire of Gingin.

If required, conditions could be applied at subdivision stage requiring selective planting of street trees as part of a road construction condition (and also tree planting along the western edge of the Cheriton Road reserve, where appropriate) to provide an effective visual screen for buildings which would complement plantings within the lots undertaken by future landowners.

There will be no adverse impact on other external views of the site (such as from Brand Highway) as a result of the proposal given the natural topography of the site and its surrounds.

4.6 Interfaces with General Rural Zoned Land

As described previously in this report in the section addressing SPP 2.5, the proposal will not conflict with primary production activities undertaken on nearby General Rural zoned land and is considered a suitable transitional land use between surrounding rural land to the north and west, exiting rural living lots and residential land use. In this regard, it is noted nearby rural land use comprises broad acre agricultural activities rather than commercial intensive agricultural enterprises, with surrounding rural land separated from the subject site by existing and proposed roads. This notwithstanding, it is anticipated a s70A Notification being placed on the titles of future rural living lots may be considered appropriate at subdivision stage, advising prospective purchasers of potential impacts from a primary production activities conducted in the surrounding rural areas.

4.7 Servicing and Infrastructure

4.7.1 Traffic, Roads and Pedestrian Access

A Transport Impact Statement (TIS) has been prepared in support of the proposed Scheme Amendment, a copy of which is included at **Appendix G**.

The TIS considers the proposal to rezone the subject site to create up to 14 lots having particular regard to the existing road network and the new subdivisional road linking between Cheriton Road and Sloans Road. Key findings in the TIS include the following:



- The new subdivision road connecting Sloans Road and Cheriton Road, which provides an alternative route to Brand Highway, could assist in reducing traffic flow on Mchavloe Drive heading to Brand Highway, particularly traffic generated from the Country Heights Estate, which will be a significant traffic generator when completed. Therefore, the addition of the new subdivision road would also benefit the existing and future residents by providing more permeability to the road network.
- As the area is rural in nature and not in immediate proximity to shops or other trip attractors, it is unlikely there would be significant demand for designated pedestrian access or cycling. Therefore, it is not necessary to provide footpaths within the subdivision and/or a connection to the surrounding road network.
- The development is conservatively estimated to generate 11 trips in the AM peak hour and 14 trips in the PM peak hour. The volume of trips generated by the subject site is minimal and is not considered to have any substantial impact on the surrounding road network.
- It is considered highly unlikely that the proposed development will cause any material impact to the traffic safety of the surrounding road network.

4.7.2 Drainage

The Local Water Management Strategy attached at **Appendix E** details the method in which stormwater will be managed. The strategy aims to comply with the principles and objectives for stormwater management identified in the *Stormwater Management Manual for WA* (DoW, 2004) and *Beter Urban Water Management* (WAPC, 2008). The drainage system will be designed to maintain surface flow rates and volumes within and from the developed site at their pre-development levels. The drainage design presented is conceptual and will be refined in the detailed subdivision designs.

4.7.3 Power

Power and telecommunications infrastructure is available to the subject site via Cheriton Road and could readily be extended along the proposed subdivisional road connecting to Sloans Road to service proposed lots at subdivision stage. Power and telecommunications infrastructure already extends along Howes Lane via Mchavloe Drive.

4.7.4 Water

The landowner of the subject site installed the Water Corporation water supply pipework servicing Marchmont Estate and extending within Cheriton Road to the southern boundary of Lot 9501 as part of the Marchmont Estate subdivision. Water supply pipework already extends along Howes Lane via Mchavloe Drive.

This water supply infrastructure was designed (as a requirement of the Water Corporation) to be of sufficient capacity to enable it to be extended to facilitate future subdivision along Cheriton Road and therefore is expected to be readily able to service proposed lots at subdivision stage.



5 CONCLUSION

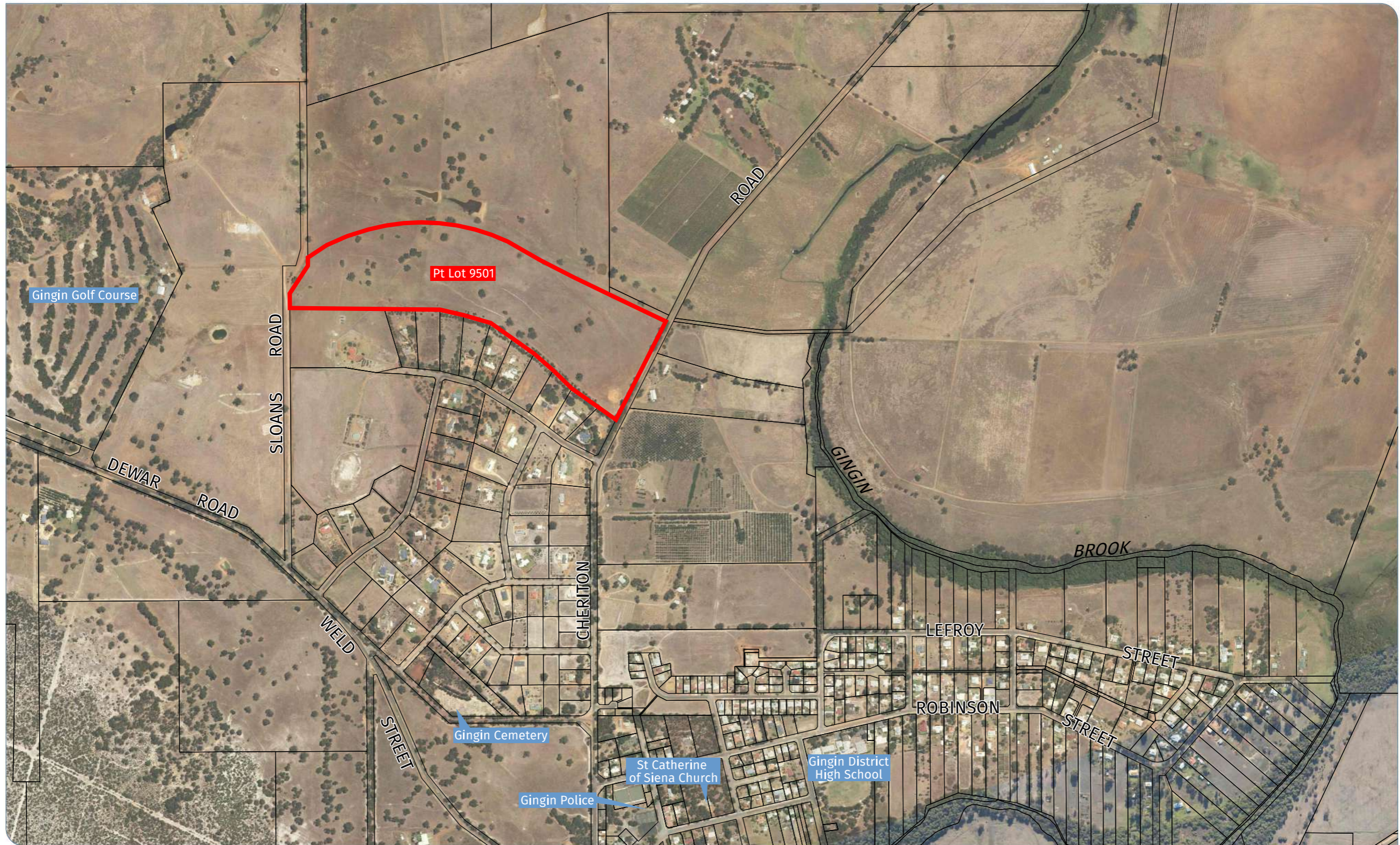
This Scheme Amendment proposal seeks support from the Shire of Gingin to initiate an amendment to rezone Pt Lot 9501 Cheriton Road from 'General Rural' to 'Rural Living (RL2)'. It is considered the proposal is consistent with the strategic planning intent for the subject site set out in the Shire's local planning framework and is able to satisfy relevant state planning policies. As such, the proposal represents orderly and proper planning for the Gingin townsite and surrounds, which will make efficient use of existing servicing infrastructure and assist in supporting the provision of a range of townsite services and facilities.

Following the initiation of the Scheme Amendment and it being subject to the requirements of Part 5, Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, it is respectfully requested the Scheme Amendment be favourably considered by the Western Australian Planning Commission and thereafter approved by the Minister for Planning.



APPENDIX A

AERIAL CONTEXT PLAN



AERIAL CONTEXT PLAN

Pt Lot 9501 Cheriton Road and Lot 380 Howes Lane,
GINGIN

Plan No.		20213-05	PERTH & FORRESTDALE:	COPYRIGHT:
Date		29/11/21	Lvl 1, 252 Fitzgerald St	This document is and shall remain the
Drawn		NP	PERTH WA 6009	property of HARLEY DYKSTRA.
Checked		DM	15/2 Hensbrook Loop,	The document may only be used for the
Revision		A	FORRESTDALE WA 6112	purpose for which it was commissioned
			T: 08 9495 1947	and in accordance with the terms of
			E: metro@harleydykstra.com.au	engagement for the commission.
			ALBANY BUNBURY BUSSELTON FORRESTDALE PERTH	Unauthorised use of this document in
				any form whatsoever is prohibited.

Scale | 1:10000@A3

NOTE: This plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey



Harley Dykstra

PLANNING & SURVEY SOLUTIONS



APPENDIX B

CERTIFICATES OF TITLE

WESTERN



AUSTRALIA

REGISTER NUMBER 9501/DP420962	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 12/4/2021

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

VOLUME **4000** FOLIO **605**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 9501 ON DEPOSITED PLAN 420962

**REGISTERED PROPRIETOR:
(FIRST SCHEDULE)**

VERNON SCHOFIELD OF 245 CHERITON ROAD GINGIN WA 6503

(AF O672966) REGISTERED 16/3/2021

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

1. T1011/1899 EASEMENT BENEFIT SEE TRANSFER 1011/1899. REGISTERED 1/1/1899.
2. *K029554 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 8/1/2007.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

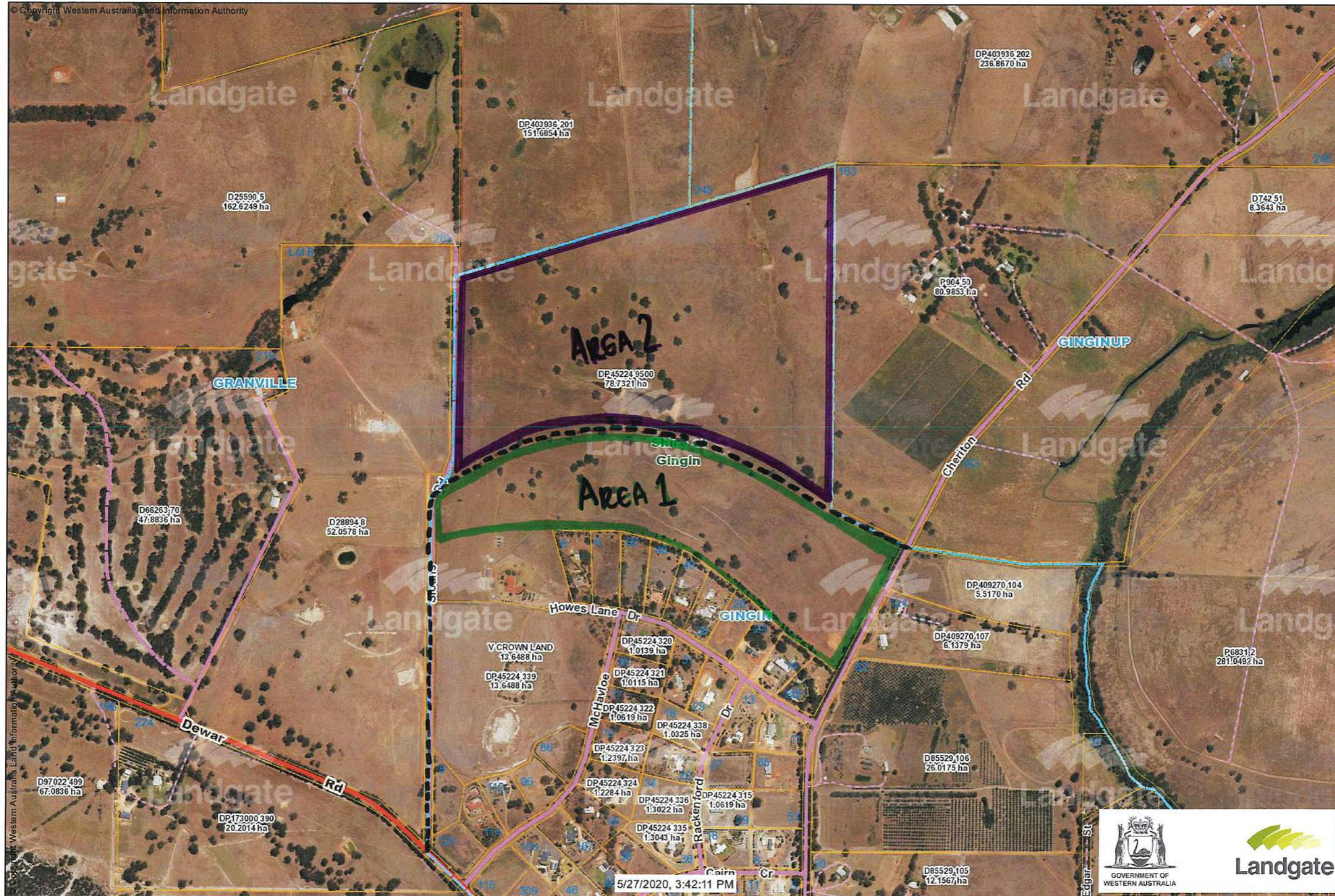
SKETCH OF LAND: DP420962
PREVIOUS TITLE: 2646-375
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN



APPENDIX C

AREA 1 AND AREA 2 SKETCH

Lot 9500 Cheriton Road, Ginginup



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Disclaimer. The accuracy and completeness of the information on this document is not guaranteed and is supplied by Landgate 'as is' with no representation or warranty as to its reliability, accuracy, completeness, or fitness for purpose. Please refer to original documentation for all legal purposes.



APPENDIX D

GINGIN TOWNSITE AND RURALSURROUNDS STRUCTURE PLAN (MAP)

Legend:

- | | |
|------------------------------|---|
| Revitalisation area | Rural |
| Existing residential area | Golf course precinct |
| Urban expansion areas | Caravan park |
| Town centre | Mixed business |
| Active recreation precinct | General industrial |
| Conservation precinct | Roads - Integrator A |
| Parks & recreation | Roads - Neighbourhood Connector |
| Public purpose - cemetery | Rail |
| Public purpose - school site | Rail station |
| Public purpose - aged care | Structure Plan Boundary |
| Scenic protection | Townsite Boundary |
| Rural living | Public Drinking Water Source Protection Area - Priority 3 |
| Equestrian precinct | |

- | | |
|--|--|
| ① Recommended location for Aged Persons Accommodation. | ⑧ General industrial uses located on existing/previous hardstand areas within the closed Iluka mine site. |
| ② Future passenger rail. | ⑨ Rehabilitation zone. Shorter term rural land uses consistent with post-mining rehabilitation and land capability. |
| ③ Integration of civic, community, tourism, cultural, recreational, and commercial uses. | ⑩ Mixed business area planning to incorporate buffers and controls to maintain visual quality of Dewar Road entrance to Gingin Townsite. |
| ④ Enhanced community access to the Gingin Brook. | ⑪ Existing caravan park. |
| ⑤ Additional Brook crossing. | ⑫ New road connection. Alignment subject to future technical study and community consultation. |
| ⑥ Smaller rural lots focussed on equestrian industry. | |
| ⑦ Enhance landscape quality of key entry roads to Gingin Townsite. | |



GINGIN TOWNSITE AND RURAL SURROUNDS STRUCTURE PLAN

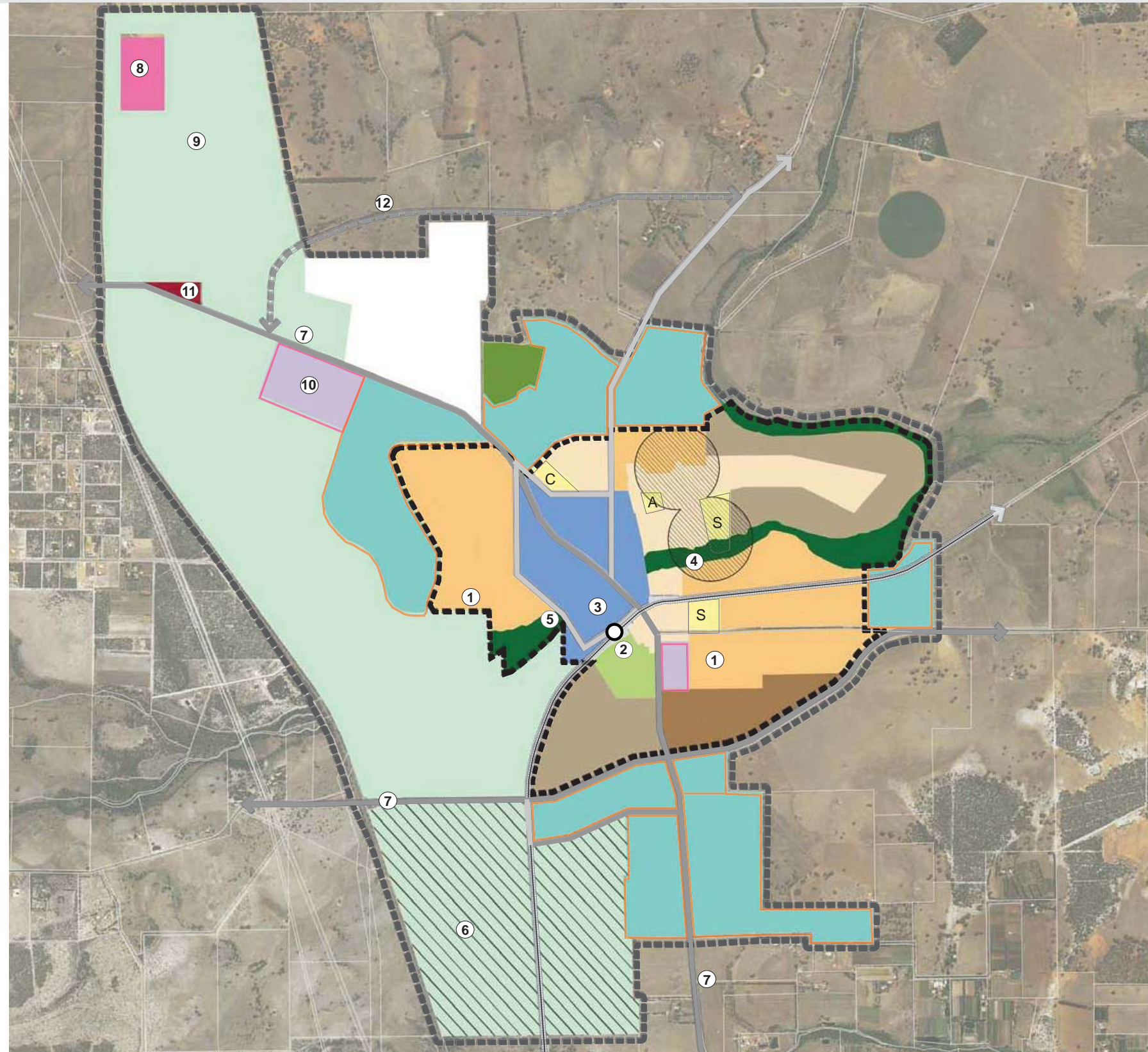


Figure 8 - Gingin Townsite and Rural Surrounds Structure Plan



APPENDIX E

LOCAL WATER MANGEMENT STRATEGY

**PT LOT 9501 CHERITON RD, GINGIN
LOCAL WATER MANAGEMENT STRATEGY**

Prepared for

Schofield Trust
PO Box 220
GINGIN WA 6503

Draft Report No. J20021
31 December 2021

**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

EXECUTIVE SUMMARY

INTRODUCTION

The Schofield Trust proposes to rezone Lots 9501 Cheriton Road, Gingin (the site) from General Rural to Rural Living under the Shire of Gingin Local Planning Scheme No. 9 to enable its subdivision into Rural Living lots with a minimum size of two hectares.

The site has a total area of approximately 31.5ha. The proposed subdivision will create 12 new lots with areas between 2.1ha and 3.26ha as well as 2.24ha of new road reserve. The new lots will enable 12 new residences to be built, which will be serviced with scheme water and on-site effluent disposal.

Bayley Environmental Services was commissioned in August 2021 to undertake site investigations and to prepare a Local Water Management Strategy (LWMS) in support of the structure plan. The Department of Planning, Lands & Heritage (DPLH) has agreed that the requirement for an Environmental Assessment & Management Strategy (EAMS) report to support the rezoning may be satisfied by an expanded LWMS.

EXISTING ENVIRONMENT

The site lies on the gently undulating Gingin Scarp, on the north-facing slope of a low hill. The elevation ranges from 109.5m AHD at the north-east corner to 155m AHD at the south-west corner. The average slope over the site is about 8%.

The site soils consist mostly of dark red loam over orange-red mottled clay-loam or lateritic clay. In the south-west the test pits found very dark loam over a white chalk layer about 1.5m thick over clay.

Constant-head permeability tests in accordance with AS1547:2012 at 0.5m depth at eight locations (Figure 4) found saturated hydraulic conductivities (Ks) ranging from 0.5m/day to 9.2m/day, with an average Ks of 3.5m/day and a median of 2.4m/day.

No soil PRI analyses have been carried out at the site. The dark red-brown loamy and clayey soils are expected to have a high to very high PRI (probably over 100).

The Department of Water & Environmental Regulation (DWER) maps the site as having Low to Nil risk of actual or potential acid sulphate soils.

A shallow groundwater table probably develops in the valley north of the site in winter. Given the slopes and observed depth to granite in the area, the water table is expected to extend no further than the edges of the lots.

Groundwater ingress was observed at 1.8m to 2m depth in one test pit in the north of the site. Shallow groundwater (0.4m bgl) was also observed in a small area in the central south.

A shallow seasonal tributary of Gingin Brook flows northwest-southeast about 35-200m north of the site. The creek has a catchment of 95ha including parts of the site. Towards the north-eastern end of the site, the creek is joined by another creekline flowing from the north, which has an additional catchment of about 65ha. There are no wetlands mapped or existing on the site.

The site is cleared of native vegetation except for scattered mature trees, mostly Marri and Flooded Gum.

The cleared site and surrounds offer little habitat for native fauna except for disturbance-tolerant birds. Birds observed on the site during the site inspections included magpies, crows, twenty-eight parrots and galahs.

A detailed tree inspection in September 2021 found several trees containing small hollows, including one in use by galahs. No hollows or potential hollows of suitable size or configuration for black cockatoo nesting were observed. No evidence of black cockatoo feeding (e.g. chewed nuts) was observed.

The site has been cleared and used for cropping and/or broadacre grazing since at least 1981. There is no evidence on aerial photographs or on the ground of any intensive agriculture, structures or other potentially contaminating land uses. No further investigation of contamination is proposed.

LAND CAPABILITY FOR ON-SITE EFFLUENT DISPOSAL

Site investigations have found that the site is suitable for on-site effluent disposal in accordance with the Government Sewerage Policy (GSP). Specifically:

- The proposed minimum lot size of 2.1ha meets the lot size requirements of the GSP.
- The slopes on the site are less than 20%, the limit set by the GSP.
- The measured soil permeability is well above the minimum for on-site effluent disposal set by the GSP and Australian Standard AS1547:2012.
- The soil colour and clay-loam texture suggest a high to very high phosphorus retention index (PRI).
- Most of the site has sufficient groundwater clearance for effluent disposal without any modification. Parts of some lots might require filling to permit effluent disposal, but all lots contain areas that can be used without filling.

-
- All lots contain considerable areas with more than 100m separation from surface watercourses.
 - The site is not susceptible to inundation under any foreseeable scenario.

STORMWATER MANAGEMENT

Runoff from the single access road from storms up to 1 year ARI, 1 hour duration (about 15mm) will be captured and infiltrated in a vegetated roadside bioretention swale. Preliminary calculations suggest that a swale 0.65m deep containing 0.3m high weirs at 13m spacing will have sufficient capacity to capture and infiltrate the 1-year 1-hour storm.

The lots will generally generate no runoff from 1-year 1-hour storms or smaller. In larger storms, runoff from the lots will flow into the roadside swale or to offsite areas.

Runoff from major storms up to the critical 100-year ARI storm, including road runoff and overflow from the lots, will overtop the weirs and flow along the roadside swale to the roadside drain on Cheriton Road, then into the northern creek and Gingin Brook.

The roadside swale will be sized to carry the critical 100-year ARI flow from all parts of the site and external catchments. The weirs will be sized to detain and compensate the offsite flows to no more than pre-development levels.

The drainage system will be designed to maximise on-site retention of nitrogen and phosphorus. This will be achieved by:

- Infiltrating or detaining all road runoff from the first 15mm of rainfall in any storm in a densely vegetated roadside bioretention swale.
- Conveying all road runoff from storms between 1-year and 100-year ARI in a densely vegetated bioretention swale to allow suspended particles to be filtered out.

The drainage system has been designed to require minimal maintenance. The following will be required to ensure that the system continues to function as designed:

- Tending and maintenance of swales and other vegetated drainage features to remove litter, control weeds and encourage the growth of native species.
- Pruning, mulching or removal of vegetation in the swale as necessary to maintain ground fuel loads below 8 tonnes/ha.

GROUNDWATER MANAGEMENT

Development on the site is not expected to have any effect on groundwater levels.

No groundwater quality information currently exists for the site. The aim of nutrient management will be to limit nutrient inputs to the site so that nutrient outputs are minimised. Given the high-PRI soils at the site, minimal phosphorus leaching to the groundwater is expected.

LANDSCAPING STRATEGY

In accordance with the Shire of Gingin Local Planning Scheme No. 9, the Shire of Gingin may require landscaping in accordance with a Landscape Plan as a condition of subdivision.

IMPLEMENTATION AND FURTHER MANAGEMENT PLANS

Subdivision and development on the site will be carried out in general accordance with this LWMS.

Prior to subdivision and development, a detailed drainage design (including sizing and configuration of the roadside swale) will be carried out and documented in a detailed Drainage Management Plan to the satisfaction of the Shire of Gingin.

Prior to development on individual lots, detailed design of on-site effluent disposal systems will be carried out by an experienced designer/installer to the satisfaction of the Shire of Gingin.

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1.0 INTRODUCTION

1.1 The Proposed Development

The Schofield Trust proposes to rezone Lots 9501 Cheriton Road , Gingin (the site) from General Rural to Rural Living under the Shire of Gingin Local Planning Scheme No. 9 to enable its subdivision into Rural Living lots with a minimum size of two hectares.

The site has a total area of approximately 24.02ha. The proposed subdivision will create 12 new lots with areas between 2.1ha and 3.26ha as well as 2.24ha of new road reserve. The new lots will enable 12 new residences to be built, which will be serviced with scheme water and on-site effluent disposal.

Planning consultant Harley Dykstra has prepared a structure plan and conceptual plan of subdivision for the site. Figure 1 shows the proposed subdivision layout. Figure 2 shows an aerial view of the site and its surroundings.

Bayley Environmental Services was commissioned in August 2021 to undertake site investigations and to prepare a Local Water Management Strategy (LWMS) in support of the structure plan. Due to the apparent lack of significant environmental constraints to the proposal, the Department of Planning, Lands & Heritage (DPLH) has agreed (____, 2021 corresp.) that the requirement for an Environmental Assessment & Management Strategy (EAMS) report to support the rezoning may be satisfied by an expanded LWMS.

1.2 Relevant Policies and Guidelines

1.2.1 State Planning Policy 2.9

State Planning Policy 2.9: *Water Resources* (WAPC, 2006) lists the following key principles for total water cycle management:

- Consideration of all water sources (including wastewater) in water planning, maximising the value of water resources.
- Integration of water and land use planning.
- Sustainable and equitable use of all water sources, having consideration of the needs of all water users including the community, industry and the environment.
- Integration of water use and natural water processes.
- A whole-of-catchment integration of natural resource use and management.

SPP 2.9 also lists the following general objectives for water-sensitive urban design:

- to manage a water regime;
- to maintain and, where possible, enhance water quality;
- to encourage water conservation;
- to enhance water-related environmental values; and
- to enhance water-related recreational and cultural values.

Element 5 of *Liveable Neighbourhoods* Edition 3 (WAPC, 2004) identifies specific objectives and requirements for Urban Water Management. These are based on Best Planning Practices which are defined as the best practical approach for achieving water resource management objectives within an urban framework.

1.2.2 Better Urban Water Management

Better Urban Water Management (WAPC, 2008) sets out the following objectives for water sensitive urban design:

Water Conservation

- Consumption of 100kL/pp/yr including less than 40-60 kL/p/yr scheme water.

Water Quantity

- Ecological Protection – Maintain pre-development flow rates and volumes for the 1 year ARI event. Maintain or restore desirable environmental flows and/or hydrological cycles.
- Flood Management – Maintain pre-development flow rates and volumes for the 100 year ARI event.

Water Quality

- Maintain pre-development nutrient outputs (if known) or meet relevant water quality guidelines (e.g. ANZECC & ARMCANZ, 2000).
- Treat all runoff in the drainage network prior to discharge consistent with the Stormwater Management Manual.
- As compared to a development that does not actively manage stormwater quality, achieve:
 - at least 80% reduction of Total Suspended Solids;
 - at least 60% reduction of Total Phosphorus;
 - at least 45% reduction of Total Nitrogen; and
 - at least 70% reduction of gross pollutants.

Mosquitoes and Midges

- Design detention structures so that, between the months of November and May, stormwater is fully infiltrated within 96 hours.
- Design permanent water bodies (where accepted by DWER) to maximise predation of mosquito larvae by native fauna.

1.2.3 Government Sewerage Policy

The Government Sewerage Policy (2019) requires that all new subdivision and development should be deep-sewered unless it is exempt for one of several reasons. For exempt developments, the policy establishes minimum site capability requirements and, where appropriate, density limits. In these cases, on-site effluent disposal may be approved where the responsible authority is satisfied that:

- each lot is capable of accommodating on-site sewage disposal without endangering public health or the environment; and
- the minimum site requirements for on-site sewage disposal as set out in the Policy can be met.

The Policy designates certain areas as Sewage Sensitive Areas (SSAs), including land:

- within the coastal catchment of the Swan Estuary; and
- within 1km upgradient or 250m downgradient (or overall 1km where the groundwater gradient is unknown) of a significant wetland.

Approximately the eastern half of the site is within an SSA due to its proximity to Gingin Brook.

Additional restrictions and requirements apply to on-site effluent disposal in SSAs, including:

- a minimum lot size of one hectare (unless exempted on a case-by-case basis);
- minimum vertical separation of 1.5m from the discharge point of effluent disposal systems to the highest groundwater table level; and
- secondary effluent treatment systems with nutrient removal.

1.2.4 DoW Interim Guideline: Developing a Local Water Management Strategy

The DoW LWMS guideline was published in 2008 and sets out the DoW's preferred format and content for LWMS documents. The guideline expands on the LWMS guidance provided in *Better Urban Water Management* (2008).

This LWMS has been prepared in accordance with the principles set out in the DoW guideline.

1.2.5 Shire of Gingin Local Planning Scheme No. 9

The Shire of Gingin Local Planning Scheme No. 9 contains the following objectives for Rural Living zones:

- a) protect the rural environment and landscape;
- b) accommodate single dwellings at very low densities on individual allotments beyond the urban areas;
- c) restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;
- d) prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;
- e) avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and
- f) provide for a suitable level of physical and community infrastructure.

1.3 Scope of the LWMS

The scope of this LWMS is to:

- Document the existing environment on the site, in relation to soils, drainage, erosion, watercourses, groundwater and water-dependent ecosystems.
- Briefly describe the proposed development in relation to water management.
- Examine the capability of the site for on-site effluent disposal.
- Address relevant regulatory requirements and design criteria for water harvesting, setbacks to watercourses, groundwater management and drainage.
- Describe the strategies to be implemented for water conservation, watercourse protection, groundwater management and stormwater drainage.

This LWMS also includes relevant elements of an Environmental Assessment and Management Strategy (EAMS) in support of the Scheme amendment, by agreement with the DPLH (_____, 2021 corresp.)

1.4 Design Objectives

Table 1.1 summarises the water-related design objectives for the site and the means by which they will be achieved in the LWMS and subsequent management plans.

Table 1.1 Design Objectives

<i>Design Aspect</i>	<i>Design Objective</i>	<i>How Objective is to be Achieved</i>
Water Conservation	Ensure efficient and sustainable use of water resources	Use water efficient fixtures. Use non-potable water for irrigation. Use water-efficient native species for landscaping. Irrigate landscape plantings only for 2 years.
Groundwater Management	Minimise impacts on groundwater level and flows Minimise impacts on groundwater quality	Treat runoff from minor storms in bioretention basins and swales.
Surface Water Management	Minimise impacts on surface water flow rates, volumes and quality	Retain and infiltrate runoff from 1-year ARI 1-hour storms in bioretention basins and swales. Detain runoff from larger storms and control release from lots and overall site to pre-development flow rates. Set effluent disposal facilities at least 100m back from natural waterways.

2.0 EXISTING ENVIRONMENT

2.1 Rainfall

Gingin, like the rest of the near-Perth region, has a strongly seasonal rainfall, with most of the annual rain falling between May and September in association with winter cold fronts. Occasional heavy falls may occur from summer thunderstorms. The long-term average annual rainfall for RAAF Gingin (located 14.3km south of the site) is 620.7mm, of which 80% falls between the months of May and September.

Figure 3 shows a rainfall occurrence chart for RAAF Gingin. Table 2.1 shows rainfall intensity, frequency and duration for Gingin.

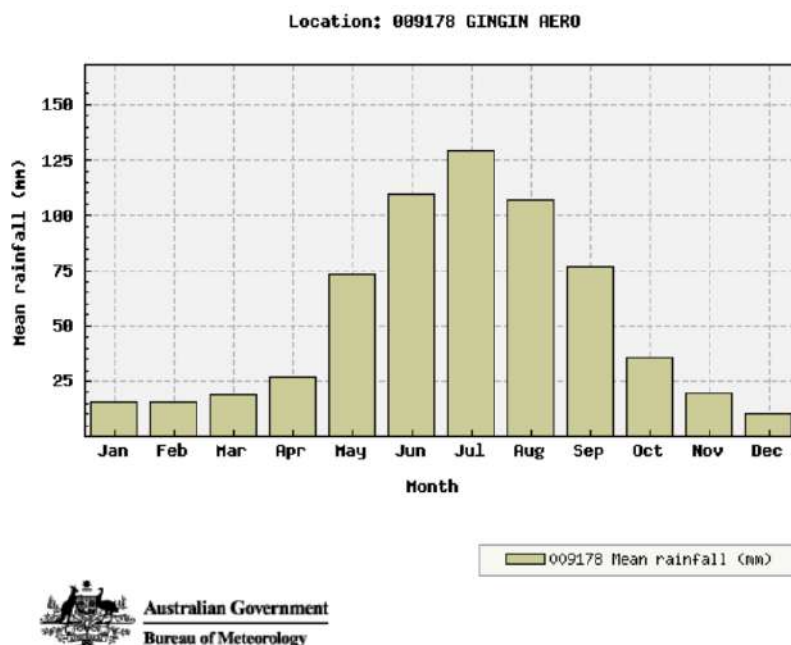


Figure 3 RAAF Gingin Mean Rainfall

IFD Design Rainfall Depth (mm)

Issued: 17 December 2021

Rainfall depth for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).
[FAQ for New ARR probability terminology.](#)

Duration	Annual Exceedance Probability (AEP)						
	63.2%	50%#	20%*	10%	5%	2%	1%
1 min	1.47	1.66	2.28	2.74	3.22	3.92	4.49
2 min	2.54	2.84	3.83	4.55	5.31	6.41	7.33
3 min	3.43	3.84	5.21	6.21	7.27	8.81	10.1
4 min	4.18	4.68	6.39	7.65	8.98	10.9	12.5
5 min	4.82	5.41	7.41	8.90	10.5	12.7	14.6
10 min	7.09	8.00	11.0	13.3	15.7	19.1	21.8
15 min	8.60	9.69	13.4	16.1	19.0	23.0	26.4
20 min	9.74	11.0	15.1	18.2	21.4	26.0	29.7
25 min	10.7	12.0	16.5	19.9	23.4	28.3	32.4
30 min	11.5	12.9	17.7	21.3	25.0	30.3	34.7
45 min	13.4	15.0	20.6	24.7	29.0	35.2	40.4
1 hour	14.9	16.7	22.8	27.4	32.2	39.2	45.1
1.5 hour	17.4	19.4	26.4	31.7	37.4	45.9	53.1
2 hour	19.3	21.6	29.4	35.4	41.9	51.6	60.0
3 hour	22.5	25.1	34.2	41.4	49.3	61.3	71.9
4.5 hour	26.3	29.2	40.0	48.7	58.4	73.3	86.5
6 hour	29.3	32.6	44.7	54.6	65.7	83.0	98.4
9 hour	34.0	37.8	52.0	63.8	77.2	98.0	117
12 hour	37.6	41.8	57.6	70.7	85.8	109	130
18 hour	43.0	47.8	65.8	80.7	97.7	124	147
24 hour	47.0	52.3	71.6	87.4	105	133	157
30 hour	50.2	55.7	76.0	92.3	111	138	162
36 hour	52.8	58.6	79.4	96.1	115	142	166
48 hour	57.1	63.2	84.8	102	120	146	169
72 hour	63.7	70.3	92.5	109	126	151	171
96 hour	69.3	76.2	99.0	115	132	155	174
120 hour	74.6	81.9	105	122	138	161	179
144 hour	80.0	87.7	112	129	146	169	188
168 hour	85.6	93.7	120	137	155	180	199

Note:

The 50% AEP IFD **does not** correspond to the 2 year Average Recurrence Interval (ARI) IFD. Rather it corresponds to the 1.44 ARI.

* The 20% AEP IFD **does not** correspond to the 5 year Average Recurrence Interval (ARI) IFD. Rather it corresponds to the 4.48 ARI.

Table 2.1 Rainfall Intensity for Gingin

2.2 Physiography

2.2.1 Topography

The site lies on the gently undulating Gingin Scarp, on the north-facing slope of a low hill. The elevation ranges from 109.5m AHD at the north-east corner to 155m AHD at the south-west corner. Figure 2 shows an aerial view of the site. Figure 4 shows topographic contours over the site.

The slope ranges from less than 4% in the central west to 16% in the south-west corner. The average slope over the site is about 8%.

2.2.2 Geology, Landforms and Soils

The Geological Survey of Western Australia (Hockey *et al.*, 1975) mapped most of the site as Colluvium, soil and undifferentiated sand (Qpo): Varicoloured (white-cream-brown), poorly sorted, partly rounded sand.

The far south-west was mapped as - Gingin Chalk (Kug): White, friable, richly fossiliferous and slightly glauconitic chalk in a layer 12-28m thick. The far south-east was mapped as Leederville Formation (Kll): Continental to shallow marine sequence of sandstone with minor shale, micaceous siltstone and claystone. Figure 4 shows the GSWA mapping.

Test pits to depths of up to 3.9m at twelve locations (Figure 4) mostly found a dark red loam over orange-red mottled clay-loam or lateritic clay. In the south-west the test pits found very dark loam over a white chalk layer about 1.5m thick over clay. Two test pits (GT4 and GT9) encountered granite at 2.9m and 1.9m respectively. Appendix A shows soil logs from the test pits.

Chalk outcrops and loose rocks were visible on the surface in the south-west. Figure 4 shows the area interpreted to contain the chalk layer.

2.2.3 Land Units

DPIRD ([www._____](http://www.dpiird.gov.au)) maps the site as part of the Dandaragan System (222Da): “Subdued dissected lateritic plateau, undulating low hills and rises with narrow alluvial plains, variable deep sands and sandy gravels plus minor earths, duplexes and clays; *Melaleuca* woodlands and shrublands.”

2.2.4 Soil Permeability

Constant-head permeability tests in accordance with AS1547:2012 at 0.5m depth at eight locations (Figure 4) found saturated hydraulic conductivities (Ks) ranging from 0.5m/day to 9.2m/day, with an average Ks of 3.5m/day and a median of 2.4m/day. Appendix B shows the permeability test results.

2.2.5 Phosphorus Retention Index

No soil PRI analyses have been carried out at the site. The dark red-brown loamy and clayey soils are expected to have a high to very high PRI (probably over 100).

2.2.6 Acid Sulphate Soils

The Department of Water & Environmental Regulation (DWER) maps the site as having Low to Nil risk of actual or potential ASS. The site is elevated with soils of terrestrial origin. No further consideration of ASS is proposed.

2.3 Hydrology

2.3.1 Groundwater

A shallow groundwater table probably develops in the valley north of the site in winter. Given the slopes and observed depth to granite in the area, the water table is expected to extend no further than the edges of the lots.

Seepage may occur above the granite or heavier clay layers in other parts of the site during winter. Groundwater ingress was observed at 1.8m to 2m depth in test pit GT12. Shallow groundwater (0.4m bgl) was also observed in a small area in the central south, where converging contours concentrate drainage from upslope.

2.3.2 Surface Drainage

There is no defined natural surface drainage on the site. Sheet runoff may occur under very intense rainfall.

A shallow seasonal creek flows northwest-southeast about 35-200m north of the site. The creek is dammed in several places and flows east about 750m to join Gingin Brook, then generally west to the Moore River. The creek rises about 300m north-west of the site and has a catchment of 95ha including parts of the site. Towards the north-eastern end of the site, the creek is joined by another creekline flowing from the north, which has an additional catchment of about 65ha.

Several shallow contour drains have been cut within the site and adjacent lots. Their purpose is unclear but is possibly erosion control. The drains do not discharge to the creek, but end in small ponds.

A dam is located in the north-east corner of the site. When inspected in August 2021 (following an exceptionally wet July) it was dry.

Figure 5 shows the hydrology of the site and surroundings.

2.3.3 Water Resources

The site is within the Gingin Groundwater Area, in the Cowalla Confined (Leederville) and Gingin Townsite (surficial) subareas. Water allocations in the Gingin Groundwater Area are governed by the DWER under the Gingin Groundwater Area Water Allocation Plan (DoW, 2015).

Under the Plan, the surficial aquifer in the Gingin Townsite subarea has a total of 5,000 ML/yr available for abstraction, of which ___ ML/yr is currently unallocated (____, DWER, 2022 pers. comm.). The Leederville aquifer has a total of 19,000 ML/year, which is currently over-allocated.

The availability of groundwater on the site is expected to be generally low and will vary from place to place depending on the proximity to the northern creekline, the depth to granite and the occurrence of sandy soil horizons. Test drilling will be required to determine groundwater availability on any particular lot.

2.3.4 Wetlands

There are no wetlands mapped or existing on the site. The nearest mapped wetland is a Multiple Use Category palusplain in cleared paddocks 95m east of the site. Gingin Brook, 440m south-east of the site, is mapped as a Conservation Category palusplain.

2.4 Water Quality

No water quality information for the site or surroundings is available.

2.5 Vegetation

The site is cleared of native vegetation except for scattered mature trees, mostly Marri and Flooded Gum. Figure 4 shows the trees on the site.

2.6 Fauna and Habitats

2.6.1 Overview

The cleared site and surrounds offer little habitat for native fauna except for disturbance-tolerant birds. Birds observed on the site during the site inspections included magpies, crows, twenty-eight parrots and galahs.

2.6.2 Cockatoo Habitat

Bayley Environmental Services surveyed all of the trees on the site in September 2021 and found 35 trees larger than 0.5m dbh. All trees were photographed, located using a handheld GPS and inspected for health and the presence of hollows and evidence of black cockatoo feeding. Appendix C shows the tree survey results.

Several trees contained small hollows, including one in use by galahs. No hollows or potential hollows of suitable size or configuration for black cockatoo nesting were observed.

Marris were the only trees on the site which offered a potential food source for black cockatoos. No evidence of black cockatoo feeding (e.g. chewed nuts) was observed, although the search was hampered by the presence of long grass beneath most trees.

It is concluded that the Marri trees on site offer a potential food source for black cockatoos, but there are no actual or potential nesting hollows on the site.

No trees will require removal as part of the subdivision or development of the site with the possible exception of three Marri trees in the road reserve. Efforts will be made to retain these trees in consultation with the Shire of Gingin. Any other removal of trees on individual lots will be subject to development approval from the Shire of Gingin.

2.7 Land Uses and Potential Contamination

The site has been cleared and used for cropping and/or broadacre grazing since at least 1981 (the date of the earliest Landgate aerial photography). There is no evidence on aerial photographs or on the ground of any intensive agriculture, structures or other potentially contaminating land uses. No further investigation of contamination is proposed.

3.0 WATER USE SUSTAINABILITY

3.1 Water Supply

The development will be supplied with potable water provided by the Water Corporation.

Groundwater may be available from the surficial aquifer, although its quality and availability will need to be established by testing on individual lots. Dams may be feasible in some areas for non-potable supply. Rainwater tanks may be used as a supplementary supply.

3.2 Water Efficiency Measures

In accordance with the amended *Building Regulations 1989*, all new homes within the development will incorporate the following features:

- Minimum 4 stars WELS rated tap fittings, except bath outlets and garden taps.
- Minimum 3 stars WELS rated shower heads.
- Minimum 4 stars WELS rated dual flush toilets.
- Covers on all private swimming pools.
- All internal hot water pipes installed in accordance with AS/NZS 3500:2003.
- Maximum run of pipe from hot water system to outlet not exceeding 20 metres length or 2 litres of internal volume.

The design and installation of water wise initiatives such as rainwater tanks, grey water reuse systems and water efficient fixtures and fittings will be promoted as part of the marketing of the estate to ensure such initiatives can be implemented by homeowners.

4.0 LAND CAPABILITY FOR ON-SITE EFFLUENT DISPOSAL

4.1 Lot Size

The proposed lots on the site have a minimum size of 2.1 hectares. Under the Government Sewerage Policy (GSP), new unsewered subdivisions on clay-loam soils in towns without an established sewerage scheme have a minimum permissible size of 1,000m² for secondary effluent systems and 2,000m² for primary treatment systems (e.g. septic). In sewage sensitive areas (SSAs) the minimum lot size is 1ha.

The minimum lot size proposed for the site meets the minimum lot size requirement of the GSP.

4.2 Slope

The GSP prohibits on-site effluent disposal on land with a slope of more than 20% (1 in 5), although terracing or contouring may be used to reduce the slope if necessary.

The steepest slope on the site is 16% in the south-west corner (proposed Lot 13). All lots therefore meet the slope limitations of the GSP. However, it is recommended that the area of steepest slope in the south-east of Lot 13 be avoided for effluent disposal.

4.3 Soil Permeability

Constant-head permeability tests at eight locations on the site found saturated hydraulic conductivity (Ks) of 0.5m/day to 9.2m/day, with an average of 3.5m/day and a median of 2.4m/day.

Australian Standard AS1547:2012 permits effluent disposal by leach drains or irrigation on land with Ks of 0.06m/day or greater. The site soils easily meet the AS1547 standard.

4.4 Phosphorus Retention Index

The Health Department's draft *Code of Practice for Onsite Sewage Management* (2012) recommends a PRI of at least 20 for soils beneath effluent irrigation areas.

No PRI testing has been carried out at the site, but the soil colour and clay-loam texture suggest a high to very high PRI (probably >100). The site is expected to easily meet the Health Department's recommended PRI standard.

4.5 Groundwater Separation

The GSP requires a minimum 0.6m clearance from the discharge point of effluent disposal systems to the highest groundwater table in loams and heavy soils outside of Sewage Sensitive Areas (SSAs) and Public Drinking Water Source Areas (PDWSAs). In SSAs the minimum permitted clearance to groundwater is 1.5m.

Groundwater was encountered at 1.8m depth at test pit GT10 in the north of the site. Shallow groundwater at 0.4m depth was encountered in a small area of converging slope in parts of proposed Lots 7 and 8 (Figure 6). On Lot 8, this area may be used for effluent disposal by adding fill to a height of 0.2m plus the height of the effluent system (0m for surface irrigation, up to 0.9m for conventional leach drains). Lot 7 is within the SSA and so this area would require filling by between 1.1m and 2m.

Lots 1 to 7 are all within the SSA. Conventional leach drains in SSAs require at least 2.4m clearance from the ground surface to the water table (allowing for 0.6m system height plus 0.3m of soil cover). The minimum clearance can be reduced to 1.8m by the use of flatbed leach drains or subsoil drip irrigation, and to 1.5m by using surface spray irrigation. By these means, all of Lots 1 to 7 except for the portion identified at the south of Lot 7 are expected to have sufficient groundwater clearance for effluent disposal.

All other parts of the site have sufficient groundwater clearance for effluent disposal without modification.

4.6 Surface Water Separation

The GSP requires effluent disposal areas to be set back at least 100m from surface watercourses and drains that flow into surface watercourses without treatment.

The creekline to the north approaches to within 57m from the nearest lot. A 100m buffer from the creek affects the lower (northern) parts of Lots 1 and 4-8 (Figure 6). All of these lots have ample room for effluent disposal outside of the 100m setback.

There is therefore no significant constraint to effluent disposal due to surface water setbacks.

4.7 Inundation

Calculations using the Rational Method (Engineers Australia, 1987) suggest that the combined catchments of the creek north of the site would produce a flow of around 6.9m³/sec in a critical 100-year ARI storm at the closest point to the site. Appendix D shows the flow calculations.

Calculations using Manning's Open Channel Flow Formula (Fang, 2000) suggest that this flow produce a flow 28m wide and 0.36m deep in the creek. It is concluded that there is no risk of inundation of the site from the creek.

4.8 System Selection, Sizing and Location

The soils and hydrology of the site are suitable for effluent disposal by conventional septic tank/leach drain systems or by ATU using leach drains or irrigation. Septic systems are the simplest and cheapest option.

Schedule 2 of the GSP indicates that a 5 bedroom, 6 person home with a conventional septic system would require a minimum 620m² land application area (LAA) including necessary setbacks from boundaries and buildings. A secondary treatment system (ATU with leach drain or irrigation) would require an LAA of at least 257m².

All proposed lots have ample room for either primary or secondary effluent disposal. All could employ effluent disposal in any part of the lot except:

- Lots 1 and 4-8: Avoid areas within 100m of the creekline.
- Lots 7 and 8: Avoid or fill area with shallow groundwater.
- Lot 13: Recommend avoid area of steepest slope in south-east corner.

Under the GSP, Lots 1 – 7 are within a sewage sensitive area and must use nutrient-retentive secondary treatment systems (e.g. ATU with high-PRI irrigation area, ATU or septic with modified soil leach drain).

Figure 6 shows the constrained areas.

5.0 STORMWATER MANAGEMENT

5.1 Principles and Objectives

The stormwater management strategy aims to comply with the principles and objectives for stormwater management identified in the *Stormwater Management Manual for WA* (DoW, 2004) and *Better Urban Water Management* (WAPC, 2008).

Nutrient concentrations and loads in water leaving the site will be managed to comply with the long-term targets of the *Swan Canning Water Quality Improvement Plan* (SRT, 2009), as follows:

- Winter median TP concentration: 0.1 mg/L
- Winter median TN concentration: 1.0 mg/L
- Annual TP yield: 0.013 kg/ha
- Annual TN yield: 0.2 kg/ha.

The drainage system will be designed to maintain surface flow rates and volumes within and from the developed site at their pre-development levels. The drainage design presented here is conceptual and will be refined in the detailed subdivision designs.

The priorities for managing the various sizes of storm event will be:

- 1 year ARI Infiltrate all flows as close to the source as possible. Where infiltration is not feasible, detain runoff to maintain pre-development flow rates and volumes. Minimise export of nutrients and sediments.
- 5 year ARI Detain water prior to discharge. Maintain pre-development flow rates and volumes. Maintain amenity and serviceability. Prevent scouring and damage.
- 100 year ARI Maintain pre-development flow rates and volumes. Prevent flooding and damage.

5.2 Drainage Management System

5.2.1 Road Drainage

The single access road will be contained within one drainage catchment. Runoff from storms up to 1 year ARI, 1 hour duration (about 15mm) will be captured and infiltrated in a vegetated roadside bioretention swale. The swale will be nominally 0.65m deep and will be equipped with low (nominally 0.3m) weirs spaced and sized to retain and infiltrate the 1-year 1-hour storm. Figure 7 shows the conceptual alignment of the roadside

swale. The swale may be on either side of the road, depending on detailed design. Figure 8 shows conceptual cross-sections of the swale.

Calculations based on the Rational Method (Engineers Australia, 1987) suggest that 0.65m high swales spaced 13m apart will be more than sufficient to capture and infiltrate the 1-year 1-hour road runoff. Table 5.1 summarises the 1-year 1-hour flows and swale sizing. Appendix D shows the runoff calculations.

5.2.2 Lot Drainage

The proposed lots fall into three catchments: the largest, measuring 25.4ha, drains to the northern creek via the road reserve. Two others measuring 3.9ha and 3.6ha drain to rural land to the west and the roadside drain along Cheriton Road respectively.

The size of the lots and the existing state of the site mean that development will cause minimal change to the runoff characteristics of the site. Small storms (1-yr ARI or less) will generally produce no runoff from the lots. Roof runoff from storms up to 20-year ARI, 5-minute duration will be captured by soakwells and gardens in accordance with the Building Code of Australia.

Runoff from larger storms (10-yr ARI or greater) will contribute to flows in the roadside swale.

5.2.3 External Catchments

An external catchment of 9.4ha south of the site drains via the site to the roadside swale. This catchment consists of cleared paddocks and houses on large lots. Another 3.6ha catchment drains across the south-east corner of the site to Cheriton Road, while another of 0.4ha drains across the south-west corner to the neighbouring rural land. Catchments further upslope (south) are severed by existing roads.

5.2.4 Major Storm Drainage

Runoff from major storms up to the critical 100-year ARI storm, including road runoff and overflows from the lots, will overtop the weirs and flow along the roadside swale to the roadside drain on Cheriton Road, then into the northern creek and Gingin Brook.

The roadside swale will be sized to carry the critical 100-year ARI flow from all parts of the site and external catchments. The weirs will be sized to detain and compensate the offsite flows to no more than pre-development levels.

Table 5.1 summarises the pre-development and post-development flows from a critical 100-year ARI storm. Appendix D shows the runoff and swale sizing calculations.

All calculations are preliminary and will be subject to detailed design prior to construction.

Table 5.1 Flow Calculations and Swale Sizing

<i>Storm</i>	<i>Catchment</i>	<i>Pre-Dev Flow (L/s)</i>	<i>Post-Dev Flow (L/s)</i>	<i>Total Flow (m³)</i>	<i>Storage Required (m³)</i>	<i>Effective Storage Available (m³)</i>	<i>Flow Depth Over Weir (m)</i>	<i>Top Water Width (m)</i>
1 yr 1 hr	Road	0	63	218	218	419	0	1.4
100 yr 54 min	Road	91	240	774	403	405	0.1	3.4
100 yr 51 min	Combined (Road + Lots + External)	1647	1822	4488	0	376	0.31	4.65

5.3 Surface Water Quality Management

The drainage system will be designed to maximise on-site retention of nitrogen and phosphorus. This will be achieved by:

- Infiltrating or detaining all road runoff from the first 15mm of rainfall in any storm in a densely vegetated roadside bioretention swale.
- Conveying all road runoff from storms between 1-year and 100-year ARI in a densely vegetated bioretention swale to allow suspended particles to be filtered out.

5.4 Maintenance

The drainage system has been designed to require minimal maintenance. The following will be required to ensure that the system continues to function as designed:

- Tending and maintenance of swales and other vegetated drainage features to remove litter, control weeds and encourage the growth of native species.
- Pruning, mulching or removal of vegetation in the swale as necessary to maintain ground fuel loads below 8 tonnes/ha.

6.0 GROUNDWATER MANAGEMENT

6.1 Groundwater Levels

Measurements during the site investigations in August 2021 suggest that the groundwater table is at least 1.8m below ground level except for a small area in the south of the site, where converging slopes result in groundwater within 0.4m of the surface.

Overall, development on the site is not expected to have any effect on groundwater levels.

6.2 Groundwater Quality

No groundwater quality information currently exists for the site.

The relationship between nutrient inputs and groundwater quality is complex, especially in the case of phosphorus, which travels through the soil profile as a “front” in a complex series of adsorption and desorption reactions. Nitrogen is subject to denitrification and mineralisation in the soil and groundwater. As a result, groundwater quality at the site at present will be a reflection of nutrient inputs over the last several decades, modified by soil hydrology and nutrient retention capacity.

The aim of nutrient management will be to limit nutrient inputs to the site so that nutrient outputs are minimised. Given the high-PRI soils at the site, minimal phosphorus leaching to the groundwater are expected.

7.0 LANDSCAPING STRATEGY

The objectives of the Shire of Gingin Local Planning Scheme No. 9 for Rural Living zones include:

- a) Protect the rural environment and landscape.
- c) Restrict and limit removal of native 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.

Table 2 of the Scheme notes that landscaping requirements may be imposed in the Rural Living zone “as required by Local Government”. In accordance with the Scheme, the Shire of Gingin may require landscaping in accordance with a Landscape Plan as a condition of subdivision.

8.0 SUBDIVISION AND CONSTRUCTION WORKS

The construction of the subdivision will involve minimal earthworks due to the large size of the lots. Subdivision works will be mainly confined to the construction of the access road and fences and the installation of water, power and telecommunications.

The developer will implement a Construction Management Plan for the development dealing with dust management, erosion and sediment control, containment of environmentally hazardous materials (chiefly fuel and oils) and spill response. The key elements of the Construction Management Plan will include the following:

Dust Minimisation

- No topsoil stripping will occur when the wind speed is greater than 25km/hr and no earthworks will occur in winds of greater than 40km/hr, unless effective dust suppression can be achieved.
- Dust will be suppressed on any disturbed ground and stockpiles during dry soil conditions by watering, hydromulching, wind fencing and/or covering.
- An adequate supply of water for dust suppression will be kept on site at all times.
- Ground to be disturbed will be wetted prior to soil disturbance.
- Any soil stockpiles will be limited to a height of 2m to minimise dust generation and facilitate watering.
- Other dust minimisation measures will include minimising areas of disturbance, limiting volume and speed of construction traffic, and instructing site workers in dust minimisation.

Erosion and Sedimentation

- Drains and bunds will be constructed where necessary to capture and direct all runoff from disturbed areas into settling ponds prior to discharge.
- Drains, bunds and ponds will be appropriately designed and sized.
- Vehicles and machinery will be kept to designated roads, tracks and work areas.

Water Conservation

- Water consumption during construction will be minimised by:
 - limiting dust suppression watering to prevent ponding and runoff
 - use of non-water dust control methods such as wind fencing and hydromulching.

Hazardous Materials

- All environmentally hazardous materials will be stored in their original labelled containers (or labelled jerrycans in the case of petroleum products) in a ventilated sea container equipped with appropriate signage, fire extinguishers and a spill response kit.
- Petroleum products will be held in a bunded enclosure.
- Material Safety Data Sheets (MSDS) and a chemical register for all hazardous materials on the site will be maintained by the site supervisor in the site office.

Complaints Register

- The construction manager will maintain a record of any public complaints and the actions taken in response.

9.0 IMPLEMENTATION AND FURTHER MANAGEMENT PLANS

Subdivision and development on the site will be carried out in general accordance with this LWMS.

Prior to subdivision and development, a detailed drainage design (including sizing and configuration of the roadside swale) will be carried out and documented in a detailed Drainage Management Plan to the satisfaction of the Shire of Gingin.

Prior to development on individual lots, detailed design of on-site effluent disposal systems will be carried out by an experienced designer/installer to the satisfaction of the Shire of Gingin.

The Shire of Gingin may require the preparation of a Landscape Plan prior to subdivision.

10.0 REFERENCES

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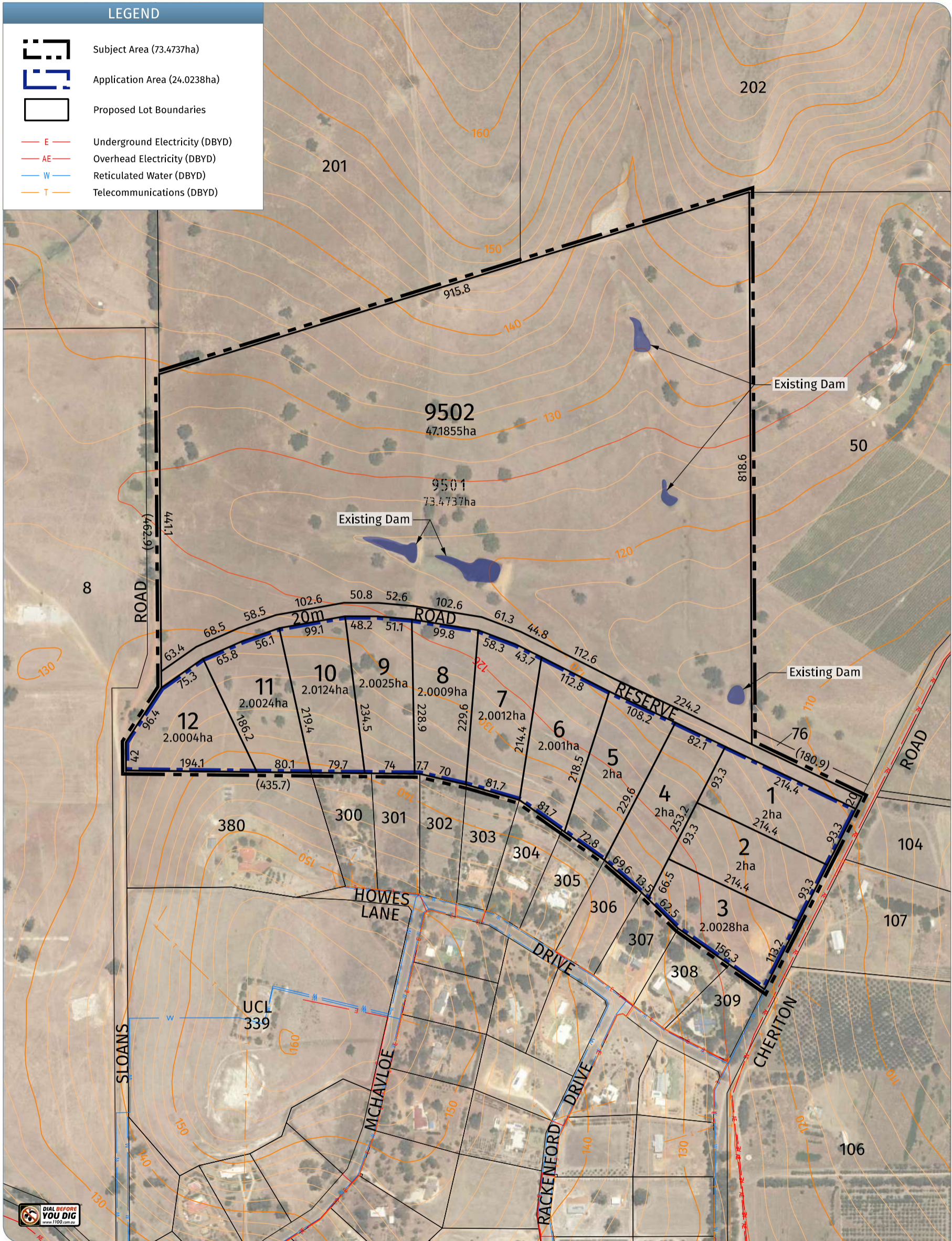
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Figures



CONCEPT SUBDIVISION PLAN (AERIAL)

Pt Lot 9501 Cheriton Road,
GINGIN

Plan No. | 20213-04
Date | 02/05/22
Drawn | NP
Checked | CP
Revision | C

PERTH & FORRESTDALE:
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Scale | 1:5000@A3

0 50m 100m 150m



NOTE: This plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey



Figure 2
THE SITE AND SURROUNDINGS



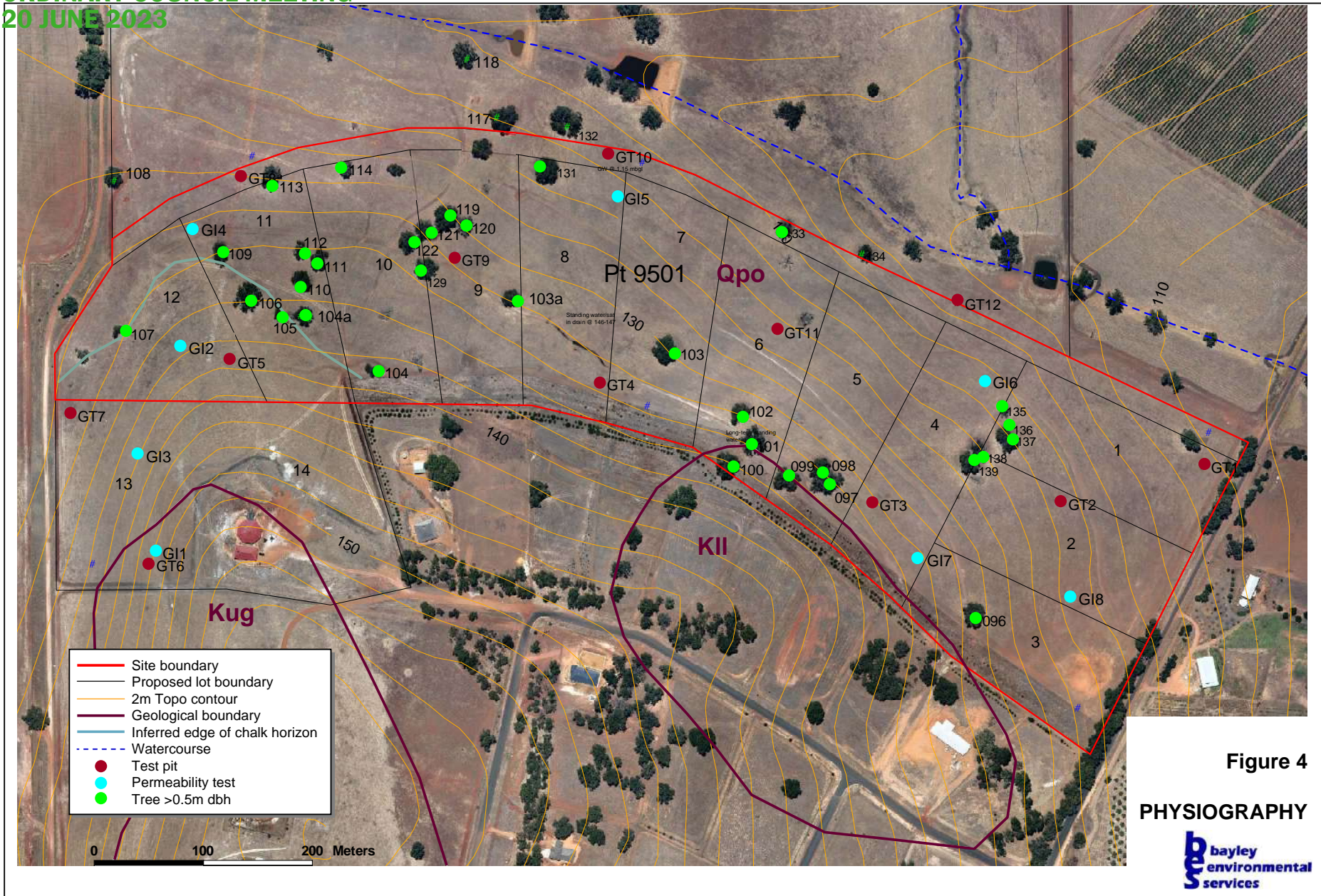
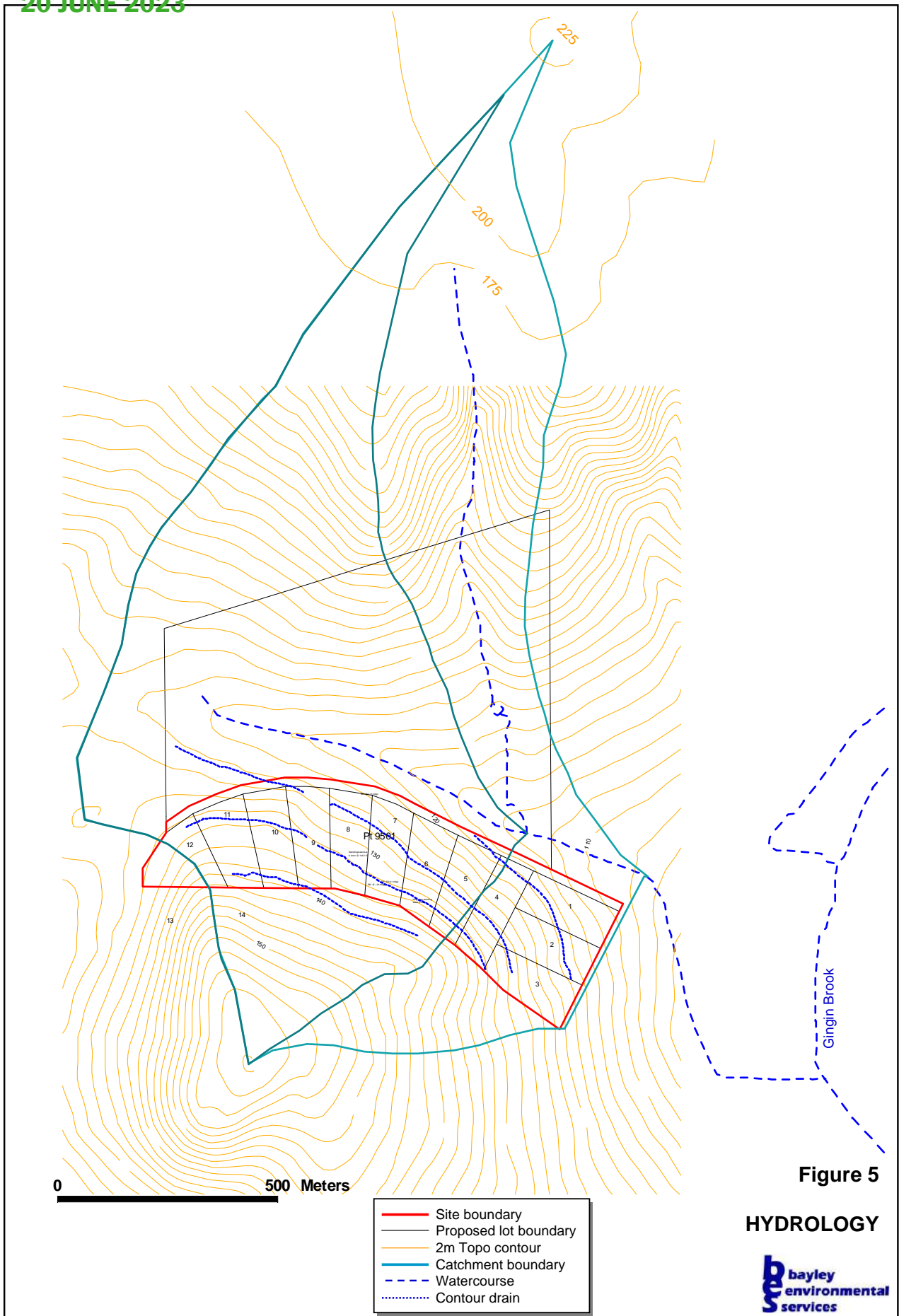
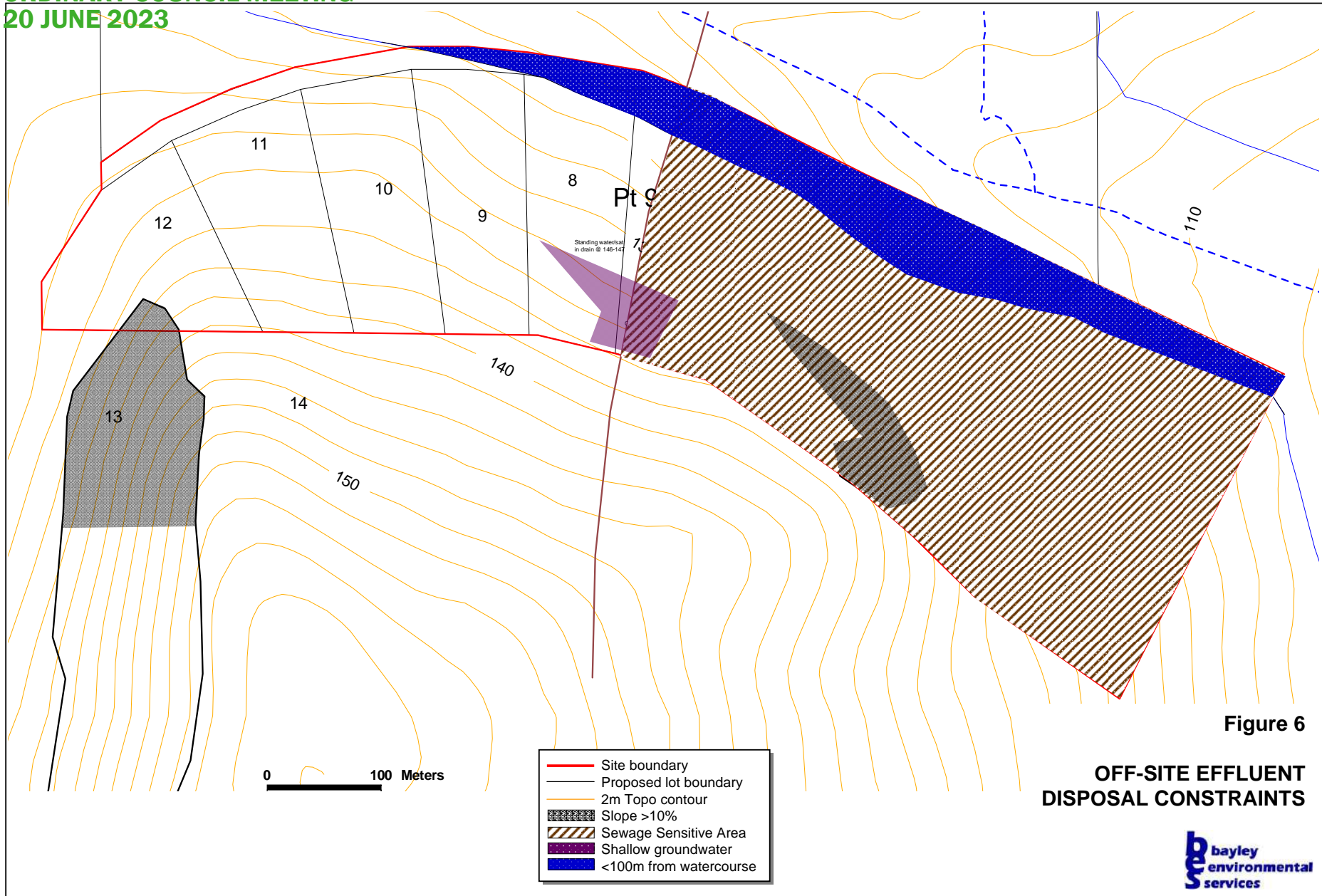
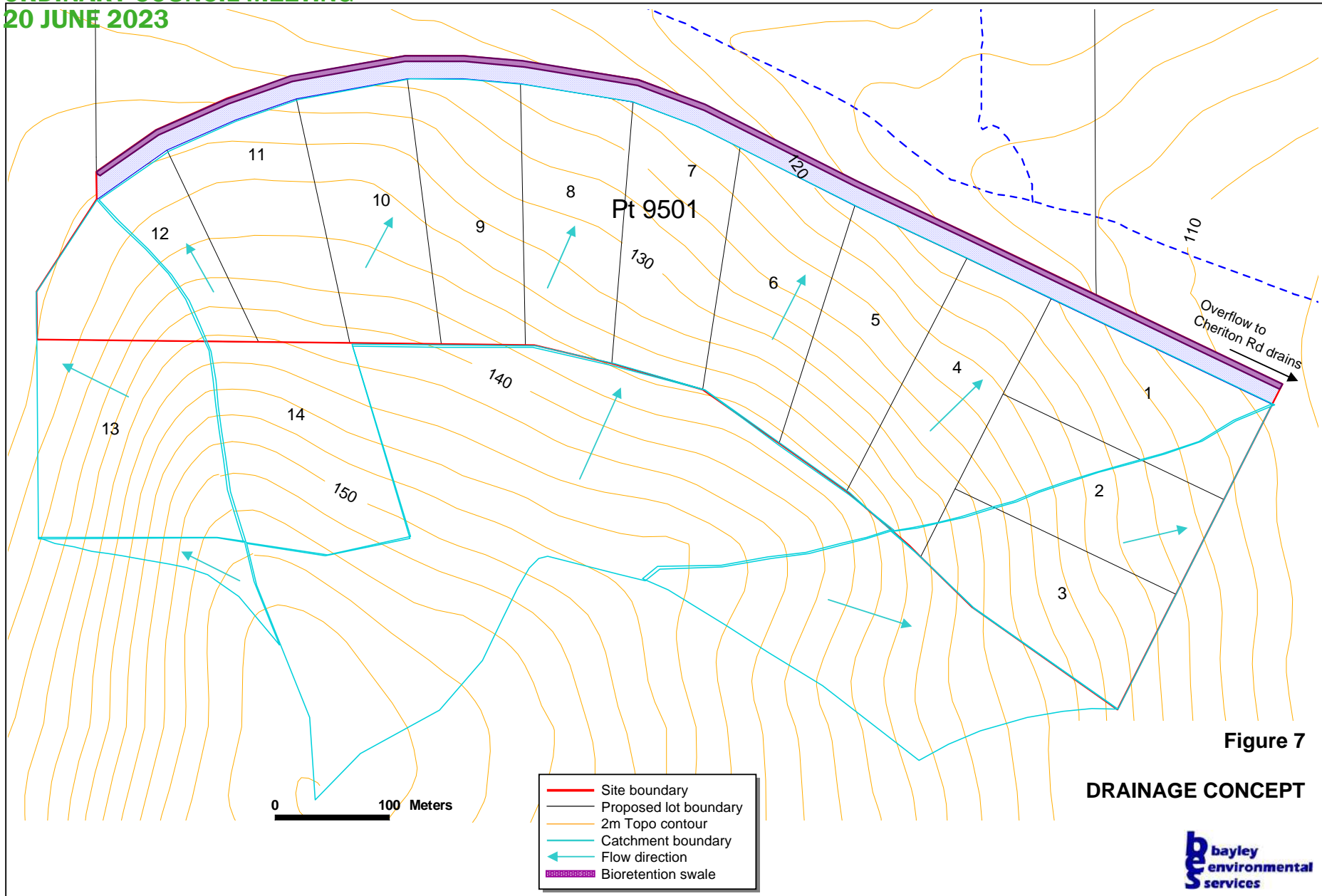


Figure 4
PHYSIOGRAPHY









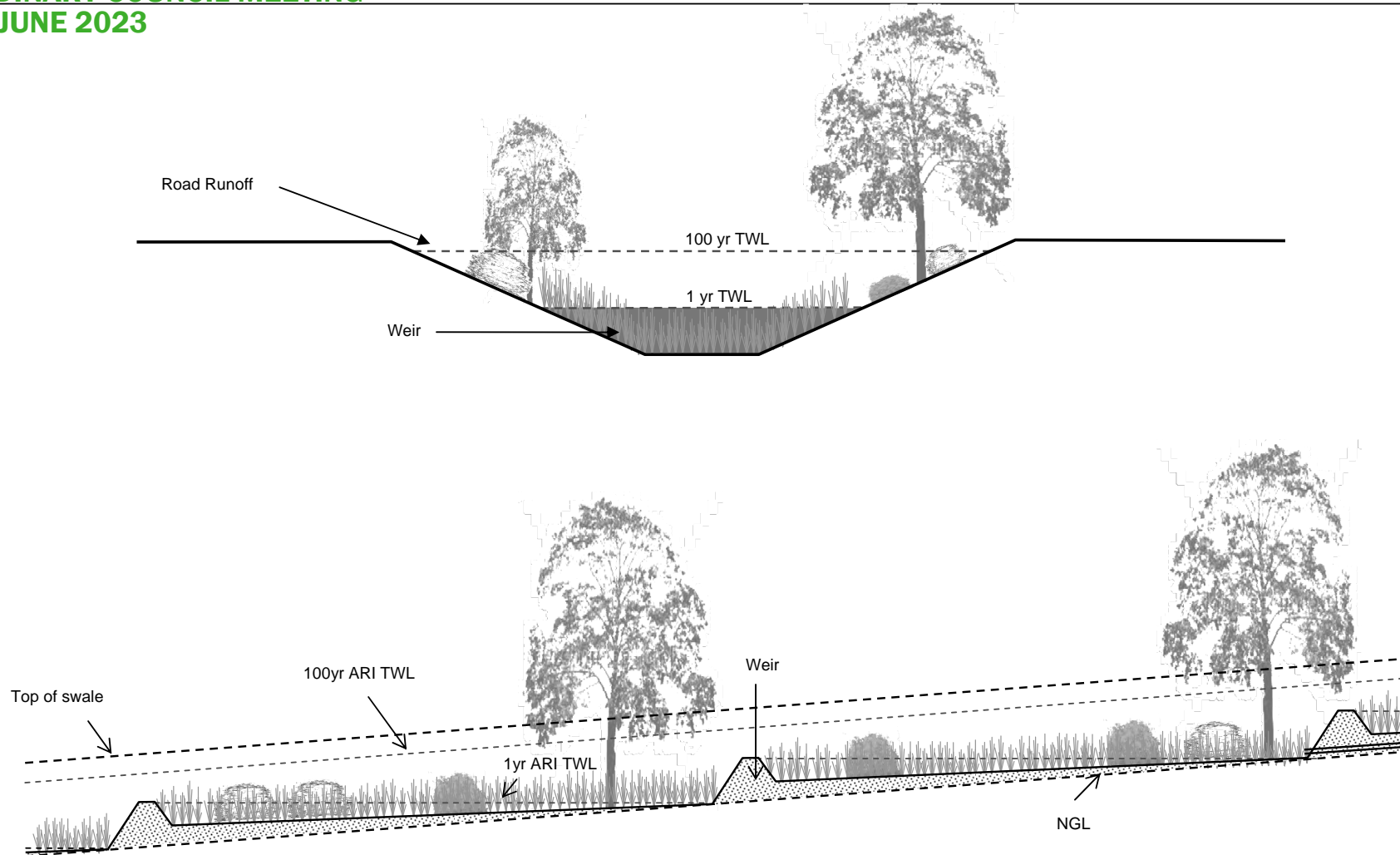


Figure 8

CONCEPTUAL SWALE PROFILES

Appendix A

Soil Logs

SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT1
EASTING:	395979
NORTHING:	6533069
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.9
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.5	Dark red-brown loam		
0.5 - 1.2	Red-brown clay-loam		
1.2 - 2.5	Red-orange lateritic clay		
2.5 - 2.9	Red-orange mottled well-structured loamy clay		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT2
EASTING:	395848
NORTHING:	6533036
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.6
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

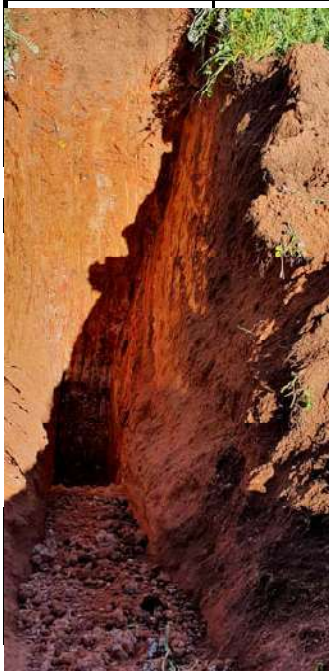
SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.6	dark red-brown gravelly loam		
0.6 - 1.1	Red- orange well-structured clay-loam		
1.1 - 2.0	Orange-red mottled lateritic clay		
2.0 - 2.6	Orange-red well structured gritty clay		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT3
EASTING:	395675
NORTHING:	6533035
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.6
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.6	Dark red-brown gravelly loam		
0.6 - 1.4	Red-orange mottled lateritic clay		
1.4 - 1.9	Red-orange mottled clay		
1.9 - 2.6	Red/white mottled well structured gritty clay		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT4
EASTING:	395427
NORTHING:	6533145
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.9
REFUSAL (Y/N):	Y
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.5	Dark brown silty loam		
0.5 - 2.3	Orange-red mottled loamy clay		
2.3 - 2.9	Grey/red mottled well structured sandy clay		
2.9	Refusal on granite		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT5
EASTING:	395089
NORTHING:	6533165
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	3.0
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.4	Very dark brown loam with scattered chalk cobbles		
0.4 - 1.6	White soft chalk		
1.6 - 2.4	Yellow-brown moderately structured sandy clay		
2.4 - 3	Orange-yellow moderately structured sandy clay interlayered with chalk, damp		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT6
EASTING:	395015
NORTHING:	6532980
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	3.0
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.5	Dark brown loam		
0.5 - 1.6	White soft chalk		
1.6 - 3.0	Yellow-brown moderately structured sandy clay with green bands		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT7
EASTING:	394943
NORTHING:	6533116
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.7
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.6	Very dark brown loam		
0.6 - 0.9	Orange clay-loam with dark brown mottles		
0.9 - 1.5	Orange gritty sandy clay with white chalk lumps		
1.5 - 2.7	Orange gritty clay mingled with chalk, increasingly chalky with depth		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT8
EASTING:	395098
NORTHING:	6533334
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.9
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.3	Brown loam		
0.3 - 2.1	Dark red-brown clay loam		
2.1 - 2.9	Dark orange-brown well structured clay		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT9
EASTING:	395294
NORTHING:	6533259
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	1.9
REFUSAL (Y/N):	Y
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.4	Dark red-brown loam		
0.4 - 0.7	Orange/red mottled clay-loam		
0.7 - 1.9	Red/orange mottled well structured clay		
1.9	Refusal on granite		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT10
EASTING:	395434
NORTHING:	6533354
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.6
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	1.8

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.4	Dark brown loam		
0.4 - 2.6	Orange moderately structured loamy clay with red & grey mottles becoming redder, more mottled & harder with depth, making water between 1.8 - 2m		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT11
EASTING:	395588
NORTHING:	6533193
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.8
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.5	Dark brown loam		
0.5 - 2.8	Orange/red/grey mottled well structured loamy clay		



SOIL PROFILE LOG

PROJECT NUMBER:	J20021
SITE ID:	GT12
EASTING:	395754
NORTHING:	6533219
METHOD:	8t excavator
TOTAL DEPTH (mbgl):	2.7
REFUSAL (Y/N):	N
DATE:	7/09/2021
DEPTH TO WATER (mbgl)	-

SOIL PROFILE		SAMPLE DATA	
DEPTH (m)	SOIL DESCRIPTION	SAMPLE ID	INTERVAL (m)
0 - 0.6	Dark brown loam		
0.6 - 1.2	Orange-brown clay-loam		
1.2 - 2.7	Orange/red mottled well structured loamy clay		



Appendix B

Permeability Test Results

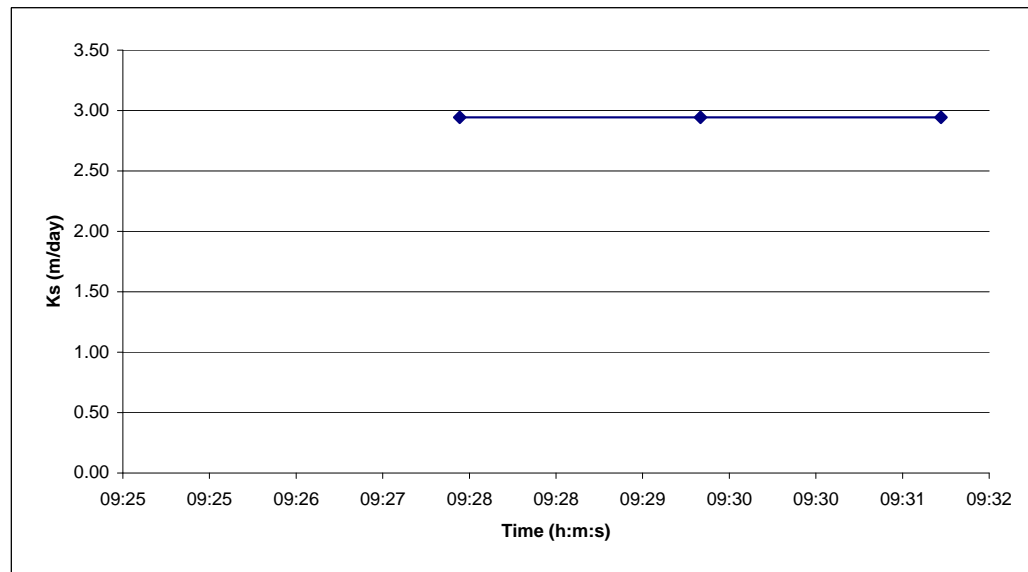
**MINUTES
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SOIL PERMEABILITY TEST

Site No.	G11
Date	20/09/21
Easting	395020
Northing	6532991
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
09:26:00	38.8		
09:28:00	38.1	0.7	2.94
09:30:00	37.4	0.7	2.94
09:32:00	36.7	0.7	2.94
		36.7	

H = 25
r = 4.5



Ks = 2.9 m/day

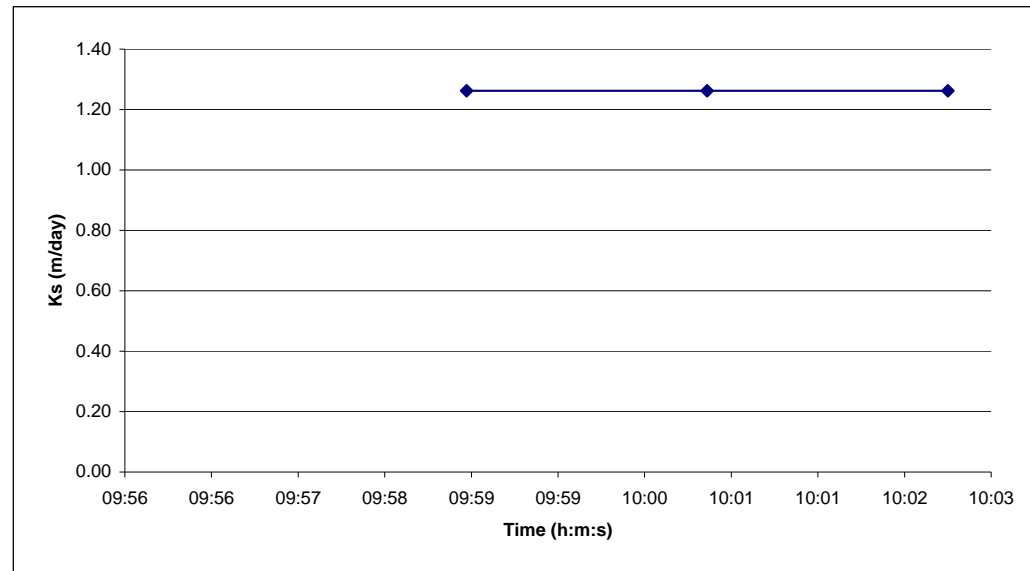
**MINUTES
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SOIL PERMEABILITY TEST

Site No.	G12
Date	20/09/21
Easting	395044
Northing	6533179
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
09:57:00	33.9		
09:59:00	33.6	0.3	1.26
10:01:00	33.3	0.3	1.26
10:03:00	33	0.3	1.26
		33	

H = 25
r = 4.5



Ks = 1.2 m/day

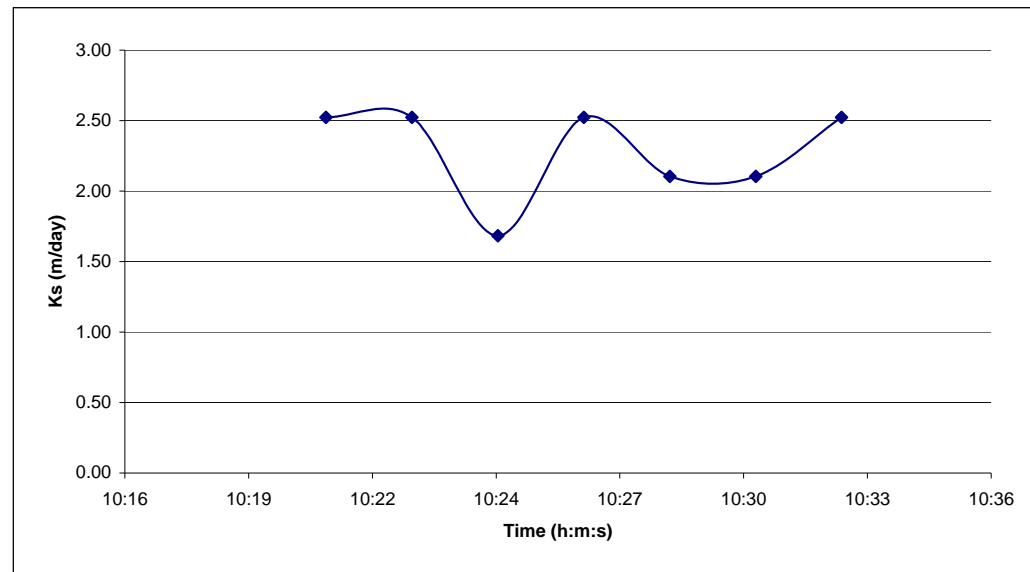
**MINUTES
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SOIL PERMEABILITY TEST

Site No.	G13
Date	20/09/21
Easting	395005
Northing	6533080
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
10:19:00	30.1		
10:21:00	29.5	0.6	2.52
10:23:00	28.9	0.6	2.52
10:25:00	28.5	0.4	1.68
10:27:00	27.9	0.6	2.52
10:29:00	27.4	0.5	2.10
10:31:00	26.9	0.5	2.10
10:33:00	26.3	0.6	2.52
	26.3		

H = 25
r = 4.5



Ks = 2.3 m/day

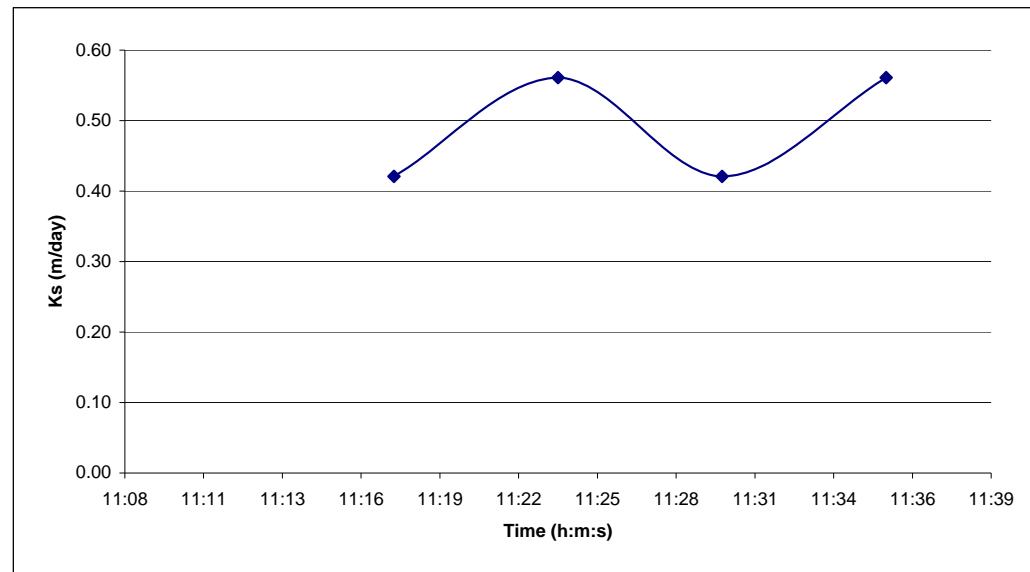
**MINUTES
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SOIL PERMEABILITY TEST

Site No.	G14
Date	20/09/21
Easting	395055
Northing	6533287
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
11:12:00	22.6		
11:18:00	22.3	0.3	0.42
11:24:00	21.9	0.4	0.56
11:30:00	21.6	0.3	0.42
11:36:00	21.2	0.4	0.56
		21.2	

H = 25
r = 4.5



Ks = 0.5 m/day

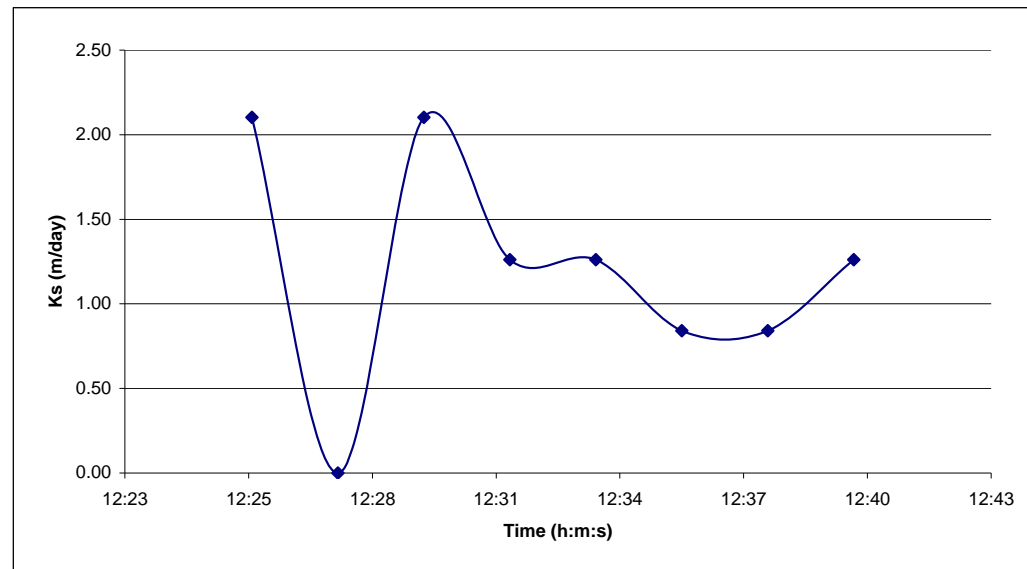
**MINUTES
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SOIL PERMEABILITY TEST

Site No.	G15
Date	20/09/21
Easting	395442
Northing	6533315
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
12:24:00	18.5		
12:26:00	18	0.5	2.10
12:28:00	18		
12:30:00	17.5	0.5	2.10
12:32:00	17.2	0.3	1.26
12:34:00	16.9	0.3	1.26
12:36:00	16.7	0.2	0.84
12:38:00	16.5	0.2	0.84
12:40:00	16.2	0.3	1.26
		16.2	

H = 25
r = 4.5



Ks = 1.2 m/day

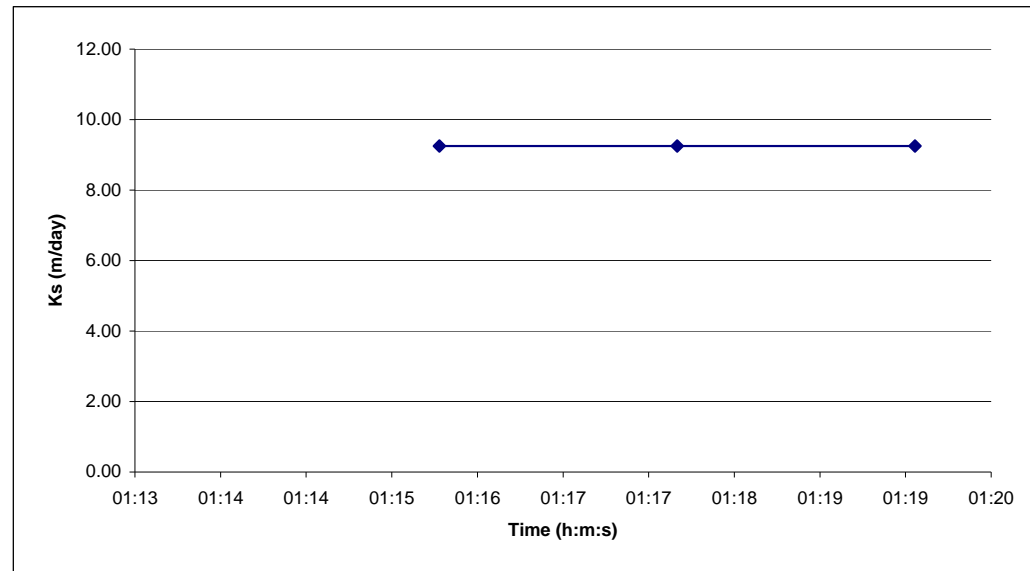
**MINUTES
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20 JUNE 2023**

SOIL PERMEABILITY TEST

Site No.	G16
Date	20/09/21
Easting	395779
Northing	6533147
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
01:14:00	39.5		
01:16:00	37.3	2.2	9.25
01:18:00	35.1	2.2	9.25
01:20:00	32.9	2.2	9.25
		32.9	

H = 25
r = 4.5



Ks = 9.2 m/day

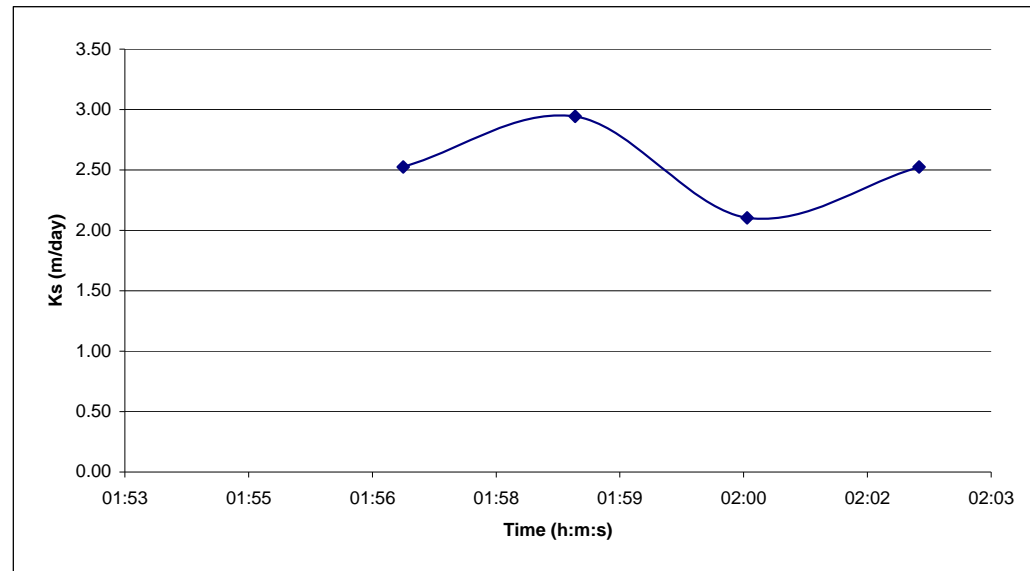
**MINUTES
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20 JUNE 2023**

SOIL PERMEABILITY TEST

Site No.	G17
Date	20/09/21
Easting	395719
Northing	6532985
Depth	0.4

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
01:55:00	30.7		
01:57:00	30.1	0.6	2.52
01:59:00	29.4	0.7	2.94
02:01:00	28.9	0.5	2.10
02:03:00	28.3	0.6	2.52
		28.3	

H = 25
r = 4.5



Ks = 2.5 m/day

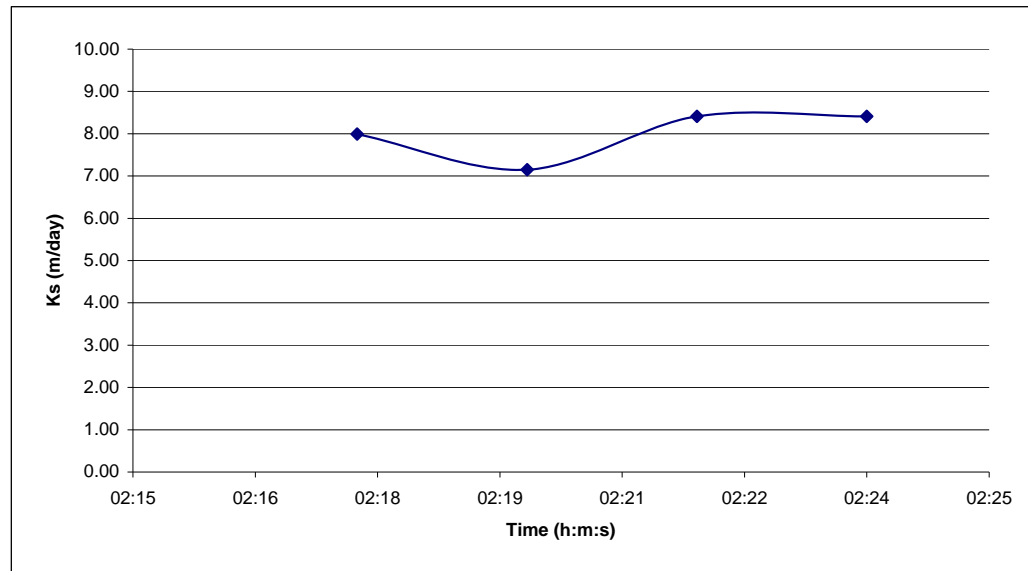
**MINUTES
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20 JUNE 2023**

SOIL PERMEABILITY TEST

Site No.	G18
Date	20/09/21
Easting	395857
Northing	6532950
Depth	0.5

Time (h:m:s)	Weight (kg)	Change in Weight (kg)	Ks (m/d)
02:16:00	25.4		
02:18:00	23.5	1.9	7.99
02:20:00	21.8	1.7	7.15
02:22:00	19.8	2	8.41
02:24:00	17.8	2	8.41
		17.8	

H = 25
r = 4.5



Ks = 8 m/day

Appendix C

Tree Survey

Ginginup Trees

List of Trees over 0.5m dbh

<i>Wpt</i>	<i>Easting</i>	<i>Northing</i>	<i>Species</i>	<i>DBH (m)</i>	<i>Height (m)</i>	<i>Description</i>
96			Marri	1	20	Heavily branched, senescent, no large hollows, beehive
97			Marri	1.1	20	Senescent, spreading, no visible hollows
98			Marri	0.9	18	Senescent, healthy, no visible hollows
99			Marri	1.1	18	Heavily branched, spreading, senescent, no visible hollows
100			Marri	1	20	Heavily branched, senescent spreading, no visible hollows
101			Marri	1	18	Spreading, heavily branched, senescent, no visible hollows
102			Marri	0.9	10	Broken off at 10m, heavily senescent, several small hollows, all <50mm
103			Marri	1	15	Spreading, heavily branched, senescent, no visible hollows
103a			Marri	0.7	12	Multiple stems from 1.5m, no hollows
104			Marri	0.8	6	Heavily senescent, no hollows
104a			Marri	0.9	10	Spreading, senescent, several small hollows all <50mm
105			Marri	0.8	10	Senescent, no hollows
106			Marri	1.1	15	Spreading, heavily branched from 3m, senescent, no hollows
107			Marri	0.7	6	Broken off at 5m, small possible hollow at 5m, decrepit
108			Marri	0.9	15	Spreading, healthy, no visible hollows, out of property
109			Marri	0.9	15	Healthy, spreading, no hollows
110			Marri	0.9	15	Multiple stems from 1m, no hollows, spreading
111			Marri	1.1	8	Quadrifurcated at 1m, no hollows
112			Marri	0.7	8	Heavily senescent, few small hollows all <50mm
113			Marri	1.1	15	Spreading, heavily branched, few possible small hollows all <50mm
114			Marri	0.8	10	Top mostly dead, heavily senescent, no visible hollows
115			Marri	0.2	5	Large tree lying down, no hollows
116			Marri	0.3	10	Large tree lying down, no hollows
117			Marri	1.1	20	Spreading, heavily branched, healthy, no hollows, outside property
118			Marri	1.2	15	Heavily branched from 3m, no hollows, outside property
119			Marri	1	18	Spreading, heavily branched, no hollows
120			Marri	0.8	15	Spreading, senescent, galahs nesting in small hollow, 28 hanging around, possible spout at 6m
121			Marri	1	20	Spreading, no visible hollows
122			Marri	1	18	Heavily branched from 3m, no hollows
128			Marri	1	15	Senescent, healthy, heavily branched at 2.5m, many small dead branches, no visible hollows
129			Marri	0.9	18	Spreading, healthy, senescent, heavily branched from 2m, no visible hollows
130			Marri	0.8	12	Senescent, spreading, heavily branched from 1.5m, numerous small dead branches, no visible hollows
131			Flooded Gum	1.2	15	Bifurcated at 1.5m, many small dead branches, no visible hollows
132a			Marri	0.9	15	Senescent, heavily branched at 3m, no visible hollows, outside property
132b			Marri	0.8	15	Heavily senescent, trifurcated at 1.5m, many small dead branches, no visible hollows, outside property
133			Flooded Gum	0.8	10	Old, sparse, many small dead branches, few small possible hollows, none cocky sized
134			Flooded Gum	1	8	Old, senescent, bushy, many small dead branches, no visible hollows, outside property
135			Flooded Gum	0.7	4	Old, senescent, numerous small dead branches, no hollows
136			Marri			Dead & fallen
137			Flooded Gum	1.1	8	Senescent, numerous dead small branches, no visible hollows
138			Flooded Gum	1.1	15	Senescent, numerous small dead branches, few possible small hollows, nothing cocky sized or potential
139			Marri	1.1	15	Spreading, trifurcated at 3.5m, old, many small dead branches, not visible hollows
140						

Appendix D

Runoff Calculations

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 11.4.2

1 YEAR ARI 1 HOUR FLOWS - ROADS

Rainfall Intensity i (mm/h)	14.9	(1yr, 1hr Storm)
Runoff Coefficient Road Reserves	0.8	
Runoff Coefficient Swale	1	
Runoff Coefficient Lots	0	
Runoff Coefficient OS	0	
Permeability K (m/hr)	0.0729	(50% of mean measured Ks)
Driveway Width (m)	3.0	
Swale Side Slope (1/x)	3.00	

Segment	Road Reserve (m ²)	Swale Length (m)	Swale Depth (m)	Weir Height (m)	Swale Base Width (m)	Swale Top Width (m)	Swale Area (m ²)	Lots (m ²)	POS (m ²)	AI	Segment Peak Flow (L/s)	Segment 1 hr Flow (m ³)
A	16925	1117	0.65	0.3	1	4.90	5473	312589	0	14634	61	218.2

Trapezoidal Swales													
Swale Segment	No. Driveways	No. Weirs	Length	Weir Spacing (m)	Long Slope	Max US Reach (m)	Upstream Ht (m)	1 hr Inflow per Weir (m ³)	Storage per Weir (m ³)	Total Storage (m ³)	Effective Storage per Weir (m ³)	Effective Total Storage (m ³)	Volume Check
A1	10	87	1117	13	0.0206	12.5	0.0	2.51	3.26	283.92	4.81	418.57	ok

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

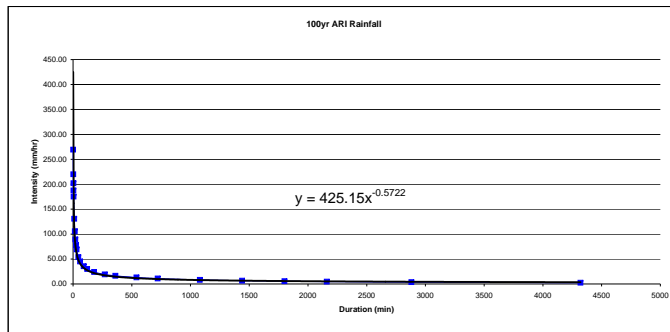
APPENDIX 11.4.2

100 YEAR ARI CRITICAL FLOWS - ROADS

CATCHMENT	AREAS (m ²)					EFFECTIVE AREAS (m ²)		TIME OF CONCENTRATION PRE DEVELOPMENT				TIME OF CONCENTRATION POST-DEVELOPMENT				CRITICAL STORM INTENSITY (mm/h)		FLOW			STORAGE			FLOW DEPTH			
	Road Reserve (m ²)	Swale	Lots (m ²)	POS (m ²)	Total	Pre	Post	Longest Path (m)	RL Top (mAHD)	RL Bottom (mAHD)	Slope (m/km)	TC (min)	Longest Path (m)	RL Top (mAHD)	RL Bottom (mAHD)	Slope	TC (min)	Pre-Dev	Post-Dev	Pre Dev	Post Dev	Total Flow (m ³)	Storage Req (m ³)	Effective Storage (m ³)	Volume Check	Manning's n	Height Over Weir (m)
A	16925	5473	0	0	22398	7839	15207	1117	132	109	20.59	57.5	1117	132	109	20.59	53.8	41.9	43.5	91.17	230.88	773.89	402.92	404.59	ok	0.035	0.1

Runoff Coefficients	Pre-Dev	Post-Dev
Roads	0.35	0.85
Swales/Basins	0.35	1
Lots	0.35	0.35
OS	0.35	0.35

Rainfall IFD Event	Duration (mins)	Intensity (mm/hr)
1 min	1	269.40
2 min	2	219.90
3 min	3	202.00
4 min	4	187.50
5 min	5	175.20
10 min	10	130.80
15 min	15	105.60
20 min	20	89.10
25 min	25	77.76
30 min	30	69.40
45 min	45	53.87
1 hr	60	45.10
1.5 hr	90	35.40
2 hr	120	30.00
3 hr	180	23.97
4.5 hr	270	19.22
6 hr	360	16.40
9 hr	540	13.00
12 hr	720	10.83
18 hr	1080	8.17
24 hr	1440	6.54
30 hr	1800	5.40
36 hr	2160	4.61
48 hr	2880	3.52
72 hr	4320	2.36



MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

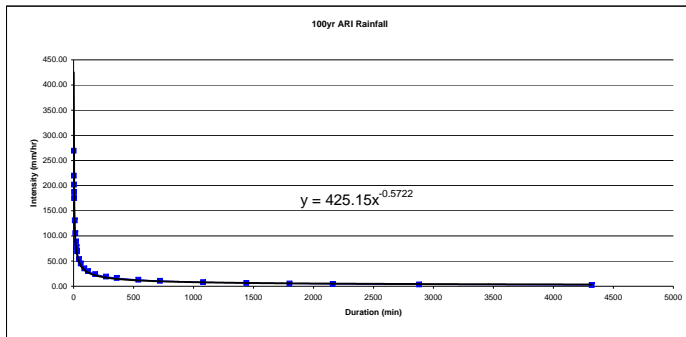
APPENDIX 11.4.2

100 YEAR ARI CRITICAL FLOWS - COMBINED

CATCHMENT	AREAS (m2)					EFFECTIVE AREAS (m2)		TIME OF CONCENTRATION PRE DEVELOPMENT					TIME OF CONCENTRATION POST-DEVELOPMENT					CRITICAL STORM INTENSITY (mm/h)		FLOW			STORAGE			FLOW DEPTH	
	Road Reserve (m2)	Swale	Lots (m2)	POS (m2)	Total	Pre	Post	Longest Path (m)	RL Top (mAHD)	RL Bottom (mAHD)	Slope (m/km)	TC (min)	Longest Path (m)	RL Top (mAHD)	RL Bottom (mAHD)	Slope	TC (min)	Pre-Dev	Post-Dev	Pre Dev	Post Dev	Total Flow (m3)	Storage Req (m3)	Effective Storage (m3)	Volume Check	Manning's n	Height Over Weir (m)
A	16925	5473	312589	0	334987	117245	124613	1214	160	109	42.01	41.3	1214	160	109	42.01	41.1	50.6	50.7	1646.73	1821.89	4488.43	0.00	376.07	ok	0.035	0.31

Runoff Coefficients	Pre-Dev	Post-Dev
Roads	0.35	0.85
Swales/Basins	0.35	1
Lots	0.35	0.35
OS	0.35	0.35

Rainfall IFD Event	Duration (mins)	Intensity (mm/hr)
1 min	1	269.40
2 min	2	219.90
3 min	3	202.00
4 min	4	187.50
5 min	5	175.20
10 min	10	130.80
15 min	15	105.60
20 min	20	89.10
25 min	25	77.76
30 min	30	69.40
45 min	45	53.87
1 hr	60	45.10
1.5 hr	90	35.40
2 hr	120	30.00
3 hr	180	23.97
4.5 hr	270	19.22
6 hr	360	16.40
9 hr	540	13.00
12 hr	720	10.83
18 hr	1080	8.17
24 hr	1440	6.54
30 hr	1800	5.40
36 hr	2160	4.61
48 hr	2880	3.52
72 hr	4320	2.38



**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 11.4.2

100 YEAR ARI CREEK FLOWS

CATCHMENT	AREAS (m2)								Effective Total
	Road Reserve (m2)	Cleared Upland (m2)	Forested Upland (m2)	Cleared Lowland (m2)	Forested Lowland (m2)	Cleared Palusplain (m2)	Vegetated Palusplain (m2)	Hardstand (m2)	
Outer	0	1596339	0	0	0	0	0	0	558719
Inner	0	940805	0	0	0	0	0	0	329282

CATCHMENT	TIME OF CONCENTRATION					CRITICAL STORM INTENSITY (mm/h)	Flow (L/s)	Water at Creek Junction	
	Longest Path (m)	RL Top (mAHD)	RL Bottom (mAHD)	Slope (m/km)	TC (min)			Height	Width
Outer	1888	226	113	59.85	51.2	44.7	6940.23	0.36	28.44
Inner	2195	213	113	45.56	66.3	38.6	3528.63	0.28	22.20

Runoff Coefficients

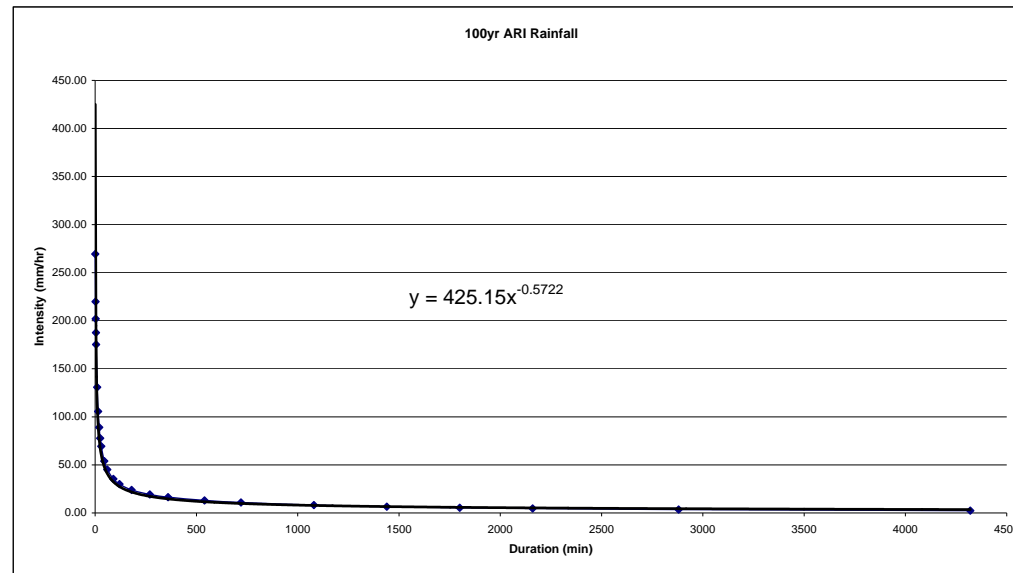
Road Reserve	0.8
Cleared Upland	0.35
Forested Upland	0.25
Cleared Lowland	0.4
Forested Lowland	0.25
Cleared Palusplain	0.9
Vegetated Palusplain	0.7
Hardstand	0.8

Initial Loss (mm)

Road Reserve	10
Lots	20

Rainfall IFD

Event	Duration (mins)	Intensity (mm/hr)
1 min	1	269.40
2 min	2	219.90
3 min	3	202.00
4 min	4	187.50
5 min	5	175.20
10 min	10	130.80
15 min	15	105.60
20 min	20	89.10
25 min	25	77.76
30 min	30	69.40
45 min	45	53.87
1 hr	60	45.10
1.5 hr	90	35.40
2 hr	120	30.00
3 hr	180	23.97
4.5 hr	270	19.22
6 hr	360	16.40
9 hr	540	13.00
12 hr	720	10.83
18 hr	1080	8.17
24 hr	1440	6.54
30 hr	1800	5.40
36 hr	2160	4.61
48 hr	2880	3.52
72 hr	4320	2.38



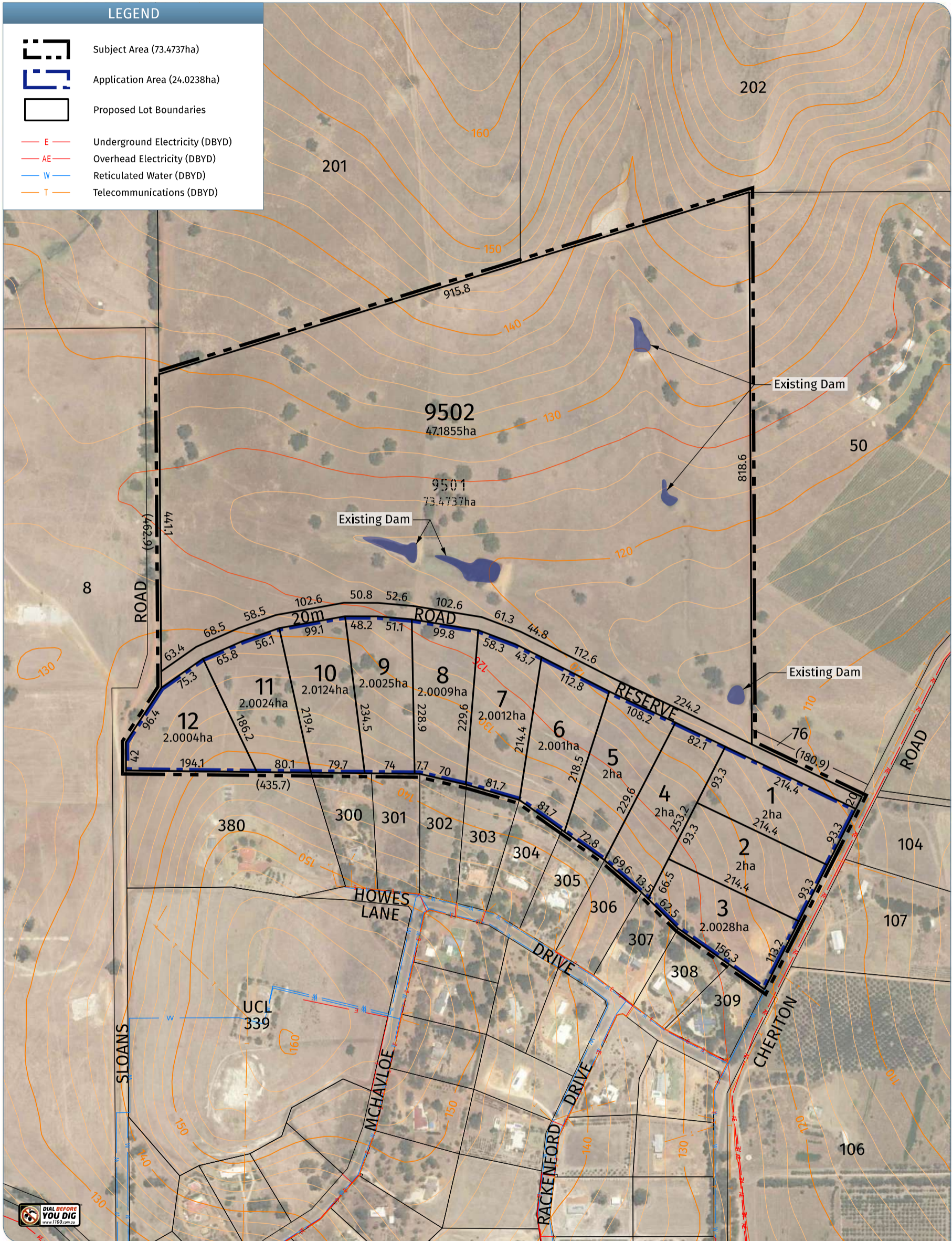


APPENDIX F

CONCEPT SUBDIVISION PLAN

F1 – CONCEPT SUBDIVISION PLAN (ZONING)

F2 – CONCEPT SUBDIVISION PLAN (AERIAL)



CONCEPT SUBDIVISION PLAN (AERIAL)

Pt Lot 9501 Cheriton Road, GINGIN

Plan No. | 20213-04
Date | 02/05/22
Drawn | NP
Checked | CP
Revision | C

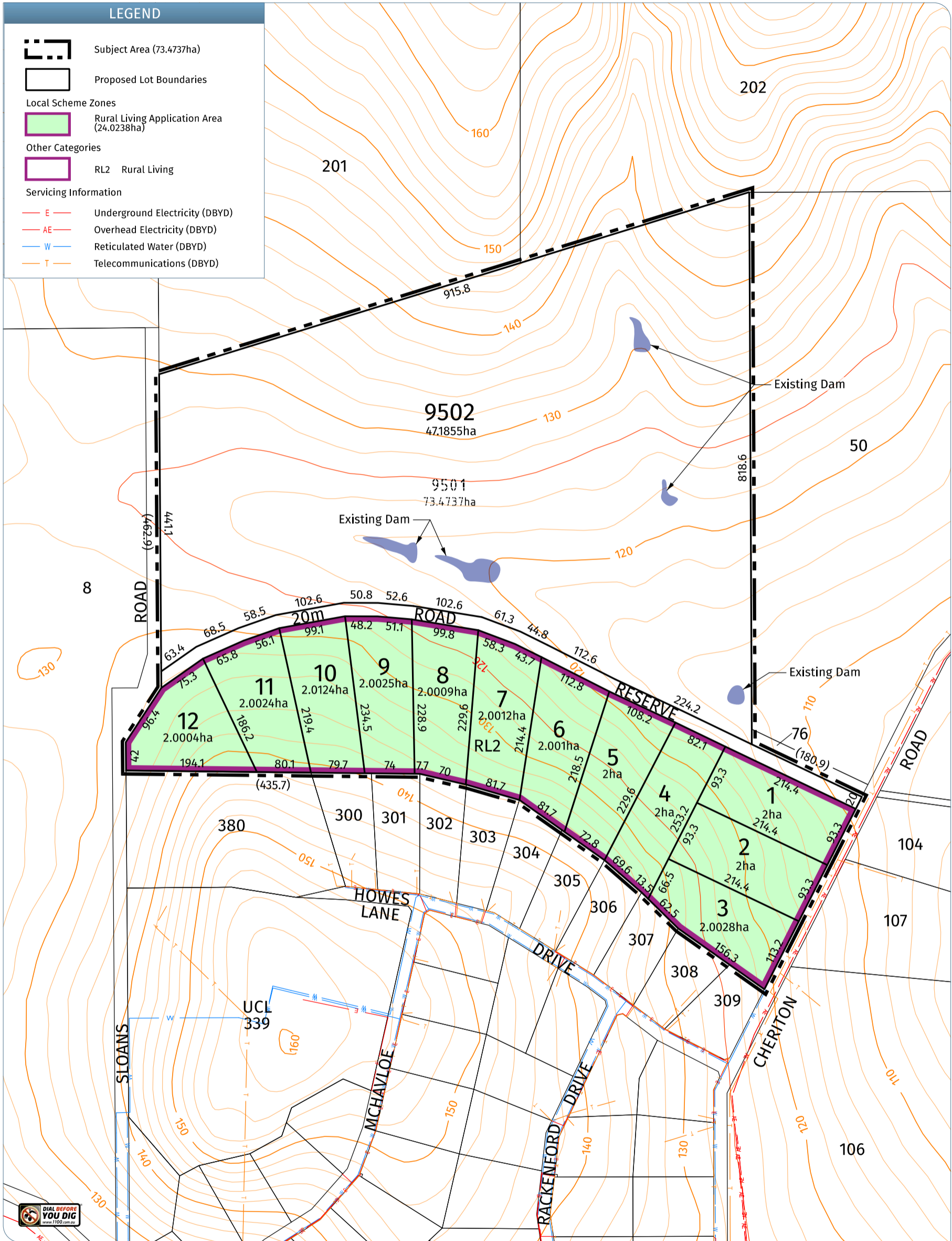
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**CONCEPT SUBDIVISION
PLAN (ZONING)**
Pt Lot 9501 Cheriton Road,
GINGIN

Plan No. | 20213-04
Date | 02/05/22
Drawn | NP
Checked | CP
Revision | C

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Harley Dykstra
PLANNING & SURVEY SOLUTIONS



APPENDIX G

TRANSPORT IMPACT STATEMENT

Transport Impact Statement

Proposed Subdivision - Lot 950
1 Cheriton Road, Gingin

CW1200003

Prepared for
Harley Dykstra

22 November 2021





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Effective Date 22/11/2021

Approved By:

Ray Cook
Business Leader - Traffic & Transport Planning

Date Approved 22/11/2021

Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
A	19/10/2021	For Issue	JD/RR	RJC
B	22/11/2021	Updated Site Plans	RR	RJC

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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.



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1 Introduction

1.1 Background

Cardno was commissioned by Harley Dykstra ('the Client') on behalf of the Schofield Trust, to prepare a Transport Impact Statement (TIS) for a rural living subdivision located on Lot 9501 Cheriton Road, within the Shire of Gingin as illustrated in **Figure 1-1**. The lots are part of the scheme amendments that will rez one the lots to rural living.

This TIS has been prepared in accordance with the Western Australian Planning Commission (WAPC) Transport Impact Assessment Guidelines for Developments: Volume 3 – Subdivisions (2016) and the checklist is included at **Appendix A**.

1.2 Existing Site

The site is located on multiple lots within the Shire of Gingin. The Site is vacant. **Figure 1-1** shows an aerial image of the subject site.

Figure 1-1 Aerial Image

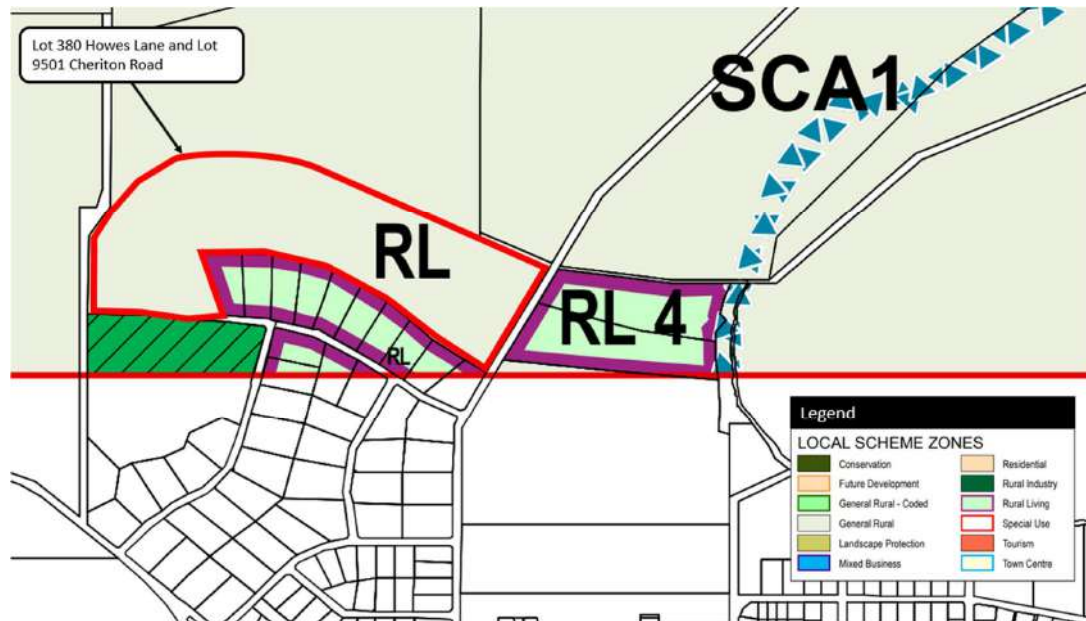


Source: Harley Dykstra

The Sites are zoned as 'General Rural' under the *Local Planning Scheme No. 9 of the Shire of Gingin* as shown in **Figure 1-2**.



Figure 1-2 Zoning



Source: Shire of Gingin Local Planning Scheme No. 9



2 Road Network

2.1 Existing Road Network

Road classifications are defined in the Main Roads Functional Hierarchy as follows:

- > Primary Distributors (light blue): Form the regional and inter-regional grid of MRWA traffic routes and carry large volumes of fast-moving traffic. Some are strategic freight routes, and all are National or State Roads WA.
- > Regional Distributors (red): Roads that are not Primary Distributors, but which link significant destinations and are designed for efficient movement of people and goods within and beyond regional areas. They are managed by Local Government.
- > District Distributor A (green): These carry traffic between industrial, commercial and residential areas and connect to Primary Distributors. These are likely to be truck routes and provide only limited access to adjoining properties. They are managed by Local Government.
- > District Distributor B (dark blue): perform a similar function to District Distributor A but with reduced capacity due to flow restrictions from access to and roadside parking alongside adjoining property. These are often older roads with traffic demand in excess of that originally intended. District Distributor A and B roads run between land-use cells and not through them, forming a grid that would ideally be around 1.5 kilometres apart. They are managed by Local Government.
- > Local Distributors (orange): Carry traffic within a cell and link District Distributors at the boundary to access roads. The route of the Local Distributor discourages through traffic so that the cell formed by the grid of District Distributors only carries traffic belonging to or serving the area. These roads should accommodate buses but discourage trucks. They are managed by Local Government.
- > Access Roads (grey): Provide access to abutting properties with amenity, safety and aesthetic aspects having priority over the vehicle movement function. These roads are bicycle and pedestrian friendly. They are managed by Local Government.

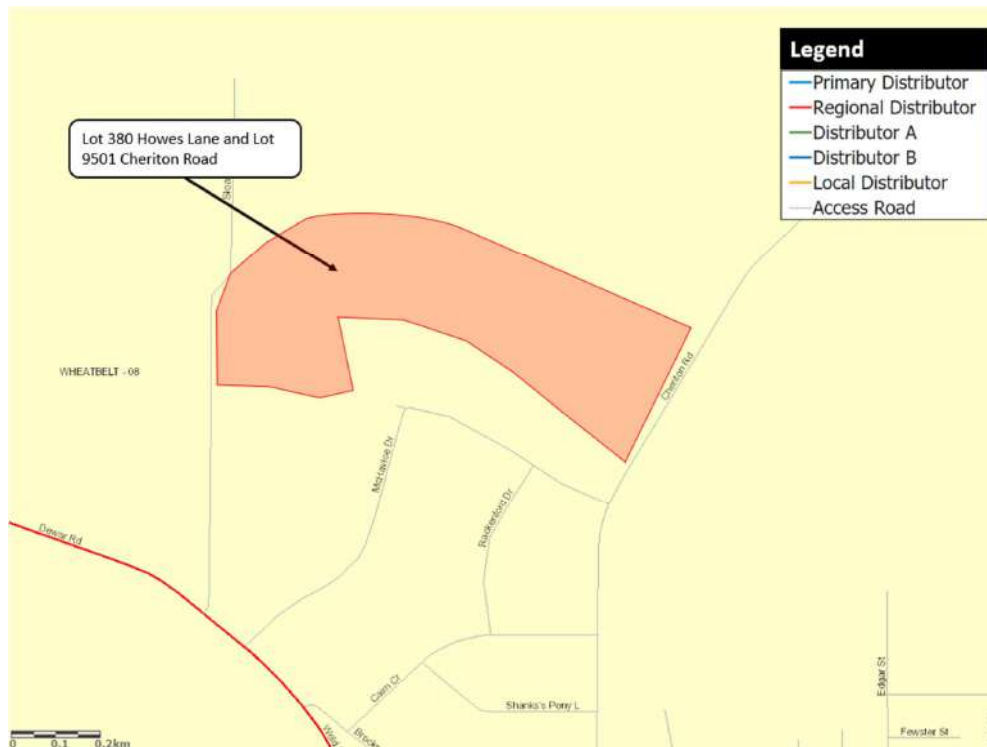
The surrounding road network is further described in **Table 2-1** and **Figure 2-1** shows the road hierarchy as per the *Main Roads WA Road Information Mapping System*.

Table 2-1 Road Network Classification

Street Names	Road Hierarchy		Road Network			
	Road Hierarchy	Jurisdiction	No. of Lanes	No. of Footpaths	Width (m)	Posted Speed (km/h)
Cheriton Road	Access Road	Local Government	2	0	6.5	50 – between Weld Street and Shank's Pony Lane 80 - between Shank's Pony Lane and McHavloe Drive Default rural speed limit – North of McHaveloe Drive
Sloans Road	Access Road	Local Government	2	0	6.5	Not sign posted Default rural speed limit applies
McHavloe Drive	Access Road	Local Government	2	0	6.5	Not sign posted Default rural speed limit applies

Source: *Main Roads Road Information Mapping System*

Figure 2-1 Road Hierarchy



Source: Main Roads Road Information Mapping System

2.2 Traffic Volumes

There is no recent daily traffic volumes data available near the Site. Available daily traffic volumes along the main roads surrounding the Shire of Gingin were sourced from *Main Roads Traffic Map* as summarized in **Table 2-2**.

Table 2-2 Traffic Volumes

Road Name	Date	Average Weekday Daily Traffic Volume
Dewar Road East of Brand Highway	2018/19	980
Weld Street West of Brockman St (South)	2018/19	746

Source: *Main Roads Traffic Map*

The available average weekly daily traffic volumes surrounding near the Site suggests that traffic volumes within the area are very low.

3 Proposed Development

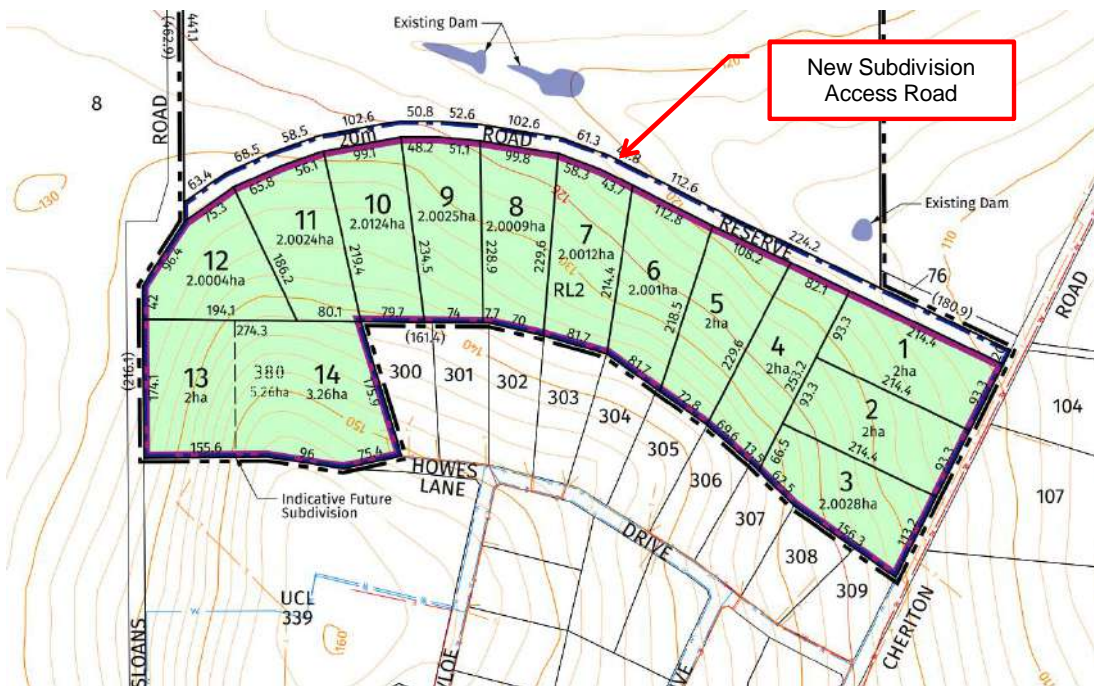
3.1 Overview

The proposal is for a rural living subdivision with a total subject area of 78.74 ha, comprising of the following:

- > 14 rural living lots with an area ranging from 2ha to 3ha; and
- > 20m wide road reserve for a subdivisional road on the northern boundary of the Site, connecting Cheriton Road and Sloans Road.

Figure 3-1 shows the conceptual plan for the above development.

Figure 3-1 Concept Subdivision Plan



Source: Harley Dykstra

3.2 Access Arrangements

A new subdivision road on the northern boundary of the subdivision is proposed to be the main access to the subdivision lots, potentially lots 4 to 12, however this will be determined in a later stage. Lot 1 may have its access located on the new road or on Cheriton Road, while Lots 2 and 3 will have their access off Cheriton Road. Lot 12 access would either be on Sloans Road or the new road and Lot 13 will have its access off Sloans Road. Lot 14 access will be via the existing Howes Lane.

The above describes the expected access arrangement however it will be confirmed at a later stage.



3.3 Traffic Generation

Trip generation rates from the *Institute of Transportation Engineers (ITE) "Trip Generation" 10th* as detailed in **Table 3-1** were used to calculate the estimated trip generation for the subdivision. **Table 3-2** shows the directional distribution and **Table 3-3** shows the total expected trips to be generated by the proposed development.

Table 3-1 Trip Generation Rate

Land Use	ITE CODE	Yield	AM Peak Rate	PM Peak Rate	Daily Rate
Residential	ITE 210	14 dwellings	0.76 trips per dwelling	1 trip per dwelling	9.44 trips per dwelling

Table 3-2 Directional Distribution

Land Use	AM		PM		Daily	
	IN	OUT	IN	OUT	IN	OUT
Residential	26%	74%	64%	36%	50%	50%

Table 3-3 Total Trip Generation

Land Use	AM		PM		Daily	
	IN	OUT	IN	OUT	IN	OUT
Residential	3	8	9	5	66	66
Total	11		14		132	

The Subject Site will have a trip generation of approximately 132 trips daily, with approximately 11 trips during the AM peak hour period and approximately 14 trips in the PM peak hour period. According to the WAPC Transport Impact Assessment Guidelines, developments such generating between 10 and 100 trips during the peak hour is not considered to have any substantial or adverse transport impact on the surrounding road network.

3.4 Review of the New Subdivision Access Road

Currently, some traffic from north of Cheriton Road would use McHavloe Drive to reach Dewar Road to head to Brand Highway and vice versa. The proposed road connection between Cheriton Road and Sloans Road provides an alternative route to Brand Highway and could divert some of the traffic away from McHavloe Drive.

No traffic data is available on Cheriton Road, however it is expected that the volumes are very low, as there is only low rural residential / farms along Cheriton Road north of the Gingin town site. However, the traffic volume is expected to gradually increase, with the progression of the Country Heights Estate located approximately 5km north of the proposed division as shown in **Figure 3-2**.

Based on the approved structure plan, the full build-out of Country Heights Estates would consist of 313 dwellings. This would approximately generate 238 trips in the AM peak, 313 trips in the PM peak, and 2955 daily trips. This additional traffic would be distributed mainly to Cheriton Road, as well as other local roads such as McHavloe Drive to head towards Brand Highway.

The new subdivision road connecting Sloans Road and Cheriton Road, which provides an alternative route to Brand Highway, could help in reducing traffic flow on McHavloe Road heading to Brand Highway, particularly traffic generated from the Country Heights Estate. Therefore, the addition of the new subdivision road would also benefit the existing and future residents by providing more permeability to the road network.

The largest size vehicle that can use the new subdivision road would be 12.5m in length for a rigid truck, 19m in length for a combination, 2.5m in width, and 4.3m in height. Vehicles or agricultural machines larger than specified would require permits.

Figure 3-2 Country Heights Development Location





4 Public Transport Facilities

4.1 Existing Public Transport Facilities

The Site does not have any access to public transport as no public transport is available within the area.

4.2 Proposed Public Transport Facility

The development is not proposing any changes to the public transport network.



5 Pedestrian/Cycle Networks and Facilities

5.1 Existing Pedestrian/Cycle Network Facilities

There is no information on pedestrian/cycle network within the area adjacent to the Site or within the Townsite.

5.2 Proposed Pedestrian / Cycling Facility

The development is not proposing any pedestrian / cycling facility due to its rural nature. This is consistent with the Shire's Guidelines for Road Works, Drainage and Subdivision Development, where footpaths are only required in urban residential areas.

As the area is rural in nature and not in proximity to shops or other trip attractors, it is unlikely there would be any significant demand for designated pedestrian access or cycling. Therefore, it is not necessary to provide footpaths within the subdivision and/or a connection to the surrounding road network.



6 Road Safety Review

6.1 Crash Assessment

A crash assessment for the surrounding road network of the Subject Site has been completed using the Main Roads WA Reporting Centre. The assessment covers all the recorded accidents for the 5-year period between 1 January 2016 to 31 December 2020 for the following locations:

- > Sloans Road SLK 0.00 to SLK 0.90;
- > Cheriton Road SLK 0.63 to SLK 1.35; and
- > McHavloe Dr SLK 0.75 to SLK 1.30.

There were no reported intersection or midblock crashes within the above study area over the time period. Due to the low traffic volume generation, it is considered highly unlikely that the proposed development will have any material impact to the traffic safety of the surrounding road network.



7 Summary

This Transport Impact Statement outlines the transport aspects of the proposed development focusing on traffic operations, access and provision of car parking. Included are discussions regarding pedestrian, cycle, and public transport considerations.

This statement has been prepared in accordance with the *WAPC Transport Assessment Guidelines for Developments: Volume 4 – Individual Developments (2016)*.

The following are conclusions about the proposed development:

- > The proposal is for a rural subdivision with a total subject area of 78.74 ha.
- > A proposal for a new subdivision road which will become the main access for the subdivision lots that will connect Sloan Road and Cheriton Road.
- > It is expected that this new subdivision road will attract some external trips as it provides an alternative route to Brand Highway. This is expected to reduce traffic volumes on McHavloe Road, which is the current route towards Brand Highway from Cheriton Road north, particularly from the future Country Heights Estate, which will be a significant traffic generator when completed (approximately 2955 daily trips). Thus, the new subdivision road would overall provide an overall benefit to the permeability of the road network.
- > The development is conservatively estimated to generate 11 trips in the AM peak hour and 14 trips in the PM peak hour. The volume of trips generated by the subject Site is minimal is not considered to have any substantial impact on the surrounding road network.
- > It is considered highly unlikely that the proposed development will cause any material impact to the traffic safety of the surrounding road network.

Proposed Subdivision - Lot 9501
Cheriton Road, Gingin

APPENDIX

A

WAPC CHECKLIST



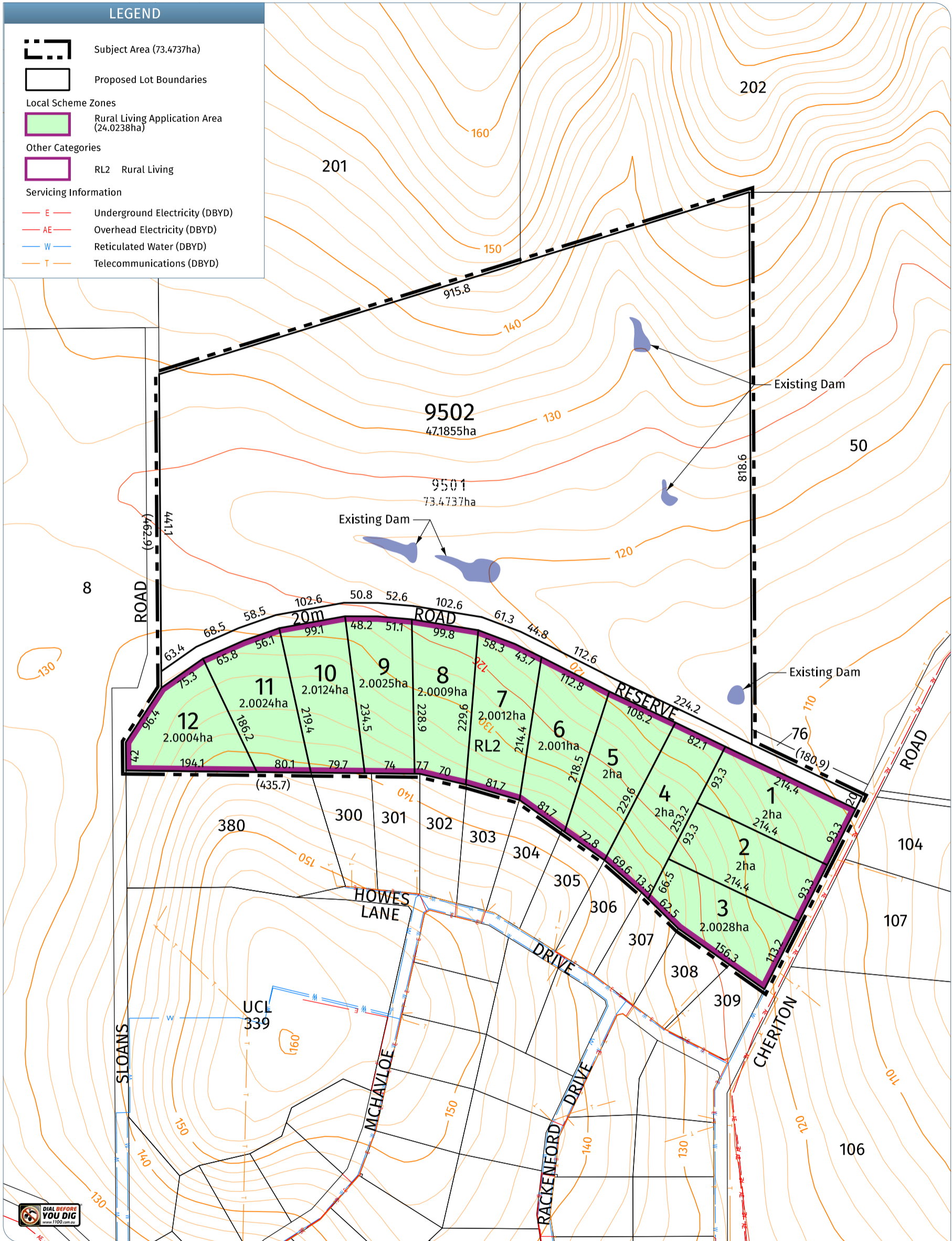
Item	Status	Comments/Proposals
Proposed development		
proposed land use	Section 3	
existing land uses	Section 1	
context with surrounds	Section 1	
Vehicular access and parking		
access arrangements	Section 3	
public, private, disabled parking set down/pick up	N/A	
Service vehicles (non-residential)		
access arrangements	N/A	
on/off-site loading facilities	N/A	
Service vehicles (residential)		
Rubbish collection and emergency vehicle access	N/A	
Hours of operation (non-residential only)		
	N/A	
Traffic volumes		
daily or peak traffic volumes	Section 3	
type of vehicles (e.g. cars, trucks)	N/A	
Traffic management on frontage streets		
	Section 2	
Public transport access		
nearest bus/train routes	Section 4	
nearest bus stops/train stations	Section 4	
pedestrian/cycle links to bus stops/train station	Section 4	
Pedestrian access/facilities		
existing pedestrian facilities within the development (if any)	Section 5	
proposed pedestrian facilities within development	Section 5	
existing pedestrian facilities on surrounding roads	Section 5	
proposals to improve pedestrian access	N/A	
Cycle access/facilities		
existing cycle facilities within the development (if any)	Section 5	
proposed cycle facilities within the development	Section 5	
existing cycle facilities on surrounding roads	Section 5	
proposals to improve cycle access	N/A	
Site specific issues		
	N/A	
Safety issues		
identify issues	N/A	
remedial measures	N/A	

Proposed Subdivision - Lot 9501
Cheriton Road, Gingin

APPENDIX

B

SITE PLAN



CONCEPT SUBDIVISION PLAN (ZONING)

Pt Lot 9501 Cheriton Road,
GINGIN

Plan No. | 20213-04
Date | 02/05/22
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0 50m 100m 150m



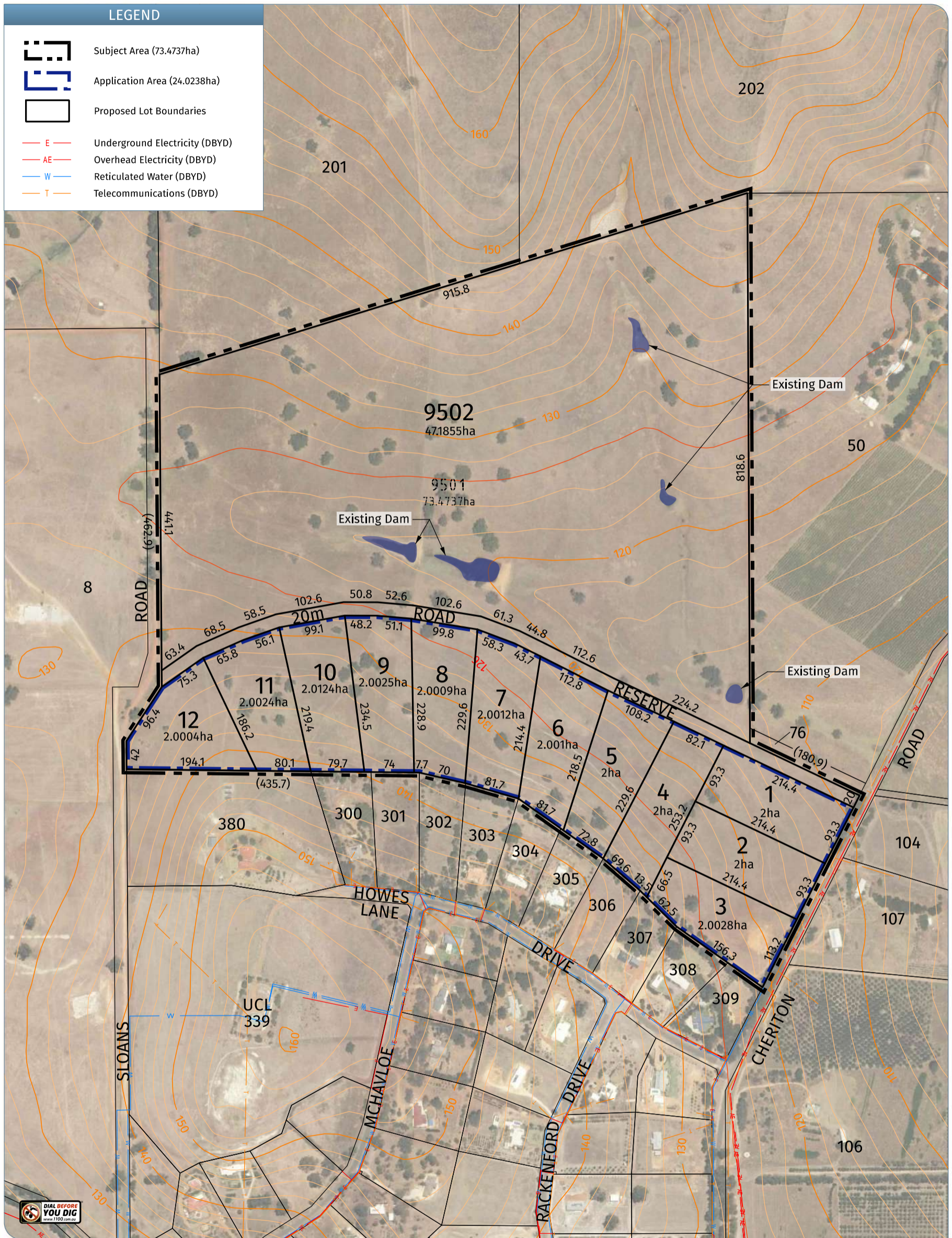
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CONCEPT SUBDIVISION PLAN (AERIAL)

Pt Lot 9501 Cheriton Road, GINGIN

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**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF GINGIN
LOCAL PLANNING SCHEME No.9 - AMENDMENT No. 23**

RESOLVED that the Council, pursuant to Section 75 of the *Planning and Development Act 2005*, initiate an Amendment to the Shire of Gingin Local Planning Scheme No.9 to:

1. Modifying the Scheme Maps by introducing the Rural Living RL2 zone over Pt Lot 9501 Cheriton Road, Gingin.
2. Insert the definition for *building exclusion area* under the General Definitions of Schedule 1 – Dictionary of Defined Words and Expressions in alphabetic order as follows:

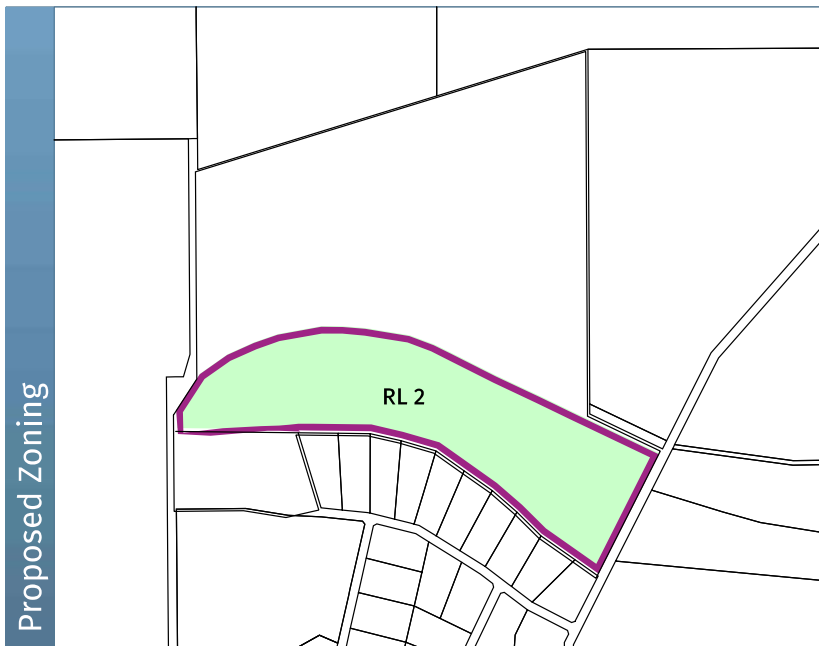
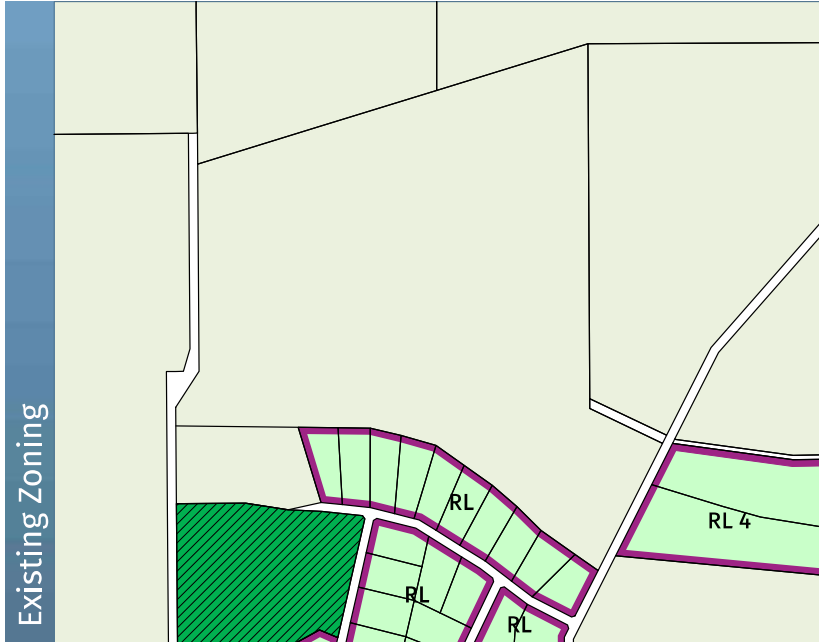
building exclusion area	means the area of land within which buildings, effluent disposal facilities and any other works on a lot must not be located or carried out.
-------------------------	--

3. Insert the following into Schedule 8 – Rural Living Zones:

No.	Description of Land	Conditions
2	Pt Lot 9501 Cheriton Road, Gingin	<p>General</p> <ol style="list-style-type: none"> 1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Living zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail. <p>Structure Planning</p> <ol style="list-style-type: none"> 2. A structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 3 and 4 below. <p>Subdivision</p> <ol style="list-style-type: none"> 3. The plan of subdivision and application must: <ol style="list-style-type: none"> (a) identify building envelopes/exclusion areas which respond to the significant environmental features of the site, including achieving suitable separation from water resources; (b) provide a logical road network, including a subdivisional road along the northern boundary of the subdivision area designed to link the subdivision area from its eastern boundary to Cheriton Road through to its western boundary to Sloans Road; (c) be supported by: <ol style="list-style-type: none"> i. an approved Local Water Management Strategy; and

		<p>ii. a site and soil evaluation conducted in accordance with <i>AS/NZS 1547 On-site domestic wastewater management</i>;</p> <p>Local development plan</p> <p>4. A local development plan is to be prepared and approved identifying building envelopes/exclusion areas consistent with Conditions 1 to 3 above.</p> <p>5. Notwithstanding cl. 61(1)(l), where development is inconsistent with the approved local development plan a development application shall be required.</p>
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SHIRE OF GINGIN Local Planning Scheme No. 9 Amendment No. 23



LOCAL SCHEME RESERVES

 Parks and Recreation

LOCAL SCHEME ZONES

 General Rural

 Rural Living

OTHER CATEGORIES

 RL1 Rural Living

 No Zone



Mapping prepared by Harley Dykstra
 Lvl 1, 252 Fitzgerald Street, PERTH WA 6000
 15/2 Hensbrook Loop, FORRESTDALE WA 6112
 T: 08 9495 1947
 Plan No. | 20213-06A Drawn | NP 29/11/21



COUNCIL ADOPTION

FORM 6A

This Standard Amendment was adopted by resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____ 20__.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____, 20__, proceed to advertise this Amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for _____ by resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____, 20__ and the Common Seal of the Shire of Gingin was hereunto affixed by the authority of a resolution of the Council in the presence of:

(Seal)

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 11.4.2

.....
MINISTER FOR PLANNING

DATE.....

11.5 SAND RENOURISHMENT - HOPKINS STREET/GRACE DARLING PARK

File	ENV/17
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider urgently undertaking sand renourishment for the closed part of Hopkins Street and the face of Grace Darling Park, Lancelin.

BACKGROUND

Due to erosion being experienced after recent storms, the area from Grace Darling Park to the closed section of Hopkins Street has lost the previous sand renourishment and the Park face has suffered some erosion.

COMMENT

After recent informal discussions with Councillors, approval is sought to undertake sand renourishment in front of Grace Darling Park and to close off Hopkins Street to the value of \$20,000.

The purpose of this work is to provide a level of protection to Grace Darling Park and to close off Hopkins Street to reduce the risk of storm surges over topping this breach point.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

As mentioned above, it is intended to expend up to \$20,000 to undertake these works. It is proposed that \$5,000 of this expenditure will be funded from the sand renourishment budget account, and Council approval is sought to amend the 2022/23 Budget to source the remaining \$15,00 from the Coastal Management Reserve in accordance with the following table.

Account	Description	Current Budget	Revised Budget	Surplus / Deficit
151005810	Environment Transfers from Reserve	-\$40,200	-\$55,200	-\$15,000
EP10576	Sand Renourishment	\$70,400	\$85,400	\$15,000
Change to surplus				Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Balcombe

That Council agree to:

- Undertake sand renourishment on the face of Grace Darling Park and the closed portion of Hopkins Street, Lancelin up to a maximum expenditure of \$20,000 plus GST; and
- Amend the 2022/23 Budget in accordance with the following table:

Account	Description	Current Budget	Revised Budget	Surplus / Deficit
151005810	Environment Transfers from Reserve	-\$40,200	-\$55,200	-\$15,000
EP10576	Sand Renourishment	\$70,400	\$85,400	\$15,000
Change to surplus				Nil

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

11.6 2023 WA LOCAL GOVERNMENT ASSOCIATION CONVENTION - ATTENDANCE BY COUNCILLOR VIS

File	COR/3
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Councillor Vis (Deputy Shire President) disclosed a financial interest in Item 11.6 as the item directly relates to her attending the convention and left the meeting at 4.20pm.

PURPOSE

For Council to consider approving the attendance of Councillor Andrea Vis (Deputy Shire President) at the 2023 WALGA Local Government Convention (Convention).

BACKGROUND

Council's Policy 1.29 Councillors' Entitlements states as follows:

- c. Any request for attendance at a training opportunity or conference that falls within the last three months of a Councillor's term of office will be referred to Council for approval. For the purposes of clarity, the date from which clause c takes effect will be the date on which the training opportunity or conference commences.*

This year the Convention is being held from Sunday 17 September to Tuesday 19 September 2023, and given that Councillor Vis' current term of office will end at the 2023 local government elections in October, the above requirement applies.

COMMENT

It is normal practice that Council sends two or three elected members with the CEO depending on interest. The Local Government Convention provides training and education to CEO's and Elected Members through Key Speakers and separate sessions focusing on Local Government Topics.

This year's convention theme is Local Futures and speakers and sessions are linked to this theme. There is also a large trade exhibition as well that provides opportunity to seek advice from product and service suppliers supporting the local government sector.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Policy 1.29 Councillors' Entitlements

BUDGET IMPLICATIONS

Provisions are made in Council's Budget for attendance at the annual WALGA convention. The cost for last year's Convention and accommodation per person was \$1,540.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Rule

That Council grant permission for Councillor Andrea Vis to attend the 2023 WA Local Government Convention.

**CARRIED UNANIMOUSLY
7 / 0**

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

AGAINST: *Nil*

Councillor Vis returned to meeting at 4:20 pm and was advised of Councils decision.

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 COASTAL MANAGEMENT ON THE GINGIN COASTLINE - A SUMMARY

File	ENV/17
Author	Les Crichton - Executive Manager Corporate & Community Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	15 December 2020 - Item 11.2.6
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider endorsement of the release of the following draft documents for public consultation:

1. *Shire of Gingin Coastal Management on the Gingin Coastline A Summary - June 2023.*
2. *Shire of Gingin Coastal Management Strategy - June 2023.*
3. *Shire of Gingin Coastal Hazard Risk Management Adaption Plan – June 2023.*

BACKGROUND

Our coastline is highly valued. It provides us with places and spaces to live, do business, be active and enjoy.

However, the coastline is not static – it is constantly changing through storm events, predicted sea level rises, and the changes that people make to it.

These coastline changes are now becoming much more noticeable and happening more rapidly. For this reason, local governments throughout Western Australia have been undertaking studies to understand the impacts of these coastal processes, particularly where people live.

The Shire of Gingin is no exception to this. We are trying to understand how our coastline will be impacted by the coastal processes of ‘erosion’ and ‘inundation’. In 2019 a Coastal Hazard Risk Management Adaptation Plan (CHRMAP) was undertaken for Lancelin, Ledge Point and Seabird, and in 2020 a Coastal Inundation Study for Lancelin, Ledge Point, Seabird and Guilderton was prepared.

However, there remained some gaps which have required further work. In August 2020, Council was successful in obtaining funding through the 2020/21 Coastal Management Plan Assistance Program (CMPAP) Grants Program to bolster the 2019 CHRMP to include the Guilderton coastline and integrate it with the Inundation Study completed in 2020. In addition, in June 2021, further CMPAP funding was gained to prepare a Coastal Management Strategy.

These documents will provide a comprehensive understanding of how our coastline will be impacted in the future, and how we can plan for and manage these changes into the future.

To date:

- Initial community and stakeholder engagement has been undertaken to seek community input into the recommendations for the coastline. This included an online community survey and mapping exercise about what the community values along the coast, and in-person workshops in Lancelin and Guilderton.
- The project team has completed the technical assessments and development of the draft CHRMAP and CMS. This included a CHRMAP GAP Assessment Technical Report and a Benefit Distribution Analysis.
- Further engagement has been undertaken with the community through a community panel to discuss the draft technical findings, what they mean in terms of impact, and to prioritise adaptation options based on community values to ensure that we understand the community's concerns and aspirations for coastal areas in light of the challenges ahead.

All stages of the development of the CHRMP, CMS and the Summary have been overseen by, and included input from, the Project Steering Committee. This comprises representatives from the funders (Department of Planning, Lands and Heritage, Department of Transport), Council's Coastal Erosion Advisory Committee, Council officers and the project consultants (Shape Urban).

COMMENT

The Project Steering Committee reviewed the draft documents and, following some changes, presented them to Council to workshop at its Briefing Session on 16 May 2023. Based on the feedback gained from this process, endorsement of the release of the following documents for community engagement and feedback is recommended:

1. *Shire of Gingin Coastal Management on the Gingin Coastline A Summary - April 2023.* This comprises an easy-to-read summary of the technical elements of the Coastal Management Strategy (CMS) and Coastal Hazard Risk Management Adaption Plan (CHRMAP).

2. *Shire of Gingin Coastal Management Strategy - March 2023.* A document prepared to deliver short term action for coastal management. It responds to the recommendations of the CHRMAP.
3. *Shire of Gingin Coastal Hazard Risk Management Adaption Plan - February 2023.* A study prepared to communicate information about future coastal planning. It includes a technical assessment to understand the existing and predicted coastal processes, includes a social assessment to understand community values associated with the coastline, and considers financial and environmental implications.

It is proposed that the consultation period be no less than six weeks, include two community information sessions (one at Lancelin and one at Seabird), and be supported by the preparation of a project webpage, FAQs, and Fact Sheets.

STATUTORY/LOCAL LAW IMPLICATIONS

State Planning Policy 2.6 – Coastal planning
Coastal hazard risk management and adaption planning guidelines July 2019

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Development of the CHRMAP, CMS, and Summary documents are included in the current budget.

Any recommendations included within the reports once adopted by Council following the community consultation process and review will need to be reflected in Council's long term financial plan and included for consideration in the annual budgeting process.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.1 Climate Change & Adaption - Understand the impacts of climate change and identify actions to adapt and mitigate those impacts

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen **SECONDED:** Councillor Rule

That Council endorse the release of the following draft documents, for period of no less than six weeks including two community information sessions (one at Lancelin and one at Seabird), for the purposes of public consultation:

1. *Shire of Gingin Coastal Management on the Gingin Coastline A Summary - June 2023;*
2. *Shire of Gingin Coastal Management Strategy - June 2023; and*
3. *Shire of Gingin Coastal Hazard Risk Management Adaption Plan – June 2023.*

CARRIED UNANIMOUSLY

8 / 0

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

AGAINST: *Nil*

12.2 COMMUNITY FUNDING PROGRAM 2023/24

File	GRA/20
Author	Amy Gibbs - Coordinator Community Development & Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	20 December 2022 - Item 12.1
Appendices	Nil

DISCLOSURES OF INTEREST

Councillor Vis (Deputy Shire President) disclosed a financial interest in Item 12.2 as the item directly relates to her employer and left the meeting at 4.21pm.

Councillor Balcombe disclosed an impartiality interest in Item 12.2 as she is a member of the Gingin CRC.

Councillor Peczka disclosed an impartiality interest in Item 12.2 as he is a paying member of the Lancelin Bowling Club.

Councillor Johnson disclosed an impartiality interest in Item 12.2 as he is the Shire Representative on the Gingin High School Board.

PURPOSE

To assess the 2023/24 Community Funding Program submissions for inclusion in the draft 2023/24 Municipal Budget.

BACKGROUND

At its Ordinary Meeting on 20 December 2022, during the three year review of the Community Funding Program (Item 12.3), Council resolved as follows:

1. *Commencing in the 2023/24 Budget, support:*
 - a. *an annual Community Projects Program (up to \$10,000) allocation of \$65,000 (ex GST);*
 - b. *an annual Public Liability Insurance Contributions allocation of \$5,000 with applications approved on a three-year basis, or a portion thereof;*
 - c. *an annual Budget Request Over \$10,000 allocation of \$30,000 (ex GST); and*
 - d. *an annual Funding Assistance Program allocation of \$61,000 (ex GST) with applications approved on a three-year basis, or portion thereof; and*

2. *Review the Community Funding Program and stream allocations on a three-yearly basis with the next review to be held in 2025.*

The Community Funding Program provides financial assistance to community groups and not-for-profit organisations to conduct projects or initiatives which support the aspirations of Council's *Strategic Community Plan 2022 – 2023*.

For the purposes of review, Table 1 details Community Funding allocated by Council in the last three years.

Table 1.

	Community Funding (Up to \$10,000)	Public Liability Insurance	Budget Request (Over \$10,000)	Funding Assistance Program
2020/21	\$14,560 (5 projects)	\$3,212 (10)	\$46,275 (2 projects)	\$41,000 (6 projects)
2021/22	\$51,096 (12 projects)	\$4,441 (12)	\$62,000 (2 projects)	\$51,000 (7 projects)
2022/23	\$53,840 (18 projects)	\$4,706 (13)	\$12,000 (1 project)	\$51,000 (7 projects)

The 2023/24 Community Funding program was open for applications from 1 February 2023 to 31 March 2023 and was promoted online, through local newspapers and in email correspondence with community groups. An online presentation guiding groups through the application process was already created and distributed.

An extension was granted for applications to 14 April 2023 as many groups who regularly apply had not submitted applications before the closing date. This was predominantly due to the appointment of new office bearers on club and organisation committees who were unfamiliar with the application process.

COMMENT

Overall, there were 47 Community Funding applications received, summarised in Table 2. This compares to 43 applications received last year, of which 39 were approved by Council for partial or full funding.

Table 2.

	Community Funding (Up to \$10,000)	Public Liability Insurance	Budget Request (Over \$10,000)	Funding Assistance Program
Budget Allocation	\$65,000 pa	\$5,000 pa	\$10,000 pa	\$61,000 pa
Number of applications received	22	13	3	8

Total \$ value of requests (EX GST)	\$132,958	\$5,189	\$143,542	\$53,000
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The applications, in total, amount to \$334,689 (compared to \$217,158 in 2022/23). The contribution of \$90,000 towards the Lancelin Bowling Club Inc. 10 rink synthetic green replacement, endorsed for consideration in the 2023/24 Draft Budget at the Ordinary Council Meeting on 18 April 2023 (Item 12.2), is included in the Budget Request (Over \$10,000) section of Table 2.

As applications can contain sensitive financial details, they have been circulated to Councillors separately (refer Confidential Appendices).

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 3.7 - Distribution of Funds to Community and Sporting Bodies through the Community Sporting and Recreation Facilities Fund.

BUDGET IMPLICATIONS

Council's determination will inform which projects are to be included in the 2023/24 draft Budget for Council consideration. As the applications exceed the amounts allocated by Council with the exception of the Funding Assistance Program, Council may consider partially funding some projects.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	<ol style="list-style-type: none"> 1. Attractions & Economy - Actively Pursue Tourism and Economic Development 2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing 3. Planning & Sustainability - Plan for Future Generations 4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	<ol style="list-style-type: none"> 1.1 Investment Attraction - Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire's economy 1.6 Attractions & Events - Host/support iconic community events and attractions that will entice residents and visitors throughout the year

	<p>2.1 Community Safety & Support - Provide support and advocacy to residents and visitors so that they feel safe and secure at home and in the environment</p> <p>2.4 Youth Investment - Promote and undertake activities that provide youth retention and capacity building in our communities</p> <p>2.5 Community Capacity Building - Empower all ages to be culturally aware and involved in diverse community initiatives including volunteering, culture and the arts</p> <p>2.7 Accessibility - Ensure that the Shire's infrastructure and services are accessible to seniors and community members with a disability</p> <p>2.8 Services & Facilities - Provide cost effective services and facilities which meet the needs of the community</p> <p>3.1 Climate Change & Adaptation - Understand the impacts of climate change and identify actions to adapt and mitigate those impacts</p> <p>3.2 Preservation & Management of Endangered Habitat & Coastal Reserves - Sustainable policy/actions supporting preservation activities</p> <p>4.1 Management of Assets - Maintain civic buildings, sporting facilities, public places, plant and road and cycleway/pathways based on asset management plans and identified priorities</p> <p>4.5 Key Stakeholder Partnerships - Foster applicable relationships and partnerships with key stakeholders to achieve outcomes</p>
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VOTING REQUIREMENTS - SIMPLE MAJORITY

MOTION

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

That Council agree to include the Community Funding Program amounts as recommended in the Confidential Appendices for consideration in the draft Budget 2023/24.

PROCEDURAL MOTION

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

That consideration of this matter be deferred until the Ordinary Council Meeting of 18 July 2023 to allow for further discussion by Council with respect to Grant eligibility parameters.

CARRIED UNANIMOUSLY
7 / 0

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**



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

AGAINST: *Nil*

Councillor Vis (Deputy Shire President) returned to the meeting at 4:29 pm and was advised of Councils decision.

12.3 LIST OF PAID ACCOUNTS MAY 2023

File	FIN/25
Author	Tania Ladner – Accounts Payable / Administration Support Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Voucher List 2022-2023 - May 2023 - Public [12.3.1 - 5 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in May 2023.

BACKGROUND

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

COMMENT

Accounts totalling \$2,199,142.46 were paid during the month of May 2023.

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

- Municipal Fund electronic funds transfers (EFT) \$1,652,311.23
- Municipal Fund cheques \$715.85
- Municipal Fund direct debits \$546,115.38

Total Municipal Expenditure \$2,199,142.46

TOTAL EXPENDITURE \$2,199,142.46

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council note all payments made by the Chief Executive Officer under Delegation 1.1.13 for May 2023 totaling \$2,199,142.46 as detailed in the schedule appended to this report, comprising:

- Municipal Fund electronic funds transfers (EFT) \$1,652,311.23
- Municipal Fund cheques \$715.85
- Municipal Fund direct debits \$546,115.38

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.3.1

Payments made under Delegated Authority 2.7 Payment of Creditors for the period 1 May 2023 to 31 May 2023

Payment Category

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

TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-38689	02/05/2023	AUSTRALIAN TAXATION OFFICE (PAYG)	PAYROLL DEDUCTION.	43,266.00
EFT-38690	02/05/2023	LORCEU (WA DIVISION)	PAYROLL DEDUCTION.	44.00
EFT-38691	02/05/2023	RSPCA WA (INC.)	PAYROLL DEDUCTION.	10.00
EFT-38692	02/05/2023	DFES - DEPARTMENT OF FIRE AND EMERGENCY SERVICES	DFES PAYMENT FOR ESL RECEIVED FOR APRIL 2023.	26,008.58
EFT-38693	03/05/2023	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	MARCH TRAFFIC MANAGEMENT 16/03/2023 - 31/03/2023.	19,319.63
EFT-38694	03/05/2023	ANSPACH AGRICULTURAL CONTRACTING	INSTALLATION OF FIREBREAKS.	14,520.00
EFT-38695	03/05/2023	BELGRAVIA PRO PTY LTD	RMS LICENSE FEE FOR MARCH 2023. MARCH 2023 PAYMENTS FOR 85% OF PURE GLAMPING REVENUE & HIRE EQUIPMENT INCOME. GUILDERTON CARAVAN PARK MANAGEMENT FEE FOR 2022/23 (MARCH 2023).	48,295.20
EFT-38696	03/05/2023	BROWN AUTOMOTIVE GINGIN	GG049 - AIRCON REGAS AND SUMP PLUG FIX. GG049 - 1000KM SERVICE.	300.00
EFT-38697	03/05/2023	CELLARBRATIONS GINGIN	REFRESHMENTS - COUNCIL MEETING 18/04/2023.	112.00
EFT-38698	03/05/2023	COASTAL COURIER	ADVERTISING - COUNCIL TO COMMUNITY (2 X A4 PAGES) IN COASTAL COURIER X 12 MONTHS - JUNE 2023 TO MAY 2024.	1,070.40
EFT-38699	03/05/2023	DEPARTMENT OF TRANSPORT	RELEASE OF INFORMATION FEE FOR THE SHIRE OF GINGIN PARKING INFRASTRUCTURE NOTICE. DISCLOSURE OF INFORMATION FEES FOR APPLICATIONS DURING MARCH 2023.	151.70
EFT-38700	03/05/2023	DUNCAN SOLUTIONS	PARKING METERS - CREDIT CARD TRANSACTIONS AND MONTHLY SUPPORT FEE FOR MARCH 2023.	251.22
EFT-38701	03/05/2023	EAGLEYE TECHNICAL SERVICES	GRANVILLE CIVIC CENTRE - REPLACE LIGHT SWITCH FOR OUTSIDE LIGHTS. GINGIN ADMINISTRATION OFFICE - REPLACE OLD / BROKEN ELECTRICAL SOCKET IN ADMIN KITCHEN.	649.00
EFT-38702	03/05/2023	GINGIN DISTRICT COMMUNITY RESOURCE CENTRE INC (CRC)	REIMBURSEMENT TO GINGIN CRC OF FEES FOR SOLAR PANEL ERROR DIAGNOSIS.	302.50
EFT-38703	03/05/2023	GINGIN TRADING	MARCH 2023 HARDWARE & MAINTENANCE SUPPLIES.	3,173.84
EFT-38704	03/05/2023	GINGIN TREE SERVICES	PRUNE LARGE TUART TREE LIMBS: GABBADAH PARK. OVERHANGING PLAY EQUIPMENT AT GABBADAH PARK. REMOVE HEAVY TREE LIMBS / BRANCHES FROM TAMARISK TREES AT GUILDERTON FORESHORE CARPARK. LIMBS HAVE A HIGH POTENTIAL TO FALL ON PLAYGROUND / PLAY EQUIPMENT, LIBRARY AND VEHICLES. ONE TREE LIMB CLOSE TO POWERLINES.	4,400.00
EFT-38705	03/05/2023	HELEN SUTHERLAND	REIMBURSEMENT FOR PURCHASE OF MATERIALS FOR SHIRE OF GINGIN LANCELIN LIBRARY.	55.00
EFT-38706	03/05/2023	INDIAN OCEAN PEST CONTROL	SET MOUSE TRAPS / BAITS IN KITCHEN, GRANVILLE CIVIC CENTRE.	110.00
EFT-38707	03/05/2023	K B RILEY & SONS PTY LTD T/AS LANCELIN SANDS CARAVAN PARK	GUILDERTON CARAVAN PARK - PUMP AND DISPOSE OF K210 SEPTAGE WASTE X 7000 LITRES FROM GUILDERTON CARAVAN PARK 11/04/2022.	1,800.00
EFT-38708	03/05/2023	KEVIN VINE	LOWER COASTAL PUBLIC ABLUTIONS - CLEANING SERVICES MARCH 2023 GUILDERTON FORESHORE - PUBLIC ABLUTIONS, SHELTERS & BARBEQUES, GUILDERTON SKATE PARK/ACTIVITY SPACE, GABBADAH PARK, SILVER CREEK, WOODRIDGE & SEABIRD.	7,066.62
EFT-38709	03/05/2023	LANDGATE	MINING TENEMENTS CHARGEABLE SCHEDULE NO. M2023/02 DATED 08/02/2023 TO 09/03/2023. GROSS RENTAL VALUATIONS CHARGEABLE SCHEDULE NO. G2023/03 DATED 04/02/2023 - 03/03/2023. RURAL UVS CHARGEABLE SCHEDULE R2023/02 DATED 21/01/2023 TO 03/03/2023.	336.41
EFT-38710	03/05/2023	LEDGE POINT RETICULATION & REFRIGERATION	NEERGABBY RECREATION GROUND - RETICULATION REPAIRS.	1,199.00
EFT-38711	03/05/2023	MINUTEMAN PRESS BALCATTA	PRINTING AND SUPPLY OF NEW STAFF NAME BADGES AND BUSINESS CARDS.	814.24
EFT-38712	03/05/2023	MITEL NETWORKS LIMITED	TELECOMMUNICATION SERVICE 01/04/2023 - 30/04/2023.	1,253.51
EFT-38713	03/05/2023	MOORE RIVER ELECTRICAL SERVICES	LEDGE POINT OVAL - INSTALLATION OF AMP GP05 & RCDS. LANCELIN ARTS FESTIVAL 15/04/2023 - ELECTRICAL CHECKS AT WANGAREE PARK.	910.00
EFT-38714	03/05/2023	MOORE RIVER TOURS	DEPLOY PONTOON TO HOME POSITION IN PREPARATION FOR UPCOMING SCHOOL HOLIDAYS, MOORE RIVER ESTUARY, GUILDERTON.	400.00
EFT-38715	03/05/2023	PHASE3 LANDSCAPE CONSTRUCTION PTY LTD	LANCELIN FORESHORE CUNLIFFE STREET DEVELOPMENT.	162,432.14
EFT-38716	03/05/2023	SHAWMAC PTY LTD	OLD LEDGE POINT ROAD UPGRADE WORKS - SURVEY AND DESIGN WORKS.	17,646.48
EFT-38717	03/05/2023	TALIS CONSULTANTS ATF TALIS UNIT TRUST	ROAD ASSETS RE-VALUE (IPR) & SEALED CONDITION ASSESSMENT.	27,500.00
EFT-38718	03/05/2023	TERESA HELM	CATERING - STAFF MEETING BREAKFAST 20/04/2023.	274.00
EFT-38719	03/05/2023	THE GINGIN BUTCHER	CATERING SUPPLIES - YOUTH WEEK FUN DAY 19/04/2023.	100.00
EFT-38720	03/05/2023	THE JUICY BOX	STAFF AND ARTISTS REFRESHMENTS - LANCELIN ARTS FESTIVAL 15/04/2023.	166.50
EFT-38721	03/05/2023	THOMAS KUSTERS	HAROLD PARK ABLUTION BLOCK - SUPPLY / INSTALL CISTERN TO URINAL.	890.00
EFT-38722	03/05/2023	ACS SWAN EXPRESS PRINT	REIMBURSEMENT FOR SAFETY BOOKS	133.65
EFT-38723	03/05/2023	WANT PLUMBING SERVICES PTY LTD	GINGIN RECREATION CENTRE - CLEAN OUT 4 X HOT WATER UNITS, REPLACE SHOWER HEADS. GRANVILLE PARK ABLUTION BLOCK - CLEAR BLOCKED TOILETS.	1,100.00
EFT-38724	03/05/2023	WCS CONCRETE PTY LTD	BEERMULLAH ROAD WEST (R2R) - SUPPLY AND DELIVERY OF 7M3 OF N32/20 CONCRETE (24.03.2023).	2,169.20
EFT-38725	03/05/2023	WESTCOAST BLINDS WA	REPLACE BLINDS TO DOORS AND WINDOWS AT GINGIN MEDICAL CENTRE.	597.00
EFT-38726	04/05/2023	ACS SWAN EXPRESS PRINT	RATE INSTALLATION NOTICES - PRINTING 2,000	682.00
EFT-38727	04/05/2023	ALTUS PLANNING PTY LTD	SHEEPCO V SHIRE OF GINGIN - PLANNING SERVICES. PLANNING SERVICES RELATING TO BIOSCIENCE V SHIRE OF GINGIN.	11,253.00
EFT-38728	04/05/2023	AUSTRALIA POST	ADDITIONAL POSTAGE CHARGES FOR THE PERIOD 01/03/2023 - 31/03/2023.	2.34
EFT-38729	04/05/2023	AVON WASTE	SHIRE OF GINGIN KERBSIDE COLLECTION SERVICES FOR THE PERIOD 27/03/2023 - 07/04/2023.	20,813.13
EFT-38730	04/05/2023	CLUB BAND PTY LTD (THE TRUSTEE FOR CLUB GINGIN)	FLAVOURS OF GINGIN EVENING ENTERTAINMENT. SUMMER CLUB BAND 25% BOOKING DEPOSIT.	900.63
EFT-38731	04/05/2023	DEPARTMENT OF PREMIER AND CABINET	GAZETTE OF SHIRE OF GINGIN SIGNS & BILL POSTING REPEAL LOCAL LAW - GOVERNMENT GAZETTE 31/03/2023.	124.80
EFT-38732	04/05/2023	GINGIN FLORIST	2 X ANZAC WREATHS - GINGIN SERVICE AND GDHS SERVICE (28 APRIL 2023).	160.00
EFT-38733	04/05/2023	GINGIN GRADING SERVICE PTY LTD	CART FILL FOR GINGIN LANDFILL SITE FROM MOONDAH TO SITE FOR THE PERIOD 02/03/2023 - 24/03/2023.	3,465.00
EFT-38734	04/05/2023	JULIE POLETTE	LANCELIN ARTS FESTIVAL 15/04/2023 MOSIAC WORKSHOP.	600.00
EFT-38735	04/05/2023	KAREN GRANT	CLEANING SERVICES FOR FEBRUARY & MARCH 2023 GINGIN ADMINISTRATION OFFICES, GINGIN DEPOT OFFICE & LUNCH ROOM. GRANVILLE CIVIC CENTRE, GINGIN OUTDOOR ACTIVITY SPACE ABLUTIONS. UNDERTAKE FULL PRE-TENANCY CLEAN OF UNIT 4, GINGIN AGED UNITS, INCLUDING SHAMPOOING CARPETS.	4,884.00
EFT-38736	04/05/2023	LANCELIN COMMUNITY AND SPORTING CLUB INC	QUARTERLY CONTRIBUTION TO LANCELIN COMMUNITY BUS - 22/23 FIN YR (FOR THE PERIOD APRIL 2023 TO JUNE 2023).	500.00
EFT-38737	04/05/2023	M.R. MULCHING	RND2 2022/23 (TREATMENT ID 5927) SEAVIEW ESTATE, KARAKIN MECHANICAL WORKS.	6,000.00
EFT-38738	04/05/2023	MCINTOSH AND SON	721 CASE LOADER - (GG206 - PART #154649701)	774.52
EFT-38739	04/05/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE - VARIOUS ONGOING PLANNING COMPLIANCE ISSUES	3,425.47
EFT-38740	04/05/2023	MJB INDUSTRIES PTY LTD	SOAK WELLS FOR VARIOUS DRAINAGE CONSTRUCTIONS WITHIN SHIRE.	12,065.77
EFT-38741	04/05/2023	NORTHERN VALLEY NEWS	ADVERTISING - C2C IN NORTHERN VALLEY NEWS FOR 2022/23 (APRIL 2023 ISSUE). ADVERTISEMENTS X 3 - LANCELIN ARTS FESTIVAL, YOUTH WEEK BAREFOOT BOWLS & YOUTH WEEK FUN DAY IN APRIL EDITION OF NORTHERN VALLEY NEWS.	1,475.00
EFT-38742	04/05/2023	SAVANAH SOLOMON	SAVANAH SOLOMON TO PERFORM AT THE LANCELIN ARTS FESTIVAL 15/04/2023.	400.00
EFT-38743	04/05/2023	STEWART & HEATON CLOTHING CO PTY LTD	8X SET TABARDS	367.88
EFT-38744	04/05/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES FOR 21/03/2023 - 29/03/2023. STATE LIBRARY, CUTTING EDGE, FRONTLINE FIRE, STEWART & HEATON.	110.13
EFT-38745	04/05/2023	WA CONTRACTORS	STABLE FLY SEASON 2022/23 STABLE FLY OFFICER & WEED CONTROL SERVICES FOR THE PERIOD 03/04/2023 - 13/04/2023.	4,078.23
EFT-38746	05/05/2023	MIDWEST BUILDING WA PTY LTD	REPAIRS TO FOOTBALL CLUB CHANGEROOMS. BUILD PATIO FOR GINGIN OVAL CHANGE ROOMS.	55,273.31
EFT-38747	11/05/2023	BINDOON TRACTORS	GG012 - SLASHER REPAIRS.	1,989.52
EFT-38748	11/05/2023	CANNON HYGIENE	GINGIN DEPOT - SUPPLY AND SERVICE OF 1 X SIGNATURE MANUAL D 1L ALCOHOL FREE (12 VISITS P.A.) - SUPPLY AND SERVICE OF 1 X SANITARY UNIT SERVICE (12 VISITS P.A.).	540.28
EFT-38749	11/05/2023	CONPLANT PTY LTD	ROLLER HIRE CHARGES - MAINTENANCE GRADING FOR THE PERIOD 14/02/2023 - 28/02/2023.	3,327.50
EFT-38750	11/05/2023	DAMSTRA TECHNOLOGY PTY LTD	SUBSCRIPTION: DAMSTRA EARNING ULTIMATE 1/12/22-24/11/2023.	10,892.22
EFT-38751	11/05/2023	DIGITALREZ AUSTRALIA	GUILDERTON CARAVAN PARK ONLINE BOOKINGS / ACCESS FEE - APRIL 2023.	255.50
EFT-38752	11/05/2023	DIRECT COMMUNICATIONS	GG073: SUPPLY AND INSTALL CEL-FIT MOBILE PHONE BOOSTER.	2,168.53
EFT-38753	11/05/2023	EAGLEYE TECHNICAL SERVICES	GINGIN AQUATIC CENTRE: TROUBLESHOOT POWER TRIPPING OUT TO SUBMERSIBLE PUMP.	165.00
EFT-38754	11/05/2023	FRONTLINE FIRE AND RESCUE EQUIPMENT	ALLOY HYDRANT ADAPTORS FOR BUSHFIRE APPLIANCES. FIREFIGHTER PPE/PPC REQUIREMENTS (METAL BRACES). REPLACEMENT PARTS GINGIN WEST 4.4 FIRE APPLIANCE (2016 BROADACRE CREW DECK STEP, HT-87910E0250 MAIN MIRROR HEAD ASSY, HT-88791E0080 COVER, OUTER SPOTTER, TEMPROTEC FIRESHELL F1ER, 7.5 LITRE PAIL, STANDARD LABOUR - PANT MIRRORS FIREPROOF BLACK), BOTTLED WATER FOR VOLUNTEER FIREFIGHTERS.	6,502.12
EFT-38755	11/05/2023	GINGIN TREE SERVICES	RANGE ROAD - TRIMMING TREES FOR GRADER.	4,290.00
EFT-38756	11/05/2023	HENRY MORRIS	SHIRE OF GINGIN WASTE FACILITIES X 3 CELL MANAGEMENT & PUSH UP SERVICES ONGOING FOR THE PERIOD 01/03/2023 - 31/03/2023. SHIRE OF GINGIN WASTE FACILITIES X 3 CELL MANAGEMENT & PUSH UP SERVICES FOR THE PERIOD 01/02/2023 - 28/02/2023.	22,046.00
EFT-38757	11/05/2023	IRON MOUNTAIN AUSTRALIA GROUP SERVICES PTY LTD	STORAGE BUSINESS CARTONS 2022 / 2023 (APRIL 2023).	317.53
EFT-38758	11/05/2023	KLEEN WEST DISTRIBUTORS	PURCHASE 15 X JUMBO PACKS OF TOILET ROLLS FOR ADMIN BUILDING.	577.50
EFT-38759	11/05/2023	LANCELIN OUTDOORS	REPAIR AND SERVICE RED GULLY FIRE STATION ROLLER DOORS.	643.50
EFT-38760	11/05/2023	LGIS	CONTINGENCY INSURANCE 29 JUNE 2022 TO 30 JUNE 2023.	2,790.00
EFT-38761	11/05/2023	MCINTOSH AND SON	GG016 - CASE LOADER. 3000HR MAJOR SERVICE.	3,597.27
EFT-38762	11/05/2023	MOORE DEMO & CIVIL	GINGIN FIRE SHED: REMOVE EXISTING ASBESTOS FENCE, REPLACE WITH RETAINER WALL / NEW COLORBOND FENCE.	12,002.00
EFT-38763	11/05/2023	NEO INFRASTRUCTURE PTY LTD	SEABIRD SEAWALL MAINTENANCE - REPLACING DISLLOGED ARMOUR ROCKS.	15,224.00
EFT-38764	11/05/2023	OFFICEWORKS	STATIONERY ORDER.	601.75
EFT-38765	11/05/2023	PLE COMPUTERS PTY LTD	PARTS FOR PCS AND NETWORK CONNECTORS (TP-LINK SG1005LP 5-PORT GIGABIT DESKTOP SWITCH, CRUCIAL MX500 500GB).	524.93
EFT-38766	11/05/2023	PLUMB IT RIGHT PTY LTD	MATERIALS, SUPPLY AND INSTALL RHEEM 275L HOT WATER SYSTEM. WORKS AT GUILDERTON CARAVAN PARK: LEAKING TAP OUTSIDE CHALET 5. S-TRAP DRAIN REPLACED IN CAMP KITCHEN (BEEN VANDALIZED OVER WEEKEND), BLOCKED URINAL.	12,282.00
EFT-38767	11/05/2023	ROOF RESTORERS PERTH	REPLACE TILES / SEAL / PAINT GINGIN BOWLING CLUB ROOF.	9,710.20
EFT-38768	11/05/2023	SURGE SERVICE	REPAIR GG079, GG029 - 2550	10,593.97
EFT-38769	11/05/2023	SOVEREIGN HILL COMMUNITY ASSOCIATION INC.	SOVEREIGN HILL HOUSE MOWING JAN- MARCH 2023.	720.00
EFT-38770	11/05/2023	STEWART & HEATON CLOTHING CO PTY LTD	VOLUNTEER FIREFIGHTER PPE/PPC.	148.80

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 1 May 2023 to 31 May 2023

Payment Category

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

TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
EFT-38771	11/05/2023	TERESA HELM	CATERING - COUNCIL MEETING 18/04/2023.	66.00	L
EFT-38772	11/05/2023	VERONICA HALL	THE DOWN STAIRS FOR TRUCKS	270.50	
EFT-38773	11/05/2023	WINC	REFUND FOR BOOKING AT GILDERTON HOLIDAY PARK. CANCELLATION ON 01/05/2023.	460.00	R
EFT-38774	11/05/2023	AUSTRALIAN TAXATION OFFICE (PAYG)	STATIONERY ORDER	229.21	
EFT-38775	16/05/2023	LGRCEU (WA DIVISION)	PAYROLL DEDUCTION.	42,486.00	
EFT-38776	16/05/2023	RSPCA WA (INC.)	PAYROLL DEDUCTION.	44.00	
EFT-38777	18/05/2023	ADVANCED LIQUID WASTE	PAYROLL DEDUCTION.	10.00	
EFT-38778	18/05/2023	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	VACUUM OUTBLOKED DRAINS / CARRY OUT DRAIN TRACKING UTILISING BORESCOPE CAMERA AT CU@PARK CAFE IN PREPARATION FOR NEW DRAIN INSTALL.	1,251.25	
EFT-38779	18/05/2023	AMPAC DEBT RECOVERY WA PTY LTD	APRIL 1ST TO 15TH (INC) TRAFFIC MANAGEMENT.	8,960.94	
EFT-38780	18/05/2023	AVON WASTE	DEBT RECOVERY COSTS FOR 12/04/2023 - 14/04/2023.	1,242.16	
EFT-38781	18/05/2023	BARBARA GATSOS	ADDITIONAL HOLIDAY BIN SERVICES LANCELIN/LEDGE POINT 1 DECEMBER - 31ST JANUARY 2022 - 8 WEEKS. SHIRE OF GINGIN KERBSIDE COLLECTION SERVICES FOR THE PERIOD 10/04/2023 - 21/04/2023.	23,273.25	
EFT-38782	18/05/2023	BILLY ELLWOOD BUILDING SERVICES	REFUND OF RATES PAYMENT TO INCORRECT PROPERTY.	1,253.56	R
EFT-38783	18/05/2023	BINDOON TRACTORS	REMOVE BORE WATER STAINS FROM GINGIN BOWLING CLUB WALLS.	990.00	
EFT-38784	18/05/2023	BOC PTY LTD	GG041 - NEW MIRROR.	15.00	
EFT-38785	18/05/2023	BULLSBROOK WINDSCREENS AND WINDOW TINTING	GAS & OXYGEN SUPPLIES FOR THE WORKSHOP & GINGIN MEDICAL CENTRE FOR THE PERIOD 01/04/2023 - 30/04/2023.	102.63	
EFT-38786	18/05/2023	CAT HAVEN	REPLACE BROKEN / CRACKED WINDSCREEN GG009.	685.00	
EFT-38787	18/05/2023	CITY PANEL BEATERS TRUCK REPAIRS PTY. LTD.	CAT ADOPTION REPORT FROM CAT HAVEN (FEBRUARY 2023).	11.00	
EFT-38788	18/05/2023	CONSTRUCTION TRAINING FUND	REPAIRS TO GG 045.	18,137.11	
EFT-38789	18/05/2023	DATA#3	CTF PAYMENTS FOR MARCH 2023.	665.90	
EFT-38790	18/05/2023	DIGITALREZ AUSTRALIA	10 X OFFICE365 F3 LICENSES FOR MAY 2023.	52.58	
EFT-38791	18/05/2023	EUROPACAR	GILDERTON CARAVAN PARK - MARCH 2023 MONTHLY ACCESS FEE. GILDERTON CARAVAN PARK - FEBRUARY 2023 MONTHLY ACCESS FEE. GILDERTON CARAVAN PARK - NOVEMBER 2022 MONTHLY ACCESS FEE.	1,100.82	
EFT-38792	18/05/2023	FLUX DRY PANEL AND PAINT	LOWER COASTAL WORKS RENTAL CAR 24.03.2023 TO 23.04.2023.	1,224.30	
EFT-38793	18/05/2023	GINGIN DISTRICT COMMUNITY RESOURCE CENTRE (INC CRC)	GG017- FIX DENTS IN SIDE OF UTE AND PAINT.	3,685.00	
EFT-38794	18/05/2023	GINGIN FUEL & TYRES	COMMUNITY FUNDING 2022/2023 - PROJECT: EASTER IN THE PARK 2023.	132.17	L
EFT-38795	18/05/2023	HANSON CONSTRUCTION MATERIALS PTY LTD	BOLT SLEEVE FOR SLASHER CONNECTION (GG019). REPLACEMENT TYRES FITTED FOR 2 GG ISUZU MUX. GG048-SPARE TYRE REPLACEMENT - SUPPLY AND FIT. DRAWBAR PIN (GG012). GG012 - SLASHER ADJUSTABLE ARM. TYRE REPAIR GILDERTON 1 4 GG077. CHEMICAL FOR VERGE ANNUAL VERGE SPRAYING. SUPPLY & DELIVER 14000 LITRES DIESEL TO DEPOT 2.5.23. GG12959 - 4X NEW TYRES. 5056 - NEW BATTERY. DIESEL CHARGES FOR FIRE APPLIANCES GG072, GG01 AND GG083 FOR THE MONTH OF APRIL 2023. GG056 - BATTERY. GG048- NEW FRONT TYRE.	47,000.74	L
EFT-38796	18/05/2023	HANSON CONSTRUCTION MATERIALS PTY LTD	CLEARANCE OF TREES FOR VISIBILITY ON DIAMOND ISLAND ROAD. CARABAN ROAD - TREES ON VERGE PRUNED TO ALLOW RAV ACCESS.	17,050.00	L
EFT-38797	18/05/2023	INDIAN OCEAN PEST CONTROL	PURCHASE SOFT FALL TO TOP UP PLAYGROUND AT GOAS.	780.98	
EFT-38800	18/05/2023	J. & K. HOPKINS	SKID PLATE MAINTENANCE, WELDING ON NEW PLATE.	1,221.44	L
EFT-38801	18/05/2023	JOANNE TONNA GRAPHIC DESIGN	SEABIRD TIP CASTOR OIL PLANT OUTBREAK TREATMENT THURSDAY 04/05/2023. SPRAY INSECTS / PESTS AS REQUESTED BY PLAYGROUP MANAGER. SPRAY FOR INSECTS / PESTS AT WOODRIDGE DEPOT STORAGE SHED.	1,320.00	
EFT-38802	18/05/2023	K B RILEY & SONS PTY LTD T/AS LANCELIN SANDS	HEALTH AREA 1 X 2100MM FLAT DESK - HEALTH DESK. 1 X 1200MM ANALYTICAL DESK - MOSQUITO TRAINING PROGRAM.	2,626.00	
EFT-38803	18/05/2023	KARRAGULLEN WATER DRILLING	ASSORTED FIRE APPLIANCE DECALS. GINGIN WEST VBFB INFORMATION SIGN.	1,407.99	
EFT-38804	18/05/2023	KELYN TRAINING SERVICES	RESIDENT PERCEPTION SURVEY 2023 - DESIGN AND PRODUCE ARTWORK FOR LONG AND SHORT VERSIONS.	300.00	
EFT-38805	18/05/2023	KLEEN WEST DISTRIBUTORS	SEPTIC SERVICING LANCELIN WASTE FACILITY 2022/23 X 6 EMPTIES (1 X PUMP & DISPOSE OF K210 SEPTAGE WASTE X 500 LITRES. CLEAN AND RE-CHEM PORTALOO @ LANCELIN WASTE MANAGEMENT FACILITY).	200.00	L
EFT-38806	18/05/2023	LANDEGE	RETURN OF KEY BOND T-986 FOR USE OF HONEYCOMBE STANDPIPE IN AUGUST 2022. \$200.00 PAID ON 31/08/2022.	200.00	R
EFT-38807	18/05/2023	LANDGATE	PROVIDE CERTIFIED (AHC/MOM213), CHAINSAW TRAINING FOR THREE EMPLOYEES.	885.00	
EFT-38808	18/05/2023	LEDGE POINT RETICULATION & REFRIGERATION	PURCHASE / REPLACE / REPLENISH CLEANING STOCK, MATERIALS FOR UPPER COASTAL ABLUTION BLOCKS ETC. PURCHASE / REPLENISH CLEANING STOCK, MATERIALS FOR LOWER COASTAL ABLUTION BLOCKS ETC.	3,492.34	
EFT-38809	18/05/2023	M.R. MULCHING	GROSS RENTAL VALUATIONS CHARGEABLE SCHEDULE NO. GG203/04 DATED 04/03/2023 TO 31/03/2023.	1,041.16	
EFT-38810	18/05/2023	MTEL NETWORKS LIMITED	STAINLESS STEEL SCREEN & FITTINGS FOR CUNLIFFE ST DEVELOPMENT. SUPPLIES FOR BORE CUNLIFFE ST DEVELOPMENT. ELECTRICAL & RETIC - CUNLIFFE ST DEVELOPMENT. DRILL BORE AT CUNLIFFE ST DEVELOPMENT.	15,565.00	
EFT-38811	18/05/2023	MOORE RIVER ELECTRICAL SERVICES	RND2 2022/23 (TREATMENT ID 8052) GILDERTON RESIDENTIAL EAST MECHANICAL WORKS.	12,000.00	L
EFT-38812	18/05/2023	PLUMB IT RIGHT PTY LTD	TELECOMMUNICATION SERVICE 01/05/2023 - 31/05/2023.	1,253.51	L
EFT-38813	18/05/2023	RARA MARKETING PTY LTD T/AS SIGNARAMA	REMOVE ASBESTOS FROM GUILDERTON COUNTRY CLUB CARPARK / TENNIS COURT ABLUTION BLOCK.	462.00	L
EFT-38814	18/05/2023	ROAD AND TRAFFIC SERVICES	GILDERTON CARAVAN PARK ELECTRICAL CALLOUT FOR TRIPPING LIGHTS IN MALE TOILET, INSTALLATION OF 2 X NEW LED BATONS.	1,490.00	L
EFT-38815	18/05/2023	SOULSHINE CREATIONS	PARTS FOR ELECTRONIC DISPLAY UNIT FOR BOILER NUMBER 3.	545.84	
EFT-38816	18/05/2023	STANTEC AUSTRALIA PTY LTD	EVENT ADVERTISING BANNERS - LANCELIN ARTS AND YOUTH WEEK.	12,086.80	
EFT-38817	18/05/2023	TANYA ANDERSON	MOOLABEENE ROAD - LINEMARKING.	1,100.00	L
EFT-38818	18/05/2023	TEAM GLOBAL EXPRESS PTY LTD	WORKSHOP ARTIST - LANCELIN ARTS FESTIVAL 15/04/2023.	3,107.50	
EFT-38819	18/05/2023	TANYA HEMI	BIOSCIENCE V SHIRE OF GINGIN - TRAFFIC IMPACT ASSESSMENT EXPERT WITNESS.	777.33	S
EFT-38820	18/05/2023	TONY PISCONEI	REIMBURSEMENT FOR ACCOMMODATION / EXPENSES FOR 3 NIGHTS FOR EH WA CONFERENCE 26/04/2023 - 29/03/2023.	396.00	
EFT-38821	18/05/2023	TONY PISCONEI	MUSICIAN - LANCELIN ARTS FESTIVAL 15/04/2023.	797.43	
EFT-38822	18/05/2023	USHER BAY PTY LTD T/AS LANCELIN MECHANICAL	FREIGHT CHARGES FOR 31/03/2023 - 05/04/2023. STEWART & HEATON, MCINTOSH & SON, HERSEY SAFETY, STEWART & HEATON. CUTTING EDGE. FREIGHT CHARGES FOR 04/04/2023 - 05/04/2023. STATE LIBRARY, STEWART & HEATON.	80.00	L
EFT-38823	18/05/2023	WA CONTRACTORS	PIONEER PARK - UNBLOCK SEWER LINE.	16,044.00	
EFT-38824	18/05/2023	WATERLOGIC AUSTRALIA PTY LTD	MANAGEMENT/SUPERVISION LANCELIN AND SEABIRD WASTE FACILITIES FOR THE PERIOD 01/04/2023 - 30/04/2023.	2,068.91	L
EFT-38825	24/05/2023	BRANCHES HOLIDAY HOMES	GG020 - REPLACE TYRE.	4,078.23	L
EFT-38827	24/05/2023	BROWN AUTOMOTIVE GINGIN	STABLE FLY SEASON 2022/23 STABLE FLY OFFICER & WEED CONTROL SERVICES FOR THE PERIOD 17/04/2023 - 27/04/2023.	152.38	
EFT-38828	24/05/2023	BULLSBROOK WINDSCREENS AND WINDOW TINTING	GINGIN ADMINISTRATION OFFICE AND COUNCIL CHAMBERS KITCHENS - RENTAL AND SERVICE OF SD5 COOL & COLD COUNTERTOP AND CLEAN STREAM. FOR THE PERIOD 01/05/2023 - 31/05/2023.	2,560.00	L
EFT-38829	24/05/2023	BYPROGRESS PTY LTD (MONSTERBALL AMUSEMENTS & HIRE)	POLICE HOUSING ACCOMMODATION 07/04/2023 - 12/01/2023 (6 DAYS). TWO PROPERTIES (SHAW ST AND BROCKMAN ST GILDERTON).	1,800.00	L
EFT-38830	24/05/2023	CHLOE BALCOMBE	GG12959 SERVICE TRAILER. PERIODIC SERVICE CEM VEHICLE PGG005. PERIODIC SERVICE GG09. VEHICLE SERVICE - 2GG - 135K SERVICE.	1,140.00	
EFT-38831	24/05/2023	CIVIC LEGAL	REMOVE / REPLACE BUBBLING TINT FROM ADMIN OFFICE WINDOW. 4GG WINDSCREEN REPAIR.	1,618.13	
EFT-38832	24/05/2023	COASTLINE CLEANING SERVICES	LANCELIN ARTS FESTIVAL - APRIL 2023 YOUTH ZONE - SEATING, INFLATABLE COURSES.	700.00	R
EFT-38833	24/05/2023	DALKY PTY LTD T/AS FUEL CREATIVE	RATES REFUND - RATEPAYER HAS OVERPAID THEIR RATES.	16,339.78	
EFT-38834	24/05/2023	EAGLEYE TECHNICAL SERVICES	LEGAL ADVICE - CLOSURE OF GILDERTON CAFE AND POTENTIAL ASSIGNMENT/SUBLEASE - LEGAL STANDING OF SEPARATE LETTER FROM RATEPAYER.	5,838.00	L
EFT-38835	24/05/2023	GINGIN DISTRICT COMMUNITY RESOURCE CENTRE (INC CRC)	LANCELIN AND LEDGE POINT PUBLIC ABLUTION BLOCKS AND LANCELIN HALL - CLEANING SERVICES FOR APRIL 2023.	896.50	L
EFT-38836	24/05/2023	GINGIN FABRICATION & STEEL	LOGO CREATION - FLAVOURS OF GINGIN.	275.00	L
EFT-38837	24/05/2023	INDIAN OCEAN PEST CONTROL	REPLACE SECURITY LIGHT AT UNIT 4 SENIORS UNITS. GINGIN.	1,133.00	L
EFT-38838	24/05/2023	JESSICA PROCTOR	REIMBURSEMENT TO GINGIN CRC - REPAIR AND REPLACE FAULTY SOLAR PANELS AS PER AGREEMENT RE - MEDICAL CENTRE ELECTRICITY CONSUMPTION SUBSIDY	2,422.20	L
EFT-38839	24/05/2023	LANCELIN GLASS	CONTRACTOR REPAIR STEEL WORK GRANVILLE WEIR BRIDGE TO MAKE SAFE FOR PUBLIC ACCESS IN TIME FOR BRITISH CAR DAY.	5,419.70	L
EFT-38840	24/05/2023	NORTHERN VALLEY NEWS	MAFGP- RND2 2022/23 (TREATMENT ID 5542) WOODRIDGE WEED SPRAY. MAFGP- RND2 2022/23 (TREATMENT ID 16232) LEDGE POINT WEED SPRAY. TREAT TERMITE INFESTATION OBSERVED IN TIMBER FENCING AT GOAS PARK. MAFGP- RND2 2022/23 (TREATMENT ID 5543) WOODRIDGE WEED SPRAY. MAFGP- RND2 2022/23 (TREATMENT ID 16132) OCEAN FARMS WEED SPRAY. MAFGP- RND2 2022/23 (TREATMENT ID 5421) LEDGE POINT WEED SPRAY. CARRY OUT ANNUAL TERMITE INSPECTION. TREAT CWA BUILDING FOR TERMITE INFESTATION. (INCLUDES 5 YEAR SLOW RELEASE TERMITE STATIONS).	400.00	L
EFT-38841	24/05/2023	OCEAN FARM VOLUNTEER BUSH FIRE BRIGADE	LANCELIN ARTS FESTIVAL - FACE PAINTER 5 HOURS.	1,485.00	
EFT-38842	24/05/2023	PHIL DONCON'S PAINT STORM	CONTRACTOR SUPPLY / INSTALL WINDOWS TO SHED AT LANCELIN DEPOT.	800.00	
EFT-38843	24/05/2023	PLUMB IT RIGHT PTY LTD	ADVERTISING - C2C IN NORTHERN VALLEY NEWS - MAY 2023 EDITION.	718.78	L
EFT-38844	24/05/2023	ROBERT KELLY	REIMBURSEMENT OF BOTTLED DRINKING WATER. PHONE REIMBURSEMENT FOR 0477770258 AND INTERNET ACCOUNT.	1,485.00	
EFT-38845	24/05/2023	ROGERS AUTO ELECTRICS	REIMBURSEMENT FOR MAIL BOX RENTAL AND TELEPHONE/INTERNET FOR 0477770258 FROM NOVEMBER 22- APRIL 23. OCEAN FARM VBFB REIMBURSEMENT FOR FIRST AID KIT SERVICING AND BRIGADE STATIONERY (CLIPBOARDS). OCEAN FARM VBFB - CLEANING SUPPLIES: WINDOW CLEANER/RATSAK VEHICLE SUPPLIES- BATTERY CHARGER/ TYRE REPAIR KIT.	5,032.50	
EFT-38846	24/05/2023	SD HYDRAULIC HOSE AND FITTINGS PTY LTD	LANCELIN ARTS FESTIVAL - INTERACTIVE MURAL ARTIST.	1,785.00	L
EFT-38847	24/05/2023	SPEIRS FENCING	GILDERTON CARAVAN PARK - 3 X LEAKING SHOWERS IN ABLUTION BLOCK TO REPLACE WITH MXKERS.	44.00	S
EFT-38848	24/05/2023	TEAM GLOBAL EXPRESS PTY LTD	REIMBURSEMENT FOR TELEPHONE ALLOWANCE (50% CONTRIBUTION) 13/03/2023 - 12/04/2023.	377.80	L
EFT-38849	24/05/2023	TERESA HELM	GG019 FIX WIRING TO ROOF LIGHTING.	183.44	
EFT-38850	24/05/2023	TX AUSTRALIA PTY LTD	HYVA FILTER FOR GG068.	9,713.00	L
			REPLACE 27 FENCE POST AT LEDGE POINT TENNIS COURTS.	18.56	L
			FREIGHT CHARGES FOR 12/04/2023. STATE LIBRARY.	182.00	L
			CATERING - BRIEFING SESSION 02/05/2023.	13,426.45	
			LANCELIN TRANSMISSION TOWER SELF HELP LICENSE FEE FOR THE PERIOD 01/07/2021 - 16/01/2022 AND VARIATION FEE FOR THE PERIOD 01/05/2021 - 30/06/2021 (2020/21 AND 2021/22 FYS). LANCELIN TRANSMISSION TOWER FM UPGRADE (2020/21 FY). LANCELIN TRANSMISSION TOWER MAINTENANCE AND ENGINEERING SUPPORT FEE FOR THE PERIOD 01/07/2022 - 30/06/2023. CPI INCREASE 5.1% FROM 01/07/2022 (2022/23 FY). LANCELIN TRANSMISSION TOWER LICENSE FEE FOR THE PERIOD 17/01/2022 - 30/06/2022 (2021/22 FY).		

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 1 May 2023 to 31 May 2023

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

TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
CHQ/EFT					
EFT-38851	24/05/2023	WA CONTRACTORS	STABLE FLY SEASON 2022/23 STABLE FLY OFFICER & WEED CONTROL SERVICES FOR THE PERIOD 01/05/2023 - 11/05/2023.	4,680.83	L
EFT-38852	24/05/2023	WEX AUSTRALIA PTY LTD	DIESEL AND ULP FUEL CHARGES FOR THE PERIOD 1.4.23-20.4.23.	2,127.77	
EFT-38853	25/05/2023	ACS SWAN EXPRESS PRINT	VOLUNTEERING POSTCARDS - VOLUNTEERS WEEK. PRINTING - RATE FINAL NOTICE FORM X 500 COPIES. YOUTH SUPPORT RESOURCES CARD. LANCELIN ARTS FESTIVAL - A FRAME MAP POSTERS.	1,188.00	
EFT-38854	25/05/2023	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	ANZAC DAY 2023 - TMP UPDATE & TRAFFIC MANAGEMENT. TRAFFIC MANAGEMENT FOR 16TH APRIL TO 30TH APRIL.	15,374.65	
EFT-38855	25/05/2023	ALLWEST PLANT HIRE	HIRE BOMAG ROLLER FOR THE PERIOD 03/04/2023 TO 30/04/2023.	5,442.25	
EFT-38856	25/05/2023	AMPAC DEBT RECOVERY WA PTY LTD	DEBT RECOVERY COSTS FOR THE PERIOD 17/04/2023. DEBT RECOVERY COSTS FOR 27/04/2023. DEBT RECOVERY COSTS FOR THE PERIOD 04/04/2023 - 18/04/2023.	411.55	
EFT-38857	25/05/2023	CELLARBRATIONS GINGIN	REFRESHMENTS - COUNCIL MEETING 16/05/2023.	104.00	L
EFT-38858	25/05/2023	COOEE COURIERS & TRANSPORT	FREIGHT CHARGES FOR THE PERIOD 01/04/2023 - 30/04/2023. FRONTLINE FIRE, SIGMA, CORSIGN, JASON SIGNS.	1,171.17	
EFT-38859	25/05/2023	COUNTRY COPIERS	GINGIN PRINTER COSTS 01/04/2023 - 07/05/23. LANCELI PRINTER COSTS 01/04/2023 - 07/05/2023.	3,052.04	
EFT-38860	25/05/2023	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY - BOND ADMINISTRATOR DMIR	BSL PAYMENTS FOR MARCH 2023.	1,078.29	
EFT-38861	25/05/2023	DUNCAN SOLUTIONS	GUILDERTON PARKING METERS -CREDIT CARD TRANSACTIONS AND MONTHLY SUPPORT FEE APRIL 2023.	297.68	
EFT-38862	25/05/2023	EAGLEYE TECHNICAL SERVICES	REPLACE GPO TO HOT WATER UNIT AT BENDIGO COMPLEX. UNSERVICEABLE.	198.00	L
EFT-38863	25/05/2023	ECOWATER SERVICES	GINGIN ADMINISTRATION OFFICE - CALL OUT TO CARRY OUT REPAIRS TO BIOMAX DUE TO FLASHING LIGHT. ROUTINE SERVICE ON C10 BIOMAX.	602.60	
EFT-38864	25/05/2023	HAULMORE TRAILER RENTALS PTY LTD	HIRE SIDE TIPPER 01/04/2023 - 30/04/2023.	5,662.99	
EFT-38865	25/05/2023	LANDSCAPE	RURAL UV'S CHARGEABLE SCHEDULE 04/03/2023 TO 31/03/2023.	71.80	
EFT-38866	25/05/2023	LD TOTAL	GINGIN RECREATION GROUND - WEED SPRAY. RETICULATED LAWN AREAS IN SHIRE OF GINGIN - FERTILISER. TURF MAINTENANCE CONTRACT APRIL 2023.	50,099.64	
EFT-38867	25/05/2023	MCLEODS BARRISTERS AND SOLICITORS	SAT DR-230/2021 - PROPOSED EXTRACTIVE INDUSTRY ON LOT M1332 CARABAN ROAD, CARABAN. LEGAL ADVICE - DISPOSITION OF PROPERTY S. 3.58 - LANCELIN BEACH HOTEL ALFRESCO AREA. FEES FOR ANNUAL AUDIT GINGIN 2022.	3,970.14	
EFT-38868	25/05/2023	NATURAL AREA CONSULTING	BOORAGOON ROAD X INDIAN OCEAN DRIVE - MITIGATION WORKS.	12,365.49	
EFT-38869	25/05/2023	NUTRIEN AG SOLUTIONS LIMITED	GINGIN GRANVILLE PARK - SLOW RELEASE FERTILISER.	215.60	
EFT-38870	25/05/2023	OHMS HYGIENE	SHEEPCO V SHIRE OF GINGIN - EXPERT WITNESS.	2,213.75	
EFT-38871	25/05/2023	PHASE LANDSCAPE CONSTRUCTION PTY LTD	LANCELIN SKATE PARK STAGE 2. LANCELIN FORESHORE CUNLIFFE STREET DEVELOPMENT.	448,399.62	
EFT-38872	25/05/2023	SEABREEZE LANDSCAPE SUPPLIES	TREASURE TROVE GINGIN - MULCH FOR GARDEN BEDS.	1,485.00	
EFT-38873	25/05/2023	SHERRIN RENTALS PTY LTD	16,000 LT WATER TRUCK HIRE.	8,999.95	
EFT-38874	25/05/2023	STEWART & HEATON CLOTHING CO PTY LTD	VOLUNTEER FIREFIGHTER PPE/PPC.	19.96	
EFT-38875	25/05/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES FOR 27/04/2023 - STEWART & HEATON.	15.69	
EFT-38876	25/05/2023	TERESA HELM	CATERING - FIRST AID TRAINING 23/05/2023.	292.00	L
EFT-38877	25/05/2023	URBIS PTY LTD	REVIEW OF LPS9 AND ASSOCIATED LPP (SCHEME REVIEW).	981.75	
EFT-38878	25/05/2023	WOODRIDGE COMMUNITY ASSOCIATION	COMMUNITY FUNDING 2022/2023 - PROJECT: WOODRIDGE SPRING FAIR.	2,000.00	L
EFT-38879	25/05/2023	AUSTRALIAN TAXATION OFFICE (PAYG)	PAYROLL DEDUCTION.	43,770.00	
EFT-38880	25/05/2023	LGRCU (WA DIVISION)	PAYROLL DEDUCTION.	44.00	
EFT-38881	25/05/2023	RSCA WA (INC.)	PAYROLL DEDUCTION.	10.00	
EFT-38882	30/05/2023	AMPAC DEBT RECOVERY WA PTY LTD	DEBT COMMISSION COSTS FOR 17/03/2023.	763.10	
EFT-38883	30/05/2023	AURORA DELTA PTY LTD	PRE-EMPLOYMENT MEDICALS.	185.00	L
EFT-38884	30/05/2023	BROWN AUTOMOTIVE GINGIN	3GG - CAR SERVICE.	332.50	L
EFT-38885	30/05/2023	DAWN LA PUMA	LANCELIN ARTS FESTIVAL 15/04/2023 - SAND PAINTING WORKSHOP.	500.00	L
EFT-38886	30/05/2023	GRAND TOYOTA	GG070 - SUPPLY OF NEW TOYOTA HILUX.	53,913.25	
EFT-38887	30/05/2023	GUILDERTON COUNTRY CLUB INC.	REIMBURSEMENT - GUILDERTON HALL - ELECTRICITY & SUPPLY CHARGE FOR THE PERIODS 08/03/2023 - 05/04/2023 AND 06/04/2023 - 09/05/2023.	331.30	L
EFT-38888	30/05/2023	GULL GINGIN PTY LTD	CATERING - LEMC MEETING 17/05/2023.	84.00	L
EFT-38889	30/05/2023	INDIAN OCEAN PEST CONTROL	LANCELIN TOWNSITE WEED SPRAY.	3,300.00	L
EFT-38890	30/05/2023	JOONDALUP MARQUEES	LANCELIN ARTS FESTIVAL 15/04/2023 - MARQUEE HIRE.	2,130.00	
EFT-38891	30/05/2023	LG BEST PRACTICES	END OF YEAR RATES TRAINING.	1,980.00	
EFT-38892	30/05/2023	MOORE RIVER ELECTRICAL SERVICES	GUILDERTON HOLIDAY PARK - ELECTRICAL EMERGENCY WORKS SATURDAY 04/02/2023.	638.00	L
EFT-38893	30/05/2023	XTRME BOUNCE PARTY HIRE	YOUTH WEEK FUN DAY 19/04/2023 - ENTERTAINMENT HIRE.	295.00	
EFT TOTAL				1,652,311.23	
CHEQUES					
CHQ-116479	22/05/2023	ELGAS PTY LTD	REDFIELD PARK FIRE STATION - 2 X 45KG LPG CYLINDER SERVICE CHARGES.	105.60	
CHQ-116480	22/05/2023	SHIRE OF GINGIN (PETTY CASH)	PETTY CASH REIMBURSEMENT FOR THE PERIOD 27/02/2023 TO 04/05/2023.	610.25	
CHEQUES TOTAL				715.85	
DIRECT DEBIT					
DE-3269	01/05/2023	BENDIGO BANK	BANK FEES.	5.61	
DE-3271	01/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 27.04.2023	2,272.10	
DE-3268	01/05/2023	BENDIGO BANK	BANK FEES.	62.50	
DE-3270	01/05/2023	BENDIGO BANK	BANK FEES.	703.12	
DE-3236	01/05/2023	SYNERGY	ELECTRICITY 13/01/2023 - 15/03/2023 - GINGIN RURAL INDUSTRIAL DEPOT.	157.91	
DE-3272	01/05/2023	GO GO MEDIA	MONTHLY ON HOLD MESSAGES SERVICE MAY 2023	75.90	
DE-3275	02/05/2023	BENDIGO BANK	BANK FEES.	149.12	
DE-3241	02/05/2023	WATER CORPORATION	WATER 07/02/2023 - 06/04/2023 - ABLUTION BLOCK LANCELIN BACK BEACH.	173.41	
DE-3273	02/05/2023	BENDIGO BANK	BANK FEES.	66.00	
DE-3239	02/05/2023	WATER CORPORATION	WATER 08/02/2023 - 06/04/2023 - WANGAREE COMMUNITY CENTRE.	61.53	
DE-3240	02/05/2023	WATER CORPORATION	WATER 07/02/2023 - 06/04/2023 - LANCELIN ANGLING & AQUATIC CLUB.	560.96	
DE-3274	02/05/2023	BENDIGO BANK	BANK FEES.	806.19	
DE-3237	02/05/2023	SYNERGY	ELECTRICITY 07/02/2023 - 06/04/202 - ABLUTION BLOCK SEABIRD.	132.61	
DE-3238	02/05/2023	WATER CORPORATION	WATER 07/02/2023 - 06/04/2023 - TOILETS LANCELIN ANGLING & AQUATIC CLUB.	377.60	
DE-3276	02/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 27.04.2023	5,264.65	
DE-3244	03/05/2023	SYNERGY	ELECTRICITY 4/02/2023 - 06/04/2023 - SOVEREIGN HILL PLAYGROUND.	165.99	
DE-3249	03/05/2023	WATER CORPORATION	WATER 08/02/2023 - 11/04/2023 - LANCELIN PIONEER PARK.	397.89	
DE-3247	03/05/2023	WATER CORPORATION	WATER 08/02/2023 - 11/04/2023 - LANCELIN HALL.	150.91	
DE-3277	03/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 01.05.2023	1,959.25	
DE-3278	03/05/2023	BENDIGO BANK	BANK FEES.	5.55	
DE-3279	03/05/2023	SYNERGY	ELECTRICITY 03/02/2023 - 06/04/2023 - SOVEREIGN HOUSE & ABLUTION BLOCK.	212.83	
DE-3242	03/05/2023	SYNERGY	ELECTRICITY 08/03/2023 - 11/04/2023 - GINGIN AQUATIC CENTRE.	3,009.95	
DE-3246	03/05/2023	SYNERGY	ELECTRICITY 08/03/2023 - 05/04/2023 - WOODRIDGE HALL.	1,484.76	
DE-3243	03/05/2023	SYNERGY	ELECTRICITY 08/03/2023 - 11/04/2023 - GRANVILLE CIVIC CENTRE.	2,240.83	
DE-3245	03/05/2023	SYNERGY	ELECTRICITY 04/02/2023 - 11/04/2023 - REDFIELD PARK FIRE STATION.	919.00	
DE-3248	03/05/2023	WATER CORPORATION	WATER 09/02/2023 - 11/04/2023 - LANCELIN/LEDGE POINT DEPOT.	53.14	
DE-3251	04/05/2023	SYNERGY	ELECTRICITY 01/03/2023 - 11/04/2023 - GUILDERTON CARAVAN PARK.	2,762.32	
DE-3254	04/05/2023	SYNERGY	ELECTRICITY 01/03/2023 - 11/04/2023 - GINGIN ADMINISTRATION OFFICE AND COUNCIL CHAMBERS.	1,461.12	
DE-3282	04/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 02.05.2023	4,338.35	
DE-3250	04/05/2023	SYNERGY	ELECTRICITY 08/02/2023 - 11/04/2023 - SEABIRD FIRE SHED.	208.37	
DE-3252	04/05/2023	SYNERGY	ELECTRICITY 09/02/2023 - 11/04/2023 - SEABIRD HALL.	429.15	
DE-3253	04/05/2023	SYNERGY	ELECTRICITY 09/02/2023 - 11/04/2023 - SEABIRD DOUGLAS PARK.	1,321.05	
DE-3281	04/05/2023	BENDIGO BANK	BANK FEES.	3.00	
DE-3280	05/05/2023	HELEN SAMPSON	SUPERVISION/MANAGEMENT GINGIN WASTE FACILITY FOR THE PERIOD 23/04/2023 - 06/05/2023.	2,538.46	L
DE-3257	05/05/2023	SYNERGY	ELECTRICITY 10/02/2023 - 12/04/2023 - ABLUTION BLOCK GUILDERTON FORESHORE.	393.53	
DE-3256	05/05/2023	SYNERGY	ELECTRICITY 10/02/2023 - 12/04/2023 - FORESHORE GUILDERTON.	164.49	
DE-3255	05/05/2023	SYNERGY	ELECTRICITY 10/02/2023 - 12/04/2023 - GUILDERTON CARAVAN PARK.	270.84	3
DE-3283	05/05/2023	BENDIGO BANK	BANK FEES.	39.99	

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 1 May 2023 to 31 May 2023

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

TYPE	DATE PAID	NAME	DETAILS	AMOUNT
CHQ/EFT				
DE-3286	05/05/2023	BENDIGO BANK	BANK FEES.	910.69
DE-3258	05/05/2023	WATER CORPORATION	WATER 13/02/2023 - 13/04/2023 - OCEAN FARM FIRE SHED.	187.40
DE-3287	05/05/2023	BENDIGO BANK	BANK FEES.	0.15
DE-3295	05/05/2023	SHIRE OF GINGIN	BENDIGO BANK (INVESTMENTS), TERM DEPOSIT TRANSACTION REF 4337037- INTEREST EARNED	6,140.08
DE-3285	05/05/2023	BENDIGO BANK	BANK FEES.	618.62
DE-3284	05/05/2023	BENDIGO BANK	BANK FEES.	485.05
DE-3288	05/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 03.05.2023	1,512.00
DE-3313	08/05/2023	QPC GROUP	TN912 BLACK TONER FOR IENO 858 PHOTOCOPIER	33.00
DE-3314	08/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 04.05.2023	2,235.30
DE-3297	08/05/2023	SYNERGY	ELECTRICITY 10/02/2023 - 13/04/2023 - GUILDERTON FIRE SHED.	343.96
DE-3298	08/05/2023	SYNERGY	ELECTRICITY 10/02/2023 - 13/04/2023 - GABBADAH PARK.	264.48
DE-3296	08/05/2023	SYNERGY	ELECTRICITY 10/02/2023 - 13/04/2023 - GUILDERTON MINI GOLF.	294.84
DE-3290	09/05/2023	TELSTRA	TELEPHONE CHARGES UP TO 13/04/2023 GUILDERTON HOLIDAY PARK	235.44
DE-3289	09/05/2023	TELSTRA	TELEPHONE CHARGES UP TO 12/04/2023.	756.11
DE-3299	09/05/2023	SYNERGY	ELECTRICITY 11/02/2023 - 17/04/2023 - NILGEN TOWER.	1,582.32
DE-3315	09/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 05.05.2023	6,909.30
DE-3316	10/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 08.05.2023	2,499.20
DE-3300	10/05/2023	SYNERGY	ELECTRICITY 14/02/2023 - 14/04/2023 - WOODRIDGE FIRE SHED.	659.43
DE-3317	11/05/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	PAYROLL DEDUCTION.	31,451.85
PAYJ-79	11/05/2023	SHIRE OF GINGIN	NET PAYS.	147,764.07
DE-3301	11/05/2023	SYNERGY	ELECTRICITY 16/03/2023 - 19/04/2023 - GINGIN COLOCATION FIRE FACILITY.	744.62
DE-3292	11/05/2023	TELSTRA	MOBILE CHARGES UP TO 21/04/2023.	1,059.70
DE-3319	11/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 09.05.2023	8,086.50
DE-3318	11/05/2023	BENDIGO BANK	BANK FEES.	20.25
DE-3291	11/05/2023	TELSTRA	TELSTRA INTEGRATED MESSAGING 22/04/2023 - 21/05/2023.	58.00
DE-3302	11/05/2023	SYNERGY	ELECTRICITY 16/03/2023 - 19/04/2023 - LEDGE POINT GOLF CLUB.	1,011.51
DE-3320	12/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 10.05.2023	1,546.25
DE-3304	12/05/2023	SYNERGY	ELECTRICITY 18/02/2023 - 28/03/2023 - OCEAN FARM COMMUNITY HALL.	581.71
DE-3303	12/05/2023	SYNERGY	ELECTRICITY 17/02/2023 - 19/04/2023 - NEERGAFFBY RECREATION GROUND.	309.14
DE-3337	14/05/2023	CREDIT CARD - EMCCS	CREDIT CARD - EMCCS: APRIL 2023 CREDIT CARD EXPENSES	1,254.39
DE-3338	14/05/2023	CREDIT CARD - EMO	CREDIT CARD - EMO: APRIL 2023 CREDIT CARD TRANSACTIONS	2,489.05
DE-3335	14/05/2023	CREDIT CARD-EMRDS	CREDIT CARD - EMRDS: APRIL 2023 CREDIT CARD EXPENSES	432.04
DE-3334	14/05/2023	CREDIT CARD - CEO	CREDIT CARD - CEO: APRIL 2023 CREDIT CARD EXPENSES	330.25
DE-3336	14/05/2023	CREDIT CARD - CESM	CREDIT CARD - CESM: APRIL 2023 CREDIT CARD EXPENSES	58.42
DE-3321	15/05/2023	BENDIGO BANK	BANK FEES.	90.37
DE-3322	15/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 11.05.2023	5,403.35
DE-3323	16/05/2023	BENDIGO BANK	BANK FEES.	0.45
DE-3324	16/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 12.05.2023	2,586.05
DE-3305	16/05/2023	SYNERGY	ELECTRICITY 18/02/2003 - 21/04/2023 - SEAVIEW PARK COMMUNITY HALL.	420.20
DE-3325	17/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 15.05.2023	3,113.25
DE-3293	17/05/2023	BUSINESS SERVICE BROKERS T/A TELECHOICE	MOBILE CHARGES FOR THE PERIOD 01/05/2023 - 01/06/2023	280.30
DE-3327	18/05/2023	BENDIGO BANK	BANK FEES.	7.20
DE-3326	18/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 16.05.2023	2,710.70
DE-3328	19/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 17.05.2023	2,038.25
DE-3329	19/05/2023	HELEN SAMPSON	SUPERVISION/MANAGEMENT GINGIN WASTE FACILITY FOR THE PERIOD 07/05/2023 - 20/05/2023.	2,538.46
DE-3306	19/05/2023	SYNERGY	ELECTRICITY 24/02/2023 - 28/04/2023 - RED GULLY FIRE SHED.	191.70
DE-3330	20/05/2023	WESTERN AUSTRALIAN TREASURY CORPORATION (WATC)	LN-114-GUILDERTON COUNTRY CLUB (HALL) EXTENSIONS REPAYMENT.	30,769.06
DE-3294	21/05/2023	TELSTRA	MOBILE CHARGES 02/05/2023 - 01/06/2023 - REDFIELD PARK FIRE STATION CRADLE POINT.	85.00
DE-3331	22/05/2023	WESTERN AUSTRALIAN TREASURY CORPORATION (WATC)	LN-130-LEDGE POINT COUNTRY CLUB COOLROOM REPAYMENT.	1,316.71
DE-3312	22/05/2023	VOCUS COMMUNICATIONS	FIBRE INTERNET & IP ALLOCATION 01/05/2023 - 31/05/2023 (GINGIN ADMINISTRATION OFFICE & GINGIN COLOCATION FIRE FACILITY).	1,769.90
DE-3332	22/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 18.05.2023	3,742.55
DE-3307	23/05/2023	SYNERGY	ELECTRICITY 25/03/2023 - 24/04/2023 - STREET LIGHTING.	12,584.12
DE-3309	23/05/2023	WATER CORPORATION	WATER 01/05/2023 - 30/06/2023 - LANCELIN PIONEER PARK.	114.55
DE-3333	23/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 19.05.2023	6,277.15
DE-3353	24/05/2023	BENDIGO BANK	BANK FEES.	4.05
DE-3354	24/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 22.05.2023	3,027.10
DE-3310	24/05/2023	AUSTRALIA POST	POSTAGE CHARGES UP TO 30/07/2023.	487.50
DE-3355	25/05/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	PAYROLL DEDUCTION.	31,437.70
PAYJ-80	25/05/2023	SHIRE OF GINGIN	NET PAYS.	149,628.51
DE-3367	25/05/2023	BENDIGO BANK	BANK FEES.	19.65
DE-3308	25/05/2023	SYNERGY	ELECTRICITY 01/04/2023 - 04/05/2023 - GINGIN GRANVILLE PARK.	144.17
DE-3311	25/05/2023	WESTNET INTERNET SERVICES	INTERNET 27/05/2023 - 26/06/2023 - CEO RESIDENCE.	74.99
DE-3366	25/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 23.05.2023	6,104.75
DE-3369	26/05/2023	BENDIGO BANK	BANK FEES.	0.45
DE-3368	26/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 24.05.2023	1,791.15
DE-3370	28/05/2023	QPC GROUP	QPC CLICK CHARGES FOR MAY 2023 - IENO 958 PRINTER	195.10
DE-3339	29/05/2023	TELSTRA	TELEPHONE CHARGES 05/04/2023 - 04/05/2023 - SEABIRD FIRE SHED.	95.00
DE-3371	29/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 25.05.2023	803.15
DE-3342	30/05/2023	SYNERGY	ELECTRICITY 12/04/2023 - 09/05/2023 - GRANVILLE CIVIC CENTRE.	1,422.71
DE-3343	30/05/2023	SYNERGY	ELECTRICITY 12/04/2023 - 09/05/2023 - GUILDERTON CARAVAN PARK.	2,260.49
DE-3341	30/05/2023	SYNERGY	ELECTRICITY 12/04/2023 - 09/05/2023 - GINGIN AQUATIC CENTRE.	1,351.21
DE-3340	30/05/2023	SYNERGY	ELECTRICITY 12/04/2023 - 09/05/2023 - GINGIN ADMINISTRATION OFFICE AND COUNCIL CHAMBERS.	741.64
DE-3372	30/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 26.05.2023.	3,524.50
DE-3375	31/05/2023	DELL FINANCIAL SERVICES PTY LTD	ALLOCATION OF LEASE PAYMENT FOR MAY 2023 - IT SERVER REFRESH	1,651.29
DE-3376	31/05/2023	BENDIGO BANK	BANK FEES.	1.80
DE-3377	31/05/2023	DEPARTMENT OF TRANSPORT	POLICE LICENSING DOT 28.05.2023.	5,688.65
DE-3374	31/05/2023	QPC GROUP	ALLOCATION OF LEASE PAYMENT FOR MAY 2023 - PHOTOCOPIER DEVELOP IENO 958.	705.40
DE-3373	31/05/2023	LJ HUGHES	ALLOCATION OF LEASE PAYMENTS FOR MAY 2023 - LANCELIN OFFICE LEASE.	650.00
DIRECT DEBIT TOTAL				546,115.38
TOTAL MUNICIPAL				2,199,142.46
TOTAL EXPENDITURE				2,199,142.46
CREDIT CARD BREAK-UP				
APRIL	CEO	TRAINING COURSES/CONFERENCES	ESPLANADE HOTEL - MARINE LOUNGE BAR - DINNER CEO & COUNCILLOR VIS. MARINE LOUNGE FREMANTLE (AUSTRALIAN COASTAL COUNCILS ASSOCIATION INC FORUM), WILSON PARKING FREMANTLE - AUSTRALIAN COUNCILS ASSOCIATION INC FORUM. ESPLANADE HOTEL - AUSTRALIAN COUNCILS ASSOCIATION INC FORUM - REFRESHMENTS COUNCILLOR SORENSEN.	64.67
		REFRESHMENTS/RECEPTIONS	CU@PARK - CEO TEAM MEETING REFRESHMENTS 17 APRIL 2023	38.50
		SUBSCRIPTIONS/ADVERTISING	MAILCHIMP - MONTHLY SUBSCRIPTION MARCH 2023.	223.08
		BANK CHARGES	CREDIT CARD FEE	4.00
				330.25
	EMCCS	COMMUNITY DEVELOPMENT & EVENTS	GIFTS FOR BAREFOOT BOWLS - YOUTH WEEK. GINGIN CRC: GIFTS FOR BAREFOOT BOWLS - YOUTH WEEK.	230.90
		SUBSCRIPTIONS/ADVERTISING	JOT FORM - SILVER YEARLY MEMBERSHIP. ADOBE - LIGHTROOM SUBSCRIPTION.	767.30
		GINGIN AQUATIC CENTRE	KMART - POOL PARTY SUPPLIES. RED DOT - POOL PARTY SUPPLIES.	252.19
		BANK CHARGES		4.00
				1,254.39
	EMRDS	SUBSCRIPTIONS/ADVERTISING	SPOT ME - SPOT ME RANGERS TRACKER FEE - RANGERS.	343.23
		TRAINING COURSES/CONFERENCES	CITY OF PERTH PARKING - PARKING FEES	84.81
		BANK CHARGES	CREDIT CARD FEE	4.00
				432.04

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 1 May 2023 to 31 May 2023

Payment Category

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

TYPE CHQ/EFT	DATE PAID	NAME	DETAILS	AMOUNT		
EMO		VEHICLE	HUMMINGBIRD ELECTRONICS - GPS & GLONASS ANTENNA. GG050.	86.00		
			SHIRE OF GINGIN (DOT) - PLATE CHANGE. GG050. SHIRE OF GINGIN (DOT) - PLATE REMAKES FOR GG080, GG058, GG059, GG040, GG067, GG052. PO 127450: SHIRE OF GINGIN (DOT) - PLATE CHANGE, GG009.	316.00		
		VEHICLE LICENSE & REGISTRATIONS	LUCINDA'S EVERLASTINGS - EVERLASTING SEEDS, GRANVILLE PARK. SLIMLINE WAREHOUSE - LOCKABLE DISPLAY FRAMES. ANACONDA - HANDHELD GPS UNIT - UPPER COASTAL. ANACONDA - HANDHELD GPS UNIT - LOWER COASTAL.	1,834.05		
			OPERATIONS		249.00	
		OTHER	OFFICEWORKS - SIT/STAND DESK.	4.00		
		BANK CHARGES	CREDIT CARD FEE	<u>4.00</u>		
				<u><u>2,489.05</u></u>		
		CESM		OTHER	SUPERCHEAP AUTO - STREET VALVE CPS FOR FIRE APPLIANCE GG071. OFFICEWORKS - OFFICE EQUIPMENT (HOLE PUNCH).	54.42
					BANK CHARGES	4.00
					CREDIT CARD FEE	<u>4.00</u>
			<u><u>58.42</u></u>			
			<u><u>4,564.15</u></u>			

12.4 MONTHLY FINANCIAL REPORT FOR THE PERIODS ENDING 30 APRIL 2023 AND 31 MAY 2023

File	FIN/25
Author	Karina Leonhardt – Manager Corporate Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Monthly Financial Report for Period ending 31 May 2023 [12.4.1 - 24 pages] 2. Monthly Financial Report for Period Ending 30 April 2023 [12.4.2 - 24 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Financial Report for the periods ending 30 April 2023 and 31 May 2023.

BACKGROUND

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

COMMENT

The Monthly Financial Report for the periods ending 30 April 2023 and 31 May 2023 presents the financial performance of the Shire for the 2022/23 financial year and compares year-to-date expenditure and revenue against the corresponding year-to-date budget.

A break-up of the **\$880,859** variance in the Monthly Financial Report for the period ending 31 May 2023 is summarised across operations, investing and financing below, with a detailed explanation of variations within each area contained within the Appendix 12.4.1.

<u>Under Budget</u>	
Operating Fund Surplus/Deficit	\$0
Operating Expenditure	\$709,862
Financing Activities – Revenue	\$(475,508)
Financing Activities – Expenditure	\$617,712
<u>Over Budget</u>	

Operating Revenue	\$164,834
Investing Activities – Revenue	\$1,634,926
Investing Activities – Expenditure	\$(1,770,968)

Investments

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial Report

Local Government (Financial Management) Regulations 1996

Part 4 – Financial Reports

Reg 34 – Financial activity statement required each month

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

POLICY IMPLICATIONS

Policy 3.2 – Investments

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Johnson

That Council endorse the Monthly Financial Reports for the period ending 30 April 2023 and 31 May 2023.

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

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

AGAINST: *Nil*

SHIRE OF GINGIN

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

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

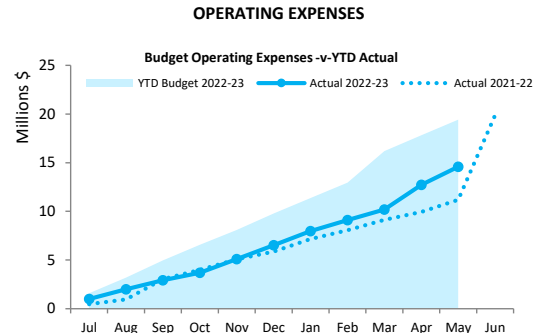
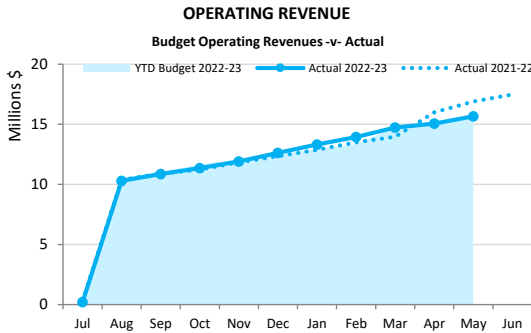
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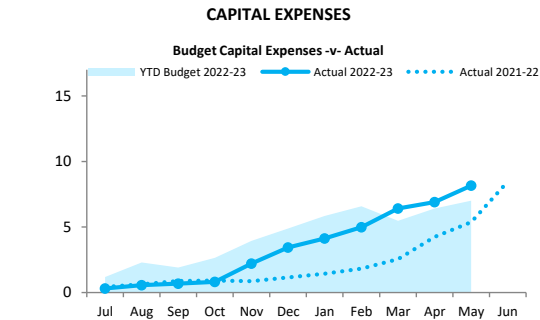
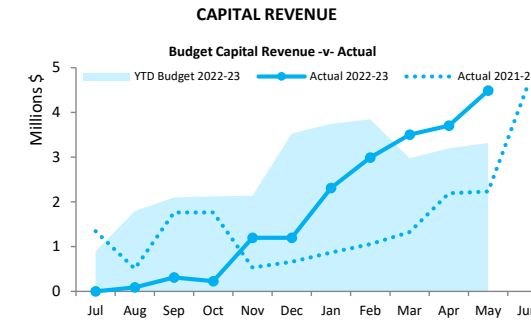
**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 31 MAY 2023**

SUMMARY INFORMATION - GRAPHS

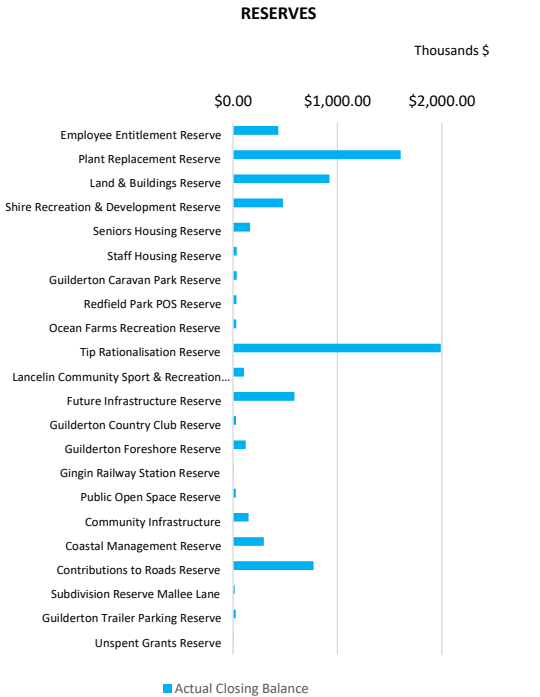
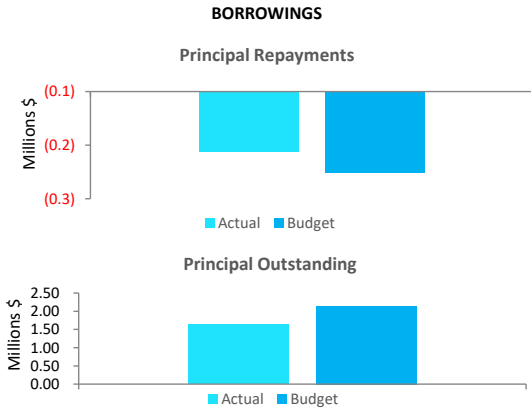
OPERATING ACTIVITIES



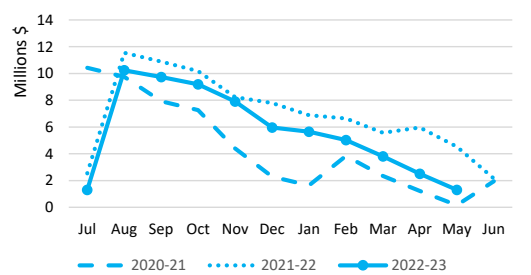
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



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

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

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.15 M	\$2.15 M	\$2.15 M	(\$0.00 M)
Closing	\$0.00 M	\$0.43 M	\$1.31 M	\$0.88 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$3.96 M	33.5%
Restricted Cash	\$7.86 M	66.5%

Refer to Note 2 - Cash and Financial Assets

Payables		
	\$	% Outstanding
Trade Payables	\$0.93 M	
0 to 30 Days		74.1%
Over 30 Days		25.9%
Over 90 Days		21.9%

Refer to Note 5 - Payables

Receivables		
	\$	% Collected / % Outstanding
Rates Receivable	\$0.54 M	94.5%
Trade Receivable	\$0.80 M	% Outstanding
Over 30 Days		(6.3%)
Over 90 Days		-6.9%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.24 M	\$2.05 M	\$2.92 M	\$0.87 M

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$9.44 M	
YTD Budget	\$9.42 M	0.2%

Refer to Statement of Financial Activity

Operating Grants and Contributions		
	\$	% Variance
YTD Actual	\$1.55 M	
YTD Budget	\$1.73 M	(10.4%)

Refer to Note 12 - Operating Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$3.93 M	
YTD Budget	\$3.79 M	3.9%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$4.70 M)	(\$3.27 M)	(\$3.40 M)	(\$0.14 M)

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.41 M	
Amended Budget	\$0.45 M	(10.5%)

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$7.89 M	
Amended Budget	\$11.54 M	(31.6%)

Refer to Note 7 - Capital Acquisitions

Capital Grants		
	\$	% Received
YTD Actual	\$4.08 M	
Amended Budget	\$6.39 M	(36.2%)

Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.31 M	(\$0.50 M)	(\$0.36 M)	\$0.14 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$0.21 M
Interest expense	\$0.06 M
Principal due	\$1.63 M

Refer to Note 8 - Borrowings

Reserves	
Reserves balance	\$7.86 M
Interest earned	\$0.06 M

Refer to Note 10 - Cash Reserves

Lease Liability	
Principal repayments	\$0.03 M
Interest expense	\$0.00 M
Principal due	\$0.05 M

Refer to Note 9 - Lease Liabilities

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

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

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

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

FEES AND CHARGES

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

SERVICE CHARGES

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

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

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

PROFIT ON ASSET DISPOSAL

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

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

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

DEPRECIATION ON NON-CURRENT ASSETS

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

INTEREST EXPENSES

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

OTHER EXPENDITURE

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

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

BY NATURE OR TYPE

	Ref	Amended Budget	YTD Budget	YTD Actual	Variance \$	Variance % ((c) - (b))/(b)	Var.
	Note	(a)	(b)	(c)	(c) - (b)	(b)/(b)	
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	2,148,491	2,148,491	2,148,491	(0)	(0.00%)	
Revenue from operating activities							
Rates		9,416,965	9,416,965	9,438,608	21,643	0.23%	
Rates (excluding general rate)		5,800	5,800	0	(5,800)	(100.00%)	
Operating grants, subsidies and contributions	12	1,783,991	1,728,927	1,549,530	(179,397)	(10.38%)	▼
Fees and charges		4,106,853	3,786,526	3,933,700	147,174	3.89%	
Interest earnings		292,776	283,686	220,182	(63,504)	(22.39%)	▼
Other revenue		366,717	349,228	365,443	16,215	4.64%	
Profit on disposal of assets	6	0	0	228,503	228,503	0.00%	▲
		15,973,102	15,571,132	15,735,966	164,834	1.06%	
Expenditure from operating activities							
Employee costs		(6,264,509)	(5,741,628)	(5,283,465)	458,163	7.98%	
Materials and contracts		(7,006,998)	(6,448,513)	(5,800,765)	647,748	10.04%	▲
Utility charges		(480,438)	(422,933)	(428,547)	(5,614)	(1.33%)	
Depreciation on non-current assets		(6,309,632)	(5,899,387)	(1,830,723)	4,068,664	68.97%	▲
Interest expenses		(92,436)	(78,870)	(59,505)	19,365	24.55%	
Insurance expenses		(379,836)	(350,692)	(381,562)	(30,870)	(8.80%)	
Other expenditure		(507,903)	(478,949)	(449,375)	29,574	6.17%	
Loss on disposal of assets	6	0	0	(365,138)	(365,138)	0.00%	▼
		(21,041,752)	(19,420,972)	(14,599,081)	4,821,891	(24.83%)	
Non-cash amounts excluded from operating activities	1(a)	6,309,632	5,899,387	1,787,358	(4,112,029)	(69.70%)	▼
Amount attributable to operating activities		1,240,982	2,049,547	2,924,243	874,696	42.68%	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	6,386,200	2,701,580	4,076,905	1,375,325	50.91%	▲
Proceeds from disposal of assets	6	452,835	145,835	405,436	259,601	178.01%	▲
Proceeds from financial assets at amortised cost - self supporting loans	8	2,278	2,278	2,278	(0)	(0.00%)	
Payments for financial assets at amortised cost - advances	8	1,929	960	960	0	(0.03%)	
Payments for property, plant and equipment and infrastructure	7	(11,542,394)	(6,118,658)	(7,889,626)	(1,770,968)	(28.94%)	▼
Amount attributable to investing activities		(4,699,152)	(3,268,005)	(3,404,046)	(136,041)	4.16%	
Financing Activities							
Proceeds from new debentures	8	550,000	0	0	0	0.00%	
Transfer from reserves	10	2,295,605	477,108	1,600	(475,508)	(99.66%)	▼
Payments for principal portion of lease liabilities	9	(32,001)	(29,337)	(31,345)	(2,008)	(6.85%)	
Repayment of debentures	8	(250,520)	(212,963)	(212,963)	0	0.00%	
Transfer to reserves	10	(1,253,405)	(737,104)	(117,384)	619,720	84.08%	▲
Amount attributable to financing activities		1,309,679	(502,296)	(360,092)	142,204	(28.31%)	
Closing funding surplus / (deficit)	1(c)	0	427,737	1,308,596	880,860	(205.93%)	▲

KEY INFORMATION

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

Refer to Note 16 for an explanation of the reasons for the variance.

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

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

BASIS OF PREPARATION

BASIS OF PREPARATION

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

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

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

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 14 to these financial statements.

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES

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

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

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

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

GOODS AND SERVICES TAX

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

ROUNDING OFF FIGURES

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 May 2023

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

**NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Non-cash items excluded from operating activities

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

	Notes	Original Budgeted Closing Balance 30 June 2022	Actual Closing Balance 30 June 2022	YTD Actual 31/05/2023
Non-cash items excluded from operating activities		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	0	0	(228,503)
Less: Non-cash grants and contributions for assets				(180,000)
Movement in pensioner deferred rates (non-current)		(10,511)	0	0
Add: Loss on asset disposals	6	4,040	0	365,138
Add: Depreciation on assets		6,040,267	6,309,632	1,830,723
Total non-cash items excluded from operating activities		6,033,796	6,309,632	1,787,358

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

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

		Original Budgeted Closing Balance 30 June 2022	Actual Closing Balance 30 June 2022	YTD Actual 31 May 2023
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(7,811,748)	(7,745,215)	(7,860,998)
Less: - Financial assets at amortised cost - self supporting loans	4	0	(4,207)	(969)
Add: Borrowings	8	250,521	250,521	37,558
Add: Lease liabilities	9	32,001	31,608	2,348
Total adjustments to net current assets		(7,529,226)	(7,467,293)	(7,822,060)

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

Current assets

Cash and cash equivalents	2	13,598,358	13,598,004	11,823,726
Rates receivables	3	376,190	399,663	538,374
Receivables	3	1,563,864	1,576,106	800,672
Other current assets	4	409,202	72,423	31,912

Less: Current liabilities

Payables	5	(3,392,338)	(3,407,473)	(1,767,940)
Borrowings	8	(250,521)	(250,521)	(37,558)
Contract liabilities	11	(1,098,968)	(1,410,754)	(1,326,125)
Lease liabilities	9	(32,001)	(31,608)	(2,348)
Provisions	11	(1,004,339)	(930,057)	(930,057)
Less: Total adjustments to net current assets	1(b)	(7,529,226)	(7,467,293)	(7,822,060)

Closing funding surplus / (deficit)		2,640,221	2,148,491	1,308,596
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CURRENT AND NON-CURRENT CLASSIFICATION

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

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

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

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Municipal Bank Account	Cash and cash equivalents	2,893,679	0	2,893,679	Bendigo Bank	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	298,615	298,615	Bendigo Bank	0.00%	At Call
Cash on hand	Cash and cash equivalents	2,100	0	2,100	Petty Cash/Till float	N/A	At Call
Municipal Investment 4365774	Cash and cash equivalents	1,066,949	0	1,066,949	Bendigo Bank	4.05%	6/06/2023
Reserve Investment 4124372	Cash and cash equivalents	(0)	7,562,384	7,562,384	Bendigo Bank	4.00%	6/06/2023
Total		3,962,727	7,860,999	11,823,726			
Comprising							
Cash and cash equivalents		3,962,727	7,860,999	11,823,726			
		3,962,727	7,860,999	11,823,726			

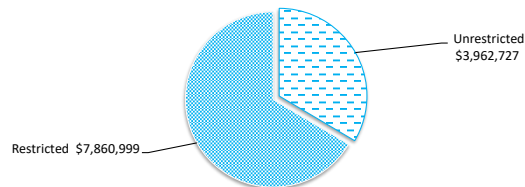
KEY INFORMATION

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

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

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

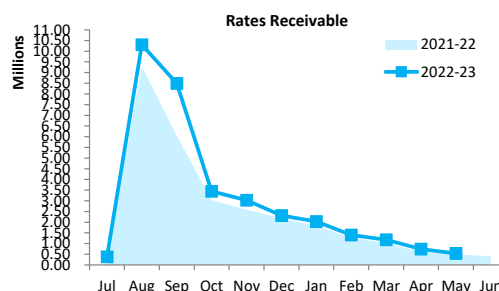
Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



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

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

Rates receivable	30 June 2022	31 May 2023
	\$	\$
Opening arrears previous years	817,748	399,663
Levied this year	8,889,160	9,438,608
Less - collections to date	(9,307,245)	(9,299,897)
Gross rates collectable	399,663	538,374
Net rates collectable	399,663	538,374
% Collected	95.9%	94.5%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	32,596	496,902	2,240	1,022	(34,510)	498,250
Percentage	6.5%	99.7%	0.4%	0.2%	-6.9%	
Balance per trial balance						
Sundry receivable						498,250
GST receivable						183,778
Allowance for impairment of receivables from contracts with customers						(9,024)
Legal costs - recovery of rates						71,205
Rubbish fees						56,463
Total receivables general outstanding						800,672

Amounts shown above include GST (where applicable)

KEY INFORMATION

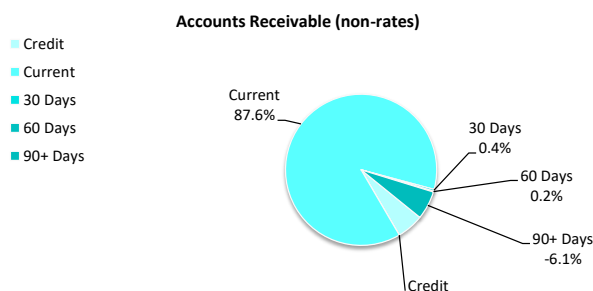
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

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

Classification and subsequent measurement

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

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



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

**OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS**

	Opening Balance 1 July 2022	Asset Increase	Asset Reduction	Closing Balance 31 May 2023
	\$	\$	\$	\$
Other current assets				
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,278	0	(2,278)	0
Financial assets at amortised cost - loan advances	1,929	0	(960)	969
Inventory				
Fuel	34,026	0	0	16,078
History books	14,865	(17,948)	0	14,865
Other Assets				
Prepayments	19,325	0	(19,325)	0
Total other current assets	72,423	(17,948)	(22,563)	31,912
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

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

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

Inventory

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

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

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

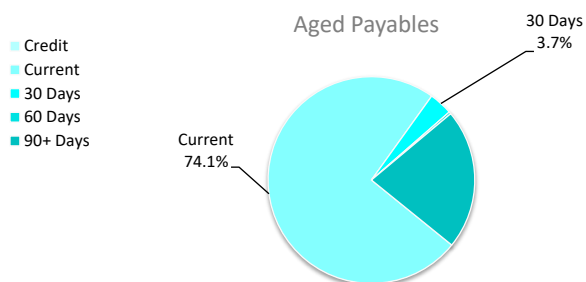
**OPERATING ACTIVITIES
NOTE 5
PAYABLES**

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	762,951	37,700	3,568	225,748	1,029,967
Percentage	0%	74.1%	3.7%	0.3%	21.9%	
Balance per trial balance						
Sundry creditors						925,742
ATO liabilities						46,473
Prepaid rates						166,344
Bonds & deposits						629,381
Total payables general outstanding						1,767,940

Amounts shown above include GST (where applicable)

KEY INFORMATION

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



MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

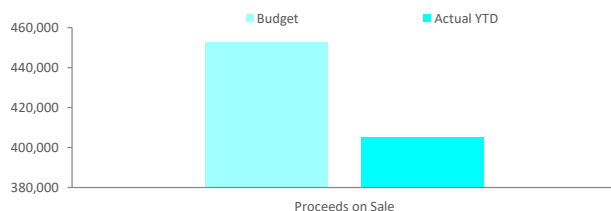
APPENDIX 12.4.1

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

OPERATING ACTIVITIES NOTE 6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Buildings								
	Recreation and culture								
	Disposal of GG Tennis Club Rooms	0	0	0	0	59,660	0	0	(59,660)
	Disposal of GG Tennis Club Female Ablutions	0	0	0	0	13,692	0	0	(13,692)
	Disposal of GG Tennis Club Male Ablutions	0	0	0	0	15,109	0	0	(15,109)
	Buildings								
	Economic Services								
	Disposal of Redfield Park Entry Statement	0	0	0	0	31,122	0	0	(31,122)
	Plant and equipment								
	Law, order, public safety								
	Sale of utility - GG073	16,363	16,363	0	0	15,000	16,364	1,364	0
	Sale of utility - GG070	15,000	15,000	0	0	20,270	17,273	0	(2,998)
	Sale of utility - GG074	15,000	15,000	0	0	15,000	14,727	0	(273)
	Sale of utility - GG09	10,000	10,000	0	0	0	0	0	0
	Sale of Light Tanker - GG051*	45,000	45,000	0	0	6,350	45,000	38,650	(45,000)
	Sale of Light Tanker - GG057*	45,000	45,000	0	0	6,350	45,000	38,650	(45,000)
	Sale of Light Tanker - GG069*	45,000	45,000	0	0	6,500	45,000	38,500	(45,000)
	Sale of Light Tanker - GG075*	45,000	45,000	0	0	6,250	45,000	38,750	(45,000)
	Health								
	Sale of vehicle - GG098 (LA)	7,273	7,273	0	0	0	7,273	7,273	0
	Recreation and culture								
	Sale of mower - GG034	7,200	7,200	0	0	0	0	0	0
	Sale of mower - GG041	7,200	7,200	0	0	0	0	0	0
	Transport								
	Sale of loader - GG006	63,636	63,636	0	0	24,993	60,000	35,008	0
	Sale of trailer - GG6015	1,000	1,000	0	0	0	0	0	0
	Sale of utility - GG049	20,909	20,909	0	0	8,599	20,909	12,310	0
	Sale of utility - GG051	20,000	20,000	0	0	0	0	0	0
	Sale of Van - GG009*	47,727	47,727	0	0	52,530	47,727	0	(4,802)
	Disposal of trailer - GG6725	0	0	0	0	300	0	0	(300)
	Economic services								
	Sale of utility - GG044 - GU c/park	31,818	31,818	0	0	16,000	31,818	15,818	0
	Sale of Trailer GG014 - GU c/park*	4,000	4,000	0	0	11,500	3,636	0	(7,864)
	Sale of mower - GU c/park*	4,000	4,000	0	0	3,529	4,091	562	0
	Sale of equipment - GU c/park*	1,709	1,709	0	0	0	1,618	1,618	0
	Other property and services								
	Infrastructure - Parks and Ovals								
	Recreation and culture								
	Disposal of play equip - Pioneer Park LA*	0	0	0	0	2,403	0	0	(2,403)
	Disposal of play equip - Key Biscayne Park LP*	0	0	0	0	10,148	0	0	(10,148)
	Disposal of play equip - GU Country Club*	0	0	0	0	7,501	0	0	(7,501)
	Disposal of play equip - Granville Park GG*	0	0	0	0	11,881	0	0	(11,881)
	Disposal of play equip - Neergabby*	0	0	0	0	17,386	0	0	(17,386)
		452,835	452,835	0	0	362,071	405,436	228,503	(365,138)

* A result of a Council approved budget variation



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

**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS**

Capital acquisitions	Amended		YTD Actual	YTD Actual Variance
	FY Amended Budget	YTD Amended Budget		
	\$	\$	\$	\$
Land	90,000	90,000	2,625	(87,375)
Buildings - non-specialised	421,000	(78,465)	34,108	112,573
Buildings - specialised	718,914	651,280	457,013	(194,267)
Plant and equipment	3,237,965	(1,156,235)	577,776	1,734,011
Vehicles			1,001,394	1,001,394
Work in progress - PPE			9,804	9,804
Infrastructure - roads	4,993,689	4,611,758	4,779,182	167,424
Infrastructure - footpaths	20,000	20,000	25,119	5,119
Infrastructure - parks & ovals	1,361,995	1,300,376	748,905	(551,471)
Infrastructure - other	568,831	549,944	56,501	(493,443)
Infrastructure - bridges	130,000	130,000	114,119	(15,881)
Work in progress - Infrastructure			83,079	83,079
Payments for Capital Acquisitions	11,542,394	6,118,658	7,889,626	1,770,968
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	6,386,200	2,701,580	4,076,905	1,375,325
Borrowings	550,000	0	0	0
Other (disposals & C/Fwd)	452,835	145,835	405,436	259,601
Cash backed reserves	1,818,497	2,295,605	477,108	(1,818,497)
Contribution - operations	2,334,862	975,638	2,930,176	1,954,538
Capital funding total	11,542,394	6,118,658	7,889,626	1,770,968

SIGNIFICANT ACCOUNTING POLICIES

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

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

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

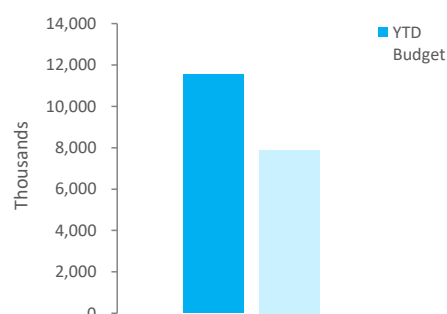
Initial recognition and measurement for assets held at cost

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

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

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

Payments for Capital Acquisitions

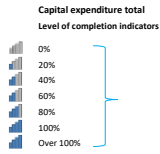


MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.4.1

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

INVESTING ACTIVITIES NOTE 7 CAPITAL ACQUISITIONS (CONTINUED)



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

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

	Account Description	FY Budget	Amended	YTD Budget	YTD Actual	Variance (Under)/Over
		\$		\$	\$	\$
BC1100-141103120	Ablution Block - Granville Park - Building (Capita	0		(394)	0	394
BC1102-141103120	Ablution Block - Gabbadah Park - Building (Capital	20,000		18,337	7,600	(10,737)
BC1140-141101120	Sovereign House & Ablution Block - Building (Capit	40,000		36,674	12,050	(24,624)
BC1119-141103120	Jim Gordon V.C. Trail	10,618		9,735	0	(9,735)
BC11261-141102120	Ablution Block - Guilderton Foreshore - Building (9,759		8,943	3,480	(5,463)
BC11290-141102140	Ablution Block - Lancelin Back Beach - Building (C	16,000		15,163	14,870	(293)
BC11309-141103120	Old Road Board/Playgroup - Building (Capital)	0		(413)	0	413
BC11310-141103120	Gingin Pistol Club - Building (Capital)	15,125		13,860	0	(13,860)
BC11312-141103120	Gingin Bowling Club - Building (Capital)	60,000		55,000	23,832	(31,168)
BC11319-141103120	Gingin Recreation Centre - Building (Capital)	59,684		50,801	50,253	(548)
BC11700-141107140	Old Granville Building - Building (Capital)	300,000		299,663	18,838	(280,826)
BC1180-141103120	Ablution Block - Ledge Point Key Biscayne Park - B	0		(500)	0	500
BC1181-141103120	Ablution Block - Ledge Point Oval - Building (Cap	10,000		9,163	8,830	(333)
BC1182-141007140	Ablution Block - Ledge Point De Burgh St - Buildin	60,000		55,000	20,650	(34,350)
BC12290-141201140	Lancelin/Ledge Point Depot - Building (Capital) -	20,000		18,337	4,774	(13,563)
BC1320-141302120	Information Bays - Building (Capital)	16,000		14,837	0	(14,837)
BC1321-141302120	Scenic Lookouts - Building (Capital)	20,000		18,337	0	(18,337)
BC13253-141302120	Redfield Park Entry Statement - Building (Capital)	15,000		13,750	19,103	5,353
BC14200-141402120	Gingin Administration Office - Building (Capital)	10,000		7,913	5,600	(2,313)
BC5100-140501120	Gingin Colocation Fire Facility - Building (Capital)	320,788		294,063	264,801	(29,262)
BC5160-140501120	Guilderton Fire Shed - Building (Capital)	25,000		22,913	752	(22,151)
BC5180-140501120	Ledge Point Fire Shed - Building (Capital)	5,000		4,587	0	(4,587)
BC5500-140501120	Gingin Fire Shed - Building (Capital) - (Robinson	65,000		59,576	25,157	(34,419)
BC7700-140707140	Gingin Medical Centre - Building (Capital)	5,000		4,587	543	(4,044)
BC7740-140707140	Redfield Park First Aid Post - Building (Capital)	20,000		18,337	0	(18,337)
BC7791-140707120	Wangaree Community Centre - Building (Capital)	7,100		5,225	0	(5,225)
BC8290-140802120	Vins Way Lancelin Bus Shelter - Building (Capital)	9,840		9,286	9,840	554
BC9490-140904140	Seniors Units - Lancelin - Building (Capital)	0		(12,152)	9,955	22,107
CH90201-140902140	Gingin - Eco Lifestyle Purchase of Property	0		(477,400)	0	477,400
P005-140507300	4WD Utility Dual Cab CEM	60,793		15,793	0	(15,793)
P006-141203300	Case Loader GG006 - Plant Capital	291,500		61,500	265,000	203,500
P013-141203300	Isuzu Utility 4WD Space Cab - GG Maint Supervisor	59,633		18,633	0	(18,633)
P017-141203300	Isuzu Utility 4WD Space Cab (tipper) - Guilderton	68,517		22,517	0	(22,517)
P018-141203300	Sign Trailer - Capital Project	7,136		7,136	7,136	0
P02-140501300	Beermullah Hino Tanker GG02 - Plant Capital	0		(400,000)	0	400,000
P033-141203300	Isuzu Utility 4WD Space Cab (tipper) - LA Gardene	68,517		22,517	0	(22,517)
P034-141203300	Mower (Kubota) Lancelin - Capital Project	30,539		(9,461)	0	9,461
P04-140501300	Ocean Farm Hino Tanker GG04 - Plant Capital	0		(400,000)	0	400,000
P041-141203300	Mower (Kubota) Gingin - Capital Project	30,539		(9,461)	0	9,461
P049-141203300	Isuzu Utility 4WD Dual Cab - Construction/Maint Ut	64,615		23,515	64,615	41,000
P050-141203300	Isuzu Utility 4WD Dual Cab - Construction Ute GG05	67,450		22,450	68,422	45,973
P051-140501300	Ocean Farm Light Tanker GG05L - Plant Capital	236,938		236,938	236,938	(0)
P056-141203300	Flatbed Crew Cab Truck GG056 - Plant Capital	0		0	1,793	1,793
P057-140501300	Seabird Light Tanker GG057 - Plant Capital	236,841		66,841	236,841	170,000
P06-140501300	Light Tanker GG06 - Plant Capital	0		(170,000)	0	170,000
P069-140501300	Red Gully Light Tanker GG069 - Plant Capital	236,921		236,921	236,921	(0)
P070-140503300	Isuzu Utility 4WD Space Cab - Ranger 3 GG070	58,160		17,160	49,012	31,852
P073-140503300	Isuzu Utility 4WD Space Cab - Ranger 1 GG073	58,160		(21,840)	56,369	78,209
P074-140503300	Isuzu Utility 4WD Space Cab - Ranger 2 GG074	58,160		17,160	0	(17,160)
P075-140503300	Guilderton Light Tanker GG075 - Plant Capital	236,946		236,946	236,946	(0)
P090-140501300	Seabird Fire Tanker GG090 - Plant Capital	0		(400,000)	0	400,000
P098-140706300	Servicing Medical Transfer Vehicle CATS LA GG098	0		0	21,064	21,064
-140707300	OTH HELATH - Plant & Equipment (Capital) MUN	21,540		21,540	0	(21,540)
P3-140704300	Isuzu MU-X EHO 3GG - Capital Project	0		(38,000)	0	38,000
P4-140704300	Isuzu MU-X EMRDS 4GG - Capital Project	43,000		0	0	0
-141006300	PLAN - Plant & Equipment (Capital) MUN	(43,000)		(43,000)	420	43,420
P6-141402300	Isuzu MU-X Pool Car 6GG - Capital Project	0		(38,000)	0	38,000
P8-141006300	Utility Isuzu 4WD Dual Cab MSP 8GG - Capital Proje	0		(38,000)	0	38,000
PNEW1-141203300	3.5 Tonne Excavator	93,700		42,700	94,245	51,545
PNEW2-141203300	Bob Cat	113,805		23,805	0	(23,805)
PNEW3-141203300	Diesel Fuel Tank 50,000 Litres	0		0	2,150	2,150
PSLASH-141203300	Slasher (Verge Maintenance) x 2 - Capital Project	0		0	1,110	1,110
-140401120	MEMBERS - Building - Specialised (Capital) MUN	0		(413)	0	413
-140501300	FIRE - Plant & Equipment (Capital) - MUN	552,355		(682,645)	(947,645)	(265,000)
-140501310	FIRE - Vehicles (Capital) - MUN	0		0	947,645	947,645
-140503300	OLOPS - Plant & Equipment (Capital)	0		0	(53,749)	(53,749)
-140503310	OLOPS - Vehicles (Capital)	0		0	53,749	53,749
-140706300	PREV OTHER - Plant & Equipment (Capital) MUN	0		0	(21,064)	(21,064)
-140707300	OTH HEALTH - Plant & Equipment (Capital) MUN	0		(20,000)	21,250	41,250
-141007120	COM AMEN - Buildings - Specialised (Capital) MUN	0		0	20,650	20,650
-141007140	COM AMEN - Buildings - Non-Specialised (Capital) MUN	0		0	(20,650)	(20,650)
-141102120	SWIM AREAS - Building Specialised (Capital)	0		0	14,870	14,870
-141102140	SWIM AREAS - Building Non-Specialised (Capital)	0		0	(14,870)	(14,870)
-141203300	PLANT - Plant & Equipment (Capital) MUN	585,200		20,000	0	(20,000)
-141302080	TOUR - Land (Capital) MUN	90,000		90,000	2,625	(87,375)
-141302120	TOUR - Building - Specialised (Capital)	0		0	(9,804)	(9,804)
-141302121	TOUR - Building - Specialised (Capital)	0		0	9,804	9,804

**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS (CONTINUED)**

Account Description	FY Budget	YTD Budget	YTD Actual	Variance (Under)/Over
	\$	\$	\$	\$
BR836-141201670 Lennards Bridge - Bridge (Capital)	130,000	130,000	114,119	(15,881)
CC10070-141007700 Cemetery Capital - Ground Penetration Radar	87,910	80,575	0	(80,575)
DC089-141201650 Drainage Construction	33,000	23,000	17,968	(5,032)
DC089-141201660 Bootline Road - Drainage Capital	0	0	10,480	10,480
DC278-141201650 Lancelin Plaza - Drainage Capital	100,000	100,000	186,805	86,805
DC281-141201660 Laura Road - Drainage Capital	26,026	26,026	23,466	(2,560)
DC294-141201660 Maria Road - Drainage Capital	34,554	34,554	29,700	(4,854)
FC098-141201700 Brockman Street - Gingin - Footpath Capital	0	0	2,730	2,730
FC11261-141201700 Guilderton Beach Access Boardwalk	20,000	20,000	0	(20,000)
FC117-141201700 Cheriton Road - Footpath Capital	0	0	3,219	3,219
FC321-141201700 Mullins Street - Guilderton - Footpath Capital	0	0	19,170	19,170
LRCI0001-141201610 LRCI - Lancelin CBD Solar Lighting Upgrade	20,000	15,837	25,000	9,163
LRCI0002-140503900 LRCI - CCTV Guilderton Foreshore	80,000	73,337	0	(73,337)
LRCI0003-141103700 LRCI - Upgrade Power Supply Lancelin Sporting Comp	100,000	83,337	36,467	(46,870)
LRCI0004-141103700 LRCI - Power Supply Replacement and Upgrade Ledge	17,000	17,000	6,300	(10,700)
LRCI013141201610 LRCI - Bootline Road	127,354	116,743	92,883	(23,860)
LRCI114141201610 LRCI - Hopkins Street, LA (Capital)	114,000	104,500	56,233	(48,267)
LRCI128141201610 LRCI - Gordon Street, GU (Capital)	25,000	22,913	23,420	507
LRCI130141201610 LRCI - Anderson Street, GU (Capital)	25,000	22,913	25,000	2,087
LRCI135141201610 LRCI - Fraser Street (Capital)	25,000	22,913	24,849	1,936
LRCI136141201610 LRCI - Murray Street, GU (Capital)	43,000	39,413	43,000	3,587
LRCI150141201610 LRCI - De Burgh Street, LP (Capital)	79,000	72,413	64,066	(8,347)
LRCI161141201610 LRCI - Dewar Way, LP (Capital)	44,000	40,337	40,000	(337)
LRCI170141201610 LRCI - Wardrop Street, GU (Capital)	25,000	22,913	25,000	2,087
LRCI174141201610 LRCI - McCormick Street, SB (Capital)	44,000	40,337	36,175	(4,162)
LRCI182141201610 LRCI - Douglas Street, SB (Capital)	32,000	29,337	27,346	(1,991)
LRCI202141201610 LRCI - Gee Street, GU (Capital)	31,000	28,413	22,473	(5,940)
LRCI238141201610 LRCI - Collett Street, GU (Capital)	31,000	28,413	31,000	2,587
LRCI249141201610 LRCI - Kendall Road, LA (Capital)	114,000	104,500	78,590	(25,910)
LRCI301141201610 LRCI - Rodrigues Crescent, LP (Capital)	82,000	75,163	74,545	(618)
LRCI315141201610 LRCI - Lawrence Place, LP (Capital)	22,224	20,372	20,204	(168)
LRCI319141201610 LRCI - Harolds Way, SB (Capital)	48,000	44,000	72,517	28,517
OC10570141005900 Seabird Erosion Solution	0	(850)	0	850
OC10571141005900 Seabird Erosion Project - Repairs to seawall & boa	5,000	4,587	13,840	9,253
OC11200141102900 Gingin Swimming Pool Infrastructure (Capital) MUN	43,500	39,875	25,500	(14,375)
OC11264141102900 Guilderton Foreshore - boardwalk replace timbers	63,131	57,882	0	(57,882)
OC11265141302900 Guilderton Caravan Park - Replace Camping Power PO	10,000	9,163	0	(9,163)
OC11293141102700 Lancelin Foreshore Development - Cunliffe St	588,593	588,593	462,894	(125,699)
OC13263141302900 Caravan Park Fire Safety and Other Equipment	50,000	50,000	0	(50,000)
OC8791140804900 Horan St - Lions Mens Shed Carpark	17,200	15,950	17,161	1,211
PC1101141103700 Gingin Outdoor Activity Space (Regional Playground	40,000	34,746	55,433	20,687
PC11100141103700 Granville Park Dam Barrier	30,000	25,837	7,877	(17,960)
PC11314141103700 Gingin Regional Hardcourt Facility - Repair cracks	11,492	10,538	0	(10,538)
PC11380141103700 Ledge Point Recreation Ground - Replace & Upgrade	0	(4,163)	600	4,763
PC11391141103700 Lancelin Sporting Complex - second netball/basketb	0	(22,500)	0	22,500
PC1170141103700 Seabird Douglas Park	7,000	6,413	0	(6,413)
PC1189141103700 Ledge Point Off-Road Vehicle Area - Capital works	80,000	80,000	83,079	3,079
PC1198141103700 Lancelin Skate Park Bowl (at BMX Track)	400,000	400,000	179,334	(220,666)
R2R002141201450 Gingin Brook Road (R2R)	140,000	130,337	128,000	(2,337)
R2R004141201460 Beeremullah Road West (R2R)	596,373	546,678	538,635	(8,043)
R2R145141201440 Moore River Drive (R2R)	145,000	132,913	160,557	27,644
R2R254141201450 Todman Road (R2R)	14,070	12,820	14,070	1,250
R2R286141201450 Hoy Road (R2R)	266,920	266,920	260,262	(6,658)
RC012141201420 Wannamal Road West (Capital)	575,245	530,111	575,246	45,135
RC013141201420 Bootline Road (Capital)	0	0	0	0
RC020141201420 Cheriton Road (Capital)	0	0	0	0
RC041141201410 Bookine Road (Capital)	0	0	0	0
RC055141201420 Mimegarra Road (Capital)	0	0	0	0
RC066141201410 Old Ledge Point Road (Capital)	0	0	16,042	16,042
RC215141201400 Weld Street (Capital)	0	0	4,519	4,519
RC286141201420 Hoy Road (Capital)	0	0	30	30
RRG001141201490 Moolabeenee Road (RRG)	983,073	901,164	1,048,474	147,310
RRG003141201490 Cowalla Road (RRG)	95,640	93,270	103,854	10,584
SC10300141003900 Guilderton Caravan Park - Replace Waste Water - de	300,000	300,000	0	(300,000)
WSFN008141201620 KW ROAD - WSFN Funding	461,312	422,873	320,561	(102,312)
WSFN009141201620 KW Road WSFN - Intersection KW & Sappers Rd	547,051	501,468	557,616	56,148
	11,542,394	6,118,658	7,889,626	1,770,968

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

**FINANCING ACTIVITIES
NOTE 8
BORROWINGS**

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Health										
Gingin Medical Centre	100	69,891	0	0	(33,809)	(33,809)	36,082	36,082	(2,098)	(4,009)
Community amenities										
Tip Rationalisation Site	111	396,226	0	0	(21,386)	(21,386)	374,840	374,840	(15,713)	(25,374)
Seabird Sea Wall	127	102,876	0	0	(21,874)	(21,874)	81,002	81,002	(1,340)	(2,446)
Lancelin Caravan Park Assets	128	21,146	0	0	(21,146)	(21,146)	0	0	(68)	(266)
Recreation and culture										
Guilderton Country Club Hall Extension	114	296,110	0	0	(41,117)	(41,117)	254,993	254,993	(18,008)	(20,421)
Regional Hardcourt Facility	120	218,299	0	0	(12,485)	(25,386)	205,814	192,913	(6,813)	(14,165)
Regional Hardcourt Facility	124A	211,538	0	0	(11,292)	(22,817)	200,246	188,721	(3,724)	(8,503)
Gingin Swimming Pool Tiling	126	65,584	0	0	(15,647)	(15,647)	49,937	49,937	(1,082)	(1,913)
Gingin Outdoor Activity Space	132	160,414	0	0	(8,382)	(16,824)	152,032	143,590	(1,067)	(2,237)
Lancelin Cunliffe Street Carpark	New	0	250,000	0	0	0	250,000	0	0	0
Economic services										
Guilderton Caravan Park Waste Water	New	0	0	300,000	0	0	0	300,000	0	0
Other property and services										
Altus Financials Suite	131	148,587	0	0	(4,645)	(9,334)	143,942	139,253	(1,338)	(2,835)
Lot 44 Weld Street, Gingin	123	135,491	0	0	(18,902)	(18,902)	116,589	116,589	(7,149)	(9,107)
		1,826,162	0	550,000	(210,685)	(248,242)	1,615,477	2,127,920	(58,399)	(91,276)
Self supporting loans										
Recreation and culture										
Ledge Point Country Club Cool Room	130	17,023	0	0	(2,278)	(2,278)	14,745	14,745	(315)	(355)
Guilderton Bowling Club Synthetic Greens - Advance	016	0	0	0	0	(1,929)	0	0	0	0
		17,023	0	0	(2,278)	(4,207)	14,745	14,745	(315)	(355)
Total		1,843,185	0	550,000	(212,963)	(252,449)	1,630,222	2,142,665	(58,714)	(91,631)
Current borrowings		252,449					37,558			
Non-current borrowings		1,590,736					1,592,664			
		1,843,185					1,630,222			

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

New borrowings 2022-23

Particulars	Amount Borrowed	Amount Borrowed	Institution	Loan Type	Term Years	Total Interest & Charges	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget						Actual	Budget	
	\$	\$					%	\$	\$	\$
Guilderton Caravan Park Waste Water	0	300,000						0	300,000	0
Lancelin Cunliffe Street Carpark	0	250,000						0	250,000	0
	0	550,000					0	0	550,000	0

The Shire has no unspent debenture funds as at 30th June 2022, nor is it expected to have unspent funds as at 30th June 2023.

KEY INFORMATION

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

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

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

FINANCING ACTIVITIES

NOTE 9

LEASE LIABILITIES

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2022	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Other property and services										
Lancelin administration office	1	9,126	0	0	(8,478)	(7,041)	648	2,085	(54)	(50)
Postal franking machine	2	0	0	0	0	0	0	0	0	(50)
Photocopier - Ineo 958	3	10,181	0	0	(6,983)	(7,622)	3,198	2,559	(72)	(73)
IT Server	4	60,175	0	0	(15,884)	(17,338)	44,291	42,837	(629)	(676)
Total		79,482	0	0	(31,345)	(32,001)	48,137	47,481	(754)	(849)
Current lease liabilities		33,693					2,348			
Non-current lease liabilities		45,789					45,789			
		79,482					48,137			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

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

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

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 12.4.1

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

**OPERATING ACTIVITIES
NOTE 10
RESERVE ACCOUNTS**

Reserve accounts

Reserve name	Actual Opening Balance	Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
LSL, Annual, Sick Leave and Staff Contingency	429,670	10,404	3,461	0	0	0	0	440,074	433,131
Plant and Equipment Reserve	1,593,152	38,573	12,832	20,527	0	(943,576)	0	708,676	1,605,984
Land and Buildings Reserve	916,406	22,188	7,381	0	0	(522,697)	0	415,897	923,787
Guilderton Caravan Park Reserve	34,018	823	274	0	0	(30,000)	0	4,841	34,292
Shire Recreation Development Reserve	469,779	11,374	3,784	90,000	0	(208,200)	0	362,953	473,563
Redfield Park Reserve	31,469	763	253	0	0	0	0	32,232	31,722
Ocean Farm Recreation Reserve	31,161	754	251	0	0	0	0	31,915	31,412
Tip Rationalisation Reserve	1,973,830	47,790	15,898	208,461	0	(55,000)	0	2,175,081	1,989,728
Lancelin Community Sport and Recreation Reserve	103,512	2,506	834	19,775	0	(5,352)	0	120,441	104,346
Community Infrastructure Reserve	36,531	885	294	2,400	0	0	(1,600)	39,816	35,225
Staff Housing	33,559	613	270	0	0	0	0	34,172	33,829
Future Infrastructure Reserve	529,305	12,815	4,263	0	0	0	0	542,120	533,568
Guilderton Country Club Reserve	27,237	659	219	8,080	0	(15,000)	0	20,976	27,456
Coastal Management Reserve - Coastal Inundation	292,391	7,080	2,355	100,000	0	(40,200)	0	359,271	294,746
Guilderton Foreshore Reserve	121,075	2,932	975	207,073	0	0	0	331,080	122,050
Unspent Grants Reserve - Youth Services Website Grant	5,014	121	40	0	0	0	0	5,135	5,054
Seniors Housing Reserve	162,145	3,926	1,306	25,000	0	0	0	191,071	163,451
Gingin Railway Station Reserve	5,747	140	46	0	0	0	0	5,887	5,793
Contributions to Roads Reserve - Cullalla Road Intersection	45,128	1,093	363	0	0	0	0	46,221	45,491
Contribution to Roads Reserve - Cowalla Road Intersection	16,046	388	129	0	0	0	0	16,434	16,175
Contribution to Roads Reserve - Chitna Road	3,009	73	24	0	0	0	0	3,082	3,033
Contribution to Roads Reserve - Balance of Muni Funds	700,377	16,957	5,641	300,000	0	(420,580)	0	596,754	706,018
Community Infrastructure Reserve - Lower Coastal Fire Control	25,266	612	204	0	0	0	0	25,878	25,470
Community Infrastructure Reserve - Gingin Logo Plates	8,030	195	65	0	0	0	0	8,225	8,095
Community Infrastructure Reserve - Gingin Ambulance	48,120	1,165	388	6,000	0	0	0	55,285	48,508
Community Infrastructure - Lancelin Ambulance Subdivision Reserve - Mallee Lane Subdivision Contribution towards DUP Cheriton Rd to Brockman St	30,937	750	249	18,000	0	0	0	49,687	31,186
Public Open Space Reserve	14,672	355	118	0	0	0	0	15,027	14,790
Guilderton Trailer Parking Reserve	26,050	630	210	0	0	0	0	26,680	26,260
Guilderton Trailer Parking Reserve	26,745	648	215	5,760	0	0	0	33,153	26,960
Gingin Outdoor Activity Space	4,834	117	39	0	0	0	0	4,951	4,873
Wheatbelt Development Commission - Tourism Project	0	0	0	55,000	55,000	(55,000)	0	0	55,000
	7,745,215	187,329	62,384	1,066,076	55,000	(2,295,605)	(1,600)	6,703,015	7,860,999

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

**OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES**

	Note	Opening Balance 1 July 2022	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 31 May 2023
		\$		\$	\$	\$
Other current liabilities						
Other liabilities						
- Contract liabilities		1,410,754	0	3,385,898	(3,470,526)	1,326,125
Total other liabilities		1,410,754	0	3,385,898	(3,470,526)	1,326,125
Employee Related Provisions						
Annual leave		539,939	0	0	0	539,939
Long service leave		269,574	0	0	0	269,574
Total Employee Related Provisions		809,513	0	0	0	809,513
Other Provisions						
Provision for sick leave		120,544	0	0	0	120,544
Total Other Provisions		120,544	0	0	0	120,544
Total other current assets		2,340,811	0	3,385,898	(3,470,526)	2,256,182
Amounts shown above include GST (where applicable)						

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

KEY INFORMATION

Provisions

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

Employee Related Provisions

Short-term employee benefits

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

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

Other long-term employee benefits

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

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

Contract liabilities

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

Capital grant/contribution liabilities

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

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.4.1

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

NOTE 12
OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue					
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Amended Annual Budget	YTD Amended	Original Annual Budget	Budget Variations	Expected	YTD Revenue
	1 July 2022		(As revenue)	31 May 2023	31 May 2023	Revenue	Budget	Budget			Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating grants and subsidies											
General purpose funding											
Financial Assistance Grant - General Purpose	0	0	0	0	0	345,836	345,836	193,362	152,474	345,836	345,836
Financial Assistance Grant - Roads	0	0	0	0	0	184,852	184,852	103,078	81,774	184,852	184,852
Financial Assistance Grant - Bridges	0	350,062	0	350,062	350,062	0	0	0	0	0	0
Law, order, public safety											
Ledge Point Off-road Vehicle Area	46,971	0	(46,971)	0	0	46,971	46,971	46,971	0	46,971	46,971
DFES Operating Grant	0	0	0	0	0	251,308	230,362	251,308	0	251,308	251,308
Education and welfare											
Volunteering WA - Promotion of WA Marketing Grant	0	0	0	0	0	0	0	0	0	0	8,000
Community amenities											
Coastal Hazard Risk Management Plan Grant	50,000	0	(50,000)	0	0	47,587	43,626	47,587	0	47,587	50,000
CAP Grant Funding	0	0	0	0	0	35,200	26,038	109,900	(74,700)	35,200	34,835
Recreation and culture											
Library - Technology & Digital Grant	0	0	0	0	0	500	462	500	0	500	0
Transport											
Direct Road Grant MRWA	0	0	0	0	0	248,580	248,580	248,580	0	248,580	248,580
	96,971	350,062	(96,971)	350,062	350,062	1,160,834	1,126,727	1,001,286	159,548	1,160,834	1,170,382
Operating contributions											
General purpose funding											
Recovery of legal costs - rates	0	0	0	0	0	0	0	80,000	(80,000)	0	0
Rates incentive Prize Night	0	0	0	0	0	12,000	12,000	0	12,000	12,000	12,000
Law, order, public safety											
CESM Grant - DFES	0	0	0	0	0	61,285	56,177	61,285	0	61,285	91,296
BRMO Grant - DFES	23,734	122,467	(53,271)	92,930	92,930	122,467	112,266	122,467	0	122,467	53,271
MAF Mitigation - DFES	0	171,203	(139,131)	32,072	32,072	342,405	342,405	0	342,405	342,405	139,131
Health											
Sale of logo plates	0	0	0	0	0	0	0	0	0	0	227
Education and welfare											
Gingin Men's Shed - Contribution	0	0	0	0	0	0	0	0	0	0	5
Community amenities											
Claymont Estate - Planning contributions	0	0	0	0	0	2,400	1,200	14,400	(12,000)	2,400	(1,964)
Drum Muster	0	0	0	0	0	0	(163)	2,000	(2,000)	0	0
Waste and Rubbish Charges	0	1,477,600	(1,477,600)	0	0	0	0	0	0	0	0
Recreation and culture											
Naming Sponsorship - Gingin Aquatic Centre - Image	0	0	0	0	0	10,000	9,163	10,000	0	10,000	10,000
Contribution income for suite of events	0	0	0	0	0	10,000	9,000	12,000	(2,000)	10,000	12,682
Contributions - Library Services	0	0	0	0	0	100	88	100	0	100	0
Transport											
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	62,500	62,500	0	62,500	62,500	62,500
Economic services											
Guilderton Caravan Park Deposit Liability	293,467	0	0	293,467	293,467	0	0	0	0	0	0
Other property and services											
Administration contributions	0	0	0	0	0	0	(2,424)	29,000	(29,000)	0	0
Workers compensation contribution provision	0	0	0	0	0	0	(12)	100	(100)	0	0
	317,201	1,771,270	(1,670,001)	418,470	418,470	623,157	602,200	331,352	291,805	623,157	379,147
TOTALS	414,172	2,121,332	(1,766,972)	768,531	768,531	1,783,991	1,728,927	1,332,638	451,353	1,783,991	1,549,530

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 12.4.1

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

NOTE 13
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue					
	Liability 1 July 2022	Increase in Liability	Decrease in Liability (As revenue)	Liability 31 May 2023	Current Liability 31 May 2023	Amended Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non-operating grants and subsidies											
Law, order, public safety											
DFES - Capital Grant - Buildings	320,789	0	(273,378)	47,411	47,411	320,788	320,788	320,788	0	320,788	273,378
DFES - Capital Grant - Vehicles	0	0	0	0	0	1,500,000	(1,275,000)	3,455,000	(1,955,000)	1,500,000	947,645
LRCI - Unspent funds - CCTV	0	40,000	0	40,000	40,000	0	0	0	0	0	0
Community amenities											
CMPAP - Coastal Management Strategy	0	0	0	0	0	100,000	75,000	100,000	0	100,000	0
Coastal Hazard Risk Management Plan	0	0	0	0	0	26,450	19,839	26,450	0	26,450	0
Recreation and culture											
LRCI - Unspent funds	18,581	125,000	(3,480)	140,101	140,101	448,800	133,051	1,263,005	(814,205)	448,800	3,480
Cunliffe Street Redevelopment	0	0	0	0	0	250,000	187,500	250,000	0	250,000	0
CSRFF - Lancelin Sports Complex Multi-court	0	0	0	0	0	0	(22,500)	90,000	(90,000)	0	0
Transport											
LRCI - Unspent Funds Roads	373,332	417,112	(719,163)	71,281	71,281	1,268,629	1,268,629	0	1,268,629	1,268,629	719,163
Roads to Recovery	283,880	682,455	(707,533)	258,802	258,802	1,078,130	977,114	1,078,130	0	1,078,130	799,100
Regional Road Group (Cowalla & Moolabeenee Rd)	0	0	0	0	0	393,175	266,991	504,742	(111,567)	393,175	0
Wheatbelt Secondary Freight Network (KW Rd)	0	0	0	0	0	1,000,228	750,168	1,000,228	0	1,000,228	1,334,140
	996,582	1,264,567	(1,703,554)	557,595	557,595	6,386,200	2,701,580	8,088,343	(1,702,143)	6,386,200	4,076,905

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

**NOTE 14
TRUST FUND**

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance	Amount	Amount	Closing Balance
	1 July 2022	Received	Paid	31 May 2023
	\$	\$	\$	\$
Public Open Space	11,326	0	0	11,326
	11,326	0	0	11,326

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.4.1

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

NOTE 15 BUDGET AMENDMENTS

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

GL/Project Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
					\$		
151201810	Repair of Floodway Crossings on Maria and Laura Roads, Wanerie - transfer from reserve 31	OCM 18/10/2022 - 14.1	Capital Revenue	0	95,000	0	95,000
DC281	Repair of Floodway Crossings on Maria and Laura Roads, Wanerie	OCM 18/10/2022 - 14.1	Capital Expenses	0		(45,000)	50,000
DC294	Repair of Floodway Crossings on Maria and Laura Roads, Wanerie	OCM 18/10/2022 - 14.1	Capital Expenses	0	0	(50,000)	0
151201810	Cunliffe Street Development - transfer from reserve 31	OCM 18/10/2022 - 18.1	Capital Revenue	0	100,000	0	100,000
OC11293	Cunliffe Street Redevelopment	OCM 8/10/2022 - 18.1	Capital Expenses	0	0	(100,000)	0
120401040	Transfer \$3,100 from Council Member Ess. to 120402840 (AUD002) for 2022 Compliance Audit Return	Management Approval	Operating Expenses	0	3,100	0	3,100
AUD002	Compliance Audit Return - Management approval to transfer \$3,100 from Council Member Ess. to 120402840 (AUD002)	Management Approval	Operating Expenses	0	0	(3,100)	0
151203810	Transfer from Plant Reserve - Purchase of New 5.5T Excavator (amended from 3.5T Excavator)	OCM 15/11/2022 - 15.1	Capital Revenue	0	69,000	0	69,000
PNEW1	Purchase of New 5.5T Excavator (amended from 3.5T Excavator)	OCM 15/11/2022 - 15.1	Capital Expenses	0	0	(69,000)	0
SPI12303	Trade of John Deere tractor GG012	OCM 15/11/2022 - 15.1	Capital Revenue	0	30,000	0	30,000
PNEW2	Purchase of New Compact Track Loader (Skid Steer) additional implements	OCM 15/11/2022 - 15.1	Capital Expenses	0	0	(30,000)	0
GI12110	LRCI Phase 3 - Road works transferred from Rec & Cultrre	Management Approval	Capital Revenue	0	873,246	0	873,246
GI11300	LRCI Phase 3 - Road works transferred to Transport	Management Approval	Capital Revenue	0		(873,246)	0
151201810	Lennards Bridge Unbudgeted Expenditure	OCM 20/12/2022 - 14.1	Capital Revenue	0	130,000	0	130,000
BR836	LRCI Phase 3 - Road works transferred to Transport	OCM 20/12/2022 - 14.1	Capital Expenses	0	0	(130,000)	0
151201810	Pruning Trees along Dewar Road	OCM 20/12/2022 - 14.2	Capital Revenue	0	50,000	0	50,000
RM212	Pruning Trees along Dewar Road	OCM 20/12/2022 - 14.2	Capital Expenses	0	0	(50,000)	0
DC000	Road Assets Revaluation - Unbudgeted Expenditure	OCM 20/12/2022 - 14.2	Capital Expenses	0	82,000	0	82,000
RV14200	Road Assets Revaluation - Unbudgeted Expenditure	OCM 20/12/2022 - 14.2	Operating Expenses	0	0	(82,000)	0
151107810	Updating / Replacing of fire safety equipment at Guilderton Caravan Park Transfer from Land and Building Reserve #5	OCM 20/12/2022 - 17.1	Capital Revenue	0	20,000	0	20,000
151302810	Updating / Replacing of fire safety equipment at Guilderton Caravan Park - Transfer from Guilderton Caravan Park Reserve #6	OCM 20/12/2022 - 17.1	Capital Revenue	0	30,000	0	50,000
OC13263	Updating / Replacing of fire safety equipment at Guilderton Caravan Park	OCM 20/12/2022 - 17.1	Capital Expenses	0	0	(50,000)	0
151201810	Transfer from Road Reserve #31 - Lancelin Plaza unbudgeted Expenditure	OCM 17/01/2023 - 14.1	Capital Expenses	0	80,000	0	80,000
DC278	Lancelin Plaza Drainage	OCM 17/01/2023 - 14.1	Capital Expenses	0	0	(80,000)	0
Various	Annual Budget Review	OCM 21/03/2023 - 12.3		0	0	0	0
151107810	Transfer from Land & Building Reserve #5 for repairs to Old Granville Building	OCM 21/03/2023 - 14.2	Capital Revenue	0	300,000	0	0
BC11700	Repairs to Old Granville Building	OCM 21/03/2023 - 14.2	Capital Expenses	0	0	(300,000)	(300,000)
151103810	Transfer from Lancelin Community Sport & Recreation Reserve #11 - Lancelin Community Sporting Club Lounge Area Blinds	OCM 18/4/2023 - 12.5	Capital Revenue	0	5,352	0	5,352
CG11301	Lancelin Community Sporting Club Lounge Area Blinds Disposition of Assets - Guilderton Caravan Park Plant	OCM 18/4/2023 - 12.5	Operating Expenses	0	0	(5,352)	0
141203810	Items	OCM 18/4/2023 - 12.4	Capital Expenses	0	0	(20,527)	(20,527)
SPI13200	Disposition of Assets - Guilderton Caravan Park Plant	OCM 18/4/2023 - 12.4	Capital Revenue	0	0	(1,000)	(21,527)
SVI13200	Items	OCM 18/4/2023 - 12.4	Capital Revenue	0	15,818	0	(5,709)
151203500	Disposition of Assets - Guilderton Caravan Park Plant	OCM 18/4/2023 - 12.4	Capital Revenue	0	5,709	0	0
151103810	Transfer from Shire Recreation & Development Reserve #7 - Urgent Council Playground Repairs	OCM 18/4/2023 - 14.2	Capital Revenue	0	40,000	0	40,000
121103680	Urgent Council Playground Repairs	OCM 18/4/2023 - 14.2	Operating Expenses	0	0	(40,000)	0
151203810	Transfer from plant and Equipment reserve #3	OCM 18/4/2023 - 14.1	Capital Revenue	0	41,376	0	41,376
SVI12304	Proceeds on sale of GG009 - VW Transporter Van	OCM 18/4/2023 - 14.1	Capital Revenue	0	47,727	0	89,103
SVI11300	Retention of Fleet Vehicle - GG017	OCM 18/4/2023 - 14.1	Capital Revenue	0	0	(21,818)	49,104
SVI11301	Retention of Fleet Vehicle - GG033	OCM 18/4/2023 - 14.1	Capital Revenue	0	0	(21,818)	27,286
SVI12302	Retention of Fleet Vehicle - GG050	OCM 18/4/2023 - 14.1	Capital Revenue	0	0	(21,818)	5,468
P050	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	0	(2,001)	3,467
P013	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	367	0	3,834
P017	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	0	(1,917)	1,917
P033	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	0	(1,917)	0
151103810	Transfer from Guilderton Country Club Reserve #16 for upgrade of Country Club facilities	OCM 16/05/2023 - 12.3	Capital Revenue	0	15,000	0	15,000
CG11303	Contribution towards Guilderton Country Club facilities upgrade	OCM 16/05/2023 - 12.3	Operating Expenses	0	0	(15,000)	0
				0	2,033,695	(2,033,695)	0

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY						NOTE 16	
FOR THE PERIOD ENDED 31 MAY 2023						EXPLANATION OF MATERIAL VARIANCES	
The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.							
The material variance adopted by Council for the 2022-23 year is \$20,000 or 10.00% whichever is the greater.							
Nature or type	Var. \$	Var. %	Explanation of positive cash variances		Explanation of negative cash variances		
			Timing	Permanent	Timing	Permanent	
	\$	%					
Revenue from operating activities							
Operating grants, subsidies and contributions	(179,397)	(10.38%)	▼			BRPC DFES funding allocation, Fire Mitigation funding, Financial Assistance Grants	
Interest earnings	(63,504)	(22.39%)	▼			Interest on Municipal and Reserve Funds held in Term Deposit.	
Profit on disposal of assets	228,503	0.00%	▲	Vehicle change overs - not budgeted due to supply uncertainty.			
Expenditure from operating activities							
Materials and contracts	647,748	10.04%	▲	Reduction in materials and contracts due to timing of works and contractor payments, reduced use of consultants and reduced legal expenses;	Overheads and plant operation costs reduced due to payroll vacancies		
Depreciation on non-current assets	4,068,664	68.97%	▲	Depreciation still being processed for 22/23			
Loss on disposal of assets	(365,138)	0.00%	▼			Impaired asset disposals	
Non-cash amounts excluded from operating activities	(4,112,029)	(69.70%)	▼			Depreciation still being processed for 22/23	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	1,375,325	50.91%	▲	Timing of works, aquittals and contract liability movements including CDG grant for Cunliffe Street Redevelopment			
Proceeds from disposal of assets	259,601	178.01%	▲	Timing of asset disposals			
Payments for property, plant and equipment and infrastructure	(1,770,968)	(28.94%)	▼			Timing of capital works program completed ahead of schedule	
Financing activities							
Transfer from reserves	(475,508)	(99.66%)	▼			End of Year process	
Transfer to reserves	619,720	84.08%	▲	End of Year process			
Closing funding surplus / (deficit)	880,860	(205.93%)	▲				

SHIRE OF GINGIN

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

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

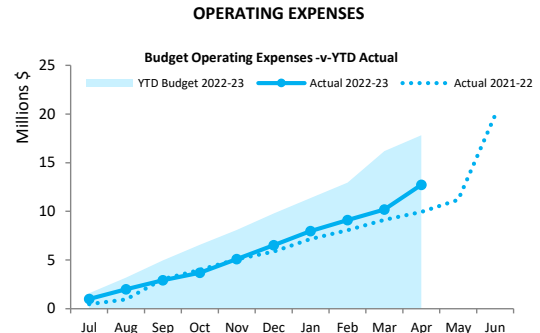
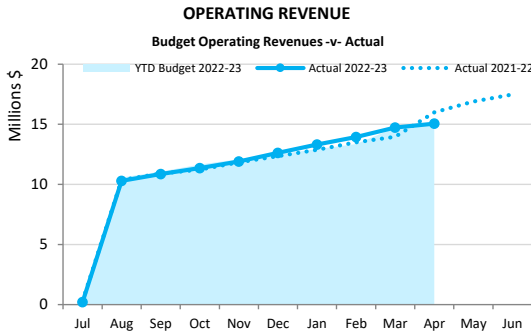
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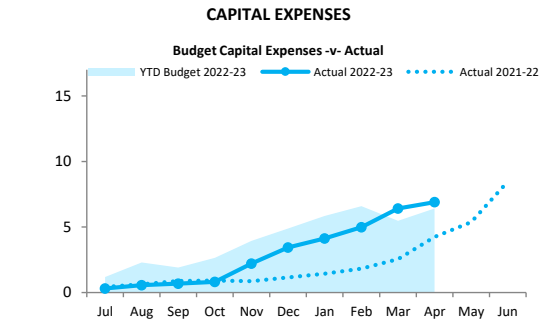
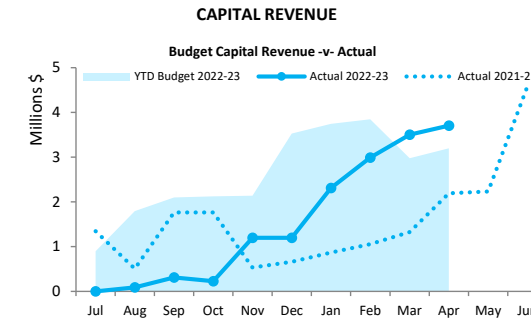
**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 APRIL 2023**

SUMMARY INFORMATION - GRAPHS

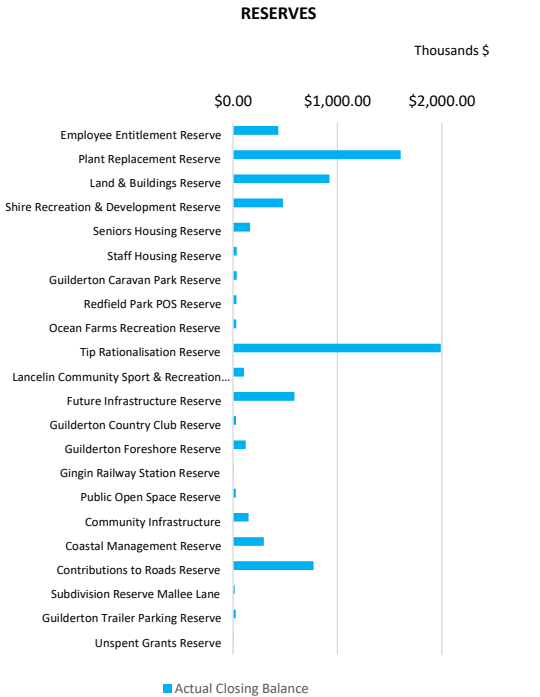
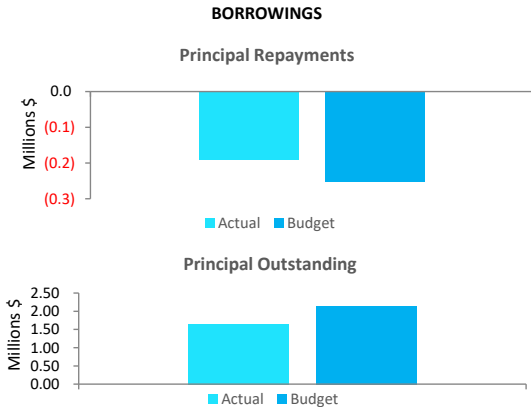
OPERATING ACTIVITIES



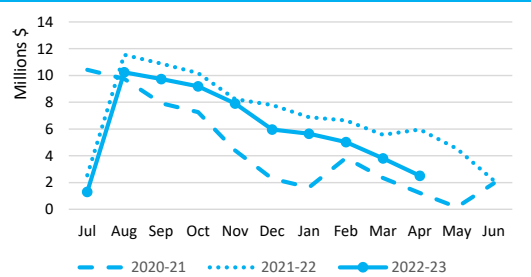
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



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

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

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.15 M	\$2.15 M	\$2.15 M	(\$0.00 M)
Closing	\$0.00 M	\$1.67 M	\$2.51 M	\$0.83 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$5.00 M	38.9%
Restricted Cash	\$7.86 M	61.1%

Refer to Note 2 - Cash and Financial Assets

Payables		
	\$	% Outstanding
Trade Payables	\$0.76 M	
0 to 30 Days		96.5%
Over 30 Days		3.5%
Over 90 Days		1.4%

Refer to Note 5 - Payables

Receivables		
	\$	% Collected / % Outstanding
Rates Receivable	\$0.74 M	92.5%
Trade Receivable	\$0.39 M	% Outstanding
Over 30 Days		39.0%
Over 90 Days		-6.8%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.24 M	\$2.82 M	\$3.64 M	\$0.82 M

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$9.43 M	
YTD Budget	\$9.42 M	0.1%

Refer to Statement of Financial Activity

Operating Grants and Contributions		
	\$	% Variance
YTD Actual	\$1.34 M	
YTD Budget	\$1.67 M	(20.1%)

Refer to Note 12 - Operating Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$3.78 M	
YTD Budget	\$3.47 M	9.0%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$4.70 M)	(\$2.81 M)	(\$2.95 M)	(\$0.14 M)

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.04 M	
Amended Budget	\$0.45 M	(90.2%)

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$6.65 M	
Amended Budget	\$11.54 M	(42.4%)

Refer to Note 7 - Capital Acquisitions

Capital Grants		
	\$	% Received
YTD Actual	\$3.66 M	
Amended Budget	\$6.39 M	(42.7%)

Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.31 M	(\$0.49 M)	(\$0.34 M)	\$0.15 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$0.19 M
Interest expense	\$0.05 M
Principal due	\$1.65 M

Refer to Note 8 - Borrowings

Reserves	
Reserves balance	\$7.86 M
Interest earned	\$0.06 M

Refer to Note 10 - Cash Reserves

Lease Liability	
Principal repayments	\$0.03 M
Interest expense	\$0.00 M
Principal due	\$0.05 M

Refer to Note 9 - Lease Liabilities

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

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

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

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

FEES AND CHARGES

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

SERVICE CHARGES

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

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

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

PROFIT ON ASSET DISPOSAL

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

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

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

DEPRECIATION ON NON-CURRENT ASSETS

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

INTEREST EXPENSES

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

OTHER EXPENDITURE

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

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

BY NATURE OR TYPE

	Ref	Amended Budget	YTD Budget	YTD Actual	Variance \$	Variance % ((c) - (b))/(b)	Var.
	Note	(a)	(b)	(c)	(c) - (b)	(b)/(b)	
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	2,148,491	2,148,491	2,148,491	(0)	(0.00%)	
Revenue from operating activities							
Rates		9,416,965	9,416,965	9,429,872	12,907	0.14%	
Rates (excluding general rate)		5,800	0	0	0	0.00%	
Operating grants, subsidies and contributions	12	1,783,991	1,673,874	1,337,427	(336,447)	(20.10%)	▼
Fees and charges		4,106,853	3,466,161	3,777,744	311,583	8.99%	
Interest earnings		292,776	264,979	210,309	(54,670)	(20.63%)	▼
Other revenue		366,717	329,908	299,091	(30,817)	(9.34%)	
Profit on disposal of assets	6	0	0	20,945	20,945	0.00%	▲
		15,973,102	15,151,887	15,075,388	(76,499)	(0.50%)	
Expenditure from operating activities							
Employee costs		(6,264,509)	(5,220,547)	(4,869,433)	351,114	6.73%	
Materials and contracts		(7,006,998)	(5,898,615)	(5,322,128)	576,487	9.77%	
Utility charges		(480,438)	(385,007)	(389,442)	(4,435)	(1.15%)	
Depreciation on non-current assets		(6,309,632)	(5,489,141)	(1,148,069)	4,341,072	79.08%	▲
Interest expenses		(92,436)	(68,783)	(49,428)	19,355	28.14%	
Insurance expenses		(379,836)	(321,444)	(379,012)	(57,568)	(17.91%)	▼
Other expenditure		(507,903)	(435,988)	(403,415)	32,573	7.47%	
Loss on disposal of assets	6	0	0	(169,201)	(169,201)	0.00%	▼
		(21,041,752)	(17,819,525)	(12,730,129)	5,089,396	(28.56%)	
Non-cash amounts excluded from operating activities	1(a)	6,309,632	5,489,141	1,296,325	(4,192,816)	(76.38%)	▼
Amount attributable to operating activities		1,240,982	2,821,503	3,641,584	820,081	29.07%	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	6,386,200	2,600,563	3,656,952	1,056,389	40.62%	▲
Proceeds from disposal of assets	6	452,835	145,835	44,545	(101,290)	(69.45%)	▼
Proceeds from financial assets at amortised cost - self supporting loans	8	2,278	2,278	1,133	(1,145)	(50.27%)	
Payments for financial assets at amortised cost - advances	8	1,929	960	960	0	(0.03%)	
Payments for property, plant and equipment and infrastructure	7	(11,542,394)	(5,556,454)	(6,653,068)	(1,096,614)	(19.74%)	▼
Amount attributable to investing activities		(4,699,152)	(2,806,818)	(2,949,477)	(142,659)	5.08%	
Financing Activities							
Proceeds from new debentures	8	550,000	0	0	0	0.00%	
Transfer from reserves	10	2,295,605	462,108	1,600	(460,508)	(99.65%)	▼
Payments for principal portion of lease liabilities	9	(32,001)	(26,670)	(28,608)	(1,938)	(7.27%)	
Repayment of debentures	8	(250,520)	(190,899)	(190,899)	0	0.00%	
Transfer to reserves	10	(1,253,405)	(734,193)	(117,384)	616,809	84.01%	▲
Amount attributable to financing activities		1,309,679	(489,654)	(335,291)	154,363	(31.53%)	
Closing funding surplus / (deficit)	1(c)	0	1,673,522	2,505,308	831,787	(49.70%)	▲

KEY INFORMATION

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

Refer to Note 16 for an explanation of the reasons for the variance.

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

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

BASIS OF PREPARATION

BASIS OF PREPARATION

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

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

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

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 14 to these financial statements.

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES

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

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

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

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

GOODS AND SERVICES TAX

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

ROUNDING OFF FIGURES

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 April 2023

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

**NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Non-cash items excluded from operating activities

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

	Notes	Original Budgeted Closing Balance 30 June 2022	Actual Closing Balance 30 June 2022	YTD Actual 30/04/2023
		\$	\$	\$
Non-cash items excluded from operating activities				
Adjustments to operating activities				
Less: Profit on asset disposals	6	0	0	(20,945)
Movement in pensioner deferred rates (non-current)		(10,511)	0	0
Add: Loss on asset disposals	6	4,040	0	169,201
Add: Depreciation on assets		6,040,267	6,309,632	1,148,069
Total non-cash items excluded from operating activities		6,033,796	6,309,632	1,296,325

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

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

		Original Budgeted Closing Balance 30 June 2022	Actual Closing Balance 30 June 2022	YTD Actual 30 April 2023
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(7,811,748)	(7,745,215)	(7,860,998)
Less: - Financial assets at amortised cost - self supporting loans	4	0	(4,207)	(2,114)
Add: Borrowings	8	250,521	250,521	59,623
Add: Lease liabilities	9	32,001	31,608	5,085
Total adjustments to net current assets		(7,529,226)	(7,467,293)	(7,798,403)

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

Current assets

Cash and cash equivalents	2	13,598,358	13,598,004	12,856,974
Rates receivables	3	376,190	399,663	739,897
Receivables	3	1,563,864	1,576,106	391,064
Other current assets	4	409,202	72,423	138,752
Less: Current liabilities				
Payables	5	(3,392,338)	(3,407,473)	(1,526,603)
Borrowings	8	(250,521)	(250,521)	(59,623)
Contract liabilities	11	(1,098,968)	(1,410,754)	(1,301,608)
Lease liabilities	9	(32,001)	(31,608)	(5,085)
Provisions	11	(1,004,339)	(930,057)	(930,057)
Less: Total adjustments to net current assets	1(b)	(7,529,226)	(7,467,293)	(7,798,403)
Closing funding surplus / (deficit)		2,640,221	2,148,491	2,505,308

CURRENT AND NON-CURRENT CLASSIFICATION

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

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

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

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Municipal Bank Account	Cash and cash equivalents	2,932,867	0	2,932,867	Bendigo Bank	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	298,615	298,615	Bendigo Bank	0.00%	At Call
Cash on hand	Cash and cash equivalents	2,300	0	2,300	Petty Cash/Till float	N/A	At Call
Municipal Investment 4337037	Cash and cash equivalents	2,060,809	0	2,060,809	Bendigo Bank	3.75%	5/05/2023
Reserve Investment 4124372	Cash and cash equivalents	(0)	7,562,384	7,562,384	Bendigo Bank	4.00%	6/06/2023
Total		4,995,975	7,860,999	12,856,974			
Comprising							
Cash and cash equivalents		4,995,975	7,860,999	12,856,974			
		4,995,975	7,860,999	12,856,974			

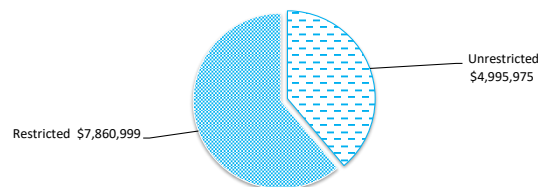
KEY INFORMATION

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

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

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

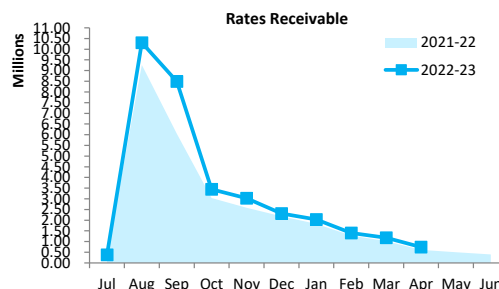
Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



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

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

Rates receivable	30 June 2022	30 Apr 2023
	\$	\$
Opening arrears previous years	817,748	399,663
Levied this year	8,889,160	9,429,872
Less - collections to date	(9,307,245)	(9,089,637)
Gross rates collectable	399,663	739,897
Net rates collectable	399,663	739,897
% Collected	95.9%	92.5%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	32,391	124,698	110,494	7,396	(17,626)	257,353
Percentage	12.6%	48.5%	42.9%	2.9%	-6.8%	
Balance per trial balance						
Sundry receivable						257,353
GST receivable						7,752
Allowance for impairment of receivables from contracts with customers						(9,024)
Legal costs - recovery of rates						69,285
Rubbish fees						65,698
Total receivables general outstanding						391,064

Amounts shown above include GST (where applicable)

KEY INFORMATION

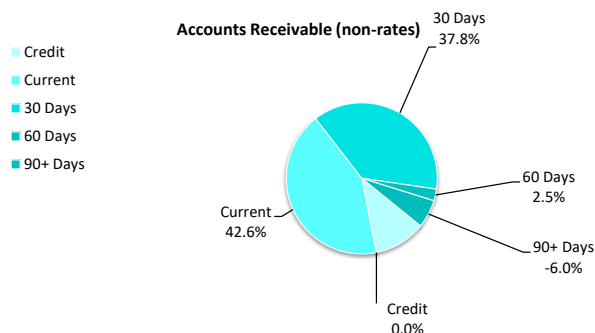
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

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

Classification and subsequent measurement

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

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



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

**OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS**

	Opening Balance 1 July 2022	Asset Increase	Asset Reduction	Closing Balance 30 April 2023
	\$	\$	\$	\$
Other current assets				
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,278	0	(1,133)	1,145
Financial assets at amortised cost - loan advances	1,929	0	(960)	969
Inventory				
Fuel	34,026	0	0	121,773
History books	14,865	87,747	0	14,865
Other Assets				
Prepayments	19,325	0	(19,325)	0
Total other current assets	72,423	87,747	(21,418)	138,752
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

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

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

Inventory

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

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

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

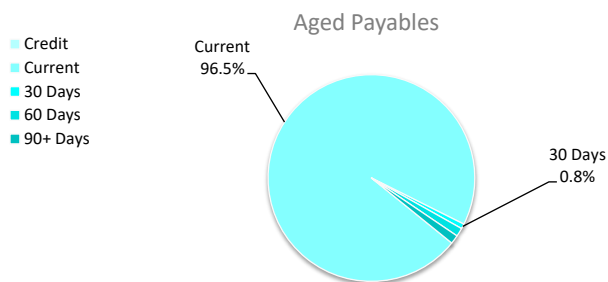
**OPERATING ACTIVITIES
NOTE 5
PAYABLES**

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	731,485	5,798	10,104	10,324	757,711
Percentage	0%	96.5%	0.8%	1.3%	1.4%	
Balance per trial balance						
Sundry creditors						758,370
ATO liabilities						(73)
Prepaid rates						138,772
Bonds & deposits						629,534
Total payables general outstanding						1,526,603

Amounts shown above include GST (where applicable)

KEY INFORMATION

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

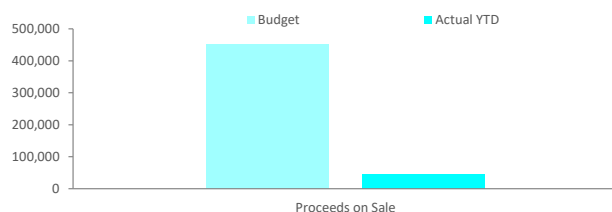


**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023**

**OPERATING ACTIVITIES
NOTE 6
DISPOSAL OF ASSETS**

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Buildings								
	Recreation and culture								
	Disposal of GG Tennis Club Rooms	0	0	0	0	59,660	0	0	(59,660)
	Disposal of GG Tennis Club Female Ablutions	0	0	0	0	13,692	0	0	(13,692)
	Disposal of GG Tennis Club Male Ablutions	0	0	0	0	15,109	0	0	(15,109)
	Disposal of Redfield Park Entry Statement	0	0	0	0	31,122	0	0	(31,122)
	Plant and equipment								
	Law, order, public safety								
	Sale of utility - GG073	16,363	16,363	0	0	15,001	16,364	1,362	0
	Sale of utility - GG070	15,000	15,000	0	0	0	0	0	0
	Sale of utility - GG074	15,000	15,000	0	0	0	0	0	0
	Sale of utility - GG09	10,000	10,000	0	0	0	0	0	0
	Sale of Light Tanker - GG051*	45,000	45,000	0	0	0	0	0	0
	Sale of Light Tanker - GG057*	45,000	45,000	0	0	0	0	0	0
	Sale of Light Tanker - GG069*	45,000	45,000	0	0	0	0	0	0
	Sale of Light Tanker - GG075*	45,000	45,000	0	0	0	0	0	0
	Health								
	Sale of vehicle - GG098 (LA)	7,273	7,273	0	0	0	7,273	7,273	0
	Recreation and culture								
	Sale of mower - GG034	7,200	7,200	0	0	0	0	0	0
	Sale of mower - GG041	7,200	7,200	0	0	0	0	0	0
	Transport								
	Sale of loader - GG006	63,636	63,636	0	0	0	0	0	0
	Sale of trailer - GG6015	1,000	1,000	0	0	0	0	0	0
	Sale of utility - GG049	20,909	20,909	0	0	8,599	20,909	12,310	0
	Sale of utility - GG051	20,000	20,000	0	0	0	0	0	0
	Sale of Van - GG009*	47,727	47,727	0	0	0	0	0	0
	Disposal of trailer - GG6725	0	0	0	0	300	0	0	(300)
	Economic services								
	Sale of utility - GG044	31,818	31,818	0	0	0	0	0	0
	Sale of trailer GG014 - GU c/park	4,000	4,000	0	0	0	0	0	0
	Sale of mower - GU c/park*	4,000	4,000	0	0	0	0	0	0
	Sale of equipment - GU c/park*	1,709	1,709	0	0	0	0	0	0
	Other property and services								
	Infrastructure - Parks and Ovals								
	Recreation and culture								
	Disposal of play equip - Pioneer Park LA*	0	0	0	0	2,403	0	0	(2,403)
	Disposal of play equip - Key Biscayne Park LP*	0	0	0	0	10,148	0	0	(10,148)
	Disposal of play equip - GU Country Club*	0	0	0	0	7,501	0	0	(7,501)
	Disposal of play equip - Granville Park GG*	0	0	0	0	11,881	0	0	(11,881)
	Disposal of play equip - Neergabby*	0	0	0	0	17,386	0	0	(17,386)
		452,835	452,835	0	0	192,801	44,545	20,945	(169,201)

* A result of a Council approved budget variation



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

**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS**

Capital acquisitions	Amended		YTD Actual	YTD Actual Variance
	FY Amended Budget	YTD Amended Budget		
	\$	\$	\$	\$
Land	90,000	90,000	2,625	(87,375)
Buildings - non-specialised	421,000	(100,550)	59,854	160,404
Buildings - specialised	718,914	583,626	413,754	(169,872)
Plant and equipment	3,237,965	(1,156,235)	152,632	1,308,867
Vehicles			947,645	947,645
Infrastructure - roads	4,993,689	4,219,830	4,602,545	382,715
Infrastructure - footpaths	20,000	20,000	25,119	5,119
Infrastructure - parks & ovals	1,361,995	1,238,743	406,233	(832,510)
Infrastructure - other	568,831	531,040	42,661	(488,379)
Infrastructure - bridges	130,000	130,000	0	(130,000)
Payments for Capital Acquisitions	11,542,394	5,556,454	6,653,068	1,096,614
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	6,386,200	2,600,563	3,656,952	1,056,389
Borrowings	550,000	0	0	0
Other (disposals & C/Fwd)	452,835	145,835	44,545	(101,290)
Cash backed reserves	1,818,497	2,295,605	462,108	(1,833,497)
Contribution - operations	2,334,862	514,451	2,489,462	1,975,011
Capital funding total	11,542,394	5,556,454	6,653,068	1,096,614

SIGNIFICANT ACCOUNTING POLICIES

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

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

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

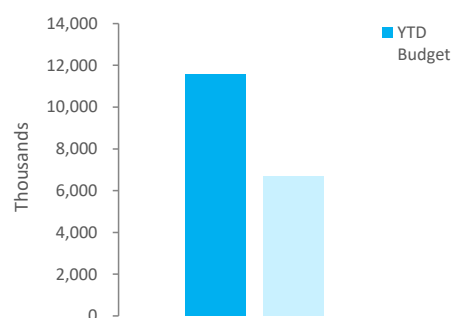
Initial recognition and measurement for assets held at cost

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

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

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

Payments for Capital Acquisitions

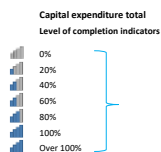


MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.4.2

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

INVESTING ACTIVITIES NOTE 7 CAPITAL ACQUISITIONS (CONTINUED)



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

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

	Account Description	Amended			
		FY Budget	YTD Budget	YTD Actual	Variance (Under)/Over
		\$	\$	\$	\$
BC1100-141103120	Ablution Block - Granville Park - Building (Capital)	0	(790)	0	790
BC1102-141103120	Ablution Block - Gabbadah Park - Building (Capital)	20,000	16,670	7,600	(9,070)
BC1140-141101120	Sovereign House & Ablution Block - Building (Capital)	40,000	33,340	12,050	(21,290)
BC1159-141103120	Jim Gordon V.C. Trail	10,618	8,850	393	(8,457)
BC11261-141102120	Ablution Block - Guilderton Foreshore - Building (Capital)	9,759	8,130	3,480	(4,650)
BC11290-141102140	Ablution Block - Lancelin Back Beach - Building (Capital)	16,000	14,330	14,402	72
BC11309-141103120	Old Road Board/Playgroup - Building (Capital)	0	(830)	0	830
BC11310-141103120	Gingin Pistol Club - Building (Capital)	15,125	12,600	0	(12,600)
BC11312-141103120	Gingin Bowling Club - Building (Capital)	60,000	50,000	23,912	(26,088)
BC11319-141103120	Gingin Recreation Centre - Building (Capital)	59,684	41,910	50,253	8,343
BC11700-141107140	Old Granville Building - Building (Capital)	300,000	299,330	7,333	(291,998)
BC1180-141103120	Ablution Block - Ledge Point Key Biscayne Park - B	0	(1,000)	0	1,000
BC1181-141103120	Ablution Block - Ledge Point Oval - Building (Capital)	10,000	8,330	0	(8,330)
BC1182-141007140	Ablution Block - Ledge Point De Burgh St - Building (Capital)	60,000	50,000	20,650	(29,350)
BC12290-141201140	Lancelin/Ledge Point Depot - Building (Capital) - Information Bays - Building (Capital)	20,000	16,670	4,318	(12,352)
BC1320-141302120	Information Bays - Building (Capital)	16,000	13,676	0	(13,676)
BC1321-141302120	Scenic Lookouts - Building (Capital)	20,000	16,670	0	(16,670)
BC13253-141302120	Redfield Park Entry Statement - Building (Capital)	15,000	12,500	10,443	(2,057)
BC14200-141402120	Gingin Administration Office - Building (Capital)	10,000	5,830	7,480	1,650
BC5100-140501120	Gingin Colocation Fire Facility - Building (Capital)	320,788	267,330	264,801	(2,529)
BC5160-140501120	Guilderton Fire Shed - Building (Capital)	25,000	20,830	0	(20,830)
BC5180-140501120	Ledge Point Fire Shed - Building (Capital)	5,000	4,170	0	(4,170)
BC5500-140501120	Gingin Fire Shed - Building (Capital) - (Robinson)	65,000	54,160	23,502	(30,658)
BC7700-140707140	Gingin Medical Centre - Building (Capital)	5,000	4,170	3,197	(973)
BC7740-140707140	Redfield Park First Aid Post - Building (Capital)	20,000	16,670	0	(16,670)
BC7791-140707120	Wangaree Community Centre - Building (Capital)	7,100	3,350	0	(3,350)
BC8290-140802120	Vins Way Lancelin Bus Shelter - Building (Capital)	9,840	8,730	9,840	1,110
BC9490-140904140	Seniors Units - Lancelin - Building (Capital)	0	(24,320)	9,955	34,275
CH90201-140902140	Gingin - Eco Lifestyle Purchase of Property	0	(477,400)	0	477,400
P005-140507300	4WD Utility Dual Cab CESM	60,793	15,793	0	(15,793)
P006-141203300	Case Loader GG006 - Plant Capital	291,500	61,500	0	(61,500)
P013-141203300	Isuzu Utility 4WD Space Cab - GG Maint Supervisor	59,633	18,633	0	(18,633)
P017-141203300	Isuzu Utility 4WD Space Cab (tipper) - Guilderton	68,517	22,517	0	(22,517)
P018-141203300	Sign Trailer - Capital Project	7,136	7,136	7,136	0
P02-140501300	Beerullah Hino Tanker GG02 - Plant Capital	0	(400,000)	0	400,000
P033-141203300	Isuzu Utility 4WD Space Cab (tipper) - LA Gardene	68,517	22,517	0	(22,517)
P034-141203300	Mower (Kubota) Lancelin - Capital Project	30,539	(9,461)	0	9,461
P04-140501300	Ocean Farm Hino Tanker GG04 - Plant Capital	0	(400,000)	0	400,000
P041-141203300	Mower (Kubota) Gingin - Capital Project	30,539	(9,461)	0	9,461
P049-141203300	Isuzu Utility 4WD Dual Cab - Construction/Maint Ut	64,615	23,615	64,615	41,000
P050-141203300	Isuzu Utility 4WD Dual Cab - Construction Ute GG05	67,450	22,450	0	(22,450)
P051-140501300	Ocean Farm Light Tanker GG05L - Plant Capital	236,938	236,938	236,938	(0)
P057-140501300	Seabird Light Tanker GG057 - Plant Capital	236,841	66,841	236,841	170,000
P06-140501300	Light Tanker GG06 - Plant Capital	0	(170,000)	0	170,000
P069-140501300	Red Gully Light Tanker GG069 - Plant Capital	236,921	236,921	236,921	(0)
P070-140503300	Isuzu Utility 4WD Space Cab - Ranger 3 GG070	58,160	17,160	0	(17,160)
P073-140503300	Isuzu Utility 4WD Space Cab - Ranger 1 GG073	58,160	(21,840)	56,369	78,209
P074-140503300	Isuzu Utility 4WD Space Cab - Ranger 2 GG074	58,160	17,160	0	(17,160)
P075-140501300	Guilderton Light Tanker GG075 - Plant Capital	236,946	236,946	236,946	(0)
P090-140501300	Seabird Fire Tanker GG090 - Plant Capital	0	(400,000)	0	400,000
P098-140706300	Service Medical Transfer Vehicle CATS LA GG098	0	0	21,064	21,064
-140707300	OTH HEALTH - Plant & Equipment (Capital) MUN	21,540	21,540	0	(21,540)
P3-140704300	Isuzu MU-X EHO 3GG - Capital Project	0	(38,000)	0	38,000
P4-140704300	Isuzu MU-X EMRDS 4GG - Capital Project	43,000	0	0	0
-141006300	PLAN - Plant & Equipment (Capital) MUN	(43,000)	(43,000)	0	43,000
P6-141402300	Isuzu MU-X Pool Car 6GG - Capital Project	0	(38,000)	0	38,000
P8-141006300	Utility Isuzu 4WD Dual Cab MSP 8GG - Capital Project	0	(38,000)	0	38,000
PNEW1-141203300	3.5 Tonne Excavator	93,700	42,700	0	(42,700)
PNEW2-141203300	Bob Cat	113,805	23,805	0	(23,805)
PNEW3-141203300	Diesel Fuel Tank 50,000 Litres	0	0	2,150	2,150
PSLASH-141203300	Slasher (Verge Maintenance) x 2 - Capital Project	0	0	1,110	1,110
-140401120	MEMBERS - Building - Specialised (Capital) MUN	0	(830)	0	830
-140501300	FIRE - Plant & Equipment (Capital) MUN	552,355	(682,645)	(947,645)	(265,000)
-14050131	FIRE - Vehicles (Capital) - MUN	0	0	947,645	947,645
-140706300	PREV OTH - Plant & Equipment (Capital) MUN	0	0	(21,064)	(21,064)
-140707300	OTH HEALTH - Plant & Equipment (Capital) MUN	0	(20,000)	21,250	41,250
-141203300	PLANT - Plant & Equipment (Capital) MUN	585,200	20,000	0	(20,000)
-141302080	TOUR - Land (Capital) MUN	90,000	90,000	2,625	(87,375)
-141302120	TOUR - Building Specialised (Capital)	0	0	(9,587)	(9,587)
-141302121	TOUR - Building Specialised WIP (Capital)	0	0	9,587	9,587
BR836-141201670	Lennards Bridge - Bridge (Capital)	130,000	130,000	0	(130,000)
CC10070-141007700	Cemetery Capital - Ground Penetration Radar	87,910	73,250	0	(73,250)
DC000-141201650	Drainage Construction	33,000	8,000	13,566	5,566
DC089-141201660	Bootline Road - Drainage Capital	0	0	10,480	10,480

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 12.4.2

INVESTING ACTIVITIES NOTE 7 CAPITAL ACQUISITIONS (CONTINUED)

Account Description	FY Budget	YTD Budget	YTD Actual	Variance (Under)/Over	
	\$	\$	\$	\$	
DC278-141201650	Lancelin Plaza - Drainage Capital	100,000	95,000	185,846	90,846
DC281-141201660	Laura Road - Drainage Capital	26,026	26,026	345	(25,681)
DC294-141201660	Maria Road - Drainage Capital	34,554	34,554	345	(34,209)
FC098-141201700	Brockman Street - Ginging - Footpath Capital	0	0	2,730	2,730
FC11261-141201700	Guilderton Beach Access Boardwalk	20,000	20,000	0	(20,000)
FC117-141201700	Cheriton Road - Footpath Capital	0	0	3,219	3,219
FC321-141201700	Mullins Street - Guilderton - Footpath Capital	0	0	19,170	19,170
LRCI0001-141201610	LRCI - Lancelin CBD Solar Lighting Upgrade	20,000	11,670	25,000	13,330
LRCI0002-140503900	LRCI - CCTV Guilderton Foreshore	80,000	66,670	0	(66,670)
LRCI0003-141103700	LRCI - Upgrade Power Supply Lancelin Sporting Comp	100,000	66,670	36,467	(30,203)
LRCI0004-141103700	LRCI - Power Supply Replacement and Upgrade Ledge	17,000	17,000	6,300	(10,700)
LRCI013-141201610	LRCI - Bootline Road	127,354	106,130	82,664	(23,466)
LRCI114-141201610	LRCI - Hopkins Street, LA (Capital)	114,000	95,000	56,233	(38,767)
LRCI128-141201610	LRCI - Gordon Street, GU (Capital)	25,000	20,830	23,420	2,590
LRCI130-141201610	LRCI - Anderson Street, GU (Capital)	25,000	20,830	25,000	4,170
LRCI135-141201610	LRCI - Fraser Street (Capital)	25,000	20,830	24,849	4,019
LRCI136-141201610	LRCI - Murray Street, GU (Capital)	43,000	35,830	43,000	7,170
LRCI150141201610	LRCI - De Burgh Street, LP (Capital)	79,000	65,830	64,066	(1,764)
LRCI161141201610	LRCI - Dewar Way, LP (Capital)	44,000	36,670	40,000	3,330
LRCI170141201610	LRCI - Wardrop Street, GU (Capital)	25,000	20,830	25,000	4,170
LRCI174141201610	LRCI - McCormick Street, SB (Capital)	44,000	36,670	36,175	(495)
LRCI182141201610	LRCI - Douglas Street, SB (Capital)	32,000	26,670	27,346	676
LRCI202141201610	LRCI - Gee Street, GU (Capital)	31,000	25,830	22,473	(3,357)
LRCI238141201610	LRCI - Collett Street, GU (Capital)	31,000	25,830	31,000	5,170
LRCI249141201610	LRCI - Kendall Road, LA (Capital)	114,000	95,000	78,590	(16,410)
LRCI301141201610	LRCI - Rodrigues Crescent, LP (Capital)	82,000	68,330	74,545	6,215
LRCI315141201610	LRCI - Lawrence Place, LP (Capital)	22,224	18,520	20,204	1,684
LRCI319141201610	LRCI - Harolds Way, SB (Capital)	48,000	40,000	72,482	32,482
OC10570141005900	Seabird Erosion Solution	0	(1,700)	0	1,700
OC10571141005900	Seabird Erosion Project - Repairs to seawall & boa	5,000	4,170	0	(4,170)
OC11200141102900	Gingin Swimming Pool Infrastructure (Capital) MUN	43,500	36,250	25,500	(10,750)
OC11264141102900	Guilderton Foreshore - boardwalk replace timbers	63,131	52,620	0	(52,620)
OC11265141302900	Guilderton Caravan Park - Replace Camping Power Po	10,000	9,330	0	(8,330)
OC11293141102700	Lancelin Foreshore Development - Cunliffe St	588,593	588,593	147,666	(440,927)
OC13263141302900	Caravan Park Fire Safety and Other Equipment	50,000	50,000	0	(50,000)
OC8791140804900	Horan St - Lions Mens Shed Carpark	17,200	14,700	17,161	2,461
PC11101141103700	Gingin Outdoor Activity Space (Regional Playground	40,000	29,480	55,337	25,857
PC11100141103700	Granville Park Dam Barrier	30,000	21,670	1,175	(20,495)
PC11314141103700	Gingin Regional Hardcourt Facility - Repair cracks	11,492	9,580	0	(9,580)
PC11380141103700	Ledge Point Recreation Ground - Replace & Upgrade	0	(8,330)	600	8,930
PC11391141103700	Lancelin Sporting Complex - second netball/basketb	0	(45,000)	0	45,000
PC1170141103700	Seabird Douglas Park	7,000	5,830	0	(5,830)
PC1189141103700	Ledge Point Off-Road Vehicle Area - Capital works	80,000	80,000	83,079	3,079
PC1191141103700	Lancelin Wangaree Park	0	0	0	0
PC1198141103700	Lancelin Skate Park Bowl (at BMX Track)	400,000	400,000	75,609	(324,391)
R2R001141201450	Moolabeenee Road (R2R)	0	0	0	0
R2R002141201450	Gingin Brook Road (R2R)	140,000	120,670	128,000	7,330
R2R004141201460	Beermullah Road West (R2R)	596,373	496,980	442,761	(54,219)
RC007141201420	Sappers Road (Capital)	0	0	0	0
RC008141201410	Kw Road (Capital)	0	0	0	0
RC012141201420	Wannamal Road West (Capital)	575,245	484,993	575,246	90,253
RC013141201420	Bootline Road (Capital)	0	0	0	0
RC020141201420	Cheriton Road (Capital)	0	0	0	0
RC215141201400	Weld Street (Capital)	0	0	4,519	4,519
RC244141201420	Nabaroo Road (Capital)	0	0	0	0
RC286141201420	Hoy Road (Capital)	0	0	30	30
RRG001141201490	Moolabeenee Road (RRG)	983,073	819,240	1,039,020	219,780
RRG003141201490	Cowalla Road (RRG)	95,640	90,897	103,854	12,957
RRSP002141201620	RRSP002 Gingin Brook Road (RRSP)	0	0	0	0
WSFN009141201620	KW Road WSFN - Intersection KW & Sappers Rd	547,051	455,880	555,591	99,711
		11,542,394	5,556,454	6,653,068	1,096,614

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

**FINANCING ACTIVITIES
NOTE 8
BORROWINGS**

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Health										
Gingin Medical Centre	100	69,891	0	0	(33,809)	(33,809)	36,082	36,082	(2,098)	(4,009)
Community amenities										
Tip Rationalisation Site	111	396,226	0	0	(21,386)	(21,386)	374,840	374,840	(15,713)	(25,374)
Seabird Sea Wall	127	102,876	0	0	(21,874)	(21,874)	81,002	81,002	(1,340)	(2,446)
Lancelin Caravan Park Assets	128	21,146	0	0	(21,146)	(21,146)	0	0	(68)	(266)
Recreation and culture										
Guilderton Country Club Hall Extension	114	296,110	0	0	(20,198)	(41,117)	275,912	254,993	(8,158)	(20,421)
Regional Hardcourt Facility	120	218,299	0	0	(12,485)	(25,386)	205,814	192,913	(6,813)	(14,165)
Regional Hardcourt Facility	124A	211,538	0	0	(11,292)	(22,817)	200,246	188,721	(3,724)	(8,503)
Gingin Swimming Pool Tiling	126	65,584	0	0	(15,647)	(15,647)	49,937	49,937	(1,082)	(1,913)
Gingin Outdoor Activity Space	132	160,414	0	0	(8,382)	(16,824)	152,032	143,590	(1,067)	(2,237)
Lancelin Cunliffe Street Carpark	New	0	250,000	0	0	0	250,000	0	0	0
Economic services										
Guilderton Caravan Park Waste Water	New	0	0	300,000	0	0	0	300,000	0	0
Other property and services										
Altus Financials Suite	131	148,587	0	0	(4,645)	(9,334)	143,942	139,253	(1,338)	(2,835)
Lot 44 Weld Street, Gingin	123	135,491	0	0	(18,902)	(18,902)	116,589	116,589	(7,149)	(9,107)
		1,826,162	0	550,000	(189,766)	(248,242)	1,636,396	2,127,920	(48,549)	(91,276)
Self supporting loans										
Recreation and culture										
Ledge Point Country Club Cool Room	130	17,023	0	0	(1,133)	(2,278)	15,890	14,745	(144)	(355)
Guilderton Bowling Club Synthetic Greens - Advance	016	0	0	0	0	(1,929)	0	0	0	0
		17,023	0	0	(1,133)	(4,207)	15,890	14,745	(144)	(355)
Total		1,843,185	0	550,000	(190,899)	(252,449)	1,652,286	2,142,665	(48,693)	(91,631)
Current borrowings		252,449					59,623			
Non-current borrowings		1,590,736					1,592,663			
		1,843,185					1,652,286			

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

New borrowings 2022-23

Particulars	Amount Borrowed	Amount Borrowed	Institution	Loan Type	Term Years	Total Interest & Charges	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget						Actual	Budget	
	\$	\$					%	\$	\$	\$
Guilderton Caravan Park Waste Water	0	300,000						0	300,000	0
Lancelin Cunliffe Street Carpark	0	250,000						0	250,000	0
	0	550,000				0		0	550,000	0

The Shire has no unspent debenture funds as at 30th June 2022, nor is it expected to have unspent funds as at 30th June 2023.

KEY INFORMATION

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

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

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

FINANCING ACTIVITIES

NOTE 9

LEASE LIABILITIES

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2022	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Other property and services										
Lancelin administration office	1	9,126	0	0	(7,829)	(7,041)	1,297	2,085	(52)	(50)
Postal franking machine	2	0	0	0	0	0	0	0	0	(50)
Photocopier - Ineo 958	3	10,181	0	0	(6,346)	(7,622)	3,835	2,559	(68)	(73)
IT Server	4	60,175	0	0	(14,433)	(17,338)	45,742	42,837	(578)	(676)
Total		79,482	0	0	(28,608)	(32,001)	50,874	47,481	(699)	(849)
Current lease liabilities		33,693					5,085			
Non-current lease liabilities		45,789					45,789			
		79,482					50,874			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

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

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

**MINUTES
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20 JUNE 2023**

APPENDIX 12.4.2

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

**OPERATING ACTIVITIES
NOTE 10
RESERVE ACCOUNTS**

Reserve accounts

Reserve name	Actual Opening Balance	Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
LSL, Annual, Sick Leave and Staff Contingency	429,670	10,404	3,461	0	0	0	0	440,074	433,131
Plant and Equipment Reserve	1,593,152	38,573	12,832	20,527	0	(943,576)	0	708,676	1,605,984
Land and Buildings Reserve	916,406	22,188	7,381	0	0	(522,697)	0	415,897	923,787
Guilderton Caravan Park Reserve	34,018	823	274	0	0	(30,000)	0	4,841	34,292
Shire Recreation Development Reserve	469,779	11,374	3,784	90,000	0	(208,200)	0	362,953	473,563
Redfield Park Reserve	31,469	763	253	0	0	0	0	32,232	31,722
Ocean Farm Recreation Reserve	31,161	754	251	0	0	0	0	31,915	31,412
Tip Rationalisation Reserve	1,973,830	47,790	15,898	208,461	0	(55,000)	0	2,175,081	1,989,728
Lancelin Community Sport and Recreation Reserve	103,512	2,506	834	19,775	0	(5,352)	0	120,441	104,346
Community Infrastructure Reserve	36,531	885	294	2,400	0	0	(1,600)	39,816	35,225
Staff Housing	33,559	613	270	0	0	0	0	34,172	33,829
Future Infrastructure Reserve	529,305	12,815	4,263	0	0	0	0	542,120	533,568
Guilderton Country Club Reserve	27,237	659	219	8,080	0	(15,000)	0	20,976	27,456
Coastal Management Reserve - Coastal Inundation	292,391	7,080	2,355	100,000	0	(40,200)	0	359,271	294,746
Guilderton Foreshore Reserve	121,075	2,932	975	207,073	0	0	0	331,080	122,050
Unspent Grants Reserve - Youth Services Website Grant	5,014	121	40	0	0	0	0	5,135	5,054
Seniors Housing Reserve	162,145	3,926	1,306	25,000	0	0	0	191,071	163,451
Gingin Railway Station Reserve	5,747	140	46	0	0	0	0	5,887	5,793
Contributions to Roads Reserve - Cullalla Road Intersection	45,128	1,093	363	0	0	0	0	46,221	45,491
Contribution to Roads Reserve - Cowalla Road Intersection	16,046	388	129	0	0	0	0	16,434	16,175
Contribution to Roads Reserve - Chitna Road	3,009	73	24	0	0	0	0	3,082	3,033
Contribution to Roads Reserve - Balance of Muni Funds	700,377	16,957	5,641	300,000	0	(420,580)	0	596,754	706,018
Community Infrastructure Reserve - Lower Coastal Fire Control	25,266	612	204	0	0	0	0	25,878	25,470
Community Infrastructure Reserve - Gingin Logo Plates	8,030	195	65	0	0	0	0	8,225	8,095
Community Infrastructure Reserve - Gingin Ambulance	48,120	1,165	388	6,000	0	0	0	55,285	48,508
Community Infrastructure - Lancelin Ambulance Subdivision Reserve - Mallee Lane Subdivision Contribution towards DUP Cheriton Rd to Brockman St	30,937	750	249	18,000	0	0	0	49,687	31,186
Public Open Space Reserve	14,672	355	118	0	0	0	0	15,027	14,790
Guilderton Trailer Parking Reserve	26,050	630	210	0	0	0	0	26,680	26,260
Guilderton Trailer Parking Reserve	26,745	648	215	5,760	0	0	0	33,153	26,960
Gingin Outdoor Activity Space	4,834	117	39	0	0	0	0	4,951	4,873
Wheatbelt Development Commission - Tourism Project	0	0	0	55,000	55,000	(55,000)	0	0	55,000
	7,745,215	187,329	62,384	1,066,076	55,000	(2,295,605)	(1,600)	6,703,015	7,860,999

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

**OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES**

	Note	Opening Balance 1 July 2022	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 30 April 2023
		\$		\$	\$	\$
Other current liabilities						
Other liabilities						
- Contract liabilities		1,410,754	0	3,298,382	(3,407,527)	1,301,608
Total other liabilities		1,410,754	0	3,298,382	(3,407,527)	1,301,608
Employee Related Provisions						
Annual leave		539,939	0	0	0	539,939
Long service leave		269,574	0	0	0	269,574
Total Employee Related Provisions		809,513	0	0	0	809,513
Other Provisions						
Provision for sick leave		120,544	0	0	0	120,544
Total Other Provisions		120,544	0	0	0	120,544
Total other current assets		2,340,811	0	3,298,382	(3,407,527)	2,231,665
Amounts shown above include GST (where applicable)						

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

KEY INFORMATION

Provisions

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

Employee Related Provisions

Short-term employee benefits

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

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

Other long-term employee benefits

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

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

Contract liabilities

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

Capital grant/contribution liabilities

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

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APPENDIX 12.4.2

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

NOTE 12
OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue					
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Amended Annual Budget	YTD Amended	Original Annual Budget	Budget Variations	Expected	YTD Revenue
	1 July 2022		(As revenue)	30 Apr 2023	30 Apr 2023	Revenue	Budget	Budget			Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating grants and subsidies											
General purpose funding											
Financial Assistance Grant - General Purpose	0	0	0	0	0	345,836	345,836	193,362	152,474	345,836	259,377
Financial Assistance Grant - Roads	0	0	0	0	0	184,852	184,852	103,078	81,774	184,852	138,639
Financial Assistance Grant - Bridges	0	262,546	0	262,546	262,546	0	0	0	0	0	0
Law, order, public safety											
Ledge Point Off-road Vehicle Area	46,971	0	(46,971)	0	0	46,971	46,971	46,971	0	46,971	46,971
DFES Operating Grant	0	0	0	0	0	251,308	209,420	251,308	0	251,308	251,308
Education and welfare											
Volunteering WA - Promotion of WA Marketing Grant	0	0	0	0	0	0	0	0	0	0	8,000
Community amenities											
Coastal Hazard Risk Management Plan Grant	50,000	0	(50,000)	0	0	47,587	39,660	47,587	0	47,587	50,000
CAP Grant Funding	0	0	0	0	0	35,200	16,880	109,900	(74,700)	35,200	34,835
Recreation and culture											
Library - Technology & Digital Grant	0	0	0	0	0	500	420	500	0	500	0
Transport											
Direct Road Grant MRWA	0	0	0	0	0	248,580	248,580	248,580	0	248,580	248,580
	96,971	262,546	(96,971)	262,546	262,546	1,160,834	1,092,619	1,001,286	159,548	1,160,834	1,037,710
Operating contributions											
General purpose funding											
Recovery of legal costs - rates	0	0	0	0	0	0	0	80,000	(80,000)	0	0
Rates incentive Prize Night	0	0	0	0	0	12,000	12,000	0	12,000	12,000	12,000
Law, order, public safety											
CESM Grant - DFES	0	0	0	0	0	61,285	51,070	61,285	0	61,285	75,009
BRMO Grant - DFES	23,734	122,467	(53,271)	92,930	92,930	122,467	102,060	122,467	0	122,467	53,271
MAF Mitigation - DFES	0	171,203	(76,132)	95,070	95,070	342,405	342,405	0	342,405	342,405	76,132
Health											
Sale of logo plates	0	0	0	0	0	0	0	0	0	0	227
Education and welfare											
Gingin Men's Shed - Contribution	0	0	0	0	0	0	0	0	0	0	5
Community amenities											
Claymont Estate - Planning contributions	0	0	0	0	0	2,400	0	14,400	(12,000)	2,400	(2,109)
Drum Muster	0	0	0	0	0	0	(330)	2,000	(2,000)	0	0
Waste and Rubbish Charges	0	1,477,600	(1,477,600)	0	0	0	0	0	0	0	0
Recreation and culture											
Naming Sponsorship - Gingin Aquatic Centre - Image	0	0	0	0	0	10,000	8,330	10,000	0	10,000	10,000
Contribution income for suite of events	0	0	0	0	0	10,000	8,000	12,000	(2,000)	10,000	12,682
Contributions - Library Services	0	0	0	0	0	100	80	100	0	100	0
Transport											
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	62,500	62,500	0	62,500	62,500	62,500
Economic services											
Guilderton Caravan Park Deposit Liability	293,467	0	0	293,467	293,467	0	0	0	0	0	0
Other property and services											
Administration contributions	0	0	0	0	0	0	(4,840)	29,000	(29,000)	0	0
Workers compensation contribution provision	0	0	0	0	0	0	(20)	100	(100)	0	0
	317,201	1,771,270	(1,607,003)	481,468	481,468	623,157	581,255	331,352	291,805	623,157	299,717
TOTALS	414,172	2,033,816	(1,703,974)	744,014	744,014	1,783,991	1,673,874	1,332,638	451,353	1,783,991	1,337,427

**MINUTES
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20 JUNE 2023**

APPENDIX 12.4.2

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

NOTE 13
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue					
	Liability 1 July 2022	Increase in Liability	Decrease in Liability (As revenue)	Liability 30 Apr 2023	Current Liability 30 Apr 2023	Amended Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non-operating grants and subsidies											
Law, order, public safety											
DFES - Capital Grant - Buildings	320,789	0	(273,378)	47,411	47,411	320,788	320,788	320,788	0	320,788	273,378
DFES - Capital Grant - Vehicles	0	0	0	0	0	1,500,000	(1,275,000)	3,455,000	(1,955,000)	1,500,000	947,645
LRCI - Unspent funds - CCTV	0	40,000	0	40,000	40,000	0	0	0	0	0	0
Community amenities											
CMPAP - Coastal Management Strategy	0	0	0	0	0	100,000	75,000	100,000	0	100,000	0
Coastal Hazard Risk Management Plan	0	0	0	0	0	26,450	19,839	26,450	0	26,450	0
Recreation and culture											
LRCI - Unspent funds	18,581	125,000	(3,480)	140,101	140,101	448,800	133,051	1,263,005	(814,205)	448,800	3,480
Cunliffe Street Redevelopment	0	0	0	0	0	250,000	187,500	250,000	0	250,000	0
CSRFF - Lancelin Sports Complex Multi-court	0	0	0	0	0	0	(22,500)	90,000	(90,000)	0	0
Transport											
LRCI - Unspent Funds Roads	373,332	417,112	(719,163)	71,281	71,281	1,268,629	1,268,629	0	1,268,629	1,268,629	719,163
Roads to Recovery	283,880	682,455	(707,533)	258,802	258,802	1,078,130	876,097	1,078,130	0	1,078,130	707,533
Regional Road Group (Cowalla & Mooliabeenee Rd)	0	0	0	0	0	393,175	266,991	504,742	(111,567)	393,175	0
Wheatbelt Secondary Freight Network (KW Rd)	0	0	0	0	0	1,000,228	750,168	1,000,228	0	1,000,228	1,005,754
	996,582	1,264,567	(1,703,554)	557,595	557,595	6,386,200	2,600,563	8,088,343	(1,702,143)	6,386,200	3,656,952

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

**NOTE 14
TRUST FUND**

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance	Amount	Amount	Closing Balance
	1 July 2022	Received	Paid	30 Apr 2023
	\$	\$	\$	\$
Public Open Space	11,326	0	0	11,326
	11,326	0	0	11,326

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APPENDIX 12.4.2

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

NOTE 15 BUDGET AMENDMENTS

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

GL/Project Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
151201810	Repair of Floodway Crossings on Maria and Laura Roads, Wanerie - transfer from reserve 31	OCM 18/10/2022 - 14.1	Capital Revenue	0	95,000	0	95,000
DC281	Repair of Floodway Crossings on Maria and Laura Roads, Wanerie	OCM 18/10/2022 - 14.1	Capital Expenses	0		(45,000)	50,000
DC294	Repair of Floodway Crossings on Maria and Laura Roads, Wanerie	OCM 18/10/2022 - 14.1	Capital Expenses	0	0	(50,000)	0
151201810	Cunliffe Street Development - transfer from reserve 31	OCM 18/10/2022 - 18.1	Capital Revenue	0	100,000	0	100,000
OC11293	Cunliffe Street Redevelopment	OCM 8/10/2022 - 18.1	Capital Expenses	0	0	(100,000)	0
120401040	Transfer \$3,100 from Council Member Ess. to 120402840 (AUD002) for 2022 Compliance Audit Return	Management Approval	Operating Expenses	0	3,100	0	3,100
AUD002	Compliance Audit Return - Management approval to transfer \$3,100 from Council Member Ess. to 120402840 (AUD002)	Management Approval	Operating Expenses	0	0	(3,100)	0
151203810	Transfer from Plant Reserve - Purchase of New 5.5T Excavator (amended from 3.5T Excavator)	OCM 15/11/2022 - 15.1	Capital Revenue	0	69,000	0	69,000
PNEW1	Purchase of New 5.5T Excavator (amended from 3.5T Excavator)	OCM 15/11/2022 - 15.1	Capital Expenses	0	0	(69,000)	0
SPI12303	Trade of John Deere tractor GG012	OCM 15/11/2022 - 15.1	Capital Revenue	0	30,000	0	30,000
PNEW2	Purchase of New Compact Track Loader (Skid Steer) additional implements	OCM 15/11/2022 - 15.1	Capital Expenses	0	0	(30,000)	0
GI12110	LRCI Phase 3 - Road works transferred from Rec & Cultrre	Management Approval	Capital Revenue	0	873,246	0	873,246
GI11300	LRCI Phase 3 - Road works transferred to Transport	Management Approval	Capital Revenue	0		(873,246)	0
151201810	Lennards Bridge Unbudgeted Expenditure	OCM 20/12/2022 - 14.1	Capital Revenue	0	130,000	0	130,000
BR836	LRCI Phase 3 - Road works transferred to Transport	OCM 20/12/2022 - 14.1	Capital Expenses	0	0	(130,000)	0
151201810	Pruning Trees along Dewar Road	OCM 20/12/2022 - 14.2	Capital Revenue	0	50,000	0	50,000
RM212	Pruning Trees along Dewar Road	OCM 20/12/2022 - 14.2	Capital Expenses	0	0	(50,000)	0
DC000	Road Assets Revaluation - Unbudgeted Expenditure	OCM 20/12/2022 - 14.2	Capital Expenses	0	82,000	0	82,000
RV14200	Road Assets Revaluation - Unbudgeted Expenditure Updating / Replacing of fire safety equipment at Guilderton Caravan Park Transfer from Land and Building	OCM 20/12/2022 - 14.2	Operating Expenses	0	0	(82,000)	0
151107810	Reserve #5 Updating / Replacing of fire safety equipment at Guilderton Caravan Park - Transfer from Guilderton	OCM 20/12/2022 - 17.1	Capital Revenue	0	20,000	0	20,000
151302810	Caravan Park Reserve #6 Updating / Replacing of fire safety equipment at Guilderton Caravan Park	OCM 20/12/2022 - 17.1	Capital Revenue	0	30,000	0	50,000
OC13263	Transfer from Road Reserve #31 - Lancelin Plaza unbudgeted Expenditure	OCM 20/12/2022 - 17.1	Capital Expenses	0	0	(50,000)	0
151201810	Lancelin Plaza Drainage	OCM 17/01/2023 - 14.1	Capital Expenses	0	80,000	0	80,000
DC278	Lancelin Plaza Drainage	OCM 17/01/2023 - 14.1	Capital Expenses	0	0	(80,000)	0
Various	Annual Budget Review	OCM 21/03/2023 - 12.3		0	0	0	0
151107810	Transfer from Land & Building Reserve #5 for repairs to Old Granville Building	OCM 21/03/2023 - 14.2	Capital Revenue	0	300,000	0	0
BC11700	Repairs to Old Granville Building	OCM 21/03/2023 - 14.2	Capital Expenses	0	0	(300,000)	(300,000)
151103810	Transfer from Lancelin Community Sport & Recreation Reserve #11 - Lancelin Community Sporting Club Lounge Area Blinds	OCM 18/4/2023 - 12.5	Capital Revenue	0	5,352	0	5,352
CG11301	Lancelin Community Sporting Club Lounge Area Blinds	OCM 18/4/2023 - 12.5	Operating Expenses	0	0	(5,352)	0
141203810	Disposition of Assets - Guilderton Caravan Park Plant Items	OCM 18/4/2023 - 12.4	Capital Expenses	0	0	(20,527)	(20,527)
SPI13200	Disposition of Assets - Guilderton Caravan Park Plant Items	OCM 18/4/2023 - 12.4	Capital Revenue	0	0	(1,000)	(21,527)
SV13200	Disposition of Assets - Guilderton Caravan Park Plant Items	OCM 18/4/2023 - 12.4	Capital Revenue	0	15,818	0	(5,709)
151203500	Disposition of Assets - Guilderton Caravan Park Plant Items	OCM 18/4/2023 - 12.4	Capital Revenue	0	5,709	0	0
151103810	Transfer from Shire Recreation & Development Reserve #7 - Urgent Council Playground Repairs	OCM 18/4/2023 - 14.2	Capital Revenue	0	40,000	0	40,000
121103680	Urgent Council Playground Repairs	OCM 18/4/2023 - 14.2	Operating Expenses	0	0	(40,000)	0
151203810	Transfer from plant and Equipment reserve #3	OCM 18/4/2023 - 14.1	Capital Revenue	0	41,376	0	41,376
SV12304	Proceeds on sale of GG009 - VW Transporter Van	OCM 18/4/2023 - 14.1	Capital Revenue	0	47,727	0	89,103
SV11300	Retention of Fleet Vehicle - GG017	OCM 18/4/2023 - 14.1	Capital Revenue	0	0	(21,818)	49,104
SV11301	Retention of Fleet Vehicle - GG033	OCM 18/4/2023 - 14.1	Capital Revenue	0	0	(21,818)	27,286
SV12302	Retention of Fleet Vehicle - GG050	OCM 18/4/2023 - 14.1	Capital Revenue	0	0	(21,818)	5,468
P050	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	0	(2,001)	3,467
P013	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	367	0	3,834
P017	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	0	(1,917)	1,917
P033	Purchase of New Fleet Vehicle	OCM 18/4/2023 - 14.1	Capital Expenses	0	0	(1,917)	0
				0	2,018,695	(2,018,695)	0

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY										NOTE 16	
FOR THE PERIOD ENDED 30 APRIL 2023										EXPLANATION OF MATERIAL VARIANCES	
The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.											
The material variance adopted by Council for the 2022-23 year is \$20,000 or 10.00% whichever is the greater.											
Nature or type	Var. \$	Var. %		Explanation of positive cash variances		Explanation of negative cash variances					
				Timing	Permanent	Timing	Permanent				
	\$	%									
Revenue from operating activities											
Operating grants, subsidies and contributions	(336,447)	(20.10%)	▼					BRPC DFES funding allocation, Fire Mitigation funding, Financial Assistance Grants			
Interest earnings	(54,670)	(20.63%)	▼					Interest on Municipal and Reserve Funds held in Term Deposit.			
Profit on disposal of assets	20,945	0.00%	▲			Vehicle change overs - not budgeted due to supply uncertainty.					
Expenditure from operating activities											
Depreciation on non-current assets	4,341,072	79.08%	▲			Depreciation still being processed for 22/23					
Insurance expenses	(57,568)	(17.91%)	▼					Insurance premiums paid in full by October 2022.		Public liability and workers compensation insurance	
Loss on disposal of assets	(169,201)	0.00%	▼							Impaired asset disposals	
Non-cash amounts excluded from operating activities	(4,192,816)	(76.38%)	▼					Depreciation still being processed for 22/23			
Investing activities											
Proceeds from non-operating grants, subsidies and contributions	1,056,389	40.62%	▲			Timing of works, aquittals and contract liability movements including CDG grant for Cunliffe Street Redevelopment					
Proceeds from disposal of assets	(101,290)	(69.45%)	▼					Timing of asset disposals			
Payments for property, plant and equipment and infrastructure	(1,096,614)	(19.74%)	▼					Timing of payments for capital works program			
Financing activities											
Transfer from reserves	(460,508)	(99.65%)	▼					End of Year process			
Transfer to reserves	616,809	84.01%	▲			End of Year process					
Closing funding surplus / (deficit)	831,787	(49.70%)	▲								

12.5 UNBUDGETED EXPENDITURE REPAIRS TO CWA

File	A59
Author	Danica Todd - Operations and Assets Support Officer
Reporting Officer	Vanessa Crispe - Executive Manager Operations and Assets
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider approving unbudgeted expenditure to carry out urgent repair works to the Shire-owned building located on Lot 166 (11) Constable Street, Gingin commonly referred to as the “CWA building”.

BACKGROUND

The CWA building dates from 1899 and is listed in the Shire of Gingin’s Municipal Heritage Inventory as Category C. Category C is a place of some cultural heritage significance to the Shire. This listing has no constraints and encourages retention of the building.

The Gingin Arts and Craft Group Inc. currently holds the lease on this building. The lease expires on 29 February 2024 with the option of a 2 year further term expiring on 28 February 2026.

NRM Consultants carried out an inspection of the building on 23 May 2023 which highlighted several structural issues. The issues raised include failing floor structure due to extensive termite damage and rising damp throughout the structure.

Previous to this, on 17 May 2023 Site Environmental and Remediation Services carried out an inspection to locate any asbestos on site. The four rooms contained within the building were inspected, with only one showing no detection of asbestos.

In May the Shire’s Principal Environmental Health Officer further inspected the building with the Asset Technical Officer and closed the building to the public due to safety concerns.

COMMENT

Observations made during the inspections included rising damp around the location and moisture damage to the floor timbers which is affecting the structural integrity of the timber decking that is not designed for timber joist floors.

The inspection noted the main causes of moisture and rising damp in the structure were from foundation level where it appeared there may be insufficient water protection/barrier at the masonry wall below ground level.

Dampness tends to cause secondary damage to the building. The unwanted moisture enables the growth of various fungi in wood, causing rot or mould health issues and may eventually lead to sick building syndrome and plaster and paint deterioration. Rising damp can also cause brickwork to become friable, and cause delamination between the brickwork and render layers. Friable brickwork is a problem because it can undermine the structural integrity of the brickwork and timber.

Inherent termite infestations have plagued this building for decades. As the floor structure has now been deemed unsafe it is not viable to replace it with timber and therefore a more suitable flooring such as concrete is emphasised on the construction detail and reflected in the quotes.

The stages of works would be as follows:

1. Removal of existing jarrah floorboards treated as non-friable Asbestos;
2. Build up void with yellow sand and blue metal;
3. Concrete floors;
4. Install Skirting boards; and
5. Patching and Painting

To provide some indication to the potential costs to undertake repair works, preliminary quotes have been sought and provide an estimate for budgeting purposes. The quotes received to date range between \$52,000 and \$72,000, but this figure does not include the supply and delivery of materials (yellow sand and blue metal) by the Shire.

Equally, due to the varying capabilities/capacity of, and assessments by, each firm's quoting, the scope of work quoted by each differs. One does not include the provision of a tipper trailer and vehicle or asbestos/floor removal, but does include the removal and replacement of the existing toilet and painting, whilst the other is the opposite.

Council's Policy 3.10 Purchasing requires that three quotes be obtained in order to progress work with a value above \$50,000, and this will be done. However, given the necessity to address this work prior to adoption of the 2023/24 Budget, it is recommended that a provision be allocated within the current budget to enable final quotes to be obtained, assessed, and awarded without further delay.

Acknowledging the uncertainty of works quoted, it is proposed that the budget provision be set at \$90,000.

STATUTORY/LOCAL LAW IMPLICATIONS

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

Policy 3.9 Purchasing and Ordering of Goods
Policy 3.10 Purchasing

BUDGET IMPLICATIONS

It is proposed the provision be funded from the Land and Building Reserve which has a current balance of \$590,097.

If Council is supportive of the Officer’s recommendation, then the budget will be amended in accordance with the following table:

Account	Description	Current Budget \$	Revised Budget \$	Surplus/Deficit \$
BC11103	Building – Gingin CWA (Capital)	\$0	\$90,000	\$90,000
151107810	Transfer from Land and Building Reserve – ECON	\$0	(\$90,000)	(\$90,000)
Net				0

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Rule

That Council agree to amend the adopted 2022/23 Budget in accordance with the following table to allow for the engagement of contractors to undertake urgently required remedial works to the CWA building located at Lot 166 (11) Constable Street, Gingin:

Account	Description	Current Budget \$	Revised Budget \$	Surplus/Deficit \$
BC11103	Building – Gingin CWA (Capital)	\$0	\$90,000	\$90,000
151107810	Transfer from Land and Building Reserve – ECON	\$0	(\$90,000)	(\$90,000)
Net				0

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

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

AGAINST: *Nil*

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 TOWN PLANNING DELEGATIONS

File	GOV/31
Author	Kylie Bacon - Coordinator Strategic Planning & Projects
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	5 August 2003 – Item 10.1.2, 5 August 2003 - Item 10.1.2, 19 December 2017 - Item 11.3.3,
Appendices	<ol style="list-style-type: none"> 1. Delegation 8 1 6 Illegal Development June 23 OCM [13.1.1 - 2 pages] 2. Delegation 8 1 7 Determination of Development Approval June 23 OCM [13.1.2 - 5 pages] 3. Delegation 8 1 8 Subdivision Amalgamation June 23 OCM [13.1.3 - 2 pages] 4. Repealed Delegations [13.1.4 - 9 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the repeal of existing Delegations 8.1.1 Town Planning Powers, 8.1.2 Advertising, 8.1.3 Non-Statutory Delegations, 8.1.4 Miscellaneous and 8.1.5 Sea Containers, the amendment of Delegation 8.1.6 Illegal Development, and the adoption of new Delegations 8.1.7 Determination of Development Applications and 8.1.8 Subdivision/Amalgamation.

BACKGROUND

The use of delegated authority means that the large volume of routine work required of the local government can be effectively managed and acted on promptly, which expedites efficient service delivery to the community. Delegated authority allows the Council to concentrate on policy development, representation, strategic planning, and most importantly, leadership in the community.

Delegations of authority are required in order to provide employees with the power to exercise duties and make discretionary decisions in line with their role in local government. It is essential that the Shire's delegations are performed in a manner that is in accordance with the delegation and is compliant with legislation.

The proposed actions will increase the scope of delegation to the CEO to make town planning and regulatory decisions in a framework that provides more efficient service delivery to the community. This includes updating planning terminology to be consistent with current planning legislation and extending the delegation to determine applications for Development Approval which seek variations under certain conditions.

Delegation 8.1.1 Town Planning Powers was originally adopted by Council in 2003, and several minor amendments have been made to the delegation from time to time over the intervening period. An in-depth review of the delegation has now been conducted which has led to a recommendation to repeal the delegation being it replaced with Delegation 8.1.7 Determination of Development Applications and Delegation 8.1.8 Subdivision/Amalgamation.

The powers currently contained in Delegations 8.1.2 Advertising and 8.1.5 Sea Containers have been incorporated into the proposed new Delegation 8.1.7 Determination of Development Applications.

Delegations 8.1.3 Non-Statutory Delegations and 8.1.4 Miscellaneous are recommended for repeal as the activities they address are either administrative procedures for which there is no express power that can be delegated, or otherwise have been addressed in Delegations 8.1.6, 8.1.7 and or 8.1.8.

A copy of the respective delegations is provided in the Appendices.

COMMENT

Delegation 8.1.6 Illegal Development

No significant amendment is proposed to this delegation that would change its intent. The proposed amendments update planning terminology to be consistent with current planning legislation and clarify the delegation's functions and conditions.

Delegation 8.1.7 Determination of Development Applications

Delegation 8.1.7 proposes an extension of the powers delegated to the CEO, reducing the need for Council to determine proposals, particularly for those that seek variations which are minor in scale, where no objections have been received, and which ultimately do not affect the amenity of the surrounding locality. Furthermore, it will align the delegation with current planning terminology and legislation and will provide a clear and transparent framework for decision making.

An extension to these powers is variations to residential development under Residential Design Codes of Western Australia (as amended) and Local Planning Scheme No. 9 (as amended).

This pertains to the following:

To determine all development applications for a single house (including outbuildings), grouped and multiple dwelling development including:

- a. Variations to the deemed-to-comply requirements of the Residential Design Codes, Local Planning Policies and Scheme provisions in accordance with the conditions of delegation.*
- b. Minor amendments to Development Applications previously approved, (including those previously approved by resolution of Council) that, if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable).*
- c. Proposals for the extension of development approval, where that approval has since expired or is due to expire prior to project commencement or completion, including determination as to whether public advertising is required.*

There would be no set prescriptive standards when applications are seeking a variation(s) to the deemed to comply provisions of the R Codes (requiring assessment under the design principles), a Local Planning Policy or site and development standard(s) of the Scheme provisions. It would be at the discretion of the assessing officer to make an informed decision against the design principles of the R Codes and the objectives of a local planning policy or scheme where applicable.

Variations to Discretionary Land Use and Development

This pertains to the following:

To determine all applications for development approval where the proposed use is a 'D' use in the zoning table of Local Planning Scheme No. 9 including:

- a. Variations to the deemed-to-comply requirements of the Residential Design Codes, Local Planning Policies and Scheme provisions in accordance with the conditions of delegation.*
- b. Minor amendments to Development Applications previously approved, (including those previously approved by resolution of Council) that, if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable).*
- c. Proposals for the extension of development approval, where that approval has since expired or is due to expire prior to project commencement or completion, including determination as to whether public advertising is required (including those previously approved by resolution of Council).*

All “D” discretionary use classes in the LPS 9 Zoning Table can be determined seeking variations to the deemed-to-comply requirements of the Residential Design Codes, Local Planning Policies, Scheme provisions and any other applicable planning instrument in accordance with the conditions of delegation. Variations could be (whilst not being limited to) variations to the deemed to comply requirements of the R Codes (assessment under the design principles), variations to a Local Planning Policy and variations to site and development standards/requirements to the Scheme. Again, there would be no set prescriptive standards when applications are seeking a variation(s), it would be at the discretion of the assessing officer to make an informed decision as outlined above.

Any variations to a State Planning Policy (except the R Codes), Guideline or Industry Guideline or Standard would need Council’s determination unless conditioned otherwise in the Delegation.

Delegation 8.1.8 Subdivision/Amalgamation

Through the briefing session process and consultation with elected members, recommendations for amendments to Delegation 8.1.8 were suggested. These are as follows:

- Reducing the number of lots that can be approved under delegation from 50 to 35 lots. This change has been implemented in condition one of the delegation.
- Council having input where there is a requirement for developer deeds and management of public open space. This recommendation has also been implemented, with additional provisions through conditions three and four ensuring that Council consideration will be required in the event that the subdivision/amalgamation is the subject of public open space and or development contributions, including any legal agreements unless Council has previously approved provisions which have addressed the matter.

Furthermore, the word ‘generally’ has been inserted into condition two to allow logic into the process when subdivisions are lodged to implement the structure plan. Subdivision plans, due to engineering or other technical factors, may need to undertake minor modifications to allow the design detail to work. This does not mean that the intent of the structure plan is being compromised.

Lastly, across Delegations 8.1.6, 8.1.7 and 8.1.8 under the heading Record keeping, to ensure good governance and transparency, it is a requirement that elected members are informed of decisions made under delegated authority. Therefore, details of each exercise of the delegation over the preceding month will be included in the Departmental Update presented to the first Briefing Session of the month.

STATUTORY/LOCAL LAW IMPLICATIONS

*Local Government Act 1995
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations*

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council agree to:

1. Adopt amended Delegation 8.1.6 Illegal Development as contained in the Appendices;
2. Adopt new Delegations 8.1.7 Determination of Development Applications and 8.1.8 Subdivision/Amalgamation; and
3. Repeal Delegations 8.1.1 Town Planning Powers, 8.1.2 Advertising, 8.1.3 Non-Statutory Delegations, 8.1.4 Miscellaneous and 8.1.5 Sea Containers.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

Delegation	8.1.6 Illegal Development
Category	<i>Planning and Development Act 2005</i>
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.4.52(b) Delegation of some powers or duties to the CEO • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005 - s. 214(2), 214(3), 214(5),</i> with respect to unauthorised use or built development which contravenes the Shire's Local Planning Scheme.
Function	To issue a Direction Notice with respect to unauthorised use or built development which contravenes the Local Planning Scheme.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Where the matter relates to an unauthorised use, a Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on public interest. 2. Where the matter relates to an unauthorised built development, a Direction Notice may be given to the owner or alleged offender seeking them to remove, pull down, take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before the development commenced. 3. Authority to give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 4. Where a Direction Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Direction Notice will be allowed for the owner or alleged offender to comply.
Express power to subdelegate	<i>Local Government Act 1995:</i> • s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the primary delegation

Statutory framework	<i>Planning and Development Act 2005:</i> • Part 13
Policy	Nil
Record keeping	<ol style="list-style-type: none"> 1. Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46 and Local Government (Administration) Regulations 1996 r.19.</i> 2. Details of each exercise of this delegation over the preceding month will be included in the Departmental Update presented to the first Briefing Session of the month.
Date Adopted	19 December 2017
Adoption References	OCM 19 December 2017 - Item 11.3.3

Delegation	8.1.7 Determination of Development Approval
Category	Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 82 Delegation of any powers or duties to the CEO.
Express power or duty delegated	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 63(2) Accompanying material</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 64 Advertising applications</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 68(2) Determination of applications</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 72 Temporary development approval</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 74 Approval subject to later approval of details</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 75(3) Time for deciding application for development approval</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Reg 77(3) and 77(4) Amending or cancelling development approval</p>
Function	<p>Permitted Uses</p> <p>To:</p> <ol style="list-style-type: none"> 1. To determine all applications for development approval where the proposed use is a 'P' use in the zoning table of Local Planning Scheme No. 9. 2. To determine all applications for development approval where the proposed use is incidental under the Local Planning Scheme No. 9, subject to: <ol style="list-style-type: none"> a. Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice; a. Compliance with any requirements of Council established by earlier relevant Council decisions in respect of such uses, which are considered relevant to the application.

	<p>3. To waive or vary a requirement for material to accompany an application for development approval in accordance with cl. 1 and 2 above.</p> <p>4. To determine whether or not to grant a development approval after the period applicable under Reg 75(1) of the Deemed Provisions has expired.</p> <p>5. To waive or vary a requirement of Parts 8 or 9 of the Deemed Provisions with respect to a development approval if the application relates to a minor amendment to the development approval.</p> <p>6. To determine an application to:</p> <ul style="list-style-type: none">a. amend a development approval by extending the period within which the development must be substantially commenced;b. amend or delete any condition to which the approval is subject;c. amend an aspect of the development approved which, if amended, will not substantially change the development approved; ord. cancel a development approval. <p>Residential Development – Residential Design Codes of Western Australia (as amended) and Local Planning Scheme No. 9 (as amended).</p> <p>1. To determine all development applications for a single house (including outbuildings), grouped and multiple dwelling development including:</p> <ul style="list-style-type: none">a. Variations to the deemed-to-comply requirements of the Residential Design Codes, Local Planning Policies and Scheme provisions in accordance with the conditions of delegation.b. Minor amendments to Development Applications previously approved, (including those previously approved by resolution of Council) that, if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable).c. Proposals for the extension of development approval, where that approval has since expired or is due to expire
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	<p>prior to project commencement or completion, including determination as to whether public advertising is required.</p> <p>Discretionary Land Use and Development</p> <p>To determine all applications for development approval where the proposed use is a 'D' use in the zoning table of Local Planning Scheme No. 9 including:</p> <ol style="list-style-type: none"> 1. Variations to the deemed-to-comply requirements of the Residential Design Codes, Local Planning Policies and Scheme provisions in accordance with the conditions of delegation. 2. Minor amendments to Development Applications previously approved, (including those previously approved by resolution of Council) that, if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable). 3. Proposals for the extension of development approval, where that approval has since expired or is due to expire prior to project commencement or completion, including determination as to whether public advertising is required (including those previously approved by resolution of Council). <p>Building Envelopes</p> <p>Determine an amendment or relocation of designated building envelopes on 'Rural Living', 'General Rural' and 'Rural Industry' zoned properties.</p> <p>Commercial Parking</p> <p>Determine all development applications for commercial parking.</p> <p>Advertising Signs</p> <p>Determine all development applications for Advertising Signs.</p> <p>Advertising</p> <ol style="list-style-type: none"> 1. Waive a requirement for an application to be advertised in the circumstance where an application does not comply with a requirement of the scheme or is a 'Use Not Listed' under clause 3.4.2(b) of the scheme.
Delegates	CEO
Conditions	Exercise of delegated power is subject to the following:

	<ol style="list-style-type: none">1. The permissibility is designated a 'P' (including Incidental Uses too) and or 'D' use in Table 1: Zoning Table of the Shire of Gingin Local Planning Scheme No. 9 (as amended); and2. No objection or concern has been raised by an adjoining landowner or resident (if required to be advertised); or3. Submissions that raise concerns with respect to the proposed development are received (and those concerns are material planning considerations), but:<ol style="list-style-type: none">a. The matter is resolved through liaison with the party or parties who lodged the submissions, and/or amendments to the application and/or the application of conditions to the satisfaction of the CEO, the applicant and the party or parties who lodged the submissions.b. Prior to approval of the application, the applicant and/or party or parties who lodged the submissions have provided written (including via email) confirmation of their acceptance of the terms of the proposed delegated decision; andc. For which, if applicable, comments have been sought from any Government instrumentalities and those recommendations have been satisfactorily addressed or appropriately conditioned on the planning consent.4. Where the development complies with Scheme provisions and any relevant Local Planning Policy standards and requirements and any other applicable planning instrument.5. Where variations that demonstrate compliance with the Design Principles of the Residential Design Codes, satisfy the objectives and intent of the Local Planning Scheme No. 9, relevant Local Planning Policies and any other planning instrument. <p>Building Envelopes</p> <ol style="list-style-type: none">1. Where no objections are received from adjoining landowners and the proposal will not result in removal of significant vegetation. <p>Advertising Signs</p> <ol style="list-style-type: none">1. Where no adverse public submissions are received during advertising (if required) and the proposal complies with the Shire's Local Planning Policy 1.12 – Advertising Signs.
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	<p>Advertising</p> <ol style="list-style-type: none"> Advertising requirements may only be waived where any departure from the requirements of the Scheme is deemed to be of a minor nature. Advertising requirements may only be waived for a 'Use not Listed' under the scheme where the development may be consistent with the objectives of the relevant zoning.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Cl 83 Local Government CEO may delegate powers
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations</i>
Policy	Nil
Record keeping	<ol style="list-style-type: none"> Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>. Details of each exercise of this delegation over the preceding month will be included in the Departmental Update presented to the first Briefing Session of the month.
Date Adopted	5 August 2003
Adoption references	OCM 5 August 2003 – Item 10.1.2

Delegation	8.1.8 Subdivision/Amalgamation
Category	Planning
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, CI 82 Delegation of any powers or duties to the CEO.
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2
Function	To provide recommendations (for approval or refusal) and to grant clearance for subdivisions and amalgamations of land referred to the Shire by the West Australian Planning Commission.
Delegates	CEO
Conditions	Delegation is restricted to: <ol style="list-style-type: none"> 1. All subdivisions for 35 lots or less that conform with Council's Local Planning Scheme No. 9 (as amended); or 2. All subdivisions/amalgamations that generally comply with the subdivision detail depicted on a Structure Plan/Local Area Plan or Local Development Plan adopted by Council. 3. All subdivisions/amalgamations that are not required to enter into a legal agreement and or deed unless otherwise approved by Council. 4. All subdivisions/amalgamations that are not subject to the requirement to the provision of Public Open Space and or Developer Contributions, unless already approved/adopted by Council (i.e., in a Structure Plan/Local Area Plan or Local Development Plan or legal agreement or the like).
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, CI 83 Local Government CEO may delegate powers
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services
Subdelegate conditions	In accordance with the primary delegation
Statutory framework	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations</i>
Policy	Nil
Record keeping	<ol style="list-style-type: none"> 1. Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>.

	2. Details of each exercise of this delegation over the preceding month will be included in the Departmental Update presented to the first Briefing Session of the month.
Date Adopted	5 August 2003 - Item 10.1.2

8. Planning and Development Act 2005

Delegation	8.1.1 Town Planning Powers
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes cl. 82 Delegations by local government
Function	<p>Subdivision/Amalgamation</p> <p>To provide advice on and grant clearance for the following subdivisions and amalgamations of land referred to Council by the Western Australian Planning Commission:</p> <p>(a) All subdivisions for 50 lots or less that conform with Council's Local Planning Scheme No. 9 (as amended).</p> <p><i>NOTE: Subdivisions for more than 50 lots must be referred to Council for determination.</i></p> <p>(b) All subdivisions/amalgamations that comply with the subdivision detail depicted on a Structure Plan/Detailed Area Plan or Outline Development Plan adopted by Council.</p> <p>Permitted Uses</p> <p>To:</p> <p>(a) Approve all applications for planning approval where the proposed use is a 'P' use in the zoning table of Local Planning Scheme No. 9.</p> <p>(b) Approve all applications for planning approval where the proposed use is incidental under the Local Planning Scheme No. 9, subject to:</p> <ul style="list-style-type: none"> (i) Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice; (ii) Compliance with any requirements of Council established by earlier relevant Council decisions in respect of such uses, which are considered relevant to the application. <p>Residential Development - Residential Design Codes of Western Australia (as amended)</p> <p>To approve all development applications for a single house (including outbuildings) and grouped or multiple dwelling developments to a maximum of six dwelling units where:</p> <p>(a) The permissibility is designated a 'P', 'D' or 'A' use in Table 1: Zoning Table of the Shire of Gingin Local Planning Scheme No. 9 (as amended);</p> <p>(b) No objection or concern has been raised by an adjoining landowner or residents (if required to be advertised); and</p> <p>(c) The application complies with Scheme provisions and any relevant Local Planning Policy standards and requirements except for the extent of variation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration</i></p>

where, in the opinion of the delegated officer, it is considered appropriate.

Other Use and Development

To:

(a) Approve all development applications for the discretionary use class under designated zones subject to no objection received during advertising in accordance with the details below:

- (i) Land Use Development: Aquaculture
Delegated Zones: General Rural/Rural Living/General Industry/Rural Industry
Specific Delegation Criteria: N/A
- (ii) Land Use Development: Ancillary Accommodation
Delegated Zones: Residential/Rural Industry/Rural Living
Specific Delegation Criteria: Approval for applications that comply with Scheme requirements, Residential Design Codes and relevant Local Planning Policy.
- (iii) Land Use Development: Bed and Breakfast
Delegated Zones: Rural Living
Specific Delegation Criteria: Approval for:
 - Applications that comply with Scheme requirements; and
 - Applications where no adverse public submissions have been received.
- (iv) Land Use Development: Caretaker's Dwelling
Delegated Zones: Mixed Business/Rural Industry/General Rural/Tourism/Conservation
Specific Delegation Criteria: Subject to compliance with cl. 5.10.9 of LPS No. 9.
- (v) Land Use Development: Child Care Premises
Delegated Zones: Rural Living
Specific Delegation Criteria: Approval for:
 - Applications that comply with Scheme requirements; and
 - Applications where no adverse public submissions have been received.
- (vi) Land Use Development: Home Occupation
Delegated Zones: Residential/Tourism/General Rural/Rural Industry/Rural Living
Specific Delegation Criteria: Approval for:
 - Applications that comply with Scheme requirements; and
 - Applications where no adverse public submissions have been received.
- (vii) Land Use Development: Agriculture Intensive - Irrigated Horticulture
Delegated Zones: General Rural
Specific Delegation Criteria: Approval for:
 - Proposals greater than 300m from any sensitive land use (ie single dwelling);
 - Proposals that are able to comply with the standard approval conditions relative to Agriculture Intensive; and
 - Minor development incidental to Agriculture Intensive (eg. storage sheds, silos, water tanks, bushfire mitigation infrastructure and solar panels).
- (viii) Land Use Development: Industry - Light
Delegated Zones: Rural Industry
Specific Delegation Criteria: N/A
- (ix) Land Use Development: Market
Delegated Zones: Tourism/Town Centre/General Industry/General Rural

	<p>Specific Delegation Criteria: Approval for applications that comply with Scheme provisions.</p> <p>(x) Land Use Development: Restaurant Delegated Zones: Tourism/Town Centre Specific Delegation Criteria: N/A</p> <p>(xi) Land Use Development: Industry - Rural Delegated Zones: General Industry/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xii) Land Use Development: Industry - Service Delegated Zones: Town Centre/Mixed Business/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xiii) Land Use Development: Shop Delegated Zones: Tourism Specific Delegation Criteria: N/A</p> <p>(xiv) Land Use Development: Trade Display Delegation Zones: Town Centre/General Industry/Rural Industry Specific Delegation Criteria: N/A</p> <p>(xv) Land Use Development: Transportable Dwellings Delegation Zones: All zones Specific Delegation Criteria: Approval for applications that:</p> <ul style="list-style-type: none"> ◦ Comply with Council's Policy Statement 1.7 - Transportable Dwellings; and ◦ Are designated 'P' or 'D' in the Policy Statement Table. <p>(xvi) Land Use Development: Vehicle Repairs Delegation Zones: Rural Industry Specific Delegation Criteria: N/A</p> <p>(xvii) Land Use Development: Vehicle Sales and Hire Delegation Zones: Town Centre Specific Delegation Criteria: N/A</p> <p>(xviii) Land Use Development: Warehouse Delegation Zones: Mixed Business/Rural Industry Specific Delegation Criteria: N/A</p> <p>(b) Approve an amendment or relocation of designated building envelopes on 'Rural Living' and 'General Rural' zoned properties where no objection is raised from adjoining landowners and the proposal will not result in removal of significant vegetation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p> <p>(c) Approve all development applications for Use Not Listed - Signs, subject to no objection being received during advertising, in accordance with the following criteria:</p> <p>(i) Land Use Development: Advertisement Delegated Zones: All zones Specific Delegation Criteria: Approval for applications that fully comply with the Shire's local laws and policies relating to signage.</p>
Delegates	CEO

Conditions	<p>1. The delegations given to the Chief Executive Officer hereunder only permit that Officer to approve applications. Applications that the Chief Executive Officer is not prepared to approve shall be referred to Council for determination.</p> <p>2. The Chief Executive Officer, when exercising a power delegated by Council in this section, shall only make such decisions after ensuring that the approval complies with the provisions of the Local Planning Scheme and is consistent with other decisions of Council in respect of such uses.</p> <p>3. All subdivision proposals in the "General Rural" zone intended to accommodate service infrastructure. Council's support for such proposals to include the following condition:</p> <p><i>A Restrictive Covenant being placed on the land, at the subdivider's cost, under a legal agreement that ensures:</i></p> <p><i>i) Use of the subdivided portion of land shall be limited to service infrastructure; and</i></p> <p><i>ii) If the infrastructure is no longer required, the subdivided portion of land could not be sold, but would be amalgamated with the adjoining land.</i></p>
Express power to subdelegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers
Subdelegates	<p>Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer</p>
Subdelegate conditions	<p>In accordance with the primary delegation.</p>
Statutory framework	<p>Shire of Gingin By-laws Relating to Signs and Bill Posting</p>
Policy	<p>Nil</p>
Record keeping	<p>Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i>.</p>
Date adopted	<p>5 August 2003</p>
Adoption references	<p>OCM 05 August 2003 - Item 10.1.2</p>

Delegation	8.1.2 Advertising
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl.82 Delegations by local government
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl. 64 Advertising applications
Function	1. Authority to initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions of cl. 64 and in accordance with Local Planning Policy.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	15 March 2011
Adoption references	OCM 15 March 2011 - Item 11.1.4

Delegation	8.1.3 Non-Statutory Delegations
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	N/A
Express power or duty delegated	N/A
Function	To respond to requests, applications or referrals received by the Shire on the following matters: <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government departments; • Land clearing applications from State or Commonwealth agencies; and • Mining tenement and exploration licence referrals from Department of Mines, Industry Regulation and Safety.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	N/A
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 March 2011
Adoption references	OCM 15 March 2011 - Item 11.1.4

Delegation	8.1.4 Miscellaneous
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 82 Delegations by local government
Express power or duty delegated	N/A
Function	To: <ol style="list-style-type: none"> 1. Address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required; 2. Determine Council's position in consultation with the Shire President (or Deputy Shire President in the absence of the Shire President) with respect to any mediation process resulting from an appeal lodged with the State Administrative Tribunal; 3. Serve notices on property owners who are deemed to be in breach of the Shire's Local Planning Scheme No. 9 (as amended). This may relate to unlawful land use or development, non-compliance with a condition/s of development approval or contravention of a direction set by the Scheme or a Local Planning Policy; 4. Obtain legal advice in relation to a planning matter within the designated budget allocation; 5. Entertain initial discussions and provide direction to applicants on development proposals in line with state planning policy and current planning instruments including strategy documents endorsed/adopted by Council; and 6. To engage an independent planning consulting service at the State Administrative Tribunal should Council's Resolution differ from Shire Officer's Recommendation resulting in the Review of an Application for Planning Approval
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. All development applications or subdivision referrals where the Chief Executive Officer or other delegated officers recommend refusal/objection of the application shall be presented to Council for consideration and a decision; and 2. The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire's Local Planning Scheme No. 9 (as amended) shall be subject to a resolution of Council.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers

Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	15 March 2011
Adoption references	OCM 15 March 2011 - Item 11.1.4

Delegation	8.1.5 Sea Containers
Category	8. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 82 Delegations by local government
Express power or duty delegated	<i>Shire of Gingin Local Planning Scheme No. 9:</i> <ul style="list-style-type: none"> • cl. 4.4.2 (applicable to sea containers only)
Function	1. To process and approve planning applications for sea containers.
Delegates	CEO
Conditions	1. Subject to full compliance with Local Planning Policy 1.9 - Sea Containers.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> <ul style="list-style-type: none"> • Sch. 2 Deemed provisions for local planning schemes, cl. 83 Local government CEO may delegate powers
Subdelegates	Coordinator Statutory Planning Coordinator Strategic Planning Executive Manager Regulatory and Development Services Statutory Planning Officer
Subdelegate conditions	In accordance with the primary delegation.
Statutory framework	Nil
Policy	Local Planning Policy 1.9 - Sea Containers
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995 s.5.46</i> and <i>Local Government (Administration) Regulations 1996 r.19</i> .
Date adopted	20 August 2013
Adoption references	OCM 20 August 2013 - Item 11.1.1

13.2 APPLICATION FOR DEVELOPMENT APPROVAL - CHANGE OF USE FROM AGRICULTURE INTENSIVE (PERENNIAL HORTICULTURE) TO AGRICULTURE INTENSIVE (ANNUAL HORTICULTURE) AND ASSOCIATED SHED ON LOT 2 (182) WATERVILLE ROAD, WANERIE

File	BLD/5091
Applicant	Waterville Fresh Pty Ltd
Location	Lot 2 (182) Waterville Road, Wanerie
Owner	BRSF Pty Ltd
Zoning	General Rural
WAPC No	NA
Author	James Bayliss – Coordinator Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Plan [13.2.1 - 1 page] 2. Aerial Plan [13.2.2 - 1 page] 3. Revised Site Plan [13.2.3 - 1 page] 4. Applicant's Proposal [13.2.4 - 11 pages] 5. Transport Impact Statement - Porter Engineers [13.2.5 - 34 pages] 6. Schedule of Submissions and Recommended Responses (2) [13.2.6 - 10 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a change of use from Agriculture Intensive (perennial horticulture) to Agriculture Intensive (annual horticulture) and associated shed on Lot 2 (182) Waterville Road, Wanerie.

BACKGROUND

The subject lot is 286 hectares in area and was previously used for Agriculture Intensive (perennial horticulture) purposes, which comprised of an olive orchard. This approval seeks to change the use from perennial horticulture to annual horticulture, specifically for the growing of celery.

The proposed development comprises of the following:

- Installation of eight 16-hectare pivots, totalling 128 hectares.
- The construction of a packing shed, being 80 metres in length and 60 metres in width, equating to an area of 4,800m². The wall height, ridge height and floor layout are unknown.
- The development will generate between 10–12 full time employees.
- Farming activities will occur between 5:00am – 3:00pm Monday – Friday. The packing shed will operate between 6:00am – 5:00pm Monday – Friday.

It should be noted that the applicant has not provided plans for the proposed shed. This component of the development is therefore unable to be supported until accurate architectural plans are provided. Notwithstanding that plans are not available, the officer notes that site works for the shed have been completed, and shed trusses are onsite awaiting installation.

The proposal does not outline the facilities (if any) that are being provided for 10-12 employees, including toilets/lunchrooms etc. It is assumed that these will be incorporated into the proposed shed.

It should be noted that the existing olive trees have already been cleared, notwithstanding that the merits of the proposed application have not been determined. This has resulted in a scenario where it would have been preferable for several rows of olive trees to remain along the eastern and northern property boundaries to act as an established vegetated buffer, given smaller rural lots about these property boundaries. It is also noted that although the submitted plans outline that a substantial number of olive trees will be retained, between pivots, they have in fact already been removed.

The applicant has planted a double row of Casuarina seedlings along the referenced boundaries to act as a vegetated buffer, as they have done with success at other similar farming properties. As this point in time, those plantings are seedlings and provide no benefit to adjoining properties by way of a buffer, nor were they endorsed by the Shire, as would normally be the case via a submitted Landscaping Plan.

It is prudent to note that the application was originally lodged in November 2022, however the officer refused to accept the proposal as it lacked detail and did not address the applicable planning framework. The applicant was encouraged to engage a planning consultant to assist, and this position was reiterated again in December 2022. This is outlined purely to emphasise that it is not the officer's role to favourably advocate for the proposal, impose conditions to resolve deficiencies or seek to satisfy the planning framework on the applicant's behalf.

The officer notes that there are various options available to the Shire in determining this application. There are grounds for deferral, refusal and approval (in part), all of which are outlined in the report below.

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

The applicant's revised Site Plan is provided (**see appendices**).

The applicant's proposal, which includes a Traffic Impact Statement (TIS) prepared by Porter Consulting Engineers, is provided (**see appendices**).

COMMENT

Stakeholder Consultation

The application was advertised to the adjoining landowners for a period of 28 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received four comments from adjoining landowners, which the officer interprets as objections.

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

- Department of Water and Environmental Regulation (DWER);
- Department of Health (DoH);
- Department of Biodiversity, Conservation and Attractions (DBCA); and
- Department of Primary Industries and Regional Development (DPIRD).

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

PLANNING FRAMEWORK

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

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

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

- 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.*

Agriculture Intensive is identified as a “D” – Discretionary land use within the general rural zone. Agriculture Intensive is a primary use and as such is consistent with the objectives outlined above.

The land use ‘Agriculture Intensive’ is defined as follows:

Agriculture – Intensive means, premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following:

- a) *The production of grapes, vegetables, flowers, exotic, or native plants, or fruit or nuts;*
- b) *The establishment and operation of plant or fruit nurseries;*
- c) *The development of land for irrigated fodder production or irrigated pasture (including turf farms); or*
- d) *Aquaculture.*

Setbacks

The planting area is required to be set back a minimum of 20 metres from the lot boundaries, unless a greater setback is required (i.e., buffer/separation distances to sensitive land uses or wetlands). All components of the development are set back at least 20 meters from the lot boundary.

Local Planning Policy 1.6 – Agriculture Intensive (LPP 1.6)

LPP 1.6 applies to agriculture intensive uses within the Shire. The policy objectives are to:

Provide standards for different forms of irrigated horticulture in order to prevent adverse impacts on:

- i. *the natural environment; and*
- ii. *surrounding properties.*

LPP 1.6 defines Annual Horticulture as:

The commercial market gardening of all varieties of shallow rooted vegetables and flowers that can be sown and harvested within a twelve-month period. The essential character of this use is that the soil is cultivated mechanically at least once a year, fertilised regularly and re-used on a continual basis.

The relevant 'Applicable Standards' and 'General Standards' outlined within LPP 1.6 are outlined below with officer comments provided:

3.1.2 Council will process development applications for Irrigated Horticulture purely on land use planning grounds, without regard for viability considerations, such as Water Licensing. All Planning Approvals will be copied to the Department of Water for its records in dealing with Water Licensing.

Officer Comment:

The applicant is aware of their obligation to seek the relevant water licensing from DWER.

3.1.4 All applicants shall clearly indicate areas of vegetation, wetlands and any other physical characteristics on the plans accompanying an application.

Officer Comment:

The information submitted is viewed as sufficient to establish the key characteristics of the property with the exception of the topography of the site.

3.1.5 Waste material generated from the horticultural activity shall not be stored on the property in a manner that facilitates fly breeding or odour emissions, but shall be either buried, treated or removed off-site to Council's satisfaction.

3.1.6 Horticultural waste to be trashed for soil improvement shall be turned into soil within two days of the removal of the crop or portion of the crop to Council's satisfaction.

Officer Comment:

The information submitted includes a Waste/Stable Fly Management section that outlines that crops will be harvested once reaching maturity and any remaining crop and unfit produce will be incorporated back into the soil within 3 days. The officer notes that the above provision suggests 2 days, and on that basis the applicant's management can be revised accordingly via a condition of approval.

3.1.8 Proposals for Irrigated Horticulture located within 500 metres of an identified existing or future Residential or Rural Residential area shall only be considered where it can be demonstrated that effective vegetation buffers and other measures will satisfactorily minimise or avoid potential land use conflict.

Officer Comment:

The development is not in proximity to a future residential area, however it is located 225 metres from a sensitive land use (single house) on the adjoining property to the east. This will be addressed in greater detail in the report below.

3.1.11 All irrigated horticulture activity shall be set back 500 metres from any Rural Living, Residential, Tourist, Commercial or Urban Development zones. Applications for reduced setbacks shall be accompanied by comprehensive data and evidence that supports the proposed reduction.

Officer Comment:

Similar to clause 3.8.1, the development is not in proximity to a residential zoning, however, is located 225 metres from a sensitive land use (single house) on the adjoining property to the east. This will be addressed in greater detail in the report below.

Based on the above, the development is generally consistent with the provisions of LPP 1.6.

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

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

(f) *Any policy of the State -*

The following external guidelines provide guidance in relation to buffer/separation distances for decision makers when considering applications for irrigated horticulture and sensitive uses (i.e., dwellings).

- State Planning Policy 2.5 - Rural Planning (SPP 2.5)
- Environmental Protection Authority – Guidance for the Assessment of Environmental Factors; Separation Distances between Industrial and Sensitive Land Uses (June 2005) – (EPA Guidance Statement)

SPP 2.5

Section 5.8 of SPP 2.5 applies to 'Intensive Agriculture' developments and is therefore applicable to this development. WAPC policy in regard to intensive agriculture is outlined below ((c) and (d) should be noted):

- (a) *intensive agriculture is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed;*
- (b) *intensive agriculture sites of State significance should be protected from encroachment;*
- (c) *in considering buffer distances between intensive agriculture and sensitive land uses, the requirements of clause 5.12 should be observed, and the following matters may also affect the buffer –*
 - i. *types of chemicals used and their method of application;*
 - ii. *the characteristics of the site/s, including vegetation, topography and prevailing winds;*
 - iii. *potential mitigation approaches, including fencing, vegetation buffers, open space, road reserves and other compatible uses; and*
 - iv. *potential staging and/or expansion intention of the intensive agriculture operator; and*
- d. *where an intensive agriculture proposal may affect the nutrient load of a river, estuary or associated tributary and the system and/or its receiving water body has no further capacity to assimilate nutrients without an adverse impact on ecosystem health, a reduction in nutrient export is to be demonstrated.*

Officer Comment:

Insufficient details have been provided addressing the topography of the site, prevailing winds, types of chemicals used and their method of application, all of which are relevant to determine the appropriateness of the separation distance to adjoining dwellings. The officer notes that 'staging' is proposed by way of the revised site plan, however the appropriateness of the further 'stages' is uncertain based on the information currently before the Shire.

Furthermore, the DoH advises that the Nullagine River (tributary of the Moore River) flows approximately 1100m west of the site and that underlying groundwater is likely to be flowing towards this tributary. Moore River is known to be impacted by high nutrient levels. The DoH outlines that the decision maker should consider whether the proposed intensification of the proposal will increase nutrient loading in the underlying groundwater, which may impact the water quality of the Moore River catchment. The applicant received these comments, however no response to address these issues has been supplied.

SPP 2.5 defines a 'sensitive land uses' as follows:

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

It is also prudent to outline that SPP 2.5 defines 'rural amenity' as follows:

Rural amenity - A standard of residential amenity that is rural in nature, which may include impacts from primary production. May also include biodiversity conservation, natural resource management, some public purposes and protection of landscapes and views.

The policy seeks to limit the introduction of sensitive land uses that may compromise existing and future primary production on rural land. In this instance there are existing dwellings located on adjoining land within the buffer distance. Clause 5.12.2 (b) states:

(b) single dwellings and other sensitive land use on rural land should be afforded a reasonable standard of rural amenity;

There is no clarity on what constitutes a 'reasonable standard' of rural amenity.

EPA Guidance Statement

The EPA Guidance Statement defines amenity as follows:

Amenity – factors which combine to form the character of an area and include the present and likely future amenity. For the purpose of this Guidance Statement, consideration of loss of amenity is limited to unreasonable impact on a person from gaseous, dust, noise and odorous emissions and risk.

Clause 4.4.1 of EPA Guidance Statement states:

Where the separation distance is less than the generic distance, a scientific study based on site and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts.

Clause 4.4.2 of EPA Guidance Statement states

Where a separation under consideration is less than in the table, it is recommended that a new project does not proceed in the absence of site-specific investigations and a report demonstrating that the separation distance will meet acceptability criteria and that enforceable management techniques will be applied to ensure an appropriate environmental outcome.

The proposal falls under the industry ‘market garden’ for the purpose of calculating the generic buffer distance, which is 300-500m depending on the size. The proposed development is viewed as being a large development, and on that basis the larger buffer is suggested to be applied. The impacts anticipated to be created as outlined in Appendix 1 of the Guidance Statement relate to gaseous, noise, dust and odour emissions.

The closest sensitive land uses that are within 500 metres of the development area are outlined in the table below:

Property Address	LPS 9 Zoning	Lot Size	Use/sensitive receptor
Lot 118 (661) Cowalla Road, Wanerie	General Rural	~18.3ha	Residential/ Grazing Dwelling (~155m)
Lot 124 Borabilla Place, Wanerie	General Rural	~10.9ha	Residential / Grazing Dwelling (~225m)
Lot 123 Borabilla Place, Wanerie	General Rural	~11ha	Residential / Grazing Dwelling (~334m)
Lot 117 (711) Cowalla Road, Wanerie	General Rural	~59.6ha	Residential / Grazing Dwelling (~480m)
Lot 113 Caladenia Road, Wanerie	General Rural	~30.4ha	Residential / Grazing Dwelling (~320m)
Lot 111 (85) Caladenia Road, Wanerie	General Rural	~15.3ha	Perennial horticulture Dwelling (~275m)

The above figures/listed uses are principally based on a desktop review.

The dwellings located on Lots 123 and 124 Borabilla Place are separated from the subject property by a band of native vegetation approximately 30-40 metres in width, which in conjunction with the proposed screening may be sufficient to mitigate amenity impacts. Similar vegetation, although not as dense, is located on Lots 113 and 117 Caladenia Road and Cowalla Road respectively, with the separation distance being closer to the generic buffer recommended.

The officer’s primary concern relates to Lot 118 Cowalla Road, Wanerie, which is provided with no existing screening to the proposed development. The dwelling is likely to be adversely impacted by emissions. Notwithstanding this, the Shire wrote to the builder and landowner on 6 November 2020 (as part of the building permit lodgement) and advised that the location of their dwelling was within the 500m buffer of the adjoining olive orchard and that land use conflict may arise. The landowner proceeded in any event.

The officer notes that topography of the site (land tapering north) may result in emissions permeating towards the nearest sensitive receptors. Without an established buffer in place, or technical analysis being undertaken, the officer is of the view that the offending pivots are inappropriate and warrant refusal.

The officer notes that farming activities are proposed to commence at 5:00am, which is likely to disturb nearby dwellings by way of noise, which is an amenity impact in a planning sense.

The applicant acknowledges this position by providing an amended plan that outlines that Pivots 1 and 2, and the eastern portion of Pivot 3, will be delayed. The applicant advises the following:

Our proposal would be that commencement of plantings on these areas would start once the majority of the surrounding infill tuart trees reach a minimum of 2 meters in height and the casuarinas on the property boundary reach an average height of 3 meters. We believe the trees will reach these heights in approximately 2 years from now. Once the trees reach this level of maturity, they will provide sufficient buffering to alleviate concerns outlined in comments from the advertising period.

The officer is of the view that the offending pivots should be refused rather than conditionally approved until such time as the screening matures, as the merits of the buffer reduction have not been substantiated.

The challenge facing the Shire is that the proposed use is expected to occur within the zone. The amenity afforded to existing dwellings is outlined as being a 'reasonable standard of rural amenity' which suggests this 'may include impacts from primary production'.

However, the proposal does not provide technical analyses which outline the *types of chemicals used and their method of application, characteristics of the site/s, including vegetation, topography and prevailing winds*, which is critical to establish if a reasonable standard of amenity will be maintained for the nearby dwellings.

The officer is not satisfied that the development will not generate unreasonable emissions (noise, dust, odorous and gaseous) or that the rural amenity of the locality (sensitive uses) will be maintained. Supporting information simply hasn't been provided to demonstrate this.

State Planning Policy 2.9 – Water Resource (SPP 2.9)

The general measures set out in Section 5.1 of SPP 2.9, which may be relevant to the proposal are as follows:

- (ii) *Aim to prevent or, where appropriate, ameliorate the following potential impacts:*
- *increased nutrient loads into receiving waters.*
 - *any potential cumulative impacts.*
- (iii) *Promote improved outcomes such as:*
- *reduction in nutrient export to receiving waters to a level lower than existing.*

Draft State Planning Policy 2.9 - Planning for Water (Draft SPP2.9)

Draft SPP2.9 was prepared in August 2021 and has undergone an extensive advertising period which concluded on 15 November 2021. This policy consolidates the current water-related policy framework and will supersede the current version of SPP2.9 once gazetted.

- It is noted that pursuant to Draft SPP2.9 policy mapping, the western portion of the subject site is identified as being land that drains to and is within 1 km of other estuarine areas.

The relevant policy outcomes from section 6 are as follows:

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

iii. appropriate siting and management of land uses;

The policy measures of draft SPP2.9 contained within section 7 state that:

b) Proposals are to be accompanied by sufficient information to demonstrate appropriate protection and management of water resources relating to relevant policy outcomes. The information provided should be in accordance with the Guidelines, which specify instances where a Water Management Report is required and what it must contain.

i) minimise export of nutrient and non-nutrient contaminants entering water resources.

Officer comment:

The officer outlines SPP 2.9 and draft SPP 2.9 in the context of comments received from the DoH, raising concerns in relation to potential nutrient loading of underlying groundwater and impacts on the Nullagine River. These comments and policies have not been addressed.

(s) The adequacy of –

(i) The proposed means of access to and egress from the site; and

(ii) Arrangements for the loading, unloading, manoeuvring and parking of vehicles;

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

Officer Comment:

The Applicant provided a Traffic Impact Statement (TIS) prepared by Porter Consulting Engineers to demonstrate transport-related impact on the road network. The TIA was provided to the Shire's Operations and Assets Department on 11 April 2023, however no comments have been provided.

Notwithstanding the above, prior to lodgement of the TIS, the Operations and Assets Department advised that Waterville Road would need to be reconstructed and re-sheeted as it is not constructed to cater for such development.

Noting the above, the officer has therefore reviewed the submitted TIS and attempted to interpret the technical information.

The TIS outlines that based on an average yield of 40/50 tonnes of celery (packed) per hectare, this equates to 221 semi-trailer loads (45t x 128 ha/26t per truck) or approximately 4-5 semi-trailer loads per week or 8-10 semi-trailer truck movements (i.e. 4-5 inbound movements and 4-5 outbound movements). The development proposal has indicated trip generation of 100-120 light vehicles/week (based on approximately 10-12 full time equivalent staff).

Waterville Road adjacent to the subject property is not sealed, with only the eastern section between Cowalla Road and Borabilla Place being sealed (approximately 800m). There is a length of approximately 490m to the west of Borabilla Place and the property access that would be unsealed or approximately 970m to the existing main gate on Waterville Road.

Cowalla Road near Waterville Road is constructed to a two-lane undivided sealed carriageway standard. Telephone Road is constructed to a two-lane undivided sealed road standard from the intersection with Gingin Brook Road for approximately 1.8km, where it reverts to an unsealed road.

Unsealed gravel roads are typically only suitable for heavy vehicles in dry conditions. When wet, the surface is easily damaged, particularly in locations where braking and turning occurs. It is likely that additional maintenance will be required to Waterville Road due to the proposed heavy vehicle usage particularly in wet weather conditions should damage occur. The TIA implies that the further maintenance is the responsibility of the Shire.

Sight lines from the access crossover to the west are limited to approximately 160m (subject to appropriate pruning/removal of vegetation) which corresponds to a design speed of 80-90km/h. The sightlines on the basis of a speed of 100km/h are inadequate.

Due to the existing geometry of the intersection of Waterville Road and Cowalla Road, semi-trailers are not able to approach/depart Waterville Road to the north along Cowalla Road lane correct, although they are able to turn lane correct when approaching/departing along Cowalla Road to the south.

The above is important to note, as the produce is intended to be taken to 5632 Indian Ocean Drive (IOD), which is located to the north of Nilgen. Heavy vehicles would therefore not be able to safely turn north onto Cowalla Road and proceed to the destination via Sappers Road, KW Road and IOD due to inadequate swept paths. For safety, heavy vehicles would be required to turn south and proceed to the destination via Gingin Brook Road and IOD.

The proponent must understand that in wet weather conditions, the Shire may close the gravel road to usage by trucks, which may consequently impact their ability to transport produce at various times of the year irrespective of their harvesting period. If this is an unacceptable risk to their business, then the officer is of the view that the proponent should upgrade the unsealed portion of Waterville Road to a suitable sealed standard, at their expense.

It is evident that there are potential safety issues associated with vehicles related to the development and the existing road network. The officer is of the view that the burden to resolve those issues rests with the applicant.

The applicant has advised that they are prepared to pay the Shire \$5,000 per annum to cover an additional ongoing maintenance grade of the unsealed portion of Waterville Road. The officer is of the view that this proposal is inadequate for the following reasons:

- It does not provide for the potential reconstruction and re-sheeting of Waterville Road prior to the development commencing, as outlined by the Shire's Operations and Assets Department, as the road is not constructed to cater for such development.
- It does not provide for verge vegetation pruning/removal and any associated clearing permits for this to occur.
- It does not provide for the gravel applications that will inevitably be required in the future.
- It does not provide for additional road signage or administrative costs involved in seeking a road speed reduction, which will be determined by the MRWA.

The relevant consideration under the Deemed Provisions requires the '*amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*' and the *adequacy of the proposed means of access to and egress from the site*' to be considered.

For the points outlined above, including Waterville Road being unsuitable for use in wet conditions, the proposal has not demonstrated compliance with this relevant provision.

(za) The comments or submissions received from any authority consulted under clause 66;

Officer Comment:

The submissions received from referral authorities do not include any objections to the proposal.

The officer notes relevant concerns raised by the DoH regarding potential nutrient loading of underlying groundwater and impacts on the Nullagine River. Notwithstanding these concerns, the DWER have advised that they have no comment to make. Irrespective of this, SPP 2.5 requires decision makers to consider the potential nutrient loading of rivers (or their tributaries). No information has been supplied that addresses these concerns or comments.

Various comments regarding separation distances have been outlined, however the agencies did not go to the extent of objecting to the development.

Farm Management Plan (FMP)

The typical approach by the Shire is to impose a condition of approval that requires a FMP to be lodged and approved which sets out operational details such as chemical and spray drift, erosion control, dust management, noise management, complaints handling etc. The submission does contain information that outlines the operational aspects; however, it is preferred that a concise FMP be lodged and approved, which accurately reflects the revised development and provides greater clarity on chemical usage.

Summary

In view of the above assessment, the officer notes that various options are available to Council.

The following points favour **deferral** of the proposal:

- The TIS outlines that the adequacy of the road network in its current state may not safely accommodate vehicles associated with the development without remedial works or transport routes being constrained. It may be preferable to have the TIA scrutinised by an appropriately qualified road/traffic engineer and provide relevant technical advice to the Shire. Any potential for reaching an equitable contribution plan would be subsequent to that review.

The officer notes that it is not sustainable for the Shire to continue to be financially burdened by road upgrade and maintenance regimes that benefit commercial entities, in priority of other road maintenance and upgrade works identified on the capital works program.

- Deferral would enable the applicant to consider providing additional information, such as architectural plans for the proposed shed, including clarity on facilities provided for employees.

In addition, it would enable the applicant to consider engaging a planning and health consultant, as previously suggested, to assist with demonstrating compliance with the relevant planning considerations, including technical analysis in support of the reduced separation distances proposed.

The proposal in part may be capable of approval, however based on the information received to date, the officer does not have a high level of confidence that the planning framework has been adequately addressed. While this warrants refusal, the applicant may seek additional time to consider providing sufficient information.

In the event the proposal is deferred, the applicant may nevertheless appeal the matter to the State Administrative Tribunal (SAT) as a deemed refusal.

The following points favour **refusal** of the proposal:

- The capacity of the road system (Waterville Road and intersection of Waterville Road/Cowalla Road) in its current design and condition is inadequate to cater for the vehicles associated with the development year-round (i.e., all weather conditions). The road configuration is inadequate to safely cater for swept paths for heavy vehicles travelling north on Cowalla Road.
- The sightlines for the access crossover are inadequate for the road speed and without verge vegetation pruning/removal. This may need a clearing permit. The applicant has not demonstrated how these issues will be resolved.

Given the above points, the proposal has not satisfied clause 67(s) and 67(t) of the Deemed Provisions.

- Clause 4.4.1 of the EPA Guidance Statement establishes that technical analysis is required if a proponent seeks to reduce the buffer provided under Appendix 1 or where cumulative impacts from emissions may occur. No technical analysis has been provided in support of the reduced buffer distances. This position is reinforced by provisions contained within SPP 2.5.

The reduced buffer, in the absence of technical analysis, does not provide a high level of confidence that the 'rural amenity' of the locality will be maintained.

This is further exacerbated by the expected use of the pesticide metham sodium. Although this may be an appropriate chemical in the agricultural industry, it may nevertheless create unacceptable adverse amenity impacts from a planning perspective by way of odour emissions (typically described as a rotten egg or garlic odour) in the context of reduced buffer distances.

The suitability of the site for annual horticulture, in the context of the sensitive uses within the locality, is therefore uncertain in the absence of technical analysis.

The officer notes that reduced buffer distances from similar annual horticulture development to sensitive uses (dwellings) is a situation that does create complaints within the municipality (operator on Cowalla Road/Wanerie Road). The officer prefers to take a precautionary approach in this regard.

- To alter the substantive proposal, that is to approve a portion of the proposed development and to refuse the proposed shed and pivots 1, 2, 3 and 6, in the officer's view amounts to a 'refusal in disguise'. It is planning practice that a decision maker performs their statutory task of determining the application before it, rather than altering the proposal to the extent that would be required in this instance. This would not resolve the outstanding road issue in any event.
- Insufficient information has been provided regarding potential nutrient loading of the underlying groundwater and subsequent impacts on the Nullagine River, as a relevant consideration under SPP 2.5.
- There is a risk that if the proposed development is approved in its current form, all outstanding matters or concerns that have been identified are unlikely to be sufficiently addressed through conditions of approval. In then balancing competing objectives or interests, a precautionary approach should be given to protecting any amenity, health and/or environmental aspirations.

The following points favour **support** of the proposal:

- The land is zoned appropriately for the proposed use. This would represent an effective use of the site that is consistent with the objectives of the general rural zone.
- The applicant has committed to not using the pivots that significantly encroach into the EPA generic buffer distances from adjoining sensitive land uses while the recently installed Casuarina seedlings reach maturity.
- Council could support the proposed pivots that do not encroach into the buffer areas (i.e., pivots 4, 5, 7, and 8). This could be viewed as a 'refusal in disguise', as the substantive proposal has not been approved, nevertheless it could be an option.

- The rural amenity of the locality may be maintained. Council would need to be satisfied that chemical usage and noise and the operating hours proposed are satisfactory. This may also assume that the Casuarina seedlings mature at the rate expected.
- The anomalies with the road network could be resolved by the applicant, subject to entering into a Deed of Agreement for maintenance and upgrade contributions, including verge vegetation control (including obtaining any clearing permits if required). This would likely amount to more than a \$5,000 annual payment. It may also require reconstruction and resheeting of Waterville Road.

The Shire may consent to limiting the speed on Waterville Road (with the consent of MRWA) that would subsequently result in a compliant sightline distance from the access crossover. This would also require a provision that restricts the transport route of vehicles associated with the development and restrict usage of Waterville Road in wet weather conditions.

In the event that Council supports the development, the officer can prepare relevant conditions of approval.

Having regard to all the locational attributes of the site and its context within the locality including the road network, it is the officer's view that the application is deficient in detail and justification. In other words, it does not meet the required threshold of information to ensure that the amenity, safety and environment of the locality is protected in a manner which is consistent with the applicable policy framework.

In view of the above, the officer is of the view that the correct decision based on the applicable planning framework is to refuse the development.

In the event the proposal is refused, it may therefore be presumed that the Shire will pursue enforcement action in relation to the unauthorised earth works that have occurred onsite without having obtained the relevant approvals.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Planning and Development Regulations 2009

Environmental Protection (Noise) Regulations 1997 (Noise Regulations).

Local Planning Scheme No 9

POLICY IMPLICATIONS

Local Planning Policy 1.6 - Agriculture Intensive

State Planning Policy 2.5 - Rural Planning

State Planning Policy 2.9 – Water Resource

Draft State Planning Policy 2.9 - Planning for Water

Environmental Protection Authority - Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No. 3 (2005) (EPA Guidance Statement)

BUDGET IMPLICATIONS

In the event the matter is deferred pending a review of the TIS by a road/traffic engineer, the expected cost would be ~ \$10,000.

The officer notes that ‘*Clause 49 – Additional Costs and expenses payable by Applicants*’ under the ‘*Planning and Development Regulations 2009*’ states:

(1) The following costs and expenses, if incurred by a local government in providing a service listed in Schedule 2 items 1 to 12 or referred to in regulation 48A (1) or 48, are payable by the applicant in addition to the fee for the provision of the service –
...

(e) costs and expenses of specialist advice, such as advice in relation to heritage matters, required in relation to the application.

Administration will explore the possibility of requiring the applicant to pay costs and expenses associated with a review of the TIS.

It is probable that the determination (either deferral or refusal) will be appealed to the State Administrative Tribunal (SAT) and costs for this process are unpredictable.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Balcombe

That Council refuse the proposed change of use from Agriculture Intensive (Perennial Horticulture) to Agriculture Intensive (Annual Horticulture) and Associated Shed on Lot 2 (182) Waterville Road, Wanerie for the following reasons:

1. The development has not demonstrated compliance with objective (ii) of Local Planning Policy 1.6 – Agriculture Intensive, as the development may have an adverse impact on surrounding properties.
2. The development is inconsistent with Clauses 67(2)(s) and 67(2)(t) of the Deemed Provisions, as the road system in its current condition and design is unsafe to accommodate traffic and vehicles associated with the proposed development.
3. The development has not demonstrated compliance with Clause 67(2)(n) of the Deemed Provisions, as the development has not demonstrated that adverse amenity impacts on the locality will not arise.
4. The development has not demonstrated compliance with Clause 67(2)(c) of the Deemed Provisions, given clauses 5.8(c) and 58(d) (and related clauses of 5.12) of State Planning Policy 2.5 - Rural Planning have not been adequately addressed as technical analysis has not been provided in support of the proposed buffer distance to nearby sensitive land uses (dwellings) and the development may affect the nutrient loading of the Nullagine River.
5. The development has not demonstrated compliance with Clause 67(2)(d) of the Deemed Provisions, given the Environmental Protection Authority – Guidance for the Assessment of Environmental Factors; Separation Distances between Industrial and Sensitive Land Uses (June 2005) has not been adequately addressed in relation to buffers/separation distances from the development to sensitive land uses.
6. The development has not demonstrated compliance with Clause 67(2)(c) of the Deemed Provisions, given State Planning Policy 2.9 – Water Resource and Draft State Planning Policy 2.9 - Planning for Water have not been addressed.
7. The development has not demonstrated compliance with Clause 67(2)(b) of the Deemed Provisions, as approval of the development is inconsistent with the principles of orderly and proper planning, in that adequate development plans in relation to the proposed shed (or any associated facilities for employees) have not been provided.

Advice Notes

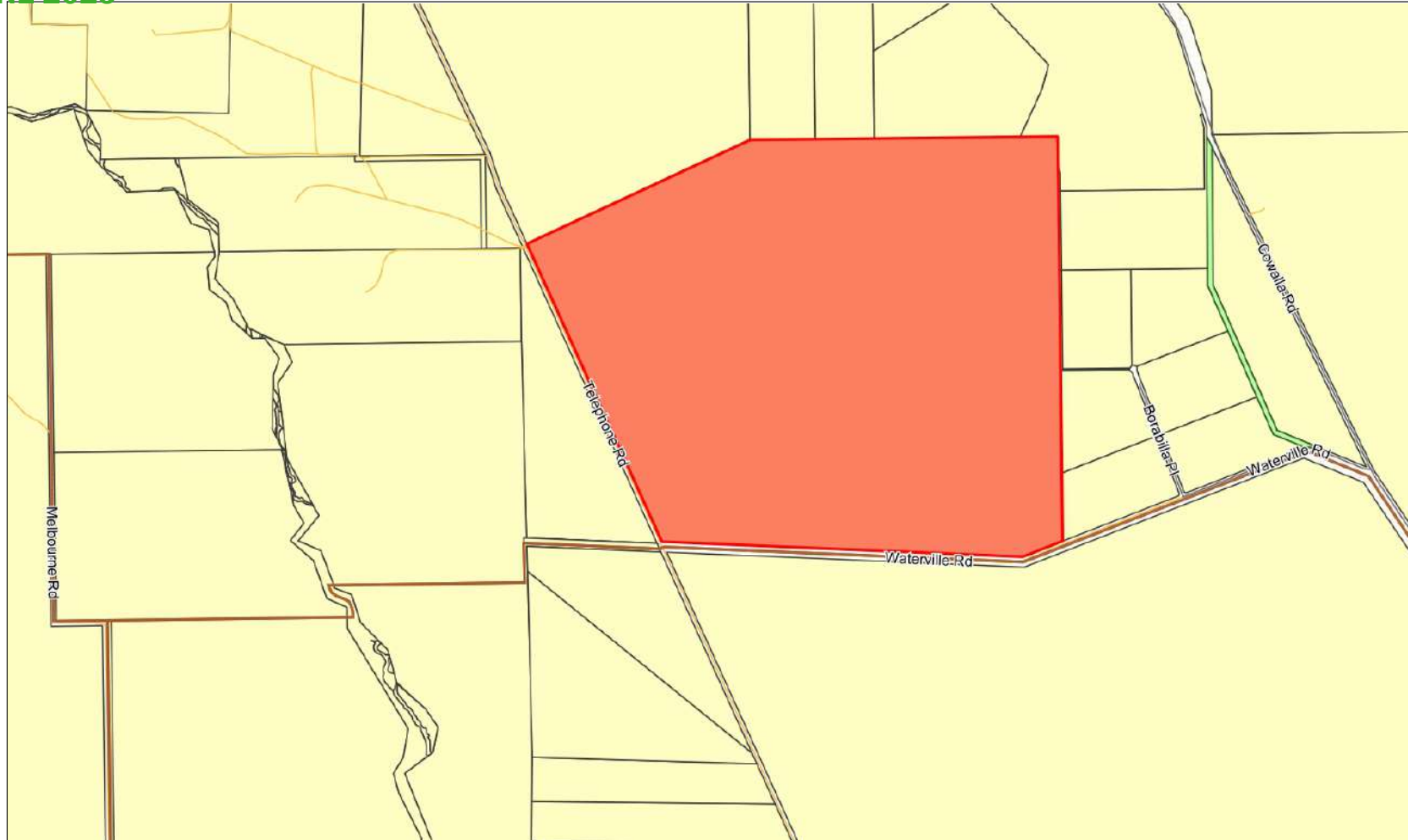
Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*.



Note 2: The Shire reserves the right to pursue enforcement action against the landowner in relation to alleged unauthorised works that have occurred, which may constitute an offence under Section 218 of the *Planning and Development Act 2005*.

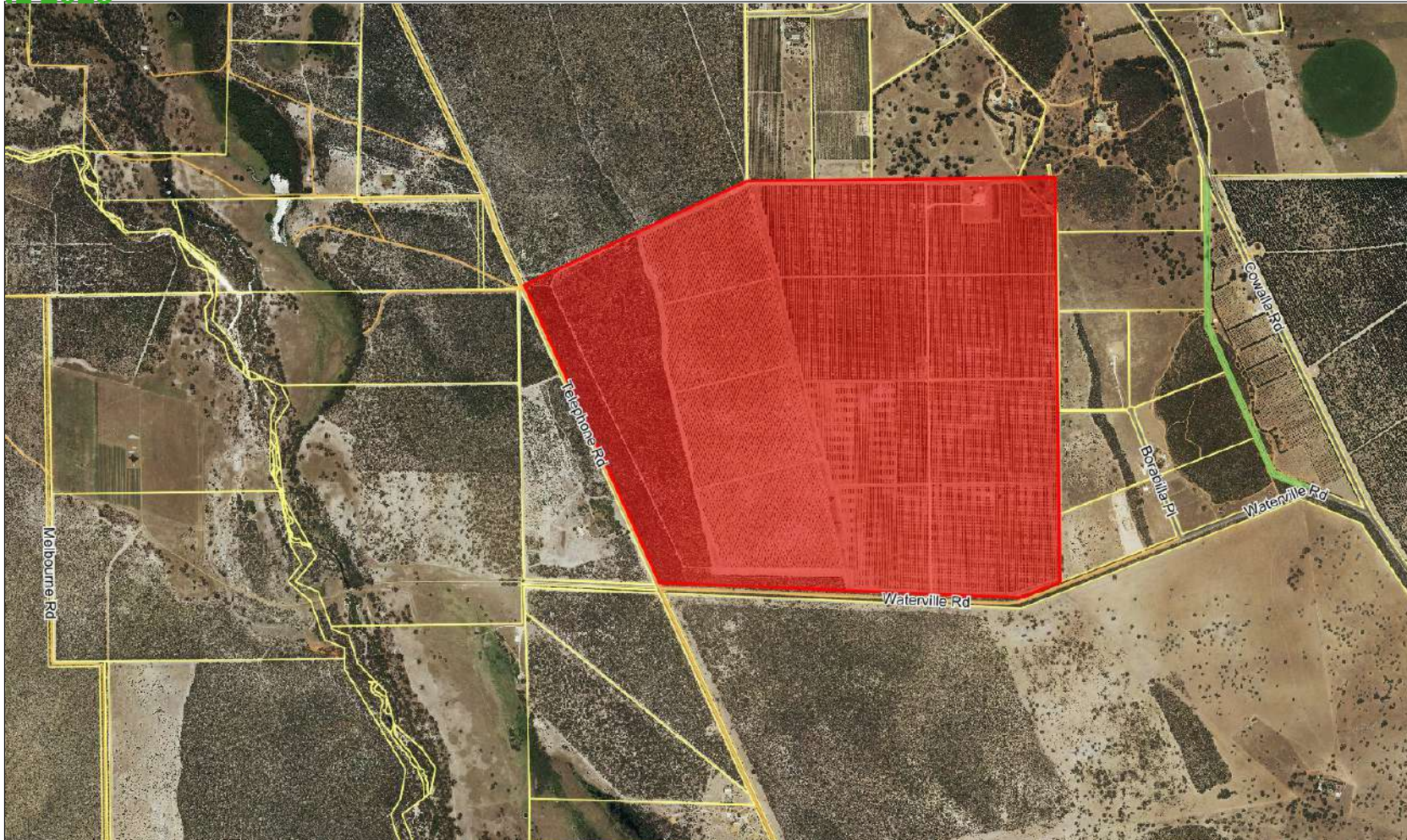
CARRIED UNANIMOUSLY
8 / 0



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

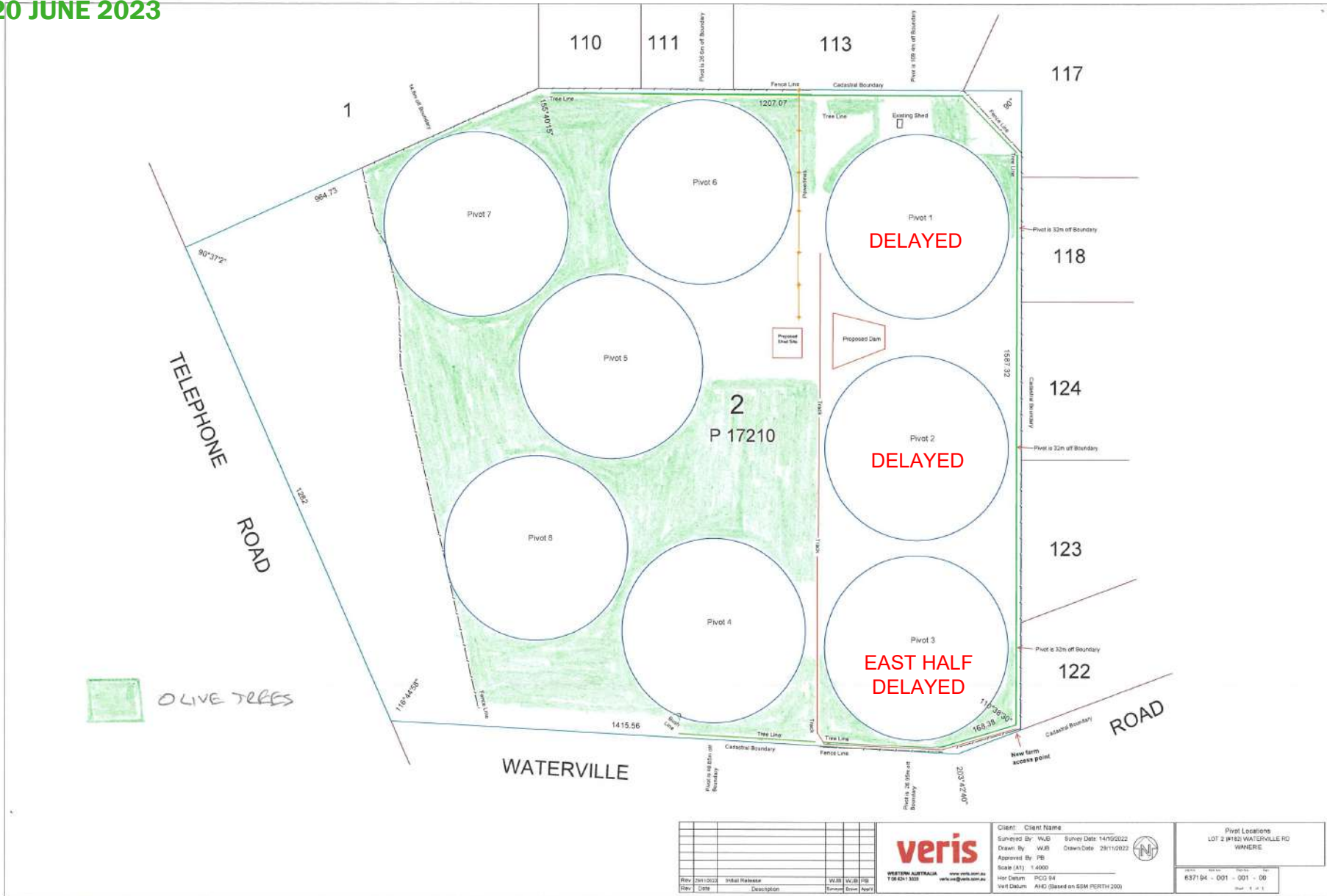
AGAINST: *Nil*



	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Scale: 1:21327</p>	<p>Date: 08/06/2023</p>	
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 <p>SHIRE OF GINGIN HISTORY • BEAUTY • PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Scale: 1:21327</p>	<p>Date: 08/06/2023</p>	
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**WATERVILLE
FRESH PTY LTD**

ABN 27 054 175 996



22nd March 2023

James Bayliss
Coordinator Statutory Planning
Shire of Gingin
PO Box 510
Gingin WA 6503

Dear James

**Application For Development Approval
Change of Use at 182 Waterville Road, Wanerie**

Waterville Fresh Pty Ltd ("Waterville") wishes to change the use of the above property from Irrigated Horticulture (Olive Grove) to Agriculture Intensive (Annual Horticulture).

Proposed Use

Waterville will install 8 x 16 hectare centre pivots, being a total of 128 hectares, as shown in the attached plans on the above mentioned property. Pivots 2 – 7 will be installed initially, with pivots 1 & 8 to be installed in 18-24 months.

The pivots will be used for the purpose of growing celery.

The celery will be grown, harvested, washed and packed on site. In order to achieve this, Waterville will need to construct a new machinery and packing shed on the property (60m x 80m). Appropriate applications will be submitted in due course once plans are finalized for the construction on the shed.

Construction of a new dam to service the new operation, as approved on 8th September 2022, has already commenced.

Property Description

The subject property, Lot 2 on Plan 17210 being the whole of the land in Certificate of Title Volume 1854 Folio 199, is located on the north side of Waterville Road and is known as 182 Waterville Road, Wanerie. The property is owned by BRSF Pty Ltd.

The property is zoned General Rural.

Waterville Fresh – Change of use application

Site Details

The total land holding of the property is 286.1499 hectares. In August 1999 the Shire of Gingin approved an application for planning consent for Irrigated Horticulture (Olive Grove) and as such a 210 hectare irrigated olive grove was established.

The property currently has existing sheds, bores, irrigation infrastructure, 3 phase power and fencing.

No land clearing is required for the new development.

The property has an existing water license of 1,782,500kL, which allows approximately 14,000kL per hectare for the growing of vegetables.

Farming Operations

Soil

The soils have previously been determined as suitable for horticulture.

Soil protection and also dust suppression will be managed through the use of horticultural best practices including:

- the use of infill tree breaks around the centre pivots;
- planting of cover crops;
- olive trees to remain (as per map);
- additional Tuart trees to be planted in between remaining olive trees;
- appropriate bed forming techniques;
- ongoing management of irrigation rates.

Water

As mentioned above the property has an existing water license, being GWL87696(7), which is for 1,782,50kL and expires on 20th September 2031.

A requirement of the Ground Water License is the maintenance of compliant operating strategy. The current operating strategy, endorsed by the Department of Environment, Water and Regulation, is being updated to accommodate the change in use of the property.

There are no water bodies, water courses or wetlands on the property.

Setbacks / Tree Buffers

Setbacks to the pivots of 32m will be maintained along the property boundary. The nearest dwelling is approximately 150m from the east boundary in line with pivot 1.

Waterville Fresh – Change of use application

A double row of Casuarina trees has been planted around the perimeter of the property to create a clear tree buffer. This has been offset from the fence line a minimum of 10 metres to allow a clean firebreak be maintained.

Over the next 12 months these trees are expected to reach approximately 2 meters in height growing to 10 meters in 3 years. An irrigation drip line has been installed to irrigate the Casuarina trees to ensure their growth.



New Casuarina trees with irrigation dripline installed



New Casuarina trees with irrigation dripline installed

Waterville Fresh – Change of use application

Tuart trees will be also planted as infill in the cleared sections around the centre pivots to create another vegetative buffer from the growing areas.

Olive trees will remain as shown on attached map. Tuart trees will also be planted in between the remaining olive trees to help further enhanced tree buffers on the property.

Initially, whilst the newly planted trees are small along the eastern boundary which is nearest the closest dwelling, pivot 1, will not be used until 2025. This will allow the eastern boundary tree buffer to become sufficient in size before pivot 1 is utilised. During this time, a cover crop will be planted and maintained on the pivot 1.

We expect to be planting between 10,000 – 12,000 new trees on the property.

Buffer Zone

The EPA *Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses* provides guidance on what buffer zones should be in place for different types of developments. A distance range of 300-500m is outlined in the document for market garden activities, however the guidelines note that other factors can be considered to determine if a reduced buffer is suitable for the development.

As outlined above, Waterville will be undertaking a number of activities to minimise the impact on neighbours, including:

- establishing multiple tree buffers around the property;
- establishing multiple tree buffers within the property;
- retaining olive trees within the property;
- not cropping pivot 1 for 12 months;
- managing times of operation;
- use of dust suppression activities.

The closest single residential dwelling is approximate 150m from the east boundary. This dwelling was established approximately 2-3 years ago. The EPA guidance indicates that a “sensitive land uses”, which includes rural dwellings, need to observe the guidelines when a sensitive land use is proposed near an existing industry.

Waste / Stable Fly Management

In order to both minimise and manage waste levels to ensure Stable Flies are managed, Waterville will implement the following strategies:

- As required by the *Biosecurity and Agriculture Management Plan Act 2007* –

Waterville Fresh – Change of use application

Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019, Waterville will adhere to its requirements, including:

- Crops to be harvested within 6 weeks of reaching maturity;
- Following harvest, any remaining crop in the ground will be incorporated back into the soil within 3 days as prescribed;
- All organic waste from packing operations (include produce not fit for sale) will be incorporated back into the soil within 3 days as prescribed;
- Production levels will be managed to ensure ongoing compliance with the Act;
- All chemical and fertilizer containers will be disposed of through approved channels;
- Oils will be disposed of through approved channels;

Noise Management

Any noise generated by the operation's activities is likely to be limited to tractors and general farm machinery. The equipment will be operated, in the main, during the day so the risk of noise issues should be minimal.

The tree buffer around the property and the planting of internal trees will help to reduce any potential noise issues on neighboring properties.

Dust Management & Wind Erosion

Dust management and minimising wind erosion are important to any horticulture operation to ensure that time and money invested in building up soil profiles is not lost through poor management.

Therefore, Waterville will use a number of strategies to minimise dust and wind erosion, including:

- Planting of Casuarina trees around the property boundary as buffers;
- As shown on attached site plan:
 - Olive trees will remain in place;
 - Additional Tuart trees planted in between existing olive trees;
 - Tuart trees will also be planted around centre pivots to create internal tree buffers;
- Cover crops to be planted instead of leaving areas fallow;
- Irrigation rates managed to ensure sufficient moisture levels in soil;
- Water truck to be used to manage dust on internal tracks;
- The main driveway extending from Waterville Road all the way to the packing shed will be constructed from a composite bitumen product;
- A tree line of Casuarina trees will be planted along the main driveway, an example of what this will look like is shown in below picture.

Waterville Fresh – Change of use application



Example of Tuart trees as an internal tree buffer around centre pivot



Example of cover crop planted on center pivot to manage dust.

Waterville Fresh – Change of use application



Example of composite bitumen road with Casuarina tree line.

Chemical / Spray Procedures

Horticultural best practice will be used when applying chemicals and spraying crops. This includes:

- Applying chemicals and spray application in doses as per manufacturer specifications;
- Monitoring weather conditions including wind direction and wind speed;
- Only using industry approved equipment;
- Tree buffers will also serve the purpose of stopping any spray drift.

By implementing the above practices, spray drift and odour issues will be reduced to suitably low risk.

Operating Hours

As with all horticulture businesses, the farming operations will occur 7 days a week, albeit with the majority of farming activities being conducted between 5.00am to 3.00pm Monday to Friday with mainly irrigation activities being conducted on weekends.

The packing shed will operate 6.00am to 5.00pm Monday to Friday.

Waterville Fresh – Change of use application

The business will require approximately 10-12 full time equivalent staff.

Vehicle Movements

A new farm access point will be established on Waterville Road on the south east corner of the property as depicted on the site plan. Waterville will construct, at its cost, the new crossover to the satisfaction of the Shire of Gingin. Waterville will maintain the crossover in a good condition thereafter.

All farm equipment used in the operations will be used solely on this farm thereby eliminating the need of additional truck movements to relocate equipment.

All trucks, both to collect produce and deliver input supplies, will access the property via Cowalla Road. Based on an average of 40-50 tonnes of celery (packed) per hectare, this would equate to 221 semi-trailer movements (45t x 128ha / 26t per truck) or approximately 4.3 semi-trailer movements per week.

It is also anticipated that small vehicle movements will increase by approximately 20-24 per day as the staffing requirements will be 10-12 people.

The farming operation at Waterville will be a 12 month operation as opposed to only harvesting for a short season. Therefore, the intensity of vehicle movements will be significantly less to other seasonal horticulture businesses within the Shire. Vehicle movements will be spread out relatively evenly over the course of the year as planting of crops will be managed to ensure consistent production throughout the year.

Waterville is cognisant of the fact that there is 500m of gravel road along Waterville Road to Waterville's new front gate from Cowalla Road. Waterville will monitor weather conditions to ensure that truck movements on Waterville Road are limited to times when there is no standing water on the surface of the road.

This gravel section of Waterville Road may require some additional maintenance works to be undertaken by the Shire. Therefore, Waterville proposes to offer an amount of \$5,000 per annum to the Shire as a contribution to cover the cost of additional ongoing annual maintenance of that section of Waterville Road.

Please refer to the attached Traffic Impact Statement report prepared by Porter Consulting Engineers for a detailed assessment of the traffic impact of the horticultural operation.

Waterville Fresh – Change of use application

Complaints

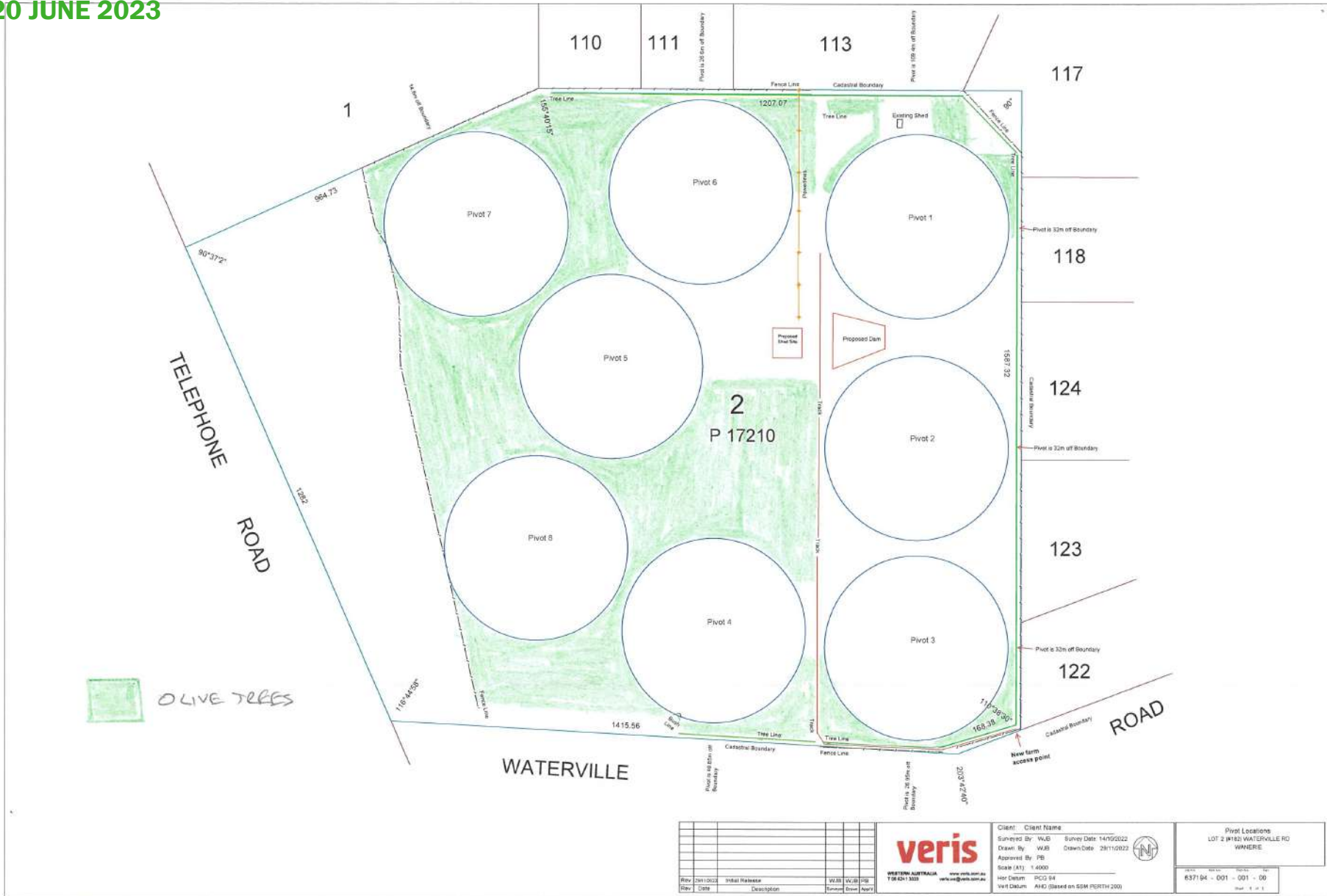
A sign will be erected at the front gate providing people with contact details for the head office should anyone have any issues that need to be addressed.

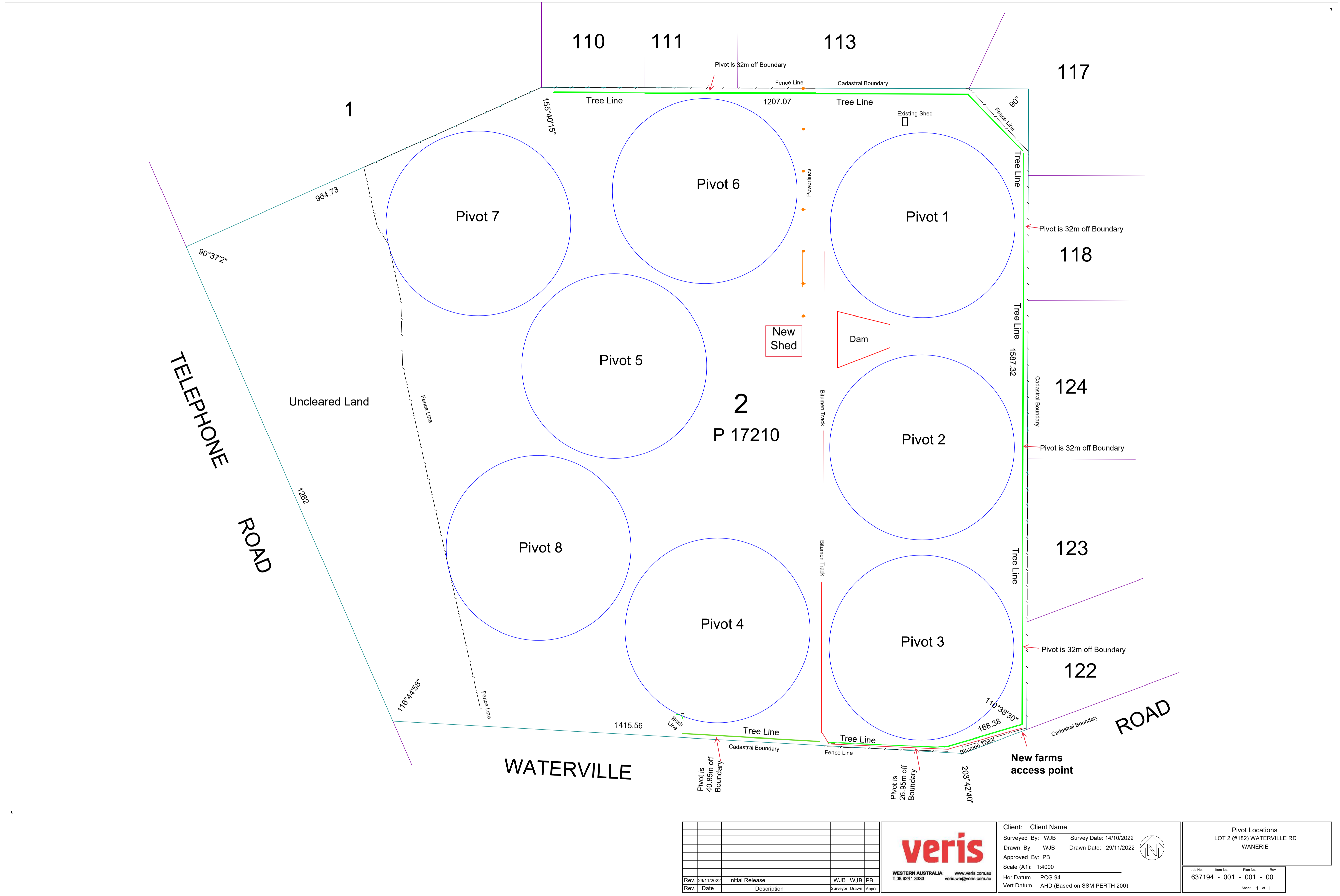
Should you require any further information please feel free to contact me on lisa@nee.com.au or 0418 922 683.

Yours faithfully



LISA TANA
Director





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TRAFFIC IMPACT
STATEMENT

182 WATERVILLE
ROAD, WANERIE

Porter



REPORT PREPARED FOR
WATERVILLE FRESH PTY LTD

Prepared by	Porter Consulting Engineers
Postal address	PO Box 1036 Canning Bridge WA 6153
Phone	(08) 9315 9955
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Job number	22-12-153
Date	7 March 2023
Our reference	R15.23
Checked	

HISTORY AND STATUS OF THE DOCUMENT

Revision	Date issued	Author	Issued to	Revision type
Rev A	1/03/2023	JH	Waterville Fresh	1 st Issue - Draft
Rev A	7/03/2023	JH	Waterville Fresh	2 nd Issue

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Appendix A – Site Layout

Appendix B – Indicative Driveway Layout

1.0 INTRODUCTION

1.1 Background

Porter Consulting Engineers has been commissioned to prepare a Traffic Impact Statement (TIS) to inform the development application for a change in use from Irrigated Horticulture (Olive Grove) to Agricultural Intensive (Annual Horticulture) at 182 Waterville Road, Wanerie in the Shire of Gingin.

The site is located approximately 98kms to the north of the Perth CBD via the Freeway or 110 km via Tonkin and Brand Highway. It is located approximately 60km to the north of the Muchea townsite. Key distributor roads within close proximity include Indian Ocean Drive to the west, Brand Highway to the east and Gingin Brook Road to the south.

The site location is shown in a regional context in **Figure 1.1** and in the local context in **Figure 1.2**.

1.2 Scope of Assessment

The intent of this report is to provide the approving authority with sufficient transport information to confirm that the proponent has adequately considered the transport aspects of the development application.

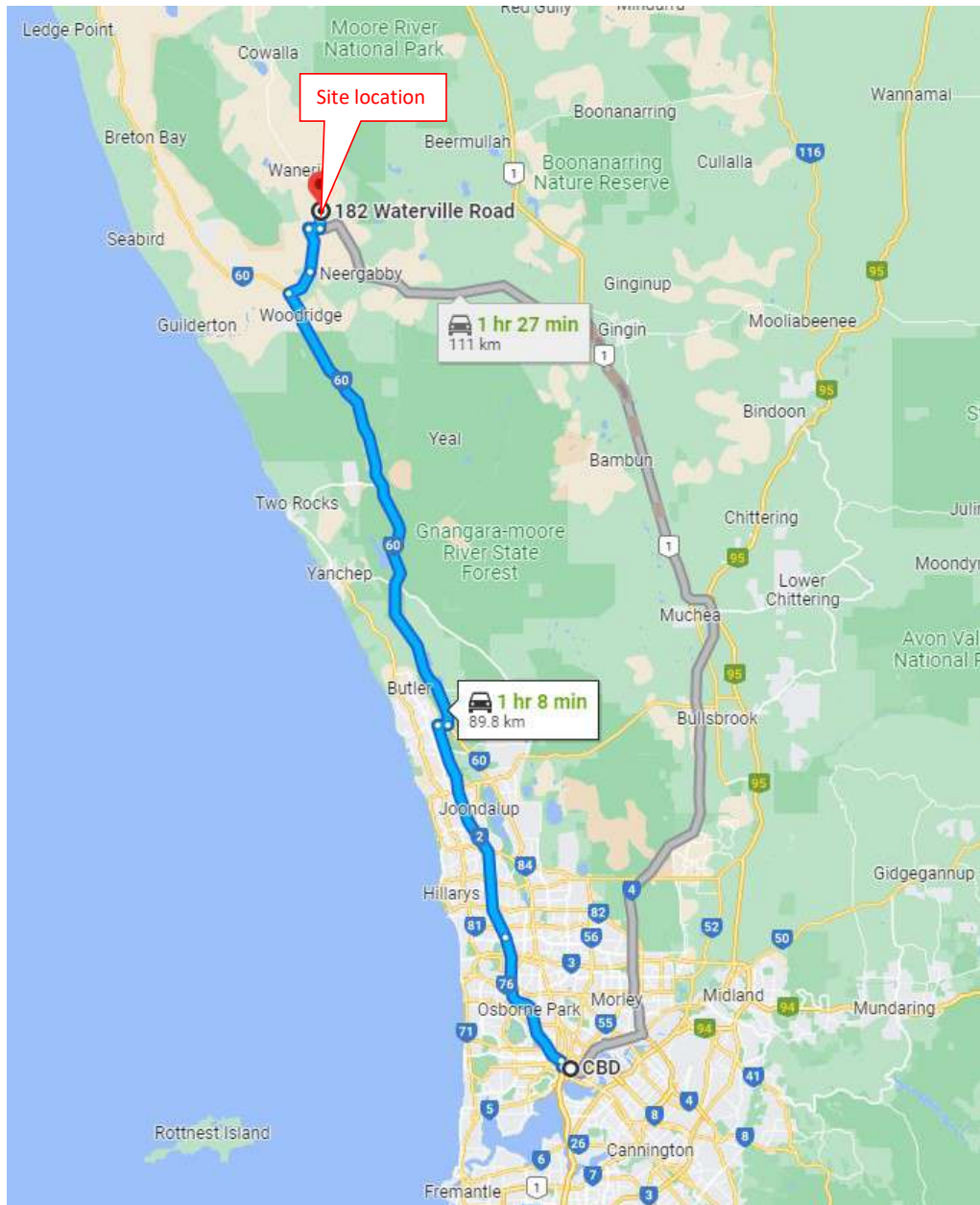


Figure 1.1: Site Location – Regional Context (GoogleMaps)

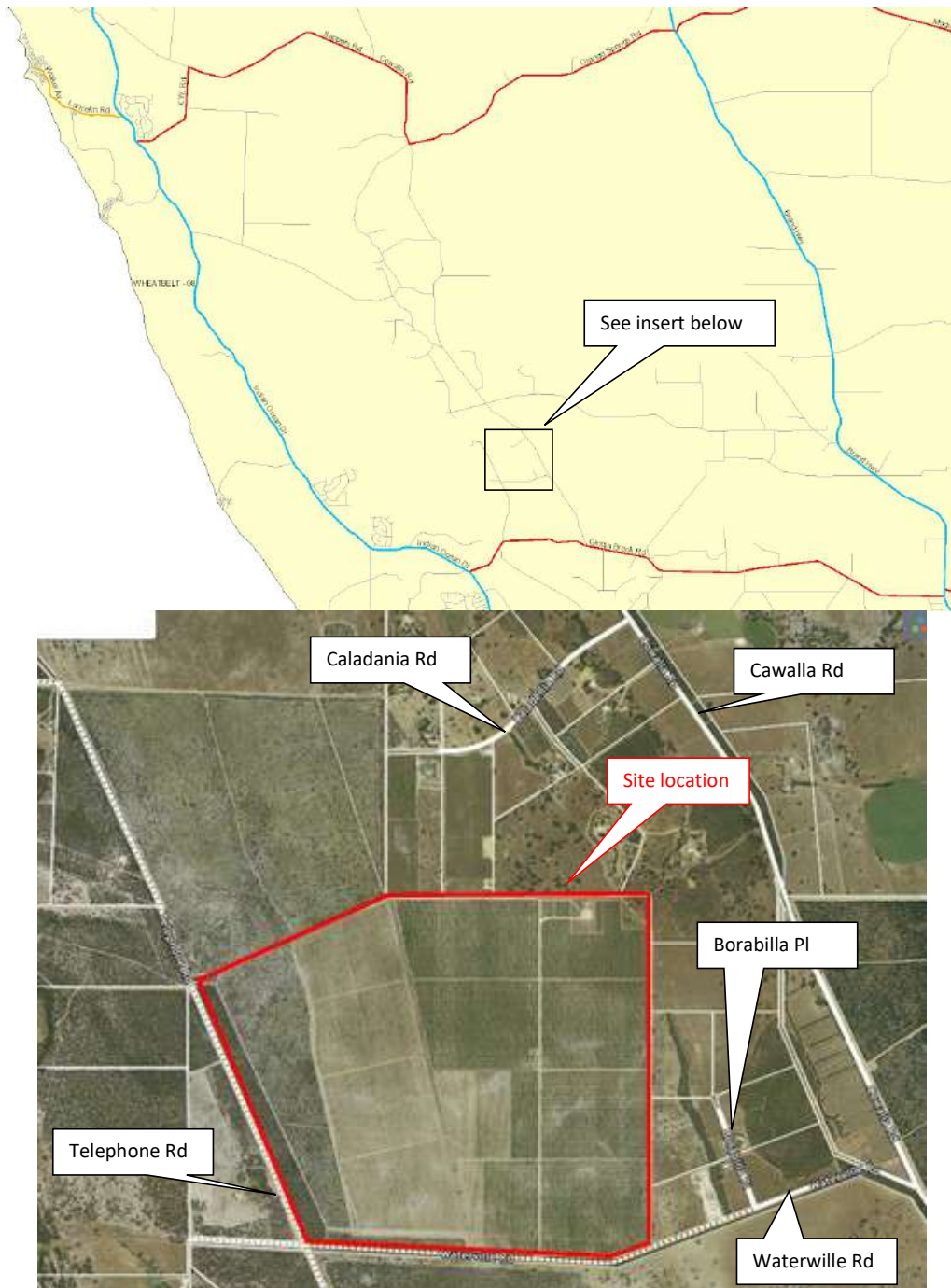


Figure 1.2: Site Location – Local Context

2.0 DEVELOPMENT PROPOSAL

2.1 Proposed Land Use

Celery is proposed to be grown, harvested, washed and also packed on the premises. In this regard, the Site will essentially comprise of the following:

- 8 x 16 hectare pivots = 128 hectares
- Pivots 2-7 to be installed initially
- Pivots 1 and 8 installed in 18-24 months
- New machinery and packing shed = 60m x 80m
- Dam

Appendix A contains a copy of the Site Layout

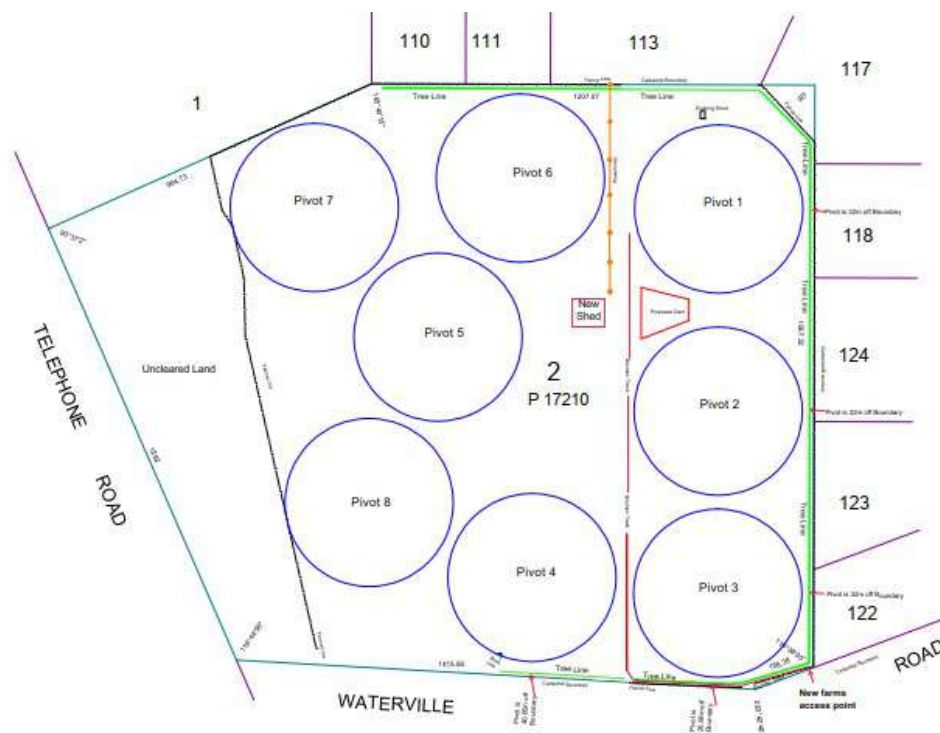


Figure 2.1: Site Layout

The Site being a horticultural business, farming will occur 7 days a week, although the majority of farming activities will be conducted between 5am and 3pm Monday to Friday with mainly irrigation activities being conducted on the weekends.

The packing shed will operate 6am to 5pm Monday to Friday.

The operation will require approximately 10-12 full time equivalent staff.

2.2 Context to the Surrounds

The Site is currently used for “Irrigated Horticulture (Olive Grove)” and a change of use to Agricultural Intensive (Annual Horticulture) is proposed.

The total land holding of the property is 286.15 hectares of which approximately 210 hectares has previously been developed as an irrigated olive grove. The property currently has existing sheds, bores, irrigation infrastructure, 3 phase power and fencing.

No new land clearing is proposed for the new development.

The property has an existing water licence of 1,785,500kL, which allows approximately 14,000kL per hectare for the growing of vegetables.

3.0 EXISTING SITUATION

3.1 Road Hierarchy and Road Infrastructure

Waterville Road

Waterville Road is defined as an Access Road under Main Roads WA's *Functional Road Hierarchy*. The role of an access road is "to provide access to abutting properties with safety aspects having priority over the vehicle movement function."

Waterville Road fronting the Site is constructed to an unsealed road standard. Waterville Road between Cowalla Road and to the west of Borabilla Place is constructed to a two lane undivided single carriageway standard.

The primary section of Waterville Road is approximately 2.8km in length. The road is sealed between its connection with Cowallia Road and Borabilla Place for a length of approximately 800m. To the west of Borabilla Place to Telephone Road the road is unsealed for the remaining 2km.

Cowalla Road and Telephone Road

Cowalla Road and Telephone Road are also both defined as Access Roads under Main Roads WA's *Functional Road Hierarchy*. The role of an access road is "to provide access to abutting properties with safety aspects having priority over the vehicle movement function."

Cowalla Road near Waterville Road is constructed to a two lane undivided sealed carriageway standard.

Telephone Road is constructed to a two lane undivided sealed road standard from its intersection with Gingin Brook Road for approximately 1.8km, where it reverts to an unsealed road.



Figure 3.1 Sealed section of Waterville Road, looking west towards Borabilla Place



Figure 3.2 Unsealed section of Waterville Road



Figure 3.3 Cowalla Road, looking south at Waterville Road intersection



Figure 3.4 Cowalla Road, looking north at Waterville Road intersection

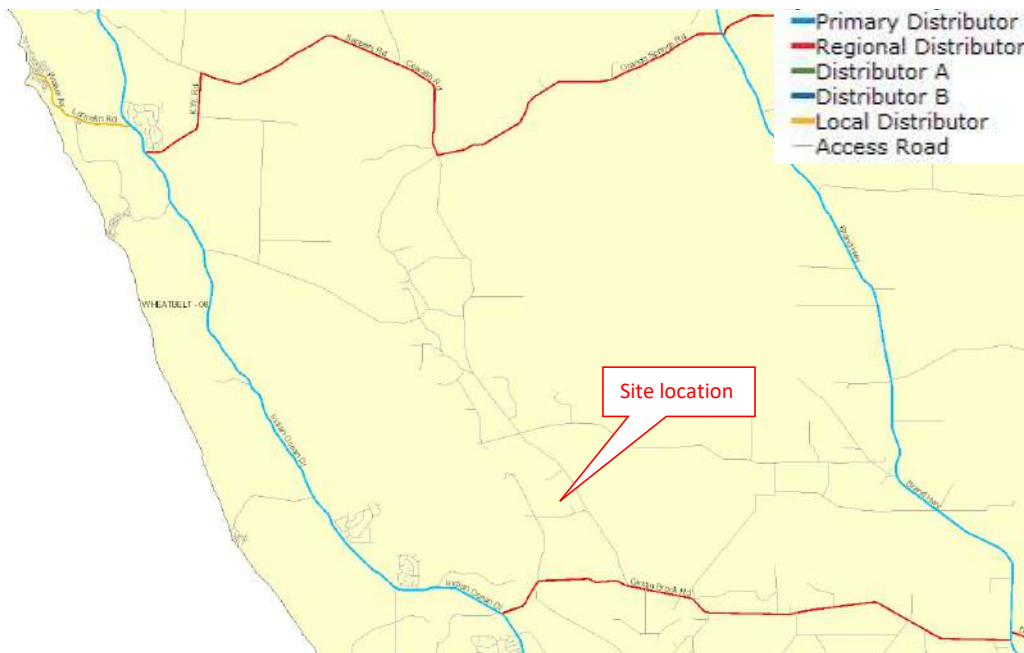


Figure 3.5: Road Hierarchy of Surrounding Road Network (*Main Roads website*)

3.2 Existing Traffic Volumes

The most recently available traffic counts were sourced and are summarised in the following table.

Table 3.1: Existing Traffic Data

	Location	Date	AWT	AM Peak Volume	PM Peak Volume	% HV	85% Speed
1.	Cowalla Road, 300m south of Waterville Road	Sept/Oct 2022	530	-	-	78.5%	-
2.	Gingin Brook Road, East of Coonabidgee Road	Sept/Oct 2022	1,340	102 (10am)	126 (3pm)	-	-
3.	Gingin Brook Road, east of Ferguson Road	2018/19	1,130	92 (9.45am)	91 (3pm)	23.8%	98.8km/h
4.	Gingin Brook Road, east of Indian Ocean Dr	2019/20	951	72 (7.30am)	82 (3.15pm)	34.2%	90.4km/h
5.	Orange Springs Road, East of Cowalla Road	2017/18	340	37 (7.30am)	29 (2.45pm)	46.5%	107.5km/h
6.	Sappers Road, West of Mimegarra Rd	2017/18	215	23 (6.00am)	25 (3.45pm)	30.7%	111.3km/h

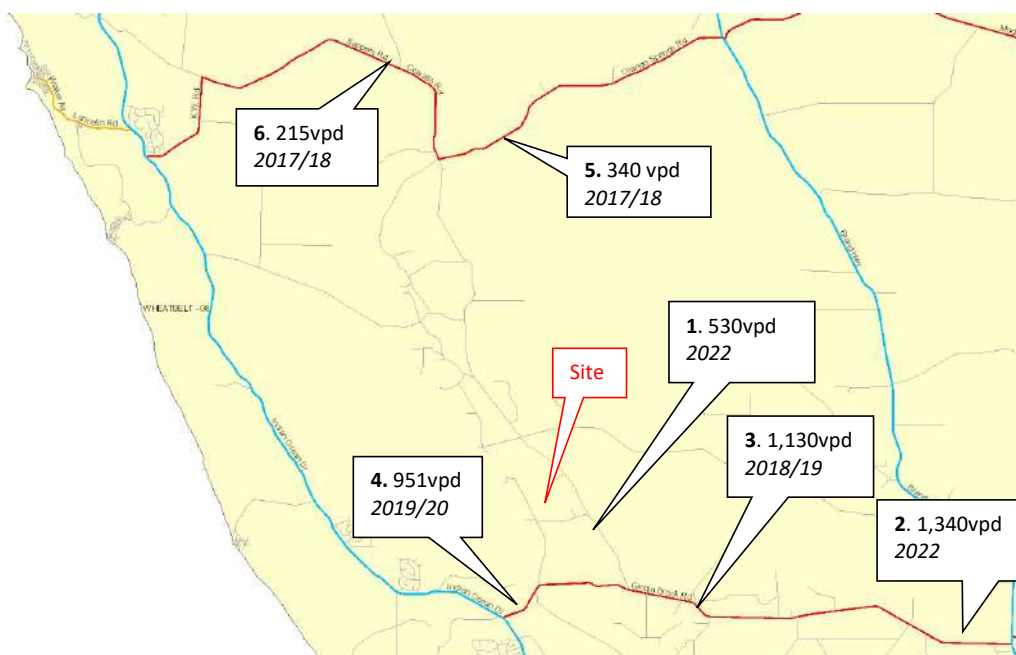


Figure 3.6: Traffic Data on Surrounding Road Network

3.3 Crash History

A review of the recent crash history for the surrounding roads in the vicinity to the Site has been conducted for the five year period to the end of December 2021 from the Main Roads Western Australia Integrated Road Information System (IRIS) crash database. Five (5) crashes have occurred at the locations shown in **Figure 3.7**. This involved one crash on Cowalla Road to the north of the Site with 4 crashes occurring on Gingin Brook Road between Telephone Road and Cowalla Road.



Figure 3.7: Crashes on the Surrounding Road Network

3.4 RAV Network

The Heavy Vehicles Restricted Access Vehicles (RAV) Network documented by Main Roads Western Australia was reviewed surrounding the Site as shown in **Figure 3.8**. No roads abutting and adjacent to the Site permit restricted access heavy vehicles.

The nearest RAV routes are limited to Cowalla Road, Gingin Brook Road and Indian Ocean Drive where RAV vehicles are permitted. Cowalla Road is permitted for RAV 4.1 vehicles with conditions associated with Shire of Gingin acknowledgement of use, restrictions during school bus operating times and for local properties only.

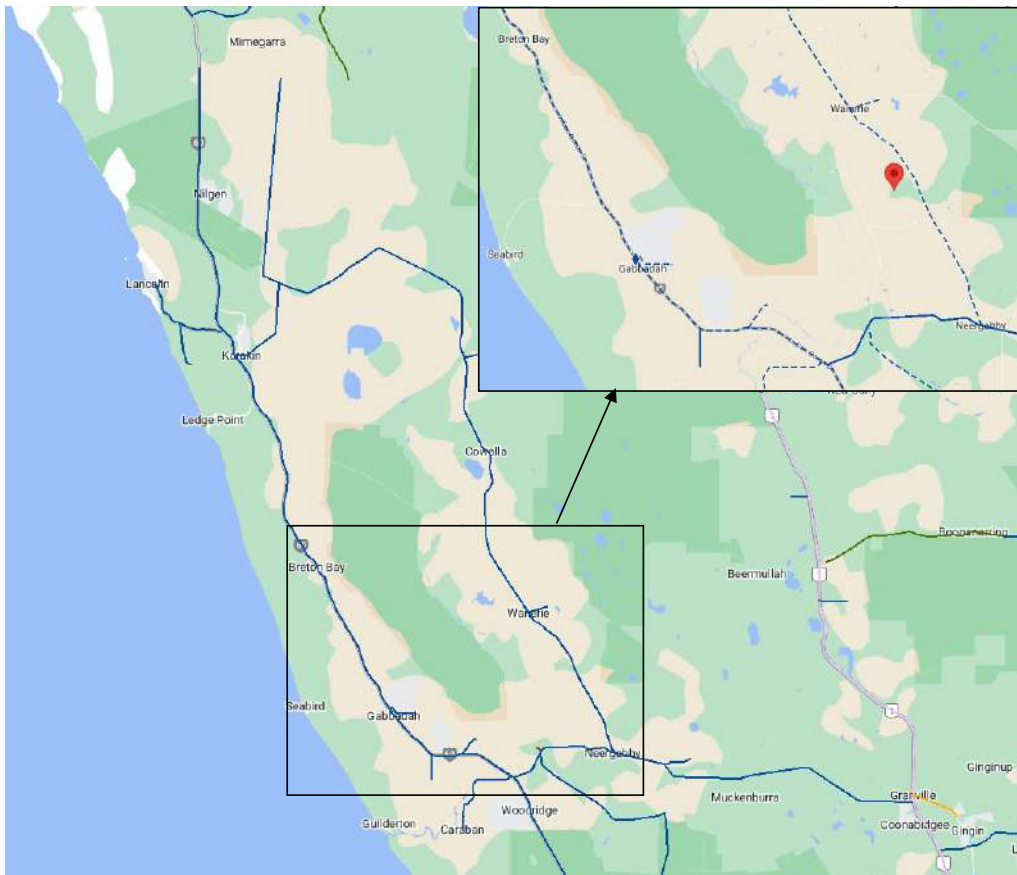


Figure 3.8: Existing RAV Network

4.0 TRAFFIC ASSESSMENT

In order to assess the potential traffic impacts associated with the proposed development a traffic generation exercise was undertaken. This establishes the levels of traffic that could potentially be generated from the proposed development and enables the assessment of anticipated effects that the additional traffic could have on the adjacent road network.

4.1 Trip Generation

The farm will be used to grow celery. Based on an average of 40-50 tonnes of celery (packed) per hectare, this would equate to 221 semi-trailer loads (45t x 128 ha / 26t per truck) or approximately 4-5 semi trailer loads per week or 8-10 semi trailer truck movements (i.e. 4-5 inbound movements and 4-5 outbound movements).

The farming operation will be a 12 month operation as opposed to only harvesting for a short season. Therefore, the intensity of vehicle movements will be less compared to other seasonal horticulture businesses within the Shire. Vehicle movements will be spread out relatively evenly over the course of the year as planting of crops will be managed to ensure consistent production throughout the year.

The business will require approximately 10-12 full time equivalent staff and therefore it is estimated that the Site will generate in the order of 20-24 light vehicle trips associated with staff travelling to and from work each weekday

On this basis it is estimated that the Site will generate in the order of 22-26 vehicle trips daily with potentially 2 of these being truck movements as outlined in **Table 4.1**. Given that the Site has previously been operating as an Olive Grove, not all these trips could be considered additional trips.

Table 4.1: Estimated Trip Generation

Light Vehicles		Trucks		Total	
Daily	Weekly	Daily	Weekly	Daily	Weekly
20-24	100-120	2 semi trailers	8-10 semi trailers	22-26	108-110

4.2 Trip Distribution and Assignment

All vehicle trips will enter and exit the Site from Waterville Road and most likely via the intersection of Waterville Road and Cowalla Road intersection.

During celery production outbound truck movements will be to 5632 Indian Ocean Drive, however, inbound truck movements may likely approach to/from the south. Movements

between the Site and Indian Ocean Drive is potentially possible via two routes as outlined further in section 5.1.

It is anticipated the majority of staff trips will likely approach and depart the Site via Cowalla Road (south).

4.3 Impact on Adjacent Road Network

MRWA provides recommended cross-sections for rural roads on the state road network and these are presented in **Table 4.2**. These differ slightly to those documented in Austroads Guide to Road Design Part 3 as shown in **Table 4.3**. Although both standards imply once vehicle volumes reach 150vpd or PCU's consideration to sealing may be required. The MRWA cross sectional table differ from Austroads as:

- Annual Average Daily Traffic (AADT) is calculated based on Passenger Car Equivalents (PCE) instead of AADT. The PCEs for large vehicles are used to convert vehicles/day to Passenger Car Units (PCUs)/day.
- Unsealed shoulders are replaced by sealed shoulders. The reason for this is two fold: a) sealed shoulder generally have lower maintenance and Whole of Life costs and b) research has shown that sealed shoulders up to 2m wide have a significant reduction effect on run off the road crashes and head on KSI crashes.

Table 4.2: MRWA Cross Section Guidelines based on Traffic Volumes

Element	Design (PCUs / day)			
	150 - 500	500 - 1000	1000 - 3000	3000 - 8000
Traffic lanes ⁽¹⁾	7.0m (2 x 3.5)	7.0m (2 x 3.5)	7.0m (2 x 3.5)	7.0m (2 x 3.5)
Total shoulder	1.0m	1.5m	1.5 or 2.0m	2.0 or 2.5m
Minimum shoulder seal ⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾	1.0m	1.5m	1.5 or 2.0m	2.0 or 2.5m
Wide centreline	N/A	N/A	None or 1m	None or 1m
Total carriageway	9.0m	10.0m	11.0m	12.0m

Table 4.3: Austroads Cross Section Guidelines based on Traffic Volumes

Element	Design (AADT)				
	1-150	150 - 500	500 - 1000	1000 - 3000	>3,000
Traffic lanes ⁽¹⁾	3.7m	6.2m (2 x 3.1)	6.2-7.0m (2 x 3.1/3.5)	7.0m (2 x 3.5)	7.0m (2 x 3.5)
Total shoulder	2.5m	1.5m	1.5m	2.0m	2.5m
Minimum shoulder seal ⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾	0m	0.5m	0.5m	1.0m	1.5m
Total carriageway	8.7	9.2m	9.2-10.0m	11.0m	12.0m

Austrroads provides rates of PCEs for heavy vehicles in order to determine PCUs. The following table provides the PCE multiplier rates for the heavy vehicles. In this instance semi trailers are proposed to be used.

Table 4.4: PCE Multiplier

AUSTROADS Bin (Vehicle Class)	Passenger Car Equivalents PCEs	Heavy Vehicles
2-5	2	Semi Trailers (19m)
6-9	3	B-Double (27.5m)
10-11	4	B-Triple (36.5m)
12	5	

The development proposal has indicated trip generation at development of 100-120 light vehicles/week and 8-10 semi trailer/week. This translates to PCUs as shown in **Table 4.5**.

Table 4.5: Estimated Trip Generation in PCUs

Light Vehicles			Trucks			Total PCUs		
PCE Factor	Weekly		PCE Factor	Weekly		PCUs	Weekly	Daily
	Vehicles	PCUs		Vehicles	PCUs			
1	100-120	100-120	2	8-10 semi trailers	16-20	116-140	23-28	

The trips are provided as vehicles per week and the development proposes to operate 7 day/week although the weekend will mainly see irrigation activities, so to ensure a robust assessment the equivalent daily traffic has been based on 5 days and ranges from 23-28 PCU/day. This is less than the 150 PCUs/day that is the MRWA recommended threshold minimum for the road to be sealed. This does not account for the existing traffic that may use this portion of the unsealed road. Existing traffic on Waterville Road would need to be in the order of 125 vehicles per day before the road would meet the warrant for sealing in accordance with the current MRWA and Austrroads guidelines.

Cowalla Road currently carries in the order of 530 vehicles per day. The additional traffic generated by the development of up to 22-26 vehicles per day (or 23-28 PCUs) can be readily accommodated by Cowalla Road with respect to both its road hierarchy classification and spare capacity.

5.0 ROAD OPERATING CONDITIONS

5.1 Route Options

The proponent has proposed for the Site to be accessed from Waterville Road via Cowalla Road. Celery will then be transported from the Site to 5632 Indian Ocean Drive located to the north. Empty trucks will likely approach the Site from the south along Cowalla Road. The proponent proposes to use semi trailers to transport celery. Semi trailers are considered an “as or right” vehicle hence their use is not restricted on the road network.

Figure 5.1a shows the possible route between the Site and 5632 Indian Ocean Drive via Cowalla Road, Sappers Road, K.W Road and Indian Ocean Road along an existing RAV 4 network referred to as Route 1. Whilst **Figure 5.1b** shows another route between the Site and 5632 Indian Ocean Drive via Cowalla Road, Gingin Brook Road and Indian Ocean Road along an existing RAV 4 network referred to as Route 2.

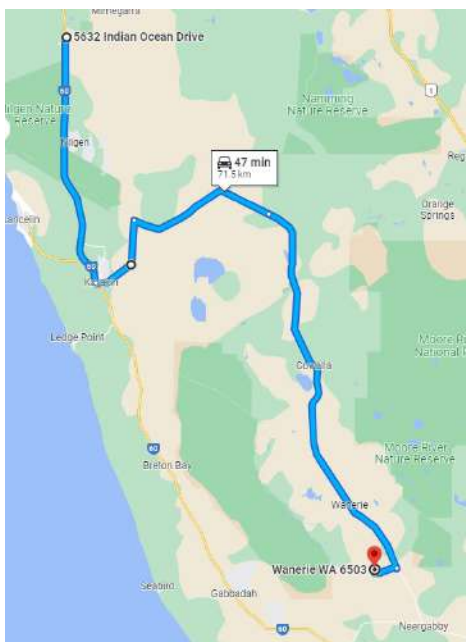


Figure 5.1a: Route 1

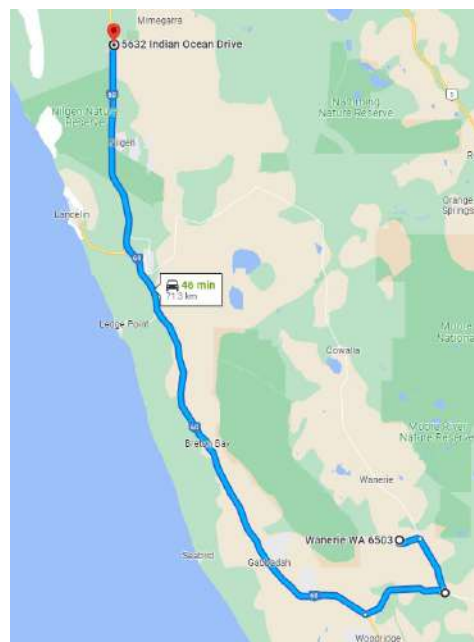


Figure 5.1b: Route 2

5.2 Road Carriageway

Waterville Road adjacent to the Site is not sealed with only the eastern section between Cowalla Road and Borabilla Place sealed (approximately 800m). There is a length of

approximately 490m to the west of Borabilla Place and the proposed Site access that would be unsealed or approximately 970m to the existing main gate on Waterville Road.

Unsealed gravel roads are typically only suitable for heavy vehicles in dry conditions. As when wet the surface of the pavement does not have a bound wearing course and is therefore more easily damaged particularly in locations where braking and turning occur. Truck damage to gravel roads in the wet can result in sufficient damage as to make it impassable to cars. It should be noted that RAV vehicle operation is not allowed on unsealed roads when the roads are visibly wet. It is likely that additional maintenance may be required by the Shire to Waterville Road due to the proposed heavy vehicle usage particularly in wet weather conditions should damage occur.

The unsealed section of Waterville Road is in the order of 6m with the guide posts separated by 7.5m although it does vary along the alignment. On this basis there is sufficient width of pavement formation for two-way light vehicle traffic passing to occur with respect to the low volume of traffic on this road.

5.3 Intersection Sight Distance

A review of the sight distance requirements at the intersection of Waterville Road and Cowalla Road has been undertaken given all development traffic will likely pass through this intersection. **Table 5.1** lists the minimum sight distance requirements for drivers for a typical reaction time of 2.0 seconds at intersections. Other factors that increase or decrease the minimum requirements include downhill and uphill gradients. To the north of Waterville Road along Cowalla Road there is a crest in the road that limits the available sight distance to/from the north. (Refer **Figure 5.2**) There is likely a slight downgrade on the north approach after the crest – although the value of the down grade is not known.

Figure 5.3 and 5.4 show the sight distance between vehicles on Waterville Road and Cowalla Road to/from the north. The advanced warning signs on the north approach of Cowalla Road are visible from Waterville Road (**Figure 5.3**). Whilst **Figure 5.4** shows the intersection in view from just prior to this warning sign.

The available sight distance to/from the north is estimated to be in the order of approximately 260m. (i.e. SLK 5.1 to SLK 5.36) This meets the stopping sight distance requirements for a car and truck however does not meet the SISD under normal design domain (NDD) values. *Austrroads Guide to Road Design Part 4A* outlines sight distances for extended design domain (EDD) for intersections. These are values outside of the NDD that through research and/or operating experience have found to provide a suitable solution in constrained situations (typically at brownfield sites). The observation time used for SISD is typically 3 seconds for NDD. Reducing this to 1.5 seconds for roads where traffic volumes are less than 4,000

vehicles per day (Cowalla Road carries 530vpd) in the EDD reduces the SISD to 211m which is provided at the existing intersection.

The available sight distance to/from the south is estimated to exceed the SISD requirements as shown in **Figure 5.5 and 5.6**.

Table 5.1: Road Sight Distance Requirements (Austroads)

Minimum Requirements (m)	Normal Design Domain (NDD)		Extended Design Domain (EDD)	
	110kmh	Downgrade +2%	110kmh	Downgrade +2%
Stopping Sight Distance (SSD) (Car)	193m	8		5
Stopping Sight Distance (SSD) (Truck)	225m	12	225	12
Approach Sight Distance (ASD)	193m	8	165	5
Safe Intersection Sight Distance (SISD)	285m	8	211 (1.5sec) ¹⁾	5
Minimum Gap Sight Distance (MGSD) (5 sec)	153m	-	-	-

1) Observation time reduced to 1.5sec where traffic volumes are <4000veh/day



Figure 5.2: Looking south on Cowalla Road towards Waterville Road – intersection not yet in view due to crest



Figure 5.3: Looking north along Cowalla Road at Waterville Road – advanced intersection warning signage in view



Figure 5.4: Looking south on Cowalla Road towards Waterville Road – intersection in view (approx SLK 5.36 or 260m from Waterville Road SLK 5.10)



Figure 5.5: Looking south along Cowalla Road at Waterville Road



Figure 5.6: Looking north on Cowalla Road towards Waterville Road

5.4 Driveway Sight Distance

AS2890.1 outlines the minimum and desirable sight distances to be provided at driveways although the minimum sight distance is associated with the stopping sight distance on sealed roads. The stopping sight distance on unsealed roads will increase. As an unsealed road Waterville Road does not have a posted speed limit as drivers are expected to drive safely accordingly to the road conditions. **Table 4.2** lists the minimum stopping sight distance requirements from “Unsealed Roads Manual, ARRB” for various speeds.

Table 4.2: Stopping Sight Distance Requirements Unsealed Road

Operating Speed	Stopping Sight Distance		
	Normal Design		Restricted Design
	Rt = 2.5sec	Rt = 2.0sec	Rt = 1.5sec
60km/h	Reaction time excessive for low speed environment	90 (65)	60 (40)
70km/h		115 (85)	80 (55)
80km/h	160 (115)	145 (105)	105 (75)
90km/h	195 (140)	185 (130)	Reaction time too low for high speed environment
100km/h	245 (170)	-	

Values in brackets () are those required for sealed roads

The existing main access gate driveway (SLK 1.77) to 182 Waterville Road was reviewed with respect to sight lines as shown in **Photos 5.7b and 5.7c**. Relatively clear sight lines are provided in each direction along Waterville Road. **Figure 5.7a** shows the desirable sight distance based on a speed of 100km/hr (i.e. 245m) from the existing main access gate based on the horizontal geometry of Waterville Road.

The proposed access to be located near the eastern property boundary (SLK 1.28) of 182 Waterville Road was reviewed with respect to sight lines as shown in **Photos 5.8b and 5.8c**. Relatively clear sight lines are provided to the east however sight lines to the west are restricted due to the horizontal alignment along Waterville Road. Sight lines to the west are limited to approximately 160m (with appropriate trimming of vegetation) which corresponds to a design speed of 80-90km/h. The design speed based on vertical and horizontal geometry of Waterville Road should be advised by the Shire of Gingin to confirm if the sight lines at the proposed crossover comply with the appropriate design speed although it is suggested that an operating speed of 80-90km/h is reasonable for a gravel road.

The new crossover should be designed to meet the swept path requirements of the design vehicle proposed to access the Site i.e. semi trailers. **Appendix B** contains an indicative driveway layout for swept paths for semi trailers for future reference at the detailed design stage.

AS1742.2 also outlines the option of installing a truck entering sign to warn of the frequent movements of trucks to or from an adjoining property which may prove beneficial on the western approach for eastbound traffic.



Figure 5.7a: Desirable Sight Distance (say 100km/h) to the west and east of Existing Main Site Access



Figure 5.7b: Looking east along Waterwille Road from Existing Main Site Access



Figure 5.7c: Looking west along Waterwille Road from Existing Main Site Access

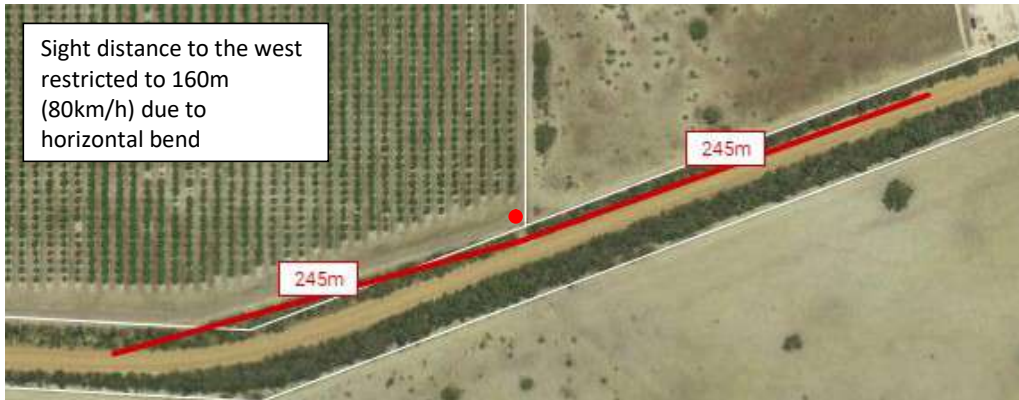


Figure 5.8a: Desirable Sight Distance (say 100km/h) to the west and east of Eastern Property Boundary – Proposed Access



Figure 5.8b: Looking east along Waterwille Road from Eastern Property Boundary – Proposed Access – approximately 290m



Figure 5.8c: Looking west along Waterwille Road from Western Property Boundary – Proposed Access – approximately 160m

5.5 Heavy Vehicle Turning Swept Paths

Due to the existing geometry of the intersection of Waterville Road and Cowalla Road semi trailers may not be able to approach/depart Waterville Road to the north along Cowalla Road lane correct although they are able to turn lane correct when approaching/departing along Cowalla Road to the south.

5.6 Road Maintenance

The volume of traffic along Waterville Road is not known. On the assumption that it is likely to be minimal say 50 vehicles per day this may mean that the road is graded potentially twice per year for optimum results according to **Figure 5.9**. The Shire of Gingin could advise based on their records how many times they grade the road and whether **Figure 5.9** is reflective of their grading frequency. If the Shire does grade twice a year it may be a maintenance winter grading and a summer grading.

With increased traffic volumes of 23-28 PCUs this would increase the optimum grading requirements to say 3 according to **Figure 5.9**.

The main purpose of winter maintenance grading is to provide a good running surface and to form crossfalls so that water runs off and does not pool to form potholes. Moisture is a critical component in maintenance grading so it is best done after light rainfall. However, when the gravel is more heavily wetted it becomes unsuitable for traffic of heavy vehicles and they are not permitted on it. Only light vehicles are permitted at those times.

Summer maintenance grading is often done to remove corrugations and improve the running surface. However, summer grading may only be partially successful as there will be little or no moisture to aid compaction.

The proponent has suggested a contribution to fund additional grading of Waterville Road as a result of the increased traffic movements of the road. “*Rawlinson Australian Construction Handbook, Edition 39, 2021*” lists hire rates from \$155-\$185/hour for a Cat 120M grader with operator and fuel costs. Allowing for a regional index of 1.1, one day hire for grading would be in the order of \$1,500. (More than 500-1000m of grading could be undertaken within a day including travel time to/from the Site). It is understood that the proponent proposes to provide a contribution of \$5,000 per annum to allow for additional maintenance which based on the above would allow for in excess of 3 additional gradings of Waterville Road.

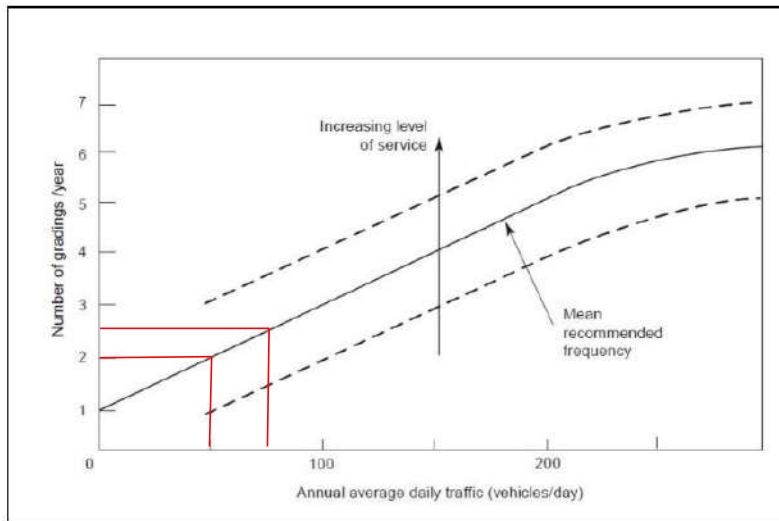


Figure 5.9 Optimum grading relationship for heavy grading (Overseas Centre TRL (1987))

6.0 SUMMARY

Porter Consulting Engineers has been commissioned to prepare a Traffic Impact Statement (TIS) to inform the development application for the proposed change in use from Irrigated Horticulture (Olive Grove) to Agricultural Intensive (Annual Horticulture) at 182 Waterville Road, Wanerie in the Shire of Gingin. The farming operation will be for growing, harvesting and packing celery.

The Site is estimated to generate in the order of 20-24 light vehicles movements per day plus 8-10 truck movements per week. Vehicle movements will be spread out relatively evenly over the course of the year as planting of crops will be managed to ensure consistent production throughout the year.

Semi trailers are proposed to be used to transport celery to and from the Site. As an “as of right” vehicle semi trailers are not restricted on the road network. Due to the horizontal geometry of the intersection of Waterville Road and Cowalla Road it is likely that semi trailers would be unable to turn lane correct to/from the north along Cowalla Road although movements to/from the south could be more readily accommodated.

The available sight distance to/from the north along Cowalla Road from Waterville Road is estimated to be in the order of approximately 260m. This meets the stopping sight distance requirements for a car and truck however does not meet the SISD under normal design domain (NDD) values. *Austrroads Guide to Road Design Part 4A* also outlines reduced sight distances for extended design domain (EDD). The SISD for EDD values can be met at the intersection i.e. 211m. The available sight distance to/from the south is along Cowalla Road from Waterville Road is estimated to exceed the SISD requirements.

It is proposed to locate a new access near the eastern property boundary (SLK 1.28) of 182 Waterville Road. Relatively clear sight lines are provided to the east however sight lines to the west are restricted due to the horizontal alignment along Waterville Road. Sight lines to the west are limited to approximately 160m (with some trimming of vegetation within the verge) which corresponds to a design speed of 80-90km/h. The design speed based on vertical and horizontal geometry of Waterville Road should be advised by the Shire of Gingin to confirm if the sight lines at the proposed crossover comply with the appropriate design speed although it is suggested that a speed of 80-90km/h seems reasonable.

The increased traffic volumes (including heavy vehicles) is not likely to warrant the sealing of the Waterville Road as the anticipated traffic volumes are estimated to be less than 150 vpd. The additional traffic will however, likely result in additional maintenance gradings being required along the unsealed gravel road. It has been estimated that two maintenance grading may already occur along Waterville Road and with the additional traffic another



grading would be required. The proponent has suggested a contribution to fund additional grading of Waterville Road as a result of the increased traffic movements of the road.

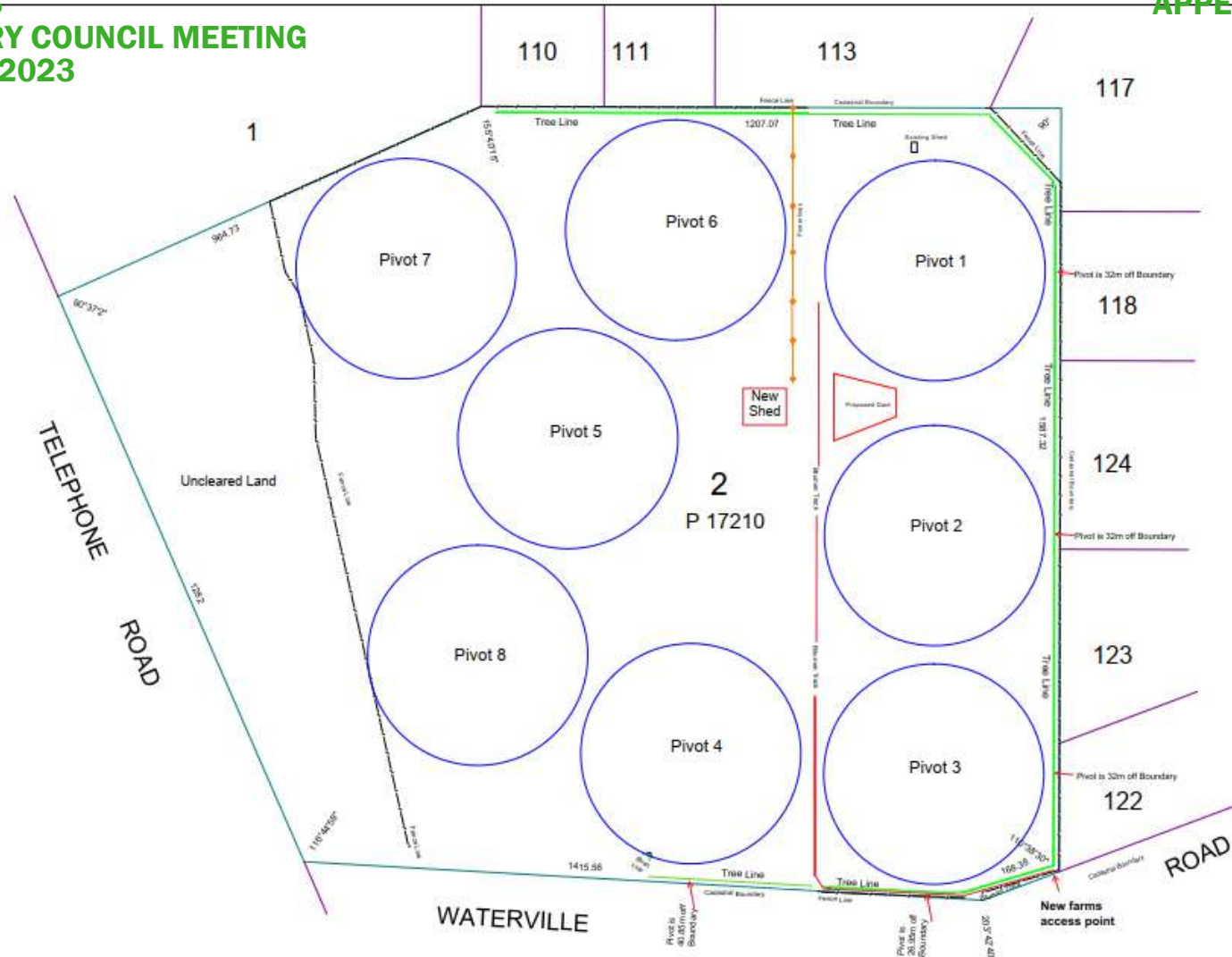
It should be noted that unsealed gravel roads are typically only suitable for heavy vehicles in dry conditions. As when wet the surface of the pavement does not have a bound wearing course and is therefore more easily damaged particularly in locations where braking and turning occur. This has the potential to impact the proponents operation should the Shire close the road to heavy vehicles at any time. The proponent will need to appropriately manage the use of heavy vehicles along Waterville Road to avoid using the gravel road when visibly wet and as agreed with the Shire.

APPENDIX A

Site Layout

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.2.5

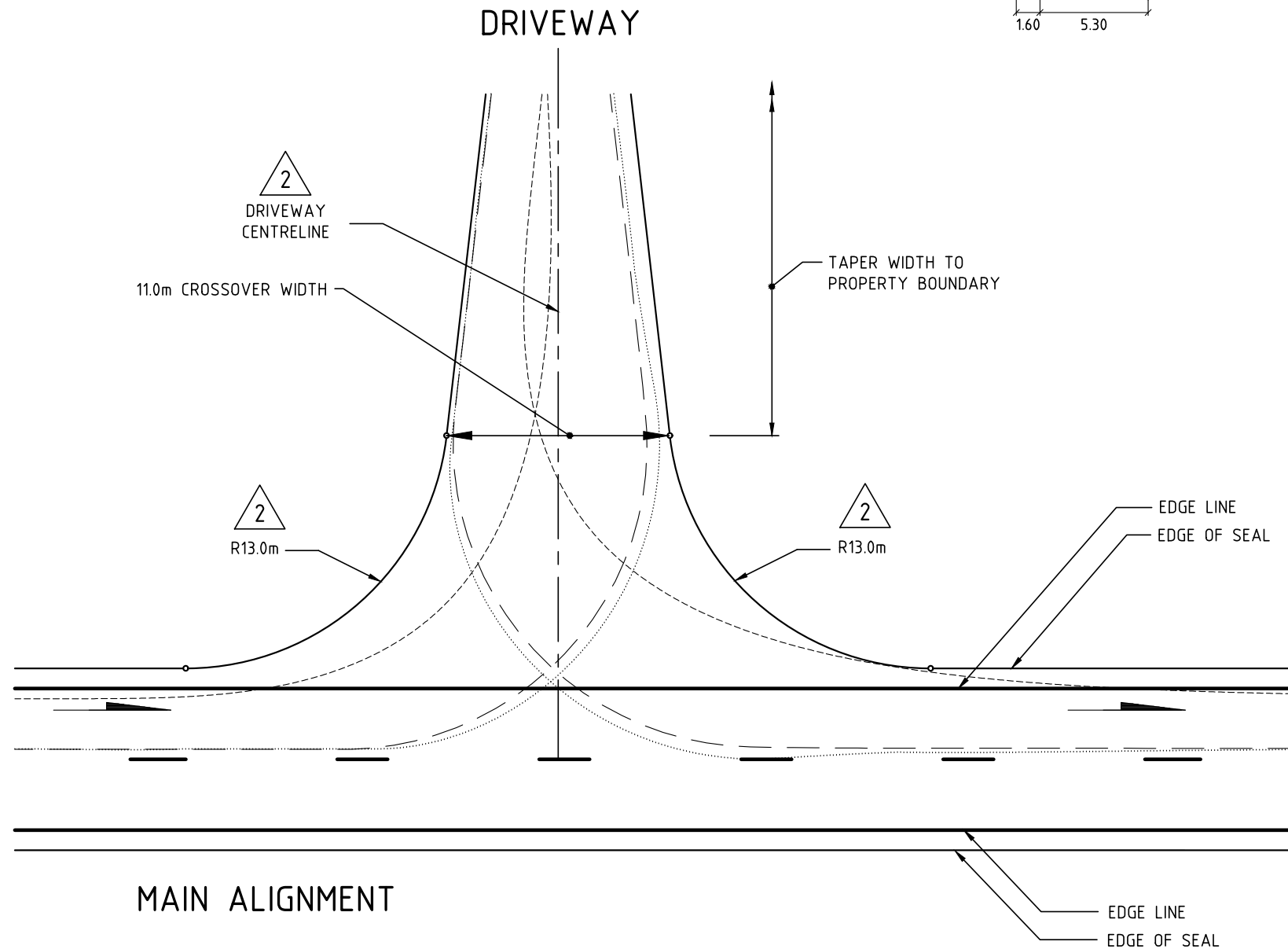
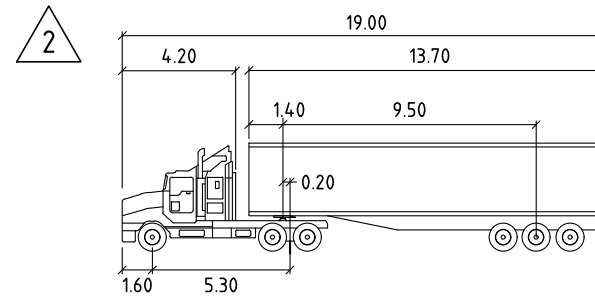


		Client: [Blank] Client Name: [Blank] Surveyor: [Blank] Survey Date: 14/12/2022 Drawn By: [Blank] Drawn Date: 20/11/2023 Approved By: [Blank] Scale (1:1) 1:4000 Map Datum: PCS 94 Vertical Datum: AHD (Based on BM PERTH 220)	Pivot Locations LOT 2 (P17210) WATERVILLE RD WATERVILLE
Date: 20/11/2023 Title: [Blank] Drawn: [Blank]		Date: 20/11/2023 Title: [Blank] Drawn: [Blank]	621194 - 001 - 001 - 00 Scale: 1 of 1

APPENDIX B

Indicative Driveway Layout

DESIGN VEHICLE - SEMI TRAILER
NTS
TURNING RADIUS = 15m TO OUTSIDE FRONT WHEEL.



AMENDMENTS		
No.	DESCRIPTION	APPROVED & DATE
1	TITLE AMENDED TO GUIDELINE DRAWING.	T.F. 09.05.06
2	NOTES, TURNING RADIUS, DESIGN VEHICLE & LAYOUT AMENDED. TITLE BLOCK UPDATED. DRIVEWAY CENTRELINE ADDED. SEALED SHOULDERS REMOVED.	C.M. 18/11/22

- NOTES
- CROSSOVER SHOWN AS 11.0m WIDE SEAL.
 - FOR ADDITIONAL RURAL DRIVEWAY DETAILS REFER TO DRAWING 9831-6281.
 - SEAL RADIUS MAY VARY TO SUIT DRIVEWAY ALIGNMENT.

- LEGEND
- — — — — OUTSIDE FRONT WHEEL PATH
 - - - - - INSIDE REAR WHEEL PATH
 - PATH OF OVERHANG

PLANNING AND TECHNICAL SERVICES DIRECTORATE ROAD AND TRAFFIC ENGINEERING BRANCH Waterloo Crescent EAST PERTH 6004 Telephone 138 138	
DRAWN	E. FINDLATER
DESIGNED	B. SNOOK
VERIFIED	T. FREEMAN 06/05/05
APPROVED	R. GROVE 06/05/05
FILE NO.	67-08-65

DRIVEWAY SETOUT DETAILS
GUIDELINE DRAWING
RURAL DRIVEWAY SETOUT
SEMI-TRAILER
MRWA DRAWING NUMBER 200431-0194-2



Level 2 Kishorn Court
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SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSE

DEVELOPMENT APPLICATION: CHANGE OF USE FROM IRRIGATED HORTICULTURE (OLIVE GROVE) TO AGRICULTURAL INTENSIVE (ANNUAL HORTICULTURE) AT LOT 2 (182) WATERVILLE ROAD, WANERIE

No.	Submitter	Submission details	Applicants response
1.	DBCA	<p>The submitter provides the following general comment:</p> <p><i>The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the application.</i></p>	Noted.
2.	DWER	<p>The submitter provides the following general comment:</p> <p><i>The Department of Water and Environmental Regulation has assessed the development application for Lot 2 (182) Waterville Road, Wanerie and has no comment to provide.</i></p>	Noted.
3.	DPIRD	<p>The submitter provides the following general comment:</p> <p><i>DPIRD does not object to the proposal and offers the following comments:</i></p> <p><i>While DPIRD does not object to the proposed change of use, March 2023 imagery (Attachment 1) show that the conversion from perennial to annual horticulture is already well advanced.</i></p> <p><i>This lot is comprised of the Spearwood, phase 3 and phase 4+5 soil-landscape units. The soils of these units have a high risk of wind erosion (100%). The proponent's wind erosion management plans should address the risk. Retention of more of the olive orchard on the eastern side of the property would have aided with this process.</i></p> <p><i>The Spearwood, phase 3 soils consist of yellowish brown to brownish yellow weak clayey sand. The Spearwood, phase 4+5 consist of pale brown sand (to 50 cm)</i></p>	Noted.

		<p>overlying brownish-yellow weak clayey sand and pale brown to light grey sand (to 90 cm) overlying brownish-yellow sand to weak clayey sand, co-dominant. These soil-landscape units are considered to be class 1 or 2 for perennial horticulture and vineyards, and class 3 for annual horticulture.</p> <p><i>Setbacks and tree buffers: The proponent have used the EPA Guidance for the assessment of Environmental Factors – Separation between Industrial and Sensitive Land Uses to plan their buffer zones and have included activities to minimise the impact on neighbours. The number of activities proposed seem adequate. As the proponent knows the location of the sensitive site, DPIRD would expect spraying would not occur when prevailing winds could result in spray drift toward the house and use spray equipment which contains spray close to the ground.</i></p> <p><i>The Waste and Stable Fly management plan, based on the Biosecurity and Agriculture Management Act 2007 - Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019, demonstrates that the proponent is actively managing stable fly as part of their operations.</i></p>	
4.	Department of Health	<p>The submitter provides the following general comment:</p> <p>Wastewater Management: <i>In relation to the management of wastewater, the DoH has no objection to the proposal subject to ensuring the following are implemented if required:</i></p> <ul style="list-style-type: none"> <i>• The proposal is located within a sewage sensitive area. If there is an increase in staff numbers or wastewater volumes or the existing wastewater system needs to be upgraded, a new system will be required to be installed to meet the Government Sewerage Policy, 2019 requirements and the DoH's current policies.</i> 	<p>Noted.</p> <p>The proposal seeks approval for a shed, notwithstanding no plans have been provided. It is assumed that this structure will accommodate amenities for workers, and it is noted that the an ATU is likely required.</p>

	<p><i>Drinking Water Management:</i></p> <p><i>Drinking water provided on site must meet the health-related requirements and risk management framework set out in version 3.7 of the “Australian Drinking Water Quality Guidelines”. These are highlighted in principle in the following link: Mine sites and exploration camps (health.wa.gov.au).</i></p> <p><i>Any non-drinking water (i.e., water that is not intended or suitable for drinking) provided on site must be managed to ensure that any such non-drinking water cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements.</i></p> <p><i>Please note that comments are provided subject to the Department of Water and Environment Regulation (DWER) confirming that this proposal complies with State Planning Policy 2.7.</i></p> <p><i>Food Safety</i></p> <p><i>Any food processing on the site must comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details available for download from: <u>https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA</u></i></p> <p><i>Chemical Hazards</i></p> <p><i>The DoH publishes guidance on “Separation of agricultural and residential land uses” https://www.health.wa.gov.au/Articles/F_I/Guidelines-for-separation-of-agricultural-and-residential-land-uses. The DoH may consider the use of vegetative buffers to reduce the EPA recommended separation distance to a</i></p>	<p>Noted.</p> <p>Noted.</p> <p>Noted. The Shire is of the view that insufficient information has been lodged in support of the reduced separation distances. Refer to the officer’s report.</p>
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	<p><i>40m vegetative buffer provided it has been adequately designed, implemented and maintained in accordance with guidelines. However, operations should not commence until the vegetative buffer has reached the minimum effective height to control spray drift. The DoH recommends that the proponent demonstrates that they have satisfied the separation distance/vegetative buffer guideline requirements.</i></p> <p><i>The site does not appear on DWER's Contaminated Sites Database, and a Basic Summary of Records https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form-2.pdf should be obtained by the proponent to complete their assessment of the site's suitability for use. DWER guidelines recommend that intensive agricultural uses, such as olive plantations, are a potentially contaminating land use, particularly where agrochemicals (including OC&OP-pesticides and white-oils) have been historically stored and applied to the land, and which may have later entered the underlying groundwater. Whilst the proponent has not provided any evidence that the site has been impacted by uncontrolled agro-chemical use, this cannot yet be discounted. DoH recommends that the proponent sample and test the soils on site to determine whether they are suitable for use.</i></p> <p><i>Furthermore, as the site operates an abstraction bore (GWL87696(7)) for irrigation and product processing purposes, the DoH recommends that the proponent sample and test the groundwater bore to determine whether groundwater abstracted is suitable for use.</i></p> <p><i>The DoH is aware that the Nullagine River (tributary of Moore River) flows approximately 1100m to the west of the site and underlying groundwater is likely to be flowing towards the river. Moore River is known to be impacted by high nutrient levels which contribute to poor water quality downstream, particularly during periods of low</i></p>	<p>Noted. Insufficient details have been provided that demonstrates the proposal will have no adverse impact of the Nullagine River system and catchment area.</p>
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		<i>flow. The proponent should consider whether the proposed change in use to a more intensive agricultural use, may increase nutrient loading in underlying groundwater, which in turn may have an adverse impact on the water quality in the Moore River catchment.</i>	
5.	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>We have concerns regarding the amount of pesticides that will contaminate our property or harm our alpacas, regardless of how this issue has been generally addressed in this application.</i></p> <p><i>We also have concern with the amount of water used as this may have a detrimental affect on our own bore.</i></p>	<p>Noted.</p> <p>Water extraction is controlled by the Department of Water and Environmental Regulation (DWER) through the <i>Rights in Water and Irrigation Act 1914</i>. This is a separate approvals process that is not regulated by local governments.</p>
6.	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>Considering the olive grove has been destroyed and the dam, shed and infrastructure has already been started, I believe any comments I make are pointless and probably a waste of time. I was disappointed and surprised that there was no consultation period initially with the eight residents involved and this process now seems like a cynical adherence to legal requirement and I don't expect any changes to occur as a result of my concern, however under invitation, I will voice them and they are as follows-</i></p> <ul style="list-style-type: none"> • <i>The pumping of enormous quantities of ground water may have a detrimental effect on the viability of my domestic bore, with possible seepage from chemicals causing contamination.</i> • <i>My home is the closest dwelling to the site and I am the most effected adjoining property. The retention of olive trees as shown on the map, (Overleaf from page</i> 	<p>Noted.</p> <p>Water extraction is controlled by the Department of Water and Environmental Regulation (DWER) under the <i>Rights in Water and Irrigation Act 1914</i>. This is a separate approvals process that is not regulated by local governments.</p> <p>Noted.</p>

	<p><i>9) extending about half way along my western boundary, have all been removed. There is not a single olive tree standing along my boundary with Lot 2, so there has been no retention as per plan.</i></p> <ul style="list-style-type: none"> • <i>Previously extensive westerly views will be obliterated when the double row of Casuarina trees grow to maturity. I have 180-degree views looking out over the old olive grove.</i> • <i>The statement on page 2 that begins, "The closest single"-with reference to "sensitive land uses" is a mystery to me, what does this statement mean? And what are the EPA Guidelines?</i> • <i>Stable fly is a nightmare for stock and doesn't exist here presently. I will be limited to livestock use in the future, let alone the bites I will probably endure.</i> • <i>Farm machinery is noisy and commencing seven days a week starting at five in the morning will be a huge disturbance to residents. At five in the morning it is dark much of the year, does that mean they will be working using lights and using lights at night when its also dark?</i> • <i>The application of Metham and other toxic chemicals will undoubtedly create a drift and I will be the recipient, killing all life in the soil. They will spray at night using the pivot next to my paddock to spray toxic substances that will drift even in the slightest breezes how can I support such practice. I can no longer represent myself as organic.</i> • <i>The estimate of vehicle movements has me puzzled how can 4.3 semi-trailer loads be accurate? How is .3 of a load determined? How can 4.3 semi-trailer loads per week service 128 hectares?</i> 	<p>Noted.</p> <p>Refer to the officer's report.</p> <p>The <i>Biosecurity and Agriculture Management Act 2007 - Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019</i> regulates the management practises to mitigate stable fly.</p> <p>Noted and agreed.</p> <p>Noted. The officer does have concerns regarding emissions and potential impacts on adjoining landowners, partly due to reduced separation distances.</p> <p>The officer understands that the calculations would have been based on estimated annual tonnage of</p>
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		<p><i>Intensive agriculture, noise, toxic chemical spraying, Stable Flies, increasing heavy traffic, dust and people harvesting everywhere were not the reasons I purchased and developed my property in Wanerie, I had hoped to live a quiet and simple life here in peace and harmony, but my quiet life is set to be destroyed and the future looks grim. I do not support the proposal, but having seen the destruction on the olive grove and the development already undertaken, I have no doubts that my objections will carry no weight whatsoever. The rich will undoubtedly become richer and battling individuals have to cope with the results of corporate, industrial and agricultural, greed with councils being forced to conduct meaningless comment surveys when the final result and agreed practice has already been decided.</i></p>	<p>produce, and the associated number of vehicles movements to transport that produce. The figure would then have been dived by 52, hence giving a decimal pint.</p> <p>Noted.</p>
7.	Ratepayer	<p>The submitter does not support the application and provides the following general comment:</p> <ul style="list-style-type: none"> <i>The application refers to an attached Traffic Impact Statement report prepared by Porter Consulting Engineers providing a detailed assessment of the traffic impact of the horticultural operation. This was not attached.</i> <i>We question the timing of the invitation for stakeholders to comment dated 11 April 2023 given that many hectares of olive trees were removed from the ground and burnt on the property in 2022, leaving no buffer on the East side of 'Waterville" and Sensitive Land. Approval for the dam was given in September 2022 and has already been installed and earthworks have begun for the shed. We therefore find that the invitation for comment reeks of tokenism and contradicts the principals of effective community consultation.</i> <i>Farms owned by the same company have been observed first hand using Metam spray in the middle of the night, at a time when there are few workers onsite and those dispensing the spray</i> 	<p>Noted.</p> <p>The landowner is able to remove the existing trees without any approval to do so, however the officer notes that this may have been done pre-empting approval for the proposed use would be forthcoming. This has no bearing on the Shire assessment process, including stakeholder consultation.</p> <p>Noted. The officer concurs.</p>

		<p><i>wear full PPE. Metam which is used to prepare the ground before planting, is considered a probable human carcinogen so obviously we have concerns about the risk of harm to ourselves in the long term. We expect that there will be many other chemicals used that we will not be aware of. We would like to know when wind direction and speed will be monitored prior to spraying Metam/other chemicals and what measurements would inform a decision to spray or not.</i></p> <ul style="list-style-type: none"> • <i>We do not believe the double row of newly planted Casuarina trees along the Eastern boundary is sufficient to reduce the EPA separation distance of between 300-500m for market garden activities to a mere 150m from a residential dwelling as quoted in the application. The other factors listed in the application to support reducing the separation distance, actually do very little to minimise the impact on neighbours on the Eastern boundary.</i> • <i>Pivot 1 on the boundary of Lot 118 will not be active until 2025 until the tree buffer, the application states, "become sufficient in size" but Pivot 2, adjacent to our property, will be installed initially and whilst the newly planted trees are still small. Our residential dwelling (lot 124) is actually a comparable distance from "Waterville" to the example used as the closest residential dwelling established 2-3 years ago (lot 118). We estimate our dwelling to also be approximately 150m away from "Waterville". Is this because "Waterville" considers our native bush band will provide us with a buffer from the spray drift?</i> • <i>How can a double row of new trees be sufficient to reduce spray risk to a .suitably low risk?" Who classifies suitably low? Casuarina/Sheoak trees are fast growing but have thin spikey foliage. A 392m band of protected native bush runs the length of our property between our dwelling and "Waterville". We are concerned that it will be irreparably impacted by spray drift in the frequent</i> 	<p>Noted. The officer largely concurs.</p> <p>Noted. The officer largely concurs.</p> <p>Noted. The officer largely concurs.</p>
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	<p><i>and strong Westerly wind and that the Casuarina will do little as a buffer. The bush has ancient Zanthonia (grass trees) and a variety of native grass, bushes and shrubs. In spring, the wild flowers are prolific. Flocks of Carnaby's black cockatoos, which are endangered due to loss of habitat, can often be seen high in the trees feeding. The bush offers protection and is frequented by kangaroos and other smaller wildlife. The ongoing health of this band of bush is paramount.</i></p> <ul style="list-style-type: none"> <i>The Gingin Shire granted approval for residential dwellings to be built on properties in Borabilla Place; referred to in the application as "Sensitive Land", and we will now be impacted by noise emitting from Waterville Fresh with the change in use from Irrigated Horticulture to Agricultural Intensive. Regarding operating hours, farming activities conducted at 5.00am in the morning emitting mechanical noise from farming machinery is unreasonable. The Noise Regulations 1997 sets limits and the Gingin Shire website refers to both essential services and construction only being permitted from 7.00am Monday to Saturday. Is there an exemption to the regulations for new development applications for intensive agriculture abutting existing "Sensitive Land?"</i> <p><i>In summary, due largely to environmental factors including perceived inadequacy of tree buffers, disparity of separation distances between industrial and Sensitive Land Uses, endangerment to ourselves and of habitat to flora and fauna, and also noise management before 7.00am, we do not support the application as it currently stands.</i></p> <p><i>We trust that the Gingin Shire will adhere to appropriate local government protocols with transparency and integrity to review the application and consider comments received from stakeholders/ residents.</i></p>	<p>The Shire has approved dwellings in the rural area. Occupants of rural dwellings should not expect a residential amenity akin to urban areas, but one that is rural in nature. This may include noise from farms and machinery, as it would be foreseeable that such uses will occur in a rural area. The officer concurs that 5:00am start time is unreasonable and may impact the rural amenity of the locality an unacceptable standard. Refer to the officer's report.</p> <p>Noted. The officer largely concurs.</p>
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8.	Ratepayer	<p>The submitter does not support the application and provides the following general comment:</p> <p><i>We see the water table in jeopardy as we have now settled here and concerned about our water supply, involvement of the impact of spraying insecticide and chemicals that eventually result residue underground. There's already struggle of achieving water licence for properties on farm like us always. So please consider negative support from us as our views are for the coming years that we will live here.</i></p>	<p>Water extraction is controlled by the Department of Water and Environmental Regulation (DWER) under the <i>Rights in Water and Irrigation Act 1914</i>. This is a separate approvals process that is not regulated by local governments.</p>

**13.3 APPLICATION FOR DEVELOPMENT APPROVAL - EXTRACTIVE INDUSTRY ON LOT 106
(494) MOGUMBER ROAD WEST, RED GULLY**

File	BLD/5347
Applicant	Lundstrom Environmental Consultants Pty Ltd
Location	Lot 106 Mogumber Road West, Red Gully
Owner	Anthony Ruse
Zoning	General Rural
WAPC No	NA
Author	James Bayliss – Coordinator Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Map - Lot 106 (494) Mogumber Road West, Red Gully [13.3.1 - 1 page] 2. Aerial Map - Lot 106 (494) Mogumber Road West, Red Gully [13.3.2 - 1 page] 3. F 3 Proposed Operation Only Stockpile removal [13.3.3 - 1 page] 4. Revised Proposal - Stockpile Removal only [13.3.4 - 3 pages] 5. Original proposal [13.3.5 - 92 pages] 6. Schedule of Submissions and Recommended Responses [13.3.6 - 28 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval to renew the existing Extractive Industry (gravel) on Lot 106 Mogumber Road West, Red Gully.

BACKGROUND

Development approval was granted in 2001 for a period of 10 years to Quarry Park Pty Ltd to extract laterite from the subject property. The Shire subsequently issued an Extractive Industry Licence which was later transferred to B and J Catalano, the current operator.

Upon the original approval lapsing, an extension for a further 10 year period was sought and approved by Council at the Ordinary Meeting on 21 May 2013, with the determination notice being issued on 28 May 2013. This approval has recently lapsed, and there is still gravel stockpiled onsite that the operator seeks approval to remove.

It should be noted that the application lodged also comprised of a 9.6 hectare expansion to the north of the current pit, which is delineated on the development plans as 'Area 2'. During stakeholder consultation, the Shire received several objections, some of which raised concerns regarding the removal of native vegetation that had foraging values for the Carnaby's Black Cockatoo. As a result of those comments, Lundstrom Environmental Consultants (the Applicant) conducted a targeted fauna survey over proposed 'Area 2' and confirmed vegetation of high foraging value is present. Given this finding, the Applicant no longer seeks approval for that component of the proposal as approval is unlikely to be forthcoming.

The revised proposal is now isolated to the following components:

- Approval for a period of 5 years.
- Truck loading and removal of approximately 30,000 tonnes of gravel from the existing stockpile in Area 1.
- The completion of rehabilitation commitments.

In view of the above, the following assessment has been kept concise to reflect the limited scope of the approval now being sought, which is essentially renewing the earlier approval for a further period of 5 years.

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

The revised Development Plan titled 'Proposed Operation Only - Stockpile Removal' and the revised submission are provided (**see appendices**).

The applicant's proposal in support of the original proposal is also provided, as it does provide relevant contextual information (**see appendices**).

COMMENT

Stakeholder Consultation

The application was advertised in accordance with clause 64 of the Deemed Provisions for Local Planning Schemes within the *Planning and Development (Local Planning Scheme) Regulations 2015* (Deemed Provisions). This included advertising to surrounding landowners within a one-kilometre radius of the development area.

The Shire received 3 submissions as part of the consultation process, all of which are interpreted as opposing the development due to the expansion into Area 2.

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

- Department of Water and Environmental Regulation (DWER);
- Department of Mines, Industry Regulation and Safety (DMIRS);
- Department of Health (DoH);
- Department of Biodiversity, Conservation and Attractions (DBCA); and
- Department of Primary Industries and Regional Development (DPIRD).

It should be noted that DPIRD objects to clearing Area 2, and DWER raised concerns without explicitly objecting.

Given the proposal has been revised as a result of the concerns raised, the objections have largely been addressed. The revised proposal has not been re-advertised; however the submitters have been advised of the changes.

A copy of the Schedule of Submissions and Recommended Responses, including correspondence from State agencies, is provided (**see appendices**).

PLANNING FRAMEWORK

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

The subject lot is zoned “General Rural (GR)” under LPS 9. The objectives of the GR zone are outlined below:

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

An extractive industry is 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.

It should also be noted that an extractive industry is regulated under an Extractive Industry Licence (EIL) that is issued in accordance with the Shire of Gingin's *Extractive Industries Local Law 2004*, which sets out further operational requirements.

Setbacks

In accordance with 'Table 2 – Site Requirements' of LPS 9, all development shall be set back a minimum 20 metres from all lot boundaries. The proposed extraction area is set back from all lot boundaries adequately.

4.8.10 Extractive Industries

4.8.10.1 Local government may consider applications for extractive industries in the General Rural zone where the sites have not been identified within an SCA under clause 5.4.

4.8.10.2 In considering applications for extractive industries, local government will have regard for the zone objectives.

4.8.10.3 Local government will also consider the potential impact of the extractive industry in regard to surrounding land uses (both existing and future) and may apply conditions to manage the potential impacts, such as noise, dust, odour and amenity.

Comment:

The above provision outlines that resources not identified under the Strategy are still able to be utilised, subject to a planning assessment. The relevant considerations outlined under clause 4.8.10.3 above are duplicated under the Deemed Provisions.

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

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

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) Any approved state planning policy;*
- (d) Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*

- (f) *Any policy of the state;*
- (m) *The compatibility of the development with its setting, including –*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *The amenity of the locality including the following:*
 - (i) *Environmental impacts of the development;*
 - (ii) *The character of the locality;*
- (o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (r) *The suitability of the land for the development considering the possible risk to human health or safety;*
- (s) *The adequacy of -*
 - (i) *The proposed means of access to and egress from the site; and*
 - (ii) *Arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *The history of the site where the development is to be located;*
- (za) *The comments or submissions received from any authority consulted under clause 66;*

Rather than address each consideration referenced above separately, the officer notes that two previous approvals have been issued, which essentially confirms that the existing location is appropriate for extraction of the identified material. Given the approval now relates only to authorising removal of the previously extracted gravel that is currently stockpiled, continuation of the status quo onsite is viewed as being acceptable. To address each consideration above is viewed as being unnecessary and superfluous.

The applicant advises that removal of the stockpile and rehabilitation works will take ~5 years, and on that basis similar conditions to those previously imposed are recommended.

Noise

The regulatory regime relating to noise control and management in Western Australia is established by the *Environmental Protection Act 1986* (EP Act) and, in particular, the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The Noise Regulations set out the maximum permissible noise levels for land uses based on levels, frequency and matters such as impulsiveness and tonality. The development is obliged to adhere to these regulations.

Dust

The applicant proposed to suppress dust via the following means:

- *A 15kl water cart will be on site during all periods when earth is being moved. When dust is created during these periods, the water cart will be employed to damp down the areas of concern. If the wind is blowing strongly in the direction of Mogumber Road West and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.*
- *If the wind is blowing strongly in the direction of the closest residences which are in the wind direction and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.*
- *A polymer-based spray-on soil stabilizer will be applied to topsoil and overburden stockpiles if they do not stabilize by crusting and grass re-growth.*
- *Internal roads will be surfaced with gravel.*
- *Truck loads will always be covered so that no dust is generated in transit.*
- *A complaints system will be put in place, and complaints will be recorded by the Quarry Manager and acted on promptly.*
- *A notice will be erected at the front gate, and this will provide emergency contact details for the Quarry Manager.*

Vehicle Movements

The majority of trucks that will be used to transport material from this site will be 50 tonne road-trains. Based on this configuration, it is estimated that there will be a maximum of 4 truck cycles per day. Operating times will be Monday to Saturday 6.00am to 6.00pm.

Summary

The officer is of the view that the subject land can accommodate the proposed extractive industry, provided that appropriate planning conditions and management plans are in place to ensure off site impacts can be controlled in a manner that won't adversely affect the amenity of the locality and will uphold the objectives of the General Rural zone.

STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Planning Scheme No. 9

Shire of Gingin Extractive Industries Local Law 2004 (as amended)

The Local Law guides the formal licensing of extractive industries throughout the Shire to monitor ongoing operational aspects of the use. The officer is of the view that, once revised management plans have been submitted as per suggested conditions of approval, an Extractive Industry Licence can be issued.

POLICY IMPLICATIONS

State Planning Policy 2.4 - Basic Raw Materials

State Planning Policy 2.5 - Rural Planning

Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council grant Development Approval to renew the existing Extractive Industry (gravel) on Lot 106 Mogumber Road West, Red Gully subject to the following conditions:

1. The development plans, including accompanying documentation (revised document prepare by Lundstrom Environmental dated 30 May 2023 – Appendix 13.3.4) together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued unless amended by way of condition;
2. This development approval is granted for a limited period and shall expire on 20 June 2028;
3. This approval is limited to removal of the gravel stockpile outlined on the approved plans;
4. The landowner/operator shall maintain the existing crossover in a good condition thereafter to the satisfaction of the Shire of Gingin;
5. At completion of gravel removal, the land shall be rehabilitated to pasture cover, in accordance with previously approved rehabilitation Plan, to the satisfaction of the Shire of Gingin; and
6. The approved development may only operate during the following times:

Monday – Saturday: 6:00am – 6:00pm.

Advice Notes:

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

Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

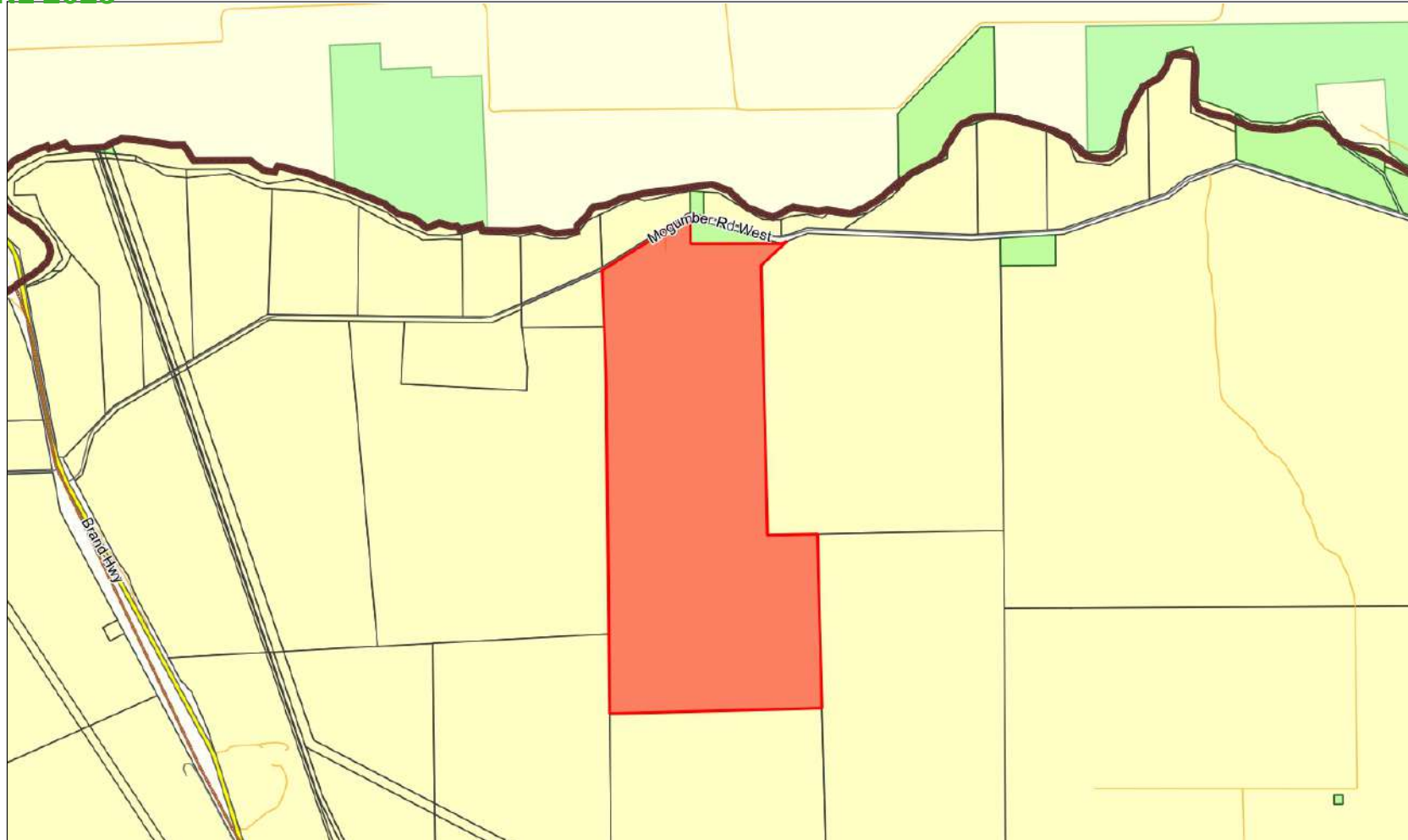
Note 3: The development requires an Extractive Industry Licence to be issued by the Shire of Gingin prior to extraction occurring, which will be subject to periodic renewal in accordance with the Shire's *Extractive Industries Local Law 2004 (as amended)*.



- Note 4: Please be advised that the Shire of Gingin will not issue an Extractive Industry Licence should the annual (or as required) survey plan be inconsistent with the approved plans or accompanying documentation forming part of this approval, or if rehabilitation works are incomplete.
- Note 5: Once rehabilitation works have been finalised, the landowner/operator may apply to the Shire of Gingin for the rehabilitation bond to be returned.
- Note 6: Backfilling of the excavation pits with landfill is prohibited.
- Note 7: In relation to the upgrade of a new crossover, please note that a crossover application form is to be submitted to the Shire's Operations and Assets Department. The application form can be found on the Shire's website at the following link: <https://www.gingin.wa.gov.au/roads-driveways-and-crossovers>
- Note 8: Please be advised that clearing of native vegetation is prohibited in Western Australia, unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- Note 9: The proponent is reminded of obligations under the *Aboriginal Heritage Act 1972* in relation to the discovery of unknown heritage places during excavations.

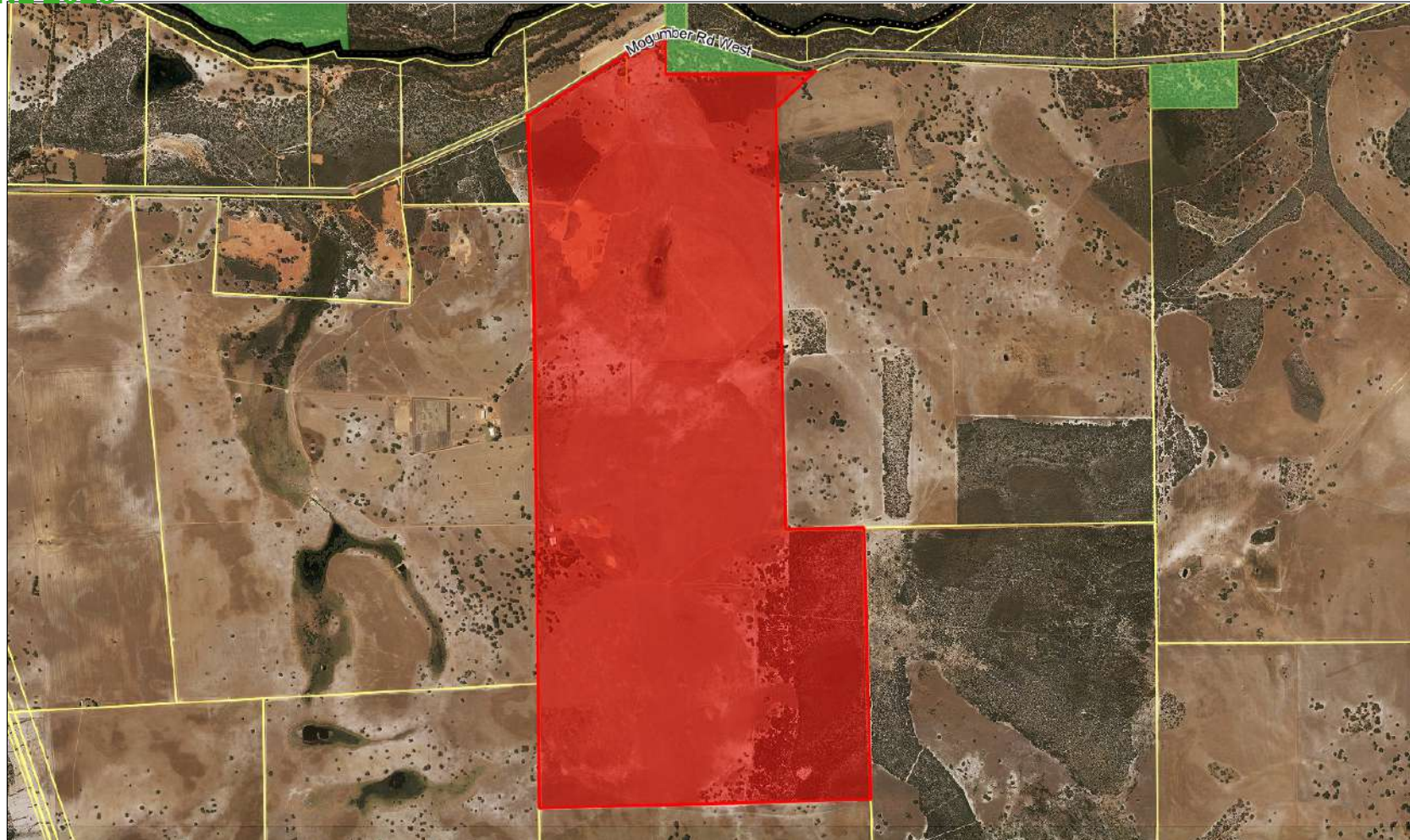
CARRIED UNANIMOUSLY
8 / 0



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

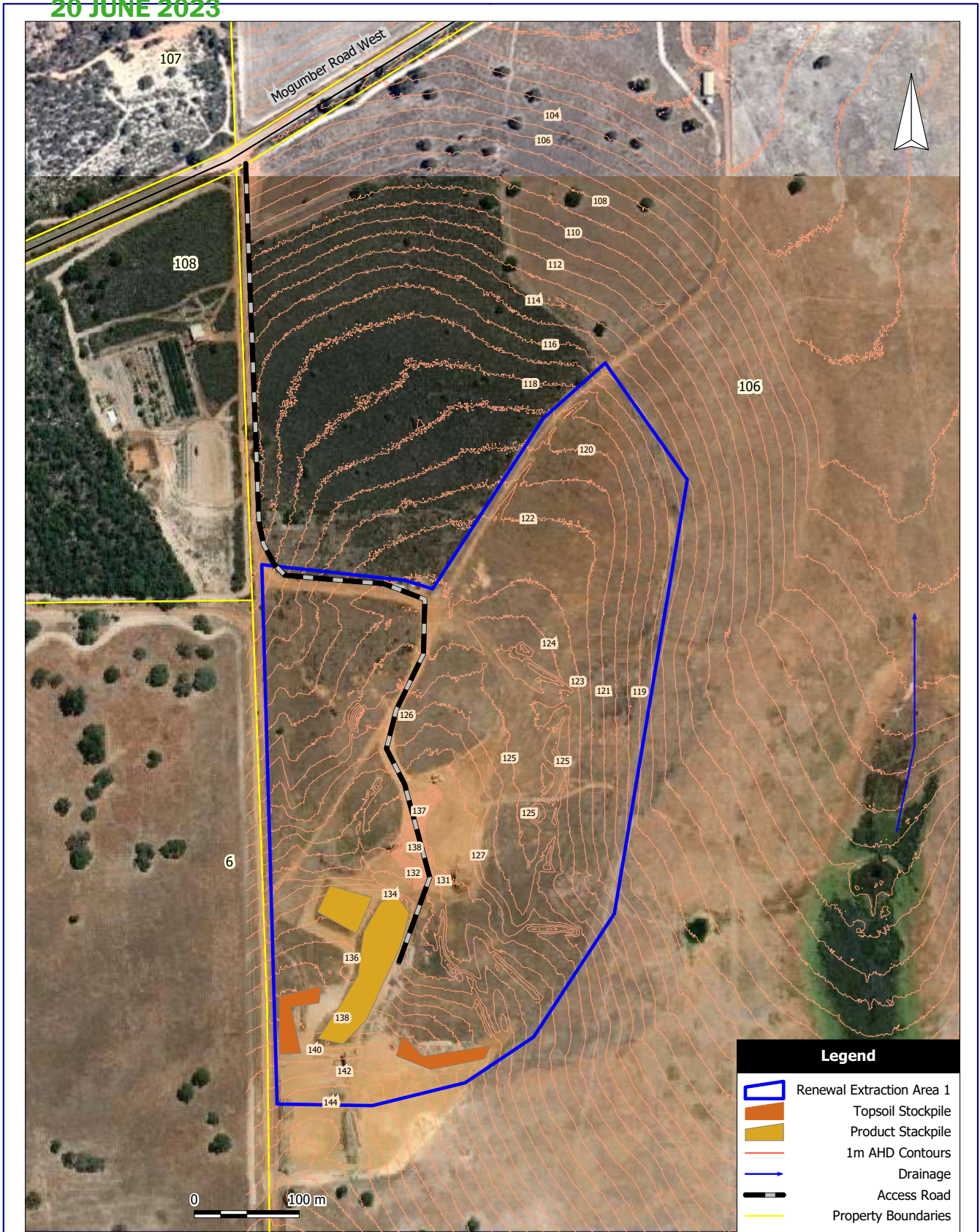
AGAINST: *Nil*



 <p>SHIRE OF GINGIN COUNCIL BEANS PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Location Map - Lot 106 (494) Mogumber Road West, Red Gully</p>	<p>Scale: 1:39790</p>	<p>Date: 25/01/2023</p>	
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 <p>SHIRE OF GINGIN WATER • BEAUTY • PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Aerial Map - Lot 106 (494) Mogumber Road West, Red Gully</p> <p>Scale: 1:25466</p> <p>Date: 25/01/2023</p>	
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**Lundstrom Environmental
Consultants Pty Ltd**

Leeming WA 6149
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admin@lundstrom-environmental.com.au

Scale: 1:4500
Original Size: A4
Air Photo Source: ArcGis Feb 2022
Datum: GDA94
Projection: Australia MGA94 (50)

Client: B & J Catalano
Project: Gravel Extraction

Location: Lot 106 Mogumber Rd West
Red Gully

Figure 3:

Stockpile Removal



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James Bayliss
Shire of Gingin

Subject: Approval for Stockpile Removal at Lot 106 Mogumber Rd West_Red Gully_Shire of Gingin

The purpose of this letter is to provide necessary information required in support of an Extractive Industries Licence application and a Development Approval (DA) application for gravel stockpile removal for a period of five years, within an existing Area 1 on Lot 106 Mogumber Road West, red gully in the Shire of Gingin.

Extraction in Area 1 has been completed, and only gravel stockpiles of approximately 30,000 tonnes remains on the southern section of Area 1. Rehabilitation has been done in most parts of Area 1 and will be completely rehabilitated to pasture after all stockpiles have been removed.

Site Access and Egress Roads

Site access and egress is well established from Mogumber Road West and no changes to the existing situation are proposed.

Estimated Traffic to Be Generated:

The following estimates are made:

- Estimated annual gravel removal: 30,000 tonnes (worst case scenario, removed in one year)
- Number of working days per month: 22 days
- Vehicle payloads (GAVs1)
 - Truck and Dog (40 tonnes)
 - Road Train (50 tonnes)
- Proportional Use
 - 40 tonners (50%) and 50 tonners (50%)

The majority (90%) of trucks that will be used to transport material from this site will be 50 tonne road-trains. Based on this it is estimated that there will be a maximum of 4 truck cycles per day. Operating times will be Monday to Saturday 6.00am to 6.00pm.

Dust Management Measures

- A 15kl water cart will be on site during all periods when earth is being moved. When dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern.
- If the wind is blowing strongly in the direction of Mogumber Road West and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.
- If the wind is blowing strongly in the direction of the closest residences, which are in the wind direction and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.
- A polymer-based spray-on soil stabilizer will be applied to topsoil and overburden stockpiles if they do not stabilize by crusting and grass re-growth.

- Internal roads will be surfaced with gravel.
- Truck loads will always be covered so that no dust is generated in transit.
- A complaints system will be put in place, and these will be recorded by the Quarry Manager and acted on promptly.
- A notice will be erected at the front gate, and this will provide emergency contact details for the Quarry Manager.

Dust Complaints Register

A complaints system will continue to be executed, and these will be recorded by the Quarry Manager and acted on promptly. For each complaint received, the following data will be recorded and maintained in a register:

- Date and time of complaint
- Location from which the problem arose
- Wind direction and speed at the time of the complaint and any other useful meteorological data

The following procedure will be executed when a complaint due to dust generation is received on site:

- Quarry Manager to fill out the complaint register and record all details including date, time, location, wind direction and other prevailing weather conditions.
- Conduct a detailed visual inspection to evaluate the complaint received and determine the source of dust generation affecting the complaint.
- Carry out necessary measures to address the issue as per the Dust Management Plan, where necessary cease operations until conditions improve.
- Record the actions undertaken to mitigate the complaint.

Rehabilitation management

Under previous EIL and DA, 15.8ha area within Area 1 has been rehabilitated back to pasture, remaining area will be rehabilitated to pasture after removal of stockpile. Previously approved rehabilitation plans described that the pit areas will be ripped, smoothed, contoured, and planted to pasture. Rehabilitation in Area 1 has largely been successfully completed and supports a sheep grazing enterprise.

Rehabilitation to pastures

Progressive rehabilitation of the extraction areas will entail the following actions:

- Rip areas where compaction has occurred.
- Smooth batters to 1:6 and level out the base of the pit.
- Re-surface pit areas with stockpiled topsoil and overburden.
- Seed with pasture species and fertilize.
- Cut final contour drainage furrows.
- Monitor and maintain rehabilitated areas.

Monitoring and Maintenance

Monitoring will be carried out on an annual basis to assess:

- The physical stability of the landform in the rehabilitated areas.
- Success of germination of pasture grasses.
- The emergence of weeds.

Monitoring will continue until the completion criteria presented in Table 1 below have been fulfilled.

Maintenance procedures will be carried out where necessary and will include:

- Repair of any erosion damage.
- Replanting/seeding areas that may not have been regenerated.
- Weed control.

Completion Criteria

Completion criteria are identified to allow effective reporting and auditing and to define an endpoint for the rehabilitation activities.

The completion criteria proposed for extractive operations on Lot 106, Mogumber Road West, Red Gully are presented in Table 1.

Table 1. Closure Criteria, Objectives, and Interim Targets

Criteria	Objective	Interim Targets
1. Safety	The site is safe to humans.	<ul style="list-style-type: none"> The site is safe to humans during operations
2. Sustainability	The site is sustainable in the long term without additional management inputs.	N/A
3. Suitability	The site is suitable for agricultural purposes.	N/A
4. Visual amenity and heritage	The rehabilitated extraction area blends into the surrounding environment.	N/A
5. Off-site impacts	Significant adverse off-site impacts are prevented.	N/A
6. Hydrology	a. Site hydrology does not prevent the establishment of desired vegetation. b. Site hydrology does not reduce the stability of the landform. c. Stormwater is contained within the site.	<ul style="list-style-type: none"> Stormwater is contained within the site during operations. Identification and mitigation of any hydrology related issues during operations.
7. Soils and stability	a. Soil profiles and structures are sufficient to ensure vegetation establishment. b. The landform is stable.	<ul style="list-style-type: none"> Topsoil is respread in all rehabilitation areas. Identification and mitigation of potential erosion scars and scours during operations.
8. Vegetation	a. Pasture grasses cover the entire targeted area. b. Pasture grass cover is sufficiently resilient to sustain grazing pressure.	<ul style="list-style-type: none"> After one year pasture grasses cover 30% of target area increasing by 20% per annum thereafter.
9. Weeds	a. Declared pest weeds are absent. b. The level of weed species should not be detrimental to the planted seedlings or pasture grasses.	<ul style="list-style-type: none"> Weed species removed systematically during operations.



Michael Lundstrom
Director

30th May 2023



**EXTRACTIVE INDUSTRY APPLICATION
&
ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

LOT 106 MOGUMBER RD WEST RED GULLY, SHIRE OF GINGIN

January 2023

B&J Catalano
South Western Highway
Brunswick Junction
W.A 6224
Ph: (08) 9726 8100
Fax (08) 9726 1575

Extractive Industries Licence Application and Environmental Management Plan

LOT 106 Mogumber Road West, Red Gully



REPORT PREPARED BY
LUNDSTROM ENVIRONMENTAL CONSULTANTS PTY LTD

Lot 106 Mogumber Road West, Red Gully, Shire of Gingin

Extractive Industries Licence Application and Environmental Management Plan

Version Reference: 0.1

Date: January 2023

Prepared by Lundstrom Environmental Consultants Pty Ltd for B&J Catalano Pty Ltd

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Version Register

Version No.	Description	Author	Reviewed by	Date
0.1	Final	S.Talvelkar	M. Lundstrom	January 2023

Front cover image: *ArcGis Image of the proposed extraction areas, February 2022*

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Appendix 4: Weed Management Plan
Appendix 5: Water Management Plan
Appendix 6: Noise Management Plan
Appendix 7: Pit Rehabilitation and Maintenance Management Plan
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1 INTRODUCTION

The purpose of this report is to provide all the necessary information required in support of an Extractive Industries Licence (EIL) application and a Development Approval (DA) application (Appendix 1) for Lot 106 Mogumber Road west, red gully in the Shire of Gingin.

This application is for removal of gravel stockpile at Lot 106, within an existing Area 1 and for extraction of gravel from new Area 2 of 9.6ha. The existing Area 1 has a valid Planning Approval which expires on 28 May 2023.

This report sets out the details required by the Shire of Gingin for the extraction of laterite gravel on the property together with maps. It also provides an environmental assessment of the proposal and environmental management plans.

2 PROPERTY DESCRIPTION, OWNERSHIP AND LOCALITY

The property is situated approximately 4km east by road of red gully from the intersection of Mogumber Rd west and Brand Highway. A locality plan is included as Figure 1. The property description and ownership are summarised in Table 1.

Table 1. Property description

Property Description:	Lot 106 Mogumber Road West, Red Gully Shire of Gingin
------------------------------	---

Lot 106:

Deposited Plan	64468
Volume	1973
Folio	827
Area:	447.6515 ha
Ownership	Anthony Leighton Ruse

3 DESCRIPTION OF THE SITE AND ITS SURROUNDS

3.1 PRESENT LAND USE AND ZONING

The property is currently used for gravel extraction and grazing. Most parts of Previous EIL Area 1 have been rehabilitated back to pastures.

Figure 2 illustrates the land use of the property and its immediate surrounds.

3.2 TOPOGRAPHY

The elevation of the subject areas ranges from 104m AHD and 144m AHD and generally falls towards the north-east.

Current slopes across the proposed EIL areas range between approximately 1:50 (2%) and 1:12 (8.33%).

3.3 SURFACE WATER, DRAINAGE AND WETLANDS

The property is situated within a *Rights in Water Irrigation Act 1914* (RIWI) Surface Water Proclamation Area (Moore River and certain tributaries) overseen by DWER (Landgate, 2022). The Site lies within a *Rights in Water Irrigation Act 1914* (RIWI) Groundwater Proclamation Area (Gingin Groundwater Area).

The site lies in the Moore River Catchment within the Moore Hill Rivers Basin. The Moore River runs along the northern boundary of Lot 106 and is approximately 520m from the closest boundary of Area 2 (Landgate, 2022).

The site does not fall in a Public Drinking Water Source Area (Landgate, 2022). The water supply for the processing of operation is supplied from the farm dam or brought to the site.

Details of the methods that will be used to manage stormwater and off-site sedimentation are discussed in Section 5.5 of this report.

There are wetlands present to the south-west of the proposed EIL operation areas (Figure 2). There is only one wetland present within 1km of the proposed extraction areas. This wetland is a dampland (Seasonal waterlogging) identified as "Not assessed" (Landgate, 2022). Details of the methods that will be used to mitigate impacts to these wetlands are discussed in Section 5.6 of this report.

3.4 GEOLOGY AND SOILS

The landscape can be described as a subdued lateritic plateau, undulating to gently undulating low rises with gently undulating plain including dunes; pale and yellow deep sands, sandy gravels, some duplex; from sandstones plus alluvial and aeolian deposits.

The excavation depth would be 1m below current ground level.

3.5 GROUNDWATER HYDROLOGY

East of the Brand Highway, where the extraction site is present is categorized to have a Surficial Aquifer. These are extensive and patchy aquifers of sand and clay. They are unconfined, thin, and often unsaturated. Usually, the groundwater is fresh with small bore yields. They often support groundwater dependent ecosystems (DWER, 2015).

On site the surficial groundwater appears to be at the depth of 116m AHD, which is at least 2m below the lowest elevation of the extraction area in the east, and at the highest elevation, at 11m below ground level.

The only groundwater dependent vegetation is present around the soak 250m from the extraction area. This will not be impacted by sedimentation, as the drainage is towards the north of the extraction area away from the soak, towards Moore River.

The proposed final ground surface exceeds the minimum required clearance under current regulatory policies and guidelines (DWER, 2019).

No groundwater seepage or standing natural surface water is present in the immediate area surrounding the proposed development.

The site falls within a *Rights in Water and Irrigation (RIWI) Act 1914* Groundwater Proclamation Area (Landgate, 2022).

3.6 VEGETATION

The current operating area (Area 1) is predominantly pastureland and some parts of this area have been rehabilitated back to pasture. Figure 2 illustrates the positions of Areas 1 and 2.

In the proposed new area (Area 2), a reconnaissance flora survey was conducted in December 2021 by Lundstrom Environmental Consultants. It was found that the most observed plant families in the survey area were Amaranthaceae, Asparagaceae, Casuarinaceae, Goodeniaceae, Haemodoraceae, Lamiaceae, Myrtaceae, Proteaceae and Xanthorrhoeaceae.

There is predominately one vegetation formation of open to closed heath complex across the Survey Area. It was noted that there is a transition to health complex vegetation to the southeast and southwest of the area surveyed. There are also some scattered trees and emergent mallees in the Survey Area.

No Threatened species listed under the EPBC Act or gazetted as Declared Rare Flora (Threatened) pursuant to the BC Act were observed in the Survey Area.

No Threatened or Priority Ecological Communities were present in the Survey Area.

A Clearing permit will be applied for in the existing native vegetation in Area 2.

3.7 FAUNA

Since Area 2 will be applied for clearing, there may be potential of impact to fauna. There is a likelihood that the area may be a potential forging ground for Carnaby's Black Cockatoo. No black cockatoo breeding habitat trees with a diameter at breast height (DBH) equal to or greater than 50cm were found within the survey area. No specific evidence of use by black cockatoos was found.

3.8 ENVIRONMENTALLY SENSITIVE AREAS

There are no Environmentally Sensitive Areas (ESA) as defined by the Clearing Regulations (DWER, 2019a) within or adjacent to the proposed EIL area.

An Environmentally Sensitive Area (ESA) is an area where the vegetation has high conservation value and cannot be cleared. ESAs are declared by the Minister in the Environmental Protection (Environmentally Sensitive Areas) Notice 55 (2005) under section 51B of the Environmental Protection Act 1986.

3.9 CURRENT ZONING AND EXISTING INFRASTRUCTURE

The area is zoned as General Rural in terms of the Shire of Gingin Local Planning Scheme No.9.

There is currently a weighbridge, product stockpiles and stormwater detention ponds associated with this extraction operation.

3.10 BUSHFIRE PRONE AREAS

The north-west section of new Area 2 falls within a bushfire prone area (Figure 2) as designated by the Fire and Emergency Services (FES) Commissioner on 1 June 2018. Area 2 has native vegetation and therefore falls under a bushfire prone area. However, the threat of bushfire from this operation is considered low. There are no habitable buildings or any other structures. None are planned to be developed in close proximity to the extraction area.

3.11 CLOSEST RESIDENCES

The EPA draft Environmental Assessment Guidelines “Separation distances between Industrial and sensitive land uses” lists the generic buffer for extractive industries where “grinding and milling works but no blasting” are proposed as 500-1 000m, depending on the type of processing (EPA, 2015). As this operation involves crushing, as a precaution the maximum generic buffer distance has been applied.

The closest structures to the outer boundaries of the extraction areas are identified are mapped on Figure 2. The structures located within 1km of the proposed extraction areas are as shown in Table 2.

Table 2. Structures Within 1km Radius of Proposed Extraction Area

Reference No. On Figure 2	Address	Occupants Name	Closest Distance to Operations	Comment
Shed	Lot 108, Mogumber Rd west, red gully	Unknown	40m	It's a shed, non-residential
Landowner's House	Lot 106, 494 Mogumber Rd west, red gully	Anthony Leighton Ruse	400m	Owner's House, Authorisation Letter (Appendix 2)
Structure 1	Lot 6, 374 Mogumber Rd west, red gully	Unknown	570m	
Structure 2	Lot 3, 553 Mogumber Rd west, red gully	Unknown	870m	

All the structures are more than 500m from the closest point from the operation area. The shed which is 40m away from Area 2 is not residential structure and landowner's house is 400m from the closest point of extraction Area 2.

4 THE DEVELOPMENT PROPOSAL

4.1 PREVIOUS GRAVEL EXTRACTION

An Extractive industry licence was approved for 18.6ha in Area 1 in 2013. This EIL expired in 2018, however Planning Approval is valid for 10 years, expiring in May 2023.

Extraction in Area 1 has completed, and only a gravel stockpile of 27, 623 tonnes remain on the southern section of Area 1. This application seeks the renewal of Area 1 for stockpile removal as well as approval for Area 2.

Generally, extraction activities have resulted in the ground surface being lowered by approximately 1 metre.

Rehabilitation

Rehabilitation has been done in most parts of the Area 1, as shown in Figure 2, and will be completely rehabilitated to pasture after completion of extraction activities.

4.2 PROPOSED GRAVEL EXTRACTION

This application is for the renewal of the Area 1 for stockpile removal and approval for gravel extraction in Area 2 of 9.6ha.

The approximate gravel removal over the 5-year licence period for new Area 2 will be 34, 560 tonnes / annum.

The proposed new extraction licence is required for the purpose of undertaking the following activities on the land:

- The extraction of 172,800 tonnes of gravel from an area of 9.6ha, Area 2 in 5 years as shown on Figure 3.
- Truck loading and removal of approximately 27, 623 tonnes of gravel from the existing stockpile from Area 1.
- Topsoil and overburden will be removed from the extraction area and will be stockpiled separately along the edges of the extraction area, with topsoil stockpiles being no higher than 2 metres.
- Extraction activity will result in the lowering of the ground level by approximately 1m below original ground level.
- Crushing and screening campaigns will be undertaken over a 6-week period.
- Crusher has been identified for extraction Area 2 as illustrated on Figure 3. Product stockpile positions will be a standard height of 9m.
- Measures to limit noise and dust from this part of the operations are discussed separately in 5.6 and 5.7 below.
- There will be no blasting.
- The completion of rehabilitation commitments.
- Batters of 1:6 metres will be maintained throughout the operation. Rehabilitation is described in chapter 6 of this report.

Table 3 below summarises the actions that are to take place on the property over the next 5-year licence period (2023 to 2028) and are illustrated on Figure

Table 3. Stages of the Proposed Extraction Operation for Area 1 & 2

Area	Action	2023	2024	2025	2026	2027	2028
1	Truck loading and removal of gravel stockpile (27, 623 tonnes)						
1	Progressive Rehabilitation of 18.6ha area						
2	Strip 9.6ha area, excavate and load out gravel						
2	Progressive Rehabilitation of 9.6ha area						
1&2	Monitoring and remediation of rehabilitated areas						

4.3 SITE ACCESS AND EGRESS ROADS

Site access and egress is well established from Mogumber Road West (Figure 2) and no changes to the existing situation are proposed.

4.4 ESTIMATED TRAFFIC TO BE GENERATED

The following estimates are made:

- Estimated annual gravel removal: 35, 000 tonnes
- Number of working days per month: 22 days
- Vehicle payloads (GAVs¹)
 - Truck and Dog (40 tonnes)
 - Road Train (50 tonnes)
- Proportional Use 40 tonners (50%) and 50 tonners (50%)

The majority (90%) of trucks that will be used to transport material from this site will be 50 tonne road-trains. Based on this it is estimated that there will be 4 truck cycles per day but will be dependent on demand. Operating times will be Monday to Saturday 6.00am to 6.00pm.

4.1.1 Condition of Mogumber Road West

Mogumber Road West is currently in a very good condition.

5 POTENTIAL NEGATIVE ENVIRONMENTAL IMPACTS AND PROPOSED MANAGEMENT

Short-term negative environmental impacts are to be expected in the process of all mining actions. These can largely be mitigated over the medium to long term provided that operating procedures are in accordance with acceptable standards and that rehabilitation measures are implemented as proposed. The following listed potential impacts are used as a checklist to ensure that all potential major impacts are addressed.

5.1 FLORA AND FAUNA

No Threatened species listed under the EPBC Act or gazetted as Declared Rare Flora (Threatened) pursuant to the BC Act were observed in the Survey Area.

No Threatened or Priority Ecological Communities are present in the Survey Area.

A clearing permit will be applied for the existing native vegetation in Area 2. No black cockatoo breeding habitat trees with a diameter at breast height (DBH) equal to or greater than 50cm were found within the survey area.

5.2 WEEDS

B & J Catalano will implement a weed management plan as is described in Appendix 4 of this report.

5.3 ALTERATION OF THE LAND SURFACE

After extraction, the land surface will be approximately 1 metre lower than the original, apart from the batters which will be at a maximum gradient of 1:6 metres. The battered slopes for each stage of the excavation works will be contained within the designated boundaries of each stage.

5.4 VISUAL IMPACT

The proposed extraction has limited visibility from Mogumber Road West. The extraction Area 2 which is the closest to the Mogumber Road West is 90m away from the road. Due to the high rainfall occurring at the site as well as the progressive rehabilitation techniques employed by the Proponent, pasture grasses will cover the disturbed ground quickly and no significant long-term visual problems are anticipated.

5.5 WATER

In all mining operations the potential exists for impacts to be incurred on surrounding water resources, or by storm water erosion of exposed areas. This is dependent on the slopes associated with the site, the nature of the ground materials and the proximity of the site to sensitive receptors such as productive aquifers, wetlands, lakes, or rivers.

A Water Management Plan has been prepared and is included as Appendix 5 of this report.

5.5.1 Water Management

5.5.1.1 Surface Water Management

Surface drainage within the proposed EIL area is to the north, which drains into the Moore River. There are drainage lines near the EIL area (Figure 2). A soak is present on the southeast of the extraction areas at 250m, which will not be impacted by sedimentation, as the drainage is towards the north of the extraction area away from the soak, towards Moore River.

There is a 'not assessed' dampland wetland present at 940m from Area 2 and the Moore River is present at 500m from Area 1. The proposed extraction site does not include any expressions of surface water such as lakes, wetlands, dams, rivers or creeks, and no surface drainage lines have been identified within the proposed extraction areas within 1km buffer.

5.5.1.2 Stormwater Management

Stormwater management at this site is not expected to be an issue. The pit will be 1 to metre below ground level and combined with the gentle slopes of the EIL area, most stormwater will naturally be retained within the pit.

The management of stormwater on this site will be as follows:

- Any surface runoff from unmined areas outside the EIL area will be diverted around the workings by means of diversion/ cutoff bunds placed around the boundaries of the operational area.
- The runoff generated by direct rainfall onto the working stage will be managed through the use of a number of measures which include:
 - Stormwater detention ponds will be constructed in each stage whilst it is being worked, with all stormwaters generated from the active cell being directed to them by the use of contour banks. These will serve as effective silt traps in times of high surface runoff.
 - Strategically placed stockpiles to reduce water flow within the extraction area.
 - Contour banks to direct any surface runoff to the detention basins.
- On completion of the extraction stage, contour banks will be constructed with an average fall of 0.2% and within a range of 0.1 and 0.4%. The contour banks will be spaced approximately 30m apart.

5.5.1.3 Groundwater Management

The project does not involve abstracting groundwater for operational purposes. No groundwater will be exposed by this development since extraction will only lower the ground level by 1m and the groundwater exist well below 2m from the ground level.

The historic groundwater data from the nearby DWER bore GL5W, shows that the highest groundwater level was 82.61mAHD, where the groundwater level is 85.28m AHD. The groundwater exists at least below 2.67m below ground which is more than the minimum required clearance. The proposed final ground surface exceeds the minimum required clearance under current regulatory policies and guidelines (DWER, 2019).

Due to the low scale nature of the operations, no groundwater contamination is anticipated. No fuel or lubricant storage will occur on the site. Refuelling will take place using a mobile refuelling vehicle which is equipped with a "snap-on snap-off, fast-fill and auto shut-off" facility. Plant will be refuelled each morning, leaving the vehicles almost empty overnight. No major servicing, which could lead to

fuel and oil spills, will take place on the site. Contaminated material resulting from any minor spills will be extracted and disposed of offsite at an appropriate landfill facility.

B&J Catalano have a Safety Practice document for Hydrocarbon Spill Response outlining their procedures for controlling, recovering, treating, and reporting hydrocarbon spills (See Water Management Plan in Appendix 5).

5.6 NOISE

The proposed development will generate some operational noise, but this will be limited to approximately six weeks per annum. Mitigation measures will be implemented which will limit the impact of operational noise. A Noise Management Plan has been prepared and is included as Appendix 6 of this report.

5.6.1 Noise Management

The majority of the noise related to the operations will be generated by the loader and the haulage trucks. The closest residence excluding the Landowner's house is approximately 570m from the closest area of pit, topsoil stockpiles will be used as noise buffers, additionally there is dense vegetation which surrounds the proposed pit area, and this will also serve to buffer any noise generated.

There have been no noise complaints during the previous EIL extraction operations in Area 1. A contact number for complaints will be advertised on the site notice board at the entrance to the property.

The following mitigation measures to limit the impact of operational noise will be implemented:

- Hours of operation will be restricted to 0600-1800 Monday to Saturday, except public holidays.
- Late model equipment will be utilised with reduced noise level outputs.
- Machine reverse alarms will be lower frequency output units.
- During mining, topsoil will be pushed up in bunds along the edges of the pit and these will serve to attenuate the noise.
- Only broad-band reversing warning devices (croakers) will be utilised on all heavy machinery and trucks.
- The existing complaints register will continue to be used, with all complaints being formally recorded.
- The signage on the gate will include the contact telephone number of the quarry manager to allow for quick reaction to any complaints that might arise.

5.7 DUST

There is potential for dust to be generated when conditions are dry and there are strong winds during the initial stages of the proposed operation. Proposed measures to limit the impact of dust are contained in a Dust Management Plan included as Appendix 3.

5.7.1 Dust Management

The potential dust generating activities associated with the proposed development and the measures that are proposed to manage dust impacts are listed below:

- A 15kl water cart will be on site during all periods when earth is being moved. If and when dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern.
- Stockpiling activities will be in topographic low points with raw and processed stockpiles arranged such that windbreaks are created to further prevent impacts from fugitive dust.
- A polymer-based spray-on soil stabilizer will be applied to topsoil and overburden stockpiles if they do not stabilize by crusting and grass re-growth.
- Truck loads will always be covered so that no dust is generated in transit.
- A notice will be erected at the front gate, and this will provide emergency contact details for the Quarry Manager.
- The existing complaints register will continue to be used, with all complaints being formally recorded.

5.8 DIEBACK

5.8.1 Potential Impacts

Previous assessment of the dieback status of the site could not be ascertained due to the historical clearing that had occurred on site. Thus, Area 1 should be classified as “uninterpretable” The reconnaissance survey Area 2, conducted by LEC in December 2021, showed signs of Dieback infestation.

These areas will be managed as per the guidelines applicable for this classification (Dieback Working Group, 2010). B & J Catalano has prepared a brochure for management of dieback which is included as Appendix 8.

5.8.2 Dieback Management

The following management measures will be put in place to minimise future spread of dieback:

- The properties will be always fenced.
- Access to the properties will be via a single entrance gate.
- All machinery, trucks and other vehicles will arrive in a clean condition free of soil and organic matter that may contain dieback fungus.
- Any soil and plant material brought to the site for rehabilitation purposes should be from dieback free sources.
- Employees and contractors working on the site will be informed of the purpose of the above measures and their responsibilities in relation to dieback prevention.
- The site will not be worked during wet periods.

5.9 HERITAGE SITES

A search of the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Inquiry System (AHIS) shows one registered site which is the Gingin Brook Waggy Site 20008, classified as a historical, mythological, camp, hunting place, plant resource, water source ((Department of Planning, Lands and Heritage) DPLH, 2022)

There are no other registered sites or other heritage sites within the proposed extraction area. If during the works, an Aboriginal cultural heritage site is discovered, the Proponent will immediately advise the Department of Aboriginal Affairs and abide by the *Aboriginal Heritage Act 1972*.

5.10 ACID SULFATE SOILS

A search of the CSIRO's Australian Soil Resource Information System (ASRIS) database identified the area has been provisionally classified as having an extremely low probability with very low confidence of occurrence for acid sulfate soils (CSIRO, 2022).

6 REHABILITATION

6.1 PROPOSED REHABILITATION MEASURES

Rehabilitation of the completed areas will be progressive with area being returned to pastures.

The available topsoil will be removed and stored in stockpiles placed along the edge of extraction areas. Stockpiles will be separated with waste (overburden) being kept separately. The topsoil stockpile should be no more than 2 metres high and 10 metres wide with batters of 1:6 metres.

The following steps will be implemented:

- All batters behind the active working face will be contoured to achieve a slope of no more than 1:6 metres.
- Final land surface will have the same grade as the original surface, but approximately 1m lower.
- Stockpiled topsoil/overburden will be re-spread over completed area.
- The pit floor will be ripped along the contour, at 6m intervals, to a depth of 0.5 to 1m to relieve compaction, improve infiltration, attenuate stormwater runoff and facilitate rapid root penetration.
- Stormwater attenuation embankments will be constructed as discussed in 5.5.1.1 above.
- All areas will be seeded with appropriate pasture species.
- Rehabilitation work will only be carried out just prior to or during the wet season.
- Regular monitoring will be undertaken over the licence period as is described in 6.3 below.

6.2 MONITORING AND MAINTENANCE

Monitoring of rehabilitated area will ensure that any area requiring remedial work are identified. Monitoring will be carried out on an annual basis to assess:

- The physical stability of the landform in the rehabilitated area.
- The success of sown pasture grasses.
- The emergence of weeds.

Monitoring will continue until the completion criteria presented in Section 6.3 have been fulfilled. Maintenance procedures will be carried out where necessary and will include:

- Repair of any erosion damage.
- Seeding areas that may not have regenerated.
- Weed control.

6.3 COMPLETION CRITERIA

Completion criteria should be set at a high enough standard to ensure that the overall objectives of the rehabilitation have been met. These criteria should allow for efficient reporting and auditing so that rehabilitation works can be tracked and finalised within an appropriate timeframe.

The completion criteria proposed for extractive operations on Lots 106 is presented in Table 4.

Table 4. Closure Criteria, Objectives and Interim Targets

Criteria	Objective	Interim Targets
a) Safety	The site is safe to humans.	Site is safe to humans during operations.
b) Sustainability	The site is sustainable in the long term without additional management inputs.	On-going Management of short-term impacts.
c) Suitability	The site is suitable for the agreed land uses.	On-going Management of short-term impacts.
d) Visual amenity and heritage	The rehabilitated extraction area blends into the surrounding environment.	On-going Management of short-term impacts.
e) Off-site impacts	Significant adverse off-site impacts are prevented.	Significant adverse off-site impacts are prevented.
f) Hydrology	a. Site hydrology does not prevent the establishment of desired vegetation.	Stormwater is contained within the site during operations.
	b. Site hydrology does not reduce the stability of the landform.	Identification and mitigation of any hydrology related issues during operations.
	c. Stormwater is contained within the site.	
g) Soils and stability	a. Soil profiles and structures are sufficient to ensure vegetation establishment.	Topsoil is respread in all rehabilitation areas.
	b. The landform is stable.	Identification and mitigation of potential erosion scars and scours during operations.
h) Vegetation	a. Pasture grasses cover the entire site after completion of the extraction phase.	After one year pasture grasses over 30% of target area increasing by 20% per annum thereafter.
	b. Pasture grass cover is sufficiently resilient to sustain grazing pressure.	
i) Weeds	a. Declared pest weeds are absent.	Declared weed species removed systematically during operations.
	b. The level of weed species should not be detrimental to the planted seedlings.	

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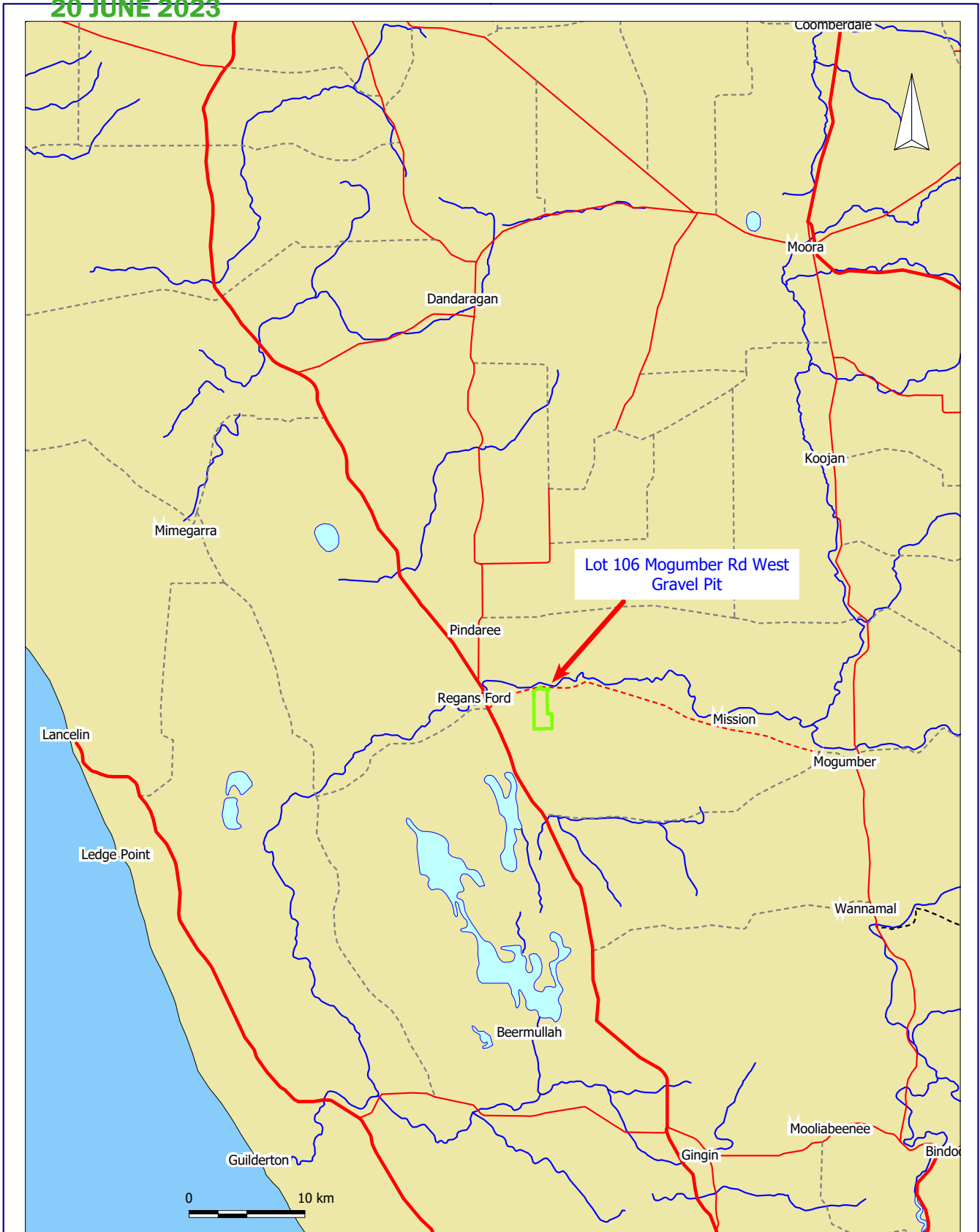
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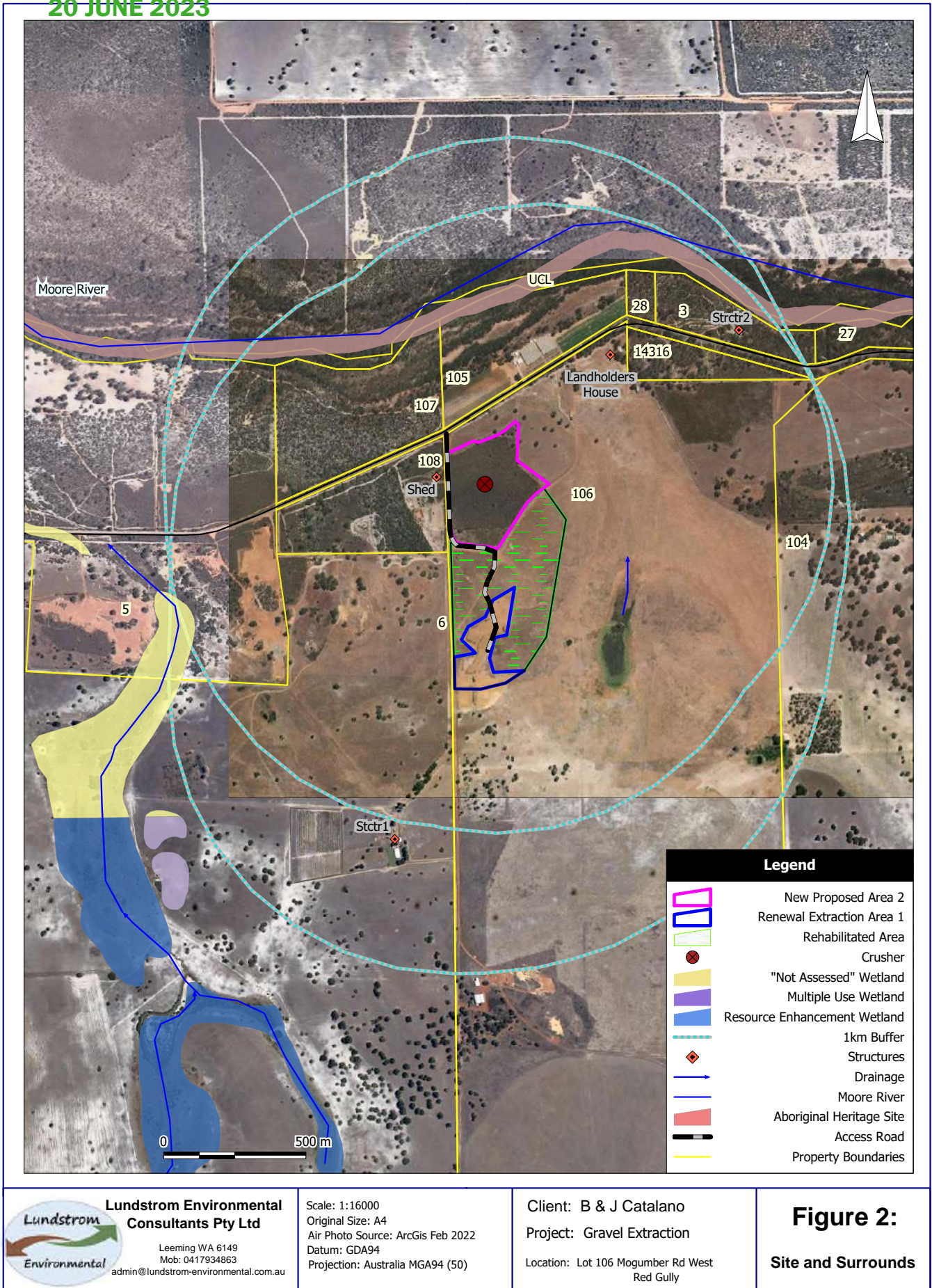
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FIGURES



 <p>Lundstrom Environmental Consultants Pty Ltd Leeming WA 6149 Mob: 0417934863 admin@lundstrom-environmental.com.au</p>	<p>Scale: 1:410000 Original Size: A4 Datum: GDA94 Projection: Australia MGA94 (50)</p>	<p>Client: B & J Catalano Project: Gravel Extraction Location: Lot 106 Mogumber Rd West Red Gully</p>	<p>Figure 1: Locality Plan</p>
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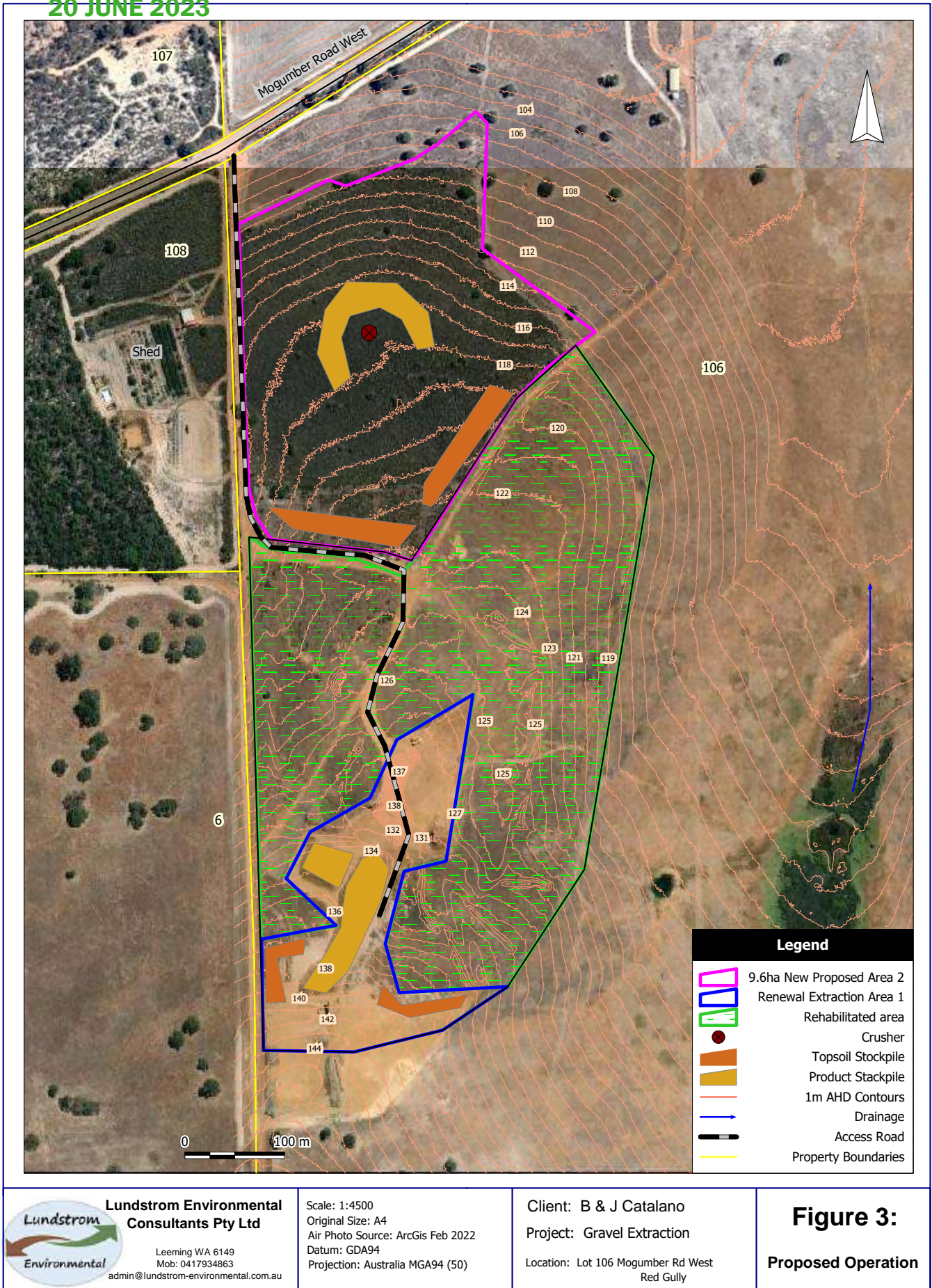
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 Datum: GDA94
 Projection: Australia MGA94 (50)

Client: B & J Catalano
 Project: Gravel Extraction
 Location: Lot 106 Mogumber Rd West
 Red Gully

Figure 2:
Site and Surrounds

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APPENDIX 1:

DEVELOPMENT APPROVAL APPLICATION FORMS

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.3.5



7 Brockman Street GINGIN WA 6503
Tel (08) 9575 2211 Fax (08) 9575 2121

**CLAUSE 86(1) FORM OF APPLICATION FOR
DEVELOPMENT APPROVAL**

Owner Details

Name: Anthony Leighton Ruse

ABN (if applicable): 83 264 636 734 Facsimile: _____

Address: Po Box 69, MOSMAN PARK WA

Contact Number: 08 9 286 2518 Post Code: 6912

Email: alruse@bigpond.com.au Mobile: 0418 942 933

Contact person for Correspondence: TONY RUSE

Signature: [Signature] Date: 19/12/22

Signature: _____ Date: _____

This signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).

Applicant Details (if different from Owner)

Name: B&J Catalano Pty Ltd

Address: South Western Highway

Brunswick Junction WA Post Code: 6224

Contact Number: 9726 8100 Mobile: _____

Email: peterbennett@catalano.com.au

Contact person for Correspondence: Peter Bennett

The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. Yes No

Signature: [Signature] Date: 20/12/2022

Please select your preferred method of contact: Email Written Letter

Property Details

Lot: 106 House/Street No: 494 Location No: _____

Diagram/Plan No: 64468 Certificate of Title Vol. No: 1973 Folio No: 827

Title Encumbrances (e.g. easements, restrictive covenants): _____

Street Name: Mogumber Road West Suburb: Red Gully

Nearest Street Intersection: Brand Highway

APPENDIX 2

AUTHORISATION LETTER

13 December 2022

To whom it may concern

I, Anthony Leighton Ruse, the registered owner of Lot 106 on Diagram 64468, Mogumber Road West, Red Gully, hereby authorise B & J Catalano Pty Ltd and their consultant, Lundstrom Environmental Consultants Pty Ltd, to make applications for all the necessary licences and permits to access and clear native vegetation and extract gravel on this property.

Yours faithfully



Anthony Leighton Ruse

19/12/22

APPENDIX 3

DUST MANAGEMENT PLAN



LUNDSTROM ENVIRONMENTAL CONSULTANTS Pty Ltd

ACN 600 398 945

21 Sellen Court
LEEMING
WA 6149

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DUST MANAGEMENT PLAN
Prepared for B&J Catalano Pty Ltd
Lot 106 Mogumber Road West, Red Gully, Shire of Gingin
Shire of Gingin

1. INTRODUCTION

This Dust Management Plan (DMP) has been prepared in accordance with guidelines published by the Department of Environment and Conservation (DEC) (Jan. 2011), now the Department of Water and Environmental Regulation (DWER). This Dust Management Plan should be read in conjunction with the report entitled "*Extractive Industries Licence Application and Environmental Management Plan (EMP) Lot 106 Mogumber Road West, Red Gully, Shire of Gingin*", prepared for B&J Catalano Pty Ltd by Lundstrom Environmental Consultants in January 2023.

1.1 Locality and Ownership

Locality: Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Ownership: Anthony Leighton Ruse

Figure 1 is a recent aerial photograph showing the property and its surrounds.

2. SITE BACKGROUND

2.1 Land Use

The property is used by B&J Catalano for gravel extraction, farming and sheep grazing. Figure 1 illustrates the land use of the property and its immediate surrounds.

2.2 Geology and Soils

The landscape can be described as a subdued lateritic plateau, undulating to gently undulating low rises with gently undulating plain including dunes; pale and yellow deep sands, sandy gravels, some duplex; from sandstones plus alluvial and aeolian deposits.

The excavation depth would be 1m below current ground level.

Although there will be some uplift of the finer particle component of this soil during stripping and stockpiling operations, this will be limited due to the low proportion of fines. During strong winds the potential exists for fine particles (including fine sand) to become airborne especially when they are disturbed by excavation activities and further discussion on mitigation measures in this regard is contained in Section 4 below.

In its in-situ state, the laterite is a cemented pisolitic material and has no loose fines. However, during the crushing operation very fine particles of less than PM50 (particular matter with diameter 50 micrometers) are produced as fugitive dust and require suppression as is discussed in Section 4 below.

2.3 Potentially Sensitive Receptors

2.3.1 Residential Dwellings

The closest structures to the outer boundaries of the extraction areas are identified are mapped on Figure 1. There are four structures located within 1km of the proposed extraction areas as shown in Table 1:

Table 1: Structures Within 1km Radius of Proposed Extraction Area

Reference No. On Figure 2	Address	Occupants Name	Closest Distance to Operations	Comment
Shed	Lot 108, Mogumber Rd west, red gully	Unknown	40m	It's a shed, non-residential
Landowner's House	Lot 106, 494 Mogumber Rd west, red gully	Anthony Leighton Ruse	400m	Owner's House, Authorisation Letter (Appendix 2 of Main Report)
Structure 1	Lot 6, 374 Mogumber Rd west, red gully	Unknown	570m	
Structure 2	Lot 3, 553 Mogumber Rd west, red gully	Unknown	870m	

All the structures are more than 500m from the closest point from the operation area. The shed which is 40m away from Area 2 is not residential structure and landowner's house is 400m from the closest point of extraction Area 2.

2.3 Prevailing Winds

Winds are strongest in this area in the afternoon, data has been extracted for morning and afternoon, from 2 nearest weather stations (Lancelin, 59.8km west; Gingin Aero, 52.78km south). Average afternoon conditions indicate that winds from the south and south-west. Early morning winds are more likely to come from the east for both weather stations. Wind roses for Lancelin and Gingin Aero have been included in Annexures 2 and 3 respectively (Bureau of Meteorology, 2021).

3. PROPOSED WORKS AND POTENTIAL IMPACTS

3.1 Proposed Mining Actions

B&J Catalano intend to remove gravel from the existing stockpile in Area 1. Extraction of gravel will be undertaken within an area of 9.6ha in Area 2 over a period of five years. Figure 1 illustrates this situation. The completed extraction areas will be rehabilitated back to pastures. Table 2 provides a description of all activities, their duration, and an assessment of potential for dust impacts.

Table 2: Aspects and Impacts of Dust Generating Activities

Activity	Duration	Aspect	Impact
Topsoil Stripping and stockpiling in Area 2	Up to 3 weeks per year from 2023 to 2028	Disturbance of grass and soil exposes ground to wind erosion	Dust may create an amenity issue with nearby residents
Rip and blade laterite to crusher site	Up to 3 weeks per year from 2023 to 2028	Actions may release dust into the atmosphere	Fine red dust may create an amenity issue with nearby residents
Crushing, screening, and stockpiling of gravel in Area 2	Up to 6 weeks per year from 2023 to 2028	Crushing and screening actions may release dust into the atmosphere	Fine red dust may create an amenity issue with nearby residents
Rehabilitation of completed stages	Up to 2 weeks per year from 2023 to 2028	Disturbance of topsoil could release dust into the atmosphere	Dust may create an amenity issue with nearby residents
Loading of trucks from stockpiles	5 years at an average of 4 trucks per day	Loading of gravel may release dust into the atmosphere	Fine red dust may create an amenity issue with nearby residents
Transport of gravel from site	5 years	Dust could escape from the truck in transit	Amenity, health, or traffic safety issue

3.2 Plant and Equipment to be used

The list of equipment to be used is as follows:

- D9 Bulldozer
- Caterpillar 980 and 940 front end loaders
- Parker 4230 Crusher (SN1325)
- Finlay Screen 693
- Striker 25m Stacker
- Caterpillar generator set
- 50 tonne road-trains (90%) and some smaller trucks

3.3 Summary of Mining Actions

Proposed mining actions are as follows:

- Development of the proposed EIL will entail the full spectrum of mining activities, including topsoil removal, ripping, blading, crushing, and stockpiling of laterite, truck loading and rehabilitation.
- Stripped topsoil from Area 2 will be placed in windrows along the edges of the working area to serve as a noise, stormwater, and visual barrier.

- A bulldozer will rip the laterite and then blade it into the crusher sites until a large raw material stockpile has accumulated. It is anticipated that the ripping and blading phase of the operation will be undertaken for approximately three weeks per year.
- After extraction, the land surface will be approximately 1m lower than original height, apart from the batters which will be at a maximum gradient of 1:6.
- The first stage of rehabilitation is topsoil replacement and contour ripping. This will be conducted immediately after completion of extraction in each cell.
- Crusher position has been identified and is illustrated on Figure 2.
- There will be no blasting.
- Once all the raw material has been stockpiled, a crusher, screen and stacker unit will be deployed for a period of approximately six weeks per year. At the end of this period all material will be processed and ready for use. Trucks as required will enter and cart material out of the cell over the remainder of the five-year license period.
- Rehabilitation will be done in progressive stages over a five-year period.

3.4 Site Risk Assessment and Classification

The site risk assessment is based on the format provided in the Appendices of the DEC guideline for managing the impacts of dust (DEC 2011). Based on the risk assessment conducted (Annexure 5), the classification derived is “low risk” (Classification 2). Measures for managing and monitoring dust impacts are discussed in Sections 4 and 5 below.

4. MEASURES PROPOSED FOR MANAGING DUST

This report has identified the potential dust generating activities associated with the proposed development and has also identified the potentially sensitive receptors. The measures that are proposed to manage dust impacts are listed below:

- A 15kl water cart will be on site during all periods when earth is being moved or crushing is being conducted. When dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern. During crushing a spray bar is employed at all times.
- If the wind is blowing strongly in the direction of Mogumber Road West and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.
- If the wind is blowing strongly in the direction of the closest residences (Landowner’s house) or structure 2 which is in the wind direction and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.
- Crushing and stockpiling activities will be in topographic low points with raw and processed stockpiles arranged such that windbreaks are created to further prevent impacts from fugitive dust.
- A polymer-based spray-on soil stabilizer will be applied to topsoil and overburden stockpiles if they do not stabilize by crusting and grass re-growth.
- Internal roads will be surfaced with gravel.
- Truck loads will always be covered so that no dust is generated in transit

- A complaints system will be put in place (see section 5 for details) and these will be recorded by the Quarry Manager and acted on promptly.
- A notice will be erected at the front gate, and this will provide emergency contact details for the Quarry Manager.

5. Dust Complaints Register

A complaints system will be put in place, and these will be recorded by the Quarry Manager and acted on promptly. For each complaint received, the following data will be recorded and maintained in a register:

- Date and time of complaint
- Location from which the problem arose
- Wind direction and speed at the time of the complaint and any other useful meteorological data

The following procedure will be executed when a complaint due to dust generation is received on site:

- Quarry Manager to fill out the complaint register and record all details including date, time, location, wind direction and other prevailing weather conditions
- Conduct a detailed visual inspection to evaluate the complaint received and determine the source of dust generation affecting the complaint
- Carry out necessary measures to address the issue as per the Dust Management Plan, where necessary cease operations until conditions improve
- Record the actions undertaken to mitigate the complaint
- Report to the DER on the dust complaint/s in the Annual Audit Compliance Report.

6. REFERENCES

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8. ATTACHMENTS

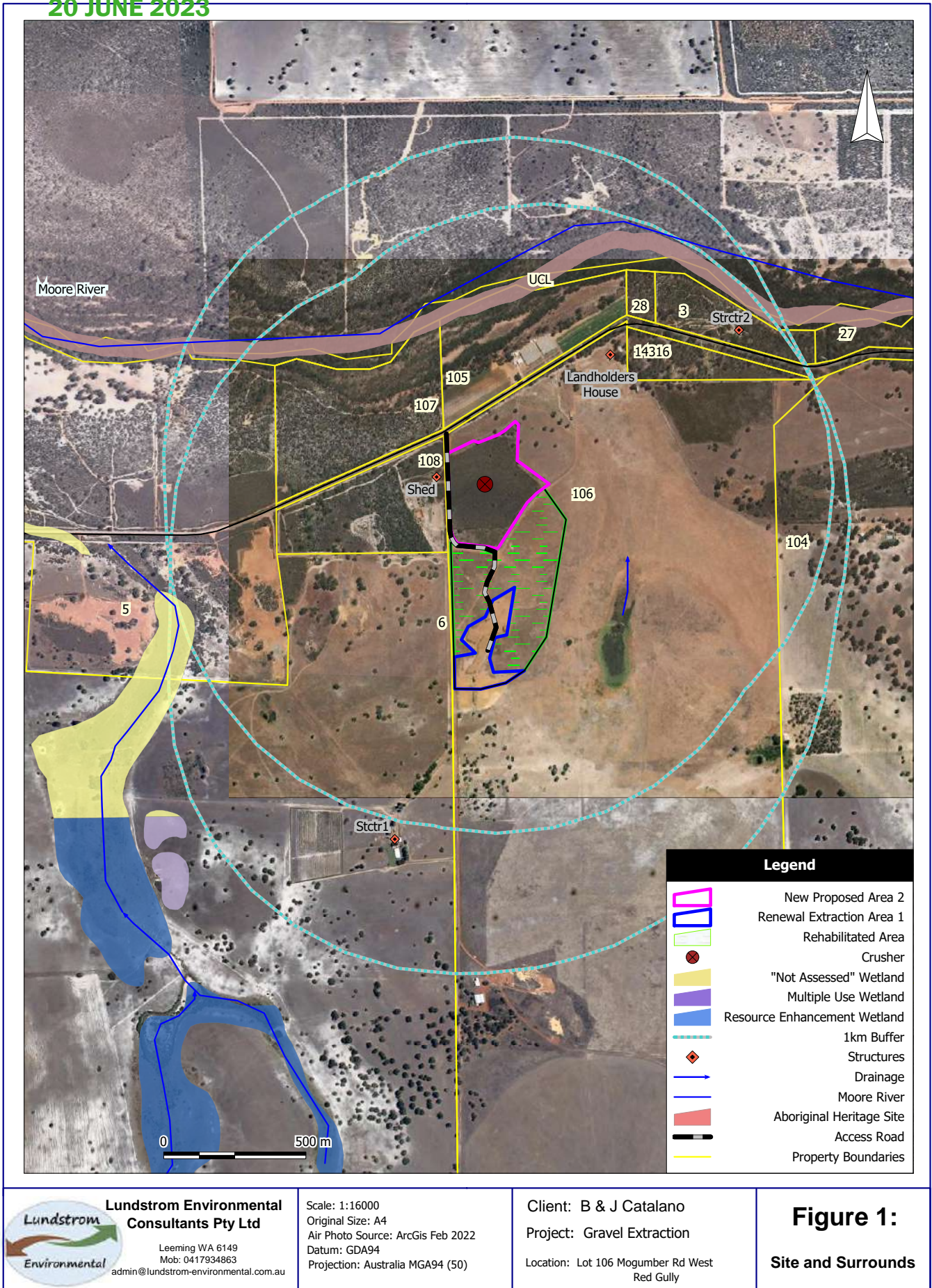
FIGURES

Figure 1 Site and Surrounds
Figure 2 Proposed Operations

ANNEXURES

Annexure 1 Wind Rose for Lancelin
Annexure 2 Wind Rose for Gingin Aero
Annexure 3 Site Classification Assessment Chart

FIGURES

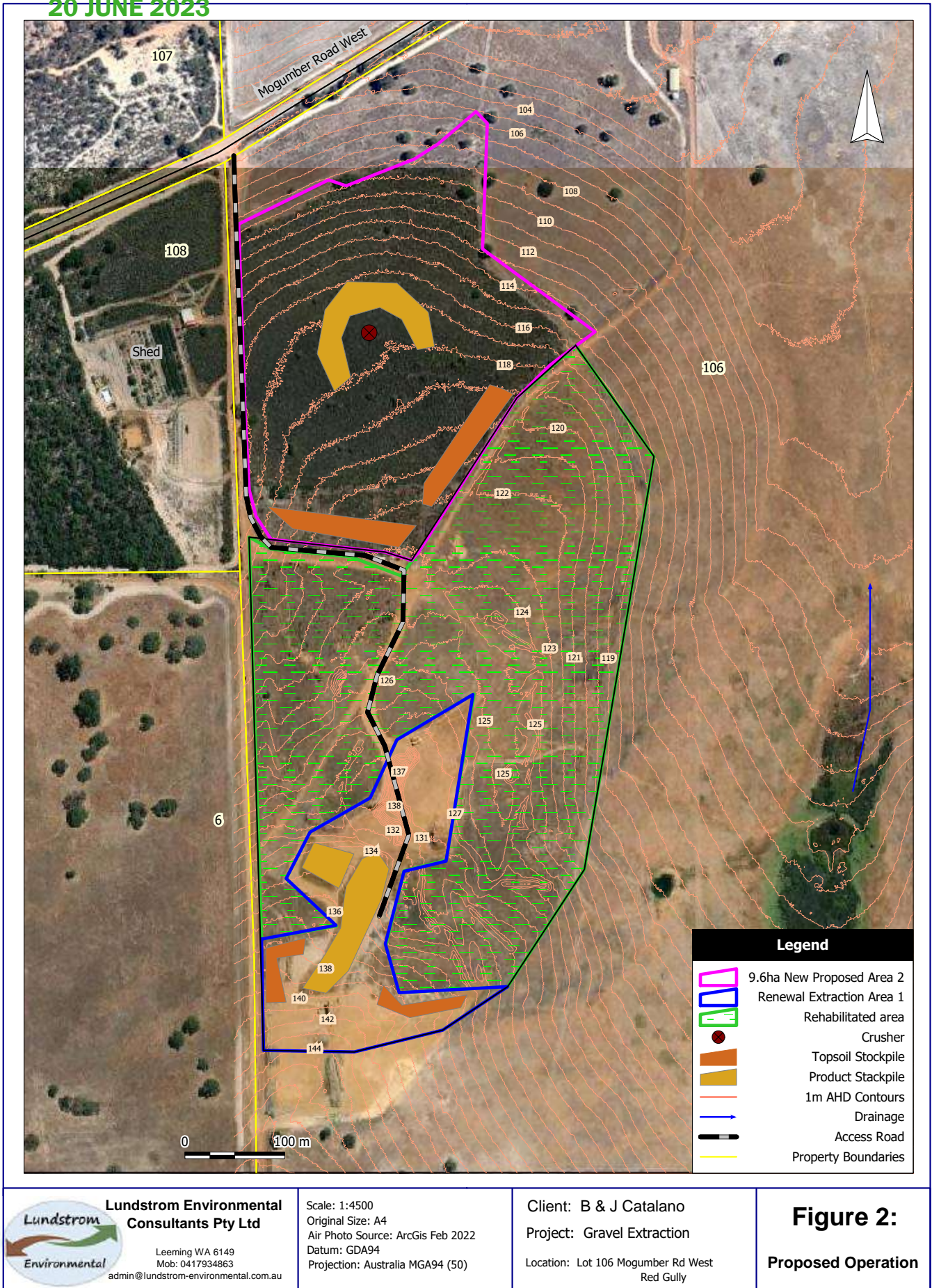


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Client: B & J Catalano
 Project: Gravel Extraction
 Location: Lot 106 Mogumber Rd West
 Red Gully

**Figure 1:
Site and Surrounds**



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Scale: 1:4500
 Original Size: A4
 Air Photo Source: ArcGis Feb 2022
 Datum: GDA94
 Projection: Australia MGA94 (50)

Client: B & J Catalano
 Project: Gravel Extraction
 Location: Lot 106 Mogumber Rd West
 Red Gully

**Figure 2:
Proposed Operation**

**ANNEXURE 1
Wind Rose for Lancelin**

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.3.5

Rose of Wind direction versus Wind speed in km/h (07 Oct 1965 to 31 May 2021)

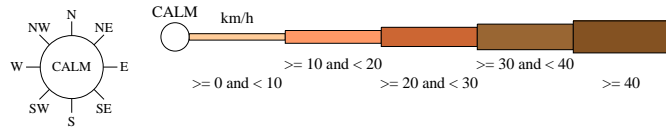
Custom times selected, refer to attached note for details

LANCELIN

Site No: 009114 • Opened Oct 1965 • Closed Jun 2021 • Latitude: -31.016° • Longitude: 115.3322° • Elevation 1.m

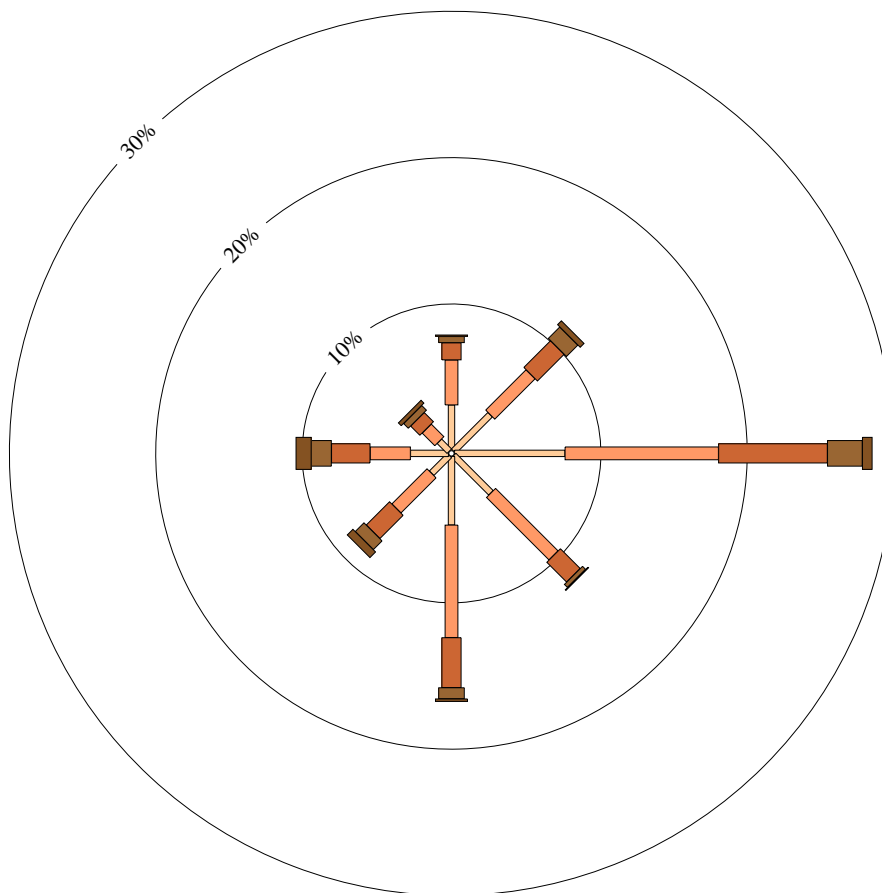
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



9 am
20195 Total Observations

Calm 1%



MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 13.3.5

Rose of Wind direction versus Wind speed in km/h (07 Oct 1965 to 31 May 2021)

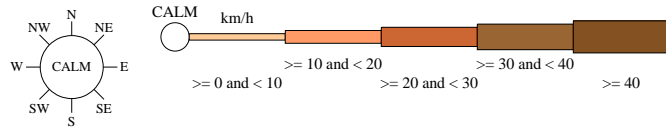
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LANCELIN

Site No: 009114 • Opened Oct 1965 • Closed Jun 2021 • Latitude: -31.016° • Longitude: 115.3322° • Elevation 1.m

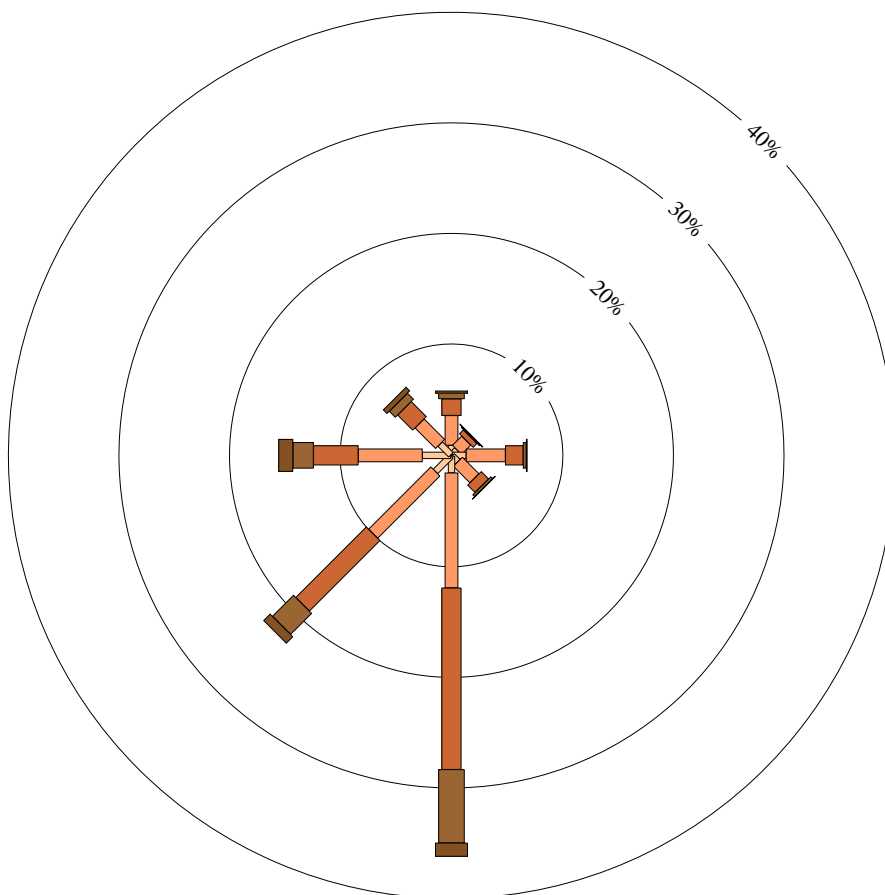
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



3 pm
18103 Total Observations

Calm *



ANNEXURE 2
Wind Rose for Gingin Aero

MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 13.3.5

Rose of Wind direction versus Wind speed in km/h (01 May 1996 to 11 Aug 2021)

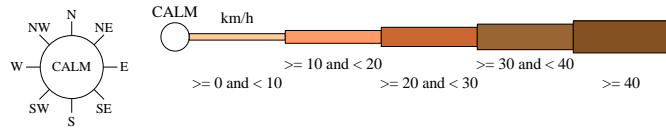
Custom times selected, refer to attached note for details

GINGIN AERO

Site No: 009178 • Opened Jan 1968 • Still Open • Latitude: -31.4628° • Longitude: 115.8642° • Elevation 73m

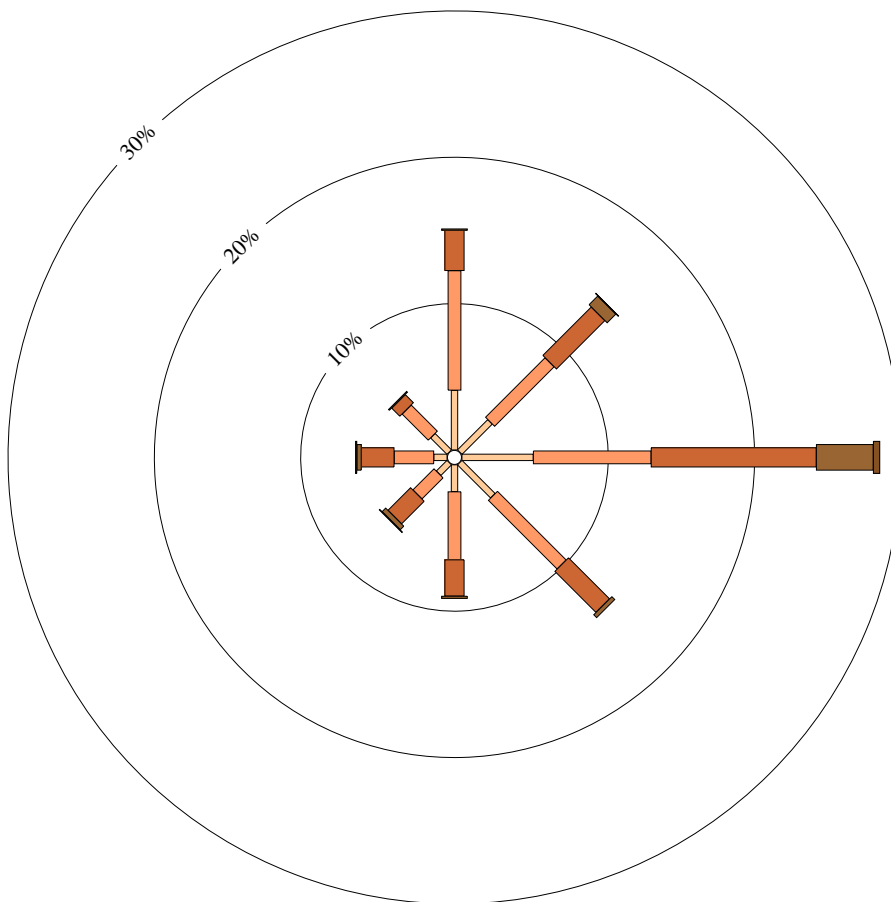
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



9 am
9021 Total Observations

Calm 2%



MINUTES ORDINARY COUNCIL MEETING 20 JUNE 2023

APPENDIX 13.3.5

Rose of Wind direction versus Wind speed in km/h (01 May 1996 to 11 Aug 2021)

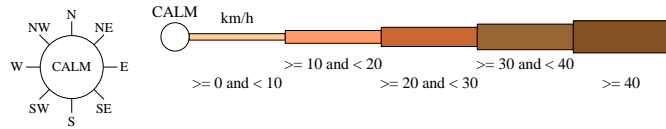
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GINGIN AERO

Site No: 009178 • Opened Jan 1968 • Still Open • Latitude: -31.4628° • Longitude: 115.8642° • Elevation 73m

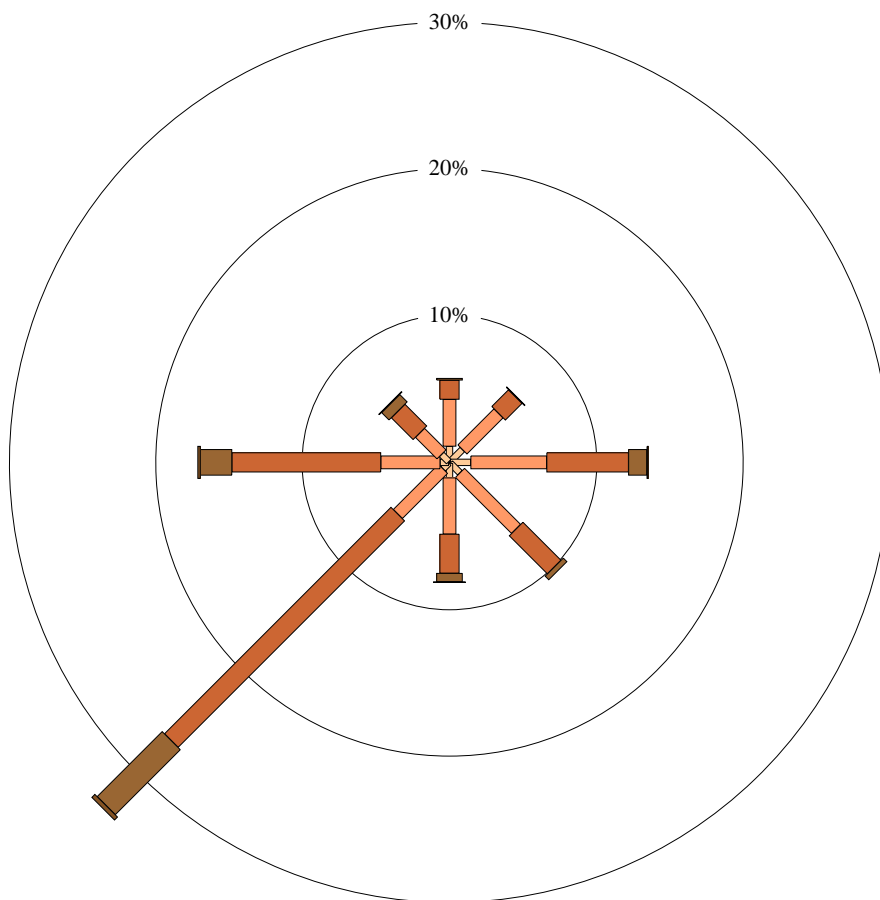
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



3 pm
9023 Total Observations

Calm *



ANNEXURE 3
Site Classification Assessment Chart

Appendix 1: Site risk assessment/classification for activities generating uncontaminated dust

Sheet 1: Site classification assessment chart

Part A. Nature of site

Item	Score options				Allocated score
1. Nuisance potential of soil. when disturbed	Very low 1	Low.....2	Medium.....4	High.....6	2
2. Topography and protection provided by undisturbed vegetation	Sheltered and screened..... 1	Medium screening...6	Little screening.....12	Exposed and wind prone.....18	12
3. Area of site disturbed by the works	Less than 1ha 1	Between 1 and 5ha..3	Between 5 and 10ha.....6	More than 10ha.....9	6
4. Type of work being done	Roads or shallow trenches..... 1	Roads, drains and medium depth sewers.....3	Roads, drains, sewers and partial earthworks.....6	Bulk earthworks and deep trenches.....9	1
TOTAL score for Part A					21

Part B. Proximity of site to other land uses

Item	Score options				Allocated score
1. Distance of other land uses from site	More than 1km.....1	Between 1km and 500m.....6	Between 100m and 500m.....12	Less than 100m.....18	12
2. Effect of prevailing wind direction (at time of construction) on other land uses	Not affected.....1	Isolated land uses affected by one wind direction.....6	Dense land uses affected by one wind direction.....12	Dense/ sensitive land uses highly affected by prevailing winds.....18	6
TOTAL score for Part B					18

SITE CLASSIFICATION SCORE (A X B) = 378

APPENDIX 4

WEED MANAGEMENT PLAN



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WEED MANAGEMENT PLAN
Prepared for B&J Catalano Pty Ltd
Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Shire of Gingin

1. INTRODUCTION

This Weed Management Plan (Weed MP) has been prepared in accordance with guidelines published by the Department of Agriculture and Food (DAF) (DAF 2014). This Weed MP should be read in conjunction with the report entitled “*Extractive Industries Licence Application and Environmental Management Plan (EMP) Lot 106, Mogumber Road West, Red Gully, Shire of Gingin*”, prepared for B&J Catalano Pty Ltd by Lundstrom Environmental Consultants in January 2023.

1.1 Locality and Ownership

Locality: Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Ownership: Anthony Leighton Ruse

1.2 Development Proposal

B&J Catalano intend to remove gravel from the existing stockpile in Area 1. Extraction of gravel will be undertaken within an area of 9.6ha in Area 2 over a period of five years, indicated on Figure 1. The completed extraction areas will be rehabilitated back to pastures.

2. RESPONSIBILITIES

B&J Catalano Pty Ltd accepts responsibility for weed management within Zones A and B (as identified in Section 4.1 of this report) and any areas identified within the conditions of approval set by the Shire of Gingin.

3. CURRENT WEED STATUS OF THE PROPERTY

Based on a field visit conducted in December 2021, no declared weeds, or weeds of local or regional significance were observed in the proposed extraction areas. It is acknowledged that the proposed ground disturbance will result in the germination of certain weeds, but the species will not be known until emergence.

4. PROPOSED WEED MANAGEMENT ACTIONS

The following is a general description of the actions that will be implemented by B & J Catalano Pty Ltd for weed management:

4.1 Weed Management Zones on the Subject Land

For the purpose of this WMP, the subject land has been allocated zones as follows:

Zone A: This is all the land within the quarry and includes the base of the excavation, roadways and stockpiles of topsoil, overburden, and all product stockpiles.

Zone B: This is all land that is at natural level which extends 100m beyond the perimeter of the quarry and includes any stockpiles or overburden created by the excavation and rehabilitated areas.

4.2 Weed Emergence Monitoring

Monitoring of the emergence of weeds in Zones A and B will be undertaken by an experienced and licensed weed management contractor on a six-monthly basis i.e. after the first seasonal rains and at the end of spring. In addition, B & J Catalano Pty Ltd personnel on the site will be instructed to report any infestations that may occur on other occasions. Based on the type of weeds that emerge, a control plan will be formulated by the licensed weed management contractor.

4.3 Import and Export of Weeds

B & J Catalano Pty Ltd will ensure that all plant and equipment is clean and free of any soil when moving any equipment to or from the site. B & J Catalano Pty Ltd will also ensure that any quarry products imported to the site will be free of weeds.

4.4 Weed Control Program

If a weed infestation occurs within Zones A or B, the licensed weed management contractor will apply the appropriate method of control, in accordance with the guidelines published by the DAF, whether chemical or mechanical, at the appropriate time. The weed management contractor will keep a record of all treatments.

5. REFERENCES

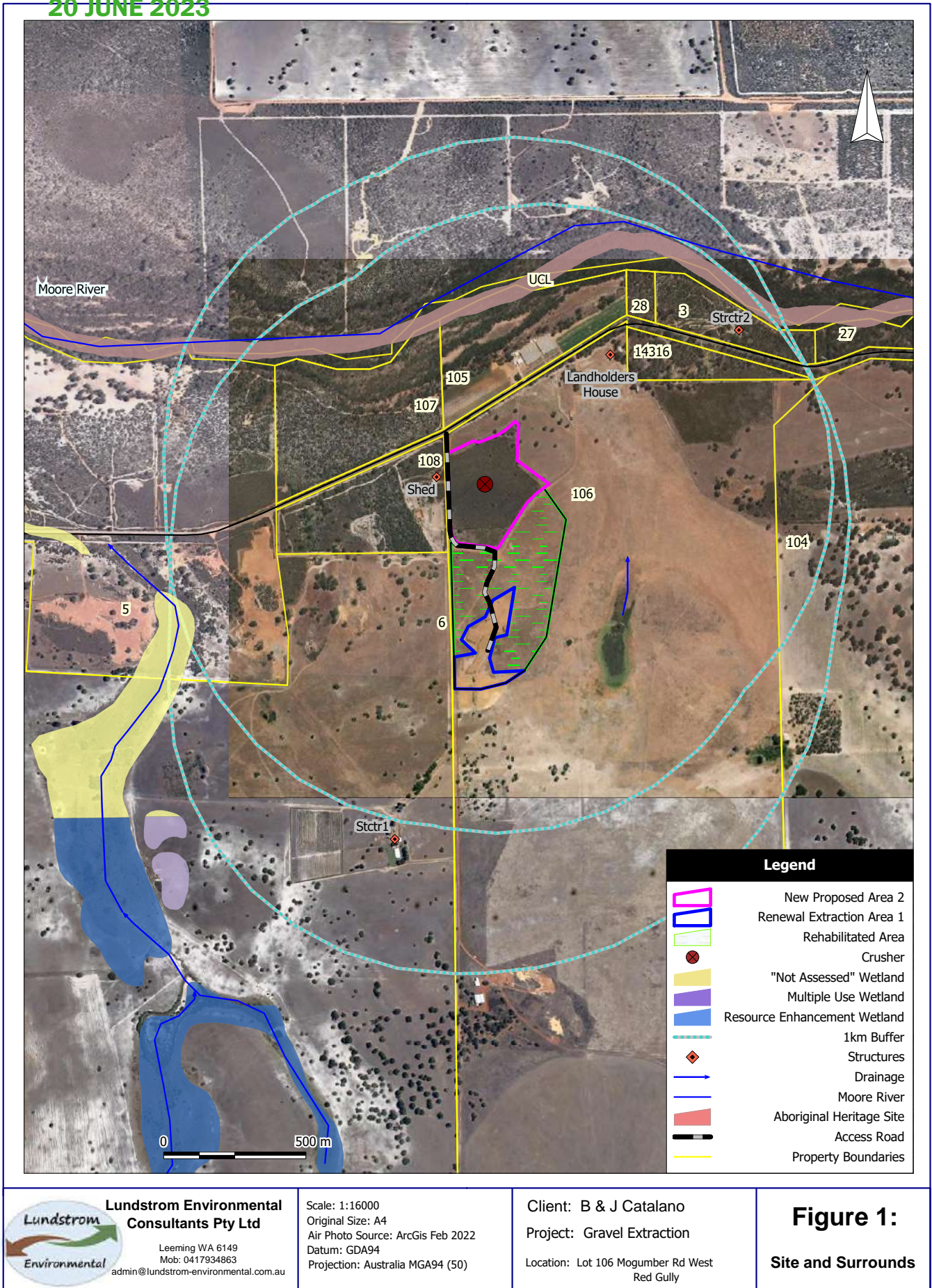
Department of Agriculture and Food (DAF) (2014). *Department of Agriculture and Food WA guidelines for weed control procedures for extractive industries licence.*

6. ATTACHMENTS

FIGURES

- | | |
|----------|-----------------------|
| Figure 1 | Site and Surrounds |
| Figure 2 | Weed management Zones |

FIGURES

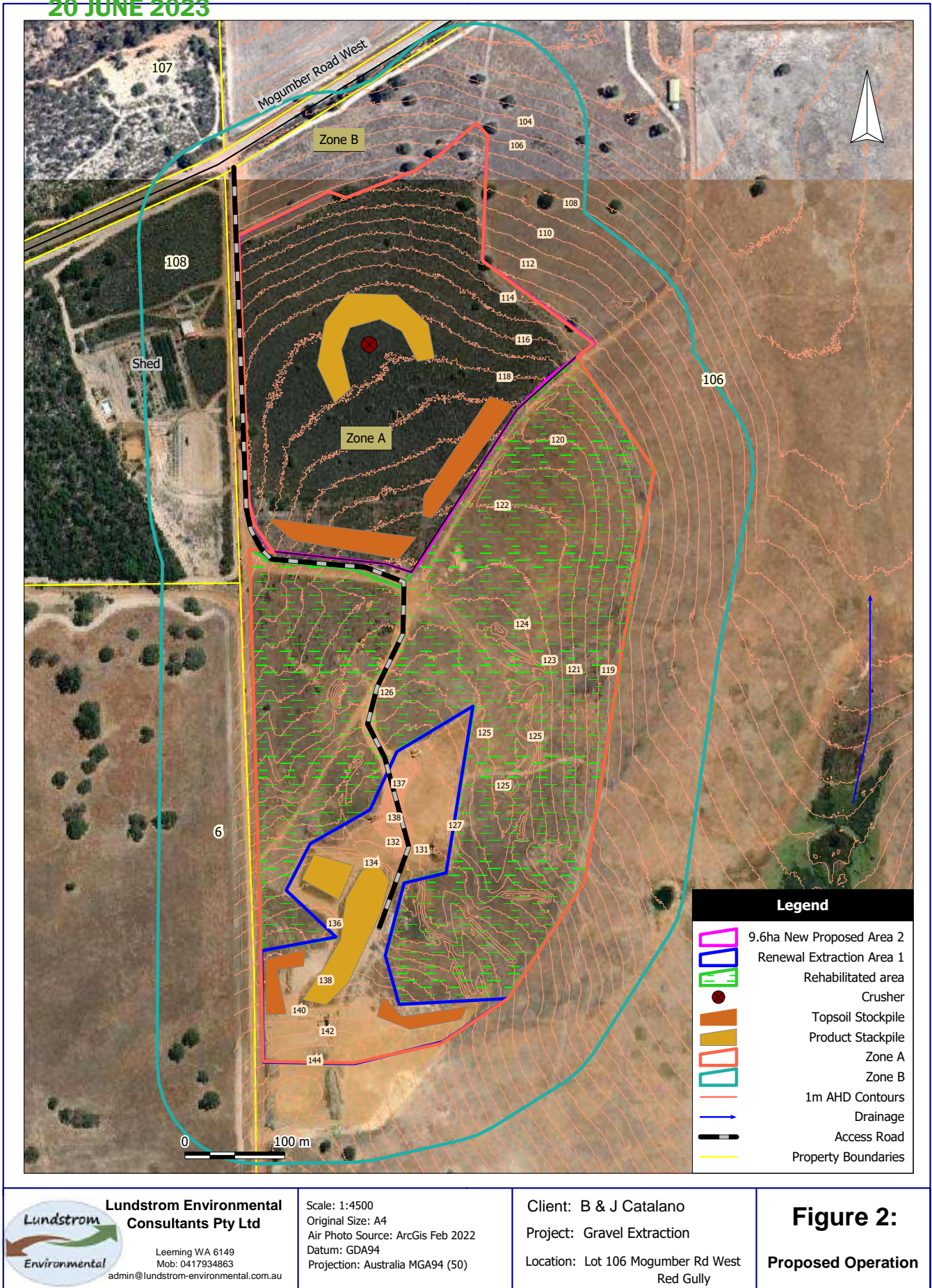


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Figure 1:
Site and Surrounds



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**Figure 2:
Proposed Operation**

Z:\Catalano\Mogumber Rd West Lot 106_Reagans Ford_SoG_Grave\EIL\2022 EIL application & renewal\Managemnt Plans\Weed MP\Draw

APPENDIX 5

WATER MANAGEMENT PLAN



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WATER MANAGEMENT PLAN

**Prepared for B&J Catalano Pty Ltd
For Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Shire of Gingin**

1. INTRODUCTION

This Water Management Plan (WMP) has been prepared to describe the measures that will be undertaken to achieve compliance with surface water and groundwater management requirements across the proposed Extractive Industries Licence (EIL) operations on Lot 106, Mogumber Road West, Red Gully, Shire of Gingin. This WMP should be read in conjunction with the report entitled “Extractive Industries Licence Application and Environmental Management Plan (EMP); Lot 106, Mogumber Road West, Red Gully, Shire of Gingin,” prepared for B&J Catalano Pty Ltd by Lundstrom Environmental Consultants Pty Ltd.

1.1 Property Locality, Area and Ownership

Locality: Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Ownership: Anthony Leighton Ruse

Figure 1 shows the property site and surrounds and indicates the proposed Extractive Industries Licence (EIL) area covered by this application.

1.2 Historic and Present Land Use

The property is currently used for gravel extraction, farming and sheep grazing. Most parts of Previous EIL Area 1 have been rehabilitated back to pastures.

The area is zoned as General Rural in terms of the Shire of Gingin Local Planning Scheme No.9.

Gravel extraction has been undertaken on this site in Area 1, between 2013 and 2018. There is currently a product stockpiles associated with this extraction operation.

1.3 Proposed Extraction Activities

This application is for the renewal of the Area 1 for stockpile removal and approval for gravel extraction in Area 2 of 9.6ha. The approximate gravel removal over the 5-year licence period for new Area 2 will be 34,560 tonnes / annum.

The proposed new extraction licence is required for the purpose of undertaking the following activities on the land:

- The extraction of 172,800 tonnes of gravel from an area of 9.6ha, Area 2 in 5 years as shown on Figure 3.
- Truck loading and removal of approximately 27, 623 tonnes of gravel from the existing stockpile from Area 1.
- Topsoil and overburden will be removed from the extraction area and will be stockpiled separately along the edges of the extraction area, with stockpiles being no higher than 2 metres.
- Extraction activity will result in the lowering of the ground level by approximately 1m below original ground level.
- Crushing and screening campaigns will be undertaken over a 6-week period.
- Crusher and stockpile positions have been identified by the Proponent for extraction Areas 1 and 2 as illustrated on Figure 2. Product stockpile positions will be a standard height of 9m.
- Measures to limit noise and dust will be undertaken.
- There will be no blasting.
- The implementation of rehabilitation and stormwater management measures.
- Management of runoff generated within Area 1 and 2 will be contained via detention ponds designed to hold stormwater generated from a 2-hour rainfall event with a 10% Annual Exceedance Probability (AEP) as shown in Figure 3. The 2016 Intensity-Frequency-Duration data obtained from the Bureau of Meteorology provides the rainfall rate for this event.

2. EXISTING ENVIRONMENT

2.1 Topography, Drainage and Wetlands

The elevation of the subject areas ranges from 104m AHD and 144m AHD and generally falls towards the north-east. Current slopes across the proposed EIL areas range between approximately 1:50 (2%) and 1:12 (8.33%).

The property is situated within a *Rights in Water Irrigation Act 1914* (RIWI) Surface Water Proclamation Area (Moore River and certain tributaries) overseen by DWER (Landgate, 2022). The Site lies within a *Rights in Water Irrigation Act 1914* (RIWI) Groundwater Proclamation Area (Gingin Groundwater Area).

The site lies in the Moore River Catchment within the Moore Hill Rivers Basin. The Moore River runs along the northern boundary of Lot 106 and is approximately 520m from the closest boundary of Area 2 (Landgate, 2022).

The site and does not fall in a Public Drinking Water Source Area (Landgate, 2022). The water supply for the processing of operation is supplied from farm or brought to the site.

There are wetlands present to the south-west of the proposed EIL operation areas (Figure 1). There is only one wetland present within 1km of the proposed extraction areas. This wetland is a dampland (seasonal waterlogging) identified as "Not assessed" (Landgate, 2022).

There are no Conservation or RAMSAR wetlands or Environment Protection Policy (EPP) lakes or wetlands within the site or within 1,500 m of the proposed extractive operations (Landgate, 2021).

2.2 Geology and Soils

The landscape can be described as a subdued lateritic plateau, undulating to gently undulating low rises with gently undulating plain including dunes; pale and yellow deep sands, sandy gravels, some duplex; from sandstones plus alluvial and aeolian deposits.

The excavation depth would be 1m below current ground level.

2.3 Groundwater Hydrology

East of the Brand Highway, where the extraction site is present is categorized to have a Surficial Aquifer. These are extensive and patchy aquifers of sand and clay. They are unconfined, thin, and often unsaturated. Usually, the groundwater is fresh with small bore yields. They often support groundwater dependent ecosystems (DWER, 2015).

On site the surficial groundwater appears to be at the depth of 116m AHD, which is at least 2m below the lowest elevation of the extraction area in the east, and at the highest elevation, at 11m below ground level.

The only groundwater dependent vegetation is present around the soak 250m from the extraction area. This will not be impacted by sedimentation, as the drainage is towards the north of the extraction area away from the soak, towards Moore River.

The proposed final ground surface exceeds the minimum required clearance under current regulatory policies and guidelines (DWER, 2019).

No groundwater seepage or standing natural surface water is present in the immediate area surrounding the proposed development.

The site falls within a *Rights in Water and Irrigation (RIWI) Act 1914* Groundwater Proclamation Area (Landgate, 2022).

2.4 Climate and Rainfall

The proposed extraction area is located within the Shire of Gingin which experiences a mild temperate climate with hot, dry summers and cool, wet winters.

One of the closest rainfalls recording station is Gingin Aero (Station 009178) and it has a mean annual rainfall of 620.7mm. The wettest months are June, July and August and the driest months are December, January, and February. The highest recorded annual rainfall was 881.6mm in 1995 and the lowest was 421.8mm in 2010.

Table.1 shows the average monthly and annual rainfall for Gingin Aero.

Table 1: Mean Rainfall Data (mm) for Marbling (Station 9024) for Period 1996 to 2021 (BOM, 2022)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
15.1	15.5	19.1	27.1	73.1	109.3	129.1	106.8	76.6	35.9	19.5	9.8	620.7

Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Rainfall Intensity-Frequency-Duration (IFD) data system (BoM, 2022), which yields the 2hr 10% Annual Exceedance Probability (AEP) (33.1mm). The DWER recommends that surface water runoff produced within the mined area from this rainfall event should be contained within the pit (DWER, 2019). This aspect is discussed in Section 3.2 of this document.

3. WATER MANAGEMENT

Surface water management will be based on the Department of Water Guideline, "Water Quality Protection Note No. 15" (DWER, 2019) which considers both runoff within the extraction area and runoff from adjacent catchments.

A surface water management area, sub-catchments 1 and 2 have been defined around the extraction area (Figure 3). The sub catchment 1 is divided into 3 areas, 1a of 101, 475m², 1b of 58, 579m² and 1c of 26, 585m². The sub catchment 2 is divided into 2 areas, 2a of 46, 362m² and 2b of 49, 697m².

During periods of heavy rainfall, stormwater runoff can be generated. Stormwater detention ponds will be installed to store accumulated runoff for the 2-hour 10% AEP rainfall event (ponds shown on Figure 3), with the stormwater generated being directed to the detention ponds via contour banks. These will serve as effective silt traps in times of high surface runoff. Where possible, topsoil and overburden stockpiles will be used to control stormwater runoff during these periods. Detention ponds for catchment areas are illustrated in the Figure 3 and the individual areas and design storm runoffs and the proposed detention pond volumes are also listed in Table 2.

3.1 Surface Water Management

The surface water management areas (sub-catchments 1 and 2) have been defined within the extraction area (Figures 3). Runoff generated within each sub-catchment for the 2hr 10% Annual Exceedance Probability (AEP) rainfall event has been calculated using the Rational Method as detailed in Table 2. Storm-water management infrastructure (detention ponds and contour banks) will be designed to manage at minimum this runoff. Runoff from areas outside the defined sub-catchments will be diverted away using diversion banks.

Based on the calculated storm design runoff shown in Table 2, the following measures will be used to achieve comprehensive onsite management of surface water runoff from the proposed EIL workings:

- Stormwater detention ponds with the capacity to hold at least a 2hr 10% AEP storm event as detailed in Section 3.2.
- As each extraction area is completed, narrow-based contour banks will be constructed to a grade of between 0.1 and 0.4%.
- Diversion drains will be formed along the eastern and western edge of stage to prevent runoff entering and leaving mined areas (Figure 3).
- As part of the rehabilitation process, the ground will be ripped along the contour at six metre intervals prior to fertilisation and seeding. This leaves a depression and low bund which will attenuate surface water flows and prevent rill erosion during the period that pasture grasses are becoming established. Surface water detention ponds and cut-off banks will be retained until vegetation ground cover is sufficient to stabilise the ground surface and prevent erosion.

- Regular monitoring of the erosion control measures will be undertaken, and repairs implemented where necessary throughout the licence period or longer if necessary.

3.2 Stormwater Management

3.2.1 Detention Ponds

As each extraction stage is opened, a stormwater detention pond will be excavated below the workings (but within the extraction area) with the capacity to hold at least a 2hr 10% AEP storm event. The positions of these detention ponds are shown on Figures 3 and the storage capacities listed in Table 2.

Table 2: Stormwater Detention Pond Capacity

Sub-catchment	Detention Pond No.	Area (ha)	Detention Pond Storage (m³)	Detention pond storage area at 2m depth (m²)
1	1a	101, 475	2, 687.1	1, 343.5
1	1b	58, 579	1, 551.1	775.5
1	1c	26, 585	703.9	351.9
2	2a	46, 363	1, 227.6	613.8
2	2b	49, 697	1, 315.9	657.9
TOTAL			7, 485.6	3, 742.6

3.3 Groundwater Management

No dewatering activities will be undertaken. The project does not involve abstracting groundwater for operational purposes, thereby minimising potential impacts on groundwater levels in the areas. No groundwater will be exposed by this development since mining will only lower the ground level by 1m and groundwater is present at more than 2m depth from the ground level. Laterite extraction is not threatening to groundwater as the depth of extraction is shallow, not interacting with groundwater.

There are DWER groundwater monitoring bores present on the east and west of the extraction site, 3.2km and 4.2km away respectively. In each case, one bore measures the surficial water level. The historic groundwater data from the nearby western DWER bore GL5W, shows the historical highest groundwater level to be 82.61mAHD on 2nd October 1996, where the groundwater exists 2.67m below ground. For the eastern DWER bore GL6W, the historical highest groundwater level is 117.81mAHD on 23rd April 2021, where groundwater exists 9.76m below ground. The groundwater depth is more than the minimum required clearance of 0.5m to the maximum winter groundwater level from the pit floor. The proposed final ground surface exceeds the minimum required clearance under current regulatory policies and guidelines (DWER, 2019).

Due to the low scale nature of the operations, no groundwater contamination is anticipated. No fuel or lubricant storage will occur on the site. Refuelling will take place using a mobile refuelling vehicle which is equipped with a “snap-on snap-off, fast-fill and auto shut-off” facility. Additionally, a Fuel Spill kit will always be available on site.

The plant will be refuelled each morning, leaving the vehicles almost empty overnight. No major servicing, which could lead to fuel and oil spills, will take place on the site. Such servicing will be undertaken at the Proponent's workshop in Hazelmere. B & J Catalano have a Hydrocarbon Spill Management Plan outlining their procedures for controlling, recovering, treating and reporting hydrocarbon spills (Annexure 1). This will be implemented in the unlikely event of a spill occurring.

The use of fertilisers will be necessary during the rehabilitation process. At this time, the Department of Agriculture and Food will be consulted as to the appropriate levels of fertiliser requirement. The correct application of these products will serve to control leaching of nutrients into the groundwater.

Herbicides will be used only as required and their use is expected to reduce as vegetation is established. In choosing herbicides, preference will be given to substances that strongly adsorb to soil and have low potential to leach into groundwater.

3.4 Monitoring and Management Measures

During the extraction and early rehabilitation phase, the pit will be inspected after every significant rainfall event to check erosion damage. If any repairs are required, this will be attended to immediately.

After pit closure and rehabilitation, monitoring of rehabilitated areas will ensure that any areas requiring remedial work are identified. Monitoring will be carried out on an annual basis to assess:

- The physical stability of the landform in the rehabilitated areas.
- The success of the sown pasture grasses and native trees.
- The emergence of weeds.
- Monitoring will continue until the completion criteria have been fulfilled. Maintenance procedures will be carried out where necessary and may include:
 - Repair of any erosion damage.
 - Replanting/seeding areas that may not have regenerated.
 - Weed control.

5. REFERENCES

Bureau of Meteorology (BoM) (2022). Rainfall records for Gingin Aero (9024). Website: www.bom.gov.au

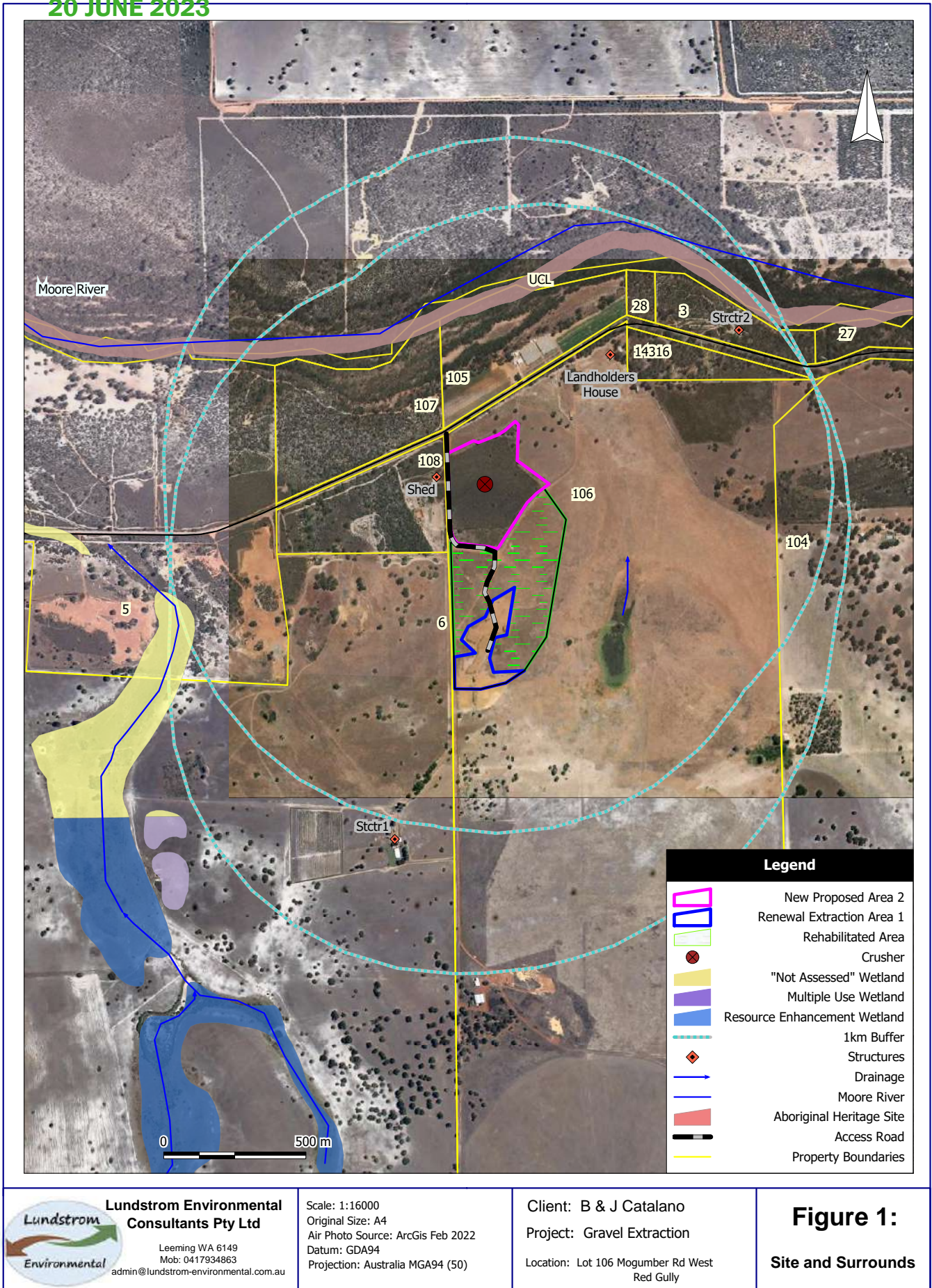
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Department of Water and Environment Regulation (DWER) (2019). Water quality protection note no. 15, Basic raw materials extraction. Government of Western Australia.

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Landgate (2019). Locate V5. [Online] <https://maps.slip.wa.gov.au/landgate/locate/>. Accessed: February 2022.

FIGURES



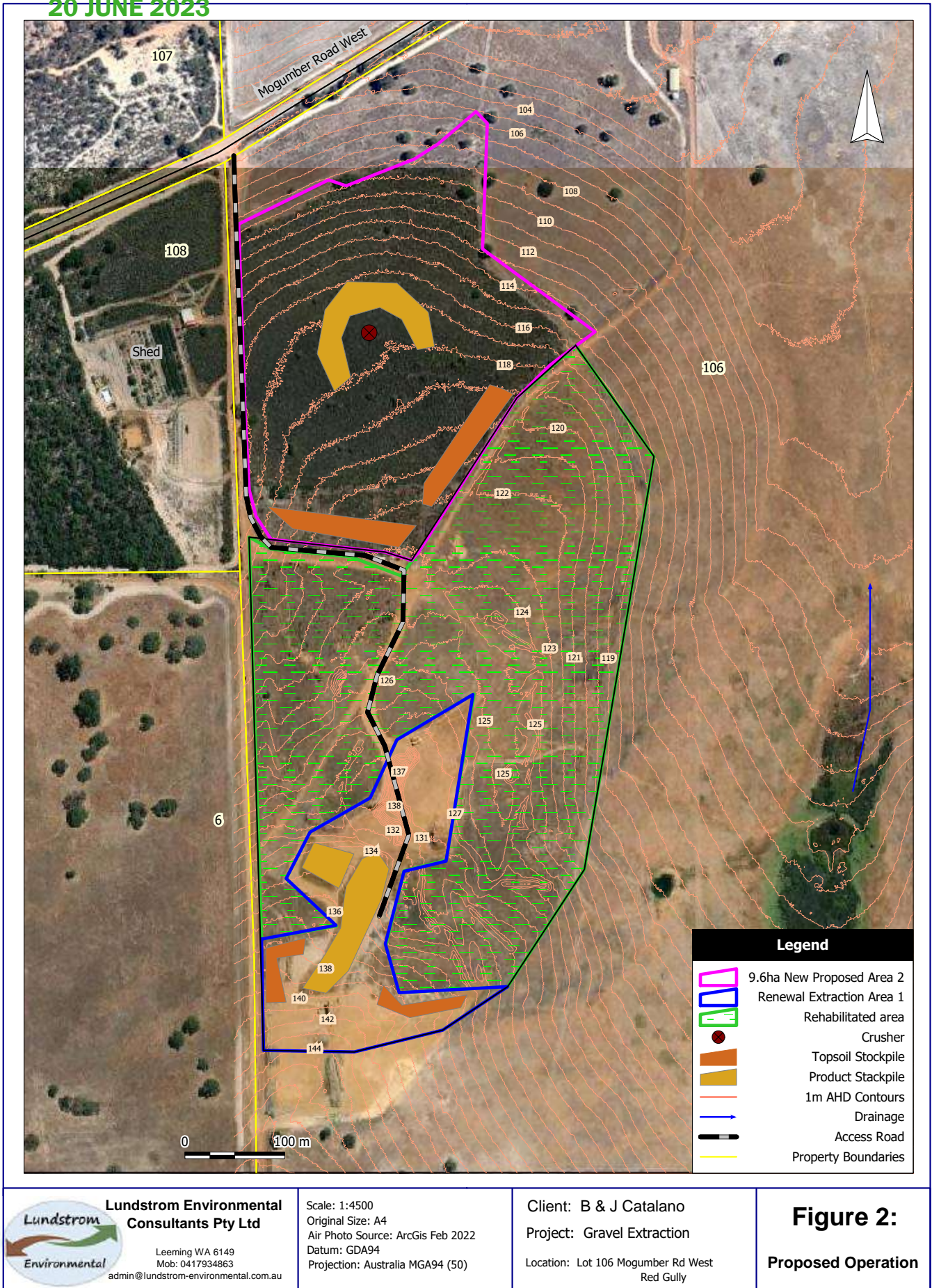
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 Location: Lot 106 Mogumber Rd West
 Red Gully

**Figure 1:
Site and Surrounds**

Z:\Catalano\Mogumber Rd West Lot 106_Reagans Ford_SoG_Grave\EIL\2022 EIL application & renewal\Managemnt Plans\Water MP\Draw

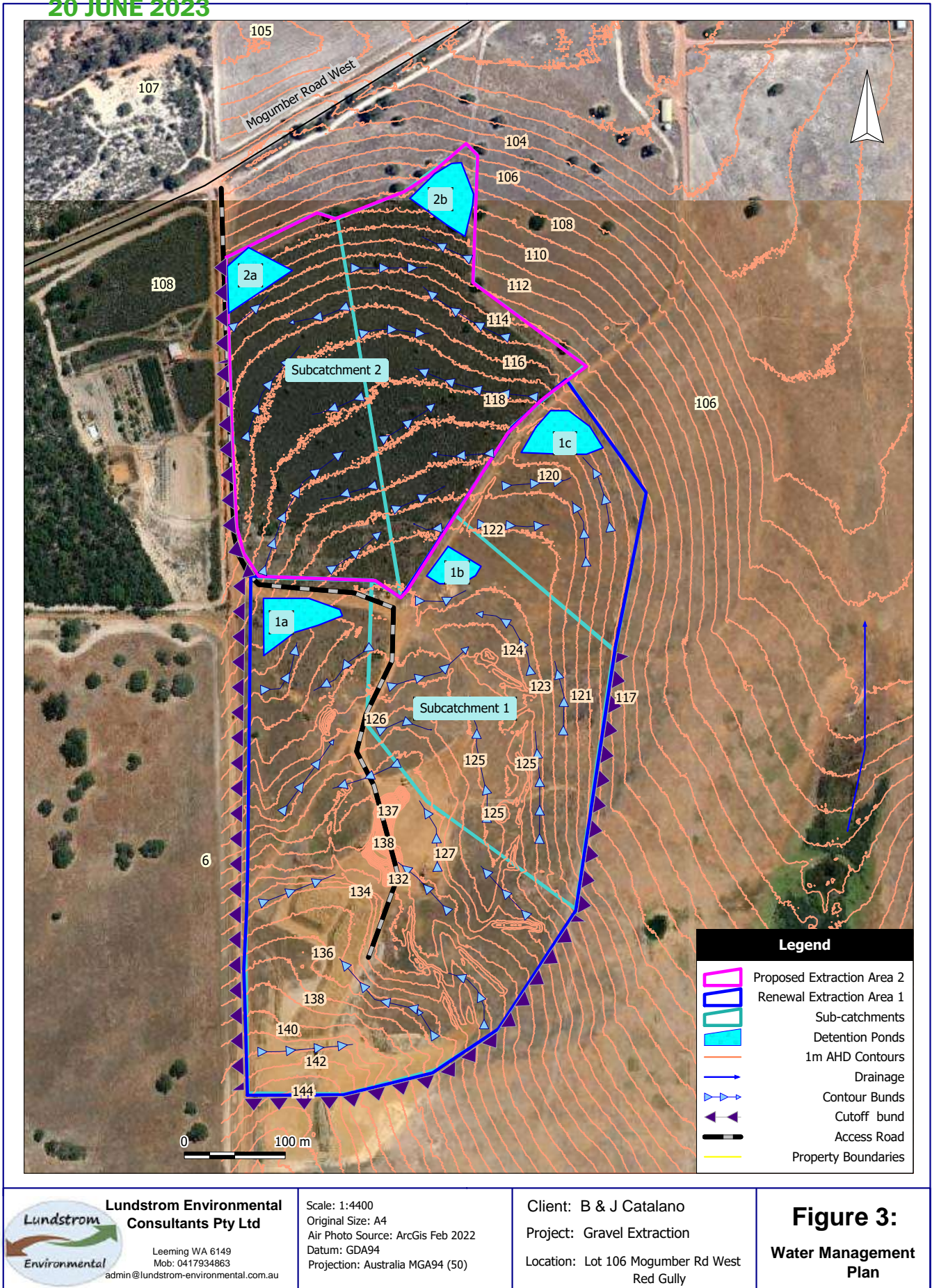


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**Figure 3:
Water Management
Plan**

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ANNEXURE 1
Hydrocarbon Spill Response Procedure



Safety Practice

SAF-SP-029 HYDROCARBON SPILL RESPONSE

PURPOSE

This procedure summarises the safety practice of B & J Catalano to control the personal and environmental hazard posed by hydrocarbon spills. It outlines the correct procedure for controlling, recovering and reporting hydrocarbon spills to ensure compliance with West Australian legislative requirements.

SCOPE

This safety practice will apply to all B & J Catalano areas and employees.

DEFINITIONS

MSDS: Material Safety Data Sheet - A document which describes the properties and use of a substance, i.e., its identity, chemical and physical properties, health hazard information, precautions for use and safe handling information.

Hydrocarbon: An organic compound containing only carbon and hydrogen including diesel, oil, petrol, grease, solvent-based degreasers, hydraulic fluids and transformer oils.

Hydrocarbon Spill: Any uncontrolled release of hydrocarbon products.

Bund: An embankment or wall that may form part or the entire perimeter of a compound. Usually made of concrete, bunds are placed around storage tanks to contain spills.

INFORMATION

Under the general and specific provision of duty of care an employer shall, so far as is practicable, provide and maintain a working environment in which his employees are not exposed to hazards existing in the workplace. This requirement includes the hazards associated with hydrocarbons spills.

It is the responsibility of ALL employees and contractors to manage hydrocarbon spills as they occur. Supervisors are accountable if their immediate areas are found to have poor hydrocarbon management practices (this includes the clean-up of minor spills).

Spills involving hydrocarbons have the potential to produce adverse consequences to human health and/or the environment. Environmental spills can lead to contamination of water (both surface and aquifers), soil and habitats. The effect is higher closure costs, loss of a potable resource, death of flora and fauna, requirement for remediation, classification into Western Australia's Contaminated Sites database and prosecution by the Department of Environment and Conservation (DEC).

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This safety practise outlines:

- Action required when a spill is identified
- Techniques to restrict the extent of the contamination
- Techniques to collect spilled material
- Techniques to collect and dispose of contaminated material
- Techniques to treat soils contaminated by hydrocarbon
- Reporting requirements in regard to hydrocarbon spills

REQUIREMENTS

1 Action required when a spill is identified

- 1.1 Isolate the spill area
- 1.2 Identify the spilt substance
- 1.3 Identify hazards and PPE requirements – consult the appropriate MSDS.
- 1.4 If safe to do so, the source of the spill should be restricted or stopped (i.e. shutdown machinery, switch off pumps, close valves).
- 1.5 If suitable equipment is readily available and can be operated in a safe manner, the extent of the spill is to be contained.
- 1.6 Contact immediate Supervisor as soon as possible and advise of spill.

2 Techniques to restrict the extent of the contamination

- 2.1 If possible restrict the source of the spill to ensure the flow of hydrocarbon is stopped.
- 2.2 If the spill is occurring outside a containment bund, use earthmoving equipment to construct additional earthen bunds to contain the extent of the flow.
- 2.3 Isolate drains.
- 2.4 On advice of Environmental Department, pump source material from either or both of the source container or the bunded containment into a safe container.

3 Techniques to collect spilled hydrocarbon

- 3.1 On advice of Environmental Department, pump source material from either or both of the source container or the bunded containment into a safe container.
- 3.2 Use absorbent materials to soak up residual hydrocarbon.
- 3.3 If the spill occurs in an area where a water body has become contaminated, use mini air booms to contain the spread of hydrocarbon on the surface of the water.
- 3.4 Use a skimmer to collect contained hydrocarbon in a triple oil separator or retain on the surface of the water body and pump to a waste oil tank or other safe container.
- 3.5 Hydrocarbon absorbents are to be collected and disposed of as decided by the Environmental Department and according to site requirements.

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4 Techniques to treat soils contaminated by hydrocarbon

- 4.1 Dependent on site requirements and on advice from the Environmental Department, contaminated soils may be treated in the following ways:
- Collected and disposed of
 - Encapsulated in the waste dump
 - Collected or remain in situ and treated by bioremediation to breakdown the hydrocarbon.
- 4.2 On completion of the rehabilitation program the Environmental Department must inspect and verify that the spill has been successfully remediated.

5 Reporting requirements in regard to hydrocarbon spills

- 5.1 All incidents of hydrocarbon spills are to be reported to the immediate Supervisor as soon as possible and followed up with the completion of the B&J Catalano Incident Report Form which requires an incident investigation to determine root cause and assists in the prevention of a reoccurrence.
- 5.2.1 The immediate Supervisor must then report the incident to the Environmental Department to determine what reporting to external departments is required i.e. Department of Conservation.

Table 1: Suggested Spill Equipment

Type of Spill	Recommended Spill Equipment
Spill on rocks / dirt	<ul style="list-style-type: none"> • Use earthen bunds or booms to contain spill • Polypropylene pads to mop up excess oil at the outset • Global Peat or Enretec to treat contaminated soil in-situ
Spill on concrete / hardstand area e.g. workshop	<ul style="list-style-type: none"> • Polypropylene pads (easiest and quickest) • Floorsorb / kitty litter if pads not available (this must be swept up and disposed of in hydrocarbon bins immediately, as these products are not hydrophobic and will not contain the spill if they become wet)
Spill in containment bund	<ul style="list-style-type: none"> • Polypropylene pads or pillows • Bund can be drained or sucked out to waste oil receptacle if the spill is large
Spill occurs when raining or on a water body	<ul style="list-style-type: none"> • Polypropylene pads

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RELATED DOCUMENTS

- a. B&J Catalano Incident Report Form

REFERENCES

- a. Occupational Safety and Health Act (WA) 1984
- b. Occupational Safety and Health Regulations (WA) 1996
- c. Mines Safety and Inspections Act (WA) 1994
- d. Mines Safety and Inspections Regulations (WA) 1995
- e. Environmental Protection Act 1986
- f. Environmental Protection (Unauthorised Discharges) Regulations 2004
- g. AS 1940 : 2004 Storage and handling of flammable and combustible liquids

DOCUMENT CONTROL

Approval			
Role	Name	Date	
General Manager	Nunzio Giunta	Sept 2011	
HSE/HR Manager	Doriann Walls	Sept 2011	
Revision Events			
Rev.	Author	Changes	Date
1.0	Nic Henley		May 2011
2.0	Ian Prosser	Definitions / Table 1	March 2012

Document No.	Doc Type	Approved	Rev. No.	Rev. Date	Page
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APPENDIX 6

NOISE MANAGEMENT PLAN



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NOISE MANAGEMENT PLAN
Prepared for B&J Catalano Pty Ltd
Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Shire of Gingin

1. INTRODUCTION

This Noise Management Plan (NMP) has been prepared in accordance with guidelines published by the Environmental Protection Authority (EPA 2007). Noise will be managed under Part V of the Environmental Protection Act (EP Act) and subsidiary regulations, including Environmental Protection (Noise) Regulations 1997.

This NMP should be read in conjunction with the report entitled “*Extractive Industries Licence Application and Environmental Management Plan (EMP) Lot 106, Mogumber Road West, Red Gully, Shire of Gingin*”, prepared for B&J Catalano Pty Ltd by Lundstrom Environmental Consultants in January 2023.

1.1 Locality and Ownership

Locality: Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Ownership: Anthony Leighton Ruse

Figure 1 is a recent aerial photograph showing the property and its surrounds.

2. PROPOSED WORKS AND POTENTIAL IMPACTS

2.1 Proposed Mining Actions

B&J Catalano intend to remove gravel from the existing stockpile in Area 1. Extraction of gravel will be undertaken within an area of 9.6ha in Area 2 over a period of five years, indicated on Figure 1. The completed extraction areas will be rehabilitated back to pastures.

Table 1 provides a description of all activities, their duration, and an assessment of potential for noise impacts.

Table 1: Summary of Noise Generating Activities

Activity	Duration	Equipment to be used	Comments
Strip and stack topsoil in Area 2. Rip and blade laterite to crusher sites.	3 weeks per year from 2023 to 2028	D9 Bulldozer CAT 980 & 940 front end loader (FEL)	Initial impact on closest resident will be moderate, but as the stockpiles of topsoil are pushed up this will decrease.
Crushing, screening, and stockpiling of gravel in Area 2.	6 weeks per year from 2023 to 2028	Parker 4230 Crusher Finlay Screen 693 Striker 25m Stacker	A 4meter high noise bund will be constructed around the crusher site. Noise will also be attenuated by stockpiles.
Loading of trucks from stockpiles.	5 years at an average of 4 per day	Standard rigid truck (14tonnes) Single Semi-loader (24tonnes) CAT 980 FEL	Loading area surrounded by stockpiles. Vehicles are new with strong mufflers. Estimated 22 loads per day.
Rehabilitation of completed stages.	2 weeks per year from 2023 to 2028	D9 Bulldozer CAT 980 FEL	Moderate noise levels for limited period.

2.2 Plant and Equipment to be used

The list of equipment to be used is as follows:

Table 2: Equipment Used on Site and Estimated Maximum Sound Pressure

Equipment	Sound Pressure Level DB(A)
D9 Bulldozer	111
Caterpillar 980 & 940 FEL	111
Parker 4230 Crusher(1325)	113
Finlay Screen 693	
Striker 25m Stacker	
Caterpillar Generator set	
Truck moving at 25km/h	100

The above sound pressure levels are estimates only for the purpose of undertaking the screening procedure for noise as provided in Environmental Protection Authority (EPA) Guidance No. 8 (EPA, May 2007).

2.3 Potentially Sensitive Receptors

2.3.1 Residential Dwellings

The closest structures to the outer boundaries of the extraction areas are identified are mapped on Figure 1. There are four structures located within 1km of the proposed extraction areas as shown in Table 3:

Table 3: Structures Within 1km Radius of Proposed Extraction Area

Reference No. On Figure 2	Address	Occupants Name	Closest Distance to Operations	Comment
Shed	Lot 108, Mogumber Rd west, red gully	Unknown	40m	It's a shed, non-residential
Landowner's House	Lot 106, 494 Mogumber Rd west, red gully	Anthony Leighton Ruse	400m	Owner's House, Authorisation Letter (Appendix 2 of Main report)
Structure 1	Lot 6, 374 Mogumber Rd west, red gully	Unknown	570m	
Structure 2	Lot 3, 553 Mogumber Rd west, red gully	Unknown	870m	

All the structures are more than 500m from the closest point from the operation area. The shed which is 40m away from Area 2 is not residential structure and landowner's house is 400m from the closest point of extraction Area 2.

3. NOISE ATTENUATION MEASURES

The following noise attenuation measures will be implemented:

- During the actual mining phase topsoil will be pushed up in bunds along the eastern edges of the pit and these will serve to attenuate the noise.
- During the crushing and screening phase, the operations will occur to the west of the stockpiles of laterite and gravel product. This will create a noise buffer between closest residents and pit operations.
- Crushing and dozing operations will be restricted to 6am to 6pm Monday to Saturday.
- Crusher position has been identified and is illustrated on Figure 2.
- There will be no blasting.
- The crushed material will be stockpiled in a manner that will maximize the buffering of noise that might occur from the loading of trucks after mining operations have ceased.
- A complaints register will be put in place, with all complaints being formally recorded.
- The signage on the gate will include the contact telephone number of the quarry manager to allow for quick reaction to any complaints that might arise.

5. REFERENCES

Environmental Protection Authority, 2007. Guidance for the Assessment of Environmental Factors. Environmental Noise. Draft No. 8

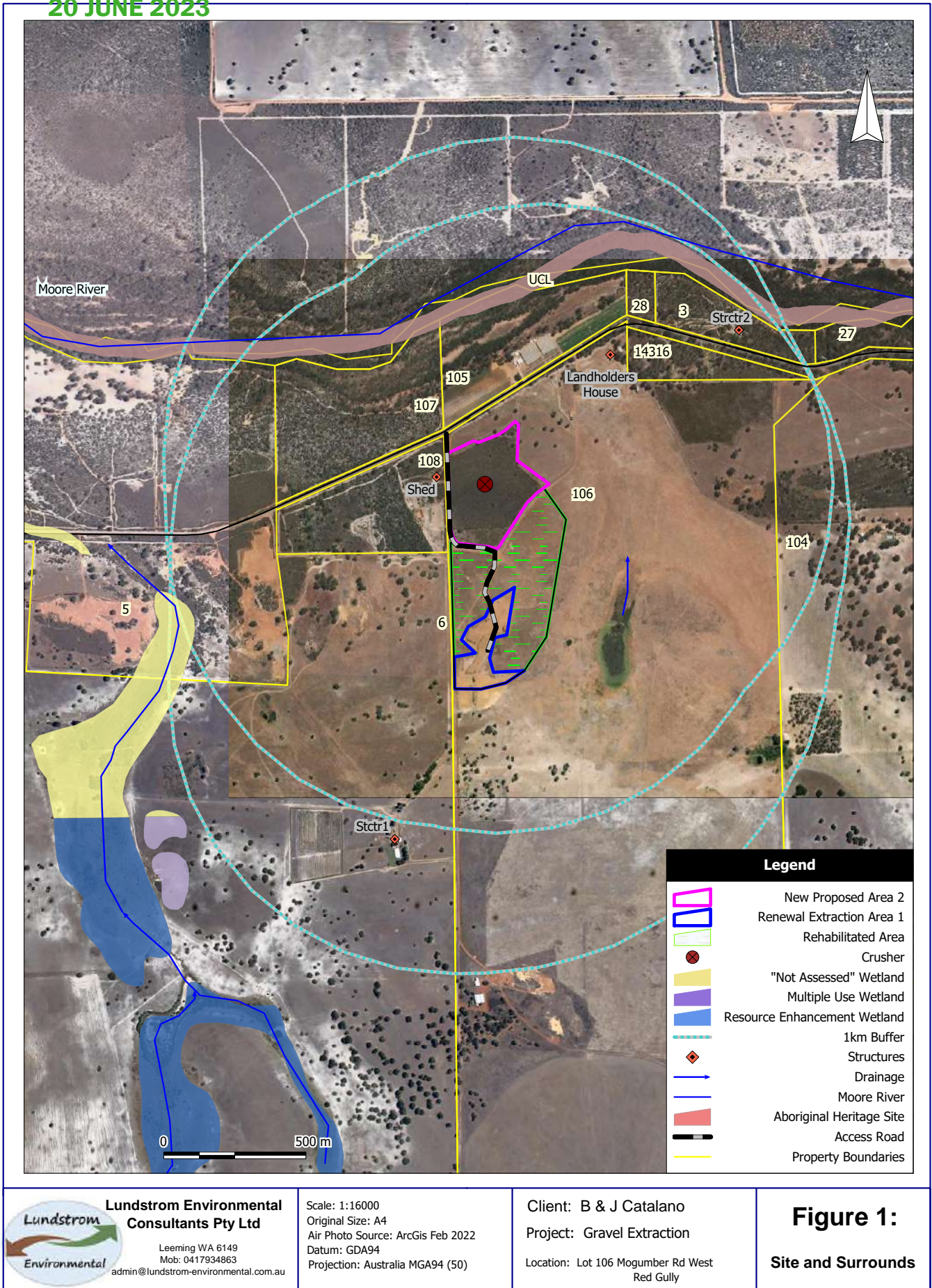
Environmental Protection Authority, 2005. Environmental Protection Guidance Statement No. 3: Separation Distances Between Industrial and Sensitive Land Uses.

6. ATTACHMENTS

FIGURES

Figure 1 Site and Surrounds
Figure 2 Proposed Operations

FIGURES



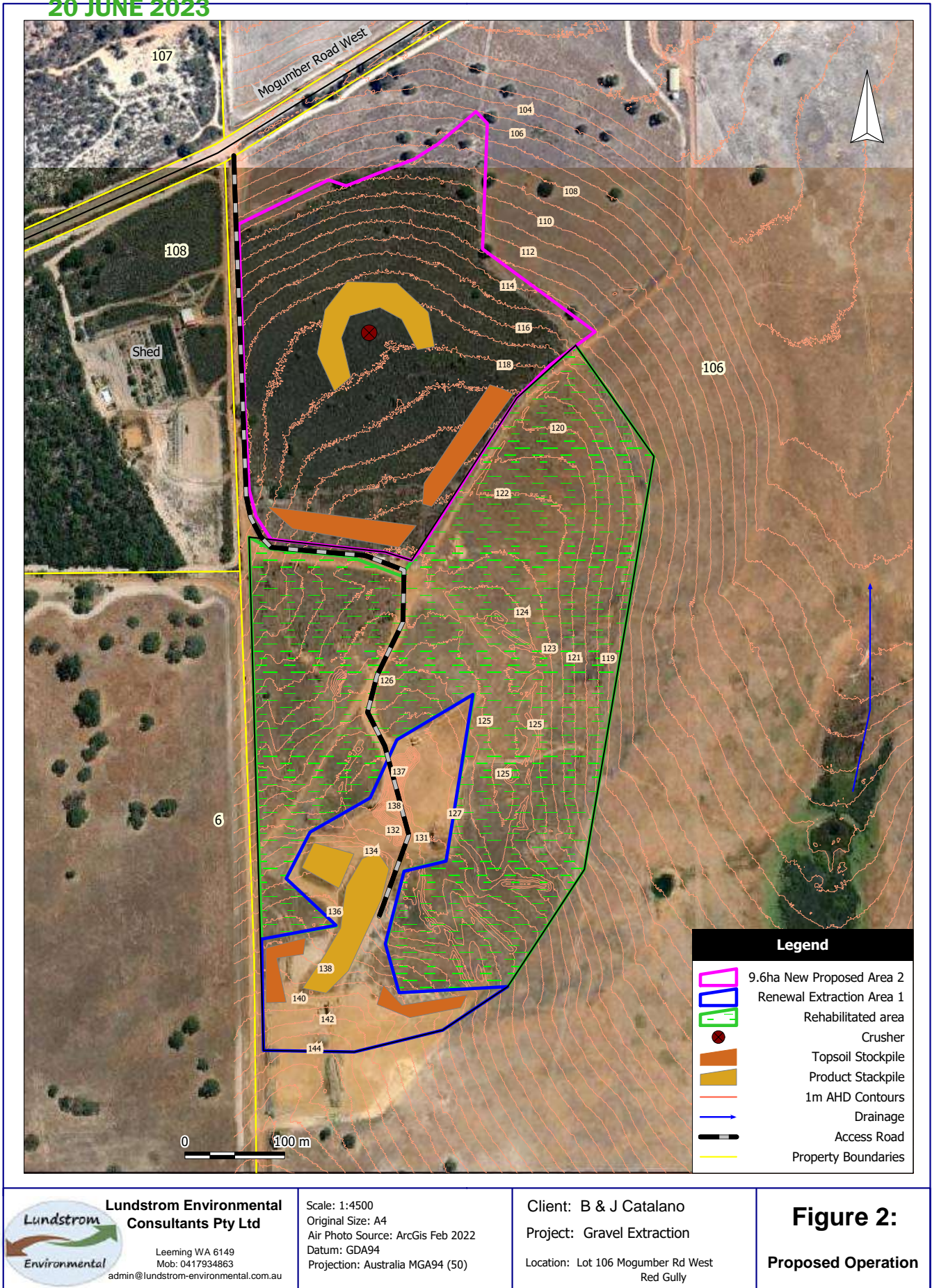
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Scale: 1:16000
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 Air Photo Source: ArcGis Feb 2022
 Datum: GDA94
 Projection: Australia MGA94 (50)

Client: B & J Catalano
 Project: Gravel Extraction
 Location: Lot 106 Mogumber Rd West
 Red Gully

**Figure 1:
Site and Surrounds**

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APPENDIX 7

PIT REHABILITATION AND MAINTENANCE MANAGEMENT PLAN



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**REHABILITATION AND MAINTENANCE
MANAGEMENT PLAN**

**Prepared for B&J Catalano Pty Ltd
Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Shire of Gingin**

1. INTRODUCTION

This Rehabilitation Management Plan (RMP) has been prepared to describe the measures that will be undertaken to rehabilitate the area of land impacted by the proposed EIL operations on Lot 106, Mogumber Road West, Red Gully, Shire of Gingin. This RMP should be read in conjunction with the report entitled *“Extractive Industries Licence Application and Environmental Management Plan (EMP) Lot 106, Mogumber Road West, Red Gully, Shire of Gingin”*, prepared for B&J Catalano Pty Ltd by Lundstrom Environmental Consultants in January 2023.

1.1 Locality and Ownership

Locality: Lot 106, Mogumber Road West, Red Gully, Shire of Gingin
Ownership: Anthony Leighton Ruse

1.2 Development Proposal

B&J Catalano intend to remove gravel from the existing stockpile in Area 1. Extraction of gravel will be undertaken within an area of 9.6ha in Area 2 over a period of five years, indicated on Figure 1. The completed extraction areas will be rehabilitated back to pastures, however clearing permit decision report by DWER (Department of Water and Environmental Regulation) for Area 2 might suggest different rehabilitation conditions.

2. REHABILITATION

2.1 Previous Rehabilitation Plans

Under previous EIL and current DA, 15.8ha area in Area 1 has been rehabilitated back to pasture as shown in Figure 1, remaining area will be rehabilitated to pasture after removal of stockpile. Previously approved rehabilitation plans described that the pit areas will be ripped, smoothed, contoured, and planted to pasture. Rehabilitation in Area 1 has largely been successfully completed and supports a sheep grazing enterprise as can be seen from photographs included in Annexure 1.

2.2 Proposed New Rehabilitation Measures

The proposed rehabilitation measures conform to those that were previously approved for the current EIL and include:

- Completion of rehabilitation for each stage within three years of extraction being completed.
- Stormwater infrastructure is to remain post-extraction to assist in the control of flow velocity where downstream erosion problems are present, until vegetation is sufficiently established.

2.2.1 Rehabilitation to Pastures

Progressive rehabilitation of the extraction areas will entail the following actions:

- Rip areas where compaction has occurred.
- Smooth batters to 1:6 and level out the base of the pit.
- Re-surface pit areas with stockpiled topsoil and overburden.
- Seed with pasture species and fertilize.
- Cut final contour drainage furrows.
- Monitor and maintain rehabilitated areas.

Timing for rehabilitation of the stages is detailed in Table 1.

Table 1: Stages of the Extraction Operation

Area	Action	2023	2024	2025	2026	2027	2028
1	Truck loading and removal of gravel stockpile (27, 623 tonnes)						
1	Progressive Rehabilitation of 18.6ha area						
2	Strip 9.6ha area, excavate and load out gravel						
2	Progressive Rehabilitation of 9.6ha area						
1&2	Monitoring and remediation of rehabilitated areas						

2.3 Monitoring and Maintenance

Monitoring will be carried out on an annual basis to assess:

- The physical stability of the landform in the rehabilitated areas.
- Success of germination of pasture grasses.
- The emergence of weeds.

Monitoring will continue until the completion criteria presented in Section 2.4 have been fulfilled. Maintenance procedures will be carried out where necessary and will include:

- Repair of any erosion damage.
- Replanting/seeding areas that may not have regenerated.
- Weed control.

2.4 Completion Criteria

Completion criteria are identified to allow effective reporting and auditing and to define an endpoint for the rehabilitation activities.

The completion criteria proposed for extractive operations on Lot 106, Mogumber Road West, Red Gully are presented in Table 2.

Table 2: Closure Criteria and Interim Targets

Criteria	Objective	Interim Targets
1. Safety	The site is safe to humans.	<ul style="list-style-type: none"> • The site is safe to humans during operations
2. Sustainability	The site is sustainable in the long term without additional management inputs.	N/A
3. Suitability	The site is suitable for agricultural purposes.	N/A
4. Visual amenity and heritage	The rehabilitated extraction area blends into the surrounding environment.	N/A
5. Off-site impacts	Significant adverse off-site impacts are prevented.	N/A
6. Hydrology	<ul style="list-style-type: none"> a. Site hydrology does not prevent the establishment of desired vegetation. b. Site hydrology does not reduce the stability of the landform. c. Stormwater is contained within the site. 	<ul style="list-style-type: none"> • Stormwater is contained within the site during operations. • Identification and mitigation of any hydrology related issues during operations.
7. Soils and stability	<ul style="list-style-type: none"> a. Soil profiles and structures are sufficient to ensure vegetation establishment. b. The landform is stable. 	<ul style="list-style-type: none"> • Topsoil is respread in all rehabilitation areas. • Identification and mitigation of potential erosion scars and scours during operations.
8. Vegetation	<ul style="list-style-type: none"> a. Pasture grasses cover the entire targeted area. b. Pasture grass cover is sufficiently resilient to sustain grazing pressure. c. Tree belts are self-maintaining and sufficiently dense to provide a visual screen from Coalfields Road and to improve local biodiversity. 	<ul style="list-style-type: none"> • After one year pasture grasses cover 30% of target area increasing by 20% per annum thereafter.
9. Weeds	<ul style="list-style-type: none"> a. Declared pest weeds are absent. b. The level of weed species should not be detrimental to the planted seedlings or pasture grasses. 	<ul style="list-style-type: none"> • Weed species removed systematically during operations.

3. ATTACHMENTS

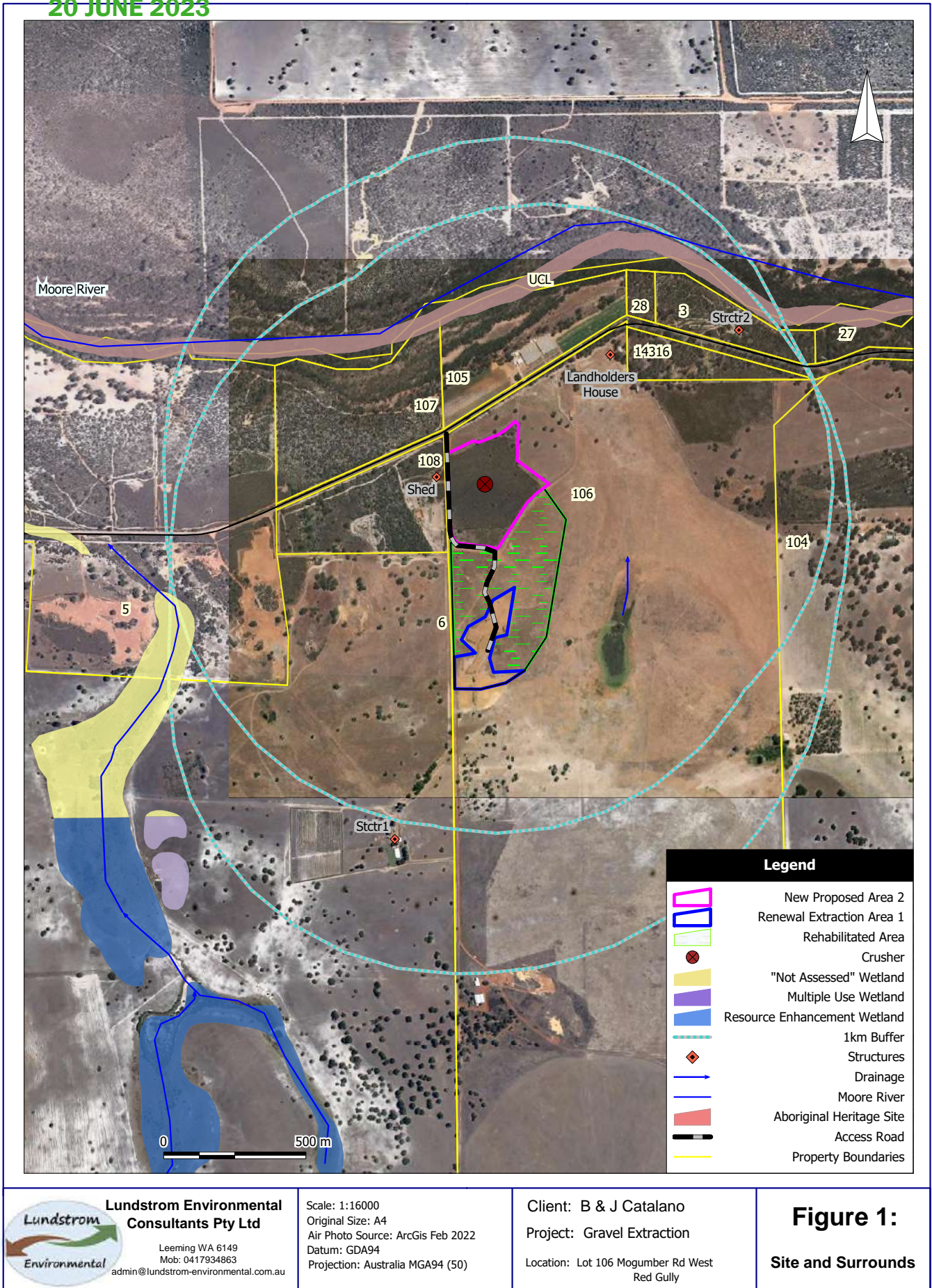
FIGURES

Figure 1 Site and Surrounds
Figure 2 Proposed Operations

ANNEXURES

Annexure 1 Photographs

FIGURES



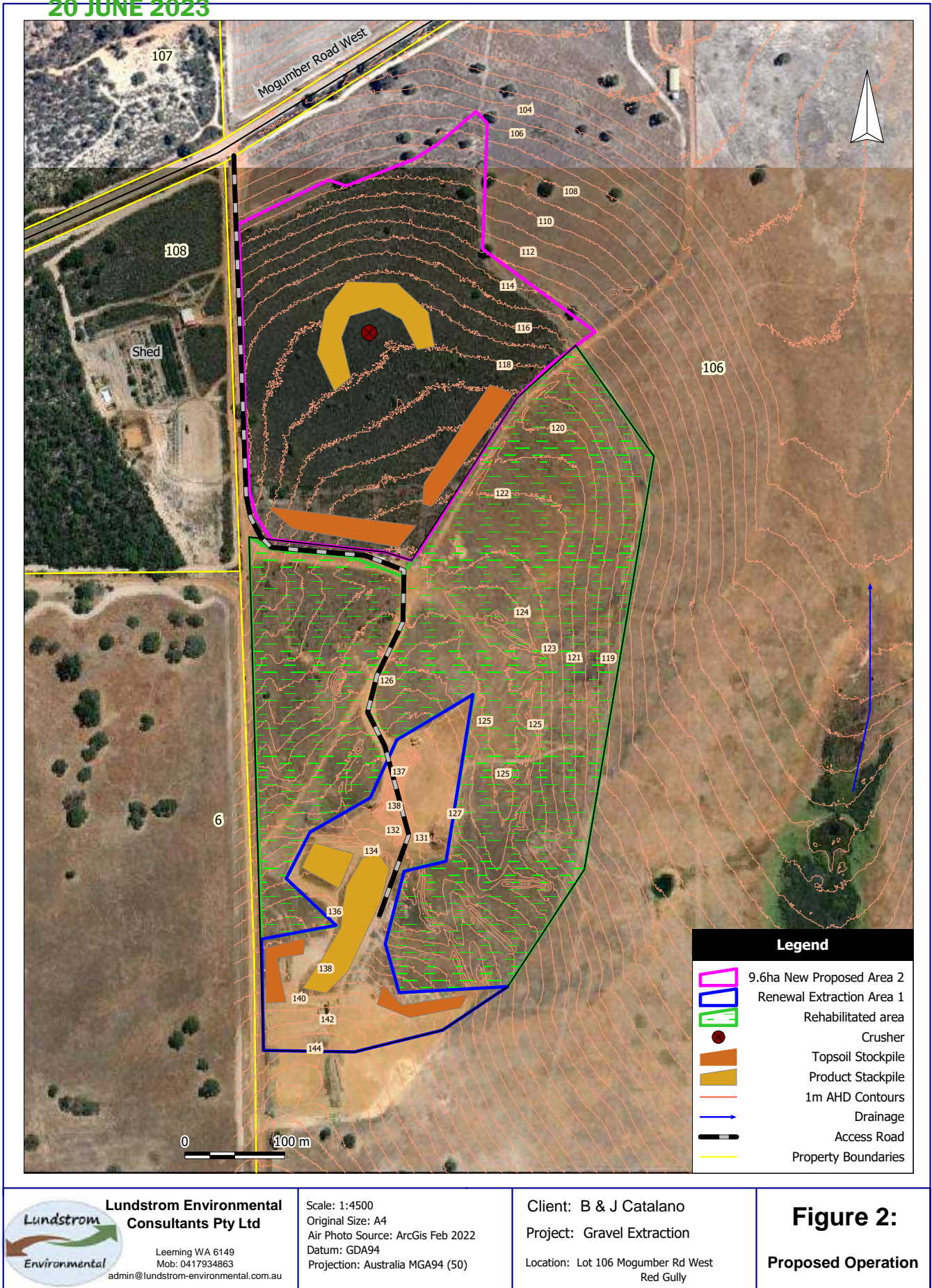
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**Figure 1:
Site and Surrounds**

Z:\Catalano\Mogumber Rd West Lot 106_Reagans Ford_SoG_Grave\EIL\2022 EIL application & renewal\Managemnt Plans\Water MP\Draw



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ANNEXURE 1
Photographs





APPENDIX 8

**PHYTOPHTHORA DIEBACK AND EXTRACTIVE INDUSTRIES INFORMATION
BROCHURE FOR B & J CATALANO**

**PHYTOPHTHORA DIEBACK AND
EXTRACTIVE INDUSTRIES
INFORMATION BROCHURE**

for



What is *Phytophthora (cinnamomi)* Dieback?

Phytophthora dieback is a soil-borne fungal pathogen that kills a wide range of plant species in the southwest of WA by destroying their root systems. There are many species of *Phytophthora* that occur worldwide. Although most *Phytophthora* species can cause plant disease, *Phytophthora cinnamomi* is the most frequently isolated *Phytophthora* species from native plant communities in WA's south west.

Impact of *Phytophthora* Dieback

Phytophthora Dieback occurs in all Southern Australian States and has had a significant impact on the biodiversity of native plants and animals from WA. It sometimes occurs in the nursery, mining, and forestry industries in WA.

According to CALM (2003), a conservative estimate places approximately 15-20% of the Jarrah forest as infested by *Phytophthora cinnamomi*. Furthermore, approximately 60% of the shrubland, *Banksia* woodland and Mallee woodland in the Stirling Range National Park are infected by the pathogen. Similarly, 70% of the Shannon and D'Entrecasteaux National Parks are also affected by *Phytophthora cinnamomi*.

Managing *Phytophthora* Dieback

The movement of large volumes of soil is a significant risk in terms of spreading *Phytophthora cinnamomi*. The extractive industry has the opportunity to reduce the rate of spread of *Phytophthora cinnamomi* by taking steps to minimise the accidental spread of the pathogen, with extraction in the >400 mm rainfall zone at greatest risk of spreading the pathogen.

In particular, operations occurring near native plant communities dominated with *Banksia* species and other Proteaceae may be at high risk. Different types of extracted materials have their different levels of inherent risk with regards to the likelihood of being infested with *Phytophthora* Dieback and therefore these differences need to be taken into account. For example, sand and gravel which carries organic matter or topsoil can be infested with *Phytophthora*, whereas limestone and hard rock are normally dieback free.



Plants Susceptible to *Phytophthora* Dieback

Banksias, proteas, grass-trees and jarrah are amongst the plants that are highly susceptible to *Phytophthora* impacts, as are over 2,300 other native plants and some exotic plants. This includes 40% of WA's threatened flora.

The Dieback Working Group website provides a list of both susceptible and resistant species at <https://www.dwg.org.au>

Disturbed native vegetation, farmland, urban and other similar areas are not normally able to be assessed for the presence of *Phytophthora*, so if you have concerns with the use of particular gravels next to or high quality native vegetation, please contact either the Department of Biodiversity Conservation & Attractions or the Dieback Working Group.

Best Practice Management Techniques

Various practices are described by the Dieback Working Group¹ and are used by B & J Catalano to minimise the risk of their operations acting as a vector for the transfer of the pathogen. The techniques described in this document are by no means all-encompassing but provide a summary.

Many resource sites, including B & J Catalano's site on Mogumber Road West, are considered to be "excluded (not assessable)" for the presence of *Phytophthora* dieback, because they are located on areas of disturbed vegetation. However, all of B & J Catalano's sites, including Mogumber Road West, are chosen because they present a minimal risk of dieback being present, including being elevated, or containing species not favoured by *Phytophthora* such as bluegum plantations and pasture. Resources are then extracted, processed and managed according to best practice to provide the lowest possible *Phytophthora* risk.



Summary of Best Practice Techniques used by B & J Catalano

- Training of staff on *Phytophthora* dieback and management.
- No unauthorised entry is permitted.
- Vehicles must be "clean on entry"
- Areas are identified as follows:
 - Extraction and processing areas
 - Roads, including haul roads
 - Turn around points
 - Hygiene – quarantine points
 - Storage and stockpile areas
 - Water sources
- Surface water is contained on site.
- Stockpile areas are hard and well drained.
- Vehicles must be "clean on exit".
- Site and activities are secured by fencing, signage, training and other methods.
- Separate excavation and loading areas.
- Signs illustrate the status and measures required are used as applicable.
- Dieback free water is used.
- Customers are notified of the Dieback status of the site and the resource.
- Stockpiles are regularly checked for organic matter or topsoil contamination.
- Samples are routinely tested for the presence of *Phytophthora* dieback.



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**INFORMATION FOR THIS BROCHURE
HAS BEEN OBTAINED FROM:**

**Dieback Working Group.
Management of *Phytophthora* Dieback
in Extractive Industries.**

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: EXPANSION OF EXISTING EXTRACTIVE INDUSTRY ON LOT 106 MOGUMBER ROAD WEST, RED GULLY

No.	Submitter	Submission details.	Recommended response.
1	DMIRS	<p>The submitter provides the following general comment:</p> <p>Thank you for your letter dated 30 January 2023 inviting comment on the proposed expansion of an existing Extractive Industry Licence (EIL) for gravel on Lot 106 Mogumber Road, West Red Gully in the Shire of Gingin.</p> <p>The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DMIRS lodges no objections to the above development application.</p>	Noted.
2.	DPIRD	<p>The submitter provides the following objection:</p> <p>Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.</p> <p>DPIRD does not object to the removal of approximately 27,623 tonnes of gravel from the existing stockpile from Area 1 and rehabilitation of Area 1 to pasture.</p> <p>DPIRD objects to the proposed clearing and extraction of gravel on 9.6 ha of native vegetation in Area 2 for the following reasons:</p> <p>Clearing of native vegetation</p> <p>The Area 2 extraction proposes to clear 9.6 ha of native vegetation. The native vegetation in Area 2 currently acts as a buffer to potential sedimentation that may flow towards the Moore River from the extraction areas.</p> <p>As acknowledged in the Extractive Industries Licence Application and Environmental Management Plan, clearing 9.6 ha of native vegetation requires a permit from the Department of Water and Environmental Regulation (DWER). DWER may refer this application to the Commissioner of Soil and Land Conservation to assess on and off-site land degradation impacts.</p>	Noted. The proposal has been revised to only apply to removal of gravel stockpiled on Area 1.

		<p>Area 1 and proposed Area 2 are located on Capitella 1 prominent gravel phase (222Cp_1b). This unit is described as hillcrests and very gently to gently inclined hillslopes with sandy gravels and gravelly pale deep sands and extends across most of the property. The extent of gravel reserves on the property, outside Areas 1 and 2, is not described in the application. It may be that other gravel sources are available which will not require clearing of native vegetation.</p> <p>Rehabilitation</p> <p>The application proposes to rehabilitate the cleared land in Area 2 to pasture species after completion of extraction activities, instead of returning it to native vegetation.</p> <p>This would not constitute proper rehabilitation, as the pasture species are not a like-for-like replacement of the existing Area 2 native vegetation. The impacts of not returning the areas to native vegetation would need to be considered through the clearing permit process.</p> <p>Groundwater</p> <p>The application states in section 5.5.1.3 that “the groundwater exists at least 2.67m below ground”. There needs to be a piezometer installed on-site at the shallowest point on the site to verify this and to monitor any groundwater trends over time to ensure that any seasonal variation does not result in groundwater infringing on the minimum required distance.</p> <p>Dieback (<i>Phytophthora cinnamomi</i>)</p> <p>Section 5.8.1 of the report suggests that there may be dieback present in Area 2.</p> <p>As dieback is a soil-borne fungal disease, the export of the product (gravel) from the site would likely spread the dieback disease to other locations.</p> <p>The application states that all vehicles will arrive in a clean state, and yet there does not appear to be any facilities that would enable employees to clean their vehicles before and after accessing the site.</p>	
3.	DWER	The submitter provides the following general comment :	

	<p>Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposed development has the potential to impact on environment and water values and management. Key issues and recommendations that should be addressed are provided below:</p> <p><i>Native Vegetation</i></p> <p>Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"> • it is undertaken under the authority of a clearing permit • it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required • the clearing is subject to an exemption <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (the Clearing Regulations).</p> <p>Based on the information provided, the proposed clearing is not exempt and a clearing permit is required.</p> <p>The Department has not received a clearing permit application for this proposal. Application forms and additional information on how to apply for a clearing permit are available from https://www.wa.gov.au/service/environment/environment-information-services/clearing-permit-forms</p> <p>Information regarding clearing permit fees can be found here: Clearing fees – frequently asked questions Western Australian Government (www.wa.gov.au)</p> <p>If further clarification is required, please contact the Department’s Native Vegetation Regulation section at admin.nvp@dwer.wa.gov.au or 6364 7098.</p> <p><i>Industry Licensing</i></p>	<p>Noted. The proposal has been revised to only apply to removal of gravel stockpiled on Area 1.</p>
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	<p>Based on the information provided, the proposed crushing and screening operations may be categorised as Prescribed Premises as per Schedule 1 of the <i>Environmental Protection Regulations 1987</i> under the following categories:</p> <table border="1"> <thead> <tr> <th data-bbox="645 376 748 427">Category no.</th> <th data-bbox="763 376 1115 403">Description of category</th> <th data-bbox="1131 376 1420 427">Production or design capacity*</th> </tr> </thead> <tbody> <tr> <td data-bbox="645 432 685 453">12</td> <td data-bbox="763 432 1115 619">Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated</td> <td data-bbox="1131 432 1420 483">50000 tonnes or more per year</td> </tr> <tr> <td data-bbox="645 624 685 644">70</td> <td data-bbox="763 624 1115 754">Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated</td> <td data-bbox="1131 624 1420 675">More than 5000 but less than 50000 tonnes per year</td> </tr> </tbody> </table> <p>* Production capacity and design capacity definitions:</p> <ul style="list-style-type: none"> • The production capacity is the rate at which a product is produced as relevant to the description of the prescribed premises category; and • design capacity is the maximum capacity for which the facility or equipment is designed to receive, handle, process, contain or emit, as relevant to the description of the prescribed premises category. <p>Activities such as crushing and screening during extractive industry operations, may cause the premises to become prescribed for the purposes of Part V Division 3 of the <i>Environmental Protection Act</i> (EP Act). This will occur if the proposed crushing and screening equipment has a design capacity (when operated 24/7 or at a capacity limited by a planning approval) that meets or exceeds the specified production or design capacity of the relevant category under Schedule 1 of the <i>Environmental Protection Regulations 1986</i>.</p> <p>The applicant is therefore advised that they may meet the requirement for Prescribed Premises and as such require a works approval to construct/install the equipment (mobile or otherwise) and a licence or registration to operate. It should be noted that planning approvals may influence the Department's determination of production or design capacity, where an approval has the effect of restricting capacity (such as constraining hours of operation).</p>	Category no.	Description of category	Production or design capacity*	12	Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	50000 tonnes or more per year	70	Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	More than 5000 but less than 50000 tonnes per year	
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		<p>The purpose of a works approval is to allow the Department to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during construction and operation. Note that any works approval or licence issued under Part V of the EP Act will only regulate emissions associated with the crushing and screening operation (such as dust, noise and contaminated stormwater). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site.</p> <p>The Department has no record of this premises and has not received any applications relating to this proposal. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals and if they have queries relating to works approvals and licences to contact the Department at info@dwer.wa.gov.au or 6364 7000.</p> <p>In the event that the applicant determines that a works approval or licence application is required under Part V of the EP Act, the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>	
4.	DoH	<p>The submitter provides the following general comment:</p> <p>Thank you for your letter of 30 January 2023, requesting comments from the Department of Health (DoH) on the above proposal.</p> <p>The DoH provides the following comment:</p> <p><i>Wastewater Disposal</i></p> <p>In relation to the management of wastewater, the DoH has no objection to this proposal. However, most of the lot is located within a sewage sensitive area as captured under the Government Sewerage Policy, 2019. Therefore, if the wastewater loadings increase, a new onsite wastewater treatment system or an upgrade of the existing system may be required, and the following will need to be considered:</p> <p>1.Compliance with Government Sewage Policy (GSP) requirements by ensuring the onsite wastewater treatment system is a secondary treatment system;</p>	<p>Noted. The proposal has been revised to only apply to removal of gravel stockpiled on Area 1.</p>

		<p>2.The wastewater treatment system and disposal area meet all the minimum setback requirements from sewage sensitive or seasonally wetland areas as outlined in the GSP;</p> <p>3.Provision of detailed scaled plans of the proposed building envelopes, land application area/s and exclusion zones for the proposal;</p> <p>4.Each onsite wastewater treatment system with disposal area requires a formal application to be submitted to the local government for assessment that may then be forwarded onto the department for assessment and approval.</p> <p>5.It is recommended the proponent contact the Department of Water and Environmental Regulation to ensure the sewage sensitive area is not compromised;</p>	
5.	Public comment	<p>The submitter provides the following objection:</p> <p>I am providing the information below in confidence to assist with the Shire Planning Department's decision regarding the licence application for development approval (expansion of extractive industry), at Lot 106 Mogumber Road West.</p> <p>The black cockatoo research team with which I am associated has been contacted by one of the neighbours and potentially affected owners, to whom you sent a letter on 30 January inviting comment on the licence application. The owner is concerned about the environmental impacts; and particularly the risks to Carnaby's cockatoos, which, as you will be aware, are endangered and continuing to decline specifically due to insufficient food. This area is an important area for this species.</p> <p>We have been contacted to put in a submission because of our university research team's expertise with Carnaby's cockatoo habitat requirements, and in particular our recent satellite and GPS tracking, in 2022, of large local Carnaby's cockatoo flock (300 birds). Our tracking study showed that this local Gingin Carnaby's cockatoo flock uses the site of the proposed clearing as a foraging location.</p> <p>We hope our information (below) is of use in the Shire's decision-making with respect to this clearing application.</p>	<p>Noted. The proposal has been revised to only apply to removal of gravel stockpiled on Area 1.</p>

	<p>Background: Our ecological research with Western Australia’s three threatened black cockatoo species</p> <p>We represent the Conservation Medicine Program in the School of Veterinary Medicine at Murdoch University. Our research group has been studying the health, ecology and demographics of Western Australia’s three species of black cockatoos for 10 years. We have strong collaborative research ties with the state Department of Biodiversity, Conservation and Attractions (DBCA), Kaarakin Black Cockatoo Conservation Centre, WA Museum, World Wildlife Fund, Birdlife Australia, industry groups in the mining and housing sectors, and Perth Zoo. Our research projects include health monitoring of Carnaby’s cockatoo nestlings throughout the species’ breeding range, disease screening of injured black cockatoos treated at the Perth Zoo Veterinary Department for rehabilitation back to the wild, and large-scale ecological research using satellite and GPS tracking of all three black cockatoo species across their distribution ranges, to identify key habitat areas and migratory movements, about which much remains unknown. Collectively, our research addresses several major Actions and Objectives of the national Recovery Plans for all three species.</p> <p>Through our research, we have observed that despite dedicated efforts of Recovery Teams, as well as efforts of research teams studying the species and community groups fighting to save habitat and rehabilitate debilitated birds back to the wild, all three species remain in grave danger of continued and catastrophic population decline. This is particularly the case given that the human population of Western Australia is set to grow rapidly in the next few decades, with increasing risks to cockatoos from land clearing, vehicle strikes and other human-related threats. The biggest threat to these birds remains the ongoing clearing of their breeding, feeding and roosting habitat, which occurred throughout much of the last century and appears to have escalated again in recent times, meaning that the populations of all three species are still in decline. Our black cockatoo movement and ecology research includes both satellite PTT and GPS tracking, as well as direct on-ground observations, of flocks of black cockatoos across their ranges. We have used this research to inform our concerns regarding this clearing proposal. These concerns include:</p> <p>(a) The Carnaby’s cockatoo foraging habitat at the proposed clearing site is close to Carnaby’s cockatoo breeding locations, making it important for supporting breeding pairs and the survival of their young;</p> <p>(b) Our tracking data show that the proposed clearing site is used as a foraging resource by a resident Regan’s Ford flock of Carnaby’s cockatoos – at least 300 birds ;</p>	
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	<p>(c) Importance of considering cumulative impacts; (d) The need to ensure no net loss of food sources in the immediate term for the local Regan's Ford flocks, given that Carnaby's cockatoos are continuing to decline primarily due to insufficient food.</p> <p>The Carnaby's cockatoo foraging habitat at the proposed clearing site is close to Carnaby's cockatoo breeding locations, making it important for supporting breeding pairs and the survival of their young</p> <p>Our tracking data confirm that the Carnaby's cockatoo foraging habitat at the proposed clearing site is used frequently by at least one large local resident flock of Carnaby's cockatoos (300 birds), as a food resource to sustain the flock (see next heading for full details and movement map). A key concern is that clearing this site would remove this food resource for the local flock(s) and also, that it would remove foraging habitat that is close to Carnaby's cockatoo breeding sites. It is important to recognise that clearing of any remaining patches of foraging habitat present a risk to Carnaby's cockatoos, given that this species has lost most of its foraging habitat; and that insufficient food is the major reason for its ongoing decline towards extinction. As the National Carnaby's Cockatoo Recovery Plan (2013) states, the species urgently needs <i>more</i> foraging habitat, (not less), if land/conservation managers and planners are to halt and reverse its decline.</p> <p>While this clearing proposal may include eventual rehabilitation of the site, the Shire's Planning Department will be aware of the increasing amount of research pointing to the inadequacy of post-mining restoration efforts. Mine proponents themselves (including the Atlas mine proponents, in their recent EPA referral) are now acknowledging that post-mine rehabilitation is likely to produce habitat that is much lower, in foraging quality for Carnaby's cockatoos, than the original high quality (if interested, please see the documents associated with the Atlas mine EPA referral, publicly available on the EPA referrals website, for details: the Atlas mine proponent estimated that post-extraction rehabilitation efforts would lead to the revegetated area being rated only 4/10 for Carnaby's cockatoo foraging quality; the habitat pre-clearing is currently 9/10).</p> <p>As well, any rehabilitation would be a decades-long option, whereas Carnaby's cockatoo flocks are facing insufficient food now. The only mitigation that could counterbalance the loss of foraging habitat for Carnaby's cockatoo flocks in the immediate term (i.e. the relevant time-frame for preventing further losses of this endangered species) would be to plant sufficient replacement food sources in</p>	
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	<p>the immediate area (within 6-12km of the proposed clearing action, so that it is available for the local flock/s that would be impacted by the clearing) and waiting 7-10 years (for Banksia species) for the replacement food sources to mature to the stage where they can provide fruit for Carnaby's cockatoos, <i>before</i> clearing occurs. This is a solution that would ensure that the clearing action does not lead to a net loss of food for local flocks.</p> <p>Our tracking data show that the proposed clearing site is used as a foraging resource by a large local 'Regan's Ford' flock of Carnaby's cockatoos - approximately 300 birds</p> <p>In the proponent's application, we note that Lundstrom Environmental states (Section 3.7) that "No specific evidence of use by black cockatoos was found". We can confirm that the proposed site is indeed used frequently by black cockatoos as a foraging resource. Our satellite and GPS tracking of Carnaby's cockatoos around Regan's Ford shows that the site is used by at least one large resident flock (300 Carnaby's cockatoos). We note also that depending on the specific Carnaby's cockatoo food species that are present at the site, a lack of foraging evidence is not necessarily an indication of a lack of foraging; as many food species do not leave foraging evidence.</p> <p>Below, we summarise flock movement information that we have obtained from our transmitter-attached Carnaby's cockatoo and its flock in this area. The Carnaby's cockatoo, identified as CC41, was released following rehabilitation, with satellite and GPS transmitters attached, at Regan's Ford in April 2022. The bird joined the local resident Carnaby's cockatoo flock, and was then able to act as a 'marker bird', allowing us to track this flock for the time that the transmitters remained operational (April-June).</p> <p>Carnaby's cockatoo CC41 and its flock remained in the Regan's Ford area until at least June 2022 (after which time the tail-feather to which the satellite tag was attached was lost as part of the annual tail-feather moult, and we were unable to keep following the flock). During the entire time that the satellite tag was operational, this bird and the local resident flock roosted and foraged around Regan's Ford (Figure 1).</p> <p>During foraging, members of Carnaby's cockatoo flocks spread out and forage in smaller sub-flocks across a wide area. Therefore, it is likely that when CC41 was recorded foraging within the proposed clearing site, other members of the flock were also accessing other parts of the site for foraging.</p>	
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	<p>Movement data for this bird during this time also show the bird roosting close to the proposed clearing site. This too highlights the potential use of the site for foraging by the resident Regan's Ford flock.</p> <p>We note also that Regan's Ford (Moore River Ranch) has confirmed breeding by Carnaby's cockatoos.</p> <p>We also released two other tagged Carnaby's cockatoos at Regan's Ford in April 2022. Both these birds moved north fairly soon after release, spending time at Cooljarloo and Arrowsmith before making their way south again (with a flock) in August. Their exact movement path is unknown, as are their daily foraging movements and exact foraging locations, due to a 10-day gap in the satellite transmitter schedule, but the data trajectory shows at least one of these two birds (and its flock) passing close to the proposed clearing site on the return journey, before continuing further south to Yallingup/Augusta (the timing of this flight fits with Carnaby's cockatoo flocks' annual breeding migrations). The proximity of this bird to the proposed clearing site, during its presumed annual breeding migration, highlights the need for Carnaby's cockatoo flocks to have access to sufficient foraging habitat along their flight paths, while making these important migratory flights.</p> <p>It is important to emphasise that our flock movement and roost data are for a small number of tagged black cockatoos, each part of a single flock. There will be other Carnaby's cockatoo flocks using this area for which we do not have movement data, including using the area as a seasonal foraging area during breeding migrations, and when moving into this area post-breeding, with their dependent young.</p> <p>Our research shows that in the immediate post-breeding period, Carnaby's cockatoos from breeding sites throughout the northern wheatbelt (i.e. this region) tend to move towards foraging areas closer to the coast – such as is represented by this site. The flocks then remain in those foraging areas for up to six months post breeding, building up their energy reserves and feeding their dependent fledglings/young. This indicates the value of the vegetation present at this proposed clearing site, as foraging habitat for local Carnaby's cockatoos post-breeding.</p> <p>As planning and environmental officers will be aware, regardless of whether potential breeding trees are cleared by a clearing action, black cockatoo breeding populations need sufficient foraging habitat near their breeding sites and in their post-breeding areas. If there is not sufficient foraging habitat upon</p>	
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	<p>which breeding individuals can rely, during both the breeding period and immediately post-breeding, this will prevent successful breeding, and the breeding area may be abandoned (Saunders, 1982; Saunders, 1990; Saunders et al., 1985; Saunders and Ingram, 1987). Therefore, clearing of areas of foraging habitat near breeding sites clearly has the potential to have an impact on the nearby breeding site; as has been documented for other Carnaby's cockatoo breeding sites that have lost their breeding populations due to too much clearing occurring nearby (see numerous papers documenting research undertaken by Saunders et al. at Carnaby's cockatoo breeding sites).</p> <p>This proposed clearing would remove a sizeable patch of foraging habitat that would otherwise be available for endangered Carnaby's cockatoos. Given the known breeding sites nearby, and given the scarcity of remaining foraging habitat for this species (a listed Matter of National Environmental Significance) across its range, any remaining hectares of foraging vegetation may be important for the persistence of the Carnaby's cockatoo flocks that depend on them. Need to consider cumulative impacts</p> <p>Cumulative impacts can be undervalued and sometimes even ignored when assessing the impacts of habitat clearing on black cockatoo populations.</p> <p>As Shire Planning Department officers will be aware, there is a large – and growing – number of actions involving clearing of black cockatoo habitat across southwest Western Australia. Clearing actions often involve clearing of smaller areas of important habitat; including many that do not individually meet the threshold for federal-level referral or controlled action, but which, cumulatively, involve annual losses of large areas of foraging, breeding and/or corridor habitat used by black cockatoos.</p> <p>Consideration of cumulative impacts is vital for black cockatoo population viability and for referral assessments. Given the number of smaller clearing actions occurring across southwest Western Australia, the risks posed to the viability of these MNES species from cumulative habitat losses must be managed appropriately. To this end, it is vital to consider the impacts of any proposed clearing in the context of the many smaller, unregulated (and at present under-evaluated) habitat losses that are currently occurring across the ranges of these species.</p> <p>Need to ensure no net loss of food sources in the immediate term for the local Regan's Ford flocks, given that Carnaby's cockatoos are continuing to decline primarily due to insufficient food.</p>	
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	<p>This submission calls for careful consideration of whether it is appropriate to approve this clearing, given the net loss of Carnaby's cockatoo food sources that it represents. If approval is granted, it would be necessary for the proponent to counterbalance these losses via effective mitigation measures to provide alternative Carnaby's cockatoo food sources. In addition to any revegetation efforts that may occur later during rehabilitation of the site (which must be monitored and managed to ensure success), we note that effective immediate mitigation of the loss of food sources would require vegetation with additional food sources <i>several years before</i> clearing commences, to ensure that there is no net loss of food resources for local resident flocks when the clearing occurs. Given the Carnaby's cockatoo foraging habitat that would be removed in the short and medium term if this project is approved, careful consideration may determine that to support the Shire's and Western Australia's biodiversity goals and protect local resident Carnaby's cockatoos, the clearing should not go ahead. If the project is approved, it must be able to demonstrate no net loss, and preferably net gains, for local flocks.</p> <p>Of course, the most effective way to avoid impacts and risks to Carnaby's cockatoo flocks is to locate extraction operations in areas that have already been cleared for other purposes. For this clearing application – and for all applications that advocate for removal of habitat for wildlife species that are declining due to insufficient habitat – we call for proponents to find locations for their operations that do not harm the recovery prospects for these threatened species. Any additional costs associated with protecting biodiversity should be built into normal business operations.</p> <p>We know that for Carnaby's cockatoo recovery to begin to occur, retention of remaining habitat is critical. Where this is not possible, lost habitat can only be mitigated effectively by providing sufficient replacement habitat in the daily foraging area of affected flocks (i.e. within ~6km of the clearing footprint, as 5-6ha is the optimal daily foraging distance from roosts for resident Carnaby's cockatoos).</p> <p>Current lack of habitat, and ongoing habitat loss, are the main drivers for the continued declines of Western Australia's black cockatoos (Dept. Environment and Conservation 2007; Dept. Environment and Conservation 2012). Given the predicted short timelines to extinction for Western Australia's black cockatoos if their declines are not halted, and given the need to conserve as much remaining habitat as possible, appropriate mitigation measures need to be identified and implemented. <i>Mitigation measures will only be effective if they do effectively</i></p>	
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	<p><i>counterbalance the short and medium-term impacts on black cockatoo populations from net loss of existing habitat.</i></p> <p>Development and biodiversity conservation do not need to be mutually exclusive. Western Australia is undergoing rapid and extensive development; and could be a strong model for how development and conservation can be managed synergistically. Part of what makes this region special is its unique and endemic biodiversity, including our endangered and iconic black cockatoos. As Western Australia develops, it will be important to implement effective efforts to ensure the conservation management of our threatened species. For black cockatoos, this will mean, first and foremost, protecting existing important habitat; and secondly, revegetating with sufficient replacement habitat in the range areas of affected flocks, within appropriate time frames to ensure no net habitat loss at this critical juncture for Western Australia's declining black cockatoo populations.</p> <p>Thank you for the opportunity to provide this submission. We appreciate all efforts by the Shire of Gingin to safeguard your local resident flocks of Carnaby's cockatoos, given that Gingin is such an important breeding and foraging area for this well-loved endangered species. Thank you for planning decisions that are effective for helping to halt and reverse Carnaby's cockatoo declines.</p>	
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6.	Ratepayer	The submitter provides the following objection:	Noted. The proposal has been

	<p>submission</p> <p>Thankyou for writing to us regarding the above-mentioned mining proposal. Unfortunately, we are writing to tell you we Do Not support the above. We were shocked that this would even be considered, given the location. Many of us live and work within the “Buffer” Zone.</p> <p>Please see below comments:</p> <p>HEALTH & SAFETY</p> <p>A major concern for us is the Health and Safety of ourselves and others in the area. I (Kimberlee) suffer with Chronic Asthma, which was another reason for us move out into the fresh country air. Dust is a huge concern for me.</p> <p>We have seen it before where companies have a “dust management plan” but there is still so much dust present in the area. Just because there is a water truck on site doesn’t necessary mean they are using it. I am assuming all the staff members are adults, they should not need to be told to water the area only when there is a complaint or when someone is at home/work watching. If they have a “plan” they need to abide by “their plan”. They need to allow for this in their budget and not skip it just to save money. If they can’t afford to do the right thing, or simply don’t think it is an issue, perhaps they are in the wrong industry.</p> <p>Contamination caused by the Dust and Machinery, we have a Market Garden and Stone Fruit Orchard in the Area run by our neighbours Geoff Van Waardenberg (Lot 108) and Gilbert Correia (Lot 105).</p> <p>They are producing Food. I’m hoping they have had a chance to outline how their livelihood will be affected should this “Extraction” go ahead. The benefit to one should not out weight the suffering of many.</p> <p>Lot 108 was noted as “just a shed”. On the map or even if you drive past, you can clearly see it is a well-kept functioning orchard. Geoff and his family have been operating their long before we arrived. It will be sad to see all their hard work over the decades potentially ruined by this one operation.</p> <p>Lot 105 has not even been mentioned on the map, despite their clearly being a residential dwelling (Not even noted as a structure). Not only are they living onsite, there has been a huge amount of work and money that has gone into the property to purge it of its previous reputation. Gilbert has done an amazing job on this place.</p>	<p>revised to only apply to removal of gravel stockpiled on Area 1.</p>
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	<p>The fact that these properties were downplayed in the report speak volumes. Even Lot 106 appears to have tenants/caretakers, I don't even think it is right that they have to live so close to an operation like this.</p> <p>Whenever Catalano's has hauled product from the current site, where their access road meets Mogumber Road West becomes increasingly dangerous.</p> <p>Not only is it on a winding part of the road with trucks coming in and out, but the road's surface also becomes extremely unstable and slippery even at a reduced speed (We dread having to drive past).</p> <p>This road is used by a lot of people who may not have ever been though here before and would not be aware of the potential danger that lies ahead. Not to mention the additional wear and tear on the road which I am assuming the Shire of Gingin/Rate Payers would need to fund the repair of any damaged caused in the next 5 years.</p> <p>WILDLIFE & ENVIRONMENT</p> <p>Did the people that put together the proposal even visit the site in question? We are not sure if yourself or the Shire of Gingin is aware of the population of the endangered Black Cockatoos (Carnaby) that call this little area home.</p> <p>Every day they fly over and forage in the land around the proposed Minesite. They then make their way over to our place to roost (Lot 3). This seems to be the perfect little spot for them. We have a constant flow of fresh water in the Moore River behind us and food in the land around. A perfect balance.</p> <p>An operation like the one being proposed with that much bush being ripped out, disruption, noise and dust until 2028. It is doubtful they will continue to call this area home.</p> <p>How can they state "No specific evidence of use by black cockatoos was found". We have such an abundant population of them in this area, that rehabilitated black cockatoos were released here to join the wild flock. The released birds have tracking devices and data that can be downloaded and collected.</p> <p>An independent survey needs to be carried out to document the area before their home is destroyed for ever.</p> <p>I can hear them right now while writing this letter to you</p>	
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		<p>What is the policy for clearing such a large area? Are there Grass Trees on the proposed site and what is the rule for those? This is also known to be a wildflower area (which is even noted on the Moore River Region Tourist Brochure) we have people up here every year trying to get a glimpse from the road. Perhaps there are some rare or unknown species of plant/flowers in the area that need to be documented and protected. How will we every know if they are plucked out of the earth before further investigation takes place.</p> <p>NOISE Personally, for us we moved here for peace and tranquillity which we fear will be completely ruined by the sound of a mining operation across the road, Trucks, Beepers, Machinery and worst of all a Crusher. We live in a Gully and the sound travels, no matter the height of a “noise barrier”.</p> <p>We work from home so this would be a problem whenever the above-mentioned site is in operation. Having to deal with this operation until 2028, 6am-6pm is a lot to ask considering the owner is rarely (if ever) at the property (Lot 106). We have lived here for 5 years and Never met him. It appears that he will receive all the benefits while the rest of us we suffer living and working next to the mining operation.</p> <p>We have chosen this tranquil lifestyle and pay our rates every year (even though we don’t get, water, rubbish collection, security etc.). Our hope is that in return for contributing to the Shire of Gingin and our community that we are not faced with living in these conditions. And that you stand up for us even though we are only a few voices.</p> <p>If there is anything more we can do please let us know.</p> <p>Thank you so much for taking the time to read through our concerns, we really appreciate it.</p>	
7.	Ratepayer	<p>The submitter provides the following objection:</p> <p>Dear James,</p> <p>Thanks again for your time meeting with me last Tuesday morning the 14th of February.</p>	<p>Noted. The proposal has been revised to only apply to removal of gravel stockpiled on Area 1.</p>

	<p>As the closest adjacent property owner, please find my submission below concerning the above-mentioned proposed expansion into Area 2 of the existing Extractive Industry on adjacent Lot 106.</p> <p>1.0 BACKGROUND</p> <p>Since the mid 1990's my father Peter and myself have been running a small commercial farming operation from Lot 108, Mogumber Road West, Red Gully, Regans Ford.</p> <p>2.0 COMMERCIAL ORCHARD</p> <p>Since that time, we have been running and maintaining 3 commercial stone fruit orchards on the property which consist of around 270 trees, predominantly apricot which mature for harvest between early November and the end of December.</p> <p>3.0 PREVIOUS EXTRACTION LICENCE SUBMISSIONS FROM MYSELF</p> <p>Please refer to the previous submission statements that I have lodged with the Shire for;</p> <p>Original Extraction Industry Application in May 2000.</p> <p>Request for variation of Extraction Industry Licence in November 2009.</p> <p>New application for planning approval for Extractive Industry Licence in May 2013.</p> <p>4.0 NEIGHBOURLY RELATIONSHIP WITH B & J CATALANO</p> <p>Neighbourly relations between us and Catalano's has usually been good. We have formed a working relationship, where we have compromised with the continuous hauling of gravel right along our side boundary with road trains only metres from my sheds and commercial stone fruit orchard. Supplied Catalano with water at numerous times for their dust suppression along with some grading work of their haul roads some years ago. In return Catalano have helped us with a number of earthmoving jobs on the property in and around the orchard and the odd scoop of gravel when we've needed it.</p>	
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	<p>We have always tried to be pro-active in our relations with them. This very much includes the phone contact with their supervisors during gravel cartage times. So often the operators on site would skip the need to water roads and suppress the dust, nearly always when it was obvious that we weren't on the property. Far too many times they would only have one operator on site who had to load trucks and also drive the water truck and of course when truck movements became a bit busy the dust suppression became very thin or sometimes non-existent. This created a lack of trust from us towards them upholding their responsibilities around dust suppression and this was one of the reasons we offered our own water to them, pumped from our bore for free, at times when water was short.</p> <p>The number of times I would have to ring the Catalano's supervisor, usually Mick Bishop over the last few years, who would be off site usually over at their Chittering operations was numerous. This was usually because as we arrived at the orchard, dust was blowing all over the place and all over everything. He would answer....."Hey Geoff, what are they doingno water again?".....and to his credit,he would be straight onto them and within a minute the loader would stop and the operator would be into the water truck and laying down a run along the haul road past our sheds.</p> <p>Because of this "phone call away" relationship with Catalano's, I think I only once made a complaint to the Shire about dust issues and that was many years ago and ironically if I remember rightly.....it was Gingin Shire that was carting out of there at the time without water.</p> <p>So, when I read about all the dust suppression proposals outlined in this report, pleased forgive me for being somewhat sceptical about how successful this will be.</p> <p>In summary, as closest neighbours to the operations, Catalano's and ourselves have always maintained a pretty good relationship. From my point of view, this is only because the only part of the operations that really impacted me was the haulage of gravel along my side boundary and its close proximity to the orchards. I think that if this now full-blown mining operation is allowed to proceed right over the fence from our orchard, I fear this relationship will deteriorate considerably.</p> <p>5.0 CATALALO'S PROPOSAL BY LUNDSTROM ENVIROMENTAL CONSULTANTS</p> <p>At this point I feel I must voice my disappointment on the calibre and accuracy of the proposal put forward by Catalano. How can this report by Lundstrom Environmental be considered a balanced report on the impacts and</p>	
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	<p>consequences of this development when it has been implicitly and specifically written to support the positive outcome for Catalanos and paid for by Catalanos? It contains numerous errors from its miss-stating of detention pond collection areas in hundreds of thousands of hectares verses square metres through to the fundamentally incorrect statement in 3.7 that....."No specific evidence of use by black cockatoos was found". One of the largest flocks of the very endangered Carnaby black cockatoos can be seen landing and feeding all over this "Area 2" nearly every afternoon throughout spring and into mid-summer.....I should know, I've spend nearly the last 30 years working the property just over the other side of the fence.</p> <p>The report has conveniently skirted around nearly all the negative impacts of this proposal. How is the Shire and the Shire Councillors expected to resolve a balanced decision when they only have this to work with?</p> <p>I believe an independent environmental survey of the area needs to be conducted for the Shire or the EPA, before the Council can be expected to vote on this proposal with any degree of confidence.</p> <p>6.0 OBJECTION TO THE PROPOSED EXPANSION</p> <p>It is probably obvious by now that I am in complete opposition to the expansion of this extraction licence into Area 2. The completion of Area 1 along with the removal of the existing 27 600 tonnes in stockpile in Area 1 we are not opposed to.</p> <p>I am extremely worried about the commercial and visual impact this will have on my property with the whole operation being proposed only metres from our commercial orchard and sorting and packing sheds.</p> <p>We feel we have been more than compromising over the past 23 years of continued mining activities and with Catalano extracting hundreds of thousands of tonnes of gravel over that time. We along with Gilberts across the road, who have been pursuing genuinely rural operations on our properties have been putting up with on and off gravel mining for so many years now.</p> <p>We believe between Catalano and property owner Tony Ruse, they have had more than a fair go with all that they have already extracted, often at the inconvenience and direct cost to us next door. To not object to this proposed next stage, Area 2 and all the impending impacts it will have on us along with the irreversible environmental impacts it will have, is too much to ask.</p>	
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	<p>7.0 REASONS FOR OBJECTION</p> <p>7.1 DUST From an individual point of view, the most significant impacts on my property, is that of dust contamination over the orchard and property value loss from having a major open pit mining operation parked a few metres from my side fence. As I have outlined above, the dust issues in the past have been our biggest problem with these continually extended Extraction Industry Licence approvals being issued to Catalanos.</p> <p>Section 3.11 of the proposal states that..... The EPA draft Environmental Assessment Guidelines “Separation distances between industrial and sensitive land uses” lists the generic buffer for extractive industries where “grinding and milling works, but no blasting exist” are proposed as 500 -1000m. Surely, intensive horticulture and orchards would fall under the definition of sensitive land uses?</p> <p>To me this proposal directly contravenes the EPA Environmental Assessment Guidelines for separation distances.</p> <p>How can this proposal be considered where a multi-million dollar intensive horticultural operation exists only 100m away directly over the Mogumber West Road and active commercial stone fruit orchards less than 40m from the proposed extraction Area 2 ?</p> <p>My whole operation which is only 40m away from Area 2 was described by Lundstrom as “It’s a shed” !!!, which I found personally insulting. No mention was made of either the orchard or of the acres of intensive horticulture directly across the road within Gilbert’s operations, which includes a number of covered growing houses, large coolrooms and a new house!!!</p> <p>In the dust management plan part of the proposal, it was stated if conditions were dusty and the wind was blowing strongly in the direction of the Mogumber West Road or from the west towards the landowners house (ie Tony Ruse’s), then operations would be stopped until adequate wetting down occurred.</p> <p>The dust blowing towards Tony Ruse’s house.....seriously!!!</p>	
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	<p>He is the landowner who's collecting the royalties for all this gravel extraction and not a single mention what so ever of Gilbert's far more extensive operations or my orchards less than 40m and 100m away.</p> <p>It's fair for both Gilbert and myself to wonder if Lundstrom even visited the site when they wrote this proposal.</p> <p>Either by intention or by incompetence, both of us have been totally ignored in the dust management plans proposed here, even though we are by far the most "sensitive receptors" of dust and by far the closest.</p> <p>Dust from trucking was described as being mitigated by covering the loads. 95% of the dust created by moving trucks is caused by the trucks themselves hauling on too lightly watered or on non watered haul roads, not from what escapes from the tubs.</p> <p>The proposal also includes "wind rose" diagrams from Gingin Aerodrome and Lancelin, some 65 kms and 54 kms from the site respectively. We experience up to twice as many easterly winds here at the proposed site than at these distant and coastal locations.</p> <p>7.2 IMPACT ON LIVELYHOOD</p> <p>If this proposed extension into Area 2 was to go ahead, no matter what dust and noise management plans may be proposed, the impact on my operation and orchards will be significant and thus the impact on my livelihood. I don't see why I should have to suffer potential impact on my livelihood through dusting of produce, which in the case of apricots and peaches can't be washed off.</p> <p>7.3 IMPACT ON PROPERTY VALUE and RESIDENTIAL PLANS</p> <p>Visual impact is mentioned in section 5.4 of this proposal, but once again we are totally ignored in the considerations. The only mention the report makes of the impact on visual aspects is that from the Mogumber West Road. Apparently visual aspects to road users are more important than those of adjacent land owners and residents.</p> <p>It is worthy of stating that we were planning on putting a planning proposal into the Shire ourselves over the next 12 months for a small caretakers house and accommodation to be built on lot 108, just to the south east of the orchards and directly south of the sheds within the existing cleared area.</p>	
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	<p>The main reason for us not having done this earlier, was because of the continuous dust and gravel issues we have currently from the cartage along our eastern boundary. Knowing full well that Catalano's were getting low on their gravel stocks, so we thought that it wouldn't be long until they ran out and we would be finally rid of them. Now if Area 2 goes ahead, it will start all over again. It goes without saying, that if this proposal is allowed to go ahead, we will have to shelve those plans for another 10 years. I ask myself why should we have to do this?</p> <p>7.4 NOISE</p> <p>Noise, although annoying while we are working in the orchard will not be of a significant problem to us personally, but I do really feel for the close by residences of Gilbert's just across the road and Matt and Kimberlee's further to the east.</p> <p>8.0 ENVIROMENTAL IMPACT</p> <p>8.1 CARNABY BLACK COCKATOOS</p> <p>It is stated in section 3.6 of the proposal that no...."Declared Rare Flora (Threatened)" or "Threatened or Priority Ecological Communities were present in the Survey Area.".....and in section 3.7....."No specific evidence of use by black cockatoos was found".</p> <p>As stated below, we have always been lead to believe rare flora does exist in this area and I believe this needs to be independently surveyed, but when it comes to the statement they make about the black cockatoos, this is straight out and simply wrong! For the nearly 30 years we have been farming next door, large flocks of the now highly endangered black Carnaby cockatoo have landed and foraged throughout all the extent of Area 2. This is especially so after the seed pods of the Casuarina or what we commonly call "honey bush" have set in early summer. This must be a favourite food for the Carnaby's, because they spend a lot of time in the late afternoons feeding on these plants. They always fly in, as routine as clockwork over our property from the west before landing to feed specifically over this gravelly hill of Area 2 before continuing to fly north east to roost overnight in the heavy timber just over the road from lot 106 and lot 3. The vegetation of this gravelly hill is the last remnant vegetation within the whole area that contains these food sources for the Carnaby's.</p>	
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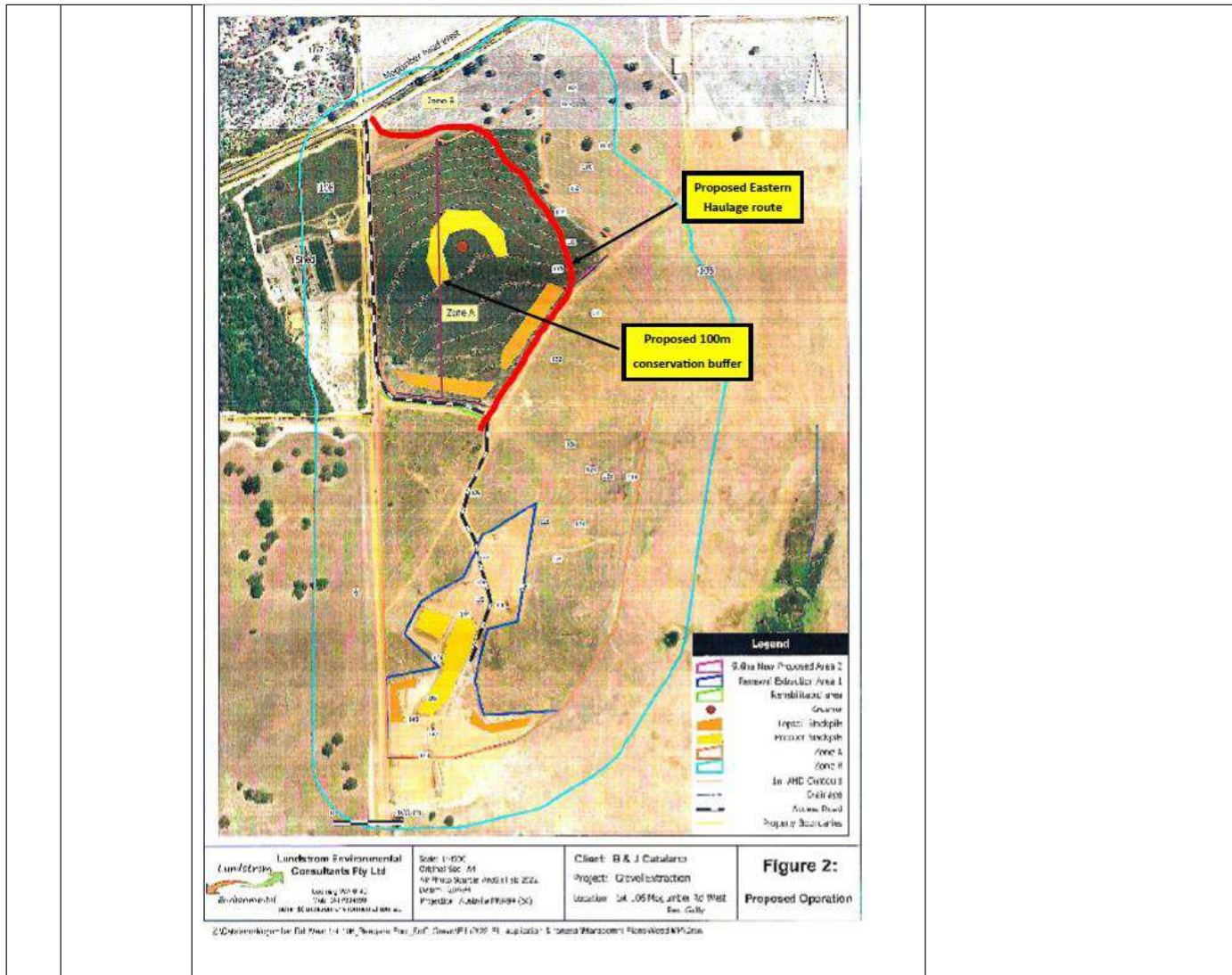
	<p>Although the proposal refers to the rehabilitation of Area 2, it only proposes rehabilitating this to pasture. This means the total destruction and loss of this native vegetation and foraging ground. This is because it would be almost impossible to restore it back to the original native state after such a full blown mining operation. Once this is gone, so most likely will be the Carnaby's.</p> <p>8.2 RARE FLORA</p> <p>It has always been understood by us over the past 25 years, that the native vegetation area of "Area 2" contained rare native plant species. There is good reason for believing this.....Firstly, we were told this by the previous land owner of lot 108, that's why it couldn't be cleared and secondly we were told this from Catalano themselves. Catalano have been hamstrung for many years with the use of the single lane haul road along my eastern boundary. They said to me numerous times that they would love to widen this road to 2 lanes (dual directional) to make it easier and safer for truck haulage, but couldn't widen it an inch due to the existence of rare plants!.....Is there rare flora in this "Area 2" or not?</p> <p>I believe the only solution to this is an up to date and current independent flora survey of Area 2 to be conducted by the E.P.A.. I strongly urge the Shire and Council to request this before making any decisions on the projects approval and this survey needs to be conducted by and be for an independent government body, such as the Shire of Gingin or the E.P.A.</p> <p>9.0 PREFERRED OPTIONS AND OUTCOMES</p> <p>PREFERENCE 1</p> <p>Obviously our first and foremost preference is that the proposal to develop Area 2 is refused by the Shire of Gingin and/or the State refuses the approval of a clearing permit.</p> <p>I have no objection to the extension of the existing Area 1, but only to allow the ongoing removal of the existing 27600 tonnes of gravel stock.</p> <p>PREFERENCE 2</p> <p>In a worst case scenario where both the Shire approves the proposal for Area 2 and the State also approves the clearing permits for Area 2, our second</p>	
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	<p>preference would involve requesting some compromises to the current proposal. These 4 compromises/conditions being as follows;</p> <p>1. Green zone buffer along lot 108 / lot 106 boundary</p> <p>The creation of a conservation buffer along our eastern boundary of native bush that would be excluded from any clearing or gravel extraction. This buffer would need to be at least 100m wide to make any meaningful affect mitigating the impacts we have previously discussed and to preserve at least some of the Carnaby foraging grounds. The conservation of this 100m strip east of my boundary would only impose a loss of just over 30% of the currently proposed Area 2. (see figure 1 of this submission)</p> <p>2. Re-routing of haul road along eastern side of Area 2</p> <p>To end the cartage of gravel and heavy machinery along the boundary between lots 106 and 108 and to leave this single lane road along our eastern boundary, but as an access road for light vehicles only. All heavy haulage and machinery to be re-routed to the east of Area 2. This includes all the haulage for the remaining 27600 tonnes up the back in Area 1 also. This would not only relieve much of the dust problem that blows directly over the orchards from the existing haul road currently only 40m away, but will also be a shorter haul for Catalanos pulling gravel from the proposed Area 2. It would also allow for a much improved approach angle entering Mogumber West Road than it does now. Nearly all haulage is to the west and currently trucks that are pulling out from along my boundary have quite an acute angle to turn left (westwards) consequently screwing up the bitumen of the main road as well. (see figure 1 of this submission)</p> <p>3. Bitumising entry from Mogumber West Road</p> <p>Bitumising a generous width of the crossover and initial access into the site would considerably reduce the amount of mud and dust tracked out onto Mogumber West Road. This when carried from wet tyres cakes layers of mud onto the bitumen of the main road and when dry creates a considerable dust and safety issue for traffic travelling along Mogumber Road West. (see figure 1 of this submission)</p> <p>4. Imposing a definite end date of project</p>	
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**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.3.6

	<p>For the Shire to insist that the planned end date of this proposed project extension of 2028 be upheld. This would mean that all mining, crushing and extraction works are completely finished by this date for ever. The only extension to be granted after 2028 would be for that of carting out any remaining stockpiles within Area 2 along with any final rehab. Request that no more extensions for any more extraction be granted after 2028.</p> <p>I thank you in advance for the serious consideration of our issues with this proposed Area 2 extension and the fair and just consideration of the problems we face with the extremely close proximity of this proposed mining operation to our primary produce operations on Lot 108.</p>	
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13.4 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED INDUSTRY - SERVICE AND ASSOCIATED STRUCTURES ON LOT 16 BELL ROAD, COONABIDGEE

File	BLD/5963
Applicant	Shane Ray and Tien Ray
Location	Lot 16 Bell Road, Coonabidgee
Owner	Shane Ray and Tien Ray
Zoning	Rural Industry
WAPC No	NA
Author	James Bayliss – Coordinator Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil.
Appendices	<ol style="list-style-type: none"> 1. Location Plan [13.4.1 - 1 page] 2. Aerial Plan [13.4.2 - 1 page] 3. Revised Development Plans v 1.1 [13.4.3 - 41 pages] 4. Lot 16 Bell Rd Coonabidgee - Planing Report [13.4.4 - 33 pages] 5. BAL Report - 16 Bell Road - Proposed Shed [13.4.5 - 8 pages] 6. BAL Report - 16 Bell Road - Proposed House [13.4.6 - 8 pages] 7. Gmail - RE BAL Assessment for Lot 16 Bell Road, Coonabidgee [13.4.7 - 1 page] 8. Schedule of Submissions and Recomend Responses (1) [13.4.8 - 2 pages] 9. So G- ST D 01 Rev B [13.4.9 - 1 page]

DISCLOSURES OF INTEREST

Councillor Vis (Deputy Shire President) disclosed an impartiality interest in Item 13.4 as her name was an email sent to an applicant on behalf of her husband's business.

PURPOSE

To consider an Application for Development Approval for an Industry – Service (steel manufacturing) and associated structures on Lot 16 Bell Road, Coonabidgee.

BACKGROUND

The subject property is 3.4 hectares in area and is currently vacant. The land contains native vegetation on the front and rear portion of the site. A tributary of the Gingin Brook traverses the land from east to west.

The proposed development comprises of the following:

- The primary manufacturing building is 81 metres in length and 28 metres in width which equates to an area of 2275 square metres. The overall height 8.2 metres.
- The primary manufacturing building is set back ~22 metres from the rear boundary, 20 metres from the western boundary, 89 metres from the eastern boundary and more than 140 metres from the front boundary.
- Structures associated with the Industry – Service use include an office (incorporates ablution and amenities) and a caretaker dwelling.
- The development will operate Monday – Friday from 7.30 am to 4 pm and on Saturday, 8 am to 12 noon.
- Initially 2-3 workers will be employed, with one of those workers undertaking deliveries. However, if the business expands similarly to the existing operation in Wattleup, then up to 10 employees could be present.

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

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

COMMENT

Stakeholder Consultation

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Deemed Provisions). This included advertising to surrounding landowners for a period of 21 days. No comments were received.

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

- Department of Water and Environmental Regulation (DWER); and
- Department of Health (DoH).

The comments received from the DWER reinforce the need to impose conditions, however no comments were received from the DoH. The officer notes that no objections have been raised.

A copy of the Schedule of Submissions and Recommended Responses, including correspondence from State agencies, is provided (**see appendices**).

PLANNING FRAMEWORK

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

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.*

'Industry Service' is a 'D – Discretionary' use within the Rural Industry zoning and defined as follows:

means –

- a) *an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or*
- b) *premises having a retail shop front and used as a depot for receiving goods to be serviced;*

'Caretakers Dwelling' is a 'D – Discretionary' use within the Rural Industry zoning and defined as follows:

Means a dwelling on the same site as a building, operation, or plant or tourist facility, and occupied by a supervisor of that building, operation or plant or tourist facility.

Specific development standards for caretakers are outlined under Clause 4.8.9 of LPS 9 which is outlined below:

- 4.8.9.1 *Caretakers' dwellings may be permitted in the Mixed Business, Rural Industry and Tourism Zones".*
- 4.8.9.2 *A caretaker's dwelling must be incidental to the predominant use of the site.*
- 4.8.9.3 *Only one caretaker's dwelling is permitted on each lot.*
- 4.8.9.4 *The total permitted floor area of a caretaker's dwelling is 100m², measured from the external face of walls.*
- 4.8.9.5 *Open verandahs may be permitted, but if enclosed will form part of the total calculated floor area.*
- 4.8.9.6 *Local government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a residential land use within the zone.*

- 4.8.9.7 *Local government will not consider applications for caretakers' dwellings prior to the primary site activity being either approved or constructed.*
- 4.8.9.8 *Where simultaneous approval has been granted by local government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling.*
- 4.8.9.9 *Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised.*
- 4.8.9.10 *A caretaker's dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.*

Officer Comment:

The development plans relating to the caretaker's dwelling are currently in draft form, as the landowner anticipates that the design and scale will change between now and this component of the development progressing. It is anticipated that the scale of the dwelling will seek a variation to the 100m² floor area, however the extent is unknown.

The landowner's primary focus relates to progressing the steel manufacturing building, however they are seeking assurance that a caretaker's dwelling is viewed favorably by the Shire.

The officer is of the view that construction of a caretaker's dwelling onsite is largely uncontroversial and that the specific approval can be forthcoming at the relevant point in time when the details have been finalised. The anticipated variation will be considered at that time, and it is noted that variations to the floor area can be supported. To provide the landowner with some comfort, the officer has incorporated wording into the recommendation accordingly.

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	Permitted: 20	Permitted: 20m	Permitted: 0.5	Permitted: 50%	5% of site area – screening of non-residential uses from street is required.
	Provided: 140m	Provided: 20m	Provided: 22m	Provided: <0.5	Provided: <50%	

	Complies	89m Complies	Complies	Complies	Complies	Provided: retention of existing native vegetation is viewed as being sufficient.
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4.8.4 - Rural Industry Zone

The relevant provisions are outlined below:

4.8.4.3 All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

4.8.4.4 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.

Officer Comment

The siting of the development results in limited viewing of the development given native vegetation bordering the tributary will act as a form of vegetative screening.

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 'Industry' is applicable, which is 1 bay per 100m² of gross leasable area. The development is therefore required to include 26 car bays, with space for 27 bays being set aside. Once of those bays is accessible and is therefore compliant.

Clause 4.7.2.1 provides for provisions for parking and access for loading and unloading of vehicles, with an extract of the applicable points 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 applicant has provided a plan depicting vehicle paths, indicating that vehicles are able to enter and exit the site in a forward gear and maneuver around the buildings. Loading/unloading activities will occur adjacent to and within the building entry points and the designated 'container lay down' areas, with some material being transported via containers.

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

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

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

Officer comment

The operator will be required to install a new crossover in accordance with Crossover Specification Drawing Number SoG/STD-01 – type A dated January 2021 shown in the **appendices**.

- o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.*

Officer comment

The officer notes that a tributary of Gingin Brook traverses the southern side of the property. It is further noted that the DWER is satisfied with the proposed 30 metre setback to the waterway.

In addition, the site is within a mapped sewerage sensitive area. The on-site wastewater disposal system should comply with the requirements of the *Government Sewerage Policy* (GSP). To demonstrate this the applicant provided a Site and Soil Evaluation (SSE) which included recommendations that include providing a secondary treatment system, with the lot being of a sufficient size to accommodate the land application area.

The wastewater disposal system may require a separate approval from the Department of Health (DoH) and/or the Department of Water and Environmental Regulation (DWER) in addition to lodgement with the Shire's Environmental Health Section.

The officer is of the view that the level of detail required within the SSE, if required at all, is appropriately determined by those departments.

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. The development comprises of various structures that are viewed as habitable (amenities room, caretaker’s dwelling) and on that basis planning assessment should consider the assigned risk. It is noted that the structures have been classified as Flame Zone (FZ), the highest risk rating. The assessor did advise, as outlined the Applicant’s proposal, that the risk can be reduced by maintaining the asset protection zone around the structures (which is required in any event), reducing the rating to a BAL 19 and/or 12.5. Either rating has little impact on the planning assessment, however the building permit may require more definitive guidance.

The property will require the relevant notification to be placed on the land title, as recommended via a condition of approval.

Summary

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

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)
Local Planning Scheme No.9

POLICY IMPLICATIONS

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Kestel

That Council:

1. Advise the Applicant that the caretaker’s dwelling component of the development is generally supported, and that a variation to the plot ratio area is capable of support. However, architectural drawings of the final design are required to be submitted for approval by the Shire of Gingin prior to development commencing.
2. Authorise the Chief Executive Officer to consider and approve the revised caretaker’s dwelling, including any proposed variations to the plot ratio area, subject to receiving adequate architectural drawings to the satisfaction of the Planning Department.
3. Grant development approval for an Industry – Service (steel manufacturing) and associated structures on Lot 16 Bell Road, Coonabidgee subject to the following conditions:
 - a. The development plans (dated 7 May 2023 V1.1) and accompanying documentation, together with any annotations detailed in red ink, are the plans approved as part of this application and shall form part of the development approval issued;
 - b. Prior to commencement of the approved use, the development shall be serviced by a new crossover from Bell Road which is to be designed and constructed to the satisfaction of the Shire of Gingin, at the landowner cost;
 - c. Prior to commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin how the tributary of the Gingin will be traversed by vehicles, and that consent has been provided by the relevant authorities (if required) for those works.

- d. Goods and materials associated with the must not be stored within areas dedicated to parking, vehicle maneuvering and access driveways, or in an unscreened area considered as open storage, to the satisfaction of the Shire of Gingin;
- e. Prior to the commencement of the approved use, the access way, vehicle parking and maneuvering areas shall be installed, and line marked in accordance with the development approval and thereafter maintained to the satisfaction of the Shire of Gingin;
- f. Prior to the commencement of the approved use, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers as follows:

Bushfire Prone Area – This lot is located within a bushfire prone area and is subject to a bushfire management plan.
- g. The approved operating hours are as follows:

Monday – Friday: 7:30am – 4:00pm
Saturday: 8:00am – 12 noon
No activities shall take place on Sunday or public holidays.
- h. Prior to commencement of the approve use, the landowner/applicant shall demonstrate to the Shire of Gingin that an effluent disposal system has been approved by the relevant authorities; and
- i. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes

- Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*.
- Note 2: 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: This approval is not an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 6: The operation will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 7: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 8: In relation to the installation of a new crossover, please note the relevant Crossover Specification Drawing Number SoG/STD-01 – type A dated January 2021 is applicable and a crossover application form is to be submitted to the Shire's Operations Department which can be found on the Shire's website at the following link:
<https://www.gingin.wa.gov.au/roads-driveways-and-crossovers>
- Note 9: The wastewater disposal system may require a separate approval by the Department of Health (DoH) and/or the Department of Water and Environmental Regulation (DWER).
- Note 10: Please be advised that this approval does not exempt the applicant from the need to obtain a clearing permit from Department of Water and Environmental Regulation for any native vegetation located on the subject site.

CARRIED UNANIMOUSLY
8 / 0

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

AGAINST: *Nil*

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.4.1



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

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

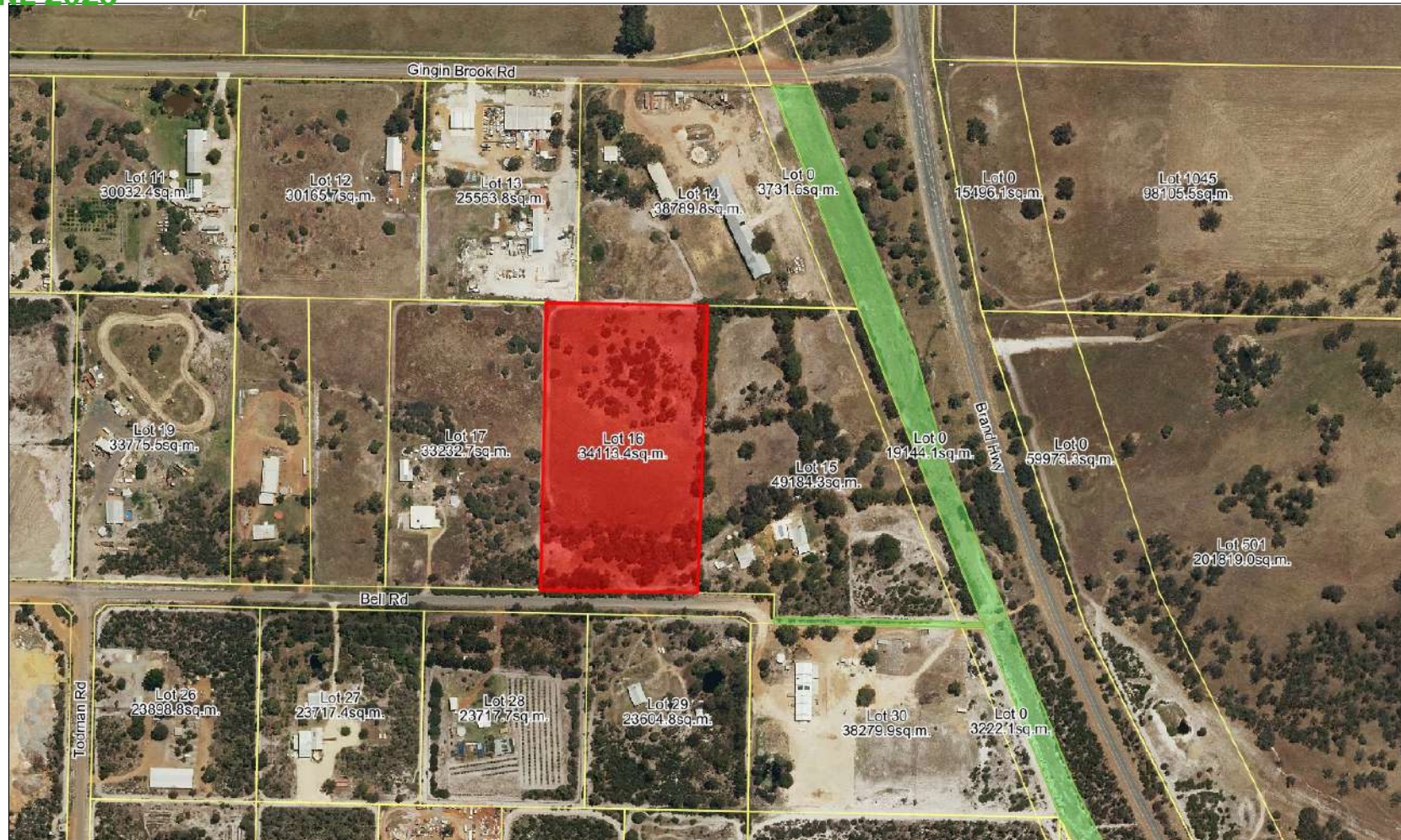
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Date: 4/04/2023



**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.4.2

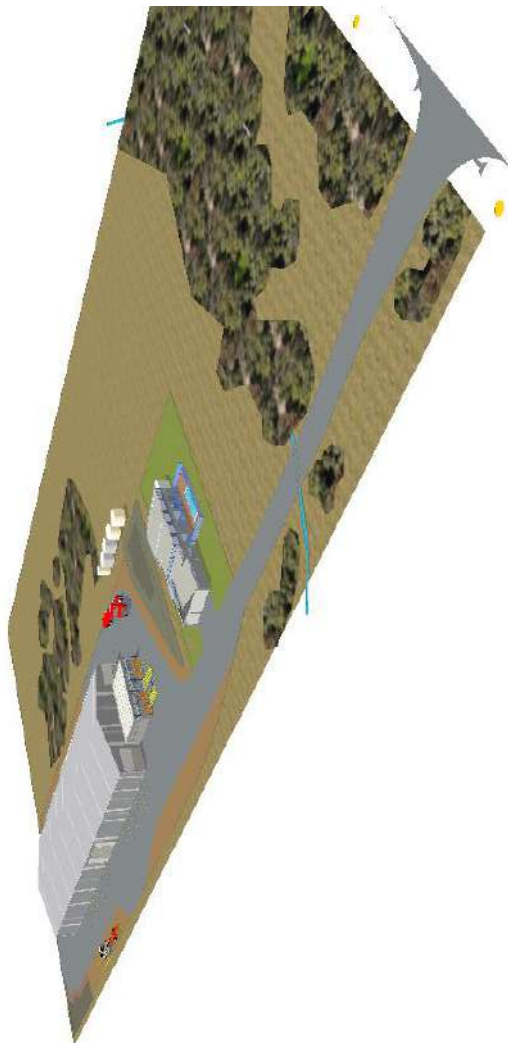


	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Scale: 1: 4685</p>	<p>Date: 4/04/2023</p>	
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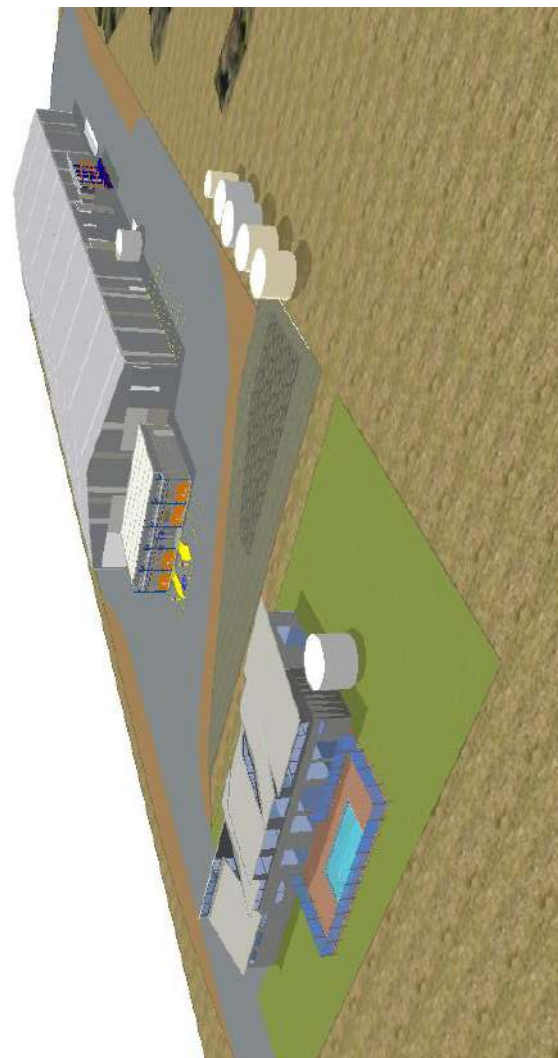
INDEX

Sheet Page No.	Description	Sheet Page No.	Description
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2:	A100 - PERSPECTIVE VIEWS 1	22:	C300 - ELEVATION - WAREHOUSE NORTH
3:	A200 - PERSPECTIVE VIEWS 2	23:	C400 - ELEVATION - WAREHOUSE WEST
4:	A300 - PERSPECTIVE VIEWS 3	24:	C500 - FLOOR PLAN - WAREHOUSE
5:	A400 - PERSPECTIVE VIEWS 4	25:	C600 - ROOF PLAN - WAREHOUSE
6:	B100 - SITE PLAN	26:	D100 - ELEVATION - OFFICE SOUTH
7:	B200 - SITE PLAN - AERIAL OVERLAY	27:	D200 - ELEVATION - OFFICE EAST
8:	B300 - SITE PLAN - RESIDENCE DETAIL	28:	D300 - ELEVATION - OFFICE NORTH
9:	B400 - SITE PLAN - WAREHOUSE	29:	D400 - ELEVATION - OFFICE WEST
10:	B500 - SITE PLAN - WAREHOUSE - PARKING & STORMWATER	30:	D500 - FLOOR PLAN - OFFICE
11:	B600 - SITE PLAN - CONTAINER LAYDOWN	31:	D600 - ROOF PLAN - OFFICE
12:	B700 - SITE PLAN - VEHICLE PATHS	32:	F100 - ELEVATION - RESIDENCE SOUTH
13:	B800 - SITE PLAN - WATER TREATMENT	33:	F200 - ELEVATION - RESIDENCE EAST
14:	B900 - SITE PLAN - CLEARING	34:	F300 - ELEVATION - RESIDENCE NORTH
15:	B1000 - SITE PLAN - BUSHFIRE CONSIDERATIONS	35:	F400 - ELEVATION - RESIDENCE WEST
16:	B1100 - SITE PLAN - FENCING	36:	G100 - MATERIALS - OFFICE & WAREHOUSE EAST ELEVATION
17:	B1200 - SITE PLAN - CONTOUR PLAN	37:	G200 - MATERIALS - OFFICE & WAREHOUSE SOUTH ELEVATION
18:	C100 - ELEVATION - WAREHOUSE SOUTH	38:	G300 - MATERIALS - OFFICE WEST ELEVATION
19:	C150 - ELEVATION - WAREHOUSE SOUTH WITH ADJOINING STRUCTURES	39:	G400 - MATERIALS - RESIDENCE SOUTH ELEVATION
20:	C200 - ELEVATION - WAREHOUSE EAST	40:	G500 - MATERIALS - RESIDENCE WEST ELEVATION

OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: INDEX		
			SCALE: N/A	SHEET NO: INDEX	REVISION: 1.1

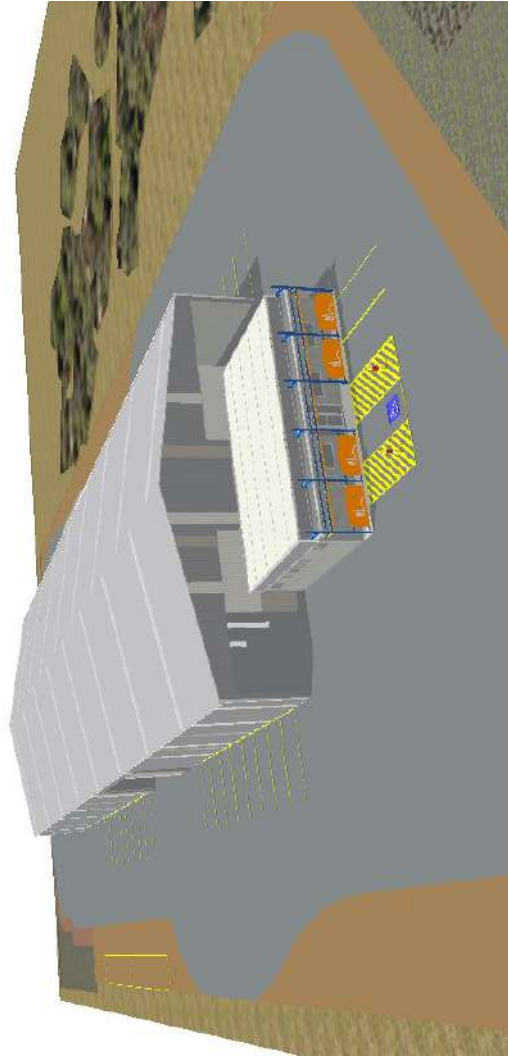


Lot Perspective from SW Corner

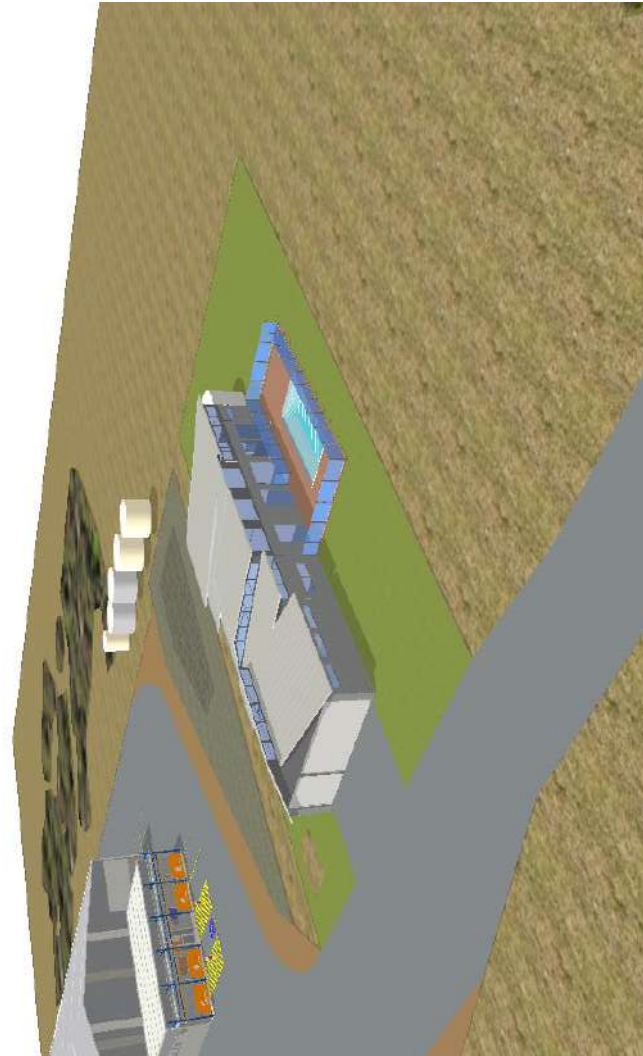


House & Warehouse from SE Corner

OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: PERSPECTIVE VIEWS 1		
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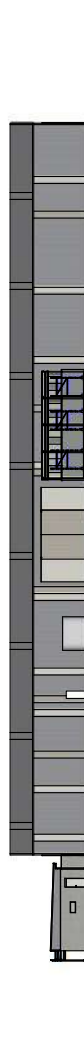


Warehouse from SW Corner

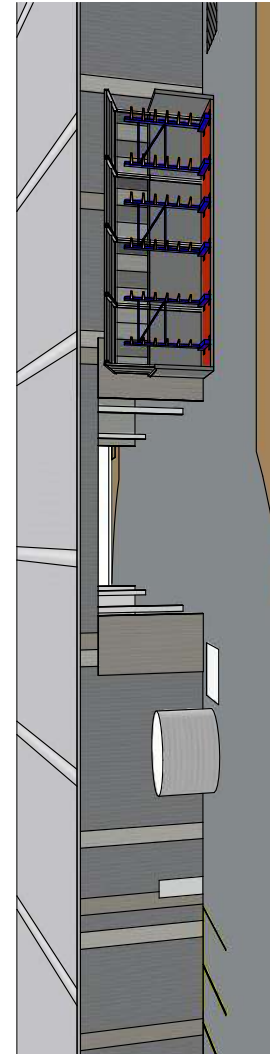


House from SW Corner

OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
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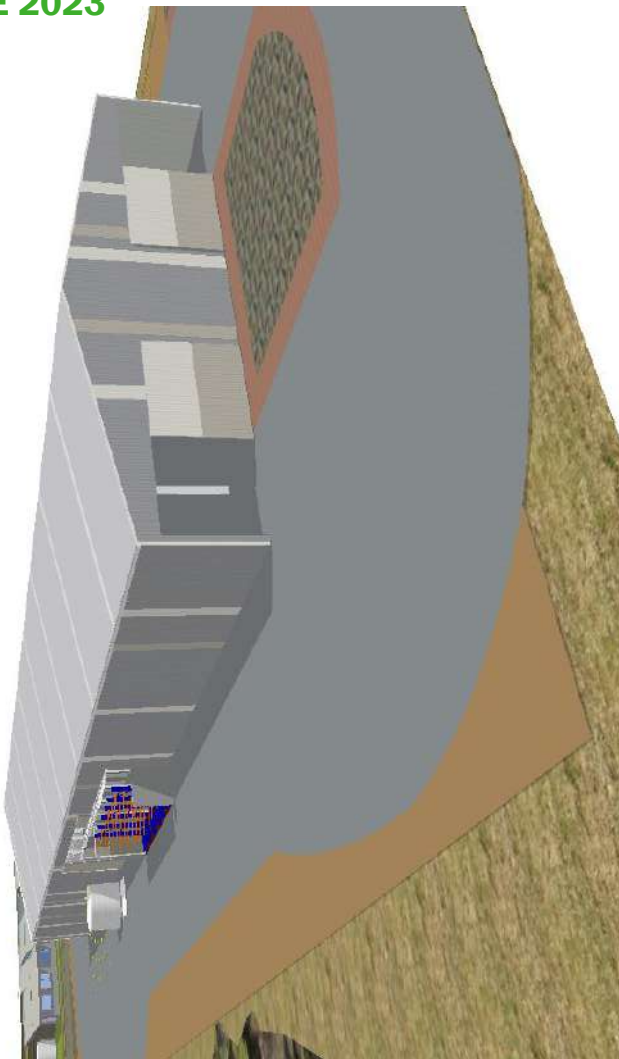


Warehouse Eastern Elevation - Coloured

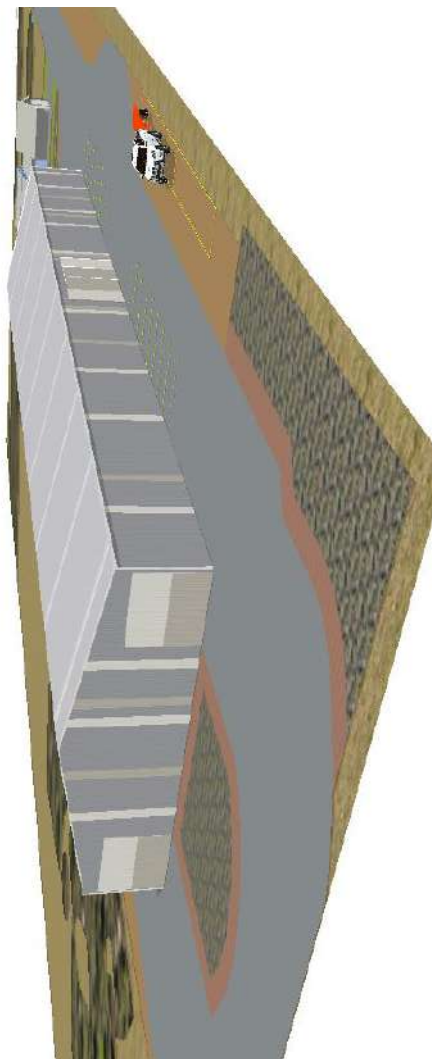


Warehouse Main Entry from East

OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: PERSPECTIVE VIEWS 3		
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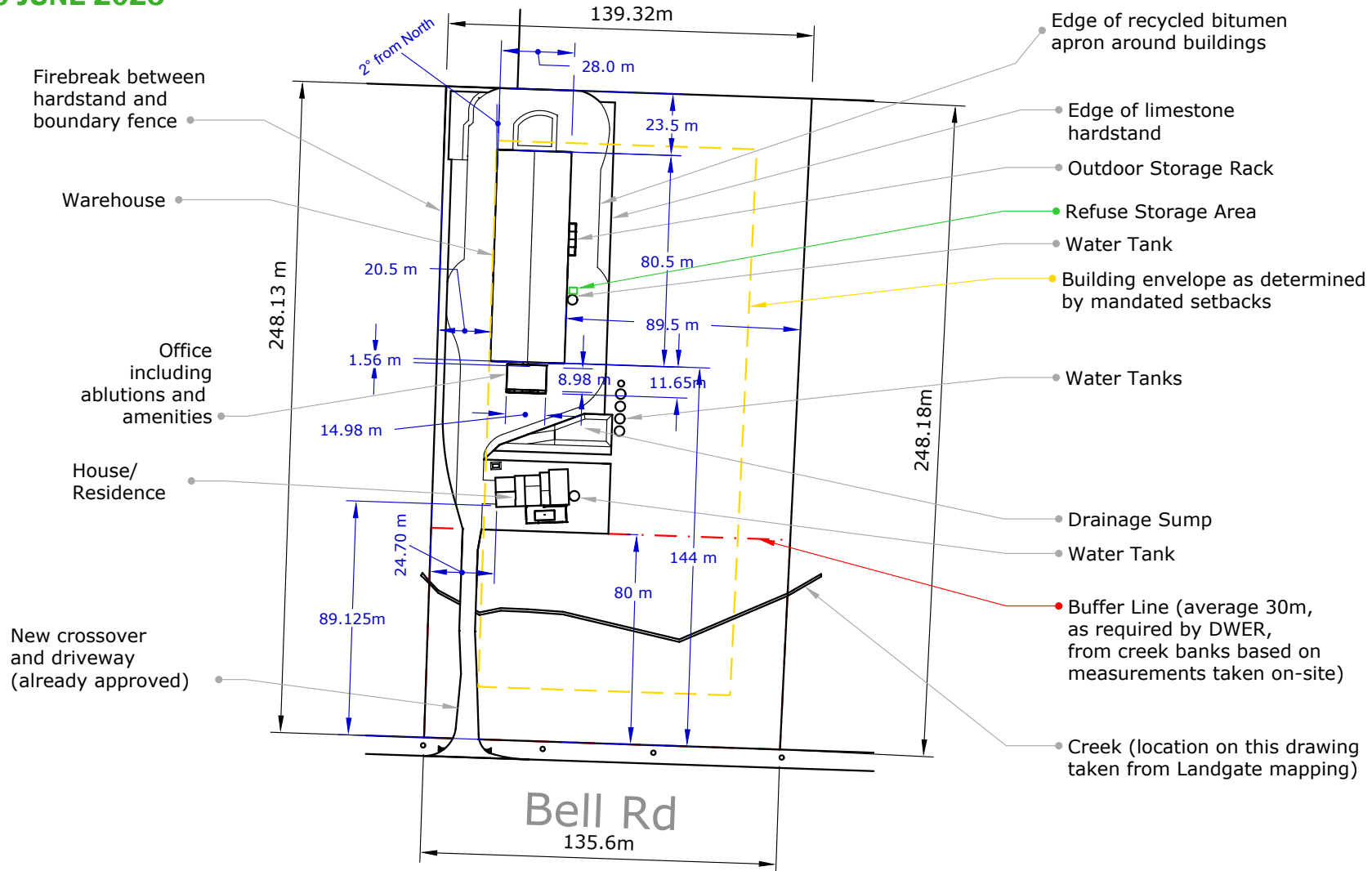


Warehouse from NE Corner



Warehouse from NW Corner

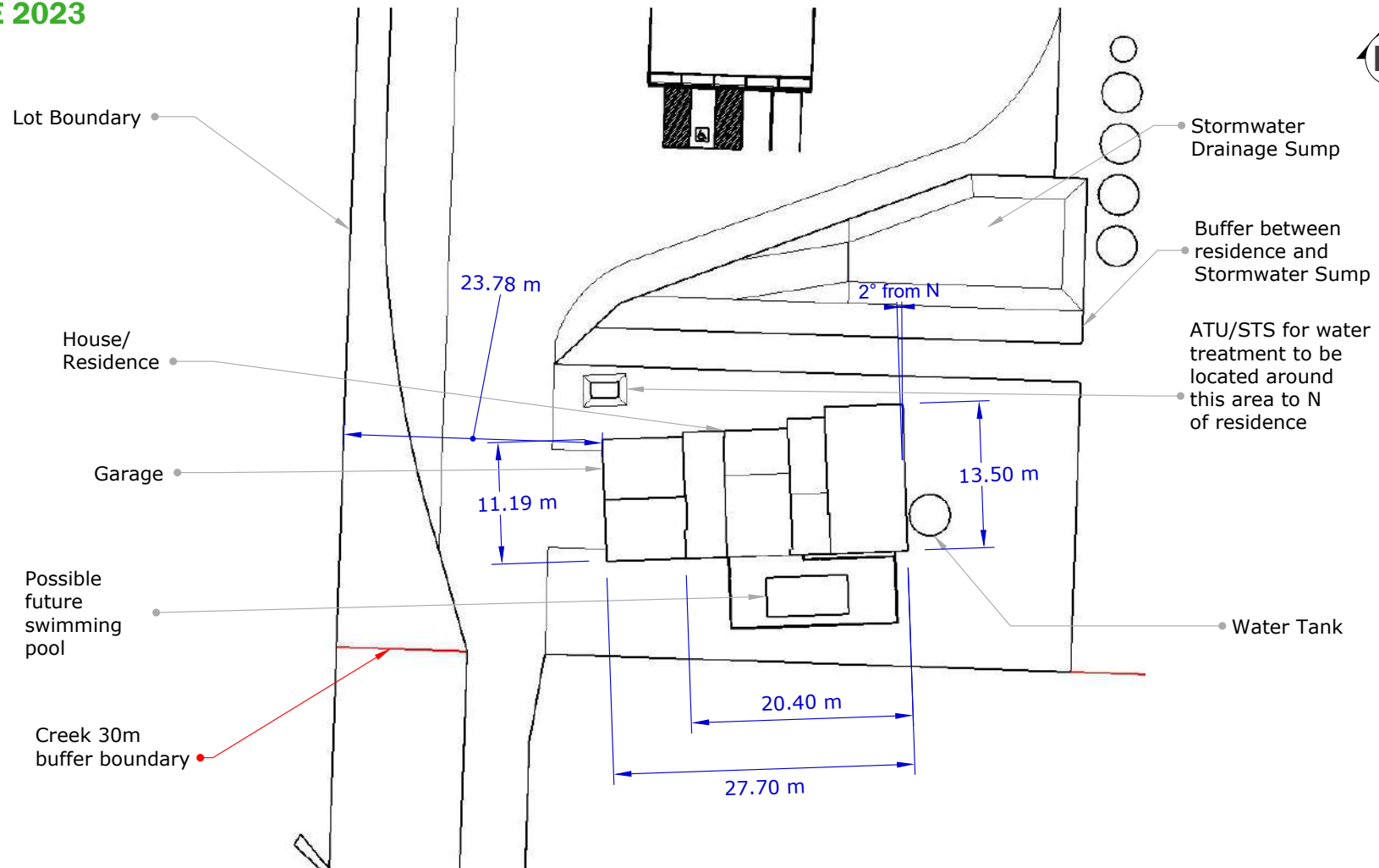
OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
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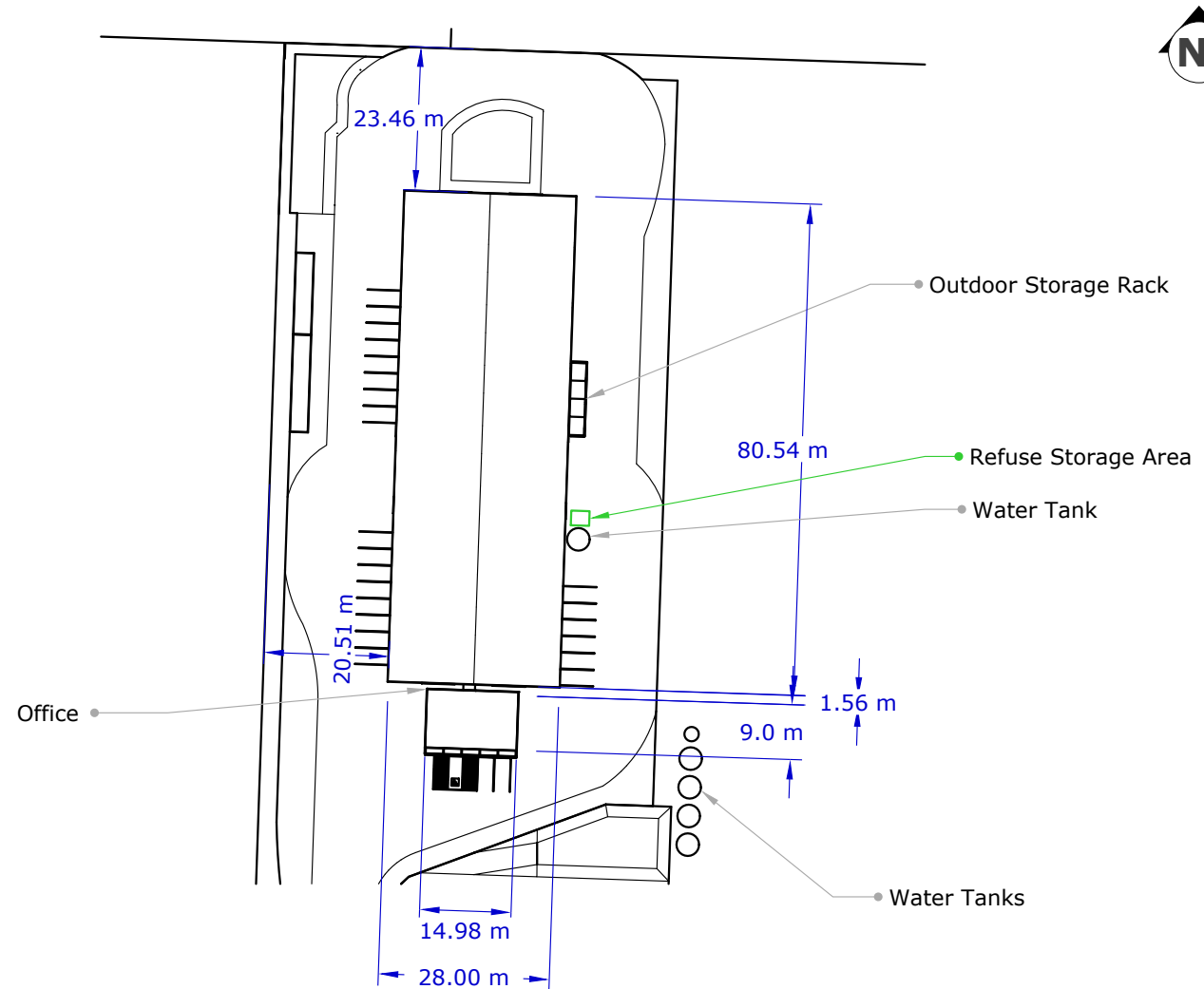
OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN		
		SCALE: 1:2000	SHEET NO: B100	REVISION: 1.1	



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - AERIAL OVERLAY		
			SCALE: 1:2000	SHEET NO: B200	REVISION: 1.1



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - RESIDENCE DETAIL		
		SCALE: 1:500	SHEET NO: B300	REVISION: 1.1	



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - WAREHOUSE		
			SCALE: 1:1000	SHEET NO: B400	REVISION: 1.1

**MINUTES
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20 JUNE 2023**

APPENDIX 13.4.3

Total Parking Bays
 1 x ACROD
 2 x trailer
 24 x perpendicular

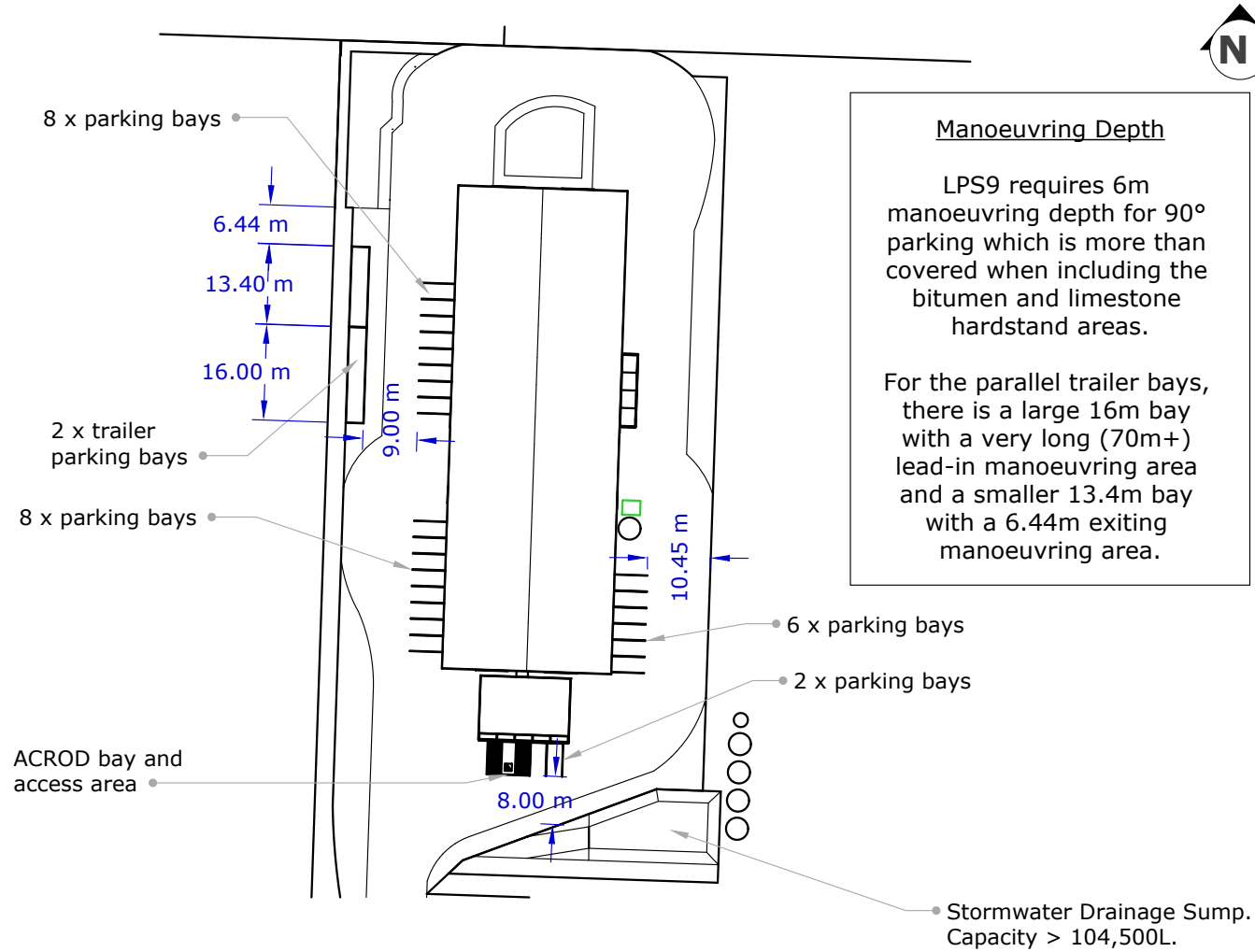
 Total = 27 bays

Leasable Area
 Warehouse: 2,275m²
 Office: 135m²

 LPS 9 requires 1 per 100m² for industry/warehouse = 23 bays and
 1 per 40m² for offices = 4 bays (rounding up) so 27 bays total

Water Tank Capacity

 Provision made to locate 5 x 25,000L tanks for rainwater catchment from warehouse roof plus 1 x 5,000L tank for possible bore water storage



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - WAREHOUSE - PARKING & STORMWATER		
			SCALE: 1:1000	SHEET NO: B500	REVISION: 1.1

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20 JUNE 2023**

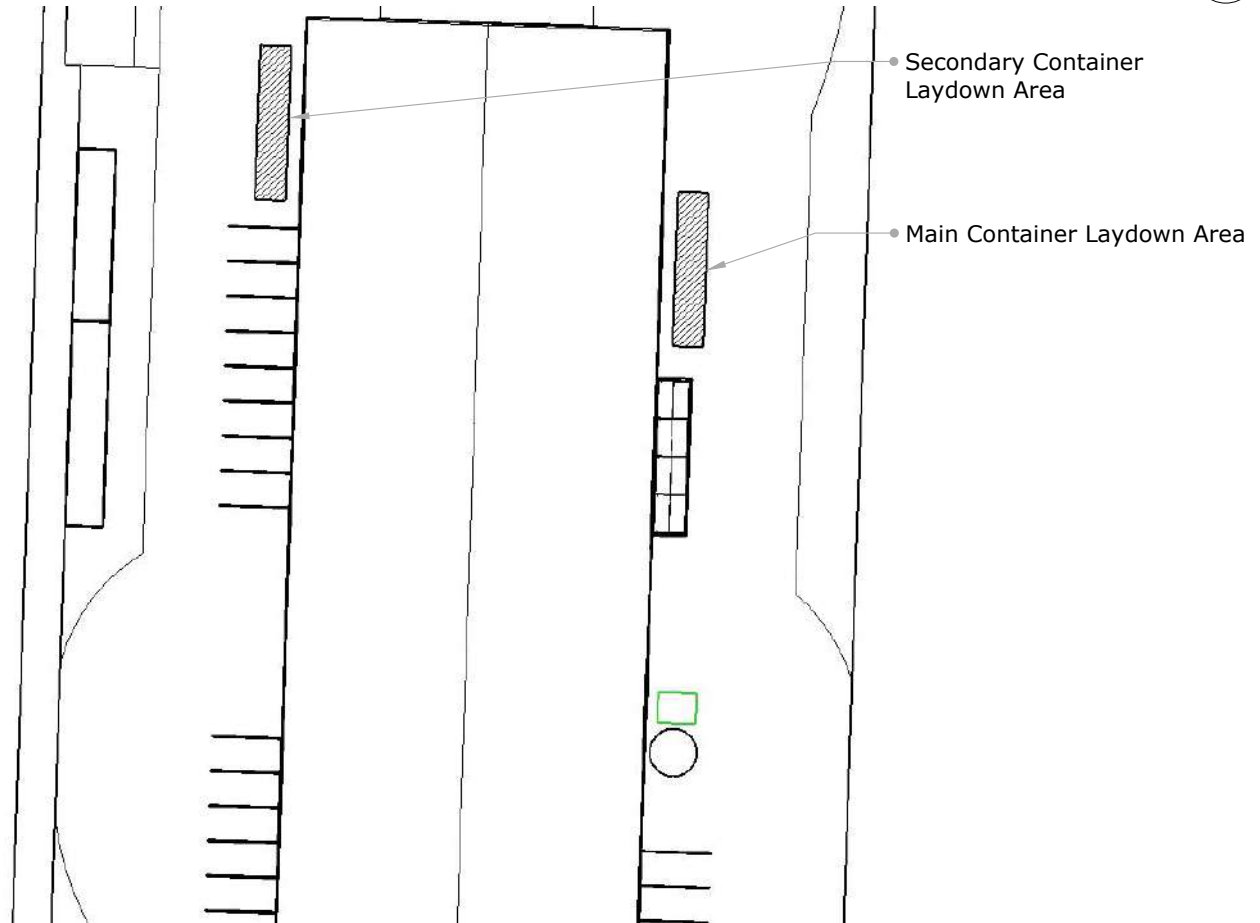
APPENDIX 13.4.3



Shipping Containers

Some steel is directly imported. Typically one container arrives at a time but occasionally two are possible. Shipping lines typically allow around 5 - 7 days to have the container unloaded and returned before expensive penalties are charged. Occasionally up to 10 days are given. Unloading one container in one day is possible but balancing other work typically means it takes a few days to get each container unloaded. Current average is less than 1 container arriving per month.

Both laydown areas are greater than 200m from the front lot boundary and the main laydown area is over 86m from the lot to the east.



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - CONTAINER LAYDOWN		
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**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

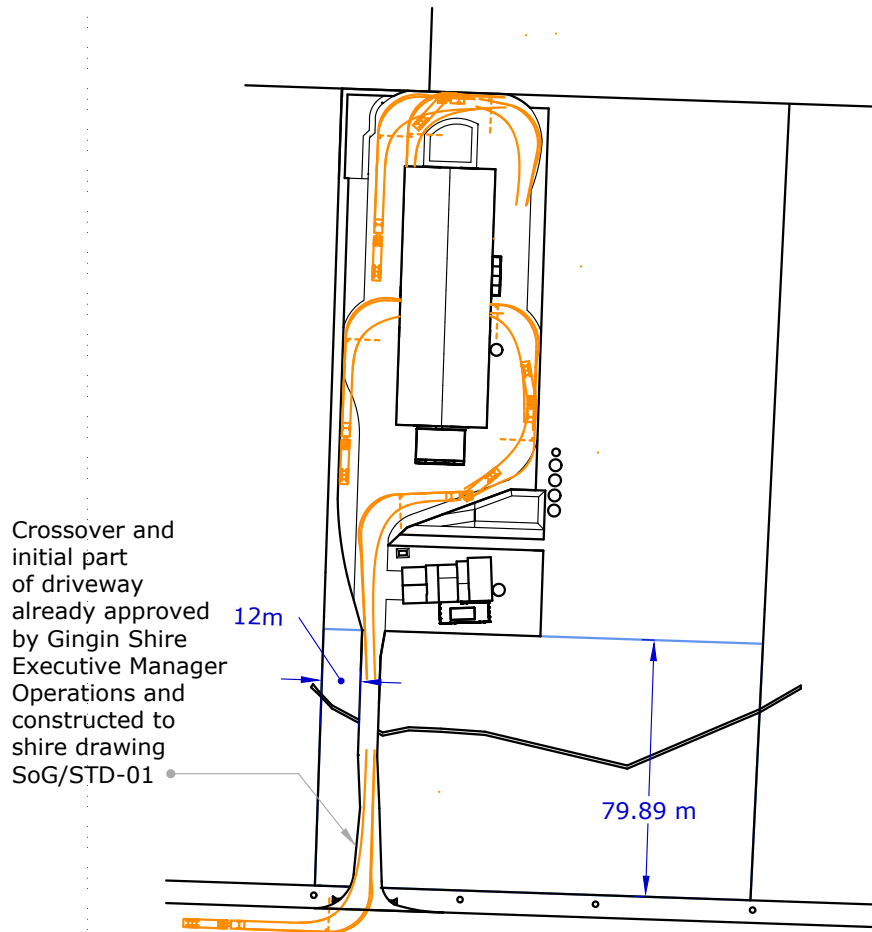
APPENDIX 13.4.3



Turning paths adapted from vehicles and templates in Austroads AP-G34-13 Design Vehicles and Turning Path Templates, 3rd Ed, 16 Apr 2013 - ISBN: 978-1-921991-84-4

Paths shown use the vehicle:

Prime mover and semi-trailer (19 m) with a 12.5m turn radius at 5 km/h. This is a dual axle prime mover with a tri-axle 13.7m semi trailer



The largest vehicle used in our current operations is a single axle prime mover with a bogie/twin-axle semi trailer so its requirements are well within these swept paths. The more demanding swept paths were used to represent vehicles which may be used by our suppliers, though deliveries from them would be infrequent but are covered anyway.

OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - VEHICLE PATHS		
		SCALE: 1:2000	SHEET NO: B700	REVISION: 1.1	

MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023

APPENDIX 13.4.3

From creek ≈ 177m

> 100m as per SSE
 Irrigation Area 2
 Size = 168.5m²

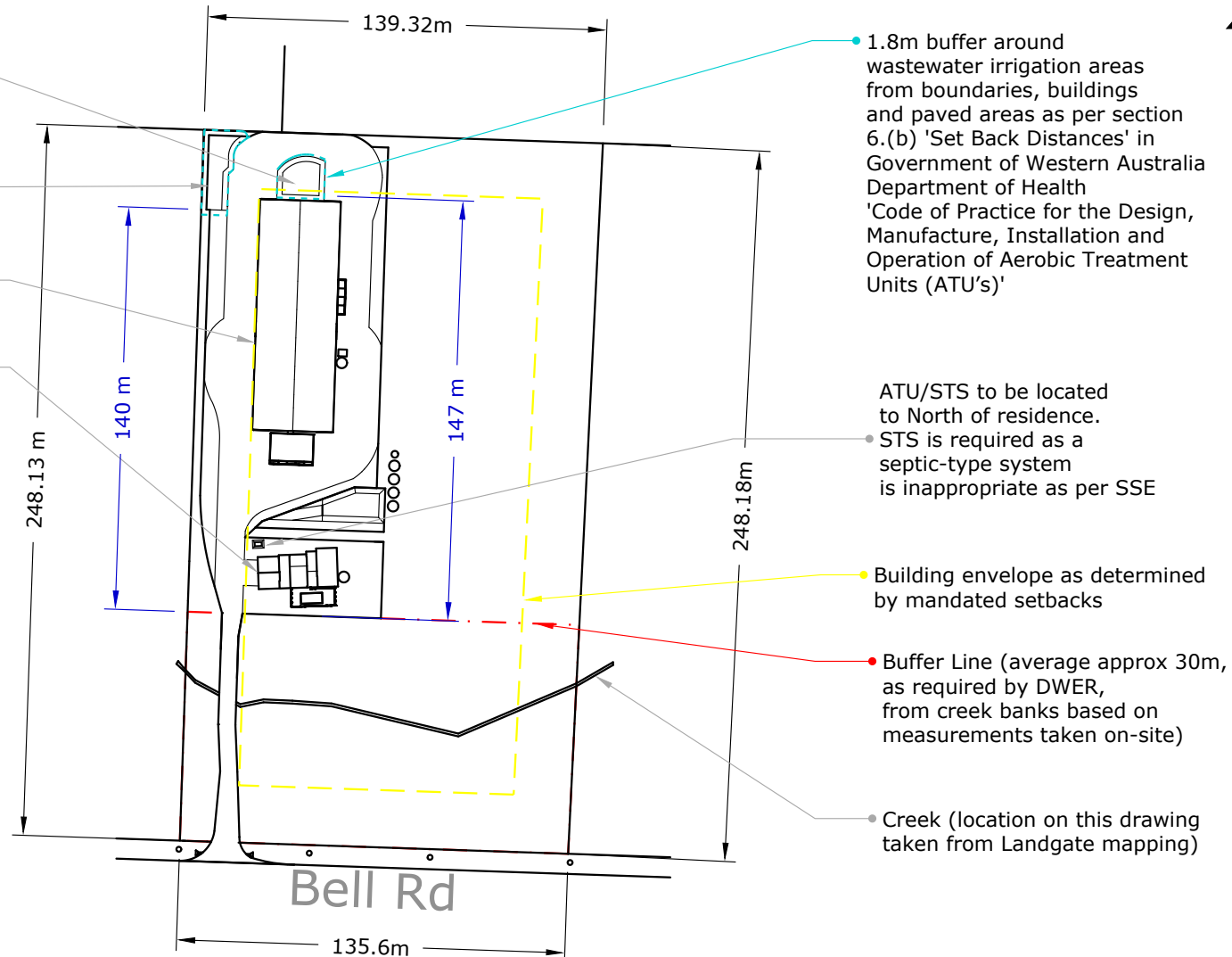
From creek ≈ 170m

> 100m as per SSE
 Warehouse

House/
 Residence

Irrigation Areas

Total for
 the two irrigation
 areas identified is
 139.5 + 168.5
 = 308m² to be
 dripline irrigated as
 per SSE



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - WATER TREATMENT		
		SCALE: 1:2000	SHEET NO: B800	REVISION: 1.1	

**MINUTES
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20 JUNE 2023**

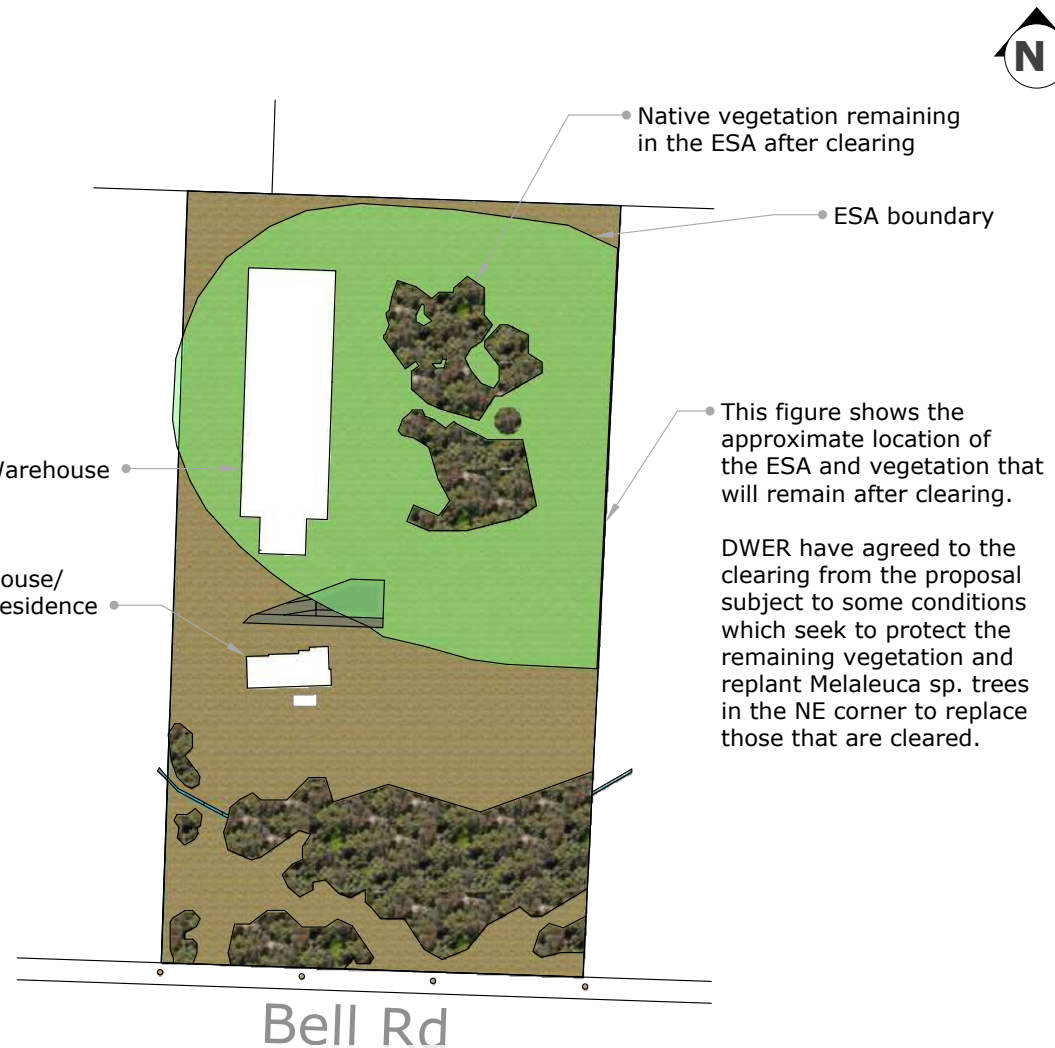
Draft Clearing Permit & Agreement in Principle

An application for a clearing permit was made to DWER on 1 Aug 2022 to clear the vegetation indicated in this extract from the draft clearing permit. A permit is required due to an Environmentally Sensitive Area (ESA) having been mapped onto the property.

DWER provided an agreement in principle for the clearing to proceed and a draft clearing permit on 21 Dec 2022 but cannot issue the full permit until planning approval is obtained.



Figure 2: Map of the boundary of the area within which clearing may occur



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - BUSHFIRE CONSIDERATIONS		
			SCALE: 1:2000	SHEET NO: B900	REVISION: 1.1

BAL Prospects for Office & Warehouse

Based on the BAL Assessment and related advice, once clearing is undertaken as per the clearing permit from DWER, it should be possible to "clear an area to a distance of 17-30m" meaning it is "likely to achieve a BAL rating between BAL19 and BAL12.5".

However SoG Building Department advises that BALs are not necessarily required for commercial buildings anyway.

The closest point to the warehouse, in what will remain of this Low Woodland, is the tips of the branches of a large (wide) tree. 1m could easily be pruned from the tips of these branches without doing any substantial damage to this tree. Other trees in this Low Woodland are greater than 17m from the commercial buildings and so this slight pruning should be the only thing required to achieve a BAL 19 rating.



From the BAL reports, some Tussock Grassland on the neighbouring lot is 70.4m from the proposed house and 65.3m from the warehouse location.

From the BAL report for the House, some Low Woodland on the neighbouring lot is 39.4m from the proposed house location

Warehouse

House/
Residence

From the BAL report for the Warehouse / Shed, some Low Woodland on the neighbouring lot is 80.9m from the proposed warehouse location

From BAL report for the House, this Low Woodland is 62.3m from the proposed house location

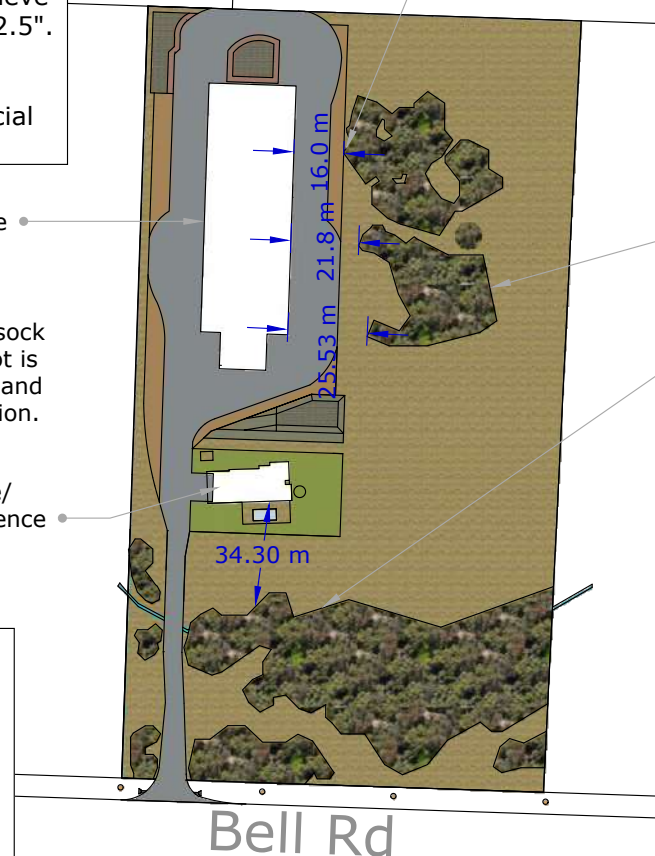
From the BAL report for the House, this Low Woodland is 34.3m from the proposed house location

BAL Prospects for House

Based on the BAL Assessment, without needing to clear any trees and simply by removing the 'love grass' (weeds), then to "mow the grass, and maintain/manage that area to a distance of 20m+" it is "likely to achieve a BAL rating between BAL19 and BAL12.5"

Bushfire Management Plan

This locality is within a designated Bushfire Prone Area and, whilst decent BAL ratings should be achievable, a Bushfire Management Plan will be prepared if required by SoG.



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - BUSHFIRE CONSIDERATIONS		
		SCALE: 1:2000	SHEET NO: B1000	REVISION: 1.1	

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20 JUNE 2023**

APPENDIX 13.4.3

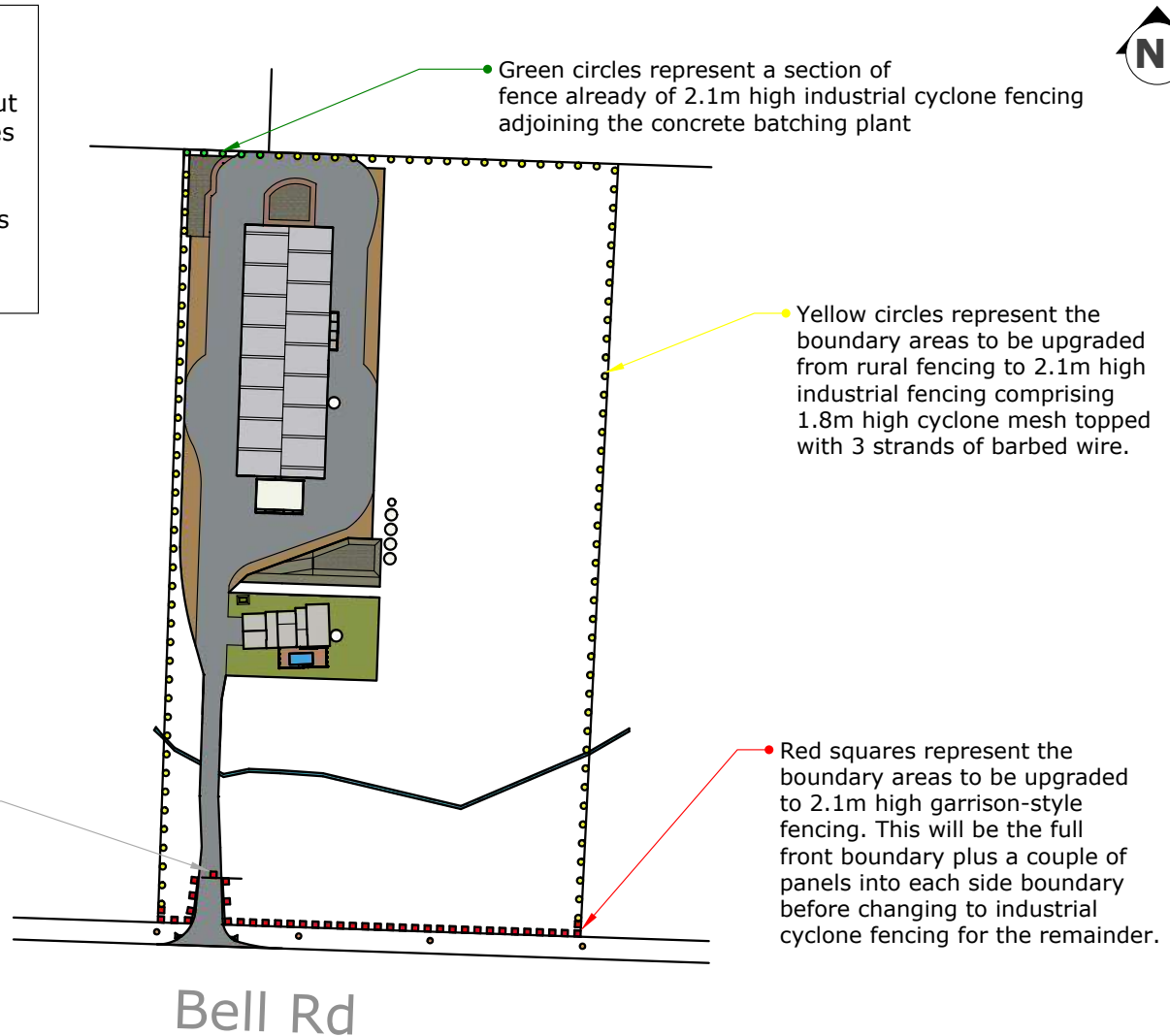
Fencing

Existing fences are to a rural standard but these plans propose upgrading the fences to an industrial standard.

See Materials section later in these plans for fence styles and colours.

Garrison-style fencing to line most of the sides of the crossover up to a feature entry and sliding gate.

Gate to be $\geq 21\text{m}$ from the road to accommodate semi-trailers $\leq 19\text{m}$ as per crossover approval



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - FENCING PLAN		
		SCALE: 1:2000	SHEET NO: B1100	REVISION: 1.1	

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20 JUNE 2023**

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Levels for Elevations

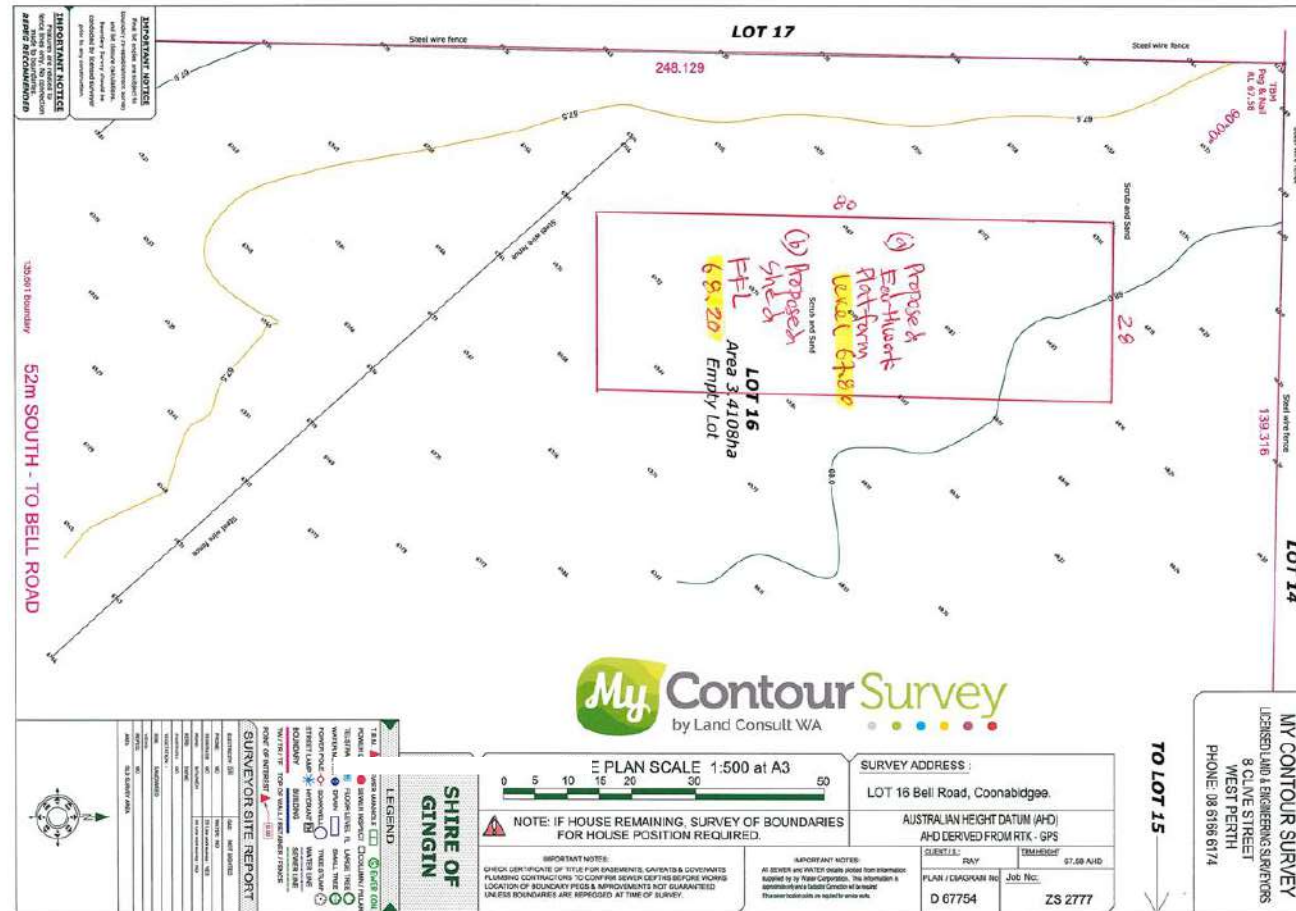
Preliminary engineering advice suggests the following proposed levels:

Earthworks Platform:
RL 67.8

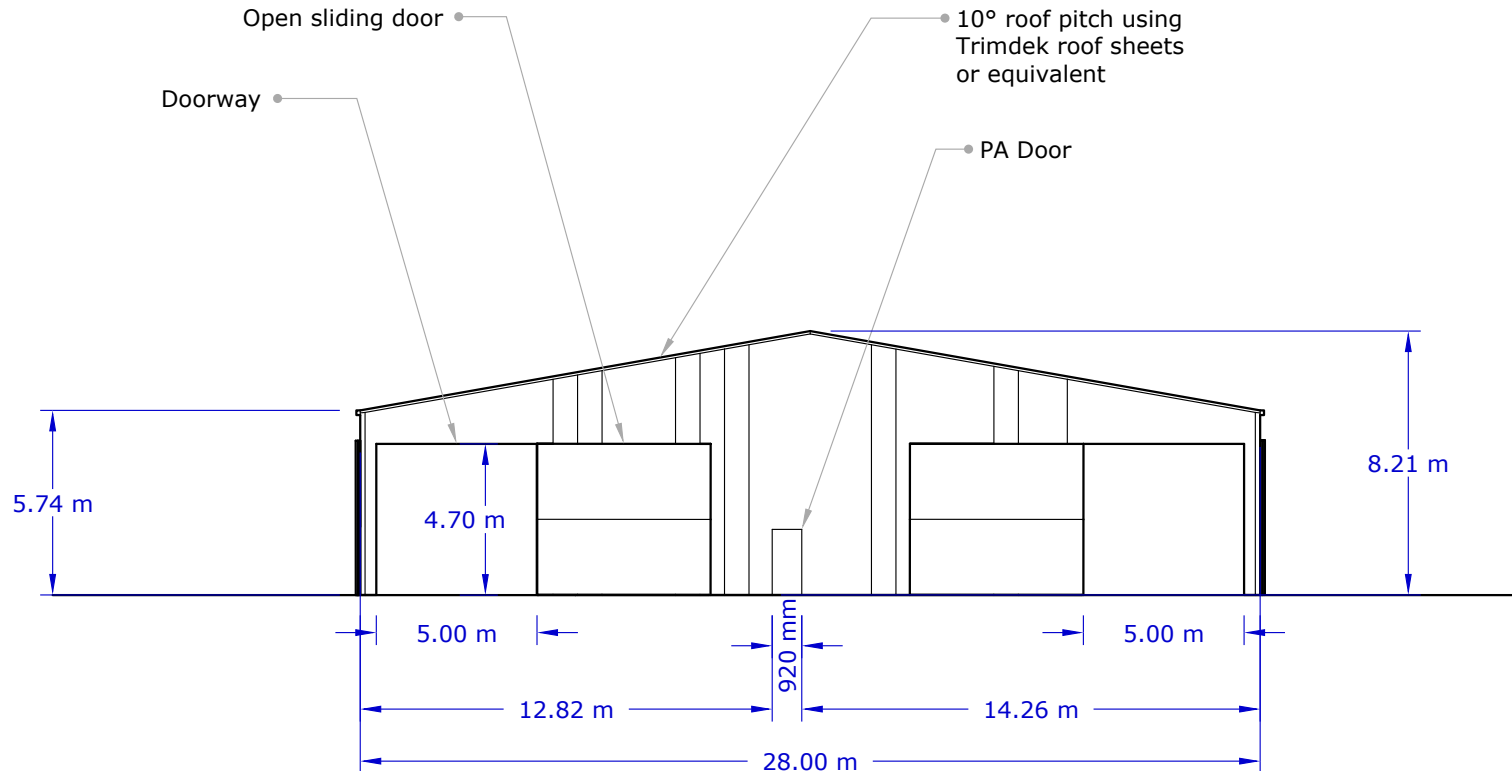
Warehouse FFL
(Finished Floor Level):
RL 68.2

Floor level for office and residence will be similar, possibly slightly higher particularly for the residence but as the warehouse is the tallest, most dominant structure its FFL is of most significance.

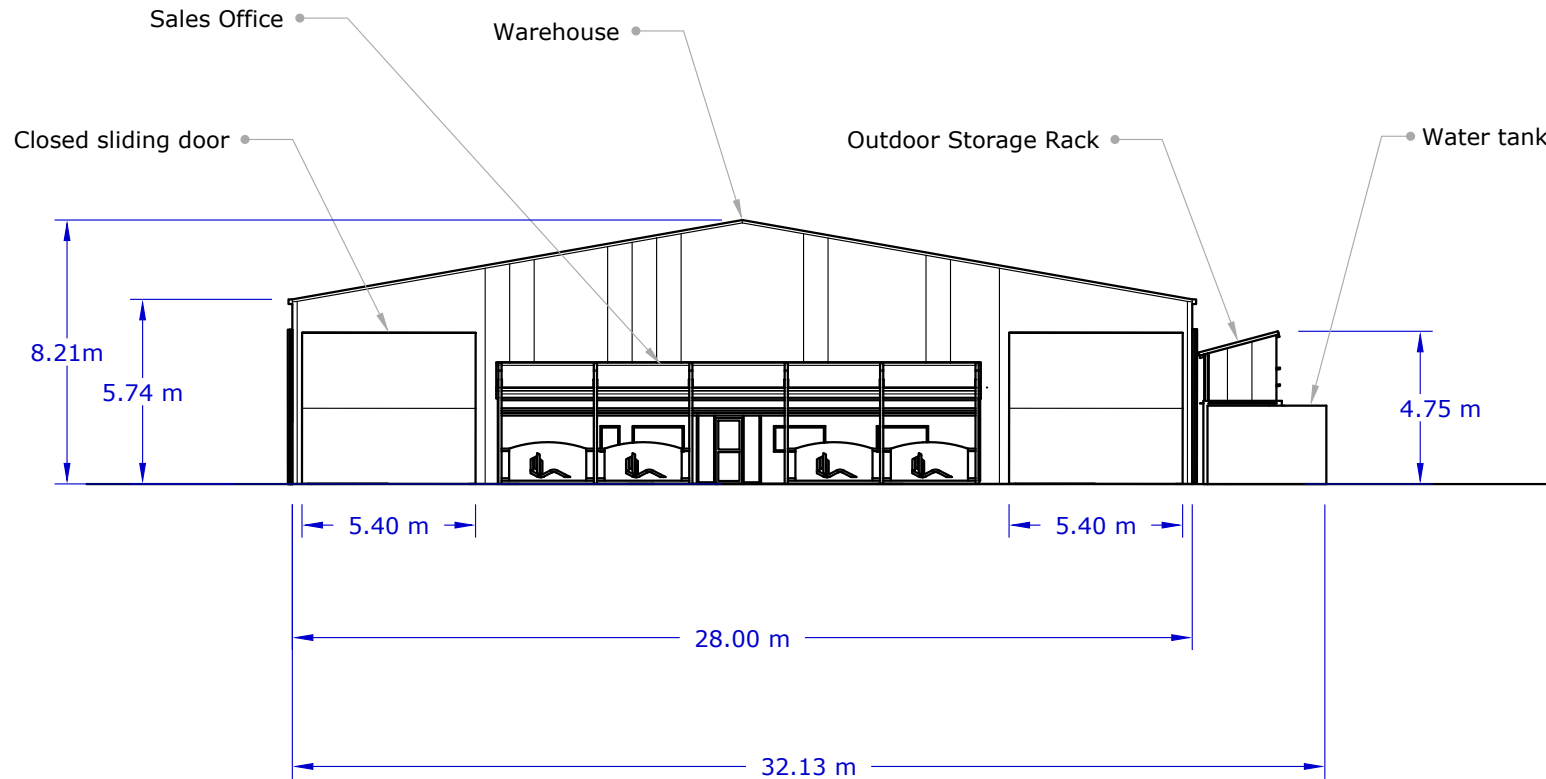
Heights on elevations in subsequent drawings are measured from each respective building's FFL.



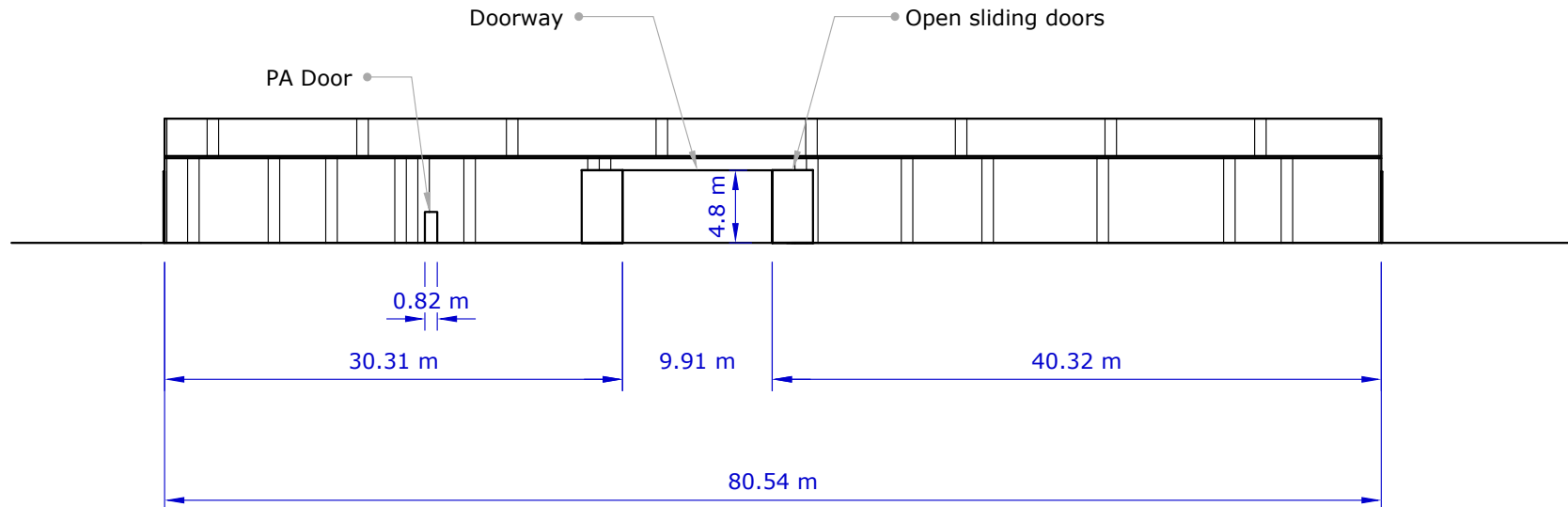
OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: SITE PLAN - CONTOUR PLAN		
		SCALE: 1:1000	SHEET NO: B1200	REVISION: 1.1	



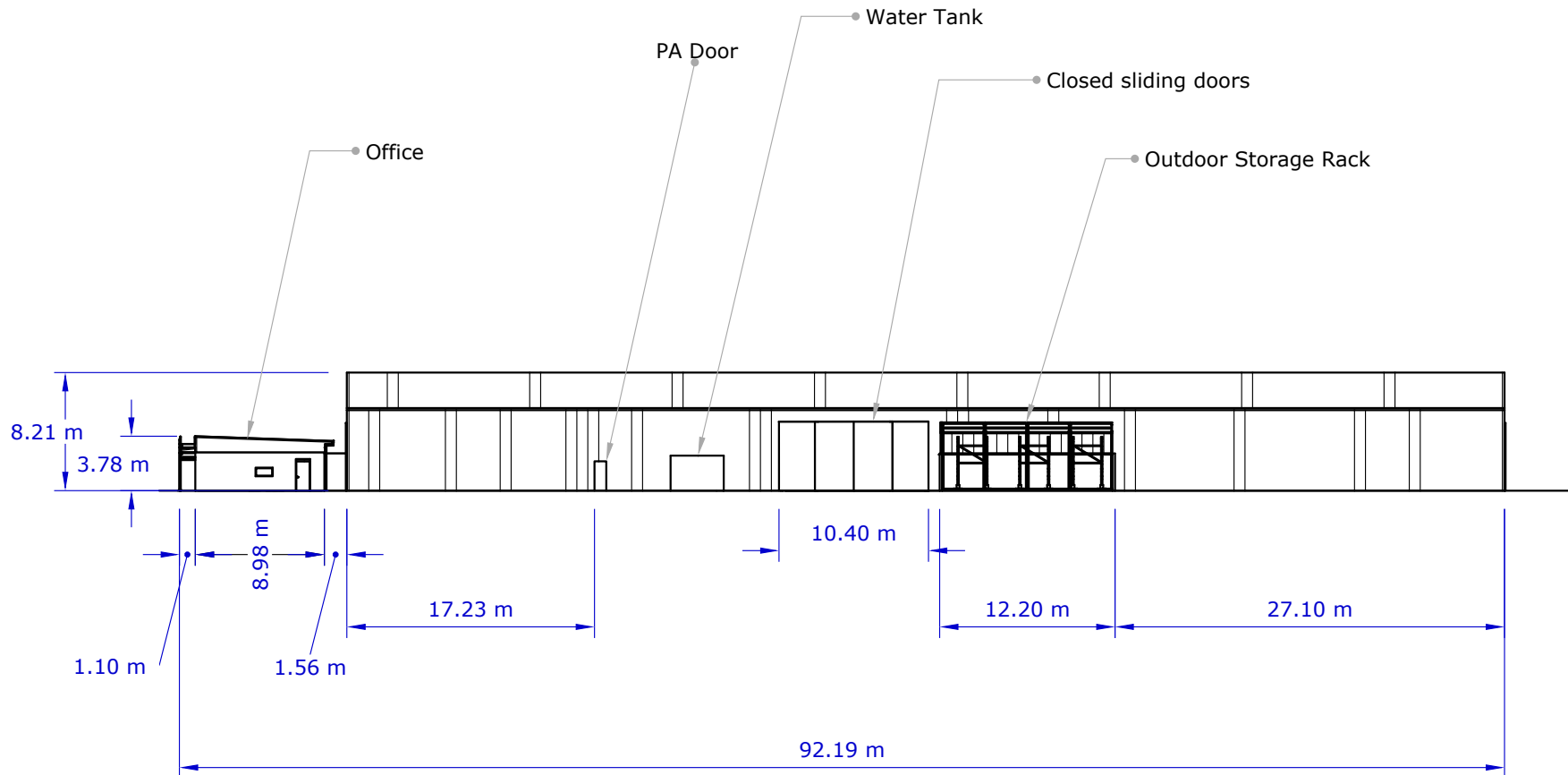
OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: ELEVATION - WAREHOUSE SOUTH		
			SCALE: 1:200	SHEET NO: C100	REVISION: 1.1



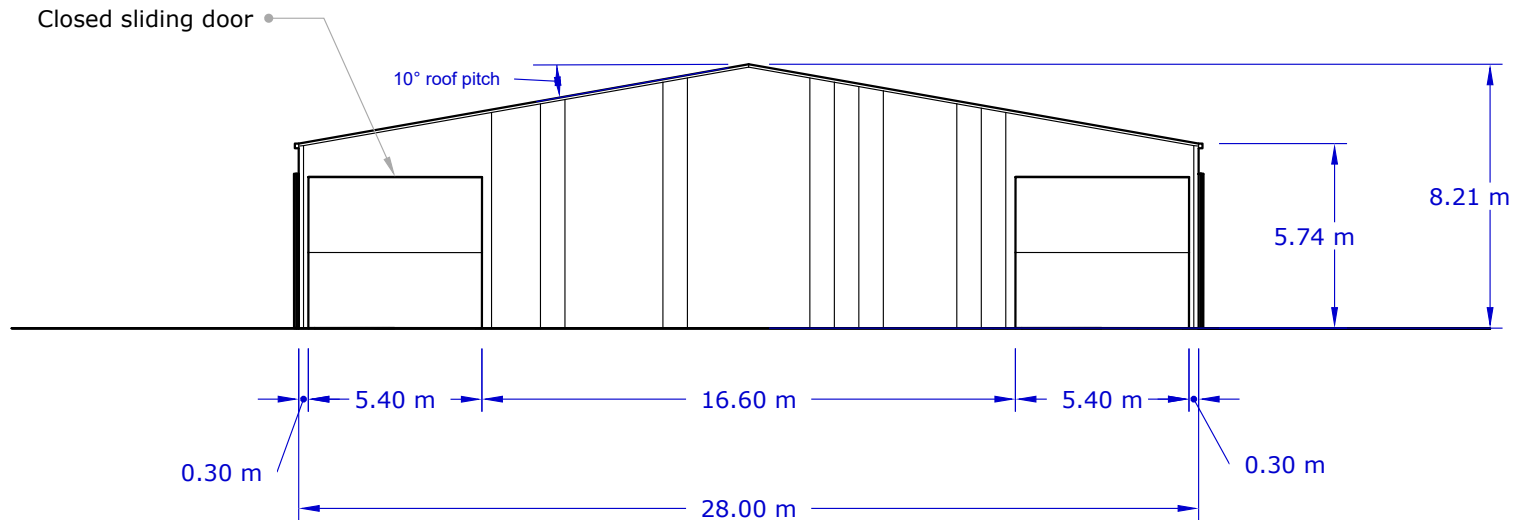
OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: ELEVATION - WAREHOUSE SOUTH WITH ADJOINING STRUCTURES		
			SCALE: 1:200	SHEET NO: C150	REVISION: 1.1



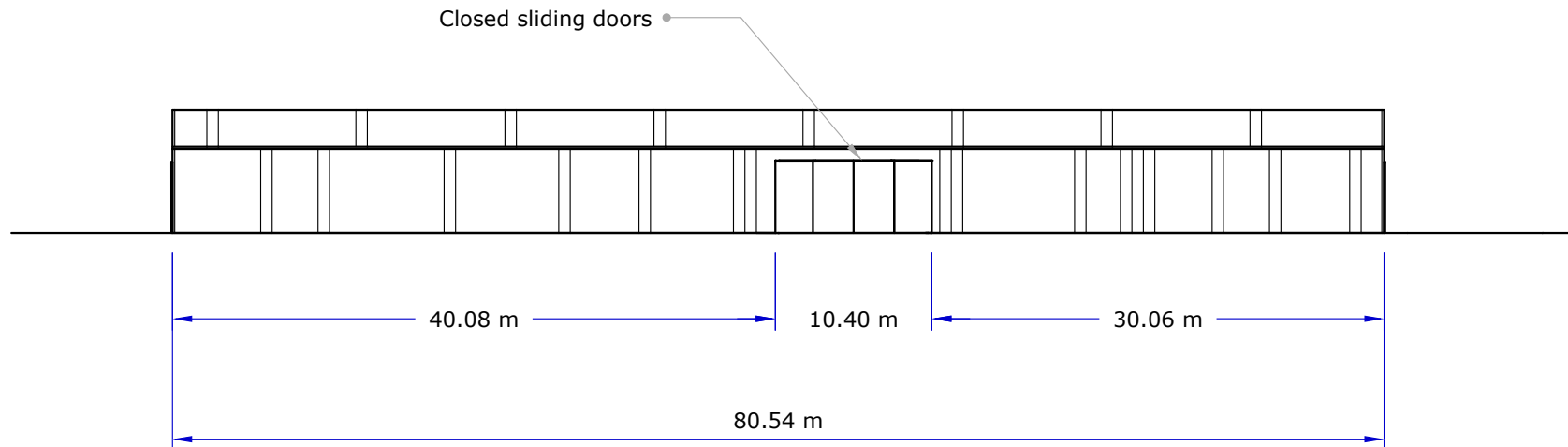
OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: ELEVATION - WAREHOUSE EAST		
			SCALE: 1:400	SHEET NO: C200	REVISION: 1.1



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: ELEVATION - WAREHOUSE EAST WITH ADJOINING STRUCTURES		
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OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
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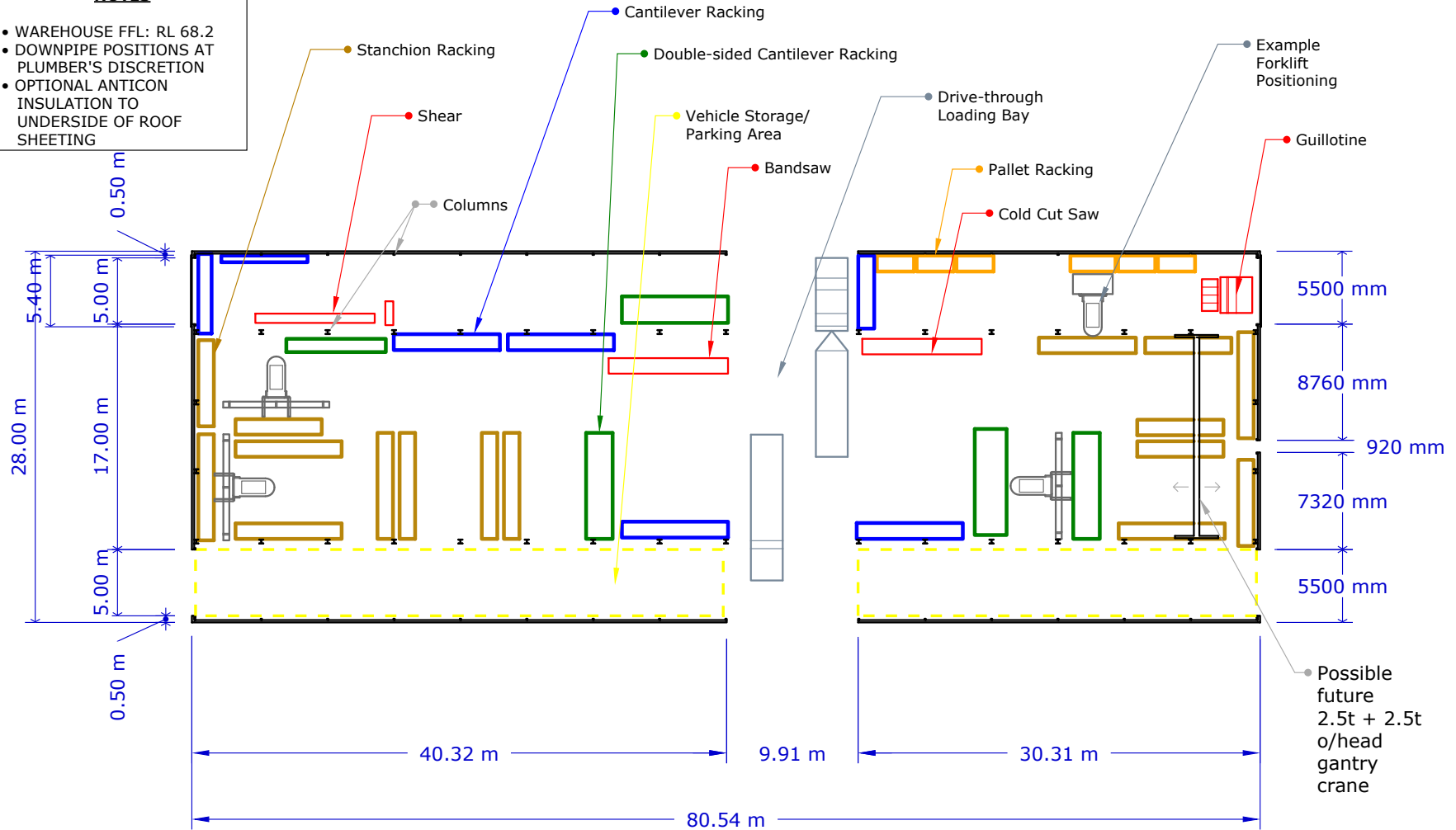


OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
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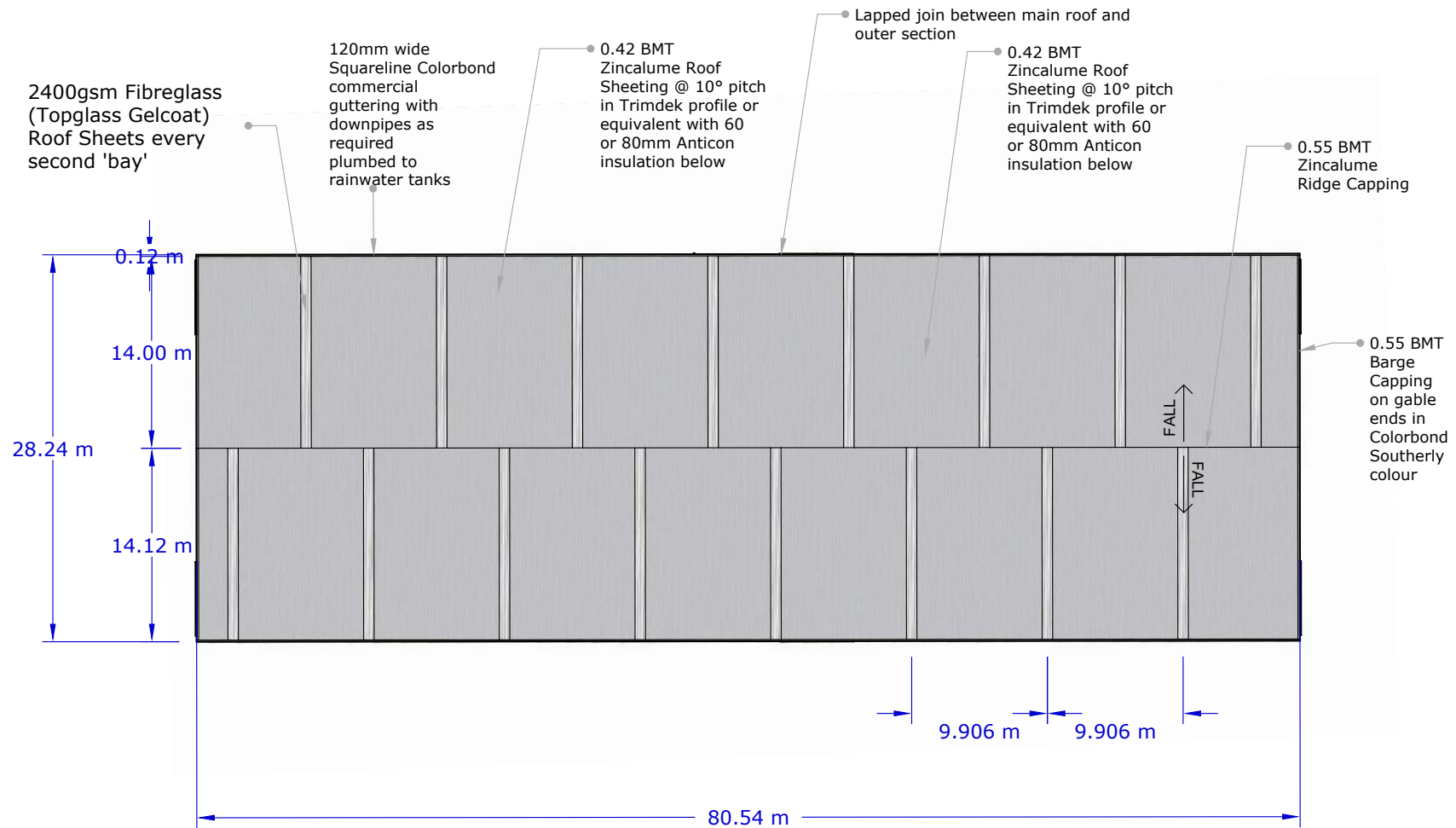
**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

APPENDIX 13.4.3

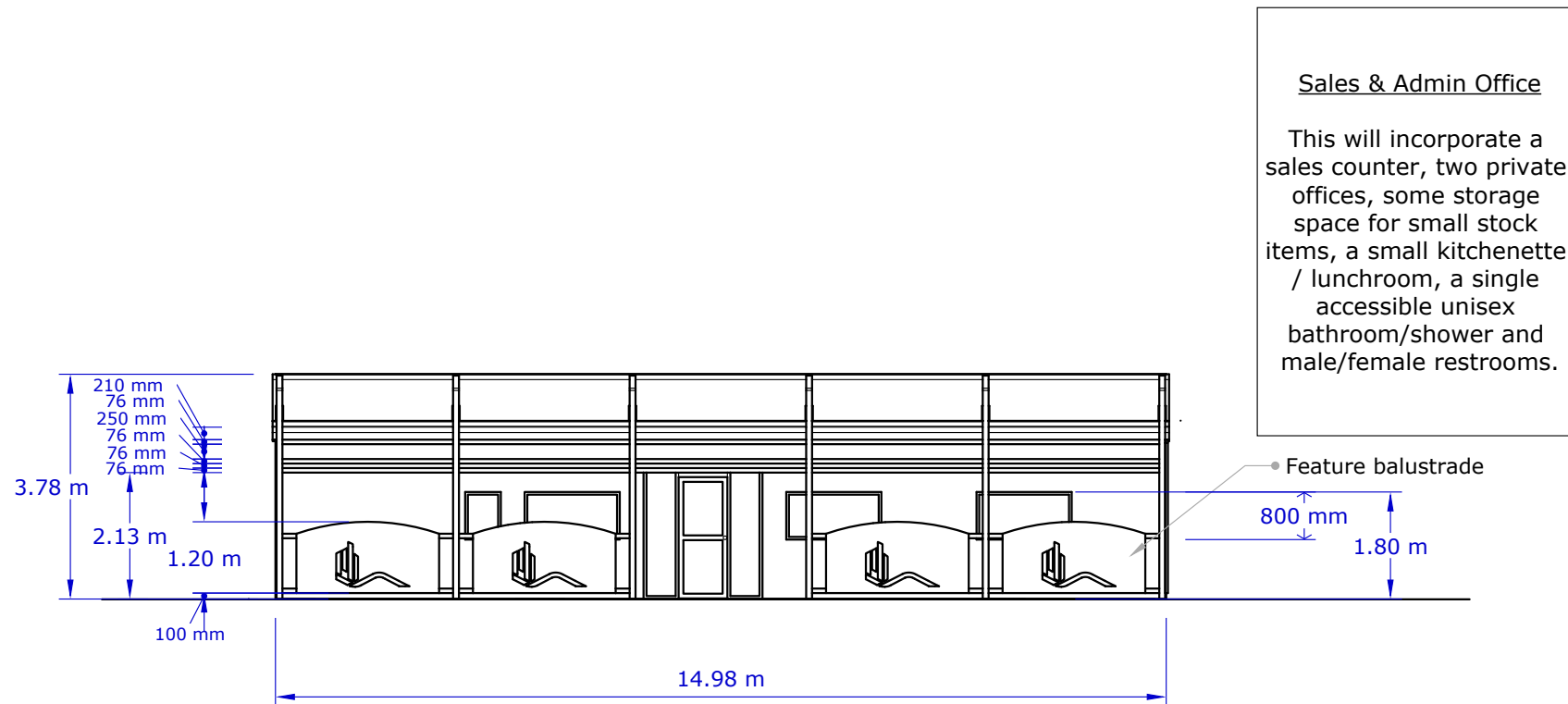
- NOTES**
- WAREHOUSE FFL: RL 68.2
 - DOWNPIPE POSITIONS AT PLUMBER'S DISCRETION
 - OPTIONAL ANTICON INSULATION TO UNDERSIDE OF ROOF SHEETING



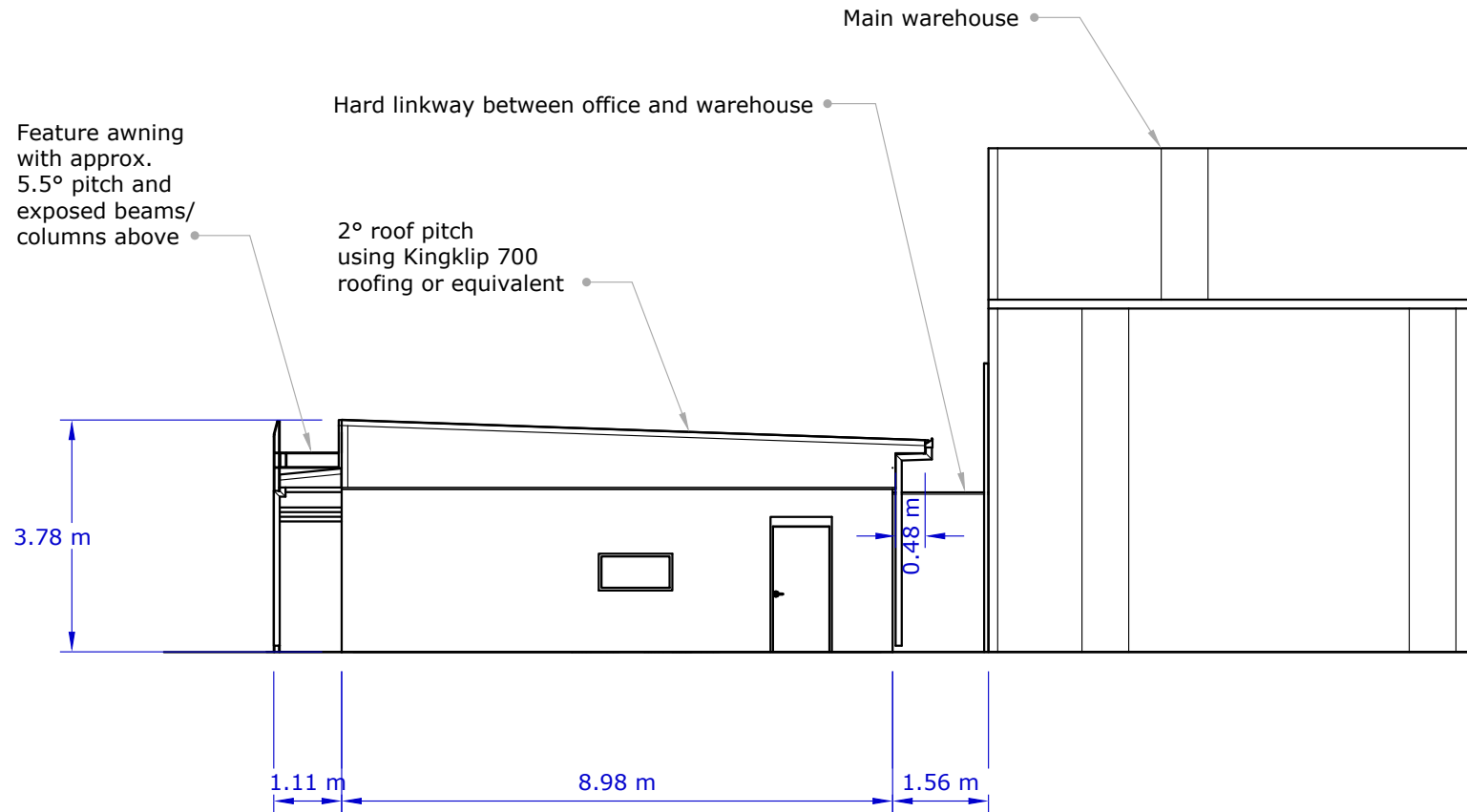
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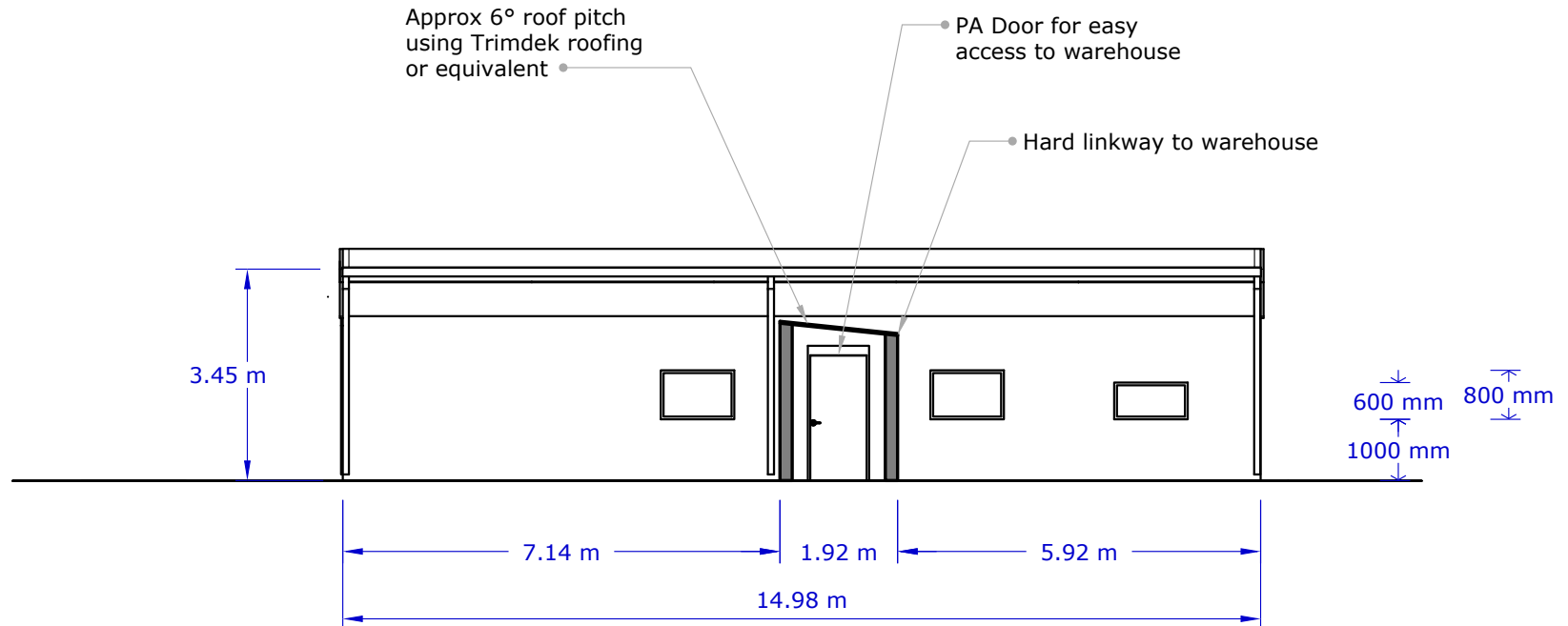
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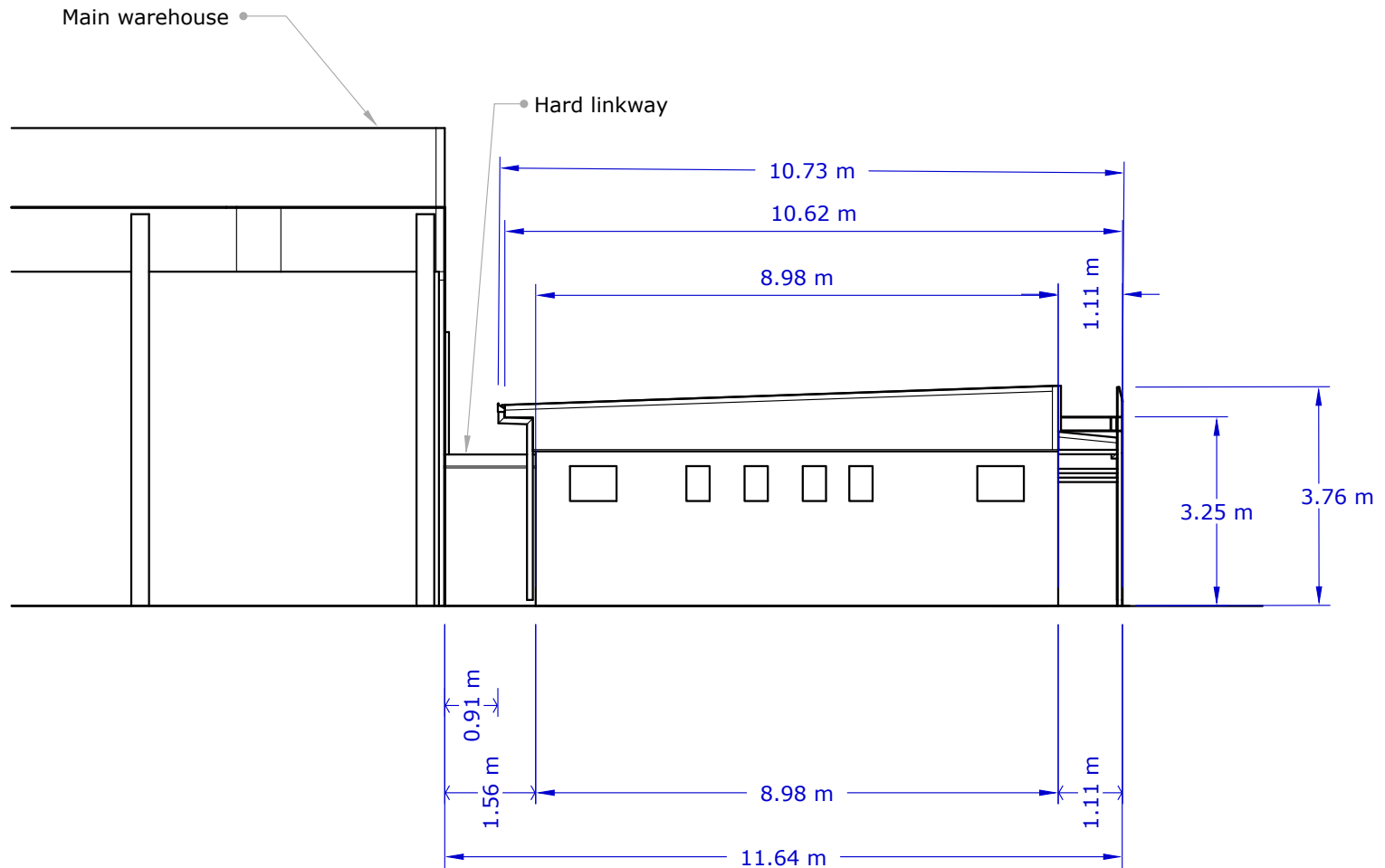
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			TITLE: ELEVATION - OFFICE SOUTH		
		SCALE: 1:100	SHEET NO: D100	REVISION: 1.1	



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
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			SCALE: 1:100	SHEET NO: D200	REVISION: 1.1



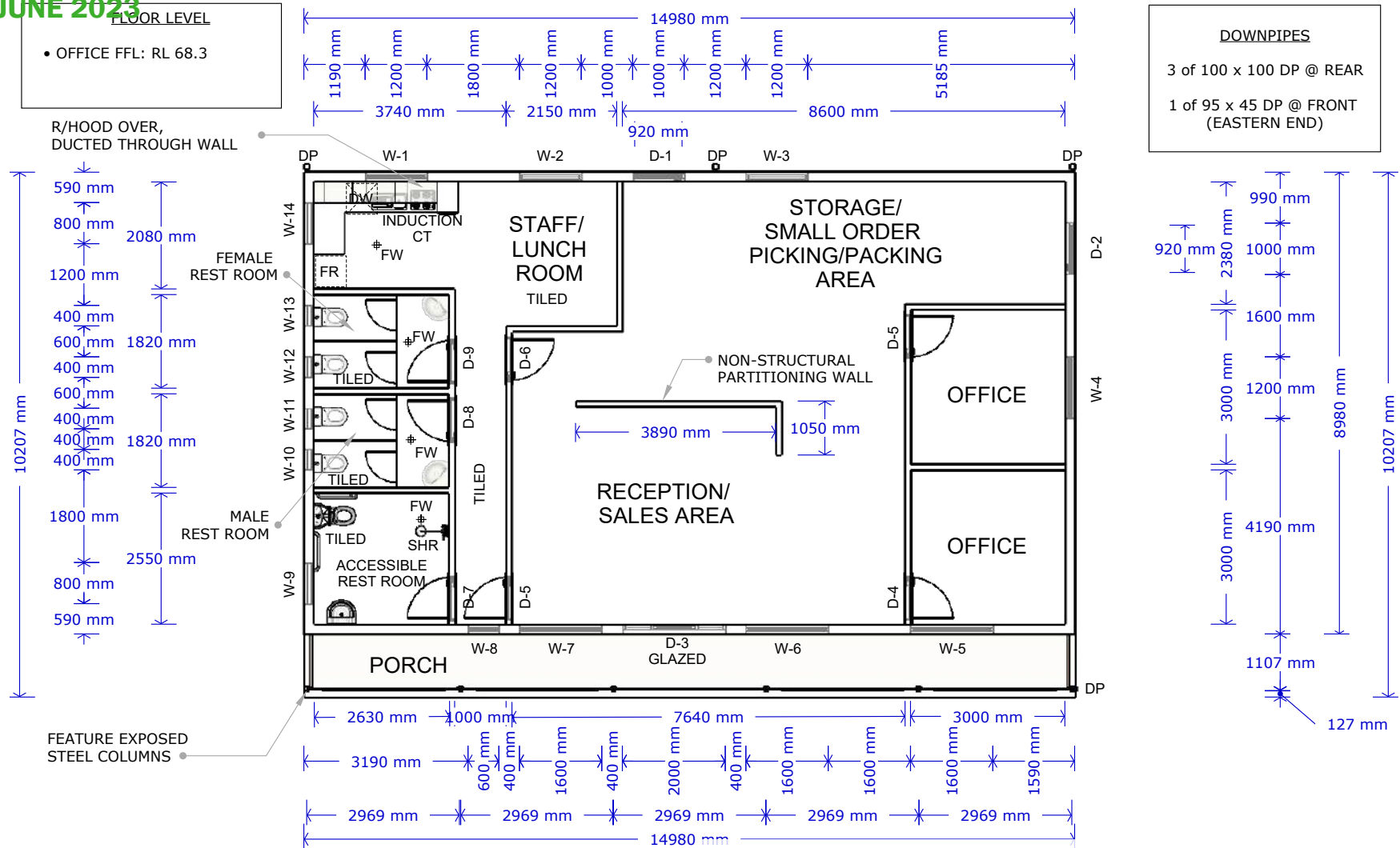
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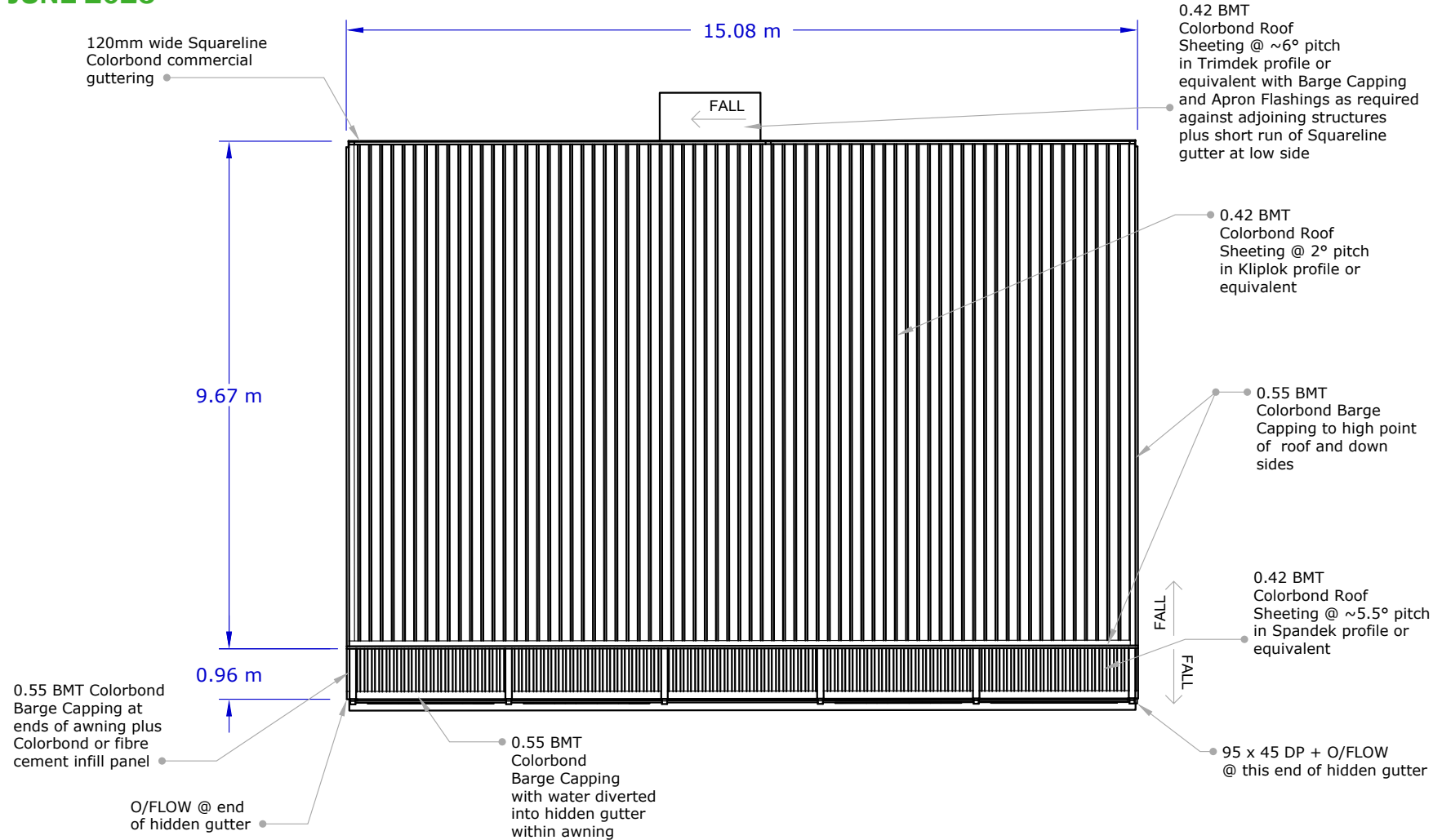
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			TITLE: ELEVATION - OFFICE WEST		
			SCALE: 1:100	SHEET NO: D400	REVISION: 1.1

**MINUTES
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20 JUNE 2023**

APPENDIX 13.4.3



OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: FLOOR PLAN - OFFICE		
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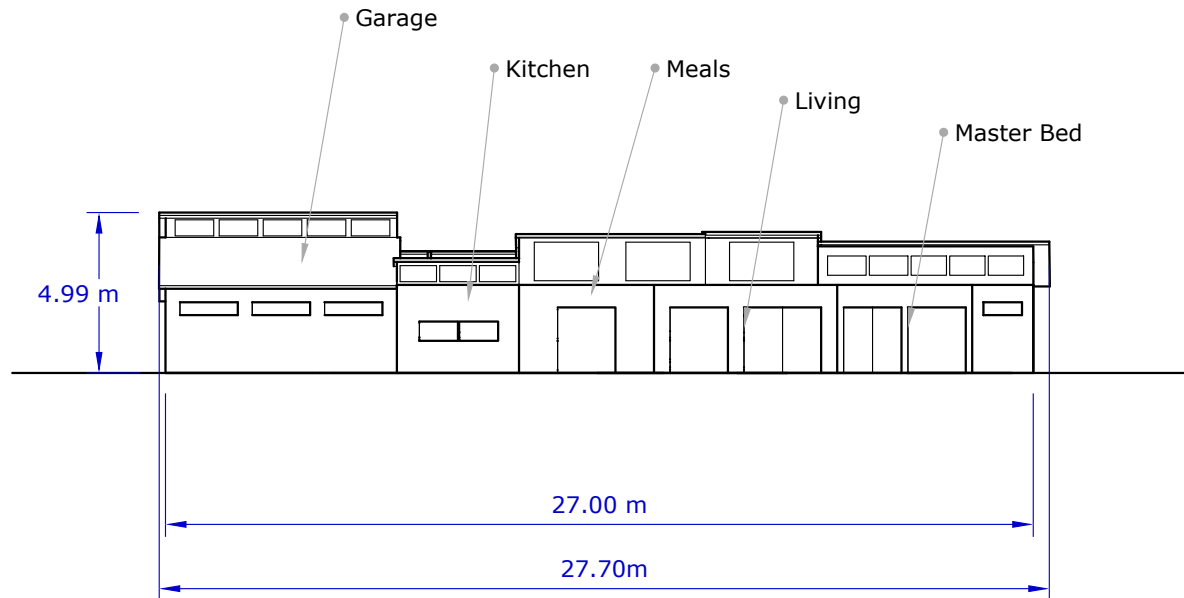


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			TITLE: ROOF PLAN - OFFICE		
			SCALE: 1:100	SHEET NO: D600	REVISION: 1.1

**MINUTES
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20 JUNE 2023**

House elevations are broadly representative but subject to amendment once final design is made. Final size will likely be similar or smaller but actual size and exact shape may differ.

20m+ setback to western boundary will be maintained.

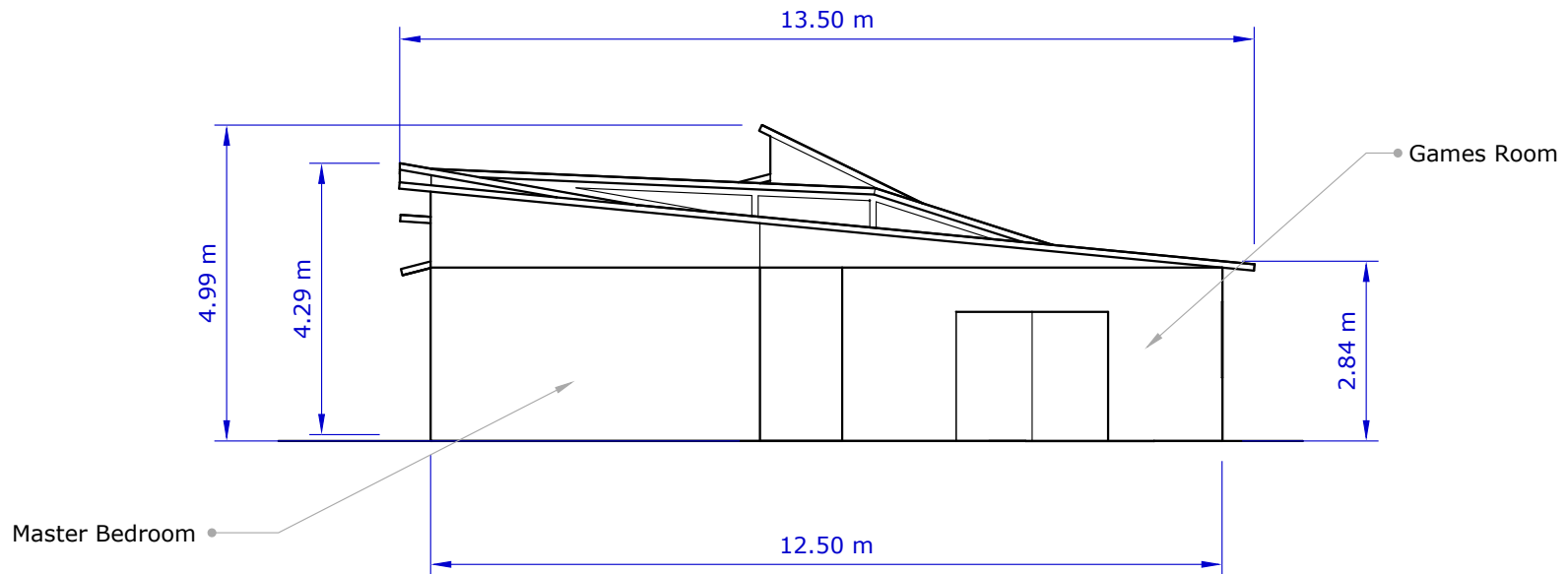


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			TITLE: ELEVATION - RESIDENCE SOUTH		
			SCALE: 1:200	SHEET NO: F100	REVISION: 1.1

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

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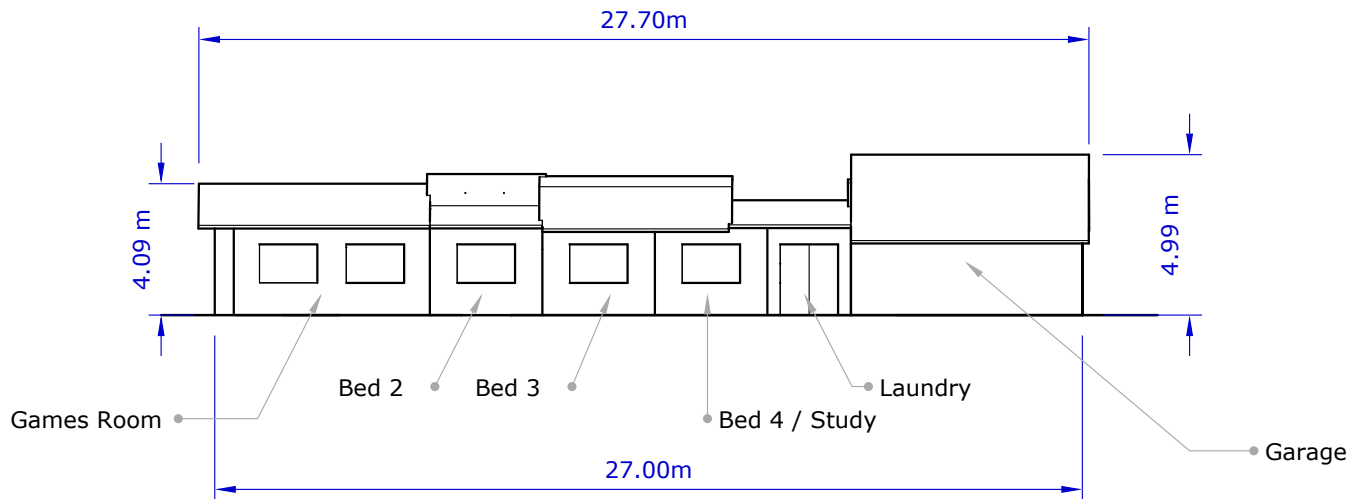
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**MINUTES
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20 JUNE 2023**

APPENDIX 13.4.3

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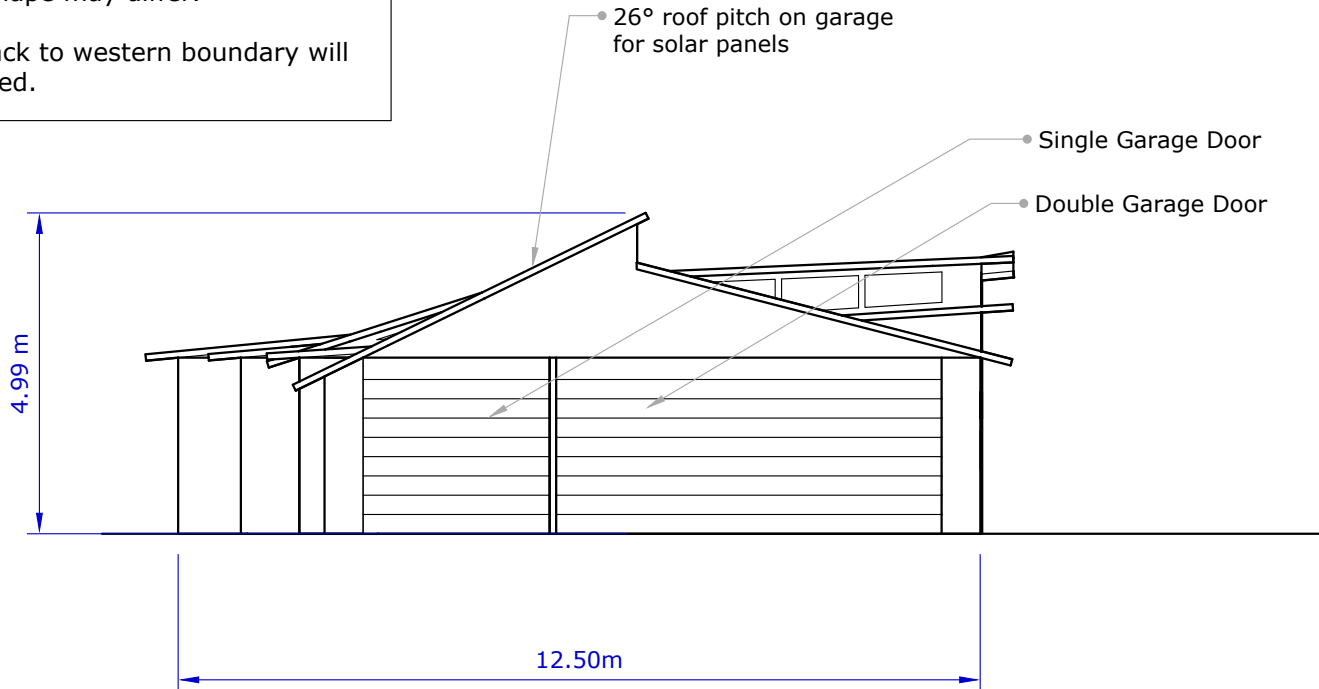
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			TITLE: ELEVATION - RESIDENCE NORTH		
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**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

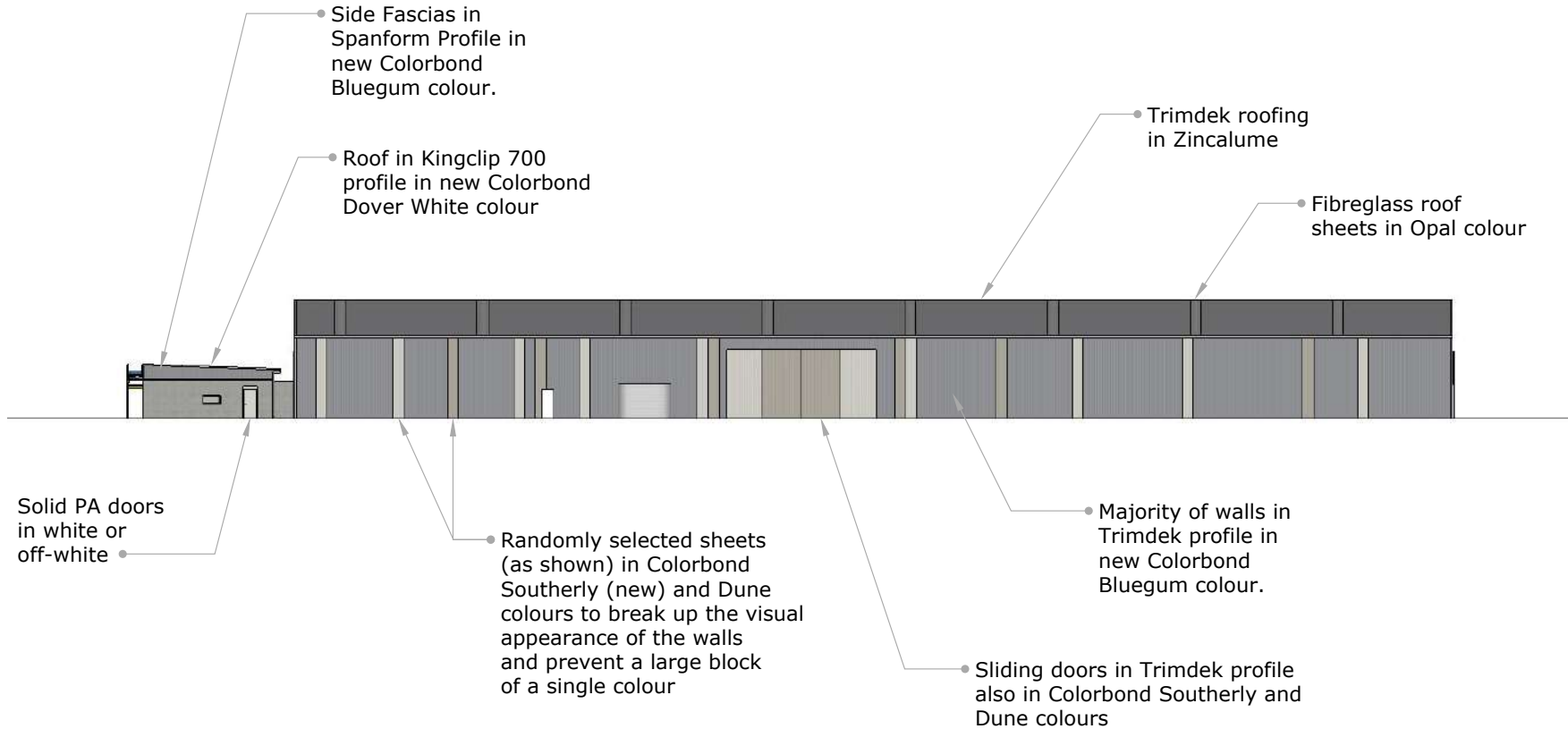
APPENDIX 13.4.3

House elevations are broadly representative but subject to amendment once final design is made. Final size will likely be similar or smaller but actual size and exact shape may differ.

20m+ setback to western boundary will be maintained.



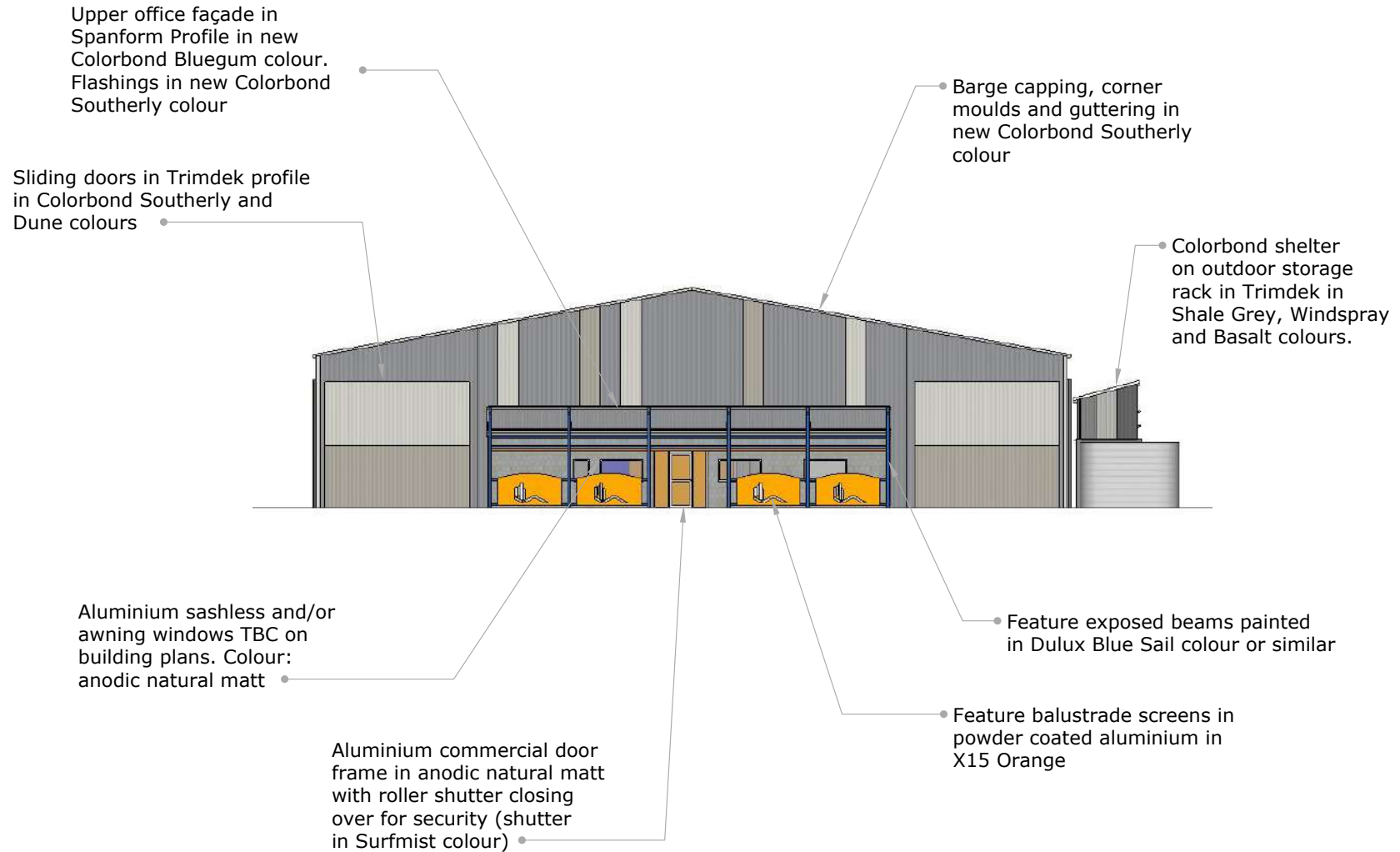
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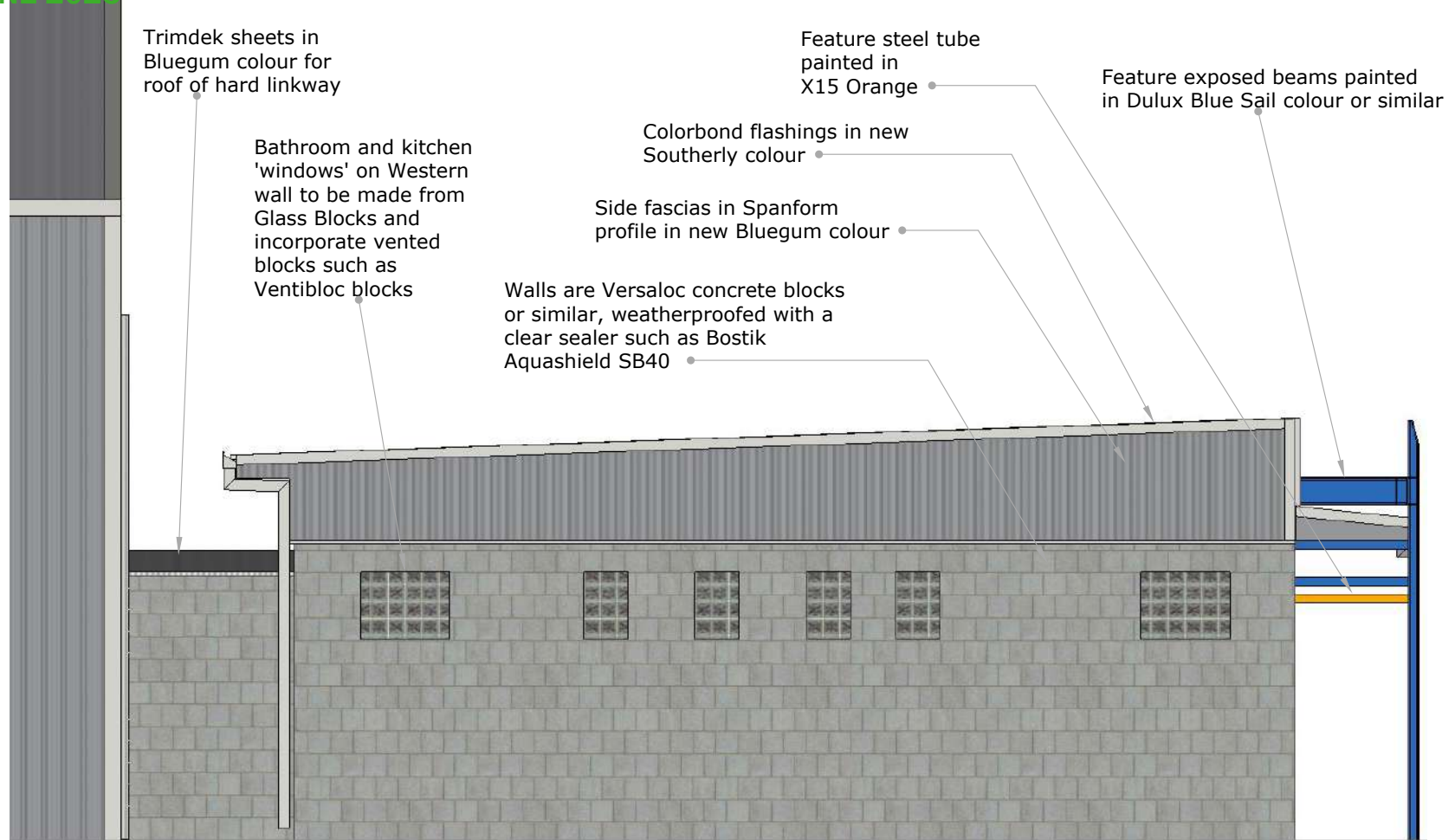
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**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**

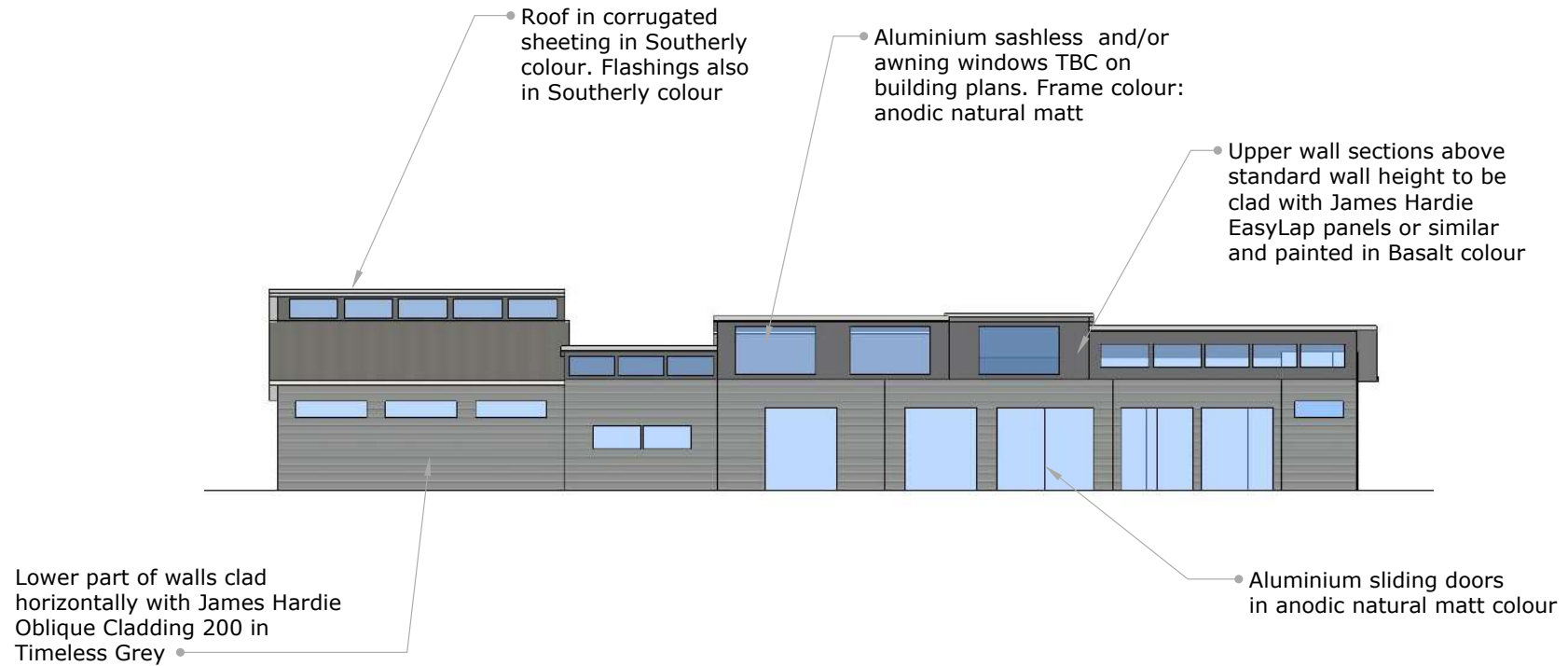
APPENDIX 13.4.3



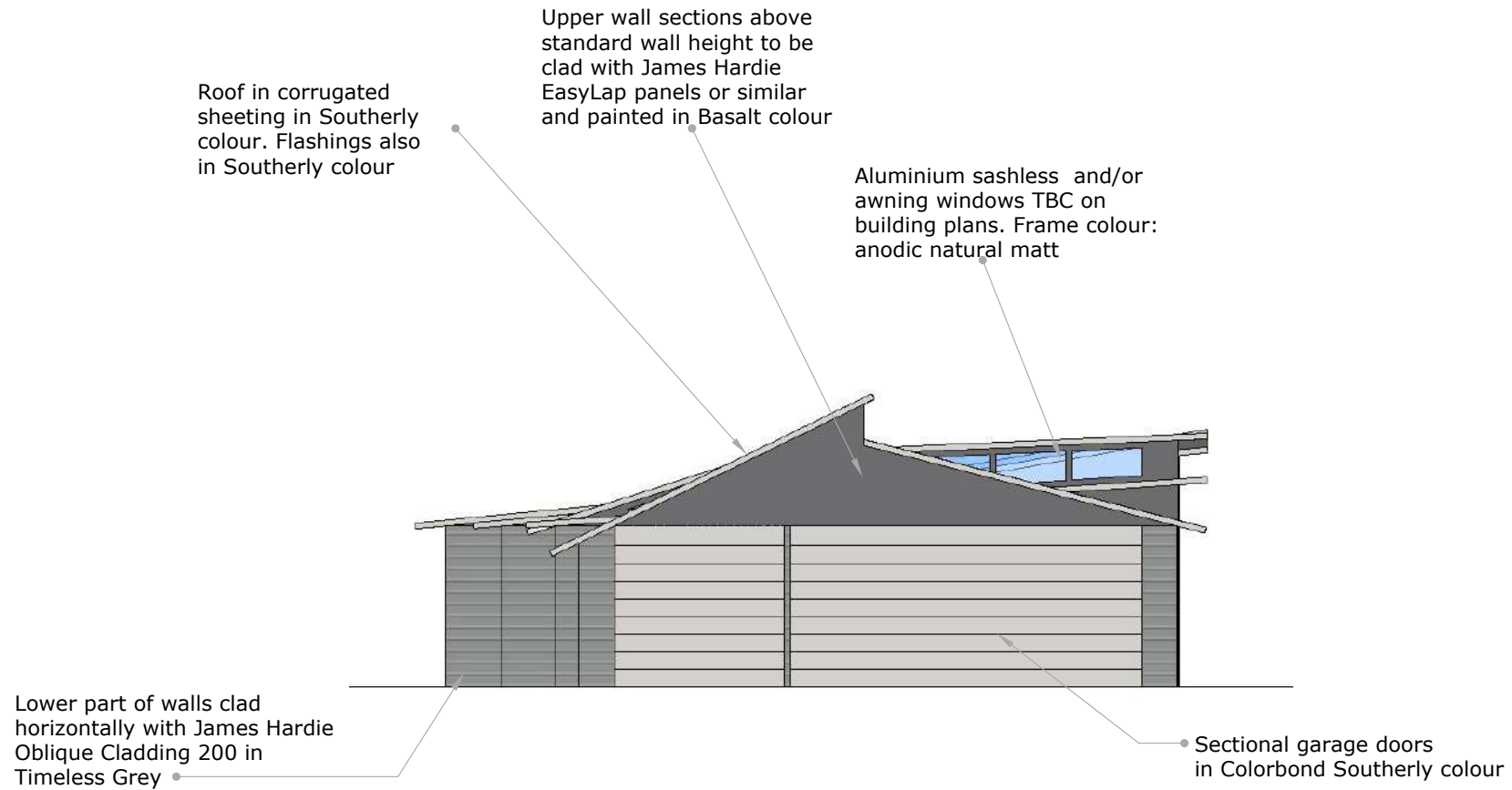
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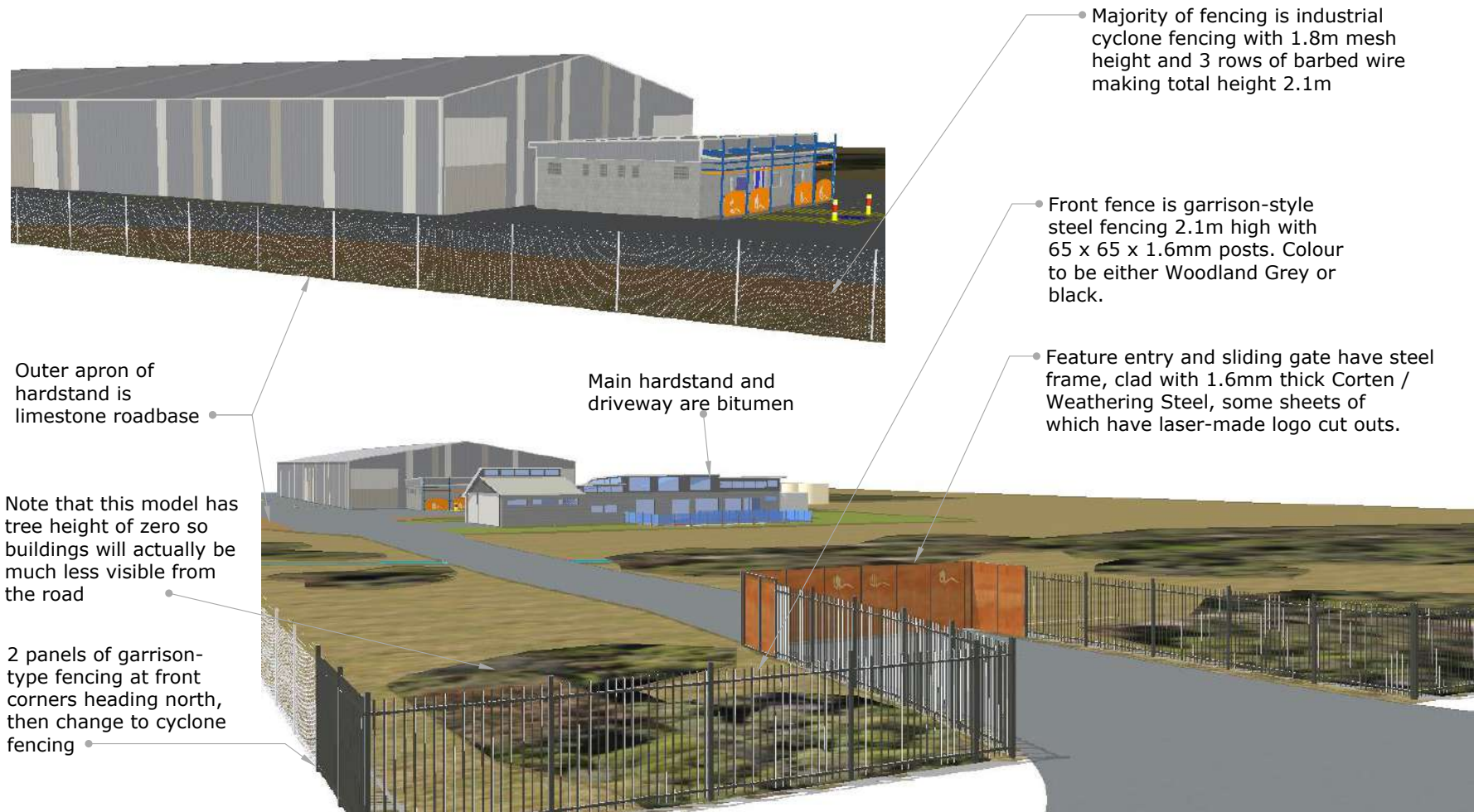
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OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
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OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: MATERIALS - RESIDENCE WEST		
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OWNER: Shane D Ray & My Tien Ray	ADDRESS: Lot 16 Bell Rd, Coonabidgee WA 6503	DATE: May 7, 2023	PROJECT: Lot 16 Bell Rd, Coonabidgee - Planning Approval		
			TITLE: MATERIALS - FENCING & HARDSTAND		
		SCALE: N/A	SHEET NO: G600	REVISION: 1.1	

01 March 2023

Manager Town Planning
Shire of Gingin
PO Box 510
Gingin WA 6503

Dear Sir or Madam,

Address: Lot 16 Bell Road, Coonabidgee, WA

Proposal: Use and development of the land for an Industry- Service and the construction of a factory warehouse and dwelling

We act for Shane and Angela (My Tien) Ray, who own and operate an existing service industry (Best Buy Steel) currently located in Wattleup and now seek to move the business to the above address. To aid the assessment of the application, please find attached the following documents and plans:

In support of the application, we have enclosed the following documentation:

- A completed application form;
- A copy of the Title;
- A copy of the plans for the proposal;
- A copy of a planning report and;
- Other supporting information

I trust that the above documents and plans meet the Council's application requirements. However, should Council require any further information I look forward to receiving the request.

Please contact me on 03 9550 1838 if you have any further queries.

Yours faithfully,



Peter Connell *BEC (Monash), GradDipUrbPlan (RMIT)*
Principal Planner



AnC Planning Consultants



AnC Planning Consultants

21-23 Aristoc Road
Glen Waverley Vic 3150
Phone 03 9550 1838

Planning Submission

**Use of the land for an Industry- Service and the
construction of a factory warehouse and dwelling**

**Lot 16 on Diagram 67754 (Volume 1699, Folio 754)
107 Bell Road, Coonabidgee, WA**

**Version 1 – March 2023
Prepared by AnC Planning Consultants
on behalf of permit applicant**



1. Introduction

This planning submission has been prepared by AnC Planning Consultants Pty Ltd in support of a planning application to use land at Lot 16 on Diagram 67754 (Volume 1699, Folio 754), 107 Bell Road, Coonabidgee, WA for an Industry- Service and the construction of a factory warehouse and dwelling. The permission for this application will allow the applicant's steel wholesale and retail business to be relocated onto this site.

The proposed development, except with the dwelling and increased warehouse size, in this application is practically identical to the application lodged in 2009 that was approved by the Shire and lapsed before acting upon the permit.

The land is included in a Rural Industrial Zone in the locality of Coonabidgee, and the proposal requires planning permission from the Shire of Gingin.

The planning submission describes the subject site and surrounding context, details the proposed buildings and works and provides an assessment of the proposal against the relevant planning provisions contained within the SHIRE OF GINGIN Local Planning Scheme No. 9 (LPS9).

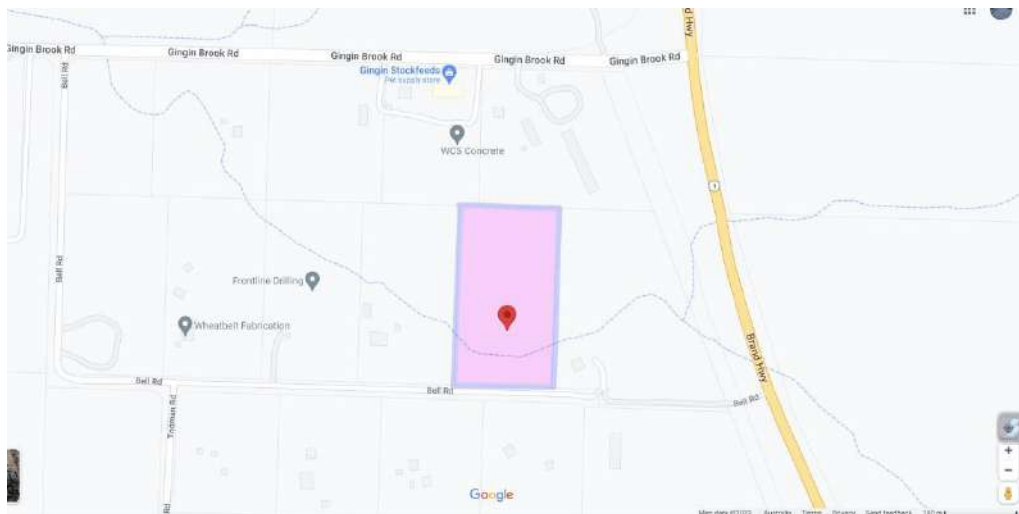
The planning submission concludes that the development is of high built-form quality and use is suitable for the site and neighbourhood context. In particular, the proposal represents a contemporary built form, which is respectful of the diverse neighbourhood character and is also consistent with the emerging character with modern infill development. The use of land for industry and dwelling is compatible with the surrounding land uses. The development incorporates setbacks in direct response to adjoining interfaces and facilitates landscaping opportunities, which will assist with the screening of the built form and the integration of the site with the streetscape and adjoining land uses. Therefore, we are of the view that the proposed use and development is an appropriately located development that is well supported by Local Planning Scheme No. 9.

The report should be read in conjunction with the architectural drawings, native vegetation clearance permit issued by the Government of Western Australia, Bushfire Attack Level Assessment reports and other documentation attached to the application.

2. The site and Environs

The subject site is located on the north side of Bell Road, some 200 metres west of Brand Highway. The site has a frontage width of 135.6m, a depth of 248.1m and an overall site area of 3.4 hectares. The current vehicle access to the site is provided via a gravel crossover from Bell Road, which will be relocated to the south-western corner of the property and upgraded as part of the proposed development.

Site and surrounds



Aerial view of the site and surrounds



As shown in the aerial image above, the subject site is currently a vacant parcel of land. It has clusters of existing native vegetation in the front quarter and in the rear half of the site. There is also a waterway running from east to west through the site within the first 80m of the site from the front setback.

With respect to the surrounding uses, there is a business directory at the point of entry into the subdivision that details some of the addresses and their uses. An inspection of the area indicates the following:

- The land to the north, at 23 Gingin Brook Road, is occupied by a truck depot, trading as Rules Transport and Truck depot.
- The land to the northwest, at 27 Gingin Brook Road, is a multi-use site that comprises Gingin Concrete, Gingin Equipment Hire and Gingin Stockfeed.
- The land to the southeast, across Bell Road, at 118 Bell Road, is a contractor depot, currently trading as Muchea Plumbing and Gas which stores machinery, including an excavator for digging trenches.
- The land to the east, at 117 Bell Road, is occupied by contractor depot trading as Future Tech Electrical Services.
- Other uses operating within this area include steel fabricators, an earth-moving excavator hiring contractor, a nursery, an auto electrician, a cabinet maker, self-storage, bin trucks and gas bottles warehouse, mechanical and hydraulic repairs etc.

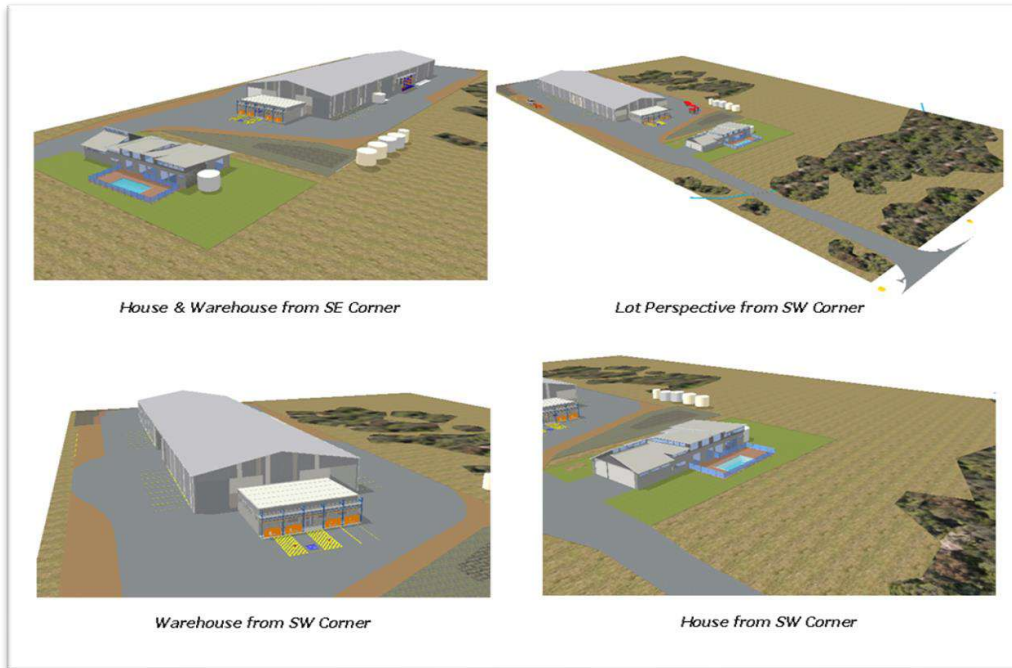
3. The Proposal

The application involves the use and development of a service industry and the construction of a dwelling and associated buildings and works on the subject site. The detail of the proposal is described below.

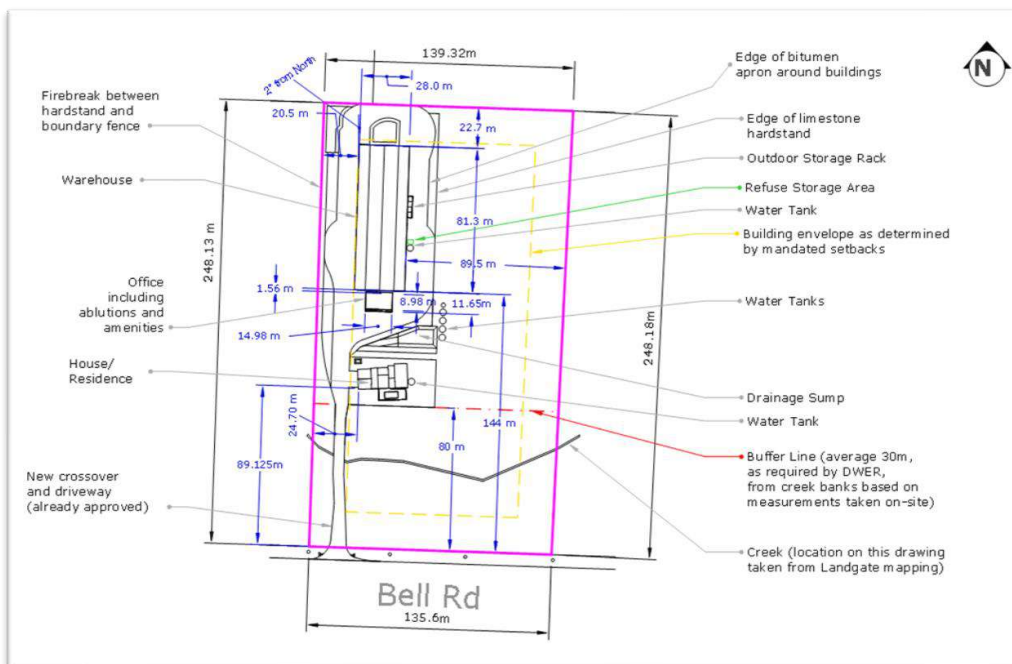
The use of a service industry

As noted above, the applicants, Shane and Angela Ray own and operate an existing service industry (Best Buy Steel) in Wattleup and seek to relocate the business to the above address.

3D view of the proposed development



Site Plan



Location of development in aerial view



The proposed trading hours will be Monday to Friday, 7.30 am to 4 pm and Saturday, 8 am to 12 noon, with vehicles leaving the site for deliveries during the week no earlier than 6.30 am.

Initially, no more than 2-3 workers will be employed at the site, with one of those workers doing deliveries all day. If the relocated business increases to the existing level of business at Wattleup there could be 8-10 employees with two drivers on deliveries and away from the site all day.

The business currently has a number of vehicles, including 2 single axle prime movers, 3 semi-trailers from 6m – 12m in length and 9-ton (single axle) to 16 ton (twin/bogie axle) configurations, 1 medium rigid truck with 8m tray, 1 small Isuzu truck < 4500kg GVM (light vehicle operated with car license), several work utes, 2 long trailers rated 2 – 3 ton gross mass to be towed by the small Isuzu truck or a ute, several forklifts, a scissor lift and a yard crane, and other vehicles using the site would be employee and customer vehicles.

The parked end-to-end vehicles and trailers, except the light work utes, occupy about 74m in space, and the warehouse has 40.68 x 6m and 30.58 x 6m areas reserved for these vehicles in which some of them could even be parked side-by-side overnight. Some vehicles will likely be parked in the yard outside during the day as required, but there is ample space to accommodate this in addition to the parking bays allocated.

Several forklifts will operate on-site during business hours. A scissor lift may occasionally be used for stock-picking or maintenance, but this will be infrequent. A yard crane is also operated, on rare occasions, when unloading shipping containers (on average one day per month or less).

The other vehicles using the site would be employee vehicles and customer vehicles, which can include trucks (generally light and medium rigid) but are mostly light vehicles and trailers (like car trailers) then occasionally larger trucks or other vehicles from suppliers. Given the long lengths that steel products can come in (mainly 6 - 12m), allowance must be made for vehicles that can carry such lengths so swept path planning has been done for 13.7m tri-axle trailers on dual-axle prime movers, even though vehicles this size are only rarely expected to visit the site. Once or twice per month or less is likely.

The development (construction of an industrial building and a dwelling)

The operation of the business from the site will also require the construction of an industrial building, ancillary sales office and dwelling, which consists of the following components.

- The proposed industrial building will have dimensions of 28m x 81.26m with an overall area of 2275 square metres and will be constructed to a maximum height of 8.21m from finished floor level. The proposed warehouse is steel framed and will be clad in Colorbond steel. Randomly selected sheets of wall cladding will use contrasting colours (as illustrated in the Materials sheets in the plans – sheets G100 - G200) to break up what would otherwise be large monotonous areas of wall sheeting. The building will be setback a distance 22.74m from rear boundary, 20.5m from the western boundary, 89.5m from the eastern boundary and more than 140 metres from the front boundary.
- The driveway, hardstand and warehouse floor are to predominantly be bitumen, with some limestone aprons.
- The main sales office walls are Midland Brick's Versaloc blocks sealed with a clear sealer. The roof will be Colorbond steel and it will be a single-storey structure having a maximum height of 3.78m. The building will be located in front of the warehouse and will have dimensions of 9m x 14.98m, which represents a floor area of 134.82 square metres.

- The residence walls will similarly either be steel framed with 90mm stud framing for walls, insulated to applicable levels and clad externally with an appropriate, contemporary James Hardie cladding, or else be constructed using masonry such as double brick or limestone. The roof will also be Colorbond steel.
- The finished visual amenity of structures on the property will be as good as, or better than, most of the existing structures in the Rural Industrial area. Refer to the sheets G100 – G600 in the plans for more precise details of proposed construction materials.
- A crossover will be constructed using a bitumen surface to meet shire requirements for semi-trailer access as per shire drawing SoG/STD-01 with the potential to upgrade to the specifications from drawing SoG/STD-02 or SoG/STD-03 should vehicle movements increase. The crossover and the initial part of the driveway have already been approved by the Gingin Shire Executive Manager of Operations.
- The drain on the roadside will have a culvert constructed using 450mm diameter, minimum Class 2 reinforced concrete pipes with headwalls as per the requirements of shire drawing SoG/STD-01.
- Also, as per SoG/STD-01 requirements, the entry gate will be located 21m or more from the edge of Bell Rd to ensure that all standard trucks/semi-trailers (which can be up to 19m long) can pull off the road, even if the gate is closed. The crossover and driveway are shown, along with vehicle paths, in the plans on sheet 'B700: SITE PLAN - VEHICLE PATHS'.
- The driveway will be 6m minimum width and located approximately 12m from the western boundary until reaching the main hardstand area around the warehouse. It will be constructed of bitumen with a crushed limestone base.
- The creek crossing will be at the western side of the property as shown on the drawings. This is where the creek is narrower, better defined and most degraded and thus is the best place for a crossing, as supported by advice from the Department of Water and Environmental Regulation (refer to the email in Appendix B, point 'a.'). The area of the crossing has the least trees and is the narrowest part of the creek meaning minimal impact. Two rows of 450mm diameter Class 2+ reinforced concrete pipes with twin head-walls will be used to create a culvert, as per the DWER advice and common practice. The head-walls will be installed at both ends to protect from driveway erosion into the creek and control water flow.

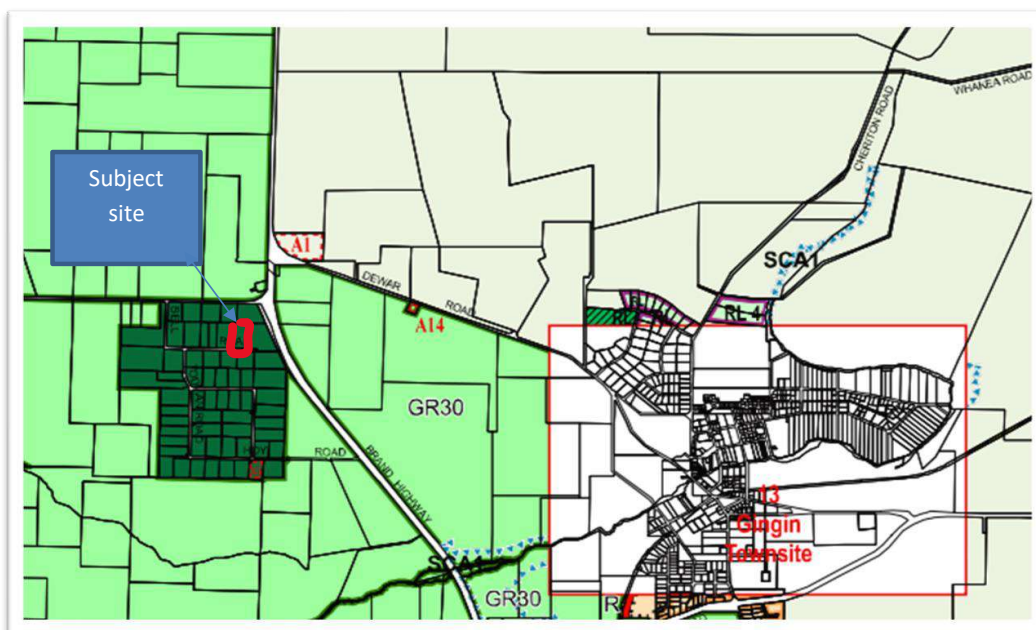
- In addition, hardstand areas will be constructed from bitumen with a crushed limestone base. An apron of crushed limestone will surround many of the bitumen areas. In many areas, the final 3m between the hardstand and the lot boundaries will be left as sand, partly as a firebreak, although the bitumen/limestone hardstand would also serve that purpose, but also to ensure no stormwater escapes the site.

4. Planning Controls and Assessment

4.1 Rural Industry Zone

The land is zoned Rural Industry Zone (RIZ) for the purpose of the Shire of Gingin Town Planning Scheme (the Scheme) and is identified below in the zoning map.

Zoning Map



The objective of the zone is *to provide for a range of industrial land uses on rural-living-sized lots where people can work and live on the same property.*

Clause 4.8 of the Scheme provides zone-specific Development Standards, which include the following:

- Lot sizes shall be between 1 and 4 hectares.

- Local government may, at its discretion, consider permitting the land use of "single house". In doing so, local government will be guided by the development standards in clause 4.8.9, excepting clauses 4.8.9.4 and 4.8.9.5.
- All development shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.
- A person shall not use the land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.

In addition to the above, the following standards specified in Clause 4.8.9 are relevant:

- Caretakers' dwellings may be permitted in Mixed Business, Rural Industry and Tourism Zones.
- Caretaker's dwelling must be incidental to the predominant use of the site.
- Only one caretaker's dwelling is permitted on each lot.
- Local government may consider the use of notifications on the title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of residential land use within the zone.
- Local government will not consider applications for caretakers' dwellings before the primary site activity is either approved or constructed.
- Where simultaneous approval has been granted by local government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling.
- Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised.
- Caretaker's dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.

The table of the zone prescribes, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. Given that the application is for an Industry in the Rural Industry Zone and is not a permitted use 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.

According to Schedule 1 of the Scheme, the service industry is defined as '(a) an industry – light carried out from premises which may have a retail shop front and from

which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and use as a depot for receiving goods to be serviced’.

Also, its definition of light industry is ‘(a) in which the process carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services’.

4.2 Assessment

Land use compatibility

In light of the above definition of ‘industry’ noted in the preceding discussions, the Shire would concur that the proposed use fits into the definition of ‘light industry’ based on details characterisation of the use and having regard to the land uses already allowed in the immediate context of the subject site. Similarly, given the potential for retail customers to come to purchase and collect steel products at the site, the proposed use also can be defined as ‘industry – service’ in addition to the characterisation of light industry, in particular, because of the presence of a “retail shop front ... from which goods manufactured on the premises may be sold”. In other words, whilst an ‘industry–light’ use refers to the sale of processed steel items, the use of ‘industry–service’ refers to all the activities proposed, thus ensuring allowance of both the proposed wholesale and retail activities.

Therefore, in an overall sense, the proposed land uses of industry and associated dwelling are consistent with the RIZ which aims to provide for a range of industrial land uses on rural-living-sized lots where people can work and live on the same property, which is zoned Rural Industry.

The subject site is located within a rural living-related industry area and surrounded by complementary uses as identified above under the site and context description with no direct interface to incompatible land uses. Therefore, the proposal is considered to respond to the Shire’s need for a greater variety of land uses that are highly accessible to the community that needs working within the proximity of their residences. Accordingly, the proposed use will assist in improving the area’s local economic performance with great work and life-balance culture.

The proposed buildings and works are minor in nature and integrated into the existing built form in large rural lots comprising extensive vegetation, specifically along the setbacks. The works will enhance the overall appearance of the subservient vegetation and contribute towards forming an attractive rural industrial area, as encouraged by the objectives within the Scheme.

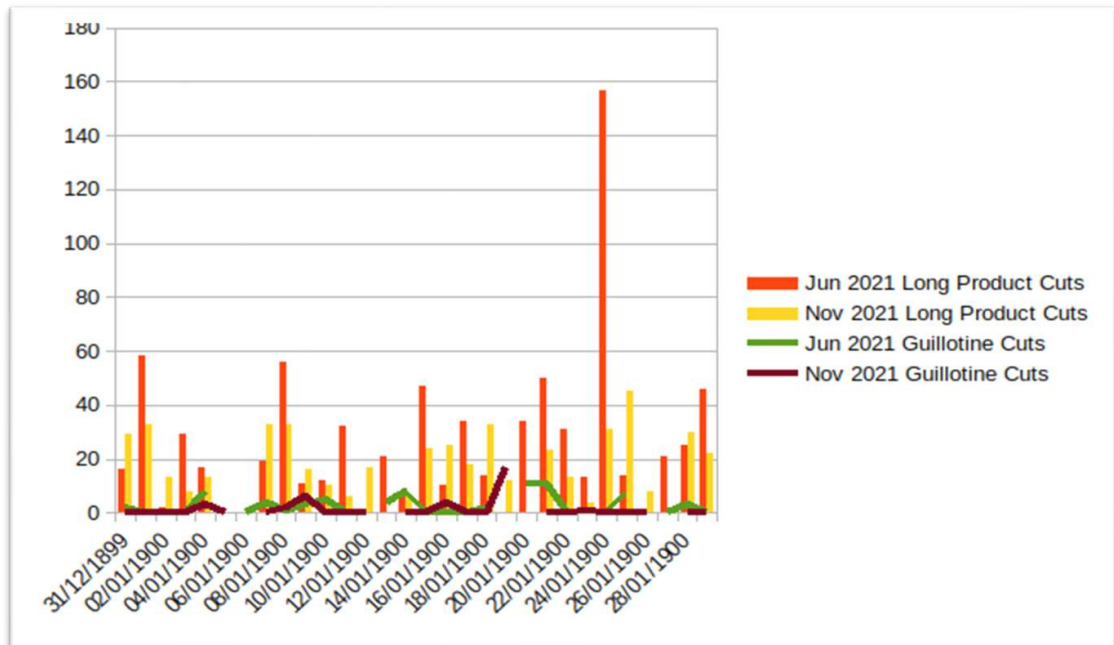
Amenity consideration

Noise is identified as the main type of potential amenity concern associated with the operation of machinery to cut steel, movement of steel (such as when packing it) and vehicle noise. Noise from machinery should be acceptable in comparison with other activities going on in the area, especially given the short duration, on average, of cutting activities each day, which is the noisiest activity undertaken. Analysis of data samples from 2021 is shown in **Error! Reference source not found.** and shows that the average time spent cutting on all machines per day is likely less than 35 minutes.

	Jun 2021 Long Product Cuts	Nov 2021 Long Product Cuts	Jun 2021 Guillotin e Cuts	Nov 2021 Guillotine Cuts
Allowance for combined cutting (rough estimate – reduce cuts by half for long products only)	388.5	252.5	70	33
Average sales per trading day	15.4	18.8		
Average Cuts per trading day	14.9	9.7	2.7	1.3
Average Cuts per sale	1.0	0.5	0.2	0.1
Average time machine is running per cut (seconds)	10	10	30	30
Average min. cutting per day	2.5	1.6	1.3	0.6
Max. min. cutting per day (uses non-halved cutting numbers so this is an extreme upper limit)	26.17	7.50	5.50	8.50

Table: Analysis of Number of Cuts and Time Spent Cutting per day

Also, the analysis based on the data in the following graph shows the cutting volumes for two months in the busy year of 2021 on a daily basis. This is a representation of the number of cuts *sold*; however, lengths of steel are often combined and cut at the same time, meaning it is likely quite an overestimate. Also, occasional larger cutting jobs are typically spread out over several days.



Graph: Samples of cutting volumes in June and Nov 2021

Similarly, the table below shows some noise samples typical of, or taken from, the machinery used in the business. Readings over various distances were only taken for the loudest activity, which was cutting with the cold-cut saw. With a little care to prevent noise escaping, such as using some sound-absorbing materials near cutting equipment and/or keeping doors closed when using saws, sound emissions should be able to be kept below the low seventies, which is comparable to highway noise (Brand Highway also being in the vicinity) and likely quieter than loads of aggregate being tipped into the concrete batching plant to the immediate north.

Distance Measurement Taken At:	1m	1 2 0 0 n n	50m
Machine:			
Cold cut saw (door to warehouse open)	110 dB	1 9 0 9 1 d d E E	84 dB
Cold cut saw (warehouse door closed – simple Colorbond door with no sound deadening)			72 dB
Bandsaw (on 4 pieces of light material = noisy cut)	92 dB		
Guillotine	72 dB		
Positioning sheet metal on guillotine (noisier than packing long lengths of steel)	77 dB		
Truck/forklift tonal reversing alarm	97 – 105 dB		
Truck/forklift broadband self-adjusting reversing alarm	77 – 97 dB		
Table: Noise emissions of machinery in use.			

The nature and type of cutting and fabrication being performed will not require the operation of any machinery or tools outdoors, with the only possible exception being forklifts, although the drive-through design of the shed should make this rare. Loading and unloading will almost exclusively occur indoors, which should also minimise noise from this activity. The trucks and/or forklifts belonging to the business can be fitted with broadband or even broadband *self-adjusting* reversing alarms, if required by the shire, to reduce the impact of noise emitted while still meeting safety considerations. However, vehicle noise of this type appears to be relatively common in the area given the proportion of lots within the estate hosting trucks and/or large vehicles, including one of the shire’s own works depots also located on Bell Rd.

Foreshore Management and Creek Buffer

The creek on this lot is not a named waterway according to advice received from Landgate (Appendix A). Therefore, the Shire’s foreshore reserve policy does not apply. However, the Department of Water and Environmental Regulations (DWER) was consulted for advice to ensure the proposal meets the recommended setback of development from the creek. The advice received indicates that a 30m proposed buffer would be sufficient (Appendix B). Accordingly, the proposed development now complies with this prescribed setback requirement.

Environmentally Sensitive Areas

A designated Environmentally Sensitive Area (ESA) exists at the northeastern end of Bell Road due to a wetland being designated on mapping used by the Department of Water and Environmental Regulation (DWER). On this basis, part of the subject site is included in the ESA. Although this area has been designed as an ESA, it is the applicant's opinion that this area is not characteristic of any significant environmental sensitivity. It also should be noted that there is some standing water down in a small man-made soak towards the eastern side of the ESA area which is not, in our opinion, characteristic of any environmental sensitivity. According to our correspondence, as part of the clearing permit application, the DWER verbally advised that the Department of Biodiversity, Conservation and Attractions consider the wetland to be in a degraded state.

Vegetation Clearing

Regardless of the fact of whether or not the land should be part of a designated ESA, clearing of some native vegetation is necessary for the development to occur; thus requiring a planning permit from the DWER. An application for this permit was lodged with the DWER and assessed, although it cannot be granted until planning approval is obtained. As noted above, the DWER verbally advised that the Department of Biodiversity, Conservation and Attractions consider the wetland to be in a degraded state. After assessing the proposed development, the DWER has provided an 'agreement in principal' and draft clearing permit (Appendix C). In addition to the vegetation clearance within the land for the development, further clearing is required for the new crossover and creek crossing which is exempt from requiring a permit given its small extent.

Bushfire Management

It is worth noting that advice from SoG's building surveyor indicates that BAL ratings are not mandatory for commercial buildings, meaning potentially only the house may be required to achieve BAL19 or better. Accordingly, a BAL assessment was undertaken in Feb 2023 by Mike from MR Mulching and accompanies this application. On an assumption that clearing has not, and in some cases cannot, be undertaken yet, the BAL ratings for the house and industrial building rated as BAL FZ. MR Mulching advised however that:

"...both areas have come in at a Flame Zone rating. To ameliorate these, Mike would suggest that for the proposed house area, if you were to mow the grass, and maintain/manage that area to a distance of 20m+, you're likely to achieve a BAL rating between BAL19 and BAL12.5. Likewise, for the shed area, and as discussed previously, if you can clear an area to a distance of 17-30m, again you're likely to achieve a BAL rating between BAL19 and BAL12.5."

The plans show, on sheets B900 and B1000, that it should be possible to clear and manage the areas around the house and warehouse to achieve BAL ratings between BAL19 and BAL12.5. It is also worth noting that the proposed use of the majority of the warehouse is to store steel, not a particularly flammable material, so the fire risk of the proposed use should be rather low.

Notwithstanding the BAL requirement, given this locality has been designated a Bushfire Prone Area, a Bushfire Management Plan can be prepared and implemented if it deems necessary at the Shire's discretion.

Wastewater Management

A 'Site and Soil Evaluation' (SSE) was prepared in July 2022 and is included along with the application. An Aerobic Treatment Unit (ATU) is required and dripline irrigation recommended. ATU Irrigation Areas have been designated as shown on sheet 'B800: SITE PLAN – WATER TREATMENT' in the plans.

The size of the irrigation area required is 308m² as determined in the SSE. This has been split into two areas which helps with layout on the site and also meets the SSE recommendation to have two zones, facilitated by a KRain or similar hydraulic valve.

One of the two irrigation areas/zones is 139.5m² and the other is 168.5m². Both are separated from building, boundaries and paved areas by a 1.8m buffer as required in Part 2, section 6.(b) 'Set Back Distances' in the 'Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATU's)' (Government of Western Australia, Department of Health, 2015). That section actually defines buffers for surface irrigation; Appendix V, Table 1 suggests setbacks for a dripline configuration can be as little as 0.5m but the larger buffer has been retained for extra care.

The location of the irrigation areas is not exactly as recommended in the SSE due to the wetland and ESA discovered in the northeast corner of the site. Therefore the irrigation areas have been located in the northwest corner to support the SSE's requirement to be over 100m from the creek, whilst simultaneously keeping the areas as far as practical from the alleged wetland and encroaching as little as possible into the ESA surrounding the wetland.

Rainwater Storage and Stormwater Drainage

The main hardstand area surrounding the warehouse and office is approximately 4100 square metres. Using a storm water design calculator from the City of Gosnells (where rainfall is higher than in Gingin) and set for a 1 in 20 year average recurrence interval in clayey sand yields a required retained storm water volume of 118,000L. The warehouse and office (including awning) have a roof area of 2275 + 160 = 2435 square metres and would require 70,000L of retained volume.

A drainage sump with a capacity of over 104,500L will be created at the southeast corner of the hardstand. The lot already slopes down slightly from the north to the south and so earthworks will be undertaken to capitalise on this existing slight gradient and ensure most storm water runoff ends up in the sump. The 104,500L sump plus the aprons around the hardstand, and the rainwater storage tanks on site (see below) should effectively contain all storm water within the site. Refer to sheet 'B500: SITE PLAN - WAREHOUSE - PARKING & STORMWATER' for the location of the sump. Final drainage designs are not included with the planning application but can be provided with the building application, once final levels are determined.

An alternative method of calculating the required size of the drainage sump is to use calculations similar to those used in the SSE mentioned in 5.6 Wastewater above. Using this approach and taking the duration as 5 minutes and the probability of a severe rainfall event as 10% (AEP 10) suggests a Design Rainfall Depth of about 9.05mm and a rainfall intensity of 108mm/hr (refer SSE section '3.3 Hydrology'). According to the calculation, a 5-minute severe rain event would produce approximately 58,815 litres of water from the warehouse, office and hardstand. On this basis, an event in excess of 10 minutes could also be accommodated by the proposed sump and rainwater tanks. Rainwater from the roof of the warehouse and office will be collected in rainwater tanks, which can also provide retained volume, with any rainwater overflow directed to the sump and then as a last resort to the large interior balance of the lot to the east of the sump, if ever required, to smooth out inflows from large rain events.

Provisions has been made for approximately 125,000L of rainwater storage in tanks, mostly located at the southeast corner of the warehouse hardstand, plus potentially a further 25,000L near the house once constructed. Sheets B100, B300 and B400 in the plans can be used to identify the location of rainwater tanks.

Some native grasses, sedges or rushes may also be installed to protect the creek, if landscaping advice indicates they can be supported to survive, to filter any debris or pollutants. This is particularly desirable near the driveway, where it would otherwise be difficult to divert water to any kind of sump away from the creek, as well as inside the drainage sump itself to help protect groundwater.

Vehicular Parking

Whilst the number of visitors to the site is expected to be relatively low, parking bays at the rate of 1 to each 100m² of gross leasable area as required for industry uses in 'TABLE 3 – PARKING REQUIREMENTS' in Gingin LPS9 is set aside. This equates to 26 parking bays being required whilst there is space for at least 27 parking bays, exceeding this requirement. One of these bays is an ACROD bay as required by the Building Code of Australia which mandates 1 space for every 100 car parking spaces or part thereof for this class of use. Two of the remaining bays are larger truck/trailer parking bays due to the expectation of some customers attending the site with larger/longer vehicles that can carry long lengths of steel, for example a light vehicle towing a car trailer. Refer to sheet 'B500: SITE PLAN - WAREHOUSE - PARKING & STORMWATER' for the locations of the parking bays and further details.

Waste Management

Gingin LPS9 states that developments must “provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.” Refuse bins are proposed to be stored to the north of the water tank on the eastern side of the warehouse as shown on sheets B100 and B400 in the plans. At that location they will be easily accessible to service vehicles and well and truly screened from the view of any public street by the water tank, all of vegetation on the creek, and additional landscaping around the residence. There is plenty of space there for 3 x 240L bins and a 3m³ front lift/scrap metal bin.

5. Conclusion


Based on the planning merits it is submitted that the proposal is appropriate, and consent should be granted for the proposed use of the land buildings and works for the following reasons.

- The proposed industrial building and dwelling are located on site with reasonable setbacks from the property boundaries, environmental features and adjoining complimentary developments that will enhance the physical characters of the area and buildings and buildings will be subservient to the vegetation.
- The proposed use is consistent with the zone objectives so as people can live and work on the same property.
- Adequate space is set aside for refuse storage and is readily accessible to service vehicles and screened from public realm.
- The noise assessment demonstrates that the potential noise emanating from the industrial use would be acceptable in light of the noise regulations.
- The proposed development complies with the setback requirements prescribed by the Department of Water and Environmental Regulations.
- An in-principal clearing agreement under the Department of Water and Environmental Regulations has been received.
- A BAL assessment has been undertaken and a Bushfire Management Plan can be undertaken and implement if it is deemed necessary to the satisfaction of the Shire.
- An area of 308 sqm has been set aside to manage wastewater based on a site and soil evaluation report prepared.

- Provisions have been made to incorporate 125,000 litres of rainwater storage for the development.
- A large area is set aside for parking to comply with the requirements of the Table 3 (Parking requirements) in the Gingin Local Planning Scheme.

Appendix A: Significance of Creek

The following is a request and reply involving Landgate to verify whether the creek that runs through the lot is a named water course.

 **Gmail** Shane Ray <ray.shane@gmail.com>

RE: Seeking GEONOMA data

Geodata <Geodata@landgate.wa.gov.au> 22 March 2021 at 08:48
To: Shane and Angela Ray <parents@rayfamily.org>

Hi Shane,


Have enquired with our Location Intelligence Names Team and they conducted an interigation to the name of the water course through your property.

Unfortunately no name was retrieved, so in saying this it appears that the water course is not named.

For further information and/or enquires on 'naming' please email – GeographicNamesMalbox@landgate.wa.gov.au

Kind Regards

Geospatial, Location Intelligence
Landgate
geodata@landgate.wa.gov.au
1 Midland Square, Midland WA 6056
www.landgate.wa.gov.au

 **Landgate**

Landgate respectfully acknowledges the traditional owners of country throughout Western Australia and pays its respects to Elders past, present and emerging.

Please consider the environment before printing this email

From: Shane and Angela Ray <parents@rayfamily.org>
Sent: Sunday, 21 March 2021 9:57 AM
To: Geodata <Geodata@landgate.wa.gov.au>
Subject: Seeking GEONOMA data

Hi,

Please see the attached form.

I am just seeking info relevant to one lot that we own in Coonabidgee/Gingin.

I don't feel super comfortable entering credit card details into an unsecured PDF that I email to you so I haven't filled them in on the form even though there might be a text field I could have entered them in. If it will make this faster/easier to process, feel free to call me for credit card payment or let me know who to call to make the payment.

Thanks,

Shane Ray

0435 690 388

PO Box 6, Tuart Hill WA 6939 (though email preferred)

This e-mail and any files transmitted with it are intended only for the use of the addressee(s). It may contain information that is confidential and privileged, in which case neither is intended to be waived or lost by mistaken delivery to you. If you are not an intended recipient, any use, interference with, disclosure, distribution or copying of this material is unauthorised and prohibited. If you receive this e-mail in error, please notify the sender by return e-mail and delete the message and any attachments from your system. Unless specifically indicated, this e-mail does not constitute formal advice or commitment by the sender or the Western Australian Land Information Authority (Landgate). Information in this message not relating to the official business of Landgate shall be understood as neither given nor endorsed by it. It is your responsibility to check any attachments for viruses and defects before opening or sending them on. Landgate's liability is limited to re-supplying affected attachments.

 **Location-Information-Transaction.pdf**
996K

Appendix B: DWER Advice re Creek Crossing & Setback



Shane Ray <ray.shane@gmail.com>

Planning Considerations / Advice for Lot 16 Bell Rd, Coonabidgee WA 6503

1 message

Jim MacKintosh <jim.mackintosh@dwer.wa.gov.au>
To: "parents@rayfamily.org" <parents@rayfamily.org>

16 December 2021 at 12:52

Dear Mr Ray,

Thank you for your query. Please note that the Department of Water and Environmental Regulation (the Department) is not an approval agency in the planning process and we provide advice to Local Governments and the Department of Planning, Land and Heritage. These agencies would consider our advice but make the decisions. In regards to any proposed development at this site the Department would provide the following advice:

The subject site contains a tributary of Gingin Brook and the Department strongly recommends the retention, preservation and restoration of this waterway. The Department would request that a foreshore reserve (or designated no development area) is set aside as part of any subdivision or development, to be vested with the Shire, which would be sized on a generic 30 metres either side of the waterway (i.e. 60 m total) unless a foreshore area assessment is undertaken by a professional environmental consultant that determines a reduced buffer that protects the waterway from impacts from the development, bushfire risk, etc. This process is detailed in the Department's *Operational policy 4.3: Identifying and establishing waterways foreshore areas* (link below).

https://www.water.wa.gov.au/_data/assets/pdf_file/0019/1666/Identifying-and-establishing-waterways-foreshore-areas.pdf

Therefore the Department would support the proposed 30 metre buffer (when measured from the bank of the waterway).

In response to your specific questions I would like to provide the following advice:

- a. In regards to access across the waterway the Department would generally support one vehicle crossing at the site (subject to further detailed assessment) that utilises piped culverts and a formal track/road. It is recommended that the single crossing is located in the most degraded section of the waterway.
- b. The proposed 30 m buffer would be considered sufficient to protect the waterway from lay-down areas and parking. A reduction in this buffer for these uses would not be supported unless the requirements of Operational Policy 4.3 above can be met.
- c. The Department would not support the relocation (moving) of any part of the waterway or the piping of any part of the waterway (except for a vehicle crossing, subject to further assessment).

Please also note that this is preliminary advice only and a more detailed assessment would be undertaken by the Department if and when the proposal (including a greater level of detail on the proposal) is referred to the Department by the Shire.

Regards

Jim Mackintosh

Department of Water and Environmental Regulation

Program Manager

Swan Avon Region

Planning Advice Section

T 08 6250 8043 |

E jim.mackintosh@dwer.wa.gov.au

Visit our [website www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

Disclaimer: This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water and Environmental Regulation, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.

Appendix C: DWER Clearing ‘Agreement in Principal’

The following is the Agreement in Principal and Draft (not-yet-issued) Clearing Permit from the Department of Water and Environmental Regulation. The clearing permit cannot be formally issued until planning approval is obtained.



Government of Western Australia
Department of Water and Environmental Regulation

Our ref: CPS 9840/1
Enquiries: Moinina Tavvir
Phone: 8364 7128
Email: info@dwer.wa.gov.au

Mr Shane Ray and Mrs My Tien (Angela) Ray
PO Box 6
TUART HILL WA 6939

via email: parents@rayfamily.org

Dear Mr & Mrs Ray,

APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986 – AGREEMENT IN PRINCIPLE; OTHER APPROVALS REQUIRED

I refer to your application for a clearing permit under section 51E (1) of the *Environmental Protection Act 1986* (the EP Act), to clear 0.15 hectares of native vegetation within Lot 16 on Diagram 67754, Coonabidgee. The application was received by the Department of Water and Environmental Regulation (the department) on 1 August 2022 and assigned the reference CPS 9840/1.

The department has undertaken a preliminary assessment of the application against the Clearing Principles contained in Schedule 5 of the EP Act. Among the matters taken into consideration was the necessity for you to obtain planning approval from Shire of Gingin prior to the construction of warehouse, hardstand, and residence. The Delegated Officer has therefore decided that in accordance with section 51O (4) of the EP Act, this approval is a matter relevant to the assessment of your application. Consequently, a final determination on the application will be deferred until a copy of development approval has been provided to the department.

Please note, based on the preliminary assessment, it is likely that if granted a clearing permit will contain conditions related to wind erosion and the replanting of vegetation within the wetland area. A draft permit has been attached for your comment, however will not be finalised until the planning approval for the proposed land use has been issued by the Shire.

Please note that if the department has not received evidence that you have been issued with the approval within 90 calendar days from the date of this letter, the department will determine your clearing permit application based on the information available to it at that time. This is likely to result in a refusal to grant a clearing permit.

The assessment timeframes are suspended during this period (stop the clock) and will recommence once the relevant approval has been provided to the department. Alternatively, you may wish to withdraw the application and resubmit after the required additional approval has been obtained.

Prime House, 8 Davidson Terrace Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919
Telephone: 08 8364 7000 Facsimile: 08 8364 7001
www.dwer.wa.gov.au

NV-L38 v1

2

If you have any queries regarding the above information, please contact the Environmental Officer listed above.

Yours sincerely



Meenu Vitarana
MANAGER
NATIVE VEGETATION REGULATION

*Officer delegated under section 20
of the Environmental Protection Act 1986*

21 December 2022

Att: Draft permit – CPS 9840/1

The draft permit outlines some conditions placed on the approval, mainly being:

- good practices to protect the site during clearing and construction; and
- planting (in the NE corner), and care for, new trees on a one-to-one basis for those cleared.



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 9840/1
File Number: DWERT10750
Duration of Permit: From DD/MM/2023 to DD/MM/2028

PERMIT HOLDER

Shane David Ray and My Tien Ray

LAND ON WHICH CLEARING IS TO BE DONE

Lot 16 on Diagram 67754, Coonabidgee

AUTHORISED ACTIVITY

The permit holder must not clear more than 0.15 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

CONDITIONS

1. **Period during which clearing is authorised**

The permit holder must not clear any *native vegetation* after DD/MM/2025.

2. **Avoid, minimise, and reduce impacts and extent of clearing**

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending order of preference:

- (a) avoid the clearing of *native vegetation*;
- (b) minimise the amount of *native vegetation* to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

3. **Weed and dieback management**

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill*, or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

4. Wind erosion management

The permit holder must commence the construction of warehouse, hardstand and residence no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for wind erosion.

5. Planting – mitigation

- (a) The permit holder must, within 12 months of the commencement of clearing authorised under this permit, within the area hatched red in Figure 2 of Schedule 1:
 - (i) undertake deliberate *planting* of 19 *Melaleuca* sp. trees within the area hatched red in Figure 2, at ratio of 1:1 for each tree cleared;
 - (ii) ensure only *local provenance* propagating material is used for *planting* activities;
 - (iii) ensure *planting* is undertaken at an *optimal time*;
 - (iv) undertake *weed* control and watering of seedlings, as required, for at least two years post *planting*.
- (b) The permit holder must, within 24 months of *planting* the trees in accordance with condition 5(a)(i) of this permit:
 - (i) plant additional trees to replace those that do not survive, that will result in a ratio of 1:1 for each tree cleared persisting within the area hatched red in Figure 2 of Schedule 1; and
 - (ii) where additional *planting* of trees is undertaken in accordance with condition 5(b)(ii), the permit holder must repeat the activities required under conditions 5(a)(ii)-(iv) and 5(b)(i)-(ii) of this permit.
- (c) The permit holder must provide to the *CEO*, no later than 90 calendar days prior to the expiry date of the permit, a report providing evidence that 19 *Melaleuca* trees have survived within the area hatched red in Figure 2 of Schedule 1.

6. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> (a) the species composition, structure, and density of the cleared area; (b) the location where the clearing occurred, recorded using a Global Positioning System

No.	Relevant matter	Specifications
		<p>(GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/GDA2020), expressing the geographical coordinates in Eastings and Northings;</p> <p>(c) the date that the area was cleared;</p> <p>(d) the size of the area cleared (in hectares); and</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 2; and</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 3.</p> <p>(g) actions taken in accordance with condition 4.</p>
2.	In relation to <i>planting</i> pursuant to condition 5	<p>(a) the date(s) on which the <i>planting</i> was undertaken;</p> <p>(b) the number of trees <i>planted</i>;</p> <p>(c) a description of the planting activities undertaken pursuant to condition 5(a), including density of <i>planting</i>, and actions taken to implement watering and <i>weed</i> control;</p> <p>(d) a description of any additional <i>planting</i> undertaken in accordance with 5(b)(ii), including dates of additional <i>planting</i>, number of additional trees <i>planted</i> and any remedial actions undertaken.</p>

7. Reporting

- (a) The permit holder must provide to the *CEO*, on or before 30 June of each calendar year, a written report containing:
 - (i) the records required to be kept under condition 6; and
 - (ii) records of activities done by the permit holder under this permit between 1 January and 31 December of the preceding calendar year.
- (b) If no clearing authorised under this permit has been undertaken, a written report confirming that no clearing under this permit has been undertaken, must be provided to the *CEO* on or before 30 June of each calendar year.
- (c) The permit holder must provide to the *CEO*, no later than 90 calendar days prior to the expiry date of the permit, a written report of records required under condition 6, where these records have not already been provided under condition 7(a).

DEFINITIONS

In this permit, the terms in Table have the meanings defined.

Table 2: Definitions

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fill	means material used to increase the ground level, or to fill a depression
local provenance	means native vegetation seeds and propagating material from natural sources within the same IBRA subregion of the area cleared.
mulch	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from May to June for undertaking planting and seeding.
planting/ed	means the re-establishment of vegetation by creating soil conditions and planting seedlings of the desired species.
weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS

XXXX
XXXXXXXXXXXX
 NATIVE VEGETATION REGULATION

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

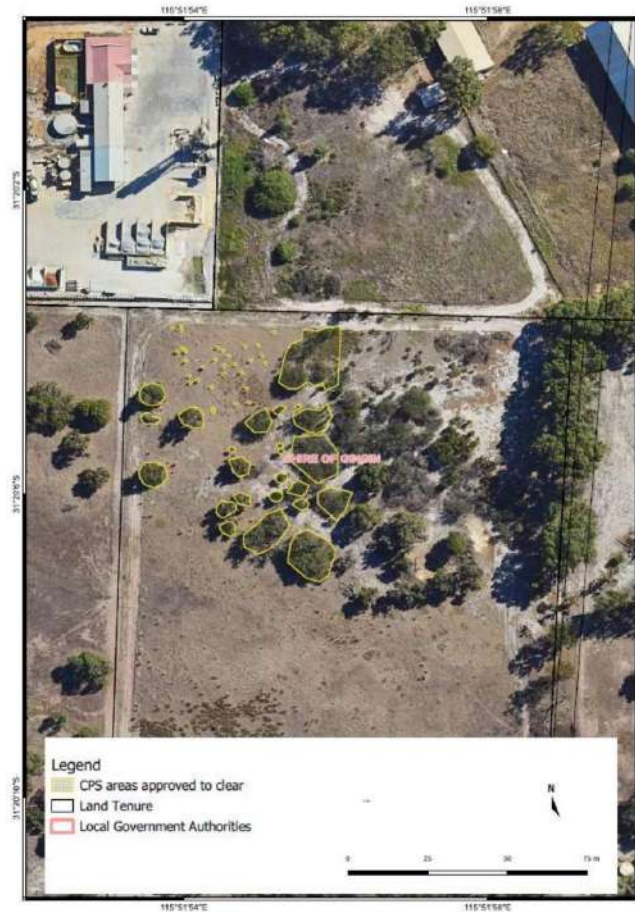


Figure 2: Map of the boundary of the area within which clearing may occur



**Bushfire Attack
Level Assessment
Report**

Prepared by a BPAD
Accredited Practitioner



Fire Protection Association Australia Life Property Environment



AS 3959 BAL Assessment Report

This report has been prepared by an Accredited BPAD Practitioner using the Simplified Procedure (Method 1) as detailed in Section 2 of AS 3959 – 2018. FPA Australia makes no warranties as to the accuracy of the information provided in the report. All enquiries related to the information and conclusions presented in this report must be made to the BPAD Accredited Practitioner.

Property Details and Description of Works

Address Details	Unit no	Street no	Lot no	Street name/Plan Reference	
			16	Bell Road	
Local government area	Suburb			State	Postcode
	Coonabidgee			WA	6044
Main BCA class of the building	Use(s) of the building		Proposed Shed		
Description of the building or works	Build new shed				

Report Details

Report / Job Number	Report Version	Assessment Date	Report Date
28	1	3 February 2023	6 February 2023

BPAD Accredited Practitioner Details

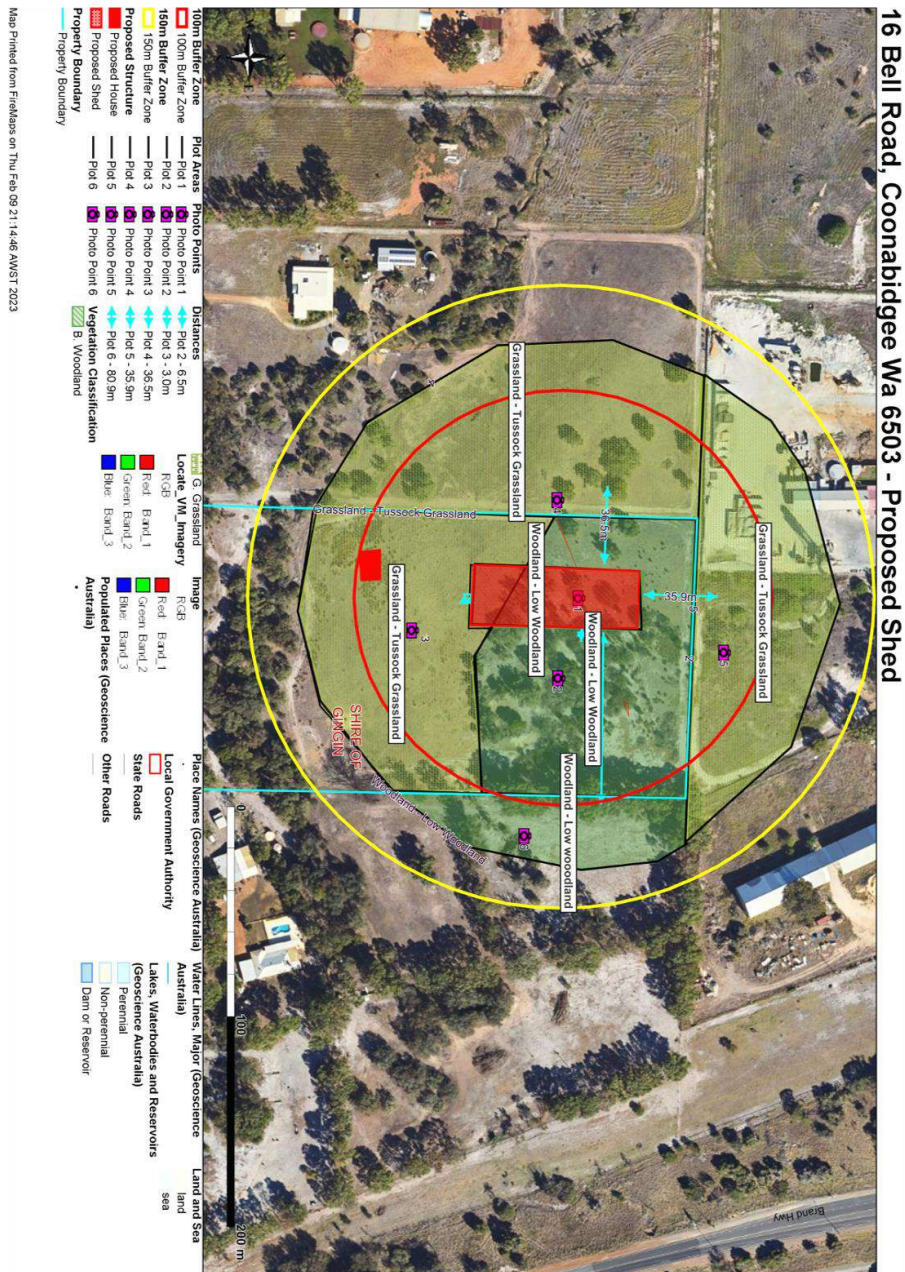
Name Michael Regan	
Company Details M.R. Mulching PO Box 308 Lancelin WA 6044 ABN : 34 500 363 556	

Authorised Practitioner Stamp

Reliance on the assessment and determination of the Bushfire Attack Level contained in this report should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.



Site Assessment & Site Plans

The assessment of this site /development was undertaken on 3rd February, 2023 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS3959–2018 Simplified Procedure (Method 1).



Vegetation Classification

All vegetation within 150m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

Photo ID:	Build Area/1	Plot:	1	
Vegetation Classification or Exclusion Clause				
Class B Woodland - Low woodland B-07				
Description / Justification for Classification				
Trees up 10m high, predominantly Paperbark with grassy understorey.				
Photo ID:	2	Plot:	2	
Vegetation Classification or Exclusion Clause				
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Description / Justification for Classification				
Trees up 10m high, predominantly Paperbark with grassy understorey.				


BAL Assessment Report

Fire Protection Association Australia Life Property Environment

<table border="1"> <tr> <td>Photo ID:</td> <td>3</td> <td>Plot:</td> <td>3</td> </tr> <tr> <td colspan="4">Vegetation Classification or Exclusion Clause</td> </tr> <tr> <td colspan="4">Class G Grassland – Tussock grassland G-22</td> </tr> <tr> <td colspan="4">Description / Justification for Classification</td> </tr> <tr> <td colspan="4">Grasses up 1m high, variety of species dominated by Lovegrass and Cooch-grass.</td> </tr> </table>	Photo ID:	3	Plot:	3	Vegetation Classification or Exclusion Clause				Class G Grassland – Tussock grassland G-22				Description / Justification for Classification				Grasses up 1m high, variety of species dominated by Lovegrass and Cooch-grass.				
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BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Photo ID:	6	Plot:	6
Vegetation Classification or Exclusion Clause			
Class B Woodland - Low woodland B-07			
Description / Justification for Classification			
Trees up 10m high, predominantly Paperbark with grassy understorey.			
			

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

Fire Danger Index

FDI 40

Table 2.7

FDI 50

Table 2.6

FDI 80

Table 2.5

FDI 100

Table 2.4

Potential Bushfire Impacts

The potential bushfire impact to the site/proposed development from each of the identified vegetation plots are identified below.

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
Build/1	Class B Woodland - Low woodland B-07	0.0° up/down slope	0m	BAL – FZ
2	Class B Woodland - Low woodland B-07	1.8° up slope	6.5m	BAL – FZ
3	Class G Grassland – Tussock grassland G-22	-1.1° down slope	3.0m	BAL – FZ
4	Class G Grassland – Tussock grassland G-22	-1.8° down slope	65.3m	BAL – 12.5
5	Class G Grassland – Tussock grassland G-22	-0.9° down slope	35.9m	BAL – 19
6	Class B Woodland - Low woodland B-07	0.0° up/down slope	80.9m	BAL – 12.5

Table 1: BAL Analysis

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2018 using the above analysis.

Determined Bushfire Attack Level

BAL – FZ

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Appendix 1: Plans and Drawings

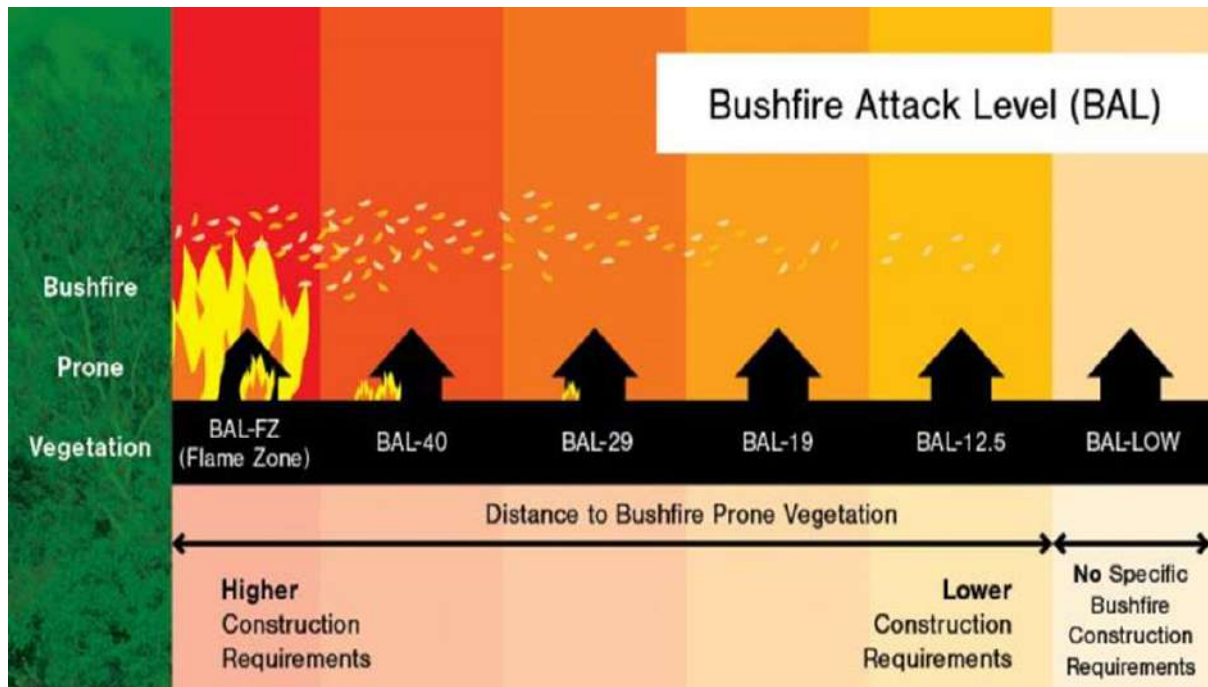
Drawing / Plan Description

Job Number

Revision

Date of Revision

Appendix 2: Additional Information / Advisory Notes



**Bushfire Attack
Level Assessment
Report**

Prepared by a BPAD
Accredited Practitioner



Fire Protection Association Australia Life Property Environment



AS 3959 BAL Assessment Report

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Property Details and Description of Works

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			16	Bell Road	
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	Coonabidgee			WA	6044
Main BCA class of the building	Use(s) of the building		Proposed House		
Description of the building or works	Build new house				

Report Details

Report / Job Number	Report Version	Assessment Date	Report Date
27	1	3 February 2023	6 February 2023

BPAD Accredited Practitioner Details

Name Michael Regan	
Company Details M.R. Mulching PO Box 308 Lancelin WA 6044 ABN : 34 500 363 556	

Authorised Practitioner Stamp

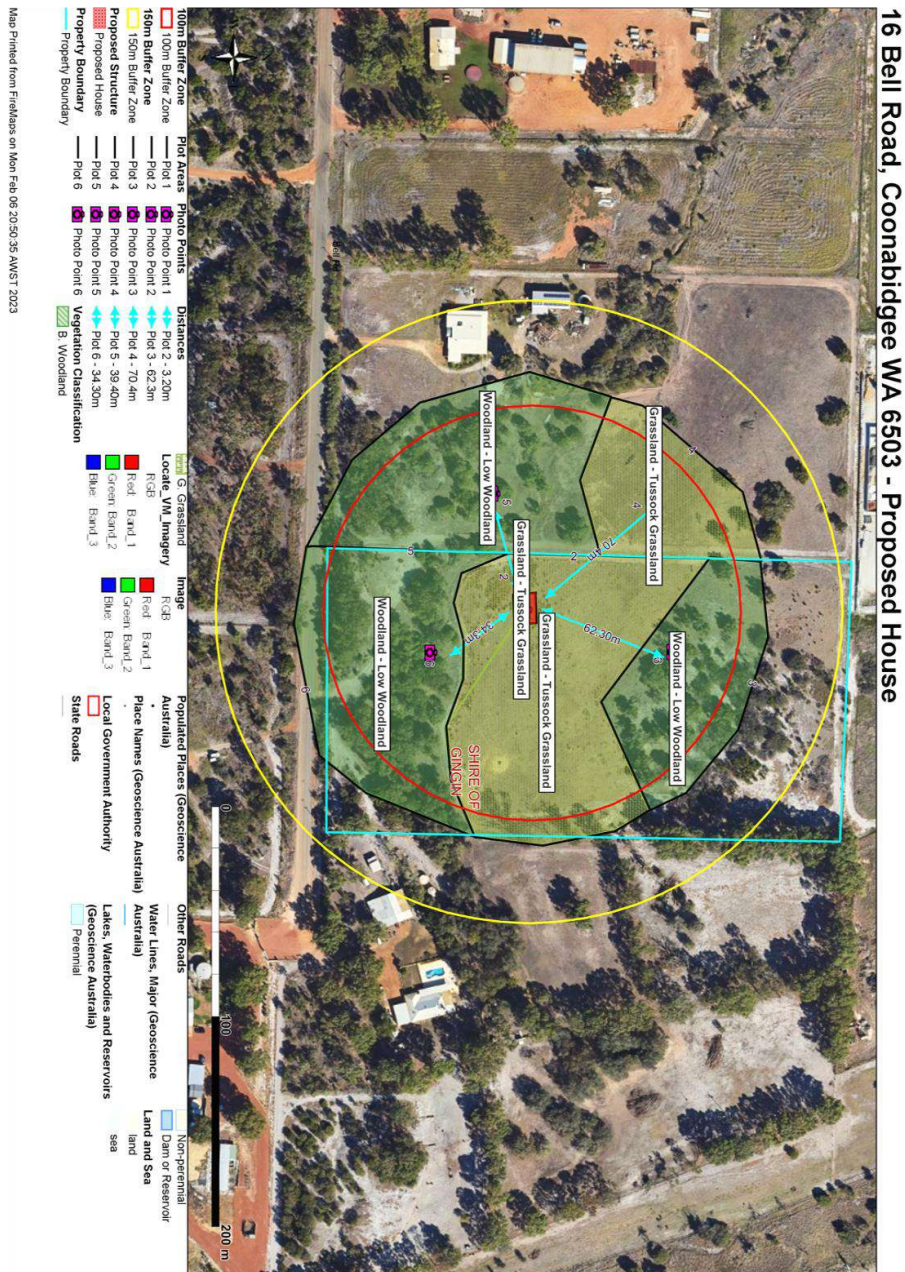
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BAL Assessment Report

Fire Protection Association Australia Life Property Environment

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BAL Assessment Report

Fire Protection Association Australia Life Property Environment

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BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Photo ID:	6	Plot:	6
Vegetation Classification or Exclusion Clause			
Class B Woodland - Low woodland B-07			
Description / Justification for Classification			
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BAL Assessment Report

Fire Protection Association Australia Life Property Environment

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Table 2.7

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Table 2.5

FDI 100

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Potential Bushfire Impacts

The potential bushfire impact to the site/proposed development from each of the identified vegetation plots are identified below.

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
Build/1	Class G Grassland – Tussock grassland G-22	0.0° up/down slope	0m	BAL – FZ
2	Class G Grassland – Tussock grassland G-22	-0.4° down slope	3.2m	BAL – FZ
3	Class B Woodland - Low woodland B-07	0.1° up slope	62.3m	BAL – 12.5
4	Class G Grassland – Tussock grassland G-22	-1.7° down slope	70.4m	BAL – 12.5
5	Class B Woodland - Low woodland B-07	-1.1° down slope	39.4m	BAL – 12.5
6	Class B Woodland - Low woodland B-07	1.1° up slope	34.3m	BAL – 12.5

Table 1: BAL Analysis

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2018 using the above analysis.

Determined Bushfire Attack Level

BAL – FZ

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Appendix 1: Plans and Drawings

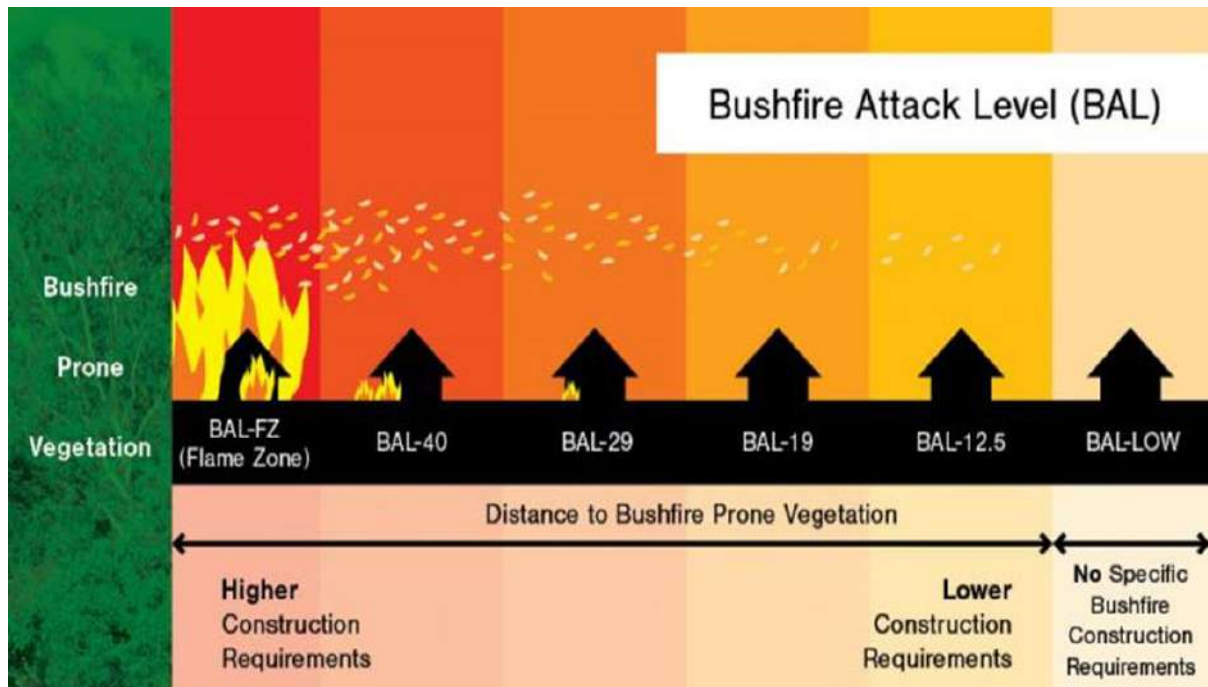
Drawing / Plan Description

Job Number

Revision

Date of Revision

Appendix 2: Additional Information / Advisory Notes





Shane Ray <ray.shane@gmail.com>

RE: BAL Assessment for Lot 16 Bell Road, Coonabidgee

micandra2@bigpond.com <micandra2@bigpond.com>
To: Shane Ray <shane@rayfamily.org>

6 February 2023 at 21:44

Hi Shane,

Please find both your initial BAL reports attached, and as you suspected, both areas have come in at a Flame Zone rating. To ameliorate these, Mike would suggest that for the proposed house area, if you were to mow the grass, and maintain/manage that area to a distance of 20m+, you're likely to achieve a BAL rating between BAL19 and BAL12.5. Likewise, for the shed area, and as discussed previously, if you can clear an area to a distance of 17-30m, again you're likely to achieve a BAL rating between BAL19 and BAL12.5.

Let us know how you go, and don't hesitate to contact us if you have any queries.

Thanks, and kind regards,

Andrea

Mike Regan

M.R. MULCHING

0400 852 477

From: Shane Ray <shane@rayfamily.org>
Sent: Monday, 23 January 2023 1:01 PM
To: Micandra2@bigpond.com
Subject: BAL Assessment for [Lot 16 Bell Road, Coonabidgee](#)

Hi,

We're wondering about the price and lead time to do a BAL assessment on a property we are trying to develop at [Lot 16 Bell Road, Coonabidgee](#). Prior to our current development plans, we were looking into subdividing the block and so we had a Bushfire Management plan done back in 2019, which is not necessarily still relevant given it was for subdivision, it's outdated and I believe the way the assessment is done has changed a little. However, the vegetation on the lot has not really changed much, so it may still be a useful reference (see attached).

We will need to undertake some clearing on the lot to do the currently proposed development. We have already cleared one small area for the new crossover, creek crossing and driveway. However, the other area to be cleared requires approval from the Department of Water and Environmental Regulation. So, we have obtained agreement in principle from the department to undertake this clearing, however, the actual clearing permit has not yet been issued. I have attached a letter stating their agreement in principle along with the draft (unapproved) permit. One

SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: PROPOSED INDUSTRY – SERVICE (STEEL MANUFACTURE AND DISTRIBUTION WAREHOUSE) AND CARETAKERS DWELLING AT LOT 16 BELL ROAD, COONABIDGEE

No.	Submitter	Submission details	Officers response
1.	DWER	<p>The submitter provides the following general comment:</p> <p><i>Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposed development has the potential to impact on environment and water values and management. While the Department has no objection to the proposal, key issues and recommendations are provided below:</i></p> <p><u>Native vegetation clearing</u> <i>Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:</i></p> <ul style="list-style-type: none"> <i>• it is undertaken under the authority of a clearing permit</i> <i>• it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required</i> <i>• the clearing is subject to an exemption</i> <p><i>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</i></p> <p><i>The Department received a Clearing Permit application CPS 9840/1 on 1 August 2022 from Mr Shane Ray to clear 0.15 hectares of native vegetation at this location for the purposes of construction of a warehouse, hardstand and residence. The applicant has been provided with an agreement in principle for the proposed clearing conditional</i></p>	<p>Noted. Relevant conditions and advice notes imposed to address the comments.</p>

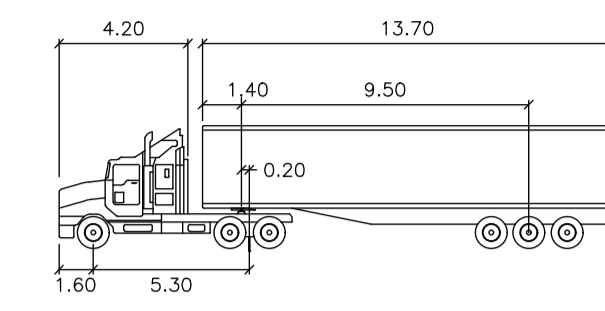
		<p><i>upon the issuance of planning approval from the Shire of Gingin.</i></p> <p><i>The extent of clearing specified in the clearing permit application appears to be consistent with the clearing proposed in the development application.</i></p> <p><i><u>Waterway protection</u></i> <i>A tributary of Gingin Brook traverses the southern side of the property. The Department is satisfied with the proposed 30 metre setback to the waterway.</i></p> <p><i>In addition, the site is within a mapped sewerage sensitive area. The on-site wastewater disposal system should comply with the requirements of Government Sewerage Policy (2019) (GSP), specifically:</i></p> <ul style="list-style-type: none"> <i>• 100 m setback to waterways</i> <i>• 1.5 m separation distance between the discharge point of the system and highest groundwater level, taking into account seasonal variability and possible groundwater rise</i> <i>• Secondary treatment system with nutrient removal may be required</i> <p><i>It is noted that as per recommendations of the Site and Soil Evaluation (SSE) provided, a secondary treatment system is proposed, with the lot being a sufficient size to accommodate requirements of the GSP.</i></p> <p><i>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</i></p>	
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NOTES:

1. MAINTENANCE OF THE CROSSOVER IS THE LANDHOLDERS RESPONSIBILITY.
2. VEHICLE VOLUMES ARE ONE IN MOVEMENT
3. B-DOUBLE OPTION APPLIES TO RAV 2,3 & 4 COMBINATIONS (i.e. B-DOUBLES & POCKET TRAINS) ANY LARGER COMBINATIONS (i.e. GREATER THAN RAV 4 NETWORK) WILL BE AS APPROVED BY THE SHIRE.
4. GATE SHALL BE LOCATED NOT LESS THAN THE LENGTH OF THE LONGEST VEHICLE USING THE CROSSOVER PLUS 2m FROM THE EDGE OF THE ROAD (I.E. UNSEALED SHOULDER) I.E. AS-OF-RIGHT VEHICLE WILL REQUIRE A LENGTH OF NOT LESS THAN 2m FROM THE EDGE OF THE ROAD.
5. ASPHALT SHALL BE PLACED ON TOP OF A SEALED (BITUMEN) SURFACE USING AN AGGREGATE NOT LESS THAN 5mm (NOT A PRIMED/TACK ONLY SURFACE)
6. SEAL ON CROSSOVER SHALL EXTEND TO ACCESS GATE.
7. SEALED CROSSOVERS SHALL OVERLAP EXISTING SEALED ROAD BY NOT LESS THAN 100mm.
8. ASPHALT OVERLAY ON CROSSOVER SHALL EXTEND TO THE TANGENT POINT
9. ASPHALT OVERLAY AND RESEAL ON ADJOINING SEALED ROAD SHALL EXTEND NOT LESS THAN 10m PAST THE TANGENT POINT ON THE SEALED ROAD.
10. ALL NEW SEAL SHALL BE A TWO COAT SEAL WITH AGGREGATE SIZES OF 10mm AND 5mm TO MRWA SPECIFICATIONS.
11. ALL MATERIALS, SEALING WORKS AND EARTHWORKS TO MEET ALL RELEVANT STANDARDS (MRWA SPECIFICATIONS AND TEST METHODS AND ANY OTHER RELEVANT STANDARDS).
12. LOCATION AND PROTECTION OF ROADSIDE SERVICES AND ASSETS (POWER, WATER, TELSTRA, NBN, ETC) ARE ENTIRELY THE RESPONSIBILITY OF THE APPLICANT (DBYD www.1100.com.au)
13. CULVERTS SHALL BE INSTALLED AS REQUIRED AND AS STIPULATED BY THE SHIRE. ALL CULVERTS SHALL USE PRECAST HEADWALLS. ALL CULVERTS SHALL UTILISE REINFORCED CONCRETE PIPES (RCP) OR REINFORCED BOX. CULVERTS (RBC) AS STIPULATED BY THE SHIRE AND ALL RCP AND RCB SHALL BE NOT LESS THAN CLASS 2. REFER TO MRWA DRAWING 9831-6281

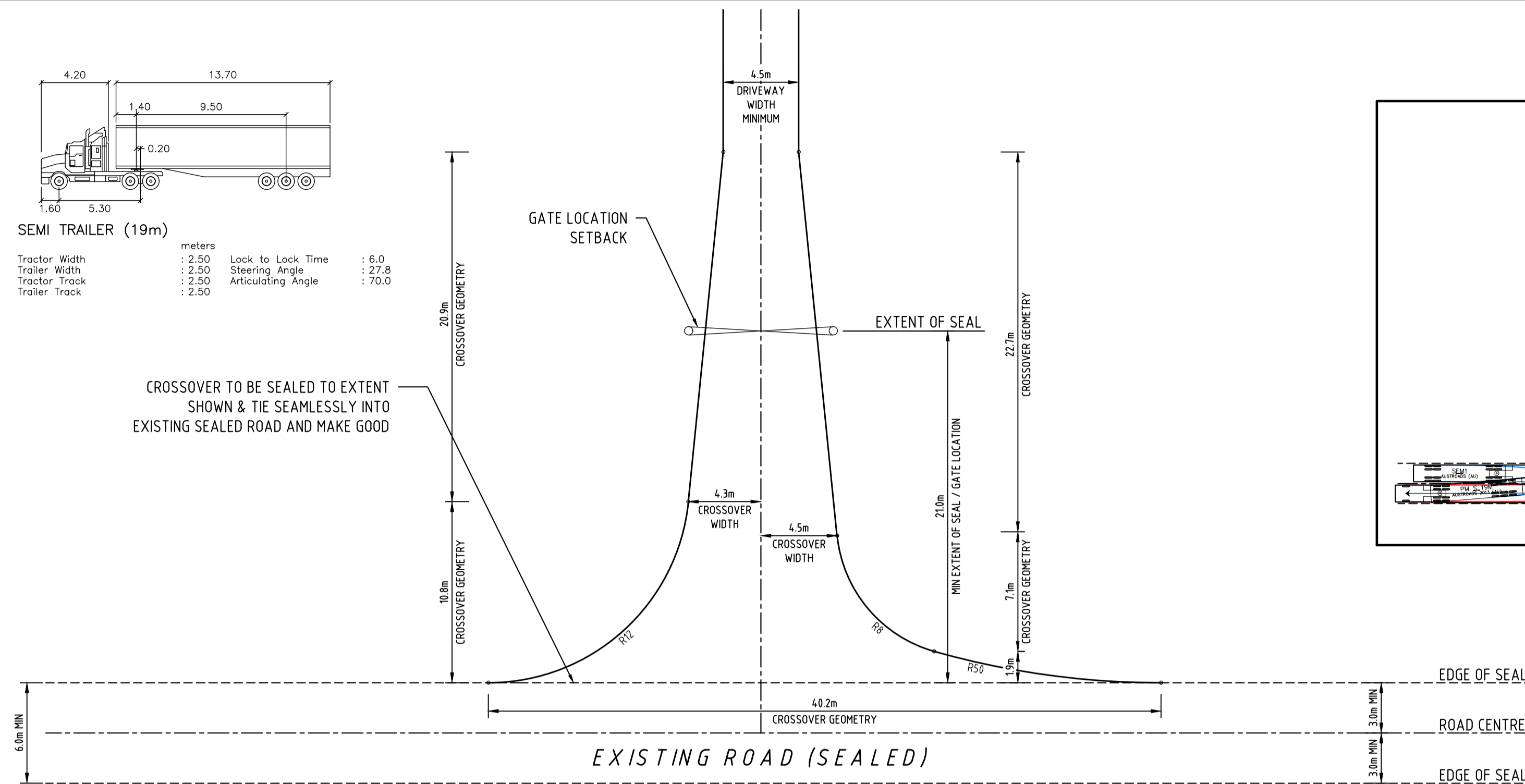
LEGEND

 AREA OF SEALED CROSSOVER



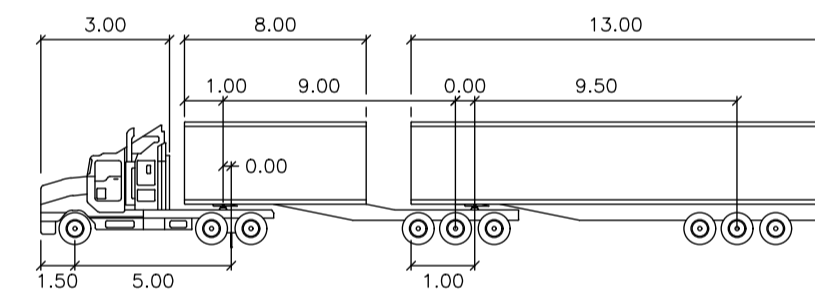
SEMI TRAILER (19m)

meters		
Tractor Width	: 2.50	Lock to Lock Time : 6.0
Trailer Width	: 2.50	Steering Angle : 27.8
Tractor Track	: 2.50	Articulating Angle : 70.0
Trailer Track	: 2.50	



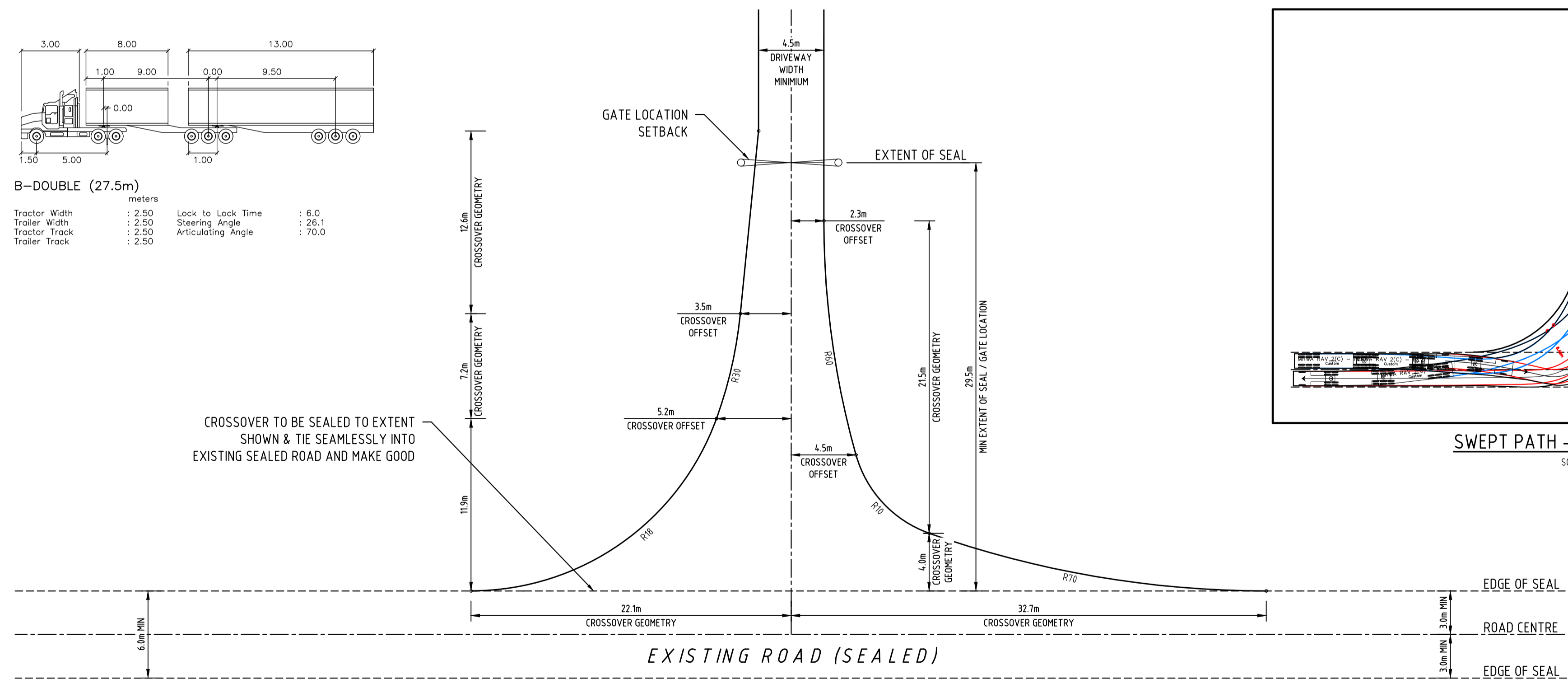
TYPE 'A' - AS OF RIGHT VEHICLE (SEMI-TRAILER 19m)

SCALE 1:200



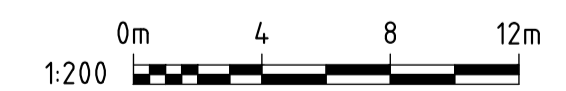
B-DOUBLE (27.5m)

meters		
Tractor Width	: 2.50	Lock to Lock Time : 6.0
Trailer Width	: 2.50	Steering Angle : 26.1
Tractor Track	: 2.50	Articulating Angle : 70.0
Trailer Track	: 2.50	



TYPE 'B' - RAV 2, 3 & 4 NETWORK VEHICLE (B-DOUBLE 27.5m)

SCALE 1:200



PROJECT: SHIRE OF GINGIN CROSSOVER SPECIFICATIONS		COPYRIGHT: PORTER CONSULTING ENGINEERS		Level 2 Kookaburra Court 58 Kookaburra Road PO Box 953 WA Perth WA 6000 Tel 081 935 9955 Email info@portereng.com.au www.portereng.com.au		DRAWING: RURAL & INDUSTRIAL CROSSOVER FRONTING SEALED ROAD HEAVY VEHICLES PER WEEK: 0 TO ≤5		SCALE: 1:200	DRAWING NO: SoG/STD-01	REV NO: B A1	ORIGINAL DRAWING SIZE: A1
REV	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	STATUS: FOR INFORMATION	DATE: JAN 2021	DESIGN: ELW	DRAWN: MJV	CHECK: APPD
B	21-1-2021	THE TERN DRIVEWAY REPLACED WITH CROSSOVER	MJV								
A	13-31-21	ISSUED FOR APPROVAL	MJV								

**13.5 APPLICATION FOR DEVELOPMENT APPROVAL - ADDITION TO ABATTIOR AT LOT 195
(326) COCKRAM ROAD, LENNARD BROOK**

File	BLD/3289
Applicant	Altus Planning
Location	Lot 195 (326) Cockram Road, Lennard Brook
Owner	Vanessa Borrello & Susan Manso
Zoning	General Rural 30
WAPC No	N/A
Author	Natasha Jurmann – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Location Plan [13.5.1 - 1 page] 2. Aerial Plan [13.5.2 - 1 page] 3. Applicant's proposal [13.5.3 - 25 pages]

DISCLOSURES OF INTEREST

Councillor Kestel disclosed an impartiality interest in Item 13.5 as Borrello Beef sponsor the Gingin Football Club of which he is the President.

J Bayliss (Coordinator Statutory Planner) disclosed an impartiality interest in 13.5 as Borrello Beef sponsor the Gingin Football Club of which he is a player. Mr Bayliss is involved in the cattle industry and may be a potential future client.

PURPOSE

To consider an Application for Development Approval for a proposed addition to Abattoir (Cattle Yard Cover) on Lot 195 (No. 326) Cockram Road, Lennard Brook.

BACKGROUND

The Shire has received an Application for Development Approval for the construction of a cattle yard cover on the subject lot. The subject lot is 8.5 hectares in area. The cattle yard cover is not an expansion to increase the numbers of animals being processed onsite.

The application proposes to construct a roof structure that is to be 9.6m in overall height, 5.4m at the ridge and have an area of 2,112m².

A location plan, aerial plan and a copy of the applicant's proposal are included as **appendices**.

This application is being presented to Council as the officer notes that the development onsite has been contentious in the past. Given the structure will be viewable from one of the primary roads into Gingin, it was viewed as being preferable that Council determine the proposal.

COMMENT

Stakeholder Consultation

The application was not advertised to surrounding landowners, as no increase in through put or reduction in existing setbacks is proposed. There is no variation per se that requires adjoining landowners to be consulted.

PLANNING FRAMEWORK

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

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

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

The existing, approved use on the site is that of an abattoir. The use of ‘abattoir’ is defined in under LPS 9 as follows:

means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

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

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

It is acknowledged that “Abattoirs” are listed as a separate “offensive trade” in Schedule 2 of the *Health (Miscellaneous Provisions) Act 1911* to ‘abattoirs or slaughter houses’, which will require registration under such legislation.

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

Industrial development in rural areas will be considered if they fall within one of two broad categories:

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

The existing Abattoir complies with this Policy, as it is classified as a ‘Noxious Industry’, hence various effluent disposal mechanisms have been established onsite already controlled by the conditions of a works licence.

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

State Planning Policy 2.5 – Rural Planning (SPP 2.5) and its Guidelines applies to rural land and rural land uses in Western Australia. Specifically, clause 5.12 of the policy relates to the preventing and managing impacts in land use planning particularly when applying separation distances between the nearest sensitive land use (i.e. dwelling).

In applying the recommended separation distances, SPP 2.5 defers to *Environmental Protection Authority – Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3, June 2005 (EPA Guidance Statement)*.

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

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

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

Officer Comment

The application does not propose an expansion of the existing facilities, nor does it seek to relocate the existing cattle yards. It simply proposes an all-weather structure over the existing infrastructure.

Furthermore, any noise emissions are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

State Planning Policy 2.9 – Water Resources

A Conservation Category Wetland (CCW) (Lennard Brook) abuts the subject land on its southern boundary. State Planning Policy 2.9 – Water Resources (SPP 2.9), clause 5.3 applies when considering land uses that may have an impact upon a CCW. Specifically clause 5.3(ii) relates directly to the protection of a CCW.

- (ii) *Protect, manage, conserve and enhance the environmental attributes, functions and values of significant wetlands, such as Ramsar wetlands, conservation category wetlands and wetlands identified in any relevant environmental protection policy.*
- (v) *Ensure adequate and appropriate buffering of wetlands, waterways and estuaries to maintain or enhance the environmental attributes, functions and values of the water resource and minimise the impact of nearby land uses, both existing and future (information in schedule 2 of this policy should be applied in the determination of appropriate buffering to waterways and estuaries).*

When considering an appropriate buffer setback from CCW, the *Environmental Protection Authority's Guidance State No. 33 Environmental Guidance for Planning and Development*

recommends that a minimum 50m setback is applied at all times from the CCW. The setback of the development to the CCW will be approximately 200m and therefore complies.

Access and Egress

The property has access/egress from Cockram Road, which is a sealed road that provides access to Brand Highway. The proposal will not generate any additional traffic and therefore will not have any further adverse impact on the locality.

Car Parking

All loading/unloading bays and parking is currently accommodated within the property.

Environmental Management and Works Approval

The existing Abattoir has a current Operating Licence L6112/1996/11 issued by the Department of Water and Environmental Regulation (DWER) which includes Fellmongering Works Approval W6226/2019/1.

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

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

The Works Approval from DWER is a separate process to the development approval and in the event the application is approved an advice note has been included outlining the applicant's requirement for a DWER works approval.

Bushfire Planning

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) provides a foundation for land use planning to address bushfire risk management. The subject lot is partially designated as being bushfire prone, with the development footprint not being located within the bushfire prone area and therefore not requiring an assessment.

Summary

In summary, the proposed cattle yard cover is considered to be acceptable development particularly due to the incidental nature of the proposal to the existing Abattoir. It is considered that the cattle yard cover will improve the welfare of cattle whilst they are in the holding pens.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Local Planning Scheme No. 9

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

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

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

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

State Planning Policy 2.9 – Water Resources

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council grant Development Approval for a proposed addition to the Abattoir (Cattle Yard Cover) on Lot 195 (No. 326) Cockram Road, Lennard Brook, subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. This approval is for a 'cattle yard cover' only as indicated on the approved plans. It should not be construed as approval for any other purpose;
3. The approved development is to be constructed using new non-reflective materials and be of a consistent colour scheme;
4. Any lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Gingin;
5. Prior to the commencement of site works, the applicant/landowner shall submit to the Shire of Gingin a Stormwater and Drainage Management Plan for approval, that at a minimum addresses the following:
 - a. demonstrates that stormwater water run-off will not impact the nearby Lennard Brook.
 - b. demonstrates that stormwater water run-off will not discharge into or cause dampening issues within the cattle yards, that may subsequently create an environment conducive to the breeding of stable fly.
 - c. demonstrates that stormwater water run-off will not cause nutrient leachate into the soil.
6. The approved Stormwater and Drainage Management Plan shall be implemented thereafter to the satisfaction of the Shire of Gingin.

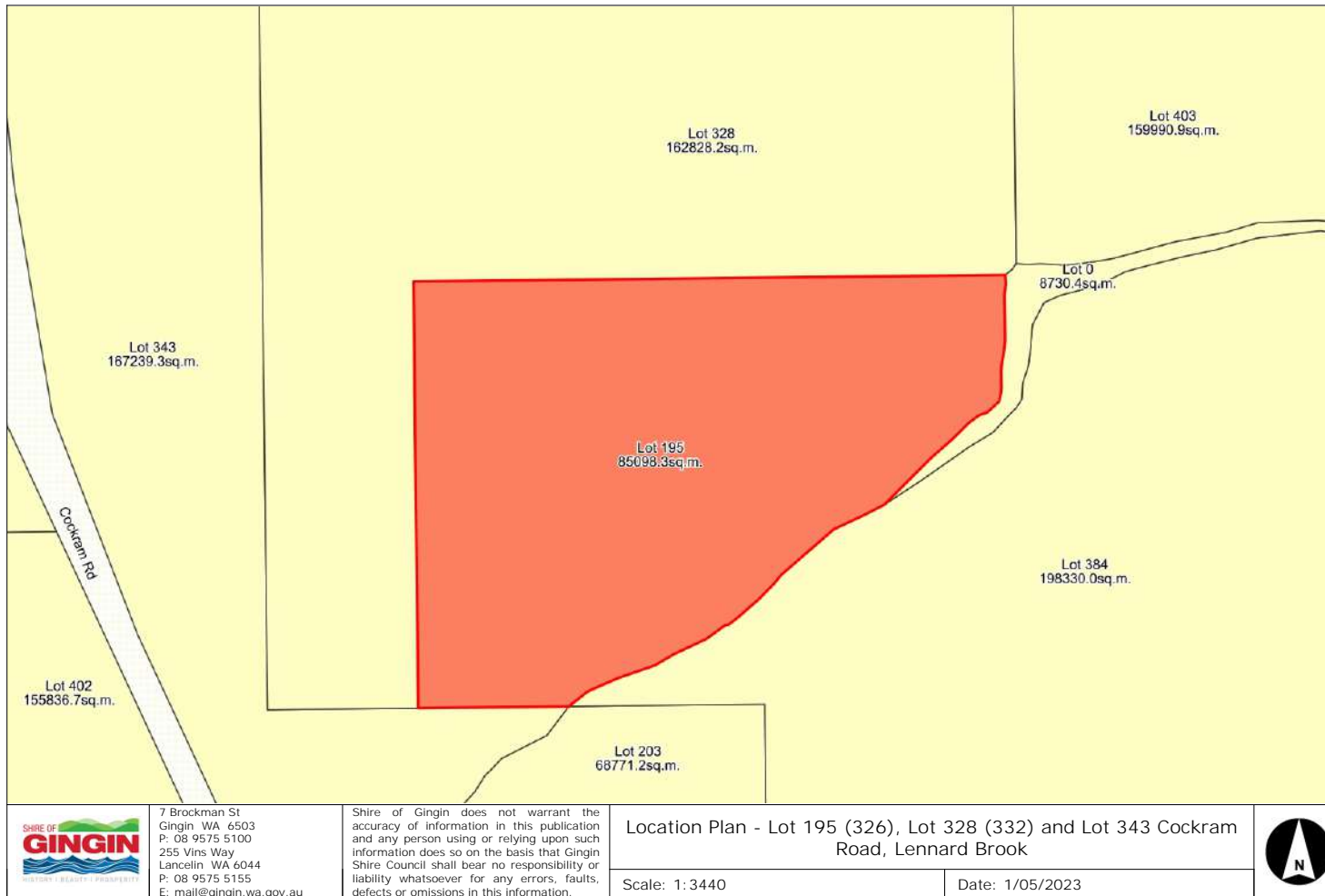
Advice Notes

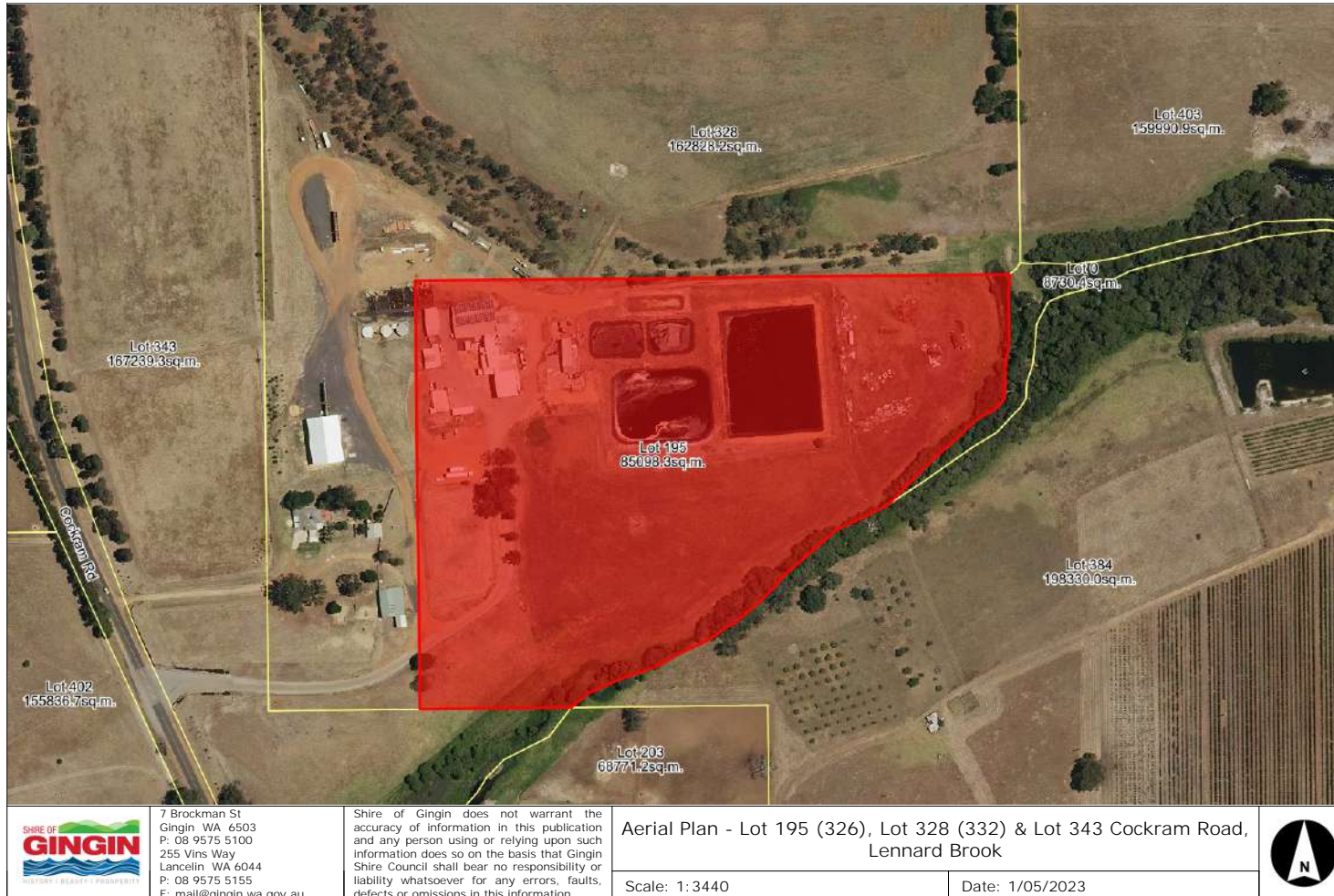
Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.

- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011*, *Health (Miscellaneous Provisions) Act 1911* and *Public Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 6: It is advised that the proposal should at all times comply with the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019* in order to minimise the effects of stable flies on the community.
- Note 7: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 8: It is the responsibility of the licence holder to notify DWER of any alterations to the existing facilities on the subject site and to comply with the licence conditions.
- Note 9: The Gingin Gravity Discovery Centre is located within the Shire of Gingin, which contains an observatory with world class astronomy opportunities. To protect this development from light pollution, external lighting should be consistent with the International Dark-Sky Association's LED Practical Guide and the DPLH's Position Statement: Dark Sky and Astrotourism.
<https://www.wa.gov.au/government/publications/position-statement-dark-sky-and-astrotourism>

CARRIED UNANIMOUSLY
8 / 0

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






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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 Plan - Lot 195 (326), Lot 328 (332) & Lot 343 Cockram Road, Lennard Brook

Scale: 1:3440 Date: 1/05/2023





Development Application for Cattle Yard Cover

**Lot 195 (No. 326), Lot 328 (No. 332) and Lot 343
Cockram Road, Lennard Brook**

April 2023

TOWN PLANNING | MEDIATION | ADVOCACY

Disclaimer:

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Gingin Meatworks

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Document Version Control

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1	24/04/2023	Initial draft for client review	LY	BL/JA
2	28/04/2023	Lodgement Version	LY	JA

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1.0 Background

1.1 Purpose

This submission has been prepared by Altus Planning on behalf of Gingin Meatworks (**Applicant**) to provide justification for Development Application (**DA**) for a cattle yard cover (**development** or **proposal**) at Lot 195 (No. 326), Lot 328 (No. 332) and Lot 343 Cockram Road, Lennard Brook (**subject site** or **site**) under the relevant planning framework.

The three (3) lots that comprise the subject site are within one (1) Certificate of Title under multiple-lot titles. The landowners of the subject site, Vanessa Julia Borrello and Susan Ruth Manso (**landowners**), are also the operator for Gingin Meatworks and have consented to this application being made.

In accordance with the Shire of Gingin's (**Shire**) requirements, the following are included with this application:

- Shire's Application for Development Approval Form;
- Certificate of Title (refer **Attachment 1** of this Report);
- Location Plan (refer to **Attachment 2** of this Report);
- Site Plan (refer **Attachment 3** of this Report); and
- Development Plan (refer **Attachment 4** of this Report).

1.2 Property Description

The subject site is a rural allotment located approximately 2km south of the Gingin Townsite. The subject site are owned by the landowners under the same Certificate of Title (refer to **Attachment 1**) which currently operates as an abattoir and has been operating as such since the early 1970s.

Since that time, the Shire has granted several planning approvals to allow for its expansion over the years to include the following:



- Additions to the chiller;
- Numerous extensions to the noxious industry (abattoir); and
- Sheds and outbuildings.

An aerial image of the subject site and immediate surrounds with cadastral overlay is provided in Figure 1.



Figure 1: Aerial/cadastral of subject site and surrounds (Source: SLIPLocate)

2.0 Proposal

The Applicant is seeking to obtain planning approval for the construction of a cattle yard cover which is to provide shelter for the existing cattle (stock) yard on the subject site. Refer to Site Plan at **Attachment 3**. There is no proposed intensification or additional uses for this proposal.

The yard cover has a dimension of 44m x 48m with a wall height of 5.4m supported by galvanised structural steel and concrete columns. This will span across the entirety of the stock yard and extend northwards across part of the gravel access road to the set down area. The roof cover will be built out of metal sheeting with no enclosed walls. Refer to Development Plan at **Attachment 4**.

Access to the remainder of the site and the yards themselves will not be impeded by this proposal as the yard cover has no enclosed walls and can be accessed on all sides.

3.0 Planning Framework

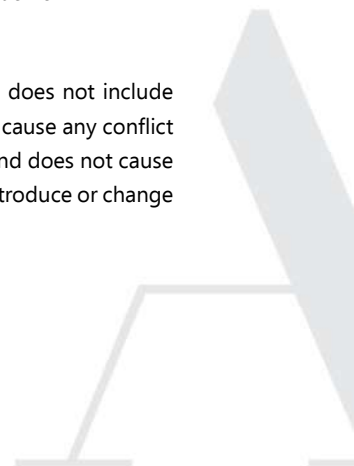
3.1 Shire of Gingin Local Planning Scheme No. 9

The subject site is zoned 'General Rural' pursuant to the Shire's Local Planning Scheme No. 9 (**LPS9** or **Scheme**). The subject site is not located within a structure plan or any other defined planning policy area.

The objectives for 'General Rural' zone as stated in clause 3.2.7 of LPS9 are as follows:

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

The proposal is consistent with the aforementioned objectives and does not include any intensification or change of existing use. The proposal does not cause any conflict with the existing primary agricultural land use activities in the area and does not cause any impact on the environment. In addition, the proposal does not introduce or change any sensitive land uses.



3.1.1 Land Use

Pursuant to the Schedule 1 Part 2 – Land Use Definition of LPS9, the existing approved use on the site is that of an abattoir which constitutes an ‘Industry-Noxious’ use which is defined as:

“an industry in which the processed involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended), but does not include a fish shop, dry cleaning premises, laundromat, piggery or poultry farm”.

The definition of an ‘Abattoir’ under Schedule 1 Part 2 of LPS 9 means:

“land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.”

The proposed cattle yard cover is for the existing incidental use for keeping of cattle prior to processing. Incidental use is permitted pursuant to clause 3.3.3 (c) of LPS9 as outlined below:

3.3.3. A change in the use of land from one use to another is permitted if —

...

c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot;

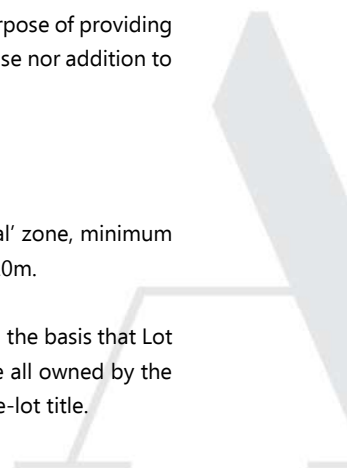
...

As stated above, the proposed yard cover is only intended for the purpose of providing shelter and does not involve any change of use to the primary land use nor addition to the existing land use.

3.1.2 Development Standards and Requirements

Table 2 – Site Requirements of LPS9 states that within ‘General Rural’ zone, minimum setback requirements for front, rear and side setbacks are all to be 20m.

The proposed yard cover complies with the setback requirements on the basis that Lot 195, Lot 328 and Lot 343 are operated as a whole. The three lots are all owned by the Applicant and is indicated within one Certificate of Title as a multiple-lot title.



The operations of the primary existing land use as an abattoir currently straddles across all three lots and therefore is not practically possible for tenure of the individual lots be separated.

3.2 Local Planning Policy Statement No. 4.1 – Industrial Development in Rural Areas

The Shire's Local Planning Policy Statement No. 4.1 – Industrial Development in Rural Areas (**LPP4.1**) applies to the 'General Rural' zone and provides guidelines for the establishment of certain industrial establishments.

As stated before, the existing abattoir complies with LPP4.1 as it is classified and approved as a 'Noxious Industry', with various effluent disposal mechanisms have been established onsite. Given that the proposal is only for a cattle yard cover and there are no additional changes proposed for the subject site, the proposal will not trigger an assessment under LPP4.1.

3.3 Local Planning Policy Statement No. 4.2 – Noxious Industries

Pursuant to clause 3.1 of the Shire's Local Planning Policy Statement No. 4.2 – Noxious Industries (**LPP4.2**), an application which may include a noxious activity shall be viewed on its merit as it may possibly become a nuisance to the health of the inhabitants of the district. The policy also requires detailed plans outlining how nuisance is to be controlled or eliminated will need to be provided as part of the application.

In regard to the above, it is provided that the proposal for cattle yard cover does not introduce any additional noxious activity nor change its existing use. Existing maintenance and management practices are in place to ensure that activity on site does not become a nuisance to surrounding inhabitants.

3.4 Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2 (**Deemed Provisions**) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (**LPS Regulations**), the local government is to have due regard to the relevant matters for consideration outlined under Clause 67(2).

The following matters are considered relevant to the proposed development and are addressed in the following table.

Table 4: Assessment of proposed development under Deemed Provisions Clause 67(2).

LPS Regulations Schedule 2: Clause 67(2)	
Provisions	Proposed Development
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The relevant provisions under the Shire's LPS9 have been addressed under Section 3.1 of this Report. The proposal is considered to be consistent with these provisions by virtue of the discretion available at clause 4.5 and appropriate for the site and the locality.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	This Report has justified the proposal under the relevant provisions of LPS9 and the relevant objectives of the planning framework. The proposal is therefore considered to be in accordance with the requirements of orderly and proper planning.
(c) any approved State planning policy;	There are no applicable State Planning Policy for this proposal.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	There is no environmental impact arising from this proposal.
(fa) any local planning strategy for this Scheme endorsed by the Commission;	The Shire's Local Planning Strategy (endorsed by the WAPC in 2012) identify subject site within 'Rural Smallholding' area. The aim for this is to protect agricultural land and avoid fragmentation of the land. This is to ensure protection of primary land use for and to provide for alternative land uses that does not affect agricultural production. In addition, it is highlighted within the Strategy that these areas are ideally suited for rationalization and consolidation.

LPS Regulations Schedule 2: Clause 67(2)	
Provisions	Proposed Development
(g) any local planning policy for the Scheme area;	Both LPP4.1 and 4.2 are discussed in the section below but is highlighted that the proposal does not introduce any intensification or change of existing use. Therefore, consideration for both LPPs are not applicable.
(m) the compatibility of the development with its setting, including — (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposal does not introduce any intensification or change of existing land use. It is considered that the proposal is compatible with the area and adjoining land uses.
(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is in line with existing land use and does not introduce any additional amenity and environmental impact.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No trees or vegetation are proposed to be cleared.
(s) the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The site has direct frontage and access through Cockram Road. The existing parking, access and egress from site will not be impacted by the proposal.
(w) the history of the site where the development is to be located;	The existing abattoir has been of approved use and operates in place since 1970s.

4.0 Conclusion

The Applicant is seeking development approval for the construction of cattle yard cover for an existing 'Industry-Noxious' land use of an abattoir. The proposed cover is to provide shelter of the existing cattle (stocking) yard which is incidental to the primary operations of the abattoir. There is no proposed intensification or change of land use.

For the reasons outlined in this Report, our view is that the proposed development is suitable for the site and is consistent with the objectives of 'General Rural' zone and its provisions pursuant to LPS9. Accordingly, it is submitted that the proposal warrants approval.

We trust that this information is to your satisfaction and welcome the opportunity to review a draft suite of conditions of approval. We otherwise look forward to your prompt and favourable determination.

Altus Planning



Attachment 1 - Certificate of Title



WESTERN AUSTRALIA		REGISTRAR NUMBER N/A	
		DATE OF DUPLICATE ISSUED N/A	
RECORD OF CERTIFICATE OF TITLE		VOLUME 1565	FOLIO 557
UNDER THE TRANSFER OF LAND ACT 1893			

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

THIS IS A MULTI-LOT TITLE

LAND DESCRIPTION:

LOTS 195, 328 & 343 ON DEPOSITED PLAN 231044

**REGISTERED PROPRIETOR:
(FIRST SCHEDULE)**

VANESSA JULIA BORRELLO OF 5 SHARBA CLOSE WILLETTON WA 6155
SUSAN RUTH MANSO OF 137 FOURTH AVENUE MOUNT LAWLEY WA 6050
AS TENANTS IN COMMON IN EQUAL SHARES

(T N372354) REGISTERED 30/6/2016

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

- *THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE. SEE VOLUME 1565 FOLIO 557, AS TO LOT 343 ON DP 231044 ONLY
- *B408492 EASEMENT BURDEN FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE INSTRUMENT B408492 AND SKETCH ON VOLUME 1565 FOLIO 557, AS TO PORTION ONLY, AS TO LOT 343 ON DP 231044 ONLY REGISTERED 26/9/1977.
- *F108060 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 11/2/1993.
- *F545899 EASEMENT BURDEN FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE INSTRUMENT F545899 AND SKETCH ON VOLUME 1565 FOLIO 557, AS TO PORTION ONLY AS TO LOT 343 ON DP 231044 ONLY REGISTERED 1/1/1994.
- *N203557 MEMORIAL CONTAMINATED SITES ACT 2003 REGISTERED 15/12/2015.
- *N372355 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 30/6/2016.
- *N372356 CAVEAT BY SHIRE OF GINGIN LODGED 30/6/2016.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land

END OF PAGE 1 - CONTINUED OVER

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: N/A

VOLUME/FOLIO: 1565-557

PAGE 2

and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1565-557 (195/DP231044), 1565-557 (328/DP231044), 1565-557 (343/DP231044)

PREVIOUS TITLE: 1480-988

PROPERTY STREET ADDRESS: 326 COCKRAM RD, LENNARD BROOK (195/DP231044),

332 COCKRAM RD, LENNARD BROOK (328/DP231044).

LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

NOTE 1: N231556 LAND PARCEL IDENTIFIER OF SWAN LOCATIONS 195, 328 AND 343 (OR PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOTS 195, 328 AND 343 ON DEPOSITED PLAN 231044 ON 21-JANUARY-2016 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

NOTE 3: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING N372355

Attachment 2 – Location Plan



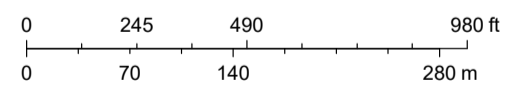
Lot 195 (No.326), Lot 328 (No.332) & Lot 343 Cockram Rd, Lennard Brook



20/04/2023, 14:02:53

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> □ Cadastre Address (LGATE-002) - Large Scale □ LGA Others <ul style="list-style-type: none"> — Laneway, Sealed — Laneway, Unsealed — Mall, Sealed — Track, Unsealed | <ul style="list-style-type: none"> — Other Minor Roads <ul style="list-style-type: none"> — Minor, Sealed — Minor, Unsealed Main Roads <ul style="list-style-type: none"> — Main, Sealed — Main, Unsealed | <ul style="list-style-type: none"> Freeways & Highways <ul style="list-style-type: none"> — Freeway, Sealed — Freeway, Sealed, Underground — National Highway, Sealed — State Highway, Sealed — State Highway, Unsealed |
|--|--|--|

1:4,500

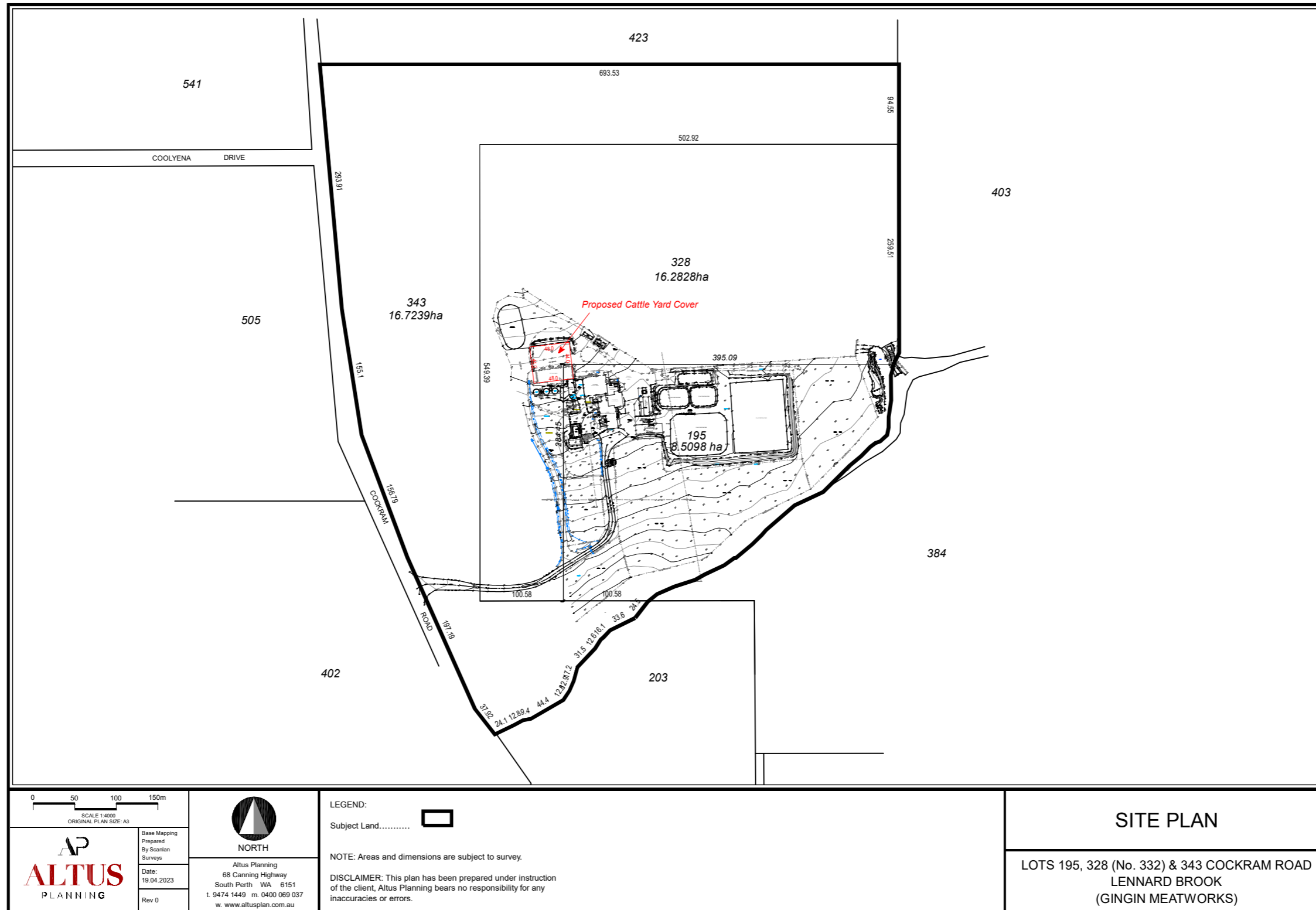


Esri, HERE, Garmin, USGS, LANDGATE/SLIP, SLIP/LANDGATE, SLIP/Landgate, Landgate / SLIP

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Attachment 3 – Site Plan



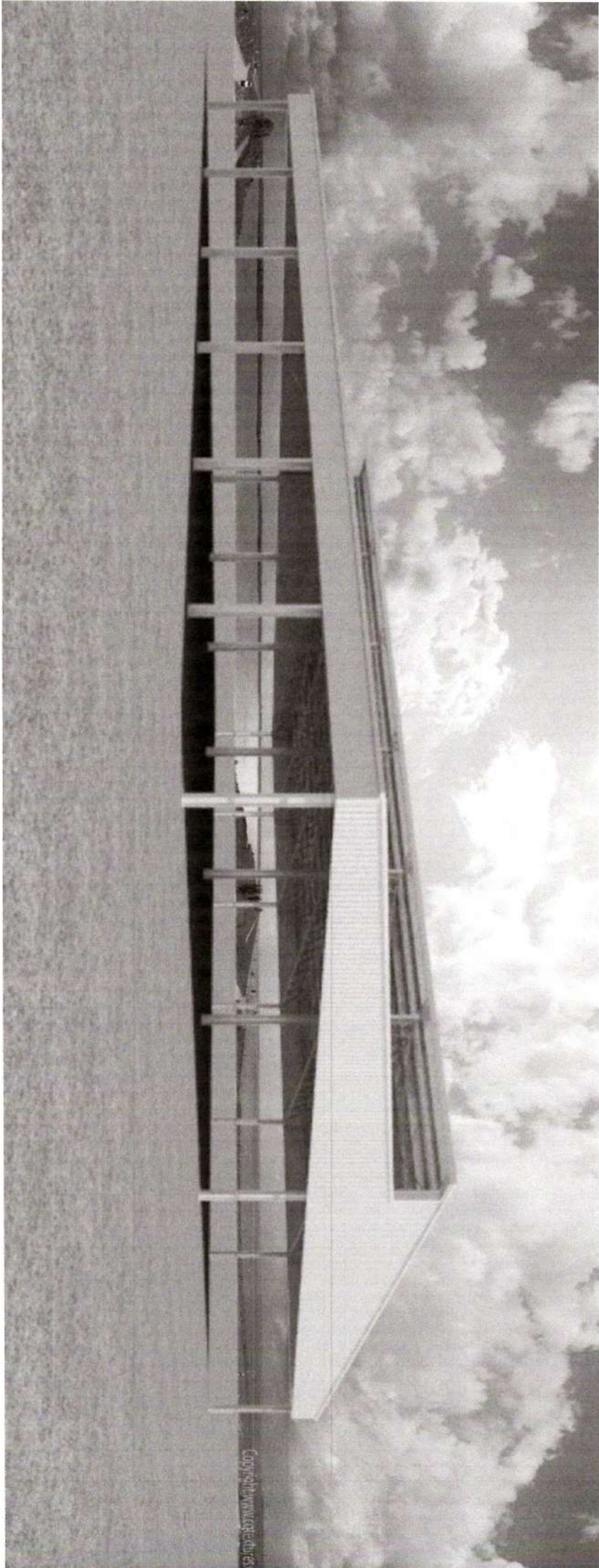


Attachment 4 – Development Plan



GENERAL STEEL PRODUCTS

STRUCTURAL ENGINEERING DETAILS



PROJECT NAME: SHED-44x48x5.4m


Signed: 
Date: 17/4/23

GENERAL STEEL PRODUCTS

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STRUCTURE - 3D VIEW
SC: 1:50

MEMBERS SCHEDULE

NAME	MEMBER SIZE
COLUMN	460 UB 67
HANGING COLUMN	350 UB 45
TRUSS	SHS100*130
1000 DEEP	RHS150*100*3 TOP CHORD
	RHS150*100*3 BOTTOM CHORD
	RHS100*50*2.5 DIAGONALS
	2200*1.5 @ 1800 MAX
	2200*1.5 @ 1850 MAX
PURLIN	C200*1.5
FASCIA PURLIN	50*4.0 EA
FLY BRACE	SHS30*1.4
BRIDGING	75*9 EA
ROOF BRACING	SHS100*3.0
STREET BRACING	SHS50*2.5

Concrete Notes:

- Site to be class "H" a highly reactive clay / silt site as defined in AS 2870-2011 (I)
- All concrete shall be in accordance with S.A.A code for concrete in building AS 3600.
- All concrete shall be minimum M20/20/80
- Reinforcement shall be in accordance with AS 1320 and AS 1304.

Steelwork notes:

- All dimensions are in mm unless noted otherwise
- All SHS and RHS members to be 250 grade or equivalent
- All build-up columns to be 350 grade or equivalent
- All structural steelwork is to be hot dip galvanized All sub structures to be zinc coated (min)
- All bolts shall be galvanized unless otherwise noted
- All welding shall be in accordance with the S.A.A. code for welding in building AS 1554, part 1
- Minimum weld to be 6 mm fillet-LJLK0

Structural Certification:

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

- AS/ ASZ 1170.0.2002 (general principles)
- AS/ ASZ 1170.1.2002 (permanent imposed)
- AS/ ASZ 1170.2.2002 (wind actions)
- AS 2870:2011 (Slabs & Footings)
- AS 4100 steel structures code
- AS 3600 Concrete structures code
- AS 4600 cold ormed steel standards

Design information:

- Wind region A (V = 50 m/s - REF- AS 1170.2)
- Terrain category 2.
- Dead load= 10kg/ m2
- (A). live load = 0.25kpa
- (B). live load= 450 kg max at any panel point on bottom chord.
- Ms = 1.0 (no shielding), mt = 1.0 (not located on windward side or crest of a hill).

STRUCTURAL CERTIFICATION

THE STRUCTURAL DESIGN ASSESSED USING A COMBINATION OF OR RELIANCE UPON ONE OR MORE OF THE FOLLOWING AUSTRALIAN STANDARD CODES

AS/NZS 1170.0.2002 (GENERAL PRINCIPLES)

AS/NZS 1170.1.2002 (PERMANENT IMPOSED)

AS/NZS 1170.2.2002 (WIND ACTIONS)

AS 1320:2011 (TIMBER FRAMING CODE)

AS/NZS 1170.4.2007 (EARTHQUAKE ACTIONS)

AS 2870:2011 (SLABS & FOOTINGS)

AS 1100 STEEL STRUCTURES CODE

AS 3600 CONCRETE STRUCTURES CODE

Signature: No.1210050

DRAWING NAME

STRUCTURE - 3D VIEW

PROJECT:

SHED-44x48x5.4m

DRAWING NO.: S411

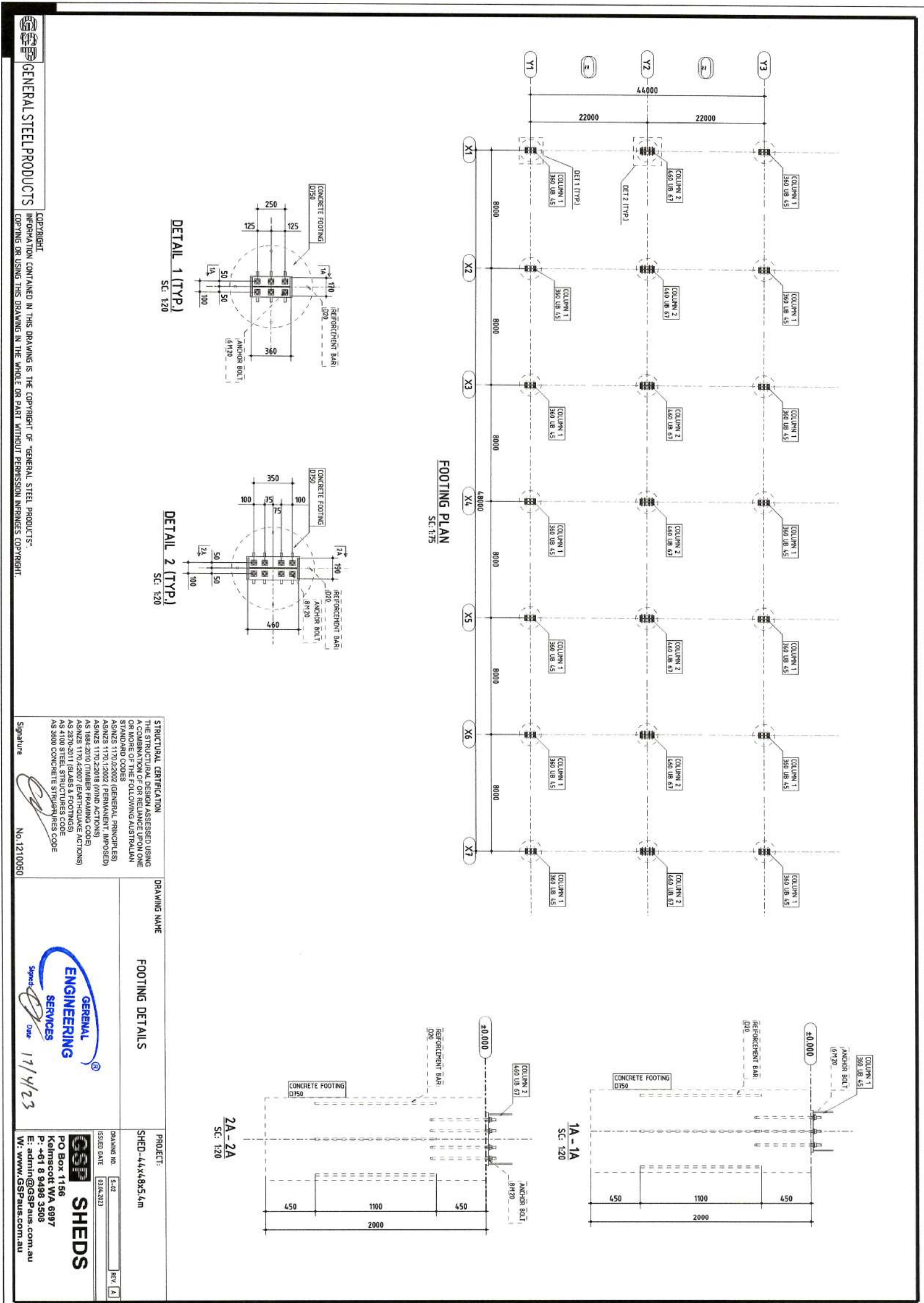
ISSUED DATE: 03.04.2023

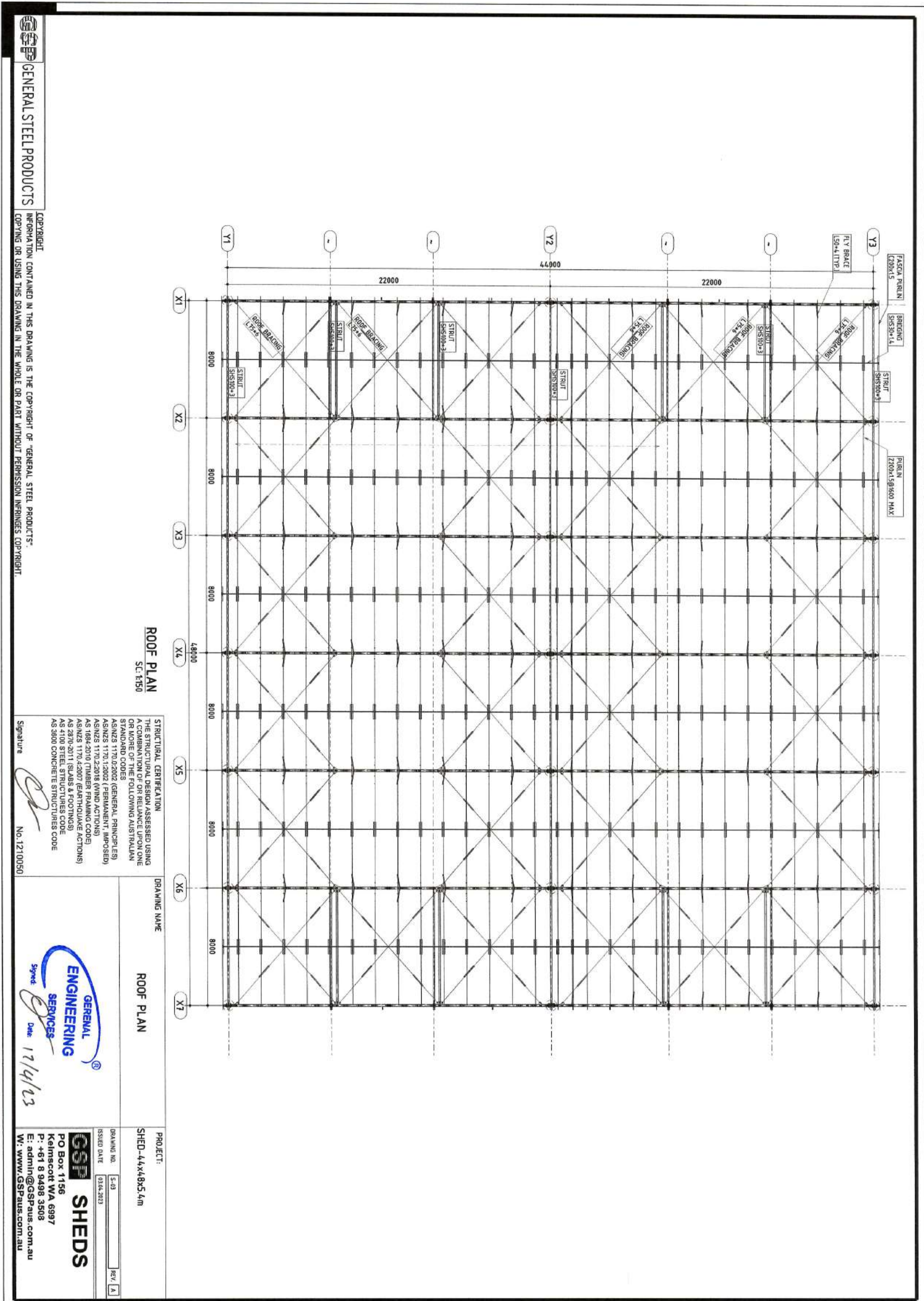
REV: 1

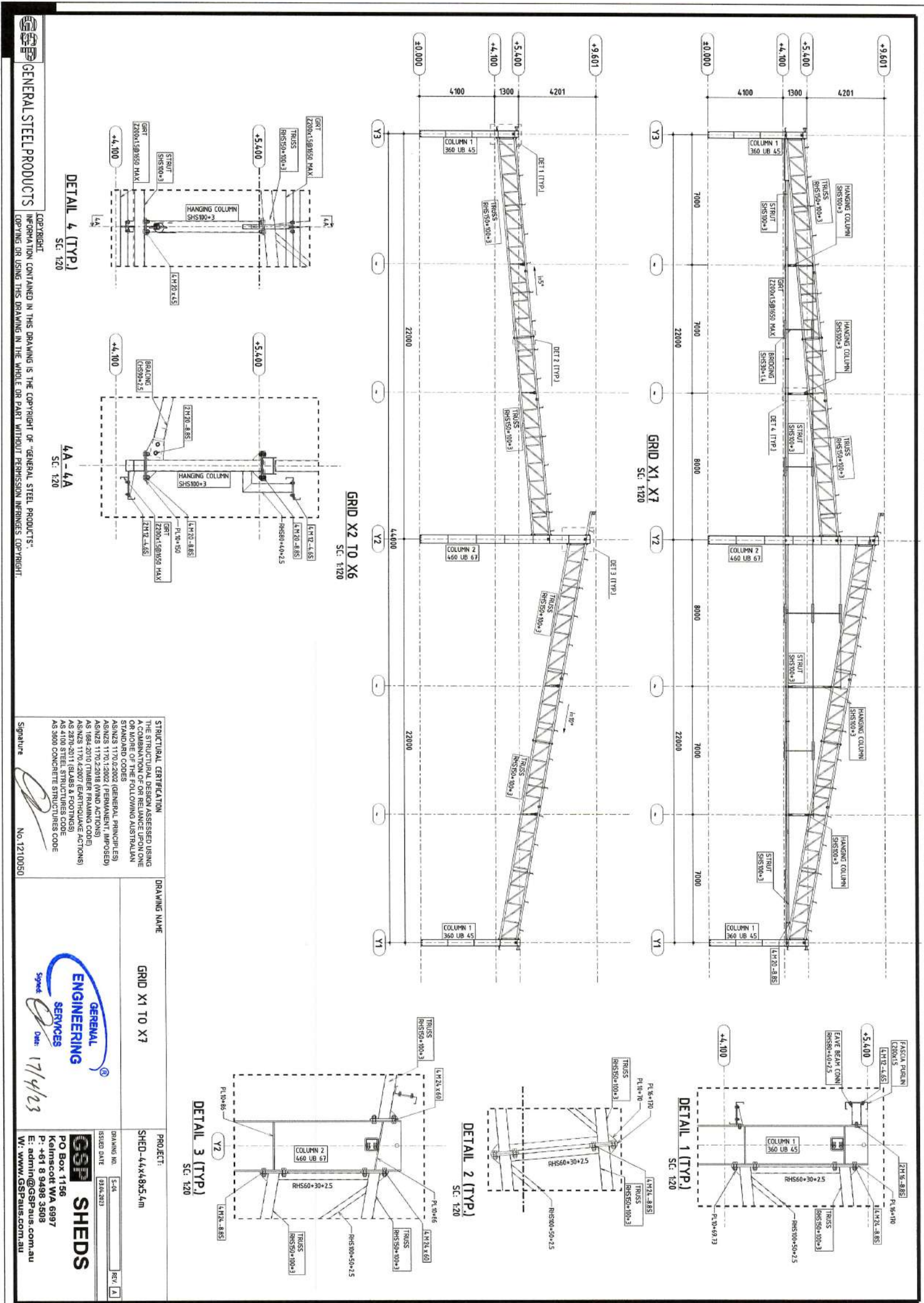
17/4/23

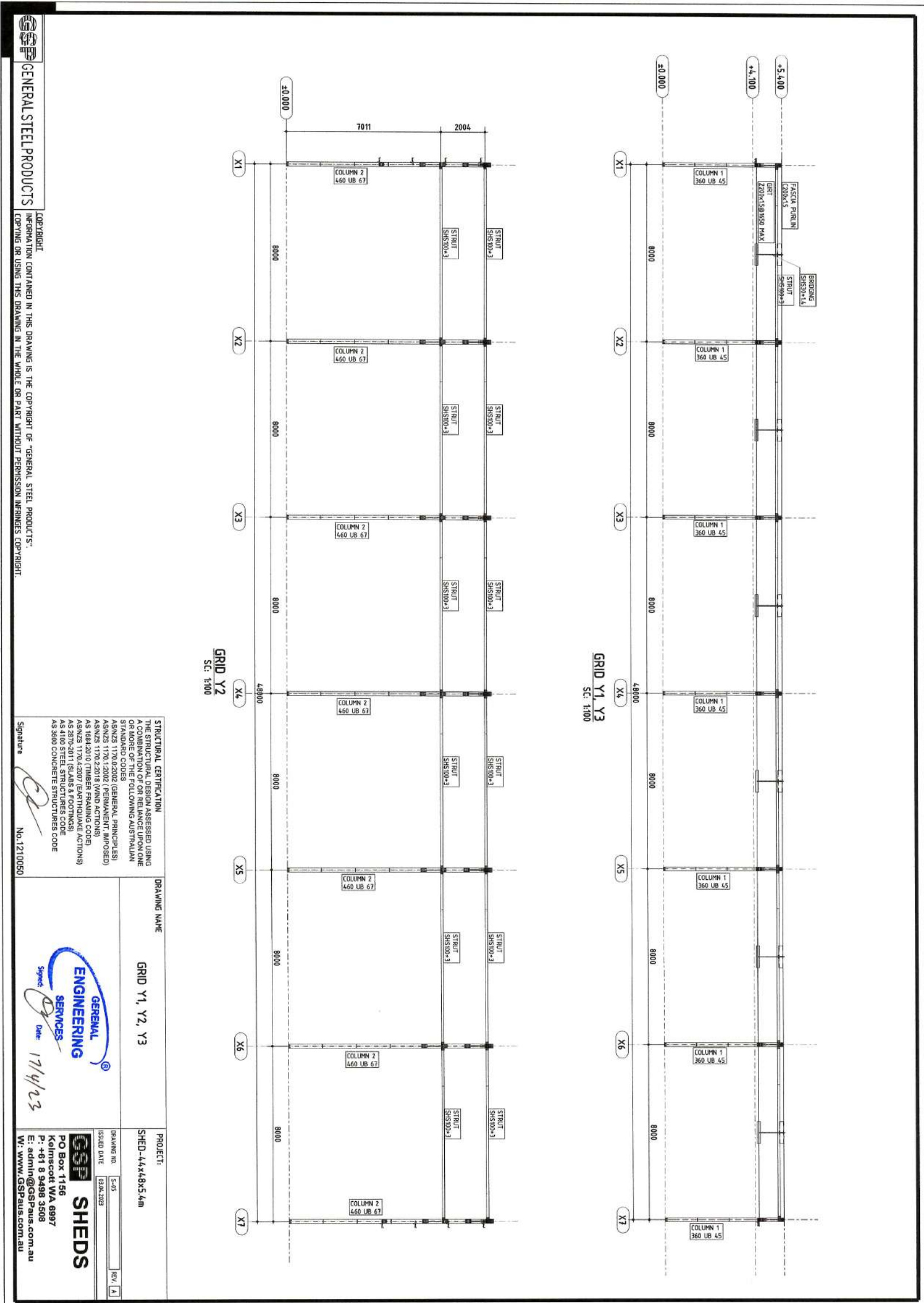
GSP SHEDS

PO Box 1156
Kalgoorlie WA 6897
P: +61 8 9498 3508
E: admin@gspaus.com.au
W: www.gspaus.com.au









**13.6 SUBDIVISION REFERRAL PROPOSED HOMESTEAD LOT SUBDIVISION LOT 12
MOOLIABEENEE ROAD, LENNARD BROOK**

File	LND/714
Applicant	Rowe Group
Location	Lot 12 Mooliabeenee Road, Lennard Brook
Owner	Bradley & Shari Turner
Zoning	General Rural
WAPC No	163461
Author	Natasha Jurmann – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Water license [13.6.1 - 1 page] 2. Referral Letter [13.6.2 - 2 pages] 3. Application [13.6.3 - 2 pages] 4. Applicant's Report [13.6.4 - 24 pages] 5. Required Information about the Proposal [13.6.5 - 1 page] 6. Plan [13.6.6 - 1 page] 7. Display Plan 163461 [13.6.7 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a subdivision referral from the Western Australian Planning Commission (WAPC) to create two lots from Lot 12 Mooliabeenee Road, Lennard Brook via a homestead lot subdivision.

BACKGROUND

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

The subject land is 85.27 hectares in area and contains one dwelling, a bore, several outbuildings and a vineyard. The lot has frontage to Mooliabeenee Road, access to power and a potable water supply with onsite water tanks and a water license.

The matter is being presented to Council as the officer identifies deficiencies in the proposal.

A copy of the subdivision plan, location plan, aerial imagery, water license, required information and applicant's proposal are provided as **appendices**.

COMMENT

Stakeholder Consultation

Not applicable.

PLANNING FRAMEWORK

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

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

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

Officer comment

The proposed subdivision has the potential to introduce additional sensitive land uses into the general rural zone as each new lot is entitled to having a dwelling and potentially an ancillary accommodation. This in turn could restrict future rural developments due to required setbacks and buffer distances.

'Clause 4.8.6 - General Rural Zone' of LPS 9 states:

4.8.6.1 In the General Rural zone lot sizes shall comply with the following standards:

Code Minimum Lot Size

GR10 10 Hectares

GR20 20 Hectares

GR30 30 Hectares

GR40 40 Hectares

UNCODED Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4 (DCP3.4).

Officer comment

The subject lot is UNCODED, which means that further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under DCP3.4. The officer is of the view that these requirements are not met due to the need for a water license to continue the existing rural uses located on the property, which is proposed to be retained on the homestead lot.

Special Control Area 3 (SCA3)

5.4.1 Purpose

To identify and protect important basic raw material resources and provide for their extraction and use in accordance with the State Planning Policy 2.4 - Basic Raw Materials.

5.4.2 Application Requirements

Development approval is required to construct or extend a dwelling or other building, or to carry out any other form of development on any land affected by this Special Control Area.

5.4.3 Development Standards and Considerations

In determining land uses and development proposals within this Special Control Area local government will have due regard to relevant State Government policies, including State Planning Policy 2.4 - Basic Raw Materials.

Officer Comment

The subject lot is identified as being an SCA3, with the proposed subdivision having the potential to introduce additional sensitive land uses (dwellings) into the area, potentially jeopardising the ability of the basic raw material from being in the future.

Planning and Development (Local Planning Scheme) Regulations 2015

(c) any approved State Planning Policy;

State Planning Policy 2.5 – Rural Planning

This policy is to be applied to State and local government planning decision-making for:

- (b) subdivision proposals for rural zoned land, in tandem with Development Control Policy 3.4: Subdivision of rural land;*

Officer comment

The proposal is required to be assessed under Development Control Policy 3.4 – Subdivision of Rural Land (DCP3.4).

Development Control Policy 3.4 – Subdivision of Rural Land (DCP3.4)

As the land is zoned ‘General Rural – Uncoded’, further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under DCP3.4. Clause 6 of the policy states that the exceptional circumstances under which rural subdivision may be considered are:

- a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- b) To protect and actively conserve places of cultural and natural heritage;*
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- d) In the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

Officer Comment

The proposal seeks to create an oversize homestead lot of 13.31 hectares and a balance lot of 71.92 hectares. Whilst these lots would not be out of character for the zone, it would limit broad acre agricultural activities by increasing the potential for sensitive uses in the area.

The proposal subject to this report does note that the property is listed as Category ‘C’ and known as ‘Cleveland’(P17715) on the Shire’s Municipal Heritage Inventory. The Municipal Heritage Inventory states that Category ‘C’ sites contribute to the heritage of the locality, and have some altered or modified elements that do not necessarily detract from the site’s overall significance. It is encouraged that Category C sites be retained or, where that is not possible, be interpreted.

Whilst it is encouraged that the place be retained where possible, it is unlikely that the structure would not be preserved or retained if the homestead lot is not approved.

Development Control Policy 3.4 section 6.6 – Homestead Lots outlines the following relevant considerations:

- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*
- (c) there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) the homestead lot has access to a constructed public road;*
- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- (g) a homestead lot has not been excised from the farm in the past;*
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

Officer comment

The subject lot has a liveable dwelling, access to a gazetted road, reticulated electricity and can gain a suitable water supply for domestic, land management and fire management purposes via water tanks.

In the applicant's proposal it is noted that the balance lot is suitable for continued rural use, as required by provision (h) above, however there is no information of how this will be achieved, noting the water licence is what enable the existing orchard and grazing pursuits to operate. Whilst the applicant does note that the owner may be willing to sell a portion of the water licence, there is no guarantee that this will occur. Without the approved water licence being set aside to the balance lot, it is unclear how the existing land uses consisting of a vineyard and cattle grazing are able to continue.

Therefore, the officer has concerns that provision (h) above has not been adequately addressed.

In addition to the above, it should also be noted that if the subdivision were to occur, the balance lot would also be entitled to construct a dwelling, thereby potentially introducing additional sensitive uses, which may restrict activities (extractive industry) from operating in the area.

Summary

The subdivision proposal has not demonstrated compliance with all relevant provisions of DCP3.4 and subsequently LPS 9. The officer's recommendation reflects this position.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 2.5 – Rural Planning

Development Control Policy 3.4 – Subdivision of Rural Land

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Peczka

That Council advise the WAPC that the information accompanying the proposal for a Homestead lot subdivision of Lot 12 Mooliabeenee Road, Lennard Brook is insufficient to demonstrate compliance with Development Control Policy 3.4 – Subdivision of Rural Land, specifically section 6.6 (h), and that the property is identified as being within Special Control Area No. 3 – Basic Raw Materials.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

File No: SN1200-02



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Page 1 of 1

Instrument No. GWL64760(6)

LICENCE TO TAKE WATER

Granted by the Minister under section 5C of the Rights in Water and Irrigation Act 1914

Licensee(s)	Turner, Shari Jean Turner, Bradley Graham		
Description of Water Resource	Gingin Perth - Surficial	Annual Water Entitlement	48,450kL
Location of Water Source	Lot 12 On Diagram 62951 Volume/Folio 2046/994 Lot 12 Mooliabeenee Rd Lennard Brook		

Authorised Activities	Taking of water for	Location of Activity
	Domestic use	Lot 12 On Diagram 62951 Volume/Folio 2046/994 Lot 12 Mooliabeenee Rd Lennard Brook
	Irrigation of up to .2 ha of lawns and gardens	Lot 12 On Diagram 62951 Volume/Folio 2046/994 Lot 12 Mooliabeenee Rd Lennard Brook
	Irrigation of up to 3 ha of horticulture	Lot 12 On Diagram 62951 Volume/Folio 2046/994 Lot 12 Mooliabeenee Rd Lennard Brook
	Irrigation of up to 5 ha of wine grapes	Lot 12 On Diagram 62951 Volume/Folio 2046/994 Lot 12 Mooliabeenee Rd Lennard Brook
	Stock watering	Lot 12 On Diagram 62951 Volume/Folio 2046/994 Lot 12 Mooliabeenee Rd Lennard Brook
Duration of Licence	From 25 June 2019 to 24 June 2029	

This Licence is subject to the following terms, conditions and restrictions:

1. The annual water year for water taken under this licence is defined as 1 March to 28 February.
2. That the licensee shall have the irrigation project completed by 30/06/2021.
3. The licensee shall not use water for non commercial purposes between 9 am and 6 pm except for the establishment of newly planted areas. For newly planted areas water may be used within these hours for a period of up to 28 consecutive days, commencing from the date of planting.

End of terms, conditions and restrictions

This Licence is granted subject to the Rights in Water and Irrigation Regulations 2000.



Your Ref : 163461
Previous Ref :
Enquiries : Rosa Rigali (6551 9306)

5 April 2023

Application No: 163461 - Lot No 12 Mooliabeenee Road, Lennard Brook

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by 17 May 2023 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: www.dplh.wa.gov.au

Send responses via email to referrals@dplh.wa.gov.au. **Always quote reference number "163461" when responding.**

This proposal has also been referred to the following organisations for their comments: *Western Power, Water Corporation, Dept Mines Ind Regulation And Safety, Dept Biodiversity, Conser & Attraction and LG Shire Of Gingin.*

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Fagan'.

Ms Sam Fagan
Secretary
Western Australian Planning Commission

e-mail: <mailto:referrals@dplh.wa.gov.au>; web address: <http://www.dplh.wa.gov.au>



APPLICATION DETAILS

Application Type	Subdivision	Application No	163461
Applicant(s)	Rowe Group		
Owner(s)	Shari Jean Tuner; Bradley Graham Turner		
Locality	Lot No 12 Mooliabenee Rd Lennard Brook		
Lot No(s).	12	Purpose	Rural
Location		Local Gov. Zoning	Roads, General Rural
Volume/Folio No.	2046/994	Local Government	Shire Of Gingin
Plan/Diagram No.	62951	Tax Sheet	
Centroid Coordinates	mE mN		
Other Factors	BUSHFIRE PRONE AREA, THREATENED ECOLOGICAL COMMUNITY BUFFER, REMNANT VEGETATION (NLWRA), DMIRS RESOURCE REFERRAL AREA		

e-mail: <mailto:referrals@dph.wa.gov.au>; web address: <http://www.dph.wa.gov.au>



Application for Approval of Freehold or Survey Strata Subdivisions

Lodgement ID: 2023-226895

Your Reference 9730
 Location of Subject Property 1469 Mooliabeenee Road, Lennard Brook
 No. of applicants 1
 Are you applying on your own behalf? Yes
 Are you the primary applicant? Yes
 Do you have consent to apply from all landowners? Yes
 Lodgement Type Subdivision
 Submitted by Greg Rowe
 Email info@rowegroup.com.au



About the land

Number of current lots on the land	1	Total number of proposed lots on the land including balance lots	2
Drainage Reserves	0	Public Access Ways	0
Recreation Reserves	0	Right of Ways	0
Road Reserves	0	Road Widening	0
Number of fee paying lots	2	Number of fee exempt lots	0

N/A

What is the proposed use/development?

Proposed Use	Lot size	Number of Lots	
Rural	10 HA - 25 HA	1	
Rural	Over 25 HA	1	
Local Government	Shire Of Gingin	Existing dwellings	Yes
Is common property proposed	No		

Applicants

Primary applicant (1)

Is the applicant a company/organisation?	Yes	Is the applicant a landowner?	No
Name/Company	Rowe Group	ABN / ACN	41093308715
Email	info@rowegroup.com.au	Phone number	9221 1991

Address

Street address	3/369 Newcastle	Town / Suburb or City	Northbridge
State	WA	Post Code	6003
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Certificate of Title Details

Lots with certificate (1)

Volume	2046	Folio	994
Lot Number	12	Plan/Diagram/Strata Plan Number	62951
Total land area	85.33	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	2
Is the Landowners name different to that shown on the Certificate of Title?			No

Landowners

Landowner (1)

Full name	Bradley Graham Turner	Company / Agency	N/A
ACN / ABN	N/A	Landowner type	Registered Proprietor/s
Address			
Street address	1332 Mooliabeenee Road	Town / Suburb or City	Moondah
State	WA	Post code	6503
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Landowner (2)

Full name	Shari Jean Tuner	Company / Agency	N/A
ACN / ABN	N/A	Landowner type	Registered Proprietor/s
Address			
Street address	1332 Mooliabeenee Road	Town / Suburb or City	Moondah
State	WA	Post code	6503
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Subdivision detail

Number of dwellings	1	Dwelling retained	Yes
Dwelling description	N/A		
Number of outbuildings/structures	1	Structure/s retained	Yes
Other description	N/A		
Structure description	N/A		
Is a battleaxe lot/s proposed?			No
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Not applicable
Has the land ever been used for potentially contaminating activity			No
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			No
Is the development within a Bushfire Prone Area?			N/A
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No
Is a Termination Proposal Attached			No
Is a Strata Company Resolution Attached			No

Fee & Payment

Fee amount	\$3,616.00	Payment Type	By Anyone
-------------------	------------	---------------------	-----------

Attachments

Attachment name	Attachment type
1. 9730_20220210_L_WAPC_Sub_rh compiled-5.pdf	Required Information about the Proposal
2. 9730_SUB01A_20230327_Lennard Brook (Plan of Subdivision)-A3P-4.pdf	Subdivision Plan
3. Certificate of Title 2046-994 1469 Mooliabeenee Road_ LENNARD BROOK 6503-1.pdf	Certificate of Title
4. doc00026520230302124603-2.pdf	Authorised Letter of Consent
5. doc00026520230302124603-3.pdf	Authorised Letter of Consent
6. Form_1A_CheckList-6.pdf	Required Information about the Proposal

Perth	Albany	Bunbury	Geraldton	Mandurah
140 William Street	PO Box 1108	Sixth Floor	Regional Planning and Strategy	Unit 2B
Perth	Albany	Bunbury Tower	Office 10	Suite 94/16 Dolphin Drive
Western Australia, 6000,	Western Australia, 6330	61 Victoria Street	209 Foreshore Drive	Mandurah
Locked Bag 2506 Perth, 6001		Bunbury	Geraldton	Western Australia, 6210
		Western Australia, 6230	Western Australia, 6530	
Tel: (08) 6551 9000	Tel: (08) 9892 7333	Tel: (08) 9791 0577	Tel: (08) 9960 6999	Tel: (08) 9586 4680
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Infoline: 1800 626 477; e-mail: corporate@wapc.wa.gov.au; web address: <http://www.dplh.wa.gov.au>;

Job Ref: 9730
13 February 2023

Western Australian Planning Commission
C/o – Department of Planning, Lands and Heritage
Locked Bag 2506
PERTH WA 6001

Submitted via the WAPC Online E-Lodgement System

Attention: Secretariat

Dear Sir/Madam

**Application for Subdivision Approval
Lot 12 (No. 1469) Mooliabeenee Road, Lennard Brook**

Rowe Group acts on behalf of the landowner of Lot 12 (No. 1469) Mooliabeenee Road, Lennard Brook ('the subject land'). We have been instructed by our Client to prepare and lodge this Application for Subdivision Approval with the Western Australian Planning Commission ('WAPC') for the approval of two freehold lots.

In this regard, to assist in your consideration of this Application, please find enclosed the following:

- A copy of the proposed Plan of Subdivision; and
- A copy of the current Certificate of Title.

Further background and information in support of this Application is provided below for your consideration.

Description of Land

Location

The subject land is located within the Shire of Gingin ('the Shire'), approximately 3.2 kilometres south-east of the Gingin Town Site. The land is generally bound by Mooliabeenee Road to the north and other rural/agricultural properties to its western, eastern and southern boundaries.

Refer **Figure 1 – Regional Location**.

Refer **Figure 2 - Local Location**.



**ROWE
GROUP
DESIGN**

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia
p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au



Cadastral Information

The subject land comprises one (1) land parcel, legally described as follows:

- Lot 12 on Diagram 62951, contained within Certificate of Title Volume 2046, Folio 994.

The land has a total area of approximately 85.3 hectares, with frontage of approximately 656 metres to Mooliabeenee Road.

Refer **Figure 3 – Site Plan**.

Refer **Attachment 1 – Certificate of Title**.

Proposed Subdivision

The Application seeks the approval of the WAPC for the creation of two (2) lots, described as follows:

- Lot 120 (Homestead Lot) – comprising 13.31 hectares and retaining frontage to Mooliabeenee Road; and
- Lot 121 (Balance Lot) – comprising 71.92 hectares retaining frontage to Mooliabeenee Road.

The proposed Plan of Subdivision will facilitate the creation of one (1) Homestead Lot and one (1) Balance Lot, proposed in accordance with the provisions of Development Control Policy 3.4 Subdivision of Rural Land (DCP 3.4). The subdivision has been designed to accommodate the existing access to the Homestead, fence line, water tank and bore and accordingly will enable no further clearing of vegetation. Additionally, the Plan of Subdivision will enable the protection of the existing Homestead, identified as a 'Category C' Heritage Place within the Shire's Local Heritage Inventory.

Refer **Attachment 2 – Plan of Subdivision**.

Town Planning Framework

Shire of Gingin Local Planning Scheme No. 9

The land is zoned 'General Rural' under the provisions of the *Shire of Gingin Local Planning Scheme No. 9* ('LPS 9').

The objectives of the General Rural zone are outlined in Clause 3.2.7 of LPS 9. Table X, provided below demonstrates the Plan of Subdivision is consistent with the objectives of the 'General Rural' zone.

	DEMONSTRATED COMPLIANCE
a) <i>manage land use changes so that the specific local rural character of the zone is maintained or enhanced;</i>	The proposed Plan of Subdivision will not impact the current use of the land and allow for the retention of the existing rural character.
b) <i>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;</i>	The creation of the Balance lot will allow for the continued rural use of the land, inclusive of future agricultural activities.



<p><i>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</i></p>	<p>The Plan of Subdivision has been considered and designed to not impact the existing vegetation ensuring the environmental qualities of the landscape are maintained. The subject land does not contain any sensitive areas e.g., watercourse system.</p>
<p><i>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.</i></p>	<p>The creation of the Balance Lot will allow for the continued rural use of the land, as intended. No sensitive development is proposed as part of this application.</p>

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

The proposed Plan of Subdivision is consistent with the objectives of the 'General Rural' zone. The subdivision of the subject land seeks to protect the agricultural and rural uses operating on the land by facilitating the creation of a Homestead Lot to enable the 'primary producers' to continue to occupy their dwelling when they cease to farm. The rural use of the land is to be maintained by a separate landowner of the Balance Lot.

Clause 4.8.6 of LPS 9 outlines the Zone-Specific Development Standards for land within the General Rural zone. The subject land is identified as 'Uncoded Land' under LPS 9, and accordingly, subdivision of the land is required to comply with the development standards for 'Uncoded Land' under Clause 4.8.6 as follows:

"Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4".

In this regard, the subdivision of the land is subject to the provisions of Development Control Policy 3.4 – Subdivision of Rural Land ('DCP 3.4'). A review against the provisions of DCP 3.4 is provided later in this correspondence.

Refer **Figure 4 – Shire of Gingin LPS 9 Zoning Plan.**



Special Control Area 3 – Basic Raw Materials

The subject land is located within Special Control Area 3 – Basic Raw Material Areas ('SCA3') of the Scheme and is subject to the provisions outlined in LPS 9. Accordingly, any application for the development and subdivision the land must be prepared in accordance with State Planning Policy 2.4 – Basic Raw Materials ('SPP 2.4')

Shire of Gingin Local Planning Strategy

The Shire of Gingin Local Planning Strategy (the 'Strategy') was prepared for the purpose of setting out the long-term planning and land use direction for the Shire. The Strategy identifies the subject land as 'Rural Smallholding', consistent with the existing rural smallholdings located east of the subject land. In his regard, the subdivision of the land in the manner proposed is appropriate and consistent with the settlement pattern contemplated by the Strategy.

State Planning Policy 2.4 Basic Raw Materials

State Planning Policy 2.4 – Basic State Planning Policy 2.4 – *Basic Raw Materials* ('SPP 2.4') seeks to ensure that basic raw materials ('BRM') and extractive industries matters are considered at the planning and development stage to facilitate the responsible extraction and use of the State's BRM resources. SPP 2.4 operates in association with the interactive geological map produced by the Department of Mines, Industry Regulation and Safety ('DMIRS'). The geological mapping identifies:

- Significant Geological Supply (SGS) areas;
- Known, proposed, approved or operating extraction sites (ES); and
- Exclusion areas – known or proposed sites excluded from Basic Raw Material extraction due to environmental values, resource conflicts or for land use planning reasons.

Within the DMIRS mapping system, the subject site is located within the BRM Policy area, and the southern portion of the site is identified as containing a 'Commodity and Mineral' (Construction Material) specifically, (Sand – undifferentiated).

Part of the subject land previously operated as an extraction site for the mining of sand resource. The operations are inactive and no extraction of sand has occurred in the past 6 to 7 years. There are no current plans to recommence extractive operations. However, subdivision of the subject land does not preclude a future extractive industry operation from occurring. In accordance with *Environmental Protection Authority Guidance Statement No 3 – Separation Distances between Industrial and Sensitive Land Uses* ('EPA GS No. 3') an appropriate buffer would measure between 300-500m. The existing Homestead is located 400m north of the resource, demonstrating an appropriate buffer is being achieved.

The proposed Plan of Subdivision will not impact the identified 'Significant Geological Supply'. The identified resource sand is located in the southern portion of the subject land, and accordingly no development is proposed within this area. Future development on the Balance Lot land would be subject to the appropriate buffers.



Having regard to the above, the proposed Plan of Subdivision is consistent with the requirements of SPP 2.4 and is capable of approval.

State Planning Policy 2.5 Rural Planning

State Planning Policy No. 2.5 – Rural Planning (‘SPP 2.5’) outlines a range of objectives, measures and implementation provisions relating to planning for rural land. The objectives of SPP 2.5 are provided below:

- a) *support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- b) *provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- c) *outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- d) *provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- e) *avoid and minimise land use conflicts;*
- f) *promote sustainable settlement in, and adjacent to, existing urban areas; and*
- g) *protect and sustainably manage environmental, landscape and water resource assets.*

Clause 6.5 (a) outlines the below provision which relates to subdivision proposals on rural land:

6.5 (a): the creation of new or smaller rural lots will be by exception and in accordance with Development Control Policy 3.4: Subdivision of Rural Land.

In this regard, this Application has been prepared in accordance with Development Control Policy 3.4: Subdivision of Rural Land, as later outlined in this correspondence.

Refer **Figure 5 – Basic Raw Materials Mapping**.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (‘SPP 3.7’) was prepared by the WAPC for the purpose of managing and minimising bushfire risk in Western Australia. It establishes a framework to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on life, property and infrastructure.

Part of the subject land is identified as ‘Bushfire Prone’ by the Department of Fire and Emergency Services (‘DFES’) Map of Bushfire Prone Areas. In accordance with the provisions of SPP 3.7 and accompanying Guidelines for Planning in Bushfire Areas (the ‘Guidelines’), subdivision and development of the land within the identified ‘Bushfire Prone Area’ would generally be supported by a Bushfire Management Plan (‘BMP’) or a Bushfire Attack Level (‘BAL’) Assessment.



The Application seeks to be considered as exempt from SPP 3.7 and the associated Guidelines, for the reasons as outlined below:

- The proposed Plan of Subdivision does not propose further development of the land within the portions identified as Bushfire Prone Area;
- The Subdivision Application does not propose any further intensification of the land within the identified Bushfire Prone Area; and
- The Plan of Subdivision provides both lots with vehicular access to Mooliabeenee Road and as such provides the opportunity for appropriate vehicular access/egress to any existing or future habitable building in accordance with Element 3 of the Guidelines.

The subdivision of the land will allow for an additional dwelling entitlement, which would be subject to a future development application and Bushfire Attack Level assessment. Notwithstanding, the land can readily accommodate a future dwelling outside the identified bushfire prone area and accordingly subdivision will not increase the risk of a bushfire threat and accordingly the Subdivision Application is capable of approval without the preparation of a Bushfire Management Plan or BAL Assessment.

Refer **Figure 6 – Bushfire Prone Area Mapping**.

Any future development of the land within the Bushfire Prone Area will be subject to a separate Development Application and will be required to be supported by a BMP or BAL Assessment.

Development Control Policy 3.4 – Subdivision of Rural Land

Development Control Policy 3.4 – Subdivision of Rural Land ('DCP 3.4') was prepared by the WAPC for the purpose of managing the subdivision of rural land in Western Australia. It establishes a framework to guide the subdivision of rural land by considering land use conflicts, the management of environmental and significant raw material assets and sustainable settlement across the state.

In accordance with DCP 3.4, the Plan of Subdivision seeks the creation of a Homestead Lot and associated Balance Lot. In accordance with Clause 6.6. of DCP 3.4, the creation of a Homestead Lot is permitted where the requirements, as outlined in **Table 1** below are met.

CLAUSE 6.6. PROVISIONS	DEMONSTRATED COMPLIANCE
(a) <i>the land is in the DC 3.4 Homestead lot policy area;</i>	The subject land is located within the Shire of Gingin and identified within the Homestead Lot Policy Area.
(b) <i>the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;</i>	The proposed homestead lot comprises 13.1 ha; the proposed lot extends beyond the recommended 4 ha but below 20 ha to accommodate: <ul style="list-style-type: none"> - Access to the existing dwelling; - The water bore (northern boundary) and rainwater tank (eastern boundary); and - The existing property fence boundary.



	The Plan of Subdivision has been prepared with consideration to the existing cleared access ways to enable the retention of vegetation and contributing to the rural characteristics of the land.
(c) <i>there is an adequate water supply for domestic, land management and fire management purposes;</i>	The existing landowners have been granted a license to take water under section 5C of the <i>Rights in Water and Irrigation Act 1914</i> . The license allows for 48,450kL of water. Future landowners of the Balance Lot will have access to a water supply, provided through the use of a rainwater tank or by application for a licensed bore. Notwithstanding, the future Balance Lot landowner may come to an agreement with the Homestead owner for the use of the licensed water.
(d) <i>the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;</i>	The existing dwelling has access to an electricity supply. In accordance with Clause 2.2.1 of Western Power's <i>Underground Distribution Schemes Manual</i> the Balance Lot is above 50 hectares and accordingly may be sold without any electricity reticulation. If electricity reticulation is to be installed overhead service connection will be allowed.
(e) <i>the homestead lot has access to a constructed public road;</i>	The homestead lot retains direct frontage and access to Mooliabeenee Road.
(f) <i>the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;</i>	The existing residence within the Homestead lot is located on the northern portion of the subject land. As discussed, the identified BRM is located in the southern portion the land. In accordance with EPA GS No. 3 an appropriate buffer is achieved, demonstrating the existing residence has an appropriate separation distance from the rural use of the land.
(g) <i>a homestead lot has not been excised from the farm in the past;</i>	A homestead lot has not been excised from the subject land in the past.
(h) <i>the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and</i>	The balance lot is suitable for the continued rural use of the land, consistent with the existing and previous agricultural operations on the subject land.
(i) <i>the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.</i>	The dwelling on the homestead lot is of a suitable habitable standard.

Table 1: Demonstrated Compliance with Clause 6.6. of DCP 3.34

Heritage

In accordance with the *Heritage Act 2018*, the Shire of Gingin is required to compile and maintain a heritage inventory of places within the Shire which are deemed to be of cultural significance. The dwelling located on the subject land is an identified 'Category C' Local Heritage place referred to as 'Cleveland'. Category C Heritage



Places are classified “as a place (including a site with no built remains) of some cultural heritage significance to Shire of Gingin”. In this regard, the subject land has no constraints or statutory requirements, though the Shire recommends the retention of the place, and document (photograph) the place if retention is not possible.

Notwithstanding, the Plan of Subdivision seeks to enable the retention of the Heritage Place (Cleveland), with the Homestead Lot accommodating the dwelling to ensure the ongoing protection of the Heritage Site.

Summary

This Application for Subdivision Approval has been prepared over Lot 12 (No. 1469) Mooliabeenee Road, Lennard Brook, for the creation of two (2) rural lots.

The proposed Plan of Subdivision has been prepared in accordance with the provisions of the Shire of Gingin Local Planning Scheme No. 9, State Planning Policy 2.4 – Basic Raw Materials, State Planning Policy 2.5 – Rural Planning, Development Control Policy 3.4 – Subdivision of Rural Land and State Planning Policy 3.7 – Planning in Bushfire Prone Areas. This Application is consistent with orderly planning for the subject land and provides the justification for this subdivision to occur. The proposal seeks the creation of one (1) Homestead Lot and the associated Balance Lot.

Prior to a final determination, it is requested draft conditions be provided for our consideration.

We trust that the information contained within this application is sufficient to allow the Western Australian Planning Commission to favourably determine the proposal. Should you require any further information or clarification in relation to this matter, please contact the undersigned or David Maiorana on 9221 1991.

Yours faithfully,

Robyn Hitchin
Rowe Group



Figure One

Regional Location

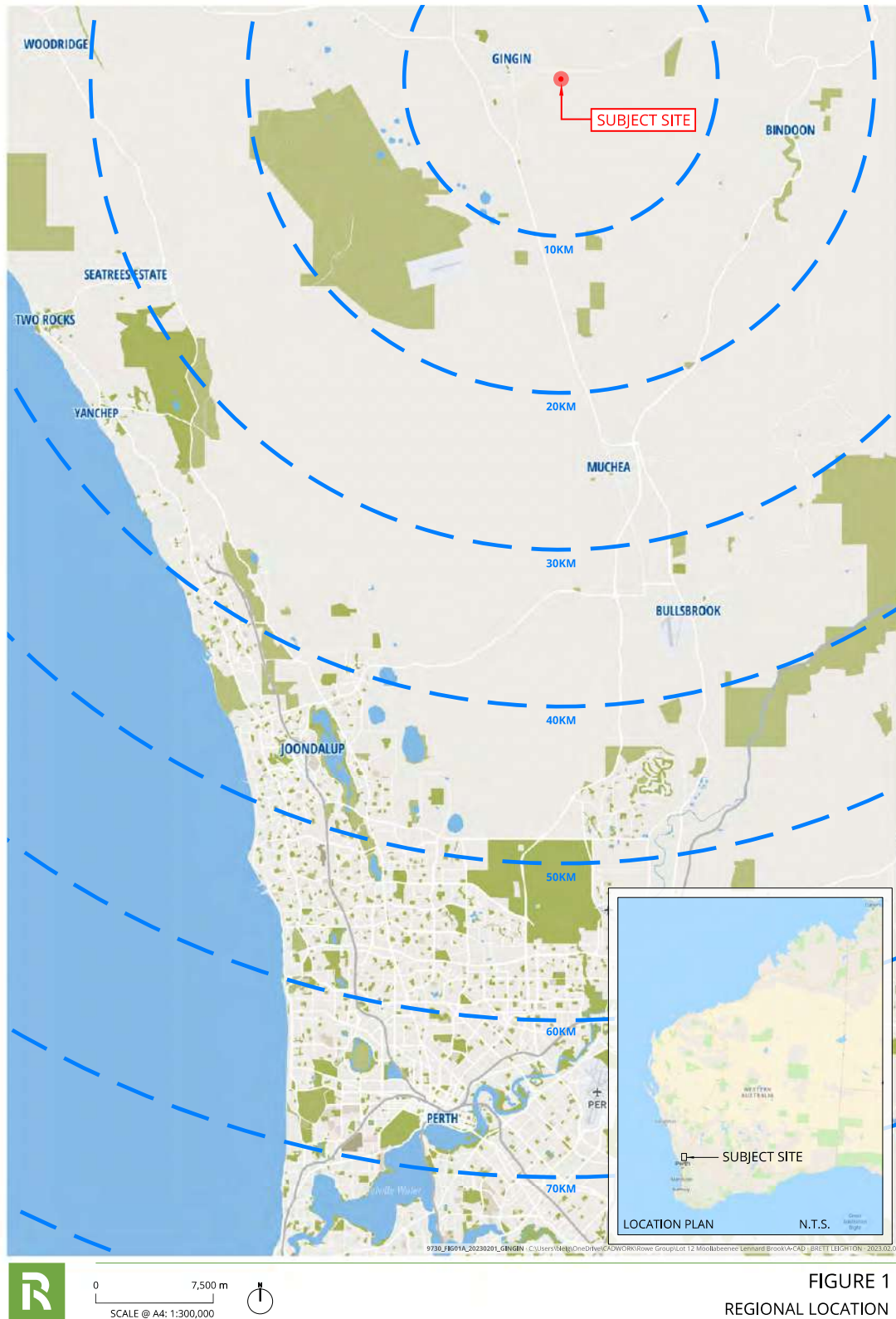
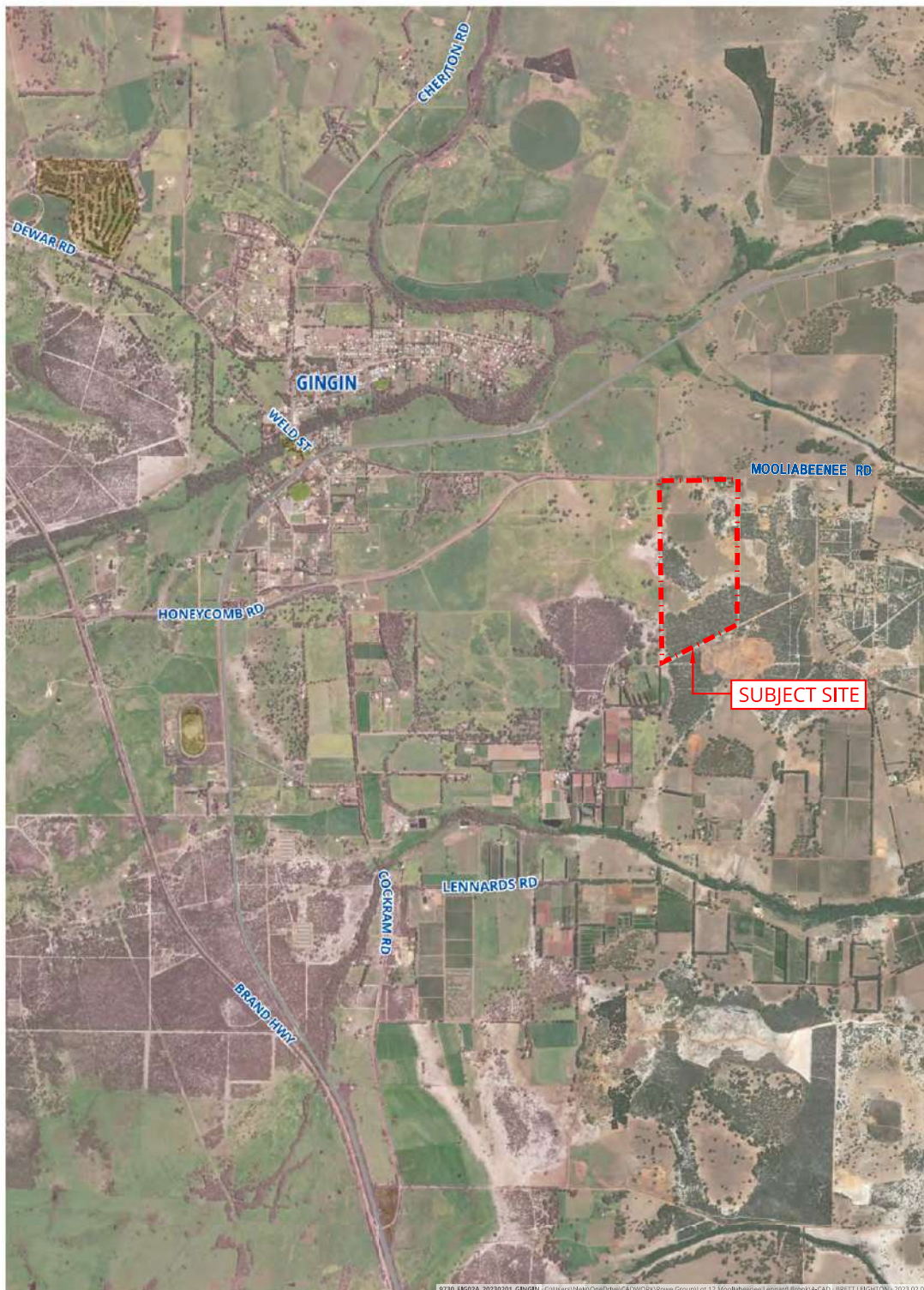


FIGURE 1
REGIONAL LOCATION



Figure Two

Local Context



0 1,000 m
SCALE @ A4: 1:50,000



FIGURE 2
LOCAL CONTEXT



Figure Three

Site Plan

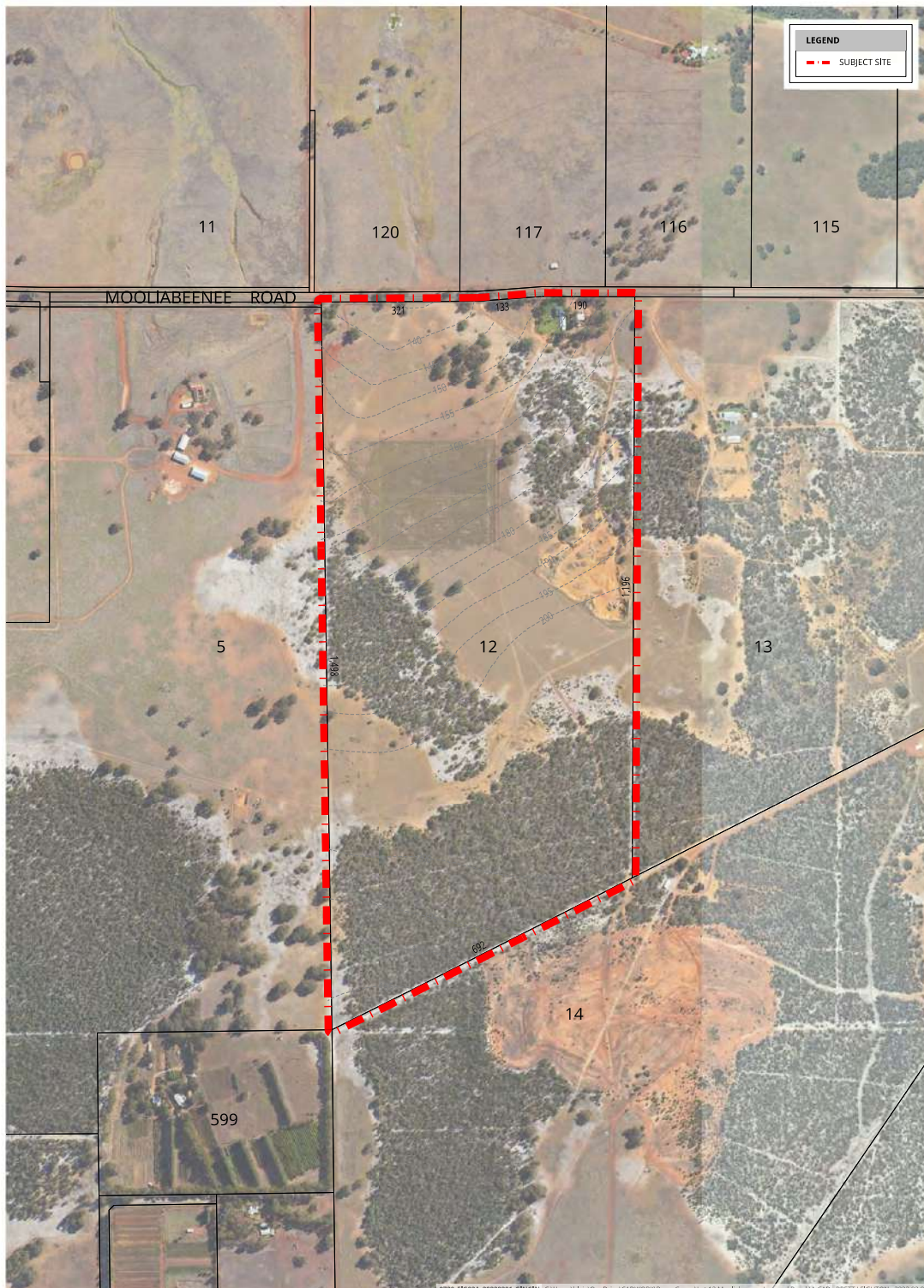


FIGURE 3
SITE PLAN



Figure Four

Shire of Gingin Local Planning Scheme No. 9

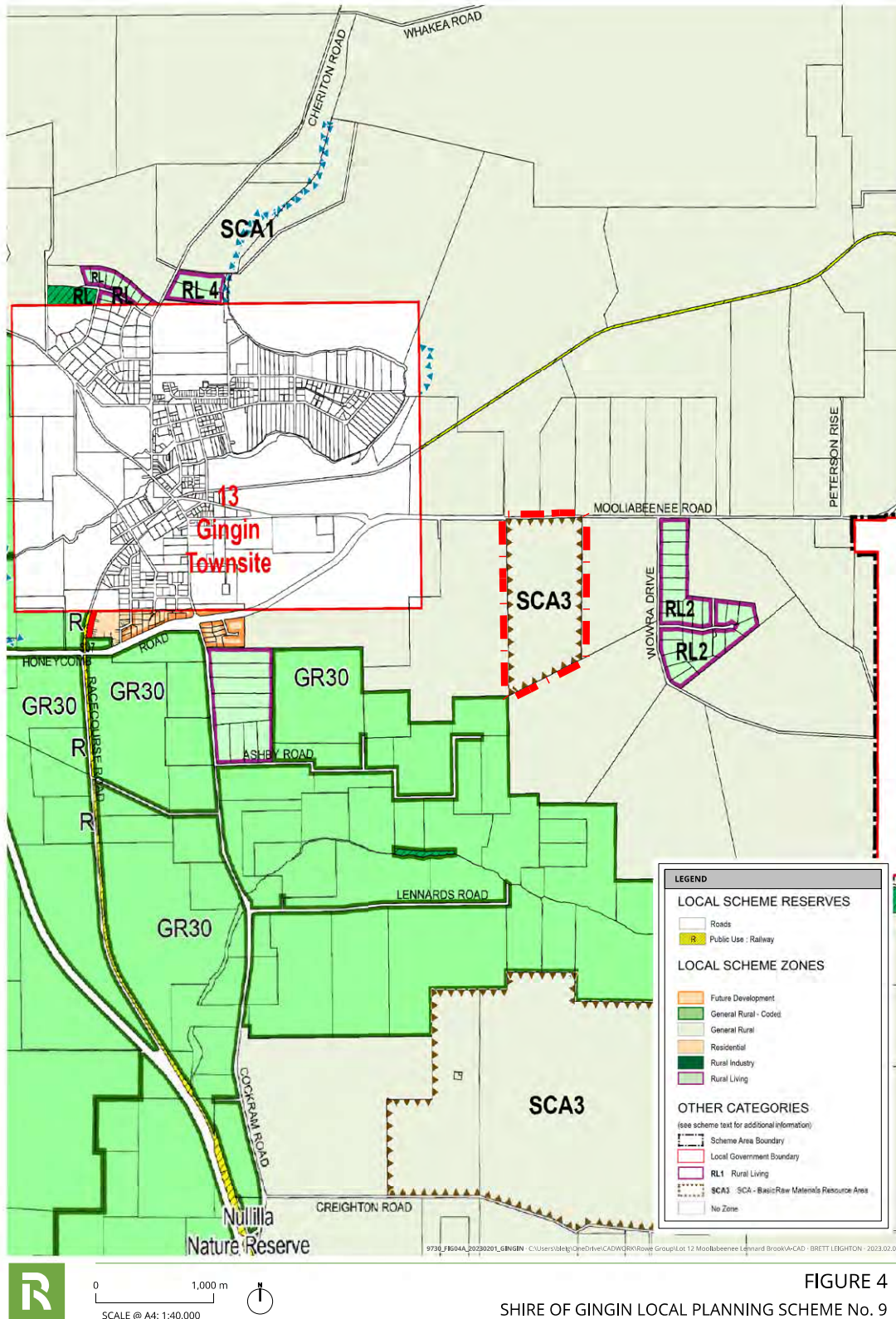
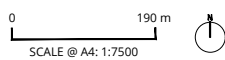
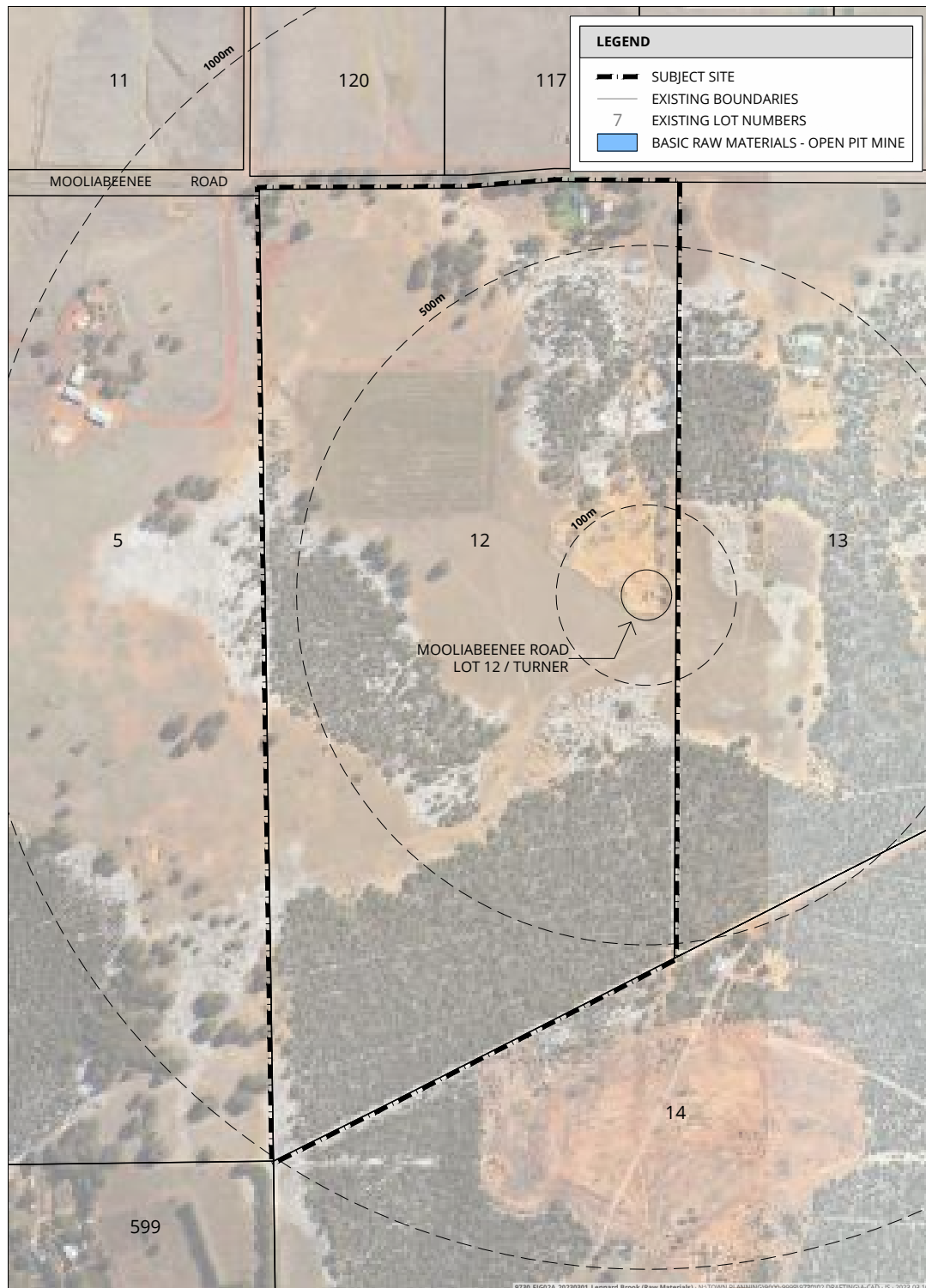




Figure Five

Basic Raw Materials Mapping



**FIGURE 5
BASIC RAW MATERIAL MAPPING**



Figure Six

Bushfire Prone Areas Mapping

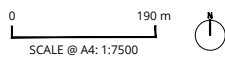
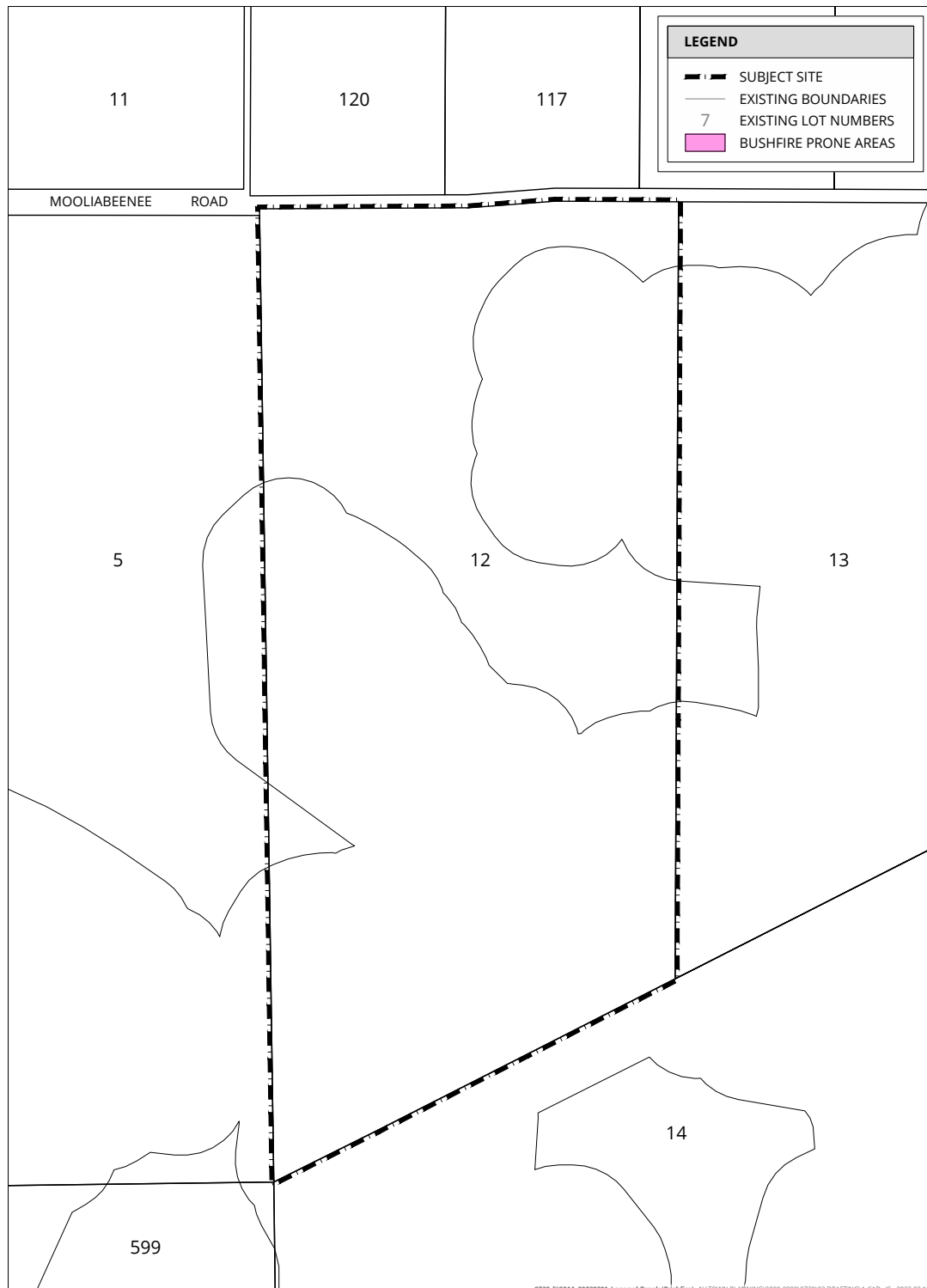
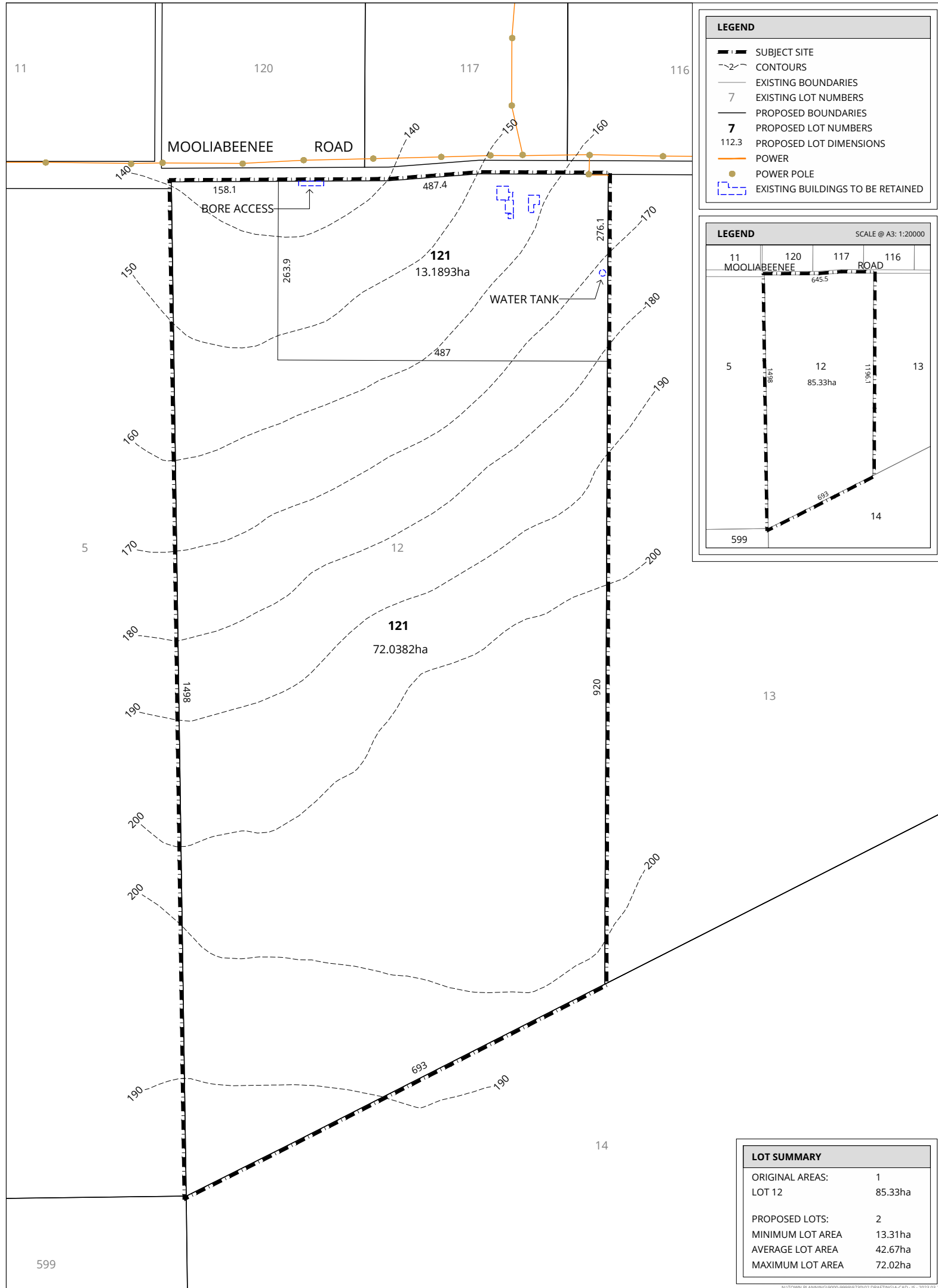


FIGURE 6
BUSHFIRE PRONE MAPPING



Attachment One

Plan of Subdivision



PLAN OF SUBDIVISION
LOT 12 (No.1469) MOOLIABENEER ROAD
LENNARD BROOK



0 125 m
SCALE @ A3: 1:5000
9730-SUB-01-A

DRAWN: JS
DATE CREATED: 2023.03.27
PROJECTION: MGA50 GDA94
CADASTRE: LANDGATE
This document may not be reproduced without the written consent of Rowe Group. All areas and dimensions are subject to survey.





Attachment Two

Certificate of Title




REGISTER NUMBER 12/D62951	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 23/7/2001

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

VOLUME **2046** FOLIO **994**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 12 ON DIAGRAM 62951

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

BRADLEY GRAHAM TURNER
IN 3/4 SHARE
SHARI JEAN TURNER
IN 1/4 SHARE
BOTH OF 1332 MOOLIABEENEE ROAD, GINGIN
AS TENANTS IN COMMON

(T G530317) REGISTERED 14/7/1997

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

1. *L980887 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 2/7/2012.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 2046-994 (12/D62951)
PREVIOUS TITLE: 1652-350
PROPERTY STREET ADDRESS: 1469 MOOLIABEENEE RD, LENNARD BROOK.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

NOTE 1: I393747 "DUP C/T NOT PRODUCED FOR DOCUMENT #".
NOTE 2: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING L980887

Version: 9.7 (June 2020)

Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

General information required for all applications

1. Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval. Yes
2. Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached. Yes
3. The subdivision plan is capable of being reproduced in black and white format. Yes
4. The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000) at A3 or A4. Yes
5. All dimensions on the subdivision plan are in metric standard. Yes
6. The north point is shown clearly on the subdivision plan. Yes
7. The subdivision plan shows all lots or the whole strata plan (whichever is applicable). Yes
8. The subdivision plan shows all existing and proposed lot boundaries. Yes
9. The subdivision plan shows all existing and proposed lot dimensions (including lot areas). Yes
10. The subdivision plan shows the lot numbers and boundaries of all adjoining lots. Yes
11. For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot. Yes n/a (battleaxe lot not proposed)
12. The subdivision plan shows the name/s of existing road/s. Yes
13. The subdivision plan shows the width of proposed road/s. Yes n/a (no road proposed)
14. The subdivision plan shows all buildings and/or improvements, including driveways and crossovers (including setbacks) which are to be retained, or removed. Yes n/a (and is vacant)
15. The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams. Yes n/a (and does not contain such features)
16. The subdivision plan shows all electrical, sewer and water infrastructure. For on-site sewage disposal, the indicative disposal areas for wastewater distribution are to be shown. Yes

17. Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas

Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land and including:

- driveways and crossovers
- kerb lines
- manholes
- bus stops
- gully pits
- boundary setbacks for dwelling/s to be retained
- fencing
- street trees
- water supply
- swimming pools
- pedestrian paths
- retaining walls
- telecommunication pillars
- electricity transmission lines and poles
- sewer, water and electricity connections
- on-site sewage disposal systems, including treatment and wastewater disposal areas

18. Additional information required in the case of an application for termination

- Has a copy of the outline of termination proposal been attached Yes
- Has a copy of the strata resolution in support of this proposal been attached Yes

The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available online:
www.dph.wa.gov.au

Transport impacts

Transport Impact Statements and Transport Impact Assessments are required to determine the likely transport impact of a proposal. Information to assist proponents is available on the DPLH website at www.dph.wa.gov.au/policy-and-legislation/state-planning-framework/fact-sheets,-manuals-and-guidelines/transport-impact-assessment-guidelines

1. Are there 10 - 100 vehicle trips in the subdivision's peak hour? Yes No
If yes, a transport impact statement is to be provided
2. Are there more than 100 vehicle trips in the subdivision's peak hour? Yes No
If yes, a transport impact assessment is to be provided.

Access to/from right-of-way or private road

Access is to be provided from an existing right of way or private road. Yes No
If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the *Transfer of Land Act 1893*, an implied easement for access or other arrangement.

Road and rail noise

Is the proposal within the trigger distance of a strategic transport route as defined by *State Planning Policy 3.4*? Yes No

Contaminated sites

Information to assist applicants to respond to the following questions is on the Department of Water and Environmental Regulation (DWER) website at www.der.wa.gov.au/your-environment/contaminated-sites.

1. Has the land ever been used for a potentially contaminating activity? Yes No
Appendix B of Assessment and Management of Contaminated Sites (DWER Contaminated sites guidelines) lists potentially contaminating industries, activities and land uses. The list is not exhaustive.
If yes, please attach details of the activities/uses.
2. Does the land contain any site or sites that have been classified under the *Contaminated Sites Act 2003*? Yes No
3. Does the land contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*? Yes No

If you indicated 'yes' to question 2 or 3 you must provide a Basic Summary of Records (BSR). Where a BSR is not available from the public Contaminated Sites Database, the form requesting a BSR from DWER is available online at www.der.wa.gov.au/your-environment/contaminated-sites/57-forms or by calling DWER on 1300 762 982. If a BSR is not available, a copy of the letter from DWER notifying the applicant that the site or the sites are under assessment must be provided, followed by the BSR when available. Is a BSR or letter from DWER attached? Yes No

Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods. Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached? Yes No

Acid sulfate soils

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location? Yes No

Bushfire Prone Areas

Is all, or a section of the subdivision in a designated bushfire prone area? Yes No
If 'yes', has a BAL Contour Map been prepared; and
If the BAL Contour Map indicates areas of the subject site as BAL-12.5 or above, has a Bushfire Management Plan been provided with the application? Yes No
If NA is selected and the proposal is in a designated bushfire prone area then a statement advising why SPP 3.7 does not apply should be included. n/a

On-site sewage disposal

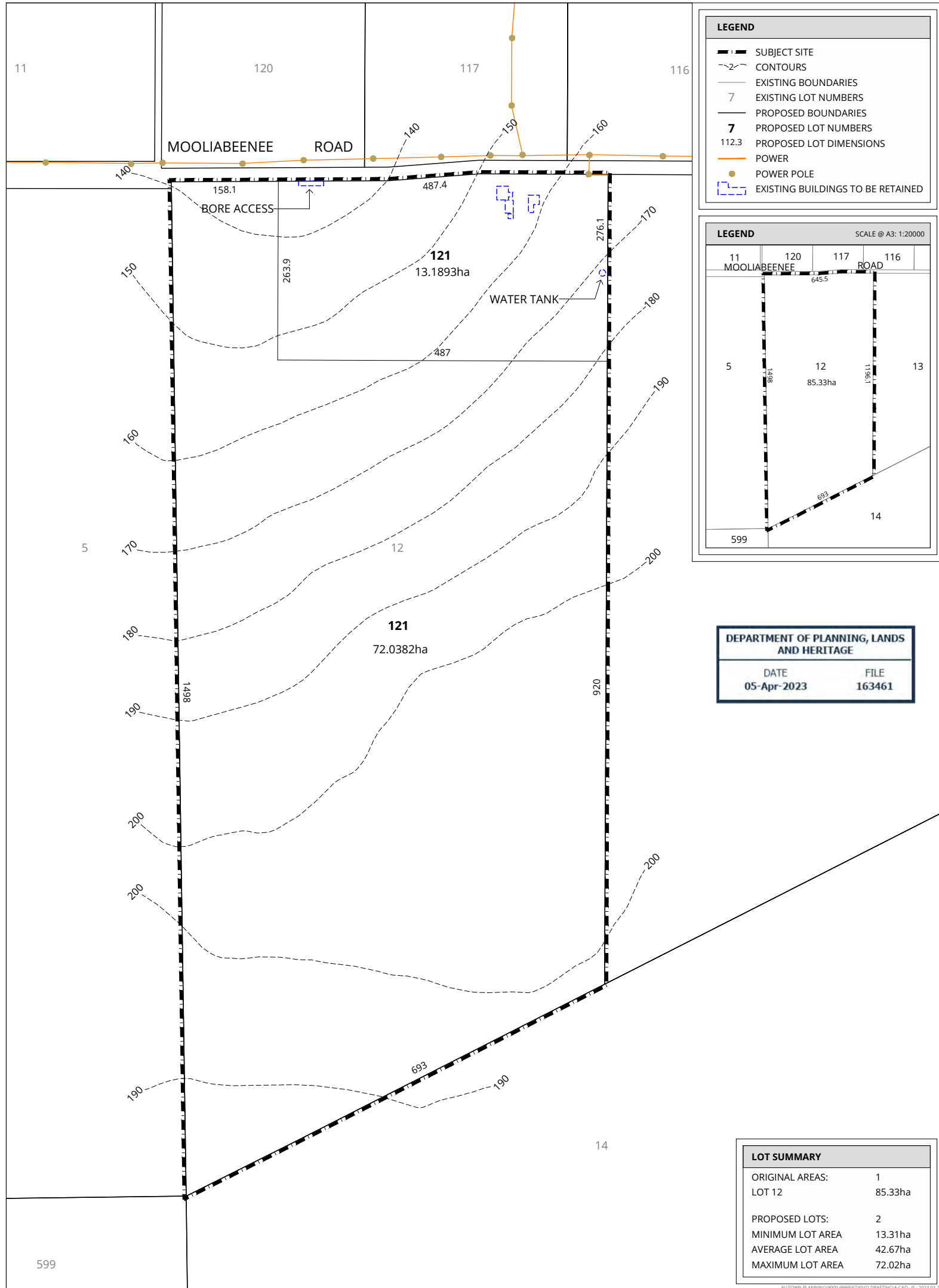
Is on-site sewage disposal proposed? Yes No
If yes, proposals for on-site sewage disposal should be accompanied by a site and soil evaluation as per the Government Sewerage Policy. n/a (Greater than 4ha)
Has a site and soil evaluation been provided? If no, then a statement is to be provided as to why an evaluation has not been provided.

Information on preparing site and soil evaluations may be found on the Department of Health's website <https://ww2.health.wa.gov.au/-/media/Files/Corporate/general%20documents/water/Wastewater/Site-Soil-Evaluation.pdf>

Survey Strata Title lots

Is strata title subdivision proposed? Yes No
If yes, either the plan of subdivision or accompanying servicing plan is to show the indicative internal sewer and water connections to each lot.
If applicable, easements are to be shown.

Information on the water and sewer detail for survey-strata lots to be shown can be found on the Department of Mines, Industry Regulation and Safety website: www.commerce.wa.gov.au/publications/plumbers-technical-note-services-survey-strata-lots-0



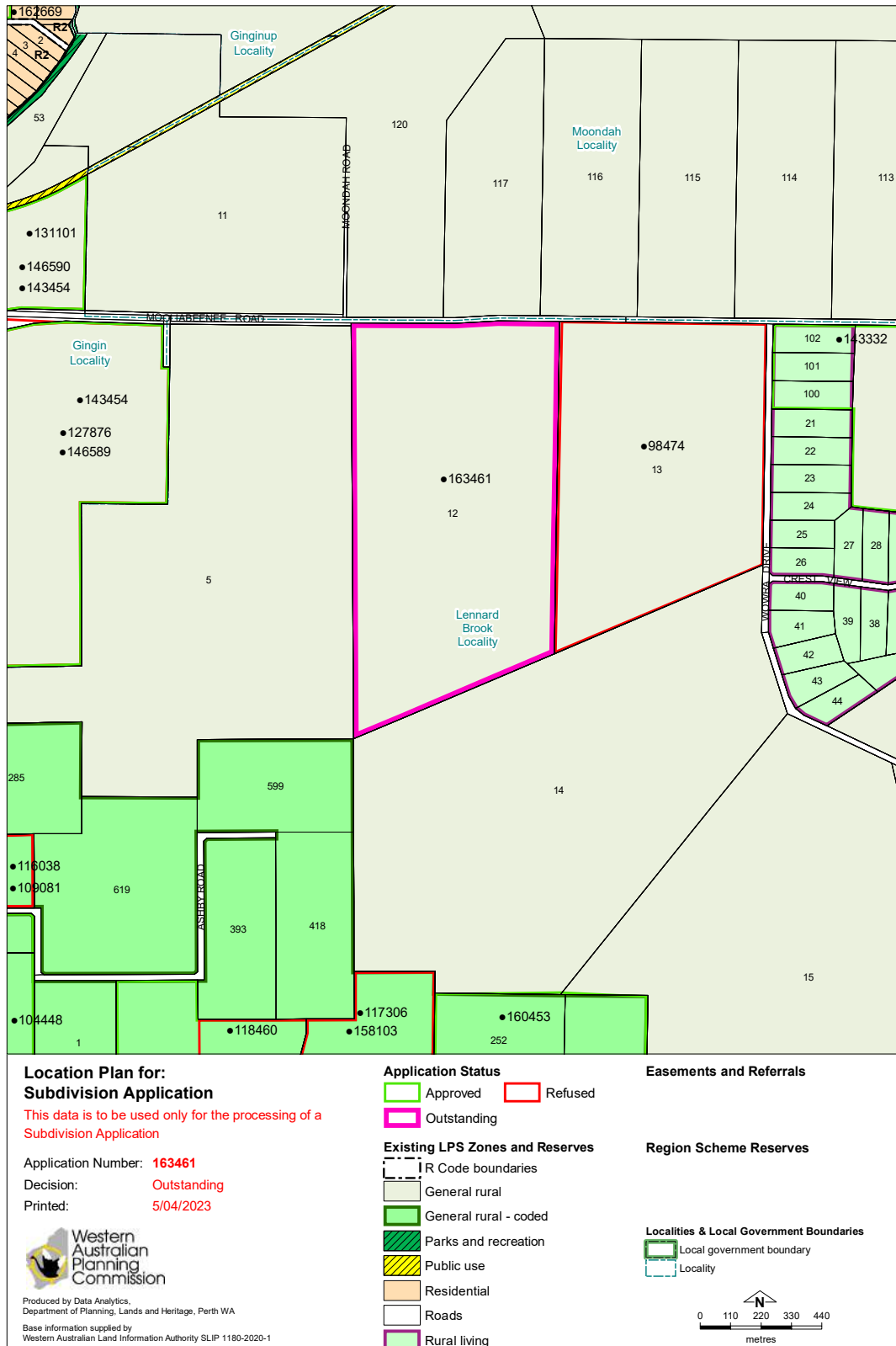
PLAN OF SUBDIVISION
LOT 12 (No.1469) MOOLIABENEER ROAD
LENNARD BROOK



0 125 m
SCALE @ A3: 1:5000
9730-SUB-01-A

DRAWN: JS
DATE CREATED: 2023.03.27
PROJECTION: MGA50 GDA94
CADASTRE: LANDGATE
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13.7 ADOPTION OF 2023-2028 DISABILITY ACCESS AND INCLUSION PLAN

File	HLT/50
Author	Roz Bonser - Building Surveyor
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Disability Access and Inclusion Plan 2023-2028 [13.7.1 - 22 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To review the Shire of Gingin's Disability Access and Inclusion Plan (DAIP) 2023-2028.

BACKGROUND

The Western Australian *Disability Services Act 1993* and *Disability Services Regulations 2004* require local and state government authorities to review their DAIP, every five years. Accordingly, the Shire of Gingin's existing DAIP has been reviewed and is presented to Council for adoption prior to submission to the Disability Services Commission.

A copy of the Shire of Gingin Disability Access and Inclusion Plan 2023-2028 is provided (see Appendix).

COMMENT

The previous review was due to be carried out in 2022, but changes in staff responsibilities resulted in the review being delayed until 2023.

In accordance with the *Disability Services Regulations 2004* the DAIP was referred to the community for comment for a period of four weeks. At the close of the consultation period, one submission had been received raising concerns regarding the lack of footpaths in the Woodridge Estate. The submission states that footpaths are needed along King Drive giving access to the Post Office and Café and that no footpaths along this busy road create a dangerous situation for children riding bicycles and people in mobility scooters.

This matter was also raised by several ratepayers at the Annual General Meeting of Electors held on 7 March 2023. Within the DAIP, Outcome 2 – Access to Buildings and Facilities provides a requirement for accessible pathways.

This matter will be considered in the Shire's 2023-2027 10 Year Pathway Program. The submission has been passed to the Operations and Assets Department for consideration as part of this program.

STATUTORY/LOCAL LAW IMPLICATIONS

Disability Services Act 1993

Part 5 – Disability access and inclusion plans by public authorities

Section 28 – Disability access and inclusion plans

Disability Services Regulations 2004

Part 1 – General

Regulation 10 – Procedure for public consultation by authorities

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

There are no specific financial implications identified in the 2023/2024 budget, however any projects that involve new or updated buildings will be required to consider the DAIP as part of the project.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council adopt the reviewed Shire of Gingin Disability Access and Inclusion Plan 2023-2028.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

The Statutory Planning Officer left the meeting at 4:40pm and did not return.



Disability Access & Inclusion Plan

DRAFT

2023–2028

This Plan is available in **alternative formats upon request** including standard and large print, electronically, and on the Shire's website gingin.wa.gov.au.



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Introduction

The review of the Shire of Gingin's Disability Access and Inclusion Plan (DAIP) is a requirement of the *Western Australia Disability Services Act 1993* (the Act) and *Disability Services Regulations 2004*. The Act states that public authorities must review their DAIP every five years as a minimum.

The review determines the effectiveness of the strategies set for achieving the seven outcomes of access and inclusion of people with disability. In addition, the review evaluates and updates the strategies and actions to provide the context for the development of the Disability Access and Inclusion Plan 2023-2028.

Definition of disability

Disability as defined in the Act means:

- An intellectual, psychiatric, cognitive, neurological, sensory or physical impairment, or a combination of those impairments;
- Is permanent or likely to become permanent;
- May or may not be of a chronic or episodic nature; and
- Results in a –
 1. Substantially reduced capacity of the person for communication, social interaction, learning or mobility; and
 2. Need for continuing support services.

Additional legislation and definitions of disability/impairment underpinning the requirement by public authorities to provide access and inclusion for people with disability include:

- *Western Australian Equal Opportunity Act 1984.*
- *Commonwealth Human Rights and Equal Opportunity Act 1992.*
- *Commonwealth Disability Discrimination Act 1992.*
- *Commonwealth Disability Access to Premises Standards 2010.*

Background

Shire of Gingin

The Shire of Gingin is situated in Western Australia to the north-east of the Perth Metropolitan area and encompasses an area of 3,325 km². It includes the flat sandy soils of the Swan Coastal Plain in the west, and the hinterland and foothills of the Darling Range to the east. The Shire embraces the lower reaches of Moore River together with a system of freshwater swamps, lakes and streams, and the watercourse of Gingin Brook.



The Shire of Gingin, with its extensive coastline, pristine river systems and panoramic views, is a unique and exciting place to live and visit. The new Tonkin Highway extension, coupled with the freeway and rail line extensions, have brought the Shire of Gingin closer to the metropolitan area and all its services, including medical and home support.

The Shire has a diverse economic base consisting of large high intensity agriculture and horticulture industries, fishing industry, significant horticultural and agricultural pursuits, thriving commercial sectors, a growing tourist industry, and has medical centres in both Gingin and Lancelin.

The Shire includes the inland town and administrative centre of Gingin, and the coastal towns of Guilderton, Seabird, Ledge Point, and Lancelin. There are also ten rural living estates: Woodridge, Sovereign Hill, Moondah Ridge, Seaview Park, Redfield Park, Ocean Farm, Sunset Estate, Honeycomb Estate, Marchmont and Country Heights Estate, as well as the Gingin Rural Industrial Estate, an extensive agricultural region and a large area of national parks and reserves. The Shire is governed by Council comprising of nine elected members and serviced by approximately 76 staff members (not including casual and short-term contracts).

Functions, facilities, and services (both in-house and contracted) provided by the Shire of Gingin

The Shire of Gingin is responsible for a range of functions, facilities and services including:

Services to Property

- Construction and maintenance of roads, footpaths and cycle facilities.
- Provision of Public Buildings and Facilities and maintenance.
- Land drainage and development control.
- Waste collection and disposal.
- Litter control and street cleaning.
- Weed and verge control.
- Numbering of buildings and lots.
- Street lighting.
- Bush fire control and mitigation.

Services to the Community

- Provision and maintenance of playing areas and reserves.
- Facilitation and assistance with community events.
- Management of libraries and information services.
- Citizenship ceremonies.
- Town Planning, Building Surveyor and Environmental Health services.
- Health education.



Regulatory and Compliance Services

- Health, building, planning and ranger services.

General Administration

- The provision of general information to the public and the lodging of complaints, payment of rates, Department of Transport licensing, customer service requests, general administration functions including Council and Committee agendas/minutes, financing functions, governance/compliance, communications and marketing, and integrated planning and reporting.

People with disability in the Shire of Gingin and broader Australian population

Based on the place of usual residence population of 5576 (ABS 2021) and national Survey of Disability Ageing and Carers (2018) estimated disability figure of 17.7%, it is estimated that there are approximately 987 people with a disability living within the Shire.

The Australian Bureau of Statistics (ABS - released 24/10/2019 Survey of Disability, Ageing and Carers (2018) identifies the following statistics:

- *In 2018 there were 4.4 million Australians with disability, 17.7% of the population, down from 18.3% in 2015.*
- *The prevalence of disability increased with age - one in nine (11.6%) people aged 0-64 years and one in two (49.6%) people aged 65 years and over had disability.*
- *Disability prevalence was similar for males (17.6%) and females (17.8%).*
- *5.7% of all Australians had a profound or severe disability.*
- *Almost one-quarter (23.2%) of all people with disability reported a mental or behavioural disorder as their main condition, up from 21.5% in 2015.*

The 2021 ABS Census identified that 16.4% (3,676,770) or close to one in seven are older Australians - those over 65 years of age. For older Indigenous Australians, the age range 50 and over is used, reflecting the life expectancy gap between Indigenous and non-Indigenous Australians and the lower proportion of Indigenous people aged 65 and over. There were around 3.5 million older Australians in 2015, representing one in every seven people (15.1%). This proportion has risen from 14.3% in 2012 and 12.6% in 2003.

The most notable increase of growth of age groupings within the Shire since the 2016 census are ages 50 through 85 and over. The only decrease in numbers of residents within the senior demographic are the 60 to 64 cohort which has seen a decline of 10.2%. Notable increases include the 70-74 age group at 26.6%, 75-79 at 25.4%, 80-84 at 31.4% and over 85s at 20.5%. (ABS 2021 Census).



The Shire is located within the peri-urban zone north-east of the Perth metropolitan area. Due to this, and as the Shire has a 47.5% non-resident population, it could be anticipated that the majority of this cohort would predominantly visit and holiday in the Shire during the summer months, placing pressure on existing infrastructure not normally experienced during the balance of the year, with coastal populations rising exponentially. Asset development is generally justified on the permanent population base and catering for influx and complex requirements during this time can be challenging and sometimes beyond the limited resources of the Shire. Notwithstanding, new development initiatives are determined on needs-based feasibility and sound business planning principles, including access and inclusion requirements.

Planning for better access

With ageing of the population continuing to trend upwards and recognition that disability and ageing access require a focus, the Shire of Gingin is committed to ensuring that access and inclusion principles have a prominent place within all relevant policies and practices.

In addition to the legislation addressing disability access (Building Code of Australia) the following supports equality of access and participation for those with disability who reside in, work for, or visit the Shire of Gingin:

- Shire of Gingin Strategic Community Plan 2022-2032
- Corporate Business Plan (in the given year)
- *Disability Services Act (WA) 1993*
- *Disability Services Regulations 2004*
- *Disability Discrimination Act 1992*
- *Local Government Officers' (WA) Award 2021*
- *Equal Opportunity Act (WA) 1984*
- *Fair Work Act (Cth) 2009 & Fair Work Regulations 2009*
- Public Sector Standards – business excellence (peak bodies)
- Shire's Age Friendly Plan

To enhance access and inclusion for people with disability, and with the knowledge that attitudes and the environment are often more of a disabling factor than the person's impairment, the Shire of Gingin is committed to the seven outcomes of the DAIP. These ensure that people with a disability (based on the standards for Disability Access and Inclusion Plans):

- **Have the same opportunities as other people to access the services of, and any events organised by, the Shire of Gingin.**
- **Have the same opportunities as other people to access transport, buildings, and other facilities of the Shire of Gingin.**
- **Can access information from the Shire of Gingin as readily as other people are able to access it.**



- **Receive the same level and quality of service from the staff of the Shire of Gingin as other people receive.**
- **Have the same opportunities as other people to make complaints to the Shire of Gingin.**
- **Have the same opportunities as other people to participate in any other public consultation carried out by the Shire of Gingin.**
- **Have the same opportunity as other people to obtain and maintain employment within the Shire of Gingin.**

As part of this commitment the Shire of Gingin will:

- Consult with people with disability, their families and carers, and where required, disability organisations to ensure that potential and current barriers to access and inclusion are addressed.
- Ensure that services and facilities provided by the Shire of Gingin's agents and contractors are in accordance with the seven desired outcomes of the DAIP. This includes the provision of accessible events, facilities, services, information, complaint processes, and other public activities undertaken by the Shire of Gingin.
- Work in partnership with community groups, other public and private authorities, people with a disability, and families and carers to facilitate the inclusion of people with disability through improved access to the Shire of Gingin information, buildings, services, and facilities.

Agents & Contractors

The Shire of Gingin requires that people with disability have access to all Shire facilities, functions and services including those provided by their agents and contractors.

Under the *Disability Services Act 1993 s29B*, local governments are obliged to inform all agents and contractors providing services of the existence of the DAIP, and to inform them that all services provided to the public on behalf of the local government authority are to be conducted in a manner that is inclusive and accessible for people with disability.

Access & Inclusion Statement

The Shire of Gingin is committed to ensuring that people with disability, their families, and carers are given the same access and inclusion principles as the balance of the community.

The Shire of Gingin interprets an accessible and inclusive community as one in which all Shire functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disability, providing them with the same opportunities, rights and responsibilities as other people in the community.



The Shire of Gingin:

- Recognises that people with disability are valued members of the community who make a variety of contributions to local social, economic, and cultural life.
- Believes that a community that recognises its diversity and supports the participation and inclusion of all its members makes for a richer community life.
- Believes that people with disability, their families and carers should be supported to remain in the community.
- Is committed to consulting with people with disability, their families and carers and disability organisations in addressing barriers to access and inclusion.
- Will ensure its agents and contractors work towards the desired outcomes in the DAIP.
- Is committed to achieving the seven desired outcomes of its DAIP.

Progress & Achievements Since Implementation of the 2017 – 2022 DAIP

Since the implementation of the 2017–2022 DAIP there have been several initiatives undertaken which have improved access and inclusion for people with a disability with the Shire of Gingin.

Outcome 1: Access to services and events

- The front counter within the Shire Administration Building was reviewed during the period and upgraded for functionality and accessibility.
- Accessible events have been a focus to ensure that people with disabilities are not excluded. The Shire, through its events approval process, requires that additional exclusive disabled parking access is provided.

Outcome 2: Access to Buildings and Facilities

- Improvements and upgrades to existing facilities to improve their accessibility has been undertaken on scheduled priority projects (Asset Management Plan). A major project completed during the 2017-2022 period was the Gingin Outdoor Activity Space (GOAS). The design of this space caters for all ages and abilities, and takes into consideration mobility access in addition to prams, scooters and other wheeled conveyances. Activities and equipment have been included that are suitable for children and youths with disabilities. A unisex accessible ablution facility is available in addition to BBQ facilities and picnic areas.
- Footpaths in the town sites have been expanded and repaired/upgraded as required. Each year the Shire is allocating a minimum of \$100,000 to these works. 2022 saw an increase in funding for footpaths resulting in an increase of footpath projects. Work was carried out in the following locations:



- Dual use footpath installed Beacon Road, Lancelin from intersection North Street to intersection Desert Road – approximately 200m.
- Removed old footpath and installed dual use footpath Mullins Street, Guilderton from intersection of Gordon Street to Mortimer Street – approximately 275m.
- Dual use footpath installed Brockman Street, Gingin from intersection Robinson Street to intersection Cheriton Road – approximately 210m.
- Dual use footpath installed Cheriton Road, Gingin from intersection Brockman Street to intersection Cairn Crescent – approximately 360m.

Compliant accessible kerb ramps have been installed at the following locations:

- Beacon Road/Desert Road, Lancelin
- Beacon Road/Hinchcliffe Road, Lancelin x 2
- Gordon Street/Mullins Street, Guilderton
- Mullins Street/Wedge Street, Guilderton
- Mullins Street, Guilderton
- Cheriton Road/Cairn Crescent, Gingin
- Cheriton Road/Brockman Street, Gingin
- Brockman Street/Robinson Street, Gingin

Outcome 3: Access to information

- A full review and upgrade of the Shire's website was undertaken in 2022 and accessible functionality incorporated. The Shire of Gingin is committed to providing accessible information to as many users as possible and pursued this objective when redesigning this website. The following Accessibility Notice is provided on the website.

This website has been developed to meet W3C Web Content Accessibility Guidelines 2.0 Level AA. These guidelines are available at <http://www.w3.org/TR/WCAG/>.

On occasion there may be situations when users encounter accessibility issues or there are some documents or information which cannot be accessed. If this should happen to you, please contact us for access to the information you require.

- Information relating to services for people with disability is available in alternate format when requested.
- The Shire of Gingin's website provides information on looking after and caring for vulnerable people in our community. These services include Aged Care and Disability, Community Assistance, Community Car Service, and Changing Places Facilities. Assistance can be provided by any Shire officer to any person that is having difficulty accessing this information on our website.

Outcome 4: Same level of services as others from Shire of Gingin Staff

- Awareness training has been provided for staff in disability protocols. Reminders are provided during staff meetings when applicable, and all new staff are informed during inductions.



- Staff customer service/compliance activity is underpinned by the Shire's Customer Service Charter and legislated requirements.

Outcome 5: Making complaints

- Complaints can be lodged with the Shire of Gingin via email, telephone, website or in writing.
- Assistance can and will be provided if requested. All staff members can assist with any member of the public lodging a complaint.

Outcome 6: Participation in public consultation

- Ensure municipal election voting is held in accessible buildings.
- Public surveys are provided in various formats.

Development of the Disability Access & Inclusion Plan 2023-2028

Responsibility for the planning process

The Shire's Regulatory and Development Services Division has responsibility to oversee the development, implementation, review, and evaluation of the plan. The final plan will be adopted by Council, and it is the responsibility of all officers to implement the relevant actions.

The Building Surveyor will be responsible for the five-yearly review of the DAIP and the DAIP Progress Report.

Community consultation process

To facilitate the development of the DAIP 2023-2028, a process of review and consultation will be undertaken.

Internal review processes:

- Analysis of previous DAIP (2017-2022) strategies and actions to assess what has been achieved and identify areas in need of improvement.
- Examination of the Shire's Strategic Community Plan (2022-2032) as part of the major review process.
- A review of the Five-Year Building Maintenance Plan to examine the proposed planned maintenance projects to ensure access and inclusion is addressed.
- Assess correspondence received from the public regarding any facility or service accessibility concerns.



External review processes:

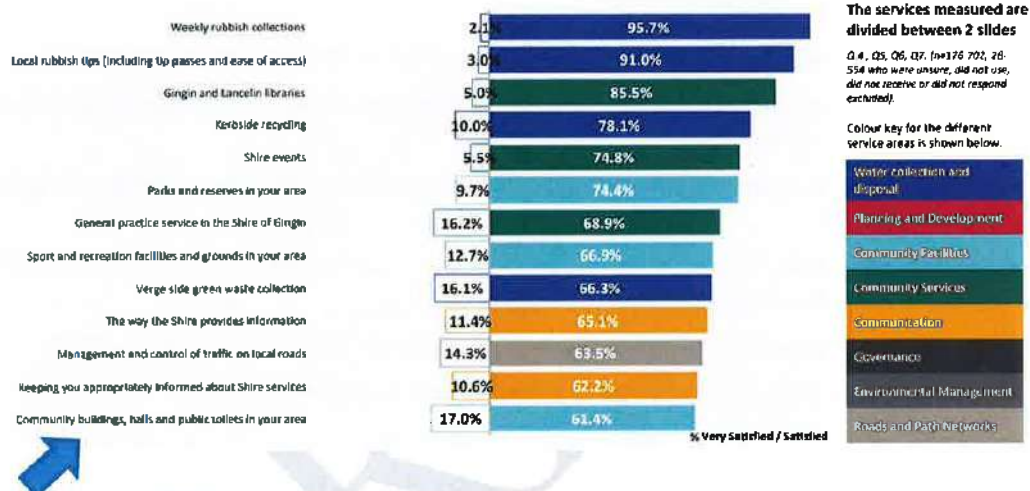
- Resident Perception Surveys to include questions on satisfaction with accessibility to Shire facilities and events.
- Public consultation period April 2023 for the Disability Access and Inclusion Plan 2023-2028.

Findings

2020 Resident Perception Survey

Satisfaction with Shire Services and Facilities

OVERALL SATISFACTION WITH INDIVIDUAL SERVICES AND FACILITIES (1)



The score for community buildings, halls and public toilets was 61.4% 'Very Satisfied' satisfaction level. To enable us to drill down on why it sat in the lower end of the satisfaction level, questions will be presented in the Resident Satisfaction Survey 2023 regarding access and inclusion satisfaction for the Shire's public facilities.

Strategic Community Plan 2022-2032

The following inclusions were made on the review of the Strategic Community Plan 2020-2030 in order that access and inclusion remain a focus of strategic importance.

Aspiration 2 - Grow and Nurture Community Connectedness and Wellbeing

2.3 Ageing in Place & Health Care

Foster relationships with key stakeholders to provide ageing in place opportunities and appropriate health care in our communities.

2.7 Accessibility

Ensure that the Shire's infrastructure and services are accessible to seniors and community members with a disability.



2.8 Services & Facilities

Provide cost effective services and facilities which meet the needs of the community.

Public Consultation process - Open for Public Comment

This draft DAIP will be made available for public comment for a 4-week period in April 2023. It will be advertised in the West Australian Newspaper, the Shire's Council to Community newsletter, on its website and Facebook page.

Any feedback and comments provided by the public during this period will be reviewed for inclusion in the final DAIP.

Previous identified access and inclusion barriers

The access barriers previously identified in consultation processes for the 2017-2022 DAIP are still relevant for the 2023-2028 DAIP:

- Some administrative processes of the Shire may not be as accessible as possible.
- Events may not always be held in a manner and location that best facilitates the participation of people with disability.
- Suitable parking for people with disability may not be meeting the needs of the growing demographic.
- Staff may be uninformed or lacking in confidence to adequately provide the same level of service to people with disability.
- People with disability may not be aware of consultation opportunities with the Shire.
- Areas of the Shire with inaccessible transport corridors eg, footpaths.

These barriers informed the previous and current development of strategies in the DAIP. The barriers have been prioritised in order of importance, which assists in setting timeframes for the completion of strategies to overcome access barriers.

Responsibility for implementing the DAIP

Implementation of the DAIP is the responsibility of all areas of the Shire. The *Disability Services Act 1993* requires public authorities to take all practical measures to ensure that the DAIP is implemented by its officers, employees, agents, and contractors.

Communicating the plan to staff and people with disabilities

- Following adoption of the 2023-2028 DAIP by Council, the DAIP will be submitted to the Disability Services Commission. The DAIP will then be made available on the Shire's website, Facebook page, and advertised in the local newspapers. It will also be made available in alternate formats on request.
- A copy of the 2023-2028 DAIP will be made available to all Shire staff, agents, and contractors and a copy will be made available at the local libraries, Community Resource Centres, and organisations representing people with a disability.
- Staff will be advised of the new DAIP and the strategies to improve access and inclusion within the Shire of Gingin including methods of distribution.



Review & Evaluation Outputs

The *Disability Services Act* requires that DAIPs be reviewed at least every five years. Whenever the DAIP is amended, a copy of the amended plan must be lodged with the Disability Services Commission.

Monitoring and reviewing

- The Shire's Regulatory and Development Services division responsible for the DAIP will review the progress of the implementation of the DAIP 2022-2027 and provide a report to management.
- The Shire's DAIP will be reviewed and submitted to the Disability Services Commission each year. The report will outline what has been achieved under the Shire's DAIP 2023-2028.

Evaluation

- An evaluation will occur as part of the five-yearly review of the DAIP.
- The DAIP will be evaluated on a yearly basis to ensure that actions and outcomes are in line with the DAIP objectives.

Reporting on the DAIP

The *Disability Services Act 1993* requires the Shire to report on the implementation of its DAIP in the Annual Report outlining:

- Progress towards the desired outcomes of its DAIP.
- Progress of its agents and contractors towards meeting the seven desired outcomes.
- The strategies used to inform agents and contractors of its DAIP.

The Shire is also required to report on progress in the prescribed format to the Disability Services Commission by June 30 each year.

Strategies to Improve Access & Inclusion

The following overarching strategies have been developed and reviewed to address each of the seven desired outcome areas of the *Disability Services Act 1993* from feedback gained in the consultation process.

Outcome 1: Access to Services and Events

Disability Service Regulations 2004: People with disability have the same opportunities as other people to access the services of, and any event organised by, the Shire of Gingin.



Strategy	Timeline
<p>Consultation opportunities: <i>Outputs</i></p> <ul style="list-style-type: none"> ▪ Resident Perception Survey. ▪ Strategic Community Plan reviews. ▪ Public consultation period advertised for the DAIP once revised. 	<p>Resident Perception Survey – biennial, undertaken every 2nd and 4th year. Review Disability Access and Inclusion Plan – every 5 years.</p>
<p>Monitor Shire services - customer service interaction ensuring equitable access and inclusion: <i>Outputs</i></p> <ul style="list-style-type: none"> ▪ Public service interaction points – ease of transaction and communication. ▪ Accessibility (various) to staff within the organisation. 	<p>Ongoing.</p>
<p>Develop links between the DAIP and other Shire plans and strategies: <i>Outputs</i></p> <p>Strategic Community Plan 2022-2032: Aspiration 2 - Grow and Nurture Community Connectedness and Wellbeing. <i>2.3 Ageing in Place & Health Care</i> Foster relationships with key stakeholders to provide ageing in place opportunities and appropriate health care in our communities. <i>2.7 Accessibility</i> Ensure that the Shire's infrastructure and services are accessible to seniors and community members with a disability. <i>2.8 Services & Facilities</i> Provide cost effective services and facilities which meet the needs of community.</p>	<p>Strategic Community Plan – minor review every 2 years & major review every 4 years.</p>
<p>Shire/community managed events - includes a portion of community grant program: <i>Outputs</i></p> <p>Plan, coordinate, and promote inclusive 'all ages' events to support community health and well-being.</p>	<p>Ongoing.</p>



Strategy	Timeline
<p>Ensure that events, whether organised, funded or supported are accessible to people with disability: Outputs Event approval application process specifically detail on methods of access and inclusion.</p>	Assessed prior to each event.
<p>Medical services: Outputs Advocate for improved medical and allied health services that are accessible across the Shire.</p>	Ongoing.
<p>Assisted transport services/community cars (access to health services): Outputs Support the on-road costs for the Gingin and Lancelin community cars.</p>	Ongoing.
<p>Public Health Stakeholder Network/Healthy Ageing Advisory Committee – Aged Housing & Care Service Provision Working Group: Outputs Establish a 'Public Health Stakeholder Network' that provides opportunities for the community to work together, identify common goals, and achieve efficiencies.</p>	Ongoing.

Outcome 2: Access to Buildings and Facilities

Disability Service Regulations 2004: People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Gingin.

Strategy	Timeline
<p>Ensure that all buildings and facilities meet the standards for access and inclusion. Outputs Building Code - this includes all buildings new and renovated.</p>	Ongoing, and assessed when building permit application received.



Strategy	Timeline
<p>Ensure that new development and/or redevelopment works provide access to people with disability where practicable:</p> <p><i>Outputs</i></p> <ul style="list-style-type: none"> ▪ Building Code ▪ Building Permit process ▪ Through a standard clause in all conditions of contract referencing the key legislative requirements for contractors to implement the Shire's DAIP. 	<p>Ongoing - all plans are reviewed by the Shire's Building Surveyor prior to issue of Building Permit.</p>
<p>Ensure that ACROD parking meets the needs of people with disabilities in terms of quantity and location:</p> <p><i>Outputs</i></p> <p>Development Application process assessment.</p>	<p>Ongoing - incorporated into car park upgrades and new development.</p>
<p>Advocate to local businesses and tourist venues the requirements for and benefits flowing from the provision of accessible venues:</p> <p><i>Outputs</i></p> <ul style="list-style-type: none"> ▪ Building Code ▪ Development Application ▪ Tourist information centres to impart information of accessible venues. 	<p>Ongoing.</p>
<p>Ensure that all recreational areas are accessible:</p> <p><i>Outputs</i></p> <p>Asset Management Plan – prioritised and budgeted asset replacement, renewal, and new capital projects and, where required, building permit application process.</p>	<p>Ongoing.</p>
<p>Management of Shire community/social housing:</p> <p><i>Outputs</i></p> <p>Manage existing Community/Social Housing units in Lancelin and Gingin.</p>	<p>Ongoing.</p>
<p>Gingin Eco Lifestyle Village:</p> <p><i>Outputs</i></p> <p>Shire to purchase properties.</p>	<p>2022-2023</p>



Strategy	Timeline
Delivery of pathways: Outputs Continue to provide walkable neighbourhoods through the implementation of the Shire's '10 Year Pathway Program'.	2023-2027
Lions/Men in Sheds: Outputs Carpark renewal Gingin.	2022-2023

Outcome 3: Access to Information

Disability Service Regulations 2004: People with disability receive information from the Shire of Gingin in a format that will enable them to access the information as readily as other people are able to access it.

Strategy	Timeline
Ensure the community is aware that Shire information is available in alternative formats upon request: Outputs <ul style="list-style-type: none"> ▪ Advertise in Council to Community and Facebook. ▪ Ensure staff are aware of all formats so can impart information. ▪ Induction/on-boarding processes for new staff. ▪ Updates/reminders to staff. 	Ongoing.
Improve staff awareness of accessible information needs and how to provide information in other formats: Outputs Provide information memo to staff advising of alternative information sharing methods at the Shire.	Ongoing.
Ensure that the Shire's website meets contemporary good practice: Outputs Annual review of website.	The website has been developed to meet W3C Web Content Accessibility Guidelines 2.0 Level AA. These guidelines are available at http://www.w3.org/TR/WCAG/



Strategy	Timeline
<p>Disability Access and Inclusion Plan (DAIP): <i>Outputs</i> Ensure the adopted Disability Access and Inclusion Plan is uploaded onto the website, with the DAIP available in large and regular print size to download.</p>	To be implemented when the DAIP is adopted by Council.

Outcome 4: Quality of Service

Disability Service Regulations 2004: People with disability receive the same level and quality of service from the employees of a public authority as other people receive from the employees of that public authority.

Strategy	Timeline
<p>Ensure that all employees, existing and new, and elected members are aware of disability and access issues and have the skills to provide appropriate services: <i>Outputs</i></p> <ul style="list-style-type: none"> ▪ Staff induction process. ▪ Building Code revisions etc. ▪ Councillor training protocols. 	Reviewed annually.
<p>Improve community awareness about disability and access issues: <i>Outputs</i> Advice of actions in community newsletters and other media sources.</p>	Ongoing.
<p>Lancellin independent living unit maintenance: <i>Outputs</i> Ensure units are maintained to meet accessibility standards.</p>	2022-2023
<p>Building/Planning Permits: <i>Outputs</i> Ensure accessibility and inclusion requirements are met in the approval process for building and planning permits.</p>	Ongoing.
<p>Resident Perception Survey: <i>Outputs</i> Integrate survey feedback into DAIP (where relevant).</p>	Ongoing.



Strategy	Timeline
<p>Asset Maintenance Plan: <i>Outputs</i> Accessible infrastructure – continue to undertake well planned maintenance of community infrastructure that contributes to safe access for all.</p>	Ongoing.
<p>Wangaree Community Centre building maintenance <i>Outputs</i> Replace air-conditioner.</p>	2022-2023
<p>Review Disability Access & Inclusion Plan <i>Outputs</i> Review every five years.</p>	2022-2023 2027-2028
<p>Review Disability Access & Inclusion Plan (yearly review) <i>Outputs</i> Review every year with results reported to the Commission.</p>	Ongoing.
<p>Local Health Plan <i>Outputs</i> Support public health, safety, lifestyle and well-being through Shire initiatives and partnerships.</p> <ul style="list-style-type: none"> • Action 1 - Monitoring & mitigating environmental health risks. • Action 2 - Protecting people's public health. • Action 3 - Mitigating public health risks during emergencies. 	Ongoing.
<p>Strategic Community Plan <i>Outputs</i> 2-year minor review (2023/24) & 4-year major review (26/27).</p>	2023-2024 2026-2027
<p>Contractor Obligations <i>Outputs</i> Development of a Contractor Management Plan.</p>	2023-2024



Outcome 5: Opportunities to Make Complaints, Compliments and Feedback

Disability Service Regulations 2004: People with disabilities have the same opportunities as other people to make complaints to a public authority.

Strategy	Timeline
<p>Complaints, compliments, and feedback can be submitted in writing, via email, in person or by telephone and through the Shire’s website.</p> <p><i>Outputs</i> Customer Service Charter.</p>	Ongoing.

Outcome 6: Opportunities to Participate in Public Consultation

Disability Service Regulations 2004: People with disability have the same opportunities as other people to participate in any public consultation by a public authority.

Strategy	Timeline
<p>Ensure that people with disability are actively consulted about the DAIP and any other significant planning processes.</p> <p><i>Outputs</i></p> <ul style="list-style-type: none"> ▪ DAIP review. ▪ Resident Perception Survey (every two years). ▪ Any other relevant processes of consultation when applicable. ▪ Strategic Community Plan update. 	<p>DAIP every 5 years – next 2028</p> <p>Resident Perception Survey biennial consultation – 2023.</p> <p>Strategic Community Plan review 2024.</p>



Outcome 7: Opportunity to Obtain and Maintain Employment

Disability Service Regulations 2004: People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Gingin.

Strategy	Timeline
<p>Recruitment and selection by the Shire of Gingin is inclusive and accessible to people with disability.</p> <p><i>Outputs</i></p> <ul style="list-style-type: none"> ▪ Policy 2.18 Equal Employment Opportunities. ▪ Policy 2.5 Discrimination, Harassment and Bullying. ▪ Policy 8.3 Recruitment and Selection. 	<p>Ongoing.</p>
<p>Shire of Gingin staff with disability are fully supported to undertake their employment responsibilities.</p> <p><i>Outputs</i></p> <ul style="list-style-type: none"> ▪ On-boarding protocols. ▪ Training opportunities. 	<p>Ongoing.</p>

13.8 WASTE MANAGEMENT REFORM STAGE 3

File	WST/5
Author	Tanya Anderson - Administration Support Health
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. ASK Management Workshop Report Options and Outcomes [13.8.1 - 22 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider a recommendation from the Waste Management Advisory Committee in relation to a preferred option for the progression of the Waste Management Plan in the Shire of Gingin.

BACKGROUND

Since 2000, the Shire of Gingin has considered the strategic direction of its waste management function and specifically Waste Management Facilities (WMFs) in accordance with legislative changes, government and industry development of contemporary environmental 'best' practices and identified financial implications.

At its 17 November 2020 meeting, the Waste Management Advisory Committee resolved:

The Waste Management Advisory Committee request Administration to investigate Option 6 as detailed in the 'Background' and 'Comment' sections of this report and present the findings for future consideration.

Option 6 referred to:

Consider the staging of construction of transfer stations at the Gingin and Lancelin WMFs with the Seabird WMF to accept the additional waste and remain a public facility.

The Committee was of the opinion that further detailed investigation into Option 6 was required in order to determine the likely financial implications.

This was presented to Council on Tuesday, 20 September 2022. The three infrastructure-focused options for further economic assessment as agreed at this workshop to rationalise were:

- Option 1 – Two Transfer Stations and Shire Landfill
- Option 2 – Two Transfer Stations and an External Landfill
- Option 3 – Three Transfer Stations and an External Landfill

The options would be compared against the current baseline position in the Shire, which would also be assessed. The Committee was presented with this information at a workshop in March 2023 and the results of that workshop form the basis of this report for adoption and ratification of Option Two, which was the model preferred by committee members in attendance.

The matter was further considered by the Committee on 6 June 2023 with a further recommendation to Council being agreed upon.

COMMENT

As outlined in the report Waste Management Reform Stage 3: Economic Model Outcomes, presented as an Appendix, the next step is to endorse Option 2 and put forward a recommendation for Council consideration.

Discussion regarding the current format of the tip pass at the workshop has instigated further investigation into the cost and viability of implementing a card system and will be an item included in the Community Consultation process. Further advice will be presented on this matter after the consultation process is complete and the consultant's report is received.

STATUTORY/LOCAL LAW IMPLICATIONS

Environmental Protection Act 1986
Environmental Protection Regulations 1987
Environmental Protection (Rural Landfill) Regulations 2002
Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995
Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The 2021/2022 budget was allocated \$50,000 to engage a consultant to provide Council with expert support to plan and implement the modernising of the Shire's waste functions and facilities. As we reach the final part of Stage Four, Community Consultation is required. ASK Management provided a quote for \$23,800 ex. GST for this service, which exceeds the remaining Budget for 2021/2022 (\$24,190). An additional provision of \$1990.00 is requested to ensure project continuity and allow the consultation process to progress in this financial year.

Account	Description	Current Budget	Revised Budget	Surplus/Deficit
121001520	SAN - Consultants	\$50,413.00	\$52,403.00	\$1,990.00
121001870	SAN - Other Expenses	\$5,775.00	\$3,785.00	(\$1,990.00)
Net				\$0.00

Revisiting the Option Two financial model outcomes that were presented at the workshop were an overall annual cost of \$778,000 for the two transfers stations and one shire owned landfill, a tonnage cost of \$113 and an annual cost to each property of \$144 (in lieu of current charge of \$114).

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Kestel

That Council:

1. Adopt Option Two – Two Transfer Stations and One Shire Landfill as contained in the Waste Management Reform Stage 3: Economic Model Outcomes, as the preferred model for the Shire; and
2. Amend the 2022/23 Budget retrospectively as follows so the Community Consultation process can commence:

**MINUTES
ORDINARY COUNCIL MEETING
20 JUNE 2023**



Account	Description	Current Budget	Revised Budget	Surplus/Deficit
121001520	SAN - Consultants	\$50,413.00	\$52,403.00	\$1,990.00
121001870	SAN - Other Expenses	\$5,775.00	\$3,785.00	(\$1,990.00)
Net			{resolution}.00	

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

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



Waste Management Reform Stage 3: Economic model outcomes

Shire of Gingin



May 2023

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Acknowledgements

ASK Waste Management acknowledges the Traditional Owners of the land in which we work and live, and pays respects to Elders past, present, and emerging.

ASK also gratefully acknowledge the cooperation of the Shire of Gingin staff that provided information and assistance in the development of this report.

Disclaimer

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Document Control			
Version	Date	Description	Initials
1A	8 May 2023	Draft for Shire review	SG

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1 INTRODUCTION

The Shire of Gingin (the Shire) has committed to undertaking a waste reform and strategic planning project (the Project) to inform service delivery and infrastructure requirements for the future.

The Shire engaged ASK Waste Management (ASK) to complete this project. The project has five key stages:

1. A Council workshop to outline Better Practice waste management approaches and develop and agree on three options to be assessed as part of the waste reform.
2. A financial assessment of the three options agreed upon, and a facilitated workshop with the Waste Management Advisory Committee (WMAC) to summarise the assessment's findings and to decide on a preferred option.
3. The production of a Council Report summarising the results of the assessment, WMAC workshop outcomes and any recommendations.
4. (Optional) A community consultation task that would include a community survey and workshops, resulting in the production of a Community Consultation Report and a presentation of the key findings at a WMAC workshop to form recommendation(s), including the preferred option.
5. Production of a Council Report on the recommendations of the WMAC and the presentation of these findings to the Council.

This report has been produced as part of Stage 3 of the Project. To understand the financial implications of each option, ASK developed an MS Excel-based model. The outcomes produced by the model and included in this report are preliminary estimates only and are provided for strategic planning purposes.

2 BACKGROUND

The management of waste is not a static process. Climate change, resource depletion, environmental pollution and biodiversity loss, are influencing global, national, and state waste policy and legislative frameworks and shifting approaches to how waste is managed.

The Shire's current waste services and performance is basic and must evolve to comply with legislation, meet community expectations, and keep pace with better practice.

In considering options for waste reform in the Shire, it is important to understand the drivers and influencers that impact and shape future waste management policy and legislation. Better practice dictates that municipal waste services should be managed to achieve six key outcome areas:

- Avoiding waste generation: encouraging the avoidance of waste generation
- Increasing material recovery and decreasing contamination
- Minimising residual waste that is generated and the amount of residual waste disposed of to landfill; recover energy only from residual waste
- Removing organics from landfill: providing a three-bin kerbside collection system that includes separating FOGO from other waste categories
- Implementing better practice: as per State guidelines, where available
- Minimising impacts on health and the environment

Every local government is different and there is no one size fits all solution for determining the most suitable future service configuration or infrastructure mix. An understanding of the Shire's current waste performance, legislative and policy drivers, and community expectations coupled with the Shire's vision and objectives for the future will determine the most appropriate reform outcome for the Shire.

3 STAGE 1 WORKSHOP

The Stage 1 project workshop was held at the Shire of Gingin on 20th September 2022. The workshop aimed to find consensus on three options for further financial assessment for Stage 2. The workshop was attended by the Shire Councillors, Executive Management Team and CEO.

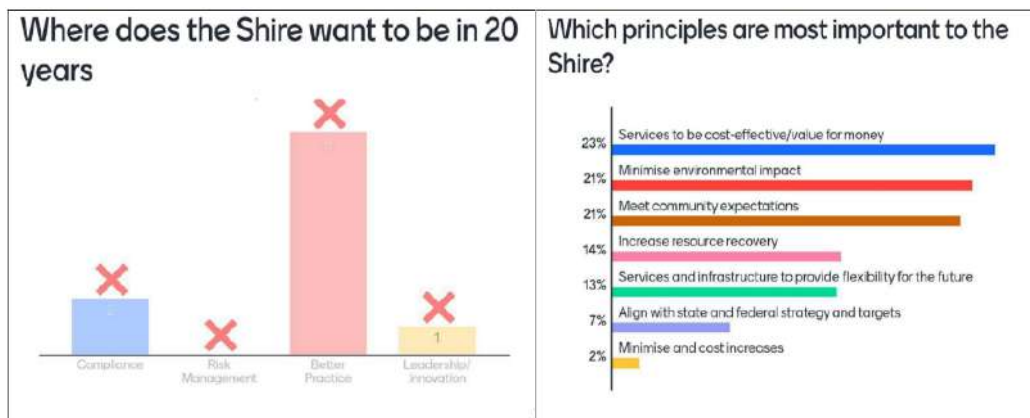
The workshop included an overview of:

- Drivers and influencers impacting future waste management service delivery
- The current 'baseline' position of the Shire in relation to waste services and infrastructure
- Options for waste reform
- Better practice examples

Attendees undertook an exercise to set the vision and guiding principles for the project (See **Figure 3.1**). The exercise indicated that the majority of participants supported 'better practice' as the preferred aspiration or 'vision' for the future delivery of waste infrastructure and services for the Shire. The top three guiding principles for reform were identified:

1. Services to be cost-effective/provide value for money
2. Minimising environment impact
3. Meeting community expectations

Figure 3.1 Vision and guiding principles for waste reform established at Workshop 1



The attendees agreed on three infrastructure focused options in addition to 'business as usual' for further financial assessment. The options are:

Option 1 – Business as usual

- The current baseline position 'business as usual' of the Shire operating three unlined landfills with kerbside trucks disposing of waste from collection areas at the Seabird Waste Management Facility (WMF) and Gingin WMF

Option 2 – Rationalise (Two Transfer Stations and Shire Landfill)

- Closure of Lancelin and Gingin landfills
- Design and construction of transfer stations at the Lancelin and Gingin WMF
- Seabird landfill to remain as the only Shire landfill (remaining unlined)
- Drop off waste from the transfer stations to be transported to the Shire landfill at Seabird for disposal
- Kerbside trucks transport waste directly to the Seabird landfill for disposal
- Transfer stations to accept both domestic and commercial waste generated in the area

Option 3 – Rationalise (Two Transfer Stations, Shire landfill and External Landfill)

- Closure of Lancelin and Gingin landfills
- Design and construction of transfer stations at the Lancelin and Gingin WMF
- Seabird landfill to remain as the only Shire landfill (remain unlined)
- Drop off waste from the Lancelin transfer station to be transported to the Shire landfill at Seabird for disposal
- Drop off waste from Gingin transfer station to be transported to an external landfill (Fernview) for disposal
- Kerbside collection trucks for the Gingin area transport waste direct to an external landfill (Fernview) for disposal
- Kerbside collection trucks for the coastal strip to transport waste direct to the Seabird landfill for disposal
- Transfer stations to accept both domestic and commercial waste generated in the area

Option 4 – Rationalise (Three Transfer Stations and External Landfill)

- Closure of all three landfills
- Design and construction of transfer stations at the Lancelin, Gingin and Seabird WMF
- Drop off waste from transfer stations to be transported to an external landfill (Fernview) for disposal
- Transfer stations to accept both domestic and commercial waste generated in the area
- Kerbside collection trucks transport waste directly to an external landfill (Fernview) for disposal

The external landfill used in the modelling for Options 3 and 4 is the privately owned Class II/III landfill under construction in the Shire located at Lot 98 Wannamal Road South, Cullalla (referred to as the Fernview landfill in this report).

4 MODEL OUTCOMES

4.1 MODEL ASSUMPTIONS

An economic model was developed to provide a high-level financial assessment of the chosen options. The model estimated costs for each option based on the following assumptions:

- Closure costs for landfills per hectare based on the average cost for closure for rural landfills
- Transfer station capital expenditure estimates based on a concept design
- Transfer station operation expenditure estimates
- Waste quantities estimated to be managed at the transfer stations
- Type and capacity of transfer station containers to be collected
- Tonnages to be transported from each transfer station
- Cost of collection and transport of transfer station containers to the Seabird landfill and external landfill for disposal
- Transport distances between the sites
- Kerbside truck additional haulage costs per kilometre
- Gate fees for disposal of waste at an external landfill

The detailed model assumptions are provided in **Appendix A**.

Figure 4.1 Transfer station concept design (incl. layout, bin type and servicing arrangements)



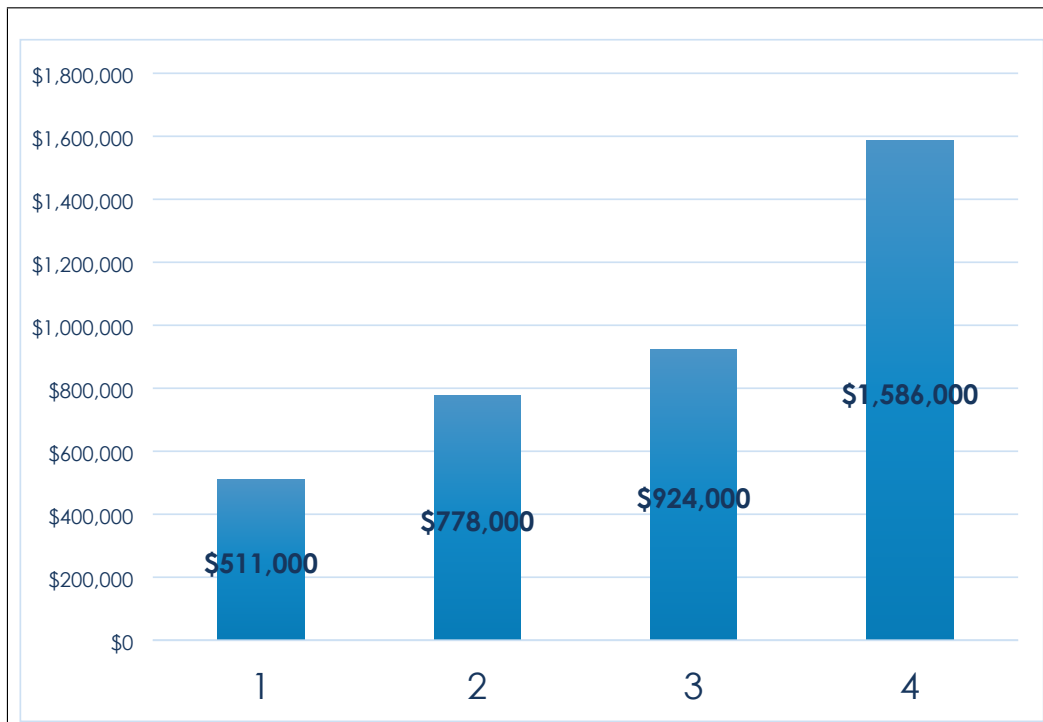
4.2 FINANCIAL ASSESSMENT OUTCOMES

Based on the assumptions detailed above, the model indicates that:

- Option 2 is the cheapest of the preferred options at \$778,000 per annum
- Option 3 is a midrange option at \$924,000 per annum
- Option 4 is the most expensive option at \$ 1,586,000 per annum

Error! Reference source not found. provides the options listed by total cost per annum.

Table 4.1 Options listed by total cost per annum

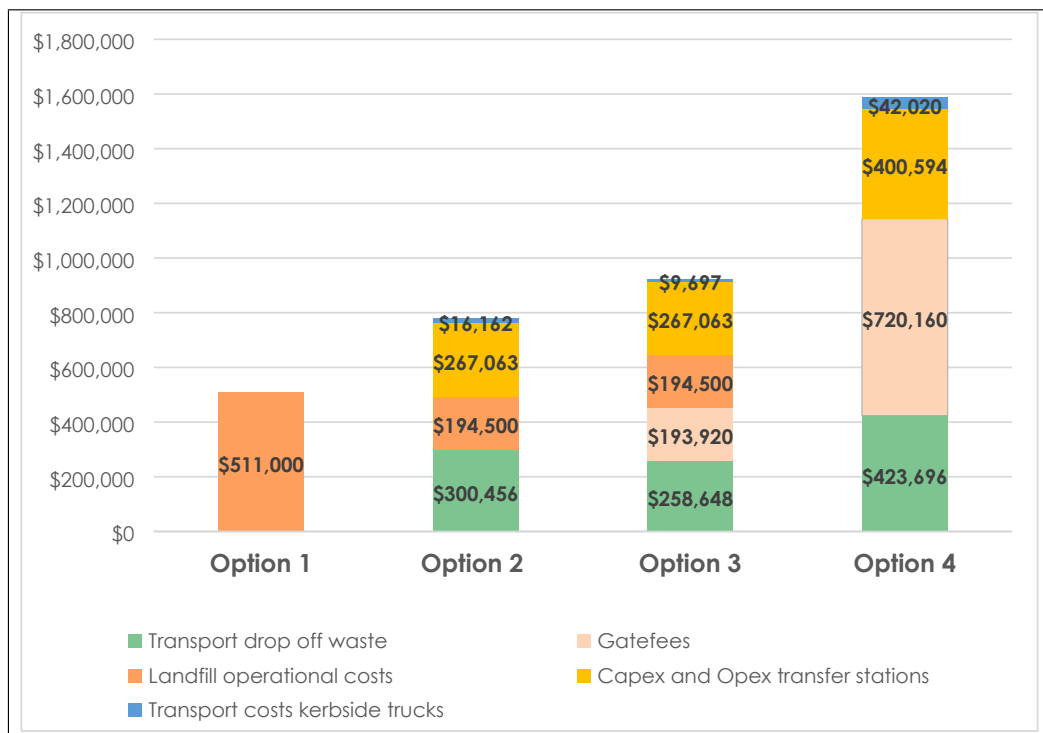


The breakdown of estimated annual costs per annum is provided in **Table 4.2** and represented graphically in **Error! Reference source not found..**

Table 4.2 Breakdown of annual costs per Option

Cost element (Per annum)	Option			
	1	2	3	4
Landfill operational costs	\$511,000	\$194,500	\$194,500	\$0
Capital expenditure Transfer stations	\$0	\$27,063	\$27,063	\$40,594
Operational expenditure Transfer Stations	\$0	\$240,000	\$240,000	\$360,000
Gate fees at external facility	\$0	\$0	\$193,920	\$720,160
Transport costs kerbside trucks	\$0	\$16,162	\$9,697	\$42,020
Transport costs for drop off waste	\$0	\$300,456	\$258,648	\$423,696
TOTAL (rounded)	\$511,000	\$778,000	\$924,000	\$1,586,000

Figure 4.2 Options broken down by cost element



Option 2 (two transfer stations and Shire Landfill) provides the cheapest per annum costs of the three options. In comparison to business as usual, there is:

- An increase in annual costs by approximately \$260,000 or 52%
- An increase in costs associated with the transport of drop off waste from Gingin and Lancelin WMFs to the Seabird landfill for disposal (39% of total costs)
- An increase in capital and operational costs associated with the development of transfer stations at the Lancelin and Gingin WMFs (34% of total costs)
- A reduction in landfill operational costs as only the Seabird landfill will be operational (25% of total costs)
- An increase in costs for kerbside trucks transporting waste to Seabird from the Gingin collection area (2% of total costs)

Option 3 (two transfer stations, Shire landfill and external landfill) provides a mid-range option for the Shire. In comparison to business as usual, there is:

- An increase in annual costs by approximately \$400,000 or 81%
- An increase in capital and operational costs associated with the development of transfer stations at the Lancelin and Gingin WMFs (29% of costs)
- An increase in costs associated with the transport of drop off waste from Gingin WMF to the external landfill (Fernview) and from Lancelin WMF to the Seabird landfill for disposal (28% of costs)
- An increase in costs for gate fees at the external landfill for disposal of transported waste (20% of total costs)

- An increase in costs for kerbside trucks transporting waste from the Gingin collection area to the external landfill for disposal (1% of costs)
- A reduction in landfill operational costs as only the Seabird landfill will be operational (21% of costs)

Option 4 (three transfer stations and external landfill) is the most expensive of the options. In comparison to business as usual, there is:

- An increase in annual costs by approximately \$1M or 210%
- An increase in costs for gate fees at Fernview landfill for disposal of all transported waste including kerbside waste and drop off waste from the transfer stations (42% of total costs)
- An increase in capital and operational costs associated with the development of transfer stations at the Lancelin and Gingin and Seabird WMFs (25% of costs).
- An increase in costs associated with the transport of drop off waste from all Shire WMFs to the Fernview landfill for disposal (25% of costs).
- An increase in costs for kerbside trucks transporting waste from the Gingin and coastal collection areas to the external landfill for disposal (3% cost)
- No operational costs for landfills as there will be no operational Shire-run landfills

4.3 CLOSURE LIABILITY

The assessment outcomes provided in **Section 4.2** do not include closure liability costs for the Shire landfills given these costs exist for all options including business as usual.

Landfill closure is a significant proportion of the whole-of-life cost of a landfill. The costs are dependent upon the area to be capped, the cap design requirements, and the amount of waste landfilled. All landfills within the Shire are uncapped, and there are no landfill closure management plans developed to guide the closure of each site. As such the landfill 'life' for each site is unquantified and the closure liability is unknown.

An estimate of the cost of closure was developed for each landfill as part of the financial modelling and is provided in **Table 4.3**. Costs are based on estimated landfill area and a basic cap consisting of low permeability soil and sand. Costs do not include any provision for increases due to evolving environmental standards for landfill closure.

Table 4.3 Estimated closure costs per landfill

Capping cost per landfill facility	Ha	Capping Costs Sub Total	Sub Total + contingency	GST	Total Estimated Sum
Seabird WMF	3.6	\$1,814,700	\$2,177,640	217,764	\$1,395,404
Lancelin WMF	3.2	\$1,639,900	\$1,967,880	96,788	\$2,164,668
Gingin WMF	2.65	\$1,399,550	\$1,679,460	167,946	\$1,847,406
TOTAL ESTIMATED COSTS					\$6,407,478

4.4 WASTE DISPOSAL RATES

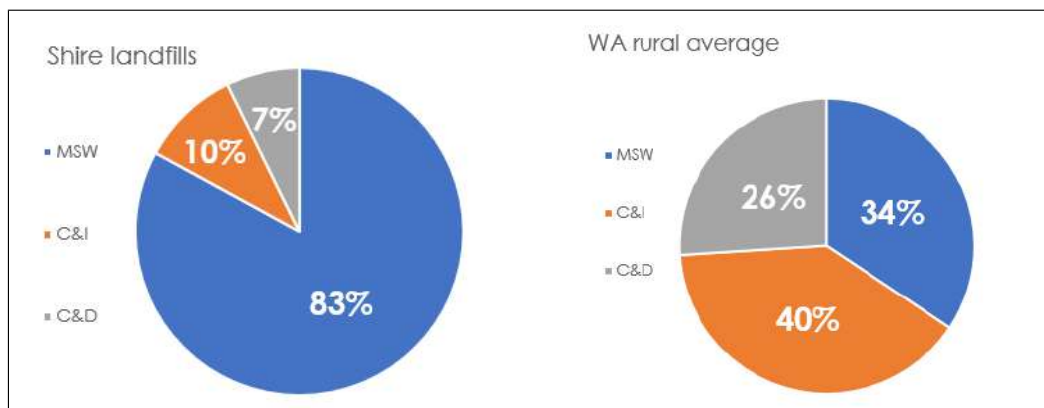
Waste data collected for the project was used to calculate the waste disposal rates per capita in the Shire. Whilst not directly related to the model outcomes, the Shire data indicates anomalies when compared to the WA rural average (2018-2019). The data shows there is significantly more waste from domestic sources (Municipal Solid Waste (MSW)) and significantly less waste from commercial sources, (including Commercial and Industrial (C&I) and Construction and demolition (C&D) waste) being landfilled in the Shire.

Figure 4.4 provides the Shire waste landfill rates and WA rural average rates (2018-2019). **Figure 4.2** provides a graphical comparison of the landfill rates by waste stream.

Figure 4.3 Shire of Gingin waste to landfill rates and WA rural average landfill rates (2018-2019)

Waste stream	Waste to landfill rates Shire of Gingin			WA rural average landfill rates (2018-2019)	
	Tpa	Kg/person	% breakdown	Kg/person	% breakdown
MSW	6,143	908	83%	470	34%
C&I	724	107	10%	543	40%
C&D	536	79	7%	356	26%
Total to landfill	7,403	1,094	100%	1,369	100%

Figure 4.4 Shire waste landfill rates by waste stream compared to WA rural average (2018-2019)



Anecdotal evidence and the waste data suggest that the distortion of landfill rates is due to the Shire's fee structure and misuse of the free tip pass system for residential waste to avoid gate fees.

5 MWAC OUTCOMES

A project workshop was held with the Waste Management Advisory Committee (MWAC) on 7th March 2023. The workshop was attended by the Committee members, Shire CEO and key staff.

The workshop aimed to provide the outcomes of the financial assessment of the three reform options and facilitate a preferred option.

Option 2 was selected as the preferred option.

6 DISCUSSION

6.1 RECOMMENDED APPROACH

Based on the model outcomes, the Shire's vision and guiding principles, and state legislative and policy direction, Option 2 is recommended for adoption by the Shire as it:

- Meets the Shire's reform vision of progressing towards better practice
- Meets DWER's preference for smaller unlined landfills to close and the establishment of local transfer stations
- Provides for minimal cost increases as compared to other options
- Reduces impacts on the environment from landfill operations
- Reduces cost liabilities moving forward by minimising the number of Shire landfill sites
- Increases resource recovery opportunities for the Shire through the design of better practice transfer stations
- Decreases the Shire's OHS and public liability risk implications associated with the operation of landfills
- Reduces the complexity and technical oversight required (a transfer station is less complex to operate and maintain as opposed to a landfill)
- Allows for a ready transition to Option 3 or Option 4 if required by changes to the regulatory environment, community expectations, or Shire objectives.

Whilst continued operation of an unlined Shire landfill will impose additional impacts on receiving environments, the introduction of improved operational practices (e.g. construction of a better practice waste drop off area, implementing options for diversion of hazardous waste streams, groundwater monitoring, waste acceptance and landfilling controls, progressive capping) can minimise and manage these impacts. The retention of a Shire run landfill will also provide a secure long-term waste disposal option that will help the Shire maintain control over disposal costs.

It is recommended that the implementation of Option 2 is staged. It is likely the implementation process for both sites will progress over a ten-year time frame and will need to include:

- Planning, procurement and approvals: development of landfill closure management plans, design and construction specification for capping works, procurement of services for capping and closure works, DWER works approvals
- Design, construction and operation of transfer stations
- Procurement of transport arrangements for drop off waste to the disposal location
- Closure and capping works for the landfills
- Post-closure monitoring

Due to landfill capacity constraints, it is recommended the implementation should commence at the Gingin Waste Management Facility (WMF) with the development of a transfer station followed by landfill closure and rehabilitation. The process should then be repeated at the Lancelin WMF. This will provide the Shire with an opportunity to review and improve on the implementation process. A suggested implementation plan is provided in **Section 7**. A staged approach will also provide the Shire with a suitable timeframe to gather funds to cover the closure costs for the two landfills, which are estimated to be approximately \$3.5 – 4M.

Longer term, once Option 2 has been implemented, it is recommended that the Shire reassess the continued operation of the Seabird landfill versus the transport of waste to a third-party landfill. The outcome will be dictated by industry regulation at the time, cost impacts and community expectations.

6.2 TRANSFER STATION DESIGN

The concept for the transfer station used in the financial assessment was based on a basic transfer station layout to enable the 'like for like' comparison with the current level of infrastructure and services provided at the Shire landfills (i.e. basic). The operational costs are affected by the design of the Facility, including the type of infrastructure and plant required at the site.

If the Shire decide to establish transfer stations at the Gingin and Lancelin WMF, this will be an opportunity for a 'step-up' in the services provided to the community. There are numerous design options available, each of which has long-term implications on annual cost, operational flexibility, customer satisfaction, and risk structure for the Shire. Careful consideration needs to be given to the various design options available. Guiding design principles should be based on safety, environmental protection, flexibility/adaptability for future expansion needs, user-friendliness and cost implications.

A review of the design options available to the Shire and their relative cost implications is recommended.

6.3 LANDFILL CLOSURE PLANNING

Landfills cannot be closed 'overnight' and must be planned in advance through the development of a site-specific Landfill Closure Management Plan (LCMP).

The LCMP will guide closure requirements for each site. The Shire will need to ensure the final landforms to be developed within the LCMPs will align with the required closure timeframes for each landfill as dictated by the outcomes of this reform process. It is assumed that Gingin landfill will be closed within the short-term future and Lancelin landfill within five-seven years. The final landform for Seabird must be designed to provide long-term disposal capacity at the site.

6.4 CLOSURE LIABILITY

Closure costs for the Shire landfills will be refined through the development of LCMPs as discussed in **Section 6.3**.

The cost of closure should be covered as part of the fees and charges for waste disposal through the entire operational life of a landfill facility. This practice ensures the generator of the waste pays for its whole-of-life disposal costs. Given that the Shire's fees and charges have not been structured to cover these costs, the Shire faces a significant unfunded liability.

The Shire will need to consider this ongoing liability as part of the Shire's annual fees and charges process.

6.5 TIP PASS SYSTEM

Anecdotal evidence from Shire staff suggests that the Shire's free tip pass system is misused with customers undertaking multiple runs to avoid fee payment, passes being given to people outside of the Shire for use, and commercial waste being declared as residential waste to avoid gate fees. This is supported by the waste data collected for the project as outlined in **Section 4.4**.

Free waste disposal options do not support or encourage a waste avoidance culture. It is also inequitable as people producing the waste do not generally pay for its disposal, with costs incurred by the Shire in handling the waste being covered through a blanket fee applied to all ratepayers.

The Shire is potentially losing significant income annually through the tip pass system. Assuming rural average waste generation rates, approximately 3,600 tonnes per annum of commercial waste would be expected to be received at the Shire's facilities attracting a gate fee. This is estimated to provide additional annual revenue in excess of \$800,000 per year. The 2022/2023 budget estimated an income of only \$91,000 through gate fees.

Amending the tip pass system is recommended to increase the equity of waste charges within the Shire and offset the costs associated with infrastructure upgrades within the Shire. Options could include:

- Providing free access for those without a kerbside collection to dispose of the equivalent of 52 x 240L MGB
- Providing ratepayers with a kerbside collection a limited number of free passes to dispose of greenwaste or bulk waste, after that point customers are charged for use of the facility
- Removing free access for those with a kerbside service.

6.6 COMMUNITY CONSULTATION

A guiding principle selected by Councillors for the Project was that the preferred option met community expectations. Currently, the Shire has little information to guide the community opinion and expectations on waste management in the Shire.

Effective waste management relies on the development of policy, enabling infrastructure and services and community participation; operating in an integrated manner, recognising that decisions in one area directly influence the performance of another. There is little point in developing good policy and providing infrastructure improvements without involving the community in the change process.

To inform the Shire's strategic direction and project decision-making, community engagement is recommended. The consultation is proposed to include:

- Development and distribution of a community survey to better understand the community's knowledge and views on waste and recycling within the Shire
- Development and distribution of community information on the Shire's waste reform project and the preferred approach (Option 2)
- Delivery of a community information session on the Shire's preferred approach (Option 2).

A report will be produced on the outcomes of the consultation.

The proposed consultation approach is provided in **Appendix B**. The fee to complete Stage 4: Community Consultation will be \$23,800 ex. GST.

7 IMPLEMENTATION PLAN

A broad task list has been developed to guide implementation requirements for Option 2. Task priority is either **short-term** (one-three years), **medium-term** (four-six years) or **long-term** (seven years plus).

A fully costed project implementation plan will need to be developed based on this task list to ensure budget and resourcing factors are considered as part of the Shire's annual financial and operational planning processes.

Task	Time frames
Administrative	
Development of an LCMP for each landfill	Short
Review and refine transfer station design options and expected capital and operational costs	Short
Gingin Transfer station	
Whilst Gingin landfill is 'filling' the design, the approvals process for the transfer station should be undertaken	Short
Preparation of DWER approvals	Short
Prepare detailed design and construction specifications for the transfer station works	Short
Construct transfer station	Short
Preferred operating structure (in-house vs contractor) for the transfer station to be defined. This will flow into plant and equipment requirements for the site (i.e., to be provided by Contractor or provided by the Shire)	Short
Procurement of any new plant and equipment requirements	Short
Procure transport arrangements for the movement of waste from Gingin WMF to Seabird WMF	Short
Relocation of any existing plant and equipment required for the operation of the transfer station	Short
Appointment staff/procurement of service provider	Short
Commence operations at the Transfer Station	Short
Seabird Waste Management Facility	
Implement better practice operations	Short
Undertake progressive capping in line with the LCMP developed for the site	Medium
Gingin Landfill Closure	
Prepare detailed design and construction specifications for capping works at Gingin landfill	Short
Prepare a revegetation plan for the Gingin landfill	Short
Concentrate efforts on filling the landfill to the desired profile	Short
Undertake Capping Works (either in-house or external) once the landfill is 'full'. The transfer station must be operational by this point.	Medium
Undertake revegetation requirements	Medium
Implement ongoing monitoring and maintenance of the rehabilitated landfill	Medium
Lancelin Transfer station	
Whilst Lancelin landfill is 'filling' the design, the approvals process for the transfer station should be undertaken	Medium
Preparation of DWER approvals	Medium
Prepare detailed design and construction specifications for the transfer station works	Medium
Construct transfer station	Medium

Task	Time frames
Preferred operating structure (in-house vs contractor) for the transfer station to be defined. This will flow into plant and equipment requirements for the site (i.e., to be provided by Contractor or provided by the Shire)	Medium
Procurement of any new plant and equipment requirements	Medium
Procure transport arrangements for the movement of waste from Lancelin WMF to Seabird WMF (if required)	Medium
Relocation of any existing plant and equipment required for the operation of the transfer station	Medium
Appointment staff/procurement of service provider	Medium
Community informed as to changes	Medium
Commence operations at the Transfer Station	Medium
Lancelin Landfill Closure	
Prepare detailed design and construction specifications for capping works at Lancelin landfill	Medium
Prepare a revegetation plan for the Lancelin landfill	Medium
Concentrate efforts on filling the landfill to the desired profile. The transfer station construction timeframes must align with landfill 'life' estimates.	Medium
Undertake Capping Works (either in-house or external) once the landfill is 'full'. The transfer station must be operational by this point.	Long
Undertake revegetation requirements	Long
Implement ongoing monitoring and maintenance of the rehabilitated landfill	Long

8 RECOMMENDATIONS

1. The Shire of Gingin Council adopt Option 2 as the preferred approach for waste reform within the Shire.
2. Landfill Closure Management Plans are developed for each landfill. Final landforms are to be developed which provide for the imminent closure of the Gingin landfill, adequate airspace to provide for approximately five-seven years of operational landfill capability at the Lancelin landfill, and long-term capacity at the Seabird landfill.
3. Implementation of Option 2 is staged. Due to landfill space constraints, the implementation should commence at the Gingin Waste Management Facility (WMF) with the development of a transfer station followed by landfill closure. The process should then be repeated at the Lancelin WMF.
4. A review of transfer station design options and expected capital and operational costs is undertaken.
5. A better practice waste transfer station design is developed for implementation at the Gingin and Lancelin WMF.
6. Closure liability is considered part of the Shire's annual fees and charges process.
7. The free tip pass system is reviewed, aiming to introduce an amended system to increase the equity of waste charges within the Shire and offset the costs associated with infrastructure upgrades.
8. Community consultation is undertaken as proposed in **Section 6.6** to inform the Shire's strategic direction and project decision-making.

APPENDIX A – MODEL ASSUMPTIONS

Model Outputs	Model Inputs	Assumptions
Business as usual	The current cost of operation and services	From 2021-2022 draft Budget
Cost of closure of each landfill	Closure costs per hectare based on the average cost for closure for rural landfills	Cap = 250mm interim cover, plus 1m soil (500mm soil, 500mm low permeability soil) and 100mm mulch. No compaction or CQA of cap Assumes supply and delivery of low permeability soil to the site (at \$23m ³) No cost included for potential land acquisition required for closure (Talis stated that acquisition of land for Seabird WMF and Lancelin WMF was required to ensure the site can close in line with BPEM outcomes)
	The area used for landfilling at each site	Based on the Shire's indication of where waste is historically buried on site
Cost of development and construction of a Transfer Station	Transfer station capital expenditure estimates based on a concept design	Based on a concept design for like transfer stations in the area serviced by Avonwaste Assumes no upgrades to the site or storage equipment (e-waste, batteries etc) to ensure 'like for like' can be modelled Transfer stations to accept domestic and commercial waste Scrap metal stockpiled onsite in bunded hardstands for collection by a scrap metal merchant Greenwaste stockpiled on site in bunded hardstands - either to be mulched for use in on-site rehabilitation works or burnt under controlled conditions C&D waste/rubble not accepted and needs to be taken directly to landfill by waste generator/skip operator Asbestos is not accepted and will need to be taken directly to the landfill by the waste generator No recycling area/shop but enough space on site if needed Operational hours to remain the same as the landfill's current opening hours
	Waste quantities and types to be managed	Based on Cooee data (extrapolated)
Cost of operation of a Transfer Station	Operational expenditure estimates	Operational hours to remain the same as the landfill's current opening hours Costs extrapolated from 2021-2022 budget costs minus landfill-related costs
Cost of transport of general mixed waste from each landfill to Fernview landfill	Type and capacity of Transfer station containers to be collected	Drop off waste being collected into 6 cubic meter front lift bins from Transfer stations A bulk density of 200kg/m ³ for the front lift bins (therefore each bin holds 1 tonne of waste) Waste is collected by a compaction front lift truck with a capacity to collect 10 of the 6m ³ bins of waste
	Tonnages to be transported from each transfer station	Based on Cooee data (extrapolated)

Model Outputs	Model Inputs	Assumptions
	Cost of collection and transport of 6m ³ front lift bins	Front lift truck capacity to collect 10 of the 6m ³ bins Mobilisation/transport distance of up 400km for frontlift truck Transport cost per route per run of \$3.00 per kilometre
Cost of transport of general mixed waste from Gingin and Lancelin Transfer Station to Seabird landfill	Type and capacity of Transfer station containers to be collected	Drop off waste being collected into 6 cubic meter front lift bins from Transfer stations A bulk density of 200kg/m ³ for the front lift bins (therefore each bin holding 1.0 tonnes of waste) Waste is collected by a compaction front lift truck with a capacity to collect 10 of the 6m ³ bins of waste
	Tonnages to be transported from each transfer station	Based on Cooee data (extrapolated)
	Transport distances	From Gingin to Seabird From Lancelin to Seabird
	Cost of collection and transport of 6m ³ front lift bins	Front lift truck capacity to collect 10 of the 6m ³ bins Mobilisation/transport distance of up 400km for frontlift truck Transport cost per route per run of \$3.00 per kilometre
Cost of disposal from each facility at Fernview landfill	Tonnage to be disposed	Based on Cooee data (extrapolated)
	Gate fees likely to be charged	\$80 per tonne Assumes facility remains outside of levy area
Cost of kerbside truck disposal to Seabird	Kerbside truck additional haulage costs per kilometre	From the Gingin collection area to Seabird only No need to account for the transport of kerbside waste from the Lancelin area to Seabird as trucks do not currently tip out at Lancelin they already transport and tip at Seabird The assumed rate of \$2.22 per additional kilometre travelled is based on recent costings from Shire (to incorporate new collection areas)
Cost of kerbside truck disposal to Fernview	Kerbside truck additional haulage costs per kilometre	From existing collection areas to Fernview The assumed rate of \$2.22 per additional kilometre travelled is based on recent costings from Shire (to incorporate new collection areas)
	Tonnage to be disposed	Based on Cooee data (extrapolated)
	Gate fees likely to be charged	\$80 per tonne Assumes facility remains outside of levy area

APPENDIX B – COMMUNITY CONSULTATION PROPOSAL

Task	Detail	Assumptions
Liaison with Shire	Liaise with the Shire to define issues and outcomes the Shire wishes to seek community views upon, and the topics to be surveyed.	
Production of survey	The draft survey will be produced based on the Shire liaison and will use questions that will provide qualitative data. The Shire would review the draft survey before it was finalised. The survey would be developed into an online format using online survey software (Survey Monkey). The survey would also provide residents with an opportunity to show if they would be interested in attending the information session.	The survey would be up to 10 questions and only record quantitative data, not qualitative (free text feedback)
Distribution and publicity for the online survey	ASK would provide the Shire with an electronic link to the online survey. The Shire would need to distribute this via their website, social media and local newspaper, etc. A period of three weeks should be allowed for the community to respond. Paper copies can be provided at the Shire office (if required for residents without a smartphone or computer access), and Shire staff can enter these responses into the online system manually.	The Shire will distribute and advertise the survey. The Shire will input any 'paper' responses (into the online survey)
Survey findings	ASK would collate the survey data, analyse the responses, and use this information to 'refine' the approach for Option 2. The refinements would be reviewed by the Shire, and then this would be used to produce the material for the information session.	
Information sheet	ASK will produce a concise information sheet about Option 2, for the Shire you use for distribution via the website, social media etc.	The Shire can edit this, as required
Community Information session	The session will provide the community with an opportunity information on the waste reform project including: <ul style="list-style-type: none"> • The project aims and objectives • Drivers and influencers on waste management • How the Shire is performing now • The options the Shire is considering (outline of costs and pros and cons of each) • The shires preferred approach • The survey outcomes. Alison will attend and facilitate the session in the Shire, while Giles will join 'online'.	Based on one 1.5-hour session (to be held at Gingin) Shire to organise and pay for the venue, projector, screen and refreshments The session is to provide information and answer questions, this is not a facilitated workshop
Consultation reporting	ASK would produce a concise community consultation report in liaison with the Shire staff. The draft version would be provided to the Shire to report and provide any feedback. ASK would amend the report, if needed, before finalising the report.	Shire feedback will be provided as a single set of consolidated comments or tracked changes within an MS Word version of the draft report.
Reissue Options Report	The Options Report will be reissued with the Consultation Report as an appendix, as this will be the Final project report. This will ensure all the relevant information is within a single document for future reference.	

14 REPORTS - OPERATIONS AND ASSETS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

Councillor Peczka - recognition of the beach shelter constructed by Lancelin community association at Harold Park. Certainly well used by tourists.

17 NEW BUSINESS OF AN URGENT NATURE

Nil

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

Nil

19 CLOSURE

The Shire President noted that this was the Executive Manager of Operations and Assets final meeting. He extended thanks on behalf of Council for her contribution to the Shire and wished her well in her future endeavors.

There being no further business, the Shire President declared the meeting closed at 4:45 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 18 July 2023, commencing at 3.00pm.