



MINUTES

Ordinary Council Meeting

15 March 2022

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 15 March 2022.

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 3:15 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), V Crispe (Executive Manager Operations and Assets), K Bacon (Coordinator Strategic Planning & Projects), J Bayliss (Coordinator Statutory Planning), L Burt (Coordinator Governance), and E Mackey (Governance Support Officer/Minute Officer)

Gallery – There were four 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: 13.8 Subdivision Referral – Proposed Two Lot Subdivision of Lot 404 (5297) Brand Highway, Beermullah

Interest: Impartiality

Reason: Trandos Corn sponsor Gingin Football Club of which I am the President.

Councillor Rule

Item: 13.4 Section 19/359 On Lot 7269 (1077) Old Ledge Point Road, Lancelin (Reserve 28303)

Interest: Financial

Reason: I own a Limestone Tenement next door to this property.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Court

That Council confirm the Minutes of the Ordinary Council Meeting held on 15 February 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*

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 13.8 Subdivision Referral - Proposed Two Lot Subdivision of Lot 404 (5297)
Brand Highway, Beermullah**

Speaker/s: Len Kosova (LK Advisory) and Jim Trandos (J.A.M Holdings (WA) Pty Ltd)

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

**Item 13.3 Application for Retrospective Development Approval – Rural Pursuit,
Recreation Private and Various Structures on Lot 64 Muckenburra Road,
Muckenburra**

Speaker/s: Vanessa Fewster and Shane Kelly

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

11 REPORTS - OFFICE OF THE CEO

11.1 REVIEW OF POLICY 1.33 ELECTED MEMBER TRAINING AND AMENDMENT OF POLICY 1.9 COUNCILLORS' ENTITLEMENTS

File	COR/28-1; GOV/13
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	21 January 2020, Item 11.1.2
Appendices	1. Policy 1.33 Elected Member Training [11.1.1 - 3 pages] 2. Policy 1.29 Councillors' Entitlements [11.1.2 - 6 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To review Policy 1.33 Elected Member Training and consider the amendment of Policy 1.29 Councillors' Entitlements.

BACKGROUND

Policy 1.33 was first adopted by Council in 2015, well before there was any legislative requirement for local governments to have a policy in relation to training for elected members.

In 2019, Section 5.128 of the *Local Government Act 1995* (the Act) was introduced, requiring all local governments to adopt a policy in relation to the continuing professional development of elected members. Subsequently, Policy 1.33 was amended by Council in January 2020 to reflect these legislative requirements.

Section 5.128 of the Act also requires that a local government review its elected member professional development policy after each election. In accordance with this requirement, Policy 1.33 was presented to the Briefing Session on 1 February 2022 and Councillors were requested to provide feedback on proposed amendments and additional suggestions by 25 February 2022.

No feedback has been received, and therefore the proposed amendments to Policy 1.33 Elected Member Training are now presented to Council for formal review (**Appendix 11.1.1**).

COMMENT

In summary, the major amendments proposed are as follows:

1. Renaming of the policy as Continuing Professional Development – Council Members.

This will more closely align with the terminology used in the Act.

2. Identification of the first and second existing sections of the policy as “Mandatory Council Member Training” and “Other Continuing Professional Development” for purposes of clarification.
3. Deletion of the requirement in section 1 for relevant Councillors to complete all sections of the *Council Member Essentials* course by 30 June in the year immediately following the Councillor’s election.

It is certainly in the best interests of new Councillors to undertake the training as soon as possible (thereby improving their knowledge and allowing them to more effectively undertake their role). However, Regulation 35(3) of the *Local Government (Administration) Regulations 1996* (the Regulations) specifies that elected members have a period of 12 months from the day on which they are elected within which to complete the training.

4. Inclusion in Part 1 of a paragraph acknowledging that all newly elected council members, unless exempt under legislation, will be enrolled to complete the mandatory training in the format they prefer (either online or in person).

At the present time, the Shire of Gingin pays for a WALGA eLearning subscription that enables an unlimited number of council members to complete the five mandatory training modules at a cost of \$5,000 per annum. All council members elected at the 2019 and 2021 elections have therefore been required to complete their training in an online format. It has become apparent, however, that some councillors would prefer to undertake the training in a face to face format and consideration therefore needs to be given to whether Council is prepared to allow this.

Relevant costs (as at March 2022) are as follows (all figures are GST inclusive):

Training Type	Cost
eLearning subscription (unlimited participants)	\$5,500
eLearning (per module, per participant)	\$214.50
Face to face learning (per module, per participant)	\$240

Given Council's current configuration of nine council members, it is expected that the maximum number of members required to undertake mandatory training following any election would be five (assuming that none of the sitting members were returned to office). On that basis, if Council chooses to relinquish its eLearning subscription and allow members to select their preferred format for training, then the maximum cost following an election for five participants (assuming that all five choose to undertake face to face training and based on today's prices) would be \$6,000 (inc. GST). Conversely, the minimum cost, if all participants choose eLearning, would be \$5,362.50 (inc. GST).

In reality it is likely that a mix of formats will be chosen, as whilst some participants will prefer face to face training there will be others who will choose eLearning, which allows them to undertake training at their own pace and at times that are most convenient to them.

If Council agrees to allow individual elected members to choose their preferred method of delivery for mandatory training, then the current eLearning subscription, which is valid until 31 October 2022, won't be renewed. Following the 2023 local government elections, elected members will be enrolled individually for either face to face training sessions or eLearning, according to their preference.

4. Deletion of the paragraph in section 2 noting that Council's policy position on continuing professional development will be reviewed following the release by the Department of Local Government, Sport and Cultural Industries of relevant guidelines.

Two years have elapsed since the introduction of the requirement for Council to have a policy on continuing professional development for elected members, with no sign of departmental guidelines being made available. In any case, the commitment to review is considered to be redundant, given that the Regulations require all local governments to review their policy on continuing professional development after each election (as a minimum).

5. Inclusion of an acknowledgement in section 2a that attendance at the annual collective training session is mandatory for all Councillors.
6. Addition of a new section 2b noting that council members are encouraged to complete the Diploma in Local Government (Elected Member).

7. Inclusion of new section 4 Approval of Requests for Training.

Currently the approval of training for council members is dealt with under Policy 1.29 Councillors' Entitlements as follows:

4. Training and Development

Provided that expenditure is within the constraints of the Shire's adopted annual Budget, the Chief Executive Officer is authorised to arrange, at the Shire's cost and at the request of a Councillor, the registration of that Councillor at any:

- a. Training session conducted by WALGA; or*
- b. Any other training considered by the Chief Executive Officer and/or Shire President to be directly relevant to the Shire's affairs.*

In the interests of consistency, it is recommended that this section be deleted from Policy 1.29 (**Appendix 11.1.2**) and addressed as part of Policy 1.33.

Council's attention is drawn to a difference between the proposed amended policy presented at Briefing and that shown as **Appendix 11.1.1**, in that Section 4 no longer includes a requirement for training to be delivered by a registered training provider. Upon reflection, it is considered that this requirement may impose an unnecessary restriction on training opportunities.

8. Inclusion of new section 5 Reporting.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 Administration

Division 10 Training and development

S.5.126 Training for council members

S.5.127 Report on training

S.5.128 Policy for continuing professional development

Local Government (Administration) Regulations 1996

Part 10 Training

R. 35 Training for council members (Act s. 5.126(1))

R. 36 Exemption from Act s. 5.126(1) requirement

POLICY IMPLICATIONS

In the event that Council is supportive of the officer's recommendation, then Policies 1.29 and 1.33 will be amended and the Policy Manual, which is available to the public on the Shire's website, will be updated accordingly.

The current WALGA Council Member Essentials eLearning subscription will not be renewed in the 2022/23 financial year, and following the next election Councillors who are required to complete the mandatory training will be able to choose their preferred method of delivery.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Governance
Objective	5 – To demonstrate effective leadership, governance and advocacy on behalf of community
Outcome	5.1 Values Our Organisational/Business Values are demonstrated in all that we do
Key Service Area	Elected Member Services
Priorities	5.1.1 Develop the skills and capabilities of our Elected Members and Staff

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Vis

That Council:

- 1. Adopt Policy 1.33 Continuing Professional Development – Council Members as shown at Appendix 11.1.1; and**
- 2. Agree to amend Policy 1.29 Councillors' Entitlements by deleting cl. 4 Training and Development as shown at Appendix 11.1.2.**

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*



POLICY MANUAL

POLICY 1.33

ELECTED MEMBER TRAINING/CONTINUING PROFESSIONAL DEVELOPMENT – COUNCIL MEMBERS

OBJECTIVE

To ensure that the Shire of Gingin is compliant with the training requirements for elected members as set out in cl. 5.126 and 5.128 of the *Local Government Act 1995* (the Act) and r. 35 of the *Local Government (Administration) Regulations 1996* (the Regulations).

POLICY

This policy applies to all council members of the Shire of Gingin.

1. Mandatory Council Member Training

Cl. 5.126 of the Act and r. 35 of the Regulations require that each council member must complete a specified course of training known as *Council Member Essentials* within 12 months of the day that they are elected, unless they are exempt in accordance with r. 36 of the Regulations.

Council Member Essentials consists of the following five modules:

- a. Understanding Local Government;
- b. Serving on Council;
- c. Meeting Procedures;
- d. Conflicts of Interest; and
- e. Understanding Financial Reports and Budgets.

~~It is in the best interests of the Council as a whole to ensure that individual elected members fulfil their training obligations in a timely manner. This not only ensures that statutory training requirements are complied with, it also enables newly-elected Councillors to acquire and/or update knowledge so that they can undertake their elected member role appropriately and contribute fully to Council activities.~~

~~In view of the above, Council therefore requires individual Councillors to complete all units of the *Council Member Essentials* course by 30 June in the year immediately following the Councillor's election.~~

Immediately following each election, all newly elected council members who have not completed either the *Council Member Essentials* training or the Diploma of Local Government (Elected Member) (course 52756WA) within the preceding five years will be enrolled to undertake the five required modules either as eLearning or face to face training, according to their preference.

Provision will be made in Council's annual adopted Budget to allow for mandatory training to be completed as required.

2. Other Continuing Professional Development

a. Collective Onsite Training

Cl. 5.128 of the Act requires every local government to prepare and adopt a policy in relation to the continuing professional development (CPD) of council members.

In accordance with this requirement, provision will be made in the annual Budget for sufficient funds to undertake one onsite training session which will be attended by all Councillors. In choosing the training subject, the following criteria will be considered:

- ai.** the strategic direction of the local government;
- bii.** any skills gaps among the council as a whole; and
- ciii.** the needs of individual councillors.

Attendance at this training session is mandatory for all council members
~~This policy position will be reviewed following release by the Department of Local Government, Sport and Cultural Industries of guidelines relating to continuing professional development for elected members.~~

b. Diploma in Local Government (Elected Member)

Once the Council Member Essentials course has been completed, council members are strongly encouraged to take advantage of other CPD opportunities that are relevant to their roles and in line with the strategic objectives of the Shire, in particular the following courses delivered by WALGA:

- i. Effective Community Leadership;
- ii. Dealing with Conflict;
- iii. Integrated Strategic Planning – the Essentials;
- iv. Planning Practices – the Essentials;
- v. Planning Practices – Advanced;

- vi. CEO Performance Appraisals;
- vii. Integrated Strategic Planning – Policy; and
- viii. Infrastructure Asset Management.

Successful completion of these courses in addition to the *Council Member Essentials* components will result in the council member achieving the Diploma of Local Government (Elected Member) qualification.

4. Approval of Requests for Training

At the request of a council member, the Chief Executive Officer is authorised to arrange, at the Shire's cost, the registration of that council member at any training session conducted by WALGA or any other training considered by the Chief Executive Officer and/or the Shire President to be directly relevant to the Shire's affairs, provided that:

- a. The expenditure is within the constraints of the Shire's adopted annual Budget;
- b. The training is held within the South-West Land Division of Western Australia and does not require the booking of accommodation (excluding attendance at the annual WALGA State Conference) and/or airfares.

Any requests that do not meet the above criteria will be submitted to Council for consideration.

5. Reporting

In accordance with the requirements of s.5.127 of the Act, at the end of each financial year a report will be prepared providing details of the training completed by each council member during that year. The report will include both *Elected Member Essentials* training and other CPD consistent with this policy.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government Act 1995</i> – s. 5.126, 5.127 & 5.128 <i>Local Government (Administration) Regulations 1996</i> – r. 35 & 36
Industry Compliance	N/A
Organisational Compliance	N/A

POLICY ADMINISTRATION

Review Cycle	After ordinary election	Next Review	2023
Department	Office of the CEO		

Version	Decision Reference	Synopsis
1.	Item 11.1.1 – 21 July 2015	Policy adopted.
2.	Item 11.1.1 – 20 June 2017	List of training units offered by WALGA and period within which they should be completed updated.
3.	21/01/2020 – Item 11.1.2	Policy amended in accordance with changes to <i>Local Government Act 1995</i> .

POLICY 1.33-3



POLICY MANUAL

POLICY 1.29 COUNCILLORS' ENTITLEMENTS

OBJECTIVE

In accordance with Division 8 Part 5 of the *Local Government Act 1995*, Councillors are entitled to receive a fee for meeting attendance, and to be reimbursed and/or paid an allowance for certain types of expenses. This policy provides the approval framework under which all fees, allowances and reimbursements to Councillors will be made.

The policy also ensures that Councillors are provided with appropriate resources, equipment and training opportunities to support them in performing their duties.

All matters approved in this policy are in accordance with relevant legislation and determinations, being the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and determinations made in accordance with the *Salaries and Allowances Act 1975* by the Salaries and Allowances Tribunal with respect to Local Government Chief Executive Officers and Elected Members.

POLICY

1. Fees and Allowances

1.1 Presidential and Deputy Presidential Allowances, Annual Meeting Attendance Fees and ICT Allowances

Meeting fees and allowances for Councillors are determined by the Salaries and Allowances Tribunal. All local governments in Western Australia fall into one of four "bands", which then provides a range within which a Council can set fees and allowances for its Councillors.

Presidential and Deputy Presidential Allowances, Annual Meeting Attendance Fees and ICT Allowances will be paid within the range set by the Salaries and Allowances Tribunal from time to time, with the specific amount to be determined by Council in its annual adopted Budget.

1.2 Payment of Meeting Fees and Allowances:

All meeting fees and allowances are paid quarterly (at the end of the quarter).

2. Reimbursement of Expenses

2.1 Motor Vehicle Travel Expenses

Local Government Act 1995 s.5.98(2)

In accordance with Regulation 31 of the *Local Government (Administration) Regulations 1996*, Councillors will be reimbursed for travel expenses incurred with respect to the actual cost of travelling from their place of residence to attend:

- a. An Ordinary or Special meeting of Council;
- b. A meeting of a Committee of which they are a member (or a deputy member attending in place of a member);
- c. A Concept or Council Forum;
- d. An Annual or Special meeting of Electors;
- e. Any meeting of a body to which the Councillor has been appointed by Council, unless the Councillor is eligible to claim reimbursement of travel costs direct from that body;
- f. A Shire of Gingin civic function* to which Councillors have been invited;
- g. A meeting with the Chief Executive Officer or an Executive Manager at the officer's request;
- h. Training and professional development that is related to their position as Councillor and booked via the Shire's Administration; and
- i. Any other meeting, function or event which they have been asked to attend in their role as Councillor by Council, the Shire President or the Chief Executive Officer.

The rate of reimbursement will be in accordance with that determined from time to time by the Salaries and Wages Tribunal.

Reimbursement will be undertaken quarterly, following the submission of one or more signed Members' Quarterly Travel and Out of Pocket Expenses reimbursement claim form.

**For the purposes of this Policy, "Civic Function" means an official function arranged by the Shire of Gingin (ie Annual Australia Day Ceremony).*

2.2 Parking Expenses

Local Government Act 1995 s.5.98(2)

Parking expenses associated with any of the attendances referenced in Clause 2.1 will be reimbursed on a quarterly basis, provided that relevant parking receipts are attached to the signed Members' Quarterly Travel and Out of Pocket Expenses reimbursement claim forms.

2.3 Child Care Expenses

Local Government Act 1995 s.5.98(2)

In accordance with Regulation 31 of the *Local Government (Administration) Regulations 1996*, Councillors will be reimbursed for child care costs incurred as a result of any of the attendances referenced in clause 2.1.

Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Councillor.

The Shire of Gingin will reimburse child care costs in accordance with the current Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members. Formal receipts must be kept and attached to the claim for reimbursement.

Reimbursement will be undertaken quarterly, following the submission of one or more signed Members' Quarterly Travel and Out of Pocket Expenses reimbursement claim form.

2.4 Other Expenses

Other reasonable expenses (including accommodation, meals, refreshments and other appropriate out of pocket expenses) incurred by Councillors in connection with an attendance as specified in either clause 2.1, clause 4 or clause 5 may be reimbursed, provided that authorisation has been received from the Chief Executive Officer prior to the expenditure taking place.

3. Items to be provided by the Shire to Councillors

3.1 Laptop/Tablet/Other Device

Councillors will be issued with a laptop computer or a tablet or such other electronic device as may be determined most appropriate by the Chief Executive Officer to a maximum value of \$1,000 at the commencement of their initial four year term.

- a. The Shire will purchase and install antivirus software and any other program considered necessary by the Chief Executive Officer to assist Councillors in carrying out their elected member role. The cost of such purchase and installation will be charged back to the individual Councillor, to be met from their annual ICT allowance.

- b. Staff will provide reasonable support for Shire-supplied IT equipment. All requests for assistance are to be directed to the Executive Manager Corporate and Community Services in the first instance.
- c. Councillors are entitled to utilise their Shire-provided device for both Shire and private purposes (including electoral campaigning).
- d. All electronic communications related to the Councillor's role as an elected member must be sent using the Shire's official signature block.
- e. All devices will be renewed four years after their date of purchase.

3.2 Diary

Councillors will be provided with one hard copy diary per annum, upon request.

3.3 Corporate Apparel

Councillors will be issued with:

- a. one tie or scarf bearing the Shire of Gingin logo; and
- b. one name badge;

at the commencement of their first four year term, such items to be replaced as required at the Councillor's request.

3.4 Upon Retirement

Local Government Act 1995 s.5.100A

- a. Councillors who retire or are not returned to Council after serving at least one full four year term will be entitled to retain their laptop computer or tablet in recognition of their service to the community. The written down value of the equipment gifted to each Councillor shall not exceed \$100 per year of service, to a maximum of \$1,000.
- b. All Councillors who retire or are not returned to Council will receive a framed certificate in recognition of their service to the Shire of Gingin.

4. ~~Training and Development~~ *[Deleted by decision of Council 15/03/2022 Item 11.1]*

~~Provided that expenditure is within the constraints of the Shire's adopted annual Budget, the Chief Executive Officer is authorised to arrange, at the Shire's cost and at the request of a Councillor, the registration of that Councillor at any:~~

- ~~a. Training session conducted by WALGA; or~~
- ~~b. Any other training considered by the Chief Executive Officer and/or Shire President to be directly relevant to the Shire's affairs.~~

5. Conferences and Seminars

5.1 Where Accommodation and/or Airfares are not Required

Provided that expenditure is within the constraints of the Shire's adopted annual Budget, the Chief Executive Officer is authorised to arrange, at the Shire's cost and at the request of a Councillor, registration at professional conferences which:

- a. are considered by the Chief Executive Officer and/or Shire President to be directly relevant to the Shire's affairs; or
- b. are convened by WALGA; and
- c. do not necessitate arrangements for accommodation (excluding attendance at the annual WALGA State Conference) or airfares.

Registrations of this type will include registration for any applicable conference dinner, should the Councillor wish to attend same.

5.2 Where Accommodation and/or Airfares are Required

Requests for registration at events requiring the provision of accommodation (excluding attendance at the annual WALGA State Conference) and/or airfares will be submitted to Council for consideration.

5.3 Booking Arrangements Relevant to Clauses 4 and 5

- a. In the event that three or more requests are received to attend the same opportunity or conference, or the annual Budget allocation is exceeded, then the matter will be submitted to Council for consideration.
- b. Attendees will provide a report on their attendance at the next Council meeting following the training or conference.
- 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.
- d. The Shire will not pay for partners and spouses to accompany Councillors on Council business, other than for attendance at an official conference dinner. Partners and spouses may accompany Councillors at other times at their own expense.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government (Administration) Regulations 1996</i> <i>Western Australian Salaries and Allowances Act 1975</i>
Industry Compliance	Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members, as published from time to time
Organisational Compliance	Delegation 1.7 – Conferences, Seminars, Training Courses – Expenses of Councillors

POLICY ADMINISTRATION

Review Cycle	2 years	Next Review	2022
Department	Office of the CEO		

Version	Decision Reference	Synopsis
1.	20/05/2014 – Item 11.1.1	New policy adopted.
2.	20/08/2019 – Item 11.1.1	Policy amended.
3.	21/01/2020 – Item 11.1.2	Policy reviewed.

11.2 DRAFT STRATEGIC COMMUNITY PLAN 2022-2032

File	COR/37
Author	Linda Fidge – Coordinator Corporate Planning
Reporting Officer	Aaron Cook – Chief Executive Officer
Refer	18 January 2022, Item 11.1
Appendices	<ol style="list-style-type: none">1. Schedule of Submissions and Recommended Responses [11.2.1 - 9 pages]2. Draft Strategic Community Plan 2022-2032 [11.2.2 - 24 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To endorse the Shire of Gingin Strategic Community Plan 2022-2032.

BACKGROUND

The *Local Government Act 1995* (sect. 5.56) and its supporting regulations require local governments throughout Western Australia to ‘plan for the future of the district’. This includes developing a Strategic Community Plan as part of the State Government’s Integrated Planning and Reporting Framework. In accordance with the *Local Government (Administration) Regulations 1996* (Regulation 19C), the Shire of Gingin is to ensure that it maintains a rolling ten-year Strategic Community Plan. The Strategic Community Plan is required to:

- Set out the Vision, Aspirations and Objectives of the community in the district.
- Be reviewed (major) at least every four years.
- Have regard to the Shire’s future resources and capacity, strategic performance indicators and demographic trends; and
- Be adopted by an Absolute Majority of Council.

The local government must consult with electors and ratepayers when reviewing or developing the Plan.

The State Government’s 2016 Integrated Planning and Reporting Guidelines’ Advisory Standard clarifies and expands upon these legislative and regulatory requirements. The Shire has taken this Advisory Standard into account when developing the Draft Strategic Community Plan 2022-2032.

Every four years Council undertakes a comprehensive or major review of its Strategic Community Plan and creates an updated Plan that looks ahead over the next 10 years.

The reviewed Plan takes into consideration contemporary factors and expectations that influence the way we live and how we want to live in the future.

The draft Strategic Community Plan 2022-2032 is the product of engagement with people from all walks of life and organisations within the community. Comments and ideas were sought from community members on topics such as why, as an individual, they like living in the Shire of Gingin, what they thought were the major focus areas for the Shire for the next ten years, and what their vision was for the Shire to form an updated Vision Statement.

A series of community engagement workshops were held in Lancelin, Guilderton and Gingin and an on-line survey was undertaken seeking input into the review process. The same questions were used across both formats, with the outcome being 440 individual statements to consider in framing the 'direction for the future'. For further service satisfaction information, the Resident Perception Survey 2020 provided additional insight and the Youth Survey undertaken in 2018 was also used to expand on youth-related challenges.

The results of the community engagement process were collated and translated into Aspirational/Focus Areas within the Draft Strategic Community Plan 2022-2032. The Plan was then presented at the Meeting of 18 January 2022 whereby Council resolved:

That Council endorse the draft Strategic Community Plan 2022-2032 for the purpose of undertaking a public comment process of three weeks, with a further report addressing any submissions received and presenting the Strategic Community Plan 2022-2032 for final adoption to be submitted to Council at the conclusion of the public comment period.

Accordingly, a request for public comment was advertised with a closing date of 24 February 2022.

COMMENT

A schedule of submissions during the public comment period, together with recommended responses, has been prepared and is attached as **Appendix 11.2.1**. After evaluation of the submitted comments, no changes have been made to the draft Strategic Community Plan 2022-2032 as presented to Council at its January meeting.

This item seeks Council's adoption of the Strategic Community Plan 2022-2032 attached as **Appendix 11.2.2**.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 Division 5 – Annual reports and planning
Section 5.56 – Planning for the future

Local Government (Administration) Regulations 1996
Division 3 – Planning for the future
Regulation 19C – Strategic community plans, requirements for

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Balcombe

That Council adopt the Strategic Community Plan 2022-2032, as shown at Appendix 11.2.2, for the purpose of planning the Shire of Gingin's strategic direction within the confines of budgetary limitations.

CARRIED BY ABSOLUTE MAJORITY

9 / 0

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

AGAINST: *Nil*

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

Draft Strategic Community Plan 2022-2032: FINAL OPPORTUNITY FOR INPUT PRIOR TO COUNCIL ADOPTION

No.	Submitter	Submission details	Recommended response
1	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>Thank you for the opportunity to have our say at the Lancelin meeting last year. The plan looks great. My husband and I attended, and our push were for the pathways in Lancelin to be completed to make it safe for all pedestrians and bikers. I can see in the draft you have included access for disabled and elderly. I'm assuming this has to do with my comments about the paths or lack of in Lancelin. If not, I would like to see this in the draft. Thankyou</i></p> <p>Submitted: 19/01/2022 2:01:32 PM</p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 2 – Connections & Wellbeing</p> <p>2.1 Community Safety and Support -Provide support and advocacy to residents and visitors so that they feel safe and secure at home and in the outdoor environment</p> <p>Aspiration 4 – Excellence & Accountability</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>
2	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>A plan is always worthwhile.</i></p> <p><i>But we need to address the items that were let slip or handballed to others that seem to get lost in all shires focus.</i></p> <p><i>Members of the community of course send in some weird and wonderful ideas, but some are pushed from pillar to post and eventually lose interest.</i></p> <p><i>I personally asked for assistance for the community in fish cleaning facilities in Lancelin that could easily be emulated throughout the Gingin coastal communities.</i></p> <p><i>I offered to provide this at no cost to the Gingin shire for Lancelin using local operatives.</i></p> <p><i>Also I offered to place geo bags in front of the</i></p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 3 - Planning and Sustainability</p> <p>3.1 Climate Change and Adaption – Provide support and advocacy to residents and visitors so that they feel safe and secure at home and in the outdoor environment.</p> <p>Aspiration 4 – Excellence & Accountability</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>

No.	Submitter	Submission details	Recommended response
		<p><i>Lancelin Sea Rescue Building, but was given red tape, even though the shire had done multiple and good reviews with acceptance of using geo bags to assist with coastal erosion.</i></p> <p><i>Has the shire done good, yes of course you have and hence why you have so many good members in the region.</i></p> <p><i>Please we understand that sometimes it gets all too hard but focus on the small things and I am sure we will all be better for it.</i></p> <p><i>The plan you are proposing is, just a plan and we all know plans do change and like previously mentioned, they are worthwhile.</i></p> <p><i>Keep up the great work you all do.</i></p> <p>Submitted: 19/01/2022 4:07:57 PM</p>	
3	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>After today's extensive power outages, one would sincerely hope that there is something in the Strategic Community Plan to provide backup battery power AT LEAST to the mobile phone towers so that residents can at a minimum phone someone for assistance when and if required. Not everyone has retained their land line phones. Anyone would think that we lived in a third world country.....and who is going to take the blame if any of the elderly residents expire due to lack of air-conditioning in this 42-degree heat. Synergy crews should have been allowed to repair the fault - no matter where it was, in company with a fire tanker.</i></p> <p><i>Regards,</i></p> <p>Incoming email CP225424 19/01/2022</p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 2 – Connections & Wellbeing</p> <p>2.1 Community Safety and Support -Provide support and advocacy to residents and visitors so that they feel safe and secure at home and in the outdoor environment.</p>

No.	Submitter	Submission details	Recommended response
4	Ratepayer	<p>The submitter provides the following general comment: <i>I went to the community survey last year regarding inundation and coastal preservation. The room was very divided. It was also noted that you cannot discuss saving dunes and erosion without discussing sand mining in Lancelin & Ledge. We were advised there would be another 2 forums for Q & A and discussion. This has never happened. And yet you are including this i your report on this 'feedback'.</i> <i>That is not appropriate.</i> <i>It is not a true indication of local feedback!!</i> Submitted: 19/01/2022 5:49:41 PM</p>	<p>This respondent confused two project engagement processes and was subsequently contacted to clarify the next steps of the CHRMAP/ Inundation Study Integration project in which they are referring.</p>
5	Ratepayer	<p>The submitter provides the following general comment: <i>Thank You</i> Submitted: 19/01/2022 9:38 PM</p>	<p>Nil required.</p>
6	Ratepayer	<p>The submitter provides the following general comment: <i>This is a nicely presented document, but what is the plan. There is (sic) no details on what you are going to do. Just that you have identified the problems and merits.</i> <i>When do you do a plan?</i> <i>How are you going to overcome the aging population?</i> <i>How are you going to increase tourism?</i> <i>Are you going to hold workshops for ideas from community on their ideas on how to plan for the future, not just talk. We have some great people in this community with great ideas. When will the Shire listen to them so that you can start implementing them.</i></p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 1 – Attractions & Economy 1.1 Investment Attraction – Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire's economy.</p> <p>Aspiration 2 - Connections and Wellbeing 2.2 Community Housing – Foster relationships with key stakeholders to provide community housing options for seniors/youth. 2.3 Aging in Place & Health Care – Foster relationships with key stakeholders to provide aging in place opportunities and appropriate health care in our communities.</p>

No.	Submitter	Submission details	Recommended response
		<p><i>Or do you have to wait on some qualified person, costing heaps of money to come in from another region who supposedly knows it all and give you there (sic) report.</i></p> <p><i>Use the community's knowledge and thought processes to at least start the ball rolling.</i></p> <p><i>Old age community living, could be a great start, for people not needing full time care, with Shire land, 8 x small 2-bedroom chalets with a little garden, Silver Chain or Avivo could visit them and check on them. Between family, Government agencies as above, it could happen really quickly. Shire could get grant or funding for rental or people buy them and can resell their little house when they need further help. Trial it and if it works, could be implemented in all the estates.</i></p> <p>Submitted: 20/01/2022 10:59:54 AM</p>	<p>Aspiration 3 – Planning & Sustainability</p> <p>3.4 Community Engagement – Facilitate community engagement for residents/ratepayers to provide input into shaping our future.</p> <p>Aspiration 4 – Excellence & Accountability</p> <p>4.5 Key Stakeholder Partnerships – Foster applicable relationships and partnerships with key stakeholders to achieve outcomes.</p>
7	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>The council and staff have done well to create this plan. In particular I welcome strategies that respond to current climate change and predictions of anticipated change. In this section, I would like to see actions around water use, and water and nutrient waste minimization. This request is not from a perspective of their being deliberate waste, rather that discussion supported by up-to-date information on minimizing can produce new actions.</i></p> <p><i>I would like to see all property owners being encouraged to plant local species.</i></p> <p><i>I would also like to see an action to the effect that council will consider the merits of each budget,</i></p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 3 – Planning & Sustainability</p> <p>3.1 Climate Change & Adaption – 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>Aspiration 4 – Excellence & Accountability</p> <p>4.4 Strategic & Sustainable Financial Planning – Undertake resource planning and allocation in accordance with the Integrated Planning and Reporting Framework.</p>

No.	Submitter	Submission details	Recommended response
		<p><i>before approving it, for its planned delivery of actions supported by the strategy.</i></p> <p><i>I wish council well in its progress toward this plan.</i></p> <p><i>Submitted: 21/02/2022 12:24:23</i></p> <p><i>One more comment to add to those below: I request that council explore methods of hard road surface that are not black. For example, I see that Town of Cockburn is trialling new road surfaces that they may be able to share.</i></p> <p><i>Submitted: 21/02/2022 12:55</i></p>	<p>4.5 Key Stakeholder Partnerships – Foster applicable relationships and partnerships with key stakeholders to achieve outcomes.</p>
8	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>Happy to endorse the draft Strategic Plan. Great effort.</i></p> <p><i>It is clear our Shire is facing many challenges so it is encouraging to see how these have been recognised and there is a Plan to address them.</i></p> <p><i>I would like to see the supporting annual Business Plan which will implement these strategies.</i></p> <p><i>Submitted: 23/01/2022 8:42:27 AM</i></p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 4 – Excellence & Accountability</p> <p>4.4 Strategic & Sustainable Financial Planning – Undertake resource planning and allocation in accordance with the Integrated Planning and Reporting Framework.</p>
9	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>This plan again appears to see both Gingin townsite and Lancelin as the predominate areas of focus.</i></p> <p><i>Although I note that the shire has managed to make full use and take credit for originally the resident organised and run for many years Music in the Park as an invention of its own.</i></p> <p><i>We need to be realistic about erosion and stop throwing good money after bad by "saving" Grace Darling Park in Lancelin. It's going into the ocean now or in 5 years' time as there are not the</i></p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 1 – Attractions & Economy</p> <p>1.1 Investment Attraction – Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire's economy.</p> <p>Aspiration 2 - Connections and Wellbeing</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>

No.	Submitter	Submission details	Recommended response
		<p>resources to "save" it. Please stop wasting our ratepayer's money there.</p> <p>The coastal strip from Yanchep National Park through to the Pinnacles is a tourist mecca and people do not go via Gingin to get there. They use IOD and often divert to the coastal communities. We have beautiful areas eg Moore River estuary / Guilderton what have we done there very very little! For the amount of visitors to there the facilities are totally inadequate and would in any other circumstance be an Occ Health & Safety issue plus of course a total lack of duty re responsible care. Yes we've heard the same song sung so many times that the septic's refit cost is prohibitive. Well I for one would love to see total cost of "saving" Grace Daring Park and other Lancelin coastal areas vs cost of new a septic system. It's only a matter of time before this develops into a major health issue.</p> <p>Oh while we're on that subject what on earth was the council thinking in not having a contract for the Café / General store that stipulated that it had to remain open or at least have a set time PROIR to the peak holiday season to reopen. Whoever handled that contract needs to be reprimanded! Don't even get me started on the new layout of the parking that causes huge traffic backups every weekend as vehicles cannot turn left into the lower carpark if someone is coming out - what brain thought that would work??</p> <p>Woodridge again becoming more busy every weekend BUT where are the public toilets people stop off for - well inadequate signage still has tourists getting lost finding it. Signage for the</p>	<p>Aspiration 3 – Planning & Sustainability 3.1 Climate Change & Adaption – Understand the impacts of climate change and identify actions to adapt and mitigate those impacts.</p> <p>Aspiration 4 – Excellence & Accountability 4.1 Management of Assets – Maintain civic buildings, sporting facilities, public places, plant and road cycleway/pathways based on asset management plans and identified priorities. 4.4 Strategic & Sustainable Financial Planning – Undertake resource planning and allocation in accordance with the Integrated Planning and Reporting Framework.</p>

No.	Submitter	Submission details	Recommended response
		<p><i>caravan turning circle also so small people are in the parking area before they see it. We have people using our BBQ's but again have difficulties locating the public toilets. The strain on the one toilet at the Café sees queues regularly of tourists not necessarily patrons of the Café.</i></p> <p><i>Woodridge as the first spot with direct access to IOD is a perfect spot to introduce Gingin to the tourists - a comprehensive Information Board there clearly showing Gingin Brook Road and the local business all within a 20 min drive, the honey, goat cheeses and olives to name a few. At the most this is a lost opportunity to develop tourism for Gingin not allow tourists to simply drive on up IOD. Yet we can afford a new statement entry into Gingin!</i></p> <p><i>Many people have heard of Seabird as it is in fact a townsite they go there thinking there is more available than a Tavern - the café there serves good food but where are the signs leading to a beautiful children's play area if not local you would be unaware it exists.</i></p> <p><i>Simply put Gingin needs to realise that it is no longer the "centre" of the shire the townsite is small and shrinking whereas the residential coastal communities are thriving and growing BUT they require the same level of support that is given to Gingin and Lancelin townships.</i></p> <p><i>I only wish that in my lifetime coastal residents realise they vastly outnumber Gingin township / agricultural areas and actually start voting for people that will better represent the coastal strip instead of the apparently parochial attitude of many councillors.</i></p>	

No.	Submitter	Submission details	Recommended response
		<p><i>This is also true of the CEO who it would appear from his statement on his arrival that "we" the coastal people are to blame for budget problems by actually wanting our rates to be used for development along the coast; that instead we should settle for travelling to Gingin or Lancelin for our community needs.</i></p> <p>Submitted: 25/01/2022 4:15:56 PM</p>	
10	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>Firstly, I think you have done really well to engage so many residents to respond to surveys etc. The improvement in communication has been noticed. We all know you do your best with limited resources. It is obvious your intention to improve living in the Shire is working.</i></p> <p><i>I have two comments to make having read the draft.</i></p> <p><i>1. Please make communication with residents your top priority. If we knew more of what you are doing we would understand better the workings of the Shire. I understand that concerned ratepayers will go to your website and read the minutes etc, but your average person just wants a dot point run down.</i></p> <p><i>An example of this would be - We all know our St John volunteers are there, but if they publish how many call outs they have in a month then we know they are actually working!</i></p> <p><i>2. For the last 25 years I and many others have been hopeful of a service hub in the Lower Coastal Area of the Shire. One third of your population live here. We have very active volunteer fire brigades, and a St John station. The area is big on tourism</i></p>	<p>The respondent provides comment on specific items which align and are supported by strategies in the draft Strategic Community Plan 2022-2032.</p> <p>Aspiration 1 – Attractions & Economy</p> <p>1.1 Investment Attraction – Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire’s economy.</p> <p>Aspiration 2 – Connections & Wellbeing</p> <p>2.2 Community Housing – Foster relationships with key stakeholders to provide community housing options for seniors/youth.</p> <p>2.3 Aging in Place & Health Care – Foster relationships with key stakeholders to provide aging in place opportunities and appropriate health care in our communities.</p> <p>2.8 Services and Facilities - Provide cost effective services and facilities which meet the needs of the community.</p> <p>Aspiration 4 – Excellence & Accountability</p> <p>4.3 Information Sharing – Targeted communications that provide clear messages and are cost effective.</p>

**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 11.2.1

No.	Submitter	Submission details	Recommended response
		<i>which I note you want to progress. There are many social and sporting groups. However, there is no Shire representation, no help for the elderly or disabled, no community bus, no health facility, not even a nurse practitioner. Please put some action in your plan to help us. We feel ignored.</i> Submitted: 3/02/2022 6:50:53 AM	



STRATEGIC COMMUNITY PLAN

2022-2032



ACKNOWLEDGEMENT OF COUNTRY

Kaya Wanjoo Yued Boodja
(pronounced "Kya Wanjoo Yued Booja")

Hello – Welcome to the land of the
Yued Traditional owners.

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.

The Yued region covers an area of 20,252km². Their Booja – meaning 'their country' – includes the Shires of Coorow, Dalwallinu, Dandaragan, Moora, Gingin, Victoria Plains, Toodyay and Chittering.

Nyoongar camping grounds, birthing areas, festival places, song lines and sacred lore sites are scattered throughout the Yued region. They are very significant and important for the Yued community.

The Shire of Gingin formally recognises the Yued Nyoongar People as an important stakeholder in the development and progression of the Shire.

INTRODUCTION

Where do we want to be in ten year's time?

The Shire of Gingin is an evolving small to medium-sized Shire located in the northern food bowl in a peri-urban location north-east of Perth. 2020 onwards has seen a metro area to regional area migration impacting many regional Shires including the Shire of Gingin. The community consultation process for the Strategic Community Plan 2022-2032 was enlightening as it was varied in the community's vision for the future.



We are a changing community; our residents' and ratepayers' needs alter and adapt and the issues we need to deal with evolve due to many inside and outside influences. Planning for the future requires sound financial planning and response to challenges that crop up along the way.

Every four years we do a comprehensive review of our Strategic Community Plan that looks ahead over the next 10 years and considers contemporary factors and expectations influencing our Shire and the way we live.

This Plan is the product of engagement with people invited from all walks of life and organisations within the community.

We sought comments and ideas; asked why they like living in the Shire of Gingin and what they thought were the important focus areas for the Shire for the next ten years. Then, most importantly, asked what their vision is for the Shire to form an updated Vision Statement that we can all aspire to.

An on-line survey and community engagement workshops were held in Lancelin, Guilderton and Gingin to gather information on community expectations. The outcome was 440 individual statements to consider and frame the 'direction for the future'.

To drill down a bit further, the Resident Perception Survey 2020 provided further insights and what we need to focus on.

ACHIEVEMENTS

The Shire of Gingin provides its community and visitors with many services, projects and programs designed to enhance the Shire as a place to live, visit and work.

Some notable achievements over the past four years include:

Undertake the Residents Perception Survey 2020

Road upgrades to Orange Springs & Sappers Roads – agricultural lime sand route

Minor Review Strategic Community Plan 2019-2029

Redfield Park Fire Shed

Develop and implement the Reconciliation Action Plan 2018-28 and Cultural Heritage Management Plan

Gingin Outdoor Activity Space

Develop and implement the Youth Strategy 2019-2023

Pool fencing compliance (legislated)

Develop and implement the Local Public Health Plan

Seabird coastal containment wall

Develop and implement an Employee Service Charter (TRACK)

Coastal Hazard Risk Management Adaption Plan, Inundation Studies

Develop and implement a Customer Service Charter

Ledge Point boat launching facility/marina environmental studies

Deliver and partner events including 'Summer Suite of Events'

Develop and implement Information Technology Strategy

Develop Tourism Strategy with the Northern Growth Alliance

Gingin's 150th Celebration

New management contracts for both the Lancelin and Guilderton Caravan Parks

Beach Emergency Number signs

Fire mitigation works in collaboration with DFES at Lancelin, Ledge Point, Seabird, Guilderton, Woodridge, Ocean Farm, Seaview Park and Gingin

Covid 19 response: including newsletters (hard print – disseminated and digital formats), vulnerable person register, can I help register, need register (help required) accommodation, employment and financial information, pop-up pantry in conjunction with the Gingin CRC

Change to new financial platform (including chartered operating accounts)



TRENDS & CHALLENGES

Multiple factors influence the way the Shire plans and makes decisions. Good decision-making requires an understanding of global and local trends and challenges. The following influences are considered predominant challenges for the Shire.



Ageing population/youth migration

The Shire is experiencing an aging population bringing a set of challenges to meet the needs of this demographic including the availability of housing options to downsize, local medical services and home care help. And conversely, attracting and keeping youth in our communities rather than losing this demographic to city areas.



Aging & duplication of assets

The Shire's community assets are aging resulting in an increasing financial burden of maintaining facilities that are either duplicated throughout the Shire, under-utilised or no longer relevant to the needs of the community.



Land use conflict/changes

Environmental outcomes including land buy-ups for protection of flora and fauna on non-productive farmland resulting in the decrease of rateable income for the Shire. A community push towards an increase in tourism rated industries for new economic development and job creation.



Climate change

Changes in climate patterns are creating significant challenges for the Shire including erosion of coastal foreshores and an overall drier climate impacting the availability of surface and subterranean water licences, and an increasing number of fire events. Globally, greenhouse emissions are altering the global climate to creating less predictable local weather and volatile extremes. World symposiums garnering support to reduce net greenhouse emission to 1.5% by 2050 pressuring those countries lagging behind without a scheduled plan to meet this milestone.



Covid 19 pandemic/metro to regional area shift/tourism

The pandemic has seen the Shire included in an Australia-wide phenomenon whereby a significant metro to regional area migration has/is occurring. Building, planning and health business units are seeing impacts of the increasing land and local property purchases. The Tonkin Highway extension has also increased that attractiveness for regional to metro area commuting. In keeping with the balance of Western Australia, local tourism is booming whilst the State keeps its borders closed.



Global politics affecting local economic markets

The Shire is victim to the embargo of produce able to be exported to China. The crayfish industry, shut out overnight, lost 90% of its export market in January 2020. Beginning of June 2021 saw a sharp rise in crayfish exports through so-called 'grey trade' (indirect channels) in this case transhipped through Hong Kong.

WHAT IS A STRATEGIC COMMUNITY PLAN?

A Strategic Community Plan is a long-term overarching document that sets out our vision and aspirations for the future. It also identifies the key strategic documents with corresponding actions required to achieve these aspirations. The Strategic Community Plan identifies how we will get from where we are now to where we want to be.

The Strategic Community Plan 2022-2032 provides the Shire of Gingin Administration/Council, the community and stakeholders, with a clear understanding of what matters most to the Shire of Gingin community and provides guidance on how to achieve those aspirations.

Achieving the identified aspirations will rely on the collective commitment and combined actions from all of the Shire of Gingin community.

A Strategic Community Plan is a living document, regularly reviewed and updated to reflect changing community aspirations and priorities.

The purpose of a Strategic Community Plan is to:

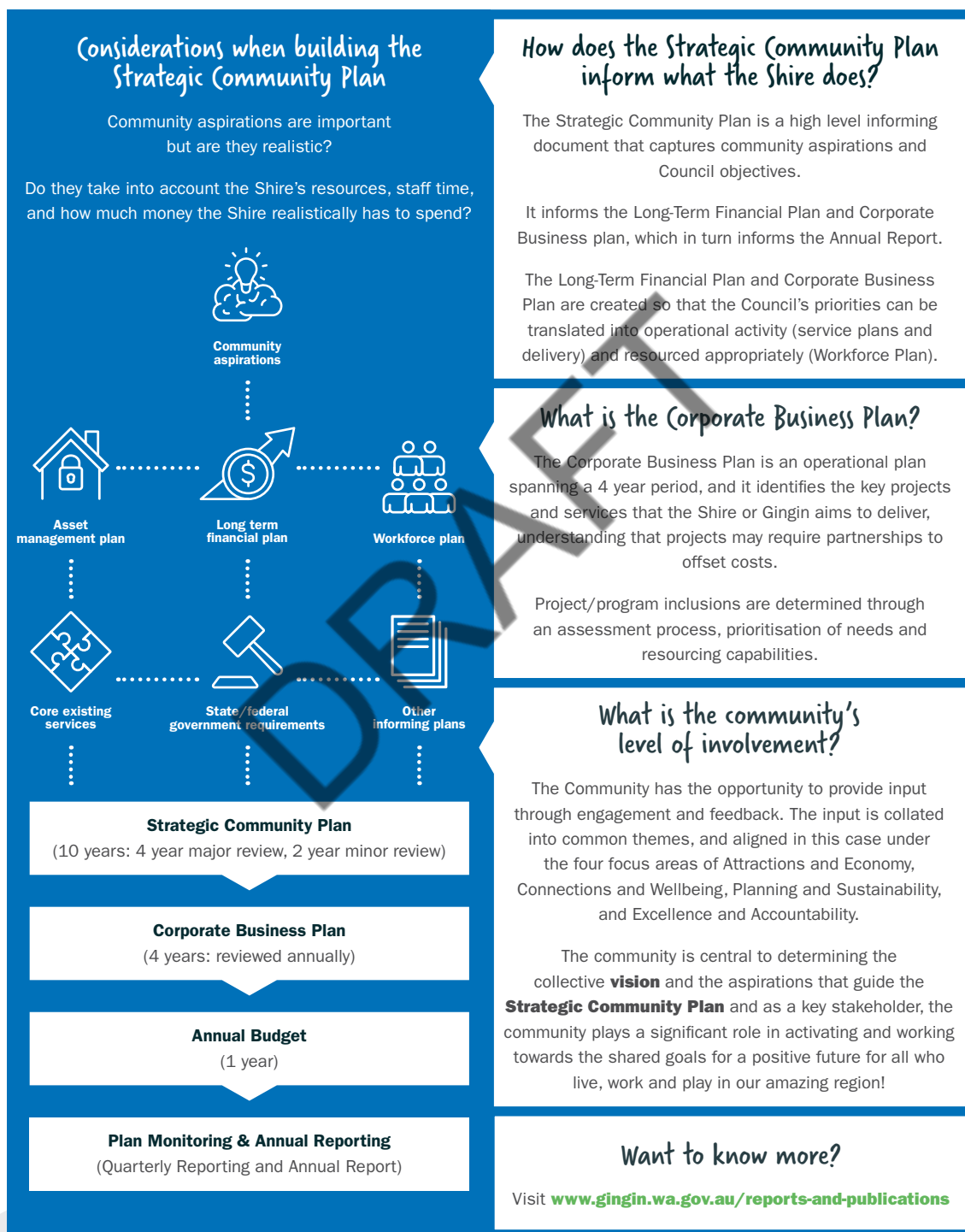
- Identify and acknowledge a collective view on aspirations and priorities;
- Provide an opportunity for participation by the community in decision making processes;
- Provide a long term focus for the delivery of facilities and services by the Shire of Gingin working with and in the community;
- Provide a basis for accountability; and
- Provide the platform for reporting.

The Shire of Gingin administration has many roles to achieve the aspirations set-out in the Plan including:



OUR STRATEGIC FRAMEWORK

Integrated Planning and Reporting is a Legislated framework under the *Local Government Act (1995)* encapsulating a top-down approach to determine a collective vision for the future. Many other considerations such as State and Federal requirements are considered and sustainably planned for and delivered.



ENGAGEMENT TO REVIEW THE STRATEGIC COMMUNITY PLAN

The Shire of Gingin used a combined approach to connect with the community including a Youth Survey (June 2018), Resident Perception Survey (April 2020), Engagement workshops held in Lancelin, Guilderton and Gingin townsites (June 2021) and a survey offered on-line.

Through this process, the Shire made 796 contacts with community, involving at least 700 different individuals or 14% of the residential population (5353 ABS 2020).

The same questions were put to the respondents at the engagement workshops as the on-line survey with the following results:

Firstly, what do you love or like doing in the Shire?

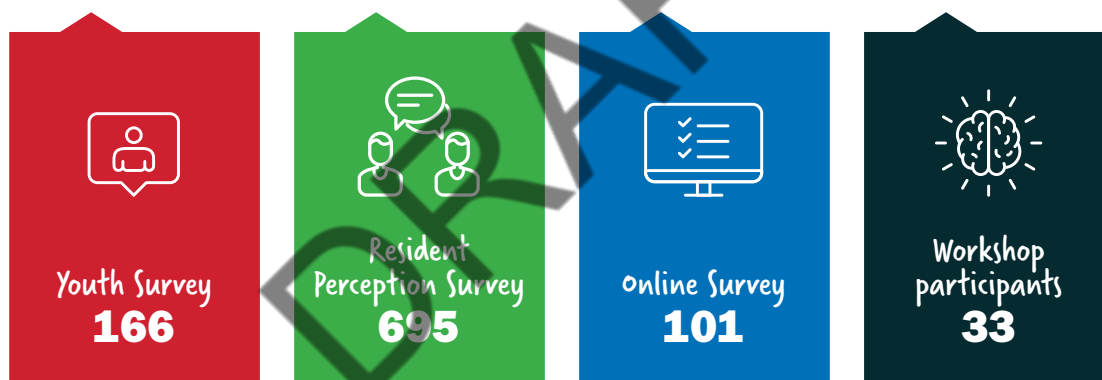
- Nature/wildlife, coast and landcare
- Sport and leisure (including facilities & events)
- Relaxed lifestyle
- Local assets including parks
- Community generosity and volunteers
- Proactive community groups
- Metro convenience in a rural location
- Tourism activities
- Low population and crime rate

Secondly, a question surrounding what the Shire should focus on over the next ten years?

- New tourism assets, development of existing and advocacy
- Asset improvements and maintenance
- Events; more of and cultural events
- Improved aged housing options, disability services and transport
- Environmental care including erosion
- Health service improvement

And thirdly, is the current Vision Statement still relevant?

With an outstanding majority claiming it is.



COMMUNITY INPUT

Community & Wellbeing

Sources of Pride

'Fantastic community car, bus all used by the public'

'Happy living in this community'

'Love the events, very professionally run. I like that there is something free to do with my family. Thank you'

'Being part of our sports groups'

Improvements

'Insufficient services in allied health given the aging demographic'

Community told us to support

'Community programs and events'

'Encourage and support local Doctor and health services'

'The school needs to expand its curriculum offering'

'Senior/youth accommodation options'

'Community wellbeing and health'

'More support for our police and volunteers to better protect the community'

Natural Environment

Areas to improve

'Complete the coastal inundation study for Lancelin etc.'

'Preserve the environment, particularly coastal dunes. I don't mean preventing tidal inundation, but not jeopardising what remains, such as proposing caravan parks on environmentally sensitive coastal areas'

'Living by the ocean more needs to be done on coastal erosion'

What do you love?

'Walking and cycling along the coastal paths, swimming, playing on car-free beach'

'Visiting the ocean & Moore River to walk, fish, 4wd, picnic, take photos'

'Beach, peace, nature'

'Being in nature'

'Caring for the environment'

'Enjoying bush settings with birds and wildlife'

'I love that we have the Carnaby's Black Cockatoos!'

'Revegetation projects planting local species'

'Enjoying nature through walk trails'

Infrastructure

Sources of Pride

'Love Gabbadah Park and foreshore in Moore River'

'Love the parks. And Lancelin has an amazing skate park and playground'

'Parks and ovals are beautifully kept'

'We are very lucky to have the facilities we do'

'Excellent customer service by planning staff'

Improvements

'Too many recreation facilities across the shire compared to population levels. All underutilised'

'A lot of the public toilets need upgrading'

'Better access and facilities for disabled and elderly'

'Generally OK but on a few occasions have found the facilities, e.g., community hall, toilets, BBQs, very untidy'

Community told us

'The aquatic centre and new playground are fantastic'

'Help shield residents from the negative effects of growth/tourism'

'I would like to see the shire work towards the installation of a sewerage system. The subdivision of agricultural land and larger blocks decentralises the town centre and reduces the need for sewerage'

'Safety for the coastal towns in emergency no communication as poor tv/radio/telephone reception'

'It would be nice if the shire spent more on tourism and public assets to help local industries'



Economic Development

Improvements

'Absolutely necessary to protect SSR building and the wonderful new caravan/ camping site from the coastal erosion at Grace Darling Park. Tourism is vital'

'Cafés that are open in Lancelin all year round'

Community said

'Tourism centred on local produce (sea and farm) with affordable accommodation options such as caravan parks; infrastructure to encourage electric vehicles and cycling. We need to draw people into Gingin with distilleries, wineries, upgraded pub as events/ wedding location perhaps weekend historic train events'

'Small local business promotion, particularly those that deal with local produce and provide local employment'

'There needs to be encouragement for local tourism and industry for our areas to help with employment for locals'

'Employment - encourage housing initiatives to reduce shortage and support business'



Governance

Compliments

'Congratulations on the initiative of offering residents an opportunity to address concerns/ acknowledge services'

'I think the Shire is doing all it can under the circumstances. Keep improving'

Improvements

'A more user-friendly shire website would be a vast improvement'

'Issues raised with staff appear to be treated as an inconvenience to them rather than a suggestion for improvement'

'Councillors, please listen to majority of ratepayers and consult with everyone'

'Would be good if when correspondence sent to shire, we received a response. Nothing!'



SERVICE EXPECTATIONS – Results of Resident Satisfaction Survey 2020

Responses

In this section we have provided an insight into some of the community's views around some of the business unit levels of service. The valuable feedback provides a level of accountability in terms of service expectations and provided input for the focus areas themes in this plan.

The survey is designed to measure resident satisfaction in key performance areas forming an important part of the Shire's evaluation of the services it delivers, the facilities which it provides and the quality of life of its residents.

Specifically, the study measured:

- Perceptions of the overall performance of the Shire
- Satisfaction with the Shire as a place to live
- The customer service provided by the Shire
- Satisfaction with:
 - Waste collection and disposal services
 - Services provided by the planning & development team
 - Community facilities
 - Community services
 - Governance
 - Environmental management
 - Roads and path networks
 - Effectiveness of communications

The results include areas where respondents were particularly satisfied or felt the Shire had improved and also areas where they felt the most dissatisfied or felt the Shire needs to make significant improvements.

Satisfied Results/Areas of Improvement

- **Weekly rubbish collections**
 - very satisfied + satisfaction 95.7%; results are similar to 2018 and 2016 although appears to be a shallow upward trend
- **Local Rubbish Tips**
 - very satisfied + satisfied 91%; shows an upward trend since 2016 with a significant increase in 2020 compared to 2016
- **How the community is informed**
 - very satisfied + satisfied 58.5%; an upward trend and significant improvement compared to 2016
- **Maintenance of unsealed (gravel) roads**
 - overall satisfaction with the maintenance of unsealed roads 54.2% has increased significantly compared to 2016 and 2018
- **Roadside verges and streetscapes**
 - very satisfied + satisfied 42.8% improvement on 2018 returning to 2016 levels

Dissatisfied Results/Areas to Improve

- **Building and Planning Permits**
 - 49.6% declined significantly
- **Enforcement of local laws by officers and rangers**
 - very satisfied + satisfied 43% in 2020 which is a significant decline from 52.8% in 2018
- **Bushfire Prevention and Control**
 - very satisfied + satisfied 57.6% in 2020 significant decline compared to 2016 and 2018
- **Decisions made in the best interest of the community**
 - 32.5% results similar to 2018 and 2016
- **Conservation and environmental management**
 - very satisfied + satisfied 40.9% significant decline compared to 2016 and 2018
- **Management of coastal erosion and inundation**
 - very satisfied + satisfied 32.7% significant decline compared to 2016 and 2018



OUR COMMUNITY'S VISION FOR THE FUTURE

"We are a welcoming inclusive community that celebrates its unique coastal and inland landscapes with an aim to increase visitation to the region."

ASPIRATIONS & STRATEGIC OBJECTIVES

ASPIRATION 1 – ATTRACTIONS & ECONOMY



Actively Pursue Tourism and Economic Development

Investment Attraction	Food Bowl Sub Region
Business Development	Attractions and Events
Infrastructure Investment	

ASPIRATION 2 - CONNECTIONS & WELLBEING



Grow and Nurture Community Connectedness and Wellbeing

Community Safety and Support	Community Housing
Aging in Place and Healthcare	Youth Investment
First Nation's Heritage and Inclusion	Accessibility
Services and Facilities	

ASPIRATION 3 - PLANNING & SUSTAINABILITY



Plan for Future Generations

Climate Change and Adaption	Energy Alternatives
Planning & Land Use	Community Engagement
Sustainable Waste Solutions	Preservation and Management of Endangered Habitat and Coastal Reserves

ASPIRATION 4 - EXCELLENCE & ACCOUNTABILITY



Deliver Quality Leadership and Business Expertise

Management of Existing Assets	Effective Governance
Information Sharing	Strategic and Sustainable Financial Planning
Key Stakeholder Partnerships	

ASPIRATION 1 – ATTRACTIONS & ECONOMY

Actively Pursue Tourism and Economic Development

1.1 Investment Attraction
Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire's economy.

1.2 Business Development
Foster relationships with key stakeholders to support business development and job opportunity initiatives.

1.4 Food Bowl Sub-region
Support initiatives that value add to the Shire's position within the 'food bowl' region.

1.5 Infrastructure Investment
Lobby State and Federal Government to establish infrastructure and development opportunities in our Shire.

1.6 Attractions & Events
Host/support iconic community events and attractions that will entice residents and visitors throughout the year.

What can we do as individuals?

- Strengthen event participation by attending and bring visitors to local events
- Advocate the benefits of visiting the Shire

Existing Integrated Strategies

- Northern Growth Alliance Tourism Strategy
- Trails Master Plan
- Youth Strategy
- Reconciliation Action Plan

How will we measure our progress?

- Increase in visitation (Tourism WA)
- Increase in Planning/Building applications and/or permits for tourism/service industries
- Number of attendees at local events/festivals
- Number of local employees (ABS statistics)
- Increase in Food Bowl Sub Region food production and/or diversity of production
- Perception Survey – satisfaction with events



11 Shire of Gingin Strategic Community Plan

ASPIRATION 2 – CONNECTIONS & WELLBEING

Grow and Nurture Community Connectedness and Wellbeing

- 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 outdoor environment.
- 2.2 Community Housing**
Foster relationships with key stakeholders to provide community housing options for seniors/youth.
- 2.3 Aging in Place & Health Care**
Foster relationships with key stakeholders to provide aging in place opportunities and appropriate health care in our communities.
- 2.4 Youth Investment**
Promote and undertake activities that provide youth retention and capacity building in our communities.
- 2.5 Community Capacity Building**
Empower all ages to be culturally aware and involved in diverse community initiatives including volunteering, culture and the arts.
- 2.6 First Nation's Heritage & Inclusion**
Strengthen relationships which foster mutual respect and support in addition to cultural awareness.
- 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.

What can we do as individuals?

- Be fire ready and have an evacuation plan
- Undertake fire break compliance
- Be welcoming
- Engage in community activities including volunteering
- Check in on your neighbour

Existing Integrated Strategies

- Local Emergency Management Arrangements
- Health Act
- Local Health Plan
- Youth Strategy
- Sustainable Club/Groups Plan
- Age Friendly Community Plan
- Reconciliation Action Plan & Cultural Heritage Management Plan
- Disability Access and Inclusion Plan

How will we measure our progress?

- Perceptions Survey
- How satisfaction levels are tracking on:
 - Living in the Shire of Gingin
 - Services and Facilities



ASPIRATION 3 – PLANNING & SUSTAINABILITY

Plan for Future Generations

3.1 Climate Change & Adaptation
Understand the impacts of climate change and identify actions to adapt and mitigate those impacts.

3.2 Preservation & Management of Endangered Habitat & Coastal Reserves
Sustainable policy/actions supporting preservation activities.

3.3 Planning & Land Use
Plan the use of the land to meet future requirements incorporating economic development objectives and community amenity.

3.4 Community Engagement
Facilitate community engagement for residents/ratepayers to provide input into shaping our future.

3.5 Sustainable Waste Solutions
Incorporate opportunities that support responsible and sustainable disposal of waste.

What can we do as individuals?

- Be invested in what's going on in our communities and attend community forums, provide community comment where required and respond to community surveys etc.
- Be invested in recycling strategies

Existing Integrated Strategies

- Coastal Hazard Risk Management Adaption & Inundation Integration
- Coastal Management Strategies
- Department of Planning Policy
- Shire of Gingin Planning Schemes and Strategies
- Shire of Gingin Engagement Policy
- West Australian Waste Strategy
- Local Waste Strategy
- Regulations and compliance (legislated)

How will we measure our progress?

Perceptions Survey

– How satisfaction levels are tracking on:

- Coastal and Erosion Management
- Waste Management



ASPIRATION 4 – EXCELLENCE & ACCOUNTABILITY

Deliver Quality Leadership and Business Expertise

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.

4.2 Effective Governance

Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable and principled environment.

4.3 Information Sharing

Targeted communications that provide clear messages and are cost effective.

4.4 Strategic & Sustainable Financial Planning

Undertake long-term resource planning and allocation in accordance with the Integrated Planning and Reporting framework.

4.5 Key Stakeholder Partnerships

Foster applicable relationships and partnerships with key stakeholders to achieve outcomes.

What can we do as individuals?

- Be respectful when using assets to maintain a clean and usable space for others
- Be involved in community decisions and provide input to community consultation processes
- Be a part of your local community group

Existing Integrated Strategies

- Operational Asset Management Plans
- Integrated Planning and Reporting Framework (*Local Government Act 1995*)
- Shire of Gingin Engagement Policy
- Corporate Compliance Calendar
- Shire of Gingin Communication Policy
- Resident Perception Survey

How will we measure our progress?

Perceptions Survey

– How satisfaction levels are tracking on:

- Facilities and Assets including roads, pathways and parklands
- Public Perception of the Shire of Gingin Council
- Public Perception of the Shire Administration
- How effective is information communicated from the Shire Administration







ORGANISATIONAL AND BUSINESS VALUES

Customer Service Charter

- We are striving to become better at what we do and are continually looking at ways to improve ourselves.
- We successfully deliver services to our community with a strong focus on our customers.
- We appreciate the merits of and continually foster a well-trained and cooperative staff culture.
- We believe community collaboration and transparent governance practices are key aspects of good leadership

Values – TRACK

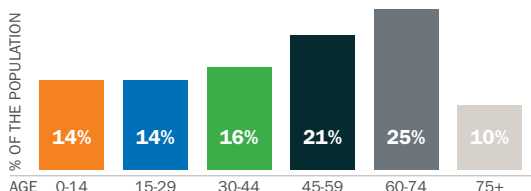
- Teamwork
- Respect
- Accountability
- Commitment
- Knowledge

SHIRE OF GINGIN POPULATION



Permanent Population 5353 (ABS 2020)

Service Population 11,400 (approx.)



Note:

1. Service Population = Permanent + estimated non-resident population
2. 2425 properties (non-resident) * 2.5 (av. residents in household)



First Nation's People		
2%	3.1%	
Shire of Gingin	WA	
% of Age Pensions		
15%	10%	14%
Shire of Gingin	Shire of Chittering	Shire of Dandaragan
Language other than English		
8.3%		
Shire of Gingin		
Median age		
49.2	44.7	
Shire of Gingin	Shire of Chittering	
Females in our population		
48%	47%	
Shire of Gingin	Shire of Dandaragan	
Living with a disability		
21.4%	19.5%	19.8%
Shire of Gingin	Shire of Chittering	Shire of Dandaragan
Earn on average		
\$35,934	\$52,671	
Shire of Gingin	WA	
Shire Administration		
90 employees		
(inc. seasonal contracts)		



615
Total number
of businesses

What are they?



39%
Agriculture,
Forestry, Fishing



17%
Construction



6%
Rental, Hiring
& Real Estate Services



5%
Transport, Postal
and Warehousing



5%
Retail Trade



5%
Professional, Scientific,
Technical Services

WHEN WILL THE SHIRE OF GINGIN NEED TO PLAN AGAIN?

The Shire of Gingin will conduct a minor review of this plan in 2024; two years from the commencement of this plan. At that time the progress of the Aspirations will be monitored and measured and relevance assessed. The community will be engaged via a Resident Perception Survey undertaken in late 2022/early 2023 with outcomes from the process used to update the Strategic Community Plan 2022-2032. In 2026 the Shire will conduct a major review of the Plan 2024-2034 involving a number of community engagement processes to guide Council in the development of future Aspirations for the Shire of Gingin Community.



THANK YOU

The Shire of Gingin expresses its sincere thanks and appreciation to members of the Shire of Gingin community who provided feedback towards the development of the Strategic Community Plan 2022-2032.







DRAFT



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This document is available in other formats upon request.

11.3 2021 COMPLIANCE AUDIT RETURN

File	COR/29
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. 2021 Compliance Audit Return [11.3.1 - 13 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To receive and consider the Audit and Governance Committee's recommendation with respect to the Shire of Gingin's Compliance Audit Return for the period 1 January 2021 to 31 December 2021.

BACKGROUND

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

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

The completed 2021 Compliance Audit Return (**Appendix 11.3.1**) was presented to Council's Audit and Governance Committee on 1 March 2022. After considering the report, the Committee resolved to:

1. *Acknowledge the results of the 2021 compliance audit process; and*
2. *Recommend that Council adopt the 2021 Compliance Audit Return for the period 1 January 2021 to 31 December 2021, as shown in Appendix 5.1.1.*

COMMENT

The Shire of Gingin's 2021 Compliance Audit Return has been conducted internally. The completed Return shows that, in general, the standard of compliance is good. However, the following matters have been identified:

1. Section: Delegation of Power/Duty (page 2 of 13 in **Appendix 11.3.1**)

Q7. Were all delegations to the CEO resolved by an absolute majority? [LGA s.5.42(1)]

Response

At its meeting on 19 October 2021 (Item 13.1), Council adopted Delegation 1.23 Application of Regional Price Preference Policy. In accordance with Reg. 24G of the *Local Government (Functions and General) Regulations 1996*, the delegation empowers the CEO to decide that the Shire's Policy 1.44 Regional Price Preference should not be applied to a particular tender.

Both Policy 1.44 and Delegation 1.23 were adopted at the same time. However, whilst there is no requirement for the policy to be adopted by Absolute Majority, this requirement does apply to the delegation of power by Council to the CEO.

The power granted under Delegation 1.23 has not been exercised by the CEO. In addition, it is pointed out that because the decision to adopt Delegation 1.23 was carried unanimously and all Councillors were present, the decision was, by default, carried by Absolute Majority even though this is not reflected in the Minutes of the meeting. Nevertheless, the delegation will be re-presented to Council at its next meeting on 15 March 2022 in order to rectify this error.

2. Section: Finance (page 7 of 13 in **Appendix 11.3.1**)

Q3. Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021? [LGA s.7.9(1)]

Response

The audit process for the 2020/21 financial year has not yet been completed.

As Council is aware, amendments to the *Local Government Act 1995* mean that the annual financial audits for all local governments in Western Australia are now undertaken by auditors appointed by the Office of the Auditor General (OAG). The auditors appointed by the OAG to undertake the 2020/21 audit for the Shire of Gingin are still working through the audit process.

This is the first financial audit for the Shire of Gingin undertaken under the new auditor appointment arrangements and the Shire's officers have given their full assistance to the auditors in providing all information requested. Unfortunately however, the Shire has no control over completion of the process, and it is understood that there are a number of other local governments also experiencing lengthy delays with respect to their 2020/21 audit.

3. Section: Local Government Employees (page 8 of 12 in **Appendix 11.3.1**)

Q5 Did the CEO inform Council of each proposal to employ or dismiss senior employee?
[LGA s.5.37(2)]

Response

As Council is already aware, the Shire was not compliant with this requirement with respect to the employment of the current Executive Manager Operations and Assets.

Given the circumstances relating to the position at the time, the CEO did not have an opportunity to formally submit the proposal to Council prior to the offer of employment being made.

This legislative requirement will not apply in the future, given that Council has now resolved to abolish all designated senior employee positions.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government (Audit) Regulations 1996

Reg 14 – Compliance audits by local governments

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Court

That Council:

1. Acknowledge the results of the 2021 compliance audit process; and
2. Adopt the 2021 Compliance Audit Return for the period 1 January 2021 to 31 December 2021 as shown at Appendix 11.3.1.

**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*

MINUTES ORDINARY COUNCIL MEETING 15 MARCH 2022

APPENDIX 11.3.1

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



Department of
Local Government, Sport
and Cultural Industries

Gingin - Compliance Audit Return 2021

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of the relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2021?	N/A	No major trading undertakings were entered into in 2021.	Lee-Anne Burt
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2021?	N/A	No major land transactions were entered into in 2021.	Lee-Anne Burt
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2021?	N/A		Lee-Anne Burt
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2021?	N/A		Lee-Anne Burt
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Lee-Anne Burt

MINUTES ORDINARY COUNCIL MEETING 15 MARCH 2022

APPENDIX 11.3.1

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



Department of
Local Government, Sport
and Cultural Industries

Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A	No Shire of Gingin committees have any delegated powers.	Lee-Anne Burt
2	s5.16	Were all delegations to committees in writing?	N/A		Lee-Anne Burt
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	N/A		Lee-Anne Burt
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Lee-Anne Burt
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	N/A		Lee-Anne Burt
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes		Lee-Anne Burt
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	No	Council Meeting 19/10/2021 Item 13.1 Delegation 1.23 Application of Regional Price Preference Policy adopted by Simple Majority. Delegated power has not been exercised.	Lee-Anne Burt
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Lee-Anne Burt
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Lee-Anne Burt
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes		Lee-Anne Burt
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes		Lee-Anne Burt
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	Yes	Council Meeting 15/06/2021 Item 11.1	Lee-Anne Burt
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes	As far as can be ascertained.	Lee-Anne Burt

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent

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APPENDIX 11.3.1

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



Department of
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No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Lee-Anne Burt
2	s5.68(2) & s5.69 (5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		Lee-Anne Burt
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		Lee-Anne Burt
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		Lee-Anne Burt
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	Yes		Lee-Anne Burt
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes		Lee-Anne Burt
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes		Lee-Anne Burt
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes		Lee-Anne Burt
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes		Lee-Anne Burt
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes		Lee-Anne Burt
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes		Lee-Anne Burt
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes		Lee-Anne Burt

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No	Reference	Question	Response	Comments	Respondent
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes		Lee-Anne Burt
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Lee-Anne Burt
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?* *Question not applicable after 2 Feb 2021	N/A		Lee-Anne Burt
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?*	N/A		Lee-Anne Burt
		*Question not applicable after 2 Feb 2021			
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	As far as can be ascertained.	Lee-Anne Burt
18	s5.71A & s5.71B (5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		Lee-Anne Burt
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		Lee-Anne Burt
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?*	Yes		Lee-Anne Burt
		*Question not applicable after 2 Feb 2021			
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?*	Yes		Lee-Anne Burt
		*Question not applicable after 2 Feb 2021			

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No	Reference	Question	Response	Comments	Respondent
22	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	Yes		Lee-Anne Burt
23	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4)?	Yes		Lee-Anne Burt
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	Yes		Lee-Anne Burt
25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	Yes		Lee-Anne Burt

Disposal of Property

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

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

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Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes		Lee-Anne Burt
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Lee-Anne Burt
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	No	The audit for 2020/21 was the first audit undertaken by the Officer of the Auditor General & was not completed at the time of writing (16/02/2022).	Lee-Anne Burt
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A		Lee-Anne Burt
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A		Lee-Anne Burt
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	N/A		Lee-Anne Burt
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	N/A		Lee-Anne Burt

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Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Adopted 21 May 2019. Review currently in progress.	Lee-Anne Burt
2	Admin Reg 19DA (1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Adopted 18 May 2021	Lee-Anne Burt
3	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Lee-Anne Burt

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A	CEO not employed in 2021	Ebony Mackey
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	Yes		Lee-Anne Burt
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	CEO not employed in 2021	Ebony Mackey
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A	CEO not employed in 2021	Ebony Mackey
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	No	Council not formally informed of employment of current Executive Manager Operations & Assets prior to commencement.	Ebony Mackey
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	Council did not reject a CEO's recommendation.	Ebony Mackey

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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	N/A	The CEO is the Complaints Officer.	Lee-Anne Burt
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)? Does the complaints register include all information required by section 5.121 (2)?	Yes	Register published and up to date however no complaints have been made.	Ebony Mackey
3	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	Register published and up to date however no complaints have been made.	Ebony Mackey

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Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	Yes	17 March 2020 - Item 11.1.1	Lee-Anne Burt
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	Yes	18 December 2018 - Item 11.1.3	Lee-Anne Burt
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	Yes	As far as can be ascertained.	Ebony Mackey
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events ?	Yes		Lee-Anne Burt
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Lee-Anne Burt
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes		Lee-Anne Burt
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021 financial year and publish it on the local government's official website by 31 July 2021?	Yes		Lee-Anne Burt
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	Yes		Lee-Anne Burt
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes		Lee-Anne Burt

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Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	As far as can be ascertained.	Ebony Mackey
2	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes	As far as can be ascertained. Contracts for the supply of goods & services entered into via WALGA's Preferred Supplier Panels are exempt from these requirements.	Lee-Anne Burt
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes	As far as can be ascertained.	Ebony Mackey
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	No multiple contracts entered in to.	Ebony Mackey
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	N/A	No information varied.	Ebony Mackey
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Lee-Anne Burt
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Lee-Anne Burt
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	No tenders of this nature were received.	Lee-Anne Burt
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes		Lee-Anne Burt
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes		Lee-Anne Burt

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No	Reference	Question	Response	Comments	Respondent
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Yes	As far as can be ascertained	Ebony Mackey
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A		Lee-Anne Burt
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under F&G Reg 23 (1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Yes	As far as can be ascertained	Ebony Mackey
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	Yes	As far as can be ascertained	Ebony Mackey
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A	No panel of pre-qualified suppliers has been considered.	Lee-Anne Burt
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	No panel of pre-qualified suppliers	Ebony Mackey
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	No panel of pre-qualified suppliers	Ebony Mackey
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	N/A	No panel of pre-qualified suppliers	Ebony Mackey
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	No panel of pre-qualified suppliers	Ebony Mackey
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	No panel of pre-qualified suppliers	Ebony Mackey
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	No panel of pre-qualified suppliers	Ebony Mackey

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No	Reference	Question	Response	Comments	Respondent
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Yes		Lee-Anne Burt

I certify this Compliance Audit Return has been adopted by council at its meeting on _____

Signed Mayor/President, Gingin

Signed CEO, Gingin

11.4 DELEGATION 1.23 APPLICATION OF REGIONAL PRICE PREFERENCE POLICY

File	COR/28-1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	19 October 2021, Item 13.1
Appendices	1. Delegation 1.23 Application of Regional Price Preference Policy [11.4.1 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To adopt Delegation 1.23 Application of Regional Price Preference Policy by absolute majority.

BACKGROUND

Part 4A of the *Local Government (Functions and General) Regulations 1996* (the Regulations) enables local governments situated outside the metropolitan area to give a regional price preference to regional tenderers.

At its meeting on 19 October 2021, Council adopted Policy 1.44 Regional Price Preference and at the same time, adopted Delegation 1.23 Application of Regional Price Preference Policy which empowers the CEO to make a determination that Policy 1.44 not be applied with respect to a particular tender.

Both Policy 1.44 and Delegation 1.23 were adopted by a simple majority decision of Council. Unfortunately, s.5.42 of the *Local Government Act 1995* specifies that the delegation of powers by a local government to the CEO requires an absolute majority decision.

It is therefore necessary to re-present Delegation 1.23 in order to correct this oversight, which was identified whilst undertaking completion of the annual Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries.

Delegation 1.23 is provided as **Appendix 11.4.1** for Council's information.

COMMENT

A simple majority decision of Council is a decision that is carried by the majority of Councillors present at the meeting. An absolute majority decision is a decision that is carried by a majority of Councillors, regardless of whether they are present at the meeting or not. For example, the Shire of Gingin has nine elected Councillors which means that if all Councillors are present at a meeting then the majority required to pass a motion is five. If only seven Councillors are present at a particular meeting, then the number of votes required to pass a simple majority would be four. However, an absolute majority decision would still require five of the Councillors present to support it.

It is important to note that Council's previous decision to adopt Delegation 1.23 was carried unanimously and all Councillors were present at the meeting. This means that the decision was, by default, an absolute majority decision. However, the requirement for an absolute majority was not identified in the Agenda and therefore not reflected in the Minutes of the meeting.

Fortunately the CEO has not yet needed to exercise the power granted by Delegation 1.23.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 Administration

Division 4 Local government employees

S. 5.42 Delegation of some powers and duties to CEO

Local Government (Functions and General) Regulations 1996

Part 4A Regional price preference

POLICY IMPLICATIONS

Delegation 1.23 supports Policy 1.44 Regional Price Preference.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Economic Development Governance
Objective	4. To support economic development through the Shire's service delivery 5. To demonstrate effective leadership, governance and advocacy on behalf of community
Outcome	4.3 Innovation Innovation is the foundation of economic growth across the Shire 5.1 Our Organisational/Business Values are demonstrated in all that we do
Key Service Area	Economic Development & Tourism Infrastructure
Priorities	Continue to develop policies that support small economic enterprises

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council adopt Delegation 1.23 Application of Regional Price Preference Policy as shown at Appendix 11.4.1.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*



Delegation of authority

Delegation	1.23 Application of Regional Price Preference Policy
Category	Administration
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i></p> <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	<p><i>Local Government (Functions and General) Regulations 1996</i></p> <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	<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
Statutory framework	Delegates are designated employee under s.5.74 and are required to provide Primary and Annual Returns.
Policy	<p>Council Policy 1.44 Regional Price Preference</p> <p>Council Policy 3.10 Purchasing</p>
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	19 October 2021
Adoption references	Minute Item 13.1

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 AMENDMENT OF 2021/22 SCHEDULE OF FEES AND CHARGES - FACILITY AND KEY BOND FEES

File	CPT/15
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. 2021/22 Schedule of Fees & Charges - Key and Facility Bonds [12.1.1 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider adopting a change to the facility and key bond fee structure to remove the requirement for a facility and/or key bond for all bookings, other than high-risk events including weddings, 21st birthday parties, and large parties or gatherings involving the presence of alcohol.

BACKGROUND

The current booking procedure adopted by the Shire maintains that a facility and/or key bond be charged for each booking of Shire owned assets (including Public Open Spaces) to assist in covering the costs for repair, maintenance or replacement of any damage caused as a result of negligence by the hirer. The associated charges for bond payments are listed on page 5 of the adopted 2020/22 Schedule of Fees and Charges (**Appendix 12.1.1**).

At present, there are several different processes to be completed in order for a prospective client to hire a Shire owned space.

- Complete a booking/event form (this can be done online through the Event Spark website link or in office by completing a Terms and Conditions of Use form), which outlines the Conditions of Hire;
- Pay the booking invoice once issued. Payment must be made before the booking date to confirm the hire of the space;
- Pay the bond. This is noted separately and cannot be invoiced; and
- If required, a key bond also needs to be paid upon collection of keys. This cannot be invoiced.

As all bonds are held in a trust account to be refunded when all hire conditions have been met, both the key bond and the facility bond must be paid separately and cannot be invoiced with the hire fee. This results in the hirer potentially completing three payment transactions for one booking. Audit requirements stipulate a specific receipting procedure be followed to ensure all protocols are met when a refund of the bond is issued.

Upon completion of an event, inspection of the booked facility is undertaken. When the Shire is satisfied all hire conditions have been met, the following processes must be completed:

- The Booking Administration Officer will raise a cheque request, attaching completed booking information from Synergy, a copy of the key register (if applicable) and a copy of the original booking application form;
- The hirer must complete a New Creditor Form, notifying the Finance Department of their bank account details in order for the bond refund to be completed. These details are confirmed by a phone call by the Accounts team and the refund is then actioned; and
- The key bond is returned to the hirer in cash when the keys are returned to the Shire. The cash supply is replenished from payments made to the key bond trust account.

Some recurrent booking applicants will request for their bond to be held in Long-Term Trust by the Shire. These payments are transferred to a separate Trust account and can be returned at the applicant's request, following the previously mentioned procedure.

COMMENT

The existing process for completing the hire of a facility/public open space is labour intensive and not conducive to administrative productivity.

Historically, the majority of bond payments have been returned in full to all hirers, with damage incurred to Shire assets being limited to very few clients, most of which have been associated with similar, high-risk events. Any damage incurred from these bookings is generally not covered by the bond fee and a further invoice for damages or unmet conditions has been forwarded to the client.

To simplify the booking process, it is recommended that, for low and medium risk bookings, the facility and key bond requirements be removed. Instead, hirers will be required to provide increased proof of identity documentation including a copy of their Driver's Licence. This will assist the Shire in recovering funds for non-payment of invoices through the Fines Enforcement Registry, which is currently used by our Regulatory Services Department.

The bond requirements for high-risk events will remain unchanged. High risk events are defined as:

- Weddings;
- 18/21st birthday parties; and
- All functions where alcohol is to be permitted.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 Financial management

Division 5 Financing local government activities

s.6.16 – Imposition of fees and charges

s.6.17 – Setting level of fees and charges

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Vis

That Council agree to amend the adopted 2021/22 Schedule of Fees and Charges by removing the facility and key bond requirements for low and medium risk bookings.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

SHIRE OF GINGIN

SCHEDULE OF FEES & CHARGES 2021 - 2022

Pg. 4

Item	Description	Rate 2020/21	Rate 2021/22	Comments	Inc. GST
Administration					
		Community Rate 2020/21 (75%)	Commercial/ Non Ratepayer- Non Resident Rate 2020/21	Community Rate 2021/22 (75%)	Commercial/ Non Ratepayer-Non Resident Rate 2021/22
Key Bond	Per key	\$50.00	\$50.00	\$50.00	\$50.00
Additional/Replacement Keys	Per key	\$45.00	\$45.00	\$45.00	\$45.00
Bonds - Facilities and Open Space Events	Bond (Refundable) - Minimal Damage Risk	\$80.00	\$100.00	\$80.00	\$100.00
	Bond (Refundable) - Medium Damage Risk	\$200.00	\$250.00	\$200.00	\$250.00
	Bond (Refundable) - High Damage Risk	\$375.00	\$500.00	\$375.00	\$500.00
	Bond (Refundable) - Long Term	\$300.00	\$390.00	\$300.00	\$390.00
Commercial Activities - Reserves/Other	Commercial use of Reserves where fee is charged by Instructor (requires copy of Public Liability Certificate of Insurance)/Other Uses PER DAY		\$11.50		\$12.00
	Commercial use of Reserves where fee is charged by Instructor (requires copy of Public Liability Certificate of Insurance)/Other Uses PER MONTH		\$62.50		\$63.00
Gingin/Lancelin Triathlons	Early Entry Fee - 16 years of age and under		\$20.00		\$22.50
	Early Entry Fee - Over 16 years of age		\$30.00		\$32.50
	Early Entry-Concession Card entry		\$20.00		\$22.50
	Standard Fee - 16 years of age and under		\$30.00		\$35.00
	Standard Fee - Over 16 years of age		\$40.00		\$45.00
	Standard Entry-Concession Card entry		\$30.00		\$35.00

12.2 AMENDMENT OF 2021/22 SCHEDULE OF FEES AND CHARGES - REMOVAL OF FACILITY HIRE FEES FOR COMMUNITY/NOT FOR PROFIT GROUPS

File	GOV/15
Author	Bethwyn Innes – Executive Assistance to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	<ol style="list-style-type: none">1. Fees and Charges Current 2021 - 2022 [12.2.1 - 2 pages]2. Fees and Charges Revised [12.2.2 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the 2021/22 Schedule of Fees and Charges to remove facility hire charges for Shire of Gingin Community Groups and Shire of Gingin not-for-profit organisations.

BACKGROUND

The Shire has numerous facilities and public open spaces under its control which are available for hire to the public. Currently Council has delegated power to the CEO to waive or grant concessions under Delegation 2.2 Waive or Grant Concessions on Money Owed to the Shire. Delegated authority is limited to a maximum value of \$1,000 and applies only to monies owed to the Shire under provisions of the *Local Government Act 1995* (the Act). The delegation does not extend to the writing off or waiving of rates or service charges.

As with all Council facilities, when an application to book an area is received, a hire fee is charged together with a facility bond and a key bond (building/space dependant). The fee structure for these events is included in the adopted Schedule of Fees and Charges and allows for different rates to be set for community members or commercial facility hirers (**Appendix 12.2.1**).

Presently, there is no allowance for not-for-profit organisations or community groups offering free events to the public. In order for these events to proceed, the applicant is required to apply for a fee and bond waiver in writing. Once the delegation clauses are determined to have been met, the Delegation to Waive or Grant Concessions is exercised.

**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

Recently, Delegation 2.2 has been used on a regular basis for several not for profit and community groups applying for fee waivers, as demonstrated in the following data tables:

2020/21 Financial Year			
Event	Fee Type	Event Date	Cost (ex. GST)
Scotch College BBQ (camp) – Wangaree Park	Public Open Spaces	19-30/10/20	\$103.00
Arts in the Park	Granville Civic Centre & Gingin Soundshell	22-29/03/20	\$2,043.85
Carols by Candlelight - Gingin	Gingin Soundshell	12/12/20	\$259.50
Carols by Candlelight - Gingin	Granville Civic Centre + Bond	12/12/20	\$529.50
Gingin Primary Christmas Concert	Granville Civic Centre, Gingin Soundshell + Bond	16/11/20	\$694.13
Clean-up Australia Day – Armadale 4WD	Public Open Spaces	27/02-1/3/21	\$324.60
Carols by Candlelight – Ledge Point	Public Open Spaces + Bond	19/12/20	\$161.10
Lancelin Clean-up Day	Public Open Spaces + Bond	17/01/21	\$161.10
Lancelin Colour Blast	Public Open Spaces – reduction of classification from Major Event to Medium Event	27/02/21	\$240.35
Ledge Point Sandcastle Competition	Public Open Spaces + Bond	24/01/2021	\$242.25
Gingin Anzac Dawn Service	Hire Fees + Bond Granville Civic Centre & Gingin Sound Shell	19/02/2021	\$553.35
Easter Hunt – Gingin CRC	Public Open Spaces + Bond	25/02/2021	\$161.10
British Car Day	Public Open Spaces + Bond	16/05/2021	\$2,065.90
Ledge Point Polocrosse	Public Open Spaces + Bond	24/04/2021	\$605.60
Total			\$8,145.33

2021/22 Financial Year			
Event	Fee Type	Event Date	Cost (ex. GST)
Lancelin Buskers Festival 2021	Public Open Spaces + Bond	25-26/09/21	\$422.25
Gingin Districts Community Financial Services	Soundshell, Granville Kitchen	13 - 14/11/21	\$988.00
Picnic in the Park - Gabbadah	Public Open Spaces + Bond	28/12/21 04/01/22	\$244.00
Ledge Point Carols by Candlelight	Public Open Spaces + Bond	18/12/21	\$162.00
Guilderton Carols in the Park	Public Open Spaces + Bond	18/12/21	\$310.00
Clean up Australia – Breton Bay	Public Open Spaces + Bond	05/03/22	\$210.00
WA Rover Scouts Camp – Ledge Point Oval	Public Open Spaces	TBA (03/22)	\$246.00
Community Member's Funeral	Public Open Spaces + Bond	04/11/21	\$162.00
Gingin Christmas Carols in the Park	Public Open Space, Bond & Soundshell	11/12/21	\$743.00
Total			\$3,487.25

COMMENT

The Shire's support and encouragement of community events is imperative for continuing growth and community interaction. A change to the current fee structure to remove all charges for not-for-profit organisations and community group events will simplify the current booking and fee waiver processes. (**Appendix 12.2.2**).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 4 – General financial provisions

s.6.12 – Power to defer, grant discounts, waive or write off debts

Division 5 – Financing local government activities

s. 6.16 – Imposition of fees and charges

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

While the waiving of facility fees impacts revenue which assists with the ongoing maintenance of assets, no income from these events has been included in the budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Community Wellbeing
Objective	1. To support the Shire of Gingin community to be inclusive, vibrant, healthy, and safe through the Shire's service delivery.
Outcome	1.2 Our community can participate in a range of activities and events that celebrate and promote our unique lifestyle and heritage.
Key Service Area	Community Programs
Priorities	1.2.3 Support and promote local and regional events that offer clear economic and social benefits to the community.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Balcombe

That Council agree to amend the adopted 2021/22 Schedule of Fees and Charges Schedule to exclude facility hire fees for Shire of Gingin based community groups and Shire of Gingin not for profit groups.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

SHIRE OF GINGIN

SCHEDULE OF FEES & CHARGES 2021 - 2022

Pg. 3

Item	Description	Rate 2019/20	Rate 2020/21	Comments	Inc. GST
Administration					
		Community Rate 2020/21 (75%)	Commercial/ Non Ratepayer- Non Resident Rate 2020/21	Community Rate 2021/22 (75%)	Commercial/ Non Ratepayer-Non Resident Rate 2021/22
Granville Civic Centre					
	Weekday hire:				
	Main Hall including stage - per hour	\$22.60	\$30.10	\$23.00	\$30.50
	Main Hall including stage - maximum charge (6 hours or more use)	\$85.20	\$113.60	\$86.50	\$115.00
	Meeting Room- per hour [includes basic kitchen use, e.g. urn/fridge]	\$11.70	\$15.60	\$12.00	\$16.00
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$42.90	\$57.20	\$43.50	\$58.00
	Kitchen full use - half day (max 4 hours) [commercial/catering use includes oven/cool room etc.]	\$39.00	\$52.00	\$39.50	\$53.00
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$73.30	\$97.80	\$75.50	\$99.00
	Whole Area - per hour	\$73.30	\$97.80	\$74.50	\$99.00
	Whole Area - maximum charge (6 hours or more use)	\$365.00	\$486.70	\$370.00	\$493.00
	Weekend Hire:				
	Main Hall including stage - per hour	\$26.50	\$35.30	\$27.00	\$36.00
	Main Hall including stage - maximum charge (6 hours or more use)	\$106.10	\$141.40	\$107.50	\$143.00
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$14.00	\$18.70	\$14.50	\$19.00
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$54.60	\$72.80	\$55.50	\$74.00
	Kitchen full use - half day (max 4 hours) [commercial/catering use includes oven/cool room etc.]	\$39.00	\$52.00	\$39.50	\$53.00
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$73.30	\$97.80	\$74.50	\$99.00
	Whole Area - per hour	\$85.80	\$114.40	\$87.00	\$116.00
	Whole Area - maximum charge (6 hours or more use)	\$497.60	\$663.50	\$504.00	\$672.00
Other Shire Owned Hall/ Community Centre Facilities					
	Hire Fees				
	Hall Only - per hour	\$16.20	\$21.60	\$16.50	\$22.00
	Hall Only - maximum charge (6 hours or more use)	\$77.00	\$103.00	\$78.00	\$104.00
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$10.80	\$15.60	\$11.00	\$16.00
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$41.60	\$57.20	\$42.00	\$58.00
	Kitchen full use - half day (max 4 hours) [commercial/catering use includes oven/cool room etc.]	\$39.00	\$52.00	\$40.00	\$53.00
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$73.30	\$97.75	\$73.50	\$98.00
	Whole Area - per hour	\$30.20	\$39.80	\$30.50	\$40.00
	Whole Area - maximum charge (6 hours or more use)	\$155.00	\$207.00	\$156.00	\$210.00
Recreation, Public Open Space & Beach Reserves					
	Minor Event - with up to 100 Attendees (fee charged per day)	\$81.10	\$108.20	\$82.00	\$110.00
	Medium Event - with 100 to 249 Attendees (fee charged per day or less)	\$162.25	\$216.30	\$164.00	\$219.00
	Major Event - with over 250 Attendees (fee charged per day or less)	\$405.60	\$540.80	\$411.00	\$548.00
Gingin Sound Shell					
	Music/Stage Events (Sound Management Plan Required):				
	Minor Event - up to 250 Attendees (including power) per hour	\$17.25	\$26.00	\$18.00	\$27.00
	Major Event - over 250 Attendees (including power) per hour	\$43.25	\$104.00	\$44.00	\$105.00
Administration					
	Event Cancellation fee				

*Note: Community and Charitable Organisations may be exempt from payment of the Event Coordination/Administration Fees

SHIRE OF GINGIN

SCHEDULE OF FEES & CHARGES 2021 - 2022

Pg. 4

Item	Description	Rate 2020/21	Rate 2021/22	Comments	Inc. GST
Administration					
		Community Rate 2020/21 (75%)	Commercial/ Non Ratepayer- Non Resident Rate 2020/21	Community Rate 2021/22 (75%)	Commercial/ Non Ratepayer-Non Resident Rate 2021/22
Key Bond	Per key	\$50.00	\$50.00	\$50.00	\$50.00
Additional/Replacement Keys	Per key	\$45.00	\$45.00	\$45.00	\$45.00
Bonds - Facilities and Open Space Events	Bond (Refundable) - Minimal Damage Risk	\$80.00	\$100.00	\$80.00	\$100.00
	Bond (Refundable) - Medium Damage Risk	\$200.00	\$250.00	\$200.00	\$250.00
	Bond (Refundable) - High Damage Risk	\$375.00	\$500.00	\$375.00	\$500.00
	Bond (Refundable) - Long Term	\$300.00	\$390.00	\$300.00	\$390.00
Commercial Activities - Reserves/Other	Commercial use of Reserves where fee is charged by Instructor (requires copy of Public Liability Certificate of Insurance)/Other Uses PER DAY		\$11.50		\$12.00
	Commercial use of Reserves where fee is charged by Instructor (requires copy of Public Liability Certificate of Insurance)/Other Uses PER MONTH		\$62.50		\$63.00
Gingin/Lancelin Triathlons	Early Entry Fee - 16 years of age and under		\$20.00		\$22.50
	Early Entry Fee - Over 16 years of age		\$30.00		\$32.50
	Early Entry-Concession Card entry		\$20.00		\$22.50
	Standard Fee - 16 years of age and under		\$30.00		\$35.00
	Standard Fee - Over 16 years of age		\$40.00		\$45.00
	Standard Entry-Concession Card entry		\$30.00		\$35.00

SHIRE OF GINGIN

SCHEDULE OF FEES & CHARGES 2021 - 2022

Pg. 3

Item	Description	Rate 2019/20	Rate 2020/21	Comments	Inc. GST		
Administration							
		Community Rate 2020/21 (75%)	Commercial/ Non Ratepayer-Non Resident Rate	Community Rate 2021/22 (75%)	Commercial/ Non Ratepayer-Non Resident Rate 2021/22	Community Groups/Not For Profit Organisations	Inc. GST
Granville Civic Centre	Weekday hire:						
	Main Hall including stage - per hour	\$22.60	\$30.10	\$23.00	\$30.50	\$0	x
	Main Hall including stage - maximum charge (6 hours or more use)	\$85.20	\$113.60	\$86.50	\$115.00	\$0	x
	Meeting Room- per hour [includes basic kitchen use, e.g. urn/fridge]	\$11.70	\$15.60	\$12.00	\$16.00	\$0	x
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$42.90	\$57.20	\$43.50	\$58.00	\$0	x
	Kitchen full use - half day (max 4 hours) [commercial/catering use includes oven/cool room etc.]	\$39.00	\$52.00	\$39.50	\$53.00	\$0	x
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$73.30	\$97.80	\$75.50	\$99.00	\$0	x
	Whole Area - per hour	\$73.30	\$97.80	\$74.50	\$99.00	\$0	x
	Whole Area - maximum charge (6 hours or more use)	\$365.00	\$486.70	\$370.00	\$493.00	\$0	x
	Weekend Hire:						
	Main Hall including stage - per hour	\$26.50	\$35.30	\$27.00	\$36.00	\$0	x
	Main Hall including stage - maximum charge (6 hours or more use)	\$106.10	\$141.40	\$107.50	\$143.00	\$0	x
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$14.00	\$18.70	\$14.50	\$19.00	\$0	x
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$54.60	\$72.80	\$55.50	\$74.00	\$0	x
	Kitchen full use - half day (max 4 hours) [commercial/catering use includes oven/cool room etc.]	\$39.00	\$52.00	\$39.50	\$53.00	\$0	x
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$73.30	\$97.80	\$74.50	\$99.00	\$0	x
	Whole Area - per hour	\$85.80	\$114.40	\$87.00	\$116.00	\$0	x
	Whole Area - maximum charge (6 hours or more use)	\$497.60	\$663.50	\$504.00	\$672.00	\$0	x
Other Shire Owned Hall/ Community Centre Facilities	Hire Fees						
	Hall Only - per hour	\$16.20	\$21.60	\$16.50	\$22.00		x
	Hall Only - maximum charge (6 hours or more use)	\$77.00	\$103.00	\$78.00	\$104.00		x
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$10.80	\$15.60	\$11.00	\$16.00		x
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$41.60	\$57.20	\$42.00	\$58.00		x
	Kitchen full use - half day (max 4 hours) [commercial/catering use includes oven/cool room etc.]	\$39.00	\$52.00	\$40.00	\$53.00		x
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$73.30	\$97.75	\$73.50	\$98.00		x
	Whole Area - per hour	\$30.20	\$39.80	\$30.50	\$40.00		x
	Whole Area - maximum charge (6 hours or more use)	\$155.00	\$207.00	\$156.00	\$210.00		x
Recreation, Public Open Space & Beach Reserves	Minor Event - with up to 100 Attendees (fee charged per day)	\$81.10	\$108.20	\$82.00	\$110.00	\$0	x
	Medium Event - with 100 to 249 Attendees (fee charged per day or less)	\$162.25	\$216.30	\$164.00	\$219.00	\$0	x
	Major Event - with over 250 Attendees (fee charged per day or less)	\$405.60	\$540.80	\$411.00	\$548.00	\$0	x
Gingin Sound Shell	Music/Stage Events (Sound Management Plan Required):						
	Minor Event - up to 250 Attendees (including power) per hour	\$17.25	\$26.00	\$18.00	\$27.00	\$0	x
	Major Event - over 250 Attendees (including power) per hour	\$43.25	\$104.00	\$44.00	\$105.00	\$0	x
Administration	Event Cancellation fee						

*Note: Community and Charitable Organisations may be exempt from payment of the Event Coordination/Administration Fees

SHIRE OF GINGIN

SCHEDULE OF FEES & CHARGES 2021 - 2022

Pg. 4

Item	Description	Rate 2020/21	Rate 2021/22	Comments	Inc. GST		
Administration							
		Community Rate 2020/21 (75%)	Commercial/ Non Ratepayer- Non Resident Rate 2020/21	Community Rate 2021/22 (75%)	Commercial/ Non Ratepayer-Non Resident Rate 2021/22	Community Groups/Not For Profit Organisations	Inc. GST
Key Bond	Per key	\$50.00	\$50.00	\$50.00	\$50.00	\$0	
Additional/Replacement Keys	Per key	\$45.00	\$45.00	\$45.00	\$45.00		
Bonds - Facilities and Open Space Events	Bond (Refundable) - Minimal Damage Risk	\$80.00	\$100.00	\$80.00	\$100.00	\$0	
	Bond (Refundable) - Medium Damage Risk	\$200.00	\$250.00	\$200.00	\$250.00	\$0	
	Bond (Refundable) - High Damage Risk	\$375.00	\$500.00	\$375.00	\$500.00	\$0	
	Bond (Refundable) - Long Term	\$300.00	\$390.00	\$300.00	\$390.00	\$0	
Commercial Activities - Reserves/Other	Commercial use of Reserves where fee is charged by Instructor (requires copy of Public Liability Certificate of Insurance)/Other Uses PER DAY		\$11.50		\$12.00		x
	Commercial use of Reserves where fee is charged by Instructor (requires copy of Public Liability Certificate of Insurance)/Other Uses PER MONTH		\$62.50		\$63.00		x
Gingin/Lancelin Triathlons	Early Entry Fee - 16 years of age and under		\$20.00		\$22.50		x
	Early Entry Fee - Over 16 years of age		\$30.00		\$32.50		x
	Early Entry-Concession Card entry		\$20.00		\$22.50		x
	Standard Fee - 16 years of age and under		\$30.00		\$35.00		x
	Standard Fee - Over 16 years of age		\$40.00		\$45.00		x
	Standard Entry-Concession Card entry		\$30.00		\$35.00		x

12.3 AMENDMENT OF 2021/22 SCHEDULE OF FEES AND CHARGES - STANDPIPE KEY BOND

File	WAT/13
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Water Licence- Honeycomb Standpipe [12.3.1 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the 2021/22 Schedule of Fees and Charges to increase the key bond charged for the use of the Honeycomb standpipe.

BACKGROUND

The Honeycomb standpipe, located in Honeycomb Road, Gingin, is one of four standpipes within the Shire of Gingin and has been a long-standing water access point. The standpipe allows access to non-potable water by way of a bore and pump system. It is currently utilised by the Shire for emergency services requirements and local construction projects. The standpipe is registered with the Department of Water by way of a Water Licence (**Appendix 12.3.1**), with a draw limit of 11,500 kilolitres per annum.

The Honeycomb standpipe is the only standpipe in the Shire which can be accessed by the public for a fee and is used to assist construction companies, contractors or those working locally within the Shire requiring non-potable water to complete projects.

To maintain the draw limit and restrict access, the standpipe is currently locked with a padlock and key. The water draw is measured with a water meter attached to the tap and is noted by Shire employees. All emergency services within the Shire and Shire maintenance staff have an access key to the standpipe, with the master key being held by the Executive Manager Operations & Assets. There are four spare keys which can be booked for use by those requiring access to the standpipe.

As the number of spare keys for external use is limited and to encourage the prompt return of keys, the Shire charges a key bond of \$50 per key which is reimbursed upon return of the key and presentation of the payment receipt. Once the key is returned, the client needs to advise the Shire how much water they have drawn so an invoice can be issued.

Several issues have arisen from the current process, the most significant being the failure to return keys to the office after use. It appears the current key bond does not provide enough incentive to encourage users to return the key, further limiting an already short supply and leading to some applicants being refused access to the standpipe.

Once the key surplus has been exhausted, the padlock must be re-keyed with new keys cut. These keys then need to be redistributed to all emergency service personnel and Shire staff.

COMMENT

It is proposed to address this issue by increasing the key bond to \$200 per key. This will be partnered with a change to the booking process to limit the time the standpipe key is able to be held to one month only, with an application for extension to be put in place. With an increase to key bond charges, we can encourage users to return the key to the main office for re-circulation.

Administration is currently investigating alternative management solutions, potentially using a web-based management system utilising a swipe card, which will remove the need for changing the lock and reissuing keys to emergency service personnel. The standpipe will be freely available during an emergency and access can be managed remotely. The system will also simplify the requirement to record and report the water draw to the Department of Water as per the license condition (if required) and the raising of accurate usage invoices for external users.

The availability of grant funding to assist in implementation of this initiative is also being explored.

In the event that Council is supportive of the officer's recommendation, then in accordance with s.6.19 of the *Local Government Act 1995* it will be necessary to give local public notice of Council's intention to increase the key bond for the Honeycomb standpipe and the date from which the new bond will take effect. Reg. 3A of the *Local Government (Administration) Regulations 1996* requires that, where no other specific period of notice is required, then notice must be given for a period of not less than seven days. This means that the new provisions cannot come into effect until a full week after the local public notice appears on the Shire's website and in a newspaper circulating throughout the district.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 Financial management

Division 5 Financing local government activities

s.6.16 – Imposition of fees and charges

s.6.17 – Setting level of fees and charges

s.6.19 Local government to give notice of fees and charges

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Budget implications will be minimal given the cost to re-key the padlock and recut suitable keys is approximately \$500 (dependent on number of keys required). It is expected this will be offset by an increased control of standpipe use.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment
Objective	2. To develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management.
Outcome	2.2 Sustainable Resource Management
Key Service Area	Community Infrastructure
Priorities	2.2.2 Continue to investigate an increase in alternative energy sources and cost saving technologies for Shire buildings and assets

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Johnson

That Council agree to amend the adopted 2021/22 Schedule of Fees and Charges to increase the Honeycomb standpipe key bond to \$200, subject to completion of the statutory local public notice provisions.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

File No: SN629



Government of **Western Australia**
Department of **Water**

Page 1 of 1

Instrument No. **GWL183139(1)**

LICENCE TO TAKE WATER

Granted by the Minister under section 5C of the Rights in Water and Irrigation Act 1914

Licensee(s)	Shire of Gingin		
Description of Water Resource	Gingin Perth - Superficial Swan	Annual Water Entitlement	11550 kL
Location of Water Source	Lot 13609 On Plan 23906 - Volume/Folio Lr3121/622 - Lot 13609 Honeycomb Rd Gingin		
Authorised Activities	Taking of water for	Location of Activity	
	Firefighting purposes Road construction purposes	Lot 13609 On Plan 23906 - Volume/Folio Lr3121/622 - Lot 13609 Honeycomb Rd Gingin	
Duration of Licence	From 18 August 2016 to 17 August 2026		
This Licence is subject to the following terms, conditions and restrictions:			
End of terms, conditions and restrictions			

This Licence is granted subject to the Rights in Water and Irrigation Regulations 2000

12.4 WOODRIDGE ESTATE LANDSCAPE MASTERPLAN

File	RES/17
Author	Les Crichton - Executive Manager Corporate & Community Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	<ol style="list-style-type: none">1. Woodridge Estate Landscape Masterplan DRAFT [12.4.1 - 6 pages]2. Woodridge Lease Area [12.4.2 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider the endorsement of the Woodridge Estate Masterplan presented by the Woodridge Community Association at the 3 November 2021 Briefing Session.

BACKGROUND

Since the mid 1990's, the Woodridge Community Association (WCA) has leased from the Shire a significant portion of the Woodridge Community Hall and surrounds located on Lot 301 King Drive, Woodridge (**Appendix 12.4.2**). The lease was last renewed in November 2021 for a 2 + 2-year term.

Unique from all other rural residential estates within the Shire, the area was initially developed as a golf course. Since the collapse and subsequent closure of the golf club, the resulting space remaining has continued as a combination of bushland and public open space.

The Shire installed a small playground with grant funding in late 2008. Other amenities include:

- Tennis Courts;
- Basketball/Netball Courts; and
- Picnic Facilities.

Over the years Council, through its officers, has received various requests for both maintenance work and improvements to the area. While maintenance issues are typically addressed within Council's operations, as a rural residential area, upgrades to the area generally have not been entertained. This aligns with Council's strategic intent to concentrate development and services within the five established Shire townsites. This reduces the duplication of services within proximity to others and the associated financial burden on the Shire and supports the utilisation and sustainability of those facilities and services provided within the townsites.

As outlined in their November presentation to Council, the WCA believes a planned approach to its development renewal will maximise the use of Lot 301 as an existing POS within the estate for the growing local community, and as a visitor gateway given its location at the southern arterial entry to the Shire. With the assistance of a landscape architect, the WCA undertook a master planning process and has prepared a draft Masterplan to guide development of the area.

The WCA has advised that the draft Masterplan will provide a vision for the community and, if supported by Council, it proposes to resource and implement the plan over the next 5 -10 years in consultation with the Shire.

COMMENT

As identified at its February 2022 Briefing Session, as Council's limited development of community infrastructure in its rural residential developments reflects its strategic priority on development of its five townsites, no funds are committed in Council's Long Term Financial Plan for the upgrade of the Woodridge public open space area.

However, with the WCA seeking to increase the amenity to residents beyond Council's commitment, the proposal does provide a guiding document for the Woodridge community for planning and implementation of its aspirations as its finances allow.

It is recommended that Council endorse, in principle, the Woodridge Estate Masterplan on the understanding that Council, in line with prioritising development of its five recognised townsites, has made no immediate or long-term funding allocation for the upgrade of this or other rural estate community public open space areas.

STATUTORY/LOCAL LAW IMPLICATIONS

Shire of Gingin Town Planning Scheme No 9

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure & Development
Objective	3 - To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.
Outcome	3.2 – COMMUNITY INFRASTRUCTURE - The Shire provides fit for purpose community infrastructure in a financially responsible manner.
Key Service Area	Community Infrastructure
Priorities	3.2.1 – Develop and plan community infrastructure to improve use and financial sustainability

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Vis

That Council:

1. Acknowledge the work and participation of the Woodridge Community Association in undertaking this master planning process.
2. Endorse, in principle, the Woodridge Estate Masterplan as a guiding document for future development of the area, on the understanding that Council, in line with its position on prioritising development of its five recognised townsites, has made no immediate or long term funding allocation for the upgrade of this or other rural estate public open space areas.

**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*



WOODRIDGE COMMUNITY ESTATE MASTER PLAN



WOODRIDGE COMMUNITY ESTATE MASTERPLAN

Woodridge Community Association (WCA)

CONTENTS

- Introduction
- Shire of Gingin - Context Plan
- Opportunities & Constraints
- Strategic Plan & Design Principles
- Masterplan

DRAFT

INTRODUCTION

JBA have been appointed by the Woodridge Community Association (WCA) to assist with the development of a landscape masterplan plan for the Woodridge Park community public open space to better serve the local community and passing traffic/tourists.

The WCA are responsible for the management and operation of a defined lease area across the Woodridge Park, with the Shire of Gingin responsible for the ongoing maintenance of the landscape and assets including the community buildings and associated car parks etc.

There is also a café which is leased by the Shire to a private operator with the café utilising areas of the parkland as alfresco dining space.

The parklands are already a highly used amenity for the local residents and are used not only for passive and active recreation but are also an important meeting place and focus for the community. This is also reflected in its broader uses such as the very successful markets that regularly take place and other community events and activities.

As part of the preliminary preparation and planning carried out in anticipation of the development of this masterplan, the WCA have spent a considerable amount of time talking to their members and the wider community in order to understand what the resident wish to see for this central parkland at the heart of their community.

Through this important phase of consultation, the following 'wish list' of has been compiled: -

- Bike track or skate park in the bushland area
- Walkways/trails
- Seating
- Planting, weed removal
- Retain and upgrade existing netball, basketball, tennis courts and new recreation equipment
- Storage
- Main play space and smaller fenced play space for younger children near buildings
- Cenotaph and flagpoles
- Stage area
- Pond upgrade (fencing, planting, jetty/pontoon, signage, fountain)
- Provision for outdoor kitchen/hub
- Public Open space for fairs/events
- Community garden

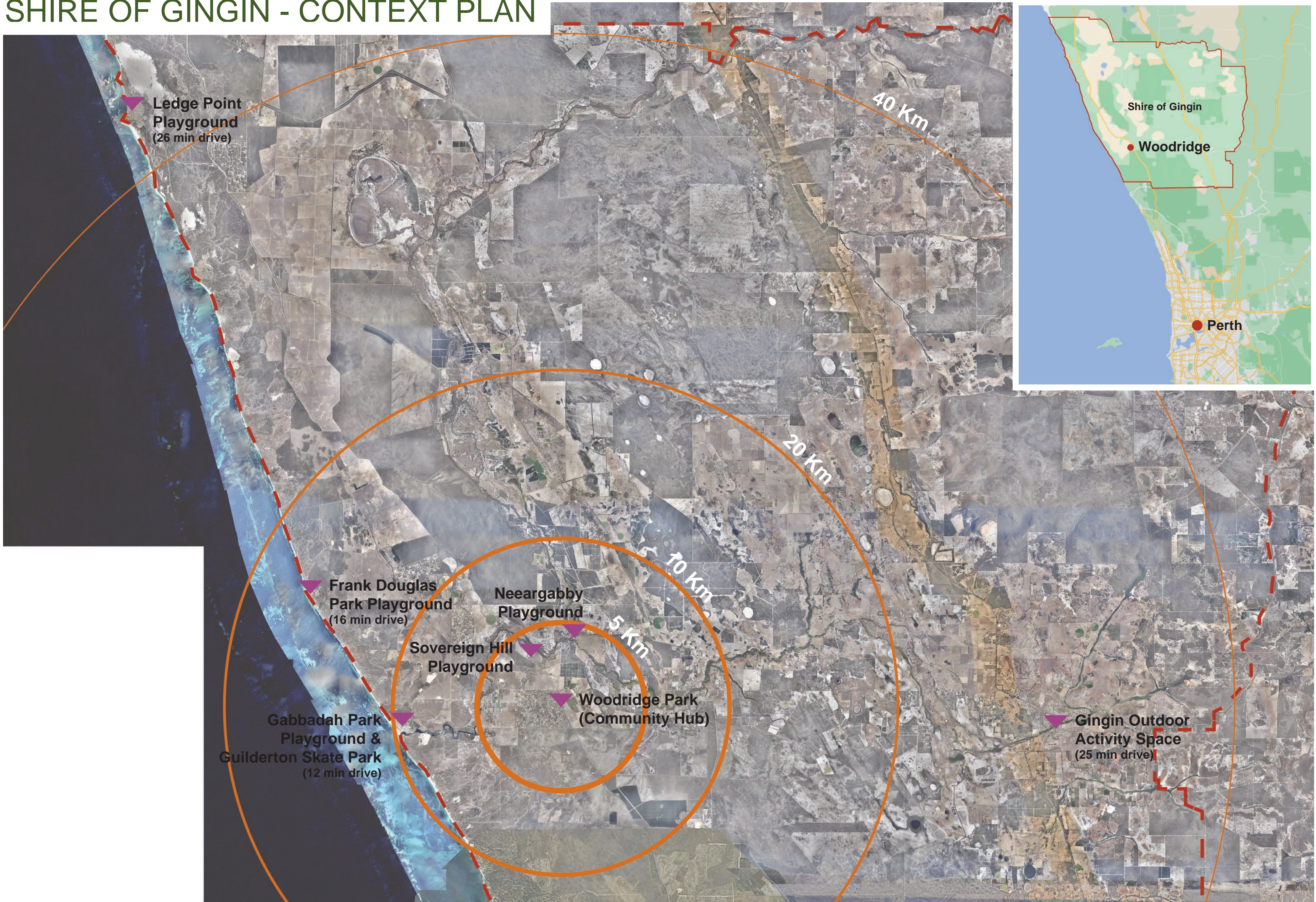
It is clear from the community engagement response and the WCA involvement in these parklands that there is a defined need to develop and improve the amenity provision of this important public open space, with some very clear expectation from the community in terms of what they wish to see developed.

This is both in terms of community amenity provision but also to serve the wider area and passing visitors and motorists. This is the first real opportunity for travellers leaving Perth to stop and rest. It is also the southern 'gateway' to the Shire of Gingin on the West Coast Highway and therefore an important landmark destination and opportunity for promotion of the Shires wider tourism and visitor offerings.

There have been some preliminary discussions with the Shire of Gingin in terms of what would be an acceptable approach and any constraints the Shire have in terms of what they would like to see in terms of asset provision and general design resolution.

To initiate the design and master planning of the parklands JBA have carried out a desktop study of the site and its surrounds. JBA then met a representative of the WCA on site to review the open space and carry out a detailed site assessment and review of the potential opportunities and issues the site in its current condition has to offer.

SHIRE OF GINGIN - CONTEXT PLAN



CONTEXT

The Shire of Gingin is a local government area located north of the Perth metropolitan. The Shire covers 3,211 sq km and has a population of 5,217 according to the 2016 census.

Significant towns (based on population) within the Shire include Gingin (852 residents), Lancelin (172) and the suburb of Gabbadah (672, inclusive of the Sovereign Hill and Redfield Estates). Located in the Shire's south west corner is the Woodridge Estate. With a population of 645, it is the third largest population centre in the Shire of Gingin.

The community of Woodridge has a diverse demographic, in which there is a strong contingent of young families with children. Woodridge has a passionate and active community of residents, many of whom volunteer for the various groups and activities that utilise the community managed grounds throughout the year.

At present, the Woodridge Estate only has a small playground located within the Woodridge Community Grounds, which offers limited play opportunities, and is in need of upgrading and also fails to meet the Australian Standards for safety. Other amenities offered at the park include tennis courts, basketball/netball courts and limited picnic facilities, all of which are in poor condition.

The context mapping opposite captures the surrounding playground and skatepark facilities within a 30min drive of Woodridge. Within the immediate area there is a scattering of play facilities which offer very similar experiences to that currently at the Woodridge Community Grounds. In order to enjoy a larger playground or a mix of play, skate and fitness equipment, residents are required to drive 25min to Gingin or Ledge Point. While a number of the towns surrounding

Woodridge offer quality public open spaces, with large turf areas, BBQ and picnic facilities, access for local residents to active play and other sporting or community interaction opportunities is limited and can be outdated.

The proposal to upgrade the Woodridge Community Grounds with an all ages and abilities play space will provide the residents of Woodridge with an easily accessible, everyday opportunity for challenging and diverse play. The inclusion of a skate park and/or BMX facility will also encourage children of all ages and families to engage with the space. Having amenities such as these within walking or riding distance to local residents is extremely important to facilitate healthy and active lifestyles. It also allows children and adolescents more independence as it removes their reliance on vehicle transportation.

These facilities would be an asset for the wider area and almost certainly be utilised by residents of Guilderton, Seabird, Gabbadah and Neergabby, all of which are within a 15-minute drive of Woodridge. These communities (including Woodridge) have a combined population of 1,803 residents, equating to 35% of the Shire of Gingin's total population.

In a wider context Woodridge and its community grounds provide an unintended but important destination for travellers on the highway. Being the first location out of Perth with toilet, BBQ and open space facilities the community grounds attracts a lot of visitors. This use is also exacerbated by the successful cafe that is operating at the grounds. Being an informal tourist destination there is clear opportunity here for Woodridge to provide a gateway into the Shire and give information on the Shires many offerings.

WOODRIDGE PARK



Image credit: Josh Byrne & Associates

FRANK DOUGLAS PARK



Image credit: Google Maps

LEDGE POINT PLAYGROUND



Image credit: Buggy Buggys

SOVEREIGN HILL PLAYGROUND



Image credit: Woodridge Community Association

GABBADAH PARK PLAYGROUND



Image credit: Google Maps

GUILDERTON SKATE PARK



Image credit: The Shire of Gingin

NEEARGABBY PLAYGROUND



Image credit: Woodridge Community Association

GINGIN OUTDOOR ACTIVITY SPACE



Image credit: Buggy Buggys

DRAWING TITLE PLAYGROUND CONTEXT PLAN

PROJECT TITLE WOODRIDGE COMMUNITY ESTATE

CLIENT WCA

LOCATION WOODRIDGE, WA

PROJECT NO. 2113

ISSUE DATE OCTOBER 2021

DRAWN/CHECKED BY HL/RB/PV

DRAWING NO. CP-X

REVISION NO. A

PAGE NO. 3 OF 6

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OPPORTUNITIES & CONSTRAINTS ANALYSIS



- 1
- Poor visibility of park from main highway.
 - No signage or wayfinding for passing motorists and families.
 - Sight lines blocked with vegetation.



- 2
- Pedestrian spaces around community hub in poor repair.
 - Opportunity to improve and upgrade the paving, improving legibility and quality of space.



- 3
- Unused shed unsightly and taking up usable space.
 - Demolish and use space to extend Community building?
 - Or open up space between Community building and Cafe for community 'plaza'.



- 4
- Existing Café. A huge opportunity to attract visitors and provide a great local asset.
 - Currently feels hidden away and under utilized.
 - Improve alfresco area and link with wider open spaces.
 - Stronger connection to the road and highway? Improved signage.
 - Remove retaining wall to open up to car park and wider area?



- 5
- Retaining wall has a serious fall height issue.
 - Balustrade required to make safe.

6

 - Large Fig trees are in great condition and a great asset to park.
 - Use space underneath for shaded seating and connect tot wider parkland behind and the alfresco in front



- 7
- Retaining blocks access around park.
 - Remove and soften edge with terraces which can be used by café alfresco.
 - Improve connection between areas.



- 8
- Rear of buildings feels unsafe and is unsightly. Dark corners and poor accessibility.
 - Open up and improve circulation and building façades. Increase lighting.



- 9
- Open grass area great opportunity for active play space and kick-about area.
 - Other uses for market space and other outdoor activities.
 - Re-grade and flatten to improve usability.



- 10
- Play group open space in poor condition.
 - Provide fixed play equipment and improve special arrangement and fencing.
 - Could be used and public toddler play space as well as nursery group?



- 11
- Poor interface between building and parkland. Rock slope potential hazard and dated in appearance.
 - Soften with terracing or other improved connection. Wide grand staircase?



- 12
- Existing vegetation to be fenced and protected.
 - Management plan put in place to improve maintenance, reduce weeds and re-vegetate.
 - Opportunities for footpath access combined with interpretation.



- 13
- Crown lift and under prune vegetation and trees in open space to improve visibility/sight lines.



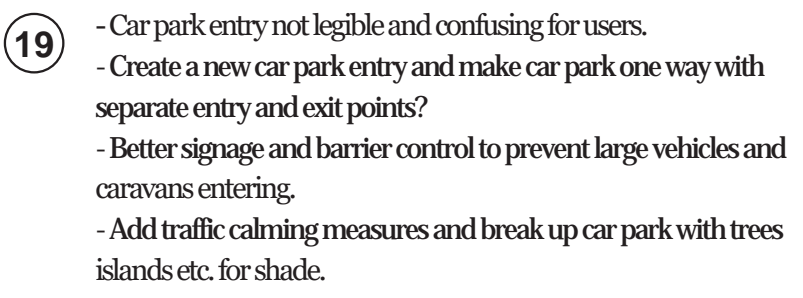
- 15
- Fire-breaks need resolving and fire safety assessed for entire park.



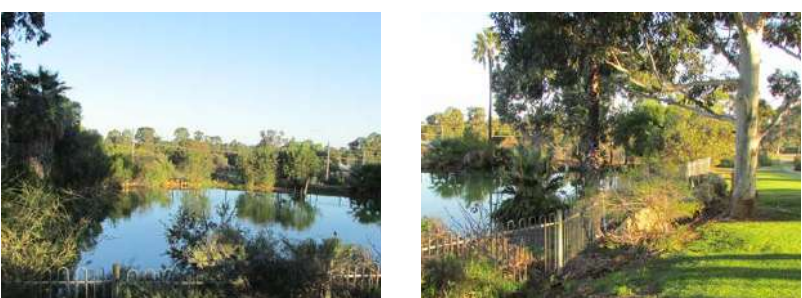
- 17
- Fencing to boundaries to be upgraded/replaced. Mix of styles and quality.
 - Entire park to have fenced/controlled boundaries to improve security and safety.



- 18
- Poor circulation around park. Path system not connected or legible.
 - Improve footpath connectivity to create open/accessible parklands with variety of walkways and uses.



- 19
- Car park entry not legible and confusing for users.
 - Create a new car park entry and make car park one way with separate entry and exit points?
 - Better signage and barrier control to prevent large vehicles and caravans entering.
 - Add traffic calming measures and break up car park with trees islands etc. for shade.



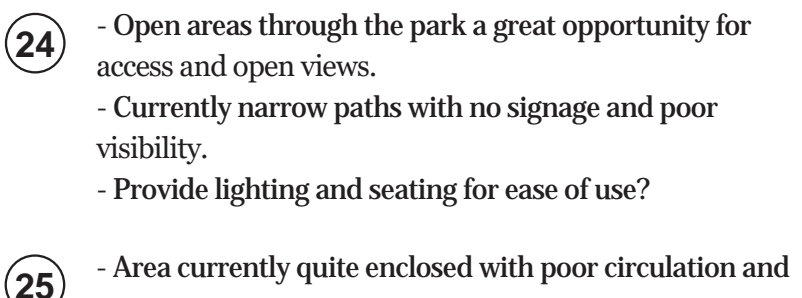
- 21
- Lake is underutilized and valuable asset to the park.
 - Lake is currently fenced for safety with poorly managed edges and perimeter vegetation
 - Great opportunity for a wetland habitat creation and opening up for amenity use.
 - Use boardwalks and paths to provide direct access and circulation.
 - Opportunity for interpretation and education.



- 22
- Toilets located poorly in an unsafe location with bad access and security.
 - A long way from park amenities with no directional signage.
 - Relocate closer to community facilities and provide a new modern facility with universal access.



- 23
- Caravan park unused and not well located and away from amenities,
 - Re purpose area into formalized car park with lighting for security.



- 24
- Open areas through the park a great opportunity for access and open views.
 - Currently narrow paths with no signage and poor visibility.
 - Provide lighting and seating for ease of use?

25

 - Area currently quite enclosed with poor circulation and access.
 - Use open areas around courts for seating, skate and other activities?



- 27
- Good quality existing vegetation a great asset.
 - Improve and protect for biodiversity and controlled public amenity.



- 28
- Large court area currently under utilised.
 - Reduce playing court area to open up space for other activities?
 - Or use court hard surface to locate other uses such as outdoor gyms, parkour and skate park?



- 29
- Utilise wide road reserve for bus and caravan parking bays?
 - Great location and visible to motorists who turn in off the highway.
 - Create a safe zone for school buses off the road.



- 30
- Open parkland under trees a great asset that is highly used. Equipment and furniture dated and in poor repair.
 - Keep and enhance with improved facilities.
 - Utilise area for new play area? Improve footpath connections and linkages.



- 31
- Existing community building in need of refurbishment inside and out.
 - Post boxes need relocation and entire use rationalized to make more functional.
 - Great opportunity to extend and provide space for clubs and groups to run.



- 32
- Slope grade and lake location opportunity for stage and shows?
 - Use slope to create Amphitheatre with boardwalk on lake edge as stage?



- 33
- Open lawn area great opportunity for amenity.
 - Improve footpath access and seating etc.?

DRAWING TITLE OPPORTUNITIES & CONSTRAINTS ANALYSIS

PROJECT TITLE WOODRIDGE COMMUNITY ESTATE

CLIENT WCA

LOCATION WOODRIDGE, WA

PROJECT NO. 2113 ISSUE DATE JULY 2021

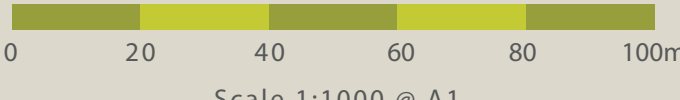
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REVISION NO. A

PAGE NO. 4 OF 6

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STRATEGIC PLAN & DESIGN PRINCIPLES



LEGEND

- Primary access paths
- Secondary access paths
- Sports courts
- Skate/outdoor gym
- Playground
- Carparks
- Bushland
- Active open space
- Passive open space
- Dam

DESIGN PRINCIPLES

To provide a clear design framework which will help inform and structure how the masterplan is developed the following overarching design principals have been developed and applied to the masterplan development.

These principles have been compiled after careful consideration of the expectations and requirements of the WCA and the local residents, and then refined based on the desktop and on site assessment of the parklands and their environs.

The principles are:

CONNECTIVITY & MOVEMENT

- Creating clear and legible connections and enabling ease of movement around all spaces.
- All spaces to be connected and integrated.
- The site should be universally accessibly.



Image credit: Parks Victoria



Image credit: pinterest.com



Image credit: City of Kwinana



Image credit: Morgan Gillham

COMMUNITY & ACTIVITIES

- Continue to develop and enable the strong sense of community and provide opportunities for additional community development and interaction.
- Consider additional uses such as outdoor cinema, stage for shows and presentations and as well as improved market grounds.



Image credit: City of Kwinana



Image credit: Neil Fox



Image credit: City of Kwinana



Image credit: Rob Frith



Image credit: DevelopmentWA

SPORT & PLAY

- Provision of high quality multi age play space that offers a mix of play opportunities and typologies from nature play to larger scale climbing structures and activities.



Image credit: City of Kwinana



Image credit: City of Kwinana



Image credit: Rob Frith



Image credit: Abby Murray

HEALTH & WELL-BEING

- Promote health and well being of residents by encouraging activity and sport.
- Provide a variety of options that caters for all ages and abilities.



Image credit: pinterest.com



Image credit: Giants Media



Image credit: Luke Thompson



Image credit: organicgardener.com.au



Image credit: daysoftheyear.com

VARIETY & INTEREST

- Provide a variety of spaces and uses that caters for all ages and demographics both in the community and visitors to the site.
- The site should be universally accessibly.



Image credit: Morgan Gillham



Image credit: Travis Hayto



Image credit: Morgan Gillham



Image credit: abc.net.au

TOURISM & AMENITIES

- Become a destination of the West Coast Highway that allows travellers to stop and rest.
- Provide information on the area and the wider Shire and promote the locale and a great place to live and recreate.
- Improve economic opportunities for the local area by encouraging visitors.



Image credit: Rob Frith



Image credit: Morgan Gillham



Image credit: salopleisure.co.uk



Image credit: DevelopmentWA



Image credit: DevelopmentWA

ENVIRONMENT & ECOLOGY

- Protection and enhancement of existing vegetation groupings. Identify potential TEC's and protect and enhance.
- Utilise existing lake to create an opportunity for wetland and drainage management. Creation of habitats areas and diversity.
- Use environmental improvements as an opportunity for education and interpretation.



Image credit: JBA



Image credit: Mandy Bamford



Image credit: Morgan Gillham



Image credit: JBA

SAFETY & SECURITY

- Improved site safety and security applying CPTED principles.
- Remove high risk areas and identify and improve safety and public use.



Image credit: pinterest.com



Image credit: Oculus Light Studio



Image credit: Rob Frith



Image credit: haveyoursaywalkhighly.com.au



Image credit: specifiedby.com

DRAWING TITLE STRATEGIC PLAN & DESIGN PRINCIPLES

PROJECT TITLE WOODRIDGE COMMUNITY ESTATE

CLIENT WCA

LOCATION WOODRIDGE, WA

PROJECT NO. 2113 ISSUE DATE JULY 2021

DRAWN/CHECKED BY HL/RB/PV

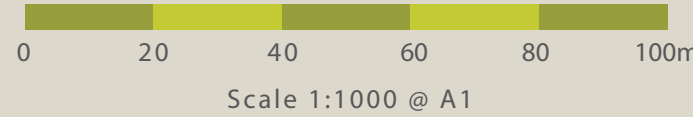
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MASTERPLAN



LEGEND

- 1 Existing community building to be refurbished and extended to provide targeted spaces for community and club uses.

2 Car park to be upgraded. Entry to have improved signage. Part of car park removed to increase pedestrian space in front of the community building.

3 Tree planting around the car park will improve shade.

4 Paved area in front of buildings to be upgraded to create a shaded community plaza gathering space that wraps around the buildings creating a defined precinct.

5 Trees to be positioned around plaza to create shade and opportunities for seating and markets use.

6 Remove large retaining wall and create terraces that provide seating for the café alfresco area. The terraces will help link the upper parkland to the rest of the open space.

7 Café alfresco to be upgraded and linked to the parklands.

8 Existing large Fig trees used as an opportunity for seating and picnic facilities. The area provides a great opportunity for viewing across the parklands.

9 Existing grassed area to be extended with provision of seating and shade structures for picnics. Footpath connections through this area to be rationalised and linked to the wider parklands.

10 Remove vegetation to road junction edge to improve connection and visibility of parkland and café to attract visitors.

11 Existing play group open space to be upgraded to provide a new toddler play area that can be used by local clubs and the public. A mix of educational and challenging play equipment combining nature play and activity to be provided.

12 Security and accessibility improved to the rear of the buildings with improved footpath connections, lighting etc.

13 Rock revetment to be removed and replaced with grassed terraces which provide a usable interface between the plaza area and the open parklands below. Stairs provided for direct access from the community building.

14 New boardwalk on lake edge acts as stage for events, outdoor cinema etc. The adjacent terraced amphitheatre provides seating for audiences.

15 The existing lake to be made accessible for public amenity. The banks are to be graded to safe water interface levels, planted out and used to create wetland type habitats.

16 Decks and lookouts added to the lake edge to allow increased access and opportunities for interpretation.

17 Existing open grass area to be re-graded and turfed to provide active play space and an open space for other community uses. Proposed youth play space with connections to the active turf area. An opportunity to provide a large-scale active play space and/or skate and BMX facilities at the core of the parklands.

18 Existing bushland to be protected and enhanced. Vegetated areas are to be fenced and managed with reveg of degraded areas carried out to improved ecological value of these areas.

19 Controlled informal footpaths through bushland allows access and opportunities for interesting walk trails that form part of the wider parkland's movement routes.

20 Interpretation and educational opportunities to be added to pathways.

21 Entire parklands perimeter to be fenced or bollards installed to prevent uncontrolled vehicle access. Fencing will also help to secure the site and improve site identity and legibility.

22 Road verges used for informal parking for large events. Back of asphalt to have a 3m wide strip of compacted road base provided for car parking in selected locations.

23 Fire-breaks to be rationalised and managed. Fire safety of entire site to be reviewed and improved as necessary.

24 Footpath connections through parklands will utilise existing desire lines/cleared areas to create a connected space with opportunities for exercise and investigation by visitors.

25 Main footpath connection will link the lake and various play and activity areas of the parklands with the community precinct and other areas.

26 Open grass areas will allow for passive recreation and allow open views through the parklands.

27 The existing caravan parking area which is not used is to be re-purposed and formalised as a secondary car park for the parklands.

28 Existing unsecure and poorly positioned toilet block to be demolished and relocated.

29 Turf area under large existing trees to be retained/improved. This grass will create an open link between the various activity zones and provide opportunity for active and passive recreation.

30 New play area for young children will be provided under the shade of the existing trees. Opportunities for nature play and an exciting adventure playground that will challenge and stimulate.

31 Part of tennis court hard surface re-purposed for other uses such as a large play space, outdoor gyms, assault courses, parkour and skate/BMX tracks and equipment.

32 Existing courts to have surfacing refurbished and new courts set out which will be split between tennis and basketball half courts.

33 Perimeter of courts to be paved for improved circulation and safety. Shaded seating to be provided for viewing.

34 The large grouping of trees adjacent to the community building will be retained. This shaded parkland setting with grass areas will be enhanced providing amenity and space for rest and relaxation. This area will be used to provide an upgraded amenity offering in terms of seating, BBQs, and connection to play for children and sport and activity offerings for older users.

35 New toilet located to a more appropriate position next to the high use amenity area.

36 New bus parking and caravan stopover layby created. This will provide a parking area off the main road that is easily accessible and close to the main highway. School bus parking here will add a safe space for children's pick up and drop off's.

37 New tree planting around the parklands will add shade and improve visual amenity.

38 Additional native shrub planting to perimeter areas and throughout the park will help to define spaces and site areas.

39 Shade structures to be located around the parklands to provide shaded seating/rest stops and opportunity for exercise equipment.

40 Existing storage shed to be retained.

41

DRAWING TITLE PRIMARY ACTIVE SPACE & PRECEDENTS

PROJECT TITLE WOODRIDGE COMMUNITY ESTATE

CLIENT WCA

LOCATION WOODRIDGE, WA

PROJECT NO. 2113

ISSUE DATE JULY 2021

DRAWN/CHECKED BY HL/RB/PV

DRAWING NO. CP-01

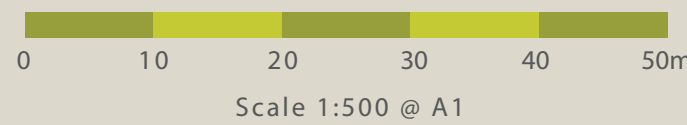
REVISION NO. A

PAGE NO. 6 OF 6

DRAFT



NORTH



Scale 1:500 @ A1

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Fremantle WA 6160



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Appendix 1 – Plan of Premises

Leased Area – 19,490.0 m² as hactured



Leased Area is a portion of Lot 301 King Drive, Woodridge



12.5 LIST OF PAID ACCOUNTS FOR THE PERIOD ENDING 28 FEBRUARY 2022

File	FIN/25
Author	Tania Ladner – Finance Support Officer
Reporting Officer	Les Crichton – Executive Manager Corporate and Community Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in February 2022.

BACKGROUND

Council has delegated authority to the Chief Executive Officer (CEO) to exercise the power to make payments from the Municipal Fund (Delegation 2.15 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 \$1,586,377.85 were paid during the month of February 2022.

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

- Municipal Fund electronic funds transfers (EFT) \$1,043,088.68
- Municipal Fund cheques \$0
- Municipal Fund direct debits \$543,289.17

Total Municipal Expenditure \$1,586,377.85

Total Trust Fund Expenditure \$0

Total Expenditure \$1,586,377.85

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

Shire of Gingin Delegation Register – Delegation 2.1 Payment of Creditors

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court

SECONDED: Councillor Sorensen

That Council note all payments made by the Chief Executive Officer under Delegation 2.15 for February 2022 totalling \$1,586,377.85 as detailed in the schedule provided to Councillors comprising:

• Municipal Fund electronic funds transfers (EFT)	\$1,043,088.68
• Municipal Fund cheques	\$0
• Municipal Fund direct debits	\$543,289.17
• Trust Fund	\$0

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*

12.6 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2022

File	FIN/25
Author	Karina Leonhardt - Coordinator Corporate Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Monthly Financial Report for the period 1 July 2021 - 28 February 2022 [12.6.1 - 12 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Statements of Financial Activity for the period ending 28 February 2022.

BACKGROUND

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

COMMENT

The Financial Statements for the month ending 28 February 2022 present the financial performance of the Shire for the 2021/22 financial year and compare year to date expenditure and revenue against the corresponding year-to-date budget.

A break-up of the \$3,263,636 variance is summarised across operations, investing and financing below with a detailed explanation of variations within each area contained within **Appendix 12.6.1**.

Under budget

Operating Fund Surplus / Deficit	\$(129,722)
Operating Revenue	\$(197,994)
Operating Expenditure	\$1,179,457
Investing Activities – Revenue	\$(2,960,710)
Investing Activities – Expenditure	\$4,946,876
Financing Activities – Revenue	\$(14,672)
Financing Activities – Expenditure	\$440,402

It should be noted that while the 2020/21 year-end processes have largely been finalised, further changes may be identified as part of the final audit and may affect the operating fund surplus/deficit.

Investments

As required by Council Policy 3.2 - at this time, there are no investments to report on.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial Report

Local Government (Financial Management) Regulations 1996

Part 4 – Financial Reports

Reg 34 – Financial activity statement required each month

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

POLICY IMPLICATIONS

Shire of Gingin Policy 3.2 – Investments

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Kestel

That Council endorse the Statements of Financial Activity for the period ending 28 February 2022.

**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*



MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Cash-Backed Reserves	8
Net Current Assets	9
Rating Information	10
Trust Funds	11



Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022

Key Information

Report Purpose:

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

Items of Significance:

The material variance adopted by the Shire of Gingin for the 2021/22 year is \$20,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Karina Leonhardt
Reviewed by: Les Crichton
Date Prepared: 09/03/2022

MINUTES ORDINARY COUNCIL MEETING 15 MARCH 2022

APPENDIX 12.6.1



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	1,944,534	(129,722)	(6%)	Adjustments to 20/21 Annual Financial statements at auditor's request.
Revenue from operating activities						
General Purpose Funding	1,162,604	848,730	796,938	(51,792)	(6%)	Debt collection reimbursements delayed. Timing of penalty interest received.
General Purpose Funding - Rates	8,876,855	8,877,730	8,874,204	(3,526)	0%	No comment required.
Governance	5,000	3,672	179	(3,493)	(95%)	Timing of legal cost reimbursements received.
Law, Order, Public Safety	1,051,850	721,045	599,214	(121,830)	(17%)	Lower than expected fines and penalties (non-fire related); timing of DFES contribution to CESM position.
Health	55,850	50,632	61,353	10,721	21%	Higher than expected health regulatory license billing; Reimbursements for Gingin Medical Centre / Doctor accommodation.
Education and Welfare	9,500	7,336	8,699	(3,637)	(50%)	Timing of community bus bookings.
Housing	112,784	75,160	78,925	3,765	5%	No comment required.
Community Amenities	1,921,561	1,362,077	1,225,962	(136,115)	(10%)	1st payment of CMPAP funding received for Coastal Management Strategy transferred to contract liability as per AASB15 until spent; other coastal/environmental grants not yet received; timing of proceeds of sale from 4GG and BGG; timing of billing for domestic tipping fees.
Recreation and Culture	120,604	90,560	128,430	37,870	42%	Recognition of Stage 1 LRCI funding for GOAS project transferred from contract liability after acquittal completed - project completed 20/21; timing of swimming lesson income, admissions income and kiosk income from Gingin Aquatic Centre.
Transport	423,403	356,409	351,090	(5,313)	(1%)	No comment required.
Economic Services	1,864,432	1,206,683	1,255,773	49,090	4%	Higher than expected Building Services income, standpipe use income, saleyard use income; Gingin 150th event income held as contract liability as at end of 20/21 recognised in 21/22; unbudgeted insurance claims: Guilderton Holiday Park utility GG044 and Ledge Point Lookout.
Other Property and Services	155,951	96,804	123,070	26,266	27%	Worker's compensation payments received; higher than expected general reimbursements and information fees.
	15,560,374	13,696,831	13,498,837	(197,994)	(1%)	
Expenditure from operating activities						
Governance	(1,547,686)	(428,747)	(1,481,780)	(1,053,013)	248%	Higher than expected SAT legal fees; Administration costs allocated - budget review process; Employee costs allocation - budget review process; Timing of election expenses.
General Purpose Funding	(536,863)	(178,323)	(278,285)	(99,957)	56%	Timing of postage for rates instalments; administration costs allocated - budget review process; higher than expected bank fees and charges.
Law, Order, Public Safety	(1,961,046)	(1,026,716)	(745,982)	280,734	(27%)	Depreciation not yet processed for 21/22; timing of fire related expenditure including maintenance to fire vehicles; timing of maintenance to ranger vehicles.
Health	(655,014)	(309,629)	(273,472)	30,157	(10%)	Depreciation not yet processed for 21/22; timing of maintenance to PEHO vehicle 3GG and reallocation of fuel costs still required post audit sign off; timing of building maintenance and operations for Medical Centre; timing of pest control programs.
Education and Welfare	(256,392)	(144,415)	(58,601)	85,814	(59%)	Depreciation not yet processed for 21/22; timing of maintenance to bus shelters; timing of community engagement activities; timing of maintenance to seniors' amenities.
Housing	(86,484)	(60,544)	(39,099)	21,445	(35%)	Depreciation not yet processed for 21/22; timing of maintenance and operational costs for staff housing.
Community Amenities	(3,149,681)	(1,789,508)	(1,942,400)	441,108	(25%)	Depreciation not yet processed for 21/22; operational costs of ablutions budgeted to Public Conveniences under schedule 10 with actual expenditure allocated to ablution facilities under other programs; timing of expenditure relating to Coastal Risk Management Strategy; timing of coastal monitoring activities; timing of contributions to the Moore and Ellen Brockman Catchment Groups; timing of engagement of consultants; timing of general tip maintenance and tip building maintenance; timing of payments for waste collection; timing of maintenance to vehicles 4GG and BGG, with reallocation of fuel costs still required post audit sign off.
Recreation & Culture	(4,011,104)	(2,471,405)	(1,124,180)	1,347,225	(55%)	Depreciation not yet processed for 21/22; timing of recreation ground maintenance/operations; timing of halls and general building maintenance/operations; timing of beaches and foreshore operations.
Transport	(4,030,718)	(2,687,494)	(1,117,409)	1,570,085	(58%)	Depreciation - end of year process; timing of road maintenance to built up areas; bridge work projects not completed.
Economic Services	(1,562,148)	(868,570)	(777,322)	91,248	(11%)	Depreciation not yet processed for 21/22; timing of payment to contract economic development consultants; timing of Guilderton Holiday Park management contract payments; timing of Guilderton Holiday Park maintenance and operations; timing of maintenance to entry statements, lookouts and information bay areas.

**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 12.6.1



**Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022**

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
Other Property and Services						Depreciation not yet processed for 21/22; administration costs allocated - budget review process; timing of advertising and promotions; timing of administration building maintenance; timing of staff training and development; bulk fuel payments still to be processed and reallocated after 20/21 audit sign off; employee costs allocation to be amended at budget review.
	(1,088,411)	(2,559,133)	(828,220)	1,724,913	(68%)	
	[18,885,537]	(12,506,489)	(8,066,729)	4,439,759	[35%]	
Operating activities excluded from budget						
(Profit)/Loss on Asset Disposals	0	0	0	0	0%	
Depreciation on Assets	4,922,951	3,281,968	21,666	(1,280,302)	(99%)	Depreciation not yet processed for 21/22.
Non cash Adjustment	0	0	0	0	0%	
Amount attributable to operating activities	1,597,788	4,472,311	5,453,774	981,463	22%	
Investing Activities						
Non operating grants, subsidies & contributions	3,770,560	4,005,074	1,049,939	(2,955,135)	(74%)	Timing of recognition of LRCI Phase 1 funding currently in contract liabilities; LRCI Phase 2 projects yet to be completed; timing of recognition and payment of capital grants relating to the Gingin Colocation Facility (ICC).
Purchase Land Held for Resale	0	0	0	0	0%	No comment required.
Purchase Land and Buildings	(2,782,477)	(2,717,277)	(950,502)	1,766,775	(65%)	Timing of capital purchases
Purchase Infrastructure Assets - Roads	(5,967,795)	(3,188,830)	(508,265)	2,680,565	(84%)	Timing of capital purchases
Purchase Infrastructure Assets - Parks	(744,499)	(479,364)	(122,895)	356,769	(74%)	Timing of capital purchases
Purchase Infrastructure Assets - Other	(150,000)	(33,336)	0	33,336	0%	Timing of capital purchases
Purchase Infrastructure Assets - Footpaths	(215,250)	(135,386)	(26,955)	109,431	(80%)	Due to be completed prior to 30 June 2022 in line with LRCI funding requirements.
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%	No comment required.
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%	Possible delay due to global supply-chain disruptions.
Proceeds from Disposal of Assets	164,000	0	0	0	0%	Disposals affected by above.
Self-Supporting Loan Principal Income	13,553	12,432	6,857	(5,575)	0%	No comment required.
	(3,856,793)	(2,537,987)	(551,821)	1,986,166	(78%)	
Financing Activities						
Repayment of Debentures	(259,386)	(194,574)	(193,720)	854	(0%)	No comment required.
Proceeds from New Debentures	350,000	0	0	0	0%	No comment required.
Proceeds from New Self-Supporting Loans	0	0	0	0	0%	No comment required.
Payment of Principal Portion of Lease Liabilities	(31,995)	(21,320)	(20,416)	904	(4%)	No comment required.
Transfers to Reserves - Cash Backed Reserves	(870,089)	(438,644)	0	438,644	(100%)	End of year process
Transfers from Reserves - Cash Backed Reserves	996,153	14,672	0	(14,672)	0%	End of year process
	184,683	(639,866)	(214,136)	425,730	(67%)	
Net Current Assets Year to Date	0	3,368,714	6,632,352	3,263,636	97%	

MINUTES ORDINARY COUNCIL MEETING 15 MARCH 2022

APPENDIX 12.6.1



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022

Statement of Financial Activity by Nature & Type

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	1,944,534	(129,722)	(6%)
Revenue from operating activities					
Rates	8,882,052	8,877,730	8,874,204	(3,526)	0%
Grants & Subsidies (Operating)	2,641,791	2,055,143	1,515,298	(539,845)	(26%)
Fees & Charges	3,828,800	2,676,347	2,764,460	88,113	3%
Interest Earnings	137,444	91,576	55,358	(36,218)	(40%)
Other Revenue	70,287	(3,964)	289,518	293,482	(7404%)
Profit on Sale of Assets	0	0	0	0	0%
	15,560,374	13,696,831	13,498,837	(197,994)	(1%)
Expenditure from operating activities					
Employee On Costs	(6,390,737)	(4,260,696)	(3,759,712)	500,984	(12%)
Materials & Contracts	(6,073,569)	(3,838,352)	(3,379,783)	458,569	(12%)
Utilities (Gas, Water etc)	(445,615)	(297,144)	(273,666)	23,478	(8%)
Insurances	(341,215)	(341,215)	(364,717)	(23,502)	7%
Depreciation of Assets	(4,922,951)	(3,281,968)	(21,666)	3,260,302	(99%)
Interest Expenses	(105,341)	(72,651)	(51,824)	20,827	(29%)
Other Expenditure	(606,109)	(414,463)	(215,362)	199,101	(48%)
Loss on Sale of Assets	0	0	0	0	0%
	(18,885,537)	(12,506,489)	(8,066,729)	4,439,759	(35%)
Operating activities excluded from budget					
Adjust Profit/Loss on asset disposals	0	0	0	0	0%
Depreciation on Assets	4,922,951	3,281,968	21,666	(3,260,302)	(99%)
Non cash Adjustment	0	0	0	0	0%
Amount attributable to operating activities	1,597,788	4,472,311	5,453,774	981,463	22%
Investing Activities					
Non operating grants, subsidies & contributions	8,770,560	4,005,074	1,049,939	(2,955,135)	(74%)
Purchase Land Held for Resale	0	0	0	0	0%
Purchase Land and Buildings	(2,782,477)	(2,717,277)	(950,502)	1,766,775	(65%)
Purchase Infrastructure Assets - Roads	(5,967,795)	(3,188,830)	(508,265)	2,680,565	(84%)
Purchase Infrastructure Assets - Parks	(744,499)	(479,664)	(122,895)	356,769	(74%)
Purchase Infrastructure Assets - Other	(150,000)	(33,336)	0	33,336	0%
Purchase Infrastructure Assets - Footpaths	(215,250)	(136,386)	(26,955)	109,431	(80%)
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%
Proceeds from Disposal of Assets	164,000	0	0	0	0%
Self-Supporting Loan Principal Income	13,553	12432	6857	(5,575)	0%
	(3,856,733)	(2,537,987)	(551,821)	1,986,166	(78%)
Financing Activities					
Repayment of Debentures	(259,386)	(194,574)	(193,720)	854	(0%)
Proceeds from New Debentures	350,000	0	0	0	0%
Proceeds from New Self-Supporting Loans	0	0	0	0	0%
Payment of Principal Portion of Lease Liabilities	(31,995)	(21,320)	(20,416)	904	(4%)
Transfers to Reserves - Cash Backed Reserves	(870,083)	(438,644)	0	438,644	(100%)
Transfers from Reserves - Cash Backed Reserves	996,153	14672	0	(14,672)	0%
	184,689	(639,866)	(214,136)	425,730	(67%)
Net Current Assets Year to Date	0	3,368,714	6,632,352	3,263,636	97%

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



Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022

*Acquisition of Assets & Other Non-Capital Expenditure
By Program*

	Capital Expenditure Actual 21/22	Capital Expenditure Amended Budget 21/22
GENERAL PURPOSE FUNDING	0	0
LAW ORDER PUBLIC SAFETY	846,451	4,218,382
EDUCATION & WELFARE	6,700	22,370
HEALTH	31,681	55,681
COMMUNITY AMENITIES	41,398	378,020
RECREATION & CULTURE	206,975	1,764,463
TRANSPORT	535,220	6,579,870
ECONOMIC SERVICES	59,890	239,584
GOVERNANCE	0	0
HOUSING	0	558,585
OTHER PROPERTY & SERVICES	94,438	149,355
TOTAL	1,822,753	13,966,310

By Account Type

	Capital Expenditure Actual 21/22	Capital Expenditure Amended Budget 21/22
LOAN LIABILITY - SHIRE	193,720	259,386
RIGHT OF USE ASSETS - LEASE LIABILITY	20,416	31,995
LAND - FREEHOLD	0	0
BUILDINGS - SPECIALISED & NON SPECIALISED	950,502	2,782,477
INFRASTRUCTURE - BRIDGES	0	0
INFRASTRUCTURE - FOOTPATHS AND CYCLEWAYS	26,955	215,250
INFRASTRUCTURE - SEWERAGE	0	0
INFRASTRUCTURE - PARKS & OVALS	122,895	744,499
INFRASTRUCTURE - ROADS	508,265	5,887,795
INFRASTRUCTURE - OTHER	0	150,000
INFRASTRUCTURE - DRAINAGE	0	80,000
INFRASTRUCTURE - AIRPORTS	0	0
PLANT & EQUIPMENT	0	2,944,825
ACCUMULATED SURPLUS	0	870,083
TOTAL	1,822,753	13,966,310

**Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 28 FEBRUARY 2021**

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
Law, Order & Public Safety		
150502500 - ANIMAL - Proceeds on Disposal of Assets	30,000	
Total Sale of Assets	30,000	0
Community Amenities		
151006500 PLAN - Proceeds on Disposal of Assets MUN	33,000	0
Total Sale of Assets	33,000	0
Recreation and Culture		
151103500 REC - Proceeds on Disposal of Assets MUN	39,000	
Total Sale of Assets	39,000	0
Other Property Services		
151402500 ADMIN - Proceeds on Disposal of Assets MUN	15,000	0
Total Sale of Assets	15,000	0
Transport		
151203500 PLANT - Proceeds on Disposal of Assets MUN	47,000	0
Total Sale of Assets	47,000	0
TOTAL SALE OF ASSETS	164,000	0
TOTAL PROFIT ON SALE OF ASSETS	0	0
TOTAL LOSS OF SALE OF ASSETS	0	0
Law, Order & Public Safety		
150502500 - GG070 - Isuzu D-Max Utility	15,000	0
150502500 - GG073 - Isuzu D-Max Utility	15,000	0
	30,000	0
Community Amenities		
151006500 4GG - Isuzu M-UX 4x4	18,000	0
151006500 8GG - Isuzu D-Max Utility	15,000	0
	33,000	0
Recreation and Culture		
151103500 GG034 Kubota Mower	7,000	0
151103500 GG017 Isuzu D-Max Utility	16,000	0
151103500 GG033 Isuzu D-Max Utility	16,000	0
	39,000	0
Other Property and Services		
151402500 6GG - Isuzu M-UX 4x4	15,000	0
	15,000	0
Transport		
151203500 GG013 Isuzu D-Max Utility	15,000	0
151203500 GG049 Isuzu D-Max Utility	15,000	0
151203500 GG050 Isuzu D-Max Utility	16,000	0
151203500 GG6015 Variable Message Board Trailer	1,000	0
	47,000	0
Total Proceeds on Disposal of Assets	\$ 164,000.00	\$ -

**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 12.6.1

**Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 28 FEBRUARY 2021**

Information on Borrowings

Loan	Loan Term (Yrs)	Start Date	Remaining Term (Yrs)	Opening Balance Altus	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
LN-100 GG Medical Centre	20	30/07/04	2	101,571		31,681	31,681	69,891	69,890	5,105	5,105
LN-111 Wannamal West Road	20	15/02/07	5	416,289		20,063	20,063	396,226	396,226	26,697	26,697
LN-114 Guilderton Country Club (Hall) Extensions	20	20/11/08	7	334,442		18,829	19,156	315,613	315,276	11,940	11,604
LN-120 Regional Hardcourt Facility	20	21/12/09	8	242,072		11,691	11,886	230,381	230,186	8,085	7,890
LN-123 Lot 44 Weld St	20	16/10/08	7	153,143		8,675	8,826	144,468	144,317	5,329	5,179
LN-124A Regional Hardcourt Facility	16	4/12/14	9	233,442		10,840	10,952	222,602	222,490	4,821	4,709
LN-126 Gingin Aquatic Centre Tiling	10	3/08/16	4	80,757		15,173	15,174	65,583	65,583	2,387	2,387
LN-127 Seabird Seawall Extension	10	27/01/17	5	124,210		21,335	21,335	102,875	102,875	2,985	2,985
LN-128 Lancelin Caravan Park Assets	5	16/02/18	1	62,651		41,505	41,505	21,146	21,146	1,319	1,319
LN-130 Ledge Point Country Club Coolroom	10	22/11/19	8	19,253		1,109	1,115	18,144	18,138	208	202
LN-131 - Upgrade of Financial Systems Platform to Altus Financials	15	20/12/21	15	157,743		4,556	4,578	153,187	153,165	1,529	1,507
LN-132 - Gingin Outdoor Activity Space	10	20/12/21	10	177,000		8,263	8,293	168,737	168,707	1,267	1,267
TOTAL				2,102,572	-	193,720	194,574	1,908,852	1,907,998	72,671	71,851

**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 12.6.1



**Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 28 FEBRUARY 2021**

Reserves Cash-Backed

Reserve	Opening Balance	Original Budget Interest Earned	Actual Interest Earned	Original Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers Out (-)	Actual Transfers Out (-)	Original Budget Closing Balance	Actual YTD Closing Balance
1 LSL Annual Sick Leave and Staff Contingency	429,670	1,998						431,668	429,670
2 Office Equipment Reserve	0							0	0
3 Plant and Equipment Reserve	1,593,152	7,408				87,530		1,513,030	1,593,152
4 Lancelin Lookout Reserve	-							-	-
5 Land and Buildings Reserve	916,407	4,261		25,602		477,400		468,870	916,407
6 Guilderton Caravan Park Reserve	34,019	158						34,177	34,019
7 Shire Recreation Development Reserve	75,135	349		418,644		25,000		469,129	75,135
8 Redfield Park Reserve	31,468	146						31,615	31,468
9 Ocean Farm Recreation Reserve	31,161	145						31,305	31,161
10 Tip Rationalisation Reserve	1,606,185	7,469				50,000		1,563,654	1,606,185
11 Lancelin Community Sport and Recreation Reserve	98,640	459		19,467		13,999		104,566	98,640
13 Community Infrastructure	104,083	484		127,357		-		231,924	104,083
14 Staff Housing Reserve	33,559	156						33,715	33,559
15 Future Infrastructure Reserve	567,840	2,640						570,481	567,840
16 Guilderton Country Club Reserve	19,157	89		8,080				27,326	19,157
17 Coastal Management Reserve - Coastal Inundation	192,391	895		100,000		53,000		240,286	192,391
18 Guilderton Foreshore Reserve	-			128,191				128,191	-
19 Unspent Grants Reserve	5,014	23						5,037	5,014
21 Seniors Housing Reserve	81,188	378						81,565	81,188
22 Gingin Railway Station Reserve	5,747	27						5,774	5,747
23 Subdivisions Reserve	59,800	278						60,078	59,800
24 Contributions to Roads Reserve	511,862	2,380				289,224		225,018	511,862
25 Public Open Space	26,050	121						26,171	26,050
26 Guilderton Trailer Parking Reserve	29,896	139		12,739				42,774	29,896
	6,452,425	30,003	-	840,080	-	996,153	-	6,326,355	6,452,425



Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 to 28 FEBRUARY 2022

Net Current Assets

	Actual YTD	Balance Forwarded
CURRENT ASSETS:		
Cash - Unrestricted	8,397,638	2,985,974
Cash - Restricted Reserves	6,452,425	6,452,425
Cash - Restricted General	0	0
Rates - Current	1,379,920	1,073,028
Sundry Debtors	1,204,001	1,820,731
Self-Supporting Loan Debtors	1121	7977
Inventories	185,308	34,392
Total Current Assets	17,620,412	12,374,527
LESS: CURRENT LIABILITIES		
Payables	(533,905)	(1,630,757)
Employee Provisions	(1,004,339)	(1,004,339)
Contract Liability	(2,341,270)	(721,357)
Accrued interest	0	(22,298)
Right of Use Assets - Lease Liability	(3,607)	(24,023)
Long Term Borrowings (Current)	(65,667)	(259,387)
Bonds & Deposits	(655,000)	(590,840)
Total Current Liabilities	(4,603,788)	(4,253,000)
Total Net Assets	13,016,624	8,121,527
Less: Cash - restricted reserves	(6,452,425)	(6,452,425)
Less: Self Supporting Loan Debtors	(1,121)	(7,977)
Add: Long Term Borrowings (Current)	65,667	259,387
Add: Lease Liability	3,607	24,023
NET CURRENT ASSET POSITION	6,632,352	1,944,534



**Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 28 FEBRUARY 2021**

Rating information

Rating Information	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
Grv - Townsites 9.1890	1561	26,362,422	2,422,365					2,422,365
Grv - Other 9.1890	918	15,040,562	1,382,032					1,382,032
Uv - Rural 0.5120	364	256,884,000	1,314,989					1,314,989
Uv - Other 0.5120	3	1,993,000	10,202					10,202
Uv - Intensive 0.7610	96	64,181,000	488,674					488,674
Grv - Townsites @ \$1,166	1068	9,170,092		1,245,288				1,245,288
Grv - Other @ \$1,166	759	4,741,360		884,994				884,994
Uv - Rural @ \$1,470	422	85,019,810		689,430				689,430
Uv - Other @ \$1,470	47	7,958,000		42,630				42,630
Uv - Intensive @ \$2,675	179	30,557,424		401,250				401,250
Interim Rates					(3,467)			(3,467)
Interims - Back Rates					(4,184)			(4,184)
TOTAL		501,907,670	5,618,263	3,263,592	(7,651)	0	0	8,874,204
							Ex Gratia Rates	0
								\$8,874,204



Trust Funds

**Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 28 FEBRUARY 2021**

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
Public Open Space	11,326	-	-	11,326
TOTAL	11,326	-	-	11,326

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

COUNCIL RESOLUTION

MOVED: Councillor Vis

SECONDED: Councillor Balcombe

That Item 13.8 Subdivision Referral – Proposed Two Lot Subdivision of Lot 404 (5297) Brand Highway, Beermullah be brought forward for consideration as the first item of business in Section 13 Reports – Regulatory and Development Services.

**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*

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

- *Item 13.8 Subdivision Referral – Proposed Two Lot Subdivision of Lot 404 (5297) Brand Highway, Beermullah – see page 458.*

13.1 AMENDMENT OF LOCAL PLANNING POLICY 2.1 – RESIDENTIAL OUTBUILDINGS

File	LND/57
Author	Kylie Bacon - Coordinator Strategic Planning & Projects
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none">1. Local Planning Policy 2 1 Residential Outbuildings (3) [13.1.1 - 4 pages]2. Track Changes Local Planning Policy 2 1 Residential Outbuildings (2) [13.1.2 - 6 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider advertising amended Local Planning Policy 2.1 Residential Outbuildings (LPP 2.1) for public comment.

BACKGROUND

As part of ongoing review and updating of the Shire's policies and procedures, Local Planning Policy 2.1 – Residential Outbuildings has been reviewed and amendment is proposed to increase outbuilding limitations in the Residential zones of the Shire.

The project involved reviewing similar policies put in place by other local governments, examining policy structure and quality of controls for Residential Outbuildings. The amendment also reflects the values and needs of the local community with respect to outbuilding development. Lastly, the amendment is the result of responding to the number of Development Applications for proposed Outbuildings that are going to Council because they are non-compliant with the current policy.

COMMENT

The principal legislation which sets the broad framework for town planning, and therefore consideration of local planning policies is the *Planning and Development Act 2005* (the Act) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The relevant section of the Regulations that applies to the amendment of local planning policies by local government is Schedule 2, Part 2, Clause 5 of the Deemed provisions for Local Planning Schemes.

The following is a summary of proposed changes to this Policy:

- Amendments to the structure and numbering of the policy to be consistent with the *Western Australian Local Government Association (WALGA) Local Planning Policy Guide* which improves consistency and legibility of local planning policies (LPP) while retaining appropriate local content and planning controls.
- Updates to reflect R-Codes changes and terminology.
- Clear articulation of the policy objectives.
- Amendments to the table in Clause 5.3 Scale of Outbuildings as follows:
 - The differentiation in the lot sizes between coastal townsites and the townsite of Gingin has been removed;
 - The lot sizes have been broken down into more comparative areas to better correlate with areas of outbuildings;
 - For lots between 801m² and 3000m², the wall height has been increased from 3.6m to 3.8m;
 - For lots between 3001m² – 4000m², the wall height has been increased from 3.6m to 4.0m;
 - Previously lots within the Gingin townsite with an area greater than 600m² had a maximum overall height for outbuildings of 4.2m. This has been increased to 5.0m to be consistent across all Residential zones for lots up to 4000m²
 - Wall height and overall height are now consistent across all Residential zones for lots greater than 4000m² (as lots are no longer distinguished by location). Therefore wall height is 4.2m and overall height is 5.5m. This has been amended from the following:
For lots greater than 4000m² within the Gingin townsite, wall height has been increased from 3.6m to 4.2m and overall height from 4.2m to 5.5m. For lots greater than 4000m² within the coastal townsites, wall height has been increased from 4.0m to 4.2m and overall height has been increased from 5.2m to 5.5m.
- A Materials clause has been included to provide clarity and guidance on the Shire's expectations with achieving the policy objectives.
- Consistency has been improved and advertising requirements clarified to align with the Regulations.
- Variations and definitions have been updated to be consistent with R Codes and LPS 9.

Attached in **Appendix 13.1.1** is the draft policy and the tracked changed version in **Appendix 13.1.2**.

Community Consultation and Engagement

Should Council resolve to adopt amended LPP 2.1 for advertising purposes, public consultation will be undertaken for a period of not less than 21 days, in accordance with clauses 4 and 5 of the Deemed Provisions.

Public consultation will include:

- a. Placement of a public notice in a newspaper circulating in the Shire of Gingin;
- b. Publication of the public notice on the Shire's social media platforms;
- c. Placement of the public notice and a copy of the proposed amended Policy on the Shire's public webpage;
- d. Placement of a public notice on the public notice boards both at Gingin Administration Centre and Lancelin Offices; and
- e. Making a hard copy of the documentation available at the front counter of the Shire's Gingin Administration Centre and Lancelin Office.

In the event that Council resolves to proceed with the amended policy, then it must give public notice accordingly.

Summary

Maintaining an up-to-date planning framework ensures that it is contemporary and responsive as well as ensuring development applications with limited amenity impact are assessed as quickly as possible.

It is recommended that the reviewed LPP 2.1 be adopted by Council for the purpose of public consultation.

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 (LPS 9)

POLICY IMPLICATIONS

The review of this policy will ensure that it aligns with the Regulations and better meets the needs of the community.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.
Outcome	3.1 Development New and existing developments meet the Shire's Strategic Objectives and Outcomes.
Key Service Area	Strategic Town Planning
Priorities	

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Balcombe

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 5(1) of the *Planning and Development Local Planning Schemes) Regulations 2015*, adopt amended Local Planning Policy No. 2.1 – 'Residential Outbuildings' as contained in Appendix 13.1.1 for the purpose of advertising for public consultation; and
2. Subject to no submissions being received, resolve to proceed with amended Local Planning Policy No. 2.1 – 'Residential Outbuildings' without modification.

**CARRIED
8 / 1**

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

AGAINST: Councillor Peczka

James Bayliss (Coordinator Statutory Planning) left the meeting at 3:41pm

James Bayliss (Coordinator Statutory Planning) returned to the meeting at 3:42pm

SHIRE OF GINGIN
LOCAL PLANNING SCHEME NO. 9

**LOCAL PLANNING POLICY NO. 2.1
RESIDENTIAL OUTBUILDINGS**



1.0 STATUTORY CONTEXT

This Local Planning Policy (LPP) has been prepared under Schedule 2, Part 2, Division 2 – ‘Local Planning Policies’ of the of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 POLICY PURPOSE

The purpose of this Policy is to outline standards and other guidance in relation to the development of outbuildings on Residential zoned land within the Shire.

This Policy does not substitute State Planning Policy 7.3 Residential Design Codes (R Codes), but rather complements and enhances it, in the context of assessing and determining development proposals.

3.0 POLICY OBJECTIVES

The objectives of this policy are:

- To provide a context and framework in which outbuilding use and development can take place without having adverse impacts on the streetscape, character, amenity or environmental attributes of the surrounding area.
- To ensure that an outbuilding is of a built form and scale consistent with the Objectives of the Residential Zone as outlined under Local Planning Scheme No. 9 (LPS 9).
- To complement the deemed-to-comply provisions of clause 5.4.3 of the R Codes in order to better reflect community expectations for residential outbuildings.
- To ensure that the colour scheme and construction material of an outbuilding will not be vivid or prominent but will be visually recessive in the landscape and streetscape context.

4.0 APPLICATION REQUIREMENTS

Development approval is required for an outbuilding when the deemed-to-comply provisions of clause 5.4.3 of the R-Codes are not satisfied.

5.0 DEVELOPMENT REQUIREMENTS

5.1 Permissibility of Development

For an outbuilding to be considered for approval on residential zoned lots, the subject land must contain an existing dwelling approved by the Shire (e.g. single house) or be the subject of a substantially commenced dwelling (i.e. house pad).

Notwithstanding the above, an outbuilding may form part of a development proposal that includes a dwelling. However, given there is a risk that the outbuilding may be constructed and used without a dwelling first being built, conditions of development approval may be imposed to control the timing of construction to ensure that the outbuilding is developed in association with the dwelling and not before.

Without a dwelling being present onsite, an outbuilding by itself takes on a warehouse / storage land use, which is not permitted in a residential zone under LPS 9.

5.2 Use of Outbuildings

Outbuildings shall only be used for incidental activities associated with a dwelling (e.g. storage of personal and/or household items, vehicles, caravans, boats and the like). Proposals to use an outbuilding for any other purpose will require development approval pursuant to LPS 9.

5.3 Scale of Outbuildings

The maximum allowable standards for outbuildings are prescribed in the following table:

RESIDENTIAL ZONES		
APPLICABLE LOT SIZE	STANDARD	MAXIMUM
<600m ²	Floor Area Wall Height Overall Height (single storey)	70m ² 3.0 metres 4.0 metres
601m ² - 800m ²	Floor Area Wall Height Overall Height (single storey)	90m ² 3.6 metres 5.0 metres
801m ² - 1,000m ²	Floor Area Wall Height Overall Height (single storey)	100m ² 3.8 metres 5.0 metres
1001m ² - 2,000m ²	Floor Area Wall Height Overall Height (single storey)	120m ² 3.8 metres 5.0 metres
2001m ² - 3,000m ²	Floor Area Wall Height Overall Height (single storey)	130m ² 3.8 metres 5.0 metres
3001m ² - 4,000m ²	Floor Area Wall Height Overall Height (single storey)	140m ² 4.0 metres 5.0 metres
>4,001m ²	Floor Area Wall Height Overall Height (single storey)	160m ² 4.2 metres 5.5 metres
<i>Wall heights are to be measured from natural ground level</i>		

5.4 Materials

- Outbuildings assessed under this policy shall be constructed using new materials and be of a consistent colour scheme.
- The use of reflective roofing material is discouraged and may be permitted at the discretion of the Shire, only where it has been demonstrated by the applicant that the proposal satisfies the objectives of this policy.
- Sea containers do not constitute outbuildings for the purpose of this policy and require a development proposal to be lodged pursuant to LPS 9 and assessed against the provisions of Local Planning Policy 1.9 – Sea Containers.

5.5 Variations to Development Standards

- There is a general presumption against allowing a reduction to the open space requirements prescribed by Table 1 of the R Codes in order to accommodate an outbuilding unless an applicant can provide sufficient justification on town planning grounds for seeking a reduction.
- Development proposals that seek to use recycled construction material must be accompanied by photographs clearly showing that the condition and visual appearance of the recycled material is to a satisfactory standard.
- Where a development proposal seeks to erect an outbuilding at a greater scale than provided for in the Table above, seeks to use reflective or recycled construction material or seeks an assessment under the design principle of clause 5.4.3 of the R Codes, the Shire may require additional assessment information that addresses matters such as, but not limited to, solar access and ventilation for adjoining sites, streetscape and visual amenity impacts and reflective glare assessments.
- Development proposals that seek variations to this policy shall be determined in accordance with the objectives of this Policy.

6.0 STAKEHOLDER CONSULTATION

- Outbuildings that seek a variation to the standards prescribed by this policy require consultation with surrounding landowners for a minimum period of 14 days in accordance with clause 64 of the Deemed Provisions.
- Outbuildings that seek a variation to the deemed-to-comply provisions of clause 5.4.3 of the R Codes, however comply with the standards prescribed by this policy, will not be advertised to surrounding landowners. Advertising proposals that vary the deemed-to-comply provisions, however comply with the standards prescribed by this policy will be by exception, at the discretion of the Planning Department if an unusual circumstance is identified.

7.0 DEFINITIONS

The following are definitions that relate to the application of this policy:

Floor Area - means the total gross area of all outbuildings on the site.

Natural Ground Level - means the levels on a site which precede the proposed development, excluding any site works unless approved by the decision maker or established as part of subdivision of the land preceding the development.

Outbuilding - means an enclosed non-habitable structure that is detached from any dwelling.

Reflective Roofing Material - means any building material with the potential to create specular glare or visual detractor of the scenic or landscape character of the Shire when in-situ and includes:

- Zincolume® (including any zinc or Zinc-Aluminium coated sheet or polished metal),
- Light and Very Light building materials as outlined under the Building Code of Australia (BCA) on the basis of their solar absorption.

Sea Container - means a metal transportable structure designed for the storage and transport of goods from one location to another by road, rail and sea.

GOVERNANCE REFERENCES

Statutory Compliance

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 7.3: Residential Design Codes (Volume 1)

Shire of Gingin Local Planning Scheme No. 9

POLICY ADMINISTRATION

Responsible Business Unit	
LPP Category	
Public Consultation	
Adoption Date	
Next Review Date	

SHIRE OF GINGIN
LOCAL PLANNING SCHEME NO. 9
TOWN PLANNING POLICY STATEMENT NO. 2.1
RESIDENTIAL OUTBUILDINGS



1. **POLICY AREA** **STATUTORY CONTEXT**

~~This Policy applies to the Residential zones within the Shire.~~

~~This Local Planning Policy (LPP) has been prepared under Schedule 2, Part 2, Division 2 – 'Local Planning Policies' of the of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).~~

~~The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.~~

Commented [KB1]: Delete and replace heading with Statutory Context

Commented [KB2]: Delete and replace with paragraph outlining the statutory framework the local planning policy sits within.

2. **POLICY OBJECTIVE**

~~To provide for a context and framework in which outbuilding use and development can take place within the Scheme area of Local Planning Scheme No. 9 (TPS No. 9).~~

~~To vary the Acceptable Development provisions of Clause 6.10.1 of Residential Design Codes in order to better reflect community expectations for residential outbuildings.~~

~~The purpose of this Policy is to outline standards and other guidance in relation to the development of outbuildings on Residential zoned land within the Shire.~~

~~This Policy does not substitute State Planning Policy 7.3 Residential Design Codes (R Codes), but rather complements and enhances it, in the context of assessing and determining development proposals.~~

Commented [KB3]: Delete heading and replace with Policy Purpose.

Commented [KB4]: Delete paragraph and replace with a paragraph that clearly outlines the what, why and where of the local planning policy.

3. **POLICY STATEMENT**

3.1. **Background**

~~State Planning Policy (SPP) 3.1 Residential Design Codes (November 2010) is the primary and pre-eminent instrument under which residential development takes place within the State.~~

~~It particularly focuses upon providing a framework for the density, design, form and disposition of residential development, including incidental development such as "outbuildings".~~

Commented [KB5]: Delete

Commented [KB6]: Delete and replace with heading Policy Objectives.

~~In assessing and determining any application for incidental development, the responsible authority must have proper regard and consideration for SPP 3.1.~~

~~This Policy Statement does not substitute SPP 3.1, but rather, complements and enhances it, in the context of assessing and determining applications to erect an outbuilding on residential zoned land.~~

Commented [KB7]: Delete paragraph and replace with clear objectives on what the policy is to achieve.

The objectives of this policy are:

- ~~To provide a context and framework in which outbuilding use and development can take place without having adverse impacts on the streetscape, character, amenity or environmental attributes of the surrounding area.~~
- ~~To ensure that an outbuilding is of a built form and scale consistent with the Objectives of the Residential Zone as outlined under Local Planning Scheme No. 9 (LPS 9).~~
- ~~To complement the deemed-to-comply provisions of clause 5.4.3 of the R Codes in order to better reflect community expectations for residential outbuildings.~~

~~To ensure that the colour scheme and construction material of an outbuilding will not be vivid or prominent but will be visually recessive in the landscape and streetscape context.~~

3.2 Definition of an Outbuilding

~~SPP 3.1 defines an "outbuilding" as an enclosed non-habitable structure that is detached from any dwelling~~

~~Over height Outbuilding is defined as an outbuilding with a wall height exceeding 2.4m and a ridge height not exceeding 4.2m.~~

~~An Oversize Outbuilding is defined as an outbuilding not exceeding 60 square metres in area.~~

Commented [KB8]: Introduction of new heading Application Requirements stating when development approval is required for an outbuilding.

Commented [KB9]: New heading Development Requirements.

3.3 Permissibility of Development

~~For an outbuilding (shed) to be considered for approval and effected on residential zoned lots, the subject land must either contain an existing lawfully approved dwelling development (e.g. single house, grouped dwelling etc), or be the subject of substantially approved development (ie house pad).~~

~~For an outbuilding to be considered for approval on residential zoned lots, the subject land must contain an existing dwelling approved by the Shire (e.g. single house) or be the subject of a substantially commenced dwelling (i.e. house pad).~~

Commented [KB10]: This section has been deleted and replaced as section 7 in amended policy with definitions updated to be consistent with the Residential Design Codes (R Codes), Local Planning Scheme No. 9 and other terminology used throughout the policy with the introduction of two new definitions of Floor Area, Natural Ground Level, Reflecting Roofing Material and Sea Container. The definitions of over height and oversize outbuilding has been deleted as it is a given that outbuilding development that does not comply with the deemed to comply provisions of the R Codes and requires assessment against LPP 2.1 is an oversize/over height outbuilding.

~~Notwithstanding the above, an outbuilding may form part of a development proposal that includes a dwelling. However, given there is a risk that the outbuilding may be constructed and used without a dwelling first being built, conditions of development approval may be imposed~~

Commented [KB11]: Paragraph rephrased to make clearer the requirement for when an outbuilding will be considered for approval and in what context. Furthermore, the paragraph further explains how an outbuilding will be dealt with when an application proposes to construct an outbuilding prior to the construction of a dwelling.

to control the timing of construction to ensure that the outbuilding is developed in association with the dwelling and not before.

Without a dwelling being present onsite, an outbuilding by itself takes on a warehouse / storage land use, which is not permitted in a residential zone under LPS 9.

3.4 Acceptable Uses and Activities within Outbuildings

With regard to the preceding definition, the following uses and activities are deemed acceptable to be carried out within an outbuilding:

- Storage and minor repair and servicing of household chattels, garden equipment and personal sporting and leisure equipment.
- Lawful games and entertainment.
- Hobbies, arts and crafts.
- Personal gymnasium.
- Garaging, and minor repair and servicing, of the occupier's motor vehicles, trailers, caravans, boats and the like.
- Storage of tools and equipment used in a home business or occupation approved by the Shire.
- Ablutions, but NOT associated with a habitable use.

The above uses and activities carried on within an outbuilding must also comply with any other applicable law or statute.

Proposals to conduct any other use or activity to be carried on within an outbuilding will require approval pursuant to the Town Planning Scheme No. 8.

Outbuildings shall only be used for incidental activities associated with a dwelling (e.g. storage of personal and/or household items, vehicles, caravans, boats and the like). Proposals to use an outbuilding for any other purpose will require development approval pursuant to LPS 9.

Commented [KB12]: Section deleted and replaced with Use of Outbuildings to simplify how the outbuildings can be used and what is acceptable.

3.5 Scale of Outbuilding Development

The maximum allowable standards for outbuildings are prescribed in the following table:

TOWNSITE	STANDARD	MAXIMUM
All Townsites (<600m ² lot size)	Floor Area	70m ²
	Wall Height	3.0 metres
	Overall Height (single storey)	4.0 metres
Coastal Townsites (601m ² – 1,000m ² lot size) (excluding Gingin)	Floor Area	90m ²
	Wall Height	3.6 metres
	Overall Height (single storey)	5.0 metres
Gingin	Area	90m ²
	Wall Height	3.6 metres
	Overall Height (single storey)	4.2 metres
601m ² - 800m ²	Floor Area	90m ²
	Wall Height	3.6 metres
	Overall Height (single storey)	5.0 metres

Commented [KB13]: Floor added

Commented [KB15]: Wall Height has been increased to 3.8m for lots greater than 801m². For lots between 601m² and 800m² Wall Height remains at 3.6m.

Commented [KB16]: For lots between 801m² and 1000m² Floor Area has been increased to 100m².

Commented [KB14]: Lots are no longer distinguished between Coastal Townsites and Gingin Townsite – its now across all Residential zone lots despite location. Lot sizes have also been broken down to smaller ranges to better reflect the correlation of the outbuildings floor area.

Commented [KB17]: Wall Height has been increased to 3.8m for lots greater than 801m².

Commented [KB18]: Height increased to 5.0m

801m ² – 1,000m ²	Floor Area Wall Height Overall Height (single storey)	100m ² 3.8 metres 5.0 metres
Coastal Townsites (1001m ² – 4,000m ² lot size) (excluding Gingin)	Area Wall Height Overall Height (single storey)	120m ² 3.6 metres 5.0 metres
Gingin	Area Wall Height Overall Height (single storey)	120m ² 3.6 metres 4.2 metres
1001m ² – 2,000m ²	Floor Area Wall Height Overall Height (single storey)	120m ² 3.8 metres 5.0 metres
2001m ² – 3,000m ²	Floor Area Wall Height Overall Height (single storey)	130m ² 3.8 metres 5.0 metres
3001m ² – 4,000m ²	Floor Area Wall Height Overall Height (single storey)	140m ² 4.0 metres 5.0 metres
Coastal Townsites (>4,000m ² lot size) (excluding Gingin)	Area Wall Height Overall Height (single storey)	140m ² 4.0 metres 5.2 metres
Gingin	Area Wall Height Overall Height (single storey)	140m ² 3.6 metres 4.2 metres
>4,001m ²	Floor Area Wall Height Overall Height (single storey)	160m ² 4.2 metres 5.5 metres

Wall heights are to be measured from natural ground level
An increase of up to 10% in floor area may be applied to accommodate variation in design parameters between different shed manufacturers.

There is a general presumption against allowing any reduction of the open space requirements prescribed by Table 1 in SPP 3.1 in order to accommodate an outbuilding development, including an “oversized” outbuilding, unless an applicant or proponent can demonstrate or provide sufficient reasons and justification on town planning grounds, for seeking a reduction.

Where a proposal seeks to erect an outbuilding at a greater scale as provided for in the Table above or a proposal is seeking a variation to the boundary setback requirement in the SPP3.1, the Shire may require from the Applicant additional assessment information of solar access, overlooking, ventilation, etc.

5.4 Materials

- Outbuildings assessed under this policy shall be constructed using new materials and be of a consistent colour scheme.
- The use of reflective roofing material is discouraged and may be permitted at the discretion of the Shire, only where it has been demonstrated by the applicant that the proposal satisfies the objectives of this policy.

Commented [KB20]: Wall Height increased to 3.8m and 4.0m for lots between 3000m² and 4000m².

Commented [KB19]: No distinguishment between Townsites and lot sizes have been broken down to smaller ranges to better reflect the correlation of the outbuildings floor area.

Commented [KB21]: Wall Height increased to 3.8m and 4.0m for lots between 3000m² and 4000m².

Commented [KB22]: Overall Height increased to 5.0m.

Commented [KB23]: Overall Height been increased to 5.0m.

Commented [KB25]: Area increased to 160m².

Commented [KB26]: Wall Height increased to 4.2m.

Commented [KB27]: Overall Height increased to 5.5m.

Commented [KB24]: No distinguishment between Townsites.

Commented [KB28]: Area increased to 160m².

Commented [KB29]: Wall Height increased to 4.2m.

Commented [KB30]: Replaced with the following:

Commented [KB31]: Overall Height increased to 5.5m.

Commented [KB32]: New Heading Materials

Commented [KB33]: Deleted and replaced under heading Variations to Development Standards.

- Sea containers do not constitute outbuildings for the purpose of this policy and require a development proposal to be lodged pursuant to LPS 9 and assessed against the provisions of Local Planning Policy 1.9 – Sea Containers.

5.5 Variations to Development Standards

- There is a general presumption against allowing a reduction to the open space requirements prescribed by Table 1 of the R Codes in order to accommodate an outbuilding unless an applicant can provide sufficient justification on town planning grounds for seeking a reduction.
- Development proposals that seek to use recycled construction material must be accompanied by photographs clearly showing that the condition and visual appearance of the recycled material is to a satisfactory standard.
- Where a development proposal seeks to erect an outbuilding at a greater scale than provided for in the Table above, seeks to use reflective or recycled construction material or seeks an assessment under the design principle of clause 5.4.3 of the R Codes, the Shire may require additional assessment information that addresses matters such as, but not limited to, solar access and ventilation for adjoining sites, streetscape and visual amenity impacts and reflective glare assessments.
- Development proposals that seek variations to this policy shall be determined in accordance with the objectives of this Policy.

3.6 Neighbour Consultation

All proposals to erect an Oversize and Overheight outbuilding will require a Development Application to be lodged with the Shire. Consultation with affected neighbours (land owners and occupiers) will be required to be carried out for a minimum period of 21 days in accordance with LPS No. 9.

This consultation will be carried out by Shire Staff in the interest of transparency and accountability prior to the application being assessed and determined pursuant to SPP 3.1 and LPS No. 9.

6.0 STAKEHOLDER CONSULTATION

- Outbuildings that seek a variation to the standards prescribed by this policy require consultation with surrounding landowners for a minimum period of 14 days in accordance with clause 64 of the Deemed Provisions.
- Outbuildings that seek a variation to the deemed-to-comply provisions of clause 5.4.3 of the R Codes, however comply with the standards prescribed by this policy, will not be advertised to surrounding landowners. Advertising proposals that vary the deemed-to-comply provisions, however comply with the standards prescribed by this policy will be by exception, at the discretion of the Planning Department if an unusual circumstance is identified.

Commented [KB34]: New Heading Variations to Development Standards.
Provides and outlines clear guidance for additional information/justification for variations that the outbuilding proposal is seeking against the clause 5.4.3 of the R Codes and LPP 2.1

Commented [KB35]: Replaced with Stakeholder Consultation.

Commented [KB36]: Deleted and replaced with advertising requirements to be consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The section also clearly outlines when advertising of an outbuilding is and isn't required.

3.7 Responsibilities

The Authority is delegated to the Chief Executive Officer and Executive Manager Planning and Development to process applications and issue development approvals subject to full compliance with this Policy and Boundary Setback requirements as prescribed in the Residential Design Codes.

7.0 DEFINITIONS

The following are definitions that relate to the application of this policy:

Floor Area - means the total gross area of all outbuildings on the site.

Natural Ground Level - means the levels on a site which precede the proposed development, excluding any site works unless approved by the decision maker or established as part of subdivision of the land preceding the development.

Outbuilding - means an enclosed non-habitable structure that is detached from any dwelling.

Reflective Roofing Material - means any building material with the potential to create specular glare or visual detractor of the scenic or landscape character of the Shire when in-situ and includes:

- Zincolume® (including any zinc or Zinc-Aluminium coated sheet or polished metal),
- Light and Very Light building materials as outlined under the Building Code of Australia (BCA) on the basis of their solar absorption.

Sea Container - means a metal transportable structure designed for the storage and transport of goods from one location to another by road, rail and sea

GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i>
	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
	<i>State Planning Policy 7.3: Residential Design Codes (Volume 1)</i>
	<i>Shire of Gingin Local Planning Scheme No. 9</i>

POLICY ADMINISTRATION

[Adopted 15 January 2013]

Responsible Business Unit	
LPP Category	
Public Consultation	
Adoption Date	
Next Review Date	

Commented [KB37]: New Heading Definitions

Commented [KB38]: Add Planning and Development (Local Planning Schemes) Regulations 2015 and State Planning Policy 7.3: Residential Design Codes (Volume 1).

Commented [KB39]: Add new Table.

13.2 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - EXTENSION OF NON-CONFORMING USE (HOLIDAY ACCOMMODATION) AT LOT 141 (582) QUIN ROAD, MUCKENBURRA

File	BLD/6161
Applicant	Joy Husteen
Location	Lot 141 (582) Quin Road, Muckenburra
Owner	Huver Pty Ltd
Zoning	General Rural
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	7 September 2011– Item 11.3.4 7 September 2013 – Item 11.3.4
Appendices	<ol style="list-style-type: none"> 1. Location plan and aerial imagery [13.2.1 - 2 pages] 2. Applicant's proposal [13.2.2 - 3 pages] 3. Schedule of Submissions and Recommended Responses [13.2.3 - 1 page] 4. Bushfire Protection Australia - BMP - [13.2.4 - 34 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Retrospective Development Approval for the extension of a non-conforming use (holiday accommodation) at Lot 141 (582) Quin Road, Muckenburra.

BACKGROUND

The Shire is in receipt of an Application for Retrospective Development Approval for the extension of a non-conforming use which was originally approved as Holiday Accommodation in 1984. The land use is defined under Local Planning Scheme No. 9 (LPS 9) but is not listed in the zoning table. The development therefore enjoys non-conforming use rights, with two previous development approvals extending the use via decisions of Council dated 7 September 2011 and 17 September 2013.

The application seeks retrospective approval for two transportable buildings which contain two units each (total of four units) without increasing the number of overall guests given the existing dormitory style accommodation. The existing development comprises of multiple buildings providing accommodation for up to 39 guests. The existing development is regulated via a Lodging House Licence which was issued by the Shire's Environmental Health Department and renewed on an annual basis. This licence relates to short stay guests only.

Although the proposal increases the number of accommodation buildings, the purpose of the additional buildings is to provide guests with more space, therefore reducing the number of beds in each existing building. The applicant has advised that the development predominantly houses farm workers for short periods.

A location plan and aerial imagery can be found at **Appendix 13.2.1.**

The applicant's proposal is attached as **Appendix 13.2.2.**

COMMENT

Stakeholder Consultation

Under clause 3.9 of LPS 9, an extension to a non-conforming use is required to be advertised in accordance with clause 64 of the Deemed Provisions. As such, the application was advertised to adjoining landowners for a period of 14 days, with the Shire receiving one general comment.

The Schedule of Submissions and Recommended Responses is attached as **Appendix 13.2.3.**

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.*

Holiday Accommodation is defined under LPS 9 as follows:

...means two or more dwellings on one lot which, by way of trade or business, are made available for occupation by persons, other than the proprietor, for holiday or other temporary purposes.

Officer comment

The consideration of an application to extend a non-conforming use gives regard to the objectives of the zone, the history of approvals, and changes to the local planning framework since the development commenced. In this instance, the development was approved for holiday accommodation under Town Planning Scheme No. 8 (repealed) as it was listed as an 'SA' (discretionary with advertising) use in the General Rural zone. The development has received two approvals under LPS 9 to extend the non-conforming use, for a recreation room and ablution block respectively.

The local planning framework has changed since 1984, and although the land use Holiday Accommodation is defined and not referenced in the zoning table, the objectives and development standards of the zone suggest it to be an 'X' (not permitted) use. Additionally, the development does not comply with Local Planning Policy 3.1 – Tourist Development in Rural Areas which limits a discretionary number of short stay guests to 10 persons. The development is therefore definitively a non-conforming use.

The non-conforming use provisions under LPS 9 are as follows:

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent –

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;*
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval, or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.*

Extensions and changes to a non-conforming use are to comply with the following provisions under LPS 9:

3.9.1. A person must not –

- a) alter or extend a non-conforming use;*
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or*
- c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained development approval under the Scheme.*

3.9.2. An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.

3.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

Officer comment

As noted, this application seeks to extend the existing holiday accommodation land use without increasing the overall capacity of the accommodation. Therefore, the assessment focuses on the installation of two additional buildings as opposed to an increase in persons.

Local Planning Policy 1.5 – Transportable Dwellings

Local Planning Policy 1.5 – Transportable Dwellings (LPP 1.5) provides guidelines for development of second hand relocated and transportable dwellings throughout the Shire and is applicable in this instance. LPP 1.5 designates second hand transportable dwellings as a ‘P’ permitted use within the General Rural zoning.

The amenity of transportable buildings is given particular consideration to ensure the structures are visually acceptable. In this instance, given the number of existing buildings, the external appearance of the two new structures should be consistent. The recommendation includes a condition to ensure this occurs, should Council’s support be forthcoming.

The impact the development will have on the existing streetscape is negligible as it cannot be seen from Quin Road due to existing vegetation being present along the road frontage.

The amenity of adjoining landowners remains intact, given the large lot areas and vegetation within the subject lot.

State Planning Policy 3.7 - Planning in Bushfire Prone areas

The subject lot is wholly identified as being bushfire prone on the Department of Fire and Emergency Services (DFES) online mapping.

The existing development predates State Planning Policy 3.7- Planning in Bushfire Prone Areas (SPP 3.7) and therefore does not strictly require retrospective compliance. As the development is classified as a 'vulnerable land use' under SPP 3.7, a Bushfire Management Plan (BMP) was requested and lodged for the overall development. Given the land use already exists, the BMP was not referred to the Department of Fire and Emergency Services (DFES).

The BMP is attached as **Appendix 13.2.4**.

The applicant/landowner is required to register title notifications in accordance with section 70a of the *Transfer of Land Act 1893* to notify prospective buyers that the lot is within a bushfire prone area and subject to a BMP. This can be included as a condition of approval should Council support be forthcoming.

Summary

The development represents an extension to a non-conforming use, but only with respect to works as the capacity of the accommodation remains the same. The applicant has prepared a BMP for the entire development which improves bushfire risk mitigation. The officer therefore recommends that the application for retrospective development approval be supported with conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No 9 (LPS 9)
Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Johnson

That Council grant retrospective development approval for an extension to a non-conforming use (holiday accommodation) at Lot 141 (582) Quin Road, Muckenburra 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 two transportable buildings only;
3. Within 180 days from the date of this approval, the applicant/landowner shall re clad the two transportable buildings to the satisfaction of the Shire of Gingin;
4. Within 180 days from the date of this approval the applicant/landowner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers as follows:

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

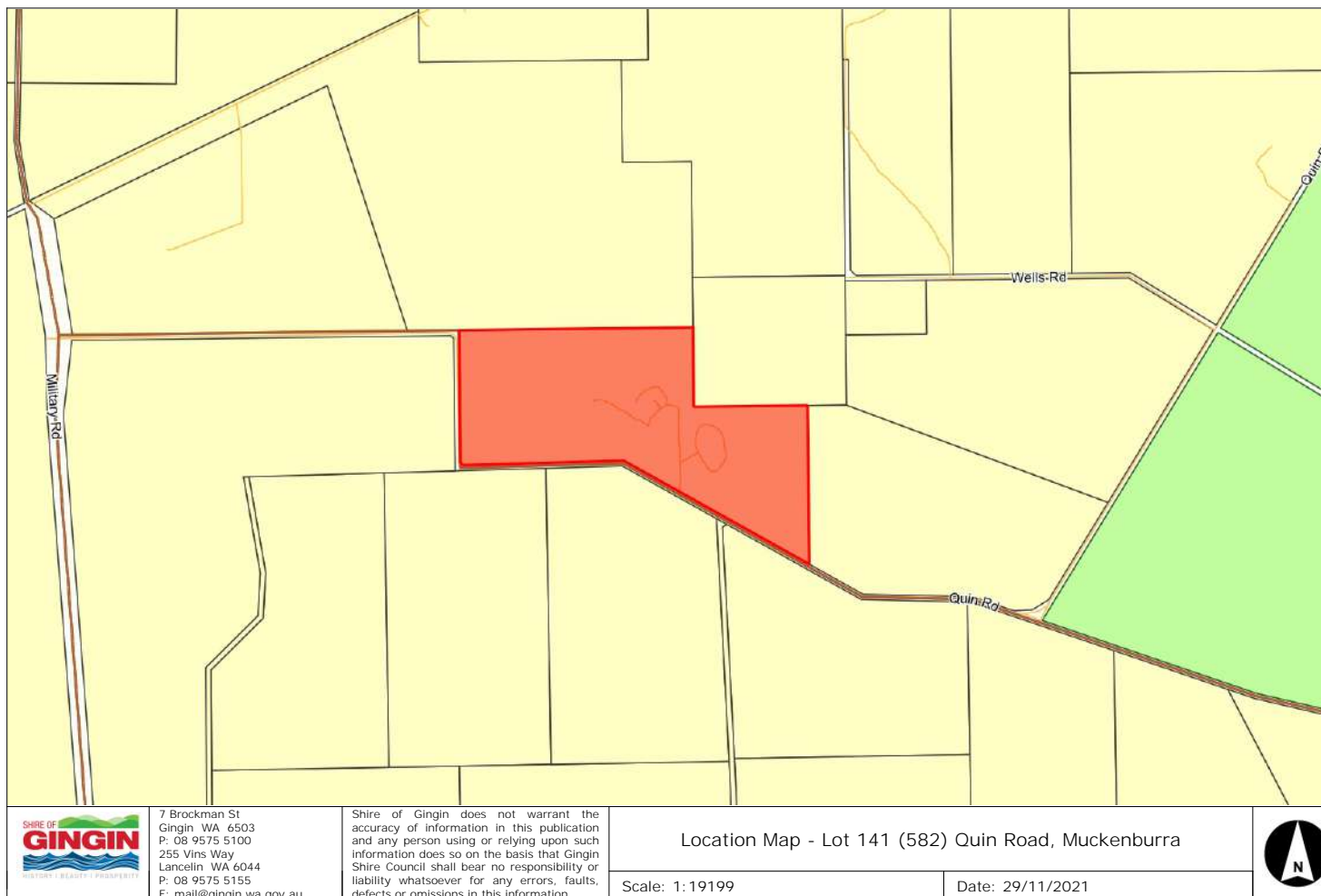
Advice Notes:

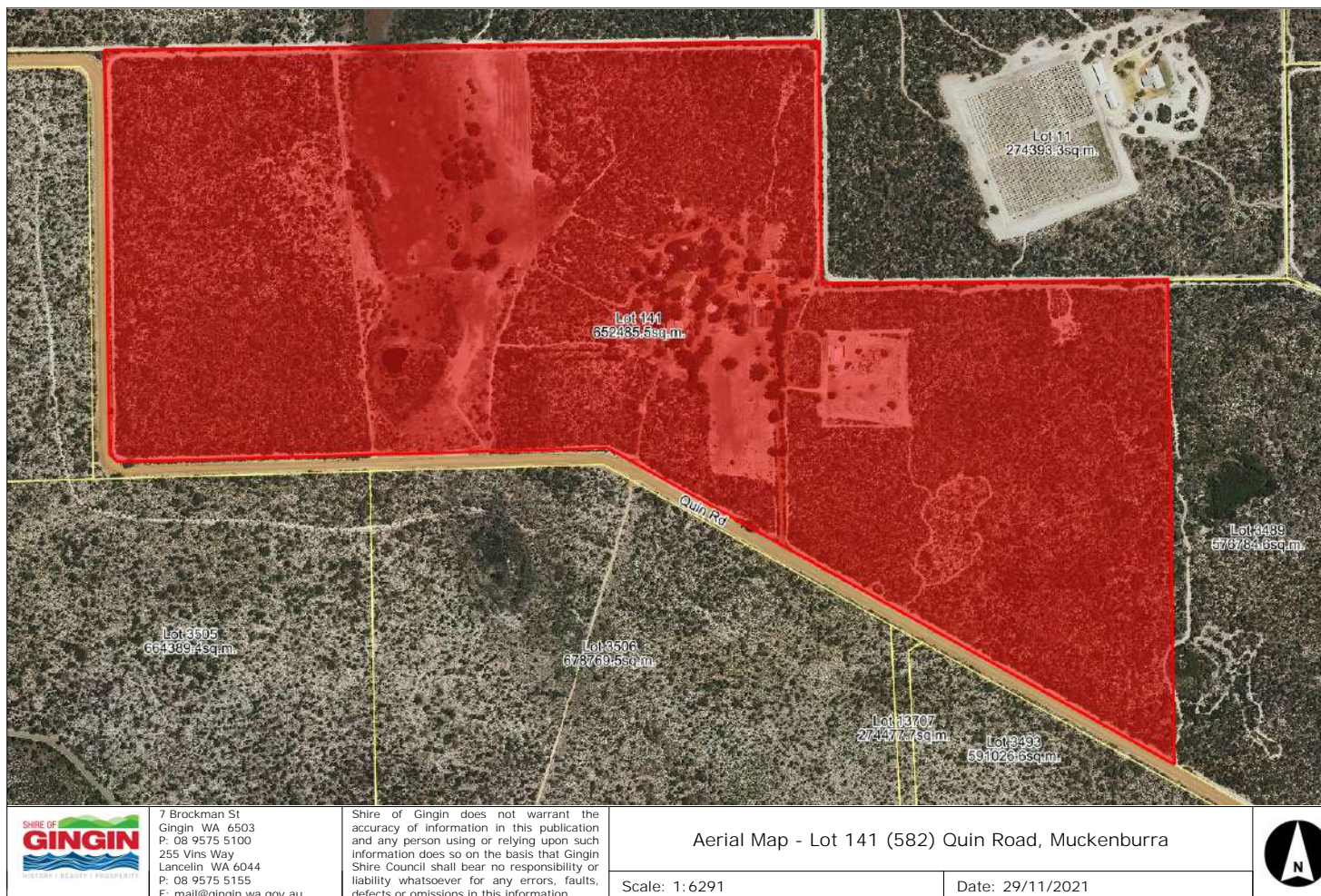
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of 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: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 6: With respect to the condition relating to recladding, it is noted that recladding the transportable buildings to match the existing buildings will be an appropriate outcome. It is recommended that the Shire's Planning Department be consulted prior to making commitments to clear this condition.

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*





Eshcol Backpackers
582 Quin Road
MUCKENBURRA WA 6503

29th November 2021

To Whom it May Concern

Re: Improvement & Development of property

We have made some improvement to the accommodation and facilities on the property and we have been asked to outline any further intentions.

Overall accommodation and facilities are becoming quite dated and in need of urgent repair. The additional dongas enable us to close down cabins one at a time so that they may be worked on while tenants are relocated.

1. Building and improving accommodation rooms have provided residents with:
 - More personal space
 - Private ensuite facilities
 - Ability to accommodate couples
2. Client Satisfaction
 - As our clients stay for periods of up to 3 months, we appreciate their desire for more personal space and privacy. These people work hard and can travel some distance to farms & workplaces in the area and are entitled to some private space.
 - There are a lot of shift workers and trying to accommodate them to minimize disruptions through sleeping shifts is difficult. With more housing options, there are better bunking configurations that can be worked out.
 - Also importantly, clients can come from different parts of the world and are from differing nationalities and work for different companies. We try to accommodate for these factors and more housing options ease these differing preferences and considerations.

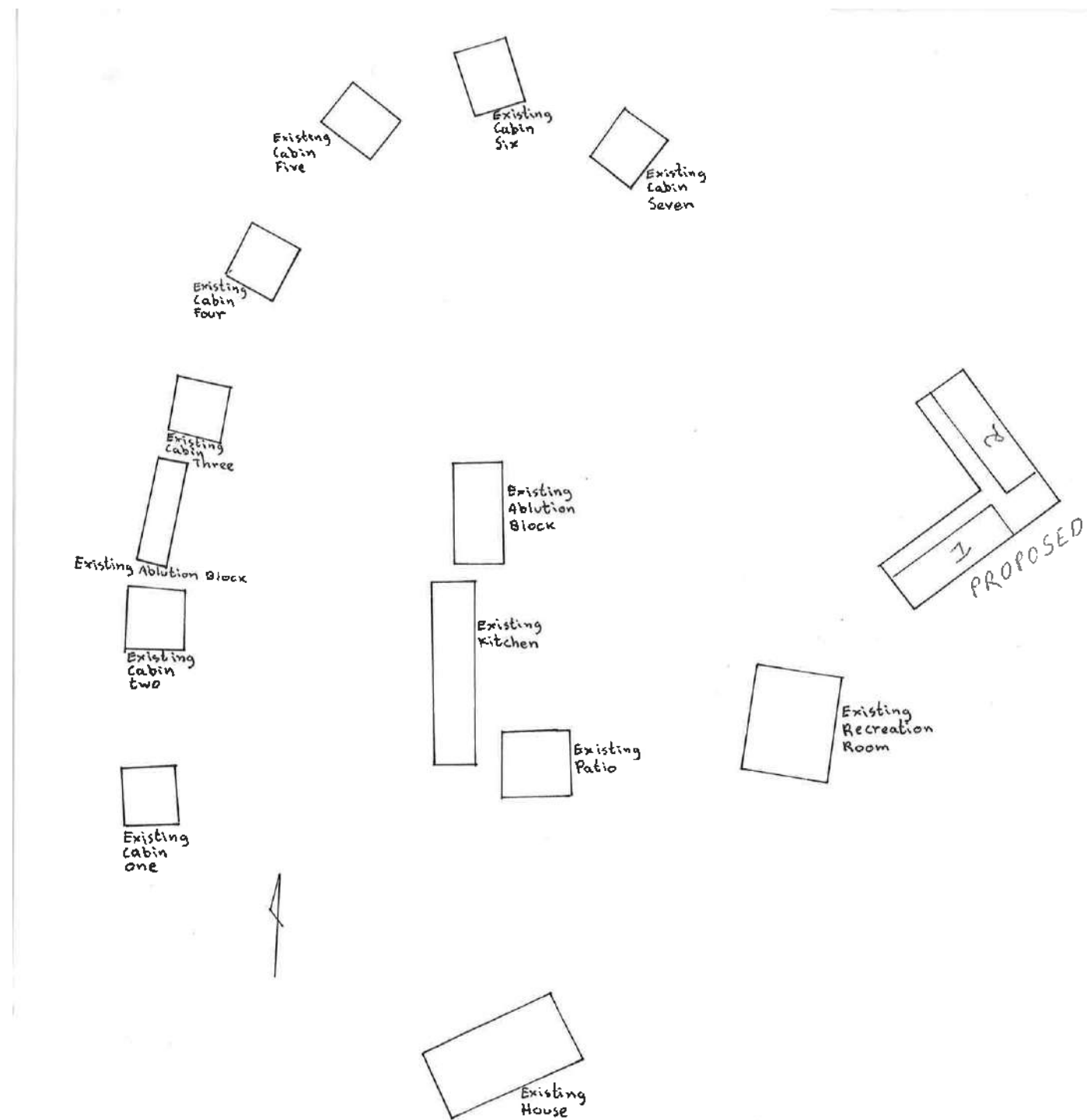
There is no intentions of seeking an increase in the licensed bed numbers within these improvements. We wish to see the finalization of improved accommodation & services for the satisfaction and experience of our tenants, before there can be any capability of increased clients on the property. This includes replacing ablution blocks and general areas in due course.

If there are any further questions regarding the alterations to facilities, please feel free to contact either Joy 0457 406 463 or myself 0403 587 566.

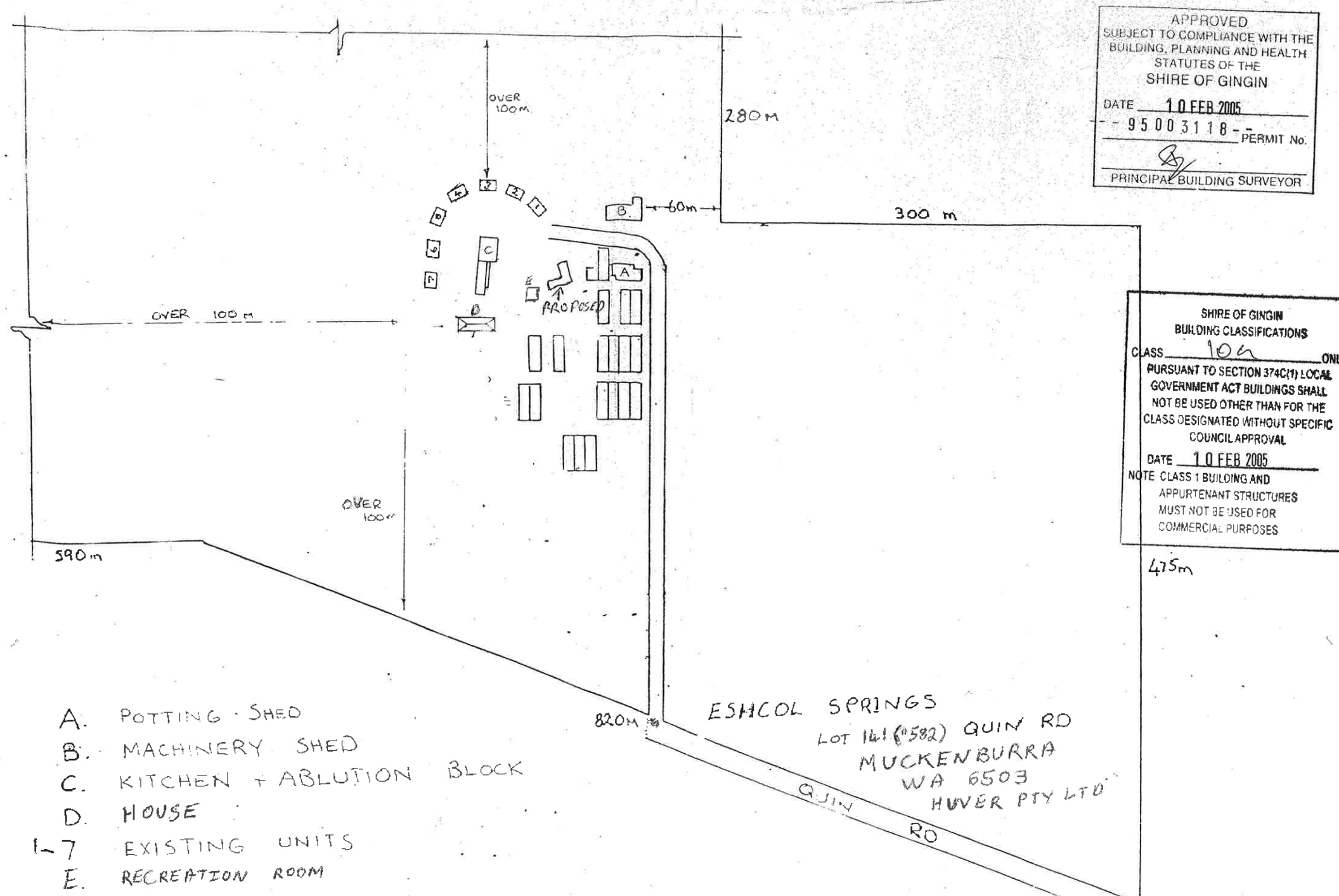
Regards

Lorraine Husten

lorraine@stroverfamily.com



Eshcol Springs
Lot 141 (#582) Quin Rd
Muckenburra WA 6503
Huver Pty Ltd
Scale 1:500



SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

***DEVELOPMENT APPLICATION: PROPOSED EXTENSION OF NON-CONFORMING USE (HOLIDAY ACCOMMODATION)
ON LOT 141 (582) QUINN ROAD, MUCKENBURRA***

No.	Submitter	Submission details	Recommended response
1	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>"As it is retrospective and the bed number is not increasing I do not have an issue with the proposal. I do however have serious concerns if, in the future, there was an application to increase the number of beds. One of those concerns would be how the treatment of waste water and sewerage would be managed with Quin Brook to the East and extensive wetlands to the West coving a large portion of their block."</i></p>	<p>Noted, the application does not increase numbers. Any future application to extend the numbers is unlikely to be supported.</p> <p>Onsite waste-water disposal systems approved by Shire's Environmental Health Department.</p>

Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Site address:

Site visit: Yes ☐ No ☐

Date of site visit (if applicable): Day Month Year

Report author or reviewer:

WA BPAD accreditation level (please circle):

Not accredited ☐ Level 1 BAL assessor ☐ Level 2 practitioner ☐ Level 3 practitioner ☐

If accredited please provide the following.

BPAD accreditation number: Accreditation expiry: Month Year

Bushfire management plan version number:

Bushfire management plan date: Day Month Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Is the proposal any of the following (see SPP 3.7 for definitions)?	<input type="checkbox"/>	<input type="checkbox"/>
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input type="checkbox"/>

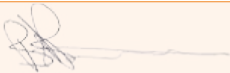
None of the above ☐

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

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

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

Signature of report author
or reviewer



Date



BUSHFIRE MANAGEMENT PLAN

Eschol Springs Backpackers
Muckenburra, WA

BUSHFIRE MANAGEMENT PLAN
Eshcol Springs Backpackers

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BUSHFIRE MANAGEMENT PLAN
Eshcol Springs Backpackers

DISCLAIMER AND LIMITATION

This Bushfire Management Plan (BMP) is prepared for the Eshcol Springs Backpackers facility. It was requested for the proposed installation of a transportable building. It is not for the benefit of any other person and may not be relied upon by any other person.

The Mitigation Strategies contained in this Bushfire Management Plan are considered to be the minimum standards only, based on the standards prescribed by relevant authorities and Bushfire Protection Australia's (BPA) experience. It is expressly stated that BPA and the writer do not guarantee that if these standards are complied with or if a property owner exercises prudence, that property will not be damaged or that lives will not be lost in a bushfire event.

On completion of this report other factors are likely to impose greater or lesser risk to the site. Factors such as the growth, planting or removal of vegetation, poor maintenance of fire prevention measures, the addition of structures not included in this report or other activities can and will change the bushfire threat to all structures detailed in the document. Furthermore, the level of implementation of fire precautions described in this Bushfire Management Plan will depend on the actions of the landowner and/or occupiers of the land, over which BPA has no control.

To the maximum extent permitted by the law, Bushfire Protection Australia, its employees, officers, agents and the writer excludes all liability whatsoever for:

1.1 Claims, damage, loss or injury to any property or any person caused by fire or as a result of fire or indeed howsoever caused

1.2 Errors or omissions in this report except where grossly negligent

1.3 Refusal or non-approval of any planning/building submissions to Local Government, WAPC, DFES, SAT or any other entity with the authority to accept or refuse applications

The proponent expressly acknowledges that they have been made aware of these exclusions and that such exclusions of liability are reasonable in all circumstances

If despite the provisions of the above disclaimer BPA is found liable, then BPA limits its liability to the lesser of the maximum extent

BUSHFIRE MANAGEMENT PLAN
Eshcol Springs Backpackers

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BUSHFIRE MANAGEMENT PLAN
Eshcol Springs Backpackers

DOCUMENT DETAILS

Project Name: Eshcol Springs Backpackers
Project Consultant: Ben den Boer
Project Number: BMP10521-22
Written By: Ben den Boer
Version: 1.0
Date of Issue: 8/11/2021



Ben den Boer



Date: 8/11/2021

In signing the above, I declare the report is true and accurate to the best of my knowledge at the time of issue.

BUSHFIRE MANAGEMENT PLAN
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EXECUTIVE SUMMARY

This Bushfire Management Plan is prepared for the Eshcol Springs Backpackers which is in a Bushfire Prone Area, as assessed by the Department of Fire and Emergency Services (DFES).

Areas of natural Scrub type vegetation are located throughout the property.

The residential area is extremely well managed with reticulated lawns and gardens. Trees and shrubs are well spaced.

There are a number of tree branches overhanging buildings which should be addressed.

The area where the transportable buildings are installed has been assessed as being in a BAL-12.5 area.

STATE PLANNING POLICY 3.7 (SPP 3.7) – Planning in Bushfire Prone Areas

This section addresses specific areas of SPP 3.7 due to the proposed development being a Vulnerable Land Use application.

Section 6.6.1 requires planning applications to be accompanied by a Bushfire Management Plan in areas where BAL-12.5 to BAL-29 apply.

Section 6.6.2 requires further policy measures to be addressed in areas of BAL-40 or BAL-FZ. Section 6.6.2 does apply in this case.

Section 6.7.2 addresses unavoidable developments in areas with an extreme Bushfire Hazard Level (BHL) and /or areas where BAL-40 or BAL-FZ applies. Section 6.7.2 does apply in this case.

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1.0 SCOPE OF PROJECT

The proposal is recognised as a Vulnerable Land Use application as per section 6.6 of State Planning Policy 3.7 Planning in Bushfire Prone Areas 2015.

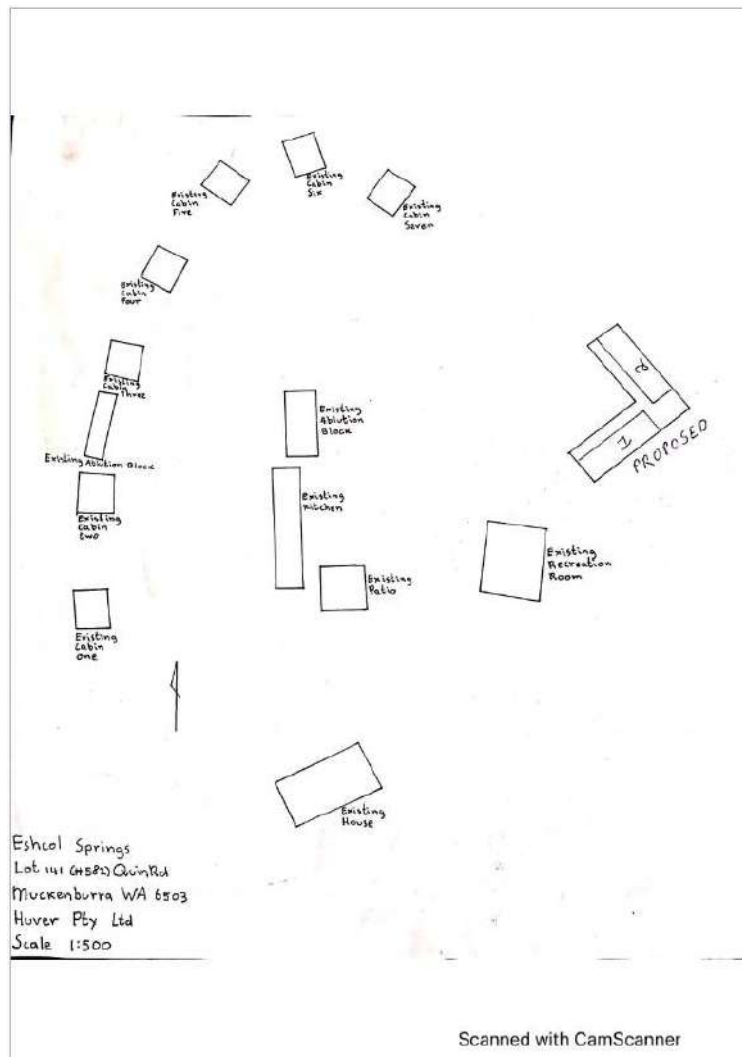
The site is to be used by visitors who are deemed to be less likely to be able to respond to an emergency situation due to their unfamiliarity with the surroundings or the inherent risk of a bushfire.

This Bushfire Management Plan of the site has been completed in accordance with:

-) Guidelines for Planning in Bushfire Prone Areas WAPC v 1.3
-) State Planning Policy 3.7 Planning in Bushfire Prone Areas - December 2015
-) AS 3959-2018 Construction of Buildings in Bushfire Prone Areas

BUSHFIRE MANAGEMENT PLAN
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1.1 Site Plan



BUSHFIRE MANAGEMENT PLAN
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2.0 BUSHFIRE ASSESSMENT INPUTS AND RESULTS

Bushfire Attack Levels (BALs) have been assessed using Method 1, as per AS 3959-2018.

AS3959-2018 provides two assessment methods for calculating Bushfire Attack Levels (BALs):

1. Method 1 – A simplified procedure that involves five specific steps to determine the BAL rating. It is subject to some limitations of the circumstances in which it can be used
2. Method 2 – A detailed procedure using calculations to determine BALs where a more specific result is sought, or site conditions are outside the scope of Method 1

Summary of Method 1 BAL Assessment:

-) Determine the relevant FDI (Forest Fire Index)
-) Determine the classified vegetation types (Table 2.3 and Figure 2.3 AS 3959-2009)
-) Determine the distance of the site from the classified vegetation type(s)
-) Determine the effective slope(s) under the classified vegetation type(s)
-) Determine the BAL

Forest Fire Index of 80 is used for Western Australia.

The potential bushfire impact to the site/proposed development from each of the identified vegetation plots are identified below.

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Photo location	1
Vegetation Classification or Exclusion Clause Description / Justification for Classification	AS 3959 Section 2.2.3.2(f) Managed vegetation
Photo ID	3318

Photo location	2
Vegetation Classification or Exclusion Clause Description / Justification for Classification	AS 3959 Section 2.2.3.2(f) Managed vegetation
Photo ID	3319

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Photo location	3
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(e&f)
Description / Justification for Classification	Managed vegetation / non vegetated areas
	
Photo ID	3321

Photo location	4
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(e&f)
Description / Justification for Classification	Managed vegetation / non vegetated areas
	
Photo ID	3325

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Photo location	5
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(f)
Description / Justification for Classification	Managed gardens
	
Photo ID	3334

Photo location	6
Vegetation Classification or Exclusion Clause	D Scrub
Description / Justification for Classification	Shrubs >2.0m with >30% foliage cover (Mixture of Banksia and Melaleuca)
	
Photo ID	3344

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Photo location	7
Vegetation Classification or Exclusion Clause	D Scrub
Description / Justification for Classification	Shrubs >2.0m with >30% foliage cover (Mixture of Banksia and Melaleuca)
	
Photo ID	3345

Photo location	8
Vegetation Classification or Exclusion Clause	D Scrub
Description / Justification for Classification	Shrubs >2.0m with >30% foliage cover (Mixture of Banksia and Melaleuca)
	
Photo ID	3354

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Photo location	9
Vegetation Classification or Exclusion Clause	D Scrub
Description / Justification for Classification	Shrubs >2.0m with >30% foliage cover (Mixture of Banksia and Melaleuca)
	
Photo ID	3359

Photo location	10
Vegetation Classification or Exclusion Clause	D Scrub
Description / Justification for Classification	Shrubs >2.0m with >30% foliage cover (Mixture of Banksia and Melaleuca)
	
Photo ID	3384

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Photo location	11
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(f)
Description / Justification for Classification	Managed vegetation
	
Photo ID	3347

Photo location	12
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(f)
Description / Justification for Classification	Managed vegetation
	
Photo ID	3348

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Photo location	13
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(f)
Description / Justification for Classification	Managed Garden/ lawn
	
Photo ID	3360

Photo location	14
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(f)
Description / Justification for Classification	Managed Garden/ lawn
	
Photo ID	3379

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Photo location	15
Vegetation Classification or Exclusion Clause	AS 3959 Section 2.2.3.2(f)
Description / Justification for Classification	Managed Garden/ lawn
	
Photo ID	3357

Photo location	16
Vegetation Classification or Exclusion Clause	G Grassland
Description / Justification for Classification	Grass type vegetation
	
Photo ID	3316

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Photo location	17
Vegetation Classification or Exclusion Clause Description / Justification for Classification	Secondary egress/access n/a
Photo ID	3379
	
Photo location	18
Vegetation Classification or Exclusion Clause Description / Justification for Classification	Main driveway
Photo ID	3392
	

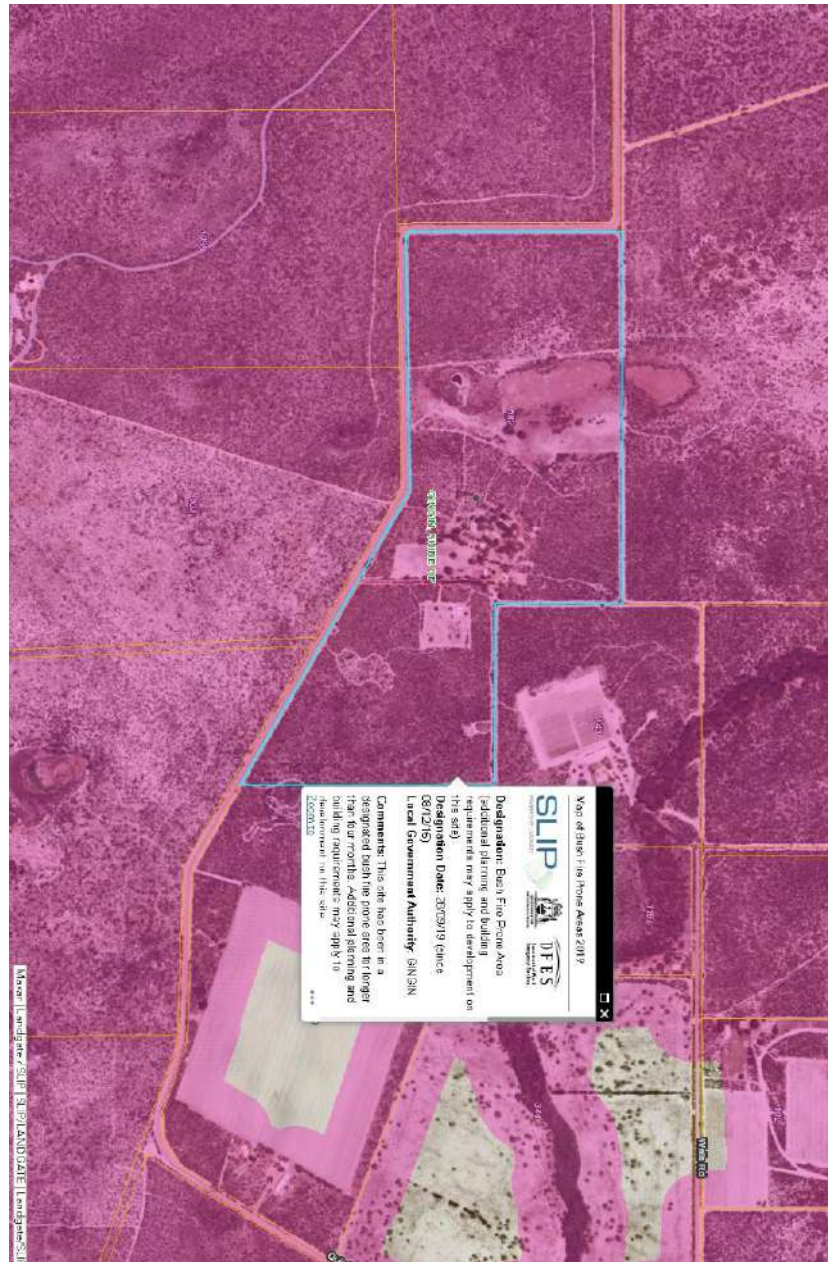
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2.1 BAL Contour Map



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2.2 DFES Bushfire Prone Map



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2.3 Photo Location Map



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2.4 Vegetation Classification Map



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Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 of AS3959 or otherwise determined with a jurisdictional variation applicable to the site.

A Fire Danger Index Rating of 80 is applied throughout Western Australia.

FDI 40 Table 2.7	FDI 50 Table 2.6	FDI 80 Table 2.5	FDI 100 Table 2.4
		X	

Potential Bushfire Impacts

The current vegetation, within 100m of the proposed building and the potential bushfire impact from the closest 2 of the identified vegetation plots, are identified below.

Existing buildings are located in BAL-29 to BAL-12.5 areas.

Current BAL Assessment for subject building location

Plot	Vegetation Classification	Effective Slope	Separation	BAL
1	D Scrub	1.3°	54.8	12.5
2	D Scrub	0.0°	109.6	LOW
3	D Scrub	0.0°	61.0	12.5
4	G Grassland	0.0°	26.0	12.5
5	D Scrub	0.0°	87.0	12.5

The Determined Bushfire Attack Level (Highest BAL) for the site/proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2009 using the above analysis.

Determined BAL	BAL-12.5
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BUSHFIRE MANAGEMENT PLAN
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3.0 ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA

In planning for subdivision, development or land use the WAPC and DFES have adopted a performance-based system of control for each Bushfire Hazard Management issue (see *Guidelines for Planning in Bushfire Prone areas*, WAPC v 1.3 2017)

The criteria are designed to assist in the assessment of proposed Bushfire Risk Management measures required for the proposal.

These elements are summarised as:

-) Location
-) Siting and design of development
-) Vehicular access
-) Water

3.1 Compliance

The compliance of the planned development against each element of the *Guidelines for Planning in Bushfire Prone Areas WAPC v 1.3* is summarised in the Bushfire Criteria Chart 3.1.

The below chart shows compliance on completion of the recommended measures, as shown in Section 4.0, Required Vegetation Management.

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Bushfire Criteria Chart 3.1

Element	Acceptable Solution	Compliance	Notes
1. Location	A1.1 Development location	Yes	The proposed building will be in an area subject to BAL-12.5, all existing residential buildings are rated at BAL-29 or below
2. Siting and Design of Development	A2.1 Asset Protection Zone	Yes	The proposed building is surrounded by an APZ which meets the requirements of 'Standards for Asset Protection Zones' for a BAL-12.5 rated area.
3. Vehicular Access	A3.1 Two access routes	Yes	The development is accessible from Quin Drive in a western and eastern direction. There are two main entries and exits from the property.
	A3.2 Public road	N/A	No public roads are proposed as part of this development
	A3.3 Cul-de-sac	N/A	No cul-de-sacs are proposed as part of this development
	A3.4 Battle-axe	N/A	No battle-axes are proposed as part of this development
	A3.5 Private driveways longer than 50m	Yes	A private driveway longer than 50.0m which meets the criteria is existing within the development.
	A3.6 Emergency access way	N/A	No emergency access ways are proposed as part of this development
	A3.7 Fire service access routes	N/A	No fire service access routes are proposed as part of this development
	A3.8 Firebreak widths	Yes	The development has existing firebreaks as per the LG's requirements
4. Water	A4.1 Reticulated areas	N/A	The site is not connected to the mains water supply
	A4.2 Non-reticulated areas	Yes	The site has 2 tanks on site holding approximately 60,000litres
	A4.3 Individual lots within non-reticulated areas	N/A	

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4.0 REQUIRED VEGETATION MANAGEMENT

The scrub areas along the boundaries of the residential area is bushfire prone and as such this area poses a risk to both visitors, staff and existing buildings.

The properties buildings are located in BAL-12.5 to BAL-29 areas.

It is recommended that an annual vegetation management plan is created to reduce the bushfire risk to the existing buildings. This plan should lay out specific actions to take prior to each bushfire season. The Vegetation Management Map indicates which areas should be addressed.

Tree branches overhanging residential buildings should be cut back so as not to overhang or touch buildings.

Considering the subject building is located in a BAL-12.5 areas, there are no specific actions required to reduce the BAL rating although the existing trees should meet the requirements of an Asset Protection Zone.

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**4.1 RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT OF THE
BUSHFIRE MEASURES**

Eschol Springs backpackers – ONGOING MANAGEMENT	
No.	Implementation Action
1	All grassed and shrubbery areas on the site should be kept in a minimum fuel condition – See Vegetation Management Map Green area. Details found in the Asset Protection Zone information.
2	Future landscaping is to meet the Asset Protection Zone guidelines (See Asset Protection Zone information). Existing vegetation should be managed in a low threat state
3	Comply with all sections of this Bushfire Management Plan
4	Trees throughout the site should be trimmed so that branches do not overhang buildings – See Vegetation Management Map Red Circled Areas

Shire of Gingin – ONGOING MANAGEMENT	
No.	Management Action
1	Ensure the proposed buildings are located as per the supplied plans
2	Ensure fire breaks on the subject property and neighbouring lots are installed prior to the bushfire season

BUSHFIRE MANAGEMENT PLAN
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4.1.1 Vegetation Management Map



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4.2 Asset Protection Zones (APZ)

The Bushfire Guidelines V1.3 Asset Protection Zones (APZ) Schedule 1: Standards for Asset Protection Zones describes how to manage Asset Protection Zones.

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

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

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

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

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

Planning for Bushfire Prone Areas WAPC v 1.3 – Appendices

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Figures 17: Design of Asset Protection Zone

The proportion of the APZ reflect the distance from the hazard to ensure adequate separation is achieved.

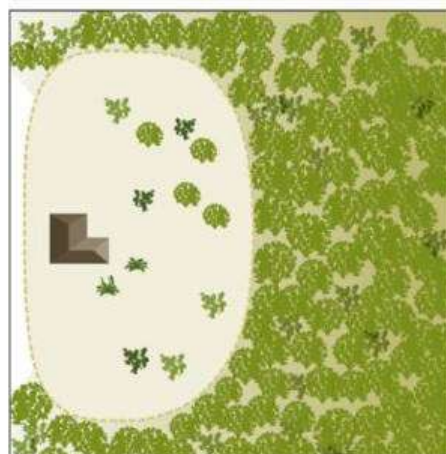
Hazard on one side

APZ



Hazard on three sides

APZ

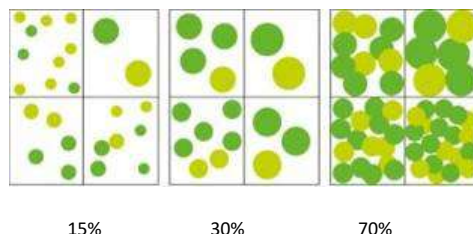


Refer to Schedule 1: Standards for Asset Protection Zones

-)] **Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
-)] **Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors
-)] **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
-)] **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from elevation of the building, branches of maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies of maturity well spread to at least 5 metres apart as to not form a continuous canopy.

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Figures 18: Tree canopy cover – ranging from 15 to 70 per cent at maturity



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

Planning in Bushfire Prone Areas WAPC v 1.3 - Appendices

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5.0 FINAL SUMMARY

In summary, the property is in a Bushfire Prone Area with scrub type vegetation posing a threat to the safety of users/occupants and buildings on the property.

The location for the subject building is assessed as having a BAL-12.5 rating, due to the distance of the building to classified vegetation.

Yearly preparation works prior to the start of the bushfire season, as per the Required Vegetation Management section can help to reduce the bushfire risk to the site

Evacuation to a safe location is the suggested course of action during a Bushfire event,

Evacuation procedures should be assessed to ensure Emergency Muster Points are located in the lowest risk areas. Ideally the Emergency Muster Point would be located the furthest away from an approaching bushfire.



Bushfire Attack Level (BAL) Certificate

Determined in accordance with AS 3959-2018

This Certificate has been issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme. The certificate details the conclusions of the full Bushfire Attack Level Assessment Report (full report) prepared by the Accredited Practitioner.

Property Details and Description of Works

Address Details	Unit no	Street no	Lot no	Street name / Plan Reference		
		582	414	Quin Road		
Local government area	Suburb			State		Postcode
	Mucklenburra			WA		6503
Main BCA class of the building	Gingin					
	Class 1a	Use(s) of the building		Accommodation		
Description of the building or works	Application fo Building install					

Determination of Highest Bushfire Attack Level

AS 3959 Assessment Procedure	Vegetation Classification	Effective Slope	Separation Distance	BAL
Method 1	Class D Scrub	1.3°	54.8	BAL – 12.5

BPAD Accredited Practitioner Details

Name Ben den Boer	
Company Details Bushfire Protection Australia	
I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level stated above in accordance with the requirements of AS 3959-2018.	

Authorised Practitioner Stamp

Reliance on the assessment and determination of the Bushfire Attack Level contained in this certificate should not extend beyond a period of 12 months from the date of issue of the certificate. If this certificate 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 certificate issued.

13.3 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - RURAL PURSUIT, RECREATION PRIVATE AND VARIOUS STRUCTURES ON LOT 64 MUCKENBURRA ROAD, MUCKENBURRA

File	BLD/7183
Applicant	Harley Dykstra Planning and Survey Solutions
Location	Lot 64 Muckenburra Road, Muckenburra
Owner	Gurindji Pty Ltd
Zoning	Rural Living
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 64 Muckenburra Road, Muckenburra [13.3.1 - 1 page] 2. Aerial Map - Lot 64 Muckenburra Road, Muckenburra [13.3.2 - 1 page] 3. Applicant's Proposal [13.3.3 - 146 pages] 4. Schedule of Submissions and Recommended Responses (1) [13.3.4 - 17 pages] 5. Schedule of Submissions and Applicant's Responses [13.3.5 - 15 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Retrospective Development Approval for a Single House, Recreation Private (roping events), Community Purpose (horse riding school) and Rural Pursuit (keeping of livestock) on Lot 64 Muckenburra Road, Muckenburra.

BACKGROUND

The subject property is 49.99 hectares (ha) in area, with frontage to and deriving access from Muckenburra Road. The land contains pockets of scattered vegetation, with the remainder being otherwise vacant paddocks. The property also contains a multiple use wetland, with a portion of the site directly east of the buildings being designated as a resource enhancement wetland.

This application is made in response to a compliance investigation by Planning staff which was instigated by various complaints from members of the community. The applicant has summarised the events leading up to the making of this submission under the background section of their planning report and the officer concurs with this summary.

This application contains multiple structures and land uses. The below report outlines the separate use classes and references which structures relate to that component of the development.

Recreation – Private

The proposed ‘Recreation-Private’ use consists of horse ‘roping events’ associated with a roping club. A maximum of 45 persons are proposed to attend the site once per month between 8:00am – 5:00pm, to either participate in the roping events or spectate.

The applicant states that this use will also include the provision of overnight camping by up to 10 people, in their own trailers. Given camping overnight would only occur when a roping event is held and numbers staying overnight would be minimal, the applicant asserts that camping is ‘incidental’ to the ‘Recreation-Private’ use and does not require separate planning approval. The officer disputes this assertion and will provide further comments within the assessment.

The built structures associated with the ‘roping events’ include the following:

Building 2 (Memorabilia Hall)	An area for roping event gatherings and shelter from weather if required.
Building 4 (Storeroom)	Storage of roping events equipment

Community Purpose

The proposed ‘Community Purpose’ consists of a horse ‘riding school’ for the purpose of teaching disabled/disadvantaged children how to ride. The applicant asserts that the riding school will provide a beneficial service to the local community. Riding lessons will occur once a month with a maximum of 20 children being in attendance and transported to the site by a bus.

Structures associated with the ‘Community Purpose’ use include the following:

Building 1 (Office)	Office for administration of riding school.
Building 2 (Memorabilia Hall)	An area for roping event gatherings and shelter from weather if required.
Building 3 (Dining)	Used for serving food and drink to children.
Building 4 (Storeroom)	Storage of roping events equipment
Building 5 (Laundry)	Used for cleaning of riding school equipment.
Building 9 (Stables)	Stabling of horses associated with riding school

Rural Pursuit

The proposed 'Rural Pursuit' is proposed to be the primary use of the land and will consist of the keeping, maintenance and stabling of the landowner's 11 horses along with the keeping of 30 sheep and 10 cattle. In addition to the paddock areas shown on the development site plan, structures associated with the Rural Pursuit include the following:

Building 4 (Storeroom)	Storage of roping events equipment
Building 7 and 8 (Storage Sheds)	Two storage sheds
Building 9 (Stables)	Stabling of horses associated with riding school
Building 10 (Sea Container)	Storage

The two storage sheds and sea container will be used for the storage of machinery/equipment associated with the agricultural/rural use of the site. The storeroom will be used for the storage of horse-riding gear including saddles and horse maintenance equipment while the stables will be used to house/stable the 11 horses.

While the Memorabilia Hall won't necessarily be directly associated with the 'Rural Pursuit', it is used to store various pieces of memorabilia associated with the landowner's rural activities.

A water supply for the watering of horses, sheep and cattle is provided via an on-site bore and water tank found in the south-east corner of the Lot. Timber post and wire mesh fences have been constructed on the subject land for the management of the livestock.

Single House

The proposed 'Single House' will be used in conjunction with the 'Rural Pursuit'. The two persons living on-site are caretakers of the property and work on four other rural properties in the nearby area. The applicant asserts that the proposed 'Single House' comprises of 'Building 6' while 'Buildings 3 and 5' are 'outbuildings' or 'buildings' associated with the 'Single House'. Given Building 6 is the primary living quarters and designed for human habitation, it is therefore designated as the 'Single House'.

The 'Single House' is currently provided with a water supply, being a 25,000L water tank. This water supply seemingly seeks to service the overall development.

A location plan and aerial photograph are provided as **Appendix 13.3.1** and **Appendix 13.3.2** respectively.

The applicant has provided a report in support of the application. The applicant's proposal is provided as **Appendix 13.3.3**.

COMMENT

Stakeholder Consultation

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. This included advertising to surrounding landowners and those that abut Muckenburra Road to the east, with a development sign being placed on the verge of the property and a notification on the Shire's website.

The Shire received ten submissions as part of the consultation process, six of which are interpreted as opposition to the development and four providing no objection.

The following table provides an overview of concerns raised during the consultation process and the officer's comments in response.

Issue Raised	Officer's comments
Amenity Impacts <ul style="list-style-type: none"> - Zoning (RL) - Visual Appearance - Noise 	<p>Noted.</p> <ol style="list-style-type: none"> 1. The officer is mindful that the land is zoned 'Rural Living' (RL) and that submitters suggest, perhaps correctly, that the nature and intensity of the development is better suited to General Rural land. The officer generally concurs, but acknowledges that each land use is capable of approval under LPS 9. 2. The officer is of the view that the visual appearance of 11 transportable buildings of varying condition, notwithstanding the setbacks, would not be anticipated within the RL zone. The officer is of the view that the visual amenity created, given the number of structures onsite, has a cumulative impact that is detrimental to the visual amenity of the streetscape, adjoining properties (immediately south and east) and character of the locality. 3. It is generally accepted that land uses that will cause noise impacts on adjoining properties that exceed the maximum noise permitted by the <i>Environmental Protection (Noise) Regulations 1997</i> are not acceptable in the context of development control. This is a difficult application to consider given the use would not ordinarily require an acoustic report. However the officer is also mindful that relevant questions have been raised such as entertainment, use of PA systems and 'partying' by attendees and campers. Furthermore, a diesel generator in a RL zoning powering a dwelling is not viewed as being acceptable. The officer is not satisfied that noise has been adequately addressed.

Camping - Traffic Volumes	<p>Noted.</p> <p>4. The officer is of the view that camping is a prohibited use in the RL zone. The suggestion that the use is 'incidental' to the roping events and is therefore allowable is not viewed as orderly and proper.</p>
Accessibility/Servicing - Disability access - No. of toilets	<p>Noted</p> <p>5. It is noted that this application seeks retrospective development approval for the buildings, which in their current configuration do not comply with accessibility requirements. This application does not encompass any proposed works to the buildings and has been assessed on that basis.</p> <p>6. The officer notes that ablution facilities servicing the development are confined to Building 3. This does seem insufficient to cater for the number of persons related to the overall development. The officer concurs with DPIRD and the submitters that more information is required to determine how effluent will be disposed having regard to the number of people, soil types and water table depth.</p>
Road - Dust - Safety - Standard	<p>Noted.</p> <p>7. The applicant has advised that the truck movements up to this point relate to importation of material and structures associated with the development etc. This does provide a rational explanation as to why the community noticed increased activity and it is not anticipated to continue.</p> <p>8. The planning regime cannot control poor behavior displayed by motorists.</p> <p>9. The officer does not anticipate that vehicle movements will be so significant that the current road configuration is inappropriate or unsafe. This notwithstanding, it could be reasonable that dust suppression measures be undertaken by the operator prior to/during events. This has not been examined in detail given the recommendation.</p>

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 Planning, Lands and Heritage (DPLH);
- DPLH – Aboriginal Heritage Council;
- Department of Water and Environmental Regulation (DWER);
- Department of Primary Industries and Regional Development (DPIRD).

A copy of the Schedule of Submissions and Recommended Responses, including correspondence from State agencies, is provided as **Appendix 13.3.4**.

The applicant has provided a response to the Schedule of Submissions, which is provided as **Appendix 13.3.5**.

PLANNING FRAMEWORK

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

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

- Protect the rural environment and landscape;*
- Accommodate single dwellings at very low densities on individual allotments beyond the urban areas;*
- Restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;*
- Prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;*
- Avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and*
- Provide for a suitable level of physical and community infrastructure.*

The keeping of animals (horses, sheep and cattle in this instance) falls under the land use ‘Rural Pursuit’ which is defined as follows:

“Means any premises used for –

- a) The rearing or agistment of animals;*
- b) The stabling, agistment or training of horses;*
- c) The growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or*
- d) The sale of produce grown solely on the lot but does not include agriculture – extensive or agriculture intensive.*

‘Rural Pursuit’ is an ‘A’ use in the Rural Living zone. This means 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. As noted above, the relevant advertising process was undertaken.

The ‘roping events’ falls under the land use ‘Recreation – Private’ which is defined as follows:

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

‘Recreation – Private’ is an ‘A’ use in the Rural Living zone. This means 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. As noted above, the relevant advertising process was undertaken.

The riding school falls under the use ‘Community Purpose’ which is defined as follows:

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

The officer notes that this component of the application could arguably fall under the use class ‘Recreation – Private’. It is not clear that the proponent constitutes an organisation or that the riding lessons provide a community benefit.

This notwithstanding, a ‘Community Purpose’ is an ‘A’ use in the Rural Living zone. This means 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. As noted above, the relevant advertising process was undertaken.

LPS 9 does not define a ‘Single House’, however, is defined by State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes) as follows:

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

‘Single House’ is a ‘P’ use in the Rural Living zone. This means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

As the assessment unfolds, and with reference to comments obtained from the DLPH, the following terms are also relevant to define.

A ‘Dwelling’ is defined as follows:

A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

A ‘Building’ is defined as follows:

Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to the dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.

A ‘Grouped Dwelling’ is defined as follows:

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise and includes a dwelling on a survey strata with common property.

An ‘Outbuilding’ is defined as follows:

An enclosed non-habitable structure that is detached from any dwelling.

A ‘Caravan Park’ is defined as follows:

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

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

‘Caravan Park’ is an ‘X’ use in the Rural Living zone. This means the use is not permitted by the Scheme.

A 'Caravan' is defined as follows:

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

In reference the above, the various land uses can be contemplated within the RL zone, except for overnight camping which is classified as a 'Caravan Park'.

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 overall development is set back from all lot boundaries beyond 20 metres. The rural pursuit could arguably be said to encroach into the setback area via grazing animals, however this has a negligible impact in the circumstances.

Part 4 of LPS 9 outlines the general development requirements for Rural Living zoned land.

General Development Requirements	Officer Comments
4.8.5.2 No more than one dwelling will be permitted on a lot zoned Rural Living.	The below assessment outlines the classification of the dwellings on the property. The officer is of the view that the development is inconsistent with this provision.
4.8.5.3 Where land zoned Rural Living adjoins rural uses with buffer requirements, dwellings shall be set back a minimum of 100m from the relevant boundary(s) nearby to the adjoining rural uses, or such other setback distance as may be specified on an adopted Structure Plan.	The property does adjoin General Rural land to the west, however the relevant property does not contain a use requiring a buffer requirement.
4.8.5.4 No dwelling shall be erected unless the lot is connected to a reticulated water supply or the local government is satisfied that there is an adequate potable water supply consisting of a roof water tank of not less than 90,000 litres, a bore, well, spring, soak or dam.	<p>The applicant advised that the development is serviced by a 25,000L water tank, however later revised this figure to 120,000L.</p> <p>During a site inspection, the water tank present resembled that of a 25,000L tank. Unless a new water tank has been installed, without obtaining a building permit, the current capacity is inconsistent with this provision.</p> <p>The catchment to fill the tank is unknown. The officer notes that an onsite bore services the</p>

	<p>rural pursuit. It is not clear if this water is potable and used to fill the tank.</p> <p>Furthermore, the potable water supply for the overall development has not been outlined.</p>
4.8.5.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government.	Fencing on the property comprises of rural type fencing.
4.8.5.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.	No natural vegetation appears to have been removed to date given the structures are already on the property and no clearing is proposed.
4.8.5.7 The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.	<p>The overall development comprises of 11 transportable buildings of varying condition. The officer is of the view that the visual amenity created (notwithstanding the setbacks provided), given the number of structures onsite and that most are visible from the street, provides a cumulative impact that is detrimental to the visual amenity of the streetscape, adjoining properties (immediately south and east) and character of the locality.</p> <p>Notwithstanding the above, it is not necessarily unreasonable for the property to contain a transportable building, however the number onsite is viewed as being excessive and represents a built form akin to industrial or mining related uses.</p>
4.8.5.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.	The number of livestock comprises of 11 horses, 30 sheep and 10 cattle. The overall stocking rate is satisfactory and is addressed in greater detail in a separate section below.

Stocking Rate

The DPIRD advises the following:

“Livestock stocking rates are standardised using Dry Sheep Equivalents (DSE), where a 50 kg wether is the accepted standard. In the context of rural small holdings, stocking rates refer to the numbers of livestock that can be consistently kept on a piece of pasture all year round with minor additional feed and without causing environmental degradation such as wind or water erosion, tree decline, or increasing nutrients in waterways or groundwater.¹ The proposed stocking rates are detailed in Table 1.

<i>Animal</i>	<i>Animal DSE</i>	<i>Total No. Animals</i>	<i>Total DSE</i>
<i>Horses (light)</i>	<i>10</i>	<i>11</i>	<i>110</i>
<i>Sheep</i>	<i>1</i>	<i>30</i>	<i>30</i>
<i>Cattle</i>	<i>8</i>	<i>10</i>	<i>80</i>
<i>Total</i>			<i>220</i>

The total area of the property is 49.99 ha. Subtracting area estimates of the buildings and infrastructure (4 ha) and the vegetated wetland area (6 ha), this leaves a total area available for grazing of 39.99 ha. DPIRD advised that the soil landscape consist of Yanga Gingin Brook Complex Phase (estimated 70% of the property) and Bassendean Gavin Phase (estimated 30% of the property). Both have a maximum sustainable stocking rate of 6 DSE/ha.

Multiplying the available area by the maximum sustainable stocking rate for the soil results in a maximum sustainable stocking rate for the property of 239.9 DSE. As the proposed stocking rate is less than this, DPIRD does not object to the proposal. DPIRD make the above comments based on a series of assumptions that be viewed as part of their submission.”

It is unknown whether additional animals will be transported to the property for roping events or whether 10 cattle are sufficient for a day's competition. This may affect compliance with the stocking rate on a temporary basis.

Parking and Access

‘Table 3 – Parking Requirements’ of LPS 9 outlines the parking ratio for a range of land uses, however no parking standard is prescribed for Recreation – Private. Clause 4.7.2.5 of LPS 9 states:

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

The proposal does not delineate any area of land for the parking of vehicles associated with either the Community Purpose or Recreation - Private. This notwithstanding, the lot area is of a sufficient size that is capable of accommodating parking, although the officer is of the view that a parking area should be notated and formalised.

Furthermore, no information has been provided with respect to the Recreation - Private, and whether participants attend with their own horses, which would seemingly include towing of horse floats to the property. Parking for this component has not been outlined. It is suggested, should Council be of the view to support the development, that a car parking and manoeuvring plan be provided.

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 with the officer comments outlined below:

(c) Any approved state planning policy;

(f) Any policy of the state;

Comment

In this instance, the officer considers the R-Codes as being applicable to guide the assessment of the 'Single House' component of the development. The DPLH Design WA section was requested to provide comment on the interpretation and implementation of a 'single house', 'dwelling' and 'building'.

The applicant states that Building 6 is a single house and that Buildings 3 and 5 are 'outbuildings' or 'buildings associated with a single house'.

The DPLH Design WA team outlines that the various definitions referenced earlier use singular nouns when defining a 'Single House', 'Dwelling' and a 'Building'. The development proposes greater than one 'Building' for the purpose of human habitation, therefore it constitutes more than one 'Dwelling' and therefore, according to the definition, would not constitute a 'single house'.

Given the potential contention with this approach, the officer has reviewed case studies that explore similar scenarios. It should be noted that planning authorities should approach the question of what is a 'single house' in a flexible, sensible, and pragmatic manner.

While it is not the role of Planning staff to probe too far into the internal living arrangements proposed by an applicant, in this instance there is a legitimate planning question on the classification of the habitable buildings. It is also noted that the applicant has advised that the dwelling is intended to accommodate caretakers. A 'Caretakers Dwelling' is an 'X' use in the RL zone, meaning that it is prohibited.

The officer has attempted to approach the use of the collective buildings with an open mind, however after evaluation has formed the view that Buildings 3, 5 and 6, when considered collectively, form a grouped dwelling.

The three buildings are separated by a significant distance. In between the three buildings is Building 4, which is described as an outbuilding, but during a site inspection contained bunk beds. Building 4 comprises of two rooms, both serviced by air conditioners. While this may not affect the classification, it is unusual for an outbuilding.

Building 3 does not contain any facilities such as a kitchen, laundry or toilet, yet is classified as a single house. Building 5 contains a kitchen, bathrooms, dining area and toilet facilities, however no bedroom.

Buildings 5 and 6 are both capable of occupation without reliance on the other buildings to function as a single house. The officer is of the view that the proposed development comprises more than one dwelling and is therefore not viewed as being a single house.

Buildings 3 and 5 are not classified as 'outbuildings' as asserted by the applicant, as they are intended and designed for human habitation. The officer is uncertain as to what a 'building associated with the single house' entails. It could be said that given the single house does not contain a toilet/kitchen etc that these buildings are used for that purpose.

All buildings must take on a defined use class. In this instance they are all viewed as being a dwelling, which results in the most appropriate classification being a 'Grouped Dwelling' which is not permitted in the RL zone.

(m) the compatibility of the development with its setting including 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;

Comment

The overall development consists of 11 transportable buildings of various scales (all of which are second hand), sea containers or sheds. The visual appearance and subsequent amenity created could be described as being aligned with that of accommodation typical of an industrial/mining use, rather than what would ordinarily be anticipated on Rural Living zoned land.

It is noted that transportable buildings are capable of approval under LPS 9 and 'Local Planning Policy 1.5 – Transportable Dwellings'. It is also noted that other properties in the locality contain transportable buildings, so the visual amenity is not entirely out of character. However, the distinguishing feature in this instance is the number of transportable buildings on the property (11) and the cumulative effect, that in the officer's view, departs from the visual appearance apparent on other land within the locality.

- (n) *The amenity of the locality including the following:*
- (ii) *The character of the locality;*
 - (iii) *Social impacts of the development.*

Comment

Amenity is defined under the Deemed Provisions as:

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

The existing character and amenity of the locality is characterised by low density residential uses on land parcels typically between 10 – 15 hectares. The subject land and the adjoining land to the east are larger, being 49 and 32 hectares respectively. Various rural pursuit uses exist in the locality ranging from the grazing of livestock to the keeping of horses. Some properties simply contain a dwelling with no other associated use of the land.

As evidenced by the submission received during stakeholder consultation, residents in the locality value the tranquil lifestyle synonymous with Rural Living zoned land. This was a specific drawcard that attracted residents to this area.

The officer is of the view that the overall development will likely have some impact on the existing amenity of the area by way of noise, visual appearance, and increased activity to the detriment of those residing in the area for low density residential purposes. It is unlikely that the future amenity will be one comprising of recreational/commercial development in lieu of low-density residential activities.

Notwithstanding that the roping events are proposed monthly, this component of the development will likely have a significant impact on those residing in the locality during the event by increased pedestrian and vehicle activity, noise and camping. The 'event' will run from 8:00am – 5:00pm (approximately), however a quarter of attendees will then seek to camp the night once roping activities have ceased. The operating hours of the event are therefore unlikely to reflect the on-ground reality of the impact of the development. It is also noted that a camping area has not been delineated.

The rural pursuit on a standalone basis is largely uncontroversial.

The community purpose (riding school), notwithstanding that other planning issues relate to this component, may be viewed on a standalone basis as acceptable.

The overall intensity of the development is likely to have an adverse impact on the character of the locality and create social impacts on nearby residents by way of increased noise and activity in addition to the cumulative impact on the visual appearance of the transportable buildings. This is evidenced by the submissions received during stakeholder consultation.

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. It is generally accepted that land uses that will cause noise impacts on adjoining properties that exceed the maximum noise permitted by the Noise Regulations are not acceptable in the context of development control.

The single house is powered by a diesel generator. The Shire has received complaints from adjoining residents with respect to the noise emitted from the generator on an ongoing basis. Rural Living zoned land is generally capable of connecting to Western Power infrastructure. It would not be reasonable for residents who reside on Rural Living zoned land to expect noise impacts produced by a diesel generator permanently servicing a development on an adjoining property. While the applicant asserts that arrangements are being made for a power connection, this has been outstanding for over two years.

The noise impacts associated with the community purpose (riding school) may be negligible, however this has not been conveyed within the submission. The noise impacts associated with the roping events may be significant, however again this has not been conveyed within the submission.

The officer is hesitant to formalise roping events without clear information relating to their operation. The officer has no confidence on the information available that a condition requiring a Noise Management Plan to be provided is adequate in the circumstances.

- (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;*

Comment

The development is accessed via Muckenburra Road, which connects to Sandringham Road and onto Gingin Brook Road. Muckenburra Road is unsealed.

The Community Purpose is serviced via a single bus, which does not pose any concern regarding traffic impacts or safety.

The Recreation – Private is still somewhat unknown, given it is not clear if participants will bring their own vehicles with horse floats, whether additional cattle are required for events and if so, how many truck movements will be involved. The officer does not anticipate that the vehicle movements would be so significant that the current road configuration is inappropriate.

The traffic implications, while somewhat of a concern given the lack of clarity, could likely be addressed via a condition of approval if Council was of the view to support the overall development. This may encompass maintenance to Muckenburra Road prior to events, or water carting for dust suppression. This would also include a crossover upgrade in accordance with the Shire's specifications.

Given the conclusion reached in this report, the specifics of such conditions have not been explored in any great detail.

- (u) The availability and adequacy for the development of the following-*
- (v) Access by older people and people with disability;*

It should be noted that the submission explicitly states that the horse-riding school will cater for those with a disability/disadvantaged. On that basis, it is important that the development adequately services that segment of the community.

While the National Construction Code (NCC) sets out disability access via the building permit process, it is noted that this application seeks retrospective development approval for the buildings, which in their current configuration do not comply. This application does not encompass any proposed works to the buildings and has been assessed on that basis.

Building 2 (Memorabilia Hall) and Building 3 are intended to be used as part of the horse-riding school. Neither of these buildings provide access for those with a disability. The officer can therefore not conclude that this provision has been satisfied.

The officer also notes that no universal toilet facility exists that caters for either the horse-riding school or roping events. The officer can therefore not conclude that this provision has been satisfied.

(y) Any submissions received on the application;

(za) The comments or submissions received from any authority consulted under clause 66;

The community submissions received during the advertising process outline in detail their concerns. The concerns generally have planning merit and have been afforded a degree of weight.

The officer is mindful that the amenity of the submitters, and their reasons for residing in the locality, are an important consideration and inform the officer's understanding of what the existing amenity and character of the locality entails.

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.

The applicant submitted a Bushfire Management Plan (BMP) in accordance with SPP 3.7 and the associated guidelines. It was noted during the report preparation that the BMP has not been referred to DFES for comment.

In hindsight, it should have been referred to DFES for comment given the overall development is classified as a vulnerable land use. Given the conclusions reached in the report, this omission is not viewed as warranting any further delay or deferral of determination. If Council is of the view to support the development, then a relevant condition could be worded to ensure that the BMP is revised to satisfy comments from DFES prior to operation.

Local Planning Policy 1.5 – Transportable Dwellings (LPP 1.5)

LPP 1.5 provides guidelines for development of second hand relocated and transportable dwellings throughout the Shire and is applicable in this instance. LPP 1.5 contains the following table:

Dwelling Type Area of Locality	Second hand relocated houses which are not purpose built for transportation	Second hand transportable dwelling
Townsites – Urban Areas	X ⁽¹⁾	D
Rural Living Areas and Industrial	X	P
Rural Area	P	P

X - Not Permitted

D - Discretionary

P - Permitted for officers to approve

(1) Notwithstanding the above, Council would be prepared to consider applications where all external materials of the dwelling are to be replaced with new materials (i.e. cladding of roof/walls).

The policy does not define either of the dwelling types listed and the validity of the permissibility table listed above is questionable. This notwithstanding, it is evident that the policy seeks to ensure that development of this nature is visually acceptable and fits within its surrounds, thus the amenity that the transportable dwellings exhibit is given consideration.

‘Clause 3.5 – Amenity’ states:

“When giving consideration to an application for planning consent, Council shall give consideration to:

3.5.1 The building in its relocated position being rendered visually acceptable by the use of verandahs, screening or planting;

3.5.2 The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be erected.”

Comment

As outlined in the preceding assessment, the locality does contain transportable buildings. However the cumulative impact due to the number of transportable buildings creating bulk means that this is more aligned with an industrial or mining related amenity, not rural living.

The policy goes on to reference bonds, however the provision of a bond is not the only mechanism to ensure remedial works are undertaken. The Shire is able to impose relevant conditions on a development approval requesting remedial works be undertaken within a stipulated timeframe.

General Comments:

The officer notes that all structures have been placed on the property without obtaining the relevant planning, building and/or health approvals. The officer is mindful of the potential consequences that an adverse decision may have on the landowner. However, if this application were proposed, it would unlikely receive approval in its current form. The point being made is that retrospectivity does not afford additional development rights or a sympathetic assessment out of apprehension of the likely process that follows an adverse decision.

The following points do not favour support for the application:

- Buildings 3, 5 and 6 equate to more than one dwelling and therefore the habitable component of the development is appropriately classified as a 'grouped dwelling'. There is nothing significant about Building 3 that distinguishes it from Building 5, or that would warrant a separate use class being applied to either building.
- Building 4 is described as an outbuilding. The officer has observed this building during an inspection as containing bunk beds intended for human habitation. Use or delineation of this building as an outbuilding would seem to be superfluous to the property's needs in the context of the overall structures onsite. The delineation on the plans contradicts the onsite reality.
- The habitable component of the development is to cater for caretakers. A 'Caretaker Dwelling' is prohibited in the zone. RL zoned land is intended for low density residential development.
- The entirety of the development's potable water supply is via a water tank (either 25,000l or 120,000l), presumably from roof catchment topped up with a bore. This may not be sufficient to cater for up to 45 persons.
- The development's power supply is serviced by an onsite diesel generator. This has been the subject of complaints since installation. The officer is mindful that the land is zoned Rural Living and the fact that complaints have been received suggests that this is affecting the amenity of adjoining landowners. Given the period that has elapsed since installation, and the history of flouting the regulatory process, the officer does not afford any weight to the assertion that a Western Power connection is imminent. If connection does occur then this may address a small part of the amenity concerns, but it would not address not the use classification of the buildings.
- Building 3 also services the horse-riding school in terms of providing meals and toilet facilities. This would make it a public building which, in its current state, is non-compliant both from a universal access perspective and as a commercial kitchen. No proposed works are included as part of this application that would address that situation.

- Building 3 is assumed to also service the roping events. This includes up to 45 persons using the toilet facilities. On-site effluent disposal has not been addressed.
- The information in relation to the roping events is not sufficient to establish the true nature of the potential impacts. How the roping events operate, the way in which patrons participate or spectate and the use of a public address (PA) system have not been clearly outlined. The relationship between the roping events and camping is unclear and the efficiency of having operating hours seems to be futile when attendees will reside overnight. Roping events may cease at 5:00pm, however other activities onsite are unlikely to cease. The officer is concerned that adverse amenity impacts will arise.
- The intention to accommodate overnight camping in campervans, caravans or trailers is not viewed as a form of 'incidental development' when the use is otherwise prohibited within the zone. To enable prohibited uses within the zone in the guise of incidental development is not viewed as being consistent with orderly and proper planning.
- The submissions received during the advertising process, with the exception of three late lodgements, are interpreted as opposition to the development on grounds that generally have planning merit. The officer is mindful that the amenity of the submitters and their reasons for residing in the locality are important considerations.

The following points do favour support for the application:

- All land uses (except for camping in campervans, caravans or trailers) are capable of approval within the RL zone. The subject property is particularly large for RL zoned land and if this property is not capable of accommodating the uses, it may question whether any RL zoned land can accommodate such uses. The officer makes this comment on the understanding that each application must be considered on its merits and on the facts and degree of each circumstance, however this is a large property that abuts GR zoned land to the west.
- The development is set back a substantial distance from the lot boundaries. The locality does contain transportable buildings. It could be viewed that parts of the development are therefore not entirely out of character.
- If the development was compartmentalised, the Rural Pursuit is consistent with the applicable stocking rates and is unlikely to have any effect on the amenity of the locality or adjoining landowners. The ability to have structures associated with a Rural Pursuit use, on a standalone basis, may not be the traditional position taken for Rural Living zoned land (i.e. a dwelling should be the primary structure and everything incidental thereto), however in the context of the property size this is viewed as acceptable.

- The roping events and horse-riding school are limited to one day per month. The overall impacts on the locality and adjoining landowners are therefore not experienced on a daily basis.

Summary

In view of the above assessment, weighing up the balance of the information at hand, the overall development ought to be refused except for the Rural Pursuit component (including two galvanised sheds and the stables) which is not particularly objectionable. The remaining components of the development are not viewed as being consistent with the planning framework.

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

POLICY IMPLICATIONS

Local Planning Policy 1.5 – Transportable Dwellings

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis

SECONDED: Councillor Peczka

That Council:

1. Refuse Retrospective Development Approval for a Single House, Recreation - Private (Roping Events) and Community Purpose (Horse Riding School) which includes Buildings 1, 2, 3, 4, 5 and 6 on Lot 64 Muckenburra Road, Muckenburra for the following reasons:
 - a. Buildings 3, 5 and 6 are classified as a 'Grouped Dwelling' which is a prohibited use in the Rural Living zone, meaning that the use is not permitted and also contravenes clause 4.8.5.2 of Local Planning Scheme No. 9;
 - b. The Shire of Gingin is not satisfied that there is an adequate potable water supply consisting of a roof water tank of not less than 90,000 liters or that a bore of suitable potable quality water services the development. This is inconsistent with clause 4.8.5.7 of Local Planning Scheme 9;
 - c. The Shire of Gingin is not satisfied that the development is adequately serviced by a public utility service (power supply). Clause 67(u)(ii) of the Deemed Provisions is therefore not satisfied;
 - d. The Shire of Gingin is not satisfied that the development provides access for people with a disability. Clause 67(u)(v) of the Deemed Provisions is therefore not satisfied;
 - e. The Shire of Gingin is not satisfied that on-site wastewater disposal for the development has been demonstrated or that adequate ablution facilities service the development;
 - f. Approval of the camping activities as an incidental use would be inconsistent with the principles of orderly and proper planning, as this is a prohibited use in the Rural Living zone;
 - g. The development, consisting of 11 transportable buildings, will compromise the visual amenity and character of the locality. Clauses 67(m) and (n) of the Deemed Provisions and clause 3.5 of Local Planning Policy 1.5 - Transportable Dwellings are therefore not satisfied;
 - h. Approval of the development would be inconsistent with the principles of orderly and proper planning. Clause 67(b) of the Deemed Provisions is therefore not satisfied;

Advice Notes

- Note 1: If you are aggrieved by this decision you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: Given the Single House, Recreation Private (Roping Events) and Community Purpose (Horse Riding School) use classes have been refused, the associated buildings (1, 2,3, 4, 5 and 6) are to be removed from the property within 90 days from the notice of determination date.
2. Grant Retrospective Development Approval for a Rural Pursuit (keeping of livestock) on Lot 64 Muckenburra Road, Muckenburra subject to the following conditions:
- The land use and development shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
 - This approval is for a Rural Pursuit only that consists of 11 horses, 30 sheep and 10 cattle or a combination of livestock so long as the stocking rate for the property does not exceed 240 dry sheep equivalents (DSE);
 - This approval includes Buildings 7, 8, 9 and 10. The approved buildings are not to be used for human habitation;
 - Within 45 days from the date of this approval, the landowner is required to, at their expense, upgrade the existing crossover in accordance with 'Crossover Specification Drawing Number SoG/STD-12, Type B' dated January 2021 to the satisfaction of the Shire of Gingin.
 - Within 45 days from the date of this approval, a Livestock Management Plan (LMP) shall be submitted to and approved by the Shire of Gingin. The approved LMP is to 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: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.

Note 3: The applicant/operator is reminded that the development should be undertaken in accordance with Water Quality Protection Guideline No 13 – Environmental Guidelines for Horse Facilities.

Note 4: With respect to the Livestock Management Plan (LMP), the following matters, at a minimum, should be included:

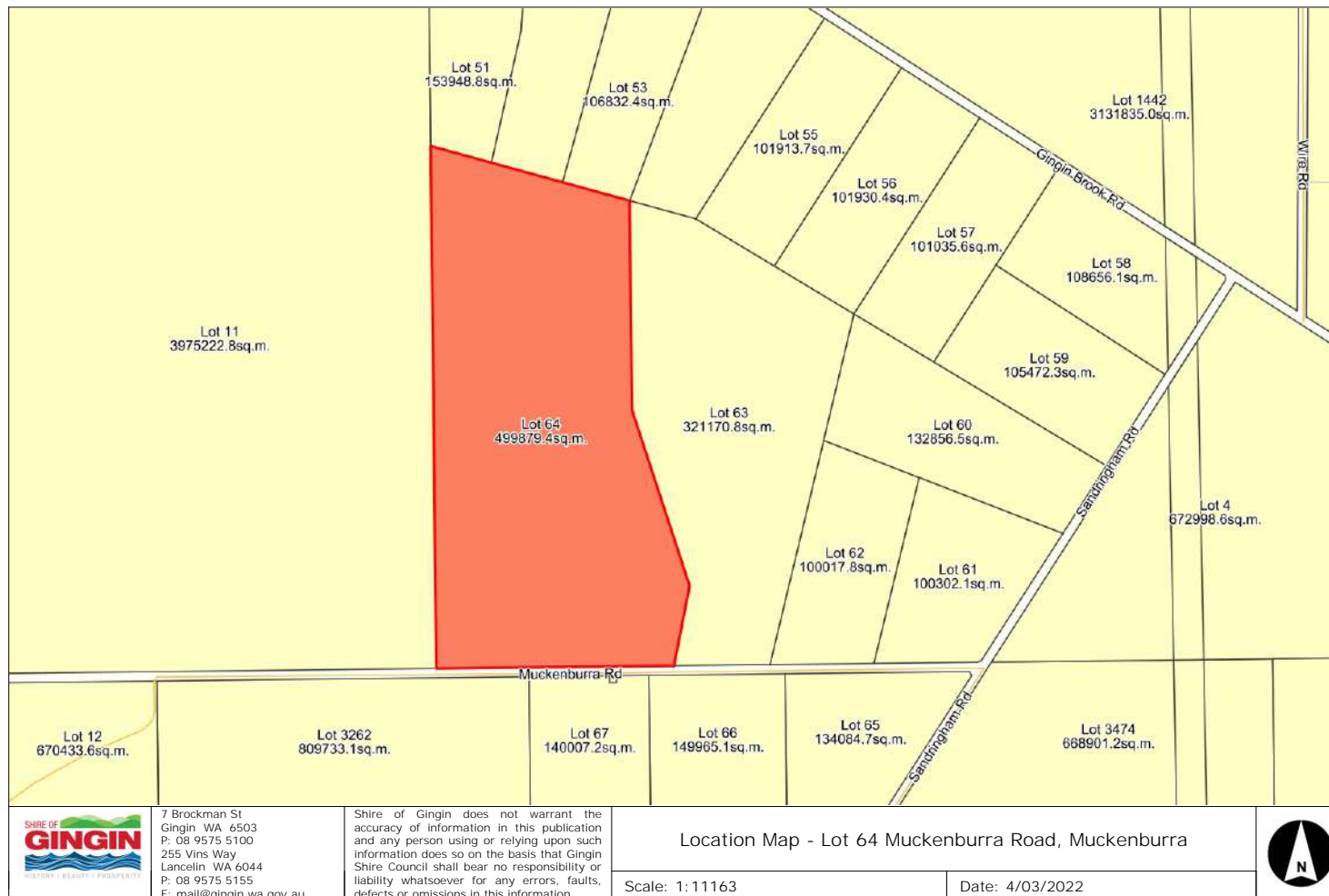
- Reference and acknowledgment of the applicable stocking rates;
- Waste/manure management;
- Stable fly management; and
- Paddock management (i.e. restriction from wetlands).

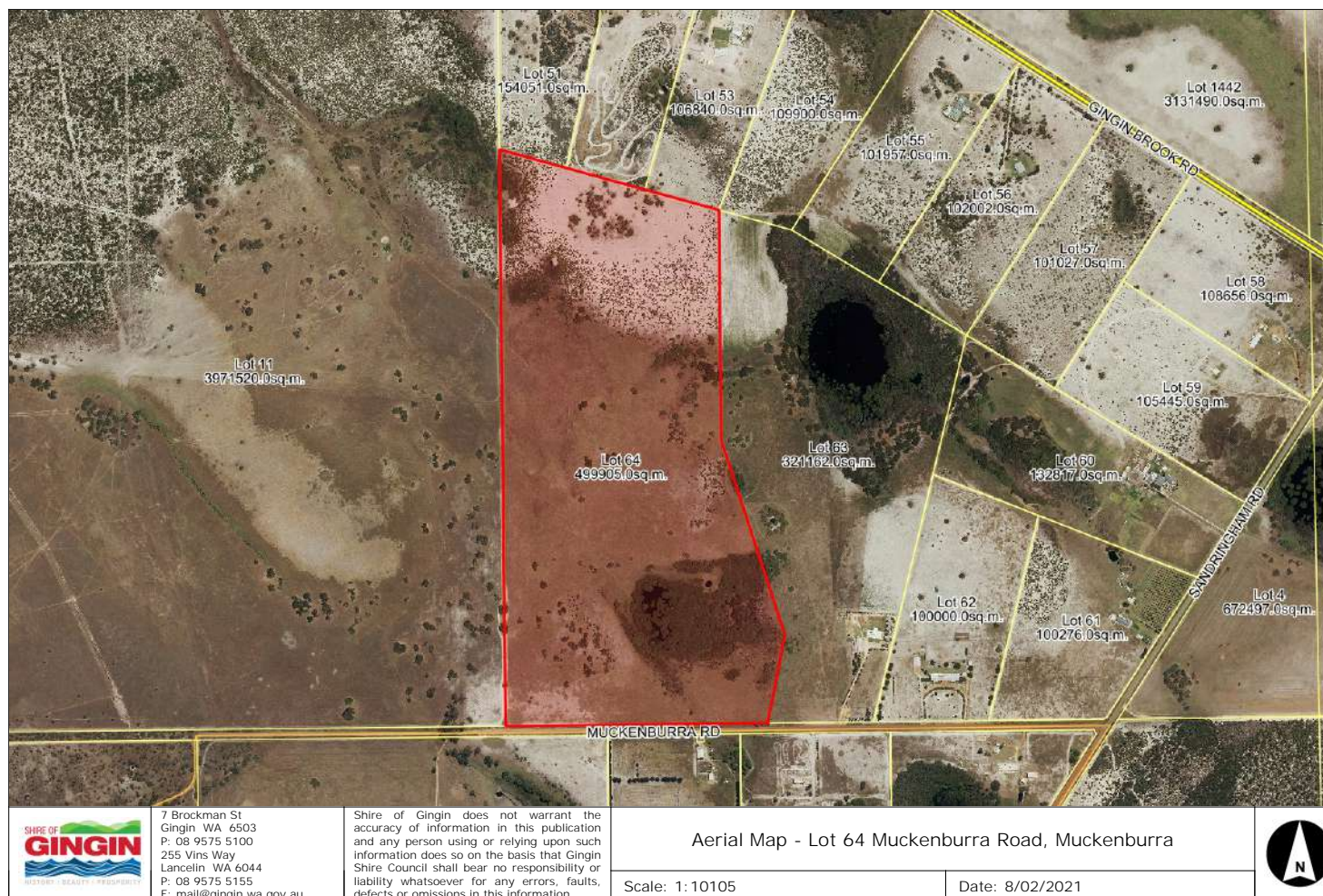
Note 5: In relation to the installation of a new crossover, please note that a crossover application form is to be submitted to the Shire's Operations and Assets Department, which can be found on the Shire's website at the following link: <https://www.gingin.wa.gov.au/services/operations.aspx>.

**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*







Our Ref: 22442 – 20210721 – Gingin DA – QA:HD

19 August 2021

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

Attn: James Bayliss – Planning Officer

Dear James,

DEVELOPMENT APPLICATION

LOT 64 MUCKENBURRA ROAD, GINGIN

INTRODUCTION

Harley Dykstra, on behalf of the landowner of Lot 64 Muckenburra Road, Gingin ('the subject land'), is pleased to provide this planning report in support of an application for Development Approval for 'Recreation-Private', 'Community Purpose', 'Rural Pursuit' and 'Single House' on the subject land. A copy of the proposed Development Plans are attached at **Appendix A**.

BACKGROUND

This application is made in response to a compliance letter the landowner received from the Shire of Gingin dated 5 December 2019. It is understood the Shire conducted two site visits on 17 October 2019 and 29 November 2019 following which the landowner was advised that the installation of the transportable buildings and various structures on Lot 64 Muckenburra Road, Muckenburra, constituted unauthorised development. In response to the Shire's correspondence, the landowner provided the Shire of Gingin with a letter dated 18 December 2019 advising the Shire that all required approvals would be sought. Therefore, the landowner engaged Harley Dykstra to prepare and lodge a development application to the Shire of Gingin seeking retrospective planning approval for all structures on-site. Following lodgement of the development application, Harley Dykstra was advised that the Shire would not support the proposed structures being classified as a 'Single House'. Therefore, Harley Dykstra worked with the landowner to understand their future intentions for the land. After narrowing down the intended uses, Harley Dykstra sought the Shire's preliminary comment prior to preparation of the application. Therefore, it is understood the Shire is generally supportive of this proposal subject to each building being tied to a land use and appropriate site management details being provided as detailed in subsequent sections of this report.

THE SUBJECT LAND

The subject land is located approximately 10.5km north west of Gingin town site, 6.7km west of the Gingin Brook Road/ Brand Hwy intersection, and 750m south of Gingin Brook Road. The site is 49.99ha in area, with frontage to and deriving access from Muckenburra Road. The site is adjoined on the east boundary by 'General Rural' land.

Apart from scattered vegetation, the subject land is otherwise vacant. A multiple use wetland covers the majority of the site with a small portion of the site directly east of the buildings being designated as a resource enhancement wetland. The majority of the surrounding lots are characterised by General Rural properties that accommodate single residential dwellings and various outbuildings. An aerial locality plan has been included at **Figure 1** and an aerial photograph of the site has been included at **Figure 2**. Table 1 provides a summary of the legal description of the land. A Copy of the Certificate of Title is included at **Appendix B**.

PERTH & FORRESTDAL

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15/2 Hensbrook Loop, Forrestdale
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ABN 77 503 764 248

Albany Bunbury Busselton Forrestdale Perth

www.harleydykstra.com.au





LOT NO.	PROPERTY ADDRESS	LANDOWNER	AREA	VOL.	FOLIO	PLAN NO.
64	Lot 64 Muckenburra Road, Gingin	Gurindji Pty Ltd	49.99ha	2533	453	33599

TABLE 1



FIGURE 1 – AERIAL LOCALITY PLAN

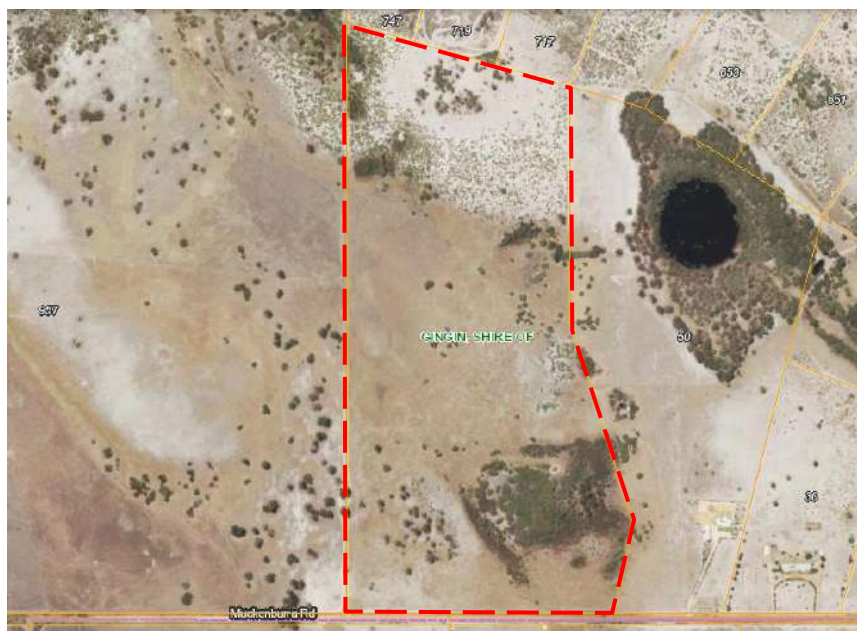


FIGURE 2 – AERIAL PHOTOGRAPH

Development Application
Lot 64 Muckenburra Road, Gingin



PLANNING FRAMEWORK

While it is noted at the time of lodgement of the previous application, there was a discrepancy between the Government Gazette and the Local Planning Scheme, it is understood Local Planning Scheme No. 9 (LPS 9) has been updated to reflect the correct zoning of the land. Therefore, the subject site is zoned 'Rural Living' not 'General Rural'. 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.*

Table 2 (Site Requirements) of TPS 9 prescribes the minimum lot boundary setbacks for the Rural Living zone being 20m front, side and rear, while clause 4.8.5 further details subdivision and development requirements/controls.

Land Use Permissibility

As previously mentioned, the subject land is zoned 'Rural Living' under LPS 9. The existing and future land uses which will be accommodated on the site consist of 'Recreation-Private', 'Community Purpose', 'Rural Pursuit' and 'Single House'. Definitions for 'Recreation-Private', 'Community Purpose', and 'Rural Pursuit' are included in Schedule 2 – *Land Use Definitions* of LPS 9 as follows:

LAND USE	DEFINITION
Recreation - private	<i>Means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.</i>
Community Purpose	<i>Means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.</i>
Rural Pursuit	<p><i>Means any premises used for –</i></p> <ul style="list-style-type: none"> a) <i>The rearing or agistment of animals;</i> b) <i>The stabling, agistment or training of horses;</i> c) <i>The growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or</i> d) <i>The sale of produce grown solely on the lot,</i> <p><i>but does not include agriculture-extensive or agriculture-intensive.</i></p>

While 'Single House' is not defined by LPS 9, it is defined by State Planning Policy 7.3 (R-Codes) as follows:

"A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property."



‘Single House’ is a ‘P’ use in the ‘Rural Living’ zone meaning that the use is permitted by the Shire of Gingin. ‘Rural Pursuit’ is a ‘D’ use in the ‘Rural Living’ zone meaning that the use is capable of approval through council discretion. ‘Recreation-Private’ and ‘Community Purpose’ are ‘A’ uses meaning that council may grant development approval subject to a period of advertising in accordance with clause 64 of the deemed provisions. Overall, it is considered that the scale and nature of the existing structures is consistent with the Shire’s second objective for the Rural Living zone as further detailed below.

THE PROPOSAL

This application proposes the following uses. It is considered that all structures comprising the various uses are appropriately sited and constructed on the subject land. Adequate setbacks to the lot boundaries are provided to ensure that there will be no amenity impact on the neighbouring properties. The nearest neighbouring dwelling is approximately 500m east of the structures on the subject land. In addition, all trees will be retained as part of this application to ensure that the natural amenity of the locality is preserved.

Recreation – Private

The proposed ‘Recreation-Private’ use will be roping events associated with a roping club. A maximum of 45 people would attend the site once per month to either participate in the events or spectate. This use will also include the overnight camping of a maximum of 10 people in their own trailers on the property. Given camping overnight would only occur when a roping event is held and numbers staying overnight would be minimal, it is considered camping is incidental to the ‘Recreation-Private’ use and does not require separate planning approval.

Structures associated with the roping events include the following:

- Building 2 (Memorabilia hall) – Hall for roping event gatherings and shelter from weather if required.
- Building 4 (Store Room) – Storage of roping events equipment.

Community Purpose

The proposed ‘Community Purpose’ use will be a riding school with the purpose of teaching disadvantaged children how to ride. As evident from the letter attached at **Appendix C**, the riding school will provide a beneficial service to the local community in particular disabled and/or disadvantaged children. The landowner previously operated a similar facility in Esperance which was well regarded by the local community.

Lessons would occur once a month with a maximum of 20 children being in attendance. Children will be brought to the site by a bus.

Structures to be used by the ‘Community Purpose’ use include the following:

- Building 1 (Office) – Office for administration of riding school.
- Building 2 (Memorabilia Hall) – Hall for riding school gathering and shelter from weather if required.
- Building 3 (Dining) – Used for serving food and drink to children.
- Building 4 (Store Room) – Storage of riding equipment.
- Building 5 (Laundry) – Used for cleaning of riding school equipment.
- Building 9 (Stables) – Stabling of horses associated with riding school

Rural Pursuit

The proposed ‘Rural Pursuit’ will be the primary use of the land and will consist of the keeping, maintenance and stabling of the landowner’s 11 horses along with the keeping of 30 sheep and 10 cattle. In addition to the paddock areas shown on the development site plan, structures associated with the keeping of the horses include the following:



- Building 4 (Store Room);
- Building 7 and 8 (Two galvanised iron sheds);
- Building 9 (Stables); and
- Building 10 (Steel Container);

The two galvanised iron sheds and steel container will be used for the storage of machinery/equipment associated with the agricultural/rural use of the site. The Store Room will be used for the storage of horse riding gear including saddles and horse maintenance equipment while the Stables will be used to house/stable the 11 horses. While the Memorabilia Hall won't necessarily be directly associated with the 'Rural Pursuit', it is used to store various pieces of memorabilia associated with the landowner's rural activities.

A suitable water supply for the watering of horses and the 30 sheep and 10 cattle, is available via an on-site bore and water tank found in the south east corner of the Lot. Timber post and wire mesh fences have been constructed on the subject land for the appropriate management of the livestock. Overall, this proposal seeks the Shire's support for the ongoing use of the subject land for the established 'Rural Pursuit'. It is considered that the use of the subject land is consistent with the objectives of the 'General Rural' zone given that the rural character of the area will be preserved.

Single House

The proposed 'Single House' will be used in conjunction with the 'Rural Pursuit' on Lot 64 Muckenburra Road. The two persons living on-site will continue to be caretaker's of Lot 64 and also work on four other rural properties in the nearby area. The proposed 'Single House' will be building 6 while buildings 3 and 5 would be outbuildings or buildings associated with the 'Single House'. Given Building 6 is the primary living quarters and designed for human habitation, it is therefore designated as the 'Single House'. 'Single House' is defined by the R-Codes as follows:

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

A 'dwelling' is defined as the following:

A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

A building is defined as the following:

Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to the dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.

As part of assessing the previous development application, the Shire obtained advice from the Department of Planning Lands and Heritage. It was concluded by the DPLH that should a development application propose greater than one 'building' for the purpose of human habitation, it would be proposing more than one 'dwelling', and therefore, according to the above definitions, would not constitute a 'Single House'. Given only building 6 is intended for human habitation, one 'Single House' is proposed. Buildings 3 and 5 are not designed for human habitation despite being associated with the 'Single House'. Therefore, buildings 3 and 5 are defined as 'Outbuildings' or 'Buildings' associated with the 'Single House'. 'Outbuilding' is defined as follows:

An enclosed non-habitable structure that is detached from any dwelling

The 'Single House' is currently provided with a suitable water supply being a 25,000L water tank. This water supply has historically and will continue to provide a suitable potable water supply.



BUSHFIRE MANAGEMENT

The Western Australian Planning Commission's State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) sets out specific guidelines and requirements for subdivision and development in order to preserve life and reduce the impact of bushfire on property and infrastructure. Given the site is partially identified as Bushfire Prone by the Department of Fire and Emergency Services (DFES) (see **Figure 3** overleaf), a Bushfire Attack Level (BAL) Assessment, Bushfire Management Plan (BMP) statement (**Appendix D**), and Bushfire Emergency Evacuation Plan (**Appendix E**) has been prepared by Envision Bushfire Protection.

The BAL Assessment confirms that the proposed development is sited in a location that does not exceed the acceptable maximum of BAL-29 and that measures will be put into place to ensure that those visiting the site will be kept safe in the event of a bushfire emergency. The BMP demonstrates that the development is capable of achieving compliance with all other bushfire protection criteria.



FIGURE 3 – BUSHFIRE PRONE MAPPING

ENVIRONMENTAL MANAGEMENT

As previously stated, a Multiple Use Wetland covers the majority of the site with a small portion directly east of the buildings being designated as a resource enhancement wetland (see **Figure 4** overleaf). Multiple Use Wetlands are defined as wetlands with few remaining important attributes and functions. Therefore, development is permitted within them. Resource Enhancement Wetlands on the other hand, are wetlands defined as wetlands which may have been partially modified but still support substantial ecological attributes and functions. The objective of a Resource Enhancement Wetland is as follows:

Development Application
Lot 64 Muckburra Road, Gingin



“Ultimate objective is to manage, restore and protect towards improving their conservation value. These wetlands have the potential to be restored to Conservation category. This can be achieved by restoring wetland function, structure and biodiversity.”

This development proposal respects the importance of the Resource Enhancement Wetland by being setback from it by approximately 50m. All livestock are also excluded from entering the wetland by fencing.



FIGURE 4 – WETLAND MAPPING

SERVICING

Access to the ‘Single House’ and buildings associated with the ‘Rural Pursuit’, ‘Recreation Private’ (roping events), and ‘Community Purpose’ (riding school) will be granted from Muckenburra Road as depicted on the Site Plan attached at **Appendix A**.

All stormwater runoff from the roof catchment and paved areas can be appropriately managed and fully contained on site. Detailed drainage plans will be prepared and submitted in support of the eventual Building Permit Application.

Power and telecommunications infrastructure is available to the subject land and is connected where needed to the buildings. No reticulated water or sewer is available to the land. Water supply will be derived from the water tank with catchment from the roof surfaces. Effluent disposal will occur via on-site effluent disposal.



PLANNING RATIONALE

The proposed land uses and development of the subject land is considered appropriate and capable of development approval for the following reasons:

- The subject land is zoned 'Rural Living' under the Shire's Local Planning Scheme No.9. The proposed land uses are consistent with the intent of the land under the current planning framework.
- The proposed 'Recreation Private' (roping events) use is capable of approval in the 'Rural Living' zone as it is a 'A' use under LPS 9. Given that camping overnight will only involve a maximum of 10 people and is limited to times where roping events are held, camping is incidental and will have no detrimental impact on the amenity of the surrounding land uses.
- The proposed 'Community Purpose' (riding school) use is capable of approval in the 'Rural Living' zone as it is an 'A' use under LPS 9. The proposed riding school will benefit the community in particular children who are either disabled or disadvantaged.
- The proposed 'Rural Pursuit' is capable of approval as it is a 'D' use in the 'Rural Living' zone under LPS 9. The rural nature of the proposed use is consistent with the intent of the current and future intent for the land.
- The proposed 'Single House' is capable of approval in the 'Rural Living' zone as it is a 'P' use under LPS 9. The 'Single House' will not be obtrusive given that it will be sufficiently setback from neighbouring residential dwellings.
- The proposed development seeks to preserve existing trees where possible to retain the current amenity of the locality.
- Vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties.
- Development will be appropriately setback from the Resource Enhancement Wetland found on the subject land.
- Bushfire risk is able to be adequately managed in compliance with State Planning Policy 3.7 – *Planning in Bushfire Prone Areas*. Buildings on the subject land will not exceed the maximum permissible BAL-29.
- The use of the subject land for the 'Rural Pursuit' and associated 'Single House' has already been established and is functioning well.
- Development on the subject land is currently and will continue to be serviced by an adequate water and power supply. Effluent disposal will continue to occur via on-site effluent disposal.

CONCLUSION

This Application for Development Approval is being proposed to gain approval from the Shire of Gingin for the use of Lot 64 Muckenburra Road, Muckenburra for 'Recreation Private' (roping events), 'Community Purpose' (riding school), 'Rural Pursuit', and 'Single House'. It is considered that the rural nature of this proposal is consistent with the intent of the 'Rural Living' zone.

This planning report has provided the relevant details and supporting rationale for the development. Overall, approval of structures identified on the Development Site Plan attached at **Appendix A** does not represent any material inconsistency with the surrounding form of development.

In view of the attributes described in this report, the supporting plans and technical information, it is respectfully requested that the Shire of Gingin favourably consider this application. A building application will be lodged with the Shire's Building Services following approval of this proposal.



I trust all of the information submitted is satisfactory, however, please do not hesitate to contact the undersigned should you require any additional information to facilitate approval of this application in a timely manner.

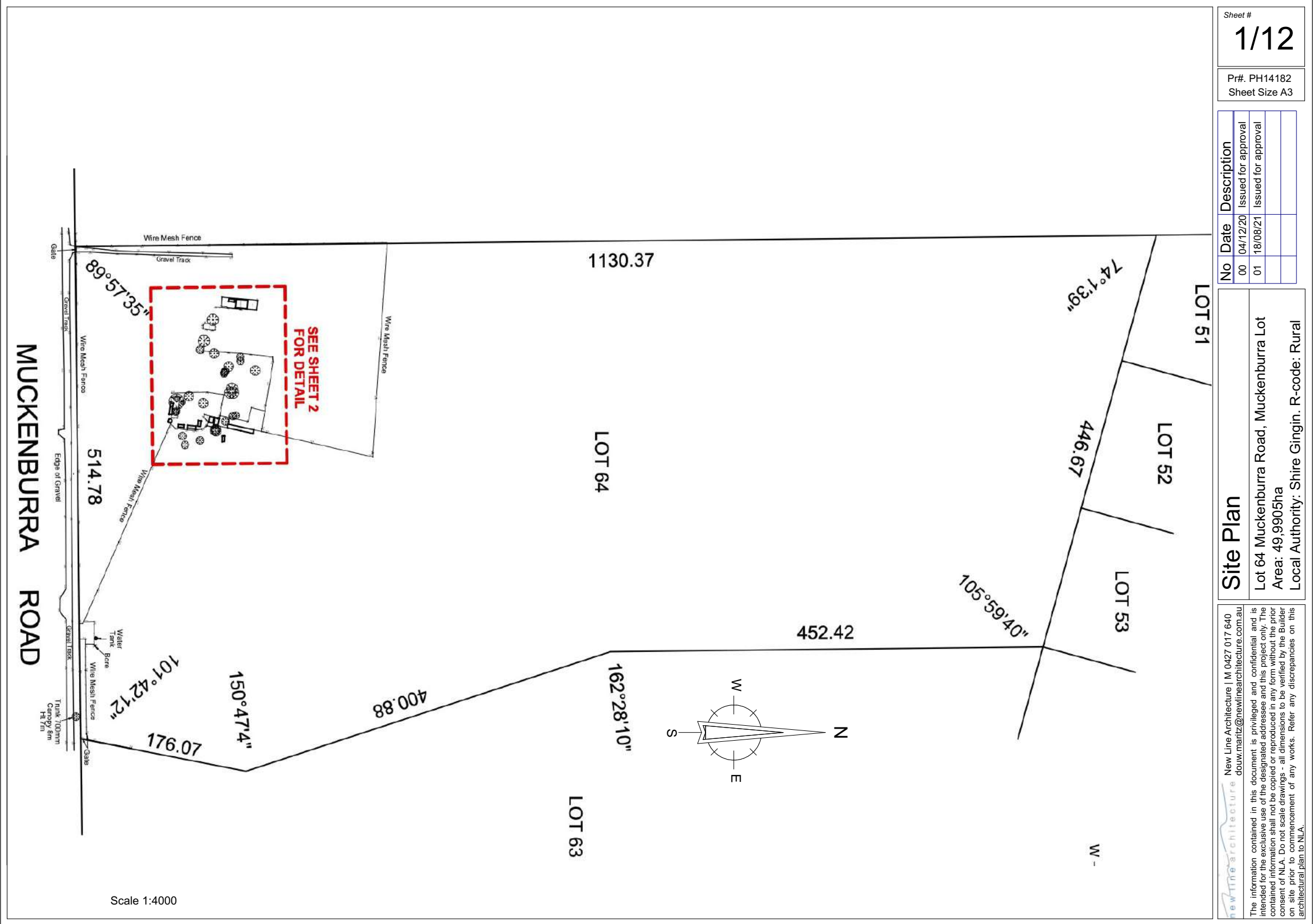
Yours sincerely

Handwritten signature of Benjamin Houweling.

Benjamin Houweling
Town Planner
HARLEY DYKSTRA PTY LTD

E-mail: benh@harleydykstra.com.au

APPENDIX A | DEVELOPMENT PLANS







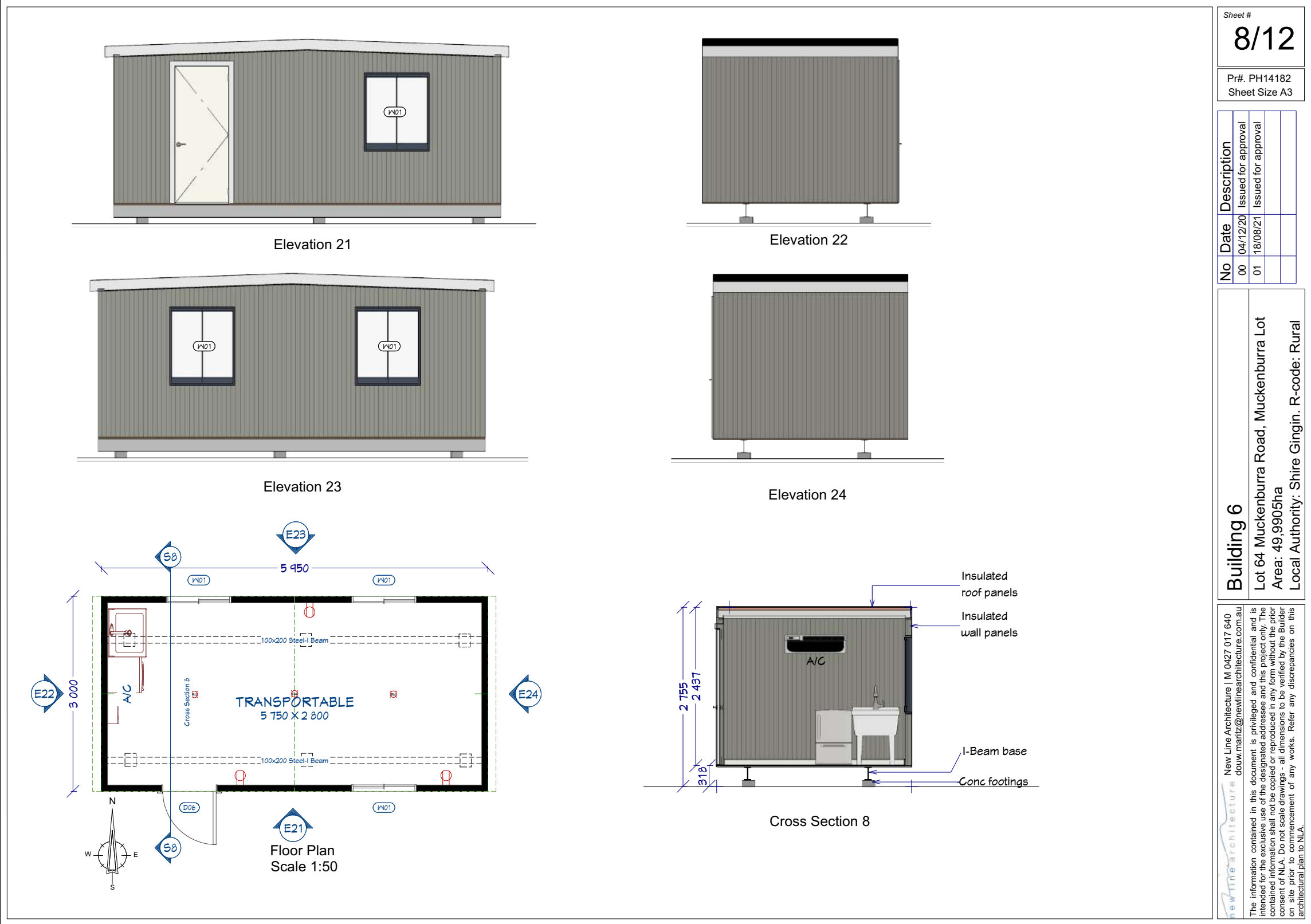


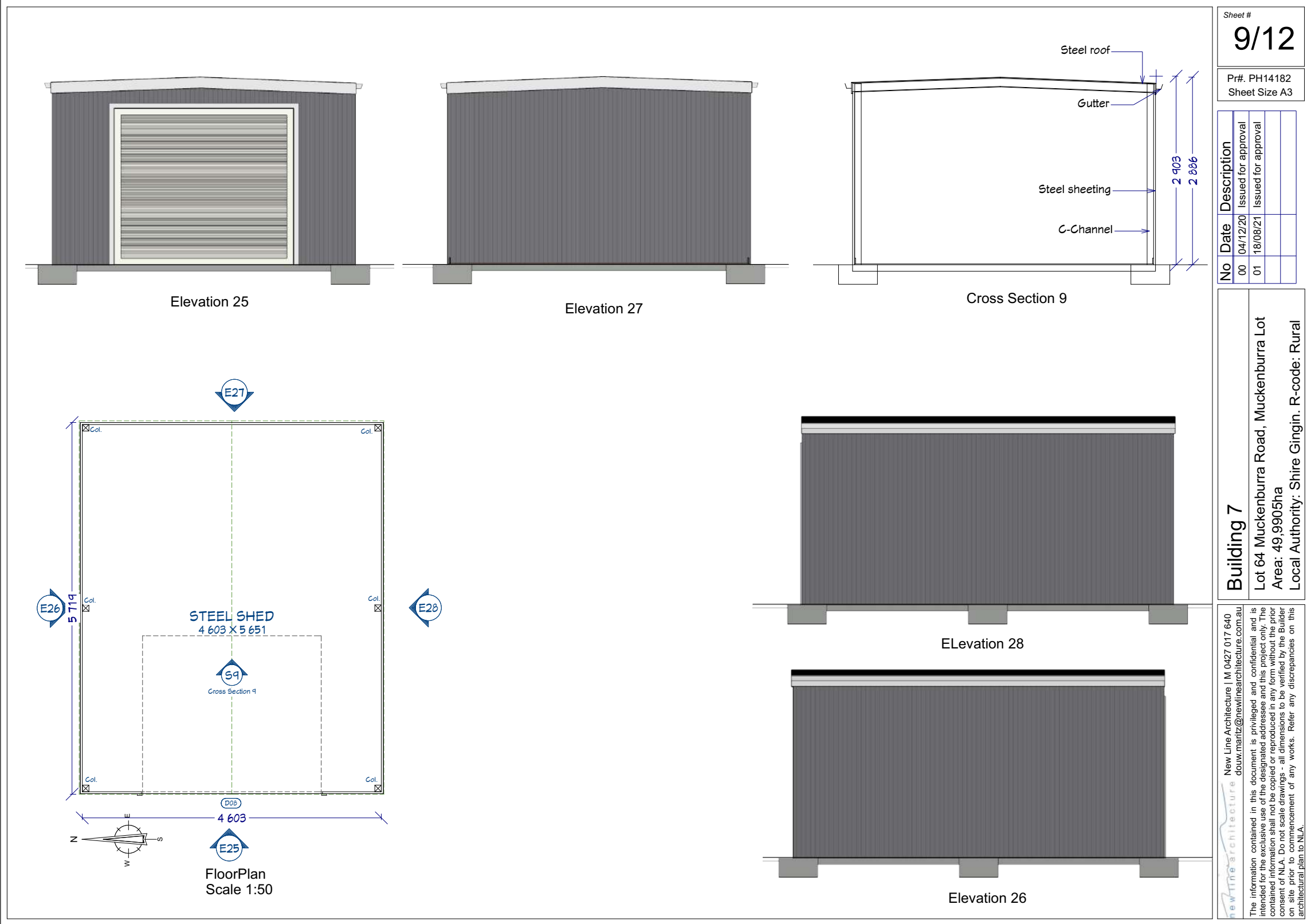




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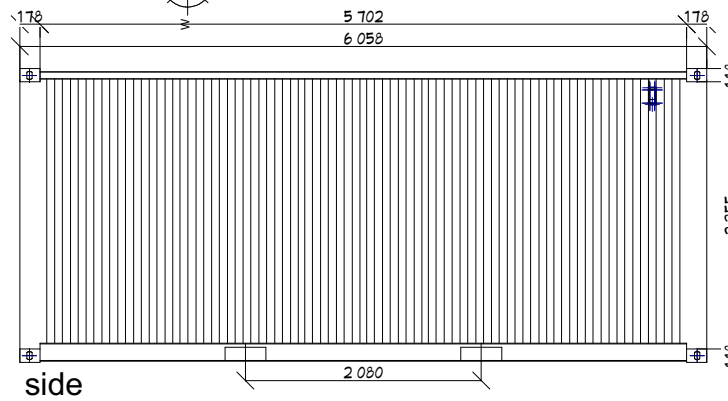
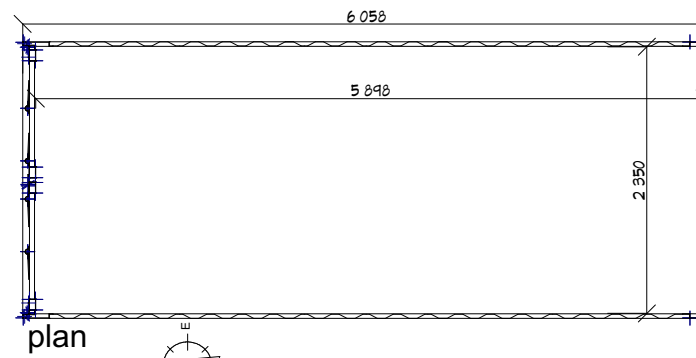
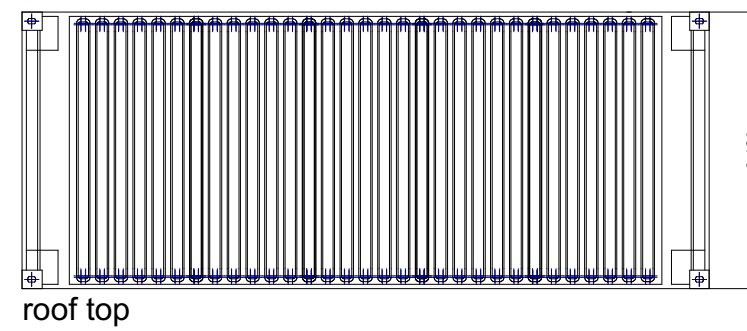
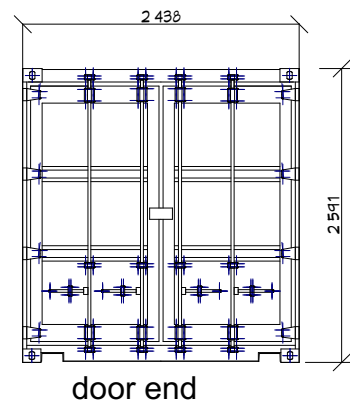
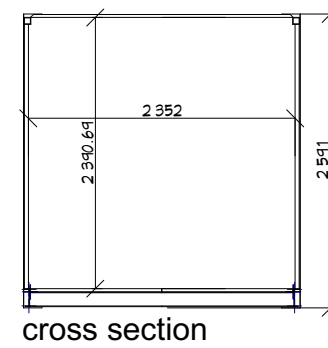
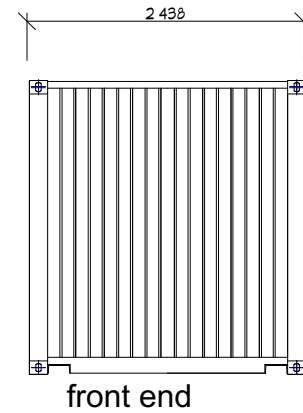












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Pr#. PH14182	
Sheet Size A3	

No	Date	Description
00	04/12/20	Issued for approval
01	18/08/21	Issued for approval

<p>Building 10</p> <p>Lot 64 Muckenburra Road, Muckenburra Lot Area: 49,9905ha Local Authority: Shire Gingin. R-code: Rural</p>
--

New Line Architecture | M 027 017 640
dow.maritz@newlinearchitecture.com.au

APPENDIX B | CERTIFICATE OF TITLE

WESTERN



AUSTRALIA

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

REGISTER NUMBER	
64/DP33599	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
4	18/8/2005

VOLUME
2533

FOLIO
453

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

LAND DESCRIPTION:

LOT 64 ON DEPOSITED PLAN 33599

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

GURINDJI PTY LTD OF 28 MCCLEERY STREET SOMERVILLE WA 6430

(T O211230) REGISTERED 8/8/2019

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

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: DP33599
PREVIOUS TITLE: 2506-86
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING K248074

APPENDIX C | LETTER OF SUPPORT

Goldfields Individual & Family Support Association Inc.



4th December 2019

To whom it may concern,

Letter of Support

GIFSA participants have enjoyed many visits to the Dark Horse Arena when the Arena was located here in Esperance.

The genuine engagement and connection to horses, livestock, dogs, Cowboys & Cowgirls, country music and community was unbeatable.

Our participants loved being given a rope and a hat to try on and shown how to swing a rope on a practice bale. They shared a cup of tea and a piece of cake between the action and flow of a unique rural environment, while being supported by their support staff.

Self-esteem was always restored after a visit to the Dark Horse Arena!

Dark Horse Arena was also a major sponsor of the Esperance Rodeo. A much-loved event supported and attended by 2,500 people. This event was well attended and appreciated by many GIFSA customers and those with disabilities. Exposing the community to the magic of a country Rodeo. Connecting the rural community and their ways of life to our town community with access and acceptance for all abilities.

GIFSA wishes the Dark Horse Arena and the Douth Family all the very best in their future endeavours. We endorse and support their current proposal to the Gingin Shire.

Warm regards,

Jason Hall
Acting Chief Executive Officer

Kalgoorlie office: 23 Federal Road Kalgoorlie WA 6430; PO Box 1629 Kalgoorlie WA 6433
Telephone: (08) 9091 4356, Facsimile: (08) 90914586
Esperance office: Lotteries House, Forrest Street Esperance WA 6450; PO Box 2453 Esperance WA 6450
Telephone: (08)9072 1726, Facsimile: (08)9071 7247
www.gifsa.org



APPENDIX D | BUSHFIRE MANAGEMENT PLAN

Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Site address:

Site visit: Yes ☐ No ☐

Date of site visit (if applicable): Day Month Year

Report author or reviewer:

WA BPAD accreditation level (please circle):

Not accredited ☐ Level 1 BAL assessor ☐ Level 2 practitioner ☐ Level 3 practitioner ☐

If accredited please provide the following.

BPAD accreditation number: Accreditation expiry: Month Year

Bushfire management plan version number:

Bushfire management plan date: Day Month Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
Is the proposal any of the following (see SPP 3.7 for definitions)?	<input type="checkbox"/>	<input type="checkbox"/>
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input type="checkbox"/>

None of the above ☐

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

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

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

Signature of report author or reviewer

Date

Bushfire Management Plan

Lot 64 Muckenburra Road Muckenburra

Client – Gurindji Pty Ltd

August 2021





This Bushfire Management Plan ('BMP') has been prepared to assess an equine sport facility with associated short term stay at Lot 64 Muckenburra Road Muckenburra (the site) with State Planning Policy 3.7. *Planning in Bushfire Prone Areas*.

Envision Bushfire Protection

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Version Control

Lot 64 Muckenburra Road Muckenburra			
Version	Date	Author	
V1	27/08/2021	Anthony Rowe	Submission

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Disclaimer

In undertaking this work, the authors have made every effort to accurately apply the available information **at the time of writing** following the instructions of the regulatory authorities and applying best practice as described by the Fire Protection Association Australia. Any conclusions drawn or recommendations made in the report are made in good faith, and the consultants take no responsibility for how this information and the report is subsequently used.

Envision Bushfire Protection accepts no liability for a third party's use of, or reliance upon, this specific report.

Importantly the measures contained in this report cannot guarantee, human safety or an absence of harm, or that the building will not be damaged or would survive a bushfire event on every occasion. This is due to the unpredictable nature of fire behaviour (knowledge in this field continues to develop) and the unpredictable nature of extreme weather conditions.



Scope of this report

Envision Bushfire Protection has been engaged to provide expert bushfire safety and planning advice.

The scope of the advice has been to assess the proposal for compliance with the policy measures described in State Planning Policy 3.7 and identify appropriate mitigation measures to be considered by the determining authority. This is described in a Bushfire Management Plan and prepared following the Department of Planning Lands and Heritage templates.

Client relationship

I was engaged in providing expert bushfire safety and planning advice. My relationship with the client is a standard commercial contract, and no private, personal, or other matter has influenced the content of the BMP or my findings.

STATEMENT OF CONFORMITY – PLANNING AND DEVELOPMENT ACT 2005

A handwritten signature in black ink, appearing to read 'Anthony Rowe'.

Anthony Rowe Level 3 - BPAD36690

Principal



The signatory declares that this Bushfire Management Plan meets the requirements of State Planning Policy 3.7 and the Guidelines for Planning in Bushfire Prone Areas V1.3.



SUMMARY

The proposal is to establish a development at Lot 64 Muckenburra Road Muckenburra (the site) for long term residential stay, roping club (sport) with associated short term stay, and riding school (community purpose).

The site is 49.99 ha, and zoned General Rural in the Shire of Gingin Local Planning Scheme No. 9. The site is level and largely cleared of trees, on pasture grasses, within an area characterised as flat ground open pasture.

The site is located within a Bushfire Prone Area (OBRM September 2019). The establishment of the building site is a facilitator of development and requires assessment against State Planning Policy 3.7 Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas V1.3 (the Guidelines).

The intent of the policy is: *"to preserve life and reduce the impact of bushfire on property and infrastructure"*.

This BMP has been prepared in accordance with SPP 3.7 and Appendix Five in the Guidelines V1.3 and the Department of Planning Lands and Heritage (DPLH) BMP Template for a complex development application; the following has been prepared to comply with the DPLH template.

The proposed development is also classed as a 'vulnerable' land use because it will include attendance by minors and will provide overnight camping for a maximum of ten people (short stay accommodation). The BMP has therefore been prepared in conjunction with a Bushfire Emergency Evacuation Plan.

This BMP has been prepared in accordance with SPP 3.7 and Appendix Five in the Guidelines V1.3 and the Department of Planning Lands and Heritage (DPLH) *BMP Template for a complex development application*; the following has been prepared to comply with the DPLH template.

1. Proposal details (addressed in Section 1)

The proposal is to establish a development at Lot 64 Muckenburra Road Muckenburra (the site) for long term residential stay, roping club (sport) and riding school (community purpose).

The site is 49.99 ha and contains the following structures:

1. Office – associated with riding school.
2. Memorabilia Hall – hall/shelter for roping events and riding school
3. Dining – associated with Single House and Riding School.
4. Storeroom – associated with Riding School and Roping events.
5. Laundry – building associated with Single House and Riding School.
6. Bedroom – Single House
7. Outbuilding
8. Outbuilding
9. Stables
10. Outbuilding

The site is accessed from Muckenburra Road which is a compliant public road.

The site does not have access to a reticulated water supply but has an existing 120 000 L tank which serves the domestic purposes.

A community firefighting water tank is located south of the site on the opposite side of Muckenburra Road.

2. Environmental considerations (addressed in Section 2)

The site, and much of the area has been historically cleared for pasture and grazing. The site is now predominantly grassland. No clearing of regulated vegetation is proposed or required, for the purpose of bushfire protection.

3. Bushfire assessment results (addressed in Section 3)

A Bushfire Attack Level assessment following Method 1 AS 3959:2018, and the DPLH *Visual guide for bushfire risk assessment in Western Australia*, and using an FFDI of 80, has been undertaken.

The site is large and predominantly grassland. An Asset Protection Zone (APZ) is proposed around the development site set to a distance of 30 m from grass, to be equivalent to BAL 10 measured against the buildings.



4. Identification of bushfire hazard issues (addressed in Section 4)

The site has been identified as potentially subject to a grassland fire run.

The provision of an Asset Protection Zone around all buildings will avoid the likelihood of direct flame contact.

The land is within an open landscape providing visibility and warning of an advancing fire to prepare or evacuate.

5. Assessment against the bushfire protection criteria (addressed in Section 5)

The proposal was compared with the four Bushfire Protection Criteria Elements: Location, Siting and Design, Access, and Water.

Acceptable Solution

Element 1 (location) and (cl 6.7 SPP 3.7)

Element 1 of the Bushfire Protection Criteria is applicable to strategic level documents for determining suitable areas for development. In this instance, the site has been General Rural. The area, within 150 m of the site is predominantly pasture/grazing (grassland) and is a moderate bushfire hazard level.

Element 2 (siting and design) and (cl 6.7 SPP 3.7)

Element 2 requires that all habitable buildings should be sited to achieve BAL-29 at the face of the building.

The site is large and predominantly grassland. The wetland Scrub east of the site is sufficiently distant from the nearest building to be less than BAL 12.5.

The development site comprises the portion of the lot where the buildings are placed. The development site (referred to as the building compound) is a regular shape 100 m x 150 m and comprises the area between and measured from the outside of the buildings.

An Asset Protection Zone (APZ) set to a distance of 30 m from grass, to be equivalent to BAL 10 measured against the buildings; BAL-10 is the maximum BAL for shelter within a building. BAL-2 is the maximum BAL for open shelter and requires a 90 m distance¹.

In the event the land outside of the APZ was to be revegetated as forest, as a worst case, to maintain a BAL 10 at the buildings the APZ will require extension out to 155 m.

The APZ is illustrated in the Spatial representation of bushfire management strategies (Figure Ex1).

Element 3 Vehicle Access

The acceptable solution requires access to a through-road that provides alternative destinations for evacuation, and from which assistance from emergency services can be received.

The site access is 2.1 km from Gingin Brook Road, as the nearest through road; the route to Gingin Brook Road is through pastureland. The made section of Muckenburra Road, and Sandringham Road as it connects to Gingin Brook is compliant with the technical requirements for column 1 (Public Roads) in table 6. The nearest township is Gingin.

The single access is through pasture a moderate Bushfire Hazard Level area, which is open and provides visibility for avoidance.

The WAPC Position Statement Tourism Landuses in bushfire prone area other short term accommodation and day uses provides as an acceptable solution A2.1

"2.1 the provision of one access can be considered where:

- the access route abuts moderate or low threat vegetation, and*
- where it is demonstrated that secondary access (including an emergency access way) cannot be achieved"*

Early evacuation in accordance with DFES warning is recommended but if safe evacuation is not available the APZ establishes a safer place is also available on site for temporary shelter.

The private driveway is longer than 50 m from a public road and is required to comply with the technical requirements for column 1 (Private Driveway) in table 6. A turn around area suitable for a type 3.4 appliance is required within 50 m

¹ Design and Construction of Community Bushfire Refuges 2014



of each building. This can be provided as a loop that enables the fire appliance to attend and leave the development site in a forward direction. The site is open and flat and excluding fences and buildings, is readily traversable by a two wheel drive vehicle.

Internal fire breaks are required in accordance with the Shire's Annual Fire Break Orders requirement.

The works required to support compliance with the requirements for private driveways are illustrated in the Spatial representation of bushfire management strategies (Figure Ex1).

Element 4 Water

The site does not have access to a reticulated water supply. The site has an existing 120 000 L tank which serves the domestic purposes.

A community firefighting water tank is located south of the site on the opposite side of Muckenburra Road.

Separate consideration should be given to the quantity of water required for the landowner's firefighting requirements. The water supply for domestic firefighting purposes should be independent of mains power. A slip on mobile unit (Farmers Unit) is recommended that is capable of applying water to all external parts of each habitable building.

5.2 Additional Bushfire Management Strategies

Additional management strategies are matters not directly addressed by the Bushfire Protection Criteria nor rely upon solutions that are associated but outside of the Planning and Development Act 2005.

5.2.1. Vulnerable development

Additional management strategies include the Bushfire Emergency Evacuation Plan (BEEP). The BMP addresses physical asset, and the BEEP addresses the operational management, both work in unison.

The BEEP has been prepared following the WA Department of Planning Lands and Heritage *A Guide to Developing a Bushfire Emergency Evacuation Plan 2019* and complies with the requirements listed under section 5.5.2 V1.3 *Guidelines for Planning in Bushfire Prone areas*.

5.2.2 Spatial representation of the bushfire management strategies (Figure EX 1)

The key features demonstrating compliance with the bushfire protection measures are identified on the *Spatial representation of the bushfire management strategies*.

These illustrated actions follow the *Responsibilities for implementation and management of the bushfire measures*.

6. Responsibilities for Implementation and Management of the Bushfire Measures

The Owner responsibilities (Guidelines 4.6.3) identify the bushfire management measures necessary to achieve and maintain compliance with the bushfire protection criteria.

Owner

- | | |
|--|---------------------------------|
| 1. The adoption of the Bushfire Emergency Evacuation Plan dated 27 August 2021. | Prior to occupation |
| 2. The inside face of all external doors shall display the Evacuation Diagram. | Prior to occupation and ongoing |
| 3. The provision of fire hoses AS1221, capable of applying water to all external parts of the habitable buildings.

A mobile unit is recommended comprising a combustion pump a minimum 5hp or 3kW diesel-powered pump with a min 300 L/m open flow and a 400 L-1000 L capacity. | Prior to occupation and ongoing |
| 4. A 10 000 L standalone water tank is to be provided adjacent to the driveway for emergency services. The tank is to be signposted and provided with a coupling to Shire requirements. | Prior to occupation and ongoing |
| 5. The private driveways are to be constructed and maintained in accordance with Guidelines for Planning in Bushfire Prone Areas, Appendices, Element 3 Table 6, | Prior to occupation and ongoing |



including a turnaround, sufficient for a type 3.4 appliance 17.5 m (E3.5 and Element 4 at A4.2).

- | | |
|---|--|
| <p>6. Establishment of an APZ of 30 m from all habitable buildings to the extent available within the site (as shown on Figure Ex1). The APZ is to be established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones.</p> <p><i>This APZ will establish a BAL 10 (10 kWm²) at the habitable buildings and will provide a central area less than BAL 2 (2 kWm²).</i></p> | <p>Prior to occupation and ongoing</p> |
| <p>7. A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:</p> <p><i>"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land"</i></p> | <p>Prior to occupation</p> |

Advisory notes

1. The landowner acknowledges any materials located against or near adjacent to the buildings, should they ignite, will expose the buildings to flame contact and will increase the risk of building ignition.
2. The landowner acknowledges that any buildings or combustible structures located within 6 m of the building may affect its BAL rating – the advice of the Shire should be obtained prior to placing any building or structure within 6 m of a building
3. The landowner acknowledges that external building materials can be damaged, perish, or distort over time and that can, in turn, provide a point of vulnerability for bushfire attack. The landowner acknowledges their responsibility to undertake an inspection of the building's external surfaces prior to each fire season, to eliminate any externally visible gaps greater than 2 mm
4. The landowner is responsible for availing themselves of any promotions and information to assist owners in preparing for and responding to a bushfire event as may be made by the Shire or the Department Fire and Emergency Services

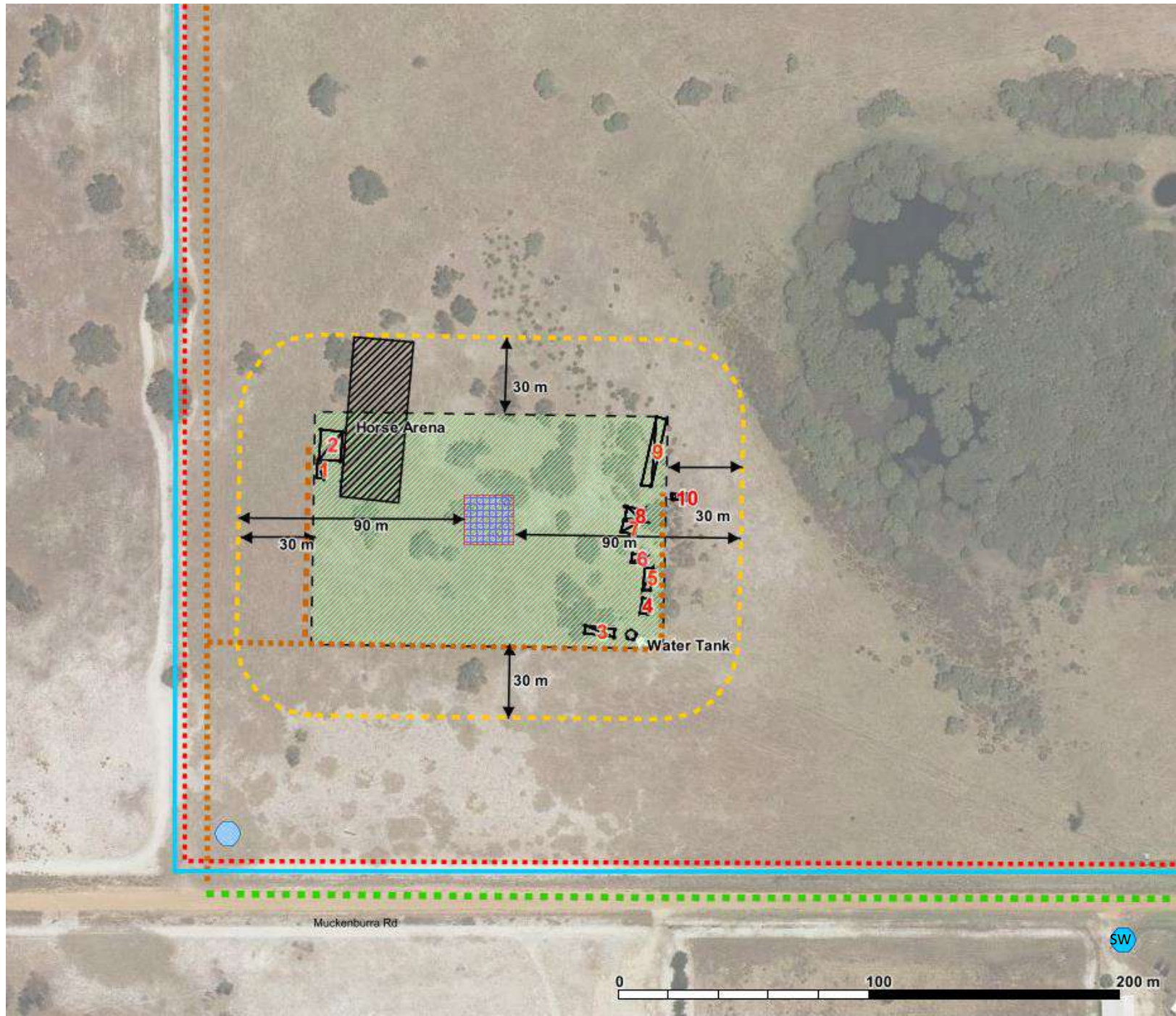
The Shire of Gingin

- | | |
|--|---------|
| 1. Maintaining public road reserves under their management to appropriate standards, where required/applicable | Ongoing |
| 2. Developing and maintaining district bushfire fighting services and facilities. | Ongoing |
| 3. Administer the <i>Bushfire Act 1954</i> and monitor landowner compliance to maintain land in a state not conducive to the ignition or spread of bushfire. | Ongoing |
| 4. Promoting education and awareness of bushfire prevention and preparation measures through the community. | Ongoing |
| 5. Administering the requirements of the <i>Planning and Development Act 2005</i> and the <i>Building Act 2011</i> . | Ongoing |
| 6. Maintain fuel reduction on public lands, Lake Road reserve | Ongoing |

State Government

- | | |
|---|---------|
| 1. Notification of Emergency Alerts - Website and Telecommunication Media | Ongoing |
|---|---------|

Figure EX 1 - Spatial representation of the proposed risk management strategies – Lot 64 Muckenburra Road Muckenburra



- Notes**
1. The private driveways are to be constructed and maintained in accordance with Guidelines for Planning in Bushfire Prone Areas, Appendices, Element 3 Table 6, including a turnaround, sufficient for a type 3.4 appliance 17.5 m (E3.5 and Element 4 at A4.2).
 2. The provision of a mobile firefighting unit recommended comprising a combustion pump a minimum 5hp or 3kW diesel-powered pump with a min 300 L/m open flow and a 400 L-1000 L capacity.
 3. A 10 000 L standalone water tank is to be provided adjacent to the driveway for emergency services. The tank is to be signposted and provided with a coupling to Shire requirement.
 4. Establishment of an Asset Protection Zone of 30 m from the buildings. The Asset Protection Zone is to be established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones.
This APZ will establish a BAL 10 (10 kWm²) at the habitable buildings, and a central area less than 2 kWm².
 5. Firebreaks maintained inside all boundaries in accordance with the Shire Firebreak Orders

- LEGEND**
- Site Boundary
 - Asset Protection Zone 30 m
 - 10 kWm²
 - 2 kWm²
 - Accessway
 - Water tank
 - Firebreak –Shire Orders
-
1. Office – associated with riding school.
 2. Memorabilia Hall – hall/shelter for roping events and riding school
 3. Dining – associated with Single House and Riding School.
 4. Storeroom – associated with Riding School and Roping events.
 5. Laundry – building associated with Single House and Riding School.
 6. Bedroom – Single House
 7. Outbuilding
 8. Outbuilding
 9. Stables
 10. Outbuilding

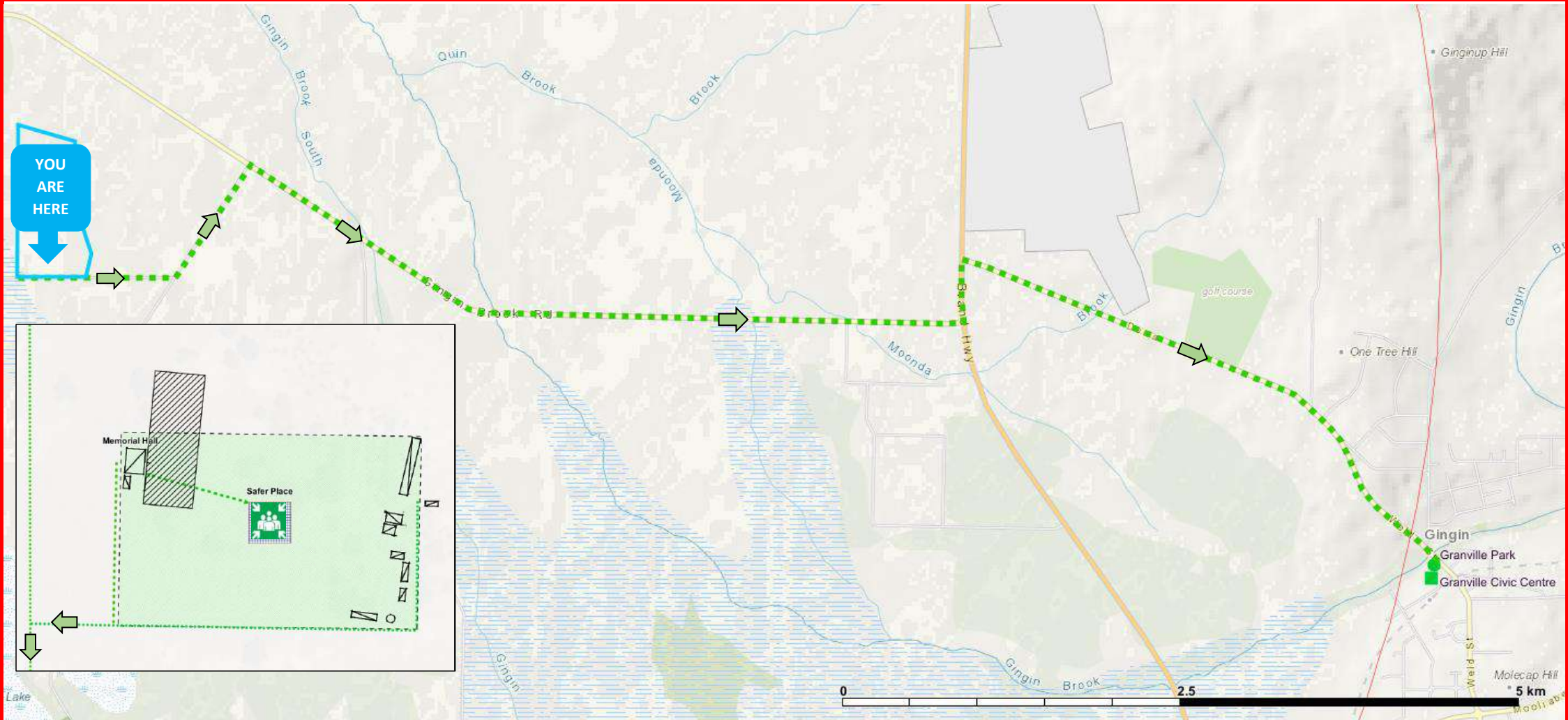
Prepared by: Anthony Rowe

Accreditation Level: Level 3

Accreditation Number: 36690

Date:27 August 2021

EMERGENCY EVACUATION DIAGRAM



Your Location is **Lot 64 Muckenburra Road, Muckenburra**

EVACUATE if DFES or Police advise evacuation is required

Follow instructions from the Emergency Services Incident Controller (the DFES officer managing the fire) Evacuate only if the route is safe.

- Evacuate to the Gingin Township or as directed by Emergency Services (15 minutes travel time)

DO NOT TRAVEL THROUGH FIRE

Monitor Emergency Information: ABC Radio 720 AM; DFES information 13 33 37;
Emergency WA - www.emergency.wa.gov.au

SURVIVAL - if it is not safe to leave - The Chief Warden will advise DFES (ph. 13 33 37) of the location and the number of persons present

- Visitors should assemble at the Memorabilia Hall and take shelter.
- Keep fire extinguishers at hand and soak towels to block smoke ingress
- Monitor the building condition and observe the fires passing

DO NOT STAY IN A BURNING BUILDING

If it is not safe to remain in the memorabilia hall, take drinking water and move to the central building compound area.

- When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do so
- Initiate evacuation when emergency services have confirmed a safe route is available



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1. PROPOSAL DETAILS

1.1 Introduction

Envision Bushfire Protection has been commissioned to align a development at Lot 64 Muckenburra Road Muckenburra (the site) within the Shire of Gingin, with the State bushfire risk management framework - State Planning policy 3.7, *Planning in bushfire prone areas*. The development includes long term residential stay, a roping club (sport) and a riding school (community purpose).

The site is within a broader area characterised as open land and pasture and is zoned General Rural. The site is a 49.99 ha lot, flat and largely cleared of trees with the exception of a low lying area of Scrub at the east of the site.

The site is located 7.3 k west of the township of Gingin and is identified as within a declared bushfire prone area (OBRM September 2019) as shown on Plate 1.

The site does not have access to a reticulated water supply and relies on a 120 000 L onsite tank for domestic supply. A strategic water supply 150 000 L is located southwest of the site on Muckenburra Road.

In accordance with SPP 3.7, the planning authority in determining an application in a declared bushfire prone area must be satisfied the proposal is consistent with the Policy intent, **to implement effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.**

This BMP has been prepared following the

- FPAA methodology for the preparation of a Bushfire Attack Level (BAL) assessment.
- The WAPC A Guide to Developing a Bushfire Emergency Evacuation Plan.

Purpose of this Plan

The purpose of this Bushfire Management Plan (BMP) is to demonstrate the proposal can achieve compliance with the bushfire protection measures described in SPP 3.7 and the Bushfire Protection Criteria in the Guidelines.

The BMP will therefore assess the bushfire hazards within and nearby the site and any potential restrictions that may apply to the Acceptable Bushfire Protection measures or alternative solutions (performance principle) to achieve the intent of the bushfire protection measure.

This document presents an assessment of a proposed vulnerable class of development "visitation uses that may involve people who are unaware of their surroundings" with the requirements State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas (WAPC, V1.3 December 2017) including assessment against each of the Bushfire Protection Criteria and the requirement for an Emergency Evacuation Plan.

Site and Proposal Description

The proposal and its context comprises:

Landowner	Gurindji Pty Ltd
Local Government Area	Shire of Gingin
Local Planning Scheme Zone	General Rural in the Shire of Gingin Local Planning Scheme No.9
Bushfire Season	30 November - 31 May
Development proposal	Equine Sports facility
Land description site	The development site is a 1.5 ha portion of a 49.99 ha lot.
Existing buildings	The site is level and classified as Grassland
Topography	The site is occupied by 10 buildings as follows
Site Vegetation	<ul style="list-style-type: none">• A single dwelling• Office, memorabilia hall, storeroom, and stables all associated with the riding school and/or roping events• Dining room and laundry associated with the riding school and single dwelling• 3 rural outbuildings.



Adjoining Land-uses	North	East	South	West
	Rural smallholding	Rural smallholding	Rural smallholding	Rural smallholding
Road Access	The site adjoins Muckenburra Road, a dead end road, at its southern boundary. The site is located 2.1 km from Gingin Brook Road, the nearest through road			
Nearest Town Centre	The nearest town centre is Gingin (13 km)			
Water supply	<p>The site does not have access to a reticulated water supply but relies on an existing 120 000 L tank for domestic purposes.</p> <p>A community firefighting water tank is located south of the site on the opposite side of Muckenburra Road.</p>			
Tele communications	The site is within the Telstra network.			
Emergency services	Gingin Volunteer Fire and Rescue service, 7 Robinson St, Gingin 13 km from the site			
Minor Development	Not applicable			
Unavoidable development	Not applicable			
Vulnerable Development	<ul style="list-style-type: none"> Children under 18 years of age would attend the riding school Events associated with the roping club may include attendance by persons (45 maximum) who may not be familiar with the location and overnight camping for up to 10 attendees 			
High-risk land use	Not applicable			

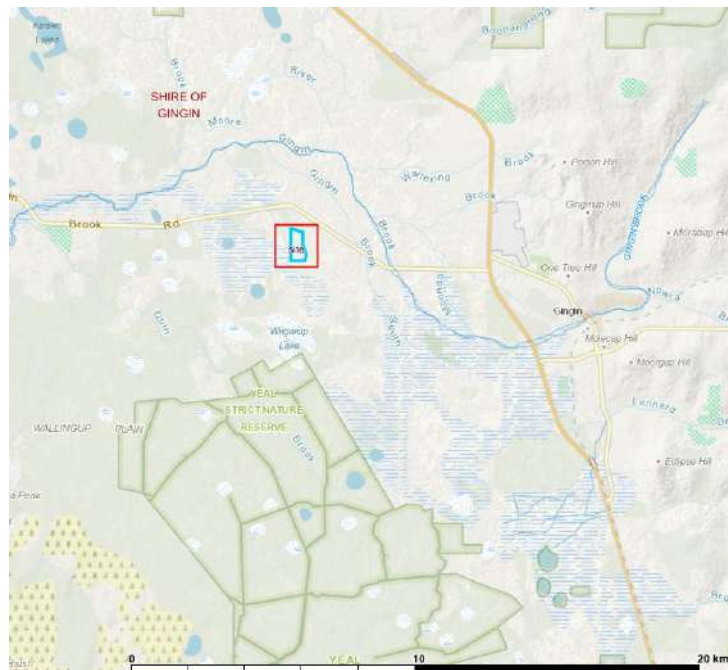


Plate 1: Locality

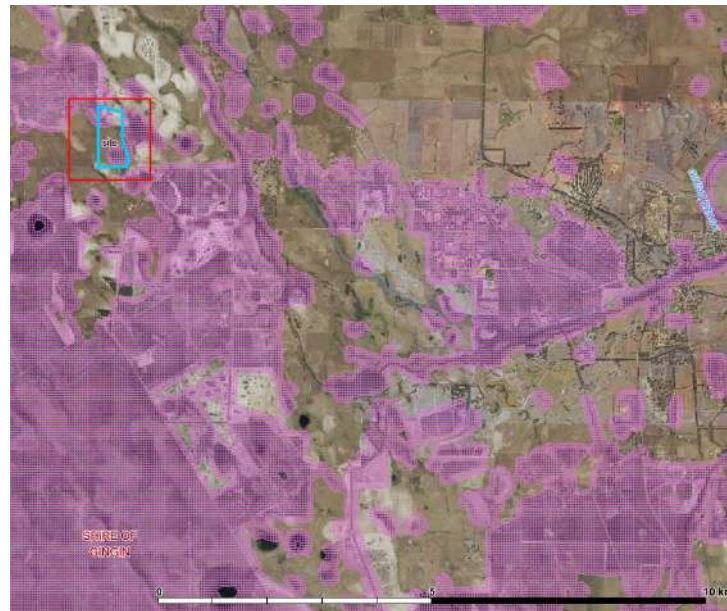


Plate 2: Site boundary, bushfire prone area (OBRM 2019) (pink)





1.2 Regulatory Compliance Requirements

Planning and Development Act 2005 - SPP 3.7

On 7 December 2015, the State Government introduced by Gazette, a state map of Bushfire Prone Areas by order under the *Fire and Emergency Services Act 1998* and introduced development controls in Bushfire Prone Areas through the *Planning and Development Act 2005*. These controls were authorised by State Planning Policy 3.7 (Planning in Bushfire Prone Areas) regulations introduced under Part 10A Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and guided by the *Guidelines for Planning in Bushfire Prone Areas*.

SPP 3.7 is arranged to achieve the Policy Intent.

The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

Achieving the Policy Intent is a risk management arrangement. The references for determining the risk and the treatments is strictly provided by section 4. This includes AS3959:2018 to determine the risk, and treatments provided in the Guidelines. The risk evaluation is guided by Policy Objectives and Policy Measures.

Applicable clause from SPP 3.7 include:

- SPP 3.7 cl. 6.2: A development within a bushfire prone area that, on completion, has a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval;
- SPP 3.7 cl. 6.5: A development application in a bushfire protection area is to be accompanied by a BAL assessment, the identification of any bushfire hazard issues arising from the BAL assessment and an assessment against the bushfire protection criteria requirements contained within the Guideline (BMP); and
- SPP 3.7 cl 6.6: Vulnerable Land Uses:

An additional information requirement (SPP 3.7 cl. 6.5) applies for proposals classified as 'vulnerable development'. A (Bushfire) Emergency Evacuation Plan is required to accompany the BMP comprising the details described at cl.5.5.2 of the Guidelines V1.3 and be prepared in accordance with the DPLH A Guide to developing a Bushfire Emergency Evacuation Plan 2019.

A riding school for children is a Vulnerable land use and is required to be accompanied by a (Bushfire) Emergency Evacuation Plan for the care and guidance of persons who may be less able to respond in a bushfire emergency.
- SPP 3.7 cl 6.10: The decision-maker may impose a 'notice on title' advising that the site is located in a bushfire prone area and is subject to a Bushfire Management Plan.

Bushfires Act 1954

Section 33 of the *Bushfires Act 1954* recognises the responsibility of all landowners to prevent the spread of bushfire. The Local Government issues a Fire Hazard Reduction Notice annually. The notice obligates the landowner to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire.

An owner who fails to comply with a notice is guilty of an offence (Penalty: \$5,000). The local government may in addition carry out the required works of the notice and recover the costs incurred by application to a Court.

Environmental Regulations (Regulated Vegetation)

Vegetation that is potentially restricted from removal can affect the bushfire protection options available.

The environmental regulations include:

- (WA) Environment Protection Act 1986 and Environmental Protection (clearing native vegetation) Regulation 2004
- (WA) Environmental Protection (clearing native vegetation) Regulation 2004
- (WA) Biodiversity Conservation Act 2016 and Bio-diversity Conservation Regulations 2018.
- (Clth) Environment Protection Biodiversity Conservation Act 1999

In this instance the proposal does not require the modification of any regulated vegetation.



2. ENVIRONMENTAL CONSIDERATIONS

A fundamental consideration in the assessment of development under SPP 3.7 is to avoid instances where bushfire risk management measures would conflict with or be limited by other biodiversity management measures.

In accordance with the Department of Planning Lands and Heritage template (Bushfire Management Plan template to support a BAL Contour Assessment) a review of the listed databases has been undertaken as part of this assessment to identify whether restrictions or other specific considerations may apply that would affect the implementation of any bushfire protection initiatives that may otherwise be identified.

2.1 Native Vegetation – Modification and Clearing

Is the land affected by:	Yes/No	Comment
Conservation Wetland or buffer (DBCA-019 DBCA-017)	No	Not identified
RAMSAR Wetland (DBCA-010)	No	Not identified
Threatened and Priority Flora (DBCA-036)	No	Not identified
Threatened and Priority Fauna (DBCA-037)	No	Not identified
Threatened Ecological Communities (DBCA-038)	No	Not identified
Bush Forever (COP-071)	No	Not identified
Environmentally Sensitive Area (DWER-046)	No	Not identified
Regionally Significant Natural Areas (DWER-070)	No	Not identified
Aboriginal Heritage	No	Not identified
Conservation Covenant (DPIRD-023)	No	Not identified
Does the proposal require the removal of restricted vegetation?	Yes	No

The site, and much of the surrounding area has been historically cleared for pasture and grazing. The site is now predominantly grassland.

There is no restriction upon establishing bushfire protection measures (removing flammable vegetation between the buildings and the nearest classified vegetation) to achieve a required BAL rating at a habitable building – BAL 10 (10 kWm²) in this instance and a central area at BAL (2kWm²).

Re-vegetation/Landscape Plans

The site is predominantly classified as grassland which is one of the lowest categories of bushfire intensity and setback requirement. Should the condition of the site change, i.e. to introduce shrubs or trees at a canopy density exceeding 10% across the site, this will change the present condition of the site and the considerations for the Asset Protection Zone and the potential to shelter on site. *Note the required distance to achieve 2 kWm² from forest on flat land is 155 m. Forest classified vegetation should not occur within 155 m of the open space shelter area.*



3. BUSHFIRE ASSESSMENT

3.1 Bushfire Attack Level Assessment (Inputs)

The following assessment has applied the methodologies described in AS3959-2018, the Guidelines, and has used the Fire Protection Association Australia accredited practitioner methodology for the preparation of Bushfire Attack Level (BAL) assessments.

All vegetation within 150 m (context) of the subject building has been classified following Clause 2.2.3 (AS 3959 -2018) to determine the predominant vegetation affecting the behaviour at the locality. The Bushfire Attack Level is determined by the **predominant** vegetation within 100 m of the site boundary (for subdivision), or around the development site (building envelope) or the external face from a habitable building.

The classifications of vegetation used in AS3959:2018 are based on foliage cover, measured as a percentage of a hectare and by the fuel (vegetation) height.

Foliage cover: The portion of the ground that would be shaded by foliage when the sun is shining directly overhead, expressed as a percentage for each stratum or identifiable layer of vegetation

AS 3959:2018

Layer/ Stratum	Description	Hazard
Bark	Tight/fine – course/ribbon	Spotting and ember attack potential
Canopy	Trees taller than 6 m	Influences the flame height
Elevated fuel	Trees and Shrubs up to 6 m	Influences the flame height
Near surface	Grasses and shrubs taller than 100 mm and up to 2 m	Influences the rate of spread
Surface	On ground material, leaves, twigs, bark	Influences the rate of spread

From CFA (Vic) Overall fuel assessment guide 2010

AS 3959:2018 prescribes six categories of Bushfire Attack Level (BAL): BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40, and BAL-FZ. In addition, BAL-FZ describes only performance solutions where the separation from classified vegetation (on completion) is less than 10 m. The BAL level is used for determining the siting of development (to be less than BAL-40) and in turn the construction standard that is equivalent to the BAL at the proposed building location.

This assessment has followed the guidance of AS3959:2018. This includes:

- A recognition of excluded vegetation types described at cl.2.2.3.2 (e) and (f), but the underlying vegetation should still be classed e.g. an orchard may be excluded but not the grassland within it.
- A separate plot is applied if there is a variation in the slope greater than 5.0°
- For various vegetation classes a representation that is less than 10%, does not constitute the predominant class. Foliage cover referred to in AS3859:2018 for various classes is based on the foliage cover for that class as a percentage of a ha. (shadow cast is not representative of foliage cover).
- The measurement point and the most influential vegetation class (presenting the highest BAL at the building) is used for the determination of the BAL at the building (Figure 2.2 AS3959:2018).
- Consideration of the predominant vegetation is to consider the likelihood of regeneration.
- Orchards, and single tree rows (planted in a row less than 10 m wide) is determined by underlying the near surface fuel.

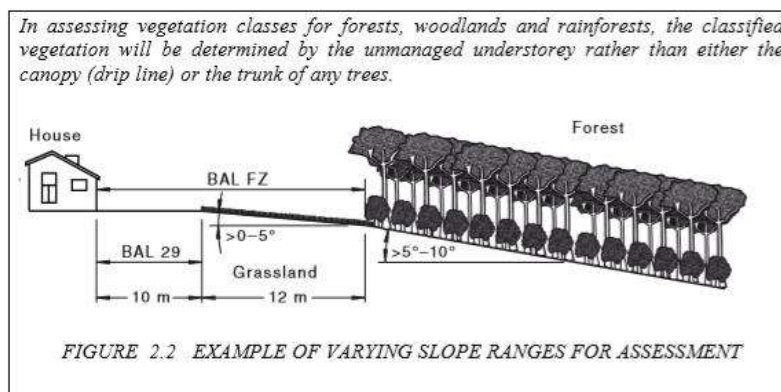


Plate 6: Effective Slope and measurement taken from AS3959:2018

Effective slope under each vegetation plot was assessed in accordance with the methodology detailed in AS 3959-2009 Construction of buildings in bushfire prone areas (AS 3959) (Standards Australia, 2018 Bushfire Fuels). Slope data was measured on site and cross referenced with Landgate elevation data

INPUT FIGURES

Figure 1

Location

Figure 2

Topographic features

Figure 3 (Method 1)

All vegetation within 150m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959:2018 from a site inspection undertaken on 4 December 2020.

The inspection followed the Fire Protection Association Australia accredited practitioner methodology (Template) for the preparation of Bushfire Attack Level (BAL) assessments, including photos. The slopes were recorded using a Nikon Forestry Pro. (Appendix 1)

3.2 Determined Bushfire Attack Level (Outputs)

Figure 4

Bushfire Attack Level Contour Map Indicative BAL – Post Development fuel modification (set at 100 m AS3959:2018).

The Asset Protect Zone has been set to a distance of 30 m from grass, to be equivalent to BAL 10 measured against the buildings. BAL 10 is the maximum BAL for shelter in a building and BAL 2 (90 m from grass) is the maximum BAL for outdoor shelter. (Appendix 1)

4. IDENTIFICATION OF BUSHFIRE HAZARD ISSUES

Factors affecting bushfire behaviour depend upon the fuel (size, quantity, type, moisture, and its distribution), weather conditions (temperature, humidity, wind speed, and atmospheric stability) and the topography (slope aspect and interaction with wind). These factors affect the speed of the fire, the flame height, the spotting behaviour (burning embers) and the intensity. Fires travel faster, and the flame length is closer to the ground traveling uphill. The speed of a fire doubles for every 10 degree upslope increases.

The prevailing summer winds (February) afternoon winds suggests a propensity for winds from the south, south west. Major fires in the region are therefore expected to arrive at the site from the south, south-west.

The context of the site, is a location, presenting a bushfire threat from multiple aspects (directions) across grassland. The topography is flat. Grassland fires are fast moving and influenced by the windspeed. Grass fires however do not generate embers and can be stopped by barriers, such as fences.

Grasses maintained at less than 100 mm, whilst they may still carry a fire provide that the fire can be arrested in pre-wetted surfaces and extinguished by water applied to protect assets.

The land is within an open landscape providing visibility and warning of an advancing fire to prepare or evacuate.

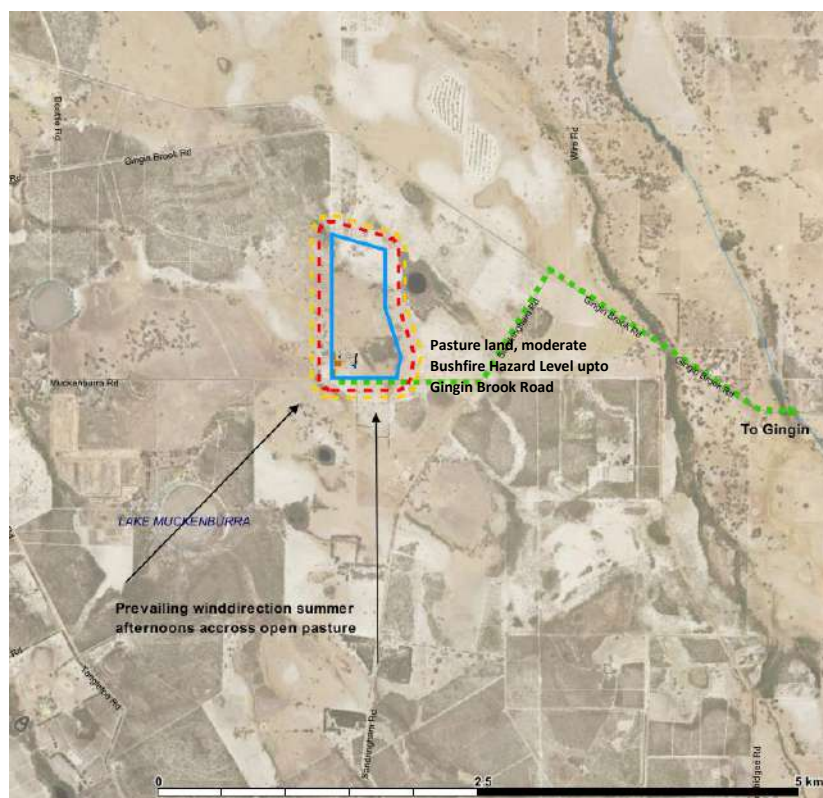


Plate 3: Locality and risk.



5. BUSHFIRE PROTECTION CRITERIA ASSESSMENT

This BMP provides an outline of the mitigation strategies. For each of the elements listed within Appendix 4 of the Guidelines for Planning in bushfire-prone areas, the 'intent' must be achieved either by the proposal meeting the applicable acceptable solution, as one solution; or where the acceptable solutions cannot be met, then by a performance principle-based solution that can achieve the 'Intent.'

5.1 Compliance Criteria

Table 2: Bushfire Protection Criteria assessment.

✓	Acceptable solution provided	C	An Acceptable Solution to be conditioned
N/A	Not Applicable	P	Performance Principle solution see 5.2

Bushfire Protection Criteria	Method of Compliance	AS	PP	Proposed Bushfire Management Strategies
Element 1: location To ensure that strategic planning proposals, subdivision, and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property, and infrastructure	A1.1 Development location The strategic planning proposal, subdivision, and development application is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below.	N/A		In accordance with the WAPC Position Statement: <i>Planning in bushfire prone areas – Demonstrating Element 1: Location and Element 2: Siting and design</i> , the consideration of the bushfire hazard level is not relevant to the assessment of development within an existing lot.



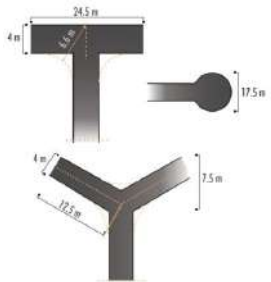
Bushfire Protection Criteria	Method of Compliance	AS	PP	Proposed Bushfire Management Strategies
Element 2: Siting and Design To ensure that the siting and design of development minimises the level of bushfire impact	A2.1 Asset Protection Zone Every habitable building is surrounded by, and every proposed lot can achieve, an APZ depicted on submitted plans, which meets the following requirements: <ul style="list-style-type: none"> • Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances. • Location: the APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity (see explanatory notes). • Management: the APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones.' (see Schedule 1). 	✓		The building compound is set within pasture on a large lot 49.99 ha. There is no restriction upon establishing an APZ to achieve BAL-29 at the perimeter of the building compound. An APZ set to a distance of 30 m from grass, is required to be equivalent to BAL 10 (10kWm ²) measured against the buildings (calculated by Method 2 AS3959:2018, 1200K flame temperature), and BAL 2 (2kWm ²) at the central open space area. The method 2 calculations based upon a flame temperature of 1200 K is provided in Appendix 1.



<p>Element 3: Vehicular Access</p> <p>To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event</p>	<p>A3.1 Two access routes</p> <p>Two different vehicular access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations, and are available to all residents/the public at all times and under all weather conditions.</p>	<p>✓</p>	<p>Muckenburra Road is not a made road 600 m west of the site.</p> <p>The site connects to Gingin Brook Road nearest through road (east 2.1km) by Sandringham Road.</p> <p>Performance Principle 4.5.2.2</p> <p>The acceptable solution requires access to a through-road that provides alternative destinations for evacuation, and from which assistance from emergency services can be received.</p> <p>The area around the site is predominantly open pasture. The road access by Muckenburra Road east of the site and through to Gingin Brook Road is through open pasture grasses; through a moderate Bushfire Hazard Level.</p> <p>The WAPC Position Statement <i>Tourism Landuses in bushfire prone area</i> “other short term accommodation and day uses” provides as an acceptable solution at A2.1</p> <p><i>“2.1 the provision of one access can be considered where:</i></p> <ul style="list-style-type: none"> <i>the access route abuts moderate or low threat vegetation, and</i> <i>where it is demonstrated that secondary access (including an emergency access way) cannot be achieved,</i> <p>The single access is through pasture a moderate Bushfire Hazard Level area, which is open and provides visibility for avoidance. The proposal is compliant with the Acceptable Solution 2.1 in WAPC Position Statement <i>Tourism Landuses in bushfire prone area</i></p> <p>Whilst Muckenburra Road is made to the east of the site, it is unmade for a 1.5 km section before connecting to Quin Road, 4 km west of the site. There is no other practical opportunity i.e. through agreement with a neighbour that would reach a through road that would be no longer than 600 m.</p> <p>As a contingency an APZ of no less than 30 m is recommended to provide a BAL-10 (10 kWm²) at the buildings and result in a central area of less than BAL 2 (2kWm²) which is suitable for open shelter. This is illustrated in Figure 3b Appendix 1 of this report and Figure Ex1.</p>
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Bushfire Protection Criteria	Method of Compliance	AS	PP	Proposed Bushfire Management Strategies																																																
	<p>A3.2 Public road</p> <p>A public road is to meet the requirements in Table 6, Column 1.</p> <p>Table 6: Vehicular access technical requirements</p> <table><tr><th>TECHNICAL REQUIREMENTS</th><th>1 Public road</th><th>2 Cul-de-sac</th><th>3 Private driveway</th><th>4 Emergency access way</th><th>5 Fire service access routes</th></tr><tr><td>Minimum trafficable surface (m)</td><td>6*</td><td>6</td><td>4</td><td>6*</td><td>6*</td></tr><tr><td>Horizontal clearance (m)</td><td>6</td><td>6</td><td>6</td><td>6</td><td>6</td></tr><tr><td>Vertical clearance (m)</td><td>4.5</td><td>N/A</td><td>4.5</td><td>4.5</td><td>4.5</td></tr><tr><td>Maximum grade <50 metres</td><td>1 in 10</td><td>1 in 10</td><td>1 in 10</td><td>1 in 10</td><td>1 in 10</td></tr><tr><td>Minimum weight capacity (t)</td><td>15</td><td>15</td><td>15</td><td>15</td><td>15</td></tr><tr><td>Maximum crossfall</td><td>1 in 33</td><td>1 in 33</td><td>1 in 33</td><td>1 in 33</td><td>1 in 33</td></tr><tr><td>Curves minimum inner radius (m)</td><td>8.5</td><td>8.5</td><td>8.5</td><td>8.5</td><td>8.5</td></tr></table> <p>*Refer to 13.2 Public roads: Trafficable surface</p>	TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes	Minimum trafficable surface (m)	6*	6	4	6*	6*	Horizontal clearance (m)	6	6	6	6	6	Vertical clearance (m)	4.5	N/A	4.5	4.5	4.5	Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10	Minimum weight capacity (t)	15	15	15	15	15	Maximum crossfall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33	Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5	✓		<p>Muckenburra Road is an unsealed public road that is compliant with Table 6, Column 1. It is straight and has a horizontal clearance of 6 m, and 1.2 m shoulders</p> <p>The made section, of Muckenburra Road and Sandringham Road through to Gingin Brook Road complies with column 1 in table 6. It has a 5.5 m – 6 m seal and 1.2 m shoulders.</p>
TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes																																															
Minimum trafficable surface (m)	6*	6	4	6*	6*																																															
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Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5																																															
	<p>A3.3 Cul-de-sac (including a dead-end road)</p> <p>Requirements in Table 6, Column 2;</p> <ul style="list-style-type: none">Maximum length: 200 metres (if public emergency access is provided between cul-de-sac heads maximum length can be increased to 600 metres provided no more than eight lots are serviced and the emergency access way is no more than 600 metres); andTurn-around area requirements, including a minimum 17.5 metre diameter head.	N/A		.																																																
	<p>A3.4 Battle-axe</p> <p>Requirements in Table 6, Column 3;</p> <ul style="list-style-type: none">Maximum length: 600 metres; and Minimum width: six metres.	N/A																																																		

	<p>A3.5 Private driveway longer than 50 m</p> <p>Requirements in Table 6, Column 3;</p> <ul style="list-style-type: none"> • Required where a house site is more than 50 metres from a public road; • Passing bays: every 200 metres with a minimum length of 20 metres and a minimum width of two metres (i.e. the combined width of the passing bay and constructed private driveway to be a minimum six metres); • Turn-around areas designed to accommodate type 3.4 fire appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres) and within 50 metres of a house; and • Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes. • All-weather surface (i.e. compacted gravel, limestone or sealed)  <p>Figure 22: Design requirements for a private driveway longer than 50 metres Turning areas should allow type 3.4 fire appliances to turn safely</p>	✓	<p>The buildings are located more than 50 m from a public road.</p> <p>The site is open and provides opportunity to comply with the requirements for a private driveway in accordance with Table 6, Column 3.</p> <p>This is to include the opportunity for a type 3.4 appliance to arrive and leave in a forward direction.</p> <p>These requirements can be applied as a condition of approval through application of the recommendations of this BMP.</p>
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Bushfire Protection Criteria	Method of Compliance	AS	PP	Proposed Bushfire Management Strategies
	A3.6 Emergency access way Requirements in Table 6, Column 4; <ul style="list-style-type: none"> No further than 600 metres from a public road; Provided as right of way or public access easement in gross to ensure accessibility to the public and fire services during an emergency; and Must be signposted. 	N/A		
	A3.7 Fire service access routes (perimeter roads) Requirements Table 6, Column 5; <ul style="list-style-type: none"> Provided as right of ways or public access easements in gross to ensure accessibility to the public and fire services during an emergency; Surface: all-weather (i.e. compacted gravel, limestone or sealed) Dead end roads are not permitted; Turn-around areas designed to accommodate type 3.4 appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres); No further than 600 metres from a public road; Allow for two-way traffic and; Must be signposted 	N/A		
	A3.8 Firebreak width,	✓		Firebreaks are to be maintained in accordance with the Shire of Gingin's annual Firebreak Orders (Bushfire Act 1954).



Bushfire Protection Criteria	Method of Compliance	AS	PP	Proposed Bushfire Management Strategies
Element 4: Water To ensure that water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire	A4.1 Reticulated areas The subdivision, development or land use is provided with a reticulated water supply in accordance with the specifications of the relevant water supply authority and Department of Fire and Emergency Services. E4.1: The Water Corporation's 'No. 63 Water Reticulation Standard' is deemed to be the baseline criterion for developments and should be applied unless local water supply authorities' conditions apply.	✓		The site does not have access to a reticulated water supply.
	A4.2 Non-reticulated areas <ul style="list-style-type: none"> Volume: minimum 50,000 litres per tank; Ratio of tanks to lots: minimum one tank per 25 lots (or part thereof); Tank location: no more than two kilometres to the furthestmost house site within the residential development to allow a 2.4 fire appliance to achieve a 20 minute turnaround time at legal road speeds; Hardstand and turn-around areas suitable for a type 3.4 fire appliance (i.e. kerb to kerb 17.5 metres) are provided within three metres of each water tank; and Water tanks and associated facilities are vested in the relevant local government 	N/A		A Strategic Water tank is located opposite the site and 371 m east from the driveway access to the site.
	A4.3 Individual lots within non-reticulated areas (Only for use if creating 1 additional lot and cannot be applied cumulatively) Single lots above 500 square metres need a dedicated static water supply on the lot that has the effective capacity of 10,000 litres.	✓		A 10 000 L standalone water tank is to be provided adjacent to the driveway for emergency services. The tank is to be signposted and provided with a coupling to Shire requirement. In addition it is recommended that a mobile fire fighting unit is provided on site to undertake fire suppression around the site when it is safe to do so.



5.2 Additional Management Measures

Additional management strategies not directly addressed by the bushfire protection criteria above include the additional measures required to address the risk to a vulnerable class of development. This includes the provision of an Emergency Evacuation Plan (BEEP), prepared in accordance with clause 6.6 of SPP 3.7, for the period until the adjoining land is developed.

In this instance the BEEP includes the provision of shelter on site due to the possibility of a grassland fire temporarily closing the single access to the east.

The requirement for shelter on site follows the Australian Building Codes Board, Design and Construction of Community Bushfire Refuges (2014). The requirement for shelter is either a building sited at not higher level than BAL 10 (10kWm²), or pen space at BAL 2 (2kWm²), with a flame temperature of 1200 K instead of 1090 K.

Monitoring the Emergency WA website through the bushfire season is recommended to provide an early alert and time for safe evacuation.

It is also important that the owner maintain the Asset Protection Zone and preferably irrigate that area and maintain it with uncured grass during the fire season.

Should a fire arrive at the site the seasonal preparations will be important for the protection of the buildings and in turn the survival of the occupants.

The owner should also avail themselves to the DFES publications found at

<https://www.dfes.wa.gov.au/bushfire/prepare/>

and prepare a plan for the maintenance of the property (preparation) and the actions to be followed in a bushfire event.

5.2.1 Vulnerable Development Emergency Evacuation (CI 6.6)

The following describes the compliance requirement for preparation of the BEEP that has been followed. In addition to these requirements the presentation has been undertaken to compliment an overall emergency in facilities plan (AS 3745:2010) for consideration on an ongoing basis, notwithstanding future development may remove the direct bushfire threat, the site will remain subject to ember attack and smoke from a bushfire within native vegetation reserves nearby (400 - 500 m).

Appendix 2 includes the BEEP. This plan has followed the WA Department of Planning Lands and Heritage *A Guide to Developing a Bushfire Emergency Evacuation Plan 2019*.

The attached Emergency Evacuation Plan has also incorporated the requirements listed under section 5.5.2 V1.3 *Guidelines for Planning in Bushfire Prone areas*.

Assumptions

- Two persons reside at the property (managers) and will be on site at all times when the riding school is operating and during roping events.
- Two instructors are at the riding school
- Children attending the riding school arrive by bus. The bus would remain at the site for the duration of the riding lesson
- Children will require support appropriate to their age/development if evacuation is required.
- The managers and instructors can see and smell smoke and can see a fire.



Key features to achieve occupant life safety include:

- Establishing monitoring of emergency public notifications;
- Establishing alert triggers;
- Establishing evacuation procedure;
- Evacuation transport and alternative destination; and

Compliance with Cl. 5.5.2 Guidelines for Planning in Bushfire Prone Areas

The emergency evacuation plan should be concise and consider:	Addressed in Emergency Evacuation Plan <i>The plan has followed AS3745-2010</i>
the number of people at the facility	Riding School – 20 children with 2 instructors Roping events – 45 persons Onsite managers - 2
whether the occupants are permanent or transient	Visiting
whether there is a caretaker onsite	Hosted
whether there are people with a disability, medically dependent, young children or the elderly	A maximum of 20 children under the age of 18 may attend the riding school at any one time. The children are under the supervision of 2 instructors.
identification of a safe alternative location if there was a need for evacuation/relocation	The nearest township is Gingin, 13 km east of the site. If evacuation is required, the on-site managers would follow Emergency WA publicly broadcast information on safe evacuation routes and activated welfare centres and instruct visitors accordingly.
a proposed method of movement of occupants to safe location(s)	If a bushfire is within 10 km of the site, or an advice warning is issued (Emergency WA Warning) the site should be evacuated. Children attending the riding school will be evacuated by bus unless evacuated by private vehicle in the care of a parent/guardian.
details of suitable access/egress routes for the expected type/volume of traffic, including alternatives when suitable roads are inaccessible, insufficient or inappropriate	If evacuation is required, the on-site managers would follow Emergency WA publicly broadcast information on safe evacuation routes and activated welfare centre's and instruct visitors accordingly. <i>The riding school should close and roping events should be cancelled if Extreme or Catastrophic conditions are forecast or if there is an active bushfire which could possibly impact the site or the access route.</i>
transport options for those without access to private vehicles	Children under the age of 18 who attend the riding school are expected to arrive by bus. The bus will remain at the site for the duration of



	the riding lesson. In a circumstance where a child attending the riding school is transported to the site by a parent or guardian, the parent or guardian will be required to remain at the site for the duration of the riding lesson.
options to shelter in place as a last resort	In the event that the Available Safe Evacuation Time is not sufficient to evacuate, visitors and staff will shelter on site until a safe route becomes available. <i>An Asset Protection Zone of 30 m from the building compound area established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones, will provide BAL 10 (10 kWm2) at the habitable buildings and a central area less than 2 kWm2.</i>
roles and responsibilities of facility personnel and emergency services.	The on-site managers will have responsibility for seasonal preparations and daily preparations.
The emergency evacuation plan should consider if actions will change based on a series of triggers, such as:	Addressed in Emergency Evacuation Plan
effective warning methods appropriate for the occupants (including consideration of at-risk persons and the demographics of the occupants)	The on-site managers are expected to recognise smoke, smell of fire and the site of fire. Warning is through monitoring of public announcements from Emergency WA and by observation
closure of facility and early relocation of occupants appropriate to the fire danger rating (FDR) and bushfire warnings	Pre-emptive closure of the riding school and cancellation of roping events should occur if there is potential for the site to be affected by a bushfire or if extreme or catastrophic conditions are conditions. This may be the day prior or on the day.
any local government bushfire requirements (for example, harvest and vehicle movement bans).	Nil
a suitably qualified emergency management professional should prepare the emergency evacuation plan in collaboration with relevant stakeholders including the landowner/developer and the local government (refer to section 6.14 of the Guidelines).	Anthony Rowe Accreditation Level 3 Accreditation Number: 36690

5.2.2 Spatial representation of the bushfire management strategies

Further to the assessment against the bushfire protection criteria, the key features demonstrating compliance should be represented spatially in the Spatial representation of the bushfire management strategies. It represents the required bushfire risk management measures that must be implemented and maintained.



6. RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT OF THE BUSHFIRE MEASURES

The responsibilities for implementation and management of the bushfire measures, summarises the measures identified to achieve compliance with the bushfire protection measure following SPP 3.7. This has been provided in the Executive Summary. The details contained within the planning application authorised by the responsible decision maker are enforceable under section 214 of the *Planning and Development Act 2005*. The items addressed in the table responsibilities for implementation and management of the bushfire measures form part of the planning authorisation and where there is conflict supersede the detail of the planning application.

The responsibilities assigned to the Shire of Gingin reflect associated current activities of the Shire, under other legislation. They provide context and are not to be relied upon nor are binding upon the Shire as a consequence of this Bushfire Management Plan.

Owner

1. The adoption of the Bushfire Emergency Evacuation Plan dated 27 August 2021.
2. The inside face of all external doors shall display the Evacuation Diagram.
3. The provision of a mobile firefighting unit recommended comprising a combustion pump a minimum 5hp or 3kW diesel-powered pump with a min 300 L/m open flow and a 400 L-1000 L capacity.
4. A 10 000 L standalone water tank is to be provided adjacent to the driveway for emergency services. The tank is to be signposted and provided with a coupling to Shire requirement.
5. The private driveways are to be constructed and maintained in accordance with Guidelines for Planning in Bushfire Prone Areas, Appendices, Element 3 Table 6, including a turnaround, sufficient for a type 3.4 appliance 17.5 m (E3.5 and Element 4 at A4.2).
6. Establishment of an APZ of 30 m from all habitable buildings to the extent available within the site (as shown on Figure Ex1). The APZ is to be established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones.
This APZ will establish a BAL 10 (10 kW/m²) at the habitable buildings, and a central area less than 2 kW/m².
7. A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land"

Advisory notes

1. The landowner acknowledges any materials located against or near adjacent to the buildings, should they ignite, will expose the buildings to flame contact and will increase the risk of building ignition.
2. The landowner acknowledges that any buildings or combustible structures located within 6 m of the building may affect its BAL rating – the advice of the Shire should be obtained prior to placing any building or structure within 6 m of a building
3. The landowner acknowledges that external building materials can be damaged, perish, or distort over time and that can, in turn, provide a point of vulnerability for bushfire attack. The landowner



acknowledges their responsibility to undertake an inspection of the building's external surfaces prior to each fire season, to eliminate any externally visible gaps greater than 2 mm

4. The landowner is responsible for availing themselves of any promotions and information to assist owners in preparing for and responding to a bushfire event as may be made by the Shire or the Department Fire and Emergency Services



APPENDIX 1 - BAL Assessment



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 (Incorporating Amendment Nos 1, 2 and 3). 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.


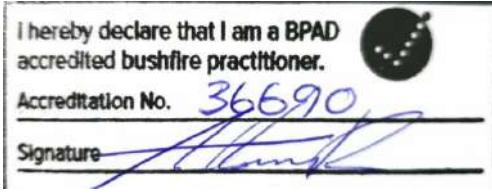
Property Details and Description of Works

Address Details	Unit no	Street no	Lot no	Street name / Plan Reference
			64	Muckenburra Road
	Suburb Muckenburra			State WA
				Postcode 6503
Local government area	Shire of Gingin			
Main BCA class of the building	Class 1a		Use(s) of the building	Habitable building
Description of the building or works	Construction of single dwelling			

Report Details

Report / Job Number	Report Version	Assessment Date	Report Date
	2	4 December 2020	27 August 2021

BPAD Accredited Practitioner Details

Name ANTHONY ROWE – BPAD 36690 Company Details Envision Bushfire Protection Ph - 0439 112 179 Email - admin@envisionbp.com.au ABN 90958370365 	 Authorised Practitioner Stamp <p><small>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.</small></p>
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Site Assessment & Site Plans

The assessment of this site / development was undertaken on 4 December 2020 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959 - 2018 Simplified Procedure (Method 1).

Figure 1: Location and Topography

Address: Lot 64 Muckenburra Road, Muckenburra

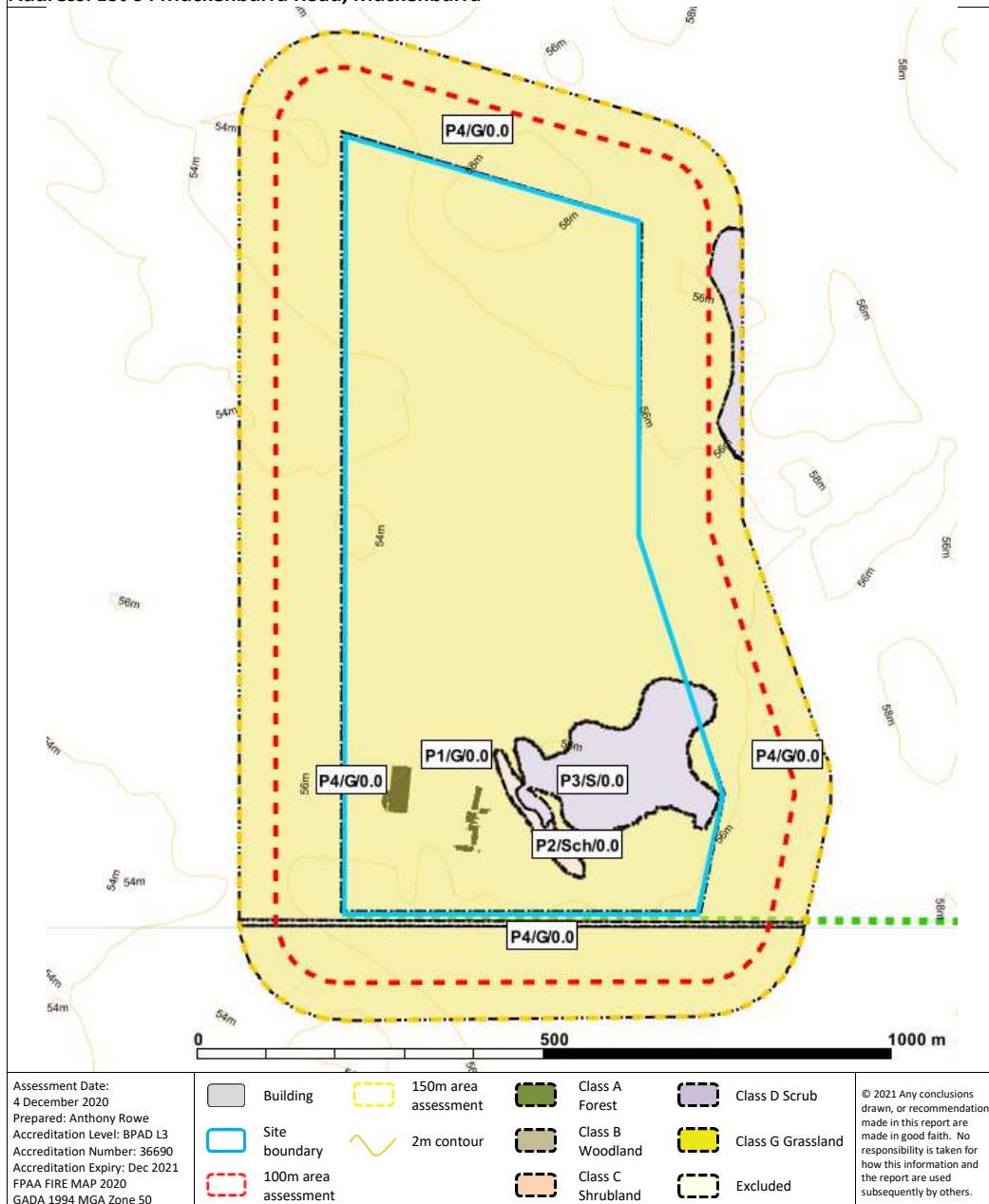


Figure 2a: Vegetation Classification
Address: Lot 64 Muckenburra, Muckenburra

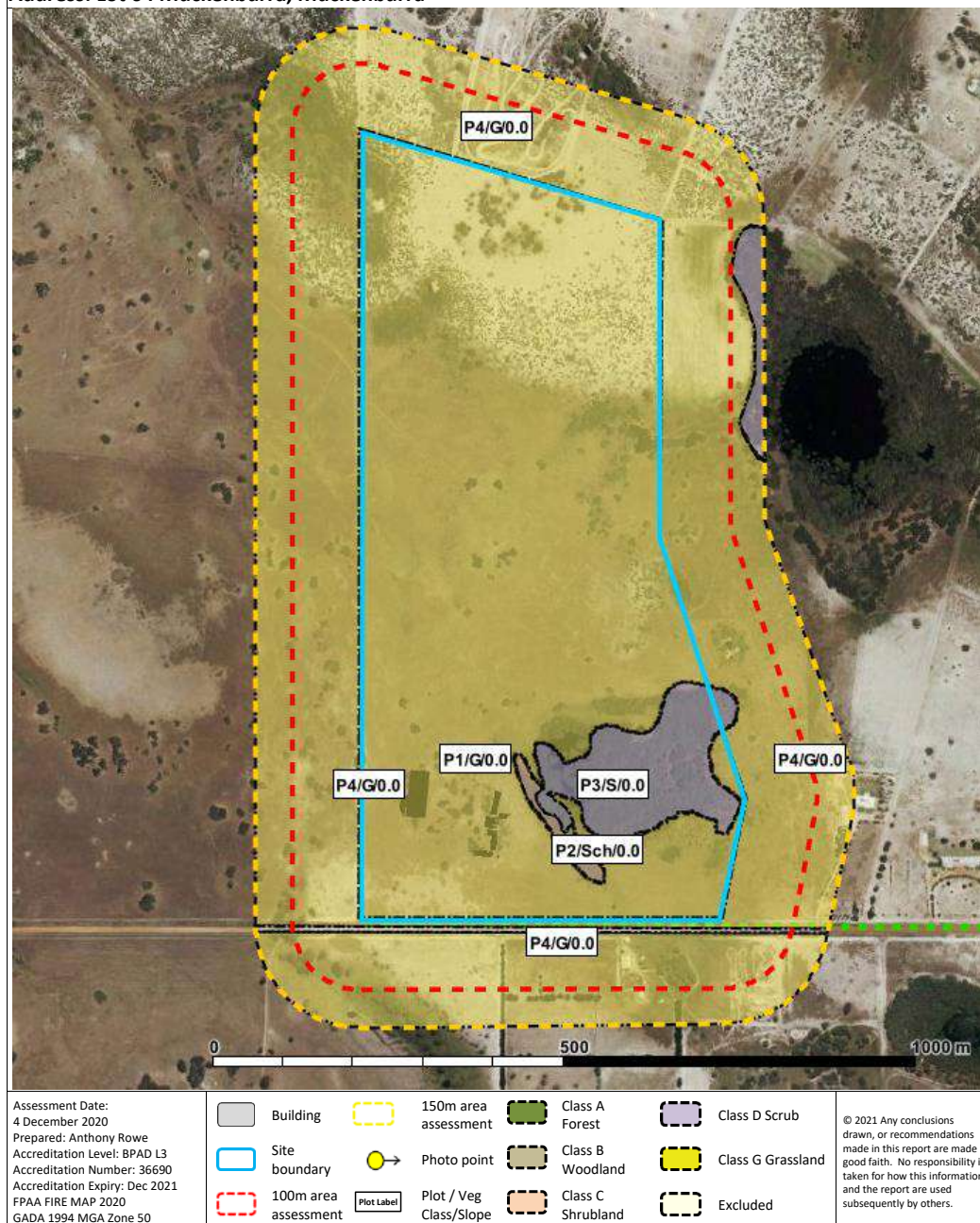


Figure 2b: Vegetation Classification Post Development
Address: Lot 64 Muckenburra, Muckenburra

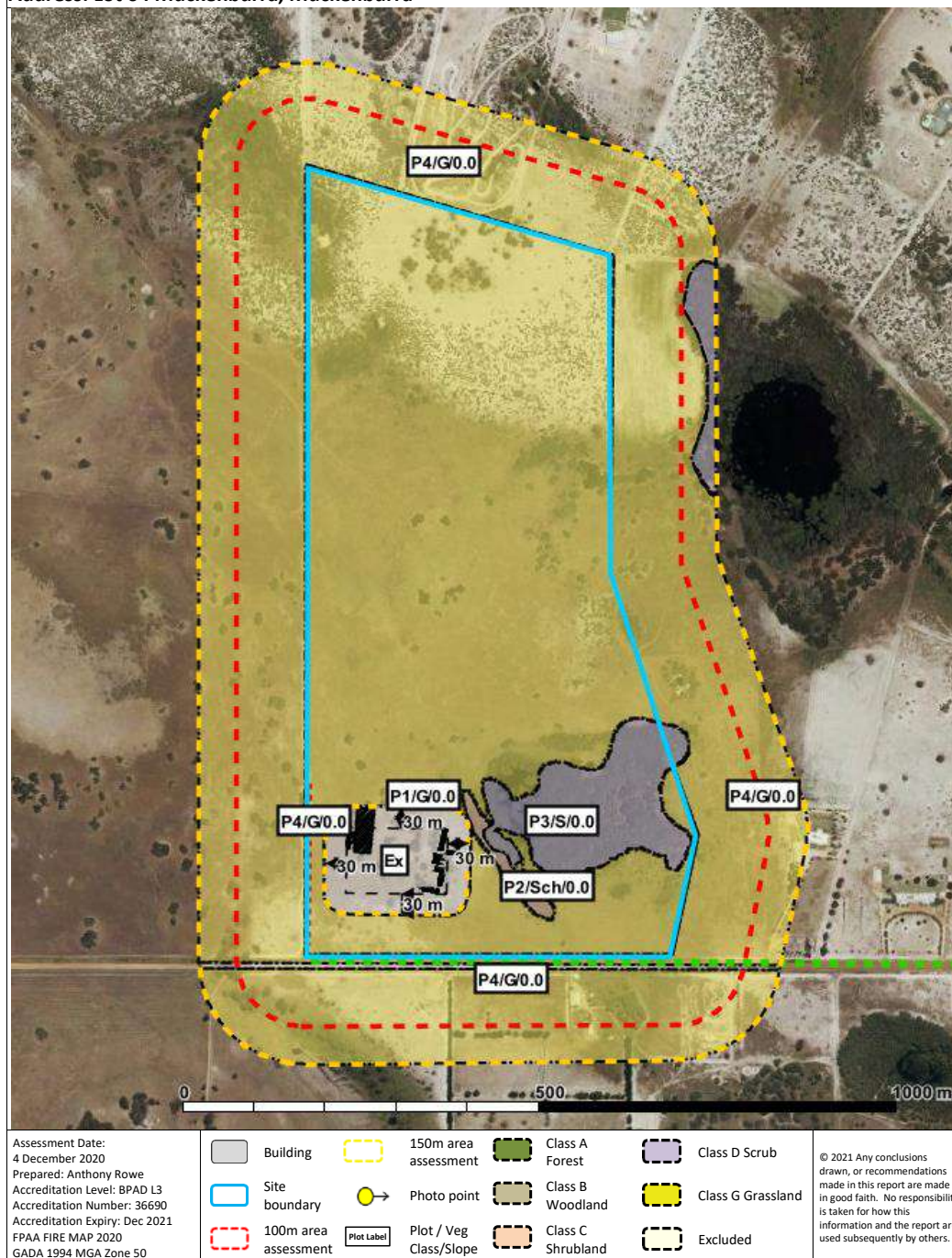
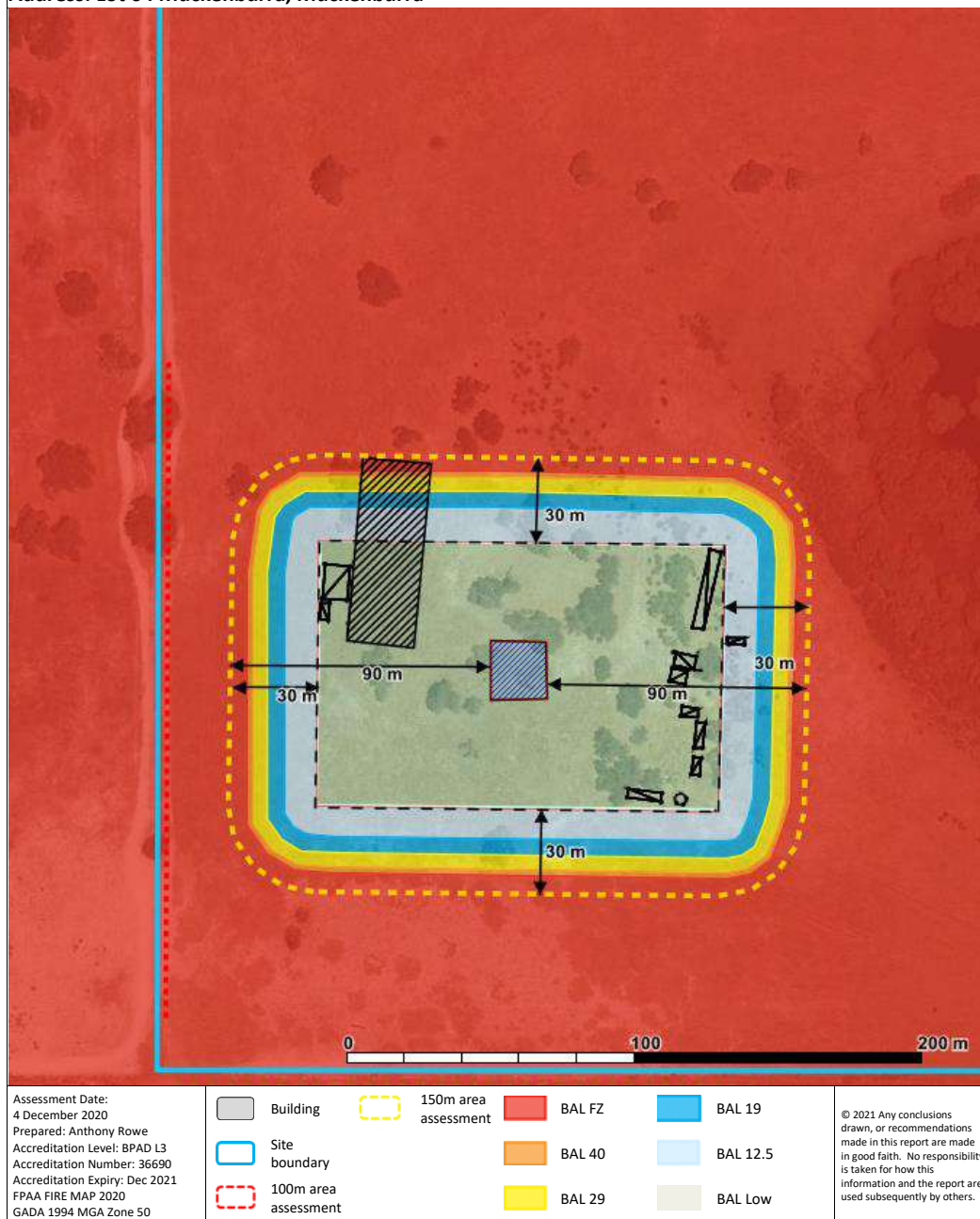















Figure 3: BAL Contour (excluding grassland)
Address: Lot 64 Muckenburra, Muckenburra









PLOT: 1		
Vegetation Classification	PHOTO ID: 1.1	PHOTO ID: 1.2
Class G Grassland – Sown pasture G-26		
Slope		
Flat		
Description (AS3959)		
All forms (except tussock moorlands) including situations with shrubs and trees if the overstorey foliage cover is less than 10%. Includes pasture and cropland.		
Observation/Justification for classification		
Slashed pastoral grasses with occasional shrubs and trees less than 10%.	<p>Comment: Building compound area from Muckenburra Road.</p>	<p>Comment: Grassland to building compound, Memorial building, access is undefined – over grass.</p>
Post development	<p>Comment: Looking to the north of the site</p>	<p>Comment: Looking to the north east from the building compound</p>

PLOT: 1		
Vegetation Classification	PHOTO ID: 1.5	PHOTO ID: 1.6
Class G Grassland – Dense sown pasture G-25		
Slope		
Flat		
Description (AS3959)		
All forms (except tussock moorlands) including situations with shrubs and trees if the overstorey foliage cover is less than 10%. Includes pasture and cropland.		
Observation/Justification for classification	Comment: Looking to the north east across the site.	Comment: Looking south into the development site, building compound.
Slashed pastoral grasses with occasional shrubs and trees less than 10%.		
Post development		
Building Compound area is to be excluded cl. 2.2.3.2 (e) and (f). APZ has been set at 21 m to enable landscaping flexibility , but retain a BAL 29 at the building compound area.		

PLOT: 2 and 3		
Vegetation Classification	PHOTO ID: 2.1	
Class B Woodland - Open shrubland B-09 Plot 2		
Class D Scrub - Closed scrub D-13 Plot 3		
Slope		
Flat		
Description (AS3959)		
<p>Shrubland: Found in wet areas and/or affected by poor soil fertility or shallow soils. Shrubs 1 m - 2 m high. Wet heaths occur in sands adjoining dunes of the littoral (shore) zone. Montane heaths occur on shallow or water-logged soils.</p> <p>Scrub: Found in wet areas and/or areas affected by poor soil fertility or shallow soils; >30% foliage cover. Dry heaths occur in rocky or sandy areas. Shrubs >2 m high. Typical of coastal areas and tall heaths up to 6 m in height. May be dominated by Banksia, Melaleuca or Leptospermum with heights of up to 6 metres</p>	Comment: Shrubland, shrubs up to 2 m preceding Scrub on wetland.	
Observation/Justification for classification	PHOTO ID: 3.1	PHOTO ID: 3.3
A low lying area is located east of the building compound comprising low trees fringed by scrub upto 2 m high.		
Post development		
No change	Comment: Scrub - trees greater than 2 m and less than 6 m high.	Comment: Scrub - trees greater than 2 m and less than 6 m high.

PLOT: 4		
Vegetation Classification	PHOTO ID: 4.1	PHOTO ID: 4.2
Class G Grassland – Sown pasture G-26		
Slope		
Flat		
Description (AS3959)		
All forms (except tussock moorlands) including situations with shrubs and trees if the overstorey foliage cover is less than 10%. Includes pasture and cropland.		
Observation/Justification for classification		
The site adjoins rural (pasture) land use. Occasional trees less than 10%.	<p>Comment: Adjoining grassland, south west of the site.</p> <p>PHOTO ID:4.3</p>	<p>Comment: Adjoining grassland, south east of the site.</p> <p>PHOTO ID:4.4</p>
Post development	<p>Comment: Adjoining grassland, east of the site.</p>	<p>Comment: Adjoining grassland, east of the site.</p>
Grassland, retained.		

PLOT: 1 (E)		
Vegetation Classification	PHOTO ID: E1	PHOTO ID: E2
Class G Grassland – Sown pasture G-26		
Slope		
Flat		
Description (AS3959)		
All forms (except tussock moorlands) including situations with shrubs and trees if the overstorey foliage cover is less than 10%. Includes pasture and cropland.		
Observation/Justification for classification		
Slashed grasses, occasionally taller than 100 mm.	Comment: Compound Area. The Memorial building and the office	Comment: Bedroom, Dining, and Storeroom
Post development	PHOTO ID: E3	PHOTO ID: E4
		
	Comment: Stables	Comment: Bedroom, Dining, and Storeroom



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 <input type="checkbox"/>	FDI 50 <input type="checkbox"/>	FDI 80 <input checked="" type="checkbox"/>	FDI 100 <input type="checkbox"/>
<i>Table 2.7</i>	<i>Table 2.6</i>	<i>Table 2.5</i>	<i>Table 2.4</i>

Potential Bushfire Impacts

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots excluding grass are identified below. The distance is measured from the nearest building.

Pasture grass is not included because it is not restricted and is within the owner's control. The buildings are setback from the site boundaries at a distance that regardless of the adjoining vegetation classification will not exceed BAL-29.

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
2	Class C Shrubland	Flat	23	BAL – 12.5
3	Class D Scrub	Flat	46	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 – 12.5
----------------------------------	-------------------



Method 2 Shelter Calculations



Calculated September 1, 2021, 9:27 pm (BALc v.4.9)

Bushfire Attack Level calculator - AS3959-2018 (Method 2)			
Inputs		Outputs	
Fire Danger Index	80	Rate of spread	2.4 km/h
Vegetation classification	Forest	Flame length	19.8 m
Understorey fuel load	25 t/ha	Flame angle	83 °
Total fuel load	35 t/ha	Panel height	19.65 m
Vegetation height	n/a	Elevation of receiver	9.82 m
Effective slope	0 °	Fire intensity	43,400 kW/m
Site slope	0 °	Transmissivity	0.7
Distance to vegetation	155 m	Viewfactor	0.0246
Flame width	100 m	Radiant heat flux	1.93 kW/m ²
Windspeed	n/a	Bushfire Attack Level	BAL-12.5
Heat of combustion	18,600 kJ/kg		
Flame temperature	1,200 K		

Rate of Spread - McArthur, 1973 & Noble et al., 1980

Flame length - NSW Rural Fire Service, 2001 & Noble et al., 1980

Elevation of receiver - Douglas & Tan, 2005

Flame angle - Douglas & Tan, 2005

Radiant heat flux - Drysdale, 1999, Sullivan et al., 2003, Douglas & Tan, 2005

Forest 2 kWm² = 155 m at 1200 K



Calculated September 1, 2021, 9:29 pm (BALc v.4.9)

Bushfire Attack Level calculator - AS3959-2018 (Method 2)			
Inputs		Outputs	
Fire Danger Index	80	Rate of spread	2.4 km/h
Vegetation classification	Forest	Flame length	19.8 m
Understorey fuel load	25 t/ha	Flame angle	77 °
Total fuel load	35 t/ha	Panel height	19.29 m
Vegetation height	n/a	Elevation of receiver	9.640000000000001 m
Effective slope	0 °	Fire intensity	43,400 kW/m
Site slope	0 °	Transmissivity	0.762
Distance to vegetation	65 m	Viewfactor	0.1119
Flame width	100 m	Radiant heat flux	9.529999999999999 kW/m²
Windspeed	n/a	Bushfire Attack Level	BAL-12.5
Heat of combustion	18,600 kJ/kg		
Flame temperature	1,200 K		

Rate of Spread - McArthur, 1973 & Noble et al., 1980

Flame length - NSW Rural Fire Service, 2001 & Noble et al., 1980

Elevation of receiver - Douglas & Tan, 2005

Flame angle - Douglas & Tan, 2005

Radiant heat flux - Drysdale, 1999, Sullivan et al., 2003, Douglas & Tan, 2005

Forest 10 kWm² = 65 m at 1200 K



Calculated September 1, 2021, 9:33 pm (BALc v.4.9)

Bushfire Attack Level calculator - AS3959-2018 (Method 2)			
Inputs		Outputs	
Grassland Fire Danger Index	110	Rate of spread	14.3 km/h
Vegetation classification	Grassland	Flame length	6.87 m
Understorey fuel load	4.5 t/ha	Flame angle	86 °
Total fuel load	4.5 t/ha	Panel height	6.85 m
Vegetation height	n/a	Elevation of receiver	3.42 m
Effective slope	0 °	Fire intensity	33,247 kW/m
Site slope	0 °	Transmissivity	0.74
Distance to vegetation	90 m	Viewfactor	0.0226
Flame width	100 m	Radiant heat flux	1.87 kW/m²
Windspeed	n/a	Bushfire Attack Level	BAL-12.5
Heat of combustion	18,600 kJ/kg		
Flame temperature	1,200 K		

Rate of Spread - Noble et al. 1980

Flame length - Purton, 1982

Elevation of receiver - Douglas & Tan, 2005

Flame angle - Douglas & Tan, 2005

Radiant heat flux - Drysdale, 1999, Sullivan et al., 2003, Douglas & Tan, 2005

Grassland 2 kWm² = 90 m at 1200 K



Calculated September 1, 2021, 9:31 pm (BALC v.4.9)

Bushfire Attack Level calculator - AS3959-2018 (Method 2)			
Inputs		Outputs	
Grassland Fire Danger Index	110	Rate of spread	14.3 km/h
Vegetation classification	Grassland	Flame length	6.87 m
Understorey fuel load	4.5 t/ha	Flame angle	82 °
Total fuel load	4.5 t/ha	Panel height	6.8 m
Vegetation height	n/a	Elevation of receiver	3.4 m
Effective slope	0 °	Fire intensity	33,247 kW/m
Site slope	0 °	Transmissivity	0.8139999999999999
Distance to vegetation	30 m	Viewfactor	0.1075
Flame width	100 m	Radiant heat flux	9.779999999999999 kW/m²
Windspeed	n/a	Bushfire Attack Level	BAL-12.5
Heat of combustion	18,600 kJ/kg		
Flame temperature	1,200 K		

Rate of Spread - Noble et al. 1980

Flame length - Purton, 1982

Elevation of receiver - Douglas & Tan, 2005

Flame angle - Douglas & Tan, 2005

Radiant heat flux - Drysdale, 1999, Sullivan et al., 2003, Douglas & Tan, 2005

Grassland 10 kWm² = 30 m at 1200 K

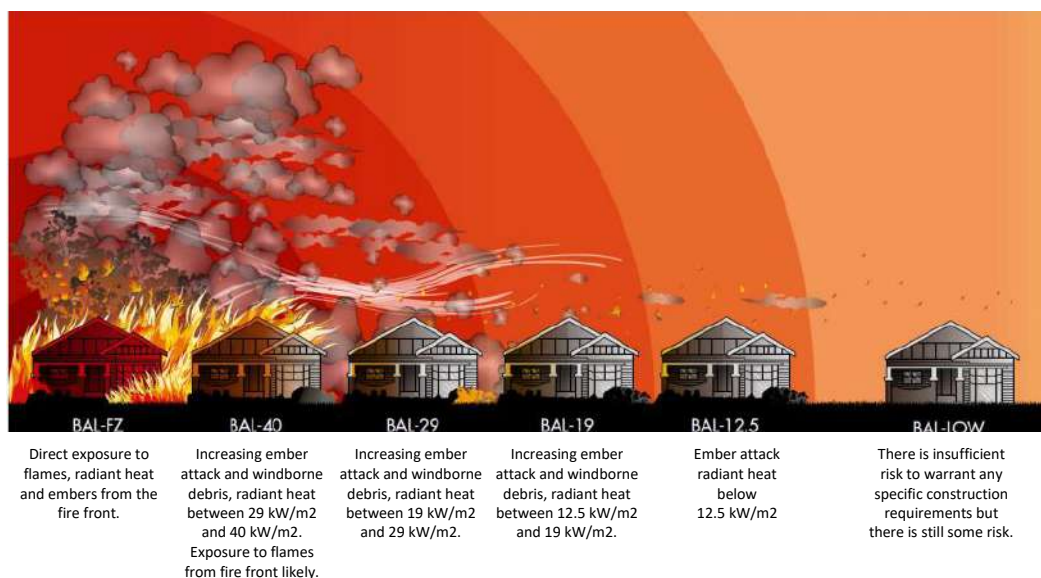
Appendix 1: Additional Information / Advisory Notes

CONSTRUCTION REQUIREMENTS

AS 3959 – 2018 has six (6) levels of BAL based on the radiant heat flux exposure to the building, and identifies the relevant sections for building construction, as detailed below;

Bushfire Attack Level (BAL)	Classified vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack levels of exposure	Construction Section (within AS 3959)
BAL-LOW	See clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	Nil (s.4)
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember Attack	3 & 5
BAL-19*	$> 12.5 \text{ kW/m}^2$ to $\leq 19 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 & 6
BAL-29	$> 19 \text{ kW/m}^2$ to $\leq 29 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 & 7
BAL-40	$> 29 \text{ kW/m}^2$ to $\leq 40 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 & 8
BAL-FZ	$> 40 \text{ kW/m}^2$	Direct exposure to flames from the fire front in addition to heat flux and ember attack	3 & 9

BAL CONSTRUCTION LEVELS IN CONTEXT





APPENDIX 1 – Emergency Evacuation Plan



SCOPE OF PROJECT

The following Emergency Evacuation Plan Assessment and Emergency Evacuation Plan have been prepared pursuant to clause 6.6 in the State Planning Policy 3.7, Planning in Bushfire Prone Areas.

In accordance with the Department of Planning Lands and Heritage *A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN*, and the Emergency Evacuation Plan Template, compliance with clause 6.6, has been provided in the following documents comprising the

- Emergency Evacuation Plan Assessment; and
- Emergency Evacuation Plan

These documents follow the Bushfire Management Plan prepared **27 August 2021** by Anthony Rowe L3 BPAD 36690 in accordance with the FPA Guidelines.

PLANNING FOR EMERGENCIES IN FACILITIES

The Department of Planning Lands and Heritage *A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN*, and the Australian Standards (AS): AS 3745:2010 – *Planning for emergencies in facilities should be read together in preparing an Emergency Evacuation Plan (bushfire) and an Emergency Plan (AS3745:2010)*. They are generally consistent and require a documentation of emergency arrangements consisting of preparedness, prevention, response and recovery arrangements.

Typically, the AS 3745:2010 is a response to escaping a hazard from **within** a building, where as a *Bushfire Emergency Evacuation Plan* is a response to a hazard initially **outside** of the building and includes the ability to move safely within the locality or alternatively use the building for protection - Shelter. The triggers for evacuation may be preventative, based upon direction from emergency services or by observation of an external danger.

Whilst planning for emergencies in facilities, will incorporate many similarities, the triggers and subsequent response will be different.

A notable difference between the *Guide* and AS 3745:2010, is the description of the management structure. AS 3745:2010, and its Emergency Plan, separates the management duties into the Emergency Planning Committee, responsible for preparation of the facility, and the Emergency Control Organisation, responsible for supervising and undertaking the actions during a bushfire. Whilst the functions are separated in AS 3745:2010, they are instead to be undertaken by the Emergency Management Team, as a single management entity, in a Bushfire Emergency Evacuation Plan.

Typically, at the time of seeking Development Approval, the final building design and its internal arrangements will not be determined. At development approval the Bushfire Emergency Evacuation Plan serves to demonstrate the suitability of the proposed land use and preserve life and therefore precedes the preparation of the facility Emergency Plan.

This Bushfire Emergency Evacuation Plan should therefore be incorporated within or as an addendum to the overall Emergency Plan (AS 3745:2010) for the facility when it is prepared.

Both the emergency evacuation diagram for the facility, and the emergency evacuation plan (bushfire), are required to be displayed, and the distinction between an internal threat and response and an external threat and response should be clearly illustrated.



LIMITATIONS STATEMENT.

Envision Bushfire Protection

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Version Control

Proposed Equine Sporting Facility - Lot 64 Muckenburra Road Muckenburra			
Version	Date	Author	
V1	27 August 2021	Anthony Rowe	submission

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Disclaimer

In undertaking this work the authors have made every effort to accurately apply the available information **at the time of writing** following the instructions of the regulatory authorities and applying best practice as described by the Fire Protection Association Australia. Any conclusions drawn or recommendations made in the report are done in good faith and the consultants take no responsibility for how this information and the report is subsequently used.

Envision Bushfire Protection accepts no liability for a third party's use of, or reliance upon, this specific report.

Importantly the measures contained in this report cannot guarantee, human safety or an absence of harm, or that the building will not be damaged or would survive a bushfire event on every occasion. This is due to the unpredictable nature of fire behaviour (knowledge in this field continues to develop) and the unpredictable nature of extreme weather conditions.

Client relationship

I was engaged to provide expert bushfire safety and planning advice. My relationship with the client is a standard commercial contract and no private, personal, or other matter has influenced the content of the:

- Emergency Evacuation Plan Assessment; and
- Emergency Evacuation Plan

STATEMENT OF CONFORMITY – PLANNING AND DEVELOPMENT ACT 2005

Anthony Rowe Level 3 - BPAD36690



BUSHFIRE EMERGENCY EVACUATION ASSESSMENT

Lot 64 Muckenburra Road Muckenburra

This assessment has been prepared having regard to:

The Department of Planning Lands and Heritage: A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN

AS 3745-2010: Planning for emergencies in facilities

This assessment has been prepared in accordance with the Guidelines for preparing a bushfire emergency evacuation plan an accredited bushfire practitioner was engaged (Anthony Rowe BPAD L3 36690).

This assessment does not form part of the BUSHFIRE EMERGENCY EVACUATION PLAN.



STEP 1. THE EMERGENCY MANAGEMENT TEAM

For the purpose of a sporting club & community facility the Emergency Management Team shall comprise of the owner/s of the facility.

In accordance with the Guidelines for preparing a bushfire emergency evacuation plan an accredited bushfire practitioner was engaged (Anthony Rowe BPAD L3 36690).

The bushfire planning practitioner has been responsible for assisting the emergency management team with

- The establishment and implementation of emergency plans and procedures
- Formulation of emergency procedures
- Consultation with local government and local emergency services

Following the development of the emergency plan, the owner / operator is responsible to

- Maintain the emergency plan and ensure resources are provided for its implementation. The facility should be provided with;
 - Emergency kit
 - Communication equipment
 - Hi vis vests for staff
 - First aid equipment
- Ensure the facility is compliant with the building's bushfire safety measures
- Nominate staff to key positions who will be on site whenever the centre is operating
 - Identify and assign duties and responsibilities
 - Chief Warden
 - Deputy Chief Warden
 - Ensure training and a demonstrated understanding of respective roles prior to the commencement of the bushfire season
- Ensure priority is given to the safety of visitors during a bushfire event.
- Ensure riding school instructors are informed of preparations, response actions (evacuation) and recovery during the bushfire season.
- Maintain awareness of local government and emergency services initiatives in planning for emergencies, bushfire alerts, and evacuation places and safe routes which may change with the circumstance of the bushfire event.

The emergency management team (owner) should regularly review the emergency evacuation plan to ensure it remains practical and current.



STEP 2. FACILITY DETAILS, SITE ANALYSIS AND LOCAL CHARACTERISTICS

The emergency plan applies to the sporting club & community facility at Lot 64 Muckenburra Road Muckenburra (the site). The facility is located in a rural area and is within an area identified as bushfire prone.

The facility provides riding lessons for up to 20 disadvantaged children on a monthly basis. In addition to the riding school the facility also runs roping events (club) monthly which attract up to 45 visitors with a maximum of 10 persons staying on site overnight in their own trailers.

The facility has direct frontage to Muckenburra Road.

The site is not within a reticulated area and is reliant on a 120 000 L tank for domestic supply. A community firefighting water tank is located south of the site on the opposite side of Muckenburra Road, but the Bushfire Management Plan also recommends a separate 10 000 L tank be positioned adjacent the driveway for use by emergency services.

The BMP dated **27 August 2021**, describes the sites vulnerability to bushfire.

Key positions and responsibility

Chief Warden

- At regular intervals during the bushfire season monitor the DFES Alerts and Warnings web page <https://www.emergency.wa.gov.au>
- Responsible for determining the need to evacuate through communication with DFES or emergency services and overseeing the evacuation.
- Responsible for decision to initiate precautionary evacuation – this includes precautionary closure of the facility the day before due to forecast conditions (extreme or catastrophic FDR), if an Advice warning is in place, or if there is an active bushfire which may have potential to reach the site or close access to the site
- Responsible to prepare post emergency reports documenting the actions taken and any difficulties with following the emergency plan before, during and after the evacuation.

Deputy Chief Warden

- Responsibilities as delegated by the Chief warden
- Fulfills the responsibilities of the Chief Warden in the absence of the Chief Warden.



STEP 3. PRIMARY AND SECONDARY EMERGENCY ACTIONS

The **primary action** in response to bushfire threat is **early evacuation**.

Early evacuation should be facilitated by **precautionary closure of the facility**

On days where the facility is operating, evacuate when:

- An 'Advice', 'Watch and Act' or 'Emergency Warning' alert is issued from the Department of Fire and Emergency Services.

OR

- There is awareness of fire in the locality with a likelihood of reaching the site

OR

- Smoke or fire has been identified nearby.

AND

DFES/emergency services (through public or direct information) have confirmed that sufficient time is available to safely evacuate the site.

In a bushfire event follow DFES/Emergency Services advice (public announcements) to determine the safe evacuation route and destination.



STEP 4. REQUIREMENTS FOR EVACUATION AND SHELTER-IN-PLACE

This assessment of requirements for evacuation and shelter has been guided by the questions provided in The Department of Planning Lands and Heritage: *A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN*. These have been addressed in Appendix 1

In a bushfire event follow DFES/Emergency Services advice (public announcements) to determine the safe evacuation route and destination.

IF DFES ADVISE SUFFICIENT TIME REMAINS FOR EVACUATION, THEN THIS IS THE PRIMARY ACTION WHICH MUST BE FOLLOWED.

- The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes
 - Children attending the riding school will be evacuated by bus or will evacuate in the care of the parent/guardian in attendance
 - Persons attending the roping club will evacuate by private vehicle
- The Chief Warden will monitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning level
- Once all visitors have evacuated the on-site managers should
 - Check all buildings and turn off air-conditioning
 - Close doors and windows
 - Evacuate

Visitors would return to their homes, unless home is in an area which is evacuating due to the bushfire threat; in that circumstance visitors would follow DFES/Emergency Services advice (public announcements) to determine the safest evacuation route and destination.

SHELTER IN PLACE IS NOT RECOMMENDED HOWEVER IF DFES OR EMERGENCY SERVICES ADVISE IT IS NOT SAFE TO EVACUATE

- Move vehicles to the central area of the building compound (where the APZ has established an area of less than 2 kWm²)
- Visitors and staff should move to the memorabilia hall
- The Chief Warden will account for all visitors and staff and advise emergency services of the number of visitors and staff who are sheltering
- Close doors and windows
- Turn off air-conditioning
- Keep fire extinguishers at hand and soak towels to block smoke ingress
- Monitor the building condition and observe the fires passing

DO NOT STAY IN A BURNING BUILDING.

If it is not safe to remain in the memorabilia hall, an area is available within the site with sufficient capacity to accommodate all visitors that is compliant with the ABCB Design and construction of Community Bushfire Refuges handbook at less than BAL 2 (2 kWm²). Take drinking water and move to the central building compound area.

- When the fire front has passed the Chief Warden will inspect the building and grounds and extinguish any small fires if safe to do so

Initiate evacuation when emergency services have confirmed a safe route is available



STEP 5. DEVELOP PRIMARY AND SECONDARY EMERGENCY PROCEDURES

PREPAREDNESS

Prior to the commencement of the bushfire season the Emergency Evacuation Plan must be reviewed ensuring all information, procedures, contact details and any attached publications are current.

The A3 size evacuation diagram must include current information and be displayed at all buildings

Throughout the bushfire season:

- Fire extinguishers must be checked to ensure they are charged and in working order.
- Fire hoses should be checked to ensure all are in good condition and capable of reaching all surfaces of the building.
- Flammable materials should be removed from within 3 m of the buildings.
- Externally located rubbish bins, storage areas, should have closing lids.
- No flammable materials should be attached to the buildings.
- Ensure employees and volunteers are informed and familiar with the procedures laid out in the Emergency Evacuation Plan.
- Ensure property access is kept clear and easily trafficable.
- first aid kits and adequate levels of drinking water are available and easily accessible

AWARENESS

Maintain situational awareness through a range of information sources including local ABC radio 720, the Emergency WA website (emergency.wa.gov.au), DFES Facebook or Twitter, information line 13 DFES (13 33 37) and local emergency services.

Maintain observation of external condition for signs, and smell of smoke.

RECOVERY

- Following a bushfire emergency, when emergency services have declared the area to be safe, the site managers (Chief and Deputy Chief Wardens) will return to the site and check buildings and grounds for any smouldering objects and continue to monitor for small fires and smouldering objects for the following 24 hours.
- Site managers and any staff who were on site at the time of the bushfire emergency will hold a debrief to identify any issues and inform owners of any necessity to update emergency procedures.



STEP 6. TRAINING AND EDUCATION ON EMERGENCY PROCEDURES

Staff and volunteers will be provided with information outlining emergency management procedures and bushfire protection measures. The onsite managers will practice procedures and ensure that delivery of education and training for staff and any volunteers occurs. The onsite managers will be trained in where to find official emergency information. For example, Emergency WA website, 13 DFES information line, and local ABC Radio 720 for the purpose of monitoring conditions.

Staff and volunteers of the riding school and the roping club must be notified that the facility is located within a bushfire prone area and the possibility for precautionary or emergency evacuation to be required during the fire season.

Staff and volunteers of the riding school and the roping club must acknowledge that they have sighted and understood the emergency evacuation procedures and understand their role and responsibilities.

- Individual roles and responsibilities.
- Assembly point location.
- Firefighting equipment locations
- The written procedures applicable to the site.

The following exercise drills should be practiced by the onsite managers

- assembly and shelter procedures
- site preparation procedures and post fire inspections
- firefighting techniques to create a familiarity with the firefighting equipment (which might be used to address small fires)
- the debrief process (which would follow any bushfire event) to identify and discuss any issues that could occur with the emergency plan



Appendix 1

Step 4 Evacuation or Shelter Analysis



The following questions will assist developing or reviewing the Emergency Evacuation Plan to identify an off-site location - EVACUATION.		
If there are occupants with support needs that require a similar facility to support them, is the off-site location suitable?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Occupants with support needs are people with physical, intellectual, visual, or auditory disability or impairment, either temporary or permanent. It also includes aged persons and juveniles who are dependent on others for their care and wellbeing. 		
Comment: The facility provides riding lessons to (disadvantaged) children who will require supervision and support appropriate to their age		
Is the off-site location in an area away from the effects of a bushfire?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Have you considered locations such as community centres, clubs etc. as possible places to go? 		
Comment: Precautionary early evacuation is the best response if a bushfire 'advice' warning is issued. The nearest township is Gingin, 13 km east of the site. If evacuation is required, the on-site managers would follow Emergency WA publicly broadcast information on safe evacuation routes and activated welfare centres and instruct visitors accordingly		
Are there amenities (toilets, food, water etc.) available at the off-site location? (if applicable)	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Visitors would return to their homes or attend a nominated evacuation welfare centre (Emergency WA public advice)		
Can the off-site location accommodate the number of occupants?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Remember that other persons may wish to utilise the same facility as their shelter for evacuation. Accommodation for more than one day may be required. 		
Comment: Visitors would return to their homes or attend a nominated evacuation welfare centre (Emergency WA public advice)		
Does an available route to the off-site location avoid transporting through bushfire affected areas or areas that may be affected by an approaching bushfire?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Depending on the extent of the bushfire hazard around the site, the location of a bushfire and the safest route from the site, there may be a need to have two or three off-site locations.		
Comment: In a bushfire event safe evacuation routes and safer places will be confirmed by Emergency WA (public advice).		
Has the owner of the off-site location advised that they are happy to accommodate occupants if evacuation from a bushfire emergency occurs?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: nominated welfare centres		



Consider the following questions to assist planning transport arrangements.		
Do you have your own transport for all occupants?	Yes	<input checked="" type="checkbox"/>
If no, what transport provider will you use?	No	<input type="checkbox"/>
Comment: Precautionary evacuation following an 'advice' level warning would be facilitated through private vehicles.		
Are you going to use private vehicles?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Children attending the riding school would arrive by bus and the bus would remain at the facility for the duration of the riding lesson. Roping Club members and guests would attend by private vehicle and retain their vehicles at the site for the duration of their visit.		
If using private vehicles, will they be available when you need them and will there be drivers available? If no, consider another mode of transport	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: As Above		
Will there be sufficient vehicles to transport all the occupants?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: As Above		
Have occupants with support needs been considered when determining transport types and necessary timing to evacuate?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Children attending the riding school would arrive by bus and the bus would remain at the facility for the duration of the riding lesson.		
Is disabled transport required, and is this sufficient to move the number of occupants from the facility?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: See above.		
Do you require ambulances?	Yes	<input type="checkbox"/>
If yes, St John Ambulance Australia needs to be consulted.	No	<input checked="" type="checkbox"/>
Comment:		
Is a community bus available?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment:		
Will community buses be available when you need them and will drivers be available?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment:		
Are other means of transport available?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Private vehicles		
Do you need any other type of special transport?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment:		



The following questions will assist developing the Emergency Evacuation Plan to identify an on-site building. SHELTER		
Is the property well maintained and kept free from a build-up of fuel and leaf litter in gutters and around buildings?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Refer to Standards for Asset Protection Zones in the Guidelines for Planning in Bushfire Prone Areas. 		
Comment: The buildings should be inspected prior to the bushfire season, particularly those aspects that are not readily observable or accessible such as elevated ledges and the roof. During the bushfire season rubbish bins should be self-closing, and material accumulating against the buildings should be removed.		
Is there a building on-site that is away from bushland and is unlikely to be impacted by bushfire?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Consider the potential for any adjoining structures, vegetation, or combustibles to ignite and impact on the building. For facilities where occupants are located in numerous buildings or rooms, it may be appropriate to remain in those rooms under supervision. 		
Comment: An Asset Protection Zone of 22 m from the building compound area established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones, will provide BAL 10 (10 kWm ²) at the habitable buildings and a central area less than 2 kWm ² . The memorabilia building is the preferred building for shelter.		
Is the building constructed in a manner that minimises bushfire attack with appropriate Asset Protection Zones?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
To determine standards of construction, consult Australian Standard AS3959 Construction for buildings in bushfire prone areas.		
Comment: An Asset Protection Zone of 22 m from the building compound area established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones, will provide BAL 10 (10 kWm ²) at the habitable buildings		
Can the building accommodate the number of occupants and visitors?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
Is there ease of accessibility to the building and is it easily identifiable?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
Is there access to amenities (toilets, food, water etc) away from the effects of a bushfire?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: the facility is equipped with amenities sufficient if shelter is taken		



BUSHFIRE EMERGENCY PLAN

NAME OF FACILITY	ROPING CLUB AND RIDING SCHOOL
ADDRESS	Lot 64 Muckenburra Road Muckenburra
PREPARED BY	Anthony Rowe, L3 BPAD 36690
OWNER/OPERATOR	Gurindji Pty Ltd
DATE	27 August 2021
VERSION NUMBER	1

Document Control

Version	Date	Details	Undertaken by
1	27/08/2021	Submission	Anthony Rowe

Emergency Management Team

Name	Role	Contact Details
	On site manager	
	On site manager	



FACILITY DETAILS

This Plan is for a Riding School and Roping Club (Community sporting facility) at Lot 64 Muckenburra Road Muckenburra and has been designed to assist management in protecting life and property in the event of a bushfire.

The plan outlines procedures for both **evacuation** and **shelter-in-place** to enhance the protection of occupants from the threat of a bushfire.

The primary action to follow in a bushfire emergency is to:

Evacuate



Shelter in place



NAME OF CONTACT PERSON		tbc	
POSITION / ROLE OF CONTACT PERSON		On site Manager	
PHONE NUMBER		tbc	
FACILITY TYPE	Sporting club	NUMBER OF BUILDINGS	7
NUMBER OF STAFF	2 on-site managers 2 instructors at the riding school	NUMBER OF OCCUPANTS	20 children (riding school) 45 visitors (roping club)
NUMBER OF OCCUPANTS WITH SUPPORT NEEDS		20	
DESCRIPTION OF SUPPORT NEEDS		Children will require staff to support and provide assistance appropriate to their age and development.	



RESPONSIBILITIES

The following outlines who has responsibility for implementing emergency procedures in the event of a bushfire.

Position	Role	Responsibility
EMERGENCY PLANNING COMMITTEE		
	OWNER	<ul style="list-style-type: none"> Ensure the facility is prepared for the bushfire season
EMERGENCY MANAGEMENT TEAM		
On-site Manager	CHIEF WARDEN	<ul style="list-style-type: none"> Daily - check www.emergency.wa.gov.au for any warnings or alerts Monitor conditions on Severe plus FDR days <ul style="list-style-type: none"> Local ABC Radio 720 am Emergency.wa.gov.au Determine with DFES/emergency services that safe evacuation is available oversee evacuation or prepare for shelter on site Remain contactable (mobile phone) at all times
On-site Manager	DEPUTY WARDEN	<ul style="list-style-type: none"> Activities delegated by the Chief Warden Fulfills the responsibilities of the Chief Warden in the absence of the Chief Warden

EMERGENCY CONTACTS

Name of Organisation	Office / Contact	Contact details
Fire / Police / Ambulance	Fire or Emergency	000
Department of Fire & Emergency Services	Emergency Information	13 33 37 (13 DFES)
Emergency WA	Warnings and incidents	www.emergency.wa.gov.au
Bureau of Meteorology	Weather information	1300 659 213

Secondary Contacts

Name of Organisation	Office / Contact	Contact details



PREPAREDNESS

CHECKLIST – ongoing, prior to and during the bushfire season		
BUSHFIRE SEASON: COMMENCES 1 OCTOBER AND CONCLUDES 31 MAY OF EVERY YEAR (UNLESS OTHERWISE ADVISED)		
Action	Frequency	Responsibility
To be completed just prior to the bushfire season (by November 30 each year)		
1. Review Emergency Evacuation Plan to ensure details, procedures and contact phone numbers are correct.	Annual	Owner
2. Ensure all staff are familiar with the procedures in the Emergency Plan <ul style="list-style-type: none">a. Staff and volunteers of the riding school and the roping club must be notified that the facility is located within a bushfire prone area and the possibility for precautionary or emergency evacuation to be required during the fire season.b. Staff and volunteers of the riding school and the roping club must acknowledge that they have sighted and understood the emergency evacuation procedures and understand their role and responsibilities		
3. Ensure the site layout diagram and emergency evacuation diagrams are current and in visible location(s) at all buildings.		
4. Ensure any firefighting equipment (fire extinguishers hoses etc.) are serviceable and available.		
5. Ensure property access is clear and easily trafficable		
6. Ensure roof and gutters are free from leaf litter and debris		
To be completed during the bushfire season between 1 December and 12 May each year by the Emergency Management Team (centre manager).		
1. Ensure contact details of the emergency management team and primary contacts for the riding school and roping club are updated as required	Ongoing	On-site Managers
2. Any objects attached to the buildings are non-combustible or easily removable, and the removing mechanism is in working order		
3. Smoke detectors are in working order		
4. Ensure first aid kits, fire extinguishers, and other emergency resources are current, serviceable and accessible		
5. The evacuation diagram and the site layout diagram are clearly displayed on the inside face of external doors at all buildings		
6. Ensure defensible spaces around the buildings and assembly points are maintained (kept clear).		
7. Emergency communication equipment (mobile phone) is charged and on hand		



The Department of Fire and Emergency Services provides community and emergency advice about predicted and current conditions that advise about the level of bushfire threat.

The Fire Danger Rating (FDR) is based on the forecast weather conditions, the higher the rating, the higher the threat.

Extreme or Catastrophic ratings are the highest level and represent unsafe conditions.

Fire Danger Rating (DFES)

Emergency Warnings

CATASTROPHIC		EXTREME		EMERGENCY WARNING	
<i>The worst conditions for a fire. Homes are not designed or built to withstand a fire in these conditions. The only safe place is away from bushfire risk areas.</i>				<i>An out of control fire is approaching very fast. You need to act immediately to survive. If you haven't prepared your home, it is too late. You must leave now if it is safe to do so.</i>	
SEVERE		VERY HIGH		WATCH AND ACT	
<i>Seek out information and be ready to leave or stay and actively defend your property if a fire starts. Only stay if you are 100% prepared.</i>				<i>A fire is approaching and is out of control. Put your plan into action. If your plan is to leave, make sure you leave early. Only stay if you are mentally, physically and emotionally prepared to defend your property, and you have all the right equipment.</i>	
HIGH		LOW - MODERATE		ADVICE	
<i>Be vigilant. Check your fire plan and continue to monitor conditions as they can change quickly.</i>				<i>A fire has started, but there is no immediate danger. Stay alert and watch for signs of a fire.</i>	



AWARENESS AND PRE-EMPTIVE PROCEDURES

The following outlines the actions that must be taken to ensure occupants maintain an awareness of the bushfire threat and the appropriate procedures to follow.

Actions	Frequency	Responsible Person
Throughout the bushfire season		
Check the Emergency WA website daily for alerts and warnings www.emergency.wa.gov.au	Daily (in the morning) and again early in the afternoon	On-site Manager

If an 'Advice,' 'Watch and Act' or 'Emergency Warning' alert or other communication has been issued by an emergency service authority -

ALERT

- An 'Advice' is issued that a fire has started but there is no immediate danger.
- A 'Watch and Act' or 'Emergency Warning' has been issued advising to leave early.
- Direction has been received from an emergency authority to evacuate.
- Smoke or fire is observed in close proximity

Contact DFES to confirm availability of safe evacuation. If a safe route and sufficient time are available

EVACUATE

- The Chief Warden will account for all visitors
- The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes
- The Chief Warden will monitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning level
- Once all visitors have evacuated the on-site managers should
 - Check all buildings and turn off air-conditioning
 - Close doors and windows
 - Evacuate



EMERGENCY PROCEDURE, LOCATION, AND TRANSPORT DETAILS

Evacuation

Designated evacuation assembly point/s

1. The memorabilia hall

In a bushfire event DFES/Emergency Services advice (public announcements) should be followed to determine the safe evacuation route and destination

Primary off-site location – visitors will return to their homes unless home is impacted by the bushfire; in that case they would attend a nominated welfare centre. Children attending the riding school will be transported by bus to the usual pre-determined meeting point and supervised until collected by a parent / guardian. If the pre-determined meeting point is impacted by bushfire they would be taken by bus to a nominated welfare centre.

Name of venue **Granville Park / Granville Civic Centre, Gingin**

Address of venue Weld Street, Gingin

Nearest cross street

Map reference

MW23+4X Gingin

Venue phone number

Primary route to location Head east on Muckenburra Road and turn left onto Sandringham Road. Turn right onto Gingin Brook Road, left at Brand Highway and right to Dewar Road. Follow to Weld Street and the Gingin township.

Secondary route to location

Primary transportation arrangements

Private vehicles

Estimated travelling time to destination

15 minutes

Secondary off-site location

Name of venue

Address of venue

Nearest cross street

Map reference

Venue phone number

Primary route to location

Secondary route to location

Primary transportation arrangements

Estimated travelling time to destination



Shelter-in-Place

The **primary action** to follow if there is an imminent bushfire threat is **PRECAUTIONARY EARLY EVACUATION** following confirmation (DFES or emergency services) that a safe evacuation route and sufficient time is available

If DFES or emergency services have advised it is too late to leave, shelter at the site is available. The Asset Protection Zone, when established and maintained, provides BAL 10 (10 kWm2) at the habitable buildings and a central area less than 2 kWm2 .

Designated on-site building: the memorabilia hall.

Vehicles should be moved to the central area and visitors at the site should assemble at the memorabilia hall.

When DFES confirm safe access to the site is available, the site should be evacuated.

Procedures for evacuation and shelter-in-place in the event of a bushfire.

Trigger	Action	Responsible Person
<p>DFES have advised to evacuate and confirmed the route is safe</p> <p>or</p> <p>a bushfire is reported within 10 Km of the site</p> <p>or smoke or fire is observed</p> <p>Confirm with DFES the Available Safe Evacuation Time. If sufficient time is available, EVACUTE.</p>	<p>The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes</p> <ul style="list-style-type: none"> Children attending the riding school will be evacuated by bus or will evacuate in the care of the parent/guardian in attendance Persons attending the roping club will evacuate by private vehicle <p>The Chief Warden will monitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning level</p> <p>Once all visitors have evacuated the on-site managers should</p> <ul style="list-style-type: none"> Check all buildings and turn off air-conditioning Close doors and windows Evacuate 	On-site Managers
Survival Plan – only to be enacted in the event that DFES or police have advised there is not sufficient time for evacuation to a safer place		
<p>A fire is advised or is observed to be approaching and DFES public or direct advice is it is too late to leave: there is insufficient time to facilitate safe evacuation</p>	<ul style="list-style-type: none"> Move vehicles to the central area of the building compound Visitors and staff assemble at the memorabilia hall The Chief Warden will account for all visitors and staff and advise emergency services of the number of visitors and staff who are sheltering Close doors and windows Turn off air-conditioning Keep fire extinguishers at hand and soak towels to block smoke ingress Monitor the building condition and observe the fires passing 	On-site Managers



	<p>DO NOT STAY IN A BURNING BUILDING. If it is not safe to remain in the memorabilia hall, an area is available within the site with sufficient capacity to accommodate all visitors that is less than BAL 2 (2 kWm2). Take drinking water and move to the central building compound area.</p> <ul style="list-style-type: none"> • When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do so • Initiate evacuation when emergency services have confirmed a safe route is available 	
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RECOVERY

Action	Responsible Person
Inspect site (building compound).	Owner and On-site managers
Debrief <ul style="list-style-type: none"> – assess the severity of the event; – would the actions taken be sufficient to ensure the safety of staff and visitors in an extreme event; – were there any unexpected problems not accounted for in the existing emergency plan; – update the emergency plan to include any learnings from the event. 	Emergency Planning Committee (Owner) and Emergency Management Team (On-site Managers) Note: Representatives of the roping club and the riding club should be invited to contribute to the debrief if those facilities were operating at the time of the bushfire emergency.

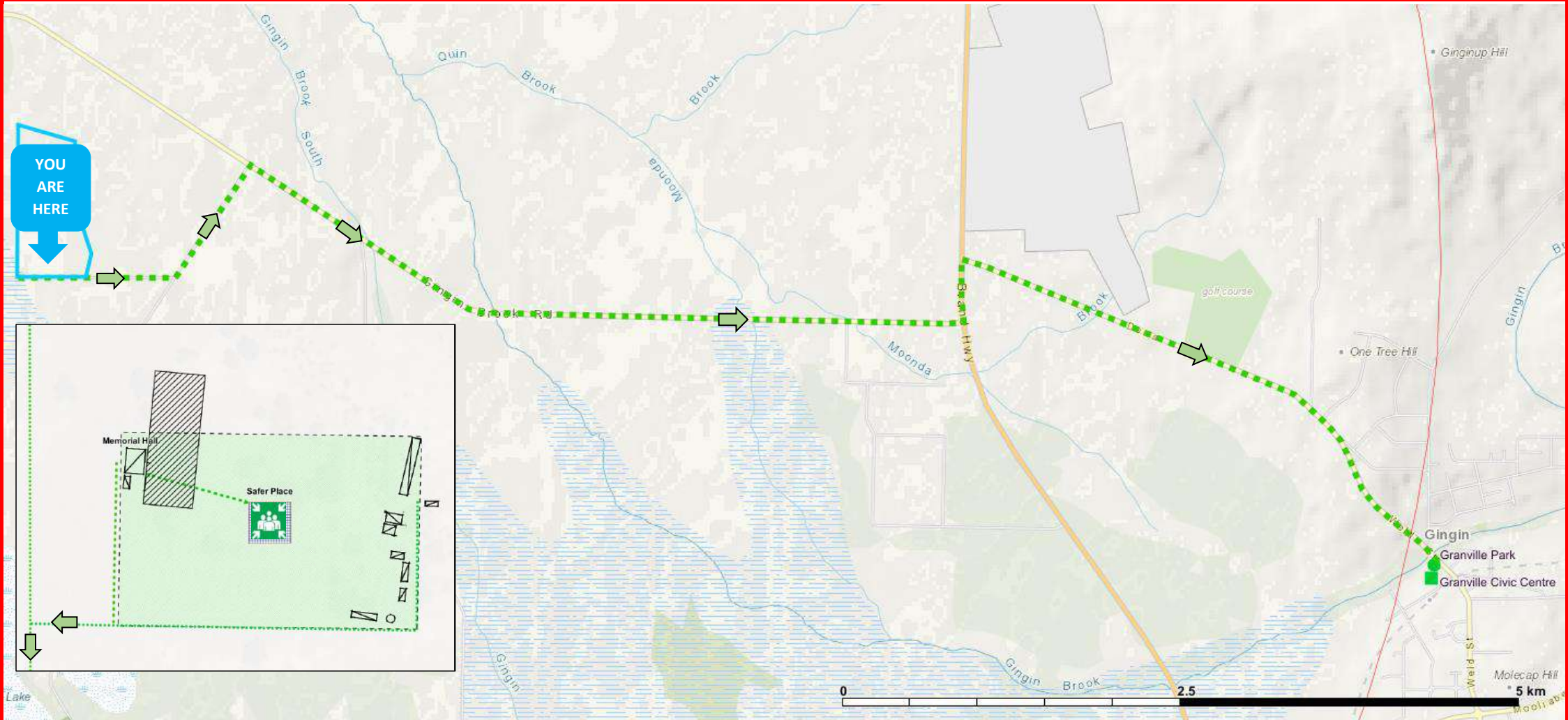


Attachment 1 – Emergency Plan and Evacuation Map

BUSHFIRE EMERGENCY RESPONSE PLAN

FACILITY DETAILS			EMERGENCY WARNINGS (DFES)																								
<p>Location : Lot 64 Muckenburra Road, Muckenburra</p> <p>Facility: Riding School and Roping Club</p> <p>Visitors : Riding School: 20 children (2 instructors)</p> <p>Roping Club: 45 visitors</p> <table><tr><th colspan="2">CONTACTS</th><th>PHONE</th></tr><tr><td>On-site Manager</td><td>Chief Warden</td><td>TBC</td></tr><tr><td>On-site Manager</td><td>Deputy Chief Warden</td><td>TBC</td></tr><tr><td>Roping club</td><td>Primary contact</td><td>TBC</td></tr><tr><td>Riding school</td><td>Primary contact</td><td>TBC</td></tr></table> <p>Chief Warden</p> <ul style="list-style-type: none">Remain informed of DFES Emergency Warnings by monitoring the website, information line, or ABC Local Radio 720. <p><u>INFORMATION SOURCES</u></p> <table><tr><td>Local ABC radio</td><td>720 am</td></tr><tr><td>DFES information line</td><td>13 33 37</td></tr><tr><td>Emergency WA</td><td>www.emergency.wa.gov.au</td></tr><tr><td>Bureau of Meteorology</td><td>1300 659 213</td></tr></table> <p>EMERGENCY CONTACTS</p> <p>Fire, Police or Ambulance 000 (112 from a mobile)</p>			CONTACTS		PHONE	On-site Manager	Chief Warden	TBC	On-site Manager	Deputy Chief Warden	TBC	Roping club	Primary contact	TBC	Riding school	Primary contact	TBC	Local ABC radio	720 am	DFES information line	13 33 37	Emergency WA	www.emergency.wa.gov.au	Bureau of Meteorology	1300 659 213	ADVICE – EVACUATE	EMERGENCY - SURVIVAL
			CONTACTS		PHONE																						
			On-site Manager	Chief Warden	TBC																						
On-site Manager	Deputy Chief Warden	TBC																									
Roping club	Primary contact	TBC																									
Riding school	Primary contact	TBC																									
Local ABC radio	720 am																										
DFES information line	13 33 37																										
Emergency WA	www.emergency.wa.gov.au																										
Bureau of Meteorology	1300 659 213																										
<p>An ADVICE warning has been issued across telecommunications media of an incident nearby: PRECAUTIONARY EVACUATION IS REQUIRED</p> <p>Response:</p> <ul style="list-style-type: none">The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes<ul style="list-style-type: none">Children attending the riding school will be evacuated by bus or will evacuate in the care of the parent/guardian in attendancePersons attending the roping club will evacuate by private vehicleMonitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning levelOnce all visitors have evacuated the on-site managers should<ul style="list-style-type: none">Check all buildings and turn off air-conditioningClose doors and windowsEvacuate		<p>DFES or Police have advised EVACUATION IS NOT SAFE</p> <p>Response</p> <p>Survival Plan – only to be enacted in the event that DFES or police have advised there is not sufficient time for evacuation to a safer place</p> <ul style="list-style-type: none">Visitors and staff should assemble at the memorabilia hallThe Chief Warden will account for all visitors and staff and advise emergency services of the number of visitors and staff who are shelteringClose doors and windowsTurn off air-conditioningKeep fire extinguishers at hand and soak towels to block smoke ingressMonitor the building condition and observe the fires passing <p>DO NOT STAY IN A BURNING BUILDING</p> <p>If it is not safe to remain in the memorabilia hall, take drinking water and move to the central building compound area.</p> <ul style="list-style-type: none">When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do soInitiate evacuation when emergency services have confirmed a safe route is available																									
WATCH AND ACT - EVACUATE		ALL CLEAR																									
<p>DFES or Police have advised EVACUATION IS REQUIRED (Public Notice).</p> <p>Response:</p> <p>Confirm with DFES the Available Safe Evacuation Time: If sufficient time is available for evacuation follow actions as per Advice (above)</p> <p>If there is not sufficient Available Safe Evacuation Time for evacuation, follow the instructions for EMERGENCY SURVIVAL</p>		<p>Following evacuation and when emergency services have deemed the area safe:</p> <ul style="list-style-type: none">Return to the site (chief warden) and check buildings and grounds for any smouldering objects. Monitor grounds and buildings, particularly roofs for smouldering material and small fires for 24 hours after the event.Site managers and representatives of the Roping Club and Riding School who were on site at the time will hold a debrief to identify any issues and inform owners of any necessity to update emergency procedures																									

EMERGENCY EVACUATION DIAGRAM



Your Location is **Lot 64 Muckenburra Road, Muckenburra**

EVACUATE if DFES or Police advise evacuation is required

Follow instructions from the Emergency Services Incident Controller (the DFES officer managing the fire) Evacuate only if the route is safe.

- Evacuate to the Gingin Township or as directed by Emergency Services (15 minutes travel time)

DO NOT TRAVEL THROUGH FIRE

Monitor Emergency Information: ABC Radio 720 AM; DFES information 13 33 37;
Emergency WA - www.emergency.wa.gov.au

SURVIVAL - if it is not safe to leave - The Chief Warden will advise DFES (ph. 13 33 37) of the location and the number of persons present

- Visitors should assemble at the Memorabilia Hall and take shelter.
- Keep fire extinguishers at hand and soak towels to block smoke ingress
- Monitor the building condition and observe the fires passing

DO NOT STAY IN A BURNING BUILDING

If it is not safe to remain in the memorabilia hall, take drinking water and move to the central building compound area.

- When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do so
- Initiate evacuation when emergency services have confirmed a safe route is available



Attachment 2 – DFES Sheltering information

Sheltering in Your Home

Bushfire Fact Sheet

Sheltering in your home during a bushfire should be your last option, when all other plans fail and you are unable to leave.

Bushfires are very unpredictable and you need to be well prepared to change your plans if you can no longer leave your property.

Even if you do not intend to stay and actively defend your property, you need to be physically and mentally prepared if sheltering in your home becomes your only option.

When the fire front passes, the heat will be extreme and you must shelter at this time whether you planned to or not.

If it is too late to leave the property

- Stay in the house when the fire front is passing.
- If people are expecting you to leave, let them know you are now staying.
- Take shelter inside in the room furthest from the fire front.
- Make sure all doors and windows are sealed as best as possible.
- Soak towels and rugs in water, and lay them along the inside of external doorways.
- Soak woollen blankets and keep them handy for protection against radiant heat.
- Take down curtains and push furniture away from windows.
- Get down low to limit your exposure to smoke.
- Actively defend your property by putting out spot fires.
- Remember to check the roof cavity through the manhole for any spot fires.
- Drink plenty of water to avoid becoming dehydrated.



! People have died sheltering in bathrooms and other rooms without an exit door leading outside. Make sure you can easily escape and shelter in a room with at least two ways to get outside and one that has a water supply (eg. a laundry with a door that goes outside or a kitchen).

Preparing to evacuate

Shelter in the house for as long as possible. Many people have died from toxic smoke and fumes when their house has caught fire.

If your house catches on fire and the conditions inside become unbearable, leave through the door furthest from the approaching fire and go to an area that has already been burnt.

The majority of people die in a bushfire from radiant heat. You should protect yourself from radiant heat with long sleeves, long trousers and strong leather boots.



**For more information visit dfes.wa.gov.au
or contact DFES Community Engagement – 9395 9816**

The information contained in this material is provided voluntarily as a public service by the Department of Fire and Emergency Services (DFES). This material has been prepared in good faith and is derived from sources believed to be reliable and accurate at the time of publication. Nevertheless, the reliability and accuracy of the information cannot be guaranteed and DFES expressly disclaims liability for any act or omission done or not done in the reliance on the information and for any consequences whether direct or indirect, arising from such act or omission. This publication is intended to be a guide only and viewers should obtain their own independent advice and make their own necessary inquiries.



Government of Western Australia
Department of Fire & Emergency Services





APPENDIX 3 - APZ Guidelines

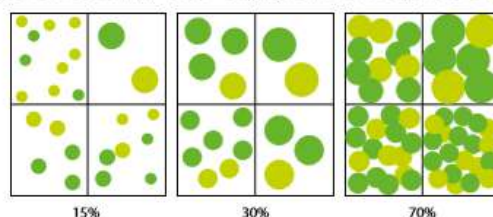
Element 2 – Siting and Design (Guidelines for Planning in Bushfire Prone Areas v1.3)

ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT

SCHEDULE 1: STANDARDS FOR ASSET PROTECTION ZONES

- **Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
- **Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
- **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
- **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and/or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy.

Figure 18: Tree canopy cover – ranging from 15 to 70 per cent at maturity



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



APPENDIX 4 - Vehicular Access Requirements

Element 3 – Vehicle Access (Guidelines for Planning in Bushfire Prone Areas v1.3)

Table 6: Vehicular access technical requirements

TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	N/A	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum crossfall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5

*Refer to E3.2 Public roads: Trafficable surface

E3.5 Private driveway longer than 50 metres

For a driveway shorter than 50 metres, fire appliances typically operate from the street frontage however where the distance exceeds 50 metres, then fire appliances will need to gain access along the driveway in order to defend the property during a bushfire. Where house sites are more than 50 metres from a public road, access to individual houses and turn-around areas should be available for both conventional two-wheel drive vehicles of residents and type 3.4 fire appliances.

Turn-around areas should be located within 50 metres of a house. Passing bays should be available where driveways are longer than 200 metres and turn-around areas in driveways that are longer than 500 metres. Circular and loop driveway designs may also be considered. These criteria should be addressed through subdivision design.

Passing bays should be provided at 200 metre intervals along private driveways to allow two-way traffic. The passing bays should be a minimum length of 20 metres, with the combined width of the passing bay and the access being a minimum of six metres.

Turn-around areas should allow type 3.4 fire appliances to turn around safely (i.e. kerb to kerb 17.5 metres) and should be available at the house sites and at 500 metre intervals along the driveway.

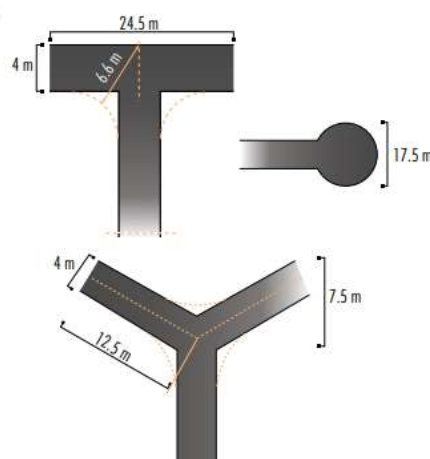


Figure 22: Design requirements for a private driveway longer than 50 metres

Turning areas should allow type 3.4 fire appliances to turn safely



APPENDIX 4 - References



GENERAL REFERENCES

SA Department of Environment and Natural Resources, Government of South Australia, 2012 *Overall Fuel Hazard Guide for South Australia*

WA Department of Planning 2016, *Visual Guide for bushfire risk assessment in Western Australia*

Standards Australia 2018, *AS 3959-2018 Construction of buildings in bushfire-prone areas*, Sydney

Standards Australian and Standards New Zealand 2009, *Australian Standard / New Zealand Standard ISO 31000:2009 Risk management – principles and guidelines*

Western Australian Planning Commission (WAPC) 2015, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, Western Australian Planning Commission, Perth, Perth

Western Australian Planning Commission and Department of Fire and Emergency Services (WAPC and DFES) 2017, *Guidelines for Planning in Bushfire Prone Areas Version 1.3*, Western Australia.

Online references

Office of Bushfire Risk management (OBRM), Map of Bush Fire Prone Areas, viewed August 2021, <
<https://maps.slip.wa.gov.au/landgate/bushfireprone/>>

Office of Bushfire Risk Management (OBRM), Bushfire Risk Management (BRM) Plan Guidelines, viewed August 2021

APPENDIX E | BUSHFIRE EMERGENCY EVACUATION PLAN



SCOPE OF PROJECT

The following Emergency Evacuation Plan Assessment and Emergency Evacuation Plan have been prepared pursuant to clause 6.6 in the State Planning Policy 3.7, Planning in Bushfire Prone Areas.

In accordance with the Department of Planning Lands and Heritage *A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN*, and the Emergency Evacuation Plan Template, compliance with clause 6.6, has been provided in the following documents comprising the

- Emergency Evacuation Plan Assessment; and
- Emergency Evacuation Plan

These documents follow the Bushfire Management Plan prepared **27 August 2021** by Anthony Rowe L3 BPAD 36690 in accordance with the FPA Guidelines.

PLANNING FOR EMERGENCIES IN FACILITIES

The Department of Planning Lands and Heritage *A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN*, and the Australian Standards (AS): AS 3745:2010 – *Planning for emergencies in facilities should be read together in preparing an Emergency Evacuation Plan (bushfire) and an Emergency Plan (AS3745:2010)*. They are generally consistent and require a documentation of emergency arrangements consisting of preparedness, prevention, response and recovery arrangements.

Typically, the AS 3745:2010 is a response to escaping a hazard from **within** a building, where as a *Bushfire Emergency Evacuation Plan* is a response to a hazard initially **outside** of the building and includes the ability to move safely within the locality or alternatively use the building for protection - Shelter. The triggers for evacuation may be preventative, based upon direction from emergency services or by observation of an external danger.

Whilst planning for emergencies in facilities, will incorporate many similarities, the triggers and subsequent response will be different.

A notable difference between the *Guide* and AS 3745:2010, is the description of the management structure. AS 3745:2010, and its Emergency Plan, separates the management duties into the Emergency Planning Committee, responsible for preparation of the facility, and the Emergency Control Organisation, responsible for supervising and undertaking the actions during a bushfire. Whilst the functions are separated in AS 3745:2010, they are instead to be undertaken by the Emergency Management Team, as a single management entity, in a Bushfire Emergency Evacuation Plan.

Typically, at the time of seeking Development Approval, the final building design and its internal arrangements will not be determined. At development approval the Bushfire Emergency Evacuation Plan serves to demonstrate the suitability of the proposed land use and preserve life and therefore precedes the preparation of the facility Emergency Plan.

This Bushfire Emergency Evacuation Plan should therefore be incorporated within or as an addendum to the overall Emergency Plan (AS 3745:2010) for the facility when it is prepared.

Both the emergency evacuation diagram for the facility, and the emergency evacuation plan (bushfire), are required to be displayed, and the distinction between an internal threat and response and an external threat and response should be clearly illustrated.



LIMITATIONS STATEMENT.

Envision Bushfire Protection

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Version Control

Proposed Equine Sporting Facility - Lot 64 Muckenburra Road Muckenburra			
Version	Date	Author	
V1	27 August 2021	Anthony Rowe	submission

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Disclaimer

In undertaking this work the authors have made every effort to accurately apply the available information **at the time of writing** following the instructions of the regulatory authorities and applying best practice as described by the Fire Protection Association Australia. Any conclusions drawn or recommendations made in the report are done in good faith and the consultants take no responsibility for how this information and the report is subsequently used.

Envision Bushfire Protection accepts no liability for a third party's use of, or reliance upon, this specific report.

Importantly the measures contained in this report cannot guarantee, human safety or an absence of harm, or that the building will not be damaged or would survive a bushfire event on every occasion. This is due to the unpredictable nature of fire behaviour (knowledge in this field continues to develop) and the unpredictable nature of extreme weather conditions.

Client relationship

I was engaged to provide expert bushfire safety and planning advice. My relationship with the client is a standard commercial contract and no private, personal, or other matter has influenced the content of the:

- Emergency Evacuation Plan Assessment; and
- Emergency Evacuation Plan

STATEMENT OF CONFORMITY – PLANNING AND DEVELOPMENT ACT 2005

A handwritten signature in black ink, appearing to read 'Anthony Rowe', written over a light grey rectangular background.

Anthony Rowe Level 3 - BPAD36690



BUSHFIRE EMERGENCY EVACUATION ASSESSMENT

Lot 64 Muckenburra Road Muckenburra

This assessment has been prepared having regard to:

The Department of Planning Lands and Heritage: A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN

AS 3745-2010: Planning for emergencies in facilities

This assessment has been prepared in accordance with the Guidelines for preparing a bushfire emergency evacuation plan an accredited bushfire practitioner was engaged (Anthony Rowe BPAD L3 36690).

This assessment does not form part of the BUSHFIRE EMERGENCY EVACUATION PLAN.



STEP 1. THE EMERGENCY MANAGEMENT TEAM

For the purpose of a sporting club & community facility the Emergency Management Team shall comprise of the owner/s of the facility.

In accordance with the Guidelines for preparing a bushfire emergency evacuation plan an accredited bushfire practitioner was engaged (Anthony Rowe BPAD L3 36690).

The bushfire planning practitioner has been responsible for assisting the emergency management team with

- The establishment and implementation of emergency plans and procedures
- Formulation of emergency procedures
- Consultation with local government and local emergency services

Following the development of the emergency plan, the owner / operator is responsible to

- Maintain the emergency plan and ensure resources are provided for its implementation.
The facility should be provided with;
 - Emergency kit
 - Communication equipment
 - Hi vis vests for staff
 - First aid equipment
- Ensure the facility is compliant with the building's bushfire safety measures
- Nominate staff to key positions who will be on site whenever the centre is operating
 - Identify and assign duties and responsibilities
 - Chief Warden
 - Deputy Chief Warden
 - Ensure training and a demonstrated understanding of respective roles prior to the commencement of the bushfire season
- Ensure priority is given to the safety of visitors during a bushfire event.
- Ensure riding school instructors are informed of preparations, response actions (evacuation) and recovery during the bushfire season.
- Maintain awareness of local government and emergency services initiatives in planning for emergencies, bushfire alerts, and evacuation places and safe routes which may change with the circumstance of the bushfire event.

The emergency management team (owner) should regularly review the emergency evacuation plan to ensure it remains practical and current.



STEP 2. FACILITY DETAILS, SITE ANALYSIS AND LOCAL CHARACTERISTICS

The emergency plan applies to the sporting club & community facility at Lot 64 Muckenburra Road Muckenburra (the site). The facility is located in a rural area and is within an area identified as bushfire prone.

The facility provides riding lessons for up to 20 disadvantaged children on a monthly basis. In addition to the riding school the facility also runs roping events (club) monthly which attract up to 45 visitors with a maximum of 10 persons staying on site overnight in their own trailers.

The facility has direct frontage to Muckenburra Road.

The site is not within a reticulated area and is reliant on a 120 000 L tank for domestic supply. A community firefighting water tank is located south of the site on the opposite side of Muckenburra Road, but the Bushfire Management Plan also recommends a separate 10 000 L tank be positioned adjacent the driveway for use by emergency services.

The BMP dated **27 August 2021**, describes the sites vulnerability to bushfire.

Key positions and responsibility

Chief Warden

- At regular intervals during the bushfire season monitor the DFES Alerts and Warnings web page <https://www.emergency.wa.gov.au>
- Responsible for determining the need to evacuate through communication with DFES or emergency services and overseeing the evacuation.
- Responsible for decision to initiate precautionary evacuation – this includes precautionary closure of the facility the day before due to forecast conditions (extreme or catastrophic FDR), if an Advice warning is in place, or if there is an active bushfire which may have potential to reach the site or close access to the site
- Responsible to prepare post emergency reports documenting the actions taken and any difficulties with following the emergency plan before, during and after the evacuation.

Deputy Chief Warden

- Responsibilities as delegated by the Chief warden
- Fulfills the responsibilities of the Chief Warden in the absence of the Chief Warden.



STEP 3. PRIMARY AND SECONDARY EMERGENCY ACTIONS

The **primary action** in response to bushfire threat is **early evacuation**.

Early evacuation should be facilitated by **precautionary closure of the facility**

On days where the facility is operating, evacuate when:

- An 'Advice', 'Watch and Act' or 'Emergency Warning' alert is issued from the Department of Fire and Emergency Services.

OR

- There is awareness of fire in the locality with a likelihood of reaching the site

OR

- Smoke or fire has been identified nearby.

AND

DFES/emergency services (through public or direct information) have confirmed that sufficient time is available to safely evacuate the site.

In a bushfire event follow DFES/Emergency Services advice (public announcements) to determine the safe evacuation route and destination.



STEP 4. REQUIREMENTS FOR EVACUATION AND SHELTER-IN-PLACE

This assessment of requirements for evacuation and shelter has been guided by the questions provided in The Department of Planning Lands and Heritage: *A Guide to developing a BUSHFIRE EMERGENCY EVACUATION PLAN*. These have been addressed in Appendix 1

In a bushfire event follow DFES/Emergency Services advice (public announcements) to determine the safe evacuation route and destination.

IF DFES ADVISE SUFFICIENT TIME REMAINS FOR EVACUATION, THEN THIS IS THE PRIMARY ACTION WHICH MUST BE FOLLOWED.

- The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes
 - Children attending the riding school will be evacuated by bus or will evacuate in the care of the parent/guardian in attendance
 - Persons attending the roping club will evacuate by private vehicle
- The Chief Warden will monitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning level
- Once all visitors have evacuated the on-site managers should
 - Check all buildings and turn off air-conditioning
 - Close doors and windows
 - Evacuate

Visitors would return to their homes, unless home is in an area which is evacuating due to the bushfire threat; in that circumstance visitors would follow DFES/Emergency Services advice (public announcements) to determine the safest evacuation route and destination.

SHELTER IN PLACE IS NOT RECOMMENDED HOWEVER IF DFES OR EMERGENCY SERVICES ADVISE IT IS NOT SAFE TO EVACUATE

- Move vehicles to the central area of the building compound (where the APZ has established an area of less than 2 kWm²)
- Visitors and staff should move to the memorabilia hall
- The Chief Warden will account for all visitors and staff and advise emergency services of the number of visitors and staff who are sheltering
- Close doors and windows
- Turn off air-conditioning
- Keep fire extinguishers at hand and soak towels to block smoke ingress
- Monitor the building condition and observe the fires passing

DO NOT STAY IN A BURNING BUILDING.

If it is not safe to remain in the memorabilia hall, an area is available within the site with sufficient capacity to accommodate all visitors that is compliant with the ABCB Design and construction of Community Bushfire Refuges handbook at less than BAL 2 (2 kWm²). Take drinking water and move to the central building compound area.

- When the fire front has passed the Chief Warden will inspect the building and grounds and extinguish any small fires if safe to do so

Initiate evacuation when emergency services have confirmed a safe route is available



STEP 5. DEVELOP PRIMARY AND SECONDARY EMERGENCY PROCEDURES

PREPAREDNESS

Prior to the commencement of the bushfire season the Emergency Evacuation Plan must be reviewed ensuring all information, procedures, contact details and any attached publications are current.

The A3 size evacuation diagram must include current information and be displayed at all buildings

Throughout the bushfire season:

- Fire extinguishers must be checked to ensure they are charged and in working order.
- Fire hoses should be checked to ensure all are in good condition and capable of reaching all surfaces of the building.
- Flammable materials should be removed from within 3 m of the buildings.
- Externally located rubbish bins, storage areas, should have closing lids.
- No flammable materials should be attached to the buildings.
- Ensure employees and volunteers are informed and familiar with the procedures laid out in the Emergency Evacuation Plan.
- Ensure property access is kept clear and easily trafficable.
- first aid kits and adequate levels of drinking water are available and easily accessible

AWARENESS

Maintain situational awareness through a range of information sources including local ABC radio 720, the Emergency WA website (emergency.wa.gov.au), DFES Facebook or Twitter, information line 13 DFES (13 33 37) and local emergency services.

Maintain observation of external condition for signs, and smell of smoke.

RECOVERY

- Following a bushfire emergency, when emergency services have declared the area to be safe, the site managers (Chief and Deputy Chief Wardens) will return to the site and check buildings and grounds for any smouldering objects and continue to monitor for small fires and smouldering objects for the following 24 hours.
- Site managers and any staff who were on site at the time of the bushfire emergency will hold a debrief to identify any issues and inform owners of any necessity to update emergency procedures.



STEP 6. TRAINING AND EDUCATION ON EMERGENCY PROCEDURES

Staff and volunteers will be provided with information outlining emergency management procedures and bushfire protection measures. The onsite managers will practice procedures and ensure that delivery of education and training for staff and any volunteers occurs. The onsite managers will be trained in where to find official emergency information. For example, Emergency WA website, 13 DFES information line, and local ABC Radio 720 for the purpose of monitoring conditions.

Staff and volunteers of the riding school and the roping club must be notified that the facility is located within a bushfire prone area and the possibility for precautionary or emergency evacuation to be required during the fire season.

Staff and volunteers of the riding school and the roping club must acknowledge that they have sighted and understood the emergency evacuation procedures and understand their role and responsibilities.

- Individual roles and responsibilities.
- Assembly point location.
- Firefighting equipment locations
- The written procedures applicable to the site.

The following exercise drills should be practiced by the onsite managers

- assembly and shelter procedures
- site preparation procedures and post fire inspections
- firefighting techniques to create a familiarity with the firefighting equipment (which might be used to address small fires)
- the debrief process (which would follow any bushfire event) to identify and discuss any issues that could occur with the emergency plan



Appendix 1

Step 4 Evacuation or Shelter Analysis



The following questions will assist developing or reviewing the Emergency Evacuation Plan to identify an off-site location - EVACUATION.		
If there are occupants with support needs that require a similar facility to support them, is the off-site location suitable?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Occupants with support needs are people with physical, intellectual, visual, or auditory disability or impairment, either temporary or permanent. It also includes aged persons and juveniles who are dependent on others for their care and wellbeing. 		
Comment: The facility provides riding lessons to (disadvantaged) children who will require supervision and support appropriate to their age		
Is the off-site location in an area away from the effects of a bushfire?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Have you considered locations such as community centres, clubs etc. as possible places to go? 		
Comment: Precautionary early evacuation is the best response if a bushfire 'advice' warning is issued. The nearest township is Gingin, 13 km east of the site. If evacuation is required, the on-site managers would follow Emergency WA publicly broadcast information on safe evacuation routes and activated welfare centres and instruct visitors accordingly		
Are there amenities (toilets, food, water etc.) available at the off-site location? (if applicable)	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Visitors would return to their homes or attend a nominated evacuation welfare centre (Emergency WA public advice)		
Can the off-site location accommodate the number of occupants?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Remember that other persons may wish to utilise the same facility as their shelter for evacuation. Accommodation for more than one day may be required. 		
Comment: Visitors would return to their homes or attend a nominated evacuation welfare centre (Emergency WA public advice)		
Does an available route to the off-site location avoid transporting through bushfire affected areas or areas that may be affected by an approaching bushfire?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Depending on the extent of the bushfire hazard around the site, the location of a bushfire and the safest route from the site, there may be a need to have two or three off-site locations.		
Comment: In a bushfire event safe evacuation routes and safer places will be confirmed by Emergency WA (public advice).		
Has the owner of the off-site location advised that they are happy to accommodate occupants if evacuation from a bushfire emergency occurs?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: nominated welfare centres		



Consider the following questions to assist planning transport arrangements.		
Do you have your own transport for all occupants?	Yes	<input checked="" type="checkbox"/>
If no, what transport provider will you use?	No	<input type="checkbox"/>
Comment: Precautionary evacuation following an 'advice' level warning would be facilitated through private vehicles.		
Are you going to use private vehicles?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Children attending the riding school would arrive by bus and the bus would remain at the facility for the duration of the riding lesson. Roping Club members and guests would attend by private vehicle and retain their vehicles at the site for the duration of their visit.		
If using private vehicles, will they be available when you need them and will there be drivers available? If no, consider another mode of transport	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: As Above		
Will there be sufficient vehicles to transport all the occupants?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: As Above		
Have occupants with support needs been considered when determining transport types and necessary timing to evacuate?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Children attending the riding school would arrive by bus and the bus would remain at the facility for the duration of the riding lesson.		
Is disabled transport required, and is this sufficient to move the number of occupants from the facility?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: See above.		
Do you require ambulances?	Yes	<input type="checkbox"/>
If yes, St John Ambulance Australia needs to be consulted.	No	<input checked="" type="checkbox"/>
Comment:		
Is a community bus available?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment:		
Will community buses be available when you need them and will drivers be available?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment:		
Are other means of transport available?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: Private vehicles		
Do you need any other type of special transport?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment:		



The following questions will assist developing the Emergency Evacuation Plan to identify an on-site building. SHELTER		
Is the property well maintained and kept free from a build-up of fuel and leaf litter in gutters and around buildings?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<ul style="list-style-type: none"> Refer to Standards for Asset Protection Zones in the Guidelines for Planning in Bushfire Prone Areas. 		
Comment: The buildings should be inspected prior to the bushfire season, particularly those aspects that are not readily observable or accessible such as elevated ledges and the roof. During the bushfire season rubbish bins should be self-closing, and material accumulating against the buildings should be removed.		
Is there a building on-site that is away from bushland and is unlikely to be impacted by bushfire?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Consider the potential for any adjoining structures, vegetation, or combustibles to ignite and impact on the building. For facilities where occupants are located in numerous buildings or rooms, it may be appropriate to remain in those rooms under supervision. 		
Comment: An Asset Protection Zone of 22 m from the building compound area established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones, will provide BAL 10 (10 kWm ²) at the habitable buildings and a central area less than 2 kWm ² . The memorabilia building is the preferred building for shelter.		
Is the building constructed in a manner that minimises bushfire attack with appropriate Asset Protection Zones?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
To determine standards of construction, consult Australian Standard AS3959 Construction for buildings in bushfire prone areas.		
Comment: An Asset Protection Zone of 22 m from the building compound area established in accordance with Element 2, Schedule 1 Standards for Asset Protection Zones, will provide BAL 10 (10 kWm ²) at the habitable buildings		
Can the building accommodate the number of occupants and visitors?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
Is there ease of accessibility to the building and is it easily identifiable?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
Is there access to amenities (toilets, food, water etc) away from the effects of a bushfire?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment: the facility is equipped with amenities sufficient if shelter is taken		



BUSHFIRE EMERGENCY PLAN

NAME OF FACILITY	ROPING CLUB AND RIDING SCHOOL
ADDRESS	Lot 64 Muckenburra Road Muckenburra
PREPARED BY	Anthony Rowe, L3 BPAD 36690
OWNER/OPERATOR	Gurindji Pty Ltd
DATE	27 August 2021
VERSION NUMBER	1

Document Control

Version	Date	Details	Undertaken by
1	27/08/2021	Submission	Anthony Rowe

Emergency Management Team

Name	Role	Contact Details
	On site manager	
	On site manager	



FACILITY DETAILS

This Plan is for a Riding School and Roping Club (Community sporting facility) at Lot 64 Muckenburra Road Muckenburra and has been designed to assist management in protecting life and property in the event of a bushfire.

The plan outlines procedures for both **evacuation** and **shelter-in-place** to enhance the protection of occupants from the threat of a bushfire.

The primary action to follow in a bushfire emergency is to:

Evacuate ☒

Shelter in place ☐

NAME OF CONTACT PERSON		tbc	
POSITION / ROLE OF CONTACT PERSON		On site Manager	
PHONE NUMBER		tbc	
FACILITY TYPE	Sporting club	NUMBER OF BUILDINGS	7
NUMBER OF STAFF	2 on-site managers 2 instructors at the riding school	NUMBER OF OCCUPANTS	20 children (riding school) 45 visitors (roping club)
NUMBER OF OCCUPANTS WITH SUPPORT NEEDS		20	
DESCRIPTION OF SUPPORT NEEDS		Children will require staff to support and provide assistance appropriate to their age and development.	



RESPONSIBILITIES

The following outlines who has responsibility for implementing emergency procedures in the event of a bushfire.

Position	Role	Responsibility
EMERGENCY PLANNING COMMITTEE		
	OWNER	<ul style="list-style-type: none"> Ensure the facility is prepared for the bushfire season
EMERGENCY MANAGEMENT TEAM		
On-site Manager	CHIEF WARDEN	<ul style="list-style-type: none"> Daily - check www.emergency.wa.gov.au for any warnings or alerts Monitor conditions on Severe plus FDR days <ul style="list-style-type: none"> Local ABC Radio 720 am Emergency.wa.gov.au Determine with DFES/emergency services that safe evacuation is available oversee evacuation or prepare for shelter on site Remain contactable (mobile phone) at all times
On-site Manager	DEPUTY WARDEN	<ul style="list-style-type: none"> Activities delegated by the Chief Warden Fulfills the responsibilities of the Chief Warden in the absence of the Chief Warden

EMERGENCY CONTACTS

Name of Organisation	Office / Contact	Contact details
Fire / Police / Ambulance	Fire or Emergency	000
Department of Fire & Emergency Services	Emergency Information	13 33 37 (13 DFES)
Emergency WA	Warnings and incidents	www.emergency.wa.gov.au
Bureau of Meteorology	Weather information	1300 659 213

Secondary Contacts

Name of Organisation	Office / Contact	Contact details



PREPAREDNESS

CHECKLIST – ongoing, prior to and during the bushfire season		
BUSHFIRE SEASON: COMMENCES 1 OCTOBER AND CONCLUDES 31 MAY OF EVERY YEAR (UNLESS OTHERWISE ADVISED)		
Action	Frequency	Responsibility
To be completed just prior to the bushfire season (by November 30 each year)		
1. Review Emergency Evacuation Plan to ensure details, procedures and contact phone numbers are correct.	Annual	Owner
2. Ensure all staff are familiar with the procedures in the Emergency Plan <ul style="list-style-type: none">a. Staff and volunteers of the riding school and the roping club must be notified that the facility is located within a bushfire prone area and the possibility for precautionary or emergency evacuation to be required during the fire season.b. Staff and volunteers of the riding school and the roping club must acknowledge that they have sighted and understood the emergency evacuation procedures and understand their role and responsibilities		
3. Ensure the site layout diagram and emergency evacuation diagrams are current and in visible location(s) at all buildings.		
4. Ensure any firefighting equipment (fire extinguishers hoses etc.) are serviceable and available.		
5. Ensure property access is clear and easily trafficable		
6. Ensure roof and gutters are free from leaf litter and debris		
To be completed during the bushfire season between 1 December and 12 May each year by the Emergency Management Team (centre manager).		
1. Ensure contact details of the emergency management team and primary contacts for the riding school and roping club are updated as required	Ongoing	On-site Managers
2. Any objects attached to the buildings are non-combustible or easily removable, and the removing mechanism is in working order		
3. Smoke detectors are in working order		
4. Ensure first aid kits, fire extinguishers, and other emergency resources are current, serviceable and accessible		
5. The evacuation diagram and the site layout diagram are clearly displayed on the inside face of external doors at all buildings		
6. Ensure defensible spaces around the buildings and assembly points are maintained (kept clear).		
7. Emergency communication equipment (mobile phone) is charged and on hand		



The Department of Fire and Emergency Services provides community and emergency advice about predicted and current conditions that advise about the level of bushfire threat.

The Fire Danger Rating (FDR) is based on the forecast weather conditions, the higher the rating, the higher the threat.

Extreme or Catastrophic ratings are the highest level and represent unsafe conditions.

Fire Danger Rating (DFES)

Emergency Warnings

CATASTROPHIC	EXTREME	EMERGENCY WARNING	
<i>The worst conditions for a fire. Homes are not designed or built to withstand a fire in these conditions. The only safe place is away from bushfire risk areas.</i>		<i>An out of control fire is approaching very fast. You need to act immediately to survive. If you haven't prepared your home, it is too late. You must leave now if it is safe to do so.</i>	
SEVERE	VERY HIGH	WATCH AND ACT	
<i>Seek out information and be ready to leave or stay and actively defend your property if a fire starts. Only stay if you are 100% prepared.</i>		<i>A fire is approaching and is out of control. Put your plan into action. If your plan is to leave, make sure you leave early. Only stay if you are mentally, physically and emotionally prepared to defend your property, and you have all the right equipment.</i>	
HIGH	LOW - MODERATE	ADVICE	
<i>Be vigilant. Check your fire plan and continue to monitor conditions as they can change quickly.</i>		<i>A fire has started, but there is no immediate danger. Stay alert and watch for signs of a fire.</i>	



AWARENESS AND PRE-EMPTIVE PROCEDURES

The following outlines the actions that must be taken to ensure occupants maintain an awareness of the bushfire threat and the appropriate procedures to follow.

Actions	Frequency	Responsible Person
Throughout the bushfire season		
Check the Emergency WA website daily for alerts and warnings www.emergency.wa.gov.au	Daily (in the morning) and again early in the afternoon	On-site Manager

If an 'Advice,' 'Watch and Act' or 'Emergency Warning' alert or other communication has been issued by an emergency service authority -

ALERT

- An 'Advice' is issued that a fire has started but there is no immediate danger.
- A 'Watch and Act' or 'Emergency Warning' has been issued advising to leave early.
- Direction has been received from an emergency authority to evacuate.
- Smoke or fire is observed in close proximity

Contact DFES to confirm availability of safe evacuation. If a safe route and sufficient time are available

EVACUATE

- The Chief Warden will account for all visitors
- The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes
- The Chief Warden will monitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning level
- Once all visitors have evacuated the on-site managers should
 - Check all buildings and turn off air-conditioning
 - Close doors and windows
 - Evacuate



EMERGENCY PROCEDURE, LOCATION, AND TRANSPORT DETAILS

Evacuation

Designated evacuation assembly point/s

1. The memorabilia hall

In a bushfire event DFES/Emergency Services advice (public announcements) should be followed to determine the safe evacuation route and destination

Primary off-site location – visitors will return to their homes unless home is impacted by the bushfire; in that case they would attend a nominated welfare centre. Children attending the riding school will be transported by bus to the usual pre-determined meeting point and supervised until collected by a parent / guardian. If the pre-determined meeting point is impacted by bushfire they would be taken by bus to a nominated welfare centre.

Name of venue **Granville Park / Granville Civic Centre, Gingin**

Address of venue Weld Street, Gingin

Nearest cross street

Map reference MW23+4X Gingin

Venue phone number

Primary route to location Head east on Muckenburra Road and turn left onto Sandringham Road. Turn right onto Gingin Brook Road, left at Brand Highway and right to Dewar Road. Follow to Weld Street and the Gingin township.

Secondary route to location

Primary transportation arrangements

Private vehicles

Estimated travelling time to destination

15 minutes

Secondary off-site location

Name of venue

Address of venue

Nearest cross street

Map reference

Venue phone number

Primary route to location

Secondary route to location

Primary transportation arrangements

Estimated travelling time to destination



Shelter-in-Place

The **primary action** to follow if there is an imminent bushfire threat is **PRECAUTIONARY EARLY EVACUATION** following confirmation (DFES or emergency services) that a safe evacuation route and sufficient time is available

If DFES or emergency services have advised it is too late to leave, shelter at the site is available. The Asset Protection Zone, when established and maintained, provides BAL 10 (10 kWm2) at the habitable buildings and a central area less than 2 kWm2 .

Designated on-site building: the memorabilia hall.

Vehicles should be moved to the central area and visitors at the site should assemble at the memorabilia hall.

When DFES confirm safe access to the site is available, the site should be evacuated.

Procedures for evacuation and shelter-in-place in the event of a bushfire.

Trigger	Action	Responsible Person
<p>DFES have advised to evacuate and confirmed the route is safe</p> <p>or</p> <p>a bushfire is reported within 10 Km of the site</p> <p>or smoke or fire is observed</p> <p>Confirm with DFES the Available Safe Evacuation Time. If sufficient time is available, EVACUTE.</p>	<p>The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes</p> <ul style="list-style-type: none"> Children attending the riding school will be evacuated by bus or will evacuate in the care of the parent/guardian in attendance Persons attending the roping club will evacuate by private vehicle <p>The Chief Warden will monitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning level</p> <p>Once all visitors have evacuated the on-site managers should</p> <ul style="list-style-type: none"> Check all buildings and turn off air-conditioning Close doors and windows Evacuate 	On-site Managers
Survival Plan – only to be enacted in the event that DFES or police have advised there is not sufficient time for evacuation to a safer place		
<p>A fire is advised or is observed to be approaching and DFES public or direct advice is it is too late to leave: there is insufficient time to facilitate safe evacuation</p>	<ul style="list-style-type: none"> Move vehicles to the central area of the building compound Visitors and staff assemble at the memorabilia hall The Chief Warden will account for all visitors and staff and advise emergency services of the number of visitors and staff who are sheltering Close doors and windows Turn off air-conditioning Keep fire extinguishers at hand and soak towels to block smoke ingress Monitor the building condition and observe the fires passing 	On-site Managers



	<p>DO NOT STAY IN A BURNING BUILDING. If it is not safe to remain in the memorabilia hall, an area is available within the site with sufficient capacity to accommodate all visitors that is less than BAL 2 (2 kWm2). Take drinking water and move to the central building compound area.</p> <ul style="list-style-type: none">• When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do so• Initiate evacuation when emergency services have confirmed a safe route is available	
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RECOVERY

Action	Responsible Person
Inspect site (building compound).	Owner and On-site managers
Debrief <ul style="list-style-type: none"> – assess the severity of the event; – would the actions taken be sufficient to ensure the safety of staff and visitors in an extreme event; – were there any unexpected problems not accounted for in the existing emergency plan; – update the emergency plan to include any learnings from the event. 	Emergency Planning Committee (Owner) and Emergency Management Team (On-site Managers) Note: Representatives of the roping club and the riding club should be invited to contribute to the debrief if those facilities were operating at the time of the bushfire emergency.

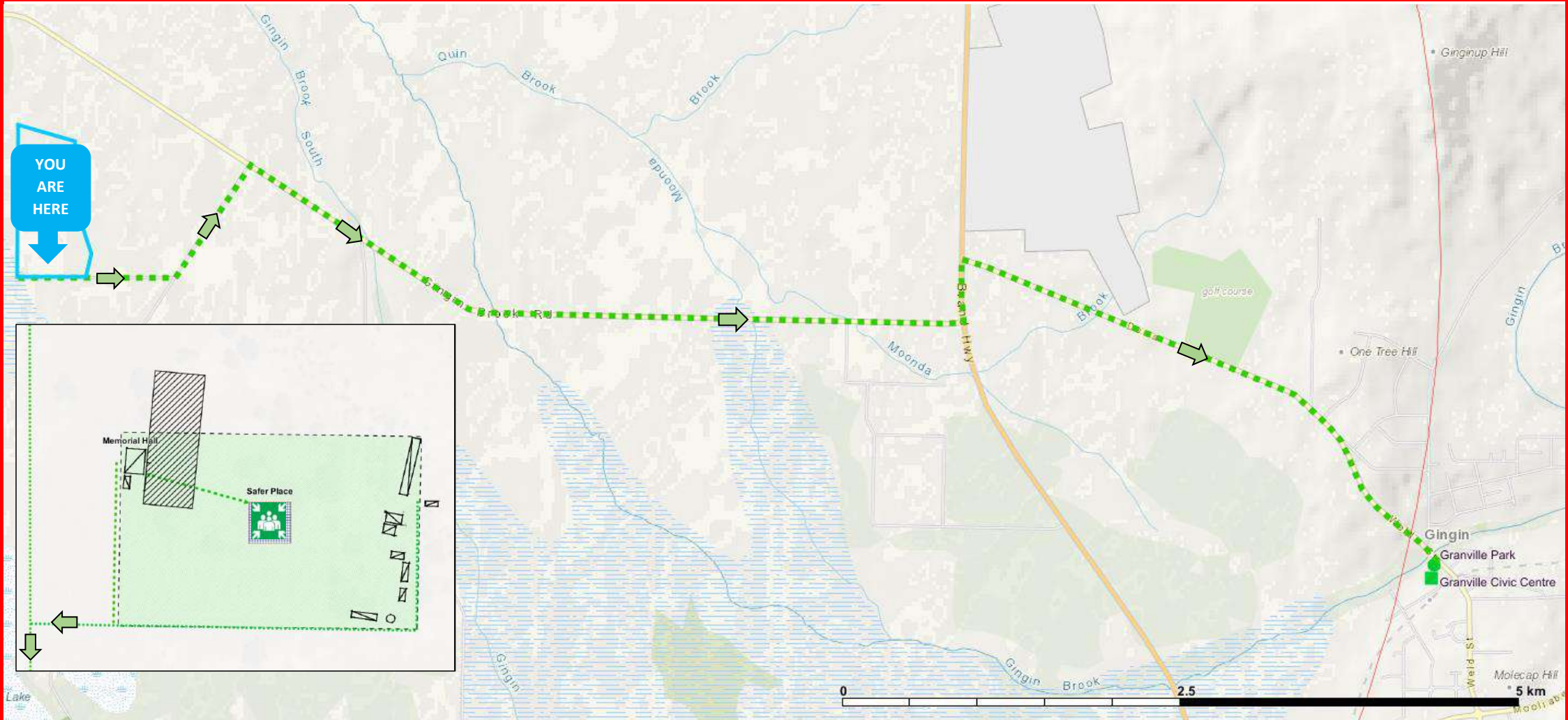


Attachment 1 – Emergency Plan and Evacuation Map

BUSHFIRE EMERGENCY RESPONSE PLAN

FACILITY DETAILS			EMERGENCY WARNINGS (DFES)																								
<p>Location : Lot 64 Muckenburra Road, Muckenburra</p> <p>Facility: Riding School and Roping Club</p> <p>Visitors : Riding School: 20 children (2 instructors)</p> <p>Roping Club: 45 visitors</p> <p>CONTACTS</p> <table><tr><th></th><th></th><th>PHONE</th></tr><tr><td>On-site Manager</td><td>Chief Warden</td><td>TBC</td></tr><tr><td>On-site Manager</td><td>Deputy Chief Warden</td><td>TBC</td></tr><tr><td>Roping club</td><td>Primary contact</td><td>TBC</td></tr><tr><td>Riding school</td><td>Primary contact</td><td>TBC</td></tr></table> <p>Chief Warden</p> <ul style="list-style-type: none">Remain informed of DFES Emergency Warnings by monitoring the website, information line, or ABC Local Radio 720. <p>INFORMATION SOURCES</p> <table><tr><td>Local ABC radio</td><td>720 am</td></tr><tr><td>DFES information line</td><td>13 33 37</td></tr><tr><td>Emergency WA</td><td>www.emergency.wa.gov.au</td></tr><tr><td>Bureau of Meteorology</td><td>1300 659 213</td></tr></table> <p>EMERGENCY CONTACTS</p> <p>Fire, Police or Ambulance 000 (112 from a mobile)</p>					PHONE	On-site Manager	Chief Warden	TBC	On-site Manager	Deputy Chief Warden	TBC	Roping club	Primary contact	TBC	Riding school	Primary contact	TBC	Local ABC radio	720 am	DFES information line	13 33 37	Emergency WA	www.emergency.wa.gov.au	Bureau of Meteorology	1300 659 213	ADVICE – EVACUATE	EMERGENCY - SURVIVAL
					PHONE																						
			On-site Manager	Chief Warden	TBC																						
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DFES information line	13 33 37																										
Emergency WA	www.emergency.wa.gov.au																										
Bureau of Meteorology	1300 659 213																										
<p>An ADVICE warning has been issued across telecommunications media of an incident nearby: PRECAUTIONARY EVACUATION IS REQUIRED</p> <p>Response:</p> <ul style="list-style-type: none">The Chief Warden will advise all visitors to commence evacuation following DFES/Emergency Services instructions on safe evacuation routes<ul style="list-style-type: none">Children attending the riding school will be evacuated by bus or will evacuate in the care of the parent/guardian in attendancePersons attending the roping club will evacuate by private vehicleMonitor emergency.wa.gov.au and ABC radio 720 am to maintain awareness of any changes to the warning levelOnce all visitors have evacuated the on-site managers should<ul style="list-style-type: none">Check all buildings and turn off air-conditioningClose doors and windowsEvacuate		<p>DFES or Police have advised EVACUATION IS NOT SAFE</p> <p>Response</p> <p>Survival Plan – only to be enacted in the event that DFES or police have advised there is not sufficient time for evacuation to a safer place</p> <ul style="list-style-type: none">Visitors and staff should assemble at the memorabilia hallThe Chief Warden will account for all visitors and staff and advise emergency services of the number of visitors and staff who are shelteringClose doors and windowsTurn off air-conditioningKeep fire extinguishers at hand and soak towels to block smoke ingressMonitor the building condition and observe the fires passing <p>DO NOT STAY IN A BURNING BUILDING</p> <p>If it is not safe to remain in the memorabilia hall, take drinking water and move to the central building compound area.</p> <ul style="list-style-type: none">When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do soInitiate evacuation when emergency services have confirmed a safe route is available																									
WATCH AND ACT - EVACUATE		ALL CLEAR																									
<p>DFES or Police have advised EVACUATION IS REQUIRED (Public Notice).</p> <p>Response:</p> <p>Confirm with DFES the Available Safe Evacuation Time: If sufficient time is available for evacuation follow actions as per Advice (above)</p> <p>If there is not sufficient Available Safe Evacuation Time for evacuation, follow the instructions for EMERGENCY SURVIVAL</p>		<p>Following evacuation and when emergency services have deemed the area safe:</p> <ul style="list-style-type: none">Return to the site (chief warden) and check buildings and grounds for any smouldering objects. Monitor grounds and buildings, particularly roofs for smouldering material and small fires for 24 hours after the event.Site managers and representatives of the Roping Club and Riding School who were on site at the time will hold a debrief to identify any issues and inform owners of any necessity to update emergency procedures																									

EMERGENCY EVACUATION DIAGRAM



Your Location is **Lot 64 Muckenburra Road, Muckenburra**

EVACUATE if DFES or Police advise evacuation is required

Follow instructions from the Emergency Services Incident Controller (the DFES officer managing the fire) Evacuate only if the route is safe.

- Evacuate to the Gingin Township or as directed by Emergency Services (15 minutes travel time)

DO NOT TRAVEL THROUGH FIRE

Monitor Emergency Information: ABC Radio 720 AM; DFES information 13 33 37;
Emergency WA - www.emergency.wa.gov.au

SURVIVAL - if it is not safe to leave - The Chief Warden will advise DFES (ph. 13 33 37) of the location and the number of persons present

- Visitors should assemble at the Memorabilia Hall and take shelter.
- Keep fire extinguishers at hand and soak towels to block smoke ingress
- Monitor the building condition and observe the fires passing

DO NOT STAY IN A BURNING BUILDING

If it is not safe to remain in the memorabilia hall, take drinking water and move to the central building compound area.

- When the fire front has passed, inspect the building and grounds and extinguish any small fires if safe to do so
- Initiate evacuation when emergency services have confirmed a safe route is available



Attachment 2 – DFES Sheltering information

Sheltering in Your Home

Bushfire Fact Sheet

Sheltering in your home during a bushfire should be your last option, when all other plans fail and you are unable to leave.

Bushfires are very unpredictable and you need to be well prepared to change your plans if you can no longer leave your property.

Even if you do not intend to stay and actively defend your property, you need to be physically and mentally prepared if sheltering in your home becomes your only option.

When the fire front passes, the heat will be extreme and you must shelter at this time whether you planned to or not.

If it is too late to leave the property

- Stay in the house when the fire front is passing.
- If people are expecting you to leave, let them know you are now staying.
- Take shelter inside in the room furthest from the fire front.
- Make sure all doors and windows are sealed as best as possible.
- Soak towels and rugs in water, and lay them along the inside of external doorways.
- Soak woollen blankets and keep them handy for protection against radiant heat.
- Take down curtains and push furniture away from windows.
- Get down low to limit your exposure to smoke.
- Actively defend your property by putting out spot fires.
- Remember to check the roof cavity through the manhole for any spot fires.
- Drink plenty of water to avoid becoming dehydrated.



! People have died sheltering in bathrooms and other rooms without an exit door leading outside. Make sure you can easily escape and shelter in a room with at least two ways to get outside and one that has a water supply (eg. a laundry with a door that goes outside or a kitchen).

Preparing to evacuate

Shelter in the house for as long as possible. Many people have died from toxic smoke and fumes when their house has caught fire.

If your house catches on fire and the conditions inside become unbearable, leave through the door furthest from the approaching fire and go to an area that has already been burnt.

The majority of people die in a bushfire from radiant heat. You should protect yourself from radiant heat with long sleeves, long trousers and strong leather boots.



**For more information visit dfes.wa.gov.au
or contact DFES Community Engagement – 9395 9816**

The information contained in this material is provided voluntarily as a public service by the Department of Fire and Emergency Services (DFES). This material has been prepared in good faith and is derived from sources believed to be reliable and accurate at the time of publication. Nevertheless, the reliability and accuracy of the information cannot be guaranteed and DFES expressly disclaims liability for any act or omission done or not done in the reliance on the information and for any consequences whether direct or indirect, arising from such act or omission. This publication is intended to be a guide only and viewers should obtain their own independent advice and make their own necessary inquiries.



Government of Western Australia
Department of Fire & Emergency Services





APPENDIX 3 - APZ Guidelines

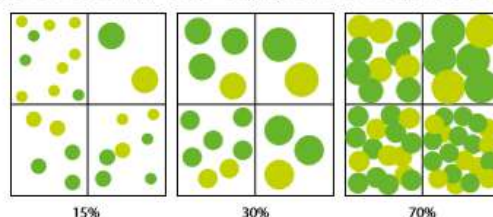
Element 2 – Siting and Design (Guidelines for Planning in Bushfire Prone Areas v1.3)

ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT

SCHEDULE 1: STANDARDS FOR ASSET PROTECTION ZONES

- **Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
- **Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
- **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
- **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and/or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy.

Figure 18: Tree canopy cover – ranging from 15 to 70 per cent at maturity



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



APPENDIX 4 - Vehicular Access Requirements

Element 3 – Vehicle Access (Guidelines for Planning in Bushfire Prone Areas v1.3)

Table 6: Vehicular access technical requirements

TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	N/A	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum crossfall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5

*Refer to E3.2 Public roads: Trafficable surface

E3.5 Private driveway longer than 50 metres

For a driveway shorter than 50 metres, fire appliances typically operate from the street frontage however where the distance exceeds 50 metres, then fire appliances will need to gain access along the driveway in order to defend the property during a bushfire. Where house sites are more than 50 metres from a public road, access to individual houses and turn-around areas should be available for both conventional two-wheel drive vehicles of residents and type 3.4 fire appliances.

Turn-around areas should be located within 50 metres of a house. Passing bays should be available where driveways are longer than 200 metres and turn-around areas in driveways that are longer than 500 metres. Circular and loop driveway designs may also be considered. These criteria should be addressed through subdivision design.

Passing bays should be provided at 200 metre intervals along private driveways to allow two-way traffic. The passing bays should be a minimum length of 20 metres, with the combined width of the passing bay and the access being a minimum of six metres.

Turn-around areas should allow type 3.4 fire appliances to turn around safely (i.e. kerb to kerb 17.5 metres) and should be available at the house sites and at 500 metre intervals along the driveway.

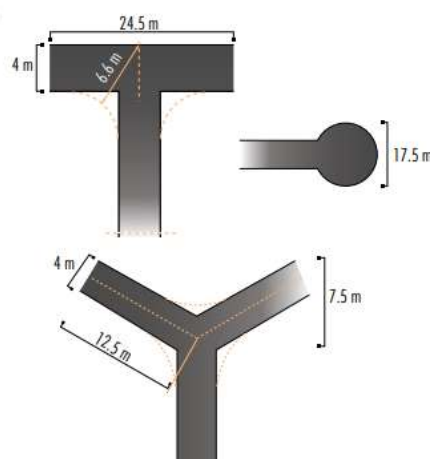


Figure 22: Design requirements for a private driveway longer than 50 metres

Turning areas should allow type 3.4 fire appliances to turn safely



APPENDIX 4 - References



GENERAL REFERENCES

SA Department of Environment and Natural Resources, Government of South Australia, 2012 *Overall Fuel Hazard Guide for South Australia*

WA Department of Planning 2016, *Visual Guide for bushfire risk assessment in Western Australia*

Standards Australia 2018, *AS 3959-2018 Construction of buildings in bushfire-prone areas*, Sydney

Standards Australian and Standards New Zealand 2009, *Australian Standard / New Zealand Standard ISO 31000:2009 Risk management – principles and guidelines*

Western Australian Planning Commission (WAPC) 2015, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, Western Australian Planning Commission, Perth, Perth

Western Australian Planning Commission and Department of Fire and Emergency Services (WAPC and DFES) 2017, *Guidelines for Planning in Bushfire Prone Areas Version 1.3*, Western Australia.

Online references

Office of Bushfire Risk management (OBRM), Map of Bush Fire Prone Areas, viewed August 2021, <
<https://maps.slip.wa.gov.au/landgate/bushfireprone/>>

Office of Bushfire Risk Management (OBRM), Bushfire Risk Management (BRM) Plan Guidelines, viewed August 2021

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: RECREATION PRIVATE (ROPING EVENTS), COMMUNITY PURPOSE (RIDING SCHOOL), RURAL PURSUIT AND SINGLE HOUSE ON LOT 64 MUCKENBURRA ROAD, MUCKENBURRA

No.	Submitter	Submission details	Recommended response
1.	DPLH (Aboriginal Heritage)	<p>The submitter provides the following general comment:</p> <p><i>"A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database concludes that the Land does not intersect with any Aboriginal sites or heritage places. As such, the DPLH Aboriginal heritage operations does not have any comment to make regarding the query."</i></p>	Noted.
2.	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 water values and management. Key issues and recommendations that should be addressed are provided below:</i></p> <p><i>The Department notes that the stock water supply will be sourced via an existing on-site bore. The property is located within the Gingin Groundwater Area, proclaimed under the Rights in Water and Irrigation Act 1914 (RiWI Act), where there may be a requirement to obtain a licence to abstract groundwater. Exemptions apply for watering stock not raised under intensive conditions, as defined in section 21(4) of the RiWI Act. Further information on exemptions can be found here: https://www.water.wa.gov.au/licensing/water-licensing/exemptions.</i></p> <p><i>Please note that a licence will be required for purposes other than those listed as exempt and if the property requires more than 1500 kL/year, in proclaimed areas. The issue of a licence is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each year. The proponent is encouraged to contact the Department's Swan Avon Region office on 6250 8000 or licence.enquiry@dwer.wa.gov.au to discuss water management options.</i></p>	Noted.

		<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>																					
3.	DPIRD	<p>The submitter provides the following general comment:</p> <p><i>"DPIRD does not object to the above proposal, subject to the following comments.</i></p> <p><u>Stocking rates</u> <i>Livestock stocking rates are standardised using Dry Sheep Equivalents (DSE), where a 50 kg wether is the accepted standard. In the context of rural small holdings, stocking rates refer to the numbers of livestock that can be consistently kept on a piece of pasture all year round with minor additional feed and without causing environmental degradation such as wind or water erosion, tree decline, or increasing nutrients in waterways or groundwater.¹ The proposed stocking rates are detailed in Table 1.</i></p> <p>Table 1: Proposed stocking rates</p> <table border="1"> <thead> <tr> <th>Animal</th><th>Animal DSE</th><th>Total # animals</th><th>Total DSE</th></tr> </thead> <tbody> <tr> <td>Horses (light)</td><td>10</td><td>11</td><td>110</td></tr> <tr> <td>Sheep</td><td>1</td><td>30</td><td>30</td></tr> <tr> <td>Cattle</td><td>8</td><td>10</td><td>80</td></tr> <tr> <td colspan="3">Total</td><td>220</td></tr> </tbody> </table> <p><i>The total area of the property is 49.99 hectares (ha). Subtracting area estimates of the buildings and infrastructure (4 ha) and the vegetated wetland area (6 ha), this leaves a total area available for grazing of 39.99 ha.</i></p> <p><i>The soil landscape units are Yanga Gingin Brook Complex Phase (213Ya_GG, estimated 70% of property) and Bassendean Gavin Phase (212Bs_G, estimated 30% of property). Both have a maximum sustainable stocking rate of 6 DSE/ha.</i></p> <p><i>Multiplying the available area by the maximum sustainable stocking rate for the soil results in a maximum sustainable stocking rate for the property of 239.9 DSE. As the proposed stocking rate is less than this, DPIRD does not object to the proposal.</i></p> <p><u>Assumptions</u> <i>The stocking rate calculations are based on the entire available area being considered as one paddock. If the animals are kept on smaller</i></p>	Animal	Animal DSE	Total # animals	Total DSE	Horses (light)	10	11	110	Sheep	1	30	30	Cattle	8	10	80	Total			220	Noted.
Animal	Animal DSE	Total # animals	Total DSE																				
Horses (light)	10	11	110																				
Sheep	1	30	30																				
Cattle	8	10	80																				
Total			220																				

	<p><i>paddocks, this may affect the stocking rate calculations depending on the configuration of the smaller paddocks</i></p> <p><i>It is assumed that the cattle on the property are 425 kg dry cows, yearlings, steers or heifers, instead of milking cows, cows with calves, or bulls, which have higher equivalent DSE values ranging from 10 or 15 DSE per animal.</i></p> <p><i>The calculation does not include the vegetated wetland area which appears to be the shaded green area on the wetland mapping (Figure 4). Vegetated areas and wetlands cannot be included in the area available for grazing used for calculating stocking rates.</i></p> <p><i>A condition of development may be that the vegetated wetland is fenced to exclude stock.</i></p> <p><u><i>Maintaining groundcover</i></u> <i>There needs to be a minimum of 50% groundcover maintained on all areas of the property throughout the year to reduce the risks of wind and water erosion.</i></p> <p><u><i>National Livestock Identification Scheme</i></u> <i>Western Australia has a mandatory livestock ownership, identification and movement system, known as the National Livestock Identification Scheme (NLIS). This requires owners of cattle, sheep, goats, pigs, horses, ponies, donkeys and hybrids, deer, alpacas, llama, camels, vicuna and buffalo to register, even if these animals are kept as pets. DPIRD's Brands Office then allocates a property identification code (PIC) to owners to indicate who owns the animals and where they are kept. More information about the NLIS can be found at https://www.agric.wa.gov.au/livestock-movement-identification/livestock-ownershipidentification-and-movement-western-australia?nopaging=1</i></p> <p><u><i>Water licensing</i></u> <i>Page 5 of the proposal refers to the usage of groundwater. Water licensing is managed by the Department of Water and Environmental Regulation (DWER), and the proponent should contact DWER to determine licensing requirements.</i></p> <p><u><i>Effluent management</i></u> <i>Page 7 of the proposal refers to on-site effluent disposal. More information is required to determine the appropriateness of this plan.</i></p>	
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		<i>This is particularly important given the proposed “Recreation – Private” use described on page 4 of the proposal.”</i>	
4.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>“We have concerns regarding the above development. We are a rural living zoned area and as such have spent a lot of money developing our property in accordance to that. Our neighbours to both our left and right, which are currently vacant blocks, also have that intention (both only having bought the blocks in the last 12months) of building family homes.</i></p> <p><i>To have a “shanty town of dongas” as new as they might be, brings down the aesthetic of the whole area. Anyone can see these transportables have been positioned and fitted out to be future accommodation for the events mentioned in the application, not three buildings for a single dwelling.</i></p> <p><i>We do not want camping in the area, it is not a caravan park, we have two perfectly serviceable caravan parks at Willowbrook and Gingin within 10mins drive.</i></p> <p><i>We do not want “events” taking place, we have an Equestrian facility in Gingin for events, that is under utilised and would benefit from the “roping” events being held somewhere like that, where camping is permissible and also meets their needs without disturbing neighbours.</i></p> <p><i>This site has been running a generator consistently for the past twelve months, which we have been tolerant whilst they have been working on the property, but we have reached our limit with that. There comes a time when power needs to be connected if they are developing a property be it solar or grid. We have all had to do that as part of our property developments.</i></p> <p><i>We were required to have a 90,000L water supply on our property just to have a home for four people, not for running animals, events and having people living on site as caretakers. I do not think only a 25,000L tank would be suitable as proposed and meet fire requirements even.</i></p> <p><i>We like the idea of a children’s riding school being down there, no objections to that, providing it is a day time activity only (no camps).</i></p>	<p>Noted. Refer to the ‘Stakeholder Consultation’ section of the council report.</p>

		<p><i>We have no objection to the hall and office setup near the arena, this makes sense for the riding classes along with all the stables, and galvanised sheds that service the farm needs.</i></p> <p><i>Due to the number of horses, stable fly must be managed on site, we have already noticed them on our property, which previously we have never had. Whether this directly relates to their farming practices or those of a number of new horse properties in the area, but we've never had in them in the 14 years we have owned the property.</i></p> <p><i>If the riding school is allowed, with the hall facility, then we would hope it would meet public building requirements and additional toilets would be added, as on the plans it has only one, in the kitchen donga (which we object to) for public use. None in the hall or office area near the arena. The only other being in the caretaker's private quarters. Which would not meet the needs for disabled riders or groups of up to 20 attending the classes. How would this be addressed?</i></p> <p><i>Also, we do not see any leach drains or septic system marked on the plans, where are these currently, and have they been positioned correctly on the block, as due to the wetlands and high water table, we would hope the same amount of care has been taken as the rest of our properties have had to with this installation.</i></p> <p><i>We suppose the blatant disregard this neighbour has had for their direct neighbours and all of those along Muckenburra Road as well during the last twelve months leaves all of us feeling that they will continue to do the wrong thing, no matter what this proposal says. We can only the Shire provides strong direction in the planning approval for this owner."</i></p>	
5.	Ratepayer	<p>The submitter supports the proposal and provides the following general comment:</p> <p><i>"We have no objection to this development being approved."</i></p>	Noted.
6.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"Prior to this application we have enjoyed a reasonable rural living lifestyle as a young family. Since 2019 work had already commenced at Lot 64 resulting in heavy commercial machinery i.e., trucks, road trains & utes driving down our road every day. Our road is currently</i></p>	Noted. Refer to the 'Stakeholder Consultation' section of the council report.

		<p><i>being graded every 4 – 6 weeks, this will have to be done weekly if this proposal goes ahead. It should be a priority with the Shire of Gingin to upgrade to a fully bituminised road immediately.</i></p> <p>Noise & disturbance resulting from use <i>We relocated from the city & purchased a rural lifestyle block of land and built our forever family home, to enjoy the serenity & all that country life has to offer. Right on our doorstep the noise has increased over the last year. The noisy heavy machinery & trucks are causing our quiet lifestyle to be disturbed & our daughter can no longer ride her bike outside our property as it is not safe.</i></p> <p>Dust & Air <i>Our road is not a bitumen sealed surface and was made for light rural living. This would never have been constructed for heavy machinery and large traffic use for a business. Currently the dust created when trucks or utes fly by at speed create a dust storm right on our property and into our home. The air we breathe indoors & outdoors is pollution and the particles can be seen. This causes symptoms like coughing & shortness of breath to my family. We now need to keep the windows in our home shut during the day to avoid our home being dusty every day. We can't enjoy the open windows to create a lovely breeze throughout. Washing also regularly needs to be re-washed.</i></p> <p>Benefits to us <i>We understand that the intention of this proposal states that it will be to benefit children outside of our community. We wish to be advised how this proposal would benefit our family, including our daughter?</i></p> <p>Safety <i>This is a safety hazard for not only our family, but all families in our area. It needs to be noted that the trucks drive at high speed without regard for families."</i></p>	
7.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"As stated in the planning application, our property and that of the applicant are located in a Rural Living area. When we applied for planning approval, we had to wait for said approval before constructing any buildings or sheds.</i></p> <p><i>Lot 64 constructed their buildings, outbuildings and stables without any approval and were told back in 2019, again as stated in the</i></p>	<p>Noted. Refer to the 'Stakeholder Consultation' section of the council report.</p>

		<p><i>proposal, to stop until approval was granted. The fact that they have continued to set everything up is a blatant disregard for the Shire of Gingin regulations. As shown on Google Maps, everything is already done and ready to "open for business". Due to this, the number of people arriving for these events, twice monthly, is never going to be according to the approval as these landowners just do whatever they like, whenever they like.</i></p> <p><i>Our street is home to families with children who can no longer walk or use their bikes on the road due to the never-ending trucks, utilities and earthmoving equipment flying down the road. Our road is only constructed of road base and is not designed for the heavy traffic it is subjected to. The road is always in need of grading, due the rutting caused by the above traffic, which is something the Shire doesn't have the resources to continuously repair. I have been out on the road with my children and have waved for those of Lot 64 to slow down, only to be shown the finger and have gravel sprayed at us. Now we are being told there will be cars going up and down the road at least twice a month as well. What is going to be done about the speed and maintenance of the gravel road as well as the dust if this is approved? There is nothing in the planning application addressing this issue.</i></p> <p><i>We have put up with a noisy large generator, shown at the front eastern edge of the property on google maps, running 24 hours a day. The landowners advised the Shire that no one was living at the property which is also obviously not true.</i></p> <p><i>The landowners should be made to remove all buildings while they wait to see if their application is approved as others have had to. Failing this, why is this not classified as an application for retrospective planning approval? Again, this shows a disregard for the Shire and the residents of the area.</i></p> <p><i>The Gingin area already has a riding for the disabled in Neergabby (just down the road) as well as roping and rodeo in Mogumber. With the small population in our community more of these "Community Purpose" facilities are not needed. This corporation maybe should be setting up this recreation, community purpose and rural pursuit enterprise at another of their properties which lie in a general rural location not in a rural living area where families have built their houses to enjoy the quietness of the area."</i></p>	
8.	Ratepayer	The submitter does not support the proposal and provides the following	

		<p>general comment:</p> <p><i>"The road is gravel, the dust will be terrible. There is already a lot of buildings on this property are there going to be more buildings? This is a quiet family orientated road. We don't require a commercial facility in this area as Gingin already has a facility in a better location."</i></p>	<p>Noted. Refer to the 'Stakeholder Consultation' section of the council report.</p>
9.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"For the past 18months or more we have encountered nonstop problems with the persons/workers currently living on the property of Lot 64 Muckenburra Road, Muckenburra. Below are our listings of our disapproval for the rodeo/riding school.</i></p> <ol style="list-style-type: none"> <i>1. They have continuously run what appears to be a 25KVA MINE SPEC generator. The generator will run all day and night, until a phone call is made to the owner (John) to have it turned off. Which we have found most of these phone calls get ignored. WHY should we be continually contacting him about this inconvenience which is affecting our lifestyle, health and wellbeing. The generator is located approximately 150metres from our home. Its hum is so loud it sends vibrations throughout our family home making it extremely hard for our young children to sleep. We have had to invest in noise machines for our children's rooms to help void this problem. On several occasions the light tower that runs off the generator would shine directly onto our property in the evenings, this has lit our paddocks and home up as if it was daylight. This adds another problem for getting our young children to sleep.</i> <i>2. On numerous occasions we have had people trespassing onto our property leaving gates open while looking for Lot 64. We now have cameras spread out over our property to monitor this ongoing occurrence to protect our young children from strangers. Also, the prevention of our livestock entering onto the road where a disastrous accident may occur.</i> <i>3. The amount of infrastructure that has been developed and continuing to be installed is quite astounding. WHY has all this work occurred without the application being approved yet and the neighbouring farms being contacted prior to the development. There is a continuous wave of semi-trailer trucks, cars and workers that accelerate past our property in excess of 100km per hour on this gravel road. This alone causes a dust haze that covers our</i> 	<p>Noted. Refer to the 'Stakeholder Consultation' section of the council report.</p>

		<p><i>paddocks, roofs, water tanks, frightening livestock and stopped us allowing our children anywhere near the front gate.</i></p> <p><i>4. I used to take my young children for a walk along Muckenburra road every day to see the horses. There have been numerous times where we or the mother in law have tried to wave down cars/Semi trailers to slow down as they are travelling way to fast flicking rocks and dust up not having the decency to even move over as they fly past before entering the above mentioned property. On one day I had to explain to my young children as to why the man in the car put up his middle finger at us as he drove by. I find this extremely disrespectful and has caused numerous close physical encounters with those living on the property at Lot 64. Our children can hear their vulgar language while playing outside and jumping on the trampoline!</i></p> <p><i>How is the shire planning on monitoring this Rodeo? I assure you there will be more people there, other than the amount listed on the application.</i></p> <p><i>- If goes ahead will the shire bituminise the road?</i></p> <p><i>- Will there be a noise restriction in place? As there has not been any information on the times of which these events will take place.</i></p> <p><i>- Will there be security at every event?</i></p> <p><i>- is there going to be alcohol involved?</i></p> <p><i>Approximately 100 calls and text to the owner "john" have been made during this time to try and resolve these issues. But have fallen on deaf ears with only 1 single return call. The behaviour of the persons already currently living on the property is beyond extremely poor, we couldn't image the consequences of 40 persons once a month, and with their current state of truthfulness, how could their events be policed to stop 150 people attending?</i></p> <p><i>With that being said, we truly believe that if these requests are to be approved for the riding school/rodeo, it would be disastrous for not only our living conditions but all surrounding properties. It would also de value our home we have worked very hard to establish for our family.</i></p> <p><i>Please consider our email and disapproval of this application for the rodeo/riding school at Lot 64 Muckenburra road, Muckenburra."</i></p>	
10.	Ratepayer	The submitter does not support the proposal and provides the following	

	<p>general comment:</p> <p><i>“In relation to the SINGLE HOUSE, the type of house that is stated as being a transportable, is not as such, they appear to be no more than old dongers that have had new cladding attached them. New cladding does not transform a donger into a modern transportable house which would aesthetically, be more pleasing to the eye as opposed to the visual pollution the applicant has created.</i></p> <p><i>Why does a SINGLE HOUSE need to be spread over three completely separate structures? This arrangement/layout contributes to the visual pollution created by the applicant.</i></p> <p><i>I also see a caravan that has now been parked there for quite some time and is plugged into the generator power, is this considered temporary or permanent considering the length of time it has been on site? Do the Shire of Gingin allow people to reside in caravans indefinitely in Rural Living zoning within the Shire? If not then it must be time for that caravan to longer be used as a permanent residence in this proposal.</i></p> <p><i>Secondly I would like to question the applicants “primary use of land”. After reading the proposal it appears that the applicant main focus is the roping events that are scheduled for once a month and a Riding School for disabled children, at the end of the proposal there is a mention of rural pursuit. Of all these intended land uses, there is really only one that is suited to our current zoning that is, Rural Living and that is the rural pursuit. The other land use intentions have no place in Rural Living but are suited to General Rural, which we are not currently zoned. Also the only reason they are pursuing the rural pursuit is to have the livestock, such as horses and some cattle, to support their other two intended land uses therefor begs the question, what is their intended primary use of the land? I believe the correct answer to that is he intends to have a commercial business running on the above address!</i></p> <p><i>All of the neighbouring properties, including ourselves are hobby farmers in some way, nobody does anything in the immediate area that upsets anyone or goes against the zoning that we are living in. However since the applicant has purchased the above property we have all endured nothing but problems, this is due directly to the type of land use pursuits the applicant endeavours to carry out on this property. Already with no approvals in place from the Shire of Gingin, he has</i></p>	<p>Noted. Refer to the ‘Stakeholder Consultation’ section of the council report.</p>
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	<p><i>taken it upon himself to mobilise his entire set up so that he is able to conduct business the minute he gains approval.</i></p> <p><i>Muckenburra road is a gravel road base road, designed to carry local traffic and has minimal and at most times, enough maintenance done to maintain the surface for local traffic has been ruined by the excessive amount of traffic, especially trucks that are only on Muckenburra road so that they can service the above address. These trucks are causing more problems than just added costs to the Shire of Gingin for road upkeep, they travel at such high speeds they create so much extra dust.</i></p> <p><i>The dust that is created by these trucks and extra vehicles now on Muckenburra road is in excess of the usual local traffic that you expect to tolerate living on a gravel road. The problem it is causing for all of us who live along Muckenburra road is that we use our house and shed roofs to collect our annual drinking water supply for our households, our water supply is being compromised now with this excessive amount of dust coming off the trucks.</i></p> <p><i>The second issue that is affecting us is the safety aspect. These trucks travel so fast that it is no longer safe for our children to ride their bikes along Muckenburra road, or even walk to the neighbours for a play out of fear they may be run over, dusted out so bad that if there was a car following the truck, our children may not see the following vehicle and accidentally step out in front of them, or even having gravel rocks sprayed at them from the trucks passing by.</i></p> <p><i>We have attempted to resolve the speeding issue with the applicant but have only had a rude or aggressive response from him. Their disregard of the local children and their safety in Muckenburra really makes me question how legitimate is their desire to offer any safe service to any children in our community!</i></p> <p><i>The excessive amount of trucks frequenting this property would not be needed if the property was used for its zoned use, Rural Living, to carry out a rural pursuit such as approximately 30 sheep and 20 cattle. The excessive trucks are only there due to other land uses that he has applied for, such as RECREATION PRIVATE and COMMUNITY PURPOSE.</i></p> <p><i>We did not purchase our property in this zoning, just to have our tranquil lifestyle to be so negatively impacted on by a land use that is not permitted in this zoning. Every second weekend we will have very</i></p>	
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	<p><i>unusual levels of traffic on quiet Muckenburra road. No doubt with the nature of the intended land use, comes early starts, that will again mean a disruption to all those living on Muckenburra road.</i></p> <p><i>As the applicant has already shown a complete disregard for the Shire of Gingin and any authority they may have, we are concerned that as he is "ready to conduct business" he will carry on regardless of any outcomes from Council. This also concerns us in relation to the stipulated 45 persons attending the roping events and the 10 overnight campers. How is this policed? And what, if anything can be done to stop him from breaching his conditions of approval? We don't feel he will care at all if he is told he is in breach, he will continue to do what he wants as he already has done that, unopposed, for the last two or more years.</i></p> <p><i>Having excess people on the above property will further impact the amenity due to noise pollution, the said "one person" that currently resides there can be heard in clear conversation from our veranda when the wind is in the right direction. We can only imagine the noise level that will be produced by an extra 45 people who are excited to attend the roping events.</i></p> <p><i>What other services will be required by the applicant for his roping events, will there be food vans, entertainment for kids, live music/ loud music? What noise/trigger is used to initiate these events? How often do these events start? How many events per day? What time do we expect it to finish? So many questions that have not been considered by the applicant at all. The noise pollution created by all the above in question, once again has a negative impact on the amenity due to noise pollution.</i></p> <p><i>Once the event is over and it is now dark, how do we know if the 45 people are still there, what time are they meant to leave by? What if 35 of the 45 choose to stand up all night drinking and not actually sleep, then are they considered to be camping? Once again I ask the question, how is this policed and what avenues are open to us to have the noncompliance issues dealt with and is it a lengthy process?</i></p> <p><i>Another concerning issue for us as immediate neighbours is the issue of the diesel generator/lighting tower. This (until recently) was running 24/7 it is the main power supply for the above property. Since the 17/10/2019 this generator has caused problems, not only for us but for surrounding neighbours. I have personally contacted the applicant</i></p>	
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	<p><i>directly on numerous occasions regarding this generator and have had zero reconciliation on this matter.</i></p> <p><i>This generator is having a huge impact on the noise pollution in our immediate area, also at times the lighting tower is an issue too depending on where they decide to direct the beam, I might add the light is never directed at their property, it is always at a neighbouring property, sometimes us, this tower is bright enough to light up the paddock between us and them, that paddock belongs to us and we do not wish for our place to be lit up at night time that, further impacting the amenity.</i></p> <p><i>We can hear the generator in our bedroom and at times we can hear it over the T.V. Depending on wind direction and tone of the generator, it causes our carport to vibrate, the carport attaches to our house at our bedroom. This vibration along with the noise from the generator has made sleeping very difficult for our house at times.</i></p> <p><i>The applicant is very aware that his generator directly impacts on several families in the area and he has shown absolutely no concern for us what so ever. I have lost count of the amount of times he has told me that he is "waiting on Western Power to do their side of the works, they are holding him up" he has been telling me this since 17/10/2019. Any issues the Shire of Gingin have regarding his compliance re any restrictions placed on his proposal will be met with the same attitude. This is why the proposal should be rejected by the Shire of Gingin, he will never comply.</i></p> <p><i>I again question the primary use of this land, Horse riding school? This is not permitted in Rural Living zoning, this land use should be conducted in General Rural zoning.</i></p> <p><i>This land use will cause the same issues as already highlighted, meaning noise pollution, due to excessive traffic and from excess people. Visual pollution with more buildings added for this land use, what is the purpose of a "Memorability Hall" what memorabilia? It's a very large structure designed to do what exactly other than to contribute to the visual pollution.</i></p> <p><i>There are already at least two Horse Riding schools in the area that are already catering to children with special needs including "Autism Horses Australia and EKE Equine Kinship Experience, I'm sure there are others also, so is there still an need for yet another riding school, in</i></p>	
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		<p><i>the wrong zoning? With children attending once a month and roping events once a month, the amenity will be impacted on once a fortnight by the applicant personal endeavours.</i></p> <p><i>The infrastructure that is required to service the Riding School also impacts the amenity once again with visual pollution, more buildings that do not belong there. The entire set up that the applicant has already placed on the above property, with no approval, look like an old, unplanned mine site.</i></p> <p><i>The applicant has included RURAL PURSUIT which you may expect in Rural Living zoning, however the request is mainly to keep animals to service his other land uses that are not permitted in Rural Living in the Shire of Gingin. Meaning if there were no roping events and no riding school, he would not have all the horses and some of the cattle that are on the property.</i></p> <p><i>I have a great deal of concern for the environment and the impact that this proposal will have on it. The reason for this is the proximity to the recognised wetland that is on the above address.</i></p> <p><i>It says in the proposal that the buildings are set back 50 meters from the wetland, it appears that where they placed all the unapproved buildings, is within the wetland according to the map included in the proposal. It also states that the wetland is fenced off to keep stock out of the wetland, that is an out right lie, I see the sheep are locked in this area mostly on a daily basis.</i></p> <p><i>It also states in the proposal that the wetland has "few remaining important attributes and functions". We have lived on the East side of the wetland for more than 7 years and I also previously owned the property at LOT 64 MUCKENBURRA ROAD and have seen how important this wetland is. In summer time especially, you can see and hear how important this small wetland is to local wildlife and water birds, as is the larger wetland located on our property. Often you will see large flocks of birds moving between the two wetlands, I also see how much the local wildlife on our property rely on the wetland for water, shelter and food. The wetland may not be significant to the applicant but to our local wildlife and water birds, the survival of this wetland is critical. Having these buildings and human excrement so close to this wetland is bound to have a negative impact on this small wetland.</i></p>	
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		<p><i>My other concern for the environment is the amount of human excrement that can potentially leach into the wetland with the applicant unapproved buildings being placed in such close proximity to the wetland. I'm concerned due to the fact there has been no approval given, where are the leach drains? Ours on our property are above ground due to the high ground water level, leach drains would not be effective if buried in the ground, I believe the applicant would be in the same position as us however I cannot see anywhere on the above property where you can see any leach drains at all, this is a huge concern from an environmental aspect.</i></p> <p><i>Building 1 – office, no toilet?</i></p> <p><i>Building 2- Memorabilia Hall, next to office, supposed shelter for children in bad weather, only buildings related to horse riding school that are situated close together but no toilets or even disabled facilities?</i></p> <p><i>Building 3 – 1 TOILET</i></p> <p><i>Building 4 – storage? Looks more like bedrooms on plans - No toilet</i></p> <p><i>Building 5 – Laundry? Yes has laundry and 1 TOILET, appears to be more accommodation.</i></p> <p><i>Building 6- ? No explanation in notes, more accommodation?</i></p> <p><i>Building 7 and 8 – sheds, understandable use if for RURAL PURSUIT</i></p> <p><i>Building 9- Stables ok if it's for RURAL PURSUIT</i></p> <p><i>Building 10 – What further storage would they need there whereby 2 sheds and several storage areas are not enough that you also require a large shipping container? Why are the other three shipping containers located on the north side of the wetland (see google maps) not included in the proposal if they are also used for storage?</i></p> <p><i>In the applicants entire proposal and with all those buildings that are currently there, there are in total TWO TOILETS, this triggers so many questions.</i></p> <ol style="list-style-type: none"> <i>1) Do they plan to establish even more buildings in the future, adding again to the visual pollution they have already created?</i> <i>2) Where do they plan for 20 children to go to the toilet considering half of the available toilets are in a private residence? Where and how do the disabled children access the toilets considering the boggy nature of the grey sand on the above property? Where do female students have access to sanitary facilities?</i> <i>3) Where will 45 people go to the toilet when they are there for the day of roping events? Where will the campers have access to ablution facilities?</i> <p><i>SUMMARY</i></p>	
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		<ul style="list-style-type: none"> • <i>We object to this proposal as we are zoned Rural Living</i> • <i>Primary use of land appears to be commercial endeavours</i> • <i>Impact to the amenity through noise pollution</i> • <i>Visual pollution, detracting from our visually pleasing property.</i> • <i>Zoning not suited to proposed land uses</i> • <i>Excessive dust contamination to our drinking water supply</i> • <i>Safety for local children on Muckenburra road</i> • <i>Increase risk of drunk drivers on Muckenburra road after roping events, safety issue for all on Muckenburra road</i> • <i>End to our tranquil lifestyle</i> • <i>Noise pollution from power supply and extra people frequenting the above property</i> • <i>Impact to the environment, huge potential to put the environment at risk with much higher need for more ablution infrastructure and leach drains.</i> • <i>When there are existing facilities such as the Gingin Campdraft Grounds within the Shire of Gingin, why are not all of the horse related industries that take place in the Shire of Gingin not encouraged to use these fabulous, already in existence with the appropriate facilities attached, grounds? A project such as this would be perfect to run at the Campdraft Grounds, as it is not at all suited to being in Muckenburra road with a Rural Living zoning.</i> <p><i>In conclusion the landowners should be made to remove all buildings while they wait to see if their application is approved, as others in the area have had to, a significant fine should be imposed for already ignoring all Shire of Gingin planning processes, failing this, why is this not classified as an application for retrospective planning approval? Again this shows a disregard for the Shire of Gingin and the residents in this area.</i></p> <p><i>To be clear we object to the above proposal at LOT 64 MUCKENBURRA ROAD, MUCKENBURRA."</i></p>	
11	Ratepayers x3	<p>The submitters support the proposal and provides the following general comment:</p> <p><i>I/we refer to the development application of 'Recreation Private', 'Community Purpose', 'Rural Pursuit' and 'Single House' at Lot 64 Muckenburra Road, Gingin more fully described as Lot 64 on Plan 33599 contained within Certificate of Title Volume 2533 Folio 453.</i></p>	Noted.

		<i>The application was referred to me/us by the Shire of Gingin for public comment.</i> <i>I/we the undersigned being the landowners of ...hereby fully support the development application referred to us.</i>	
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SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: RECREATION PRIVATE (ROPING EVENTS), COMMUNITY PURPOSE (RIDING SCHOOL), RURAL PURSUIT AND SINGLE HOUSE ON LOT 64 MUCKENBURRA ROAD, MUCKENBURRA

No.	Submitter	Submission details	Applicants response
1.	DPLH (Aboriginal Heritage)	<p>The submitter provides the following general comment:</p> <p><i>"A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database concludes that the Land does not intersect with any Aboriginal sites or heritage places. As such, the DPLH Aboriginal heritage operations does not have any comment to make regarding the query."</i></p>	Noted
2.	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 water values and management. Key issues and recommendations that should be addressed are provided below:</i></p> <p><i>The Department notes that the stock water supply will be sourced via an existing on-site bore. The property is located within the Gingin Groundwater Area, proclaimed under the Rights in Water and Irrigation Act 1914 (RiWI Act), where there may be a requirement to obtain a licence to abstract groundwater. Exemptions apply for watering stock not raised under intensive conditions, as defined in section 21(4) of the RiWI Act. Further information on exemptions can be found here: https://www.water.wa.gov.au/licensing/water-licensing/exemptions.</i></p> <p><i>Please note that a licence will be required for purposes other than those listed as exempt and if the property requires more than 1500 kL/year, in proclaimed areas. The issue of a licence is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each ear. The proponent is encouraged to contact the Department's Swan Avon Region office on 6250 8000 or licence.enquiry@dwer.wa.gov.au to discuss water management options.</i></p>	Noted

		<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>	
3.	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>"We have concerns regarding the above development. We are a rural living zoned area and as such have spent a lot of money developing our property in accordance to that. Our neighbours to both our left and right, which are currently vacant blocks, also have that intention (both only having bought the blocks in the last 12months) of building family homes.</i></p> <p><i>To have a "shanty town of dongas" as new as they might be, brings down the aesthetic of the whole area. Anyone can see these transportables have been positioned and fitted out to be future accommodation for the events mentioned in the application, not three buildings for a single dwelling.</i></p> <p><i>We do not want camping in the area, it is not a caravan park, we have two perfectly serviceable caravan parks at Willowbrook and Gingin within 10mins drive.</i></p> <p><i>We do not want "events" taking place, we have an Equestrian facility in Gingin for events, that is under utilised and would benefit from the "roping" events being held somewhere like that, where camping is permissible and also meets their needs without disturbing neighbours.</i></p>	<p>It is considered that all structures comprising the various uses are appropriately sited and constructed on the subject land. Adequate setbacks to the lot boundaries are provided to ensure that there will be no amenity impact on the neighbouring properties. The nearest neighbouring dwelling is approximately 500m east of the structures on the subject land.</p> <p>Given that camping overnight will only involve a maximum of 10 people and is limited to times where roping events are held, camping is incidental and will have no detrimental impact on the amenity of the surrounding land uses.</p> <p>The proposed 'Recreation Private' (roping events) use is capable of approval in the 'Rural Living' zone as it is a 'A' use under LPS 9. As described in the development application report, 12 events will happen a year with a maximum of 45 people in attendance. As such, the proposed use will have a negligible impact on the amenity of the locality.</p>

	<p><i>This site has been running a generator consistently for the past twelve months, which we have been tolerant whilst they have been working on the property, but we have reached our limit with that. There comes a time when power needs to be connected if they are developing a property be it solar or grid. We have all had to do that as part of our property developments.</i></p> <p><i>We were required to have a 90,000L water supply on our property just to have a home for four people, not for running animals, events and having people living on site as caretakers. I do not think only a 25,000L tank would be suitable as proposed and meet fire requirements even.</i></p> <p><i>We like the idea of a children's riding school being down there, no objections to that, providing it is a day time activity only (no camps).</i></p> <p><i>We have no objection to the hall and office setup near the arena, this makes sense for the riding classes along with all the stables, and galvanised sheds that service the farm needs.</i></p> <p><i>Due to the number of horses, stable fly must be managed on site, we have already noticed them on our property, which previously we have never had. Whether this directly relates to their farming practices or those of a number of new horse properties in the area, but we've never had in them in the 14 years we have owned the property.</i></p> <p><i>If the riding school is allowed, with the hall facility, then we would hope it would meet public building requirements and additional toilets would be added, as on the plans it has only one, in the kitchen donga (which we object to) for public use. None in the hall or office area near the arena. The only other being in the caretaker's private quarters. Which would not meet the needs for disabled riders or groups of up to 20 attending the classes. How would this be addressed?</i></p> <p><i>Also, we do not see any leach drains or septic system marked on the plans, where are these currently, and have they been positioned correctly on the block, as due to the wetlands and high water table, we would hope the same amount of care has been taken as the rest of our properties have had to with this installation.</i></p>	<p>The landowner is currently making arrangements to extend power to the subject land.</p> <p>The application incorrectly states the water tank is 25,000L. It is in fact 120,000L and has served the needs of the residents well. The BMP deals with water required for fire fighting services.</p> <p>Camping is not proposed as part of the 'Community Purpose' use.</p> <p>Noted</p> <p>'Rural Pursuit' is a 'D' use in the 'Rural Living' zone meaning that the use is capable of approval through council discretion. The use is and will continue to be appropriately managed by the landowner.</p> <p>All structures will require building approval. Disabled access will be provided to the toilets.</p> <p>An application for the on-site effluent disposal system will be lodged with the Shire of Gingin as part of the building permit stage.</p>
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4.	Ratepayer	The submitter supports the proposal and provides the following general comment: <i>"We have no objection to this development being approved."</i>	Noted
5.	Ratepayer	The submitter provides the following general comment: <i>"Prior to this application we have enjoyed a reasonable rural living lifestyle as a young family. Since 2019 work had already commenced at Lot 64 resulting in heavy commercial machinery i.e., trucks, road trains & utes driving down our road every day. Our road is currently being graded every 4 – 6 weeks, this will have to be done weekly if this proposal goes ahead. It should be a priority with the Shire of Gingin to upgrade to a fully bituminised road immediately.</i> Noise & disturbance resulting from use <i>We relocated from the city & purchased a rural lifestyle block of land and built our forever family home, to enjoy the serenity & all that country life has to offer. Right on our doorstep the noise has increased over the last year. The noisy heavy machinery & trucks are causing our quiet lifestyle to be disturbed & our daughter can no longer ride her bike outside our property as it is not safe.</i> Dust & Air <i>Our road is not a bitumen sealed surface and was made for light rural living. This would never have been constructed for heavy machinery and large traffic use for a business. Currently the dust created when trucks or utes fly by at speed create a dust storm right on our property and into our home. The air we breathe indoors & outdoors is pollution and the particles can be seen. This causes symptoms like coughing & shortness of breath to my family. We now need to keep the windows in our home shut during the day to avoid our home being dusty every day. We can't enjoy the open windows to create a lovely breeze throughout. Washing also regularly needs to be re-washed.</i> Benefits to us	Vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties. Vehicles entering the site will be cars with trailers and a bus for the riding school. Trucks will occasionally access the site to service the 'Rural Pursuit'. It is unclear whether the submitter is specially stating that activities on the subject land are impacting on the amenity of the area. Machinery is used for the 'Rural Pursuit' however it is not moved off-site. Vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties. Vehicles entering the site will be cars with trailers and a bus for the riding school. Therefore, the proposed development is unlikely to result in dust caused by "heavy machinery and large traffic".

		<p><i>We understand that the intention of this proposal states that it will be to benefit children outside of our community. We wish to be advised how this proposal would benefit our family, including our daughter?</i></p> <p>Safety <i>This is a safety hazard for not only our family, but all families in our area. It needs to be noted that the trucks drive at high speed without regard for families."</i></p>	<p>The use is a benefit to the community at large. It is emphasised that the proposed use of the subject land will have a negligible impact on the amenity of the locality.</p> <p>As detailed previously, vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties. Vehicles entering the site will primarily be cars with trailers and a bus for the riding school. Occasionally truck movements will occur to service the 'Rural Pursuit'. Therefore, the proposed development does not result in any safety issues.</p>
6.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"As stated in the planning application, our property and that of the applicant are located in a Rural Living area. When we applied for planning approval, we had to wait for said approval before constructing any buildings or sheds.</i></p> <p><i>Lot 64 constructed their buildings, outbuildings and stables without any approval and were told back in 2019, again as stated in the proposal, to stop until approval was granted. The fact that they have continued to set everything up is a blatant disregard for the Shire of Gingin regulations. As shown on Google Maps, everything is already done and ready to "open for business". Due to this, the number of people arriving for these events, twice monthly, is never going to be according to the approval as these landowners just do whatever they like, whenever they like.</i></p> <p><i>Our street is home to families with children who can no longer walk or use their bikes on the road due to the never-ending trucks, utilities and earthmoving equipment flying down the road. Our road is only constructed of road base and is not designed for the heavy traffic it is subjected to. The road is always in need of grading, due to the rutting caused by the above traffic, which is something the Shire doesn't have the resources to continuously repair. I have been out on the road with my children and have waved for those of Lot 64 to slow down, only to be shown the finger and have gravel sprayed at us. Now we are being told there will be cars going up and down the road at least twice a month as well. What is going to be done about the speed and</i></p>	<p>Noted.</p> <p>Noted. The landowner has applied for development approval as a result of compliance action taken by the Shire. The landowner will be required to comply with any conditions included on the development approval (e.g. frequency of events).</p> <p>As detailed previously, vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties. Vehicles entering the site will primarily be cars with trailers and a bus for the riding school. Occasionally truck movements will occur to service the 'Rural Pursuit'. Therefore, the proposed development does not result in any safety issues.</p>

		<p><i>maintenance of the gravel road as well as the dust if this is approved? There is nothing in the planning application addressing this issue.</i></p> <p><i>We have put up with a noisy large generator, shown at the front eastern edge of the property on google maps, running 24 hours a day. The landowners advised the Shire that no one was living at the property which is also obviously not true.</i></p> <p><i>The landowners should be made to remove all buildings while they wait to see if their application is approved as others have had to. Failing this, why is this not classified as an application for retrospective planning approval? Again, this shows a disregard for the Shire and the residents of the area.</i></p> <p><i>The Gingin area already has a riding for the disabled in Neergabby (just down the road) as well as roping and rodeo in Mogumber. With the small population in our community more of these "Community Purpose" facilities are not needed. This corporation maybe should be setting up this recreation, community purpose and rural pursuit enterprise at another of their properties which lie in a general rural location not in a rural living area where families have built their houses to enjoy the quietness of the area."</i></p>	<p>The landowner is currently making arrangements to extend power to the subject land.</p> <p>The application is retrospective in nature. The applicant remains in contact with the Shire's compliance team to resolve this matter.</p> <p>There is need for the facility as described in the application (not a relevant planning consideration in any case). As described in the application, use of the subject land will have a negligible impact on the amenity of the locality.</p>
7.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"The road is gravel, the dust will be terrible. There is already a lot of buildings on this property are there going to be more buildings? This is a quiet family orientated road. We don't require a commercial facility in this area as Gingin already has a facility in a better location."</i></p>	<p>Vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties. Therefore, the proposed development will not result in a dust problem.</p> <p>Any additional buildings will be subject to subsequent development applications.</p>
8.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"For the past 18months or more we have encountered nonstop problems with the persons/workers currently living on the property of Lot 64 Muckenburra Road, Muckenburra. Below are our listings of our disapproval for the rodeo/riding school.</i></p> <p>1. <i>They have continuously run what appears to be a 25KVA MINE SPEC generator. The generator will run all day and night, until a</i></p>	

	<p>phone call is made to the owner (John) to have it turned off. Which we have found most of these phone calls get ignored. WHY should we be continually contacting him about this inconvenience which is affecting our lifestyle, health and wellbeing. The generator is located approximately 150metres from our home. Its hum is so loud it sends vibrations throughout our family home making it extremely hard for our young children to sleep. We have had to invest in noise machines for our children's rooms to help void this problem. On several occasions the light tower that runs off the generator would shine directly onto our property in the evenings, this has lit our paddocks and home up as if it was daylight. This adds another problem for getting our young children to sleep.</p> <p>2. On numerous occasions we have had people trespassing onto our property leaving gates open while looking for Lot 64. We now have cameras spread out over our property to monitor this ongoing occurrence to protect our young children from strangers. Also, the prevention of our livestock entering onto the road where a disastrous accident may occur.</p> <p>3. The amount of infrastructure that has been developed and continuing to be installed is quite astounding, WHY has all this work occurred without the application being approved yet and the neighbouring farms being contacted prior to the development. There is a continuous wave of semi-trailer trucks, cars and workers that accelerate past our property in excess of 100km per hour on this gravel road. This alone causes a dust haze that covers our paddocks, roofs, water tanks, frightening livestock and stopped us allowing our children anywhere near the front gate.</p> <p>4. I used to take my young children for a walk along Muckenburra road every day to see the horses. There have been numerous times where we or the mother in law have tried to wave down cars/Semi trailers to slow down as they are travelling way to fast flicking rocks and dust up not having the decency to even move over as they fly past before entering the above mentioned property. On one day I had to explain to my young children as to why the man in the car put up his middle finger at us as he drove by. I find this extremely disrespectful and has caused numerous close physical encounters with those living on the property at Lot</p>	<p>The landowner is currently making arrangements to extend power to the subject land.</p> <p>Not a relevant planning consideration.</p> <p>The application is retrospective following action from the Shire's compliance team.</p> <p>As detailed previously, vehicle movements to and from the site will be low and similar to the surrounding Rural Living properties. Vehicles entering the site will primarily be cars with trailers and a bus for the riding school. Occasionally truck movements will occur to service the 'Rural Pursuit'. Therefore, the proposed development does not result in any safety issues.</p> <p>Contact details have and will continue to be made available for dispute resolution.</p>
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		<p>64. Our children can hear their vulgar language while playing outside and jumping on the trampoline!</p> <p>How is the shire planning on monitoring this Rodeo? I assure you there will be more people there, other than the amount listed on the application.</p> <ul style="list-style-type: none"> - If goes ahead will the shire bituminise the road? - Will there be a noise restriction in place? As there has not been any information on the times of which these events will take place. - Will there be security at every event? - is there going to be alcohol involved? <p>Approximately 100 calls and text to the owner "john" have been made during this time to try and resolve these issues. But have fallen on deaf ears with only 1 single return call. The behaviour of the persons already currently living on the property is beyond extremely poor, we couldn't image the consequences of 40 persons once a month, and with their current state of truthfulness, how could their events be policed to stop 150 people attending?</p> <p>With that being said, we truly believe that if these requests are to be approved for the riding school/rodeo, it would be disastrous for not only our living conditions but all surrounding properties. It would also de value our home we have worked very hard to establish for our family.</p> <p>Please consider our email and disapproval of this application for the rodeo/riding school at Lot 64 Muckenburra road, Muckenburra."</p>	<p>The applicant will leave this statement for the Shire to reply.</p> <p>The applicant will be required to comply with any conditions of approval which will likely include a limit of attendees.</p> <p>Approval of structures identified on the Development Site Plan attached and the proposed land uses do not represent any material inconsistency with surrounding land uses. Traffic movements will be low and the landowner intends to extend power to the subject land.</p>
9.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p>"In relation to the SINGLE HOUSE, the type of house that is stated as being a transportable, is not as such, they appear to be no more than old dongers that have had new cladding attached them. New cladding does not transform a donger into a modern transportable house which would aesthetically, be more pleasing to the eye as opposed to the visual pollution the applicant has created.</p> <p>Why does a SINGLE HOUSE need to be spread over three completely separate structures? This arrangement/layout contributes to the visual pollution created by the applicant.</p>	<p>The development plans clearly illustrate the type of development currently found on the subject land. The structures are well setback from Muckenburra Road and vegetation will be retained. Overall, the existing development is not considered to be inconsistent with the amenity of the locality.</p> <p>Only one building is proposed for use as the single house (building 6). The two other</p>

		<p><i>I also see a caravan that has now been parked there for quite some time and is plugged into the generator power, is this considered temporary or permanent considering the length of time it has been on site? Do the Shire of Gingin allow people to reside in caravans indefinitely in Rural Living zoning within the Shire? If not then it must be time for that caravan to longer be used as a permanent residence in this proposal.</i></p> <p><i>Secondly I would like to question the applicants "primary use of land". After reading the proposal it appears that the applicant main focus is the roping events that are scheduled for once a month and a Riding School for disabled children, at the end of the proposal there is a mention of rural pursuit. Of all these intended land uses, there is really only one that is suited to our current zoning that is, Rural Living and that is the rural pursuit. The other land use intentions have no place in Rural Living but are suited to General Rural, which we are not currently zoned. Also the only reason they are pursuing the rural pursuit is to have the livestock, such as horses and some cattle, to support their other two intended land uses therefor begs the question, what is their intended primary use of the land? I believe the correct answer to that is he intends to have a commercial business running on the above address!</i></p> <p><i>All of the neighbouring properties, including ourselves are hobby farmers in some way, nobody does anything in the immediate area that upsets anyone or goes against the zoning that we are living in. However since the applicant has purchased the above property we have all endured nothing but problems, this is due directly to the type of land use pursuits the applicant endeavours to carry out on this property. Already with no approvals in place from the Shire of Gingin, he has taken it upon himself to mobilise his entire set up so that he is able to conduct business the minute he gains approval.</i></p> <p><i>Muckenburra road is a gravel road base road, designed to carry local traffic and has minimal and at most times, enough maintenance done to maintain the surface for local traffic has been ruined by the excessive amount of traffic, especially trucks that are only on Muckenburra road so that they can service the above address. These trucks are causing more problems than just added costs to the Shire</i></p>	<p>buildings are 'outbuildings' or 'buildings' associated with the single house.</p> <p>The Caravan is stored on-site but not used for living quarters.</p> <p>As stated in the application, the primary use of the land will consist of the keeping, maintenance and stabling of the landowner's 11 horses along with the keeping of 30 sheep and 10 cattle. Residents will also work on a number of rural properties throughout the Shire of Gingin. It is emphasised that 'Rural Pursuit' is capable of approval in the 'Rural Living' zone. The use of the land for community purpose and private recreation only occurs once a month. Therefore, it is quite clear that the primary use of the land is 'Rural Pursuit'.</p> <p>The submitters objection is not entirely clear. The Shire has responded to this compliance matter.</p> <p>Trucks were delivering limestone for the driveway for a short period of time. In the future, the only trucks required to enter the property will be moving stock/cattle to market or another property. Therefore, truck movements will be similar to those of nearby properties.</p>
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	<p><i>of Gingin for road upkeep, they travel at such high speeds they create so much extra dust.</i></p> <p><i>The dust that is created by these trucks and extra vehicles now on Muckenburra road is in excess of the usual local traffic that you expect to tolerate living on a gravel road. The problem it is causing for all of us who live along Muckenburra road is that we use our house and shed rooves to collect our annual drinking water supply for our households, our water supply is being compromised now with this excessive amount of dust coming off the trucks.</i></p> <p><i>The second issue that is affecting us is the safety aspect. These trucks travel so fast that it is no longer safe for our children to ride their bikes along Muckenburra road, or even walk to the neighbours for a play out of fear they may be run over, dusted out so bad that if there was a car following the truck, our children may not see the following vehicle and accidentally step out in front of them, or even having gravel rocks sprayed at them from the trucks passing by.</i></p> <p><i>We have attempted to resolve the speeding issue with the applicant but have only had a rude or aggressive response from him. Their disregard of the local children and their safety in Muckenburra really makes me question how legitimate is their desire to offer any safe service to any children in our community!</i></p> <p><i>The excessive amount of trucks frequenting this property would not be needed if the property was used for its zoned use, Rural Living, to carry out a rural pursuit such as approximately 30 sheep and 20 cattle. The excessive trucks are only there due to other land uses that he has applied for, such as RECREATION PRIVATE and COMMUNITY PURPOSE.</i></p> <p><i>We did not purchase our property in this zoning, just to have our tranquil lifestyle to be so negatively impacted on by a land use that is not permitted in this zoning. Every second weekend we will have very unusual levels of traffic on quiet Muckenburra road. No doubt with the nature of the intended land use, comes early starts, that will again mean a disruption to all those living on Muckenburra road.</i></p> <p><i>As the applicant has already shown a complete disregard for the Shire of Gingin and any authority they may have, we are concerned that as he is "ready to conduct business" he will carry on regardless of any outcomes from Council. This also concerns us in relation to the</i></p>	<p>Truck movements will be minimal and similar to surrounding properties. Additional vehicles will only access the site twice a month resulting in the overall traffic movements being very low.</p> <p>As described above, truck movements will be minimal. It is unclear from the submitters comment as to whether the trucks observed on Muckenburra Road are associated with the subject land.</p> <p>See above comments.</p> <p>The proposed community purpose and recreation private uses do not generate truck movements. The only trucks entering the property are and will continue to be associated with the rural pursuit.</p> <p>As described by the application, all proposed land uses are capable of approval in the rural living zone. Traffic movements are and will continue to be low.</p>
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	<p><i>stipulated 45 persons attending the roping events and the 10 overnight campers. How is this policed? And what, if anything can be done to stop him from breaching his conditions of approval? We don't feel he will care at all if he is told he is in breach, he will continue to do what he wants as he already has done that, unopposed, for the last two or more years.</i></p> <p><i>Having excess people on the above property will further impact the amenity due to noise pollution, the said "one person" that currently resides there can be heard in clear conversation from our veranda when the wind is in the right direction. We can only imagine the noise level that will be produced by an extra 45 people who are excited to attend the roping events.</i></p> <p><i>What other services will be required by the applicant for his roping events, will there be food vans, entertainment for kids, live music/ loud music? What noise/trigger is used to initiate these events? How often do these events start? How many events per day? What time do we expect it to finish? So many questions that have not been considered by the applicant at all. The noise pollution created by all the above in question, once again has a negative impact on the amenity due to noise pollution.</i></p> <p><i>Once the event is over and it is now dark, how do we know if the 45 people are still there, what time are the meant to leave by? What if 35 of the 45 choose to stand up all night drinking and not actually sleep, then are they considered to be camping? Once again I ask the question, how is this policed and what avenues are open to us to have the noncompliance issues dealt with and is it a lengthy process?</i></p> <p><i>Another concerning issue for us as immediate neighbours is the issue of the diesel generator/lighting tower. This (until recently) was running 24/7 it is the main power supply for the above property. Since the 17/10/2019 this generator has caused problems, not only for us but for surrounding neighbours. I have personally contacted the applicant directly on numerous occasions regarding this generator and have had zero reconciliation on this matter.</i></p> <p><i>This generator is having a huge impact on the noise pollution in our immediate area, also at times the lighting tower is an issue too depending on where they decide to direct the beam, I might add the light is never directed at their property, it is always at a neighbouring property, sometimes us, this tower is bright enough to light up the</i></p>	<p>The landowner will be required to comply with any conditions of approval. These may include limitations on visitors. Compliance action will be taken by the Shire of Gingin should any breach occur.</p> <p>See comment above. Roping events will start at 8:00am and finish around 5:00pm. Therefore, compliance with noise restrictions will be achieved.</p> <p>The submitter is referred to details provided in the development application report. Roping events will start at 8:00am and finish around 5:00pm.</p> <p>The landowner will have due regard to the amenity of the neighbours. It is emphasised that events will only occur one a month.</p> <p>The landowner is making arrangements for a power connection.</p> <p>The light tower will be pointed towards the ground and light spill managed accordingly.</p>
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	<p><i>paddock between us and them, that paddock belongs to us and we do not wish for our place to be lit up at night time that, further impacting the amenity.</i></p> <p><i>We can hear the generator in our bedroom and at times we can hear it over the T.V. Depending on wind direction and tone of the generator, it causes our carport to vibrate, the carport attaches to our house at our bedroom. This vibration along with the noise from the generator has made sleeping very difficult for our house at times.</i></p> <p><i>The applicant is very aware that his generator directly impacts on several families in the area and he has shown absolutely no concern for us what so ever. I have lost count of the amount of times he has told me that he is "waiting on Western Power to do their side of the works, they are holding him up" he has been telling me this since 17/10/2019. Any issues the Shire of Gingin have regarding his compliance re any restrictions placed on his proposal will be met with the same attitude. This is why the proposal should be rejected by the Shire of Gingin, he will never comply.</i></p> <p><i>I again question the primary use of this land, Horse riding school? This is not permitted in Rural Living zoning, this land use should be conducted in General Rural zoning.</i></p> <p><i>This land use will cause the same issues as already highlighted, meaning noise pollution, due to excessive traffic and from excess people. Visual pollution with more buildings added for this land use, what is the purpose of a "Memorability Hall" what memorabilia? It's a very large structure designed to do what exactly other than to contribute to the visual pollution.</i></p> <p><i>There are already at least two Horse Riding schools in the area that are already catering to children with special needs including "Autism Horses Australia and EKE Equine Kinship Experience, I'm sure there are others also, so is there still an need for yet another riding school, in the wrong zoning? With children attending once a month and roping events once a month, the amenity will be impacted on once a fortnight by the applicant personal endeavours.</i></p> <p><i>The infrastructure that is required to service the Riding School also impacts the amenity once again with visual pollution, more buildings that do not belong there. The entire set up that the applicant has</i></p>	<p>The landowner is making arrangements for a power connection.</p> <p>The subject land will be connected to power. The application has been lodged with Western Power.</p> <p>The community purpose use is capable of approval in the 'Rural Living' zone.</p> <p>Issues have been addressed in the above comments. Details on the use of each building are provided within the application.</p> <p>There is need for the facility as described in the application (not a relevant planning consideration in any case). As described in the application, use of the subject land will have a negligible impact on the amenity of the locality. The use is capable of approval as described in the application.</p> <p>Matter has already been addressed.</p>
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	<p><i>already placed on the above property, with no approval, look like an old, unplanned mine site.</i></p> <p><i>The applicant has included RURAL PURSUIT which you may expect in Rural Living zoning, however the request is mainly to keep animals to service his other land uses that are not permitted in Rural Living in the Shire of Gingin. Meaning if there were no roping events and no riding school, he would not have all the horses and some of the cattle that are on the property.</i></p> <p><i>I have a great deal of concern for the environment and the impact that this proposal will have on it. The reason for this is the proximity to the recognised wetland that is on the above address.</i></p> <p><i>It says in the proposal that the buildings are set back 50 meters from the wetland, it appears that where they placed all the unapproved buildings, is within the wetland according to the map included in the proposal. It also states that the wetland is fenced off to keep stock out of the wetland, that is an out right lie, I see the sheep are locked in this area mostly on a daily basis.</i></p> <p><i>It also states in the proposal that the wetland has "few remaining important attributes and functions". We have lived on the East side of the wetland for more than 7 years and I also previously owned the property at LOT 64 MUCKENBURRA ROAD and have seen how important this wetland is. In summer time especially, you can see and hear how important this small wetland is to local wildlife and water birds, as is the larger wetland located on our property. Often you will see large flocks of birds moving between the two wetlands, I also see how much the local wildlife on our property rely on the wetland for water, shelter and food. The wetland may not be significant to the applicant but to our local wildlife and water birds, the survival of this wetland is critical. Having these buildings and human excrement so close to this wetland is bound to have a negative impact on this small wetland.</i></p> <p><i>My other concern for the environment is the amount of human excrement that can potentially leach into the wetland with the applicant unapproved buildings being placed in such close proximity to the wetland. I'm concerned due to the fact there has been no approval given, where are the leach drains? Ours on our property are above ground due to the high ground water level, leach drains would not be effective if buried in the ground, I believe the applicant would be in the</i></p>	<p>Matter has already been addressed.</p> <p>The application correctly states that all structures are located outside the Resource Enhancement Wetland.</p> <p>As shown on the development plans, the resource enhancement wetland is fenced. It is anticipated that the submitter is referring to the Multiple Use Wetland.</p> <p>It is anticipated that the submitter is referring to the Resource Enhancement Wetland. The reference to "few remaining important attributes and functions" is about the multiple use wetland. The proposed development is adequately setback from the Resource Enhancement Wetland to ensure that its important environmental qualities are preserved.</p> <p>The existing structures are adequately setback from the wetland. The on-site effluent disposal system will be approved as part of the building permit stage.</p>
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	<p>same position as us however I cannot see anywhere on the above property where you can see any leach drains at all, this is a huge concern from an environmental aspect.</p> <p>Building 1 – office, no toilet?</p> <p>Building 2- Memorabilia Hall, next to office, supposed shelter for children in bad weather, only buildings related to horse riding school that are situated close together but no toilets or even disabled facilities?</p> <p>Building 3 – 1 TOILET</p> <p>Building 4 – storage? Looks more like bedrooms on plans - No toilet</p> <p>Building 5 – Laundry? Yes has laundry and 1 TOILET, appears to be more accommodation.</p> <p>Building 6- ? No explanation in notes, more accommodation?</p> <p>Building 7 and 8 – sheds, understandable use if for RURAL PURSUIT</p> <p>Building 9- Stables ok if it's for RURAL PURSUIT</p> <p>Building 10 – What further storage would they need there whereby 2 sheds and several storage areas are not enough that you also require a large shipping container? Why are the other three shipping containers located on the north side of the wetland (see google maps) not included in the proposal if they are also used for storage?</p> <p>In the applicants entire proposal and with all those buildings that are currently there, there are in total TWO TOILETS, this triggers so many questions.</p> <ol style="list-style-type: none"> 1) Do they plan to establish even more buildings in the future, adding again to the visual pollution they have already created? 2) Where do they plan for 20 children to go to the toilet considering half of the available toilets are in a private residence? Where and how do the disabled children access the toilets considering the boggy nature of the grey sand on the above property? Where do female students have access to sanitary facilities? 3) Where will 45 people go to the toilet when they are there for the day of roping events? Where will the campers have access to ablution facilities? <p>SUMMARY</p> <ul style="list-style-type: none"> • We object to this proposal as we are zoned Rural Living • Primary use of land appears to be commercial endeavours • Impact to the amenity through noise pollution • Visual pollution, detracting from our visually pleasing property. • Zoning not suited to proposed land uses • Excessive dust contamination to our drinking water supply 	<p>A detailed description of each building is included in the application. Details relating to their use are appropriately explained.</p> <p>Additional buildings will need to be approved by the Shire of Gingin.</p> <p>Children will have access to the facilities described in the application. As part of building compliance, disabled access will be granted to the toilet.</p> <p>Those attending the roping events will have access to the on-site facilities discussed in the application.</p>
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	<ul style="list-style-type: none"> • Safety for local children on Muckenburra road • Increase risk of drunk drivers on Muckenburra road after roping events, safety issue for all on Muckenburra road • End to our tranquil lifestyle • Noise pollution from power supply and extra people frequenting the above property • Impact to the environment, huge potential to put the environment at risk with much higher need for more ablution infrastructure and leach drains. • When there are existing facilities such as the Gingin Campdraft Grounds within the Shire of Gingin, why are not all of the horse related industries that take place in the Shire of Gingin not encouraged to use these fabulous, already in existence with the appropriate facilities attached, grounds? A project such as this would be perfect to run at the Campdraft Grounds, as it is not at all suited to being in Muckenburra road with a Rural Living zoning. <p><i>In conclusion the landowners should be made to remove all buildings while they wait to see if their application is approved, as others in the area have had to, a significant fine should be imposed for already ignoring all Shire of Gingin planning processes, failing this, why is this not classified as an application for retrospective planning approval? Again this shows a disregard for the Shire of Gingin and the residents in this area.</i></p> <p><i>To be clear we object to the above proposal at LOT 64 MUCKENBURRA ROAD, MUCKENBURRA."</i></p>	<p>Matters raised in the summary are addressed in the body of the response above.</p>
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**13.4 SECTION 19/359 ON LOT 7269 (1077) OLD LEDGE POINT ROAD, LANCELIN
(RESERVE 28303)**

File	BLD/4143
Author	Kylie Bacon - Coordinator Strategic Planning & Projects
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	17 March 2020, Item 11.3.3
Appendices	1. Referral from Department of Mines, Industry [13.4.1 - 1 page]

DISCLOSURES OF INTEREST

Councillor Rule declared a financial interest in Item 13.4 as he owns a Limesand Tenement next door.

Councillor Rule left the meeting at 3:48pm.

PURPOSE

To consider the continuation of Section 19/359 (exemption from mining) over Lot 7269 (1077) Old Ledge Point Road, Lancelin (Reserve 28303).

BACKGROUND

The subject area consists of the southern portion of Lot 7269 (1077) Old Ledge Point Road, Lancelin (Reserve 28303). The Shire has received a referral from the Department of Mines, Industry Regulation and Safety (DMIRS) to provide comment on the extension of the current section 19 (s19)exemption over the area for a further 2 years.

Reserve 28303 is vested in the Shire of Gingin for the purpose of Recreation and Communication Mast. An area of land in the northern section of the reserve is leased by the Shire to the Lancelin Community and Sporting Club Inc. Two smaller areas contain Ampitel and Optus communications masts.

A section 19 under the *Mining Act 1978* (the Act) prevents a person from applying for a mining tenement over the affected portion of land. This thereby prohibits the ability to undertake a mining operation, in this instance the extraction of lime sand.

Section 19 of the *Mining Act 1978* (the Act) exempts land, not being private land or land subject to a mining tenement or application for a mining tenement, for a period or periods (not exceeding two years at a time), from the operation of the Act. Section 19/359, which is located on the abovementioned land parcel, is due to expire on 31 March 2022.

It should be noted that a s19 exemption is approved/administered by DMIRS, however significant weight is attributed to local government comment. The current s19 was created in 2014 and has been periodically extended, with the most recent extension being on 31 March 2020. As such, the s19 is due to expire on 31 March 2022.

It should also be noted that previous applications from lime sand operators to have Section 19/359 removed, so that a mining lease can be applied for, occurred in 2013 and 2017. It also appears that the site has been the subject of interest for sand extraction as far back as 1998 and 2003.

Council has historically provided advice to the Minister for Mines and Petroleum (now DMIRS) that the s19 should remain, largely due to the impact that commercial sand extraction would have on the amenity of the landowners within the Lancelin South subdivision by way of traffic increase, dust drift, noise and likely damage to the road network.

A copy of the referral from DMIRS is provided as **Appendix 13.4.1**.

COMMENT

Community Consultation

Nil. DMIRS is responsible for undertaking consultation, not the local government.

Further comments

It is recommended that the previous decisions of Council should be maintained and that comment back to DMIRS should advise that the s19 should remain.

The report to Council in March 2020 outlined the significant capital assigned to sand nourishment for portions of the coast affected by erosion and that there could be potential to further investigate whether sand deposits could be set aside for exclusive use by the Shire of Gingin for sand nourishment to help combat coastal erosion.

However, the feasibility of this proposal would be dependent on the cost benefit to the Shire. The use of the deposit on an 'as needed' basis by the Shire would have far less impact on the amenity of landowners within the Lancelin South subdivision than a commercial venture. Again, it would be worth the Shire instigating further discussions with DMIRS about this possibility.

STATUTORY/LOCAL LAW IMPLICATIONS

Mining Act 1978

Part III Land open for mining

Division 1 Crown land

s.19 Minister may exempt land from mining etc.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Governance
Objective	To demonstrate effective leadership, governance, and advocacy on behalf of community.
Outcome	5.3 The Shire works productively with a range of partners to deliver better outcomes for community.
Key Service Area	Advocacy
Priorities	5.3.1 Formalise and strengthen the advocacy process of the Shire.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Johnson

That Council support the extension of Section 19/359 over Lot 7269 (1077) Old Ledge Point Road, Lancelin (Reserve 28303) for a further 2 years, expiring on 30 March 2022.

CARRIED UNANIMOUSLY
8 / 0

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

AGAINST: *Nil*

Councillor Rule returned to the meeting at 3:50pm and was advised of Council's decision.

Kylie Bacon (Coordinator Strategic Planning and Projects) left the meeting at 3:50pm and did not return.

MINUTES ORDINARY COUNCIL MEETING 15 MARCH 2022



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

GDA 1994 MGA Zone 50

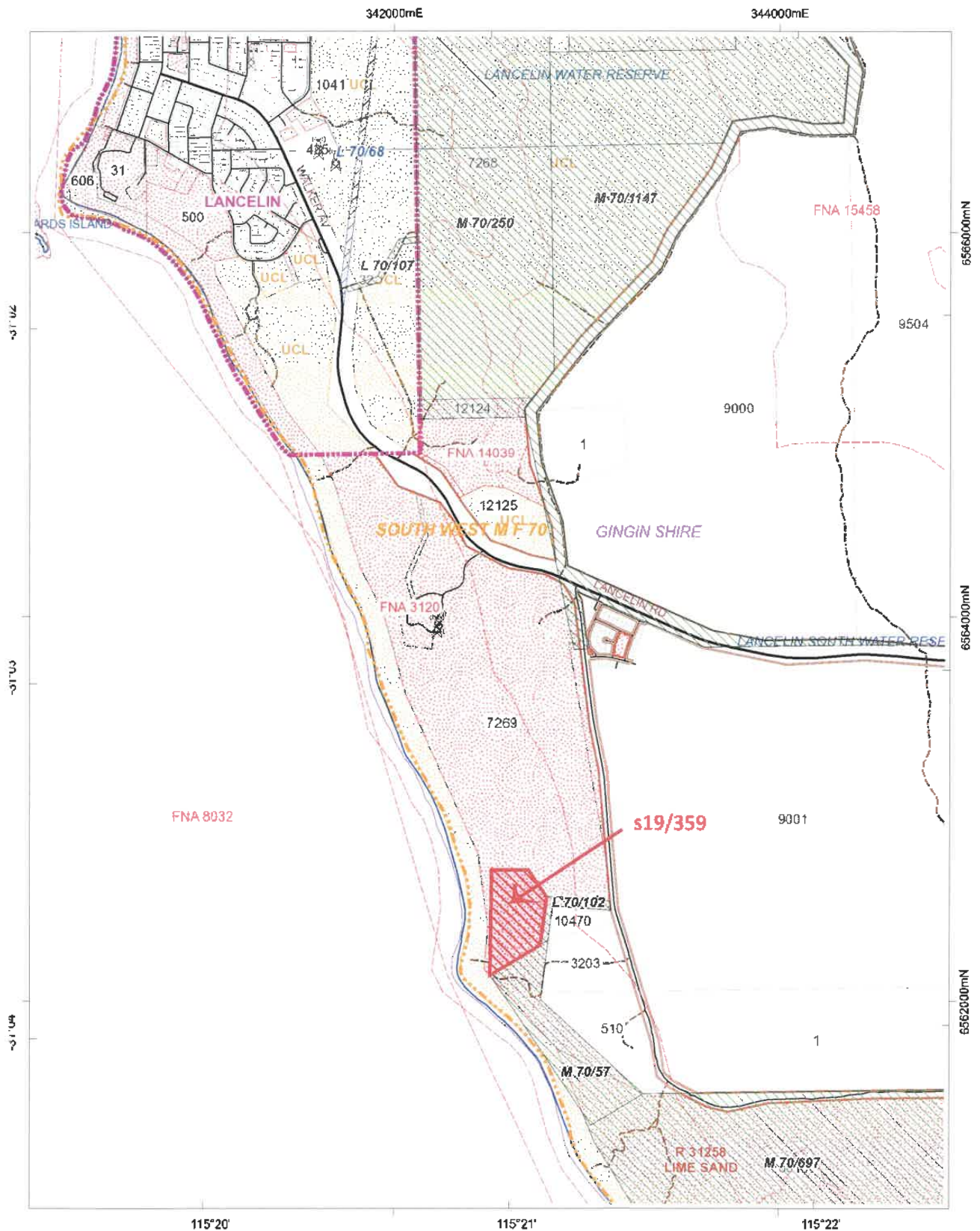
APPENDIX 13.4.1

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014

05:14 PM, 31/01/2022

MRVVR:
Tenement Status



This plan has been compiled from various data sources and is subject to a number of assumptions and is not a guarantee of accuracy. The user is responsible for verifying the accuracy of the data and for any errors or omissions. The Government of Western Australia (2022) through Geoscience Australia and the Department of Mines, Industry Regulation and Safety. This plan is for informational purposes only and should not be used for any other purpose. For more information on the tenement and other data, please contact the relevant authorities. This plan is subject to the terms and conditions of the relevant legislation. The user is responsible for any errors or omissions. The Government of Western Australia (2022) through Geoscience Australia and the Department of Mines, Industry Regulation and Safety. This plan is for informational purposes only and should not be used for any other purpose. For more information on the tenement and other data, please contact the relevant authorities. This plan is subject to the terms and conditions of the relevant legislation.

Scale: 1:25,000



13.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (CONTAINER DEPOSIT RECYCLING CENTRE) AT LOT 22 (23) WALKER AVENUE, LANCELIN

File	BLD/4158
Applicant	Rowe Group Pty Ltd
Location	Lot 22 (23) Walker Avenue, Lancelin
Owner	G & J Doyle
Zoning	Special Use 4
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location plan and aerial imagery [13.5.1 - 2 pages] 2. Applicant's Proposal [13.5.2 - 10 pages] 3. Schedule of Submissions and Recommended Responses [13.5.3 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a Use Not Listed (Container Deposit Recycling Centre) at Lot 22 (23) Walker Avenue, Lancelin.

BACKGROUND

The subject lot is 3,737m² in area and contains a large warehouse/storage building and hardstand area. The site is accessible via Walker Avenue and from an unnamed road to the rear of the property which connects to King Street.

‘Eco Exchange Pty Ltd’ is the approved Container Deposit Scheme (CDS) contractor for the area and currently operates the business in a storage shed further south-east along Walker Avenue. The relocation of the development to this new site is sought on a permanent basis with improved access and amenities.

The ‘Use Not Listed’ (Container Deposit Recycling Centre) is proposed to operate on Tuesdays and Sundays from 8am to 3pm. It is anticipated that four employees will be onsite at any one time.

The site will be accessed once weekly or fortnightly by contractors to collect eligible containers in bulk. The site can be accessed from the front or the rear and contains existing car parking and vehicle manoeuvring areas for customers and service vehicles.

The existing crossover from Walker Avenue is shared with the adjoining lot to the west (Gull Fuel Station) and requires amendment to provide the two lots with separate access.

Container Deposit Scheme (CDS)

The Western Australian Government is assisting *Western Australian Recycle Return Renew Ltd (WARRRL)* in driving the CDS to complement existing kerbside recycling services. The CDS provides for a refund to be paid to any person who returns an eligible beverage container through the scheme. The CDS operates by the return of containers via various container return points. In the context of the position statement, the return points are referred to as CDS infrastructure.

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

As previously noted, the applicant has approval as a refund operator to receive eligible recyclable containers from the public and make a financial return on each item deposited.

Council consideration is required as the proposal relates to a 'Use Not Listed' in the Scheme.

A location plan and aerial imagery are provided as **Appendix 13.5.1**.

The applicant's proposal is provided as **Appendix 13.5.2**.

COMMENT

Stakeholder Consultation

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

During the advertising period, one submission of support was received. The Schedule of Submissions and Recommended Responses is provided as **Appendix 13.5.3**.

PLANNING FRAMEWORK

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

The subject land is zoned Special Use 4 (SU4) - Mixed Business

As such, the objectives of the Mixed Business zone are applicable and have been addressed in the report below.

The following conditions apply to SU4:

1. *Permissible uses are:*

- *Car wash*
- *Dry Cleaning Premises*
- *Garden Centre*
- *Laundromat*
- *Service Industry*
- *Showroom*
- *Trade Display*
- *Vehicle Hire and Sales*
- *Market*
- *Veterinary Establishment*
- *Shop*
- *All other permissible uses in the General Industry zone of the scheme.*

These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' and 'Shop', which shall be subject to the 'AA' requirements of the Scheme. Industrial uses shall be in accordance with the provisions of the zoning table of the Scheme.

No other uses are permitted.

2. *The landowner/s is/are required to fund, implement and maintain for 24 months streetscape works in accordance with the Walker Avenue Commercial Precinct Local Planning Policy.*
3. *Local government will not grant development approval to any development of the site unless it is satisfied that:*
- *The design and siting of any new building and materials used will not create an adverse impact on the visual amenity of the area;*
 - *No blank walls or loading / service areas to front Walker Avenue;*
 - *There is provision of a safe and convenient cycling and pedestrian access system to, from and within the subject lot; and*
 - *Vehicular movement including car parking and traffic circulation capacity has been addressed.*

4. *Car parking will generally be accommodated on the subject lot. Street Parking will require the permission of local government and cash-in-lieu of parking is required to be paid in this event.*

Condition 1 of SU4 notes that all other uses permitted in the General Industry zone are permissible. The officer is of the view that the proposed use is ideally located in the SU4 – Mixed Business zone as it is compatible with anticipated uses.

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

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

The objectives of the Mixed Business zone are applicable and are listed below with officer comments:

- a. accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites;*

Officer comment

The proposal is for a pseudo commercial/light industrial activity on a site which has access from the front and rear and will be contained within a large warehouse onsite.

- b. provide for a wide range of light and service industries, wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones;*

Officer comment

The commercial/light industrial development is of a scale that should not be contained in the Lancelin town centre and is therefore better suited to a mixed business lot.

- c. allow for commercial and light industrial uses that are compatible with nearby uses;*

Officer comment

The proposal is located on a site within a light industrial precinct with compatible development on all common lot boundaries. The development can be considered both commercial and light industrial in nature due to its activity and scale.

- d. provide for the efficient and safe movement and parking of vehicles;*

Officer comment

The subject site has the ability to provide efficient and safe vehicular movements subject to formalised crossovers. There is sufficient space within the lot fronting the building for the parking of vehicles inclusive of service vehicles subject to a line marking and seal upgrades.

- e. encourage new development that will enable future adaptation and re-use, and will enhance the visual amenity of the area; and*

Officer comment

The development is proposed in an existing building which has remained unoccupied for some time. The development and subsequent upgrades likely to be required via conditions of approval enable future adaptation while enhancing the visual amenity of the site.

- f. ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.*

Officer comment

The subject lot is across Walker Avenue from Residential zoned land with the existing warehouse/storage shed situated to the furthestmost north part of that lot, providing the greatest possible separation. The development does not alter or detract from the existing residential amenity enjoyed by the (residential zoned) lots fronting Walker Avenue.

The *Planning and Development (Local Planning Schemes) Regulations 2015* model provisions define a 'Container Deposit Recycling Centre' as follows:

means a refund point that has or can accommodate facilities for the consolidation or sorting of empty containers pending collection for the purposes of the container deposit scheme;

The officer is of the view that the development as proposed by the applicant, falls under this definition.. The land use is anticipated in commercial and light industrial areas and is consistent with the objectives of the Mixed Business zone. Recommendations of development controls and locations are outlined under the Department of Planning, Lands and Heritage Position Statement: Container Deposit Scheme Infrastructure, which is discussed below.

Position Statement: Container Deposit Scheme Infrastructure (position statement)

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

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

The Position Statement also contains the following:

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

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

In this instance the development is proposed within the ‘SU4 - Mixed Business’ zone in an existing warehouse. With respect to the three key matters listed above; the officer is of the view that the proposal is consistent with the position statement and overall intent of the scheme.

Vehicular access

The applicant’s proposal outlines one-way vehicular movements entering the site from the northern unnamed and unsealed road reserve with those vehicles egressing to Walker Avenue. The adjoining west lot is accessed via a two-way crossover which is located within the verge fronting the subject lot. This crossover will require upgrading to formalise separate crossovers to the separate lots.

The Operations Department noted that the applicant is required to gain approval for a sealed crossover and in that process, advise the adjoining landowner that the access is terminated.

The applicant notes the infrequent nature of service vehicles accessing the site to collect eligible containers in bulk. To ensure that these traffic movements do not conflict with customers, and for reasons of safety, the officer recommends a condition restricting those movements to outside of the operating hours but still within regular business hours.

Car parking

As noted above, the position statement outlines that the provision of car parking requirements should *have regard for the generally quick turnover of users and the co-location of such refund points with uses where trips are likely to be shared.*

When applying car parking provisions for a use not listed in the scheme, the officer is to apply site requirements in a practical manner. The existing hardstand and vehicle manoeuvring area accommodates substantial space for car parking bays, service vehicles and vehicle manoeuvring areas, which will be sufficient. As per the car parking provisions of LPS 9 (clause 4.7.2.1 (iii)) however, the carparking bays are required to be sealed, drained and line marked. This requirement is noted and included as a recommended condition of approval.

The site plan does not illustrate a disabled access car parking space, and as this land use will be accessed by the public a disabled access bay is required to be provided. The officer has included this provision as a recommended condition referencing an amended site plan.

Summary

The proposed Use Not Listed (Container Deposit Recycling Centre) is well suited on the development site and within the existing building. The officer is of the view that the proposal is consistent with the intentions of the Special Use 4 zone and therefore recommends that the application be approved subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No 9 (LPS 9)
Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Department of Planning, Lands and Heritage Position Statement – Container Deposit Scheme

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Peczka

That Council grant development approval for a proposed Use Not Listed (Container Deposit Recycling Centre) at Lot 22 (23) Walker Avenue, Lancelin subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans including the directions written in red ink by the Shire, unless conditioned otherwise in this Approval;
2. This approval is for a Use Not Listed (Container Deposit Recycling Centre) and associated signage only as indicated on the approved plans;
3. The Use Not Listed (Container Deposit Recycling Centre) is limited to a staff capacity of four persons;
4. The operating hours of the Use Not Listed (Container Deposit Recycling Centre) are as follows:

Tuesdays and Sundays
8am to 3pm;
5. Prior to the commencement of the approved use, the car parking bays illustrated on the approved plan shall be line marked, including an accessible car parking bay as indicated on the approved plan in red ink, and thereafter maintained to the satisfaction of the Shire of Gingin;
6. Prior to the commencement of the approved use, the existing crossover from Walker Avenue shall be upgraded to the satisfaction of the Shire of Gingin at the applicant/landowner's cost. A Vehicle Crossover Application is required to be submitted and approved by the Shire of Gingin prior to the installation of the crossover;
7. Storage or display of goods shall be contained within the building, unless otherwise approved, to the satisfaction of the Shire of Gingin; and
8. All loading and unloading activities must be undertaken outside of the general operating hours and between 9am – 5pm at times during which the building is temporarily closed to the public.

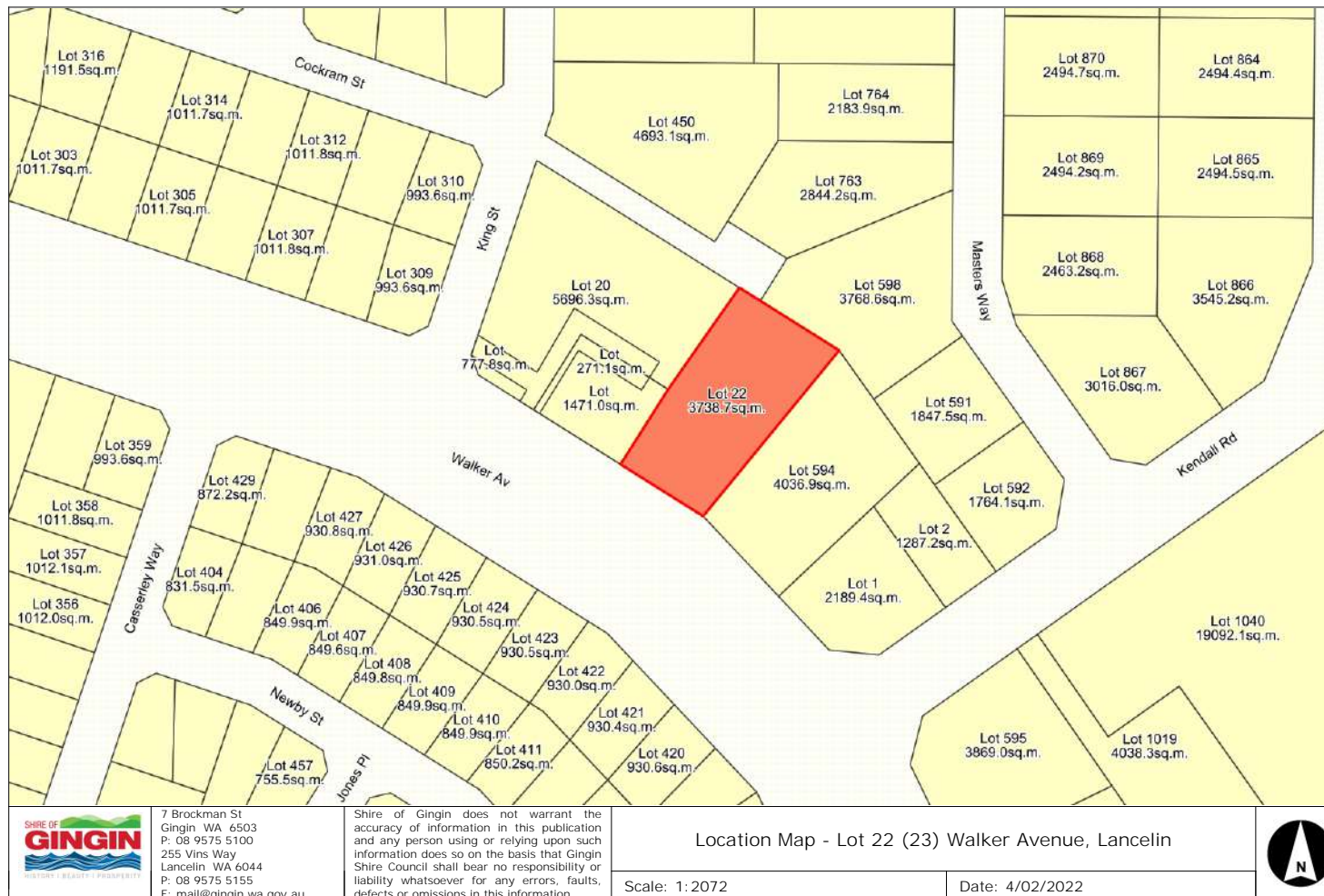
Advice Notes:

- 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: 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 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: With respect to the crossover condition, this application is to be made to the Operations and Assets Department. The application form is accessible on the Shire's website via the following link: <https://www.gingin.wa.gov.au/roads-driveways-and-crossovers>.
- Note 6: Please be advised that the crossover to Lot 21 Walker Avenue fronts Lot 22 (subject lot) and discussions with the Shire's Operations and Assets Department are required to formalize the access.

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*





Job Ref: 9544
28 January 2022

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

Attention: Matthew Tallon – Statutory Planning Officer

Dear Mr Tallon

**DEVELOPMENT APPLICATION – USE NOT LISTED; CONTAINERS FOR CHANGE
LOT 22 (NO. 23) WALKER AVENUE, LANCELIN**

Rowe Group acts on behalf of Eco Exchange Pty Ltd ('Client'). Eco Exchange is an existing Container Deposit Scheme business currently operating throughout the Shire. We have been instructed by our Client to prepare and lodge Application for Development Approval ('Application') with the Shire of Gingin ('Shire') to facilitate the operation of a 'Container Deposit Recycling Centre' at Lot 22 (No. 23) Walker Avenue, Lancelin ('Site'). It is noted that this Application is to ultimately move the existing (approved) Container Deposit Recycling Centre at No. 35 Walker to the Site.

To support the Application, we provide the following:

- Legal description of the Site;
- Description of the existing improvements at the Site;
- Summary of the proposed use of the Site;
- Discussion of the Town Planning Considerations; and
- A copy of the Site Plan and Elevations.

SITE

The Site is located within the municipality of the Shire of Gingin, in the suburb of Lancelin.

The site is legally described as:

- Lot 22 on Deposited Plan 56157 Certificate of Title Volume 2831 Folio 88.

Refer to **Attachment 1 – Certificate of Title**.



Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au



EXISTING IMPROVEMENTS

The site currently contains the following:

- One (1) warehouse, with a floor area of approximately 490m²; and
- Areas of hardstand adjacent to the warehouse.

PROPOSED DEVELOPMENT

As the Shire is aware, the Container Deposit Scheme ('CDS') for Western Australia was gazetted by the State Government of Western Australia on 1 October 2020. The CDS refers to the collection of drink containers and receiving a cash refund for each container returned. It helps divert waste from landfill and creates new employment opportunities.

The Application seeks planning approval to operate a 'Container Deposit Recycling Centre' within the existing warehouse (Shed) at the Site. The Application proposes two (2) tenant signs on the existing development. The Application does not seek approval for the development or alterations of the existing improvements on site. The operations will include the sorting and temporary storage of material deposited at Mobile Collection Points throughout the Shire, as well as the sorting and temporary storage of recyclable material brought to the Shire by the general public.

As the proposed development contains an over-the-counter component which is accessible to the public as well as the sorting of containers, the proposed operation is considered to be consistent with the definition of a 'Container Deposit Recycling Centre' as outlined within the *Planning and Development (Local Planning Scheme) Regulations 2015* (the 'Regulations'). In accordance with the Regulations, a 'Container Deposit Recycling Centre' is defined as follows:

Container deposit recycling centre means a refund point that has or can accommodate facilities for the consolidation or sorting of empty containers pending collection for the purpose of the container deposit scheme.

The proposed development incorporates the following key components:

- Use of the two (2) units on the western portion of the existing warehouse;
- Informal car parking bays within the associated hardstand area; and
- Erection of two (2) signs on the existing development.

Primary access to the Site is proposed to be taken via the existing crossover at the rear to allow vehicles to access and egress in a forward gear.

The Application seeks approval for the proposed facility to operate on Tuesdays and Sundays from 8:00am to 3:00pm. Contractors will collect and remove bulk items approximately every one (1) to two (2) weeks, between the hours of 8:30am and 4:30pm. The operating hours are consistent with the 'daylight' hours outlined in the *Environmental Protection (Noise) Regulations 1997* ('Noise Regulations').



Customers and staff of the proposed development will have access to the existing car parking bays at the Site. It is anticipated a maximum of 4 employees will be onsite at any time, excluding collection drivers.

Refer to **Attachment Two – Site Plan and Elevations.**

TOWN PLANNING CONSIDERATIONS

Pursuant to the Shire's *Town Planning Scheme No. 9* (TPS 9), the Site is zoned 'Special Use 4' (SU4). As outlined within Schedule 4 of TPS 9 SU4 is described as *mixed business area*.

SU4 is subject to the following conditions:

1. *Permissible uses are:*

- *Car wash*
- *Dry cleaning Premises*
- *Garden Centre*
- *Laundromat*
- *Service Industry*
- *Showroom*
- *Trade Display*
- *Vehicle Hire and Sales*
- *Market*
- *Veterinary Establishment*
- *Shop*
- *All other permissible uses in the General Industry zone of the scheme*

These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' and 'Shop', which shall be subject to the 'AA' requirements of the Scheme and 'Shop'. Industrial uses shall be in accordance with the provisions of the zoning table of the Scheme. No other uses are permitted.

2. *The landowner/s is/are required to fund, implement and maintain for 24 months streetscape works in accordance with the Walker Avenue Commercial Precinct Local Planning Policy.*
3. *Local government will not grant development approval to any development of the site unless it is satisfied that:*
- *The design and siting of any new building and materials used will not create an adverse impact on the visual amenity of the area;*
 - *No blank walls or loading / service areas to front Walker Avenue;*
 - *There is provision of a safe and convenient cycling and pedestrian access system to, from and within the subject lot; and*



- Vehicular movement including car parking and traffic circulation capacity has been addressed
- 4. Car Parking will generally be accommodated on the subject lot. Street Parking will require the permission of local government and cash-in-lieu of parking is required to be paid in this event.

Land Use Permissibility

As previously outlined, in accordance with the Regulations a Container Deposit Centre is:

Container deposit recycling centre means a refund point that has or can accommodate facilities for the consolidation or sorting of empty containers pending collection for the purpose of the container deposit scheme.

It is also noted that in accordance with the DPLH Position Statement, a Container Deposit Recycling Centre is:

...suitable for development in mixed business/service commercial and bulk good areas, along with some commercial and light/service industrial area, and should be included as a 'P' (permitted use) within these zones under local planning schemes.

Given the above, and in accordance with Condition 1 of SU4, we are of the view the proposed development should be assessed as an 'Industry - Light' use. The 'Industry - Light' use is 'P' Permitted use under the 'General Industry' zone.

Notwithstanding, Rowe Group are of the understanding that the proposed development will be considered as a 'Use Not Listed'. Clause 3.4 of TPS 9, outlines the following in respect to the assessment of a 'Use Not Listed'.

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

- a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval; or*
- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Given the purpose of SU4 is to provide for mixed business uses, we are of the view that the proposed development is consistent with the objectives of the 'Mixed Business' zone. The objectives of the 'Mixed Business' zone are to:

- a) *accommodate commercial activities which, because of the nature of the business require good vehicular access and/or large sites;*



- b) provide a wide range of light and service industries, wholesale sales, showrooms, trade and services which, by reason of their scale, character operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones;*
- c) allow for commercial and light industrial uses that are compatible with nearby uses;*
- d) provide for the efficient and safe movement and parking of vehicles;*
- e) encourage new development that will enable future adaption and re-use, and will enhance the visual amenity of the area; and*
- f) ensure that where any development adjoins zoned or development residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.*

We are of the view that the proposed use is consistent with the objectives of the 'Mixed Business' zone and is capable of approval at the Site for the following reasons:

- The proposal seeks to activate an existing (vacant) warehouse at the Site;
- No changes to the built form are proposed;
- The proposed development allows for commercial and light industrial uses which is compatible with the surrounding locality;
- The operation of the facility allows for efficient and safe movement and parking of vehicles;
- The existing warehouse is adequately setback so as to not have an impact on the surrounding residential properties; and
- The Container Deposit Scheme use supports sustainable uses and provides a community service within the locality.

Car Parking

As this Application is for a 'Use Not Listed' parking requirements are not defined within TPS 9. Therefore, the parking ratio that has been applied is 2 bays per unit as per the 'Industrial' use/development as outlined within Table 3. As depicted on the development plans there is extensive hardstand that is capable of providing adequate informal car parking at the Site.

Given the above, we are of the view that the car parking bays at the Site will adequately service the proposed facility.

Signage

This Application also seeks approval for the erection of two (2) signs on the southern elevation of the existing warehouse. The dimensions of the signs are detailed below:

- Two (2) Southern Elevation – 1200mm X 2400mm.

Given the above, we are of the view the external signage is for wayfinding purposes and will not negatively impact the surrounding locality.



VEHICLE MOVEMENT

As above the Site consists of a large hardstand area abutting the premises, vehicles will be able to freely move within the site, which is therefore considered to adequately service the nature of the proposed operation. Furthermore, it is anticipated that there will be one (1) movement of heavy vehicles every one (1) to two (2) weeks to remove bulk items. Due to the one-way movement through the site, there is adequate area provided for service vehicles to access and egress the Site in a forward gear.

Given the above, the anticipated traffic generation will not cause an undue impact on the surrounding traffic network.

ACOUSTIC CONSIDERATIONS

It is not anticipated the proposed development will not generate noise emissions that would have an adverse impact on the amenity of the surrounding locality. The collection of containers will occur internally to the facility and will be manually sorted. No "crushing" of materials is proposed to be undertaken at the Site.

Having regard to the operations of the facility, we are of the view that the facility will not have an adverse impact on the surrounding locality.

SUMMARY

This Application seeks the approval of a proposed Container Deposit Recycling Centre at Lot 22 (No. 23) Walker Avenue, Lancelin ('Site'). The Application should be approved by the Shire of Gingin for the following reasons:

- The proposed development is consistent with the objectives of the 'Mixed Business' zone under the Shire of Gingin Town Planning Scheme No. 9 ('TPS 9').
- The proposed development is considered to be a 'Use Not Listed' under the Shire's TPS 9.
- The proposal does not propose any changes to the built form of the existing building on Site.
- The informal car parking on Site will adequately service the proposed development.
- The proposed development will not have an adverse impact on the surrounding road network.
- The proposed development will not have any noise emission that will have an adverse impact on the amenity of the surrounding locality.

Should you require any further information or clarification in relation to this matter, please contact Jake Spiteri or the undersigned on 9221 1991.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Adrian Dhue', written over a horizontal line.

Adrian Dhue
Rowe Group



Attachment One

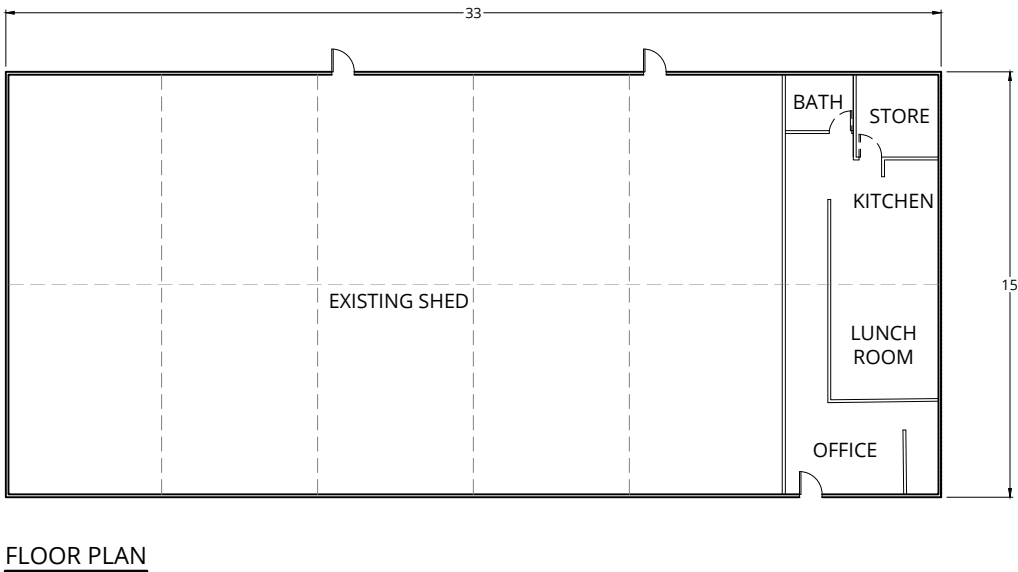
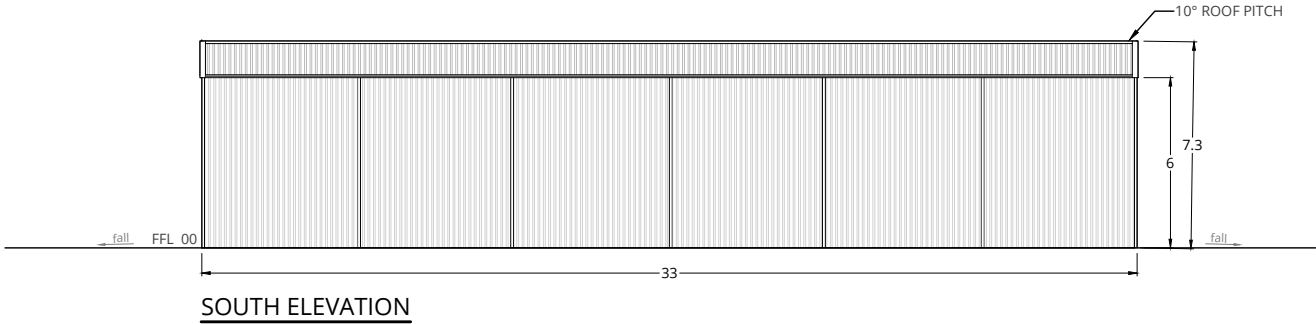
Certificate of Title



Attachment Two

Site Plan and Elevation





FLOOR PLAN AND ELEVATION
LOT 22 WALKER AVENUE
LANCELIN



DRAWN: VEDH.R
DATE CREATED: 2022.01.25
PROJECTION: MAGS0 GDAS04
CADASTRE: LANDGATE
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SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED CONTAINER DEPOSIT RECYCLING CENTRE ON LOT 22 (23) WALKER AVENUE, LANCELIN

No.	Submitter	Submission details	Recommended response
1	Ratepayer	The submitter supports the proposal and provides the following general comment: <i>“Go for it, good to see this block being used for something.”</i>	Noted, support.

13.6 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - PROPOSED RURAL PURSUIT (KEEPING OF HORSE AND PONY) AT LOT 92 (32) CHIPPING COURT, WOODRIDGE

File	BLD/7397
Applicant	RiteBuild
Location	Lot 92 (32) Chipping Court, Woodridge
Owner	A & A Stott
Zoning	Rural Living
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	NA
Appendices	<ol style="list-style-type: none"> 1. Location plan and Applicant's proposal [13.6.1 - 12 pages] 2. Schedule of Submissions and Recommended Responses [13.6.2 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Retrospective Development Approval for a Rural Pursuit (keeping of a horse and pony) and feed storage shed at Lot 92 (32) Chipping Court, Woodridge.

BACKGROUND

The subject lot is zoned Rural Living, consisting of an area of 2 hectares (ha) which accommodates a Single House. This application arose due to the applicant seeking retrospective building approval for the feed storage shed, at which point the unapproved land use was recognised.

The proposal states that the development consists of two paddocks for the keeping of a horse and a pony. The applicant has used a template equine management plan to explain the management of the development.

The subject land is identified as being within the Spearwood soil system under the 'Stocking Rate Guidelines for Rural Small Holdings' (stocking rate guidelines) with the site containing sandy soils. This is important in identifying the applicable stocking rate for the subject land.

A location plan and a copy of the applicant's proposal are attached as **Appendix 13.6.1.**

COMMENT

Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received one written submission supporting the proposed development during this period.

The Schedule of Submissions and Recommended Responses is attached as **Appendix 13.6.2.**

PLANNING FRAMEWORK

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

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

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

The keeping of horses falls under the land use 'Rural Pursuit' which is defined as follows:

Means any premises used for –

- a. The rearing or agistment of animals;*
- b. The stabling, agistment or training of horses;*
- c. The growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or*
- d. The sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture intensive.*

A 'Rural Pursuit' is an 'A' use in the Rural Living zone. This means 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. As noted above, the advertising process was undertaken.

4.8.5.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.

Officer Comment

The rural pursuit is associated with the single house onsite, with the development being a hobby interest for the residents of that dwelling. The rural pursuit comprises of irrigated and unirrigated paddocks for a horse and a pony. The Dry Sheep Equivalent (DSE) is 15 as per the table below which is extracted from the Stocking Rate Guidelines.

Type of livestock Weight (kg) and animal type	Dry sheep equivalent (DSE)
Horses	
450kg Light	10.0
1000kg Draught	20.0
250kg Pony	5.0

The proposal outlines an available area of approximately 0.8 ha of mixed irrigated and unirrigated paddock area. The recommended unirrigated stocking rate is 6 DSE per ha and irrigated is 20 DSE per ha. Therefore, in order to comply with the recommended stocking rate, all paddocks are required to be irrigated to ensure degradation does not eventuate.

Although the development does not comply with the stocking rates in its current state, the development can achieve the recommended stocking rate via the installation of irrigation for paddock 2.

Site requirements

The existing feed storage shed is located 8.7m from the side (eastern) lot boundary in lieu of 20m. The adjoining lot to the east is a reserve vested in the Shire of Gingin for the purpose of parks and recreation, which is undeveloped and contains native vegetation. The setback variation is therefore negligible and not required to be ameliorated.

The feed storage shed is also built to a suitable visual standard and is capable of receiving a retrospective building permit. The structure therefore does not require any built form upgrades via an approval.

Equine Management Plan (EMP)

The applicant's proposal includes an EMP which seeks to outline the management of the rural pursuit to establish consistency with the zoning and the stocking rate guidelines. The officer is satisfied that the plan in general has the capacity to achieve ongoing compliance with the stocking rate guidelines and amenity obligations. The officer does however recommend amendments to the document to ensure consistency with the zoning which comprises of the following:

- Waste Management Plan to reference Stable Fly Management Plan 2019;
- Stocking rate limitation of 15 DSE; and
- Irrigation of complete paddock area.

Summary

The development is consistent with the planning framework subject to strict equine management practices which require amendment of the EMP. The officer recommends that the proposal be approved with specific attention to a maximum stocking rate of 15 DSE (one horse and one pony) for the lot and other appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No. 9

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Peczka

That Council grant retrospective development approval for a rural pursuit (keeping of a horse and pony) and feed storage shed at Lot 92 (32) Chipping Court, Woodridge subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. The stocking rate for the property shall not exceed 15 dry sheep equivalent (DSE), which equates to the keeping of two horses;
3. Within 180 days from the date of this approval, the rear paddock (paddock number 2) shall be irrigated and pasture cover established over the extent illustrated in red ink on the approved plan to the satisfaction of the Shire of Gingin;
4. Within 90 days from the date of this approval, an amended Equine Management Plan (EMP) shall be submitted to and approved by the Shire of Gingin. The approved EMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;
5. In the event dust drift is disseminating beyond the property boundary as a result of the approved use, the offending activity must cease immediately and dust suppression measures by way of water application over the affected area are to be commenced forthwith, to the satisfaction of the Shire of Gingin; and
6. The internal paddock fencing shall be maintained in a good condition to ensure that all horses are retained within the paddock areas, 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: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.

- Note 3: The applicant/operator is reminded that the development should be undertaken in accordance with Water Quality Protection Guideline No 13 – Environmental Guidelines for Horse Facilities.
- Note 4: The proponent is encouraged to contact the Department of Water and Environmental Regulation's Swan Avon Region office on 6250 8000 to discuss water management options.
- Note 5: With respect to the condition regarding the irrigation of both paddocks, this is required to cover an overall area of 8000m² to achieve the recommended stocking rate.
- Note 6: With respect to the condition regarding amendments to the Equine Management Plan (EMP), the following matters require revision:
- Reference maximum stocking rate of 15 DSE;
 - Waste/manure management;
 - Stable Fly Management; and
 - Paddock management and irrigation.
- Note 7: This approval does not authorise any interference with dividing fences, or entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.

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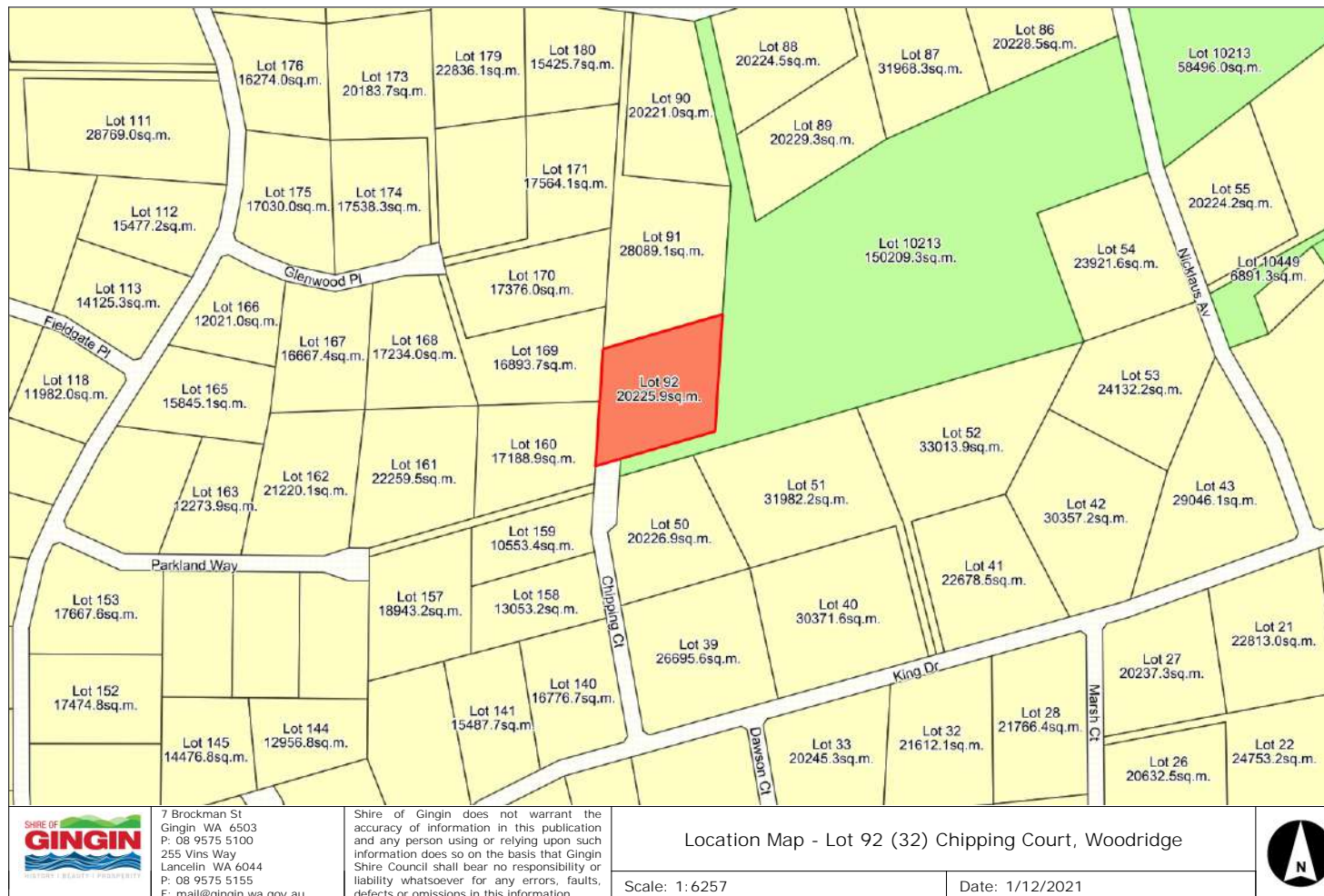
FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

MINUTES ORDINARY COUNCIL MEETING 15 MARCH 2022

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146

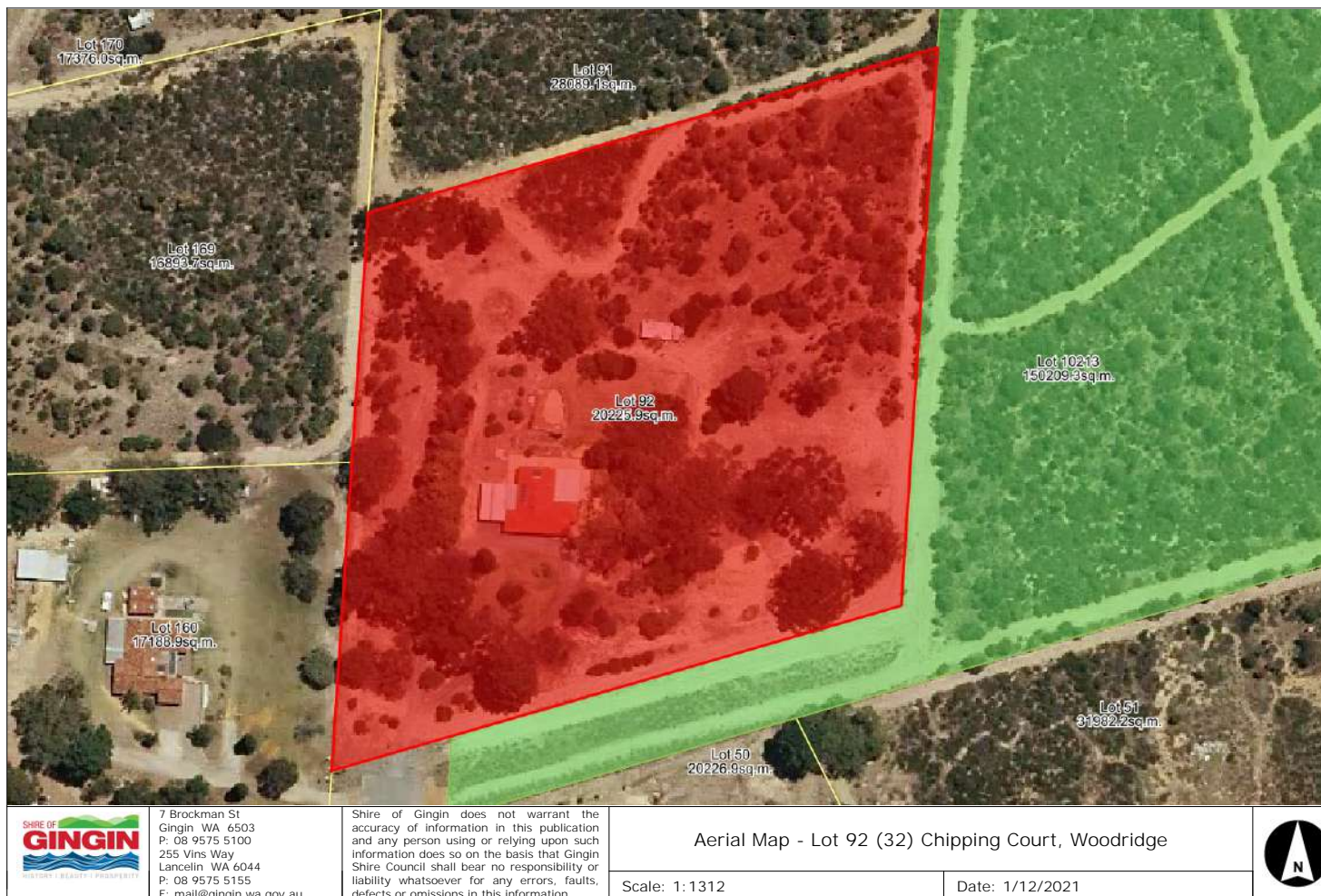
APPENDIX 13.6.1



**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146

APPENDIX 13.6.1



THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



PLANNING APPLICATION DOCUMENT

No. 21146

Date: Friday, 26 November 2021

Client: Alistair & Allison Stott **Contact:** 'Alistair Stott' <thestottsinoz@googlemail.com>

Address: 32 Chipping Court Woodbridge WA **Project:** Feed Storage Shed

I am writing this letter to provide justification for a storage shed to be within the set back of 20m to the side boundary at 32 Chipping Court Woodbridge WA.

Subject structure

The shed is a timber frames steel sheet clad structure with a concrete slab as a floor. It is 10.5m L x 3.6m W x 3.2m wall and roof height. The walls are green, doors are timber and the roof is natural silver. It is located 25m from the front boundary, 8.7m from the side boundary and 66m from the dwelling.

Town Planning Scheme Requirements

TPS9 requires a building setback from rear and side boundaries of 20m applicable to all rural properties (see *attached table 2 Site Requirements*)

Justification

The current position of the shed was chosen for the following reasons –

The horse yard was already positioned in this location.

The owners wanted the feed shed within walking distance but not too close to the house due to possible minor smells and the likelihood of pest attraction

It was important not to position the shed and yards upwind of house.

The shed is positioned away from the house and trees to reduce fire risk.

The shed was not built under the gum trees due to the likelihood of falling limbs

Objectives of the Rural Living Zone

It is also believed this development meets the objectives of the Rural Living Zone in that -

The shed is a typical rural type structure which does not significantly increase the density on the allotment. No natural vegetation was disturbed or removed due to construction. The use as a feed shed attached to a yard for the horse/s protects natural vegetation. The shed's position with setback surrounding significantly reduces the fire risk.

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



PLANNING APPLICATION DOCUMENT

No. 21146

Please do not hesitate to contact me if you have any enquires regards this matter.

Kind regards


James McLevie
RiteBuild Group

Attachment 1 - Table 2 – TPS 9

SHIRE OF GINGIN – TOWN PLANNING SCHEME NO. 9

TABLE 2 – SITE REQUIREMENTS

Zone	Minimum Setback			Maximum Plot Ratio	Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear			
Residential	As per Residential Design Codes					
Town Centre	Nil	Nil	6.0m	1	75%	50% of all setback areas
Mixed Business	7.5m	Nil	6.0m	0.5	75%	5% of site area - landscaping required along street frontage
General Industry	10m	Nil	6.0m	0.5	75%	5% of site area - landscaping required along street frontage
Rural Industry	Caretaker's Dwelling - 6m Other uses - 20m	20m	20m	0.5	50%	5% of site area - screening of non-residential uses from street required
Rural Living	20m	20m	20m	N/A	N/A	As required by local government
General Rural	20m	20m	20m	N/A	N/A	As required by local government
Tourism	5m	Nil	6m	0.5	50%	50% of all setback areas

RiteCert Pty Ltd
47 Walters Drive
Osborne Park WA 6017

Ph: 0482 021 518
Email: info@ritebuildgroup.com.au
ABN: 35 626 394 447

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



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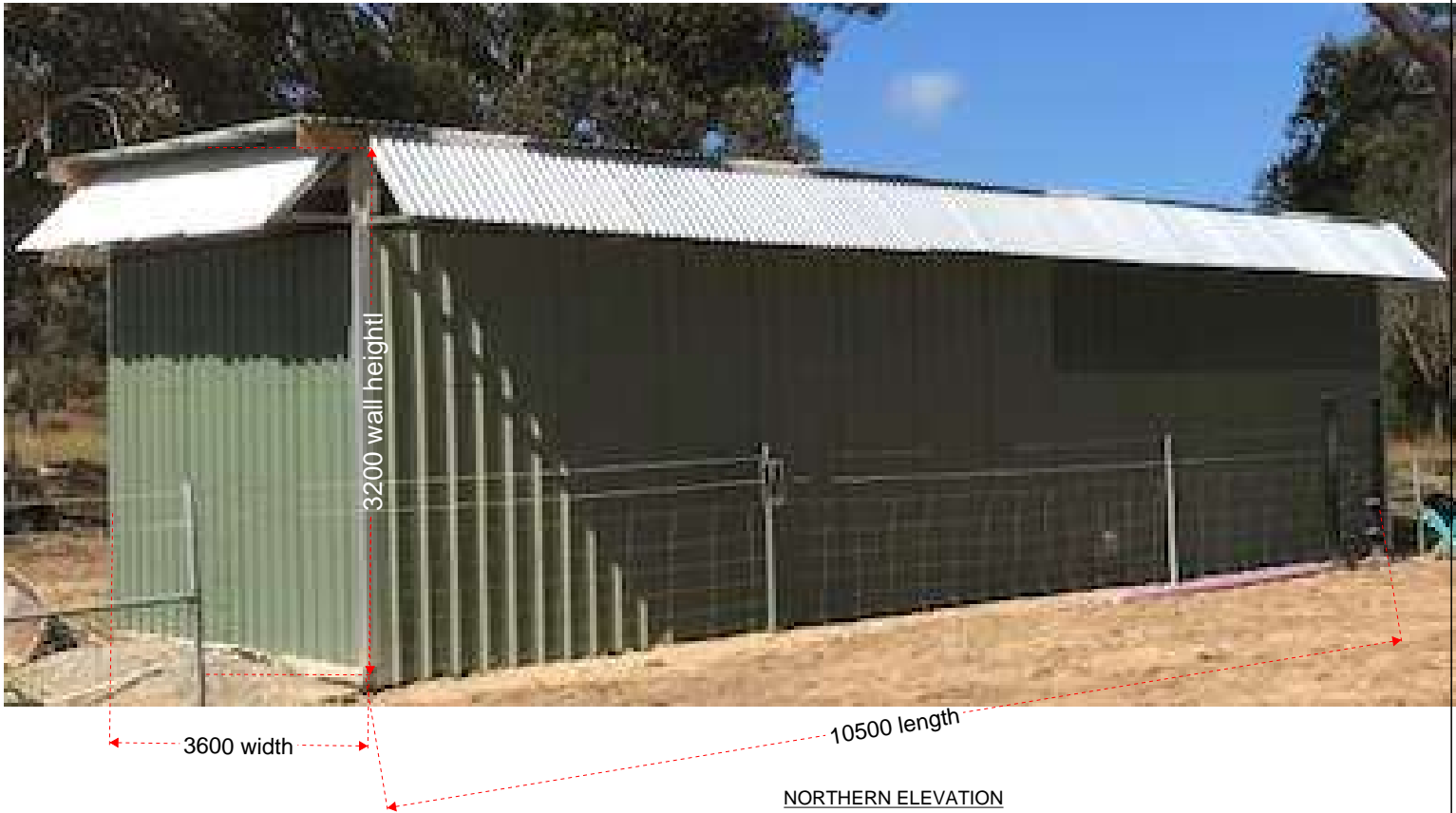
SOUTHERN ELEVATION



EASTERN ELEVATION



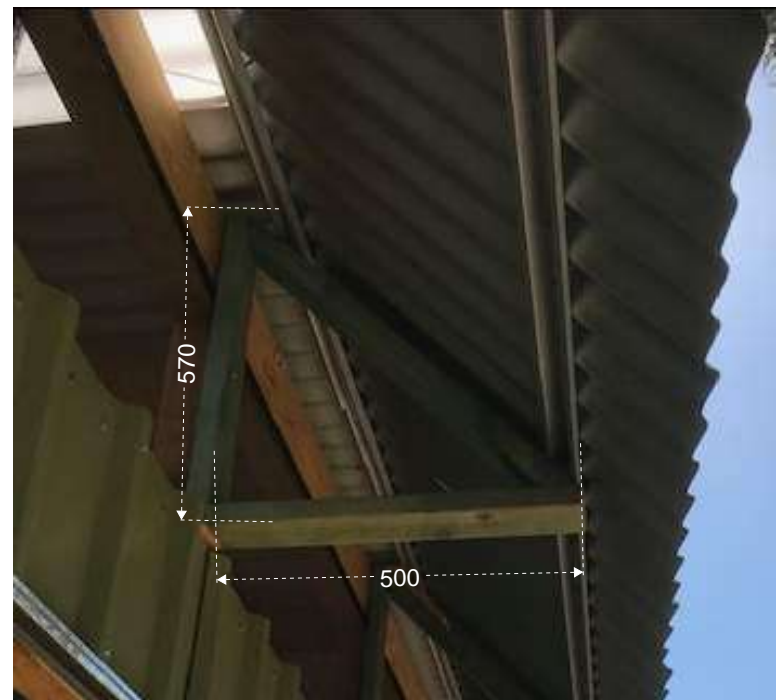
WESTERN ELEVATION



NORTHERN ELEVATION

ELEVATIONS - 32 CHIPPING COURT - METAL STORE SHED - NTS - 12/11/2021

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



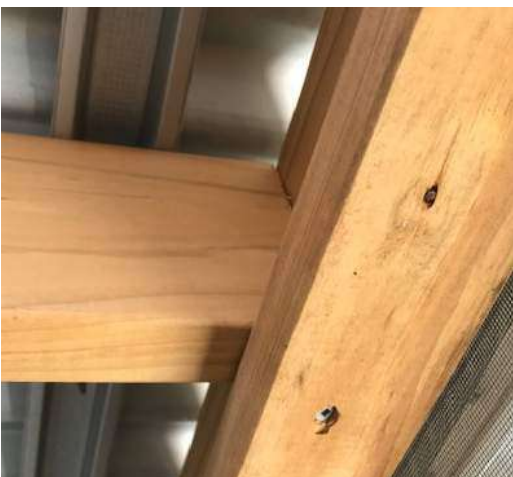
EAVE OF ROOF 45 x 90 TIMBER SECTIONS SCREWED TOGETHER AND TO EDGE BEAM, UPRIGHTS AND POSTS @ 1200 CENTRES



ROOF BATTENS, RAFTERS, EDGE BEAMS TOP PLATE AND WALL BATTENS



ROOF BATTENS, RAFTERS CONNECTION TO EDGE BEAMS (3 x BUGLE SCREWS THROUGH EDGE BEAM INTO RAFTER END) WALL CLADDING FIXINGS



RAFTER FIXING INTO WALL FRAME (1 x BUGLE SCREW THROUGH FRAME INTO RAFTER EDGE)




POSTS ON STIRRUPS AT DOORWAYS. CONCRETE FLOOR




FRAME ATTACHED TO POST. WALL BATTENS. FRAME UPRIGHTS AND SPACINGS

EXISTING METAL SHED - STRUCTURAL DETAILS 1 - 32 CHIPPING COURT WOODRIDGE WA 6041 - NTS - 13-11-2021

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



POST ON METAL STIRRUP WITH WALL FRAME ATTACHED



WALL FRAME ATTACHED TO CONCRETE SLAB. WALL BATTENS WITH TEK SCREWS THROUGH



WALL FRAME AND EDGE BEAMS ATTACHED TO CORNER POST



SET OUT OF WALL FRAME AND ROOF FRAME SPACINGS TYPICAL TO SHED STRUCTURE THROUGHOUT

STRUCTURAL COMPONENTS

- RAFTERS 190 x 45 @ 1900 CENTRES BUGLE SCREWED TO FRAME (1 OF) AND EDGE BEAM (3 OF)
- 90 x 90 POSTS AT CORNERS & OPENINGS & @ 3500 CENTRES OTHERWISE. POSTS ON METAL STIRRUPS. WALL FRAME ATTACHED TO POSTS
- EDGE BEAMS 190 x 45 ATOP TIMBER FRAME AND BUGLE SCREWED TO POSTS
- ROOF BATTENS - 50 x 35 METAL TOP HATS @ 900 CENTRES ATOP RAFTERS FIXED WITH TEK SCREWS
- WALL FRAME STRUCTURE 45 x 90 WITH UPRIGHTS @ 1200 CENTRES. BOTTOM PLATE FIXED TO SLAB WITH DYNA BOLTS @ 900 CENTRES AND UPRIGHTS FIXED TO POSTS WITH BUGLE SCREWS
- WALL BATTENS - 50 x 35 METAL TOP HATS @ 1500 CENTRES FIXED TO FRAME
- ROOF AND WALL CLADDING FIXED TO TOP HAT BATTENS WITH TEX SCREWS(ROOF @ 900 CENTRES - WALL @ 1500 CENTRES
- RAFTERS COACH BOLTED AT BOTH ENDS THROUGH THE EDGE BEAMS 2 BOLTS PER RAFTER

EXISTING METAL SHED - STRUCTURAL DETAILS 2 - 32 CHIPPING COURT WOODRIDGE WA 6041 - NTS - 13-11-2021

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



Equine Management Plan Template Chittering Landcare Centre

Name: Alistair Stott

Property Address: 32 Chipping Court, Woodridge, 6041

Size of Property: 2 hectares

Local Government Area?

Shire of Chittering ☐ – [please read Local Planning Policy 24](#)

City of Swan ☐ – [please continue with "Keeping of Horses" – Fast Track Questionnaire](#)

Shire of Gingin ☒ – [more information to come](#)

Zoning: Rural and farming

Purpose of Property Management Plan:

- Avoidance of land degradation ☐
- Responding to an official complaint ☐
- Ensuring avoidance of land degradation ☐
- Protect natural resources on property and surrounding area ☐
- Ensure healthy environment for keeping of horses ☒
- Maintain an environment respectful of neighbours ☐

Environmental risks:

- Soil erosion (Steep hills)? ☐ Dust? ☐
- Nutrient export (fertiliser use/manure)? ☒ Noise? ☐
- Loss of natural vegetation? ☐ Odour? ☐
- Flies? ☐ Weeds? ☐

By undertaking the practices outline in the management plan, the above environmental risks will be minimised.

Soil Type: Loamy flats and terraces

(Chittering Landcare Centre staff can provide you with specific soil information for your area)

Stocking Rate Unit: 10

(This information can be accessed from the report at this link: [Stocking Rate Guidelines](#) alternatively, please ask Chittering Landcare Centre staff)

Number of Horses

Horse A	DSE B	CURRENT		PROPOSED	
		C # Animals	D Total DSE (BxC)	E # Animals	F Total DSE (BxE)
Miniature	2				
Pony (under 14.2)	5	1			
Horse (450kg)	10	1			
Draft Horse (1000kg)	20				
Totals		2			

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



Equine Management Plan Template Chittering Landcare Centre

Site Plan: Chittering Landcare Centre staff can provide you with an aerial map of your property to develop your site plan on. The site plan will need to include the following:

- Paddock design – Paddock size, which paddocks are irrigated, which paddocks have annual/perennial pastures
- House area
- Driveway
- Firebreaks
- Any remnant vegetation and creeklines
- Stables
- Arenas and roundyards
- Manure piles
- Also show future plans

Pasture:

Please describe how pastures are managed. Do you sow annual pastures? Do you have perennial pastures established? How do you rotate and rest your paddocks?

There are 2 paddocks on the property. They are mainly sand based with minimal vegetation.

The paddocks are rotated on a regular basis. The horses are off property spelled during the year.

One of the paddocks has bore water irrigation. The property is fully fenced and in good

weather the horses are allowed to roam the property.

Fences are 7 strand height with 'sighter' strands

Area of Dry Pasture: 5 acres Area of Irrigated Pasture: 2 acres

Irrigation:

Area of pasture irrigated 0.8 hectares

How often irrigated Daily

Where is water sourced from? Bore

Stabling:

Please outline the stable facilities and how you use/intend to use them. Eg. How many hours a day will the horses spend in the stables/yards?

No stable facilities at present.

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



Equine Management Plan Template Chittering Landcare Centre

Off Property Spelling:

If off-property spelling forms part of your intended management practices, please outline the length and timing of the spelling period(s).

4 weeks per year over summer. More if required.

Manure management:

How often will manure be collected from paddocks, yards, stables etc.

Daily and weekly raking of paddocks.

Where will the manure be stored, and how will it be disposed of?

Raked to disperse the majority of the manure. The excess is collected and distributed on the property for fertilising of plants.

(please read the 'Horse, land, water' Booklet for options and suggestion)

Weed management:

Current Weeds at the property:

Weeds are minimal.

How will weeds be managed?

Weeds are treated and removed throughout the year.

Vegetation Protection:

Please outline how any remnant vegetation or creeklines will be protected eg. Trees over 50mm diameter guards, creeklines and vegetation fenced?

Vegetation is outwith the paddocks.

THIS DOCUMENT FORMS PART OF DA APPLICATION 21146



SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

***DEVELOPMENT APPLICATION: RETROSPECTIVE RURAL PURSUIT (KEEPING OF HORSES) AND INCIDENTAL
STRUCTURE (FEED STORAGE SHED) ON LOT 92 (32) CHIPPING COURT, WOODRIDGE***

No.	Submitter	Submission details	Recommended response
1	Ratepayer	<p>The submitter supports the proposal and provides the following general comment:</p> <p><i>"I believe living on a rural property would allow the keeping of horses as an enjoyable pursuit. As such I have no problem with this proposal."</i></p>	<p>Noted.</p> <p>See officers report, the keeping of horses is appropriate on Rural Living zoned land subject to strict management practices and maintenance of the applicable stocking rate.</p>

13.7 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - CARETAKER'S DWELLING ON LOT 30 (118) BELL ROAD, COONABIDGEE

File	BLD/3706
Applicant	Planning Horizons
Location	Lot 30 (118) Bell Road, Coonabidgee
Owner	Peter Draper and Tina Draper
Zoning	Rural Industry
WAPC No	Nil
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 30 (118) Bell Road, Coonabidgee [13.7.1 - 1 page] 2. Aerial Map - Lot 30 (118) Bell Road, Coonabidgee [13.7.2 - 1 page] 3. Applicant's Proposal [13.7.3 - 11 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Retrospective Development Approval for a Caretaker's Dwelling on Lot 30 (118) Bell Road, Coonabidgee.

BACKGROUND

The subject land is 3.8 hectares in area and located at the eastern termination of Bell Road in the Frogmore Rural Industrial Estate. Council, at its Ordinary Meeting on 20 January 2009, resolved to approve a dwelling and transport depot on the subject property.

The approval comprised of a large shed to service the transport depot that incorporated a dwelling under the one roof. The total structure was approved to be 48 metres in length and 12.7 metres in width equating to an area of 609 m². The dwelling was approved on the basis that the floor area was 99 m².

Over time the dwelling has been expanded to include a ground floor living room and a mezzanine floor which consists of four additional bedrooms, two bathrooms and a toilet. The floor area of the dwelling is now 280m².

A location plan and aerial imagery are attached as **Appendix 13.7.1 and 13.7.2** respectively.

The applicant's proposal is provided as **Appendix 13.7.3**.

COMMENT

Stakeholder Consultation

No stakeholder consultation has been undertaken in relation to this application.

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.*

The relevant use class could arguably be either a 'Caretaker's Dwelling' or 'Single House', both of which are a 'D – Discretionary' use within the Rural Industry zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

LPS 9 defines a 'Caretaker's Dwelling' 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.

State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) defines a Single House as follows:

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

The only applicable development standard that relates to the 'Rural Industry' zone in this instance is outlined below:

- 4.8.4.2 *Local government may, at its discretion, consider permitting the land use "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.*

Keeping the above clause in context, 'Clause 4.8.9 – Caretakers' Dwellings' 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:

- There is only one dwelling on the property. Given the scale of the existing dwelling (280m²) in the context of the overall shed size, lot area and land dedicated to the plumbing business, the officer is of the view that the development can be classified as incidental.

- The total permitted floor area for a caretaker's dwelling is 100m². The dwelling the subject to this application has a floor area of 280m². This provision should be read with clause 4.8.4.2 of LPS 9 which relates to the erection of a single house in the Rural Industry zone, which is not restricted by clauses 4.8.9.4 and 4.8.9.5. The classification of a 'single house' as opposed to 'caretaker's dwelling' is academic and does not influence the on-ground reality in this scenario. However, a caretaker's dwelling is the preferred classification to ensure that habitable structures remain incidental to a bona fide commercial use operating from the property.
- Dwellings in the Rural Industry zone do not enjoy the same amenity as counterparts in residential zoned land. The presence of a dwelling should not influence the control of external noise, dust and odour emissions from adjoining properties and land uses operating within the zone, and occupiers ought to be resigned to reduced amenity. To ensure this scenario is clearly portrayed to prospective purchasers, as per cl 4.8.9.6, a notification on title should be imposed as a condition.

Western Australian Planning Commission (WAPC) Planning Bulletin No. 70 – Caretaker's Dwellings

The WAPC published the abovementioned bulletin relating to Caretaker's Dwellings in January 2017 (the bulletin). The bulletin was published with the main objective of protecting the operational objectives of industrial zones, noting that the inclusion of caretaker's dwellings creates an unacceptable environment for residential living and imposes constraints on the use of land for industrial purposes.

It is a general planning principal to protect residential amenity from the disruptive activity experienced within industrial zones. From the opposite view, this bulletin was created to protect industrial land uses from land use conflict that can arise within its own zone from caretakers' dwellings as complaints regarding emissions (noise, dust and odour) can impinge on the productivity of an industrial use.

This planning bulletin is widely received and accordingly endorsed in many Local Planning Schemes with use specific standards. The bulletin suggests a discretionary scale of consideration from not allowing any caretakers to allowing them subject to strict conditions and development standards.

The objectives of the Planning Bulletin are:

- To discourage the establishment of residential uses in industrial areas which may compromise and create unacceptable residential environments.*
- To provide for caretakers' dwellings in industrial areas in limited circumstances subject to appropriate planning controls.*

The bulletin introduced the following model provisions, with most being subsequently inserted into LPS 9. They have been addressed against the development standards above:

- a) a caretaker's dwelling should be incidental to the predominant industrial use of the site.*
- b) only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use.*
- c) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls; and*
- d) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in criteria (c).*
- e) where the dominant industrial use ceases the right to occupy the caretaker's dwelling expires*

The development generally satisfies the provisions of the planning bulletin, with the exception of the overall area which is largely irrelevant given clause 4.8.4.2 of LPS 9 specifically excludes this consideration.

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 wholly designated as a bushfire prone area on the Department of Fire and Emergency Services (DFES) online mapping.

At the time the original dwelling was constructed, a Bushfire Attack Level (BAL) Assessment was not required. It would seem superfluous from a planning perspective to request a BAL report given the structure is existing and the risk is already present. This notwithstanding, it is highly likely that a BAL report will be required to accompany the retrospective building application to ensure the relevant construction standards correspond with the applicable BAL rating.

Summary

The application seeks to formalise the expansion of an existing dwelling within the rural industry zone under the use class 'caretaker's dwelling'. The officer is satisfied that the development is incidental to the existing use operating onsite.

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

POLICY IMPLICATIONS

Western Australian Planning Commission Planning Bulletin No. 70 – Caretaker's Dwellings

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Johnson

That Council grant retrospective Development Approval for a Caretaker's Dwelling on Lot 30 (118) Bell Road, Coonabidgee subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. This approval is for a Caretaker's Dwelling only as indicated on the approved plans;
3. The landowner is required to ensure that the development satisfies the definition of a Caretaker's Dwelling under Local Planning Scheme No. 9 (as amended) at all times to the satisfaction of the Shire of Gingin and relates only to persons who work in a business operating on the land and immediate family thereof;

4. Prior to occupation of the development, 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:

The occupancy of the caretaker's dwelling may result in a lesser or lower enjoyment of residential living, and the application of lesser or lower prescribed environmental health standards, that would ordinarily be expected if living in the Shire's zoned residential areas.

Bushfire Prone Area – This lot is located within a bushfire prone area. Additional planning and building requirements may apply to development on this land.

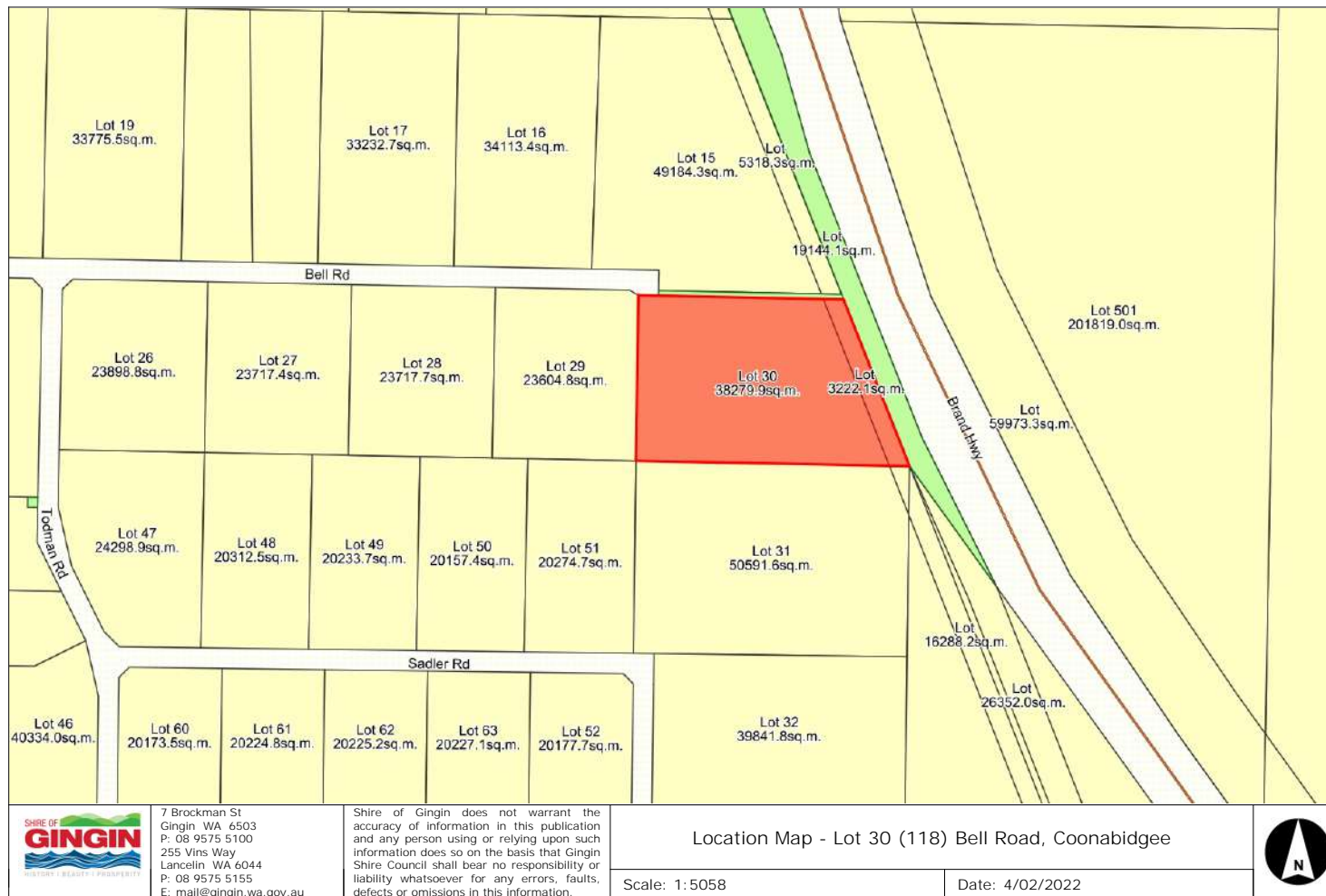
Advice Notes:

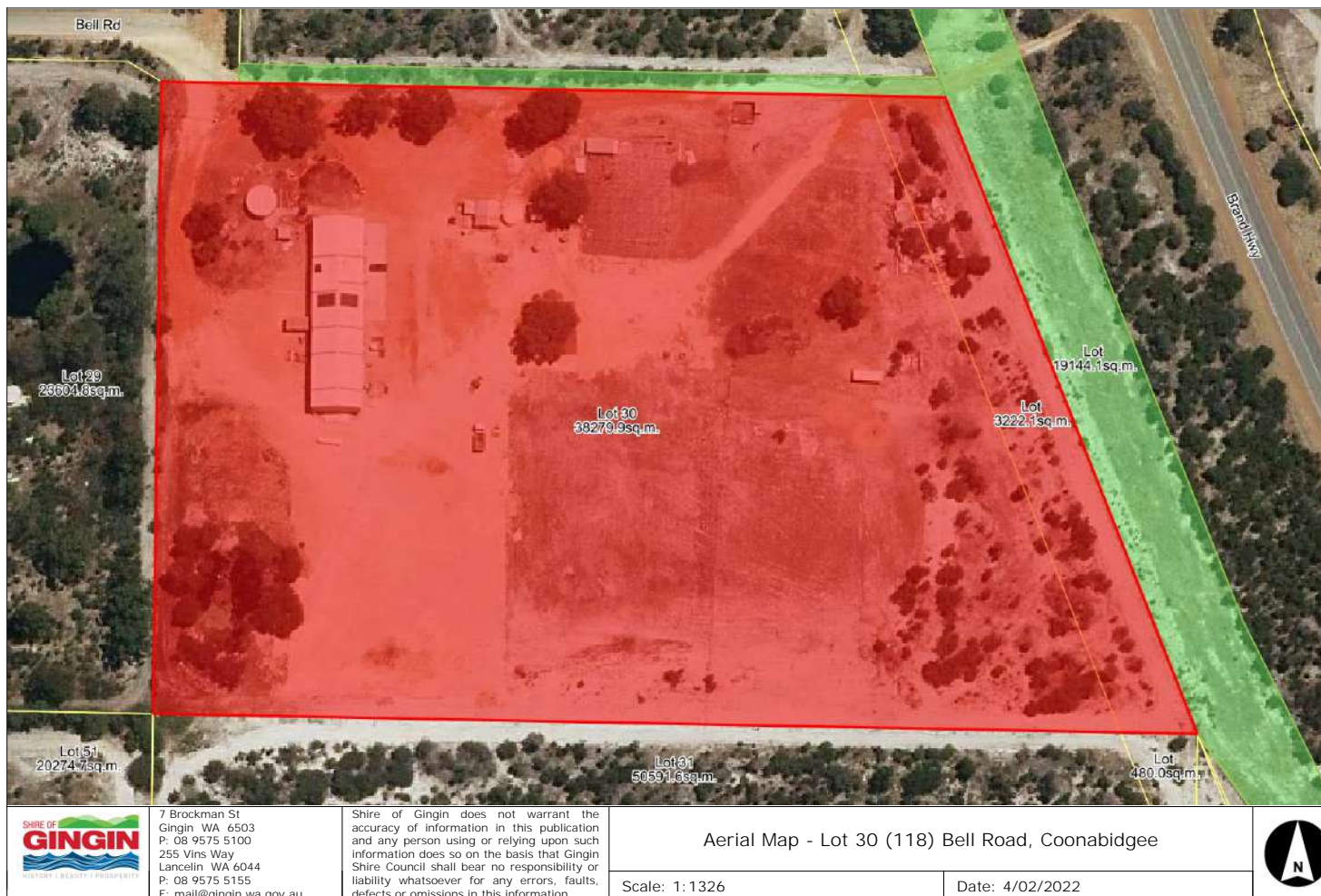
- Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*.
- Note 2: No other/further development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: Please be advised that the Caretaker's Dwelling is not a prescribed noise sensitive premises under the *Environmental Protection (Noise) Regulations 1997* and as such is not subject to the expected noise levels of a residential area.
- Note 4: Further to this approval, the applicant may be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Public Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5: In the event the as constructed drawings vary from what actually exists on the property, then the applicant/landowner may be held responsible for formalising the on-ground reality.

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





28th February 2022

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



PO Box 64 Applecross
Western Australia 6953
Mobile: 0402 349 224
Email: info@planninghorizonswa.com.au
Web: www.planninghorizonswa.com.au

Attention: Planning Department

Dear Sir / Madam,

Subject: **RETROSPECTIVE PLANNING APPLICATION FOR INTERNAL ALTERATIONS & ADDITIONS
TO EXISTING CARETAKER'S RESIDENCE AND WORKSHOP AT LOT 30 (118) BELL ROAD,
COONABIDGEE**

In response to the Shire's email of 4th February 2022 requesting a response to the relevant development provisions of Local Planning Scheme No. 9 (LPS 9), being clause 4.8.4 and subsequently 4.8.9, please accept the following advice:

- 4.8.9.1 – The subject site is located within a Rural Industry Zone;
- 4.8.9.2 – The caretaker's dwelling is incidental to the predominant use of the site, being a plumbing business (Muccha Plumbing);
- 4.8.9.3 - Only one caretaker's dwelling is proposed on the subject lot;
- 4.8.9.4 - The original floor area of the caretaker's dwelling was less than 100m². Due to the family's needs that lives in the caretakers dwelling, the floor area is 280sqm. Important to note that the residents of the property are also the landowners, and they are the business owners of Muccha Plumbing too.

The internal expansion of the caretaker's dwelling has not impacted the external appearance or arrangement of the existing (approved) structure, other than the addition of standard type windows for improved natural light and ventilation.

The existing caretaker's dwelling has remains unchanged, but has simply expanded to include a larger ground floor living room, and additional bedrooms to the existing mezzanine floor to accommodate the landowner's family needs.

The vast majority of the floor area under the main roof remains as the primary use of Rural Industry (plumbing business);

- 4.8.9.5 – The verandah on the ground and upper floors are open on three sides, and have not been included in the floor area calculation;

- 4.8.9.6 – The landowner understands the local government might 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. This is not applicable in this instance as the landowner's are not intending to sell or move from the subject site;
- 4.8.9.7 – The primary site activity of rural industry (plumbing) is active, as is the caretaker's dwelling. Both have been previously approved and constructed. The subject application is for the internal expansion of the existing caretakers dwelling;
- 4.8.9.8 - The main activity on the subject site is operational, and was so prior to occupation of the dwelling;
- 4.8.9.9 – The caretaker's dwelling is carefully sited as it has been constructed within the main shed structure of the rural industry. The caretaker's dwelling has been orientated to the north to achieve passive solar design principles for the internal and external living areas of the caretaker's dwelling;
- 4.8.9.10 – The caretaker's dwelling is only occupied by the landowner and immediate family of the lawfully established / approved land use.

If further information or clarification is required at any time, please do not hesitate to contact Benedict McCarthy on mobile 040 234 9224 or email info@planninghorizonswa.com.au

We look forward to a favourable determination at the Shire's earliest opportunity.

Regards,



Benedict McCarthy
Director - Planning Services

28th January 2022

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



PO Box 64 Applecross
Western Australia 6953
Mobile: 0402 349 224
Email: info@planninghorizonswa.com.au
Web: www.planninghorizonswa.com.au

Attention: Planning Department

Dear Sir / Madam,

Subject: **RETROSPECTIVE PLANNING APPLICATION FOR INTERNAL ALTERATIONS & ADDITIONS
TO EXISTING CARETAKER'S RESIDENCE AND WORKSHOP AT LOT 30 (118) BELL ROAD,
COONABIDGEE**

In response to the Shire's email of 4th January 2022 advising retrospective planning application requirements, please accept the enclosed retrospective planning application for internal alterations and additions to the existing caretaker's residence and workshop on the subject site.

Details relevant to this application are:

1. The subject alterations and additions are internal only, with additional windows added. No external structural additions have been undertaken;
2. A two-bedroom caretakers' residence was previously approved within the main structure of the workshop / shed. A mezzanine floor existed above the caretaker's residence. Please see the initial floor plans on page 2 of the enclosed plans;
3. The modified floor plan has seen the caretakers' residence expand into the adjacent workshop and up to the existing mezzanine floor above;
4. As a result of the additions and alterations, the residence is now 6 bedrooms with an increased living area;
5. The residence is occupied by the registered landowners being Peter & Tina Draper with their family. They also operate their family plumbing business from within the adjacent workshop;
6. The subject alterations and additions were the result of a need of further room within the residence for the Draper family. At no time were the subject alterations and additions intentionally undertaken with the knowledge that Shire approval was required. This application for retrospective approval has been initiated by the landowners and is not borne of Shire instructions or request.

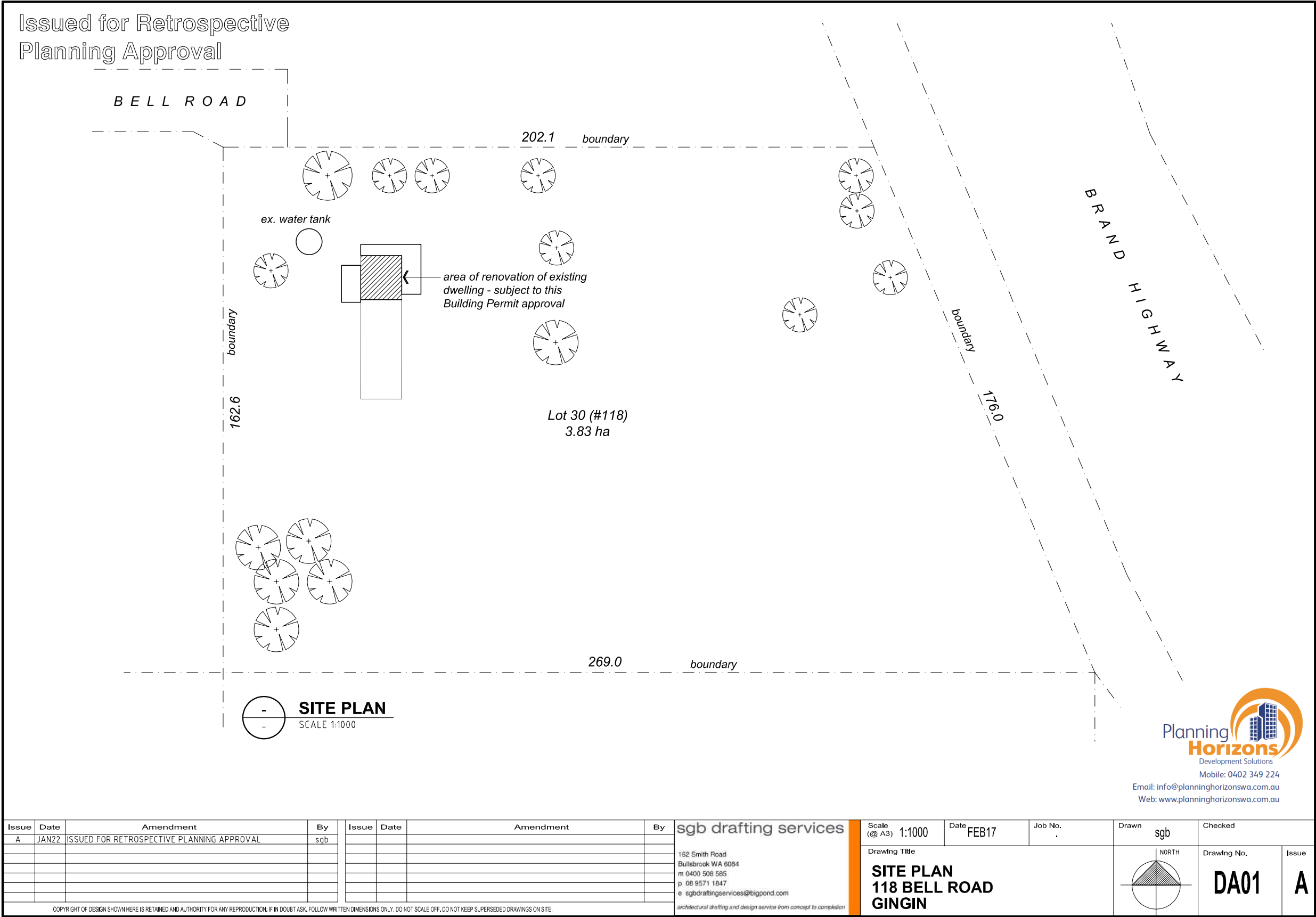
If further information or clarification is required at any time, please do not hesitate to contact Benedict McCarthy on mobile 040 234 9224 or email info@planninghorizonswa.com.au

We look forward to a favourable determination at the Shire's earliest opportunity.

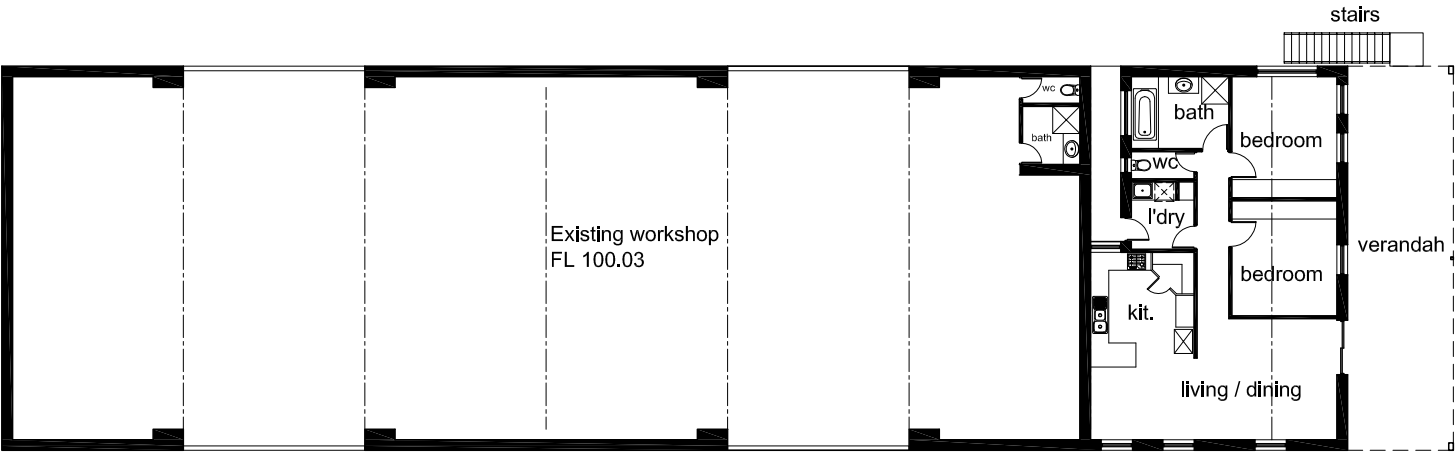
Regards,



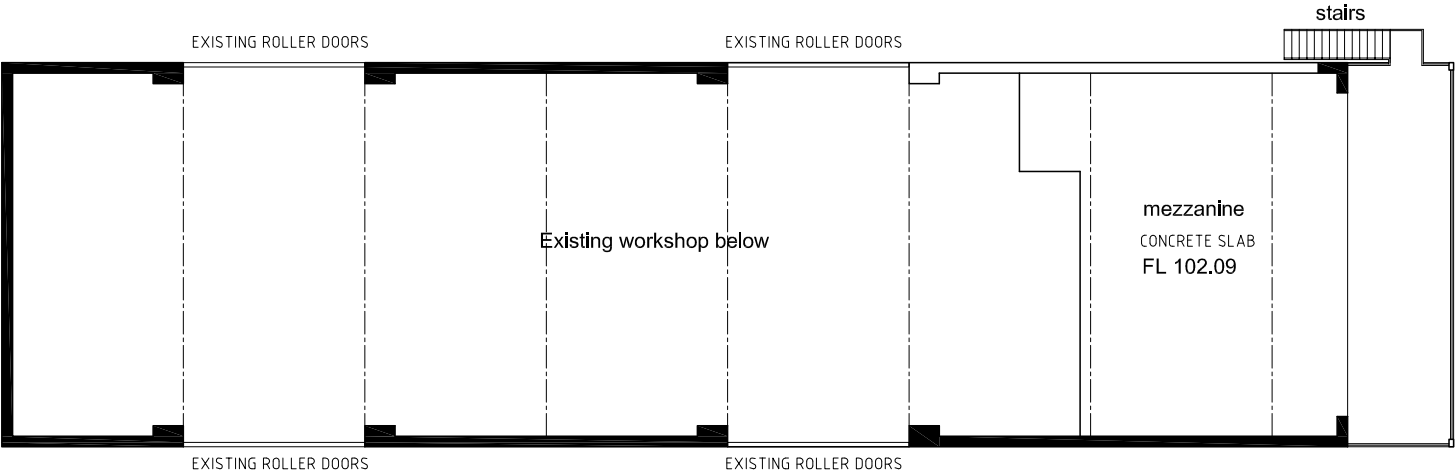
Benedict McCarthy
Director - Planning Services



Issued for Retrospective
Planning Approval



-
-
EXISTING GROUND PLAN
SCALE 1:200



-
-
EXISTING UPPER PLAN
SCALE 1:200

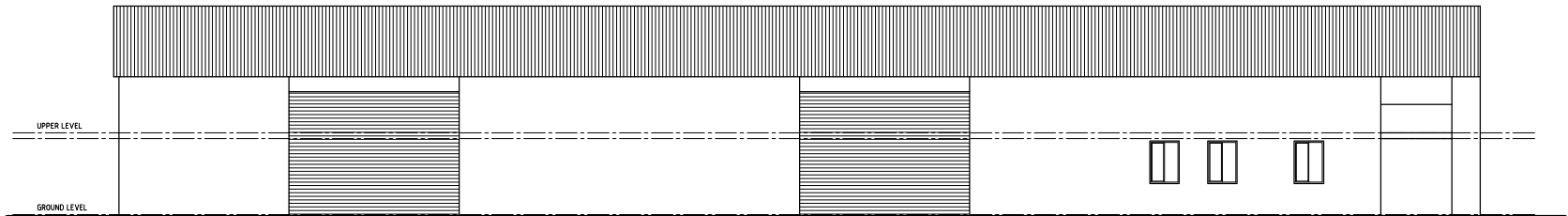
Planning Horizons
Development Solutions
Mobile: 0402 349 224
Email: info@planninghorizonswa.com.au
Web: www.planninghorizonswa.com.au

Issue	Date	Amendment	By	Issue	Date	Amendment	By	sgb drafting services 162 Smith Road Bullsbrook WA 6084 m 0400 508 585 p 08 9571 1847 e sgbdraftingservices@bigpond.com architectural drafting and design service from concept to completion	Scale (@ A3)	1:200	Date	FEB17	Job No.	Drawn	sgb	Checked	
A	JAN22	ISSUED FOR RETROSPECTIVE PLANNING APPROVAL	sgb														
COPYRIGHT OF DESIGN SHOWN HERE IS RETAINED AND AUTHORITY FOR ANY REPRODUCTION, IF IN DOUBT ASK, FOLLOW WRITTEN DIMENSIONS ONLY. DO NOT SCALE OFF. DO NOT KEEP SUPERSEDED DRAWINGS ON SITE.																	

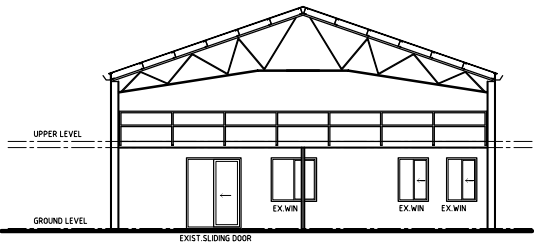
Drawing Title		Drawing No.	Issue
EXIST GRD AND FIRST PLAN 118 BELL ROAD GINGIN		DA02	A

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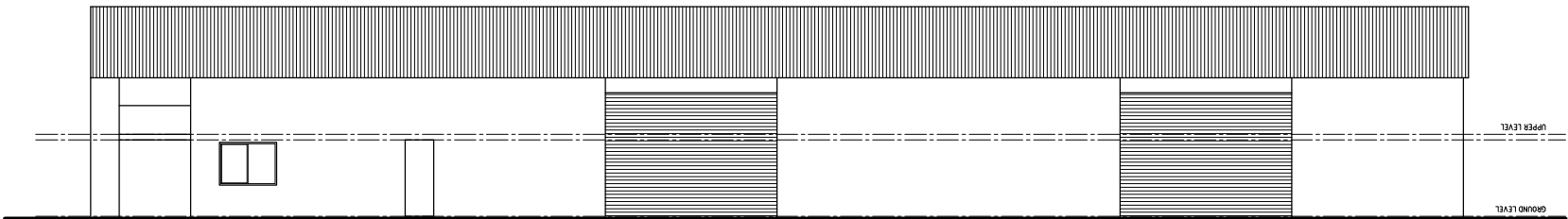
Issued for Retrospective
Planning Approval



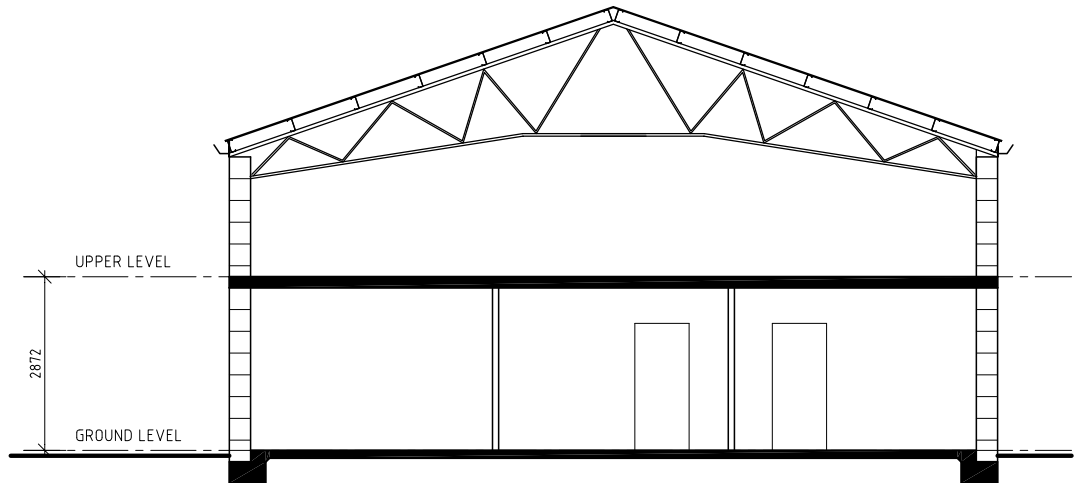
EXISTING ELEVATION
SCALE 1:200



EXISTING ELEVATION
SCALE 1:200



EXISTING ELEVATION
SCALE 1:200



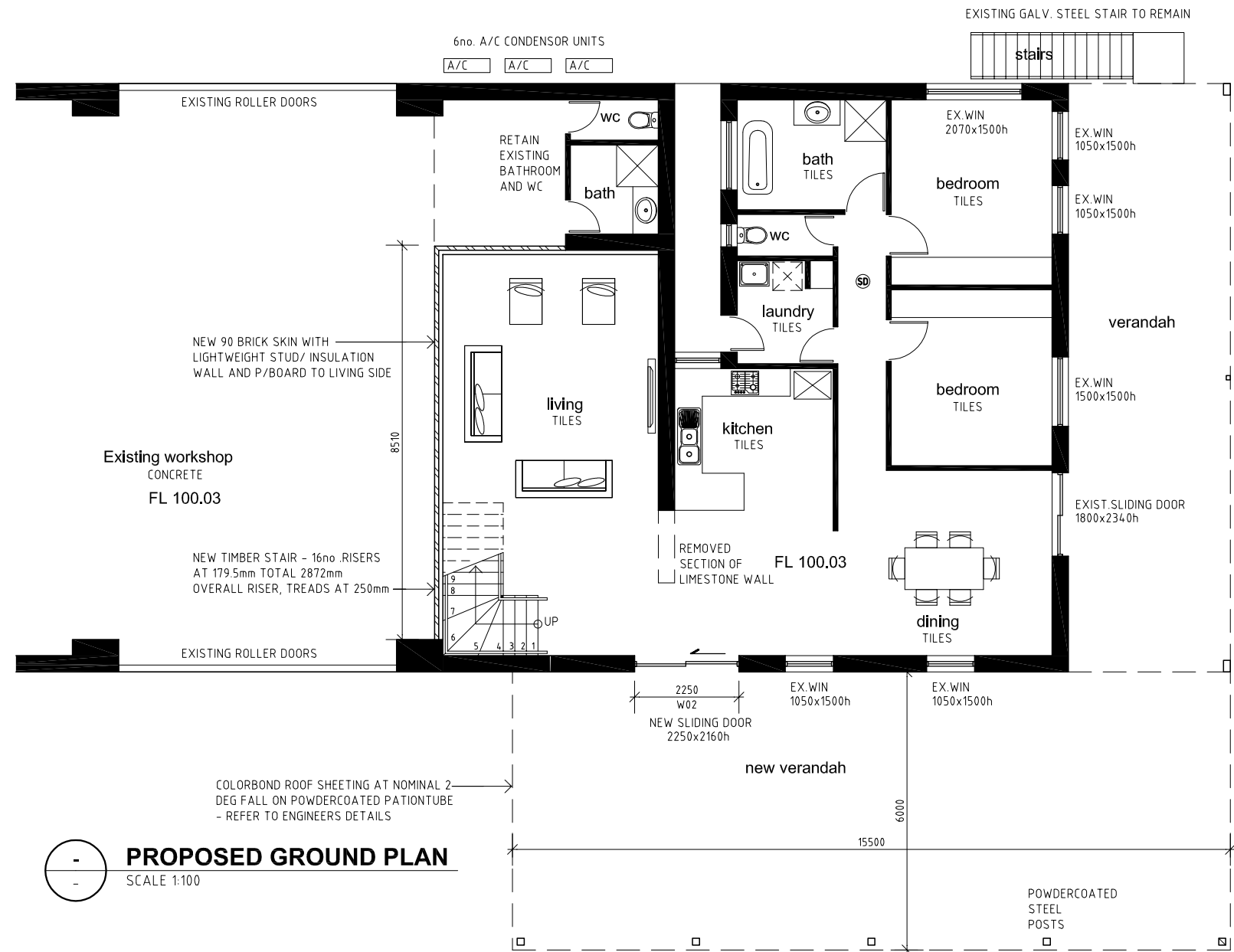
EXISTING SECTION
SCALE 1:100

Planning Horizons
Development Solutions
Mobile: 0402 349 224
Email: info@planninghorizonswa.com.au
Web: www.planninghorizonswa.com.au

Issue	Date	Amendment	By	Issue	Date	Amendment	By	sgb drafting services 162 Smith Road Bullsbrook WA 6084 m 0400 508 585 p 08 9571 1847 e sgbdraftingservices@bigpond.com architectural drafting and design service from concept to completion	Scale (@ A3)	AS SHOWN	Date	FEB17	Job No.	Drawn	sgb	Checked	
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Drawing Title		Drawing No.	Issue
EXISTING ELEVATIONS 118 BELL ROAD GINGIN		DA03	A

Issued for Retrospective Planning Approval



GENERAL NOTES

DO NOT SCALE FROM THIS DRAWING, USE FIGURED
DIMENSIONS ONLY. ALL DIMENSIONS TO BE CHECKED ON
SITE PRIOR TO ORDERING MATERIALS.

REFER TO SITE PLAN FOR CORRECT ORIENTATION OF HOUSE ON SITE.

ALL JOINERY SHOWN IS INDICATIVE. REFER TO ROOM LAYOUT DRAWINGS

FOOTINGS & FLOOR SLABS:
TO STRUCT. ENGR'S. DESIGN. GROUND FLOOR SLAB TO BE
TYPICALLY LAID ON DPM (REFER TO SPEC).

PLUMBING
PLUMBER TO INSTALL FLOOR WASTES AS REQUIRED IN
ACCORDANCE WITH RELEVANT CODES

WALL CONSTRUCTION:
EXISTING WALLS LINED WITH STEEL STUD AND
PLASTERBOARD WITH R1.0 INSULATION IN CAVITY

INTERNAL WALLS
90mm STEEL STUD/PLASTERBOARD TO BOTH SIDES WITH
REQUIRED SOUND INSULATION IN CAVITY

RWP:
PROVIDE 90x45 RAINWATER DOWN PIPES TO SUIT GUTTER
PROFILE.

SMOKE DETECTORS
TO BE HARDWIRED TO AS 3786

NEW WINDOWS
POWDERCOATED ALUMINIUM RESIDENTIAL FRAMES WITH
DOUBLE GLAZING - ALLOW FOR FLY SCREENS TO ALL
WINDOWS AND SLIDING DOORS

FLOOR FINISHES:
NON-SLIP FLOOR TILES TO BATHROOMS AND LAUNDRY

ENERGY COMPLIANCE
-R4.0 INSULATION TO BE INSTALLED ABOVE
PLASTERBOARD CEILING
-SELF SEALING EXHAUST FANS

ELECTRICAL
ELECTRICIAN TO CONNECT TO EXISTING POWER
SUPPLY/SOLAR SYSTEM AS REQUIRED IN ACCORDANCE
WITH RELEVANT CODES

CAR PORTS
ALL AS PER ENGINEERS DETAILED DRAWINGS

WATER PROOFING
BATHROOM AREAS TO BE WATERPROOFED WITH
APPLIED WATERPROOFING MEMBRANE ON
COMPRESSED FIBRE CEMENT SHEETING EXTENT OF
WHICH TO COMPLY WITH BCA PART 3.8.1 (WET
AREAS)



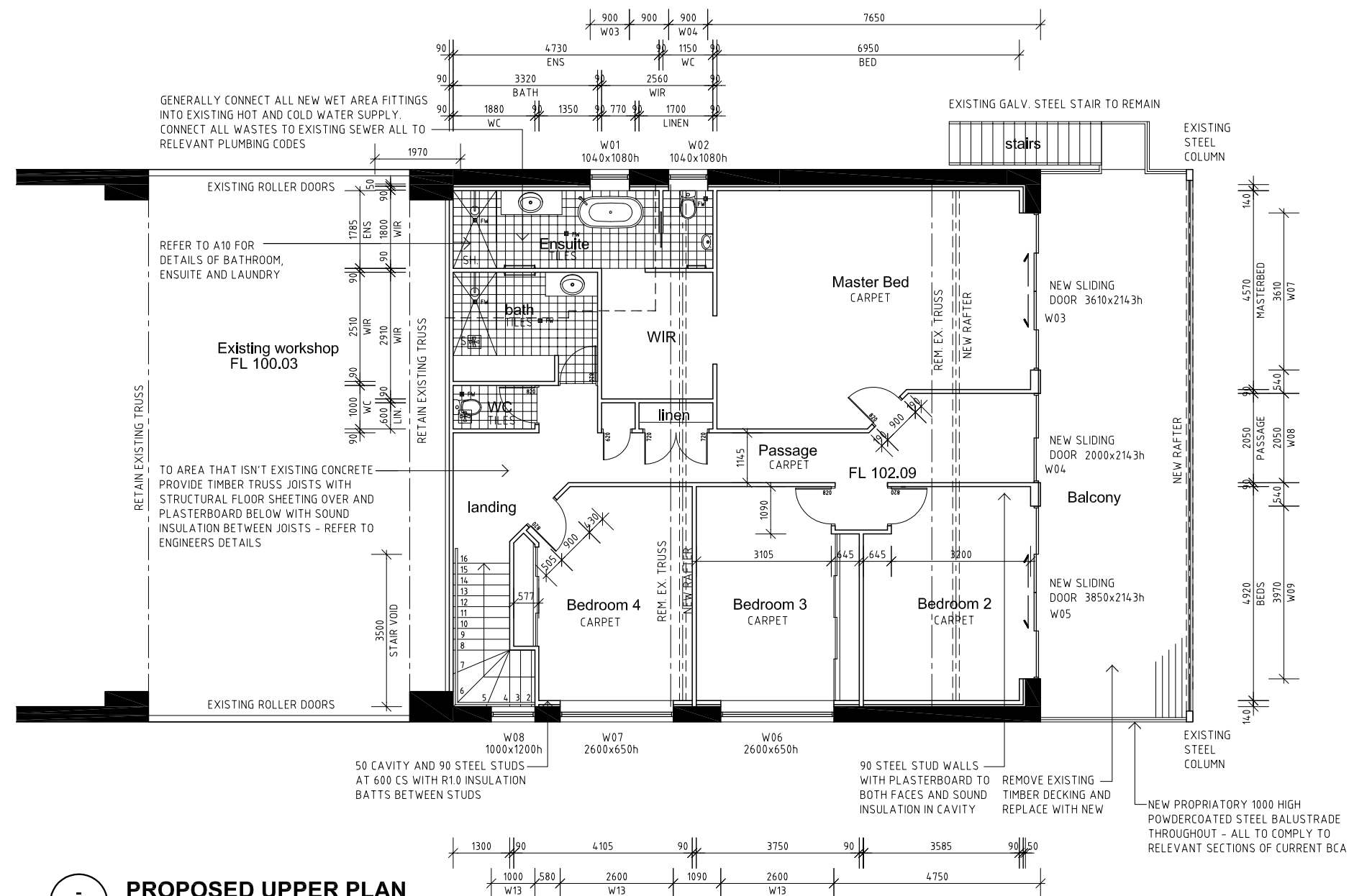
Mobile: 0402 349 224

Email: info@planninghorizonswa.com.au

Web: www.planninghorizonswa.com.au

Issue	Date	Amendment	By	Issue	Date	Amendment	By	<div>sgb drafting services</div> <div>162 Smith Road Bullsbrook WA 6084 m 0400 508 585 p 08 9571 1847 e sgbdraftingservices@bigpond.com</div> <div>architectural drafting and design service from concept to completion</div>	Scale (@ A3)	1:100	Date	FEB17	Job No.	.	Drawn	sgb	Checked		
A	JAN22	ISSUED FOR RETROSPECTIVE PLANNING APPROVAL	sgb															Drawing No.	Issue
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COPYRIGHT OF DESIGN SHOWN HERE IS RETAINED AND AUTHORITY FOR ANY REPRODUCTION, IF IN DOUBT ASK, FOLLOW WRITTEN DIMENSIONS ONLY, DO NOT SCALE OFF, DO NOT KEEP SUPERSEDED DRAWINGS ON SITE.											Drawing Title						GROUND PLAN 118 BELL ROAD GINGIN		

Issued for Retrospective
Planning Approval



GENERAL NOTES

DO NOT SCALE FROM THIS DRAWING, USE FIGURED
DIMENSIONS ONLY. ALL DIMENSIONS TO BE CHECKED ON
SITE PRIOR TO ORDERING MATERIALS.

REFER TO SITE PLAN FOR CORRECT ORIENTATION OF HOUSE ON SITE.

ALL JOINERY SHOWN IS INDICATIVE. REFER TO ROOM LAYOUT DRAWINGS

FOOTINGS & FLOOR SLABS;
TO STRUCT. ENGR'S. DESIGN. GROUND FLOOR SLAB TO BE
TYPICALLY LAID ON DPM (REFER TO SPEC).

PLUMBING
PLUMBER TO INSTALL FLOOR WASTES AS REQUIRED IN
ACCORDANCE WITH RELEVANT CODES

WALL CONSTRUCTION:
EXISTING WALLS LINED WITH STEEL STUD AND
PLASTERBOARD WITH R1.0 INSULATION IN CAVITY

INTERNAL WALLS
90mm STEEL STUD/PLASTERBOARD TO BOTH SIDES WITH
REQUIRED SOUND INSULATION IN CAVITY

RWP:
PROVIDE 90x45 RAINWATER DOWN PIPES TO SUIT GUTTER
PROFILE.

SMOKE DETECTORS
TO BE HARDWIRED TO AS 3786

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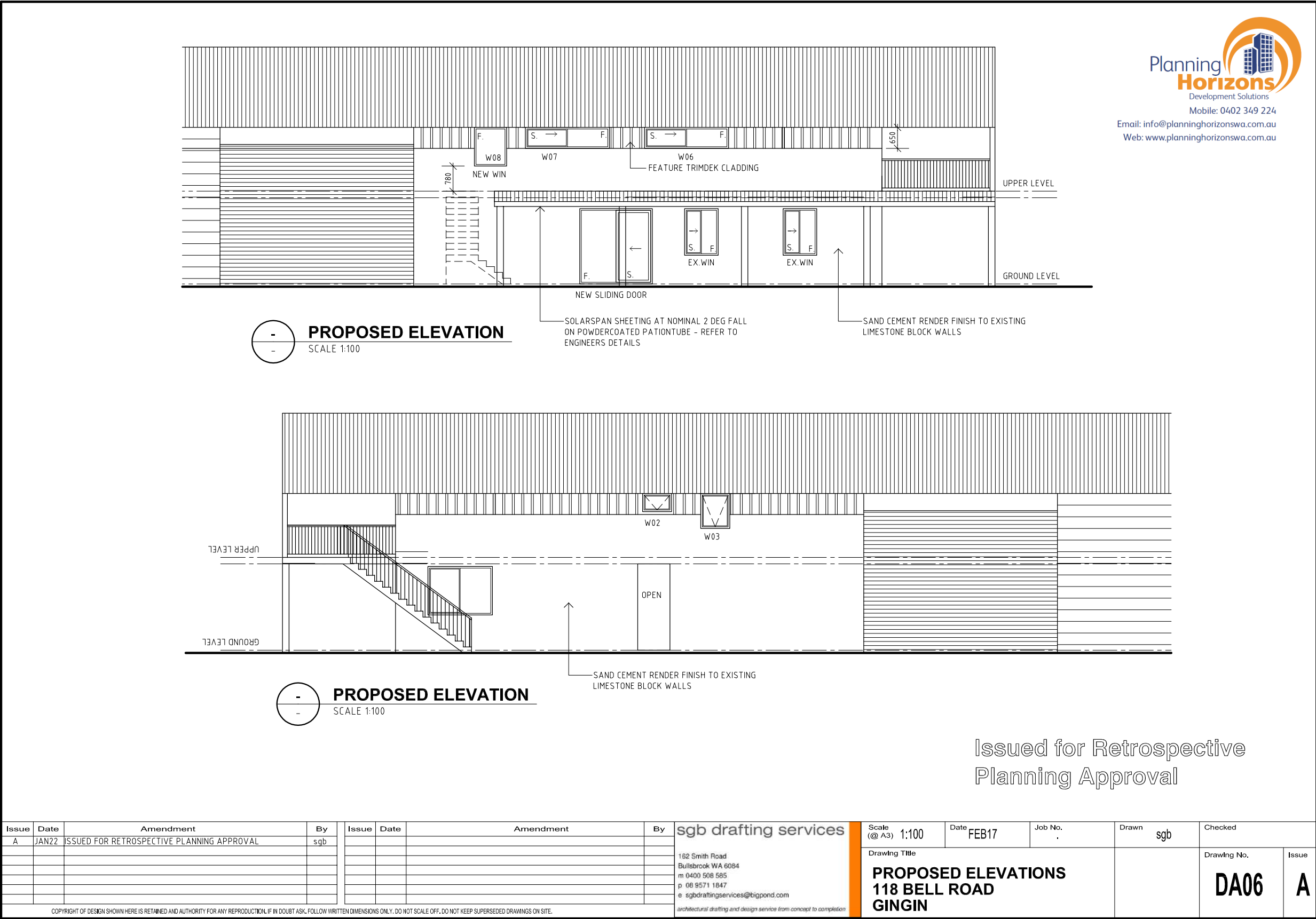


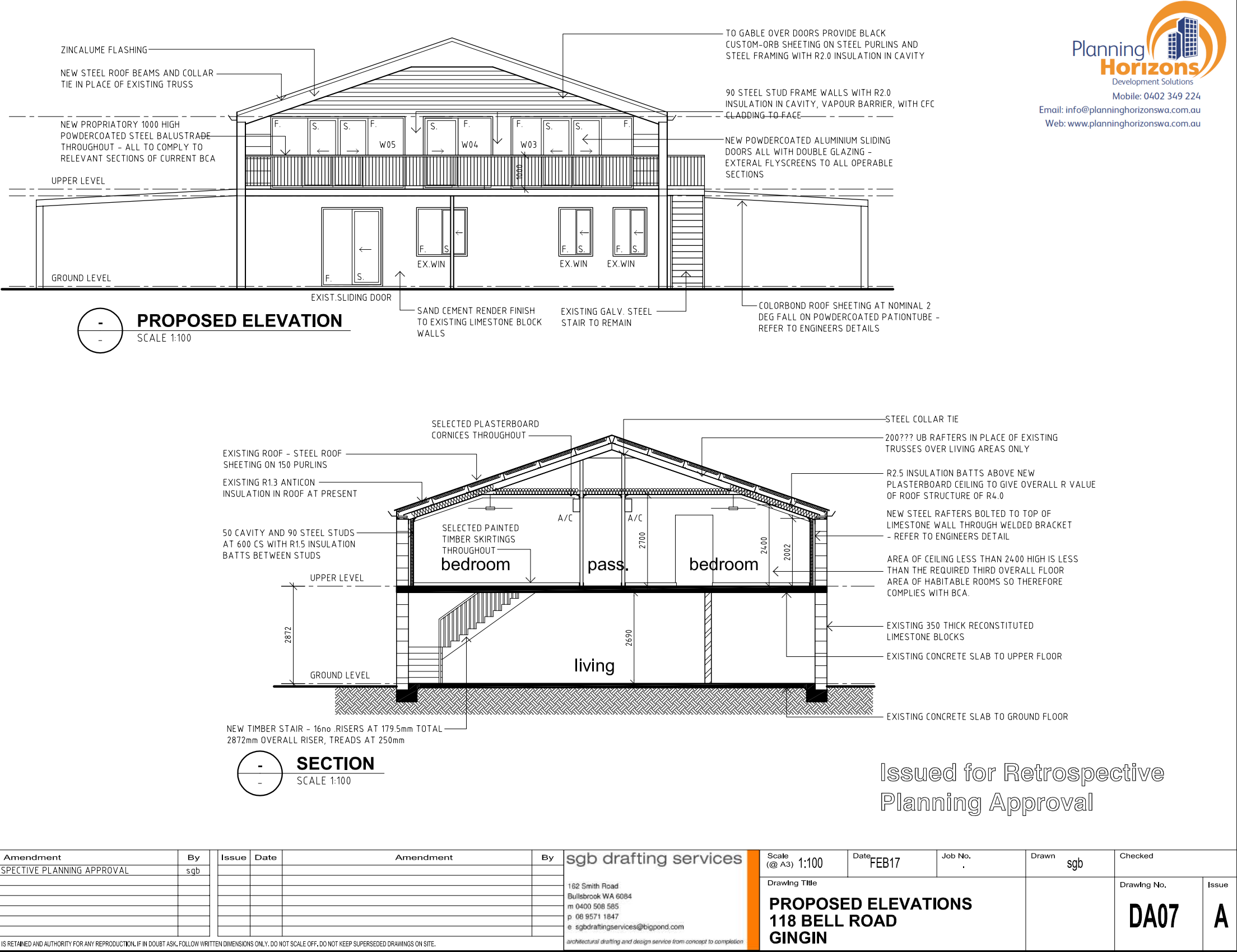
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A	JAN22	ISSUED FOR RETROSPECTIVE PLANNING APPROVAL	sgb						Drawing Title									Drawing No.	DA05	Issue	A
																					
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13.8 SUBDIVISION REFERRAL - PROPOSED TWO LOT SUBDIVISION OF LOT 404 (5297) BRAND HIGHWAY, BEERMULLAH

This matter was brought forward for consideration as the first item of business for Section 13 Reports – Regulatory and Development Services. See Page 126.

File	LND/701
Applicant	LK Advisory
Location	Lot 404 (5297) Brand Highway, Beermullah
Owner	J.A.M Holdings WA Pty Ltd
Zoning	General Rural (uncoded)
WAPC No	161950
Author	James Bayliss – Coordinator Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	16 June 2020 - Item 11.3.1
Appendices	<ol style="list-style-type: none"> 1. Location Map - Lot 404 (5297) Brand Highway, Beermullah [13.8.1 - 1 page] 2. Aerial Map - Lot 404 (5297) Brand Highway, Beermullah [13.8.2 - 1 page] 3. Applicant's Proposal [13.8.3 - 21 pages]

DISCLOSURES OF INTEREST

Councillor Kestel declared an impartiality interest as Trandos Corn sponsor the Gingin Football Club of which he is the President.

PURPOSE

To consider a subdivision referral from the Western Australian Planning Commission (WAPC) to create two lots from Lot 404 (5297) Brand Highway, Beermullah.

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 lot is 252 hectares in area and currently contains three irrigation pivots, a holding dam, various storage sheds and a single house. The irrigation pivots are approximately 11.3 hectares in area and comprise a total footprint of 35 hectares.

The proposed subdivision seeks approval to create two green title lots, resulting in Lot 1 being 107 hectares in area and Lot 2 being 145.7 hectares in area. Prospective Lot 2 will contain the existing infrastructure referenced above while Lot 1 will be vacant.

The proposal is being presented to Council as the assessing officer is of the view that the subdivision proposal is not consistent with Local Planning Scheme No. 9 and does not meet the exceptional circumstances for the subdivision of rural land under Development Control Policy 3.4 (DCP 3.4).

A location plan and aerial imagery are provided as **Appendix 13.8.1** and **Appendix 13.8.2** respectively.

A copy of the subdivision plan and applicant's proposal are provided as **Appendix 13.8.3**.

COMMENT

Stakeholder Consultation

Not applicable.

PLANNING FRAMEWORK

Local Planning Strategy (LPS)

The Shire's Local Planning Strategy (LPS) identifies the vision for the municipality, and longer-term directions for land use and development. The LPS also accounts for the rural areas of the municipality and plans for the land use, settlement pattern, management and development of these extensive non-urban areas. The LPS is largely implemented through Local Planning Scheme No. 9.

Section 2.3.6.2 of the LPS relates to rural areas and states the following:

Rural land is a finite resource in the Shire of Gingin and represents the only land available for diverse, sustainable rural activities and potential non-rural growth and development opportunities in the very long term. The ability of rural land to sustain its primary function and utility is threatened by instances where rural land is seen as a resource for subdivision.

There is a general presumption against subdivision of rural land in the Shire.

Part 3.3.7 of the LPS outlines policy positions and actions, one being the introduction of a coding mechanism for rural land that sets out minimum lot sizes. The coding mechanism has been incorporated into LPS 9 which will be outlined below. This section goes on to outline that, when considering proposals for subdivision of rural land, Council will consider whether the proposal:

i. is consistent with the objectives and intent of State Planning Policy;

Officer comment

This is addressed further in the report below.

iv. is supported by demonstrated demand and justified in terms of achieving productive use of rural land and/or net environmental benefit;

Officer comment

The applicant has not demonstrated that there is any demand for the subdivision. The applicant has however outlined the landowner's rationale for the subdivision, being to unlock equity for the landowner. Simply outlining potential uses capable of approval in the General Rural zone, as outlined under the zoning table, does not demonstrate a demand for the resultant lot sizes.

v) has the ability to provide necessary services to the development cost-effectively;

Officer comment

The applicant advises that the existing landowner holds a significant water entitlement which is ample to service the current irrigated horticulture development on the property. The applicant goes on to say that if the subdivision were to eventuate, and a prospective purchaser wanted a water allocation to facilitate a rural use, then they may obtain a water licence by either leasing from an existing license holder or seeking a new water license from the Department of Water and Environmental Regulation (DWER). The application also suggests that the current landowner may sell/lease a portion of their current entitlement.

It should be noted that there is no obligation on the current landowner, or any license holder within the catchment, to lease or sell a portion of their water entitlement to a prospective purchaser. Water licenses do not run with the land.

Notwithstanding the above, the submission does not outline whether the groundwater aquifer has capacity for additional licensing. The officer's understanding, after speaking with DWER, is that no new licenses will be issued given the aquifer is fully allocated, and that the only ability for water would be to purchase or lease from an existing holder.

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.*

‘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:

<i>Code</i>	<i>Minimum Lot Size</i>
<i>GR10</i>	<i>10 Hectare</i>
<i>GR20</i>	<i>20 Hectares</i>
<i>GR30</i>	<i>30 Hectares</i>
<i>GR40</i>	<i>40 Hectares</i>

UNCODED Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4.

Officer comment

The subject land is ‘uncoded’ general rural land, with the above clause outlining that any further subdivision will not be supported unless it meets the exceptional circumstance requirements under DCP 3.4. This provision very clearly outlines the basis for subdividing uncoded rural land within the Shire. This provision has strategically and deliberately been incorporated into LPS 9, with regard to the intent of the LPS and to fulfil the relevant actions of the LPS.

To dismiss the specific nature of this provision, which the application suggests doing in favour of a merits-based approach, does not represent orderly and proper planning.

State Planning Policy 2.5 – Rural Planning (SPP 2.5)

The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. SPP 2.5, as provided at cl 3.3 (b), is to be used in tandem with DCP 3.4 in decision making on subdivision proposals for rural zoned land.

The officer intends to outline the relevant provisions of SPP 2.5 and DCP 3.4 and then provide commentary in relation to the proposed subdivision further in the report below.

The officer highlights the below objectives for Council's attention:

- (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;*
- (e) *avoid and minimise land use conflicts;*

SPP 2.5, as provided at cl 5.1, seeks to protect rural land and land uses by:

- (e) *creating new rural lots only in accordance with the circumstances under which rural subdivision is intended in Development Control Policy 3.4: Subdivision of rural land;*
- (f) *preventing the creation of new or smaller rural lots on an unplanned or ad-hoc basis, particularly for intensive or emerging primary production land uses;*
- (g) *comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land; and*

Cl 6.5 'Subdivision' of SPP 2.5 states:

It is the view of the WAPC that there are sufficient, suitably sized and located rural lots to cater for intensive and emerging primary production land uses. Creation of new rural lots through ad hoc, unplanned subdivision will not be permitted.

In contemplating subdivision proposals on rural land, WAPC policy is:

- (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;*
- (b) *the creation of new or smaller rural lots by exception may be provided for in other State Planning Policies and/or a local planning strategy or scheme;*
- (c) *no other planning instruments besides those listed at (a) or (b) can provide for the subdivision of rural land; and*
- (d) *the introduction of new dwelling entitlements or other sensitive land uses should not limit or prevent primary production from occurring.*

Development Control Policy 3.4 – Subdivision of Rural Land (DCP 3.4)

DCP 3.4 at cl 2 says that it is an operational policy to guide subdivision of rural land to achieve key objectives of SPP 2.5. At cl 5, DCP 3.4 states that when determining subdivision proposals on rural land, the following measures apply:

- (a) the creation of new or smaller lots will be by exception;*
- (b) proposals will be considered against strategies and schemes;*
- (c) adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and*
- (d) proposals will be assessed against any relevant State planning policies and/or operational policies.*

Clause 6 of DCP 3.4 sets out the exceptional circumstances under which subdivision of rural land can be considered. This is an important section as it is afforded significant weight via clause 4.8.6.1 of LPS 9. The circumstances include:

- (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.*

Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits.

Cl 4 of DCP 3.4 states;

Where local conditions require subdivision or creation of land parcels for this purpose, it should be provided for in a strategy or scheme and supported by evidence from an agency responsible for agriculture and food.

Officer comment

The below comments address various aspects of the abovementioned considerations.

- It should be noted that land to the north (Lot 32 Douglas Road) contains an Animal Husbandry - Intensive use that consist of nine poultry sheds. Clause 5.7 of SPP 2.5 outlines the importance of having adequate buffer distances between poultry farms and sensitive receptors. Similar to the irrigated horticulture development on the subject land, rural use of this nature is typically compatible within the rural environment, mainly due to rural land generally being large in area and best suited to providing adequate buffer distances to adjoining properties and sensitive land uses.

Appendix 1 of the *Environmental Protection Authority - Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No. 3 (EPA Guidance Statement)* outlines that a buffer distance of between 300-1000 metres is applicable for 'Poultry Industries' to a sensitive land use depending on size of the operation. The development to the north is significant and was assessed on the basis of a 1000m separation distance. This results in an encroachment of ~670 metres into the northern portion of proposed Lot 1, affectively sterilising that portion of land from containing a sensitive receptor.

Furthermore, Lot 2 contains the existing irrigated horticulture development that requires a buffer of between 300-500 metres to a sensitive receptor under EPA Guidance Statement. The buffer from the northernmost pivot would therefore encroach, at a minimum (using the lower buffer distance), approximately 180 metres into the southern portion of proposed Lot 1, affectively sterilising that portion of land from containing a sensitive receptor.

Should the poultry farm seek to expand on land available to the south of the existing sheds, or the irrigated horticulture development on the subject site seek to install an additional pivot on the western portion of Proposed Lot 2 (neither of which are an improbable scenario), depending on which occurs first (i.e. construction of dwelling or expansion of the existing uses), one of the prospective developments would be compromised as a direct result of this subdivision proposal.

This application therefore enables additional sensitive receptors into a rural environment surrounded by intensive rural uses. The consequence may be that those existing rural uses have limited opportunity for future expansion. This scenario should be avoided.

The applicant asserts that land use conflict is addressed at the development approval stage, however the officer disagrees and suggests that foreseeable conflict should be avoided at the earliest opportunity in the regulatory process, in this case being the subdivision stage.

- The resultant size of Lot 1, being 107 hectares, is not a particularly large rural landholding for the purpose of extensive agriculture, and the commercial viability of a standalone grazing or cropping enterprise has not been outlined. However, they are typically suited to larger lots, hence the reasons for the presumption against a reduction in rural land sizes. The more intensified uses that could arguably operate on the property would require a water entitlement, which currently does not exist and is unable to be enforced by the planning regime.
- The policy should be read in the context of there being an existing supply of suitably sized and located rural lots to cater for intensive and emerging primary production land uses. The local conditions do not require the creation of land parcels for this purpose. Sufficient land for intensive production exists in the locality. Further land creation is not supported by the LPS or LPS 9. The proposal is therefore inconsistent with this component of DCP 3.4.
- Creation of smaller lots should be by exception, and there are no unusual or exceptional circumstances that apply to the subject property
- Both The LPS and LPS 9 outline a clear presumption against subdivision of rural land, and LPS 9 explicitly states the parameters by which subdivision of uncoded land may be considered.
- The submission references Hogan v WAPC (2019) WASAT 35. There are some distinguishing differences between the two applications.
 - The relevant local government's planning scheme in that instance was silent on the subdivision of rural land. The Shire of Gingin's LPS 9 is not silent and sets out clear subdivision considerations which the proposal does not satisfy.
 - The Tribunal considered the subdivision in accordance with DCP 3.4 and SPP 2.5 and the intent of the local planning framework, with an understanding that the Tribunal is not to inflexibly apply the policies. In that particular situation, a 'merits-based approach' was applied and consideration was given to whether the framework excluded consideration of the proposed subdivision. In this situation, LPS 9 provisions are clear. They carry greater weight than those of SPPs and specifically exclude subdivision unless exceptional circumstances apply, which is not the case in this instance.
 - The example under review did not have an issue of land use conflict. In this instance, due to additional sensitive receptor entitlements that will eventuate through an additional title, existing buffer distances will affect the newly created lot or prevent future expansion of those rural uses.

The officer is of the view that Hogan v WAPC (2019) was considered under different circumstances and does not have any great influence on the overall assessment, or persuade the officer to suggest that approval should be forthcoming. This notwithstanding, even if it were exclusively a 'merits based' assessment, the officer is still of the view that there is no sound planning basis for the proposed subdivision.

The basis for the subdivision seems to be to free up equity for the current landowners. If that were a cogent reason to depart from the planning framework, then rural land fragmentation would be widespread.

Summary

The officer is of the view that the proposed subdivision is inconsistent with the following:

- Clause 4.8.6.1 of LPS 9;
- Objective (a) and (e) of SPP 2.5;
- Clause 5.1 (e), (f) and (g) of SPP 2.5;
- Clause 6.5 (a), (b), (c) and (d) of SPP 2.5;
- Clause 5 (a), (b), (c) and (d) of DCP 3.4;
- Clause 4 of DCP 3.4; and
- Clause 6 of DCP 3.4;

As such, the officer recommends that Council advise the WAPC that the proposed subdivision is not supported.

STATUTORY/LOCAL LAW IMPLICATIONS

Shire of Gingin Local Planning Strategy

Shire of Gingin Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 2.5 – Rural Planning

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

Operational Policy 1.1: Subdivision of Land (General Principles)

Development Control Policy 3.4 – Subdivision of Rural Land

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Sorensen

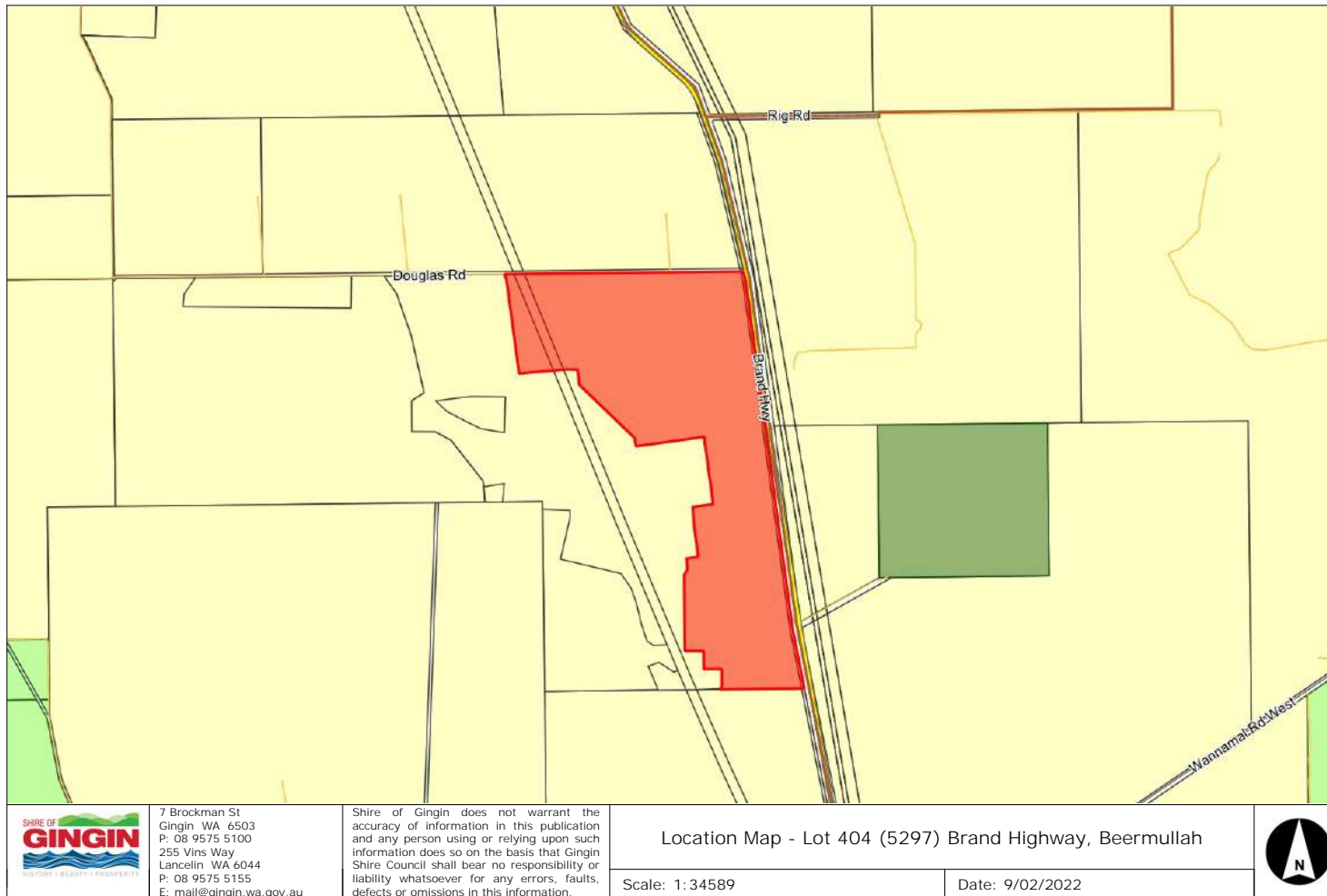
That Council advise the WAPC that the proposal for a two lot subdivision of Lot 404 (5297) Brand Highway, Beermullah is not supported for the following reasons:

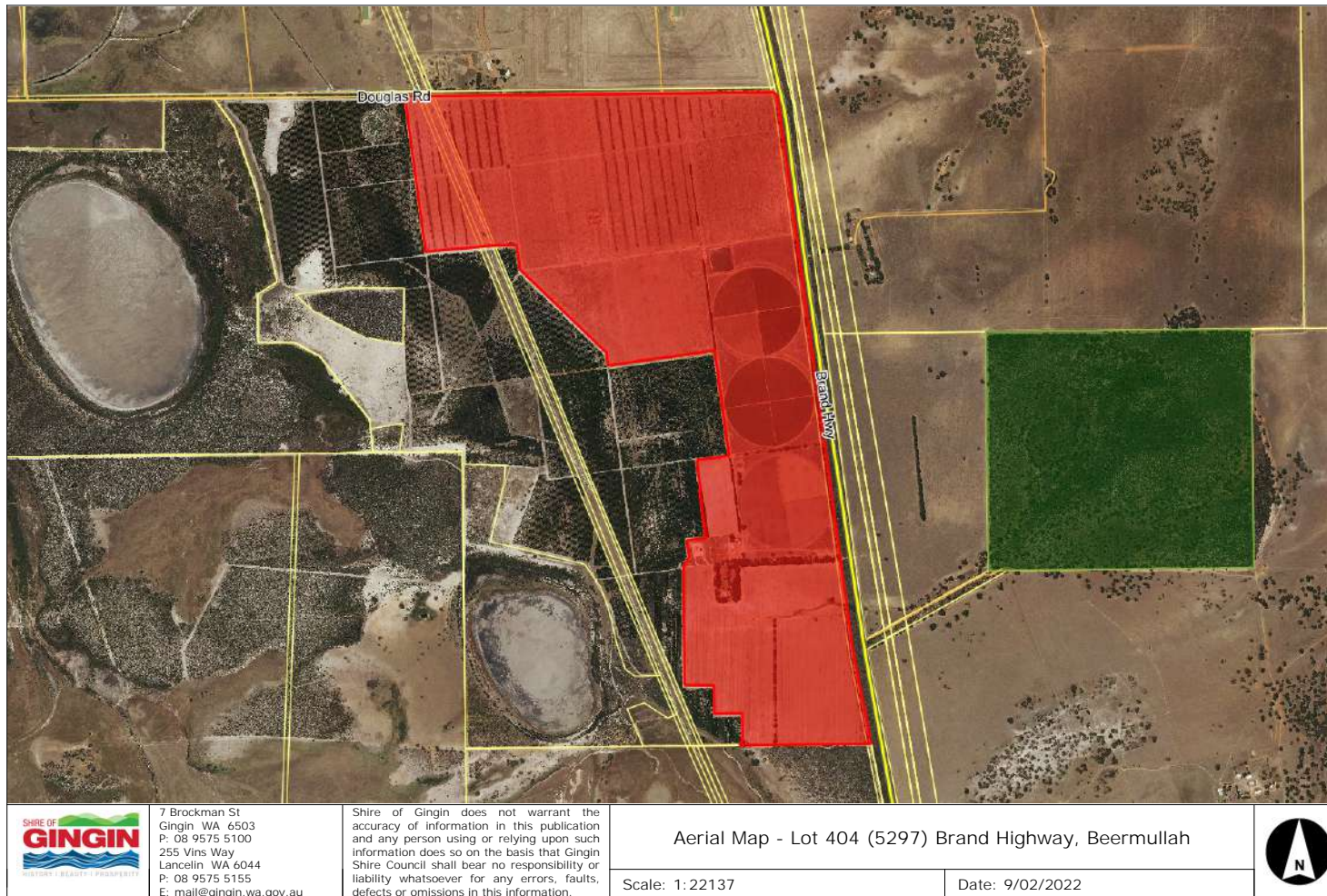
1. The proposed subdivision is inconsistent with clause 4.8.6.1 of Local Planning Scheme No. 9;
2. The proposed subdivision is inconsistent with State Planning Policy 2.5 – Rural Planning; and
3. The proposed subdivision is inconsistent with Development Control Policy 3.4 – Subdivision of Rural Land.

**CARRIED
7 / 2**

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

AGAINST: *Councillor Kestel and Councillor Peczka*





L K A D V I S O R Y

Urban & Regional Planning | Strategy | Policy | Governance | Performance

28 January 2022

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Submitted via ePlan on-line lodgement

Dear Sir/Madam,

Subdivision Application – Lot 404 (No. 5297) Brand Highway, Beermullah

On behalf of the owners of Lot 404 (No. 5297) Brand Highway, Beermullah (J.A.M Holdings WA Pty Ltd), we submit this application to subdivide the subject land into two lots, as shown in the plan of subdivision included as **Attachment 1**.

Relevant details and justification in support of this proposal are outlined below.

1. Lot description

The subject land is owned by J.A.M Holdings WA Pty Ltd and is described as Lot 404 (No. 5297) Brand Highway, Beermullah, on Deposited Plan 71187, Certificate of Title Volume No. 2773, Folio No. 766.

Lot 404 is 252.7177 hectares in area and is located approximately 23 km north-northwest of the Gingin townsite. The lot has an irregular shape, with a width ranging from 1.59 km to 416 m, as shown in **Attachment 1**.

The property is bordered to the west by Lot 403 Douglas Road (comprising a commercial tree plantation); to the south by Lot 11 (No. 116) Drew Road; to the east by Brand Highway (a frontage of approximately 2.8 km); and to the north by Douglas Road (a frontage of approximately 1.59 km). A poultry farm is situated opposite Lot 404, north of Douglas Road, on Lot 32 (No. 120) Douglas Road, Beermullah.

The property is zoned General Rural – Uncoded under the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9).

2. Site characteristics

Access and egress for Lot 404 is available from Douglas Road along the northern frontage and Brand Highway along the eastern frontage of the property.

The land slopes gently downwards from Brand Highway towards the western property boundary – from a high point of 115 m AHD in the northeastern corner of the property to 65 m AHD along the western property boundary, over a distance of approximately 1.5 km (see **Attachment 1**).

A powerline easement traverses the northwestern corner of Lot 404, while the Dampier – Bunbury Natural Gas Pipeline Corridor is located east of the property, on the opposite side of Brand Highway.

Before being purchased by J.A.M Holdings WA Pty Ltd in September 2016, Lot 404 was operated as an irrigated commercial *Paulownia* tree farm – a use that dated back to approximately 2003/2004. Prior to that, the property had historically been used for broadacre farming and grazing, resulting in the clearing of almost all native vegetation from the land.

O: Suite 3, 1 Wexford St, Subiaco WA 6008 W: lkadvisory.com.au P: PO Box 244, Applecross WA 6953

Numerous farm buildings and irrigation infrastructure exist on the property, including a lined dam measuring approximately 98.5 m x 87 m, located near the northern boundary of proposed Lot 2.

Lot 404 enjoys access to plentiful groundwater resources and comprises fertile soils that are ideally suited to a variety of horticultural and agricultural pursuits.

Table 1 over the page identifies the land capability of Lot 404 to support land the uses of Annual Horticulture, Perennial Horticulture and Vineyards, based on soil mapping data sets provided by the Department of Primary Industries and Regional Development (DPIRD).

This data confirms that Lot 404 has high to very high land capability for intensive agricultural use, with very few physical limitations present and easily overcome, and negligible risk of land degradation. References for this land capability data are provided below:

- van Gool, D, Tille, P J, and Moore, G A. (2005), *Land evaluation standards for land resource mapping: assessing land qualities and determining land capability in south-western Australia*. Department of Agriculture and Food, WA. Report 298) (<https://researchlibrary.agric.wa.gov.au/cgi/viewcontent.cgi?article=1279&context=rmttr>).
- van Gool, D, and Runge, W. (1999), *Coastal Land and Groundwater for Horticulture from Gingin to Augusta*. Department of Primary Industries and Regional Development, Western Australia, Perth. Report 181.
- <https://catalogue.data.wa.gov.au/dataset/land-capability-annual-horticulture>
- <https://catalogue.data.wa.gov.au/dataset/land-capability-perennial-horticulture>
- <https://catalogue.data.wa.gov.au/dataset/land-capability-vineyards>

3. Current Use

Lot 404 is used by J.A.M Holdings WA Pty Ltd for intensive horticultural purposes – growing sweet corn and green beans, in accordance with a Shire of Gingin development approval dated 24 June 2020.

Each year, J.A.M Holdings WA Pty Ltd produces sweet corn and green beans on Lot 404 for local, national, and international markets, as part of the Trandos Farms Group, under the commercial label – West Australian Corn Growers.

J.A.M Holdings WA Pty Ltd's existing horticultural operation on Lot 404 comprises three circular crops, centrally located on the eastern side of the property. Each circular crop is approximately 11.3 ha in area, reticulated by a 190m long irrigation pivot, producing an overall irrigation diameter of 380m per crop. This commercially successful operation occupies only 58 ha of Lot 404, equating to just 23% of the total lot area. The remainder of the property is largely unused and not required for our client's existing horticultural operations.

J.A.M Holdings WA Pty Ltd seeks to excise and dispose of 107 hectares of land from the northern portion of Lot 404, illustrated as proposed Lot 1 in **Attachment 1**. This land would otherwise remain dormant and unused for the foreseeable future. The balance of the property, being proposed Lot 2 of 145.7 ha) would remain in the ownership of J.A.M Holdings WA Pty Ltd.

This proposed subdivision will unlock valuable equity for J.A.M Holdings WA Pty Ltd to invest back into its operations on proposed Lot 2. Even after the existing operating footprint of 58 ha is deducted from the area of proposed Lot 2, approximately 87.7 ha of land will remain vacant and available on that lot for expansion of the existing horticultural operations in future, if required. In other words, the vacant land remaining on proposed Lot 2 will be 1½ times greater than the total area currently occupied by J.A.M Holdings WA Pty Ltd's horticultural operations on site.

Table 1 – Land Capability for Intensive Agriculture on Lot 404

Land Capability Classification	Map
<p>Annual Horticulture (DPIRD-030):</p> <p>Annual Horticulture refers to the production of irrigated horticultural crops from plants with short-term life cycles (typically completed within the period of a year). Crops include annual fruits (strawberries, melons, etc.), vegetables (e.g. potatoes, lettuce, cabbages, tomatoes, pumpkins, etc.), commercial turf production and cut flowers.</p> <p>The Land Capability Classification for Annual Horticulture on Lot 404 is as follows –</p> <p>Predominantly B1 (>70% of the land has moderate to very high capability) with small areas of C2 (>70 % of the land has low to very low capability).</p>	
<p>Perennial Horticulture (DPIRD-033):</p> <p>Perennial Horticulture refers to the production of irrigated horticultural crops on plants with long life-cycles (typically trees, shrubs or woody vines). Included are orchard crops (e.g. apples, citrus, stone fruit, avocados, nuts, etc.) and vineyard crops (e.g. grapes and kiwifruit). Although the plants are perennial, crops are harvested annually.</p> <p>The Land Capability Classification for Perennial Horticulture on Lot 404 is as follows –</p> <p>Predominantly A1 (>70% of the land has high capability) with small areas of the property having a rating of B1 (>70% of the land has moderate to very high capability) and C2 (>70 % of the land has low to very low capability).</p>	
<p>Vineyards (DPIRD-034):</p> <p>Vineyards refers to the production of wine and table grapes.</p> <p>The Land Capability Classification for Vineyards on Lot 404 is as follows –</p> <p>Predominantly A1 (>70% of land has high capability) with small areas of the property having a rating of B1 (>70% of the land has moderate to very high capability) and C2 (>70 % of the land has low to very low capability).</p>	

4. Proposal

This application proposes to subdivide Lot 404 into two new lots, as shown in the subdivision plan provided in Attachment 1.

Proposed Lot 1 will be approximately 107 hectares in area with a 610.3m frontage to Brand Highway and a 1,581.7m frontage to Douglas Road. Proposed Lot 2 will be approximately 145.7 hectares in area with a 2.2km frontage to Brand Highway.

All existing buildings and structures are proposed to be retained.

Importantly, this subdivision:

- (a) Will result in the creation of two large rural lots, consistent with the prevailing lot sizes in the locality, generally west of Brand Highway and South of the Moore River Nature Reserve (Refer to Attachment 2 and Figure 2);
- (b) Aligns with the Shire of Gingin's planning objectives to support intensive horticulture and facilitate diversification of rural land uses;
- (c) Accords with the Shire of Gingin's strategy to graduate the lot sizes from the smaller rural lots to the southwest of the subject land to the larger broadacre lots to the northeast (Refer to Attachment 2);
- (d) Creates a logical lot boundary that aligns with overhead power infrastructure (Refer to Attachment 1);
- (e) Will not result in the need to clear any remnant vegetation; and
- (f) Will not compromise the future agricultural use of the land.

5. Planning Assessment

Having undertaken a comprehensive assessment of the planning framework affecting Lot 404, we consider the general presumption that exists against subdivision of rural land is neither applicable nor appropriate in the circumstances of this proposal, and contradicts numerous Shire of Gingin aims, objectives and strategies pertaining to rural land and agricultural diversification. The basis for our opinion is set out in the following paragraphs.

5.1 Local Planning Strategy

The Shire of Gingin Local Planning Strategy (Strategy) was endorsed by the Western Australian Planning Commission (WAPC) in 2012, around the same time that Local Planning Scheme No. 9 (LPS 9) was gazetted and came into effect.

In Part 2.1 – State and Regional Context, the Strategy states:

"The Shire has an economic base of agriculture and fishing, however in recent years Gingin has become known for its horticultural industry. The presence of water resources, suitable soils and climate and proximity to markets, has made Gingin an important area for horticultural expansion, catering for new producers and growers displaced by increased urbanisation in the Perth Metropolitan Region."

This recognition of the importance of horticulture in the Shire of Gingin is reinforced throughout the Local Planning Strategy, including in part 2.3.6.2 Rural Areas, which outlines the Shire's capacity to accommodate 'diverse, sustainable rural activities' as evidenced by our client's current operations on the subject land.

The Strategy also expresses a 'general presumption against subdivision of rural land' based on possible threats to rural land and agricultural production, which are discussed below relative to this proposal:

- "Urban development and the perception that land may be suitable for subdivision in the future"

This is not applicable to this proposal as the land is remote from any urban front and is not intended to be used for residential subdivision or development.

– ***“Compatibility of small-scale agriculture and horticulture with larger-scale agriculture and grazing”***

This subdivision will create two lots, each greater than 100 ha in area, being of ample size to accommodate a variety of small and large-scale horticultural, agricultural, or grazing activities. If small-scale agriculture and horticulture are proposed on either of the proposed lots in future, then the compatibility of those uses with larger-scale agriculture and grazing will be assessed at the development application stage, according to the specific nature of activities proposed.

– ***“Land clearing restrictions;”***

This is not applicable, as the subject land is already extensively cleared, and this subdivision will not result in the further clearing of any existing native vegetation.

– ***“fragmentation of rural land in terms of its ability to sustain changing agricultural and other rural uses, and provide the potential for growth and development in the long term.”***

The lot sizes proposed by this subdivision (each greater than 100 ha) will not result in fragmentation of rural land in a manner that compromises the land’s ability to accommodate changes in agricultural and other rural uses, nor will this subdivision impede the land’s ability to provide for potential growth and development in the long term.

It is evident from the above that none of the reasons underpinning the Local Planning Strategy’s general presumption against subdivision of rural land are applicable to this proposal, given the substantial size of the proposed lots, their compatibility with prevailing lot sizes in the locality, and their capability and suitability to accommodate a range of horticultural, agricultural, and grazing purposes, in accordance with LPS 9.

Part 3.3.7 of the Strategy outlines a ‘coding mechanism’ relating to the subdivision of Rural zoned land. The described intent of this ‘coding mechanism’ is discussed below relative to this proposal:

i. ***“Limits the subdivision of rural land”;***

This coding mechanism does not prevent or preclude the subdivision of rural land, but rather seeks to limit such subdivision where it is inconsistent with other stated factors.

Much of the General Rural zoned land in the Shire (including Lot 404) is ‘uncoded’. No minimum lot size is specified for ‘uncoded’ rural land, with subdivision only being supported by the Shire in exceptional circumstances. We contend that the proposed subdivision of Lot 404 meets those requirements.

ii. ***“Has due regard to prevailing rural lot sizes in the surrounding locality”;***

The proposed subdivision will create lot sizes consistent with the prevailing lot sizes in the locality, as evidenced by **Attachment 2** and **Figure 2** (over page). This data clearly identifies that:

- More than 50 lots in the locality are 50 ha or less in area.
- More than 10 lots in the locality are 50 – 100 ha in area.
- Lots up to 100 ha in size span a combined geographical area of approximately 21,000 ha and account for most of the rural land in the locality.
- The proposed subdivision will reduce (by one) the number of lots in the locality that are 150 – 300 ha in area (from 18 to 17) and will correspondingly increase (by two) the number of lots that are 100 – 150 ha in area (from 20 to 22). This minor redistribution of lot sizes will not result in any material change to the prevailing average lot sizes in the locality.

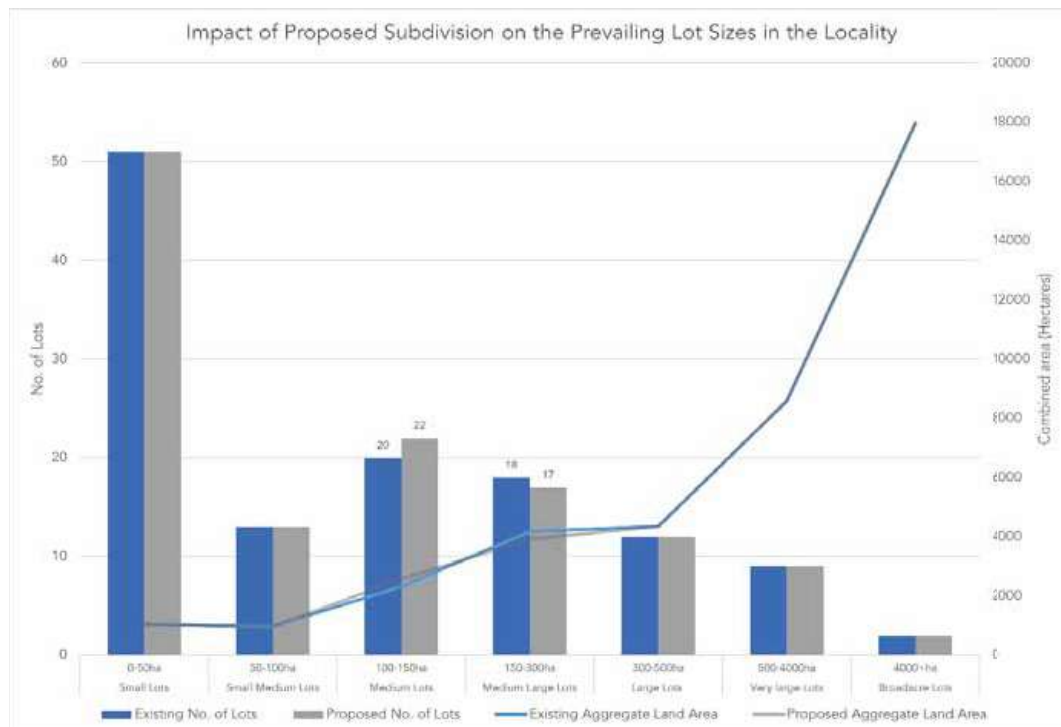


Figure 1 – Analysis of the Impact of the Proposed Subdivision on Prevailing Lot Sizes in the Locality (Refer to Attachment 2 for the spatial scope of this analysis)

- iii. *“Provides for rural lot sizes that graduate generally from smaller to larger at the interface with the broad acre rural/agricultural land”;*

The proposed subdivision of Lot 404 accords with this intent and will create two lots, each greater than 100 ha, providing an appropriate graduation of lot sizes from the prevailing smaller rural lots to the southwest of the property and the larger broadacre lots to the northeast of the property (refer to Attachment 2).

- iv. *“Has due regard to land capability, physical constraints, the 100-year flood plain and protection/improvement of environmental attributes”.*

The subdivision of Lot 404 will establish a logical boundary between two proposed large rural lots. Both lots are highly accessible, unconstrained for rural use, and possess physical characteristics that make them suitable and capable of accommodating a wide range of rural uses in accordance with LPS 9.

The Local Planning Strategy indicates the Shire will have regard to the following matters when considering applications for subdivision of rural land. Our comments on each is provided below, relative to this proposal:

1. *“Consistency with the objectives and intent of state planning policy”;*

This is comprehensively addressed in section 5.3 of this proposal.

2. *“Supported by demonstrated demand and justified in terms of achieving productive use of rural land”;*

As proposed Lot 2 will remain in the ownership of J.A.M Holdings WA Pty Ltd to continue its existing horticultural operations on the site, only proposed Lot 1 (being 107 ha in area) would become available for sale in future. The proposed size of Lot 1, together with its accessibility and physical attributes, make it an attractive property for agricultural diversification and the productive use of rural land.

3. "Has the ability to provide necessary services, i.e. water supply";

Proposed Lot 1 will have frontage to Douglas Road and Brand Highway, while proposed Lot 2 will retain the property's existing access to Brand Highway.

Lot 404 is serviced by grid power supply and telephone services.

J.A.M Holdings WA Pty Ltd holds a current water entitlement for Lot 404 of more than 1 million kL per annum, which is ample to service its horticultural operations on site, plus an allowance for future growth. If a prospective purchaser of Lot 2 requires a water allocation for their own rural purposes, then they may enter a voluntary trading arrangement for water entitlements or apply for their own water entitlement under the *Rights in Water and Irrigation Act 1914*.

4. "Supported by an outline development plan that resolves various issues such as:

- a. Context considerations including connectivity or interface**
- b. Waterway, drainage and floodway matters**
- c. Areas required for conservation or vegetation protection**
- d. Bush fire risk and the implication of bushfire hazard reduction measure on vegetation**
- e. Landscape value protection**
- f. Access to community facilities**
- g. Demonstrates access to services, including the availability of a feasible potable water supply**
- h. Impact of, or on, adjoining uses such as basic raw material sites, agricultural activities, conservation reserves, scenic tourist routes and any associate buffers**
- i. Identification of any development and management controls which may include minimum building standards, stocking rate limits or other site-specific considerations".**

This matter is not applicable, as an Outline Development Plan (ODP) would serve no purpose for subdivision of this nature, which proposes to create two large rural lots of 107 ha and 145.7 ha in area.

Part 3.5 of the Strategy (Economy) indicates the Shire should introduce policies to protect and encourage existing, traditional, and more intense and diversified agricultural land uses and ensure such uses are sustainable in the context of land capability constraints.

Maintaining a flexible, merit-based approach to the subdivision of rural land is vital to achieving this objective. In the case of this application, proposed Lots 1 and 2 are of such substantial size and possess such physical characteristics as to lend themselves ideally to both traditional agricultural and grazing activities, and more intensive agricultural/horticultural pursuits that will contribute to economic diversification in the Shire of Gingin.

5.2 Local Planning Scheme No. 9

Lot 404 is zoned General Rural – Uncoded under the Shire's LPS 9. The objectives of the General Rural zone 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."*

Relative to these objectives, the proposed subdivision of Lot 404 will:

- a) Maintain the existing rural character or amenity of the locality;
- b) Not affect current or future broad acre agricultural activities in the locality, but will enhance opportunities to attract more intensive agricultural uses such as horticulture;
- c) Not affect the environmental qualities of the landscape, vegetation, soils or water bodies; and

- d) Not itself introduce any sensitive land uses in the General Rural zone but will provide for the operation and development of existing, future and potential rural land uses.

In accordance with LPS 9, the following land uses are capable of being approved in the General Rural Zone on proposed Lot 1:

- | | |
|---------------------------------|-----------------------|
| 1. Abattoir | 9. Place of Worship |
| 2. Agriculture – Intensive | 10. Plant Nursery |
| 3. Animal Husbandry – Intensive | 11. Reception Centre |
| 4. Corrective institution | 12. Rural Pursuit |
| 5. Fuel depot | 13. Transport Depot |
| 6. Industry – Extractive | 14. Veterinary Centre |
| 7. Industry – Noxious | 15. Winery |
| 8. Industry – Rural | |

Clause 4.8.6.1 of LPS 9 applies the following codings and corresponding minimum lots sizes in the General Rural zone:

"Code	Minimum Lot Size
GR10	10 Hectare
GR20	20 Hectares
GR30	30 Hectares
GR40	40 Hectares
Uncoded	Further subdivision will not be supported unless it meets the exceptional circumstances requirements for subdivision under WAPC Development Control Policy 3.4."

The majority of General Rural zoned land in the Shire is Uncoded, requiring subdivision applications to be considered on their individual merits having regard to WAPC policy. For the reasons outlined in the proceeding section of this report, we contend that the proposed subdivision of Lot 404 meets the provisions of the stated WAPC policy and can be supported.

5.3 State Planning Policy

The subdivision of rural land is guided by the WAPC's Development Control Policy 3.4: Subdivision of Rural Land (DC 3.4) and State Planning Policy 2.5: Rural Planning (SPP 2.5).

Clause 6.5 'Subdivision' of SPP 2.5 states:

"In contemplating subdivision proposals on rural land, WAPC policy is:

- The creation of new or smaller rural lots will be by exception and according to Development Control Policy 3.4: Subdivision of rural land;*
- The creation of new or smaller rural lots by exception may be provided for in other State Planning Policies and/or a local planning strategy or scheme;*
- No other planning instruments besides those listed at (a) or (b) can provide for the subdivision of rural land; and*
- The introduction of new dwelling entitlements or other sensitive land uses should not limit or prevent primary production from occurring."*

Relative to the above, the proposed subdivision of Lot 404 will create only one "new" lot and the resultant lot sizes will be larger, not "smaller" than the prevailing lot sizes in the locality, as demonstrated in section 5.1 earlier.

The objectives of DC 3.4 are set out in Table 2 below, with our corresponding comments on each, relative to this proposal:

Table 2 – Assessment against DC 3.4 Objectives

Objective	LK Advisory Comment
(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;	The proposed subdivision will create two large highly accessible and serviceable rural lots, each greater than 100 ha in area, with the physical capability and suitability to accommodate myriad of primary production and rural activities, compatible with existing land uses in the locality.
(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;	The proposed subdivision will bring a high-quality rural lot (proposed Lot 1) to the market that can accommodate the full range of rural uses permitted or capable of being approved in the General Rural zone. This in turn will contribute to the economic growth and diversification of the region.
(c) Outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;	According to the Geological Survey of Western Australia (Gingin – Ledge Point map series, available here), Lot 404 does not contain any regionally significant basic raw materials. Hence, this objective is not applicable.
(d) Provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;	The proposed subdivision is compatible with the aims, objectives, and intent of the planning framework. It will create lot sizes consistent with those in the locality, will facilitate diversification of rural land uses and the local economy, and will maintain the agricultural productivity of the land into the future.
(e) Avoid and minimise land-use conflicts;	The risk of land use conflicts can only be addressed at the development application stage, based on the specific nature and extent of activities proposed in future. The subdivision of Lot 404 will not create any such land use conflicts, as the existing approved horticultural operation on proposed Lot 2 will remain, while proposed Lot 1 will be large enough to accommodate a variety of rural uses without causing any adverse, off-site impacts. This is evidenced by the previous use of Lot 404 as an irrigated tree plantation, its current approved use for horticulture, and the mix of other land uses in the locality, which include broadacre farming and grazing, intensive agriculture, and a poultry farm on Lot 32 (No. 120) Douglas Road, opposite the subject site.
(f) Promote sustainable settlement in, and adjacent to, existing urban areas; and	The proposed subdivision of Lot 404 does not prejudice sustainable settlement within or nearby existing urban areas, as the subject land is far from the urban front.
(g) Protect and sustainably manage environmental, landscape and water resource assets.	The proposed subdivision will not affect environmental, landscape and water resource assets in the locality.

Clause 5 of DC 3.4 states the following provisions will apply when determining subdivision proposals on rural land:

- "a) The creation of new or smaller lots will be by exception;
- b) Proposals will be considered against strategies and schemes;
- c) Adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and
- d) Proposals will be assessed against any relevant State planning policies and/or operational policies."

Table 3, below, sets out the matters for consideration under DC 3.4 for subdivision of rural land, inclusive of our corresponding comments on each:

Table 3 – Assessment against DC 3.4 Matters for Consideration

Subdivision matters for consideration	LK Advisory Comment
a) A statement explaining the intent of the subdivision and any relevant background information;	This report comprehensively describes the background, purpose, and intent of the proposed subdivision.
b) Whether each lot has a sustainable water supply for domestic, fire management and agricultural purposes, including, if relevant, the need for and proximity to existing services and infrastructure, and details of the service provider;	As stated earlier, Lot 404 has a generous water entitlement, which may be traded with the prospective purchaser of proposed Lot 1, if required in future. Alternatively, the prospective purchaser of Lot 1 may choose to separately apply for their own water entitlement, depending on the requirements of their intended land use.
c) Whether subdivision boundaries have been designed to reflect sound planning and land management principles;	The proposed subdivision boundary is a straight line following the overhead power lines and an existing internal access track. This reflects sound planning principles and land management practices, ensuring both proposed lots are provided with a viable farming area, road frontage, and access to services.
d) Whether a proposal complies with the performance criteria and standards specified in the relevant guidelines for bushfire protection, including appropriate access and egress in case of emergency;	<p>Lot 404, and most of the land west of Brand Highway in the Beermullah locality, is designated as a Bushfire Prone Area by the Department of Fire and Emergency Services (DFES) (see Attachment 3).</p> <p>We understand this designation was introduced in December 2015, based on the previous use of Lot 404 as a commercial tree plantation (between 2003/2004 and 2015/2016). It is therefore likely this Bushfire Prone designation ignores the fact that Lot 404 no longer contains a tree plantation and is operated as cleared farmland for irrigated horticulture production.</p> <p>Lot 404 has been almost entirely cleared of native vegetation, enjoys dual constructed road frontage, and is serviced by an existing water allocation and on-site dam.</p> <p>The size and accessibility of proposed Lots 1 and 2 will provide ample opportunity for separation and refuge from bushfire risks and swift evacuation from both properties.</p> <p>The proposed subdivision of Lot 404 will not result in any change to the agricultural operation being conducted on proposed Lot 2. Hence, the subdivision has no bearing on bushfire risk for that property. Further, as proposed Lot 1 is vacant and unused, it will only be possible to assess the bushfire risk posed to future rural land use on that property once the precise nature and extent of such use is known. At that stage, the proposed use of Lot 1 can be assessed against the provisions of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) and associated Guidelines.</p>

Subdivision matters for consideration	LK Advisory Comment
e) How the proposal relates to adjacent properties, reserves, roads and existing and proposed adjoining land uses;	This is comprehensively addressed elsewhere in this submission.
f) Whether the subdivision would prejudice future urban expansion;	This subdivision will maintain use of the land for rural production into the future. The land is remote from any urban front and is unlikely to (ever) be earmarked for urban development.
g) Whether there are any significant noise sources or other potential forms of nuisance to the proposed use;	<p>Lot 404 is surrounded by equivalently zoned General Rural land accommodating a range of rural land uses.</p> <p>A poultry farm is located opposite proposed Lot 1, on Lot 32 Douglas Road. The poultry sheds on that property are setback approximately 320 metres (minimum) from Douglas Road. This poultry farm is not expected to cause any nuisance or adverse impacts on the future rural use of proposed Lot 1.</p> <p>There are no other nearby land uses likely to affect, or be affected by, the proposed subdivision by way of noise or other forms of nuisance.</p>
h) Whether a previous use has resulted in contaminated soils or the use of construction and demolition waste for filled areas;	<p>This not applicable to the proposed subdivision as no such contamination or waste exists on Lot 404.</p> <p>The current horticultural operations on Lot 404 are managed under the GLOBAL G.A.P. International certification for good agricultural practices. Over time, the processes employed on site are certified to enhance soil health, aid effective environmental and water management, and minimise the need for fertilisers.</p>
i) Whether there are any heritage features including archaeology and any sites of Aboriginal significance or claims on the land;	<p>There are no identified heritage features on the subject site. However, the site is located within the catchment of Registered Aboriginal Site No. 20008 (Gingin Brook Waggy!), the proposed subdivision no risk of impact on the site.</p> <p>We understand Site No. 20008 principally relates to the Aboriginal cultural significance of watercourses and wetland systems associated with the Moore River, Gingin Brook and their tributaries, extending from as far afield as the Shires of Moora, Victoria Plains, Dandaragan and Chittering.</p>
j) Any potential adverse environmental impacts of the proposed subdivision;	The proposed subdivision does not generate any adverse environmental impacts.
k) Any potential adverse impacts on amenity and/or health, such as noise, dust and spray drift;	<p>Spraying of the existing horticultural crops on Lot 404 are effectively managed by a combination of:</p> <ul style="list-style-type: none"> – Separation distances and treed buffer zones around the three cropping pivots; – Targeted and controlled (not broadcast) spraying, precisely dispensed through the cropping pivots; – Spraying only occurs in favourable weather conditions to prevent spray drift and adhere to withholding periods, in strict accordance with

Subdivision matters for consideration	LK Advisory Comment
	<p>manufacturer specifications and the farm's GLOBALG.A.P. certification;</p> <ul style="list-style-type: none"> All spraying activity is recorded in a spray record log. <p>Offsite impacts (if any) arising from the future rural use of proposed Lot 1 cannot be ascertain at this subdivision stage and will need to be assessed and appropriately managed according to the nature and extent of that use.</p>
l) Whether the proposal is consistent with the provisions of a WAPC endorsed strategy or scheme operating in the district; and	This is comprehensively addressed elsewhere in this submission.
m) The capability of the land to support the proposed land use.	The proposed subdivision will maintain the capacity and capability of the land to support rural and productive agricultural land uses into the future.

Clause 6 of DC 3.4 sets out the circumstances under which subdivision of rural land can be considered and these include (our emphasis added):

- "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.

Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision may be appropriate to promote better land management and achieve environmental, cultural and/or social benefits."

We contend the proposed subdivision of Lot 404 satisfies the above emphasised provisions of DC 3.4, for the following reasons— .

The State Administrative Tribunal provided context for the application of DC 3.4 in the matter of *Hogan and Western Australian Planning Commission* [2019] WASAT 35 (Hogan). In that case, the Tribunal relevantly determined that:

- "41 The Tribunal is conscious that DC 3.4 and SPP 2.5 are applicable State wide and the statement in cl 4 of DC 3.4 that '... there is an existing supply of suitably sized and located rural lots to cater for intensive and emerging primary production land uses' is viewed by the Tribunal in this context. If subsections of cl 6 to cl 6.5 of DC 3.4 and cl 5.1(f) of SPP 2.5 were the only planning considerations, then any rural subdivision would be rare, constrained to the exceptions set out above."

We note the Shire's Local Planning Strategy and LPS 9 stipulate that subdivision should accord with DC 3.4 and SPP 2.5. However, as Paragraph [42] of Hogan goes on to say:

- "42 The LP Strategy and the LGSS require that subdivision be in accordance with DC 3.4 and SPP 2.5. As referred to above, however, the Tribunal is not to inflexibly apply policies and in this matter the consideration of the merits of the proposal are to include whether the strategies would exclude consideration of the proposed subdivision. "

On this basis, the proposed subdivision of Lot 404 should be considered on its individual merits rather than inflexibly adhering to the generic presumption expressed in the local planning framework and WAPC policy against subdivision of rural land. In this context, assessing the merits of this proposal should include considering whether the local planning framework and WAPC policy actually prohibit the proposed subdivision.

We contend this generic presumption against rural subdivision is a blunt instrument which has no regard to site-specific circumstances and therefore should not prevail over the more important strategic planning objectives to support viable agriculture and primary production, to graduate rural lot sizes from smaller lots to larger broadacre lots, and to contribute to diversification of rural land uses and the local economy.

By this rationale, the generic presumption against subdivision of rural land should only be applied where the subdivision also fails to demonstrate alignment with the strategic planning objectives relating to that land. The proposed subdivision of Lot 404 will contribute to the achievement of those strategic objectives and should therefore be supported.

Relevantly, part 2.3.6.2 (Rural Areas) of the Shire of Gingin's Local Planning Strategy states (our emphasis added):

"Rural land is a finite resource in the Shire of Gingin and represents the only land available for diverse, sustainable rural activities and potential non-rural growth and development opportunities in the very long term. The ability of rural land to sustain its primary function and utility is threatened by instances where rural land is seen as a resource for subdivision. The spread of urban development is affecting agricultural areas, which are also experiencing a gradual trend towards more intensive, smaller-scale operations. This is raising issues in relation to the compatibility of small scale agricultural and horticulture with larger-scale agriculture and grazing and land clearing restrictions. The fragmentation of rural land undermines the resource in terms of its ability to sustain changing agricultural and other rural uses and provide potential for growth and development in the long term. There is a general presumption against subdivision of rural land in the Shire."

The proposed subdivision of Lot 404 will create only one additional, large rural lot (proposed Lot 1), of the size, serviceability, and physical characteristics to comfortably accommodate a viable rural land use independent of proposed Lot 2, which will remain in the ownership of J.A.M Holdings WA Pty Ltd and continue to be operated for intensive horticulture. Hence, the proposed subdivision will not compromise the ability of the rural land, as a "finite resource", to sustain changing agricultural and other rural uses.

Paragraph [51] of Hogan concisely synthesises this principle as follows:

"51 The Tribunal has formed the view that the proposed subdivision would not compromise the future agricultural use of the land. This is because the viticultural activity on proposed Lot A demonstrates that this lot, of 66.85 hectares, has attributes that will ensure that it will continue to be suitable for productive rural use in the future. The Tribunal has further accepted that proposed Lot B will remain available for general agricultural purposes, consistent with the common land use in the locality. Even if a farm house were to be built on each lot, the Tribunal does not believe agricultural production would be compromised. The Tribunal has accepted that the proposed lot sizes, together with the soil and climate attributes and the demonstrated agricultural capacity of the land, would result in holdings not directly at odds with the planning objectives of the LGSS."

The preceding justification is supported by a report published by Horticulture Australia Limited in 2008¹, which notes that:

- limiting the subdivision of rural land could in fact inhibit the emergence of new forms of agriculture that would otherwise contribute to regional economic development; and
- limiting subdivision solely based on minimum lot sizes fails to consider the dynamic interplay between economic and social forces contributing to a constantly evolving agricultural sector.

¹ GHD Hassall, *Peri-urban Horticulture and Land Use Planning Tool Kit*, Nursery and Garden Industry NSW & ACT, Horticulture Australia Limited, 2008, P3, https://www.ngina.com.au/Attachment?Action=Download&Attachment_id=405, Accessed 28 May 2021.

Conclusion:

The proposed subdivision of Lot 404 will create two rural lots each greater than 100 ha in area, being larger than the prevailing lot sizes in the locality. Proposed Lot 1 is intended to be sold, while proposed Lot 2 will remain in the ownership of J.A.M Holdings WA Pty Ltd and continue to be operated for intensive horticulture. Both proposed lots possess the size, serviceability, and physical attributes to accommodate commercially productive, sustainable rural land uses occurring independent of each other.

Importantly, the proposed subdivision will not compromise the ability of the land to accommodate future agricultural and other rural uses. Rather, the proposed subdivision will create a single new lot available for sale (proposed Lot 1), of a size that will support any of the rural activities permitted or capable of being approved under LPS 9. This in turn will support the key strategic planning objectives of preserving rural land as a finite resource, while encouraging diversification of the agricultural sector and local economy.

For the reasons outlined in this submission we respectfully request the WAPC grant its approval to this subdivision application, subject only to conditions that are reasonably and necessarily required to give effect to this proposal.

Please do not hesitate to contact the undersigned on 6500 7800 or oscar@lkadvisory.com.au if you have any queries or require further information regarding this matter.

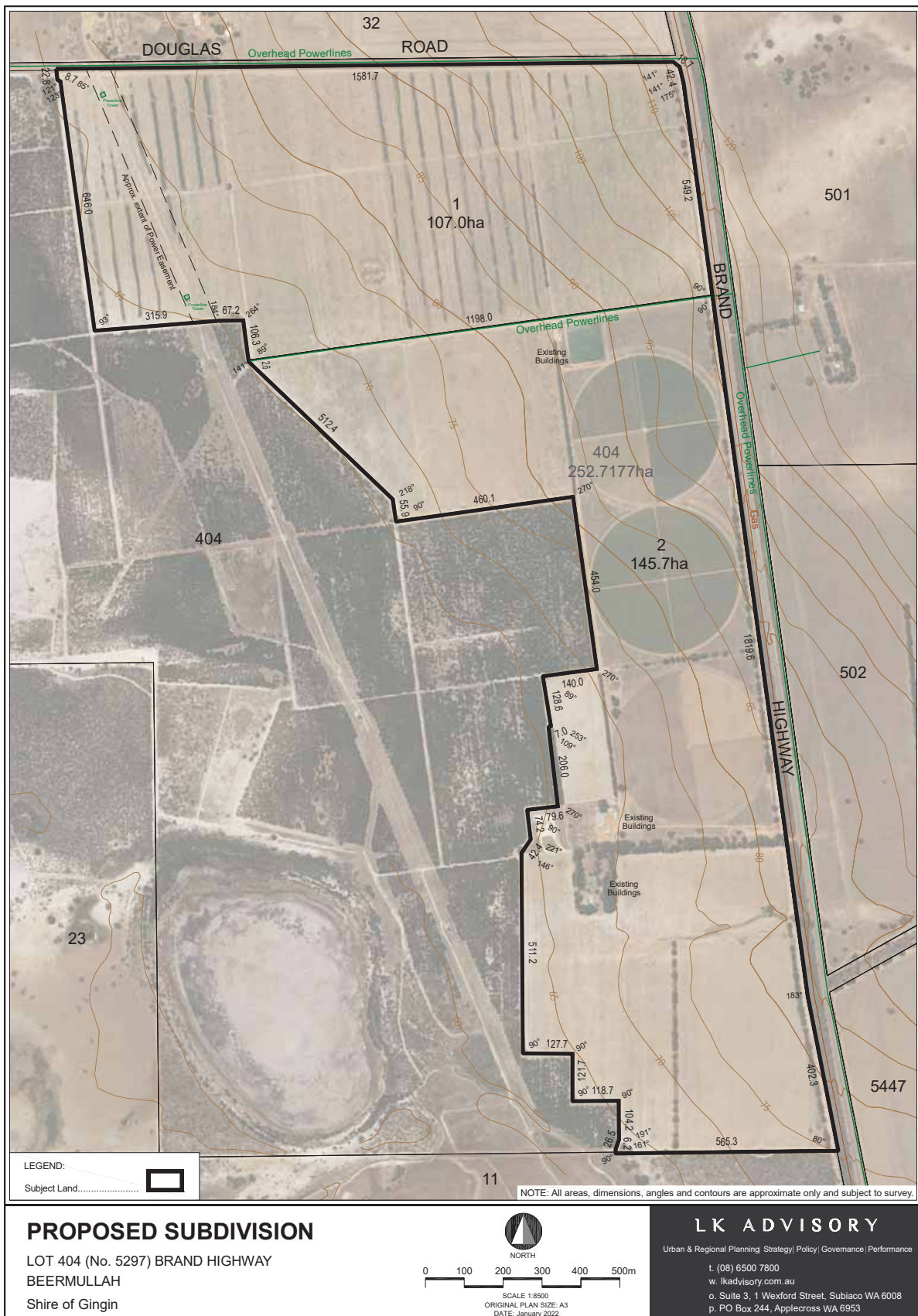
Thank you for your consideration.

Yours sincerely,

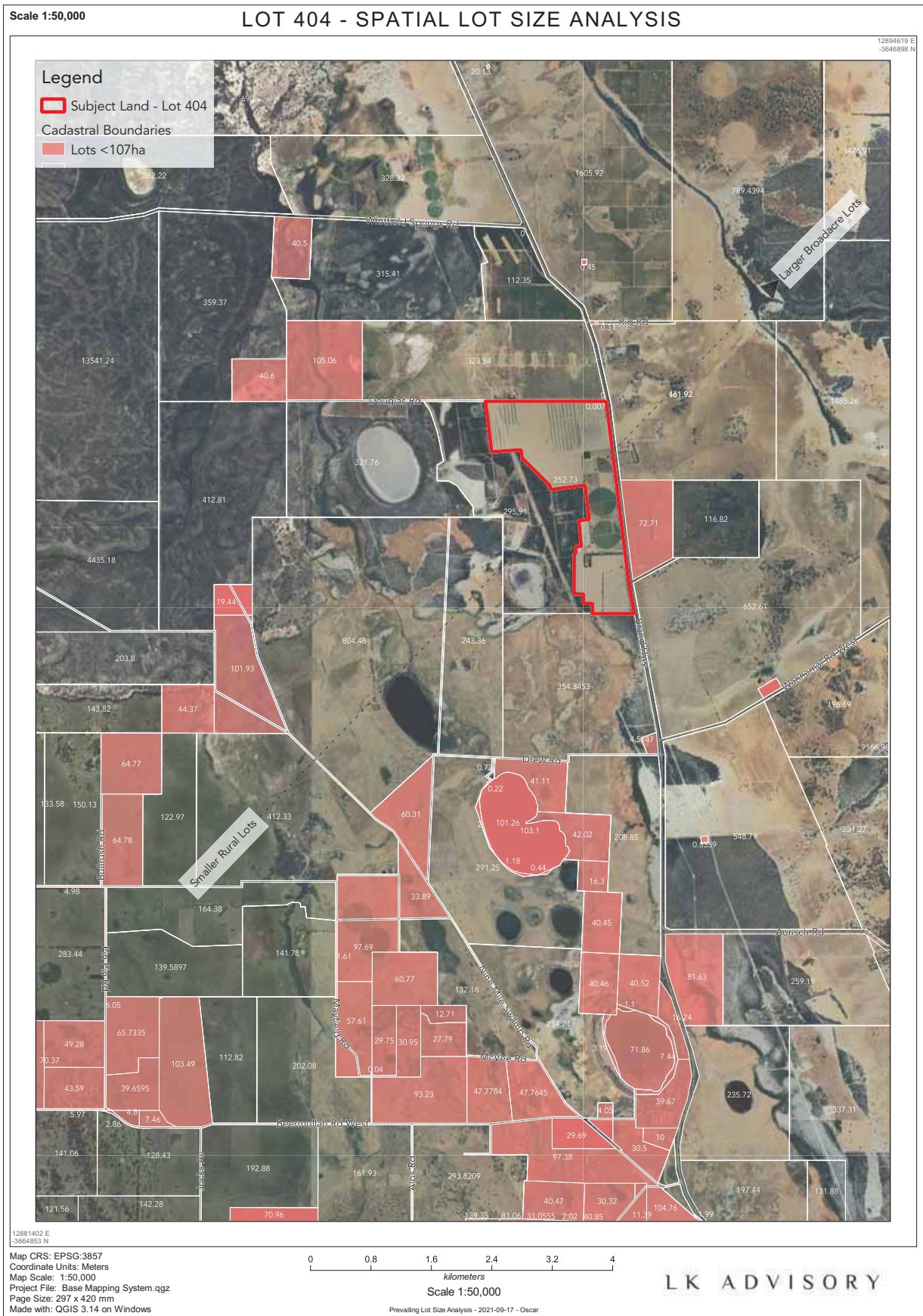


OSCAR THOMSON
Consultant

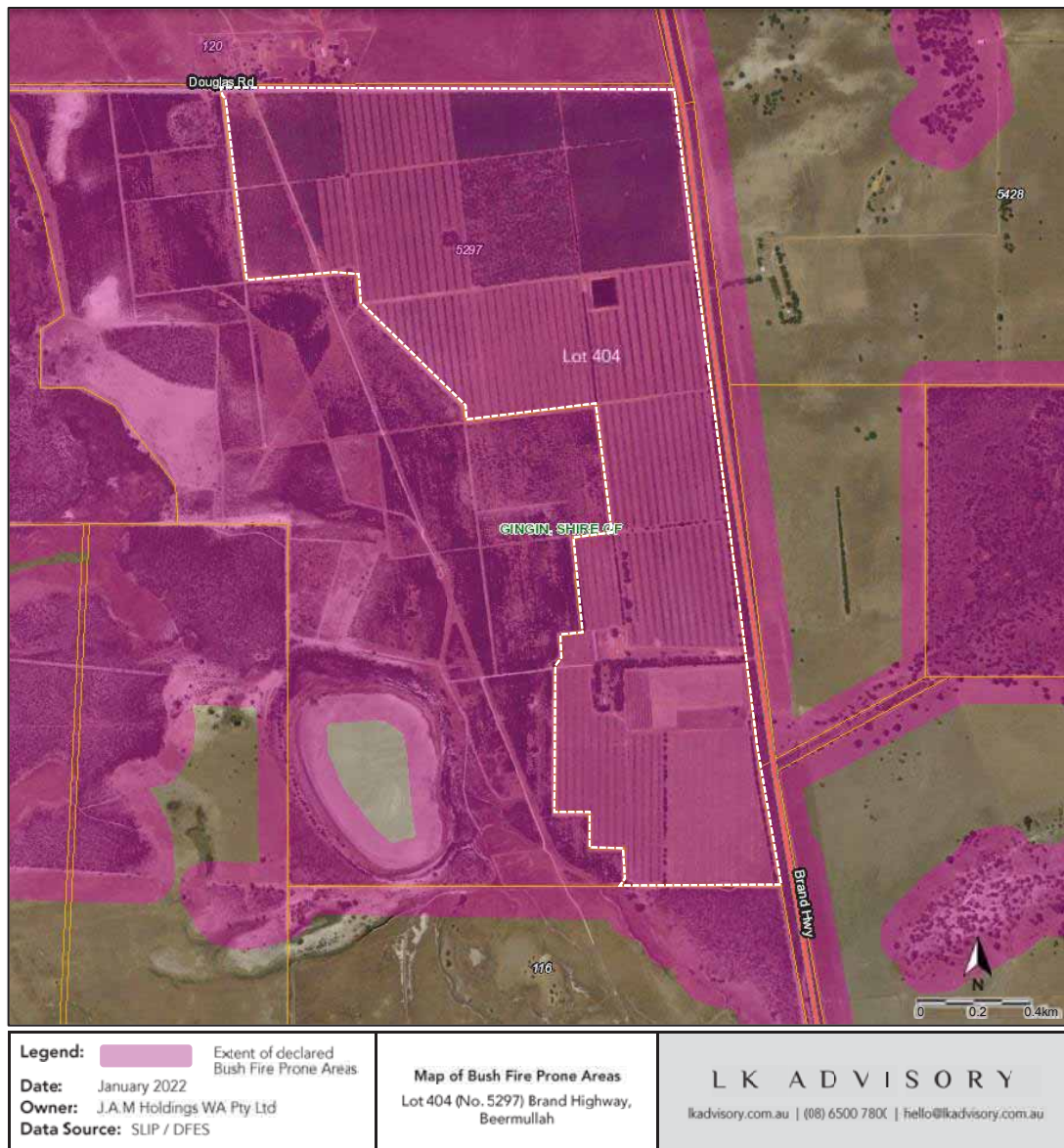
Attachment 1 – Proposed Plan of Subdivision

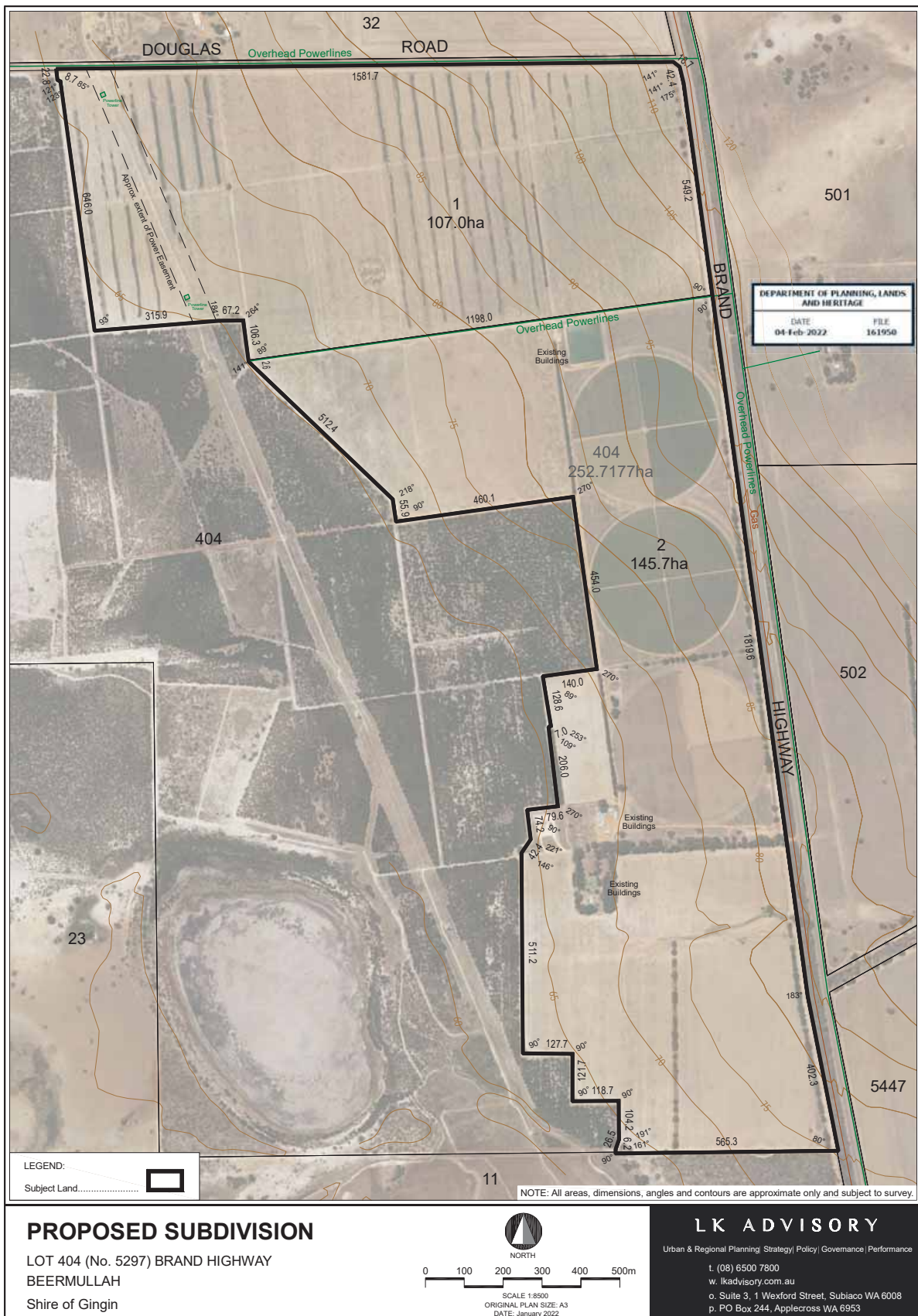


Attachment 2 – Spatial Lot Size Analysis



Attachment 3 – Map of Designated Bushfire Prone Areas





13.9 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OUTBUILDING ON LOT 272 (24) MAWARRA DRIVE, GINGIN

File	BLD/7430
Applicant	Nutsteel Patios and Sheds
Location	Lot 272 (24) Mawarra Drive, Gingin
Owner	Sean Gibson and Tennille Gibson
Zoning	Residential 2.5
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 272 (24) Mawarra Drive, Gingin [13.9.1 - 1 page] 2. Aerial Map - Lot 272 (24) Mawarra Drive, Gingin [13.9.2 - 1 page] 3. Applicant's Proposal [13.9.3 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed outbuilding on Lot 272 (24) Mawarra Drive, Gingin.

BACKGROUND

The Shire is in receipt of an Application for Development Approval for a proposed outbuilding on the subject lot, which is 4,002.6m² in area with a dwelling currently under construction.

The proposal seeks to construct an outbuilding which is 15 metres in length and 9 metres in width (135m²) with a wall height of 3.5 metres tapering to a ridge of 4.7 metres. The outbuilding is located to the rear of the subject lot with a setback of 3 metres from the side (southern) and rear (eastern) lot boundaries.

The proposal seeks a variation to clause 5.4.3 – Outbuildings of State Planning Policy 7.3 – Residential Design Codes, Volume 1 (R-Codes) with respect to wall height, ridge height and area.

The proposal seeks a variation to the overall height outlined under the Shire's Local Planning Policy 2.1 – Residential Outbuildings.

A location plan and aerial imagery are provided as **Appendix 13.9.1** and **13.9.2** respectively.

The applicant's proposal is provided as **Appendix 13.9.3**.

COMMENT

Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. No submissions were received.

PLANNING FRAMEWORK

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

The subject land is zoned Residential R2.5 under LPS 9, the objectives of which are to:

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

Clause 5.2.2 states:

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

The relevant objective of the Residential zone is outlined below with officer comments:

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

Officer comments

The proposal is consistent with the provisions of LPP 2.1 except for a 500mm variation to the ridge height (4.7m in lieu of 4.2m). This variation is relatively minor in the context of existing outbuilding sizes in the Honeycomb Estate. The character and amenity of the locality will remain intact.

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

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

An enclosed non-habitable structure that is detached from any dwelling.

Officer comment

The deemed-to-comply provisions of the R-Codes relating to outbuildings stipulate, amongst other things, that the overall collective floor area cannot exceed 60m², and that a wall height of 2.4 metres and an overall height of 4.2 metres are not to be exceeded. The proposed wall height is 3.5 metres tapering to an overall height of 4.7 metres, with an overall outbuilding area of 135m².

The relevant design principles assessment for Outbuildings is as provided in the table below:

Design Principle	Officer Comments
P1 - <i>“Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.”</i>	P1 - The outbuilding is positioned at the rear of the lot and complies with the side and rear setback requirements. The proposed built form is generally consistent with the standards of Local Planning Policy 2.1 (LPP 2.1) and is of a scale similar to previously approved outbuildings within the estate.

Local Planning Policy 2.1 (LPP 2.1) – Residential Outbuildings

The Shire adopted LPP 2.1 in January 2013 to complement the provisions of the R-Codes relating to outbuildings to better reflect community expectations.

Clause 3.5 – Scale of Outbuilding Development outlines the maximum allowable standards for outbuildings throughout the Shire based on lot size and location. The table below is applicable to the subject lot.

TOWNSITE	STANDARD	MAXIMUM	PROVIDED
Gingin	Area Wall Height Overall Height	140m ² 3.6m 4.2m	135m ² - compliant 3.5m - compliant 4.7m - compliant

LPP 2.1 provides dimensions for the maximum allowable standards that are considered to be acceptable throughout the Shire as stated in Clause 3.5. The maximum standards were created to prevent unwanted built form and prescribe standards to prevent excessively large outbuildings being constructed.

The officer notes that the policy affords a maximum allowable overall height of 5m for outbuildings on the same sized properties located in coastal townsites. The variation to the overall height of 500mm is minor in that context, and the officer notes that the major contributor to bulk and scale is the wall height which is compliant in this instance.

Summary

The officer is of the view that the proposed outbuilding is consistent with the relevant design principles of the R-Codes, with consideration being given to the additional standards of LPP 2.1. It is therefore recommended that the development be approved subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

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

POLICY IMPLICATIONS

Local Planning Policy 2.1 - Residential Outbuildings

State Planning Policy 7.3 - Residential Design Codes Volume 1

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Vis

That Council grant Development Approval for an Outbuilding on Lot 272 (24) Mawarra Drive, Gingin subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this approval;
2. This approval is for an outbuilding only as indicated on the approved plans;
3. The finished floor level of the outbuilding must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;
4. The outbuilding is not to be used for human habitation or any other industrial or commercial use;
5. The approved outbuilding is to be constructed using new materials and be of a consistent colour scheme; and
6. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes:

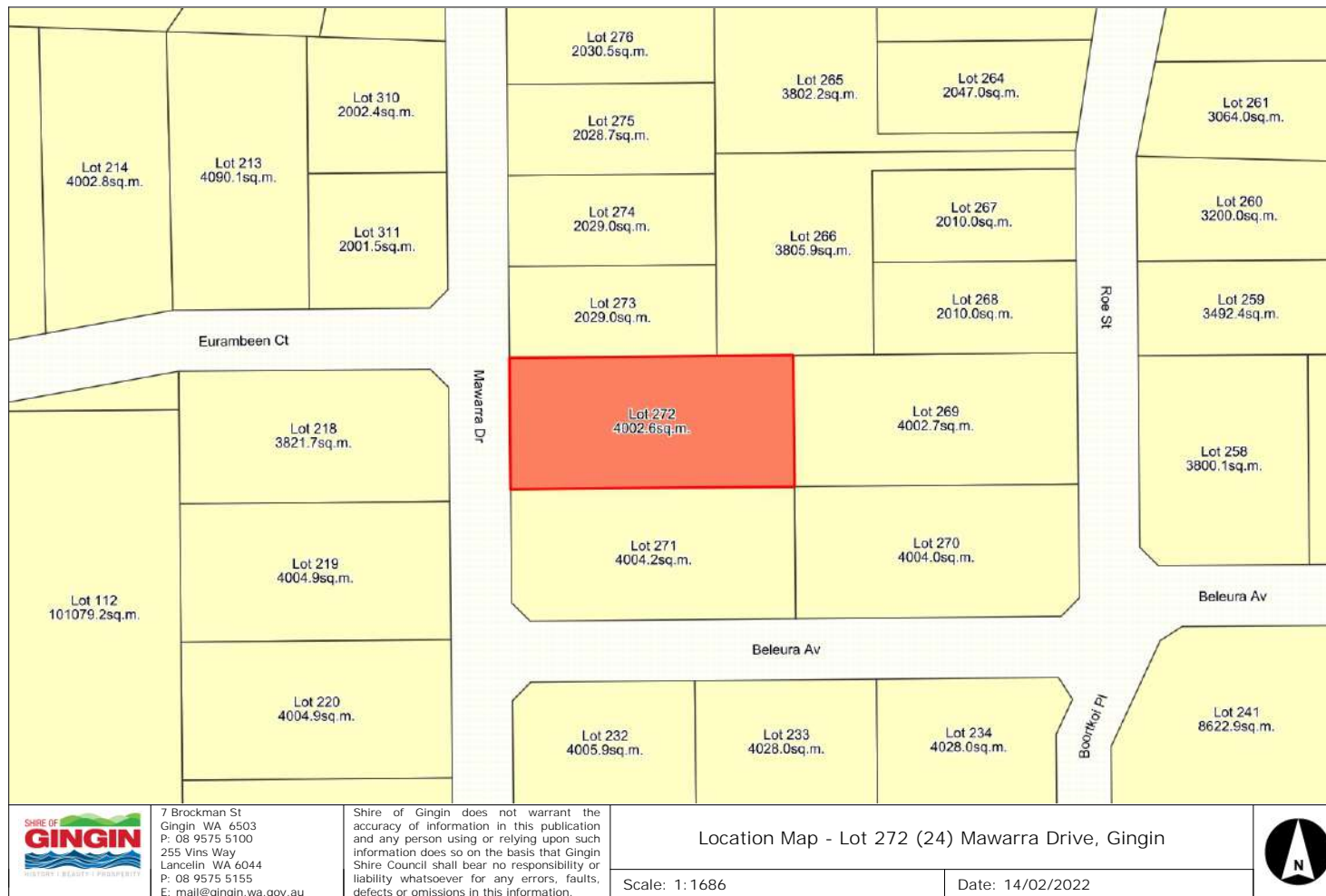
Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.

- Note 2: 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: 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 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

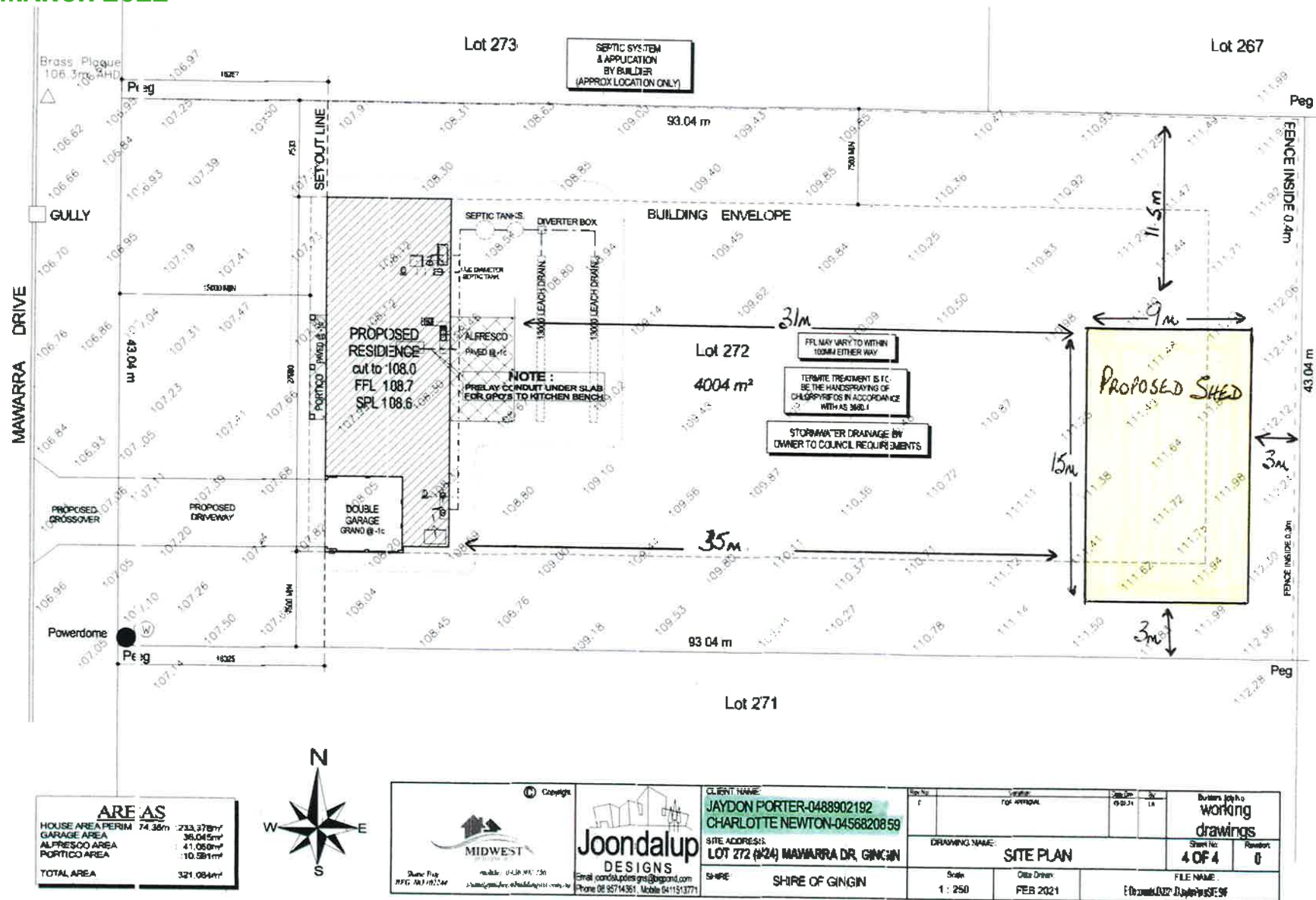
CARRIED UNANIMOUSLY
9 / 0

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

AGAINST: *Nil*



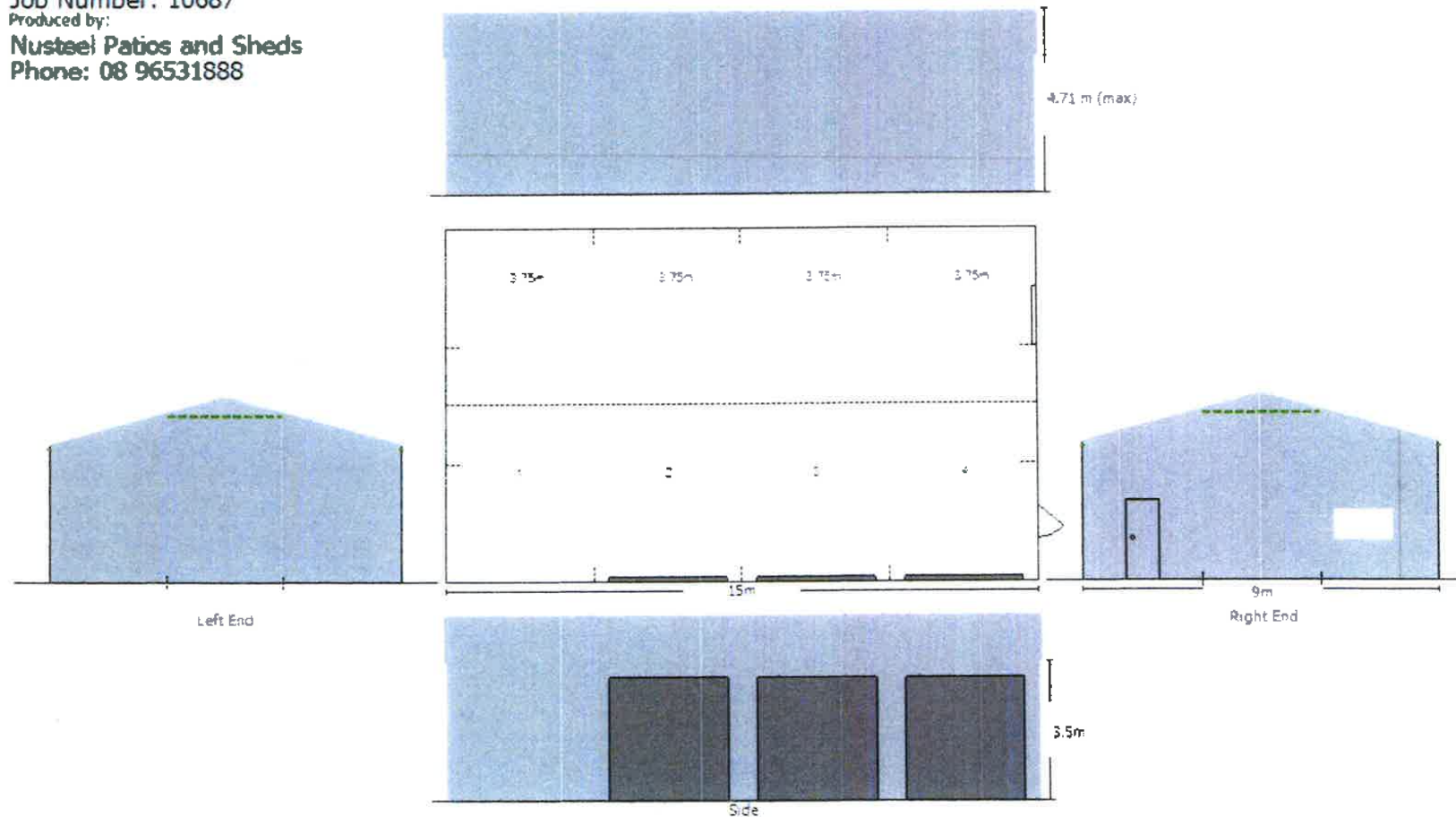




**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 13.9.3

Building For:
Jaydon Porter
24 Mawarra Drive Gingin
Job Number: 10687
Produced by:
Nusteel Patios and Sheds
Phone: 08 96531888

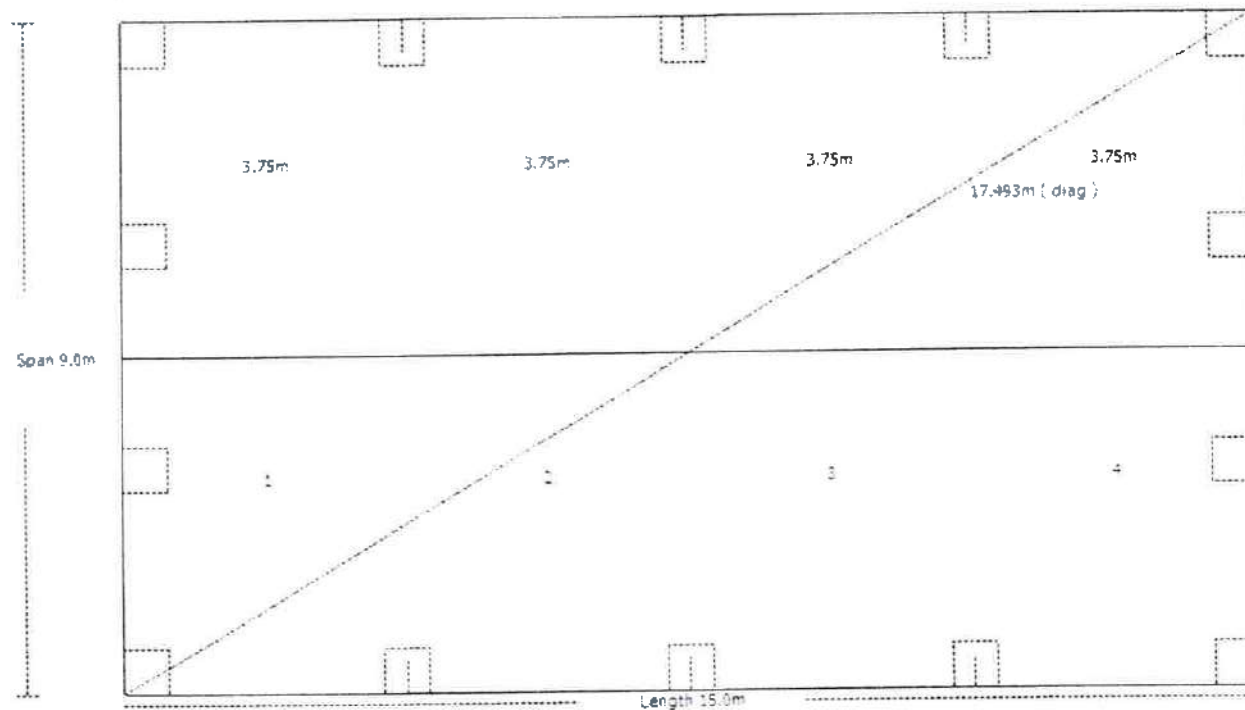


The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds' products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.

**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 13.9.3

Footing Diagram For:
Jaydon Porter
24 Mawarra Drive Gingin
Job Number: 10687
Produced by:
Nusteel Patios and Sheds
Phone: 08 96531888



NB: All footing blocks shown inside building dimensions. If Block footings only are used blocks may be located centrally under columns.

13.10 APPLICATION FOR DEVELOPMENT APPROVAL - USE NOT LISTED (OUTBUILDING) AT LOT 177 SANDSTONE PLACE, KARAKIN

File	BLD/7428
Applicant	C & L Grocke
Location	Lot 177 Sandstone Place, Karakin
Owner	C & L Grocke
Zoning	Rural Living
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	NA
Appendices	<ol style="list-style-type: none"> 1. Location Plan [13.10.1 - 2 pages] 2. Applicant's proposal [13.10.2 - 5 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Use Not Listed (Outbuilding) on Lot 177 Sandstone Place, Karakin.

BACKGROUND

The subject lot is 2 hectares in area and is currently vacant. The applicant has advised that their intention for the property is to construct a single house and outbuilding in conjunction with one another, however the dwelling component is exempt from the need to obtain development approval and lodgement of a building permit is imminent.

It should be noted that in order for the proposed structure to be considered as a traditional outbuilding, it must be associated with a dwelling. An outbuilding is not permitted as a stand-alone structure on an otherwise vacant lot. As such, given the subject site does not yet contain a dwelling nor is there any current building permit for a dwelling to be erected on the property, the officer is unable to approve the proposed structure under delegation.

The proposed Use Not Listed (Outbuilding) is 12 metres in length and 7 metres in width, equating to an area of 84m². The proposed wall height is 3.4 metres tapering to an overall height of 4 metres. The outbuilding is set back 24 metres from the front (northern) lot boundary and 251 metres from the side (eastern) lot boundary and is therefore compliant from a setback perspective.

A location plan is provided as **Appendix 13.10.1**.

A copy of the applicant's proposal is provided as **Appendix 13.10.2**.

COMMENT

Stakeholder Consultation

Not applicable.

PLANNING FRAMEWORK

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

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

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

Clause 3.4.2 of LPS 9 outlines the process in dealing with uses not listed in the Zoning Table:

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

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of the clause 9.4 in considering an application for planning approval; or*

- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The proposal is deemed to be consistent with the objectives of the Rural Living zone and is therefore permitted, subject to relevant conditions.

As the proposal relies upon the construction of a dwelling to satisfy LPS 9, it is recommended that an appropriate condition be imposed to ensure that the landowners follow through on their commitment to build a dwelling in conjunction with the outbuilding and, should that not occur, requiring that the structure is removed.

Setbacks

The development is required to be set back 20 metres from all lot boundaries in accordance with 'Table 2 – Site Requirements' under LPS 9. The proposed outbuilding is set back in excess of 20 metres and is therefore compliant.

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

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

In accordance with Schedule 2, Part 9, Clause 72 of the Deemed Provisions, the local government may impose conditions limiting the period of time for which development approval is granted.

Note: A temporary development approval is where the local government grants approval for a limited period. It does not have any effect on the period within which the development must commence.

The above clause permits time limited approvals to be imposed. The rationale behind the time limited condition has been outlined above.

Summary

In summary, the proposed Use Not Listed (Outbuilding) can be appropriately regulated via conditions of approval. On that basis the officer recommends conditional support for the development.

STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Planning Scheme No. 9
Part 3 – Zones and the Use of Land
3.2 Objectives of the Zones
3.2.6 Rural Living Zone
3.4.2 Interpretation of the Zoning Table (Use Not Listed)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Peczka

That Council grant Development Approval for a Use Not Listed (Outbuilding) on Lot 177 Sandstone Place, Karakin subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. This approval is for a Use Not Listed (Outbuilding) only as indicated on the approved plans;
3. This approval is valid for a period of two years expiring on 15 March 2024, at which time the Use Not Listed (Outbuilding) is to be removed from the property unless the construction of a single house has been completed;
4. The finished floor level of the outbuilding must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;
5. The outbuilding is not to be used for human habitation or any other industrial or any commercial use;
6. The approved outbuilding is to be constructed using new materials and be of a consistent colour scheme; and
7. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes:

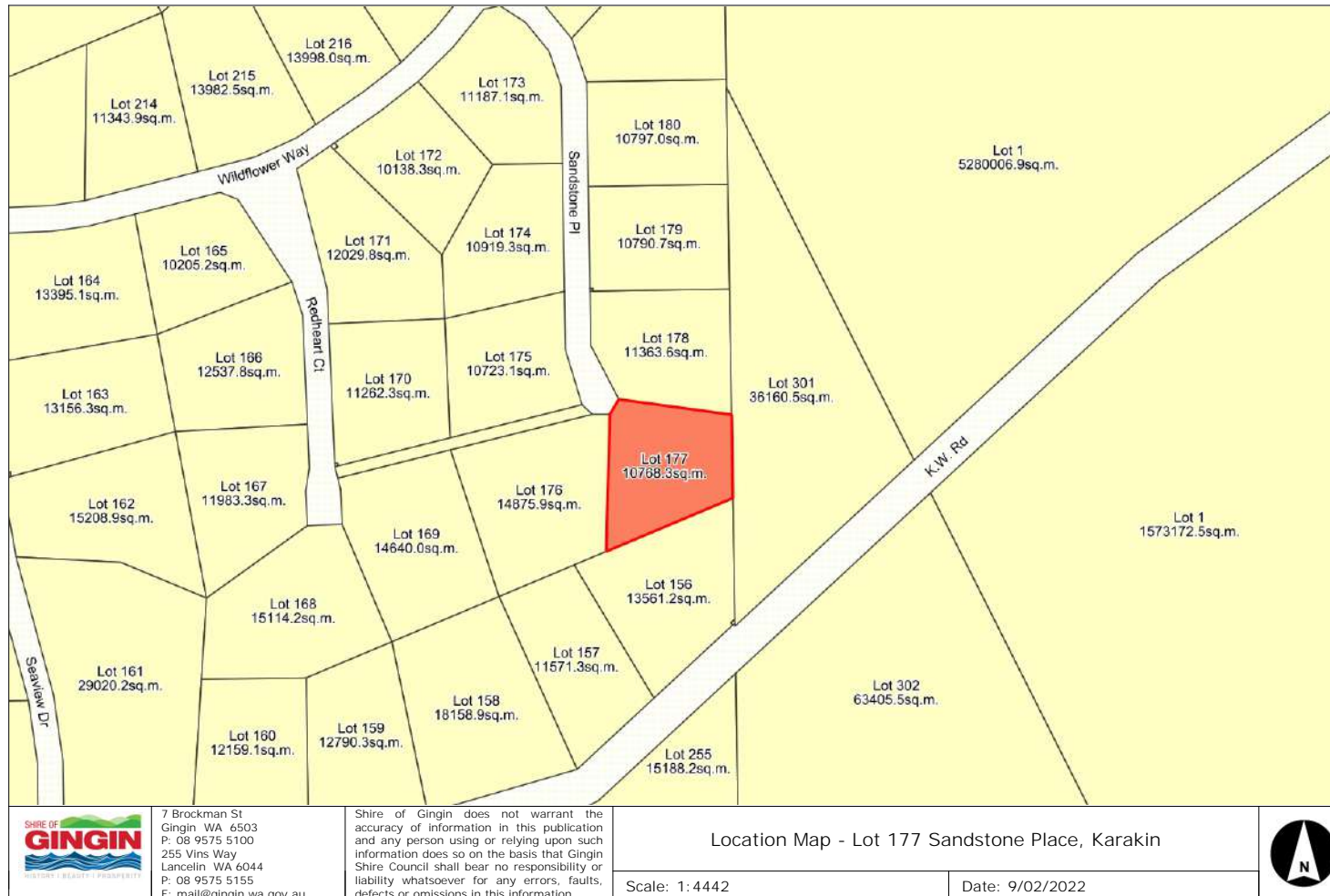
- Note 1:** If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** If the development subject to this approval is not substantially commenced within a period of 2 years, the approval shall lapse and have no further effect.
- Note 3:** Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 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 the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 7: Should the single house be constructed within the two year approval period, the structure will be classified under the planning framework as an 'outbuilding' and therefore will be subject to an exemption from the need to obtain further development approval under Schedule A, Clause 61 (m) of Local Planning Scheme No. 9.

**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*





Linda Grocke
[REDACTED]

01/02/2022

Gingin Shire
Planning Department
7 Brockman St
Gingin

Dear Matt

Re: Our phone conversation today at 1.28pm.

Thank you for all your assistance today.

We are submitting this application for development approval with the Gingin Shire for our property at Lot 177 Sandstone PI Karakin.

We are intending to build our house at the above property but need to be able to build a shed first. This shed will be used to store certain materials need for the house build as well as tools and certain machinery also needed. If we are given approval to do this, we would be very grateful as this would save us taking tools, machinery, and materials over every weekend. It would also mean we could store a majority of the materials to build the house in the shed.

Thank you for your time in this matter and look forward to hearing from you.

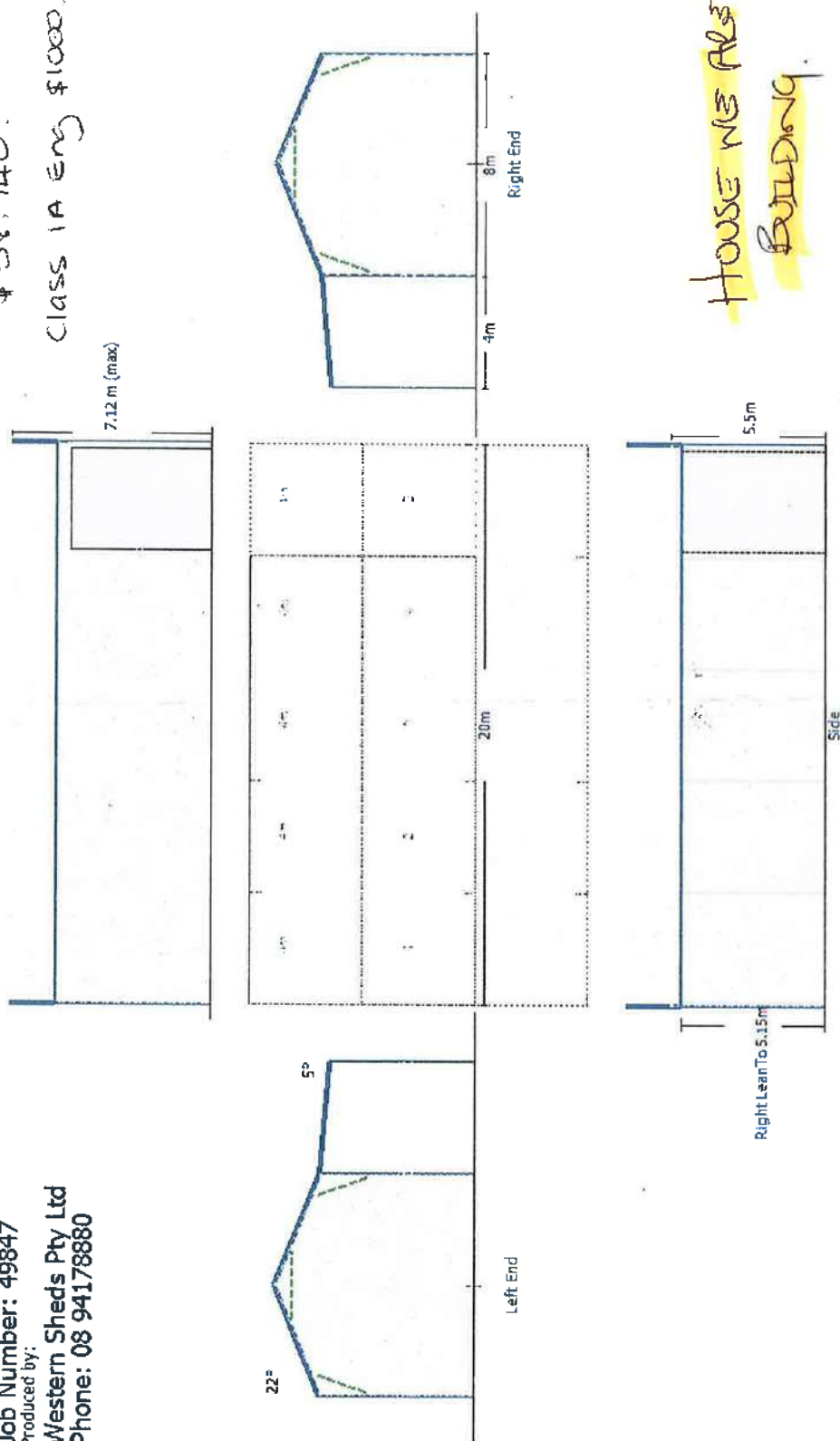
Regards



Linda Grocke
[REDACTED]

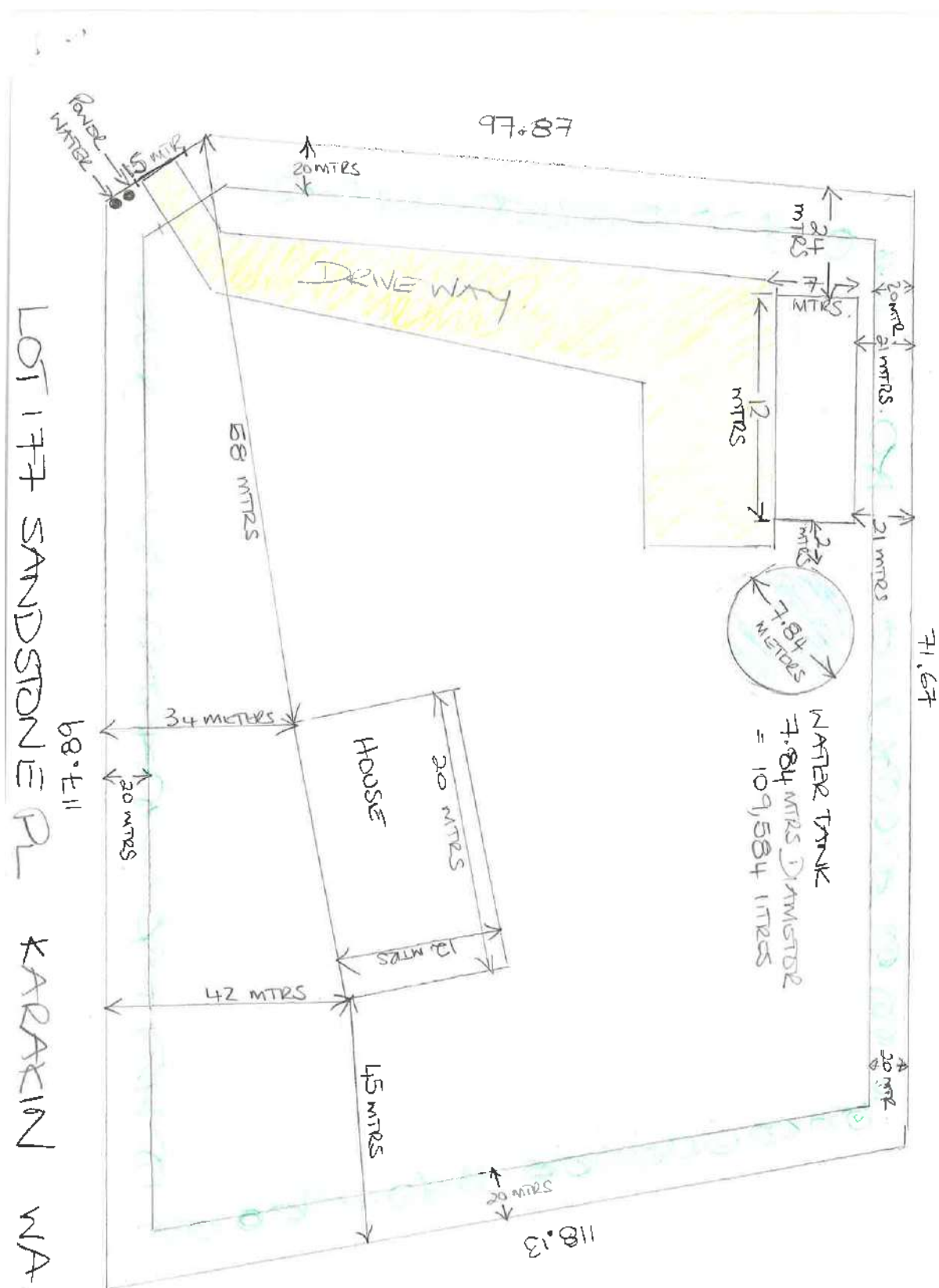
177 Sandstone Place Karakin
Job Number: 49847
Produced by:
Western Sheds Pty Ltd
Phone: 08 94178880

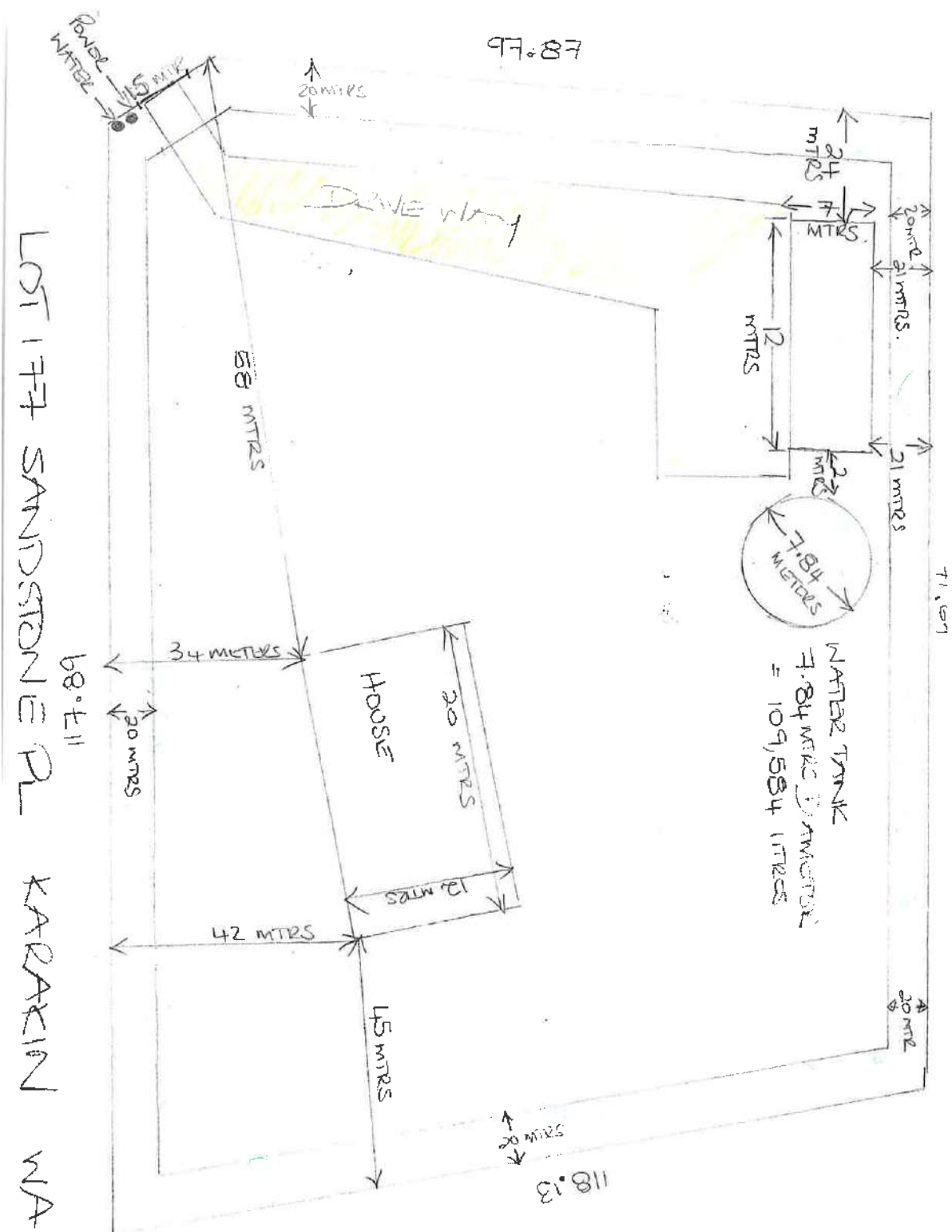
\$58,740.
CLASS 1A Eng \$1000.



The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.

22,000 concrete
24,000 insulate





CORI AND LINDA GROCKE

[REDACTED]
[REDACTED]

BUILDING TIMELINE FOR - 177 SANDSTONE PL, KARAKIN WA 6044

This timeline has been carefully considered, we have researched building timelines and then added extra time to make sure we have not underestimated this timeline.

This timeline is dependent on the length of time for planning approval and building approval to come from the Gingin Shire, not knowing an exact date until approval is given from the shire has made the first part of this timeline slightly difficult to estimate. We are under the impression that the 2-year building time restraint will start as soon as our planning approval has been given.

Submit house plans and quote March 2022.

Planning Approval approved April 2022, build approval to build the shed submitted April 2022.

Shed will take three months from order to supply, if there are no delays on building materials, with that in mind the shed should be completed by November 2022.

Of course, this will be different If Class 1A Engineering is required by Shire. If that is the case, there will be a 10–12-week delay on the Planning Approval, which will put the shed completion back to January 2023 and practical completion back to May/June 2023.

Building Approval for House - June 2023 (4 weeks)

Earth works (Sand Pad) - August/September 2023 (6 weeks)

Steel Framework, Concrete Slab and Plumbing - September/October 2023 (8 weeks)

House Cladding and Roof October 2023

Electrical – October 2023

Interior fit out November 2023 through to April 2024

Practical Completion – April 2024

Due to the ongoing effect that COVID is having on the building industry this timeline is subject to slight time changes and is determined by availability of building materials, builders, and labour.

I hope that this Timeline meets the Shire's requirements.

13.11 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OUTBUILDING ON LOT 397 (31) JONES STREET, LEDGE POINT

File	BLD/7421
Applicant	Troy Lyons
Location	Lot 397 (31) Jones Street, Ledge Point
Owner	Troy Lyons
Zoning	Residential 12.5/20
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 397 (31) Jones Street, Ledge Point [13.11.1 - 1 page] 2. Aerial Map - Lot 397 (31) Jones Street, Ledge Point [13.11.2 - 1 page] 3. Applicant's Proposal [13.11.3 - 3 pages] 4. Schedule of Submissions and Recommended Responses (2) [13.11.4 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed outbuilding on Lot 397 (31) Jones Street, Ledge Point.

BACKGROUND

The Shire is in receipt of an Application for Development Approval for a proposed outbuilding on the subject lot, which is 1,136m² in area and contains a single house.

The proposal seeks to construct an outbuilding 14 metres in length and 8.5 metres in width (119m²), with a wall height of 3.6 metres tapering to a ridge of 4.7 metres. The outbuilding is located to the rear of the subject lot with a setback of 2.5 metres from the rear (western) lot boundary and 1.5 metres from the side (northern) lot boundary.

The proposal seeks a variation to clause 5.4.3 - Outbuildings under State Planning Policy 7.3 - Residential Design Codes, Volume 1 (R-Codes) with respect to wall height. The proposal complies with the Shire's Local Planning Policy 2.1 - Residential Outbuildings.

This report is being presented to Council as an objection was raised during consultation.

A location plan and aerial imagery are provided as **Appendix 13.11.1** and **Appendix 13.11.2**

The applicant's proposal is provided as **Appendix 13.11.3**.

COMMENT

Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Shire received two submissions, one in support and one opposed to the development.

The Schedule of Submissions and Recommended Responses is provided as **Appendix 13.11.4**.

PLANNING FRAMEWORK

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

The subject land is zoned Residential R15 under LPS 9, the objectives of which are to:

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

Clause 5.2.2 states:

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

The relevant objective of the Residential zone is outlined below with officer comments:

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

Officer comments

The local planning framework provides standards for outbuildings in residential areas that seek to maintain the residential character and amenity of the zone. LPP 2.1 increases the scale at which outbuildings can be approved relative to the size of the subject lot. In this instance the proposed outbuilding is consistent with LPP2.1.

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

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development does not meet with the deemed-to-comply provisions, the application is assessed against the associated design principles to determine whether the variation is acceptable. The R-Codes define an 'Outbuilding' as:

An enclosed non-habitable structure that is detached from any dwelling.

Officer comment

The deemed-to-comply provisions of the R-Codes relating to outbuildings stipulate, amongst other things, that the overall collective floor area cannot exceed 60m², and that a wall height of 2.4 metres and an overall height of 4.2 metres are not to be exceeded. The proposed wall height is 3.6 metres, with an overall height of 4.7 metres and an area of 119m². The relevant design principles assessment for Outbuildings is as provided in the table below:

Design Principle	Officer Comments
P1 - <i>"Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."</i>	P1 - The outbuilding is positioned at the rear of the lot and complies with the side and rear setback requirements. The proposed built form is consistent with LPP 2.1. Noting the above, the outbuilding is not imposing on the street and achieves a modest scale with respect to what is otherwise permissible in the zone.

Local Planning Policy 2.1 (LPP 2.1) – Residential Outbuildings

The Shire adopted LPP 2.1 in January 2013 to complement the provisions of the R-Codes relating to outbuildings to better reflect community expectations.

‘Clause 3.5 – Scale of Outbuilding Development’ outlines the maximum allowable standards for outbuildings throughout the Shire based on lot size and location. The table below is applicable to the subject lot.

TOWNSITE	STANDARD	MAXIMUM	PROVIDED
Coastal Townsites 1001 - 4000m ²	Area Wall Height Overall Height	120m ² 3.6m 5.0m	119m ² – compliant 3.6m – compliant 4.7m – compliant

LPP 2.1 provides dimensions for the maximum allowable standards that are considered to be acceptable throughout the Shire as stated in Clause 3.5. The maximum standards were created to prevent unwanted built form and prescribe standards to prevent excessively large outbuildings being constructed.

The proposed outbuilding complies with all three requirements of the policy and is consistent with the lot boundary setback requirements.

Summary

The officer is of the view that the outbuilding is consistent with the R-Codes and LPP 2.1 and therefore recommends that the proposal be supported subject to conditions.

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

POLICY IMPLICATIONS

Local Planning Policy 2.1 - Residential Outbuildings

State Planning Policy 7.3 - Residential Design Codes Volume 1

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court

SECONDED: Councillor Vis

That Council grant Development Approval for an outbuilding on Lot 397 (31) Jones Street, Ledge Point subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans unless conditioned otherwise in this approval;
2. This approval is for an outbuilding only as indicated on the approved plans;
3. The finished floor level of the outbuilding must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;
4. The outbuilding is not to be used for human habitation or any other industrial or commercial use;
5. The approved outbuilding is to be constructed using new materials and be of a consistent colour scheme; and
6. 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.

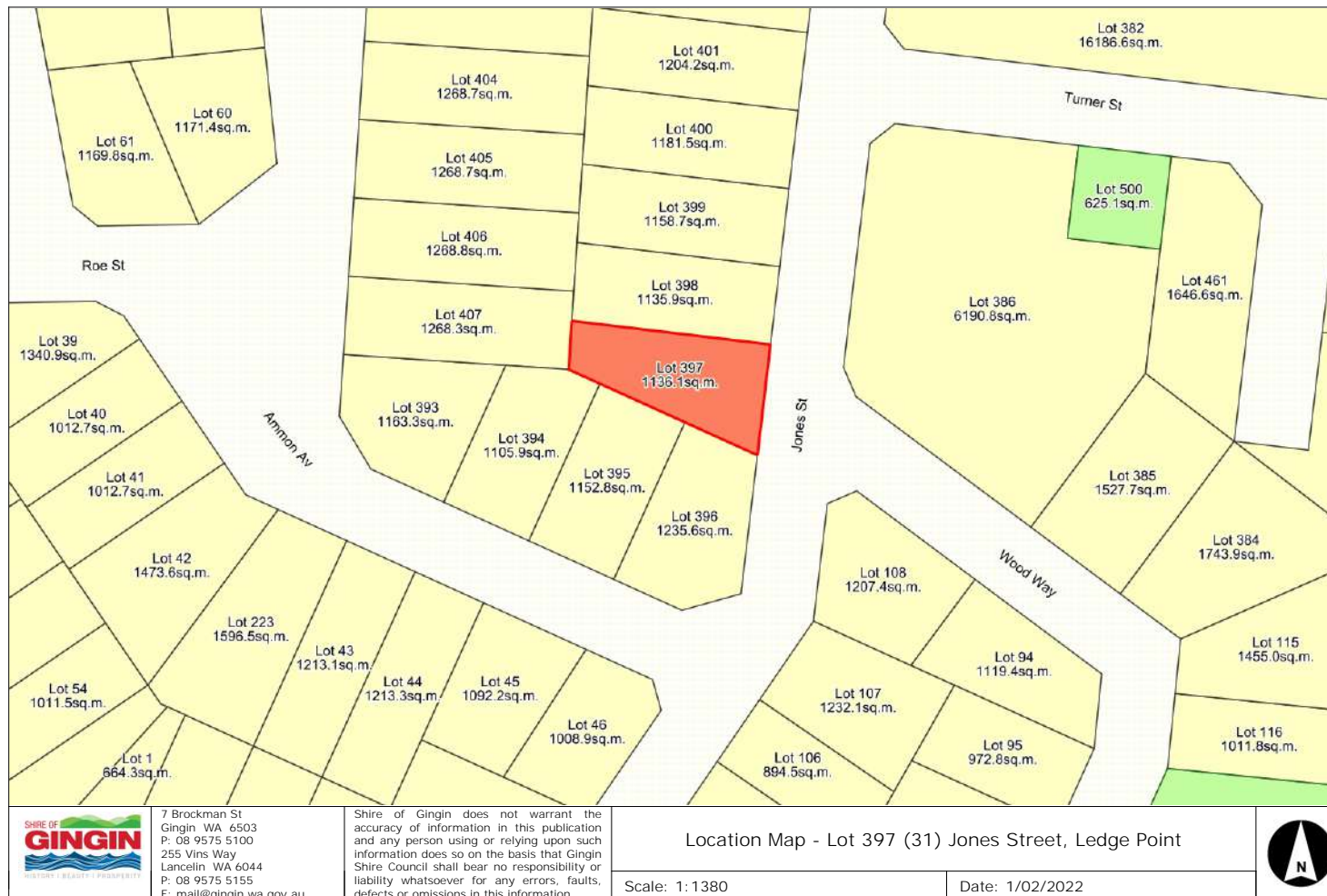
Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

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.

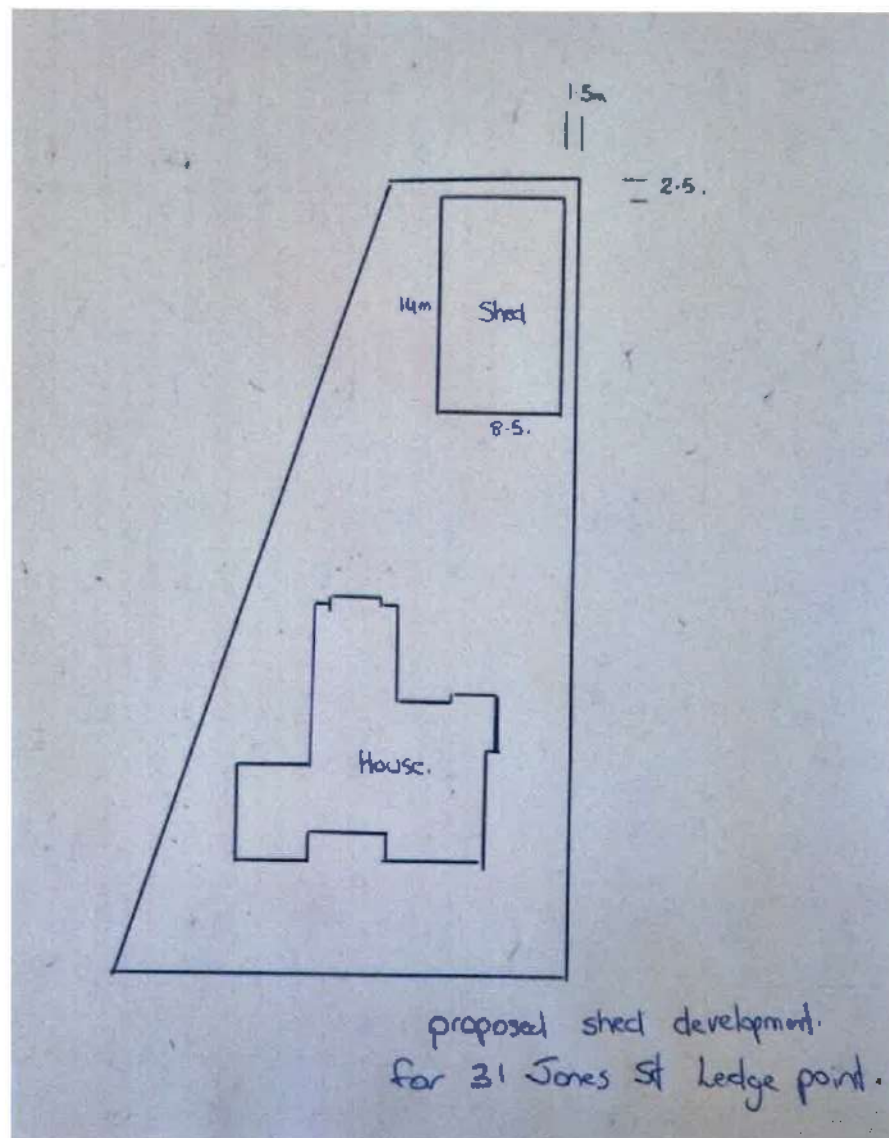
CARRIED UNANIMOUSLY
9 / 0

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

AGAINST: *Nil*

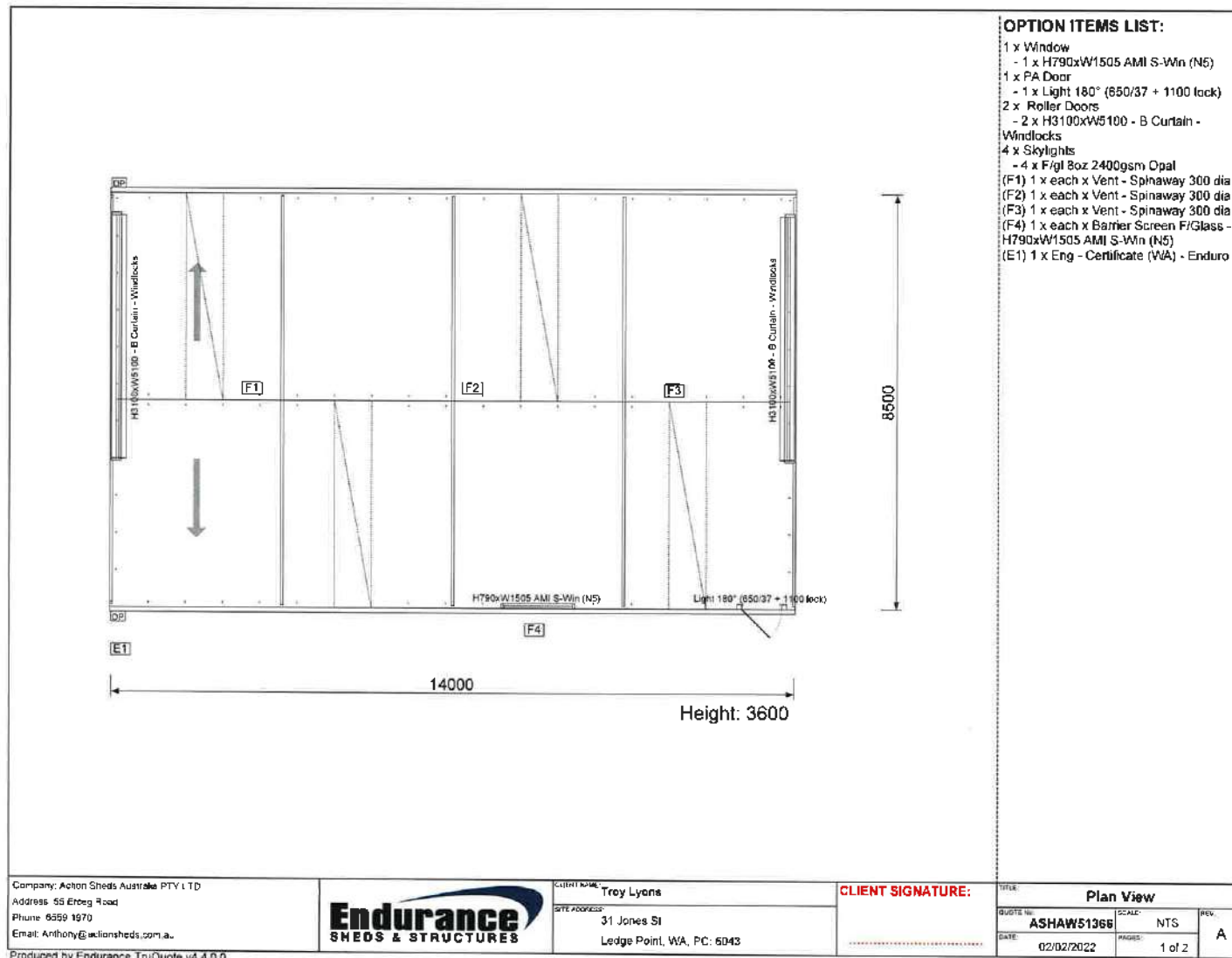






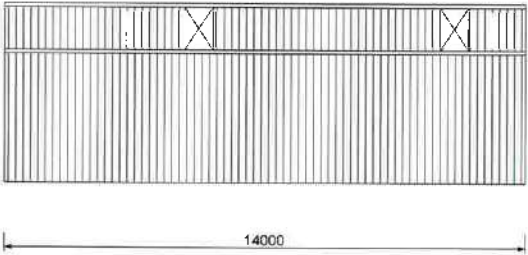
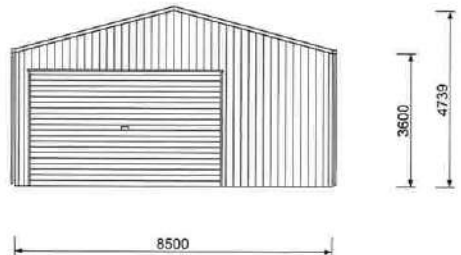
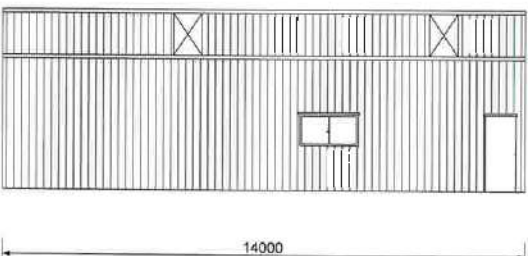
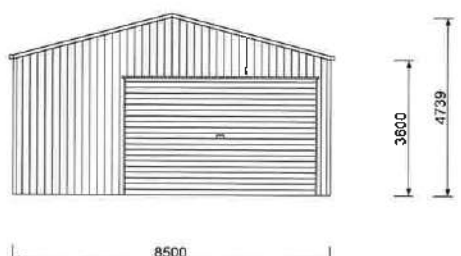



**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 13.11.3



**MINUTES
ORDINARY COUNCIL MEETING
15 MARCH 2022**

APPENDIX 13.11.3

 <p>Back</p>	 <p>Left</p>					
 <p>Front</p>	 <p>Right</p>					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top;"> <p>Company: Action Sheds Australia PTY LTD Address: 55 Erceg Road Phone: 6556 1970 Email: Anthony@actionsheds.com.au</p> </td> <td style="width: 20%; text-align: center; vertical-align: middle;">  </td> <td style="width: 20%; vertical-align: top;"> <p>CLIENT NAME: Troy Lyons CLIENT ADDRESS: 31 Jones St Ledge Point, WA PC: 6043</p> </td> <td style="width: 15%; vertical-align: top;"> <p>CLIENT SIGNATURE:</p> </td> <td style="width: 15%; vertical-align: top;"> <p>TITLE: Elevations View QUOTE NO: ASHAW51366 SCALE: NTS REV: A DATE: 02/02/2022 PAGE: 2 of 2</p> </td> </tr> </table>		<p>Company: Action Sheds Australia PTY LTD Address: 55 Erceg Road Phone: 6556 1970 Email: Anthony@actionsheds.com.au</p>		<p>CLIENT NAME: Troy Lyons CLIENT ADDRESS: 31 Jones St Ledge Point, WA PC: 6043</p>	<p>CLIENT SIGNATURE:</p>	<p>TITLE: Elevations View QUOTE NO: ASHAW51366 SCALE: NTS REV: A DATE: 02/02/2022 PAGE: 2 of 2</p>
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SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED OUTBUILDING ON LOT 397 (31) JONES STREET, LEDGE POINT

No.	Submitter	Submission details	Recommended response
1	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>“As we are the last of the original residents of Jones Street, we have seen many changes in our town over the years from a high paced crayfishing village to a sleepy holiday / retirement village. In the early years it was a necessity for some residential properties to have large sheds at the rear of their properties to accommodate the fisherman’s cray pots, ropes and floats etc to allow them to continue to make a living and keep the town operating. This is certainly evident with some of the larger sheds behind our property.</i></p> <p><i>At present now, not only do we not have the number of fishermen operating out of our town, but for those residents that do require large storage areas, Ledge Point is lucky to have, and has for a number of years, a well serviced, secure and reasonably cheap industrial area where a shed of this size would fit in very well and also be welcomed to occupy one of a number of vacant properties in this area.</i></p> <p><i>Our main objections to this proposed structure are as follows;</i></p> <ul style="list-style-type: none"> <i>• Our boundary length for this shed, stated in the received documents, is 14mtrs and then we add 2.5 mtrs of setback from their rear boundary, gives us a total of 16.5 mtrs of shed in an area that will certainly impact us as we move around our “much used” back yard and enter / exit through the rear door of our dwelling. This door is the “main” access door to our house.</i> <i>• The size of this structure would certainly be very imposing and leave us with the feeling that things are closing in on us.</i> <i>• During the summer period this large shed will also cut down the effects of the cooling breeze from the south-west that has always been a welcome relief during those very hot days during these months, to cool down our home.</i> <i>• I do certainly query the requirement for a structure of this overall size, at a quoted 119m² opposed to normal sized shed of 60m², as it is almost double the normally allowable size.</i> 	<p>Noted.</p> <ul style="list-style-type: none"> • Outbuilding lengths are not restricted. The length and height of a structure influence the required setback. In this instance the setback provision is compliant. This is not a ground to refuse the development. • The size of the Outbuilding is consistent with LPP 2.1. • The officer notes that access to a breeze may be impacted, however is not a basis to refuse the development when the setback provision have been met.

		<p><i>This occupant is definitely not a commercial fisherman, so I'm left wondering why the request to erect a structure of this size in this area.</i></p> <ul style="list-style-type: none"> <i>If it is to be used to house a large vessel, then as stated before, maybe the industrial area would be the best place to be, where the movements of vehicles and large vessels would not impact our lifestyle any more than necessary.</i> <i>On the other hand, if there maybe plans to commence a cottage business or other works or the like, in the future, from this structure then definitely they should be encouraged to move to the industrial area.</i> <ul style="list-style-type: none"> <i>As listed, all measurements of this structure leave most allowable new sheds in town dwarfed, o Height to the ridge @ 4.7 mtrs instead of the allowable 4.2 mtrs</i> <i>Wall heights @ 3.6mtrs instead of the allowable 2.4 mtrs,</i> <i>Plus, as stated a massive 119m², in overall size.</i> <p><i>Allowing the erection of an outbuilding of this size could certainly leave a precedent for other rate payers to follow, as bigger sheds are always the preference for most land owners, only the existing rules and regulations prevent more of these structures being built.</i></p> <p><i>I am sure that you would agree that this outbuilding is certainly a very large structure and is definitely much better suited for the Ledge Point Industrial area and not right beside other residential properties, and in an area that would be very confronting for their existing neighbours.</i></p> <p><i>We are certainly sure that our new neighbours would be value adding to their recently purchased property, but I am, at the same time, very sure that this will certainly have a negative effect to the value of our property, of which we have built and owned since the early 1980's if this structure is allowed to proceed."</i></p>	<ul style="list-style-type: none"> The outbuildings scale is compliant with LPP 2.1 which varies the provisions of the R-Codes. Outbuildings of this scale are common within the coastal townsites. It could be argued that precedent has already been set, with outbuildings larger than the proposed having been approved within the coastal townsites. <p>While the officer acknowledges the concerns raised, given the scale of the outbuilding is compliant with LPP 2.1, and setbacks from lot boundaries are consistent with the R-Codes, there is no valid basis to refuse the development.</p>
2.	Ratepayer	<p>The submitter supports the proposal and provides the following general comment:</p> <p><i>" We have no problems with this shed being built on this property behind us. It seems more beneficial for the owners to be able to utilise the current driveway to gain straight access to the shed."</i></p>	Noted.

14 REPORTS - OPERATIONS AND ASSETS

14.1 RESTRICTED ACCESS VEHICLES (RAV) – NETWORK RAV 7, TRI DRIVE D4, PBS 40M AMMS LEVEL 3 ON HOY ROAD, COONABIDGEE

File	RDS/10
Reporting Officer	Vanessa Crispe – Executive Manager Operations and Assets
Refer	Nil
Appendices	1. Hoy Road Gingin [14.1.1 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an application from Main Roads WA (MRWA) regarding the use of Restricted Access Vehicles (RAV) – Network RAV 7, Tandem Drive, PBS 42m AMMS level 3 on Hoy Road, Coonabidgee.

BACKGROUND

A RAV application has been received from MRWA seeking approval to use Network PBS TD4, AMMS Level 3 Vehicles on Hoy Road 0.00 to the end of Hoy Road, being 1.43km. Hoy Road runs from the intersection of Brand Highway and links straight into Todman Road, Coonabidgee.

A Network PBS TD4, AMMS Level 3 RAV is a heavy vehicle combination consisting of a tri drive prime mover and semi-trailer towing 2 axle dog trailers. This combination is permissible up to a length of 42 metres and a gross weight of not more than 153 tonnes.

Council Policy 7.6 Road Transport – Restricted Access Vehicles (RAV), Part 2 relates to the approval of Concessional Loading (AMMS) applications and states:

2. Concessional Loading (Accredited Mass Management Scheme)

All Concessional Loading applications through the HVS Accredited Mass Management Scheme (AMMS) shall be assessed and taken to Council for consideration.

It is a requirement of RAV operators that, first and foremost, approval must be gained from the local government before applying to Main Roads WA Heavy Vehicle Services (HVS) for a permit.

The Route applied for is from the Great Northern Highway Intersection, Brand Highway to Hoy Road Gingin.

COMMENT

Hoy Road is currently a sealed road with the following standards:

- Very thin gravel pavement (less than 100mm in depth on all sections and most areas less than 50mm of gravel) for the 1.43km constructed length of the road;
- The current surface from Brand Highway to the western extremity is very rough and potholed;
- The width of the pavement ranges from 4m to 5m;
- The Shire has only repaired pavement failures on this road over the last ten years; and
- The date of the installation of the road or its last renewal (re-sheet) is unknown.

The current condition of Hoy Road (pavement condition and width of pavement) would not be able to accommodate the traffic proposed by this application at this point in time.

There are no identified issues to date with Hoy Road regarding stacking distances (distances from Todman Road to the intersection of Brand Highway not being sufficient to stop a RAV combination). There are issues with horizontal curves, vertical curves and line of sight distances within the section of Hoy Road that would require attention.

Consideration must, however, be given to the extra wear on the pavement due to the additional 74 tonnes per combination (increase of 93.67%). The additional weight per axle will increase deterioration of the road leading to higher maintenance costs, decrease in the pavement's useful life, and premature replacement of the asset.

The road was designed based on the current demand, environment and expected level of service. Furthermore, the Shire of Gingin does not receive any additional grant funding to deal with AMMS approvals and the resulting increased deterioration of local government assets.

The Shire may impose conditions on the AMMS application should it be approved, and HVS recommends that a 'CA07' condition (requiring that a letter from the local government must be carried in the vehicle at all times and be presented on request) be imposed on all AMMS approvals. As the Shire of Gingin has an annual renewal process for RAV (and AMMS) applications, this gives the Shire a control mechanism whereby if the pavements deteriorate at a rate that is deemed to be too rapid by Shire Officers, then the AMMS can be removed by not approving the AMMS application the following year. All RAV and AMMS approvals expire on 30 June annually with pavements being assessed at the time of renewal.

It is recommended that the application not be supported, based on the current condition of Hoy Road and given that there are no formal agreements with any parties to contribute to the upgrading and/or maintenance of the road to a suitable standard. Attached as **Appendix 14.1.1** is the location of Hoy Road within the Shire of Gingin.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Approval of this application would potentially result in significant increased maintenance costs for this section of road proportionate to the increase in traffic volume.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner
Outcome	3.2 Community Infrastructure The Shire provides fit for purpose community infrastructure in a financially responsible manner.
Key Service Area	Community Infrastructure
Priorities	N/A

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Rule

That Council:

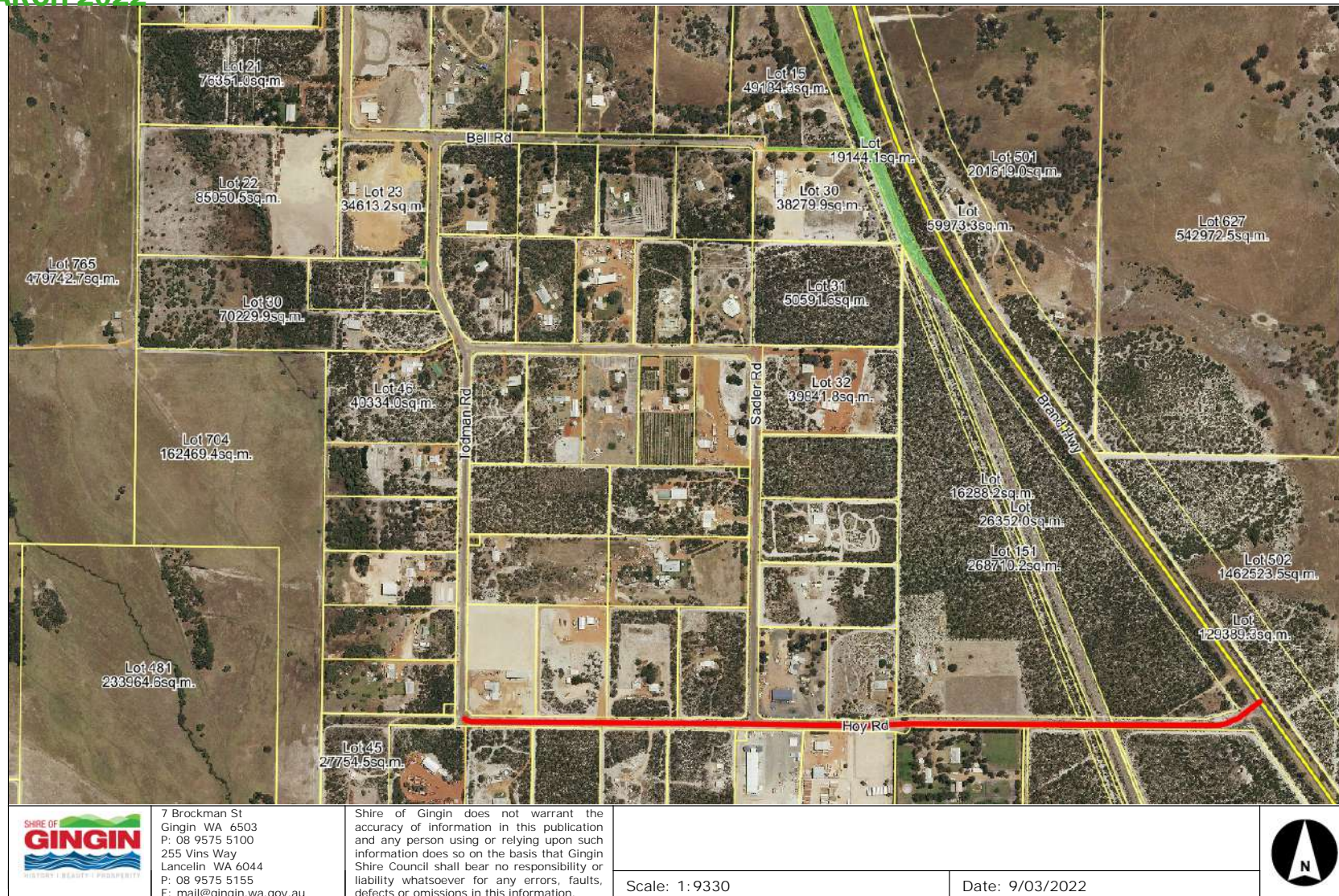
1. Refuse the application from Main Roads WA for the use of Restricted Access Vehicles (RAV) – Network RAV 7, Tandem Drive D4, PBS 42m AMMS level 3 on Hoy Road, Coonabidgee; and
2. Advise Main Roads WA that as the road is deemed unsuitable to be added to the relevant RAV network it may be considered for a Restricted Local Access Permit.

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*



14.2 UNBUDGETED EXPENDITURE - REPAIRS TO SEABIRD SEAWALL

File	ENV/17
Author	Vanessa Crispe - Executive Manager Operations and Assets
Reporting Officer	Vanessa Crispe - Executive Manager Operations and Assets
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the adopted 2021/22 Budget to allow for urgent repairs to the Seabird Seawall.

BACKGROUND

In 2019, Neo Infrastructure undertook maintenance works on the seawall due to yearly storms. Smaller armour rocks had been plucked from the seawall, taking them out and off the rock shelf into the ocean. The armour rock that had been plucked out was put back, including some of the salvaged bigger rocks from the laydown area used during the construction of the wall.

The scope involved replacing the lost armour rock with larger heavier armour rocks and ensuring they were properly interlocked. As advised at the time, this addressed the problem in the short term. However, the wall is still susceptible to storms plucking out smaller armour rocks as is the case currently.

COMMENT

As a minimum, urgent action is required to replace the lost armour rocks in front of the seawall that have been plucked out, and the replacements interlocked with the surrounding armour rocks.

These works are required to be undertaken before the up-and-coming winter storm season. The requested funds have been assessed on Shire contribution to the works as well as the two quotations received from sub-contractors.

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

Nil

BUDGET IMPLICATIONS

There is currently no allocation in Council's adopted 2021/22 budget for this work. Should the funding for the Seabird Seawall repairs be endorsed by Council, it is recommended Council amend the 2021/22 Budget as detailed below to reflect the change.

Account	Description	Current Budget	Revised Budget	Surplus/Deficit
141005900	Repairs to Seabird Seawall	0	\$11,200	\$11,200
151005810	Transfer from Reserve 17 – Coastal Management Reserve – Coastal Inundation	0	(\$11,200)	(\$11,200)
Change to Closing Surplus				0

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Balcombe

That Council:

1. Approve unbudgeted expenditure of \$11,200 for urgent repairs to the Seabird Seawall.
2. Amend the adopted 2021/22 budget in accordance with the following table below:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
141005900	Repairs to Seabird Seawall	\$0	\$11,200	\$11,200
151005810	Transfer from Reserve 17 – Coastal Management Reserve – Coastal Inundation	\$0	(\$11,200)	(\$11,200)
Change to Closing Surplus				\$0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

14.3 UNBUDGETED EXPENDITURE - DEMOLITION AND REMOVAL OF OLD GINGIN TENNIS CLUB CLUBHOUSE AND ABLUTIONS

File	BLD/1189 A4062
Author	Vanessa Crispe - Executive Manager Operations and Assets
Reporting Officer	Vanessa Crispe - Executive Manager Operations and Assets
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. 20220303135326 [14.3.1 - 1 page] 2. Old Gingin Tennis Club Map [14.3.2 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the adopted 2021/22 Budget to allow for the demolition and removal of the old Gingin Tennis Club clubhouse and ablution block.

BACKGROUND

The old Gingin Tennis Club clubhouse and ablution block are situated on Lot 250 at the corner of Barlee Street and Constable Street, Gingin..A map and aerial view of the site is attached as **Appendix 14.3.1** and **Appendix 14.3.2**.

The tennis courts were closed in February 2012 following development of the new hard court complex s at the Gingin Recreation Centre.

The land is owned in freehold title by the Shire of Gingin

COMMENT

The old Gingin Tennis Club clubhouse and ablution block both contain asbestos that requires removal due to the risk of respirable asbestos fibres being inhaled due to lack of maintenance and inspections over the last 10 years. The old clubhouse is continually vandalised, with all windows being broken and now boarded up. The boarding up of this building has not deterred the vandalism, with the boards being smashed and continuous entry into the building taking place.

Over time, asbestos structures deteriorate and they pose an increased risk to health when they are disturbed (and in this case, not maintained).

Until a decision is made in relation to future utilisation of the land, the existing fence will be left in place due to the risk of vehicles entering the tennis courts and driving off the southern side where there is an angled rock wall with a drop of approx 1-2 meters. The requested funds have been assessed on Shire contribution to the works as well as the quotation received from sub-contractor.

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

Nil

BUDGET IMPLICATIONS

There is currently no provision in the 2021/22 budget for this work. Should the funding for the demolition and removal of the Old Gingin Tennis Club clubrooms and ablution block be endorsed by Council, it is recommended Council amend the 2021/22 Budget as detailed below to reflect the change.

Account	Description	Current Budget	Revised Budget	Surplus/Deficit
BM11311	Demolition of the Old Gingin Tennis Club Clubhouse and Ablution blocks	\$0	\$29,300	\$29,300
151103810	Transfer from Reserve 15 – Future Infrastructure Reserve	\$0	(\$29,300)	(\$29,300)
Change to Closing Surplus				\$0

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	3 – To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.
Outcome	3.2 Community Infrastructure The Shire provides fit for purpose community infrastructure in a financially responsible manner.
Key Service Area	Community Infrastructure
Priorities	3.2.3 Rationalise and consolidate older community infrastructure

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Rule

That Council

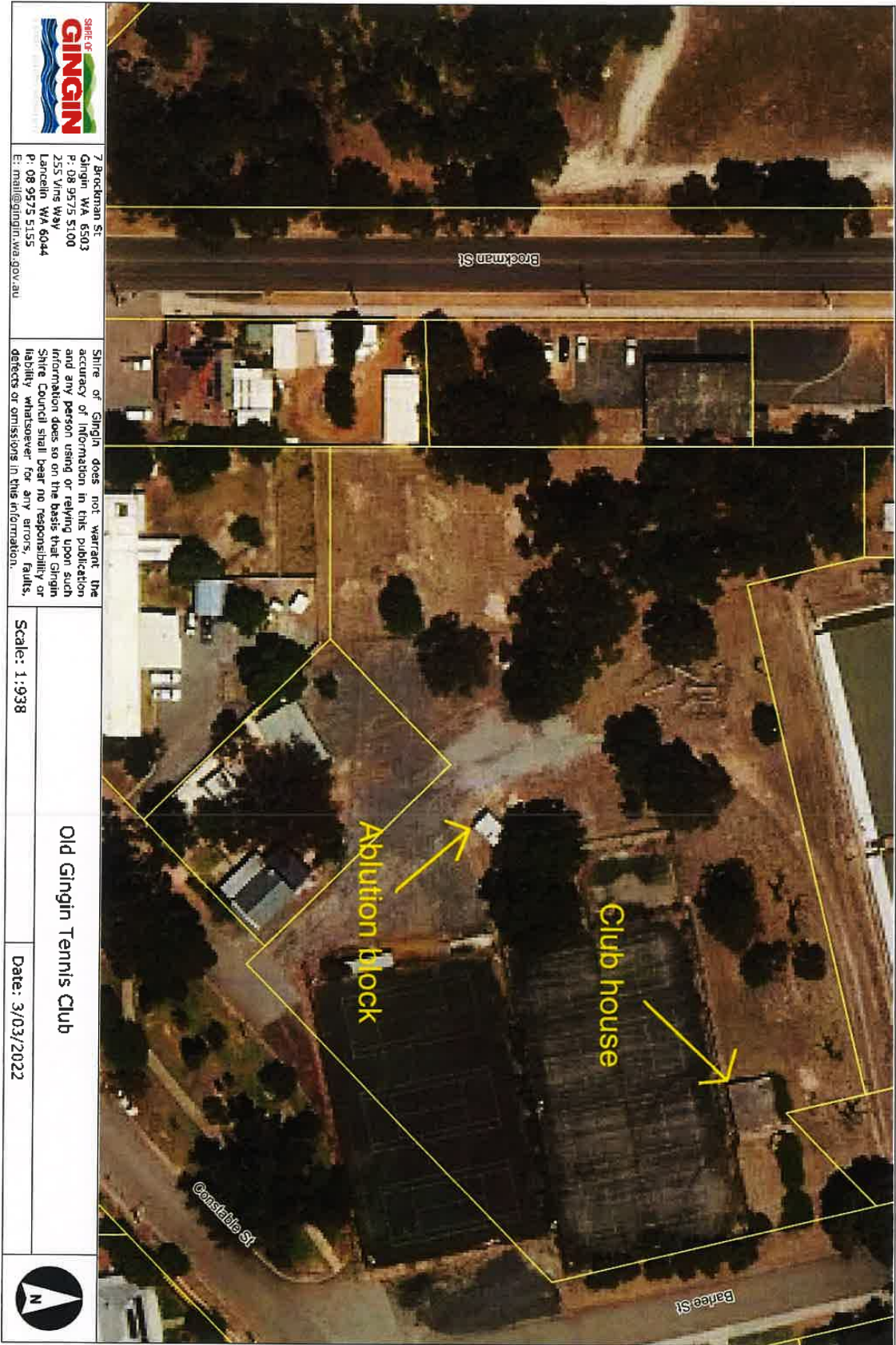
1. Approve unbudgeted expenditure of \$29,300 for the demolition of the Old Gingin Tennis Club clubhouse and ablution block.
2. Amend the adopted 2021/22 budget in accordance with the following table below:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
BM11311	Demolition of the Old Gingin Tennis Club Clubhouse and Ablution blocks	0	\$29,300	\$29,300
151103810	Transfer from Reserve 15 – Future Infrastructure Reserve	0	(\$29,300)	(\$29,300)
Change to Closing Surplus				0

**CARRIED BY ABSOLUTE MAJORITY
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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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.

Old Gingin Tennis Club

Scale: 1:1466

Date: 3/03/2022



15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

16.1 TURQUOISE COAST/NORTHERN AGRICULTURAL CATCHMENTS COUNCIL (NACC) JOINT MEETING

File:	GOV/6
Councillor:	Frank Johnson
Report Date:	15 March 2022

I attended the meeting on 9 February 2022 with Aaron Cook (Shire of Gingin CEO) regarding coastal issues.

This was the third meeting arranged to look at the issue of coastal recreation/usage within the Turquoise Coast Region, involving four local governments and several other interested community and recreation associations.

Further research is to be carried out by NACC and reports provided for consideration by participants regarding possible outcomes.

16.2 LOWER COASTAL NEIGHBORHOOD WATCH MEETING

File:	GOV/6
Councillor:	Frank Johnson
Report Date:	15 March 2022

I attended the meeting on 9 February 2022 which was held at Ledge Point. The meeting was well-attended with 43 people present.

Sergeant Patterson of Lancelin Police gave a rundown of the issues they have been facing and some solutions he was looking at to ameliorate various issues. For example, extra signage at black spots and, increased patrols where staffing allows in the communities suffering from anti-social behaviour.

Sergeant Patterson also thanked our ambulance volunteers for their unflinching work in traumatic situations, the poor treatment of Shire Rangers when dealing with the public and also thanking them for their ongoing help. He also thanked the Shire for its continuing help in housing the extra police at holiday times and congratulated Dot Branch on her Senior Citizen of the Year award.

Dr Carolyn Johnson followed with a presentation on Family and Domestic Violence, with a question and answer section involving Sergeant Patterson and Dr Johnson. This was to assist the public with ways they may be able to help and how the police deal with cases.

16.3 GINGIN SCHOOL BOARD MEETINGS

File:	GOV/6
Councillor:	Frank Johnson
Report Date:	15 March 2022

I attended the first meeting of the year on 24 February 2022. At this meeting the effects of COVID-19 requirements on schools were discussed, how the school board operates and its role and involvement in school operations and the wider school community.

I attended another meeting on 10 March 2022 which was called to discuss this year's upcoming School Review.

16.4 SEABIRD PROGRESS ASSOCIATION AGM

File:	GOV/6
Councillor:	Frank Johnson
Report Date:	15 March 2022

I attended the AGM on 5 March 2022 and a new committee was elected. A couple of members stepped down and some new fresh faces stepped up.

The President's Report noted several positive outcomes the Association had achieved throughout the year and the members were supportive of continuing to develop the Association's working relationship with the Shire to further improve the town.

17 NEW BUSINESS OF AN URGENT NATURE

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council accept Items 17.1 and 17.2 as New Business of an Urgent Nature on the grounds that, if not dealt with at this meeting, there will be insufficient time for grant applications to be submitted prior to the deadline of 4 April 2022.

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*

17.1 SEABIRD CARAVAN PARK GRANT REQUEST

File	RDS/20 & ENV/17
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. Westpeak Report Attachment [17.1.1 - 27 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a recommendation from the Coastal Erosion Advisory Committee in relation to proposed works and grant applications that the Seabird Caravan Park is requesting to mitigate against the erosion at the caravan park beach access ramp and the wooden walkway to the beach.

BACKGROUND

The Seabird Caravan Park has advised the Shire on several occasions that there has been erosion in the vicinity of the caravan park beach access ramp and the wooden walkway.

The Caravan Park Council of Owners (Caravan Park) has requested that the Shire immediately take action in this space to have the areas protected. This has created a significant discussion about who is responsible for the area. The author has stressed the point that there is no plan of works or costings, and as a result the Caravan Park has had a report prepared by Westpeak Consultants proposing options for the work with costings.

This matter was considered by Council's Coastal Erosion Advisory Committee at its meeting on 15 March 2022 and this report presents the Committee's recommendation.

COMMENT

A meeting was held on 8 March 2022 with the Caravan Park representatives to discuss the options presented in the report, as attached (**Appendix 17.1.1**).

In essence there are two options to attempt to resolve the erosion issues, with the cheaper method being sand renourishment and the more costly option being geotextile sandbags.

The Caravan Park has requested that several grant applications be prepared to try to obtain funding for the works proposed, but as of the meeting on 8 March 2022 it has not advised how much it is willing to contribute to the grant requirements. During the meeting there was a comment that the State contribute 50%, Council contribute 25% and the Caravan Park 25%. The total project cost that is proposed is \$260,350 ex GST + 10% contingency, which brings the project total cost to \$286,385 plus GST. This would mean a contribution from Council of \$71,596 plus GST.

In this regard there has been a longstanding and ongoing debate that whilst the Caravan Park is a ratepayer, the assets that are under erosion threat are private in nature. No one else from Seabird or the public is allowed access to the beach access ramp, and there is (or was) a sign located on the wooden walkway saying private entry only. This clearly shows that these facilities are considered privately owned by the Caravan Park and as they are not open for public use creates the discussion of Council responsibility in this matter. This is a serious discussion and would need to be considered for all other privately owned assets along the Shire's foreshore.

The author has advised the Caravan Park that the Shire would not support the retaining of the wooden walkway as this is not seen as essential infrastructure and option one in the report is the preferred method where the Caravan Park drops the height of the structure and reduces its length.

In discussing the impact of the proposed retaining of the beach access ramp, the Caravan Park argued this was required to retain the dune system. The author stated that a structure to undertake this action would look vastly different to what is proposed. The author also questioned Mr Doust as to the life of the retaining wall and it was stated that this would be five years. In addition, it was questioned whether the retaining goes down to the hard limestone bottom, and the answer was no, its depth is one metre under standard beach height.

Mr Doust was also questioned as to the refraction of the swell removing the beach and the impact on the use of the beach access ramp. He agreed that this area in front of the beach access ramp will experience more pressure than normal but would not estimate an increased loss of use. It was clarified again that at times currently the beach access ramp cannot be used, and with the construction of the retaining wall this will get worse and as such sand renourishment would be needed to utilise this asset. The author advised that minor sand renourishment would not last; and it's not that the work can't be done, but rather the inevitable the ongoing cost and environmental implications of continually bringing in additional sand. It was also clearly stated that it is predicted that the construction of the retaining wall would require sand renourishment each year due to the refraction of the waves.

At the minimum, it is felt that the Shire could assist the Caravan Park to potentially seek grants, however the issue for further discussion is Council's commitment to contribute financially. At the meeting on 8 March 2022 no commitment either way was provided to

the Caravan Park regarding Council's contribution, other than to assist in the grant process.

It should be noted that there are several other grants that the Shire will be applying for in this space, and a significant amount of time will need to be allocated to preparing the applications.

It is requested that the Committee review the attached document from Westpeak and consider making a recommendation to Council as to a potential contribution to the grant as financial assistance towards the grant applications.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Any budget implication would fall within the 2022/23 financial year budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment
Objective	2. – To develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management
Outcome	2.1 Conservation – The Shire's ecological services and natural assets are respected and enhanced
Key Service Area	Conservation & Environmental Management
Priorities	Develop a Coastal Management Policy and implement a Coastal Management Plan to protect and enhance our coast

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION

MOVED: Councillor Court

SECONDED: Councillor Kestel

That Council not support the Seabird Caravan Park Council of Owners in preparing a grant application for funding to undertake works on the Caravan Park Beach Access Ramp as this asset is a private recreational facility and the Shire already provides public access to the beach.

**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*



Seabird Caravan Park
**Immediate Erosion
Remedial Work**
8 March 2022



DISCLAIMER

This report has been prepared on behalf of and for the exclusive use of Seabird Caravan Park, and is subject to and issued in accordance with the agreement between Seabird Caravan Park and Westpeak Engineering. Westpeak Engineering accepts no liability or responsibility whatsoever for it in respect of any use of or reliance upon this report by any third party. Copying this report without the permission of Seabird Caravan Park and Westpeak Engineering is not permitted.

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1 BACKGROUND

1.1 Introduction

The Seabird Caravan Park is located on the Western Australian coastline, approximately 100kms north of Perth, and within the Shire of Gingin (Shire).



Figure 1 – Seabird Caravan Park Location

The Seabird Caravan Park is privately owned and features caravan and chalet sites, a small park shop and various amenities, including two beach access ways, a boat ramp, two playgrounds, a tennis court and parking.

The Seabird Caravan Park has a coastal frontage which is displayed in the below image. The relevant coastal infrastructure, listed below and shown in the subsequent photographs, is also annotated.

- The Seabird Caravan Park's Beach Access Ramp (boat ramp).
- The Seabird Caravan Park's Nitschke's Walk (access ramp and stairs).
- An approximately 670m long seawall south of the Caravan Park which was constructed by the Shire in 2016.



Figure 2 – Seabird Caravan Park Coastal Frontage & Beach Access Ways



Figure 3 – Seabird Caravan Park Beach Access Ramp (Left) & Nitschke's Walk (Right)



Figure 4 – Approximately 670m Seawall Constructed by the Shire in 2016



1.2 Erosion Issues

The Seabird coastline has been subject to various erosion episodes over recent decades.

An inspection was completed by Alex Clapin on 11 January 2022 and identified significant erosion damage to the assets fronting the Caravan Park – the Beach Access Ramp and Nitschke's Walk. Photographs of this damage are provided below.



Figure 5 – Beach Access Ramp Erosion Damage on 11/1/22



Figure 6 – Nitschke's Walk Erosion Damage on 11/1/22

The damage shown has occurred over various erosion episodes, the latest of which included several severe storms throughout the winter and spring of 2021. High waves and water levels have removed sand material from the base of the dunes and subsequently undercut the Beach Access Ramp and Nitschke's Walk.

As shown in the photographs, material underneath/around the Beach Access Ramp abutment has been lost. Adjacent sections of pavement, fencing and drainage assets have also been damaged or lost. The Beach Access Ramp has consequently become a safety hazard and is unusable which has resulted in its closure. It is important to note that there is often a drop off between the end of the Beach Access Ramp and the beach profile (mostly over winter) making it unusable. Summer conditions (prevailing south westerly winds), as experienced recently, push sand to the back of the beach and reconnect the ramp toe.

The material lost around Nitschke's Walk resulted in the existing foundations (timber piles) not being adequate. Subsequently, temporary repairs were completed by the Caravan Park on 10 November 2021 to extend and brace the piles for safe pedestrian use. These repairs can be seen on the above photographs.

These erosion issues have been recurring for some time, as shown by the below photographs taken by Peter Doust during an inspection on 23 August 2018.



Figure 7 – Beach Access Ramp Erosion on 23/8/18



Figure 8 – Nitschke's Walk Erosion on 23/8/18

The erosion issues experienced over recent years and most significantly in 2021 are expected to continue and worsen into the future.

In 2019, Seashore Engineering completed an *Assessment of Coastal Erosion Hotspots in Western Australia* to identify locations “where coastal erosion is expected to have a significant impact on public and private property or infrastructure, including houses, roads and recreational facilities, in the next 25 years”. The study was completed to help refine local coastal management strategies to adapt to the challenges of coastal erosion. It found that the Seabird foreshore met all 5 of its typical erosion hotspot characteristics and subsequently had a Moderate management importance over the 0-5 year timeframe which transitions to High by 2024. As such, it is one of the highest priority locations among the erosion hotspots identified within the State.

More detailed coastal erosion studies including *Seabird Coastal Erosion Hazard Assessment* (MRA 2016) and the subsequent *Coastal Hazard Risk Management and Adaptation Plan* (CHRMAP; Cardno 2019) developed and endorsed by the Shire also provide future projections. The coastal erosion hazard lines determined in accordance with the State Planning Policy – State Coastal Planning Policy (SPP2.6) for the relevant Seabird management unit are illustrated below.



Figure 9 – Relevant Coastal Hazard Risk Management & Adaptation Plan Erosion Hazard Lines (Cardno 2019)

As shown, all of the hazard lines, which indicate that seaward areas seaward are at risk of coastal erosion over the relevant timeframe, encompass the Beach Access Ramp and Nitschke's Walk. Furthermore, the *CHRM* projects that the likelihood of coastal erosion hazards will increase over time for these assets.

In GHD's *Seabird Foreshore Stabilisation – Alternative Seawall Design Report* (2016) it was highlighted that erosion impact on adjacent sites would be a key risk for the now constructed seawall to the south of the Seabird Caravan Park. It was stated that "Placement of a hard engineered structure will cause wave energy to be reflected which can create a more energetic environment in surrounding areas. In many instances seawalls accelerate erosion on their seaward side and at either end..." Furthermore, GHD outlined that "adjacent unprotected areas at Seabird [...] will remain a significant risk that will require monitoring post construction and may require ongoing maintenance and management." It is understood that the Shire are currently completing coastal monitoring of the Seabird coastline as part of the *CHRM* implementation.

If left unmitigated, it is obvious that erosion damage will continue to impact the Beach Access Ramp and Nitschke's Walk and to greater extents. Further damage is likely to be much more difficult and costly to repair, due to impacts on abutments and foundations and the potential for larger scale collapses and failures. This could result in safety hazard risks for the Caravan Park and beach users. Lastly, poor environmental outcomes can be expected if the concrete, timber and steel materials from these assets are left to erode from coastal processes.



2 EROSION REMEDIAL WORK

2.1 Longer Term Erosion Mitigation

The assessment completed as part of the Shire *CHRM* identified several assets relevant to the Seabird Caravan Park as having Medium and High vulnerabilities from coastal erosion by 2020 and 2030 respectively. Furthermore, the Caravan Park itself was found to have a Medium, High and then Very High vulnerability in 2030, 2050 and 2070 onwards respectively.

The *CHRM* recommends several potential options for investigation and implementation to mitigate the above vulnerabilities. This further work will require due process, including:

- Investigations, such as feature and topographical survey, hydrodynamic wave modelling and sand sample testing.
- Concept design of potential options and discussions with various stakeholders, including the Shire and the Department of Transport.
- Detailed design of a preferred option for implementation.

Grant applications are currently being considered to help fund the completion of the above work. If successful, and based on the grant funding round timings, this work may commence towards the end of 2022.

However, given the likelihood of continuing/worsening erosion over the coming 2022 winter and the current state of the Beach Access Ramp and Nitschke's Walk assets, immediate term erosion mitigation is recommended in the meantime.

2.2 Immediate Term Erosion Mitigation Design Requirements

There are several requirements in considering immediate term erosion mitigation for the Beach Access Ramp and Nitschke's Walk assets. These are outlined in the following sections.

2.2.1 Design Life

For temporary works, as the immediate term erosion mitigation options presented herein are, Australian Standard 4997-2005 *Guidelines for the design of maritime structures* recommends a design life of 5 years or less.

A design life of 5 years has been adopted. This means that after 5 years, the designed options should have adequate strength to resist ultimate loads and be serviceable, but may have reached a stage where further deterioration will result in inadequate capacity.

5 years should enable sufficient time for a longer term erosion mitigation solution to be developed.



2.2.2 Design Event

Based on the design life of 5 years and a Function Category 1, for structures presenting a low degree of hazard to life or property, AS4997-2005 recommends a design wave event with an annual probability of exceedance of 1/20. This equates to an Average Recurrence Interval (ARI) of 20 years.

Worley (2002) presented significant wave heights for several ARI's at various locations of varying water depth along the surrounding coastline. The inshore wave climate assessment provided for Guilderton (approximately 10km south of Seabird) is tabled below.

Table 1 – Guilderton Inshore Significant Wave Heights (Worley 2002)

ARI (Years)	Significant Wave Height, H_s (m)
1	2.4
5	2.8
10	3.0
25	3.2
50	3.3
100	3.5

MRA (2014) used the above 25 year ARI significant wave height of 3.2m and a 5 year ARI water level of 1.13mAHD (determined by an extreme analysis of the Fremantle Fishing Boat Harbour tide gauge) to transform waves to the nearshore at Seabird. Using the United States Army Corps of Engineers program SBeach, which simulates beach response to input waves and water levels, MRA determined the following conditions:

- 1.7m significant wave height.
- 1.14mAHD water level.

These conditions have been adopted for the design of the temporary options presented in Section 3 of this report. It is noted that these conditions, the 25 and 5 year ARI wave height and water level respectively, would not be suitable for the design of a longer term solution.

2.2.3 Erosion Buffer

The SBeach modelling completed by MRA (2014) was also used to determine the following beach profile response at Seabird when subject to the design wave height (25 year ARI) and water level (5 year ARI) event:

- 15m of beach profile erosion with no protective structure present.
- A scour depth to approximately -0.7mAHD with a protective structure present.



These beach profile responses to the design event have been considered in developing the temporary options presented in the following section of this report. It is again noted that more severe conditions would require consideration in designing a longer term solution.

2.2.4 Other Requirements

- Any erosion mitigation options being considered should maintain pedestrian access between the Caravan Park and beach.
- Given that the longer term erosion mitigation plan is yet to be determined, any immediate term work should not impact or preclude future management options. For example, any protection or modifications to the Beach Access Ramp and Nitschke's Walk assets should be removable in the case that managed retreat becomes the preferred option.



3 IMMEDIATE TERM EROSION MITIGATION DESIGN

3.1 Option 1 – Beach Access Ramp Sand Nourishment & Nitschke Walk’s Modification

The first immediate erosion mitigation option presented for consideration features different treatments for the Beach Access Ramp and Nitschke’s Walk assets. Each are shown below.

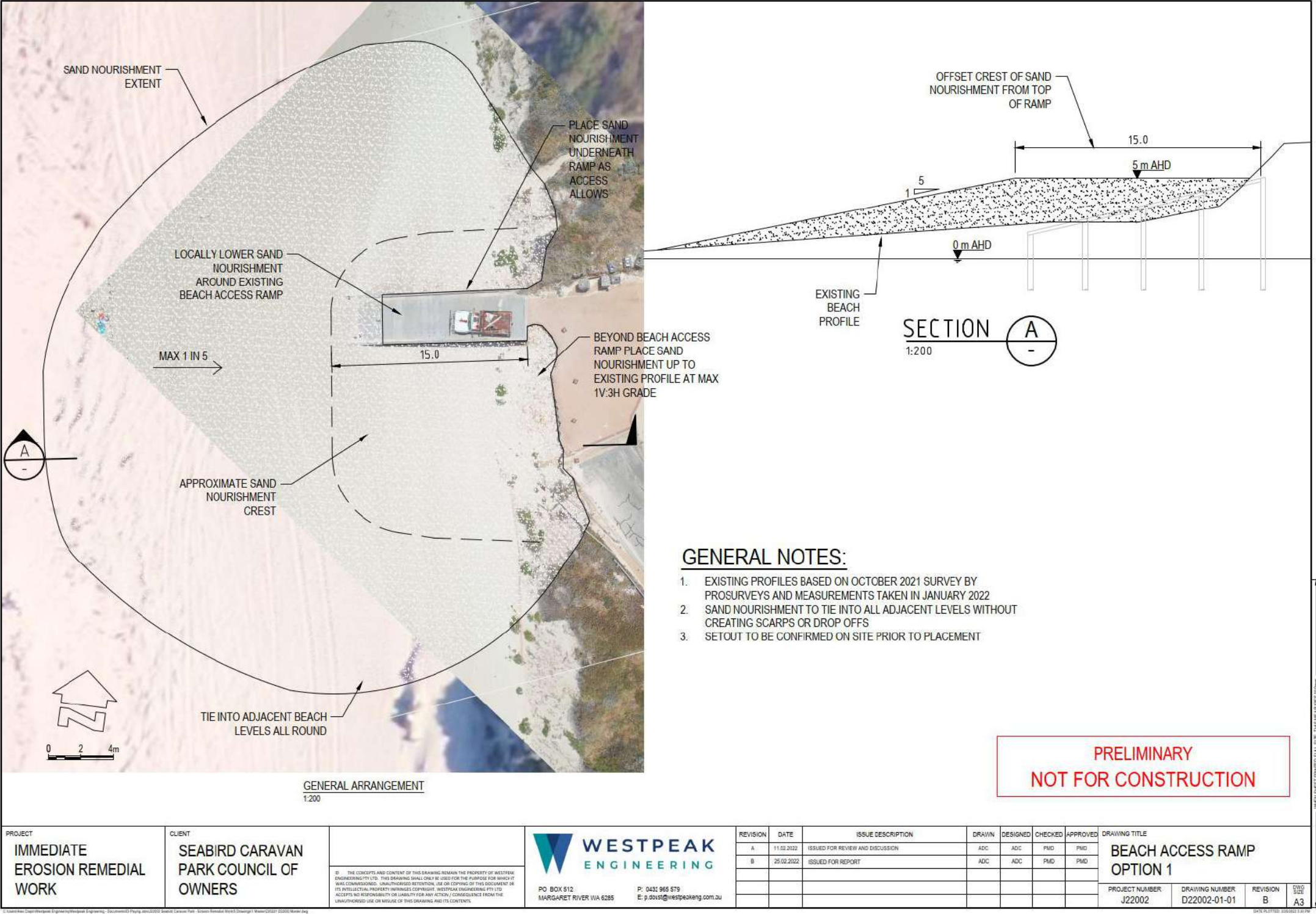


Figure 10 – Beach Access Ramp Option 1 – Sand Nourishment

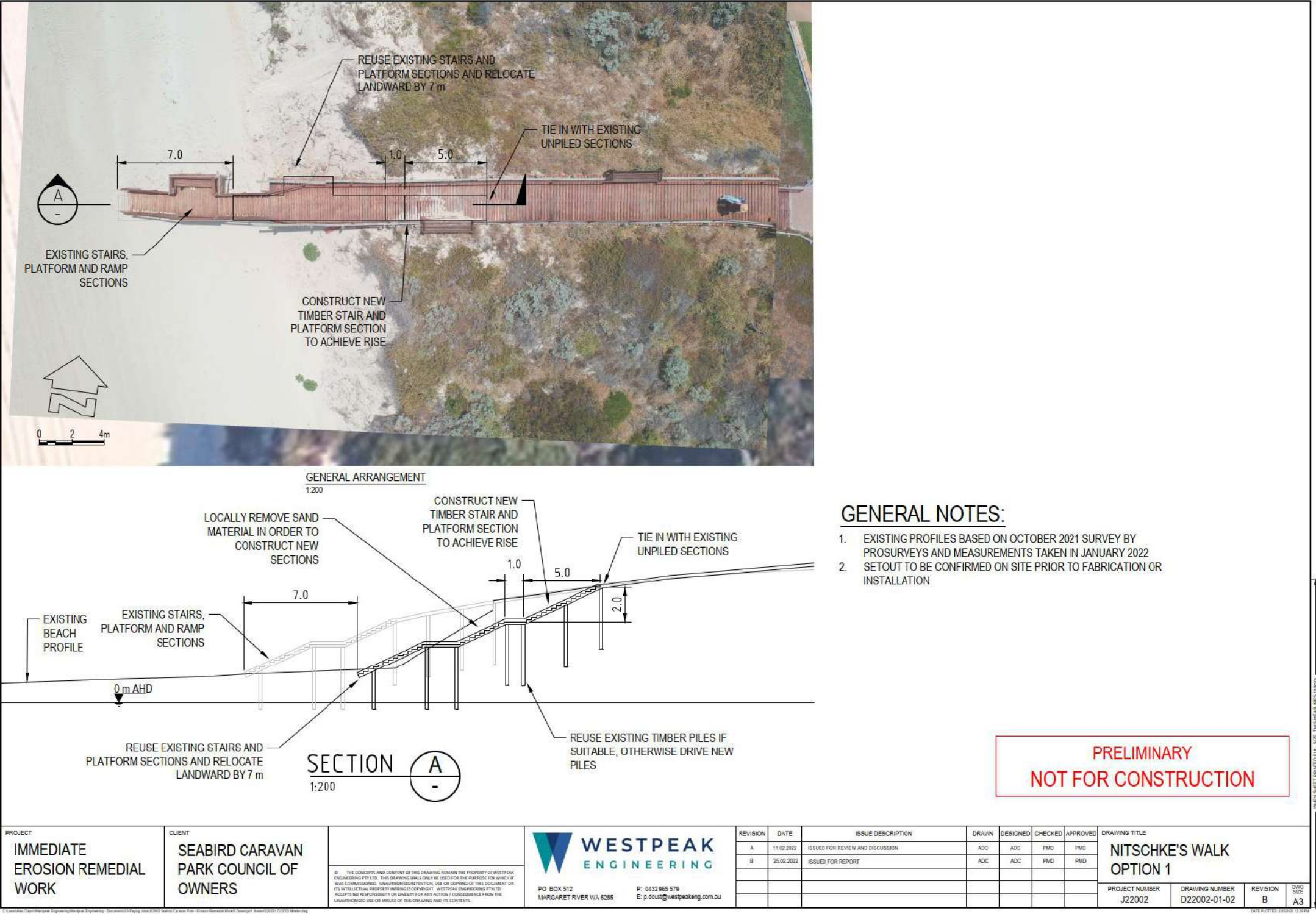


Figure 11 – Nitschke's Walk Option 1 – Modification



As shown, Option 1 involves creating a sand nourishment buffer around the Beach Access Ramp and modifying Nitschke's Walk further landward.

Based on the erosion modelled by MRA (2014), for the design event (25 year ARI wave and 5 year ARI water level), the Beach Access Ramp sand nourishment crest extends approximately 15m seaward from the top of the ramp. At this point it grades down to the surrounding beach levels at no more than 1V:5H. The sand nourishment to be placed should be of an appropriate colour to match the existing and with a larger grain size to help reduce ease of transport.

The sand nourishment shown would be lost relatively quickly, given its placement seaward of the adjacent areas and out of alignment with the natural beach angle. As such, it would be more useful to place this quantity of sand in a staged approach and focus efforts around the boat ramp and back of the dunes where infrastructure is most at risk. Consequently though, placing this quantity of sand in a staged approach would mean that a buffer of less than 15m is provided and the infrastructure would again be at risk of erosion from the design event. This balance of placing sand and how regularly should be determined in conjunction with the risk appetite for the Beach Access Ramp.

Sand backpassed from the beach to the north would also be suitable as nourishment, should this be approved by the relevant authorities. It has been assumed though at this stage (and subsequently costed in Section 3.1.3) that sand would be sourced externally.

For Nitschke's Walk, Option 1 involves relocating the seaward portion of the stair and platform sections. The Caravan Park has advised that it has the equipment and experience to complete this work and at minimal cost. A landward shift of 7m means that the seaward sections would better match the current beach/dune profile. This would improve the stability of the structure should scour or further erosion (as projected) occur. In order to come up to the existing unpiled sections of the Walk, an additional timber stair and platform section would need to be constructed, as shown.

3.1.1 Advantages

The advantages of Option 1 are listed below:

- Sand nourishment at the Beach Access Ramp would provide a buffer to acute storm erosion, proportional to the amount of material placed.
- Sand nourishment and the proposed modifications to Nitschke's Walk generally maintain the existing beach amenity.
- This option provides a lot of flexibility in future should a different erosion mitigation solution become preferred.
- The landward "retreat" of Nitschke's Walk can be completed progressively and with relative ease if the coastline continues to erode as projected.



3.1.2 Disadvantages

The disadvantages of Option 1 are listed below:

- Sand nourishment placed seaward of the natural dune/beach position will be lost at a quicker rate when subject to storm events or typical longshore transport conditions. Following placement, sand would be expected to rapidly redistribute along the adjacent beach.
- Loss or damage of landward infrastructure can only be prevented if a suitable sand nourishment buffer is maintained. Sand nourishment cannot be guaranteed as a protection option and, as such, the repair of landward pavements, fencing and drainage assets would not be recommended.
- Due to the above items, sand nourishment around the Beach Access Ramp will require regular and ongoing maintenance in the form of additional sand placement. Management is also required to ensure that scarps don't create safety hazards for beach users.
- Sand nourishment requires the closure of beach areas and machinery access for periods of time during placement.
- The dune surrounding the modified Nitschke's Walk could erode in a severe storm and leave the seaward portions exposed like they are currently. This would need to be monitored.

3.1.3 Cost Estimate

The cost estimate for the Beach Access Ramp component of Option 1 is presented below.

Item	Description / Methodology	Approximate Quantity	Units	Unit Rate	Subtotal	Total (excl GST)
1	Beach Access Way Sand Nourishment					\$ 112,000.00
1.1	Preliminaries, including insurances, mobilisation, site establishment and demobilisation.	1	Item	\$ 12,000.00	\$ 12,000.00	
1.2	Supply and place suitable sand nourishment to create buffer for Beach Access Ramp.	2500	m ³	\$ 40.00	\$100,000.00	
Subtotal 1 (ex. GST)						\$ 112,000.00
	Contingency for current day market	20%			\$ 22,400.00	
Subtotal 2 (ex. GST)						\$ 134,400.00
	GST	10%			\$ 13,440.00	
Total Estimated Cost (inc. GST)						\$ 147,840.00

Figure 12 – Option 1 Beach Access Ramp Sand Nourishment Cost Estimate

The above cost estimate has been prepared on the basis that sand nourishment is completed in one go. If staged there would likely be additional costs associated with multiple mobilisations, demobilisations and the smaller scale. This would also be the case for regular maintenance rounds of nourishment which would be required in order to maintain the 15m buffer. The sand nourishment component of Option 1 for the Beach Access Ramp is not considered to be sustainable over time.



The Caravan Park has advised that the cost for the Nitschke's Walk component could be completed internally.

3.2 Option 2 – Geotextile Sand Containers & Sand Fill

The second immediate erosion mitigation option presented for consideration is the use of Geotextile Sand Containers (GSCs) and sand fill. This option is shown below for the Beach Access Ramp and Nitschke's Walk.

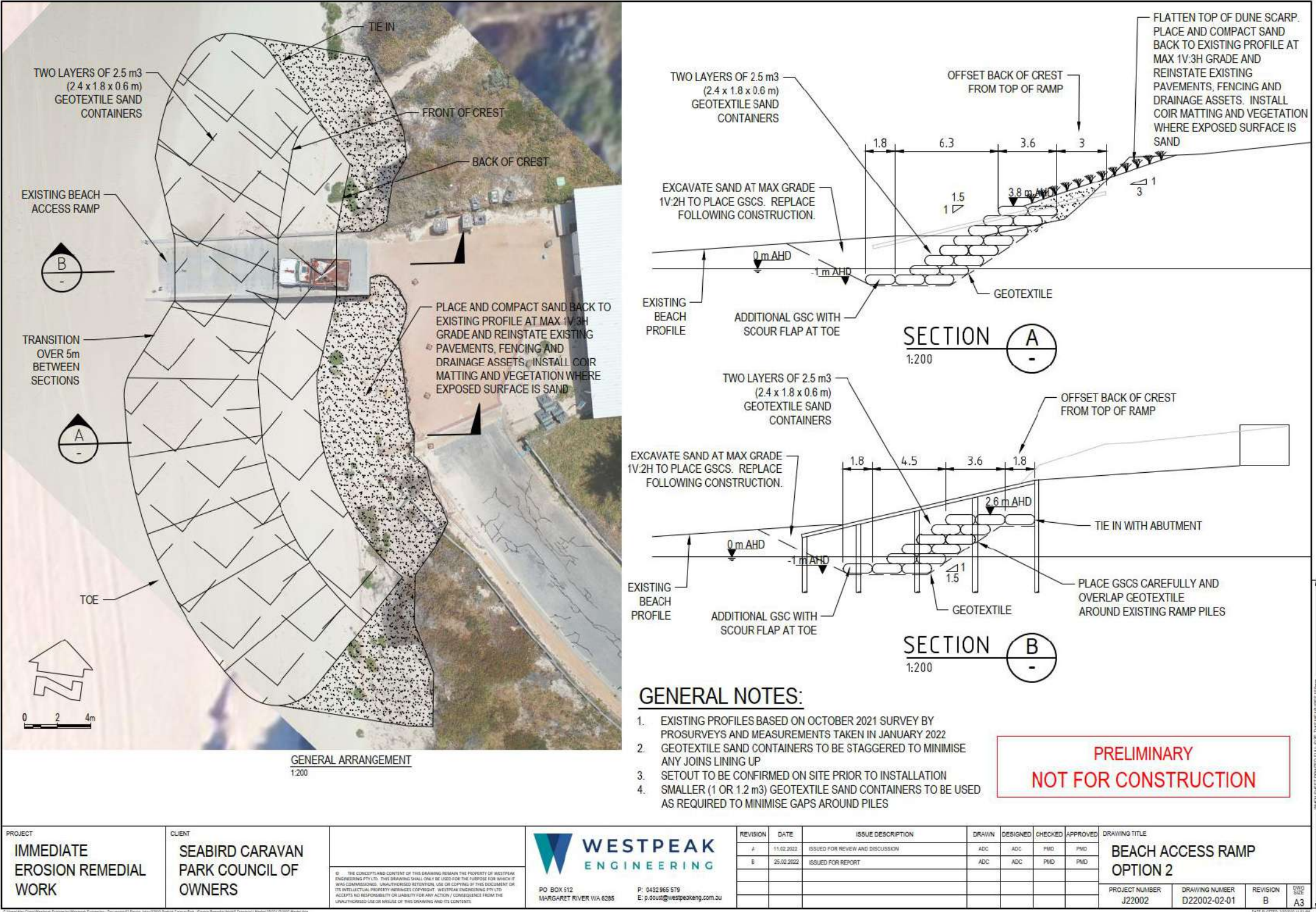


Figure 13 – Beach Access Ramp Option 2 – Geotextile Sand Containers & Sand Fill

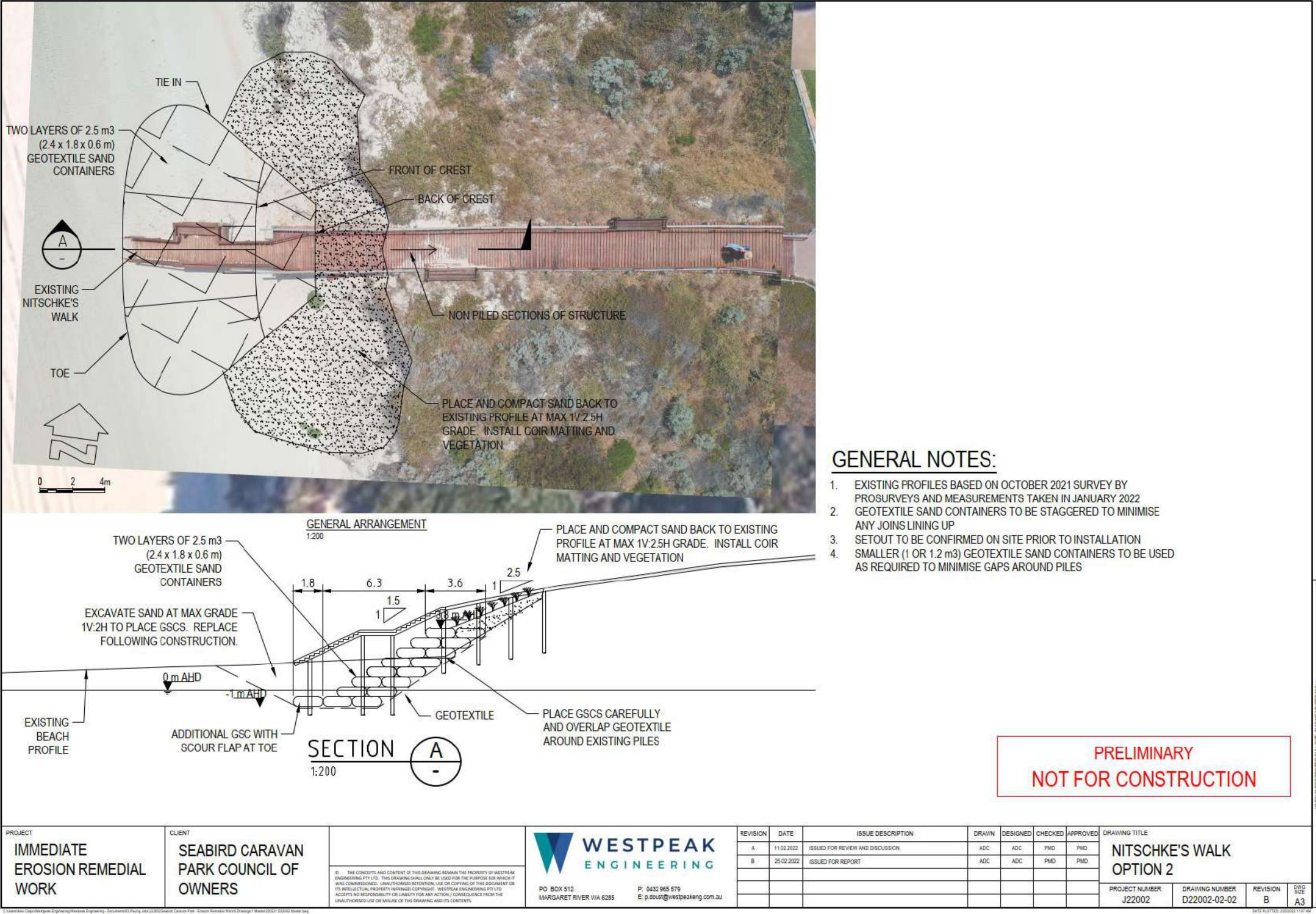


Figure 14 – Nitschke's Walk Option 2 – Geotextile Sand Containers & Sand Fill



As shown, Option 2 involves the installation of 2.5m³ GSCs around the Beach Access Ramp and Nitschke's Walk assets with graded sand fill behind the crest to tie in with the existing eroded dune profiles.

In the 2016 study completed by Coghlan, E. et. al, physical modelling concluded that "initial damage" of a 2.5m³ GSC (placed at 1V:1.5H) occurs for a design wave of 1.5 to 2m depending on wave period. As such, some damage to the Option 2 GSC protection could be expected from the 25 year ARI design waves. It is unlikely that these wave conditions would cause failure to the protection, though it is important to note that more severe events could.

The GSC protection has a toe level of -1 mAHD based on the scour depth determined by MRA (2014). The GSC protection crest height is 3.8 mAHD which achieves a balance between minimising overtopping during severe metocean conditions and providing a reasonable tie in with the surrounding levels. Overtopping during such events would be comparable to that for the 2016 seawall designed by GHD which has a crest elevation of 4 mAHD.

Underneath the Beach Access Ramp, the GSCs are slightly modified to tie in with the ramp abutment. Excavation and placement around the existing ramp piles will need to be carefully completed onsite. Several smaller bags (1.0m³) may be used as required to ensure that gaps are minimised. These should be placed such that a 2.5m³ GSC provides at least partial coverage overtop.

For Nitschke's Walk, the GSCs are located to fit beneath the existing stair and platform sections and enable a reasonable grade (1V:2.5H) up to the non-piled sections of the structure. It is noted that several of the existing timber piles may require extension and temporary support to construct this option.

Similarly to the sand nourishment discussed in Option 1, adjacent beach sand may be appropriate for use in Option 2 as fill for the GSCs as well as for the graded fill behind the crest, subject to approval from the relevant authorities. At this stage though, it has been assumed (and subsequently costed in Section 3.2.3) that suitable sand would be sourced externally.

It is worth noting that similarly sized rock could also be substituted for the GSCs in this Option 2 design, depending on the preference of the relevant stakeholders. The performance of rock protection would be consistent with that of the GSCs and could enable slightly tighter placement around the piles and tie ins, given the variability in rock sizes and shapes. Rock would also likely enable easier modification or recovery and reuse if required in future.



3.2.1 Advantages

The advantages of Option 2 are listed below:

- Withstands hydraulic loading in the design event and protects the existing Beach Access Ramp and Nitschke's Walk assets in their current locations.
- Minimal risk of vandalism, assuming that vandal resistant container grades are used.
- Can be decommissioned and removed with relative ease at end of the design life or when a longer term erosion mitigation solution is determined.
- Provides a relatively user friendly surface and will be appropriate for providing pedestrian access to the beach alongside the Beach Access Ramp.

3.2.2 Disadvantages

The disadvantages of Option 2 are listed below:

- Some maintenance, including repositioning, repairing or replacing GSCs, may be required following severe storm events.
- Potential impact on beach due to wave energy being reflected by GSCs rather than absorbed by dunes. This could result in a reduced beach width around the GSC structures and the scouring of seaward material. In this case beach sand may need to be added around the fronting Beach Access Ramp and Nitschke's Walk piles.
- There is a risk that erosion will extend past (flank) the GSC tie ins on either side of the assets during the design life. In this case, the GSC tie ins could be extended landward or the protection could be decommissioned along with the assets themselves.

3.2.3 Cost Estimate

The cost estimate for the Option 2 is presented below.



Item	Description / Methodology	Approximate Quantity	Units	Unit Rate	Subtotal	Total (excl GST)
1 Beach Access Way GSCs & Sand Fill						\$ 260,350.00
1.1	Preliminaries, including insurances, mobilisation, site establishment and demobilisation.	1	Item	\$ 28,000.00	\$28,000.00	
1.2	Excavate beach sand in order to construct GSC protection. Backfill over toe following works.	1100	m ³	\$ 10.00	\$ 11,000.00	
1.3	Supply and place 2.5m ³ GSC protection, including geotextile, containers and ties ins.	35	m	\$ 5,250.00	\$183,750.00	
1.4	Supply and deliver suitable sand to fill the GSC bags (Item 1.3).	650	m ³	\$ 40.00	\$26,000.00	
1.5	Place and compact sand up to existing profile at max 1V:3H grade.	150	m ³	\$ 40.00	\$ 6,000.00	
1.6	Install coir matting and vegetation where surface is exposed sand.	140	m ²	\$ 40.00	\$ 5,600.00	
2 Nitschke's Walk GSCs & Sand Fill						\$ 89,700.00
2.1	Preliminaries, including insurances, mobilisation, site establishment and demobilisation.	1	Item	\$ 7,000.00	\$ 7,000.00	
2.2	Excavate beach sand in order to construct GSC protection. Backfill over toe following works.	350	m ³	\$ 10.00	\$ 3,500.00	
2.3	Supply and place 2.5m ³ GSC protection, including geotextile, containers and ties ins.	12	m	\$ 5,250.00	\$63,000.00	
2.4	Supply and deliver suitable sand to fill the GSC bags (Item 2.3).	250	m ³	\$ 40.00	\$10,000.00	
2.5	Place and compact sand up to existing profile at max 1V:3H grade.	50	m ³	\$ 40.00	\$ 2,000.00	
2.6	Install coir matting and vegetation where surface is exposed sand.	105	m ²	\$ 40.00	\$ 4,200.00	
Subtotal 1 (ex. GST)						\$ 350,050.00
	Contingency for current day market	20%			\$ 70,010.00	
Subtotal 2 (ex. GST)						\$ 420,060.00
	GST	10%			\$42,006.00	
Total Estimated Cost (inc. GST)						\$ 462,066.00

Figure 15 – Option 2 Cost Estimate

It has been assumed that the reinstatement of damaged pavements, fencing and drainage assets would be completed by others.

3.3 Other Considerations

The options presented would also be suitable if mixed and matched. For instance, the Option 2 GSCs could be used for the Beach Access Ramp in conjunction with the Option 1 modification of Nitschke's Walk.



For reference, it is expected that a new Beach Access Ramp would cost in the order of \$800,000 to \$1.2mil to construct. Similarly, a new Nitchke's Walk asset is expected to cost in the order of \$300,000 to \$500,000 to construct. These depend completely on the scope and requirements. However, they could be completed to better suit the current and likely future beach profile, meet the present Australian Standards and satisfy the needs of the various users.



4 CONCLUSIONS

Ongoing erosion issues continue to impact the assets fronting the Seabird Caravan Park, namely the Beach Access Ramp and Nitschke's Walk. Storms over the 2021 winter culminated in the loss or damage of several sections of pavement, fencing and drainage assets at the Beach Access Ramp and both assets have been further undermined.

Without action, it is expected that both assets will be further undermined or damaged and that costs (both economic and environmental) will escalate due to abutments/foundations being at risk. It is recommended that rectification take place prior to the winter of 2022.

This report presents two potential erosion mitigation options that could be implemented relatively quickly. Both would enable further erosion issues to be mitigated over the coming 5 years and allow time for a more permanent solution to be developed in conjunction with the Shire and other relevant stakeholders. Each option comes with subsequent advantages, disadvantages and costs that have been outlined for consideration.



5 REFERENCES

- Australian Standard 4997-2005. *Guidelines for the design of maritime structures.*
- Cardno WA Pty Ltd 2019. *Coastal Hazard Risk Management and Adaptation Plan.* Report 59917806 Rev 0. For the Shire of Gingin.
- Coghlan, E. et. al 2016. *Two-Dimensional Physical Modelling of Sand Filled Geocontainers for Coastal Protection.* ResearchGate.
- GHD 2016. *Seabird Foreshore Stabilisation – Alternative Seawall Design Report.* Report 61/32830 Rev A. For the Shire of Gingin.
- M P Rogers & Associates Pty Ltd 2014. *Seabird Erosion Control Emergency Works.* Report R509 Rev 0. For the Shire of Gingin.
- M P Rogers & Associates Pty Ltd 2016. *Seabird Coastal Erosion Hazard Mapping Technical Note.* Report R695 Rev 2. For the Shire of Gingin.
- Seashore Engineering Pty Ltd 2019. *Assessment of Coastal Erosion Hotspots in Western Australia.* Report SE052-01 Rev1. For the Department of Transport and Department of Planning, Lands and Heritage.
- Worley 2002. *Seabird Foreshore Investigation – Final Report.* Report 302/02566/4 For Department of Planning and Infrastructure.

17.2 SHIRE OF GINGIN GRANT APPLICATIONS - COASTAL EROSION

File	GRA/10 & ENV/17
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a recommendation from the Coastal Erosion Advisory Committee in relation to the submission of grant applications for a number of coastal erosion mitigation projects.

BACKGROUND

Each year the Shire has prepared several grant applications for coastal erosion works or reports, and in the main Council has received at least one grant per year.

This year is no different, however the number of grants that are being applied for is considerably larger than previous years due to the increasing number of issues being faced across the Shire and ongoing areas of cost.

This matter was considered by Council's Coastal Erosion Advisory Committee at its meeting on 15 March 2022 and this report presents the Committee's recommendation.

COMMENT

The list below contains the grant applications which are proposed to be applied for in this round. Although they do not need to be prioritised, there may come a time when Council may not be able to match the funding to all requested grants.

1. Sand Renourishment

This is to be prepared for Lancelin and Seabird, with the focus being on the Grace Darling Park to Edward Island Point area in Lancelin and from the Public Boat Ramp in various areas to the end of the Caravan Park in Seabird. Previous applications for Lancelin have been successful with a grant of \$36,000 being received, making a total project of \$64,000. The forthcoming grant application will request \$64,000, meaning a total project cost of \$128,000.

2. Seabird Seawall Maintenance

Council each year has been required to spend some monies on re-setting rocks within the sea wall and this has cost anywhere from \$10,000 – \$20,000. As such, an application for a grant is proposed to be prepared to apply for funding to maintain the seawall to the total project cost of \$20,000 with a contribution of \$10,000 from Council.

3. Guilderton Groyne

Council has received a report on the condition of the Guilderton Groyne which concluded that it was the worst condition groyne within the Shire. As this is a potential liability for the Shire and urgent works are required, it is proposed that funding for a full, detailed engineering refurbishment plan be applied for. Council will then be able to apply for another grant in the future for the works to be undertaken. It is estimated at this time that the amount to be applied for will be \$50,000 with a contribution of \$25,000 from Council.

4. Seabird Groynes

This grant has been applied for previously and as such it will be reasonably easy to make another application. As there are no groynes in Seabird currently this is a new proposal that will require the grant to be allocated to the design and a determination of environmental impacts. The groynes are proposed to attempt to provide the seawall with additional protection from the elements, thereby enabling it to enjoy a longer life. With the seawall being seen by the State as a temporary asset, it is debatable as to whether the State will support spending money in this area to protect a medium-term asset.

The total cost of the project is expected to be \$100,000 with a contribution by Council required to be \$50,000. It should be noted that as this is being requested by the Seabird Progress Association, Council may require the Association to contribute to the grant.

5. Ledge Point Marina

Currently officers are waiting for advice from the Department of Transport (DoT) as to how to advance the Ledge Point Marina Project to the next stage. At this point it is unknown what the next stage will cost, but as it will be the full detailed design it is expected that the cost will be significant and in the range of \$200,000. It is also unknown as to whether Council will be required to contribute to this given that the facility will be a DoT asset.

Should there be a particular project that the Committee does not wish to see funding applied for, then the Committee needs to discuss so that this can be explained to Council at a later stage.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Currently there are projects listed totaling \$298,000 that will require a Council contribution of \$149,000, however it is very unlikely that all of the grant applications will be successful. It should be noted that it is proposed that successful grants will be funded from the Coastal Erosion Reserve that has a current balance of \$239,400.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment
Objective	2. – To develop the Shire’s capacity to support the conservation of natural assets and undertake sustainable resource management
Outcome	2.1 Conservation – The Shire’s ecological services and natural assets are respected and enhanced
Key Service Area	Conservation & Environmental Management
Priorities	Develop a Coastal Management Policy and implement a Coastal Management Plan to protect and enhance our coast

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Vis

That Council agree to the submission of grant applications for the following projects and to the potential funding requirements should the grants be successful:

1. Sand Renourishment – Lancelin and Seabird total project cost of \$128,000 with a contribution of \$64,000 from Council;
2. Seabird Seawall Maintenance – total project cost of \$20,000 with a contribution of \$10,000 from Council;
3. Guilderton Groyne – grant to be applied for would be \$50,000 with a contribution of \$25,000 from Council; and
4. Seabird Groynes – total cost of the project \$100,000 with a contribution of \$50,000 by Council.

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*

18 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel **SECONDED:** Councillor Court

That Council move into a Confidential Session to discuss Items 18.1 and 18.2

**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*

The meeting was closed to the public at 4:05pm. James Bayliss (Coordinator Statutory Planning) and all members of the public left the meeting.

18.1 UNBUDGETED EXPENDITURE - RFT 01/2022 SHIRE OF GINGIN BUSHFIRE MITIGATION WORKS PROGRAM

File	COR/40-012022
Author	Aaron Cook - Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

Reasons for Confidentiality

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- c. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Rule

That Council:

1. Accept the tender for \$566,145 (inc. GST) submitted by Fire Mitigation Services Pty Ltd with respect to RFT 01/2022 Shire of Gingin Bushfire Mitigation Works Program . ;

2. Note that the project will be funded as follows:

DFES Bushfire Mitigation Grant Funding: \$541,450 (inc. GST)
Shire of Gingin: \$24,965 (inc. GST); and

3. Amend the adopted 2021/22 Budget to reflect the increased project cost, increased grant funding, and reserve funding shortfall as set out in the following table:

Account	Description	Current Budget	Revised Budget	(Surplus)/Deficit
120501120 (W5101)	Fire Mitigation Works	\$350,000	\$514,677	\$164,677
130501010 (GI5101)	Reimbursements Mitigation Works	(\$350,000)	(\$492,227)	(\$142,227)
151407810	Transfer from Reserve 15 - Future Infrastructure	\$0	(\$22,450)	(\$22,450)
Change to Closing Surplus				0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

18.2 UNBUDGETED EXPENDITURE - FINAL PAYMENT FOR ORANGE SPRINGS ROAD

File	RDS/60
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

Reasons for Confidentiality

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- c. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council :

1. Agree to make a payment of \$250,000 ex GST to Western Stabilisers Pty Ltd in settlement of its claim for outstanding gravel costs associated with the reconstruction of Orange Springs Road, subject to a Deed of Agreement being signed by both parties acknowledging that no further claims will be made on the Shire of Gingin; and
2. Amend the adopted 2021/22 Budget in accordance with the following table:

Account	Description	Current Budget	Revised Budget	(Surplus)/Deficit
141201620 (AL006)	Orange Springs Road	\$200,000	\$250,000	\$50,000
151201810	Transfer from Reserve 31 – Contributions to Roads	(\$289,224)	(\$339,224)	(\$50,000)
Change to Closing Surplus				0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

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

AGAINST: *Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Sorensen

That the meeting be re-opened to the public.

**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*

The meeting re-opened to the public at 4:09pm. no members of the public returned to the Gallery.

19 CLOSURE

There being no further business, the Shire President declared the meeting closed at 4:09pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 19 April 2022, commencing at 3pm.