



MINUTES

Ordinary Council Meeting

16 August 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 16 August 2022.

Councillor C W Fewster
SHIRE PRESIDENT

Date of Confirmation: _____

DISCLAIMER

Members of the public are advised that Council agendas, recommendations, minutes and resolutions are subject to confirmation by Council and therefore, prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

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

ACKNOWLEDGEMENT OF COUNTRY



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

TABLE OF CONTENTS

1	DECLARATION OF OPENING	5
2	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES.....	5
2.3	LEAVE OF ABSENCE.....	5
3	DISCLOSURES OF INTEREST	5
4	PUBLIC QUESTION TIME	6
4.1	RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE	6
4.2	PUBLIC QUESTIONS	6
5	PETITIONS.....	6
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
7	CONFIRMATION OF MINUTES.....	6
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	7
9	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	7
10	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	7
11	REPORTS - OFFICE OF THE CEO	8
11.1	PROPOSED CHANGE OF TIME - SEPTEMBER COUNCIL MEETING.....	8
11.2	WALGA ANNUAL GENERAL MEETING PAPERS	11
11.3	GUILDERTON FORESHORE WORKING GROUP - APPOINTMENT OF COMMUNITY REPRESENTATIVES	20
11.4	POLICY 3.10 PURCHASING	26
12	REPORTS - CORPORATE AND COMMUNITY SERVICES.....	41
12.1	CONTRACT FOR THE PROVISION OF GINGIN LIBRARY SERVICES.....	41
12.2	UNBUDGETED EXPENDITURE - AQUATIC CENTRE POOL RE-SEALING AND RE-GROUTING OF TILE JOINTS	44
12.3	LIST OF PAID ACCOUNTS JULY 2022	55
13	REPORTS - REGULATORY AND DEVELOPMENT SERVICES	58
13.1	APPLICATION FOR DEVELOPMENT APPROVAL - USE NOT LISTED (OUTBUILDING) AT LOT 250 (2) CRUDEN PLACE, GINGIN.....	58
13.2	APPLICATION FOR DEVELOPMENT APPROVAL - SINGLE HOUSE AT LOT 92 (12) WHITFIELD STREET, GUILDERTON.....	67
13.3	REPLACEMENT RANGER VEHICLES 2022/23.....	107
13.4	RECONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED EXTRACTIVE INDUSTRY (SAND AND LIMESTONE) ON LOT M1332 CARABAN ROAD, CARABAN	112
14	REPORTS - OPERATIONS AND ASSETS	181

**MINUTES
ORDINARY COUNCIL MEETING
16 AUGUST 2022**



14.1 AMENDMENT TO VERGE POLICY - 7.4 ROAD VERGE DEVELOPMENT CRITERIA - URBAN AREAS	181
14.2 TREES ON SHIRE CONTROLLED LAND	190
15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	196
16 COUNCILLORS' OFFICIAL REPORTS.....	196
17 NEW BUSINESS OF AN URGENT NATURE.....	196
18 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC	196
18.1 GUILDERTON FORESHORE WORKING GROUP - APPOINTMENT OF COMMUNITY REPRESENTATIVES	196
19 CLOSURE.....	200

ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Acting Shire President declared the meeting open at 3:10 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – J K Rule (Acting Shire President), L Balcombe, E Sorensen, R Kestel, F J Peczka and A R Vis.

Staff – A Cook (Chief Executive Officer), R Kelly (Executive Manager Regulatory and Development Services), V Crispe (Executive Manager Operations and Assets), J Bayliss (Coordinator Statutory Planning), N Jurmann (Statutory Planning Officer), L Burt (Coordinator Governance) and E Mackey (Governance Support Officer/Minute Officer).

Gallery – There were nine members of the public and one member of the Press present in the Gallery.

2.2 APOLOGIES

Councillor C W Fewster (Shire President)
Councillor F Johnson

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Councillor J K Rule

Item: 13.4 - Reconsideration of Application for Development Approval - Proposed Extractive Industry (Sand and Limestone) on Lot M1332 Caraban Road, Caraban

Interest: Financial

Reason: Family owns a lime sand quarry.

Councillor R Kestel

- Item:** 14.1 - Amendment to Verge Policy 7.4 Road Verge Development Criteria - Urban Areas
Interest: Proximity
Reason: Intends to develop the verge area in front of his property as an edible garden.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

4.2.1 Scott Chapman - Caraban Road, Caraban

- Q1. Have Councillors considered what it would be like to have a quarry in their own backyard?

Response by Acting Shire President

- A1. Taken as a statement.

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council confirm the Minutes of the Ordinary Council Meeting held on 19 July 2022 as a true and accurate record.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputations

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

Item 13.4 Reconsideration of Application for Development Approval - Proposed
Extractive Industry (Sand and Limestone) on Lot M1332 Caraban Road,
Caraban

Speaker/s: Shane Ness

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

Item 13.4 Reconsideration of Application for Development Approval - Proposed
Extractive Industry (Sand and Limestone) on Lot M1332 Caraban Road,
Caraban

Speaker/s: Jennifer Walker

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

Item 13.2 Application for Development Approval - Single House at Lot 92 (12) Whitfield
Street, Guilderton

Speaker/s: Dean Brady

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

Item 13.2 Application for Development Approval - Single House at Lot 92 (12) Whitfield
Street, Guilderton

Speaker/s: Murray Fisher

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

9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11 REPORTS - OFFICE OF THE CEO

11.1 PROPOSED CHANGE OF TIME - SEPTEMBER COUNCIL MEETING

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

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider changing the start time for the Ordinary Council Meeting scheduled to be held on 20 September 2022.

BACKGROUND

At its meeting on 16 November 2021, Council resolved to adopt a schedule of dates and times for its Ordinary meetings to be held in 2022.

As part of this resolution, 3:00pm was confirmed as the start time for all ordinary council meetings, including the meeting to be held on 20 September 2022.

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

COMMENT

The members of the Gingin District High School (GDHS) Student Council were originally scheduled to attend the May Ordinary Council meeting as observers, however due to a COVID-19 outbreak, this was cancelled. The Shire is since in receipt of another request for the GDHS Student Council to attend the Ordinary Council meeting on 20 September 2022.

Council Meetings are a great way for members of the Student Council to gain an understanding of local government processes, which assists them in their development as Student Councillors.

Unfortunately, this is outside of school hours, which means students and teachers involved in Student Council are not able to attend. It is therefore proposed that the start time for the September Ordinary Council Meeting be amended from 3:00pm to 1:00pm to accommodate the request from GDHS.

The Shire President, who is an apology for this meeting, has indicated his support for the proposal in writing.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 – Administration

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

Subdivision 1 – Council meetings

Clause 5.3 – Ordinary and special council meetings

Local Government (Administration) Regulations 1996

Part 2 – Council and committee meetings

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective	2.4 Youth Investment - Promote and undertake activities that provide youth retention and capacity building in our communities

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel **SECONDED:** Councillor Balcombe

That Council agree to amend the commencement time of the Ordinary Council Meeting to be held on 20 September 2022 from 3:00pm to 1:00pm.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

11.2 WALGA ANNUAL GENERAL MEETING PAPERS

File	COR/3
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. WALGA 2022 Motion WA Local Govt Rating Model [11.2.1 - 2 pages] 2. WALGA 2022 Motion Land Offset Compensation [11.2.2 - 2 pages] 3. WALGA 2022 Motion Native Title Land Settlement [11.2.3 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider supporting the attached Agenda Items for the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) to be held on 3 October 2022.

BACKGROUND

WALGA hosts the AGM once a year during its annual Conference. This AGM provides all local governments who are members of WALGA with the opportunity to raise issues of concern to local government or collectives of Councils, and to seek to have action undertaken to resolve or change the matter. Generally, this involves advocacy on behalf of WALGA to the State or Federal Government.

COMMENT

Presented are three agenda items that are proposed to be presented to WALGA to be included in the AGM agenda for support.

Rating Model (Appendix 11.2.1) – This item is prepared to have WALGA advocate to the State Government to consider implementing an alternative Rating Strategy for either all or opting in local governments. Its proposal is based around all properties, UV or GRV, being merged into one group and being valued under a Capital Value.

It is proposed that this will allow Councils like Gingin to be able to appropriately rate all properties from small residential blocks to large scale commercial operations based in rural land areas.

Environmental Land Offsets (Appendix 11.2.2)– The Shire of Gingin has been identified as a key area for developments that require land offsets that are occurring within the Metropolitan Area. This implication has the result of removing rateable land from the Shire and locking away more land that cannot be developed into the future.

It should be remembered that for every acre that is developed in the Metropolitan Area, seven acres is required as a land offset. The Shire is still required to maintain access to these land parcels and whilst the Department receives a payment for seven years of land management from the developer, the Shire of Gingin receives nothing and not only loses rate revenue, but expenditure on maintenance of road assets and the like continues.

It is requested that WALGA advocate to the State Government that this arrangement is not equitable for local governments, and that where a local government is being penalised by having land locked away as a land offset, then the local government should be compensated for the loss in revenue and ongoing maintenance of assets.

South West Native Title Settlement (Appendix 11.2.3) – The Shire of Gingin has been requested to support/provide feedback regarding some 35+ parcels of land within the Shire. Recently another allocation of land parcels was presented for consideration.

The amount of time allocated to local governments to consider these requests (40 days) is not enough time for officers to investigate and provide feedback to Council. In addition, the community is not informed of the potential transfers of land, and there is no provision for the local government to seek community comment.

It is requested that WALGA advocate that the State Government reveal all the land that is under question, what the purpose of the land transfer is for (cultural or economic reasons), how the land will be managed and who will have management responsibility, and increase the feedback time to allow for proper consultation to be conducted.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Division 6 Rates and service charges

Environmental Protection Act 1986
Part IV Environmental impact assessment

Land Administration (South West Native Title Settlement) Act 2016

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Sorensen

That Council endorse the proposed agenda items shown as Appendices 11.2.1, 11.2.2 and 11.2.3 to be provided to the Western Australian Local Government Association (WALGA) for inclusion in the Agenda for the 2022 WALGA Annual General Meeting to seek sector support and future action of WALGA.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*



WA LOCAL GOVERNMENT RATING MODEL

Shire of Gingin to move:

MOTION

That WALGA advocate to the State Government and the Valuer Generals' Office that a different rating model be trialled across several Councils whereby the UV rate is abolished, and all properties are rated for GRV or Capital Value.

IN BRIEF

- WALGA to advocate for a full rating process review with potential of removing all UV rates and only rating GRV.

MEMBER COMMENT

The Shire of Gingin and many other Local Governments struggle to have appropriate rates raised that are adequate for the correct use of the land within the Shire that addresses the impacts that these ratepayers have on the Shire's Assets.

For example, within the Shire of Gingin, there are large numbers of UV rated properties that have large scale infrastructure servicing significant commercial operations but are captured within the definition as a Rural Pursuit. Some of these properties have tens of millions of dollars of infrastructure but only contribute a UV valuation and an additional differential rate.

If all properties were rated GRV or the rates based on Capital Value (value that the land would likely sell for on the open market), all rural land would still hold an appropriate Gross Rental Value/Capital Value that would not be too dissimilar to their current rates, however those that intensify their land would achieve a naturally higher Gross Rental Value/Capital Value making the rating across a Shire far more equitable, easier to manage and would simplify and reduce the cost of the valuation process.

Whilst not every Council may wish to take this step, it is proposed that the Local Government has the ability to review and decide if it wishes to remove the UV rate. With the Valuer Generals' Office conducting routine valuations for both UV and GRV it would not be out of the question for the valuation to be changed to meet this process.

It is noted that within South Australia and Victoria 89% of the Local Governments use Capital Value, Tasmania is progressing to Capital Value whilst New South Wales is based on Land Value only, Northern Territory is based only on Unimproved Capital Value, Queensland is Site Value and Unimproved Value and the ACT is Unimproved Value only. It is clear that whilst there is a range of valuations across Australia there is a bias growing towards utilising Capital Value of Land.



For example, we have a location within the Shire that has a water license and two bore holes. Whilst this is the extent of the infrastructure, they pump water out 24/7 for bottling in Perth, a Gross Rental Value/Capital Value would be much higher in value to Council than the minimum rates currently being received. This company has significant heavy vehicles utilising Council roads every day of the week to keep up with the demand and creates significant road maintenance issues for Council.

The impacts of water licenses within the Shire have been dramatic as they are now a strong trading commodity and have doubled the value of land with a water license, yet it is not being considered by the Valuer Generals' Office as part of the overall valuation assessment of the land. Water licenses are incredibly valuable to producers as it increases their productivity and profits from smaller properties and as water licenses are very difficult to access, as allocations are full in most areas, many are trading or selling off portions of licenses clearly showing that water licenses have an inherent value that is increasing rapidly.

Again, the Shire calls on WALGA to advocate to the Minister and Valuer Generals' Office to undertake a review of the rating system to either abolish the UV valuation or provide the ability for the Local Government to choose its rating structure.

LAND OFFSET COMPENSATION TO LOCAL GOVERNMENTS

Shire of Gingin to move:

MOTION

That WALGA advocate to the State Government that the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

IN BRIEF

- State Government to legislate that Developers requiring Land Offsets within another Local Government pay for the loss of that rateable land to the Local Government whose land is being used as the offset.

MEMBER COMMENT

It is proposed that Councils similar to the Shire of Gingin who are having large sections of rateable land locked away due to Developer Land Offsets need to be compensated for the loss of revenue.

The Shire of Gingin recently met with Department of Primary Industries and Regional Development (DPIRD) representatives regarding this matter, and they agreed that the Shire of Gingin is being targeted due to the type of Banksia bush that is within the Shire. The Shire of Gingin is not and will not be the only Local Government targeted through this type of scheme into the future.

The issues for the Shire of Gingin, other Local Governments and future Local Governments are as follows:

1. The requirement of land offsets is currently 1/7. Being that for every acre of land required by a developer, 7 acres needs to be provided as offset.
2. What is currently rateable land for the Shire is being purchased and then handed to DPIRD for management.
3. The Shire of Gingin's loss of rates on a once off may seem minimal, last year the reduction was approximately \$10,000 but accumulating every year and then compounding becomes a significant amount of future income.
4. Council still needs to maintain the assets surrounding the site, providing access and egress from the blocks for DPIRD and other adjoining ratepayers.
5. The land within the Shire of Gingin is in high demand due to its proximity to the metropolitan area and intensive agriculture and horticulture is dominant.
6. DPIRD receives a 7-year management payment from the Developer to manage the newly offset land which is not enough for DPIRD to manage the property, yet Council receives nothing other than a negative rates bill and continuous maintenance cost.

7. Whilst the metropolitan based Developer is making large amounts of money from the development and the metropolitan Council is receiving an increased rate book, the loser in the equation is the Local Government where the land is being offset and DPIRD.
8. The current amount of non-Rateable land within the Shire is in excess of 30% and growing each year.
9. The additional land that is added to DPIRD requires this department to be appropriately funded, however advice received is that DPIRD is underfunded and this in turn affects Local Government in regard to land management and increased fire risk.

The Shire of Gingin is sure is not unique with this matter, however, we are being significantly affected at this current time and will be well into the future and as such, request that WALGA advocate to the State to ensure that Local Governments loosing rateable land through offset purchases are properly compensated for the loss of rates and continued maintenance.



SOUTHWEST NATIVE TITLE SETTLEMENT

Shire of Gingin to move:

MOTION

That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.

IN BRIEF

- WALGA to advocate for a review in how Local Governments are requested to consider land to potentially be transferred as part of the South West Native Title Settlement.

MEMBER COMMENT

The Shire of Gingin and many other Local Governments are being requested to consider parcels of land to be allocated for transfer as part of the South West Native Title Settlement.

The Shire of Gingin has received its third request, totalling approximately 45 parcels of land, for consultation as part of this process and in each instance is provided only 40 days to provide feedback to the Department.

For Council to consider the land parcel in question, which can be numerous, is requested to consider the following:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?



-
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local Government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

The 40-day consultation does not provide any ability for Local Government to consult with the community regarding Council's support for the land transfer and as such is ignorant as to the changes in land management.

Local Governments, as part of this process, are not advised as to any intent for the future purpose of the land and/or how it is proposed to be managed into the future and this is creating angst as part of the consultation with Council. For example, it is difficult for any Local Government to approve the transfer of the land without understanding as to what purpose the land is being requested for and who will manage the area, and will it be freehold transfer? This advice may be as simple as the site is requested for cultural significance or for commercial purposes and will be administered by SWLCC as a reserve vested.

The Shire of Gingin, through consultation with the Department have been advised that within the Shire there are an additional some 230 more locations identified for potential transfer. The Shire, and all Local Governments, should be provided this full list to be able to undertake early due diligence on the land identified.

Without knowing what other Councils are being requested to consider the Shire requested the Department to ensure that the Shire of Gingin and other Local Governments are not being targeted due to the commercial potential for land? There should be more clarity surrounding the lands that have been requested and identified across all Local Government and this be publicly accessible.

11.3 GUILDERTON FORESHORE WORKING GROUP - APPOINTMENT OF COMMUNITY REPRESENTATIVES

File	GOV/33
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer Bob Kelly - Executive Manager Regulatory and Development Services
Refer	19 July 2022 - Item 11.4
Appendices	1. Working Group Terms of Reference [11.3.1 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider nominations received and appoint three community representatives to the Guilderton Foreshore Development Working Group.

BACKGROUND

At its meeting on 19 July 2022, Council resolved to rename the Guilderton Caravan Park Advisory Committee as the Guilderton Caravan Park and Foreshore Development Advisory Committee. In addition, Council also resolved to establish a Guilderton Foreshore Development Working Group to assist the Committee in identifying options for the future development of the Guilderton Foreshore Precinct.

In accordance with Council's resolution, local advertising was undertaken for a period of two weeks seeking nominations from community representatives. A total of four nominations were received by the deadline on 8 August 2022 and they are now presented for Council's consideration.

COMMENT

Nominations have been received from the following persons (in alphabetical order):

1. Dean Brady
2. Joel Collins
3. Bob Johnson
4. John Punch

Supporting information submitted by each of the nominees is provided to Councillors as **Confidential Appendix 11.3.1**. In accordance with s.5.23(2)(b) of the *Local Government Act 1995*, this information is being treated confidentially as it potentially ...*deals with the personal affairs of any person*.

The Terms of Reference (**Appendix 11.3.1**) adopted by Council for the Working Group specify that the membership will include a maximum of three community representatives, and that representatives must be ratepayers or residents of the Shire of Gingin with an interest in the Guilderton Foreshore Precinct.

The nominations submitted by Messrs Brady, Collins and Johnson have been endorsed by the Guilderton Community Association Inc. as persons that *...are interested and will represent the community's best interests in developing this resource to Guilderton's best advantage*.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 Administration

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

S.5.23(2) Meetings generally open to public

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil. The Terms of Reference specify that Working Group members will not be remunerated for their participation.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	1. Attractions & Economy - Actively Pursue Tourism and Economic Development
Aspiration	2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing
Aspiration	3. Planning & Sustainability - Plan for Future Generations
Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	2.8 Services & Facilities - Provide cost effective services and facilities which meet the needs of the community

Strategic Objective	3.4 Community Engagement - Facilitate community engagement for residents/ratepayers to provide input into shaping our future
Strategic Objective	4.1 Management of Assets - Maintain civic buildings, sporting facilities, public places, plant and road and cycleway/pathways based on asset management plans and identified priorities

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council appoint the following nominees as community representatives on the Guilderton Foreshore Development Working Group:

1.
2.
3.

COUNCIL RESOLUTION

MOVED: Councillor Kestel **SECONDED:** Councillor Peczka

That Item 11.3 be considered under Section 18 Matters for Which Meeting is to be Closed to the Public.

**CARRIED UNANIMOUSLY
6 / 0**

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

In accordance with Council's resolution, Item 11.3 was considered as Confidential Item 18.1. See page 196.

Reasons for Confidentiality

Section 5.23(2) of the *Local Government Act 1995* permits the meeting to be closed to the public for business relating to, amongst other things, the personal affairs of any person. It was felt by Council that consideration of the individual nominations (presented as confidential appendices to the officer's report), would inevitably require the disclosure of personal information, and therefore the meeting should be closed to the public whilst discussion took place.



**TERMS OF
REFERENCE**

Guilderton Foreshore Development Working Group

July 2022

Name:	Guilderton Foreshore Development Working Group
Role/Purpose:	To assist the Guilderton Caravan Park and Foreshore Development Management Committee with respect to identifying options for the future development of the Guilderton Foreshore Precinct.
Aims & Functions:	<ol style="list-style-type: none"> 1. To contribute, when requested by the Committee, to identifying options for the Foreshore Precinct redevelopment; and 2. To provide input from a community perspective on redevelopment proposals.
Membership:	<ol style="list-style-type: none"> 1. The Working Group shall consist of the following representation: <ul style="list-style-type: none"> • Members of the Guilderton Caravan Park and Foreshore Development Management Committee; • A maximum of three community representatives; • Executive Manager Regulatory and Development Services; • Executive Manager Operations and Assets; and • CEO. 2. Other Shire of Gingin officers may attend meetings in an advisory capacity as required. 3. Community representatives must be ratepayers or residents of the Shire of Gingin with an interest in the Guilderton Foreshore Precinct. 4. Nominations for community representatives will be sought by giving local public notice. 5. Membership shall be for a period of up to two years, with all positions terminating on the day of the next ordinary Council election. Local public notice will be given seeking nominations for community representative positions following each election. Previous members are eligible to re-nominate, but will be required to submit a new nomination. 6. Working Group membership shall be approved or terminated by consensus of Council. 7. If a community representative misses two or more consecutive meetings then their membership may be terminated by decision of Council. 8. Members may resign from the Working Group by submitting a written resignation to the CEO.

	<p>9. In the event that a community representative resigns from the Working Group, or their membership is terminated, prior to the end of their term, then Council may appoint a replacement from other nominations received during the most recent nomination period.</p> <p>10. All members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>11. All members must commit to:</p> <ul style="list-style-type: none"> a) actively participating in and contributing to meetings in a constructive and objective manner; and b) reviewing any agenda or other material that may be provided prior to a meeting. <p>12. The Working Group has authority to second external individuals, on a voluntary basis, for their expert advice.</p>
<p>Operating procedures:</p>	<p>1. Presiding Member:</p> <ul style="list-style-type: none"> a) The members of the Working Group are to appoint a Councillor representative as Presiding Member at the first meeting of the Working Group. b) The Presiding Member will preside at all meetings. c) In the absence of the Presiding Member another Councillor representative is to be appointed by the Working Group members present to lead the meeting. d) The Presiding Member is responsible for the proper conduct of the Working Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Working Group shall meet as required. When called, meetings will, in most cases, be held on the first or third Tuesday of the month prior to a Council Briefing Session or Ordinary Council Meeting. b) Meetings will primarily be held at the Shire's Gingin Administration Centre, but may be held at other venues as required, c) Working Group members will be given at least 72 hours' notice of a proposed meeting where possible. However, if convenient and necessary, impromptu meetings may be held on occasions when all Working Group members are able to attend. d) The Presiding Member shall ensure that minutes of all meetings are kept and that Working Group members are provided with a copy of such minutes. <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <p>Outcomes from Working Group meetings will be the subject of a separate Officer's report on the agenda for the next meeting of the Guilderton Caravan Park and Foreshore Development Advisory Committee.</p>

**MINUTES
ORDINARY COUNCIL MEETING
16 AUGUST 2022**

APPENDIX 11.3.1

	<p>6. Remuneration:</p> <p>Membership is voluntary and Working Group members will not be remunerated for their participation.</p>
Appointing legislation:	N/A
Delegated Authority:	The Working Group has no delegated power and has no authority to implement any recommendations without approval of Council, or to direct staff to expend funds or undertake any action or duties.

Version	Decision Reference	Synopsis
1.	OM19/07/2022 Item 11.4	Adopted by Council.

11.4 POLICY 3.10 PURCHASING

File	COR/28-1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	21 September 2021 - Item 11.1
Appendices	1. Policy 3 10 Purchasing [11.4.1 - 12 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending Policy 3.10 Purchasing.

BACKGROUND

Regulation 11A of the *Local Government (Functions and General) Regulations 1996* (the Regulations) requires each local government to adopt and implement a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, under \$250,000.

COMMENT

Following a review of current legislative requirements and industry best practice, a number of amendments have been requested by the Shire's Corporate and Community Services (Finance) Department to Policy 3.10 in order to provide clarity with respect to:

1. The requirement for employees to operate within their assigned purchasing limits and to raise purchase orders for purchasing activities (cl. 2.2).

This requirement has been included to address a finding arising from the 2020/21 audit that 8 out of a sample of 67 purchases tested were made without approved purchase orders.

2. The detailing of purchase types that are exempt from the requirements of Policy 3.10 (cl. 4.3).

A local government is entitled, as part of its purchasing policy, to identify those transactions under \$250,000 that are exempt from the purchasing requirements set out in the policy.

3. The amendment of purchasing thresholds to remove the requirement for purchase orders to be raised where the purchase value is less than \$500, and superfluous information relating to what is deemed to be a “suitable supplier” (cl. 4.6).

The clarification that purchase orders are not required for purchases with a value of less than \$500 has been included to reflect existing practice. Reference to applicable purchase methods has been deleted as these are set out in the Regulations.

4. Deletion of references to State Government Common Use Arrangements (cl. 4.6 and 4.7).

Reference to Common Use Arrangements has been deleted as they have been removed from the Regulations.

4. Third party transactions (cl. 4.12).

This information has been included to formalise practices relating to the ability of third parties who are providing goods and services on behalf of the Shire to receive funds and provide refunds.

Policy 3.10 Purchasing showing the proposed amendments is provided as **Appendix 11.4.1**.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 Functions of local governments
Division 3 Executive functions of local governments
Section 3.57 Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996

Part 4 Provision of goods and services
Division 1 Purchasing policies
Reg. 11A Purchasing policies for local governments

Division 2 Tenders for providing goods or services (s.3.57)
Reg. 11 When tenders have to be publicly invited

POLICY IMPLICATIONS

In the event that Council is supportive of the Officer’s Recommendation, then Policy 3.10 will be amended accordingly and included in the Shire’s publicly available Policy Manual.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Kestel

That Council adopt amended Policy 3.10 Purchasing as shown at Appendix 11.4.1.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

3.10 Purchasing

OBJECTIVE

The objectives of this Policy are to ensure that all purchasing activities:

- demonstrate that best value for money is attained for the Shire;
- are compliant with relevant legislations, including the Act and Regulations;
- are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire;
- mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

POLICY

1. Policy Statement

The Shire of Gingin (the “**Shire**”) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “**Act**”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “**Regulations**”). Procurement processes and practices to be complied with are defined within this Policy and the Shire’s prescribed procurement procedures.

2. Ethics and Integrity

2.1 Code of Conduct

All officers and employees of the Shire undertaking purchasing activities must have regard for the Code of Conduct requirements and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in an honest and professional manner at all times which supports the standing of the Shire.

2.2 Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire’s policies and Code of Conduct;

- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.
- Employees must evidence their purchasing activities with the issue of purchase orders, and operate within their authorised purchasing limit.

3. Value for Money

3.1 Policy

Value for money is determined when the consideration of price, risk and qualitative factors are assessed to determine the most advantageous outcome to be achieved for the Shire.

As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision.

3.2 Application

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery and distribution, as well as other costs such as (but not limited to) holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc;
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and

- providing opportunities for businesses within the Shire's boundaries to be given the opportunity to quote for providing goods and services wherever possible.

4. Purchasing Requirements

4.1 Legislative/Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

4.2 Policy

Purchasing that is **\$250,000 or below in total value** (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under cl. 4.6 of this Purchasing Policy.

Purchasing that **exceeds \$250,000 in total value** (excluding GST) must be put to public tender when it is determined that a regulatory tender exemption, as stated under cl. 4.7 of this Policy, is not applicable.

4.3 Purchases Under \$250,000 Exempt From Requirements of Cl. 4.6

The following circumstances are exempt from the purchasing requirements set out under cl. 4.6, provided that the total value of the purchase does not exceed \$250,000:

- Emergency purchases as defined by cl. 4.11;
- Purchases where there is a sole source of supply;
- Services of WALGA (Western Australian Local Government Association) and LGIS (Local Government Insurance Scheme);
- Services of government entities including (but not limited to) Federal, State and local government entities, and Government Trading Enterprises (GTE's);
- Newspaper advertising (or online equivalent);
- Advance/prior payment of services (eg. accommodation, travel services, entertainment, conferences, seminars, memberships, subscriptions, training courses);
- Provision of utility services;
- Reimbursements; and
- Purchases of urgent or unique nature or where exceptional circumstances arise and it is considered in the best interests of the Shire for an exemption to be granted by the CEO. Council is to be informed of instances where such exemptions are granted.

4.4 Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);

2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.
3. Must incorporate any variation to the scope of the purchase and be limited to a 10% tolerance of the original purchasing value.

4.5 Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Shire must consult its Contracts Register in the first instance before seeking to obtain quotes and tenders on its own accord.

4.6 Purchasing Thresholds

The table below prescribes the purchasing process that the Shire must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up Over \$500 and up to \$10,000	Purchase directly from a supplier using a Purchasing or Corporate Credit Card issued by the Shire, or obtain at least one (1) oral or written quotation from a suitable supplier, either from: <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or • from the open market.
Over \$10,000 and up to \$30,000	Obtain at least two (2) verbal or written quotations from suppliers following a brief outlining the specified requirement, either from: <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Shire; or a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or from the open market.
Over \$30,000 and up to \$50,000	Obtain at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from: <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Shire; or a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or from the open market.

<p>Over \$50,000 and up to \$250,000</p>	<p>Obtain at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • from the open market. <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</p>
<p>Over \$250,000</p>	<p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 4.6 of this Policy, conduct a public Request for Tender process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>, this Policy and the Shire's tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p>

4.7 Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program, ~~or State Government Common Use Arrangement.~~
- the purchase is from a regional local government or another local government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is from a pre-qualified supplier under a panel established by the Shire; or
- any of the other exclusions under Regulation 11 of the Regulations apply.

4.8 Inviting Tenders Under the Tender Threshold

Where considered appropriate and beneficial, the Shire may consider publicly advertising tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public tender for contracts expected to be \$250,000 or less in value, the Shire's tendering procedures must be followed in full.

4.9 Sole Source of Supply

Where the purchasing requirement is over the value of \$10,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply.

Once determined, the justification must be endorsed by the Chief Executive Officer/Executive Manager, prior to a contract being entered into.

From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply still genuinely exists.

4.10 Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to tenders and to avoid the need to call a public tender.

4.11 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

4.12 Third Party Transactions

Where a third party holds a fully executed management contract to supply services on behalf of the Shire of Gingin, that third party will be authorised to receive funds for products and services and return funds for products and services (refunds) on the Shire of Gingin's behalf.

All transactions must be carried out in accordance with established procedures, with funds being deposited to the Shire of Gingin's bank account either immediately (for electronic transactions) or as promptly as possible (for cash and cheque transactions).

All transactions will be subject to both internal and external audit.

The third party and their employees are to adhere to the requirements of Shire of Gingin Policy 3.10 Purchasing and any breach of this obligation could result in the management contract default clauses being actioned.

5. Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the Shire's Records Management Policy and associated procurement procedures.

For each procurement activity, such documents may include:

- The procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- Request for quotation/tender documentation;
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- Copies of quotes/tenders received;
- Evaluation documentation, including individual evaluators' notes and clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to respondents notifying of the outcome to award a contract;
- Contract Management Plan which describes how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

6. Sustainable Procurement and Corporate Social Responsibility

The Shire is committed to providing a preference to suppliers that demonstrate sustainable business practices and high levels of corporate social responsibility (CSR). Where appropriate, the Shire shall endeavour to provide an advantage to suppliers demonstrating that they minimise environmental and negative social impacts and embrace CSR. Sustainable and CSR considerations must be balanced against value for money outcomes in accordance with the Shire's sustainability objectives.

7. Local Economic Benefit

As much as practicable, the Shire must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

The Shire of Gingin has adopted a Regional Price Preference Policy, which will be applied when seeking quotations or calling for tenders.

8. Purchasing from Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where appropriate, Australian Disability Enterprises may be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

9. Purchasing from Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the

expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where appropriate, Aboriginal businesses may be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

10. Panels of Pre-Qualified Suppliers

10.1 Policy Objectives

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended panel is assessed as being of a low to medium risk;
- the panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Shire will endeavour to ensure that panels will not be created unless most of the above factors are firmly and quantifiably established.

10.2 Establishing a Panel

Should the Shire determine that the creation of a panel would be beneficial, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel.

Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

Where a panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where fewer than three (3) suppliers are appointed to each category within the panel, the category is not to be established.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.

Should a panel member leave the panel, they may be replaced by the next ranked panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the panel.

10.3 Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the panel must prescribe whether the Shire intends to:

- i. Obtain quotations from each pre-qualified supplier on the panel with respect to all purchases, in accordance with Clause 10.4; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that panel, and under what circumstances; or
- iii. Develop a ranking system for selection to the panel, with work awarded in accordance with Clause 11.3(b).

In considering the distribution of work among panel members, the detailed information must also prescribe whether:

- a) Each panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- b) Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the panel. The Shire is to invite the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a Contract. Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Shire may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated in cl. 4.6 of this Policy. When a ranking system is established, the panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

10.4 Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each panel that captures all communications between the Shire and Panel members.

10.5 Recordkeeping

Records of all communications with panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a panel, this includes:

- The procurement initiation document such as a procurement business case which justifies the need for a panel to be created;
- Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the panel;
- Request for applications documentation;
- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the panel such as award letters;
- Contract Management Plan which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

The Shire is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the contract.

Information with regards to the panel offerings, including details of suppliers appointed to the panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995 – s.3.57 Local Government (Functions and General) Regulations 1996 – Part 4 State Records Act 2000
Industry Compliance	WALGA Purchasing and Tender Guide WALGA Preferred Supplier Arrangements
Organisational Compliance	Shire of Gingin Code of Conduct Policy 1.44 – Regional Price Preference Delegation 2.7 – Inviting Tenders Delegation 2.8 – Developing Tender Documentation Delegation 2.9 – Accepting or Rejecting Tenders/Quotations Delegation 2.11 – Selecting the Next Most Appropriate Tender

POLICY ADMINISTRATION

Review Cycle	Biennial	Next Review	With Policy Manual Review
Department	Corporate and Community Services		

Version	Decision Reference	Synopsis
1.	06/03/2007 – Item 11.2.1	Policy adopted.
2.	19/01/2016 – Item 11.1.1	Policy amended by adopting updated WALGA model.
3.	21/09/2021 – Item 11.1	Policy amended to reflect new tender threshold.
4.	19/10/2021 – Item 13.1	Policy amended to reference Regional Price Preference Policy following adoption of Policy 1.44.

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 CONTRACT FOR THE PROVISION OF GINGIN LIBRARY SERVICES

File	GOV/31
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the continuation of the Contract for the Provision of Services: Library between the Shire of Gingin and the Gingin Districts Community Resource Centre.

BACKGROUND

The Gingin Library is operated from the Gingin Community Resource Centre building located at 1 Lily King Place, Gingin, immediately adjacent to the Shire's Administration Office. The building houses (within separate areas) the Gingin Community Resource Centre (CRC) and the Gingin Library.

The design of the CRC included provision for a library to accommodate the requirement for additional office space within the Shire Administration Centre. On completion of the CRC building in late 2012, the Gingin library located within the Administration Centre was relocated to the CRC together with its 0.4FTE (2 days a week) staffing allocation. With no formal arrangements in place in relation to the staffing and costing of the remaining three days, the CRC staff/volunteers covered these days at a basic level.

On resignation of the Gingin Library Officer in November 2020, the opportunity arose to review and formalise arrangements on management of staffing levels. A Contract for Provision of Services: Library was drafted in consultation with participating local governments and the Gingin CRC to allow for provision of five day a week library services while retaining costs within budget. The contract was executed under seal on 22 December 2020 for a 12-month term and has continued under a periodic arrangement pending review of contract renewal.

COMMENT

The Gingin Library has continued to provide an excellent service to the residents of Gingin under the management of the Gingin CRC. In addition to provision of the additional opening hours, the arrangement provides additional synergies through single management of both services.

Over the past year, the CRC, on behalf of the Shire, has obtained additional funding through the State Library for a community access computer and to provide community assistance with setting up and using the Services WA app. This app was introduced by the State to manage Covid-19 proof of vaccination and venue check-in, and while simple to use once in place, was complicated to set up.

Following the expiry of the contract on 31 December 2021, consultation with the Gingin CRC has been undertaken with the Gingin CRC agreeing to a further three-year term.

The draft contract is provided as **Confidential Appendix 12.1.1** for Council's consideration.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Policy 2.33 Execution of Documents

The Contract for the Provision of Services – Library is classified as a Category 1B document. Therefore, although Council approval is required in order to enter into the new contract, a specific approval to affix the Common Seal to the resulting contract document is not necessary.

BUDGET IMPLICATIONS

Funding for the contract is provided within Council's annual Library budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective	2.8 Services & Facilities - Provide cost effective services and facilities which meet the needs of the community

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Peczka

That Council agree to enter into a Contract with the Gingin Community Resource Centre with respect to the provision of library services for a three-year term in accordance with Confidential Appendix 12.1.1.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

12.2 UNBUDGETED EXPENDITURE - AQUATIC CENTRE POOL RE-SEALING AND RE-GROUTING OF TILE JOINTS

File	CPT/37-2
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. Gingin Leisure Pool - Pressure Test Report [12.2.1 - 3 pages] 2. Gingin 25 Metre Pool - Pressure Test Report [12.2.2 - 3 pages] 3. Gingin 25 metre and leisure pool suction lines - Pressure Test Report [12.2.3 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider provision of \$25,500 for re-sealing/re-grouting joints within the Gingin pool.

BACKGROUND

Not long into the 2021/22 pool season (October to April), the Pool Manager became aware of a loss of water from the pool. Over a period of approximately four weeks, water levels were taken to try to determine if this was occurring, and to what extent.

Accounting for normal losses through evaporation, patronage and operational use (backwashing etc.), the Manager confirmed the pool was losing water at different rates, however over the period of a week was averaging a drop in water level of approximately 30cm. The pool was being 'topped up' daily for about 8 weeks then stopped leaking.

It was agreed at the time, that with the pool no longer losing water, any action, if necessary, would be taken after close of the season to minimise disruption to the service.

Just as the season was closing, the pool started to lose water again. A pool construction/maintenance contractor was engaged to locate the leak and provide recommendations on corrective actions.

Pressure testing of all elements of the pool reticulation system was completed, and in late June the cause was found to be a return valve in the leisure pool. It was found to be isolated from the remainder of the return circuitry and did not hold water under pressure. Water entering this return valve effectively 'escaped' the pool, leaching into the ground and away.

The only explanation as to why this leak started, stopped, then started again is that the valve pipe or ground surrounding it moved sufficiently over time to open, block, then open itself again.

As detailed in the report (**Appendix 12.3.1**) provided by the contractor, the return valve has been permanently sealed at the pool floor with no further water loss occurring.

While not considered a contributor to the water loss, during pressure testing of the 25-metre pool, redundant water lines were found at each of the wall steps which appear to have been temporarily capped (**Appendix 12.3.2**). These have been treated as recommended in the report.

COMMENT

While the water loss has been addressed, an inspection of the joint seals within the main pool has revealed remedial work is required. Both the silicone seal within the pool body and grout seals between tiles at water level on the headwalls have deteriorated to the point that resealing/grouting is required.

Four silicone joint seals run along the length and width of the pool which provide for movement within the pool bowl. If these seals are not reinstated, water loss will occur as they deteriorate further.

The tile grout on the headwalls has eroded due to ongoing and direct movement of water against these tiles at water level. While water loss will not occur if left, the holding strength of the tiles will diminish, eventually resulting in tiles coming away from the pool shell.

As detailed in the 25-metre report (**Appendix 12.3.3**), treatment to the water lines into the steps has been completed, with reinstatement of the tiles and associated sealing to be undertaken.

A quote to complete the works by an appropriately qualified tiler while the pool is empty and prior to the 2022/23 season has been received at \$25,500 and it is recommended this work be undertaken.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 Financial management

s.6.8 Expenditure from municipal fund not included in annual budget

POLICY IMPLICATIONS

Provision of supply will be undertaken in accordance with Council's Policy 3.10 Purchasing.

BUDGET IMPLICATIONS

The cost to investigate, locate and address the water loss was \$5,277, which was funded from the Aquatic Centre maintenance budget.

While provision for the re-sealing/re-grouting work has been included in the draft 2022/23 Budget to be funded from Municipal Funds, the expenditure is unbudgeted as the Budget has not yet been adopted.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis

SECONDED: Councillor Balcombe

That Council:

- 1. Agree to undertake re-sealing/re-grouting of the Gingin Aquatic Centre pool at a cost of \$25,500, and**
- 2. Authorise inclusion of expenditure in the 2022/23 Budget.**

CARRIED BY ABSOLUTE MAJORITY

6 / 0

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

AGAINST: *Nil*

OASIS FILTRATION SERVICES



29-06-2022

PRESSURE TEST TO LEISURE POOL

21-06-2022: Pressure test to the Leisure Pools filtered water line.

- All floor return outlets were blanked off with test plugs.
- A test rig was installed to one of the test plugs then using mains water, the filtered water line was pressure tested to 100kpa.
- The test was conducted from all the leisure pools floor returns in the pool to both sand filters out let isolation valve. The isolation valve for the leisure pool failed.
- Test held for 50 minutes with very little drop. I conclude that there is no leak in the Leisure's pools filtered water line.
- Found one floor return nozzle not connected to any other pipe work. Connected the pressure test rig to see if it held pressure. It did not hold pressure, lost all pressure, did not hold, soon as reached it reached 100kpa, dropped back to zero within 60 seconds.

This floor return once the pool is full of water could be part of the problem. If it did not hold a pressure test, then the water that was used for the test had to go somewhere. No water was seen coming out anywhere else.

This can be easily blocked off with no removal of concrete before the pool is refilled.



START OF TEST LEISURE



END OF TEST LEISURE



FLOOR RETURN THAT IS NOT CONNECTED



START OF TEST TO FLOOR RETURN THAT NOT CONNECTEED



END OF TEST TO FLOOR RETURN THAT NOT CONNECTED

Yours Faithfully
Gavin Davies
Gavin Davies 0427489587

OASIS FILTRATION SERVICES

OASIS FILTRATION SERVICES



13-07-2022

GINGIN AQUATIC CENTER

PRESSURE TEST TO 25 METER POOL

21-06-2022: Pressure test to the 25 Meter Pools filtered water line.

- All floor return outlets were blanked off with test plugs.
- A test rig was installed to one of the test plugs then using mains water the filtered water line was pressurized to 100kpa.
- Found that Filtered water lines had been installed into the pool walls at each of the wall steps then for some reason covered up and tiled over. Once each pipe was exposed found an end cap that had just been pushed on not glued with a hole drilled through the end cap, 3 outlets on each side of the deep end and 1 outlet in the shallow end, 7 outlets in total. I am assuming that in the original building of the pool that there was going to be some sort of an outlet for filtered water on each recessed step. The outlets had to be capped off to conduct a pressure test which I did.
- The test was carried out from all the 25 meter pools floor returns in the pool (blanked off) to the 25 meter filtered water isolation valve in the plantroom that is located just after the sand filters on the face plumbing.
- Test held was held over 69 minutes with very little drop of only 2 kpa proving that there is no leak in the 25 meter pools filtered water line.

PRESSURE TEST TO THE 25 METER FILTERED

WATER LINE PASSED

I would recommend that the filtered water lines that have been installed into the steps not to be left blocked off as this will create stagnant water to each of the branch lines feeding each step.

The last outlet on each branch to be left open to allow each line to flow. This outlet would then discharge into the gutter not out through the step. There is no suitable fitting to be installed to the pipe work to allow a filtered water outlet on each step, I think this is the reason they were covered over in the original build. There is no need for any filtered water outlets to the step area and do not understand why they were installed in the first place.



START OF TEST 25MT



END OF TEST 25MT



Pipe work that has been exposed in the steps



Showing the three steps with exposed pipes



Showing one of the pipes that was not even capped off.
And very little concrete cover into the gutters



Showing bluey/black colour to concrete due to the pipes in the wall.

Yours Faithfully

Gavin Davies

Gavin Davies 0427489587
OASIS FILTRATION SERVICES

OASIS FILTRATION SERVICES



GINGIN AQUATIC CENTRE

PRESSURE TEST TO THE SUCTION LINES TO THE 25 METER AND LEISURE POOL.

15-07-2022: **Pressure test to the Leisure Pools two suction lines.**

- The Leisure pool floor suction pipes inside each pit where sealed off with a test plug.
- A test rig was installed to the Leisure pools suction pipe work in the plantroom and then filled with water for testing.
- The test was conducted from the end of the suction lines and then to the Leisure pools suction isolation valve "A" inside the plantroom.
- Test held for 30 minutes with very little drop. I conclude that there is no leak in the Leisure's floor suction lines.



START OF TEST LEISURE SUCTION



END OF TEST LEISURE SUCTION

15-07-2022: **Pressure test to the 25 Meter Pools two suction lines.**

- The 25 meters pool floor suction pipes inside each pit where sealed off with a test plug.
- A test rig was installed to the 25 meter pools suction pipe work in the plantroom and then filled with water for testing.
- The test was conducted from the end of each suction line and then to the 25 meter pools suction isolation valve "B" in the plantroom.
- Test held for 30 minutes with very little drop. I conclude that there is no leak in the Leisure's floor suction lines.



START OF 25 METER TEST



FINISH OF 25 METER TEST

Yours Faithfully

Gavin Davies

Gavin Davies 0427489587
OASIS FILTRATION SERVICES

12.3 LIST OF PAID ACCOUNTS JULY 2022

File	FIN/25
Author	Tania Ladner – Accounts Payable / Administration 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 July 2022.

BACKGROUND

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

COMMENT

Accounts totalling \$2,764,250.36 were paid during the month of July 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)	\$2,271,044.60
• Municipal Fund cheques	\$0.00
• Municipal Fund direct debits	\$493,205.76
Total Municipal Expenditure	\$2,764,250.36
Total Trust Fund Expenditure	\$0
Total Expenditure	\$2,764,250.36

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Sorensen

That Council note all payments made by the Chief Executive Officer under Delegation 2.15 for July 2022 totalling \$2,764,250.36 as detailed in the schedule provided to Councillors comprising:

- | | |
|---|----------------|
| • Municipal Fund electronic funds transfers (EFT) | \$2,271,044.60 |
| • Municipal Fund cheques | \$0.00 |
| • Municipal Fund direct debits | \$493,205.76 |
| • Trust Fund | \$0 |

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 APPLICATION FOR DEVELOPMENT APPROVAL - USE NOT LISTED (OUTBUILDING) AT LOT 250 (2) CRUDEN PLACE, GINGIN

File	BLD/7495
Applicant	Ellenbrook Sheds PTY LTD trading as Shed Rite
Location	Lot 250 (2) Cruden Place, Gingin
Owner	Stephen & Teri Mowle
Zoning	Residential 2.5
WAPC No	N/A
Author	Natasha Jurmann – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Location Map - Lot 250 (2) Cruden Place, Gingin [13.1.1 - 1 page] 2. Aerial Map - Lot 250 (2) Cruden Place, Gingin [13.1.2 - 1 page] 3. Applicant's Proposal [13.1.3 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Use Not Listed (Outbuilding) on Lot 250 (2) Cruden Place, Gingin

BACKGROUND

The subject lot is 4,004m² in area and is currently vacant. The applicant is seeking approval to construct an outbuilding prior to commencement of a single house. Plunkett has submitted their building application as of 28 July 2022 and a building permit for a single house has been granted.

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, the officer is unable to approve the proposed structure under delegation.

The Use Not Listed (Outbuilding) is 15.3 metres in length and 7.7 metres in width, equating to an area of 117.8m². The proposed wall height is 3 metres tapering to an overall height of 3.7 metres. The outbuilding is set back 9 metres from Beleura Ave, and 15 metres from the house.

A location plan and aerial imagery are attached as **Appendices 13.1.1 and 13.1.2 respectively.**

A copy of the applicant's proposal is attached as **Appendix 13.1.3.**

COMMENT

Stakeholder Consultation

No consultation was undertaken given no variations are proposed that may impact neighbouring properties.

PLANNING FRAMEWORK

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

The subject land is zoned Residential under LPS 9, which shall be covered under State Planning Policy 7.3 – Residential Design Codes.

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

The Regulations are subsidiary legislation created under the *Planning and Development Act 2005* and 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 conditions relating to the outbuilding has been outlined above. This condition is reasonable given the landowners' intent to build a dwelling.

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

5.1.2 Street Setback

Buildings, setback from the primary street boundary 15 metres and secondary street boundary 7.5 metres.

Officer Comment

The application proposes that the outbuilding will be set back well in excess of the required 15 metres from the primary street boundary and 9 metres from the secondary street.

5.1.3 Lot boundary setback

Buildings which are setback from lot boundaries in accordance with Table 1 and Tables 2a/b of the R-Codes.

Officer Comment

The deemed to comply requirement in this instance is 1.5m in accordance with Table 2a of the R-Codes. The to scale site plan indicates a distance of greater than 9m and therefore the setback is well in excess of that required by the R-Codes

Local Planning Policy 2.1 – Residential Outbuildings

3.5 Scale of Outbuilding Development

Coastal Townsites (>4,000m ² lot size) (excluding Gingin)	Area	140m ²
	Wall Height	4.0 metres
	Overall Height (single storey)	5.2 metres
Gingin	Area	140m ²
	Wall Height	3.6 metres
	Overall Height (single storey)	4.2 metres

Officer Comment

The proposed outbuilding is 117.8m² which is well under the allowed 140m².

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

Local Planning Scheme No. 9

SPP 7.3 – Residential Design Codes

LPP 2.1 – Residential Outbuildings

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council:

1. Accept that the proposed development is appropriate for consideration as a “Use Not Listed” (Outbuilding) and is compatible with the objectives of the Residential zone in accordance with Clause 3.4.2 of the Shire of Gingin’s Local Planning Scheme No. 9; and
2. Grant Development Approval for a Use Not Listed (Outbuilding) at Lot 250 (2) Cruden Place, Gingin subject to the following conditions:
 - a. 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;
 - b. This approval is for a Use Not Listed (Outbuilding) only as indicated on the approved plans;
 - c. The Outbuilding component is valid for a period of two years expiring on 15 August 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;

- d. 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;
- e. The outbuilding is not to be used for human habitation or any other industrial or any commercial use;
- f. The approved outbuilding is to be constructed using new materials and be of a consistent colour scheme; and
- g. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

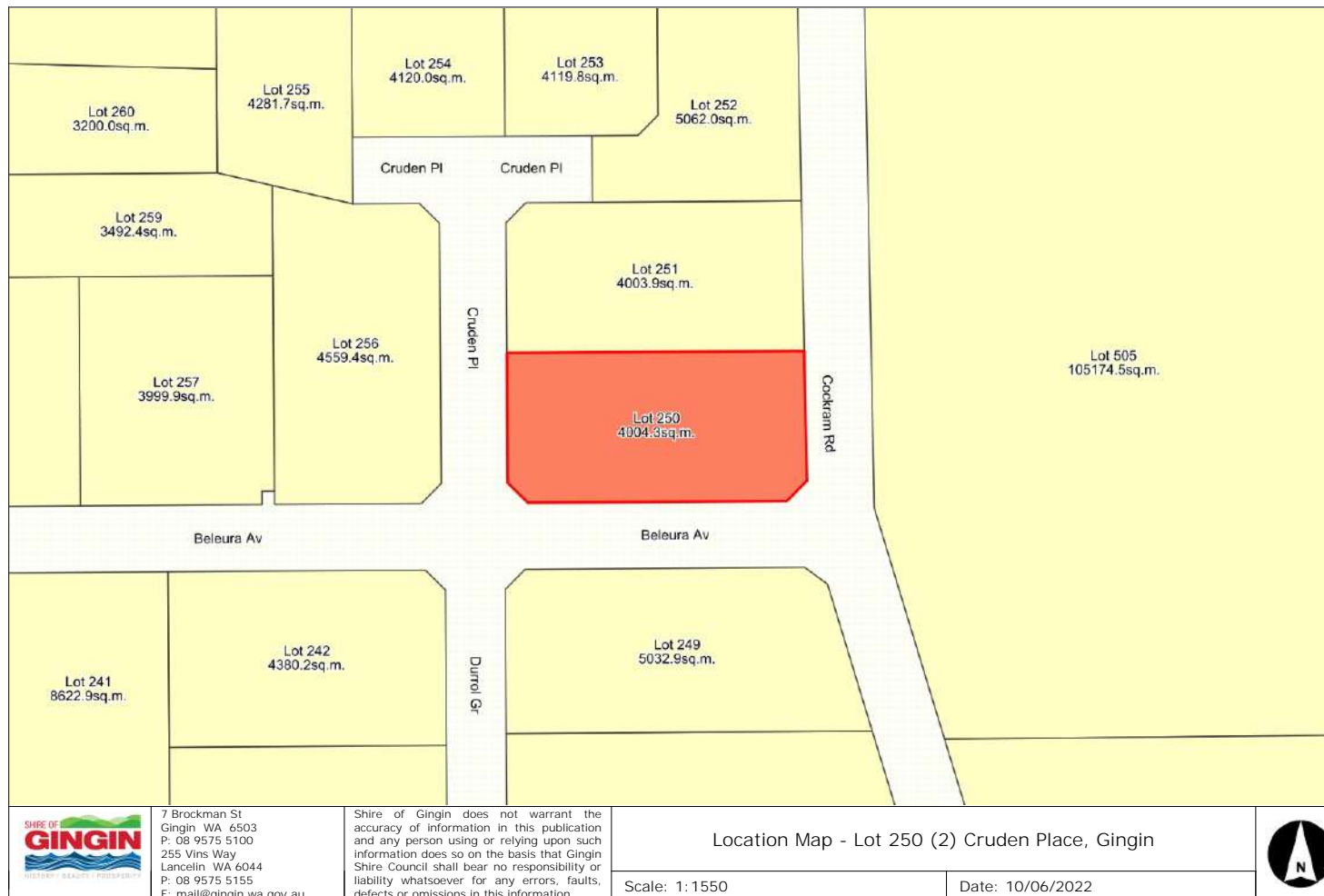
Advice Notes

- 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.

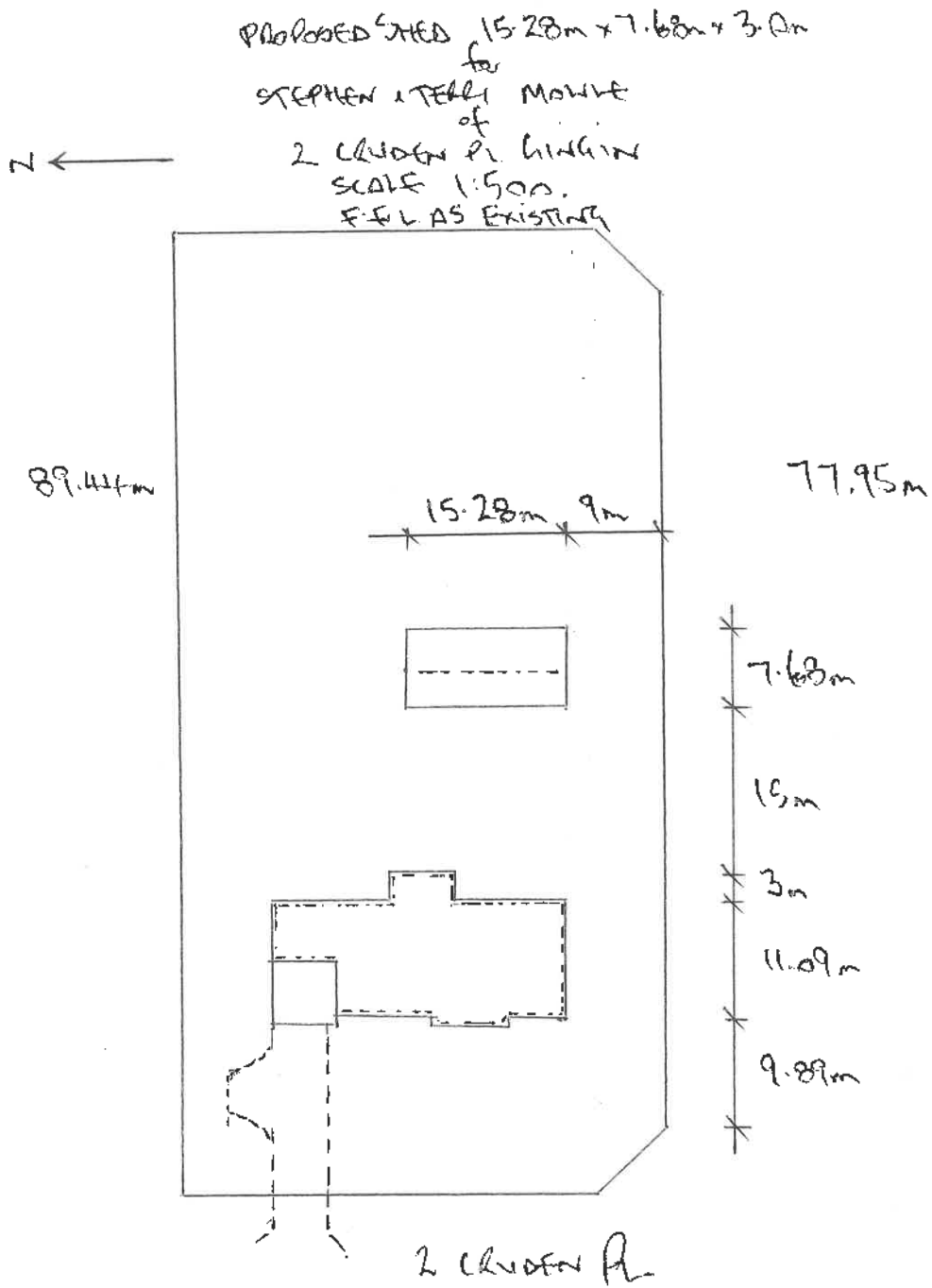
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6 / 0

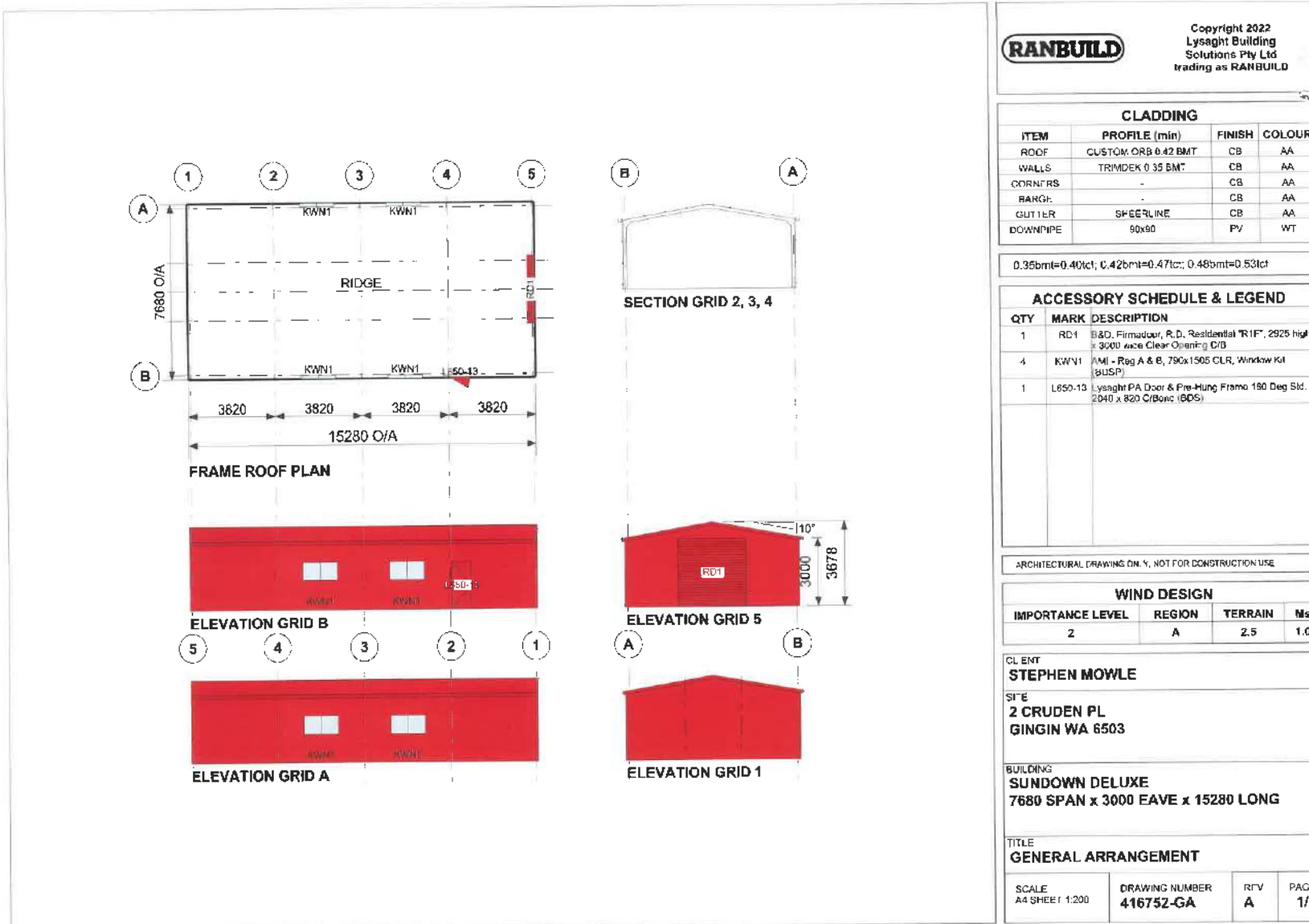
FOR: *Councillor Rule, Councillor Balcombe, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*









**13.2 APPLICATION FOR DEVELOPMENT APPROVAL - SINGLE HOUSE AT LOT 92 (12)
WHITFIELD STREET, GUILDERTON**

File	BLD/7497
Applicant	April Jolly
Location	Lot 92 (12) Whitfield Street, Guilderton
Owner	Wade & April Jolly
Zoning	Residential 12.5
WAPC No	N/A
Author	Natasha Jurmann – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Aerial Map - Lot 92 (12) Whitfield Street, Guilderton [13.2.1 - 1 page] 2. Location Map - Lot 92 (12) Whitfield Street, Guilderton [13.2.2 - 1 page] 3. Jolly REV H (A 3) [13.2.3 - 16 pages] 4. Schedule of Submissions and Recommended Responses [13.2.4 - 5 pages] 5. Applicants justification [13.2.5 - 6 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed single house on Lot 92 (12) Whitfield Street, Guilderton.

BACKGROUND

The subject lot is 1,012m² in area and gains access via Whitfield Street. The property is currently vacant with the existing house having been demolished. The site tapers from 18.3 metres (AHD) at the street to approximately 11.17 metres AHD at the rear boundary. This equates to a level difference of 7 metres from the street to the rear boundary and 6.3 metres from the front boundary to the rear boundary.

The property backs onto the Moore River, with views of both the river and the ocean available from the rear of the property.

The proposed single house is two storey, with the under-croft component being slightly dug into the middle portion of the site and the first floor hanging over an alfresco area that goes out to a deck and infinity pool set back 3.6 metres from the rear (southern) boundary in lieu of the required 6 metre setback. Council consideration is required due two objections being received during stakeholder consultation.

A location plan and aerial photograph are provided as **Appendices 13.2.1.** and **13.2.2.**

A copy of amended development plans and justification letter for the proposed R-code variations received from the landowner in response to the submissions received is provided as **Appendices 13.2.3** and **13.2.4** respectively.

COMMENT

Stakeholder Consultation

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

The Shire received two submissions objecting to the development.

A copy of the Schedule of Submissions and Recommended Responses is attached as **Appendix 13.2.5.**

Officer Comment

Some comments from the submitters are non-relevant to matters that can be considered as part of the planning assessment process. The variations sought will be assessed on their merits as noted below. The majority of the submissions relate to the pool area and related structures, with submitters feeling that the proposed infinity pool was not suitable for the area due to the winds in the location. The landowner can locate their pool in a location suitable to them. The Deemed Provisions exempts a swimming pool from needing to obtain planning approval, as such the planning assessment is unable to regulate an exempt aspect of the development.

With the remainder of the valid planning concerns being focused around the bulk of the development in the rear, it should be noted that the application is compliant with the side setback requirements for the wall and retaining as assessed under the R-Codes. As the proposed variation to the rear boundary setback will not result in any building bulk to the side neighbours or reduction in sunlight to the adjoining properties, the only consideration relates to over-looking or privacy to the adjoining properties. With regard to this, no objections regarding over-looking or privacy were raised during the advertising period in relation to the increased finish floor level of the grass area or the pool.

PLANNING FRAMEWORK

Local Planning Scheme No.9 Planning Assessment

The subject land is zoned Residential 12.5/20 under LPS 9, the objectives of which are to:

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

Clause 4.3.2 of LPS 9 requires land with a dual coding to be assessed at the lower density (R12.5) unless the property is connected to reticulated sewerage. In this instance the lot is not serviced by deep sewer.

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

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

In order for the development to satisfy the deemed-to-comply criteria a single house is required to be set back 6 metres from the rear boundary as outlined in Table 1 of the R-Codes.

5.1.3 - Lot Boundary Setbacks

Clause 5.1.3 – Lot Boundary Setbacks is applicable in this instance. Table 1 below outlines the relevant Design Principles assessment:

Design Principles	Officer Comments
<p data-bbox="193 506 649 539">5.1.3 – Lot Boundary Setbacks</p> <p data-bbox="193 573 649 719">P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul data-bbox="193 752 649 1939" style="list-style-type: none"><li data-bbox="193 752 649 831">• Reduce impacts of building bulk on adjoining properties; <li data-bbox="193 1581 649 1771">• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and <li data-bbox="193 1805 649 1939">• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	<p data-bbox="655 573 1391 640">P3.1 - The proposed dwelling is set back the required 6m parallel to the rear lot boundary.</p> <p data-bbox="655 719 1391 819">The proposed infinity pool, deck and associated structures are set back 3.6 metres (pool/deck edge) and 2.5 metres (reservoir).</p> <p data-bbox="655 864 1391 965">It should be noted that the proposed wall meets the required side setback of 1.5m to the south – western boundary.</p> <ul data-bbox="655 1010 1391 1984" style="list-style-type: none"><li data-bbox="655 1010 1391 1043">• There are no neighbours to the rear boundary. <li data-bbox="655 1077 1391 1267">• Other dwellings on the street enjoy reduced rear setbacks, including; Lot 86 – 4m, Lot 87 – 4.7m, Lot 88 – 3.5m, Lot 89 – 5m, Lot 90 – 4.8m, Lot 91 – 3.9m, so the development would not be out of place. <li data-bbox="655 1301 1391 1491">• In addition to this, a side fence is proposed and the pool wall will contain a planter box that will be planted out with cascading plants (imagery No.10 - Appendix 13.2.3) to reduce the solid appearance of the wall. <li data-bbox="655 1581 1391 1659">• The dwelling location maintains access to sunlight and ventilation for adjoining properties. <li data-bbox="655 1805 1391 1984">• One of vision templates have been outlined on the development plans and visual privacy/overlooking is adequately contained within the property or falls on land which is not used as a habitable space by the adjoining property.

<p>5.1.3 – Lot Boundary Setbacks</p> <p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties. 	<p>The first floor proposes a south-east side setback of 2.35m in lieu of 4.3m.</p> <p>The proposed wall is 13.6m long and ranges in height from 6m to 7.1m above natural ground level.</p> <ul style="list-style-type: none"> • This the wall is not solid the whole way up with the undercroft being setback 4.5m from the boundary, thereby reducing the overall bulk of the development. • The impacted property is located to the North-East of the side setback variation and although some overshadowing of the adjoining property is proposed, it is very minimal and will not impact any of their living spaces. • Cone of vision templates have been outlined on the development plans and visual privacy/overlooking is adequately contained within the property or falls on land which is not used as a habitable space by the adjoining property, as their dwelling and habitable spaces are located much further up the block than where the development is proposed. <p>Based on the above, the officer is of the view that the development satisfies the relevant design principles and the variation is therefore considered to be acceptable.</p>
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Clause 5.1.3 - Building Height is applicable in this instance. Table 2 below outlines the relevant Design Principles assessment:

Design Principles	Officer Comments
<p>5.1.6 Building Height</p> <p>P6 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open</p>	<p>P6- The proposed dwelling is to have a wall height of 7.386m in lieu of 7m and a roof height of 10.58m in lieu of 10m above natural ground level.</p>

<p>space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"> • Adequate access to direct sun into buildings and appurtenant open spaces; • Adequate daylight to major openings into habitable rooms; and • Access to views of significance 	<ul style="list-style-type: none"> • The proposed dwelling is two storeys, however due to the fall of the land and the significant drop below the rear alfresco area the required retaining to keep each floor level has put the overall height of the structure over. • The proposal does not reduce the access to direct sunlight into buildings or appurtenant open spaces in the area affected by the over height structure. • The proposal does not reduce daylight to major openings or habitable rooms of adjoining structures • The increased height of the structure will not impact on the views of the properties to the rear due to the significant fall of the land. <p>Based on the above, the officer is of the view that the development satisfies the relevant design principles and the variation is therefore considered to be acceptable.</p>
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Clause 5.3.7 - Site Works is applicable in this instance. Table 3 below outlines the relevant Design Principles assessment:

Design Principles	Officer Comments
<p>5.3.7 Site works</p> <p>P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p>	<p>The application proposes a number of retaining walls, cut and fill predominantly across the rear of the property including;</p> <ul style="list-style-type: none"> • Fill to match the existing retaining wall on the north-western boundary. • 1.2m cut on the South-Eastern Boundary • 0.8m to 1.8m on the rear boundary <p>P7.1- The development proposes several FFL's slowly decreasing towards the rear of the site.</p> <p>The fall in finish floor levels across the site and the mix of cut and fill indicates a response to the natural features of the site as well as a design to take into account the views across the river area.</p>

<p>P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p> <p>P7.3 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed engineered and landscaped having due regard to clause 5.4.1.</p>	<p>P7.2 Due to the significant slope of the site away from the street, the dwelling will not appear overly large and only the roof is likely to be visible from the road.</p> <p>P7.3 The proposed retaining walls will have minimal impact on the adjoining landowners due to their location. With the pool wall being sufficiently set back and of a similar height to a dwelling and the rear retaining wall not backing onto a property.</p> <p>The resulting land will be gently sloping across the site and result in land that is much more usable than in its present state.</p> <p>Based on the above, the officer is of the view that the development satisfies the relevant design principles and the variation is therefore considered to be acceptable.</p>
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5.4.1 Visual Privacy is applicable in this instance. Table 4 below outlines the relevant Design Principles assessment:

Design Principles	Officer Comments
<p>5.4.1 Visual Privacy</p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • Building layout and location; • Design of major openings; • Landscape screening of outdoor active habitable spaces; and/or • Location of screening devices <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p>	<p>The application proposes the following variations to the visual privacy table:</p> <ul style="list-style-type: none"> • Alfresco window 2.35m in lieu of 6m (Facing towards No. 14) • Alfresco window facing south, approximately 5.5m in lieu of 6m (facing No.14) • Pool Deck 1.5m in lieu of 7.5m (Facing towards No.14) • Lawn area 1.5m in lieu of 7.5m (Facing towards No.14) <p>P1.1 & 1.2- The development proposes several obscure windows and screening devices to most</p>

<ul style="list-style-type: none"> • Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • Building to the boundary where appropriate; • Setting back the first floor from the side boundary; • Providing higher or opaque and fixed windows; and/or • Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters) 	<p>habitable rooms with the only variations referenced above.</p> <p>The variations listed above are considered acceptable as they encroach on an area of land that is not considered to be an 'outdoor active habitable space', mostly due to its distance from the main house, rockiness and slope.</p> <p>Based on the above, the officer is of the view that the development satisfies the relevant design principles and the variation is therefore considered to be acceptable.</p>
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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.

- (m) *The compatibility of the development with its setting, including -*
- (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

Officer Comment

The proposed single house is substantially taller than most other structures on the same side of the street, but at the same time due to the fall of the land will end up being no higher than a single storey development when viewed from the street. The character of the locality is therefore maintained.

Given the retaining wall and proposed pool comply with the side setback requirements of the R-Codes, the bulk and scale of this aspect of the development was not a variation that required the exercise of discretion, as it is permitted.

With regards to the rear setback and the bulk resulting from the proposed variation to this requirement, many other dwellings on the street, including Lot 86 (4m), Lot 87 (4.7m), Lot 88 (3.5m), Lot 89 (5m), Lot 90 (4.8m) and Lot 91 (3.9m) have a rear setback that is reduced from the required 6m and whilst these are historical developments that may not have required development consent at the time of their construction, when the area eventually moves to the higher R-Code, all the existing dwellings and this proposal with a wall, pool and decking structure will be compliant.

n) *the amenity of the locality including -*

(ii) *the character of the locality;*

Officer Comment

The existing character of the locality is older established dwellings constructed of weather board and the occasional brick structure. The proposed dwelling is to be constructed with a linear weather board-like exterior with the resulting levels lower than the street.

The slope of the block has been respected and the development is stepped down despite the substantial retaining at the rear of the lot. The proposed retaining is to be constructed of limestone which will fit in well with the surrounding cliff face and not look out of place from the river or beach.

The retaining is also to be set back sufficiently to not have an impact on the adjoining properties and is not to be higher than if the applicant had decided to construct the boundary fence or a dwelling in the proposed locations.

Summary

The application proposes a number of variations, with several comments from the neighbours' raising concerns over elements that are beyond the remit of the planning assessment.

The topography of the land is undulating and as a consequence site levels will be altered. The officer is of the view that the site levels are not proposed to be altered in a manner that is not consistent with the R-Codes or vastly different from surrounding properties.

The variations proposed by the applicant include building height, rear setback encroachment by the outdoor living area, visual privacy setbacks and site works.

The officer is of the views that in this instance the proposed variations are respectful of the existing site levels with both cut and fill being proposed. The significant fall of the site from the street level means that substantial amounts of fill across the site being required.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Local Planning Scheme No. 9

POLICY IMPLICATIONS

SPP 7.3 - Residential Design Codes

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

MOTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Vis

That Council grant Development Approval for a Single House on Lot 92 (12) Whitfield Street, Guilderton 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. Prior to occupation of the development, the driveway shall be serviced by a new crossover from Whitfield Street that is to be designed and constructed to the satisfaction of the Shire of Gingin at the landowner's cost; and
3. 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: 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>.

PROCEDURAL MOTION/COUNCIL RESOLUTION

MOVED: Councillor Peczka **SECONDED:** Councillor Sorensen

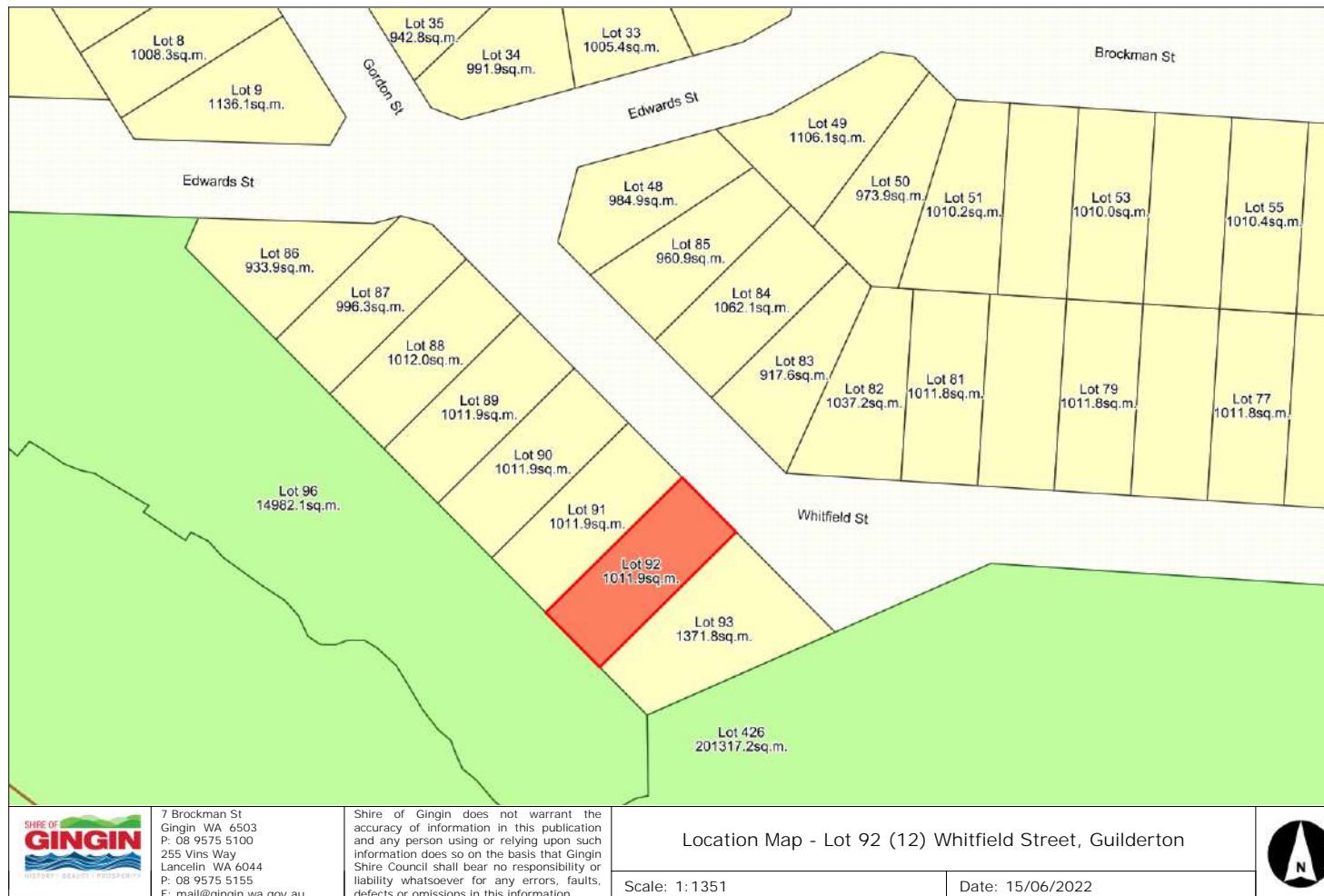
That consideration of the matter be deferred pending receipt of further information from Administration.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*





7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au

Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.

Location Map - Lot 92 (12) Whitfield Street, Guilderton
Scale: 1:1351
Date: 15/06/2022



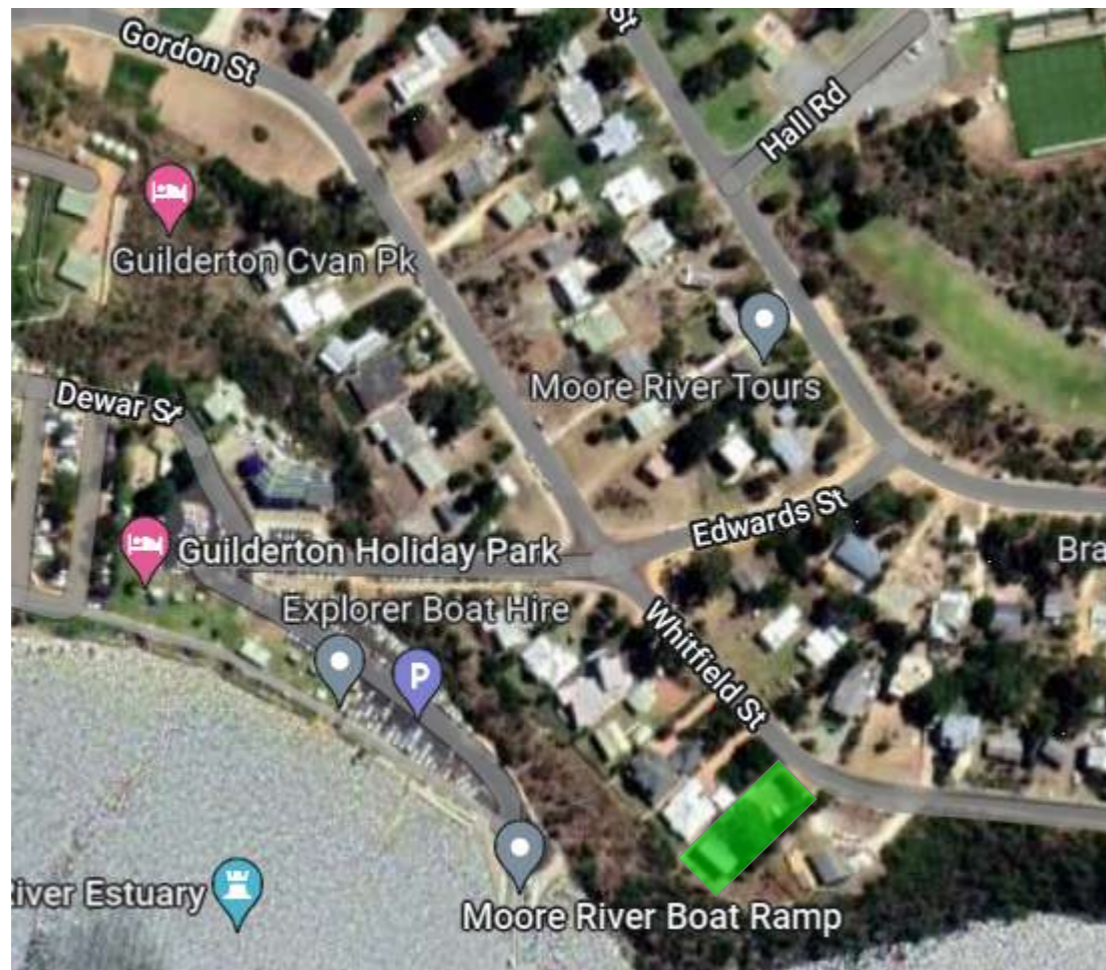
PROPOSED RESIDENCE

"SCARP HOUSE"

DEVELOPMENT APPLICATION REV H

W & A JOLLY

LOT 92 (#12) WHITFIELD STREET, GUILDERTON
SHIRE OF GINGIN



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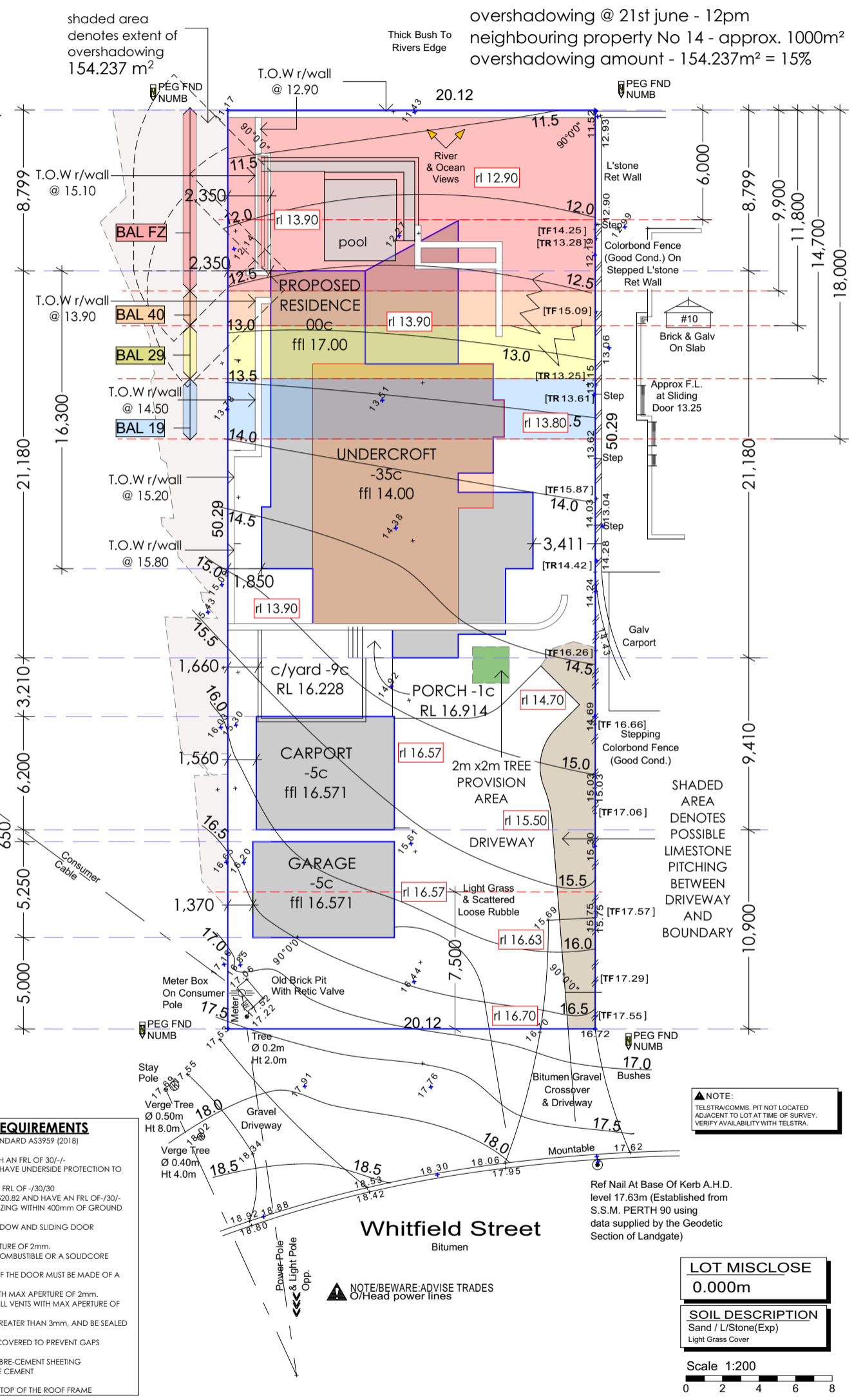
<p>Licensed Surveyors</p>	87-89 Guthrie Street, Osborne Park, Western Australia Telephone: (08) 9446 7361 Facsimile: (08) 9445 2998 Email: perth@cottage.com.au Website: www.cottage.com.au		BUILDER : CLIENT : Jolly LOT 92 #12 Whitfield Street, Guilderton	(OLD AREA) (NEW AREA)	SEC Dome Power Pole Phone Pits Water Conn. Top Pillar/Post Top Wall Top Retaining Top Fence
	J/N: 495705 DATE: 29 Mar 21 SCALE: 1:200 DRAWN: J. Jee	D.Plan206700			

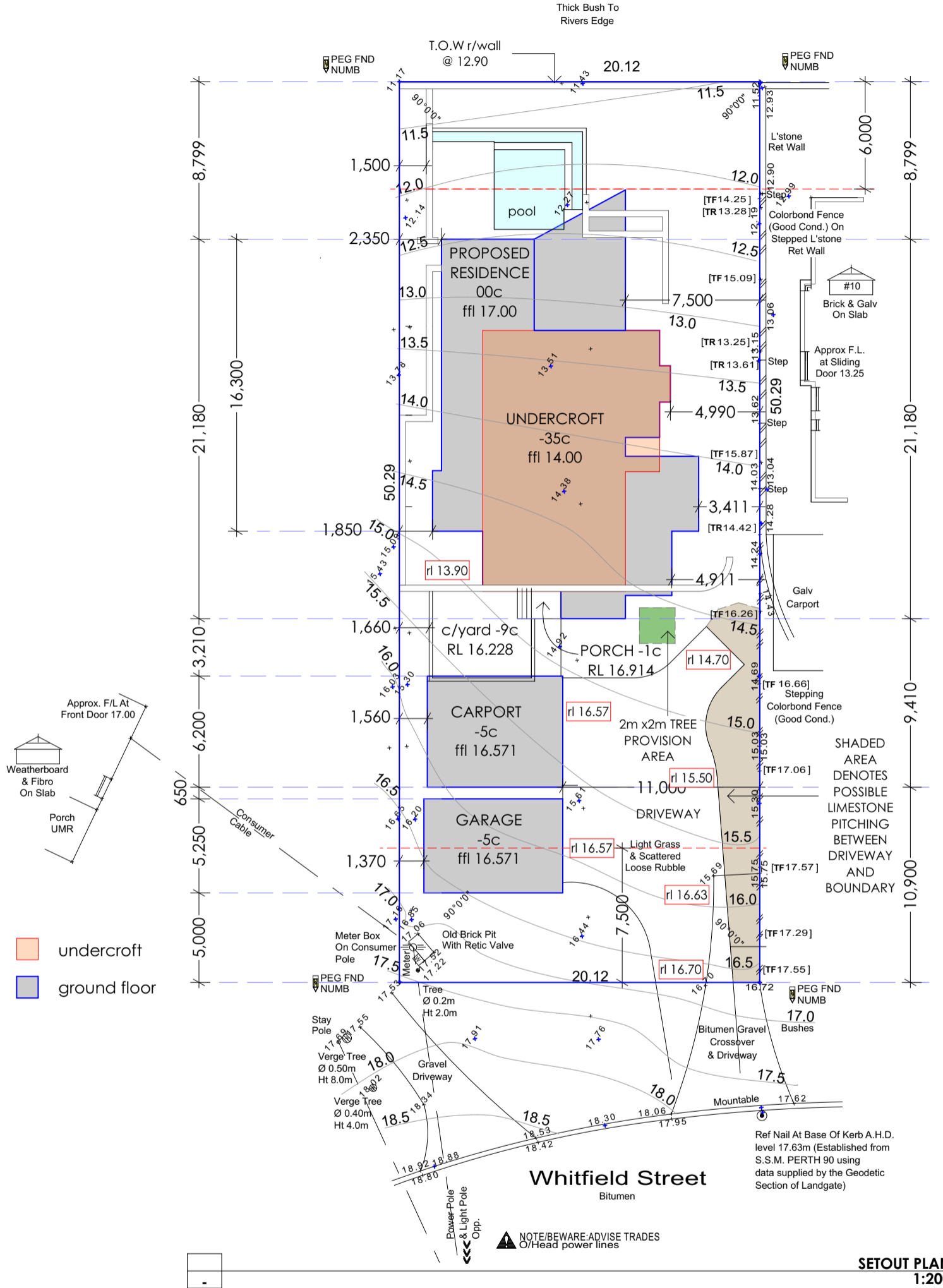
DISCLAIMER:
 Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

DISCLAIMER:
 Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

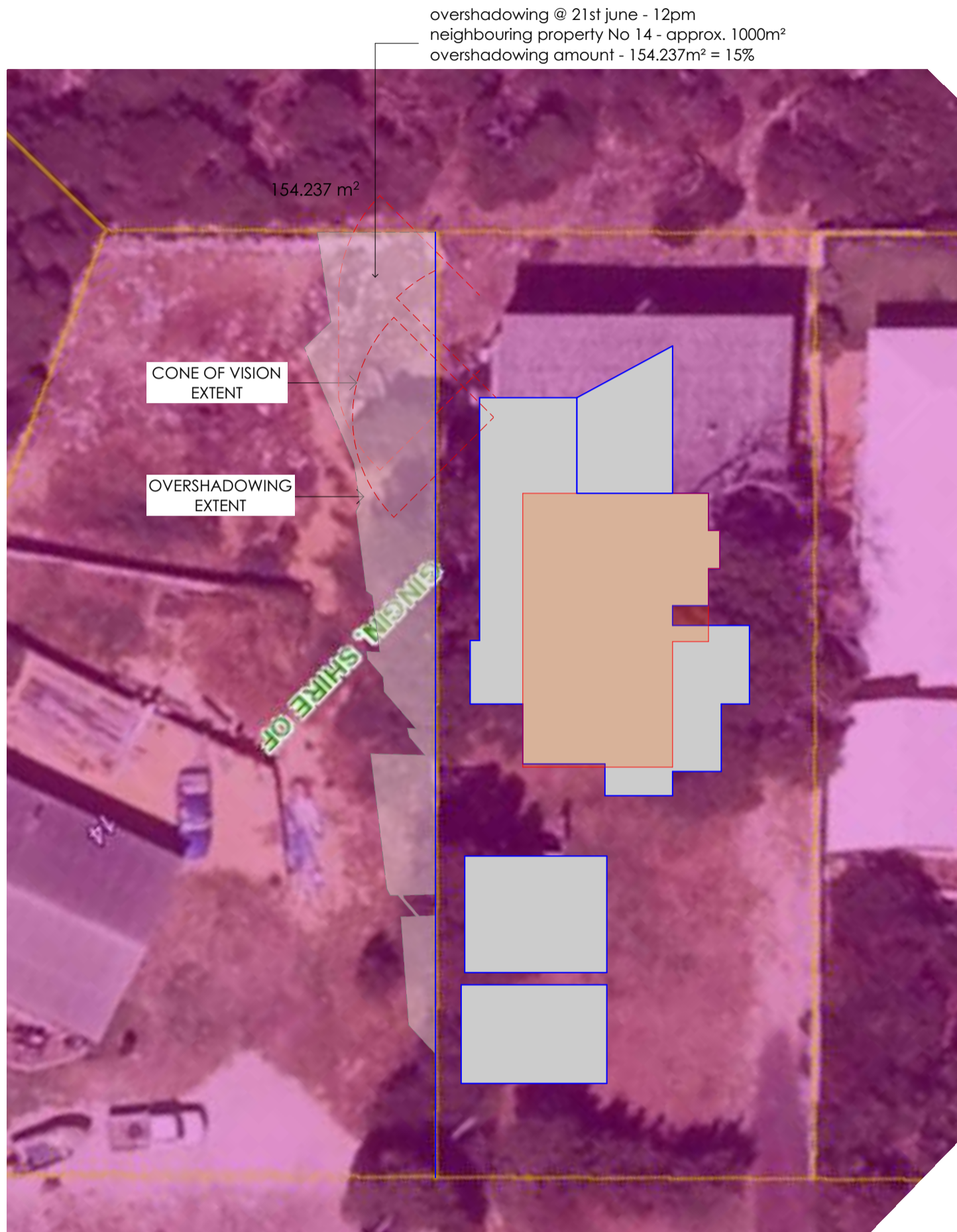
DISCLAIMER:
 Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

DISCLAIMER:
 Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.






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	<p>CLIENT: W & A JOLLY</p> <p>SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON</p>	<p>DRAWN: RICCADONNA DESIGN</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>PUBLISH DATE: Tuesday, 2 August 2022</p>	<p>SCALE: AS SHOWN</p> <p>REVISION: H</p>			



OVERSHADOWING & OVERLOOKING PLAN
1:200

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	CLIENT: W & A JOLLY	DRAWN: RICCADONNA DESIGN	SCALE: AS SHOWN			
	SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON	STATUS: DEVELOPMENT APPLICATION	REVISION: H			
		PUBLISH DATE: Tuesday, 2 August 2022		D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln		

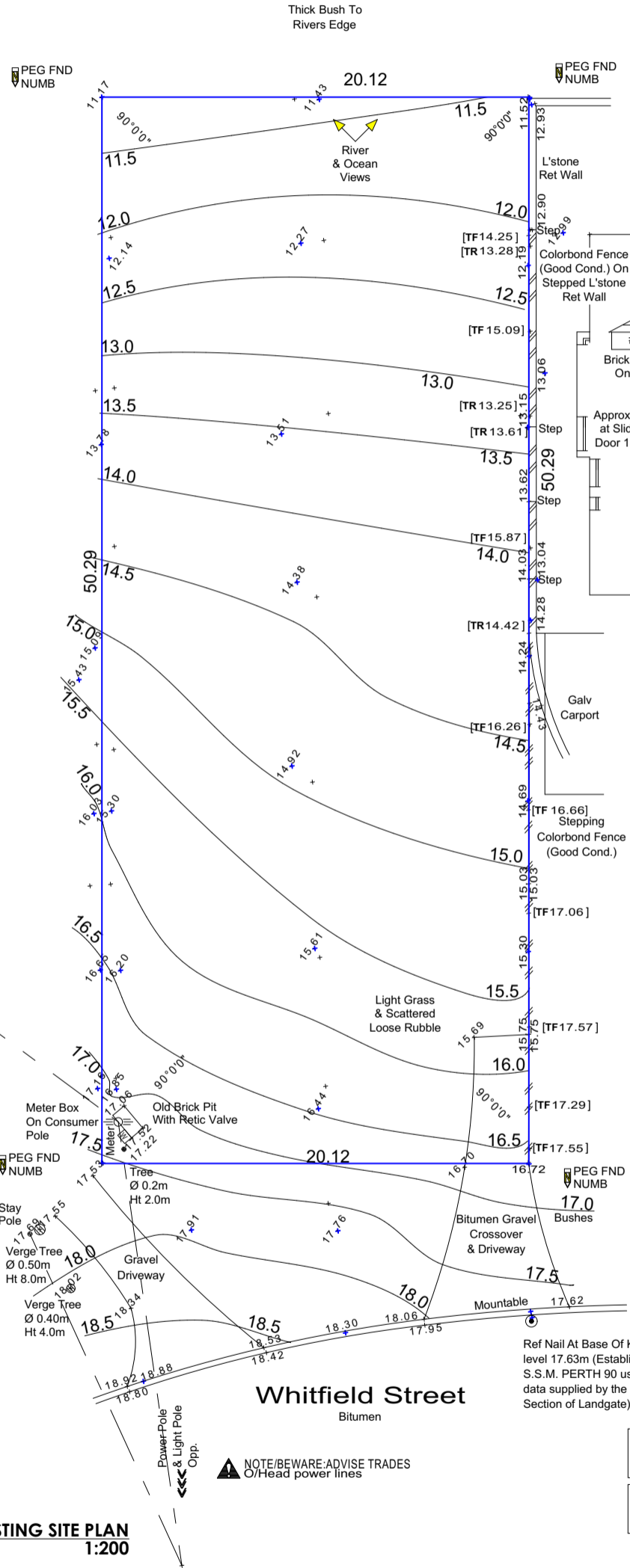
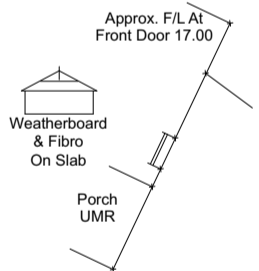
<p>COTTAGE & ENGINEERING SURVEYS Licensed Surveyors</p>	87-89 Guthrie Street, Osborne Park, Western Australia Telephone: (08) 9446 7361 Facsimile: (08) 9445 2998 Email: perth@cottage.com.au Website: www.cottage.com.au		BUILDER : CLIENT : Jolly LOT 92 #12 Whitfield Street, Guilderton	OLD AREA UNZ UNZ UNZ	SEC Dome Power Pole Phone Pits Water Conn. Top Pillar/Post Top Wall Top Retaining Top Fence
	J/N: 495705 DATE: 29 Mar 21 SCALE: 1:200 DRAWN: J. Jee	D.Plan206700			

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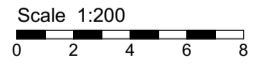
NOTE:
TELSTRA/COMMS. PIT NOT LOCATED ADJACENT TO LOT AT TIME OF SURVEY. VERIFY AVAILABILITY WITH TELSTRA.

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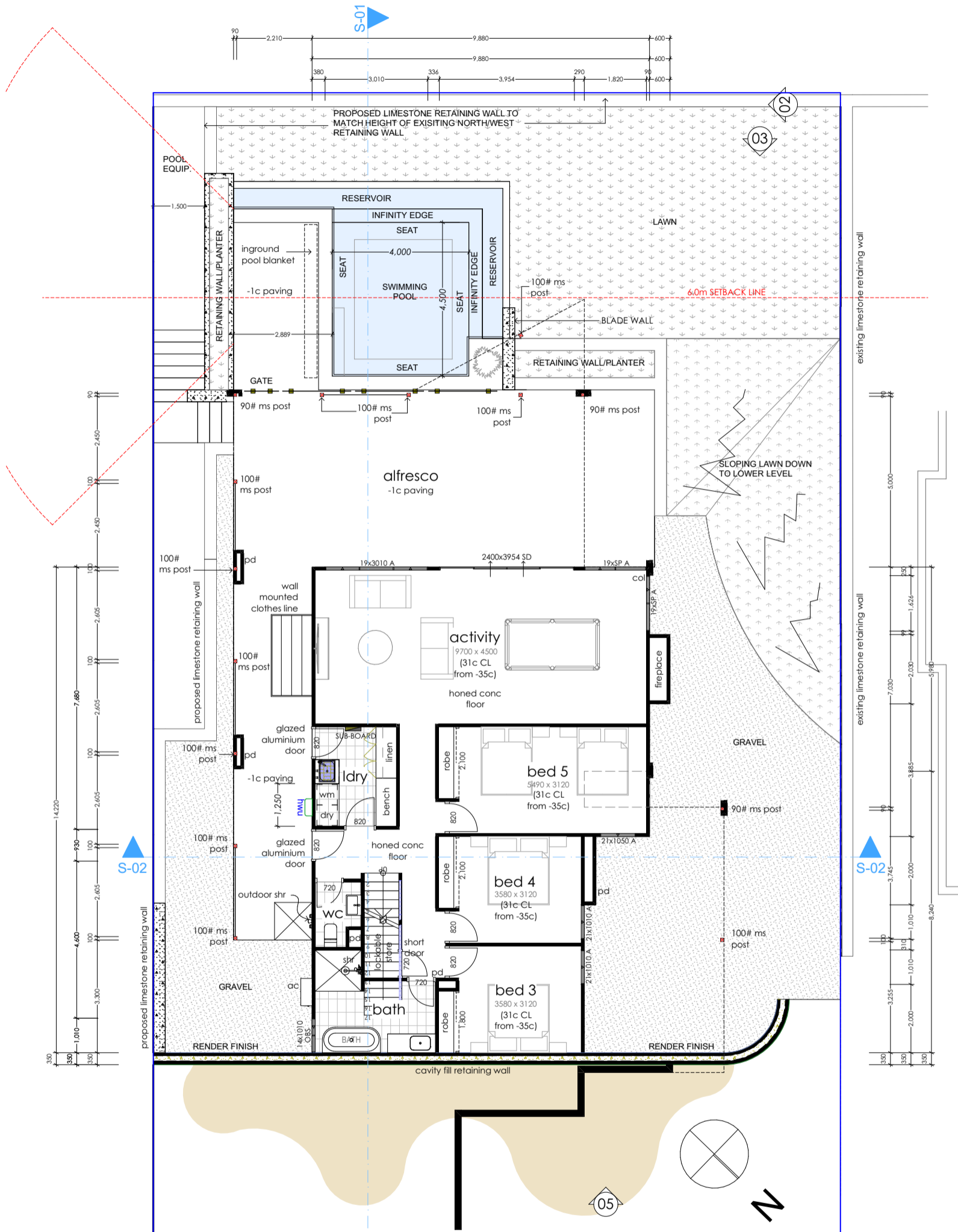
NOTE/BEWARE/ADVISE TRADES
O/Head power lines

LOT MISCLOSE
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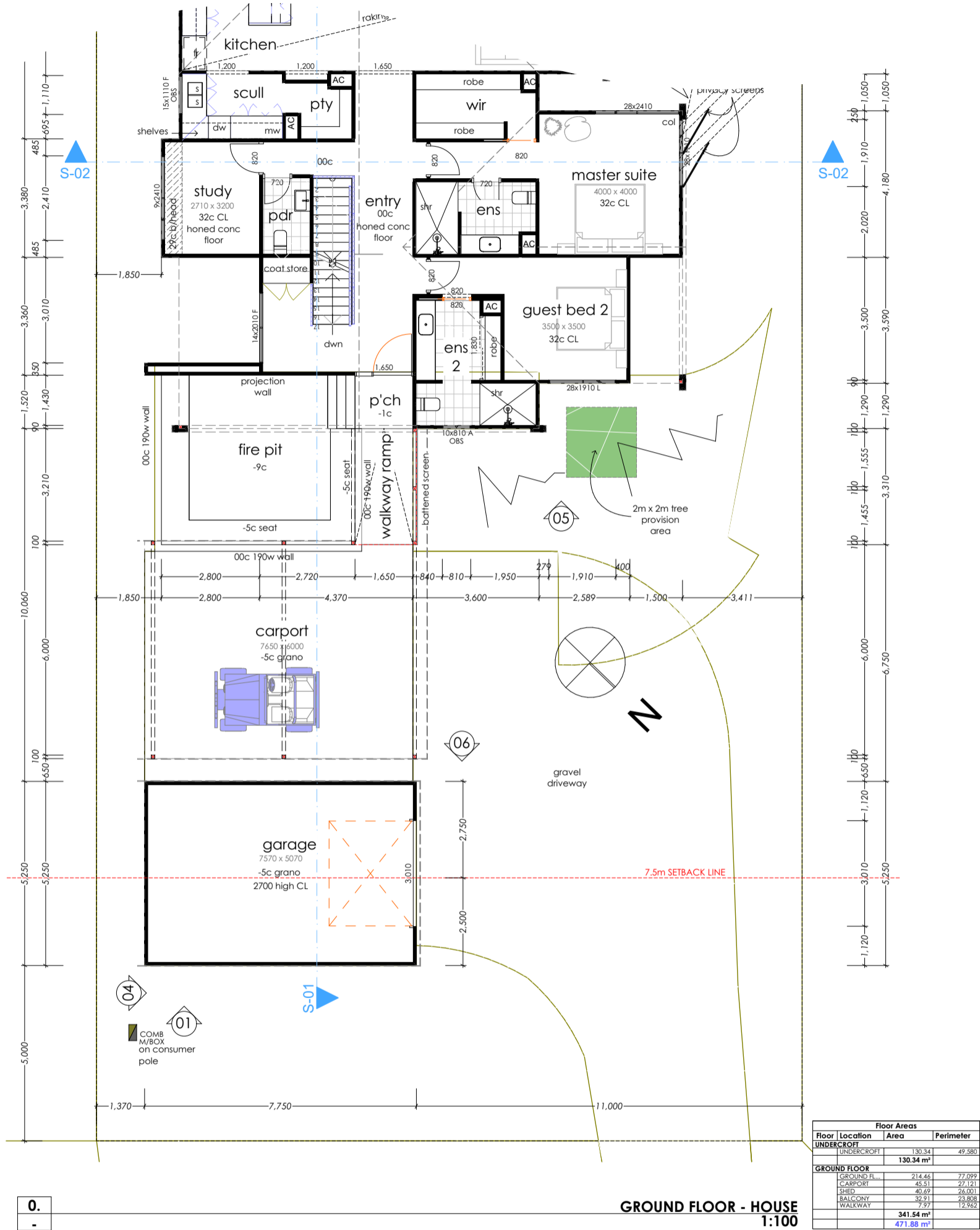
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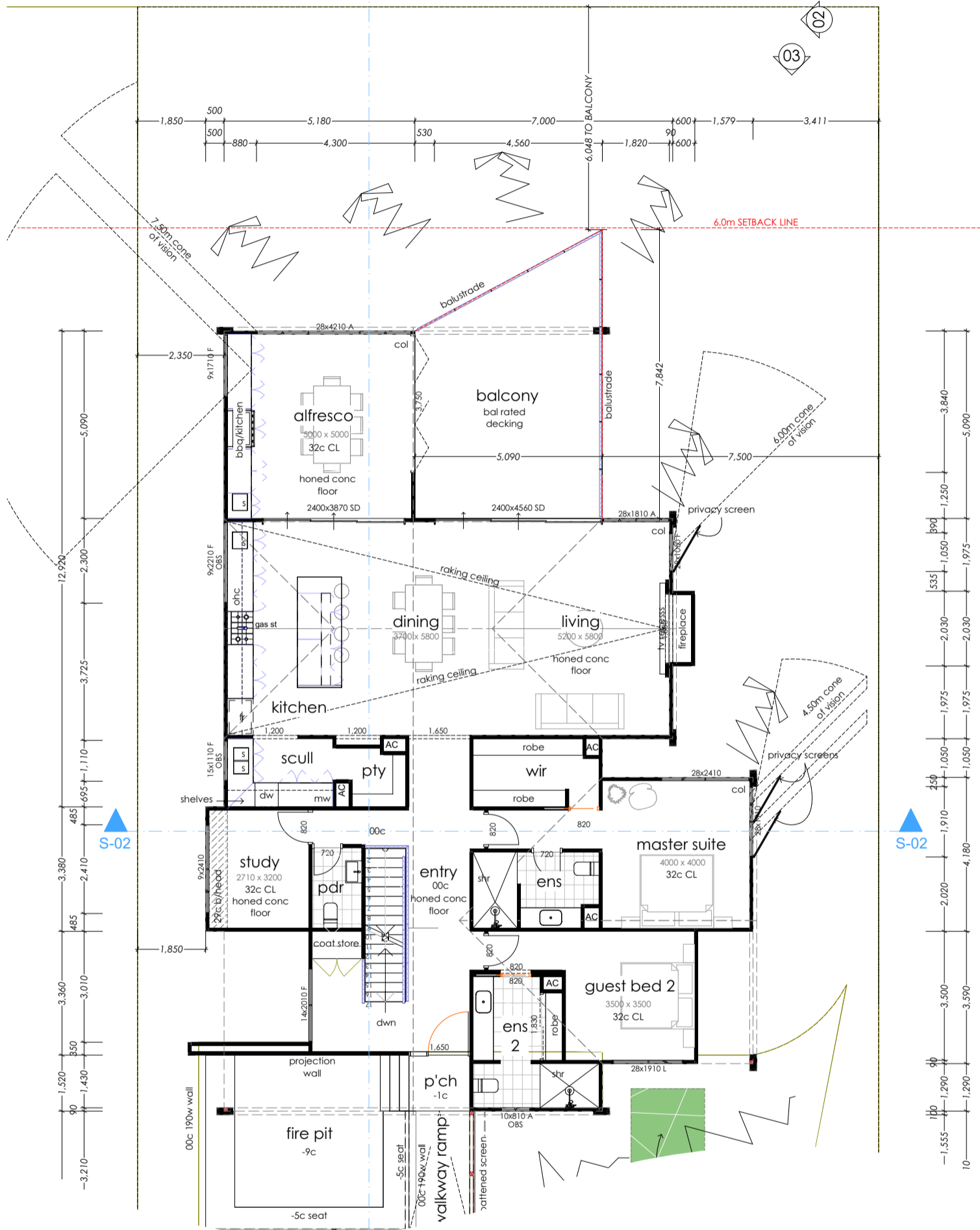
EXISTING SITE PLAN
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	CLIENT:	UNDERCROFT FLOOR PLAN			
	W & A JOLLY	DRAWN:	SCALE:		
	SITE ADDRESS:	RICCADONNA DESIGN	AS SHOWN		
LOT 92 (No 12) WHITFIELD STREET	STATUS:	REVISION:	<p>H</p>	<p>D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln</p>	
GUILDERTON	DEVELOPMENT APPLICATION				
	PUBLISH DATE:				<p>SHEET 5 of 15</p>




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	CLIENT:	GROUND FLOOR			
	W & A JOLLY	DRAWN:	SCALE:		
	SITE ADDRESS:	RICCADONNA DESIGN	AS SHOWN		
LOT 92 (No 12) WHITFIELD STREET	STATUS:	REVISION:	<p>H</p>		
GUILDERTON	DEVELOPMENT APPLICATION				
	PUBLISH DATE:	D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln			
	Tuesday, 2 August 2022				

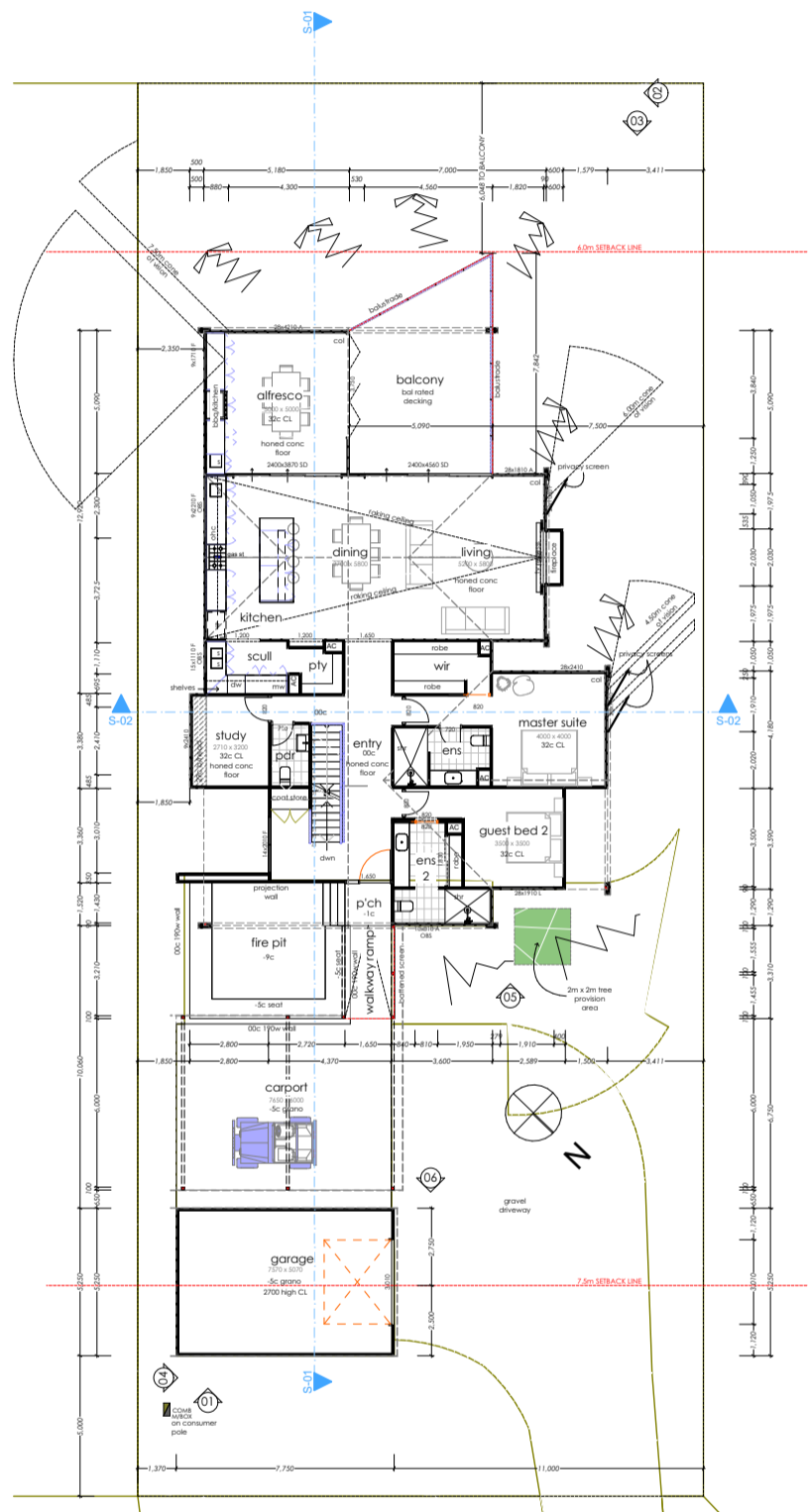


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**GROUND FLOOR - HOUSE
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	SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON	DRAWN: RICCADONNA DESIGN	SCALE: AS SHOWN		
		STATUS: DEVELOPMENT APPLICATION	REVISION: H		
	PUBLISH DATE: Tuesday, 2 August 2022	D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln			

SHEET 7 of 15



GENERAL NOTES

IF IN DOUBT ASK - DO NOT SCALE

AUSTRALIAN STANDARDS: UNLESS OTHERWISE SPECIFIED IN THE CONTRACT, AND WHERE APPLICABLE, MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT STANDARD OF THE STANDARDS ASSOCIATION OF AUSTRALIA. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO ENSURE THAT THE SUBCONTRACTORS ARE FAMILIAR WITH ALL RELEVANT AUSTRALIAN STANDARDS APPLICABLE TO THEIR WORK

A STANDARD APPLICABLE TO THE WORKS SHALL BE THE EDITION LAST PUBLISHED PRIOR TO THE CLOSING DATE FOR THE TENDERS UNLESS OTHERWISE SPECIFIED

DIMENSIONS AND SCALED DRAWINGS: FIGURE DIMENSIONS ON CONTRACT DOCUMENTS SHALL BE READ IN PREFERENCE TO SCALE. LARGER SCALED DRAWINGS SHOULD BE READ IN PREFERENCE TO SMALLER SCALED DRAWINGS. CONTRACTOR TO CHECK FOR DISCREPANCIES ALL FIGURED DIMENSIONS BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS
SITE MEASUREMENTS SUCH AS DOORS, WINDOWS, JOINERY, FIXED FURNITURE, FURNISHINGS, FENCING, PLANT EQUIPMENT AND THE LIKE TO CONFIRM THE SUITABILITY OF THE DESIGN BEFORE COMMENCING FABRICATION AND IDENTIFY CHANGES REQUIRED TO DOCUMENTATION BEFORE FABRICATION

ALL DIMENSIONS ARE SHOWN FROM BRICKWORK TO BRICKWORK AND CONCRETE TO CONCRETE. NO ALLOWANCE HAS BEEN MADE FOR HARDWALL PLASTER, SKIM COAT, EXTERNAL RENDER, STONE CLADDING, FLOOR FINISHES OR STAIR CLADDING

ALL WORKS SHALL BE CARRIED OUT IN A WORKMANLIKE MANNER

FALLS TO SHOWER FLOORS 1:80
FALLS TO WET AREA FLOORS 1:100

TILE LINES ARE INDICATIVE ONLY AND SUBJECT TO FINAL SELECTIONS

CABINETWORK AND ALL FIRST FIT PLUMBING SPUDS AND ELECTRICAL BOXES ARE DIMENSIONED FROM MAIN SLAB LEVELS - NOT SETDOWN LEVELS OR FINISHED FLOOR LEVELS

PROVIDE ALL NECESSARY FIXINGS, FLASHINGS, PACKING AND SEALANTS REQUIRED TO ENSURE THE INSTALLATION IS COMPLETELY WATERTIGHT

ALL GLAZING TO BE IN ACCORDANCE WITH AS1288
ALL DOORS AND WINDOWS TO BE FITTED WITH APPROVED SEALS

**NOTE:
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**NOTE: REFER BUILDERS SPECIFICATION
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CONSTRUCTION NOTES

1° & 30° GROUND FLOOR ROOF PITCH
COLORBOND TRIMDECK ROOF SHEETING -
ANTICON 60 UNDER

UNDERCROFT FLOOR RAFT CONCRETE SLAB
UNDERCROFT WALLS TIMBER FRAMED WITH
HARDIES CLADDING

GROUND FLOOR FLOORTECH SYSTEM
GROUND FLOOR WALLS TIMBER FRAMED WITH
HARDIES AXON CLADDING

ALL TIMBER TO BE CARRIED OUT IN
ACCORDANCE WITH THE NATIONAL TIMBER
FRAMING CODE AS 1684 AND THE TIMBER
STRUCTURES CODE AS 1720.1

N? WIND CATEGORY
TERRAIN CATEGORY ?
SITE CLASSIFICATION ?

BUSH FIRE ATTACK LEVEL 'FZ' REQUIREMENTS

BUILDING IN BUSHFIRE PRONE AREAS AUSTRALIAN STANDARD AS3959 (2018)

1. SUBFLOOR SUPPORTS TO BE NON COMBUSTIBLE WITH AN FRL OF 30/-/-
2. CONCRETE SLAB ON GROUND, RAISED FLOORS TO HAVE UNDERSIDE PROTECTION TO AS 1530.8.2
3. EXTERNAL WALLS TO BE NON COMBUSTIBLE WITH AN FRL OF -/30/30
4. ALL WINDOWS AND DOORS TO COMPLY WITH AS1520.82 AND HAVE AN FRL OF -/30/-
5. STEEL OR BRONZE MESH FLYSCREENS OVER ALL GLAZING WITHIN 400mm OF GROUND LEVEL.
6. STEEL OR BRONZE MESH FLYSCREENS OVER ALL WINDOW AND SLIDING DOOR OPENINGS.
7. FLY SCREENS FITTED SHALL HAVE A MAXIMUM APERTURE OF 2mm.
8. ALL DOORS MUST BE BEHIND SCREEN OR BE NON-COMBUSTIBLE OR A SOLIDCORE DOOR.
9. EMBER SEAL TO THE GARAGE DOOR & ALL PARTS OF THE DOOR MUST BE MADE OF A NON-COMBUSTIBLE MATERIAL.
10. STAINLESS STEEL MESH WEEPHOLE PROTECTORS WITH MAX APERTURE OF 2mm.
11. NON-COMBUSTIBLE MESH COVERS TO FLUMES/WALL VENTS WITH MAX APERTURE OF 2mm.
12. ALL ROOF PENETRATIONS MUST HAVE NO GAPS GREATER THAN 3mm, AND BE SEALED BY A NON-COMBUSTIBLE MATERIAL.
13. ALL EXTERNAL WALL JOINTS SHALL BE SEALED OR COVERED TO PREVENT GAPS GREATER THAN 3mm.
14. GABLES SARKED ON OUTSIDE OF FRAME & 9mm FIBRE-CEMENT SHEETING
15. EAVE LININGS SHALL BE A MINIMUM OF 6mm FIBRE CEMENT
16. 50mm GLASSWOOL BLANKET TO ENTIRE ROOF
FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME

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	<p>CLIENT: W & A JOLLY</p>	<p>DRAWN: RICCADONNA DESIGN</p>	<p>SCALE: AS SHOWN</p>		
	<p>SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON</p>	<p>STATUS: DEVELOPMENT APPLICATION</p>	<p>REVISION: H</p>		
	<p>PUBLISH DATE: Tuesday, 2 August 2022</p>	<p>D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln</p>			

SHEET 8 of 15

CONSTRUCTION NOTES

1° & 30° GROUND FLOOR ROOF PITCH
COLORBOND TRIMDECK ROOF SHEETING -
ANTICON 60 UNDER

UNDERCROFT FLOOR RAFT CONCRETE SLAB
UNDERCROFT WALLS TIMBER FRAMED WITH
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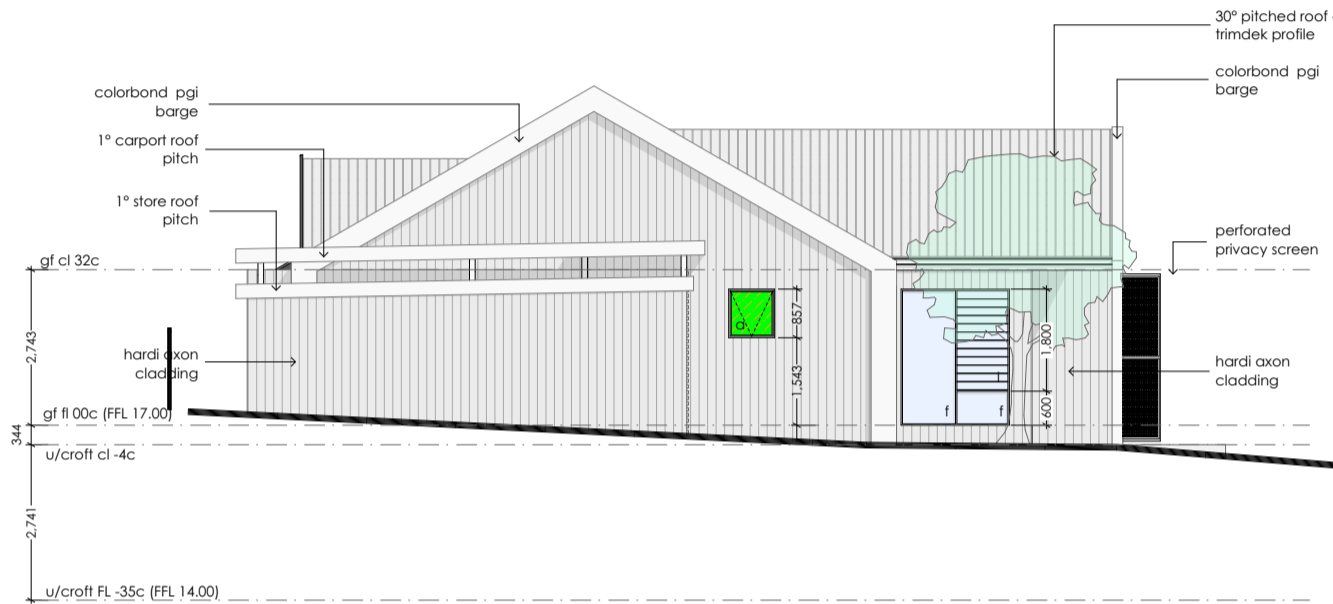
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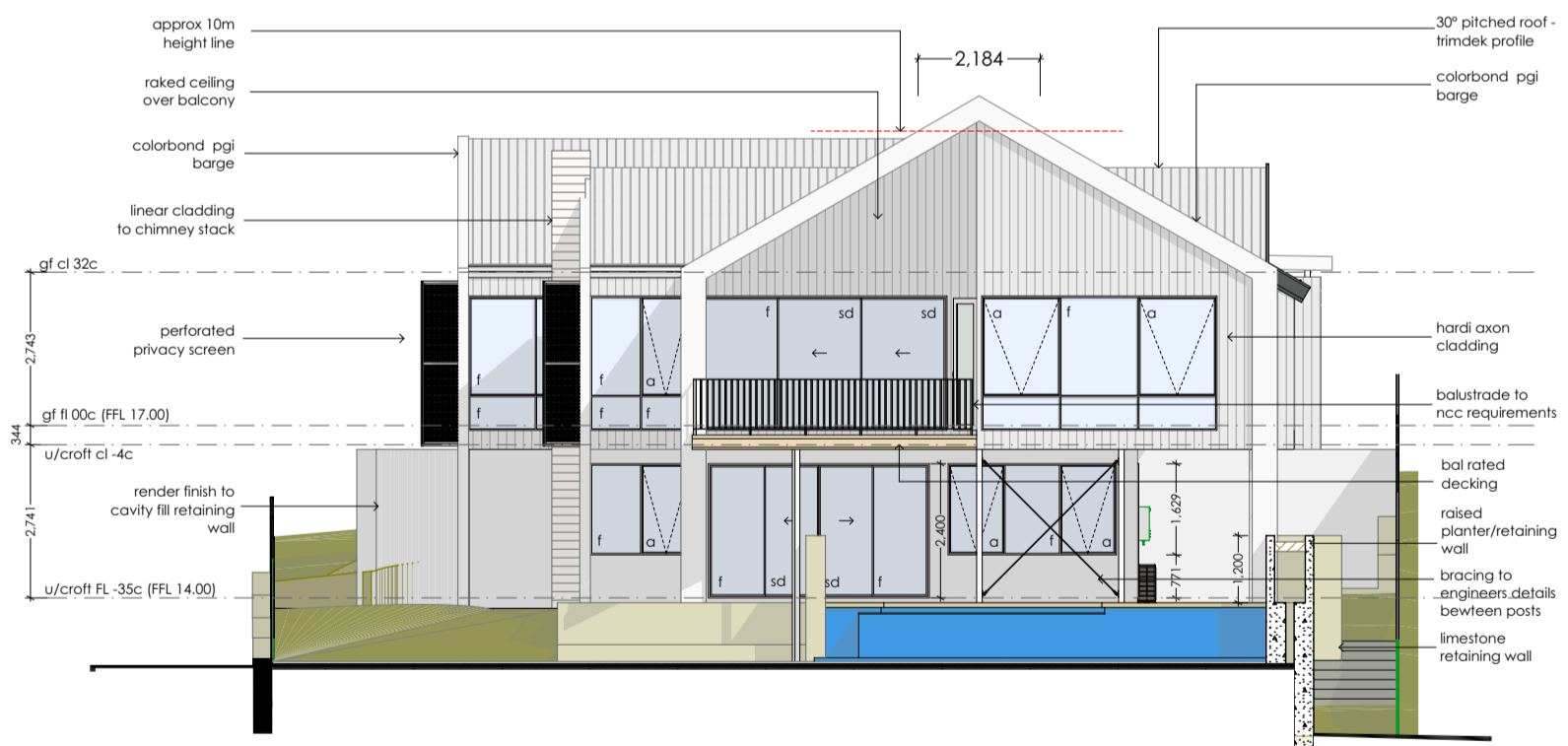
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NOTE: REFER BUILDERS SPECIFICATION FOR ALL OWNER SUPPLIED AND INSTALLED ITEMS. CLARIFY EXACT SCOPE PRIOR TO ANY WORKS STARTING



01 **01 ELEVATION**
1:100



03 **03 ELEVATION**
1:100

<p>© COPYRIGHT</p>	<p>PROPOSED DEVELOPMENT</p>	DRAWING TITLE:		AMENDMENTS:		 <p>riccadonna design</p> <p>m : 0417 974 215 e : rccad@bigpond.net.au</p>
	CLIENT:	ELEVATIONS		<p>REV A 16.04.21 INTIAL CONCEPT REV B 12.05.21 COUNCIL INTIAL COMMENT REV C 18.05.21 COUNCIL INTIAL COMMENT REV D 03.06.21 QUOTING REV E 04.03.22 CLIENT AMENDMENTS REV F 19.04.22 CLIENT AMENDMENTS REV G 03.05.22 DEVELOPMENT APPLICATION REV H 02.08.22 DEVELOPMENT APPLICATION</p>		
	W & A JOLLY	DRAWN:	SCALE:	<p>D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln</p>		
	SITE ADDRESS:	RICCADONNA DESIGN	AS SHOWN			
LOT 92 (No 12) WHITFIELD STREET GUILDERTON	STATUS:	REVISION:			<p>SHEET 9 of 15</p>	
	DEVELOPMENT APPLICATION	H				
	PUBLISH DATE:					
	Tuesday, 2 August 2022					

CONSTRUCTION NOTES
1° & 30° GROUND FLOOR ROOF PITCH
COLORBOND TRIMDECK ROOF SHEETING -
ANTICON 60 UNDER

UNDERCROFT FLOOR RAFT CONCRETE SLAB
UNDERCROFT WALLS TIMBER FRAMED WITH
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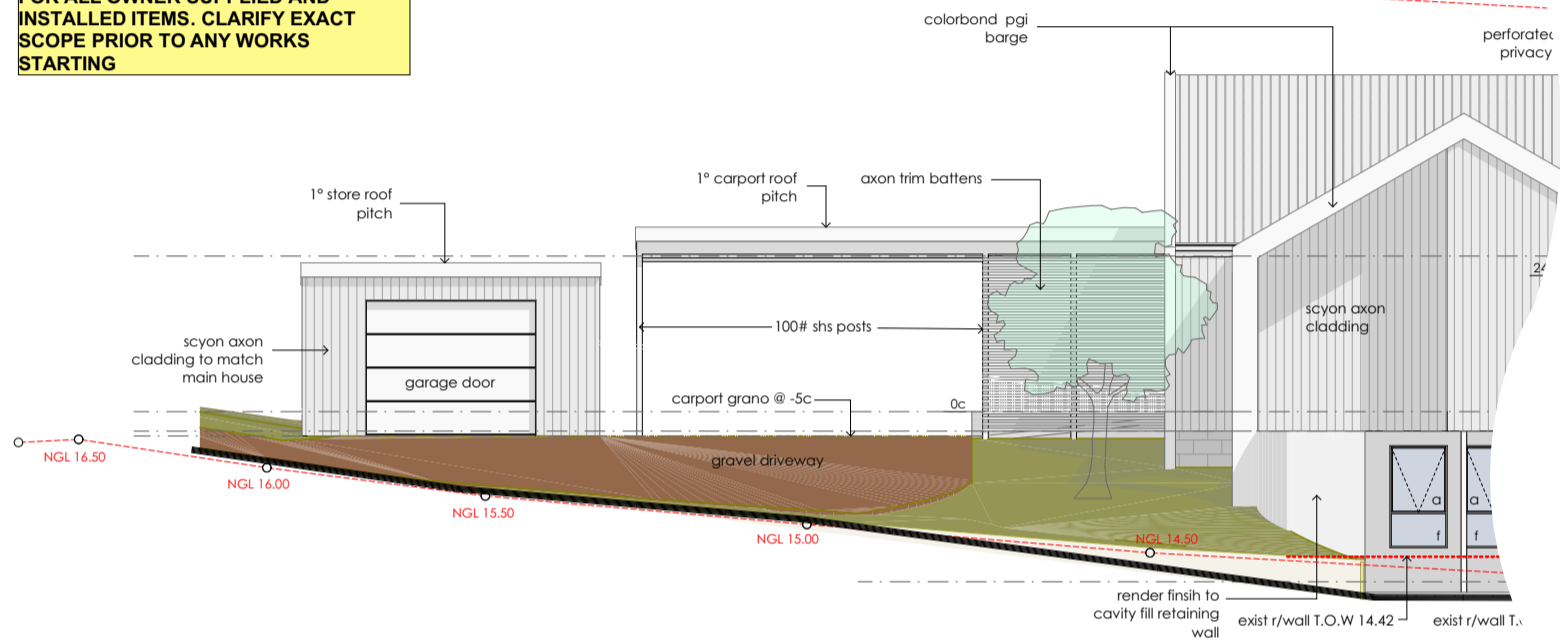
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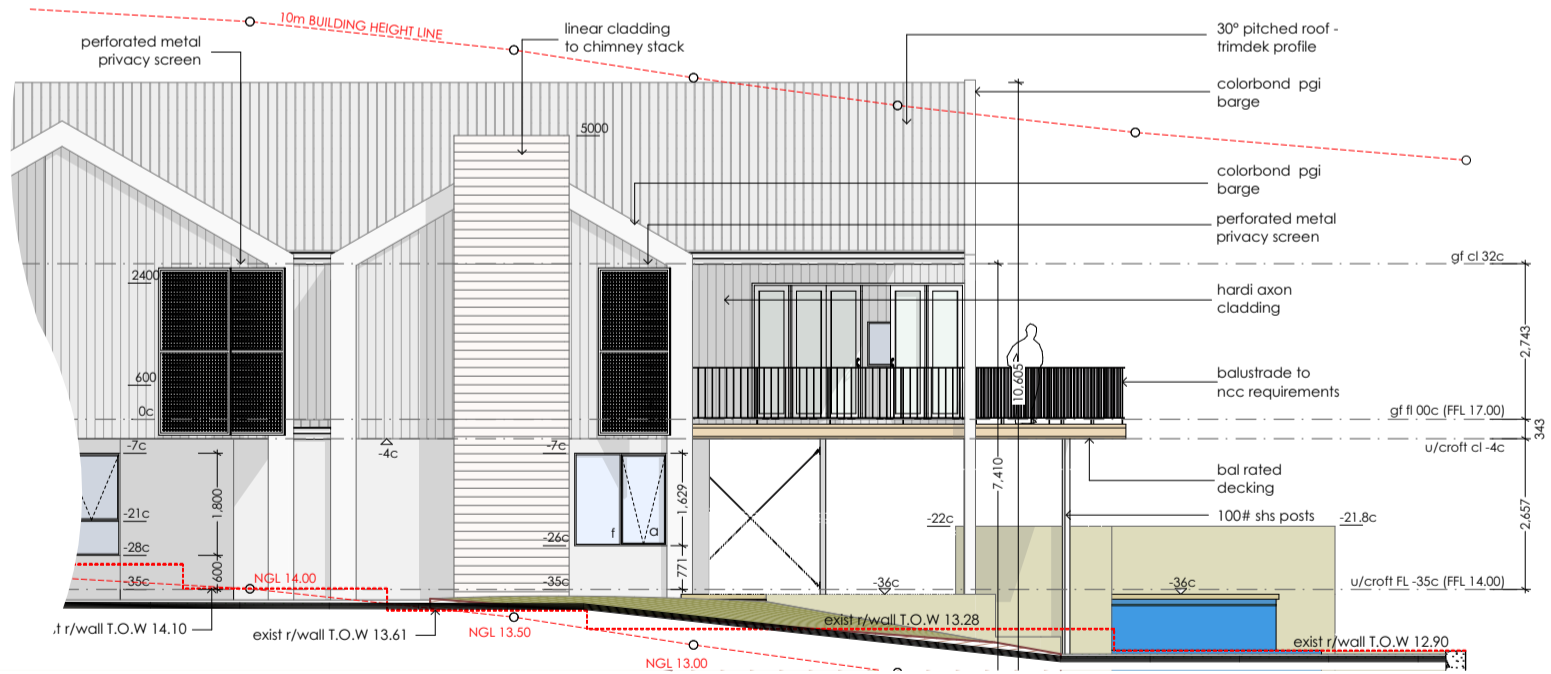
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SCOPE PRIOR TO ANY WORKS
STARTING**



02
-

02 ELEVATION
1:100



02
-

02 ELEVATION
1:100

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	CLIENT:	ELEVATIONS 2			
	W & A JOLLY	DRAWN:	SCALE:		
	SITE ADDRESS:	RICCADONNA DESIGN	AS SHOWN		
LOT 92 (No 12) WHITFIELD STREET	STATUS:	REVISION:	<p>H</p>		
GUILDERTON	DEVELOPMENT APPLICATION				
	PUBLISH DATE:	D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln			
	Tuesday, 2 August 2022				

SHEET 10 of 15

CONSTRUCTION NOTES

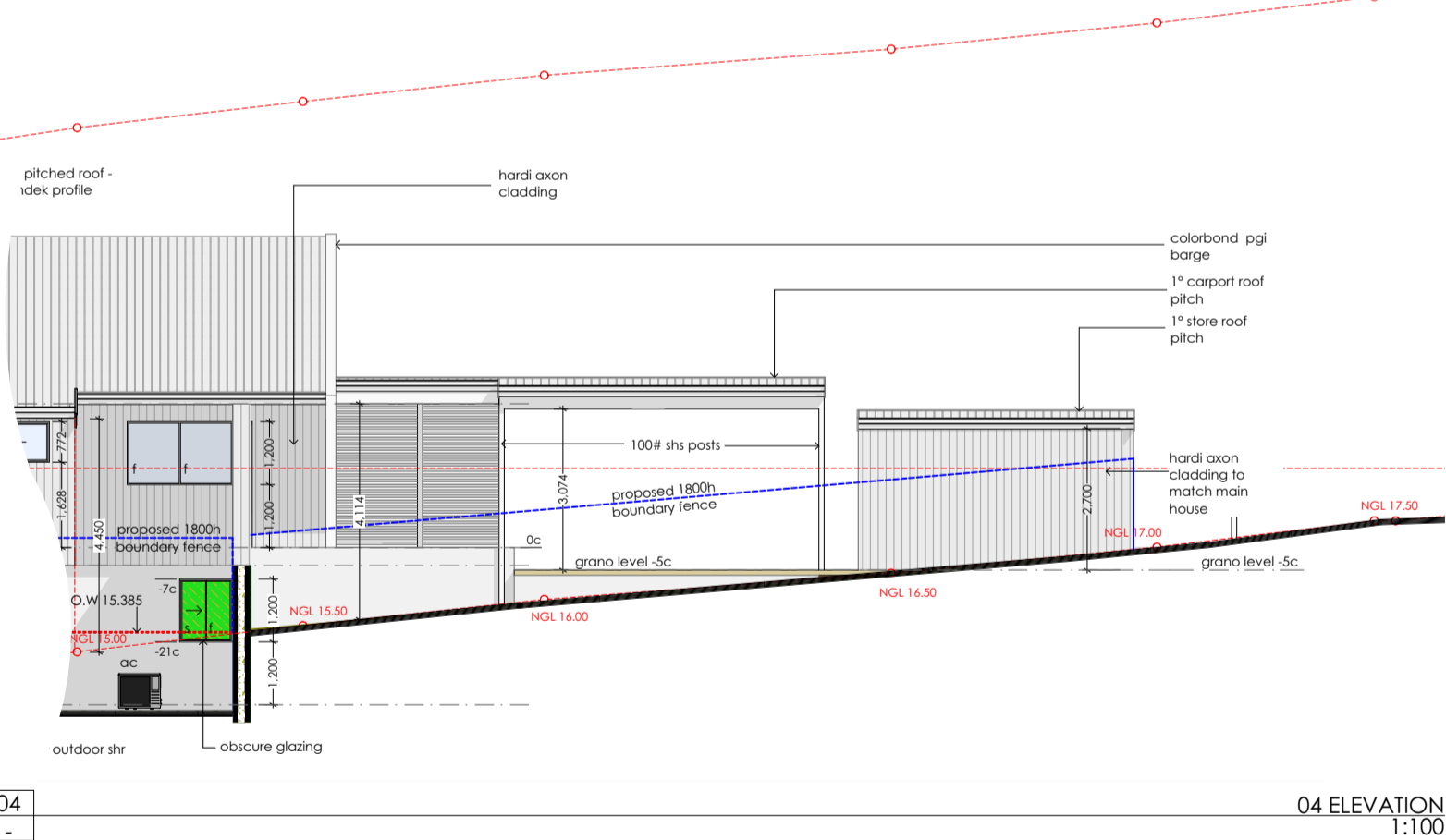
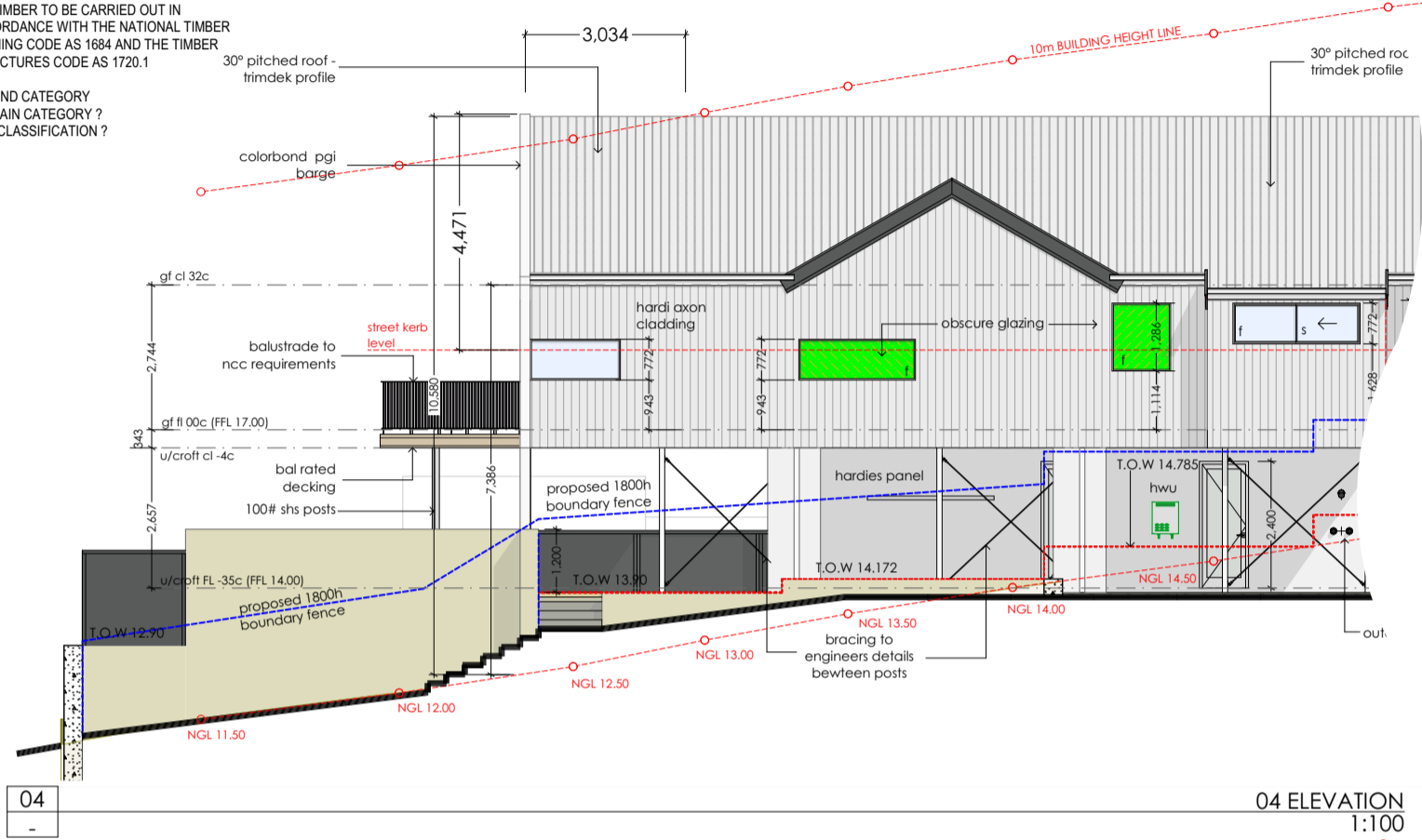
1° & 30° GROUND FLOOR ROOF PITCH
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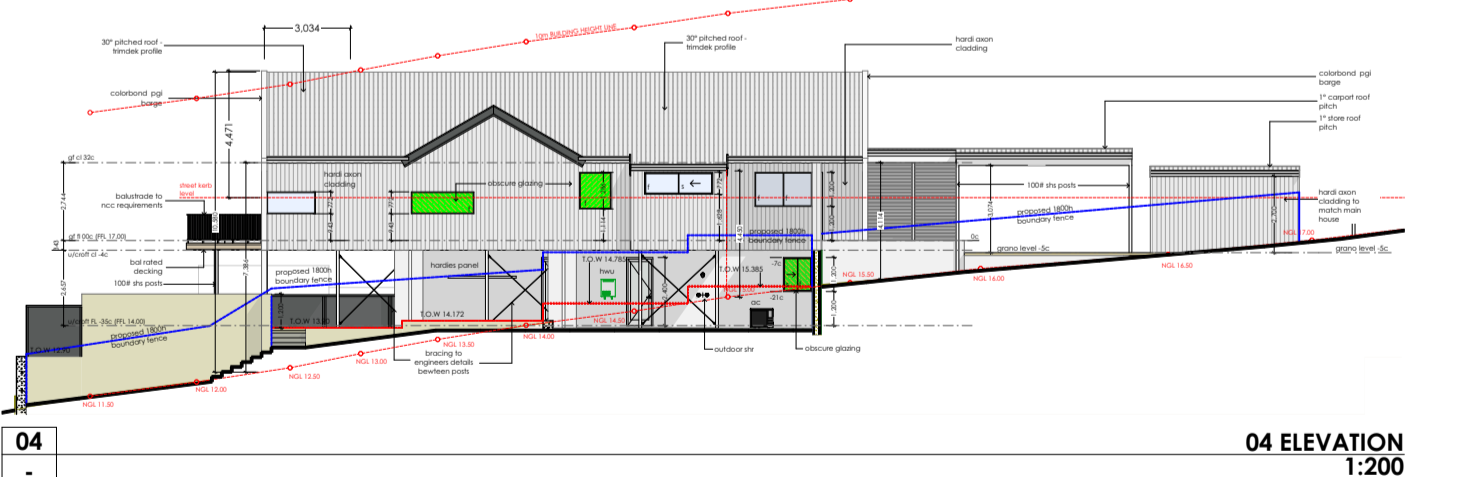
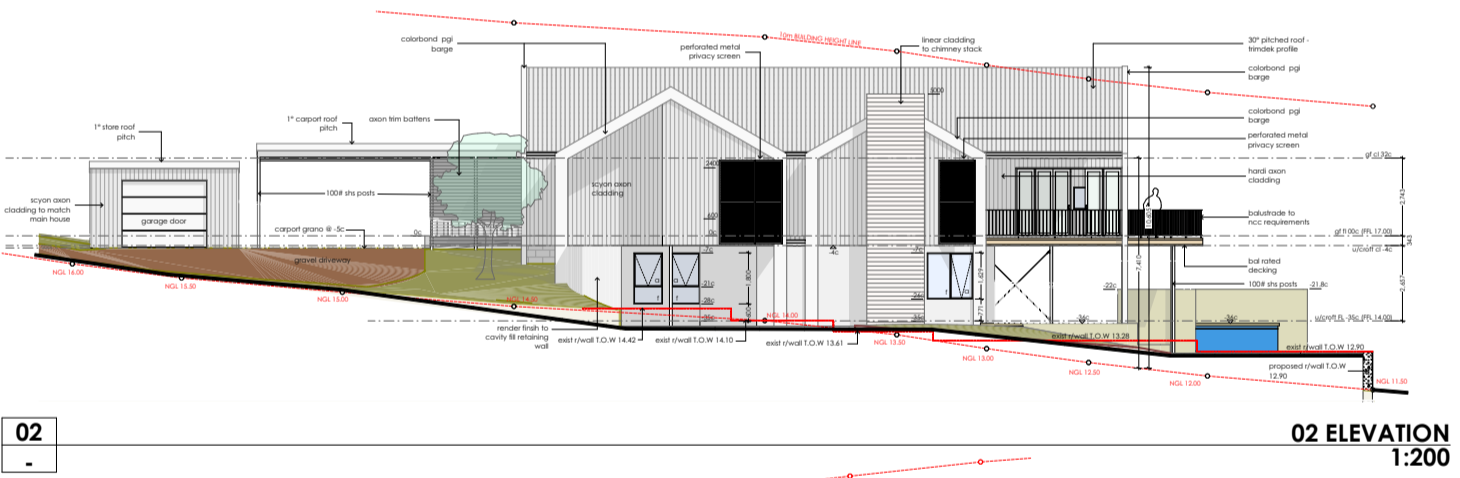
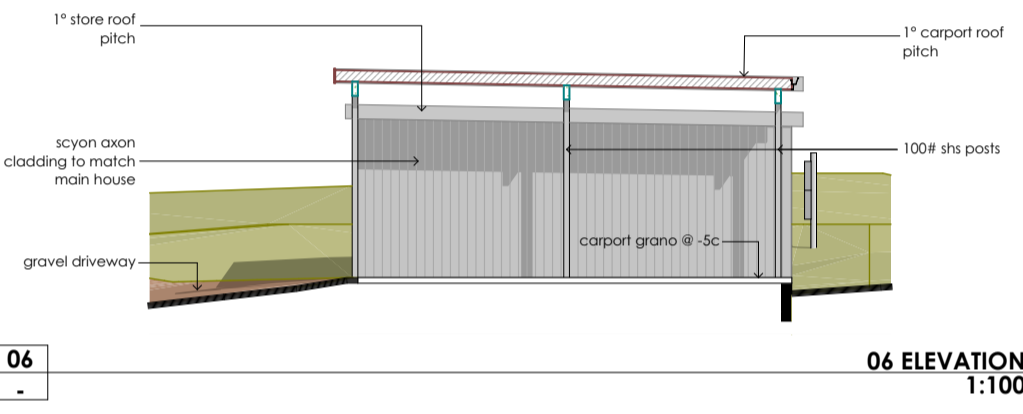
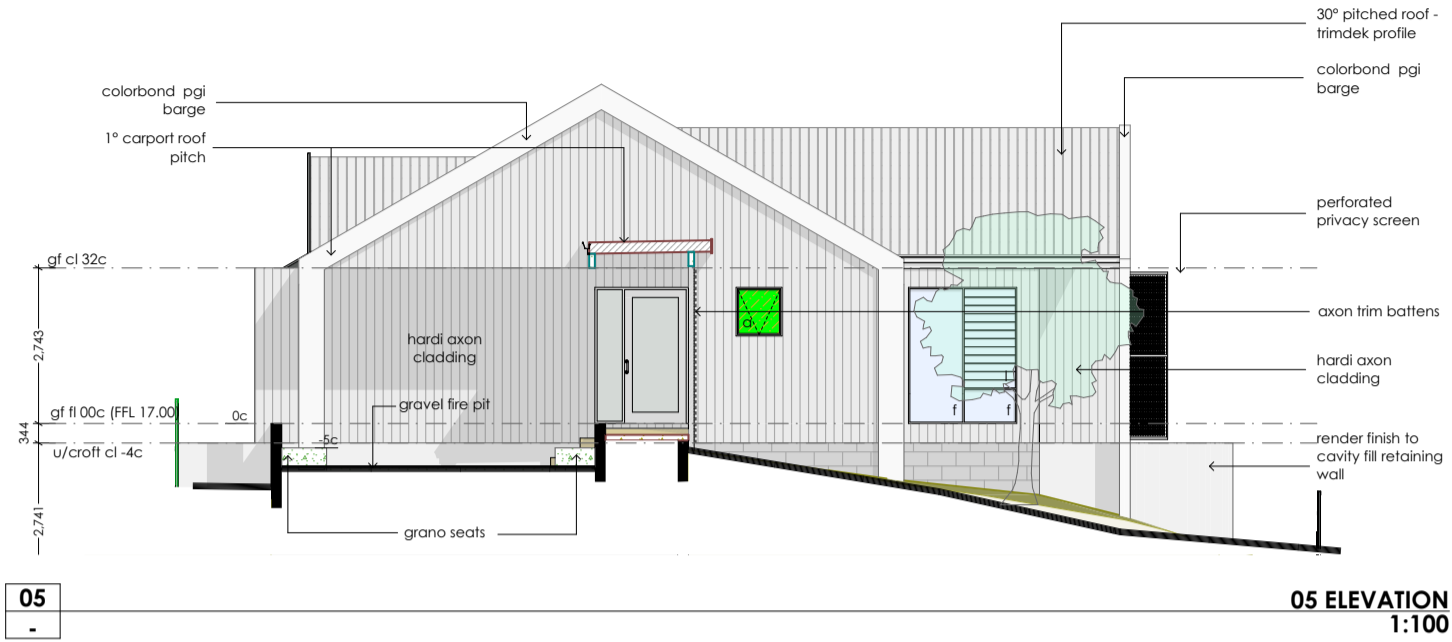
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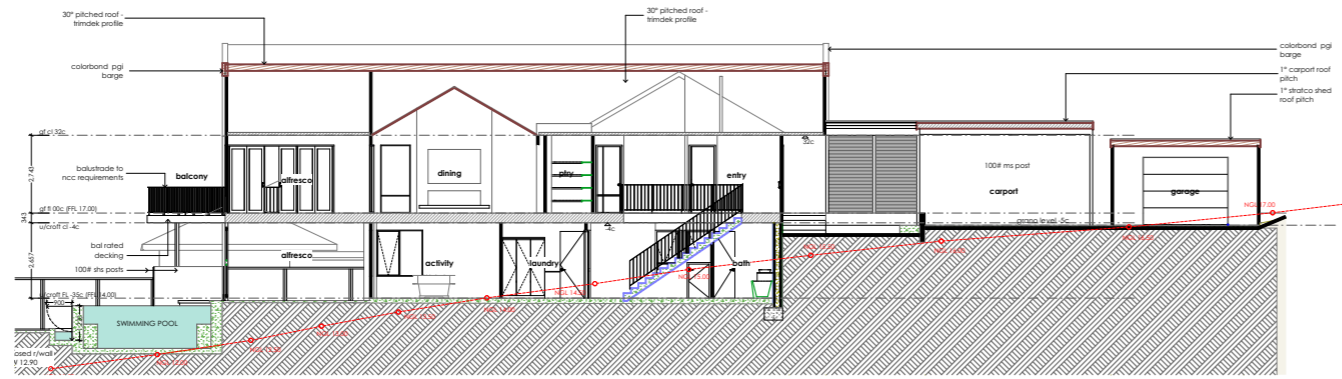
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	CLIENT:	ELEVATIONS 3				
	<p>W & A JOLLY</p> <p>SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON</p>	DRAWN: RICCADONNA DESIGN	SCALE: AS SHOWN			
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LOT 92 (No 12) WHITFIELD STREET	STATUS:	REVISION:	<p>H</p>		
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S-01
-

S-01 Building Section
1:200

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S-02
-

S-02 Building Section
1:100

BUSH FIRE ATTACK LEVEL 'FZ' REQUIREMENTS

BUILDING IN BUSHFIRE PRONE AREAS AUSTRALIAN STANDARD AS3959 (2018)

- SUBFLOOR SUPPORTS TO BE NON COMBUSTIBLE WITH AN FRL OF 30/-/-
- CONCRETE SLAB ON GROUND. RAISED FLOORS TO HAVE UNDERSIDE PROTECTION TO AS 1530.8.2
- EXTERNAL WALLS TO BE NON COMBUSTIBLE WITH AN FRL OF /30/30
- ALL WINDOWS AND DOORS TO COMPLY WITH AS1520.82 AND HAVE AN FRL OF /30/-
- STEEL OR BRONZE MESH FLYSCREENS OVER ALL GLAZING WITHIN 400mm OF GROUND LEVEL
- STEEL OR BRONZE MESH FLYSCREENS OVER ALL WINDOW AND SLIDING DOOR OPENINGS
- FLY SCREENS FITTED SHALL HAVE A MAXIMUM APERTURE OF 2mm
- ALL DOORS MUST BE BEHIND SCREEN OR BE NON-COMBUSTIBLE OR A SOLIDCORE DOOR
- EMBER SEAL TO THE GARAGE DOOR & ALL PARTS OF THE DOOR MUST BE MADE OF A NON-COMBUSTIBLE MATERIAL
- STAINLESS STEEL MESH WEEPHOLE PROTECTORS WITH MAX APERTURE OF 2mm
- NON-COMBUSTIBLE MESH COVERS TO FLUMES/WALL VENTS WITH MAX APERTURE OF 2mm
- ALL ROOF PENETRATIONS MUST HAVE NO GAPS GREATER THAN 3mm, AND BE SEALED BY A NON-COMBUSTIBLE MATERIAL
- ALL EXTERNAL WALL JOINTS SHALL BE SEALED OR COVERED TO PREVENT GAPS GREATER THAN 3mm
- GABLES SARKED ON OUTSIDE OF FRAME & 9mm FIBRE-CEMENT SHEETING
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- 50mm GLASSWOOL BLANKET TO ENTIRE ROOF
- FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME

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	CLIENT: W & A JOLLY		SECTIONS				
	SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON		DRAWN: RICCADONNA DESIGN	SCALE: AS SHOWN			
			STATUS: DEVELOPMENT APPLICATION	REVISION: H			
		PUBLISH DATE: Tuesday, 2 August 2022	D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln				



N/E VIEW - FROM RIVER



SOUTH VIEW



DINING/LIVING VIEW TOWARDS WEST



ALFRESCO VIEW TOWARDS SOUTH/SOUTH EAST



ALFRESCO VIEW TOWARDS WEST (RIVER MOUTH)



POOL DECK VIEW TOWARDS WEST (RIVER MOUTH)

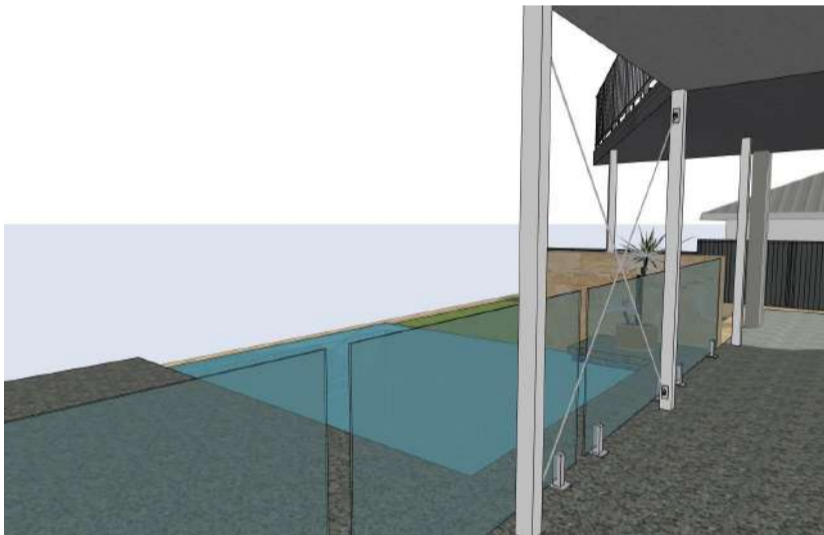


No 10 NEIGHBOUR TOWARDS WEST (RIVER MOUTH)



UNDERCROFT ALFRESCO TOWARDS SOUTH/SOUTH EAST

© COPYRIGHT	PROPOSED DEVELOPMENT		DRAWING TITLE: IMAGERY		AMENDMENTS: REV A 16.04.21 INITIAL CONCEPT REV B 12.05.21 COUNCIL INITIAL COMMENT REV C 18.05.21 COUNCIL INITIAL COMMENT REV D 03.06.21 QUOTING REV E 04.03.22 CLIENT AMENDMENTS REV F 19.04.22 CLIENT AMENDMENTS REV G 03.05.22 DEVELOPMENT APPLICATION REV H 02.08.22 DEVELOPMENT APPLICATION		SHEET 14 of 15
	CLIENT: W & A JOLLY		DRAWN: RICCADONNA DESIGN				
	SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON		SCALE: AS SHOWN				
			STATUS: DEVELOPMENT APPLICATION				
		PUBLISH DATE: Tuesday, 2 August 2022		REVISION: H		D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln	



© COPYRIGHT	PROPOSED DEVELOPMENT	DRAWING TITLE: IMAGERY 2		AMENDMENTS: REV A 16.04.21 INITIAL CONCEPT REV B 12.05.21 COUNCIL INITIAL COMMENT REV C 18.05.21 COUNCIL INITIAL COMMENT REV D 03.06.21 QUOTING REV E 04.03.22 CLIENT AMENDMENTS REV F 19.04.22 CLIENT AMENDMENTS REV G 03.05.22 DEVELOPMENT APPLICATION REV H 02.08.22 DEVELOPMENT APPLICATION		SHEET 15 of 15
	CLIENT: W & A JOLLY	DRAWN: RICCADONNA DESIGN	SCALE: AS SHOWN			
	SITE ADDRESS: LOT 92 (No 12) WHITFIELD STREET GUILDERTON	STATUS: DEVELOPMENT APPLICATION	REVISION: H			
	PUBLISH DATE: Tuesday, 2 August 2022		D:\Riccadonna Design\Dropbox\Jobs\Jolly\Jolly REV H.pln			

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED DEVELOPMENT APPLICATION: SINGLE HOUSE ON LOT 92 (12) WHITFIELD STREET, GUILDERTON

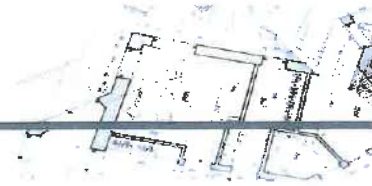
No.	Submitter	Submission details	Recommended response
	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>“Thank you for the opportunity to comment on the application for the development of Lot 92 (12) Whitfield Street Guilderton. As owners of the neighbouring/adjoining property Lot 93 (14) Whitfield Street Guilderton we wish to make the following observations and comments</i></p> <ol style="list-style-type: none"> <li data-bbox="663 721 1157 850">1. <i>Overall roof height of 10.6 above natural ground level in lieu of 10 m: The house is positioned far enough away for the rear boundary that this extra height does not affect the amenity of the area as viewed from Lot 93 or the locality (particularly viewed from the street and the foreshore and river bar).</i> <li data-bbox="663 878 1157 919">2. <i>Overall wall height of 7.41m above natural ground level in lieu of 7m: no comment.</i> <li data-bbox="663 946 1157 1166">3. <i>An Alfresco on the south-eastern boundary which will overlook a portion of the neighbouring properties yard to the river: 5.4.1 Visual Privacy—the affected property is ours 93 (14) Whitfield Street. We have no issue with Lot 92 owners taking advantage of the view that is currently available to them; in no way does this statement affect any future development of Lot 93 by ourselves or future owners. No consideration will be given in future development to the restriction or removal of the views from the alfresco area at Lot 92.</i> <li data-bbox="663 1193 1157 1289">4. <i>Minimum set back of 1.85 on the south-eastern boundary in lieu of the required 2.25m: In regards to house structure we do not have a concern with the reduced set back. However, a shorter 1.5m set back has been applied to the pool retaining/screening wall</i> 	<ol style="list-style-type: none"> <li data-bbox="1203 721 1293 745">1. Noted <li data-bbox="1203 878 1293 902">2. Noted <li data-bbox="1203 946 1293 971">3. Noted <li data-bbox="1203 1193 1596 1289">4. The retaining and pool wall as it is constructed on top of the wall is assessed as a single wall (3.4m high by 5.7m long) and is required to have a 1.5m setback

	<p>at the rear of the block, and we have an objection to not only the set back distance of the pool area but also the excessive height of the structure so close to the rear boundary. Refer to site works discussion point 5.</p> <p>5. Site works on the boundary to match the neighbouring properties retaining walls that are above 0.5m: We feel that the height of the rear retaining wall is too high. That the pool construction is also high and not compliant with the 6m rear boundary set back. Our observations and comments are based on the development application sheets 1, 2, 11, 12, 13, 15, Figure 7 within the designers covering letter and our own site visit.</p> <ul style="list-style-type: none"> • It is proposed to raise the rear boundary ground level by 1.38m to 1.73m (our survey shows 1.4m - 1.86m) and also raise the proposed swimming pool by another 1 meter on top of that (to 2.4m in letter description) with an above water height screen wall of 1.2m (sheet 11). Allowing for natural land height adjustment this results in a 3.6m wall (retaining and screen) above the natural ground level (non-compliant) with a 1.5m setback from the south-east boundary and a 2.4m set back from the rear boundary (circled on sheets 1, 2, 11, 12, 13, 15 enclosed). This excessive height and development within the 6m rear boundary set back diminishes the amenity of the area as viewed from Lot 93 and the locality (particularly viewed from the foreshore and river bar) and sets an untenable precedent for the area regarding the rear set back. • Further issues are caused by raising the pool regarding overspill system of an infinity pool. The area experiences South-West and North-East (at times NW) force 6-7 winds and commonly gusts to force 8-9; with force 8-10 common in winter. This will result in chlorine/saltwater spray being experienced on the adjacent properties and crown land further diminishing the amenity. • Regarding the retaining wall across the rear of the property, the 1.73 (1.86 on our measure) height at 	<p>and therefore complies with the requirements of the R-Codes.</p> <p>5. The site works in the rear are unlikely to appear any different to a single house located in this area, and several houses on this side of the street are located a similar distance or closer to the rear boundary.</p> <p>This is not a valid planning concern, but the pool will be covered by a cover when not in use.</p>
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		<p><i>the SE boundary is excessive. We agree that some levelling of the land at the rear is necessary and the proposed reticulated lawn reduces bushfire severity. We support a rear retaining wall height of no more than 1.4 m its highest point.</i></p> <ul style="list-style-type: none"> <i>The pool should not project above the rear retaining wall height lessening the height of the retaining wall on the SE side. With the added 1.2m screening wallia height of 2.4 meters above the natural ground level, still quite high but an acceptable compromise for added development within the area of the 6m rear boundary set back area.</i> <p>6. <i>Since it is proposed to excavate the capstone on the development site there is a high probability that heavy machinery (pneumatic rock breaker and compaction), could a condition of approval be added that in completing the geotechnical testing include the surrounding properties (Lot 91 and 93) with comment on the impact of the excavation. A condition report be provided by the applicant to the surrounding property owners prior to any excavation work commencing.</i></p> <p>7. <i>We note that the detailed material provided by the applicant shows no provision for a septic system or stormwater provisions."</i></p>	<p>6. This is not a planning concern, but will be covered under the applicants building permit.</p> <p>7. Septics are undertaken by health and are not a planning concern, stormwater is a condition applied to the development.</p>
	Ratepayer	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>"In regards to the proposed development of lot 92, 12 Whitfield Street Guilderton. I wish to submit the following concerns.</i></p> <p>1. <i>I refer to sheet 10 enclosed and circled in red. The proposed raised area of gravel and lawn adjacent to the proposed house and carport is shedding water towards my property and there is no provision on the plans for containment of water runoff. Provision needs to be made for a retaining wall to be provided on lot 92 to</i></p>	<p>1. Stormwater has been conditioned to comply.</p>

	<p><i>prevent the ingress of water onto my property. This needs to be integrated into the planning.</i></p> <p>2. <i>I refer to sheet 10, 11, Exhibit 1, 2 and 3 enclosed and circled in red all in relation to overlooking into number 10 Whitfield Street. In relation to overlooking from the proposed balcony directly into my dining area this can be eliminated by requiring that the non-compliant proposed 6m rear setback to the balcony be compliant with the R-code being 7.5m setback this will eliminate the overlooking into my dining area. In regards to the overlooking from the balcony into my kitchen window and laundry, some form of screening must be provided on the proposed balcony. In regards to the overlooking from the proposed 2 windows in the living area into my kitchen and laundry again screening of the 2 proposed living area Windows needs to be provided.</i></p> <p>3. <i>I refer to sheet 11 and 15 enclosed and circled in red. The applicant having proposed to raise the rear boundary ground level by 1.38m – 1.73m (by my survey shows 1.4m – 1.86) also proposes to raise the proposed swimming pool height by another 1m above the rear retaining wall being a total of approximately 2.5m above the natural ground level and only having a setback of 3.4m from the rear boundary. There is also a proposed retaining wall 1.5m inside and adjacent to the south eastern side boundary that has only a 2.4m setback from the rear boundary that has a finished height of 3.8m above the natural ground level (non compliant). This is excessive development and height projection within the rear boundary 6m set back area and diminishes the amenity of the surrounding properties. In any event a raised infinitely pool overspill system located in a regular Force 8 – 9 gusty wind environment will not function due to the overspill water becoming airborne due to these high wind velocities experienced at this location, with the resultant chlorine/saltwater spray being deposited on the adjacent homes from the gusty Force 8 – 9 South-West and North-East winds experience at this location.</i></p>	<p>2. The windows and deck are located sufficiently far from the boundary and comply with the overlooking provisions of the R-codes.</p> <p>3. The swimming pool will be covered when not in use so minimal to no spray will occur. The structure being located within the rear setback boundary has minimal impact when compared with the other dwellings located in the rear setback area.</p>
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	<p><i>In regards to the proposed rear retaining wall that has an excessive height of 1.86m at the South Eastern boundary. I do not approve of such an overbearing retaining wall however there is a need for some degree of levelling at the rear of the land, I will support a maximum height level of the rear boundary retaining wall of 1.4m commencing at the South Eastern Boundary and finishing at approximately 1 m at my north -west rear boundary. With this adopted retaining wall and a requirement that the proposed pool should not project above the height of the rear boundary retaining wall and a requirement that the proposed side south east retaining wall finishing 1.2m above the pool this would result with the top of the proposed side retaining wall finishing 2.4m above the natural ground level, although considerably high, an acceptable compromise between an overbearing proposed 3.8 m high retaining wall destroying the amenity of the area and setting an untenable precedent for the area within the 6m rear setback area.</i></p> <p>4. <i>In order to preserve the unique amenity of the adjacent bushland and river a requirement that any north-west side boundary fence within the 6m rear boundary setback area shall not exceed 2.2m above natural ground level.</i></p> <p>5. <i>In view of the proposed excavation of capstone on the development site and the high probability of the need for a pneumatic rock breaker and compaction it should be a condition of approval that the surrounding houses are surveyed and a condition report provided by the applicant prior to any excavation works commencing.</i></p> <p>6. <i>It is noted that there has been no provision Shown on the drawings for the septic system or stormwater provisions.</i></p>	<p>4. No boundary fences above 1.8m adjacent to the neighbours existing retaining wall are proposed.</p> <p>5. This will be covered by the building permit and is not a planning concern.</p> <p>6. The septics are covered under a separate application to health. Stormwater is conditioned to comply</p>
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05th May 2022

Planning Department
Shire of Gingin
7 Brockman Street,
GINGIN WA 6503

RE: Lot 92 (#12) Whitfield Street, Guilderton

We are writing to you in relation to the proposed new residence application for Lot 92 (#12) Whitfield Street, Guilderton

Currently, we do not meet several requirements set out in the State Planning Policy 7.3 – Residential Design Codes Volume 1. / Local Planning Scheme No 9.

1. **Table 2a Boundary Setbacks** under the State Planning Policy 7.3 – Residential Design Codes Volume 1. (South/East side setback)
2. **Table 3: Maximum Building Heights under** the State Planning Policy 7.3 – Residential Design Codes Volume 1 (Overall ridgeline over height)
3. **5.4.1 Visual Privacy** under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (South/East Alfresco)
4. **5.3.7 Siteworks** under the State Planning Policy 7.3 – Residential Design Codes Volume 1 (South/East and South/West Retaining wall heights/setbacks)

Non-Compliant items

1. Table 2a: Boundary Setbacks

The setback in question is to the South/Eastern wall of the proposed ground floor.

- Current Overall Wall Length – 16.30m
- Current Overall Wall Height – 4.45m to 7.386m max
- Current Setback – ranges from 1.85m to 2.35m
- Table 2a in the Residential Design Codes interpolates a required setback of approximately 2.25m

The reduced setback to the south/eastern wall will have minimal impact on No 14 (south/eastern property) due to the position of the neighbouring dwelling.

The portion of the wall that is closer than the required 2.25m is located halfway down the property line and thus should not disrupt the view too much down towards the river for the neighbour. The portion of the wall in question is also only 3.38m in length as well as only 4.45m high. – see figure 1.

Overshadowing is not compromised either. Most of the overshadowing falls on the back portion of the neighbour's property; which is well away from their outdoor living space. Overshadowing only equates to 15% of the total site area. – see figure 2.

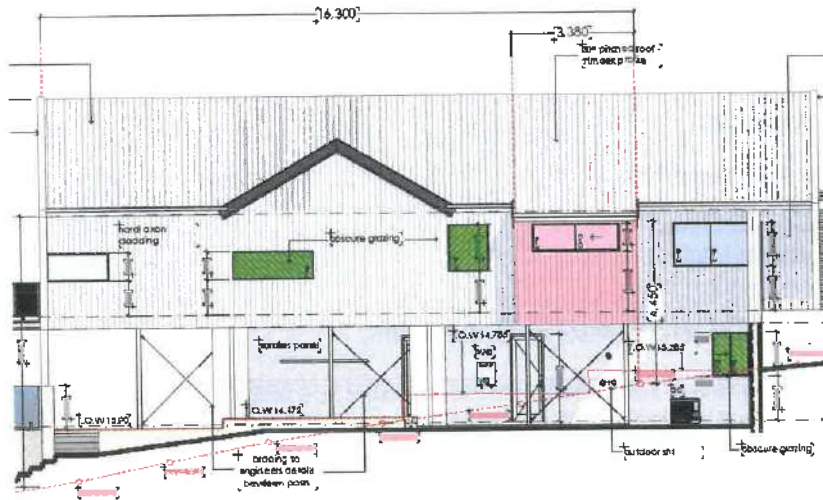


Figure 1 – wall portion in question



Figure 2 – The extent of overshadowing onto No 14

2. Table 3: Maximum Building Heights

South/West main ridgeline

Under the R Code requirements, the maximum total building height to a pitched roof is 10m (Category B)

- Currently, we have a maximum building height of 10.580m

This height incursion only occurs to the south/west portion of the ridgeline for only approximately 3.50m, beyond this, the building height is within the 10m limit. – see figure 3

We see this slight incursion as minimal. Figure 4 shows the approximate 10m height line against the rear elevation. In relation to the street kerb level, the ridgeline is only approximately 4.50m above kerb level. (figure 3)

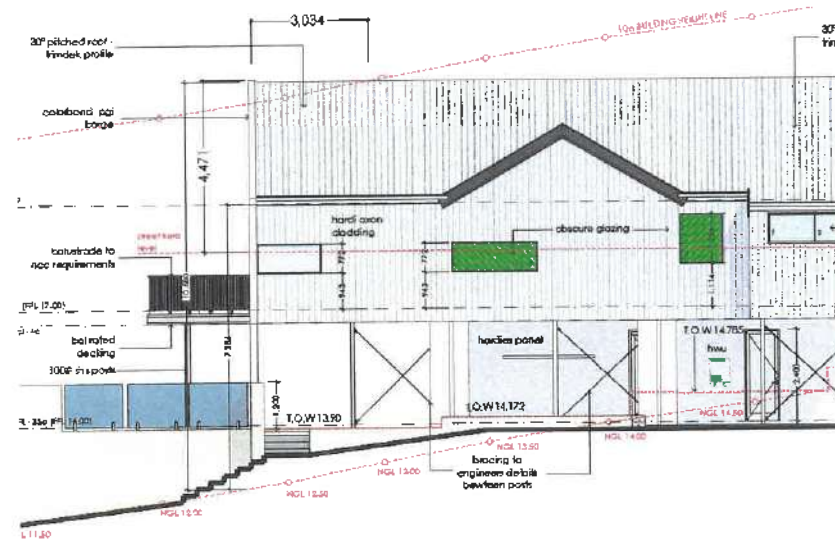


Figure 3 – 10m height line following natural ground level

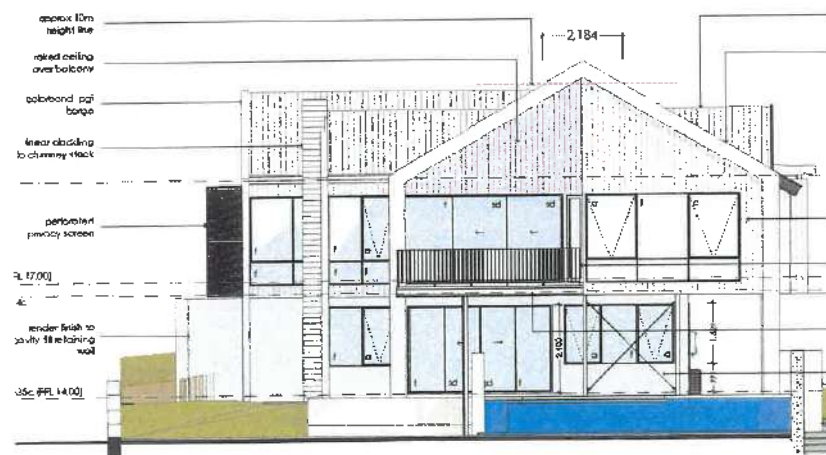


Figure 4 – 10m height line to rear elevation

3. 5.4.1 Visual Privacy

The client has opted for the south and side of the alfresco to have windows to take advantage of the views back down the river.

We understand that the 7.5m cone of vision encroaches onto the neighbouring property, No 14, however, we believe this is not detrimental to the neighbour as the encroachment falls into the back RH corner of their property – see figure 5 and 6 (the build-up to the LHS is the neighbour's Outdoor Living Area)



Figure 5 – view of No 14 southEast corner



Figure 6 – view to No 14 showing house and Outdoor Living Area

4. 5.3.7 Siteworks

Clause C7.2

The rear proposed retaining wall (South/west boundary) has been added to be at the same height as the existing north/west boundary retaining wall (No 10). This wall will have a proposed height of 1.38m to 1.73m. Similar to No 10, the retaining wall has been added to make the most of the backyard area by making a flat, usable lawned area. Overlooking is not an issue as the rear boundary abuts the river foreshore reserve. Clearing the back area from shrub and replacing it with a reticulated lawn area will also reduce the severity of possible bushfires. – see figure 7

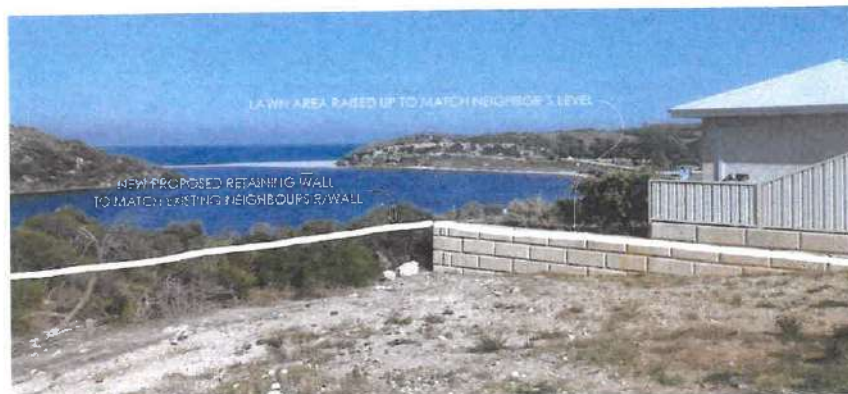


Figure 7 – Proposed retaining wall height to south/west boundary in relation to neighbour

The south/east boundary has a series of proposed retaining walls stepping down to follow the natural ground level towards the rear of the property.

The retaining wall has been stepped in 1500mm from the boundary to help lessen the impact on the neighbour however it still is non-compliant with Table 4 required setbacks.

The portion of the retaining wall that is up against the boundary ranges in height from 800h to 1200h.

The portion of the retaining wall that is stepped in from the boundary ranges from 1200h to 2400h.

Given the topography of the site (i.e. 6.00m fall from front to back), the extent of retaining isn't too extensive. The location of the proposed side retaining is also not too detrimental to the neighbouring property as it is well away from their dwelling and outdoor living space.

Summary

As per the neighbouring property No 10 (north/west), we have positioned the house as far back down the block as possible to take advantage of the river views and to create usable outdoor living spaces.

This, of course, creates challenges in relation to levels and retaining walls which we believe we have kept to a minimum.

We understand that with our house located towards the back of the property, it may restrict the neighbour's views (No 14) of the river towards the western direction but the house level would be no different to a single storey home.

We are sure if that No 14 were to redevelop their site, they too would be positioning the house further down the block to take advantage of the views.

We also understand that no one "owns" views and occasionally "blocking views" are an unfortunate byproduct of development.

With these points in mind, we seek a favourable comment as we believe these variations will not affect the amenity of adjoining properties too much or the streetscape itself.

Yours Sincerely



Chris Riccadonna
Designer

chris riccadonna
12 neutilus way, kallaroo, WA 6025
abn : 69 652 334 553

riccadonna
design

m : 0417 974 215
e : riccad@bigpond.net.au

13.3 REPLACEMENT RANGER VEHICLES 2022/23

File	PLT/12
Author	Sharon Smith -Manager Ranger Services
Reporting Officer	Bob Kelly – Executive Manager Regulatory Services
Refer	N/A
Appendices	1. Quote - Vehicle Purchase & Suspension Upgrade [13.3.1 - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a recommendation from the Plant Committee in relation to alternatives for replacement of three (3) Ranger vehicles.

BACKGROUND

It will be necessary for Council to make provision in its 2022/23 Budget for the replacement of all three existing Ranger vehicles. At its meeting on 2 August 2022, the Plant Committee gave consideration to Administration recommendations in relation to this matter.

COMMENT

Initial investigations into replacement vehicles established that the cost of purchasing suitable and available second-hand single cab Landcruisers ranged between \$85,000 - \$100,000.

Given that all three (3) of the Rangers vehicles will require replacement in 2022/23, other less costly options that would meet the Rangers' operational requirements were researched.

This research included costings for appropriate suspension upgrades to the vehicles as recommended by Pedders Suspension. This would provide suspension suitable for off-road driving as opposed to suspension that is currently installed in the Rangers' Isuzu D-Max vehicles, which is a towing upgrade not an off-road upgrade.

The Toyota Hilux SR Extra Cab with a Pedders Trak Ryder suspension package installed meets all the requirements for a Ranger vehicle with a fleet price and suspension upgrade cost of approximately \$58,160 (ex GST) per vehicle. This is comparable in price to the Isuzu D-Max and has similar ordering wait times. **(Appendix 13.3.1)**

The Committee agreed that, subject to availability, the Toyota Hilux SR Extra Cab with a Pedders Trak Ryder suspension package was the preferred purchase option for Ranger's vehicles.

However, if these vehicles were not available then the Isuzu D-Max Space Cab with a Pedders Trak Ryder suspension package was a suitable alternative option.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 – Functions of local government

Division 3 – Executive functions of local government

Local Government (Functions and General) Regulations 1996

Part 4 – Provision of goods and services

POLICY IMPLICATIONS

Policy 3.17 – Asset Management

Policy 3.10 - Purchasing

BUDGET IMPLICATIONS

The purchase of three replacement Ranger vehicles is scheduled to be carried out in the current financial year and therefore suitable provision will need to be included in the adopted 2022/23 Budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Balcombe

That Council agree to include provision in the 2022/23 budget for the replacement of three (3) Ranger vehicles (GG070, GG07 and GG074) with:

1. Toyota Hilux SR Extra Cab Space vehicles with Pedders Trak Ryder suspension upgrade at a total cost of \$174,480 (ex GST) (preferred option); or
2. Isuzu D-Max Space Cab with a Pedders Trak Ryder suspension package at a total cost of \$169,005 (ex GST).

**CARRIED BY ABSOLUTE MAJORITY
6 / 0**

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

AGAINST: *Nil*

<p>SR</p>  <p>VIEW HILUX OFFERS > CASH FINANCE</p> <p>FULL DRIVEAWAY \$58,160⁽¹⁾</p> <p><small>Prices based on Gingin, WA 6503</small></p>	<p>D-MAX 4X4 SX SPACE CAB CHASSIS AUTOMATIC</p>  <div style="border: 1px solid red; padding: 5px; text-align: center;"> <p>RECOMMENDED DRIVE AWAY PRICE</p> <p>\$56,132¹</p> <p><small>Private buyer drive away excludes accessories</small></p> </div>
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VEHICLE	RETAIL COST	FLEET DISCOUNT (10%)	UPGRADE COST	TOTAL
Toyota Hilux SR Extra Cab	\$58,160	\$52,344	\$5,816	\$58,160
Isuzu D-Max SX Space Cab	\$56,132	\$50,519	\$5,816	\$56,335

Delivery time same for both vehicles – quote 6 – 9 months but due to lack of available stock this date if not confirmed until order made.

**MINUTES
ORDINARY COUNCIL MEETING
16 AUGUST 2022**

APPENDIX 13.3.1



Pedders Suspension Cannington

Startwin Pty Ltd

ABN: 46 107 818 262
4/1264 Albany Highway
Cannington WA 6107
Ph: (08) 9358 3222 Fx: (08) 9358 3223
cannington@pedders.com.au
pedders.com.au

*** Estimate Only ***

Date: 04 Jul 2022 11:09 AM

Estimate: 171001

Account: WCA0803935\$\$

Bill To:	Shire of Gin Gin 7 Brockman Street Gingin WA 6503 Australia
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Bus (08) 9575 5140 **1st Reference**

GUN126 Hilux
2022 4WD

Part Number	Description	Qty.	Price	RRP	Value
	Vehicle Repairers Licence # MRB8363				
169003	Pedders Trak Ryder Extreme XA Coilover Kit	1	3,886.37	4,572.21	3,886.37
264012	Pedders Trakryder Leaf Spring with Rubber Eye bush	2	355.95	443.33	711.90
4319	Toyota HiLux Leaf Spring Bolt Assembly	1	27.35	40.52	27.35
EP8339	Urethane Leaf Spring Eye/ Shackle Bush (8PKT)	1	74.08	92.60	74.08
433001	Pedders Shackle Kit RH	1	37.62	57.87	37.62
433002	Pedders Shackle Kit LH	1	37.62	57.87	37.62
434005	SQ U Bolt 62 x14 x 225	4	12.80	19.68	51.20
F	Fitting	1	860.00	0.00	860.00
PZFWACAMBOLT-WCA	Cam bolt adjustable - Complicated front wheel align	1	110.00	146.00	110.00

*** This estimate has been compiled in good faith based on information gained from you along with our professional input. In most cases the repairs to your vehicle will cost as has been outlined above, however, occasionally we find issues when we are dismantling a vehicle that weren't apparent prior to the dismantling. This estimate does not include the costs of rectifying these issues.

GST: 528.74
Total Due: 5,816.14
Tendered: 0.00

Account: WCA0803935\$\$ (Shire of Gin Gin)

Estimate : 171001

Served By: Bevan Phillips

Change 5,816.14

Suspension, Steering & Brakes - Pedders Cannington have your undercar needs covered. MRB8363

* Indicates Item Excludes GST

13.4 RECONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED EXTRACTIVE INDUSTRY (SAND AND LIMESTONE) ON LOT M1332 CARABAN ROAD, CARABAN

File	BLD/7134
Applicant	Soloman Brothers Lawyers
Location	Lot M1332 Caraban Road, Caraban
Owner	Sheepco via an offer to purchase from Shannon Farmer, Colin King, Derald King, Barry Sykes and Brian Woolcock
Zoning	General Rural
WAPC No	NA
Author	James Bayliss – Coordinator Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	21 September 2021 - Item 13.1
Appendices	<ol style="list-style-type: none"> 1. 10 May 2022 - Additional information [13.4.1 - 7 pages] 2. DWER response to Shire of Gingin [13.4.2 - 2 pages] 3. Additional Information (2) - Revised DM P, Plan for Water and Revised Site Plan [13.4.3 - 25 pages] 4. Ordinary Council Meeting - 21 September 2021 - Minutes [13.4.4 - 23 pages]

DISCLOSURES OF INTEREST

Councillor J K Rule disclosed a financial interest in Item 13.4 due to the fact that his family owns a limesand quarry, and left the meeting at 3:31pm.

COUNCIL RESOLUTION

MOVED: Councillor Sorensen **SECONDED:** Councillor Kestel

That Councillor Peczka be appointed as Chairperson of the meeting in Councillor Rule's absence.

**CARRIED UNANIMOUSLY
6 / 0**

FOR: Councillor Rule, Councillor Balcombe, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis

AGAINST: Nil

Councillor Peczka assumed the Chair at 3:32 pm.

PURPOSE

To reconsider an Application for Development Approval for a proposed Extractive Industry (sand and limestone) on Lot M1332 Caraban Road, Caraban.

BACKGROUND

Council, at its meeting on 21 September 2021, refused to grant approval for a proposed Extractive Industry (sand and limestone) on the subject land. The applicant sought a review of Councils decision through the State Administrative Tribunal (SAT). The reasons for refusal are outlined below:

- 1. The proposed development is inconsistent with the recommended separation distance to sensitive receptors as outlined under the 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3';*
- 2. The proposed development is not compatible with development on surrounding land or the locality in general, and is not consistent with the desired future character of the locality, contrary to Clause 67 (m) (i) (ii) of the deemed provisions;*
- 3. The proposal will adversely affect the amenity and character of the locality by way of noise, dust, increased traffic and visual appearance contrary to Clause 67 (n) (ii) and (t) of the deemed provisions;*
- 4. Insufficient information has been provided to demonstrate that the proposed development would not cause possible risk to human health by way of silica dust emissions contrary to clause 67 (r) of the deemed provisions;*
- 5. Insufficient information has been provided to demonstrate that the vegetation onsite is not used as roost areas or nesting sites for the Carnaby's Black Cockatoo;*
- 6. The proposed development is inconsistent with clause 67 (x) of the deemed provisions as it will have an adverse impact on the community as a whole which is demonstrated by the significant number of adverse submissions received during stakeholder consultation.*

On 24 January 2022 a mediation session was held that sought to refine the contentious components of the proposal. Prior to this mediation commencing, the parties heard from two community representatives outlining their concerns with the proposed development. The mediation concluded on the understanding that the applicant would provide the Shire with additional information that addressed, amongst other things, predominantly dust mitigation techniques and the ability to secure an adequate water supply to implement dust suppression methods.

Additional information was subsequently received by the applicant on 10 May 2022, which is provided as **Appendix 13.4.1**.

In accordance with the Tribunals orders, the additional information was referred to the Department of Water and Environmental Regulation (DWER) to review. The DWER's response is provided as **Appendix 13.4.2**.

Further mediation was held on 28 June 2022 to discuss the additional information lodged, with the Shire outlining their concerns that the information was still insufficient and did not adequately ameliorate Council's concerns.

As such, further additional information (DMP/Plan for water requirements and revised Site Plan) was provided to the Shire on 22 July 2022, 29 July 2022 and 2 August 2022 respectively, which is provided as **Appendix 13.4.3**.

The SAT process now affords Council an opportunity to reconsider the proposed development with the benefit of having received additional information.

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 within a one-kilometre radius of the development area, two development signs placed on the verge of the property, a notification on the Shire's website and a notification on the Woodridge Community Notice Board, all for a period of 21 days.

The Shire received 59 submissions as part of the consultation process, all of which oppose the development with the exception of one general comment. The officer notes that many submissions have multiple signatories.

At the Ordinary Meeting on 15 September 2020, the Chief Executive Officer tabled a petition of 171 signatures in total, comprising (as far as can be ascertained) 113 signatures from electors and 58 signatures from non-electors or unable to be determined, requesting the refusal of a proposed development.

No further consultation with respect to the additional information lodged has been undertaken. The community's concerns are recognised by all parties, including the Tribunal, however additional consultation will have little utility and was not requested by the Tribunal.

PLANNING FRAMEWORK

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

This report does not seek to duplicate the earlier planning assessment, but rather focuses on the additional information lodged as part of the mediation process. Should Council seek to review the earlier planning assessment, for ease of reference, the Council Minutes (officer report) from 21 September 2021 that relate to this Item are provided as **Appendix 13.4.4**.

The officer has structured the assessment to reflect the ‘Statement of Issues’ discussed during mediation on 24 January 2022. These are the issues that would be reflected in documentation should the matter be programmed to a hearing. It is therefore pertinent to reality test the strength of Councils concerns, with the benefit of additional information.

Dust

1. *The Respondent is concerned that the proposed stockpile heights of up to 12 metres are inappropriate given the potential dust generation. Specifically:*
 - (i) *The Respondent requires further information on the effectiveness of the proposed perimeter site screening in respect to the mitigation of dust.*
 - (ii) *The Respondent requires further information on the number of stockpiles proposed.*
 - (iii) *If the stockpile heights were to be reduced to 4 metres as per Condition 16 of the Officer Recommendation tabled to Council at its Ordinary Council Meeting of 21 September 2021, how would this change the number of stockpiles required and the spatial layout?*
2. *In respect to the proposed Dust Management Plan, the Respondent seeks further information from the Applicant in relation to the following:*
 - (i) *What exactly are the “high-risk dust generation conditions”?*
 - (ii) *What operational decisions are to be made if such conditions are reached?*
 - (iii) *The Respondent also requires further information on what the threshold is for dust to be considered a “nuisance”, particularly if dust monitoring is largely to be self-monitored.*
 - (iv) *It is noted that deposition gauges are proposed on the eastern and northern boundaries. The Respondent seeks further information as to how such gauges operate and what thresholds are calibrated.*

Officer Comment:

The revised Dust Management Plan (DMP) dated July 2022 has been updated to:

- Confirm that there will be 4 stockpiles up to a height of four metres, which addresses issues 1 (ii) & (iii) above. Figure 1 of the DMP has also been updated to indicate 4 stockpiles.
- The DMP no longer refers to screening along the perimeter of the boundary, as it has been relocated closer to the development footprint. This addresses issue 1 (i).
- Section 4 of the DMP now clarifies that the operation of Air Quality Monitors (AQMs) will be overseen by third party consultants contracted by Sheepeco.
- Section 4.2 states that the AQMs will monitor air quality and will trigger an alarm when exceeding the “selected guideline”. It’s not clear what guideline is being referred to, however it is assumed that it is the National Environmental Pollution Measure (NEPM) referred to in Section 4.2.3.
- The DMP clarifies that once the alarm is triggered, work will stop, and emissions will be controlled, or the intensity of operations reduced accordingly.
- Details of a typical AQM (AirMetER-DX) have been provided which has a data logging capacity of 365 days at 1-minute intervals.

The revised DMP largely addresses issue 2 above, however the officer is of the view that further refinements should be made which address the following:

- Accurate references to Woodridge Estate and the Shire of Gingin. While not critical, if a revision is being done, references should be accurate;
- Confirmation that the operator will keep an up-to-date complaints register, that is to be made available to the Shire of Gingin within 14 days upon written request;
- Confirmation that the onsite managers details will be located at the entrance gate, viewable to the public;
- Confirmation of the reference ‘selected guideline’ for the AQMs; and
- The monitoring data (including a summary of the results) obtained from the dust deposition gauges are to be provided to the Shire of Gingin annually as part of the Extractive Industry License renewal process, or within 14 days upon written request (as a contingency for the event the Shire is inundated with complaints, timely access to data to verify the complaints would be beneficial).

Silica Dust

3. *Both the Respondent and the community remain concerned with the potential health impacts of silica dust as it is a known human carcinogen. What further information can the Applicant provide to alleviate these concerns?*

Officer Comment:

The Department of Health (DoH) submission makes no comment on health risks associated with airborne silica. The officer notes that various extractive industries in the State have received similar comments of concern from community members.

The typical position adopted by local governments regarding silica dust is that exposure to the respirable fraction of silica generally needs to be continuous and for extended periods of time (e.g. employees working in an enclosed area where the airborne particles are unable to dissipate as readily) for it to present health risks. The Department of Water and Environmental Regulation (DWER) raised no issue with respect to airborne silica.

The officer is of the view that Council would need to commission an expert study that demonstrates silica dust would be generated from this development (limestone and lime sand – not silica sand) that will impact residents of Woodridge. This would go against comments from DoH/DWER and the position of other local governments on similar matters. Even if such a study was commissioned, the Tribunal may afford significant weight to the fact that state agencies tasked with oversight on matters of public health have raised no concern.

Traffic

4. *Is there scope to reduce or limit heavy vehicle movements/activities to avoid potential traffic conflict with the surrounding tourist attractors?*

Officer Comment:

The officer is of the view that the road network within Woodridge Estate is not adequate to cater for vehicles associated with the development. All traffic associated with the development should utilise Caraban Road via Indian Ocean Drive to avoid any increase in vehicles using the internal roads of Woodridge. The applicant concurs and a condition seeks to regulate this.

The applicant will also accept a condition that seeks to avoid conflict between the extractive industry and the nearby tourist development (restaurant) by altering operating practises on Saturdays, the likely day that tourists will frequent the area.

Landscaping

5. *The Respondent is of the view that it would be prudent for a Landscaping Plan to be provided upfront and that such a plan incorporates additional vegetation being*

planted to reduce the visual impact of the development for lots to the south and west.

Officer Comment:

The revised plans have removed the landscaping intended to be placed along the northern and eastern boundaries of the property. The landscaping strip has been relocated closer to the development footprint to maintain the rural outlook for abutting properties. The finer detail of the landscaping is not yet known, however it is not unusual to impose a condition requiring lodgement of a landscaping plan.

Water

The applicant has various options that can be pursued to secure an adequate water supply to fulfil dust suppression measures. It is not a matter for the Shire of Gingin to demand one particular option over another. The Shire simply needs to be satisfied that an adequate supply has been secured, and that way the applicant is able to fulfil operational commitments (i.e. dust suppression measures). If the applicant is unable to secure a water source, then conditions of approval are unable to be cleared and the development does not progress.

Summary

In summary, the officer is of the view that refusal of the development will result in the matter being programmed to a hearing, which may not be in the Shire's best interest. The officer is of the view that issues raised by Council have been adequately addressed or are capable of being adequately addressed via conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

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

Local Planning Scheme No. 9

Shire of Gingin Extractive Industries Local Law 2004 (as amended)

POLICY IMPLICATIONS

State Planning Policy 2.4 – Basic Raw Materials

State Planning Policy 2.5 – Rural Planning

Guilderton to Kalbarri Sub - Regional Strategy.

Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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 Vis

That Council grant Development Approval for an Extractive Industry on Lot M1332 Caraban Road, Caraban 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. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
3. This development approval is granted for a limited period and shall expire on 16 August 2032;
4. The approved extraction area is limited to four hectares as outlined on the approved plans;
5. The extraction depth is limited to a finished level of 36 metres AHD to the satisfaction of the Shire of Gingin. The extractive industry shall not at any time intercept the water table;

6. Prior to the commencement of the approved use, the landowner/operator is required to upgrade the existing crossover at their expense to the satisfaction of the Shire of Gingin. The landowner/operator shall maintain the crossover in a good condition thereafter to the satisfaction of the Shire of Gingin;
7. Prior to the commencement of site works, the landowner/operator shall enter into a Deed of Agreement for the upgrade on the intersection between Caraban Road and the internal access crossover to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the preparation of the Deed (including all drafts);
8. Prior to the commencement of the approved use, the works specified in the Deed of Agreement for the upgrade on the intersection between Caraban Road and the internal access crossover shall be undertaken at the expense of the landowner/operator to the satisfaction of the Shire of Gingin;
9. Prior to commencement of the approved use, a Site Management Plan (SMP) shall be submitted to and approved by the Shire of Gingin that at a minimum includes the following:
 - a. Rehabilitation Plan – Proposed contouring and rehabilitation works during and at the conclusion of the extraction stages are to be specified. This is to also include decommissioning works should the extraction pit/approved development be suspended for a period of 12 months or longer and/or decommissioned.
 - b. Revised Dust Management Plan that shall incorporate the following:
 - i. Confirmation that the operator will keep an up-to-date complaints register, that is to be made available to the Shire of Gingin within 14 days upon written request;
 - ii. Confirmation that prior to commencement of the approved use, the operator will install dust deposition gauges along the northern and eastern property boundaries to monitor ambient air quality including the presence of dust particles. The monitoring data (including a summary of the results) is to be provided to the Shire of Gingin annually as part of the Extractive Industry License renewal process, or within 14 days upon written request;
 - iii. Confirmation that the onsite manager's details will be located at the entrance gate, viewable to the public.
 - c. Staging Plan – The Staging Plan is to outline the staging of the extraction works within the approved area.

- d. Weed and Disease Management - Detail the management of grasses, weeds and disease nuisances within the development area.
 - e. Stormwater Management – This is to demonstrate that the development is able to manage stormwater onsite and that the extraction pit is able to drain adequately.
 - f. Traffic Management Strategy – This is to detail the route traffic will utilise to avoid the local road network within Woodridge Estate.
 - g. Noise Management – This is to formalise the acoustic report findings and provide a commitment to comply with the *Environmental Protection (Noise) Regulations 1997*.
10. In relation to Condition 9 f), all traffic associated with the approved use is to access the site from the north via Caraban Road. Vehicles associated with the approved use are prohibited from using the internal access roads of Woodridge Estate;
 11. The approved Site Management Plan (SMP) is to be implemented and adhered to thereafter to the satisfaction of the Shire of Gingin;
 12. Prior to commencement of siteworks, the landowner/operator shall demonstrate to the satisfaction of the Shire of Gingin that an adequate water supply has been secured to service the development and undertake dust suppression measures;
 13. Prior to commencement of site works, a Landscaping Plan (LP) is to be submitted to and approved by the Shire of Gingin. The LP is to indicate fencing followed by vegetative screening on the perimeter of the development footprint and not on the development boundary;
 14. Prior to commencement of the approved use, the Landscaping Plan is to be installed and thereafter maintained to the satisfaction of the Shire of Gingin;
 15. Prior to commencement of the approved use, a Rehabilitation Bond in the amount of \$7,664 is to be paid to the Shire of Gingin;
 16. Stockpiles shall be limited to a maximum of four in number, limited to a height of four metres from the pit floor ground level and located within the development area as indicated on the approved plans;
 17. The transportable building (office) shall not be used for human habitation and external cladding shall be kept in good condition to the satisfaction of the Shire of Gingin;
 18. The approved development can only operate during the following times:

Monday – Friday: 7:00am – 6:00pm.
Saturday: 7:00am to 5:00pm.

No activities shall occur on public holidays.

19. Truck loading activities shall cease at 12:00pm on Saturday, with only loader operations permitted between 12:00pm and 5:00pm.

Advice Notes:

- Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: The development requires an Extractive Industry License to be issued by the Shire of Gingin prior to extraction occurring and which will be subject to periodical renewal in accordance with the Shire's Extractive Industries Local Law 2004 (as amended).
- Note 4: Please be advised that the Shire of Gingin will not issue an Extractive Industry License should the annual (or as required) survey plan be inconsistent with the approved plans or accompanying documentation forming part of this approval, or if rehabilitation works are incomplete.
- Note 5: Once rehabilitation works have been finalised, the landowner/operator may apply to the Shire of Gingin for the rehabilitation bond to be returned.
- Note 6: Backfilling of the excavation pits with landfill is prohibited.
- Note 7: In relation to the Deed of Agreement, the Shire is of the view that the intersection between Caraban Road and the access crossover is to be to an asphalt standard.
- Note 8: In relation to the installation of a crossover, please be advised that the Crossover Specification Type B outlined within the Shire's Crossover Specification Drawing Number SoG/STD-04 dated January 2021 is applicable.
- Note 9: In relation to the upgrade of a new crossover, please note that a crossover application form is to be submitted to the Shire's Operations and Assets Department. The application form can be found on the Shire's website at the following link: <https://www.gingin.wa.gov.au/roads-driveways-and-crossovers>
- Note 10: Please be advised that clearing of native vegetation is prohibited in Western Australia, unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act*

1986 or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Note 11: Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application.

Note 12: If any interception of groundwater occurs, work shall cease and an advice notice provided to the Department of Water and Environmental Regulation within 48 hours, followed by agreed remedial action.

Note 13: The proponent is reminded of obligations under the *Aboriginal Heritage Act 1972* in relation to the discovery of unknown heritage places during excavations.

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FOR: *Nil*

AGAINST: *Councillor Balcombe, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

Councillor Rule returned to the meeting at 3:48 pm and resumed the Chair. He was advised of Council's decision.



**ENVIRONMENT
& HEALTH**

**EXTRACTIVE INDUSTRY ON LOT M1335 CARABAN ROAD, GINGIN
SUPPLEMENTARY INFORMATION FOR SAT MEDIATION**

Project name **Sheepco - supplementary information**
Project no. **318000955**
Recipient **Shire of Gingin**
Document type **Supplementary Information for SAT Mediation**
Version **Draft 01**
Date **May 10, 2022**
Prepared by **Ruby Turnbull/Jeff Barham**
Checked by **Jeff Barham**
Approved by **John Miragliotta**
Description **This document provides additional information and supporting documentation relating to the mediation between Sheepco and the Shire of Gingin on 20 June 2022.**

CONTENTS

1.	Stockpiles	2
2.	Dust Management	2
2.1	Operational decisions	2
2.2	Dust Monitoring	3
2.3	Water	3
3.	Noise	3
4.	Visual Amenity	4
5.	Transport and Access	4
6.	Native Vegetation	5
7.	Aboriginal Heritage	5

APPENDICES

Appendix 1
Site plans

Ramboll - Extractive Industry on Lot M1335 Caraban Road, GinGin

1. Stockpiles

The DA put forward that the stockpiles would sit against the backdrop of the pit face and as a result would be screened from the surrounding property to the north and east. The DA states as follows:

"A general indication of the primary face of the materials extraction, being in a north south orientation along the side of the ridge containing limestone and sand. This provides minimal visual impact to the view from the east as the operations will be behind the existing hill."

In the discussions the proponents had with the Council officers before the Council meeting on 21 September 2021, the proponents volunteered that a reduction in stockpile height to 4m was acceptable. This would mean that there would be more stockpiles but these could be accommodated in the area against the pit face in the manner proposed in the DA without providing visual amenity issues or accentuating dust movement to the east.

It is difficult to be precise on the number of stockpiles required in this scenario but a maximum number of stockpiles (at a maximum height of 4m) would be 4.

2. Dust Management

2.1 Operational decisions

The management of dust from the facility will be regulated through the:

- Conditions of the approval from the DWER (under Part V of the Environmental Protection Act) and/or Council under the Planning Act.
- Management actions set out in the Dust Management Plan prepared as an Appendix to the applications to Council and the DWER.
- Operational strategies and actions carried out by the personnel working at the quarry operations.

The quarry operators understand if approved, there has been a *social licence to operate* granted by regulators and the community. The proponents are committed to behaving as a *good neighbour* to surrounding land uses and are prepared to work in a collaborative way with surrounding residents and businesses to minimize any impact caused by dust. This would be enshrined in the final dust management plan and the framework in which the quarry operates. It could include:

- Triggers, which if exceeded, could result in the ceasing of operations on certain days with high winds.
- Consolidating operational activity to certain times of the day when dust generating conditions are more likely. For example, in the summer months restricting activity to the mornings when there are typically easterly breezes that could minimise dust moving to sensitive receptors.

The precise strategies for the operational management of dust have not yet been developed by the proponents. They are likely to be presented through the conditions of approval and the mediation process. The proponents are committed to examining all possible ways to minimise dust generation through operational actions.

Ramboll - Extractive Industry on Lot M1335 Caraban Road, GinGin

2.2 Dust Monitoring

The proponents have committed to monitoring for dust generation from the quarry operations. Monitoring of dust is also likely to be regulated via approval conditions.

It is proposed that dust deposition standard gauge and directional gauge monitoring is utilised for monitoring localised dust levels at the quarry site. This type of dust monitoring is a widely accepted industry practice.

The principle of this sampling and subsequent analysis is to determine over a given sampling period, what particles settle from the ambient air. Samples that are collected via a vessel - gauge and retained in a sample container. The mass deposition rate of deposited matter is then calculated from the mass of total solids obtained and the exposure period.

Given the highly technical nature of the dust sampling procedure, the proponents would out-source this to a third-party service provider including laboratories that are NATA accredited for the sampling and analysis of dust deposition via Australian Standard AS/NZ 3580.10.1:2003 - Determination of Particulate Matter - Deposited matter - Gravimetric method.

The proponents would be guided by the conditions of approval and the technical recommendations of the service provider as to the location/quantity of gauges and frequency of monitoring.

At this stage, it is recommended that a baseline also be established at perimeter of property to Woodridge residential area to the east and the produce grower to the north.

2.3 Water

At the initial mediation hearing, Council raised questions about the availability of water, including some data about how much water will be needed, how much water is already obtained and what would happen if water licences cannot be obtained.

Scheme water is not available. To service the needs of the operations the proponents will be applying for bore licences under Section 5C of the Rights in Water and Irrigation Act 1914 (RIWI). An existing bore will be utilised as well. Should licences not be approved then the proponents would utilise water carting for dust suppression via a third-party contractor.

3. Noise

A noise assessment was undertaken for this proposal and a report for this issue was provided as an Appendix to the DA. This assessment concluded that the proposal could proceed in compliance with the noise regulations.

As part of conventional DA and Part V process it is also proposed that a noise management plan be prepared following DA approval. This management plan will include the following actions:

- Employees and contractors trained in best practice noise management techniques. These include the induction of drivers and plant operators with guidelines on how to minimise noise generation.
- Ensuring the equipment being used is the quietest possible and is maintained to an appropriate standard.
- Strict adherence to operating hours.
- The creation of an operational information line to allow dialogue between neighbors and operational personnel.

Ramboll - Extractive Industry on Lot M1335 Caraban Road, GinGin

4. Visual Amenity

The submitted DA proposed that screened perimeter fencing, and landscaping will be placed on the northern and eastern boundaries of the property boundary. This was proposed to screen views to the site from sensitive properties to the north and east.

The planting strip was proposed to be 50m wide from the north and east property boundary.

An outcome from the initial mediation was that the landscaping may be more acceptable if it was constructed in a strip between the pit and the sensitive properties. The proponents have no objection to this proposal. An indicative location of this revised landscaping strip is shown on Figure 1 in Appendix 1.

Vegetation proposed to be planted will include native varieties – refer to Section 6 below.

5. Transport and Access

Site access will occur via an existing crossover to Caraban Road and an unsealed driveway that extends in an easterly direction to the development footprint. The speed limit for all vehicles using the driveway, and internal roads, will be 15km per hour.

Truck movements will be on average 4 per hour. Further information and analysis of the impact of these movements on the road network is set out in the Transport Impact Statement (TIS). Operational management restrictions for truck movements, including a booking system will be considered by the proponents to ensure that truck movements do not provide a nuisance to surrounding land uses.

Operating hours are currently proposed to be 7am to 7pm Monday to Friday; 7am to 4pm Saturdays; and closed on Sundays. The proponents are willing to look at these hours of operation and modify them to meet certain community or stakeholder needs. This could include an early closure on Saturdays to avoid potential traffic conflicts with the hospitality and residential uses nearby.

Ramboll - Extractive Industry on Lot M1335 Caraban Road, GinGin

6. Native Vegetation

The proposed extractive industry on Lot M1322 does not involve any clearing of Native Vegetation. Planting of the tuart trees at the western end the property is sparse enough to allow for road access.

The existing track will be surfaced and sealed as the access road from Caraban Road to the quarry operations.

The strategies for the proposed revegetation areas are to plant to provide a vegetation screen, further concealing operations from the neighbouring market garden to the north and Woodbridge Community to the east. The existing vegetation and tuart trees provide ample screening from Caraban Road to the west. Advice will be sought from the Council by the proponent regarding type of vegetation that will be appropriate for screening, as well as be appropriate for the region/soil type and be of ecological value to wildlife. Resources such as the Native Revegetation Guide for the Moore River Catchment, created by the Moore Catchment Council, will also be used.

The rehabilitation plan is to also propose revegetation that returns the excavation pit to pasture. This approach has been taken on the basis that the landowner is likely to utilise the site for more traditional rural purposes once the life of the excavation use has ceased.

7. Aboriginal Heritage

The previous mediation sought clarification as to whether there was any further information regarding Aboriginal heritage (or the registration of any Aboriginal sites) to be considered, which may include addressing the response from the Aboriginal Heritage Council which is recorded at page 407 of the council minutes dated 21 September 2021.

The Department of Planning, Lands and Heritage response confirmed that the proposed development does not intersect with an Aboriginal site or Aboriginal heritage place, and thus, no approvals under the Aboriginal Heritage Act 1972 are required.

For any proposed future works, DPLH also recommended the proponent refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). These guidelines allow proponents to undertake their own risk assessment regarding any impacts on Aboriginal heritage. A review of these guidelines concludes that the risk of impacting Aboriginal heritage matters is low, largely because the site is within a significantly altered environment – one that has been cultivated and cleared.

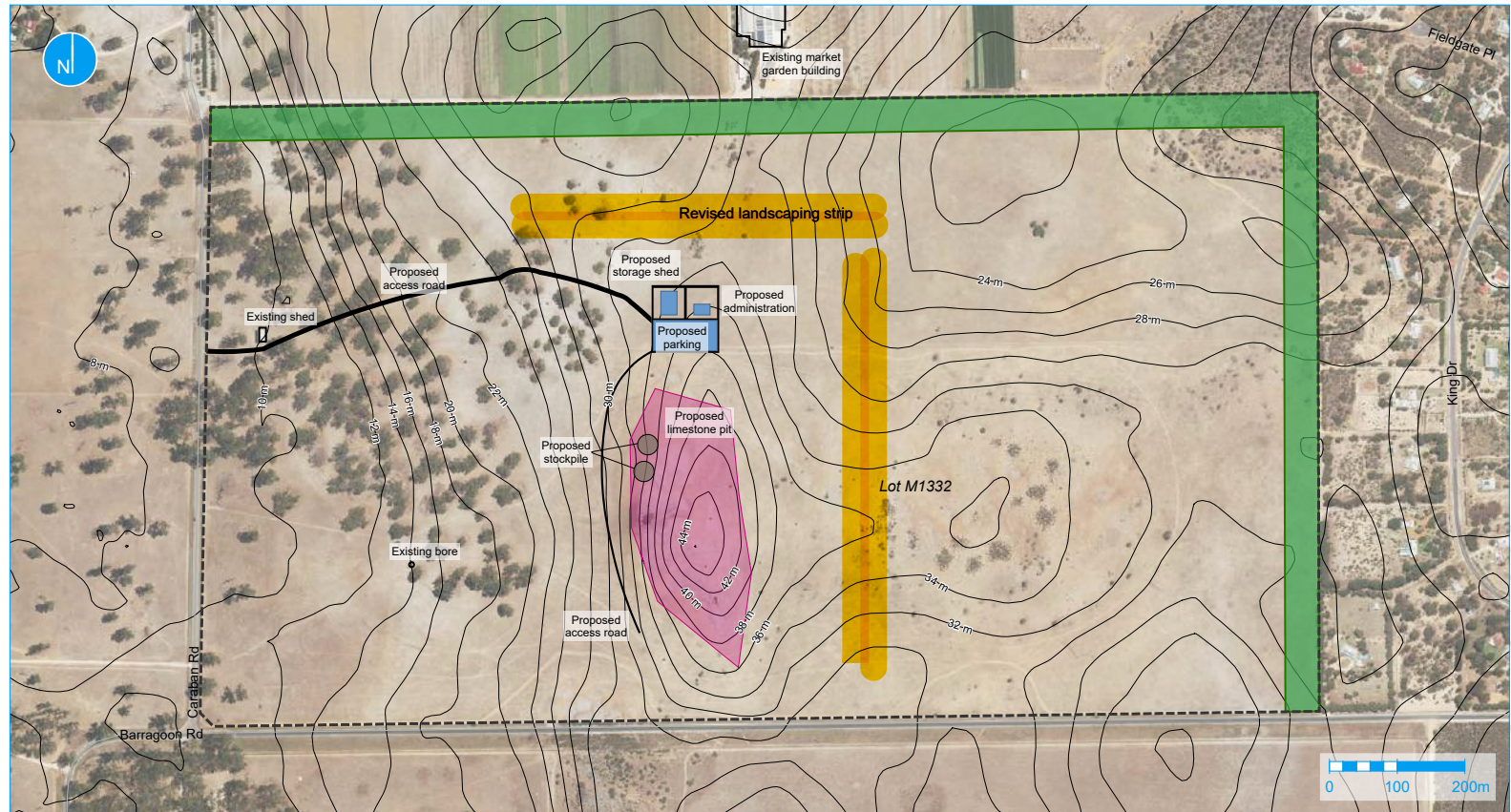
In this scenario, the guidelines recommend that the landscape and proposed activity be reviewed and actions to monitor potential heritage material be included in the construction protocols. The proponents will adopt this approach.

**MINUTES
ORDINARY COUNCIL MEETING
16 AUGUST 2022**

APPENDIX 13.4.1

Ramboll - Extractive Industry on Lot M1335 Caraban Road, GinGin

**APPENDIX 1
SITE PLANS**



Imagery @ Landgate / SLIP

Legend

- Premises boundary
- Existing structures
- 2 m contour (DRIRD)
- Proposed limestone/sand pit
- Proposed stockpile
- Proposed access road
- Proposed site compound
- Proposed planting strip

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Figure 1 | Proposed activities (LOT M1332 CARABAN ROAD, GINGIN)





Government of Western Australia
Department of Water and Environmental Regulation

Your ref: W6436/2020/1
Our ref: DER2020/000332
Enquiries: Lara Saunder
Phone: (08) 6364 7006
Email: info@dwer.wa.gov.au

James Bayliss
Coordinator Statutory Planning
Shire of Gingin
7 Brockman Street
GINGIN WA 6503

via email: james.bayliss@gingin.wa.gov.au

Dear Mr Bayliss,

**WORKS APPROVAL UNDER THE ENVIRONMENTAL PROTECTION ACT 1986 – DWER
RESPONSE TO SHIRE QUERIES**

Thank you for submitting queries to the Department of Water and Environmental Regulation (DWER, the department) on 23 May 2022 in relation to the Shire of Gingin (Shire)'s State Administrative Tribunal (SAT) mediation proceedings (scheduled for 28 June 2022) with Sheepco Pty Ltd (Sheepco) regarding local government planning approvals.

The department provides the below responses in relation to your clarification and technical advice request.

Shire query:

1. The manner in which a dust deposition gauge operates and is the device capable of distinguishing dust from the proposed extractive industry as opposed to dust emanating from an adjoining market garden?

DWER response:

- Dust deposition gauges should be operated according to Australian Standard AS/NZS 3580.10.1. Overview and details of the operation are contained in this standard.
- A dust deposition gauge must be operated for 30 ± 2 days according to the Australian Standard AS/NZS 3580.10.1. The meteorology (i.e., factors including wind direction, wind speed and temperature) during those 30 days would have a large effect on the amount of dust collected and typically would be obtained from all wind directions experienced within those 30 days. Consequently, a dust deposition gauge will typically pick up all dust from many different directions during those 30 days and is not able to specifically compare dust levels from two or more specific directions. It may be possible that the composition of dust found in the gauge may indicate possible sources of dust, but this is a specialist task to be undertaken by a suitably qualified consultant.

Shire query:

2. Is water available for the operator to apply for, and receive, a water license in accordance with the Rights in Water and Irrigation Act 1914?

DWER response:

- There is no record of a licence to take water at the site and our system shows that no application has been made for a licence to take water at the site.
- Due to the full allocation of the Superficial and Leederville aquifers, any application for a new licence to take water for commercial purposes from these resources would generally be refused.

Prime House, 8 Davidson Terrace Joondalup Western Australia 6027
Locked Bag 10 Joondalup DC WA 6919
Telephone: 08 6364 7000 Facsimile: 08 6364 7001
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DWER notes that:

- An alternative option for water supply would be water trading – transferring an existing licence/part of water entitlement from other licensees in the area. Assessment of impacts from groundwater abstraction at the site would be undertaken if a trade application is received.
- The supplementary information supplied by Sheepco states that the site will utilise water carting for dust suppression via a third-party contractor should water abstraction licences not be approved.

Shire query:

3. If water is available, is the allocation sufficient to service the proposed dust suppression techniques proposed by the operator?

DWER response:

- There is no standard application rate for dust suppression in relation to crushing and screening operations, as a number of factors contribute to water usage and requirements (including, but not limited to the scale of operation, specific machinery and equipment specifications, and operational variability). As a result, the applicant is responsible for providing calculations to justify the volume of water being requested.

It is noted that the following design, construction/installation and operational requirements have been incorporated within the draft works approval W6436/2020/1 to manage potential dust emissions from the premises:

- Water truck must be available and operational to effectively wet down dust generating areas during the construction phase;
- Misting sprayers installed on the loading hopper at the entry to the mobile crusher and conveyor;
- The installation of sprinklers connected through a polyethylene pipe system to enable sprinklers to be moved throughout the proposed crushing and screening operations area;
- Daily inspections to check the integrity of the sprinkler system and ensure that adequate numbers of sprinklers are operating to manage dust emissions within the entire crushing and screening operations area; and
- Daily inspections to ensure each stockpile has at least one dedicated operational sprinkler.

If you have any queries regarding the above information, please contact the Environmental Officer listed above.

Yours sincerely

Michael Greenslade
MANAGER, RESOURCE INDUSTRIES
REGULATORY SERVICES

*Officer delegated under section 20
of the Environmental Protection Act 1986*

31 May 2022

Intended for
Department of Water and Environmental Regulation/Shire of Gingin

Document type
Draft Report

Date
July 2022

**EXTRACTIVE INDUSTRY
ON LOT M1332
CARABAN ROAD,
GINGIN
DUST MANAGEMENT
PLAN**

**EXTRACTIVE INDUSTRY ON LOT M1332 CARABAN ROAD,
GINGIN
DUST MANAGEMENT PLAN**

Project name **Extractive Industry on Lot M1332 Caraban Road, Gingin**
Project no. **318000955**
Recipient **Sheepco Pty Ltd**
Document type **Dust Management Plan**
Version **[3]**
Date **15/07/2022**
Prepared by **Jeff Barham**
Checked by **Jeff Barham**
Approved by **John Miragliotta**
Description **A Dust Management Plan for the Proposed Extractive Industry Operations**

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Ramboll - Extractive Industry on Lot M1332 Caraban Road, Gingin

CONTENTS

1.	Introduction	2
1.1	Background	2
1.2	Purpose of the DMP	2
2.	Project Description	3
2.1	Site Plan	3
2.2	Operational Plant and Equipment	3
2.3	Details of Excavation Works	4
2.3.1	Methods of Extraction	4
2.3.2	Extraction Process	4
2.4	Site Access and Vehicle Movements	4
2.5	Rehabilitation	4
2.6	Revegetation	4
2.7	Dust Sources	4
2.8	Meteorology	5
3.	Proposed Management Measures	6
3.1	Introduction	6
3.2	Sprinkler Systems	6
3.3	Stockpiles	6
3.4	Screening of Crushing operations	6
4.	Operations	7
4.1	Operations Structure	7
4.2	Monitoring	7
4.2.1	Boundary Monitoring	7
4.2.2	Monitoring Methods	7
4.2.3	Alarms Strategy	8
4.2.4	Threshold Validation and Review	8
4.2.5	Elevated Dust Events Management	8
5.	Incident Management	9
5.1	Incidents	9
5.2	Public Complaints	9
5.3	Detailed Site Administration of Dust Management	9
6.	Conclusions	11

Extractive Industry on Lot M1332 Caraban Road, Gingin

1. INTRODUCTION

1.1 Background

Ramboll has been engaged to prepare this Dust Management Plan (DMP) by Sheepco Pty Ltd, the proponents for a planned extractive industry development on Lot M1332 Caraban Road, Gingin. A site layout of the proposed Project is illustrated in Figure 1.

The Project is the subject of a Development Application approval from the Gingin Shire Council and works approval/licensing under Part V of the *Environmental Protection Act, 1986* from the Department of Water and Environmental Regulation (DWER).

Through these approval processes it has emerged that an important issue to be resolved is the management of dust generated by the extractive industry operations. Figure 2 shows the potential sensitive receptors within a 1.5km buffer to Lot M1332 (measured from the property boundary). These include the Woodbridge rural/residential community to the east and several rural properties to the south, west and north.

1.2 Purpose of the DMP

The purpose of this Dust Management Plan is to outline management measures to minimise the potential for dust generation at the premises to mitigate dust impacts on the health, welfare, and amenity of these surrounding land users and to staff at the premises.

This Dust Management Plan forms part of the supporting documentation required by the Gingin Shire Council and the DWER in relation to the respective applications submitted for the activity.

This Dust Management Plan also reflects discussions held at the State Administrative Tribunal (SAT) hearing on 24 June 2022.

2. PROJECT DESCRIPTION

2.1 Site Plan

The details of the Project are shown on Figure 1. Key features are:

- A total project footprint of about 20ha located centrally within the property. The pit areas are about 4ha and correspond with the limestone and sand ridges located below.
- The footprint is also defined by a significant, 800m buffer from Woodbridge estate located immediately to the east and a 300m buffer to the intensive horticultural operation situated immediately to the north.
- A dedicated access point to the operation from Caraban Road, located on an existing access point with good sightlines.
- Access for Caraban Road to the operations footprint is via an existing internal track; this will be upgraded to a width of 7m.
- A general indication of the primary face of the materials extraction, being in a north south orientation along the side of the ridge containing limestone and sand. This provides minimal visual impact to the view from the east as the operations will be behind the existing hill.
- The location of administration and storage uses on a relatively flat "saddle" just north of the overall operating footprint.
- Two substantial planting areas located to the east and north of the main operational areas. These landscaping areas are proposed as visual and dust impact buffers for the Woodbridge community and the market garden land use respectively.

2.2 Operational Plant and Equipment

The Proponents will operate the following plant and machinery on the site:

- 1 excavator
- 1 front end loader with 3 MT bucket scales
- 1 dump truck
- 1 crusher
- 1 screen
- 1 sieve
- 1 conveyor
- 1 site office
- Storage shed
- Electronic site monitoring and movement recording
- Water truck with fire facilities.

During operations the plant and items of equipment will be stationed west of the pit face to provide visual, dust and noise buffers to Woodbridge in the east and the market garden in the north. The site office and storage shed will be situated within a separate compound to the north of the pit – refer to Figure 1.

2.3 Details of Excavation Works

2.3.1 Methods of Extraction

Limestone and agricultural lime will be extracted utilising an excavator and a dozer. There will be no blasting undertaken. Once extracted the material will be screened, then loaded to trucks for transfer to customers.

Sand will be extracted using a dozer; the product will be put through a sieve then transferred to trucks for transport to markets.

2.3.2 Extraction Process

The extraction process would commence with topsoil being removed from the excavation area and stockpiled for spreading as part of staged rehabilitation works in the future.

Construction sand would then be removed and stored in a stockpile for delivery to customers.

Once the construction sand product has been excavated, the limestone would be exposed ready to be sourced.

The ultimate depth of the limestone excavation would be to a floor elevation of approximately 36m AHD to match the prevailing natural level of the land surrounding the pit.

The northern extent of the pit would be graded to match the ridge height outside the application area. Any material stockpiles would be retained on the floor of the pit. The pit face will progressively be worked in a southerly direction. A pit face not exceeding 1:10 vertical to horizontal batter will be maintained.

2.4 Site Access and Vehicle Movements

Site access will occur via an existing crossover to Caraban Road and an unsealed driveway that extends in an easterly direction to the development footprint. The speed limit for all vehicles using the driveway, and internal roads, will be 15km per hour. Truck movements will be on average 4 per hour.

2.5 Rehabilitation

Rehabilitation will be undertaken procedurally as the pit moves southwards through the staged extraction process. The excavated areas will gradually be rehabilitated to pasture as pit excavation moves into the new excavation stage.

2.6 Revegetation

The strategies for the proposed revegetation areas are to plant to provide a vegetation screen, further concealing operations from Caraban Road, Barragoon Road and Woodbridge. The plan is to also propose revegetation that returns the excavation pit to pasture. This approach has been taken on the basis that the landowner is likely to utilise the site for more traditional rural purposes once the life of the excavation use has ceased.

2.7 Dust Sources

Dust associated with the extraction of materials at Lot M1332 Cariban Road, can potentially be generated by the release of particulates from the following sources and site activities:

- Onsite traffic movements primarily from trucks entering and traversing the site during delivery and dispatch of materials.
- Handling or movement of material from trucks to stockpiles.
- Loading of materials from the screening plant onto stockpiles pending sale and dispatch

- to customers.
- Wind-blown dust from stockpiles.

2.8 Meteorology

The nearest meteorological station to Caraban Road recording climatic data is Gingin Aerodrome. The station is about 25km east of the Caraban Road site.

The data from the Gingin Aerodrome station indicates predominant winter rainfall with limited sporadic rainfall through the warmer months from November to April. Winter temperatures are cool but in summer temperatures can be more than 30 degrees Celsius. This cycle leads to strong evaporation in the summer months that exceeds the annual rainfall.

In relation to wind direction and strength, the major feature is the presence of strong easterly winds in the morning in the summer that are replaced by a strong south westerly sea breeze in afternoon. The average annual wind speed in the afternoons is 20km per hour. See Appendix 2 which contains the annual 9am and 3pm wind roses for Gingin Aerodrome weather station.

Throughout the remainder of the year the meteorology follows a cycle that includes moderate easterlies that may last for several days due to high pressure systems establishing over the Australian Bight. As a cold front approaches from the west, the wind switches to the northwest prior to the cold front crossing the coast. As the front crosses the coast the wind switches to south westerly and gradually swings southerly and then south easterly as a new high establishes itself.

Wind speeds greater than 30km/hour are typically associated with natural dust lift off from unprotected surfaces. This data shows erosive winds arising mainly from the east in the summer and from the west in the winter. The summer easterlies are also associated with dry conditions that are conducive to dust generation.

3. PROPOSED MANAGEMENT MEASURES

3.1 Introduction

Sheepco will manage its operations to minimise the impact to the surrounding environment from dust through the implementation of following key measures which will be employed under all conditions that may have the potential to generate airborne dust, particularly during hot, dry, and windy conditions.

This Dust Management Plan which will be a condition of the DWER and Council approvals so compliance with the management measures will be a mandatory requirement. The core elements of the dust management regime for the development are documented below.

3.2 Sprinkler Systems

- Sprinklers will be connected across the site through a poly pipe system and will be placed around the driveway to manage vehicle dust. Each stockpile will have its own separate impact sprinkler.
- The poly pipe system will allow sprinklers to be moved around the site should additional dust suppression in certain areas be required.
- Water for the sprinklers will be provided by the on-site bore.
- In addition to site sprinkler systems the site will have a water truck with a 12kL water tank.

3.3 Stockpiles

- The height of the 4 stockpiles will be about 4m, and each will be approximately 20m in diameter.
- Stockpiles will be kept separate from each other to maintain product quality.
- The width between stockpiles will be a minimum of 3m to allow either a truck or loader to pass between them.
- As shown on Figure 1, the stockpiles will be located west of the pit face to provide screening for receptors to the east (Woodbridge).

3.4 Screening of Crushing operations

- Misting sprayers will be used on conveyors.
- Sprays will be used on the loading hopper at the entry to the crusher to prevent dust exiting during the loading operation.
- Products will be dampened on the exit from the crusher and will be transferred to product stockpiles with their own dust suppression sprinkler systems.

4. OPERATIONS

4.1 Operations Structure

The staffing levels at the extractive industry operations will comprise three permanent personnel, including a site manager and two general operational personnel.

The Site Manager is responsible and accountable for the implementation of this Dust Management Plan. The Site Manager will be based at the operations on a full-time basis.

Sheepco will not be using off-site contractors for undertaking core operational work at the premises. Site employees will follow this Dust Management Plan.

Transport operators will not be Sheepco employees. Comprehensive induction programs for these drivers will be implemented to ensure that all are aware of this DMP and the commitments that have been made to manage dust.

The operation of Air Quality Monitors (AQMs) will be overseen by third party consultants contracted by Sheepco.

4.2 Monitoring

4.2.1 Boundary Monitoring

Monitoring is an effective dust management control method where alarm trigger levels provide an early warning to prevent the exceedance of the selected health guideline by stopping the work, controlling emissions sources, or reducing the intensity of the operation. This can be effective in minimising the impact of dust generation on nearby amenities. AQMs will be located east and west of the extractive industry operations and as close as possible to the receptors. Initial locations for the monitors are shown in Figure 1.

Please note that the location of the AQMs could be subject to change as the project progresses. The final location will be the subject of further analysis and calibration to ensure that, given climatic and operational factors, the AQMs are sited appropriately to measure and monitor dust generation.

4.2.2 Monitoring Methods

Sheepco has committed to monitoring particulates levels using a fraction optical particle counter. The monitors will record concentrations of the variables described in Table 1 below. These monitors can keep one-minute interval records for 365 days, data can be accessed remotely, and customisable alerts can be set for when level thresholds are exceeded.

A data set for the recommended brand of AQM is attached at Appendix 3. Ramboll has utilised these monitors in previous projects with considerable success.

Table 1. Summary of Variables Monitored

Variable	Description
PM ₁₀	Particulate less than 10 µm in equivalent aerodynamic diameter
PM _{2.5}	Particulate less than 2.5 µm in equivalent aerodynamic diameter

4.2.3 Alarms Strategy

The alarm threshold will be triggered if the concentration at the monitor is anticipated to exceed the adopted guideline, in which case, potential sources of dust should be investigated and controlled. We suggest the trigger alarm thresholds for 1-hour and 6-hour rolling averages based on National Environmental Pollution Measure (NEPM) thresholds. These thresholds would be reviewed periodically to ensure they are meeting the needs of the operations and surrounding residents.

4.2.4 Threshold Validation and Review

It is predicted that the establishment of the alarm trigger thresholds at the monitor in conjunction with appropriate reactive management methods will result in ambient concentrations at nearby sensitive receptor locations remaining below relevant health standards. However, it is important to note that the trigger levels should be reviewed every month for the first three months after their implementation and every year afterwards. The reviews aim to evaluate the threshold efficacy to reduce the risk of elevated dust concentrations and the likelihood of an exceedance of the guideline, whilst minimising impacts to operations.

4.2.5 Elevated Dust Events Management

If concentrations in exceedance of the derived trigger levels are recorded at the monitor, an investigation should be undertaken to assess if the elevated concentrations are associated with Sheepco operations. If it is determined that the source is related to Sheepco operations, appropriate controls should be immediately implemented, or operations potentially ceased.

Any exceedances of the NEPM criteria should be investigated. 10-minute wind direction and wind speeds will be obtained in the event of an exceedance. The obtained data will be analysed to determine the likelihood of the exceedance being related to Sheepco operations.

If Sheepco is identified as a significant contributor, further investigation of the operations conducted on the day of the exceedance should be undertaken. The results of the investigation should be used to review the efficacy of implemented controls and mitigations.

5. INCIDENT MANAGEMENT

5.1 Incidents

Any dust incidents or complaints will be recorded and investigated to establish causes and implement corrective actions where necessary.

Identification of a dust incident will be triggered by identification of an excessive fugitive emission with potential to impact on public amenity or surrounding environment or public complaints. In the case of a dust incident, the following actions will be undertaken:

- Undertake immediate inspection, temporary control, and internal notification of the Site Manager.
- Record date, time, duration and root cause of the incident or exceedance.
- Identify and implement corrective actions to be undertaken or planned to mitigate adverse environmental consequences.
- Follow up on recommendations to ensure corrective actions are completed.
- Identify changes to work practices or operations that are required to ensure that the incident will not re-occur together with a timetable for implementation of those changes.
- Advise DWER and the Gingin Shire Council of the outcome of incident management (as necessary) or any long-term initiatives proposed to manage residual impacts from the incident.

5.2 Public Complaints

Signs will be maintained at the site providing relevant contact details for the company.

Public complaints received in relation to dust from the project will be recorded on a complaints register held onsite, investigated, and actioned as appropriate.

The Complaints Register will be used to record the name(s) of the person(s) making the complaint, the date, nature and follow up action undertaken.

The Site Manager or delegate will contact any persons submitting a complaint, concerning environmental issues associated with the complaint indicating the likely course of action to address the concern.

If there is a complaint associated with a significant incident, the Site Manager will report to DWER and the Gingin Shire Council.

5.3 Detailed Site Administration of Dust Management

The administration of dust management on site would include the following elements:

- Compliance reporting requirements – likely to involve an annual report to the DWER as part of the operating licence.
- Definition of Time Limited Operations under Part V of the EP Act where plant and equipment are permitted to operate for limited test periods prior to granting of an Operating Licence. This will allow the testing of various parts of the operations for limited periods to provide an understanding of dust generation and mitigation at the site.

- Requirements for maintenance and operation of plant and equipment
- Operational records and reporting frameworks, including complaints logging and resolution procedure.

5.4 Monitoring Alerts

The monitors suggested for the Sheepco quarry operations (Appendix 3) are telemetric and allow remote data access.

Customised alerts can be programmed into the monitors so that, for example, alert messages can be automatically conveyed via phone and/or email to operations management.

In the case of a dust related incident – be that an exceedance or a prolonged period of dusty conditions – messages are conveyed to operational personnel and a framework of incident responses could then ensue.

These responses could deal with a variety of incidents including:

- Shut down of operations, or certain parts of the operations (for example, screening or loading)
- Triggering of certain management responses such as covering of plant, watering of stockpiles and/or treatments to trafficable areas.
- A watch and act alert suggesting careful monitoring of dust generation conditions.

The monitoring systems proposed provide a sophisticated and efficient approach to dust management at the site.

6. CONCLUSIONS

For dust to be successfully mitigated onsite and offsite the controls identified in this Dust Management Plan will need to be implemented.

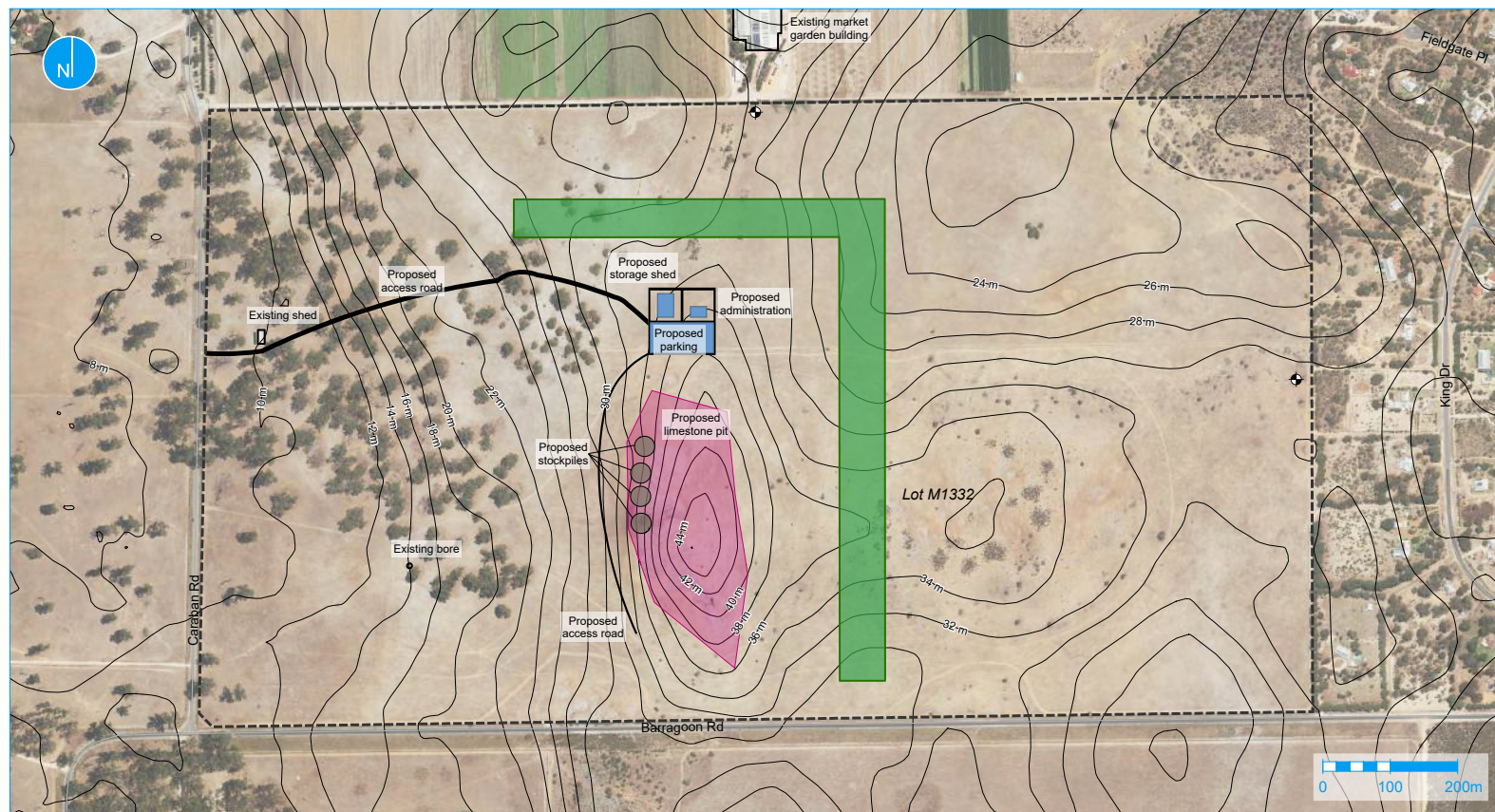
Sheepco acknowledges the sensitivity of nearby sensitive receptors to dust generation and is committed to managing this potential impact.

Sheepco seeks to create an open dialogue with adjoining and nearby residents to achieve the above. Through this dialogue information regarding any complaints of nuisance dust events from community members or employees and contractors will be documented and passed onto the site manager for review and action as soon as possible. A record of complaints will be kept within a register in the site office. In addition, an investigation, outcomes, and any changes to the Management Plan shall be kept within a register.

The implementation of control measures outlined in this document, will successfully mitigate dust generation on-site. The Dust Management Plan is subject to ongoing review, to achieve continuous improvement in this area of operation.

APPENDIX 1

FIGURES



Imagery @ Landgate / SLIP

RAMBOLL AUSTRALIA - GIS MAP file: 31800085_GIS_POOL1_liter | F001_ProposedActivities_V03 | 14/07/2022

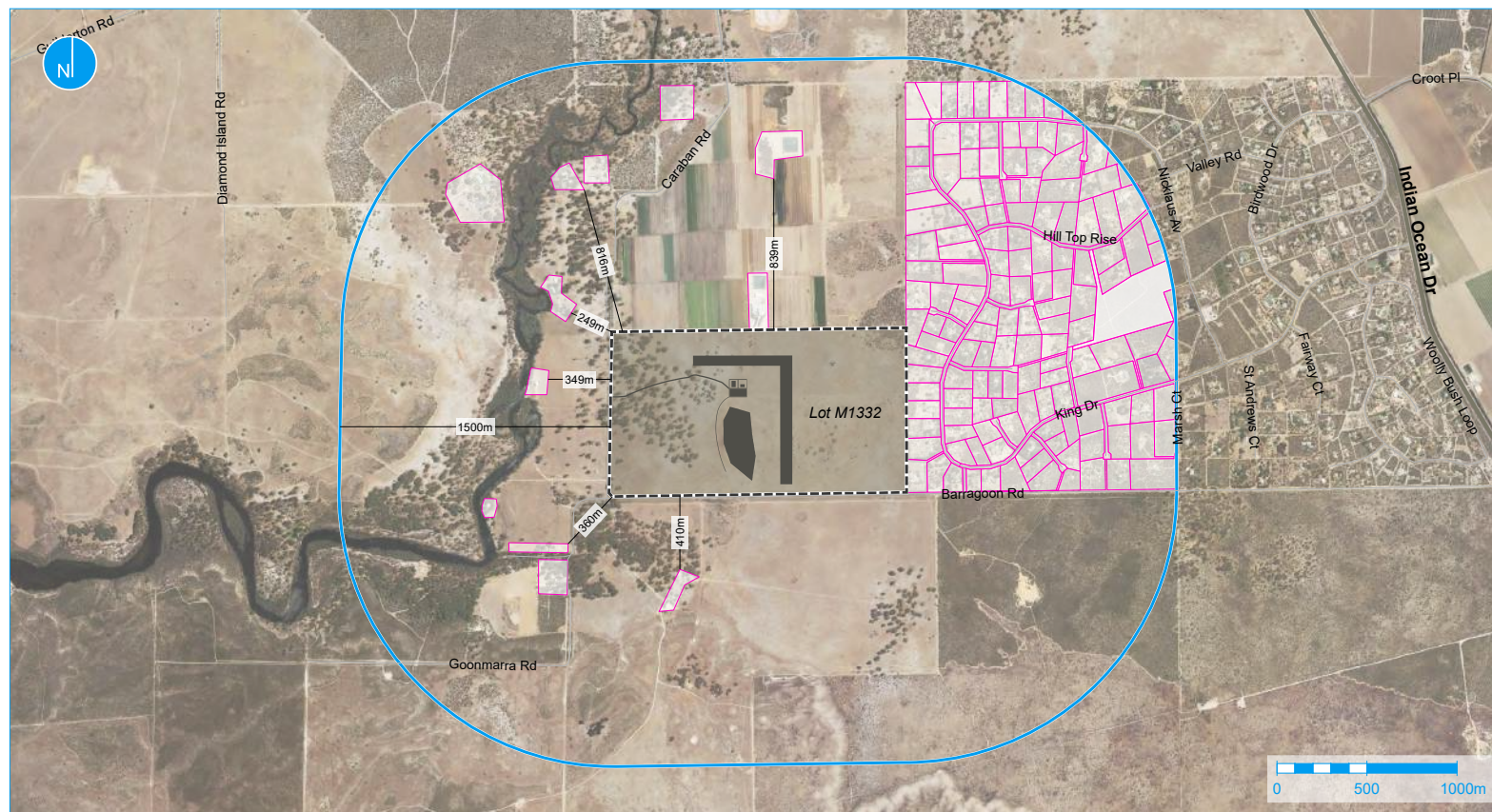
Legend

- Premises boundary
- 2 m contour (DRIRD)
- Air quality monitor location
- Existing structures
- Proposed limestone/sand pit
- Proposed stockpile
- Proposed access road
- Proposed site compound
- Proposed planting strip

A4
1:8,000

Figure 1 | Proposed activities (LOT M1332 CARABAN ROAD, GINGIN)





Imagery @ Landgate / SLIP

RAMBOLL AUSTRALIA - GIS MAP file: 318000955_GIS_P001_Letter | F002_Reviews_V02 | 14/07/2022

- Legend**
- Premises boundary
 - 1.5km buffer area
 - Proposed activities
 - Potential sensitive receptor

A4
1:30,000

Figure 2 | Potential sensitive receptors within 1.5km (LOT M1332 CARABAN ROAD, GINGIN)



**APPENDIX 2
WIND ROSES**

Rose of Wind direction versus Wind speed in km/h (01 May 1996 to 11 Aug 2020)

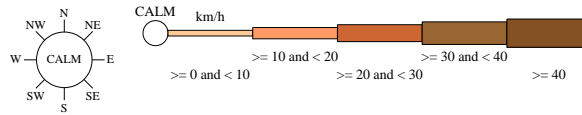
Custom times selected, refer to attached note for details

GINGIN AERO

Site No: 009178 • Opened Jan 1968 • Still Open • Latitude: -31.4628° • Longitude: 115.8642° • Elevation 73m

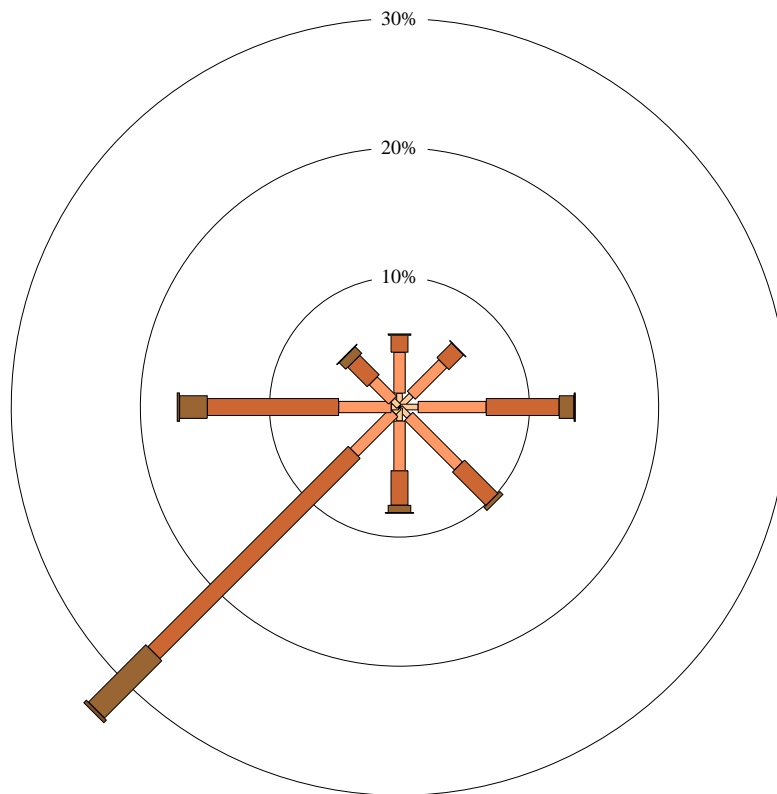
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



3 pm
8658 Total Observations

Calm *



Rose of Wind direction versus Wind speed in km/h (01 May 1996 to 11 Aug 2020)

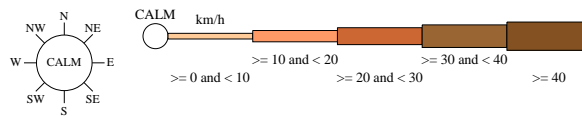
Custom times selected, refer to attached note for details

GINGIN AERO

Site No: 009178 • Opened Jan 1968 • Still Open • Latitude: -31.4628° • Longitude: 115.8642° • Elevation 73m

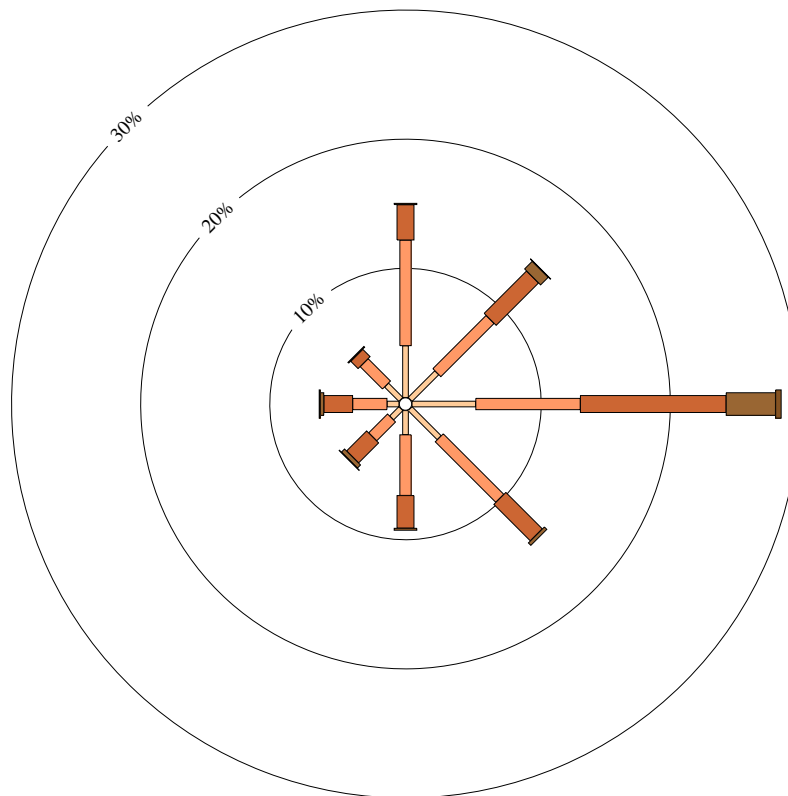
An asterisk (*) indicates that calm is less than 0.5%.

Other important info about this analysis is available in the accompanying notes.



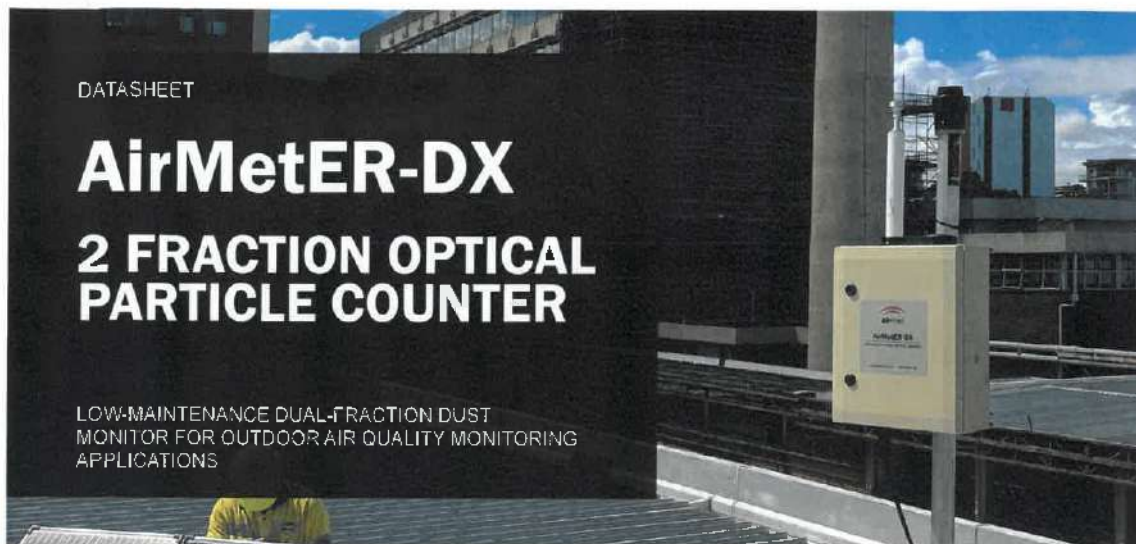
9 am
8656 Total Observations

Calm 2%



APPENDIX 3

AIR METER DX BROCHURE



DATASHEET

AirMetER-DX

2 FRACTION OPTICAL PARTICLE COUNTER

LOW-MAINTENANCE DUAL-FRACTION DUST MONITOR FOR OUTDOOR AIR QUALITY MONITORING APPLICATIONS

The AirMetER-DX is an economical, laser-based Optical Particle Counter for the monitoring and recording of $PM_{2.5}$ and PM_{10} .

Housed in a weather resistant enclosure, the AirMetER-DX is ideal for continuous round the clock outdoor monitoring and has data logging capacity at a minimum of 365 days at one-minute intervals. It also has a built-in log and forward capability to capture 1 week of operation in the event of a network disruption.

Integrating seamlessly with Air-Met Scientific's web-based portal for remote data access, this secure data portal enables users to access monitoring logs, set customisable alerts, manage monitoring reports and more. The web-service application is accessible on both desktop PC and mobile smart devices.



AirMetER-DX | Proudly Australian Made

FEATURES & OPTIONS

- > Heated inlet
- > Humidity correction
- > Over the air (OTA) K-factor correction (requires gravimetric sample data)
- > Low maintenance
- > Simultaneous $PM_{2.5}$ and PM_{10} measurement
- > Weather monitoring



DATA

Cellular telemetry through Air-Met Scientific's secure data portal. Requires minimum 12-month subscription to Air-Met's data portal.

- > 5 minute datalogging interval with FTP transfer to Air-Met Scientific's secure web service.
- > 1-hour and 24-hour rolling averages as standard.
- > Data downloads, user management, threshold alert management (SMS and/or email) and auto-report generation all managed via Air-Met Scientific's data portal.

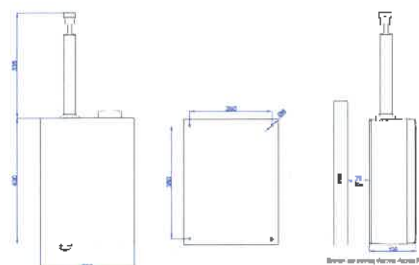


airmet.com.au

TECHNICAL SPECIFICATIONS	
GENERAL	
Power Requirement	12VDC
Rated Power	33W
Datalogging (optional)	3 years of logs onboard with unique file name creation every 24 hours
Alarm Indicator (optional)	Onboard dedicated alarm relay for PM _{2.5} and PM ₁₀
Operating Temperature	0°C to 50°C
Operating Humidity	0 to 95% non-condensing
Operating Pressure	860 to 1100 hPa
Laser Module Operating Life	2 years (when operated below 40°C)
ENCLOSURE	
Material	Polycarbonate
Dimensions (mm)	400 (H) x 300 (W) x 150 (D)
Instrument Weight	7.0kg
Mounting Options	Pole-mount kit supplied (recommended installation method) Wall-mount – ~70 mm offset required for dust inlet clearance
COMMUNICATION	
PLC or SCADA Integration	Serial RS232
FTP Upload	Cellular, Ethernet or WiFi

PARTICULATES MEASUREMENTS	
Specifications are based on 20°C and 860 - 1100 hPa conditions	
	PM _{2.5} & PM ₁₀
Range	0.0–999.9µg/m ³
Resolution	0.1µg/m ³
Relative Error	Max of ±15% and ±10µg/m ³

SPARE PARTS & ACCESSORIES	
PART NO.	DESCRIPTION
TF-TRI-AM	Tripod
AMS/200S/170B/15M/SC	Remote Power System
LPF-60-12-AUP	Power Supply (240V)
121-5886	Pneumatic Silencer
903-0886	Pump Filter
DX-SERVKIT	AirMetER-DX Service Kit
For all additional particulate & meteorological sensors, please contact Air-Met Scientific.	



WANT TO LEARN MORE? CONTACT US TODAY!

For more information about the AirMetER-DX or additional sensors, contact your local Air-Met Scientific office on 1800 000 744 or contact our team via email at engineeredolutions@airmet.com.au.

Alternatively, scan the QR code to find your nearest Air-Met Scientific office.



Air-Met Scientific | CHS & Environmental Monitoring Equipment Specialists
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4/2022



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Level 15, 197 St Georges Terrace,
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29 July 2022

Via email: Chris Williams cwilliams@solbros.com.au

Dear Chris,

LOT M1332 - Extractive Industry application SHEEPCO Pty Ltd

Water Requirements

The General industry standard for dust suppression is between 5,000 KL to 13,500 KL depending on the amount of stockpiles, hardstand area and length of roads. The existing operators appear to be using between 6,000 KL to 10,000 KL.

Water Supply

SHEEPCO has access to high quality water on site with two bores.

In Communication with Glenn@ DWER SHEEPCO was advised that an interim on-site licence can or may be granted for 10,000 KL of water where a target allocation can be acquired (purchased or leased) from an existing Licence holder within a two-year period.

SHEEPCO has identified two such water licence holders within the Croot Place area and others who have engaged with Agents of SHEEPCO and indicated their willingness to sell or lease up to 13,500 KL. These are commercial in confidence.

After settlement of the land SHEEPCO will lodge its own water licence application for its own entitlement and have engaged the assistance of former Ministers to assist with the process.

In the event the above SHEEPCO application and or existing owner transfers are not effected by the time the operations are ready to commence SHEEPCO will cart water to the site in 10,000 litre trucks.

A Water truck will be on site daily to attend to manage any dry conditions, unusual wind events or dry product. This will marginally increase the traffic requirements on Caraban Road, however sits will inside the recommended traffic management levels.

Operation

Water will be used for dust suppression on site including highly advanced sprinkler systems. SHEEPCO is in discussion with Wet Earth Australia for pit design, stockpile & roadway sprinkler systems and approximately 2,000 KL to establish the plants for screening for the first 18-month period until trees are self sufficient.

Advanced technology and BOM evaporation data is available for the region and will be aligned with the historical weather conditions.

JBC Corporate Pty Ltd ABN 48 613 214 083 trading as JBC Corporate.
Liability limited by a scheme approved under Professional Standards Legislation.



For example, if the evaporation rate is high the Sprinkler system will deliver. 5mm for a one-minute period every hour. A specialist consultant will design and instal the stockpile sprinkler system fully automated and any plant systems.

A water tanker will be used to water the access road and the pit floor whenever necessary to minimise dust generation from transport and during crushing.

Wet Earth Stockpile control system offers the following:

- Sprinkler throw distances up to 95m and up to 48-degree elevation
- Can use most water types
- PLC based control system
- Fully customisable
- Can use site standard PLC brands & models
- Single 4 core cable controls complete system
- Control system uses Extra Low Voltage
- Unlimited control system length

The benefits of the Stockpile Dust Control Spray System include:

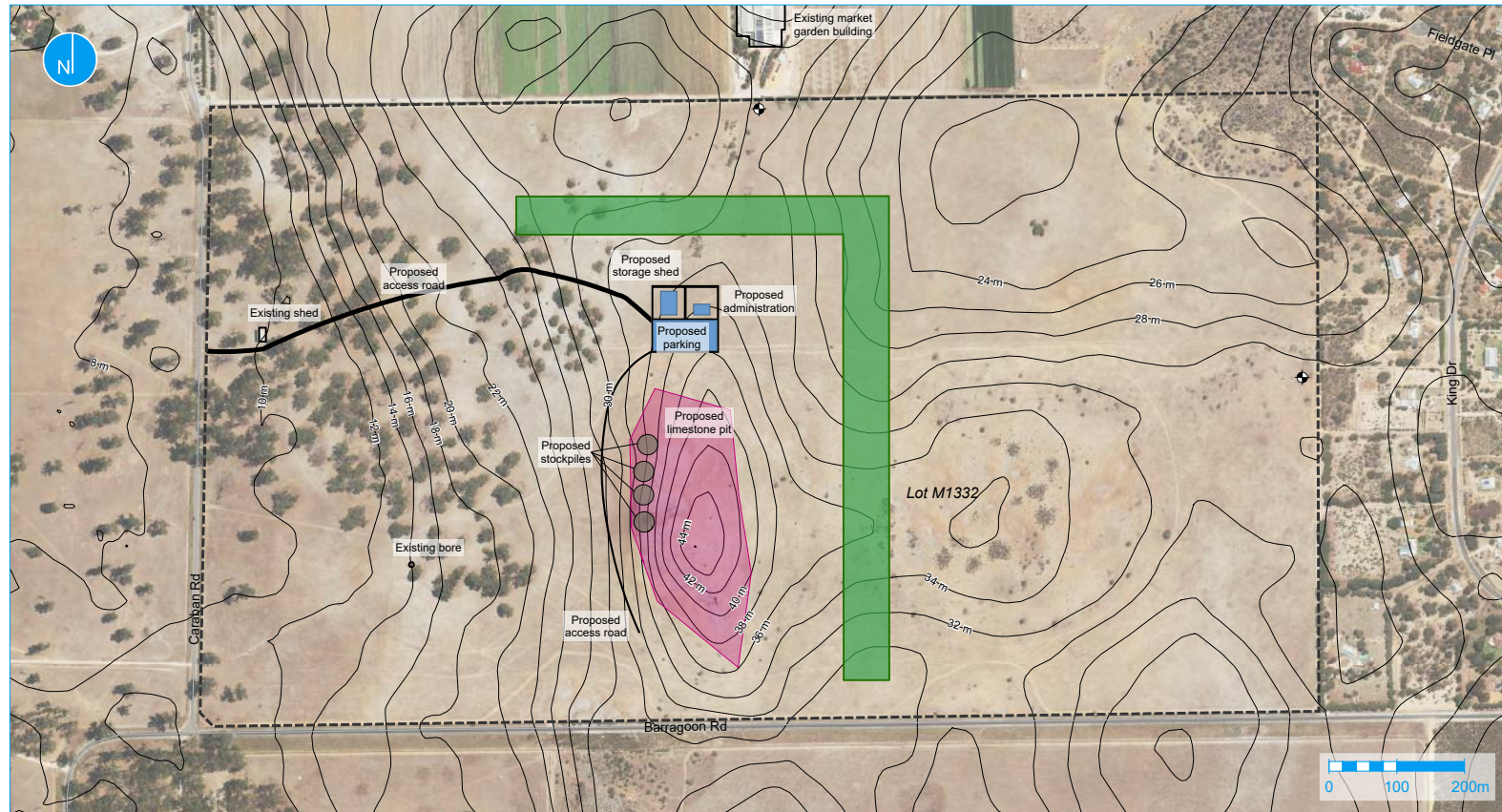
- High level of control of application rates and application frequencies
- Easy integration with mine systems
- Can be easily extended or modified
- Can control the amount of water delivered by changing the run time of the sprays
- Can easily change the system run frequency
- Day or week and hour of day variable control or integration with weather

SHEEPCO is committed to have a well-managed, well planned and safely operated extraction business that will benefit the community.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Thomson', written over a light blue circular stamp.

John Thomson
Director
SHEEPCO Pty Ltd



Imagery @ Landgate / SLIP

RAMBOLL AUSTRALIA - GIS MAP file: 31800095_GIS_P002_individualFigures | P001_Revise.dwg_V01 | 1/08/2022

Legend

- Premises boundary
- 2 m contour (DRIRD)
- Air quality monitor location
- Existing structures
- Proposed limestone/sand pit
- Proposed stockpile
- Proposed access road
- Proposed site compound
- Proposed planting strip

A4
1:8,000

Revised site plan | Proposed activities (LOT M1332 CARABAN ROAD, GINGIN)



13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED EXTRACTIVE INDUSTRY ON LOT M1332 CARABAN ROAD, CARABAN

File	BLD/7134
Applicant	Ramboll (Jeff Barham) on behalf of Sheepco Pty Ltd
Location	Lot M1332 Caraban Road, Caraban
Owner	Sheepco via an offer to purchase from Shannon Farmer, Colin King, Derald King, Barry Sykes and Brian Woolcock
Zoning	General Rural
WAPC No	N/A
Author	James Bayliss – 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 - Lot M 1332 Caraban Road, Caraban [13.1.1 - 1 page] 2. Aerial map - Lot M 1332 Caraban Road, Caraban [13.1.2 - 1 page] 3. Applicant's Proposal [13.1.3 - 105 pages] 4. Schedule of Submissions and Recommended Responses [13.1.4 - 95 pages] 5. Applicant's Response to Submissions [13.1.5 - 5 pages]

DISCLOSURES OF INTEREST

Councillor Rule disclosed a Financial Interest in Item 13.1 as he is a partner in an agricultural lime sand business in Lancelin.

Councillor Rule left the meeting at 3.33pm.

PURPOSE

To consider an Application for Development Approval for a proposed Extractive Industry (sand and limestone) on Lot M1332 Caraban Road, Caraban.

BACKGROUND

The subject property is 382 hectares (ha) in area and is located on the corner of Caraban Road and Barragoon Road. The site is undulating with elevations over the western portion of the site being between 15 and 30 metres above mean sea level (AHD), with the location of the extraction material tapering up to a ridge height of 45 metres AHD in the central portion of the site and down to between 25 and 30 metres AHD over the eastern portion of the site. The extraction pit face is located on the western side of the central ridge.





The land has historically been used for cattle grazing, with tuart trees present over the north-western portion of the lot.

The development proposal seeks to extract up to 200,000 tonnes of material per annum, which comprises of agricultural lime (100,000 tonnes), limestone (50,000 tonnes) and sand (50,000 tonnes). The applicant estimates the footprint of the usable material is in the order of 4ha that will produce a 30 year operational period for the development.

The table below outlines development within the immediate area.

Land Use	Proximity to Development Area
Residential	~ 670m south-west; ~ 820m east and 950m north-east (Woodridge) ~ 850m west; and ~ 860m north-west.
Agriculture Intensive	~ 375m north
Restaurant and micro-brewery	~ 750m west
Tourism business (canoe and kayak hire)	~ 860m south-west
Solar Facility	~ 750m south-east

The development involves crushing and screening operations which requires the proponent to obtain a Works Approval and Works License from the Department of Water and Environmental Regulation (DWER) under section 54 of the *Environmental Protection Act 1984 (EP Act)*. This does not preclude the Shire's ability to consider the impact of those operations under the planning framework, however the technical assessment undertaken by DWER, given the employment of experts in the related field, addresses emissions control (noise/dust) from those activities.

A location plan and aerial photograph are provided as **Appendix 13.1.1** and **Appendix 13.1.2** respectively.

The applicant has provided a report in support of the application. The applicant's proposal is provided as **Appendix 13.1.3**. The bundle of documents consists of the following:

- Development Application Report;
- Traffic Impact Statement;
- Water Bore Information;
- Acoustic Assessment (prepared by Herring Storer Acoustics dated December 2020);
- Dust Management Plan; and
- Extractive Industry License Report.



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



It should be noted that during the assessment process various allegations regarding property ownership disputes (i.e. termination of contract of sale) have been directed to the Shire with a suggestion that the application is invalid. The officer seeks to clarify this upfront.

The *Planning and Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)* sets out the manner in which an Application for Development Approval is to be made to the local government. Clause 62 (1) (b) states:

“(1) An application for development approval must be – ...

(b) Signed by the owner of the land on which the proposed development is to be located; and

(2) For the purposes of subclause (1) (b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following –

(a) a person who is referred to in the definition of owner in respect of freehold land in clause 1.”

The definition of ‘Owner’ under ‘Part 1 – Terms Used’ of the deemed provisions states:

“Owner, in relation to land, means –

(a) If the land is freehold land –

(i) a person whose name is registered as a proprietor of the land; and

(ii) the State, if registered as a proprietor of the land; and

(iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; and...”

The officer is aware that a contract to purchase exists between the five registered proprietors and Sheepco Pty Ltd. On that basis, for the purpose of fulfilling the relevant criteria under the Deemed Provisions, Sheepco Pty Ltd are acknowledged as a landowner and therefore the application is accepted. This notwithstanding, the five current proprietors at the time of lodgement signed the application form and any purported withdrawal of consent seems futile given the above-mentioned definition of ‘owner’.





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 within a one kilometre radius of the development area, two development signs placed on the verge of the property, a notification on the Shire’s website and a notification on the Woodridge Community Notice Board, all for a period of 21 days.

The Shire received 59 submissions as part of the consultation process, all of which oppose the development with the exception of one general comment. The officer notes that many submissions have multiple signatories.

At the Ordinary Meeting on 15 September 2020, the Chief Executive Officer tabled a petition of 171 signatures in total, comprising (as far as can be ascertained) 113 signatures from electors and 58 signatures from non-electors or unable to be determined, requesting the refusal of a proposed development.

The petition reads as follows:

“The location of this development abuts onto the west boundary of the Woodridge Community of inhabited residential properties and agricultural land producing food for human consumption. If this development progresses it will have catastrophic ecological impact to inhabitant’s health and existence local businesses, native flora and fauna and the pristine water ways feeding into the Moore River.”

Council resolved to receive the petition and refer it to the Shire’s Planning Department.

The following table provides an overview of concerns raised during the consultation process and the officers’ comments in response.

Issue Raised	Officer’s comments
Environmental Impacts - Vegetation removal - Water quality - Impacts to the Moore River	Noted. 1. The Department of Water and Environmental Regulation (DWER) administers the clearing provisions of the <i>Environmental Protection Act 1986</i> . Applications for clearing permits are assessed and decisions are made to grant or refuse the application in accordance with this Act. The Shire notes that no significant vegetation is proposed to be cleared. 2. The Moore River is situated ~ 820m west of the development area. The development is not anticipated to have any impact on the Moore River given the significant setback.





<p>Vehicle Impacts</p> <ul style="list-style-type: none"> - Traffic Volumes - Safety Concerns - Cumulative Impact 	<p>Noted.</p> <p>3. The officer is of the view that the road network within Woodridge Estate is not adequate to cater for vehicles associated with the development. All traffic associated with the development should utilise Caraban Road via Indian Ocean Drive to avoid any increase in vehicles using the internal roads of Woodridge. The existing roads of King Drive and Link Road would likely degrade at a faster rate as a result of heavy vehicle usage, and the amenity impacts on residents if this was to occur would be unacceptable. This requirement can form a condition of approval.</p> <p>4. The intersection between Indian Ocean Drive and Caraban Road is designed to the appropriate RAV network standard. This intersection caters for haulage vehicles associated with the existing extractive industry (Caraban Limestone and Sand) located to the north of the subject property along Caraban Road. Main Roads Western Australia (MRWA) has not raised any concerns regarding safety to motorists at this intersection.</p>
<p>Amenity Impacts on Woodridge Estate</p> <ul style="list-style-type: none"> - Noise Issues - Dust Issues - Silicosis 	<p>Noted</p> <p>5. The development proposal includes an acoustic assessment report prepared by Herring Storer Acoustics, a qualified noise consultant. The acoustic report determined that the development is able to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> which stipulates permitted noise levels in the context of neighbouring receptors. The officer notes that DWER undertook a review of the methodology used to inform the acoustic report and accepts the findings. Given the above, the issue of noise would not be a matter that would warrant refusal of the development.</p> <p>6. Dust from extraction, screening and vehicle movements creates the potential for adverse impacts on the amenity of residents abutting the site. The primary mechanism proposed for dust suppression is watering via an irrigation system for the screening operations/stockpiles and a watering truck for vehicle and hardstand areas.</p> <p>The topography of the land does provide a natural bund to receptors located east of the pit, which is noteworthy given the prevailing winds and direction of Woodridge from the development area.</p> <p>Notwithstanding the above, given the potential impacts that dust nuisance may have on the amenity of Woodridge, air quality monitoring is suggested on the eastern, northern and</p>





	<p>western boundaries of the subject land (adjacent to Woodridge, the agriculture intensive development and brewery site respectively) to determine the adequacy of the dust suppression measures. This suggestion for monitoring ties into the time limited approach given the uncertainty associated with the adequacy of the dust suppression methods, and any further extension of time should only be considered if the monitoring in the interim period is favourable.</p> <p>7. The Department of Health (DoH) submission makes no comment on health risks associated with airborne silica. The officer notes that various extractive industries in the State have received similar comments of concern from stakeholders. The typical position adopted by local governments regarding silica dust is that exposure to the respirable fraction of silica generally needs to be continuous and for extended periods of time (e.g. employees working in an enclosed area where the airborne particles are unable to dissipate as readily) for it to present health risks. In the context of this proposal, no health risks are anticipated.</p>
Visual Amenity	<p>Noted.</p> <p>8. It is acknowledged that the visual impact the development may create is of concern. The provision of vegetative screening adjacent to the northern and eastern boundaries is able to screen the development from view to a large extent, thus mitigating this concern.</p> <p>9. The associated development, being a storage shed and site office, will present a built form typical of structures anticipated on general rural lots (i.e. farm sheds etc.) and is therefore not considered to impose an adverse visual amenity that is out of character with the area.</p>
Devalue Properties	<p>Noted.</p> <p>10. Property values are not a material planning consideration and there is no evidence to support these claims.</p>
Carnaby's Cockatoo	<p>Noted.</p> <p>11. The Department of Biodiversity, Conservation and Attractions (DBCA) has no records of confirmed Carnaby's black cockatoo roost areas or nesting sites on the subject land.</p> <p>The nearest confirmed roosting site is located approximately 1.5km north-west and north-east of the subject land. The</p>



**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



	nearest confirmed nesting site is located approximately 2.8 km to the north.
Water Usage	Noted. 12. The property is located within the Gingin Groundwater Area proclaimed under <i>Rights in Water and Irrigation Act 1914</i> . The issuing of a water licence to abstract and use water is at the discretion of the Department of Water and Environmental Regulation (DWER), not the local government.

Table 1 - Officer Response to Submissions

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

- Department of Water and Environmental Regulation (DWER);
- Department of Mines, Industry Regulation and Safety (DMIRS);
- Department of Planning, Lands and Heritage (DPLH);
- DPLH – Aboriginal Heritage Council;
- Department of Health (DoH);
- Department of Biodiversity, Conservation and Attractions (BCA); and
- Department of Primary Industries and Regional Development (DPIRD).

The comments received from State agencies reinforce the need to impose conditions relating to rehabilitation, dust management, noise management etc. which are typically applied to extractive industries. The officer notes that no objections have been raised.

A copy of the Schedule of Submissions and Recommended Responses, including correspondence from State agencies, is provided as **Appendix 13.1.4**.

The applicant has provided a response to the Schedule of Submissions, which is provided as **Appendix 13.1.5**.

PLANNING FRAMEWORK

Local Planning Strategy 2012 (the Strategy)

The Strategy notes the significance of the Shire’s contribution to basic raw materials which service development within the region and to the metropolitan region.

Section 2.5.4 of the Strategy states the following:

“The Shire of Gingin is under increasing pressure for extractive industry development as the resource base lessens in the metropolitan area and the urban development front moves northwards.”



**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



The availability of basic raw materials for extraction, particularly in areas adjacent to the coast, is enhanced by the containment of urban nodes and limitation on further rural residential development in proximity to the coastal margin. Protection and management of these resources should be in line with WAPC Statement of Planning Policy No 2.4 Basic Raw Materials.”

This basic raw material deposit is not expressly identified under the Strategy. However, this does not preclude the Shire from considering the proposal as the Local Planning Scheme No.9 (LPS 9) contemplates the ‘Extractive Industry’ land use in the General Rural zone.

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

The subject lot is zoned “General Rural (GR)” under LPS 9. The objectives of the GR zone are outlined below with officer comments given various submissions assert that the development does not in fact satisfy these objectives:

- a) *manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*

Officer comment:

The locality generally consists of rural land that has been predominantly cleared of vegetation to facilitate the grazing of livestock. Smaller lots are located closer to the Moore River which is situated to the west of Caraban Road, with larger landholdings present to the south. Land to the south-east is approved to be used as a solar facility and a restaurant/tourism-based land use is approved on land to the immediate west. The abovementioned approvals have not been commenced to date, however both remain valid.

Land immediately to the north is used for Agriculture Intensive (annual horticulture) purposes with an existing extractive industry (Caraban Limestone and Sand) operating further north along Caraban Road. Woodridge Estate, which is zoned ‘rural living’, is located to the east and used for low density residential purposes with properties typically being in the order of 2ha.

The character of the area therefore comprises an array of land uses (commercial and residential) of varying scales, within an area that has tourism-related opportunities given close proximity to the Moore River.

The officer is of the view that the development may not ‘enhance’ the character of the locality, but appropriately managed will maintain the existing character of the locality.



**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



- 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;*

Officer comment:

This objective is mainly relevant to the existing Agriculture Intensive (annual horticulture) development to the north. The relatively large separation distance (375m) and proposed vegetative buffer reduces the conflict that would otherwise potentially exist. The Agriculture Intensive (annual horticulture) development does co-exist with the existing extractive industry to the north. It is not uncommon to have land uses of this nature on adjoining sites, with a similar example evident on Sappers Road.

- 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*

Officer comment:

The State's primary environmental regulator, DWER, has not raised any potential environmental concerns. The distance to the Moore River is significant and no impacts on this watercourse are anticipated. The access driveway has been designed to avoid clearing of the existing tuart trees located on that portion of the property.

- d) provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.*

Officer comment:

This objective seeks to limit land uses (residential) within the GR zone that may prevent the zone from operating as intended (i.e. for primary and secondary agricultural pursuits). The proposed development does not seek to introduce a sensitive land use into the area and therefore is consistent with this objective.

An Extractive Industry is an "A" use within the General Rural zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions.

It should also be noted that an extractive industry is regulated under an Extractive Industry Licence (EIL) that is issued in accordance with the Shire of Gingin's *Extractive Industries Local Law 2004*, which sets out further operational requirements.



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



Setbacks

In accordance with 'Table 2 – Site Requirements' of LPS 9, all development shall be set back a minimum 20 metres from all lot boundaries. The proposed extraction area is set back from all lot boundaries adequately.

4.8.10 Extractive Industries

4.8.10.1 Local government may consider applications for extractive industries in the General Rural zone where the sites have not been identified within an SCA under clause 5.4.

4.8.10.2 In considering applications for extractive industries, local government will have regard for the zone objectives.

4.8.10.3 Local government will also consider the potential impact of the extractive industry in regard to surrounding land uses (both existing and future) and may apply conditions to manage the potential impacts, such as noise, dust, odour and amenity.

Comment:

The above provision outlines that resources not identified under the Strategy are still able to be utilised, subject to a planning assessment. The relevant considerations outlined under clause 4.8.10.3 above are duplicated under the Deemed Provisions.

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

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

(c) Any approved state planning policy;

(f) Any policy of the state;

Comment

Various state planning policies and guidance statements are applicable to the development assessment as referenced below:



**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



- State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4) (draft);
- Statement of Planning Policy No. 4.1 - State Industrial Buffer Policy (SPP 4.1);
- State Planning Policy 2.5 - Rural Planning (SPP 2.5);
- Guilderton to Kalbarri Sub-Regional Strategy (GKSRS); and
- Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No 3 (EPA Guidance Statement).

The officer notes that the planning framework duplicates relevant considerations. This section focuses on SPP 4.1 and the EPA Guidance Statement which subsequently addresses the other various policies.

The policy measures of SPP 4.1, set out in clause 5, seek to minimise land use conflict by requiring new industries to demonstrate if and how they intend to contain emissions onsite, and that they are located to provide and maintain an appropriate buffer between the proposed industrial uses and sensitive land uses.

SPP 4.1 confirms that proposals that satisfy recommended buffer distances in the EPA Guidance Statement are deemed to comply with the objectives of SPP 4.1. Clause 5.3 of SPP 4.1 establishes that technical analysis is required if a proponent seeks to reduce the buffer from those specified in the EPA Guidance Statement or where cumulative impacts may occur.

Appendix 1 of the EPA Guidance Statement provides the separation distances for 'Extractive Industries - Sand and Limestone' and outlines a buffer distance of between 300-500 metres depending on size and scale of the operation. This buffer excludes crushing/screening activities which are included as part of the development proposal and therefore the buffer distance is expanded to 1000 metres.

Sensitive land uses are defined as follows:

"... land uses applied to places where people live or regularly spend time and which are therefore sensitive to emissions from industry. They include residences, hospitals and nursing homes, short stay accommodation, schools, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial and institutional land uses which require high levels of amenity or are sensitive to particular emissions may also be considered sensitive land uses.

Based on the separation distance between the proposed development and surrounding land uses, technical studies have been provided by the applicant (acoustic report, dust management plan and traffic impact assessment) to demonstrate that the buffer distance provided is adequate.



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



(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 officer is of the view that the proposed land use is compatible within the rural environment, mainly due to rural land generally being large in area and best suited to provide adequate set back distances to adjoining properties and sensitive land uses.

Notwithstanding the above, an extractive industry would not be viewed as being compatible within the rural living environment which is set aside for low density residential purposes.

The relationship between the development and the surrounding land uses, particularly Woodridge Estate (given the separate zoning), is a point of contention. The officer is of the view, when considering the context of the development area in relation to the topography of the land, setbacks to sensitive receptors, the technical studies provided by the applicant and management measures capable of mitigating potential impacts, that the development is capable of co-existing within the locality.

Further effort can be made by the applicant to reduce the visual impact of the development on lots to the south and west by additional vegetation being planted.

(n) *The amenity of the locality including the following:*
(i) Environmental impacts of the development;
(ii) The character of the locality;

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".

Potential impacts on the amenity of the locality and more specifically on sensitive receptors in Woodridge are viewed as a key consideration. Amenity can be impacted by matters such as dust, noise and visual appearance, all of which are addressed separately below. The existing character and amenity of the locality has been outlined above in addressing the objectives of the zone.



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



Environmental Impacts

The development area is generally clear of remnant vegetation. The area is not identified as containing threatened and priority flora or fauna, or threatened and priority ecological communities. The development utilises an existing access track to avoid land clearing. The environmental impacts therefore appear to be minimal.

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 acoustic assessment report accompanying the application has been prepared to assess the potential noise emissions from the operation against allowable levels stipulated under the Noise Regulations. This report was undertaken by a qualified acoustic consultant and concludes as follows:

"Noise received at the nearest residential premises has been determined, to be 44 dB (A) for the limestone operations for the highest noise level at any stage of the operations. This can be compared to the applicable assigned noise level criteria of 45 dB (A).

The above assessable noise levels have been considered to contain tonal characteristics and therefore, contains a +5 dB (A) penalty.

Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the Environmental Protection (Noise) Regulations 1997 for the operating times as outlined in this assessment, even with the inclusion of a +5 dB(A) penalty for tonality."

The acoustic report therefore determines that the development is able to comply with the Noise Regulations.

The officer has suggested that a condition be imposed requiring a Noise Management Plan (NMP) to be submitted to the Shire and subsequently adhered to, that will also incorporate a complaints register. Appropriate signage is to be located at the perimeter gates identifying the contact details to submit any concerns or complaints that may arise, with such complaints and concerns to be assessed and resolved by the operator prior to referral to the Shire.



Dust

Developments of this nature typically operate subject to a Dust Management Plan (DMP) to avoid amenity impacts caused by airborne dust. The submitted DMP takes into account prevailing weather conditions and the proximity of the development in relation to sensitive receptors.

The proposed development has multiple sources that potentially generate dust, such as vehicle movements, material extraction, loading of materials and stockpiled material. The DMP proposes to use sprinklers throughout the site which are capable of being moved should additional dust suppression in certain areas be required. The plant equipment onsite includes a water truck with a 12kl capacity to wet down the vehicle manoeuvring and access areas.

The topography of the land does provide a natural bund to receptors located east of the pit, which is noteworthy given the prevailing winds and direction of Woodridge from the development area. This notwithstanding, given the potential impacts on amenity that dust may cause, ambient air quality monitoring on the eastern, northern and western boundaries of the subject land (adjacent to Woodridge and the intensive horticultural operation respectively) is suggested to determine the adequacy of the dust suppression measures.

The proposal to stockpile material up to 12 metres in height does not occur elsewhere in the Shire. General conditions on extractive industries restrict stockpiles to a height of 4.5 metres from natural ground level. Given the prevailing weather conditions and proximity to Woodridge, the officer is of the view that this should be reduced further to a height of 3 metres. This is to reduce the potential for wind-blown dust and also to lessen the visual prominence of the stockpiled material.

The officer notes that dust is capable of adversely impacting the amenity of neighbouring residents and that all extractive industries, by the nature of the operation, generate dust to some extent. If dust were to become an issue, it would potentially impact multiple sensitive receptors. The officer is therefore of the view, regardless of the suppression methods proposed within the DMP, that dust emanating from the property should be monitored. Furthermore, any approval should be time limited and any future approval extensions granted on the basis that monitoring in the interim period demonstrates that dust nuisances are not being created.

Visual Appearance

The topography of the subject land ranges from 10-12m AHD at the Caraban Road frontage to 45m AHD at the top of the limestone ridge. The extraction pit will largely be screened from view by vegetation adjacent to the northern and eastern property boundaries, however the topography and positioning of the pit face, being on the western side of the ridge, alleviates the visual appearance from Woodridge.



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



Views of the development when approaching the site from the north along Caraban Road will be restricted due to the existing Tuart trees, however the development will be visible from the southern portion of Caraban Road and Barragoon Road. Additional vegetation screening could be provided adjacent to these locations to further reduce the visual prominence of the development.

The applicant notes that these areas are less utilised than the northern portion of Caraban Road, however the pit life of 30 years (if approved for that duration) will likely see change to usage of this area should approved developments in the locality proceed. On that basis, the officer is of the view that additional screening is warranted to further reduce the visual impact the development may pose on the locality.

- (o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*

Comment

The Moore River is located ~ 820m west of the development area. The development is not anticipated to have any impact on the Moore River given this significant setback. Extraction will not intercept groundwater. As such, the natural environment and water resources are not anticipated to be adversely impacted by the development.

- (p) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

Comment

The applicant intends to install vegetation along the northern and eastern boundaries. The lodgement of a Landscaping Plan will ensure a sufficient vegetation buffer is installed and maintained to the Shire's satisfaction.

- (r) *The suitability of the land for the development taking into account the possible risk to human health or safety;*

Comment

Many submissions raised human health concerns in relation to exposure to silica dust. The relevant state agency to provide comment on matters of public health, being the Department of Health, has not raised any concern with respect to silica-related disease.

The officer has reviewed similar extractive industry assessments and notes that other local governments have acknowledged that no evidence exists to verify that silica-related diseases result from non-occupational exposure to respirable silica from extractive industries such as that proposed. This development does not seek to extract silica sand.



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



Exposure to the respirable fraction of silica generally needs to be continuous and for extended periods of time (e.g. employees working in an enclosed area where the airborne particles are unable to dissipate as readily) for it to present health risks.

The officer notes that a similar circumstance occurred in the Shire of Harvey, where the applicant in that case provided the following statement:

“Exposure to respirable crystalline silica can occur anywhere that fine particles of silica dust are present in the air. Everyone is exposed to very low levels of respirable crystalline silica dust on a day to day basis because this naturally occurring substance is so abundant. However, experience indicates that environmental exposure to silica dust (even for people living in the vicinity of quarries) are not sufficiently high to cause any disease (European Industrial Minerals Association, 2014).

Non-occupational exposure occurs naturally due to wind erosion. Farming, construction, and demolition activities also contribute to environmental exposure of crystalline silica. However, exposure to the respirable fraction of silica occurs mainly in industrial and occupational settings with continuous and extended periods of exposure (National Cancer Institute 2019). This is supported by a study in California regarding non-occupational exposure to respirable silica from sand quarries, whereby there were no reported cases of silica-related diseases (Bhagia 2012).”

Given the above, the officer is of the view that the proposed development is not considered to be a risk to human health or safety.

- (s) *The adequacy of -*
 - (i) *The proposed means of access to and egress from the site; and*
 - (ii) *Arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

Comment

The development will be serviced by a crossover from Caraban Road, with all traffic entering and departing the site travelling to and from the north via the intersection between Caraban Road and Indian Ocean Drive. The applicant has submitted a Traffic Impact Statement prepared by Transcore which outlines that the development will be operated by three staff in a single shift.



**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



In addition to staff/visitor movements by private passenger vehicles, extraction material will be transported from the site using heavy vehicles such as 19m semi-trailers and 27.5m B-Doubles. Caraban Road is classified as a RAV 4 road and as such carries heavy vehicle compositions of up to 27.5m in length.

The officer suggests that the proponent be required, via a condition, to enter into a deed of agreement with the Shire of Gingin for the upgrade of the intersection between Caraban Road and the crossover at their expense. The intersection works are to be to an asphalt standard.

(y) Any submissions received on the application;

(za) The comments or submissions received from any authority consulted under clause 66;

The officer has addressed the main concerns raised under the stakeholder consultation section above. The officer is of the view that the issues raised have been addressed by the technical studies and can be adequately addressed through conditions of approval.

The officer further notes that an assessment of an application cannot be determined on the mathematic ratio between those in support and those in opposition to the development. Determination must be made having regard to comments received in the context of the planning framework and methods proposed to ameliorate potential impacts.

Shire of Gingin - Extractive Industries Local Law 2004 (as amended)

The Local Law guides the formal licensing of extractive industries throughout the Shire to monitor ongoing operational aspects of the use. The officer is of the view that, once revised management plans have been submitted as per suggested conditions of approval, an EIL can be issued.

Management plans would generally include dust, staging, noise, rehabilitation and traffic management. These components can be conveniently captured in a single Site Management Plan (SMP) for ease of reference.

Summary

The officer is of the view that the subject land can accommodate the proposed extractive industry, provided that appropriate planning conditions and management plans are in place to ensure off site impacts can be controlled in a manner that won't adversely affect the amenity of the locality, and will uphold the objectives of the General Rural zone.



**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Planning Scheme No. 9
Shire of Gingin *Extractive Industries Local Law 2004 (as amended)*

POLICY IMPLICATIONS

State Planning Policy 2.4 – Basic Raw Materials
State Planning Policy 2.5 – Rural Planning
Guilderton to Kalbarri Sub - Regional Strategy.

Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 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	3.1.1 Support strategies that facilitate commercial development.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council grant Development Approval for an Extractive Industry on Lot M1332 Caraban Road, Caraban 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. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
3. This development approval is granted for a limited period and shall expire on 21 September 2031;
4. The approved extraction area is limited to 4 hectares as outlined on the approved plans;
5. The extraction depth is limited to a finished level of 36 metres AHD to the satisfaction of the Shire of Gingin. The extractive industry shall not at any time intercept the water table;
6. Prior to the commencement of the approved use, the landowner/operator is required to upgrade the existing crossover at their expense to the satisfaction of the Shire of Gingin. The landowner/operator shall maintain the crossover in a good condition thereafter to the satisfaction of the Shire of Gingin;
7. Prior to the commencement of site works, the landowner/operator shall enter into a Deed of Agreement for the upgrade on the intersection between Caraban Road and the internal access crossover to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the preparation of the Deed (including all drafts);
8. Prior to the commencement of the approved use, the works specified in the Deed of Agreement for the upgrade on the intersection between Caraban Road and the internal access crossover shall be undertaken at the expense of the landowner/operator to the satisfaction of the Shire of Gingin;
9. Prior to commencement of the approved use, a Site Management Plan (SMP) shall be submitted to and approved by the Shire of Gingin. The SMP is to be implemented and adhered to thereafter to the satisfaction of the Shire of Gingin;
10. Prior to commencement of the approved use, the landowner/operator shall install dust deposition gauges along the northern, eastern and western property boundaries to monitor ambient air quality including the presence of dust and silica particles. The monitoring data (including a summary of the results) is to be provided to the Shire annually as part of the Extractive Industry License renewal process, or within 28 days upon written request;
11. All traffic associated with the approved use is to access the site from the north via Caraban Road. Vehicles associated with the approved use are prohibited from using the internal access roads of Woodridge Estate.

12. Prior to commencement of the approved use, the landowner/operator shall demonstrate to the satisfaction of the Shire of Gingin that an adequate water supply has been secured to service the development;
13. Prior to commencement of site works, a Landscaping Plan (LP) is to be submitted to and approved by the Shire of Gingin. The LP is to provide screening along a portion of the northern, eastern, western and southern frontages to mitigate visual prominence of the development;
14. Prior to commencement of the approved use, the Landscaping Plan is to be installed and thereafter maintained to the satisfaction of the Shire of Gingin;
15. Prior to commencement of the approved use, a Rehabilitation Bond in the amount of \$7,664 is to be paid to the Shire of Gingin;
16. Materials associated with the approved development are to be stockpiled within the development area and limited to a height of 4 metres from natural ground level;
17. The transportable building (office) shall not be used for human habitation and external cladding shall be kept in good condition to the satisfaction of the Shire of Gingin;
18. The approved development can only operate during the following times:

Monday – Friday: 7:00am – 6:00pm.
Saturday: 7:00am to 5:00pm.
No activities shall occur on public holidays.
19. Truck loading activities shall cease at 12:00pm on Saturday, with only loader operations permitted between 12:00pm and 5:00pm.

Advice Notes:

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: In relation to the lodgment of a Site Management Plan, the Plan is, at a minimum, to outline the following:



- a. Rehabilitation Plan – Proposed contouring and rehabilitation works during and at the conclusion of the extraction stages are to be specified. This is to also include decommissioning works should the extraction pit/approved development be mothballed for a period of 12 months or longer and/or decommissioned.
 - b. Dust Management Plan shall incorporate the following:
 - (i) Dust suppression methods for access ways, trafficked areas and stockpiles are to be outlined.
 - (ii) The inclusion of a complaints register system specified.
 - (iii) The inclusion of ambient air quality monitoring of the northern, eastern and western lot boundaries.
 - (iv) In the event that dust is disseminating beyond the property boundary as a result of the development being undertaken, the activity shall cease forthwith until such time as either favorable weather conditions enable the activity to recommence, or dust suppression measures are implemented to the satisfaction of the Shire of Gingin.
 - c. Staging Plan – The Staging Plan is to outline the staging of the extraction works within the approved area.
 - d. Weed and Disease Management - Detail the management of grasses, weeds and disease nuisances within the development area.
 - e. Stormwater Management – This is to demonstrate that the development is able to manage stormwater onsite and that the extraction pit is able to drain adequately.
 - f. Traffic Management Strategy – This is to detail the route traffic will utilise to avoid the local road network within Woodridge Estate.
 - g. Noise Management – This is to formalise the acoustic report findings and provide a commitment to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 4: The development requires an Extractive Industry License to be issued by the Shire of Gingin prior to extraction occurring and which will be subject to periodical renewal in accordance with the Shire's *Extractive Industries Local Law 2004 (as amended)*.
- Note 5: Please be advised that the Shire of Gingin will not issue an Extractive Industry Licence should the annual (or as required) survey plan be inconsistent with the approved plans or accompanying documentation forming part of this approval, or if rehabilitation works are incomplete.

**MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021**



- Note 6: Once rehabilitation works have been finalised, the landowner/operator may apply to the Shire of Gingin for the rehabilitation bond to be returned.
- Note 7: Backfilling of the excavation pits with landfill is prohibited.
- Note 8: In relation to the Deed of Agreement, the Shire is of the view that the intersection between Caraban Road and the access crossover is to be to an asphalt standard.
- Note 9: In relation to the installation of a crossover, please be advised that the Crossover Specification Type B outlined within the Shire's Crossover Specification Drawing Number SoG/STD-04 dated January 2021 is applicable.
- Note 10: In relation to the upgrade of a new crossover, please note that a crossover application form is to be submitted to the Shire's Operations and Assets Department. The application form can be found on the Shire's website at the following link: <https://www.gingn.wa.gov.au/services/operations.aspx>.
- Note 11: Please be advised that clearing of native vegetation is prohibited in Western Australia, unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- Note 12: Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application.
- Note 13: If any interception of groundwater occurs, work shall cease and an advice notice provided to the Department of Water and Environmental Regulation within 48 hours, followed by agreed remedial action.
- Note 14: The proponent is reminded of obligations under the *Aboriginal Heritage Act 1972* in relation to the discovery of unknown heritage places during excavations.

LAPSED FOR WANT OF A MOVER



MINUTES
ORDINARY COUNCIL MEETING
21 SEPTEMBER 2021



ALTERNATIVE MOTION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council refuse the proposed Extractive Industry on Lot M1332 Caraban Road, Caraban, in accordance with clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The proposed development is inconsistent with the recommended separation distance to sensitive receptors as outlined under the 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3';
2. The proposed development is not compatible with development on surrounding land or the locality in general, and is not consistent with the desired future character of the locality, contrary to Clause 67 (m) (i) (ii) of the deemed provisions;
3. The proposal will adversely affect the amenity and character of the locality by way of noise, dust, increased traffic and visual appearance contrary to Clause 67 (n) (ii) and (t) of the deemed provisions;
4. Insufficient information has been provided to demonstrate that the proposed development would not cause possible risk to human health by way of silica dust emissions contrary to clause 67 (r) of the deemed provisions;
5. Insufficient information has been provided to demonstrate that the vegetation onsite is not used as roost areas or nesting sites for the Carnaby's Black Cockatoo;
6. The proposed development is inconsistent with clause 67 (x) of the deemed provisions as it will have an adverse impact on the community as a whole which is demonstrated by the significant number of adverse submissions received during stakeholder consultation.

CARRIED UNANIMOUSLY
6 / 0

FOR: *Councillor Fewster, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

REASON FOR ALTERNATIVE MOTION

As set out in the Alternative Motion.

Councillor Rule returned to the meeting at 3.42pm and was advised of Council's decision.



14 REPORTS - OPERATIONS AND ASSETS

14.1 AMENDMENT TO VERGE POLICY - 7.4 ROAD VERGE DEVELOPMENT CRITERIA - URBAN AREAS

File	RDS/38
Author	Danica Todd – Operations Support Officer
Reporting Officer	Vanessa Crispe - Executive Manager Operations and Assets
Refer	7.4 Road Verge Policy Development Criteria
Appendices	1. Verge Policy (3) [14.1.1 - 5 pages]

DISCLOSURES OF INTEREST

Councillor R Kestel disclosed a Proximity Interest in Item 14.1 as he intends to develop the verge area in front of his property as an edible garden and left the meeting at 3:52 pm.

PURPOSE

To consider amending Council's Policy 7.4 Road Verge Development Criteria – Urban Areas.

BACKGROUND

There is no legislative requirement for local governments to put policies in place, although s. 2.7 of the *Local Government Act 1995* identifies determination of the local government's policies as part of the role of Council.

Policies are documents designed to provide guidance to staff and Elected Members on what is to be considered when dealing with certain matters. They form the discretionary part of a local government's decision making, or the component that allows Council to make policy level decisions; implementation and day-to-day delivery is carried out by staff.

The Shire of Gingin's current Policy 7.4 Road Verge Development Criteria – Urban Areas was adopted in November 2011 with a review being done in April 2011 and states as follows:

The Shire of Gingin's policy is to encourage and support the development of road verges in urban areas, either maintained grass style or dry garden style or a mixture of both.

The preferred style is the fully grassed option with irrigation and up to two trees/20m of frontage. Any irrigation system is to be installed and operated to avoid nuisance to the public. All pipes are to be installed at a minimum depth of 400mm and pop-up type sprinkler equipment is preferred.

The trees shall not be planted on the 3.5 m offset so as to avoid electrical power lines and all other services. No trees are to be planted within 15m of street corners or within 7m of crossovers.

Subject to keeping the verge clear for the first 2.5m width from kerb or seal a dry garden style of small vegetation, shrubs and ground covers may be established, however, no large rocks or non frangible items can be placed on the road reserve. Weed control using plastic sheeting with aggregate, tan bark, pine chips, pea gravel overlay is acceptable.

Any improvements placed or constructed on the verge is placed there at the risk of the property owner. The Shire will endeavour to preserve the layout, but no guarantee can be given.

No assistance can be given by the Shire of Gingin for development, ongoing operation or maintenance costs.

The levels of new verge areas shall be compatible with properties on either side and shall slope toward the kerb at a 1 in 40 grade approximately or the property line level should be 150mm above the top of the kerb. Where the Shire has designated one side of the road for a future footpath or dual use path levels are to be provided by Shire staff.

**ADOPTED: COUNCIL 18 MAY 1995
REVIEWED: 19 APRIL 2011**

The policy supports Division 3 – Verge Treatments of the Shire's Activities in Thoroughfares and Public Places and Trading Local Law.

Shire staff often receive numerous phone calls in relation to road verges and what is permissible within our Shire. The current policy does not provide a great deal of detail in respect to permissible verge treatments, and in addition only applies to urban areas.

Further to this property owners have taken it upon themselves to plant, irrigate and install materials that are not acceptable on Shire verges. Some of these include property owners making their own No Spray signs from recycled materials, placing them on the verge and allowing the verge to become overgrown and unsightly.

COMMENT

Under Section 55(1) of *the Land Administration Act 1997*, the land comprising a road is the absolute property of the Crown and, subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district in which a road is situated has the care, control and management of the road. This care, control and management includes not only the road, drainage, footpaths and supporting infrastructure but also the naturally occurring vegetation contained within.

Shire staff feel that Policy 7.4 Road Verge Development Criteria – Urban Areas lacks information to be supplied to property owners surrounding their verges. Expansion of the Policy will provide staff with clarity when giving information on verges. It will also allow staff to undertake any urgent verge maintenance works such as slashing/spraying on properties should the need arise if the verge has been left unattended.

In view of the above, it is suggested that Council give consideration to amending Policy 7.4 Road Verge Development Criteria – Urban Areas.

It is prudent that Council note that the No Spray signs, at present, are at no cost to the landowner. Staff feel that these charges should be included in the fees and charges and a cost borne to the applicant. Should Council agree to this, Staff will need to amend the fees and charges to reflect this fee.

The draft Policy is provided for Council's consideration as **Appendix 14.1.1**

Staff have removed the reference to 'Urban Areas' from the Policy so that it clearly relates to all areas within the Shire of Gingin.

STATUTORY/LOCAL LAW IMPLICATIONS

Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004
Division 3 Verge treatments

Local Government Act 1995–

Part 2 Constitution of local government

Division 2 Local governments and councils of local governments

S.2.7 Role of Council

Part 6 Financial management

Division 5 Financing local government activities

Subdivision 2 Fees and charges

POLICY IMPLICATIONS

In the event that Council is supportive of the Officer's recommendation, the adopted Policy will be incorporated into Council's publicly available Policy Manual.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Sorensen

That Council:

1. Adopt amended Policy 7.4 Road Verge Development Criteria as shown at Appendix 14.1.1; and
2. Agree to include in the Shire's 2022/23 Schedule of Fees and Charges a fee of \$50.00 for the supply and installation of No Spray signs.

**CARRIED BY ABSOLUTE MAJORITY
5 / 0**

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

AGAINST: *Nil*

Councillor R Kestel returned to the meeting at 3:57 pm and was advised of Council's decision.



POLICY MANUAL

POLICY 7.4 MANAGEMENT OF VERGES

OBJECTIVE

This Policy is intended to ensure the management of verges within the Shire of Gingin.

POLICY

Scope

The verge is the area of land between the kerb and the property boundary. The purpose of the verge is to provide an area where public utilities/services such as power, gas and telecommunications can be located. The verge is also a public open space recognised and valued for its street trees and streetscape environment.

Officers, residents/owners, builders, developers, contractors, representatives and event organisers are all required to comply with this Policy.

Policy Statement

1. The Shire is responsible for public safety in the road reserve and has authority to instruct the adjacent property owner to make the verge safe.
2. Property owners are responsible for the care and maintenance of the verge adjacent to their property.
3. Pedestrians have right of access to the verge.
4. Public Utilities, such as Telstra, NBN, Water Corporation, Alinta and Western Power require access to their services in the verge area. If they need to repair their services, then they are not legally required to reinstate the verge development to their original condition. As a minimum, verges will be levelled.
5. Rural roads: Shire will undertake verge slashing/maintenance minimum of two point five (2.5) metres and up to five (5) metres on either side of the road.

The Shire is committed to creating a visually appealing, safe and sustainable environment. The Shire appreciates the contribution that residents make regarding the landscaping and maintenance of verges adjacent to their properties. The Shire is of the view that property owners should take responsibility for the landscaping, irrigation and maintenance of street verges adjacent to their property.

No Spray Sign

Property owners may apply for a No Spray Sign to be installed on their verge, subject to the following conditions:

1. Signs purchased at the applicants cost as per the Shire's fees and charges schedule.
2. Signs to be installed by the Shire of Gingin.
3. The property owner giving a commitment to maintaining their verges and keep them free of noxious weeds.
4. The property owner agreeing to keep the area free of hazards and nuisances. Failure to comply may result in removal of the treatment by the Shire at the property owner's expense.

Shrubs and Groundcovers

1. Subject to keeping the verge clear for the first 3.5m width from kerb or seal a dry garden style of small vegetation, shrubs and ground covers (to a height of 40cm including mulch)
2. Groundcovers or shrubs shall be planted greater than 2m away from a path, driveway, public utilities or any other structural element within the verge.
3. Local native plant species that require minimal water, fertiliser and on-going maintenance are preferred.
4. Whenever possible, planting, even with irrigation, should be undertaken during the months May to September.
5. All plantings should be mulched to reduce water evaporation.
6. Property owners are to be mindful of plants that may be poisonous and toxic.

Grass

1. Pennisetum clandestinum (kikuyu) is recommended for its drought tolerance.

Organic Mulch

1. Mulch shall be placed to a minimum recommended settled depth of 75mm.
2. Suitable mulch includes pinebark, shredded green waste older than 15 months or similar. To reduce the risk of spreading Phytophthora Dieback, mulch should be sourced from reputable suppliers.
3. Peat moss should not be used in any mulch application.

Irrigation

1. Dial 1100 for Dial before You Dig or go online prior to any works commencing on site.
2. Waterwise design principles must be incorporated into irrigation designs for planted and grassed areas.
3. Water usage shall be in accordance with Department of Water legislation, with respect to watering times and hours.
4. Where in-ground irrigation is installed to grassed areas, no part is to protrude above ground level except for pop-up sprinklers during operation.
5. The location and type of spray outlets must be selected to avoid water spray onto roads, crossovers, paths and other paved areas.
6. Irrigation controllers and valves shall be installed within the private property boundary.
7. The Shire of Gingin takes no responsibility for any damaged irrigation.

Other Permissible Verge Treatments

The use of hardstand treatments other than for paths and crossovers is not normally encouraged within the Shire for safety, drainage, environmental and aesthetic reasons. The following treatments are allowed but require written permission from the Shire:

1. Paving;
2. Synthetic Turf; and
3. Compact aggregate – ferrocete, cracker dust or road base.

For these treatments to be considered on any portion of the verge, an Application to Alter Verge Form must be submitted to the Shire. If you are considering installing a vehicle crossover, refer to the Crossover information and Specification for the Construction of Vehicle Crossovers.

Paving, Synthetic Turf and Compact Aggregate

The Applicant is responsible for:

1. Installing the paving, synthetic turf or compact aggregate as per the detailed plan submitted with the Application to Alter Verge Form and approved by the Shire.
2. Maintaining the paving, synthetic turf or compact aggregate in a safe and sound condition.
3. Reinstating the paving, synthetic turf or compact aggregate at the Applicant's cost in the event that any Shire or government utilities have reason to disturb the synthetic turf to work on their infrastructure.
4. Paving, synthetic turf or compact aggregate must be installed with the finished levels, where possible, collecting the water and where possible, directing water flow into the tree well(s) or garden beds.

What isn't allowed on the Verge?

Verges provide a buffer between the road and private property where essential services and public infrastructure may be located. As access to these services may be required some hardstand treatments are not permissible in the Shire of Gingin.

The following cannot be installed on the verge:

- Nuisance trees (anything with thorns);
- Asphalt;
- Bitumen;
- Concrete;
- Edible gardens (health and biosecurity reasons);
- All structures including walls, planter boxes and seats;
- Loose aggregate – pea gravel, blue metal, crushed brick or stone aggregate;
- Large rocks; and
- Water features.

Weed Control

The *Shire of Gingin's Pest Plant Local Law 2015* places an additional requirement on Shire of Gingin landholders to control further pest plants identified in the First Schedule of this Local Law.

In addition to the Shire's obligations to also control the above Declared Plants and Pest Plants on Shire managed land, the Shire will conduct annual roadside verge management activities addressing weeds and vegetation within the road shoulder, drains and batters (generally covering 3-5m from the trafficable edge or the road).

Verge development approval process

All proposals for landscape treatment of the verge require approval from the Shire of Gingin. In order for applications to install landscape treatments on the verge to be assessed, property owners are required to submit in writing, an outline of the landscape proposal which includes a diagram to illustrate the proposed work including plant species and the layout of any proposed reticulation system(s).

The Shire will then inspect the location and notify the owner in writing whether the Shire supports or does not support the proposed landscape development.

On completion of any approved works an inspection will be undertaken by the Shire. Where works are not carried out in accordance with approvals, the applicant will be required to address any instances of non-compliance at their cost.

The Shire will maintain a register of applications and approved verge treatments.

Non-compliant verges

The Shire of Gingin reserves the right to remove any verge treatment without liability for compensation.

GOVERNANCE REFERENCES

Statutory Compliance	Nil
Industry Compliance	Nil
Organisational Compliance	Shire of Gingin - Activities in Thoroughfares and Public Place and Trading Local Law (2004) - Div 3 Verge Treatments

POLICY ADMINISTRATION

Review Cycle	2 years	Next Review	2024
Department	Operations & Assets		

Version	Decision Reference	Synopsis

14.2 TREES ON SHIRE CONTROLLED LAND

File	RDS/38
Author	Danica Todd – Operations Support Officer
Reporting Officer	Vanessa Crispe - Executive Manager Operations and Assets
Refer	Nil
Appendices	1. Trees on Shire controlled land (2) [14.2.1 - 4 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider adopting a new policy dealing with trees on Shire controlled land.

BACKGROUND

There is no legislative requirement for local governments to put policies in place, although s. 2.7 of the *Local Government Act 1995* identifies determination of the local government's policies as part of the role of Council.

Policies are documents designed to provide guidance to staff and Elected Members on what is to be considered when dealing with certain matters. They form the discretionary part of a local government's decision making, or the component that allows Council to make policy level decisions; implementation and day-to-day delivery is carried out by staff.

The Shire of Gingin does not currently have a policy in place for trees located on Shire-controlled land. Staff often receive requests from property owners to remove trees for various reasons, with some of the most common being to access a view, to assist with a property subdivision and/or because the tree is too large and messy.

There have been situations where the tree trunk has been on both the verge and the landowner's property, which has caused some confusion with boundaries and whose responsibility it is. This has been addressed in the draft policy, which states that a Shire tree includes any tree which has a majority equal to, or greater than 50% of its trunk growing from Shire-managed land.

The unnecessary removal of trees now poses a large cost to the Shire; however, without a policy, it is hard for staff to control the issue. Adoption of a policy by Council will give guidance and clear instructions to both the public and staff.

COMMENT

Under Section 55(1) of *the Land Administration Act 1997*, the land comprising a road is the absolute property of the Crown and, subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road. This care, control and management includes not only the road, drainage, footpaths and supporting infrastructure but also the naturally occurring vegetation contained within.

The draft policy has been prepared in response to increasing requests from the public in relation to the removal and replacement of trees and is submitted for Council's consideration as **Appendix 14.2.1**

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 2 Constitution of local government

Division 2 Local governments and councils of local governments

S.2.7 Role of Council

POLICY IMPLICATIONS

In the event that Council is supportive of the Officer's recommendation, the adopted Policy will be incorporated into Council's publicly available Policy Manual.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Sorensen

SECONDED: Councillor Balcombe

That Council adopt the proposed new Policy – Trees on Shire Controlled Land as shown at Appendix 14.2.1.

CARRIED UNANIMOUSLY

6 / 0

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

AGAINST: *Nil*



POLICY MANUAL

POLICY – TREES ON SHIRE CONTROLLED LAND

OBJECTIVE

The objectives of this Policy are to:

- Provide guidance on the care, control, management, protection and preservation of trees on Shire controlled land (Trees)
- To define the circumstances under which the Trees may be removed or pruned.

POLICY

Scope

The Policy applies to all Trees where 50% or more of the trunk is located on land owned or managed by the Shire of Gingin.

Council officers, residents/owners, builders, developers, contractors, representatives and event organisers are all required to comply with this Policy.

POLICY STATEMENT

The Shire of Gingin recognises the significance of Trees within the urban setting in terms of creating functional and aesthetic streetscapes and has the responsibility for the planning, establishment, care, control and maintenance.

Tree Pruning under Power lines

The Shire (or its contractor) shall undertake the pruning of Trees affected by power lines on a programmed basis. Programmed pruning shall include Trees on the side of the street affected by overhead power lines as well as Trees affected by electrical feeder lines to individual properties on the opposite side of the street. Programmed pruning shall not normally include Trees on the opposite side of the street to power lines.

Programmed pruning is to be planned each year on an as needs basis. Pruning may also be undertaken earlier dependent on Western Power notification. Programmed pruning shall address at least one of the following requirements:

- Clear the canopy from interference with overhead power lines and other essential services;
- Remove overhanging branches considered hazardous to traffic, buildings or structures;
- Under-prune low growing branches considered hazardous to traffic or pedestrians;
- Form the shape of developing Trees;
- Re-define the frame work of mature Trees;
- Rejuvenate vigour from undesired growth;

- Reduce crown density or redistribute growth to lateral branches; or
- Remove dead, dying, diseased or pest infested limbs and branches.

Tree Pruning where Unaffected by Power lines

The Shire shall thin the crown, under prune, property line prune (upon request) and remedial prune selected Trees unaffected by power lines, this pruning will be undertaken in the interests of:

- Public safety;
- Reducing structural risk to the Tree; or
- Removing growth abnormality or disease from the tree.

Requests from the public for the pruning of Trees not located under power lines to reduce their height (therefore reducing leaf/fruit drop or improving light penetration), shall be made in writing to the Shire. Requests will be assessed in consideration of the following criteria:

- Species of Tree;
- Location;
- Reasons highlighted by Resident;
- Health and condition of Tree;
- Value of Tree in overall streetscape; and
- Potential for significant nuisance or damage to property.

Where residents/occupants contact the Shire with a request to prune a Tree unaffected by power lines, the following procedures will be implemented:

- The Tree will be physically inspected by the Shire. An inspection report will be completed, containing relevant statistical details;
- The resident/occupier will be advised of the Shire's decision concerning their request; and
- In the event of a specific issue relating to pruning of Trees unaffected by power lines not being adequately covered by this policy/procedure, the matter will be referred to Council for consideration and determination.

Trees will not be pruned to improve visibility for advertising signs or in order to provide or restore views from private property.

Chipping and recycling of Tree prunings is the preferred method of disposal.

Tree Removal

The Shire will normally undertake the removal of Trees under the following circumstances:

- The Tree is diseased and beyond remedial treatment, or dead;
- The Tree has been assessed by the Shire as being structurally weak and/or dangerous, placing the public at risk or jeopardising safety;
- The Tree has been irreparably damaged (e.g. by a storm, vehicle accident);
- The Tree is hazardous to motorists/pedestrians owing to interference with suitable sightlines presented by the Tree's alignment or spacing;
- To rejuvenate vigorous growth;

- The Tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the Tree have been deemed by the Shire to be inappropriate;
- The Tree is dangerously in contact with overhead power lines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping; or
- The Tree precludes reasonable development of an adjoining property and there is no reasonable alternative to removal

Circumstances where Trees will NOT be removed

The following are not considered sufficient reasons for the removal of Trees:

- The Tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
- The Tree variety is disliked;
- The Tree attracts birdlife or other fauna;
- The Tree shape or structure is not liked;
- The Tree variety causes nuisance by way of leaf, fruit and/or bark shedding or the like;
- The Tree causes allergies;
- The Tree is in the way of a non-essential crossover or verge paving option;
- The Tree shades private gardens, lawns, solar panels, solar hot water system etc;
- The Tree litter (leaf, twigs) is blowing into gutters; or
- Unsubstantiated 'potential' damage if the Tree fails or from growth.

Unauthorised or Inappropriate Tree Planting

An unauthorised Tree planting shall constitute any one of the following taking place on land under the control of the Shire of Gingin.

- A Tree planted without written approval of the Shire; or
- A Tree planted under power lines.

Where an unauthorised Tree planting is identified, the Shire shall determine whether the planting can be retained.

Where the planting is recent, and the Tree is considered appropriate but is on the wrong alignment or spacing, the Shire shall liaise with the resident/landowner in regards to relocating the Tree, if deemed suitable, at the cost to the resident, occupant and or developer as long as the species lends itself to transplanting.

Where the planting is recent, and the Tree is not considered appropriate the relevant resident/occupant shall be given the option of relocating the Tree to private property prior to the Shire considering its removal and/or replacement.

Where the planting is established, and the variety is not considered to be appropriate for transplanting, Tree removal shall apply at a cost to the resident, occupant and or developer.

Existing Trees adjacent to a Development

Where a new or altered crossover or driveway is proposed such that it will require the removal of a Tree or be located within 1.0 metre of an existing Tree, the Shire or nominee shall also assess the Tree to determine whether it is likely to be adversely affected as a result of the proposed development or whether it can be removed.

If removal is not approved, the Shire shall advise the applicant, in writing, that retention of the Tree is required and that the development access must be redesigned. If removal of the Tree is approved, the Shire shall advise the applicant that the Tree will be removed by the Shire at the applicant's expense.

Crossovers shall be located a minimum of 1.0 metre from a Tree. Reduction to 0.5 metre may be considered, depending on availability of alternatives, Tree species and location, sight lines and traffic safety.

Should an existing Tree be damaged as a result of development works, the applicant/builder shall reimburse the Shire for any arboriculture works required to ensure its survival. The extent/cost of this work shall be determined by the Shire.

Where an existing Tree is pruned/removed without authorisation, legal action may be taken at the discretion of the Shire.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the Shire's Operations & Assets Department in the first instance. In the event that an agreement cannot be reached, the matter will be referred to the Chief Executive Officer for adjudication.

GOVERNANCE REFERENCES

Statutory Compliance	Nil
Industry Compliance	Nil
Organisational Compliance	Nil

POLICY ADMINISTRATION

Review Cycle	2 years	Next Review	2024
Department	Operations & Assets		

Version	Decision Reference	Synopsis

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

Nil

17 NEW BUSINESS OF AN URGENT NATURE

Nil

18 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

COUNCIL RESOLUTION

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

That Council move into a Confidential Session to discuss Item 18.1.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

The meeting was closed to the public and all members of the public and Press present in the Gallery left Council Chambers at 3:59 pm.

18.1 GUILDERTON FORESHORE WORKING GROUP - APPOINTMENT OF COMMUNITY REPRESENTATIVES

This matter was included in the Agenda as Item 11.3. See page 20.

File	GOV/33
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer Bob Kelly - Executive Manager Regulatory and Development Services
Refer	19 July 2022 - Item 11.4
Appendices	Working Group Terms of Reference [11.3.1 - 3 pages]

VOTING REQUIREMENTS - SIMPLE MAJORITY

SUBSTANTIVE MOTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe SECONDED: Councillor Vis

That Council appoint the following nominees as community representatives on the Guilderton Foreshore Development Working Group:

1.
2.
3.

AMENDMENT MOTION

MOVED: Councillor Balcombe SECONDED: Councillor Sorensen

That Council amend the motion by:

1. Adding Part 1 as follows:
 1. Amend the Terms of Reference in Membership Part 1 by deleting "three community representatives" and replacing with "up to five community representatives"; and
 2. Renumbering the existing text as Part 2 and making provision for two additional appointments.

CARRIED UNANIMOUSLY
6 / 0

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

AGAINST: *Nil*

The substantive motion was amended in accordance with the amendment motion and was put to the vote.

COUNCIL RESOLUTION

MOVED: Councillor Balcombe

SECONDED: Councillor Vis

That Council:

1. Amend the Terms of Reference in Membership Part 1 by deleting "three community representatives" and replacing with "up to five community representatives"; and
- 2 Appoint the following nominees as community representatives on the Guilderton Foreshore Development Working Group:
 - a. Dean Brady
 - b. Rona Chiera
 - c. Joel Collins
 - d. Bob Johnson
 - e. John Punch

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

Reason for Amendment

Council was of the view that each of the nominees offered different individual skills and attributes that would be of benefit to the Working Group.

COUNCIL RESOLUTION

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

That the meeting be re-opened to the public.

**CARRIED UNANIMOUSLY
6 / 0**

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

AGAINST: *Nil*

The meeting re-opened to the public at 4:05 pm. One member of the public returned to the Gallery and was advised of Council's decision.

19 CLOSURE

There being no further business, the Acting Shire President declared the meeting closed at 4:06 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 20 September 2022, commencing at 1:00 pm.