



MINUTES

ORDINARY MEETING

OF COUNCIL

21 AUGUST 2018



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FOR
ORDINARY MEETING OF
COUNCIL
HELD ON 21 AUGUST 2018**

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SHIRE OF GINGIN

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 21 AUGUST 2018 AT 3.00 PM

DISCLAIMER

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

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

ORDER OF BUSINESS

1. DECLARATION OF OPENING

The Shire President declared the meeting open at 3.00 pm and welcomed those in attendance.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

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

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

Gallery - There was one member of the public in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3. DISCLOSURES OF INTEREST

3.1 Councillor Fewster Item 11.2.1 Community Sport and Recreation Facility Fund (CSRFF) 2018/19 Small Grants Funding Round Grant applications – Main Power Supply to Gingin Equestrian Grounds

Councillor Fewster declared a financial interest in this item due to the fact that he has financial dealings with the Gingin Campdraft Club and Gingin Cutting Club.

3.2 Executive Manager Operations-Construction, Allister Butcher Item 11.2.1 Community Sport and Recreation Facility Fund (CSRFF) 2018/19 Small Grants Funding Round Grant applications – Main Power Supply to Gingin Equestrian Grounds

Mr Butcher declared an impartiality interest in this item due to the fact that he is a committee member of the Gingin Campdraft Club.

3.3 Councillor Rule Item 11.3.3 Application for Development Approval – Proposed addition to existing Transport Depot (Outbuilding) on Lot 11 (33) Weld Street, Gingin

Councillor Rule declared a financial interest in this item due to the fact that he is the owner and operator of the business on Lot 11 (33) Weld Street, Gingin.

3.4 Chief Executive Officer, Aaron Cook Item 15.3 Chief Executive Officer probationary period closure

Mr Cook declared a financial interest in this item due to the fact that it relates to his employment by the Shire of Gingin.

4. PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 PETITIONS

Nil

5.2 DEPUTATIONS

Nil

5.3 PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

RECOMMENDATION

It is recommended that Council grant Leave of Absence to Councillor Elgin for the Ordinary Council Meeting on 20 November 2018.

RESOLUTION

Moved Councillor Peczka, seconded Councillor Johnson that Council grant Leave of Absence to Councillor Elgin for the Ordinary Council Meeting on 20 November 2018.

CARRIED UNANIMOUSLY

7. CONFIRMATION OF MINUTES

RECOMMENDATION

It is recommended that:

1. The Minutes of the Special Meeting of Council held on 17 July 2018 be confirmed; and
2. The Minutes of the Ordinary Meeting of Council held on 17 July 2018 be confirmed.

RESOLUTION

Moved Councillor Elgin, seconded Councillor Peczka that:

1. **The Minutes of the Special Meeting of Council held on 17 July 2018 be confirmed; and**
2. **The Minutes of the Ordinary Meeting of Council held on 17 July 2018 be confirmed.**

CARRIED UNANIMOUSLY

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

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

Nil

11. REPORTS

11.1. OFFICE OF THE CEO

11.1.1 CLOSURE OF SHIRE OFFICES 2018/19 CHRISTMAS/NEW YEAR PERIOD

FILE: CSV/35
REPORTING OFFICER: AARON COOK – CHIEF EXECUTIVE OFFICER
REPORT DATE: 21 AUGUST 2018
REFER: 16 OCTOBER 2012 **ITEM 11.2.2**

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider closing the Shire's Gingin Administration Centre and Lancelin Office on 24 December 2018 (Christmas Eve).

BACKGROUND

As Councillors would be aware, the Shire's offices have been closed between the Christmas and New Year public holidays since 2011, and in 2012 a resolution was passed for this practice to continue.

However, in 2018 Christmas Eve falls on a Monday and as such presents somewhat of an anomaly. Given that the Shire's offices will be closed from Tuesday, 25 December 2018 to Tuesday, 1 January 2019 (inclusive), it is anticipated that many staff members will be seeking to take leave on Monday, 24 December as well. With this in mind, Council's approval is sought to add Monday, 24 December 2018 to the period that the Gingin Administration Centre and the Lancelin Office will be closed.

COMMENT

This year it is requested that both offices be closed from the close of business on Friday, 21 December 2018, reopening on Tuesday, 2 January 2019.

This will mean a total closure period of seven working days with a skeleton crew recommencing on Wednesday, 2 January 2019. The skeleton crew will be in place to respond to issues that may arise and perform some set duties that are required.

Council's approval for the additional day of closure will result in all staff being required to apply for three days leave during this period. This leave, although disruptive, is only one additional day to Council's existing resolution in this matter and assists in a small way in reducing the level of staff leave liability.

Should Council wish to continue to have the office open on 24 December, then it is expected that many staff will apply for the day as leave which will result in skeleton staff numbers being available to the public.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council agree to close the Shire's Gingin Administration Centre and Lancelin Office for the period Monday, 24 December 2018 to Tuesday, 1 January 2019 (inclusive).

RESOLUTION

Moved Councillor Johnson, seconded Councillor Court that Council agree to close the Shire's Gingin Administration Centre and Lancelin Office for the period Monday, 24 December 2018 to Tuesday, 1 January 2019 (inclusive).

CARRIED UNANIMOUSLY

11.1.2 UNBUDGETED EXPENDITURE - PROPOSED LEDGE POINT MARINA MONITORING CAMERA

LOCATION:	LEDGE POINT	
FILE:	RES/12-1	
REPORTING OFFICER:	AARON COOK – CHIEF EXECUTIVE OFFICER	
REPORT DATE:	21 AUGUST 2018	
REFER:	15 NOVEMBER 2016	ITEM 14.1
	21 NOVEMBER 2017	ITEM 11.1.3
	19 JUNE 2018	ITEM 11.2.2

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider amending the 2018/19 adopted Budget to fund the installation of a beach monitoring camera to assist in the understanding of wrack dynamics at the site of the proposed Ledge Point Boat Marina.

BACKGROUND

Council has previously received funding under the Recreational Boating Facility Scheme (RBFS) to undertake studies with respect to the potential development of a boat launching facility in Ledge Point. The Consultants have now advised that the information obtained by installing this camera will assist in securing the environmental approvals required for the project and has been requested by the Department of Transport (Marine) as part of the Stage 1 and 2 reports being prepared for the site.

It is noted that this requirement is required to be funded outside of the current funding agreement and, as such, is an out of budget expense.

COMMENT

This matter is presented for Council to consider funding the installation of a camera in Ledge Point to monitor the movements of sea wrack at the proposed location of the Ledge Point Marina.

Currently, MP Rogers has been appointed to work through two stages of reporting for the Ledge Point Marina that is funded by the Department of Transport (Marine). Through this process, which is currently nearing the completion of Stage 1, the Department has requested that consideration be given to monitoring the sea wrack due to issues that have been created in other locations.

As such, MP Rogers has provided Council with a stand-alone option whereby the camera will take photos on a set time frame. The option of having photographs taken by a staff member or volunteer at set times has been considered, however the fixed camera option removes any issues that may arise as a result of human error (ie variation in the angle of photos, forgetting to take photos or being away etc) and in addition the cost of a staff member would well outweigh the cost of the camera.

MP Rogers has quoted an amount of \$9,998 for installation of a suitable camera. As Council is serious about this potential project and considering the funding received from the Department of Transport (Marine), this cost is seen to be reasonable as an aid to adding justification to the project.

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 6 – Financial Management

Division 4 – General financial provisions

Section 6.8 – Expenditure from municipal fund not included in annual budget

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

In the event that Council is supportive of the Officer's recommendation, then budget implications will be in accordance with the following table:

Account	Description	Current Budget	Revised Budget	Surplus Deficit
14202230	Consultants	\$301,255	\$291,257	\$9,998
10507006	Coastal Monitoring	0	\$9,998	-\$9,998
			Net Effect	Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	<i>Economic Development</i>
Objective	<i>To support economic development through the Shire's service delivery</i>
Outcome	<i>4.1 Tourist Playground An internationally acclaimed tourist playground</i>
Key Service Areas	<i>Economic Development & Tourism Infrastructure</i>
Priorities	<i>4.1.1 Support the development of the Shire of Gingin as a premier tourist destination for ocean and sand adventures</i>

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Approve the contracting of MP Rogers to install a fixed camera to monitor sea wrack movements in the location of the proposed Ledge Point Marina.
2. Agree to amend the adopted Budget for the 2018/19 financial year in accordance with the following table:

Account	Description	Current Budget	Revised Budget	Surplus Deficit
14202230	Consultants	\$301,255	\$291,257	\$9,998
10507006	Coastal Monitoring	0	\$9,998	-\$9,998
			Net Effect	Nil

RESOLUTION

Moved Councillor Court, seconded Councillor Elgin that Council:

1. Approve the contracting of MP Rogers to install a fixed camera to monitor sea wrack movements in the location of the proposed Ledge Point Marina.
2. Agree to amend the adopted Budget for the 2018/19 financial year in accordance with the following table:

Account	Description	Current Budget	Revised Budget	Surplus Deficit
14202230	Consultants	\$301,255	\$291,257	\$9,998
10507006	Coastal Monitoring	0	\$9,998	-\$9,998
			Net Effect	Nil

CARRIED BY ABSOLUTE MAJORITY

9-0

11.1.3 LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2018, PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2018 AND ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2018

FILE:	LAW/1	
AUTHOR:	LEE-ANNE BURT – GOVERNANCE OFFICER	
REPORTING OFFICER:	AARON COOK – CHIEF EXECUTIVE OFFICER	
REPORT DATE:	21 AUGUST 2018	
REFER:	17 DECEMBER 2013	ITEM 11.1.2
	18 MARCH 2014	ITEM 11.1.1

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider advertising Council's intention to make the:

1. Shire of Gingin Local Government Property Amendment Local Law 2018;
2. Shire of Gingin Parking and Parking Facilities Amendment Local Law; and
3. Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018,

in accordance with s. 3.12 of the *Local Government Act 1995*.

BACKGROUND

At its meeting on 17 December 2013, Council resolved to undertake a periodic review of all of its local laws, including its current Local Government Property Local Law 2004, Parking and Parking Facilities Local Law 2004 and Activities in Thoroughfares and Public Places and Trading Local Law 2004, as required by s.3.16(1) of the *Local Government Act 1995*.

At the Council meeting held on 18 March 2014, a report was submitted to Council presenting the results of the Periodic Review of Local Laws, with Council resolving to commence the repeal, repeal and replacement, amendment or institution of local laws as recommended in the Review Report.

With respect to the Local Government Property Local Law 2004, Parking and Parking Facilities Local Law 2004 and Activities in Thoroughfares and Public Places and Trading Local Law 2004, the Report recommended that all be amended.

A draft Local Government Property Amendment Local Law 2018 (**Appendix 1**), draft Parking and Parking Facilities Amendment Local Law 2018 (**Appendix 2**) and draft Activities in Thoroughfares, Public Places and Trading Amendment Local Law 2018 (**Appendix 3**) have now been prepared for Council's consideration.

COMMENT

In summary, the significant amendments proposed to each of the local laws are as follows:

Local Government Property Local Law

Clause 1.2 – Definitions

A number of amendments have been made to this clause to include new definitions and update references to legislation.

Clause 2.1 – Determinations as to use of local government property

An additional subclause has been included to clarify how determinations made under the local law may be amended or revoked, and when such determinations are deemed to take effect.

Clause 2.8 – Activities which may be prohibited on specified local government property

A further clause has been introduced to include bringing, driving or riding an animal as activities which may be prohibited on local government property.

Clause 3.2 – Application for permit

Subclause 3.2(5) has been amended to allow for refusal of a permit in instances where the applicant has not provided additional information that may be reasonably requested by the Shire before determining the application, or where the applicant has not given local public notice of the application if required by the Shire to do so.

Clause 3.4 – Conditions which may be imposed on a permit

Subclause 3.4(2) has been amended to clarify that the examples of conditions provided do not limit the local government's right to approve a permit unconditionally as set out in clause 3.3.

Clause 3.13 – Activities needing a permit

Additional subclauses 3.13(1)(q) and 3.13(10)(r) have been added to include depositing or storing anything on local government property, and placing, operating or using a broadcasting device, public address system or similar on local government property as activities which require a permit.

Clause 4.1 – Behaviour which interferes with others

An additional subclause 4.1(c) has been introduced to prohibit anyone on local government property from behaving in a manner which creates a nuisance.

Clause 5.1 – When entry must be refused

Clause 5.1 has been amended to provide clarity with denying entry to a pool area, or making a request to leave a pool area, to those persons who are deemed by the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities to be either underage or a responsible person accompanying someone who is underage.

Clause 5.5 – Persons to comply with signs and directions

A new subclause 5.5(d) has been included to prohibit persons from interfering with, obscuring or obstructing a flag, sign, notice or item of life saving equipment positioned by a surf life saving club under authorisation of the local government.

Clause 5.7 – Only specified gender to use entry of toilet block or change room

Clause 5.7 has been renumbered as subclause 5.7(1). A new subclause 5.7(1)(c) has been added to specify that, when an entry to a toilet block or change room is signed for use by families, then only an immediate member of the family using the facility can use that entry.

Subclause 5.7(2) has been added to clarify that children under the age of eight years accompanied by a guardian, or someone permitted by an authorised person, can use either male or female toilets or change rooms.

Clause 9.2 – Persons may be directed to leave the local government property

Clause 9.2 has been amended to specify that, in addition to directing a person to leave local government property, an authorised person may temporarily suspend a person from local government property if it is reasonably suspected that they have contravened a provision of any written law.

Schedule 1 – Prescribed Offences

Given that the modified penalties set by Schedule 1 have not been reviewed since they were imposed in 2004, a modest increase has been recommended to reflect current circumstances.

Parking and Parking Facilities Local Law 2004

Clause 1.3 – Interpretation

A number of amendments have been made to this clause to include new definitions and update terminology.

Clause 3.1 – Determination of parking stalls and parking stations

Clause 3.1 has been reformatted to clarify that, where Council resolves to make a determination with respect parking stalls or parking stations, that determination does not have effect until appropriate signs are erected in that regard.

It should be noted that this is not a new requirement, but that the clause has merely been reworded to make the intent clearer.

Clause 7.15 – Stopping in a parking stall for people with disabilities

Clause 7.15 has been deleted in its entirety. This matter is now controlled under the *Local Government (Parking for People with a Disability) Regulations 2014* and therefore cannot also be included in a local law.

Clause 10.2 – Form of notices

The notices to be utilised in enforcing the Parking and Parking Facilities Local Law 2004 are dictated by the *Local Government (Functions and General) Regulations 1996* and therefore it is both unnecessary and inappropriate to replicate them in a local law. Clause 10.2 has been amended to reflect this fact.

Schedule 2 – Modified Penalties

After review, a moderate increase has been applied to the modified penalties listed in Schedule 2 for various offences against the Parking and Parking Facilities Local Law as Officers believe that the penalties imposed in 2004 are no longer adequate.

Schedule 3 – Forms

Schedule 3 has been deleted – see comments for Clause 10.2 – Form of notices.

Activities in Thoroughfares and Public Places and Trading Local Law 2004

Clause 5.16 – Prohibitions on burning

Currently, a permit to burn a thoroughfare cannot be issued during the period 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna, or to burn both sides of a thoroughfare in the same year.

At the request of Council's Bush Fire Advisory Committee, it is proposed to amend Clause 5.16 to allow for such burning in the event that Council deems it necessary to remove a significant fire risk.

Schedule 1 – Prescribed Offences

As with the other amendment local laws previously referenced, a moderate increase in modified penalties is recommended.

The draft Local Government Property Amendment Local Law 2018 and draft Parking and Parking Facilities Amendment Local Law 2018 are now presented for Council's formal consideration. Authorisation is sought to proceed with the advertising of Council's intention to make both laws in accordance with s 3.12 of the *Local Government Act 1995*.

In the event that Council resolves to adopt the amendment local laws for the purposes of public advertising, the following sequence of events will commence:

1. A public submission period of at least six weeks must be allowed, during which a copy of the proposed local laws must also be submitted to the Minister for Local Government. At the close of advertising, Council must consider any submissions received and then resolve to make the local laws either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to either local law, then a further public submission period for that local law will be required.
2. Once Council has resolved to make a local law, it must be published in the Government Gazette and a further copy provided to the Minister for Local Government.
3. After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected or obtained.
4. A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that, in commencing to make a local law, the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

1. The purpose and effect of the proposed local law is included in the agenda for that meeting; and
2. The Minutes of the meeting of the Council include the purpose and effect of the proposed local law.

Accordingly, the purpose and effect of each of the proposed local laws is stated as follows:

Local Government Property Amendment Local Law 2018

Purpose: The purpose of this local law is to amend the Shire of Gingin Local Government Property Local Law 2004.

Effect: The effect of this local law is to ensure that the Shire of Gingin Local Government Property Local Law 2004 continues to fulfil its purpose of regulating the care, control and management of all Shire of Gingin properties.

Parking and Parking Facilities Amendment Local Law 2018

Purpose: The purpose of this local law is to amend the Shire of Gingin Parking and Parking Facilities Local Law 2004.

Effect: The effect of this local law is to ensure that the Shire of Gingin Parking and Parking Facilities Local Law 2004 continues to fulfil its purpose of constituting a parking region, enabling the Shire of Gingin to regulate the parking of vehicles within that region and provide for the management and operation of any parking facilities occupied by the Shire of Gingin.

Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018

Purpose The purpose of this local law is to amend the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004.

Effect: The effect of this local law is to ensure that the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004 continues to fulfil its purpose of regulating activities in thoroughfares and in public places (including trading).

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 3 – Functions of local governments

Division 2 – Legislative functions of local governments

Section 3.12 – Procedure for making local laws

Local Government (Functions and General) Regulations 1996

Part 1A – Local laws

Regulation 3 – Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Costs will be incurred as a result of the statutory advertising and gazettal process. It is anticipated that these costs will be in the vicinity of \$2,000-\$2,500 and provision has been made in Council's adopted 2018/19 Budget for this purpose.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Adopt the proposed Shire of Gingin Local Government Property Amendment Local Law 2018 (as shown in Appendix 1), Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018 (as shown in Appendix 2) and Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018 (as shown in Appendix 3) for the purpose of advertising.
2. Pursuant to s. 3.12 of the *Local Government Act 1995*, give local and state-wide public notice of its intention to make the Shire of Gingin Local Government Property Amendment Local Law 2018, the Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018 and the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018 and, within that notice, advise of the following purposes and effects:
 - a. Shire of Gingin Local Government Property Amendment Local Law 2018
 - Purpose: The purpose of this local law is to amend the Shire of Gingin Local Government Property Local Law 2004.
 - Effect: The effect of this local law is to ensure that the Shire of Gingin Local Government Property Local Law 2004 continues to fulfil its purpose of regulating the care, control and management of all Shire of Gingin properties.
 - b. Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018
 - Purpose: The purpose of this local law is to amend the Shire of Gingin Parking and Parking Facilities Local Law 2004.
 - Effect: The effect of this local law is to ensure that the Shire of Gingin Parking and Parking Facilities Local Law 2004 continues to fulfil its purpose of constituting a parking region, enabling the Shire of Gingin to regulate the parking of vehicles within that region and provide for the management and operation of any parking facilities occupied by the Shire of Gingin.
 - c. Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018
 - Purpose: The purpose of this local law is to amend the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004.

Effect: The effect of this local law is to ensure that the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004 continues to fulfil its purpose of regulating activities in thoroughfares and in public places (including trading).

RESOLUTION

Moved Councillor Fewster, seconded Councillor Peczka that Council:

- 1. Adopt the proposed Shire of Gingin Local Government Property Amendment Local Law 2018 (as shown in Appendix 1), Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018 (as shown in Appendix 2) and Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018 (as shown in Appendix 3) for the purpose of advertising.**
- 2. Pursuant to s. 3.12 of the *Local Government Act 1995*, give local and state-wide public notice of its intention to make the Shire of Gingin Local Government Property Amendment Local Law 2018, the Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018 and the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018 and, within that notice, advise of the following purposes and effects:**
 - a. Shire of Gingin Local Government Property Amendment Local Law 2018**

Purpose: The purpose of this local law is to amend the Shire of Gingin Local Government Property Local Law 2004.

Effect: The effect of this local law is to ensure that the Shire of Gingin Local Government Property Local Law 2004 continues to fulfil its purpose of regulating the care, control and management of all Shire of Gingin properties.
 - b. Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018**

Purpose: The purpose of this local law is to amend the Shire of Gingin Parking and Parking Facilities Local Law 2004.

Effect: The effect of this local law is to ensure that the Shire of Gingin Parking and Parking Facilities Local Law 2004 continues to fulfil its purpose of constituting a parking region, enabling the Shire of Gingin to regulate the parking of vehicles within that region and provide for the management and operation of any parking facilities occupied by the Shire of Gingin.
 - c. Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018**

Purpose The purpose of this local law is to amend the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004.

Effect: **The effect of this local law is to ensure that the Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004 continues to fulfil its purpose of regulating activities in thoroughfares and in public places (including trading).**

CARRIED UNANIMOUSLY

APPENDIX 1

Local Government Act 1995

Shire of Gingin

Local Government Property Amendment Local Law 2018

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers enabling it, the Council of the Shire of Gingin resolved on [insert day and month 2018] to make this local law.

1. Title

This local law may be cited as the *Shire of Gingin Local Government Property Amendment Local Law 2018*.

2. Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

3. Principal Local Law

In this local law, the *Shire of Gingin Local Government Property Local Law 2004* published in the *Government Gazette* on 13 September 2004 is referred to as the principal local law. The principal local law is amended as follows:

4. Clause 1.2 amended

Clause 1.2 is amended as follows -

- (1) Amend the definition “**authorized person**” by deleting “authorized” and substituting “authorised” wherever it appears in the definition.
- (2) Insert new definitions in alphabetical order as follows:

“**Code**” means the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities as published by the Chief Health Officer, pursuant to the provisions of section 344A(2) of the *Health (Miscellaneous Provisions) Act 1911*;

“**Health Act**” means the *Health (Miscellaneous Provisions) Act 1911*;

“**local public notice**” has the same meaning as in section 1.7 of the Act;

“**nuisance**” means –

- (a) any thing, condition, circumstance or state of affairs which is injurious or dangerous to the health of a reasonable person, or which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of a person;
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and

- (c) anything a person does on public or private land which detracts from or interferes with the enjoyment or value of lands owned by another person.

“waste” includes matter –

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
 - (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.
- (3) Amend the definition for “liquor” by deleting “Licensing” and substituting “Control”.
 - (4) Amend the definition for “trading” in paragraph (d) by deleting “and”

5. Clause 2.1 amended

Clause 2.1 is amended by inserting a new subclause 2.1(2) as follows -

- 2. The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

6. Clause 2.8 amended

Clause 2.8 is amended as follows -

- (1) Insert a new subclause 2.8(1) as follows -
 - (1) In this clause –

“premises” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.
- (2) Delete subclause 2.8(3).
- (3) Renumber the remaining subclauses accordingly.
- (4) In subclause 2.8(2)(g), delete “and”.
- (5) In subclause 2.8(2)(h), delete the full stop and substitute “; and”.
- (6) Insert a new subclause 2.8(2)(i) as follows -
 - i. bring, ride or drive an animal.

7. Clause 3.2 amended

Clause 3.2 is amended in subclause 3.2(5) by inserting the words "or where the requirements of subclauses (3) or (4) have not been satisfied" at the end of the subclause."

8. Clause 3.4 amended

Clause 3.4 is amended as follows -

- (1) In subclause 3.4(2), insert "the generality of" between "limiting" and "clause".
- (2) In subclause 3.4(2)(h), delete "Licensing" and substitute "Control".

9. Clause 3.9 amended

Clause 3.9 is amended in subclause 3.9(2) by deleting "mutatis mutandis" and substituting "with appropriate modification".

10. Clause 3.11 amended

Clause 3.11 is amended by deleting "authorized" and substituting "authorised" wherever it appears in the subclause.

11. Clause 3.13 amended

Clause 3.13 is amended as follows -

- (1) In subclause 3.13(1)(o), delete "or" at the end of the subclause.
- (2) In subclause 3.13(1)(p), delete the full stop and substitute a semi colon.
- (3) Insert new subclauses 3.13(1)(q) and 3.13(1)(r) as follows -
 - (q) deposit or store anything on local government property; or
 - (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.

12. Clause 3.15 amended

Clause 3.15 is amended in subclause 3.15(1)(a) by deleting "Licensing" and substituting "Control".

13. Clause 3.16 amended

Clause 3.16 is amended as follows -

- (1) In subclause 3.16(a), delete "authorized" and substitute "authorised".
- (2) In subclause 3.16(d), delete "Licensing" and substitute "Control".

14. Clause 4.1 amended

Clause 4.1 is amended as follows -

- (1) In subclause 4.1(a), delete "or".
- (2) In subclause 4.1(b), delete the full stop and substitute "; or".
- (3) Insert a new subclause 4.1(c) as follows:
 - (c) creates a nuisance.

15. Clause 4.2 amended

Clause 4.2 is amended as follows -

- (1) Renumber subclause 4.2(1) as 4.2(2) and renumber the remaining subclause accordingly.
- (2) In subclause 4.2(1), delete "subclause (1)" and substitute "this clause".

16. Clause 4.3 amended

Clause 4.3 is amended as follows -

- (1) Renumber subclause 4.3(2) as 4.3(1) and renumber the remaining subclause accordingly.
- (2) In subclause 4.3(2), delete "authorized" and substitute "authorised".

17. Clause 5.1 amended

Clause 5.1 is amended as follows -

- (1) Renumber clause 5.1 as subclause 5.1(1).
- (2) In subclause 5.1(1) -
 - (a) Delete "authorized" and replace with "authorised"; and
 - (b) Delete ", may direct to leave or shall remove or cause to be removed from".
- (3) In subclause 5.1(1)(a)(i) -
 - (i) delete "under the age 6 years" and substitute "minimum age as specified in the Code"; and
 - (ii) delete "of 14 years" and substitute "as specified in the Code".

(4) Insert a new subclause 5.1(1)(a)(ii) as follows -

- (ii) under the minimum age as specified in the Code and who is accompanied by a responsible person over the age as specified in the Code where the responsible person is incapable of, or not providing, adequate supervision of, or care, for that person;

and renumber the remaining subclauses accordingly.

(5) Insert a new subclause 5.1(2) as follows:

- (2) If a person referred to in subclause 5.1.1(a) or subclause 5.1.1(b) is in a pool area, a Manager or an authorised person must –
 - (a) direct the person to leave; and
 - (b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed, from the pool area.

18. Clause 5.3 amended

Clause 5.3 is amended in subclause 5.3(2) by deleting "authorized" and substituting "authorised".

19. Clause 5.4 amended

Clause 5.4 is amended as follows -

- (1) In subclause 5.4(2), delete "authorized" and substitute "authorised"; and
- (2) In subclause 5.4(4), delete "authorized" and substitute "authorised".

20. Clause 5.5 amended

Clause 5.5 is amended as follows –

- (1) In subclause 5.5(b), delete "and" at the end of the subclause;
- (2) In subclause 5.5(c), delete the comma at the end of the subclause and substitute with "; and"; and
- (3) Insert a new subclause 5.5(d) as follows -
 - (d) not interfere with, obscure, obstruct or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment,

21. Clause 5.6 amended

Clause 5.6 is amended by deleting "authorized" and substituting "authorised".

22. Clause 5.7 amended

Clause 5.7 is amended as follows –

- (1) Renumber clause 5.7 as subclause 5.7(1);
- (2) In subclause 5.7(1)(a), delete "or";
- (3) In subclause 5.7(1)(b), delete the full stop and substitute "; or";
- (4) Insert a new subclause 5.7(1)(c) as follows -
 - (c) families, then, when the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (5) Insert a new subclause 5.7(2) as follows -
 - (2) Subclause 5.7.1(a) and subclause 5.7.1(b) do not apply to a child when accompanied by a parent, guardian or caregiver, where the child is –
 - (a) under the age of eight years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

23. Clause 5.8 amended

Clause 5.8 is amended in subclause 5.8(d) by deleting "authorized" and substituting "authorised".

24. Clause 6.1 amended

Clause 6.1 is amended by deleting "authorized" and substituting "authorised" wherever it appears throughout the clause.

25. Clause 7.5 amended

Clause 7.5 is amended in subclause 7.5(d) by inserting "the" between "paid" and "fee".

26. Clause 7.6 amended

Clause 7.6 is amended by deleting "authorized" and substituting "authorised" wherever it appears throughout the clause.

27. Clause 7.11 amended

Clause 7.11 is amended by deleting "authorized" and substituting "authorised" wherever it appears throughout the clause.

28. Clause 8.1 amended

Clause 8.1 is amended as follows –

- (1) Delete the clause title and substitute “Objections and Appeals”.
- (2) In the final sentence of the clause:
 - (a) delete “regulations” and substitute “regulation”; and
 - (b) delete “and 34”.

29. Clause 9.1 amended

Clause 9.1 is amended by deleting “authorized” and substituting “authorised” wherever it appears throughout the clause.

30. Clause 9.2 amended

Clause 9.2 is amended as follows –

- (1) Delete “authorized” and substitute “authorised”.
- (2) Insert “, or temporarily suspend a person from,” between “leave” and “local”.

31. Clause 9.4 amended

Clause 9.4 is amended as follows –

- (1) Insert a new subclause 9.4(1) as follows:
 - (1) In this clause –

“costs” of the local government includes its administrative costs.
- (2) Renumber the following subclauses accordingly.
- (3) In subclause 9.4(3), delete “subclause (1)” and substitute “subclause (2)”.

32. Clause 10.4 amended

Clause 10.4 is amended in subclause 10.4(3) by deleting “authorized” and substituting “authorised”.

33. Schedule 1 amended

Schedule 1 is amended by deleting the existing schedule and substituting the following -

SCHEDULE 1
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY (\$)
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125
3.13(1)	Failure to obtain a permit	125
3.14(3)	Failure to obtain permit to camp outside a facility	125
3.15(1)	Failure to obtain permit for liquor	125
3.16	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	125
4.4	Under influence of liquor or prohibited drug	125
4.6(2)	Failure to comply with sign on local government property	125
5.2	Consuming food or drink in prohibited area	125
5.5	Failure to comply with sign or direction on beach	125
5.6	Unauthorised entry to fenced or closed local government property	125
5.7	Gender not specified using entry of toilet block or change room	125
5.8(1)	Unauthorised presence of animal on aerodrome	350
5.8(2)	Animal wandering at large on aerodrome – person in charge	350
5.8(3)	Animal wandering at large on aerodrome – owner	350
6.1(1)	Unauthorised entry to function on local government property	125
7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
7.4	Mooring of boats in unauthorised manner	125
7.5	Unauthorised mooring of a boat to jetty	125
7.6	Failure to remove moored boat on direction of authorised person	125
7.7	Launching of boat from jetty without consent	125
7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	125
7.9	Unlawful storing of goods on jetty	125
7.10	Removing goods from jetty during other than permitted hours	125
7.11	Failure to remove cargo on jetty on direction of authorised person	125
7.12	Unauthorised deposit of bulk cargo on jetty	125
7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	125
10.1	Failure to comply with notice	250

Dated this day of 20.....

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)

I B COLLARD
Shire President

A COOK
Chief Executive Officer

APPENDIX 2

Local Government Act 1995

Shire of Gingin

Parking and Parking Facilities Amendment Local Law 2018

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Gingin resolved on [insert day and month 2018] to make this local law.

1. Title

This local law may be cited as the *Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018*.

2. Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

3. Principal Local Law

In this local law, the *Shire of Gingin Parking and Parking Facilities Local Law 2004* published in the *Government Gazette* on 13 September 2004 is referred to as the principal local law. The principal local law is amended as follows –

4. Enacting clause amended

The enacting clause is amended by deleting "Local Law" and substituting "local law".

5. Clause 1.1 amended

Clause 1.1 is amended by deleting "Local Law" and substituting "local law".

6. Clause 1.3 amended

Clause 1.3 is amended as follows –

- (a) In the first line, delete "Local Law" and substitute "local law";
- (b) Delete the definition for 'ACROD sticker' in its entirety;
- (c) In the definition for 'authorised person' delete "Local Law" and substitute "local law";
- (d) Delete the definition for 'carriageway' in its entirety and substitute –
'carriageway' has the meaning given to it by the Code;
- (e) Delete the definition for 'centre' in its entirety and substitute –
'centre' has the meaning given to it by the Code;
- (f) In the definition for 'commercial vehicle' –

- (i) Insert “, adapted or fitted” between “constructed” and “for”;
 - (ii) Insert “, materials” between “goods” and “or”;
 - (iii) Delete “or” following “merchandise,” and substitute “and includes a vehicle which is used”; and
 - (iv) Delete the remainder of the definition following “passengers,” and substitute “which is used for that purpose”.
- (g) Insert new definitions in alphabetical order as follows -
- ‘disability parking permit’** has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*.
- ‘driveway’** means the portion of land which lies between the boundary of a carriageway and the boundary of the adjacent property that is constructed for the purpose of ingress and egress to and from the property;
- ‘kerb’** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;
- ‘length of carriageway’** means the same side of the road between intersections on that side of the road;
- ‘loading zone sign’** means a sign with the words ‘loading zone’ in white letters on a red background and may have an arrow pointing in a direction;
- ‘obstruction’** has the meaning given to it in the Code;
- ‘parking control sign’** has the meaning given to it by the Code;
- ‘unattended’** means the driver has left the vehicle so that the driver is more than three metres from the closest point of the vehicle.
- (h) Delete the definition for **‘edge line’** in its entirety and substitute –
- ‘edge line’** has the meaning given to it by the Code;
- (i) Delete the definition for **‘Loading Zone’** in its entirety and substitute –
- ‘Loading Zone’** has the meaning given to it by the Code;
- (j) Delete the definition for **‘owner’** in its entirety and substitute –
- ‘owner’** –
- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
 - (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; and
 - (c) where used in relation to land, has the meaning given to it by the Act;

- (k) Delete the definition for **'park'** in its entirety and substitute –
'park' has the meaning given to it by the Code;
- (l) In the definition for **'parking station'**, delete the remainder of the definition following "vehicles".
- (m) In the definition for **'schedule'**, delete "Local Law" and substitute "local law".
- (n) Delete the definition for **'stop'** in its entirety and substitute –
'stop' has the meaning given to it by the Code;
- (o) In the definition for **'symbol'**, delete "Local Law" and substitute "local law".
- (p) Delete the definition for **'taxi'** in its entirety and substitute –
'taxi' has the meaning given to it by the Code;
- (q) Delete the definition for **'trailer'** in its entirety and substitute –
'trailer' has the meaning given to it by the Code;
- (r) In the definition for **'vehicle'**, insert "and" at the end of the definition.

7. Clause 1.4 amended

Clause 1.4 is amended in subclause 1.4(2) by deleting "Local Law" and substituting "local law".

8. Clause 1.5 amended

Clause 1.5 is amended by deleting "Local Law" wherever it appears in the clause and substituting "local law".

9. Clause 1.6 amended

Clause 1.6 is amended by deleting "Local Law" and substituting "local law".

10. Clause 1.7 amended

Clause 1.7 is amended by deleting "Local Law" and substituting "local law".

11. Clause 1.8 amended

Clause 1.8 is amended by deleting "Local Law" and substituting "local law".

12. Clause 2.3 amended

Clause 2.3 is amended by deleting "Local Law" and substituting "local law".

13. Clause 2.10 amended

Clause 2.10 is amended by deleting "Local Law" and substituting "local law".

14. Clause 3.1 amended

Clause 3.1 is amended as follows –

- (a) Renumber Clause 3.1 as subclause 3.1(1).
- (b) Insert a new subclause 3.1(2) as follows –
 - (2) Where the local government makes a determination under subclause 3.1(1) it shall erect signs to give effect to the determination.

15. Clause 3.8 amended

Clause 3.8 is amended in subclause 3.8(3) by deleting “an ACROD sticker” wherever it appears in the subclause and substituting “a disability parking permit”.

16. Clause 4.1 amended

Clause 4.1 is amended as follows –

- (a) In subclause 4.1(2)(a) delete “an ACROD sticker” wherever it appears in the subclause and substitute “a disability parking permit”.
- (b) In subclause 4.1(3)(b) delete “Local Law” and substitute “local law”.

17. Clause 4.2 amended

Clause 4.2 is amended in subclause 4.2(1)(d) by deleting “Local Law” and substituting “local law”.

18. Clause 4.6 amended

Clause 4.6 is amended by deleting “Local Law” and substituting “local law”.

19. Clause 4.8 amended

Clause 4.8 is amended in subclause 4.8(2) by deleting “two” and substituting “2”.

20. Clause 5.1 amended

Clause 5.1 is amended in subclause 5.1(2) as follows –

- (a) Delete “is” at the end of the first part of the subclause;
- (b) Insert “is” at the beginning of subclause 5.1(2)(a).

21. Clause 7.1 amended

Clause 7.1 is amended by deleting “these local laws” wherever it appears in the clause and substituting “this local law”.

22. Clause 7.2 amended

Clause 7.2 is amended in subclause 7.2(20)(b) by deleting "these Local Laws" and substituting "this local law".

23. Clause 7.4 amended

Clause 7.4 is amended in subclause 7.4(1)(b) by deleting "these local laws" and substituting "this local law".

24. Clause 7.5 amended

Clause 7.5 is amended in subclause 7.5(2) by deleting "these Local Laws" and substituting "this local law".

25. Clause 7.7 amended

Subclause 7.7 is amended as follows –

- (a) In subclause 7.7(1), delete "10m" and substitute "10 metres".
- (b) In subclause 7.7(1)(b), delete "these Local Laws" and substitute "this local law".

26. Clause 7.8 amended

Clause 7.8 is amended by deleting "these Local Laws" and substituting "this local law".

27. Clause 7.10 amended

Clause 7.10 is amended by deleting "these Local Laws" wherever it appears in the clause and substituting "this local law".

28. Clause 7.11 amended

Clause 7.11 is amended in subclause 7.11(b) by deleting "these Local Laws" and substituting "this local law".

29. Clause 7.12 amended

Clause 7.12 is amended in subclause 7.12(a) by deleting "one" and substituting "1".

30. Clause 7.15 deleted

Clause 7.15 is deleted in its entirety.

31. Clause 9.2 amended

Clause 9.2 is amended by deleting "Local Law" wherever it appears in the clause and substituting "local law".

32. Clause 9.3 amended

Clause 9.3 is amended by deleting "Local Law" and substituting "local law".

33. Clause 9.4 amended

Clause 9.4 is amended in subclause 9.4(1) by deleting "Local Law" and substituting "local law".

34. Clause 9.5 amended

Clause 9.5 is amended by deleting "Local Law" and substituting "local law".

35. Clause 10.1 amended

Clause 10.1 amended by deleting "Local Law" wherever it appears in the clause and substituting "local law".

36. Clause 10.2 amended

Clause 10.2 is deleted in its entirety and substituted as follows -

10.2 Form of notices

For the purposes of this local law -

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

37. Schedule 2 amended

Schedule 2 is deleted in its entirety and substituted by the following:

Schedule 2

**PARKING AND PARKING FACILITIES LOCAL LAW 2004
PRESCRIBED OFFENCES**

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to pay fee for metered space	100
2	2.3	Parking in excess of period shown on	75

		metered space	
3	2.4	Parking when meter has expired	100
4	2.6(1)	Failure to park wholly within metered space	75
5	2.6(3)	Parking outside metered zone	75
6	2.7	Non-permitted insertion in parking meter	100
7	2.8	Failure to display ticket clearly in metered zone	100
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	75
9	2.10	Parking contrary to a meter hood	100
10	3.2	Failure to park wholly within parking stall	75
11	3.2(4)	Failure to park wholly within parking area	75
12	3.3	Failure to pay parking station fee	100
13	3.5	Leaving without paying parking station fee	100
14	3.7	Failure to display ticket clearly in parking station	100
15	3.8(1)(a)	Causing obstruction in parking station	100
16	3.8(1)(b)	Parking contrary to sign in parking station	100
17	3.8(1)(c)	Parking contrary to directions of Authorised Person	100
18	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	75
19	4.1(1)(a)	Parking wrong class of vehicle	75
20	4.1(1)(b)	Parking by persons of a different class	75
21	4.1(1)(c)	Parking during prohibited period	75
22	4.1(3)(a)	Parking in no parking area	100
23	4.1(3)(b)	Parking contrary to signs or limitations	75
24	4.1(3)(c)	Parking vehicle in motor cycle only area	75
25	4.1(4)	Parking motor cycle in stall not marked "M/C"	75
36	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	90
27	4.2(1)(a)	Failure to park on the left of two-way carriageway	75
28	4.2(1)(b)	Failure to park on boundary of one-way carriageway	75
29	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	90
30	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	90
31	4.2(1)(d)	Parking closer than 1 metre from another vehicle	75
32	4.2(1)(e)	Causing obstruction	100
33	4.3(b)	Failure to park at approximate right angle	75
34	4.4(2)	Failure to park at an appropriate angle	75
35	4.5(2)(a)	Double parking	90

	and 7.2		
36	4.5(2)(b)	Parking on or adjacent to a median strip	75
37	4.5(2)(c)	Denying access to private drive or right of way	100
38	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
39	4.5(2)(e)	Parking within 10 metres of traffic island	90
40	4.5(2)(f)	Parking on footpath/pedestrian crossing	100
41	4.5(2)(g)	Parking contrary to continuous line markings	90
42	4.5(2)(h)	Parking on intersection	90
43	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
44	4.5(2)(j)	Parking within 3 metres of public letter box	75
45	4.5(2)(k)	Parking within 10 metres of intersection	90
46	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
47	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
48	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
49	4.6	Parking contrary to direction of Authorised Person	100
50	4.7(2)	Removing mark of Authorised Person	100
51	4.8	Moving vehicle to avoid time limitation	75
52	4.9(a)	Parking in thoroughfare for purpose of sale	100
53	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
54	4.9(c)	Parking a trailer/caravan on a thoroughfare	75
55	4.9(d)	Parking in thoroughfare for purpose of repairs	75
56	4.10(1) or (2)	Parking on land that is not a parking facility without consent	100
57	4.10(3)	Parking on land not in accordance with consent	75
58	4.11	Driving or parking on reserve	75
59	5.1(1)	Stopping contrary to a "no stopping" sign	75
60	5.1(2)	Parking contrary to a "no parking" sign	75
61	5.1(3)	Stopping within continuous yellow lines	75
62	6.1	Stopping unlawfully in a loading zone	75
63	6.2	Stopping unlawfully in a taxi zone or bus zone	75
64	6.3	Stopping unlawfully in a mail zone	75
65	6.4	Stopping in a zone contrary to a sign	75
66	7.1	Stopping in a shared zone	75

67	7.3	Stopping near an obstruction	90
68	7.4	Stopping on a bridge or tunnel	75
69	7.5	Stopping on crests/curves etc	100
70	7.6	Stopping near fire hydrant	100
71	7.7	Stopping near bus stop	90
72	7.8	Stopping on path, median strip or traffic island	75
73	7.9	Stopping on verge	75
74	7.10	Obstructing path, a driveway etc	75
75	7.11	Stopping near letter box	75
76	7.12	Stopping heavy or long vehicles on carriageway	90
77	7.13	Stopping in bicycle parking area	75
78	7.14	Stopping in motorcycle parking area	75
79	8.3	Failure to remove permit when residence changed	75
80	9.6	Leaving vehicle so as to obstruct a public place	100
81		All other offences not specified	75

38. Schedule 3 deleted

Schedule 3 is deleted in its entirety.

39. Schedule 4 amended

Schedule 4 is amended by renumbering as Schedule 3.

Dated this day of 20.....

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)

I B COLLARD
Shire President

A COOK
Chief Executive Officer

APPENDIX 3

Local Government Act 1995

Shire of Gingin

**Activities in Thoroughfares and Public Places and Trading
Amendment Local Law 2018**

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Gingin resolved on [insert day and month 2018] to make this local law.

1. Title

This local law may be cited as the *Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018*.

2. Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

3. Principal Local Law

In this local law, the *Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004* published in the *Government Gazette* on 13 September 2004 is referred to as the principal local law. The principal local law is amended as follows –

4. Clause 1.2 amended

Clause 1.2 is amended as follows –

- (a) In the definition for "**authorized person**", delete "authorized" and substitute "authorised" wherever it appears in the definition.
- (b) In the definition for "**liquor**" delete "Licensing" and substitute "Control";
- (c) Insert a new definition as follows –

"local planning scheme" means a local planning scheme of the local government made under the *Planning and Development Act 2005*;
- (d) In the definition for "**lot**", delete "*Town Planning and Development Act 1928*" and insert "*Planning and Development Act 2005*"; and
- (e) Delete the definition for "**Town Planning Scheme**".

5. Clause 2.4 amended

Clause 2.4 is amended as follows

- (a) In clause 2.4(2)(a) –
 - (i) delete "building licence" and replace with "building permit"; and

- (ii) delete "*Local Government (Miscellaneous Provisions) Act 1960*" and insert "*Building Act 2011*";

(b) In clause 2.4(2)(b) –

- (i) delete "building licence" and insert "building permit"; and
- (ii) delete "*Local Government (Miscellaneous Provisions) Act 1960*" and insert "*Building Act 2011*".

6. Clause 3.1 amended

Clause 3.1 is amended in the definition for "**election sign**" by deleting "and" at the end of the definition.

7. Clause 3.4 amended

Clause 3.4 is amended in subclause 3.4(a)(viii) by deleting "and" at the end of the subclause.

8. Clause 4.1 amended

Clause 4.1 is amended in subclause 4.1(1) by deleting "authorized" and substituting "authorised".

9. Clause 5.1 amended

Clause 5.1 is amended in the definition for "**Roadside Conservation Committee**" by deleting "established under the Land Resource Policy Council within the Office of Premier and Cabinet" and substituting "appointed by the responsible Minister".

10. Clause 5.4 amended

Clause 5.4 is amended by deleting "Code of Practice for Roadside Conservation and Road Maintenance prepared by the Roadside Conservation Committee" and substituting "Handbook of Environmental Practice for Road Construction and Maintenance Works".

11. Clause 5.16 amended

Clause 5.16 is amended as follows –

- (a) In subclause 5.16(b), delete "." at the end of the subclause and substitute ","; and
- (b) Insert "unless the Council deems it necessary to remove a significant fire risk." at the end of the clause.

12. Clause 6.3 amended

Clause 6.3 is amended in subclause 6.3(1) by inserting "on a public place" between "trading" and "unless".

13. Clause 6.6 amended

Clause 6.6 is amended as follows –

- (a) Delete subclause 6.6(1)(k) and substitute with the following –

- (k) the requirement to vacate and leave in a clean condition the location to which the licence applies –
 - (i) at the conclusion of the permitted hours of operation specified in the licence; and
 - (ii) whenever the trading is not taking place on the location to which the licence applies;

- (b) Insert a new subclause 6.6(1)(o) as follows –

- (o) the requirement for the stallholder to ensure a minimum width of 2m measured from the road kerb is kept clear for pedestrian access.

14. Clause 6.8 amended

Clause 6.8 is amended in subclause 6.8(1)(c) by deleting "*Weights and Measures Act 1915*" and inserting "*National Measurement Act 1960 (Cth)*".

15. Clause 6.13 amended

Clause 6.13 is amended by deleting "authorized" and substituting "authorised".

16. Clause 6.17 amended

Clause 6.17 is amended as follows –

- (a) In subclause 6.17(b) –
 - (i) delete "*Health Act 1911*" and substitute "*Food Act 2008*";
 - (ii) delete "town" and substitute "local";
- (b) Delete subclause 6.17(c) in its entirety; and
- (c) Renumber the remaining subclauses accordingly.

17. Clause 6.18 amended

Clause 6.18 is amended in subclause 6.18(1)(a) by deleting "and any local law made under section 172 of the *Health Act 1911*".

18. Clause 6.19 amended

Clause 6.19 is amended by deleting "authorized" and substituting "authorised".

19. Clause 6.21 amended

Clause 6.21 is amended in subclause 6.21(1) by deleting "authorized" and substituting "authorised".

20. Clause 7.7 amended

Clause 7.8 is amended in subclause 7.7(2) by deleting "mutatis mutandis" and substituting "with all the necessary changes as required".

21. Clause 7.9 amended

Clause 7.9 is amended by deleting "authorized" and substituting "authorised".

22. Clause 7.10 amended

Clause 7.10 is amended as follows –

- (a) Renumber subclause 7.10(1)(i) as 7.10(1)(a); and
- (b) Renumber subclause 7.10(1)(ii) as 7.10(1)(b).

23. Clause 8.1 amended

Clause 8.1 is amended by deleting "and 34".

24. Clause 10.4 amended

Clause 10.4 is amended by deleting subclause 10.4(3) in its entirety.

25. Schedule 1 amended

Schedule 1 is deleted in its entirety and substituted by the following:

Schedule 1

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on footpath	125
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125

2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
2.11	Failure to comply with notice to rectify verge treatment	125
2.17(2)	Failure to comply with sign on public place	125
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
4.2(4)	Failure to remove manure, dung, filth or other offensive matter deposited by animal	125
4.5	Person leaving shopping trolley in public place other than trolley bay	125
4.6(2)	Failure to remove shopping trolley upon being advised of location	125
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
5.9	Planting in thoroughfare without a permit	250
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.8(1)(b)	Stallholder or trader not displaying valid permit	125

6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.8(2)	Stallholder or trader engaged in prohibited conduct	125
6.10	Performing in a public place without a permit	125
6.11(2)	Failure of performer to move onto another area when directed	125
6.14	Failure of performer to comply with obligations	125
6.16	Establishment or conduct of outdoor eating facility without a permit	350
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	125
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	60
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	60
7.5	Failure to comply with a condition of a permit	125
7.9	Failure to produce permit on request of authorised person	125
10.1	Failure to comply with notice given under local law	125

Dated this day of 20.....

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)

I B COLLARD
Shire President

A COOK
Chief Executive Officer

11.1.4 REPEAL LOCAL LAW 2018

FILE:	LAW/1
AUTHOR:	LEE-ANNE BURT – GOVERNANCE OFFICER
REPORTING OFFICER:	AARON COOK – CHIEF EXECUTIVE OFFICER
REPORT DATE:	21 AUGUST 2018
REFER:	NIL

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider advertising Council's intention to make the Shire of Gingin Repeal Local Law 2018 in according with s. 3.12 of the *Local Government Act 1995*.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries maintains a Local Laws Register which lists all local laws currently in effect for each local government in Western Australia.

Whilst undertaking research for other local law-related activities, it has become apparent that there are a number of archaic by-laws that, whilst they are not relevant to the Shire of Gingin now and have not been enacted for many years, have never been officially repealed.

It is considered an exercise in good governance for Council to formulate a local law to collectively repeal these defunct by-laws.

A draft Repeal Local Law 2018 (**Appendix 1**) has been prepared for Council's consideration.

COMMENT

In the event that Council resolves to adopt the Repeal Local Law 2018 for the purposes of public advertising, the following sequence of events will commence:

1. A public submission period of at least six weeks must be allowed, during which a copy of the proposed local laws must also be submitted to the Minister for Local Government. At the close of advertising, Council must consider any submissions received and then resolve to make the local laws either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to either local law, then a further public submission period for that local law will be required.
2. Once Council has resolved to make a local law, it must be published in the Government Gazette and a further copy provided to the Minister for Local Government.
3. After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected or obtained.

4. A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that, in commencing to make a local law, the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

1. The purpose and effect of the proposed local law is included in the agenda for that meeting; and
2. The Minutes of the meeting of the Council include the purpose and effect of the proposed local law.

Accordingly, the purpose and effect of the proposed Repeal Local Law 2018 are stated as follows:

Purpose: The purpose of this local law is to repeal superfluous, defunct and obsolete by-laws.

Effect: The effect of this local law is to remove outdated by-laws from the public record.

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 3 – Functions of local governments

Division 2 – Legislative functions of local governments

Section 3.12 – Procedure for making local laws

Local Government (Functions and General) Regulations 1996

Part 1A – Local laws

Regulation 3 – Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Costs will be incurred as a result of the statutory advertising and gazettal process. It is anticipated that these costs will be in the vicinity of \$1,200 and provision has been made in Council's adopted 2018/19 Budget for this purpose.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Adopt the proposed Shire of Gingin Repeal Local Law 2018 (as shown in Appendix 1) for the purpose of advertising.
2. Pursuant to s.3.12 of the *Local Government Act 1995*, give local and state-wide public notice of its intention to make the Shire of Gingin Repeal Local Law 2018 and, within that notice, advise of the following purpose and effect:

Purpose: The purpose of this local law is to repeal superfluous, defunct and obsolete by-laws.

Effect: The effect of this local law is to remove outdated by-laws from the public record.

RESOLUTION

Moved Councillor Johnson, seconded Councillor Morton that Council:

1. **Adopt the proposed Shire of Gingin Repeal Local Law 2018 (as shown in Appendix 1) for the purpose of advertising.**
2. **Pursuant to s.3.12 of the *Local Government Act 1995*, give local and state-wide public notice of its intention to make the Shire of Gingin Repeal Local Law 2018 and, within that notice, advise of the following purpose and effect:**

Purpose: The purpose of this local law is to repeal superfluous, defunct and obsolete by-laws.

Effect: The effect of this local law is to remove outdated by-laws from the public record.

CARRIED UNANIMOUSLY

APPENDIX 1

Local Government Act 1995

Shire of Gingin

Repeal Local Law 2018

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on **[insert day and month 2018]** to make the following local law.

1. Citation

This local law may be cited as the *Shire of Gingin Repeal Local Law 2018*.

2. Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

3. Repeal

The following by-laws are hereby repealed –

- (a) The *By-laws of the Gingin Road Board* published in the *Government Gazette* on 7 November 1913.
- (b) The *Gingin Road Board By-law for Regulating the Hawking of Fruit, Fish, Meat, Poultry, Game, or Vegetables, or any Article of Merchandise and Requiring Licenses to be Obtained by Hawkers and Enforcing the Obligation of Hawkers and Traders to Carry Scales* published in the *Government Gazette* on 13 February 1914.
- (c) The *Gingin Road Board By-laws – Schedules* published in the *Government Gazette* on 6 March 1914.
- (d) The *Gingin Road Board By-law Prohibiting Smoking in the Gingin Agricultural Hall* published in the *Government Gazette* on 28 January 1927.
- (e) The *Gingin Road Board By-laws Relating to Control of Dogs* published in the *Government Gazette* on 13 December 1929.
- (f) The *Gingin Road Board By-law Prohibiting Dogs Being Allowed Within the Inner Enclosure on Reserve No. 10216, at the Mouth of the Moore River* published in the *Government Gazette* on 6 February 1931.
- (g) The *Gingin Road Board By-law No. 114 in Relation to Occupying, or Pasturing Stock on, Land Under the Control of the Road Board* published in the *Government Gazette* on 24 April 1931.
- (h) The *Gingin Road Board By-law No. 117 – To Provide Restrictions as to Hawkers* published in the *Government Gazette* on 23 December 1932.

- (i) *The Gingin Road Board By-law No. 118 Prohibiting Interference with the Sand Bar at the Mouth of the Moore River* published in the *Government Gazette* on 24 July 1936.
- (j) *The Gingin Road Board By-law Relating to the Use of Rifles on Reserve No. A10216 at the Mouth of the Moore River* published in the *Government Gazette* on 23 June 1939.
- (k) *The Gingin Road Board By-law for Regulating the Board's Water Supplies* published in the *Government Gazette* on 23 May 1941.
- (l) *The Gingin Road Board Poundage Fees, Sustenance Charges, and By-laws* published in the *Government Gazette* on 30 July 1943.
- (m) *The Gingin Road Board By-law No. 124 – Fee to Enter Picnic Reserves Controlled by the Road Board* published in the *Government Gazette* on 14 November 1947.
- (n) *The Gingin Road Board By-laws for Control of Gingin Road Board Agricultural Hall* published in the *Government Gazette* on 11 April 1956.
- (o) *The amendments to the Gingin Road Board By-laws for Control of Gingin Agricultural Hall* published in the *Government Gazette* on 20 December 1957.
- (p) *The Shire of Gingin By-laws Relating to the Removal of Refuse, Rubbish or Other Material* published in the *Government Gazette* on 10 December 1964.
- (q) *The Shire of Gingin By-laws Relating to Parks and Reserves* published in the *Government Gazette* on 9 December 1955.
- (r) *The Gingin Road Board By-laws Prescribing What Constitutes a Sufficient Fence* published in the *Government Gazette* on 24 May 1961.
- (s) *The Shire of Gingin By-laws for the Management, Use and Letting of the Guilderton Recreation Centre and Lancelin Hall* published in the *Government Gazette* on 1 October 1964.
- (t) *The Shire of Gingin Adoption of Model By-laws No. 14 – Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing* published in the *Government Gazette* on 13 July 1967.
- (u) *The Shire of Gingin Adoption of Draft Model By-laws (Holiday Cabins and Chalets) No. 18* published in the *Government Gazette* on 24 March 1969.
- (v) *The Erratum to the Shire of Gingin Adoption of Draft Model By-laws (Holiday Cabins and Chalets) No. 18* published in the *Government Gazette* on 23 April 1969.
- (w) *The Adoption of Draft Model By-laws Relating to Caravan Parks and Camping Grounds No. 2* published in the *Government Gazette* on 1 December 1970.

- (x) The amendment (metric conversion) of By-law 5 of the *Draft Model By-laws Relating to Caravan Parks and Camping Grounds No. 2* published in the *Government Gazette* on 21 December 1973.
- (y) The amendment (metric conversion) of the *Local Government Draft Model By-laws (Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing) No. 14* published in the *Government Gazette* on 30 May 1975.
- (z) The amendment to the *By-laws Governing Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing No. 14* published in the *Government Gazette* on 7 December 1979.

Dated this day of 20.....

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)

I B COLLARD
Shire President

A COOK
Chief Executive Officer

11.2. CORPORATE AND COMMUNITY SERVICES

11.2.1 COMMUNITY SPORT AND RECREATION FACILITY FUND (CSRFF) 2018/19 SMALL GRANTS FUNDING ROUND GRANT APPLICATIONS – MAIN POWER SUPPLY TO GINGIN EQUESTRIAN GROUNDS

LOCATION: RACECOURSE ROAD, COONABIDGEE
APPLICANT: GINGIN CAMPDRAFT CLUB INC.
FILE: FIN/46-1819
AUTHOR: JODIE MORTADZA – COORDINATOR COMMUNITY
SERVICES AND ENGAGEMENT
REPORTING OFFICER: KAYE LOWES – EXECUTIVE MANAGER CORPORATE
AND COMMUNITY SERVICES
REPORT DATE: 21 AUGUST 2018
REFER: NIL

Councillor Fewster declared a financial interest in Item 11.2.1 on the grounds that he has dealings with Gingin Campdraft Club and Gingin Cutting Club and left the Chambers at 3.12 pm.

The Executive Manager Operations-Construction declared an Impartiality Interest in Item 11.2.1 on the grounds that he is a Committee member of the Gingin Campdraft Club Inc and left the Chambers at 3.12pm.

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider an application by the Gingin Campdraft Club Inc for funding under the Department of Local Government, Sport and Cultural Industries' Community Sport and Recreation Facilities Fund Small Grants Program to supply mains power to the Gingin Equestrian Ground.

BACKGROUND

Each year, the Shire promotes the availability of Community Sport and Recreation Facility Fund (CSRFF) grants through the Department of Local Government, Sport and Cultural Industries (DLGSCI or the Department).

In 2018, applications for a contribution towards the funding of projects were required to be submitted by 31 July 2018. Applicants were informed that applications would be considered and prioritised by Council at its Council meeting on 21 August 2018 and that Council's recommendation(s) would then to be forwarded to the Department by 31 August 2018.

The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

There are three types of grants available through the CSRFF grant program:

Small Grants

Total project costs must not exceed \$200,000. Grants between \$2,500 and \$66,666 will be allocated to projects involving a basic level of planning.

Annual Grants

Total project costs must be between \$200,001 and \$500,000. Grants between \$66,667 – \$166,666 will be allocated to projects with a planning and construction process that will be complete within 12 months; and

Forward Planning Grants

Total project costs must exceed \$500,001. Grants between \$166,667 and \$2,000,000 will be allocated to large scale projects which may require an implementation period of between one and three years.

Generally, past CSRFF applications have been subject to tripartite funding as follows:

- Department of Sport and Recreation – one-third;
- Shire of Gingin – one-third; and
- Community contribution – one-third.

However, a change has now been made in the way the funding is apportioned by the CSRFF Scheme, whereby the Department continues to remain committed to a maximum one-third contribution, with the applicant being responsible for the remaining two-thirds. This places the onus on community groups to liaise with the Shire for an agreed contribution, if any. Applicants can also apply for a Development Bonus, whereby the applicant can be considered for extra funding (up to half of the total project cost) due to extenuating factors such as geographical location, colocation, sustainability and increased participation.

Applicants are required to contact a DLGSCI representative to identify whether their project meets the grant criteria in the first instance. Applicants are then supplied with the grant application form for completion which is submitted to the local government for endorsement/prioritisation. Simultaneously a representative from DLGSCI will have contacted the Shire in order to discuss potential projects from applicants and how they align with the Shire's integrated planning requirements. Applications are then formally presented to Council for formal endorsement/prioritisation and a commitment to expending funds in the impending financial year (if required).

Council's Community Infrastructure Plan (CIP) is a vital document for progressing asset renewal/redevelopment projects within the Shire. The Plan should place Council in a position whereby projects have been identified and prioritised and potentially listed on its Forward Capital Works Plan prior to any funding application being submitted.

COMMENT

At the close of the submission period on 31 July 2018, one application was received from the Gingin Campdraft Club Inc which is now presented for Council's consideration.

The application outlines a request for funding to support mains power supply to the Gingin Equestrian Grounds. The CSRFF Grant Application Form is attached as **Appendix 1** and supporting documentation attached as **Appendix 2**.

The Applicant in this case is requesting \$50,741 (ex GST) through the CSRFF's Small Grants program whereby grant funds must be claimed by 30 June 2019. The Shire contribution of \$50,741 has been approved within the 2018/19 Shire of Gingin Municipal budget. A full breakdown of expected costs and contributors is in the Budget section of this report.

The Club's proposal aligns with the Shire's Community Infrastructure Plan (CIP), specifically Recommendation 27 – Gingin Equestrian Ground which cites '*there is a need to bring power to the site*'.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 3.7 - Distribution of Funds to Community and Sporting Bodies through the Community Sporting and Recreation Facilities Fund.

BUDGET IMPLICATIONS

A breakdown of associated costs is presented below:

Project Description	\$ Cost ex GST	\$ Cost inc GST	Quote Used
Power electrical works installation and connection	\$132,222	\$132,222	Western Power (GST not applicable)
Install underground power and metering	\$12,800	\$14,080	Redback Electrical Services
Loan of plant equipment and labour – In-kind contribution	\$7,200	\$7,200	Club Volunteers
Sub Total	\$152,222	\$153, 502	
Cost escalation	\$	\$	<i>Nil expected</i>
(a) Total project expenditure	\$152,222	\$153,502	

The table below provides the likely funding scenario (ex GST):

Funding Body	Contribution	Confirmation Application successful
Department of Sport and Recreation	\$50,741	N
Shire of Gingin	\$50,741	Y – conditions apply
Gingin Campdraft Club	\$43,540	Y
Gingin Cutting Club		Y
Self-Supporting Loan - Gingin Campdraft Club		N
Volunteer Labour – (Campdraft & Cutting Clubs)	\$7,200	Y
TOTAL	\$152,222	

An allocation of \$50,741 has been approved in Council's adopted 2018/19 Municipal Budget and has been included in the Shire of Gingin's Corporate Business Plan.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	<i>Community Wellbeing</i>
Objective	<i>1. To support the Shire of Gingin community to be inclusive, vibrant and healthy through the Shire's service delivery.</i>
Outcome	<i>Inclusive Community 1.1 Our community has access to a range of community programs, services and initiatives that support wellbeing and inclusion 1.2 Vibrant Our community can participate in a range of activities and events that celebrate and promote our unique lifestyle and heritage 1.3 Healthy and Safe: Our community has access to quality health and community safety programs, services and initiatives that promote resilience</i>
Priorities	<i>1.1.2 Improve activities for children and young people 1.2.1 Support community groups and volunteers 1.2.2 Support and promote local and regional events</i>
Focus Area	<i>Infrastructure and Development</i>
Objective	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.</i>
Outcome	<i>3.2 Community Infrastructure The Shire provides fit for purpose community infrastructure in a financially responsible manner</i>
Priority	<i>3.2.1 Improve the use and financial sustainability of community infrastructure.</i>

Focus Area	<i>Governance</i>
Objective	<i>5. To demonstrate effective leadership, governance and advocacy on behalf of community</i>
Outcome	<i>5.3 Partner The Shire works productively with a range of partners to deliver better outcomes for community.</i>
Priority	<i>5.3.1 Advocate on behalf of community towards Strategic Community Plan Aspirations, Objectives, Outcomes and Priorities.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Support the Gingin Campdraft Club Inc's application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund for the 2018/19 small grant funding round for the project "Main Power supply to the Gingin Equestrian Centre".
2. Agree to a one third funding contribution towards the project to a maximum value of \$50,741 ex GST.

MOTION

Moved Councillor Elgin, seconded Councillor Johnson that Council:

1. Support the Gingin Campdraft Club Inc's application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund for the 2018/19 small grant funding round for the project "Main Power supply to the Gingin Equestrian Centre".
2. Agree to a one third funding contribution towards the project to a maximum value of \$50,741 ex GST.

AMENDMENT

Moved Councillor Peckza, seconded Councillorthat Council:

1. Support the Gingin Campdraft Club Inc's application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund for the 2018/19 small grant funding round for the project "Main Power supply to the Gingin Equestrian Centre".
2. Agree to a one third funding contribution towards the project to a maximum value of \$50,000 as discussed in Concept Forum.

LOST FOR WANT OF A SECONDER

RESOLUTION

Moved Councillor Elgin, seconded Councillor Johnson that Council:

- 1. Support the Gingin Campdraft Club Inc's application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund for the 2018/19 small grant funding round for the project "Main Power supply to the Gingin Equestrian Centre".**
- 2. Agree to a one third funding contribution towards the project to a maximum value of \$50,741 ex GST.**

**CARRIED UNANIMOUSLY
8-0**

Councillor Fewster and the Executive Manager Operations-Construction returned to the Chambers at 3.15pm.

APPENDIX 1

Department of
Local Government, Sport
and Cultural Industries

Office Use Only

TRIM: _____

Grant No: _____

Project Coordinator: _____

CSRFF Small Grants Application Form

For projects up to \$200,000 to be acquitted by 15 June 2019

You **MUST** discuss your project with an officer from your nearest Department of Local Government, Sport and Cultural Industries office before completing and submitting your application. Failure to do so will render your project ineligible.

All applications **MUST** be submitted to your local government. Contact your local government to determine the cut-off date for the submission of applications.

DLGSC Contact: _____

Date: _____

Office: _____

Applicant's Details:

Organisation Name:	Gingin Campdraft Club Inc.				
Postal Address:	PO Box 343				
Suburb:	Moora	State:	WA	Postcode:	6510
Street Address:	Gingin Equestrian Grounds, Racecourse Rd				
Suburb:	Gingin	State:	WA	Postcode:	6503

Preferred Contact Person:*All application correspondence will be directed to this person*

Name:	Rebecca Butcher	Title:	Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Ms <input type="checkbox"/>
Position Held:	Gingin Campdraft Club Secretary		
Business Phone:	0428 981 003	Facsimile:	n/a
Mobile Phone:	0428 981 003	Email:	becshark@hotmail.com

Organisation Business Details:

Does your organisation have an ABN?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ABN: 90325402712
Is your organisation registered for GST?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	* Note, in order to be eligible for funding you must attach a copy of the Incorporation Certificate. LGA's exempt
Is your organisation not-for-profit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is your organisation incorporated?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Incorporation #: A1012710P *
Bank details:	Bank: Bendigo	BSB: 633000 A/c: 130555063

Local Government Authority Details:

LGA:	Shire of Gingin		
Contact:	Raees Rasool	Title:	Dr <input type="checkbox"/> Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/>
Position Held:	Executive Manager Assets		
Business Phone:	(08) 9575 2211	Facsimile:	(08) 9575 2121
Mobile Phone:	0439 288 554	Email:	mail@gingin.wa.gov.au

PROJECT DETAILS

Project Title (brief and specific): the provision of mains power to the Gingin Equestrian Grounds

Project Description:

The project is to deliver mains power to the Gingin Equestrian Grounds at Lot 51 & 52 Racecourse Road.

The current situation is that there is no mains power at the Gingin Equestrian Grounds and the two Clubs that are the main users of the grounds and the direct beneficiaries Gingin Campdraft Club and the Gingin Cutting Club, rely on generators to undertake all Club activities at the grounds.

The clubs require power:

- to utilise toilet and shower facilities;
- to operate lights, sound equipment, cool rooms and other equipment/appliances; and
- to run the bore that provides water for horses and livestock which is a minimum animal welfare requirement.

The project will include:

- Engaging Western Power to install a new power line from the existing power asset on Honeycomb Road to Lot 51/52 Racecourse Road (Gingin Equestrian Grounds); and
- Engaging an electrician to install the power asset from the Western Power line to the existing power infrastructure located at the toilet block.

Once the power has been connected to the existing power infrastructure at the toilet block the existing wiring is already set up for mains power.

How did you establish a need for your project?

The Gingin Campdraft Club and the Gingin Cutting Club are both required to use and/or hire a generators for Club activities on the grounds.

For regular club activities at the facilities the clubs use small generators that have been purchased by the clubs and are located in the toilet block breeze-way to provide power to run the shed lights, toilets and showers only. Due to the size of these small (5kva) generators, larger generators (50kva) are required to provide power for the PA sound systems, additional lighting (for occupational health and safety standards), food vans/kiosks, catering and entertainment facilities. These larger generators are hired at cost by the Gingin Campdraft Club on an as needs basis, collection and return of these generators pose an inconvenience to the club who unlike other clubs in the Shire, don't have the ability to simply plug into mains power. Instead one club member is responsible to collect and return the large generator which means that is one less club member available for general preparation of the grounds for our event.

When the Gingin Campdraft Club holds their annual event they are required to hire a larger generator to provide power to be able run their event (for computers, PA systems, cool rooms, lighting, water for stock and competitors, entertainment, etc). The Cutting Club also requires power to run their events for PA systems, timing equipment, and computers and also to have water for stock and competitors.

Both Clubs wish to increase the usage of the grounds. For example the Gingin Campdraft Club would be able to hold smaller one day campdraft/s in to addition the annual Campdraft event. As these events require preparation due to the need to outsource power requirements it becomes prohibitive for the volunteers to organise small campdrafts. The Gingin Cutting Club would be able to hold more events at the grounds which at the moment is constrained by the hot weather in summer and the need to hold their events at night under lights in the interest of animal welfare. The installation of mains power would negate the use of generators and only improve the amenity of both club's activities. The organisation of a generator is quite onerous on volunteer's time with regards to organising quotes for generators, organising an electrician for the installation of the generator and also organising the fuel to refuel the generator throughout the event/s. With the installation of mains power to the site it would just be a case of turning up at the grounds and flicking on the mains power switch.

The Campdraft and Cutting major cattle sponsor (without cattle the events can't be run), Cullalla Feedlot, have advised that they would like to see power installed at the grounds to improve the exposure of the sports and for further expansion of the Gingin Campdraft and Gingin Cutting events.

The clubs also hire out their leased areas from time to time for such events as the Denim and Lace Barrel Racing Series (charity event with funds raised going to Breast Cancer research), Team Penning, Ranch Sorting and Horsemanship schools. The hiring of the Grounds to other users would also be able to be greatly increased as the main issue is the lack of power to facilitate the hosting of larger and more regular events. An increase in the number of events would have a flow on effect for the Shire of Gingin and local businesses with increased throughput and use of local services.

The Gingin Campdraft Club has been approached over the last twelve months by a team roping association and rodeo club wishing to utilise the Grounds but they are extremely hesitant to commit to the use of the grounds due to the lack of permanent mains power. If mains power was already available on site the team roping association and

rodeo club would have no hesitation in using these facilities and increasing the usage of the Gingin Equestrian Grounds.

The generators are not only noisy (especially if using the toilets or shower), costly to run and an inconvenience but they are also a short term solution as they have a limited asset life and require ongoing maintenance (servicing, refuelling, etc). Another issue to consider is that generators tend not to provide a source of 'clean' power for the use of sensitive computers. Computers are required for scoring, results distribution, production of random competition draws and records keeping. The Gingin Campdraft Club has irreparably damaged two computers with the use of generator power.

In August 2016 the Shire adopted the Community Infrastructure Plan and this Plan identified the Gingin Equestrian Grounds (page vii of the Executive Summary; item No. 27) as a Regional Facility and that 'In the interim (short term) there is a need to bring power to the site' with a Priority Level of Short Term (S) which is defined in the Plan as to be completed within 12 months to three years. It was determined that the greatest hindrance to the expansion of the Grounds was the provision of mains power to the facility.

What alternatives were considered and why were they rejected (e.g. cost, suitability, feasibility)?

Prior to investigating the option of mains power to the Gingin Equestrian Grounds, other alternatives were considered.

Permanent generators were considered however they are costly to maintain and run. They require regular servicing and replacement in time, which would be at the expense of the clubs. Other things to consider with generators are:

- The useful life of a generator is determined to be between 15 and 20 years, after which time the generator would require replacement.
- If the usage of the grounds and power requirements were increased then the generator would need to be replaced with a larger generator at the cost to the clubs. If a generator was purchased that provided a larger power supply than was initially required, then after usage of that generator at a lower voltage (less than approximately 85% capacity) the generator will 'down rate' itself as it is not working at capacity and hence negate the reason for initially purchasing a higher voltage generator.
- Cancer Council of Australia lists diesel engine exhaust fumes as a significant risk factor for cancer. When breathed in, diesel chemicals increase the risk of developing long term health problems. "In Australia, diesel engine exhaust is the second most common cancer causing agent (carcinogen) workers are exposed to behind ultraviolet radiation exposure" (<https://www.cancer.org.au/preventing-cancer/workplace-cancer/diesel.html>). It is concerning that not only are our adult club members exposed to these fumes while using the shower and toilet facilities – and in the general vicinity, but young members are exposed also.

Current Costs to Club for power

Item	Cost/Unit	Notes
Generator Hire	\$1,000	Four days hire and includes delivery
Electrician	\$450	Wire up generator - required to ensure that the generator does not short and 'trip out' the RCD's and to also test that everything is safe
Fuel Costs	\$600	Approximately 100 litres of diesel per day
Sub-total for single event	\$2,050	
No. of Events per annum	X 8	Minimum per year
Total cost to clubs p.a.	\$16,400	

Main Powers Cost

Item	Cost/Unit	Notes
Main Power Supply	\$345	1500 units x 0.23s per unit
No. of Events per annum	X 8	Minimum per year
Total cost to clubs p.a.	\$2,760	

Reduction in annual operations costs to clubs of \$13,640 (approx.)

It needs to also be noted that the use of generators for power involves a lot of volunteer time in organising quotes for generators, organising an electrician for the installation and also organising the fuel to refuel the generator throughout the event/s. With the installation of mains power to the site it would just be a case of turning up at the grounds and flicking on the mains power switch.

Solar power was also considered with the following noted:

- The issue with solar power is the fact that for the provision of power during the night, power would be required to be stored in batteries during daylight which would require a lot of batteries to store enough power to facilitate night time activities (lighting, cooking, entertainment, etc.). The batteries required to store power are expensive to purchase and replace. The batteries may have a useful life of 5 to 25 years if all went well and it is anticipated that the solar cells would require replacing after 20 years. The replacement of the batteries and solar cells would be at the cost of the clubs at the grounds. If usage of the grounds and power requirements were increased then both additional solar cells and batteries would be required to be purchased at great expense to the clubs.

Number of batteries	Lifespan	Disposable costs	Total Cost
	5-25 years		

- Another issue with solar is that they work well when sun light is available but if there was insufficient light to charge the batteries for the power requirements, then a generator would still be required to provide power.
- Solar panels require cleaning around 4 times per year to maximise efficiency.
- Used solar batteries are classed as dangerous goods when they're at the end of their life and need to be managed carefully. Licenced professional are required to remove and decommission batteries. Disposing of batteries poses a problem of toxic decay to landfill sites.

The provision of mains power (three phase) to the grounds would be a one-off cost to install the infrastructure and afterwards the poles and power lines would be maintained and replaced at the expense of Western Power (as per the *Electricity Act 1945* s25 Duties as to Supply of Electricity). The proposed power supply to the grounds would be sufficient to accommodate any increased usage requirements.

In summary, it is envisaged that the provision of long-term large generator or solar power to the grounds would only provide a short term solution to power to the grounds with a much limited life of asset. It is envisaged that the provision of mains power would only enhance future development of the Grounds and provide a much reduced running cost compared to other options and have a greatly improved life of asset with the main power asset (power pole and lines) being maintained and replaced by the service provider (Western Power) not the clubs. Therefore the provision of mains power to the site will provide a long term solution to power to the Grounds and allow for expansion for increased usage.

Have the full lifecycle costs of the project been considered and can you afford the ongoing costs of managing, maintaining and replacing the facility? Will a specific asset replacement fund be created?

The ongoing costs of maintaining the power asset once installed will be negligible as the main asset will be maintained at the cost of Western Power. Once the power asset is installed from the Western Power asset to the existing power assets the ongoing maintenance for this will be undertaken at the Shire's expense under the individual lease agreements with the Clubs (as is the norm with all of the other Club's across the Shire with the same level of power provision). It is anticipated however that the ongoing maintenance costs for the Shire, once installed, will be negligible.

Item	Cost/Unit	Notes
Main Power Supply	\$2760	Per annum
10 year period	X 10	
Total cost to clubs	\$20,760	10 year period versus \$164,000 using generators

As stated above, the cost of mains power is quite low (anticipated \$345 per event) compared to the current cost of \$2,050 per event and is therefore able to be accommodated easily within each Club's budget for events.

It is proposed the cost of power will be at a 'user pays' system with clubs recording the meter reading before and after usage and that clubs will be charged for their actual usage. Sub-meters were considered but the clubs were advised by an electrician that this would not be possible due to the clubs all using the Common Area to congregate and therefore each area could not be segregated with their own meter. A Memorandum of Understanding will be created in collaboration with the Clubs and will address costs associated to ad-hoc users and associated payments.

As outlined above the clubs have considered all alternate power options and their life of asset costs with mains power providing the greatest life of asset with asset replacement being undertaken by the service provider (Western Power) at their cost.

Project location:	Gingin Equestrian Grounds, Shire of Gingin		
Land ownership:	Who owns the land on which your facility will be located? Shire of Gingin Lease Expiry (if applicable): 2021 (with a five year extension provision to 2026) The Gingin Equestrian Grounds is owned by the Shire of Gingin which is zoned for 'equestrian purposes' however the power mains will require installation through private property. In principle support (in writing from the landowner) has been previously received so as to achieve a quote from Western Power (as attached). Western Power will not submit a quote without this authority.		
Planning approvals	Nil	If no, provide the date it will be applied for:	
Where applicable, has planning permission been granted? (LGA)	Yes <input type="checkbox"/> No <input type="checkbox"/>	N/A	
Aboriginal Heritage Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	___/___/___	

Department of Biodiversity, Conservation and Attractions? (Environmental, Swan River)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	✓	___/___/___
Native Vegetation Clearing Permit?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	✓	___/___/___
Please list any other approvals that are required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	✓	___/___/___
How will your project increase physical activity? Yes, through the capacity to offer more events throughout the year which engage Campdraft and Cutting Club riders. In addition in requiring less of volunteers (organising generators for events) there may be a greater interest in participation and being involved in the coordination of more events.			
Do you share your facility with other groups? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If so, who: Gingin Cutting Club			

List the main sport and recreation activities (maximum of 3) which will benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

Sport/community organisation	% use of the facility	Hours per week
Gingin Campdraft Club	71.43%	5
Gingin Cutting Club	28.57%	2

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

Note: if membership is not applicable, ie recreation facility or aquatic centre, enter the number of users of the facility.

2015/16	200	2016/17	250	2017/18	300
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State Sporting Associations are involved in the assessment of applications and may be able to provide valuable information when planning your project, particularly in relation to technical design issues. They should be consulted as part of the application process. A complete list of State Sporting Associations and their contact details are available on the department's website: <http://www.dsr.wa.gov.au/contact-us/find-a-sport-or-recreation-association>

What is the name of the State Sporting Association for your activity/sport?	
The Campdraft Club only have a national sporting association, the Australian Campdrafting Association (ACA) The Gingin Cutting Club come under the National Cutting Horse Association (NCHA)	
Have you discussed your project with your State Sporting Association?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Contact Name: Allister Butcher (ACA Southwest WA Councillor)	Date of contact: 4 May 2018

PROJECT DELIVERY

Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

Task	Date
Attainment of Council approvals	August 2018
Preparation of tender/quotes for the major works contract	December 2018
Issuing of tender for major works	Not required (only one service provider, Western Power, as per <i>Electricity Act 1945</i>)
Signing of major works contract	January 2019
Site works commence	March 2019
Construction of project starts	March 2019
Project 50% complete	March/April 2019
Project Completed	April 2019
Project hand over and acquittal	May 2019

Are there any operational constraints that would impact on the construction phase of your project?

Inclement weather or ground conditions providing access issues to adjoining site to install power infrastructure (poles and wires). However this is unlikely due to the works proposed to be undertaken in the drier summer months.

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DLGSC can be accessed by you during standard office hours and updated by writing to DLGSC or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

DLGSC may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name: Bob Hamilton

Position Held: President, Gingin Campdraft Club

Signature: _____

Date: 30 July 2018

LODGEMENT OF YOUR APPLICATION

- Applications including all attachments are to be received electronically and officially submitted to csrff@dlgsc.wa.gov.au by the cut off date. A hard copy can also be provided and should be clipped at the top left-hand corner, please do not bind.
- It is recommended that you **retain your completed application form**, including attachments for your own records and future audit purposes.
- All **attachments** and supporting documentation (see next section) should be **clearly named and identified** and submitted with the application form.
- **Applications must be submitted to your Local Government Authority** by the Local Government's advertised cut-off date to ensure inclusion at the relevant Council Meeting.

The following documentation must be included with your application. Applicants may wish to supply additional RELEVANT information.

Grants up to \$66,666:

<input type="checkbox"/>	Application form.
<input type="checkbox"/>	Incorporation Certificate.
<input type="checkbox"/>	Two written quotes. <i>(unable to source another written quote for Western Power as they are the sole service provider)</i>
<input type="checkbox"/>	If your project involves the upgrade of an existing facility, include photograph/s of this facility.
<input type="checkbox"/>	Locality map, site map and building plans (in relevant constructions projects), including where the proposed facility is located in relation to other sport and recreation infrastructure.
<input type="checkbox"/>	Income and expenditure statements for the current and next financial years. (LGAs exempted).
<input type="checkbox"/>	Written confirmation of financial commitments from other sources including copies of council minutes . (If a club is contributing financially then evidence of their cash at hand must be provided).
<input type="checkbox"/>	For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.
<input type="checkbox"/>	Itemised project cost for components and identified on the relevant quote for each (including cost escalation).
<input type="checkbox"/>	For floodlighting projects, a lighting plan must be supplied showing lux, configuration and sufficient power supply

Your application will be considered not eligible if:

- You have not discussed your project with the Department of Local Government, Sport and Cultural Industries and your State Sporting Association.
- You do not meet the eligibility criteria for the grant category to which you are applying.
- You have not included with your application all the relevant required supporting documentation. **There is no onus on Department staff to pursue missing documentation.**
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted that grant. In some cases this may apply to localities where other significant projects have not been progressed or have not completed a previous project in accordance with the conditions of the grant provided. An assessment will be made in November and if no physical progress has occurred, new applications may not be recommended.
- It is not on the correct application form.
- The project for which application is made is specifically excluded from receiving CSRFF support.

DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

You MUST contact your local DLGSC office to determine eligibility before applying.

Category	Details	
Geographical location	<input type="checkbox"/> Regional/remote location <input type="checkbox"/> Growth local government	
Co-location	<input type="checkbox"/> New <input type="checkbox"/> Existing	
Sustainability initiative	<input type="checkbox"/> Water saving <input type="checkbox"/> Energy reduction <input type="checkbox"/> Other	
Increased participation	<input type="checkbox"/> New participants <input type="checkbox"/> Existing participants – higher level <input type="checkbox"/> Special interest <input type="checkbox"/> Other	

PROJECT FUNDING

Source of funding	\$Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	\$50,741	\$51,381	LGA cash and in-kind	Y	
Applicant cash (Campdraft and Cutting Clubs)	\$43,540	\$43,540	Organisation's cash	Y	
Volunteer labour (Campdraft and Cutting Clubs)	\$7,200	\$7,200	Cannot exceed applicant cash and LGA contribution – max \$50,000	Y	
Donated materials			Cannot exceed applicant cash and LGA contribution		
Other State Government funding					
Federal Government funding					
Other funding – to be listed			Loans, sponsorship etc		
CSRFF request (No Development Bonus)	\$50,741	\$51,381	up to 1/3 project cost		
or CSRFF request (Development Bonus)			Up to ½ project cost		
b) Total project funding	\$152,222	\$153,502	This should equal project expenditure as listed on the previous page		
REQUIRED: If the funding approved is less than funding requested for this project, or the project is more expensive than indicated, where would the extra funds be sourced from? Is this funding confirmed? If the project scope would be reduced, which components would be revisited?					
Tthe quote from Western Power provided was obtained in 2015. To obtain a quote from Western Power it has to be paid for and therefore due diligence is undertaken by Western Power to provide an accurate price. The Western Power quotes are only valid for a period of 60 days, so if this application is successful a new quote will be obtained for the works from Western Power.					
Assuming there was an annual increase of 3% CPI the Western Power costs would have increased by approx. \$12,260. The Gingin Campdraft Club has in principal support with the Shire of Gingin for a self-supporting loan of up to \$30,741 for this project, which could assist with covering additional costs. Other funding sources could be sources including sponsorship and/or the Clubs would be committed to fund raising to cover contingency costs, noting that their annual operations costs would be reduced with mains power and income greater with interest by other groups to coordinate events at the location.					

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please **attach copies of council minutes** relevant to the project approval.

Name of Local Government Authority:
Name of Applicant:

Note: The applicant's name cannot be changed once the application is lodged at DLGSC.

Section A

The CSRFF principles have been considered and the following assessment is provided:
(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B

Priority ranking of no of applications received	of applications received
Is this project consistent with the	<input type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what approvals are still outstanding?	

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|--------------------------|
| A | Well planned and needed by municipality | <input type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

Please complete the questions attached. This assessment is an important part of the CSRFF process and your answers to these questions assist the committee make their recommendations, even if you are the applicant. Please provide a summary of any attachments in your assessment, rather than referring to attachments or external documents such as Council Minutes.

<p>1. Please confirm your contribution to the project, whether it has been formally approved (including financial year for which it is approved) and any conditions on the funding. If no funding has been provided, why not?</p>
<p>2. A) <i>If a community group application:</i> Do you believe the project is financially viable, including the applicant's ability to provide upfront contributions, ongoing payments and contributions to an asset replacement fund. Does council commit to underwriting any shortfalls as the ultimate asset owner?</p> <p>B) <i>If a council application:</i> Is Council fully aware of the ongoing cost of operating and maintaining this facility and does your organisation have the capacity to service it into the future? How are the user groups contributing to the ongoing cost of operating the facility?</p>
<p>3. Please provide any additional comments regarding this applications merit against the assessment criteria to support your project rating and ranking.</p>

Signed

Position

Date

Applications for CSRFF funding must be submitted to your Department of Local Government, Sport and Cultural Industries office by **4pm on 31 August 2018**. Late applications cannot be accepted in any circumstances.

DLGSC OFFICES

PERTH OFFICE

246 Vincent Street
Leederville WA 6007
PO Box 329
Leederville WA 6903
Tel: (08) 9492 9700
Fax: (08) 9492 9711

PEEL

Suite 94
16 Dolphin Drive
PO Box 1445
Mandurah WA 6210
Tel: (08) 9550 3100
Fax: (08) 9550 3199

PILBARA

Karratha Leisureplex
Dampier Hwy, Karratha
PO Box 941
Karratha WA 6714
Tel: (08) 9182 2100
Fax: (08) 9182 2199

SOUTH WEST

80A Blair Street
PO Box 2662
Bunbury WA 6230
Tel: (08) 9792 6900
Fax: (08) 9792 6999

GREAT SOUTHERN

22 Collie Street
Albany WA 6330
Tel: (08) 9892 0100
Fax: (08) 9892 0199

GASCOYNE

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Fax: (08) 9941 0999

GOLDFIELDS

1/349 Hannan Street
PO Box 1036
Kalgoorlie WA 6430
Tel: (08) 9022 5800
Fax: (08) 9022 5899

KIMBERLEY – Broome

Unit 2, 23 Coghlan Street
PO Box 1476
Broome WA 6725
Telephone (08) 9195 5750
Facsimile (08) 9166 4999
Mobile 0438 916 185

WHEATBELT - NORTHAM

298 Fitzgerald Street
PO Box 55
Northam WA 6401
Tel: (08) 9690 2400
Fax: (08) 9690 2499

WHEATBELT – NARROGIN

Government Offices
Level 2, 11-13 Park Street Narrogin
WA 6312
Telephone 0429 881 369
Facsimile (08) 9881 3363

MID-WEST

Level 1, 268-270
Foreshore Drive
PO Box 135
Geraldton WA 6531
Tel: (08) 9956 2100
Fax: (08) 9956 2199

APPENDIX 2



Mob:
0438991712
Fax:
95771940



PO Box 2223
Woodridge
WA
6041

Email: redbackelectrical@live.com.au



QUOTATION

Thankyou for the opportunity to quote on works to the gingin equestrian grounds.
Work includes the following

Supply and install of underground electricity to existing buildings
Metering and all associated works

TOTAL \$ 14080 INC GST

Please feel free to contact me with any questions you may have.

N.A.Delechantos
Redback electrical services
EC009712
AU39042



Electricity Networks Corporation
ABN 18 540 492 861
Locked Bag 2520 Perth WA 6001

Enquiries

13 10 87

TTY 1800 13 13 51



TIS 13 14 50

Interpreter services
enquiry@westernpower.com.au
westernpower.com.au

Your reference: TDB6GD
Request reference: NP027121
Fax: 9225 2073

25 November 2015

Shire of Gingin
7 Brockman Street
GINGIN WA 6503

Attention: Mr Allister Butcher

Dear Sir,

**L51-52 RACECOURSE RD, COONABIDGEE
WESTERN POWER REF: NP027121**

Thank you for your request to proceed with detailed design and access offer for the above project. The detailed design has been completed and we are pleased to provide you with this firm access offer.

The attached detailed design drawing NP027121, contains customer conditions, scope of work, requirements and responsibilities as well as Western Power's scope of work. By accepting this access offer you are agreeing to abide by all conditions identified on the detailed design drawing and the attached Terms and Conditions.

ACCESS OFFER COSTS

Augmentation Cost	\$121,541.00
Less Design Fee Paid	\$5,454.00
Plus net tax of 13.9%	\$16,135.00
Customer Contribution (exc GST)	\$132,222.00

If you wish to proceed, please refer to the Access Offer Acceptance form.

IMPORTANT INFORMATION

Please note the following important information about this access offer:

- o This access offer has been calculated in accordance with Western Power's current policies on network extensions and customer capital contributions. The cost of the project to Western Power may be significantly higher than the amount you are required to pay, as a result of these policies. You have only been charged for the minimum infrastructure needed to meet your requirements, not the actual infrastructure that may be constructed.
- o Any design fee previously paid (excl GST and Tax) has been deducted from the total project cost to determine the amount payable to proceed to construction.



Your reference: TDB6GD
Request reference: NP027121
Fax: 9225 2073

Electricity Networks Corporation
ABN 18 540 492 861
Locked Bag 2520 Perth WA 6001

Enquiries

13 10 87

TTY 1800 13 13 51



TIS 13 14 50

enquiry@westernpower.com.au
westernpower.com.au

ACCESS OFFER ACCEPTANCE

Project	L51-52 RACECOURSE RD COONABIDGEE
Western Power Reference	NP027121
Access Offer Date	25 November 2015
Amount Payable (GST not applicable)	\$132,222.00

Please complete, sign and return this form within 30 calendar days from 25 November 2015 if you wish to proceed with the above project. You may fax, email or post the completed form to us, using the contact details above.

I understand that I must facilitate works being able to start within 6 months of the date of the access offer and must also facilitate the works being completed within 6 months of commencement in accordance with clauses 11.3 and 11.4 of the Terms & Conditions.

CUSTOMER DETAILS (for invoice purposes)

Name: _____
Company Name: _____
Address: _____

Phone No: _____

To expedite the processing of these works you may pay by cheque and return with your completed Access Offer Acceptance Form. A receipt will then be issued.

If you wish to pay via Bpay, Credit Card (\$5,000 limit), Post Billpay, Bill Express, EFT, please return this completed form & you will be forwarded a invoice to enable payment. The invoice is valid for 30 calendar days. Please nominate your preferred option: fax, email, post.

☐ Fax No: _____
☐ Email address: _____
☐ Post ☐ Cheque attached ☐ EFT

Signature of Customer: _____ Date: _____

- 3.7 The design fee is non refundable, except where the final access offer differs from the estimate by 30 percent or more. In that case the Customer may cancel the job and receive a full refund of the design fee.
- 3.8 The design fee paid will be deducted from the total project cost if the Customer proceeds to construction.
- 3.9 If Western Power does not receive a fully completed *Request to Provide a Firm Access Offer* form within 60 calendar days of the date of the estimate, then the request for works will expire and will be deleted from Western Power's works management system.
- 3.10 A Customer may submit a *Request to Provide a Firm Access Offer* form after 60 calendar days from the date of the estimate. However, if the Customer chooses to do so, Western Power reserves the right to charge for any time reasonably spent preparing a new or subsequent estimate or detailed design. Western Power also reserves the right to charge for any time reasonably spent preparing a new or subsequent estimate or detailed design if the Customer's requirements change.
- 3.11 Western Australian Planning Commission clearance (if applicable) cannot be granted merely upon payment of the design fee.

4. Assumptions on estimate

The estimate has been based on information readily available at the time of making it and certain assumptions regarding the project and costs. The information and assumptions may turn out to be incorrect or incomplete.

5. Fluctuations from estimate

- 5.1 The quote in the *Firm Access Offer Letter* may be higher or lower than the estimate in the *Desktop Estimate Letter*.
- 5.2 In some cases, an access offer may be significantly higher than an estimate because of ground conditions and other impediments identified during a site visit and/or fluctuations in construction costs (including materials and labour etc).

6. Good faith in calculating estimate

Western Power will calculate the indicative estimate in good faith. However, the estimate will be prepared without viewing the site and based on the assumption that there will be no unusual or unexpected ground conditions or other impediments that may change construction costs. As a consequence, the estimate is indicative only and may be inaccurate, and Western Power, to the extent permitted by law, accepts no liability for any errors or omissions or for any discrepancy between the indicative estimate and the final access offered cost, if any.

C. FIRM ACCESS OFFER

7. Making of firm access offer

- 7.1 The firm quote applies to the detailed design drawing that accompanies the *Firm Access Offer Letter*.
- 7.2 The Customer must carefully check the drawing and any scope of works to ensure that they are in accordance with the Customer's requirements.
- 7.3 The firm access offer only remains valid for 30 calendar days from the date of the firm access offer.
- 7.4 The completed *Access Offer Acceptance* form (including payment arrangements) must be approved by Western Power prior to the works proceeding. Western Power will not be obliged to carry out any works until the completed *Access Offer Acceptance* form is approved by Western Power.
- 7.5 The Customer must make payment to Western Power in accordance with one of the payment options set out on the *Access Offer Acceptance* form.
- 7.6 If the Customer applies for periodic payments as the payment option, then Western Power will carry out a credit check (in accordance with clause 9 below). If the customer does not achieve credit approval then the Customer must select another payment option in order for the works to proceed.

8. Payment

- (g) conditions different to those Western Power reasonably assumed in making the firm quote;
- (h) breakdown or an accident to plant, machinery, equipment, lines or pipes howsoever caused;
- (i) failure of suppliers to supply equipment or machinery; and
- (j) restraints, embargoes or other actions of any government.

13. Consequential loss

To the extent permitted by law (including the Australian Consumer Law):

- (a) if any party is found liable by a court for damages, the damages shall be limited to damages for direct and foreseeable loss attributable to breach or default under these Terms & Conditions;
- (b) the rights of the Customer or Western Power to damages for indirect or consequential loss are excluded; and
- (c) neither the Customer nor Western Power shall be liable to the other for any loss of profit suffered by either of them or any other person.

14. Modification

No purported:

- (a) modification, variation or amendment of these Terms & Conditions or the scope of works;
- (b) waiver of any rights of the Customer or Western Power; or
- (c) approval or consent,

shall have effect unless in writing and signed by the Customer and Western Power, and each may (subject to condition 15, below) attract an administration fee payable by the Customer to Western Power (as reasonably determined by Western Power from time to time to cover Western Power's reasonable time and costs in dealing with the matter).

15. Additional charges

Cancellation or modification or variation or amendment (**Revision**) of the *works* the subject of the access offer will result in an administration fee as reasonably determined by Western Power, plus any reasonably incurred expenses being immediately payable by the Customer. This fee and any expenses may be deducted from a refund cheque, or added to a revised access offer, or may be payable in advance of the Revision. Any administration fee shall be no more than what is reasonably required to cover Western Power's time and costs in dealing with the matter.

16. Application of Acts and By-laws

Nothing contained in these Terms & Conditions shall in any way limit the operation or effect of the Electricity Corporations Act 2005 (WA), the Australian Consumer Law, Energy Operators (Powers) Act 1979 (WA), Electricity Industry Act 2004 (WA), or any Regulations, By-laws or Orders or subsidiary legislation made under these Acts.

17. Assignment

The Customer may not assign or subcontract any rights or obligations under the contract without Western Power's prior written consent, such consent not to be unreasonably delayed or refused.

18. Clearing of vegetation

Where specified in writing by Western Power, the Customer must arrange and pay for clearing of vegetation as directed by an authorised representative of Western Power and further that such clearing will be completed prior to commencement of the *works* the subject of the access offer. All clearing must be conducted in accordance with applicable environmental regulations and requirements.

19. Land access and government approvals

- 19.1 The Customer must apply for and obtain, at its own cost, all easements, approvals, licences and other rights reasonably required by Western Power to provide Western Power with a right of access to all land (that is not owned or controlled by Western Power)

party may terminate the *works* (and the contract) upon 14 days written notice to the defaulting party.

27. References to the Australian Consumer Law

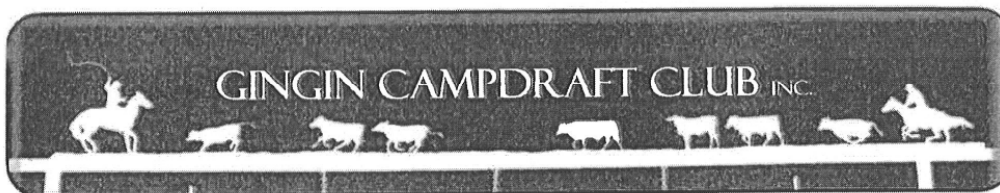
A reference to the "Australian Consumer Law" in these Terms and Conditions is a reference to:

- (a) schedule 2 to the *Competition and Consumer Act 2010* (Cth) as applied as a law of the Commonwealth under section 131 of the *Competition and Consumer Act 2010* (Cth); and
- (b) the *Australian Consumer Law* (WA) as defined in, and as applied as a law of Western Australia under, section 19 of the *Fair Trading Act 2010* (WA).









AGENDA, Gingin Campdraft Club General Meeting, Sunday 10th February 2018

Venue: Gingin Pub

Start Time: 3:40pm

Attendance: Robyn Lang, Darcy Anderson, Drew and Sedly Gibbs, Clint and Rae Motter, Helen and Andy Ker, Bob and Kym Hamilton, Brett and Lisa Edwards, Al and Bec Butcher, Hayley McCoy, Rob Wearne, Richard Kirkup, Mandy Smith, Isla Smith

Apologies Dan Rieusset, Angela Thomson, Amber Neuman, Angela Medley, Tahlia Collins, Rachel Thomson

Resolved that minutes of the last meeting be signed as true and correct; moved by Brett, seconded by Al.

Correspondance In:

- Affiliation paperwork from ACA

Correspondance Out:

- Notice of AGM

Treasurer's Report: same as AGM.

Treasurer's report moved by Helen and seconded by Sedly.

Ground maintenance:

- Allister has the details from Hansen to do up signage for the grounds – it will be done before the next draft.
- Sedly had a quote for sprinkler pods – will have it somewhere. Still need to do a pump water test on the water point near the sea container before deciding on buying the pods. Everyone decided if the water point will hold it then yes go ahead and purchase the irrigators before the draft. Voted and passed to go ahead with the sprinkler pods. \$1700 for 5 sprinklers. \$2200 for fire fighter. Water points don't have enough pressure to run the sprinklers – they would need to be run off a fire fighter unit. Designer said he could work something out. Figure comes to \$1500 per 100m pods and we would need two. Sedly to go ahead and purchase for the club.
- Last year we put the new spectator bank on hold, but now? Need to look for a source for sand for the new spectator mound - Al will ask the shire to donate sand for the new spectator mound but could not cover cartage. Carl will do the lawn on the mound (shredded).

10th February 2018

- Dome shelter sale?? Drew nominated Alex Gibbs to put the dome shelter up on gumtree for sale – Al/Andy to provide the details.
- Bob Hamilton to spray out the lovegrass at the grounds.

Business arising from the last minutes:

- Update on the kitchen donga. Coming on Tuesday. Needs cleaning out tomorrow (Sunday 9am). Eventually will need boarding up – big open serving window. Al to speak to scouts about the placement. Pad being put down by Daryl Ferguson on Monday.

General business:

- Setting draft date for 2018 – date set to Friday 12th October to Sunday 14th October to hopefully fit in better with the cattle boats. Decided not to share a judge with Eneabba.
- Splitting of the secretary role – creating new role to cover sponsorship and prizes. Sedly and Mandy taking over the sponsorship and prizes role from Bec. Mandy looking into bringing BHP on board.
- Creating of a cattle sub-committee – Brett and Lisa Edwards nominated, accepted and voted unanimously. Lisa will meet with Mike before the next meeting.
- Proposed to have a club day – lisa to talk to Mike about having it at the feedlot. Richard and Rob (social organisers) to organise the practice day and another day later on with a mechanical cow and quad bike at the grounds.
- Need better shade for the scorers – and spectators. Do we need a new spectator bank or more shade – permanent structure?? A tin roof the club could erect on its own. Bec to look into Bendigo grants and Richard will obtain 3-4 quotes for a skillion (flat) roof over the spectator area.
- Allister gave an update on the funding for provision of power to the Equestrian Grounds. He advised that the total contribution to be split evenly between the Clubs at the Grounds would be \$50,740 (\$43,540 cash and \$7,200 in kind). The Committee resolved that this funding contribution was acceptable.

Meeting closed: 4:34pm

Next Busy Bee Dates at the Grounds: tbc

Next Meeting: tbc

10th February 2018

West Australian Cutting Horse Association Inc.



5th June 2018

Shire Of Gingin
7 Brockman Street
Gingin WA 6503

To Whom It May Concern,

I'm writing this letter in support of the Gingin Campdraft Club's proposal to have mains power installed at Gingin Equestrian Grounds on Racecourse Road.

Having mains power will in the long run save time and money for each of the clubs using the grounds. It will mean we will no longer have to use generators to obtain power. The generators can be quite costly due to the amount of petrol that is needed to run them and the time it takes for club members to refill jerry cans in town to ensure we don't loose power during the event and making sure it is full for the next club to use.

A possible way to split the power bill equally and fairly if installed would be to have a sign in/out sheet. Each club would check the metre and record before their event then after to determine usage.

While we are in full support to having mains power connected, we are also a small club that is limited financially to how much money we would need/able to contribute to make it a reality. We would require time to organise funding/fundraising for the extra funds required.

Kind Regards,

Lawrence

Scott Lawrence
President
W.A. Cutting Horse Association Inc.

P.O. Box 1971 Esperance W.A. 6450 Email: w.a.c.h.a@hotmail.com
President: Scott Lawrence – Mob: 0409 782 068
Vice President: Bianca Donald – Mob: 0419 124 033
Secretary/Treasurer: Bianca Lawrence – Mob: 0439 545 668



Government of Western Australia
Department of Commerce

WESTERN AUSTRALIA

Associations Incorporation Act 1987
(Section 18(6))

Registered No: A1012710P

**Certificate of Incorporation
on Change of Name**

This is to certify that

GINGIN HORSEMAN'S CLUB INC

which was on the twenty-sixth day of April 2006
incorporated under the *Associations Incorporation Act 1987*
changed its name on the seventeenth day of June 2010 to:

GINGIN CAMPDRAFT CLUB INC

Dated this seventeenth day of June 2010

A handwritten signature in black ink, appearing to read 'G. Smith'.

Commissioner for Consumer Protection

CERTIFICATE

11.2.2 LEASE BETWEEN SHIRE OF GINGIN AND WOODRIDGE HORSE ASSOCIATION INC. - PORTION LOT 267 KING DRIVE, WOODRIDGE

LOCATION: LOT 267 KING DRIVE, WOODRIDGE
FILE: A4974
AUTHOR: CHER GROVES – COMMUNITY DEVELOPMENT OFFICER
REPORTING OFFICER: KAYE LOWES – EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES
REPORT DATE: 21 AUGUST 2018
REFER: NIL

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider a lease agreement between the Woodridge Horse Association Inc. (WHA) and the Shire of Gingin for the Woodridge Equestrian Centre located at Lot 267 King Drive, Woodridge, for a period of two years with a two year further term.

BACKGROUND

The WHA was established around 20 years ago and although the group was in hiatus for a number of years, it is again functioning and is a successful community/sporting group that offers a local equestrian space for all ages to enjoy. The WHA has historically used a portion of Lot 267 King Drive for their activities.

WHA is affiliated with Pony Club WA and Equestrian WA, and holds various equestrian clinics and events throughout the year.

A lease agreement between the Shire and the WHA has been drafted in keeping with Council's practice of formalising usage of its community assets. The lease is not subject to the endorsement of the Department of Lands as the land is Freehold.

COMMENT

The proposed lease between the Shire of Gingin and the WHA has been negotiated in the format now employed by the Shire for lease arrangements involving community groups, including the standard lease term of two years. A copy of the draft lease is provided for Council's information as **Appendix 1**.

Council will note that Lot 267 also incorporates an existing co-location facility that currently accommodates St John Ambulance and the Woodridge Volunteer Bush Fire Brigade, and an area of land that is earmarked for a new stand alone St John Ambulance facility. Annexure 2 to the lease document depicts an area of common use land which is utilised jointly by all three groups for various activities. The common use area is utilised by both St John Ambulance and DFES for emergency helicopter landings, and by the Volunteer Bush Fire Brigade for training exercises.

The lease has therefore been negotiated on the understanding that the common use area, whilst it forms part of the lease to the WHA, must be left unobstructed so that it remains available for use by the emergency service agencies. This proviso will be enforced via the lease requirement (under Lessee's Responsibilities) that the Shire's written consent must be obtained for any additions, alteration or improvements).

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 3 – Functions of local governments

Division 3 – Executive functions of local governments

Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996

Part 6 – Miscellaneous

Clause 30 – Dispositions of property excluded from Act s. 3.58

For the purposes of clause 30 the Woodridge Horse Association Inc is considered to be an organisation that is of a recreational and sporting nature.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

All outgoings, building and general maintenance for the property are funded through the Shire's Operating Expenditure Budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Agree to enter into a lease agreement with the Woodridge Horse Association Inc. for the Woodridge Equestrian Centre located at Lot 267 King Drive, Woodridge, for a period of two) years with a further two year option in accordance with the lease document shown as Appendix 1; and
2. Authorise the Chief Executive Officer to progress execution of the lease and to sign the lease document on Council's behalf.

RESOLUTION

Moved Councillor Morton, seconded Councillor Court that Council:

- 1. Agree to enter into a lease agreement with the Woodridge Horse Association Inc. for the Woodridge Equestrian Centre located at Lot 267 King Drive, Woodridge, for a period of two) years with a further two year option in accordance with the lease document shown as Appendix 1; and**
- 2. Authorise the Chief Executive Officer to progress execution of the lease and to sign the lease document on Council's behalf.**

CARRIED UNANIMOUSLY

APPENDIX 1



LEASE AGREEMENT

SHIRE OF GINGIN

AND

WOODRIDGE HORSE ASSOCIATION INC.

CONDITIONS

Parties

Shire of Gingin – "The Lessor"

AND

Woodridge Horse Association Inc. – "The Lessee"

Use

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

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

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

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

Lot 267 King Drive is used by multiple groups, scheduled events must be forwarded to other user groups so that event conflict can be minimised. All access roads are to be accessible to all user groups.

Premises

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

Common Area

Common areas exist within Lot 267 King Drive, Woodridge which is to be shared with the other Lessee's, as depicted on the plan included as **Annexure 2**.

Term

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

Holding Over

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

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

Provision of Information

The Lessee agrees to provide to the Lessor:

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

RENT AND OTHER PAYMENTS

Rent

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

Outgoings

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

Key Bond

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

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

Building Bond

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

Insurance

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

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

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

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

TERMINATION

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

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

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

Restore Premises

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

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

Property Inspections

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

LESSEE'S RESPONSIBILITIES

Maintenance, Repair and Cleaning

The Lessee must strictly comply with the Maintenance and Cleaning Schedule included as **Annexure 3**.

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

Report to Council

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

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

Alterations

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

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

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

Securing the Premises

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

Lessor's Right of Reasonable Entry

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

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

Hiring of the Premises

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

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

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

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

Fire Mitigation

- (a) Fire Prevention – Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
 - i. the *Bush Fires Act 1954* and any other laws relating to the prevention and control of fires; and
 - ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.
- (b) Fire Control – The Lessee must immediately :
 - i. notify the Lessor as soon as a fire is detected on the Leased Area; and
 - ii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area.
- (c) Authorised Fires – The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
 - i. not prohibited by law or by a direction of the Lessor or an Authority; and
 - ii. the fire is not dangerous and is properly controlled so that it cannot become dangerous.
- (d) Liability for Fires – The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
 - i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
 - ii. was started by a cause beyond the Lessee's reasonable control.
- (e) Risk Management Plan – Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with **Item 8**.
- (f) Failure to comply can lead to immediate termination of this lease.

Smoking on Premises

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

Comply with Legislation and Statutory Obligations

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

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

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

Work within Premises

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

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

Behaviour

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

Noise Restrictions apply from 7pm to 7am.

INDEMNITY

Indemnity

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

- (a) any loss whatsoever (including loss of use);
- (b) injury or damage of, or to, any kind of property or thing; and
- (c) the death of, or injury suffered by, any person,

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

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

- (a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.
- (b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

(1) The Lessee:

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

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

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

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

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

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

Limit of Lessor's liability

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

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

DISPUTES

a) Referral of Dispute: Phase 1

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

b) Referral of Dispute: Phase 2

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

c) Appointment of Arbitrator: Phase 3

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

d) Payment of Amounts Payable to Date of Award

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

THIS HAS BEEN LEFT BLANK INTENTIONALLY

SCHEDULE

ITEM 1: LAND

Lot 267 King Drive, Woodridge, the subject of Plan 13983 being the whole of the land comprised in Certificate of Crown Title Volume 1635 Folio 374.

PREMISES

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

COMMON AREA

Common use areas exist within Lot 267 King Drive, Woodridge which is to be shared with the other users, as depicted on the plan included as **Annexure 2**.

ITEM 2: TERM

Two years

ITEM 3: FURTHER TERM

Two years

ITEM 4: COMMENCEMENT DATE

1 July 2018

ITEM 5: RENT

One dollar per annum.

ITEM 6: USE

Social and recreational activities of the Woodridge Horse Association Inc. and all uses reasonably ancillary to that purpose. Lot 267 King Drive is used by multiple groups, scheduled events must be forwarded to other user groups so that event conflict can be minimised.

ITEM 7: PUBLIC LIABILITY INSURANCE

\$20,000,000.00

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

8.1 The Lessee has shared access (with other users) to an area of "land in common" including the oval and car parking areas as depicted by the areas stippled on **Annexure 2**.

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

Signed on behalf of the Shire of Gingin:

AARON COOK
CHIEF EXECUTIVE OFFICER

DATE

Signed on behalf of the Woodridge Horse Association Inc.:

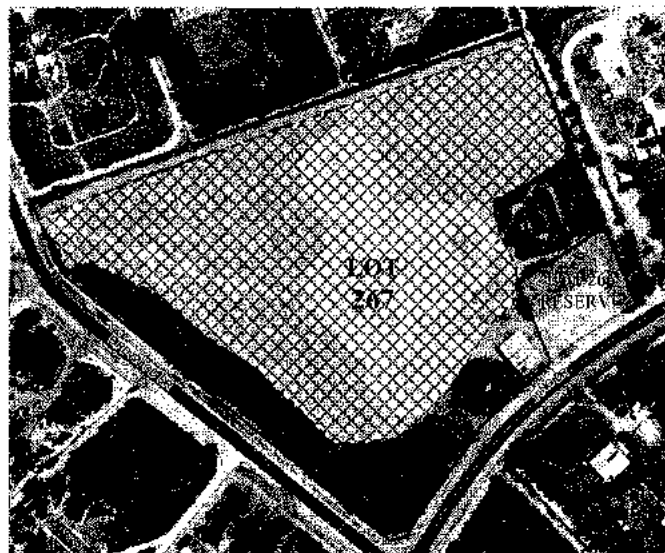
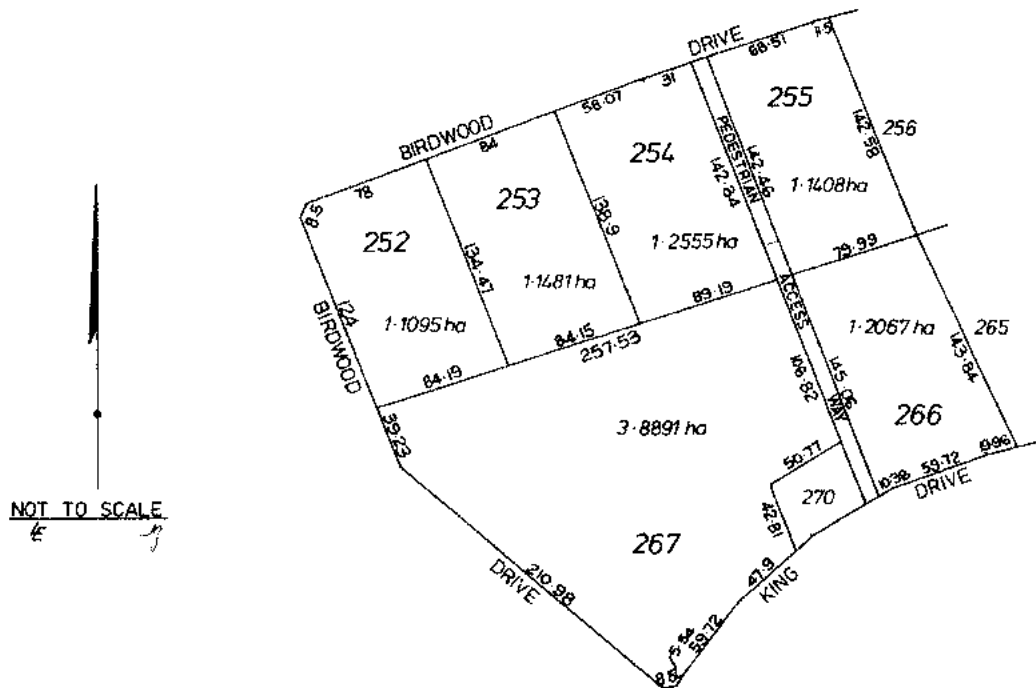
SIGNATURE

DATE

PRINT NAME

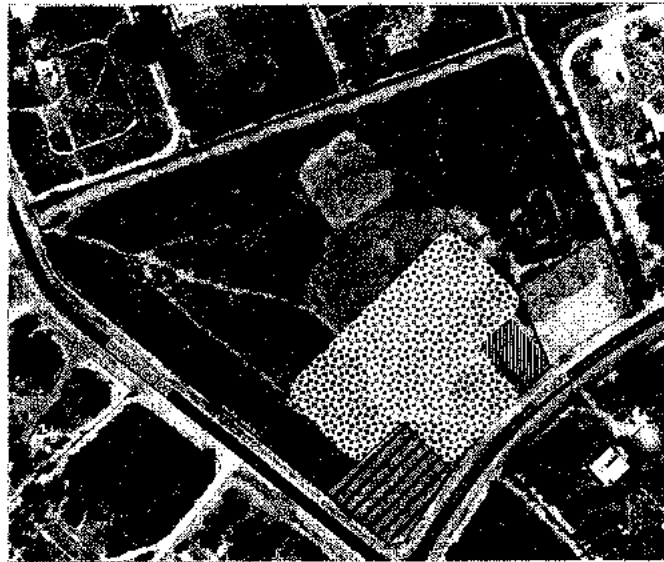
OFFICE HELD




Annexure 1 – Plan of Premises



Woodridge Horse Association Inc. – Leased Area

Annexure 2 – Plan of Common Areas



-  Common Use Area
-  Co-Location Facility – Leased Area
-  St John Ambulance – Leased Area

Annexure 3 – Maintenance and Cleaning

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

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

Lessee Responsibilities:

INTERNAL

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

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

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

EXTERNAL

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

In particular, the following items must be given attention:

External Lessee Responsibilities	
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order.

	NOTE: Locks are not to be changed or altered. All locks are keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves and debris.
Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately. Any approvals or licences for signs are to be kept current.
Outdoor Sponsorship Signs	To be maintained to not less than the standard outlined above. Sponsorship Signs require approval of the Lessor before being installed.
Surrounds	To be kept clean, tidy and free from litter, rubbish, leaves and debris.
Rubbish Bins	Rubbish bins are to be kept neat and clean. To be placed in the designated areas. Bin enclosures to be kept clear of all rubbish and secured.

Lessor Responsibilities

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

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Sinks, Basins, Pedestal Pans & Cisterns	Clearing of all blockages and repairs to fittings.
Toilets & Showers	To clear all blockages. Replacement and repair of fittings such as taps, roll dispensers and coat hangers. All consumables i.e. toilet paper, paper towels are to be supplied by the Lessee.
Horse Exercise Area	The cleared Horse Exercise (leased) Area shall be slashed (with tractor and slasher) three times per financial year.

END OF DOCUMENT

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11.2.3 MONTHLY FINANCIAL STATEMENT FOR THE PERIOD ENDING 31 JULY 2018

FILE: FIN/25
REPORTING OFFICER: KAYE LOWES – EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES
REPORT DATE: 21 AUGUST 2018
REFER: NIL

ADDENDUM – ORDINARY MEETING OF COUNCIL – 21 AUGUST 2018**Additional Information:**

Subsequent to the circulation of the Agenda, it has become evident that, due to issues with the relevant software, it will not be possible to compile a Statement of Financial Position for presentation to this meeting.

The Statement of Financial Position for the period ending 31 July 2018 will be presented to the next Ordinary Council meeting on 18 September 2018.

An amended recommendation is therefore presented for Council's deliberation below and will be included in the Minutes of the meeting.

RECOMMENDATION

It is recommended that Council endorse the List of Paid Accounts for the period ending 31 July 2018.

OFFICER INTEREST DECLARATION

Nil

COMMENT

The following are presented for Council's consideration:

1. Statement of Financial Position for the period to 31 July 2018 (**Appendix 1**).
2. List of Paid Accounts for the period to 31 July 2018 in accordance with the following summary of activity:

PAYMENT TYPE	\$
Municipal	
EFT	999,471.56
Cheque	10,802.93
Direct Debit	83,598.38
Total (Municipal)	1,093,872.87
Trust	0.00

Bank Statement	
Bank Fees and Charges	2,160.39
Wages and Salaries	256,144.93
Police Licensing	89,878.20
LA Office Rent	643.38
Total (Bank Statement)	348,826.90
TOTAL EXPENDITURE	1,442,699.77

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 6 – Financial management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial report

Local Government (Financial Management) Regulations 1996

Part 4 – Financial reports – s.6.4

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council endorse the List of Paid Accounts for the period ending 31 July 2018.

RESOLUTION

Moved Councillor Johnson, seconded Councillor Peczka that Council endorse the List of Paid Accounts for the period ending 31 July 2018.

CARRIED UNANIMOUSLY

Note: That the Financial Statement for the period ending 31 July, will be presented at the Ordinary Meeting 18 Septmeber 2018.

11.2.4 REQUEST FOR CHANGE FROM DIFFERENTIAL RATING TO UV RURAL

LOCATION: LOT 50 (62) MURRAY ROAD, MUCKENBURRA
FILE: RAV/1, FIN/46-1819
REPORTING OFFICER: KAYE LOWES - EXECUTIVE MANAGER CORPORATE & COMMUNITY SERVICES
REPORT DATE: 8 AUGUST 2018
REFER: NIL

ADDENDUM – ORDINARY MEETING OF COUNCIL – 21 AUGUST 2018
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Additional Information:

Subsequent to the circulation of the Agenda, it has come to Administrations attention that there is a minor mistake in the report on page 107 under the conclusion.

Replace the word “**two**” in between “**option**” and “**being**” with the word “**one**”, as the Officer’s recommend option one not option two.

The amendment has no effect on the Officers recommendation.

OFFICER INTEREST DECLARATION

Nil

PURPOSE

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

BACKGROUND

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

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

In 2011/12 differential rates were raised for 62 Murray Road, Muckenburra as the property had been issued a Planning consent for Aquaculture. Each subsequent year differential rates have been raised for this property with no objections being received. Following receipt of the 2018/19 Rates Notice the owner contacted the rates department questioning why he was being charged differential intensive rates as there was not intensive use being conducted on the land.

An aerial image of the property is attached as **Appendix 1**.

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

I do not and never have run an aquaculture business on my property at 62 Murray Road Muckenburra. Many years ago I had applied for a Water License for such an enterprise which was granted then subsequently withdraw (sic) because I didn't proceed with the enterprise. Now I wish retribution for rates that I've been overcharges for back to tax year 2010/11.

COMMENT

Section 6.39 (2)(b) of the *Local Government Act 1995* (the Act) provides Council with the ability to amend the rate record for the five years preceding the current financial year. Notwithstanding, section 6.12 of the Act empowers Council to grant concessions or write off any amount of money that is owed to the local government. Accordingly, it may be considered appropriate to accede to the applicant's request for a refund on the same basis. Council may wish to consider one of the following three options in relation to this request:

1. Amend the Rate Book and refund the difference between the differential intensive rates and the UV-Rural rates for the past five years, being from 2013/14 to 2017/18, less the 2018/19 UV-Rural rates levied, equating to a refund of \$3,188, and amend the 2018/19 rates levied from UV-Intensive rates to UV-Rural rates from 1 July 2018;

Year	Differential UV-Intensive Minimum Rates Levied	UV - Rural Minimum Rates Levied	Difference
2013/14	\$1,742	\$1,035	-\$707
2014/15	\$2,010	\$1,122	-\$888
2015/16	\$2,137	\$1,202	-\$935
2016/17	\$2,201	\$1,238	-\$963
2017/18	\$2,240	\$1,260	-\$980
2018/19	0	\$1,285	\$1,285
	\$10,330.00	\$7,142.00	-\$3,188.00)

or

2. Amend the Rate Book and refund the difference between the differential UV-Intensive rates and the UV-Rural rates from 2011/12 to 2017/18, less the 2018/19 UV-Rural minimum rate, equating to a refund of \$4,544 and amend the 2018/19 rates levied from UV-Intensive rates to UV-Rural rates from 1 July 2018;

Year	Differential UV-Intensive Minimum Rates Levied	UV - Rural Minimum Rates Levied	Difference
2011/12	\$1,550	\$855	-\$695
2012/13	\$1,628	\$967	-\$661
2013/14	\$1,742	\$1,035	-\$707
2014/15	\$2,010	\$1,122	-\$888
2015/16	\$2,137	\$1,202	-\$935
2016/17	\$2,201	\$1,238	-\$963
2017/18	\$2,240	\$1,260	-\$980

2018/19	0	\$1,285	\$1,285
	\$13,508	\$8,964.00	(\$4,544.00)

or

- Amend the Rate Book from UV-Intensive rates to UV-Rural rates from 1 July 2018 with no refund for prior years and forward an amended Rates Notice.

An inspection of the property was carried out on Monday, 13 August 2018, which has confirmed that no intensive use is being carried out on the property.

CONCLUSION

Given no intensive use has been carried out on the property Officers recommend option two, being a refund of \$3,188 be made to the Applicant less any outstanding Emergency Services Levy and Waste Management Charges for 62 Murray Road, Muckenburra. This is considered to be the fairest option and is in line with the length of time Council can back rate properties under the Local Government Act.

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 6 – Financial management

Division 4 – General financial provisions

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

Division 6 – Rates and service charges

Section 6.39 – Rate record

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

If Council accedes to this request and agrees with the Officer's recommendation there will be an impact to the Budget of the amount of \$3,188. It is envisaged this would be offset by other minor savings throughout the year.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

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

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Amend the Rate Book from UV-Intensive rates to UV-Rural rates for 62 Murray Road, Muckenburra; and
2. Refund the amount of \$3,188 to the owner of 62 Murray Road, Muckenburra for change of use from UV-Intensive to UV- Rural for rates levied from 1 July 2013 to 30 June 2019.

RESOLUTION

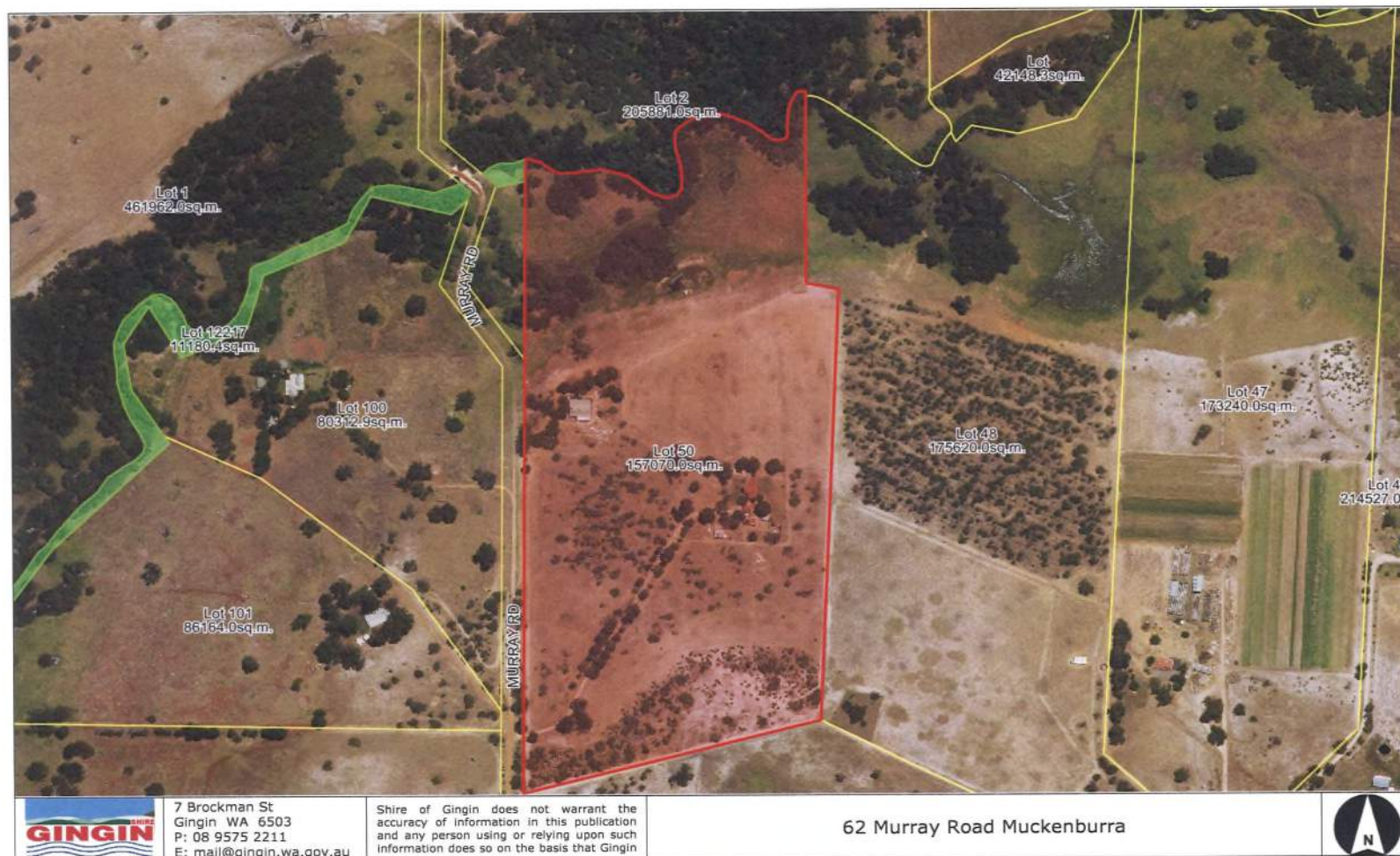
Moved Councillor Elgin, seconded Councillor Peczka that Council:

1. **Amend the Rate Book from UV-Intensive rates to UV-Rural rates for 62 Murray Road, Muckenburra; and**
2. **Refund the amount of \$3,188 to the owner of 62 Murray Road, Muckenburra for change of use from UV-Intensive to UV- Rural for rates levied from 1 July 2013 to 30 June 2019.**

CARRIED BY ABSOLUTE MAJORITY

9-0

APPENDIX 1



11.3. **PLANNING AND DEVELOPMENT**

11.3.1 **SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9 - SCHEME AMENDMENT NO. 20 LOT 39 (NO. 56) HOY ROAD, COONABIDGEE**

FILE: LND/684
APPLICANT: ALTUS PLANNING
LOCATION: LOT 39 (56) HOY ROAD, COONABIDGEE
OWNER: SHADOWLINE PTY LTD & BLUEGUM HOLDINGS PTY LTD
ZONING: RURAL INDUSTRY
WAPC NO: N/A
REPORTING OFFICER: KYLIE BACON – ACTING EXECUTIVE MANAGER
PLANNING AND DEVELOPMENT
REPORT DATE: 21 AUGUST 2018
REFER: 21 NOVEMBER 2017 **ITEM 11.3.1**

ADDENDUM – ORDINARY MEETING OF COUNCIL – 21 AUGUST 2018

In accordance with Regulation 47 of the Planning and Development (*Local Planning Schemes*) Regulations 2015 for a standard scheme amendment a minimum of 42 days is required for public consultation not 60 days, as the report has referenced under the following heading and in condition seven of the officer's recommendation.

On page 112 under heading Community Consultation

The number of advertising days of public notice is 42 days not 60 days as referenced in the report.

Officers Recommendation

Condition 7 of the officer's recommendation should be read as follows

'Pursuant to Regulation 47 of the Regulations, give public notice with a public submission period of not less than 42 days'.

An amended recommendation is provided below.

RECOMMENDATION

It is recommended that Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate proposed Amendment No. 20 to the Shire of Gingin Local Planning Scheme No. 9 to introduce into Schedule 2 – Additional Uses the following:

No.	Description of lands	Additional use	Conditions
24	Lot 39 (No. 56) Hoy Road, Coonabidgee.	Resource Recovery Centre – premises other than a waste	1. All development on the site shall be subject to application

		disposal facility used for the recovery of resources from waste.	<p>to the local authority for approval to commence development.</p> <p>2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass.</p> <p>3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.</p>
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2. Amend the scheme maps accordingly.
3. Resolve, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), that Local Planning Scheme Amendment No. 20 is a standard scheme amendment in accordance with Regulation 34 of the Regulations as the proposal will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation by the Shire President and Chief Executive Officer.
5. Pursuant to Regulation 37(2) of the Regulations, forward the proposal to the Western Australian Planning Commission.
6. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer Local Planning Scheme Amendment No. 20 to the Environmental Protection Authority.
7. Pursuant to Regulation 47 of the Regulations, give public notice with a public submission period of not less than 42 days'
8. Pursuant to Regulation 41(3) of the Regulations, return the proposal to Council for final consideration to support, modify or not support Local Planning Scheme Amendment No. 20.

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider:

1. Initiating proposed Amendment No.20 to the Shire of Gingin's Local Planning Scheme No. 9 to introduce into Schedule 2 – Additional Uses the following:

No.	Description of lands	Additional use	Conditions
24	Lot 39 (No. 56) Hoy Road, Coonabidgee.	Resource Recovery Centre – premises other than a waste disposal facility used for the recovery of resources from waste.	<p>1. All development on the site shall be subject to application to the local authority for approval to commence development.</p> <p>2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass.</p> <p>3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.</p>

2. Amending the Scheme maps accordingly.

BACKGROUND

This request follows Council's decision at its meeting on 21 November 2017 to refuse a development application for a 'Landfill Site' on the subject land as such a use was not permitted within the 'Rural Industry' zone. However, Council also noted in its determination that it would agree to consider a proposed scheme amendment for the proposed land use.

Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution by a local government to adopt an amendment to a local planning scheme which must specify if the amendment is a “basic amendment”, “standard amendment” or “complex amendment”.

This amendment is considered to be a “standard amendment”, as the proposal will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Accordingly, the proposed amendment is to be subject to the processes set out in Part 5, Division 3 of the Regulations.

The subject land is zoned Rural Industry under LPS 9 with frontage to Hoy Road. It has an area of approximately 2.17 hectares (ha) and is located in the locality of Coonabidgee. The subject land lies approximately 64km to the north-east of the Perth Central Business District and approximately 5km west of the Gingin townsite.

Specifically, the subject land is bounded by:

- Hoy Road to the north;
- Lot 39 (No. 62) Hoy Road to the east which is currently being used to store transportable buildings that have returned from mine sites;
- Lot 40 (No. 46) Hoy Road to the west which exists with two outbuildings; and
- A vacant Crown Allotment measuring approximately 72.84ha to the south.

The subject land currently operates as a concrete batching plant and comprises of a precast concrete shed/warehouse, a transportable/demountable office building, numerous water tanks and associated hard stand areas.

The surrounding locality is commonly known as the Frogmore Rural Industrial Area.

The Applicant is proposing a Scheme Amendment for the Additional Use of a Resource Recovery Centre (RRC) to allow for the operation of a Material Recovery Facility (MRF) on the subject land. Specifically, the MRF will be used to sort the comingled recycling product that Avon Waste collects from the Shire and surrounding municipal areas. The purpose of these collections is to divert recyclable material from entering landfill.

It is proposed that all activities will be conducted within the existing tilt up concrete shed that was formerly used by Tuss Concrete (now KPRM Pty Ltd). It is envisaged that Avon Waste will be processing approximately 90 tonnes per week of comingled material, consisting of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass. All sorting will be done inside enclosed air-conditioned rooms.

It is proposed that the MRF will operate Monday to Friday, 8:00am to 4:00pm, although expectations are that the current volumes will only require the MRF to operate 2-3 days per week. It is also anticipated that the facility will employ ten (10) people.

Site plans are attached as **Appendix 1**. A copy of the Proposal is attached as **Appendix 2**.

COMMENT

Community Consultation

The proposal, once initiated, will be submitted to the Western Australian Planning Commission (WAPC) within 21 days of the making of the Council resolution, or such longer period as the WAPC allows. Upon receipt of advice from the WAPC the proposal will be referred to the Environmental Protection Authority for review, and if there are no environmental matters raised, given public notice for a period of 60 days.

Planning Assessment

Local Planning Scheme No. 9 (LPS 9):

The subject land is currently zoned 'Rural Industry' pursuant to the Shire's LPS 9.

The proposal under LPS 9 is considered to be defined as a 'Landfill Site'. Pursuant to Table 1 – Zoning Table of LPS 9, 'Landfill Site' is an 'X' (not permitted) use within the 'Rural Industry' zone.

Schedule 1, Section 2 of LPS 9 provides a series of land use definitions and defines 'Landfill Site' as follows:

***“landfill site”** means land where waste including Landfill Classes I to V as defined within the Department of Environmental Protection (Department of Environment and Conservation) document titled Landfill Waste Classification and Waste Definitions 1996 (as amended) is stored, processed, recycled or buried;*

Whilst it is acknowledged that the Applicant's intended operations fall within the above all encompassing definition for 'Landfill Site', the Shire acknowledges the proposal's point of difference in that the MRF does not have the same impacts, particularly in terms of its visual presentation, dust, odour and other environmental impacts, as a landfill site in its traditional sense of a rubbish tip.

Isolating the proposed additional use to 'Resource Recovery Centre' as defined in Schedule 1, Part 6, clause 39 of the Regulations will achieve the applicant's intent and remove any negative connotations and ambiguity with regards to the use of the 'Landfill Site' definition.

The Regulations define a Resource Recovery Centre as follows:

'Means premises other than a waste disposal facility used for the recovery of resources from waste'.

Clause 3.2.5 of LPS9 provides the following objective for the 'Rural Industry' zone:

The objective of the Rural Industry Zone is to:

- (a) *provide for a range of industrial land uses on rural-living sized lots where people can work and live on the same property.*

The subject lot is currently being used by KPRM Pty Ltd (formerly Tuss Concrete) as a concrete batching plant, which will continue to operate from part of the subject land.

The Applicant's operations will be conducted entirely within the existing concrete tilt up shed, which has walls with a thickness of approximately 200mm and will only operate on weekdays between the hours of 8.00am and 4.00pm.

The permissible uses outlined in the Zoning Table for the Rural Industry zone allow for uses with similar or greater amenity impacts upon the locality than that of this proposal. Buffer distances between industrial and sensitive land uses are further explained in more detail below.

The proposed Scheme amendment is considered to be consistent with the objectives of the 'Rural Industry' zone and specific provisions of the proposal are conditioned to ensure that other variations of what is associated with the processing of waste are not permitted.

Parking and Traffic Implications

In terms of vehicle movements, 3-4 truck movements (rigid 6x4 configuration collection vehicles) are anticipated each day. However, it should be noted that these vehicle movements are already occurring as trucks are currently parked at the subject land overnight, and therefore the proposal will not result in any truck movements that are additional to the current environment. Under the proposal, trucks will enter the site full, unload into the shed and then park up for the night. One semi-trailer load will also visit the site three times per week, carrying contents from Avon Waste's York facility.

Table 3 of LPS 9 outlines the parking requirements for various uses defined within the Scheme, however there is no stated minimum parking requirement for RRC. Notwithstanding this, clause 4.7.2.5 states that where there is no provision made in Table 3 for the number of car parking spaces required for a particular use, the requirement shall be determined by the local government.

In this regard, the subject land currently accommodates 38 car parking spaces (two of which are marked for 'Disabled Parking Only'). Given the Applicant's operations will employ ten people and will attract few visitors, if any, the existing parking arrangement is considered sufficient with approximately 28 bays remaining available for the continuation of the concrete batching plant.

Shire of Gingin Local Planning Strategy 2012

In accordance with Figure 2 of the Shire's Local Planning Strategy 2012 ('the Strategy'), the subject land is contained within the 'Rural Industry' zone, consistent with LPS 9. There is otherwise no further express reference to the 'Rural Industry' zone within the Strategy.

Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses No. 3

The Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA Separation Distances) requires the following separation distances between the proposed use and the closest habitable dwelling.

Industry	Description of Industry	Buffer Distance (Metres)
Waste Depot	Premises on which waste is stored or sorted, pending final disposal or re-use.	200m
Waste – Resource Recovery Plant	Premises on which solid waste is stored, reprocessed, treated or discharged.	case by case

The proposed RRC fits across the two industries identified in the table above.

The closest lawful habitable dwelling is located north of the subject lot (Lot 55 Hoy Road) and is approximately 170 metres away.

Whilst it is acknowledged that there are, and the zoning allows for, residences within the 'Rural Industry' zone, the majority (if not all) of these residents are linked to the industrial operations occurring within the zone and therefore have different amenity expectations to those in true rural/rural residential areas.

Furthermore, these residents would also understand any potential health and wellbeing impacts associated with the area and would reside elsewhere if they were particularly sensitive to these.

The RRC is being located inside an existing outbuilding on the subject lot and is not considered to result in a detrimental impact to the surrounding area nor is the proposed amendment considered to be contrary to the zone objectives.

State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone.

Accordingly, the Applicant has engaged the services of an appropriate consultant to prepare a Bushfire Management Plan ('BMP') for the site. The existing outbuilding where the proposed MRF is being located designates a rating of BAL 19.

The BMP states that the proposed development can achieve compliance with the Bushfire Protection Criteria, subject to the measures contained within the document.

STATUTORY ENVIRONMENT

Planning and Development Act (2005)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No.9

Shire of Gingin Local Planning Strategy

State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

Focus Area	<i>Infrastructure and Development</i>
Objective	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner</i>
Outcome	<i>3.1 Development New and Existing developments meet the Shire's Strategic Objectives and Outcomes</i>
Key Service Areas	<i>Strategic town Planning</i>
Priorities	<i>3.1.1 Support strategies that facilitate commercial development</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

- Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate proposed Amendment No. 20 to the Shire of Gingin Local Planning Scheme No. 9 to introduce into Schedule 2 – Additional Uses the following:

No.	Description of lands	Additional use	Conditions
24	Lot 39 (No. 56) Hoy Road, Coonabidgee.	Resource Recovery Centre – premises other than a waste disposal facility used for the recovery of	1. All development on the site shall be subject to application to the local authority for approval to

		resources waste.	from	commence development. 2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass. 3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.
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2. Amend the scheme maps accordingly.
3. Resolve, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), that Local Planning Scheme Amendment No. 20 is a standard scheme amendment in accordance with Regulation 34 of the Regulations as the proposal will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation by the Shire President and Chief Executive Officer.
5. Pursuant to Regulation 37(2) of the Regulations, forward the proposal to the Western Australian Planning Commission.
6. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer Local Planning Scheme Amendment No. 20 to the Environmental Protection Authority.
7. Pursuant to Regulation 47 of the Regulations, give public notice with a public submission period of not less than 42 days
8. Pursuant to Regulation 41(3) of the Regulations, return the proposal to Council for final consideration to support, modify or not support Local Planning Scheme Amendment No. 20.

RESOLUTION

Moved Councillor Rule, seconded Councillor Fewster that Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate proposed Amendment No. 20 to the Shire of Gingin Local Planning Scheme No. 9 to introduce into Schedule 2 – Additional Uses the following:

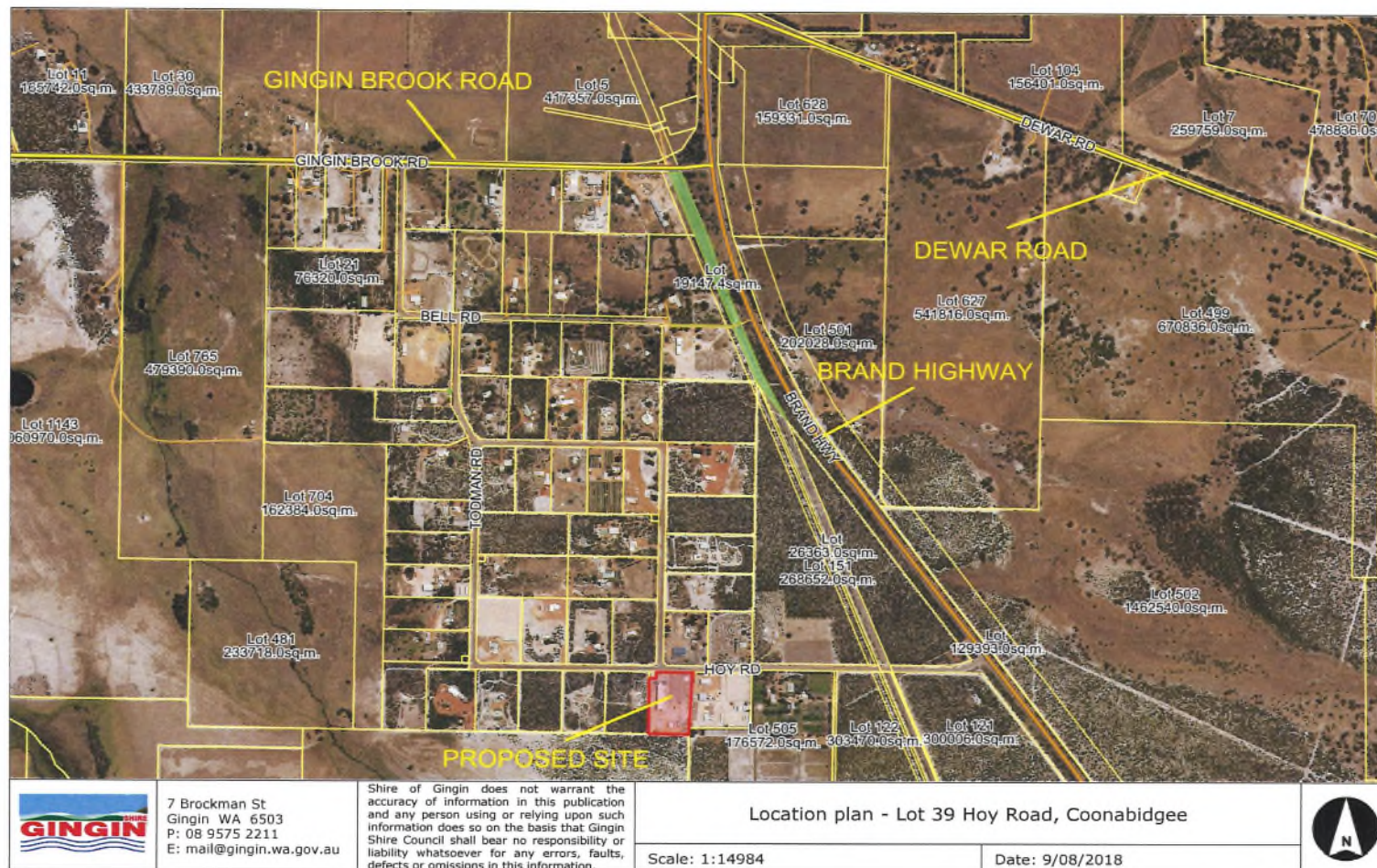
No.	Description of lands	Additional use	Conditions
24	Lot 39 (No. 56) Hoy Road, Coonabidgee.	Resource Recovery Centre – premises other than a waste disposal facility used for the recovery of resources from waste.	<p>1. All development on the site shall be subject to application to the local authority for approval to commence development.</p> <p>2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass.</p> <p>3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.</p>

2. Amend the scheme maps accordingly.
3. Resolve, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), that Local Planning Scheme Amendment No. 20 is a standard scheme amendment in accordance with Regulation 34 of the Regulations as the proposal will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
4. Authorise the affixing of the Common Seal to and endorse the signing of the amendment documentation by the Shire President and Chief Executive Officer.

5. Pursuant to Regulation 37(2) of the Regulations, forward the proposal to the Western Australian Planning Commission.
6. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer Local Planning Scheme Amendment No. 20 to the Environmental Protection Authority.
7. Pursuant to Regulation 47 of the Regulations, give public notice with a public submission period of not less than 42 days.
8. Pursuant to Regulation 41(3) of the Regulations, return the proposal to Council for final consideration to support, modify or not support Local Planning Scheme Amendment No. 20.

CARRIED UNANIMOUSLY

APPENDIX 1





PROPOSED SCHEME AMENDMENT TO SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9

**Insert 'Resource Recovery Centre' as an Additional Use for Lot 39 (No.
56) Hoy Road, Coonabidgee**



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Prepared for: Avon Waste

Prepared by: Altus Planning
68 Canning Highway
SOUTH PERTH WA 6151

Phone: (08) 9474 1449
contact@altusplan.com.au
www.altusplan.com.au

Document Version Control				
Version	Date	Description	Author	Review
1	19/06/18	Initial	BL	JA
2	01/08/18	Amend wording to 'Resource Recovery Centre'	BL	JA
3	09/08/18	Resolution Pages	BL	BL

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF GINGIN

LOCAL PLANNING SCHEME NO. 9

AMENDMENT NO. 20

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Inserting the following into Schedule 2 – Additional Uses:

Description of lands	Additional use	Conditions
Lot 39 (No. 56) Hoy Road, Coonabidgee.	Resource Recovery Centre – premises other than a waste disposal facility used for the recovery of resources from waste.	<ol style="list-style-type: none">1. All development on the site shall be subject to application to the local authority for approval to commence development.2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass.3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.

2. Amending the Scheme Map accordingly.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with

the provisions of the Town Planning Regulations 1967, with reference to the Western Australian Planning Commission.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

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1.0 Background

1.1 Purpose

This submission has been prepared by Altus Planning on behalf of Avon Waste ('the Applicant') as the relevant background and planning justification for an amendment to the Shire of Gingin ('the Shire') Local Planning Scheme No. 9 ('LPS9' or 'the Scheme'). The purpose of this amendment is to include 'Resource Recovery Centre' as an Additional Use ('the proposed amendment' or 'proposal') at Lot 39 (No. 56) Hoy Road, Coonabidgee ('the subject land' or 'land').

This request follows Council's decision at its meeting on 21 November 2017 to refuse a development application for a 'Landfill Site' at the subject land as such a use was not permitted within the 'Rural Industry' zone. However, Council also noted in its determination that they would agree to consider a proposed scheme amendment for the proposed land use.

1.2 Property Description

The subject land is more fully described as Lot 39 on Plan 17506 contained within Certificate of Title Volume 1877 Folio 407 (refer to **Attachment 1 & 2** for a copy of the Certificate of Title and Landowner Consent) and is located in the locality of Coonabidgee, approximately 64km to the north-east of the Perth Central Business District and approximately 5km west of the Gingin town centre.

Specifically, the subject land exists as a rural-industrial landholding fronting Hoy Road, Coonabidgee and measures approximately 21,690m² (2.17ha). The subject land is bound by:

- Hoy Road to the north;
- Lot 39 (No. 62) Hoy Road to the east which is currently being used to store transportable buildings that have returned from mine sites;
- Lot 40 (No. 46) Hoy Road to the west which exists with two (2) outbuildings, one of which appears to be utilised as a dwelling; and
- A vacant Crown Allotment measuring approximately 728,434m² (72.84ha) to the south.

The subject land currently operates as a concrete batching plant and comprises of a precast concrete shed/warehouse, a transportable/demountable office building, numerous water tanks and associated hardstand areas.

The immediate surrounding locality is comprised of a rather broad and peculiar mix of development and land uses in that it includes mechanical repairs, transport depots, storage yards, and what appear to be a number of rural-residential properties. Aerial imagery with a cadastral overlay of the subject land and surrounding area is provided at **Attachment 3**, with photos at **Attachment 4**.

2.0 Proposal

The Applicant is proposing a Scheme Amendment to allow for the use of 'Resource Recovery Centre' on the subject land for the purposes of operating a Material Recovery Facility ('MRF'). Specifically, the MRF will be used to sort the comingled recycling product that Avon Waste collects from the Shire and surrounding municipal areas. The purpose of these collections is to divert recyclable material from entering landfill.

It is proposed that all activities will be conducted within the existing tilt up concrete shed that was formerly used by Tuss Concrete (now KPRM Pty Ltd). It is envisaged that Avon Waste will be processing approximately 90 tonnes per week of comingled material, consisting of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass. All sorting will be done inside enclosed air-conditioned rooms. Baled product will then be stored inside the shed and taken to market as soon as possible dependant on transport logistics. Specifically, cardboard, newsprint and plastic will be taken to Canning Vale; glass to Bindoon; steel and aluminium to Malaga; and residual waste to landfill in Northam.

In terms of vehicle movements, 3-4 truck movements (rigid 6x4 configuration collection vehicles) are anticipated each day however it should be noted that these trucks are already entering the site as they are stored at the subject land overnight and therefore there are no additional truck movements in this regard. Under the proposed development, these trucks will enter the site full, unload into the shed and then park up for the night. One (1) semi-trailer load will also visit the site 3 times per week, carrying contents from the York facility.

It is proposed that the MRF will operate Monday to Friday, 8:00am to 4:00pm, although expectations are that the current volumes will only require the MRF to operate 2-3 days per week. It is also anticipated that the facility will employ ten (10) people.

Concept plans of the proposed development (subject to a future development application being lodged following the completion of the process) are provided at **Attachment 5**.

3.0 Planning Considerations

3.1 Shire of Gingin Local Planning Scheme No. 9

3.1.1 Land Use Permissibility

The subject land is currently zoned 'Rural Industry' pursuant to the Shire's LPS9.

Pursuant to Table 1 – Zoning Table of LPS9, 'Landfill Site' is an 'X' (not permitted) use within the 'Rural Industry' zone.

Schedule 1, Section 2 of LPS9 provides a series of land use definitions and defines 'Landfill Site' as follows:

***"landfill site"** means land where waste including Landfill Classes I to V as defined within the Department of Environmental Protection (Department of Environment and Conservation) document titled Landfill Waste Classification and Waste Definitions 1996 (as amended) is stored, processed, recycled or buried;*

Whilst it is acknowledged that the Applicant's intended operations fall within the above all-encompassing definition for 'Landfill Site', we submit that there should be a point of difference as the exact purpose of the proposed development is to divert material from landfill and the MRF does not have the same impacts, particularly in terms of its visual presentation, dust, odour and other environmental impacts.

Accordingly, the Applicant submits that a more appropriate land use classification is 'Resource Recovery Centre' which, whilst not defined within LPS9, is defined at Schedule 1, clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('LPS Regulations') as follows:

***"resource recovery centre"** means premises other than a waste disposal facility used for the recovery of resources from waste"*

This land use classification for the proposed amendment has been agreed to in discussions with the Shire's officers.

For clarity, a 'Waste Disposal Facility' is also defined at Schedule 1, clause 38 of the LPS Regulations as follows:

***"waste disposal facility"** means premises used —
(a) for the disposal of waste by landfill; or
(b) the incineration of hazardous, clinical or biomedical waste"*

Clause 3.2.5 of LPS9 provides the following objective for the 'Rural Industry' zone:

The objective of the Rural Industry Zone is to:

- (a) provide for a range of industrial land uses on rural-living sized lots where people can work and live on the same property.*

The land is currently being used by KPRM Pty Ltd (formerly Tuss Concrete) as a concrete batching plant, which will continue to operate from part of the subject land, and to that extent the land has not and nor is it contemplated to incorporate a residential component.

Notwithstanding the above, it is acknowledged that some (but not all) properties within this particular 'Rural Industry' zone do exist with habitable buildings, including the land immediately to the west. However, as the Applicant's operations will be conducted entirely within the existing concrete tilt-up shed which has walls with a thickness of approximately 200mm and will

only operate on weekdays between the hours of 8:00am and 4:00pm, it is considered that the proposal will not have a detrimental impact on the adjoining or any surrounding residences.

Furthermore, due to the nature of the zoning and the permissible uses outlined in the Zoning Table, the amenity considerations are far different to other rural-residential or rural-living zones. It is also noted that the surrounding developments consist of motor vehicle repairs, transport depots and storage yards, all of which have far greater amenity impacts than that of this proposal.

For these reasons, we submit that the Applicant's intended operations are consistent with the objectives of the 'Rural Industry' zone and that the specific provisions of the proposal can be reflected within the Scheme text to ensure that other variations of landfill sites remain not permitted.

We also submit that the Applicant's intended operations are somewhat unique in terms of its purpose, and given the nature of its operations, is not in a field where there are a number of competitors who may similarly be interested in commencing a similar operation with the 'Rural Industry' zone or the municipal area more broadly. To that extent, we submit that the Shire should not be concerned that approval of the proposed development would set any form of undesirable precedent.

3.1.2 Parking Requirements

Table 3 of LPS9 outlines the parking requirements for various uses defined within the Scheme however there is no stated minimum parking requirement for the proposal. Notwithstanding this, clause 4.7.2.5 states that where there is no provision made in Table 3 for the number of car parking spaces required for a particular use, the requirement shall be determined by the local government.

In this regard, the subject land currently exists with a total of 38 car parking spaces (2 of which are marked for 'Disabled Parking Only'. Given the Applicant's operations will employ ten (10) people and will attract few visitors, if any, the existing parking arrangement is considered sufficient with approximately 28 bays remaining available for the continuation of the concrete batching plant.

3.2 Shire of Gingin Local Planning Strategy

The Shire's Local Planning Strategy from February 2012 ('the Strategy') is *"an expression of Council's vision for the Shire of Gingin over the next 15-20 years"*.

In accordance with Figure 2 of the Strategy, the subject land is contained within the 'Rural Industry' zone, consistent with LPS9. There is otherwise no further express reference to the 'Rural Industry' zone within the Strategy.

3.3 State Planning Policy No. 2.5 – Rural Planning & State Planning Policy No. 4.1 – State Industrial Buffer Policy

Given the peculiar mix of uses within the Shire's 'Rural Industry' zone, it is submitted that neither State Planning Policy No. 2.5 – Rural Planning ('SPP2.5') or State Planning Policy No. 4.1 – State Industrial Buffer Policy ('SPP4.1') are particularly relevant.

The objectives of SPP2.5 are to support existing and expanding primary production, as well as protecting and managing environmental, landscape and water resource assets. Whilst the zone refers to 'rural' in its name, the subject land and surrounding area is not used for agricultural purposes and nor does the subject land contain any significant environmental features as it is cleared/developed land.

As for SPP4.1, the objectives relate to protecting industry, infrastructure and other special uses from encroachment of incompatible uses and to provide for the safety and amenity of the surrounding land uses. Whilst it is acknowledged that there are, and the zoning allows for, residences within the 'Rural Industry' zone, we submit that the majority (if not all) of these residents are linked to the industrial operations occurring within the zone and therefore have different amenity expectations to those in true rural/rural residential areas. Furthermore, these residents would also understand any potential health and wellbeing impacts associated with the area and would reside elsewhere if they were particularly sensitive to these.

In addition, it is emphasised that the Applicant's intended operations will be conducted within the existing concrete tilt-up shed on-site and therefore will not result in any adverse visual impacts and will have minimal emissions by way of noise and odour due to the operations occurring indoors.

3.4 State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas

In accordance with the Map of Bush Fire Prone Areas on the Department of Fire and Emergency Services ('DFES') website, the subject land is located within a State designated bushfire prone area.

Accordingly, the Applicant has engaged the services of Bushfire Prone Planning to prepare a Bushfire Management Plan ('BMP') for the site, a copy of which is provided at **Attachment 6**. The BMP states that the proposed development can achieve compliance with the Bushfire Protection Criteria, subject to the measures contained within the document.

3.5 Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to clause 34 of the LPS Regulations, the proposed amendment is considered to be a 'standard amendment' as it will have a minimal impact on land in the Scheme area that is not the subject of the amendment, and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Accordingly, the proposed amendment is to be subject to the processes set out in Part 5, Division 3 of the LPS Regulations.

4.0 Conclusion

The proposed amendment seeks to include 'Resource Recovery Centre' as an Additional Use for the land located at Lot 39 (No. 56) Hoy Road, Coonabidgee.

For the reasons outlined in this submission, we submit that whilst the land falls within the broad land use classification of 'Landfill Site', the Applicant's intended operations have a point of difference and should be considered in accordance with the 'Resource Recovery Centre' land use definition from the LPS Regulations. Specifically, the Applicant seeks this amendment to enable the land to be utilised as a Material Recovery Facility which has the very purpose of diverting material from landfill.

Furthermore, the Applicant's intended operations will be contained within the existing concrete tilt-up shed on-site and a facility of this nature will not have the same impacts as a stereotypical landfill site (i.e. rubbish tip), particularly in terms of visual presentation, dust, odour and other environmental impacts.

Accordingly, the proposed amendment is not considered to be contrary to the zone objectives, is not considered to result in a detrimental impact to the amenity of the surrounding area, and nor will it set an undesirable precedent. For these reasons, we submit that the proposed amendment has merit and we look forward to Council's initiation of the amendment.

Altus Planning

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

SHIRE OF GINGIN

LOCAL PLANNING SCHEME NO. 9

AMENDMENT NO. 20

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting the following into Schedule 2 – Additional Uses:

Description of lands	Additional use	Conditions
Lot 39 (No. 56) Hoy Road, Coonabidgee.	Resource Recovery Centre – premises other than a waste disposal facility used for the recovery of resources from waste.	<ol style="list-style-type: none">1. All development on the site shall be subject to application to the local authority for approval to commence development.2. The proposal is limited to the sorting and processing of cardboard, newspaper, aluminium cans, steel cans, liquid paperboard, plastics (numbers 1-5) and glass.3. Other recyclable materials for sorting and processing may be considered at the discretion of the local authority.

2. Amending the Scheme Map accordingly.

Lot 39 (No. 56) Hoy Road, Coonabidgee



COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the ____ day of _____, 20____.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the ____ day of _____, 20____, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Shire of Gingin at the Ordinary Meeting of the Council held on the ____ day of _____, 20____ and the Common Seal of the Shire of Gingin was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

Lot 39 (No. 56) Hoy Road, Coonabidgee

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

Lot 39 (No. 56) Hoy Road, Coonabidgee

ATTACHMENT 1 CERTIFICATE OF TITLE

Lot 39 (No. 56) Hoy Road, Coonabidgee

WESTERN



AUSTRALIA

REGISTER NUMBER	
39/P17506	
Duplicate Edition	Date Duplicate Issued
3	26/11/2015

VOLUME 1877
FOLIO 407

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 39 ON PLAN 17506

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

SHADOWLINE PTY LTD
BLUEGUM HOLDINGS PTY LTD
BOTH OF 34 CRAWFORD COURT YORK WA 6302
AS TENANTS IN COMMON IN EQUAL SHARES

(T N548145) REGISTERED 7/2/2017

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *N548146 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 7/2/2017.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1877-407 (39/P17506)
PREVIOUS TITLE: 1877-432
PROPERTY STREET ADDRESS: 56 HOY RD, COONABIDGEE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING
N548146

ATTACHMENT 2 LANDOWNER CONSENT

Lot 39 (No. 56) Hoy Road, Coonabidgee

9 March 2018

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

Attention: Planning Administration

Dear Sir/Madam,

RE – CONSENT OF LANDOWNER/S

We refer to the enclosed application to initiate an amendment to the Shire of Gingin's Local Planning Scheme No. 9 as it relates to the land located at Lot 39 (No. 56) Hoy Road, Coonabidgee, more fully described as Lot 39 on Plan 17506 contained within Certificate of Title Volume 1877 Folio 407 ("the Application").

This application has been made by Altus Planning in the capacity of planning consultants to the landowners.

The following companies are recorded as owners of the land:

1. Shadowline Pty Ltd
2. Bluegum Holdings Pty Lt

I/we, ASHLEY JAMES FISHER on behalf of Bluegum Holdings Pty Ltd, hereby consent to the Application being made in relation to the land described above.

Signature



ASHLEY FISHER

Name

DIRECTOR

Position Held

9 March 2018

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

Attention: Planning Administration

Dear Sir/Madam,

RE – CONSENT OF LANDOWNER/S

We refer to the enclosed application to initiate an amendment to the Shire of Gingin's Local Planning Scheme No. 9 as it relates to the land located at Lot 39 (No. 56) Hoy Road, Coonabidgee, more fully described as Lot 39 on Plan 17506 contained within Certificate of Title Volume 1877 Folio 407 (**"the Application"**).

This application has been made by Altus Planning in the capacity of planning consultants to the landowners.

The following companies are recorded as owners of the land:

1. Shadowline Pty Ltd
2. Bluegum Holdings Pty Lt

I/~~we~~ ASHLEY JAMES FISHER on behalf of Shadowline Pty Ltd, hereby consent to the Application being made in relation to the land described above.

Signature



ASHLEY FISHER

Name

DIRECTOR

Position Held

ATTACHMENT 3 AERIAL/CADASTRE OF SUBJECT LAND AND SURROUNDS

Lot 39 (No. 56) Hoy Road, Coonabidgee



Figure 1: Aerial with cadastral overlay of subject land and surrounding area [Source: Landgate Map Viewer Plus 2018]

ATTACHMENT 4 PHOTOS OF SUBJECT LAND AND SURROUNDING PROPERTIES

Lot 39 (No. 56) Hoy Road, Coonabidgee

1



Photo 1: View of existing shed to be used for the proposal (eastern elevation)



Photo 2: Internal view of existing shed to be used for the proposal



Photo 3: View of existing shed to be used for the proposal (western elevation)



Photo 4: View of existing concrete batching plant to the south-east of the subject land

3



Photo 5: View into the adjoining property to the west (No. 46 Hoy Road)



Photo 6: View of the entrance to No. 46 Hoy Road

4



Photo 7: Service yard at No. 5 Hoy Road



Photo 8: Excavator hire operations at No. 53 Sadler Road



Photo 9: Storage yard at No. 76 Sadler Road



Photo 10: Transport depot/storage yard at No. 61 Hoy Road (immediately opposite subject land)



Photo 11: Further view of the transport depot/storage yard at No. 61 Hoy Road (immediately opposite subject land)



Photo 12: Residence at No. 79 Hoy Road

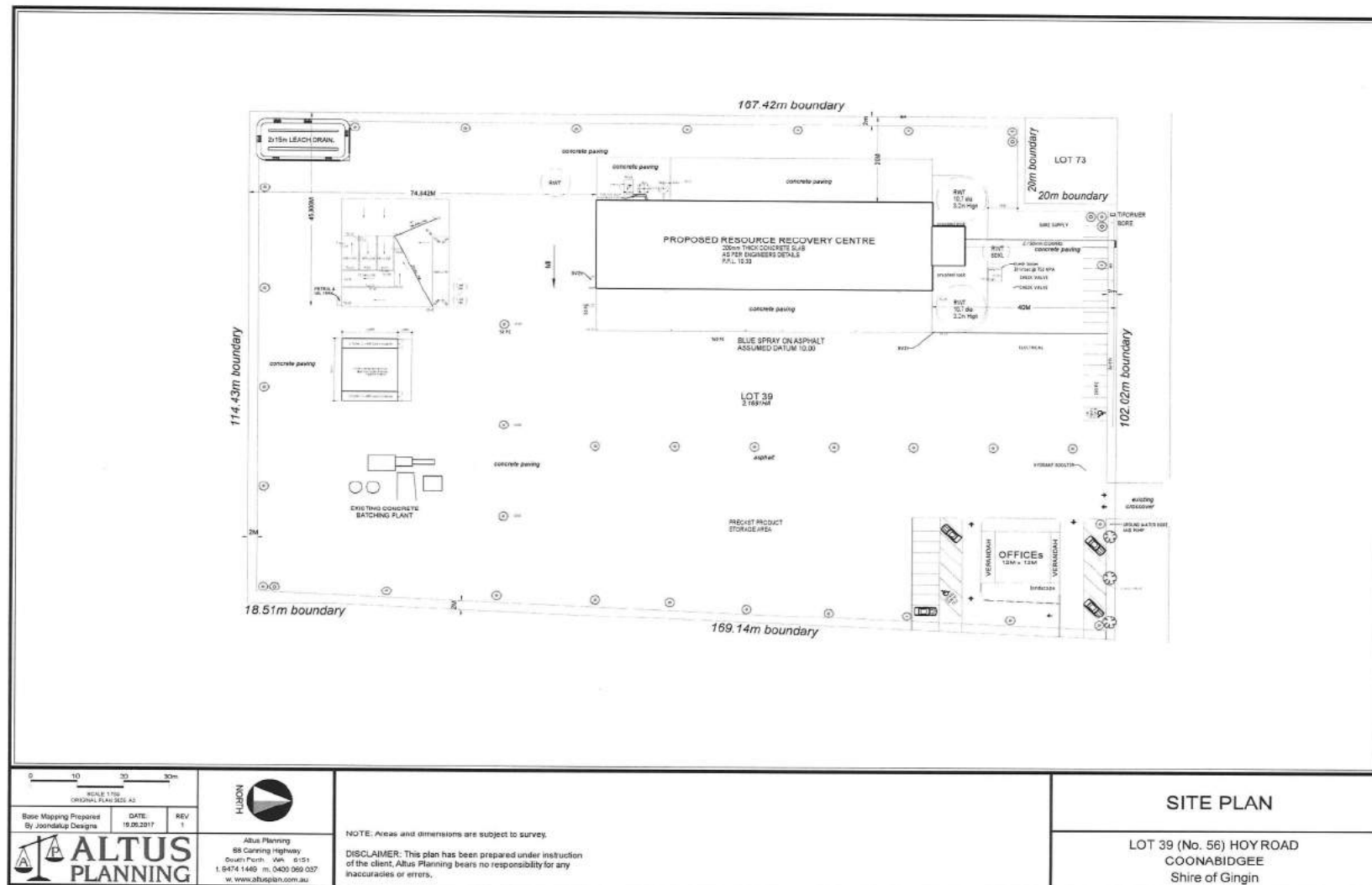
7

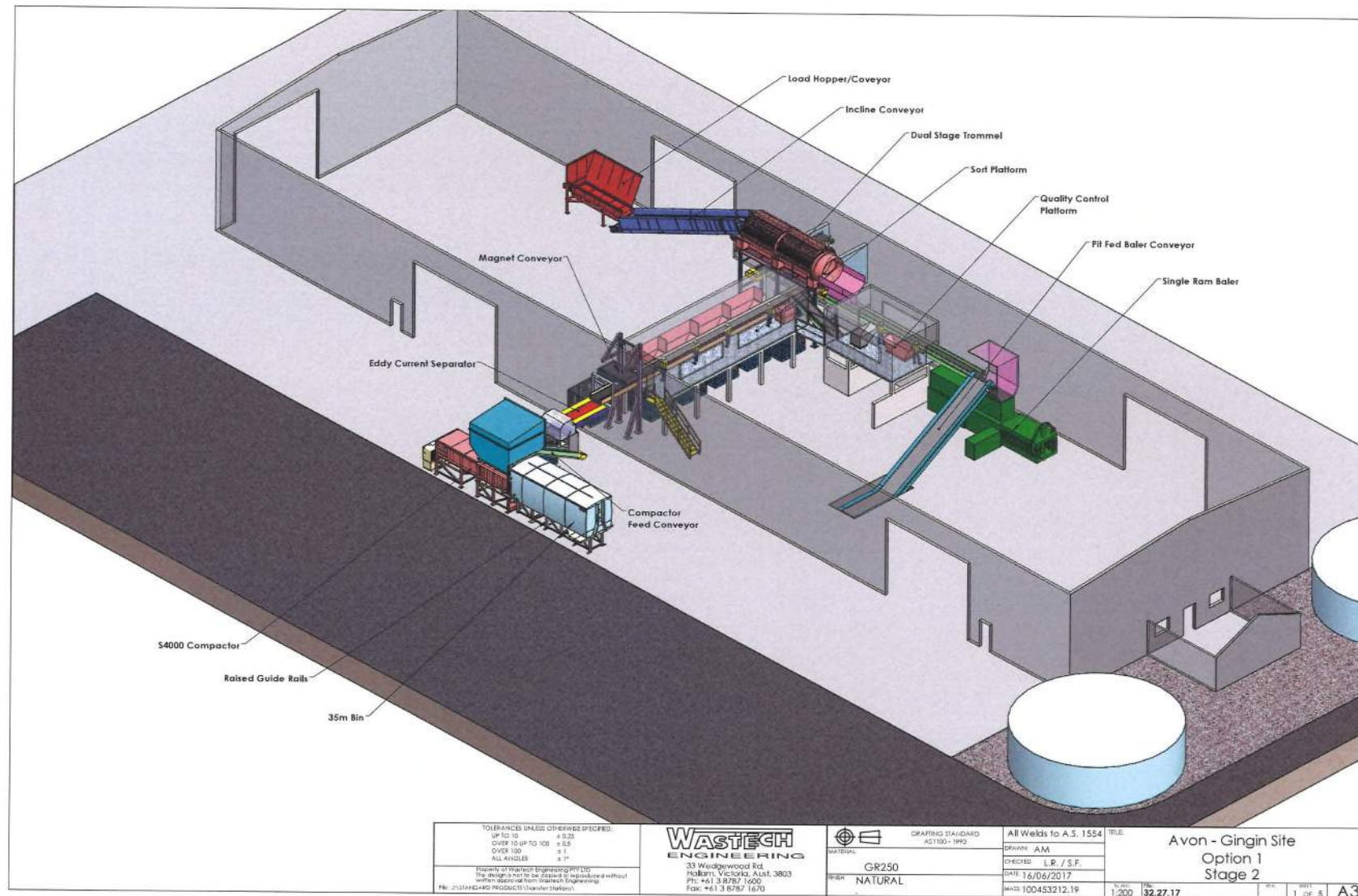


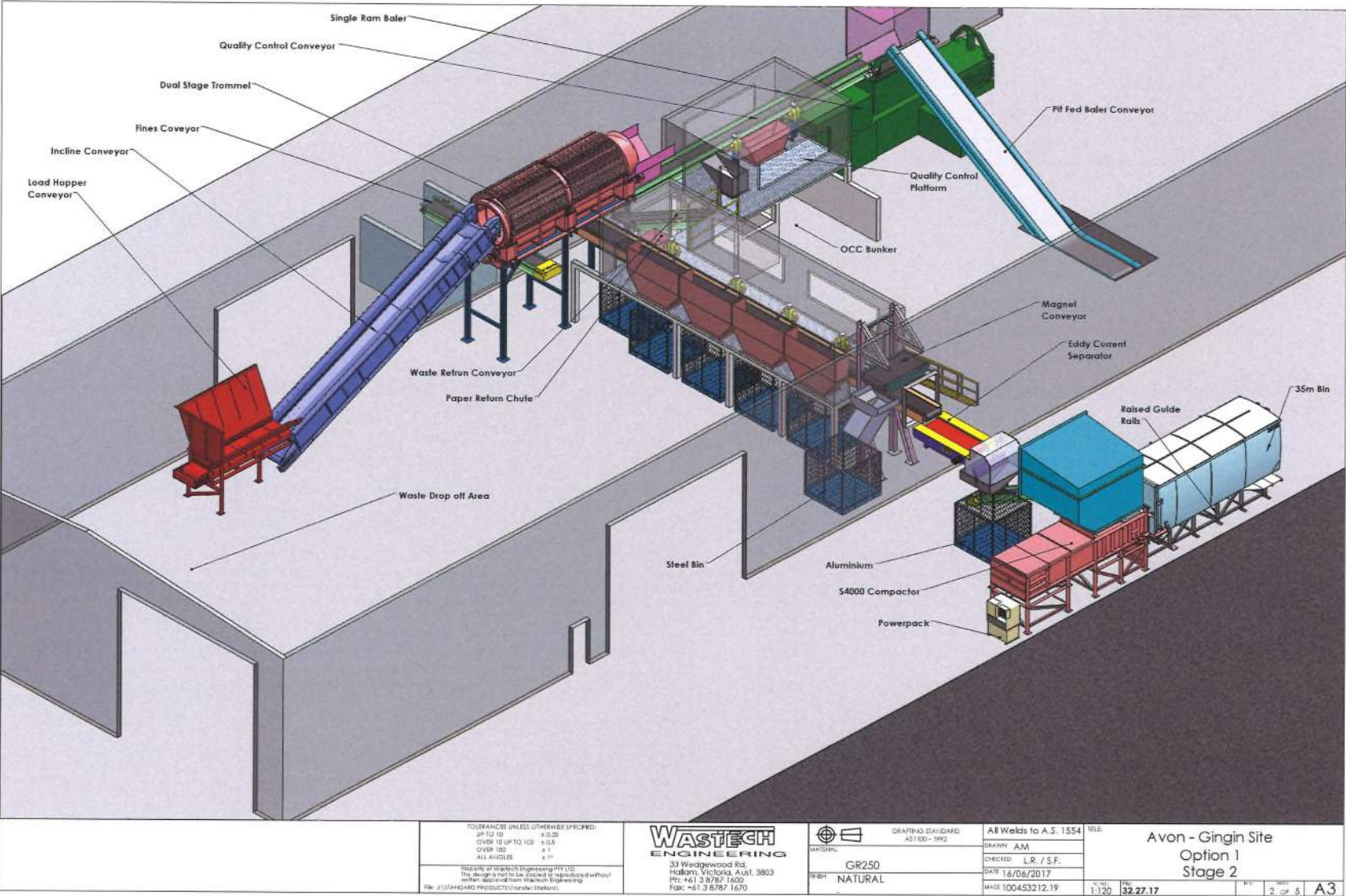
Photo 13: Vacant hardstand/storage of transportable buildings at No. 62 Hoy Road (east of the subject land)

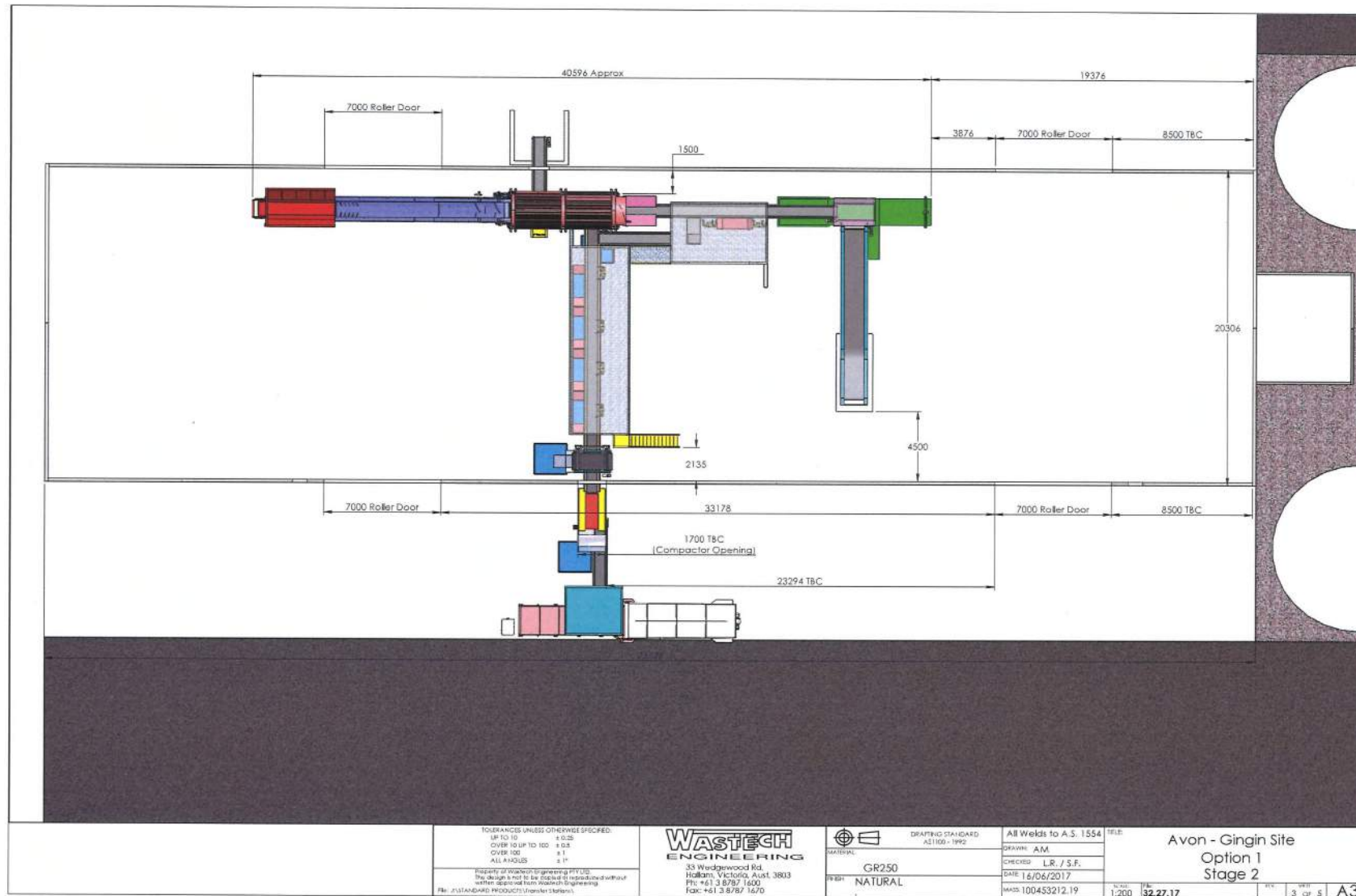
ATTACHMENT 5 CONCEPT PLANS OF APPLICANT'S PROPOSED DEVELOPMENT

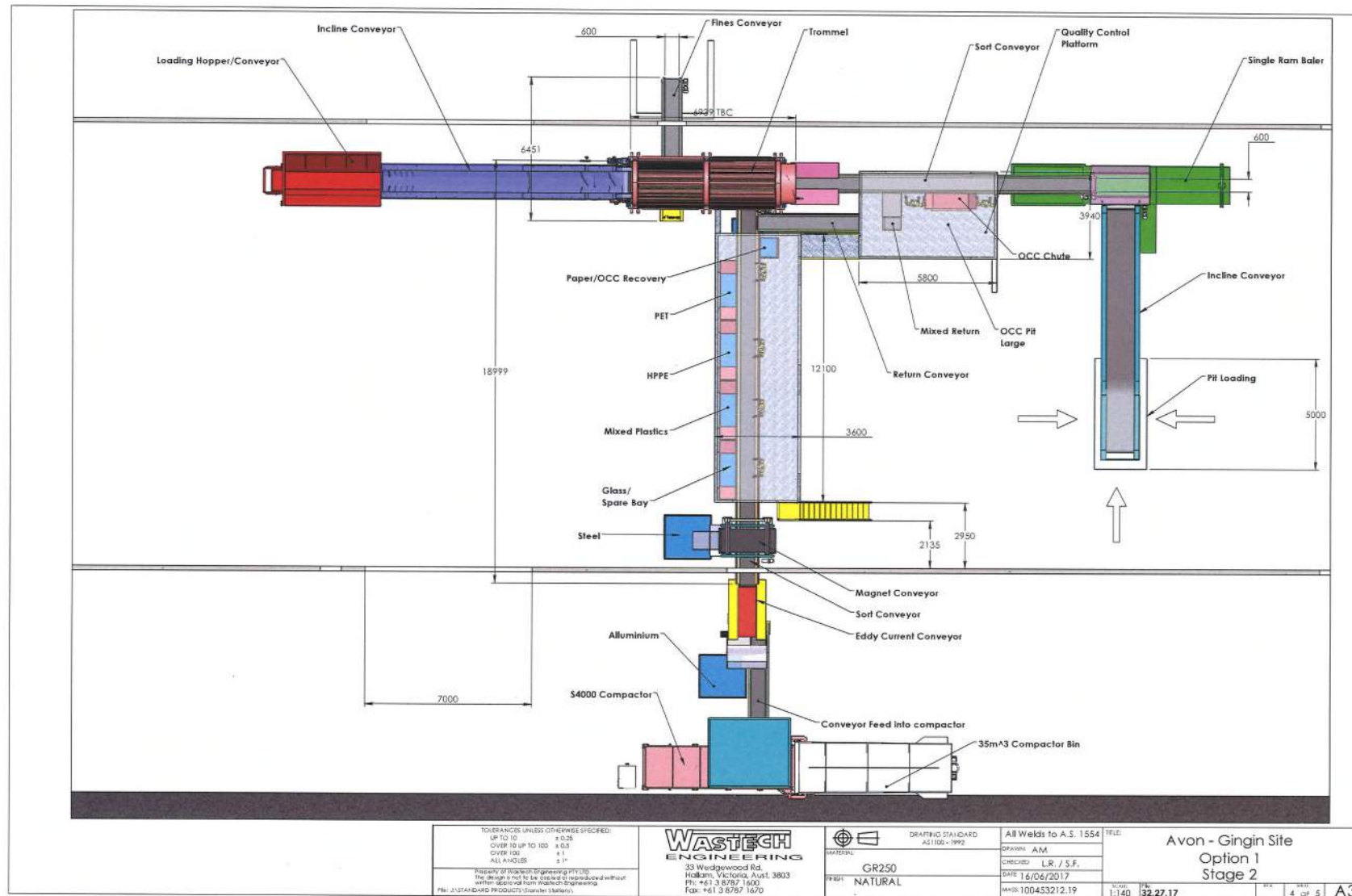
Lot 39 (No. 56) Hoy Road, Coonabidgee

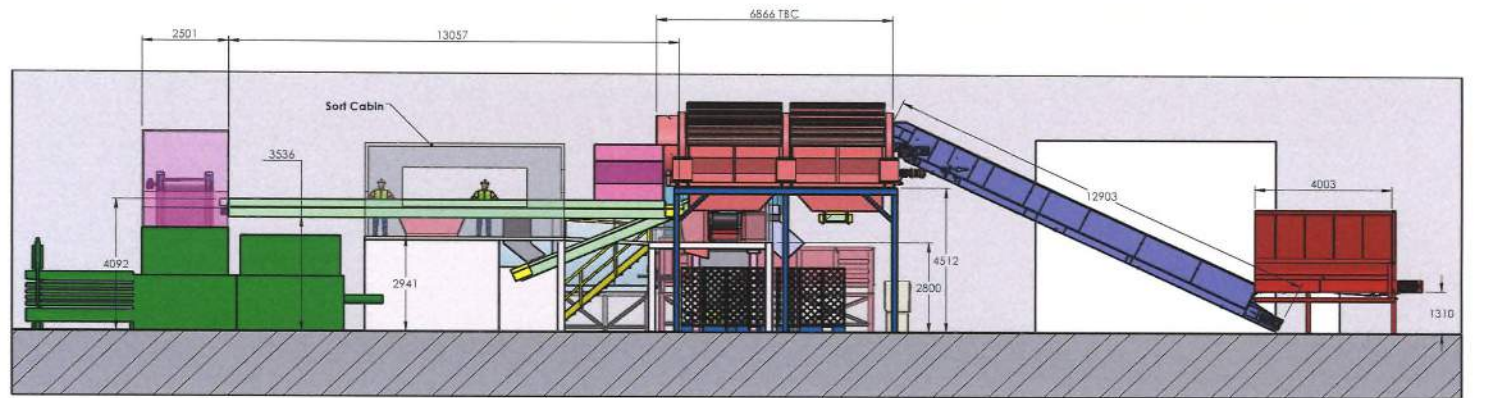




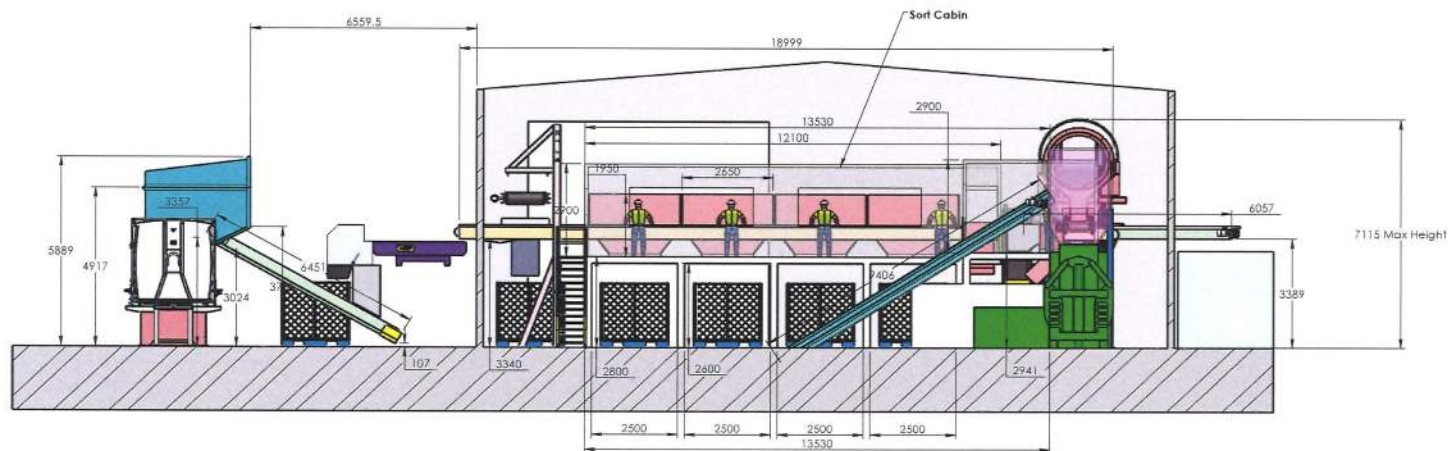








SECTION H



SECTION J-J

TOLERANCES UNLESS OTHERWISE SPECIFIED:
UP TO 10 ±0.25
OVER 10 UP TO 100 ±0.5
OVER 100 ±1
ALL ANGLES 90°
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This design is not to be copied or reproduced without
written approval from Wastech Engineering
File: J:\STANDARD PRODUCTS\Transfer Station\

**WASTECH
ENGINEERING**
33 Wedgewood Rd,
Hobart, Victoria, Ausl, 3803
Ph: +61 3 8787 1400
Fax: +61 3 8787 1670


MATERIAL:
GR250
FINISH:
NATURAL

DRAFTING STANDARD:
AS100-1992

All Welds to A.S. 1554
DRAWN: AM
CHECKED: L.R. / S.F.
DATE: 16/06/2017
MADE: 100453212.19

Avon - Gingin Site
Option 1
Stage 2

NO. 1:120 32.27.17 BY: \$ OF: \$ A3

ATTACHMENT 6 BUSHFIRE MANAGEMENT PLAN

Lot 39 (No. 56) Hoy Road, Coonabidgee

Fire Protection
Association Australia
Life. Property. Environment.

Bushfire Management Plan Coversheet

This Coversheet and accompanying Bushfire Management Plan has been prepared and issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme.

Bushfire Management Plan and Site Details

Site Address / Plan Reference: Lot 39 (#56) Hoy Road

Suburb: Coonabidgee

State: W.A.

P/code: 6503

Local government area: Shire of Gingin

Description of the planning proposal: Scheme Amendment (Change of Land Use)

BMP Plan / Reference Number: 180232

Version: 1.1

Date of Issue: 25/05/2018

Client / Business Name: Altus Planning

Reason for referral to DFES	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the BPC elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposal any of the following special development types (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minor development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If the development is a special development type as listed above, explain why the proposal is considered to be one of the above listed classifications (E.g. considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?		

Note: The decision maker (e.g. local government or the WAPC) should only refer the proposal to DFES for comment if one (or more) of the above answers are ticked "Yes".

BPAD Accredited Practitioner Details and Declaration

Name	Accreditation Level	Accreditation No.	Accreditation Expiry
Ian Macleod	1	BPAD39131	Nov 2018
Company		Contact No.	
Bushfire Prone Planning		6477 1144	

I declare that the information provided within this bushfire management plan is to the best of my knowledge true and correct

Signature of Practitioner

Date: 25/05/2018



Bushfire Management Plan (Scheme Amendment)

Site Address: Lot 39 (#56) Hoy Road, Coonabidgee

Shire of Gingin

Job Number:	180232
Assessment Date:	2 May 2018
Report Date:	25 May 2018



Commercial in Confidence

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Disclaimer

The measures contained in this Bushfire Management Plan are considered to be minimum standards and they do not guarantee that a building will not be damaged in a bushfire, persons injured, or fatalities occur either on the subject site or off the site while evacuating. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather conditions. Additionally, the correct implementation of the required bushfire protection measures (and any associated response/evacuation plan if applicable) will depend, among other things, on the actions of the landowners or occupiers over which Bushfire Prone Planning has no control.

All surveys, forecasts, projections and recommendations made in this report associated with the project are made in good faith based on information available to Bushfire Prone Planning at the time.



All maps included herein are indicative in nature and are not to be used for accurate calculations.

Notwithstanding anything contained therein, Bushfire Prone Planning will not, except as the law may require, be liable for any loss or other consequences whether or not due to the negligence of their consultants, their servants or agents – arising out of the services provided by their consultants.



Document Control

Version	Version Details	Date Submitted
1.0	Original Document	24-May-18
1.1	Reference to development application changed to scheme amendment	25-May-18

Author	Accreditation	Signature
Ian Macleod	BPAD Level 1 - No. 39131	
Co-author		
Reviewed/Approved		
Kathy Nastov	BPAD Level 3 - No. 27794	

Document Content Compliance Statement

This Bushfire Management Plan (the Plan) provides the required information to address State Planning Policy No. 3.7: Planning in Bushfire Prone Areas - December 2015 (SPP 3.7), the associated Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 (Guidelines), and any additional information as directed by the WA Planning Commission (WA Department of Planning, Lands and Heritage). It is fit for accompanying a planning application.

Complex DA BMP Template v1.0



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1 The Proposal and Purpose of the Plan

1.1 Details

Proponent: Altus Planning

Site Address: Lot 39 (#56) Hoy Road, Coonabidgee

Local Government: Shire of Gingin

Lot Area: 2.169 ha

Planning Stage: Scheme Amendment - change of land use

Development Type: Change of land use

Overview of the Proposal:

The purpose of this Bushfire Management Plan is to support an application for a change of land use on Lot 39 (#56) Hoy Road, Coonabidgee. The proposal is for the development of a resource recovery (recycling) facility within an existing concrete and steel shed.

Bushfire Prone Planning
Commissioned to Produce the Plan by: Altus Planning

Purpose of the Plan: To accompany a planning application

For Submission to: Shire of Gingin



Lot 39 on Plan 17506
[Street No. 56]
Hoy Road
COONABIDGEE

Aerial Imagery : Landgate/SLIP
Image Date : Dec 2017

Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre

Map compiled by: Russell Wornes
Data were compiled/updated: 23 May 2016

PLANNING Date map compiled/updated: 23 May 2018 SOURCE: [REDACTED] NHTS/MS
Disclaimer and Limitation: This map has been prepared for business management planning purposes only. All depicted areas, contours and any dimensions shown are subject to survey.
 Buckfire Private Planning does not guarantee that this map is without law of any kind and disclaims all liability for any errors, loss of other consequences which may arise from relying on any information depicted.
 Document Path: O:\Buckfire\PrncalMapping\AKO's\160232 - Lot 20 Hwy Road, Corralvillage BMAP - ASP16-0-5.mxd

Dezirent Path: G:\BashfinPrnciMapping\MKD's\180232_Let 35 Hwy Road, Coenabidgen BMP (ASP)\18-5.mxd

LEGEND

- | | | | |
|---|--------------------|---|------------------------------|
|  | Subject Area: Lot |  | Existing Building |
|  | Other Lots |  | Class 1(b) |
|  | Water Storage Tank |  | Class 5 |
| | |  | Class 8 |
| | |  | Eaves, Verandah, patio, etc; |

- LOCALITY



SCALE (A3)

A horizontal scale bar with three segments. The first segment is labeled '0', the second '25', and the third '50'. The word 'Metres' is written at the end of the bar.

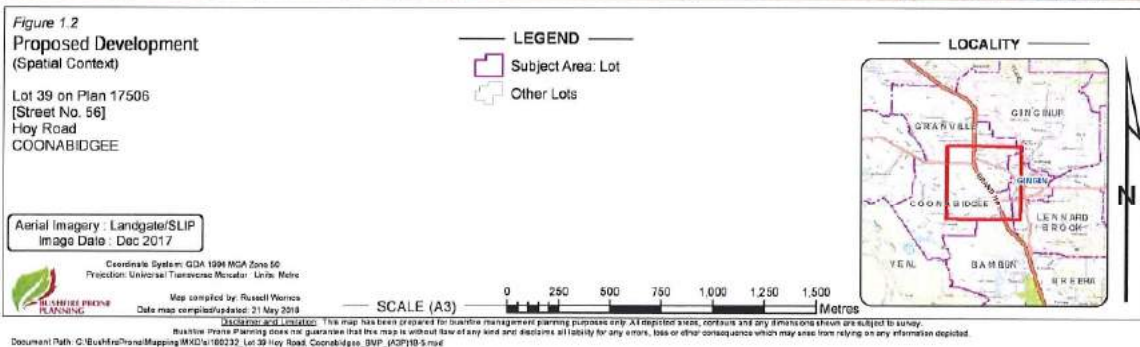




Figure 1.3
Bushfire Prone Area

Lot 39 on Plan 17506
[Street No. 56]
Hoy Road
COONABIDGEE

Aerial Imagery : Landgate/SLIP
Image Date : Dec 2017

Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metres

Map compiled by: Russell Womersley
Date map compiled/updated: 21 May 2018

Scale (A3) 0 25 50 75 100 125 150 Metres

- LEGEND**
- Subject Area: Lot
 - Other Lots
 - Bushfire Prone Areas (2017)
 - Assessment Area
 - Vegetation - 150m



Disclaimer and Limitation: This map has been prepared for bushfire management planning purposes only. All depicted areas, contours and any dimensions shown are subject to survey. Bushfire Prone Planning does not guarantee that this map is without fault of any kind and disclaims all liability for any errors, loss or other consequences which may arise from relying on any information depicted.

Document Path: G:\BushfireProneMapping\MKD\180222_Lot_39 Hoy Road, Coonabidgee_BMP_A3P16 S.mxd



1.2 Existing Documentation Relevant to the Construction of this Plan

This section acknowledges any known reports or plans that have been prepared for previous planning stages, that refer to the subject area and that may or will impact upon the assessment of bushfire risk and/or the implementation of bushfire protection measures and will be referenced in this Bushfire Management Plan.

Relevant Documents		
Existing Document	Copy Provided by Client	Title
Structure Plan	No	
Environmental Report	No	
Landscaping (Revegetation) Plan	No	
Bushfire Risk Assessments	No	



2 Environmental Considerations

2.1 Native Vegetation – Modification and Clearing

'Guidelines' s2.3: "Many bushfire prone areas also have high biodiversity values. SPP 3.7 policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values."

Existing conservation areas that are potentially affected by the development proposal are required to be identified. This may result in vegetation removal/modification prohibition or limitations. These areas include National Parks, Nature Reserves, Wetlands and Bush Forever sites.

Environmental Protection Act 1986: "Clearing of native vegetation in Western Australia requires a clearing permit under Part V, Division 2 of the Act unless clearing is for an exempt purpose. Exemptions from requiring a clearing permit are contained in Schedule 6 of the Act or are prescribed in the Environmental Protection Regulations" ('Guidelines' s2.3).

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act): This Act administered by the Australian Government Department of Environment, provides a national scheme of environment and heritage protection and biodiversity conservation. Nationally threatened species and ecological communities are a specific matter of significance. Areas of vegetation can be classified as a Threatened Ecological Community (TEC) under the EPBC Act and consequently have removal restrictions imposed.

Vegetation Modification and Clearing Assessment

Will on-site clearing of native vegetation be required?	No
Does this have the potential to trigger environmental impact/referral requirements under State and Federal environmental legislation?	No
Identified environmental legislation applicable to the Proposal site - No.1:	N/A
Identified environmental legislation applicable to the Proposal site - No.2:	N/A
For the proposed development site, have any areas of native vegetation been identified as species that might result in the classification of the area as a Threatened Ecological Community (TEC)?	No
Potential TEC species identified:	N/A

The subject lot is clear of vegetation and there are no expected onsite landscaping changes. The bushfire assessment and management strategies contained in the BMP, assume that environmental approval will be achieved.



Impact on Adjoining Land

Is this planning proposal able to implement the required bushfire measures within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants?

Yes

The proposed development site is free of vegetation. This will ensure the bushfire risk is not increased to the immediate surrounding properties. Compliance is regulated via the bushfire management plan for the site and the Shire of Gingin annual Firebreak Order. Bushfire management measures external to the site are not required as part of this proposal.



3 Potential Bushfire Impact Assessment

3.1 Assessment Input

3.1.1 Fire Danger Index (FDI) Applied

AS 3959-2009 specifies the fire danger index values to apply for different regions as per Table 2.1. The values used in the model calculations are for the Forest Fire Danger Index (FFDI) and for which equivalent representative values of the Grassland Fire Danger Index (GFDI) are applied as per Appendix B. The values can be refined if appropriately justified.

Table 3.1: Applied FDI Value

FDI Value			
Vegetation Area	As per AS 3959 - 2009 Table 2.1	As per DFES for the Location	Value Applied
All vegetation areas	80	N/A	80

3.1.2 Existing Vegetation Identification, Classification and Effective Slope

Vegetation identification and classification has been conducted in accordance with AS 3959-2009 s2.2.3 and the Visual Guide for Bushfire Risk Assessment in WA (DoP February 2016).

When more than one vegetation type is present, each type is identified separately with the worst-case scenario being applied as the classification. The predominant vegetation is not necessarily the worst-case scenario.

The vegetation structure has been assessed as it will be in its mature state (rather than what might be observed on the day). Areas of modified vegetation are assessed as they will be in their natural unmodified state (unless maintained in a permanently low threat, minimal fuel condition, satisfying AS 3959-2009 s2.2.3.2-f and asset protection zone standards). Vegetation destroyed or damaged by a bushfire or other natural disaster has been assessed on its revegetated mature state.

Effective Slope: Is the ground slope under the classified vegetation and is determined for each area of classified vegetation. It is the measured or determined slope which will most significantly influence the bushfire behaviour in that vegetation as it approaches a building or site. Where there is a significant change in effective ground slope under an area of classified vegetation, that will cause a change in fire behaviour, separate vegetation areas will be identified, based on the change in effective slope, to enable the correct assessment.



Table 3.2: Vegetation identification and classification.

All Vegetation Within 150 metres of the Proposed Development				
Vegetation Area	Identified Classification Types ¹ or Description if 'Excluded'	Applied Classification ²	Effective Slope Under Classified Vegetation	
			degrees	description
1	Woodland B-05	Class B Woodland	0	Flat
2	Open Forest A-03	Class A Forest	0	Flat
3	Open Scrub D-14	Class D Scrub	0	Flat
4	Low Open Woodland B-07 Open Heath C-11	Class C Shrubland	0	Flat
5	Tussock Grassland G-22 Open Heath C-11	Class C Shrubland	0	Flat
6	Woodland B-05	Class B Woodland	0	Flat
7	Woodland B-05	Class B Woodland	0	Flat
8	Woodland B-05	Class B Woodland	0	Flat
-	Managed areas around existing dwellings, managed industrial lots	Excluded AS3959-2009 2.2.3.2 (f)	N/A	N/A
Representative photos of each vegetation area, descriptions and classification justification, are presented on the following pages. The areas of classified vegetation are defined, and the photo locations identified on the topography and classified vegetation map, Figure 3.1.				
Note ¹ : As per AS 3959-2009 Table 2.3 and Figures 2.3 and 2.4 a-g				
Note ² : As per AS 3959-2009 Table 2.3.				



Vegetation Area 1

Classification Applied: Class B Woodland

Classification Justification: Banksia woodland, scrub, grass trees, heath and grass understorey



Photo ID: 1a

Vegetation Area 2

Classification Applied: Class A Forest

Classification Justification: Narrow strip of pines, eucalypts, scrub, shrubs, thick ground litter



Photo ID: 2a



Photo ID: 2b

Vegetation Area 3

Classification Applied: Class D Scrub

Classification Justification: Scrub, shrubs, little ground fine fuel



Photo ID: 3a



Photo ID: 3b



Vegetation Area 4

Classification Applied: Class C Shrubland

Classification Justification: Grass trees, shrubs, heath, occasional banksia



Photo ID: 4a



Photo ID: 4b

Vegetation Area 5

Classification Applied: Class C Shrubland

Classification Justification: Tussock Grassland, shrubs, grass trees



Photo ID: 5a

Vegetation Area 6

Classification Applied: Class B Woodland

Classification Justification: Small trees, some exotic, tall scrub, grass trees, grass understorey



Photo ID: 6a



Photo ID: 6b



Vegetation Area 7

Classification Applied: Class B Woodland

Classification Justification: Banksia woodland, scrub, grass trees, heath and grass understorey



Photo ID: 7a



Photo ID: 7b

Vegetation Area 8

Classification Applied: Class B Woodland

Classification Justification: Banksia woodland, scrub, grass trees, heath and grass understorey



Photo ID: 8a



Photo ID: 8b

Vegetation Area

Classification Applied: Excluded AS3959-2009 2.2.3.2 (f)

Classification Justification: Onsite, buildings and hardstand areas



Photo ID: 9a



Photo ID: 9b



Vegetation Area	Classification Applied: Excluded AS3959-2009 2.2.3.2 (f)
Classification Justification: Onsite, hardstand and storage areas, existing buildings	
Photo ID: 9c	Photo ID: 9d
Vegetation Area	Classification Applied: Excluded AS3959-2009 2.2.3.2 (f)
Classification Justification: Offsite, shed and hardstand areas, managed grassland area	
Photo ID: 9e	Photo ID: 9f
Vegetation Area	Classification Applied: Excluded AS3959-2009 2.2.3.2 (f)
Classification Justification: Offsite, Sheds and hardstand, cleared vacant lot	
Photo ID: 9g	Photo ID: 9h





3.1.3 Vegetation Separation Distance

The vegetation separation distance is the horizontal distance from an existing building or planned building footprint to the start of an area of classified vegetation.

The separation distance can be:

- The actual distance – which will correspond to a single determined BAL rating. It can only be measured when the location of a building or building footprint is known; or
- A required distance or range of distances that correspond to a single BAL rating or varying BAL ratings. These calculated distances are used to indicate what BAL rating/s are achievable.

Required distances can be presented in this Plan in the following formats, dependant on the specific development proposal and the type of information most applicable:

- A distance that must be achieved to result in a stated BAL rating. This is presented as the Conditional BAL rating (conditional upon achieving the required separation distance);
- A table stating the separation distance range that, if achieved, would correspond to each BAL rating; or
- A map visually showing the separation distance range - from areas of classified vegetation that would remain post-development - that correspond to each BAL rating i.e. a BAL Contour Map.

Note:

Required (calculated) separation distances are presented in the 'Assessment Output' section as the BAL Contour Map and relevant tables to assist with its interpretation.

Actual measured vegetation separation distances are applied in this assessment and are presented in the tables below.





Table 3.3: Measured separation distances applied in determining the BAL for proposed resource recovery facility and other existing onsite buildings.

Measured Separation Distances Applied for Onsite Buildings			
Building	Vegetation Area	Applied Vegetation Classification	Measured Separation Distance to the Classified Vegetation (metres)
Proposed Resource Recovery Centre	1	Class B Woodland	126
	2	Class A Forest	95
	3	Class D Scrub	80
	4	Class C Shrubland	27
	5	Class C Shrubland	136
	6	Class B Woodland	148
	7	Class B Woodland	60
	8	Class B Woodland	21
Office	1	Class B Woodland	170
	2	Class A Forest	142
	3	Class D Scrub	167
	4	Class C Shrubland	104
	5	Class C Shrubland	64
	6	Class B Woodland	75
	7	Class B Woodland	94
	8	Class B Woodland	107
Workshop	1	Class B Woodland	71
	2	Class A Forest	50
	3	Class D Scrub	26
	4	Class C Shrubland	82
	5	Class C Shrubland	199
	6	Class B Woodland	205
	7	Class B Woodland	184
	8	Class B Woodland	56



Accommodation Unit and Amenities	1	Class B Woodland	27
	2	Class A Forest	7
	3	Class D Scrub	9
	4	Class C Shrubland	134
	5	Class C Shrubland	195
	6	Class B Woodland	199
	7	Class B Woodland	218
	8	Class B Woodland	104



3.2 Assessment Output

Understanding the Bushfire Assessment Results - Application of Bushfire Attack Levels (BAL)

The BAL rating has a different application in the building environment compared to the planning environment and the BAL assessment can result in a determined BAL or an indicative BAL which have different implications.

Building versus Planning Applications

In the building environment, a determined BAL rating is required (for the proposed construction) at the building application stage. This is to inform approval considerations and establish the construction standards that are to apply if approved. An indicative BAL rating is not acceptable for a building application.

In the planning environment, assessing the ability of a proposed development site to achieve BAL-29 or less is the objective (as one of the bushfire protection criteria being assessed). The 'development site' is defined by the LPS Amendment Regulations 2015 as "that part of a lot on which a building that is the subject of development stands or is to be constructed".

Therefore, being able to show that a BAL rating of BAL-29 or lower is achievable for a proposed development site (i.e. the building footprint) is an acceptable outcome for that criteria, as established by the bushfire provisions, SPP 3.7 and the associated Guidelines. For planning purposes, this BAL rating could be either indicative or determined.

Determined BAL Ratings

A determined BAL rating is to apply to an existing or proposed construction site (building) and not to a lot or envelope. Its purpose is to state the potential radiant heat flux to which the building will be exposed.

A determined BAL cannot be given for a future building whose location, elevation design and footprint (on a given lot) are unknown. It is not until these variables have been fixed that a BAL can be determined (typically at the development application or building application stage).

The one exception is when a building of *any dimension* can be *positioned anywhere* on a proposed lot or within defined limits within the lot (i.e. building setbacks or building envelope) and always remain subject to the same BAL rating. For this to be the case, there needs to be no classified vegetation either onsite or offsite that if retained could impact upon the determined BAL rating.

Indicative BAL Ratings

When this Plan presents a single indicative BAL rating for a proposed construction site (building), this will be because the construction is still subject to a location within the lot being confirmed and/or a vegetation separation distance being achieved. That is, it will be conditional upon some factor being confirmed at a later stage.

For planning applications associated with proposed lots, the building location, elevation design and footprint have typically not been established. Therefore, indicative rather than determined BAL rating/s will be presented for each lot (with the exception as noted above under 'Determined BAL Ratings').

When this Plan presents a single indicative BAL rating for a lot or building envelope (i.e. an 'area' that is not a located building footprint) it will represent the highest BAL rating affecting that 'area'. The BAL rating of a future building on that 'area' will be dependent on its eventual location.

Otherwise, this Plan will present all BAL ratings for each lot and for each BAL rating, the vegetation separation distances from each area of classified vegetation that are to apply. These distances will be presented as either figures in a table or as a BAL contour map.

From this indicative BAL information, it can be assessed if acceptable BAL ratings (\leq BAL-29) can be achieved for future buildings.



3.2.1 Assessment Summary

Table 3.4: Summary BAL results.

BAL Results – Summary of Assessment (detail of assessment and determination is presented in the following sections of this report)		
Building	BAL Status	Bushfire Attack Level
Proposed Resource Recovery Centre	Determined	BAL-19
Office	Determined	BAL-12.5
Workshop	Determined	BAL-19
Accommodation Unit and Amenities	Determined	BAL-FZ

3.2.2 Determined (BAL) Results Using Method 1

Table 3.5: Determined BAL's using AS 3959-2009 Method 1.

Determined Bushfire Attack Levels - Method 1¹ For the Proposed Resource Recovery Centre (Existing Building)				
Applied Fire Danger Index (AS3959-2009 Table 2.1)				80
Vegetation Area	Applied Vegetation Classification	Effective Slope Under the Classified Vegetation (degrees)	Separation Distance to the Classified Vegetation (metres)	Bushfire Attack Level
1	Class B Woodland	0	126	BAL-LOW
2	Class A Forest	0	95	BAL-12.5
3	Class D Scrub	0	80	BAL-12.5
4	Class C Shrubland	0	27	BAL-12.5
5	Class C Shrubland	0	136	BAL-LOW
6	Class B Woodland	0	148	BAL-LOW
7	Class B Woodland	0	60	BAL-12.5
8	Class B Woodland	0	21	BAL-19
-	Excluded AS3959-2009 2.2.3.2 (f)	N/A	N/A	BAL-LOW
Determined Bushfire Attack Level				BAL-19

¹ As per AS 3959-2009 s2.2.6 and Table 2.4.3

Reliance on the assessment and determination of the Bushfire Attack Level contained in this Plan should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.

**Determined Bushfire Attack Levels - Method 1¹****For the Onsite Office (Existing Building)**

Applied Fire Danger Index (AS3959-2009 Table 2.1)				80
Vegetation Area	Applied Vegetation Classification	Effective Slope Under the Classified Vegetation (degrees)	Separation Distance to the Classified Vegetation (metres)	Bushfire Attack Level
1	Class B Woodland	0	170	BAL-LOW
2	Class A Forest	0	142	BAL-LOW
3	Class D Scrub	0	167	BAL-LOW
4	Class C Shrubland	0	104	BAL-LOW
5	Class C Shrubland	0	64	BAL-12.5
6	Class B Woodland	0	75	BAL-12.5
7	Class B Woodland	0	94	BAL-12.5
8	Class B Woodland	0	107	BAL-LOW
-	Excluded AS3959-2009 2.2.3.2 (f)	N/A	N/A	BAL-LOW
Determined Bushfire Attack Level				BAL-12.5

¹ As per AS 3959-2009 s2.2.6 and Table 2.4.3

Reliance on the assessment and determination of the Bushfire Attack Level contained in this Plan should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.

**Determined Bushfire Attack Levels - Method 1¹****For the Onsite Workshop (Existing Building)**

Applied Fire Danger Index (AS3959-2009 Table 2.1)				80
Vegetation Area	Applied Vegetation Classification	Effective Slope Under the Classified Vegetation (degrees)	Separation Distance to the Classified Vegetation (metres)	Bushfire Attack Level
1	Class B Woodland	0	71	BAL-12.5
2	Class A Forest	0	50	BAL-12.5
3	Class D Scrub	0	26	BAL-19
4	Class C Shrubland	0	82	BAL-12.5
5	Class C Shrubland	0	199	BAL-LOW
6	Class B Woodland	0	205	BAL-LOW
7	Class B Woodland	0	184	BAL-LOW
8	Class B Woodland	0	56	BAL-12.5
-	Excluded AS3959-2009 2.2.3.2 (f)	N/A	N/A	BAL-LOW
Determined Bushfire Attack Level				BAL-19

¹ As per AS 3959-2009 s2.2.6 and Table 2.4.3

Reliance on the assessment and determination of the Bushfire Attack Level contained in this Plan should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.



Determined Bushfire Attack Levels - Method 1¹				
For the Onsite Accommodation Unit and Amenities (Existing Building)				
Applied Fire Danger Index (AS3959-2009 Table 2.1)			80	
Vegetation Area	Applied Vegetation Classification	Effective Slope Under the Classified Vegetation (degrees)	Separation Distance to the Classified Vegetation (metres)	Bushfire Attack Level
1	Class B Woodland	0	27	BAL-19
2	Class A Forest	0	7	BAL-FZ
3	Class D Scrub	0	9	BAL-FZ
4	Class C Shrubland	0	134	BAL-LOW
5	Class C Shrubland	0	195	BAL-LOW
6	Class B Woodland	0	199	BAL-LOW
7	Class B Woodland	0	218	BAL-LOW
8	Class B Woodland	0	104	BAL-LOW
-	Excluded AS3959-2009 2.2.3.2 (f)	N/A	N/A	BAL-LOW
Determined Bushfire Attack Level				BAL-FZ

¹ As per AS 3959-2009 s2.2.6 and Table 2.4.3

Reliance on the assessment and determination of the Bushfire Attack Level contained in this Plan should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.



4 Identification of Bushfire Hazard Issues

The proposed development is located within the Gingin Rural Industrial Estate which has a mixture of developed and undeveloped lots. The subject lot and surrounding land is flat and no increase in fire behaviour will be generated from this topography.

The whole of the subject lot is devoid of vegetation as is the neighbouring lot to the east. Further east is an area of banksia woodland which crosses to the eastern side of the Brand Highway. Areas of woodland and scrub abut the western and southern boundaries of the subject lot. Further west and south are large areas of open grassland. Woodland vegetation to the north is fragmented by development within the industrial lots alleviating the threat of a landscape type bushfire from this direction.

The proposed development can achieve compliance with the Bushfire Protection Criteria. Three existing buildings within the lot (Proposed Resource Recovery Centre, Office and Workshop) are subject to a BAL rating of BAL-19 or lower. The Accommodation Unit and Amenities buildings are subject to a BAL-FZ rating.

The Office, Proposed Resource Recovery Centre and Workshop are Class 5 and Class 8 buildings and are not required to comply with bushfire performance requirements. Additionally, the Accommodation Unit and Amenities buildings predate the requirements for building in bushfire prone areas, and these requirements are not retrospective. However, it is recommended that these buildings be retrofitted to comply with the bushfire construction requirements for their assessed BAL ratings.

Access and egress to two different destinations is available east via Hoy Road to Brand Highway or north via Todman and Bell Roads to Gingin Brook Road.

To the north of the proposed Resource Recovery Centre are two 280,000 litre water tanks. A smaller water tank, fed from the roof gutters, sits to the south of the shed. A portion of one of the larger tanks can be dedicated for firefighting purposes, or a new stand-alone tank can be installed.



5 Assessment Against the Bushfire Protection Criteria (BPC)

5.1 Bushfire Protection Criteria - Assessment Summary

Summarised Outcome of the Assessment Against the Bushfire Protection Criteria (BPC)

Element	Basis for the Assessment of Achieving the Intent of the Element			
	Achieves compliance with the Element through meeting Acceptable Solutions		Achieves compliance with the Element by application of a Performance Based Solution	Minor or Unavoidable Development
	Meets all relevant acceptable solutions	One or more relevant Acceptable Solutions are not <u>fully</u> met. A <u>variation</u> of the solution is provided and justified.	One or more applicable Acceptable Solutions are not met. A solution is developed with the summary presented in this Plan in Section 5.5. The supporting document presenting Bushfire Prone Planning's detailed methodology is submitted separately to the decision makers.	The required supporting statements are presented in this Plan.
Location	✓			N/A
Siting and Design of Development	✓			
Vehicular Access	✓			
Water	✓			

The subject Proposal has been assessed against:

1. The requirements established in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas, WAPC 2017 v1.3 (the 'Guidelines'). The detail, including technical construction requirements, are found at <https://www.planning.wa.gov.au/8194.aspx>. A summary of relevant information is provided in the appendices of this Plan; and
2. Any endorsed variations to the Guideline's acceptable solutions and associated technical requirements that have been established by the relevant local government. If known and applicable these have been stated in Section 5.2 of this Plan with the detail included as an appendix if required by the relevant local government.



5.2 Local Government Variations to Apply

Local governments may add to or modify the acceptable solutions of the Bushfire Protection Criteria (BPC) and/or apply technical requirements that vary from those specified in the Guidelines for Planning in Bushfire Prone Areas (WAPC). In such instances, this Proposal will be assessed against these variations and/or any specific local government technical requirements for emergency access and water. Refer to Appendices 2 and 3 for relevant technical requirements.

Will local or regional variations to the acceptable solutions (endorsed by WAPC / DFES) and/or the technical requirements contained in the Guidelines, apply to this Proposal.

N/A



5.3 Bushfire Protection Criteria – Acceptable Solutions Assessment Detail

5.3.1 Element 1: Location

Bushfire Protection Criteria Element 1: Location

Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.

Acceptable Solution:	A1.1: Development Location	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.
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The proposed development achieves compliance by:

- Ensuring future buildings on the lot are located on an area that will be subject to potential radiant heat from a bushfire not exceeding 29 kW/m² (i.e. a BAL rating of BAL-29 or less will apply). This can be achieved by using positioning, design and appropriate vegetation removal/modification; and
- Managing the remaining bushfire risk to an acceptable level by the existence/implementation and ongoing maintenance of all required bushfire protection measures, as identified within this Plan. These measures include the requirements for vegetation management, vehicular access and firefighting water supply.

Currently, there are no future habitable buildings planned for the site.



5.3.2 Element 2: Siting and Design of Development

Bushfire Protection Criteria Element 2: Siting and Design of Development Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure that the siting and design of development (note: not building/construction design) minimises the level of bushfire impact.

Acceptable Solution:	A2.1: Asset Protection Zone	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.
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The proposed development achieves compliance by:

- Ensuring future building work on the lot can have established around it an APZ of the required dimensions - to ensure that the potential radiant heat from a bushfire to impact future building/s, does not exceed 29 kW/m² (i.e. a BAL rating of BAL-29 or less will apply to determine building construction standards);
- The APZs can be established fully within the lot boundaries; and
- The landowner/s having the responsibility of continuing to manage the required APZ as low threat vegetation in a minimal fuel state, by maintaining the APZ to the required dimensions and standard, including compliance with the local government's annual firebreak notice.

The required APZ dimensions are set out in Section 5.4.1. The APZ technical requirements (Standards) are detailed in Appendix 1.

Currently, there are no future habitable buildings planned for the site.



5.3.3 Element 3: Vehicular Access

Bushfire Protection Criteria Element 3: Vehicular Access Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.

Acceptable Solution:	A3.1: Two access routes	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.
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Hoy Road provides safe access and egress to two different destinations. As a sealed public road, it is available to all residents and the public at all times and under all weather conditions.

Access to the Brand Highway is via Hoy Road at a driving distance of approximately 850 metres from the proposed development. Vehicles can travel north or south along the Brand Highway to different destinations.

A secondary route from the development site is available west via Hoy Road, then north along Todman Road to Bell Road, then west and north along Bel Road to Gingin Brook Road. From Gingin Brook Road vehicles can travel east or west to different destinations.

Acceptable Solution:	A3.2 Public Road	Method of achieving Element compliance and/or the Intent of the Element:	N/A
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There are no new public roads proposed for this development.



Bushfire Protection Criteria Element 3: Vehicular Access (continued)
Assessment Statements and Bushfire Protection Measures to be Applied

Acceptable Solution:	A3.3 Cul-de-sacs (including a dead-end road)	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A3.4: Battle-axe	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A3.5: Private Driveways	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.
The whole of the subject lot is surfaced with either concrete, bitumen or hardstand areas. Access for firefighting vehicles is available to and around the existing buildings. Any future development must ensure that driveway requirements comply with the specifications (See Appendix 2).			
Acceptable Solution:	A3.6 Emergency Access Way	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A3.7 Fire Service Access Routes	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A3.8 Firebreak Width	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met.
The proposed lots will comply with the requirements of the local government annual firebreak notice issued under s33 of the Bush Fires Act 1954. Firebreaks to be installed prior to subdivision clearance.			



5.3.4 Element 4: Water

Bushfire Protection Criteria Element 4: Water

Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire.

Acceptable Solution:	A4.1 Reticulated Areas	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A4.2 Non-Reticulated Areas	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A4.3 Non-reticulated Areas (Individual Lots)	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met.

The proposed development will have installed a minimum of 50,000 litres of stored water for firefighting purposes only, or other supply to the satisfaction of the Shire of Gingin, prior to development clearance.

To the north of the proposed Resource Recovery Centre are two 280,000 litre water tanks. A smaller water tank, fed from the roof gutters, sits to the south of the shed. A portion of one of the larger tanks can be dedicated for firefighting purposes, or a new stand-alone tank can be installed.

The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 3.



5.4 Additional Information for Required Bushfire Protection Measures

The purpose of this section of the Plan is:

- As necessary, to provide additional detail (to that provided in the tables of Section 5.3) regarding the implementation of the acceptable solutions for those persons who will have the responsibility to apply the stated requirements;
- As necessary, to detail specific onsite vegetation management requirements such as the APZ dimensions, management of Public Open Space or application of landscaping plans for onsite vegetation;

5.4.1 Vegetation Management

Asset Protection Zone (APZ) Dimensions that are to Apply

The required dimensions of the APZ will vary dependent upon the purpose for which the APZ has been defined. There are effectively three APZ dimensions that can apply:

1. An application for planning approval will be required to show that an APZ can be created which is of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m^2 (BAL-29); and
2. If the assessment has determined a BAL rating for an existing or future building is less than BAL-29, the APZ must be of sufficient size to ensure the potential radiant heat impact of a fire does not exceed the kW/m^2 corresponding to the lower assessed BAL rating; or
3. Complying with the relevant local government's annual firebreak notice may require an APZ of greater size than that defined by the two previous parameters.

The dimensions (vegetation separation distances) that are to apply to the APZ for this Proposal are presented in the tables below.



Ongoing maintenance of the separation area from any existing or future building works to the classified vegetation (refer to Figure 3.1 for vegetation area details)

The Minimum Separation Distance Required to Retain a Determined BAL Rating

Vegetation Area	1	2	3	4	7	8
Existing or Future Building with Determined BAL of BAL-29						
Minimum Separation Distance Required (m)	14	21	13	9	14	14
Existing or Future Building with Determined BAL of BAL-19						
Minimum Separation Distance Required (m)	20	31	19	13	20	20
Existing or Future Building with Determined BAL of BAL-12.5						
Minimum Separation Distance Required (m)	29	42	27	19	29	29

'Local Government Firebreak Notice APZ'

Required Minimum Dimensions for the Subject Site

Requirement Set By:	Shire of Gingin
Minimum Dimensions:	20 metres. See Shire of Gingin Firebreak Order
Other Conditions:	If Asset Protection Zone technical requirements are defined in the Notice, the standards and dimensions may differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1.

This requirement has been established through the stated local government's annual fire break notice issued under the Bushfires Act 1954 s33.

Any future landscaping on the subject site must not increase the bushfire risk to any existing or future buildings on the lot.



5.5 Recommended Bushfire Protection Measures

These recommendations are for measures that are not directly considered by SPP 3.7 and the associated Guidelines, including the bushfire protection criteria.

These measures are recommended by the bushfire consultant to improve the safety of property occupants and the resilience of buildings in the event of a bushfire impacting the property.

Recommendations may be of specific benefit in supporting applications for 'Minor Development' or 'Unavoidable Development' which are otherwise unable to fully comply with the established bushfire protection criteria.

Retrospective Application of Bushfire Construction Standards

Class 1, 2 and 3 buildings and Class 10a associated buildings and decks, constructed prior to the requirement to comply with bushfire performance requirements, do not need to meet these requirements.

Buildings of Class 4 to Class 9 are not required by the Building Code of Australia (BCA) to be constructed to comply with bushfire performance requirements. Although responsible authorities may require it.

Retrospectively upgrading buildings to assist in reducing bushfire risk to persons and property is a voluntary choice.

As the existing buildings are located in a bushfire prone area and may be subject to a bushfire attack, Bushfire Prone Planning recommends that some degree of upgrading be considered to improve the protection for occupants and the building's survivability. At a minimum protection from ember attack should be considered (i.e. constructed to the standard required for BAL-12.5).

It is recommended that the existing buildings on the subject lot be retrofitted to comply with the bushfire construction requirements for their assessed BAL ratings.



6 Responsibilities for Implementation and Management of the Bushfire Protection Measures

Table 6.1: BMP Implementation responsibilities prior to lot sale, occupancy or building for the Landowner (Developer).

LANDOWNER (DEVELOPER) - PRIOR TO LOT SALE, OCCUPANCY OR BUILDING	
No.	Implementation Actions
1	<p>The local government may condition a development application approval with a requirement for the landowner/proponent to register a notification onto the certificate of title (it may also need to be included on the deposited plan).</p> <p>This will be done pursuant to Section 70A Transfer of Land Act 1893 as amended ('Factors affecting use and enjoyment of land, notification on title:'). This is to give notice of the bushfire hazard and any restrictions and/or protective measures required to be maintained at the owner's cost.</p> <p>This condition ensures that:</p> <ol style="list-style-type: none"> 1. Landowners/proponents are aware their lot is in a designated bushfire prone area and of their obligations to apply the stated bushfire risk management measures; and 2. Potential purchasers are alerted to the Bushfire Management Plan so that future landowners/proponents can continue to apply the bushfire risk management measures that have been established in the Plan.
2	<p>Prior to occupation and post planning approval, the entity responsible for having the BMP prepared should ensure that anyone listed as having responsibility under the Plan has endorsed it and is provided with a copy for their information and informed that it contains their responsibilities. This includes the landowners/proponents (including future landowners where the Plan was prepared as part of a subdivision approval), local government and any other authorities or referral agencies ('Guidelines' s4.6.3).</p>
3	<p>Prior to occupancy of the proposed development it is to be compliant with the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954.</p>
4	<p>Establish the Asset Protection Zone (APZ) on the lot to the dimensions and standard stated in the BMP. This is the responsibility of the landowner.</p>
5	<p>Prior to occupancy, install the required emergency static water supply and associated vehicle access, to the standards stated in the BMP.</p>
6	<p>Prior to occupancy, install or maintain the private driveways to the standards stated in the BMP.</p>
7	<p>Prior to any building work, inform the builder of the existence of this Bushfire Management Plan and the responsibilities it contains, regarding the required construction standards. This will be:</p> <ul style="list-style-type: none"> • The standard corresponding to the determined BAL rating, as per the bushfire provisions of the Building Code of Australia (BCA); and/or • A higher standard as a result of the BMP establishing that construction is required at a standard corresponding to a higher BAL rating.



Table 6.2: Ongoing management responsibilities for the Landowner/Occupier.

LANDOWNER/OCCUPIER - ONGOING	
No.	Ongoing Management Actions
1	Maintain the Asset Protection Zone (APZ) to the dimensions and standard stated in the BMP
2	Comply with the Shire of Gingin Firebreak Order issued under s33 of the Bush Fires Act 1954.
3	Maintain vehicular access routes within the lot to the required surface condition and clearances as stated in the BMP.
4	Maintain the emergency water supply tank and its associated fittings and vehicular access in good working condition.
5	Ensure that any builders (of future structures on the lot) are aware of the existence of this Bushfire Management Plan and the responsibilities it contains regarding the application of construction standards corresponding to a determined BAL rating.
6	Ensure all future buildings the landowner has responsibility for, are designed and constructed in full compliance with: <ol style="list-style-type: none"> 1. the requirements of the WA Building Act 2011 and the bushfire provisions of the Building Code of Australia (BCA); and 2. with any identified additional requirements established by this BMP or the relevant local government.
7	To consider, implement and maintain, as relevant and able, any bushfire protection measures that have been <u>recommended</u> by the bushfire consultant (refer to Section 5.5), in addition to the measures that are <u>required</u> to be implemented and maintained.

Table 6.3: Ongoing management responsibilities for the Local Government.

LOCAL GOVERNMENT - ONGOING	
No.	Ongoing Management Actions
1	Monitor landowner compliance with the Bushfire Management Plan and the annual Firebreak Order.



Appendix 1 - Onsite Vegetation Management Technical Requirements

It is the responsibility of the landowner to maintain the established bushfire protection measures on their property. Not complying with these responsibilities can result in buildings being subject to a greater potential impact from bushfire than that determined by the assessed BAL rating presented in this Bushfire Management Plan.

For the management of vegetation within a lot (i.e. onsite) the following technical requirements exist:

1. **The APZ:** Installing and maintaining an asset protection zone (APZ) of the required dimensions to the standard established by the Guidelines for Planning in Bushfire Prone Areas (WA Planning Commission, as amended). When, due to the planning stage of the proposal to which this Bushfire Management Plan applies, defined APZ dimensions are known and are to be applied to existing or future buildings – then these dimensions are stated in Section 5.4.1 of this Plan.
2. **The Firebreak/Fuel Load Notice:** Complying with the requirements established by the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954. Note: If an APZ requirement is included in the Notice, the standards and dimensions may differ from the Guideline's APZ Standard – the larger dimension must be complied with.
3. **Changes to Vegetated/Non-Vegetated Areas:**
 - a. If applicable to this Plan, the minimum separation distance from any classified vegetation, that corresponds to the determined BAL for a proposed building, must be maintained as either a non-vegetated area or as low threat vegetation managed to a minimal fuel condition as per AS 3959-2009 s2.2.3.2 (e) and (f). Refer to Part 4 of this Appendix 1.
 - b. Must not alter the composition of onsite areas of classified vegetation (as assessed and presented in Section 3.1.2) to the extent that would require their classification to be changed to a higher bushfire threat classification (as per AS 3959-2009); and
 - c. Must not allow areas within a lot (i.e. onsite) that have been:
 - i. excluded from classification by being low threat vegetation or non-vegetated; and
 - ii. form part of the assessed separation distance that is determining a BAL rating -

...to become vegetated to the extent they no longer represent a low threat (refer to Part 4 of Appendix 1). Note: The vegetation classification exclusion specifications as established by AS 3959-2009 s2.2.3.2, are included at A1.4 below for reference.



1. Requirements Established by the Guidelines – the Asset Protection Zone (APZ) Standards

(Source: Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 Appendix 4, Element 2, Schedule 1 and Explanatory Note E2.1)

Defining the Asset Protection Zone (APZ)

Description: An APZ is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level (by reducing fuel loads). The width of the required APZ varies with slope and vegetation. For planning applications, the minimum sized acceptable APZ is that which is of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m² (BAL-29). It will be site specific.

The APZ may include public roads, waterways, footpaths, buildings, rocky outcrops, golf courses, maintained parkland as well as cultivated gardens in an urban context, but does not include grassland or vegetation on a neighbouring rural lot, farmland, wetland reserves and unmanaged public reserves.

For subdivision planning, design elements and excluded/low threat vegetation adjacent to the lot can be utilised to achieve the required vegetation separation distances and therefore reduce the required dimensions of the APZ within the lot.

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

Establishment: The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity.

Note: Regardless of whether an Asset Protection Zone exists in accordance with the acceptable solutions and is appropriately maintained, fire fighters are not obliged to protect an asset if they think the separation distance between the dwelling and vegetation that can be involved in a bushfire, is unsafe.

Schedule 1: Standards for APZ

Fences: within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.

Objects: within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.

Fine Fuel Load: combustible dead vegetation matter less than 6 mm in thickness reduced to and maintained at an average of two tonnes per hectare (example below).



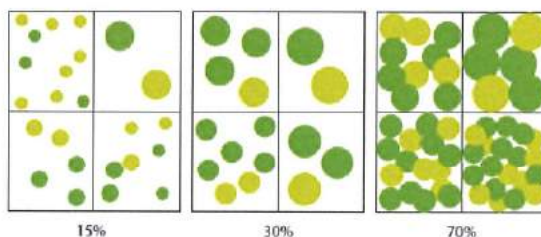
Example Fine Fuel Load of Two Tonnes per Hectare



(Image source: Shire of Augusta Margaret River's Firebreak and Fuel Reduction Hazard Notice)

Trees (> 5 metres in height): trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy. Diagram below represents tree canopy cover at maturity.

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



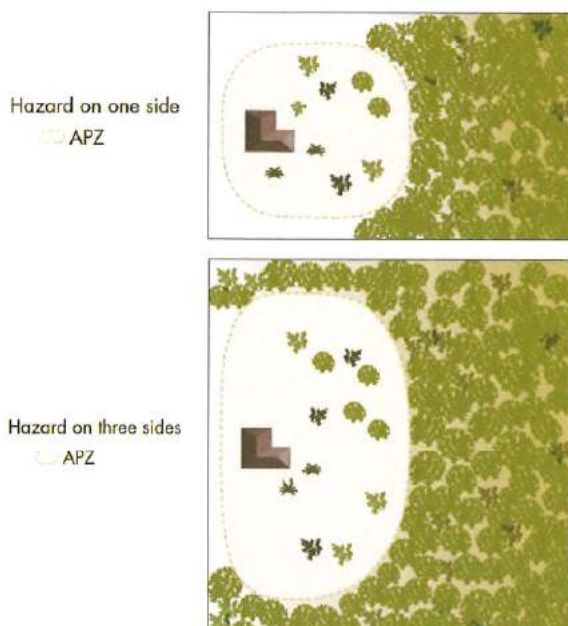
(Source: Guidelines for Planning in Bushfire Prone Areas 2017, Appendix 4)

Shrubs (0.5 metres to 5 metres in height): should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.

Ground covers (<0.5 metres in height): can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 mm in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.

Grass: should be managed to maintain a height of 100 mm or less.

The following example diagrams illustrate how the required dimensions of the APZ will be determined by the type and location of the vegetation.



2. Requirements Established by the Local Government – the Firebreak Notice

These requirements are established by the relevant local government's Firebreak Notice created under s33 of the Bushfires Act 1954 and issued annually (potentially with revisions). The Notice may include additional components directed at managing fuel loads, accessibility and general property management with respect to limiting potential bushfire impact.

The relevant local government's current Firebreak Notice is available on their website, at their offices and is distributed as ratepayer's information. It must be complied with.

If Asset Protection Zone technical requirements are defined in the Notice, the standards and dimensions may differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with.

When, due to the planning stage of the proposal to which this Bushfire Management Plan applies, defined APZ dimensions are known and are to be applied to existing or future buildings – then these dimensions are stated in Section 5.4.1 of this Plan.

3. Requirements Recommended by DFES – Property Protection Checklists

Further guidance regarding ongoing/lasting property protection (from potential bushfire impact) is presented in the publication 'DFES – Fire Chat – Your Bushfire Protection Toolkit'. It is available from the Department of Fire and Emergency Services (DFES) website.



4. Requirements Established by AS 3959-2009 - Maintaining Areas within your Lot as 'Low Threat'

This information is provided for reference purposes. This knowledge will assist the landowner to comply with Management Requirement No. 3 set out in the Guidance Panel at the start of this Appendix. It identifies what is required for an area of land to be excluded from classification as a potential bushfire threat.

"Australian Standard - AS 3959-2009 Section 2.2.3.2: Exclusions - Low threat vegetation and non-vegetated areas:

The Bushfire Attack Level shall be classified BAL-LOW where the vegetation is one or a combination of the following:

- a) Vegetation of any type that is more than 100m from the site.*
- b) Single areas of vegetation less than 1ha in area and not within 100m of other areas of vegetation being classified.*
- c) Multiple area of vegetation less than 0.25ha in area and not within 20m of the site or each other.*
- d) Strips of vegetation less than 20m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20m of the site or each other, or other areas of vegetation being classified.*
- e) Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.*
- f) Low threat vegetation, including grassland managed in a **minimal fuel condition** (i.e. insufficient fuel available to significantly increase the severity of a bushfire attack – recognisable as short cropped grass to a nominal height of 100mm for example), maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks."*



Appendix 2 - Vehicular Access Technical Requirements

Each local government may have their own standard technical requirements for emergency vehicular access and they may vary from those stated in the Guidelines.

Contact the relevant local government for the requirements that are to apply in addition to the requirements set out as an acceptable solution in the Guidelines. If the relevant local government requires that these are included in the Bushfire Management Plan, they will be included in this appendix and referenced.

Requirements Established by the Guidelines – The Acceptable Solutions

(Source: *Guidelines for Planning in Bushfire Prone Areas WAPC 2017 v1.3, Appendix 4*)

Vehicular Access Technical Requirements - Part 1

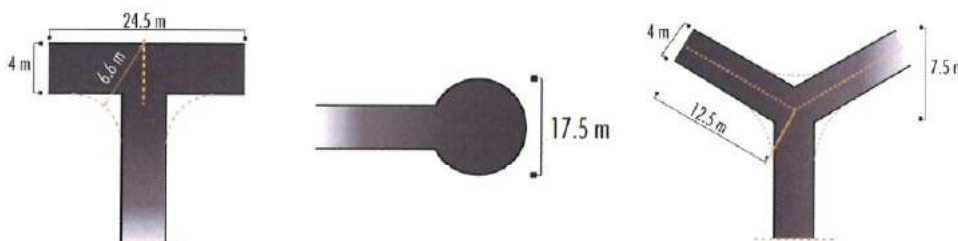
Acceptable Solution 3.5: Private Driveways

The following requirements are to be achieved:

- The design requirements set out in Part 2 of this appendix; and

Where the house site is more than 50 metres from a public road:

- Passing bays every 200 metres with a minimum length of 20 metres and a minimum width of two metres (ie combined width of the passing bay and constructed private driveway to be a minimum six metres);
- Turn-around areas every 500 metres and within 50 metres of a house, designed to accommodate type 3.4 fire appliances to turn around safely (ie kerb to kerb 17.5 metres);
- Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes; and
- All weather surface (i.e. compacted gravel, limestone or sealed).



**Acceptable Solution 3.8: Firebreak Width**

Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum width of three meters or to the level as prescribed in the local firebreak notice issued by the local government.

Vehicular Access Technical Requirements - Part 2

Technical Component	Vehicular Access Types				
	Public Roads	Cul-de-sacs	Private Driveways	Emergency Access Ways	Fire Service Access Routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	4.5	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum cross-fall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5

* A six metre trafficable surface does not necessarily mean paving width. It could, for example, include four metres of paving and one metre of constructed road shoulders. In special circumstances, where 8 lots or less are being serviced, a public road with a minimum trafficable surface of four metres for a maximum distance of ninety metres may be provided subject to the approval of both the local government and DFES.



Appendix 3 - Water Technical Requirements

Requirements Established by the Guidelines - Acceptable Solution A4.2: Non-Reticulated Areas

Each local government may have their own standard technical requirements for firefighting water supplies and they may vary from those stated in the Guidelines.

Contact the relevant local government for the requirements that are to apply in addition to the requirements set out as an acceptable solution in the Guidelines. If the relevant local government requires that these are included in the Bushfire Management Plan, they will be included in this appendix and referenced.

Table A4.1: The acceptable solution as contained in the Guidelines for Planning in Bushfire Prone Areas WAPC 2017 v1.3, Appendix 4, Element 4 – with example construction / coupling requirements from various sources including FESA (DFES) Operational Circular 07/2011 and Planning for Bushfire Protection Guidelines WAPC 2010.

Technical Requirements for Static Water Supply (example only – check with local government)	
Volume:	50,000 litres per tank
Ratio of tanks to lots:	1 tank per 25 lots (or part thereof)
Location:	No more than two kilometres to the furthestmost house site within the residential development to allow a 2.4 fire appliance to achieve a 20-minute turnaround time at legal road speeds.
Tank Construction:	Above ground tanks constructed using concrete or metal. Stands of raised tanks are constructed using non-combustible materials and heat shielding where applicable (required for metal stands).
Pipe Construction:	Galvanised or copper (PVC if buried at least 300mm below ground).
Access:	Hardstand and turnaround areas suitable for a 3.4 appliance (i.e. kerb to kerb 17.5metres) are provided within three metres of each tank.
Couplings:	Hydrant or standpipe to be provided. Tanks can be fitted with a full flow valve gate (not ball valve) and a 100mm cam-lock coupling of metal/alloy construction (examples below).
Ownership and Responsibility:	Water tanks and associated facilities are vested in the relevant local government. A procedure must be in place to ensure that water tanks are maintained at or above designated capacity always.



Requirements Established by the Guidelines - Acceptable Solution A4.3: Non-Reticulated Areas – Single Lot

Each local government may have their own standard technical requirements for firefighting water supplies and they may vary from those stated in the Guidelines.

Contact the relevant local government for the requirements that are to apply in addition to the requirements set out as an acceptable solution in the Guidelines. If the relevant local government requires that these are included in the Bushfire Management Plan, they will be included in this appendix and referenced.

Table A4.1: The acceptable solution as contained in the Guidelines for Planning in Bushfire Prone Areas WAPC 2017 v1.3, Appendix 4, Element 4 – with example construction / coupling requirements from various sources including FESA (DFES) Operational Circular 07/2011 and Planning for Bushfire Protection Guidelines WAPC 2010.

Technical Requirements for Static Water Supply (example only – check with local government)	
Application:	Single lots above 500 m ² need a dedicated static water supply on the lot. This solution is only for use if creating one additional lot and cannot be applied cumulatively.
Volume:	Minimum 10,000 litres per tank dedicated to firefighting purposes. The storage tank must not facilitate sharing the water for domestic use due to the danger of contamination.
Tank Construction:	Above ground tanks constructed using concrete or metal.
Pipe Construction:	Galvanised or copper (PVC if buried at least 300mm below ground).
Vehicle Access:	Hardstand and turnaround area suitable for a 3.4 appliance (i.e. kerb to kerb 17.5metres) is provided at the tank.
Couplings:	Tanks are to be fitted with a full flow gate valve (not ball valve) and a 50mm or 100mm cam-lock coupling of metal/alloy construction (example below).
Responsibility:	A procedure must be in place to ensure that water tanks are maintained at or above designated capacity always.



11.3.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OUTBUILDING AND RETROSPECTIVE APPROVAL FOR TRANSPORT DEPOT (TOW TRUCK BUSINESS) ON LOT 500 DEWAR ROAD, GRANVILLE

FILE: BLD/4099
APPLICANT: JOHANNES PAUL SCHAFFER
LOCATION: LOT 500 DEWAR ROAD, GRANVILLE
OWNER: JOHANNES PAUL SCHAFFER
ZONING: GENERAL RURAL
WAPC NO: N/A
AUTHOR: JAMES BAYLISS – ACTING MANAGER STATUTORY PLANNING
REPORTING OFFICER: KYLIE BACON – ACTING EXECUTIVE MANAGER PLANNING AND DEVELOPMENT
REPORT DATE: 21 AUGUST 2018
REFER: 21 SEPTEMBER 1999 ITEM 10.9

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider an Application for Development Approval for a proposed outbuilding and retrospective approval for a transport depot (Tow Truck Business) on Lot 500 (132) Dewar Road, Granville.

BACKGROUND

The subject property is 8097m² in area and located approximately 1.8 kilometres north-west of the Gingin townsite. The site currently accommodates a single house, aviary and vehicle repair workshop.

On 30 August 1999 the Minister for Planning granted final approval for Amendment No. 72 to Town Planning Scheme No. 8 to enable a Vehicle Repair Workshop to operate from the subject lot. The site is included in Appendix 2 – Schedule of Additional Uses under LPS 9 which prescribes conditions development is required to adhere to.

As outlined above, the site currently operates as a vehicle repair business in which all vehicles are required to be stored at the rear of the property within the existing workshop. The demand for the services offered by the applicant has resulted in some vehicles being unable to be contained within the confines of the existing workshop or behind the screening fence. This proposal therefore seeks approval to erect an additional outbuilding to store the vehicles out of view.

The outbuilding is proposed to be 14.4 metres in length and 10.8 metres in width (155.5m²). The proposed wall height of the outbuilding is 2.7 metres in height with a ridge height of 4.18 metres.

Part of the business operation involves local towing (tow truck) and recovery of damaged vehicles which is proposed to be formalised through this application. In some instances, major crash investigators require damaged vehicles to be stored indoors to enable thorough investigations to be conducted. The proposed outbuilding will also be used to accommodate vehicles of this nature from time to time.

A location plan, aerial image and copy of the applicant's proposal are provided as **Appendix 1**.

COMMENT

Community Consultation

The application was advertised to surrounding landowners, published on the Shire's website and a development sign was placed on the verge of the property for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The Shire received one submission from the adjoining landowner providing consent for the proposal.

PLANNING FRAMEWORK

Local Planning Scheme No 9 (LPS 9)

The subject lot is zoned General Rural under LPS 9, the objectives of which are to:

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

A Transport Depot is considered a 'D-Discretionary' land use within the General Rural zone and is defined as follows:

“means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles

and includes maintenance, management and repair of the vehicles used, but not of other vehicles”

The tow truck business is used to unload damaged vehicles rather than goods associated with a traditional transport depot. The towing and recovery of damaged vehicles is undertaken by a single axle medium ridged flatbed truck, two of which are currently operating. Given the relatively small scale of the additional business and the compatibility with the existing vehicle repair workshop the objectives of the zone are deemed to be satisfied. It should also be noted that general rural zoned land is typically large acreage, whereas this particular property is unable to be used for traditional broad acre uses due to the lot size.

Schedule 2 – Additional Uses

As mentioned above, the subject site is included in Schedule 2 – Additional Uses under LPS 9 for the purpose of vehicle repairs. The conditions imposed as part of the amendment are provided below with officer comments. It is deemed practical to assess the proposed use not listed (tow truck business) against the conditions imposed on the property as part of the amendment process to ensure no breach results from the proposal and given the nature of the land uses are similar.

(i) *The additional use shall only be permitted where the use:*

- *Is incidental to and positioned behind an existing residence;*
- *has a front setback of at least 50m;*
- *has a gross floor area of no greater than 400 m²;*
- *is contained within a building that has a character and appearance of a rural shed;*
and
- *Complies with the detailed area plan (or development guide plan) for the site as endorsed by the Shire of Gingin.*

Comment

The operation of two trucks from the subject property in addition to the existing use is deemed to remain incidental to the existing dwelling onsite. For the vehicle repair business to operate, it is reasonable to expect damaged vehicles will require transport via a tow truck. Rather than a third party undertaking the transport of damaged vehicles, the landowner has opted to reduce overheads and undertake the transport of un-roadworthy vehicles as part of the business.

The front setback remains unchanged as part of this proposal. The gross floor area of the proposed shed is 155.5m², which results in the business exceeding the 400m² as stipulated in Schedule Two. For this reason the Department of Planning (DoP) was consulted to clarify if the previous scheme amendment would require revision. Their response is discussed in the report below, however the additional outbuilding is able to be determined through the development application process.

The proposed shed presents as a typical rural shed and is not out of character with the area.

- (ii) *The development of the land shall incorporate the retention of existing trees on site and substantial supplementary landscaping to screen the development from the road.*

Comment

The site currently provides existing vegetation along the front boundary (Dewar Road) acting as screening for passing vehicles. This screening is to be retained and additional screening installed along the boundary adjacent to the proposed outbuilding.

- (iii) *The storage of motor vehicles is to be restricted to the rear of the residence and inside the workshop.*

Comment

The provision of the proposed outbuilding is to assist in complying with this particular requirement. Appropriate conditions can reinforce that vehicles onsite are to be kept inside the existing sheds and screened from Dewar Road where practicable.

- (iv) *All signage to be in accordance with the requirements of the Shire of Gingin Town Planning Scheme No. 8 and signage shall not be permitted along Dewar Road.*

Comment

No signage is proposed as part of this application.

- v) *Drainage and effluent disposal arrangements shall ensure that chemical spills do not enter the nearby tributary of the Gingin Brook. The workshop floor area (and any other areas likely to contain chemicals) shall consist of a concrete pad covered against the rain and should drain to a central point. All drainage from the area shall be directed to a holding tank and there shall be no discharge of effluent to the tributary.*

Comment

Vehicle repairs and associated works (spray painting etc.) will not be undertaken in the proposed outbuilding. It will be used purely for storage purposes and no additional ablution facility is proposed. The retention of stormwater onsite is conditioned as part of the officer's recommendation.

General Rural Development Standards

Setbacks

In accordance with Table 2 of LPS 9, all development shall be set back a minimum 20 metres from all lot boundaries. The proposed outbuilding is set back 5 metres from the lot boundary, seeking a setback variation of 15 metres. The subject site is restricted in area as opposed to traditional general rural lots and therefore is unable to comply with the prescribed setback in this instance.

To alleviate any potential issues from building bulk to the adjoining property the applicant will provide vegetation along the property boundary to act as a screening device. Furthermore, the adjoining landowner has provided consent to the setback variation on the basis vegetation is installed as indicated on the amended plans.

The provision of vegetation within the five metre setback area was discussed with Ranger Services with respect to firebreak ramifications. The provision of screening was deemed acceptable, however a firebreak variation is required to be applied for by the landowner.

Road Access

The property currently gains access from Dewar Road. The existing crossover is to a satisfactory standard and no additional upgrading is required.

Department of Planning (DoP) Comments

Although the proposed outbuilding will not be used as a vehicle repair workshop, it still forms part of the floor area being used by the overall business. The overall floor area is approximately 577.5m², which contravenes the conditions imposed as part of Scheme Amendment No. 72.

The DoP was contacted to provide advice with respect to whether or not the proposal would trigger the need to revise the scheme amendment to enable an increase in floor area. The DoP advised that 'Clause 4.5 – Variations to Site and Development Requirements' under LPS 9 enables the Shire to approve the proposal through the development application process and no revision of the amendment is required.

Clause 4.5. 'Variations to Site and Development Standards and Requirements' is outlined below:

- 4.5.1. *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit*
- 4.5.2. *In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to-*

- a) *Consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions;*
- b) *Have regard to any expressed views prior to making its determination to grant the variation.*

4.5.3. *The power conferred by this clause may only be exercised if the local government is satisfied that-*

- a) *Approval of the proposed development would be appropriate having regard to the matters set out in clause 67 of the deemed provisions;*
- b) *The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Comment

The proposal was advertised to surrounding landowners as outlined under the Community Consultation section above and neighbour consent has been provided. The proposal is not considered to contravene the deemed provisions and has been assessed under the general development standards for general rural zoned land and also Schedule 2 of LPS 9.

The additional floor area will not have an adverse effect upon the users of the property or adjoining landowners and will not impede future development for the locality. As such, the proposal is deemed to satisfy clause 4.5 of LPS 9 and is able to be supported.

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone. Given the proposed structure is an outbuilding (non-habitable), under guidance from the Western Australian Planning Commissions (WAPC) Planning Bulletin 111/2016, it is considered that the proposal is exempt from the requirement for a BAL assessment.

Summary

In view of the above assessment, Officers are of the opinion that the proposed outbuilding and retrospective transport depot are acceptable and should be supported subject to conditions.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 4 – Zones and the Use of Land

4.2 - Objectives of the Zones

4.2.7 - General Rural Zone

4.5 - Variations to Site and Development Standards and Requirements

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017 – 2027

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Grant development approval for a proposed outbuilding on Lot 500 (132) Dewar Road, Granville subject to the following conditions and advice notes:
 - a. 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;
 - b. Prior to occupation of the development, screening shall be planted along the side (eastern) and rear (southern) boundary as indicated on the approved plans and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin;
 - c. No vehicles, vehicle parts, equipment, machinery, tools of trade or material connected with the vehicle repair business shall be stored waiting for work to be carried out, either temporarily or long-term, on any part of the lot, other than within the existing workshop or the approved outbuilding as indicated on the approved plans;
 - d. Any materials stored outside buildings shall be screened from view from adjoining land or from any public street by a closed fence or wall not less than 1.8 metres in height;
 - e. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin; and

- f. The outbuilding shall not be used for human habitation.

Advice Notes

- Note 1: If you are aggrieved with the conditions of this approval you have the right to request the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*;
- 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; and
- 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: Please be advised the applicant/landowner is required to lodge a firebreak variation with the Shire to enable vegetation to be planted between the outbuilding and the lot boundary.

2. Grant retrospective development approval for Transport Depot (Tow Truck Business) on Lot 500 (132) Dewar Road, Granville subject to the following conditions and advice notes:
- a. 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;
- b. This approval only permits two tow trucks to operate from the property; and
- c. The development and use of the land is not to interfere with the amenity of the locality or cause nuisance by way of emissions of noise, vibration, dust or otherwise.

Advice Notes

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

- 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*, *Building Regulations 2012* and *Health Act 1911*, which are to be approved by the Shire of Gingin;
- Note 5: The business operations are to comply with at all times with the *Environmental Protection (Noise) Regulations 1997*;
- Note 6: The applicant be advised that should contravention of conditions related to this approval occur, or bona fide complaints be received concerning the activities carried out on this site, this approval may be revoked; and
- Note 7: The applicant be advised that the conditions of the previous approvals relating to the vehicle repair business are still in affect and require full compliance.

RESOLUTION

Moved Councillor Rule, seconded Councillor Johnson that Council:

- 1. Grant development approval for a proposed outbuilding on Lot 500 (132) Dewar Road, Granville subject to the following conditions and advice notes:**
 - a. 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;**
 - b. Prior to occupation of the development, screening shall be planted along the side (eastern) and rear (southern) boundary as indicated on the approved plans and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin;**
 - c. No vehicles, vehicle parts, equipment, machinery, tools of trade or material connected with the vehicle repair business shall be stored waiting for work to be carried out, either temporarily or long-term, on any part of the lot, other than within the existing workshop or the approved outbuilding as indicated on the approved plans;**
 - d. Any materials stored outside buildings shall be screened from view from adjoining land or from any public street by a closed fence or wall not less than 1.8 metres in height;**

- e. **Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin; and**
- f. **The outbuilding shall not be used for human habitation.**

Advice Notes

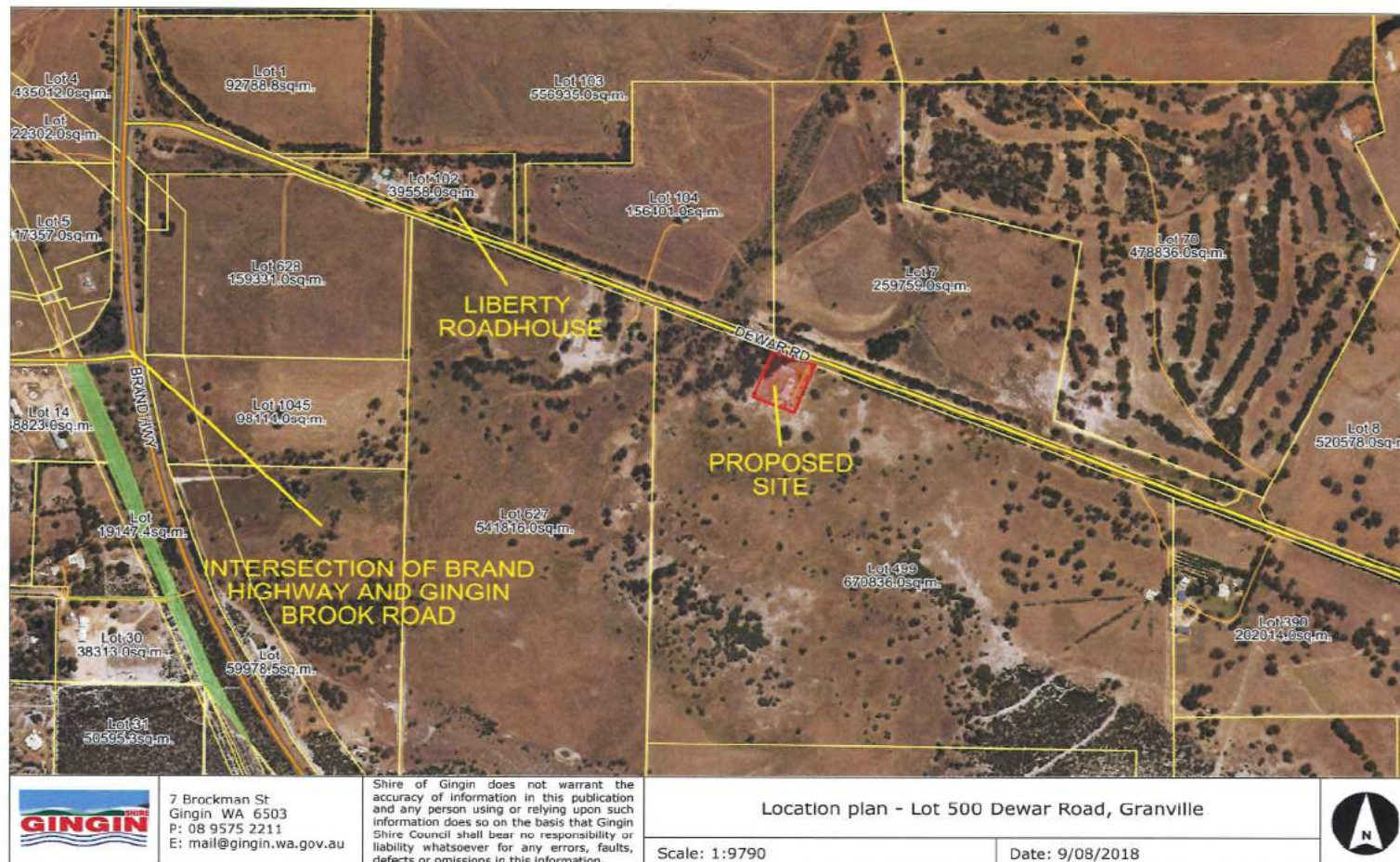
- Note 1: If you are aggrieved with the conditions of this approval you have the right to request the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*;**
 - Note 2: If the development subject to this approval is not substantially commenced 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; and**
 - 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: Please be advised the applicant/landowner is required to lodge a firebreak variation with the Shire to enable vegetation to be planted between the outbuilding and the lot boundary.**
- 2. Grant retrospective development approval for Transport Depot (Tow Truck Business) on Lot 500 (132) Dewar Road, Granville subject to the following conditions and advice notes:**
- a. 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;**
 - b. This approval only permits two tow trucks to operate from the property; and**
 - c. The development and use of the land is not to interfere with the amenity of the locality or cause nuisance by way of emissions of noise, vibration, dust or otherwise.**

Advice Notes

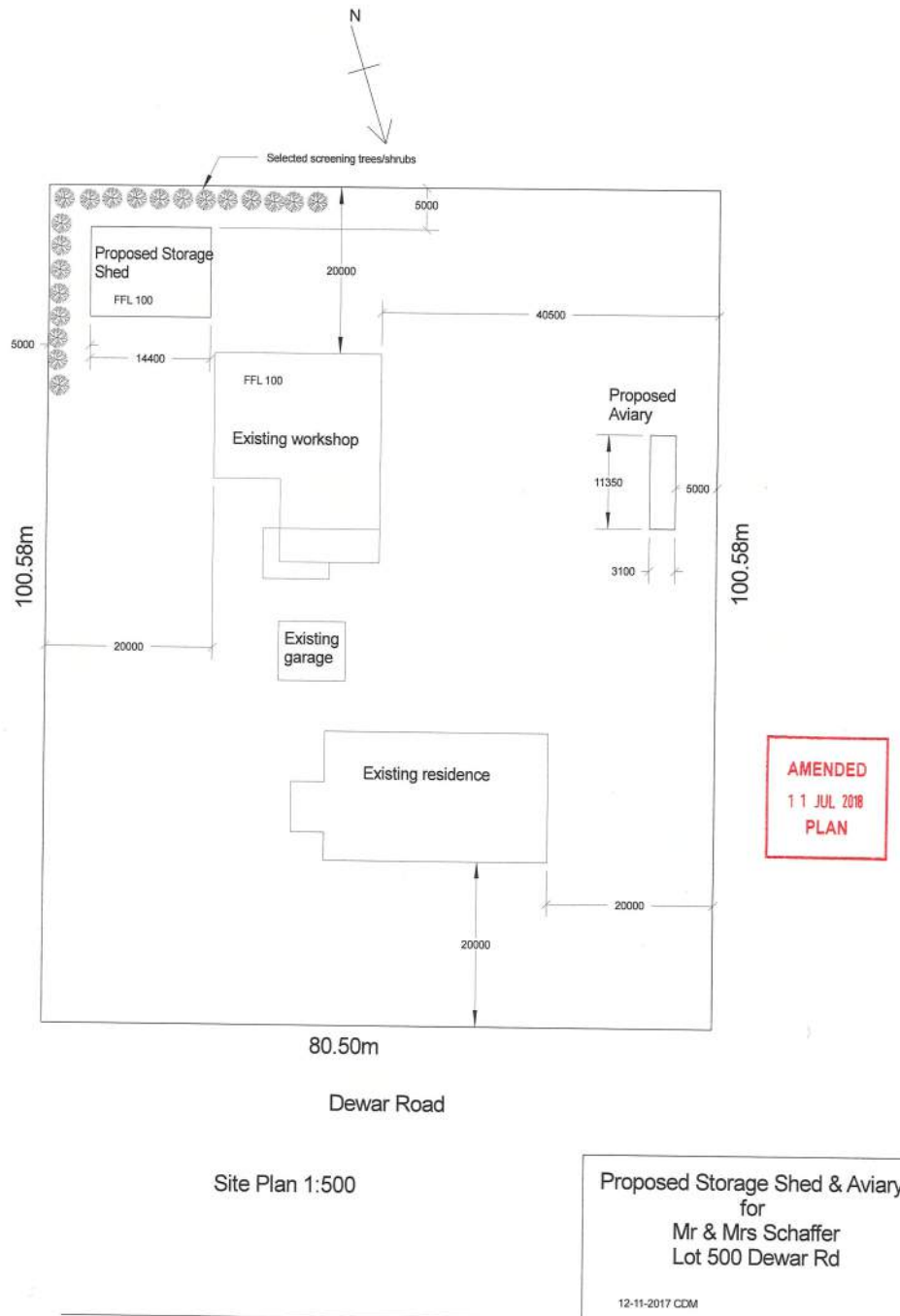
- Note 1:** If you are aggrieved with the conditions of this approval you have the right to request the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*;
- Note 2:** If the development subject to this approval is not substantially commenced 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*, *Building Regulations 2012* and *Health Act 1911*, which are to be approved by the Shire of Gingin;
- Note 5:** The business operations are to comply with at all times with the *Environmental Protection (Noise) Regulations 1997*;
- Note 6:** The applicant be advised that should contravention of conditions related to this approval occur, or bona fide complaints be received concerning the activities carried out on this site, this approval may be revoked; and
- Note 7:** The applicant be advised that the conditions of the previous approvals relating to the vehicle repair business are still in affect and require full compliance.

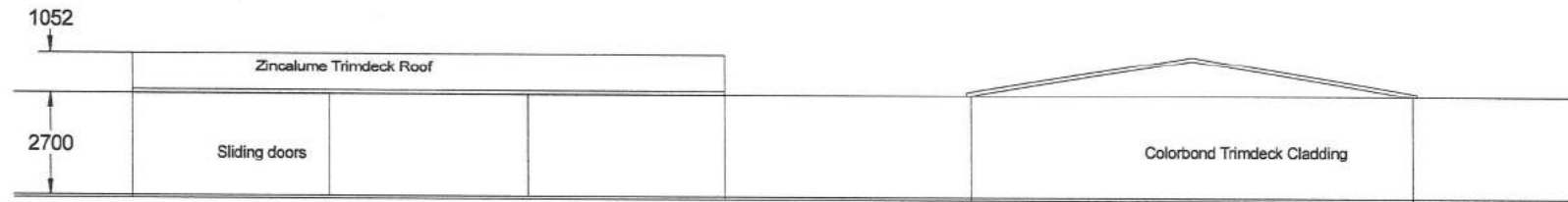
CARRIED UNANIMOUSLY

APPENDIX 1



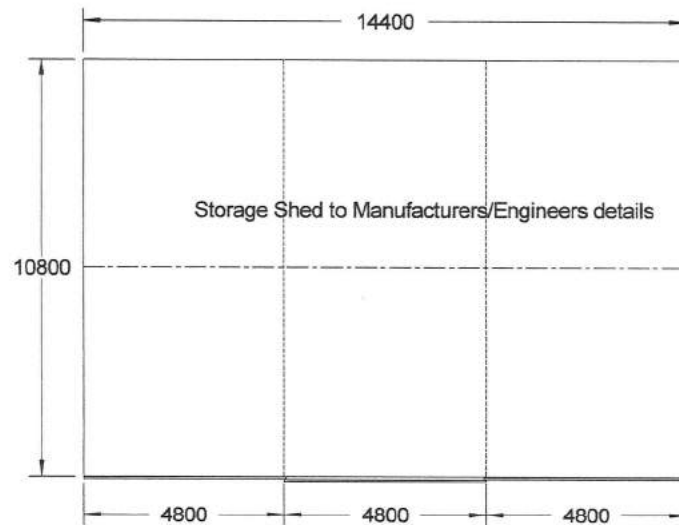






Front Elevation

End Elevation



Plan 1:100

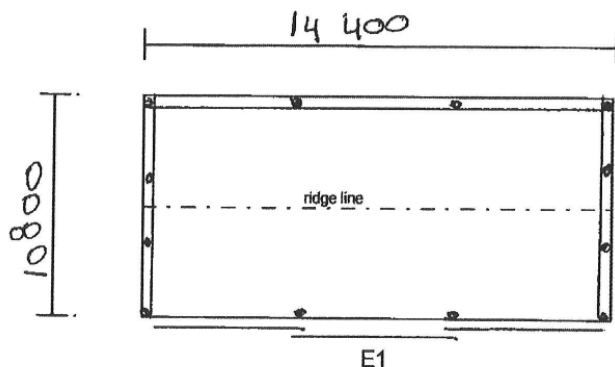
Proposed Storage Shed
for
Gingin Panel & Paint
Lot 500 Dewar Rd

12-11-2017 CDM



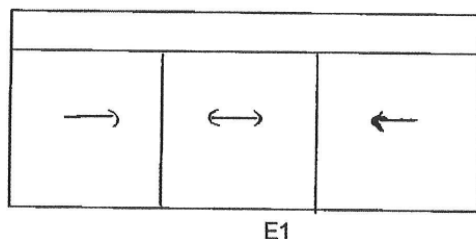
18 Keates road Armadale WA 6112 ph 9497 8832 | info@coastlinesheds.com.au | www.coastline sheds.com.au

DRAWINGS I N CONJUNCTION WITH QUOTE FOR: Mr & Mrs Schaffer
lot 500 DeWor Rd
Gingin



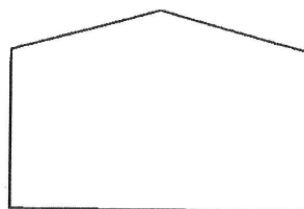
E2

3 bays @
approx 4720



E1

approx
4180



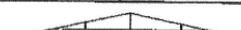



E2

2700
SIDE WALL
HEIGHT ONLY

Legend:

- = column
- = enclosed wall
- = sliding door
- ↑ = roller door

Truss Design		subject to final engineering	
<input type="checkbox"/> 	angle iron truss	<input type="checkbox"/> 	RHS end truss
<input type="checkbox"/> 	RHS internal truss	<input checked="" type="checkbox"/> 	RHS Portal Frame <small>note over 10m bolt in collar tie</small>
Schedule	Material	Schedule	Material
Truss Chords	150 x 50 x 4 RHS	Sheeting Roof	Trimdeck 0.47 TCT standard steel sheets u.n.o.
Columns	100 x 100 x 25 SHS	Sheeting Walls	Trimdeck 0.47 TCT standard steel sheets u.n.o.
Wall Purlins	100 x 50 RHS	Roof Pitch	15 degree
Roof Purlins (if different)	100 x 50 RHS	Wind Region	Region A, terrain cat 2 VR = 45m/s or Region B, terrain cat 2 VR = 57m/s
Wind Bracing (wall)	50x3 FL	<div>DESIGN CRITERIA</div> <div>1. DEAD AND LIVE LOADS IN ACCORDANCE WITH AS1170.1</div> <div>2. WIND LOADS IN ACCORDANCE WITH AS1170.2-2011</div> <div>3. WIND REGION A - TERRAIN CATEGORY 2 (Mz = 0.91 d, Ms = 1.0 e, Mi = 1.08)</div> <div>4. SITE SOIL CLASSIFICATION A, S, OR M, IN ACCORDANCE WITH AS2870</div> <div>5. MIN. COMPACTION FOR SAND FILLED FOUNDATIONS TO BE 5 BLOWS PER 300mm (WHEN TESTED USING THE STANDARD PERTH SAND PENETROMETER) FOR THE FULL DEPTH OF THE FILL OR FOR 750mm MIN.</div>	
Wind Bracing (roof)	✓		
<div>Notes: pa doors or windows are not drawn, as they are a kit that can be placed anywhere on the day of installation</div> <div>wall sheeting is a vertical orientation unless noted otherwise</div>			

11.3.3 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED ADDITION TO EXISTING TRANSPORT DEPOT (OUTBUILDING) ON LOT 11 (33) WELD STREET, GINGIN

FILE: BLD/4753
APPLICANT: J K RULE
LOCATION: LOT 11 (33) WELD STREET, GINGIN
OWNER: HOLMFIELD PTY LTD
ZONING: GENERAL RURAL
WAPC NO: N/A
AUTHOR: JAMES BAYLISS – ACTING MANAGER STATUTORY PLANNING
REPORTING OFFICER: KYLIE BACON – ACTING EXECUTIVE MANAGER PLANNING AND DEVELOPMENT
REPORT DATE: 21 AUGUST 2018
REFER: 15 JUNE 1999 ITEM 10.14
 13 NOVEMBER 2001 ITEM 10.9

Councillor Rule declared a Financial Interest in Item 11.3.3 on the grounds that he is the owner of the property and business on Lot 11 (33) Weld Street, Gingin and left the Chambers at 3.36pm.

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider an Application for Development Approval for an additional outbuilding to service the existing transport depot (school bus service) operating on Lot 11 (33) Weld Street, Gingin.

BACKGROUND

The subject property is 2.7 hectares in area and located opposite the Gingin Recreation Centre. The site currently accommodates an existing transport depot which consists of the local school bus service.

The applicant seeks to construct an outbuilding 30.5 metres in length and 16 metres in width, equating to an area of 488m². The proposed wall height of the outbuilding is 4.3 metres tapering to a ridge height of 6 metres. The outbuilding is set back 20 metres from Quin Street and approximately 75 metres from Weld Street.

The proposed outbuilding will garage three existing buses that are currently stored outdoors onsite. However, a five bay shed is proposed to cater for potential growth of the school bus service. This application essentially seeks approval for an additional outbuilding and up to two additional buses to operate from the site.

Council consideration is required as Administration does not have delegation to approve transport depots or associated infrastructure.

A location plan, aerial image and copy of the applicant's proposal are provided as **Appendix 1**.

COMMENT

Community Consultation

The application was advertised to surrounding landowners, published on the Shire's website and a development sign was placed on the verge of the property for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The Shire received one submission from the adjoining landowner providing consent for the proposal.

PLANNING FRAMEWORK

Local Planning Scheme No 9 (LPS 9)

The subject lot is zoned General Rural under LPS 9, the objectives of which are to:

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

The existing school bus service has been operating on the subject site for approximately 17 years without any issues being raised by members of the public. The property is unable to undertake traditional broad acre uses due to the lot size. The additional outbuilding and school buses are not deemed to contravene any of the above objectives.

A Transport Depot is considered a 'D-Discretionary' land use within the General Rural zone and is defined as follows:

"means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles"

General Rural Development Standards

Setbacks

In accordance with Table 2 – Site Requirements of LPS 9, all development shall be set back a minimum 20 metres from the lot boundaries. The proposed outbuilding is set back 20 metres from Quin Street, approximately 75 metres from Weld Street and 35 metres from the adjoining property to the east. The proposal is compliant in this regard.

As part of the conditions issued for the original transport depot approval, screening has been established along the Weld Street and Quin Street frontages thereby reducing the impact of building bulk on the streetscape and adjoining land. No further screening provisions are deemed necessary as part of this proposal, simply the retention of the existing vegetation.

Further Comments

The outbuilding is proposed to garage three existing buses that are currently stored outdoors onsite, however a five bay shed is proposed to cater for potential growth in the future. Currently nine school buses operate from the property, however current garaging is for six vehicles only. This proposal is intended to bring the business operation into compliance with conditions imposed on the original approval by garaging all vehicles out of sight, within an outbuilding.

The proposed outbuilding caters for potential growth of two buses to the existing fleet should the business expand in the future. The Officer's recommendation reflects the potential increase in school buses to avoid the need for the applicant to seek further Council approval in the future should small scale business expansion eventuate.

Road Access

The property currently gains access from Weld Street and the existing crossover is to a sealed standard, as conditioned as part of the original approval. The crossover is considered to be satisfactory and no additional upgrades are required.

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone. Given the proposed structure is an outbuilding (non-habitable), under guidance from the Western Australian Planning Commissions (WAPC) Planning Bulletin 111/2016, it is considered that a BAL assessment is not required.

Summary

In view of the above assessment, Officers are of the view that the proposed outbuilding and provision for two additional school buses to operate from the site is acceptable and should be supported subject to conditions.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9
Part 4 – Zones and the Use of Land
4.2 - Objectives of the Zones
4.2.7 - General Rural Zone

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017 – 2027

Focus Area	<i>Infrastructure and Development</i>
Objective	<i>3. To effectively manage growth and provide for the community through the delivery of community infrastructure in a financially responsible manner.</i>
Outcome	<i>3.1 Development of new and existing developments meet the Shire's Strategic Objectives and Outcomes</i>
Priority	<i>3.1.1 Support strategies that facilitate commercial development.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council grant development approval for an addition to existing transport depot (outbuilding) on Lot 11 (33) Weld Street, Gingin subject to the following conditions and advice notes:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. The number of school buses that can operate from the property is limited to 11 at any one time;
3. The external finish of the outbuilding is to be of a similar colour to that of the existing outbuilding located on the property to the satisfaction of the Shire of Gingin;
4. The existing vegetation adjacent to Weld Street, Quin Street and the adjoining property to the east shall be retained as screening as indicated on the approved plans and maintained in a good condition to the satisfaction of the Shire of Gingin;

5. No buses, bus parts, equipment, machinery, tools of trade or material connected with the transport depot shall be stored either temporarily or long-term, on any part of the lot, other than within the approved outbuildings;
6. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin; and
7. The outbuilding shall not be used for human habitation.

Advice Notes

- Note 1: If you are aggrieved with the conditions of this approval you have the right to request the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- 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; and
- Note 6: The business operations are to comply at all times with the *Environmental Protection (Noise) Regulations 1997*.

RESOLUTION

Moved Councillor Elgin, seconded Councillor Court that Council grant development approval for an addition to existing transport depot (outbuilding) on Lot 11 (33) Weld Street, Gingin subject to the following conditions and advice notes:

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;**
- 2. The number of school buses that can operate from the property is limited to 11 at any one time;**

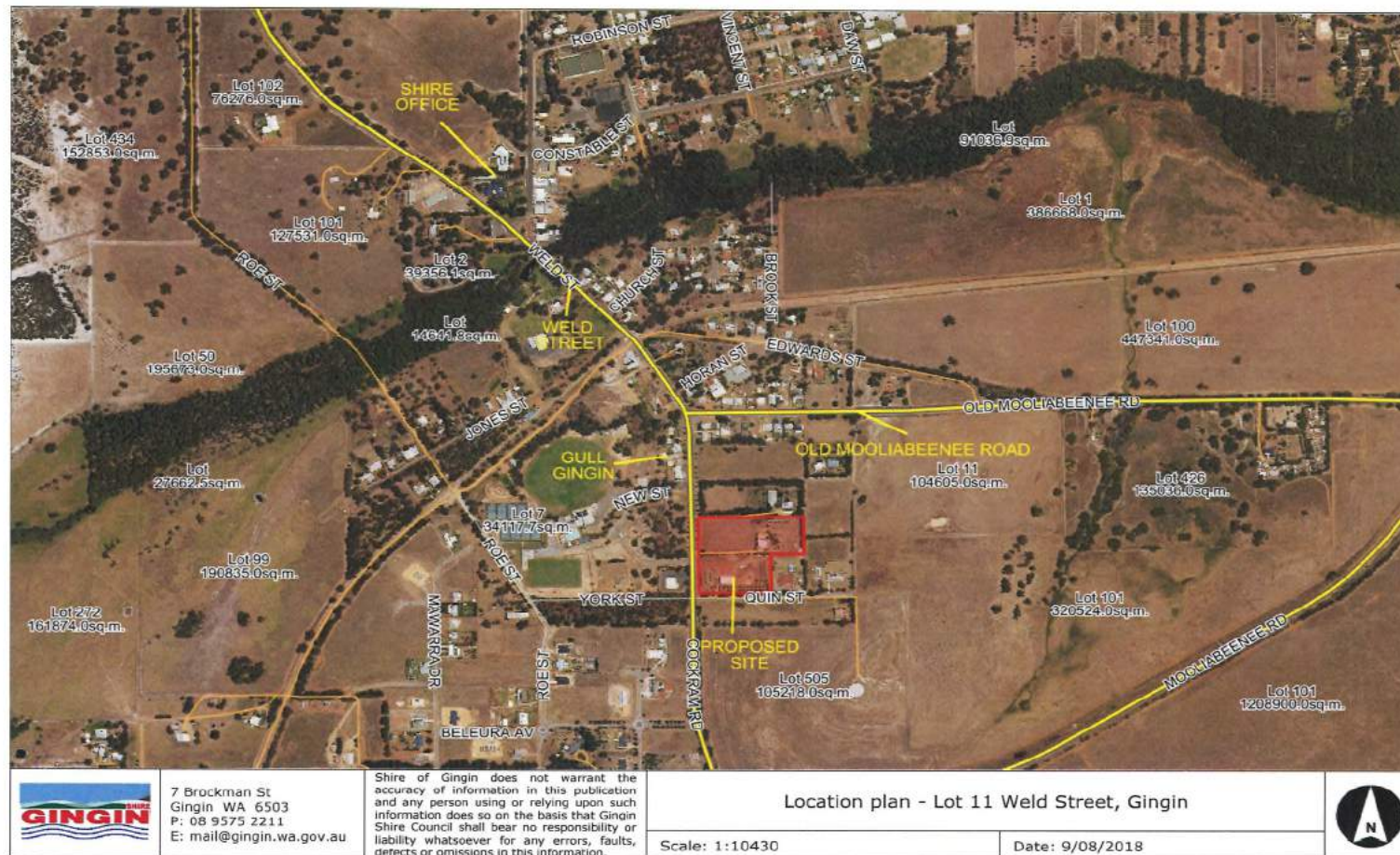
3. The external finish of the outbuilding is to be of a similar colour to that of the existing outbuilding located on the property to the satisfaction of the Shire of Gingin;
4. The existing vegetation adjacent to Weld Street, Quin Street and the adjoining property to the east shall be retained as screening as indicated on the approved plans and maintained in a good condition to the satisfaction of the Shire of Gingin;
5. No buses, bus parts, equipment, machinery, tools of trade or material connected with the transport depot shall be stored either temporarily or long-term, on any part of the lot, other than within the approved outbuildings;
6. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin; and
7. The outbuilding shall not be used for human habitation.

Advice Notes

- Note 1:** If you are aggrieved with the conditions of this approval you have the right to request the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- 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; and
- Note 6:** The business operations are to comply at all times with the *Environmental Protection (Noise) Regulations 1997*.

CARRIED UNANIMOUSLY
8-0

APPENDIX 1





Mr. & Mrs. J. Spurgeon

4 Quin Street
Gingin
WA 6503

Shire of Gingin

7 Brockman Street
Gingin
WA 6503

28th July 2018

To whom it may concern,

**Re: Proposed Bus Storage Shed for Rules Bus Service (Holmfield P/L)
33 Weld St., (Lot 48/51), Gingin.**


As neighbours to the abovementioned property our land borders the boundary of the land for the proposed new bus shed.

My wife and I have no objections to this development going ahead on the following conditions:

1. There is a 35metre distance between the new shed and the boundary of the property bordering ours.
2. The current trees between the site of the proposed shed and the boundary fence line remain, and more trees are planted where possible.
3. That the proposed shed is a colourbond shed that matches the colour of the shed that is already on the abovementioned property.

Please do not hesitate to contact us should you need to.

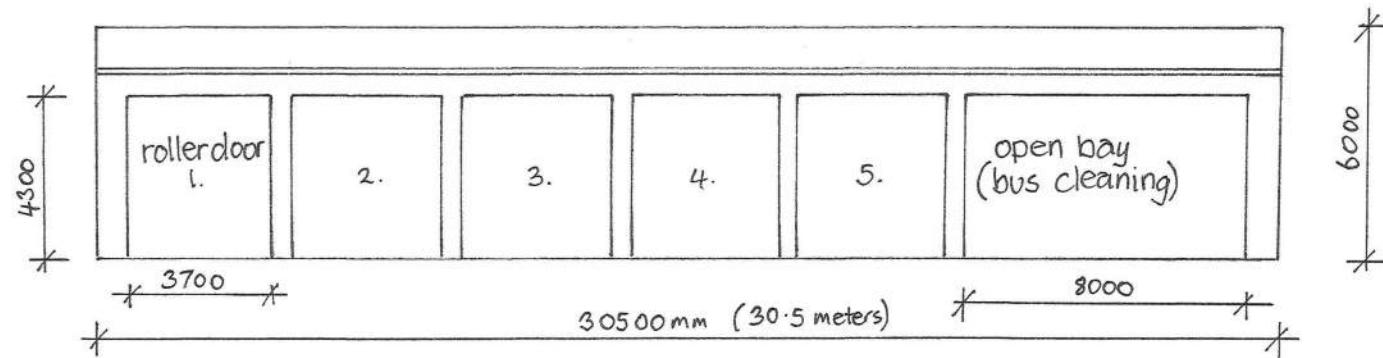
Yours faithfully,



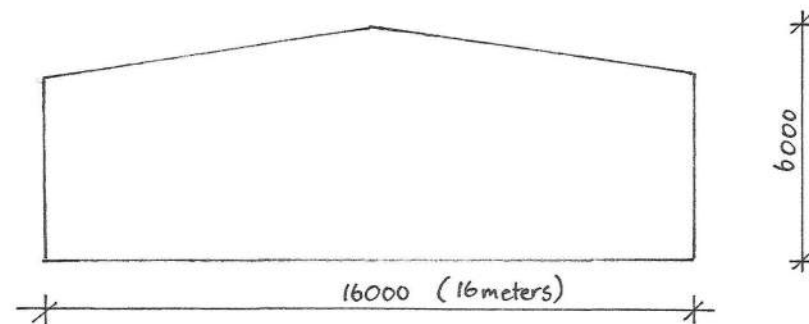
Jen Spurgeon

Proposed Bus Storage Shed No 2 Rules Bus Service
33 Weld St (Lot 48/51) Gingin

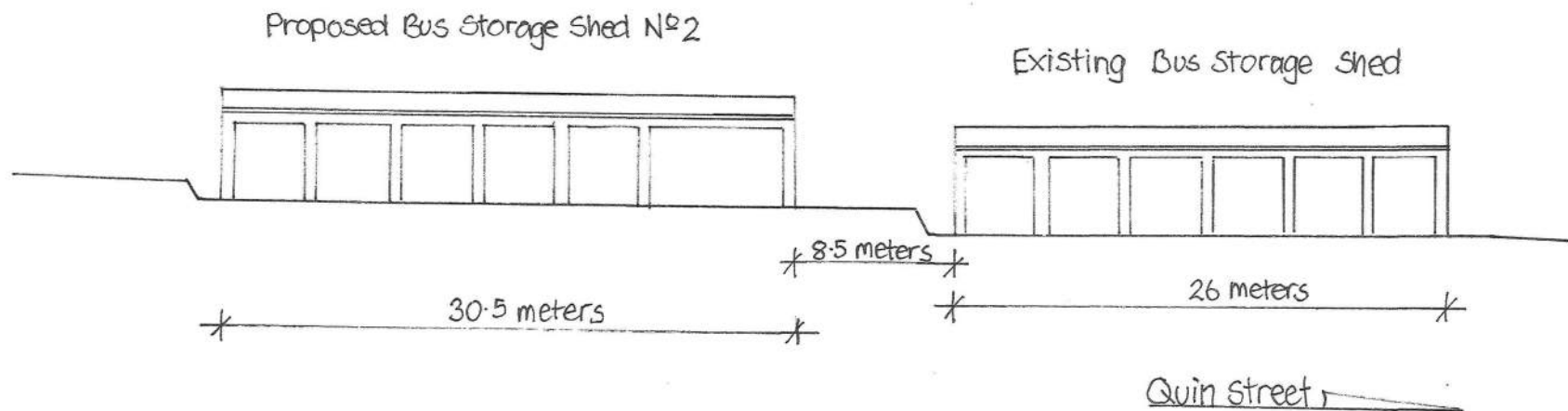
Front View

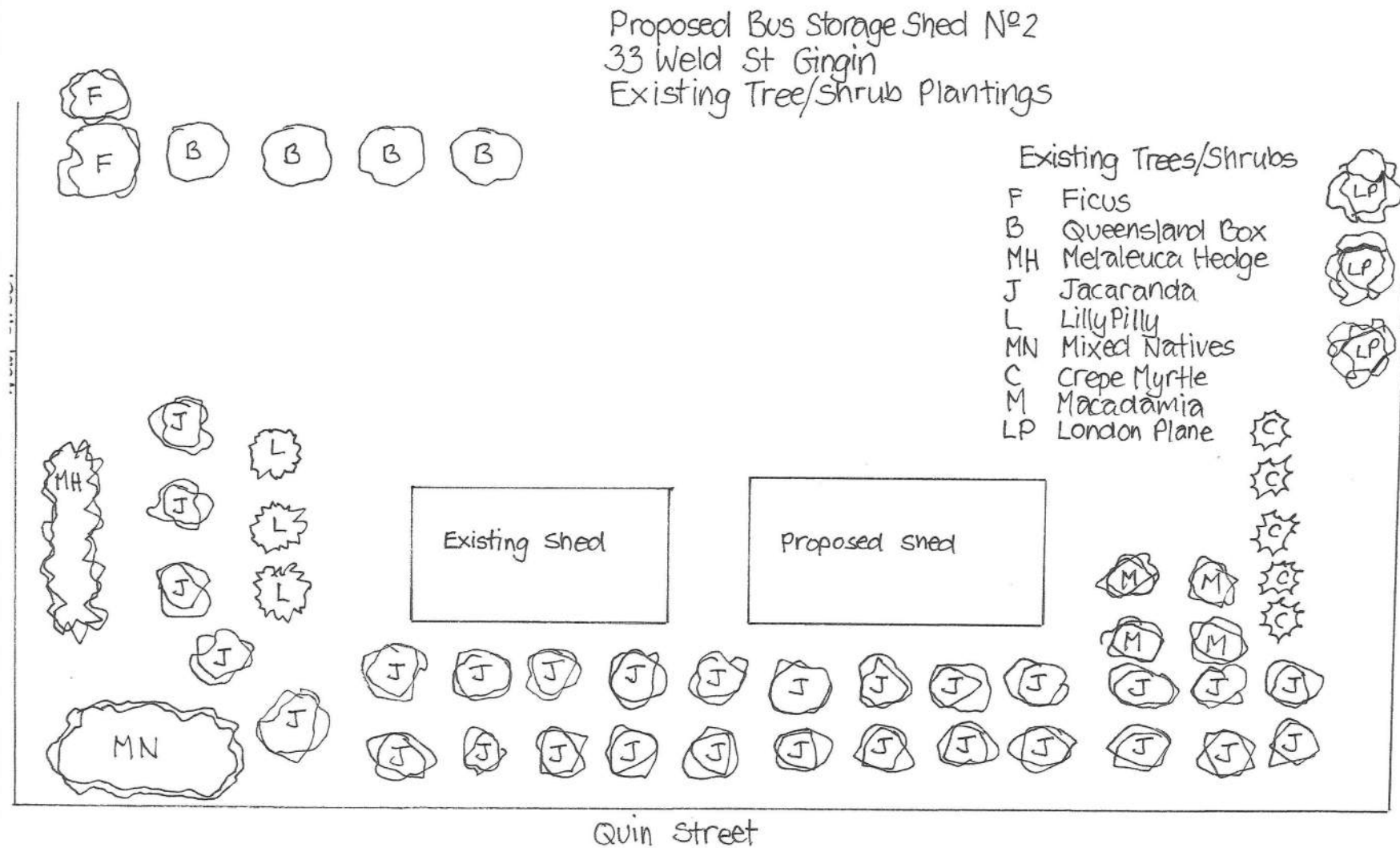


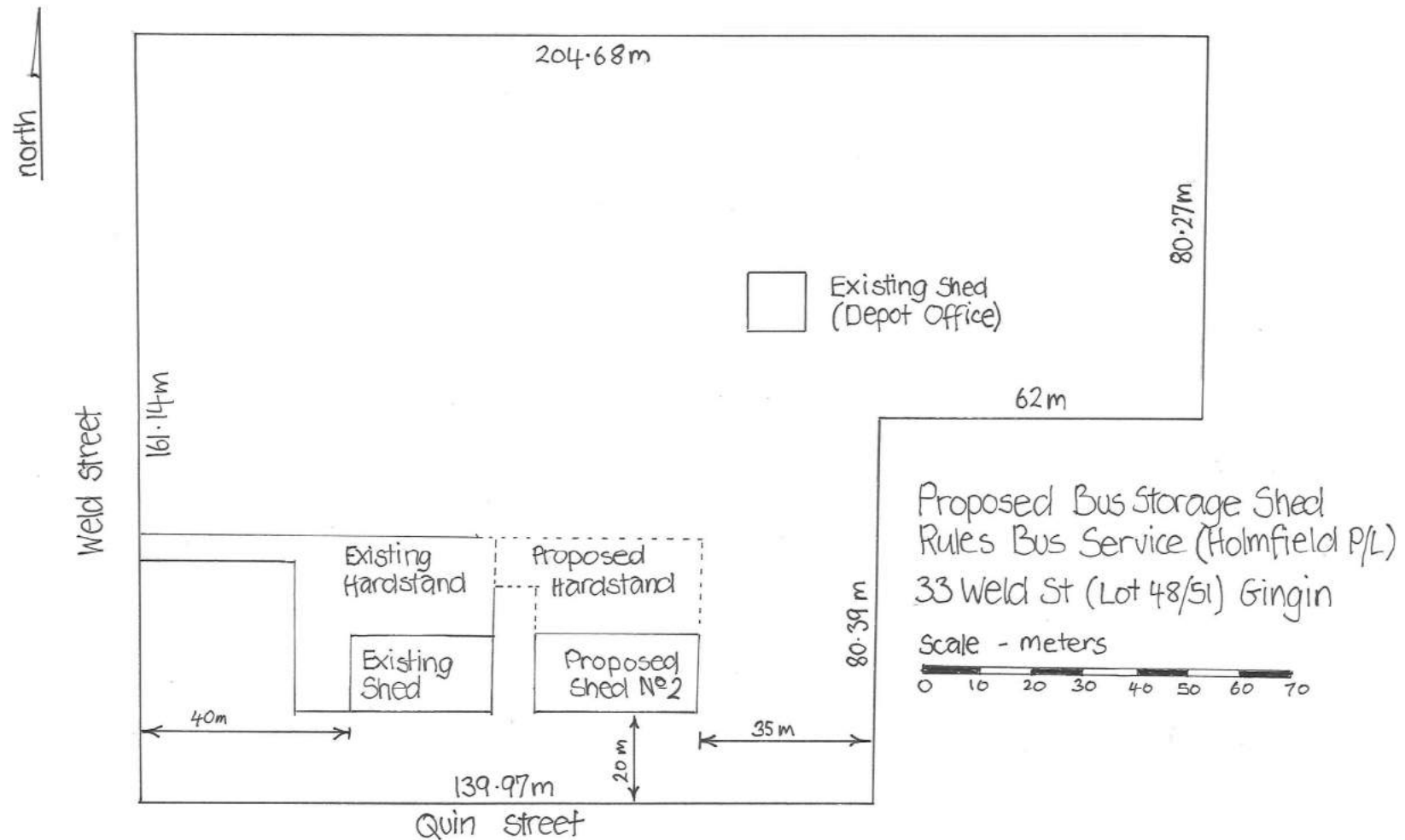
End View

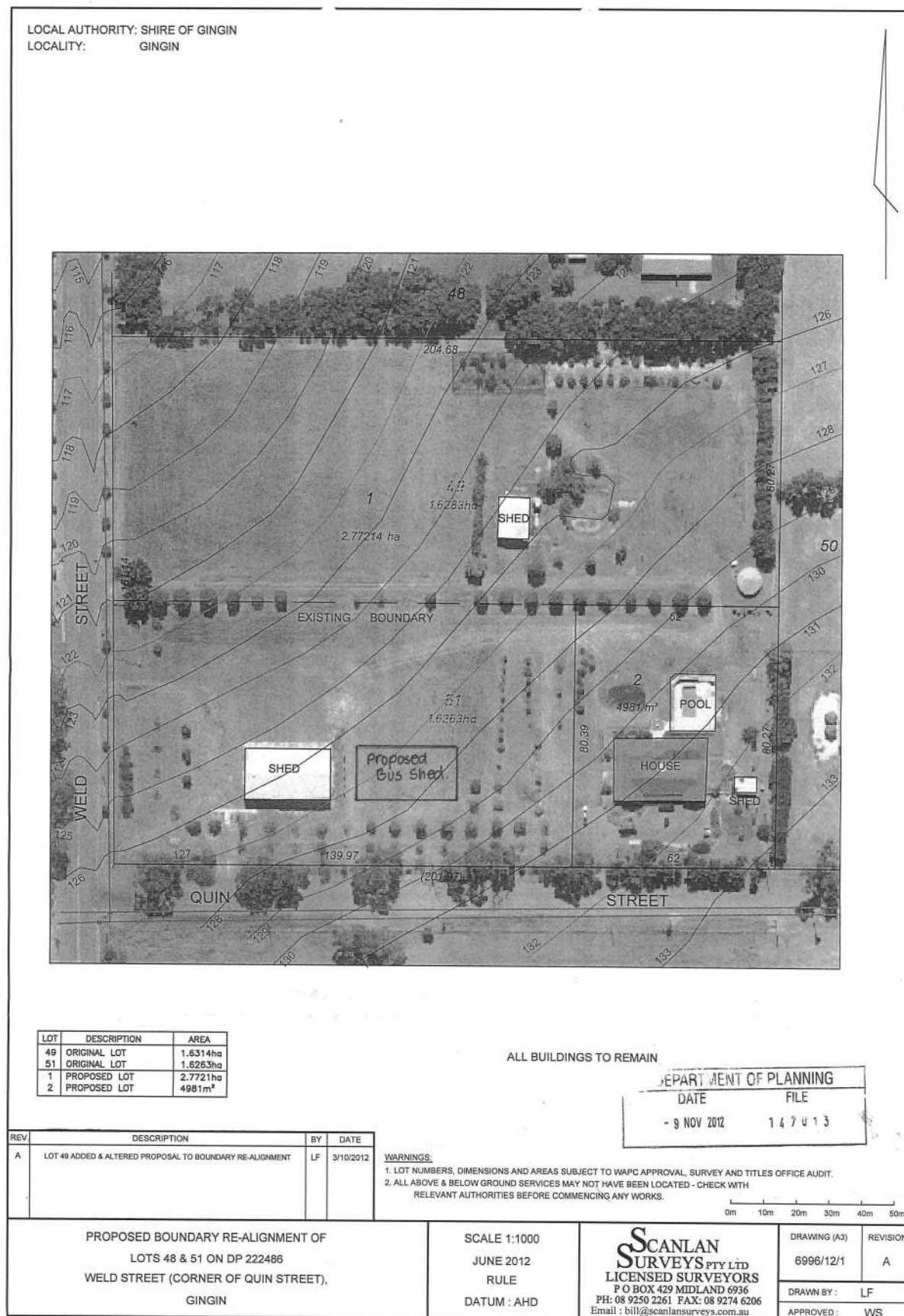


Front Elevation
Proposed Bus Storage Shed No 2
33 Weld St Gingin









Councillor Rule returned to the Chambers at 3.39pm.

11.3.4 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED SINGLE HOUSE AND RECLASSIFICATION OF EXISTING DWELLING TO ANCILLARY ACCOMMODATION ON LOT 366 (2) WALKER AVENUE, LANCELIN

FILE:	BLD/6949
APPLICANT:	MATTHEW MARTINOVICH
LOCATION:	LOT 366 (2) WALKER AVENUE, LANCELIN
OWNER:	MATTHEW MARTINOVICH
ZONING:	RESIDENTIAL R12.5/20
WAPC NO:	N/A
AUTHOR:	JAMES BAYLISS – ACTING MANAGER STATUTORY PLANNING
REPORTING OFFICER:	KYLIE BACON – ACTING EXECUTIVE MANAGER PLANNING AND DEVELOPMENT
REPORT DATE:	21 AUGUST 2018
REFER:	NIL

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Single House and reclassification of the existing dwelling to Ancillary Accommodation on Lot 366 (2) Walker Avenue, Lancelin.

BACKGROUND

The subject property is 993.4m² in area and currently accommodates a dwelling which was approved by the Shire in August 1970. An outbuilding has recently been removed from the site and therefore the remainder of the property is vacant and relatively level.

The application seeks approval to construct a single house on the south-eastern portion of the site and retain the existing dwelling as ancillary accommodation. It should be noted that the existing dwelling to be retained has a plot ratio area of approximately 80m² which exceeds the relevant policy provisions under the Residential Design Codes of Western Australia (R-Codes) and Local Planning Policy 1.7 – Ancillary Accommodation (LPP 1.7) (which stipulates a maximum plot ratio area of 70m² for ancillary accommodation).

The proposed verandah/balcony component of the single house is set back 3.8 metres from the primary street (Wedge Avenue) tapering to 5.3 metres to the entrance to the dwelling, with the garage component being set back 10.1 metres. The positioning of the single house within the lot results in the garage component being located up to the side (southern) and rear (eastern) boundaries.

Consideration by Council is required as the proposal seeks variations to the R-Codes and also LPP 1.7 which is discussed in further detail below.

COMMENT

Community Consultation

The application was advertised to the surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. No response was received by the Shire.

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned Residential 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.*

The proposal is not considered to contravene any of the objectives outlined above.

Clause 4.3.2 of LPS 9 states:

“Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewage is available.”

The subject property is not serviced by reticulated sewage and is therefore assessed at a Residential 12.5 coding.

State Planning Policy 3.1 - Residential Design Codes of Western Australia

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

The compliant aspects of the proposal have not been outlined within the report, only the variations which require assessment against the design principles. The assessment has been separated into two sections, one being for the proposed single house and the other being for the retention of the ancillary dwelling.

It is pertinent to note the relevant definitions that apply to various components of the proposal as provided below:

Single House - A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

Ancillary Dwelling - Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

Garage - Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.

Single House

The proposed garage seeks a nil setback to the side (southern) and rear (eastern) boundaries. Walls higher than 3.5 metres and greater than 9 metres in length require a setback of 1.5 metres as stipulated under Table 2a of the R-Codes. The garage wall height is proposed to be 3.7 metres from natural ground level (NGL) and is 15 metres in length, thereby requiring a setback of 1.5 metres. The variation is assessed against the associated design principles in Table 1 – Single House Design Principles Assessment below.

In this instance the garage is also proposed with a nil setback to the rear boundary, however clause 5.1.3 C3.2 i states:

“Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:

- i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension”*

The adjacent property to the east has an outbuilding with a nil setback along its western boundary, therefore the parapet wall at the rear of the proposed garage will abut an existing wall of similar dimensions and is deemed to be compliant.

The zoning applicable to the property (R12.5) requires a dwelling to be set back six metres from the rear boundary (as per Table 1 of the R-Codes), therefore the applicant seeks a variation of two metres to the rear setback. The proposed patio at the rear of the single house is set back one metre from the rear boundary in lieu of the required 1.5 metre setback as stipulated under Table 2a of the R-codes.

The variations outlined above are all assessed against clause 5.1.3 – Lot Boundary setback outlined in Table 1 below.

Design Principles <i>Development demonstrates compliance with the following design principles (P)</i>	Officer Comments
<p>5.1.3 Lot Boundary Setback</p> <p>P3.1 Buildings set back from lot boundaries 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><u>Dwelling</u></p> <ul style="list-style-type: none"> • The proposed dwelling is not considered to impose excessive building bulk on the adjoining property to the rear as a result of the 2m variation. This is partly due to the adjoining property having an outbuilding located along a portion of the boundary where the dwelling is situated. • The rear setback variation does not prevent ventilation or sunlight penetration to adjoining properties given the affected land is located to the east. • No overlooking or loss of privacy results from the setback variation. <p><u>Garage</u></p> <ul style="list-style-type: none"> • The proposed garage is considered to impose a degree of building bulk on the adjoining property to the south. This is inevitable with a nil setback, however it is noted the adjoining landowner has provided consent. This notwithstanding, the overall single house has been designed to ensure the double storey is set back 7.1 metres from the southern boundary thereby alleviating any further building bulk. • The site plan indicates that the proposed single house and garage will cause overshadowing to 7.5% of the adjoining property to the south. This is well within the deemed provision of 25%. The prevailing sea breeze will still be accessible from the adjoining properties. • The garage has no opening that causes overlooking or loss of privacy.

	<p><u>Patio</u></p> <ul style="list-style-type: none"> The proposed patio is seeking a 0.5m setback variation which is not considered to contravene any of the design objectives by limiting privacy, cause building bulk or reduce access to sunlight and ventilation on adjoining land.
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Table 1 – Single House Design Principles AssessmentAncillary Dwelling

As outlined above, the proposal seeks to retain the existing dwelling onsite as ancillary, therefore clause 5.5.1 – Ancillary Dwellings of the R-codes is applicable. The existing dwelling is approximately 80m² in plot ratio area thereby exceeding the deemed to comply provisions by 10m². The variation is assessed against the relevant design principle in Table 2 below.

Design Principles <i>Development demonstrates compliance with the following design principles (P)</i>	Officer Comments
<p>5.5.1 Ancillary dwellings</p> <p>P1 Ancillary dwelling for people who live either independently or semi – independently to the residents of the single house, sharing some site facilities and services and without compromising the amenity of surrounding properties.</p>	<ul style="list-style-type: none"> The proposed ancillary dwelling is to be used semi-independently by the occupiers of the single house as advised in the applicants' submissions. The amenity of the locality is not deemed to be affected as a result of the development.

Local Planning Policy 1.7 – Ancillary Accommodation (LPP 1.7)

LPP 1.7 was adopted in January 2013 with the following objectives:

- To provide a range of criteria that will distinguish an ancillary accommodation from independent additional dwellings in the Shire of Gingin.
- To provide for a form of housing that does not compromise the amenity and character of the locality.

The general policy provisions are outlined below with Officer comments.

- An ancillary accommodation shall be associated with a single house, which either exists or will be developed concurrently on the property.

Comment

- The ancillary accommodation will be associated with the proposed single house to be developed as part of this proposal, however is considered to be subordinate due to its size. In the event approval is forthcoming, the estimated completion time of the single house is 18 months from the approval date.
- The development will not result in more than one ancillary accommodation being constructed on the property.

Comment

The existing dwelling being reclassified will result in only one ancillary dwelling on the property.

- The plot ratio area of any ancillary accommodation shall not exceed 70m² except on lots greater than 4000m² in area where plot ratio area of any ancillary accommodation may be up to 100m².

Comment

The proposed lot size is less than 4000m² and therefore a plot ratio area of 70m² is applicable. The proposal seeks to vary the prescribed plot ratio area by approximately 10m² and this departure is considered under the relevant objective of LPP 1.7 which seeks to ensure that the built form does not compromise the amenity and character of the locality.

The ancillary accommodation is located adjacent to Walker Avenue and is considered to form part of an established streetscape, with like dwellings common along Walker Avenue and throughout the townsite. The built form of the locality is unlikely to be adversely affected by the retention of the existing dwelling, albeit being 10m² over the 70m² plot ratio area.

- An ancillary accommodation shall contain a bathroom, toilet, and laundry and kitchen facility.

Comment

The existing dwelling is serviced by the amenities listed above.

Further Comments

The applicants have advised that, in the event the existing dwelling is required to be modified to reduce the plot ratio area, this would (reluctantly) be undertaken on the southern corner adjacent to the proposed single house. It should be noted that in the event this was to eventuate, the built form along Walker Avenue would remain as is, given the southern portion of the dwelling cannot be viewed. The built form along Wedge Avenue would remain as is, given the proposed single house will screen the view to the southern corner of the existing dwelling when viewed from the south.

Based on the above, any remedial works would be insignificant given no material change from either street frontage will be noticed. Furthermore, the Officer is of the view that existing dwellings being reclassified should be afforded some leniency as opposed to proposed developments which can be designed to comply at the onset.

Applicants' Justification

We are seeking approval from the Shire of Gingin for a 2 storey dwelling to be built with a parapet wall. The wall will be built on the south side boundary to allow for the storage of a large boat, tractor and house 2 vehicles. Approval is also being sought for a floor area of 10m² to be granted on the existing dwelling (ancillary accommodation) on the property, which has a living area of 80m².

We would like to request approval for parapet wall to be constructed with measurements 15.0 meters (sic) long and 3.8 meters (sic) high. Our Neighbours have been contacted and have no objections for a parapet wall to be built, and are waiting for correspondence to be sent out from the Shire of Gingin.

The property site is zoned Residential R12.5/20 under the Shire of Gingin Town Planning Scheme. The property is 998sqm, and has an existing dwelling on it. The Cottage House was built in 1971 and has a floor area of 80m². We are very aware what the conditions are, and the required measurements under the Planning Scheme, but we are seeking leniency due to the below points.

- *Due to family expanding over the years, we would like to keep the existing cottage house as is, so that it can accommodate our large family on special occasions such as Birthdays, Christmas etc.*
- *And we would like to request Council approval to leave existing property as it is, without destroying any structural walls due to its age.*

Services

The site has sufficient room to provide the required septic system as advised by the Shire's Health Officer. Given the site characteristics can accommodate the increase in density and associated effluent disposal, this further justifies the proposal against the objectives of the residential zoning under LPS 9.

Conclusion

In summary, the property is able to accommodate the proposed single house and retain the existing dwelling as ancillary accommodation. The design of the dwelling ensures that no significant adverse impact will result from the development. As such, the Officer recommends that the proposal be supported subject to conditions.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9
Part 3 – Zones and the Use of land
3.2.1 Residential zone

State Planning Policy 3.1 – Residential Design Codes of Western Australia

POLICY IMPLICATIONS

Local Planning Policy 1.7 – Ancillary Accommodation

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017 – 2027

<i>Focus Area</i>	<i>Infrastructure and Development</i>
<i>Objective</i>	<i>3. To effectively manage growth and provide for the community through the delivery of community infrastructure in a financially responsible manner.</i>
<i>Outcome</i>	<i>3.1 Development of new and existing developments meet the Shire's Strategic Objectives and Outcomes</i>
<i>Priority</i>	<i>3.1.1 Support strategies that facilitate an increase in housing diversity.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council grant Planning Approval for a proposed Single House and reclassification of existing dwelling to Ancillary Accommodation on Lot 366 (2) Walker Avenue, Lancelin, subject to the following conditions and advice notes:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this Approval.
2. This Approval is for a Single House and reclassification of the existing dwelling to Ancillary Accommodation only, as indicated on the approved plans.
3. The approved parapet walls and footings abutting the side (southern) and rear (eastern) boundaries must be constructed wholly within the subject allotment. The external surfaces of the parapet wall shall be finished to a professional standard, to the satisfaction of the Shire of Gingin.
4. All street trees adjoining the subject land as shown on the submitted plans are to be retained and protected.
5. Stormwater from all roofed and paved areas shall be collected and contained on site.
6. The Garage is not to be used for human habitation;

Advice Notes

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin;
- Note 5: The operation will be required to comply with *Environmental Protection (Noise) Regulations 1997*.
- Note 6: This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land

- Note 7: This approval does not authorise any interference with dividing fences, or entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
- Note 8: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment; and
- Note 9: Please be advised that further development approval is required in the event the ancillary dwelling or the single house is to be leased for short stay or holiday accommodation purposes.

RESOLUTION

Moved Councillor Court, seconded Councillor Rule that Council grant Planning Approval for a proposed Single House and reclassification of existing dwelling to Ancillary Accommodation on Lot 366 (2) Walker Avenue, Lancelin, subject to the following conditions and advice notes:

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this Approval.**
- 2. This Approval is for a Single House and reclassification of the existing dwelling to Ancillary Accommodation only, as indicated on the approved plans.**
- 3. The approved parapet walls and footings abutting the side (southern) and rear (eastern) boundaries must be constructed wholly within the subject allotment. The external surfaces of the parapet wall shall be finished to a professional standard, to the satisfaction of the Shire of Gingin.**
- 4. All street trees adjoining the subject land as shown on the submitted plans are to be retained and protected.**
- 5. Stormwater from all roofed and paved areas shall be collected and contained on site.**
- 6. The Garage is not to be used for human habitation;**

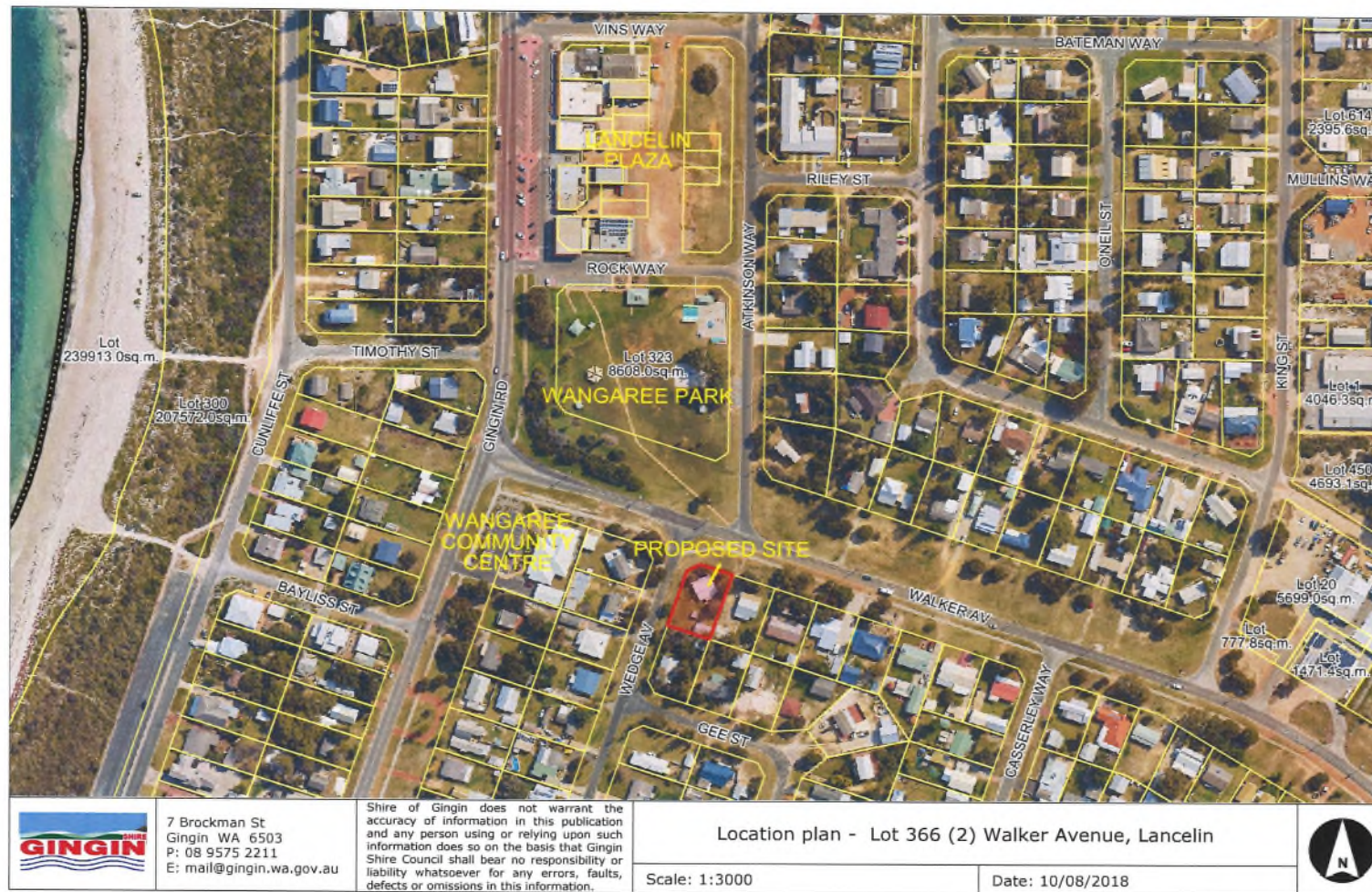
Advice Notes

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- Note 6:** This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land
- Note 7:** This approval does not authorise any interference with dividing fences, or entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
- Note 8:** It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment; and
- Note 9:** Please be advised that further development approval is required in the event the ancillary dwelling or the single house is to be leased for short stay or holiday accommodation purposes.

CARRIED UNANIMOUSLY

APPENDIX 1





Application for Development Approval – 2 Walker Ave, Lancelin Lot 366

Proposed 2 Storey Dwelling – with Parapet Wall

Existing Ancillary Accommodation – Approval for floor area sqm

Justification Letter for

Applicants – Michelle and Matthew Martinovich

Dear Councillors

We are seeking approval from the Shire of Gingin for a 2 storey dwelling to be built with a parapet wall. The wall will be built on the south side boundary to allow for the storage of a large boat, tractor and house 2 vehicles. Approval is also being sought for a floor area of 10 sq metres to be granted on the existing dwelling (ancillary accommodation) on the property, which has a living area of 80 sq mtrs.

- We would like to request approval for parapet wall to be constructed with measurements 15.0 meters long and 3.8 meters high. Our Neighbours have been contacted and have no objections for a parapet wall to be built, and are waiting for correspondence to be sent out from the Shire of Gingin.

The property site is zoned Residential R12.5/20 under the Shire of Gingin Town Planning Scheme. The property is 998sqm, and has an existing dwelling on it. The Cottage House was built in 1971 and has a floor area of 80 sqm. We are very aware what the conditions are, and the required measurements under the Planning Scheme, but we are seeking leniency due to the below points.

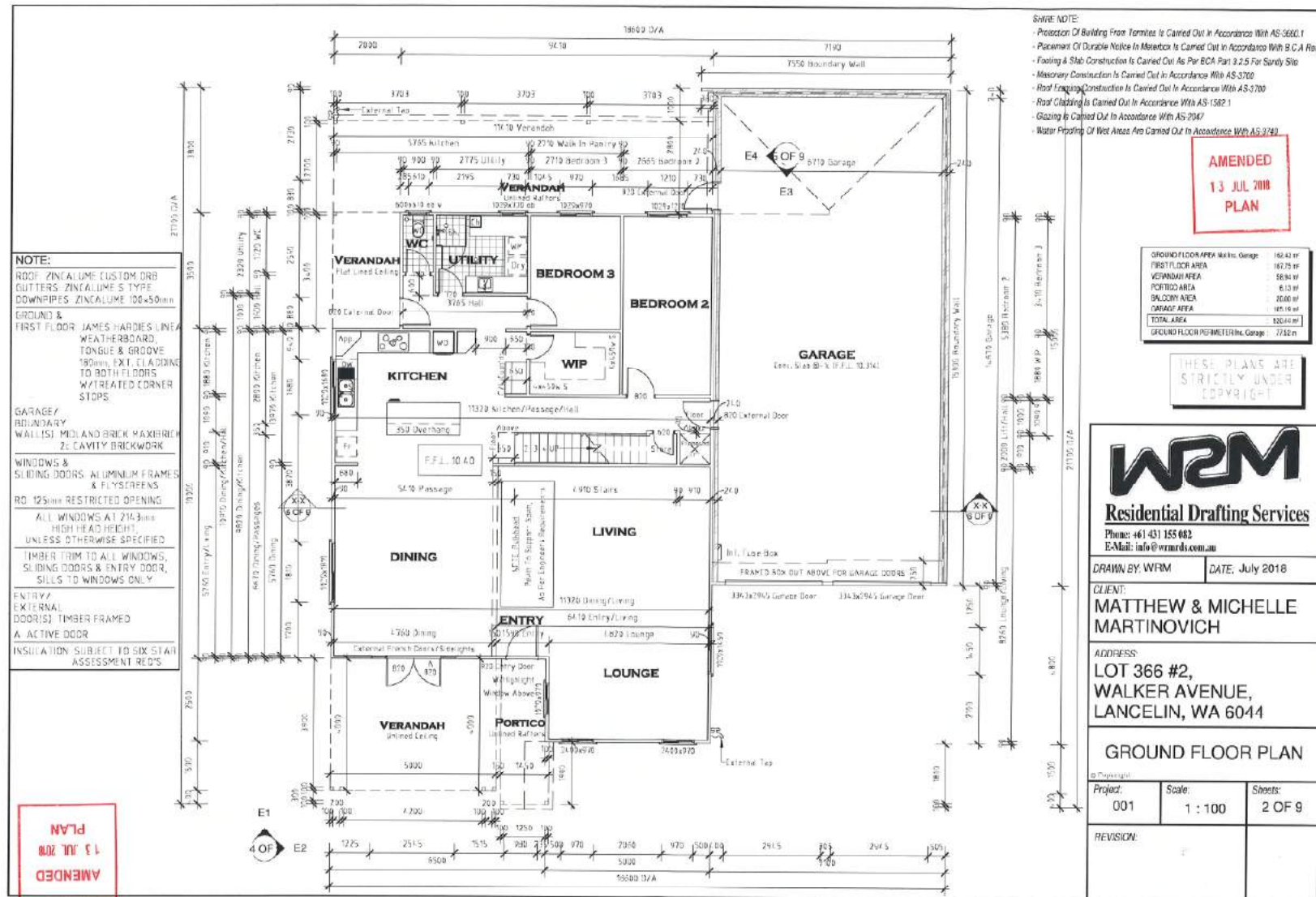
- Due to family expanding over the years, we would like to keep the existing cottage house as is, so that it can accommodate our large family on special occasions such as Birthdays, Christmas etc.
- And we would like to request Council approval to leave existing property as it is, without destroying any structural walls due to its age.

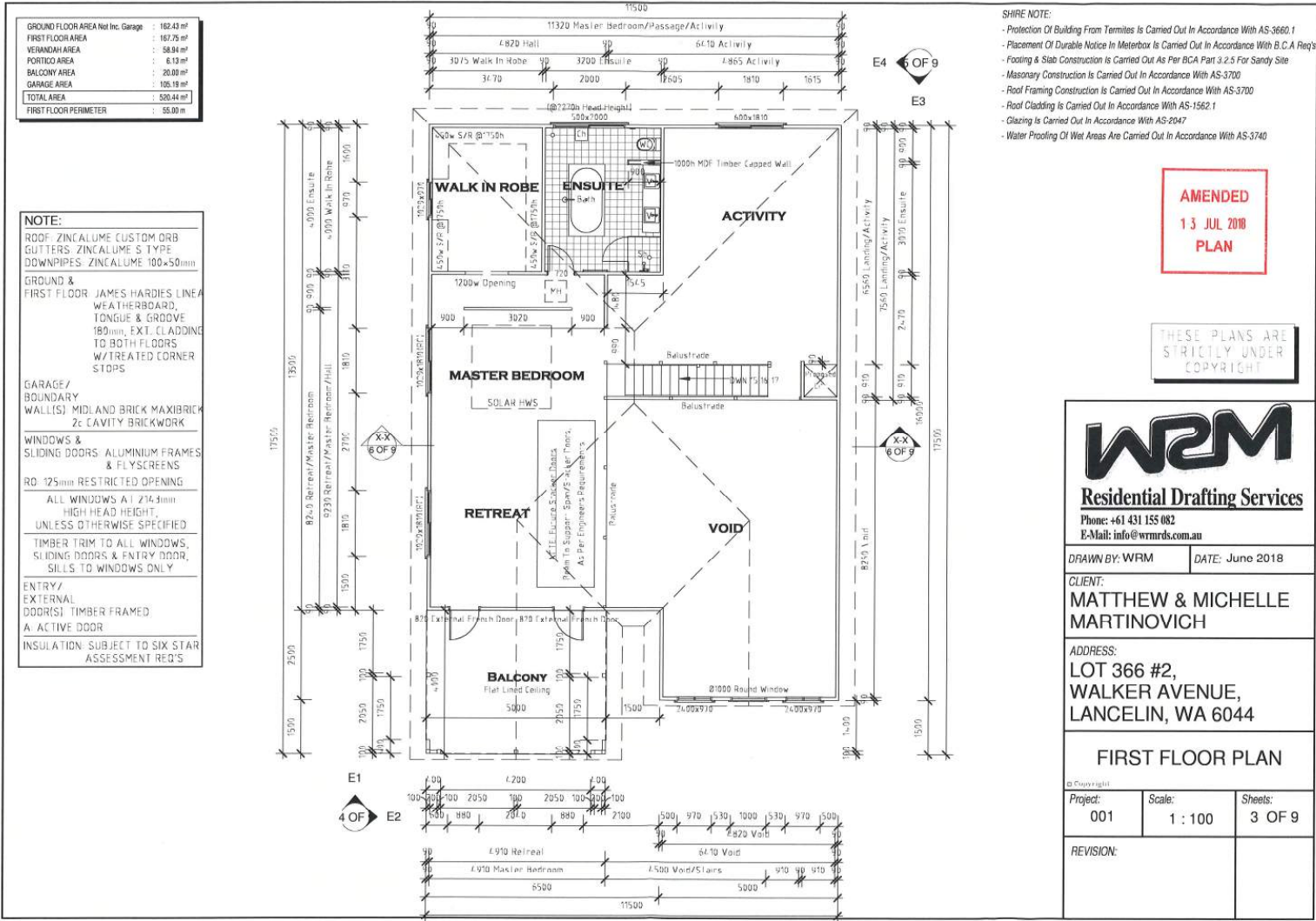
Our Septic System application has also been approved.

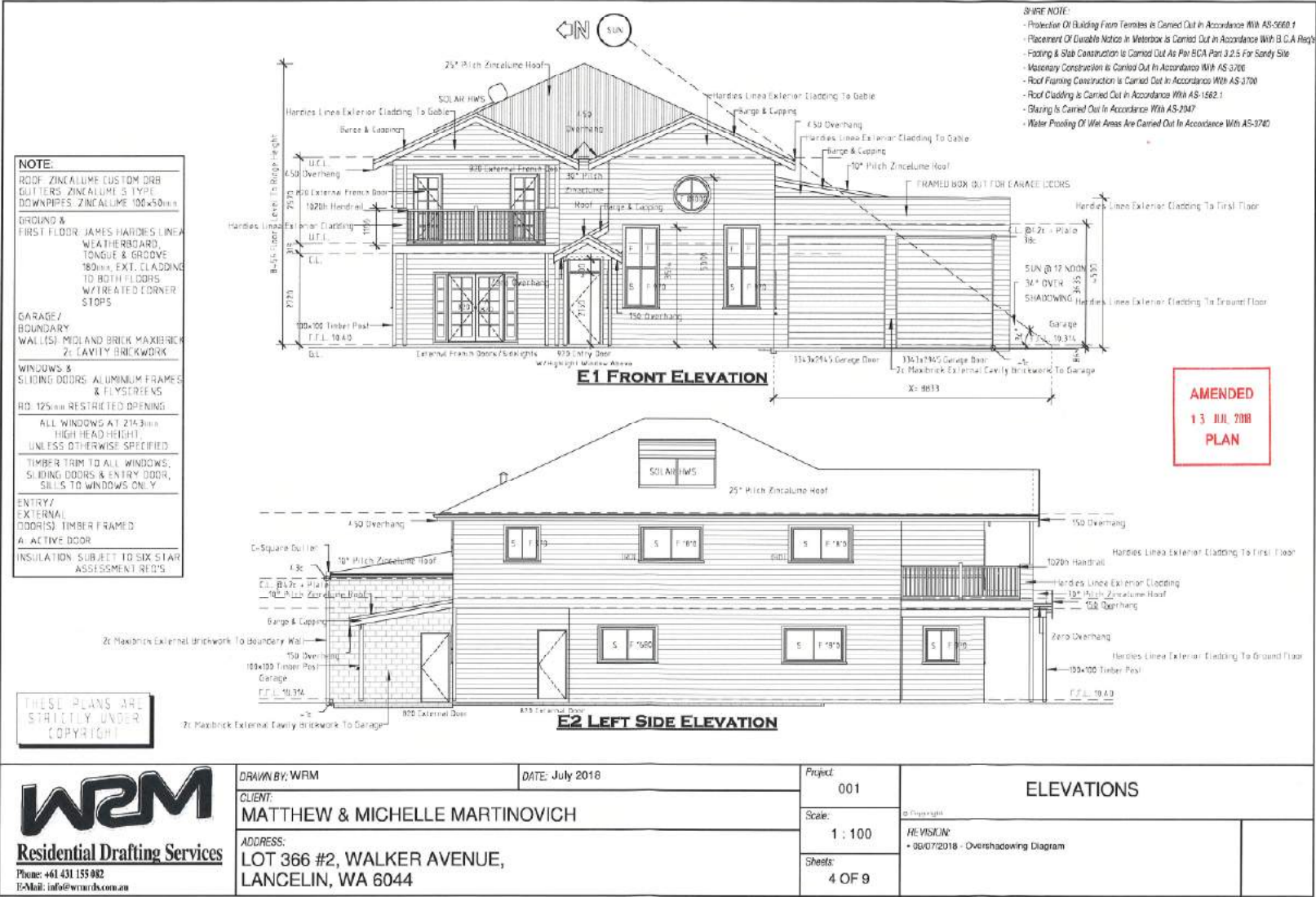
We thank you for time

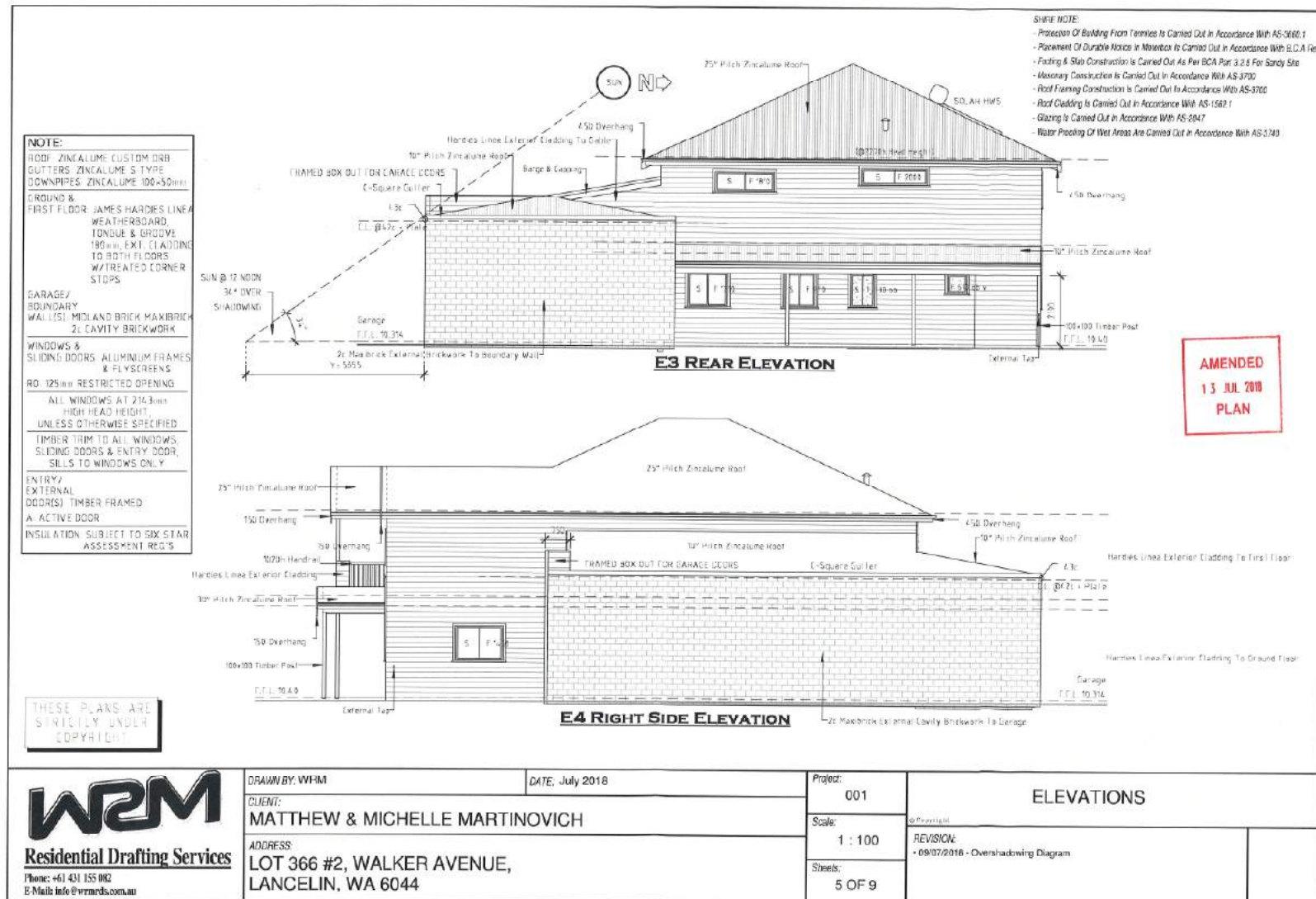
Michelle and Matthew Martinovich

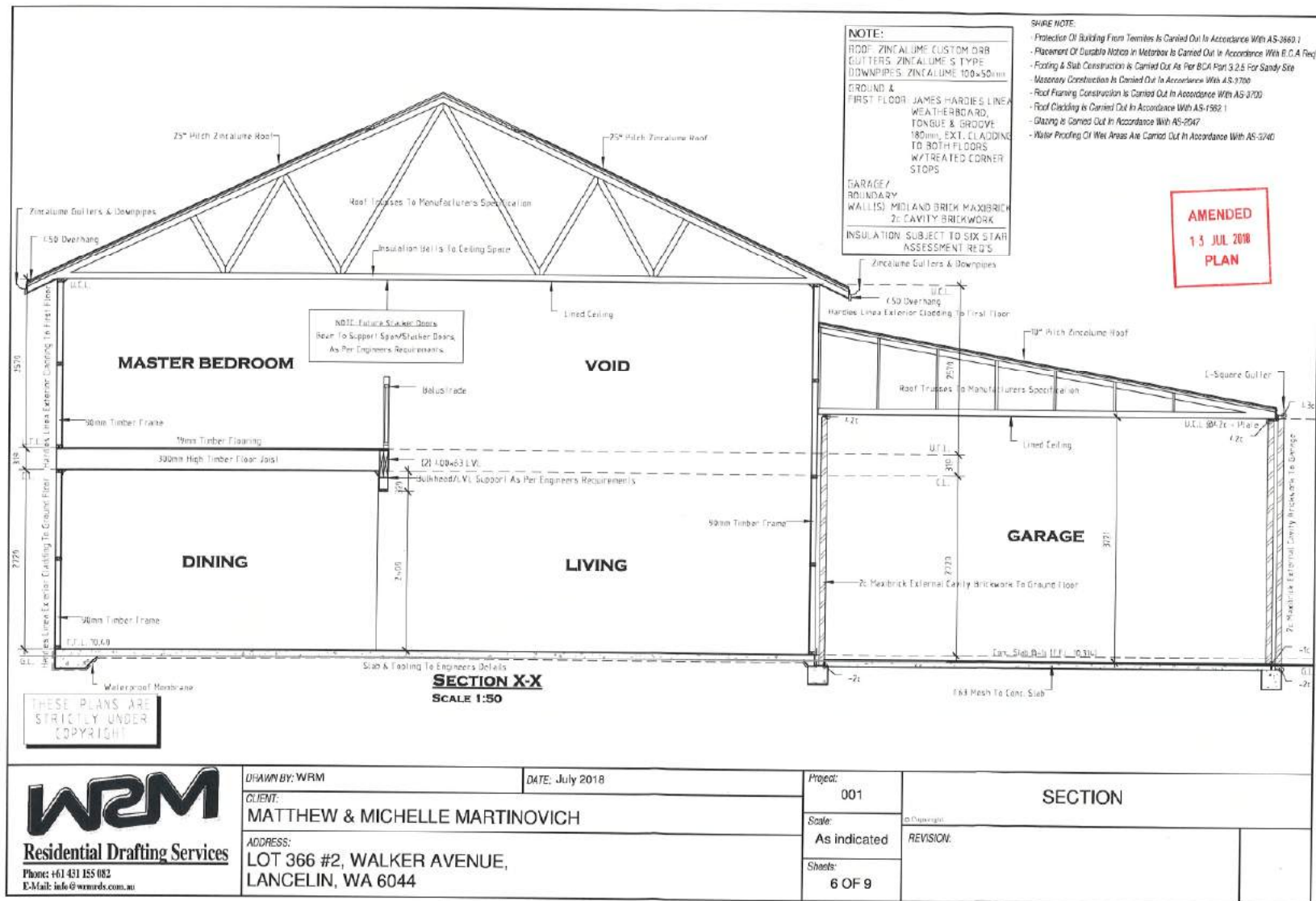












11.3.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (PYLON SIGNS) ON SEABIRD ROAD, SEABIRD AND GUILDERTON ROAD, GUILDERTON

FILE: BLD/2812
APPLICANT: ANTHONY SANGALLI
LOCATION: SEABIRD ROAD AND GUILDERTON ROAD
OWNER: ANTHONY MARK SANGALLI
ZONING: TOURISM TOURIST
WAPC NO: N/A
AUTHOR: JAMES BAYLISS – ACTING MANAGER
STATUTORY PLANNING
REPORTING OFFICER: KYLIE BACON – ACTING EXECUTIVE MANAGER
PLANNING AND DEVELOPMENT
REPORT DATE: 21 AUGUST 2018
REFER: 21 APRIL 2015 ITEM 11.3.3

Councillor Elgin left the chambers at 3.42pm and returned 3.43pm

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider an application for development approval to install two Pylon Signs (Use Not Listed), one being on Guilderton Road, Guilderton and the other being on Seabird Road, Seabird.

BACKGROUND

The owner of the Seabird Tavern seeks approval to display two advertising signs for the purpose of providing directions and promoting their business to passing vehicles. The signs are proposed to be sited at the following locations:

- Sign one - Located on Guilderton Road, Guilderton approximately 450 metres from the intersection with Indian Ocean Drive (IOD). The front of the sign will read "*Seabird tavern on the beach – dine in, take away 10 minutes north*" and the rear of the sign will read "*(Seabird Tavern on the beach – 10 minutes north) family friendly venue, dine in, takeaway, cold drinks, coffee and other conveniences*".
- Sign two - Located on Seabird Road, Seabird approximately 520 metres from the intersection with IOD. The front of the sign will read "*Nearly at the Seabird Tavern – great views, meals, burgers, pizza, coffee, cake and cool drinks*".

The Shire of Gingin has sole jurisdiction over both road reserves. The two proposed signs are 1800mm in width and 900mm in height (excluding support poles).

A copy of the location plan and sign images are provided as **Appendix 1**.

COMMENT

Community Consultation

There is no requirement to advertise the application as the proposed signs will be located on the Shire's road reserve.

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned Local Reserve (Public Use) under LPS 9 and vested in the Shire of Gingin.

The use and development of local reserves is controlled under Part 2 of the Scheme. In determining an application for development approval, the local government is to have due regard to clause 2.5.2 which states that the following must be taken into consideration:

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

Use Not Listed

The proposed signs do not fit within a land use definition under LPS 9 and are therefore assessed as a 'use not listed'. Clause 3.4.2 states:

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

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

By Laws Relating To Signs and Bill Posting 1982

'Pylon' signs are defined as follows:

"A sign supported by one or more piers and not attached to a building".

Clause 26 of the above by-laws is applicable to the proposal. The relevant development standards are outlined below:

Pylon Signs

26. (1) *A person shall not erect more than one pylon sign on a lot.*
- a) *A person shall only erect a pylon sign on a lot zoned as commercial or industrial.*
- (2) *A pylon sign shall:*
- b) *Not exceed 2.5m measured in any direction across the face of the sign or have a greater superficial area than 4m²;*
 - c) *Not project over a street;*
 - d) *Be supported on one or more piers or columns of brick, stone, cement, concrete, steel or timber of sufficient size and strength to support the sign under all conditions;*
27. *The Council may issue a licence in respect of a pylon sign notwithstanding it does not comply with bylaw 26(2) if:*
- c) *Will be of a width not exceeding 1.8m;*
 - d) *Will have two vertical supports with horizontal flat boards of a maximum height of 200mm with a minimum space between each board of 50mm;"*

The proposed pylon signs do not comply with clause 26(1a), however it has been demonstrated that LPS 9 does allow for 'uses not listed', and as such Council is able to consider the signage within the road reserve.

The pylon signs are compliant with the remainder of the development standards outlined in clauses 26 and 27.

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

The deemed provisions identify the road reserve as a 'Public Purpose' under Part 2, Clause 14(3). The relevant objective is:

'To provide for a range of essential physical and community infrastructure'.

It is not uncommon for advertising signs to be placed in road reserves and therefore the proposal is not considered to contravene the objective outlined above.

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:

(zb) any other planning consideration the local government considers appropriate.

In this instance the Officer is of the view that the proposed pylon sign located within the Guilderton Road reserve does not serve the aims of orderly and proper planning by advertising a business located within the Seabird townsite at the entrance to the Guilderton townsite. The Officer's view is not based on economic competition between opposing small businesses within the adjoining coastal towns, but rather seeks to prevent a proliferation of advertising signage that may result should businesses be able to display advertising signage in distant locations without any connection to the business being advertised.

Summary

Based on the above assessment, the road reserve is a suitable location to allow a limited amount of advertising signage where it is not anticipated to have any detrimental impact on the existing streetscape. Notwithstanding the above, the Officer recommends the advertising sign located on Seabird Road be supported, but that the advertising sign located on Guilderton Road be refused.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 2 – Reserves

2.5 Use and Development of Local Reserves

Planning and Development (Local Planning Scheme) Regulation 2015

Clause 67 – Matters to be considered by local government

Shire of Gingin By-Laws Relating To Signs and Bill Posting 1982

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017 – 2027

<i>Focus Area</i>	<i>Economic Development</i>
<i>Objective</i>	<i>4. To support economic development through the Shire's service delivery</i>
<i>Outcome</i>	<i>4.1 Tourist Playground An internationally acclaimed tourist playground</i>

Key Service Areas	<i>Economic Development & Tourism Infrastructure</i>
Priorities	<i>4.1.1 Support the development of the Shire of Gingin to premier tourist destination for ocean and sand adventures.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council:

1. Grant Development Approval to install one Pylon Sign (Use Not Listed) on the Seabird Road reserve, subject to the following conditions and advice notes:
 - a. The land use and development shall be undertaken in accordance with the approved plans and specifications unless otherwise conditioned by this Approval;
 - b. This Approval is for one pylon sign only, located approximately 520 metres west of the intersection between Seabird Road and Indian Ocean Drive;
 - c. The bottom of the advertising sign shall be at least two metres above natural ground level;
 - d. The advertising sign shall be set back at least four metres from the road edge and shall not interfere with roadside maintenance works to the satisfaction of the Shire of Gingin;
 - e. The sign shall be maintained in a good condition of presentation. The Shire reserves the right to direct the applicant, in writing, to undertake necessary works to maintain the sign to a standard satisfactory to the Shire of Gingin;
 - f. The approved signage shall not contain any flashing, moving or pulsating lighting nor contain lighting that is distracting to road users; and
 - g. Prior to installation of the advertising sign, the applicant is required to provide the Shire with a copy of public indemnity insurance pertaining to the sign. Public indemnity is required to remain current and be at the applicant's expense.

Advice Notes

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the Planning and Development Act 2005.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.

- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 5: The Applicant should ensure that the relevant insurance policy remains current and is provided to the Shire on an annual basis.
- Note 6: The applicant is advised that, should contravention of conditions related to this approval occur, then this approval may be revoked.

2. Refuse Development Approval to install one Pylon Sign (Use Not Listed) on the Guilderton Road reserve because the proposed location of the pylon sign is not deemed to constitute orderly and property planning under clause (b) of the *Planning and Development (Local Planning Scheme) Regulation 2015* and include the following advice note when responding to the application:

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*.

ALTERNATIVE MOTION

Moved Councillor Peczka, seconded Councillor Rule, that Council:

1. Grant Development Approval to install one Pylon Sign (Use Not Listed) on the Seabird Road reserve, subject to the following conditions and advice notes:
- a. The land use and development shall be undertaken in accordance with the approved plans and specifications unless otherwise conditioned by this Approval;
 - b. This Approval is for one pylon sign only, located approximately 520 metres west of the intersection between Seabird Road and Indian Ocean Drive;
 - c. The bottom of the advertising sign shall be at least two metres above natural ground level;
 - d. The advertising sign shall be set back at least four metres from the road edge and shall not interfere with roadside maintenance works to the satisfaction of the Shire of Gingin;

- e. The sign shall be maintained in a good condition of presentation. The Shire reserves the right to direct the applicant, in writing, to undertake necessary works to maintain the sign to a standard satisfactory to the Shire of Gingin;
- f. The approved signage shall not contain any flashing, moving or pulsating lighting nor contain lighting that is distracting to road users; and
- g. Prior to installation of the advertising sign, the applicant is required to provide the Shire with a copy of public indemnity insurance pertaining to the sign. Public indemnity is required to remain current and be at the applicant's expense.

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.
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- 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: This approval is not a building permit or an approval under any law other than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 5: The Applicant should ensure that the relevant insurance policy remains current and is provided to the Shire on an annual basis.
- Note 6: The applicant is advised that, should contravention of conditions related to this approval occur, then this approval may be revoked.

Councillor Fewster foreshadowed his intention to move the officer's recommendation in the event of the motion under consideration being lost.

**LOST
0-9**

RESOLUTION

Moved Councillor Fewster, seconded Councillor Morton, that Council:

- 1. Grant Development Approval to install one Pylon Sign (Use Not Listed) on the Seabird Road reserve, subject to the following conditions and advice notes:**

- a. The land use and development shall be undertaken in accordance with the approved plans and specifications unless otherwise conditioned by this Approval;**
- b. This Approval is for one pylon sign only, located approximately 520 metres west of the intersection between Seabird Road and Indian Ocean Drive;**
- c. The bottom of the advertising sign shall be at least two metres above natural ground level;**
- d. The advertising sign shall be set back at least four metres from the road edge and shall not interfere with roadside maintenance works to the satisfaction of the Shire of Gingin;**
- e. The sign shall be maintained in a good condition of presentation. The Shire reserves the right to direct the applicant, in writing, to undertake necessary works to maintain the sign to a standard satisfactory to the Shire of Gingin;**
- f. The approved signage shall not contain any flashing, moving or pulsating lighting nor contain lighting that is distracting to road users; and**
- g. Prior to installation of the advertising sign, the applicant is required to provide the Shire with a copy of public indemnity insurance pertaining to the sign. Public indemnity is required to remain current and be at the applicant's expense.**

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.**
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- 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: This approval is not a building permit or an approval under any law other than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.**
- Note 5: The Applicant should ensure that the relevant insurance policy remains current and is provided to the Shire on an annual basis.**

Note 6: The applicant is advised that, should contravention of conditions related to this approval occur, then this approval may be revoked.

- 2. Refuse Development Approval to install one Pylon Sign (Use Not Listed) on the Guilderton Road reserve because the proposed location of the pylon sign is not deemed to constitute orderly and property planning under clause (b) of the Planning and Development (Local Planning Scheme) Regulation 2015 and include the following advice note when responding to the application:**

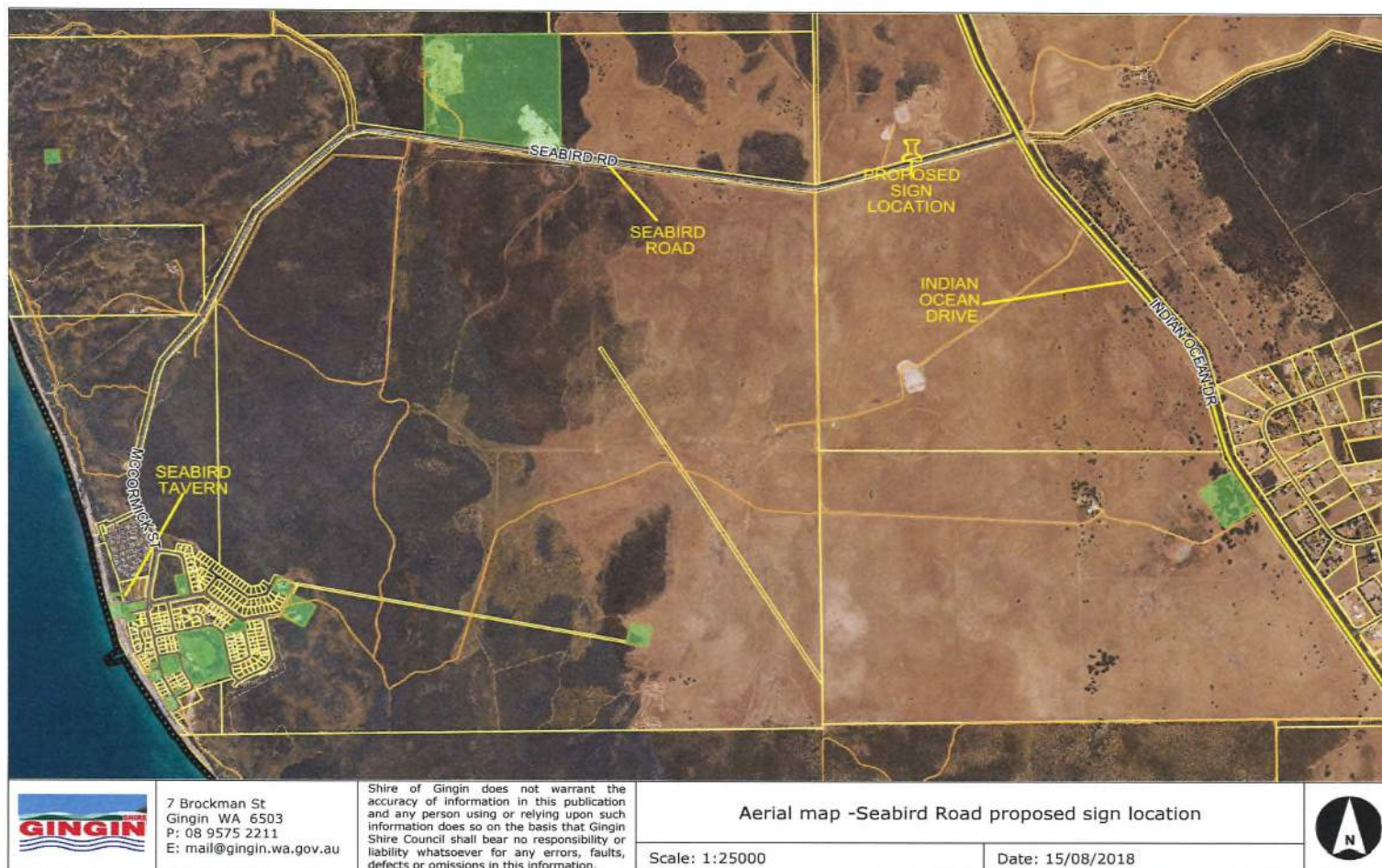
Advice Notes

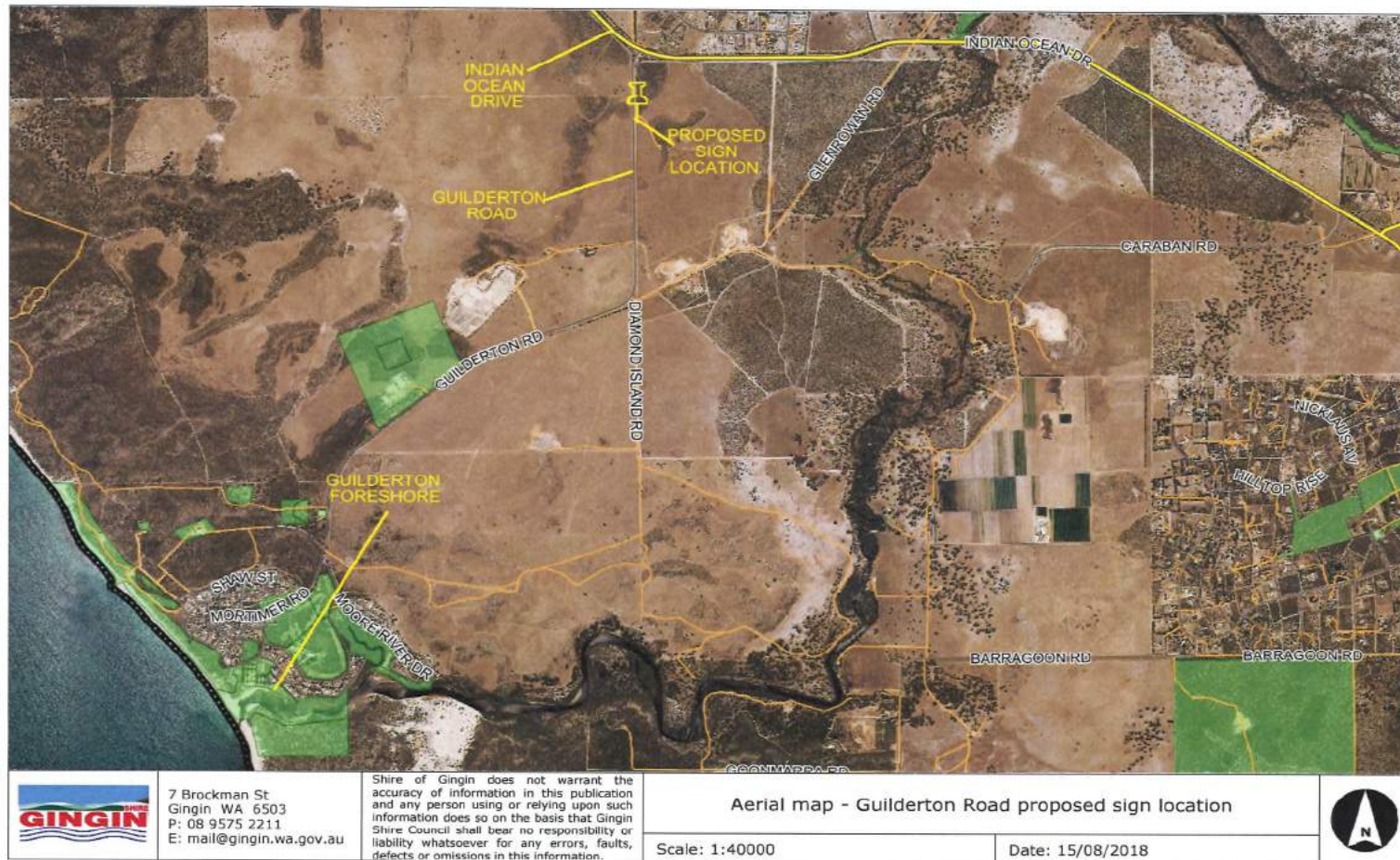
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CARRIED
5-4

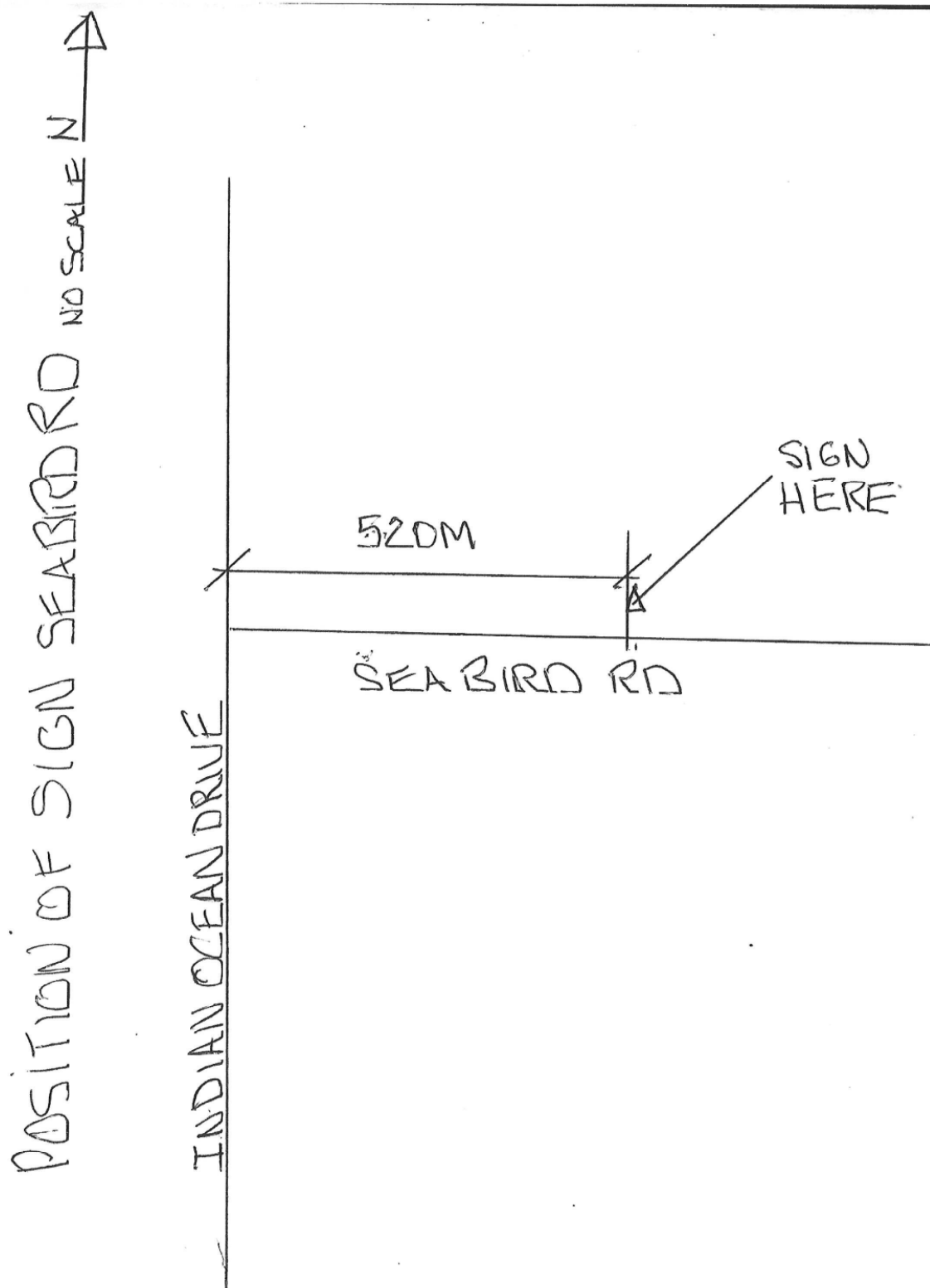
For: Councillors Morton, Fewster, Rule, Court and Peczka
Against: Councillor Johnson, Lobb, Collard and Elgin

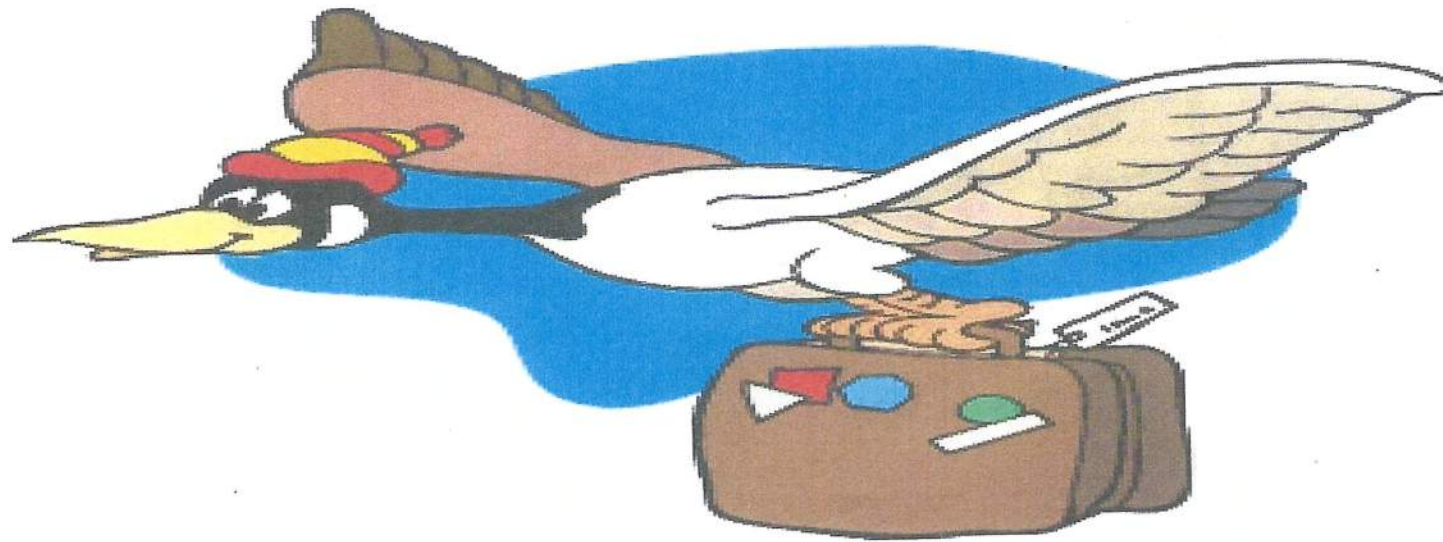
APPENDIX 1





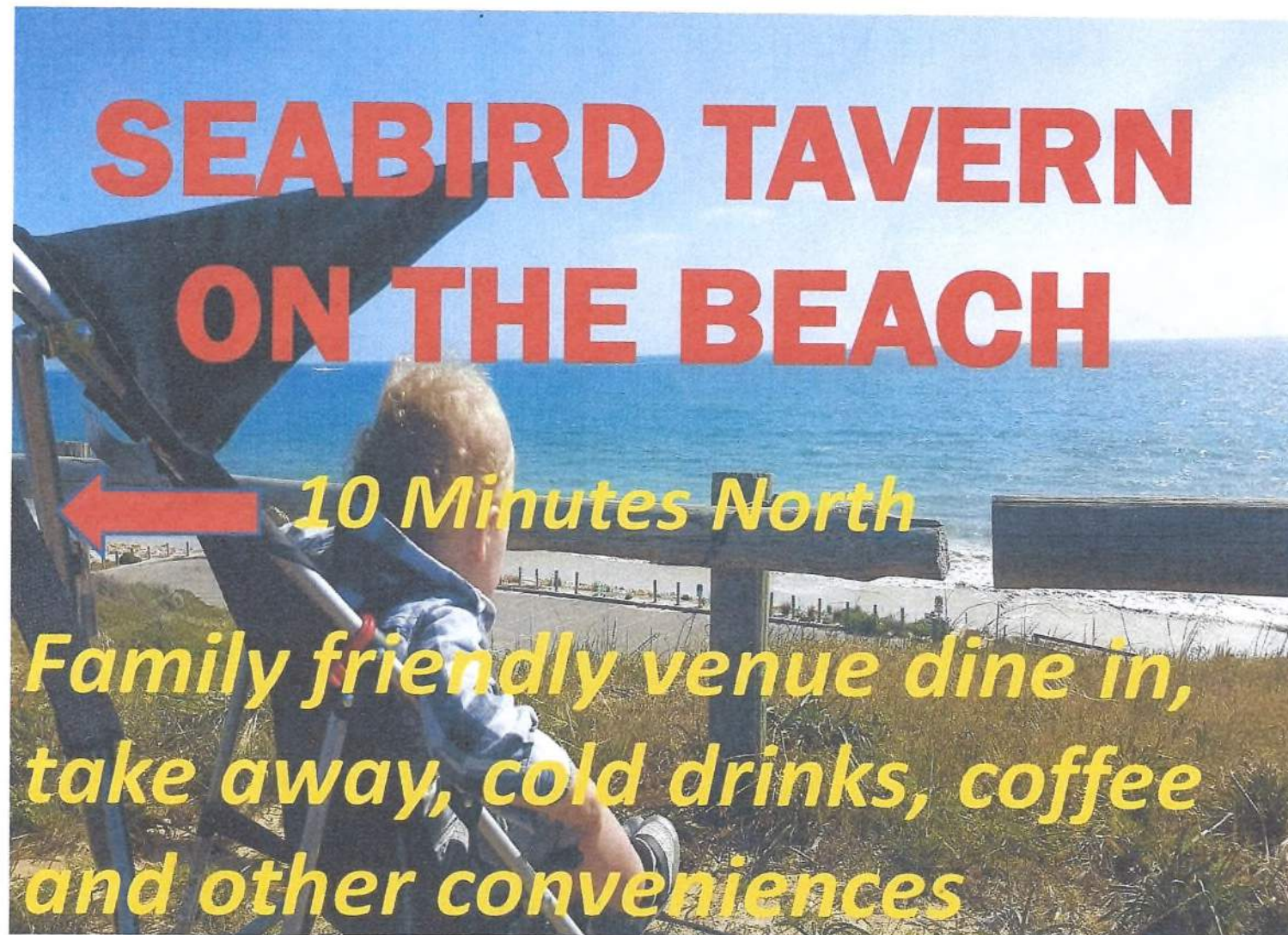




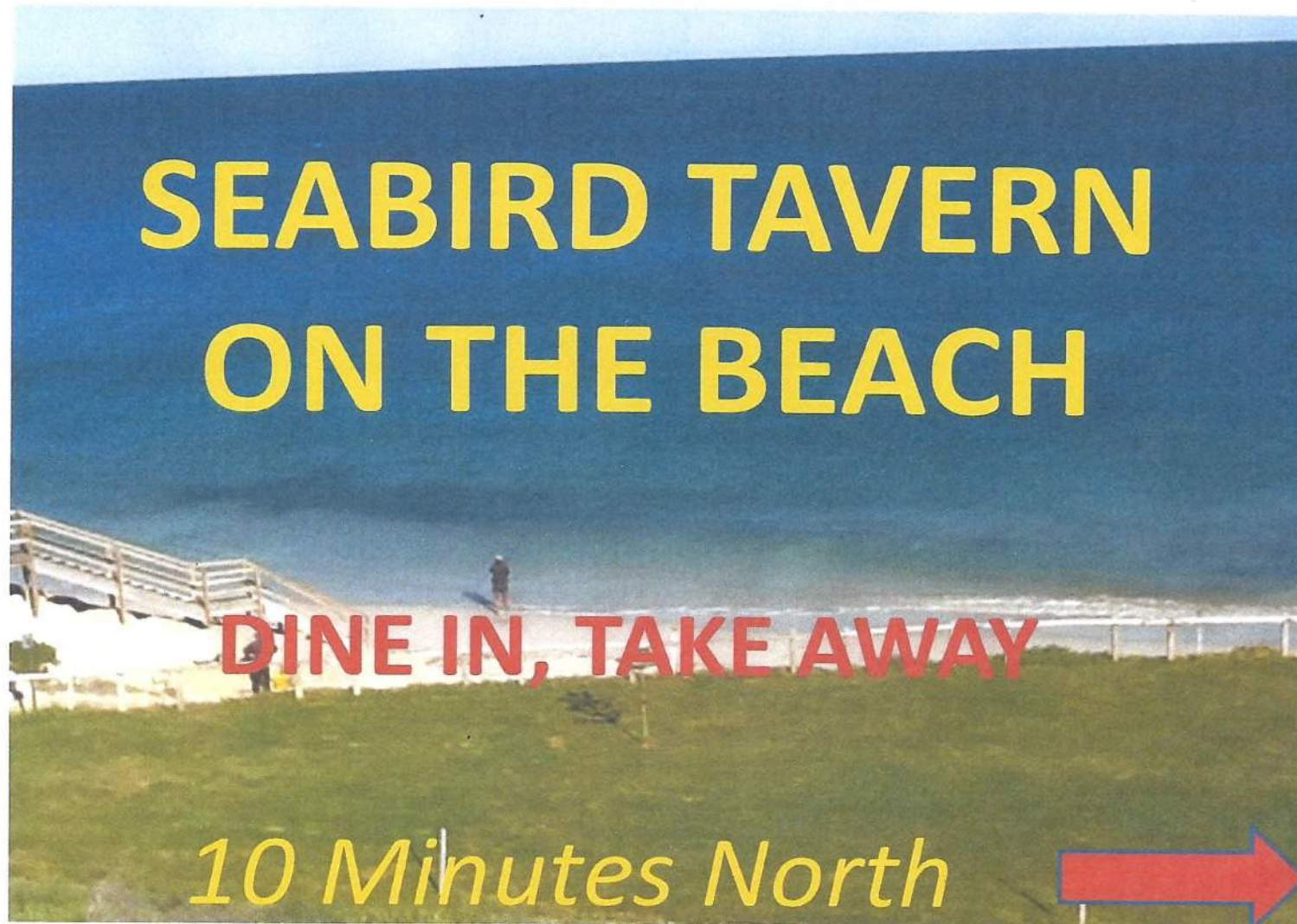


**Nearly at the Seabird Tavern Great
View**

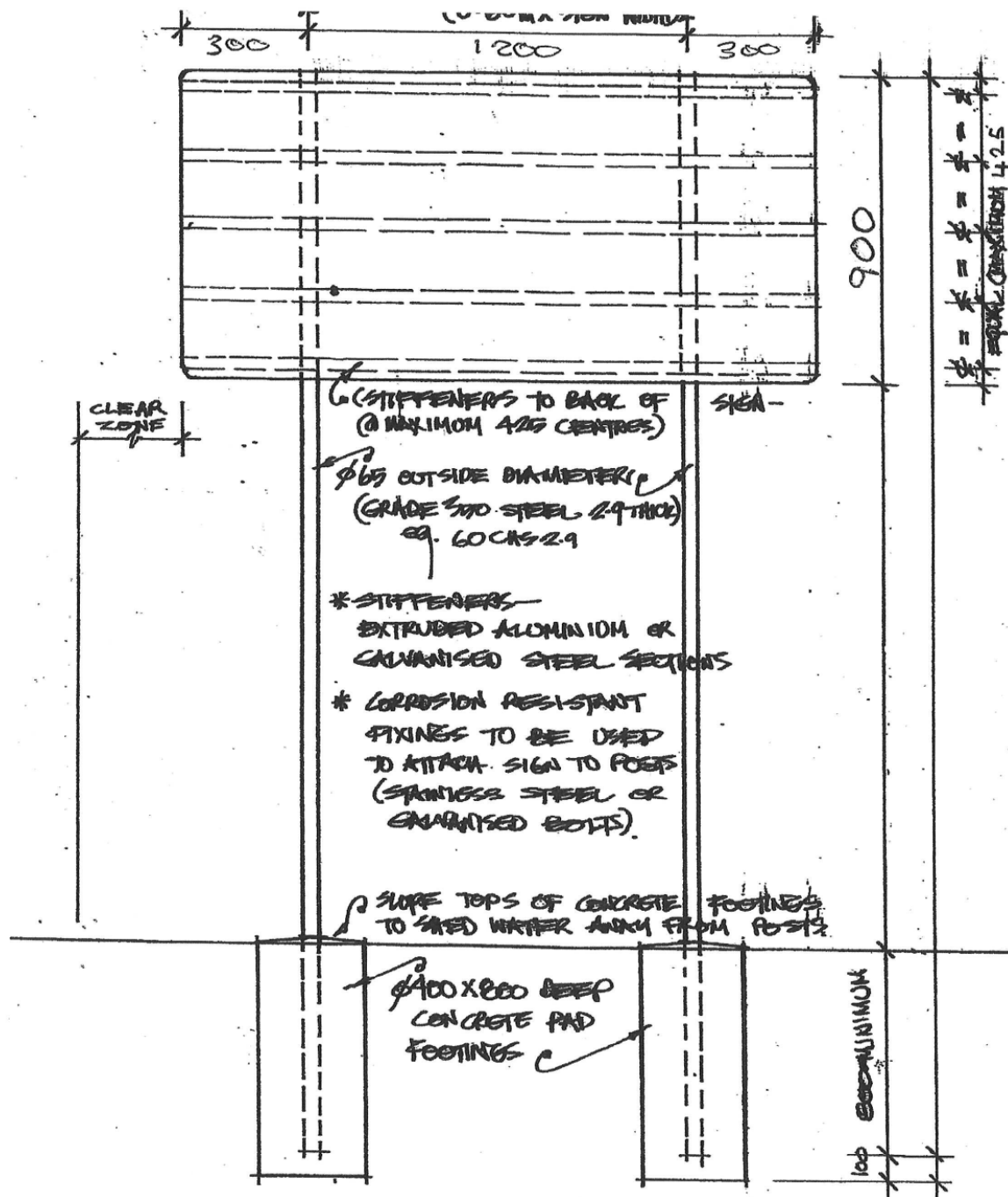
**Meals, Burgers, Pizza, Coffee, Cake
and Cold Drinks**



BACK



FRONT



SHIRE OF GINGIN ROADSIDE SIGN APPROVAL APPLICATION
TYPICAL ELEVATION & DETAIL SIZES AS SPECIFIED

11.3.6 APPLICATION FOR SUBDIVISION APPROVAL - PROPOSED MOORE RIVER SOUTH DEVELOPMENT ON LOTS 2593, 3156, 2802, 2914, 2424 AND 3099 BARRAGOON ROAD, CARABAN

FILE: LND/142
APPLICANT: MOORE RIVER COMPANY PTY LTD
LOCATION: LOTS 2593, 3156, 2802, 2914, 2424 AND 3099
BARRAGOON ROAD, CARABAN
OWNER: MOORE RIVER COMPANY PTY LTD
ZONING: GENERAL RURAL – FUTURE DEVELOPMENT
WAPC NO: 156906
AUTHOR: JAMES BAYLISS – ACTING MANAGER STATUTORY
PLANNING
REPORTING OFFICER: KYLIE BACON – ACTING EXECUTIVE MANAGER
PLANNING AND DEVELOPMENT
REPORT DATE: 21 AUGUST 2018
REFER: 16 AUGUST 2011 ITEM 11.3.2
18 DECEMBER 2012 ITEM 11.1.3
15 APRIL 2014 ITEM 11.1.2

ADDENDUM – ORDINARY MEETING OF COUNCIL – 21 AUGUST 2018
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Additional Information:

Subsequent to the circulation of the agenda, Shire officers met with representatives from the Western Australian Planning Commission (WAPC) and the applicant to discuss perceived issues with the subdivision proposal. As a result of this meeting, it is evident the applicant intends to amend the subdivision design and supply additional information. This is likely to result in the application being deferred for an extended period.

This notwithstanding, the Shire is still required to provide a response to the WAPC at this time. The officer's recommendation has been revised to read as follows:

Recommendation

It is recommended that Council advise the Western Australian Planning Commission that determination of the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 be deferred to enable the applicant to submit additional information to address the following:

- a. The applicant submit an amended Bushfire Management Plan (BMP) to further address State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- b. The applicant submit an amended coastal study to further address State Planning Policy 2.6 – State Coastal Planning Policy;

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider a proposal to subdivide the Moore River South Development Area consisting of Lots 2424, 2802, 2914, 2953, 3099 and 3156 Barragoon Road, Caraban.

BACKGROUND

The subject properties referenced above are integrated into a development area known as Moore River South, located on the southern side of the Moore River approximately two kilometres from the Guilderton townsite.

On 17 September 2013 Council endorsed a structure plan for the development area which was subsequently approved by the WAPC on 30 October 2013. All future subdivision is required to comply with this structure plan.

Subdivision approval was duly granted by the WAPC on 22 September 2014, however subdivision has not been substantially commenced. Given the nature of the development, the proponent is required to obtain separate approvals from various state authorities prior to legally undertaking any subdivisional works onsite, mainly with respect to a licensed supplier for potable water and waste water services.

The revised subdivision proposal is deemed to satisfy the previously endorsed structure plan and is essentially a duplicate of that previously approved, with some variations resulting from additional planning provisions that are now applicable.

The applicant's proposal is attached as **Appendix 1**.

COMMENT

Community Consultation

Not applicable

SUBDIVISION DETAILS

The applicant has provided a detailed report with respect to the proposed subdivision, however below is a summary of key components of the submission.

Lot Yield

Residential R20	1453 lots
Residential R40	337 lots
Light Industry / Mixed Business	126 lots
Mixed Use / Town Centre	7 lots
Tourism	4 lots
Residual	9 lots
Sub Total	1936 lots
Public Use - Primary School	1 lot
Public Use - Community Purposes	2 lots
Public Use – Council Depot – Emergency Services	2 lots
Infrastructure (WWTP)	1 lots

Staging

The subdivision is proposed to be implemented in six stages in accordance with the approved structure plan. Stage 1 is further split into parts A and B to reflect two separate locations involved. Stage 1A includes the construction of an access road from Barragoon Road which will be gradually upgraded in future stages to cater for an increase in traffic, it will also include the development of a neighbourhood centre, ceding of the primary school site, two community facilities lots, a caravan park site, two areas of public open space (POS) and a mixture of R40 and R20 residential lots. Stage 1B is on the eastern extremity of the development area and involves key infrastructure provisions including creation of the Shire Depot and emergency service lots, waste water treatment plant (WWTP) site and some light industry lots.

Further stages will be undertaken dependent upon market conditions and lot uptake.

Planning Assessment

The subject land is zoned Future Development under Local Planning Scheme No. 9. The objectives of the Future Development zone are to:

- a) *designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned development;*
- b) *provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and*
- c) *ensure the orderly development of the land, through a requirement for the preparation and endorsement of a Structure Plan in accordance with the provisions of Part 4 of the deemed provisions, as a pre-requisite to subdivision or development of the land.*

The proposed subdivision is deemed to accord with the approved structure plan previously endorsed by Council and the WAPC for the Moore River South development.

Access

Access to the proposed development is derived from Indian Ocean Drive and Barragoon Road, which is adjacent to the southern boundary of the Woodridge estate. All road upgrades are to be at the applicant's/landowner's expense.

Services

The licensee for the water supply servicing the development will be Moore River Water Services Pty Ltd which was established through an agreement between the developer and Aquasol Water Treatment Solutions. The Department of Water and Environmental Regulation (DWER) granted the developer a reserve water license of 690,000Kl/a will be secured upon finalisation of the Economic Regulation Authority (ERA) approval which is currently pending. This process is close to completion.

The Structure Plan was adopted with the assumption that a traditional WWTP with evaporative ponds would service the development, noting the finalisation of the system would be dependent upon the service provider. Upon engaging Aquasol Water Treatment Solutions, the preferred approach is a sequencing batch reactor (SBR) process, which not only has a smaller footprint, but can be implemented in phases to respond to the staging plan.

State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6)

The purpose of SPP 2.6 is to provide direction for decision-making within the coastal zone including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.

The objectives of this Policy are to:

1. *ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*
2. *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*
3. *provide for public coastal foreshore reserves and access to them on the coast; and*
4. *Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*

Schedule One of SPP 2.6 provides guidance for calculating the coastal foreshore reserve required to allow for coastal processes. The width calculated to allow for coastal process does not include a coastal foreshore width, which is in addition to the predicted coastal process setback. Clause 5.9(i) states:

“An appropriate coastal foreshore reserve will include a component to allow for coastal processes and be of an appropriate width to ensure a coastal foreshore reserve continues to provide the values, functions and uses prescribed should the coastal processes be realised over the planning timeframe.”

The subdivision proposal fails to provide a coastal foreshore reserve over the north-western portion of the development area, namely land zoned for Tourism purposes. The application does not satisfy SPP 2.6 in this regard.

Furthermore, once the above matter is addressed, the existing Moore River Foreshore Management Plan (MRFMP) will require amending to reflect any management modifications that are likely to result.

The policy requirements of SPP 2.6 should be applied at the earliest appropriate stage of the planning process to ensure the development is suitable, rather than imposed as a condition of approval. In the event the foreshore reserve is required to be widened, or in this case provided with respect to the north-western portion of the development, the potential ramifications for the design layout for the overall subdivision are significant. The same principle applies to the reserve between the proposed development and the Moore River.

It is the Officer's view that SPP 2.6 has not been adequately addressed and further investigation by the developer is required, with additional information be supplied to the WAPC and the Shire prior to a determination on the current subdivision proposal being made.

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

SPP 3.7 was gazetted in December 2015 after the original subdivision approval was endorsed by the WAPC. The proposed subdivision has been prepared taking into account the provisions of SPP 3.7 and an associated Bushfire Management Plan (BMP) has been prepared accordingly.

The subdivision layout has been designed to reduce the potential bushfire impacts on dwellings with an intention to reduce the maximum BAL rating to BAL – 12.5. In order for the BMP to satisfy the acceptable solution with respect to vehicular access, two separate access routes are required to be provided.

The proposal provides one entry/exit route, being Barragoon Drive. In this regard, the applicant seeks to advocate for an alternative solution based on the single access being adequate given the subdivision has been designed to enable residents to safely stay within the confines of the development area and be subject to a BAL-12.5 rating or utilise a refuge shelter. However, the BMP fails to adequately address the location of the refuge shelter, whether it is a single purpose or multi-purpose structure and if it will be relocated throughout the staging of the development.

The submitted BMP was presented and discussed at the Bushfire Advisory Committee meeting on 11 June 2018 which concluded the applicant had adequately addressed SPP 3.7. The Officer is of the view that, since this meeting, further review of the BMP has revealed shortcomings that require further investigation and clarification prior to a determination being made on the proposed subdivision.

There was discussion around what materials the Asset Protection Zone would be constructed with in order to avoid prohibited use by vehicles. Furthermore, the APZ will become the responsibility of the Shire to manage and maintain in a low fuel state. This needs to be established upfront to ascertain if the Shire is prepared to accept ongoing management and maintenance associated with the APZ's provided.

Further discussion was had with respect to a link between the proposed vehicular access road and the Goonmarra Road and Barragoon Road reserve which is currently undeveloped. This would enable vehicles to enter / exit via Caraban Road which would offer some relief to the Barragoon Road and Indian Ocean Drive intersection. The Shire is aware that the Department of Planning, Lands and Heritage (DPLH) and Main Roads Western Australia (MRWA) intend to have alternate/additional access options explored further, prior to determination of the proposed subdivision.

Local Planning Strategy

The subject land is identified in the Shire's Local Planning Strategy (LPS) for Future Development. The issues identified in the LPS, pertinent to the location and the environs, include:

- *Increased demand for new urban expansion area south of the Moore River;*
- *New reticulated sewer and reticulated water systems required for any expansion of Guilderton both North and South of the river;*
- *Demand for community facilities including school, recreation and health care to service local residents and nearby rural residential area;*
- *Integration of existing Guilderton townsite with proposed South Guilderton urban development;*
- *Demand for boat launching facilities;*
- *Protection, rehabilitation of coastal dune and Moore River inlet system;*
- *Native Title; and*
- *Aboriginal and European heritage*

An objective of the LPS is to facilitate a high quality, environmentally sensitive and integrated form of urban expansion south of Moore River as part of the Guilderton townsite expansion plan and to maintain the attraction and importance of Guilderton as a tourist destination and recognise its popularity for non-permanent residents.

The subdivision enables the strategies outlined above to eventuate.

Summary

In summary, Officers consider the proposed subdivision has not adequately addressed SPP 2.6 or SPP 3.7 amongst other things, and without the required information outlined within the preceding report, a determination should not be made at this point in time. It is therefore recommended that the referral response to the WAPC be to defer determination of the subdivision proposal and advise the applicant to submit additional information.

In the event the applicant is not prepared to defer the matter and seeks to have the current proposal determined, then the WAPC should be advised that the Shire does not support the subdivision proposal.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 3 – Zones and the Use of Land

3.2 Objectives of the Zones

Part 4 – General Development Requirements

4.7 General Development Standards

4.8.6 – General Rural Zones

POLICY IMPLICATIONS

WAPC Development Control Policy 3.4 Subdivision of Rural Land

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

<i>Focus Area</i>	<i>Infrastructure and Development</i>
<i>Objective</i>	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.</i>
<i>Outcome</i>	<i>3.1 Development new and existing developments meet the Shire's Strategic Objectives and Outcomes.</i>
<i>Priority</i>	<i>3.1.1 Support strategies that facilitate commercial development.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council advise the Western Australian Planning Commission that determination of the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 be deferred to enable the applicant to submit additional information to address the following:

1. The applicant submit an amended Bushfire Management Plan (BMP) to further address State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
2. The applicant submit an amended coastal study to further address State Planning Policy 2.6 – State Coastal Planning Policy.

RESOLUTION

Moved Councillor Fewster, seconded Councillor Elgin that Council advise the Western Australian Planning Commission that determination of the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 be deferred to enable the applicant to submit additional information to address the following:

- 1. The applicant submit an amended Bushfire Management Plan (BMP) to further address State Planning Policy 3.7 – Planning in Bushfire Prone Areas;**
- 2. The applicant submit an amended coastal study to further address State Planning Policy 2.6 – State Coastal Planning Policy.**

CARRIED UNANIMOUSLY

APPENDIX 1

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
29-Jun-2018	156906



28 June 2018

Western Australian Planning Commission
140 William Street
Perth WA 6000

Dear Sir or Madam

RE: PROPOSED SUBDIVISION - LOTS 2424, 2802,2914, 2593, 3099 & 3156 BARRAGOON ROAD,
CARABAN – SHIRE OF GINGIN

Herewith please find the subdivision application on behalf of the landowners, Moore River Company Pty Ltd, for the subdivision of Lots 2424, 2802,2914, 2593, 3099 & 3156 Barragoon Road, Caraban, in accordance with the approved Moore River South Structure Plan.

This application seeks a renewal of the current approval WAPC 150242.

Please contact Denise Morgan on 9325 0200 or DeniseM@creativedp.com.au if you have any enquiries relating to the proposal.

Yours faithfully

CREATIVE DESIGN + PLANNING

pp Denise Morgan
FRANK ARANGIO
MANAGING DIRECTOR

S:\Work\CDP\Work\SUB4 - Correspondence & Reports\Correspondence\MRC\RSUB-180628-SubCoverLetter.docx
28 BROWN STREET T +61 8 9325 0200
EAST PERTH WA 6004 F +61 8 9325 4818
PO BOX 6697 E info@creativedp.com.au
EAST PERTH WA 6892

ACN 600 658 722
ABN 47 600 658 722
CD & P PTY LTD T/A CREATIVE DESIGN + PLANNING



Our Ref : 156906
Previous Ref :
Your Ref :
Enquiries : Rachel Riley (6551 9567)

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

4 July 2018

Application No: 156906 - Lot No 2593, 3156, 2802, 2914, 2424, 3099 Barragoon Road Caraban

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 15th August 2018 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: www.planning.wa.gov.au

Send responses via email to referrals@planning.wa.gov.au. **Always quote reference number "156906" when responding.**

This proposal has also been referred to the following organisations for their comments:
Atco Gas (ATCO) / Dept Biodiversity, Conser & Attraction (SWAN) / Dept Of Water & Environment Regulations (DWER) / Dept Of Water & Environment Regulations (DWER-DOW) / Department Of Education (STATE) / Health Dept Of Wa (STATE) / Dept Mines Ind Regulation And Safety (MIRS) / D.F.E.S. Uxo Branch (STATE) / Water Corporation (STATE) / Western Power (STATE) and LG As Above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Fagan'.

Ms Sam Fagan
Secretary
Western Australian Planning Commission

APPLICATION DETAILS

e-mail: referrals@planning.wa.gov.au; web address: <http://www.planning.wa.gov.au>

Department of Planning,
Lands and Heritage

eLodgement



Application for Approval of Freehold or Survey Strata Subdivisions

Lodgement ID: 2018-211997

Your Reference
Location of Subject Property
No. of applicants
Are you applying on your own behalf?
Are you the primary applicant?
Do you have consent to apply from all landowners?
Lodgement Type
Submitted by
Email

MRCMRSUB

Caraban

1

No

Yes

Yes

Subdivision

Inneka Gort

innekag@commcent.com.au



About the land

Number of current lots on the land 6

Drainage Reserves 0

Recreation Reserves 13

Road Reserves 0

Number of fee paying lots 1942

Total number of proposed lots on the land including balance lots 1955

Public Access Ways 0

Right of Ways 0

Road Widening 0

Number of fee exempt lots 13

What is the proposed use/development?

Proposed Use

Lot size

Number of Lots

Residential 235 - 319 Sqm 18

Residential 320 - 449 Sqm 307

Residential 450 - 499 Sqm 3

Residential 500 - 549 Sqm 8

Residential 550 - 599 Sqm 59

Residential 600 - 699 Sqm 999

Residential 700 - 799 Sqm 205

Residential 800 - 899 Sqm 62

Residential 900 - 999 Sqm 33

Residential 1000 - 1499 Sqm 35

Industrial 900 - 999 Sqm 21

Industrial 1000 - 1499 Sqm 13

Industrial 2000 - 2999 Sqm 68

Industrial 3000 - 3999 Sqm 24

Industrial 5000 - 9999 Sqm 2

Industrial 1 HA - 2 HA 1

Mixed Use 5000 - 9999 Sqm 5

Mixed Use 1 HA - 2 HA 2

Rural Over 25 HA 8

Other 2 HA - 5 HA 1

Other 5 HA - 10 HA 2

Other 10 HA - 25 HA 3

Other 5000 - 9999 Sqm 2

Residential 600 - 699 Sqm 61

Local Government Shire Of Gingin

Is common property proposed No

Existing dwellings Yes

Applicants

Primary applicant (1)

Is the applicant a company/organisation?

Yes

Name/Company

Creative Design + Planning

Email

innekag@commcent.com.au

Address

Street address

28 Brown Street

Is the applicant a landowner?

No

ABN / ACN

47600658722

Phone number

93250200

Town / Suburb or City

East Perth

State	WA	Post Code	6004
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Certificate of Title Details			
Lots with certificate (1)			
Volume	103	Folio	177A
Lot Number	2424	Plan Number	231402
Total land area	452.69	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No
Landowners			
Landowner (1)			
Full name	N/A	Company / Agency	Moore River Company Pty Ltd
ACN / ABN	77008572	Landowner type	Company
Address			
Street address	Unit 5, 80 Colin St	Town / Suburb or City	West Perth
State	WA	Post code	6005
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Marcus	Plunkett	Director	
Company signatory 2			
First name	Last name	Position	
Graeme	Sampson	Director	
Lots with certificate (2)			
Volume	103	Folio	177A
Lot Number	2914	Plan Number	202250
Total land area	652.19	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No
Landowners			
Landowner (1)			
Full name	N/A	Company / Agency	Moore River Company Pty Ltd
ACN / ABN	77008572	Landowner type	Company
Address			
Street address	Unit 5, 80 Colin St	Town / Suburb or City	West Perth
State	WA	Post code	6005
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Marcus	Plunkett	Director	
Company signatory 2			
First name	Last name	Position	
Graeme	Sampson	Director	
Lots with certificate (3)			
Volume	1245	Folio	739
Lot Number	2802	Plan Number	90108
Total land area	40.54	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No
Landowners			

Landowner (1)

Full name	N/A	Company / Agency	Moore River Company Pty Ltd
ACN / ABN	77008572	Landowner type	Company
Address			
Street address	Unit 5, 80 Colin St	Town / Suburb or City	West Perth
State	WA	Post code	6005
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Marcus	Plunkett	Director	
Company signatory 2			
First name	Last name	Position	
Graeme	Sampson	Director	
Lots with certificate (4)			
Volume	1198	Folio	711
Lot Number	3099	Plan Number	88988
Total land area	99.76	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No

Landowners**Landowner (1)**

Full name	N/A	Company / Agency	Moore River Company Pty Ltd
ACN / ABN	77008572	Landowner type	Company
Address			
Street address	Unit 5, 80 Colin St	Town / Suburb or City	West Perth
State	WA	Post code	6005
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Marcus	Plunkett	Director	
Company signatory 2			
First name	Last name	Position	
Graeme	Sampson	Director	
Lots with certificate (5)			
Volume	1358	Folio	328
Lot Number	2593	Plan Number	88988
Total land area	94.64	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No

Landowners**Landowner (1)**

Full name	N/A	Company / Agency	Moore River Company Pty Ltd
ACN / ABN	77008572	Landowner type	Company
Address			
Street address	Unit 5, 80 Colin St	Town / Suburb or City	West Perth
State	WA	Post code	6005
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Marcus	Plunkett	Director	
Company signatory 2			

First name	Last name	Position	
Graeme	Sampson	Director	
Lots with certificate (6)			
Volume	1358	Folio	328
Lot Number	3156	Plan Number	22250
Total land area	93.19	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No
Landowners			
Landowner (1)			
Full name	N/A	Company / Agency	Moore River Company Pty Ltd
ACN / ABN	77008572	Landowner type	Company
Address			
Street address	Unit 5, 80 Colin St	Town / Suburb or City	West Perth
State	WA	Post code	6005
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A
Company signatory 1			
First name	Last name	Position	
Marcus	Plunkett	Director	
Company signatory 2			
First name	Last name	Position	
Graeme	Sampson	Director	
Subdivision detail			
Number of dwellings	1	Dwelling retained	Yes
Dwelling description	Farm manager's residence located on Lot 2593 is intended to remain. Can be relocated if necessary, subject to final alignment/survey of entry road. Location will remain rural.		
Number of outbuildings/structures	3	Structure/s retained	Yes
Other description	N/A		
Structure description	Sheds and tank intended to remain. Location of these structures will remain rural use.		
Is a battleaxe lot/s proposed?			
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Yes
Has the land ever been used for potentially contaminating activity			
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			Yes
Is the development with in a Bushfire Prone Area?			Yes
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No
Fee & Payment			
Fee amount	\$56,715.40	Payment Type	By Anyone
Attachments			
Attachment name	Attachment type		
1. 170905 - Moore River South Development (BMP) v1.0-11.pdf	Bushfire Attack Level(BAL) assessment		
2. Endorsed ODP Report - 5.11.13-10.pdf	Liveable Neighbourhoods Compliance Statement		
3. MRC_Letter of Consent-2.pdf	Authorised Letter of Consent		
4. MRCMR-3-002B Subdivision-(180627) A3-8.pdf	Subdivision Plan		
5. MRCMRSUB-SA-SubReport-F01-9.pdf	Subdivision Report/s		
6. Sketch for T 103-177A-3.pdf	Certificate of Title		
7. T 103-177A-1.pdf	Certificate of Title		
8. T 1198-711-5.pdf	Certificate of Title		
9. T 1245-739-4.pdf	Certificate of Title		
10. T 1358-328-6.pdf	Certificate of Title		
11. T 1358-328-7.pdf	Certificate of Title		

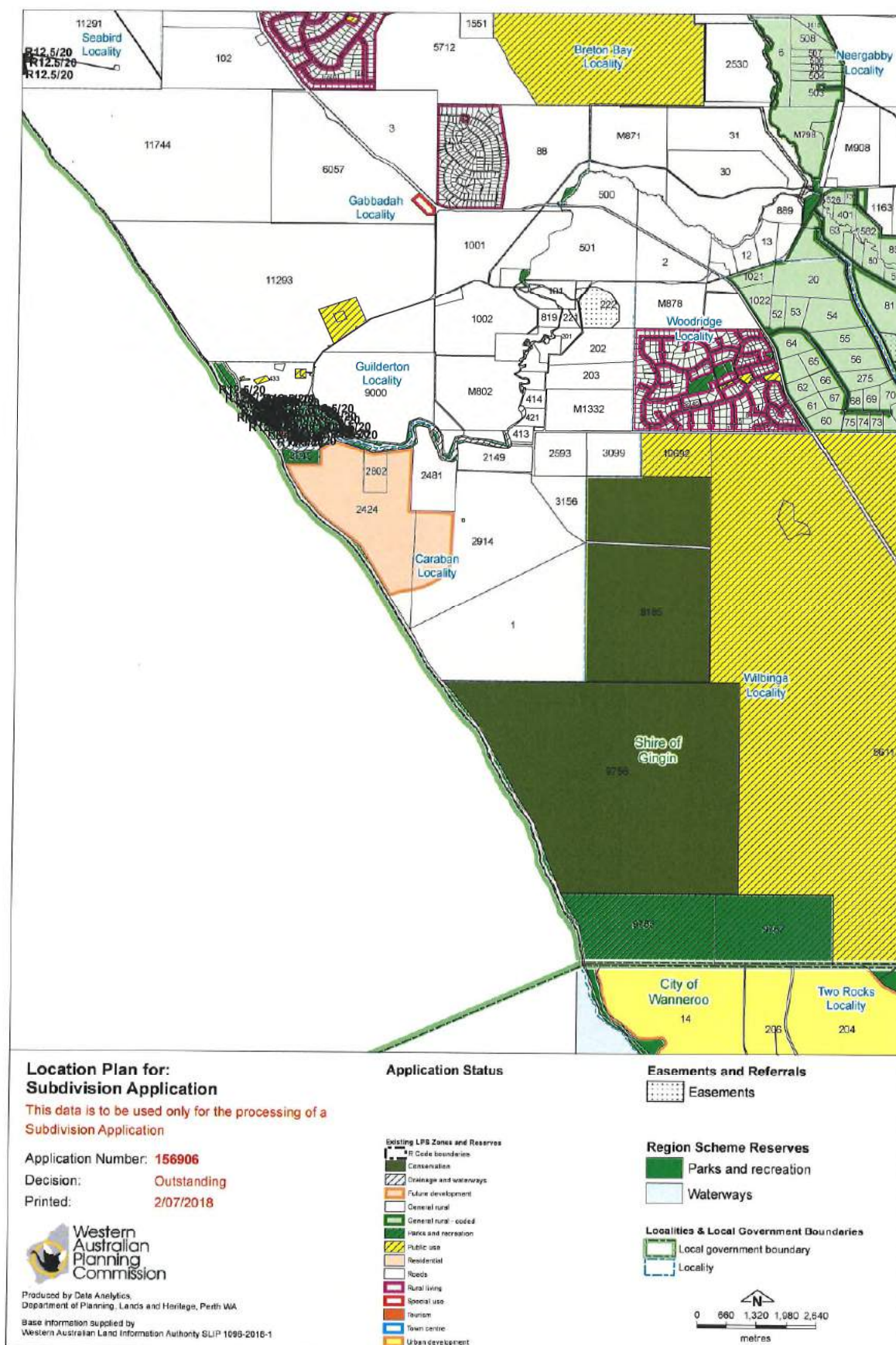


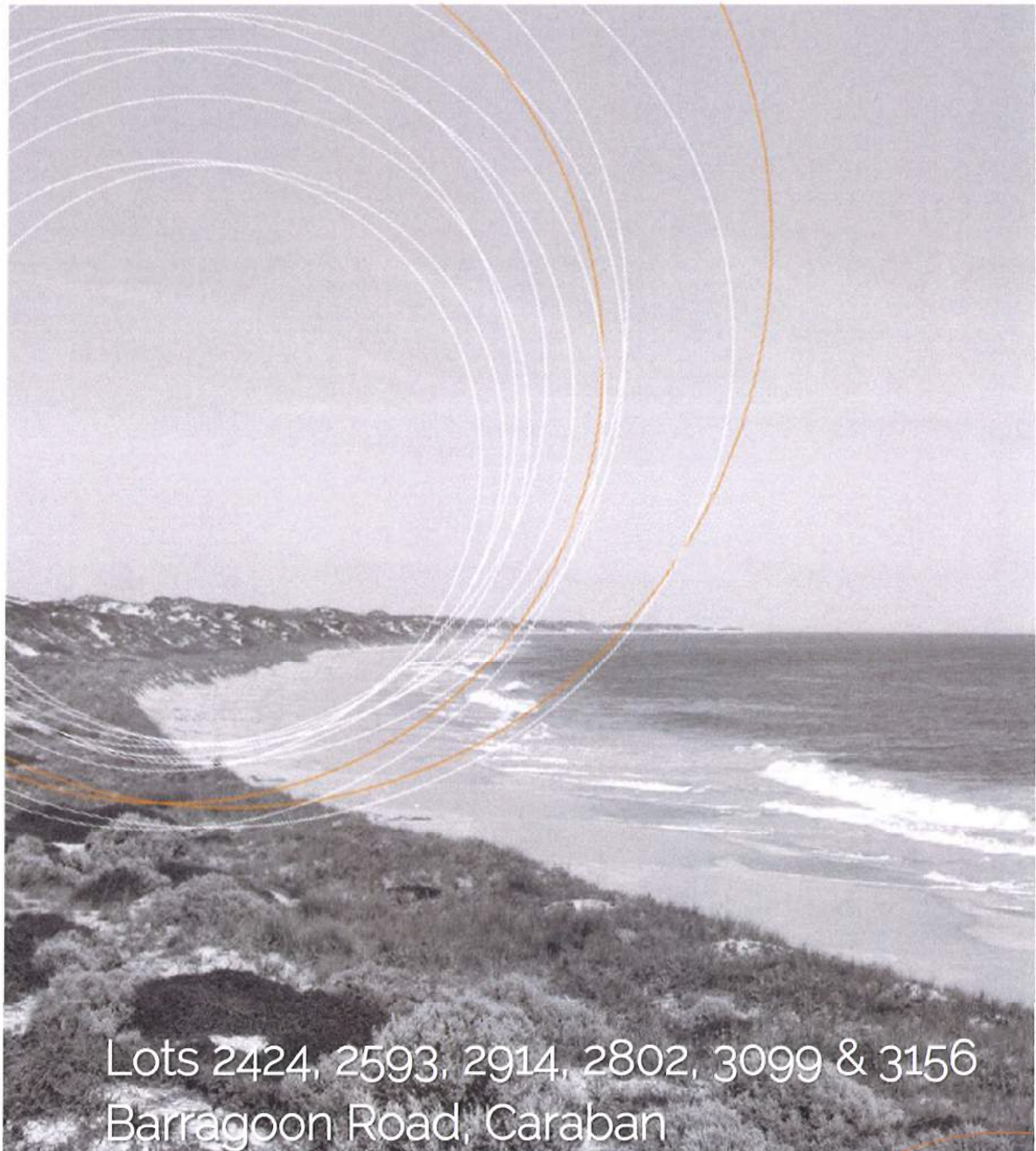
Application Type	Subdivision	Application No	156906
Applicant(s)	Creative Design + Planning		
Owner(s)	Moore River Company Pty Ltd		
Locality	Lot No 2593, 3156, 2802, 2914, 2424, 3099 Barragoon Road Caraban		
Lot No(s).	2593, 3156, 2802, 2914, 2424, 3099	Purpose	Rural, Residential, Industrial, Mixed Use, Other
Location		Local Gov. Zoning	Roads, General Rural, Conservation, Future Development, Parks And Recreation, Drainage And Waterways, Public Use - State Forest
Volume/Folio No.	103/177A, 1198/711, 1245/739, 1358/328	Local Government	As Above
Plan/Diagram No.	P088988, P090108, P202250	Tax Sheet	
Centroid Coordinates	mE mN		
Other Factors	BUSHFIRE PRONE AREA, THREATENED ECOLOGICAL COMMUNITY BUFFER, THREATENED FAUNA BUFFER, HYDROGRAPHY (MOORE RIVER ESTUARY), REMNANT VEGETATION (NLWRA), DMP, UNALLOCATED CROWN LAND, ACID SULFATE SOILS HIGH RISK AREA, UXO		

e-mail: referrals@planning.wa.gov.au; web address: <http://www.planning.wa.gov.au>

Perth	Albany	Bunbury	Geraldton	Mandurah
140 William Street	PO Box 1108	Sixth Floor	Regional Planning and Strategy	Unit 2B
Perth	Albany	Bunbury Tower	Office 10	11-13 Pinjarra Road
Western Australia, 6000,	Western Australia, 6330	61 Victoria Street	209 Foreshore Drive	Mandurah
Locked Bag 2506 Perth, 6001		Bunbury	Geraldton	Western Australia, 6210
		Western Australia, 6230	Western Australia, 6530	
Tel: (08) 6551 9000	Tel: (08) 9892 7333	Tel: (08) 9791 0577	Tel: (08) 9960 6999	Tel: (08) 9586 4680
Fax: (08) 6551 9001	Fax: (08) 9841 8304	Fax: (08) 9791 0576	Fax: (08) 9964 2912	Fax: (08) 9581 5491

Infoline: 1800 626 477; e-mail: corporate@wapc.wa.gov.au; web address: <http://www.planning.wa.gov.au>;





Lots 2424, 2593, 2914, 2802, 3099 & 3156
Barragoon Road, Caraban

SUBDIVISION APPLICATION APPENDICES

Prepared for Moore River Company Pty Ltd
June 2018



SUBDIVISION APPLICATION APPENDICES

JUNE 2018

Prepared for: **Moore River Company Pty Ltd**
5/80 Colin Street
West Perth WA 6005
T: 9321 2283 E: plunkett@iinet.net.au

Prepared by: **Creative Design + Planning**
28 Brown Street
EAST PERTH WA 6004
T: 9325 0200 E: info@creativedp.com.au

DOCUMENT STATUS

VERSION	COMMENT	PREPARED BY	REVIEWED BY	REVIEW DATE	APPROVED BY	ISSUE DATE
D01	Draft for client review	DPM	JH	05.06.2018	JH	05.06.2018
F01	Final for lodgement	DPM	BP	22.06.2018	JH	22.06.2018

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Our Ref: S:\Word\CDP\MrcMr\SUB\4. Correspondence & Reports\Reports\Report Appendices\MRCMRSUB-SA-SubReport-Appendices-F01.docx

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- Appendix B Certificates of Title
- Appendix C Mixed Business Example
- Appendix D Public Open Space Plan
- Appendix E Bushfire Management Plan
- Appendix F Staging Plan
- Appendix G Bulk Earthworks Plan
- Appendix H Wastewater and Water Supply Overview
- Appendix I Council Meeting Minutes Foreshore Management Plan
- Appendix J Local Water Management Strategy Approval



Appendix A Endorsed Structure Plan



Planning Policy Statements

The Outline Development Plan (ODP), once approved, supersedes any previously approved ODP for the subject land. The implementation of the ODP will be facilitated through the subdivision and development approval process, which pursuant to Town Planning Scheme 9 will be required to generally conform with the approved ODP. Future applications will be required to demonstrate compliance with the following key Planning Policy Statements:

1. Subdivision and Development

- The development of the subject land shall be undertaken generally in accordance with the endorsed Outline Development Plan (ODP). Subdivision of the ODP area requires approval from the Western Australian Planning Commission (WAPC) and shall be undertaken generally in accordance with the ODP.
- Development Applications and Detailed Area Plans will be required for all development generally excluding residential land use being R20-R40 which will be guided by the Residential Density Codes and Design and Settlement Guidelines if appropriate.
- The ODP map is the authoritative document in relation to proposed land uses and conditions attached to subdivision and development, in the event of an inconsistency between the ODP map and any other map contained in the ODP documentation the ODP map prevails to the extent of that inconsistency.

2. Retail Floor Space

A maximum of 500 m² of retail floor space shall be integrated with the caravan park and tourist resort components of the ODP and provide for local convenience shopping and services in the first stages of the overall development.

3. Design and Settlement Guidelines

Detailed Design and Settlement Guidelines (DSG) will be prepared and implemented by the proponent to guide the form and nature of buildings and structures in the ODP area. The DSG:

- Will set appropriate standards for design of dwellings and commercial and tourist development to meet sustainability criteria, building location and orientation, built form, building heights, scale and roof pitch, external colours and materials, curtilage and landscaping, vehicle parking and access and fencing.
- Will promote and encourage the installation of water tanks, water efficient taps and appliances and solar energy harnessing devices in every dwelling.
- Will require that any development in the northern holiday resort site will require consideration to the retention of vegetation and be designed sympathetically to the vegetation and topography of the site.
- May include special provisions for the 'Mixed Business' precinct shown on the ODP map to set standards for lot sizes, separation of uses and setbacks in addition to the matters outlined above.
- Can be undertaken for the tourism sites independently from the residential and commercial sites.

The DSG is intended to supplement the Residential Design Codes. In the event of a contradiction or inconsistency between the DSG and the Residential Design Codes the Residential Design Codes will prevail.

The WAPC and the Local Government may require Detailed Area Plan(s) prior to subdivision of a tourism site and/or as a condition of subdivision approval for the Mixed Business and/or Residential Lots.

4. Staging of Subdivision and Development

The progressive subdivision and development of land identified for residential lots (both green title and strata) on the ODP shall proceed on the basis of a staging plan approved by the Shire and the Western Australian Planning Commission that has regard for the necessity for the introduction of reticulated water and sewerage facilities to the ODP area and the early establishment of foreshore improvement works.

5. Tourist Units

The strata subdivision and/or development of any land identified on the ODP for tourist accommodation shall include common management arrangements to ensure the tourist units and any associated facilities are available at all times for tourists, visitors and travellers. These arrangements are not intended to preclude owner use of tourist accommodation for holiday purposes.

6. Foreshore Reserves

A foreshore management plan shall be prepared under clause 5.1(x) and (xi) of State Planning Policy No. 2.6: State Coastal Planning Policy prior to the first stage of subdivision.

The foreshore management plan must:

- Include the foreshore reserves for both the ocean and Moore River frontages of the development identified on the ODP and the adjacent Crown Reserve abutting the mouth of the Moore River;
- Contain a schedule of works, public facilities, infrastructure and amenities provision and implementation schedule;
- Consider and respond to coastal processes, biophysical characteristics and any access requirements, both pedestrian and vehicle access, between the residential development front and Moore River;
- Include a strategy for the investigation of the feasibility and provision of a low key boat launching facility;
- Define and implement an appropriate foreshore reserve with along Moore River having regard to the above factors and specifically in response to SPP 2.6;
- Identify those with responsibility for implementation of the plan and management of the reserve transfer;
- Be subject of its own public consultation process;
- Be approved, if acceptable, by the Shire of Gingin; and
- Identify required works to be fully implemented prior to the Shire's clearance of the conditions of any subdivision approval granted for the ODP area.

Inclusion of the whole of the land area between the residential development front and the Moore River is intended to allow consideration and a response to relevant issues. Any land use proposals beyond the proposed foreshore reserve do not fall within the scope of the foreshore management plan and would be subject to a separate future Structure Plan.

The staged construction of the Foreshore Management Plan and Public Open Space by the Proponent is to be delineated at the Subdivision stage or through a Development Deed between the proponent and the Shire in a manner that reflects progressive development of the project and progressive demand for additional facilities.

The ocean foreshore reserve and adjacent public open space is able to be used for drainage works or functions pursuant to an approved Stormwater and Drainage Management Plan as required by Planning Policy Statement 13, including subsurface stormwater drainage and absorption structures, which do not materially diminish the capacity of the area for public use.

7. Fire Management Plan

A fire management plan must be prepared and implemented to the satisfaction of the Shire of Gingin and the Department of Fire and Emergency Services.

Goonemarra Rd will be required to be constructed for emergency public access to the satisfaction of the Shire.

Development must be undertaken in compliance with:

- Part 3.7.4 (Bushfire Areas) of the Building Code of Australia
- The WAPC Planning for Bushfire Protection Guidelines; and Australian Standard 3959.

A memorial is to be placed on the Certificate of Title for those lots affected by the fire, the requirement to comply with the approved fire management plan and the on-ownership management plan advising of the responsibility to maintain the protection measures and emergency access to an appropriate standard.

8. Community Facilities

Local Community Facilities will be provided for through a Deed of Agreement between the Shire of Gingin and the Moore River Company. If for any reason, the Deed of Agreement is not executed the Shire will progress Developer Contribution Plans under the provisions of its Local Planning Scheme.

A small multipurpose community facility shall be provided as part of the first stage of development of the ODP area.

9. Local Water Management Strategy

A Local Water Management Strategy shall be approved by the relevant agencies prior to the approval of the first stage of subdivision.

10. Dust Management

A dust management plan is to be:

- Submitted to and, if acceptable, approved by the Shire; and
- Implemented at each and every stage of development to the satisfaction of the Shire.

11. Landscape Strategy

A landscape strategy plan for the road reserves including the primary access road from Indian Ocean Drive and public open space areas shall be prepared, which:

- Indicates the location and species of all trees to be removed and/or retained;
- Indicates the location and type of fencing to be installed;
- Indicates the location and type of reticulation to be installed;
- Indicates the location and type of paving to be installed; and
- Includes a plant schedule nominating each species, the spacing of species, the numbers of plants required, and the size of each plant to be used at the time of planting and the anticipated height of each plant at maturity.

The landscape strategy plan shall:

- Be submitted to and, if acceptable, approved by the Shire;
- Be the subject of a management agreement between the owner and the Shire;
- Include provisions for the specific approval of the Shire for any proposals to remove Tuat trees; and
- Implemented to the satisfaction of the Shire.

12. Construction Management Plan

Any Construction Management Plan required to be prepared at the subdivision or development stage shall include the technical, physical and contractual measures to minimise environmental impacts during construction and post-construction. Such plan to address Acid Sulphate Soils in accordance with the guidelines of the Department of Environment and Conservation.

A plan addressing outfall and retaining requirements (i.e. bulk earthworks plan) shall be prepared and submitted to the Shire of Gingin prior to or concurrent with the subdivision application process.

13. Stormwater and drainage

A stormwater and drainage management plan shall be:

- Prepared, which identifies the locations and dimensions of all proposed pump stations, infiltration basins and sump;
- Submitted to and, if acceptable, approved by the Shire and the Department of Water; and
- Implemented to the satisfaction of the Shire.

The design objectives of the stormwater and drainage management plan will be to optimise the infiltration of stormwater at source and the reuse of water.

14. Utilities and Services

All development is to be connected to underground power, telecommunications and reticulated water and sewerage services.

The design of utilities and services will be aimed at the maximum feasible use of technology capable of capture of energy from wind and solar sources and the reuse of wastewater so as to minimise the demands of the new development for importation of energy and water.

All utilities and services are to be contained within the ODP area or where outside the ODP area within a public road reserve, Shire managed reserves or easements specifically created for that purpose.

These connections are to occur at the first stage of development at the full cost to the owner/developer and to the satisfaction of the Shire and, in relation to water and sewerage, the Water Corporation.

15. Traffic Management and Parking

- A traffic and parking strategy shall be prepared by a suitably qualified traffic engineer, which:
 - Shows the required upgrading works for the local road system, including the intersection of the primary access road and Indian Ocean Drive;
 - Shows the staging of these works relative to the staging of the development;
 - Assesses the future public, private residential and tourist car park requirements generated by the development proposed in the ODP area;
 - Is able to demonstrate that sufficient foreshore parking or alternative spaces is provided for tourist and residential development as well as the demands of visitors and the general public;
 - Include a noise impact assessment undertaken for Barrington Road adjoining Woodridge Estate so as to demonstrate the need for any noise attenuating requirements as part of the road upgrading work
 - Submitted to the Shire and, if acceptable, approved by the Shire and Main Roads WA; and
- The strategy shall be implemented to the satisfaction of the Shire prior to the Shire's clearance of any condition of any approval granted for the subdivision or strata subdivision of land within the ODP area. All residential lots are to contain on-site car parking in accordance with the Residential Design Codes.

16. Further Subdivision

Subdivision of the residential areas depicted on the ODP will only be permitted in accordance with the Residential Design Codes.

17. Special Land Use Controls

The following special land use exemptions will apply to development in the ODP area:

- For the purposes of facilitating provision of community facilities in the initial stages of development land identified as being within the 'Residential zone' on the ODP map may be developed for the purposes of 'educational establishment', 'medical centre', 'shop', 'civic use' and/or 'other' as defined under the Shire of Gingin Town Planning Scheme No. 9 (TPS 9) and on the basis of being an 'SA' use for the purposes of Table 1 - Zoning Table in the scheme;
 - Civic use and 'educational establishment' are deemed to be 'AA' uses in the Town Centre zone under TPS 9; and
 - Land in the area shown as 'Mixed Business R5' on the ODP map may be developed for a 'Single House' in conjunction with any mixed business use subject to the application processes and considerations that apply according to a dwelling under the R5 coding under the Residential Design Codes (as amended from time to time).
- The land shown as 'Caravan Park' on the ODP is restricted to that land use as defined in TPS 9, including all associated land uses that are ordinarily ancillary, subsidiary and incidental to the primary use of a caravan park.

ADOPTION SIGNATURE

This Outline Development Plan was endorsed by the council of the Shire of Gingin pursuant to clause 3.7.5 of the Shire of Gingin Town Planning Scheme No. 9

on 17 day of Sept 2013

[Signature]

Chief Executive Officer

and

Endorsed by the Western Australian Planning Commission

on 30 day of October 2013

[Signature]

WAPC Chairman

Signed by an officer duly authorised by the Western Australian Planning Commission pursuant to section 24 of the Planning and Development Act 2005

SHEET 2 OF 2 SHEETS FIGURE 7

REVISED OUTLINE DEVELOPMENT PLAN
MOORE RIVER SOUTH
SHIRE OF GINGIN

Cardno
11 Harvey Terrace
P.O. Box 447
West Perth 6172
Telephone (08) 9273 3888
Facsimile (08) 9484 8484

DATE: 11.09.2013 SCALE: A3: 1:12 500
DESIGNED: JC
DRAWN: JC
LOCAL AUTHORITY: SHIRE OF GINGIN
PROJECT: PHASIS PLAN 16/2018/R
P7026 CON 001
REVISION: A



Appendix B Certificates of Title

ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF

CT 1358 0328 F

Application A714362 WESTERN AUSTRALIA

Volume 1198 Folio 499

Includes Closed Road

Land Act 1933-1969

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

DATED 27th August, 1973

REGISTRAR OF TITLES

W. H. Edwards

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Page 1 (of 2 pages) 1358 328 VOL. FOL.

ESTATE AND LAND REFERRED TO

Estate in fee simple in Swan Location 3156 and portion of Swan Location 2593, delineated and coloured green on the map in the Third Schedule hereto, limited however to the natural surface and therefrom to a depth of 60.96 metres.

FIRST SCHEDULE (continued overleaf)

Moore River Company Pty. Limited of 98 Smith Street, Perth.

SECOND SCHEDULE (continued overleaf)

1. MORTGAGE A184084 to Home Building Society Incorporated, Registered 30.6.69 at 2.57 o/c
Discharged D360122 12.11.86

2. MORTGAGE A619188 to Home Building Society, Registered 24.1.73 at 11.36 o/c
Discharged D360122 12.11.86

W. H. Edwards

REGISTRAR OF TITLES

THIRD SCHEDULE

ROAD

BARRAGOON

PT 2593

94.6484 ha.

936.63

3156

93.1678 ha.

8185

2314

Scale 1:20000
Public Plan Gingin 40 Sh 1, A2
Total Area: 187.8162 ha.

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT.
ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

REGISTERED PROPRIETOR

[illegible]

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

PARTICULARS

[illegible]

CERTIFICATE OF TITLE VOL. 1358 328

WESTERN



AUSTRALIA

REGISTER NUMBER	
2802/DP90108	
Duplicate Edition	DATE Duplicate Issued
N/A	N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1245 FOLIO 739

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 2802 ON DEPOSITED PLAN 90108

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

MOORE RIVER COMPANY PTY LTD OF 98 SMITH STREET, PERTH

(T 27392/1967) REGISTERED 18/4/1967

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *M468287 CAVEAT BY SHIRE OF GINGIN LODGED 20/11/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1245-739 (2802/DP90108)
PREVIOUS TITLE: 1245-739
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

- NOTE 1: A000001A LAND PARCEL IDENTIFIER OF SWAN LOCATION 2802 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 2802 ON DEPOSITED PLAN 90108 ON 06-MAY-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

 WESTERN AUSTRALIA		REGISTER NUMBER 3099/DP88988
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A	
RECORD OF CERTIFICATE OF TITLE UNDER THE TRANSFER OF LAND ACT 1893		VOLUME 1198
		FOLIO 711

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


 REGISTRAR OF TITLES
 

LAND DESCRIPTION:

LOT 3099 ON DEPOSITED PLAN 88988

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

MOORE RIVER COMPANY PTY LTD OF 98 SMITH STREET, PERTH

(T 72133/1967) REGISTERED 7/9/1967

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. TITLE EXCLUDES THE LAND SHOWN ON O.P. 11435.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
 * Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
 Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1198-711 (3099/DP88988)
 PREVIOUS TITLE: 1198-711
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF SWAN LOCATION 3099 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 3099 ON DEPOSITED PLAN 88988 ON 05-JUN-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
 NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

WESTERN



AUSTRALIA

REGISTER NUMBER	
N/A	
Duplicate Edition	DATE Duplicate Issued
N/A	N/A

VOLUME 103 FOLIO 177A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES



THIS IS A MULTI-LOT TITLE

LAND DESCRIPTION:

LOT 2914 ON DEPOSITED PLAN 202250
LOT 2424 ON DEPOSITED PLAN 231402

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

MOORE RIVER CO PTY LTD OF 98 SMITH STREET, PERTH

(T A049400) REGISTERED 11/6/1968

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE. SEE VOLUME 103 FOLIO 177A. AS TO LOT 2914 ON DP 202250 ONLY
2. *M468287 CAVEAT BY SHIRE OF GINGIN AS TO PORTION ONLY LODGED 20/11/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 103-177A (2914/DP202250), 103-177A (2424/DP231402)
PREVIOUS TITLE: 1198-710
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

END OF PAGE 1 - CONTINUED OVER

LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed May 16 09:11:15 2018 JOB 56714756


Landgate
www.landgate.wa.gov.au

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: N/A

VOLUME/FOLIO: 103-177A

PAGE 2

NOTE 1: M493217 LAND PARCEL IDENTIFIER OF SWAN LOCATIONS 2424 AND 2914 (OR PART THEREOF)
ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 2424 ON
DEPOSITED PLAN 231402 AND LOT 2914 ON DEPOSITED PLAN 202250 ON
13-DECEMBER-2013 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
NOTE 2: LAND DESCRIPTION AMENDED ON ORIGINAL CERTIFICATE OF TITLE - BUT NOT
SHOWN ON CURRENT EDITION OF THE DUPLICATE.



Landgate
www.landgate.wa.gov.au

EASEMENTS AND ENCUMBRANCES REFERRED TO

Mortgage A181004 to Home Building Society Incorporated. Registered 20th June 1962 at 2.27 o/c.
[Signature]

Mortgage A619188 to Home Building Society Incorporated. Registered 19th January 1973 at 11.36 o/c.
[Signature]


Discharge D350122 of Mortgages A184084 and A619188. Registered 12th November 1986 at 9.43 o/c.

CROWN GRANT

Vol. Fol.

Superseded - Copy for Sketch Only

CT 1245 0739 B



LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed May 16 09:11:13 2018 JOB 56714756



Landgate
www.landgate.wa.gov.au

EASEMENTS, AND, ENCUMBRANCES REFERRED TO

Conc'd 5887/166 lodged 6.8.1966 at 9.52 a.m.
Withdrawal 72122/27 of Conc'd 5887/166 lodged 7.9.1967 at 9.52 a.m.
Mortgage A184084 to Home Building Society Incorporated. Registered 20th June 1968 at 2.57 p.m.
Discharge

On 30th portion only
 RD-1757 Public Works Act 1907-1955 Sec. 17 (5)
 NOTICE OF INTENTION TO RESUME
 GOV. GAZ. 3-7-70. ITEM 1 *as before*
ACTION COMPLETE
 ASSISTANT REGISTRAR OF TITLES

Two Portion resumed
Mortgage A619188 to Home Building Society. Registered 20th January 1973 at 11.36 a.m.
Discharge

Discharge D360122 of Mortgages A184084 and A619188. Registered 12th November 1986 at 9.43 a.m.



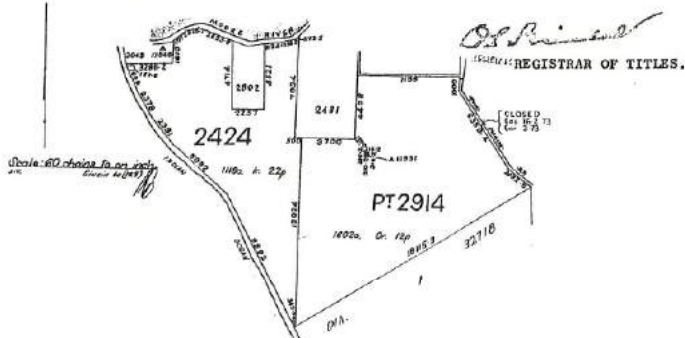
Superseded - Copy for Skidmore



CROWN GRANT

Vol. Fol.

Superseded - Copy for Sketch Only


INDEXED	JT #		WESTERN AUSTRALIA	REGISTER BOOK
Transfer A49400 Volume 1198 Folio 710 1045/13		VOL. 103 FOL 177A		
<h2 style="margin: 0;">Certificate of Title</h2> <p style="margin: 0; font-size: small;">UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED</p>				
<p><u>Moore River Company Pty. Limited</u> of 98 Smith Street, Perth, is now the proprietor of an estate <u>in fee simple</u> subject to the easements and encumbrances notified hereunder in the natural surface and therefrom to a depth of two hundred feet of all those pieces of land delineated and coloured green on the map hereon containing together two thousand seven hundred and twenty acres one rood and thirty-four perches or thereabouts, being <u>Swan Location 2424 and portion of Swan Location 2914.</u></p> <p style="text-align: right;">Dated the 11th day of June, 1968.</p>				
				

11339/716-100-0286

For encumbrances and other matters affecting the land see back


EASEMENTS AND ENCUMBRANCES REFERRED TO

Mortgage A184084 to Home Building Society Incorporated. Registered 30th June 1963 at 2.57 o/c.


ASSISTANT REGISTRAR OF TITLES


to Mortgage A619188 to Home Building Society Incorporated of January 1973 at 11.36 o/c.

Discharge D360122 of Mortgages A184084 and A619188. Registered 12th November 1986 at 9.43 o/c.


REGISTRAR OF TITLES

Superseded - Copy for Sketch Only

CT 0103 0177A B



CERTIFICATE OF TITLE

VOL 103 FOL 177A

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet, Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page ...".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. **DESCRIPTION OF LAND**
Lot and Diagram/Plan/Strata/Survey-Strata plan number or Location name and number to be stated.
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.
The Volume and Folio or Crown Lease number, to be stated. If this document relates to only part of the land comprised in the Certificate of Title further narrative or graphic description may be necessary.
2. **CAVEATOR**
State full name of the Caveator.
3. State the address, or a number for a facsimile machine in Australia for service of notice on the Caveator.
4. **REGISTERED PROPRIETOR**
State full name and address of the Registered Proprietor/Registered Proprietors as shown on Certificate of Title or Crown Lease and any address/addresses to which future notices can be sent.
5. Specify the Estate or Interest claimed
6. Specify the grounds on which claim is made.
7. State whether "Absolutely" or "Unless such Instrument be expressed to be subject to the Caveator's claim", or "until after notice of any intended registration or registered dealing to the Caveator at the address for service of notice".
8. **CAVEATOR'S OR AGENTS EXECUTION**
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

EXAMINED

NOTICES TO BE SENT: **H****M468287 C**

20 Nov 2013 12:07:37 Perth



REG \$ 160.00

CAVEAT

LODGED BY McLeods
ADDRESS 220 - 222 Stirling Highway
CLAREMONT WA 6010
PHONE No. 9383 3133
FAX No. 9383 4935
REFERENCE No. 34139 FG BH
ISSUING BOX No. 346K

PREPARED BY McLeods
ADDRESS 220 - 222 Stirling Highway
CLAREMONT WA 6010
PHONE No. 9383 3133 FAX No. 9383 4935

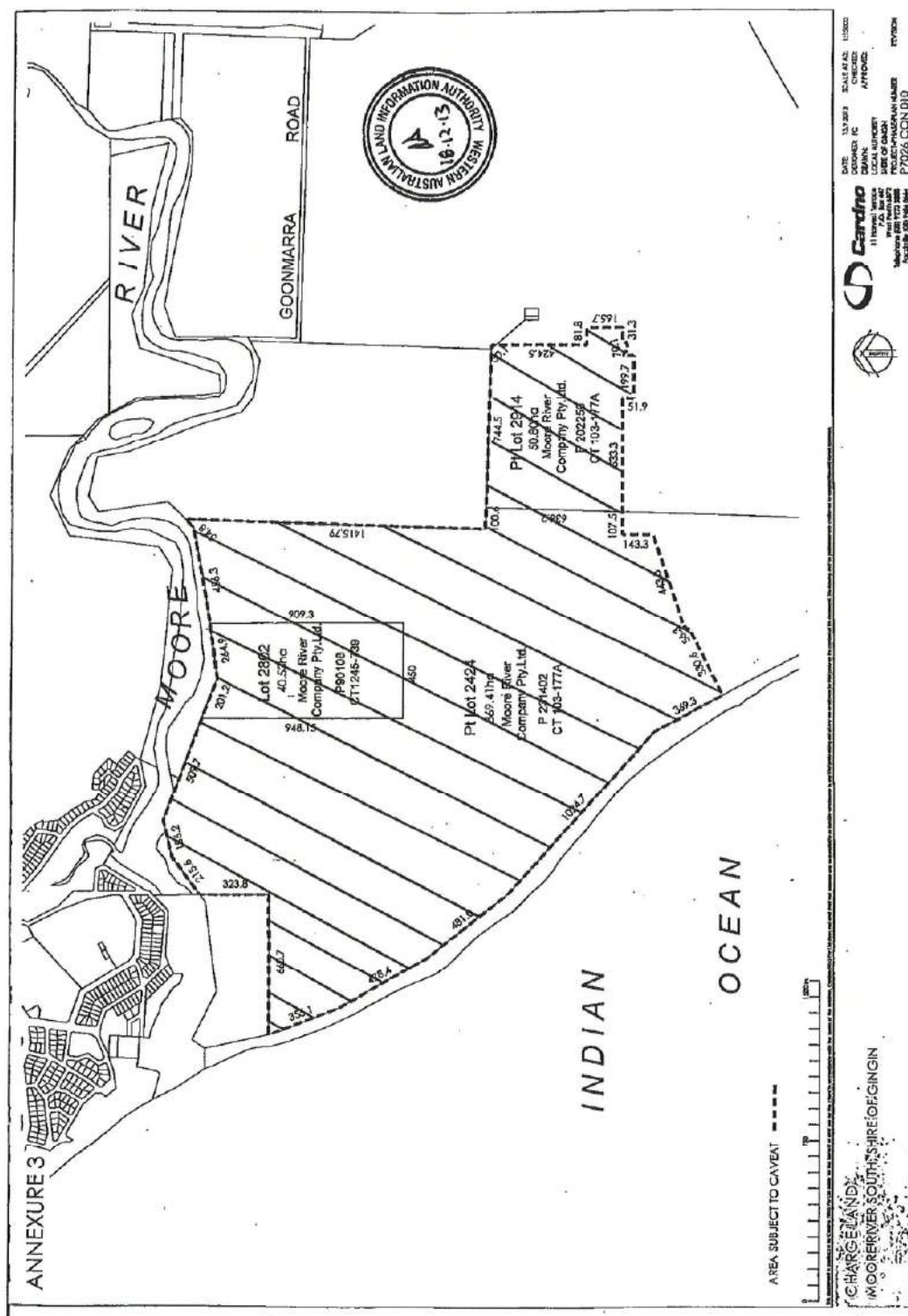
INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN
LODGING PARTY.

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1. Deed **(plc)** Received Items
2. _____ Nos. **(1)**
3. _____
4. _____
5. _____
6. _____ Receiving Clerk **PP**

Lodged pursuant to the provisions of the TRANSFER OF LAND ACT
1693 as amended on the day and time shown above and particulars
entered in the Register.

Intentionally left blank



LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed May 16 09:20:43 2018 JOB 56714971

FORM C 1

FORM APPROVED
NO. B2894

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

AGREEMENT DATED 6-11-2013

STAMPED NA

SIGNED 

CAVEAT

DESCRIPTION OF LAND (Note 1)

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
The land hachured on the attached plan comprising			
Lot 2802 on plan 90108	Whole	1245	739
Portions of Swan location 2424 and portion of Swan location 2914	Whole	103	177A

CAVEATOR (Note 2)

Shire of Gingin

ADDRESS OR FACSIMILE MACHINE NUMBER FOR SERVICE OF NOTICE ON CAVEATOR (Note 3)

McLEODS, Solicitors, 222 Stirling Highway, Claremont

REGISTERED PROPRIETOR (Note 4)

Moore River Company Pty Limited (ACN 008 670 399) of Unit 5, 80 Colin Street, West Perth, Western Australia
Formerly 98 Smith Street Perth Now

ESTATE OR INTEREST BEING CLAIMED (Note 5)

as chargee

The CAVEATOR claims an estate or interest as specified herein of the estate or interest of the abovenamed REGISTERED PROPRIETOR in the land above described BY VIRTUE OF (Note 6)

a deed dated 6 November 2013 entitled 'Community Facilities Deed Moore River South' and made between the registered proprietor and the caveator.

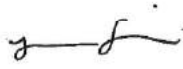
And FORBIDS the registration of any instrument affecting the estate or interest (Note 7)

Absolutely

Dated this 20 day of November Year 2013

CAVEATOR OR AGENT SIGN HERE (Note 8)

Signed


Fiona Gigich
for McLeods
Solicitors for the Caveator

In the
presence of


Brian Heame
C/- McLeods Barristers & Solicitors
220-222 Stirling Highway, CLAREMONT WA 6010
Paralegal

21. Jan. 2014 15:45

MCLEODS BARRISTERS & SOLICITORS

No. 0211 P. 2



Our Ref

FG:DS:GING:34139

Your Ref

21 January 2014

Landgate
200 St Georges Tce
PERTH WA 6000

Attention: Jenny

By Facsimile

Dear Sir/Madam

Legal Agreement - Community Facilities Deed - Moore River South

We are the solicitors for the Shire of Gingin.

We hereby authorise and are authorised to request that you amend the address of the registered proprietor so that it is shown as 'formerly of 98 Smith Street, Perth, Western Australia but now of Unit 5, 80 Colin Street, West Perth, Western Australia'.

If you have any queries in regards to the above, please contact Fiona Grgich of this firm.

Yours faithfully

**Fiona Grgich
Partner**

Contact: **Fiona Grgich**
Email: fgrgich@mcleods.com.au



McLEODS
BARRISTERS & SOLICITORS

Stirling Law Chambers
220-222 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

Partners

Craig Starks (Managing Partner)
Derek McLeod
Neil Douglas
David Macabeum
Andrew Roberts
Peter Wilbuhn
Fiona Grgich
Peter Grgich
David Nicholson

30135-1467 21497 Landgate

LANDGATE COPY OF ORIGINAL NOT TO SCALE Wed May 16 09:20:43 2018 JOB 56714971

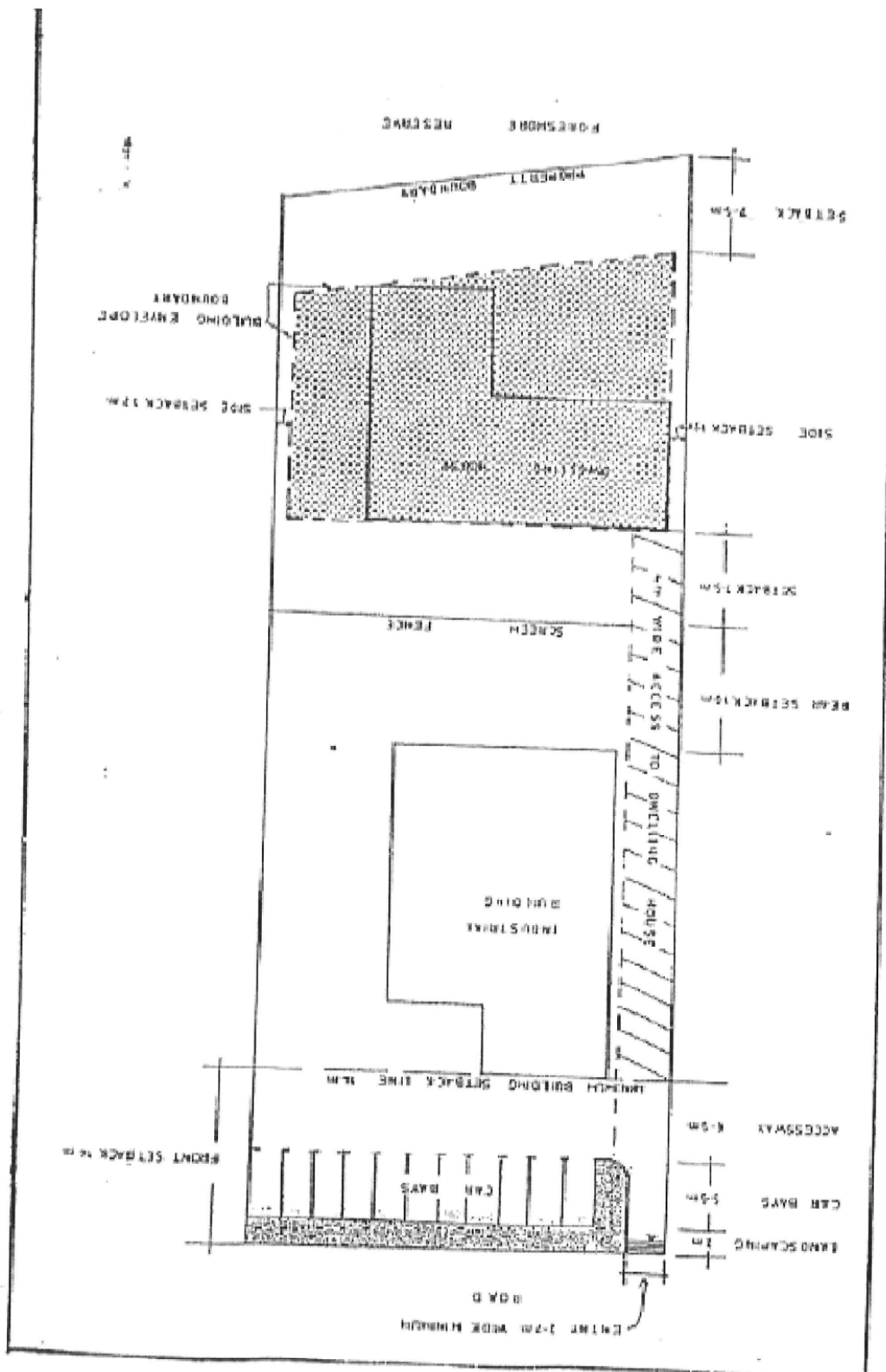

Landgate
www.landgate.wa.gov.au

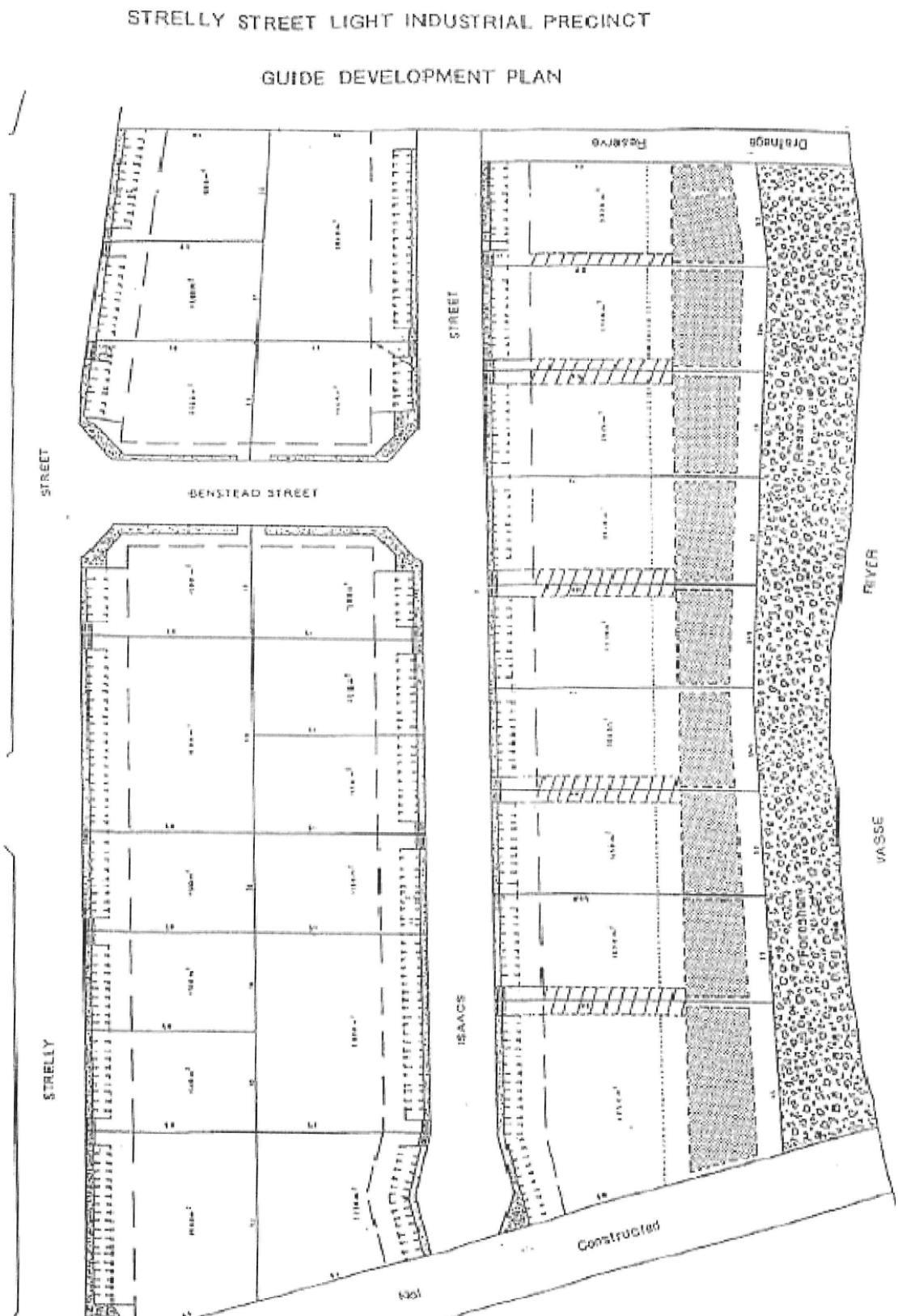


Appendix C

Mixed Business Example









Appendix D Public Open Space Plan





Appendix E Bushfire Management Plan



Bushfire Management Plan Coversheet

This Coversheet and accompanying Bushfire Management Plan has been prepared and issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme.

Bushfire Management Plan and Site Details

Site Address / Plan Reference: Lots 2424, 2802, 2914, 3099 & 3156 Barragoon Road

Suburb: CARABAN

State: WA

P/code: 6041

Local government area: Shire of Gingin

Description of the planning proposal: Subdivision

BMP Plan / Reference Number: BPP 170905

Version: v1.0

Date of Issue: 14/05/2018

Client / Business Name: Moore River Company Pty Ltd

Reason for referral to DFES	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the BPC elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposal any of the following special development types (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minor development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High risk land-use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vulnerable land-use	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the development is a special development type as listed above, explain why the proposal is considered to be one of the above listed classifications (E.g. considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

The development proposal is of a scale that 'High Risk' land use is likely at a future stage (e.g. Service station/s) and 'Vulnerable' land use is planned (Tourist, camping & Short Term Stay accommodation, Primary School).

Note: The decision maker (e.g. local government or the WAPC) should only refer the proposal to DFES for comment if one (or more) of the above answers are ticked "Yes".

BPAD Accredited Practitioner Details and Declaration

Name	Accreditation Level	Accreditation No.	Accreditation Expiry
Mike Scott	BPAD Level 3	27795	February 2019
Company		Contact No.	
Bushfire Prone Planning		6477 1144	

I declare that the information provided within this bushfire management plan is to the best of my knowledge true and correct

Signature of Practitioner

Date 14 May 2018



Bushfire Management Plan (Subdivision Application)

Moore River South

Lots 2424, 2802, 2914, 2593, 3099 & 3156
Barragoon Road

CARABAN

Shire of Gingin

Job Number: 170905

Assessment Date: 1 March 2018

Report Date: 14 May 2018

<p>BPP Group Pty Ltd t/a Bushfire Prone Planning ABN: 39 166 551 784</p> <p>Level, 159-161 James Street Guildford WA 6055</p> <p>PO Box 388 Guildford WA 6935</p> <p>Ph: 08 6477 1144 Email: admin@bushfireprone.com.au</p>	
---	--

Commercial in Confidence

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Disclaimer

The measures contained in this Bushfire Management Plan are considered to be minimum standards and they do not guarantee that a building will not be damaged in a bushfire, persons injured, or fatalities occur either on the subject site or off the site while evacuating. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather conditions. Additionally, the correct implementation of the required bushfire protection measures (and any associated response/evacuation plan if applicable) will depend, among other things, on the actions of the landowners or occupiers over which Bushfire Prone Planning has no control.

All surveys, forecasts, projections and recommendations made in this report associated with the project are made in good faith based on information available to Bushfire Prone Planning at the time.

All maps included herein are indicative in nature and are not to be used for accurate calculations.

Notwithstanding anything contained therein, Bushfire Prone Planning will not, except as the law may require, be liable for any loss or other consequences whether or not due to the negligence of their consultants, their servants or agents - arising out of the services provided by their consultants.



Document Control

Version	Version Details	Date Submitted
1.0	BMP for Subdivision Proposal	14-May-18
		-
		-

Author	Accreditation	Signature
Greg Dunstan	BPAD Level 1 - No. 16382	
Co-author		
Gary Fawell	-	
Reviewed/Approved		
Mike Scott	BPAD Level 3 - No. 27795	

Document Content Compliance Statement

This Bushfire Management Plan (the Plan) provides the required information to address State Planning Policy No. 3.7: Planning in Bushfire Prone Areas - December 2015 (SPP 3.7), the associated Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 (Guidelines), and any additional information as directed by the WA Planning Commission (WA Department of Planning, Lands and Heritage). It is fit for accompanying a planning application.

Structure Plan / Subdivision BMP Template v7.3



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Executive Summary

Bushfire Prone Planning (BBP Group Pty Ltd) has been commissioned by Moore River Company Pty Ltd to prepare a Bushfire Management Plan to accompany subdivision application for the Moore River South Development area. The Moore River South subdivision will be developed in stages, with each stage incorporating the necessary bushfire protection criteria and bushfire management planning reviewed at the subsequent stages. The Bushfire Management Plan is to determine viable and appropriate bushfire protection measures that are to be implemented in the design and appropriate staging of the subdivision. Areas adjacent to and within the assessed site are within a designated bushfire prone area and future development within the proposed town site requires the application of *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* (SPP 3.7).

This document has been prepared to provide strategies and bushfire protection measures that are to be incorporated into the staged development, within the context of the bushfire planning requirements in WA. There is a need to provide to the decision maker detailed supporting information where the intensification of land use may result in an increase risk to future occupants residing in a bushfire prone area. This has been undertaken as concisely as possible to demonstrate how planning compliance can be met, as well as supporting the stated expert opinion and judgement.

Contained within the Bushfire Management Plan, contour mapping is utilised to visually show the potential radiant heat impacts (from bushfire prone vegetation), as separate Bushfire Attack Level contours across the site. The indicative BAL's have been derived for proposed Lots within the assessed area. The purpose is to inform future development planning by determining or indicating the Bushfire Attack Levels (BAL's) that future Lots and buildings, within the proposed town site, are potentially subject to.

Against the Bushfire Protection Criteria, the decision maker's assessment of the Proposal will be on the basis of it being able to meet the Acceptable and any Alternative Solutions, once construction and landscaping is complete, as follows:

- For Element 1 'Location', the Proposal is able to achieve the acceptable solution (by being located in an area that will on completion be subject to BAL-29 or less);
- For Element 2 'Siting and Design' the Proposal is able to meet the acceptable solutions by every habitable building being able to achieve an APZ of sufficient size to ensure the radiant heat impact does not exceed BAL-29;
- For Element 4 'Water', the Proposal is able to achieve the acceptable solution (it will be able to provide the specified water supply for fire-fighting).
- For Element 3 'Vehicular Access', the Proposal cannot meet the current acceptable solutions A3.1 and A3.3 (provision of two access routes to different destinations). The current bushfire protection criteria only provide for the safe location of persons subject to any level of threat from a bushfire, by requiring that they leave via a 'safe' route. Current acceptable solutions consider that two routes provide the required level of safety. Development of an alternative solution, based on the provision of a single access route, is problematic given the intent of Element 3 is based on the qualitative requirement of being 'safe' and therefore subject to opinion. Nonetheless, the proposal considers the application of protection measures to improve the level of safety able to be provided by the single route.

Also, the proposal identifies bushfire mitigation measures which work together to provide for safe location of persons by providing both a safe leaving option (i.e. using the single access route early) and safe stay on site options, for all residents and visitors.



The proposed designed solutions for this subdivision will use bushfire protection measures that include:

- Subdivision design to reduce the potential bushfire impact on dwellings. The intention is to reduce the maximum BAL rating to BAL-12.5 by incorporating appropriate design including incorporating road reserves – to improve the protection provided by this design element;
- Using construction standards for buildings that will account for the potential bushfire impact on the site (primarily embers resulting from bushfire) and provide shelter for occupants during the passage of a bushfire front;
- Designing and incorporating a designated bushfire assembly area for visitors, campers and other such transient persons who are not residents and do not have immediate access to dwellings constructed to AS3959-2009 or NASH Standard;
- Modify the single access route to provide greater safety to persons in vehicles;
- Appropriate onsite landscaping design; and
- The implementation of a subdivision stage Response to Bushfire Plan and spatial representation, with sign posting of this detail at key entry and exit points to the town-site.

Key design parameters for the assembly building for persons who are not residents include:

- Constructed according to the requirements (and the concept) contained in the *NASH Standard for Steel Framed Construction in Bushfire Areas (2014)* and the *ASCB Information Handbook - Design and Construction of Community Bushfire Refuges (2014)* – as applicable to the site;
- The building is to be located so that it is subject to a maximum of 10kW/m² of radiant heat flux which requires a separation distance from the Class C Shrubland on the site of 32.5m;
- An outside area adjacent to the refuge building for excess numbers of persons which would be required to be subject to a maximum of 1kW/m² of radiant heat flux. A separation distance of 130m from the Class C Shrubland on the site required.

This designed solution provides for a much lower risk to dwelling occupants in most situations compared to being on the road when a bushfire is in the vicinity. The designed solution effectively creates a tenable environment for occupants within a building when the entire non-combustible roof, wall and floor structure acts together to protect the habitable space. Also, a suitable Occupant Response to Bushfire Plan, is required before assembly buildings are occupied.

An assessment of the site indicates that selective removal and subsequent management of existing on-site vegetation (primarily shrubland and grassland) can be implemented to result in the achievable BAL rating for proposed buildings being no greater than BAL-12.5 (and in some cases, BAL-LOW). Landscaping and subsequent ongoing vegetation management programs will be implemented to ensure all relevant vegetation will be maintained in a low threat condition as per clause 2.2.3.2 of AS 3959-2009 *Construction of buildings in bushfire prone areas* and the Standards for APZ's (*Appendix 4 Schedule 1 Guidelines WAPC*), to provide appropriate APZ separation distances around all buildings or cells of buildings.

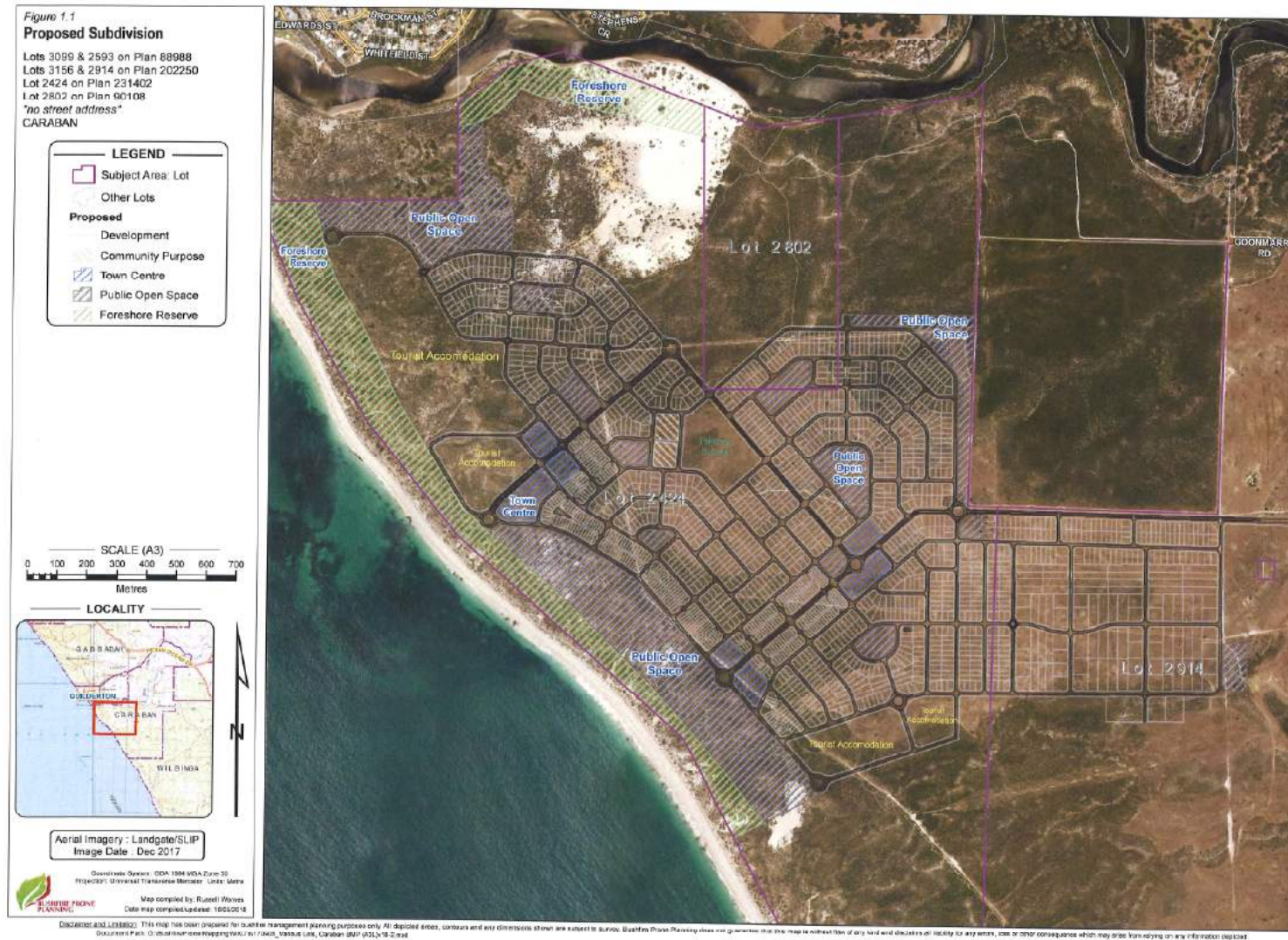
It is also necessary to remove the potential for direct flame contact scenarios and minimise radiant heat impact within the subdivision site, therefore identifying that the primary threat to the subdivision is from ember attack. Further to the above, the layout of structural components within the proposed subdivision are optimized from a bushfire threat mitigation perspective. The application and robustness of the bushfire protection measures therefore are improved by the design of these structures.



1 The Proposal and Purpose of the Plan

1.1 Details

Landowner / Proponent:	Moore River Company Pty Ltd
Site Address:	Lot No. 2424, 2802, 2914, 2593, 3099 & 3156, Barragoon Road
Local Government:	Shire of Gingin
Site Area:	1216.3111 hectares
No. of Proposed Lots:	(Refer to Table 1.1)
Planning Stage:	Subdivision
Subdivision Type:	Subdivision - Large number of lots
Overview of the Proposal:	Future town-site Moore River South, staged development. Comprising of residential land use, mixed business, tourism, caravan and camping grounds, primary school, community facilities and parks and recreation.
Bushfire Prone Planning Commissioned to Produce the Plan by:	Moore River Company Pty Ltd
Purpose of the Plan:	To accompany a planning application
For Submission to:	WA Planning Commission (WAPC)



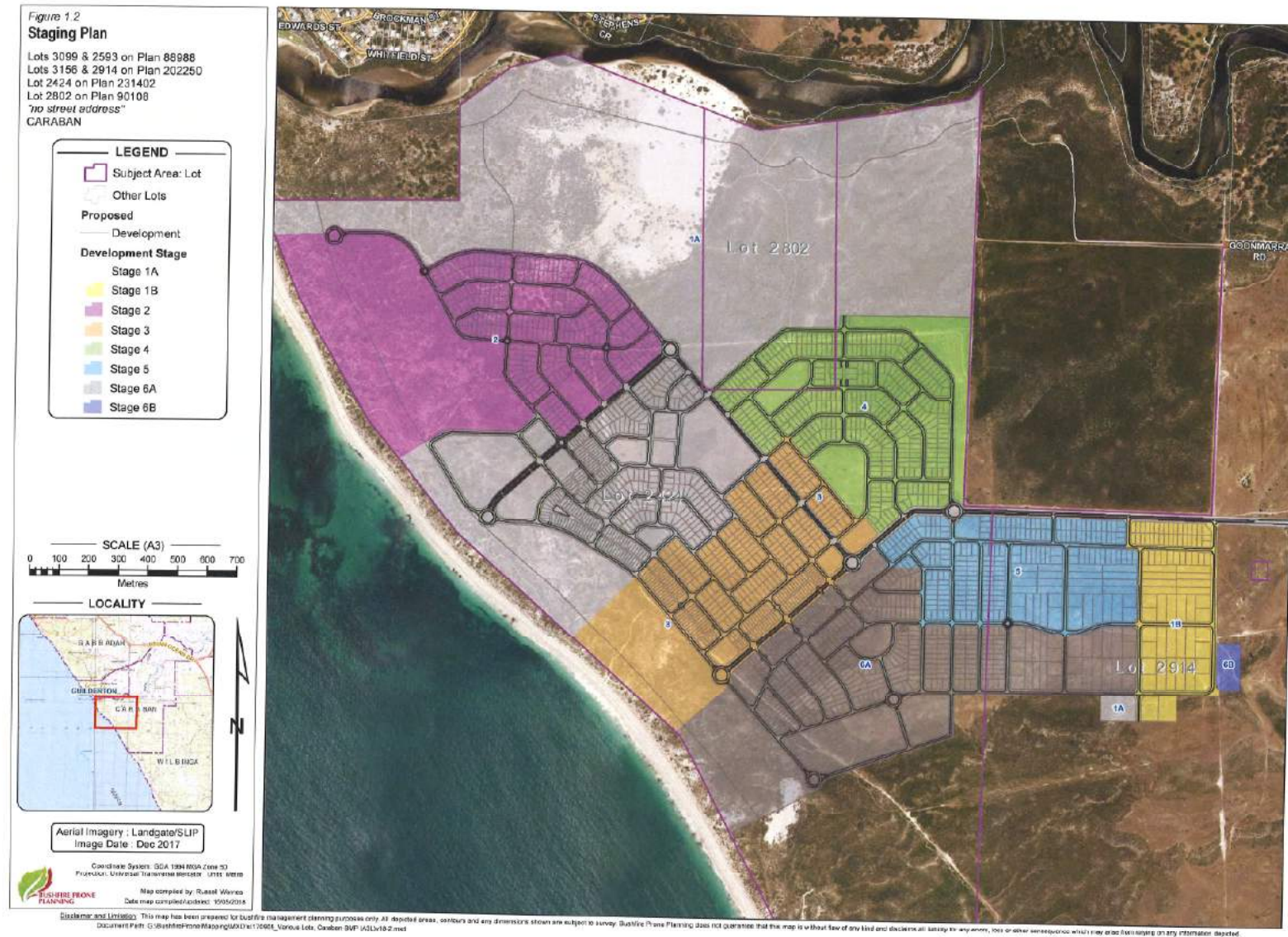




Table 1.1: Details of proposed lots

Original Lots		
Lot No.	Total Area	
2424	452.69 ha	
2802	40.53 ha	
2914	652.19 ha	
2593	94.64 ha	
3099	99.76 ha	
3156	93.18 ha	
Proposed Lot Size	Average Size	Lot Yield
235m ² – 319m ²	259m ²	18
320m ² – 449m ²	360m ²	307
450m ² – 499m ²	477m ²	3
500m ² – 549m ²	525m ²	8
550m ² – 599m ²	581m ²	59
600m ² – 699m ²	645m ²	1060
700m ² – 5000m ²	1227m ²	461
5000m ² +	430317m ²	25
Total Number of Lots		
1941 + 1 Balance Lot		
Lot Summary		
Minimum Lot Size 241m ²	Maximum Lot Size 4894000m ²	Average Lot Size 6266m ²
		Total Lot Area 12163111m ²







1.2 Existing Documentation Relevant to the Construction of this Plan

This section acknowledges any known reports or plans that have been prepared for previous planning stages, that refer to the subject area and that may or will impact upon the assessment of bushfire risk and/or the implementation of bushfire protection measures and will be referenced in this Bushfire Management Plan.

Relevant Documents		
Existing Document	Copy Provided by Client	Title
Structure Plan	N/A	-
Environmental Report	Yes	Moore River South Foreshore Management Plan (Cardno - Sept 2014).
Landscaping Plan	Yes	Preliminary Landscape Concepts (Cardno – May 2013).
Bushfire Risk Assessments	N/A	Previous bushfire assessment not undertaken.

The development at Moore River South is subject to a number of legislative and policy requirements. The Foreshore Management Plan provides details of flora and fauna survey, stages and node development and associated management measures. The Moore River Company is responsible for implementation of the Foreshore Management Plan including monitoring of the coastal and river foreshore works for the periods established within the 'Plan' or subsequent arrangements with the relevant authority, until such time as these areas become the responsibility of the Shire of Gingin.



1.3 Vulnerable Land Use

Definition and Application

A 'vulnerable land use' is defined as "a land use where persons may be less able to respond in a bushfire emergency". The Guidelines provide examples of what constitutes a vulnerable land use. Information, additional to the Bushfire Management Plan, is required to accompany applications involving a vulnerable land use.

Required Additional Information – Emergency Evacuation

Development applications for a vulnerable land use are to provide actionable information for persons that will occupy or visit that site with respect to their preparedness, awareness and response to a bushfire potentially impacting the property. The development application must:

1. "Include an emergency evacuation plan for proposed occupants"; unless
2. The proposal is to be treated as a 'residential-based minor development'. In which case "consideration should be given to emergency evacuation" within the Bushfire Management Plan, with the content "to reflect the nature and scale of the development".

Subdivision applications, scheme amendments or structure plans "should make provision for emergency evacuation".

Required Additional Information - Inability to Comply with SPP 3.7

Development applications for vulnerable land uses that cannot achieve full compliance with SPP 3.7 and cannot fully comply with the bushfire protection criteria contained in the Guidelines, including if the proposed site is subject to BAL-40 or BAL-FZ, will generally not be supported unless:

1. Sufficient justification can be provided for support as 'Minor Development'; or
2. Sufficient justification can be provided for support as 'Residential-based Minor Development'; or
3. Sufficient justification can be provided for support as 'Unavoidable Development'.

(Source: State Planning Policy No. 3.7: Planning in Bushfire Prone Areas - December 2015 (SPP 3.7) s7 and pm6.6 and Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 (Guidelines) s5.4 and s5.5.

As part of the Proposal it is recognised that an emergency evacuation plan for visitors, campers and other such transient persons is required to be created. However, there is specific information (such as exact location/design details for future nominated buildings for emergency assembly/refuge) that is required to be included in the future Bushfire Evacuation (Response) Plan, that is not available at this stage of the subdivision application.

Staging of the subdivision will address vulnerable land use where it is identified, through updating the Bushfire Management Plan and subsequent Evacuation Plan to ensure that the bushfire risk management measures remain effective. Bushfire plans do not expire and should be a 'living document'. Updating is required in certain circumstances, including (but not limited to) if site conditions change, if further details are required at subsequent stages of the planning process or to reflect new technologies or methodologies in best practice bushfire risk management ('Guidelines' s4.6.4 and s4.6.5).



Determination of Vulnerable Land Use - Category Applied

It has been determined that the proposed subdivision identifies 'vulnerable land use' pending final determined location/s, based on fitting the following category of future land use. Future stages of development are likely to incorporate additional 'vulnerable land use'. The appropriate emergency planning documentation will be required at that time.

Category 1: Land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability.

Not identified at this stage.

Category 2: Facilities that, due to building or functional design, offer limited access or the number of people accommodated may present evacuation challenges. ✓

Primary School.

Category 3: Short stay accommodation or visitation uses that involve people who are unaware of their surroundings and who may require assistance or direction in the event of a bushfire. ✓

Tourism – caravan, camping grounds and short term stay accommodation.

Justification for Assessment as 'Minor' or 'Unavoidable' Development

The proposed development of land or land use cannot achieve full compliance with SPP 3.7 and cannot fully comply with the bushfire protection criteria contained in the Guidelines (including if the proposed site is subject to BAL-40 or BAL-FZ). N/A

The development can be assessed as 'Minor Development':

Because the planning application is for a class of development that is "a single house and/or an ancillary building on an existing lot of 1,100 m² or greater, in a predominantly residential built out area where typically the development will be constrained by pre-existing lot layout and nearby existing land uses." [Note: this is referring to the construction of a building and LPS Amendment Regulations 2015 exclude development applications for such development on lots less than 1,100 m²]. N/A

The development can be assessed as 'Residential-based Minor Development':

Because the planning application is for a proposed vulnerable land use that "will be contained within an existing single residential development or ancillary dwelling or associated outbuilding, and at a scale consistent with that of a typical existing residential building." N/A

The development is required to be assessed as 'Unavoidable Development':

Because the planning application is for a proposed development that "represents exceptional circumstances where full compliance with SPP 3.7 would be unreasonable as no alternative location exists and it can be proven that it is not contrary to the public interest." N/A



Required Additional Information and its Location within this BMP		
<p>A detailed and site-specific Bushfire Response/Evacuation Plan for occupants.</p> <p><i>For any vulnerable land use <u>not</u> identified as a residential-based land use to be treated as minor development.</i></p>	N/A	To be provided as a separate document to accompany the planning application at the applicable subdivision stage.
<p>Bushfire response/evacuation advice relevant to the site with content and format to reflect the nature and scale of the development.</p> <p><i>For a vulnerable land use identified as a residential-based land use to be treated as 'minor development'.</i></p>	N/A	To be provided as a separate document to accompany the planning application at the applicable subdivision stage.
<p>For the proposed subdivision it is demonstrated that in the event of a bushfire, emergency evacuation will be possible. This includes consideration of the of the wider road network and remoteness.</p>	Provided relevant to the subdivision planning stage	Section 5.3.3 'Element 3: Vehicular Access'
<p>Supporting statements that justify why the proposed development should be supported as minor development by providing justification for the bushfire protection criteria that cannot be met and provide an assessment of the relative bushfire risks to the site and movement of persons from the site. This includes a risk analysis to determine appropriate bushfire response/evacuation advice.</p> <p><i>For vulnerable land uses - identified as either 'Minor Development' or 'Residential-based Minor Development'.</i></p>	N/A for this stage of subdivision	-
<p>Supporting statements that justify why the proposed development should be supported as unavoidable development.</p>	N/A for this stage of subdivision	-
<p>Create a responsibility for the landowner/occupier to inform occupants of the existence and application of either the Bushfire Response/Evacuation Plan or the bushfire response/evacuation advice provided.</p>	Provided relevant to the subdivision planning stage	Within Section 6



1.4 High Risk Land Use

Definition and Application

A 'high risk land use' is defined as "a land use which may lead to the potential ignition, prolonged duration and/or increased intensity of a bushfire. Such uses may also expose the community, firefighters and the surrounding environment to dangerous, uncontrolled substances during a bushfire event". The Guidelines provide examples of what constitutes a high-risk land use.

Required Additional Information – Flammable On-site Hazards

Development applications for a high-risk land use are to include a risk management plan that addresses the required bushfire risk management measures for any flammable onsite-hazards.

Determination of High-Risk Land Use

It has been determined that the proposed development may incorporate 'high-risk land use' at future subdivision stages, such as service stations or other such uses that may require specific consideration of the risk associated with the land use and potential hazard management and response requirement. Bushfire risk management measures for any flammable on-site hazards and asset protection zone development considerations, will be required at the development stage.



Required Additional Information for future High-Risk Land Use

A risk management plan that addresses bushfire risk management measures for any flammable onsite-hazards to support the 'high-risk' land use.	To be provided as bushfire specific content by the proponent/s of 'high-risk' land use at the applicable development stage.
The high-risk land use has also been identified as a 'vulnerable land use. The required information for a 'vulnerable land use' also applies.	N/A for this planning stage of subdivision
Supporting statements that justify why the proposed development should be supported as 'unavoidable development'.	N/A for this planning stage of subdivision
Create a responsibility for the landowner/occupier to inform persons on site of the existence and application of a Risk Management Plan containing bushfire risk management measures for any flammable onsite-hazards. Also to create a responsibility update the plan and continue to comply with the requirements	Provided relevant to the subdivision planning stage - Within Section 6

Proponents of 'high risk' land use will be required to provide information as to how the risk is to be mitigated through a management plan. The 'high risk' land use will require:

- A stand-alone plan or incorporated into an existing emergency management plan;
- Bushfire management is to be addressed within the risk management plan;
- The risk management plan is to be developed prior to submitting the application for the 'high risk' land use.



2 Environmental Considerations

2.1 Native Vegetation – Modification and Clearing

'Guidelines' s2.3: "Many bushfire prone areas also have high biodiversity values. SPP 3.7 policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values."

Existing conservation areas that are potentially affected by the development proposal are required to be identified. This may result in vegetation removal/modification prohibition or limitations. These areas include National Parks, Nature Reserves, Wetlands and Bush Forever sites.

Environmental Protection Act 1986: "Clearing of native vegetation in Western Australia requires a clearing permit under Part V, Division 2 of the Act unless clearing is for an exempt purpose. Exemptions from requiring a clearing permit are contained in Schedule 6 of the Act or are prescribed in the Environmental Protection Regulations" ('Guidelines' s2.3).

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act): This Act administered by the Australian Government Department of Environment, provides a national scheme of environment and heritage protection and biodiversity conservation. Nationally threatened species and ecological communities are a specific matter of significance. Areas of vegetation can be classified as a Threatened Ecological Community (TEC) under the EPBC Act and consequently have removal restrictions imposed.

Vegetation Modification and Clearing Assessment

Will on-site clearing of native vegetation be required?	Yes
Does this have the potential to trigger environmental impact/referral requirements under State and Federal environmental legislation?	Yes
Identified environmental legislation applicable to the Proposal site - No.1:	Refer Foreshore Management Plan
Identified environmental legislation applicable to the Proposal site - No.2:	-
For the proposed development site, have any areas of native vegetation been identified as species that might result in the classification of the area as a Threatened Ecological Community (TEC)?	No
Potential TEC species identified:	N/A

The Foreshore Management Plan, or subsequent versions of this document, or studies, should be referred to for vegetation retention and clearing parameters. The bushfire assessment and management strategies contained in the BMP, assume that environmental approval will be achieved or clearing permit exemptions will apply. It is advised that the proponent seek further advice from an Environmental Consultant or the WA Department of Parks and Wildlife for further information on the condition and species contained within the proposed development area and the requirement for referral of the proposal.



2.2 Re-vegetation / Retained Vegetation / Landscape Plans

Riparian zones, wetland/foreshore buffers, road verges and public open space may have plans to re-vegetate or retain vegetation as part of the Proposal.
Vegetation corridors may join offsite vegetation and provide a route for fire to enter a development area.
When applicable, any such area will be identified in this Bushfire Management Plan and their impact on the assessment and future management accounted for.

Is re-vegetation of riparian zones and/or wetland or foreshore buffers and/or public open space a part of this Proposal?	Yes
Is the requirement for ongoing maintenance of existing vegetation in riparian zones and/or wetland or foreshore buffers and/or public open space a part of this Proposal?	Yes

In assessing vegetation for bushfire threat, consideration must be given to possible future vegetation changes likely on the site that is being assessed and in particular those that would have the potential to increase the bushfire risk. This may be due to growth of existing vegetation or growth of planned landscape plantings, including future roadside re-vegetation. There must be careful consideration of the creation of vegetation corridors where they join offsite vegetation and which may provide a route for fire to enter an area of future development.

Landscaping or revegetation within the subdivision site will be undertaken as to align with the bushfire management plan requirements to ensure an increase in bushfire hazards does not occur, nor alter the indicative bushfire attack levels indicated for the site. Where an environmental report or landscaping/revegetation plan is to be implemented or required as a condition of subdivision, the bushfire management plan may require updating at the subsequent subdivision stages to addresses bushfire impacts arising from these reports or plans, relevant to the bushfire protection criteria requirements at that time.

The Bushfire Management Plan:

- Requires that the bushfire protection measures are satisfied within the boundaries of the land being developed (or under the control of the landowner/proponent) so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants;
- Foreshore reserve areas/coastal buffers are necessary as part of this proposal and for their protection and management the planning considers the ability and practicality of maintaining vegetation separation distances such that BAL ratings within the subdivision do not increase above BAL-12.5;
- Identifies that the configuration of the retained vegetation, in particular reserve areas adjoining the subdivision site and public open space within the site, are to be separated by roads, low threat vegetation buffer zones or design features that provide separation (pathways, crushed limestone areas, non-combustible structures or landscapes);



- Ensures the ongoing management of vegetation in perpetuity, which includes the requirement for the developer and in the future local government, to allocate resources to and plan the maintenance of the vegetation within the subdivision in a low threat state. This may also include the planning of prescribed burning for some areas external to the subdivision;
- For this Plan, these considerations would need to be accounted for in any later stage planning applications.

Future buildings within the subdivision will be separated from unmanaged vegetation to distances appropriate to the BAL-12.5 rating to mitigate the impact of the vegetation types. In assessing vegetation for bushfire threat, consideration has been given to possible future vegetation changes likely on and in proximity to the site that is being assessed, particularly those vegetation types that would have the potential to increase the bushfire risk. This may be due to growth of existing vegetation or growth of planned landscape plantings.

All onsite landscape planting is to be managed in a low threat state as per the criteria detailed in AS3959-2009 s2.2.3(f) "Low threat vegetation" and all other vegetation remaining on Lots managed in accordance with the annual Shire of Gingin Firebreak and Fuel Load Notice (Firebreak Notice). This ensures BAL separation distances can be effectively maintained and bushfire hazards on-site are reduced and maintained at low threat levels.

Landscaping within the subdivision shall reflect the bushfire considerations and take a logical approach as to not increase the risk and limit potential ignition sources (primarily from ember attack). The design of any structures with landscaping areas such as public open space, are to factor that material that potentially would melt (potential for injury from possible molten material, particularly where used as overhead shade structures) due to radiant heat or ignite from embers landing on them, will be avoided and alternative materials incorporated into the structure.

Trees within managed public open space areas and any windbreak/tree rows, that border the boundaries of these landscaping areas will be planted in the single line, this includes street scape planting along road reserves.

Landscaping and Screening Planting:

- Limited as far as reasonably practicable to grasses or low ground covers with separation between canopy trees (avoid medium to tall shrub understorey) and maintain widths of these areas to <20m wide where possible. Create 20m separation between these screening planting/native gardens bed areas, by using features such as the local play spaces road reserves and managed grass areas;
- Structures within these areas, will consider building materials that are non-combustible or alternative materials that increase the resilience to fire.

Beach Access Nodes:

- Emergency vehicle access to least two points along the coastal interface to be constructed to the standard for emergency access ways (this may require limestone hardstand and turn around points and vehicle access gates to restrict general public access);
- Structures within the beach access node areas require consideration of separation from the remnant vegetation to minimise impact from bushfire and will consider building materials that are non-combustible or alternative materials that increase the resilience to fire.



3 Potential Bushfire Impact Assessment

3.1 Assessment Input

The preliminary bushfire impact assessment is based on 'worst case' scenario modelling. The applied vegetation classification of 'Shrubland' ensures the strategic planning considers extreme fire behaviour conditions to identify how bushfire protection requirements are able to be satisfied within the boundaries of the land being developed.

3.1.1 Fire Danger Index (FDI) Applied

AS 3959-2009 specifies the fire danger index values to apply for different regions as per Table 2.1. The values used in the model calculations are for the Forest Fire Danger Index (FFDI) and for which equivalent representative values of the Grassland Fire Danger Index (GFDI) are applied as per Appendix B. The values can be refined if appropriately justified.

Table 3.1.1: Applied FDI Value

Vegetation Area	FDI Value		
	As per AS 3959 - 2009 Table 2.1	As per DFES for the Location	Value Applied
All external vegetation	80	N/A	80

3.1.2 Existing Vegetation Identification, Classification and Effective Slope

Vegetation identification and classification has been conducted in accordance with AS 3959-2009 s2.2.3 and the Visual Guide for Bushfire Risk Assessment in WA (DoP February 2016).

When more than one vegetation type is present, each type is identified separately with the worst-case scenario being applied as the classification. The predominant vegetation is not necessarily the worst-case scenario.

The vegetation structure has been assessed as it will be in its mature state (rather than what might be observed on the day). Areas of modified vegetation are assessed as they will be in their natural unmodified state (unless maintained in a permanently low threat, minimal fuel condition, satisfying AS 3959-2009 s2.2.3.2-f and asset protection zone standards). Vegetation destroyed or damaged by a bushfire or other natural disaster has been assessed on its revegetated mature state.

Effective Slope: Is the ground slope under the classified vegetation and is determined for each area of classified vegetation. It is the measured or determined slope which will most significantly influence the bushfire behaviour in that vegetation as it approaches a building or site. Where there is a significant change in effective ground slope under an area of classified vegetation, that will cause a change in fire behaviour, separate vegetation areas will be identified, based on the change in effective slope, to enable the correct assessment.



Table 3.1.2: Vegetation identification and classification

All Vegetation Within 150 metres of the Proposed Development (Subdivision Area)				
Vegetation Area	Identified Classification Types ¹ or Description if 'Excluded'	Applied Classification ²	Effective Slope Under Classified Vegetation (Refer Note ³)	
			degrees	description
1	Open Shrubland B-09	Class B Woodland	>5° to 10°	Downslope
2	Open heath C-11 & Closed heath C-10	Class C Shrubland	>5° to 10°	Downslope
3	Open tussock G-23 & Open heath C-11	Class C Shrubland	>5° to 10°	Downslope
4	Open tussock G-23	Class G Grassland	>5° to 10°	Downslope

Representative photos of each vegetation area, descriptions and classification justification, are presented on the following pages. The areas of classified vegetation are defined, and the photo locations identified on the topography and classified vegetation map, Figure 3.1.

Note¹: As per AS 3959-2009 Table 2.3 and Figures 2.3 and 2.4 a-g

Note²: As per AS 3959-2009 Table 2.3.

All vegetation within 150 metres of the subdivision boundary have been identified and classified or excluded and presented in Table 3.1.2. This has been done with accordance with AS 3959-2009 and reference to the *Visual Guide for Bushfire Risk Assessment in WA* (WAPC February 2016).

Vegetation areas outside of the proposed subdivision boundaries (access road) do not impact building construction components and therefore are not included in Table 3.1.2.

Note³: The characteristics of the site and surrounding area comprise undulating land (sand dunes) and flat grassland and shrubland areas. Consideration to the multiple slope variation created by the landscape has been factored ranging from 0° to 10° as a result of the on-site assessment work and the slope survey undertaken at multiple locations. The subsequent BAL Contour mapping utilises a slope range of downslope >5° to 10° to ensure setbacks from unmanaged vegetation can achieve a BAL-12.5.



Vegetation Area 1

Classification Applied: Class B Woodland - Open shrubland B-09

Classification Justification: Open Shrubland. Overstorey foliage cover <10%. Tree height ~4m. Low shrubs understorey.



Photo ID: 1a



Photo ID: 1b

Vegetation Area 2

Classification Applied: Class G Grassland – Open tussock G-23 & Class C Shrubland - Open heath C-11

Classification Justification: (2a) Tussock grasses. Shrub overstorey foliage cover <10%. (2b) Open heath. Shrubs 1-2m high.



Photo ID: 2a



Photo ID: 2b

Vegetation Area 2

Classification Applied: Class G Grassland – Open tussock G-23

Classification Justification: Tussock grasses. Shrub overstorey foliage cover <10%.



Photo ID: 2c



Photo ID: 2d



Vegetation Area 2

Classification Applied: Class C Shrubland - Closed heath C-10

Classification Justification: Off-site Open heath. Shrubs 1-2m high, comprising scattered Banksia.



Photo ID: 2e



Photo ID: 2f

Vegetation Area 2

Classification Applied: Class C Shrubland - Open heath C-11

Classification Justification: Off-site Open heath. Shrubs 1-2m high.



Photo ID: 2g



Photo ID: 2h

Vegetation Area 2

Classification Applied: Class C Shrubland - Open heath C-11

Classification Justification: Off-site Open heath. Shrubs 1-2m high.



Photo ID: 2i



Photo ID: 2j



Vegetation Area 3

Classification Applied: Class G Grassland – Open tussock G-23 & Class C Shrubland – Open heath C-11

Classification Justification: Tussock grasses. Shrub overstorey foliage cover <10% and Open heath. Shrubs 1-2m high.



Photo ID: 3a



Photo ID: 3b

Vegetation Area 3

Classification Applied: Class G Grassland – Open tussock G-23 & Class C Shrubland – Open heath C-11

Classification Justification: Open heath. Shrubs 1-2m high. Tussock grasses. Shrub overstorey foliage cover <10%.



Photo ID: 3c



Photo ID: 3d

Vegetation Area 3

Classification Applied: Class G Grassland – Open tussock G-23

Classification Justification: Tussock grasses. Shrub overstorey foliage cover <10%.



Photo ID: 3e



Photo ID: 3f



Vegetation Area 4

Classification Applied: Class G Grassland – Open tussock G-23

Classification Justification: Tussock grasses. Shrub overstorey foliage cover <10%.



Photo ID: 4a



Photo ID: 4b

Vegetation Area 4

Classification Applied: Class G Grassland – Open tussock G-23

Classification Justification: Tussock grasses. Shrub overstorey foliage cover <10%.



Photo ID: 4c



Photo ID: 4d

Vegetation Area 4

Classification Applied: Class G Grassland – Open tussock G-23

Classification Justification: Tussock grasses. Shrub overstorey foliage cover <10%.



Photo ID: 4e



Photo ID: 4f



Vegetation Area 4

Classification Applied: Class G Grassland – Open tussock G-23 & Class G Grassland – Open herbfield G-27

Classification Justification: Tussock grasses & open herbfield. Shrub overstorey foliage cover <10%.



Photo ID: 4g



Photo ID: 4h

Vegetation Area 5

Classification Applied: Class B Woodland - Open woodland B-06

Classification Justification: Off-site scattered trees with grass/pasture understorey. Overstorey foliage cover 30%. Tree height ~20m.



Photo ID: 5a



Photo ID: 5b

Vegetation Area 6

Classification Applied: Class G Grassland – Open tussock G-23 & Class G Grassland – Tussock grassland G-22

Classification Justification: Off-site grasses grazed and non-grazed. Shrub & overstorey foliage cover <10%.



Photo ID: 6a



Photo ID: 6b



Vegetation Area 7

Classification Applied: Class C Shrubland - Open heath C-11

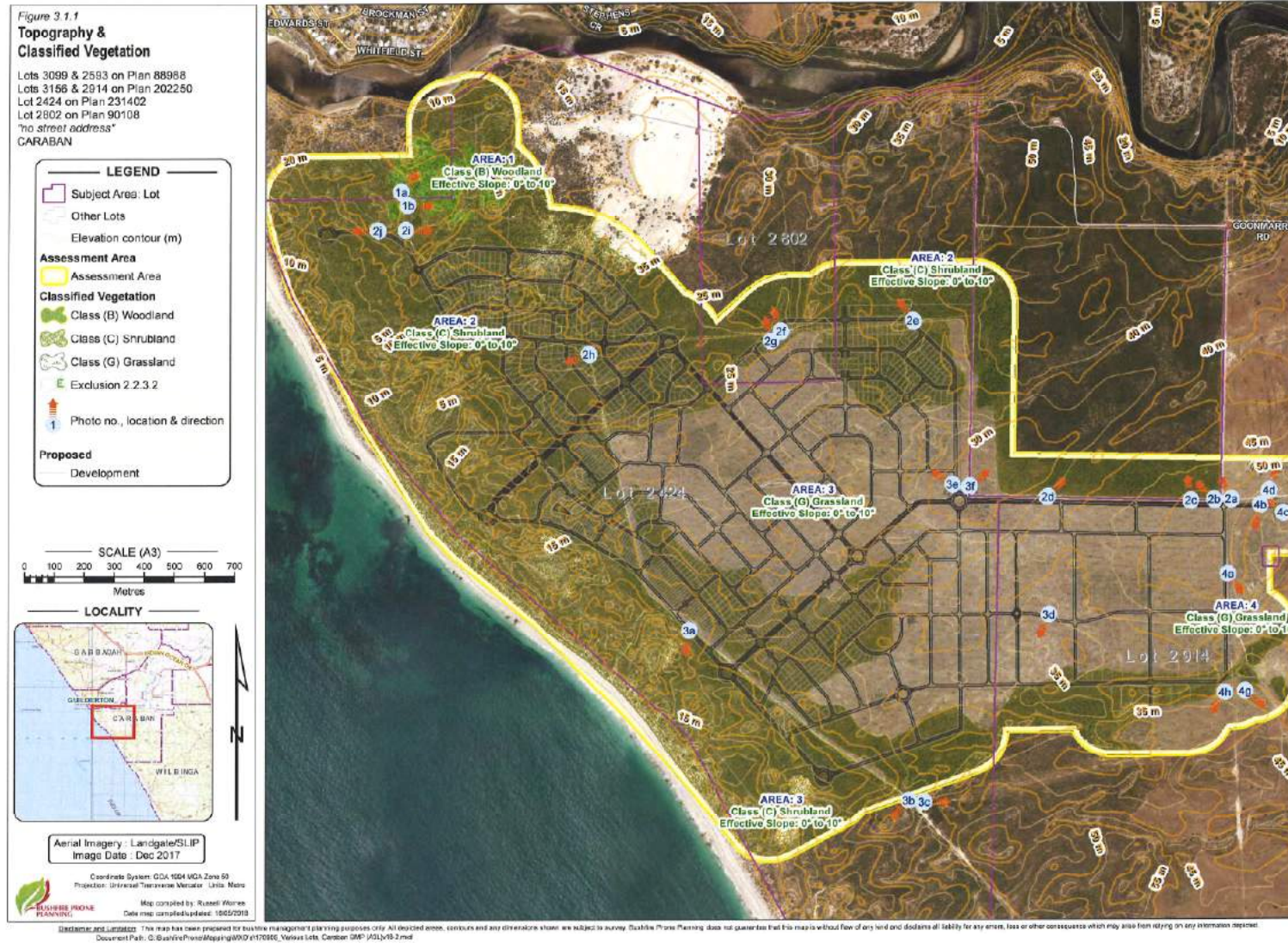
Classification Justification: Off-site Open heath. Shrubs 1-2m high.



Photo ID: 7a



Photo ID: 7b





3.2 Assessment Output

Understanding the Bushfire Assessment Results - Application of Bushfire Attack Levels (BAL)

The BAL rating has a different application in the building environment compared to the planning environment and the BAL assessment can result in a determined BAL or an indicative BAL which have different implications.

Building versus Planning Applications

In the building environment, a determined BAL rating is required (for the proposed construction) at the building application stage. This is to inform approval considerations and establish the construction standards that are to apply if approved. An indicative BAL rating is not acceptable for a building application.

In the planning environment, assessing the ability of a proposed development site to achieve BAL-29 or less is the objective (as one of the bushfire protection criteria being assessed). The 'development site' is defined by the LPS Amendment Regulations 2015 as "that part of a lot on which a building that is the subject of development stands or is to be constructed".

Therefore, being able to show that a BAL rating of BAL-29 or lower is achievable for a proposed development site (i.e. the building footprint) is an acceptable outcome for that criteria, as established by the bushfire provisions, SPP 3.7 and the associated Guidelines. For planning purposes, this BAL rating could be either indicative or determined.

Determined BAL Ratings

A determined BAL rating is to apply to an existing or proposed construction site (building) and not to a lot or envelope. Its purpose is to state the potential radiant heat flux to which the building will be exposed.

A determined BAL cannot be given for a future building whose location, elevation design and footprint (on a given lot) are unknown. It is not until these variables have been fixed that a BAL can be determined (typically at the development application or building application stage).

The one exception is when a building of **any dimension** can be **positioned anywhere** on a proposed lot or within defined limits within the lot (i.e. building setbacks or building envelope) and always remain subject to the same BAL rating. For this to be the case, there needs to be no classified vegetation either onsite or offsite that if retained could impact upon the determined BAL rating.

Indicative BAL Ratings

When this Plan presents a single indicative BAL rating for a proposed construction site (building), this will be because the construction is still subject to a location within the lot being confirmed and/or a vegetation separation distance being achieved. That is, it will be conditional upon some factor being confirmed at a later stage.

For planning applications associated with proposed lots, the building location, elevation design and footprint have typically not been established. Therefore, indicative rather than determined BAL rating/s will be presented for each lot (with the exception as noted above under 'Determined BAL Ratings').

When this Plan presents a single indicative BAL rating for a lot or building envelope (i.e. an 'area' that is not a located building footprint) it will represent the highest BAL rating affecting that 'area'. The BAL rating of a future building on that 'area' will be dependent on its eventual location. Otherwise, this Plan will present all BAL ratings for each lot and for each BAL rating, the vegetation separation distances from each area of classified vegetation that are to apply. These distances will be presented as either figures in a table or as a BAL contour map. From this indicative BAL information, it can be assessed if acceptable BAL ratings (\leq BAL-29) can be achieved for future buildings.



3.2.1 Assessment Summary

The following table provides a summary of the achievable Bushfire Attack Levels incorporating a minimum 25m low threat buffer for each stage.

Table 3.2.1: Summary BAL results.

BAL Results – Summary of Assessment (Detail of assessment and determination is presented in the following sections of this report)		
Subdivision Stage	BAL Status	Highest Bushfire Attack Level
1A	Indicative Only	BAL-12.5
1B	Indicative Only	BAL-12.5
2	Indicative Only	BAL-12.5
3	Indicative Only	BAL-12.5
4	Indicative Only	BAL-12.5
5	Indicative Only	BAL-12.5
6A	Indicative Only	BAL-12.5
6B	Indicative Only	BAL-12.5



3.2.2 Indicative BAL Results Presented as a BAL Contour Map

Interpretation of the Bushfire Attack Level (BAL) Contour Map

The contour map will present different coloured contour intervals constructed around the classified bushfire prone vegetation. These represent the different Bushfire Attack Levels that exist at varying distances away from the classified vegetation.

Each BAL represents a set range of radiant heat flux (as defined by AS 3959-2009) that can be generated by the bushfire in that vegetation at that location.

The width of each shaded contour (i.e. the distance interval) will vary and is determined by consideration of variables including vegetation type, fuel structure, ground slope, climatic conditions. They are unique to a site and can vary across a site. The width of each contour is a diagrammatic expression of the separation distances from the classified vegetation that apply for each BAL rating, for that site.

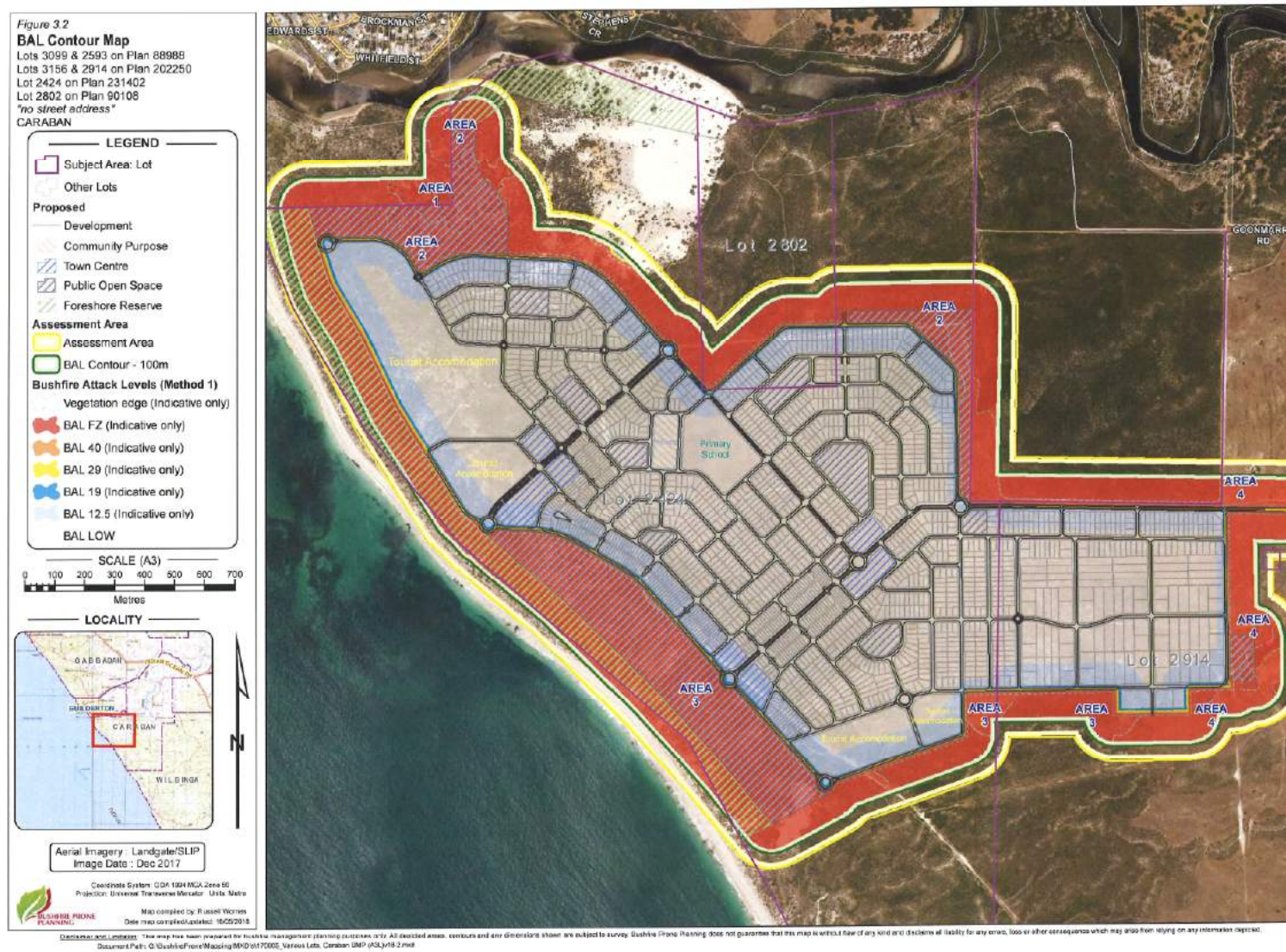
A building (or 'area') located within any given BAL contour will be subject to that BAL rating and potentially multiple BAL ratings of which the highest rating will be applied.

Separation Distances Calculated to Construct the BAL Contours

Table 3.2.2: Vegetation separation distances applied to construct the BAL contours.

Calculated Vegetation Separation Distances									
Vegetation Area	Vegetation Classification	Effective Slope Degrees	BAL Assessment Method Applied ¹	BAL Rating and Corresponding Separation Distance (metres)					
				BAL-FZ	BAL-40	BAL-29	BAL-19	BAL-12.5	BAL-LOW
1	Class C Shrubland	Downslope >5 to 10 degrees	Method 1	<8	8-<11	11-<17	17-<25	25-<100	>100
2	Class C Shrubland	Downslope >5 to 10 degrees	Method 1	<8	8-<11	11-<17	17-<25	25-<100	>100
3	Class C Shrubland	Downslope >5 to 10 degrees	Method 1	<8	8-<11	11-<17	17-<25	25-<100	>100
4	Class C Shrubland	Downslope >5 to 10 degrees	Method 1	<8	8-<11	11-<17	17-<25	25-<100	>100

¹ Method 1 as per AS 3959-2009 Table 2.4.3. The input variables applied, other than the calculation model defaults, are presented in Section 3.1 of this Plan.





3.2.3 Bushfire Attack Levels (BAL) Derived from The Contour Map

Deriving a BAL Rating for a Future Construction Site (Building) from the BAL Contour Map Data (Capacity to Issue a BAL Certificate)

Key Assumptions: The actual location of a building within a lot or envelope (an 'area') has not been determined at this stage of planning; and the BAL ratings represent the BAL of an 'area' not a building.

The BAL Rating is Assessed as Indicative

If the assessed BAL for the 'area' is stated as being 'indicative', it is because that 'area' is impacted by more than one BAL contour interval and/or classifiable vegetation remains on the lot, or on adjacent lots, that can influence a future building's BAL rating (and this vegetation may have been omitted from being contoured for planning purposes e.g. Grassland or when the assumption is made that all onsite vegetation can be removed and/or modified).

In this report the indicative BAL is presented as either the highest BAL impacting the site or as a range of achievable BAL's within the site – whichever is the most appropriate.

The BAL rating that will apply to any future building within that 'area' will be dependent on:

1. vegetation management onsite; and/or
2. vegetation remaining on adjacent lots; and/or
3. the actual location of the future building within that 'area'.

A BAL Certificate cannot be provided for future buildings, within a lot or envelope with an indicative BAL, until the building location and in some instances building design (elevation), have been established and any required and approved vegetation modification/removal has been confirmed. Once this has occurred a report confirming the building location and BAL rating will be required to submit with the BAL certificate. The required confirmation of the BAL rating must be done by a bushfire practitioner with the same level of accreditation as has been required to compile this Bushfire Management Plan. This is dependent on the type of calculations utilised (e.g. if performance based solutions have been used in the Plan BPAD Level 3 accreditation is required)

The BAL Rating is Assessed as Determined

If the assessed BAL for the lot or envelope is stated as being 'determined' it is because that lot or envelope is impacted by a single BAL contour interval. This BAL has been determined by the existence (or non-existence) of classified vegetation outside the lot or envelope, and no classifiable vegetation currently exists on the lot or envelope (i.e. it has been cleared to a minimal fuel, low bushfire threat state). In the situation where the BAL Contour Map has been constructed around multiple lots, there also needs to be no classifiable vegetation on an adjacent lot if this vegetation has not already been incorporated into the creation of the BAL Contour Map.

As a result, a determined BAL can be provided in this limited situation because:

1. No classified vegetation is required to be removed or modified to achieve the determined BAL, either within the lot/envelope or on adjacent lots (or if vegetation is excluded from classification, it is reasonable to assume it will be maintained in this state into the future); and
2. A future building can be located anywhere within the 'site' and be subject to the determined BAL rating; and
3. The degree of certainty is more than sufficient to allow for any small discrepancy that might occur in the mapping of the BAL contours.

For a determined BAL rating for a lot/envelope, A BAL Certificate (referring to this BMP) can be provided for a future building, if the BMP remains current.



Table 3.2.3: Indicative Bushfire Attack Levels for future Lots for Proposed Stages

Indicative Bushfire Attack Levels for the Proposed Stages (BAL assessed as per AS 3959-2009 Method 1 and Table 2.4.3)					
Proposed Stage			Applied APZ	Indicative BAL	
Grouped as being subject to the stated classified vegetation on the lot or at the lot boundary (this being the 'worst case' applicable vegetation)			It is assumed that the APZ will comply with fuel load specifications. The extent of the APZ able to be achieved within the subdivision area or including external land owned by the Proponent is stated below. (Figures 5.1.1 & 5.1.2)	The indicative BAL takes into account temporary APZ buffers of no less than 25m, constructed between stages.	
Proposed Stage (Number)	Applied Vegetation Classification	Applied Downslope Range (degrees)		Lots located 25m - <100m from Classified Vegetation	Lots located >100m from Classified Vegetation
1A	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
1B	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
2	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
3	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
4	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
5	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
6A	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW
6B	Class C Shrubland	Downslope >5 to 10 degrees	25m APZ	BAL-12.5	BAL-LOW



4 Identification of Bushfire Hazard Issues

This subdivision proposal is required to show that the Bushfire Protection Criteria can be complied with in the future. The intent is to ensure this Proposal is located where the bushfire hazard level is (or will on completion be) moderate or low and subject to a maximum Bushfire Attack Level of BAL-29. This can be achieved for this proposal as detailed below.

Onsite Vegetation

The key factor to facilitate the determining of Indicative Bushfire Attack Levels on the Proposed Subdivision site is that vegetation onsite is under the control of the landowner/proponent. Vegetation onsite, including a number of the external Lots, is within the control of the subject site's landowner/proponent and therefore can potentially be removed, modified or buffers created to lower the bushfire risk and therefore can be removed or modified to present a low bushfire threat. (Note: any proposed vegetation removal may be subject to local government approval, dependent on the lot's specific condition with respect to any identified environmental constraints).

Areas within the subdivision site but not part of the proposed stage have been factored for the BAL Contour mapping over that particular stage, as the vegetation is to be removed or modified to a low threat state to construct buffer zones of a determined distance corresponding to the bushfire attack level stated, until such time as the next stage of development progresses.

Offsite Vegetation

Areas of vegetation offsite that are not within the control of the subject site's landowner/proponent cannot be removed or modified by the landowner and as a result the assessed BAL's determined by the proximity of this vegetation are unable to be further reduced. Where adjacent land is owned or under the control of the landowner/proponent, interface hazard management is achievable and appropriate level of construction of low threat buffers incorporated into the subdivision asset protection zone.



5 Assessment Against the Bushfire Protection Criteria (BPC)

The situations of compliance, non-compliance or presentation of an alternative solution to meet the criteria, are identified under the four elements of the Bushfire Protection Criteria. These being 1) Location 2) Siting and Design 3) Vehicular Access and 4) Water.

5.1 Bushfire Protection Criteria - Assessment Summary

Summarised Outcome of the Assessment Against the Bushfire Protection Criteria (BPC)

Element	Basis for the Assessment of Achieving the Intent of the Element			
	Achieves compliance with the Element through meeting Acceptable Solutions		Achieves compliance with the Element by application of a Performance Based Solution	Minor or Unavoidable Development
	Meets all relevant acceptable solutions.	One or more relevant Acceptable Solutions are not <u>fully</u> met. A <u>variation</u> of the solution is provided and justified.	One or more applicable Acceptable Solutions are not met. A solution is developed with the summary presented in this Plan in Section 5.4.2.	The required supporting statements are presented in this Plan.
Location	✓			N/A
Siting and Design of Development	✓			
Vehicular Access			✓	
Water	✓			

The subject Proposal has been assessed against:

1. The requirements established in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas, WAPC 2017 v1.3 (the 'Guidelines'). The detail, including technical construction requirements, are found at <https://www.planning.wa.gov.au/8194.aspx>. A summary of relevant information is provided in the appendices of this Plan; and
2. Any endorsed variations to the Guideline's acceptable solutions and associated technical requirements that have been established by the relevant local government. If known and applicable these have been stated in Section 5.2 of this Plan with the detail included as an appendix if required by the relevant local government.



5.2 Local Government Variations to Apply

Local governments may add to or modify the acceptable solutions of the Bushfire Protection Criteria (BPC) and/or apply technical requirements that vary from those specified in the Guidelines for Planning in Bushfire Prone Areas (WAPC). In such instances, this Proposal will be assessed against these variations and/or any specific local government technical requirements for emergency access and water. Refer to Appendices 2 and 3 for relevant technical requirements.

Will local or regional variations to the acceptable solutions (endorsed by WAPC / DFES) and/or the technical requirements contained in the Guidelines, apply to this Proposal.	Yes
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The Gingin annual Firebreak Order (Firebreak Notice) may require a variation to the BPC acceptable solutions, in particular, firebreaks or asset protection zones, due to changes in local requirements from time to time. The annual 'Notice' should be reviewed for the most recent detail and full list of requirements for that time.

'Local Government Firebreak Notice APZ'

Required Minimum Dimensions for the Subject Site

Requirement Set By:	Local Government
Minimum Dimensions:	20m
Maximum height inflammable materials within APZ (E.g. Grasses)	Maintain to a height not more than 50mm (Excluding well maintained gardens) and remove all inflammable materials from the property.
Trees within the APZ	Prune all lower tree branches & ensure 3m spacing between tree canopies.
Other Conditions:	If Asset Protection Zone technical requirements are defined in the Notice, the standards and dimensions may differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1.

This requirement has been established through the stated local government's annual fire break notice issued under the Bushfires Act 1954 s33.



5.3 Bushfire Protection Criteria – Acceptable Solutions Assessment Detail

5.3.1 Element 1: Location

Bushfire Protection Criteria Element 1: Location

Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.

Acceptable Solution:	A1.1: Development Location	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution can be fully met in the future (at a later planning stage).
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The proposed subdivision achieves compliance by:

- By ensuring future building work on the lot/s can be located on an area that will be subject to potential radiant heat from a bushfire not exceeding 29 kW/m² (i.e. a BAL rating of BAL-29 or less will apply). This can be achieved by using positioning, design and appropriate vegetation removal/modification; and
- Managing the remaining bushfire risk to an acceptable level by the existence/implementation and ongoing maintenance of all required bushfire protection measures, as identified within this Plan. These measures include the requirements for vegetation management, vehicular access and firefighting water supply.



5.3.2 Element 2: Siting and Design of Development

Bushfire Protection Criteria Element 2: Siting and Design of Development Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure that the siting and design of development (note: not building/construction design) minimises the level of bushfire impact.

Acceptable Solution:	A2.1: Asset Protection Zone	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution can be fully met in the future (at a later planning stage).
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The proposed subdivision achieves compliance by:

- Ensuring future building work on the lot/s can have established around it an APZ of the required dimensions - to ensure that the potential radiant heat from a bushfire to impact future building/s, does not exceed 29 kW/m² (i.e. a BAL rating of BAL-29 or less will apply to determine building construction standards);
- The APZ/s can be partially established within the/each lot boundaries. The balance of the APZ's required dimensions are being contributed by an area on adjoining land within the subdivision that is either non-vegetated or assessed as being managed in a low-fuel state and which can most reasonably be expected to be managed this way in perpetuity.
- The landowner/s having the responsibility of continuing to manage the required APZ as low threat vegetation in a minimal fuel state, by maintaining the APZ to the required dimensions and standard, including compliance with the local government's annual firebreak notice.



5.3.3 Element 3: Vehicular Access

Bushfire Protection Criteria Element 3: Vehicular Access

Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.

Acceptable Solution:	A3.1: Two access routes	Method of achieving Element compliance and/or the Intent of the Element:	The intent of the element cannot be achieved.
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For this scenario where the acceptable solution cannot be met, the application of a variation can be justified. The application of the designed solution "Safe to Stay (Safe movement and/or location of persons on property subject to bushfire) is to be implemented. (Refer section 5.4.2)

Acceptable Solution:	A3.2 Public Road	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met in the future (at a later planning stage).
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The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.



Bushfire Protection Criteria Element 3: Vehicular Access (continued)
Assessment Statements and Bushfire Protection Measures to be Applied

Acceptable Solution:	A3.3 Cul-de-sacs (including a dead-end road)	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met in the future (at a later planning stage).
The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.			
Acceptable Solution:	A3.4: Battle-axe	Method of achieving Element compliance and/or the Intent of the Element:	N/A
The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.			
Acceptable Solution:	A3.5: Private Driveways	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met in the future (at a later planning stage).
The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.			
Acceptable Solution:	A3.6 Emergency Access Way	Method of achieving Element compliance and/or the Intent of the Element:	N/A
The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.			
Acceptable Solution:	A3.7 Fire Service Access Routes	Method of achieving Element compliance and/or the Intent of the Element:	N/A
The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.			
Acceptable Solution:	A3.8 Firebreak Width	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met in the future (at a later planning stage).
The proposed lots will comply with the requirements of the local government annual firebreak notice issued under s33 of the Bush Fires Act 1954. Firebreaks to be installed prior to subdivision clearance.			



5.3.4 Element 4: Water

Bushfire Protection Criteria Element 4: Water

Assessment Statements and Bushfire Protection Measures to be Applied

Intent: To ensure water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire.

Acceptable Solution:	A4.1 Reticulated Areas	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met in the future (at a later planning stage).
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A reticulated water supply is available to the subject site and hydrants will be installed as required. Hydrant separation distances – 100m commercial, 200m residential, 400m rural residential >1ha)

The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 3.

Acceptable Solution:	A4.2 Non-Reticulated Areas	Method of achieving Element compliance and/or the Intent of the Element:	N/A
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The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 3.

Acceptable Solution:	A4.3 Non-reticulated Areas (Individual Lots)	Method of achieving Element compliance and/or the Intent of the Element:	N/A
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The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 3.



5.4 Additional Information for Required Bushfire Protection Measures

The purpose of this section of the Plan is:

- As necessary, to provide additional detail (to that provided in the tables of Section 5.3) regarding the implementation of the acceptable solutions for those persons who will have the responsibility to apply the stated requirements;
- As necessary, to detail specific onsite vegetation management requirements such as the APZ dimensions, management of Public Open Space or application of landscaping plans for onsite vegetation;
- To discuss how staged development will be handled, if applicable; and
- As relevant, for future planning stages, consider and discuss the requirements that may apply to future planning applications and the content of the associated BMP. In particular:
 - Any potential Vulnerable or High-Risk Land Uses.
 - Any additional content that will be required in the future BMP.

5.4.1 Vegetation Management

For this Proposal, the future vegetation within Public Open Space, the holiday resort and caravan park has been considered. Onsite vegetation is currently a combination of Shrubland and Grassland. It is expected that in the future this will be maintained as low threat vegetation (it will meet AS 3959-2009 s2.2.3.2 requirements) through landscape treatments and that Asset Protection Zones created by this landscaping design will be maintained to ensure proposed buildings will meet the distance requirements of a minimum of BAL-12.5.

Implementation of Public Open Space Management, Landscape Plans & Staged Development

Public Open Space and Landscape areas within the stages of subdivision are required to have formal and funded vegetation management in Perpetuity.

The requirement is for fuel loads to be monitored and for all onsite vegetation to be maintained in a low bushfire threat state. This is proposed to be managed initially by the landowner/proponent (the developer) for an agreed period, established via the Landscape Management Plan, then transfer of maintenance and subsequently responsibility of these areas for management in the future to the Shire of Gingin (funded via specified area rates), formally ensuring the targeted low fuel loads are achieved and landscaping maintained in perpetuity.



Asset Protection Zone (APZ) Dimensions that are to Apply

The required dimensions of the APZ will vary dependent upon the purpose for which the APZ has been defined. There are effectively three APZ dimensions that can apply:

1. An application for planning approval will be required to show that an APZ can be created which is of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m² (BAL-29); and
2. If the assessment has determined a BAL rating for an existing or future building is less than BAL-29, the APZ must be of sufficient size to ensure the potential radiant heat impact of a fire does not exceed the kW/m² corresponding to the lower assessed BAL rating; or
3. Complying with the relevant local government's annual firebreak notice may require an APZ of greater size than that defined by the two previous parameters.

The dimensions (vegetation separation distances) for the APZ's that have been applied to reduce the impact of bushfire to ember attack or lower, specific to this Proposal are presented in the table below.

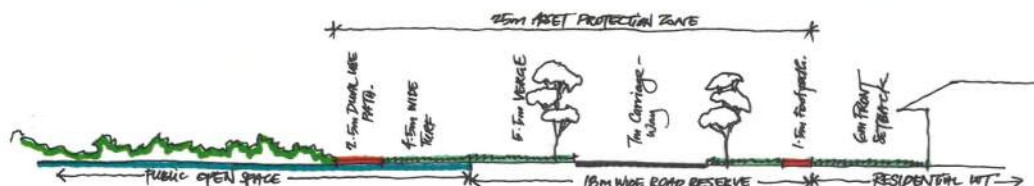
Implemented APZ Dimensions for the Subject Site 'BAL-12.5'

Relevant Fire Danger Index (AS3959-2009 Table 2.1)					80
BAL Determination Method		Method 1 (as per AS 3959-2009 s2.2.6 and Table 2.4.3)			
Vegetation Area	Applied Vegetation Classification	Effective Slope (degrees)	Maximum Acceptable 'Planning' BAL	Maximum 'Achievable' BAL	Required Separation Distance (metres)
1	Class C Shrubland	Downslope >5 to 10 degrees	BAL-29	BAL-12.5	25m
2					
3					
4					

This requirement has been established for the site to reduce the maximum allowable BAL rating to BAL-12.5.

Individual lots created as part of this subdivision within the subject site, are to comply with the asset protection zone criteria and associated land management requirements of the Shire of Gingin Firebreak Order.

Figure 5.1.1: Interface Hazard Management - Subdivision Asset Protection Zones (cross sections)



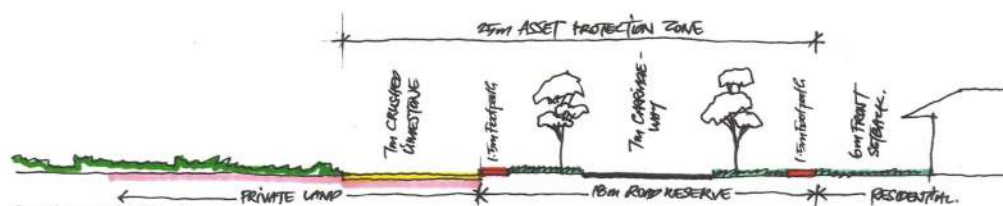
A - Adjacent to Public Open Space

Road reserves will separate unmanaged Public Open Space from the Lots within the subdivision and incorporate low threat vegetation planting (managed turf, low shrub, street trees with canopy separation).



B - Adjacent to Public Open Space

Road reserves will separate unmanaged Public Open Space from the Lots within the subdivision and incorporate low threat vegetation planting (managed turf, low shrub, street trees with canopy separation).



C - Adjacent to Private Land

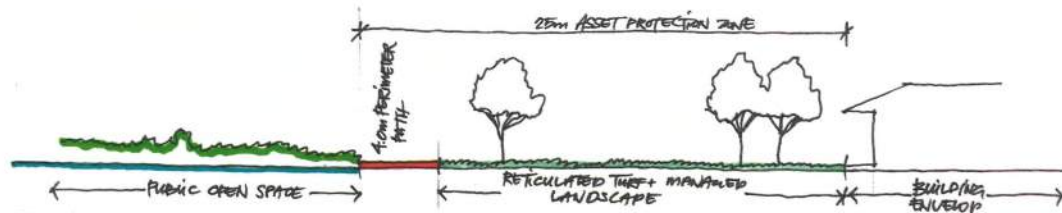
Managed low threat vegetation to a distance not less than 25m to ensure BAL-12.5 is achievable and can be maintained. Crushed limestone in private land under the control of the landowner/proponent forms part of the Asset Protection Zone, allowing for potential future subdivision of adjoining land and considers potential reduction in road reserve for the future development.



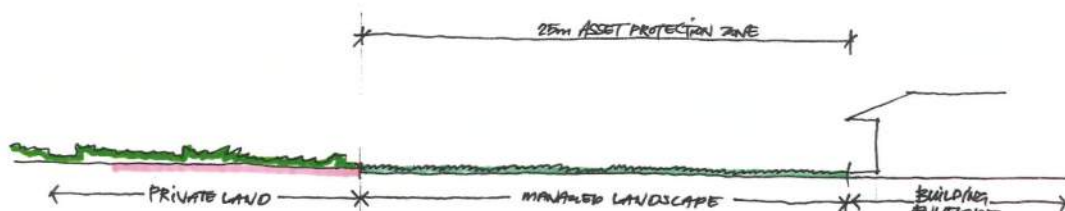
D - Adjacent to Private Land

Managed low threat vegetation to a distance not less than 25m to ensure BAL-12.5 is achievable and can be maintained. Crushed limestone in private land under the control of the landowner/proponent forms part of the Asset Protection Zone, allowing for potential future subdivision of adjoining land and considers potential reduction in road reserve for the future development.

Figure 5.1.2: Interface Hazard Management - Subdivision Asset Protection Zones (cross sections)

**E1 - Adjacent to Public Open Space**

Sealed surface 4m perimeter path, 4.5m vertical clearance and 6m horizontal clearance within the managed landscape, to enable fire appliance and other emergency service access along the foreshore reserve. The asset protection zone between unmanaged public open space and future building sites to be a minimum of 25m to ensure BAL-12.5 is achieved and can be maintained in perpetuity.

**E2 - Adjacent to Private Land**

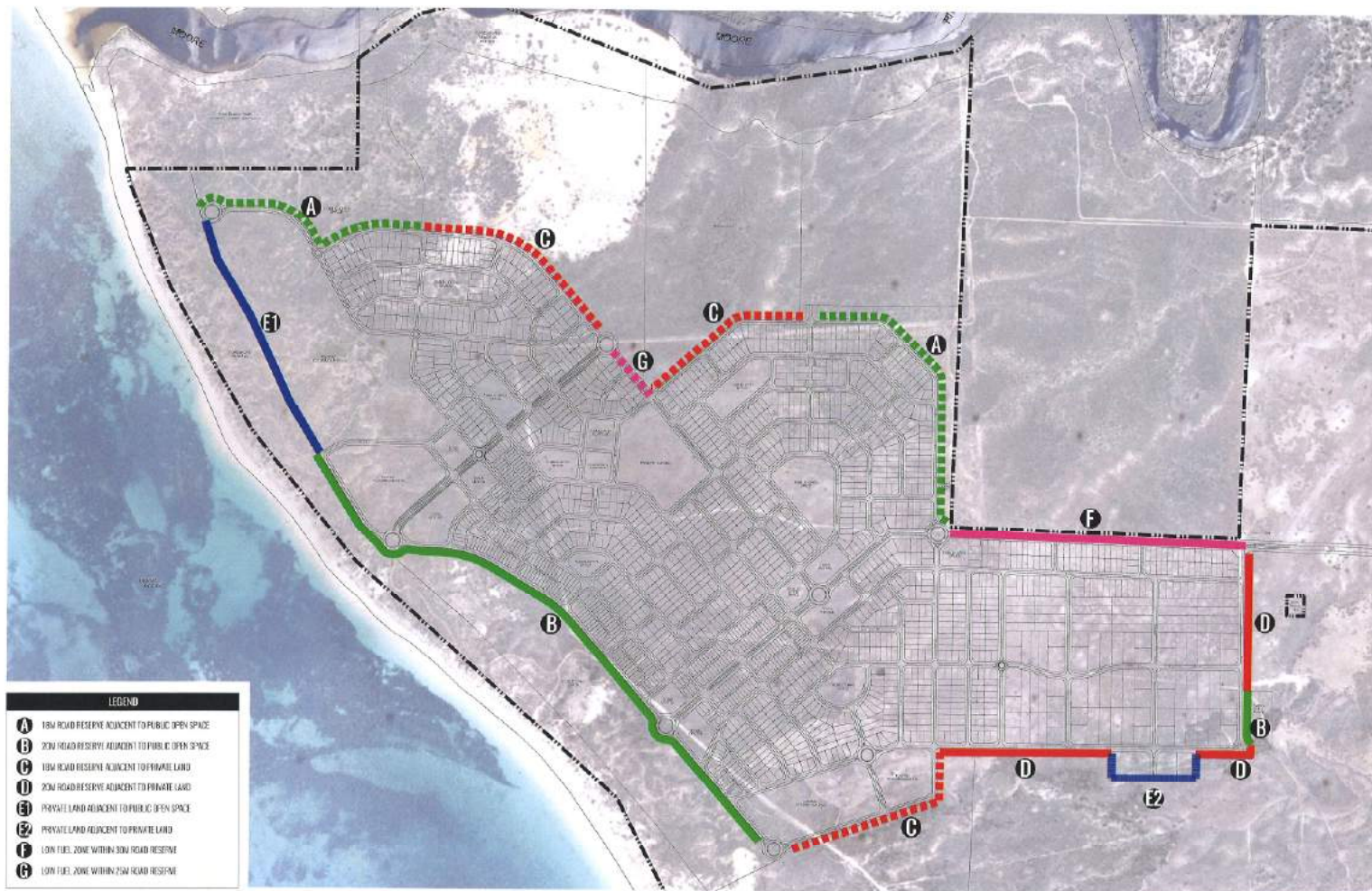
Managed low threat vegetation within Lots to a distance not less than 25m to ensure BAL-12.5 is achievable and can be maintained. Landscaping may include non-vegetated areas or hardstand areas where applicable (Proposed fire station, Shire depot and 'Waste Water Treatment' sites).

**F - Low Fuel Zone within Road Reserve**

Road reserves will separate unmanaged private land from the Lots within the subdivision and incorporate low threat vegetation planting (managed turf, low shrub, street trees with canopy separation).

**G - Low Fuel Zone within Road Reserve**

Road reserves will separate unmanaged private land from Lots within the subdivision and incorporate low threat vegetation planting (managed turf, low shrub, street trees with canopy separation).



INTERFACE HAZARD MANAGEMENT TYPOLOGIES

Moore River South

NOV 2018
Scale: 1:10000
Date: 19/08/2018 Plan: UCHN-1-001



5.4.2 Vehicular Access

The subdivision design road layout provides for one main ingress and egress road connection to the Woodridge development area with connections to Indian Ocean Drive.

The bushfire management plan proposes a "Safe leave and/or Stay" option, by implementing areas with an APZ buffer that incorporates external roads and maintains the maximum rating at BAL-12.5 or lower within the development area. The BAL Contouring demonstrates that any future buildings within the proposed site will be subject to an Indicative BAL rating of BAL-12.5 or less post development works, removing the likelihood of direct flame contact on buildings and exposure to extreme levels of radiant heat. Buildings therefore could provide adequate protection for occupants during a bushfire incident.

Consideration has been given to a bushfire assembly area that would be a purpose-built building for the subdivision that provides protection from radiant heat and embers, and is equipped with drinking water and toilet facilities as a minimum. It would be designed to be a safe option where caravan park/camping ground occupants, or visitors can seek shelter if they have not left the area early prior to a known significant fire event. A bushfire assembly area would offer a greater level of protection due to the construction and location of the building that is specially built to meet performance requirements. The assembly area would provide short-term shelter from the imminent effects of a bushfire. A site for the assembly area will be identified as part of the subdivision staging and formally adopted for the Proposal. The bushfire assembly area:

- Is a safe option due to being subject to possible embers only and radiant heat of potential 1Kw/m^2 – all options carry a level of risk;
- Is not designed to replace a pre-determined response to an incident detailed within an emergency evacuation plan. Leaving early would be the primary strategy where clear and informed advice provided by DFES recommended to do so, or leaving early on high risk bushfire days, considered currently by DFES the safest option.

Leaving early means leaving the area before there are any signs of a bushfire in proximity to the subdivision, many hours before the chosen route is compromised by fire, smoke or potential blockages – not when flame and radiant heat impact is imminent. Leaving early is likely to avoid community panic, people being trapped, individuals making poor decisions resulting in risking serious injury or fatalities.

Contingency plans should include relocation to a fire safe assembly area designated for each stage of subdivision. Large scale evacuation is not a default option, mass evacuation of entire suburbs or communities requires significant lead times and to be effective bushfire evacuation or relocation must not expose people to a higher risk that that they would be exposed to if remaining within the built-out area.

Access

The purpose of the road system for bushfire protection is to, provide emergency services with unimpeded access to the subdivision area, access to the structures within the subdivision and water supplies within the subdivision. The design of the access road will enable safe access and egress for residents attempting to leave the area at the same time that emergency service personnel are arriving to undertake fire-fighting or other emergency operations.

The subdivision design is such that it includes perimeter roads separating the developable lots from bushland areas. The objective of perimeter roads is to not only provide a fuel free area adjacent to the hazard but to also ensure suitable unrestricted access for fire-fighting and fire management purposes. The internal road layout does not incorporate dead end roads, or cul-de-sac's, allowing more efficient use of resources traversing through the subdivision, providing safe connection to the evacuation route for emergency personnel and the public.



Roads will be constructed to provide sufficient width and other dimensions to ensure safe unobstructed access and allow firefighting crews to operate equipment around the appliance.

Roads for this subdivision will consider and ensure that:

- Fire-fighting vehicles are provided with safe, all-weather access to structures and hazardous vegetation;
- The capacity of access roads is adequate for emergency service and public vehicles to cater for expected volumes of traffic;
- There is appropriate access to water supply with hydrants located at regular intervals through the subdivision;
- Access roads are designed to allow safe access and egress for medium rigid fire-fighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during fire-fighting and emergency management on the interface;
- Fire-fighting vehicles can access the dwelling sites and exit safely using local roads, without restrictions;
- No trees to be retained or planted within road reserves along the main access road that could potentially block or restrict traffic flow during emergencies or other times;
- Infrastructure for power lines, street lighting or other services utilising poles along access roads will be maintained clear of flammable material in accordance with Western Power clearance requirements for overhead lines near vegetation and where practicable constructed of non-combustible material or appropriate fire-retardant treatments; and
- Evacuation route signage and location of bushfire assembly building/s is to be provided and installed and updated for each stage of subdivision. Signage information should include but is not limit to:
 - a) What preparations to carry out in advance (emergency go kits, family evacuation plans);
 - b) How an evacuation is declared;
 - c) Where to get information once an evacuation is declared;
 - d) What transport options will likely be available;
 - e) What evacuation routes are to be used & procedures on safely using the main evacuation route;
 - f) What support services are likely to be offered to evacuees;
 - g) Where planned assembly areas/refuges may be established;
 - h) Where and how to get updated information once an evacuation is underway; and
 - i) What services they should expect when re-located or at the assembly areas/refuges.

5.4.3 Future Stages – Additional Information Required

For future stages of the subdivision, there is a requirement to review and update the bushfire management plan and address future planning applications and the content of the associated BMP, in particular:

- Any potential Vulnerable or High-Risk Land Uses;
- Any additional content relating to landscaping and vegetation management that will be required in the future BMP; and
- Any changes to bushfire assembly areas, location or buildings and pre-determined response to emergency incidents (including emergency evacuation information signage).



6 Responsibilities for Implementation and Management of the Bushfire Protection Measures

For future later stage planning, submissions will be required to set out the responsibilities of landowners/proponents (including future landowners), builders and local government in relation to the implementation and maintenance of the requirements of SPP 3.7 and the 'Guidelines'.

Table 6.1: BMP Implementation responsibilities prior to the issue of titles for the Developer (Landowner).

DEVELOPER (LANDOWNER) - PRIOR TO ISSUE OF TITLES

No.	Implementation Actions	Subdivision Clearance
1	<p>Planning approval may be conditioned with the requirement to make appropriate notifications (on the certificates of title and the deposited plan), of the existence of this Bushfire Management Plan.</p> <p>The WAPC may condition a subdivision application approval with a requirement for the landowner / proponent to place a notification onto the certificate(s) of title and a notice of the notification onto the diagram or plan of survey (deposited plan). This will be done pursuant to Section 165 of the Planning and Development Act 2005 ('Hazard etc. affecting land, notating titles as to:') and applies to lots with a determined BAL rating of BAL-12.5 or above. The notification will be required to state:</p> <p><i>'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'.</i></p>	<input type="checkbox"/>
2	Construct the public roads to the standards stated in the BMP.	<input type="checkbox"/>
3	Evacuation route signage and location of bushfire assembly building/s is to be provided, installed and updated for each stage of subdivision.	<input type="checkbox"/>
4	Establish the Asset Protection Zones (APZ) for the 'Subdivision Stage' to the dimensions and standard stated in the BMP.	<input type="checkbox"/>
5	Install the reticulated water supply (hydrants) to the standards stated in the BMP.	<input type="checkbox"/>
6	Construct landscaping to ensure low threat standards stated in the BMP.	<input type="checkbox"/>
7	The entity responsible for having the BMP prepared should ensure that anyone listed as having responsibility under the Plan has endorsed it and is provided with a copy for their information. This includes the landowners/proponents (including future landowners where the Plan was prepared as part of a subdivision approval), local government and any other authorities or referral agencies ('Guidelines' s4.6.3).	<input type="checkbox"/>



Table 6.2: BMP Implementation responsibilities prior to lot sale, occupancy or building for the Landowner (Developer).

LANDOWNER (DEVELOPER) - PRIOR TO LOT SALE, OCCUPANCY OR BUILDING	
No.	Implementation Actions
1	Prior to sale of the subject lots, each individual lot is to be compliant with the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954.
2	Prior to sale of the subject lots, establish the Asset Protection Zone (APZ) on each lot to the dimensions and standard stated in the BMP. This is the responsibility of the Landowner/Developer.
3	There is an outstanding obligation, created by this Bushfire Management Plan, for a Bushfire Response/Evacuation Plan for proposed occupants to be developed for future 'vulnerable' and/or 'high-risk' land use.
4	<p>Prior to any building work, inform the builder of the existence of this Bushfire Management Plan and the responsibilities it contains, regarding the required construction standards. This will be:</p> <ul style="list-style-type: none"> • The standard corresponding to the determined BAL rating, as per the bushfire provisions of the Building Code of Australia (BCA); and/or • A higher standard as a result of the BMP establishing that construction is required at a standard corresponding to a higher BAL rating.



Table 6.3: Ongoing management responsibilities for the Landowner/Occupier.

LANDOWNER/OCCUPIER - ONGOING	
No.	Ongoing Management Actions
1	Comply and maintain the Asset Protection Zone (APZ) within their lot, to the dimensions and standard as stated within the Shire of Gingin's annual Firebreak Order (Firebreak Notice) issued under s33 of the Bush Fires Act 1954.
2	Ensure that any builders (of future structures on the lot) are aware of the existence of this Bushfire Management Plan and the responsibilities it contains regarding the application of construction standards corresponding to a determined BAL rating.
3	Ensure all future buildings the landowner has responsibility for, are designed and constructed in full compliance with: <ol style="list-style-type: none"> 1. the requirements of the WA Building Act 2011 and the bushfire provisions of the Building Code of Australia (BCA); and 2. with any identified additional requirements established by this BMP or the relevant local government.

Table 6.4: Ongoing management responsibilities for the Local Government.

LOCAL GOVERNMENT - ONGOING	
No.	Ongoing Management Actions
1	Monitor landowner compliance with the Bushfire Management Plan and the annual Firebreak Order (Firebreak Notice).
2	Where control of an area of vegetated land is vested in the control of the local government and that area of land has influenced the assessed BAL rating/s of the subject site/s – and the BAL rating has been correctly assessed - there is an obligation to consider the impact of any changes to future vegetation management and/or revegetation plans with respect to that area.



Appendix 1 - Onsite Vegetation Management Technical Requirements

It is the responsibility of the landowner to maintain the established bushfire protection measures on their property. Not complying with these responsibilities can result in buildings being subject to a greater potential impact from bushfire than that determined by the assessed BAL rating presented in this Bushfire Management Plan.

For the management of vegetation within a lot (i.e. onsite) the following technical requirements exist:

1. **The APZ:** Installing and maintaining an asset protection zone (APZ) of the required dimensions to the standard established by the Guidelines for Planning in Bushfire Prone Areas (WA Planning Commission, as amended). When, due to the planning stage of the proposal to which this Bushfire Management Plan applies, defined APZ dimensions are known and are to be applied to existing or future buildings – then these dimensions are stated in Section 5.4.1 of this Plan.
2. **The Firebreak/Fuel Load Notice:** Complying with the requirements established by the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954. Note: If an APZ requirement is included in the Notice, the standards and dimensions may differ from the Guideline's APZ Standard – the larger dimension must be complied with.
3. **Changes to Vegetated/Non-Vegetated Areas:**
 - a. If applicable to this Plan, the minimum separation distance from any classified vegetation, that corresponds to the determined BAL for a proposed building, must be maintained as either a non-vegetated area or as low threat vegetation managed to a minimal fuel condition as per AS 3959-2009 s2.2.3.2 (e) and (f). Refer to Part 4 of this Appendix 1.
 - b. Must not alter the composition of onsite areas of classified vegetation (as assessed and presented in Section 3.1.2) to the extent that would require their classification to be changed to a higher bushfire threat classification (as per AS 3959-2009); and
 - c. Must not allow areas within a lot (i.e. onsite) that have been:
 - i. excluded from classification by being low threat vegetation or non-vegetated; and
 - ii. form part of the assessed separation distance that is determining a BAL rating -

...to become vegetated to the extent they no longer represent a low threat (refer to Part 4 of Appendix 1). Note: The vegetation classification exclusion specifications as established by AS 3959-2009 s2.2.3.2, are included at A1.4 below for reference.



1. Requirements Established by the Guidelines – the Asset Protection Zone (APZ) Standards

(Source: Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 Appendix 4, Element 2, Schedule 1 and Explanatory Note E2.1)

Defining the Asset Protection Zone (APZ)

Description: An APZ is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level (by reducing fuel loads). The width of the required APZ varies with slope and vegetation. For planning applications, the minimum sized acceptable APZ is that which is of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m^2 (BAL-29). It will be site specific.

The APZ may include public roads, waterways, footpaths, buildings, rocky outcrops, golf courses, maintained parkland as well as cultivated gardens in an urban context, but does not include grassland or vegetation on a neighbouring rural lot, farmland, wetland reserves and unmanaged public reserves.

For subdivision planning, design elements and excluded/low threat vegetation adjacent to the lot can be utilised to achieve the required vegetation separation distances and therefore reduce the required dimensions of the APZ within the lot.

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

Establishment: The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity.

Note: Regardless of whether an Asset Protection Zone exists in accordance with the acceptable solutions and is appropriately maintained, fire fighters are not obliged to protect an asset if they think the separation distance between the dwelling and vegetation that can be involved in a bushfire, is unsafe.



Schedule 1: Standards for APZ

Fences: within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.

Objects: within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.

Fine Fuel Load: combustible dead vegetation matter less than 6 mm in thickness reduced to and maintained at an average of two tonnes per hectare (example below).

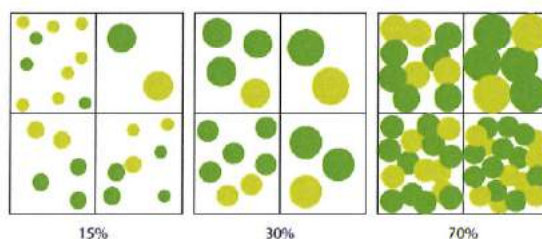
Example Fine Fuel Load of Two Tonnes per Hectare



(Image source: Shire of Augusta Margaret River's Firebreak and Fuel Reduction Hazard Notice)

Trees (> 5 metres in height): trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy. Diagram below represents tree canopy cover at maturity.

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



(Source: Guidelines for Planning in Bushfire Prone Areas 2017, Appendix 4)

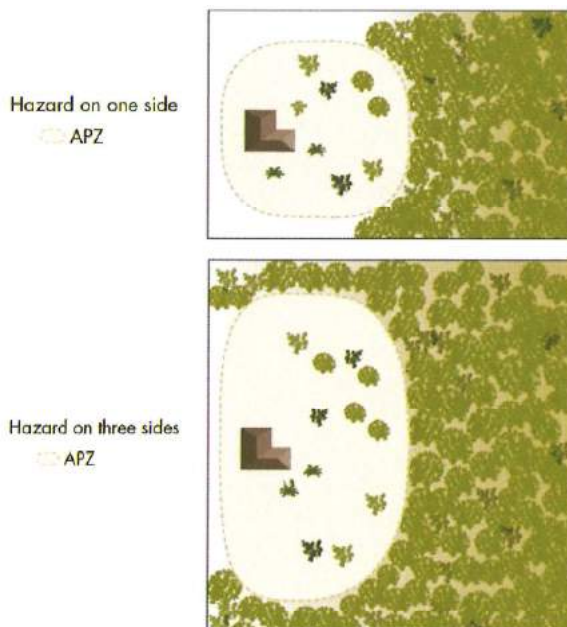


Shrubs (0.5 metres to 5 metres in height): should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.

Ground covers (<0.5 metres in height): can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 mm in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.

Grass: should be managed to maintain a height of 100 mm or less.

The following example diagrams illustrate how the required dimensions of the APZ will be determined by the type and location of the vegetation:



(Source: Guidelines for Planning in Bushfire Prone Areas 2017, Appendix 4)



2. Requirements Established by the Local Government – the Firebreak Notice

These requirements are established by the relevant local government's Firebreak Notice created under s33 of the Bushfires Act 1954 and issued annually (potentially with revisions). The Notice may include additional components directed at managing fuel loads, accessibility and general property management with respect to limiting potential bushfire impact.

The relevant local government's current Firebreak Notice is available on their website, at their offices and is distributed as ratepayer's information. It must be complied with.

If Asset Protection Zone technical requirements are defined in the Notice, the standards and dimensions may differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with.

When, due to the planning stage of the proposal to which this Bushfire Management Plan applies, defined APZ dimensions are known and are to be applied to existing or future buildings – then these dimensions are stated in Section 5.4.1 of this Plan.

3. Requirements Recommended by DFES – Property Protection Checklists

Further guidance regarding ongoing/lasting property protection (from potential bushfire impact) is presented in the publication 'DFES – Fire Chat – Your Bushfire Protection Toolkit'. It is available from the Department of Fire and Emergency Services (DFES) website.

4. Requirements Established by AS 3959-2009 - Maintaining Areas within your Lot as 'Low Threat'

This information is provided for reference purposes. This knowledge will assist the landowner to comply with Management Requirement No. 3 set out in the Guidance Panel at the start of this Appendix. It identifies what is required for an area of land to be excluded from classification as a potential bushfire threat.

"Australian Standard - AS 3959-2009 Section 2.2.3.2: Exclusions - Low threat vegetation and non-vegetated areas:

The Bushfire Attack Level shall be classified BAL-LOW where the vegetation is one or a combination of the following:

- a) Vegetation of any type that is more than 100m from the site.*
- b) Single areas of vegetation less than 1ha in area and not within 100m of other areas of vegetation being classified.*
- c) Multiple area of vegetation less than 0.25ha in area and not within 20m of the site or each other.*
- d) Strips of vegetation less than 20m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20m of the site or each other, or other areas of vegetation being classified.*



- e) *Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.*
- f) *Low threat vegetation, including grassland managed in a **minimal fuel condition** (i.e. insufficient fuel available to significantly increase the severity of a bushfire attack – recognisable as short cropped grass to a nominal height of 100mm for example), maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks."*



Appendix 2 - Vehicular Access Technical Requirements

Each local government may have their own standard technical requirements for emergency vehicular access and they may vary from those stated in the Guidelines.

Contact the relevant local government for the requirements that are to apply in addition to the requirements set out as an acceptable solution in the Guidelines. If the relevant local government requires that these are included in the Bushfire Management Plan, they will be included in this appendix and referenced.

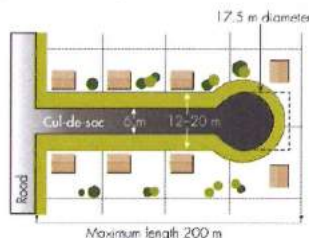
Requirements Established by the Guidelines – The Acceptable Solutions

Vehicular Access Technical Requirements - Part 1

Acceptable Solution 3.3: Cul-de-sacs (including a dead-end road)

Their use in bushfire prone areas should be avoided. Where no alternative exists then the following requirements are to be achieved:

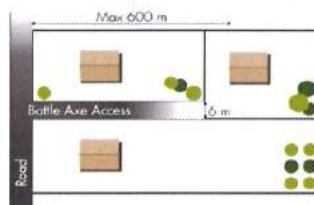
- Maximum length is 200m. If public emergency access is provided between cul-de-sac heads (as a right of way or public access easement in gross), the maximum length can be increased to 600m provided no more than 8 lots are serviced and the emergency access way is less than 600m in length;
- Turnaround area requirements, including a minimum 17.5m diameter head to allow type 3.4 fire appliances to turn around safely;
- The cul-de-sac connects to a public road that allows for travel in two directions; and
- Meet the additional design requirements set out in Part 2 of this appendix.



Acceptable Solution 3.4: Battle-axe

Their use in bushfire prone areas should be avoided. Where no alternative exists then the following requirements are to be achieved:

- Maximum length 600m and minimum width 6m; and
- Comply with minimum standards for private driveways.

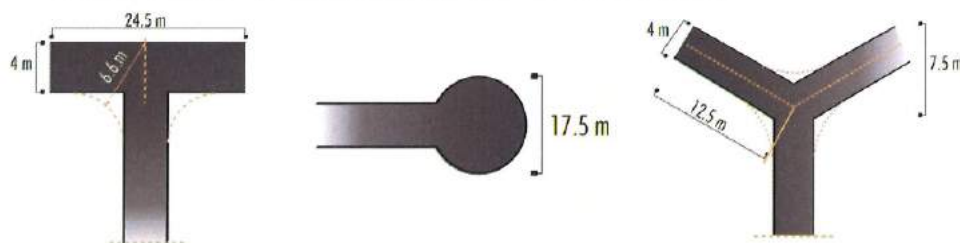




Acceptable Solution 3.5: Private Driveways

The following requirements are to be achieved:

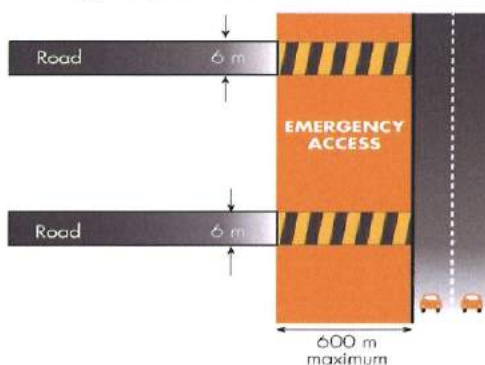
- The design requirements set out in Part 2 of this appendix; and
- Where the house site is more than 50 metres from a public road:
 - Passing bays every 200 metres with a minimum length of 20 metres and a minimum width of two metres (ie combined width of the passing bay and constructed private driveway to be a minimum six metres);
 - Turn-around areas every 500 metres and within 50 metres of a house, designed to accommodate type 3.4 fire appliances to turn around safely (ie kerb to kerb 17.5 metres);
 - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes; and
 - All weather surface (i.e. compacted gravel, limestone or sealed).



Acceptable Solution 3.6: Emergency Access Way

An access way that does not provide through access to a public road is to be avoided bushfire prone areas. Where no alternative exists, an emergency access way is to be provided as an alternative link to a public road during emergencies. The following requirements are to be achieved:

- No further than 600 metres from a public road;
- Must be signposted including where they ajoin public roads;
- Provided as a right of way or public access easement in gross;
- Where gates are used they must not be locked and they must be a minimum width of 3.6 metres with design and construction approved by local government (refer to the example in this appendix); and
- Meet the additional design requirements set out in Part 2 of this appendix.





Acceptable Solution 3.7: Fire Service Access Routes (Perimeter Roads)

Are to be established to provide access within and around the edge of subdivision and related development and to provide direct access to bushfire prone areas for firefighters and link between public road networks for firefighting purposes. Fire service access is used during bushfire suppression activities but can also be used for fire prevention work. The following requirements are to be achieved:

- No further than 600 metres from a public road (driveways may be used as part of the designated fire service access;
- Dead end roads not permitted;
- Allow for two-way traffic (i.e. two 3.4 fire appliances);
- Provide turn-around areas designed to accommodate 3.4 fire appliances and to enable them to turn around safely every 500m (i.e. kerb to kerb 17.5 metres);
- All weather surface (i.e. compacted gravel, limestone or sealed) and have erosion control measures in place;
- Must be adequately sign posted;
- Where gates are used they must be a minimum width of 3.6 metres with design and construction approved by local government (refer to the example in this appendix) and may be locked (use a common key system);
- Meet the additional design requirements set out in Part 2 of this appendix;
- Provided as right of ways or public access easements in gross; and
- Management and access arrangements to be documented and in place.

Acceptable Solution 3.8: Firebreak Width

Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum width of three meters or to the level as prescribed in the local firebreak notice issued by the local government.



Vehicular Access Technical Requirements - Part 2

Technical Component	Vehicular Access Types				
	Public Roads	Cul-de-sacs	Private Driveways	Emergency Access Ways	Fire Service Access Routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	4.5	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum cross-fall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5

* A six metre trafficable surface does not necessarily mean paving width. It could, for example, include four metres of paving and one metre of constructed road shoulders. In special circumstances, where 8 lots or less are being serviced, a public road with a minimum trafficable surface of four metres for a maximum distance of ninety metres may be provided subject to the approval of both the local government and DFES.

(Source: Guidelines for Planning in Bushfire Prone Areas WAPC 2017 v1.3, Appendix 4)



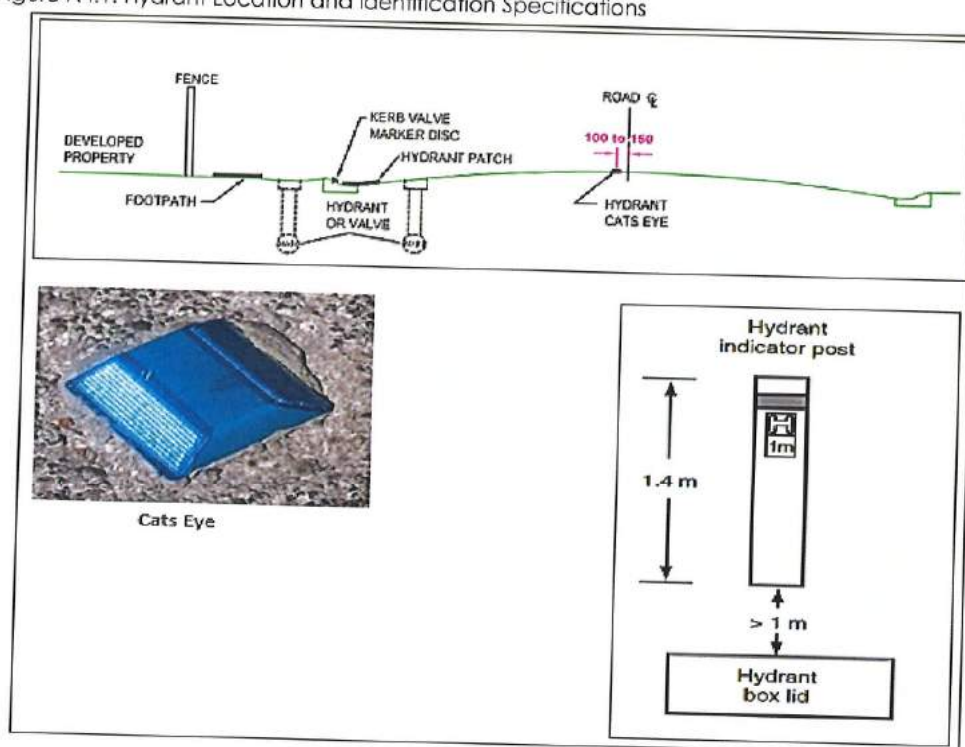
Appendix 3 - Water Technical Requirements

Requirements Established by the Guidelines - Acceptable Solution A4.1: Reticulated Areas

The requirement is to supply a reticulated water supply and fire hydrants, in accordance with the technical requirements of the relevant water supply authority and DFES. The Water Corporation's 'No 63 Water Reticulation Standard' is deemed to be the baseline criteria for developments and should be applied unless local water supply authority's conditions apply. Key specifications in the most recent version/revision of the design standard include:

- **Residential Standard** – hydrants are to be located so that the maximum distance between the hydrants shall be no more than 200 metres.
- **Commercial Standard** – hydrants are to be located with a maximum of 100 metre spacing in Industrial and Commercial areas.
- **Rural Residential Standard** – where minimum site areas per dwelling is 10,000 m² (1ha), hydrants are to be located with a maximum 400m spacing. If the area is further subdivided to land parcels less than 1ha, then the residential standard (200m) is to be applied.

Figure A4.1: Hydrant Location and Identification Specifications



Contact the relevant water supply authority to confirm the technical requirements that are to be applied. They may differ from the minimum requirements of the 'baseline' Water Corporation's No. 63 Water Reticulation Standard.



Appendix F Staging Plan

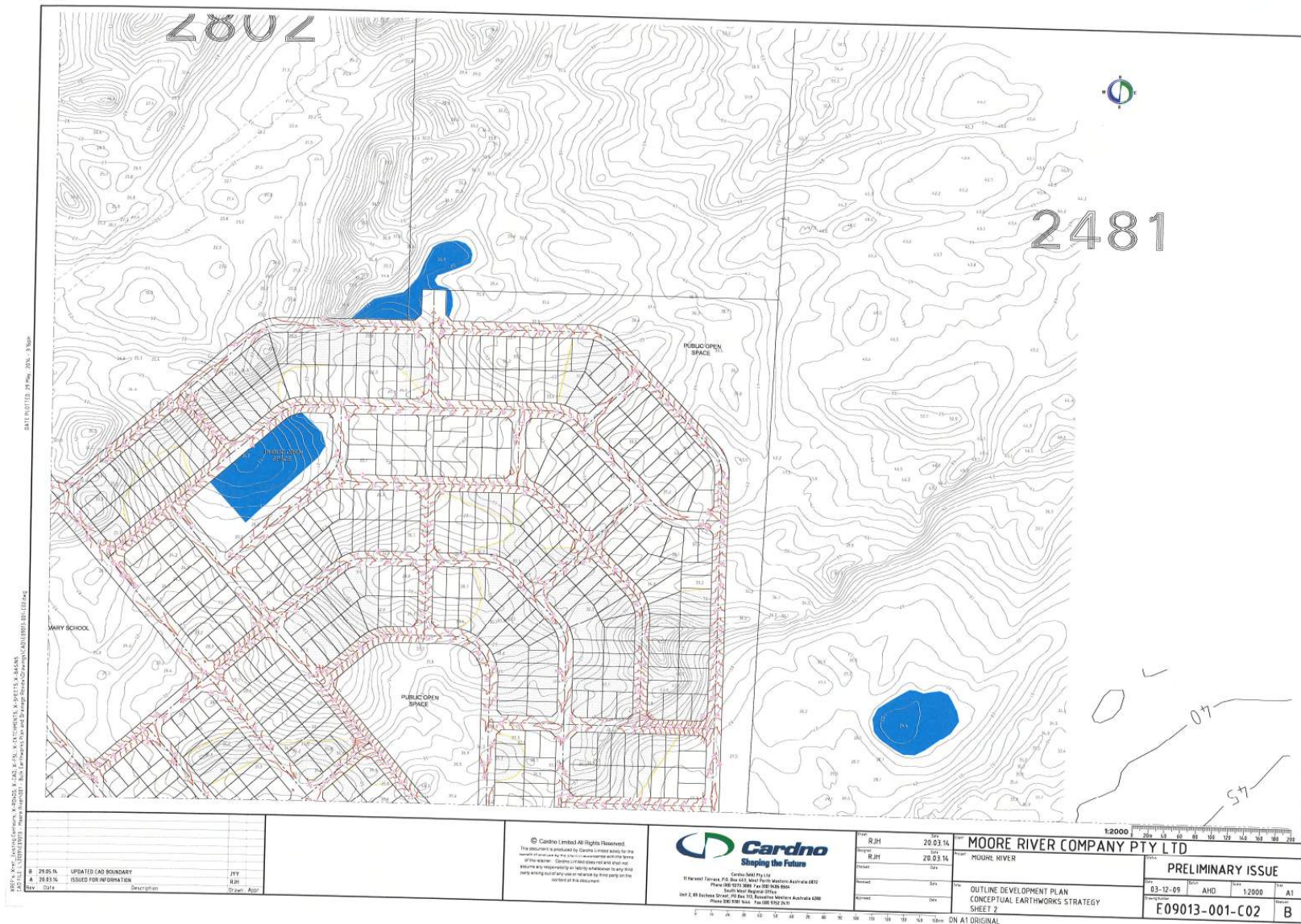


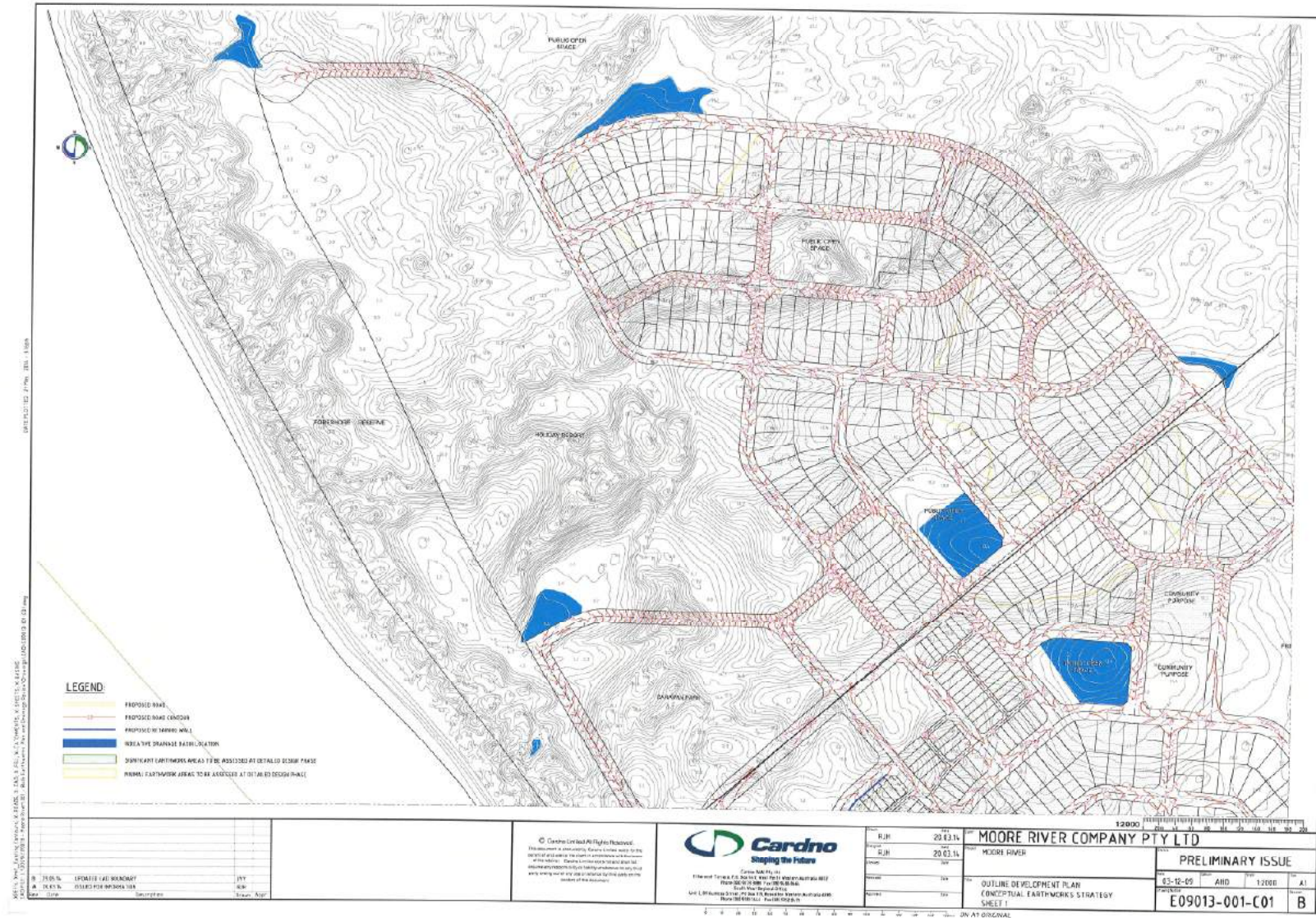


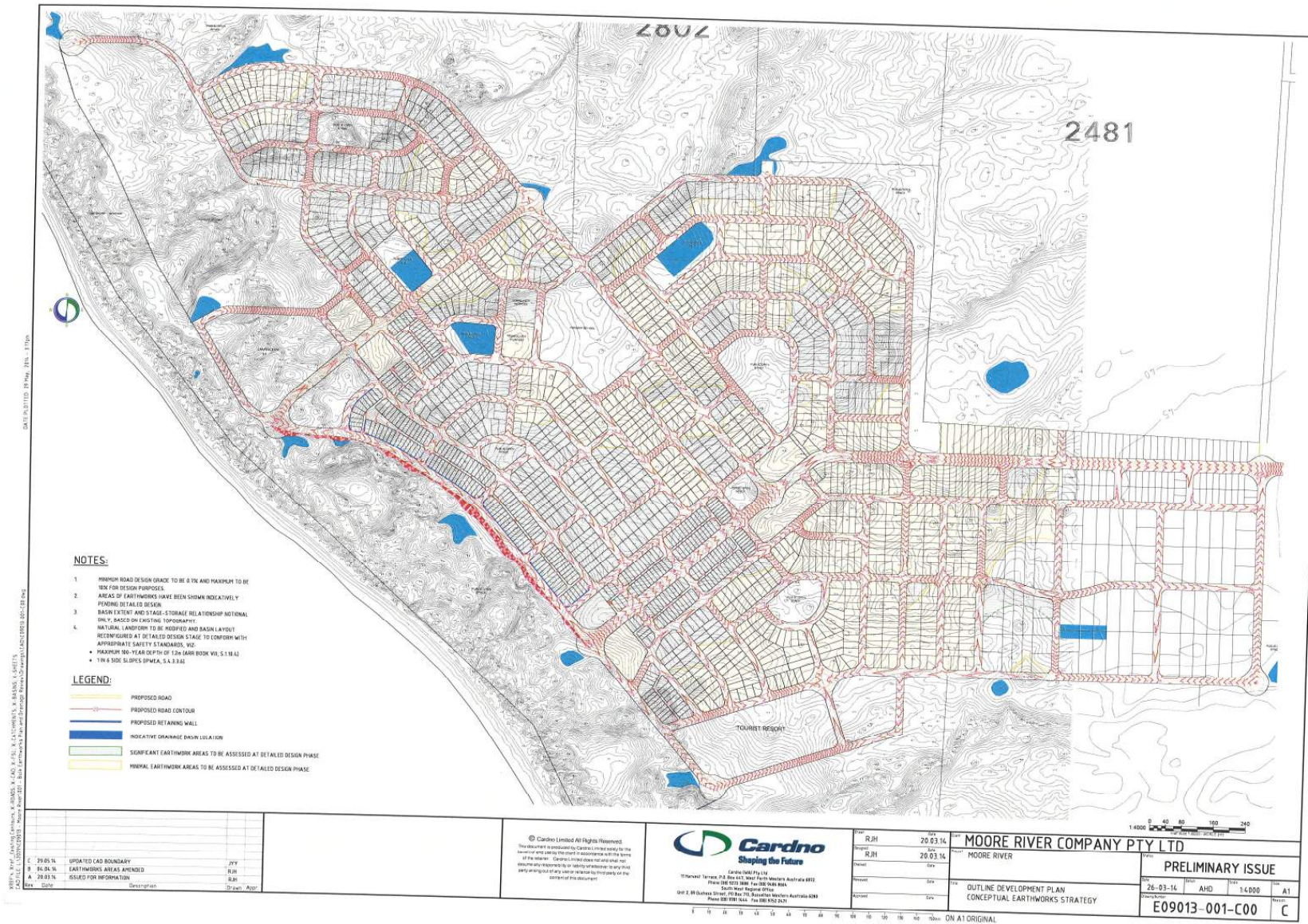
Appendix G Bulk Earthworks Plan













Appendix H Wastewater and Water Supply Overview



August 2017

AQUASOL

WATER TREATMENT SOLUTIONS

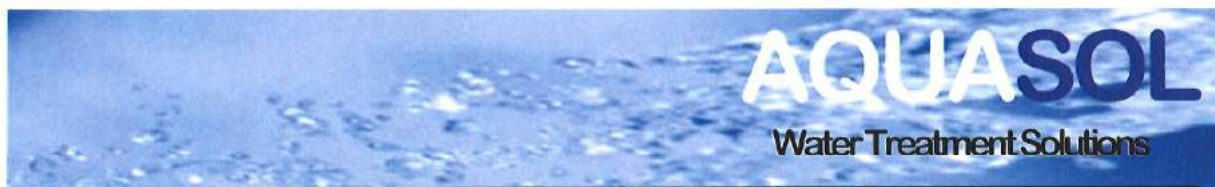
Moore River South Waste Water Treatment & Recycling Scheme

1. Project Summary

Table 1: Summary

Scheme Characteristic	Description
Location	Moore River
Source of recycled water	Grey and Black water
Volumes of recycled water to be produced	Expected 400 kL/day
Proposed end uses of the recycled water	Surface Irrigation
Percentage of recycled water used in each one of the proposed end uses	100% for Irrigation
Type of treatment system	Tertiary treatment, including facultative, anaerobic / aerobic treatment / SBR / polishing / UF and disinfection system.
Location of the WWTP	Moore River South (Caraban).
Expected flows per day	Minimum : 300kL/day Expected: 400 kL/day Maximum: 450 kL/day
Estimated number of people that will benefit/use the recycled water scheme	Approximately 3,500 (Stage 1)
Irrigation area available (m ²)	200,000 m ²
Risk exposure level	Medium

82-86 Beringarra Ave, Malaga WA 6090, Australia
PO Box 1829, Malaga WA 6090, Australia
Tel: +61 8 9248 7533 Fax: +61 8 9209 3975
Web: www.aquasol.com.au



2. Premises Location

2.1 Premises Description

The subject site is located within the Shire of Gingin and is located approximately 75 kilometres north west of the Perth central business district, just south of the Guilderton town site. This site is bound by the Indian Ocean to the west, Moore River to the north and pastoral and uncleared land to the east and south.

The Shire of Gingin is one of the fast growing regions in Western Australia. Significant population growth within the north-west corridor of the Perth Metropolitan Region has seen urban development extend to the northern-most limits of the region. As the local government area immediately north of the Perth Metropolitan Region, the Shire of Gingin is likely to experience significant growth and change in the future as the Perth metropolitan region expands to the north along the coastal growth corridor.

2.2 Key Surrounding Environment Features

- **Groundwater:** From regional information and previous investigations, the depth to the water table in the area is generally more than 20m. Ten groundwater bores have been installed within the Moore River site to provide the best representation of anticipated groundwater systems. Refer enclosed to Attachment 9A - Monitoring Bores.
- **General Public:** The Waste Water Treatment Plant (WWTP) will be located within the proposed Light Industrial Area, fenced with restricted access to general public. Treated water from the WWTP will be reused for irrigation in open public spaces within the Development, which will be used by the general public. For this, the water quality achieved will be of a high enough quality to present no risk to members of the public using the parks.
- **Surface waters:** The subject site is located directly to the south of the mouth of the Moore River. Apart from the Moore River, which is more than 1km to the north, there are no known or mapped waterways on the site or within close proximity. Due to the distance between the Moore River and the location of the WWTP (and the good quality of irrigation water), project poses no adverse impact to the Moore River.
- **Flora and Fauna:** A flora and vegetation survey of the site was conducted in November 1992 (Alan Tingay and Associates 1993). This survey did not reveal any significant or protected flora and as the site has not been altered since then, no change to this status has been identified. The proposed site of the WWTP is low scrub typical of this locality. With respect to fauna in general, no significant impacts are expected. A significant

82-86 Beringarra Ave, Malaga WA 6090, Australia
PO Box 1829, Malaga WA 6090, Australia
Tel: +61 8 9248 7533 Fax: +61 8 9209 3975
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proportion of the development area is already cleared or highly degraded and the development is unlikely to have any substantial impact on the status the fauna species most likely to be currently using the area. The proposed WWTP site is uncleared but represents only a small pocket of the extensive vegetation type and will not have a significant impact on fauna habitat.

2.3 Separation to Nearest PDWSA and Drinking Water Sources

According to the DoW Geographic Atlas, there are no declared Public Drinking Water Source Areas (PDWSAs) located within the subject site. However, a Priority 2 PDWSA is located approximately one kilometre to the north.

Development of the subject site is unlikely to impact on this PDWSA as Moore River acts as a barrier to groundwater flow to the north. This PDWSA was proclaimed with the intention to provide the town of Guilderton with a safe drinking water supply.

In relation to the Drinking Water Infrastructure, the WWTP will be located approximately one kilometre from the abstraction bore and the Water Treatment Plant, providing sufficient buffer distance between both systems.

Figure 1: Bore and WTP location





2.4 Topography

The topography of the study area rises steeply away from the beach and Moore River to a series of high dunes, dune ridges and valleys. The slopes from the Moore River up to the dune crests (50m Australian Height Datum [AHD]) are steep.

The coastal dunes attain heights of 10m AHD near the coast and up to 30m AHD a short distance inland. In the northern section of the coast there is a large valley behind the dunes which has a low point of less than 5m AHD.

Further inland the study area lies between 10 and 60m AHD with several small sandy knolls rising above the surface level. A major dune ridge extends inland from the coast near the southern part of the study area and achieves elevations of 50 to 60m AHD.

For additional information refer enclosed to 9B – Site Topography.

2.5 Premises Vegetation, Fauna Habits and Status

Historically, the majority of the subject site was utilised for grazing and pastoral purposes, with some of the cleared areas of the Moore River Company landholding still utilised for these purposes. At present the majority of land along the foreshore is only used for the occasional beach access by either foot or vehicle.

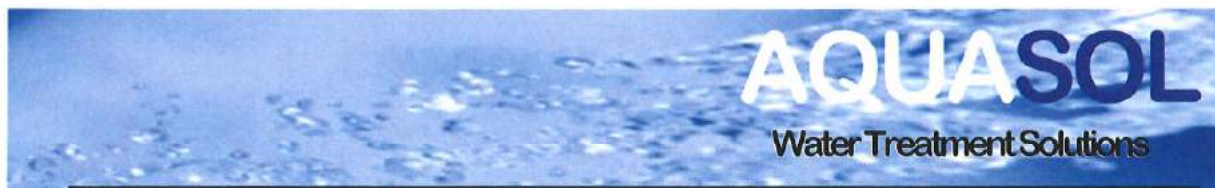
A search of the Swan Coastal Plain Wetlands, Bush Forever 2007 and Environmentally Sensitive Areas databases on the WA Atlas (Landgate, 2009) indicated that the site does not contain environmental assets.

The study area was visited by botanists in October and November 2009 and a field survey, conducted in accordance with EPA Guidance Statement No. 51 – Terrestrial flora and vegetation survey environmental impact assessment in Western Australia (2004) was undertaken to the level of a detailed survey.

The vegetation ranged from 'Completely Degraded' to 'Pristine-Excellent' condition with a majority of the vegetation in either a 'Completely Degraded' or 'Excellent' to 'Pristine-Excellent' condition, in particular within the fenced foreshore reserve.

As mentioned, with respect to fauna in general, no significant impacts are expected.

For additional Information refer to Attachment 9C - Vegetation Report.



3. Proposal Description

3.1 Project Summary

Moore River Company Pty Ltd (MRC) is seeking to develop a parcel of land (Swan Location 2802 and portions of Swan Location 2424 and 2914) on the coast immediately south of the Moore River near Guilderton. This parcel of land forms part of a larger piece of land zoned "Urban Development" under the Shire of Gingin Town Planning Scheme No. 9 (LPS 9). The entire MRC landholding occupies approximately 2,000 hectares, however only 557 hectares in the north-western portion is to be subject to the future urban development.

An Outline Development Plan (ODP) was endorsed by the Shire of Gingin on 17 September 2013 and subsequently by the Western Australian Planning Commission (WAPC) on 20 October 2013. 'Outline Development Plan' is terminology used in LPS 9 at the time of approval, but since gazettal of the Planning and Development (Local Planning Schemes) Regulations 2015, all such plans are now referred to as a Structure Plans. However, for the purposes of this application and to avoid confusion with other documents, the term ODP will continue to be used.

The ODP provides guidance for the future subdivision and development of a 1,942 lot urban development comprising residential, tourism, commercial, community, educational, light industrial, and recreational sites. The endorsed ODP is represented on Attachment 2C, which also shows proposed areas of public open space (POS).

A subdivision application for the whole of the development was approved by the WAPC on September 2014 (Attachment 4C - Subdivision Approval). The breakdown of lot types across the whole subdivision is:

- 1,504 x Residential – standard (R20 density)
- 322 x Residential – medium density (R40)
- 91 x Mixed Business
- 7 x Town Centre
- 4 x Tourism
- 1 x Public Use Primary School
- 2 x Public Use Community Facilities
- 11 x Residual (Balance of landholding)

As the development will occur over an extended period of time (6 stages over approximately 25 years), the construction of the required WWTP will be approached in modular units.



The present application considers servicing Stage 1 of the development; however, a 450kL/day plant will be initially built (30% oversized for future expansion towards Stage 2).

Identical 450kL/d plants will be added as required in-line with the growth of the community. It is intended that expansion of the WWTP will occur when plant reaches 90% of its capacity (400kL/d). Before construction, the new modules will be presented to all relevant authorities for approval.

It is intended that treated waste water from the development will be disposed for irrigation in future public open spaces within the development.

Timing of the staging of the development will be dependent on market conditions so is only indicative at this point, however commencement is anticipated for 2019. The early stages will create a community focus near the tourist facilities, which will facilitate synergies between tourism and commercial uses during the early stages of development, and create the school site. The MRC has entered into an agreement with the Shire of Gingin in relation to early provision of community services and facilities to meet community development requirements on a progressive basis.

Table 2: Development projection

Year	Year 1	Year 5	Year 10	Year 15	Year 20	Year 25
Development Stage	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
WW Volume	350 kL/d					
WWTP Capacity	450kL/d		450kL/d		450kL/d	

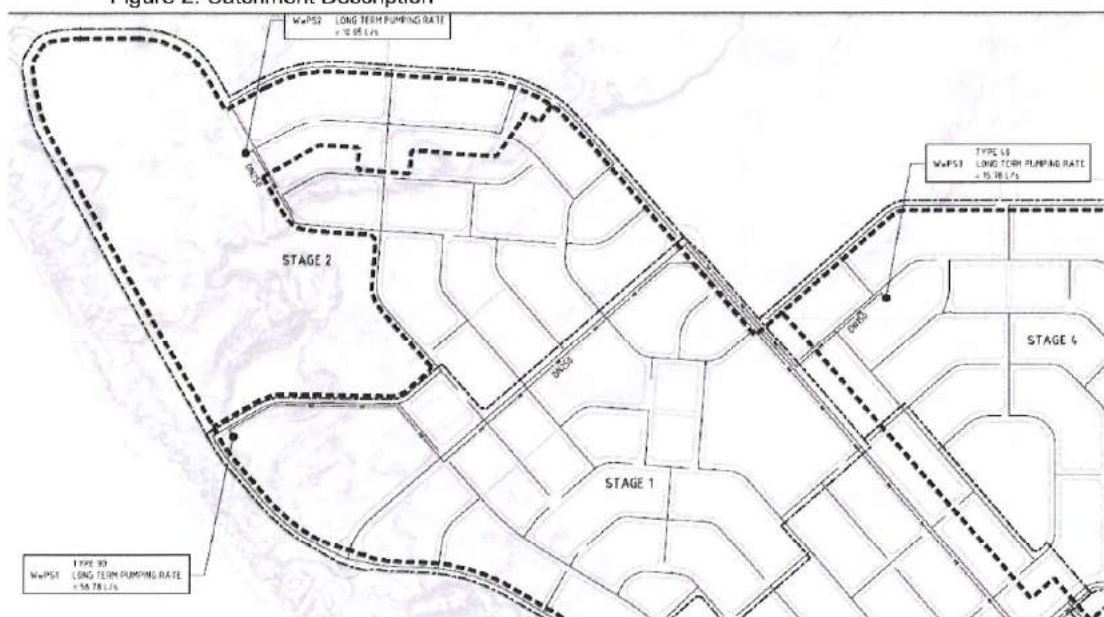
For details on Development Stages refer enclosed to Attachment 9D - Staging Plan.



3.2 Catchment description

At present, sewage catchment design hasn't been formally completed, however the preliminary design is detailed in Figure 2 below, and in Attachment 9E - Reticulation Plan.

Figure 2: Catchment Description



LEGEND

- CATCHMENT AREA BOUNDARY
- - - STAGING BOUNDARY
- PM — PROPOSED SEWER PRESSURE MAIN
- - - ● - - - PROPOSED GRAVITY SEWER

82-86 Beringarra Ave, Malaga WA 6090, Australia
PO Box 1829, Malaga WA 6090, Australia
Tel: +61 8 9248 7533 Fax: +61 8 9209 3975
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3.3 Treatment Train Details

The process incorporates Anaerobic and Aerobic Treatment along with Filtration and Disinfection to facilitate biological wastewater treatment to effluent standards for Biochemical Oxygen Demand (BOD5), Turbidity, Total Nitrogen (N), Total Phosphorous (P) and Bacteria.

Waste water will be initially collected in a Pump Station. From there it will be sent to the first stage of the treatment train (Anaerobic Tank), passing through a rotating screen to remove larger solids that could potentially damage equipments in the plant.

The Anaerobic/Equalization Tank serves as an Anaerobic digester and as an Equalization tank buffering peak flows throughout the day. The tank is fitted with a level sensor for lowering the tank level prior to peak flow periods. From there, water is pumped into the 2 x Aeration Tanks for secondary treatment.

The Aeration Tanks have been sized to accommodate the requisite volume required to treat the incoming organic (BOD5) load. A submersible aerator will supply a high volume of oxygen for the biological process and will facilitate recirculation of the wastewater undergoing treatment on the entire volume of the tank. From there, water will be transferred into the SBR Tank.

The SBR will batch three to four times daily, or as required. Aeration is stopped for one hour to allow solids settling in the tank. Flocculent in the tank will aid in the settling process. Once the tank has settled a pump will clear/pump water from the top of the tank into the Polish Tank.

In the Polish Tank, water will be pumped through a deep bed media filters system fitted with automatic backwash valves that can be set to operate at a selected interval via the touch-screen HMI. Water will also be filtered through a bank of UF, connected to an automatic CIP system for 'cleaning in place'.

Sludge settled at the bottom of the Anaerobic Tank will be sent to the Sludge Tank. Once the Sludge Tank is full, excess water will be sent back to the Anaerobic Tank for re-treatment, and solids removed as needed basis to an approved disposal site.

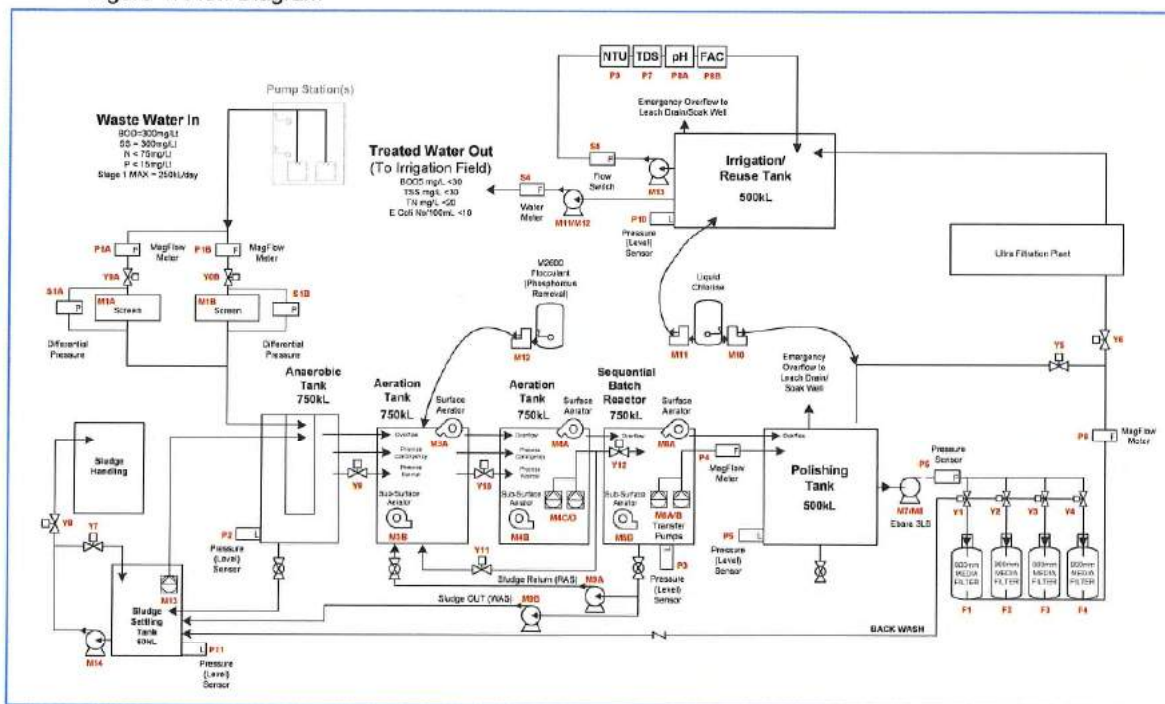
Water is then collected in an irrigation tank ready for reuse.

All alarms in the system will be recorded in the PLC, and activate a flashing light on the control box. All wiring will be completed to Australian standards. System control will be via Delta PLC and HMI.



3.4 Diagram / Process Flow

Figure 4: Flow Diagram



3.5 Buffer Tanks Volumes

Table 3: Tanks Capacity

Tank	Total Capacity	Designed Capacity (Stage 1)	Max Capacity	Buffer at Max Capacity
Anaerobic tank 1	750 kL	350 kL	450 kL	300 kL
Aeration tank 2	750 kL	350 kL	450 kL	300 kL
Aeration tank 3	750 kL	350 kL	450 kL	300 kL
SBR tank 4	750 kL	350 kL	450 kL	300 kL
Polish tank 5	500 kL	350 kL	450 kL	50 kL
Irrigation tank 6	500 kL	350 kL	450 kL	50 kL
Sludge tank 7	50 kL	40 kL	40 kL	-
Total buffer capacity				1300 kL
				2.9 days

82-86 Beringarra Ave, Malaga WA 6090, Australia
 PO Box 1829, Malaga WA 6090, Australia
 Tel: +61 8 9248 7533 Fax: +61 8 9209 3975
 Web: www.aquasol.com.au



4. Discharge to Land

4.1 Source, Composition and Quantity

The water source will be grey and black water from the new Development at a maximum rate of 450kL/d.

Design criteria were based on Regulation 29 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

The proposed methodology is to treat waste water to such a quality that it can be irrigated above ground in future open public space within the Development.

For a detailed water balance, refer enclosed to Attachment 9F.- Water Projection.

4.2 Water Quality Objectives

Following the National Guidelines for Exposure Risk Level, the proposed treatment will achieve the required water quality to be reused for "urban surface irrigation with some restricted access and application".

For more information on Aquasol's previous experience managing similar systems, please refer enclosed to Attachment 5A - AQ Experience in WWTP.

All chemicals used in the system will be pumped and monitored automatically. Sample points will be fitted throughout the system to verify the effectiveness of the entire process. The expected water quality achieved after treatment is detailed in table below.

Table 4: "Medium" Water Quality

Parameter	Units	Value
E Coli	cfu/100 mL	<10
pH	pH units	6.5 – 8.5
Disinfection	mg/L	0.2 - 2.0
TN	mg/L	<10
TP	mg/L	0~0.5
Turbidity	NTU	<5



4.3 End-Uses and Their Location

Treated grey and black water from Stage 1 of the Development will be treated to a "Medium" quality and reused for irrigation within green areas. Based on the infiltration factor for sandy soils specified in AS/NZS 1547:2012 (see Table 5, below), the required area at maximum capacity (450kL/d) has been estimated at 90,000m² (9ha).

Table 5: Infiltration Factors

AS/NZS 1547:2012

RECOMMENDED DESIGN IRRIGATION RATE (DIR) FOR IRRIGATION SYSTEMS

Soil Category (see Note 1)	Soil texture	Structure	Indicative permeability (K_{sat}) (m/d)	Design irrigation rate (DIR) (mm/day)		
				Drip irrigation	Spray irrigation	LPED irrigation
1	Gravels and sands	Structureless (massive)	> 3.0	5 (see Note 2)	5	(see Note 3)
2	Sandy loams	Weakly structured massive	1.4 – 3.0			4

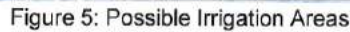
As outlined in the approved District and Local Water Management Strategy (DLWMS - Cardno, 2013), the intention is to use public open space (POS) and other landscaped areas as the primary area for disposal of treated wastewater. In addition, the primary school playing field and irrigation of gardens within tourism sites will be capable of taking some of the water.

It is WAPC policy to require 10% of the gross subdivisible area to be given up as POS. This excludes the foreshore reserve and drainage basins subject to inundation more frequently than annually (ie: one in one year rainfall)..

Even though exact location of the irrigation area available within each area of POS and the primary school site is subject to detailed design, all possible/available areas are detailed in Table 6 and Figure 5, confirming that there will be more than enough area available to accept irrigation water.

Table 6: Areas Available for Irrigation within Stage 1

POS No.	Stage	Irrigation Area (ha)
1	1A	7.764
2	1A	11.465
5	1A	0.197
9	1A	0.5089
12	1B	0.5646
Total		20.499
Primary School site 4.737ha	1A	2
Total including school oval		22.499



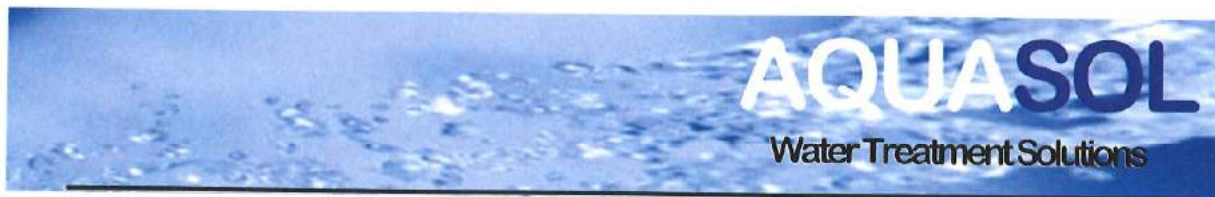


4.8 Contingency Plans

Table 8: Alarm System (**)

Control Point Limits	Alarm System	Affected Components
Suction Pump, Pump Station	Pump blocked	Non flow to the plant; stand by pump to start automatically.
Screen Blockage	Flow blockage	Low flow to the plant; stand by Screen to start automatically.
Aeration tank 2 - Aerator	Block or low flow / An automatic alarm will indicate the incorrect function of the aeration.	Alarm notification
Aeration tank 3 - Aerator	Block or low flow / An automatic alarm will indicate the incorrect function of the aeration.	Alarm notification
Aerobic tank 3 – Delivery pump	Blockage / An automatic alarm will indicate the incorrect function of the pump.	Alarm notification. Stand by pump to start automatically.
SBR tank 4 – Aerator	Block or low flow / An automatic alarm will indicate the incorrect function of the aeration.	Alarm notification
SBR tank 4 – Delivery pump	Blockage / An automatic alarm will indicate the incorrect function of the pump.	Alarm notification. Stand by pump to start automatically.
Polish tank 5 – Delivery pump	Blockage / An automatic alarm will indicate the incorrect function of the pump.	Alarm notification. Stand by pump to start automatically.
Irrigation tank 6 – Delivery pump	Blockage / An automatic alarm will indicate the incorrect function of the pump.	Alarm notification. Stand by pump to start automatically.
Chemical injection	Low injection / Aquasol staff will check levels and refill tanks periodically.	Dose pump will be set to dose chemicals for a certain period of time. Alarm will also warn on low levels.
Blockage Media Filtration	Pressure gage installed will warn any unusual pressure drop. Automatic backwash can be carried out.	Alarm in place to detect problem.
Blockage UF	Pressure gage installed will warn any unusual pressure drop.	Alarm in place to detect problem.
Power Failure	Breakdown of the energy supply / manual inspection	For emergency power failure, water will stop running and kept in tanks using buffer capacity.

** Alarm system may vary after plant is built



4.9 Identify Environmental Receptor and Pathway

Table 9: Pathways & Receptors

	Odour	Noise	Discharge to Land
Potential Receptors	Employees at the Light Industrial Area	Employees at the Light Industrial Area	Groundwater and Vegetation
Pathway Type	Air (wind)	Air (wind)	Leaching

For additional information, refer to Attachment 6A - Public health and environmental risks.



Appendix I Council Meeting Minutes Foreshore Management Plan

Moore River South Foreshore Management Plan

V12049



Prepared for
The Moore River Company Pty Ltd
September 2014

SHIRE OF GINGIN
SCAN #
RECEIVED
15 DEC 2014
DOC #
FILE #
OFFICER



ADOPTION

This adoption is subject to the following:

That the location of facilities at all Nodes has not yet been determined and that Detailed Design Plans may require further supporting technical information to inform the location of infrastructure at the request of Shire officers and to the satisfaction of Council, as determined by Council at its Meeting of 19 August 2014.

Adopted by Resolution of the Council of the Shire of Gingin at the Meeting of the Council held on the nineteenth day of August 2014.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

DATE 22.12.14



Appendix J Local Water Management Strategy Approval



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



Your ref: JJ13148-jj-V6


File ref: RF1217-02 SRS.34078

Enquiries: Tara Fox

Tel: 6250 8008

Cardno
PO Box 447
WEST PERTH WA 6872

Attn: Justine Jones

 Cardno West Perth Office	
RECEIVED	
24 OCT 2013	
SIGNED	
STRATEGY	

Dear Sir/Madam,

MOORE RIVER – LOCAL WATER MANAGEMENT STRATEGY

The Department of Water (DoW) gives approval to the above mentioned Local Water Management Strategy (LWMS) dated May, 2013. The Department is now satisfied that the document is acceptable for this proposal to proceed to the next stage of development approval.

However, the DoW also advises that the associated Moore River South Foreshore Management Plan (FMP) appears to still be unresolved. The DoW is expecting to receive an updated FMP and would recommend that the Moore River South Structure Plan, that the LWMS and FMP support, is not progressed until the FMP is revised, assessed and approved by the DoW.

If you wish to discuss the matter further, please contact Tara Fox on 6250 8008 or via email - tara.fox@water.wa.gov.au.

Yours sincerely,

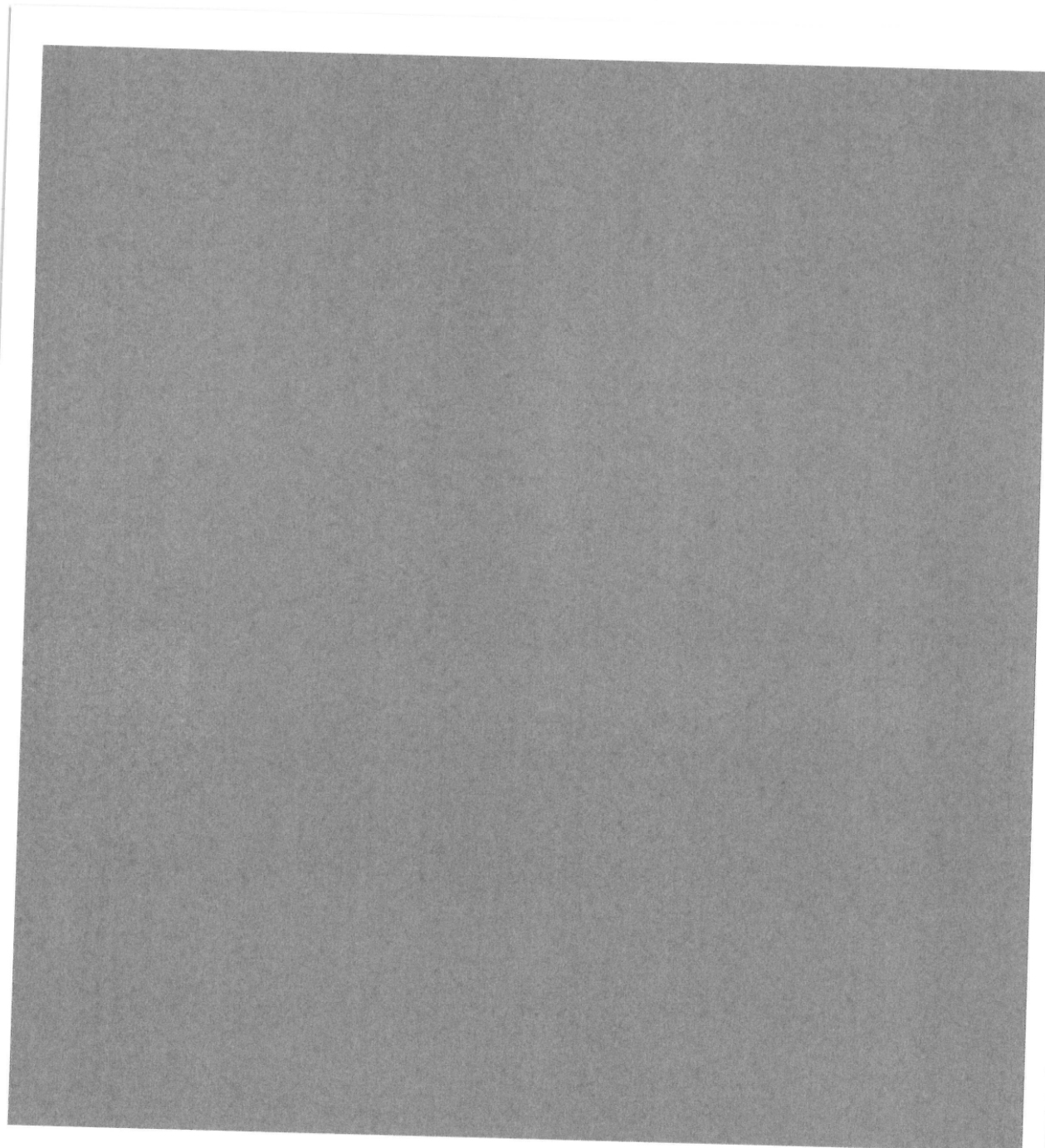
James Mackintosh
Program Manager
Land Use Planning
Swan Avon Region

22 October, 2013

Cc: CEO - Shire of Gingin

Swan Avon Region
7 Ellam Street Victoria Park Western Australia 6100
Telephone (08) 6250 8000 Facsimile (08) 6250 8050
www.water.wa.gov.au

K2WA61274



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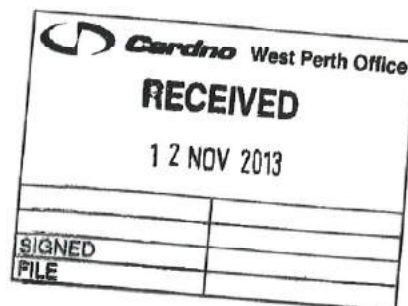
28 Brown Street
EAST PERTH WA 6004
PO Box 6697 EAST PERTH WA 6892
P (08) 9325 0200 | E info@creativedp.com.au



7 November 2013

7 Brockman Street, Gingin, Western Australia 6503
Telephone (08) 9575 2211 Facsimile (08) 9575 2121
Email: mail@gingin.wa.gov.au
Web: www.gingin.wa.gov.au

Michael Swift
Cardno (WA) Pty Ltd
PO Box 447
WEST PERTH WA 6872



Dear Michael

MOORE RIVER SOUTH REVISED OUTLINE DEVELOPMENT PLAN

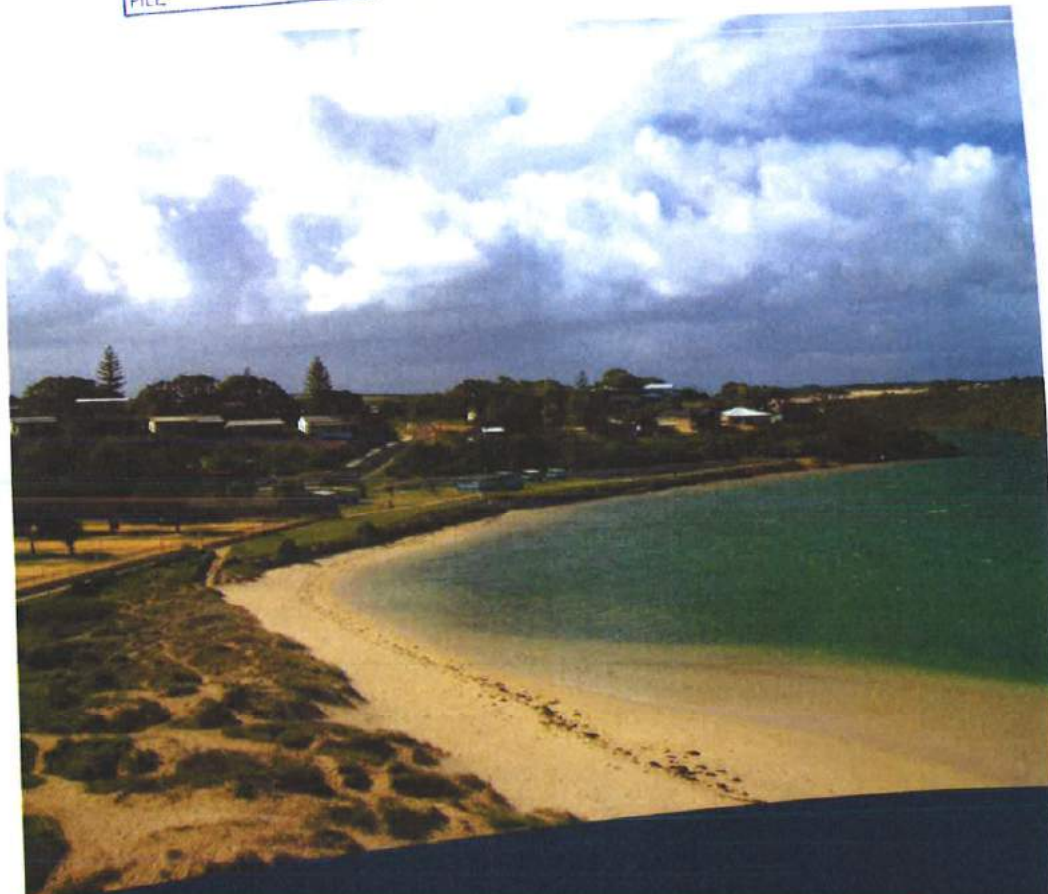
Please find enclosed a duly endorsed copy of the Moore River South Revised Outline Development Plan, received by the Shire of Gingin from the Western Australian Planning Commission on Tuesday, 5 November 2013.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Lisa Edwards".

LISA EDWARDS
MANAGER STRATEGIC PLANNING & DEVELOPMENT

LE:lvo
Our Ref: LND/142
Encl: WAPC endorsed copy of Revised ODP



Moore River South

Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

September 2013

Project Number P7026

Moore River South – Revised Outline Development Plan
Prepared for Moore River Company Pty Ltd



Cardno (WA) Pty Ltd
ABN 77 009 119 000
11 Harvest Terrace
West Perth WA 6005
PO Box 447, West Perth
Western Australia 6872 Australia
Telephone: 08 9273 3888
Facsimile: 08 9388 3831
International: +61 8 9273 3888
perth@cardno.com.au
www.cardno.com.au

Document Control

Version	Date	Author		Reviewer	
1	July 2010	John Arnold	JA	Michael Swift	MWS
2	May 2011	John Arnold	JA	Michael Swift	MWS
3	October 2011	John Arnold	JA	Michael Swift	MWS
4	December 2012 – March 2013	Ashwin Subramaniam	AHS	Michael Swift	MWS
5	September 2013	Ashwin Subramaniam Michael Swift	AHS MWS	Michael Swift	MWS
Filename	P7026--JA90001.90--JA.doc				

Author: Ashwin Subramaniam
Position Title: Town Planner

Reviewer: Michael Swift
Position Title: Senior Principal

Printed on 100% Australian Recycled Paper



Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

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Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

Executive Summary

The Moore River South revised Outline Development Plan (ODP) has been prepared by Cardno (WA) Pty Ltd (Cardno), on behalf of the Moore River Company, as a revision to the Outline Development Plan prepared by Masterplan Consultants W.A. Pty Ltd (Masterplan) and approved by the Western Australian Planning Commission in January 2000.

The revised ODP has been prepared in response to the acknowledgement by State Cabinet that the existing Future Development zone within the Shire of Gingin Local Planning Scheme No. 9 is consistent with previous zoning which has been in place since 1995 and that this zoning, subject to a reduction in the scale of the development, will provide the township of Guilderton and surrounding rural estates with a primary school, shopping and community facilities, and servicing infrastructure, which will result in the creation of a sustainable community catering for a population of up to 5,000 residents.

The Minister for Planning required that development under the revised ODP be in accordance with State Government environmental regulations and local planning controls.

The Minister also acknowledged that the Shire of Gingin and the Department of Planning will work closely with the Moore River Company to progress the revised ODP, which will be publicly advertised through the Shire's statutory process. Whilst the revised ODP will have to undergo the required public consultation process the Minister has emphasised the issue of whether the land should be developed or not is no longer open to debate and that the Government supports development in this area.

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

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Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

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- Appendix B Moore River South - Staging Plan - Cardno - September 2013
- Appendix C Moore River South - Servicing Report - Cardno – April 2013
- Appendix D Moore River South - Transport Assessment - Cardno Eppell Olsen - August 2013
- Appendix E Moore River South - Environmental Justification and Assessment - Cardno - May 2010
- Appendix F Moore River South - Flora Study - Cardno - April 2010
- Appendix G Moore River South - Fauna Study - Greg Harewood - July 2010
- Appendix H Moore River South - District / Local Water Management Strategy - Cardno – May 2013
- Appendix I Moore River South - Updated Coastal Assessment - M P Rogers – September 2012
- Appendix J Moore River South - Graceful Sun-Moth Survey - Cardno - June 2010

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

1 Introduction and Objectives

1.1 Introduction

The proposed Moore River South revised Outline Development Plan (ODP) has been prepared by Cardno (WA) Pty Ltd (Cardno), on behalf of the Moore River Development Company, as a revision to the Outline Development Plan prepared by Masterplan Consultants W.A. Pty Ltd (Masterplan) and approved by the Western Australian Planning Commission (WAPC) in January 2000. This revised ODP supersedes any previous ODP's for Moore River South.

The revised ODP area has been prepared in response to the acknowledgement by State Cabinet that the existing Future Development zone within the Shire of Gingin Local Planning Scheme No. 9 is consistent with previous zonings for the site which has been in place since 1995 and that this zoning, subject to a reduction in the scale of the development, will provide the township of Guilderton and surrounding rural estates with a primary school, shopping and community facilities, and servicing infrastructure, which will result in the creation of a sustainable community catering for a population of up to 5,000 residents.

The revised ODP has been reduced by approximately 100ha from 557ha covered by the currently endorsed ODP to 457ha (inclusive of some Future Development zoned area in the north). It includes the addition of several supporting technical studies that have been required as a result of changing legislation, with the recommendations of these reports informing the revised design. Although these technical studies support the revised the ODP they do not negate the possible need for additional studies at the detail design stage.

In summary, the main changes to the revised ODP include:

- Significantly reduced scale of development;
- Significantly increased setbacks from the Indian Ocean to allow for:
 - The physical processes setback (PPS) identified in the updated Coastal Assessment report (**Appendix I**);
 - Retention of the sites natural topography, particularly in relation to the coastal dunal system;
 - Acknowledgement and preservation of natural drainage areas; and
 - Retention of important flora and vegetation communities.
- Exclusion of land uses adjacent to Moore River, specifically the proposed tourist site;
- Generous allocation of public open space to ensure retention of remnant vegetation;
- Protection of key physical environmental attributes;
- Increased road widths to maximise the opportunity for capture of drainage at source; and
- Creation of an extensive area of foreshore reserve to be ceded free of cost to the Shire of Gingin and/or the State for the purpose of recreation and conservation.

1.2 Objectives of Revised Outline Development Plan

The key objectives of the revised ODP are to:-

- Provide a significantly reduced scale of development;
- Provide the township of Guilderton and surrounding rural estates with a primary school site, shopping and community facilities, and servicing infrastructure, which will result in the creation of a sustainable community catering for a population of up to 5,000 residents;
- Provide an adequate physical process setback from the coast to safeguard future development from coastal processes.

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

- Protect the Moore River from development through the provision of new foreshore reserves;
- Ensure the impacts of climate change are adequately considered;
- Provide extensive additional areas of foreshore reserve and adequate public open space;
- Retain, where possible, the natural topography of the subject site;
- Ensure the visual impact of the development from Guilderton is minimised;
- Concentrate development on areas that have been substantially cleared / degraded in the past;
- Retain remnant vegetation (including "Excellent" and "Pristine-Excellent" condition vegetation and Priority Flora populations), habitat trees and wildlife corridors;
- Minimise the disturbance of key physical environmental attributes;
- Prepare a Local Water Management Strategy with the emphasis on water sensitive urban design;
- Provide state of the art wastewater and water re-use technologies and demonstrate viable options for the management of these systems;
- Provide for a variety of housing densities and lot layouts;
- Cater for the tourist demands of the region both now and in the future;
- Encourage a less transient more permanent population in the longer term through the provision of locally based employment;
- Provide managed public access to and along the coast;
- Create a permeable road and pedestrian system;
- Encourage modes of transport other than the private car;
- Maximise road widths to encourage drainage within the road reserves;
- Prepare a framework for sustainable development; and
- Generally reflect a more sympathetic response to site attributes within a contemporary design response.

1.3 Site Location and Description

The revised ODP area is located on the south side of the Moore River, opposite the Guilderton townsite, and is located approximately 75 kilometres north of the Perth Central Business District. The revised ODP area is part of the Moore River Company's 2000 hectare property which has direct frontage and access to Barragoon Road and is connected to Indian Ocean Drive via Link Road and King Drive, Woodridge.

The revised ODP area rises steeply from the Indian Ocean, with a coastal dunal system attaining heights of 10m Australian Height Datum (AHD) and up to 30m AHD further inland. The site rises steeply from Moore River up to a dune crest along the shore which is up to 50m AHD.

The revised ODP area comprises Swan Location 2802 and portions of Swan Locations 2424 and 2914 as depicted on **Figure 1 - Land Ownership Plan** on the overleaf. There is a frontage of approximately 2.6 kms to the Indian Ocean. The site is separated from the river mouth of the Moore River by a Crown Reserve No. 17949 (Loc. 3049), comprising of 19 hectares. The south eastern boundary of the revised ODP area accords with the Amendment No. 22 boundary and is subject to survey.

The Moore River Company's property has for many years and continues to be used for farming and grazing purposes and, as a result, much of the land has been cleared and converted to pasture.

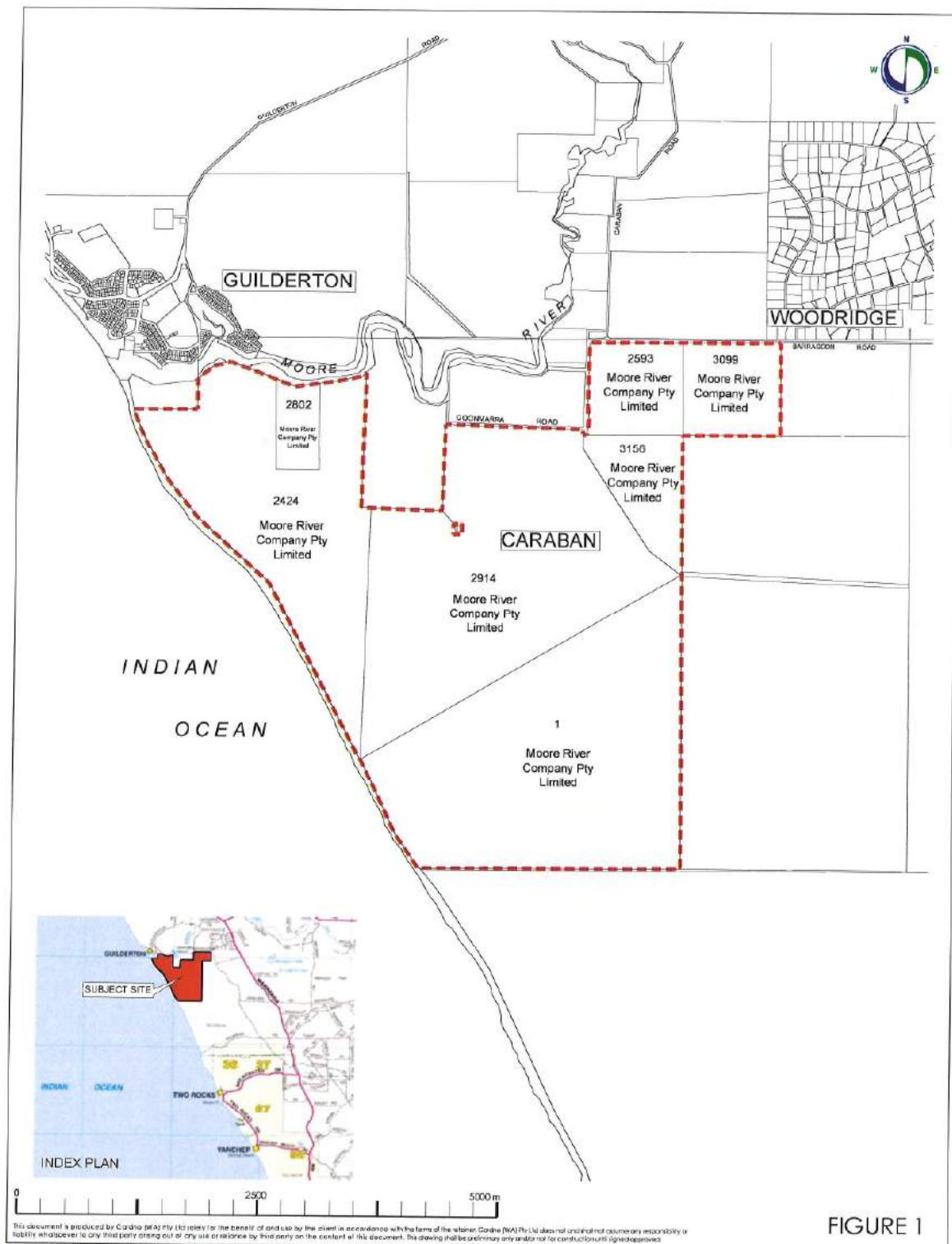


FIGURE 1

LAND OWNERSHIP PLAN
MOORE RIVER SOUTH OUTLINE DEVELOPMENT PLAN
MOORE RIVER SOUTH, SHIRE OF GINGIN

Cardno
11 Harvest Terrace
P.O. Box 447
West Perth 6872
Telephone (08) 9273 3838
Facsimile (08) 9486 8664

DATE: 11.09.2013 SCALE AT A4: 1:50 000
DESIGNED: CHECKED:
DRAWN: FC APPROVED:
LOCAL AUTHORITY:
SHIRE OF GINGIN
PROJECT/PHASE/PLAN NUMBER: P7026 SK08
REVISION:

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

1.4 Planning History

The subject site has undergone extensive planning over the last 15 years, from the initial rezoning of the land in 1995 to allow for urban development to the lodgement of this current revised ODP in 2010.

1.4.1 Amendment No. 22 (1995)

On March 3 1995, 557 hectares of the Moore River Company land was rezoned from 'Rural' to 'Urban Development' under the Shire of Gingin Town Planning Scheme No. 8 (TPS8). The purpose and intent of this zone was to ensure that the district will derive the maximum possible benefit from the design, layout and provision of works and services for urban development. Council requires the preparation of an ODP prior to supporting or approving any proposal for subdivision or development of the land.

1.4.2 Outline Development Plan (2000)

An Outline Development Plan was prepared on behalf of the Moore River Company by Masterplan Consultants, and was adopted by the Western Australian Planning Commission (WAPC) on 17 January 2000. The 2000 ODP incorporated the whole 557 ha of the Urban Development zone with an envisaged ultimate population of 13,500 residents in 5,269 dwellings.

The approved 2000 ODP included: six residential precincts; two primary schools and one high school; community facilities; a district hospital site; three medical centres; three tourist sites; and commercial centres, including a district centre, neighbourhood centres and local shops.

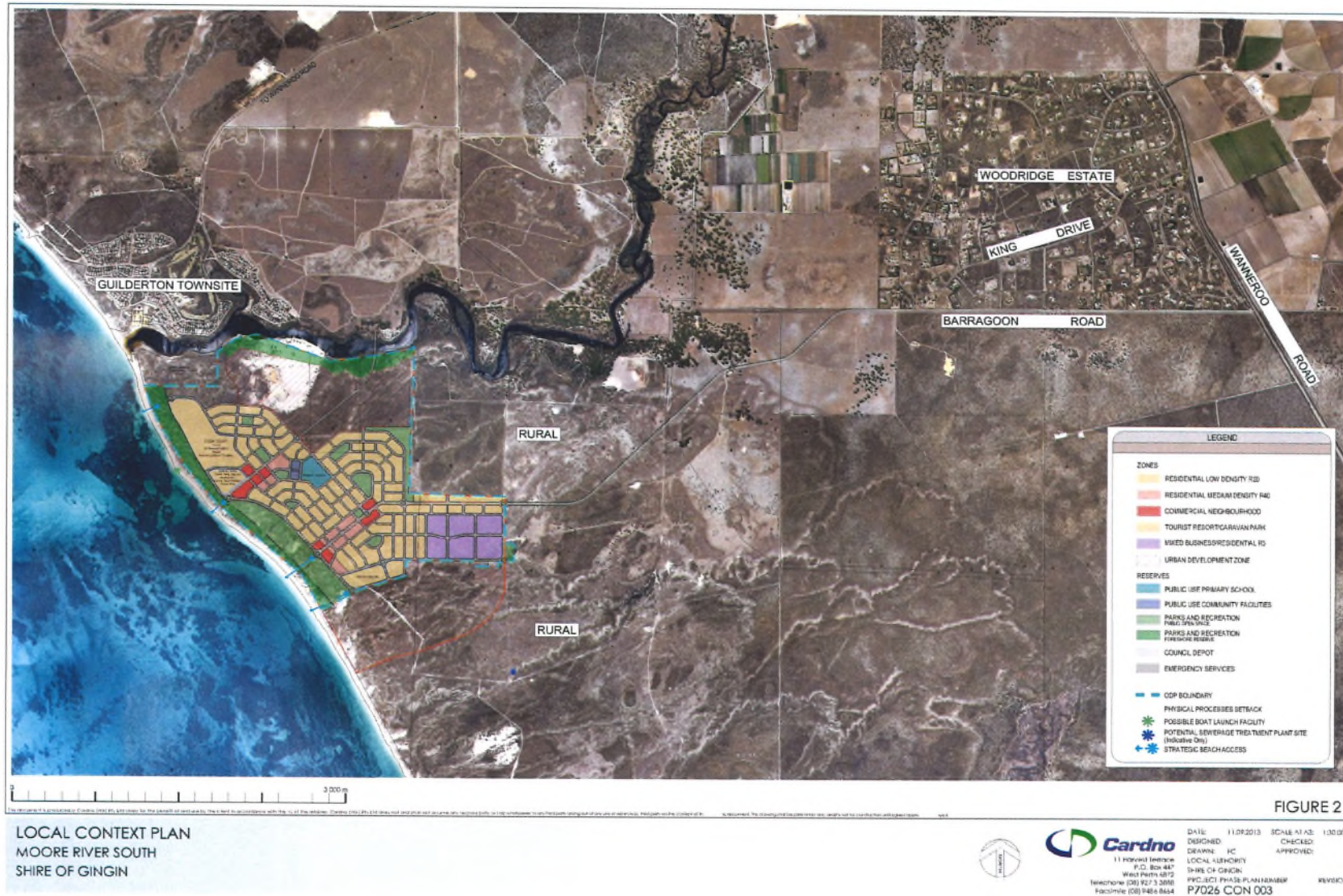
1.4.3 Subdivision Application (2003)

On 27 October 2003 an application for subdivision was submitted to the WAPC by Masterplan Town Planning Consultants (Masterplan) for approval of 661 residential lots, 8 areas of public open space, a central retail area and roads, generally in accordance Stage 1 of the 2000 approved ODP. On 21 September 2004 the WAPC refused the subdivision application on the basis that the proposal was contrary to the current strategic planning for the Gingin coast area and the then State Governments expectations for the area.

The Moore River Company sought a review of the decision in the Town Planning Appeal Tribunal in November 2004 the then Minister for Planning and Infrastructure 'called in' the appeal and instructed the Tribunal to make a recommendation on the matter to hand. Following a hearing the Tribunal reached the view that it should recommend against approval. The matter remained in dispute until the recent decision of State Cabinet which gave rise to the preparation of the revised ODP.

1.5 Regional Setting

The Department of Planning and the Shire of Gingin have undertaken various studies which considered the future of the Guilderton/Moore River area in the context of its regional setting. The revised ODP area is located on the south side of the Moore River opposite the Guilderton townsite and will be the first settlement located north of the metropolitan region as identified on the Metropolitan Region Scheme. Its locational characteristics, relative to Perth, are not dissimilar to those of Mandurah in the south - as can be seen on **Figure 2 - Local Context Plan** on the overleaf. Descriptions of the various regional studies and strategies prepared by the Department of Planning and the Shire of Gingin are found in Section 2.0 - Planning Context.



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2 Planning Context

2.1 Department of Planning / Western Australian Planning Commission

The Department of Planning (DoP) is the State planning authority and is concerned with all regional planning matters. In this instance, the DoP will make a recommendation to the Western Australian Planning Commission (WAPC) on the endorsement of this revised Outline Development Plan (ODP), but only after the matter has been advertised for public comment and the Shire of Gingin has made its own recommendation as to whether the revised ODP ought to be endorsed and any conditions that should be affected to that endorsement.

2.1.1 State Planning Strategy

The WAPC prepared and adopted the State Planning Strategy in 1997. The Strategy provides the overall vision of the State and will be further articulated and applied by policies and plans dealing with particular planning issues or regions of the State.

The State Planning Strategy states that the primary aim of planning is to provide for the sustainable use and development of land. The Strategy identifies the five key principles (Environment; Community; Economy; Infrastructure and Regional Development), which further define this primary aim and describe the considerations which influence good decision-making in land use planning and development.

The State Planning Strategy aims to guide the sustainable development of Western Australia to 2029. In accordance with the principles of the Strategy the revised ODP has been designed to incorporate sustainable design principles as considered further in Section 4.12 of this report

2.1.2 Statements of Planning Policy

2.1.2.1 State Planning Policy 1 - State Planning Framework

The State Planning Framework unites existing State and regional policies, strategies and guidelines within a central framework which provides a context for decision-making on land use and development in Western Australia. It also restates and expands upon the key principles of the State Planning Strategy in planning for sustainable land use and development.

The policy was initially gazetted on 22 December 1998 as Statement of Planning Policy No. 8. Subsequently, a variation to the policy, Statement of Planning Policy No 1 (Variation No 1) State Planning Framework Policy, was gazetted on 30 May 2000.

The Statement of Planning Policy has now been further updated to include additional regional strategies, regional and sub-regional structure plans, strategic policies and operational policies that have been endorsed by the WAPC since May 2000. This Statement of Planning Policy, which does not introduce new policies but simply brings together existing policies, strategies and plans approved by the WAPC, will continue to assist local governments in preparing schemes and will also clarify the State and regional policies that apply to a particular locality.

2.1.2.2 Statement of Planning Policy No. 2.6 – State Coastal Planning Policy

This policy, prepared in 2003 and updated in 2006, addresses land use planning and development issues specifically as they relate to the protection and management of the coast. The policy requires

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strategic plans to guide local planning, development setbacks for protection against coastal processes such as erosion and storms, and the provision of coastal foreshore reserves.

Guidance is provided on determining coastal setbacks. The preparation of coastal planning strategies or coastal foreshore management plans in partnership with the broader community is also strongly advocated.

The policy provides high order guidance for decision-making on coastal planning matters and applies state wide. Implementation will be through local government town planning schemes, and regional and local strategies.

The objectives of this policy are to:

- Protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
- Provide for public foreshore areas and access to these on the coast;
- Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and
- Ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

To comply with the provisions of SPP 2.6 the Moore River Development Company has engaged M P Rogers and Associates to provide a Coastal Setback Assessment as part of the original ODP. As part of the revised ODP M P Rogers have again been engaged to provide an updated Coastal Setback Assessment, which is included as **Appendix I**. The report concludes that the coastal dunal system at the development frontage are stable and accordingly recommends a physical processes setback of between 125 and 177m, which is incorporated, as a minimum, within the revised ODP design. At this stage the report assesses appropriate setbacks to the Moore River based SPP 2.9 and recommends a combined setback of 50m from high water mark or top of river bank. This assessment will be augmented by a detailed assessment of the Moore River foreshore under SPP 2.6 with the final setbacks and extent of foreshore reserve to be fixed within a Foreshore Management Plan. That Plan is in draft form and has been subject of a consultation process. The foreshore reserve width currently shown on the Plan has been based on the southern watershed and visual catchment to the river, resulting in a reserve width averaging approx.. 150m. The final extent of the foreshore reserve will will accommodate the outcomes of the SPP 2.6 assessment to be completed prior to endorsement of the Foreshore Management Plan.

2.1.2.3 Statement of Planning Policy No. 3 – Urban Growth and Settlement

This policy sets out the principles and considerations which apply to planning for urban growth and settlements in Western Australia. The objectives of this policy are:

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and

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services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

Achieving sustainable forms of development is key to this policy and central to the planning system in Western Australia. It is the intention of the revised ODP to create a sustainable community and place to live that provides for an appropriately high level of local employment and economic growth, and to create a strong, vibrant and socially inclusive community, whilst preserving the coastal and estuarine environments of the locality.

2.1.2.4 Statement of Planning Policy 3.1 - Residential Design Codes (Variation 1)

The purpose of the Residential Design Codes (R-Codes) is to provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. They are intended to cover all requirements for planning control purposes and to minimise the need for councils to introduce separate planning policies or variations to these matters.

The main objectives of the R-Codes are:

- To provide for a full range of housing types and densities that meet the needs of all people;
- To provide for local variations in neighbourhood character;
- To ensure appropriate standards of amenity for all dwellings;
- To protect the amenity of adjoining residential properties; and,
- To encourage environmentally sensitive design.

Whilst the R-Codes are generally used during the later stages of the planning process in the assessment and determination of applications for residential development the density controls set out in the policy are relevant in the consideration of the design of the revised Outline Development Plan.

The R-Codes set out a range of density codes from low density R2 (with a minimum site area of 5000m²) to high density R160 with a minimum site area of 62.5m². In accordance with the objectives of this policy and the objectives of Liveable Neighbourhoods to provide for a range of housing types and densities the revised ODP proposes a mix of residential density codes from R20 (500m² average) to R40 (220m² average).

2.1.2.5 Draft Statement of Planning Policy No. 3.6 – Development Contributions for Infrastructure

This draft policy sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, and the form, content and process to be followed.

In summary, the objectives of this draft policy are:

- To promote the efficient provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided; and
- To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions.

In the absence of relevant provisions within the Shire of Gingin LPS9, this policy sets out the format for developer contributions and provides a template for the form, content and process to be followed

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in the provision of infrastructure contributions for new development. Developer contributions are considered in Section 12 of this report.

2.1.3 Regional Strategies

Regional Strategies cover a region or sub-region and interpret the State Planning Strategy at that level, providing a basis for cooperative action to be taken by State and local government on land use and development.

2.1.3.1 Central Coast Regional Strategy

The Central Coast Regional Strategy was endorsed by the WAPC in June 1994. The strategy addresses the future of the coastal area between Wilbinga (south of Moore River and immediately north of the Metropolitan Region Scheme boundary) and Dongara in the north. The strategy identifies urban growth areas and conservation areas, amongst other things. The WAPC has identified the subject site as an urban growth area of major local centre status. The revised ODP area, which is zoned 'Future Development', is consistent with this regional strategy.

2.1.4 Regional and Sub-regional Structure Plans

Regional and sub-regional structure plans provide for the comprehensive planning of regions, sub-regions or particular locations to guide change in the short to medium term.

2.1.4.1 Development Strategy and Structure Plan for the Gingin Coastal Region (Shire of Gingin 1992)

This Development Strategy and Structure Plan were prepared in 1992 to determine a direction for growth for the coastal region of the Shire of Gingin which stretches from the northern boundary of the Metropolitan Region Scheme for 70 kms to the Lancelin Naval Firing Range. This coastal strip comprises four main settlements, being Guilderton, Seabird, Ledge Point and Lancelin. The purpose of the study was to review the region's past and existing characteristics, examine key issues and trends and evaluate alternative planning strategies for future development. The four main issues addressed in this study were as follows:

1. Rapid northward direction of metropolitan region. The report states, in its executive summary, that "these processes are likely to increase pressures for large-scale urban development in the Coastal Region."
2. The economic potential of the region, particularly for tourism and emerging horticultural development.
3. The perceived threat to the fishing industry and quality of life in the four nominated towns from the pressures for urban and industrial development.
4. The capability of the region's coastal environment to accommodate development.

The development strategy adopted by the Gingin Shire Council earmarks Guilderton as a town of approximately 30,000 people with approximately 15,000 residents north of the river and 15,000 residents south of the river. The revised ODP area comprises 346 ha and will accommodate approximately 5,000 residents, and is therefore consistent with Council's Coastal Region Structure Plan.

2.1.4.2 North West Corridor Structure Plan

The North West Corridor Structure Plan was endorsed by the Minister for Planning in 1994 and established a growth framework for land north of Hepburn Avenue and extending to the northern boundary of the Metropolitan Region Scheme (approximately 4 kms north of the Two Rocks townsite).

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The significance of the Structure Plan to this project is that the Minister had determined there will be a large open space between the Metropolitan Area and the Moore River Company's land holding. This green area is generally known as Wilbinga Open Space and is approximately 8000 hectares in area or twenty times larger than Kings Park. In general terms, Wilbinga measures approximately 10 kms east-west by 8 kms north-south. This open space is consistent with the conservation strategy determined in the Central Coast Regional Strategy.

2.1.4.3 Gingin Coast Structure Plan

In December 2003 the Minister for Planning approved the WAPC's release of the draft Gingin Coast Structure Plan. The public submissions received during the advertising period were collated and the responses evaluated by the Department of Planning in consultation with the community advisory group and steering committee. A key change to the structure plan following advertising related to the proposed change of land use of the area to the south of Moore River, being the site of this revised ODP.

The Gingin Coast Structure Plan designates the area south of Moore River as a 'Recreational and Tourist Node Investigation Area'. The structure plan report states that this type of settlement will be in response to the demand for tourist/visitor accommodation driven by tourist attractions and/or recreation-based activities in the locality and will be subject to planning, infrastructure, environmental and social considerations.

The Gingin Coast Structure Plan is a non-statutory document not endorsed by the Shire of Gingin and components of which, involving Moore River, do not have the support of the State Government.

The recommendations of the Gingin Coast Structure Plan in relation to the use of land south of Moore River as a Recreational and Tourist Node Investigation Area are contrary to the provisions of LPS9, the statutory land use planning control for the Shire and the draft Local Planning Strategy. The revised ODP has been designed to reflect the Future Development' zoning of the land under LPS9.

2.1.5 Strategic Policies

Strategic policy statements deal with particular strategic planning issues, and in some cases refine and expand upon aspects of a regional strategy. Of particular relevance to the revised ODP is the WAPC's Liveable Neighbourhoods policy document.

2.1.5.1 Liveable Neighbourhoods

Liveable Neighbourhoods is a strategic operational policy for the design and assessment of structure plans (region, district and local) and subdivision for new urban (predominantly residential) areas in the metropolitan area and country centres.

In general, Liveable Neighbourhoods replaces the current WAPC development control policies. Where there is conflict with existing policies, Liveable Neighbourhoods will prevail unless it can be demonstrated why it cannot or should not apply.

Liveable Neighbourhoods has been prepared to implement the objectives of the State Planning Strategy which aims to guide the sustainable development of Western Australia to 2029.

In summary, the 12 principal aims of Liveable Neighbourhoods are:

1. To provide for an urban structure of walkable neighbourhoods, clustering to form towns of compatible mixed uses in order to reduce car dependence for access to employment, retail and community facilities;

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2. To ensure that walkable neighbourhoods and access to services and facilities are designed for all users, including those with disabilities;
3. To foster a sense of community and strong local identity and sense of place in neighbourhoods and towns;
4. To provide for access generally by way of an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving;
5. To ensure active street-land use interfaces, with building frontages to streets to improve personal safety through increased surveillance and activity;
6. To facilitate new development which supports the efficiency of public transport systems where available, and provides safe, direct access to the system for residents;
7. To facilitate mixed use urban development which provides for a wide range of living, employment and leisure opportunities, capable of adapting over time as the community changes and which reflects appropriate community standards of health, safety and amenity;
8. To provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services;
9. To ensure the avoidance of key environmental areas and the incorporation of significant cultural and environmental features of a site into the design of an area;
10. To provide for a more integrated approach to the design of open space and urban water management;
11. To ensure cost-effective and resource-efficient development to promote affordable housing; and
12. To maximise land efficiency wherever possible.

The revised ODP has been designed in accordance with the principles of Liveable Neighbourhoods, which are fundamental to the design philosophy. Key principles include the provision of walkable neighbourhoods, through an interconnected network of streets that provide convenient access to a mix of facilities and services that will meet the needs of both the new population and the existing population of the Guilderton and Woodridge townsites.

Importantly, the revised ODP proposes much wider streets and significantly more public open space than is required by Liveable Neighbourhoods. This has been done to achieve a greater level of site responsiveness and to create a 'point of difference'.

2.2 Shire of Gingin

The revised ODP area lies within the Shire of Gingin and is therefore required to comply with the Shire of Gingin Local Planning Scheme No. 9, the current statutory land-use planning control, as well as other relevant Council policies and strategy plans.

The Council of the Shire of Gingin and the WAPC adopted Amendment No. 22 to the superseded Shire of Gingin Town Planning Scheme No. 8, under which 557 hectares of the Moore River Development Company land was rezoned from "Rural" to "Urban Development", as the proposal was consistent with the various Shire and WAPC strategies and structure plans identified in the preceding sub-section. Under the Shire of Gingin Local Planning Scheme No. 9, the 557 hectares is zoned 'Future Development'. The 'Future Development zone identifies land suitable for urban development. Under this zone, an ODP is required to be prepared and endorsed to ensure that the area will derive the maximum possible benefit from the design, layout and provision of works and services. Subdivision and development will thereafter be approved in general conformity with the adopted ODP.

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2.2.1 Shire of Gingin Local Planning Scheme No. 9

Under the provisions of the Shire of Gingin Local Planning Scheme No. 9 (LPS9) the revised ODP area is zoned Future Development. **Figure 3** on the overleaf is a zoning plan of the revised ODP area.

The purpose of the Future Development zone is to designate land considered to be suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use.

The provisions of the Future Development zone require that the subdivision and development of land within the Development Area is to be generally in accordance with an approved Structure Plan. A revised ODP has been prepared in accordance with the provision 5.7 of LPS9 which establishes the requirements for Structure Plan preparation.

2.2.2 Shire of Gingin Draft Local Planning Strategy

The Shire of Gingin's draft Local Planning Strategy (the Strategy) was prepared in September 2003 and has been held in abeyance along with Town Planning Scheme No. 9 since 2006. The Strategy is a planning tool that enables Council to set out its vision for the municipality, and the longer term directions for land use and development. The Strategy establishes a basic structure of population and employment, and outlines the broad strategies for housing, industry, shopping and business activities, and proposals for transport, open space and other public uses.

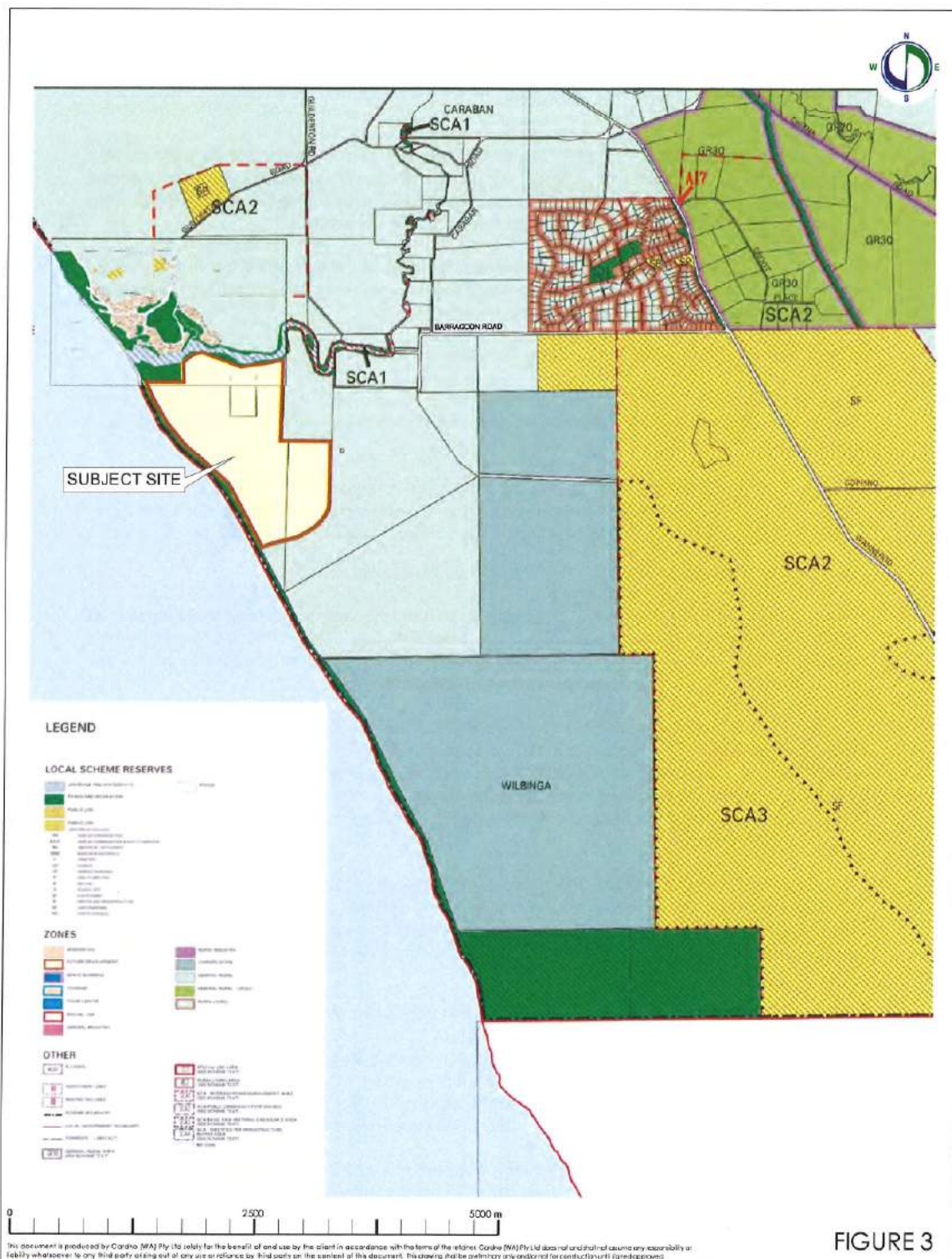
The Strategy recognises the Urban Development zoning of the revised ODP area and acknowledges that in the medium to long-term the area is anticipated to provide for a resident population of some 13,500 persons. However, the Strategy states that prior to actual urban development occurring on the south side of the Moore River, there will be a need for further detailed planning, and in particular addressing some key issues including coastal management, river management and integration with the existing Guilderton townsite.

The relevant objectives of the Strategy in relation to the revised ODP area are:

- To promote and support new urban expansion around the existing Guilderton townsite;
- To facilitate a high quality, environmentally sensitive and integrated form of urban expansion south of Moore River as part of the Guilderton townsite expansion plan;
- To increase local employment opportunities and local expenditure by increasing the level and diversity of business prospects both within and adjacent to the townsite;
- To promote increased level of community facilities within or adjacent to the Guilderton townsite; and
- To maintain the attraction and importance of Guilderton as a tourist destination, and recognise its popularity for non-permanent residents.

A number of strategies are identified to meet these objectives, including:

- Utilise rationalisation of zones and zoning controls to encourage the establishment of a greater mix of urban land uses, such as home offices, home based business, cottage industries and the like;
- Preparation and adoption of structure plans for identified expansion area incorporation the existing Outline Development Plan for south of Moore River, to ensure that subdivision and development of urban land only proceeds after comprehensive planning to ensure design standards, cost effective servicing sensitive to the environment and adequate level of community facility provision; and



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- Promote, facilitate and undertake the preparation and implementation of localised coastal management plans which recognise the importance and attraction of the coast for urban townsite and nodal development, whilst simultaneously ensuring the reinstatement and ongoing protection of coastal systems in the context of urban townsite growth and activities.

The revised ODP reflects the provisions of the draft Strategy by facilitating the future development south of Moore River and providing the necessary technical and management plans to support the proposal and protect the coastal and estuarine environments.

2.2.3 Shire of Gingin Town Planning Policies

A provision within the Shire of Gingin LPS9 allows Council to make Town Planning Scheme Policies in relation to parts or all of the Scheme Area and in relation to one or more aspects of the control of development and land use.

A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Consent but Council shall take into account the aims and provisions of the policy when making its decision. Policies relevant to the revised ODP are considered in the following section of this report:

2.2.3.1 Town Planning Policy No. 1.2 – Foreshore Protection Areas

Town Planning Policy 1.2 applies to the area depicted on the various Strategy Maps labelled as Foreshore Protection Areas and applies to the revised ODP area. The objective of the policy is to provide general development guidelines including setbacks, building height, pedestrian access and parking in areas where development is permitted in the foreshore area.

The revised ODP has been designed to ensure that the environmental attributes of the Foreshore Protection Area are preserved through the provision of increased setbacks to both the river and ocean and through the retention of the coastal dunal system, whilst maximising pedestrian access through strategic beach access points. Environmental protection measures will be set out in a Foreshore Management Plan, as required by the revised ODP's Statements of Planning Policy, included as Section 9 of this report.

The Guilderton Townsite Strategic Map which is contained within Section 4.0 of the Shire of Gingin Draft Local Planning Strategy requires that a coastal management plan be prepared for the subject site. Planning Policy Statement No. 6 (refer Section 9) states that a foreshore management plan shall be prepared under clause 5.1(x) and (xi) of State Planning Policy No. 2.6: State Coastal Planning Policy, at the subdivision stage.

2.2.3.2 Town Planning Policy No. 7.1 – Guilderton Foreshore Protection Area

This policy applies to areas depicted on the Guilderton Strategy Map as Foreshore Protection Areas. The objective of the policy is to provide for the improvement of river water quality to allow for recreational purposes and ensure that any development in or adjacent to the Foreshore Protection Area has minimal detrimental effect on the quality of the local environment over the long term.

The revised ODP responds to this policy by proposed expansion of the foreshore reserve system and precluding any development within the direct catchment of the Moore River.

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2.2.3.3 Town Planning Policy No. 7.2 – Guilderton Expansion Area

Town Planning Policy No. 7.2 applies to the land south of Moore River and therefore specifically relates to the revised ODP area. The objective of the policy is to provide a comprehensive structure plan for large scale urban development in the area. The policy requires that structure plans should indicate urban cells, retail centres, schools, public open space, and the main infrastructure for the area. The policy also requires that urban cells to the south of Moore River will not be supported unless a trafficable bridge is provided to connect the existing townsite.

2.3 Environmental Protection Agency

In determining an informal level of assessment with public review for Amendment No. 22, the Environmental Protection Agency was aware of a commitment made by the proponent that the following four matters would be addressed in the preparation of an ODP:

- Preparation of a river foreshore management plan;
- Preparation of an ocean foreshore management plan;
- Preparation of a drainage management plan; and
- The development would be sewerage.

During the advertising period of Amendment No. 22, the Minister for the Environment determined an informal level of (environmental) assessment where public review would apply. This decision was advertised and appeals were lodged in regard to the level of assessment.

In August 1994 the Minister for Environment advised Moore River Company that he had dismissed all appeals against the informal level of assessment of Amendment No. 22. It was considered there were no significant environmental concerns which would prevent urban development providing there was no direct drainage discharge to the river or ocean, the development was sewerage and management plans were prepared for the coastal and river foreshore areas.

The revised ODP is of significantly lesser scale than that anticipated by Amendment 22 and the currently approved ODP for the site. The area of new reserves has increased enormously, and the proposal responds to all contemporary environmental criteria. It is considered that the revised ODP will not have a 'significant effect on the environment' for the purposes of the Environmental Protection Act.

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3 Community Consultation

A comprehensive community consultation process was carried out as part of the approved 2000 Outline Development Plan (ODP). In accordance with an agreement between the then Department of Planning and the Shire of Gingin, three community workshops were held under the direction of an independent chairman - Dr Geoff Syme from the C.S.I.R.O. The main purpose of these workshops was to provide information to the public so that they could suggest principles and basis for guidelines for the ODP. Additionally, the following extract from the summary of the workshops identified the objectives for the workshops as being:

- To develop planning principles for the Outline Development Plan;
- To provide the reasoning or basis on which guidelines can be derived; and
- To ensure that the greatest breadth of input and ideas are gained from which the planners can work.

Key issues that arose from the workshops included:

- Retention or stabilisation of the 'desert';
- Requirement for adequate coastal and river foreshore setbacks;
- River not to be dredged and rivermouth bar to remain;
- Retention of the site as a conservation reserve;
- Provision of adequate employment;
- No discharge of stormwater into the river or ocean;
- Managed public access along river and coastal foreshore;
- Need for safe ocean boat launching facility;
- Provision of adequate servicing - power, water, sewer;
- Provision of adequate community facilities;
- Requirement for a bridge crossing; and
- Provision of a well balanced community.

The 2000 approved ODP was designed to reflect the outcomes of the workshop where possible. The workshops provided a breadth of input and ideas (principles and guidelines). Although the principles and guidelines established did not override the relevant planning principles at the time they were taken into account in the consideration and assessment of the approved 2000 ODP, by the proponent, the Shire, the WAPC and relevant Government agencies.

3.1 Revised Outline Development Plan

The revised ODP is essentially a revision to the approved 2000 ODP, which has been amended to reflect the Minister of Planning's acknowledgement of the Urban Development zoning of the land and its suitability to accommodate a reduced scale of development. Preparation of the revised ODP has considered the issues arising from consultation in relation to the approved 2000 ODP and the Gingin Coast Structure Plan. The most significant design response has been the proposed reduction of the scale of development and the incorporation of significant additional reserves and open space in response to expressed community opinion.

The revised ODP area has been reduced from 557ha to 457.34ha with a reduction in the envisaged total population from 13,500 to 5,000 residents. The overall impact on the environment has also been significantly reduced with additional setbacks provided to the coast and the previously proposed tourist development omitted from adjacent to the Moore River. Additional supporting technical studies have also been provided to address the amended design and reflect changes in legislation.

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The revised ODP underwent formal consultation pursuant to the Shire of Gingin Town Planning Scheme No. 8 (TPS8), which requires that once an ODP has been prepared to the satisfaction of Council, the Council shall advertise, including notifying in writing, to all owners considered likely to be affected by the ODP, and inviting each owner to make a submission regarding any aspect of the Plan of interest to or affecting the landowner. TPS8 specifies a minimum time period of 28 days for submissions to be received. The public advertising process carried out under TPS8 was consistent with that required by newly gazetted TPS9.

Public advertising and a consultation exercise occurred over 42 days in March/April 2012. At its meeting held on 17 July 2012 the Council of the Shire of Gingin considered the 167 submissions from community stakeholders and Government agencies received in response to the consultation process and resolved that various refinements be made to the ODP and that some further information be provided prior to final endorsement of the document. The Moore River Company has worked together with the Shire, Department of Planning and other Government Agencies to identify and implement modifications to the ODP to address relevant issues raised during consultation,

A full copy of the revised ODP that is the outcome of the assessment and consultation process is attached at the end of this report.

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4 Environmental Assessment

In 1992 the Moore River Company engaged Alan Tingay and Associates, Environmental Consultants, to undertake an environmental assessment of a study area slightly in excess of the approved 2000 ODP area. The purpose of the study was to provide an assessment of environmental opportunities and constraints to urbanisation of the area. In the following years to 1996 further environmental studies were carried out to identify coastal stability and mobile dune stability, as well as additional management plans for the river foreshore reserve and the ocean foreshore reserve, which were used as supporting technical reports to the approved 2000 ODP.

Cardno, on behalf of the Moore River Company, have undertaken a new scope of work to re-evaluate the environmental issues, constraints and opportunities to assess the environmental impact of the revised Outline Development Plan (ODP) and to update the understanding of environmental values in line with current regulatory requirements.

The environmental consultancy services included a number of site specific environmental investigations including:

- Flora and vegetation assessment - Level 2 (Cardno 2010);
- Fauna assessment (Harewood 2010); and
- Ongoing ground water monitoring (Cardno October 2009 to July 2010 and ongoing).

A summary of these investigations along with a review and synthesis of other previously existing environmental information for the subject site is provided in the following section of this report. The key environmental features of the subject site include:

- Suitable habitat for both Carnaby's Black Cockatoo and the Graceful Sun Moth;
- Areas of remnant vegetation, including vegetation in "Excellent" and "Pristine-Excellent" condition;
- The coastal setting of the site; and
- Significant Flora species.

This information was incorporated into a comprehensive, collaborative and multi-disciplinary design for the revised ODP. Key environmental design features incorporated into the revised ODP design include:

- A generous and strategic allocation of Public Open Space (POS);
- A design that accommodates the retention of topography and landscape; and
- Protection of key physical environmental attributes such as habitat trees.

A key objective of the revised ODP is to retain the existing environmental character of the subject site wherever possible.

4.1 Site Topography, Geology, Landform and Soils

The revised ODP area is located within the Swan Coastal Plain, which is on the central portion of Perth Basin. The Perth Basin extends from the Darling fault in the east to the continental slope west of Rottnest Island, from the Murchison River in the north and the Southern Ocean in the south. The Perth Basin is sedimentary in origin.

The Swan Coastal Plain is comprised of a number of geomorphic entities running parallel to the coastline. From west to east, these include the Quindalup Dunes, Spearwood Dunes, Bassendean Dunes and the Pinjarra Plain. According to landform and soil mapping (Churchward and McArthur 1980), the subject site is comprised of the Quindalup dunes, which is described as unconsolidated

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sand and shell fragments with some organic matter darkening the surface of the sand. The Quindalup dune system is described as a Holocene landform.

The topography of the subject site is undulating with the natural surface height ranging from 6m Australian Height Datum (mAHD) along the coast to 50 mAHD further inland. The subject site is characterised by a number of irregular dunes, which rise steeply away from the beach and Moore River, to a series of high dunes and valleys, and range from approximately 10 mAHD on the coast to 40 mAHD a short distance inland.

4.2 Geoheritage

Geoheritage is a complex expression of the geological and geographical landforms and the historical development of all ecological systems upon them. Geoheritage is the historical record of the processes that have produced the geology and landform in an area.

Based on the broad description of the landform and geology above and the Department of Agriculture online mapping, the majority of the subject site appears to be composed of the Quindalup Dunes. These can be associated with forms of geoheritage where unusual landforms occur, such as the record of Holocene dune building found at Port Kennedy.

From the available information, the revised ODP area does not contain any landforms of geoheritage which are currently targeted for protection. Additionally, none of the previous studies or planning for the site has noted the occurrence of significant or unusual geoheritage features.

4.3 Hydrology

4.3.1 Surface Water

The revised ODP area is located directly to the south of the mouth of Moore River. The Moore River catchment receives variable rainfall and as a result the river has only seasonal contact with the sea, when the volume of water flowing through it is sufficient to break through the sandbar across its mouth or when anthropogenic forces have opened the bar. Apart from Moore River to the north of the subject site, there are no known or mapped waterways.

4.3.2 Groundwater

4.3.2.1 Review of Existing Information

The revised ODP area represents the north-west portion of the Gngangara Mound groundwater system. This system extends from Moore River in the north, to the Swan River in the south, the Indian Ocean to the west and Ellen Brook to the east. The Gngangara Mound is a superficial aquifer which contains predominantly unconfined groundwater, which overlays the deeper and impermeable Osborne Formation and Lancelin Beds (Coolyena Group), which are approximately 500m deep (GSS 2009). The surface sediments that form these formations are broadly consistent with the soil characteristics discussed above and vary vertically and laterally with interweaving layers of sand, limestone, silt and clay.

The groundwater in the region is likely to be directly recharged by rainfall, which percolates into and moves slowly through the superficial formations.

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Extensive site specific groundwater investigations are being undertaken across the revised ODP area to support the future planning process. The majority of the groundwater flows in a westerly direction with groundwater discharging over a saline wedge to the ocean. This is common with what occurs both in the vicinity of the Seabird town site, approximately 10 kilometres to the north, and in the Wilbinga area, which is located directly to the south of the Moore River Company's wider landholdings. In the northern portion of the subject site, groundwater is likely to flow in a north, north-westerly direction, towards Moore River.

Ten shallow groundwater bores have been installed within the revised ODP area at locations shown in **Figure 6** of the supporting Environmental Assessment and Justification Report (**Appendix E**), which will provide the best representation of anticipated groundwater systems and an accurate dissemination of data throughout the site. These locations were selected to allow for the identification of potential nutrient hotspots and development of underlying groundwater contours.

Groundwater levels have been measured on a monthly basis since October 2009 on all installed bores. These bores are measured using an audible dip meter to record standing water levels. The groundwater contours over the site identified during preliminary investigations indicate a westerly groundwater flow direction.

Groundwater quality sampling has been conducted in November 2009 and February 2010. Initial analysis (November 2009) was conducted for a full range of parameters including nutrients, nutrient species, metals, pesticides and hydrocarbons. The second round of groundwater quality analysis (February 2010) was conducted for nutrients and nutrient species. The Department of Water granted a licence for a test bore which was completed in late 2012 at the eastern extremity of Moore River Company's landholding adjacent to Wilbinga Nature Reserve, outside of the ODP area. Results from the test bore confirm excellent quality of water of sufficient quantity to (more than) meet the requirements of the development.

The overall results of the water monitoring and test bore will be included in a 'H3' report to the Department of Water concurrent with endorsement of the ODP. Similarly, the Local Water Management Plan is at an advanced stage of completion with approval expected in April 2013.

Wetlands

Based on the mapping maintained by the DEC, the *Geomorphic Wetlands of the Swan Coastal Plain* dataset (Hill *et al.* 1996) and an environmental audit conducted by Tinley (1992), no wetlands are present within the subject site.

The wetlands in the vicinity of the revised ODP area are located in the coastal back-plain zone, found to the east of the subject site. From the site specific investigations as part of the Flora and Vegetation Survey (Cardno 2010), there was no evidence of wetland systems or wetland dependant vegetation.

4.3.3 Public Drinking Water Source Area

Public Drinking Water Source Areas (PDWSAs) are gazetted by the Department of Water (DoW) to protect the water quality of identified drinking water sources, which can be surface water or groundwater (DoW 2009). PDWSAs provide the community of Western Australia with the majority of its drinking water supplies and can be vulnerable to contamination by a range of land uses and water based activities.

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According to the DoW *Geographic Atlas* (online) (2009) there are no declared Public Drinking Water Source Areas (PDWSAs) located within the subject site. However, a Priority 2 PDWSA is located approximately one kilometre to the north of the subject site. Development of the revised ODP area is unlikely to impact on this PDWSA as Moore River acts as a barrier to groundwater flow to the north. This PDWSA was proclaimed with the intention to provide the town of Guilderton with a safe drinking water supply.

4.4 Flora and Vegetation

Broad regional information indicates that the revised ODP area is located within the Swan Coastal Plain Subregion Drummond Botanical Subdistrict. The vegetation is broadly categorised as Banksia low woodland on leached sands with Melaleuca swamps on ill-drained soils and woodlands of Tuart (*Eucalyptus gomphocephala*), Jarrah (*Eucalyptus marginata*) and Marri (*Corymbia calophylla*) on less leached soils (Beard, 1990).

Regional vegetation complex mapping undertaken by Heddle *et. al.* 1986 for parts of Western Australia indicates that the subject site is primarily within the Quindalup Complex (refer **Figure 7, Appendix E**). The description given for the Quindalup Complex is:

"Coastal dune complex consisting mainly of two alliances, the strand and fore dune alliance and the mobile and stable dune alliance. Local variations include low closed forest of *Melaleuca lanceolata* – *Collistris preissii* and closed scrub of *Acacia rostellifera*"

Previously, a flora and vegetation survey of the site was conducted by Alan Tingay and Associates in November 1992 (Alan Tingay and Associates 1993). This survey did not reveal any significant or protected flora or vegetation, however suggested that "significant stands of *Allocasurina lehmanniana* could be protected as much as possible within open space along the top of the Moore River Southern riverbank". In addition, the survey noted a feature could be made of some or all of the Tuart grove which also has an understorey of *A. lehmanniana*.

To update the flora and vegetation data, Cardno (2010), on behalf of the Moore River Company, conducted a detailed spring flora and vegetation in accordance with the Environmental Protection Authority's (EPA) *Guidance Statement No.51 Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia* (EPA 2004a) across the subject site. This included three separate visits, two in October and once in September by a team of experienced botanists to identify the presence of Declared Rare Flora (DRF), Priority Flora (PF) and/or Threatened Ecological Communities (TEC). The survey also identified the flora species present within the survey area and the condition of the vegetation.

4.4.1 Plant Communities

Eight broad plant communities have been described for the revised ODP area, which are:

*OaSc - Low Scrub B of Olearia axillaris and Scaevola crassifolia over Open Herbs of *Trachyandra divaricata *Tetragonia decumbens, *Cakile maritima, *Pelargonium capitatum, Hardenbergia comptoniana and Conostylis candidans on foredunes with Spinifex longifolius and Ficinia nodosa;*

*ArAp - Dense Thicket to Thicket of Acacia rostellifera over Low Scrub B of Acanthocarpus preissii over Open Low Grass of *Bromus diandrus, *Lolium rigidum and Poa porphyroclados, Open Herbs of Calandrinia sp. Southwest Coast, *Dischisma arenarium, Carpobrotus virescens, and *Tetragonia decumbens on lower slopes and within swales;*

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*AlEg - Scrub of Allocasuarina lehmanniana subsp. lehmanniana, Spyridium globulosum and Myoporum insulare with emergent pockets of Low woodland A to Open Low Woodland A of Eucalyptus gomphocephala over Low Scrub B of Acacia lasiocarpa, Olearia axillaris and Leucopogon parviflorus over Low Open Sedges of Lepidosperma gladiatum with *Bromus diandrus and Austrostipa flavescens, Parietaria debilis, Senecio pinnatifolius, *Trachyandra divaricata, Daucus glochidiatus, *Crassula glomerata and Trachymene pilosa;*

MsAlSg - Heath A to Dwarf Scrub C of Melaleuca systema, Acacia lasiocarpa, Spyridium globulosum and Calothamnus quadrifidus with occasional pockets of Low Woodland A of Eucalyptus gomphocephala and Low Woodland B of Banksia attenuata over Open Herbs of Lomandra maritima, Parietaria debilis, Phyllanthus calycinus, Poranthera microphylla, Senecio pinnatifolius and Trachymene pilosa;

*MsAlAp - Low Heath B of Melaleuca systema, Acacia lasiocarpa, Acanthocarpus preissii and Calothamnus quadrifidus with occasional pockets of Low Woodland B of Banksia attenuata or Thicket to Scrub of Acacia rostellifera in the swales over Open Herbs of Conostylis candidans, Desmodium asper and Heliophila pusilla, Lepidosperma pubisquamum, *Bromus diandrus and Poa porphyroclados on cream-grey shallow sands over limestone;*

*McSg - Thicket of Melaleuca cardiophylla, Spyridium globulosum, Leucopogon insularis and Acanthocarpus preissii over Low Grasses *Bromus diandrus, *Lolium rigidum and *Ehrharta longiflora with Desmodium asper, Calandrinia sp. Southwest Coast, Stylidium maritimum (P3), Hibbertia spicata subsp. leptotheca (P3) and Beyeria cinerea subsp. cinerea (P3) on grey-brown shallow sands over limestone. This plant community was recorded along the southern bank of Moore River to the east of the large blow-out;*

*MhMhBs - Heath A to Dwarf Scrub C of Melaleuca systema/Melaleuca huegelii, Banksia sessilis, Spyridium globulosum, Templetonia retusa, Acacia truncata and Hakea lissocarpa over Open Herbs of Calandrinia brevipedata, Podrothea gnaphalioides and Trachymene coerulea subsp. coerulea with Austrostipa flavescens, Poa porphyroclados, *Bromus diandrus and Ehrharta villosa on dark grey-brown sand over limestone; and*

*MhMtMs - Low Heath C recently burnt (3-5 years) of Melaleuca huegelii/Acacia truncata, Melaleuca systema and Banksia sessilis, over Very Open Herbs of Desmodium asper, Stylidium junceum, Calandrinia sp. Two-rocks, Carpobrotus virescens, *Crassula glomerata, and Gompholobium tomentosum with *Bromus diandrus and Poa porphyroclados on grey-brown shallow sands over limestone.*

* Refers to species that are known weeds.

The spatial distribution of these communities is shown in **Figure 8** of the supporting Environmental Assessment and Justification Report (**Appendix E**).

4.4.2 Vegetation Condition

The condition of the vegetation was assessed to assist in determining the conservation values of the site. The vegetation condition was rated according to Keighery (1994), a vegetation condition scale commonly used in the Perth Metropolitan Region, which is also appropriate for use in other urbanised and agricultural areas. The categories are listed and defined in Table 2 of the supporting Environmental Assessment and Justification Report (**Appendix E**).

Vegetation condition across the site ranged from 'Completely Degraded' to 'Pristine-Excellent', with the largest portions of vegetation being in a 'Completely Degraded' condition.

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Areas of 'Completely Degraded' condition consisted of cleared paddock and tracks in the centre of the revised ODP area. The coastal foreshore reserve and adjacent eastern coastal dune is in an 'Excellent' to 'Pristine-Excellent' condition. The river foreshore area is in a 'Good' to 'Very Good' condition. Remaining patches of remnant vegetation east of the foreshore reserve were in a 'Degraded' to 'Very Good' condition.

4.4.3 Significant Flora

Species of flora are prescribed as "Declared Rare" or "Priority" conservation status where populations are restricted geographically or threatened by local processes. The DEC recognises these threats and subsequently applies regulations towards population protection and species conservation. The DEC enforces regulations under the *Wildlife Conservation Act 1950* to conserve Declared Rare Flora (DRF) and protect significant populations. Priority flora (PF) species are potentially rare or threatened and are classified in order of threat.

A search was conducted of the DEC's databases for DRF and priority floras that occur within the wider local area and the results are listed in Table 3 of the supporting Environmental Assessment and Justification Report (**Appendix E**). Twenty seven DRF and PF species have been identified as occurring in close proximity to the revised ODP area. Of these species, four are classified as DRF species. The flora survey undertaken by ATA Environmental in 1993 did not identify any listed DRF or PF species.

4.4.3.1 Flora Survey Results

During Cardno's 2010 survey no DRF species were recorded within the revised ODP area, however three PF species were recorded, these being:

- *Stylidium maritimum* (P3);
- *Hibbertia spicata* subsp. *leptotheca* (P3); and
- *Beyeria cinerea* subsp. *cinerea* (P3).

A number of species were identified in the 1993 report that were considered to have poor representation or uncommon distributions. These species were *Allocasuarina lehmanniana*, *Billardiera erubescens* and *Thomasia triphylla*.

4.4.4 Threatened Ecological Communities

In Western Australia, 'Threatened Ecological Communities' (TECs) are defined by the Western Australian TEC Scientific Advisory Committee (within the DEC) and are assigned to category of Priority 1 to Priority 5. While they are not afforded direct statutory protection at a State level (unlike DRF under the *Wildlife Conservation Act 1950*) their significance is acknowledged through other State environmental approval processes (i.e. Environmental Impact Assessment pursuant to Part IV of the *Environmental Protection Act 1986*).

Selected TECs are also afforded statutory protection at a Federal level pursuant to the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act provides for the strong protection of TECs, which are listed under section 181 of the Act, and are defined as "Critically Endangered", "Endangered" or "Vulnerable" under Section 182.

A search was conducted of the DEC's TEC database and no known occurrences of TECs were recorded within the boundary of the revised ODP area.

In addition to listing as a TEC, a community may be listed as a Priority Ecological Community (PEC). An ecological community that is under consideration for listing as a TEC, but does not yet meet

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survey criteria or has not been adequately defined, is placed on the list of PECs in either Category 1, 2 or 3. Ecological communities that are adequately known and are rare but not threatened, or meet criteria for Near Threatened, or that have been recently removed from the threatened list, are placed in Priority 4. These ecological communities require regular monitoring. Conservation Dependent ecological communities are placed in Priority 5 (DEC 2007).

No PECs have been recorded by the DEC within the revised ODP area.

4.4.5 Environmentally Sensitive Areas

Environmentally Sensitive Areas (ESAs) are areas prescribed under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. As a result ESAs are only considered when a clearing permit is required under these regulations. ESAs have been identified to protect the native vegetation values of areas surrounding significant, threatened or scheduled ecosystems and communities.

A search of the Department of Environment Conservation (DEC) Native Vegetation Mapping database revealed that no ESAs are mapped over the subject site.

4.5 Terrestrial Fauna

As part of the overall assessment of the fauna and fauna habitat values within the revised ODP area, a review of existing available information was undertaken in addition to a site specific fauna survey. The comprehensive documentation of this is contained within the supporting report prepared by Greg Harewood (**Appendix G**).

A fauna survey was conducted across the subject site in November 1997 (ATA 1998). This survey found that the original ODP area supported a range of habitat types. During the fauna survey a number of species were recorded as being present including: two amphibian species; 18 reptile species; 69 bird species and eight mammal species (four of which were introduced species). Of the species found or determined to be likely found given the habitat and known range, a number of these were considered to be of conservation significance.

The fauna survey carried out in October 2009, in support of the revised ODP, and in accordance with EPA Guidance Statement No 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia (EPA 2004b), found that 192 species could potentially utilise the site, although the number is likely to be significantly lower. A total of 38 native fauna species were observed (or positively identified from foraging evidence, scats, tracks skeletons or calls) within the subject site during the three day survey in October 2009. Three vertebrate fauna species of conservation significance were positively identified as utilising the revised ODP area, including:

- *Calyptorhynchus latirostris* Carnaby's Black Cockatoo;
- *Ardea alba* Great Egret;
- *Sunemon gratioa* Graceful Sun Moth; and
- *Pandion haliaetus* Osprey.

Ten additional species of conservation significance were also identified as potentially using the site for some purposes at times, although their presence could not be confirmed. Additionally, given the varied habitat over the site, these species may only visit the area for short periods or as rare/uncommon vagrants. The additional conservation species are identified in Table 7 of the supporting Environmental Assessment and Justification Report (**Appendix E**).

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The supporting fauna survey also recorded the location of significant habitat trees, which were defined as “native trees of the Eucalyptus or Corymbia genera having a diameter at breast height (DBH) greater than 500mm”. The trees provide habitat for vulnerable and endangered Black Cockatoo species. The survey revealed 17 significant trees within the study area, all of which were tuart. These trees are generally in two distinct clusters over the site, in association with tuart woodlands mapped over the site.

The Site Analysis Plan (**Figure 4**) identifies the location of the significant habitat trees. The revised ODP has been designed to retain significant habitat trees within foreshore and parkland areas wherever possible. The large cluster of trees to the north of the site adjacent to Moore River are proposed to be retained within the foreshore reserve with smaller clusters to the south retained within areas of public open space.

A survey undertaken during March 2010 positively identified the Graceful Sun Moth at the site. The survey was undertaken in accordance with the DEC guidelines. In total 21 Graceful Sun Moths were sited over a period of 4 surveys throughout March. The Graceful Sun Moth inhabits coastal dune systems vegetated with *Lomandra* species. Current Graceful Sun Moth habitat is shown in **Figure 11** of the supporting Environmental Assessment and Justification Report (**Appendix E**).

4.6 Indigenous Heritage

An online search of relevant Aboriginal heritage information was undertaken using the Department of Indigenous Affairs (DIA) Aboriginal Inquiry System (DIA, 2010) that incorporates both the heritage site register and the heritage survey database. A number of sites were listed as occurring within the revised ODP area, which are illustrated in **Figure 12** of the supporting Environmental Assessment and Justification Report (**Appendix E**).

The majority of these sites are associated with the Moore River. An archaeological and ethnographic survey was completed for the subject site in December 1993 (Bavin 1993 and Tamora Pty Ltd 1993). These surveys reported that no additional archaeological sites were found within the revised ODP area and the three archaeological sites that were already been registered were not able to be relocated. The ethnographic survey revealed:

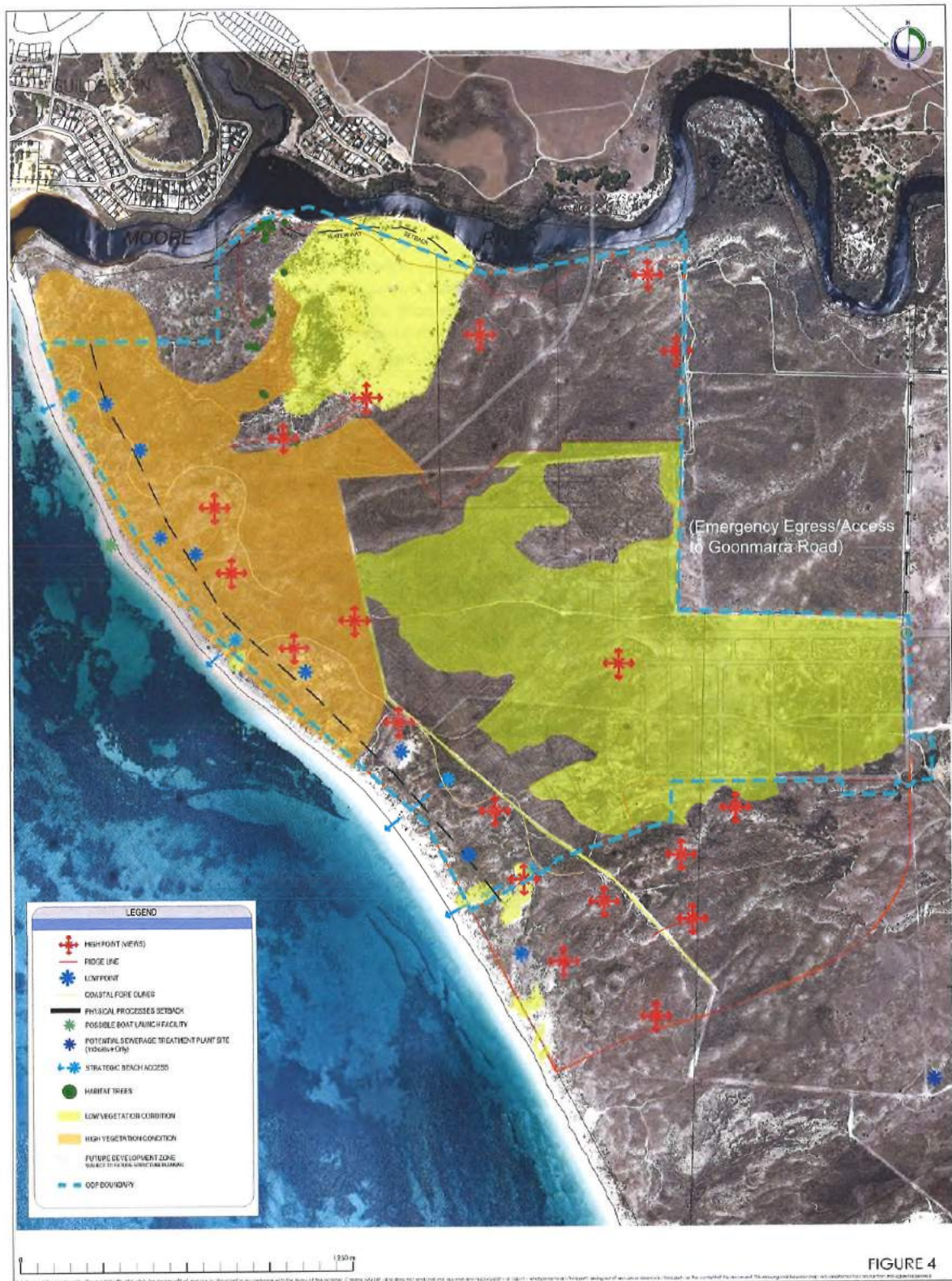
“There were no ethnographic sites of significance in the survey area. However the Moore River was formed during the Waugal journey (the Waugal is a creature from the dreamtime and created the waterways and landforms around the Perth region) and there should be a 30m zone between the banks of the river and the development” (Bavin 1993). This 30m buffer is accommodated within the foreshore reserves proposed within the revised ODP design.

There have been no site specific indigenous heritage investigations undertaken as part of the revised ODP design process as the previous site investigations were deemed sufficient.

4.7 Non-Indigenous Heritage

In order to determine the actual or potential presence of sites or features of non-indigenous heritage significance within the revised ODP area, a review of readily available information was undertaken to determine if there were any of the following within the subject site:

- World heritage sites;
- National heritage sites;
- Commonwealth heritage sites;
- Sites listed on the Register of the National Estate; and/or
- Heritage Council of WA sites.



SITE ANALYSIS PLAN
MOORE RIVER OUTLINE DEVELOPEMNT PLAN
MOORE RIVER SOUTH, SHIRE OF GINGIN

Cardno
11 Flinders Street
P.O. Box 447
West Perth 6150
Telephone (08) 9273 3000
Facsimile (08) 9481 8664

DATE: 11.09.15
DESIGNED: GRAHAM MC
LOCAL AUTHORITY: SHIRE OF GINGIN
PROJECT PHASE: PLAN FRAMER
P7026 CON 005

SCALE AT A2: 1:12,500
CHECKED: APPROVED

R/S/2018

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Based on examination of the Shire of Gingin's Heritage Register there are no known heritage sites located within the revised ODP area, however the Moore River estuary adjacent to the site contains high heritage value.

To date there have been no site specific non-indigenous heritage investigations undertaken as part of the revised ODP design process. Given the nature of the site and the lack of identified heritage values it is considered unlikely that non-indigenous heritage values will be revealed at any stage of future planning and development.

4.8 Site Contamination

The Contaminated Sites Act 2003 and the associated Contaminated Sites Regulations 2006 took effect on 1 December 2006. The Act provides a legal framework for the management of contaminated sites in Western Australia, and requires owners, occupiers and polluters to report known or suspected contaminated sites to the DEC.

There are no identified contaminated sites found within the revised ODP area recorded on the DEC's Contaminated Sites database. This database does not include sites that have not yet been classified or sites that are classified as possibly contaminated - investigation required, contaminated - restricted use or remediated for restricted use.

Based on a review of the historical aerial photography for the revised ODP area and a number of onsite inspections it is considered unlikely that any of the observed existing or historical land uses would have caused significant soil or groundwater contamination within the subject site.

4.9 Acid Sulfate Soils

Acid Sulfate Soil (ASS) is a naturally occurring soil or sediment that contains iron sulphide (iron pyrite) minerals. In their natural state ASS are present in waterlogged anoxic conditions and do not present a risk to the environment. They become an issue when oxidised, producing sulphuric acid, which can convey a range of impacts on the surrounding environment, infrastructure and human health.

Mapping prepared by the Department of Planning (DoP) to support the WAPC's Planning Bulletin 64: Acid Sulfate Soils (WAPC 2009) does not cover the revised ODP area. The ASS Planning Guidelines (WAPC 2009) indicate that only the areas in Western Australia currently considered to be most at risk of disturbance of ASS soils are depicted in the mapping. ASS are commonly recorded from natural wetland and mangrove coastal areas, which is not consistent with the conditions over the subject site. The adjacent Moore River contains ASS but is beyond the revised ODP boundary and therefore does not affect the site.

4.10 Urban Water Management

There are no waterways or wetlands within the revised ODP area. The area represents the extreme north west corner of the Gnangara ground water mound. The groundwater generally slopes downward to the west to sea level near the coast but would also have some outlet to north into the Moore River. Recharge of the groundwater occurs through rainfall infiltration through the porous soil. Water table levels fluctuate minimally throughout the year - between 10cm and 30cm. Sandy ground conditions ensure the proposed development would be well drained.

The development of a Local Water Management Strategy (LWMS) is the appropriate mechanism to establish broad-level designs and management measures for flood mitigation and effective

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stormwater management at structure planning stage. A LWMS is required to be approved by the relevant agencies prior to the approval of the first stage of subdivision.

To support the revised ODP and future subdivision of the site, a LWMS (refer **Appendix H**) has been prepared by Cardno on behalf of the Moore River Company. This document provides the detail of a LWMS document and covers the scope of a District Water Management Strategy (DWMS).

The development of the LWMS has been undertaken with the intention of providing a structure within which subsequent development can occur consistent with a 'total water cycle management' approach described in the document. It is also intended to provide overall guidance to the general stormwater management principles for the area and to guide future Urban Water Management Plans (UWMPs) that will support subdivision approval.

The LWMS for the revised ODP has been developed to:

- Provide a broad level stormwater management framework to support future urban development;
- Incorporate appropriate best management practices into the drainage systems that address the environmental and stormwater management issues identified;
- Minimise development construction costs, which will result in reduced land costs for future home owners;
- Minimise ongoing operation and maintenance costs for the land owners and Shire of Gingin;
- Develop a water conservation strategy for the area that will accommodate existing groundwater allocation constraints for the area; and
- Gain support from the Department of Water and Shire of Gingin for the proposed method to manage stormwater within Lot 27 and Lot 201 and potential impacts on downstream areas.

A number of broad level studies that include the revised ODP area provide a regional environmental context for the LWMS. These have been reviewed in order to provide suitable background information for Lot 27 and Lot 201 and also to provide an indication of the issues requiring further investigation. Further, a number of site-specific investigations into various aspects of Lot 27 and Lot 201 have recently been conducted as a part of the revised ODP process. In summary, the investigations conducted to date indicate that:

- The revised ODP area is situated within a sand and limestone dune, with the topography within the residential/commercial area ranging from 10 to 50mAHD.
- The Maximum Recorded Groundwater Levels (MGL) where observed in October 2009 ranging between 0.25mAHD and 0.49mAHD. The depth to groundwater for the residential/commercial areas is between 10 to 40mAHD. All locations within the development boundary have a separation distance between the existing topography and the MGL of at least 1.2m;
- Groundwater quality results are generally within or slightly above the default trigger values. The TN and NOX concentrations vary across the revised ODP area and were recorded up to 5 and 40 times the default trigger values respectively;
- All runoff is to be retained and infiltrated on site resulting in no discharge from the revised ODP area;
- No streamlines or surface water channels exist within the revised ODP area and hence no surface water quality data is available;
- The revised ODP area has been historically cleared and used for sheep and cattle grazing; and

The LWMS document outlines the proposed groundwater management strategy, surface water management strategy, water supply and conservation strategy, and a monitoring strategy. These strategies have been determined based on the physical constraints of the site, as well as to achieve the requirements of government authorities.

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Due to the significant depth of groundwater across the site, no management of groundwater levels is required. The groundwater nutrient concentrations are generally moderate compared to default trigger values. As the water does not intersect the surface at any location no treatment of the groundwater will be conducted. Monitoring of groundwater quality will be implemented to ensure that the nutrient concentrations within the underlying are not significantly increased due to the development.

The principle behind the stormwater management strategy is to retain and infiltrate all runoff (as occurs in the pre-development environment) within the revised ODP area, with treatment of minor rainfall events within vegetated treatment areas. The strategy will utilise bio-pockets, swales, vegetated infiltration areas, constructed infiltration basins and natural depression infiltration areas.

The development is situated in an area that has no scheme water network. Given that the relevant aquifer is fully allocated, an adequate groundwater allocation from an existing groundwater source within the development site has been investigated, proven and secured. The new public drinking water supply from this source will meet the needs of the new development and also provide an opportunity for improved quality and quantity of potable water to Guilderton.

All waste water from the development will be treated and used to irrigate POS and School Ovals. Excess water produced during winter (due to reduce irrigation requirements) will be infiltrated into the underlying aquifer. This strategy will achieve the sewerage requirements of the development and reduce the total water consumption of the development. At a lot scale, households will be required to implement water saving strategies including rainwater tanks, water efficient appliances and water efficient gardens.

A summary of how the design criteria will be achieved and the proposed management strategy implemented (as presented within this LWMS document) is provided within Table 1 of the supporting Environmental Assessment and Justification Report, included as **Appendix E**.

The Moore River LWMS provides a framework that future landowners can follow to assist in establishing stormwater management methods that have been based upon site-specific investigations, are consistent with relevant State and Local Government policies and have been endorsed by the Shire of Gingin. The responsibility for working within the framework established within the LWMS rests with the individual landowners, although it is anticipated that future UWMPs will be developed in consultation with the Shire of Gingin, Department of Water and in consideration of other relevant policies and documents as well as the LWMS.

4.11 Coastal Assessment

Coastal areas represent the interface between the land and the sea and are recognised as sensitive and dynamic environments. The subject site is located within a coastal area and a foreshore reserve has been allocated to the west of the development. The foreshore is reserved for "Parks and Recreation" and is currently Unallocated Crown Land (UCL).

In 1994 M P Rogers and Associates, Consulting Engineers specialising in coastal, ocean and marine projects, was engaged by the Moore River Company to:

- Examine the stability of the coastline;
- Make recommendations on the appropriate setback from a coastal stability point of view; and
- Identify a site for a possible small boat launching facility which had the potential to accommodate a marina in the long term should such a facility be considered economically feasible.

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This report was produced in November 1994 and revised in March 1996 and was included as a supporting technical report to the approved ODP.

To support the revised ODP, M P Rogers have been engaged to update their coastal setback assessment and to include an assessment of the physical processes setback to development with the most recent available data so as to provide an adequate level of protection to development from coastal erosion in the coming 100 years.

The WAPC Statement of Planning Policy No. 2.6 - State Coastal Planning Policy (SCPP) provides guidance on the siting of development on the Western Australian coastline. For new development on an undeveloped sandy shoreline, such as the shoreline adjacent to the revised ODP area, the SCPP recommends the following criteria to be used to calculate an appropriate coastal setback:

- S1 - Allowance for acute short term erosion caused by a series of severe storms, with elevated water levels and an Average Recurrence Interval (ARI) of approximately 100 years. The Department of Transport (DoT) suggests the use of the SBEACH model using three repeats of the severe storm experienced in July 1996 to conservatively represent the 100 year ARI storm with respect to coastal erosion;
- S2 - Allowance for chronic long-term trends caused by local coastal dynamics. This needs to provide a buffer for the coming 100 years. The policy recommends the use of 100 times the long-term average rate of recession or 20m, whichever is greater; and
- S3 - Possible long term erosion trends caused by Climate Change and associated sea level rise anticipated in the coming 100 years. The policy recommends the allowance of a 0.38m rise in the general sea level and the assumption that this may cause 38m recession of shoreline.

To determine the severe storm sequence allowance, SBEACH modelling was completed for three locations on the shoreline at Moore River South. The modelling was shown to result in unrealistic inshore water levels when input using the method requested by DOT. The storm was also therefore modelled to match the measured inshore water levels during the July 1996 event. The storm sequence is believed to represent the 100 year ARI event at Moore River South in relation to beach erosion.

The SBEACH results indicate that the vegetation line would recede approximately 17 m following the severe storm sequence. This was used as the S1 factor in determining the appropriate PPS.

Shoreline movement analysis was updated for the Moore River South coastline to examine shoreline movements over the past 40 years at intervals of approximately every 5 years. The analysis showed that the majority of the site has experienced long-term accretion, with rates of movement of the coastal vegetation line ranging from 0.1 to 0.9 m/yr. The 20 m safety allowance was included as the S2 component for the majority of the site. In the north of the site there has been some recent erosion up to 0.5 m/yr. A 50 m allowance for S2 in the northern section of the site was therefore included.

The recommended allowance of 38 m was included as the S3 component, based on the mean of the IPCC's median model estimate of sea level rise, and the Bruun Rule.

The recommended physical processes setback (PPS) was then adjusted to reflect new standards as outlined in the WAPC Position Paper and referred to in SPP 2.6. The revised setback is between 125 and 177m. This is presented in the setback plan, included as part of M P Rogers - Updated Coastal Setback Assessment and Revised Coastal Setback (October 2012) included as **Appendix I**. The PPS is measured from the Horizontal Setback Datum (HSD). For the accreting sandy coast of Moore River South, the HSD is taken as the seaward limit of coastal vegetation.

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are the likely sea level changes well understood. In addition recent evidence suggests climate change is worse than predicted in IPCC 2001.

The atmospheric and oceanographic processes involved in climate modelling are complex, and numerical modelling of these processes is far from perfect. Due to these uncertainties, there are a wide range of predictions for global sea level rise. In 2007 the IPCC released findings conducted since the release of the IPCC in 2001. In 2007 further findings were released by the IPCC. The sea level rise predictions made in 2007 are essentially the same as those provided in 2007. These figures range from around 0.1 to 0.9m.

The WAPC Statement of Planning Policy No. 2.6 - State Coastal Planning Policy (SCPP) recommends estimating sea level rise based on the mean of the median model of the IPCC scenarios. This gives approximately 0.38m sea level rise in the coming century. The SCPP recommends that for sandy coasts the recession be taken as 100 times the estimated rise in sea level. This would be around 38m in the coming 100 years and is used in M P Rogers coastal assessment of the physical processes setback (PPS), which as stated above, recommends a total setback of between 75 and 105m.

The issue of climate change and an assessment of the PPS is considered further in the M P Rogers Updated Coastal Setback Assessment, included as **Appendix I**.

4.12 Sustainable Development

The primary aim of planning, as set out in the WAPC's Statement of Planning Policy No. 1 - State Planning Framework Policy (February 2006), is to provide for the sustainable use and development of land. The State Planning Strategy identifies the five key principles which further define this primary aim and describe the considerations which influence good decision-making in land use planning and development. Planning should take account of and give effect to, these principles and related policies to ensure integrated decision-making throughout government.

Environment:

To protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles.

Community:

To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities.

Economy:

To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.

Infrastructure:

To facilitate strategic development by making provision for efficient and equitable transport and public utilities.

Regional Development:

To assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

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The revised ODP has been formulated in a manner that facilitates achievement of the sustainable design objectives at the detailed subdivision stage. These include solar orientation, permeable layouts to encourage walking and cycling, application of Water Sensitive Urban Design guidelines, consideration of grey water recycling onto recreation reserves and development of management guidelines to foreshore reserves. The proponent will consider methods of encouraging sustainable building techniques relating to solar efficiency, appropriate building techniques and materials, garden design and efficient water usage.

4.13 Assessment of Issues, Opportunities and Constraints

As part of the revised ODP design process, the environmental attributes and values of the subject site have been assessed and the key aspects translated into spatial issues, opportunities and constraints in terms of possible design responses. These were then used to inform the type of design response so that the attributes and values were not significantly compromised.

Constraints were defined as attributes and values where there were clear government policies identifying significant environmental features and there is a clear presumption against impacts on these features. No constraints were identified within the revised ODP area.

Issues were defined as environmental features where there was no specific government policy which indicates there is a presumption against impacts on these environmental features. Issues are generally broader features, with no discrete boundaries; however, these features need consideration due to the potential environmental impacts and should be considered to demonstrate best practice environmental planning. The issues within the subject site included the presence of Carnaby's Black Cockatoo habitat, Graceful Sun Moth habitat, vegetation in "Excellent" and "Pristine-Excellent" condition and a required foreshore setback.

Opportunities were defined as areas where the environmental attributes and values are such that they are supportive of development. The opportunities within the subject site included the large areas of "Degraded" and "Completely Degraded" condition vegetation, the blow outs found on site and the depth of the groundwater.

The summarised environmental issues, opportunities and constraints of the subject side are shown in **Figure 4**.

4.14 Environmental Design Considerations

The environmental issues, opportunities and constraints identified in this section of the report has informed the design of the revised ODP. This reiterative process allowed for the design to recognise the environmental features of the revised ODP area. The findings of the Environmental Assessment and Justification Report concluded that the development would have no significant environmental impact on Moore River.

The key environmental features of the revised ODP area include:

- Suitable habitat for both Carnaby's Black Cockatoo and the Graceful Sun Moth;
- The coastal setting of the revised ODP area;
- Areas of remnant vegetation, including vegetation in "Excellent" and "Pristine-Excellent" condition; and
- Significant Flora species.

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Each of these environmental features has been considered in the revised ODP design process. In particular the most significant design responses to environmental features of the revised ODP are set out in the following section of this report:

4.14.1 Strategic Allocation of Public Open Space

Public Open Space (POS) has been strategically allocated throughout the revised ODP area to retain remnant vegetation (including "Excellent" and "Pristine-Excellent" condition vegetation and Priority Flora populations), habitat trees and wildlife corridors. The allocated POS is in addition to the required foreshore reserve that will be ceded to the Crown. It is envisaged that the areas of POS will maintain and enhance the environmental integrity of the revised ODP area and provide opportunities for recreation and community interaction.

4.14.2 Retention of Topography and Landscape

The design of the revised ODP has taken into account the subject site's topography and landscape. The design aims to minimise modifications to the topography and landscape wherever possible, which will help facilitate vegetation retention, reduce risks of erosion and sand mobilisation and minimise the need for fill.

A key element of the design has been the retention of the coastal dunal system, which was seen as the main topographical feature of the site. This dunal system was also identified as containing important vegetation and flora communities worthy of retention. Another important function was the location of natural drainage basins within the lower troughs of the dunes, which would minimise the need for additional drainage basins to be provided within formal areas of public open space.

4.14.3 Protection of Key Physical Environmental Attributes

The revised ODP design aims to minimise the disturbance of key physical environmental attributes. This includes Carnaby's Black Cockatoo habitat trees and Indigenous Heritage sites. These physical environmental attributes have been addressed in a series of management plans.

In addition to the above features of the revised ODP, a future management framework will be put in place during the future planning and development process for the long term protection of the environmental features within the revised ODP area. This is likely to be based on additional site investigations and the preparation of various management plans and strategies to protect and maintain environmental features. These can be undertaken/prepared during future stages of development and are likely to include the following:

- Future detailed site investigations;
- Plan and Strategy Preparation;
- Foreshore Management Plan including the foreshore reserve and POS;
- Management Plans for Carnaby's Black Cockatoo and the Graceful Sun Moth;
- Dieback Hygiene Management Plan;
- Fire Management Plan;
- Revegetation, Rehabilitation and Landscaping Plan;
- Dust Management Plan;
- Landscape Strategy;
- Construction Management Plan;
- Stormwater and Drainage Management Plan;
- Traffic and Parking Strategy;
- Development and land ownership controls;
- Design guidelines; and

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■ Management frameworks.

Given the planning and development framework in Western Australia, and the specific details provided above (which are in no manner exhaustive), Cardno, on behalf of the Moore River Company, is confident that the environmental features of the subject site can be retained and managed in the long term.

4.15 Preparation of Foreshore Management Plan

A Foreshore Management Plan (FMP) is required to be prepared and approved prior to the first stage of subdivision and not after. The FMP will provide a guiding framework for the restoration and protection of the coastal landforms and vegetation, as well as the management and integration of the coastal frontage and foreshore reserve. The proposed FMP will set out the standards for management of the foreshore and will describe the community facilities to be provided for visitors to the foreshore and beach including the path network which will link the future development with the beach. **Figure 5** on the overleaf identifies the type of community facilities that will be provided, as a minimum, at each of the four strategic beach access locations identified on the revised Outline Development Plan (ODP).

The FMP will include a review of the existing legislation and policy context as well as an assessment of the existing environmental conditions of the site, utilising the comprehensive coastal and environmental reports that have been prepared in support of this revised ODP. This assessment will identify the environmental issues, opportunities and constraints associated with the foreshore, which will enable the development of a series of management principles to provide a guiding framework for the protection, future management and integration of the foreshore with the proposed future development.

A key attribute of the revised ODP is the significant portion of foreshore reserve that is proposed to be ceded free of cost. These reserves include the Crown Reserve to the north, the coastal foreshore and the river foreshore. It is anticipated at this stage that all reserves will be ceded to the State but the actual tenure of the reserves will be a matter for resolution with the FMP.

The FMP will be subject to public consultation with stakeholders within the local community. Active involvement with the community will help foster community identity within the Moore River South development and help the conservation and future protection of the foreshore environment.



**BEACH ACCESS NODES
MOORE RIVER SOUTH OUTLINE DEVELOPMENT PLAN
MOORE RIVER SOUTH, SHIRE OF GINGIN**

Cardno
11 Harvest Terrace
P.O. Box 447
West Perth 6872
Telephone (08) 9273 3888
Facsimile (08) 9466 8664

DATE: 11.09.2013 SCALE AT A4: 1:50 000
DESIGNED: CHECKED:
DRAWN: FC APPROVED:
LOCAL AUTHORITY
SHIRE OF GINGIN
PROJECT PHASE PLAN NUMBER
P7026 CON08 REVISION

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5 Services Infrastructure

This section provides a summary of the servicing report prepared by Cardno in March 2010 in support of the revised Outline Development Plan (ODP), attached as **Appendix C**. The report updates the previous reports prepared in support of the approved 2000 ODP and investigates both availability as well as security of supply and emergency provisions for water, wastewater, power and telecommunications required for the revised ODP proposal.

The report reinvestigates the base or options available with consideration for alternative systems. The terminology of 'no risk' is used by the Water Corporation for their water and wastewater system in which there is a secure system for the use of water supply and, in the case of wastewater, a suitable treatment method together with a disposal solution for effluent.

The purpose of the engineering inputs to the revised ODP is to assess the extent and nature of the above facilities and to confirm, where possible, the feasibility of the various concepts for their implementation.

5.1 Physical Capacity of Land for Development

In general the ground conditions within the revised ODP area comprise sand overlying, to varying depths, Tamala limestone. In some locations the limestone outcrops at the surface as capstone. These conditions are well suited to urban development and would provide well drained and stable foundations for associated building.

Site ground conditions vary from alluvium and peaty sands along the Moore River to unstable dunes fringing the coast. These portions of the site are to be incorporated into foreshore reserves and therefore would not affect development proposals.

Maximum recorded groundwater levels within the area are typically less than 3m A.H.D. which is generally well below the minimum ground surface levels within the revised ODP area.

Surface slopes within the area are typically less than 10 percent and well suited therefore to urban development. In the parts of the site where slopes are steeper, in very undulating terrain, development would require the land to be earthworked to suit road and services requirements and to create suitable sites for building development.

Overall, therefore, it is considered that the site works which would be necessary for the urban development proposals within the revised ODP area, would be feasible in line with both the planning and environmental objectives for the site.

5.2 Drainage Management

The sandy ground conditions within the revised ODP area would ensure that the proposed development would be well drained. There are no low lying areas where the groundwater table is so high that any development would be flooded during wet weather.

It is proposed that all stormwater run-off be contained and disposed of on-site with no direct discharges to either the ocean or the Moore River. This would ensure that any nutrients in the stormwater would be sufficiently filtered out before it enters the groundwater system, below the revised ODP area, and would ensure, therefore, that the risk of any pollution of the receiving waters would be minimised.

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Within the site, stormwater disposal would be via infiltration basins and swales located within road reserves and areas of open space. These could be shallow sided, landscaped areas which could be utilised as areas of passive open space during periods of dry weather. Temporary drainage basins have been included within the natural low lying troughs of the coastal dunal system that is being retained as a key topographical feature of the site.

A water sensitive design approach would be adopted for the design of the drainage system. This could include the incorporation of swales and basins within road verges to dissipate flows and maximise the recharge of the groundwater system.

5.3 Water Supply

The servicing report proposes a 'no risk' water supply option sourcing water through groundwater. The revised ODP area falls under the Gingin Groundwater Area (GGA), whereby all water is currently sourced through groundwater and the Water Corporation has a license agreement with the Officer of Water Regulation for Guilderton. Within this licence area the Water Corporation have allocation for three bores.

It is proposed that the water supply be derived from a new bore within the MRC landholding as being the "no risk" option, because the current bores owned by the Water Corporation are not enough to cater for the full future development water consumption. A water supply point at the eastern extremity of the landholding, adjacent to Wilbinga Nature Reserve, has been established in accordance with the requirements of the Water Corporation and Department of Water. Negotiations are underway with Water Corporation to become the licenced service provider, failing which other providers are available and will be secured prior to subdivision.

During the State Administrative Tribunal's consideration of the appeal in relation to the 2003 subdivision application, the Western Australian Planning Commission (WAPC) accepted, based on evidence provided by Water Corp, that there was a reasonable degree of certainty that the provision of a reticulated water supply would be feasible and that the approvals required for the provision of this services could be obtained, and that this issue was not grounds for refusal of the subdivision application.

The proponent has secured a licence from the Department of Water for a test bore within Moore River Company's land holding. The test results from that bore have demonstrated the availability of a high quality water resource sufficient to (more than) meet the needs of the development. The test bore location and technical specifications were implemented under the supervision of the Water Corporation to ensure that the supply would meet Water Corporation specifications to be operated as a public drinking water supply. The final documentation of the water and supply point has been approved by the relevant agencies.. A formal licence for the bore as the public drinking water supply point will be issued in approximately on appointment of the licenece water supply provider. The demand for water will be significantly reduced form 'normal' due to the proposed re-use of treated effluent for non-potable purposes and at the requirement that new dwellings include water efficiency measures.

5.4 Sewerage

Based on the recommendations of the servicing report it is not considered that the collection and treatment of the wastewater will be problematic and during the summer months the final effluent, being class A+, will be disposed of by Public Open Space (POS) irrigation. During the winter months however, disposal by Managed Aquifer Recharge (MAR) is required which would assist in reducing existing salt and nitrate levels in the aquifer.

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A centralised treatment plant is the preferred option for treatment with disposal by irrigation within the town site and possibly to agriculture. Given the "no risk" option being the preferred option for scheme water and a centralised treatment plant it would be expected, upon completion by the proponent, that the Water Corporation of Western Australia WCWA would become the licensed operator.

Disposal of treated wastewater to marine outfall is not an option for Moore River. For most of the year all the treated wastewater generated can be disposed of either by recycling to the surrounding rural lots for irrigation or by irrigation of POS. Climatic data shows that traditionally Moore River has a block of four months in winter when rainfall is high and exceeds evaporation. During this period irrigation would not be necessary and MAR would be the preferred option for disposal.

There are many potential uses for Class A+ recycled water. The most reliable at this stage is irrigation to the POS and is clearly possible for this scheme. During negotiation for the additional water allocation it is expected that a priority for use of the wastewater will emerge that represents a more beneficial use of this valuable resource.

The actual solution/technology is dependent on who the service provider will finally be and the economics of that selection. Detailed engineering will be necessary, in conjunction with the service provider, to ascertain the most economical solution.

5.5 Power and Telecommunications

The servicing report shows that sufficient power generating capacity and distribution is available in the area to cater for the revised ODP proposal and associated services.

The report shows that the existing telephone exchanges at Guilderton has sufficient capacity to serve the revised ODP proposal. The existing exchange will not be able to provide more advanced services such as high speed broadband but these services are available via mobile phone networks such as Next G and 4G. Mobile phone service coverage is provided from Telstra with mobile phone towers located at Moore River and on the Brand Highway between Gingin and Beermullah.

Currently, there is uncertainty if Telstra will provide underground infrastructure to service the revised ODP area, but if this service is not provided Telstra will provide home telephone communications via their mobile phone system at home phone rates.

5.6 Fire Management

The document 'Planning for Bushfire' is the key guidance for design of new development areas and has been used in the preparation of the revised ODP.

Large tracts of degraded pasture land within the development area are situated in low-hazard bushfire environments and will be available as emergency refuge sites in their own right. The new development will introduce scheme water and state of the art hydrant systems to Moore River. All bushfire protection and hazard perimeter criteria will be able to be met and dual emergency access/egress routes will be implemented. Whilst the primary access road to the new development will be via Barragoon Road a system of unsealed but constructed alternative access routes will connect from the north east of the revised ODP area to Indian Ocean Drive via Goonmarra and Caraban Roads to provide an alternate emergency egress route. Goonmarra Road will be upgraded to an all-weather two wheel drive gravel road in accordance with the Guidelines, whilst Caraban Road is already sealed. This approach will provide alternate emergency access/egress routes from points east and west on Barragoon Road, with Link Road providing a third option through Woodridge in the event of a fire in the eastern portion of Wilbinga Nature Reserve.

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The ODP also makes provision for an Emergency Services site within the development area, to be ceded to the Shire free of cost and suitable as a base for a new volunteer bushfire brigade to service the locality. The proponent has committed to making contributions to assist establishment of the brigade and the development will generate approx. \$140,000 p.a. in Emergency Services Levies. A detailed Fire Management Plan will be submitted at subdivision stage in accordance with usual practice.

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6 Traffic and Transport

6.1 Background

A traffic assessment was undertaken as part of the 2000 approved Outline Development Plan (ODP), which addressed road hierarchy, network analysis, traffic analysis, road and intersection requirements, public transport, river crossings and pedestrian and cyclist movement. The assessment nominated Barragoon Road as the principal access road. **Figure 6 – Access Plan**, on the overleaf depicts the proposed access route to Indian Ocean Drive and emergency access route.

6.2 River Crossing Options

The approved ODP examined river crossing options to connect the serviced ODP area with Guilderton. An examination of options was undertaken by all consultants engaged in the project, identifying a possible river crossing corridor within which crossing options could be considered. The revised ODP has identified a location (within the possible river crossing corridor) for a possible river crossing, which is subject to change following further more detailed investigation.

Investigations have cast doubt over the feasibility, necessity and desirability for a vehicle bridge over the Moore River. However, the Shire of Gingin wants to preserve this option in accordance with the existing approved ODP and has resolved that the revised ODP retain the river crossing corridor on the basis that the Shire itself will investigate the matter within a Developer Contribution Plan (DCP) to be prepared by the Shire at a later date and subject to Guilderton Townsite Expansion Plans having been prepared. Therefore the road reserve shown on the revised ODP is notional and the final alignment will be determined in the Foreshore Management Plan and DCP processes and will be influenced by the final decision of the Shire with respect to a vehicular bridge.

The cost benefit of a pedestrian bridge is also doubtful at this stage. Notwithstanding, Moore River Company has made a commitment to proportionate funding of the pedestrian facility on the basis that funding, design and ongoing management issues can be resolved to the satisfaction of all stakeholders. Preliminary analysis indicates the pedestrian bridge would cost >\$3M.

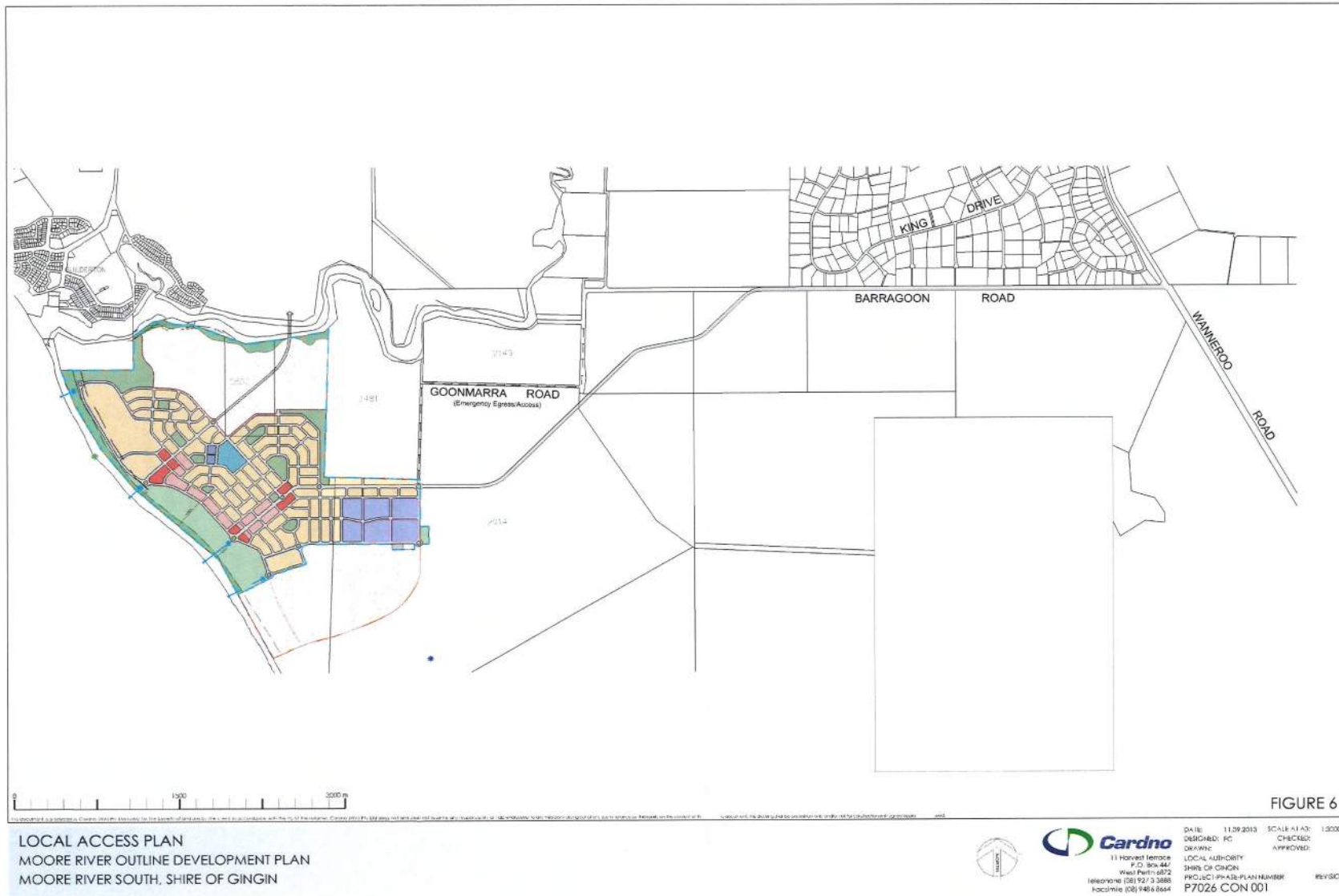
The detail of the possible construction of a river crossing will be the subject of further discussions between the proponent, the Shire of Gingin, the WAPC and any other relevant State government agency.

6.3 Traffic Assessment

An updated transport assessment (**Appendix D**) has been undertaken by Cardno Eppell Olsen in support of the revised ODP. This additional assessment was required pursuant to the Western Australian Planning Commission's: *Structure Plans - Guidelines for Transport Assessments*, 2006.

As part of the assessment a forecasting of future traffic volumes was undertaken using the Cube transport planning software package. As part of this the following sub-tasks were undertaken:

- A trip generation exercise was undertaken to assess the quantum of traffic likely to be generated by each landuse and the entire development. This was assessed to be around 13,000 vehicles per day (vpd).
- A distribution exercise was undertaken using a simple gravity model to determine the volume of flows between internal landuses and the external road network. Based upon this exercise it was assessed that 8,000vpd would come from / leave to the external road network



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- A traffic assignment exercise was used to assign traffic to the road network, allowing the prediction of traffic volumes on roads throughout the structure plan. Most roads are expected to have less than 2000vpd, whilst the main spine road coming into the development is expected to have 8,000vpd.

(The above estimates are based on full development and will therefore not be experienced within a 20 year horizon. Please also note that the abovementioned figures do not include a traffic bridge across the Moore River, but that future modelling could take a traffic bridge into account, if the need was demonstrated.)

Following this an examination of the preferred bus and pedestrian routes was undertaken based upon the traffic volume and the spatial location of landuses such as schools, retail and commercial areas. This information, with the addition of proposed drainage information, then informed the development of a road hierarchy and recommended road cross sections.

The highest order road (The road entering from Indian Ocean Drive to the development) would be classified as an integrator A, and is recommended to be between 23 – 27m in width, with a 4m median and a 4m pavement in each direction with a cycle lane of 1.5m. Within the town centre areas, the assessment recommends that this be downgraded to an Integrator B Main Street, which would consist of a 25m road reserve with 2m median and 3.5m pavement, with a 1.5m cycle lane and 2.5m parking. It is recommended that other roads would consist generally of 3.5m road lanes, except industrial neighbourhood connectors which would have 4m road lanes.

All road reserves in the revised ODP area have been designed to exceed the above recommended widths, for example the Integrator A and B roads are both 30m wide.

The revised ODP also proposes access to the site from Indian Ocean Drive via Barragoon Road. This route is currently an unsealed road between Link Road and Indian Ocean Drive that would need upgrading in the first stage of development so that there is limited impact on the Woodridge residential area to the east of the site.

An additional assessment of sightline and basic geometric requirements for the access onto Indian Ocean Drive was undertaken. The recommendations from this were that, although the operating speed along Indian Ocean Drive around the Indian Ocean Drive / Barragoon Road access could be reduced from 110km/h to 90km/h so that safe sight distance requirements could be met the MRWA requirement for the intersection is that it be designed to 110km/h standard. Consequently the transport assessment includes a design for the intersection at the 110km/h standard for the purposes of the ODP (i.e. to demonstrate that such standard is achievable). The detail of the construction will be settled with MRWA at the pre-construction phase of the project.

The conclusion of the assessment is that the proposed transport network for the revised ODP proposal would operate acceptably under the network recommendations set out in the report.

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7 Revised Outline Development Plan

7.1 Project Summary

The proponent, the Moore River Company, has commissioned the preparation of this revised Outline Development Plan (ODP) for land south of Moore River following the Minister for Planning's recognition that the area, with a reduction in the scale of development, can accommodate a sustainable community catering for a population of up to 5,000 residents.

In response to the criteria set by the Minister for Planning the revised ODP area has been reduced from 557ha to 457ha, which will leave a 110ha area of the Future Development zoned land unaffected by the proposal. The number of residential lots has been reduced from 5,000 to 2,000, which will see a reduction in the overall estimated population by approximately 8,500.

The area of land unaffected by the proposal will remain in the Future Development zone. This land will be unable to support development without a further structure planning approval process at some time in the future. Any future structure plan would need to assess the site in detail in accordance with the provisions of LPS9. Figure 7 on the overleaf is the revised ODP for the subject site.

The following table identifies the allocation of the various land uses within the ODP area:

Table 1 Land Use Summary

TOTAL SITE AREA OF ODP (Includes Future Development Area in north of ODP area)	460.07ha
RESIDENTIAL POPULATION	5000 (inhabitants)
RESIDENTIAL LOTS / DWELLINGS	2000 (dwellings)
Residential Area	116.14 ha
COMMERCIAL	
Commercial Neighbourhood	6.5 ha
Mixed Business	24.27 ha
TOURIST RESORTS	
Tourism	30.32 ha
Caravan Park	6.04 ha
COMMUNITY	
Primary School	4.73 ha
Community Sites	1.26 ha
Council Depot	0.52 ha
Emergency Services	0.52 ha
RECREATION	
Foreshore Reserves	21.9646.45 ha
Public Open Space	65.4528.48 ha
Road Network	70.762 ha



Planning Policy Statements

This Outline Development Plan (ODP), once approved, supersedes any previously approved ODP for the subject land. The implementation of the ODP will be facilitated through the subdivision and development approval process, which pursuant to Town Planning Scheme 9 will be required to generally conform with the approved ODP. Future applications will be required to demonstrate compliance with the following key Planning Policy Statements:

1. Subdivision and Development

- The development of the subject land shall be undertaken generally in accordance with the enclosed Outline Development Plan (ODP). Subdivision of the ODP area requires approval from the Western Australian Planning Commission (WAPC) and shall be undertaken generally in accordance with the ODP.
- Development Applications and Detailed Area Plans will be required for all development generally excluding residential land use being R20-R40 which will be guided by the Residential Density Codes and Design and Settlement Guidelines if appropriate.
- The ODP map is the authoritative document in relation to proposed land uses and conditions attached to subdivision and development. In the event of an inconsistency between the ODP map and any other map contained in the ODP documentation the ODP map prevails to the extent of that inconsistency.

2. Retail Floor Space

A maximum of 500 m² of retail floor space shall be integrated with the caravan park and tourist resort components of the ODP and provide for local convenience shopping and services in the first stages of the overall development.

3. Design and Settlement Guidelines

Detailed Design and Settlement Guidelines (DSG) will be prepared and implemented by the proponent to guide the form and nature of buildings and structures in the ODP area. The DSG:

- Will set appropriate standards for design of dwellings and commercial and tourist development to meet sustainability criteria, building location and orientation, built form, building heights, scale and roof pitch, external colours and materials, cutlidge and landscaping, vehicle parking and access and fencing.
- Will promote and encourage the installation of water tanks, water efficient taps and appliances and solar energy harnessing devices in every dwelling.
- Will require that any development in the northern holiday resort site will require consideration to the retention of vegetation and be designed sympathetically to the vegetation and topography of the site.
- May include special provisions for the 'Mixed Business' precinct shown on the ODP map to set standards for lot sizes, separation of uses and setbacks in addition to the matters outlined above.
- Can be undertaken for the tourism sites independently from the residential and commercial sites.

The DSG is intended to supplement the Residential Design Codes. In the event of a contradiction or inconsistency between the DSG and the Residential Design Codes the Residential Design Codes will prevail.

The WAPC and the Local Government may require Detailed Area Plans prior to subdivision of a tourism site and/or as a condition of subdivision approval for the Mixed Business and/or Residential Lots.

4. Staging of Subdivision and Development

The progressive subdivision and development of and identified for residential lots (both green field and strata) on the ODP shall proceed on the basis of a staging plan approved by the Shire and the West Australian Planning Commission that has regard for the necessity for the introduction of reticulated water and sewerage facilities to the ODP area and the early establishment of forestry improvement works.

5. Tourist Units

The strata subdivision and/or development of any land identified on the ODP for tourist accommodation shall include common management arrangements to ensure the tourist units and any associated facilities are available at all times for tourists, visitors and travellers. These arrangements are not intended to preclude owner use of tourist accommodation for holiday purposes.

6. Foreshore Reserves

A foreshore management plan shall be prepared under clause 5.1(x) and (iv) of State Planning Policy No. 2.6: State Coastal Planning Policy prior to the first stage of subdivision.

The foreshore management plan must:

- Include the foreshore reserves for both the ocean and Moore River frontages of the development identified on the ODP and the adjacent Crown Reserve abutting the mouth of the Moore River;
- Contain a schedule of works, public facilities, infrastructure and amenities provision and implementation schedule;
- Consider and respond to coastal processes, biophysical characteristics and any access requirements, both pedestrian and vehicle access, between the residential development front and Moore River;
- Include a strategy for the investigation of the feasibility and provision of a low key boat launching facility;
- Define and implement an appropriate foreshore reserve with along Moore River having regard to the above factors and specifically in response to SPP 2.6;
- Identify those with responsibility for implementation of the plan and management of the reserves thereafter;
- Be subject of its own public consultation process;
- Be approved, if acceptable, by the Shire of Gingin; and
- Identify required works to be fully implemented prior to the Shire's clearance of any subdivision approval granted for the ODP area.

Inclusion of the whole of the land area between the residential development front and the Moore River is intended to allow consideration and a response to relevant issues. Any land use proposals beyond the proposed foreshore reserve do not fall within the scope of the foreshore management plan and would be subject to a separate future Structure Plan.

The staged construction of the Foreshore Management Plan and Public Open Space by the Proponent is to be determined at the Subdivision stage or through a Development Deed between the proponent and the Shire in a manner that reflects progressive development of the project and progressive demand for additional facilities.

The ocean foreshore reserve and adjacent public open space is able to be used for drainage works or functions pursuant to an approved Stormwater and Drainage Management Plan as required by Planning Policy Statement 13, including subsurface stormwater drainage and absorption structures, which do not materially diminish the capacity of the area for public use.

7. Fire Management Plan

A fire management plan must be prepared and implemented to the satisfaction of the Shire of Gingin and the Department of Fire and Emergency Services.

Goornarna Rd will be required to be constructed for emergency public access to the satisfaction of the Shire.

Development must be undertaken in compliance with:

- Part 3.7.4 (Bushfire Areas) of the Building Code of Australia
- The WAPC Planning for Bushfire Protection Guidelines; and Australian Standard 3959.

A memorial is to be placed on the Certificate of Title for those lots affected by the fire the requirement to comply with the approved fire management plan and the overmanagement plan advising of its responsibility to maintain fire protection measures and emergency access to an appropriate standard.

8. Community Facilities

Local Community Facilities will be provided for through a Deed of Agreement between the Shire of Gingin and the Moore River Company. If for any reason, the Deed of Agreement is not executed the Shire will progress Developer Contribution Plans under the provisions of its Local Planning Scheme.

A small multipurpose community facility shall be provided as part of the first stage of development of the ODP area.

9. Local Water Management Strategy

A Local Water Management Strategy shall be approved by the relevant agencies prior to the approval of the first stage of subdivision.

10. Dust Management

A dust management plan is to be:

- Submitted to and, if acceptable, approved by the Shire; and
- Implemented at each and every stage of development to the satisfaction of the Shire.

11. Landscape Strategy

A landscape strategy plan for the road reserves including the primary access road from Indian Ocean Drive and public open space areas shall be prepared, which:

- Indicates the location and species of all trees to be removed and/or retained;
- Indicates the location and type of fencing to be installed;
- Indicates the location and type of relocation to be installed;
- Indicates the location and type of paving to be installed; and
- Includes a plant schedule nomenclature each species, the spacing of spaces, the numbers of plants required, and the size of each plant to be used at the time of planting and the anticipated height of each plant at maturity.

The landscape strategy plan shall:

- Be submitted to and, if acceptable, approved by the Shire;
- Be the subject of a management agreement between the owner and the Shire;
- Include provisions for the specific approval of the Shire for any proposals to remove trees; and
- Implemented to the satisfaction of the Shire.

12. Construction Management Plan

Any Construction Management Plan required to be prepared at the subdivision or development stage shall include the technical, physical and contractual measures to minimise environmental impacts during construction and post-construction. Such plan to address Acid Sulfate Soils in accordance with the guidelines of the Department of Environment and Conservation.

A plan addressing cutfill and retaining requirements (i.e. bulk earthworks plan) shall be prepared and submitted to the Shire of Gingin prior to or concurrent with the subdivision application process.

13. Stormwater and drainage

A stormwater and drainage management plan shall be:

- Prepared, which identifies the locations and dimensions of all proposed pump stations, retention basins and sumps;
 - Submitted to and, if acceptable, approved by the Shire and the Department of Water; and
 - Implemented to the satisfaction of the Shire.
- The design objectives of the stormwater and drainage management plan will be to optimise the infiltration of stormwater at source and the reuse of water.

14. Utilities and Services

All development is to be connected to underground power, telecommunications and reticulated water and sewerage services.

The design of utilities and services will be aimed at the maximum feasible use of technology capable of capture of energy from wind and solar sources and the reuse of wastewater so as to minimise the demands of the new development for importation of energy and water.

All utilities and services are to be contained within the ODP area or where outside the ODP area within a public road reserve, Shire managed reserves or easements specifically created for that purpose.

These connections are to occur at the first stage of development at the full cost to the owner/developer and to the satisfaction of the Shire and, in relation to water and sewerage, the Water Corporation.

15. Traffic Management and Parking

- A traffic and parking strategy shall be prepared by a suitably qualified traffic engineer, which:
- Shows the required upgrading works for the local road system, including the intersection of the primary access road and Indian Ocean Drive;
- Shows the staging of these works relative to the staging of the development;
- Assesses the future public, private residential and tourist car park requirements generated by the development proposed in the ODP area;
- Able to demonstrate that sufficient foreshore parking or alternative access is provided for tourist and residential development as well as the demands of visitors and the general public;
- Include a noise impact assessment undertaken for Barragwan Road adjoining Woodridge Estate so as to demonstrate the need for any noise attenuating requirements as part of the road upgrading work;
- Submitted to the Shire and, if acceptable, approved by the Shire and Main Roads WA; and
- The strategy shall be implemented to the satisfaction of the Shire prior to the Shire's clearance of any condition of any approval granted for the subdivision or stage subdivision of land within the ODP area. All residential lots are to contain on-site car parking in accordance with the Residential Design Codes.

16. Further Subdivision

Subdivision of the residential areas depicted on the ODP will only be permitted in accordance with the Residential Design Codes.

17. Special Land Use Controls

The following special land use exemptions will apply to development in the ODP area:

- For the purposes of facilitating provision of community facilities in the initial stages of development and identified as being within the 'Residential zone' on the ODP map may be developed for the purposes of 'educational establishment', 'medical centre', 'shop', 'care use' and/or 'office' as defined under the Shire of Gingin Town Planning Scheme No. 9 (TPS 9) and on the basis of being an 'SA' use for the purposes of Table 1 - Zoning Table in the scheme;
 - Civil use and 'educational establishment' are deemed to be 'AA' uses in the Town Centre zone under TPS 9; and
 - Land in the area shown as 'Mixed Business RS' on the ODP map may be developed for a 'Single House' in conjunction with any mixed business use subject to the application processes and considerations that apply according to a dwelling under the RS coding under the Residential Design Codes (as amended from time to time).
- The land shown as 'Caravan Park' on the ODP is restricted to that land use as defined in TPS 9, including all associated land uses that are ordinarily ancillary, subsidiary and incidental to the primary use of a caravan park.

ADOPTION SIGNATURE

This Outline Development Plan was endorsed by the council of the Shire of Gingin pursuant to clause 5.7.5 of the Shire of Gingin Town Planning Scheme No. 9

on 17 day of Sept 2013

[Signature]

Chief Executive Officer

and

Endorsed by the Western Australian Planning Commission

on 30 day of Oct 2013

[Signature]

WAPC Chairman

Signed by an officer duly authorised by the Western Australian Planning Commission pursuant to section 24 of the Planning and Development Act 2005

SHEET 2 OF 2 SHEETS FIGURE 7

REVISED OUTLINE DEVELOPMENT PLAN
MOORE RIVER SOUTH
SHIRE OF GINGIN

Cardno
11 Forster Terrace
P.O. Box 447
West Perth 6872
Telephone (08) 9273 3888
Facsimile (08) 9488 8844

DATE: 11.09.2013 SCALE: A3: 1:12,500
DESIGNED: FC CHECKED: APPROVED:
DRAWN: FC LOCAL AUTHORITY: SHIRE OF GINGIN
PROJECT: PWD-J-GI-PHASE-PLANNING/REUSE
P7026 CON 001 REVISION: A

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

7.2 Revised Outline Development Plan Design Principles

The overarching design principles for the development of Moore River South are as follows:

- Create a revised ODP which meet the Minister for Planning's criteria for a reduced scale of development to provide for a sustainable community of up to 2,000 dwellings;
- Incorporate the twelve principal aims of the WAPC's Liveable Neighbourhoods policy;
- Provide a high quality living environment within the Shire of Gingin;
- Provide a range of compatible and environmentally sustainable uses that will cater for both the needs of the future community as well as the needs of surrounding existing local communities;
- Provide a design which responds to the natural topography with the retention of extensive areas for conservation purposes;
- Provide a design to accommodate wide road reserves and other design elements aimed at maximising the opportunity for capture of drainage at source and minimising impacts on groundwater;
- Provide significantly increased foreshore and other reserves to the Indian Ocean and the Moore River, to protect appropriate environmental features and provide for managed public access.
- Create Neighbourhoods which are compact and have a local shop and/or community facility in a central and walkable location.
- Ensure that adequate land is identified, in appropriate locations, for social, community and recreation purposes, and to foster early introduction of community facilities and services;
- Provide a variety of lot sizes and residential densities to accommodate the anticipated range of housing preferences;
- Provide sites for integrated tourist resorts to help meet the tourist demands of the region both now and in the future;
- Acknowledge the playground setting of the site and reflect a leisure/holiday theme within the design; and
- Generally reflect a more sympathetic response to site attributes within a contemporary design response.

7.3 Revised Outline Development Plan Design Overview

The revised ODP has been designed with the Minister for Planning's requirements for the future development of the site a key consideration. The design principles of the approved ODP have been adapted to reflect these requirements and to respond to issues that have arisen in light of additional technical studies required to be undertaken, particularly in relation to environmental issues.

Significant design changes between the approved 2000 ODP and the revised ODP include:

- Significantly reduced scale of development;
- Significantly increased setbacks from the Indian Ocean to allow for:
 - The physical processes setback (PPS) identified in the updated Coastal Assessment report (**Appendix I**);
 - Retention of the sites natural topography, particularly in relation to the coastal dunal system;
 - Provision of natural drainage areas; and
 - Retention of important flora and vegetation communities.
- Exclusion of tourism uses adjacent to Moore River;
- Generous allocation of public open space to ensure retention of remnant vegetation;
- Protection of key physical environmental attributes;
- Increased road widths to maximise the opportunity for capture of drainage at source; and
- Creation of an extensive area of foreshore reserve to be ceded free of cost to the Shire of Gingin and/or the State for the purpose of recreation and conservation.

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

The design of revised ODP is based on a framework provided under the Western Australian Planning Commission's (WAPC) strategic policy document Liveable Neighbourhoods. The design reflects the 12 principle aims of Liveable Neighbourhoods as set out below and as considered under each element of the design in the following section of the report.

1. To provide for an urban structure of walkable neighbourhoods clustering to form towns of compatible mixed uses in order to reduce car dependence for access to employment, retail and community facilities.
2. To ensure that walkable neighbourhoods and access to services and facilities are designed for all users, including those with disabilities.
3. To foster a sense of community and strong local identity and sense of place in neighbourhoods and towns.
4. To provide for access generally by way of an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving.
5. To ensure active street-land use interfaces, with building frontages to streets to improve personal safety through increased surveillance and activity.
6. To facilitate new development which supports the efficiency of public transport systems where available, and provides safe, direct access to the system for residents.
7. To facilitate mixed use urban development which provides for a wide range of living, employment and leisure opportunities, capable of adapting over time as the community changes and which reflects appropriate community standards of health, safety and amenity.
8. To provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.
9. To ensure the avoidance of key environmental areas and the incorporation of significant cultural and environmental features of a site into the design of an area.
10. To provide for a more integrated approach to the design of open space and urban water management.
11. To ensure cost-effective and resource-efficient development to promote affordable housing.
12. To maximise land efficiency wherever possible.

7.3.1 Community Design

In accordance with the principles of Liveable Neighbourhoods the revised ODP is predicated on the creation of a community structure with two clearly defined activity centres based on 400m walkable catchments and well defined edges.

The design allows for a transition from the rural land surrounding the revised ODP area to the denser mixed use urban cores of the activity centres. Moving outwards from the activity centres it is anticipated that residential densities would decrease from small cottage lots to fully detached houses.

An important component in the overall design has been the desire to retain the natural topography of the site and protect and enhance important environmental attributes wherever possible. In this regard, urban land uses have generally been proposed on those areas that have been subject to extensive past grazing and clearing. The natural topography of the site, including the coastal dunal system, has been retained where possible as either foreshore reserve or areas of public open space and areas identified of having important environmental habitat have been retained within the open space system.

Moore River South – Revised Outline Development Plan*Prepared for Moore River Company Pty Ltd***7.3.2 Movement Network**

The movement network within the revised ODP has been designed with an emphasis on connectivity, amenity, and integration to achieve safe, efficient and attractive street networks that not only cater for vehicles and public transport but also aims to attract pedestrians and cyclists.

In accordance with Liveable Neighbourhoods the revised ODP incorporates the following key design principles within the movement network:

- The street system is highly interconnected, aimed at reducing travel distances;
- Integrator arterial routes form the core of the revised ODP area;
- Street layout designed to maximise walk-ability - through a structure of local neighbourhoods based on 400m walkable catchments;
- Street widths maximised to ensure adequate and safe vehicle, pedestrian and cyclist interaction and to provide an integral part of the sustainable urban water management system proposed for the revised ODP area;
- Parkland areas within the revised ODP area to be fronted by streets;
- Use of four-way junctions to facilitate pedestrian and cycle movement and to encourage efficient lot configuration; and
- Within the proposed activity centres, integrator arterial routes are supported by parallel routes to serve local traffic and reduce pressure on arterial intersections.

A traffic assessment was undertaken as part of the 2000 approved ODP, which addressed road hierarchy, network analysis, traffic analysis, road and intersection requirements, public transport, river crossings and pedestrian and cyclist movement. An updated transport assessment (**Appendix D**) has been undertaken by Cardno in support of the revised ODP, as considered in the previous Section 6 of this report.

7.3.3 Residential - Lot Layout

The revised ODP allows for a mixture of lot sizes to provide housing choice to meet the housing requirements of retirees, weekenders, permanent residents and tourists. The purpose of the revised ODP is to provide a guiding framework for development. In regard to proposed residential densities it is intended that the revised ODP provides an indicative outline for future densities, retaining the flexibility for final definition to be determined at subdivision stage.

The general densities promoted generally range from R20 to R40. The recommended densities for various components of the revised ODP are as follows:-

- Residential Neighbourhoods - broad range including R20 and for medium density housing, R40.

The average and minimum property sizes for each of the specified codes is as follows:

- R5 - (2000m²)
- R20 - (500m²/450m²);
- R40 - (250m²/220m²);
- R50 - (200m²/180m²)
- R60 - (180m²/160m²)
- R80 - (125m²)

The majority of the neighbourhoods have a density coding of R20, which it is anticipated will allow for a wide range of lot sizes and housing types, ranging from conventional larger lots with views to more medium density housing located close to parkland and other high amenity areas, such as the proposed activity centres and public transport stops, which will help support these facilities.

Moore River South – Revised Outline Development Plan*Prepared for Moore River Company Pty Ltd*

The revised ODP will allow for a future population of 5,000 residents through the provision of 2,000 residential lots. Given the rural nature of the area and the steep topography of much of the site, it is anticipated that the majority of lots outside of the neighbourhood centres will be developed greater than to minimum standards. Based on this assumption a 30% addition has been applied to average lot sizes (i.e. R20 - 600m² and R40 - 300m²) for the purpose of calculating the overall yield. The revised ODP is a broadbrush plan and detailed lot layout, design and yields will be considered further through the subdivision of each stage of development including consideration of dwelling occupancy rates.

Detailed Design and Settlement Guidelines (DSG) included within the revised ODP's Statements of Planning Policy (Section 9) sets appropriate standards for design of dwellings to meet sustainability criteria, building location and orientation, built form, building heights, scale and roof pitch, external colours and materials, curtilage and landscaping, vehicle parking and access and fencing, to the satisfactory of the Shire of Gingin.

7.3.4 Public Parkland

The WAPC requires that a minimum contribution of 10 per cent of the gross subdivisible area (GSA) of a new development must be given up free of cost by the subdivider for the purpose of Public Open Space (POS). Liveable Neighbourhoods requires that a minimum of 8 per cent be provided by active and passive recreational purposes ('unrestricted' POS). The remaining 2 per cent can comprise 'restricted' use POS, such as natural areas, urban water management measures such as swales and/or detention areas and artificial lakes/permanent drainage ponds.

Based on the area figures provided on the Open Space Plan (**Appendix A**) and the drainage figures provided in Tables 6 and 7 of the supporting Local Water Management Strategy (LWMS) (**Appendix H**) a POS Schedule (**Figure 8**) has been prepared in accordance with the provisions of Liveable Neighbourhoods.

Public Open Space (POS) Schedule - Moore River South - Revised Outline Development Plan (in hectares)		
Revised ODP Area		460.07
Less:		
Foreshore Reserve to be Ceded	46.45	
*Drainage Basins with Parkland Areas 3-13 (more frequent than 1 in 1 yr rainfall) (LNR33)	0.94	
Total		47.39
Net Site Area		412.68
Deductions:		
Primary School	4.74	
Council and Emergency Services	1.36	
Tourist Sites 1-3	35.66	
Mixed Business R5	24.27	
Community Site Areas 1 & 2	1.27	
Neighbourhood Commercial Area 1-8	8.09	
POS (Restricted and Unrestricted)	64.04	
Area Subject To Future Structure Plan	96.57	
Total		2236.00
Gross Subdivisible Area		176.68

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POS Required	17.67
POS Contribution	
May Comprise:	
Minimum 80% Unrestricted POS	14.14
Maximum 20% Restricted POS	3.53
Unrestricted POS Sites:	
Parkland 2 (Buffer to Crown Reserve)	12.57
Parklands 3 - 12 (includes drainage basins 1 in 5 to 1 in 100 yr / excludes drainage basins 1 in 1 to 1 in 5 yr and more frequent than 1 in 1 yr rainfall) (LNR25)	12.38
Total Creditable Unrestricted POS	24.95
Restricted POS Sites:	
Parkland 1 (Coastal Dunal System)	25.51
Restricted Drainage Basins (1 in 1 to 1 in 5yr rainfall) (LNR33)	2.85
Total Restricted POS	28.36
Total Creditable Restricted POS	3.53
Total Creditable (Unrestricted & Restricted) POS Provision	28.48
Total % POS Provision	16.1%

**Drainage basin locations within the revised ODP area are depicted on Figure 10 and the rainfall events and required storage areas shown in Tables 6 and 7 of the supporting Local Water Management Strategy (Appendix H).*

NB: It should be noted that if Liveable Neighbourhoods provision LNR43 is applied and the restricted public open space in excess of the 2 per cent of the 10 per cent minimum (i.e. 37.12 ha) is deducted from the overall site area the total POS provision increases to 17.82%%.

Whilst the creditable provision of POS is slightly in excess of 16 per cent, the actual amount of open space provided within the revised ODP area (346.3575ha) as both public open space (64.9794ha) and other reserve areas (21.9702ha) is actually in excess of 25%.

The revised ODP has been designed in accordance with Liveable Neighbourhoods incorporating the following principles into parkland design:

- Provide for a balance between conservation and active and passive recreational use in district, neighbourhood and local open space;
- Incorporate natural features;
- Provide for parks in a safe walking distance from all dwellings;
- Allow for parkland frontage and surveillance - through the provision of perimeter roads around parkland areas;
- Incorporate drainage wherever practicable using contemporary urban water management principles;
- Accommodate water-sensitive urban design in parkland areas where usability for recreation purposes has not been compromised or where conservation values are enhanced; and
- Adopt a conservative design approach to provide more open space than is technically required.

The design and layout of the parkland areas has been considered in conjunction with the preparation of the supporting Local Water Management Strategy (LWMS) (Appendix H). Figure 11 of the LWMS

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indicates the location of the required areas of drainage, including natural drainage basins within the troughs of the coastal dunal system, swales and bio-pockets within the proposed road reserves, and vegetated basins within the formal parkland areas. Where a drainage function (i.e. for events more frequent than 1 in 5yr rainfall) is provided within formal parkland the affected area is considered as 'restricted' POS (pursuant to the provisions of Liveable Neighbourhoods) for the purpose of calculating the overall POS provision. Tables 6 and 7 of the supporting LWMS include the required storage area sizes which have been included within the POS Schedule (**Figure 8**).

The revised ODP includes two large areas of public open space: Parkland 1 (34.27ha) between the coastal foreshore reserve and the development; and, Parkland 2 (13.39ha) between the crown reserve and the development to the north.

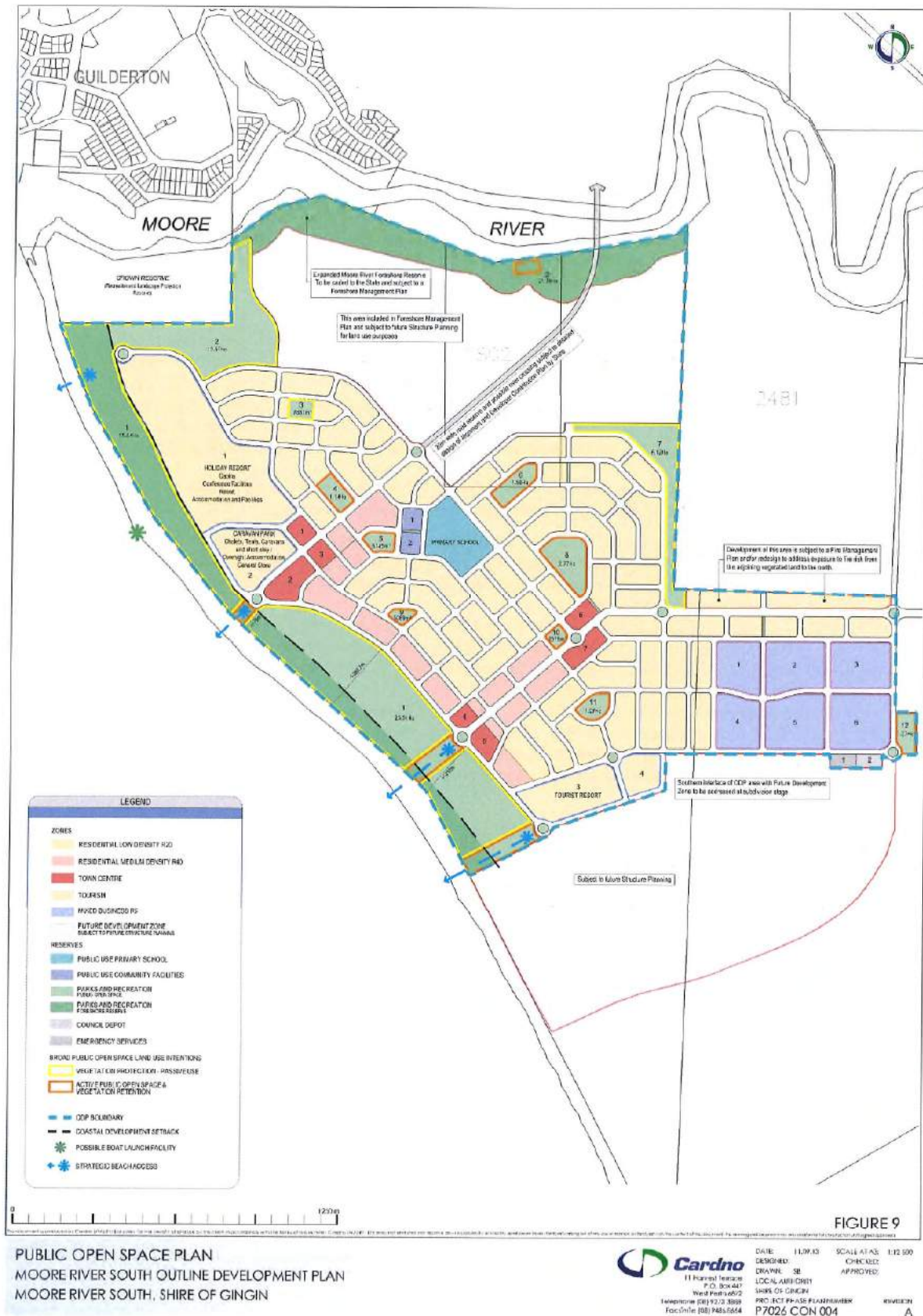
Parkland 1 retains the coastal dunal system and provides for natural areas of drainage and habitat protection. The parkland will allow for low key passive recreation, with strategic access to the beach. Given that the area will include areas for drainage Parkland 1 is considered as 'restricted' POS for the purpose of calculating the overall POS provision.

Parkland 2 provides a buffer between the development and the Crown Reserve to the north and will allow for the protection of important flora and vegetation communities. Parkland 2 will also be considered for low key passive recreation purposes with a series of walk trails, viewing locations and interpretive stops and providing access to the Crown Reserve to the north and the coast to the west. As there are no urban water management features Parkland 2 is considered as 'unrestricted' POS.

Parkland areas 3-13 as shown on the POS Plan (**Figure 9**) are located internally within the revised ODP area. These formal areas of POS range in size from 5089m² to 6.12ha and provide for a varied provision of parkland areas that will allow for a balance between neighbourhood parks, local parks and district playing fields. The detailed design of these parkland areas will be considered and assessed at subdivision stage. In accordance with the provisions of Liveable Neighbourhoods, all parts of the revised ODP area are within at least 400m of a formal parkland area.

In accordance with recommendations from Cardno's Environmental Assessment, various parcels of good quality remnant vegetation are recommended for protection within public parklands. A further detailed consideration of the significant environmental issues that have influenced the revised ODP design is considered in Section 4.14 of this report.

State Planning Policy 2.6 - State Coastal Planning Policy requires that, where a subdivision abuts the coast, that any foreshore be ceded free of cost without payment of compensation by the Crown and will be in addition to the 10 per cent public open space contribution. The revised ODP includes a significantly increased coastal foreshore setback (compared to both policy requirements and the approved 2000 ODP) based on the physical processes setback identified within the updated Coastal Assessment Setback Assessment (**Appendix I**), which together with the foreshore adjacent to the Moore River, will be given up as part of subdivision approval.



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7.3.5 Activity Centres and Employment

The revised ODP design adopts a main street mixed activity centre approach with two neighbourhood commercial centres located centrally and within a 400 to 500m radius of all surrounding neighbourhoods. In accordance with the principles of Liveable Neighbourhoods it is the intention that these centres, through the provision of high quality mixed use development, will encourage local employment provision, higher density housing in the surrounding area, higher amenity environments, and modes of transport other than the private car.

The approved 2000 ODP was designed to cater for a total of 15,000 people and a district centre design approach was proposed to cater for the needs of the community. The revised ODP has been reduced considerably to cater for a total population of 5,000 and therefore the facilities and services that will be required will be better provided through a neighbourhood centre approach. These centres will be able to service the whole of the revised ODP area being within convenient walkable catchments of 400 to 500m and therefore removing the need for other smaller supporting centres.

To encourage successful neighbourhood commercial centres the revised ODP has been designed to take account of the following factors, as set out in Liveable Neighbourhoods:

- A required minimum local residential population of approximately 2,000 people - the ultimate population of the revised ODP will be for 5,000 people serviced by two neighbourhood centres;
- Central location in good walkable catchments for local residents - being located within 400 to 500m of all neighbourhoods;
- Location on a busy main street with good traffic levels - the northern centre being located on a Neighbourhood Connector A and the southern centre on the Integrator B (Main St);
- Good on street parking in front and across the street - accommodated through the wider than average road reserves proposed;
- Preferably a two-storey building design - to be considered at the later stages of planning; and
- Slight under-provision (rather than overprovision) of retail to maximise vitality - 500m² retail floor space cap to be integrated with the caravan park and tourist site components of the revised ODP and provide for local convenience shopping and services in the first stages of the overall development.

The proposed neighbourhood commercial centres will allow for high quality mixed use development and this is advocated through the Shire of Gingin Local Planning Scheme No. 9 (LPS9) which allows for a mix of uses within 'Town Centre' zoned land. Uses appropriate to the neighbourhood centres and allowed pursuant to LPS 9 include: various types of holiday accommodation; home business; medical centres; consulting rooms; motels; offices; service stations and shop/retail.

Whilst the two neighbourhood centres are comparable in size, the centre to the north is proposed to be included within the first stage of development, along with the primary school, community facilities site, and caravan park, which are adjacent to and form part of this centre. The inclusion of this mix of uses will service the future needs of the area, but importantly, will also provide much needed facilities and services to the surrounding townsites of Guilderton to the north and Woodridge to the east.

7.3.5.1 Mixed Business Area

A 22 ha area is provided to the western extremity of the revised ODP area to provide for an area of Mixed Business Lots. It is envisaged that these Mixed Business lots will be developed for the purpose of light / service industry and to support home based business.

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Larger lot sizes of 3000m² will allow for residential use in the interim but will provide for an efficient lot layout and access for rear parking, together with large front setbacks that will enable a business to be constructed in front of a dwelling at a later stage. The final layout of this area, the apportionment of areas for residential and business use on one lot, will be controlled by a Detailed Area Plan to be formulated and approved at subdivision stage.

It is the intent of the Mixed Business Lots to provide for appropriate local businesses and other employment generating activities in order to encourage as many locally based jobs as possible.

7.3.6 Community Facilities

The identification of the types and ranges of community facilities required to sustain an ultimate population of 5000 people and ensuring land is provided for these facilities is an integral part of the revised ODP design.

7.3.6.1 Primary School

The revised ODP identifies a site for a Government Primary School, which is proposed to be granted free of cost. The Education Department requires one Primary School for every 1,800 dwelling units.

The Primary School is located centrally to facilitate convenient access. It is located in close proximity to the neighbourhood commercial centre and adjacent to the Community Sites, site to enable joint use of these facilities. The school has been strategically located to ensure that all school children within the revised ODP area will live generally within a 1km to 1.5 km radius of a school.

The approved 2000 ODP identified that approximately 80 children from Woodridge and 20 children from Guilderton travel to Gingin daily for their schooling. The Education Department acknowledges that those student numbers alone generate the need for a local school. The revised ODP is considered to be the ideal location for a new school site. As such, to meet not only the needs of the future population of the revised ODP area, but to also meet the needs of the surrounding areas of Guilderton and Woodridge, the primary school site is included within the first stage of development.

7.3.6.2 Public Use Community Facilities

The revised ODP area will likely generate the need for a community hall, senior citizens centre, infant health clinic, library and in the future a Shire of Gingin local office.

In accordance with the principles of Liveable Neighbourhoods, the community sites are located centrally within the revised ODP area adjacent to the primary school site and in close proximity to the neighbourhood commercial area to the north.

7.3.6.3 Medical Centres

The revised ODP area will ultimately accommodate a medical centre(s) comprising doctors, dentists, other specialists and pharmacies. No land provision is required for these centres as they are usually located adjacent to commercial centres. Additionally, pursuant to the Shire of Gingin Local Planning Scheme No. 9, consulting rooms are permitted on residential land with Council approval, subject to public advertising.

To ensure community development is adequately provided the revised ODP includes Planning Policy Statement No. 8 (Section 9) to require a comprehensive community facilities infrastructure contribution plan to be:

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- Prepared, identifying the basis for determination of contributions to be made to fund community facilities and infrastructure within the locality required as a direct result of the development of the land;
- Submitted to, and approved by, the Shire prior to the lodgement of an application for planning approval or building licence and prior to the clearance of any subdivision of the land; and
- Implemented to the satisfaction of the Shire.

The proponent has undertaken to sponsor the provision of floor space in the first stage of development to facilitate the earliest possible availability of medical and other services to the new and existing communities. In this regard, the Planning Policy Statement also requires that a general purpose community purpose facility shall be provided as part of the first stage of development. It is anticipated that this facility will initially be in the form of an open plan dwelling or similar structure for temporary use pending the development of purpose built structures once the community reaches sufficient critical mass to require and sustain specified services.

7.3.7 Tourist Resorts

Three tourist resort sites are identified within the revised ODP area as 'Tourism' sites, all of which are adjacent to the coastal foreshore with direct pedestrian access to the coast via proposed strategic beach access points. The tourist site that was proposed adjacent to Moore River on the approved ODP has been omitted from this revised ODP.

The largest Tourism site to the north of the revised ODP area recognises the particular attractiveness of the coastline, the prominent and protected Crown Reserve and the site identified as suitable for a possible boat launching facility, and its proximity to the river. The Environmental Assessment (refer Section 4) carried out by Cardno as part of this revised ODP has identified important flora and vegetation communities within this site. Any development within this site will require consideration to the retention of vegetation and be designed sympathetically to the vegetation and topography of the area. Where possible the Tourism Sites will be designed to create a feature of the protected areas within the resort. Further consideration will be given to this at the detailed design stage. Associated facilities intended for the resort include cabins, conference facilities, and resort accommodation at a density consistent with site attributes.

The second largest Tourist Site is proposed as a Caravan Park to provide for chalets, tents, caravans and a general store. In recognition of the high demand for this type of accommodation in the area, particularly during peak holiday seasons, the proposed Caravan Park has been included within the first stage of development. The revised ODP includes Planning Policy Statement No. 2 (refer Section 9), which requires that a maximum of 500 m² of retail floor space shall be integrated with the caravan park and tourist site components of the ODP and provide for local convenience shopping and services in the first stages of the overall development. The Caravan Park will be required to make specific provision for short term (overnight) stays by the travelling public, tow-in caravans and 'grey nomads'.

The smaller Tourist Site is located at the southern extremity of the revised ODP area. There is no proposal for the use of this site given that it is identified within the last stage of development. It is envisaged that this site will be developed in accordance with the tourist zoning provisions of an approved Town Planning Scheme. Pursuant to LPS9 the following uses are permissible within the 'Tourism zone': bed and breakfast; cabin; caravan park; chalet; guest house; holiday house; holiday house (large); hotel; motel; resort, restaurant; and serviced apartment.

As a guide, density of development on Tourist sites could be expected to range from R30 for apartment style accommodation to R80 for hotel suites subject site conditions and environmental constraints. Development of these sites will be guided by LPS 9.

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8 Viewshed Analysis

Riverine, coastal and estuary landscapes are highly valued by the community and it is important that any development of the ODP area is cognisant of this. Additionally, the visual impact of any new development adjacent to an existing townsite (Guilderton) needs to ensure that development is consistent with the existing landscape values of the environment and the surrounding developed area.

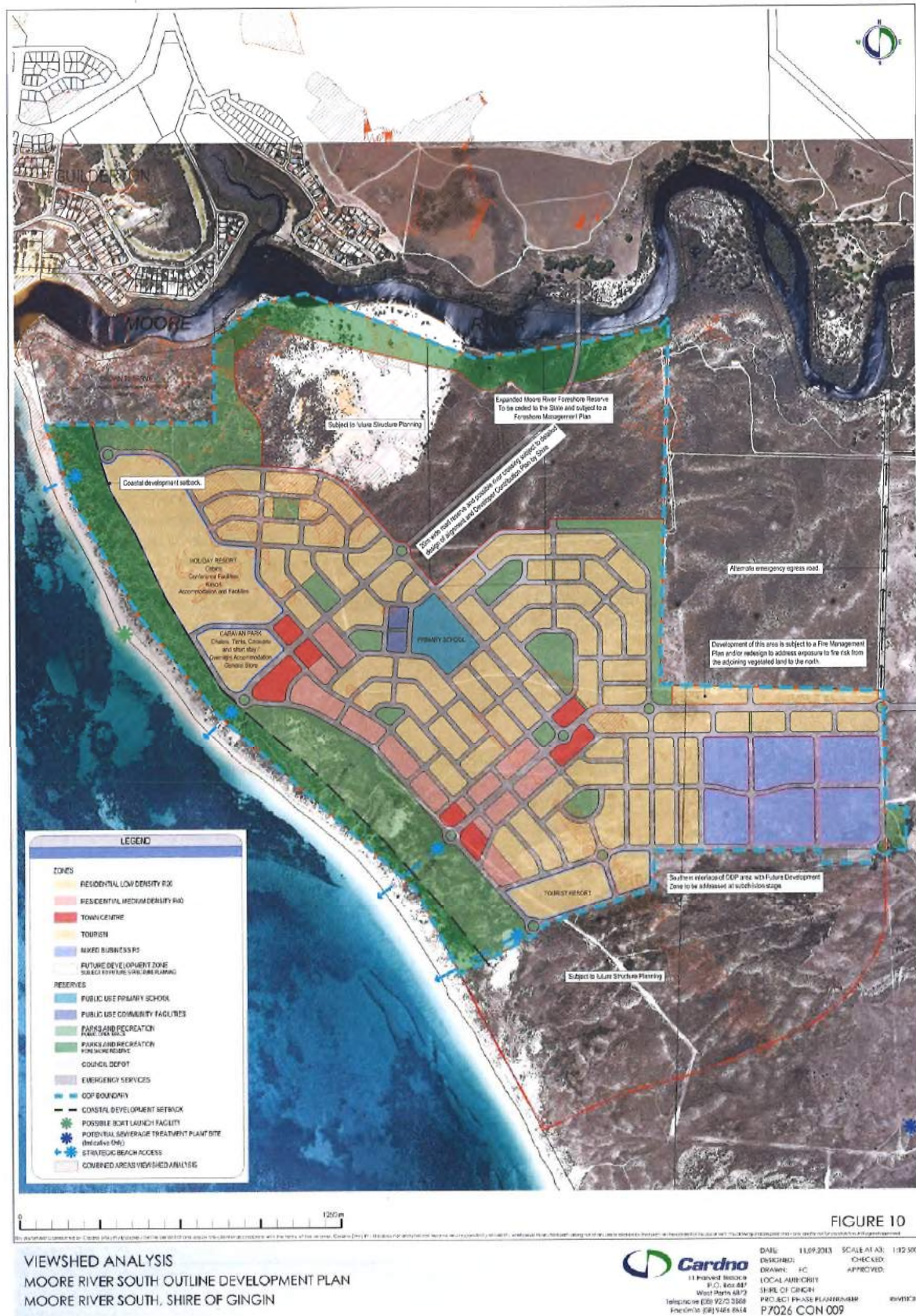
Visual impact was raised as a key community concern during community consultation for the 2000 ODP and in response to this issue a viewshed analysis of the revised ODP area from Guilderton was undertaken.

Key viewing locations of the revised ODP area from Guilderton were identified including:

- *Site 1* - Intersection of Gordon Street and Mullins Street, Guilderton;
- *Site 2* - Guilderton lookout; and
- *Site 3* - Guilderton foreshore and picnic area (northern side of Moore River riverbank).

From these locations a 'seen area analysis was conducted, to determine the area of a two-storey (9m) hypothetical development that would be visible from these locations. The two-storey scenario allows for a worst case scenario, although it is considered that the majority of future development will be single storey. This analysis was based on existing contours and assumed no vegetation cover or built structures.

A combined viewshed analysis, which overlays the visible area of a hypothetical two-storey development from all three locations is shown in **Figure 10** overleaf.



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The viewshed analysis demonstrates that only a small portion of the revised ODP area is visible from Guilderton. The greatest visibility of the revised ODP area is from the intersection of Gordon Street and Mullins Street (Site 2), which is not a significant viewing location for Guilderton. Viewers in this location would commonly be in cars and would not be stopping to observe any views.

The more significant viewing locations for the revised ODP area are the foreshore (Site 3) and the lookout (Site 1) as people in these location are likely to be looking out towards the revised ODP area. From both sites there are restricted views of the revised ODP area, only visible from over one kilometre away, when any development would occupy only a small portion of the observer's field of vision. The revised ODP area will also be obscured by vegetation over the area, which is not considered in the 'seen area analysis'.

The viewshed analysis demonstrates there are minimal visual impacts of the development of the revised ODP area from Guilderton. The use of a two storey analysis provides a worst-case scenario for the development, as the majority of dwellings are likely to be single storey over the revised ODP area. In addition, it is likely that the finalised construction levels be smoothed to achieve development and hence structures will be lower than presented in the analysis.

In identified areas, which may be visible, additional visual management measures will be incorporated into future design and planning of the revised ODP area through the implementation of mandatory Design and Settlement Guidelines (DSG) as per Planning Policy Statement 3. These DSG's may incorporate measures to reduce visual impacts including:

- Use of non-reflective materials, particularly on roofs;
- Use of eaves on windows to shade from glare and reduce the reflection of glass;
- Use of colours that blend into the current landscape (neutral colours) and consistent colour schemes across the development; and
- Use of natural building materials, such as local soil or rock.

Incorporating these measures into the built form of the proposed development would help blend the development into the existing landscape.

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9 Planning Policy Statements

The revised ODP, once approved, supersedes any previously approved ODP for the subject land. The implementation of the revised ODP will be facilitated through the subdivision and development approvals process, which pursuant to Town Planning Scheme 9 will be required to generally conform with the approved ODP. Future applications will be required to demonstrate compliance with the following key Planning Policy Statements:

1. Subdivision and Development

- The development of the subject land shall be undertaken generally in accordance with the endorsed Outline Development Plan (ODP). Subdivision of the ODP area requires approval from the Western Australian Planning Commission (WAPC) and shall be undertaken generally in accordance with the ODP.
- Development Applications and Detailed Area Plans will be required for all development generally excluding residential land use being R20-R40 which will be guided by the Residential Density Codes and Design and Settlement Guidelines if appropriate.
- The ODP map is the authoritative document in relation to proposed land uses and conditions attached to subdivision and development. In the event of an inconsistency between the ODP map and any other map contained in the ODP documentation the ODP map prevails to the extent of that inconsistency.

2. Retail Floor Space

A maximum of 500 m² of retail floor space shall be integrated with the caravan park and tourist site components of the ODP and provide for local convenience shopping and services in the first stages of the overall development.

3. Design and Settlement Guidelines

Detailed Design and Settlement Guidelines (DSG) will be prepared and implemented by the proponent to guide the form and nature of buildings and structures in the ODP area. The DSG:

- Will set appropriate standards for design of dwellings and commercial and tourist development to meet sustainability criteria, building location and orientation, built form, building heights, scale and roof pitch, external colours and materials, curtilage and landscaping, vehicle parking and access and fencing.
- Will promote and encourage the installation of water tanks, water efficient taps and appliances and solar energy harnessing devices in every dwelling.
- Will require that any development in the northern tourism resort site will require consideration to the retention of vegetation and be designed sympathetically to the vegetation and topography of the site.
- May include special provisions for the 'Mixed Business' precinct shown on the ODP map to set standards for lot sizes, separation of uses and setbacks in addition to the matters outlined in above.
- Can be undertaken for the tourism sites independently from the residential and commercial sites.

The DSG is intended to supplement the Residential Design Codes and TPS 9. In the event of a contradiction or inconsistency between the DSG and the Residential Design Codes and/or TPS 9 the Residential Design Codes and TPS 9 will prevail.

The WAPC and the Local Government may require Detailed Area Plan(s) prior to subdivision of a tourism site and/or as a condition of subdivision approval for the Mixed Business and/or Residential Lots.

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4. Staging of Subdivision and Development

The progressive subdivision and development of land identified for residential lots (both green title and strata) on the ODP shall proceed on the basis of a staging plan approved by the Shire and the West Australian Planning Commission that has regard for the necessity for the introduction of reticulated water and sewerage facilities to the ODP area and the early establishment of foreshore improvement works.

5. Tourist Units

The strata subdivision and/or development of any land identified on the ODP for tourist accommodation shall include common management arrangements to ensure the tourist units and any associated facilities are available at all times for tourists, visitors and travellers. These arrangements are not intended to preclude owner use of tourist accommodation for holiday purposes.

6. Foreshore Reserves

A foreshore management plan shall be prepared under clause 5.1(x) and (xi) of State Planning Policy No. 2.6: State Coastal Planning Policy prior to the first stage of subdivision.

The foreshore management plan must:

- Include the foreshore reserves for both the ocean and Moore River frontages of the development identified on the ODP and the adjacent Crown Reserve abutting the mouth of the Moore River;
- Contain a schedule of works, public facilities, infrastructure and amenities provision and implementation schedule;
- Consider and respond to coastal processes, biophysical characteristics and any access requirements, both pedestrian and vehicle access, between the residential development front and Moore River;
- Include a strategy for the investigation of the feasibility and provisions of a low key boat launching facility;
- Define and implement an appropriate foreshore reserve width along Moore River having regard to the above factors and specifically in response to SPP 2.6;
- Identify those with responsibility for implementation of the plan and management of the reserves thereafter;
- Be subject of its own public consultation process;
- Be approved, if acceptable, by the Shire of Gingin; and
- Identify required works to be fully implemented prior to the Shire's clearance of the conditions of any subdivision approval granted for the ODP area.

Inclusion of the whole of the land area between the residential development front and the Moore River is intended to allow consideration and a response to relevant issues. Any land use proposals beyond the proposed foreshore reserve do not fall within the scope of the foreshore management plan and would be subject to a separate future Structure Plan.

The staged construction of the Foreshore Management Plan and Public Open Space by the Proponent is to be determined at the Subdivision stage or through a Development Deed between the proponent and the Shire in a manner that reflects progressive development of the project and progressive demand for additional facilities.

The ocean foreshore reserve and adjacent public open space is able to be used for drainage works or functions pursuant to an approved Stormwater and Drainage Management Plan as required by Planning Policy Statement 13, including subsurface stormwater drainage and absorption structures, which do not materially diminish the capacity of the area for public use.

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7. Fire Management Plan

A fire management plan must be prepared and implemented to the satisfaction of the Shire of Gingin and the Department of Fire and Emergency Services.

Goonmarra Rd will be required to be constructed for emergency public access to the satisfaction of the Shire.

Development must be undertaken in compliance with:

- Part 3.7.4 (Bushfire Areas) of the Building Code of Australia
- The WAPC Planning for Bushfire Protection Guidelines; and
- Australian Standard 3959.

A memorial is to be placed on the Certificate of Title for those lots affected by the fire management plan advising of the requirement to comply with the approved fire management plan and the owner's responsibility to maintain fire protection measures and emergency access to an appropriate standard.

8. Community Facilities

Local Community Facilities will be provided for through a Deed of Agreement between the Shire of Gingin and the Moore River Company. If for any reason, the Deed of Agreement is not executed the Shire will progress Developer Contribution Plans under the provisions of its Local Planning Scheme.

A small multipurpose community facility shall be provided as part of the first stage of development of the ODP area.

9. Local Water Management Strategy

A Local Water Management Strategy shall be approved by the relevant agencies prior to the approval of the first stage of subdivision.

10. Dust Management

A dust management plan is to be:

- Submitted to and, if acceptable, approved by the Shire; and
- Implemented at each and every stage of development to the satisfaction of the Shire.

11. Landscape Strategy

A landscape strategy plan for the road reserves including the primary access road from Indian Ocean Drive and public open space areas shall be prepared, which:

- Indicates the location and species of all trees to be removed and/or retained;
- Indicates the location and type of fencing to be installed;
- Indicates the location and type of reticulation to be installed;
- Indicates the location and type of paving to be installed; and
- Includes a plant schedule nominating each species, the spacing of species, the numbers of plants required, and the size of each plant to be used at the time of planting and the anticipated height of each plant at maturity.

The landscape strategy plan shall:

- be submitted to and, if acceptable, approved by the Shire;
- be the subject of a management agreement between the owner and the Shire; and
- implemented to the satisfaction of the Shire.

12. Construction Management Plan

Any Construction Management Plan required to be prepared at the subdivision or development stage shall include the technical, physical and contractual measures to minimise environmental impacts during construction and post-construction. Such plan to address Acid Sulphate Soils in accordance with the guidelines of the Department of Environment and Conservation.

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A plan addressing cut/fill and retaining requirements (i.e bulk earthworks plan) shall be prepared and submitted to the Shire of Gingin prior to or concurrent with the subdivision application process.

13. Stormwater and drainage

A stormwater and drainage management plan shall be:

- Prepared, which identifies the locations and dimensions of all proposed pump stations, infiltration basins and sumps;
- Submitted to and, if acceptable, approved by the Shire and the Department of Water; and
- Implemented to the satisfaction of the Shire.

The design objectives of the stormwater and drainage management plan will be to optimise the infiltration of stormwater at source and the reuse of water.

14. Utilities and Services

All development is to be connected to underground power, telecommunications and reticulated water and sewage services.

The design of utilities and services will be aimed at the maximum feasible use of technology capable of capture of energy from wind and solar sources and the reuse of wastewater so as to minimise the demands of the new development for importation of energy and water.

All utilities and services are to be contained within the ODP area or where outside the ODP area within a public road reserve, Shire managed reserves or easements specifically created for that purpose.

These connections are to occur at the first stage of development at the full cost to the owner/developer and to the satisfaction of the Shire and, in relation to water and sewage, the Water Corporation or other licenced service provider.

15. Traffic Management and Parking

A traffic and parking strategy shall be prepared by a suitably qualified traffic engineer, which:

- Shows the required upgrading works for the local road system, including the intersection of the primary access road and Indian Ocean Drive;
 - Shows the staging of these works relative to the staging of the development;
 - Assesses the future public, private residential and tourist car park requirements generated by the development proposed in the ODP area;
 - Able to demonstrate that sufficient foreshore parking or alternative access is provided for tourist and residential development as well as the demands of visitors and the general public;
 - Include a noise impact assessment undertaken for Barragoon Road adjoining Woodridge Estate so as to demonstrate the need for any noise attenuating requirements as part of the road upgrading work; and
 - Submitted to the Shire and, if acceptable, approved by the Shire and Main Roads WA.
- The strategy shall be implemented to the satisfaction of the Shire prior to the Shire's clearance of any condition of any approval granted for the subdivision or strata subdivision of land within the ODP area.

All residential lots are to contain on-site car parking in accordance with the Residential Design Codes.

16. Further Subdivision

Subdivision of the residential areas depicted on the ODP will only be permitted in accordance with the Residential Design Codes.

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17. Special Land Use Controls

- Where this plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then the provisions in TPS 9 applicable to land in those classifications under the Scheme apply to the structure plan area except that the following special land use exemptions will apply to development in the ODP area: For the purposes of facilitating provision of community facilities in the initial stages of development land identified as being within the 'Residential zone on the ODP map may be developed for the purposes of 'educational establishment', 'medical centre', 'civic use' and/or 'office' as defined under the Shire of Gingin Town Planning Scheme No. 9 (TPS 9) and on the basis of being an 'A' use for the purposes of Table 1 – Zoning Table in the scheme;
- 'Civic use' and 'educational establishment' are deemed to be 'D' uses in the Town Centre zone under TPS 9; and
- Land in the area shown as 'Mixed Business R5 on the ODP map may be developed for a 'Single House' in conjunction with any mixed business uses subject to the application processes and considerations that apply according to a dwelling under the R5 coding under the Residential Design Codes (as amended from time to time).
- The land shown as 'Caravan Park' on the ODP is restricted to that land use as defined in TPS9, including all associated land uses that are ordinarily ancillary, subsidiary and incidental to the primary use of a caravan park.

Moore River South – Revised Outline Development Plan*Prepared for Moore River Company Pty Ltd***10 Population and Employment Opportunities****10.1 Population and Growth**

The approved 2000 ODP envisaged an ultimate population of 13,500 residing in 5,269 dwellings. An assumption of 2.8 persons per residential dwelling was made. In the formative years lower than average household sizes were anticipated - particularly through the likely greater presence of retirees and 'empty nesters'.

In response to the State Cabinet's acknowledgement that, subject to a reduction in the scale of development, the existing Future Development zone could accommodate a sustainable community, the revised ODP has been designed to reflect a total population of 5,000 residents. This figure is based on the States assumption of an occupancy rate of 2.5 persons per dwelling.

In determining the actual likely occupancy rate of the revised ODP area a comparison was made with the neighbouring coastal towns of Yanchep to the south, Lancelin to the north and the existing adjacent townsites of Guilderton and Woodridge, based on the 2006 Census details (<http://www.censusdata.abs.gov.au>) in relation to population and housing, as set out in the table below.

Table 2 Australian Bureau of Statistics Data (2006)

	Yanchep	Guilderton	Lancelin	Woodridge
Population	2,482	146	666	565
Dwellings	1,194	432	878	266
Occupancy Rate	2.1	0.3	0.8	2.1

For the purpose of considering servicing requirements based on the occupancy rates above a conservative rate of 1.8 persons per dwelling was considered.

The timeframe envisaged for the revised ODP to achieve full development is approximately 25 to 30 years. Even then, it can be expected that approximately 15% of the area will be undeveloped, consistent with the established patterns of development for similar communities throughout Australia. At the time of full development, the population characteristics will very likely reflect those of Mandurah - a mix of permanent residents (families and retirees) and weekenders/holiday makers/tourists. There is no accurate means of predicting how and when the resident mix will change. It is acknowledged however that families with children will be more attracted to the area when particular facilities are provided, e.g. schools.

10.1.1 Employment Opportunities

The revised ODP area is intended to attract the full cross section of the community - retirees, empty nesters, families, investors, weekenders, tourists, etc.

The site's locational attributes and attractions are those of a holiday town and not of an expanding Perth suburb. It is expected that the minimal employment opportunities in the early years of development will attract people of similar characteristics to those occupying the existing Guilderton townsite, i.e. retirees and weekenders. Retirees are not seeking employment and the weekenders are generally employed in the city, which is their permanent residential address.

This revised ODP ensures that employment opportunities are provided through the allocation of land for, commercial, tourist, light industrial uses, and other uses. The revised ODP also acknowledges that employment follows residential expansion. Employment opportunities will be progressively

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provided via the following land uses shown on the revised ODP - neighbourhood shopping centres, mixed business and service industry (Mixed Business Lots), a school, community facilities, medical centres and three tourist sites.

The proposed Mixed Business Lots are a specific component of the revised ODP, introduced to stimulate early development of small business.

The anticipated employment opportunities within the revised ODP area, at ultimate development, are shown on the following table:

Table 3 Estimated Employment Opportunities in Revised ODP Area

	Activity	Estimated Employees / ha or Employment Estimate	Total Area (ha)	Employment Opportunities
Retail	Neighbourhood Commercial	30 / ha	5.3	159
	Mixed Business Areas	5 / ha	22.9	114
	Primary School	30 / school	4.7	30
	Community Facilities	15 / ha	1.2	18
Tourist	Tourism	5 / ha	30.4	152
	Caravan Park	5 / ha	6	30
TOTAL				503

*Please note that the figures above exclude construction workers.

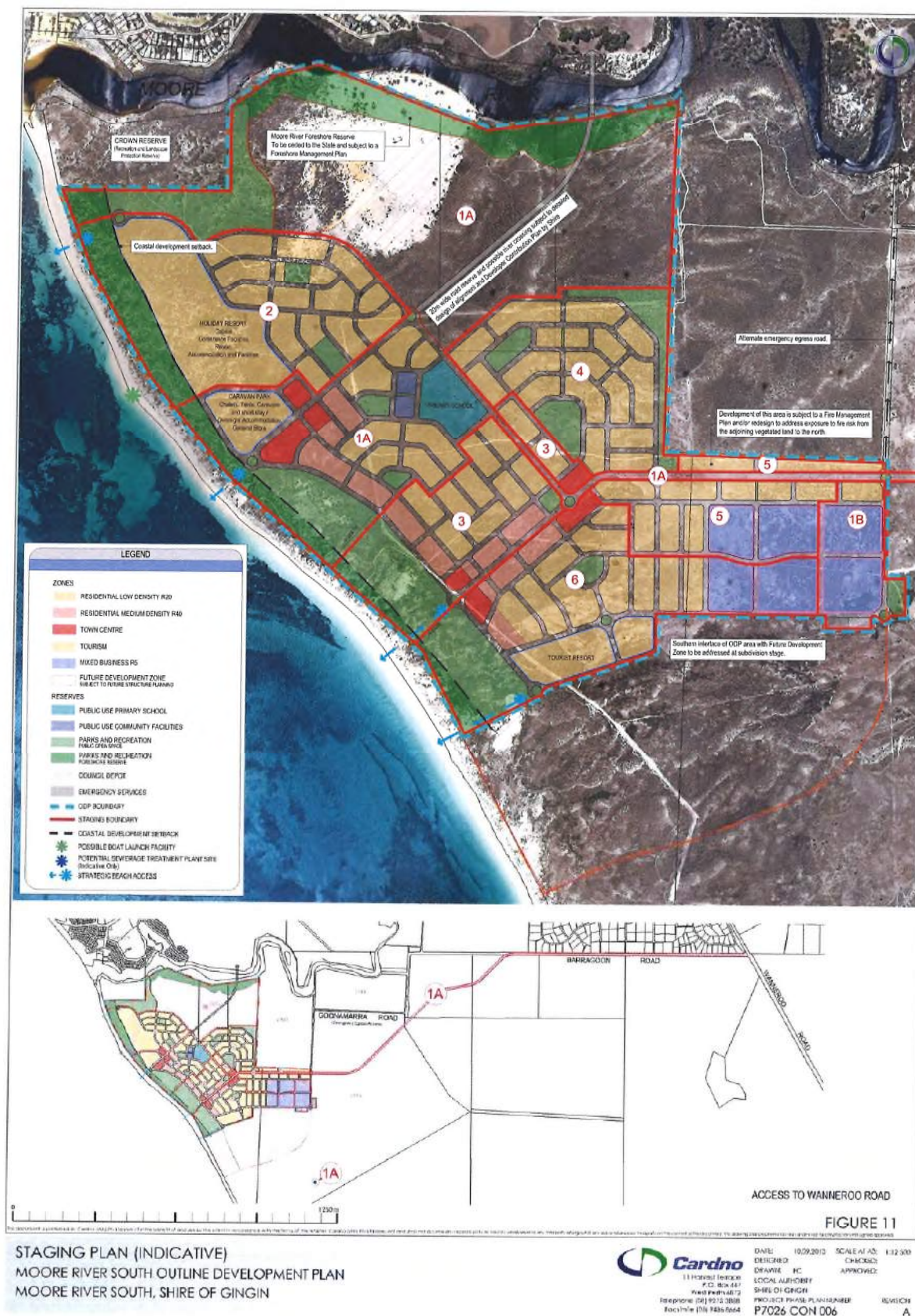
10.2 Staging

A Staging Plan is included, which shows the future development of the revised ODP area split into 6 distinct stages. It is anticipated that each stage will be developed within a 3-5 year timeframe.

The State Cabinet acknowledges that the existing Urban Development zone that had been in place since 1995 and that this zoning, subject to a reduction in the scale of the development, will provide the township of Guilderton and surrounding rural estates with a primary school, shopping and community facilities, and servicing infrastructure, which will result in the creation of a sustainable community catering for a population of up to 5,000 residents.

The revised ODP includes within the first stage of development, a neighbourhood centre, primary school, a community facilities site and a caravan park. The first stage (1A) of development is also linked to stage 1B on the western extremity of the revised ODP area at the point of entry. This will allow some light service (Mixed Business lots) industry and residential display homes to be incorporated within the first stage of development. A FMP plan is required to be prepared and approved prior to the first stage of subdivision approval. Key infrastructure provision will also be required to be provided as part of the first stage.

Staging the development is entirely dependent on economic conditions and so can only be taken as indicative at this point in the approval process. Figure 11 on the overleaf is a Staging Plan for the revised ODP area.



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11 Changing Role of Guilderton

Guilderton was first developed in the 1940's when farmers from the broader Gingin hinterland constructed beach shacks for holiday use. The land released for housing development is Crown Land administered by the Department of Land Administration (DOLA). DOLA progressively created and released residential lots until approximately 1984 when waste from residential septic tanks was found in the Moore River. The Water Corporation advised DOLA (which was clearing future road reserves between the townsite and lighthouse for a new land release at that time) that all future land development must be deep sewered. DOLA abandoned its subdivision plans and has not created any further lots for the past fifteen years.

Over the past twenty years or more, Perth residents have acquired most of the existing properties for holiday purposes. As at the 1996 Census, conducted in August, there were 411 houses and a permanent population of 178 people in Guilderton. At the same time (1996) Woodridge had a population of 485 people and 205 dwellings. Google Earth Aerial Photography as at 5 September 2006 details approximately 312 houses in Guilderton and according to the 2006 Census, a permanent population of 93 people. At the same time (2006) Woodridge had a population of 565 people and 193 dwellings.

Local real estate agents confirm that one significant reason for (older) permanent residents selling their properties is that they require proximity to health facilities which are not available in Guilderton. The small permanent population would not warrant the provision of such facilities.

11.1 Shire Intentions for Guilderton

The land surrounding the Guilderton townsite is owned by only two institutional owners – DOLA and the Catholic Church. Both appear to have no immediate plans for the area.

The Shire of Gingin identified land suitable for urban development in the Guilderton area in its (1982) Development Strategy and Structure Plan for the Gingin Coastal and Structure Plan for the Gingin Coastal Region. At that time the development option adopted by Council was for Guilderton to become a town of 30,000 people – with 15,000 residents each on both sides of the river.

More recently, in 2003, the Shire prepared a draft Local Planning Strategy, which also recognises that the then Urban Development zoning of the revised Outline Development Plan (ODP) area, in the medium to long-term, is anticipated to provide for a resident population of some 13,500 persons. However, the Strategy states that prior to actual urban development occurring on the south side of the Moore River, there will be a need for further detailed planning, and in particular some key issues including coastal management, river management and integration with the existing Guilderton townsite, will need to be addressed.

Under the provisions of LPS9, the revised ODP area is zoned Future Development. The purpose of the Future Development zone is to ensure that subdivision and development of land should only take place after the completion of a comprehensive Structure Plan.

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11.2 Western Australian Planning Commission Intentions for Guilderton

The announcement by the Minister for Planning of the support of State Cabinet for development at Moore River in a manner that that will provide the township of Guilderton and surrounding rural estates with a primary school, shopping and community facilities catering for a population of up to 5,000 residents followed consultation with the Western Australian Planning Commission (WAPC).

Pre-lodgement consultation with relevant Government Agencies has been facilitated by the WAPC / Department of Planning.

11.3 Existing Guilderton Townsite

The future of the existing Guilderton townsite will essentially be guided by the two major landowners, together with the WAPC and the Shire of Gingin. The Moore River Company has no direct involvement in the direction or extent of urban growth. The role of Guilderton however, will change over the next decade or two for a variety of reasons.

Over the past twenty years or more, Guilderton has become an attractive holiday home location for residents of Perth. Being the first 'coastal' settlement north of the Perth metropolitan area, and more significantly, only an hour away from the CBD, it is perceived by the holiday home market as a very attractive and convenient location. Most certainly, it will continue to be a desirable holiday home or retirement home location in the short, mid and long term. In the midterm, as more social, community, recreational, education and commercial facilities are provided, it will become more attractive to permanent residents. The employment opportunities created by the increasing facilities and services, together with the provision of retail, mixed business, local industry and local tourism opportunities, will further attract permanent residents.

Section 10.1 Population and Growth, addresses demographic characteristics and anticipated growth rates. These projections envisage a thirty year time frame and population characteristics similar to those of Mandurah at the present time i.e. a mix of permanent residents (comprising families and retirees) and weekenders/holiday makers/tourists. The actual rate of change of resident mix over the next thirty years is difficult to predict. It is likely that the introduction of a primary school will be the most significant factor influencing young families to reside in the area.

11.4 Accessibility of Facilities in Revised Outline Development Plan Area

The State Cabinet, when acknowledging the Urban Development zone of the site and considering a reduced proposal, acknowledged the opportunity to provide the township of Guilderton and surrounding rural estates with a primary school, shopping and community facilities, and servicing facilities.

As a direct response to these criteria the revised ODP has been designed to incorporate a neighbourhood centre, primary school, community facilities and a caravan park within the first stage of development.

The Woodridge community will have convenient direct access to these facilities by way of a 5 km car trip. The Guilderton community will have little requirement for the early shopping/café/restaurant/fuel supply facilities as these are all available in the townsite presently.

Access from Guilderton to the possible boat launching facility and later school and health facilities will be via Indian Ocean Drive unless it is considered feasible to construct a bridge across the Moore River. The location of this bridge (and its funding and timing of construction) will be considered in more detail at the later planning stages of development.

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11.5 Existing Social and Community Infrastructure (Guilderton and Woodridge)

The Guilderton townsite comprises of approximately 312 dwellings (Obtained from Google Earth Aerial Photography as at 5 September 2006), of which approximately 20% are occupied by permanent residents. Facilities and services presently available to residents (and visitors) include:

- Combined service station/newsagent;
- Take away food outlet;
- Small supermarket near the golf course;
- Supermarket; and
- Delicatessen, restaurant and café near the river mouth.

Although Woodridge has a permanent population approximating 565 persons, the Shire of Gingin has been reluctant to formalise this mature rural residential estate as a townsite. As such, facilities are restricted to a community hall, tennis/netball courts and a child care centre.

There are no full time medical or health care services, nor any other professional or educational services or facilities in either Guilderton or Woodridge, with the exception of occasional services offered by local residents. All residents are required to go east to Gingin or south to Two Rocks, Wanneroo or Joondalup for basic services such as general shopping, education, medical and health care.

According to the Public Transport Authority of Western Australia, approximately 80 children from Woodridge and Guilderton currently travel to Gingin daily for their schooling. The Education Department acknowledges that those student numbers almost generate the need for a local school presently. The revised ODP is considered to be the ideal location for the new school site (particularly the Primary School located near the first development node).

The revised ODP area is located 4 km west of Woodridge and is directly accessible via Barragoon Road and the proposed arterial entry road. The Guilderton townsite is on the opposite side of the Moore River, and is approximately 20 kms by car to the site.

11.6 Revised Outline Development Plan Site – Social and Community Infrastructure Provision

The revised ODP site is 346 hectares in area and is planned to ultimately accommodate 5000 people in approximately 2000 dwellings. The following social and community facility sites are proposed for the area, generally in accordance with the revised ODP plan.

- Primary School
- Public Use Community Facilities:
 - Medical Centre; and
 - Community Centre.
- Playgrounds, playing facilities, coastal parks and facilities.

These facilities will be available to the revised ODP area residents and Guilderton and Woodridge residents alike. The delivery of these facilities relates directly to the timing of development. The Staging Plan (Figure 11 - Section 10.3) identifies six likely phases of development.

The provision of health and medical services will evolve over the early years of development. It is anticipated that over the first five years of development, doctors, dentists, chiropractors and

Moore River South – Revised Outline Development Plan

Prepared for Moore River Company Pty Ltd

physiotherapists, in particular, will locate in residences – similar to their location in the metropolitan area. It is likely that after the first five years growth, those activities and facilities will be formalised in professional suites or medical centres. The introduction of these services relates to (i) the population in the Guilderton/Woodridge/Moore River South catchment and (ii) the attractiveness of the area as a permanent residential location and (iii) accessibility to the area for part-time servicing.

Moore River Company is confident that the area's idyllic setting and accessibility will attract residents and visitors in suitable numbers to allow the smooth progressive development of the site. It is envisaged that at the commencement of the project arrangements will be made for the provision of basic social/community/recreational infrastructure up-front to ensure new residents, be they permanent or part time, will be more comfortable.

Assuming a suitable lot sales (and house construction) rate and considering the number of new permanent residents, the next range of facilities desired would include bank (ATM), access to some level of health and medical services, improved general store, community centre and (interim) primary school.

Moore River Company has committed to the provision of suitable floor space (both interim and long term) and other measures to provide incentives and facilitate the early availability of basic retail, medical, dental and childcare services to the community.

Moore River South – Revised Outline Development Plan*Prepared for Moore River Company Pty Ltd***12 Infrastructure Contributions**

As part of the development of the revised Outline Development Plan (ODP) area the proponent will provide a range of services and facilities for the community and visitors to the locality. A matrix of community facilities and infrastructure provision and contributions Plan has been agreed between the proponent and the Shire and are proposed to be subject of a voluntary agreement prepared in accordance with Planning Policy Statement No 8. (refer Section 9). The commitments will be provided either as part of the development of the site, the implementation of the Foreshore Management Plans for the foreshore abutting the site or in addition to these matters.

Commitments

1. Provide a new coastal promenade and provide parking bays, viewing areas, lighting, beach access and landscape improvements in this area
2. Provide a new primary school site in the first stage of development.
3. Installation of state of the art water and sewerage infrastructure, accompanied by mandatory requirements for water reuse and water and energy efficient appliances in all dwellings.
4. Cede a community purposes site comprising approximately 1.3ha in the first stage of development.
5. Ceding of an expansive network of new coastal and river foreshore reserves as shown on the ODP map.
6. Contribute to local FESA facilities and support creation of a new or enlarged local bush fire brigade.
7. Sponsor/subsidise a new local store, community meeting space and floorspace for visiting medical and dental services in the first stage of development.
8. Contribute to a boat launch facility on the basis that the funding, design and ongoing management issues can be resolved to the satisfaction of all stakeholders.
9. Assist the creation of a small business incubator to facilitate early introduction of employment generating activities in the ODP area and at Guilderton.
10. Contribute to a tourism promotion campaign for the region and the locality.
11. Management and maintenance of all new open spaces for a period of 3 years.
12. Provision of low key active and passive recreation facilities (including play equipment, seating, barbecues, public art and similar facilities) and landscaping/embellishment of selected Public Open Spaces.
13. Landscaping and rehabilitation of foreshore areas in accordance with approved Foreshore Management Plans.
14. Provision of a pedestrian trail network throughout the development.

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15. Contribute proportionately to the funding of a pedestrian bridge connecting to Guilderton on the basis that the funding, design, ongoing management and other relevant issues can be resolved to the satisfaction of all stakeholders.
16. Development of a minimum 250m² multipurpose community purposes facility for management under a peppercorn lease by a community based management committee, including provision of temporary floorspace in first stage of development pending completion of the purpose built facility.
17. Upgrading of Indian Ocean Drive, intersections and connector roads to Moore River.
18. Ceding of approximately 86.9ha of land for Public Open Space and new coastal and river foreshore reserves, equivalent to 25.1 percent of the ODP area.
19. Contribution to provision and/or augmentation of district community facilities by the Shire (for example; district library, sporting complexes and the like) and required as a consequence of the development.
20. Contribute to the employment of a Community Development Officer by the Shire for the first 5 years of the development program

The above list is a broad outline of the scope of the proponent's commitments. The detail, quantification, staging and tenure details of each commitment will be addressed in later documentation between the Shire and proponent.

11.4. OPERATIONS-CONSTRUCTION

Nil

11.5. ASSETS

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

13.1 LOWER COASTAL NEIGHBOURHOOD WATCH – AGM – 8 AUGUST 2018

FILE: GOV/20-1
LOCATION: SOVEREIGN HILL
REPORTING OFFICER: COUNCILLOR PECZKA
REPORT DATE: 21 AUGUST 2018

Councillor Peczka commented on his attendance at the Lower Coastal Neighbourhood Watch meeting that was held on Wednesday 8 August 2018 at the Sovereign Hill Community Hall. There was discussion on Lancelin Police staffing changes and how their KPI's are down across all areas for this time of the year. No real issues over the last reporting period other than to include more contact and emergency information in local newsletter publications.

13.2 WA LOCAL GOVERNMENT CONVENTION 2018 – 2 AUGUST 2018

FILE: GOV/20-1
LOCATION: PERTH CONVENTION AND EXHIBITION CENTRE
REPORTING OFFICER: COUNCILLOR COURT
REPORT DATE: 21 AUGUST 2018

Councillor Court reported on her attendance at the WA Local Government Convention on Thursday 2 August 2018 for the breakfast for Children's Environment and Health Awards along with the Chief Executive Officer. Councillor Court congratulated staff on their submission but unfortunately, although we got an 'A' we were unsuccessful. Councillor Court mentioned it was good to see what other Councils are doing in relation to music, arts and infrastructures in their Council.

Councillor Court made mention that the key note speakers for the day were fantastic and the discussion panel left nothing unturned.

Department of Transport staff were also in attendance at the meeting and made mention that the proposed Marina is being well exercised.

13.3 GINGIN SCHOOL COUNCIL MEETING – 8 AUGUST 2018

FILE: GOV/20-1
LOCATION: GINGIN
REPORTING OFFICER: COUNCILLOR RULE
REPORT DATE: 21 AUGUST 2018

Councillor Rule expressed his concern for the Gingin School Council meeting as the scheduled meeting for 8 August 2018 could not go ahead. The School needs more community representatives to get involved to be able to hold a meeting, seven people constitute a quorum and if not met the meetings are cancelled. Councillor Rule mentioned their newest recruit is Linda Balcombe and the school is calling for more community representatives to get on board.

14. NEW BUSINESS OF AN URGENT NATURE

Nil

15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

RESOLUTION

Moved Councillor Elgin, seconded Councillor Court that Council move into a Confidential session to discuss items, 15.1, 15.2 and 15.3.

CARRIED UNANIMOUSLY

The meeting was closed to the public 4.08pm and there were no members present in the gallery at the time.

15.1 ACQUISITION OF LOT 361 (36) BROCKMAN STREET, GINGIN

LOCATION: LOT 361 (36) BROCKMAN STREET, GINGIN
FILE: HLT/26; A5835
REPORTING OFFICER: AARON COOK – CHIEF EXECUTIVE OFFICER
REPORT DATE: 21 AUGUST 2018
REFER: 20 FEBRUARY 2018 ITEM 15.1

Reason for Confidentiality

This Report is **CONFIDENTIAL** in accordance with:

1. Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

(h) such other matters as may be prescribed.

and

2. Regulation 4A of the *Local Government (Administration) Regulations 1996* which states as follows:

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

RECOMMENDATION

It is recommended that Council authorise the Chief Executive Officer to further negotiate the purchase of Lot 361 Brockman Street, Gingin, for the purpose of future expansion of the Gingin Cemetery, to a maximum value of \$130,000.

RESOLUTION

Moved Councillor Elgin, seconded Councillor Johnson that Council authorise the Chief Executive Officer to further negotiate the purchase of Lot 361 Brockman Street, Gingin, for the purpose of future expansion of the Gingin Cemetery, to a maximum value of \$130,000.

CARRIED BY ABSOLUTE MAJORITY
9-0

15.2 APPLICATION FOR NEW LEASE - GUILDERTON GENERAL STORE AND TAKEAWAY ON LOT 425 DEWAR STREET, GUILDERTON

LOCATION: LOT 425 DEWAR STREET, GUILDERTON
APPLICANT: PETER AND KERRY ENRIGHT
FILE: A3702
REPORTING OFFICER AARON COOK – CHIEF EXECUTIVE OFFICER
REPORT DATE:

Reason for Confidentiality

This Report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal –*
 - (ii) *information that has a commercial value to a person;*

RECOMMENDATION

It is recommended that Council:

1. Agree that it is prepared to enter into a new lease agreement with Mr and Mrs Peter and Kerry Enright with respect to the Guilderton General Store and Takeaway based on the same provisions and general terms and conditions as the current head lease for a term of five years with the option of a further term of five years, subject to the prospective lessees being responsible for meeting all legal and other costs associated with the preparation and drafting of the new lease agreement and other associated documents and forms.
2. Authorise the Chief Executive Officer, in the event that no submissions are received as a result of the public notice provisions of s. 3.58 of the *Local Government Act 1995*, to proceed with the preparation and execution of an appropriate lease document, including affixing of the Common Seal.
2. Acknowledge that, in the event that any submissions are received during the public submission period, the matter will be returned to Council so that all submissions can be considered prior to a final decision being made.

RESOLUTION

Moved Councillor Elgin, seconded Councillor Johnson that Council:

1. Agree that it is prepared to enter into a new lease agreement with Mr and Mrs Peter and Kerry Enright with respect to the Guilderton General Store and Takeaway based on the same provisions and general terms and conditions as the current head lease for a term of five years with the option of a further term of five years, subject to the prospective lessees being responsible for meeting all legal and other costs associated with the preparation and drafting of the new lease agreement and other associated documents and forms.
2. Authorise the Chief Executive Officer, in the event that no submissions are received as a result of the public notice provisions of s. 3.58 of the *Local Government Act 1995*, to proceed with the preparation and execution of an appropriate lease document, including affixing of the Common Seal.
3. Acknowledge that, in the event that any submissions are received during the public submission period, the matter will be returned to Council so that all submissions can be considered prior to a final decision being made.

Councillor Fewster foreshadowed his intention to move a motion declining to enter into a new lease agreement in the event of the current motion being lost.

LOST
0-9

FORESHADOWED MOTION

Moved Councillor Fewster, seconded Councillor Morton that Council:

1. **Decline to enter into a new lease agreement with Mr and Mrs Peter and Kerry Enright with respect to the Guilderton General Store and Takeaway; and**
2. **The current lease arrangement remain in place for the duration of its current term.**

CARRIED UNANIMOUSLY

REASON FOR ALTERNATIVE MOTION

Council was of the view that it would prefer not to give any consideration to future lease arrangements for the Guilderton General Store until such time as the Expressions of Interest process for the Guilderton Caravan Park is completed.

The Executive Manager Corporate and Community Services, Executive Manager Assets, Executive Manager Operations-Construction, Acting Executive Manager Planning Development, Acting Manager Statutory Planning and the Minute Officer left the Council Chambers at 4:40pm.

15.3 CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD CLOSURE

FILE: PER/239
REPORTING OFFICER: AARON COOK – CHIEF EXECUTIVE OFFICER
REPORT DATE: 21 AUGUST 2018
REFER: 6 MARCH 2018 ITEM 15.1

The Chief Executive Officer declared a financial interest in this item due to the fact that it relates to his employment and left the Chambers at 4.55 pm.

Reason for Confidentiality

This Report is **CONFIDENTIAL** in accordance with Section 5.23 (2) of the *Local Government Act 1995* which permits the Meeting to be closed to the public for business relating to the following:

- (a) *a matter affecting an employee or employees; and*
- (b) *a contract entered into, or which may be entered into, but the local government and which relates to a matter to be discussed at the meeting;*

RECOMMENDATION

It is recommended that Council:

1. Option One

Advise the Chief Executive Officer that he has not met the Council's requirements during the Probationary Period and that the Contract of Employment will be terminated.

Option Two

Advise the Chief Executive Officer that he has not met the Council's requirements during the Probationary Period and the Contract of Employment – Qualifying Period will be extended a further three months until November 2018.

Option Three

Advise the Chief Executive Officer that his performance during the Probationary Period has met Council's requirements and confirm his appointment.

2. Option One

Agree to amend the CEO's current contract of employment to re-allocate certain of the existing benefits, without increasing the overall package value.

Option Two

Agree that the CEO's current contract of employment will not be amended at this point in time.

RESOLUTION

Moved Councillor Fewster, seconded Councillor Elgin that Council:

- 1. Advise the Chief Executive Officer that his performance during the Probationary Period has met Council's requirements and confirm his appointment and**
- 2. Agree to amend the CEO's current contract of employment to re-allocate certain of the existing benefits without increasing the overall package value.**

CARRIED UNANIMOUSLY

RESOLUTION

Moved Councillor Elgin, seconded Councillor Fewster that the meeting be re-opened to the public.

CARRIED UNANIMOUSLY

The meeting re-opened to the public at 5:20pm and no officers or members of the public returned.

16. CLOSURE

There being no further business, the Shire President declared the meeting closed at 5.21pm.

The next Ordinary meeting of Council will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on Tuesday, 18 September 2018 commencing at 3.00pm.

Councillor I B Collard
Shire President
18 September 2018