



# MINUTES

SPECIAL MEETING

OF COUNCIL

1 DECEMBER 2020



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**HELD ON**  
**1 DECEMBER 2020**

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## SHIRE OF GINGIN

### MINUTES OF THE SPECIAL MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 1 DECEMBER 2020, COMMENCING 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 of Gingin would like to acknowledge the Yued people who are the traditional custodians of this land. The Shire would like to pay respect to the Elders past, present and emerging of the Yued Nation and extend this respect to all Aboriginal people. The Shire also recognises the living culture of the Yued people and the unique contribution they have made to the Gingin region.*

The Shire President declared the meeting open at 2.17pm and welcomed those in attendance.

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##### **2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

###### **2.1 ATTENDANCE**

Councillors - C W Fewster (Shire President), J K Rule (Deputy Shire President), L Balcombe, J Court, F Johnson, J C Lobb, J E Morton and F J Peczka

Staff – A Cook (Chief Executive Officer), A Butcher (Executive Manager Operations), R Kelly (Executive Manager Regulatory and Development Services), K Bacon (Manager Statutory Planning), J Bayliss (Statutory Planning Officer) and L Burt (Governance/Minute Officer)

Gallery – There was one member of the public present in the Gallery.

## **2.2 APOLOGIES**

Nil

## **2.3 LEAVE OF ABSENCE**

Councillor A Vis

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## **3. DISCLOSURES OF INTEREST**

### **3.1 Councillor Johnson**

#### **Item 11.3.2 Proposed Lookout and Gazebo Structure on Lot 58 (16) McCormick Street, Seabird**

Councillor Johnson disclosed an Impartiality Interest in relation to Item 11.3.2 as the Treasurer of the Seabird Progress Association.

### **3.2 Councillor Fewster**

#### **Item 11.4.1 RFT 02/2020 Construction of Gingin Outdoor Activity Space**

Councillor Fewster disclosed a Financial Interest in relation to Item 11.4.1 as a member of his family is employed by one of the applicants.

### **3.3 Councillor Balcombe**

#### **Item 11.4.1 RFT 02/2020 Construction of Gingin Outdoor Activity Space**

Councillor Balcombe disclosed a Financial Interest in relation to Item 11.4.1 as she is employed by a funder of the GOAS project (Bendigo Bank).

### **3.4 J Bayliss – Statutory Planning Officer**

#### **Item 11.4.1 RFT 02/2020 Construction of Gingin Outdoor Activity Space**

The Statutory Planning Officer disclosed an Impartiality Interest in relation to Item 11.3.2 as a former member of the GOAS group.

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## **4. PUBLIC QUESTION TIME**

### **4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE**

Nil

### **4.2 PUBLIC QUESTIONS**

Nil

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**5. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

**5.1 PETITIONS**

Nil

**5.2 DEPUTATIONS**

Nil

**5.3 PRESENTATIONS**

Nil

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**6. APPLICATIONS FOR LEAVE OF ABSENCE**

An application for Leave of Absence for today’s meeting has been received from Councillor A Vis.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Johnson**

**SECONDED: Councillor Morton**

**That Council approve Councillor Vis’ Application for Leave of Absence for the Special Council Meeting on 1 December 2020.**

**CARRIED UNANIMOUSLY**

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**7. CONFIRMATION OF MINUTES**

Nil

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**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

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**9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil

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

Nil

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**11. REPORTS**

**11.1. OFFICE OF THE CEO**

Nil

**11.2. CORPORATE AND COMMUNITY SERVICES**

Nil

### 11.3. REGULATORY AND DEVELOPMENT SERVICES

#### 11.3.1 APPLICATION FOR DEVELOPMENT APPROVAL - RENOVATIONS TO THE DWELLING COMPONENT OF THE GINGIN POST OFFICE ON LOT 401 (18) BROCKMAN STREET, GINGIN

<b>Location:</b>	Lot 401 (18) Brockman Street, Gingin	
<b>Applicant:</b>	James Adam	
<b>File:</b>	BLD/4069	
<b>Author:</b>	James Bayliss – Statutory Planning Officer	
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services	
<b>Report Date:</b>	1 December 2020	
<b>Refer:</b>	15 August 2017	Item 11.3.1
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Location Plan</li> <li>2. Applicant's Proposal</li> <li>3. Schedule of Submissions and Recommended Reponses - State Heritage Council</li> </ol>	

#### DISCLOSURES OF INTEREST

Nil

#### PURPOSE

To consider an Application for Development Approval for renovations to the dwelling component of the Gingin Post Office on Lot 401 (No. 18) Brockman Street, Gingin.

#### BACKGROUND

The Gingin Post Office is significant for its built and cultural heritage as a rare example of the Colonial Government's post office building program and is the oldest extant purpose-built post office in Western Australia.

It was brought to the Shire's attention in September 2020 that works were being undertaken at the Gingin Post Office without the required planning and building approvals. The proponents were advised to cease work and to lodge an application for development approval and subsequent building permit prior to any further works occurring. That request was adhered to and this report addresses the development approval component of the overall approval process.

The development comprises of the following:

- The removal of asbestos cladding from the eastern building exterior and replacement with Hardiflex
- An upgrade to the existing kitchen including a new fit out and door openings. The works are confined to the east side of the building, and specifically to the store room, kitchen and sleep-out.

- The replacement of damaged timber flooring in the kitchen.;

The development is confined to the dwelling component of the building and provides the occupants with a contemporary kitchen layout for improved comfort.

The Gingin Post Office is a registered State heritage listed building and therefore any works, whether internal or external, require development approval. Under Section 73 of the *Heritage Act 2018*, a decision-maker must refer the proposal to the Heritage Council of Western Australia (HCWA) for comment. The HCWA is the State Government's advisory body on historic heritage matters, established under the *Heritage Act 2018*.

A location plan and aerial image is provided as **Appendix 1**.

A copy of the applicant's proposal is provided as **Appendix 2**.

## COMMENT

### Community Consultation

The application was advertised to the Heritage Council of Western Australia for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and section 73 of the *Heritage Act 2018*. The HCWA provided comments in support of the renovations.

A copy of the Schedule of Submissions and Recommended Responses is provided as **Appendix 3**.

## PLANNING FRAMEWORK

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

The subject lot is zoned 'Town Centre' under Local Planning Scheme No. 9 (LPS 9). The objectives of the Town Centre zone are to:

- Promote, facilitate and strengthen the town centre zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;*
- Accommodate a diversity of commercial, cultural and residential facilities;*
- Encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area;*
- Provide for the efficient and safe movement and parking of vehicles; and*
- Ensure that buildings, ancillary structures and advertising are of high quality and contribute to the uniqueness of the townscape.*

The development does not contravene any of the above objectives and will not affect the function of the existing post office.

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

The Regulations are subsidiary legislation created under the *Planning and Development 2005* that include 'Deemed Provisions' which apply to every local planning scheme throughout the State.

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

(k) *The built heritage conservation of any place that is of cultural significance;*

Officer Comment:

The site is identified as a 'Grade 'A' place on the State's Register of Heritage Places, which means it has exceptional heritage significance. The external portion of the development is confined to the eastern building facade and is generally not visible to the public. It is reasonable for asbestos cladding to be replaced with Hardiflex. This portion of the development is not viewed as having any detrimental effect on the built or cultural significance of the site.

The internal modifications to the kitchen are not visible to the public and have little consequence to the built heritage significance. The officer is of the view that the development does not detrimentally affect the built heritage or cultural significance of the Gingin Post Office and is therefore appropriate.

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

Officer Comment:

The HCWA support the development subject to the following conditions:

1. *All works shall be carefully undertaken to ensure that minimal damage occurs to original building fabric.*
2. *Fixings should be minimised and be located in mortar joints to minimise impact on original building fabric. Fixing into the face of the brick should be avoided.*
3. *The replacement of flooring shall be undertaken in a like-for-like manner.*

## Local Planning Policy 5.2 – Gingin Town Centre

The policy objectives are to provide guidelines for the development or redevelopment of the Town Centre with the aim being to protect and enhance its character and amenity. The officer is of the view that the development will not impact on the character or amenity of the Town Centre.

### Conclusion

In summary, the development provides the occupants with contemporary kitchen facilities, replaces worn-out timber flooring and replaces asbestos cladding. The built heritage significance of the building remains largely intact. The development is consistent with the planning framework and on that basis the officer supports the development subject to conditions.

## **STATUTORY/LOCAL LAW IMPLICATIONS**

*Heritage Act 2018*

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

Local Planning Scheme No. 9

## **POLICY IMPLICATIONS**

Local Planning Policy 5.2 - Gingin Town Centre

## **BUDGET IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

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

## **VOTING REQUIREMENTS – SIMPLE MAJORITY**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION****MOVED: Councillor Morton****SECONDED: Councillor Peczka**

**That Council grant Development Approval for renovations to the dwelling component of the Gingin Post Office on Lot 401 (No. 18) Brockman Street, Gingin subject to the following conditions:**

- 1. The land use and development shall be in accordance with the approved plans (including any amendments marked in RED) and accompanying documentation unless otherwise conditioned by this approval;**
- 2. All works shall be carefully undertaken to ensure that minimal damage occurs to the original building fabric to the satisfaction of the Shire of Gingin;**
- 3. Fixings should be minimised and be located in mortar joints to minimise impact on original building fabric to the satisfaction of the Shire of Gingin. Fixing into the face of the brick should be avoided; and**
- 4. The replacement of flooring shall be undertaken in a like-for-like manner to the satisfaction of the Shire of Gingin.**

**Advice Notes:**

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

**Note 2: Where an approval has so lapsed, no development must can be carried out without further approval of the local government having first been sought and obtained; and**

**Note 3: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011*, which are to be approved by the Shire of Gingin.**

**CARRIED UNANIMOUSLY**

# **APPENDIX 1**



# **APPENDIX 2**

Gingin Shire Council  
7 Brockman Street  
Gingin WA 6503

21 September 2020

Upgrading of kitchen area of Gingin Post Office residence.

The residence is occupied by the owners who operate the Gingin Post Office.

The kitchen was old, outdated and dangerous. It was last updated ca.1986.

The floor was very spongy, indicating work was needed under the floor.

The walls, inside and out, were clad with asbestos sheeting, as was the ceiling.

There is evidence of white ant activity in the past. The property now has annual white ant inspections. Timber deterioration had allowed vermin to enter the kitchen.

We started work replacing asbestos with Hardiflex without realising a permit was needed to replace a material with a different material, even though, when finished, it would look the same as before. All the asbestos was removed by a qualified asbestos removal contractor.

At the same time, we found areas of the floor to be rotten and termite affected. This was especially evident under the sink cupboard where water leakage over time had caused rotting to the timber frames of the wall and floor. The sleepout floor does not need any attention.

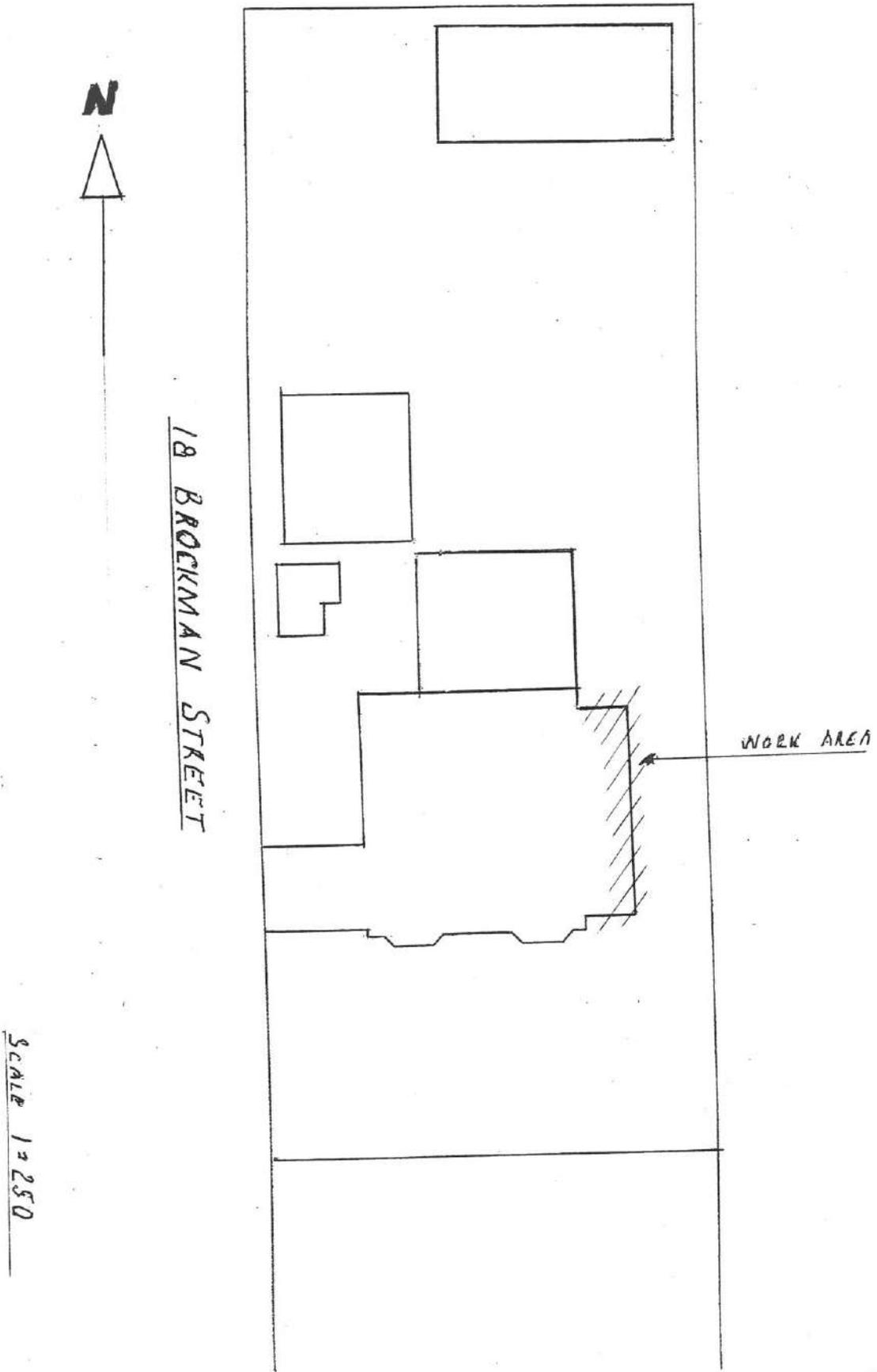
We have already replaced the super six asbestos fence between our building and the boundary with Colourbond, which matches the existing boundary fence.

It was our intention to upgrade the kitchen to modern standards with new cabinetry, cooktop, oven, rangehood, sink and dishwasher. Also to convert the old unused storeroom into a pantry.

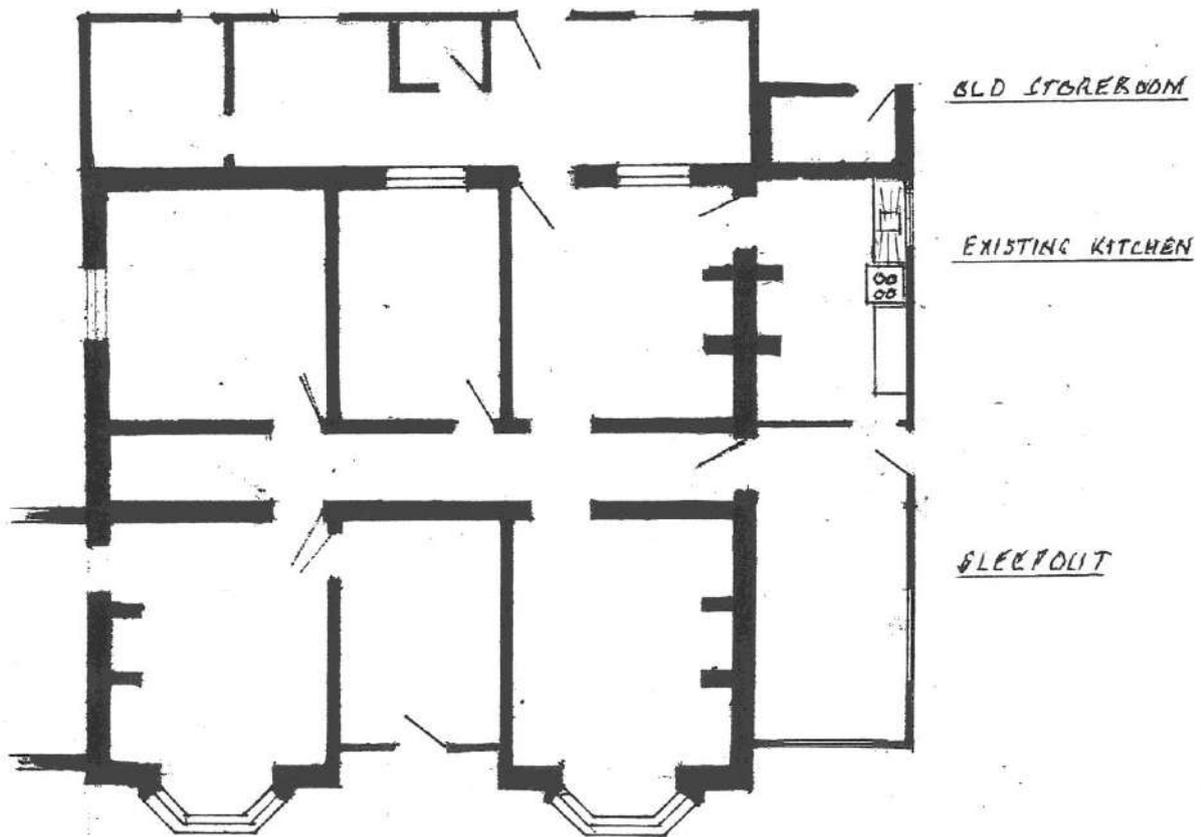
This work would not alter the facade of the building visible to the public, but would make the kitchen much more compliant and useable for the owner/occupiers.



Jim Adam

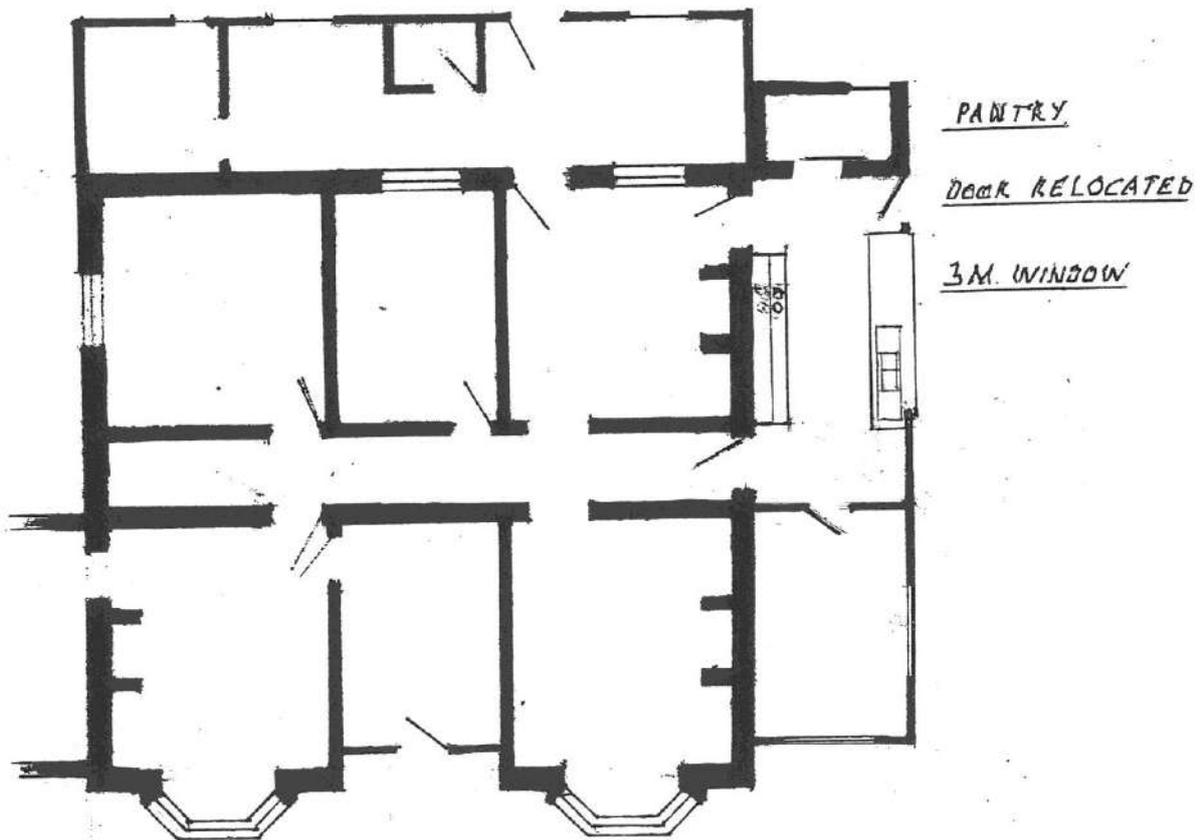


PRESENT LAYOUT



SCALE 1=100

PROPOSED LAYOUT



SCALE 1=100





























# **APPENDIX 3**

### SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

#### DEVELOPMENT APPLICATION: RENOVATIONS TO GINGIN POST OFFICE (STATE HERITAGE LISTED) ON LOT 401 BROCKMAN STREET, GINGIN

No.	Submitter	Submission Detail	Recommended Response
1.	Heritage Council for Western Australia (DPLH)	<p>The submitter <b>supports</b> the application makes the following comments:</p> <p><i>The proposal has been considered in the context of the identified cultural significance of Gingin Post Office and the following advice is given:</i></p> <p><b>Findings</b></p> <ul style="list-style-type: none"> <li>• <i>Gingin Post Office is the oldest extant purpose built post office in Western Australia. The place is a fine example of a rural postal establishment in the late nineteenth century.</i></li> <li>• <i>The proposal is for retrospective asbestos removal, as well as a proposed new kitchen fit-out and door openings. The works are confined to the east side of the building; to the store room, kitchen and sleep-out.</i></li> <li>• <i>The replacement of damaged timber flooring in the kitchen can be supported, and is considered maintenance given works are undertaken in a like-for-like manner.</i></li> <li>• <i>The removal of asbestos cladding and replacement with Hardiflex is a suitable outcome.</i></li> <li>• <i>An upgrade to the existing kitchen is considered reasonable as the existing kitchen does not meet current standards. The removal of the recess and installation of a new</i></li> </ul>	Noted. The officer concurs with the advice provided.

		<p><i>operational oven in its place will allow the space to be used as originally intended. The modifications have also been considered reasonable given the narrowness of the kitchen space.</i></p> <ul style="list-style-type: none"><li><i>• The proposed new external door from the sleep out will have no impact on original fabric and will not be visible from the streetscape. The proposed interior door to the storeroom will have a minor impact on original fabric, but will improve use of the storeroom and circulation.</i></li><li><i>• Overall the works are considered reasonable, and will ensure the inhabitability of the place and its continued use as both residence, and post office.</i></li></ul> <p><b>Advice</b></p> <p><i>The proposal, in accordance with the plans submitted, is supported subject to the following conditions:</i></p> <ol style="list-style-type: none"><li><i>1. All works shall be carefully undertaken to ensure that minimal damage occurs to original building fabric.</i></li><li><i>2. Fixings should be minimised and be located in mortar joints to minimise impact on original building fabric. Fixing into the face of the brick should be avoided.</i></li><li><i>3. The replacement of flooring shall be undertaken in a like-for-like manner. Please be reminded that you are required under r.42(3) of the Heritage Regulations 2019 to provide us with a copy of the Council's determination within 10 days after making the decision.</i></li></ol>	
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**11.3.2 PROPOSED LOOKOUT AND GAZEBO STRUCTURE ON LOT 58 (16) MCCORMICK STREET, SEABIRD**

<b>Location:</b>	Lot 58 (16) Mccormick Street, Seabird	
<b>Applicant:</b>	Seabird Progress Association	
<b>File:</b>	RES/21	
<b>Author:</b>	James Bayliss – Statutory Planning Officer	
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services	
<b>Report Date:</b>	1 December 2020	
<b>Refer:</b>	17 March 2020	Item 11.4.2
<b>Appendices:</b>	1. Location Plan 2. Applicant’s Proposal	

**DISCLOSURES OF INTEREST**

*Councillor Johnson disclosed an Impartiality Interest in Item 11.3.2 as the Treasurer of the Seabird Progress Association.*

**PURPOSE**

To consider a request from the Seabird Progress Association (SPA) to install a lookout and gazebo structure on either Lot 58 (16) McCormick Street, Seabird or the southern portion of the disused Turner Street road reserve, Seabird.

**BACKGROUND**

Council, at its Meeting on 17 March 2020, resolved to support the installation of the gazebo and facility on the southern portion of the disused Turner Street road reserve, subject to the following conditions:

- 1. Planning review and authorisation is sought to ensure compliance to statutory/local laws;*
- 2. Design is modified to meet current Building Code of Australia and Australia Standards compliance criteria;*
- 3. The applicant accepting responsibility for all installation, maintenance and insurance costs to the satisfaction of the Shire of Gingin;*
- 4. Should the structure come under threat from coastal hazards the cost to remove the structure in its entirety shall be borne entirely by the applicant;*
- 5. The applicant may be required to apply for development approval for the structure; and*
- 6. Land tenure for the structure to be resolved by the applicant.*

The SPA seek to install a gazebo and lookout facility in the Seabird townsite to promote tourism and increase the public infrastructure for the betterment of the community.

It was identified during the planning review required under part 1 of the Council resolution, that the location identified (southern end of disused Turner Street road reserve) was not ideal from a planning perspective.

The southern end of the disused Turner Street road reserve is in close proximity to Lot 20 (1) Turner Street, Seabird which is zoned for residential purposes. The officer is of the view that the development is likely to create adverse amenity impacts such as overlooking (privacy issues) into the backyard of the residential property and create traffic issues due to a lack of parking areas.

It is assumed that the facility will attract several users, which will indeed increase vehicles and perhaps buses to the site. Without the provision of parking and appropriate access, adverse impacts on nearby residents may arise.

The adjoining property to the south of the disused Turner Street road reserve, being Lot 58 (16) McCormick Street, Seabird is crown land set aside for 'Parks and Recreation' purposes. The land is currently vacant and unused. The officer is of the view that this land is ideally situated to resolve the overlooking and parking constraints that apply to the Turner Street road reserve. Parking can be provided onsite with increased setback distances to residential properties mitigating potential privacy/overlooking issues. The amended site location is shown in **Appendix 1**.

A copy of the SPA's proposal can be found as **Appendix 2**.

Given the timeframe that has transpired since the SPA approached the Shire in relation to this project, the group seek reassurance of Councils support for the development and that the land being set aside for the project. This report does not therefore relate to the issuing of development approval as such, but rather provide in-principle support to the SPA for the development on Lot 58 (16) McCormick Street, Seabird. Formal determination can be issued once the land tenure is finalised and a detailed site plan has been prepared.

It is pertinent to consider the planning implication when identifying the most appropriate location, and on that basis an overview of the planning framework has been provided in the report below.

## COMMENT

### Stakeholder Consultation

Given the land is owned by the Crown, the Department of Planning Lands and Heritage (DPLH) were consulted to obtain their position on the matter. The DPLH provided the following comments:

- *“Reserve 32410, including Lot 58, is currently under investigation for inclusion into the South West Settlement (SWS). This Department may be able to reconsider the proposal for the gazebo to be located on Lot 58 after the SWS is completed but cannot make any commitment to whether the lot will be available in the future. At this stage, we expect the SWS to be completed by the end of the year.*
- *Both Lot 58 and Turner St (Polygon Number 11431021) are considered to have ‘very high’ vulnerability to coastal erosion. It is noted however, that the erosion hazard mapping for the area was undertaken before the construction of the Seabird Seawall in 2015. The design life of the seawall is 20 years, ending in 2035.*
- *It has been advised that Development Approval of the proposed gazebo should be limited to the life of the seawall. At the end of the approval period the infrastructure should be dismantled and removed consistent with the managed retreat approach.*
- *It is noted from the minutes of the Shire’s Council Meeting held on 17 March 2020 that Council has provided in-principle support for the gazebo and lookout with conditions likely to be proposed as part of any development approval. These would include SPA accepting responsibility for construction, maintenance, insurance and removal of the structure if it comes under threat from coastal erosion. These conditions are considered appropriate for the purpose of the proposal, however it is noted that without a form of land tenure, SPA are unlikely to be responsible for removing the structure as development application conditions generally relate to the owner of the land.*
- *This Department would consider the ideal land tenure to be a crown reserve managed by the Shire with power to licence, whether this is Lot 58 or the road reserve. The power to licence would allow the Shire to enter into a licencing agreement with SPA. Please note that the relevant portion of road reserve would need to be closed for a crown reserve to be created, meaning that the Shire would need to meet the requirements of section 58 of the Land Administration Act 1997 (LAA).”*

### Option 1

Should Council be of the view that the southern portion of the disused Turner Street road reserve is in fact the preferred location, the road reserve will require closing under the *Land Administration Act 1997*. This may have budget implications in order to undertake the relevant land survey. Shire staff will be required to instigate the road closure process prior to the progression of a management order to the Shire of Gingin over the land with power to lease to the SPA.

## Option 2

Should Council be of the view that Lot 58 (16) McCormick Street, Seabird is the preferred location, until such time as the SWS has occurred no progress can be made in relation to obtaining a management order. This is anticipated to be finalised by the end of the year as per DPLH comments. The likelihood of this site being included within the SWS is unknown.

The officer is of the view that Option 2 is preferred, given this will result in a better outcome for nearby residents as the site is better able to accommodate the development without adverse impacts on the amenity of the locality.

## **PLANNING FRAMEWORK**

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

Lot 58 (16) McCormick Street, Seabird is zoned 'Local Reserve – Parks and Recreation' under LPS 9.

#### *2.5 Use and Development of Local Reserves*

##### *2.5.1. A person must not -*

- a) use a Local Reserve; or*
- b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.*

##### *2.5.2. In determining an application for development approval the local government is to have due regard to*

- a) the matters set out in clause 67 of the deemed provisions; and*
- b) the ultimate purpose intended for the Reserve.*

##### *2.5.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.*

In considering the development, due regard is to be given to clause 67 of the deemed provisions and the intention of the Reserve as per clause 2.5.2 of LPS 9 as listed above.

LPS 9 does not prescribe any objectives for the 'Parks and Recreation' reserve, and therefore it is appropriate to consider the objectives prescribed to the reserve type in the model provisions (*Planning and Development (Local Planning Schemes) Regulations 2015*). The objectives of the 'Parks and Recreation' reserve are as follows:

- *Public Purposes which specifically provide for a range of public recreational facilities.*

The development of tourist related infrastructure is viewed as being compatible with the objective, given that the site will be utilised as a public recreational facility.

## Coastal Development

'Clause 4.7.4 – Coastal Development' of LPS 9 is applicable in this instance and states:

*"4.7.4.1 - All coastal development is to comply with the provisions of State Planning Policy 2.6 – Coastal Planning Policy'.*

*4.7.4.2 - In accordance with section 77 (1) (b) of the Planning and development Act 2005, the provisions of State Planning Policy 2.6 – State Coastal Planning shall apply as if they were part of this scheme."*

## State Planning Policy No. 2.6 – State Coastal Planning Policy

As outlined within the DPLH's comments to the Shire, both sites are considered to have 'very high' vulnerability to coastal erosion. A key objective of SPP 2.6 is to ensure that development takes into account coastal processes and coastal hazards. This is implemented by the preparation of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to provide a long term view of the potential coastal processes (erosion and storm surge inundation) for affected areas and recommends measures to reduce risk.

The officer does not intend to provide a detailed overview of the coastal provisions as part of this report as this will form part of the planning assessment once a formal development application has been lodged. This notwithstanding, it is likely that relevant conditions can be imposed on a future development approval that captures event triggers should coastal hazards impact the land which would instigate removal of the development by the SPA.

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

The following matters listed under clause 67 of the deemed provisions are considered relevant to the proposal and have been addressed with officer comments accordingly below:

*j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*

### Officer comment:

As noted above, the objective of the reserve is not listed in LPS 9, however under the interpretation of the model provisions; the development provides a public purpose and is therefore considered to be consistent with the objectives of the zone.

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

Officer comment:

The development being situated on Lot 58 (16) McCormick Street, Seabird is compatible within its setting, given impacts from the development are able to be contained within the confines of the property boundary.

Summary

The officer is of the view that the proposed development by the SPA is better suited to Lot 58 (16) McCormick Street, Seabird rather than the currently identified site on the southern portion of the disused Turner Street road reserve for reasons outlined in the above report.

The recommendation has been worded to advise the SPA that Council support the project and outline the preferred location, noting that various land tenure issues remain outstanding until such time as the SWS is finalised by the DPLH.

**STATUTORY/LOCAL LAW IMPLICATIONS**

*Local Planning Scheme No. 9*  
*Clause 4.7.4 – Coastal Development*

State Planning Policy No. 2.6 – State Coastal Planning Policy

*Shire of Gingin Coastal Hazard Risk Management and Adaption Plan 2019*  
Planning and Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)

*Land Administration Act 1997*

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

## STRATEGIC IMPLICATIONS

### Shire of Gingin Strategic Community Plan 2019-2029

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

## VOTING REQUIREMENTS – SIMPLE MAJORITY

### OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Peczka

That Council give in principle support to the Seabird Progress Association for the construction of a lookout and Gazebo structure on Lot 58 (16) McCormick Street, Seabird subject to:

1. The Shire receiving advice from the Department of Planning, Lands and Heritage that Lot 58 (16) McCormick Street, Seabird does not form part of the South West Settlement;
2. The Shire receiving a management order from the Department of Planning, Lands and Heritage over Lot 58 (16) McCormick Street, Seabird with power to lease to the Seabird Progress Association;
3. The Seabird Progress Association accepting all costs associated with the development, including the installation of a crossover and parking facilities in addition to the lookout and gazebo infrastructure;
4. The Seabird Progress Association accepting all costs associated with the ongoing maintenance and insurance costs to the satisfaction of the Shire of Gingin; and
5. The Seabird Progress Association obtaining the required development and building approvals prior to undertaking any works associated with the development.

**AMENDMENT****MOVED: Councillor Johnson****SECONDED: Councillor Peczka**

**That Council agree to amend the motion by identifying the Officer's Recommendation as Part 1, and adding the following:**

- 2. *Agree, in the event that Lot 58 (16) McCormick Street, Seabird forms part of the South West Settlement, to provide in principle support to the Seabird Progress Association for the construction of a lookout and gazebo structure on the southern portion of the disused Turner Street road reserve, Seabird subject to:***
  - a. The relevant portion of the existing road reserve being closed in accordance with the Land Administration Act 1997;***
  - b. The Shire receiving a management order from the Department of Planning, Lands and Heritage over the relevant portion of land with power to lease to the Seabird Progress Association;***
  - c. The Seabird Progress Association accepting all costs associated with the road closure, ongoing maintenance and insurance costs related to the development to the satisfaction of the Shire of Gingin;***
  - d. The Seabird Progress Association obtaining the required development and building approvals prior to undertaking any works associated with the development. The development approval process will involve stakeholder consultation with potentially affected landowners; and***
  - e. The Seabird Progress Association addressing potential parking concerns to the satisfaction of the Shire of Gingin.***

**CARRIED UNANIMOUSLY**

*The amendment was incorporated into the Substantive Motion, which was then put.*

**COUNCIL RESOLUTION****MOVED: Councillor Johnson****SECONDED: Councillor Peczka**

**That Council:**

- 1. Give in principle support to the Seabird Progress Association for the construction of a lookout and Gazebo structure on Lot 58 (16) McCormick Street, Seabird subject to:**
  - a. The Shire receiving advice from the Department of Planning, Lands and Heritage that Lot 58 (16) McCormick Street, Seabird does not form part of the South West Settlement;**

- b. The Shire receiving a management order from the Department of Planning, Lands and Heritage over Lot 58 (16) McCormick Street, Seabird with power to lease to the Seabird Progress Association;
  - c. The Seabird Progress Association accepting all costs associated with the development, ~~including the installation of a crossover and parking facilities in addition to~~ of the lookout and gazebo infrastructure;
  - d. The Seabird Progress Association accepting all costs associated with the ongoing maintenance and insurance costs to the satisfaction of the Shire of Gingin; and
  - e. The Seabird Progress Association obtaining the required development and building approvals prior to undertaking any works associated with the development.
2. Agree, in the event that Lot 58 (16) McCormick Street, Seabird forms part of the South West Settlement, to provide in principle support to the Seabird Progress Association for the construction of a lookout and gazebo structure on the southern portion of the disused Turner Street road reserve, Seabird subject to:
- a. The relevant portion of the existing road reserve being closed in accordance with the Land Administration Act 1997;
  - b. The Shire receiving a management order from the Department of Planning, Lands and Heritage over the relevant portion of land with power to lease to the Seabird Progress Association;
  - c. The Seabird Progress Association accepting all costs associated with the road closure, ongoing maintenance and insurance costs related to the development to the satisfaction of the Shire of Gingin;
  - d. The Seabird Progress Association obtaining the required development and building approvals prior to undertaking any works associated with the development. The development approval process will involve stakeholder consultation with potentially affected landowners; and
  - ~~e. The Seabird Progress Association addressing potential parking concerns to the satisfaction of the Shire of Gingin.~~

**CARRIED UNANIMOUSLY**

#### **REASON FOR AMENDMENT**

*If it eventuates that Lot 58 (16) McCormick Street, Seabird does form part of the South West Settlement, then the addition of Part 2 to Council's resolution will provide stakeholders with a path forward to progress the lookout and gazebo project.*

**Resolution Parts 1c. and 2e. amended by resolution of Council 18 April 2023 Item 11.3.**

# **APPENDIX 1**



# **APPENDIX 2**



Seabird Progress and Sports Association Inc.

c/- Seabird Post Office  
Seabird  
WA 6042

Chief Executive Officer  
Shire of Gingin  
Brockman Street, Gingin

Dear Aaron,

Seabird Beach Lookout

Seabird Progress Association (SPA) wishes to seek council approval for the construction of a beach lookout platform and Gazebo at the western end of the southern section of Turner Street Seabird.

Preliminary design drawings are attached for your information.

This project will be undertaken by SPA with the generous assistance of the Brennan family of Seabird who have undertaken to fund the complete project. Preliminary estimates of the cost of these works is approximately \$18,000 - \$20,000.

Once council approval has been obtained detail design and specifications will be finalised and a building license shall be applied for.

A suitable local contractor shall be engaged to undertake the work. All works will be undertaken in an area of what is and what was the road reserve of Turner Street. The paved walkway to the platform and gazebo shall be constructed so as to tie into the western end of the existing Turner street pavement.

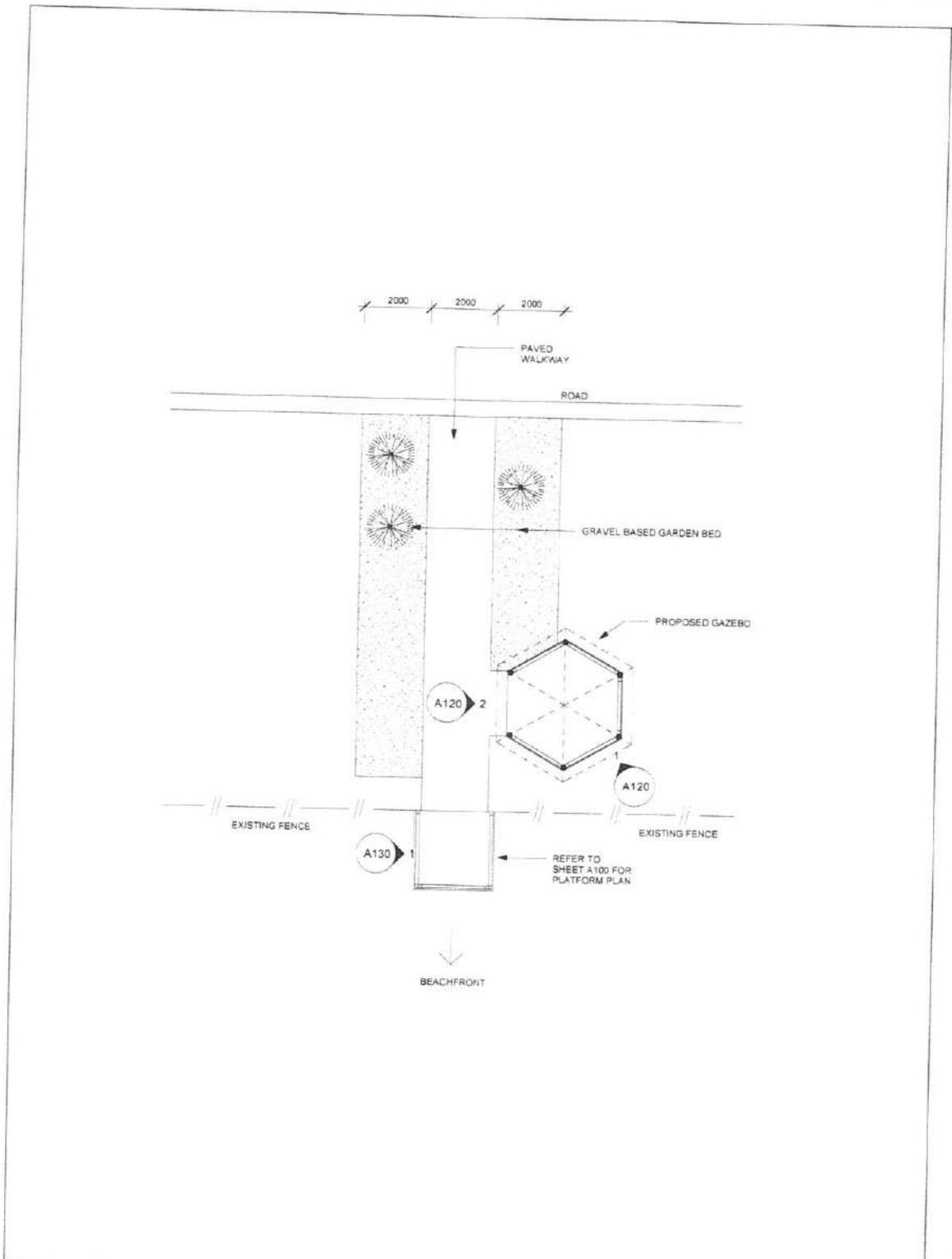
SPA will be responsible for ensuring the construction sit is kept clean and safe and will be responsible for any revegetation works required on the surrounding area as needed.

We look forward to your support

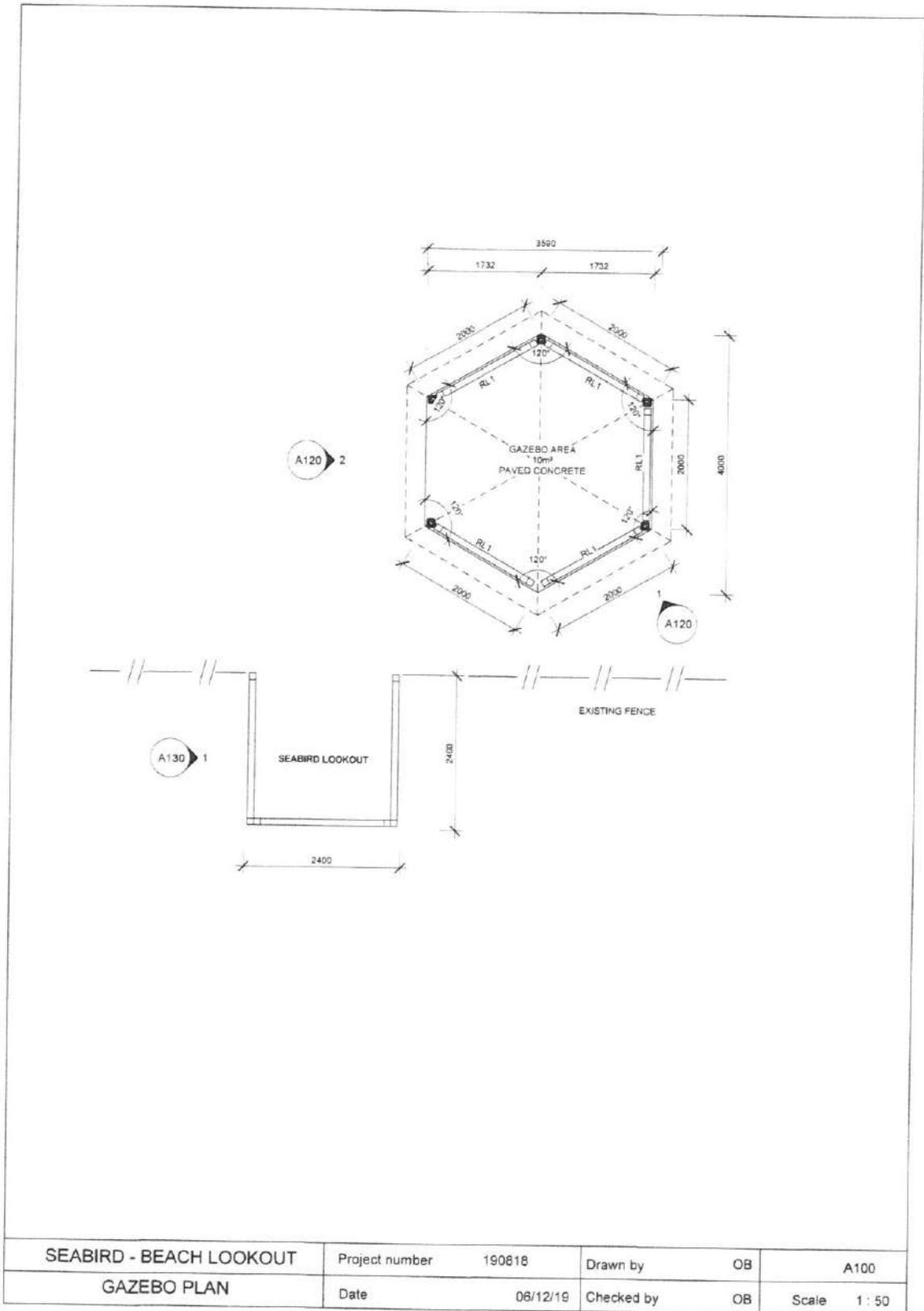
Regards,



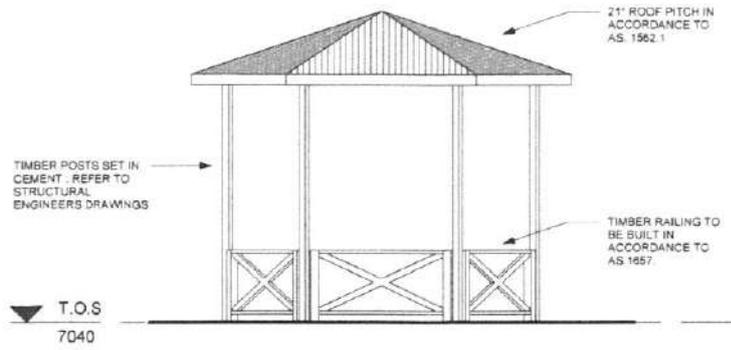
Garry Thomas  
President  
Seabird Progress and Sports Association.



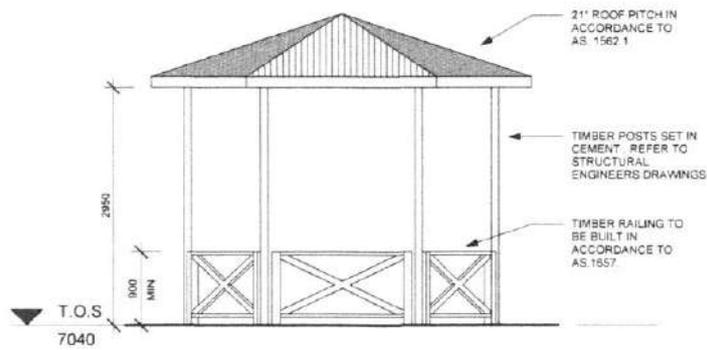
SEABIRD - BEACH LOOKOUT SITE PLAN	Project number	190818	Drawn by	OB	A010
	Date	06/12/19	Checked by	OB	Scale 1 : 100



SEABIRD - BEACH LOOKOUT	Project number	190818	Drawn by	OB	A100
GAZEBO PLAN	Date	06/12/19	Checked by	OB	Scale 1:50

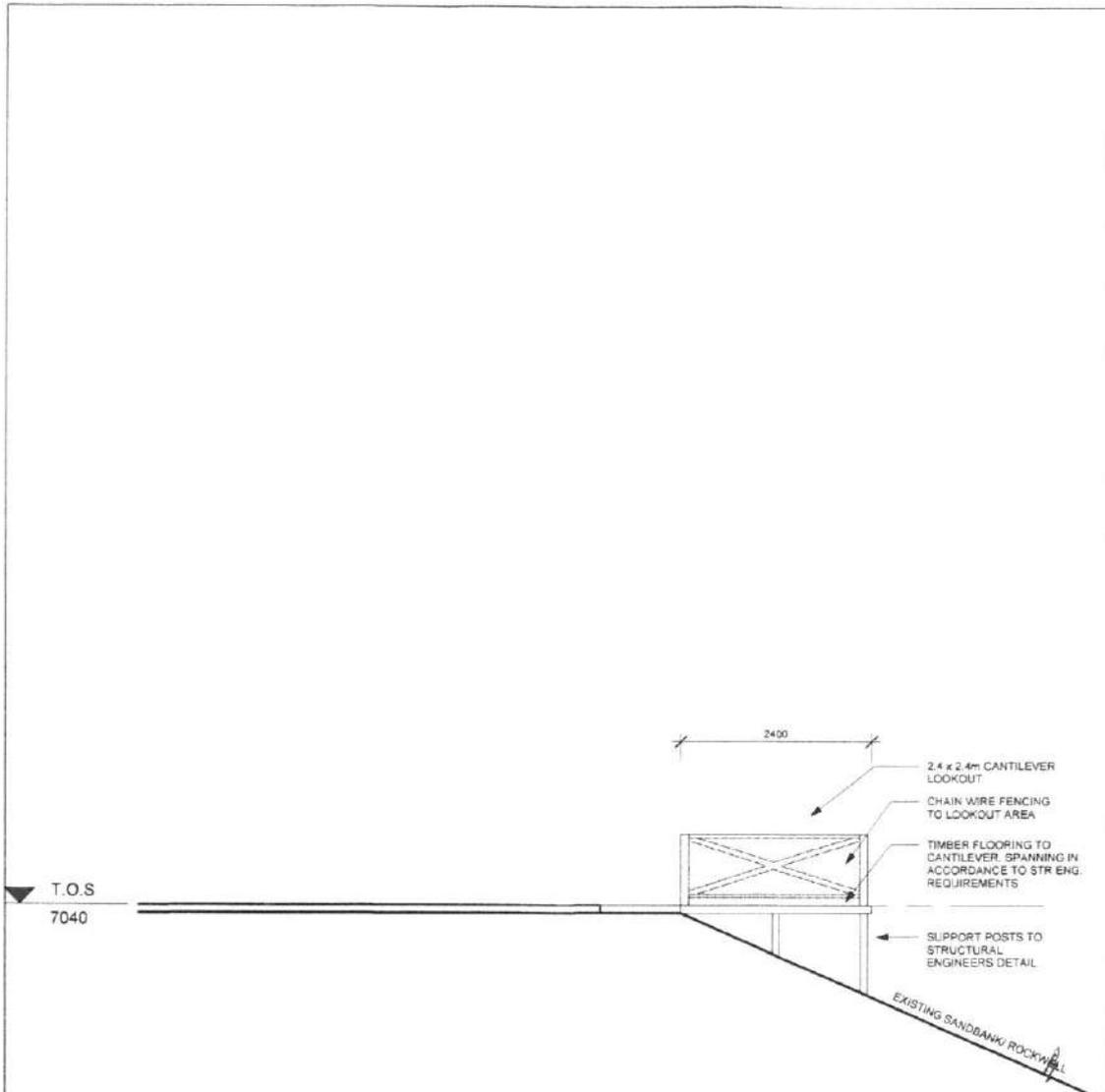


**1** GAZEBO ELEVATION 1  
1 : 50



**2** GAZEBO ELEVATION 2  
1 : 50

SEABIRD - BEACH LOOKOUT ELEVATIONS	Project number	190818	Drawn by	OB	A120
	Date	06/12/19	Checked by	OB	Scale 1 : 50



1 CANTILEVER SECTION  
1 : 50

SEABIRD - BEACH LOOKOUT	Project number	190818	Drawn by	OB	A130
CANTILEVER SECTION	Date	06/12/19	Checked by	OB	Scale 1 : 50



### 11.3.3 APPLICATION FOR DEVELOPMENT APPROVAL - WORKFORCE ACCOMMODATION ON LOT 201 (3572) BRAND HIGHWAY, GINGINUP

<b>Location:</b>	Lot 201 (3550) Brand Highway, Ginginup	
<b>Applicant:</b>	Tecon Australia	
<b>File:</b>	BLD/1804	
<b>Author:</b>	James Bayliss – Statutory Planning Officer	
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services	
<b>Report Date:</b>	1 December 2020	
<b>Refer</b>	17 April 2018	Item 11.3.1
	20 November 2018	Item 11.3.1
	20 August 2019	Item 11.3.3
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Location Plan</li> <li>2. Applicant's Proposal</li> <li>3. Schedule of Submissions and Recommended Responses</li> </ol>	

#### DISCLOSURES OF INTEREST

Nil

#### PURPOSE

To consider an Application for Development Approval for Workforce Accommodation on Lot 201 (3550) Brand Highway, Ginginup

#### BACKGROUND

The Shire received an Application for Development Approval on 28 March 2018 for a temporary workers' camp at the abovementioned property. Council at its Ordinary meeting on 17 April 2018 resolved to issue development approval subject to conditions, one of which restricted the approval to a limited period. Two further extensions to the approval period have been issued by Council, with the applicant being advised that an amendment to Local Planning Scheme No. 9 (LPS 9) is required in order for a permanent approval to be contemplated

At the Ordinary Council Meeting on 20 June 2019, Council resolved to initiate Amendment No. 27 to LPS 9, to introduce into Schedule 2 – Additional Uses 'Workforce Accommodation' on the subject property. The Minister approved Amendment No. 21 to LPS 9 in accordance with section 87 (2) (a) of the *Planning and Development Act 2005*. The amendment was published in the Government Gazette on 15 September 2020 (edition 151).

Council is now able to consider the development approval for an extended period in accordance with the conditions imposed on Amendment No. 27 which are outlined in the report below.

The subject lot is 7.1 hectares in area and currently contains an existing single house, holiday accommodation and a number of transportable dwellings being stored at the site.

The temporary workers' camp caters for employees associated with the Boonanarring mineral sands mine site located 20 kilometres north of the Gingin townsite. The development consists of ten transportable dwellings located on the eastern portion of the subject lot. Each transportable dwelling caters for up to four workers each with their own bedroom and bathroom facility. The transportable dwellings are 14.4 metres in length, 3.25 metres in width (46.8m<sup>2</sup>) and have an overall height of 2.9 metres.

A location plan and aerial image are provided as **Appendix 1**.

The applicant's proposal including development plans is provided as **Appendix 2**.

## **COMMENT**

### Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received no submissions during the consultation period.

The application was also advertised to Main Roads Western Australia (MRWA) for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received a response from MRWA supporting the development subject to conditions.

A copy of the Schedule of Submissions and Recommended Responses is provided as **Appendix 3**.

## **PLANNING FRAMEWORK**

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

The subject land is zoned General Rural under LPS 9, the objectives of which are to:

- (a) *Manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*
- (b) *Encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;*
- (c) *Maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and*
- (d) *Provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.*

Recently approved Amendment No. 27 enables 'workforce accommodation' to be considered as a 'D-discretionary' use over the northern portion of the site. A copy of Amendment No. 27 to LPS 9 is outlined below:

No.	Description of lands	Additional use	Conditions
27	<p>Portion of Lot 201 Brand Highway, Ginginup, as identified on the Scheme Map.</p> <p><i>AMD 21 GG</i> <i>15/09/2020</i></p>	<p>Workforce Accommodation (D)</p> <p>Workforce accommodation means premises, which may include modular or relocatable buildings, used –</p> <p>(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and</p> <p>(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.</p>	<p>The purpose of this additional use is to provide workforce accommodation directly related to the Boonanarring mineral sands mine.</p> <ol style="list-style-type: none"> <li>1. Development is not permitted unless the local government has exercised its discretion by granting development approval.</li> <li>2. Development is to be generally in accordance with the development approval issued by the local government on 30 November 2018.</li> <li>3. Access and egress to Brand Highway is to be consistent with the design standards of Main Roads WA.</li> <li>4. The workforce accommodation shall only accommodate workers and/or contractors directly associated with the mining and processing of mineral sands at the Boonanarring mine site, for the extraction of mineral sands in the time frame and spatial extent set out in amended licence L9177/2018/1 issued by the Department of Water and Environmental Regulation on 26 September 2019.</li> <li>5. The development is limited to accommodating a maximum of 40 persons at any one time.</li> <li>6. Within 6 months of the cessation of the mining and processing of mineral sands at the Boonanarring mine site, the workforce accommodation shall be decommissioned and the site rehabilitated to pre-development condition, to the satisfaction of the Shire of Gingin, with approval of the workforce accommodation to be revoked.</li> </ol>

Relevant conditions outlined as part of Amendment No. 27 will be replicated as conditions of development approval. It should be noted that the approval will still be time limited, being six months from the cessation of the mining and processing of mineral sands at the Boonanarring mine site. The only occupants onsite will be those directly associated with the mine site.

### Setbacks

The development is set back from all lot boundaries greater than the required 20 metres as stipulated under 'Table 2 – Site Requirements' of LPS 9. The development is positioned within the lot so as not to be easily viewed from the Brand Highway to mitigate visual impacts on the streetscape.

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

The Regulations are subsidiary legislation created under the *Planning and Development Act 2005* that include 'Deemed Provisions' which apply to every local planning scheme throughout the State.

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

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

### Officer Comment:

The proposal provides 16 parking bays catering for occupants of the workers' camp. Although up to 40 workers may be present, not every person will have a vehicle. The workers are taken to and returned from the mine site each day via a 20 seat bus. This limits the need for vehicle parking to only 16 bays. Bus movements are expected to take place at 5.30am and 6.30pm. In the event more car bays are required, the site has ample room for overflow parking.

Vehicles entering and exiting the site will continue to use the location of the existing crossover. It should be noted that MRWA has requested upgrades works to the crossover consistent with its Driveway Policy and that the works be completed within three months from an approval being issued. The requirement is consistent with Condition 3 of Amendment No. 27.

Servicing

The development is serviced by an Anaerobic Treatment Unit (ATU) which has been approved by the Shire's Environmental Health Section.

Summary

The development is consistent with the conditions of the 'Additional Use' zoning for the land and accords with previous development approvals issued by Council. The development has been operating on the site on a temporary basis for 18 months which demonstrates that it has been effectively co-located in the zone with no land use conflict. On that basis and subject to appropriate conditions, the officer supports the development.

**STATUTORY/LOCAL LAW IMPLICATIONS**

Local Planning Scheme No. 9  
 Part 3 – Zones and the Use of Land  
 3.2.7 - Objectives of the Zones  
 3.4.2 Interpretation of the Zoning Table  
 Part 4 – General Development Requirements  
 4.8.6 - General Rural Zone

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	<i>Economic Development</i>
<b>Objective</b>	<i>4. To support the economic development through the Shire's service delivery</i>
<b>Outcome</b>	<i>4.3 Innovation - Innovation is the foundation of economic growth across the Shire.</i>
<b>Key Service Areas</b>	<i>Economic Development &amp; Tourism Infrastructure</i>
<b>Priorities</b>	<i>4.3.2 Promote and advocate Local Economic Development Support programs and initiatives.</i>

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION****MOVED: Councillor Rule****SECONDED: Councillor Johnson**

**That Council grant Development Approval for Workforce Accommodation on Lot 201 (3572) Brand Highway, Ginginup subject to the following conditions:**

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;**
- 2. This Approval is for 'Workforce Accommodation' only as indicated on the approved plans;**
- 3. The approved development is limited to accommodating a maximum of 40 persons at any one time;**
- 4. The workforce accommodation shall only accommodate workers and/or contractors directly associated with the mining and processing of mineral sands at the Boonanarring mine site, for the extraction of mineral sands in the time frame and spatial extent set out in amended licence L9177/2018/1 issued by the Department of Water and Environmental Regulation on 26 September 2019;**
- 5. The landowner/operator shall keep up to date records of workers and/or contractors residing in the workforce accommodation and provide the Shire of Gingin with a copy of such records within 14 days upon written request;**
- 6. Within six months of the cessation of the mining and processing of mineral sands at the Boonanarring mine site, this approval ceases to have effect and shall be revoked;**
- 7. Within six months of the cessation of the mining and processing of mineral sands at the Boonanarring mine site, the workforce accommodation and all associated structures shall be decommissioned and the site rehabilitated to pre-development condition, to the satisfaction of the Shire of Gingin;**
- 8. Within three months from the date of this approval, the landowner/operator shall demonstrate to the satisfaction of the Shire of Gingin that an upgrade to the existing crossover / driveway has been completed in consultation with and on advice from Main Roads Western Australia;**
- 9. The landowner/operator shall be responsible for all costs associated with the design and construction of the required upgrade to the existing crossover / driveway;**
- 10. The landowner/operator shall be responsible for ongoing maintenance of the crossover / driveway at their expense to the satisfaction of the Shire of Gingin and on advice from Main Roads Western Australia;**

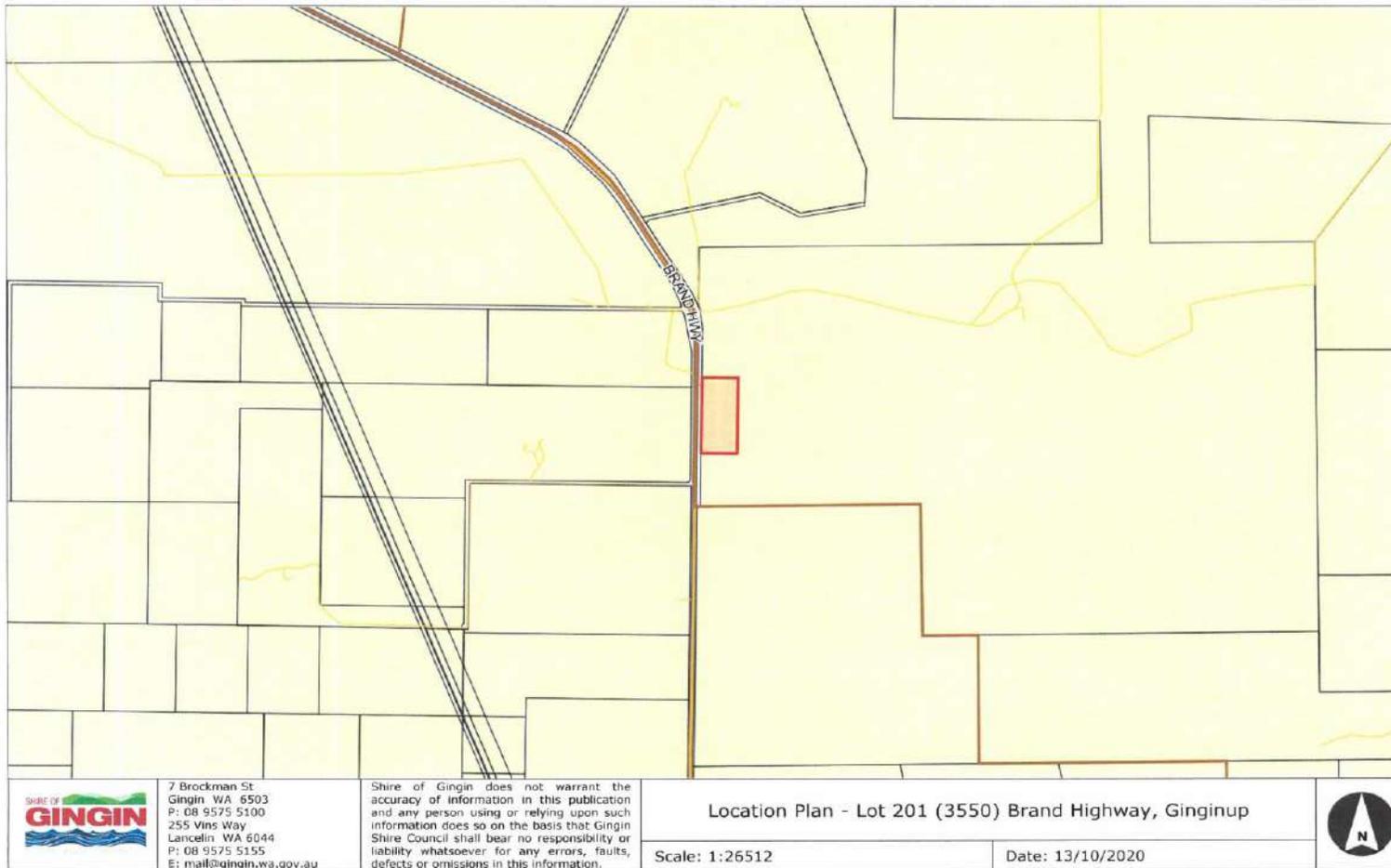
11. **The internal access way, parking and vehicle manoeuvring areas shall be maintained by the landowner/operator to the satisfaction of the Shire of Gingin; and**
12. **Stormwater run-off from all roofed and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.**

### **Advice Notes**

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*;**
- Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained;**
- Note 3: This planning approval shall not be construed as an approval or support of any kind for any other planning related application on the subject land;**
- Note 4: All noise from the development and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*;**
- 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: In relation to the limited term approval, decommissioning and rehabilitation works, pre-development condition comprises of a bare earth site, free of any buildings, rubble or remnants of the approved development. The transportable buildings are to be removed from the property and shall not remain as part of any existing land use approval;**
- Note 7: In relation to upgrading the crossover / driveway, please note that Main Roads Western Australia's Driveway Policy and Standard Technical Drawings can be found on the Main Roads Western Australia website > Technical Library > Road and Traffic Engineering > Guide to Road Design > Additional Road Design > Driveways.**
- Note 8: Prior to undertaking any works within the road reserve, the landowner/operator is required to submit an Application form to Main Roads Western Australia for approval. Application forms and supporting information about the procedure can be found on the Main Roads Western Australia website > Technical & Commercial > Working on Roads.**
- Note 9: Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application**

**CARRIED UNANIMOUSLY**

# **APPENDIX 1**



# **APPENDIX 2**



**Lot 201 Brand Highway, Ginginup  
Development Application**

**1.0 INTRODUCTION**

Development Approval is sought for 'workforce accommodation' on portion of Lot 201 Brand Highway, Ginginup, consistent with scheme amendment (21) that has recently been published in the Government Gazette.

Approval of this landuse, would resolve the temporary arrangement that has been occurring on the subject lot since 2018.

**2.0 SITE LOCATION AND CONTEXT**

**2.1 Location and Description**

The site is within the locality of Ginginup, within the Shire of Gingin Local Government area. The property contains an area of 7.1 ha and is located on Brand Highway approximately 6km north of the townsite of Gingin.

**2.2 Existing and Surrounding Land Uses**

The site currently contains an existing single house, holiday accommodation and a number of transportable dwellings associated with an approved transport depot use.

The site is also the subject of a temporary Development Approval for a 'workers camp' (use not listed). The workers camp caters for employees associated with the mineral sands mine located 20 kilometres north of the Gingin townsite.

The surrounding area is largely rural land. Minimal pockets of vegetation exist on the property.



Figure 1: Site Context

**2.3 Property Details**

Table 1 below provides a summary of the land ownership details at the time of preparing this Development Application

Lot Number / Street Address	Volume/Folio	Landowner	Lot Area (ha)
Lot 201 (No.3572) Brand Highway, Ginginup	2223/408	Western Sun Nominees Pty Ltd	7.1

Table 1: Land Ownership



Figure 2: Subject Lot

**3.0 PLANNING CONTEXT**

**3.1 Shire of Gingin Local Planning Scheme No. 9**

The aims of the Shire of Gingin Local Planning Scheme include —  
 (k) Ensure that agricultural and urban land uses can be co-located efficiently with minimal conflict.  
 (l) Promote processing and value adding industries to be located within the Shire.  
 (n) Facilitate increased demand and diversification of local service industries.  
 (o) Promote Gingin Shire as an opportune location for regional development of industry, infrastructure and other specialised regional facilities.

The landuse has effectively been operating on the site on a temporary basis for over 12-18 months. No complaints have been received in relation to the land use which demonstrates that it has been effectively co-located with no land use conflict.

The mining operations within the Shire are a relatively recent activity and whilst every effort is made by the contractor to source local employees, due to the scale of the operations, some of the workforce has been employed from outside of the Gingin area. In order to provide a safe worksite, accommodation

...the way forward.

needs to be provided for a proportion of the workforce so that no employee drives an unsafe distance home at the end of the work shift.

A scheme amendment has recently been progressed to have an 'Additional Use' (AU 27) to the northern portion of the property. The additional use would enable the consideration of 'workforce accommodation' as a discretionary ('D') use.

The support of the amendment and the provision of a defined site suitable for providing workforce accommodation, ultimately assists the Shire in promoting the regional development of the area, supports diversification of landuses and value adds to the town by way of bringing additional people into the town. This ultimately supports the aims of the Local Planning Scheme.

Notwithstanding the 'Additional Use' zoning overlay, Lot 201 Brand Highway is zoned 'General Rural' by the Shire of Gingin Local Planning Scheme No 9.

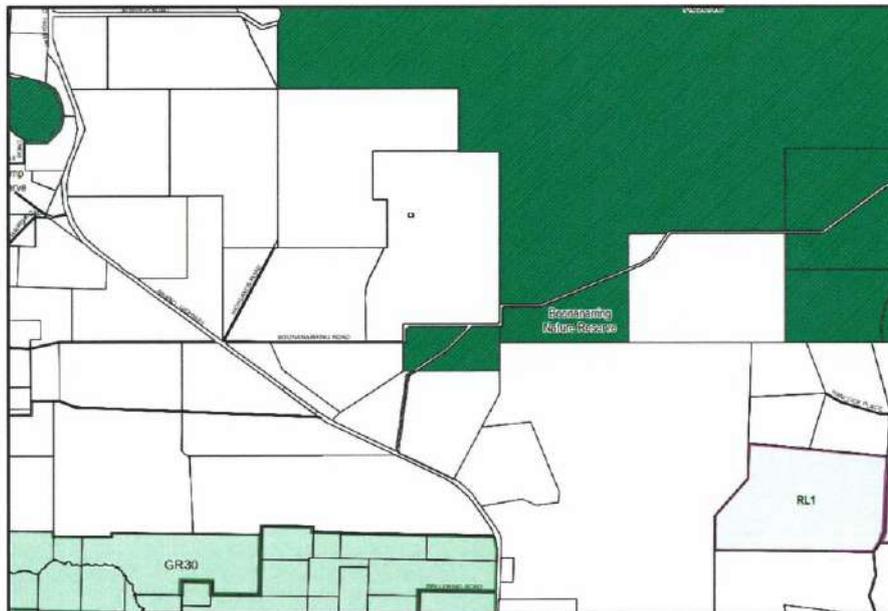


Figure 3: Excerpt from Shire of Gingin LPS No.9

The objectives of the General Rural zone are to:

- (a) Manage land use changes so that the specific local rural character of the zone is maintained or enhanced;
- (b) Encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;
- (c) Maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and

...the way forward.

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

The proposed workforce accommodation landuse, although not a broad acre agricultural activity, will not impede the site from continuing to operate as it is currently.

It is noted that the site has previous approval to operate as a Transport Depot, provide Holiday House accommodation and has a current temporary approval (as a use not listed) for the proposed development. All such uses are not broad acre agricultural activities.

**3.2 Shire of Gingin Local Planning Strategy (LPS)**

The Shire of Gingin LPS is a planning tool that sets out the longer term direction for land use and development within the municipality of Gingin.

The Strategy was adopted in 2012 and is intended to express Council’s vision for the Shire over a 15-20 year period.

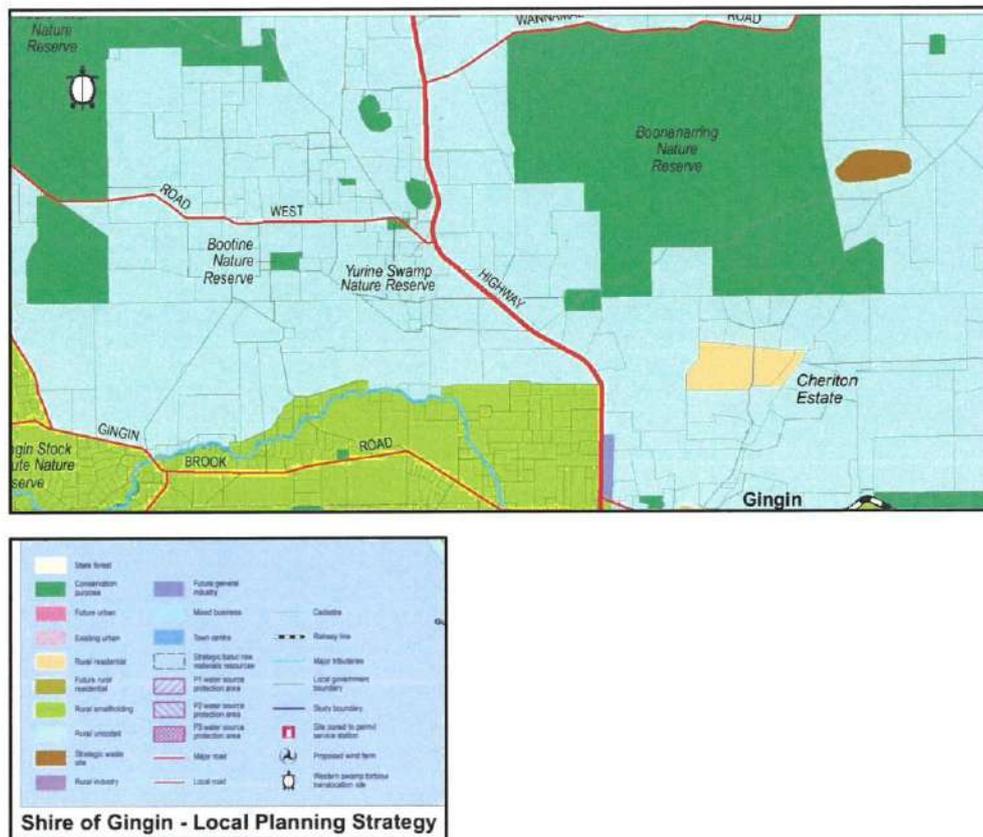


Figure 4: Excerpt from Shire of Gingin Local Planning Strategy

The subject site is designated 'Rural' uncoded by the LPS.

...the way forward.

At 7.1ha and developed with an approved Transport Depot and Holiday Accommodation, the subject land has limited use for large scale agriculture.

The proposed development application, in applying the additional use – workforce accommodation, does not impede the site from operating as it currently does or into the future with a use consistent with the base 'general rural' zoning.

#### **4.0 PROPOSED DEVELOPMENT**

The application essentially pertains to the continued development of the site with accommodation for workers employed by the Boonarraring Mineral Sands Mine north of the Gingin townsite.

Consistent with the "Additional Use" applied to the site by way of Amendment No 21 to the Shire of Gingin LPS 9 the proposed development application seeks approval of the landuse "workforce accommodation".

**Workforce accommodation** means premises, which may include modular or relocatable buildings, used –

- (a) Primarily for the accommodation for workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

By way of background, an Application for Development Approval was approved by the Shire for a temporary workers camp at the subject property. This temporary approval expires on the 24<sup>th</sup> February 2021 or such time as Amendment 21 to Local Planning Scheme No.9 is determined, whichever is the lesser period.

The development consists of ten transportable dwellings located on the eastern (vacant) portion of the subject lot. Each transportable dwelling caters for up to four workers each with their own bedroom and bathroom facility. Communal kitchen, dining and laundry facilities are also provided.

The subject application would facilitate the continued use of the current development on site for a more permanent arrangement rather than a temporary basis.

The following matters are therefore addressed in the context of the current development:

##### A) Visual Amenity

The development has been positioned within the lot so as not to be viewed from Brand Highway. Notwithstanding, the development is consistent visually with the existing transportable dwellings stored onsite as part of the transport depot usage and therefore the amenity of the area remains relatively unchanged.

The development is set back from Brand Highway greater than the required 20 metres as stipulated under Table 2 – Site Requirements of the Shire of Gingin Local Planning Scheme No.9.

##### B) Parking and Vehicle Movements

The development provides for 16 car parking bays for occupants of the workforce accommodation. Although the camp can occupy up to 40 persons, not every occupant has a vehicle on site.

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Workers are transported to the Boonanarring mine site from the camp via a small 20-seater bus and returned at the end of the shift. Bus movements thus limit the number of vehicles entering and exiting the site. Piacentini and Son currently have a 3 year contract to provide the earthmoving services at the mine. The workers are on roster (either 14 days on, 7 off (including some working nights); or 5 days on, 2 days off). The workers leave the site on rostered days off. Given the staggered shifts, shift times being not being at standard “peak” travel times and workers being off site on rostered days off, the access/egress movements to the site is considered very low impact.

The existing crossover will continue to be utilised and as can be seen in the below images, have clear site lines to the highway. Given the site has an existing development approval to operate as a transport depot, the increase of vehicles entering Brand Highway is considered negligible.

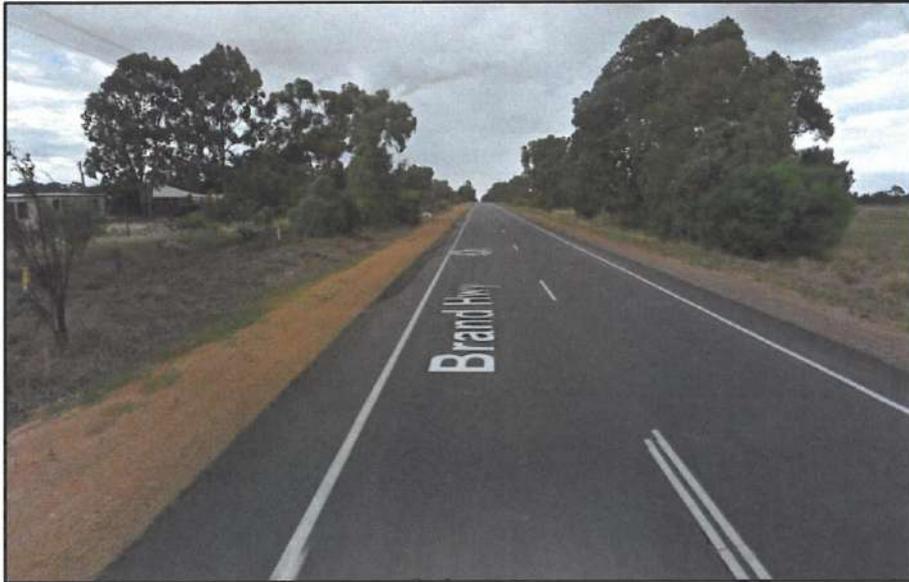
It is acknowledged that the subject lot has two access points (driveways) onto the highway. The property has a frontage of 400m with driveway access separated by 245m of a straight stretch of road.

Previous development approvals for the site have resulted in a clear and distinct separation of landuses on the property and to that regard, the ‘additional use’ zoning facilitating ‘workforce accommodation’ on the site is only applicable to the top portion of the property as per the zoning map. Accessing the workforce accommodation from the southern portion of the property would not be appropriate due to Wallering Brook.



Figure 5: Separation of driveway locations

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Figures 6 & 7: Sightlines and existing vehicle crossover

C) Servicing

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As part of the temporary development of the site, a Biomax C60 system was approved by the Shire's Health Department and installed. As the camp is not increasing in occupants the Biomax system will still adequately service the site.

The site is proposed to be serviced with a 3-phase power supply. An application is currently being finalised with Western Power in this regard.

#### **5.0 Conclusion**

The development is consistent with the conditions of the 'Additional Use' zoning of the site and is generally in accordance with the development approval issued by the local government on 30 November 2018.

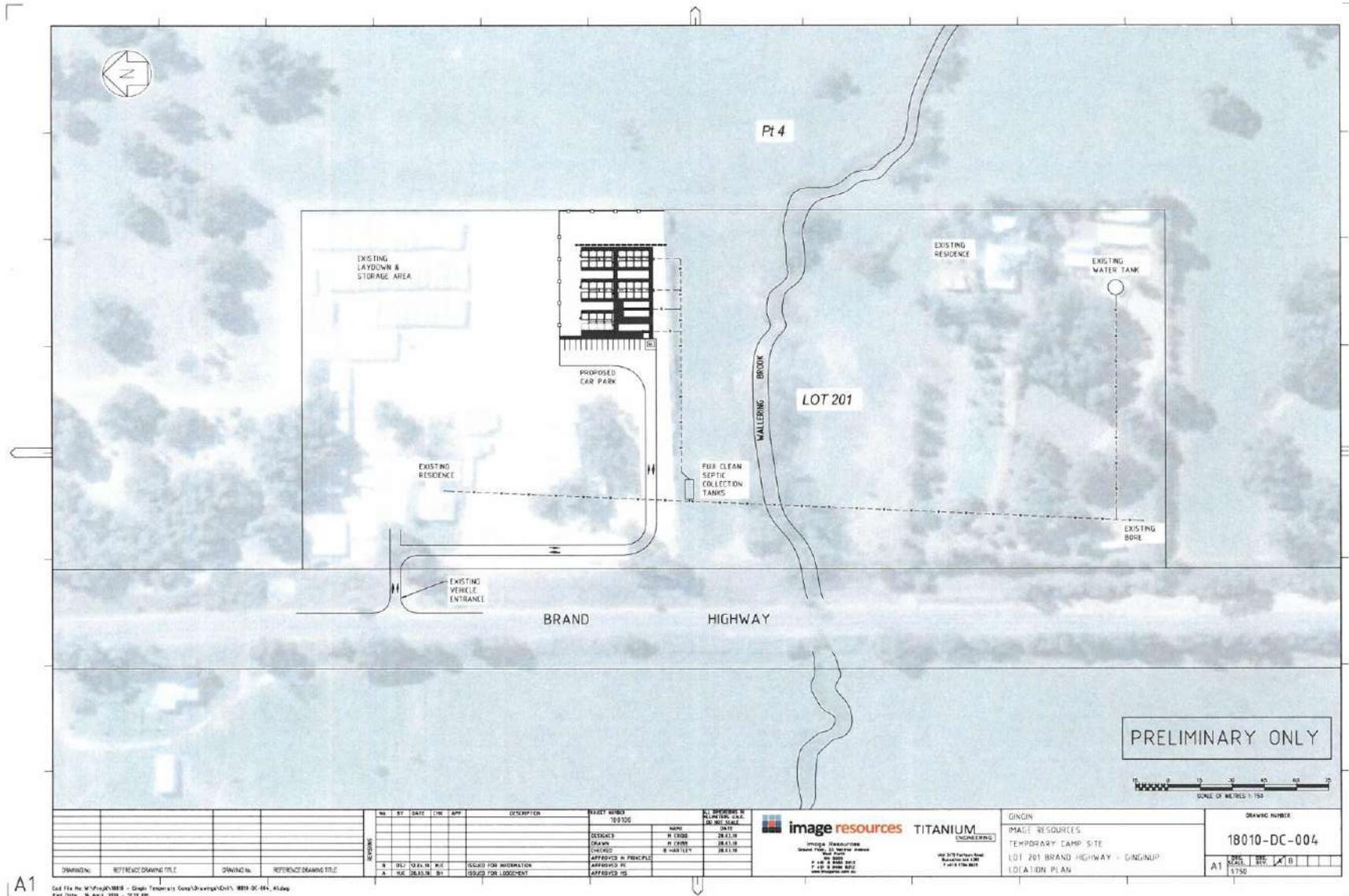
The workforce accommodation shall only accommodate workers and/or contractors directly associated with the mining and processing of mineral sands at the Boonanarring mine site.

The development is limited to accommodating a maximum of 40 persons at any one time.

We respectfully request that the Shire progress the development application submitted.

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...the way forward.



NO.	BY	DATE	CHK	APP	DESCRIPTION	REVISION

REV	BY	DATE	DESCRIPTION	APPROVED BY
1	DEL	10/12/19	ISSUED FOR INFORMATION	
2	DEL	10/12/19	ISSUED FOR APPROVAL	

**image resources** **TITANIUM**  
ENGINEERING

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100 Park Street  
Melbourne VIC 3000  
P +61 3 9596 8822  
www.imageresources.com.au

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www.imageresources.com.au

GINGIN  
IMAGE RESOURCES  
TEMPORARY CAMP SITE  
LOT 201 BRAND HIGHWAY - GINGIN  
LOCATION PLAN

DRAWING NUMBER	
18010-DC-004	
A1	1/1

A1  
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Plot Date: 16-Apr-2020 10:23 AM

# **APPENDIX 3**

### SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

#### APPLICATION FOR DEVELOPMENT APPROVAL WORKFORCE ACCOMMODATION ON LOT 201 BRAND HIGHWAY, GINGINUP

No.	Submitter	Submission Detail	Recommended Response
1.	Main Roads Western Australia (MRWA)	<p>The Submitter supports the proposal and provides the following general comments:</p> <p><i>"In response to your correspondence received on 16/10/2020, Main Roads has no objections subject to the following conditions being imposed:</i></p> <p><u>Conditions</u></p> <ol style="list-style-type: none"> <li>1. <i>Upon approval of the development, the developer is to provide plans to the satisfaction of Main Roads, showing the driveway at Brand Highway upgraded to be consistent with Main Roads Driveway Policy.</i></li> </ol> <p><i>Justification for Condition</i></p> <p><i>Pursuant to the Shire of Gingin Local Planning Scheme No.9 – Amendment No. 21 Approval dated 7/09/2020, Condition 3. "Access and egress to Brand Highway is to be consistent with the design standards of Main Roads WA".</i></p> <ol style="list-style-type: none"> <li>2. <i>The driveway at Brand Highway is to be upgraded as per condition 1 above and to the satisfaction of Main Roads. Upgrades are to be completed no more than 3 months following the date of development approval.</i></li> <li>3. <i>The developer shall be responsible for the all costs involved in the design, construction and ongoing maintenance of the driveway.</i></li> </ol> <p><u>Advice</u></p> <ol style="list-style-type: none"> <li>1. <i>Further to Condition 1 above, Main Roads Driveway Policy and Standard Technical Drawings can be found on Main Roads website &gt; Technical</i></li> </ol>	1. Noted.

		<p><i>Library &gt; Road and Traffic Engineering &gt; Guide to Road Design &gt; Additional Road Design &gt; Driveways.</i></p> <p><i>2. Further to condition 2 above, the applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website &gt; Technical &amp; Commercial &gt; Working on Roads.</i></p> <p><i>Should the Shire disagree with or resolve not to include as part of its conditional approval any of the above conditions or advice, Main Roads requests an opportunity to discuss the application further, prior to a final determination being made.</i></p> <p><i>Main Roads requests a copy of the Shires final determination on this proposal to be sent to..."</i></p>	
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## 11.4. OPERATIONS

### 11.4.1 RFT 02/2020 CONSTRUCTION OF GINGIN OUTDOOR ACTIVITY SPACE

<b>Location:</b>	Lot 66 (10a) Weld Street, Gingin
<b>File:</b>	COR/40-022020
<b>Reporting Officer:</b>	Allister Butcher - Executive Manager Operations
<b>Report Date:</b>	2 December 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Individual Tender Evaluation Assessments and Evaluation Summary (<b>Confidential</b>)</li> <li>2. Site Plan</li> </ol>

### DISCLOSURES OF INTEREST

*Councillor Balcombe disclosed a Financial Interest in Item 11.4.1 as she is employed by a funder of the project (Bendigo Bank) and left Council Chambers at 2.30pm.*

*Councillor Fewster disclosed a Financial Interest in Item 11.4.1 as a member of his family is employed by one of the applicants and left Council Chambers at 2.30pm.*

*Councillor Rule (Deputy Shire President) assumed the Chair.*

*The Statutory Planning Officer disclosed an Impartiality Interest in Item 11.4.1 as a former member of the GOAS group. He left Council Chambers at 2.30pm and did not return to the meeting.*

### PURPOSE

To consider the tender submissions for RFT 02/2020 Construction of Gingin Outdoor Activity Space (GOAS).

### BACKGROUND

The GOAS project is a project that has been in the making for the last two years and has been driven by a passionate group of local volunteers looking to provide an activity space for youth of all ages and all abilities with improved amenity for parents to supervise children in a space that is unique to the area.

RFT 02/2020 Construction of Gingin Outdoor Activity Space was advertised in The West Australian newspaper on 17 October 2020 in accordance with the requirements of s.3.57 of the *Local Government Act 1995*.

At the close of tenders on 13 November 2020, the following tenders were received (in no particular order):

- Phase 3 Landscape Construction;
- LD Total; and
- Environmental Industries.

A mandatory site meeting was held onsite (Granville Civic Centre) on Wednesday, 28 October 2020. All tenderers that have submitted a tender attended the mandatory site meeting.

As the value of the project exceeds \$250,000, the tender cannot be dealt with by the CEO under delegated authority and must be determined by resolution of Council.

Once the tenders were received, an independent assessment was undertaken by a CEO-appointed Evaluation Panel consisting of four Shire of Gingin officers. A weighted scoring method was used with the following weightings:

- Price 40%
- Relevant Experience 15%
- Key Personnel Skills & Experience 20%
- Tenderer's Resources 10%
- Demonstrated Understanding 15%

Price was scored as per the approved average based scoring method. All other qualitative criteria from each tenderer were assessed against a rating scale, with 0 points as an inadequate offer with many deficiencies and 10 points as an outstanding offer which greatly exceeded the criterion.

The individual tender evaluation assessments and the evaluation summary have been circulated to Councillors under separate confidential cover (**Appendix 1**). These documents are deemed to be "commercial in confidence".

To compare the submitted prices fairly, the price utilised for each tenderer includes all in-kind work savings. This is due to the fact that not all tenderers identified as utilising the same in-kind works, which made it impossible to compare the prices equally. All prices included the optional cost of supply and installation of the toilet block.

The comparative assessment process was undertaken by individually by each Evaluation Panel member, and then the individual scores were averaged to be used for the weighted score. These scores and comments from each assessor regarding the reason for the scores given can be seen in Appendix 1. All submissions had some good points and some areas of deficiency and it is evident that all tenderers provided good submissions due to the relative minor variation in scores between all three submissions.

Once the assessments had been undertaken the qualitative scores were averaged and summarised. The summarised scores (out of 100) are:

- |                             |       |
|-----------------------------|-------|
| 1. Phase 3                  | 66.69 |
| 2. LD Total                 | 66.52 |
| 3. Environmental Industries | 62.63 |

It is noted that LD Total was previously engaged to provide a detailed design for the project through a procurement process in accordance with Council Policy 3.10 Purchasing.

The construction of the GOAS has taken into consideration Council Policy 3.15 Playground Policy – Consolidation of Council’s Existing and Future Playgrounds to ensure quality built form and that the location is appropriate.

A site plan for the overall development is provided as **Appendix 2**.

## COMMENT

The GOAS Community Group (GOASCG), with assistance from the Shire, has worked hard to secure funding for this project from the following areas (all figures are excluding GST):

• Local Roads Community Infrastructure Program (Federal)	\$367,890
• Department of Infrastructure, Transport, Regional Development and Communications (Federal - Christian Porter’s Office)	\$234,000
• Shire of Gingin	\$230,019
• Bendigo Bank (through GOASCG)	\$150,000
• POS Developer Contribution	\$ 34,891
• GOASG Community & Business Contributions	\$ 30,000
<b>TOTAL</b>	<b>\$1,046,800</b>

The Shire’s contribution of \$230,019 includes the cash component costs for power connection, water connection, sewerage/septic connection and reticulation parts supply. The wages and plant operating costs (internal costs) are included in the operating (not capital) contribution. Local tradespersons have made a commitment to provide in-kind contributions for their time for the supply and installation of power and water to the GOAS site, the Shire has included materials allocations for these headworks in the Shire’s contribution.

Although LD Total was engaged to undertake the detailed design for the project, it is not apparent that this gave any significant advantage with respect to delivery of the project, as evidenced by the relative similarity between the two lowest cost submissions.

In consultation with the GOASCG, a small portion of the works was available to be provided ‘in-kind’ and each tenderer was able to provide a tender that utilised either all, some or none of the in-kind works. LD Total has submitted to use the most amount of in-kind works and also tendered the lowest price. Environmental Industries proposed to use none of the in-kind works and were the highest priced tender. As LD Total had the lowest price they therefore had the highest point score for Pricing.

The in-kind works proposed to be utilised by the tenderers are as follows:

- LD Total
  - Under prune trees
  - Demolition and removal of existing turf
  - Remove section of fencing
  - Gravel Creek Bed and Boulder (supply and delivery)
  - Roll-on turf (Kikuyu) install
  - Supply and installation of reticulation

- Phase3
  - Under prune trees
  - Demolition and removal of existing turf
  - Fill sand for mounding
  - Remove section of fencing
  - Roll-on turf (Kikuyu) install
  - Totem Pole Signage Elements (Supplied by Principal)
  - Supply and installation of reticulation
  
- Environmental Industries
  - Supply and installation of reticulation

The utilisation of in-kind contributions by the community (and local contractors) on top of the contributions by the local community and businesses will give the local community ownership of the project and a unique experience to enjoy the space with their children knowing that they have contributed to the space.

All tenderers have a very good level of experience in delivering projects to a similar scale and type as the GOAS project, and this was conveyed through their submissions.

With regards to Relevant Experience, Phase3 on average had the highest score. This was due to the fact that they provided a good level of information for projects they have delivered from a medium to a large scale on time and on budget. It requires noting that although Phase3 had the highest points there was a difference of only 0.81 points between the highest and lowest score.

Both LD Total and Environmental Industries were the highest scoring for Key Personnel Skills and Experience. Both companies have excellent staff resources to draw on. Staff are suitably qualified and experienced from the top down, with some staff having extensive experience within the public open space landscaping and construction industry. There is only a 0.56 point difference between the highest and lowest score.

LD Total's submission for Tenderer's Resources was the best and as such received the highest points out of all the submissions. LD Total provided a list of plant that is to an excellent level. The current work commitments of LD Total align really well, in that the projects currently being undertaken are due for completion mostly by the end of this calendar year (December 2020), allowing sufficient time to commence works on the GOAS at the start of the New Year and to undertake preparatory works in the lead up to January 2021. There is a 1.5 point difference between the highest and lowest scores.

Phase3 had the highest points for Demonstrated Understanding. All tenderers showed that they were able to complete the project by the prescribed deadline of May 2021. All submissions had the project being completed by mid to late April 2021. All submissions provided for Demonstrated Understanding were excellent, but the submission by Phase3 was particularly good and clearly and concisely outlined the methodology that was to be implemented to complete the project.

While all tenderers showed that they clearly knew and understood the project and could complete the GOAS project to a high level and on time based on their submissions, verification by staff with LD Total on their hardspace and wall works identified an omission of material costs, increasing their tender price by \$22,443.08. This lowered initial scoring in both this criteria together with the Price criteria which resulted in their overall score slipping below the Phase3 tender. (Prior to this discovery they were assessed as the higher scoring submission.)

The GOASCG were initially consulted on Tuesday, 24 November 2020 regarding the tender submissions and supported:

- the use of in-kind works to decrease the project cost and increase community ownership of the project; and
- engagement of the then preferred tenderer LD Total to undertake the works.

They have since been updated on the error and decision to recommend Phase3. Based on the Evaluation Panel assessment, the author is of the view that the tender submitted by Phase3 in response to RFT 02/2020 Construction of Gingin Outdoor Activity Space should be accepted.

The price submission by Phase3 with in-kind works is \$1,002,836.92 (excluding GST). Factoring in the funding received, this brings the current project cost in at \$43,963.08 (excluding GST) under budget which will be required to undertake those items not included in the tender.

The recommended tender together with the identified non-tender contribution currently provide no 'contingency' within the allocated \$1,046,800 budget. It is therefore recommended in accepting a tender, provision be made to allow removal of the toilet block for later construction, to cover any unforeseen variations which would take costs beyond the budget be sought. Staff will endeavour to identify any alternative savings as soon as practical to mitigate this requirement however provision of the option will provide some buffer.

Irrespective, staff will work with the tenderer to identify further savings to accommodate potential additions with the GOASCG which may be applied to the construction such as additional seating, additional lighting, or any other such items that may be identified by the GOASCG (as approved by the Shire).

## **STATUTORY/LOCAL LAW IMPLICATIONS**

### *Local Government Act 1995*

Part 3 – Functions of local governments

Division 3 – Executive functions of local governments

s3.57 – Tenders for providing goods or services

### *Local Government (Functions and General) Regulations 1996*

Part 4 – Provision of goods and services

Division 2 – Tenders for providing goods or services (s.3.57)

## POLICY IMPLICATIONS

Council Policy 3.10 Purchasing

Council Policy 3.15 Playground Policy – Consolidation of Council’s Existing and Future Playgrounds

## BUDGET IMPLICATIONS

This project has been budgeted for in the 2020/21 budget and the proposed tender of LD Total falls within the budgeted allocation.

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	<i>Community Wellbeing</i>
<b>Objective</b>	<i>1. To support the Shire of Gingin community to be inclusive, vibrant, healthy and safe through the Shire’s service delivery</i>
<b>Outcome</b>	<i>1.1 Inclusive Our community has access to a range of community programs, services and initiatives that support wellbeing and inclusion</i>
<b>Key Service Areas</b>	<i>Community Programs</i>
<b>Priorities</b>	<i>1.1.2 Encourage programs and facilities that engage and support children and young people to stay in the Shire.</i>
<b>Focus Area</b>	<i>Infrastructure and Development</i>
<b>Objective</b>	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner</i>
<b>Outcome</b>	<i>3.2 Community Infrastructure The Shire provides fit for purpose community infrastructure in a financially responsible manner</i>
<b>Key Service Areas</b>	<i>Community Infrastructure (includes community and civic buildings, Gingin Aquatic Centre, parks and reserves, roads and paths, sport and recreational facilities</i>
<b>Focus Area</b>	<i>Economic Development</i>
<b>Objective</b>	<i>4. To support economic development through the Shire’s service delivery</i>
<b>Outcome</b>	<i>4.1 Tourist Playground An internationally acclaimed tourist playground</i>
<b>Key Service Areas</b>	<i>Economic Development and Tourism Infrastructure</i>
<b>Priorities</b>	<i>4.1.1 Support the development of the Shire of Gingin as a premier tourist destination in alignment with the Northern Growth Alliance Tourism Strategy 4.1.3 Source funding for the Gingin Regional Children’s Playground</i>

## VOTING REQUIREMENTS – SIMPLE MAJORITY

*Councillor Court left Council Chambers at 2.38pm and returned to the meeting at 2.40pm.*

### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Peczka**

**SECONDED: Councillor Court**

**That Council:**

- 1. Award RFT 02/2020 Construction of Gingin Outdoor Activity Space to Phase3 Landscape Construction in accordance with the submitted tender of \$1,002,836.92, (excluding GST);**
- 2. Include provision within the contract to remove construction of the toilet block and or other associated cost from the works if required; and**
- 3. Authorise the Shire President and Chief Executive Officer to execute the resulting contract document, including affixing of the Common Seal of the Shire of Gingin.**

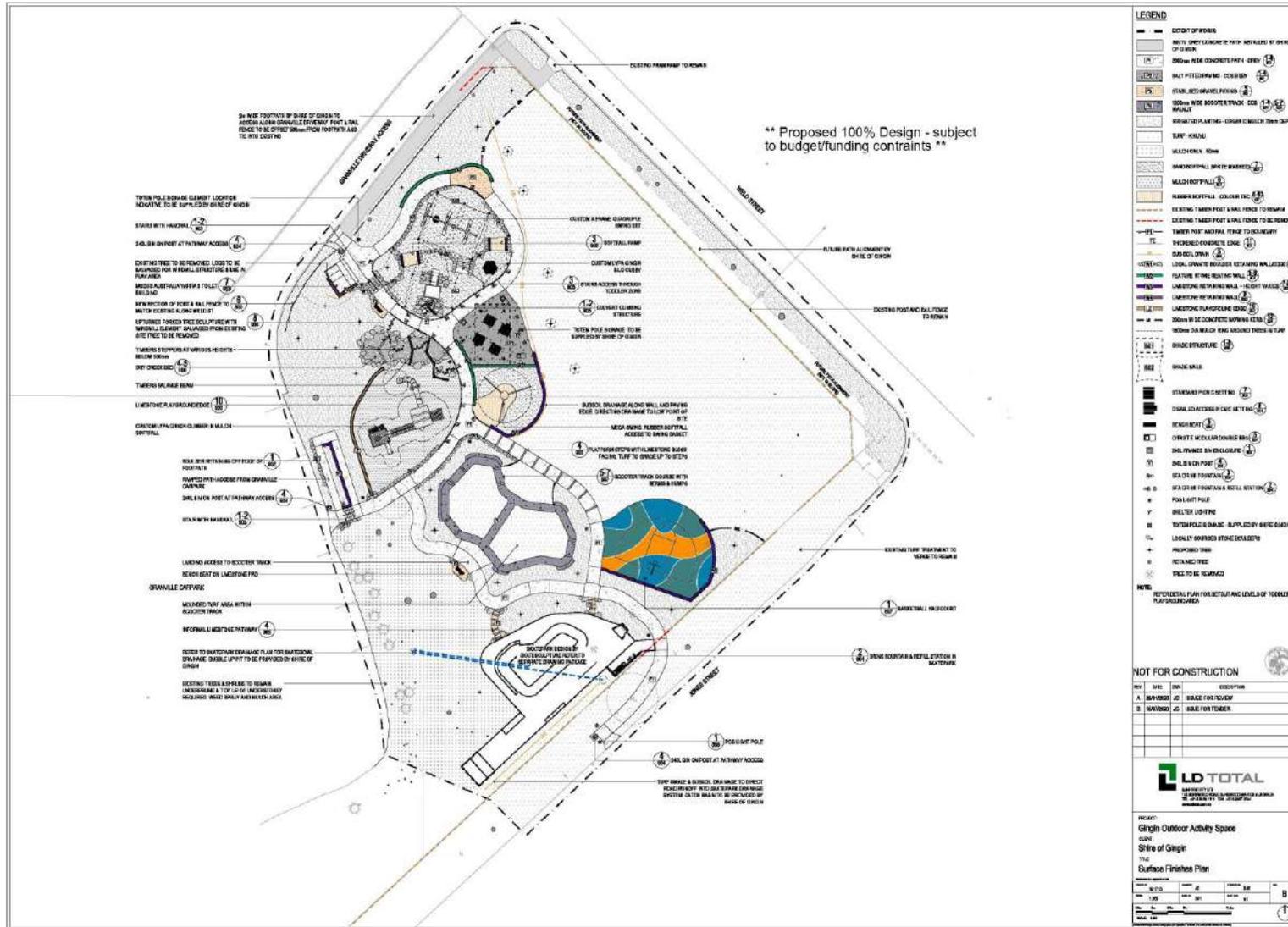
**CARRIED UNANIMOUSLY**

*Councillors Fewster and Balcombe returned to Council Chambers at 2.42pm and were advised of Council's decision by the Deputy Shire President. Councillor Fewster resumed the Chair at 2.43pm.*

**CONFIDENTIAL  
CIRCULATED UNDER SEPARATE  
COVER**

# **APPENDIX 1**

# **APPENDIX 2**



**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13. COUNCILLORS' OFFICIAL REPORTS**

Nil

**14. NEW BUSINESS OF AN URGENT NATURE**

Nil

**15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC**

Nil

**16. CLOSURE**

There being no further business, the Shire President declared the meeting closed at 2.44pm.

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, 15 December 2020 commencing at 3.00 pm.

These Minutes are confirmed as the official record of the Special Meeting of the Gingin Shire Council held on 1 December 2020.

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Councillor C W Fewster  
Shire President  
15 December 2020