

Council Agenda

27 January 2021

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 27 JANUARY 2021


TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 27 January 2021, commencing at 5.30pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

15 January 2021

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 27 JANUARY 2021

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1. **DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

Nil

3. **PRAYER**

4. **APPLICATION FOR LEAVE OF ABSENCE**

5. **DISCLOSURE OF INTERESTS**

6. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

7. **QUESTION TIME FOR PUBLIC**

Response to Previous Questions Taken on Notice

Public Question Time For Public

8. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

8.1 **Minutes of the Council Meeting held 9 December 2020**

RECOMMENDATION

That the Minutes of the Council Meeting held 9 December 2020 be confirmed as a true and correct record.

Committee Meetings

- 8.2 Minutes of the Policy and Legislation Committee Meeting held 9 December 2020

RECOMMENDATION

That the minutes of the Policy and Legislation Committee meeting held 9 December 2020 be noted.

9. **RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**

Petitions

Presentations


Deputations

10. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**

11. **ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY**

12. REPORTS OF COMMITTEE

12.1 Policy and Legislation Committee - 9/12/2020 - RESCISSION OF COUNCIL POLICY: ENGINEERING TECHNICAL STANDARDS AND SPECIFICATIONS

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys Development Control Coordinator - Ronald Wildschut
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Council Policy 179: Engineering Technical Standards and Specifications 

This item was considered by the Policy and Legislation Committee at its meeting on 9/12/2020, the recommendations from which have been included in this report.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council rescinds Council Policy 179: Engineering Technical Standards and Specifications (Attachment A), effective immediately.

EXECUTIVE SUMMARY

This report recommends the rescission of Council policy 179: Engineering Technical Standards and Specifications (the Policy) (Attachment A), with the Policy having been reviewed as part of the City's overall review of its Council policies. It is recommended the Policy be rescinded.

BACKGROUND

The Policy was initially developed in July 2009 and provided direction that the City's Engineering Technical Standards and Specifications (Standards) were to be maintained along with a short description of the 10 different sections contained within the Standards.

The Policy was reviewed again in June 2012 and December 2017 in accordance with the City's ongoing Policy Review cycle. The Policy was updated to the newest policy format, with no change made to the intent of the Policy.

In response to the Governance Services Review carried out in 2017, the City has developed a policy framework to clearly establish the strategic nature and intent of Council policies, as opposed to operational documents. Since then, Council has been reviewing its Council policies to ensure that they align to the policy framework and that they provide strategic, and not operational, guidance.

OFFICER COMMENT

The Standards apply a range of standards and specifications to all civil works designed and carried out by consultants, contractors, developers and the City. Some standards are reflective of Australian Standards and standards set by agencies such as Main Roads WA, and others are requirements of the City.

The Policy, in its current form, serves as a list of contents of the Standards, and does not provide a strategic statement or strategic direction. The maintenance and application of the Standards to works undertaken by the City is an administrative matter, with the Standards being updated by officers as required.

The effective head of power for the decisions to which the Standards are applied is in the planning framework, rather than the local government legislation, and a policy made under the local government legislation cannot form part of the planning framework. The Standards do address some matters that are directly addressed in the planning framework, and would not be determinative if there was a dispute as to the standard that should apply in a particular case.

The planning framework itself does not provide direct or complete guidance, but there are a range of standards or documents that would be given weight, including the Standards, as well as *Austroads*, *Liveable Neighbourhoods* or various Australian Standards. Ultimately, the weight given to the Standards would be determined by the robustness of their rationale and the consistency of their application; adoption of the Standards by the Council (or otherwise), would not add to that weight.

Officers are therefore of the view that the rescission of the Policy would have no effect on the application of the Standards.

Statutory Environment

In accordance with section 2.7(2)(b) of the *Local Government Act 1995* (the Act), it is the role of the Council to determine the local government's policies. The Council does this on recommendation of a committee it has established in accordance with section 5.8 of the Act.

The Standards are applied as part of the process of clearing conditions of subdivisions approvals issued under the *Planning and Development Act 2005*.

Relevant Plans and Policies

The City has a policy framework which sets out the intent of Council policies. The recommendation to rescind the Policy is in line with that framework.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council could choose not to rescind the Policy and to request that the Policy be further reviewed to provide a statement of strategic intent.

CONCLUSION

The Policy in its current form provides a list of contents of the Standards and is not considered to provide strategic direction. The Standards are an administrative document, maintained under the direction of the CEO and applied either under the direction of the CEO or as a condition of development approvals issued by the Council or officers under delegation. Rescission of the Policy does not impact on the application of the Standards and is therefore recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded and removed from the website within one week of Council's endorsement.

Last updated 13 December 2017

179	Engineering Technical Standards and Specifications	V2 Current
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1. PURPOSE

This policy is to provide a framework for the range of standards and specifications to be applied to civil infrastructure works within the City of Busselton. The Council has adopted and requires the implementation of a series of standards and specifications as set out in this policy.

2. SCOPE

The policy applies to all civil works designed and carried out by consultants, contractors, developers and the City.

3. POLICY CONTENT

The following standards and specifications have been adopted for the City of Busselton and are to be applied:

Section 1 - Guidelines and Administration Requirements for Subdivisions and Developments

This will be used for processing subdivision and development applications, plan approvals and control of works.

Section 2 - Designs and Plans for Roads, Earthworks, Paths and Stormwater Drainage

Provides guidance for preparing plans for road reserve and drainage works.

Section 3 – Construction - Earthworks, Storm Water Drainage, Roads and Other Pavements

Applies to all subdivisions, developments and City construction works.

Section 4 - Vehicle Crossovers

Applies to the construction of vehicle crossovers and will be used for processing vehicle crossover applications.

Section 5 - Bushfire Protection and Prevention Facilities - Rural and Special Rural Areas

Provides guidance for strategic fire protection in all rural and special rural areas (where required).

Section 6 - Property Development - Technical Requirements and Guidelines for Earthworks, Drainage and Parking

Council Policy 179: Engineering Technical Standards and Specifications

Last updated 13 December 2017

Applies for all property development, earthworks, drainage and parking works.

Section 7 - Requirements and Guidelines for Road, Drain and Path Maintenance and Reinstatements

Applies to all road, drain and path maintenance and reinstatement works.

Section 8 - Requirements and Guidelines for Reserve and Foreshore Works, and Tree Management

Applies to all reserve developments and foreshore works approved by Council.

Section 9 - Subdivisions and Developments - Landscaping, Revegetation and Stabilisation

Applies to all clearing, landscaping and revegetation works for subdivisions and developments.

Section 9b - Street and Road Verge - Landscaping, Revegetation and Stabilisation

Applies to all clearing, landscaping and revegetation works for streets and road verges.

Review of Engineering Technical Standards and Specifications

All relevant Engineering Standards and Specifications are reviewed on an ongoing basis by City Officers. It is acknowledged that accepted industry standards will continuously evolve over time. If any proposed changes to content are deemed to be as a result of industry changes and will not have a significant effect on the Council, the Chief Executive Officer may implement those without referral to Council.

4. APPLICATION OF THE POLICY

The policy will be maintained and applied, under authority of the Council, by the Chief Executive Officer and the Director, Engineering and Works Services.

Policy Background

Policy Reference No. - 179

Owner Unit – Engineering Services Originator
– Historical

Policy approved by – Council Date

Approved – 13 Dec 2017


Review Frequency – As required

Related Documents – Section 1 to 9 standards

Last updated 13 December 2017

Council Resolution	Date	Information
C1712/323	13 December 2017	Reviewed
	27 June, 2012	Update to new policyformat Version 2
C0907/266	22 July, 2009	Policy update with introduction of new and updated standards

12.2 Policy and Legislation Committee - 9/12/2020 - ANNUAL STATUTORY REVIEW OF DELEGATED AUTHORITIES

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Delegations
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Amended Delegated Authorities - Tracked Changes 

This item was considered by the Policy and Legislation Committee at its meeting on 9/12/2020, the recommendations from which have been included in this report.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council adopts the City of Busselton Delegations of Authority as contained in the table below, and shown in Attachment A.

DELEGATION	CHANGES
DA1 – 01 Issuing Notices	Expanded references and added 'the power to'.
DA1 – 02 Entry in an Emergency	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'. Removed reference to section 3.31 of the Act as this can be dealt with through an Authorisation under section 9.10 of the Act, which now provides for the CEO, as the prescribed decision maker, to make appointments. Included new condition to provide parameters of use of delegation and included updated reference document.
DA1 – 03 Abandoned vehicle wreck	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'. Removed reference to section 3.39 of the Act as this can be dealt with through an Authorisation under section 9.10 of the Act, which provides for the CEO, as the prescribed decision maker, to make appointments. This reasoning also applies to section 3.40A(1), therefore only section 3.40A(4) 'the local government <i>may</i> declare that a vehicle is an abandoned vehicle wreck' has a decision making function and can be delegated to the CEO.
DA1 – 04 Confiscated or Uncollected Goods	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'.

DA1 – 05 Closure of Thoroughfares	Expanded references and added 'the power to'. Removed reference to Regulation 6 of the <i>Local Government (Functions and General) Regulations 1996</i> , as this was a transitional provision about road closures and does not apply beyond 30 June 2002 (Regulation 6(2)). Amended function to include words 'the power to'.
DA1 – 06 Meelup Regional Park Management Committee	Amended, see DA11 – 01.
DA1 – 07 Inviting, Rejecting and Accepting Tenders	Expanded references and added 'the power to'. Reformatted detail from under Power/Duty Delegated to under Function for the consistency.
DA1 – 08 Expression of Interest for Goods and Services	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'.
DA1 – 09 Airport Redevelopment Project – Inviting, Rejecting and Accepting Tenders	Removed. Advice from Airport Redevelopment Business Unit that this delegation is no longer required and tenders relating to the BMRA can be dealt with under delegation DA1 - 07 or through the usual course of Council business.
DA1 – 10 Panels of Pre-Qualified Suppliers	Expanded references and added 'the power to'.
DA1 – 11 Amendments to the Consolidated Parking Scheme	Change to date of Local Law.
DA1 – 12 Disposing of Property (Leases at the Busselton Margaret River Airport)	Simple tidy up of format and inclusion of section 3.18 of the <i>Local Government Act 1995</i> to capture the performing of executive functions. Amended function to include words 'the power to'.
DA1 – 13 Dispose of sick or injured animals	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'. Included new condition to provide parameters of use of delegation and included updated Council policy reference.
DA1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts	Expanded references and added 'the power to'.
DA1 – 15 Rates and Service Charges	Updated and included all functions relevant to rates and services. Expanded references and added 'the power to'.
DA1 – 16 Investment of Surplus Funds	Expanded references and added 'the power to'.
DA1 – 17 Meeting with the Auditor	Amended – see DA11 – 02.

DA1 – 18 Appointment of Authorised Persons	Removed. Due to amendments made to section 9.10 of the <i>Local Government Act 1995</i> . The <i>Building Act 2011</i> and the <i>Building Regulations 2012</i> , the <i>Criminal Procedure Act 2004</i> and the <i>Criminal Procedure Regulations 2005</i> , and the <i>Graffiti Act 2016</i> all still require a delegation to provide the power to the CEO to appoint authorised persons and these delegations have remained in place unchanged.
DA1 – 19 Urgent Legal Representation	Amendment to Council Policy and Council Resolution for power of delegation to CEO.
DA1 – 20 Administer Local Laws	Update year to <i>Parking Local Law</i> in anticipation of draft <i>Parking Local Law 2020</i> being gazetted. Amended function to include words 'the power to'.
DA1 – 21 Acquisition of Property	Removed s.3.55 as there is no decision making ability. Included s.3.18 with conditions regarding limits imposed. Amended function to include words 'the power to'.
DA1 – 22A Disposition of Property: Other than by Lease	Expanded references and added 'the power to'.
DA1 – 22B Disposition of Property: Leasing and Licensing of Land and Buildings	Expanded references and added 'the power to'.
DA1 – 23 Payments from Municipal Fund or Trust Fund	Expanded references and added 'the power to'.
DA1 – 24 Affixing of the Common Seal	Deleted subsection (2) from Power/Duty Delegated as referenced in Function. Amended function to include words 'the power to'.
DA2 – 01 The Powers and Duties of the Local Government pursuant to the Building Act 2001	No changes
DA3 – 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954	No changes
DA3 – 02 Appointment of Bush Fire Control Officers	No changes
DA3 – 03 To Institute a Prosecution, or to Issue an Infringement	No changes
DA3 – 04 Variation of Prohibited and Restricted Burning Times	No changes

DA4 – 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011	No changes
DA5 – 01 The Powers and Duties of the Local Government pursuant to the Dog Act 1976	No changes
DA6 – 01 The Powers and Duties of a Local Government pursuant to the Graffiti Vandalism Act 2016	No changes
DA7 – 01 Development Control	No changes
DA7 – 02 Unauthorised Development	Expanded references and added 'the power to'.
DA8 – 01 Certificate of Approval pursuant to the Strata Titles Act 1985	No changes
DA9 – 01 Criminal Procedure Act 2004 – Authorised Persons	Combined DA9 - 02, which is an amendment to include Approved as well as Authorised persons under the <i>Criminal Procedure Act 2004</i> , for the <i>Health (Asbestos) Regulations 1992</i>
DA9 – 02 Criminal Procedure Act 2004 – Approved Persons	Deleted and combined with DA9 - 01.
DA 10 – 01 Public Health Act 2016 – Authorised Persons of	No changes
NEW DELEGATION	DETAILS
DA11 – 01 Meelup Regional Park Management Committee	Corrected the Power/Duty Delegated and Function of delegation to section 3.18 Performing Executive Functions of the <i>Local Government Act 1995</i> to correctly reflect the power to be delegated to the Committee. Updated the Conditions of the delegation to correctly reflect the Committee Terms of Reference. Amended function to include words 'the power to'.
DA11 – 02 Audit Committee	Corrected the 'Delegated To' from the Chief Executive Officer to the Audit Committee. Expanded subsections of the delegation function to improve alignment with specific delegated powers and the understanding of the powers and duties being delegated. Improved the Conditions of the delegation to include limitations of the Committee powers in relation to sections 7.12A(3) and 7.12A(4).

EXECUTIVE SUMMARY

The *Local Government Act 1995* (the Act) requires all delegations of authority to the CEO under the Act to be reviewed by the delegator at least once every financial year. Additionally, delegations made under the *Cat Act 2011* and the *Dog Act 1976* are required to be reviewed once every financial year. This review is to fulfil those requirements.

BACKGROUND

Delegations of authority are an integral part of the City's governance functions. Delegations of authority are an effective and efficient means of carrying out the functions or discharging the duties of the local government, by allowing decisions of Council to be made by the Chief Executive Officer, who in turn can delegate to other staff where appropriate.

Section 5.46(2) of the Act requires all delegations by Council to the CEO to be reviewed at least once each financial year. A review has been completed of the City's delegations. This report details the outcomes of that review and seeks Council's endorsement of the continuing and amended delegations of authority.

OFFICER COMMENT

Through the review of the City's delegations, opportunities to improve the level of information contained within the delegations have been identified. As part of the 2019 review, officers streamlined the delegations register, which, at that time, had not been reviewed in terms of its presentation and functionality for a number of years. As a result of the review, officers developed a new template, renumbered the delegations and linked them through to relevant legislation.

Since that time, officers have formed the view that the delegations should be expanded to clearly identify the powers and duties that are being delegated, by reference to both relevant sections and subsections. This ensures transparency with respect to the powers that are being delegated within a section, where there is more than one, and assists with officer understanding, noting that the City's register of sub-delegations flows from these head delegations.

It also assists with clarity in relation to any future amendments to the Act or associated regulations, as it clearly shows which powers the Council has chosen to delegate. Where only the higher level section has been delegated, and in instances where a new delegable sub-section is introduced, it is not readily clear from a review of the register as to whether Council has delegated that new sub-section.

This view aligns with advice from WALGA, who advise that each provision that can be delegated should be delegated separately, to ensure clarity in Council's decision-making process. Accordingly the approach officers have taken is that where a section of the Act has only one delegable subsection, no subsections are listed under Function, just the head section. For example, section 3.50A of the Act has no subsections, and therefore no subsections are listed under Function:

s.3.50A The power to partially close a thoroughfare for repairs or maintenance.

Where a section of the Act has more than one subsection and several of those subsections can be delegated, each delegable subsection is listed and expanded upon. For example, section 3.26 of the Act includes subsections (1) through to (7), however only subsections (2) and (3) are delegable, so only these subsections are listed under Function:

s.3.26(2) The local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

s.3.26(3) The local government may recover the cost of any anything it does under subsection (2).

Where a section or subsection of the Act is clear and concise in its terminology, officers have verbatim included those sections when describing the function. Where a section or subsection of the Act is less clear and concise, officers have summarised the function, using in some instances the WALGA Delegations Register Template as a guide.

Each of the delegations below has been amended in accordance with this rationale. Additionally the words 'the power to' have been added to the function, e.g 'the power to affix the common seal'.

These and additional amendments, where applicable, are detailed in the table below:

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DA1 – 11 Amendments to the Consolidated Parking Scheme	Change to date of Local Law.
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DA1 – 16 Investment of Surplus Funds	Expanded references and added 'the power to'.
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DA1 – 18 Appointment of Authorised Persons	Removed. Due to amendments made to section 9.10 of the <i>Local Government Act 1995</i> . The <i>Building Act 2011</i> and the <i>Building Regulations 2012</i> , the <i>Criminal Procedure Act 2004</i> and the <i>Criminal Procedure Regulations 2005</i> , and the <i>Graffiti Act 2016</i> all still require a delegation to provide the power to the CEO to appoint authorised persons and these delegations have remained in place unchanged.
DA1 – 19 Urgent Legal Representation	Amendment to Council Policy and Council Resolution for power of delegation to CEO.
DA1 – 20 Administer Local Laws	Update year to <i>Parking Local Law</i> in anticipation of draft <i>Parking Local Law 2020</i> being gazetted. Amended function to include words 'the power to'.

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DA3 – 02 Appointment of Bush Fire Control Officers	No changes
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DA3 – 04 Variation of Prohibited and Restricted Burning Times	No changes
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NEW DELEGATION	DETAILS
DA11 – 01 Meelup Regional Park Management Committee	Corrected the Power/Duty Delegated and Function of delegation to section 3.18 Performing Executive Functions of the <i>Local Government Act 1995</i> to correctly reflect the power to be delegated to the Committee. Updated the Conditions of the delegation to correctly reflect the Committee Terms of Reference. Amended function to include words 'the power to'.
DA11 – 02 Audit Committee	Corrected the 'Delegated To' from the Chief Executive Officer to the Audit Committee. Expanded subsections of the delegation function to improve alignment with specific delegated powers and the understanding of the powers and duties being delegated. Improved the Conditions of the delegation to include limitations of the Committee powers in relation to sections 7.12A(3) and 7.12A(4)

Statutory Environment

Section 5.42 of the Act provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of Council. Council has the right to impose conditions on any delegation it grants.

Section 5.16 of the Act provides the ability for powers and duties to be delegated to Committees.

Section 44 of the *Cat Act 2011* provides the power for the CEO to delegate the exercise of its functions and discharge of its duties to the CEO.

Section 10AA of the *Dog Act 1976* provides Council with the ability to delegate powers and duties to the CEO.

The *Local Government Act 1995*, the *Cat Act 2011* and the *Dog Act 1976* require the review of delegations at least once every financial year.

Section 5.46 of the *Local Government Act 1995* requires that all delegations are contained within a Register. The *Local Government (Administration) Regulations 1996* require that where a decision has been made under delegated authority, records of that decision must be kept in accordance with the Regulations.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council may choose:

1. Not to accept any amendments to the delegations; or
2. To request further amendments are made to the delegations.

CONCLUSION

The statutory review of delegations has been completed and it is recommended that Council adopt the continuing and amended delegations as per the Recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Delegation of Authority Register will be amended immediately following adoption by Council.

City of Busselton

Delegations to the Chief Executive Officer

THE LOCAL GOVERNMENT ACT 1995

DA 1 – 01 Issuing Notices

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.25(1), s.3.26(2), s.3.26(3)
FUNCTION	s.3.25 The power to give notices requiring certain things to be done by owner or occupier of land s.3.26(2) The power to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given s.3.26(3) The power to recover the cost of anything from an action under subsection (2)
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3D - Notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given	

City of Busselton

DA 1 – 02 ~~General Procedure for Entering Property~~ Entry in an Emergency

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.34 s.3.31(2)
FUNCTION	s.3.34(1) The power to lawfully enter s.3.34(3) The power to use reasonable force s.3.34(4) To exercise the power of entry s.3.31 – General procedure for entering property
CONDITIONS	Nil Delegated authority may only be used where there is imminent or substantial risk to public safety or property
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG3E – General procedure for entering property	

City of Busselton

DA 1 – 03 ~~Power to Remove and Impound~~ Abandoned vehicle wreck

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.39 , s.3.40A
FUNCTION	s.3.39 – Power to remove and impound s.3.40A(4) The power to declare that the vehicle is an abandoned vehicle wreck
CONDITIONS	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with Delegation DA1 – 04 Disposing of Uncollected Goods
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 03 Power to Remove and Impound

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3F – Power to Remove and Impound; Abandoned Vehicle Wrecks may be taken	

City of Busselton

DA 1 – 04	Disposing of Uncollected Goods Confiscated or Uncollected Goods
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.46, s.3.47(2), s.3.48(2a)
FUNCTION	s.3.46(1) The power to refuse to allow impounded goods to be collect until costs are paid s.3.46(2) The power to refuse to allow removed goods to be collect until costs are paid s.3.47(1) The power to sell or otherwise dispose of goods under s.3.43 s.3.47(2) The power to sell or otherwise dispose of any vehicle s.3.47(2a) The power to sell or otherwise dispose of impounded goods s.3.48 The power to recover impounding expenses
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 04 Disposing of Uncollected Goods

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG3G – Disposing of Uncollected Goods	

City of Busselton

DA 1 – 05	Closure of Thoroughfares
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.50(1), s.3.50(1a), s.3.50(4), s.3.50(6), s.3.50A <i>Local Government (Functions and General) Regulations 1996</i> Regulation 6
FUNCTION	s.3.50(1) The power to close any thoroughfare, for a period not exceeding 4 weeks s.3.50(1a) The power to close any thoroughfare for a period exceeding 4 weeks s.3.50(6) The power to revoke an order s.3.50A The power to partially close a of thoroughfare for repairs or maintenance Regulation 6 Transitional provisions about road closures
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
POWER / DUTY ASSIGNED TO	Local Government
SUB DELEGATION	S1 – 05 Closure of Thoroughfares

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3H – Closing of Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance	

City of Busselton

DA 1 – 06	Meelup Regional Park Management Reserve Under the Control of the Local Government Committee
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegation of powers and duties to certain committees
DELEGATED TO	Meelup Regional Park Management Committee <u>Chief Executive Officer</u>
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.53 s.3.54(1)
FUNCTION	s.353 Control of certain unvested facilities s.3.54 Reserves under control of local government
CONDITIONS	The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of fund contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council. <u>Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.</u>
POLICY	<u>Council Policy: Asset Management</u> <u>Council Policy: Al Fresco Trading in the Busselton City Centre</u> <u>Council Policy: Commercial Use of City Land and Facilities</u> <u>Council Policy: Community Hire of City Property</u> <u>Council Policy: Leasing of City Premises Governance of Meelup Regional Park</u>
REFERENCE DOCUMENTS	and (INSERT HYPERLINKS)
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	July 2018	
PREVIOUS DELEGATION REFERENCE	LG31 – Reserve Under the Control of the Local Government	

City of Busselton

DA 1 – 07	Inviting, Rejecting and Accepting Tenders
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.18, s.3.57 Power to enter into a contract for the purchase of goods and services Local Government (Functions and General) Regulations 1996 Regulations 11 (including the power to determine that a relevant exception under Regulation 11(2) applies), 13, 14, 18, 20, 21A
FUNCTION	<p><u>s.3.18</u> <u>The power to perform executive functions</u> Power to enter into a contract for the purchase of goods and services</p> <p><u>s.3.57</u> <u>Tenders for providing goods or services</u></p> <p><u>Regulation 11(1)</u> <u>The power to determine Wwhen tenders have to be publicly invited</u></p> <p><u>Regulation 11(2)</u> <u>The power to determine that a relevant exemption -applies</u></p> <p><u>Regulation 13</u> <u>Requirements when local government invites tenders when not required to do so</u></p> <p><u>Regulation 14(2a)</u> <u>The power to determine in writing, before tenders are called, the criteria for acceptance of tenders</u></p> <p><u>Regulation 14(4)(a)</u> <u>The power to determine the information that is to be disclosed</u></p> <p><u>Regulation 14(5)</u> <u>The power to vary tender information after public notice and provide notice of variation to information</u></p> <p><u>Regulation 18(4)</u> <u>The power to evaluate tenders, by written evaluation, and decide which is the most advantageous</u></p> <p><u>Regulation 18(4a)</u> <u>The power to seek clarification from tenderers in relation to information contained in their tender submission</u></p> <p><u>Regulation 18(5)</u> <u>The power to decline any tender</u></p> <p><u>Regulation 18(6), (7)</u> <u>The power to accept another tender where within 6 months of either accepting a tender, a contract has not been entered into or the successful tenderer agrees to terminate the contract.</u></p> <p><u>Regulation 20</u> <u>The power to vary the requirements before entry into contract</u></p> <p><u>Regulation 21A</u> <u>The power to vary a contract for the supply -of goods or services</u></p>

City of Busselton

CONDITIONS	This delegation is subject to: (a) Complying with the requirements of the City of Busselton's Purchasing Policy as it relates to tendering; (b) Following any applicable staff management practices and operational procedures; and (c) Not accepting any tender or entering into any contract having a value exceeding \$500,000
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Tender Register
SUB DELEGATION	S1 – 07 Inviting, Rejecting and Accepting Tenders

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1103/179	Recent Council Resolution C2006/049
RECENT ALTERATIONS	June 2020 - Legislative amendments to purchasing requirements	
PREVIOUS DELEGATION REFERENCE	LG3J – Inviting Tenders and Rejecting and Accepting Tenders	

City of Busselton

DA 1 – 08 ~~Preliminary Selection of Tenderers~~ Expression of Interest for Goods and Services

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<u><i>Local Government Act 1995</i></u> <u>s.3.57</u> <i>Local Government (Functions and General) Regulations 1996</i> Regulations 21 (1) , 23 (3)
FUNCTION	<u>s.3.57</u> The power to call tenders for providing goods or services <u>Regulation 21</u> The power to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services. <u>Regulation 23(2)</u> The power to determine when an Expression of Interest may be rejected <u>Regulation 23(3)</u> The power to consider an expression of interest that has not rejected
CONDITIONS	Nil Expressions of interest for goods and services may only be called where there is an adopted budget for the proposed goods or services.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1606/139	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3K – Preliminary Selection of Tenderers	

City of Busselton

DA 1 – 09 – Airport Redevelopment Project – Inviting, Rejecting and Accepting Tenders

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.57 Local Government (Functions and General) Regulations 1996 Regulation 11, 13, 14, 18, 20, 21A
FUNCTION	s.3.57 Tenders for providing goods or services Regulation 11 When tenders have to be publicly invited Regulation 13 Requirements when local government invites tenders though not required to do so Regulation 14 Publicly inviting tenders, requirements for Regulation 18 Rejecting and accepting tenders Regulation 20 Variation of requirements before entry into contract Regulation 21A Varying a contract for the supply of goods or services
CONDITIONS	This delegation is subject to: (a) Complying with the requirements of the City of Busselton's Purchasing Policy as it relates to tendering; (b) Following any applicable operational practices and operational procedures; (c) Acceptance of a tender is not to exceed a contract value of \$1,000,000; (d) Any contract variation is not to exceed 10% of the contract value; and (e)(a) The delegation to accept a tender can only be exercised with agreement from the Chief Executive Officer of the South-West Development Commission.
POLICY	Council Policy: <u>Purchasing</u>
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD-KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1508/219	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3L – Airport Redevelopment Project – Inviting Tenders and Rejecting and Accepting Tenders	

City of Busseton

DA 1 – 10	Panels of Pre-Qualified Suppliers
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government (Functions and General) Regulations 1996</i> Part 4, Division 3
FUNCTION	<u>Regulation 24AB The power to establish panels of pre-qualified suppliers</u> <u>Regulation 24AC The power to set the requirements before establishing panels of pre-qualified suppliers</u> <u>Regulation 24AD The power to set the requirements when inviting persons to apply to join panel of pre-qualified suppliers</u> <u>Regulation 24AH The power to reject and accept applications to join panel of pre-qualified suppliers</u> <u>Regulation 24AJ The power to enter into contracts with pre-qualified suppliers</u>
CONDITIONS	This delegation is subject to: (a) Compliance with the requirements of the City of Busseton's Purchasing Policy as it relates to panels of pre-qualified suppliers; and (b) The contract value of any particular goods or services to be procured from a particular supplier or in connect with a particular project is not to exceed \$500,000.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1508/219	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3M – Establishment of Panels of Pre-Qualified Suppliers	

City of Busselton

DA 1 – 11	Amendments to the Consolidated Parking Scheme
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>City of Busselton Parking Local Law 2011</i> Section 1.10
FUNCTION	s.1.10 Powers of Council
CONDITIONS	<p>The Chief Executive Officer shall ensure Councillors are provided with details of all proposed amendments to the Scheme, and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before a delegation is exercised.</p> <p>Any two or more Councillors may consider a proposed amendment to the Consolidated Parking Scheme to be of strategic significance and/or high community interest and request the CEO in writing, to present the proposal to Council for consideration. If the request is supported, the proposed amendment shall be present to the first practicable Council meeting for consideration.</p> <p><i>Note: any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular proposal, but it would generally be expected that they would first seek to exercise the call-in provision as outlined above.</i></p>
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulator Functions
REFERENCE DOCUMENTS	City of Busselton Parking Local Law 2011 2020
SUB DELEGATION	S1 – 11 Amendments to the Consolidated Parking Scheme

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1802/021	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3N – Amendments to the Consolidated Parking Scheme	

City of Busselton

DA 1 – 12	Disposing of Property (Leases at the Busselton Margaret River Airport)
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> <u>s.3.18, s.3.58(2), (3), (4)</u>
FUNCTION	<u>s.3.18</u> The power to perform executive functions <u>s.3.58</u> The power to dispose of property
CONDITIONS	This delegation is subject to: <ol style="list-style-type: none"> 1. The property being located at the Busselton Margaret River Airport; 2. The means of disposal being a lease; 3. The term of the lease (including options) being up to a maximum of 20 years; 4. The initial annual market rental value of the lease being less than: <ol style="list-style-type: none"> a. \$10,000.00 per annum for a ground lease; and b. \$50,000.00 per annum for any other lease; 5. The disposition not being of a significant commercial and strategic nature; and 6. At least every six months City officers must provide Councillors a summary and update of leases entered into under this delegation.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'
VERIFICATION	Initial Council Resolution C1811/244 Recent Council Resolution C1811/244 C1908/168
RECENT ALTERATIONS	Nil
PREVIOUS DELEGATION REFERENCE	LG30 – Disposing of Property (Leases at Busselton Margaret River Airport)

City of Busselton

DA 1 – 13 ~~Authority to destroy an impounded~~ Dispose of sick or injured animals

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.47A (1), (2), (3)
FUNCTION	s.3.47A <u>The power to humanely destroy an animal and dispose of the carcass</u>
CONDITIONS	<u>This delegation is only to be used where the all reasonable efforts to identify and contact an owner have been exhausted Nil</u>
POLICY	<u>Council Policy: Ranger and Emergency Services Approach to Regulatory Functions</u> <u>Council Policy: Rehoming of Impounded Dogs and Cats Nil</u>
REFERENCE DOCUMENTS	<u>Cat Act 2011</u> <u>Keeping and Control of Cats Local Law 2014</u> <u>Dog Act 1976</u> <u>Dogs Local Law 2014</u>
SUB DELEGATION	<u>S1 – 13A</u> <u>Authority to destroy an impounded sick or injured animal</u> <u>S1 – 13B</u> <u>Authority to destroy an impounded sick or injured animal</u>

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C1812/264 <u>C1908/168</u>
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG3Q – Authority to destroy an impounded sick or injured animal	

City of Busselton

DA 1 – 14	Power to Defer, Grant Discounts, Waive or Write-Off Debts
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.12(1)(b), s.6.12(1)(c), s.6.12(3)
FUNCTION	<p>s.6.12(1)(b) <u>The power to waive or grant concessions in relation to any amount of moneys</u></p> <p>s.6.12(1)(c) <u>The power to write off any amount of money</u></p> <p>s.6.12(3) <u>The power to determine conditions imposed on the granting of a concession</u></p>
CONDITIONS	<ol style="list-style-type: none"> Any waiver or granting of concession shall only be up to \$2,000 and considered solely on its merits; and any debt write-off approved shall be less than \$2,000. Any waiver or granting of concession as it applies to any COVID-19 Financial Hardship application, shall only be up to \$50,000 and considered solely on its merits; and any COVID-19 Financial Hardship application approved for debt write-off shall be less than \$50,000 and will take into account the COVID-19 Financial Hardship Policy. The power to defer, grant discounts, waive or write-off debts as it relates to any COVID-19 Financial Hardship application is applicable only until the cessation date of the Western Australian State of Emergency Declaration or any extension thereof.
POLICY	Council Policy: COVID-19 Financial Hardship
REFERENCE DOCUMENTS	City of Busselton COVID-19 Financial Hardship Brochure and FAQ's City of Busselton COVID-19 Financial Hardship Application Form WALGA Template COVID-19 Financial Hardship Policy
<u>SUB DELEGATION</u>	S1 – 14A Power to Defer, Grant Discounts, Waive or Write-Off Debts S1 – 14B Power to Defer, Grant Discounts, Waive or Write-Off Debts S1 – 14C Power to Defer, Grant Discounts, Waive or Write-Off Debts

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'
<u>VERIFICATION</u>	Initial Council Resolution C0806/188 Recent Council Resolution C2007/075
<u>RECENT ALTERATIONS</u>	29 July 2020 – Amended to ensure financial hardship requests can be processed into the 20/21 financial year.

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PREVIOUS DELEGATION REFERENCE	<u>LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts</u>	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2004/104
RECENT ALTERATIONS	1 April 2020 – Amended monetary amounts due to the City's response to the COVID-19 Crisis.	
PREVIOUS DELEGATION REFERENCE	<u>LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts</u>	

City of Busselton

DA 1 – 15 Rates and Service Charges	
POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<u>Local Government Act 1995</u> <u>s.5.42 Delegation of some powers or duties to CEO</u> <u>s.5.43 Limitations on delegations to CEO</u>
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<u>Local Government Act 1995</u> <u>s.6.45, s.6.49, s.6.50, s.6.56, s.6.60, s.6.64, s.6.71, s.6.74, s.6.76</u>
FUNCTION	<u>s.6.45(3) The power to impose an additional charge for instalments</u> <u>s.6.49 The power to enter into an agreement for the payment of rates and service charges</u> <u>s.6.50 The power to set rates or service charges due and payable</u> <u>s.6.56 The power to recover, in court, rates or service charges due</u> <u>s.6.60(4) The power to recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with a notice</u> <u>s.6.64(1) The power to take possession of land and hold land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years</u> <u>s.6.69(2) The power to agree to the terms and conditions between parties and accept payment of the outstanding rates or service charges</u> <u>s.6.71 The power to transfer land to Crown or local government</u> <u>s.6.74 The power to have land vested in Crown if rate in arrears 3 years</u> <u>s.6.76(4) The power to extend the time for a person to make an objection to a rate records</u> <u>s.6.76(5) The power to consider any objection and disallow or allow it, wholly or in part</u>
CONDITIONS	Nil
POLICY	Proposed: Debt Recovery Policy
REFERENCE DOCUMENTS	<u>Rates and Charges (Rebates and Deferments) Act 1992</u> <u>Transfer of Land Act 1893</u>
SUB DELEGATION	<u>S1 – 15 Rates and Service Charges</u>

City of Busselton

<u>RECORD KEEPING</u>	<u>ECM – GOVN001 'Authorised Delegation of Power/Authority'</u>	
<u>VERIFICATION</u>	<u>Initial Council Resolution</u> <u>C0806/188</u>	<u>Recent Council Resolution</u> <u>C1908/168</u>
<u>RECENT ALTERATIONS</u>	<u>Nil</u>	

City of Busselton

DA 1 – 16	Investment of Surplus Funds
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.14
FUNCTION	<u>s.6.14(1)</u> The power to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose Power to invest
CONDITIONS	Council approval is required for any investment in Managed Investments
POLICY	Council Policy: Investment
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 16 Investment of Surplus Funds

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150 C1908/168
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG6D – Investment of Surplus Funds	

City of Busselton

DA 1 – 19	Urgent Legal Representation
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.9.56 Certain persons protected from liability for wrongdoing Council Policy: <u>Legal Representation for Council Members and Employees</u>
FUNCTION	s.9.56 Certain persons protected from liability for wrongdoing
CONDITIONS	<ol style="list-style-type: none"> 1. The authority to approval applications for urgent legal representation for Council members and employees is limited to a maximum of \$10,000; 2. An application approved by the CEO is to be submitted at the next ordinary meeting of Council; 3. The determination must be made pursuant to Council Policy 'Legal Representation for Council Members and Employees'.
POLICY	Council Policy: <u>Legal Representation for Council Members and Employees</u>
REFERENCE DOCUMENTS	<u>Local Government Operational Guideline Number 14 April, 2016</u>
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	March 2017	
PREVIOUS DELEGATION REFERENCE	LG5A – Provision of Urgent Legal Services	

Amended Delegated Authorities - Tracked Changes

City of Busselton

DA 1 – 20	Administer Local Laws
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18
FUNCTION	s.3.18 The power to perform executive functions
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	City of Busselton Local Laws: <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2015 • Busselton Regional Airport Local Law 2012 • Keeping and Control of Cats Local Law 2014 • Cemeteries Local Law 2015 • Waste Local Law 2016 • Dogs Local Law 2014 • Dust and Building Waste Control Local Law 2010 • Health Local Law 1997 • Holiday Homes Local Law 2012 • Jetties Local Law 2014 • Local Government Property Local Law 2010 • Parking Local Law 2011 Parking Local Law 2020 • Standing Orders Local Law 2018
SUB DELEGATION	S1 – 20 Administer Local Laws

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3A – Executive Function – Determining Applications Under Local Laws and Enforcement of Local Law Provisions	

City of Busselton

DA 1 – 21A Acquisition of Property

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.18 s.3.55, s.3.59 Local Government (Financial Management) Regulations 1996 Regulation 12
FUNCTION	s.3.18 The power to perform executive functions Regulation 12 Payments from municipal fund or trust fund, restrictions on making
CONDITIONS	In accordance with s.5.43(d) of the Local Government Act 1995, the value of the property to be acquired shall not exceed \$100,000
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 21 Acquisition of Property

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1706/151	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3B – Acquisition of Property	

City of Busselton

DA 1 – 22A Disposition of Property: Other than by Lease

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58 Power to dispose of property, other than by lease Requirements before disposing <i>Local Government (Functions and General) Regulations 1996</i> Regulations 30-(2)(a)
FUNCTION	s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty Regulation 30 (2)(a) The power to determine an insignificant benefit
CONDITIONS	1. The value of the land to be disposed of shall not exceed \$20,000 other than if paragraph (2) applies; or 2. Where the property is land valued at less than \$100,000 and has been put to public auction or put out to tender and not sold, the land may be disposed of in accordance with Regulation 30 (2)(a) of the <i>Local Government (Functions and General) Regulations 1996</i> ; and 3. The value of property other than land to be disposed of shall not exceed \$100,000; and 4. Where the value of property other than land does not exceed \$20,000 the property may be disposed of in accordance with Regulation 30 (3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i> .
POLICY	Nil
REFERENCE DOCUMENTS	Nil
<u>SUB DELEGATION</u>	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C2006/050	Recent Council Resolution C2006/050
RECENT ALTERATIONS	June 2020 Rescission of DA 1 – 22: Adoption of DA 1 – 22A and DA 1 – 22B	

City of Busselton

PREVIOUS DELEGATION REFERENCES	DA 1 – 22 – Disposing of Property LG3C – Disposing of Property
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City of Busselton

DA 1 – 22B Disposition of Property: Leasing and Licensing of Land and Buildings

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58 Power to lease and license land and buildings; Requirements before disposing
FUNCTION	<p>s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty</p> <p><u>Requirements before disposing of property</u></p> <p>Leasing and licensing of land and buildings, including assignments of existing leases and licences and the renewal of a lease by a lessee, where –</p> <ul style="list-style-type: none"> (a) The land and/or buildings are established sporting or community facilities (including on managed reserve land) and where any part of the land or building has been leased or licensed before by the City; or (b) The land and/or buildings are for the purpose of storage only and are of an area of not more than 100 square metres.
CONDITIONS	<ol style="list-style-type: none"> 1. The permitted use of the land or buildings must be consistent with: <ul style="list-style-type: none"> (a) The designated purpose of the property; or (b) The general or ancillary use of the land or buildings immediately prior to the entering into of a lease; or (c) If the land or building has recently been acquired or a new or amended management order has been made in respect of a managed reserve, the purpose for which the property has been acquired or is to be managed. 2. The value of the lease or licence (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis) must not exceed \$25,000). 3. The maximum term of the lease or licence, including any right by a lessee to assign the lease or licence or to sublease or sublicense the land and/or buildings shall not exceed 10 years (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis). 4. At least every six months and more frequently if required by the Mayor or CEO, City officers shall provide Councillors a summary and update of leases or licences entered into under this delegation.

City of Busselton

POLICY	Nil
<u>REFERENCE DOCUMENTS</u>	
<u>SUB DELEGATION</u>	

<u>RECORD KEEPING</u>	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
<u>VERIFICATION</u>	<u>Initial Council Resolution C2006/050</u>	<u>Recent Council Resolution C2006/050</u>
<u>RECENT ALTERATIONS</u>	<u>June 2020</u> <u>Rescission of DA 1 – 22: Adoption of DA 1 – 22A and DA 1 – 22B</u>	
<u>PREVIOUS DELEGATION REFERENCES</u>	<u>DA 1 – 22 – Disposing of Property</u> <u>LG3C – Disposing of Property</u>	

City of Busselton

DA 1 – 23	Payments from Municipal Fund or Trust Fund
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.10 <i>Local Government (Financial Management) Regulations 1996</i> Regulation 12
FUNCTION	<u>s.6.10 Financial management regulations</u> <u>Regulation 12(1) The power to make payments from</u> <u>municipal fund or trust fund,</u>
CONDITIONS	With respect to allocation of donations and sponsorship from the fund established for this purpose in accordance with the Council's tiered funding scheme, individual payments from this fund are not to exceed \$1,000 unless prior consultation with the Finance Committee has occurred.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	August 2017	
PREVIOUS DELEGATION REFERENCE	LG6A – Payments from the Municipal Fund or Trust Fund	

City of Busselton

DA 1 – 24	Affixing of the Common Seal
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.9.49A(2)
FUNCTION	<u>s.9.49A(2)</u> The power to affix the common seal Execution of documents
CONDITIONS	The CEO is authorised to affix the Common Seal to all documents that require it to be legally effective and to carry out the functions of a CEO.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1005/169	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG9B – Authorising the Affixing of the Common Seal to Documents	

City of Busselton

BUILDING ACT 2011

DA 2 – 01 The Powers and Duties of the Local Government pursuant to the Building Act 2011

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Building Act 2011</i> Part 8, Division 2, Section 96 Part 10, Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Building Act 2011</i>
FUNCTION	<u>The powers and duties of the local government pursuant to the Building Act 2011</u>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S2 – 01 Building Act 2011 and Building Regulations 2012

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

BUSH FIRES ACT 1954

DA 3 – 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954

POWER / DUTY ASSIGNED TO	Local Government	
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Part V, Section 48	
DELEGATED TO	Chief Executive Officer	
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>	
FUNCTION	All powers of the local government pursuant to the Bush Fires Act 1954	
CONDITIONS	<ol style="list-style-type: none"> Excludes the powers and duties that are subject to separate delegated authority within this Register as set out below: <ol style="list-style-type: none"> DA 3 – 02 Appointment of Bush Fire Control Officers; DA 3 – 03 Prosecutions and Infringements; DA 3 – 04 Variation of Prohibited and Restricted Burning Times A delegation as per s.48 does not include the power to sub-delegate 	
POLICY	Council Policy: Bush Fire Brigade Accounting Council Policy: Bush Fire Brigade Grievance Process Disciplinary Action Council Policy: Meetings of Bush Fire Brigades Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values	
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice	
SUB DELEGATION		

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C969/0425	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BF1 – The performance of any of the functions of the local government under the Act	

City of Busselton

DA 3 – 02	Appointment of Bush Fire Control Officers
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Part V, Section 48 Delegation by Local Governments
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Bush Fires Act 1954</i> Part IV, Section 38
FUNCTION	s.38 Local government may appoint bush fire control officer
CONDITIONS	<ol style="list-style-type: none"> 1. This delegation is limited to the appointment of members of volunteer bush fire brigades and the City Ranger and Emergency Services Staff; 2. In the case of appointment of members of volunteer bush fire brigades, the delegation shall only be exercised where there is a recommendation to appoint from the Bush Fire Advisory Committee; and 3. This delegation does not extend to the appointment of Chief or Deputy Bush Fire Control Officers.
POLICY	Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C969/0425	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BF2 – Appointment of Bush Fire Control Officers	

City of Busselton

DA 3 – 03	To Institute a Prosecution, or to Issue an Infringement
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Section 48 Delegation by Local Governments
DELEGATED TO	Chief Executive Officer Bush Fire Control Officer/s Director Planning and Development Manager Environmental Services Ranger and Emergency Services Coordinator Senior Ranger/s Ranger/s
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
CONDITIONS	<ol style="list-style-type: none"> 1. Rangers and Senior Rangers are prohibited from commencing a prosecution for an offence against the <i>Bush Fire Act 1954</i>; 2. Rangers and Senior Rangers are prohibited from instituting legal proceedings pursuant to s.59A(3) of the <i>Bush Fire Act 1954</i>; and 3. A delegation as per s.48 of the <i>Bush Fire Act 1954</i> does not include the power to sub-delegate
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Bush Fire (Infringement) Regulations 1978 Annual Firebreak and Fuel Hazard Reduction Notice
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C1812/264
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	BF3 – To Institute a Prosecution, or to Issue an Infringement	

City of Busselton

DA 3 – 04	Variation of Prohibited and Restricted Burning Times
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Section 48 Delegation by Local Governments
DELEGATED TO	Mayor Chief Bush Fire Control Officer
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	<u>s.17</u> <u>Prohibited burning times may be declared by Minister</u> <u>s.18</u> <u>Restricted burning times may be declared by FES Commissioner</u>
CONDITIONS	<ol style="list-style-type: none"> 1. The powers and duties pursuant to sections 17 and 18 of the <i>Bush Fires Act 1954</i> are jointly delegated to the Mayor and Chief Bush Fire Control Officer; and 2. Decisions under s.17 (7) must comply with the requirements of s.17(7B) and s.17(8).
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C1812/264
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	BF4 – Variation of Prohibited and Restricted Burning Times	

City of Busselton

CAT ACT 2011DA 4 – 01 The Powers and Duties of the Local Government pursuant to the *Cat Act 2011*

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Cat Act 2011</i> Part 4, Division 2, Section 44
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Cat Act 2011</i>
FUNCTION	All powers and duties of a local government pursuant to the <i>Cat Act 2011</i>
CONDITIONS	Nil
POLICY	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Keeping and Control of Cats Local Law 2014
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1310/285	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	CA1 – The Powers and Duties of the <i>Cat Act 2011</i>	

City of Busselton

DOG ACT 1976DA 5 – 01 The Powers and Duties of the Local Government pursuant to *Dog Act 1976*

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Dog Act 1976</i> Section 10AA
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Dog Act 1976</i>
FUNCTION	All the powers and duties of the local government pursuant to the <i>Dog Act 1976</i>
CONDITIONS	Nil
POLICY	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Dogs Local Law 2014
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1310/285	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	DA1 – The powers and duties of the Dog Act 1976 including the authority to further delegate	

City of Busselton

GRAFFITI VANDALISM ACT 2016DA 6 – 01 The Powers and Duties of a Local Government pursuant to the *Graffiti Vandalism Act 2016*

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Graffiti Vandalism Act 2016</i> Section 16
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Graffiti Vandalism Act 2016</i>
FUNCTION	All the powers and duties of a local government pursuant to the <i>Graffiti Vandalism Act 2016</i>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Department of Local Government and Communities Circular No.18-2016 'Graffiti Vandalism Act 2016'
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1706/131	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	GV1 – Exercise of any of the local governments powers or the discharge of any of its duties under Part 3 of the <i>Graffiti Vandalism Act 2016</i>	

City of Busselton

PLANNING AND DEVELOPMENT ACT 2005

DA 7 – 01 Development Control

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Planning and Development Act 2005</i> s.162 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>The Planning and Development (Local Planning Schemes) Regulations 2015</i>
FUNCTION	<u>The powers and duties of the local government able to be delegated under clause 82, Schedule 2 – Deemed Provisions for local planning schemes.</u>
CONDITIONS	<p>1. 'Call-in' provisions Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and <i>request</i> the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p><i>Note: Any Councillor may also submit a notice of motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.</i></p> <p>2. Reconsideration of applications for development approval Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>"Reconsideration" is a not a defined term in the City of Busselton Local Planning Scheme No. 21 or the Planning and Development (Local Planning Scheme) Regulations 2015, however for the purposes of this delegation, the term relates to applications to: a) a request to amend or delete conditions of a development approval, where City officers are not supportive of that request and informal discussion with the applicant has not resolved the issue; and b) to new development applications which are substantially the same as an earlier application refused under delegation</p>

City of Busselton

	<p>This condition relates to applications to amend an approval where reconsideration of conditions is being requested, and also to new applications which are substantially the same as an earlier application refused under delegation (where the request is made within 60 days of the original determination date).</p> <p>3. Structure Plans, Activity Centre Plans, Local Development Plans, Developer Contribution Plans</p> <p>Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan, Activity Centre plan and/or Local Development Plan, the CEO shall ensure that a copy of the respective plan, together with a report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>These delegations do not extend to the making of recommendations to the Western Australian Planning Commission regarding adoption or amendment to the Developer Contribution Plans.</p> <p>4. Local Planning Policies, Local Heritage List, Heritage Precincts</p> <p>Decisions relating to adoption, revocation or amendment of local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.</p> <p>5. Applications for review by the State Administrative Tribunal (SAT)</p> <p>Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 may also be made under delegation.</p> <p>Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 shall be presented to the Council for consideration, unless officers have briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the 'call-in' provisions set out at Condition 1 above have not been exercised before the decision is made, and that Councillors have also been briefed on the matter as per Condition 6 below, to provide an opportunity for Councillors to exercise the 'call-in' provisions.</p> <p>6. Briefing and Reporting</p> <p>Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significant and/or high community interest, and on issues raised by Councillors. Each Friday, or in the case of Fridays which are public holidays, the next working day, a summary of applications received and determined in the preceding period (usually the preceding Friday to Thursday) shall be published on the City's website.</p>
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City of Busselton

	Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S7 – 01A PDR1 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01B PDR2 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01C PDR3 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01D PDR4 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01E PDR5 Planning and Development (Local Planning Schemes) Regulations 2015

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1703/042	Recent Council Resolution C2009/109
RECENT ALTERATIONS	September 2020	
PREVIOUS DELEGATION REFERENCE	PDR1 – Development Control	

City of Busselton

DA 7 – 02	Unauthorised Development
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Planning and Development Act 2005</i> s.214(2), (3) and (5)
FUNCTION	s.214(2) The power to give written direction to stop or not recommence s.2.14(3) The power to give written direction to remove or restore s.2.14(5) The power to give written direction to execute the work Illegal development, responsible authority's power as to
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	
SUB DELEGATION	S7 – 02 Unauthorised Development

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1106/199	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG5B – Directions regarding unauthorised development	

City of Busselton

STRATA TITLES ACT 1985DA 8 – 01 Certificate of Approval pursuant to the *Strata Titles Act 1985*

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Strata Titles Act 1985</i> s.25 <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Strata Titles Act 1985</i>
FUNCTION	s.25 Certificate of Commission
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Planning Bulletin 52/2009
SUB DELEGATION	S8 – 01 Certificate of Approval

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1409/235	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	STA1 – Certificate of Approval	

City of Busselton

CRIMINAL PROCEDURE ACT 2004DA 9 – 01 Criminal Procedure Act 2004 - ~~Authorised Persons of~~ **Authorised and Approved Persons**

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Criminal Procedure Act 2004</i> Part 2, Section 7
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Health (Asbestos) Regulations 1992</i>
FUNCTION	<u>All the powers of an authorised person pursuant to the Health (Asbestos) Regulations 1992</u> <u>All the powers of an approved persons pursuant to the Health (Asbestos) Regulations 1992</u>
CONDITIONS	<u>Authorised Persons:</u> Authorised p Persons can issue infringement notices under the Criminal Procedure Act 2004 for breaches of the Health (Asbestos) Regulations 1992. Authorised Persons cannot withdraw or extend the pay period of an infringement notice issued under this legislation. <u>Approved Persons:</u> <u>Approved persons can withdraw or extend the pay period of infringement notices issues under the Criminal Procedure Act 2004 for breaches of the Health (Asbestos) Regulations 1992. Approved Persons cannot issue infringement notices under this legislation.</u>
POLICY	Nil
REFERENCE DOCUMENTS	Criminal Procedure Act 2004 Health (Asbestos) Regulations 1992
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1703/061	Recent Council Resolution C1703/061
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	CPA1 – Authorised Persons of the Criminal Procedure Act 2004	

City of Busselton

DA 9 – 02 – ~~Criminal Procedure Act 2004 – Approved Persons of~~

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Criminal Procedure Act 2004 Part 2
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Health (Asbestos) Regulations 1992
FUNCTION	Part 2 – Dealing with alleged offenders without prosecuting them
CONDITIONS	Approved Persons can withdraw or extend the pay period of infringement notices issues under the Criminal Procedure Act 2004 for breaches of the Health (Asbestos) Regulations 1992. Approved Persons cannot issue infringement notices under this legislation.
POLICY	Nil
REFERENCE DOCUMENTS	Criminal Procedure Act 2004 Health (Asbestos) Regulations 1992
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1703/061	Recent Council Resolution C1703/061
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	CPA2 – Approved Persons of the Criminal Procedure Act 2004	

City of Busselton

PUBLIC HEALTH ACT 2016

DA 10 – 01 Public Health Act 2016 - Authorised Persons of

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Public Health Act 2016</i> Section 21
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Public Health Act 2016</i> Section 24
FUNCTION	s.24 Designation of authorised officers
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1706/061	Recent Council Resolution C1703/061
RECENT ALTERATIONS		
PREVIOUS DELEGATION REFERENCE	PHA1 – Section 21 under the Public Health Act 2016, Authorised Persons of the Public Health Act 2016	

City of Busselton

Delegations to the Committees**LOCAL GOVERNMENT ACT 1995****DA 11 – 01 Meelup Regional Park Management Committee**

<u>POWER / DUTY ASSIGNED TO</u>	Local Government
<u>POWER TO DELEGATE</u>	<u>Local Government Act 1995</u> <u>s.5.16 Delegation of some powers and duties to certain committees</u> <u>s.5.17 Limits on delegation of powers and duties to certain committees</u>
<u>DELEGATED TO</u>	<u>Meelup Regional Park Management Committee</u>
<u>POWER / DUTY DELEGATED</u>	<u>Local Government Act 1995</u> <u>s.3.5184(1)</u>
<u>FUNCTION</u>	<u>s.3.18 Performing executive functions</u> <u>54 Reserves under control of local government</u>
<u>CONDITIONS</u>	<p>The above power or duty is to adopt plans, policies or documents that relate to the management of the park other than where those plans, policies or documents require adoption pursuant to a particular statutory power.</p> <p>The Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.</p>
<u>POLICY</u>	<u>Council Policy: Governance of Meelup Regional Park</u>
<u>REFERENCE DOCUMENTS</u>	<u>Meelup Regional Park Management Committee's Terms of Reference and Working Group Terms of Reference</u>
<u>SUB DELEGATION</u>	

<u>RECORD KEEPING</u>	<u>ECM – GOVN001 'Authorised Delegation of Power/Authority'</u>	
<u>VERIFICATION</u>	<u>Initial Council Resolution C0806/188</u>	<u>Recent Council Resolution C1808/150</u>
<u>RECENT ALTERATIONS</u>	<u>July 2018</u>	
<u>PREVIOUS DELEGATION REFERENCE</u>	<u>LG3I – Reserve Under the Control of the Local Government</u>	






City of Busselton

DA 11 – 02 Audit Committee

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<u>Local Government Act 1995</u> <u>s.5.16 Delegation of some powers and duties to certain committees</u> <u>s.5.17-1B Limits on delegations-Delegation of some powers and duties to audit certain committees</u> <u>s.7.1B Delegation of some powers and duties to audit committees</u> <u>s.7.1C Decisions of audit committees</u>
DELEGATED TO	Audit Committee
POWER / DUTY DELEGATED	<u>Local Government Act 1995</u> <u>s.7.12A</u>
FUNCTION	<u>s.7.12A (2)</u> Authority to meet with the City's Auditor at least once every year on behalf of the Council <u>s.7.12A (3)</u> Authority to: a. <u>Examine the report of the Auditor and determine matters that require action to be taken by the City; and</u> b. <u>Ensure that appropriate action is taken in respect of those matters.</u> <u>s.7.12A (4)</u> Authority to review and endorse the City's report on any actions taken in response to the Auditor's report, prior to it being forwarded to the Minister.
CONDITIONS	Delegation of s.7.12A(3) and s.7.12A(4) is not to be used where a Management Letter or Audit Report raises significant issues and the local governments meeting with the Auditor must be directed to the Council.
POLICY	Nil
REFERENCE DOCUMENTS	Terms of Reference: Audit Committee
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1001/015	Recent Council Resolution C1808/150
RECENT ALTERATIONS	July 2018	
PREVIOUS DELEGATION REFERENCE	LG7A – Meeting with the Auditor	

12.3 Policy and Legislation Committee - 9/12/2020 - LOCAL PLANNING POLICY REVIEW - ADOPTION OF LOCAL PLANNING POLICIES FOLLOWING PUBLIC CONSULTATION - LPP 1.3: PRIVATE JETTIES AND BOAT LIFTING STRUCTURES; AND LPP 6.1: STORMWATER MANAGEMENT; AND LPP XX: ADVERTISEMENTS AND ADVERTISING SIGNS

STRATEGIC GOAL	2. PLACE AND SPACES Vibrant, attractive, affordable
STRATEGIC OBJECTIVE	2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.
SUBJECT INDEX	Development Control Policy
BUSINESS UNIT	Statutory Planning
REPORTING OFFICER	Senior Development Planner – Policy - Stephanie Navarro
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A LPP 1.3 - Private Jetties and Boat Lifting Structures  
	Attachment B LPP 6.1 - Stormwater Management (with track changes)  
	Attachment C LPP 6.1 - Stormwater Management (final - no track changes)  
	Attachment D LPP XX Advertisements and Advertising Signs (with track changes)  
	Attachment E LPP XX Advertisements and Advertising Signs (final - no track changes)  

This item was considered by the Policy and Legislation Committee at its meeting on 9/12/2020, the recommendations from which have been included in this report.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council:

1. Pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt as final:
 - (a) *LPP 1.3 : Private Jetties and Boat Lifting Structures*, as set out at Attachment A; and
 - (b) *LPP 6.1 : Stormwater Management*, as set out at Attachment C; and
 - (c) *LPP XX : Advertisements and Advertising Signs*, as set out at Attachment E.
2. Publish a notice of adoption in a newspaper circulating within the Scheme area in accordance with clause 4 of Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* of those Policies set out in 1 above.

EXECUTIVE SUMMARY

Council is asked to consider final adoption of the following local planning policies ('Policies' or 'Policy', as appropriate to the context) which, since being initiated by Council, have been publicly advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations'):

1. *LPP 1.3 : Private Jetties and Boat Lifting Structures*, as set out at Attachment A; and
2. *LPP 6.1 : Stormwater Management*, as set out at Attachment C; and
3. *LPP XX : Advertisements and Advertising Signs*, as set out at Attachment E.

BACKGROUND

The Regulations provide that policies may be prepared by a local government in respect of any matter relating to planning and development subject to the *City of Busselton Local Planning Scheme No. 21* ('Scheme').

The intention of a policy is to provide guidance to applicants/developers and the community in regards to the decision-making process, as well as to the local government when exercising discretion under the Scheme. Policies must be consistent with the intent of the relevant Scheme provisions, including *State Planning Policy 7.3 - Residential Design Codes* ('R-Codes'), and cannot vary development standards or requirements set out in a Scheme or impose any mandatory requirements upon development.

Policies are to be given due regard in the assessment of development applications and are listed as a "matter to be considered" when making a determination of a development application under clause 67 of Schedule 2 of the Regulations.

It is proposed as part of this report that Council adopts as final the following Policies:

- *LPP 1.3 : Private Jetties and Boat Lifting Structures*, as set out at Attachment A; and
- *LPP 6.1 : Stormwater Management*, as set out at Attachment C; and
- *LPP XX : Advertisements and Advertising Signs*, as set out at Attachment E.

The Policies were advertised via a notice placed in the local newspaper for four consecutive weeks and a portal was created on the City's *Your Say* platform website for the online lodgement of submissions.

LPP 1.3 : Private Jetties and Boat Lifting Structures and LPP 6.1 : Stormwater Management were advertised from 2 September to 30 September 2020. LPP XX : Advertisements and Advertising Signs was advertised from 1 October 2020 to 29 October 2020.

A description of the Policies being considered is set out in the 'Officer Comment' section of this report.

OFFICER COMMENT

LPP 1.3 : Private Jetties and Boat Lifting Structures

This Policy is an amended version of the City's current LPP 1.3 : Private Jetties and Boat Lifting Structures. The purpose of the amendments are as follows:

- Formatting changes to simplify and shorten the LPP;
- Modification to the LPP to allow for the consideration of mechanical boat lifting structures where it can be demonstrated that the structure will not detrimentally impact on the amenity of adjoining owners or the navigability, accessibility and usability of the canal.

During the public consultation period, no submissions were received. It is recommended that the Policy as set out in Attachment A be adopted as final.

LPP 6.1: Stormwater Management

This LPP is an amended version of the City's current LPP 6.1 : Stormwater Management. The purpose of the amendments are as follows:

- Formatting changes to simplify and shorten the LPP;
- Remove reference to a revoked LPP 6.2 : Drainage Infill Contributions Provisions;
- No change to the volumetric requirements for on-site storm water management systems however clarification provided when a Drainage Property Connection is provided at subdivision stage.

During the public consultation period, no submissions were received. Some minor administrative changes are proposed to this version of the Policy in response to further officer review to provide additional clarity. A copy of the Policy with track changes included in red is provided at Attachment B. It is recommended that the Policy as set out in Attachment C be adopted as final.

LPP XX: Advertisements and Advertising Signs

This a new Policy that is proposed to introduce controls regarding permanent advertisements and advertising signs, as defined by the Policy. Currently, the only controls applicable to Advertising Signs are contained with clauses 4.36.4, 4.41 and Schedule 11 of the Scheme as outlined below:

- Clause 4.36.4 outlines requirements for entry statements within the Rural and Viticulture and Tourism zones; and
- Clause 4.41 outlines that Advertisements are prohibited if they advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located; and
- Schedule 11 includes specific types and requirements for Advertising Signs that if met are exempt under clause 6.1 Permitted Development of the Scheme from requiring development approval.

The purpose of this Policy is follows:

- Introduce provisions relating to the maximum number and dimensions for signs that are not otherwise exempted by Schedule 11 of the Scheme;
- Provide guidance regarding what the City considers to be generally acceptable when considering advertising signs that require development approval; and
- Set requirements for signage that incorporate illumination and animation.

During the public consultation period, one submission was received which queried the need for consolidation of existing signage in a Local Centre should a new animated sign be proposed. Given that a Policy provides guidance and is not an inflexible control, no changes to the Policy are considered necessary in response to this submission as any application will be considered on its individual merits. It is noted however than some minor administrative changes are proposed to this version of the Policy in response to further officer review to provide additional clarity.

It is recommended that the Policy as set out in Attachment E be adopted as final.

Statutory Environment

The key statutory environment is set out in the *Planning and Development Act 2005* and related subsidiary legislation, including the City of Busselton Local Planning Scheme No. 21 (the Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

Division 2 — Local planning policies***3. Local planning policies***

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) A local planning policy —*
 - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
 - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) The local government may amend or repeal a local planning policy.*
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
 - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
 - (i) the subject and nature of the proposed policy; and*
 - (ii) the objectives of the proposed policy; and*
 - (iii) where the proposed policy may be inspected; and*
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
 - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*

- (3) *After the expiry of the period within which submissions may be made, the local government must —*
- (a) *review the proposed policy in the light of any submissions made; and*
- (b) *resolve to —*
- (i) proceed with the policy without modification; or*
- (ii) proceed with the policy with modification; or*
- (iii) not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
- (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
- (b) *may publish a copy of each of those local planning policies on the website of the local government.*

6. *Revocation of local planning policy*

A local planning policy may be revoked —

- (a) *by a subsequent local planning policy that —*
- (i) is prepared in accordance with this Part; and*
- (ii) expressly revokes the local planning policy;*
- Or*
- (b) *by a notice of revocation —*
- (i) prepared by the local government; and*
- (ii) published in a newspaper circulating in the Scheme area.*

Relevant Plans and Policies

Local Planning Strategy 2019

The purpose of the LPS is to:

- set out the long-term (25 years-plus) broad planning direction for the whole of the District of the City of Busselton;
- provide a strategic rationale for decisions related to the planning and development of the District;
- apply State and regional planning policies relevant to the strategy; and
- provide a strategic rationale for decisions related to the planning and development of the District. The LPS consists of five 'planning themes' with Theme 4 : Environment, landscape and heritage relating to the natural, rural and urban landscapes of the District.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

Stakeholder Consultation

In accordance with the Regulations, it is proposed that a notice be placed in the local newspaper advising that the LPPs subject to this report have been adopted as final.

Risk Assessment

An assessment of the risks associated with the implementation of the officer recommendation has been undertaken using the City's risk assessment framework. No risks of a medium or greater level have been identified.

Options

As an alternative to the officer recommendation, the Council could:

1. Modify one or more of the Policies recommended to be adopted as final; and/or
2. Not to adopt one or more of the Policies recommended to be adopted as final.

CONCLUSION

It is recommended that Council support the proposed adoption and revocation of the Policies as described in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the officer recommendation would involve notification of the adopted Policies as outlined in the consultation section of this report above. It is expected that this will commence within one month of the Council decision.

Local Planning Policy No. 1.3

PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to all private Jetties and boat lifting structures across the whole of the City.

2. PURPOSE

The purpose of this Policy is to outline the minimum requirements for the construction of Jetties and boat lifting structures with the intention of ensuring that:

- 2.1 Structures are appropriate in scale, structural design and context to the surrounding environment; and
- 2.2 Matters of safety and navigation are appropriately considered; and
- 2.3 The amenity of the waterway and surrounding residents is maintained.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

"Canal Cul-de-sac Head" means the terminus of a canal with only one entrance.

"Davit" means a structure located on a jetty and which is capable of mechanically moving a vessel from a waterway to a dry lot.

"Floating Boat Lifting Structure" means a floating structure, attached to mooring piles assuring the vessel is out of the water, i.e. a floating pontoon/boat dock.

"Floating Jetty" means a moveable structure, constructed on mooring piles on a floating pontoon.

"Jetty" means a structure connected to a body of water that, wholly or in part, may be used for the purpose of launching or landing a vessel and the configuration can be one of the following arrangements-

- a) Finger shaped;
- b) Floating Jetty;
- c) Land Backed;
- d) 'L' shaped; or
- e) 'T' shaped.

"Jetty Envelope" means a designated area as defined by an endorsed envelope plan in which the jetty is to be wholly constructed and contained within.

"Land Backed Jetty" means a Jetty constructed parallel to the canal wall.

"Mechanical Boat Lifting Structure" means a solid metal structure, on pylons which lifts a vessel out of water.

"Mooring Piles" means steel piles to secure a vessel by attaching the vessel to the piles.

"Primary Walkway" means the walkway the vessel is moored at.

"Revetment Mattress" means the sloped rock section of a canal wall which protects the vertical limestone block retaining wall from scour and undermining.

Local Planning Policy No. 1.3

PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



"Scheme" means the *City of Busselton Local Planning Scheme No. 21* (as amended).

"Secondary Walkway" means a walkway which is not intended to support the mooring of a vessel.

4. POLICY STATEMENT

4.1 JETTIES

Note 1 : Under Part 6 Clause 6.1.1(c) of the Scheme, development approval is not required to be obtained from the City for a Jetty on a canal in the 'Port Geographe Development Special Control Area' where it is contained wholly within a specified mooring envelope and is in accordance with the design standards approved by the local government, as outlined below.

Where a Jetty is not located within a Mooring Envelope (as defined by the Scheme) and/or does not satisfy any of the policy provisions below, a development application will be required. As part of the assessment of the development application the development will be assessed against, and required to meet, the Purpose of this Policy.

- 4.1.1 Jetties should be designed such that all vessels moored when parked at the Jetty will be wholly contained within the lots designated Mooring Envelope (where one exists); and
- 4.1.2 Jetties should have no structures built on them and should not have a roof structure; and
- 4.1.3 Jetties should not place a horizontal surcharge load on a canal wall. This will be required to be demonstrate through engineering details at the building permit stage; and
- 4.1.4 Piles associated with a Jetty are to be located so as not to penetrate any Revetment Mattress. Where piles are proposed to penetrate a Revetment Mattress, certification from a structural engineer will be required to be provided at the building permit stage confirming there will be no associated structural impact; and
- 4.1.5 The Primary Walkway should be limited to a minimum width of 1.2m and a maximum width of 2.0m, except for a Land Backed Jetty which has an allowable maximum width of 2.5m; and
- 4.1.6 The Secondary Walkway should be limited to a minimum width of 0.9m and a maximum width of 2.0m, except for a Floating Jetty which has an allowable maximum width of 2.5m; and
- 4.1.7 Jetties should be used for the purpose of accessing a moored or stored vessel only; and
- 4.1.8 With the exception of structures contained wholly within private land (i.e. jetties within dams on private properties), there is a general presumption against any Jetty or boat lifting structure being supported outside the Port Geographe Development Area given the likely significant adverse impacts on local character, coastal amenity and environmental values. In addition, any such structure is likely to require at least partial construction over Crown land managed by the City. There is a general presumption against private development on City land, except as outlined in the 'Private Works on City Land, including private coastal protection works on City land Policy'.

Note 2: Notwithstanding the above, a Building Permit is required for the construction of all Jetties which should include a certification of structural integrity by a certified structural engineer. In addition, all jetties require a Jetty Licence issued by the Department of Transport. The City may seek comment from the Department of Transport during the assessment process.

Local Planning Policy No. 1.3

PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



4.2 BOAT LIFTING DEVICES AND STRUCTURES

The term boat lifting structure includes a Davit, Floating Boat Lifting Structure and Mechanical Boat Lifting Structure. All boat lifting structures require development approval and should have regard to the following provisions and the Purpose of this Policy:

- 4.2.1 Prior to an application for a boat lifting structure being submitted to the City, an associated Jetty is to be constructed or otherwise approved by the City and licenced by the Department of Transport; and
- 4.2.2 Boat lifting structures should be wholly located within the designated Jetty and/or Mooring Envelope (where one exists); and
- 4.2.3 No boat lifting structure should place a horizontal surcharge load on a canal wall. This will be required to be demonstrate through engineering details at the building permit stage; and
- 4.2.4 Piles associated with a boat lifting structure are to be located so as not to penetrate any Revetment Mattress. Where piles are proposed to penetrate a Revetment Mattress, certification from a structural engineer will be required to be provided at the building permit stage confirming there will be no associated structural impact; and
- 4.2.5 Floating boat lifting structures are preferred for use in Canal Cul-de-sac Heads; and
- 4.2.6 Mechanical Boat Lifting Structures will only be supported where it can be demonstrated by the Applicant that the structure will not detrimentally impact on the amenity of adjoining owners, the navigability, accessibility and useability of the canal; and
- 4.2.7 Davits will only be supported in Marinas and where it can be demonstrated by the Applicant that the structure will not detrimentally impact on the amenity of surrounding properties; and
- 4.2.8 No boat should be suspended from the Davit or Mechanical Boat Lift Structure at any time.

5. RELATED DOCUMENTATION / LEGISLATION

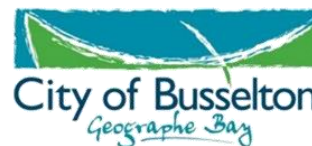
- 5.1 *Private Works on City Land, including private coastal protection works on City land Policy.*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	10/3/2010	Resolution #	C1003/069

* Policy number changed from LPP 11 to LPP 1.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



For

1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

2. PURPOSE

The purpose of this Policy is to outline the minimum requirements for ~~S~~stormwater ~~m~~Management to ~~help~~ ensure:

- 2.1 Safe and effective management of the quantity and quality of stormwater runoff; and
- 2.2 ~~Adequate~~ ~~The~~ protection ~~of development on a for people and~~ property, ~~and adjoining properties,~~ from flooding; and
- 2.3 Stormwater runoff does not adversely impact the quality of the receiving waters, including groundwater, waterways, wetlands, Lower Vasse River and the Geographe Bay.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

"Average Recurrence Interval (ARI)" means the average or expected value of the periods between exceedances of a given rainfall total, accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

"1 Year ARI" means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 60m², although 1m³ per 65m² is required in these provisions.

"5 Year ARI" means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 40m².

"Drainage Property Connection" means a device to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system and normally includes a maintainable silt trap prior to street system entry.

Note 1 : To confirm if a lot has a Drainage Property Connection please contact the City.

For

"Impervious Surfaces" means built surfaces that prevent absorption of water into the ground, such as roads, parking areas, paved areas and rooftops.

For

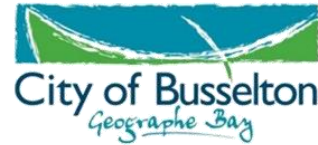
For

"R-codes" means *State Planning Policy 7.3: Residential Design Codes Volume 1* (as amended).

"Stormwater Management" is the control of surface water runoff from Impervious Surfaces ~~such as roofs,~~ ~~roads, driveways and paved areas~~ which prevent the absorption of water into the ground.

For

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



For

4. POLICY STATEMENT

4.1 SYSTEMS REQUIREMENTS

4.1.1 Stormwater shall be managed on-site by one or a combination of the following means:

- a) Above ground storage and infiltration systems (e.g. water tanks, rainwater gardens, detention basins); and/or
- b) Below ground storage and infiltration systems (e.g. soakwells, sumps or infiltration cells).

Note 12: Development within a 'Wetland Special Control Area' are encouraged to use 'above ground storage and infiltration systems' only due to the high ground water table.

4.1.2 Notwithstanding 4.1.1 above, on lots greater than 4,000m² stormwater is not required to be contained within a storage and/or infiltration system, however, the applicant ~~shall be~~ required to demonstrate, to the satisfaction of the City, that stormwater can be suitably managed and contained within the Lot such that it does not cause erosion to the building/s or adjoining properties. This can be achieved through the provision of sufficient setbacks and pervious landscaped areas.

4.1.3 Where a Lot has a Drainage Property Connection overflow from the below ground storage and infiltration system, as required under Part 4.1.1 of this Policy, is required to be connected to the Drainage Property Connection via a silt trap.

Note 2-3: A Drainage Property Connection is generally provided within areas with poor soil permeability, high clay content or high winter groundwater table. Please contact the City of Busselton to determine if a lot has a Drainage Property Connection.

4.2 VOLUMETRIC REQUIREMENTS

4.2.1 This Policy sets different volumetric requirement to manage Stormwater based on 1 Year ARI or 5 Year ARI rainfall events. Development should satisfy the applicable volumetric requirements specified in Table 1 below, as follows;

~~(a) Single Houses (including associated outbuildings) should satisfy the volumetric requirements specified in Table 1 below; and~~

~~(b) All other development should satisfy the volumetric requirements specified in Table 2 below.~~

4.2.2 Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 below sets the minimum standard for Stormwater Management to meet the deemed-to-comply criteria of clause 5.3.9 Stormwater Management of the R-codes.

4.2.3 Where an approved District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater (1 Year ARI and 5 Year ARI) within a lot, the standards set out in those provisions prevail over this Policy to the extent of any inconsistency.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT

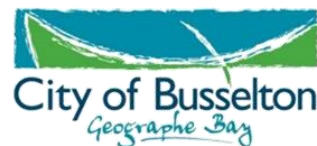


TABLE 1 : VOLUMETRIC REQUIREMENTS FOR STORMWATER MANAGEMENT

TABLE 1- SINGLE HOUSE (INCLUDING ASSOCIATED OUTBUILDINGS) ON A LOT LESS THAN 4,000M²	
All lots other than canal lots within Port Geographe with an overflow pipe within canal wall.	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 65m² of <u>Impervious Surfaces</u> area to accommodate 1 Year ARI.
Canal lots within Port Geographe with an overflow pipe within canal wall. <i>Note 4 : Developers must confirm on site the location/existence of the overflow pipe.</i>	No on-site Stormwater Management is required and can be discharged in to the canal via the overflow pipe which is required to be connected to a silt-trap.
TABLE 2- ALL OTHER DEVELOPMENT ON A LOT LESS THAN 4,000M²	
All lots	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 40m² of <u>Impervious Surfaces</u> area to accommodate 5 Year ARI. W-except where an approved urban water management plan is in place stormwater management is to be in accordance with that plan.

Note 3: Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 above sets the minimum standard for Stormwater Management to meet the deemed to comply criteria of clause 5.3.9 Stormwater Management of the R-codes.

5. RELATED DOCUMENTATION/ LEGISLATION

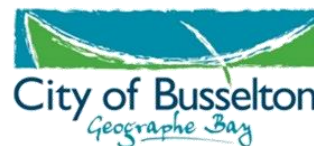
- 5.1 City of Busselton Engineering Technical Specifications (Section 6 – Property Development Technical Requirements and Guidelines)
- 5.2 AS/NZS 3500.3:2003 Plumbing and Drainage: Part 3 - Stormwater Drainage

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE	8/10/2014	Resolution #	C1410/243
Previous Adoption	DATE	8/10/2014	Resolution #	C1410/243

* Policy number changed from LPP 8C to LPP 6.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

2. PURPOSE

The purpose of this Policy is to outline the minimum requirements for Stormwater Management to help ensure:

- 2.1 Safe and effective management of the quantity and quality of stormwater runoff; and
- 2.2 The protection of development on a property, and adjoining properties, from flooding; and
- 2.3 Stormwater runoff does not adversely impact the quality of the receiving waters, including groundwater, waterways, wetlands, Lower Vasse River and the Geographe Bay.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

"Average Recurrence Interval (ARI)" means the average or expected value of the periods between exceedances of a given rainfall total, accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

"1 Year ARI" means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 60m², although 1m³ per 65m² is required in these provisions.

"5 Year ARI" means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 40m².

"Drainage Property Connection" means a device to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system and normally includes a maintainable silt trap prior to street system entry.

Note 1 : To confirm if a lot has a Drainage Property Connection please contact the City.

"Impervious Surfaces" means built surfaces that prevent absorption of water into the ground, such as roads, parking areas, paved areas and rooftops.

"R-codes" means *State Planning Policy 7.3: Residential Design Codes Volume 1* (as amended).

"Stormwater Management" is the control of surface water runoff from Impervious Surfaces which prevent the absorption of water into the ground.

4. POLICY STATEMENT

4.1 SYSTEMS REQUIREMENTS

4.1.1 Stormwater shall be managed on-site by one or a combination of the following means:

- a) Above ground storage and infiltration systems (e.g. water tanks, rainwater gardens, detention basins); *and/or*
- b) Below ground storage and infiltration systems (e.g. soakwells, sumps or infiltration cells).

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



Note 2 : Development within a 'Wetland Special Control Area' are encouraged to use 'above ground storage and infiltration systems' only due to the high ground water table.

- 4.1.2 Notwithstanding 4.1.1 above, on lots greater than 4,000m² stormwater is not required to be contained within a storage and/or infiltration system, however, the applicant is required to demonstrate, to the satisfaction of the City, that stormwater can be suitably managed and contained within the Lot such that it does not cause erosion to the building/s or adjoining properties. This can be achieved through the provision of sufficient setbacks and pervious landscaped areas.
- 4.1.3 Where a Lot has a Drainage Property Connection overflow from the below ground storage and infiltration system, as required under Part 4.1.1 of this Policy, is required to be connected to the Drainage Property Connection via a silt trap.

Note 3 : A Drainage Property Connection is generally provided within areas with poor soil permeability, high clay content or high winter groundwater table. Please contact the City of Busselton to determine if a lot has a Drainage Property Connection.

4.2 VOLUMETRIC REQUIREMENTS

- 4.2.1 This Policy sets different volumetric requirement to manage Stormwater based on 1 Year ARI or 5 Year ARI rainfall events. Development should satisfy the applicable volumetric requirements specified in Table 1 below.
- 4.2.2 Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 below sets the minimum standard for Stormwater Management to meet the deemed-to-comply criteria of clause 5.3.9 Stormwater Management of the R-codes.
- 4.2.3 Where an approved District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater (1 Year ARI and 5 Year ARI) within a lot, the standards set out in those provisions prevail over this Policy to the extent of any inconsistency.

TABLE 1 : VOLUMETRIC REQUIREMENTS FOR STORMWATER MANAGEMENT

SINGLE HOUSE (INCLUDING ASSOCIATED OUTBUILDINGS) ON A LOT LESS THAN 4,000M ²	
All lots other than canal lots within Port Geographe with an overflow pipe within canal wall.	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 65m² of Impervious Surfaces to accommodate 1 Year ARI.
Canal lots within Port Geographe with an overflow pipe within canal wall. <i>Note 4 : Developers must confirm on site the location/existence of the overflow pipe.</i>	No on-site Stormwater Management is required and can be discharged in to the canal via the overflow pipe which is required to be connected to a silt-trap.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



ALL OTHER DEVELOPMENT ON A LOT LESS THAN 4,000M ²	
All lots	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 40m² of Impervious Surfaces to accommodate 5 Year ARI. Where an approved urban water management plan is in place stormwater management is to be in accordance with that plan.

5. RELATED DOCUMENTATION/ LEGISLATION

- 5.1 *City of Busselton Engineering Technical Specifications (Section 6 – Property Development Technical Requirements and Guidelines)*
- 5.2 *AS/NZS 3500.3:2003 Plumbing and Drainage: Part 3 - Stormwater Drainage*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE	8/10/2014	Resolution #	C1410/243
Previous Adoption	DATE		Resolution #	

* Policy number changed from LPP 8C to LPP 6.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) and applies to all Advertisements and Advertising Signs not defined as a Portable Signs located across the whole of the City.

Note 1: This Policy does not apply to Portable Signs, refer to Council Policy 'Portable Advertising Signs in Public Places' for provisions relating to Portable Signs.

2. PURPOSE

The purpose of this Policy is to:

- 2.1 Set standards relating to the design and placement of Advertisements and Advertising Signs within the City. Where Advertisements and Advertising Signs do not meet these standards they are to be:
 - (a) Designed, constructed and maintained to a high aesthetic standard and quality of presentation; and
 - (b) Integrated within the design of the development and are consistent with the character of the local area; and
 - (c) Designed such that they do not result in visual clutter and/or have a detrimental impact on the streetscape or visual amenity of the surrounding area and present a visually attractive appearance to public areas; and
 - (d) Consistent with the heritage values of a place (where applicable); and
 - (e) Integrated and rationalised where a site contains multiple tenancies; and
 - (f) Designed, constructed, secured and maintained so that they do not pose a hazard to motorists, pedestrians, cyclists and the public at large; and
- 2.2 In addition to the above, where Static Illumination and/or Animation are proposed, illumination levels should not have an adverse impact on the amenity of the area or cause a nuisance to occupiers of surrounding residential premises.

3. INTERPRETATION

Other than those terms defined below, and in Appendix 1 : 'Types of Advertising Signage' of this Policy, terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, including those terms defined in the deemed provisions and Schedule 11 of the Scheme -

"Advertisement" as defined by the Deemed Provisions and provided below -

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- a) *any hoarding or similar structure used, or adapted for use, for the display of advertisements; and*
- b) *any airborne device anchored to any land or building used for the display of advertising; and*
- c) *any vehicle or trailer or other similar object placed or located so as to serve the purpose of*

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



displaying advertising.

"Advertising Sign" means a permanent structure used for the purpose of Advertisement, or to draw attention to, a product, business, person or event.

"Animation" means the movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method.

"Local Activity Centre" means lot(s) which are zoned Local Centre under the Scheme and are identified within Table 3 : Activity Centre Framework of the City's *Local Planning Strategy* as a Local Centre.

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"Main Roads WA Roads" means any road which is under the care and control of Main Roads WA, including Primary Distributor & Regional Distributor Roads, and includes the following roads within the City;

- (a) Caves Road;
- (b) Bussell Highway from the southern boundary of the Shire of Capel to Causeway Road;
- (c) Bussell Highway from the intersection with Caves Road to the northern boundary of the Shire of Augusta Margaret River;
- (d) Busselton Bypass;
- (e) Vasse Highway; and
- (f) Sues Road.

"Portable Sign" means an Advertising Sign that is made from lightweight materials which can be easily moved and includes but is not limited to:

- (a) 'A' frame of 'T' frame sign;
- (b) Garage Sale Sign;
- (c) Home Open Sign;
- (d) Horizontal banner sign;
- (e) City project sign;
- (f) Vertical banner sign; and
- (g) Variable message sign.

"Scheme" means the *City of Busselton Local Planning Scheme No. 21* (as amended).

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"Static Illumination" means an internal or external light source that lights any type of sign.

4. POLICY STATEMENT

4.1 BACKGROUND

Clause 6.1 'Permitted Development' of the Scheme outlines development which is exempt from requiring development approval. Clause 6.1.1(d) of the Scheme exempts; "the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 11, except in respect of a place included in the Heritage List or in a heritage area."

In addition to Clause 6.1.1(d) of the Scheme, the following Scheme provisions are also relevant

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



to Advertising Signage within the City:

- (a) Clause 4.36.4 of the Scheme outlines requirements for entry statements within the Rural and Viticulture and Tourism zones;
- (b) Clause 4.41 'Prohibited Advertisements' states; "Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited".

Where not exempted by Schedule 11 of the Scheme, Advertising Signage requires a development approval and an assessment against the Scheme and this Policy.

4.2 SIGN TYPE AND ZONE SPECIFIC REQUIREMENTS

Advertisements should comply with 'Appendix 2: Zoning Specific Provisions - Free Standing Signs' or 'Appendix 3: Zoning Specific Provisions - Signs Attached to a Building'.

4.3 GENERAL REQUIREMENTS

In addition to the requirements above, the following considerations are relevant to all development applications for all Advertisements:

- (a) Advertisements should generally be integrated into the architectural design of all new development; and
- (b) All Advertisements should be contained wholly within the lot to which it relates with the exception of Cantilever and Verandah/Awning Signs which may project into the adjoining road reserve or other public land (with the appropriate consent of the agency responsible for managing that land); and
- (c) A minimum clearance of 2.75m (in accordance with the *Building Code of Australia*) should be provided underneath Pylon Sign - Large, Cantilever and Verandah/Awning signs unless it can be demonstrated that 2.75m clearance cannot reasonably be achieved and a lower clearance, should that be proposed, is unlikely to have any significant impact on pedestrian amenity or safety; and
- (d) The City does not support more than one "Pylon Sign - Large", "Pylon Sign - Small" or "Commercial Flag Sign" per road frontage.

4.4 STATIC ILLUMINATION OF ADVERTISEMENTS AND ANIMATION

- (a) Advertisements that incorporate Animation will only be considered for not-for-profit organisation, school and/or other authority where used to display community messages.
- (b) Notwithstanding the above, the City may approve up to one Advertisement that incorporates Animation for commercial purposes per Local Activity Centre where the City is satisfied of the following:
 - (i) There is no more than one Free Standing Signs (i.e. Pylon - Large or Pylon - Small sign) per lot. Where there is more than one Free Standing Sign, the City will require that they be consolidated into a single sign; and
 - (ii) All other signage on the lot is consolidated and kept to a minimum to the satisfaction of the City; and
 - (iii) Where a Local Activity Centre is in multiple ownership a signage strategy for all lots

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Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



within that Local Activity Centre has been prepared and approved by the City.

- (c) Where Advertisements proposes Static Illumination and/or Animation, as part of the development application, the applicant will be required to demonstrate to the satisfaction of the City that the proposal will not cause a nuisance to occupiers of surrounding residential premises, cause a traffic hazard or distraction to drivers on the adjacent public road or be confused with traffic signals.

Static Illumination and/or Animation ~~shall~~will be required to comply with the following if granted development approval:

- (i) Only be permitted to be in use when the business is operating and ~~shall~~will not be ~~permitted to operate~~ between the hours of 9pm and 7am; and
- (ii) Cannot chase, flash or have any moving features or animations effects such as 'fade', 'zoom' or 'fly-in' for the change of messages or images; and
- (iii) The minimum dwell time of each message or image ~~shall is not to~~ be less than 45 seconds.

Note 2: In addition to the City's requirements, approval from Main Roads WA is required for all advertisements on, in the vicinity of or visible from a Main Road. In addition, all illuminated signs within 50m of traffic signals require approval from Main Roads WA.

Note 3: Some Advertising Signs may require a Building Permit in addition to Development Approval.

5. RELATED DOCUMENTATION/ LEGISLATION

5.1 *Activities in Thoroughfares and Public Places and Trading Local Law 2015.*

5.2 *Council Policy - Portable Advertising Signs in Public Places.*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	

Local Planning Policy No. X
ADVERTISEMENTS AND ADVERTISING SIGNS



APPENDIX 1 - TYPES OF ADVERTISING SIGNS	
Freestanding signs	
<p>"Pylon Sign – Large" means an Advertising Sign supported by one or more pole that is not attached to a building and is greater than 1.2m in overall height.</p>	
<p>"Pylon Sign – Small" means an Advertising Sign supported by one or more poles and not attached to a building and is no greater than 1.2m in overall height.</p>	
<p>"Entry Statement Sign" as defined by the Scheme and provided below:</p> <p><i>"a structure placed at, and denoting, the entry point to a defined area or site and includes associated landscaping and structures."</i></p>	
<p>"Commercial Flag Sign" means a piece of cloth, or other flexible material, which is used to advertise a business and is attached to a pole that is permanently installed into the ground.</p>	
Signs attached to building	
<p>"Cantilever Sign" means an Advertising Sign that is affixed to a building or structure at or by one of its ends.</p>	
<p>"Verandah/Awning Sign" means an Advertising Sign affixed on, above or under a verandah and includes a sign that is affixed to cantilevered awnings and balconies.</p>	

Local Planning Policy No. X
ADVERTISEMENTS AND ADVERTISING SIGNS



"Window Sign" means an Advertising Sign painted or affixed to either the interior or exterior surface of the glazed area of a window.



"Wall Sign" as defined in Schedule 11 of the Scheme and provided below:

"a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah fascia."



"Roof Sign" means an Advertising Sign that is erected or painted directly on the roof of a building.



APPENDIX 2 : ZONING SPECIFIC PROVISIONS - FREE STANDING SIGNS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Pylon – Large	Not permitted.	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	Not permitted.	Not permitted.
Pylon – Small	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Maximum height : 1.2m Maximum area : 2m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	Not permitted.	Not permitted.
Entry Statement	Estate signage – case by case	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m 	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m
Commercial Flag	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per Lot Maximum height : 6m Maximum area of flag: 4.5m² 	Not permitted.	Not permitted.

APPENDIX 3: ZONING SPECIFIC PROVISIONS - SIGNS ATTACHED TO BUILDINGS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Cantilever sign	Not permitted.	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	Not permitted.	Not permitted.
Verandah/ Awning	Not permitted.	<ul style="list-style-type: none"> One per tenancy Must be contained within the outline of the Verandah/ Awning 	<ul style="list-style-type: none"> One per tenancy Maximum height & Area : Must be contained within the outline of the Verandah/Awning 	Not permitted.	Not permitted.
Window⁵	Not permitted	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	Not permitted.	Not permitted.
Wall⁶	Residential Use <ul style="list-style-type: none"> Indicate the name of the building only Maximum letter and number height of 300mm. Non Residential Use/s <ul style="list-style-type: none"> Indicate the name & contact details of the business only Maximum letter and number height of 300mm. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	Not permitted.	Not permitted.
Roof	Not permitted.	Not permitted.	Not permitted.	Not permitted.	Not permitted.

Note 5: Advertisements affixed inside or painted on a shop window are exempt under Schedule 11 of the Scheme.

Note 6: Wall signage below the top of an awning or in the absence of an awning below a line measured at 5 metres from the ground floor level of any shop/bulky goods showroom.

Local Planning Policy No. X : Advertisements and Advertising Signs

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) and applies to all Advertisements and Advertising Signs not defined as a Portable Signs located across the whole of the City.

Note 1: This Policy does not apply to Portable Signs, refer to Council Policy 'Portable Advertising Signs in Public Places' for provisions relating to Portable Signs.

2. PURPOSE

The purpose of this Policy is to:

- 2.1 Set standards relating to the design and placement of Advertisements and Advertising Signs within the City. Where Advertisements and Advertising Signs do not meet these standards they are to be:
 - (a) Designed, constructed and maintained to a high aesthetic standard and quality of presentation; and
 - (b) Integrated within the design of the development and consistent with the character of the local area; and
 - (c) Designed such that they do not result in visual clutter and/or have a detrimental impact on the streetscape or visual amenity of the surrounding area and present a visually attractive appearance to public areas; and
 - (d) Consistent with the heritage values of a place (where applicable); and
 - (e) Integrated and rationalised where a site contains multiple tenancies; and
 - (f) Designed, constructed, secured and maintained so that they do not pose a hazard to motorists, pedestrians, cyclists and the public at large; and
- 2.2 In addition to the above, where Static Illumination and/or Animation are proposed, illumination levels should not have an adverse impact on the amenity of the area or cause a nuisance to occupiers of surrounding residential premises.

3. INTERPRETATION

Other than those terms defined below, and in Appendix 1 : 'Types of Advertising Signage' of this Policy, terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, including those terms defined in the deemed provisions and Schedule 11 of the Scheme -

"Advertisement" as defined by the Deemed Provisions and provided below -

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- a) *any hoarding or similar structure used, or adapted for use, for the display of advertisements; and*
- b) *any airborne device anchored to any land or building used for the display of advertising; and*
- c) *any vehicle or trailer or other similar object placed or located so as to serve the purpose of*

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



displaying advertising.

“Advertising Sign” means a permanent structure used for the purpose of Advertisement, or to draw attention to, a product, business, person or event.

“Animation” means the movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method.

“Local Activity Centre” means lot(s) which are zoned Local Centre under the Scheme and are identified within Table 3 : Activity Centre Framework of the City’s *Local Planning Strategy* as a Local Centre.

“Main Roads WA Roads” means any road which is under the care and control of Main Roads WA, including Primary Distributor & Regional Distributor Roads, and includes the following roads within the City;

- (a) Caves Road;
- (b) Bussell Highway from the southern boundary of the Shire of Capel to Causeway Road;
- (c) Bussell Highway from the intersection with Caves Road to the northern boundary of the Shire of Augusta Margaret River;
- (d) Busselton Bypass;
- (e) Vasse Highway; and
- (f) Sues Road.

“Portable Sign” means an Advertising Sign that is made from lightweight materials which can be easily moved and includes but is not limited to:

- (a) ‘A’ frame of ‘T’ frame sign;
- (b) Garage Sale Sign;
- (c) Home Open Sign;
- (d) Horizontal banner sign;
- (e) City project sign;
- (f) Vertical banner sign; and
- (g) Variable message sign.

“Scheme” means the City of Busselton *Local Planning Scheme No. 21* (as amended).

“Static Illumination” means an internal or external light source that lights any type of sign.

4. POLICY STATEMENT

4.1 BACKGROUND

Clause 6.1 ‘Permitted Development’ of the Scheme outlines development which is exempt from requiring development approval. Clause 6.1.1(d) of the Scheme exempts; “the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 11, except in respect of a place included in the Heritage List or in a heritage area.”

In addition to Clause 6.1.1(d) of the Scheme, the following Scheme provisions are also relevant

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



to Advertising Signage within the City:

- (a) Clause 4.36.4 of the Scheme outlines requirements for entry statements within the Rural and Viticulture and Tourism zones;
- (b) Clause 4.41 'Prohibited Advertisements' states; "Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited".

Where not exempted by Schedule 11 of the Scheme, Advertising Signage requires a development approval and an assessment against the Scheme and this Policy.

4.2 SIGN TYPE AND ZONE SPECIFIC REQUIREMENTS

Advertisements should comply with 'Appendix 2: Zoning Specific Provisions - Free Standing Signs' or 'Appendix 3: Zoning Specific Provisions - Signs Attached to a Building'.

4.3 GENERAL REQUIREMENTS

In addition to the requirements above, the following considerations are relevant to all development applications for Advertisements:

- (a) Advertisements should generally be integrated into the architectural design of all new development; and
- (b) All Advertisements should be contained wholly within the lot to which it relates with the exception of Cantilever and Verandah/Awning Signs which may project into the adjoining road reserve or other public land (with the appropriate consent of the agency responsible for managing that land); and
- (c) A minimum clearance of 2.75m (in accordance with the *Building Code of Australia*) should be provided underneath Pylon Sign - Large, Cantilever and Verandah/Awning signs unless it can be demonstrated that 2.75m clearance cannot reasonably be achieved and a lower clearance, should that be proposed, is unlikely to have any significant impact on pedestrian amenity or safety; and
- (d) The City does not support more than one "Pylon Sign - Large", "Pylon Sign - Small" or "Commercial Flag Sign" per road frontage.

4.4 STATIC ILLUMINATION OF ADVERTISEMENTS AND ANIMATION

- (a) Advertisements that incorporate Animation will only be considered for not-for-profit organisation, school and/or other authority where used to display community messages.
- (b) Notwithstanding the above, the City may approve up to one Advertisement that incorporates Animation for commercial purposes per Local Activity Centre where the City is satisfied of the following:
 - (i) There is no more than one Free Standing Signs (i.e. Pylon - Large or Pylon - Small sign) per lot. Where there is more than one Free Standing Sign, the City will require that they be consolidated into a single sign; and
 - (ii) All other signage on the lot is consolidated and kept to a minimum to the satisfaction of the City; and
 - (iii) Where a Local Activity Centre is in multiple ownership a signage strategy for all lots within that Local Activity Centre has been prepared and approved by the City.

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- (c) Where Advertisements proposes Static Illumination and/or Animation, as part of the development application, the applicant will be required to demonstrate to the satisfaction of the City that the proposal will not cause a nuisance to occupiers of surrounding residential premises, cause a traffic hazard or distraction to drivers on the adjacent public road or be confused with traffic signals.

Static Illumination and/or Animation will be required to comply with the following if granted development approval:

- (i) Only be permitted to be in use when the business is operating and will not be permitted to operate between the hours of 9pm and 7am; and
- (ii) Cannot chase, flash or have any moving features or animations effects such as 'fade', 'zoom' or 'fly-in' for the change of messages or images; and
- (iii) The minimum dwell time of each message or image is not to be less than 45 seconds.

Note 2: In addition to the City's requirements, approval from Main Roads WA is required for all advertisements on, in the vicinity of or visible from a Main Road. In addition, all illuminated signs within 50m of traffic signals require approval from Main Roads WA.

Note 3: Some Advertising Signs may require a Building Permit in addition to Development Approval.

5. RELATED DOCUMENTATION/ LEGISLATION

5.1 *Activities in Thoroughfares and Public Places and Trading Local Law 2015.*

5.2 *Council Policy - Portable Advertising Signs in Public Places.*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	

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APPENDIX 1 - TYPES OF ADVERTISING SIGNS	
Freestanding signs	
<p>"Pylon Sign – Large" means an Advertising Sign supported by one or more pole that is not attached to a building and is greater than 1.2m in overall height.</p>	
<p>"Pylon Sign – Small" means an Advertising Sign supported by one or more poles and not attached to a building and is no greater than 1.2m in overall height.</p>	
<p>"Entry Statement Sign" as defined by the Scheme and provided below:</p> <p><i>"a structure placed at, and denoting, the entry point to a defined area or site and includes associated landscaping and structures."</i></p>	
<p>"Commercial Flag Sign" means a piece of cloth, or other flexible material, which is used to advertise a business and is attached to a pole that is permanently installed into the ground.</p>	
Signs attached to building	
<p>"Cantilever Sign" means an Advertising Sign that is affixed to a building or structure at or by one of its ends.</p>	
<p>"Verandah/Awning Sign" means an Advertising Sign affixed on, above or under a verandah and includes a sign that is affixed to cantilevered awnings and balconies.</p>	

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"Window Sign" means an Advertising Sign painted or affixed to either the interior or exterior surface of the glazed area of a window.



"Wall Sign" as defined in Schedule 11 of the Scheme and provided below:

"a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah fascia."



"Roof Sign" means an Advertising Sign that is erected or painted directly on the roof of a building.



APPENDIX 2 : ZONING SPECIFIC PROVISIONS - FREE STANDING SIGNS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Pylon – Large	Not permitted.	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	Not permitted.	Not permitted.
Pylon – Small	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Maximum height : 1.2m Maximum area : 2m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	Not permitted.	Not permitted.
Entry Statement	Estate signage – case by case	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m 	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m
Commercial Flag	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per Lot Maximum height : 6m Maximum area of flag: 4.5m² 	Not permitted.	Not permitted.

APPENDIX 3: ZONING SPECIFIC PROVISIONS - SIGNS ATTACHED TO BUILDINGS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Cantilever sign	Not permitted.	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	Not permitted.	Not permitted.
Verandah/ Awning	Not permitted.	<ul style="list-style-type: none"> One per tenancy Must be contained within the outline of the Verandah/ Awning 	<ul style="list-style-type: none"> One per tenancy Maximum height & Area : Must be contained within the outline of the Verandah/Awning 	Not permitted.	Not permitted.
Window⁵	Not permitted	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	Not permitted.	Not permitted.
Wall⁶	Residential Use <ul style="list-style-type: none"> Indicate the name of the building only Maximum letter and number height of 300mm. Non Residential Use/s <ul style="list-style-type: none"> Indicate the name & contact details of the business only Maximum letter and number height of 300mm. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	Not permitted.	Not permitted.
Roof	Not permitted.	Not permitted.	Not permitted.	Not permitted.	Not permitted.



















Note 5: Advertisements affixed inside or painted on a shop window are exempt under Schedule 11 of the Scheme.

Note 6: Wall signage below the top of an awning or in the absence of an awning below a line measured at 5 metres from the ground floor level of any shop/bulky goods showroom.

Local Planning Policy No. X : Advertisements and Advertising Signs

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 APPLICATION FOR DEVELOPMENT APPROVAL (DA 17/0866) - PROPOSED INDUSTRY - EXTRACTIVE (GRAVEL) - LOT 2 NUTTMAN ROAD AND LOT 3 CHAPMAN HILL EAST ROAD, CHAPMAN HILL

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Development / Planning Applications
BUSINESS UNIT	Development Services
REPORTING OFFICER	Statutory Planning Coordinator - Joanna Wilson
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Regulatory: To determine an application/matter that directly affects a person's right and interests e.g. development applications, applications for other permits/licences, and other decisions that may be reviewable by the State Administrative Tribunal
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	<p>Attachment A Location Plan  </p> <p>Attachment B Site and Development Plans  </p> <p>Attachment C Application Material  </p> <p>Attachment D Agency Responses  </p> <p>Attachment E DWER Preliminary Assessment Report for Vegetation Removal  </p> <p>Attachment F Response from Federal Department of Environment and Energy  </p> <p>Attachment G Plan of Noise Sensitive Premises  </p> <p>Attachment H Schedule of Submissions  </p> <p>Attachment I Traffic Consultant Advice (initially related to an earlier application)  </p>

OFFICER RECOMMENDATION

That the Council determines:

- A. That application DA17/0866 submitted for development of Industry – Extractive (Gravel) at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- B. That Development Approval is issued for the proposal referred to in (A) above subject to the following conditions –

GENERAL CONDITIONS:

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 170,000 cubic metres volume of material has been extracted, whichever is sooner. The site shall be fully rehabilitated in accordance with an approved Rehabilitation Management Plan (as approved under condition 3.2) by the expiry date of this development approval.
2. The owner must ensure that the development is undertaken in accordance with the approved plans and the details contained within the Site and Development Plans and Application Material (Attachment B and C), other than as modified by the conditions below.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS:

- 3. The owner must ensure that no material is extracted from the site or any other works undertaken until the following plans/details have been submitted to, and approved by, the City:**
 - 3.1 Details of a Tree Protection Plan providing for temporary demarcation barriers to be erected to 15m from the crown drip zone of adjacent trees to protect the tree and root system from accidental machinery damage.**
 - 3.2 A Rehabilitation Plan, to be prepared by a suitably qualified natural revegetation practitioner, incorporating like for like revegetation for the area cleared and to be revegetated with native species to provide habitat for black cockatoos and shall include details of the following:**
 - a) Description of the finished profile of the soils of the extraction area post extraction;**
 - b) Final ground contours, finished profile with embankments not to be steeper than 1 in 5;**
 - c) Proposed vegetation assemblage for the area post extraction, given the soil profile, topography and a description of the ecological values and functions that are expected to be returned to the revegetation offset site;**
 - d) Staging of revegetation process;**
 - e) Ripping and/or other treatments to the base of the pit;**
 - f) Spreading of stockpiled topsoil;**
 - g) Re-use of any stockpiled vegetation;**
 - h) Planting methodology, native species list (mix of trees, shrubs and ground covers), planting densities;**
 - i) Criteria for assessment of whether the revegetation has been satisfactorily completed; and**
 - j) Weed management plan.**
 - 3.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into neighbouring properties.**
 - 3.3 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Nuttman Road 100m from the access.**
 - 3.4 Details validating the water supply available for dust suppression to implement the approved Dust Management Plan.**
 - 3.5 Details for the upgrading of the existing crossover to ensure that adequate sightlines are achieved.**
 - 3.6 Plans for the widening of Nuttman Road to:**
 - a) a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Nuttman Road; and**

- b) Widening of the sealed section of Nuttman Road to 6.2m with 0.80m gravel shoulders (7m formation).

(Such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of vegetation, pinch points and culverts and where necessary how such culverts will be upgraded).

3.7 A 3D Digital Terrain Model indicating the following in Australian Height Datum:

- a) Existing ground levels;
- b) Maximum extraction depths; and
- c) Minimum final ground levels after rehabilitation.

3.8 The following bonds being provided to the City:

- a) A road maintenance bond of \$20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the cost of the owner. The City may use the bond to maintain the affected public roads as it deems necessary.
- b) A dust bond of \$6,000, which shall be held against satisfactory compliance with Condition 5.13 of this approval.
- c) A rehabilitation bond of \$30,000, which shall be held against satisfactory compliance with Condition 3.2 of this approval.
- d) Further to conditions 3.8 (i)-(iii) (Bond conditions), the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
 - i. The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs;
 - ii. Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City;
 - iii. If at any time part of the bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the bond to the full amount required by these conditions; and
 - iv. The ability to lodge a caveat over the site to secure the City's interest.

PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:

- 4. The owner must ensure that no material is extracted until information setting out that the plans and details required by Conditions 2 and 3 have been implemented, and how they have been implemented, has been provided to the satisfaction of the City, and the City has subsequently issued a 'Permit to Commence' confirming that extraction can commence.

PRIOR TO COMMENCEMENT OF EXTRACTION, OTHER THAN EXTRACTION FOR UPGRADES TO NUTTMAN ROAD:

5. Notwithstanding Condition 4 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Nuttman Road and/or the crossover, in the following circumstances:
 - 5.1 Where all plans, details and bonds required by Condition 3 have been provided to and approved by the City, and implemented to the satisfaction of the City; and
 - 5.2 With the prior written approval of the City.

ONGOING CONDITIONS:

6. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3, 4 and 5 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:
 - 6.1 The development hereby approved shall be limited to: the excavation or movement of gravel from its natural state on the site; screening of material; crushing of gravel; transportation of gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.
 - 6.2 Operating hours, including the transportation of materials, shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays; and 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
 - 6.3 Trucks going to and from the development are not to operate on Monday to Friday between the hours of 7.30am and 8.40am and between 3.20pm and 4.20pm on any given school day on a school bus route, or between other times as agreed in writing between the applicant and the City.
 - 6.4 The designated haulage route is to the Busselton Bypass, northwards along Nuttman Road to Walsall Road and then north along Chapman Hill Road. No other routes may be used, until trucks have reached the Busselton Bypass.
 - 6.5 A maximum number of 50 truck movements (i.e. 25 trucks entering and 25 trucks exiting the site) shall be permitted on any operating day (i.e. Sundays and public holidays are not operating days). No truck movements are permitted on any other day.
 - 6.6 Notwithstanding Conditions 6.4 and 6.5 above, should more than 50 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to be submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 6.5 or 6.6 occurring.

Note: The City will only approve additional movements or alternate routes where it is determined that an acceptable Traffic Management Plan has been provided. The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.

- 6.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 2 concurrently with the extraction of the following 2 hectare area.**
- 6.8 The lowest level of excavation shall always be a minimum of 300mm above the maximum water table level and no dewatering works are to be undertaken.**
- 6.9 Further to condition 6.8 (level of extraction), the final land surface (after rehabilitation for pasture) should be 500mm above the maximum seasonal groundwater.**
- 6.10 The approved Rehabilitation Management Plan shall be implemented and carried out in accordance with the approved details, including any notes placed thereon in red by the City.**
- 6.11 The owner must submit to the City annually, within three months of every anniversary of the issue of the Permit to Commence certificate, a written report detailing the following to the satisfaction of the City:**
- a) A survey conducted by a licensed surveyor certifying:**
 - i. The extent/size and location of the area which has been extracted;**
 - ii. The extent/size and location of the area which has been rehabilitated;**
 - iii. The extent/size and location of the area which is currently under operation; and**
 - b) Details as to which conditions of this development approval have been complied with and how the conditions have been complied with.**
 - c) No extraction operations, including stockpiling or transportation of extracted material, are to be undertaken on the site at any time when an annual written report is due and has not been submitted to the City.**
- 6.12 No development (including any extraction) may be carried out at any time when any bond that is required to be in force and effect under Condition 3.8 is not in full force and effect.**

EXECUTIVE SUMMARY

The City has received a development application for an 'Industry – Extractive' to extract, screen and crush 170,000m³ of gravel at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill.

Due to the nature of the issues requiring consideration and the level of community interest, the application is being presented to Council for determination, rather than being determined by City officers acting under delegated authority. A significant period of time has elapsed since the application was subject of consultation (and re-consultation). The key reason that determination of the application was not appropriate until now is that further technical information was required to address issues that were raised through the consultation process.

Having considered the application, including submissions received in relation to the application, City officers consider that the application is consistent with the *City of Busselton Local Planning Scheme No. 21* and the broader, relevant planning framework including Local Planning Policy No. 2.3 – Extractive Industries (LPP2.3).

It is therefore recommended that the application be approved, subject to appropriate conditions.

BACKGROUND

The Council is asked to consider an application for 'Industry – Extractive' to extract, screen and crush 170,000m³ of gravel at Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road, Chapman Hill. The application was originally submitted in 2017 and, at that time, advertising was undertaken to adjoining properties. On receipt of agency/neighbour submissions, the application was 'put on hold' pending a conditional clearing permit being issued by the State Department of Water, Environment and Regulation (DWER); additional hydrology information and a noise impact assessment was also required.

The application was re-advertised in October 2019 with the additional information, however confirmation has only just been received from DWER that the noise impact assessment is acceptable.

Key information regarding the application is set out below:

1. **Landowner/s:** LCM Super Custodian No 1 Pty Ltd & Egerton-Warburton Custodian No 2 Pty Ltd. – Brian Baker
2. **Applicant:** Leeuwin Civil
3. **Site area:** 76.67ha
4. **General description of site:** Lot 2 Nuttman Road and Lot 3 Chapman Hill East Road are located towards the southern end of Nuttman Road, just north of the junction with Chapman Hill East Road. Lot 2 has frontage to Nuttman Road while Lot 3 has frontage to Chapman Hill East Road. The application site is located within the rural zone and the surrounding lots are predominately farmed, however there are a number of smaller lots within the vicinity of the site.

Lot 3 is heavily vegetated whereas Lot 2 is predominately cleared with a clump of vegetation towards the middle of the lot. The proposed extraction area would be located on the boundary of the two lots and would result in the removal of some vegetation.

5. **Current development/use:** The lots are currently used for grazing and there is an existing dwelling and outbuildings on Lot 2.
6. **Brief description of proposed development:** The proposed development application is for the extraction of 170,000m³ of gravel over 9.73ha and would include screening and crushing of the gravel on site. The depth of the extraction would be up to 2m below the existing surface.

The proposed extraction would result in the removal of vegetation. The applicant has obtained a conditional clearing permit from (DWER).

The proposed crossover has been amended after the close of the public advertising period, in order to address submissions. Access/egress to the site is now proposed in an area already cleared opposite the junction with Walters Road. The crossover and gravel section of Nuttman Road is required to be widened. The proposed haul route would be northwards along Nuttman Road and Chapman Hill Road until it reaches the Busselton Bypass.

7. **Applicable Zoning and Special Control Area designations:** The site is located within the Rural Zone.

8. **Land-use permissibility:** Industry – Extractive is an ‘A’ use in the Rural Zone, meaning that it is a use that may be permitted in the Zone at the reasonable discretion of the City, following a compulsory period of consultation and consideration of any submissions received. Under LPP2.3, the site is located within Policy Area 3, which is considered less constrained than other policy areas due to the primarily agricultural nature of the area.

The following attachments are provided:

1. Attachment A – Location Plan
2. Attachment B – Site and Development Plans
3. Attachment C – Application Material
4. Attachment D – Agency responses
5. Attachment E – DWER Preliminary Assessment Report for Vegetation Removal
6. Attachment F – Response from Federal Department of Environment and Energy
7. Attachment G – Plan of Noise-Sensitive Premises
8. Attachment H – Schedule of submissions
9. Attachment I – Traffic consultant advice

OFFICER COMMENT

The main issues considered relevant for detailed discussion in this report are the potential impact on the black cockatoo habitat as a result of the loss of vegetation, proposed haul route and the impact on the surrounding properties from dust, noise and disturbance. Each of these issues is addressed below.

Removal of Black Cockatoo Habitat / Vegetation

The development application was originally submitted in 2017. At that time, officers advised the applicant that in light of the extraction resulting in the removal of vegetation and the impact from the vegetation removal on the Baudin and Carnaby’s Black Cockatoos, a clearing permit would be required to be obtained prior to the development application being determined.

The applicant subsequently submitted a clearing permit application to DWER. DWER undertook a preliminary investigation and provided support for the clearing subject to a development application being issued, with the inclusion of a fauna management condition, a rehabilitation condition and a weed and dieback management condition. Of note, is that the rehabilitation condition would require an equivalent area that has been cleared to be rehabilitated with native species in order to minimise the impact on black cockatoo habitat. The applicant has also submitted a referral to the Federal Department of Environment and Energy (DEE) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Department have advised that the proposed development is not a controlled action and does not require further assessment and approval under the EPBC Act before it can proceed. The letters from DWER and DEE are provided at Attachments E and F respectively.

As discussed above under Background, access was originally proposed to be adjacent to the northern boundary of Lot 2. Numerous submissions were received raising concerns that the proposed access would result in the removal of significant trees within the road reserve utilised by black cockatoos. As a result, the applicant has agreed to utilise an already cleared area opposite the junction with Walters Road, which has adequate sightlines and only minimal understorey vegetation would be required to be removed.

Haul Route

The proposed haul route would be northwards along Nuttman Road, Walsall Road and Chapman Hill Road until it reaches the Busselton Bypass. Many of the submissions have raised concerns that Nuttman Road is of insufficient width to accommodate the number of truck movements. The table below sets out key information about the haul route and the assessment of the application against the relevant planning framework (with the exception of the Chapman Hill Road section – which is a significant road - and the volume of traffic envisaged would not have any significant impact). Note that a maximum of up to 50 truck movements per day is proposed (but no truck movements on weekends or public holidays).

Section	Current standard	Current traffic volume	Proposed traffic volume (with development)	Key planning considerations	Recommendation
1. Walsall Road	Approx. 6.2m seal	Weekday average 91.1 vpd Total average 93.7 vpd	Weekday average – up to approx. 140 vpd	Road sufficient to cope with increased volume.	No road upgrade required.
2. Nuttman Road (sealed section)	Approx. 4.2m (single lane) seal, widening to approx. 6.0m at bends, with approx. 1m shoulders	Weekday average 64.4 vpd Total average 65.8 vpd	Weekday average – up to approx. 115 vpd	Single lane seal not considered appropriate for significant truck movements, and development would result in volumes above 75 vpd threshold in LPP2.3. On basis of that and broader assessment, considered that upgrade to two lane seal appropriate.	Upgrade to two-lane (6.2m) seal, with constructed gravel shoulders.

3. Nuttman Road (unsealed section)	Approx. 6.5m gravel formation (narrower at some points)	Weekday average 29.5 vpd Total average 32.0 vpd	Weekday average – up to approx. 80 vpd	Development would result in volumes above 75 vpd threshold in LPP2.3, but well below 150 vpd threshold in ARRB Guidelines. Once extraction has been completed, volume will also be well below what would be required to maintain a sealed road. On basis of that, considered that upgrade to 7.0m constructed gravel appropriate.	Upgrade to 7.0m gravel formation.
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Further information regarding traffic impact assessment is set out below.

The City undertook traffic counts along Walsall and Nuttman Roads from 3 December 2020 to 22 December 2020. One traffic counter was installed along Walsall Rd and two along Nuttman Rd. The locations were as follows:

- Counter 1: Walsall Road - 100m southeast of the intersection with Chapman Hill Rd;
- Counter 2: Nuttman Road - 70m south of the intersection with Walsall Rd;
- Counter 3: Nuttman Road - 2.1km south of the intersection with Walsall Rd.

Over the time in which the data was collected the following average vehicles per day (vpd) were recorded:

- Counter 1: weekday average vpd 91.1, total average vpd 93.7;
- Counter 2: weekday average vpd 64.4, total average vpd 65.8;
- Counter 3: weekday average vpd 29.5, total average vpd 32.0.

The data that was collected also indicated that between 83.5% - 84.39% of the traffic was Class 1 vehicles as classified by the Austroad Vehicle Classification system; which includes vehicles up to 5.5m in length not towing anything (i.e. sedan, wagon, 4WD etc.). 3.4% - 12.0% were Class 2 vehicles including vehicles up to 5.5m towing a trailer, caravan or boat. The remainder of the vehicles, 11.5% - 13.1%, were larger vehicles and therefore of a higher class.

LPP2.3 states “where extractive industry proposals on existing unsealed roads warrant sealing due to volumes exceeding 75 vpd as above, then the minimum upgrade shall be a seal of 6.2m”. Recent applications have considered the issue of upgrading to a sealed road and the City has previously sought advice from an independent traffic consultant. The traffic consultant advised that LPP2.3 should be given consideration for the requirements of road upgrades but, in part due to the age of the LPP, it does not reflect contemporary approaches, including Austroad Guidelines (see Attachment I for that advice).

The Austroad Guidelines detail standards for the design of sealed roads in Western Australia. As Austroad does not deal with unsealed roads, Main Roads advise that for guidance on the design of unsealed roads, reference is made to the ‘ARRB Unsealed Roads Manual: Guidelines to Good Practice’, 3rd edition March 2009-08-19 (ARRB Guidelines). Under the ARRB Guidelines, the carriageway requirements for roads with ‘very low volumes’ (less than 150vpd) is one lane with a carriageway width (including shoulders) of 5m–6m. This standard allows for vehicles to pass each other by riding half on the traffic land and half on the shoulders. ARRB Guidelines state that roads carrying ‘heavy or long vehicles towing multiple trailers’ (i.e. any vehicle greater in length or weight than an ‘as-of-right’ vehicle) should require additional road width in the order of 200mm per lane. It is considered that by requiring the carriageway width to be widened to 7m, adequate lane width is provided for two semi-trailers to pass. Taking into account the proposed maximum vehicle movements per day, it is considered that the likelihood of this occurring is relatively low, however, if this does occur it can be accommodated in the wider carriageway width.

There is not considered to be any planning basis on which to either refuse the application on traffic grounds, or require a more significant upgrade than what is recommended.

Impact on Neighbouring Properties / Winery

A number of concerns have been raised in relation to the potential impact of the proposal on the “residential amenity” of the area. The main emissions generated from an extractive operation that have the potential to have a detrimental impact upon the amenity of surrounding properties are noise and dust. In line with the requirements of the *Environmental Protection Act 1986*, it is necessary for individual operators to take all reasonable and practicable measures to prevent or minimise emissions from their premise. It is generally expected that, through appropriate site layout and design as well the implementation of adequate management plans, emissions from an individual extractive operation can be prevented from causing an adverse impact beyond the boundaries of the particular site. Generally, impacts will decrease with increasing distance from the source of the emission and therefore buffer distances are applied.

Gravel extraction and crushing of the scale proposed requires a works approval from DWER, and is required to comply with the *Environmental Protection Authority Guidance Statement No.3* (Guidance Statement). The Guidance Statement provides advice on generic separation distances between specific industries and sensitive land uses to avoid or minimise the potential for land use conflict. The distances outlined in the EPA Guidance Statement are not intended to be absolute separation distances, rather they are a default distance for the purposes of:

- identifying the need for specific separation distance or buffer definition studies; and
- providing general guidance on separation distances in the absence of site specific technical studies.

Where a lesser setback is proposed than that identified within the Guidance Statement, it is not adequate justification for an application to not be supported, but rather that site-specific investigations are to be undertaken and reports demonstrating that the separation distance will meet the acceptable criteria are to be submitted. Furthermore, enforceable management techniques should be applied to ensure an appropriate outcome.

DWER have advised the City that the extraction of gravel is not to be assessed against the hard rock requirements of the EPA Guidance Statement, therefore in relation to separation distances, the EPA Guidance Statement provides the following generic buffer distances applicable to this application:

- Gravel extraction (not including crushing): case by case; and
- Crushing of gravel: no set standard applies as not considered to be hard rock and therefore the 'crushing of building materials' buffer is applied at 1km.

The City's LPP2.3 states as follows in relation to setback distances:

Notwithstanding 6.2.1 and 6.2.2 above, the extraction of sand and limestone may be located less than 500m but generally no closer than 300m from a sensitive land use dependent upon the nature and scale of the operation and the content of a Dust and Noise Management Plan including consideration of the requirement for dust and noise measuring equipment to be installed within the site for the duration of the extraction process. However this will not apply to the extraction of basalt and other hard rock quarrying which requires greater setback distances (generally a minimum of 1000m) to a sensitive land use.

A works approval has now been submitted to DWER with accompanying documents including a noise management plan. The City has referred the noise assessment to DWER (Noise Branch) and they requested some minor changes which have been undertaken by the applicant.

There are a number of dwellings sited 500m from the proposed extraction. A plan of noise-sensitive premises is provided as Attachment G. LPP2.3 states "No extractive is to be located within 500m of a residence where the owner or resident of such objects". The closest dwelling that has been noted on the plans (Lot 31) would be 350m from the proposed extraction site. Upon visiting Lot 31, it was noted that an outbuilding has been converted into habitable accommodation. The City has no records of a development application or building permit being issued for a dwelling at this site and no comments have been received from the occupier. Notwithstanding the absence of a valid approval for a dwelling, the noise assessment has included the outbuilding as a 'Receiver', and it concludes that full compliance is achieved for the proposed operations.

In regard to the remainder of dwellings surrounding the application site, the noise assessment considers the impact from the proposed use on all the surrounding properties. It concludes that the adjusted worst-case noise levels are below the day-time assigned noise levels for all the noise-sensitive premises.

A number of submissions have been received in respect of the impact on Whicher Ridge Winery which is located on the eastern side of Chapman Hill East Road. There would be approximately 915m from the closest extraction cell to the closest winery building on the lot. LPP2.3 considers the impact on tourist attractions and states that when an extractive industry is approved within 1km of an attraction, additional conditions to reduce amenity impact from noise and dust may be imposed. DWER have confirmed that in accordance with the Noise Regulations, a winery is considered a commercial premises not a sensitive receptor. In light of the conclusions of the noise assessment, it is considered that there is sufficient separation to ensure that there will not be an unreasonable impact on the winery.

Statutory Environment

The key statutory environment is set out in the Scheme, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), Schedule 2 of which is the 'deemed provisions', which also functionally form part of the Scheme. The key aspects of the Scheme and Regulations relevant to consideration of the application are set out below.

Zoning

The site is zoned 'Rural'. The objectives of the 'Rural' zone are as follows:

- a. To provide for the maintenance or enhancement of specific local rural character.
- b. To protect broadacre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural activities as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- c. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- d. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.
- e. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
- f. To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.
- g. To provide for the extraction of basic raw materials, where appropriate.

The proposal is considered to satisfy the objectives of the zone.

Land-use and permissibility

The proposed land uses which is defined as follows:

"Industry – Extractive" means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –

- (a) the processing of raw materials including crushing, screening, washing, blending or grading,*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.*

Industry - Extractive is identified as an 'A' or advertised use within the Rural zone.

Matters to be considered

Clause 67 of the deemed provisions within the Regulations sets out 'matters to be considered' by a local government in considering an application for development approval. The following matters are considered to be relevant to consideration of this application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*

- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d); ...*
- (g) *any local planning policy for the Scheme area; ...*
- (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;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk; ...*
- (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; ...*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application; ...*
- (zb) *any other planning consideration the local government considers appropriate.*

The proposal generally complies with the relevant provisions noted above.

Relevant Plans and Policies

Relevant plans and policies must be given due regard in assessing the application, but cannot and do not bind the local government in determining an application for development approval. Plans and policies considered in the assessment of the application are as follows:

Local Planning Policy 2.3 - Extractive Industries

LPP2.3 – Extractive Industries provides guidance regarding the extraction of basic raw materials. The application site is located within Policy Area 3. The elements of LPP5A that are considered particularly relevant to assessment of the application are as follows:

1. **4.2.2.3 Policy Areas 2 and 3:**
Notwithstanding 6.2.1 and 6.2.2 above, the extraction of sand and limestone may be located less than 500m but generally no closer than 300m from a sensitive land use dependent upon the nature and scale of the operation and the content of a Dust and Noise Management Plan.
2. **4.2.2.5 Policy Areas 2 and 3:**
Where an extractive industry is approved within 1km of a residence or tourist accommodation or attraction, additional conditions to reduce amenity impact from noise and dust may be imposed, including operating times.
3. **4.2.3 Environmental Impacts:**
The potential impacts of an extractive industry will be assessed against the Scheme and the following criteria:
 - a) If approvals or advice has been issued by Department of Environment and Conservation and if not the extent of remnant vegetation to be cleared, including road verges resulting from road widening and upgrading; and proximity to areas of declared rare or endangered flora and fauna (DRF) or threatened ecologic communities (TEC).
 - b) Proximity to and significance of watercourses, drains, wetlands, and on-site and adjoining dams and need for surface drainage and groundwater management plans.
 - c) Evidence of Dieback disease and the suitability of a Dieback Hygiene Management Plan. (The Dieback Working Group-Best Practice Guidelines should be referenced in the formulation of a dieback management plan, including the matters that should be addressed in the plan and the responsibilities for the operator to comply with best practice management techniques).
 - d) Comments or recommendations from the Environmental Protection Authority, Department of Agriculture and Food WA, the Department of Water or any other relevant government agency.
 - e) Proposed end use of site, particularly if intending to revert to agricultural land.
 - f) The extent of bedrock, underlying clay soil strata and/or ground water levels to a depth of 0.5 m below the base of the excavation area.
 - g) Any other ecological or environmental issues that may be relevant.
4. **4.2.4.3 Policy Area 3:**
Extractive industry to be effectively screened from all major tourist routes where the impact warrants screening.

5. **4.2.5 Route Assessment and Transportation:**

The potential impacts of an extractive industry will be assessed against the Scheme and the following criteria:

- a) The outcomes of the Schedule 1 – Traffic Impact Assessment and Road Upgrading Guidelines.
- b) Any comments or recommendations from Main Roads WA.
- c) The impacts of haulage traffic noise, vibration and amenity loss on surrounding areas.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

Clause 64 of the deemed provisions sets out circumstances in which an application for development approval must be advertised, and also sets out the means by which applications may be advertised. Given the scale of the proposed development, it was considered appropriate to advertise the development application.

The purpose of public consultation is to provide an opportunity for issues associated with a proposed development to be identified by those who potentially may be affected. A development application should not be approved or refused based on the number of submissions it receives, rather all applications must be determined on the merits of the particular proposal, including consideration of any relevant planning issues raised through consultation.

The application was open for submissions from 22 November 2017 to 20 December 2017 and re-advertised with the additional information from 2 October 2019 to 24 October 2019. The application was advertised in the following manner:

1. Information regarding the application was posted on the City's website;
2. A portal was created using the City's *YourSay* platform for the online lodgement of submissions;
3. Letters were sent to all the land owners within 1km of the site; and
4. A notice was placed in a local newspaper on 2 October 2019.

Submissions were received from a total of 14 people. A schedule of submissions is provided as Attachment F. The schedule identifies who submissions were received from and summarises the submissions.

The submissions can generally be grouped as follows:

Objection

- The proposed access would be onto a dangerous section of Nuttman Road;
- Nuttman Road is not designed for heavy vehicles;
- Noise, dust and visual amenity concerns;
- Impact on winery and tourist attraction;
- Removal of feeding and breeding habitat for Black Cockatoos on site and road reserve;
- Revegetation unlikely to provide suitable replacement habitat for a long time.

Support

- Extraction of gravel subject to a revised access and road upgrades.

Where issues are raised which are not able to be considered, as they do not relate to the relevant planning framework, the comment provided (note comments have been grouped given the number of submissions received) indicates that, but does not provide further commentary or discussion. That does not necessarily suggest that the issues are not genuine issues of concern to the submitter or more broadly, but they are unfortunately not issues that can or should be addressed in the assessment of the application.

In addition to the above, the application was referred to DWER, Department of Biodiversity, Conservation and Attractions and the Department of Mines, Industry Regulation and Safety. The agencies' comments are provided as Attachment D.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The key risk to the City is considered to be the potential reputational and environmental risk that may arise if the site is not managed in a manner consistent with the conditions of approval. Mitigation of that risk requires proactive and appropriately resourced compliance activity.

Options

As an alternative to the proposed recommendation, the Council could:

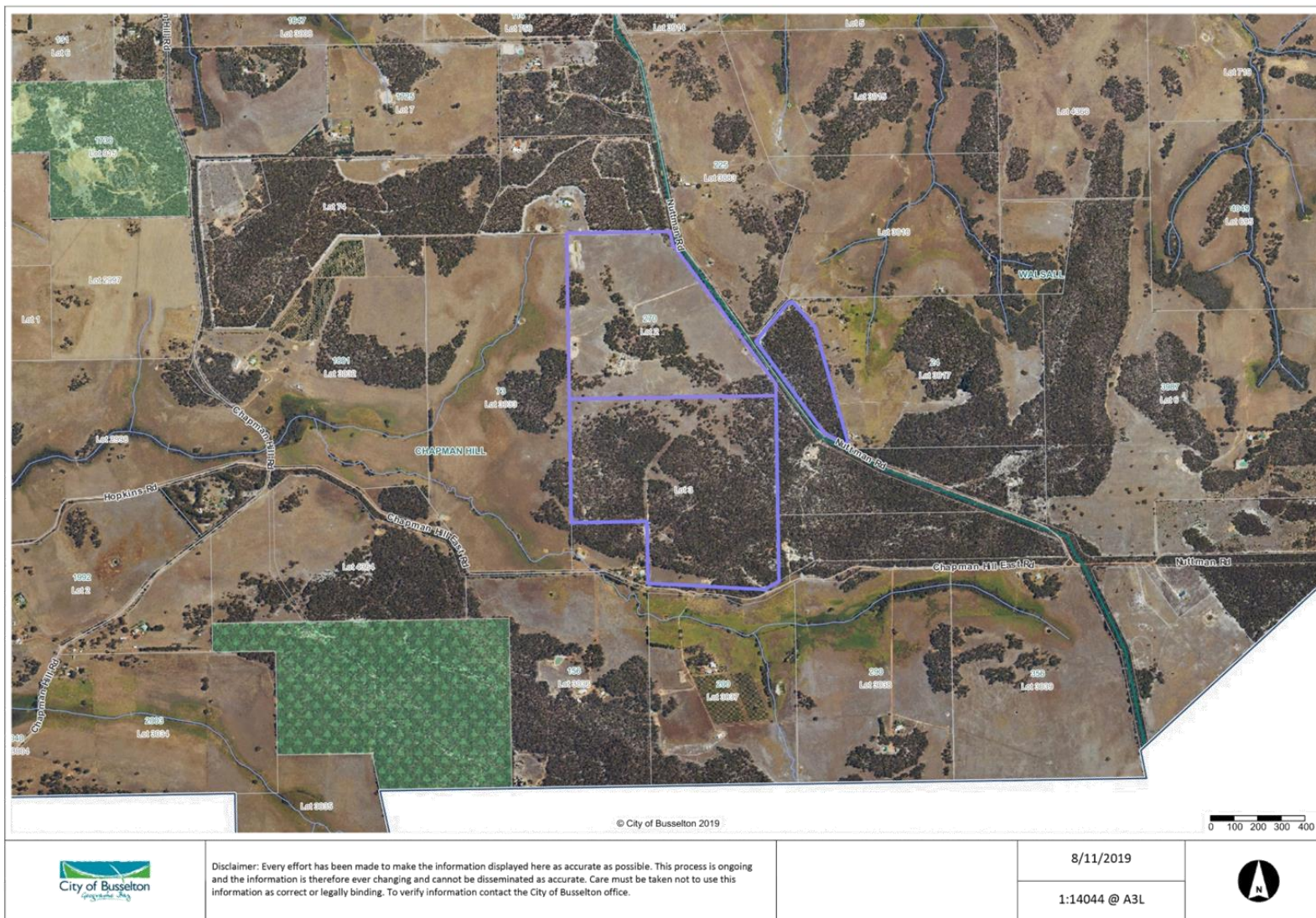
1. Refuse the proposal, setting out reasons for doing so; or
2. Apply additional or different conditions.

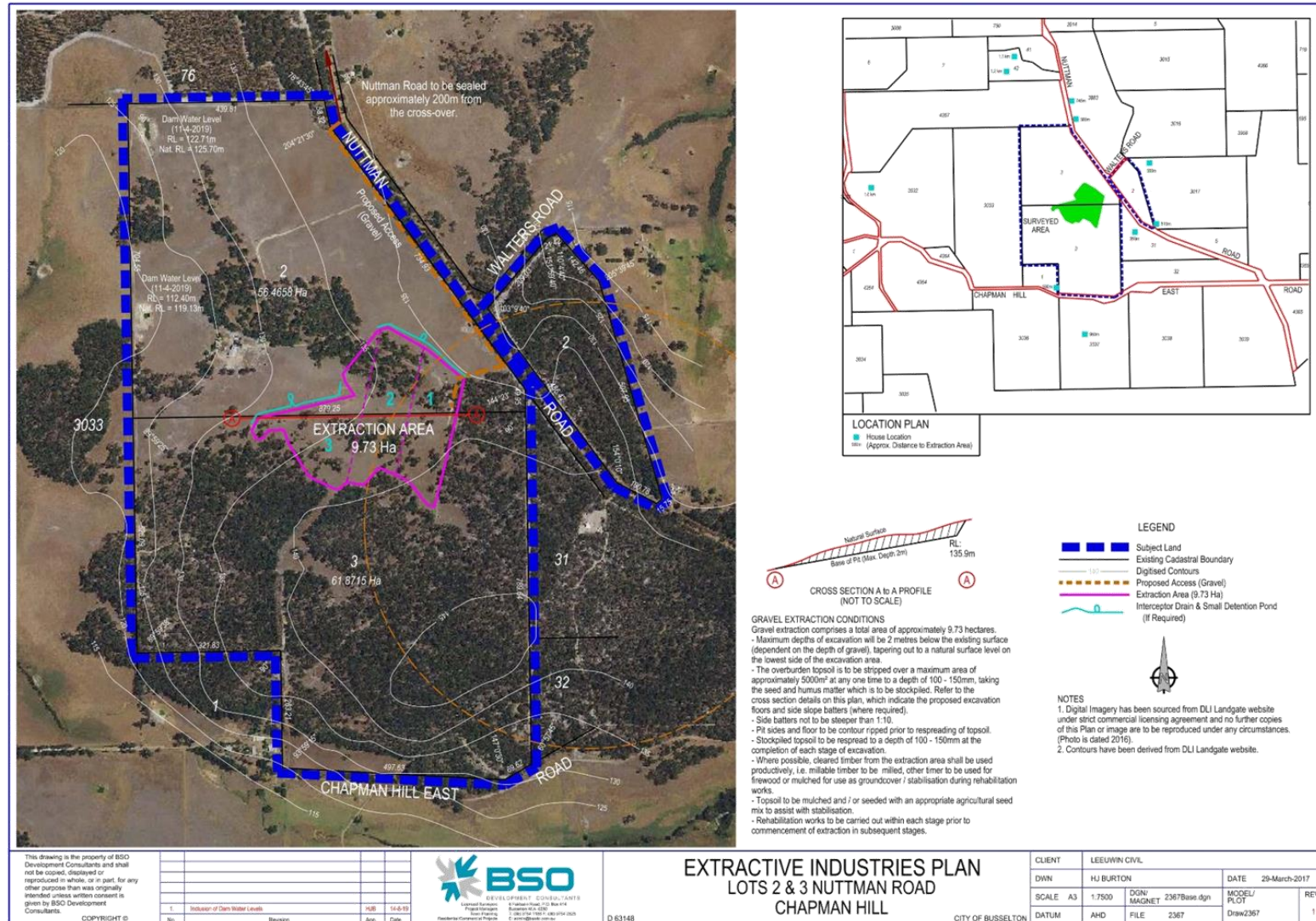
CONCLUSION

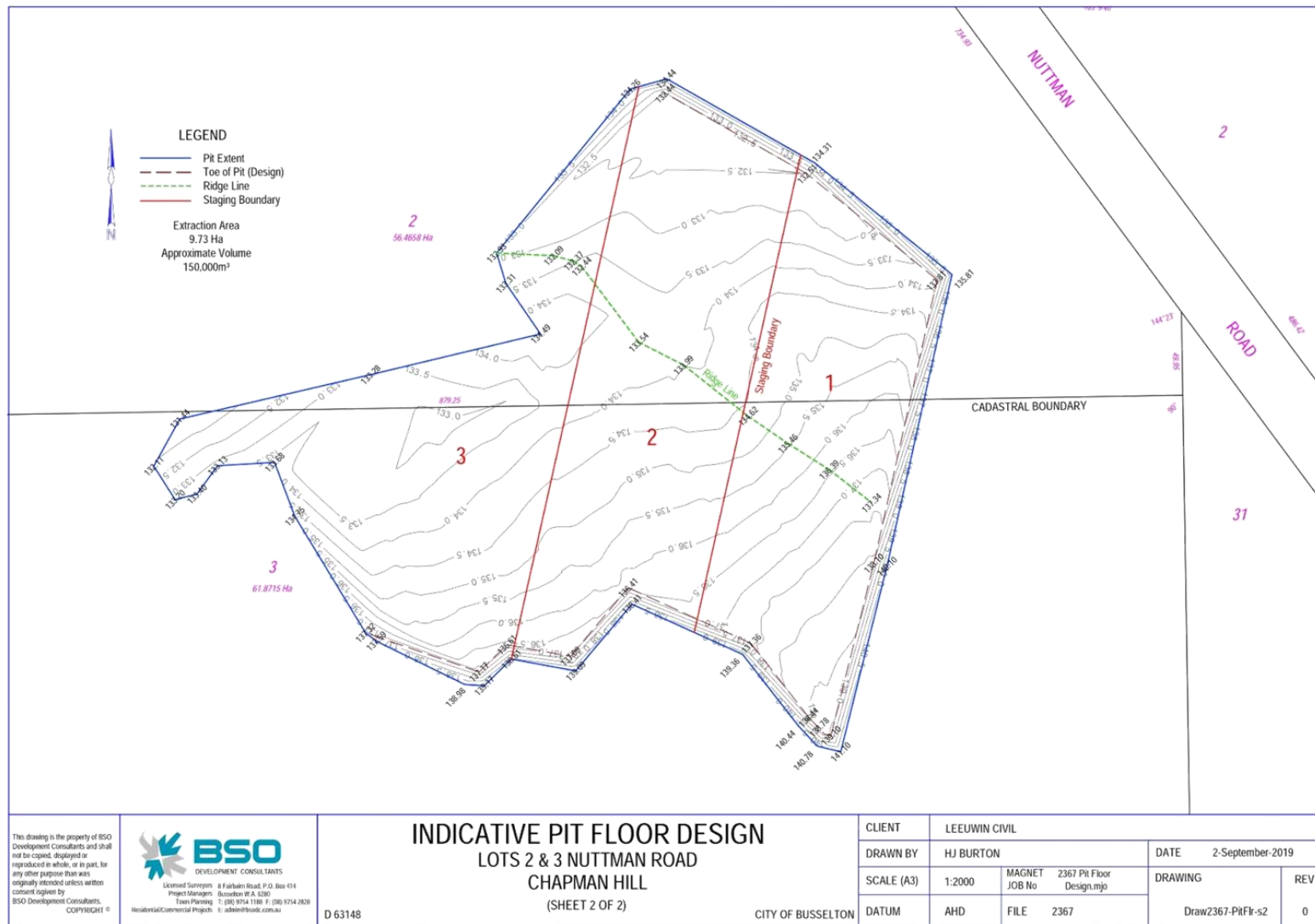
Subject to the inclusion of relevant conditions, the proposal is considered appropriate to support and it is accordingly recommended for approval.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The applicant and those who made a submission will be advised of the Council decision within two weeks of the Council meeting.









**DEVELOPMENT APPLICATION AND WORKS APPROVAL
APPLICATION**



**LOTS 2 AND 3 NUTTMAN
ROAD, CHAPMAN HILL**

NOVEMBER 2020



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Limitations

This report has been prepared by Accendo Australia Pty Ltd in accordance with the scope limitations provided in this report, or as otherwise agreed, between the Client and Accendo.

This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

This report has been prepared based upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report, which Accendo has not independently verified or checked beyond the agreed scope of work. Accendo does not accept liability in connection with such unverified information.

The conclusions and recommendations in this report are based on assumptions made by Accendo described in this report where and as they are required. Accendo disclaims liability arising from any of the assumptions being incorrect.

The report is based on site specific conditions encountered and information received at the time of preparation of this report or the time that site investigations were undertaken. Accendo disclaims responsibility for any changes that may have occurred after this time.

The preparation of this report has been undertaken and performed in a professional manner, in consideration of the scope of services and in accordance with environmental consulting practices. No other warranty is made.

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APPENDICIES

Appendix A. Complaints Register

1 INTRODUCTION

1.1 Background

Leeuwin Civil Pty Ltd (the applicant) is proposing to extract gravel from a 9.73 hectare (ha) area (herein referred to as the subject site) located on Lots 2 and 3 Nuttman Road, Chapman Hill (refer to **Figure 1 and 2**).

It is anticipated that approximately 50,000 tonnes per annum of gravel will be processed. The proposal involves the crushing and screening of gravel within the subject site.

This report has been prepared by Accendo Australia, including information directly inserted from the BSO Consultants correspondence dated 31st October 2017.

1.2 Location and Layout Plans

The subject site is located on the southern boundary of Lot 2 and the northern extent of Lot 3 Nuttman Road. Both Lots 2 and 3 Nuttman Road are wholly owned by Mr Brian Baker (refer to **Appendix A** for Certificate of Title). Authorisation for Leeuwin Civil to act on the landowner's behalf for this proposal has been provided (refer to **Appendix B**).

The subject site is located in the municipality of the City of Busselton, approximately 16 km south of the Busselton central business district. The property is zoned 'Rural' pursuant to the City of Busselton's *Local Planning Scheme No. 21*. The proposed extractive industry is a permitted land use within this zone subject to development approval from the City of Busselton.

The enclosed location plan and site plan identify the proposed extraction areas quite clearly. The subject land is located within Extractive Industry Policy Area No. 3 – Extractive Industry Less Constrained. Extractive industry will be expected to be approved within Policy Area 3, where such operations can meet the requirements of these provisions and the Scheme, provided they do not impact on known areas of titanium mineralisation, nor have an adverse impact on Prime Agricultural land.

The property is well removed from areas known to contain titanium mineralisation.

1.3 Existing and Surrounding Landuses including Extractive Industry

Landuse abutting the boundaries of the subject land is rural based, predominantly grazing, dairying and pastoral landuses, as well as conservation/lifestyle properties immediately to the east.

The Location Plan shows the position of all residences located within one kilometre of the proposed extraction areas. The closest dwellings are to the east and south at distances of approximately 350 and more than 500 metres, they are well screened from the proposed extraction areas by almost continuous remnant vegetation.

1.4 Property Access

Access to the proposed extraction area is provided by Nuttman Road which is proposed to be upgraded by Leeuwin Civil Pty Ltd to an appropriate sealed standard and width, for approximately 200 metres. The trucks will then enter Lot 2 near its northeast corner and traverse this property along an internal gravel accessway which is to be built from the gravel resource to access the extraction area.

1.5 Visual Impact Management

It is anticipated that the gravel resource will be transported northwards to Chapman Hill Road, which then runs all the way to the Busselton Townsite. The landowners and contractor are committed to installing and maintaining all necessary signage along the haulage route should an approval be granted.

While the extraction area will be partly visible from Nuttman Road, it will be completely screened from all other directions. A row of trees could be retained along the north-eastern edge of the pit to further protect views from the roadway.

2 EXISTING ENVIRONMENT

2.1 Topography and Soils

The natural topography of the subject site increases in elevation in a south-easterly direction. The elevation ranges from 130 metres (m) Australian Height Datum (AHD) to 140 m AHD.

Soils across the subject site are mapped by Tille and Lantzke (1990) and are described as follows:

- Treeton hillslopes phase: Slopes with gradients generally ranging from 2-15% and gravelly duplex (Forest Grove) and pale grey mottled (Munglitz) soils; and
- Treeton sandy slopes phase: Slopes (with gradients generally 5-10% but ranging from 2-15%) with deep bleached sands.

2.1.1 Acid Sulfate Soils

Acid Sulfate Soils (ASS) is the common name given to naturally occurring soil and sediment containing iron sulfides. They have become a potential issue in land development projects on the Swan Coastal Plain when the naturally anaerobic conditions in which they are situated are disturbed and they are exposed to aerobic conditions and subsequently oxidise. When oxidised, ASS produce sulfuric acid, which can result in a range of impacts to the surrounding environment. ASS that has oxidised and resulted in the creation of acidic conditions are termed "Actual ASS" (AASS), and those that have acid generating potential but remain in their naturally anaerobic conditions are termed "Potential ASS" (PASS).

Mapping prepared by the Department for Planning, Lands and Heritage to support the Western Australian Planning Commission's (WAPC's) Planning Bulletin 64: *Acid Sulfate Soils* (WAPC 2007) does not extend to the subject site. Accordingly, following a review of the *Australian Soil Resource Information System*, the subject site is mapped as having an 'Extremely Low Probability of Occurrence' for ASS (ASRIS 2013).

2.2 Hydrology

2.2.1 Groundwater

The subject site is located within the Busselton-Capel groundwater area as proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act).

During a geotechnical investigation of the subject site, several test pits were excavated to a depth of 3 m from October to the end of November 2015 (BSO 2015). During this investigation, groundwater was not encountered.

The Superficial Aquifer within the subject site forms an unconfined aquifer beneath the Swan Coastal Plain, with a thin saturated thickness of <5 m. The Superficial formation collectively includes the Tamala Limestone, Bassendean Sand, Guildford formation and Yoganup formation. Consequently, there is a large variation in permeability, salinity, recharge rates and soil type (DoW 2009).

The depth of the superficial layer decreases towards the Whicher Scarp, where it becomes a thin layer (0–3m) over the laterite, underlain by the Leederville Aquifer. The aquifer is fully recharged and saturated during the winter months resulting in large areas of water logging. However, the extensive drainage network captures and diverts most of the excess water. Groundwater salinity ranges from < 1000 mg/L towards the southern and western boundaries and increasing towards the coast to > 1000 mg/L (DoW 2009).

We are advised that a few test holes were excavated within the extraction area some time ago, to a depth of approximately 4 metres, and no groundwater was encountered. We do not know where these holes were dug and have not attempted to show the same on the application plan. The lack of water is no surprise, most of Lot 3 is dominated by a substantial ironstone and gravel ridge, this is why it has never been cleared for grazing (insert from BSO Consultants 2017).

There are two stock dams on Lot 2, adjacent to the western boundary, which depict quite different holding abilities. Both are excavated below the caprock layer, with the dam located in the northwest corner having a water level of 122.71mAHD, 2.99 metres below the ground surface of 125.7mAHD on 11th April 2019. There was an obvious water line visible on the wall of this dam at 123.74mAHD which represents its maximum water capacity – 1.96 metres below ground level. This dam also captures some inflow from surface run-off (insert from BSO Consultants 2017).

The second dam is located in a broad, shallow valley which drops away to the west, it had a water level of 112.4m AHD, 6.73 metres below the ground surface of 119.13m AHD. The landowner advises that its level increases by 9 feet (2.75 metres) and is always at least 12 -13 feet (3.98 metres) below ground level. This dam also captures some inflow from surface run-off (insert from BSO Consultants 2017).

This indicates that the groundwater becomes deeper below the ironstone ridge as you head southwards, until it becomes shallow again in the next valley down at Chapman Hill East Road (insert from BSO Consultants 2017).

Extraction of gravel will be to a depth of up to 2 metres, at least 2 metres above the anticipated maximum groundwater level in this area.

2.2.2 Surface Water

The subject site does not contain any defined wetlands (as classified within the *Geomorphic Wetlands of the Swan Coastal Plain* dataset) and is not located within a 'Public Drinking Water Source' area (SLIP 2019).

The subject site is located approximately 20 km south of Geographe Bay and 30 km east of the Indian Ocean. The closest drainage feature is a minor seasonal upper tributary of the Vasse River, approximately 650 m south and west of the subject site. Accordingly, the project will not impact any watercourses.

An attachment is included of an indicative pit floor design, whereby surface run-off will be directed in a westerly direction, consistent with the natural lay of the land. It is more than 300 metres in a west/northwest direction through pastured cattle paddocks before any of that run-off will exit the property, at a grade of just 3%. This will naturally filter any particles/discolouration which could leave the pit before exiting the property. It is not expected that any form of stormwater management will be required rather, large rainfall events will pond in the pit floor before naturally dissipating. The landowner and contractor will monitor this situation at all times and will remedy the situation if this is not the case (insert from BSO Consultants 2017).

No erosion is anticipated, this will be prevented by the gravelly nature of the soil on this ridgeline.

It is also acknowledged that a water licence will be required if water is utilised for dust suppression. This will be available in the two dams described above and a licence application will be lodged if this extractive industry application is approved (insert from BSO Consultants 2017).

2.3 Vegetation and Flora

The subject site is classified as being in a 'degraded' to 'completely degraded' condition (SW Environmental 2017) attributed to a history of agricultural land uses. Native flora species are predominately restricted to

Marri (*Corymbia calophylla*), Jarrah (*Eucalyptus marginata*) and occasional WA Sheoak (*Allocasuarina fraseriana*) (SW Environmental 2017). Given the condition of the subject site, no flora or vegetation of conservation significance is likely to occur within the subject site. The nearest Threatened Ecological Community (TEC) and Declared Rare Flora (DRF) species is mapped over 3 km north-west from the subject site (refer to **Figure 3**).

An application to clear 2.8 ha of remnant vegetation associated with this proposal has been submitted to the DWER (CPS 8746/1).

2.3.1 Regional Ecological Linkages

The South West Regional Ecological Linkages (SWREL) Technical Report (Molloy et al., 2009) shows that the subject site falls within areas identified as 1a: with an edge touching or <100m from a linkage (1.5 ha) or 1b: with an edge touching or <100m from a natural area selected in 1a (0.5 ha). The vegetation within the subject site is therefore considered to be part of a regional ecological linkage (refer to **Figure 3**).

The project however only involves the clearing of 2.8 ha (0.08%), two hectares of which is mapped as a part of SWREL linkage, of the 3,490 ha of native vegetation remaining within five kilometres of the subject site. Accordingly, the impacts of the proposed clearing on Regional Ecological Linkages or native vegetation within the context of the subject site will be negligible.

The subject site is not located within an ecological linkage as defined by Bush Forever, Perth Greenways and the System 6 Report.

2.3.1 Environmentally Sensitive Areas

Section 51B of the *Environmental Protection Act 1986* (EP Act) allows the Minister to declare an Environmentally Sensitive Area (ESA). Once declared, the exemptions to clear native vegetation under the regulations do not apply in these areas. TECs, areas within 50m of any DRF and defined wetland areas constitute ESAs. However, a number of other areas of environmental significance are also listed. Current declared ESAs are listed in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005.

The subject site is not mapped within an ESA. The closest ESA is located approximately 3.2 km from the subject site (refer to **Figure 3**).

2.4 Fauna

In consideration of vegetation condition and species present within the subject site, fauna habitat is predominately restricted to black cockatoos (Forest Red-tailed black cockatoo (*Calyptorhynchus banksii naso*), Baudin's black cockatoo (*Calyptorhynchus baudinii*) and Carnaby's black cockatoo (*Calyptorhynchus latirostris*)). A *Black Cockatoo Habitat Assessment* (SW Environmental 2017) was undertaken within the subject site whereby it was identified that 2.8 ha of black cockatoo breeding and foraging habitat would be impacted by the proposal.

Accordingly, approval from the Commonwealth Department of the Environment and Energy (DotEE) was sought whereby it was determined that the proposed clearing is not a controlled action and therefore approval is not required pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (refer to **Appendix C**).

2.5 Aboriginal Heritage

An online search for relevant Aboriginal heritage information was undertaken using the Department for Planning, Lands and Heritage (DPLH) *Aboriginal Inquiry System* that incorporates both the heritage site register and the heritage survey database (DPLH 2019). The Aboriginal Heritage Site Register is maintained pursuant to Section 38 of the *Aboriginal Heritage Act 1972* and contains information on over 22,000 listed Aboriginal sites throughout Western Australia.

Results of the database search revealed that no Aboriginal heritage sites are present within the extraction area. Nonetheless, it is important to note that Aboriginal heritage sites may still exist in or adjacent to the subject site that are not yet known, or may not yet been listed on the Aboriginal Heritage Register.

2.6 Sensitive Receptors

The Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors* (June 2005) provides generic separation distances to assist in the determination of suitable buffers where industry may have the potential to affect the amenity of a sensitive land use. In particular, for extractive industries, a buffer distance of 300 m to 500 m is recommended from sensitive land uses.

The closest residential dwelling to the subject site is 320 m to the south, as shown in **Figure 4**.

Land use abutting the boundaries of the subject land is rural based, predominantly grazing, dairying and pastoral land uses, as well as conservation/lifestyle properties immediately to the east.

3 MOBILE CRUSHING AND SCREENING PROCESS

3.1 Area of Disturbance

The gravel quarry will cover an area of approximately 9.73 ha with a maximum natural elevation of 140m AHD. Maximum depths of excavation will be approximately 2 m in the southern sectors, becoming much shallower as the extraction progresses northwards. Excavation will occur in three stages, each approximately 3.24 ha, over a five year period.

It is estimated that the total maximum volume of gravel to be removed from the three cells will be approximately 170,000 banked cubic metres and the landowners request that their permit be given the longest lifespan allowable (5 years).

3.2 Description Overview

All crushing equipment and infrastructure at the subject site will be fully portable to facilitate movement throughout the site required for staged quarrying operations. The following equipment could be present at the subject site throughout operations:

- Light vehicles;
- Excavator;
- Service truck;
- Mobile crushing and screening plant;
- Front end loader;
- Tip truck;
- Site office;
- Ablutions.

The commencement of operations is proposed in the second half of 2020 (subject to obtaining all approvals). The estimated construction costs to mobilise the crushing and screening equipment is \$139,630 (refer to **Table 1**). The only cost associated with the infrastructure outlined in this works approval application is the hire and mobilisation of equipment to the subject site. Operating hours will be restricted to 7:00am – 6:00pm, Monday to Friday. It should be noted that the quarry will operate on a campaign and as needs basis.

Table 1. Estimated construction costs.

Timing	Details
Category	12 – Screening, etc. of material
Capacity Range	More than 50,000 but not more than 100,000 tonnes per year
Total Cost	Equipment Hire – \$138,580.00 Mobilisation to site - \$1,050.00 Total Cost - \$139,630.00 More than \$100,000 but not more than \$150,000 - Rate 45
Total Fee	\$1,827.00

The key project characteristics associated with the proposal are provided below in **Table 2**.

Table 2. Project characteristics.

Characteristic	Description
Quarry life	Five years
Total resource	Approximately 50,000 tonnes of gravel per annum
Project footprint	9.73 ha
Vegetation clearing	2.8 ha within extraction area (CPS 8746/1). No other vegetation clearing required.
Operating hours	7:00am – 6:00pm, Monday to Friday
Storage shed	A storage container may be located in the fenced compound for the overnight storage of valuable equipment.
Fenced compound	A compound area will be fenced to secure equipment and restrict public access.
Dump truck	A dump truck will be used to transport material within and from the site.
Water Tankers	A 10,000L water tanker or similar will be used for dust suppression on the access road and working floors as required.
Bulldozer (D8)	Topsoil will be stripped using a bulldozer to a maximum depth of 150mm. bulldozers will also be used for the movement of gravel and loading road trucks.
Excavator (325/330)	An excavator may be used for the removal of gravel material.
Loader (938/966)	Loaders will be used for the movement of gravel and loading road trucks.
Terex Finlay I-140 Impact Crusher	Used for the crushing of gravel.
Terex Finlay 693 Supertrak	Used for the screening of crushed gravel.
Anaconda Radial Stockpiler	Used for stockpiling crushed gravel.
Toilets	A portable toilet may be required onsite.
Generator	A generator may be required to provide power to a variety of equipment.
Water usage	Water will be trucked to the subject site as required.
Waste	All waste products will be stored in appropriate rubbish bins (recycling, putrescible, and hydrocarbons will be separated in lidded bins) and removed from site by a contractor at regular intervals and disposed of at the licensed landfill facilities. There will be no landfill on site

Onsite facilities will be kept to a minimum and importantly no fuel or chemicals will be stored onsite.

3.3 Mining Operations

It is anticipated that approximately 50,000 tonnes of gravel will be extracted each year, depending on supply and demand. The above factors suggest an average of seven additional truck movements per day but this will be dependent on demand.

The topsoil (nominally 15 cm of the soil profile) will be stripped and stockpiled behind the excavation face using a bulldozer or loader. Where possible and if the perimeter bunding is already present, topsoil will be

directly transferred to an area being rehabilitated. Overburden, if present, will be removed using a dump truck and stockpiled to the perimeter of the proposed pit area.

3.3.1 Gravel Extraction

The gravel within the subject site can be removed with an excavator or loader without the need for blasting. The material will then be crushed and screened to produce products of the correct size.

A summary of the proposed extraction activities is provided below:

- Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed.
- Remove the vegetation cover by pushing it into windrows for use on the batters to minimise soil erosion and assist spreading on the final land surface as part of the final rehabilitation.
- All topsoil will be removed for spreading directly onto areas to be revegetated and screening or perimeter bunds. If direct spreading is not possible the topsoil will be stored in low dumps, for spreading at a later date.
- Soil and overburden will then be removed and either directly transferred to a rehabilitation area or stored in low dumps for later rehabilitation use.
- An excavator or front-end loader will be used to excavate the gravel material.
- The material will then be picked up by a rubber tyred loader and fed to the mobile crusher.
- A loader will then transfer the laterite rock into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site.
- All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening.
- Upon completion of each section of quarry the section will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours.
- At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.

The likely initial position of plant equipment (crushers, loaders and screeners) will be within the floor of the existing excavation area (refer to **Figure 5**); although as such equipment is mobile it could subsequently be relocated when needed for more effective positioning in relation to areas of excavation.

Stockpiles will be located on the floor of the pit and will be a maximum of 4 metres high, which, with the lowered elevation of the pit floor and perimeter bunding of topsoil, will mean that the stockpiles are not anticipated to be visible from Nuttman Road.

3.3.1 Rehabilitation

During operations, quarrying and rehabilitation will be undertaken progressively. Following quarrying of each stage, rehabilitation will be undertaken.

Upon completion of each cell, the following completion criteria will be achieved:

- A self-sustaining cover of pasture;
- Weed levels that are not likely to impact on the viability of the reconstructed soils; and
- A safe and stable landform suitable for the proposed future land use which will be productive, grazing pasturelands.

3.4 Crushing and Screening Equipment

3.4.1 Installation

Due to the mobile nature of the crushing and screening equipment, installation at the subject site will be very simple. The 'plug and play' equipment does not require earthworks or significant construction and therefore has a low risk of noise and dust generation during this phase.

3.4.2 Operation

The crusher and screening plant will be located on the pit floor during campaigns when gravel material is being produced. The mobile crushing and screening equipment used is modular and interchangeable. The crusher and screens can be configured differently for the production of several gravel products. The plant is equipped with dust covers for dust management.

3.5 Proposed Operating Times

Operation of the pit will be constrained between the hours of 7am and 6pm Monday to Friday, and it is not proposed to include public holidays. Should individual contracts require operation outside these times, our clients are committed to notifying Council accordingly, outlining the specific details of the contract.

It should also be noted that trucks may not operate on designated school bus routes between 7.30 – 8.40am and 3.20 – 4.20pm, Monday to Friday, during school periods. The pit operators will be careful to ensure compliance with these requirements.

3.6 Staging of Operation

The site plan shows clearly the proposed areas of excavation. Our clients are committed to rehabilitating the area upon completion of the extraction and this rehabilitation will be commissioned at an appropriate time of the season when the respread topsoil will germinate and stabilise quickly i.e.. during the months of late May to September. No more than 2.0 hectares of extraction area will be exposed at any time prior to rehabilitation commencing.

3.7 Number of Truck Movements Per Day/Week

Assessment of the estimated banked volume of 170,000 cubic metres against the truck movement calculations contained within the Policy, leads to an average removal volume of 131 truck cubic metres per day (five days per week over five years).

Based on the 19 cubic metre capacity of a semi-trailer, this equates to less than 7 additional truck movements per day, on the local road network. Obviously, this is likely to fluctuate however, at this stage, average truck movements are all that can be estimated.

3.8 Haulage Routes and Destinations

The haulage routes and destinations will be subject to specific contracts however for the most part, the resource can be transported anywhere once it reaches the Chapman Hill Road/Busselton Bypass intersection. Our clients are committed to advising Council of specifics as contracts are prepared.

4 ENVIRONMENTAL IMPACTS AND MANAGEMENT

The following factors are considered to represent the potential environmental and amenity impacts associated with the proposal:

- Hydrology;
- Dust;
- Noise
- Dieback and weeds; and
- Uncontrolled discharge of contaminants to land.

These environmental factors are discussed in more detail below, together with the proposed management actions.

4.1 Hydrology

4.1.1 Surface Water

The subject site does not contain any defined wetlands (as defined within the *Geomorphic Wetlands of the Swan Coastal Plain* dataset) and is not located within a 'Public Drinking Water Source' area (SLIP 2019). Furthermore, the subject site is situated on a broad ridgeline well removed from any defined drainage lines or watercourses.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any impacts to surface water, including stormwater runoff.

Operation

The operation of the screening and crushing plant will be a dry operation.

To minimise any potential impacts associated with sedimentation and erosion from stormwater runoff during the operation of the crushing and screening equipment, holding ponds for each Stage will be located at the base of the pits.

These ponds will be designed to retain surface water runoff from the two-hour 10 year average return interval storm event. Cut-off drains running along the base of the pit, parallel to the western boundary, will ensure all runoff is diverted into the detention ponds.

During excavation activities, the surface will be internally drained. A low bund will be installed down slope of any excavation area in the gravel, established from the wall of the pit to the edges of the excavation. The processing area will also be bunded by a low bund to ensure no surface water runoff occurs.

Risk Assessment

A risk assessment relating to surface water and stormwater runoff in consideration of the proposed management measures is provided below. The residual risk associated with sedimentation and erosion from stormwater runoff during the operation of the crushing and screening equipment is considered Low.

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Table 3. Risk assessment associated with surface water and stormwater.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Erosion and sedimentation	Uncontrolled and contaminated stormwater runoff	Erosion and sedimentation resulting in poor surface water quality.	Installation of holding ponds to retain surface water. Bunding of the process excavation area to ensure that stormwater is contained within the excavation footprint.	1	2	Low

4.1.2 Groundwater

Groundwater will not be extracted or dewatered during the operation of the quarry and therefore, no impacts to groundwater levels are proposed. There will be no interaction with groundwater given that the proposed maximum depth of excavations will be 2 m below ground level.

The extraction and processing of gravel is a chemically free operation with the liquids used being lubricants for machinery and fuel. There will be no storage of chemicals or fuel on the subject site.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any impacts to groundwater.

Operation

The operation of the screening and crushing plant will be a dry operation and is not associated with any impacts to groundwater.

4.2 Dust

In accordance with the EPA (2005) Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses*, the recommended separation distance between an extractive industry and a residential dwelling is 300-500m. As previously discussed, the closest dwellings are to the east and south at distances of approximately 350m and more than 500m, and they are well screened from the proposed extraction areas by almost continuous remnant vegetation.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any significant dust emissions.

Operation

Potential dust emissions may impact the amenity of nearby residents and the environmental values of the surrounding landscape. An assessment of dust emissions is provided below.

Wind Direction

During the summer months the dominant wind in the mornings is from the south-east at 10-14 knots, swinging to the south-west at 20-25 knots in the afternoon. During winter, the winds are most commonly 10-14 knots with no dominant prevailing direction. During storms, winds from the west and north-west can reach 40 knots (BoM 2020).

Dust Sources

The proposed extraction activities will involve the disturbance of soil and earthen material. Specifically, this may include the following activities:

- Earthworks during extraction activities;
- Topsoil stripping;
- Loading and transportation of material;
- Vehicle movement within the site;
- Crushing and screening of material; and
- Wind erosion of exposed surfaces.

These activities have the potential to generate dust that, if not adequately controlled, can cause nuisance and safety risks. In-pit operations tend to generate less dust than surrounding activities due to the reduced airflow within the pit. The removal and replacement of topsoil material has the highest risk associated with dust generation due to the large volumes of material involved and generally lower levels of soil moisture.

Risk Assessment

In accordance with the DWER's "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities", a risk assessment for dust emissions has been prepared.

For a site that is generating uncontaminated dust, such as extractive industry sites, the site classification chart in Appendix 1 of the DWER guideline can be used for assessing the site risk. Appendix 1 also details the provisions and contingency arrangements for dust management which apply to each site classification score.

The site classification assessment is provided below.

Part A. Nature of site

Item	Score Options				Score
1.Nuisance potential of soil when disturbed	Very low - 1	Low – 2 <i>Soils with a dominant particle size corresponding to gravel size or larger have less potential of becoming airborne than finer particles such as fine sand.</i>	Medium - 4	High - 6	2

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2. Topography and protection provided by undisturbed vegetation	Sheltered and screened - 1	Medium screening – 6 <i>The extraction area is extensively screened by remnant vegetation.</i>	Little screening - 12	Exposed and wind prone - 18	6
3. Area of site disturbed by the works	Less than 1ha - 1	Between 1 and 5ha – 3 <i>Only 2ha will be excavated at any time. Rehabilitation will be progressive denoting that the area of disturbed land will be limited to 2ha.</i>	Between 5 and 10ha - 6	More than 10ha - 9	3
4. Type of work being done	Roads and trenches - 1	Roads, drains and medium deep sewers - 3	Roads, drains, sewers and partial earthworks - 6	Bulk earthworks – 9 <i>Gravel extraction</i>	9
Total score for Part A					20

Part B. Proximity of site to other land uses

Item	Score Options				Score
1.Distance of other land uses from site	More than 1km - 1	Between 1km and 500m – 6	Between 100m and 500m – 12 <i>The closest dwellings are to the east and south at distances of approximately 350m and more than 500m.</i>	Less than 100m - 18	12
2. Affect of prevailing wind direction (easterly) on other land uses	Not affected - 1	Isolated land uses affected by one wind direction – 6 <i>The closest dwellings are to the east and south.</i>	Dense land uses affected by one wind direction – 9	Dense/sensitive land uses highly affected by prevailing winds - 12	6
Total score for Part A					18

Based on the risk assessment, a site classification score (A x B) of 360 has been provided. This results in a Classification 2 which is considered a low risk (score between 200 and 399 is considered low risk, DWER 2011). The provisions, contingency arrangements and monitoring requirements as specified by the DWER (2011) associated with a Classification 2 proposal are provided below.

Provisions:

The developer shall supply a contingency plan to the local government, which shall detail the activities to be undertaken should dust impact occur.

Contingency arrangements:

Include an allowance for water-cart operation, wind fencing and surface stabilisation during construction period for the purposes of dust suppression.

All areas of disturbed land should be stabilised to ensure that the disturbed area exposed at any time is kept to a practical minimum.

Monitoring requirements:

Complaints management system in place.

Notice to be erected at the site providing contact details of the person to be contacted.

Management Measures

Based on the results from the risk assessment and in consideration of the separation distances to sensitive receptors, the following dust management measures are proposed.

Exposed Surfaces

Dust from stockpiles, un-stabilised surfaces and access roads will be suppressed with water applied by an onsite watercart with a capacity of 15,000 L. Water will be trucked to the site from an offsite source.

The volumes of water required will be dependent on the prevailing weather conditions. An estimated volume of water required for dust suppression is provided below in **Table 4**.

Table 4. Parameters for estimated water requirements for dust suppression.

Parameter	Volume/Number
Truck movements in summer	Average of 7 movements per day (depending on demand)
Volume of watercart	15 kL
Estimated days of watercart operation	120
Estimated average daily use	45 kL
Estimated annual use	5,400 kL

Material Transport

Material transported from the subject site will be carried in truck bodies of various configurations. During transport of the gravel material, dust can be generated. Accordingly, the proponent will implement the following measures to reduce dust during product transportation:

- Truck loads will be covered with tarpaulin or similar.

Processing Material

Crushing, screening and stockpiling the gravel material has the potential to generate dust. The crushing and screening plant will be fitted with dust covers to prevent dust emissions from this operation.

Crushing and screening will be undertaken in designated areas with the greatest natural protection from winds (concealed at the lowest contours) which simultaneously minimise wind-borne dust emissions and dissipate noise emissions. Excavation and processing will be conducted on the floor of the pit, 2m below natural ground level behind the excavation face.

Rehabilitation

The proposed extractive industry operation is staged. Accordingly, rehabilitation will be undertaken sequentially and as soon as reasonably possible to reduce the exposed areas. Where rehabilitation is delayed (i.e. staged completion occurs in summer), additional dust control measures will be considered. This includes the application of a paper-water mixture to exposed surfaces to create a temporary crust and prevent wind-borne dust lift-off.

Summary

The potential impacts to amenity from dust emissions are considered low with the application of suitable management measures. A summary of these proposed management measures is provided in **Table 5**.

Table 5. Dust management measures.

Timing	Management Measure
Topsoil removal, excavation and rehabilitation activities	Stockpiles, where possible, will be limited to the anticipated cubic volume/vehicle movement for cartage on the following operating day.
	Stockpiles will be configured to accommodate easy access for watering/dust minimisation if required.
	Access roads and immediate extraction areas will be watered as required.
	Topsoil stockpiles and exposed areas will be watered and stabilised as required. Stabilisation techniques that will be considered depending on environmental conditions will include hydro-mulching.
	Timing of earthworks (daily and seasonally) will coincide with periods of low wind velocity as far as practicable. This will especially need to be considered during summer with the prevailing easterly winds.
	Truck loads to be covered by tarpaulins or similar.
	Crushing and screening plant to be fitted with dust covers at all times.
	Visual monitoring of dust will be ongoing throughout the day during operations. When dust emissions are observed, dust suppression measures will be implemented immediately.
	<ul style="list-style-type: none"> Erect on-site signage directing public to make complaints to the relevant person. Maintain a complaints register (refer to Appendix D). A Complaints Register will be established to record the date, nature, and resolution action of any complaints. Complaints will be directed to the site supervisor for resolution. If the complaint is verified as being due to a site source, remedial action will be undertaken within 2 hours. The City will be advised of all complaints as soon as they are received.

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Timing	Management Measure
	<ul style="list-style-type: none">If a complaint cannot be resolved within the 2 hour response period, it may be necessary to cease operations.

4.3 Noise

Noise from construction sites in Western Australia is governed by the *Environmental Protection (Noise) Regulations 1997*. The Regulations state that construction work can be carried out between 7.00am and 7.00pm on any day which is not a Sunday or a public holiday provided:

- The construction work is carried out in accordance with control of environmental noise practices set out in Section 6 of *AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- The equipment used on the premises is the quietest reasonably available.
- Construction outside these times and days if approved by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER).

As previously discussed, the EPA (2005) Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* recommends a separation distance between an extractive industry and a residential dwelling of 300-500m. The closest dwellings are to the east and south at distances of approximately 350m and more than 500m.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any significant noise emissions.

Operation

The construction works will involve the use of machinery and equipment that will generate noise during operation. Sources of noise from the subject site will include:

- Machinery noise from equipment use.
- Noise from safety equipment (beepers on machinery).
- Noise from trucks departing the site.

Reversing alarms can represent significant nuisance noise to sensitive receptors. There are a number of alternatives to alarms that maintain a safe work environment and also comply with occupational health and safety legislation. Reversing alarms alert pedestrians when a vehicle is moving, however, given that no pedestrians will be onsite (private property), the applicant has committed to using flashing lights or a broadband alarm system as an alternative. The sound of a broadband alarm is much less intrusive by nature than the sound of a tonal alarm and tends to be masked by the background noise at a lesser distance. This will eliminate/reduce noise emissions associated with reversing alarms.

Noise Barriers

Noise impacts on sensitive receptors are dependent on distance and line-of-sight. The proximity to residential dwellings has been determined (refer to **Figure 4**). Topography and existing vegetation naturally create screening from noise, dust and visual impacts between the proposed extraction area and sensitive receptors to the subject site.

Distance, obscured landform and vegetation cover (primarily in the form of large trees) over at least 350m indicates that noise impact is expected to be manageable. To further ameliorate potential noise impacts, it is proposed to establish topsoil stockpiles around the periphery of the working pit.

Wind Direction

Annual wind data has been obtained from the Busselton Bureau of Meteorology station (ID: 009603), located approximately 15 km from the proposed extraction area. Speed and direction frequency wind roses indicate winds at Busselton are bimodal, with the two dominant directions of east and west. The land-sea breeze cycle dominates the prevailing winds of the region, particularly over summer, with moderate easterly winds in the morning and stronger southerly sea breezes in the afternoon commencing around noon and weakening during the evening. The sea breeze may occur in all seasons, although it is most frequent and intense during the summer months.

During the summer months the dominant wind in the mornings is from the south-east at 10-14 knots, swinging to the south-west at 20-25 knots in the afternoon. During winter, the winds are most commonly 10-14 knots with no dominant prevailing direction. During storm events, winds from the west and north-west can reach 40 knots.

Wind can carry noise greater distances than expected, or conversely disperse noise more quickly. With noise sensitive premises located in a south and east direction from the proposed extraction area, an analysis of the wind rose data has yielded the following conclusions:

- During the summer months, the morning prevailing easterly wind may direct noise in a westerly direction, whilst the afternoon sea breeze may direct noise in an easterly direction; and
- During the winter months, storm winds are from the west which may direct noise in an easterly direction.

Management Measures

The applicant will ensure that all noise emissions will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times. Management of the operational processes associated with the extractive industry can further reduce any adverse noise impacts.

Crushing and screening will be undertaken in designated areas with the greatest natural protection from winds (concealed at the lowest contours) which simultaneously minimise wind-borne dust emissions and dissipate noise emissions. Excavation and processing will be conducted on the floor of the pit, 2 metres below natural ground level behind constructed perimeter bunds.

Similarly, gravel excavation will occur below natural ground level. The excavation walls will act as a noise insulator for operations in the pits.

In addition, the management measures prescribed within **Table 6** will be implemented to reduce noise emissions as far as practicable.

Table 6. Management actions for noise.

Objectives	Action	Timing
Ensure staff, contractors, and subcontractors are aware of noise impacts.	Ensure all personnel are appropriately inducted prior to any site works.	Prior to construction works
Management of equipment and machinery noise.	<ul style="list-style-type: none">• Establish a topsoil bund around the periphery of the working pit.	At all times

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Objectives	Action	Timing
	<ul style="list-style-type: none"> Use machinery and equipment with minimal noise output levels. Ensure all machinery is regularly serviced as per the equipment's maintenance schedule. Use flashing lights/broadband alarms instead of tonal reversing alarms on excavators/loaders. Apply speed restrictions and a ban on exhaust braking if required. 	
Minimise disturbance to local residents.	Maintain levels of noise and vibration in accordance with the <i>Environment Protection (Noise) Regulations 1997</i> and the <i>AS2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites</i> . This is to be achieved by implementing the above-mentioned management measures.	At all times
Management of Public Concerns	<ul style="list-style-type: none"> Erect on-site signage directing public to make complaints to the relevant person. Maintain a complaints register (refer to Appendix D). A Complaints Register will be established for the site to record the date, nature, and resolution action of any complaints. Complaints will be directed to the site supervisor for resolution. If the complaint is verified as being due to a site source, remedial action will be undertaken within 2 hours. The City will be advised of all complaints as soon as they are received. If a complaint cannot be resolved within the 2 hour response period, it may be necessary to cease operations. 	At all times

Risk Assessment

A risk assessment to determine the residual risk associated with noise emissions is provided below. The risk assessment indicates that with the application of suitable management measures the potential risk associated with noise emissions is 'Low'.

Table 7. Risk assessment associated with noise emissions.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Noise emission	Excavation machinery and processing	Noise impacts to neighbouring properties	Refer to Actions provided in Table 6 .	1	2	Low

4.4 Hydrocarbons and Dangerous Goods Management

Hydrocarbons are the only dangerous goods that will be utilised within the proposed extraction area for the operation of machinery. However, storage of hydrocarbons on the subject site will not occur.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises is not associated with any uncontrolled discharges of contaminants to land.

Operation

There is the minor possibility for soil and water contamination as a result of incidental hydrocarbon leakages or spills during the operation/refuelling of machinery. In such instances the management measures specified below will be implemented. It is also noted that there are no watercourses within or in proximity to the extraction area.

Table 8. Hydrocarbon and dangerous goods management measures.

Timing	Management Measure
During quarry operations	Mobile refuelling of equipment and vehicles will be undertaken following set procedures to acceptably minimise the risk of spills and to ensure adequate containment and bunding is in place to contain any spills that may occur.
	Spill kits containing appropriate equipment for control, containment and cleanup of hydrocarbon and chemical spills will be available in appropriate locations onsite and maintained.
	No vehicles or machinery are to be serviced or cleaned within the extraction area.

Risk Assessment

A risk assessment to determine the residual risk associated with the uncontrolled discharge of contaminants is provided below. The risk assessment indicates that with the application of suitable management measures the potential risk associated with uncontrolled discharges is 'Low'.

Table 9. Risk assessment associated with the uncontrolled discharge of contaminants.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Uncontrolled discharge of contaminants to land	Machinery	Contamination of soils and/or water	Refer to Management Measures provided in Table 8.	1	2	Low

4.5 Dieback (*Phytophthora cinnamomi*) and Weed Control

Given that native vegetation has largely been altered within the extraction area, dieback indicator species are largely absent and therefore it is not possible to detect whether dieback is present or absent. On this basis, it is reasonable to classify the subject site as 'uninterpretable', denoting that a precautionary management approach should be adopted.

Construction

The mobilisation and positioning of equipment associated with a Category 12 prescribed premises could be associated with the introduction/spread of dieback and weeds within the subject site. Accordingly, the management measures provided in **Table 10** are proposed.

Operation

The primary objective of dieback management during operations is to minimise the risk of entry of dieback to the subject site. The risk of transportation via vehicles and equipment is low given that sealed roads will be utilised prior to entering the site.

Management Measures

The management measures proposed for dieback and weed control are provided below within **Table 10**.

Table 10. Dieback and weed management measures.

Timing	Management Measure
Topsoil removal, excavation and rehabilitation activities	Training will be provided to all personnel during an initial safety and environment induction course. This will include an explanation of the specific requirements with regard to <i>Phytophthora</i> dieback management.
	Fencing and lockable gates will be maintained and used to control unauthorized access to the excavation area.
	Avoid moving surface material or fill material from weed infected areas to non-infested areas.
	As far as reasonable and practicable haulage vehicles are to be cleaned of all loose external soil and plant material prior to entry to and exit from the extraction area.
	Access to the subject site during operation will be restricted to the proposed roads. No other access points should be established. The access location and vehicle inspection point should be clearly sign posted.
	The extraction area will be managed to avoid ponding of surface water where vehicle access is required.
	Trucks will be loaded and covered to ensure there is no spillage of material during transport.

Risk Assessment

A risk assessment to determine the residual risk associated with dieback and weeds is provided below. The risk assessment indicates that with the application of suitable management measures the potential risk associated with dieback/weed introduction and spread is 'Low'.

Table 11. Risk assessment associated with dieback and weeds.

Hazard	Source of Hazard	Potential Impacts	Mitigation	Likelihood	Consequence	Residual Risk
Introduction/spread of dieback and weeds	Importation of soil/plant material. Onsite movement of soil.	Impacts to the condition of remnant vegetation.	Refer to Management Measures provided in Table 10 .	1	2	Low

5 CONCLUSION

Leeuwin Civil Pty Ltd is proposing to extract gravel from a 9.73 ha area located on Lots 2 and 3 Nuttman Road, Chapman Hill.

It is anticipated that approximately 50,000 tonnes per annum of gravel will be processed. The proposal involves the crushing and screening of gravel within the subject site. These activities will require a works approval and subsequent licence pursuant to Part V of the *Environmental Protection Act 1986*.

The following factors are considered to represent the potential environmental and amenity impacts associated with the proposal:

- Noise;
- Dust;
- Weeds;
- Stormwater discharge;
- Uncontrolled discharge of contaminants to land.

A risk assessment has been undertaken for the abovementioned factors in consideration of the proposed management measures whereby the potential environmental and amenity impacts are considered 'Low' for the proposal.

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*Development Application and Works Approval Application
Lots 2 and 3 Nuttman Road, Chapman Hill*

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APPENDIX A - Complaints Register

*Development Application and Works Approval Application
Lots 2 and 3 Nuttman Road, Chapman Hill*

Complaints Register

Ref. No.	Date	Name & Address of Complainant	Time/Date of Complaint	Detail of Complaint	Summary of Actions Taken	Shire Notified	Person Responsible

ENVIRONMENTAL NOISE ASSESSMENT OF GRAVEL CRUSHING

3 August 2020

AES-890089-R01-1-03082020

Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing



DOCUMENT CONTROL

Environmental Noise Impact Assessment

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Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing



EXECUTIVE SUMMARY

Acoustic Engineering Solutions (AES) has been commissioned by Leeuwin Civil Pty Ltd to undertake an environmental noise impact assessment for the proposed gravel-extraction operation at lots 2 and 3 Nuttman Road Chapman Hill WA 6280. The aim of this assessment is to determine whether or not the noise emissions from the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is created, and three operational scenarios are modelled:

Scenario 1: represents the topsoil strip.

Scenario 2: represents the extraction activities at cell 3.

Scenario 3: represents the activities to load and transport gravel away from the site.

Nine closest residential premises are selected for the assessments. Noise levels are predicted for worst-case meteorological conditions. The predicted worst-case noise levels are adjusted for their dominant characteristics according to the Regulations, and then assessed against the assigned noise levels set by the Regulations. The compliance assessment concludes that full compliance is achieved for the proposed gravel-extraction operations.

Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing



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Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing



1.0 INTRODUCTION

Leeuwin Civil Pty Ltd (Leeuwin Civil) proposes gravel-extraction and production at lots 2 and 3 Nuttman Road Chapman Hill WA 6280. Acoustic Engineering Solutions (AES) has been commissioned by Leeuwin Civil to undertake the environmental noise impact assessment of the proposed operations. The objective of this assessment is to determine whether or not the noise emissions from the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

The gravel-extraction and production are proposed for 3 months a year. Before the extraction and production, topsoil is stripped and stockpiled as water, visual and noise barriers around the pit edges. During this period, three personnel work on site on a day shift between 7am and 3:30pm on Monday to Friday excluding public holidays.

When the extraction and production stops, the gravel is loaded to trucks and then transported away from the site. These trucks run from 7 am to 5.30 pm on Monday to Friday excluding public holidays.

Figure 1 in APPENDIX A presents an aerial view of the proposed site and surround area while Figure 2 presents the locations of closest residences. Residence UR1 does not have approval by the local authority.

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2.0 NOISE CRITERIA

Noise management in Western Australia is implemented through the Environmental Protection (Noise) Regulations 1997 (the Regulations). The Regulations set noise limits which are the highest noise levels that can be received at noise-sensitive (residential), commercial and industrial premises. These noise limits are defined as 'assigned noise levels' at receiver locations. Regulation 7 requires that "noise emitted from any premises or public place when received at other premises must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind".

Table 2-1 presents the assigned noise levels at various premises.

Table 2-1: Assigned noise levels in dB(A)

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A) ¹		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	60 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	60 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises other than those in the Kwinana Industrial Area	All hours	65	80	90

For highly noise sensitive premises, an "influencing factor" is incorporated into the assigned noise levels. The influencing factor depends on road classification and land use zonings within circles of 100 metres and 450 metres radius from the noise receiver locations.

¹ Assigned level L_{A1} is the A-weighted noise level not to be exceeded for 1% of a delegated assessment period.
Assigned level L_{A10} is the A-weighted noise level not to be exceeded for 10% of a delegated assessment period.
Assigned level L_{Amax} is the A-weighted noise level not to be exceeded at any time.

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2.1 CORRECTIONS FOR CHARACTERISTICS OF NOISE

Regulation 7 requires that that "noise emitted from any premises or public place when received at other premises must be free of:

- (i) tonality;
- (ii) impulsiveness; and
- (iii) modulation.

when assessed under Regulation 9".

If the noise exhibits intrusive or dominant characteristics, i.e. if the noise is impulsive, tonal, or modulating, noise levels at noise-sensitive premises must be adjusted. Table 2-2 presents the adjustments incurred for noise exhibiting dominant characteristics. That is, if the noise is assessed as having tonal, modulating or impulsive characteristics, the measured or predicted noise levels have to be adjusted by the amounts given in Table 2-2. Then the adjusted noise levels must comply with the assigned noise levels. Regulation 9 sets out objective tests to assess whether the noise is taken to be free of these characteristics.

Table 2-2: Adjustments for dominant noise characteristics

Adjustment where noise emission is not music. These adjustments are cumulative to a maximum of 15 dB.			Adjustment where noise emission is music	
Where tonality is present	Where Modulation is present	Where Impulsiveness is present	Where Impulsiveness is not present	Where Impulsiveness is present
+5 dB	+5 dB	+10 dB	+10 dB	+15 dB

2.2 CONSTRUCTION NOISE

Regulation 13(1) states that construction work means "(g) the removal or reinstatement of vegetation or topsoil for the purpose of or in relation to a mining operation".

Regulation 13(2) states that Regulation 7 does not apply to noise emitted from a construction site as a result of construction work carried out between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday if the occupier of the premises or public place, shows that

- (a) *the construction work was carried out in accordance with control of environmental noise practices set out in section 4 of AS 2436-2010 Guide to noise and vibration control on construction, maintenance and demolition sites; and*
- (b) *the equipment used on the premises was the quietest reasonably available.*

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2.3 INFLUENCING FACTORS

Nine (9) closest residential premises surrounding the subject site are selected for detailed assessment, as shown in Figure 2 in APPENDIX A.

No major or secondary roads are located within 450m from any selected residential premises. Neither industrial nor commercial zone is present in the vicinity of the selected residential premises within 450m. The gravel pit (9.73 hectares) is at least 320m from UR1 and more than 500m from the other residences. The gravel pit is zoned as "industrial". Therefore, the influencing factor is zero for all of the closest residential locations.

Table 2-3 presents the day-time assigned noise levels for Monday to Saturday excluding public holidays.

Table 2-3: Day-time assigned noise levels (L_{A10}) in dB(A)

Closest Residents	Influencing Factor in dB	Day-time Assigned Noise Levels (L_{A10}) in dB(A) for Monday to Saturday
All Receivers	0	45

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3.0 NOISE MODELLING

3.1 METHODOLOGY

An acoustic model is developed using SoundPlan v8.0 program, and the CONCAWE^{2,3} prediction algorithms are selected for this study. The acoustic model is used to predict worst-case noise levels at the closest residential locations and generate worst-case noise contours for the surrounding area.

The acoustic model does not include noise emissions from any sources other than from the proposed gravel-extraction and production. Therefore, noise emissions from road traffics, aircrafts, animals, etc are excluded from the modelling.

3.2 NOISE MODELLING SCENARIOS

Leeuwin Civil advised that:

- Gravel extraction comprises three cells in a total area of approximately 9.73 hectares.
- During the gravel extraction period, three personnel work on site on a day shift between 7am and 3:30pm.
- In each cell it is estimated that 100mm of topsoil and overburden will be cleared.
- Maximum depth of extraction will be 2m below the existing surface depending on the depth of gravel.
- Topsoil and overburden are to be pushed to outer limits of cell, creating noise bund of approximately 2 metres in height.
- In each cell finished product is to be stockpiled to the East, to a height of 8 metres, as shown in Figure 3 in APPENDIX A.
- In each cell the production will take place to the West.
- The production equipment will be shift as required, but constantly in the order of crusher, feeding screener, feeding conveyor belt to stockpile.
- Not all equipment operates simultaneously; this is staged due to lack of staff and expense involved.
- Crushing and Screening of rock is generally undertaken in the months of June/August – due to work load and weather conditions.
- After the extraction stops, one personnel works on site to load gravel to trucks on day shift between 7am and 5:30pm. Then trucks transport the gravel away from the site.

Activities include:

- Topsoil strip using the following equipment:

² CONCAWE (Conservation of Clean Air and Water in Europe) was established in 1963 by a group of oil companies to carry out research on environmental issues relevant to the oil industry.

³ The propagation of noise from petroleum and petrochemical complexes to neighbouring communities, CONCAWE Report 4/81, 1981.

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- A Scraper; and
- A D10 Dozer.
- Mining, crushing and screening of rock using the following equipment:
 - A Excavator;
 - A Loader;
 - Jaw crusher;
 - Screening plant; and
 - Conveyor.
- Loading products into road trains using a Loader.

Based on the provided information, three operational scenarios are modelled:

Scenario 1: represents the topsoil strip.

Scenario 2: represents the mining, crushing and screen of rock.

Scenario 3: represents product loading.

For worst-case operations, all items of the mobile equipment are assumed to operate on the natural surfaces for scenarios 1 and 3 but at 1m below the surfaces for scenario 2. The fixed plant is assumed to sit on the pit floor (2m below the natural surface) for scenario 2.

The noises from the extraction activities at different cells will have different impacts on the closest residences. Since the extraction area is a small area and its diameter is much smaller than the distances to any of the closest residences, the difference of impacts will be small and insignificant. Scenario 2 represents the extraction activities occurring at cell 3.

3.3 INPUT DATA

3.3.1 Topography

The ground contours for the proposed site and surrounding area are provided by Leeuwin Civil in AUTO-CAD dwg format. The ground is assumed to be absorptive.

Neither buildings nor sheds are considered in the acoustic model.

3.3.2 Noise Sensitive Premises

In consulting with Leeuwin Civil, nine (9) nearest residential premises are selected for the assessment, as shown in Figure 2 in APPENDIX A.

3.3.3 Source Sound Power Levels

Table 3-1 presents the sound power levels of the equipment operated in the proposed gravel-extraction operations. These sound power levels were provided by Leeuwin Civil.

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Table 3-1: Sound power levels.

Equipment	Octave Frequency Band Sound Power Levels in dB(lin)								Overall
	63	125	250	500	1k	2k	4k	8k	dB(A)
Scraper	108	113	105	109	108	107	101	95	113
D10 Dozer	115	114	101	105	104	102	94	88	109
Excavator	100	110	101	101	103	100	97		107
Loader	113	98	108	103	97	94	90	83	105
Jaw Crusher	104	103	103	104	104	100	99	93	108
Screeners	101	101	101	101	100	102	101	100	108
Conveyor	77	77	77	79	76	70	61	55	80
Road Train	102	101	101	104	96	94	89	85	104

3.4 METEOROLOGY

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the model. For this study the worst-case meteorological conditions⁴ are assumed, as shown in Table 3-2.

Table 3-2: Worst-case meteorological conditions.

Time of day	Temperature Celsius	Relative Humidity	Wind speed	Pasquill Stability Category
Day (0700 --- 1900)	20° Celsius	50%	4 m/s	E

⁴ The worst case meteorological conditions were set by the EPA (Environmental Protection Act 1986) Guidance note No 8 for assessing noise impact from new developments as the upper limit of the meteorological conditions investigated.

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4.0 MODELLING RESULTS

4.1 POINT CALCULATIONS

Table 4-1 presents the predicted worst-case A-weighted noise levels. The highest noise level is predicted at UR1 for scenarios 1 and 3 and at R3 for scenario 2.

Table 4-1: Predicted worst-case noise levels in dB(A).

Receivers	Predicted Noise Levels in dB(A)		
	Scenario 1	Scenario 2	Scenario 3
R1	38.5	36.7	16.9
R2	38.6	37.0	29.7
R3	41.2	39.6	32.2
R4	29.6	16.3	25.4
R5	41.7	23.8	35.2
R6	41.1	23.4	33.6
R7	36.6	34.3	29.0
R8	31.8	28.4	19.7
UR1	44.4	27.0	38.1

4.2 NOISE CONTOURS

Figure 4 to Figure 6 in APPENDIX A present the worst-case noise level contours at 1.5m above the ground. These noise contours represent the worst-case day-time noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

Figure 5 in APPENDIX A indicates that the 2m topsoil bunds have little impact on the noise propagation towards R1 to R3.

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5.0 COMPLIANCE ASSESSMENT

5.1 ADJUSTED NOISE LEVELS

Noises from the proposed fixed plant and mobile equipment are expected to exhibit tonality. According to Table 2-2, the predicted noise levels shown in Table 4-1 should be adjusted by adding 5 dB.

Table 5-1 presents the adjusted worst-case noise levels in dB(A).

Table 5-1: Adjusted worst-case noise levels in dB(A).

Receivers	Adjusted Noise Levels in dB(A)		
	Scenario 1	Scenario 2	Scenario 3
R1	43.5	41.7	21.9
R2	43.6	42.0	34.7
R3	46.2	44.6	37.2
R4	34.6	21.3	30.4
R5	46.7	28.8	40.2
R6	46.1	28.4	38.6
R7	41.6	39.3	34.0
R8	36.8	33.4	24.7
UR1	49.4	32.0	43.1

5.2 COMPLIANCE ASSESSMENT

Scenario 1 (topsoil strip) represents construction activities. As indicated in section 2.2, no assigned noise levels apply to scenario 1 as long as *"the construction work was carried out in accordance with control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites"* and *"the equipment used on the premises was the quietest reasonably available"*.

Scenarios 2 and 3 generate continuous noise emissions. All activities in this project are proposed for daytime only (between 7:00am and 5:30pm) on Monday to Friday excluding

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public holidays. Therefore, noise emissions should be assessed against the day-time assigned noise levels L_{A10} for Mondays to Friday.

Table 5-2 presents the compliance assessment. It is shown that the adjusted worst-case noise levels are below the day-time assigned noise levels at all of the noise-sensitive premises for scenarios 2 and 3. This means that full compliance is achieved for the proposed operations.

Table 5-2: Compliance assessment.

Receivers	Assigned Noise Levels in dB(A)	Adjusted Noise Levels in dB(A)	
		Scenario 2	Scenario 3
R1	45	41.7	21.9
R2	45	42.0	34.7
R3	45	44.6	37.2
R4	45	21.3	30.4
R5	45	28.8	40.2
R6	45	28.4	38.6
R7	45	39.3	34.0
R8	45	33.4	24.7
UR1	45	32.0	43.1

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APPENDIX A AERIAL VIEW

Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing

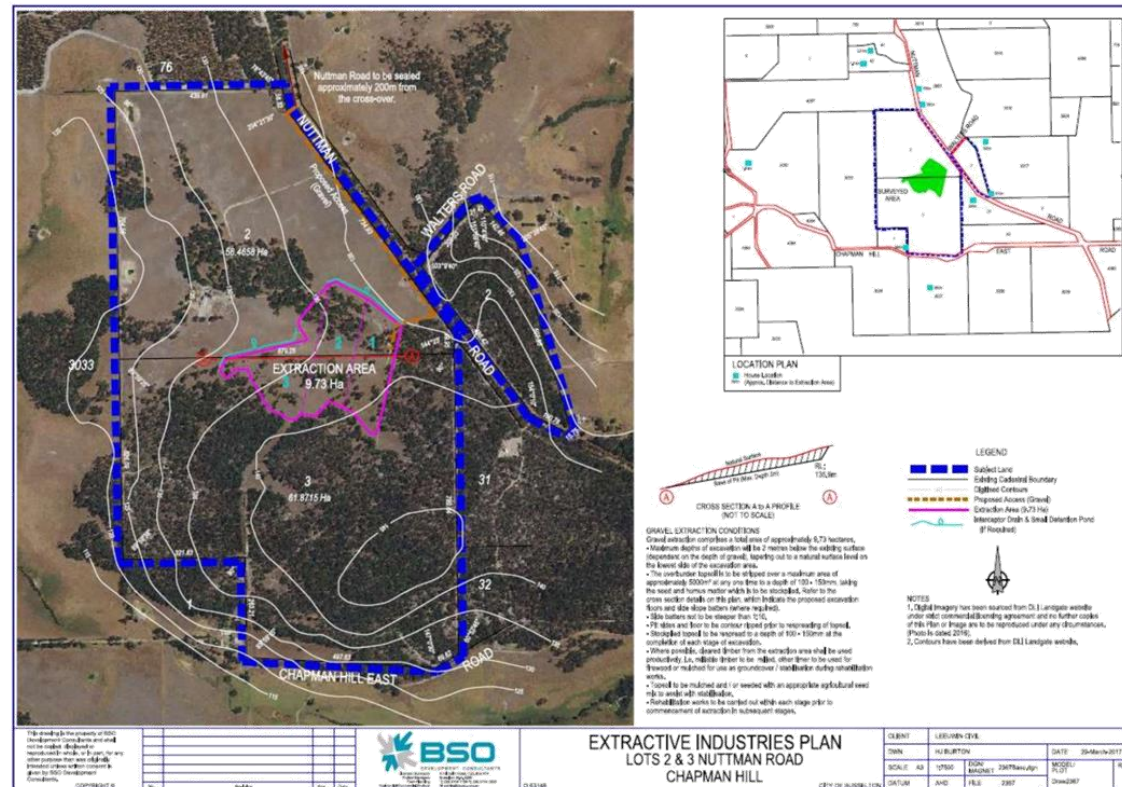


Figure 1: Aerial view of the subject site and surrounding area.

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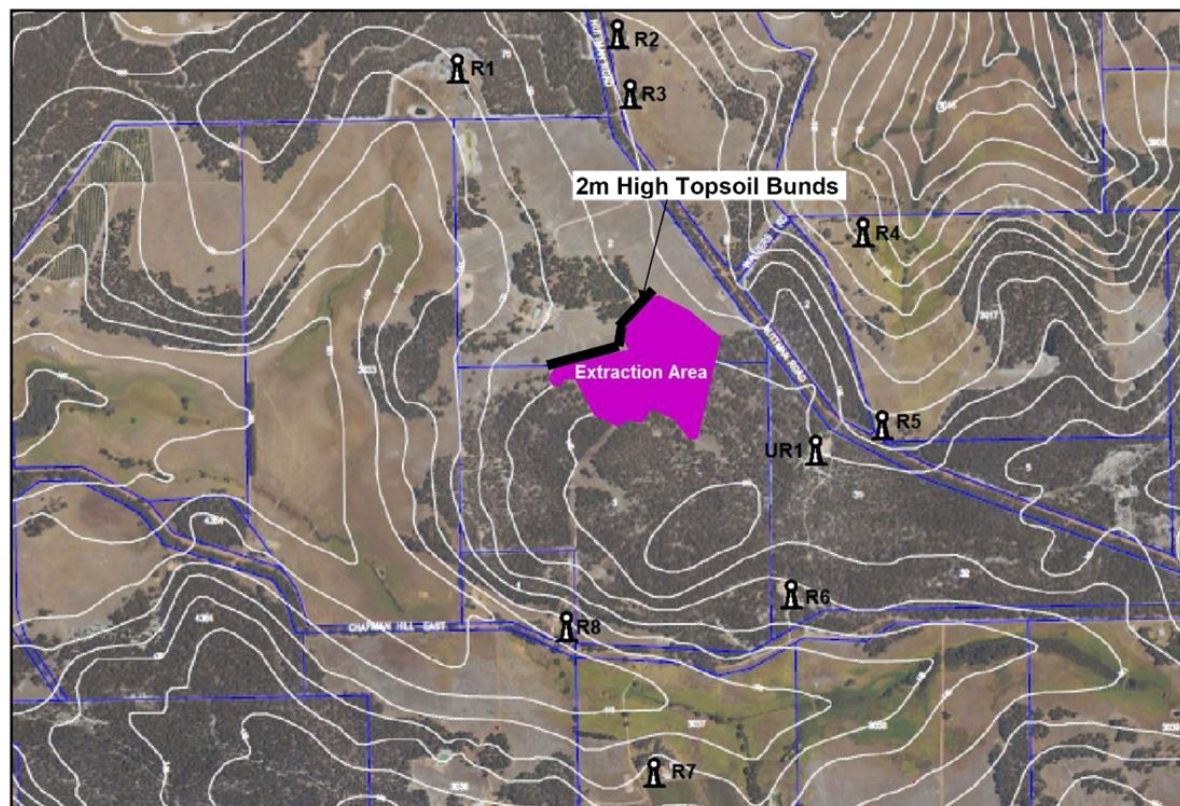


Figure 2: Locations of closest residences.

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Figure 3: Locations of product stockpiles.

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APPENDIX B NOISE CONTOURS

Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing

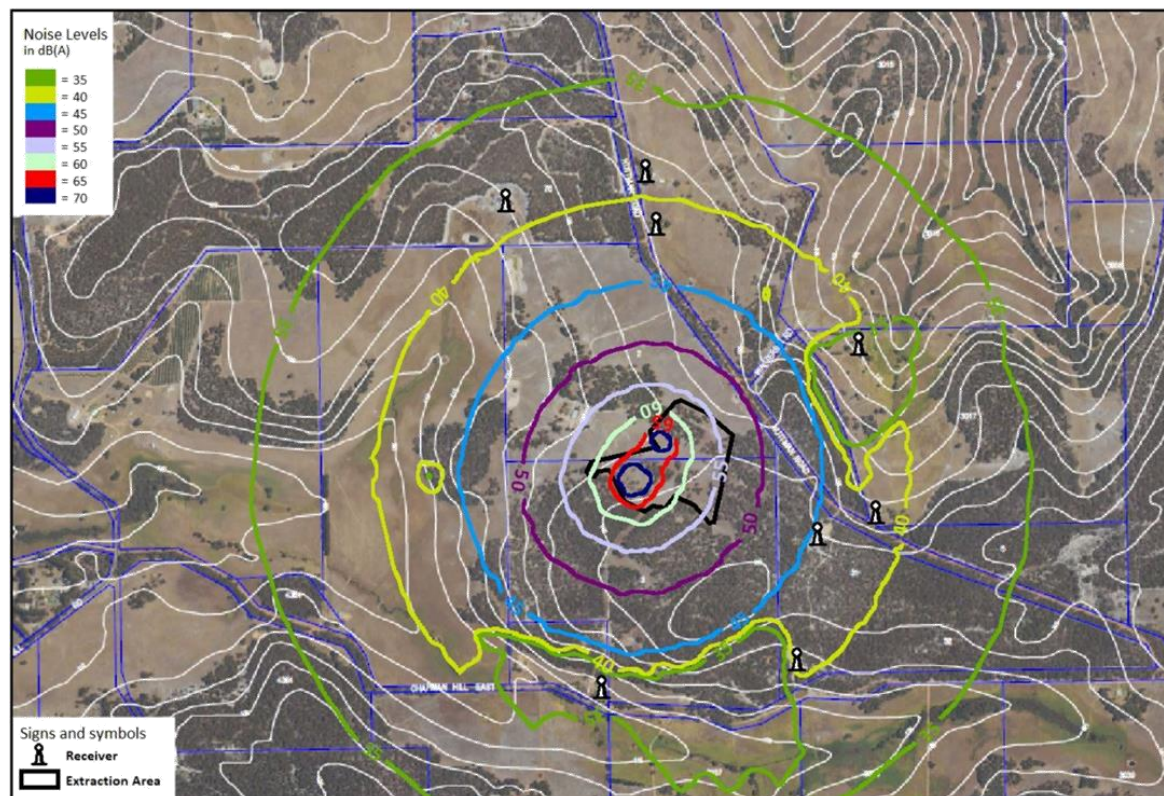


Figure 4: Worst-case noise contours for scenario 1.

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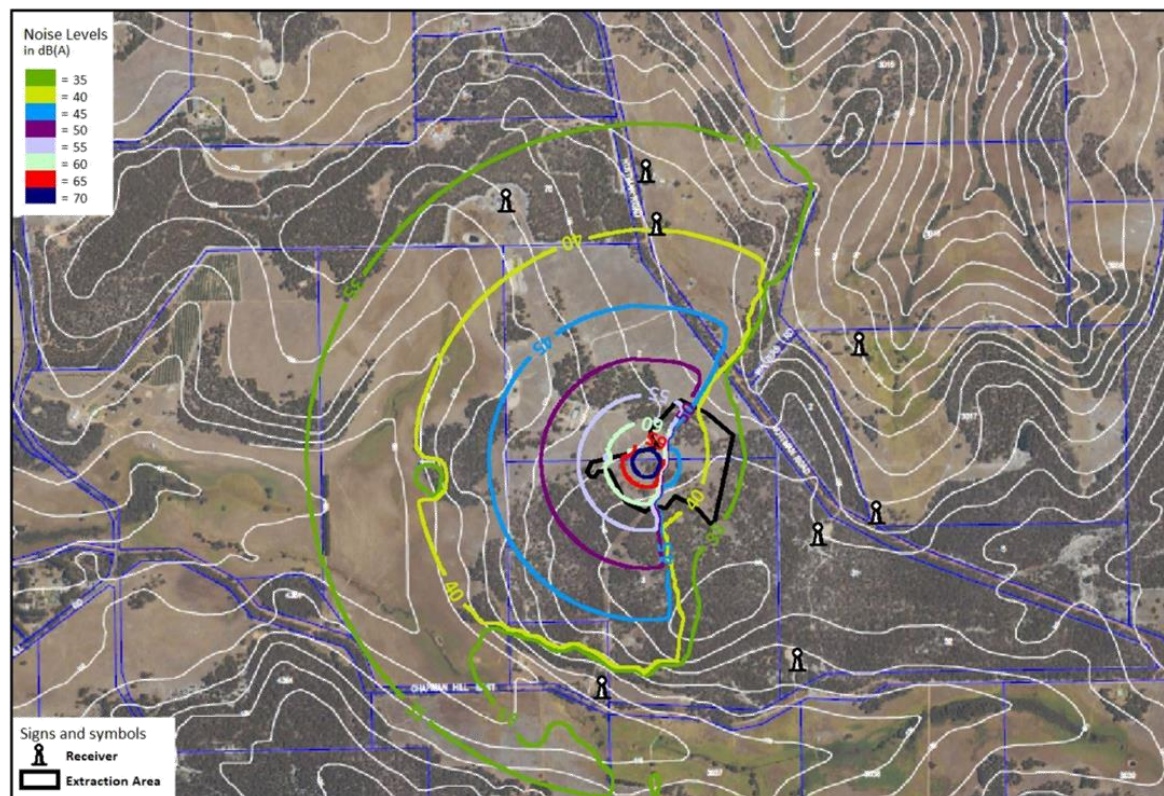


Figure 5: Worst-case noise contours for scenario 2.

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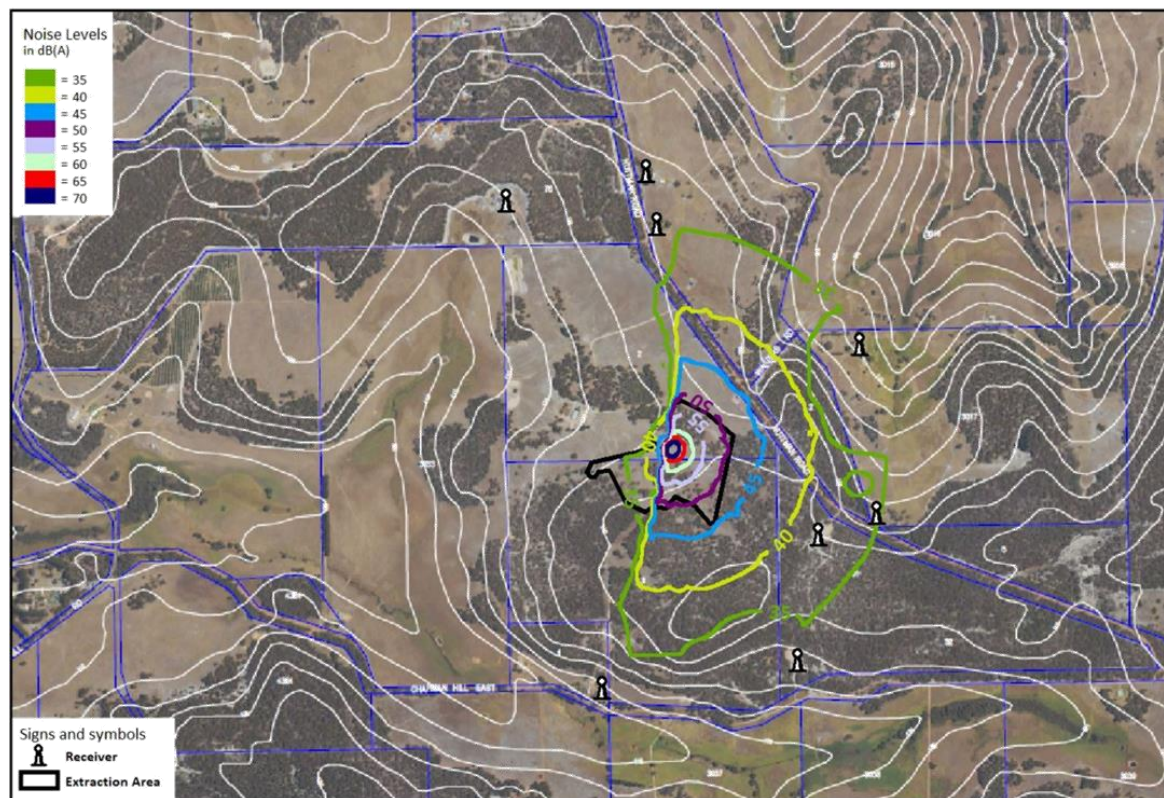


Figure 6: Worst-case noise contours for scenario 3.

From: Fiona Sharpe
Sent: Wed, 18 Nov 2020 13:57:26 +0800
To: Joanna Wilson
Cc: Lauren Fox
Subject: RE: APPLICATION FOR A WORKS APPROVAL REQUEST FOR FURTHER INFORMATION W6412/2020/1

Hi Jo,

We have received advice back from our noise branch on the revised noise assessment and were given the following advice:

I have reviewed the revised AES Noise Assessment report. The exact makes and models of major equipment items to be used in the proposed operation are now provided, as well as their sound power levels - either derived from the manufacturer specifications or provided by Accendo. The sound power levels now seem reasonable and more reliable.

It can be noticed that there are a number of significant changes in the proposed operation and the noise control measures, as below:

- 1. Topsoil and overburden are to be pushed to the east pit edge to form a 2m high topsoil bund, which will stay there till the completion of the proposed project;*
- 2. In each cell finished product is to be stockpiled to the East, to a height of 4m from the bottom of the pit;*
- 3. A 5m high L-shaped bund will be built at about 3m away from the crusher and Supertrak; and*
- 4. Crushing and Screening of rock are undertaken separately from the extraction, meaning no extraction activities occur when crushing and screening happen.*

My review of these newly proposed management and noise mitigation measures indicates that they will be able to effectively reduce the noise impact, particularly at the noise sensitive receivers located to the east and northeast of the proposed operation. The methodology of the noise modelling in AES revised report, including the topographic and meteorological data input and assumptions, seems reasonable and acceptable. The four operation scenarios selected for the noise modelling and compliance assessment seem reasonable. The predicted noise emission levels for each of the three operation scenarios also seem reliable.

Based on AES' assessment results, noise emissions from three of the operation scenarios will comply with the daytime assigned noise level at all neighbouring residences, even with the 5 dB penalty for tonality. I would not dispute this noise compliance assessment result.

I have noted that AES also assessed the potential vibration impact on the neighbouring residences. Due to the type of proposed operation and the buffer distances to the closest neighbouring residences, I would agree that vibration impact on the neighbouring residences will be insignificant. I would also agree that issues we raised previously have been adequately addressed.

However, it should also be noted that based on AES' assessment results, noise compliance will only be marginally achieved at a couple of sensitive receivers during the crushing and screening operation, if the noise is tonal. Due to the low ambient noise levels in the area as indicated in LGA's report, it is not likely that the tonality characteristic of the operational noise can be masked by the ambient noise. Hence the penalty for tonality is likely to be required. The low ambient noise levels also indicate that noise from the proposed operation will be easier to be detected by the neighbouring residents, which could be a source of complaint regardless if the noise complies with the assigned noise level or not. Hence, the proponent may still be required to look at opportunities of further reducing the noise emissions from the crushing and screening activities.

The applicant has stated that the bunds/stockpiles will approximately 2m above natural surface level (excluding the 5m L-shaped bund around crusher). So it seems there won't be 8 m bunds.

Given the advice from noise branch, we are including this in the assessment of the works approval with it likely to be issued but it will include conditions for them to monitor noise during operations and may potentially be required to implement further measures depending on the outcome.

Given the above, will you likely take this to the Council meeting on the 9th December?

Kind regards,
Fiona

Fiona Sharpe
Licensing Officer – Bunbury Office
Industry Regulation (Environment)
Please note my working days are Tuesdays-Thursdays

Department of Water and Environmental Regulation
Locked Bag 10, Joondalup DC WA 6919
T: (08) 9726 4112
E: fiona.sharpe@dwer.wa.gov.au | www.dwer.wa.gov.au



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Technical (Review) Report

Advice on noise assessment report for the proposed gravel
extraction development – Lots 2 and 3 Nuttman Road,
Chapman Hill, prepared for the City of Busselton

Department of Water and Environmental Regulation
August 2020

*Advice on noise assessment report for the proposed gravel extraction development – Lots 2 and 3 Nuttman Road, Chapman Hill,
prepared for the City of Busseton*

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August 2020

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Acknowledgements

For more information about this report, contact

Environmental Noise, Department of Water and Environmental Regulation.

Advice on noise assessment report for the proposed gravel extraction development – Lots 2 and 3 Nuttman Road, Chapman Hill, prepared for the City of Busselton

Document control


Document version history

Version	Date	Description	Author	Reviewer
0.0	27/8/2020	Draft – internal review	JG	EB
1.0	31/8/2020	Final - Issued	JG	EB

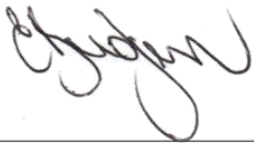
Corporate reference

File number and/or name	File owner or custodian
DWERDT319819	South West Planning Advice Section

Author details

Name	Dr Jingnan Guo BSc (Physics), PhD (Mechanical Engineering)		
Position title	Senior Environmental Noise Officer		
Signature			Date 31/8/2020

Reviewer details

Name	Ms Emma Bridgeman BSc (Environmental Health)		
Position title	Manager Environmental Noise		
Signature			Date 31/8/2020

*Advice on noise assessment report for the proposed gravel extraction development – Lots 2 and 3 Nuttman Road, Chapman Hill,
prepared for the City of Busseton*

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Advice on noise assessment report for the proposed gravel extraction development – Lots 2 and 3 Nuttman Road, Chapman Hill, prepared for the City of Busselton

1. Introduction

This advice was prepared for the City of Busselton in response to a request for comment dated 12 August 2020 on the noise assessment report for a proposed gravel extraction development on Lots 2 and 3 Nuttman Road, Chapman Hill, in the City of Busselton.

2. Documentation

In support of this request, the City made the following document available which forms the basis of this technical expert advice. The City did not request any specific advice.

Material / document name	Author	Date
Environmental Noise Assessment of Gravel Crushing (AES-890089-R01-1-03082020) – prepared for Leeuwin Civil Pty Ltd	Acoustic Engineering Solutions	03/08/2020

3. Advice

The Environmental Noise Branch (ENB) of the Department of Water and Environmental Regulation has reviewed Acoustic Engineering Solutions' (AES) environmental noise assessment report. The methodology of the noise modelling, including the topographical and meteorological data input and assumptions, seem reasonable and acceptable. The three operational scenarios selected for the noise modelling and compliance assessment also seem reasonable.

However, ENB has identified the following issues:

1. The source sound power levels quoted for the noise modelling and presented in Table 3-1 are relatively low, although still within the reasonable range for the type of plant. For instance, a sound power level of 109 dB(A) was quoted for a D10 Dozer in AES' report, which is specified as 115 dB(A) (or 111 dB(A) with sound suppression package) in the manufacturer's specification. Although ENB is not able to comment on the sound power level quoted for other plant due to the lack of information on their models and makes, they seem to represent smaller and quieter models. It is understood that the sound power levels of major plant were provided by Leeuwin Civil. Leeuwin Civil may be required to reference their source of sound power levels to ensure reliability of the data;
2. Noise emission levels seem to be under-estimated, particularly for the topsoil removal (Scenario 1) and during the initial stage of the mining, crushing and screening (Scenario 2). It seems that the modelled noise levels shown in Table 4-1 for Scenario 2 might represent the situation whereby an 8 metre high

*Advice on noise assessment report for the proposed gravel extraction development – Lots 2 and 3 Nuttman Road, Chapman Hill,
prepared for the City of Busseton*

product stockpile is already in place, this may explain why the noise emission levels are very low at the noise sensitive premises located to the east. ENB's understanding is that the product is being gradually stockpiled to the height of 8 metres during the Scenario 2 operation, and the noise shielding effect will gradually increase with the height of the stockpile; and

3. The proposed operation will be on a site located in a remote rural area, where the existing ambient noise level is likely to be very low. Noise generated by the proposed operation may significantly increase the ambient noise levels at the neighbouring noise sensitive premises. This may be a source of complaint from the nearby community, regardless of whether the noise emissions comply with the assigned noise level or not. As an ambient noise assessment has not been conducted, this potential risk of noise impact may need to be considered further.

4. Limitations

Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:

- No computer modelling was undertaken to verify AES' predicted results.



Department of Biodiversity,
Conservation and Attractions



Your ref: DA17/0866
Our ref: 41875 2018/002318
Enquiries: Tracy Teede
Phone: 9725 4300
Email: swlanduseplanning@dbca.wa.gov.au

Chief Executive Officer
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Attention: Jo Wilson

**PROPOSED EXTRACTIVE INDUSTRY (GRAVEL) –
LOT 3 CHAPMAN HILL EAST CHAPMAN HILL**

I refer to your emails dated 22 November 2017 and 28 March 2018 forwarding an extractive industry license application for the above location for the Department of Biodiversity Conservation and Attractions (DBCA) Parks and Wildlife Service comment.

The SW Environmental *"Black Cockatoo Habitat Assessment – Lots 2 and 3 Nuttman Road Chapman Hill"* dated May 2017 (SW 17) indicates that the site contains primary values for threatened black cockatoos, including trees with hollows suitable for potential black cockatoo nesting habitat which would be the most valuable trees, and other potential fauna nesting hollows.

The three species of black cockatoo's, Baudin's (Schedule 2), Carnaby's (Schedule 2) and the Forest red-tail (Schedule 3) are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Western Australia's *Wildlife Conservation Act 1950* (WC Act 1950).

Parks and Wildlife Service South West Region notes reference in Section 1.5 of the application, that the proponent has lodged an application for a clearing permit with both the State's Department of Water and Environmental Regulation (DWER) and the Federal government's Department of the Environment and Energy.

DBCA expects that the environmental values that are likely to be impacted by the proposed sand extraction will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER. DBCA suggests that if development approval is provided then the approval should be subject to a clearing permit being issued.

Yours sincerely

Regional Manager
Parks and Wildlife Service

27 April 2018

South West Region
PO Box 1693, Bunbury, Western Australia 6230
Phone: (08) 9725 4300 Email: bunbury@dbca.wa.gov.au
dbca.wa.gov.au

From: [Brendan Kelly](#)
To: [Enquiries - City of Busselton](#)
Cc: [Joanna Wilson](#)
Subject: Extractive Industry (Gravel) – Lot 2 & 3 Chapman Hill East Road, Chapman Hill
Date: Wednesday, 6 November 2019 3:00:41 PM
Attachments: [WQPN-15-Basic-raw-materials-extraction.pdf](#)

6th November 2019

Our Reference: PA29752, DWERT308~62

Your Reference: DA17/0866

To: City of Busselton

From: Department of Water and Environmental Regulation.

Attention: Joanna Wilson

RE: Extractive Industry (Gravel) – Lot 2 & 3 Chapman Hill East Road, Chapman Hill

Dear Jo,

The referral of this extractive industry (EI) application to the Department of Water and Environmental Regulation (DWER) follows a previous referral, to which DWER responded on 20th December 2017 (Our ref. PA17448, your ref. DA17/0866).

At the time, DWER reviewed documentation prepared by BSO Consultants (BSO) dated September 2017 and recommended additional information be provided, as an addendum to the proponent's 'Water Management Plan' (WMP).

The new referral includes some additional information – Groundwater Discussion and Surface Water Management - as well as the original BSO document, albeit nearly two years after the initial application.

As previously advised, the proposed EI site is located within the 'Busselton Capel Groundwater Area' and the 'Geographe Bay Rivers Surface Water Area', both proclaimed under the 'Rights in Water and Irrigation Act 1914'.

DWER identified a "moderate risk" in its original assessment, as follows:

- Potential interception of groundwater, noting that insufficient hydrogeological detail was provided,
- Water runoff (carrying sediment) from the extraction area via sheet flow during major storm events,
- Insufficient water to meet the needs of the proposed extraction, particularly water for dust suppression.

Further to our telephone conversation today, DWER has reviewed the latest referral and is able to provide the following advice.

Groundwater

Apart from references to water levels in local stock dams, no new information of significance has been provided with regards to groundwater levels beneath the EI site. However, the additional information states:

"Extraction of gravel will be to a depth of up to 2 metres, at least 2 metres above the anticipated maximum groundwater level in this area"

DWER has concluded that this reference to the EI achieving a 2 metre separation to the anticipated maximum groundwater level remains as a presumption.

Nonetheless, after reviewing the referral, DWER acknowledges that the risk of intercepting groundwater in this geological setting is **low**, where the extraction depth is no more than 2

metres.

As such, given the low risk of interception and exposure of groundwater, DWER accepts that the EI can proceed with standard conditions (below).

Surface water

The additional information states:

"It is nit (sic) expected that any form of stormwater management will be required rather, large rainfall events will pond in the pit floor before naturally dissipating".

And:

"No erosion is anticipated, this will be prevented by the gravelly nature of the soil on this ridgeline".

It is noteworthy that BSO initially stated:

"As a minimum, a 1 in 20 year flood event must be catered for with all stormwater runoff from exposed areas being initially contained on site..."

"Siltng ponds will be excavated where point flows are draining to for catchment (sic)... These will be of a capacity to capture the surface flow from a 1 in 20 storm event".

"Our clients are committed to closely monitoring drainage/run-off within the excavation areas and will address any problems which may arise. A draft Surface Water Management Plan is supplied".

The additional information contradicts the initial assessment, which does not provide any detail of stormwater management, e.g. calculations of stormwater volumes, information related to cut-off drains, bunds, sediment traps and/or the like.

DWER concluded that the risk of uncontrolled stormwater run-off from the EI site remains as **moderate** and as such a detailed 'Stormwater Management Plan' is still highly desirable.

Water supply

The additional information acknowledges:

"... that a water licence will be required if water is utilised for dust suppression. This will be available in the two dams described above and a licence application will be lodged if this extractive industry application is approved".

The proponent will need to demonstrate that they have sufficient water to meet the needs of the proposed extraction, which may require a licence under the 'Rights in Water and Irrigation Act 1914'.

Recommendations

To protect groundwater resources, DWER recommends the following licence conditions apply:

- The extractive industry shall not intercept the water table.
- Dewatering of the extraction area is not permitted without authorisation under the 'Rights in Water and Irrigation Act 1914'
- There shall be no standing water occurring at the end of the extractive operation
- If any interception of groundwater occurs, work shall cease and an advice notice provided to the Shire within 72 hours, followed by agreed remedial action.

To protect surface water resources, DWER recommends that a detailed 'Stormwater Management Plan' (SMP) be provided to the satisfaction of the City of Busselton, in consultation with DWER.

The SMP should be predicated upon stormwater being contained within the active

extraction areas and clean stormwater from overland flows being diverted from active EI areas.

Guidance toward the development of a SMP may be sourced from DWER's Water Quality Protection Note 15 'Basic raw materials extraction July 2019' (attached).

With regard to water supply for dust suppression, DWER recommends that the proponent demonstrates they have sufficient water to meet the needs of the proposed extraction and where required, have appropriate licences under the *'Rights in Water and Irrigation Act 1914'*.

Please contact this office for inquiries.

Brendan

Brendan Kelly

Senior Natural Resource Management Officer

Department of Water & Environmental Regulation,

Planning Advice, South West Region

Telephone: 08 97264194 | Mobile: 0407219515

Email: brendan.kelly@dwer.wa.gov.au

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From: [Daniel Wong](#)
To: [Maureen Dolan](#); [Joanna Wilson](#)
Subject: Extractive industry (gravel) – Lot 2 & 3 (Diagram 63148) Chapman Hill East Road, Chapman Hill
Date: Wednesday, 20 December 2017 12:13:11 PM
Attachments: [Attachment - 1.jpg](#)

20th December 2017

Our Reference: PA17448, DWERDT27516

Your Reference: DA17/0866

To: City of Busselton

From: Department of Water and Environmental Regulation.

Attention: Joanna Wilson

RE: Extractive industry (gravel) – Lot 2 & 3 (Diagram 63148) Chapman Hill East Road, Chapman Hill

Dear Joanna,

Thank you for referring this extractive industry (EI) application to the Department of Water and Environmental Regulation (DWER) for comment.

DWER has reviewed the accompanying documentation prepared by BSO Consultants on behalf of the proponent and responds accordingly.

Proposal situation

- This proposal at Lot 2 & 3 Chapman Hill East Road (the subject lots) is to extract, screen and crush gravel (Attachment 1).

The proposed extraction area is described as about 9.73 hectares (estimated 170,000 banked m³ of gravel), in three broad cells; with a 2 metre maximum extraction depth in the southern portion and becoming shallower towards the northern portion.

The site is located within the 'Busselton Capel Groundwater Area' as proclaimed under the *'Rights in Water and Irrigation Act 1914'*.

It is also within the 'Geographe Bay Rivers Surface Water Area' as proclaimed under the *'Rights in Water and Irrigation Act 1914'*.

DWER GIS imagery shows that there are no waterways or wetlands on the subject lots, with the nearest waterways being at least 500 metres away or more.

Grazing is proposed as the final landuse, noting that an application to clear native vegetation in the extraction area is also currently being assessed by DWER under the *'Environmental Protection Act 1986'*.

Identified risks

DWER has identified this proposal as posing a “moderate risk” as follows:

Groundwater

- Potential interception of groundwater (insufficient hydrogeological detail is provided, see below).
- Groundwater contamination due to potential hydrocarbon spills from heavy machinery either from servicing, refuelling or leaks.
- Groundwater contamination with nutrients, if there is insufficient separation to groundwater from the final rehabilitated surface (for grazing landuse).

Surface water

- Water runoff from the extraction area via sheet flow during major storm events.

Water supply

- Insufficient water to meet the needs of the proposed extraction, such as water for dust suppression.

Risk mitigation – specific advice

In context of the risk of intercepting groundwater, the proponent's 'Water Management Plan' has stated that:

“A large number of test pits were dug across the proposed pit site to a depth of 3m from October to the end of November 2015. At no time was the groundwater table intercepted during this process. Given that the proposal is to excavate to a maximum depth of 2m (including topsoil), the water table will not be intercepted at all during the year. As such this management plan only deals with the management of surface water run-off.”

It is noteworthy that the locations of the test pits have not been provided in the drawing (attachment 1), therefore the veracity of the above statement cannot be verified.

If the City of Busselton is not satisfied that the risk can be managed, the proponent should be required to provide the following information:

- Location of the test pits and measurement dates.
- Proposed extraction depth and test pit depths in metres AHD.

- Discussion on the maximum seasonal groundwater level (MSGL) in context of the test pits measured.
- Expanded detail of the surface water management design provided in the drawing (attachment 1), including estimated stormwater volumes and detention pond capacities.

In addition, the proponent should:

- Prove that they have sufficient water to meet the needs of the proposed extraction, noting the need for a groundwater licence under RIWI.
- Provide a 'spill management plan' in the case of spills during refuelling and servicing of vehicles or machinery.
- Ensure that servicing, refuelling and maintenance is located outside the pit floor to minimise the risk of groundwater contamination.
- Demonstrate that a minimum separation of 0.5 metres can be achieved from the MSGL to the rehabilitated surface for the grazing end-use.

At all times the proponent should abide by their 'Water Management Plan' that:
"No more than 2.0 hectares of extraction area will be exposed at any time prior to rehabilitation commencing."

Risk mitigation – general advice

To protect the groundwater resource, DoW recommends the following licence conditions apply:-

- The extractive industry shall not intercept the water table.
- Excavation is permitted only to a depth that is a minimum of 0.3 metres higher than the MSGL (as established)
- Dewatering of the extraction area is not permitted without authorisation under the 'Rights in Water and Irrigation Act 1914' (RIWI Act)
- There shall be no standing water occurring at the end of the extractive operation
- If any interception of groundwater occurs, work shall cease and an advice notice provided to the Shire within 72 hours, followed by agreed remedial action.
- No stormwater is to leave the active extraction areas.
- All site stormwater is to be managed, where required, through the use of bunds, retention basins and the like.

- If required, clean stormwater overland flows are to be kept separate and diverted from extraction pits via bunds.

RECOMMENDATIONS: DWER recommends that further information (as outlined above) be included as an addendum to the proponent's 'Water Management Plan', to the satisfaction of the City of Busselton, on advice of DWER. To be reflected by conditions in any extractive industry licence.

Should you have any further inquiries, please do not hesitate to contact the undersigned.

Thank you.

Yours faithfully,

Daniel Wong

Environmental Officer
Department of Water and Environmental Regulation
South West Region

Email: daniel.wong@dwer.wa.gov.au
Phone: 08 9726 4113
Fax: 08 9726 4100
Postal: PO Box 261, Bunbury, WA 6231
Location: 35-39 McCombe Road, Bunbury, WA 6230

Water Resource Advice Only

The Department of Water has recently merged with the Department of Environment Regulation and Office of the Environmental Protection Authority to create the new agency Department of Water and Environmental Regulation.

The former agencies are in the process of amalgamating their functions. Until this fully occurs, please note that the advice in this correspondence pertains only to water resource matters previously dealt with by the Department of Water.

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Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Your ref DA17/0866
Our ref A0364/201501
Enquiries Glennis HALL
9222 3104
Glennis.HALL@dmirs.wa.gov.au

Chief Executive Officer
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Attention: Joanna Wilson

Dear Sir/Madam

**DMIRS RESPONSE — EXTRACTIVE INDUSTRY LICENCE (GRAVEL) — LOTS 2
AND 3 CHAPMAN HILL EAST ROAD, CHAPMAN HILL**

Thank you for your letter of 22 November 2017 regarding the application for the above Extractive Industry Licence.

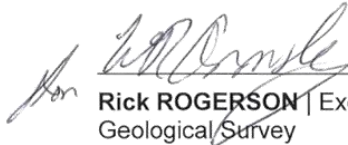
A continuing supply of low-cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy.

Although Extractive Industry Licences fall outside the *Mining Act 1978*, information on mineral resources, including basic raw materials, is of importance to the Geological Survey of Western Australia (GSWA), a division of the Department of Mines, Industry Regulation and Safety (DMIRS). The information is used in our MINEDEX database (<http://www.dmp.wa.gov.au/Minedex>), which is a source of information for our State-wide resource mapping system (<http://www.dmp.wa.gov.au/GeoView>). The locations and status of basic raw materials extraction sites are also valuable inputs to the Geological Survey's resource assessment and land use planning role.

Our aim is for the database to be a comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials.

I appreciate the opportunity for GSWA to note this proposal. For future reference it would be appreciated if all matters relating to Extractive Industry Licences could be addressed to the Executive Director of the Geological Survey of Western Australia.

Yours sincerely


Rick ROGERSON | Executive Director
Geological Survey

5 December 2017



Government of Western Australia
Department of Water and Environmental Regulation

Our ref: CPS 8746/1
Enquiries: Jessica Burton
Phone: 6364 7100
Email: info@dwer.wa.gov.au

Ms Lissa Wypynaszko
Company Secretary
Leeuwin Civil Pty Ltd
995 Gale Road
KALLOORUP WA 6280

via email: lissa@leeuwincivil.com.au

Dear Ms Wypynaszko,

APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986

I refer to Leeuwin Civil Pty Ltd application for a Purpose Permit under section 51E(1) of the *Environmental Protection Act 1986* (the EP Act), to clear 2.782 hectares of native vegetation within Lot 2 on Diagram 63148 and Lot 3 on Diagram 63148, Chapman Hill, for the purpose of gravel extraction.

I advise that a preliminary assessment of the vegetation against the clearing principles contained in Schedule 5 of the *Environmental Protection Act 1986* (EP Act) has been conducted, taking into account information you have provided and information the Department of Water Environmental Regulation (DWER) has obtained through consultation. Attached is a Preliminary Assessment Report, which provides detail on the assessment of your application.

Please note, based on the preliminary assessment, it is likely that if granted a clearing permit will contain a fauna management condition, a rehabilitation condition as well as a weed and dieback management condition. The rehabilitation condition will require the area cleared to be revegetated with native species in order to minimise the long term impact to black cockatoos.

In considering a clearing matter, the Chief Executive Officer (or Delegated Officer) shall have regard to any planning instrument or other matter considered relevant, in accordance with section 51O(4) of the EP Act. I am of the view that the Planning Approval and Extractive Industry Licence from the City of Busselton are relevant considerations. Therefore I will defer the decision on this application until you are able to provide a copy of these approvals from the City of Busselton.

Please ensure these approvals are provided within three months from the date of this letter. I advise that the Delegated Officer intends to make a decision on the application based on the information available at this time. In the absence of receiving a copy of the Planning Approval and Extractive Industry Licence, it is possible that the application for a clearing permit may be refused, in accordance with section 51E(5)(b) of the EP Act.

Should you not provide the above-requested information within three months of the date of this letter, I advise that a clearing permit may not be granted. In the event that this is the case and in accordance with section 51E(6), I also give you written notice of the intent to refuse to grant a clearing permit under section 51E(5)(b) of the EP Act. If you disagree with DWER's decision on the application, an appeal may be lodged with the Minister for Environment. More information on lodging an appeal is available from the Office of the Appeals Convenor on telephone 6467 7990.

If you have any queries regarding the progress of this application, please contact Senior Environmental Officer Ms Jessica Burton on 6364 7100.

Yours sincerely



Richard Newman
DIRECTOR
NATIVE VEGETATION PROTECTION

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

4 May 2020

Attached: CPS 8746/1 Preliminary Assessment Report

Government of Western Australia
Department of Water and Environmental Regulation

Preliminary Assessment Report

1. Application details

1.1. Permit application details

Permit application No.: 8746/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Leeuwin Civil Pty Ltd
Application received date: 27 November 2019

1.3. Property details

Property: Lot 2 on Diagram 63148
Lot 3 on Diagram 63148
Local Government Authority: City of Bussellton
Localities: Chapman Hill

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.782		Mechanical Removal	Extractive industry

2. Site Information

Clearing Description The application is for the proposed clearing of 2.782 hectares of native vegetation for the purpose of gravel extraction (Figure 1).

Vegetation Description Two South West Vegetation associations are mapped within the application area (Government of Western Australia, 2018):

- Treeton Tw: Open forest of Eucalyptus patens-Corymbia calophylla-Eucalyptus marginata subsp. marginata on lower slopes and on floors of minor valleys in the perhumid zone; and
- Treeton T: Woodland of Eucalyptus marginata subsp. marginata-Corymbia calophylla with some Allocasuarina fraseriana on mild slopes in the perhumid zone.

A site inspection for a previous clearing application (CPS 7829/1) that occurs over the current application area, was conducted by Department of Water and Environmental Regulation (DWER) officers on the 16 November 2017. The vegetation observed is described as a woodland with paddock trees of Marri (Corymbia calophylla) and Jarrah (Eucalyptus marginata) with Sheoak (Allocasuarina fraseriana) in a completely degraded (Keighery, 1994) condition (DWER, 2017).

Little to no native understorey was identified within the application area during the site inspection undertaken in November 2017 with pasture grasses dominate the understorey. The condition of the understorey is likely due to historic agricultural land uses (DWER, 2017). Given the relatively short time since the previous site inspection and after a review of current aerial imagery, it is considered for the condition of the vegetation to have not changed.

Vegetation Condition The condition of the vegetation within the application area was determined to be:

- Completely degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery, 1994).

Comment The local area is defined as a 10 kilometre radius measured from the perimeter of the application area.



Figure 1: Application area (outlined in blue)

3. Assessment of application against clearing principles, planning instruments and other relevant matters

(a) Native vegetation should not be cleared if it comprises a high level of biodiversity.

Proposed clearing is not likely to be at variance with this Principle

As assessed within section 2 (site information), the application area is described as a woodland with paddock trees of Marri (*Corymbia calophylla*) and Jarrah (*Eucalyptus marginata*) with Sheoak (*Allocasuarina fraseriana*) in a completely degraded (Keighery, 1994) condition. Little to no native understorey was identified within the application area with pasture grasses dominating due to historic agricultural land use (DWER, 2017).

The Department of Biodiversity, Conservation and Attractions (DBCA) advised that (DBCA, 2018):

- the application area will not support any vegetation or flora species that are considered threatened;
- the application area is likely to provide habitat for threatened black cockatoo species;
- if possible any approval of this application should be conditional on the retention of mapped habitat trees; and
- if granted, a clearing permit should be conditioned to ensure black cockatoos are not impacted by the proposed clearing.

As the application area does not contain any native understorey species, and given the advice received from DBCA, it is not likely to contain priority or rare flora and is not consistent within a priority or threatened ecological community.

As assessed within Principle (b):

- the application area contains 2.782 hectares of threatened black cockatoo foraging habitat;
- the application area contains 39 potential black cockatoo breeding trees;
- eight potential breeding hollows were identified, however it is unlikely that any of the trees within the development footprint provide active black cockatoo breeding habitat; and
- although the application area forms part of a mapped ecological linkage, given the condition of the vegetation and as it will not segregate the linkage or form a barrier to fauna movement, the proposed clearing will not impact on the environmental value of the larger remnant or the ecological linkage of which it is apart.

The local area retains approximately 48 per cent native vegetation. A majority of this vegetation is located within land managed by DBCA to the south of the application area. The application area occurs adjacent to a larger,

approximately 200 hectare, remnant which is connected to the Blackwood State Forest through continuous native vegetation.

Although the application area forms habitat for Black cockatoos, given the completely degraded condition, the extent of adjoining vegetation and reserved vegetation within the local area, it is not likely to contain a high biodiversity. The application area is not likely to be at variance with this Principle.

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

Proposed clearing may be at variance with this Principle

Six terrestrial/arboreal fauna species listed under the *Biodiversity Conservation Act 2016* have been recorded within the local area.

- forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*);
- Baudin's cockatoo (*Calyptorhynchus baudinii*);
- Carnaby's cockatoo (*Calyptorhynchus latirostris*);
- Chuditch (*Dasyurus geoffroii*);
- Malleefowl (*Leipoa ocellata*); and
- Western Ringtail Possum (*Pseudocheirus occidentalis*).

Black cockatoo's (Baudin's, Carnaby's and forest red-tailed black cockatoo) nest in large hollows of Eucalyptus trees and forage on the seeds, nuts and flowers of a large variety of plants including Proteaceous species (*Banksia*, *Hakea*, *Grevillea*), *Eucalyptus*, *Corymbia* and a range of introduced species (DBCA, 2013; Valentine and Stock, 2008). As assessed within Principle (a), DBCA (2018) has advised that the application area will be providing habitat for threatened black cockatoo species. The Carnaby's cockatoo recovery plan states, "Success in breeding is dependent on the quality and proximity of feeding habitat within 12 kilometres of nesting sites. Along with the trees that provide nest hollows, the protection, management and increase of this feeding habitat that supports the breeding of Carnaby's cockatoo is a critical requirement for the conservation of the species" (DBCA, 2013).

A DWER site inspection undertaken in November 2017 noted that (DWER, 2017):

- Large trees of an age and size suitable as to contain potential black cockatoo breeding hollows are present within the application area;
- Tree hollows suitable for black cockatoos were identified within the application area; and
- Small hollows were present within the application area that may provide habitat for fauna. One of these hollows showed significant wear around the entrance as well as along the trunk of the tree indicating use by fauna.

A black cockatoo habitat assessment of the application area determined that (SW Environmental, 2017):

- Black cockatoo foraging evidence is present across the application area;
- The loss of 2.782 hectares of foraging habitat represents 0.08 per cent of potential foraging habitat within five kilometres of the application area;
- 39 trees with a suitable diameter at breast height (DBH) as to contain black cockatoo nesting hollows are present within the application area;
- 12 of the 39 trees contained hollows of a suitable size for black cockatoos;
- No evidence of black cockatoo roosting was observed;
- Clearing should be undertaken outside of the breeding times for black cockatoos; and
- A fauna specialist should be on site during clearing to reduce potential fauna impacts.

Given the vegetation type identified within section 2, the advice received from DBCA, the DWER site inspection observations and results of the black cockatoo habitat assessment, the application area is likely to contain habitat for Black cockatoo species consisting of:

- 2.782 hectares of foraging habitat;
- 39 potential breeding trees; and
- 12 potential breeding trees with suitable hollows.

To define and minimise potential impacts to black cockatoos, a drone survey of each potential hollow was undertaken (SW Environmental, 2018). This survey determined that although eight potential suitable hollows were identified, it is unlikely that any of the trees within the development footprint provide active black cockatoo breeding habitat (SW Environmental, 2018).

The survey recommends that any clearing should be undertaken outside the key breeding period of April to February to ensure no individuals are present at the time of clearing (SW Environmental, 2018).

Clearing outside of the breeding times for black cockatoos, ensuring no individuals are present at the time of clearing and rehabilitating the entire 9.73 hectare extraction area with species suitable for black cockatoo foraging and breeding will assist in mitigating impacts to black cockatoos.

Chuditch populations occur in varying densities in jarrah forests and woodlands in the south west corner of Western Australia, and in woodlands, mallee shrublands and heaths along the south coast, east to the Ravensthorpe area (Department of Environment and Conservation, 2012). While the vegetation within the application area may contain potential dispersal habitat for this species, based on the extent of native vegetation cover within the local area, lack of large fallen trees forming den sites, the application area is not likely to comprise significant habitat for this species.

Within the South Coast, the western ringtail possum is found in coastal heath, jarrah/marri woodland and forest, myrtaceous heaths and shrublands with *Agonis flexuosa* (peppermint willow) forming a key habitat requirement. As the application area does not contain *Agonis flexuosa* and based on the completely degraded nature of the vegetation, the species is not likely to be impacted by the proposed clearing.

Mallee fowl occur in shrub lands and low woodlands that are dominated by mallee vegetation, and require a sandy substrate and abundance of leaf litter to build mounds for roosting purposes (DotEE, 2015). As the application area occurs adjacent to a large remnant of native vegetation, is in a completely degraded condition and does not contain mallee vegetation, the proposed clearing is not likely to comprise significant habitat for this species.

The application area occurs within the area assessed within the South West Regional Ecological Linkage Report (SWREL) (Molloy et al, 2007). The application occurs within an area classified as 1A under this report as it is connected to a main axis line through unbroken native vegetation. The application area occurs adjacent to a larger (approximately 200 hectares) remnant of native vegetation that contributes to this ecological linkage. As the application area predominantly contains isolated paddock trees and is on the edge of this large remnant, the proposed clearing is not considered likely to segregate the linkage or form a barrier to fauna movement.

Given this, although it occurs along a SWREL linkage, the proposed clearing is not likely to impact on the movement of fauna through the landscape. A condition on the permit requiring the applicant to rehabilitate the clearing area post gravel extraction will mitigate against any potential long term impacts to the linkage.

As the application area contains suitable habitat for black cockatoos, the proposed clearing may be at variance with this Principle.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

Proposed clearing is not likely to be at variance with this Principle

Fifteen threatened flora species have been recorded within the local area. All of these species are understorey or groundcover species.

DBCA has previously advised that the application area is unlikely to support any flora and/or vegetation currently considered threatened given the completely degraded condition of the vegetation (DBCA, 2018).

Given the advice received from DBCA and as all threatened flora recorded within the local area are understorey species, the proposed clearing is not likely to impact on habitat for threatened flora. The proposed clearing is not likely to be at variance with this Principle.

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Proposed clearing is not likely to be at variance with this Principle

The closest mapped threatened ecological community (TEC) is SCP10b – Shrublands on southern swan coastal plain ironstones, located five kilometres west of the application area.

DBCA has previously advised that the application area is unlikely to support any flora and/or vegetation that is currently considered threatened (DBCA, 2018). Vegetation consistent with a TEC was not identified during a site inspection undertaken by DWER officers (DWER, 2017). The proposed clearing is not considered likely to be at variance with this Principle.

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.**Proposed clearing is not likely to be at variance with this Principle**

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 percent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

As indicated in Table 1, the native vegetation extents within the Interim Biogeographic Regionalisation for Australia (IBRA), and mapped South West vegetation associations are above the 30 per cent threshold (Government of Western Australia, 2018a, 2018b). It is noted that given its completely degraded (Keighery, 1994) condition, the application area is not representative of the mapped vegetation types.

The local area retains approximately 48.2 per cent native vegetation.

As assessed within Principle (b), the application area occurs on the outer edge of an ecological linkage. However, given the condition of the application area, its location on the edge of a significantly larger remnant and as the proposed clearing will not impact on the viability of the linkage, the application area is not likely to be significant as a remnant within the local area.

The proposed clearing is not likely to be at variance with this Principle.

Table 1: Vegetation extent statistics

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current extent in all DBCA managed lands (ha)	Extent remaining in all DBCA managed lands (proportion of Pre-European extent) (%)
IBRA Bioregion*					
Jarrah Forest	4,506,660.3	2,399,838.1	53.3	1,673,614.3	39.4
South West Vegetation Complex **					
TW	8,676.1	2,926.6	33.7	1,747.4	20.1
T	27,420.4	12,798.1	46.7	7,641.0	27.9
Local Area					
10 kilometre radius	32,641.06	15,706.94	48.12	-	-

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**Proposed clearing is not likely to be at variance with this Principle**

No watercourses or wetlands have been mapped within the application area. A site inspection undertaken by DWER officers did not identify riparian vegetation within the application area (DWER, 2017).

The proposed clearing is not likely to be at variance with this Principle.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**Proposed clearing is not likely to be at variance with this Principle**

The application area is mapped within the following land systems (Department of Primary Industries and Regional Development (DPIRD), 2018):

- Treeton sandy slopes Phase, which is described as slopes (with gradients generally 5-10% but ranging from 2-15%) with deep bleached sands; and
- Treeton hillslopes Phase, which is described as slopes with gradients generally ranging from 2-15% and gravelly duplex (Forest Grove) and pale grey mottled (Munglote) soils.

Groundwater salinity within the application area is mapped as <500 milligrams per litre total dissolved solids which is considered fresh.

As assessed under Principle (f), no watercourses or wetlands are present within the application area. Considering this and the land degradation risk identified within Table 2, the proposed clearing is not likely to cause land degradation through water erosion, increased salinity, waterlogging or phosphorus export.

Mapped land unit Treeton sandy slopes Phase has been mapped with a high risk of wind erosion. As assessed within section 2, the application area is in a completely degraded condition and is composed predominantly of isolated trees. Given this and as the area is proposed to be maintained as an extraction site and rehabilitated following extraction activities, the proposed clearing is not likely to increase the risk of wind erosion above that which is already present.

Given the above, the proposed clearing is not likely to be at variance with this Principle

Table 2: Land degradation risk categories (DPIRD, 2018).

Risk categories	Treeton sandy slopes Phase	Treeton hillslopes Phase
Wind erosion	>70% of map unit has a high to extreme wind erosion risk	10-30% of map unit has a high to extreme wind erosion risk
Water erosion	3-10% of map unit has a high to extreme water erosion risk	3-10% of map unit has a high to extreme water erosion risk
Salinity	30-50% of map unit has a moderate to high salinity risk or is presently saline	30-50% of map unit has a moderate to high salinity risk or is presently saline
Water logging	10-30% of map unit has a moderate to very high waterlogging risk	10-30% of map unit has a moderate to very high waterlogging risk
Phosphorus export risk	3-10% of map unit has a high to extreme phosphorus export risk	3-10% of map unit has a high to extreme phosphorus export risk
Flood risk	<3% of the map unit has a moderate to high flood risk	<3% of the map unit has a moderate to high flood risk

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Proposed clearing is not likely to be at variance with this Principle

The application area is mapped approximately one kilometre north of the Blackwood State Forest. The application occurs adjacent to a larger, approximately 200 hectare, remnant which is connected to the Blackwood State Forest through unbroken native vegetation. However, as assessed within Principle (b), the proposed clearing is not likely to impact on the environmental values of this remnant through fragmentation of an ecological linkage.

As a one kilometre buffer exists between the application area and conservation estate, the risk of the proposed clearing introducing or spreading dieback and weeds into the conservation areas is considered low.

The proposed clearing is not likely to be at variance with this Principle.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Proposed clearing is not likely to be at variance with this Principle

No watercourses or wetlands have been mapped within the application area. Groundwater salinity within the application area is mapped as <500 milligrams per litre total dissolved solids. This level of groundwater salinity is considered fresh.

As assessed within Principle (g), the mapped land unit has a low risk of water erosion, salinisation, waterlogging or phosphorus export. The application area adjoins a larger remnant of native vegetation and large reserves occur in close proximity to the application area, lowering the risk of groundwater quality deterioration.

The proposed clearing is not likely to impact on the quality of surface water or groundwater and is not likely to be at variance with this Principle

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Proposed clearing is not likely to be at variance with this Principle

No watercourses or wetlands occur within the application area, and the mapped soils are well drained (DPIRD, 2018).

Given the mapped flood risk (Table 2), size of the application area and soil types present, the proposed clearing is not likely to exacerbate the incidence or intensity of flooding.

The proposed clearing is not likely to be at variance with this Principle

Planning instruments and other relevant matters.

The application area occurs within the 'Busselton Capel Groundwater Area' as proclaimed under the *Rights in Water and Irrigation Act 1914*. The applicant has advised that groundwater will not be abstracted for this proposal and that a dry crushing plant will be used. It is not anticipated for groundwater to be intercepted through gravel extraction.

The City of Busselton (2020) has advised that it is currently assessing a development application to extract gravel within the application area.

The proposed clearing has been referred under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Commonwealth Department of Environment and Energy in 2017 (EPBC Ref: 2017/8086). A decision on the proposed clearing of 'not a controlled action' was made on 6 September 2018.

A works approval application is currently being assessed for the screening and crushing activities associated with the extractive industry proposed within the application area.

There are no Aboriginal sites of significance mapped within the application area.

The clearing permit application was advertised on the DWER website on 25 December 2019 with a 21 day submission period. No public submissions have been received in relation to this application.

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- City of Busselton (2020) Advice received in relation to Clearing Permit application CPS 8746/1. Received 10 January 2020 (DWER ref: A1857720).
- Department of Biodiversity Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed April 2020.
- Department of Biodiversity Conservation and Attractions (DBCA) (2013) Carnaby's cockatoo (*Calyptorhynchus latirostris*) Recovery Plan. Department of Parks and Wildlife, Perth, Western Australia.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Regional advice for Clearing Permit Application CPS 7829/1. South West Region. Western Australia Received 22 February 2018 (DWER Ref: A1622807).
- Department of Environment and Conservation (DEC) (2012) Chuditch (*Dasyurus geoffroii*) Recovery Plan. Wildlife Management Program No. 54. Department of Environment and Conservation, Perth, Western Australia.
- Department of Primary Industry and Regional Development (DPIRD) (2018) NRInfo Digital Mapping. Department of Primary Industry and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/> (accessed April 2020).
- Department of the Environment and Energy (DotEE) (2015) *Leiposa ocellata* in Species Profile and Threats Database. Department of the Environment and Energy, Canberra. Available from: www.environment.gov.au/sprat.
- Department of Water and Environmental Regulation (DWER) (2017) Site Inspection Report for Clearing Permit Application CPS 7829/1. Site inspection undertaken 16 November 2017 (DWER Ref: A1623866).
- *Government of Western Australia (2018a) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2018. WA Department of Parks and Wildlife, Perth.
- **Government of Western Australia (2018a) 2018 South West Vegetation Complex Statistics. Current as of December 2018. WA Department of Parks and Wildlife, Perth
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South Western Regional Ecological Linkages Technical report, Western Australian Local Government Association and Department of Environment and Conservation, Perth.
- SW Environmental (2017) Black Cockatoo Habitat Assessment. Lot 2 and 3 Nuttman Road, Chapman Hill. May 2017. (DWER ref: A1575862).
- Valentine, L.E. and Stock, W. (2008) Food Resources of Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) in the Gnarara Sustainability Strategy Study Area. Edith Cowan University and Department of Environment and Conservation. December 2008.



Australian Government
Department of the Environment and Energy

EPBC Ref: 2017/8086

Mr Brian Baker
PO Box 728
BUSSELTON WA 6280

Dear Mr Baker

**Decision on referral
Nuttman Road, Busselton Gravel Extraction, Western Australia (EPBC 2017/8086)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the proposed action to clear 2.8 ha of native vegetation to enable the excavation of gravel material at Lots 2 and 3 Nuttman Road, Chapman Hill, Western Australia.

As a delegate of the Minister for the Environment and Energy, I have decided that the proposed action is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.

A copy of the document recording this decision is enclosed. This document will be published on the Department's website.

Please note that this decision relates only to the specific matters protected under Chapter 2 of the EPBC Act.

This decision does not affect any requirement for separate state or local government environment assessment and approvals of the proposed action.

The Department has an active audit program for proposals that have been referred under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned. Please note that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's compliance monitoring and auditing program is enclosed.

I have written separately to the Western Australian Department of Water and Environmental Regulation advising them of this decision.

If you have any questions about the referral process or this decision, please contact the project manager, Rhiannon Agutter, by email to rhiannon.agutter@environment.gov.au, or telephone (02) 6274 1536 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Manning', with a long horizontal stroke extending to the right.

Gregory Manning
Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

6 September 2018



Australian Government
Department of the Environment and Energy

**Notification of
REFERRAL DECISION – not controlled action**
Nuttman Road, Busselton Gravel Extraction, Western Australia (EPBC 2017/8086)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

**Person proposing to
take the action** Mr Brian Kenneth Baker

proposed action Clearing of 2.8 ha of native vegetation to enable the excavation of gravel material at Lots 2 and 3 Nuttman Road, Chapman Hill, Western Australia [See EPBC Act referral 2017/8086].

Referral decision: Not a controlled action

**status of proposed
action** The proposed action is not a controlled action.

Person authorised to make decision

Name and position Gregory Manning
Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

Signature

date of decision 6 September 2018



Australian Government
Department of the Environment and Energy

EPBC Ref: 2017/8086

Mr Brian Baker
PO Box 728
BUSSELTON WA 6280

Dear Mr Baker

**Decision on referral
Nuttman Road, Busselton Gravel Extraction, Western Australia (EPBC 2017/8086)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the proposed action to clear 2.8 ha of native vegetation to enable the excavation of gravel material at Lots 2 and 3 Nuttman Road, Chapman Hill, Western Australia.

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Yours sincerely

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Gregory Manning
Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

6 September 2018



Australian Government
Department of the Environment and Energy

**Notification of
REFERRAL DECISION – not controlled action**
Nuttman Road, Busselton Gravel Extraction, Western Australia (EPBC 2017/8086)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

**Person proposing to
take the action** Mr Brian Kenneth Baker

proposed action Clearing of 2.8 ha of native vegetation to enable the excavation of gravel material at Lots 2 and 3 Nuttman Road, Chapman Hill, Western Australia [See EPBC Act referral 2017/8086].

Referral decision: Not a controlled action

**status of proposed
action** The proposed action is not a controlled action.

Person authorised to make decision

Name and position Gregory Manning
Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

Signature

date of decision 6 September 2018

Client: Leeuwin Civil Pty Ltd
Project: ENIA of Gravel Crushing

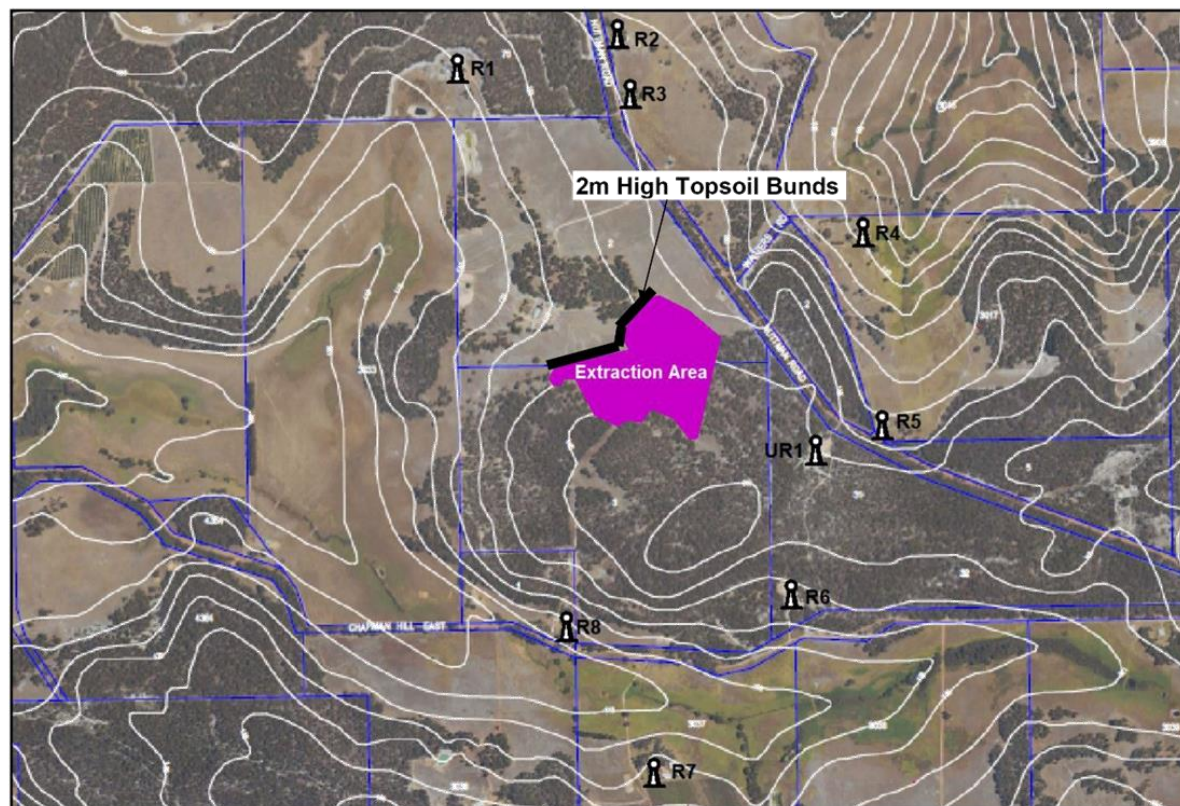
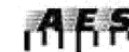


Figure 2: Locations of closest residences.

Schedule of Submissions DA17/0866
PROPOSAL: INDUSTRY – EXTRACTIVE : LOTS 2 AND 3 NUTTMAN ROAD, CHAPMAN HILL
SUBMISSIONS CLOSE: 24 Oct 2019
OFFICER: Joanna Wilson

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT
1.	Department of Water, Environment, and Regulation, Brendan Kelley	<p><u>Submission 1 – 20/12/2017</u></p> <p>Identified risks include:</p> <p>Groundwater</p> <ul style="list-style-type: none"> • Potential interception of groundwater (insufficient hydrogeological details provided) • Ground water contamination due to potential hydrocarbon spills from heavy machinery either from servicing, refuelling or leaks. • Groundwater contamination with nutrients, if there is insufficient separation to groundwater from the final rehabilitatd surface (for grazing landuse). <p>Surface Water</p> <ul style="list-style-type: none"> • Water runoff from the extraction are via sheet flow during major storm events. <p>Water Supply</p> <ul style="list-style-type: none"> • Insufficient Water to meet the needs of the proposed extraction, such as water for dust suppression. <p><u>Submission 2 – 6/11/2019</u></p> <p>The proposed El site is located within the 'Busselton Capel Groundwater Area' and the 'Geographe Bay Rivers Surface Water Area', both proclaimed under the 'Rights in Water and Irrigation Act 1914'.</p> <p>DWER identified a "moderate risk" in its original assessment, as follows:</p> <ul style="list-style-type: none"> • Potential interception of groundwater, noting that insufficient hydrogeological detail was provided, Water runoff (carrying sediment) from the extraction area via sheet flow during major storm events, Insufficient water to meet the needs of the proposed extraction, particularly water for dust suppression. 	<p>Noted.</p> <p>Conditions proposed:</p> <ul style="list-style-type: none"> • separation from groundwater is maintained' • revised stormwater water management plan

Schedule of Submissions DA17/0866
PROPOSAL: INDUSTRY – EXTRACTIVE : LOTS 2 AND 3 NUTTMAN ROAD, CHAPMAN HILL
SUBMISSIONS CLOSE: 24 Oct 2019
OFFICER: Joanna Wilson

		<p><u>Groundwater</u></p> <p>Apart from references to water levels in local stock dams, no new information of significance has been provided with regards to groundwater levels beneath the EI site. However, the additional information states:</p> <p><i>“Extraction of gravel will be to a depth of up to 2 metres, at least 2 metres above the anticipated maximum groundwater level in this area”</i></p> <p>DWER has concluded that this reference to the EI achieving a 2 metre separation to the anticipated maximum groundwater level remains as a presumption.</p> <p>Nonetheless, after reviewing the referral, DWER acknowledges that the risk of intercepting groundwater in this geological setting is low, where the extraction depth is no more than 2 metres.</p> <p>As such, given the low risk of interception and exposure of groundwater, DWER accepts that the EI can proceed with standard conditions (below).</p> <p><u>Surface water</u></p> <p>The additional information states:</p> <p><i>“It is nit (sic) expected that any form of stormwater management will be required rather, large rainfall events will pond in the pit floor before naturally dissipating”.</i></p> <p>And:</p> <p><i>“No erosion is anticipated, this will be prevented by the gravelly nature of the soil on this ridgeline”.</i></p> <p>It is noteworthy that BSO initially stated:</p> <p><i>“As a minimum, a 1 in 20 year flood event must be catered for with all stormwater runoff from exposed areas being initially contained on site...”</i></p>	
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		<p>"Silt ponds will be excavated where point flows are draining to for catchment (sic)... These will be of a capacity to capture the surface flow from a 1 in 20 storm event".</p> <p>"Our clients are committed to closely monitoring drainage/run-off within the excavation areas and will address any problems which may arise. A draft Surface Water Management Plan is supplied".</p> <p>The additional information contradicts the initial assessment, which does not provide any detail of stormwater management, e.g. calculations of stormwater volumes, information related to cut-off drains, bunds, sediment traps and/or the like.</p> <p>DWER concluded that the risk of uncontrolled stormwater run-off from the EI site remains as moderate and as such a detailed 'Stormwater Management Plan' is still highly desirable.</p> <p><u>Water supply</u></p> <p>The additional information acknowledges:</p> <p>"... that a water licence will be required if water is utilised for dust suppression. This will be available in the two dams described above and a licence application will be lodged if this extractive industry application is approved".</p> <p>The proponent will need to demonstrate that they have sufficient water to meet the needs of the proposed extraction, which may require a licence under the 'Rights in Water and Irrigation Act 1914'.</p>	
2.	Department of Mines, Industry Regulation and Safety Glennis Hall	<p><u>Submission 1 – 5/12/2017</u></p> <p>Noted the proposal and added to the Departments Database of basic raw materials extraction sites.</p>	Noted
3.	Department of Biodiversity,	<p><u>Submission 1 – 30/4/2018</u></p>	Noted

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	Conservation and Attractions Tracy Teede	<p>The SW Environmental 'Black Cockatoo Habitat Assessment' indicated that the site contains primary values for black cockatoos, including trees with hollows suitable for nesting habitat.</p> <p>Baudin's, Carnaby's and the Forest red-tail are listed as threatened species under the EPBC Act.</p> <p>It is noted that an application for clearing permit has been lodged with DWER and DEE , it is expected that the environmental values likely to be impacted by the proposed sand extraction will be adequately considered through the assessment of the clearing permit.</p>	
4.	Cathy & Neil Howard Whicher Ridge Winery 200 Chapman Hill East Chapman Hill WA 6280	<p><u>Submission 1 – 18/12/2017 - Objection</u></p> <ul style="list-style-type: none"> Insufficient regard for the direct and indirect impact on Whicher Ridge Wines, including but not limited to environmental impacts through dust, noise and traffic and the social and economic impact for wine tourism generally; The proposed extraction would be less than 1000m from our winery, vineyard, cellar door, wine sensory garden and house; The Tourist attraction is one of its kind and the proposal would detrimentally impact the business and loss of income; The attraction depends on a quiet, rural location and the operation of rock breaking, screening and crushing, earth moving equipment and regular truck movements would be contrary to this; The cellar door is open Thursday to Monday a gravel operation will detrimentally impact on this, in particular due to the operating times; The DA lacks information in terms of what cells will be worked first, types of stacking, topsoil and gravel stockpiles will be placed, when rock breaking, screening and crushing 	<p>Noted</p> <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments Loss of income is not planning consideration Noise and disturbance is discussed in Officer Comments The extraction is restricted to Monday to Fridays, see proposed condition 6.2. See recommended conditions, in respect of noise and dust management plans and discussion in Officer comments.

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		<p>activities will be carried out, when rehabilitation is scheduled, noise and dust monitoring will be recorded.</p> <p><u>Submission 2 – 24/10/2019</u></p> <ul style="list-style-type: none"> • The development of a gravel extraction pit in such close proximity to our tourism and wine business will have an adverse impact on our wine tourism business; • Opinion has not changed since 2017; • There has been insufficient regard in DA17/0866 for the direct and indirect impacts on Whicher Ridge Wines by this proposal including but not limited to environmental impacts through dust, noise and traffic, and the social and economic impacts for our wine tourism business in particular and for wine tourism businesses more generally in our region; • The basis of our objection to the land clearing is in relation to the removal of the 2.8 hectares of feeding habitat, but more importantly, the removal of 39 potential breeding trees and the removal of 12 potential breeding with existing suitable hollows for breeding; • This area provides feeding and drinking sites for a large number of Red Tailed Black Cockatoos which are listed as vulnerable; • Trees are aged between 100 and 200 yearsl of and it is only when the trees age that they provide critical and essential nesting hollows for these birds; • Clearing for mining that results in the loss of eucalypts with nest hollows will result in a loss of breeding habitat for a significant time and so is likely to impact the species. 	<ul style="list-style-type: none"> • Noise and disturbance is discussed in Officer Comments • Noise and disturbance is discussed in Officer Comments • Support from DWER has already been given for the clearing, see Officer Comments.
	A Howe 367 Nuttman Road Chapman Hill	<p><u>Submission – 08//12/2017 - Objection</u></p> <ul style="list-style-type: none"> • Noise and disturbance from the crusher and heavy extraction on residential amenity – dwelling is located 550m from site; 	<p>Noted</p> <ul style="list-style-type: none"> • Noise and disturbance is discussed in Officer Comments.

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		<ul style="list-style-type: none"> it would produce significant more noise than agricultural machinery; Nuttman Road is not sufficient in width for two vehicles to pass and serious damage will happen to Nuttman Road; Dieback is prevalent in this area and could be transported to clear areas with the vehicles; 	<ul style="list-style-type: none"> Haulage route and road upgrades are discussed in Officer Comments. Dieback Management Plan has been submitted and condition proposed for implementation, see Condition 6.10.
6.	Fay & Colin Bock 173 Chapman Hill Road Chapman Hill	<p><u>Submission 1 – 15/12/2017 - Objection</u></p> <ul style="list-style-type: none"> Noise and disturbance to neighbouring properties; Vibration from the machinery and damage to property; Impact on health from dust that is generated and lack of water to suppress the dust; Impact on the water table; Retention of stormwater to ensure that it doesn't impact the neighbouring property; Safety concerns for users of the road from haulage vehicles; Impact on wildflowers and the large flocks of black cockatoos that feed on the property; The proposal times and length of operation will affect surrounding residents. <p><u>Submission 2 – 12/6/2018</u></p> <ul style="list-style-type: none"> Mud slush and gravel flowing into our property has already blocked the City's culvert and debris flowing down the road washing parts of it away. 	<p>Noted</p> <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments. Dust Management plan has been submitted and would be required to be implemented, see Condition 6.12. Condition 6.7 required separation from the maximum water table. Condition 3.3 requires a revised stormwater management plan. Haulage route and road upgrades are discussed in Officer Comments. Support from DWER has already been given for the clearing, see Officer Comments. <ul style="list-style-type: none"> Condition 3.3 requires a revised stormwater management plan.
7.	Claire Geracitano 208 Nuttman Rd Chapman Hill 6280	<p><u>Submission 1 – 12/12/2017 - Objection</u></p> <ul style="list-style-type: none"> The neighbouring block is a conservation lifestyle property and we would like to protect the area from disturbance; Impact on rare flora and fauna; Rehabilitation of other pits has not be undertaken or enforced, leaving dirt and weeds. 	<p>Noted</p> <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments. Support from DWER has already been given for the clearing, see Officer Comments; Rehabilitation will be a condition of the approval and required by DWER.

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8.	Simon Brown 290 Chapman Hill East Road Chapman Hill	<u>Submission 1 – 19/12/2017 - Objection</u> <ul style="list-style-type: none"> Dust and noise associated with the operation will be in excess of farming activities; How much water will be required and where will this be sourced; Increase in truck movements poses an unacceptable risk to current residents, the road infrastructure is inadequate; There is an existing gravel pit on Chapman Hill Road and the drivers have no regard for safety of other users. 	Noted <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments. Condition 3.5 requires details validating the water supply. Haulage route and road upgrades are discussed in Officer Comments. This is a matter for the police.
9.	Margaret River Tourism Association 100 Bussell Highway Margaret River WA 6285	<u>Submission 1 – 12/12/2017 - Objection</u> <ul style="list-style-type: none"> The proposal would have an adverse impact on an adjoining winery that offers visitors a unique experience; The winery has a 'one of a kind' wine sensory garden which is included in the Margaret River Organic Garden Trial and featured in several magazines; The proposal would be located 500m-1000m from the cellar door building, vineyard and wine sensory garden – it is expected the operations will be affected; The gravel extraction will be audible and visible disrupting the peaceful vineyard and garden experience for visitors; Negative impact on tourism facilities and experiences to visitors from extractions. 	Noted <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments. As above Noise and disturbance is discussed in Officer Comments.
10	V Bussell 225 Nuttman Road Walsall 6280	<u>Submission 1 – 13/12/2017 - Objection</u> <ul style="list-style-type: none"> No objection to the gravel extraction; Objection to the use of Nuttman Road without it being widened to 6m seal. <u>Submission 2 – 10/10/2019</u> <ul style="list-style-type: none"> The access should be amended so that it is not on the bend of Nuttman Road as it would have insufficient sightlines; 	Noted <ul style="list-style-type: none"> Haulage route and road upgrades are discussed in Officer Comments. Discussed in the Background section and Officer Comments, access has been amended.

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		<ul style="list-style-type: none"> Two other farmers would like to extract from their properties, all farmers should combine the cost of the upgrades; Support the clearing and extraction of gravel subject to road upgrades; Do not support transport corridor as per original submission; Not suitable unless widened to 6m; The access requires the removal of around 400 square metres of important native trees and bush on the special extra wide Council verge it would need to cross. The smaller trees on this verge area include increasingly rare bull banksias and there are several large eucalypts as well. Not to mention a colourful array of native wildflowers. 	<ul style="list-style-type: none"> Noted Haulage route and road upgrades are discussed in Officer Comments. As above As above. Discussed in the Background section and Officer Comments, access has been amended.
	Geographe Wine Industry Association PO Box 6026 Bunbury	<u>Submission 1 – 13/12/2017 - Objection</u> <ul style="list-style-type: none"> Insufficient regard for the direct and indirect impact on Whicher Ridge Wines, including but not limited to environmental impacts through dust, noise and traffic and the social and economic impact for wine tourism generally; Whicher Ridge includes a sensory garden which will be significantly impacted; The Geographe Wine Region and wine producers are significant contributors to the economy and local economy; Wine tourism is enhanced by and critical to the quality of the pristine and unique landscape and a 'clean-green' environment. 	Noted <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments. Noise and disturbance is discussed in Officer Comments. Noted, not a planning consideration Noise and disturbance is discussed in Officer Comments.
12	D Bussell 225/245 Nuttman Road Chapman Hill WA 6280	<u>Submission 1 – 15/12/2017 - Objection</u> <ul style="list-style-type: none"> The road width is not safe for large trucks, in some sections it is inadequate for the school bus and passing vehicles; Proposed access would result in the removal of vegetation and located on a corner with inadequate visibility. 	Noted <ul style="list-style-type: none"> Haulage route and road upgrades are discussed in Officer Comments Discussed in the Background section and Officer Comments, access has been amended

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13	J Bussell 225 Nuttman Road Chapman Hill WA 6280	<p><u>Submission 1 – 15/12/2017 - Objection</u></p> <ul style="list-style-type: none"> The road width is not safe for large trucks, the road should be widened to 6m; Proposed access would result in the removal of vegetation and located on a corner with inadequate visibility. <p><u>Submission 2 – 9/10/2019</u></p> <ul style="list-style-type: none"> No mention of getting a clearing permit to clear the road reserve at the proposed new access on to the dangerous gravel corner of Nuttman Road; Worst place for access let along destroying a black cockatoo roosting strong hold; Existing access design for large trucks and requires no clearing or widening; Support the application but only if the access is moved back to the existing entry. 	<p>Noted</p> <ul style="list-style-type: none"> Haulage route and road upgrades are discussed in Officer Comments Discussed in the Background section and Officer Comments, access has been amended Discussed in the Background section and Officer Comments, access has been amended. As above Access has been amended so that clearing would not be required. Noted.
14	Patrick Iland Wine Promotions PO Box 131 Campbelltown SA 5074	<p><u>Submission 1 – 12/12/2017 - Objection</u></p> <ul style="list-style-type: none"> We recently featured Whicher Ridge Winery sensory garden in our Australian Wines book due to the innovative, unique and educational way of introducing people to the sensory experience of wine making; It is a peaceful, scenic country setting that would be greatly detracted from a gravel pit. Furthermore the associated movement of trucks would diminish the rural appeal; The winery would become a less attractive destination for tourists. 	<p>Noted</p> <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments Noise and disturbance is discussed in Officer Comments
15	P & V Dowson 1 Nuttman Road, Chapman Hill WA 6280	<p><u>Submission 1 – 20/12/2017 - Objection</u></p> <ul style="list-style-type: none"> Owned property for 30 years with the intention of retirement in a peaceful and tranquil surrounding. 	<p>Noted</p> <ul style="list-style-type: none"> Noise and disturbance is discussed in Officer Comments
16	Birdlife Western Australia 167 Perry Lakes Drive, Floreat WA 6014	<p><u>Submission 1 – 23/10/2019 - Objection</u></p> <ul style="list-style-type: none"> The information available shows that 12 trees are suitable for black cockatoo nesting and that there are others that may become suitable; 	<p>Noted</p> <ul style="list-style-type: none"> Support from DWER has already been given for the clearing, see Officer Comments;

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		<ul style="list-style-type: none"> It is not feasible to replace these with native plant revegetation because of the time required for hollow formation; Opposed to further degradation or loss of black cockatoo habitat. 	<ul style="list-style-type: none"> Support from DWER has already been given for the clearing, see Officer Comments; Noted, see discussion in Officer Comments.
17	Andrea Granagan 508 Nuttman Road WALSALL WA 6280	<u>Submission 1 – 9/10/2019 - Objection</u> <ul style="list-style-type: none"> Nuttman road not designed or adequate for heavy traffic; Object to noise generated which will be heard from our home; Frequently see emus, kangaroos and large lizards. Proposal will be devastating on the wildlife in this area. 	Noted <ul style="list-style-type: none"> Haulage route and road upgrades are discussed in Officer Comments Noise and disturbance is discussed in Officer Comments

City Of Busselton
Advice on Rural Roads and
Extraction Activity



Further to your recent communications and questions in regard to proposed extraction activities affecting local roads, I provide the following comments. A glossary of terms is attached at Appendix A.

1. What are the underlying principles and standards that should be applied to assessment of traffic impact?

The key principles are to provide a safe and efficient road network. Safety is the primary objective.

Austroads is the guide that is typically relied upon in Australia in regard to road design. However, many States have their own road design guidelines (such as Main Roads) that may allow for a lesser standard. Where such guidelines exist, these may be relied upon.

2. It is considered that the three fundamental issues are network efficiency, safety and asset management (in some contexts, amenity may also be a significant factor) – do these need to be considered separately, or are they all considered and embedded in standards that should be applied?

In theory they are all contained in the standards applied except amenity. Amenity is covered by Liveable Neighbourhoods in regard to urban residential areas. However, I am not aware of an amenity guideline or threshold applicable to rural roads.

There is a State Planning Policy (SPP 5.4) that deals with road and rail noise. However the thresholds start at 500 vehicles per day.

3. What weightings should be applied to different kinds of vehicles in different contexts? (e.g. a semi-trailer movement has more impact than a light vehicle movement, what weighting should be applied to the semi-trailer, and is it a different weighting depending on the issue being considered?)

Normally the application of the PCU factor would be the weighting. However, the PCU factor is used to determine network efficiency as

it represents the acceleration characteristics of larger vehicles compared to cars.

It should be noted that the traffic flow threshold levels are vehicles and this would include as-of-right trucks. No distinction is made.

Whilst a typical urban road may carry 3% larger vehicles, the proportion is more likely to be 10% to 20% in a rural environment.

However, a comparison to Bussell Highway could be made to set the level at which the proportion of trucks could be considered acceptable. North of Cowaramup the proportion is 12%.

4. With respect to the application specifically, what are your recommendations and rationale in terms of – (1) the acceptability of standard of the roads proposed to be used for haulage, both before and after the upgrade of Gibb Rd as per the recommended condition of approval, (2) what controls on traffic movements would be appropriate and (3) any other recommendations on reasonable conditions that may be applied and which are considered necessary to achieve an acceptable traffic outcome.

In regard to the existing road standard, I have not driven the road and thus I am not able to provide an opinion. However it is my understanding that it is a gravel road less than 7 metres in width.

It is my understanding that an upgrade to a 7 metre gravel road is proposed to cater for the extraction activity. Capable of passing two way traffic, this is a far safer road environment. Indeed the standard is greater than the Austroads advice (2015) that reference be made to the ARRB Unsealed Roads Manual - Guidelines to Good Practice that recommends a width of 5 metres to 6 metres for demands up to 150 vehicles per day.

In reference to the City's extraction policy I note the reference to Table 3 – Seal Widths and Carriageway Widths for Rural Road (the reference is to a superseded Austroads). The table suggests that no seal is required between 0-75vpd but a width of 7 metres should be provided. Given that the existing road is currently below the rural road standard, the widening to 7 metres for a short term extraction movement of 12 truck per day is a very good outcome.

As indicated, it should be noted that the Austroads reference stated in the Policy has been superseded and Austroads thresholds now start at 150vpd.

I would not suggest that traffic controls would be required for the level of traffic forecast. However, warning signs in advance of the access and truck route would be highly advisable. A reduced speed limit may also be appropriate, but is subject to approval from Main Roads.

For future policy updates, reference to Austroads Part 3 (Table 4.5 single carriageway rural roads) should be made as Austroads no longer considers unsealed roads. This obviously has knock-on implication for any rural local government as gravel roads no longer meet referenced standards

In an appeal situation, the City's Policy in regard to extractive industries may be given some weight, but is unlikely to be relied upon for the purpose of road upgrades, given it is not commensurate with current Austroads guidelines.

Further, it is my opinion that the proposed extraction (14 vehicles per day) is unlikely to break the Policy threshold of 75 vehicles per day as:

The traffic data for Gibb Road south of Payne Road indicates an average daily flow of 61.6 vehicles per day (vpd), 48.2vpd and 56.5vpd for the 3 weeks of data (55.4 average vehicles per day). However, week 1 is only 6 days (18 Feb to 23 Feb and week 3 is a day and a half 02 / 03 March). Further Friday 29 Feb is a long weekend and thus the data is not representative of normal conditions. The long weekend counts show 61vpd (Fri) and 52vpd (Sat and Sun) compared to 49vpd, 32vpd and 44vpd the previous weekend. I would, therefore be cautious on relying upon these counts as the underlying number would appear to be between 40vpd and 50vpd during the typical weekday when the extraction will occur.

I note the application states 6 laden trucks per day (12 movements). However, using your Policy I calculate it would be 7, so 14 movement per day based on a 19metre semi (as-of-right)

So based on the evidence, if we assume 50vpd on Gibb Road plus 14vpd from the extraction, the Policy threshold of 75vpd would not be met. Even with the Condition of no more than 20 vehicles per day, the threshold would not be broken. It is noted that a PCU factor is applied by the policy, but the threshold is stated as vehicles per day, not PCU's.

On this basis it is my opinion that if the proponent took this to SAT, it could be concluded that no road upgrade would be deemed required. Further, if the proponent is using as-of-right vehicles then the affected roads could be argued that they should already be capable of accommodating such vehicles. If not, then it could be deemed that the responsibility for upgrade lies solely with the local government.

5. More broadly, what standards should be applied to allow haulage at particular volumes on particular kinds of roads (in terms of width, surface and other attributes)

Austroads is probably the only standard that can be realistically applied. Application of MRWA standards is contestable as the roads are NOT controlled by MRWA.

6. Relevance and accuracy of growth factors on traffic counts - is this appropriate or is there a better way?

Growth factors are the normal standard applied. However a rate of 2% per annum is normal. I note your policy applies 5% pa. 2% should be used unless local data indicates the rate is actually higher.

7. Factor of Safety applied to semi movements again is this appropriate or it there a better way?

The roads should be designed and constructed cognisant of the vehicles using them. Thus the as-of-right vehicle is permitted on all

roads. Larger vehicles have the RAV network and MRWA assess each route.

8. What weighting should be applied to existing traffic movements and their application to the DA. For example should existing movements have further factors of safety applied to semi-trailers?

A standard TIA will review the traffic data and note the level of trucks. There are no additional measures required as the road network is designed and constructed cognisant of the permitted vehicles.

9. Location of traffic counters in comparison to the subject land. What are the most appropriate location for the most accurate assessment.

Straight road sections are best. In regard to a "site" normally adjacent to the site is most common. However, if the road is long with limited access then 100m from the terminating intersection is appropriate.

10. Is there a way of addressing an extractive industry project such as this with the knowledge that after the quarrying has been completed traffic counts will reduce.

There are no guidelines in regard to less permanent development such as an extraction facility. The development would be treated as if it were permanent. However, it is within the ability of the local Government to apply discretion.

There could be a counter argument made in that with growth applied to a road it may meet upgrading thresholds in 5 or 10 years. The question then arises, who is responsible? It also needs to be borne in mind that development is normally the growth. So in the instance of Gibb Road the next 5 years growth could be attributed to developments currently before the City. Traffic may also increase due to unauthorised use of land. In such instances, should the cost of upgrade lie with the proponent of a DA?

11. Traffic counts and upgrades, in particular what would be considered as an appropriate consistent traffic count to be considered in general prior

to determining whether a road should be sealed. What other factors would then be considered similar to question 2.

Current traffic data is the most accurate in regard to any DA application. However, the data needs to be collected during school term times and be reflective of normal conditions. In the South West region this is perhaps a little hard due to the seasonal fluctuation in traffic flows due to tourism in the region.

It also needs to be borne in mind that growth may not be relevant to roads accessing an actual quarry (such as a long cul-de-sac).

However, in regard to sealing, Austroads no longer considers unsealed roads (see Q4). Neither do Main Roads as follows:

- ▀ AADT is calculated based on Passenger Car Equivalents instead of AADT. The Passenger Car Equivalents (PCEs) for large vehicles shown in Table 4.5.1 are used to convert vehicles / day to PCUs / day.
- ▀ Unsealed shoulders are replaced by sealed shoulders. The reason for this is two-fold: (a) sealed shoulders generally have lower maintenance and Whole of Life Cycle Costs, and (b) research has shown that sealed shoulders up to 2.0m wide have a significant reduction effect on run-off-the-road and head-on KSI crashes.

Element	Design (PCUs / Day)			
	150 - 500	500 - 1000	1000 - 3000	3000 - 8000
Traffic Lanes ⁽¹⁾	7m (2 x 3.5m)	7m (2 x 3.5m)	7m (2 x 3.5m)	7m (2 x 3.5m)
Total Shoulder	1m	1.5m	1.5m or 2m	2m or 2.5m
Minimum Shoulder Seal ⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾	1m	1.5m	1.5m or 2m	2m or 2.5m
Wide Centreline	N/A	N/A	None or 1m	None or 1m
Total Carriageway	9m	10m	11m	12m

Table 4.5: Single Carriageway Rural Road Widths

However, based on the MRWA table, there appears to be no standard for unsealed roads, but volumes up to 150vpd would appear to be acceptable on unsealed roads.

The danger in relying on the current Austroads is that many rural roads may already be operating way beyond the thresholds, but there are no plans to upgrade. Sadly, the literal application of Austroads may result in many roads needing to be widened. As a result development applications for small tourism development may trigger the need for upgrading, which would render the development unviable.

So in terms of the warrants, it need to be carefully considered to ensure the outcomes are fair and reasonable.

12. Anything else you can think of that may assist us with the assessment of this type of DA in the future.

In my opinion careful updating of the Policy is needed, but a balance needs to be made in regard to passing costs on to DA proponents in one industry but not another.

For a future Policy update I would suggest that the onus of addressing the suitability of larger vehicle routes be placed with the DA proponent. Perhaps a requirement that a "professional traffic engineer" undertakes a route assessment and provides advice in regard to what upgrades, changes or other issues should be addressed as part of the DA. The assessment should cover all local roads used and any intersection with the arterial road network.

Subject headings may include

- Existing road standard and suitability to cater for truck movement*
- Visibility along the route for trucks and other road users*
- Consideration of adjacent land uses and safety of access.*
- Safety of intersections.*

Busselton Extractive Industries



APPENDIX A GLOSSARY OF TERMS

Liveable Neighbourhoods Western Australian Planning Commission urban planning policy framework

As of right vehicle Any vehicle that is not a RAV, commonly known as 'as of right' or 'general access vehicle'. For example, rigid trucks up to 12.5 metres and semi trailers 19 metres or less in combination

ACRONYMS

AustRoads Austroads is the organisation of Australasian road transport and traffic agencies in Australia and New Zealand. Austroads guides are the primary reference for traffic and road design.

ARRB Australian Road Research Board

DA Development Application

MRWA - Main Roads Western Australia

PCU Passenger Car Units

RAV Restricted Access vehicle

SAT State Administrative Tribunal

TIA Traffic Impact Assessment (>100 vehicles in any hour)

TIS Traffic Impact Statement (<100 vehicle in any hour)

Vpd Vehicles per day

14. ENGINEERING AND WORK SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT





Nil

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

17. CHIEF EXECUTIVE OFFICERS REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A WALGA 2021 State Election Campaign Document ↓ 
	Attachment B LVRMAG Meeting Notes and Action Sheet 18 November 2020 ↓ 
	Attachment C Regional Capitals Australia Board Meeting minutes 17 November 2020 ↓ 
	Attachment D Regional Capitals Australia AGM Minutes 17 November 2020 ↓ 

OFFICER RECOMMENDATION

That the items from the Councillors' Information Bulletin be noted:

17.1.1 Current Active Tenders

17.1.2 Donations, Contributions and Subsidies Fund – November and December 2020

17.1.3 Correspondence from WALGA – 2021 State Election Campaign

17.1.4 Correspondence from WALGA – Letter of Congratulations

17.1.5 Lower Vasse River Management Advisory Group Meeting Notes

17.1.6 Regional Capitals Australia AMG and Board Meeting Minutes

EXECUTIVE SUMMARY

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN**17.1.1 Current Active Tenders**

Note: Information in *italics* has previously been provided to Council, and is again provided for completeness.

EOI02/20 CONSTRUCTION OF BUSSELTON PERFORMING ARTS AND CONVENTION CENTRE

- Requirement – the construction of the Busselton Performing Arts and Convention Centre.
- An Expression of Interest was advertised on 11 July 2020 with a closing date of 11 August 2020.
- Seven submissions were received.
- The CEO under delegation has shortlisted all seven respondents as acceptable tenderers.
- The original timeframe for issuing the Request for Tender to the shortlisted tenderers was December 2020, but has since been revised to the first quarter of 2021.

RFT08/20 WEST BUSSELTON SEAWALL REFURBISHMENT

- Requirement - refurbishment of approximately 460m of the existing rock seawall along Geographe Bay Road between Bower Street and Earnshaw Road.
- A request for tender was advertised on 28 November 2020 and closed on 22 December 2020.
- Three tenders have been received and are currently being evaluated.
- The value of the contract is likely to exceed the CEO's current delegated authority.
- It is anticipated that a report will be presented to Council for consideration at the 24 February 2021 meeting.

RFT09-20 CONSTRUCTION SUPERINTENDENT

- Requirement – construction superintendent services for the construction phase of the Busselton Performing Arts and Convention Centre.
- A request for tender was advertised on 9 December 2020 and closed on 12 January 2021.
- 11 tenders have been received and are currently being evaluated.
- The value of the contract is expected to fall within the CEO's delegated power for accepting tenders (DA 1 – 07 Inviting, Rejecting and Accepting Tenders).

17.1.2 Donations, Contributions and Subsidies Fund – November and December 2020

The Council allocates an annual budget allowance to the donations, Contributions and Subsidies Fund. This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of the funds is delegated to the Chief Executive Officer, in accordance with the published guidelines and funding availability.

Eight applications were approved in November, totalling \$4,453.79, and two applications were approved in December, totalling \$1,300.00, as outlined in the tables below:

November 2020

Recipient	Purpose	Amount
Radiance Network South West	Waiver of Undalup Room Hire fee requested to assist with covering the cost of hosting a Symposium for Perinatal and Infant Mental Health on 20 February 2021.	\$909.09
Our Lady of the Cape Primary School	Contribution towards year 6 graduation book awards.	\$100.00
Geographe Education Support Centre	Contribution towards end of year graduation awards for primary and secondary school.	\$300.00
St Mary MacKillop College	Contribution towards end of year graduation awards for primary and secondary school.	\$300.00
Combined Churches of Busselton Community Solution Group	Each year the Combined Churches of Busselton Community Solution Group puts together and distributes Christmas hampers to local, less fortunate community members. Funds requested to assist with purchasing suitable items for the Christmas hampers.	\$800.00
Southwest Indonesian Community Inc.	Seeking funds to assist with of stage and PA system hire for the free community event 'Southwest Christmas' being held at the Churchill Park Hall on 28 November 2020.	\$600.00
Busselton Football & Sportsman's Club	Funding requested for catering equipment required for the provision of food in the Leavers Zone 2020. Unlike previous years, the new organisers of the Zone did not provide catering equipment for providers and given this unexpected change, the club did not have an opportunity to budget for this additional expense. The food tent is an important component of the Zone and provides opportunity for the club to raise funds at the same time.	\$944.70
Port Geographe Land Owners Association	Sponsorship of Dry lot Christmas lights competition at Port Geographe.	\$500.00
November Total		\$4,453.79

December 2020

Recipient	Purpose	Amount
Georgiana Molloy Anglican School	Contribution towards end of year graduation awards for primary and secondary school.	\$300.00
St Mary's Community Care	Funds requested to assist with the cost of catering for the St Mary's community Centre Christmas Day lunch.	\$1,000.00
December Total		\$1,300.00

Correspondence in appreciation of the City's contribution towards primary and secondary school end of year award presentations has been received from Georgiana Molloy Anglican School, Geographe Education Support Centre, Cornerstone Christian College and Vasse Primary School.

17.1.3 Correspondence from WALGA – 2021 State Election Campaign

Correspondence dated 6 January 2021 has been received regarding the March 2021 State Election advising that WALGA will be releasing its election policy agenda which invites candidates to join with local government and commit to the issues that matter most to local communities.

The campaign sets out nine initiatives to help support our communities; restore our economy and create jobs; protect our environment; and provide modern and appropriate legislative and policy environment for the sector.

A supporting document has been provided at Attachment A, which outlines the nine policy priorities.

17.1.4 Correspondence from WALGA – Letter of Congratulations

Correspondence dated 26 November 2020 was received from WALGA congratulating the City of Busselton for receiving Highly Commended status in the 2020 National Award for Local Government Excellence in recognition of Busselton's innovative approaches to improved transport connections, upgrading of infrastructure and working to increase regional tourism.

17.1.5 Lower Vasse River Management Advisory Group Meeting Notes

A meeting of the Lower Vasse River Management Advisory Group (LVRMAG) was held on 18 November 2020. The meeting notes and action sheet are provided at Attachment B.

17.1.6 Regional Capitals Australia AMG and Board Meeting Minutes

A meeting of the Regional Capitals Australia Board and AGM was held on 17 November 2020. Meeting minutes are provided at Attachments C and D.

**Join with us to get the support of
locals and help make communities
an even better place to live.**

Together, we can make a real impact at community level.





Greening our Suburbs

Fewer trees lead to hotter streets in our cities and towns. Shady spaces are highly valued by the community and more trees and more shade create healthier, happier communities. This will be particularly important as the climate warms due to climate change.

A \$30m commitment towards a comprehensive tree-planting program will improve wellbeing and build resilience to cope with the impacts of climate change.



Protecting our Coast

Western Australians love the coast, and additional funding is needed to protect the coast and millions of dollars of infrastructure assets at risk from coastal erosion, and this risk will only increase as sea levels rise and storm intensity increases in response to climate change.

An additional \$50m in funding to Coast WA to provide tools, technical support and project funding to Local Governments will help protect some of our most important state assets, as well as millions of dollars of physical infrastructure.



Fairer Fees

Local Government faces a delicate balance in allocating available resources to deliver the greatest return in meeting community needs and aspirations.

This task is made more challenging because of unfair rates exemptions and some fees and charges that have been set by legislation but have not changed for years.

Inequitable rates exemptions (estimated to represent two percent of total rates revenue) and failure to recover the full cost of service delivery through fees and charges means the whole community is subsidising a few.

An independent review into rate exemptions and fees and charges will ensure Local Governments have access to resources to meet the community's needs fairly and equitably.



Getting Goods to Market

Getting goods to market is important to keep our economy strong.

Many of our local roads are not built to handle the growing number of larger and heavier vehicles using them and have been deteriorating.

Investing an additional \$20 million to upgrade roads on important freight routes used by our agricultural sector will make industry more productive by enabling safe access for larger vehicles, reducing wear and tear on vehicles and cutting journey times.



Lighting the Way

Well-lit streets ensure that our communities are safe, secure and attractive.

Local Governments want to make the most of new technologies that will benefit the community.

By investing \$95 million to switch to LED technology in our street light network, we can make our roads and communities safer, save money by using energy more efficiently, and cut our greenhouse gas emissions by half.



New Act

The current Local Government Act that governs Local Government operations was passed in 1995 and is past its used by date. It's focused on tick-the-box compliance and old ways of working.

Local Government needs a contemporary legislative framework to be able to focus on achieving the community's goals and delivering community benefits.



Funding for Local Roads

Because Local Governments are getting a smaller share of vehicle licence revenue funding for roads than they used to and the network is being used more by heavy vehicles, some areas of the local road network are run down.

Restoring road funding for Local Governments to previous levels will mean that more can be spent on upgrading and maintaining our roads, to make sure they are safe to travel on and that people and supplies can move where they need to.



Sport and Recreation

Western Australians love their sport, and there have been numerous studies showing the benefits this delivers in terms of healthier, stronger communities.

In recent years, funding has not been able to keep up with the growing demand for sports facilities.

Increasing funding for the Community Sport and Recreational Facilities Fund to \$25 million per annum will mean that we can invest more in the infrastructure the community want such as swimming pools, ovals, skate parks, changing rooms, netball and tennis courts.



Working Together

The Western Australian Government, with its leadership and policy direction, and Local Government, with an on-the-ground presence in all Western Australian communities, have complementary strengths which, when combined, provide the greatest benefit to Western Australia.

The Partners in Government Agreement provides a strategic framework to guide collaboration for the benefit of Western Australia.



MEETING NOTES

NOTES OF THE MEETING OF THE LOWER VASSE RIVER MANAGEMENT ADVISORY GROUP HELD IN THE KALOORUP ROOM, CITY OF BUSSELTON ADMINISTRATION BUILDING 18 NOVEMBER 2020 – MEETING COMMENCED AT 9:10am

Attendances:

Members:	
Cr Sue Riccelli (Chair)	City of Busselton
Cr Ross Paine (Deputy Chair)	City of Busselton
Paul Needham	City of Busselton
Oliver Darby	City of Busselton
Rachelle Cousins	Undalup Association Inc.
Keith Sims	Community member
Adriaan Hendrik Van der Wiele	Community member
Vern Bussell	Community member
Shannon Clohessy	Undalup Association Inc.
Officers and Guests:	
Greg Simpson	City of Busselton
Mathilde Breton	City of Busselton
Angeline Dewson	City of Busselton
Dr Robyn Paice	Ottelia Ecology
Dr Malcolm Robb	Department of Water and Environmental Regulation
Apologies:	
Felicity Bradshaw	Geocatch
Suzanne Brown	Water Corporation
Brent Burns	Community member
Elizabeth Embry	South West Boojarah Working Party
Cr Paul Carter	City of Busselton
Wayne Elliott	DBCA
Tanya Gillett	City of Busselton
Kath Lynch	Department of Water and Environmental Regulation
Robin Belford	Geocatch

1. Welcome and Acknowledgement of Country – Cr Sue Riccelli, Chair

The meeting opened at 9:10am.

The chair welcomed the group and also provided an acknowledgement of Country.

2. Check in on meeting notes and further information – Nil action.

3. Correspondence

The Chair mentioned email correspondence from Keith Sims suggesting the group lists all priority actions needed to achieve the outcomes listed and Paul Needham's response.

The Chair also gave an update on action sheet item no. 8 *Removal of build-up debris on the diversion drain valve/screen*, as provided via email from Greg Simpson, confirming the grid is monitored and the debris is removed as required, and the flow is currently 100% diverted to the Lower Vasse River. The action is now deemed completed.



4. Sediment removal presentation - Mathilde Breton

Mathilde presented a summary of information to date on sediment removal options and a proposed way forward.

5. Mexican waterlily presentation - Dr Robyn Paice, Ottelia Ecology

Robyn presented a summary of findings from the Mexican waterlily study (2018) and relevant implications for management.

6. Clay treatment presentation - Dr Malcolm Robb, DWER

Malcolm presented a summary of outcomes from previous clay treatment trials, including Phoslock and HT nano clays and explained possible future uses. .

7. Planning 2021 Future meetings – Paul Needham

Paul advised that it hadn't been the original intention to have as many meetings that had already been held, but it had been required to provide all members with the necessary information. . Members were asked for their view on the frequency of meetings going forward.

Paul also advised that as of 2021 the purpose of the meetings would shift from presenting information to seeking input from members on the priorities for the management of the LVR. .

Keith Sims responded to continue with monthly meetings until the group had reached a decision on what they were going to do. Rachelle Cousins agreed, and advised that meeting monthly kept the group informed; Henk also agreed.

Paul asked Councillors if there were other options for days for them to attend the monthly meetings. The Chair advised that she would be available on Mondays and Fridays and that she would seek feedback from the Councillors in the group via email.

Paul also advised that a process for prioritising the implementation of the Waterway Management Plan recommendations be commenced prior to the 1st meeting next year.

Henk asked when they would get an update on the Living Stream project; Mathilde advised that it would be February/March 2021.

Action: Process for prioritising the implementation of the Waterway Management Plan recommendations to be commenced prior to the 1st meeting next year.

8. LVR Community Update 26 Nov 2020 - Mathilde Breton

Mathilde gave a brief update on the LVR Community Update, advising that the LVRMAG community members attending to give perspectives presentation are Adriaan Hendrik Van der Wiele and Keith Sims. Also requesting that members RSVP if they wish to attend due to COVID regulations.

Rachelle Cousins advised that she would not be able to attend the Community Update, so would not be able to conduct the 'welcome to country' and asked that the Chair or Paul Needham do an 'acknowledgement of country' instead.

9. Wrap up and next meeting

The Chair thanked all for their attendance and participation.

The next meeting is to be held in February 2021. Date to be finalised once Councillors' availability can be confirmed.

10. Close of meeting

Meeting closed at 11:30am.



**LOWER VASSE RIVER MANAGEMENT ADVISORY GROUP
2020 ACTION SHEET
18 November 2020**

No.	Date	Action	Responsibility	Status Update
3	24/06/2020	Supply a break-down of the \$6.4 million funding allocation to the group when available.	Paul Needham	waiting on information
5	24/07/2020	Paul and relevant staff to check list of requests for further information for anything correlating to information provided at the start of the working group.	Paul Needham	in progress
8	19/08/2020	Removal of build-up debris on the diversion drain valve/screen	Kath/Paul	completed
10	19/08/2020	Provide feedback to Paul for items for next and future agendas	All members	
11	21/10/2020	Send invitation to all members to Community Information Session	Angeline Dewson	completed
12	21/10/2020	Contact community members individually to seek response if they wish to participate in the Community information session	Paul Needham	completed
13	21/10/2020	Send invitations to members for Nutrient stripping wetlands site visits (Perth)	Angeline Dewson	completed
14	21/10/2020	Analyse and collate/condense response sheets from WQIP workshop into maximum of 4 targets/management objectives	Kath Lynch	completed
15	22/10/2020	Send Kath's presentation to all members	Kath Lynch / Angeline Dewson	completed
16	18/11/2020	Process for prioritising the implementation of the Waterway Management Plan recommendations to be commenced prior to the 1 st meeting next year	Paul Needham	



**MEETING MINUTES
RCA Board Meeting**

Date: Tuesday 17 November 2020

Time: 5:30pm – 6:00pm AEDT
2:30pm – 3:00pm AWST
4:00pm – 4:30pm ACST

Location: Teleconference

Attendees

- Cr Kevin Mack – Mayor, Albury City Council (Chair)
- Mr Frank Zaknich – GM, Albury City Council
- Cr Grant Henley – Mayor, City of Busselton (Deputy Chair)
- Mr Mike Archer – CEO, City of Busselton
- Mayor Shane Van Styn – Mayor, City of Greater Geraldton
- Mr Ross McKim – CEO, City of Greater Geraldton
- Mr Ken Diehm – CEO, Fraser Coast Regional Council
- Mr Robert Jennings – CEO, Alice Springs Town Council
- Cr Neil Fisher – Acting Mayor Rockhampton Regional Council
- Mr Damon Morrison – Manager, Rockhampton Regional Council
- Cr Daniel Moloney – Mayor, City of Ballarat
- Ms Janet Dore – CEO, City of Ballarat
- Mr Chris Adams – CEO, City of Karratha
- Cr Greg Conkey – Mayor, City of Wagga Wagga
- Mr Steve McGrath – GM, Coffs Harbour City Council
- Mr Martin Cutter – CEO, Greater Geelong City Council
- Cr John Dal Broi – Mayor, Griffith City Council
- Mr Brett Stonestreet – GM, Griffith City Council
- Cr Christine Adams – Deputy Mayor, Broken Hill City Council
- Mr Jay Nankivell – Acting GM, Broken Hill City Council
- Ms Hanna Burgess – Coordinator Advocacy & Transition, Latrobe City Council
- Ms Rachael Sweeney – RCA Project Manager and Secretariat (Managing Director, Collective Position)
- Ms Shannyn Peterson – RCA Secretariat

Apologies

- Warrnambool City Council
- Mr Peter Thompson – GM, City of Wagga Wagga
- Mr Paul Bennett – GM, Tamworth Regional Council
- Cr Col Murray – Mayor, Tamworth Regional Council
- Mayor Damien Ryan – Mayor, Alice Springs Town Council
- Cr George Seymour – Mayor, Fraser Coast Regional Council (Treasurer)
- Mr Evan Pardon – CEO, Rockhampton Regional Council



The meeting was declared open at 4:35pm AEDT.

1. WELCOME

RCA Chair Kevin Mack – Mayor, Albury City Council RCA members to the Board Meeting and noted the apologies.

2. CONFIRMATION OF MEETING MINUTES

Ms Rachael Sweeney – RCA Secretariat, tabled the draft minutes from the 20 October 2020 Board Meeting.

Cr Grant Henley – Mayor, City of Busselton moved the minutes as a true and accurate record of the meeting. Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council seconded.

3. FINANCIAL UPDATE

RCA Treasurer Mr Ken Diehm – CEO, Fraser Coast Regional Council, tabled the October 2020 Treasurer's Report for endorsement.

Cr Daniel Moloney – Mayor, Ballarat City Council moved to endorse the October 2020 Treasurer's Report. Grant Henley – Mayor, City of Busselton seconded.

4. SECRETARIAT UPDATE

Ms Rachael Sweeney – RCA Secretariat, tabled the following reports and registers for discussion and noting:

- 1) Issues Register – November 2020;
- 2) Membership Status Grid – November 2020; and
- 3) Communications Report – October 2020.

*The following points relating to the **Issues Register** were discussed:*

- **Regional aviation:** an RCA submission is being developed. There is also an opportunity for RCA to sit on a regional aviation panel.
- **Building Better Regions Fund:** Round 5 guidelines expected to be released by the end of the year with applications to open early 2021.
- **RAI MoU:** Has been endorsed by RCA Board and submitted to RAI for feedback. Is currently going through their governance structure for approval.

*The following points relating to the **Membership Status Grid** were discussed:*

- **Unpaid membership:** State Representative will reach out to members who have not yet paid the 2020/21 membership invoice. The secretariat will distribute collateral and any other required information to facilitate these discussions.

Members received and noted all reports and registers.

4.1 Secretariat to distribute collateral and any other required information to facilitate membership invoice discussions.

4.2 State Representatives to reach out to members within their state that have not paid their 2020/21 RCA membership invoice.



5. GENERAL BUSINESS

RCA Chair, Kevin Mack – Mayor, Albury City Council, called for General Business items.

Cr Kevin Mack tabled a discussion item:

- **NSW Regional City Living and Working Proposal:**
- Regional Cities NSW have applied for \$2.5 million for the program;
- Participant Councils (12) have invested near 100k a year to maintain; and
- The program will build on and renew the *Evocities* platform that ran from 2010-2019. Incorporating a new potential resident city-job matching platform the program will aim to leverage the interest in regional NSW generated by the restrictions that have resulted from the COVID-19 pandemic.
- The new RCLWP incorporates three elements:
 1. **A regional living and working marketing campaign:** a traditional and social marketing campaign to promote the many benefits of living and working in regional NSW;
 2. **Subscription and licencing to a new regional 'Shift' platform:** a cloud based platform where possible future residents and employers can register their skills and employment (respectively) opportunities* and also their interest in living in one or all of the 12 participating cities; and
 3. **An in-Council concierge service:** where possible future residents will be deal directly with a resource in participating cities to resolve any issues and questions associated with their interest in 'shifting' to a regional NSW city.

No further items were raised.

5.1 Secretariat to distribute the Regional Cities Living and Working Program proposal to RCA members.

The meeting was closed at 6:00pm AEST.

SUMMARY OF ACTIONS:

Task	Responsibility
Secretariat to distribute collateral and any other required information to facilitate membership invoice discussions.	Secretariat
State Representative to reach out to members within their state that have not paid their 2020/21 RCA membership invoice	State Representatives
Secretariat to distribute the Regional Cities Living and Working Program proposal to RCA members.	Secretariat



MEETING MINUTES
RCA Annual General Meeting

Date: Tuesday 17 November 2020
Time: 4:00pm-5:30pm AEDT
1:00pm-2:30pm AWST
3:30pm-5:00pm ACST

Location: Teleconference

Attendees

- Mayor Shane Van Styn – Mayor, City of Greater Geraldton (Outgoing Chair)
- Mr Ross McKim – CEO, City of Greater Geraldton
- Cr Grant Henley – Mayor, City of Busselton
- Mr Mike Archer – CEO, City of Busselton
- Mr Ken Diehm – CEO, Fraser Coast Regional Council
- Mr Robert Jennings – CEO, Alice Springs Town Council
- Cr Neil Fisher – Acting Mayor Rockhampton Regional Council
- Mr Damon Morrison – Manager, Rockhampton Regional Council
- Cr Daniel Moloney – Mayor, City of Ballarat
- Ms Janet Dore – CEO, City of Ballarat
- Cr Kevin Mack – Mayor, Albury City Council (Incoming Chair)
- Mr Frank Zaknich – GM, Albury City Council
- Mr Chris Adams – CEO, City of Karratha
- Cr Greg Conkey – Mayor, City of Wagga Wagga
- Mr Steve McGrath – GM, Coffs Harbour City Council
- Mr Martin Cutter – CEO, Greater Geelong City Council
- Cr John Dal Broi – Mayor, Griffith City Council
- Mr Brett Stonestreet – GM, Griffith City Council
- Cr Christine Adams – Deputy Mayor, Broken Hill City Council
- Mr Jay Nankivell – Acting GM, Broken Hill City Council
- Ms Hanna Burgess – Coordinator Advocacy & Transition, Latrobe City Council
- Ms Rachael Sweeney – RCA Project Manager and Secretariat (Managing Director, Collective Position)
- Ms Shannyn Peterson – RCA Secretariat

Guests

- The Hon Kevin Hogan MP – Assistant Minister to the Deputy Prime Minister
- Ms Lea Vesic – Aviation Adviser to the Deputy Prime Minister

Apologies

- Warrnambool City Council
- Mr Peter Thompson – GM, City of Wagga Wagga
- Mr Paul Bennett – GM, Tamworth Regional Council
- Cr Darriea Turley AM – Mayor, Broken Hill City Council
- Cr Col Murray – Mayor, Tamworth Regional Council
- Mayor Damien Ryan – Mayor, Alice Springs Town Council
- Cr George Seymour – Mayor, Fraser Coast Regional Council (Treasurer)
- Mr Evan Pardon – CEO, Rockhampton Regional Council
- Mr Steven Piasente – CEO, Latrobe City Council
- Cr Peter Long – Mayor, City of Karratha



The meeting was declared open at 4:02pm AEDT.

1. WELCOME

RCA Chair, Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council welcomed RCA members to the Annual General Meeting and noted the apologies.

2. Quorum Confirmed

RCA, Chair Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council, confirmed that quorum had been reached for the Annual General Meeting.

3. CONFIRMATION OF MEETING MINUTES

Ms Rachael Sweeney – RCA Secretariat, tabled the draft minutes from the 2019 AGM (held on 26 November 2019).

Members received and noted the minutes.

RCA, Chair Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council moved the minutes as a true and accurate record of the meeting. Ms Janet Dore – CEO, Ballarat City Council seconded.

4. ANNUAL STATEMENT AND AUDIT

RCA Secretariat, Rachael Sweeney tabled the RCA Annual Statement and Financial Audit Report 2019-20 for endorsement.

Mr Robert Jennings – CEO, Alice Springs Town Council moved the Audit Report and Mr Mike Archer – CEO, City of Busselton seconded.

5. CONFIRMATION OF MEMBERSHIP LIST

RCA Secretariat, Rachael Sweeney tabled the RCA 2019/20 Membership List (as at 30 June).

Members received and noted the membership list.

Mr Martin Cutter – CEO, City of Greater Geelong moved that the membership list and Cr Kevin Mack – Mayor, Albury City Council seconded.

6. APPOINTMENT OF RETURNING OFFICER

RCA Chair Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council, moved to appoint Secretariat, Rachael Sweeney as Returning Officer for the election of Board Members.

Members agreed that Rachael Sweeney be appointed as Returning Officer.

Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council moved the appointment of the Returning Officer be adopted. Cr Daniel Moloney – Mayor, City of Ballarat seconded.



7. BOARD NOMINATIONS

RCA Chair Mayor Shane Van Styn – Mayor, City of Greater Geraldton Council declared all board positions vacant and called for RCA Board Nominations.

The following nominations were received:

- **Chair:** Cr Kevin Mack – Mayor, Albury City Council
- **Deputy Chair:** Mayor Grant Henley – Mayor, City of Busselton
- **Treasurer:** Cr George Seymour – Mayor, Fraser Coast Regional Council
- **Secretary:** Cr Col Murray – Mayor, Tamworth Regional Council
- **Western Australia Representative:** Mayor Shane Van Styn – Mayor, City of Greater Geraldton
- **New South Wales Representative:** Cr Greg Conkey – Mayor, City of Wagga Wagga
- **Queensland Representative:** Rockhampton Regional Council (Acting Mayor Neil Fisher)
- **Victorian Representative:** Cr Daniel Moloney – Mayor, City of Ballarat
- **NT Representative:** Mayor Damien Ryan – Mayor, Alice Springs Town Council

8. RCA BOARD MEMBERS ANNOUNCED

RCA Secretariat, Rachael Sweeney announced the new RCA Board Members. All representatives were elected to the Board as per the above listed positions.

9. RCA MEMBER MOTIONS

RCA Chair, Cr Kevin Mack – Mayor, Albury City Council called for member motions.

No motions were moved.

10. GENERAL BUSINESS

RCA Chair, Cr Kevin Mack – Mayor, Albury City Council called for General Business items.

No items were raised.

11. MEETING WITH THE HON KEVIN HOGAN MP

RCA Members met with the Hon Kevin Hogan MP, Assistant Minister to the Deputy Prime Minister.

Topics discussed included:

- **JobSeeker and labour/skills shortages:** Immigration and JobSeeker is adding to labour and skill shortage issues
- **Building Better Regions Fund guidelines:** set to be released by the end of the year with a round opening next year.
- **Regional Aviation (post COVID).**



- **Regional Airport Funding:** Infrastructure funding is needed as well as safety upgrades.
- **Cabotage Laws.**

The meeting was closed at 5:30pm AEST.

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

20. CONFIDENTIAL MATTERS

Nil

21. CLOSURE