Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 12 FEBRUARY 2020

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 12 FEBRUARY 2020 AT 5.30PM.

1. <u>DECLARATION OF OPENING ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS</u>

The Presiding Member opened the meeting at 5.39pm.

The Mayor noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Membe	<u>r:</u>	Members:	
Cr Grant Henley	Mayor	Cr Kelly Hick Cr Sue Riccelli Cr Ross Paine Cr Kate Cox Cr Paul Carter Cr Phill Cronin Cr Jo Barrett-Leni	Deputy Mayor
		Cr Lyndon Miles	

Officers:

Mr Oliver Darby, Acting Chief Executive Officer
Mr Daniell Abrahamse, Acting Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Ms Melissa Egan, Governance Officer

Apologies:

Nil

Approved Leave of Absence:

Nil

Media:

Public:

[&]quot;Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

3. PRAYER

The prayer was delivered by Pastor Lee Sykes of the Cornerstone Church, Busselton.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from:

 Cr Paul Carter in relation to Agenda Item 13.1 'Application for Development Approval (DA18/0674) – Proposed Industry – Extractive (Sand and Gravel) – Lot 101 (285) Gibb Road, Kaloorup.

The Mayor advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* this declaration would be read out immediately before Item 13.1 was discussed.

6. ANNOUNCEMENTS WITHOUT DISCUSSION

Announcements by the Presiding Member

Nil

7. QUESTION TIME FOR PUBLIC

Response to Previous Questions Taken on Notice

Nil

Question Time for Public

7.1 <u>Dr Martin Staines</u>

Question

I spoke last week in relation to the extraction proposal at 285 Gibb Road. It states in the documents today, under item 3.2, that a revised Dust Management Plan including additional details validating the water supply relating to dust suppression must be made. Who will actually put together this plan and who will vet this plan? And does the City accept that the amount of water to be used in this operation stated by the applicant was grossly understated to the extent of perhaps 100 times what would really be required? And therefore the potential impact on the hydrology in this catchment so close to the Carbanup River could also be much greater than what has been acknowledged by the applicants?

Response

(Mr Paul Needham, Director Planning and Development Services)

It will be prepared by consultants working for the proponent. It will be reviewed by City officers. If City officers feel the need to do so, we can seek further advice from the Department of Water Environment and Regulation before we complete that vetting process. I would also note that we have not made a change to the condition requiring a Dust Management Plan.

Question

Even though the applicant states for example that no water will be required for washing of sand? The application states that the water used in this process is nil.

Response

(Mayor)

Item 3.2 refers to the Dust Management Plan including additional details validating the water supply available for dust suppression. That hasn't changed. The change recommended by the officers is to do with containment, treatment and discharge of water from the wash down of trucks [conditions 3.3 and 3.4].

7.2 Mr Mark Pettersson

Question

How do you expect the proponent to patrol or administer the rules and regulations you have set down for them, for example, only coming in and out of their pit at 40km/hr, only travelling north, only 10 trips in and 10 trips out each day, when he does not own a single truck?

Response

(Mr Needham)

There is a condition that says the owner must ensure these things. If there is a breach of those conditions or a concern of a breach, it would be a relatively simple matter for the City to gather evidence around that. That would involve putting a traffic counter on the crossover to the site and saying to the proponent you are not complying with this condition and we've got good evidence you are not. Without these kinds of conditions, I would say we can't assess the traffic impact of extractive industries and let's assess them without assessing the traffic impact, which I'm sure is not what the community wants us to do.

7.3 Mr Ross Booth

Question

We talk about water, do you have the qualifications to debunk anything or do you just look at it and say "it's been prepared by professionals, looks pretty good to me" – how do you manage that?

Response

(Mr Needham)

Where we don't have the technical capacity, we have the capacity to refer it to the Department of Water and Environmental Regulation. They certainly have the technical capacity to review those things. It's also worth noting that these are proclaimed water catchments and water extraction or use beyond certain levels requires a separate approval from the Department of Water and Environmental Regulation.

Question

If they say they aren't going to be using much, can we ask you still to refer it so there's no question?

Response

(Mr Needham)

For the purposes of this particular application, I am happy to commit that, should the Council approve this, we will refer those plans to the Department of Water and Environmental Regulation.

Question

The application says it will be capped at 10 trucks in and out, 20 movements. It then says the applicant hopes to grow the business to include a further 20 trucks. Why isn't anyone mentioning that? That's 60 movements. Why aren't you asking the questions? Have you double-checked your figures.

Response

(Mr Oliver Darby, Acting Chief Executive Officer)

Yes, we have double-checked the figures.

Question

Last week there was a question asked whether there are any other sites that have gravel roads access. I understand we received an answer today. Do any of those gravel roads have residents down both sides the length of the gravel roads?

Response

(Mr Needham)

One of them has quite significant pedestrian traffic crossing the road, and that's Ludlow Park Road that has a similar cap on daily traffic movements to this particular one. There is the Forrest Adventures facility on one side of the road and the car park on the other.

Question

Has anyone read the letter from our solicitor today? Has anyone received it?

Response

(Mayor)

We did receive the letter this morning and staff have had a look at it and provided some advice.

7.4 Mr Ralph Petchell

Question

Are you going to put a camera on a tree to count the number of trucks?

Response

(Mayor)

I think that question was answered with a previous response; that we could put a traffic counter at the entrance to the property if we were concerned about over use.

Question

Are you going to do it or not?

Response

We're not going to put one there permanently.

7.5 Mrs Karen Galloway

Question

Why have the planning department allowed only an 800m boundary from all of these residences? The State planning policy – and I do understand this is only a guideline – recommends a minimum 1km radius from any residences where gravel is going to be crushed. Why only an 800m boundary?

Response

(Mr Needham)

You've correctly pointed out that State planning policies are guidance, they don't have a statutory weight or legal weight. They are something which we need to consider and something we have considered when drafting our policy. As we set out in the report, they are quite conservative and they assume a reasonably large amount of gravel being extracted for longer. Our judgment is that there is not going to be an unacceptable impact given the relatively small amount of gravel to be extracted and the relatively short duration over which that will occur. The other thing we are concious of is that to widen Gibb Road and to construct that to a higher gravel standard, gravel will be required. We think it is preferable that gravel is sourced on the site, because that avoids gravel having to be brought from elsewhere and reduces the impact of that haulage on the rest of the road network.

7.6 Mr John Vitale

Question

Last year I lost a mate and a colleague in front of an active sand pit site. How are Council going to ensure these roads are not going to impact the safety of the local community and ensure these requirements are going to be met by Council to avoid such a tragic incident happening again?

Response

(Mayor)

Mr Vitale, I am sorry for your loss and I know the incident you speak of. I also knew the person who lost his life at that time, on a sealed section of road, it was in pretty terrible weather conditions. I travelled on that stretch of road not long after. We'll be making sure that the terms of the road upgrades are complied with and there's no work allowed to be carried out until those conditions are met and inspected.

Question

Have any of the Councillors been out to the area and had a look at the impact on the local community living within the vicinity of the sand pits and the impact the entrances have on the safety of road users and the local community?

Response

(Mayor)

We've all undertaken a site visit to the site. Many of us have travelled those roads numerous times before and several Councillors live in reasonable proximity and are quite familiar with the area. We do take our role very seriously and we do undertake to familiarise ourselves with the areas that are in reports.

8. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

8.1 Minutes of the Council Meeting held 29 January 2020

COUNCIL DECISION

C2002/024 Moved Councillor P Cronin, seconded Councillor S Riccelli

That the Minutes of the Council Meeting held 29 January 2020 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings

8.2 <u>Minutes of the Policy and Legislation Committee Meeting held 29 January 2020</u>

COUNCIL DECISION

C2002/025 Moved Councillor K Cox, seconded Councillor P Carter

That the Minutes of the Policy and Legislation Committee Meeting held 29 January 2020 be noted.

CARRIED 9/0

8.3 Minutes of the Airport Advisory Committee Meeting held 29 January 2020

COUNCIL DECISION

C2002/026 Moved Councillor P Carter, seconded Councillor P Cronin

That the Minutes of the Airport Advisory Committee Meeting held 29 January 2020 be noted.

CARRIED 9/0

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Petitions

9.1 PETITION - DA18/0674 - EXTRACTIVE INDUSTRY - LOT 101, 285 GIBB ROAD, KALOORUP

COUNCIL DECISION

C2002/027 Moved Deputy Mayor K Hick, seconded Councillor J Barrett-Lennard

That Council:

- 1. receive the petition from Deb and Mark Petterrsson with respect to DA18/0674 Extractive Industry Lot 101, 285 Gibb Road, Kaloorup asking the Council to not permit any further extractive industries in the particular area; and
- 2. note that the issues raised in the petition will be considered in item 13.1 of this meeting agenda.

CARRIED 9/0

A petition was received from the petitioners on 17 January 2020 with the request that the City of Busselton "not permit any further extractive industries in the particular area, taking note of the cumulative negative impacts resulting from the large number of extractive industries operating in this area where there are tourist operations, vineyards, recreational activities (e.g. mountain biking and horse riding) an sub-divisions into smaller, lifestyle blocks".

The requirements for a petition to be heard by Council is set out by Standing Order 6.9 of the City of Busselton Standing Orders Local Law 2018, specifically that it:

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- (g) be respectful and temperate in its language.

The presiding member has the discretion to accept the petition for consideration if it meets a majority of the above requirements.

It is considered by officers that the petition meets all, if not a majority, of the requirements set out by the Standing Orders.

The issues raised in the petition are the subject of the report to Council being heard at this Ordinary Council Meeting at agenda item 13.1.

Pursuant to Standing Order 6.9(3), the Council has the following options:

- (a) receive the petition;
- (b) reject the petition;
- (c) receive the petition and refer it to the CEO to prepare a report to Council / Committee;
- (d) receive the petition and refer it to the CEO for action.

It is recommended that the petition is received by Council, noting that the issues are to be considered at agenda item 13.1.

Re: Petition

Yours Snaeely

Petition

FRI 17/1/2020 Application No Receipt No City of Busselton CIO ID 17 JAN 2020 Property ID Doc ID Please note that on Pages 6 & 7 there are 4 hames with asterisks next to them. We don't think that these 4 names fall within the particular area. They were obtained by a well meaning person on our behalf. We wouldn't want this to jeopardise the integrity of this Petition. Deborah Gail Pettersson, Karen M. Galloway Karen Marie Galloway Attachment A Petition

Petition to: City of Busselton

Principal Petitioners:

Deb & Mark Pettersson P. O. Box 373

COWARAMUP. WA. 6284 Mark Mobile: 0417 984 749

Residential Address: 465 Gibb Road KALOORUP. WA. Home: 9755 7584

Petition Summary: DA18/0674 - Extractive Industry (Sand & Gravel) - Lot 101 (House No. 285) Gibb Road, Kaloorup.

We, the undersigned, petition the City of Busselton not to permit any further extractive industries in this particular area, taking note of the <u>cumulative negative</u> impacts resulting from the large number of extractive industries operating in this area where there are tourist operations, vineyards, recreational activities (e.g. mountain biking & horse riding) and sub-divisions into smaller, lifestyle blocks.

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DATE:	NAME:	ADDRESS:	EMAIL:	/ SIGNATURE:
6/1/20	Vonessa de Villiers	276 Gibb Road, Metricup	vanessadu@iinet.net.au	1/1/1/11
6/1/20	Nicola de Villiers	276 Gibb Road, Metricap	nicole du @ hotmail.com	Ndittien
6/1/20	Mornay deVillies	27G Gibs Rd, Metricip	Normay. du Q gmail. com	Men
6/1/20	Courtney del'illies	276 Gibb road Metricy	Courtney de & hotmail con	Opling
6/0/2000	Nocleen Arema	276 Cribbo Rd, Metricup	nocteon aroma a g mail. com	Ranema
6/12020	Brycan Godby	272 Glord Metica	vegjeby170 yaloo.com	BHALL
6/1/2020	MELANIE LOVE	278 GIBB RD, METRICUP	invs. melaniz. love@ gmail.com	Willia-
6/1/202	PSTUART LOVE	278 GIBBRD METRICUP	stuart. lave @ a loah can	And all
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08/01/20	KATHLYN CAMERON	496 Gibb Rd Netrus	rathy o bucacreck coman	Ol Comero
8/160	Martin Staines	496 Gills Rd Netricup	marting @ bucacreell.com.au	John Marine
9/1/2020	John Cousies	204 6.66 Rd Medican	cousins 10 W 4. com. 24	Je
9/1/2020	KATH COUSING	204 GIBB RD. METRIOUP.	cousins 1 a) wn. com. are	A. Cousius
11/1/202	o GREG COULSON	43 EERSBACH 27 KALCERUS	groupen repetitiones, contra	* Houlson
12/11/20	KATHY COULSON	43 Gersbach Rd Kaloury	kalhycculson@holmailicon	1 K Cowson

Attachment A Petition

2

Petition to: City of Busselton

Principal Petitioners:

Deb & Mark Pettersson
P. O. Box 373

<u>COWARAMUP</u>. WA. 6284 <u>Mark Mobile:</u> 0417 984 749 Residential Address: 465 Gibb Road KALOORUP. WA. Home: 9755 7584

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DATE:	NAME:	ADDRESS:	EMAIL:	SIGNATURE:
12-1-20	ROSS BOOTES.	274 GIBB Rd.	ross, booth 520 gmail, con	C De l
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13/1/20	Linda Yates	Con Ray & N. Jindapa R	" their molehorse a ymail a	on de
13/1/20	ashrani Yates		thonumble novse @ ymail.co	
16-1-20	Debotah Ketterss	on 465 Eileb Rd, Kalodi	ip poterosala hotmaile	on Ily fell
16.1.20	MANK PETTENSSON	465 GNSS Pd. BACONUP.	pettersa Whotmail. com	NACO.
16/1/20	SANSY MUIR	594 GALE DE Kalos/up		e.ai, A
10/120	J-DT MUIR	594 GAR Rd Kalowy	judy & centerry speach com un	Stc.
16/1/20	Troy Pettersson	465 Gibb Rond Kalooup	Frog j. p. Harsson @ g.m. i. com	Tues
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Petition

Petition to: City of Busselton

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DATE:	NAME:	ADDRESS:	EMAIL:	, SIGNATURE:
	Joe Lacopo		joep mcrobert-com.au	
14.1-20	Domenic Lacopo	LOT 4198 GIBB Rd Keloorup	domlacopopamail.com	4
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Petition

Mayor, grant Henley

Petition to: City of Busselton

Principal Petitioners:

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COWARAMUP. WA. 6284 Mark Mobile: 0417 984 749

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DATE:	NAME:	ADDRESS:	EMAIL:	SIGNATURE:
5/1/20	Koren Galloway	241 Gale Road, Metricup.	kmgalloway @ bigpord. com	Kalen Galloway
	NR GALLOWAY	241 GALERO METRICULA	GALLOWAY DREGHALL COM.	1 & Olo -4 ()
5 Jan 20	Rob Underdown	235 GALERD METRICUR	rob. underdou pahypond. com	14llollol
5/1/20	Clave Undadown	235 Gale Road Metricup	cm underdown 79@ gmail com	afrolax-
5/1/20	GIANCARLO BERTEL	4 237 GALE RD METRICUP	CBERTELLI @ BIGHONS, COM.	barlo li Ani
6/1/20	IAN HUTCHINS	239 GALE RO METRICUP	mine hatch & hotmail. com	drate
6/1/20		239 Gale Rd Metricus	Ros. love 1964 @gmail-com	Hour
		390 GIBB RD METRICUP	the tipperso big pond. com	Appl
7/1/20	RUSSELL TIPPER	390 GIBB RD METRICUP	the tippersa big pond can chillout mobile @ gmail com	Ani
15/1/20	JUDITH BARRY	39 BROADHURSTRD METRICUP	Chillout mobile @ gmail com	JMR R
13/1/20	ANDRUEV LINDSMY	198 SILVELWORD RO METUKU	Margandy @ SILVERSIMAGE. Com. g.	V/1 6
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Petition to: City of Busselton

Petition

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Deb & Mark Pettersson P. O. Box 373

<u>COWARAMUP</u>. WA. 6284 <u>Mark Mobile:</u> 0417 984 749 Residential Address: 465 Gibb Road KALOORUP. WA. Home: 9755 7584

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Attachment A Petition

Mayor, Grant Henley

Petition to: City of Busselton

Principal Petitioners:

Deb & Mark Pettersson P. O. Box 373

<u>COWARAMUP</u>. WA. 6284 <u>Mark Mobile:</u> 0417 984 749 Residential Address: 465 Gibb Road KALOORUP. WA. Home: 9755 7584

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	DA	ATE:	NAME:	ADDRESS:	EMAIL:	SIGNATURE:
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	7/1	120	Jalina Khan	20 Lucy Rd North Vindon	p khaged @ hotmail.com	Place 1
	9/1	20	KOBIN HIBBERD	564 North Jindorg V	fibberd pein @ gnal. con	1 XXHEES
			CAMPBELL ORR	276 ROY RD METRICUP	ironorrie@icloud.com	GILLO
	12/	01/20	Pauline orr	276 Roy Rd Metricup	paulinearro1egmail.com	Pauller
	12	61/20	Jenny Hawks	252 Roy Rd Hetriap	malcolunhawke o westnet comav	1 Molaul
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	14.	1-202	O LUISA BOVE	195 Roy ld Metricup		Luis & Bobe
	14-	1-2020	MARK NORRISH	524 NTA FINDONO Rd.	Duck N Kaye @ Hormail . Com.	1 Shilly
	14-	1-2020	WAYNE ROBERTS-	11 11 11	ROBERTSW@ LIVE.COM.AU.	Mylon
	14.	1-2020	KAYE NORRISH	11 (1	Kaye . norrish a land mark coman	Mellomit
	14.	1-2020	TAMMY NORRUH	N# UINDONG RD	tammydee19@outlook.com.	Dorl
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Attachment A

Petition

Mayor, Grant Henley
Petition to: City of Busselton

Principal Petitioners:

Deb & Mark Pettersson P. O. Box 373

<u>COWARAMUP</u>. WA. 6284 <u>Mark Mobile:</u> 0417 984 749 Residential Address: 465 Gibb Road KALOORUP. WA. Home: 9755 7584

Petition Summary: DA18/0674 – Extractive Industry (Sand & Gravel) – Lot 101 (House No. 285) Gibb Road, Kaloorup.

We, the undersigned, petition the City of Busselton not to permit any further extractive industries in this particular area, taking note of the <u>cumulative negative</u> impacts resulting from the large number of extractive industries operating in this area where there are tourist operations, vineyards, recreational activities (e.g. mountain biking & horse riding) and sub-divisions into smaller, lifestyle blocks.

DATE:	NAME:	ADDRESS:	EMAIL:	SIGNATURE:
12/1/20	GINA BERGSMA	1912 ROY RD METRICH	alumercraft @ bigp ond:	on glego
14/1/20	MECUSA CUFFOR	O CHARMAN HILL RD		Meling
14/1/20	DARREN CLIFFORD	tu vz		Bay.
14/1/20	LOUISE BYRNE	11 0	byrne 82@hotmail.com	LBy Dy.
14/1/20	CHEIS 1800 BLAKE	NORTH SINDUNG RD	thegoodness 79 @ gmail com	I flee
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14.1.20	JOHN WHITEFORD	23 Drug LAS ROYAD	thewhite ords@ big portl. Com	MANATA
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	SYMEN BERGSMA	192 ROY Rd METRICUP	Shaye_b@holmail.com	n.
14/1/20	SHAYE BERGSMA	192 ROY RD METRICUP	Shaye_b@holmail.com	Bengsma
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9.2 PETITION - EXTENSION OF PATHWAY TO BELL DRIVE - NOVA VILLAGE

COUNCIL DECISION

C2002/028 Moved Councillor L Miles, seconded Councillor P Cronin

That the Council:

- 1. receive the petition from Nova Village Busselton with respect to a request to extend the pathway from the north gate at Nova Village to Bell Drive; and
- 2. refer it to the CEO for action

CARRIED 9/0

A petition was received from the petitioners on 23 January 2020 with respect to a request to extend the pathway from the north gate at Nova Village to Bell Drive.

The requirements for a petition to be heard by Council is set out by Standing Order 6.9 of the *City of Busselton Standing Orders Local Law 2018*, specifically that it:

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- (g) be respectful and temperate in its language.

The presiding member has the discretion to accept the petition for consideration if it meets a majority of the above requirements.

The petition does not meet requirement (a) or (e), but does meet all of the other requirements, noting that the address provided is in some instances a unit number within the Nova Village.

With respect to requirement (a), this is not considered to be prohibitive to the petition being considered. Requirement (e) is considered to be more substantive however the request is clearly stated on the first page of the petition and it can be seen that the pages were stapled together in such a way that the request would have been clear to those signing the petition.

Given this, the Mayor as presiding member has indicated his discretion to accept the petition for consideration.

Pursuant to Standing Order 6.9(3), the Council then has the following options:

- (a) receive the petition;
- (b) reject the petition;
- (c) receive the petition and refer it to the CEO to prepare a report to Council / Committee;
- (d) receive the petition and refer it to the CEO for action.

The request for a path within the general vicinity of the Nova Village have been progressed over a number of years with each project being prioritised on its individual merit. The initial connection was between Bell Drive and the north side of Bussell Highway in 2007/2008. The second connection linked the western gate to the north side of Bussell Highway, including a pedestrian refuge island, in 2011/2012.

The linkage between the two separate path sections was identified as a beneficial but not a strategic connection and has been assessed accordingly. Prior to receipt of this petition officers had discussed the possibility of completing this linkage as there is a current budget allocation for Bell drive footpath which is underspent. Therefore, subject to scheduling, there is the capacity for this to be considered.

The CEO will further discuss with the relevant Director and provide confirmation to the Council.

Officers would therefore recommended that the petition is received by Council and referred to the CEO for action.



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Novacare Busselton Village Pty Ltd 502-546 Bussell Highway Broadwater WA 6280 Ph: 08 97526200 Fax: 08 97526299 Mobile: 0400466181 village@novavillage.com.au

January 22, 2020

City of Busselton Department of Works Rosemary Drive Busselton WA 6280



Dear Sir / Madam,

Please find enclosed a petition with 88 signatures requesting that the footpath be extended from the existing pathway along the North side of Nova Village, meeting up with the existing path leading to Bell Drive.

We have been requesting this extension for a number of years, with no joy. It is not easy for residents to walk the sand track which meets the path at Bell Drive. We the Management and residents look forward to your reply. A copy has also been sent through to Libby Mettam.

Yours

Rachael Crosby Nova Village Manager



Novacare Busselton Village Pty Ltd 502-546 Bussell Highway Broadwater WA 6280 Ph: 08 97526200 Fax: 08 97526299 Mobile: 0400466181 village@novavillage.com.au

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A copy has also been sent through to Libby Mettam.

Yours

Rachael Crosby Nova Village Manager Petition

TO THE CITY OF BSN

WE ASK THAT YOU CONSIDER OUR REQUEST FOR AN EXTENTION OF THE PATHWAY FROM THE NORTH GATE AT NOVA VILLAGE TO BELL DRIVE.

Residents and Friends, please sign below

NAME	ADDRESS	EMAIL	SIGNATURE
Kachael Grosby	Manager 502-546 Bussell Hay village anovocare basselfon-rom. as	village dinovacare bisselfon	1.60m. au Der
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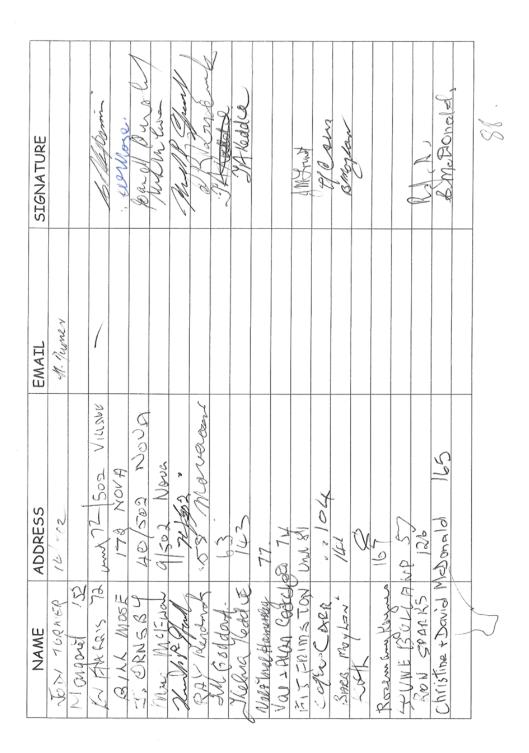
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Presentations

Nil

Deputations

Nil

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

Nil

11. <u>ITEMS BROUGHT FORWARD</u>

At this juncture, the Mayor advised that Item 13.1 would be brought forward for the interests of the public gallery and consideration of the remaining items deferred until after Item 13.1 has been considered.

ITEMS FOR DEBATE

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.1 <u>APPLICATION FOR DEVELOPMENT APPROVAL (DA18/0674) - PROPOSED INDUSTRY -</u> EXTRACTIVE (SAND AND GRAVEL) - LOT 101 (285) GIBB ROAD KALOORUP

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 Statutory Planning

REPORTING OFFICER Senior Development Planner – Policy - Stephanie Navarro **AUTHORISING OFFICER** Director, Planning and Development Services - Paul Needham

NATURE OF DECISION Quasi-Judicial: to determine an application/matter that directly

affects a person's right and interests e.g. development applications, applications for other permits/licences, leases and other decisions

that may be appealable to the State Admin Tribunal.

VOTING REQUIREMENT ATTACHMENTS

Simple Majority

Attachment A Location plan
Attachment B Site plan

Attachment C Explanatory reports and management plans. Summary of submissions - initial round (2018). Attachment E Summary of submissions - second round (2019). Proposed plans/documents to be approved.

DISCLOSURE OF INTEREST									
Date	12 February 2020								
Meeting	Ordinary Council								
Name/Position	Paul Carter, Councillor								
Item No./Subject	13.1								
Type of Interest	Impartiality Interest								
Nature of Interest	I have had recent dealings with a petitioner in relation to item 13.1.								

Alternative motions were foreshadowed prior to the meeting. In accordance with the City's *Standing Orders Local Law 2018*, they were moved prior to the Officer Recommendation which was:

OFFICER RECOMMENDATION

That the Council determines:

- A. That application DA18/0674 submitted for development of Industry Extractive (sand and gravel) at Lot 101 (285) Gibb Road Kaloorup is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
- B. That Development Approval is granted for the proposal referred to in (A) above subject to the following conditions –

GENERAL CONDITIONS

 The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 141,375 tonnes of material has been extracted, whichever is earlier. The site must be fully rehabilitated in accordance with the approved Closure Plan before the expiry date of this development approval.

- 2. The development hereby approved shall be undertaken in accordance with the approved plans, which are as follows, or any plans which may be approved pursuant to other conditions of approval:
 - 2.1 'Excavation Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup' (dated 30 November 2019), specifically:
 - (i) Figure 3 Concept Final Contours;
 - (ii) Part 7.0 Noise Management;
 - (iii) Part 11.0 Closure Plan;
 - (iv) Figure 3 Sand Resource Proposed Staging; and
 - (v) Figure 7 Depth to the perched water table and soil test holes.
 - 2.2 'Amended Traffic Route and Management Plan' (dated 13 September 2019).

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT CONDITIONS:

- 3. No material is to be 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 A Tree Protection Plan outlining temporary demarcation barriers to be erected 15 metres from the crown drip zone of trees to protect the tree and root system from accidental machinery damage.
 - 3.2 A revised Dust Management Plan, including additional details validating the water supply available for dust suppression.
 - 3.3 A revised Dieback Management Plan prepared by a dieback management consultant accredited with Department of Biodiversity, Conservation and Attractions, including additional details of monitoring and compliance over the life of the development.
 - 3.4 A revised Water Management Plan, including additional details regarding stormwater retention measures to prevent the flow of stormwater into the tributaries of the Carbunup River.
 - 3.5 Plans for the widening of Gibb Road to a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Gibb Road (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 culverts and where necessary how such culverts will be upgraded).
 - 3.6 Details of upgrades to the crossover to ensure that adequate sightlines are achieved.
 - 3.7 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Gibb Road 100 metres from the crossover.
 - 3.8 The following bonds being provided to the City:
 - (i) 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 approval. Those portions of public roads

- affected by the activities related to the approval shall be maintained to a standard acceptable to the City. The City may use the bond to maintain the affected public roads as it deems necessary.
- (ii) A dust bond to the value of \$5,000 (being an unconditional bank guarantee), which shall be held against satisfactory compliance with the Dust Management Plan.
- (iii) A rehabilitation bond to the value of \$20,000 (being an unconditional bank guarantee), which shall be held against satisfactory compliance with the Closure Plan
- (iv) Further to Conditions 3.8(i) 3(iii), the bonds are to be accompanied by an executed legal agreement with the City (with the costs of preparation of that agreement not being borne by the City). The legal agreement shall provide for:
 - (a) The ability for the City to be able to use the bonds, or parts of the bonds as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works in accordance with the conditions of this development approval and any further costs;
 - (b) 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;
 - (c) If at any time any 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
 - (d) The ability to lodge a caveat over the site to secure the City's interest.

PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:

4. No material is to be extracted until the owners has ensured that information setting out how the plans and details required by Conditions 2 and 3 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 GIBB ROAD:

- 5. Notwithstanding Condition 4 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Gibb Road 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 and 4 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 sand and gravel from its natural state on the site, screening of sand, crushing of gravel, transportation of sand and 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 Notwithstanding Condition 6.1, Cells 1 and 2 are limited to the extraction of sand only, and no crushing can be undertaken within Cells 1, 2, 3 or 4, or outside the approved extraction area. Cells are as indicated on the approved plans (Figure 3 Sand Resource Proposed Staging).
 - 6.3 Working hours, including 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.
 - 6.4 Trucks going to and from the Approved Development are not to operate on Monday to Friday between the hours of 7.30am and 8.50am and between 3.15pm and 4.30pm on any given school day or between other times as agreed in writing between the applicant and the City.
 - 6.5 The designated haulage route to Bussell Highway will be northwards along Gibb Road to North Jindong Road and then west along Roy Road. No other routes may be used, until trucks have reached Bussell Highway.
 - 6.6 A maximum number of 20 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on any operating day. No truck movements shall be permitted on any other day.
 - 6.7 Notwithstanding Conditions 6.5 and 6.6 above, should more than 20 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 Cityat least 7 working days prior to any haulage not consistent with Conditions 6.5 or 6.6 occurring.
 - 6.8 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 2.1 (iii) concurrently with the extraction of the following 2 hectare area.
 - 6.9 No excavation can occur closer than 300mm to the maximum winter perched water table, generally as indicated in 'Figure 7 Depth to the perched water table and soil test holes', and no dewatering works are to be undertaken
 - 6.10 The final land surface (after rehabilitation for pasture) must be a minimum of 500mm above the maximum winter perched water table, generally as indicated in 'Figure 3 Concept Final Contours'.
 - 6.11 The applicant or the owner must submit to the City annually within three months of every annual 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;
 - (vi) The extent/size and location of the area which is currently under operation;
- (b) Details confirming that the conditions of this approval have been complied with and how the conditions have been complied with; and
- (c) No extraction operations, including stockpiling or transportation of extracted material, is 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.

Cr Cox moved the following alternative motion, as foreshadowed prior to the meeting:

ALTERNATIVE MOTION

That the Council determines:

- A. That application DA18/0674 submitted for development of Industry Extractive (sand and gravel) at Lot 101 (285) Gibb Road Kaloorup is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives of the zone within which it is located.
- B. That Development Approval is granted for the proposal referred to in (A) above subject to the following conditions –

GENERAL CONDITIONS

- The development hereby approved is permitted to operate for five years one year from the date of this Decision Notice or until 141,375 tonnes of material has been extracted, whichever is earlier. The site must be fully rehabilitated in accordance with the approved Closure Plan before the expiry date of this development approval.
- 2. The development hereby approved shall be undertaken in accordance with the approved plans, which are as follows, or any plans which may be approved pursuant to other conditions of approval:
 - 2.1 'Excavation Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup' (dated 30 November 2019), specifically:
 - (i) Figure 3 Concept Final Contours;
 - (ii) Part 7.0 Noise Management;
 - (iii) Part 11.0 Closure Plan;
 - (iv) Figure 3 Sand Resource Proposed Staging; and
 - (v) Figure 7 Depth to the perched water table and soil test holes.
 - 2.2 'Amended Traffic Route and Management Plan' (dated 13 September 2019).

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT CONDITIONS:

- 3. No material is to be 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 A Tree Protection Plan outlining temporary demarcation barriers to be erected 15 metres from the crown drip zone of trees to protect the tree and root system from accidental machinery damage.
 - 3.2 A revised Dust Management Plan, including additional details validating the water supply available for dust suppression.
 - 3.3 A revised Dieback Management Plan prepared by a dieback management consultant accredited with Department of Biodiversity, Conservation and Attractions, including:
 - (i) aAdditional details of monitoring and compliance over the life of the development, and
 - (ii) Details of the containment, treatment and discharge (where applicable) of water from the wash down of trucks.
 - 3.4 A revised Water Management Plan, including:
 - (i) aAdditional details regarding stormwater retention measures to prevent the flow of stormwater into the tributaries of the Carbunup River-; and
 - (ii) Details of the containment, treatment and discharge (where applicable) of water from the wash down of trucks.
 - 3.5 Plans for the widening of Gibb Road to a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Gibb Road (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 culverts and where necessary how such culverts will be upgraded).
 - 3.6 Details of upgrades to the crossover to ensure that adequate sightlines are achieved.
 - 3.7 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Gibb Road 100 meters from the crossover.
 - 3.8 The following bonds being provided to the City:
 - (i) 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 approval. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City. The City may use the bond to maintain the affected public roads as it deems necessary.
 - (ii) A dust bond to the value of \$5,000 (being an unconditional bank guarantee), which shall be held against satisfactory compliance with the Dust Management Plan.

- (iii) A rehabilitation bond to the value of \$20,000 (being an unconditional bank guarantee), which shall be held against satisfactory compliance with the Closure Plan
- (iv) Further to Conditions 3.8(i) 3(iii), the bonds are to be accompanied by an executed legal agreement with the City (with the costs of preparation of that agreement not being borne by the City). The legal agreement shall provide for:
 - (a) The ability for the City to be able to use the bonds, or parts of the bonds as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works in accordance with the conditions of this development approval and any further costs;
 - (b) 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;
 - (c) If at any time any 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
 - (d) The ability to lodge a caveat over the site to secure the City's interest.

PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:

4. No material is to be extracted until the owners has ensured that information setting out how the plans and details required by Conditions 2 and 3 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 GIBB ROAD:

- 5. Notwithstanding Condition 4 above, gravel can be extracted from and crushed on the site for the purpose of upgrading Gibb Road 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 and 4 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 sand and gravel from its natural state on the site, screening of sand, crushing of gravel, transportation of sand and 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 Notwithstanding Condition 6.1, Cells 1 and 2 are limited to the extraction of sand only, and no crushing can be undertaken within Cells 1, 2, 3 or 4, or outside the approved extraction area. Cells are as indicated on the approved plans (Figure 3 Sand Resource Proposed Staging).
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- 6.5 The designated haulage route to Bussell Highway will be northwards along Gibb Road to North Jindong Road and then west along Roy Road. No other routes may be used, until trucks have reached Bussell Highway.
- 6.6 A maximum number of 20 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on any operating day. No truck movements shall be permitted on any other day.
- 6.7 Notwithstanding Conditions 6.5 and 6.6 above, should more than 20 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.
- 6.8 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 2.1 (iii) concurrently with the extraction of the following 2 hectare area.
- 6.9 No excavation can occur closer than 300mm to the maximum winter perched water table, generally as indicated in 'Figure 7 Depth to the perched water table and soil test holes', and no dewatering works are to be undertaken.
- 6.10 The final land surface (after rehabilitation for pasture) must be a minimum of 500mm above the maximum winter perched water table, generally as indicated in 'Figure 3 Concept Final Contours'.
- 6.11 The applicant or the owner must submit to the City annually within three months of every annual 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;
 - (vi) The extent/size and location of the area which is currently under operation;

- (b) Details confirming that the conditions of this approval have been complied with and how the conditions have been complied with; and
- (c) No extraction operations, including stockpiling or transportation of extracted material, is 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.

LAPSED FOR WANT OF A SECONDER

The Mayor called on Cr Riccelli to move her alternative motion, as foreshadowed prior to the meeting.

ALTERNATIVE MOTION

Moved Councillor S Riccelli, seconded Councillor K Cox

That the Council defers consideration of application DA18/0674 submitted for development of Industry – Extractive (sand and gravel) at Lot 101 (285) Gibb Road Kaloorup until the Council's 11 March 2020 Ordinary Meeting.

There was objection to the alternative motion and debate ensued.

Cr Paine moved an amendment to the alternative motion.

AMENDMENT TO ALTERNATIVE MOTION

C2002/029 Moved Councillor R Paine, seconded Councillor P Carter

That the Council defers consideration of application DA18/0674 submitted for development of Industry – Extractive (sand and gravel) at Lot 101 (285) Gibb Road Kaloorup until the Council's 26 February 2020 Ordinary Meeting.

LOST 1/8

For the Motion: Cr Paine

Against the Motion: Cr Henley, Cr Hick, Cr Cox, Cr Riccelli,

Cr Cronin, Cr Miles, Cr Barrett-Lennard, Cr Carter

Debate resumed on the alternative motion and the motion was put:

ALTERNATIVE MOTION

C2002/030 Moved Councillor S Riccelli, seconded Councillor K Cox

That the Council defers consideration of application DA18/0674 submitted for development of Industry – Extractive (sand and gravel) at Lot 101 (285) Gibb Road Kaloorup until the Council's 11 March 2020 Ordinary Meeting.

CARRIED 7/2

For the motion: Cr Riccelli, Cr Cox, Cr Barrett-Lennard, Cr Hick, Cr Paine, Cr Cronin, Cr Miles

Against the motion: Cr Henley, Cr Carter

Reasons:

To allow a fully informed decision to be made regarding this application, further information is required outlining the non-compliance issues/audits carried out on approved extractive industry operations; clarification of the traffic count and the figure at which a road is sealed; clarification of the residential density of the area; and further discussion of the conditions of the application is required.

EXECUTIVE SUMMARY

The City has received a development application for an 'Industry – Extractive' to extract 200,000 tonnes of sand and gravel over an area of 20.94 hectares at Lot 101 (285) Gibb Road, Kaloorup. 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.

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* (Scheme) and the broader, relevant planning framework including Local Planning Policy 5A – Extractive Industries (LPP5A). It is therefore recommended that the application is approved, subject to appropriate conditions.

Note that the Council has also received a petition in relation to the proposal and the regulation of extractive industry more broadly. This report is also intended to address the issues raised in that petition.

BACKGROUND

The Council is asked to consider an application for 'Industry – Extractive' at Lot 101 (285) Gibb Road, Kaloorup. The application was originally submitted in September 2018 and at that time advertising was undertaken to all property owners within one kilometre of the site. On receipt of agency/neighbour submissions, the application was put on hold by the applicant, pending additional hydrology information being submitted and resolution of transport/haulage route issues.

Following the resolution of these outstanding issues, which included modifications to the haulage route, the application was re-advertised again to surrounding landowners within one kilometre of the site in December 2019.

Key information regarding the application is set out below —

1. Landowner/s: Margaret River Natural Resources Pty Ltd

2. Applicant: Margaret River Natural Resources Pty Ltd

3. Site area: 91.66 hectares

- 4. General description of site: Lot 101 (285) Gibb Road is located approximately 2.5 kilometres south of the intersection of Gibb, Payne and North Jindong Roads. There are three other extractive industry sites approved and operating on surrounding lots within one kilometre of the site and another three within two kilometres of the site. The surrounding lots are predominately used for agricultural purposes, however, there are a number of Bushland Protection zoned lots located to the north-west of the site, plus a number of dwellings and some tourism related uses.
- 5. **Current development/use:** The lot is currently used for agricultural purposes.

6. **Brief description of proposed development:** The applicant proposed to extract 200,000 tonnes of sand and gravel with an extraction depth of one to three metres within an area of 20.94 hectares.

The applicant originally proposed to transport the materials to Gale Road by taking access through two surrounding lots (being Lot 1 and Lot 4205 Gale Road). Further investigation into the traffic volumes along Gibb Road (which fronts the lot) confirmed that, based on the current traffic volumes along Gibb Road, the additional truck movements from the proposal would not trigger the requirement for the gravel portion of Gibb Road to be sealed and therefore the haulage route was modified.

The proposed haulage route is northwards along Gibb Road to North Jindong Road, then west along Roy Road to Bussell Highway. The applicant has agreed to limit the maximum truck movements so that the total vehicle movements, taking into consideration the additional vehicle movements from the proposal and the existing traffic volumes along Gibb Road, do not exceed the maximum vehicle movements for a gravel road as set by the relevant planning framework (principally, LPP5A).

- 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 LPP5A the site is located within Policy Area 3, which is considered less constrained than other policy areas due to the primarily agriculture nature of the area.

The following attachments are provided –

- Attachment A Location plan.
- Attachment B Site plan.
- Attachment C Explanatory reports and management plans.
- Attachment D Schedule of submissions initial round.
- Attachment E Schedule of submissions second round.
- Attachment F Proposed plans/documents to be approved.

OFFICER COMMENT

As a result of the submissions received and the assessment of the application, the following are considered to be the key issues relevant to determination of the application (and to address the issues raised in the petition submitted in relation to the proposal) —

- 1. Basic raw materials supply and demand;
- 2. Amenity impacts, including cumulative amenity impacts of multiple and/or ongoing extraction sites; and
- 3. Haulage route and transport impacts.

Each of these issues is outlined and discussed below, under appropriate sub-headings.

It is worth first setting out in brief, though, how the proposal addresses the key considerations against which extractive industry proposals should be assessed –

- With what is considered a relatively minor exception, the proposal meets requirements related to minimum setbacks from property boundaries (i.e. 20 metres) and from existing sensitive premises, such as dwellings. Those requirements are 500 metres for sand extraction, although 300 metres may be permissible in some instances, but not proposed in this case. The actual minimum separation distance proposed is 600 metres. The requirement for gravel extraction is one kilometre, as is the case for gravel crushing. The proposal achieves that for crushing, although there is some gravel extraction proposed, in Cells 3 and 4, at a distance of 800 metres from the nearest sensitive premises. Given the scale and context, that is not considered unreasonable, and will also allow Gibb Road to be upgraded without requiring gravel to be brought from another site.
- A dust management plan consistent with normal requirements has been provided, although some relatively minor revisions are considered necessary – and that is reflected in a recommended condition of approval.
- The proposal does not involve removal of remnant vegetation noting that vegetation can be removed to allow for extraction, where the necessary approvals related to that have been obtained.
- Hydrological information has been provided setting out how extraction and site levels following rehabilitation will meet State requirements.
- The impact of traffic on the proposed haulage route has been assessed against policy requirements, and subject to the widening of Gibb Road (the implementation of which is a recommended condition of approval, to be completed at the proponent's cost), will not result in traffic on the proposed haulage route exceeding levels that could reasonably be considered to have unacceptable impacts.

Basic raw materials supply and demand

In setting the relevant planning framework, planning authorities — which in this case means both the City and the State (i.e. Western Australian Planning Commission and Hon. Minister for Planning) — need to be conscious of issues related to basic raw materials (BRM) supply and demand, as well as issues such as amenity, traffic and environmental impact. That is because BRM, such as sand and gravel, are vital to the economy of the District and broader region.

BRM are also finite and increasingly scarce resources, vital to the construction industry especially, which is a very significant contributor to the local economy and employment. Importantly, economic access to BRM is also necessary for the further expansion of the tourism industry (for instance, the development of the Regional Airport required significant use of BRM, as does most tourism-related construction) and for major infrastructure projects, such as the extension of the Bussell Highway dual-carriageway from Capel to Busselton.

BRM can of course only be extracted where they are present in the landscape. In the City of Busselton, resources are concentrated in areas near the Leeuwin-Naturaliste Ridge and Whicher Escarpment. There are some sand resources located further north, but such resources are often constrained by the presence of winter groundwater at or just below the surface (noting that State requirements prevent extraction within 300mm of maximum groundwater levels, or the reduction of post extraction levels to less than 500mm to 1.0 metre above that level – dependent on the intended post-extraction agricultural land use).

There are also some resources located further west and south, but they often tend to be constrained by the presence of native vegetation, a higher density of sensitive premises, land tenure (i.e. the land is in conservation estate, such as National Park or State Forest) and/or by the zoning of the land (noting that extractive industry is permissible in the Rural Zone, but prohibited in the Viticulture and Tourism Zone, which applies to much of the rural land between Caves Road and Bussell Highway).

Consequently, the alternative to permitting extraction in the City where resources are present (and subject to reasonable assessment and conditions) would involve transport of BRM from outside the City (noting that does occur to some degree already). That would add to the cost of BRM and there are also similar supply constraints elsewhere in the region (and there is also a scarcity of BRM in the Perth and Peel regions too, with some BRM being extracted and transported from the South-West to those regions).

It is inevitable that BRM supply will become ever more constrained in the future. That will, and is already, leading to the construction and development industries finding ways to undertake development using less BRM. The scarce and finite nature of BRM supplies is also already influencing the pattern of development across the City and elsewhere, with land where less fill is required being developed ahead of areas that may be more centrally located, but where the amount, and therefore the cost, of fill is greater. BRM extraction will, however, continue for at least the foreseeable future, as construction, of both buildings and especially infrastructure, will continue to require BRM.

Amenity impacts, including cumulative amenity impacts of multiple and/or ongoing extraction sites

BRM extraction can and often does impact on the amenity of nearby properties and residents. The State has established guidelines that seek to identify when such impacts may be unreasonable. The City has reflected those guidelines in LPP5A. In short, LPP5A requires extraction of sand to occur no closer than 500 metres to a sensitive premises (i.e. a dwelling, chalet or similar place of accommodation), but in some cases as close as 300 metres may be considered. For extraction of gravel or rock, the equivalent is one kilometre, as is the case for the crushing of gravel. The proposal meets those requirements, with the exception already outlined above.

The State guidelines on which those requirements are based are generally considered to be quite conservative – i.e. the separation distances proposed are relatively large, in comparison with the distances that would be required if more detailed site assessment and impact modelling were undertaken (i.e. in most cases, noise modelling, although there are also potential amenity impacts in the form of dust, and some broader considerations as well). Whilst LPP5A does not make it explicit, proponents could choose to propose lesser separation distances, if they were prepared to invest in that kind of more detailed assessment (which can be quite costly to undertake). That is, in fact, the approach usually taken by the mineral sands industry (which may also enter into 'amenity agreements' with the owners of affected sensitive premises).

It is also worth noting that the proposal is in a rural area, not a residential or rural-residential area. Whilst protection of amenity is a relevant consideration in a rural area, amenity does not have the same status as a planning consideration in a rural area as it would in a residential or rural-residential area. There are activities, such as agricultural and extraction activities which can only occur in rural areas, and which can and do impact on amenity, but providing for those activities is an important consideration in planning decisions in rural areas.

Given the relevant planning framework, the most important elements of which are outlined above, there is not seen to a basis on which to refuse the application because of potential amenity impacts.

Turning to the more specific question of cumulative amenity impacts, raised in the petition, it is worth discussing first when and how cumulative impacts in general can be and are assessed in the determination of applications for development approval. In general, each application must be assessed on its merits against the relevant planning framework. It is somewhat difficult therefore to consider cumulative impacts as part of administrative decision-making – and the determination of applications for development approval is a form of administrative decision-making. In the absence of any specific policy or power allowing for consideration of cumulative impacts, it will often be difficult to do so.

There are, however, instances where cumulative impacts can be considered. One of those relates to traffic. LPP5A, drawing on other standards, identifies maximum recommended traffic levels, given the nature of the roads proposed to be used for haulage (i.e. whether it is sealed or unsealed, what the carriageway width is). If the traffic associated with an extractive industry proposal would reasonably be expected to result in the traffic on that road exceeding a particular threshold, and it was considered that would have a significant impact on the road (in terms of congestion, safety or asset life/maintenance) it should only be approved subject to a condition requiring the upgrading of the subject road (and then only if that upgrading, in and of itself, was considered appropriate).

If a subsequent extractive operation is proposed, and it would result in the road exceeding the next threshold, that operation should only be approved with a condition requiring the subsequent and additional upgrade of the road. It should be noted that there can be practical issues with this kind of approach, where multiple operations are using the same roads (not to mention issues related to other development or land-uses which may affect the subject roads), but it is a well-established approach.

Because the thresholds for consideration of amenity impacts are principally around separation distances, there is no similarly straightforward means of considering 'cumulative impact'. If all extractive industry proponents were required to prepare and submit noise modelling, then it may be possible to consider the cumulative impacts of noise from extractive operations (noting that noise is only one component of amenity, but a very important component in this context). That is not, however, what the relevant planning framework currently requires — and in any case it is not clear that it would result in a different outcome (as the separation distances are such that even multiple pits all operating at the same time would probably not result in noise levels at any particular sensitive premises that exceed those set out in the noise regulations).

Effectively, if the Council was of the view that the cumulative impacts of extractive industry in a given area may be excessive, the Council would most likely need to prohibit extractive industry in that area. The Council has done so in the Viticulture and Tourism Zone, as noted earlier in this report. As part of the ongoing review of extractive industry regulation, officers have done some work to identify whether that could or should be re-considered. The outcome of that work indicates that the density of sensitive premises in that Zone would mean that, even if extractive industry was permissible, very little extraction could actually be approved given required separation distances. The same is not the case in the area where the subject site for this application is located.

Another means of reducing potential cumulative impacts could be through increasing separation distances in the Council's policy (i.e. LPP5A). Given that the current separation distances reflect relevant State guidelines, however, it is not clear that such an approach would be defensible in the State Administrative Tribunal. It is even less clear that an ad hoc decision to apply higher separation distances would be defensible.

Further, regardless of the means by which amenity might be given a higher level of protection, it would inevitably result in an effective reduction in BRM supply over the medium to long term. As already noted, in the setting of its regulatory framework, it is considered that the Council does need to consider both amenity and supply issues, and there will no doubt be legitimate and genuine differences of view on how to balance those two often competing considerations.

Haulage route and transport impacts

The applicant originally proposed to access Gale Road via two adjoining properties to the south. Following further assessment, however, they amended the proposal to access the site via the existing crossover located at the southern end of the site's frontage to Gibb Road. The proposed haulage route is now north from the site along Gibb Road to North Jindong Road and then west along Roy Road to Bussell Highway.

The general approach to assessment of traffic impacts of extractive industry is that the potential on local roads is assessed, through to the point where the regional road network can be accessed – in this case Bussell Highway. From that point on, it is assumed that the impacts will be fairly diffuse (i.e. the material will be going to a wide range of sites, and the impacts on any particular part of the road network not be significant), or that where that may not be the case, the traffic impacts will be assessed from the point of view of the receiving site – for instance as part of the traffic management considerations for a major construction or infrastructure project.

'Attachment 1 – Traffic Impact Assessment and Road Upgrading Requirements' of LPP5A is used as a guide by the City in assessing the suitability of existing traffic infrastructure to accommodate the traffic impacts of proposed extractive industries. 'Table 3 – Seal Widths and Carriageway width for Rural Roads' of Attachment 1 prescribes different minimum carriageway and sealed widths for four categories of the annual average daily traffic (AADT). When assessing a development application for an extractive industry, in order to determine the minimum carriageway requirements the proposed maximum truck movements are added to the current AADT to confirm if the proposed haulage route complies with the applicable standards. In this instance, Gale Road is unsealed and therefore the minimum requirement is a seven metre carriageway width for up to 75 vehicle movements per day. Once the number of vehicle movements per day exceeds 75, the road is required to be upgraded to have a carriageway width of 7.5 metres, with a sealed width of 3.5 metres.

The City most recently undertook traffic monitoring along Gibb Road from 16 May 2019 to 5 June 2019. The traffic counter was located 2.6 kilometres north of the intersection of Gibb Road and Gale Road adjacent to the subject lot. The data collected during this period indicated that the average vehicle movements per day during this period was 31, with maximum vehicle movements per day being 46 on a Sunday. The maximum vehicle movements on a weekday, when the extractive is proposed to operate, was 38.

The applicant has indicated within their supporting information that the average vehicle movements would be 12 truck movements (i.e. six leaving and six entering) per day with potential for a maximum of 40 truck movements (i.e. 20 leaving and 20 entering) per day. However, the applicant has advised that they are willing to limit the maximum number of truck movements per day to the maximum permissible under LPP5A so that the total vehicle movements per day do not exceed the limit for a gravel road. When calculating the maximum number of tuck movements LPP5A requires each truck movement to be counted as 1.7 vehicle movements, due to the additional wear that results from truck movements compared to light vehicles. Therefore, with the current maximum vehicle movements along Gibb Road of 38 vehicle movements per week day it is considered appropriate in this instance to limit the maximum number of truck movements to 20 (i.e. 10 entering and 10 exiting the property) as this would keep the AADT below 75 vehicle movements per day.

The current carriageway width of the gravel portion of Gibb Road, which extends approximately 1.5km north of the crossover from the site, does not meet the minimum carriageway width requirements of LPP5A. Therefore it is recommended that, via a condition of development approval, the applicant be required to widen the carriageway to a minimum width of seven metres. As the maximum number of vehicle movements per day will not exceed 75, there is no requirement under LPP5A for Gibb Road to be sealed.

Based on the above mentioned maximum daily truck movement, it is recommend that the amount of material to be extracted over the approval period be limited to 141,375 tonnes, rather than the 200,000 tonnes applied for (as that larger amount could not be extracted without breaching the traffic movement condition). It should be noted that there are times when a contract may require higher volumes of material than what the maximum movements per day can accommodate.

There may also be times when an alternative route is appropriate (whilst not likely, there is a possibility that material could be required on a site in the vicinity, where it would not make sense to transport the material to Bussell Highway, before taking it to the receiving site). Conditions of approval include an allowance for this kind of eventuality, through submission to and approval by the City of a traffic management plan.

A number of concerns were raised regarding the use of Roy Road as part of the haulage route. Roy Road is designated as a 'Restrictive Access Vehicle (RAV) Network 3 Low Volume Road' by Main Roads. Main Roads WA's RAV Route Assessment Guidelines are used by Main Roads to assess routes within the State for inclusion on RAV Networks. To be included as a RAV route a road is required to be designed/assessed as being able to accommodate heavy haulage traffic. In this instance, according to the Main Roads RAV network classification a Category 3 road is suited to accommodate vehicles up to 27.5m in length. A prime mover with a semi-trailer, which would be used for the transport of material from the site, would comply with these requirements.

Being designated as a RAV route in and of itself, however, does not mean there is no need to consider the potential impact of increased levels of heavy traffic. The City obtained independent advice from Cardno in relation to traffic levels on Roy Road. Cardno estimates an AADT of 416 vehicles per day, and an additional 20 truck movements per day would not result in over 500 movements per day – Roy Road meets the LPP5A standard for the level of traffic that would result.

Statutory Environment

The key statutory environment is set out in the *City of Busselton Local Planning Scheme 21* (Scheme), the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), Schedule 2 of which is the 'deemed provisions', which also functionally form part of the Scheme. 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 broad acre 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 -

- (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;
- 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;...

Relevant Plans and Policies

Local Planning Policy 5A - Extractive Industries

Local planning policies must be given due regard, but cannot and do not bind the City, in the assessment of applications for development approval. LPP5A provides guidance regarding the extraction of basic raw materials. The application site is located within Policy Area 3, elements of LPP5A 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 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.
- 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. 4.2.5 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.

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, for or against, 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 initially open for submissions from 28 September 2018 to 31 October 2018. The application was advertised in the following manner –

- 1. Information regarding the application was posted on the City's website;
- 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 one kilometre of the site; and
- 4. A notice was placed in a local newspaper on 10 October 2018.

A total of 33 submissions were received from 29 properties. Where multiple submission were received from the same address these were counted as one submission. The submissions included 2 submissions in support, 10 submissions opposed and 17 pro-forma letters in support of the proposal.

A schedule of submissions from the initial round of consultation is provided as Attachment D. The schedule identifies who submissions were received from and summarises the submissions.

Following provision of additional hydrology information and modifications to the proposed access and haulage route the application was re-advertised from 28 November 2019 to 13 December 2019. Initially, the second round of consultation was undertaken via email to anyone who made a submission during the initial advertising period excluding those who completed the pro-forma letter. However, due to the number and nature of submissions a referral letter was sent to all landowners within one kilometre of the site. In addition, the advertised period for all parties was extended until 31 December 2019.

A schedule of submissions from the second round of consultation is provided as Attachment E. The schedule identifies who submissions were received from and summarises the submissions.

During this second round of advertising a total of 26 public submissions from 21 properties were received, all of which were objections. Where multiple submission were received from the same address these were counted as one submission.

The concerns raised within both submission periods can generally be summarised as follows:

- Haulage Route, including -
 - Proposed haulage route along Gibb Road with the following concerns;
 - Safety concerns from insufficient width; and
 - Additional wear on the road.
 - o Proposed haulage route along Roy Road with the following concerns:
 - Safety concerns from insufficient sightlines along Roy Road and for entering/exiting traffic; and
 - Conflicts with school bus routes.

- · Amenity and health concerns, including -
 - Concerns regarding dust emitted from the extractive activities and along haulage route. Potential impact on health and wellbeing of people within the area as well as potential impact on vegetation, wildlife and other commercial operations within the area (vineyards); and
 - o Impact upon amenity of the area from noise from the operations.
- Environmental concerns including
 - o Impacts on native fauna and flora; and
 - o Impacts on the ground water table.
- Number of extractives within the locality with ongoing compliance issues.

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 Main Roads, Department of Water, Environment and Regulation and Department of Biodiversity, Conservation and Attractions. A summary of agencies comments are provided within the schedule of submissions at Attachment D and E.

In addition to the above the City has received a petition objecting to the proposal including the cumulative negative impact as a result of the number of extractions within the area and the impacts on tourist operations, vineyards, recreation activities and residential blocks within the area. In accordance with the *Standing Orders Local Law 2018* the Council may vote on a matter that is the subject of a petition presented to that meeting provided the matter is subject of a report included in the agenda and the Council has considered the issues raised in the petition.

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:

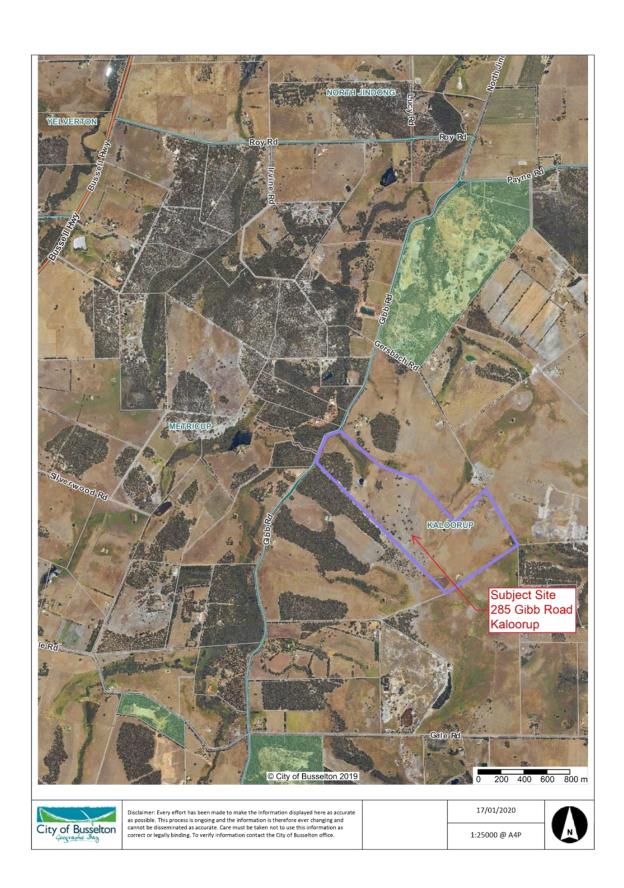
- 1. Refuse the proposal, setting out reasons for doing so; or
- 2. Apply additional or different conditions.

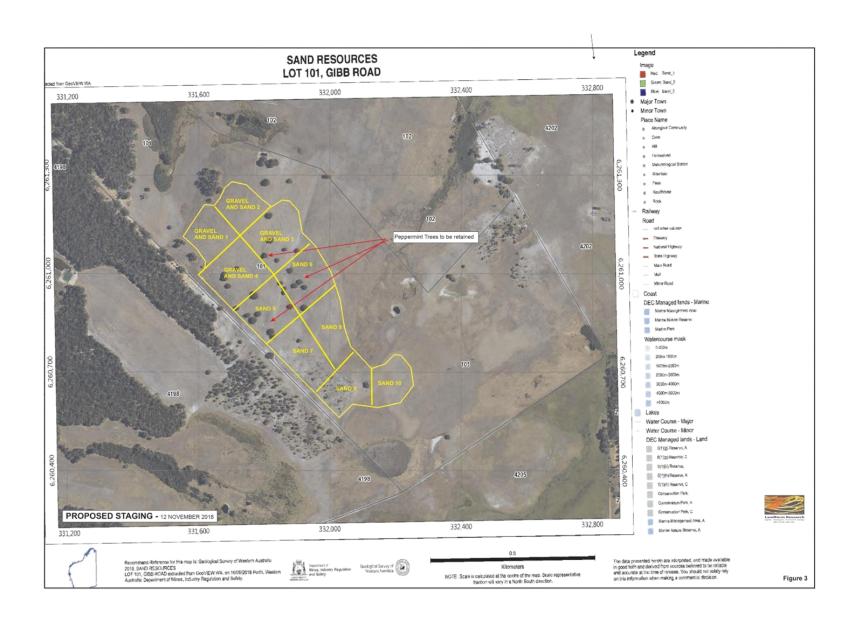
CONCLUSION

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.





13.1

PROPOSED SAND EXCAVATION

EXCAVATION and REHABILITATION MANAGEMENT PLAN

Lot 101, Gibb Road, Kaloorup

City of Busselton

MARGARET RIVER NATURAL RESOURCES PTY LTD

30 November 2019

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EXCAVATION and REHABILITATION MANAGEMENT PLAN

Lot 101, Gibb Road, Kaloorup

MARGARET RIVER NATURAL RESOURCES PTY LTD

As trustee for Margaret River Natural Resources Trust

28 Cutler Road Jandakot, WA 6164

Quarry Manager – Roger Cook 08 93417 1111 0419 198 049



Lindsay Stephens BSc (Geology), MSc (Plant Ecology)

Mem Aus Geomechanics Soc - MEIANZ - FIQA

1/ 49 Birdwood Avenue, Como WA 6152

Tel 08 9474 3978, landform@iinet.net.au

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Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

Summary

A sand resource has been identified on Lot 101 that is suitable for fill sand with some deeper coarse sand that is capable of use for filtration and specialty uses.

This documentation provides the background for an application for Planning Approval and Extractive Industries Licence to extract the resource.

The City of Busselton and nearby areas are undergoing significant development, much of which is located on low lying land that requires fill and consequently requires sand for construction and fill

The sand is a valuable resource for the community as it is highly suitable for fill and other construction materials. The local area is a known sand resource in which active sand pits occur.

The sand extends to depth but is anticipated that the pit will be 1-3 metres deep with an average of 1.5 metres, deepening slightly at the western edge where the resource is thicker. The water table measurements taken on 14 November 2018 and 6 September 2019 show that the sand resource is approximately 2.0 metres deep in the south east and centre thickening to 3.5 metres deep in the north west. With a separation of 0.5 metres to the water table the thickness of resource will be 1-1.5 metres in the east and centre and up to 3.0 metres in the west. Gravel resource occurs in the north west with the sand.

City of Busselton, Planning, "Rural Land Use and Development" Policy, 2010 compliments the Local Planning Scheme and has policies with respect to the extraction of sand.

Policy 5A Extractive Industry Provisions seeks the protection and staged use of basic raw materials whilst minimizing environmental and social impacts.

A Lot 101 is zoned "Agriculture" it lies within Policy Area 3 — "Extractive Industry Less Constrained" in City of Busselton, "Rural Land Use and Development" Policy, 2010.

The excavation areas are set back from Gibb Road. Transport will be to Gibb Road and then along Gibb Road to the north, to join with linking roads.

As perimeter buffer of 20 metres with earth bunding is proposed for adjoining lots in compliance with Section 6.4 City of Busselton Policy 5A – Rural Areas land Use and Development Policy.

The depth of excavation will be 1 - 3 metres with an average of 1.5 metres based on resource, with the water table from 0.5 metres to over 2.0 metres below the pit floor, which complies with all policies. The area of sand pit is approximately 20.94 hectares but not all will be taken because of the trees. The volume of resource delineated in the proposal is about 200 000 toppes.

It is anticipated that up to 30 000 tonnes of sand with a small amount of gravel, will be produced annually. This amounts to an average of approximately 6 laden truck movements per day using trucks laden with 25 tonnes average if all loads are spread out. What is likely is that on some days there will be more trucks and on other days less or no truck movements.

If a large contract is won which will require additional truck movements, Margaret River Natural Resources will notify the City at least one week in advance of the commencement of the contract. As the sand resource is relatively small a large contract would be anticipated to be around 2 trucks per hour or 20 per day. The City will be notified prior to that level of transport, which will provide opportunities for discussions between the proponent and the City.

The loading and access of each truck will normally take approximately 10 minutes.

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A 10 year length of approval is requested.

excluding public holidays.

The loading and access of each truck will normally take approximately 3 minutes and would be achieved using one loader.

This documentation provides the support for application for Planning Approval and Extractive Industries Licence.

The proposal complies with the all Buffer Guidelines to sensitive premises.

Table 1 Site Summary

ASPECT	PROPOSAL CHARACTERISTIC
EXCAVATION	
Total area of excavation applied for, including the land already open	Proposed excavation – 20.94 hectares (approx.)
Rate of excavation based on average anticipated volumes.	Generally up to 20 000 tonnes per year of sand including a small amount of gravel, with an anticipated maximum of 30 000 tonnes per year depending on contracts. If a large contract is won which will require additional truck movements, Margaret River Natural Resources will notify the City at least one week in advance of the commencement of the contract.
Life of project	10 years
Area cleared per year	No native vegetation. < 1 hectare pasture required per year.
Dewatering requirements	Nil
Maximum depth of excavations	1 - 3 metres in benches as required.
PROCESSING	
Resources	A screening plant will be sued to produce specialty sands if required and there is potential for a small mobile wash plant for coarse sand.
Water requirements	Nil
Water supply source	Soak in creekline
INFRASTRUCTURE	
Total area of plant and stock	Located in pit
Area of settling ponds	Water will be retained in the pit
Fuel storage	No fuel storage
TRANSPORT	
Truck movements	Variable but average up to 6 laden trucks per day.
Access	Gibb Road north.
WORKFORCE	
Construction	Opening the pit consists of topsoil and overburden removal prior to excavation, and the formation of the access road.
Operation	2 - 4 persons
Hours of operation	Hours of operation will be 7.00 am to 5.00 pm Monday to Friday inclusive, excluding public holidays for processing and excavation.

This Excavation and Management Plan has been prepared addressing the factors outlined in EPA Guidance Statement 33, Environmental Guidance for Planning and Development 2005 and Department of Planning Guidelines for Extractive Industries.

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Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

Management

The excavation, processing and environmental management proposed has been designed to reflect best practice and utilises Commonwealth and State Guidelines.

Safety Management

All quarries operate under the provisions of the *Mines Safety and Inspection Act 1994 and Regulations 1995*. These are administered by the Department of Mines Industry Regulation and Safety.

The regulation is achieved through the DMIRS Safety Regulations and Reporting Systems (SRS).

All quarries on commencement are required to register with the SRS system. As part of the registration a Project Management Plan is required to be produced and lodged online.

Officers from the Safety Division of the DMIRS regularly inspect the operations in relation to health and safety.

Environmental Management

The environmental management is designed to reflect best practise, outlined in particular in;

Department of Resources, Energy and Tourism (Commonwealth), 2011, A Guide to Leading Practice Sustainable Development in Mining, and guidelines produced by Environmental Protection Authority, Department of Water, Environment Regulation, Department of Mines Industry Regulation and Safety, Western Australia Planning Commission and the Local Authority.

An Environmental Risk Assessment has been developed based on the EPA Environmental Factors which have been identified by the EPA as the factors to be considered when reviewing environmental impact and outcomes in Western Australia.

The EPA Factors have been used and added to in the following table, which provides for the environmental risk if not mitigated or managed and the assessed environmental risk when the proposed design and management procedures are effectively implemented.

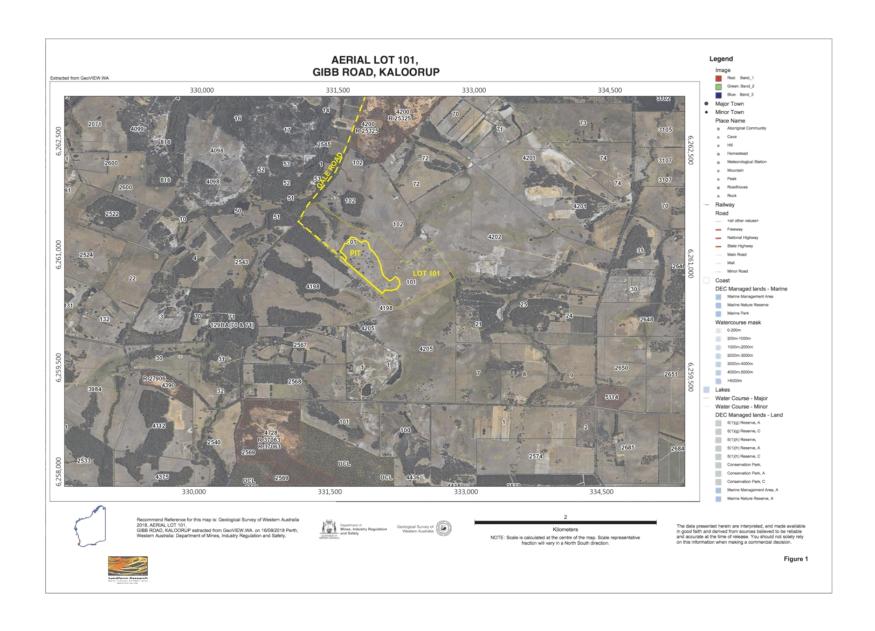
All the EPA environmental factors, together with the other factors, are provided in the Environmental Risk Table to show that some are not relevant to this proposal. Leaving them out may lead to some uncertainty in a reviewer's mind.

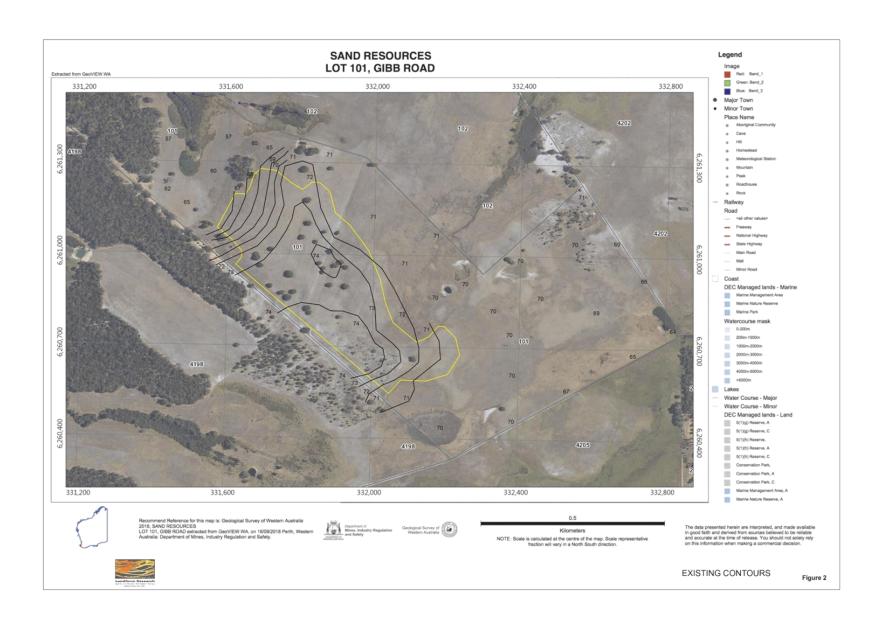
The Environmental Risk Matrix was developed to the principles of AS/NZS ISO 140001:2004 (Environmental Management Systems) and AS/NZS ISO 19011:2014 (Guidelines for auditing Management Systems). The principles of AS/NZS 31000:2009 (Risk Management Guidelines) are also used when considering any risks.

The Risk Table includes references to the various parts of the document to enable easy review and provides a summary of the project and its management.

The risk assessment table also forms the basis of an auditable matrix.

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12 February 2020

Sand Excavation, Lot 10, Gibb Road, Kaloorup.

Environmental	Identified Issues	Unm	anaged	Risk	Proposed Management	References	Managed Risk		
Objective Cor	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
VEGETATION To maintain representation, diversity, viability and ecological function at the species, population and community level.	Vegetation communities and/or biodiversity may be significantly impacted by clearing, weeds and dieback.	E	1	Low	Weed and Dieback policies are proposed and will be implemented. The only nearby vegetation is the remnant Jarrah – Marri Forest between Gibb Road and the proposed sand pit. The resource area has around 20 isolated Peppermint trees which are not proposed to be cleared; being retained with 10 metre separation buffers.		Е	1	Low
	Threatened Communities may be impacted by inadvertent impacts.	E	1	Low	None present. The site is cleared with isolated Peppermint (Agonis flexuosa) trees which are to be retained.		E	1	Low
	Priority species may be affected by clearing, disturbance, weeds, dieback and other impacts.	E	1	Low	None present. The site is cleared with isolated Peppermint (Agonis flexuosa) trees which are to be retained.		E	1	Low
	Threatened Species may be impacted by inadvertent impacts.	E	1	Low	None present. The site is cleared with isolated Peppermint (Agonis flexuosa) trees which are to be retained.		E	1	Low
	Weeds may become established and impact on the local and on site biodiversity	С	3	High	A weed management program is proposed and will be used in conjunction with normal farm management. The operator is part is also part of the ownership of the land so there is incentive to keep the pasture in good condition.	Weed Management Plan	С	1	Low
	Dieback disease may be present and impact on the local and onsite vegetation.	E	1	Low	Dieback management procedures are in place. See Weeds above.	Dieback Management Plan	Е	1	Low
	The developments may fragment communities, biodiversity and ecological linkages.	E	1	Low	The site cleared. Previously cleared vegetation to the north of the pit has been allowed to re-establish. This is enhancing the conservation corridors rather than reducing them.		E	1	Low

Landform Research

Environmental	Identified Issues	Unma	anaged F	Risk	Proposed Management	References	Mana	Managed Risk		
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk	
TERRESTRIAL FAUNA To maintain representation, diversity, viability and ecological function at the species, population and assemblage level.	Communities and fauna and/or biodiversity may be significantly impacted by clearing, weeds and dieback.	E	1	Low	The site is pasture and cleared sand pit so the fauna habitat values are not likely to be impacted, only enhanced when additional Peppermint trees in linkages are planted.	Figure 3, 4	E	1	Low	
	Threatened Faunal Communities may be impacted by inadvertent impacts.	E	1	Low	No Threatened Communities occur on site.		E	1	Low	
	Priority Fauna species may be affected by clearing, disturbance, weeds	E	1	Low	There are no Priority Fauna on site. The resource area has around 20 isolated Peppermint trees which being isolated do not appear to provide habitat for Western Ringtail Possums if they occur locally. The isolated Peppermint (Agonis flexuosa) trees are to be retained with a 10 metre buffer. The proposal is to plant 100 Peppermint trees in clumps as a corridor linking the remnant forest to the creekline vegetation which will provide enhanced habitat for the species.		E	1	Low	
	Threatened Fauna Species may be impacted by inadvertent impacts.	E	1	Low	The site is pasture and cleared land. There are no habitat or feeding trees that are suitable for Black Cockatoos on the extraction site. See above		E	1	Low	
SUBTERRANEAN FAUNA To maintain representation, diversity, viability and ecological function at the species, population and assemblage level.	The development may have an impact on an isolated population of subterranean fauna.	E	1	Low	The site is deep sand with no subterranean cavities.		E	1	Low	

Sand Excavation, Lot 10, Gibb Road, Kaloorup.

Environmental	Identified Issues	Unma	anaged F	Risk	Proposed Management	References	Managed Risk		
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
LANDFORMS To maintain the variety, integrity, ecological functions and environmental values of landforms and soils.	The local landform may be altered to a form that is not compatible with the surrounding geomorphology.	D	2	Low	The site will be excavated by 1 – 3 metres by skimming the top from a low plateau. The final surface will be similar visually and, in form, the pre-excavation form.	8.0 Visual Management	D	2	Low
	The final land surface should be fit for its required end use.	Е	1	Low	The end use will continued to be pasture and productive agricultural land.	Section 11.0 Closure.	E	1	Low
	The development and final landform will not lead to significant visual impacts.	E	1	Low	The site will be excavated by 1 – 3 metres by skimming the top from a low plateau. The final surface will be similar visually and, in form, the pre-excavation form. Viewsheds have been generated and show little or no impact with the pit unlikely to be visible from Gibb Road and not visible from Gale Road.	Figure 4, 5, 7,	E	1	Low
	The final landform and soils may be subject to erosion by wind, water or other processes.	С	2	Mod	The sand excavation operations are designed to minimise erosion and dust. Drainage will be internal with no release of surface water.	See Dust Management Section 6.0 and Closure, Section 11.0	D	2	Low
	Acid soils are not exposed or are managed to ensure that there are no long term adverse effects.	E	1	Low	Not present	Section 9.9	Е	1	Low

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Environmental	Identified Issues	Unma	anaged l	Risk	Proposed Management	References	Managed Risk		
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
HYDRO - GEOLOGICAL PROCESSES To maintain the hydrological regimes of groundwater and surface water so that existing and potential uses, including ecosystem maintenance, are protected.	The ecological functions of watercourses are to be maintained.	Е	1	Low	Drainage will be internal with no release of surface water. There will be no significant change to recharge and the pit is set back 100 metres from the headwaters of a small creekline	Section 9.0 Water Management.	E	1	Low
	Groundwater may be impacted by changes to recharge, over- pumping, alterations to flow paths or lead to significant evaporation and water loss.	D	1	Low	The operations are based on shallow sand. Excavation will retain a minimum of 0.5 ->2.0 metres separation to the water table in compliance with DWER policies for the South West. All water is retained on site in the base of the pit. There will be no significant change to recharge and the pit is set back 100 metres from the headwaters of a small creekline.	Figure 3, 7 Section 9.0 Water Management.	E	1	Low
	Wetlands may be altered by draining or flooding, potentially changing their ecological functions and biodiversity.	Е	1	Low	The only wetlands are regrowth colonisation of Taxandria linearifolia that has spread on the sands to the north where the soil moisture has increased since the land was converted to pasture some decades ago. The excavation is set back 100 metres from the Taxandria colonisation.		E	1	Low
WATER QUALITY To maintain the quality of groundwater and groundwater water	Hydrocarbons, fuels and other chemicals are stored in a manner that they pose no risk to the environment.	С	2	High	Fuel and hydrocarbon management programs are in place. No fuel is to be stored on site. The loader is to be refueled from a mobile tanker that will access the site as needed.	Figure 3 Section 9.0 Water Management.	D	2	Low
surface water, sediment and piota so that the environmental values both	Runoff from operations may carry sediment and any deleterious materials off site.	D	2	Low	All water is retained on site in the base of the pit. Runoff from operations is contained and all water is either retained or treated to removed sediment and any deleterious materials. The excavation is set back 100 metres of pasture from the <i>Taxandria</i> colonisation	Figure 3, 7 Section 9.0 Water Management.	E	2	Low
	Water quality during and after development is not adversely affected or altered.	D	2	Low	See above		D	2	Low

Sand Excavation, Lot 10, Gibb Road, Kaloorup.

Environmental	Identified Issues	Unma	anaged F	Risk	Proposed Management	References	Managed Risk		
Objective C	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
community level.	Dust emissions may travel offsite.	В	3	High	Based on the nature of the sand, equipment used and excavation methods, the extraction of sand has potentially the lowest impact and a generic buffer of 300 metres is appropriate and could be less if significant impacts are confined. There are no residential properties within the application area, and the nearest residential site is located over 500 metres from the excavation.	Figures 1, 3. Section 3.0 Section 6.0	D	2	Low
	Dust emissions may impact on local and on site personnel health or quality of life.	E	1	Low	See above. Thee is a negligible risk to those dwellings as shown by the DWER assessment score. Complies with Department of Health Guidelines and has in place the remnant vegetation to the north.	Section 6.1, Tree Belt Buffers	E	1	Low
	Noise levels will comply with the Environmental Protection (Noise) Regulations 1997.	E	1	Low	Noise levels will comply with Environmental Protection (Noise) Regulations 1997. The site complies with the EPA Generic and research buffer distances. The closest dwelling are over 500 metres from the excavation.		E	1	Low
	Noise levels and operational procedures will be used to protect on site personnel health and safety.	С	3	High	The operations are designed to minimise on site noise and the potential for offsite noise.		D	2	Low
	Emissions gases and other materials potentially adverse to human health will not be used or will be managed.	D	2	Low	There are no gaseous or other potential harmful emissions from the operations.		D	2	Low
	Potential impacts from blasting will comply with the Environmental			NA	There is no blasting.				NA

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Protection (Noise) Regulations 1997 and guidelines for ground vibration.							
Employ procedures and design the operations to minimise the risk of excessive greenhouse emissions.	E	1	Low	The pit is designed to operate as efficiently as possible.	E	1	Low

Environmental	Identified Issues	Unma	anaged F	Risk	Proposed Management	References	Manag	ed Risk	
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
Known heritage sites will be protected.	Known aboriginal heritage sites will be protected.	E	2	Low	No archaeological or ethnographic sites are known from or recorded on Department of Planning, Land and Heritage databases.		E	2	Low
	Sites of European heritage will be protected.			NA	None known				NA
	Heritage sites uncovered during operations will be independently assessed and managed through communication with the community, Government and traditional owners.	D	2	Low	A commitment is made to this.	Section 2.5.3	D	2	Low

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Environmental	Identified Issues	Unma	anaged F	Risk	Proposed Management	References	Manag	ed Risk	
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
SOCIAL and HEALTH To minimise the impact on the local community	Human health is protected from adverse impacts of dust, noise, other emissions and chemicals.	E	1	Low	Sand grains such as this carry no known health impacts.		E	1	Low
	Transport may impact on local, and regional roads or school bus routes.	E	1	Low	Transport will continue to be along an access road through adjoining properties to Gale Road, which is sealed. The access road has been used for past sand operations.		E	1	Low
	The operations have been designed to provide sufficient buffers and visual protection.	E	1	Low	The site complies with the EPA Generic and research buffer distances and Health Department WA Guidelines. The closest dwelling lies at over 500 metres		E	1	Low

12 February 2020

Environmental	Identified Issues	Unma	anaged F	Risk	Proposed Management	References	Managed Risk		
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
CLOSURE AND REHABILITATION To ensure that premises are closed, decommissioned and rehabilitated in an ecologically sustainable manner, consistent with agreed outcomes and land uses, and without unacceptable liability to the State	At the end of excavation the created soils should be deep enough or of sufficient quality to be sustainable to meet the long term end use or ecological values.	В	3	High	A shallow swale 1 – 3 metres deep is to be retained at the end of excavation. Rehabilitation will be directed towards the final end land use of a return to pasture and productive agricultural land on the floor. Topsoil will be transferred directly from an area being cleared and spread across the surface of the areas to be rehabilitated If direct transfer is not possible, any material stored in dumps will be respread.	Figure 3, 4, 7 Section 11.0 Closure	D	2	Low
	All infrastructure, roads, hardstand, non natural materials are to be removed from site progressively when not required and all removed at the end of the project.	С	2	Med	This is committed to.	Figure 3, 4, 7 Section 11.0 Closure	D	2	Low
	No materials are to be left on site that may cause long term detrimental outcomes in terms of impacts to soils, water, heritage, vegetation health or other factors.	С	2	Med	This is committed to.	Figure 3, 4, 7 Section 11.0 Closure	D	2	Low
	All contaminated materials are to be removed from site prior to closure.	С	2	Med	All contaminated materials are to be removed from site prior to closure.	Figure 3, 4, 7 Section 11.0 Closure	D	2	Low

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Environmental	Identified Issues	Unma	naged R	Risk	Proposed Management	References	Manage	ed Risk	
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
RESOURCE REQUIREMENTS Basic Raw Materials are required for continued use by the community and for future developments.	There is significant basic raw material on site that is suitable for community resources.				The site lies in a local area where a number of sand pits have operated over the years. This operation will replace an exhausted sand pit on the adjoining land.	Figure 1			

Environmental	Identified Issues	Unma	naged R	lisk	Proposed Management	References Manag				
Factor - Objective	and Commitments	Likelihood	Consequence	Risk			Likelihood	Consequence	Risk	
COMMUNITY CONSULTATION To provide a community consultation process commensurate	The proposal will be advertised and the nearby people will be able to comment.			NA	The City of Busselton has been consulted with respect to the proposed renewal of the sand excavation and will advertise the proposed sand pit. Margaret River Natural Resources has liaised with all adjoining property owners who do not have any issues with the development.				NA	
with the size nature and time line of the project.	A complaints and improvements procedure will assist management of the site.			NA	An ongoing complaints program is proposed.	3.5 Complaints Procedure			NA	

Explanatory reports and management plans

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Environmental	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
Factor - Objective		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
PLANNING COMPLIANCE To comply with Government Policy, planning zones and procedures.	The project is designed to comply with State and Local Planning requirements.	E	2	Low	The project is designed to comply with State and Local Planning requirements in particular SPP 2.5. The Land zoning is "Agriculture". The zoning lists basic raw materials within the objectives of the zone. State Planning Policy 2.5 (SPP 2.5) requires basic raw materials to be identified, protected, used in a staged manner and not impinged by competing land uses. SPP 2.5 prevails over the Town Planning Scheme, which should reflect the intent of the State Planning Policy. This is a renewal of an existing sand operation. The proposal complies with the City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010.	Section 2.5 Land Zonings and Policies	E	2	Low
	The area of potential impacts is not large enough to significantly impact on essential or desirable land uses.	E	2	Low	The disturbance footprint is not anticipated to increase significantly as rehabilitation will follow excavation.		E	2	Low
	The development will not adversely impact on an area identified as having high agricultural or community values.	Е	1	Low	The land is pasture and will be returned to pasture on the floor. The final agricultural values are not expected to be significantly different.		Е	1	Low

Attachment C Explanatory reports and management plans

Environmental	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Manag	Managed Risk		
Factor - Objective		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk	
To ensure that the project provides high levels of safety to on site	Ensure that the project provides high levels of safety to on site personnel.	С	3	High	The operations are designed to comply and operate to the <i>Mines Safety and Inspection Act 1994</i> . The operations are registered under the Department of Mines Industry Regulation and Safety, SRS system. A Fire Management Plan will be provided in combination with normal farm fire management.		D	2	Low	
safety to on site personnel and the community	Ensure that potential impacts are retained on site and do not cause significant risk of safety to the local and wider community.	D	2	Low	The only transport route is Gale Road, which is sealed and is used for other sand mining operations. The traffic from this site will constitute an average of 6 laden trucks per day which will replace the sand extraction on the adjoining Lot 1 so there should be little or no change to local traffic. There are no proposed changes to the intensity and scale of the operations or the transport routes. The site is fenced and installed with locked gates.		D	2	Low	
	Have in place a transport policy to ensure that transport along public roads is conducted in a safe manner.	E	1	Low	Transport policies such as covering loads are proposed as is truck safety.	A	E	1	Low	

Environmental	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Manag	Managed Risk		
Factor - Objective		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk	
GEOTECHNICS To ensure that all ground and geological materials is safe commensurate with the operations	The operational and final land surfaces will be made safe and not subject to subsidence, slippage or other adverse conditions.	С	2	Med	The end use is a very shallow gentle swale and a return to pasture and productive land.		D	2	Low	
and final land surface.	The quarry and operations will comply with the Mines Safety and Inspection Act 1994.	С	4	High	Margaret River Natural Resources Pty Ltd is committed with complying with the relevant Acts and Regulations. The site is registered on the DMIRS SRS System and has a Project Management Plan in place.		D	2	Low	
	The operational and final surfaces and features are designed to be not affected by extreme climate events.	E	1	Low	The end use is a very gentle swale and a return to pasture and productive land. There will be no alteration to drainage or other local landforms.		Е	1	Low	

Sand Excavation, Lot 10, Gibb Road, Kaloorup.

RISK MATRIX

Attachment C

				Effect / Consequence							
			1	2	3	4	5				
Ту	pe		Insignificant	Minor	Moderate	Major	Severe				
En	vironmental Imp		No discernible, adverse impact, individuals of species may be affected locally.	Discernible effect on the environment but no adverse impact, minor number of individuals of species may be affected locally	Minor adverse effect to the environment (including public amenity), moderate loss of individuals of species locally.	Moderate damage to ecosystem function, major loss of individuals of species locally, loss of public amenity.	Significant long-term damage/loss to ecosystem function, extinction of a species locally				
	A Almost Certain	Likely that the unwanted event could occur often (once per week) during the life of an individual item or system	Medium 11	High 16	High 20	Very High 23	Very High 25				
	B Likely	Likely that the unwanted event could occur several times per year during the life of an individual item or system.	Medium 7	Medium 12	High 17	High 21	Very High 24				
Likelihood	C Possible	Likely that the unwanted event could occur sometime (once per year) during the life of an individual item or system.	Low 4	Medium 8	High 13	High 18	High 22				
	D Unlikely	Unlikely, but possible for the unwanted event to occur once in the life of an individual item or system.	Low 2	Low 5	Medium 9	High 14	High 19				
	E Rare	Highly unlikely that the unwanted event could ever occur in the life of an individual item or system.	Low 1	Low 3	Medium 6	Medium 10	High 15				

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Excavation – Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

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1.0 INTRODUCTION

1.1 Background and Proposal

The City of Busselton and the Shire of Augusta Margaret River and nearby areas are undergoing significant development, which requires fill sand for foundations and to lift the elevation of low lying land for construction.

A sand resource has been identified on Lot 101 that is suitable for fill sand with some deeper coarse sand that is capable of use for filtration and specialty uses.

This documentation provides the background for an application for Planning Approval and Extractive Industries Licence to extract the resource.

The proposal is to extract sand from approximately 20.94 hectares on Lot 101 and transport it along Gibb Road north and then west to Bussell Highway.

1.2 Proponent

Margaret River Natural Resources Pty Ltd is a well regarded local sand resource supplier that has operated in the Busselton local government area for ten years, supplying sand to the local markets and providing coarse sands for sorting into various water filtration and other purposes.

Contact can be made through;

MARGARET RIVER NATURAL RESOURCES PTY LTD, as trustee for Margaret River Natural Resources Trust.

28 Cutler Road Jandakot, WA 6164

Quarry Manager – Roger Cook 08 93417 1111 0419 198 049

1.3 Location and Ownership

Lot 101 lies approximately 8 kilometres north from Cowaramup Townsite, 3 km east from Bussell Highway.

1.4 Project Objectives

The proposal is to continue to provide a source of local sand to assist in minimising the cost of construction in the local and wider area.

Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

Importance and Rationale

Nature of the resource

The sand is a sub rounded to rounded quartz sand generally medium grained; with a significant portion of the grains being larger than 1.5 mm. It is dark grey brown in the surface with a small amount of humus, then grading to brown sand at depth with some associated gravel.

The whole resource area has been investigated using an excavator digging test holes on a grid pattern. The sand varies from yellow to white and from 1-3 metres deep with an average of 1.5 metres.

The sand occurs as a discontinuous sheet of coarse sand overlain by finer fill sand derived from the ocean when the sea lapped the Whicher Scarp.

The sand appears to be of aeolian origin, and extends to 3.0 metres depth but averages 1.5 metres. The sand is similar to the sand that has been extracted from nearby pits.

Sand in the local area, that is free from excessive clay, is restricted in areas which are cleared. Therefore this site is important because it is cleared pasture and will be returned to pasture.

The DMIRS has recognised the risks from sterilisation of resources of sand in the southern areas and is currently undertaking an assessment of future community needs.

See;

- Western Australia, Western Australian Planning Commission, State Planning Policy 2.4, Basic Raw Materials.
- Western Australia, Western Australian Planning Commission, State Planning Policy 2.5, Agriculture and Rural Land Use.
- Department of Planning and the WAPC released the draft Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region.
- Department of Planning 2016, Basic Raw Materials Fact Sheet.
- Abeysinghe P B, 2003, Silica Sand Resources of Western Australia, Geological Survey of Western Australia, Mineral Resources Bulletin 21.
- Department of Planning 2009, Basic Raw Materials Applicants Manual.

The aims of the proposal are to;

Provide a supply of white and yellow silica and fill sand.

- Provide a supply of sand for the construction industry to be used in the local Region together with a small amount of coarser sand that is suitable for filtration purposes.
- Maximise the use of basic raw materials in the local area, to enable greenhouse gases, transport, and other environmental issues associated with alternative resources, to be minimised.
- Help to keep the prices of local basic raw materials at the lowest possible levels, by maintaining small transport distances. This benefits the whole community.
- Comply with State Planning Policy No 2.5, Agricultural and Rural Land Use Planning 2016, which states that basic raw materials should be taken prior to sterilisation of the area by development.
- Return the excavated area to pasture.

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Current Land use 2.1

Lot 101 is a grazing property, that lies in a local area of existing quarries that have extracted sand and gravel. Much of these resources are now used and alternative resources are now required.

The extraction area is cleared apart from scattered regrowth trees of Peppermint Agonis flexuosa on the sand resource. There are around 20 regrowth Peppermint on the resource

There are no dwellings within 500 metres. Arrangements have been made with the landholders to the south where sand has been extracted.

The same transport route as the sand from the property to the south are to be used, (See the attached permission from the respective landholders.

2.2 Proposed Land use

Sand extraction with an end use to parkland pasture.

2.3 End Use

After sand excavation the land will be returned to productive agricultural land.

The contoured surface will therefore be restored slopes and form that match the adjoining land form and land uses.

2.4 Land Zonings and Policies

2.4.1 State Government Policies and Planning Schemes

State Planning Policy 1.0, State Planning Framework Policy

The State Planning Policy Framework provides for the implementation of a planning framework through the recognition and implementation of Regional Planning Policies above Local Planning Schemes and Policies.

Within each layer of planning, there are a number of key policies and strategies to provide guidance to planning and development to enable sustainable communities to develop, expand and prosper without compromising the environment and future generations.

Planning is governed under the Planning and Development Act 2005. This Act enables Government to introduce State and Regional Planning Schemes, Policies and Strategies to provide direction for future planning. The State and Regional Schemes sit above Town Planning Schemes and Strategies introduced by Local Government.

Strategies and Policies provide guidance on how planning is to be undertaken and how proposed developments are to be considered. These Strategies and Policies are at the State, Regional and Local levels.

Schemes are gazetted documents that provide for consideration and approval of proposed developments. These are normally at the Regional and Local Level.

Attachment C

In addition to the documents produced under the Planning and Development Act 2005, the Local Government Act 1995 provides Local Governments with a mechanism to prepare Local Laws to manage issues of local significance.

With respect to the supply of sand and gravel the, the overarching document is the;

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State Planning Policy 1.0 State Planning Framework.

A number of State Policies have been released under the State Planning Framework Policy.

State Planning Policy 2.0, Environment and Natural Resources Policy State Planning Policy 2.4, Basic Raw Materials State Planning Policy No 2.5, Agricultural and Rural Land Use Planning State Planning Policy No 4.1, State Industrial Buffer Policy

These are considered in turn.

A number of other key State Government Policies are also relevant to the local regional planning such as the State Planning Strategy 2050 released in 2014.

• State Planning Strategy, 2050 (2014)

State Planning Strategy 2050 comprises a range of strategies, actions, policies and plans to guide the planning and development of regional and local areas in Western Australia and assists in achieving a coordinated response to the planning challenges and issues of the future by State and Local Governments.

The approach in the strategy considers Basic Raw Materials as listed below.

ELEMENT	2050 OUTCOMES	MEASUREMENT	ASPIRATIONS
Basic raw material (BRM) supply	Accessible and affordable supplies of BRM are available close to	The cost of supplying basic raw materials to the building and construction on industry	Appropriate polices are in place to manage existing and future BRM supplies over the long term.
	demand		BRM are optimally used for their highest purpose.
			 The securing of BRM sites is managed through robust strategic sequential land use planning and development control prior to final land use
			Demand for BRM is partly managed through compact settlement structures that contain high-density built form.

The environmental management of the quarry has been developed to minimise short and long term impacts on the local community and environment.

The operations have been designed to continue to provide good environmental management that minimises environmental change and enables continued rural land uses.

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• State Planning Policy 2.0, Environment and Natural Resources Policy

This policy provides for the protection of all natural resources under a number of sections;

- 5.1 General Measures
- 5.2 Water Quality including stormwater and wetlands
- 5.3 Air Quality

Attachment C

- 5.4 Soil and Land Quality
- 5.5 Biodiversity
- 5.6 Agricultural Land and Rangelands
- 5.7 Minerals Petroleum and Basic Raw Materials
- 5.8 Marine Resources and Aquaculture
- 5.9 Landscape
- 5.10 Greenhouse Gas Emissions and Energy Efficiency.

In addition to recognising the importance of protecting air quality, soil and land quality, water and wetlands and landscapes, the importance of Basic Raw Materials to the community is identified with reference to SPP 2.4 Basic Raw Materials, State Gravel Strategy 1998 and State Lime Strategy 2001. See Section 2.1 of this management plan.

Section 5.7 of SPP 2.0, deals with Minerals, Petroleum and Basic Raw Materials.

Part of Section 5.7 states:

Basic raw materials include sand, clay, hard rock, limestone and gravel together with other construction and road building requirements. A ready supply of basic raw materials close to development areas is required in order to keep down the cost of land development and the price of housing.

Planning strategies, schemes and decision making should:

Identify and protect important basic raw materials and provide for their extraction and use in accordance with State Planning Policy No 10 (2.4); Basic Raw Materials.

Support sequencing of uses where appropriate to maximise options and resultant benefits to community and the environment.

The other factors of the natural environment are provided with the best protection possible, by this management plan, by selection of the site, operational staging and footprint and rehabilitation, bearing in mind the constraints of excavating and processing the resource.

• State Planning Policy No 2.5, Agricultural and Rural Land Use Planning, 2016

SPP 2.5 Agricultural and Rural land Use Planning predominantly deals with the continued rural use of suitable land and its protection for the future. The policy was updated in December 2016 and provides strong measures to identify, protect and use basic raw materials.

SPP 2.5 does reiterate the need to protect and use basic raw materials.

Basic Raw Materials are included in the definitions as

Sand (including silica sand), clay, hard rock, limestone (including metalurgical limestone), agricultural lime, gravel, gypsum, and other construction materials. The materials may be of State, regional or local significance depending on the resource location, size, relative scarcity, value and demand for the product.

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Amongst seeking to protect agricultural values, Policy Objective 4 (c) states

Outside the Perth and Peel Planning regions, secure significant basic raw material resources and provide for their extraction.

Section 5.9 deals with Basic Raw Materials and seeks to achieve the following in an environmentally acceptable manner;

Protect the resources until the resource is extracted (5.9.a)

Identify significant basic raw materials on sub-regional and local planning strategies, region and local planning schemes (5.9.b, 5.9.c, 5.9.d)

The extraction of basic raw materials should not be generally prohibited (5.9.e)

Provide for sequential land use (5.9.f)

Limit sensitive land uses to locations demonstrated to not limit existing or potential extraction of basic raw materials (5.9.g)

Provide for the consideration of native vegetation or significant biodiversity values and may require retention and protection of vegetation and environmental assets (5.9.h)

Have regard for the potential impacts of fragmentation and connectivity of native vegetation (5.9.i)

Maintain adequate buffers to protect water quality in public drinking water source areas (5.9i)

SPP 2.5 also supports preventing conflicting land uses (5.12.1), supports the generic buffers recommended by other Government documents such as the EPA Guidelines for separation distances (5.12.3), and seeks to restrict subdivision from impinging on basic raw material resources.

Policy SPP 2.5 is also supported by Guidelines that seek to protect the Landscape and secure Transport Routes.

. State Planning Policy No 4.1, State Industrial Buffer Policy

SPP 4.1 discusses the need to consider adjoining land uses when locating buffers but does not prescribe set buffers for operations such as this. The development and processing of the resource has been designed to maintain maximum buffer distances. In situations where the buffers are less, actions such as the provision of perimeter bunding to provide visual and noise management, tree planting and operational procedures are used to mitigate and reduce impacts.

This is discussed further in Section 2.11 Surrounding Landuses and Buffers of this document.

Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region draft 2012

In August 2012, the Department of Planning and the WAPC released the draft Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region.

The document is used to determine the future requirements for the various basic raw materials in the local urban developments and the Bunbury – Busselton Region. It predicts that by 2021 an additional 8706 dwellings will be required in the region.

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A total of 43 753 000 cubic metres sand is predicted to be required until 2030 alone so fill sand such as this is a much needed commodity.

2.4.2 Local Government Policies and Planning Schemes

The City of Busselton has one Local Planning Scheme; TPS 21.

The City of Busselton also has a land use strategy to provide a context for local planning within the regional planning strategies;

City of Busselton Local Planning Policy 5, Rural Land Use and Development Policy 2010.

In addition the City of Busselton has an extractive industry bylaw;

Lot 101 lies within Policy Area 3 for Extractive Industries.

All the listed planning instruments provide guidance on local planning, but, in addition, approval is required under the;

• City of Busselton Local Planning Scheme 21.

The relevant policies have all been considered with respect to this application. The Quarry complies with, or is compatible with, all policies, strategies and schemes.

A summary of each of the relevant policies, strategies and schemes is provided below, with a comment on how the excavation of sand relates to each.

City of Busselton Local Planning Scheme Number 21

The City of Busselton Scheme 21 lists the site as occurring in the Agriculture Zone.

The Agriculture Zone aims to preserve agricultural land uses and not compromise the landscape and natural environment.

Extractive Industries are an "A" use within that zone. Approval under Local Planning Scheme 21 is normally granted with a number of conditions.

Lot 101 is listed as lying within the "Agriculture Zone".

City of Busselton, Planning Policy 5 "Rural Land Use and Development" Policy, 2010

The City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010 compliments the Local Planning Scheme and has policies with respect to the extraction of sand.

Policy 5A Extractive Industry Provisions seeks the protection and staged use of basic raw materials whilst minimizing environmental and social impacts. The Policy outlines a comprehensive set of assessments and management with respect to extractive industries, including, but not limited to;

Visual Assessment,

Landform Research

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- > Route Assessment and Transportation,
- > Community Referral by the City,
- > Environmental Considerations,
- Buffers and setbacks,
- > Dust and Noise,
- Land Clearing,
- > Water Tables and Acid Sulfate conditions,
- > Site Restoration and Rehabilitation.

Extractive Industries Licence

An Extractive Industries Licence is issued under City of Busselton Local Law

Current Land Zonings

Lot 101 is zoned "Agriculture".

Lot 101 lies in Policy Area 3 – "Extractive Industry Constrained" in City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010

2.4.3 End Use – Sequential Planning

The extraction of sand is seen as an interim use prior to a return of the area to pasture.

No sequential land planning can be made because the future use is not known. Therefore the most appropriate end use is to restore the existing cleared and parkland pasture land with native vegetation around the perimeter and in strategic locations.

This would enable semi-rural land uses and rural uses on the landform. Any use other than rural will require rezoning of the land. Even so the proposed revegetation would be suitable for rural living if rezoning was to occur at some point in the future.

2.4.4 Legislative Framework - Stakeholders

There have been no significant changes to the scale and nature of the local land uses over the past few years. Sand excavation has been approved to the south and the adjoining lot to the east.

Table 1 Legislative Framework

Legislation	Environmental Factor	Discussion	Action
	regulated/affected		
Aboriginal Heritage Act 1972	Aboriginal heritage sites	Recorded Heritage Sites A database search of DPLH has been conducted and no site recorded	A commitment is made to halt activities that may impact on a site if any is found during excavation, pending assessment by consultants.
Planning and Development Act 2005. City of Busselton LPS 21.	Development approvals for on site constructions and any ensuing environmental impacts.	Planning Consent is required from the City of Busselton under City of Busselton LPS 21.	A concurrent application for development approval is lodged.
City of Busselton, Planning Policy 5 "Rural Land Use and Development" Policy, 2010	The application and management of quarries is covered by the Policy.	This assessment and Management Plan has considered the issues outlined in the Policy and has addressed them and other factors as necessary.	The Excavation and rehabilitation Plan uses "Best Practise" to mitigate potential environment and social impacts.
City of Busselton Extractive Industries Local Law 2010	The operations of the quarry are regulated by both the Planning Approval and Extractive Industries Licence	An Extractive Industries Licence is required.	An application for an Extractive Industry Licence is concurrently lodged.
Health Act 1911	Environmental and health impacts from waste water treatment and community health.	No matters of significance that would trigger this legislation have been identified.	The proposal complies with the Health Department Guideline for Dust separation. (See Dust Management) No waste materials will be disposed of on site.
Department of Planning, Land and Heritage Transport Impact Guidelines 2016	New developments may need to consider transport options.	This is a small sand pit located in an area where sand and gravel extraction has occurred for many years. This operation will be similar to the closed sand pits in terms of access and scale of activities or transport.	Discussions will be held with the City of Busselton to determine what arrangements need to be implemented with respect to road maintenance
Western Australian Planning Commission Planning Bulletin 111/2016	New developments may need to consider fire risk and mitigation such as a bushfire policy and BAL attack document.	This is a sand pit with no structures that present a fire risk. The pit acts as a fire management zone as it is devoid of vegetation.	No assessment is required because there are no significant fire risk and WAPC 2016 Planning Bulletin 111/2016 does not require a BAL Attack assessment.
Environmental Protection Act 1986 Part IV - Assessment	Referred to the EPA if the project is or may constitute a significant environmental impact.	This is a small sand pit in an area where small quarries are common.	No referral to the EPA will be required as there is no chance of this being a "Significant Environmental Impact".
Environmental Protection Act 1986 Part V – DWER Licence	Environmental factors that may be significantly impacted related to Prescribed Premises- Processing and Screening	If screening is to prepare in excess of 5 000 tonnes per year the operation will require a Department of Water Environment Regulation Licence.	A DWER Licence will be applied for prior to screening which triggers the "Prescribed Premises"; 5 000 tonnes per annum. It is unlikely that the washing of sand will exceed 5 000 tonnes per year and if there is no screening Part (V) of the Environmental Protection Act may not be triggered.
Environmental Protection (Noise) Regulations 1997	Noise impacts.	The excavation is located over 500 metres from any sensitive premises with other existing and old extraction close by. The proposed excavation therefore	Noted. See Noise Management.

		complies with the EPA generic buffer guidelines.	
Environmental Protection (Clearing of Native Vegetation) Regulations 2004	Clearing and disturbance of native vegetation.	Clearing Permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 is required under the Regulations.	A Clearing Permit is unlikely to be required for scattered trees with some trees likely to be able to be retained.
Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)	Matters listed on the EPBC database.	The matters listed under the EPBC Act 1999 which might apply to this site such as Black Cockatoo habitat and Western Ring Tail Possum Habitat.	The proposal does not require the clearing of Black Cockatoo habit. See below.
Wildlife Conservation Act 1950	Provides for the protection of flora and fauna.	The clearing of vegetation is covered under the Environmental Protection (Clearing of Native Vegetation) Regulation. There is potential for Western Ringtail Possums to live locally. These are listed as "Vulnerable".	The proposal does not require the clearing of Black Cockatoo habit with the only vegetation to be impacted being isolated regrowth Peppermint. The potential for impact on Possums is considered low for the following reasons. • The clearing of Peppermint trees is minimised with the scattered trees to be retained. • The existing Peppermint Trees are isolated and do not afford suitable habitat for Possums. • Additional Peppermint Trees will be planted in clumps with wildlife linkages.
Conservation and Land Management Act 1984	and issues relating to	There are no known issues or nearby reserves that will trigger this legislation.	Noted.
Biodiversity Conservation Act 2016	The legislation seeks to protect and manage biodiversity in all its forms through regulation, conservation and restoration.	There are no known issues that trigger this legislation.	Noted.
Heritage of Western Australia Act 1990	Heritage	No heritage matters are identified locally or on quarry footprint. DPLH databases were searched.	Noted.
Waterways Conservation Act 1976	surface water	There are no watercourses on the extraction site although a creekline commences to the north of the proposed pit.	A Water Management Plan has been prepared and is included. The Water Management Plan has been approved by the DWER.
Rights in Water and Irrigation Act 1914	management of surface water	See above	See above.
Country Areas Water Supply (CAWS) Act 1947	Water supplies	The site does not lie within a surface or groundwater control area.	Noted
State Agreement Acts	Specific acts that relate to certain large projects that may impact on some locations.	Not applicable	
Contaminated Sites Act 2003	Contaminated materials that may arise from excavation or be used in	The only factor that is likely to fall under this category is the storage and use of maintenance items and on site maintenance.	No materials are present or to be used which would trigger this legislation apart from normal fuel and maintenance.

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	excavation and processing.		A Water Management Plan has been prepared that includes commitments to remove any contaminated soils or other material regularly and at the end of excavation as part of the closure actions.
Dangerous Goods Safety Act 2004	Potential for dangerous good to impact on the environment.	Refers to fuel, which is required and blasting under the <i>Dangerous Goods Safety (Explosives) Regulations 2007.</i>	Margaret River Natural Resources will comply with the requirements for fuel through management plans that will be implemented. Fuel and Servicing Management Plans are included in the attached Water Management Plan.
Mines Safety and Inspection Act 1994	Safety and management of operations which in turn may impact on the environment.		Mine Safety The site will be registered under the SRS and a Project Management Plan, Risk Assessment and Emergency plans approved. The Project Management Plan addresses all aspects of mining. The SRS System addresses ongoing Health and Safety.
Project Management Plan – SRS System	Safety and management of mining operations which in turn may impact on the environment.	Compliance with the Project Management Plan when it is submitted and approved.	Mine Safety The site is registered under the SRS and a Project Management Plan, Risk Assessment and Emergency plans approved. See Above

Table 2 Stakeholder Register

Stakeholder	Date - Timing	Potential Considerations	Proponent Response - Outcome
Internal Stakeho	lders		
Internal Management	Ongoing Day to day management of the operations, Future directions and ownership.		The methods of operation are not proposed to be e significantly different from other sand quarries in the local area or from other sand extraction operations conducted to the northwest in the City of Busselton.
External Stakeh	olders		
EPA	 This is a small quarries are c 	Il sand pit in an area where small common	No referral is necessary.
Department of Biodiversity Conservation and Land Management	Manages nati	ve flora and fauna	Minimal clearing is required and will be considered under a Clearing Permit Application as required.
Department of Environment and Energy Commonwealth Commonwealth environment and Energy Commonwealth Environment env		gtail Possum. There will be no becies preferred for feeding or tats for Black Cockatoos. Ringtail Possum is listed as	The potential for impact on Possums is considered low for the following reasons. The clearing of Peppermint trees is minimised. The existing Peppermint Trees are isolated and do not afford suitable habitat for Possums. Additional Peppermint Trees will be planted in clumps with wildlife linkages.
City of Busselton • Provides Planning approval under Local Planning Scheme 21. • Issues Extractive Industries Licence for the quarry under the Local Law. • Regulates land zonings and planning in conjunction with the Western Australian Planning Commission		eme 21. tive Industries Licence for the the Local Law. und zonings and planning in with the Western Australian	Margaret River Natural Resources Pty Ltd will work with the City of Busselton on complying with the conditions and minimising local impacts. There have been discussions with the City of Busselton with respect to the new entrance from Gibbs Road, to service the farming operations on Lot 101. This was required because the land was agisted

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	Controls the measures used to prevent bush fires. Regulates truck use on local roads.	to the holder of Lot 102 who accessed Lot 101 directly through a gate.
Nearby Residents	The quarry has setbacks and buffers exceeding 500 metres and complies with the EPA Generic Buffer Guidelines. The scale and type of operations are similar to those operating in the local area.	Margaret River Natural Resources Pty Ltd has discussed the proposal with all adjoining lot owners who appear comfortable with the proposed operations. Discussions have been held with the landholder of Lot 4198 who did not express concerns with the proposal. Discussions were held with respect to extracting the adjoining resource from Lot 4198 but no agreement has been entered into. Discussions have been held with the owner of Lot 102 who agists stock on Lot 101 for both the previous land holder and the current landholder. Discussions have been held with the owners/operators of Lot 4002 who operate an existing sand quarry on Lots 4201 and 4202. The other adjoining Lot, Lot 25 is well protected by vegetation and is set well back (over 500 metres from the proposed sand pit and transport route to the property boundary and over a kilometres from the dwelling. The sensitive land uses are well protected by vegetation. There has been some local comment raised with respect to transport along Gibb Road after a new entrance was created to Gibb Road. No transport of trucks or large equipment associated with extraction will be moved along Gibb Road. The entrance to Gibb Road will continue to be used for some light vehicles and for continuing farm activities.
Department of Lands Planning and Heritage (DAA) and traditional land holders	Maintains heritage databases	Department of Planning Lands and Heritage database has been searched and no sites have been found.
DWER	May provide advice on aspects of environmental impact and management. Issues clearing permits under the Environmental Protection Act 1986. (Not required)	If clearing of the scattered regrowth trees is proposed for which a Clearing Permit is required, a Clearing Permit will be applied for.
	Published guidelines for water quality management for extractive industries. Licenses bores and oversees water use. Has control over the management of ground and surface water in the area, including water catchments.	Complies with DWER Guidelines for water management and separation to the groundwater of > 2 metres, generally and with the 0.5 metres separation provided by the South West Guideline for extractive industries. The Water Management Plan has been approved by DWER The site lies within Geographe Bay Rivers Surface Water Protection Area.
	A DWER Licence is required under Part IV of the Environmental Protection Act 1986 for crushing or screening if the annual volumes exceed 5000 - 50 000 tonnes. (Category 70 Prescribed Premises).	A DWER Licence will be applied for, if screening exceeds 5 000 tonnes per year. It is unlikely that the washing of sand will exceed 5 000 tonnes per year and if there is no screening Part (V) of the Environmental Protection Act may not be triggered.
WAPC	Prepares State Planning Policies. SPP 2.5 now covers this area,	Noted
DMIRS Safety Division	 Conditions on the safety of the operations. Controls the safety and methods of excavation through the <i>Mines Safety and Inspection Act</i> 1994. Responsible for regulation of mines under the 	Noted and in place.

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Mining Act 1978.

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3.0 BUFFERS AND SOCIAL IMPACTS

There are no proposed changes to the scale and nature of the excavations. The access points and intensity of excavation will not change.

3.1 Consideration of nearby sensitive premises

The quarry is designed to maximise the setbacks to the closest sensitive premises.

As part of the development of the management plans for the proposed quarry extensive analysis of the local landform, land uses and location of sensitive premises were made by Landform Research from the available sources of published information, aerial photography, historical aerial photography, site mapping, review of the nearby and surrounding land uses, local and regional planning and local and wider environmental attributes

The main environmental issues identified in relation to buffers and setbacks to sensitive premises, in addition to those generally recognised by the various Government and Published guidance's are;

- Visual amenity
- Dust management
- Noise management
- Blasting
- Local amenity
- Cumulative impacts of quarries

3.2 Policies

Generic and State Buffers

A number of Government Policies relate to buffer distances and the protection of basic raw materials. State Planning Policy No 4.1, State Industrial Buffer Policy, (draft July 2004) discusses the need to consider adjoining land uses when locating buffers but does not prescribe set buffers for operations such as this.

SPP 4.1 discusses the need to provide buffers both on site and offsite with respect to industry including extractive industries. It does not however specify any distance for the buffer, but notes that site specific studies should be prepared that will demonstrate that the extractive industry can operate in a manner compatible with nearby sensitive premises.

The State Industrial Policy 4.1 does not specify a set buffer distance, but notes that buffers are to be based on "scientific study" and are flexible. It further specifies the buffers by reference to other documentation such as the Environmental Protection Policies, EPA and DWER standards and DPLH Generic Industrial Buffer Guidelines; that is the EPA 300 - 500 metre generic buffer used in SPP 2.4 and SPP 2.5 that are used in the absence of supporting or scientific studies and information.

EPA guidance "Separation Distances between Industrial and Sensitive Land Uses", June 2005 lists the generic buffers for sand quarries as 300 – 500 metres depending on the extent of processing.

The Draft DWER Buffer Guidelines (DER 2015) have been withdrawn. The generic buffer for screening up to 50 000 tonnes was 500 metres.

The buffer documents now defer to the EPA 2005 Guidance Statement.

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The buffer referred to can be both on site and offsite although in this case only on site buffers are required.

A generic buffer relates to the distance at which there are unlikely to be any problems without some further investigations and does not mean that smaller buffers are not acceptable.

SPP 2.5 supports preventing conflicting land uses (5.12.1), supports the generic buffers recommended by other Government documents such as the EPA Guidelines for separation distances (5.12.3), and seeks to restrict subdivision from impinging on basic raw material resources.

The issue of appropriate buffers is a matter of the distance and protection measures to prevent impact on adjoining land users. This applies mainly to noise, dust and visual impact, all of which are treated separately.

The walls of the pit, perimeter bunding and nature of the ridge landform will be used to reduce noise transmission.

Excavation will be worked from inside out on the floor of the pit working below natural ground level.

Based on the nature of the sand, equipment used and excavation methods, the extraction of sand has potentially the lowest impact and a generic buffer of 300 metres is appropriate and could be less if significant impacts are confined.

There are no residential properties near the application area, with over 500 metres separation to all sensitive premises.

The sand pit therefore complies with the EPA Generic Buffer Guidelines.

City of Busselton Rural Areas and Land Use Development Policy - 2010

Section 5A of the Policy; Extractive Industry Provisions Section 6.2 provides for some setbacks.

Section 6.2.1 limits extractive industries to 500 metres from a tourist facility where the owners object., Section 6.2.2 Limits the setback to 500 metres from a dwelling where the owner objects with Section 6.2.3 limiting the separation to generally no closer than 300 metres depending on the size and scale of the operation.

City of Busselton Policy 5A – Rural Areas land Use and Development Policy provides guidelines for the buffers to sensitive premises.

Lot 101 lies within Policy 3 Extractive Industry Constrained. Section 6.2.3 of the Policy provides for sand to generally not be extracted within 300 metres of a sensitive premises, dependant on the "nature and scale of the operation and the content of a Dust and Noise Management Plan".

The proposed quarry complies with the City of Busselton Rural Areas and Land Use Development Policy – 2010, with sensitive premises having setbacks of over 500 metres.

A perimeter buffer of 20 metres with earth bunding is proposed for adjoining lots in compliance with Section 6.4 City of Busselton Policy 5A – Rural Areas land Use and Development Policy. That buffer will then be battered down to match the excavated area.

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3.3 Community Consultation

The Proposal will be advertised to the local property owners as part of the consideration by the City of Busselton.

Margaret River Natural Resources Pty Ltd have consulted extensively with all adjoining properties and have held discussions with the City of Busselton.

As Lot 101 was farmed by the owner of Lot 102 access from Lot 102 was provided through the fence between the two properties. However with the sale of Lot 101, an upgraded access had to be provided to service the farming operations on Lot 101.

This crossover upgrade resulted in some local people on Gibb Road expressing concern with the potential use of Gibb Road south. Gibb Road south is a partially winding narrow road. However Gibb Road north is a better grade of road and is suitable for the transport of sand.

Therefore Margaret River Natural Resources Pty Ltd held discussions with all adjoining property holders and the City and have determined that the best access route is Gibb Road north. See the attached Transport Plan.

A summary of the discussions with the local people is provided in Table 2, Stakeholder Register.

3.4 Heritage

A search of the Department of Aboriginal Affairs database does not reveal aboriginal sites on Lot 101.

The site has been an operating farm for many years, with ongoing soil disturbances through that time.

Should any archaeological site be uncovered, work will cease in that area pending an assessment of the site by an independent consultant, traditional owners and the Department of Planning Lands and Heritage as required.

3.5 Complaints Mechanism

The following complaints mechanism is proposed.

- > The contact details will be displayed at the entrance to the operations.
- > A complaints book will be provided and maintained.
- Upon receipt of a complaint it will be investigated and action taken if the complaint is determined to be legitimate.
- When a complaint is found to be legitimate, any reasonable actions to mitigate the cause of the complaint will be taken, to prevent a recurrence of the situation in the future.
- Details of any complaints, the date and time, means by which the complaint was made, the nature of the complaint, the complainant, investigations and any resulting actions and the reasons, will be recorded in the Complaints Book.

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- The City of Busselton will be informed of any complaint or any other report provided to a Government Department within 3 working days.
- The complaints book will be made available for viewing or requested details made available to the Shire or any other official upon request.



Figure 4 Photograph of the sand resource. The Peppermint Trees are to be retained



Figure 5 Sand resource

Landform Research

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4.0 PHYSICAL ATTRIBUTES

4.1 Geology and Geomorphology

The sand lies between the Leeuwin Complex and the Yilgarn Craton in a down faulted basin filled with Permian overlain by Cretaceous sediments.

The land system is the Yelverton System (DPIRD Mapping) that now lies above the Whicher Scarp and was formed as a north facing bay at a time of higher sea level.

The general formation of the sand systems are thought to be a marine with dunes, for the surface finer sands, with the basal sands being considered to have potentially originated from the Permian glacial times.

The geology is discussed in Wilde S A and D R Nelson, 2001, *Geology of the Western Yilgarn Craton and Leeuwin Complex, Western Australia – Field Guide,* Geological Survey of Western Australia and Marnham J R, G J Hall and R L Langford, 2000, *Regolith-Landform Resources of the Cowaramup-Mentelle 1:50 000 Sheet*, Geological Survey of Western Australia.

The sand resource lies on the plateau erosion surface that sits across the site at an elevation. The sand resource is located on a plateau sand and gravel ridge that rises from around 68 metres AHD to 74 metres AHD.

4.2 Regolith and Soils

The soils and excavation of Sands are well known from the other sand pits that have operated and currently operate across the local area. A small amount of gravel and gravelly soil occurs in the west of the resource.

The resource typically has a grey sand overburden up to 100 mm thick over leached white silica sand grading to yellow sand. Yellow sand occurs more in the west closer to the laterite duricrust, with the leached white sand more common in the areas of lower elevation or areas that have been subject to leaching in the geological past.

The finer sand overlies discontinuous thin layers of coarser sand.

Under the sand is the sandy loam subsoils that are developed on the Cretaceous sediments.

The soils are well described in Marnham J R, G J Hall and R L Langford, 2000, Regolith-Landform Resources of the Cowaramup-Mentelle 1: 50 000 Sheet, Geological Survey of Western Australia.

4.3 Climate

The climate of the area is classified as Mediterranean with warm to hot summers and cool wet winters.

Temperatures are recorded at Witchcliffe, where the maximum temperatures in the hottest and coldest months, December to January and July, are 24 to 27 degrees C and 16 - 17 degrees C respectively. In winter the average minima drop to 8 degrees C in July.

Average annual rainfall for the area is 958 mm. Most of the rain falls during the winter months April to October inclusive. Evaporation exceeds rainfall in all but the wetter months.

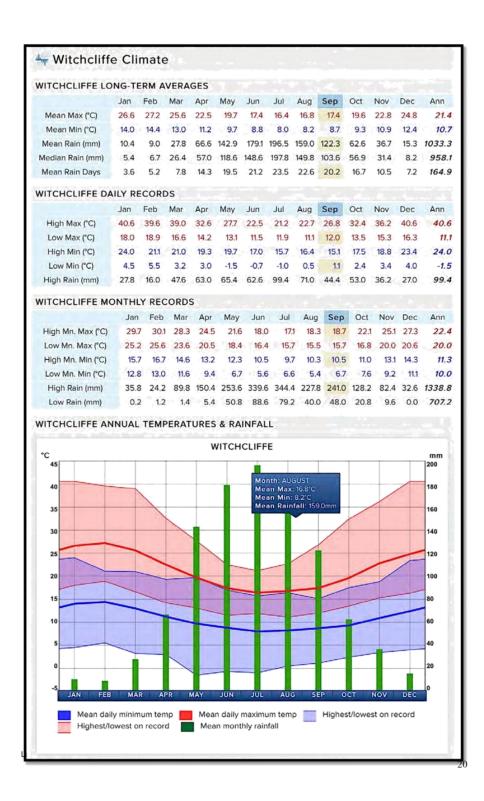
Wind direction is predominantly from the east in the morning and from the north west to south west in the afternoon during the summer months, with winter winds being lighter but having a component of strong winds in winter storms.

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Figure 4 Photograph of the sand resource. The Peppermint Trees are to be retained

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4.4 Hydrogeology

See Section 9.0 Water Management Plan

Surface Water

There is no surface runoff of water on the sand resource due to the porosity and permeability of the sand, with precipitation draining to the water table.

Only the areas that are well above the water table have been selected for excavation. In summer the local soils dry out, but in winter the rate of precipitation wets the sand. There are no winter-wet conditions.

The site is not subject to any watercourses or flood paths but the headwaters of a creek originates to the north of the eastern portion of the pit, originating from water entering the overlying sands and then running along the more clayey basement of Cretaceous sediments. The setback to the headwaters of the creek are over 100 metres from the edge of the sand pit.

The surface water and superficial groundwater are the only relevant considerations for this proposal.

It is noted that the clearing of the former forest from Lot 101 will have led to significantly increased recharge and the formation of the creeklines which are more permanent features.

Groundwater

There is generally no surface runoff of water from the sand due to the porosity and permeability of the sand, with precipitation draining to the water table. It has been estimated that 30% of the rainfall will reach the superficial aquifer with an unknown amount filtering into the deeper aquifers, based on the pasture on the sand.

The groundwater issues were considered by the Environmental Protection Authority in Bulletins 512, 788, 821 and 818, and whilst these do not specifically refer to the extraction of basic raw materials, and are for the Lake Clifton Catchment, they do consider the impact of clearing, planting trees and rural, residential developments. The figure the EPA used for recharge from native vegetation was 10-15% rainfall, whereas cleared land had a recharge of 30-40%.

Recharge from pasture is anticipated currently to be near 30% based on the vegetation and elevation above the water table. Recharge on excavated areas will also be in the order of 30% because of smaller separations to the water table based on the existing sand ridges accepting and retaining moisture from smaller rainfall events which do not reach the water table. (Environmental Protection Authority Bulletins 512, 788, 821 and 818). This will result in little change to recharge with excavation.

Department of Water 2010 Murray Drainage and Water Management Plan at Pinjarra places the transmissivity as 5-15 metres per day or around 9.2 metres per day for similar sand in a similar hydrogeological situation.

The infiltration rates ensure that the sand does not become saturated and no water exists in the resource sand areas.

The resource area is elevated with a shallow seasonal superficial water table perched at the top of the underlying Cretaceous sediments when the vertical infiltration rate is exceeded by the winter precipitation.

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The site sits within the South West Groundwater Areas Allocation Plan 200000 and lies in the Dunsborough – Vasse Subarea for Superficial and Leederville Formation. The underlying Yarragadee Aquifer will not be impacted.

In reality it is only the Superficial Aquifer that is relevant to this proposal in terms of the depth to groundwater beneath the base of the sand pit.

There are no acid sulphate or salinity issues, with the soils and water being fresh and elevated in the landscape.

In the south west, the Department of Water South West Region Guidelines Water Resource Considerations for Extractive Industries permits a final land surface of 0.5 metres above the highest winter water table. The south west guideline is more applicable to this site than the guideline WQPN 15 because the end use of the land will be to continued agriculture use.

The excavation of sand from the site complies with the DOW South West guidelines and WPQN 15 and uses the management actions wherever there is environmental benefit.

The protection of surface and ground water from contamination by hydrocarbons is viewed by Margaret River Natural Resource as a critically important issue in managing its environmental responsibilities at this site. The company has examined this risk and adopted a range of policies and procedures to mitigate the impact of hydrocarbon spills on the environment. DWER has approved the attached Water Management Plan.

4.5 Vegetation

The resource area is cleared, to pasture with scattered regrowth but relatively mature Peppermint trees of about 20 in number. These trees are to be retained with a 10 metre buffer.

The main vegetation on site is the Jarrah Marri Forest remnant towards Gibb Road.

If any vegetation is to be cleared a Clearing Permit will be applied for.

4.6 Fauna

The fauna on site will already be significantly depleted by the clearing as there are just scattered Peppermint trees on site.

The proposal does not require the clearing of Black Cockatoo habit with the only vegetation to be impacted being isolated regrowth Peppermint.

- > The potential for impact on Possums is considered low for the following reasons.
- > The clearing of Peppermint trees is minimised.
- The existing Peppermint Trees are isolated and do not afford suitable habitat for Possums.
- Additional Peppermint Trees will be planted in clumps with wildlife linkages. 100 Peppermint trees will be planted to link the remnant Jarrah – Marri Forest west of the pit to the small creekline vegetation.

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5.0 PROJECT DESCRIPTION

5.1 Construction

Construction Time

The construction time will be minimal and will be mainly restricted to the construction of the transport route to Gibb Road.

The sand resource will be cleared and then excavated from the face. Any plant used on site will be mobile plant and will not require construction.

5.2 Excavation

Excavation methods are to be carried out as a sequence.

The whole resource area has been investigated using an excavator digging test holes on a grid pattern. The sand varies from yellow to white and from 1-3 metres deep with an average of 1.5 metres.

- Topsoil will be removed and recovered for spreading directly onto areas to be revegetated.
- If topsoil cannot be directly transferred it will be stored in low dumps at the
 perimeter of the excavation footprint.
- There will be little or no overburden, which will consist of subgrade sand.
- Overburden will then be pushed from the excavation area to provide perimeter bunding to assist in visual noise and dust management.
- Sand will be excavated from the floor of the pit to a depth of 1 3 metres with an
 average of 1.5 metres. Gravel will only be excavated in the west of the pit and
 constitutes a small resource of < 50 000 tonnes
- The sand resource delineated comprises sightly over 150 000 tonnes.
- The sand to be used for fill will be loaded directly to road truck by loader. The
 loader will stay at the face and the road trucks will be restricted to access roads
 spreading out from the centre of the operational area. Drivers will be instructed to
 stay in their trucks within the loading area.
- The loader will work at the face, approaching the face in a perpendicular manner to enable the natural slump of sand to make the working face safe.
- Trucks will be confined to a dedicated ring road that will be moved as required as
 the face progresses. The trucks will approach in an anticlockwise direction so the
 driver is facing the loader. Drivers will be required to stay in their trucks while in the
 loading area.
- · All vehicles will have radio contact.

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- Operations will occur on the floor of the pit with the face providing visual and noise screening to the closest residences. That is the pit will be orientated so that the face is located between the excavation area and nearby sensitive premises such as dwellings or chalets.
- It is also possible that some sand will be suitable as concrete sand for concrete batching. Any such sand will normally require screening to remove roots and other deleterious organic matter.
- At the completion of excavation, the final soil slope on the floor of the excavation
 will be flat and slightly undulating. The batters will be graded to ensure the final
 slopes form an interim stable land surface in compliance with the Mines Safety and
 Inspection Act (1994) and Regulations (1995) at 1:4 vertical to horizontal.
- Rehabilitation will progressively follow mining, wherever possible with completed areas of the excavation being revegetated as soon as practicable.

5.3 Pit Design and Staging

EXCAVATION	
Total area of excavation applied for, including the land already open	Proposed excavation – 20.94 hectares (approx.)
Rate of excavation based on average anticipated volumes.	Generally up to 20 000 tonnes per year of sand including a smal amount of gravel, with an anticipated maximum of 30 000 tonnes per year depending on contracts. If a large contract is won which will require additional truck movements, Margaret River Natural Resources will notify the City at least one week in advance of the commencement of the contract.
Life of project	10 years
Area cleared per year	No native vegetation. < 1 hectare pasture required per year.
Dewatering requirements	Nil
Maximum depth of excavations	1 - 3 metres in benches as required.

A perimeter buffer of 20 metres with earth bunding is proposed for adjoining lots in compliance with Section 6.4 City of Busselton Policy 5A – Rural Areas land Use and Development Policy. That buffer will then be battered down to match the excavated area.

Excavation will continue down to an elevation of 1 to 3.0 metres, well above the highest winter water table which will be predominantly >2.0 metres above the superficial water table as the sand resource is located on the plateau ridge.

In the south west, the Department of Water South West Region Guidelines Water Resource Considerations for Extractive Industries permits a final land surface of 0.5 metres above the highest winter water table. The south west guideline is more applicable to this site than the guideline WQPN 15 because the end use of the land will be to continued agriculture use.

To maintain this type of operation normal methods of open cut excavation will be used which will require a sufficiently large footprint to enable haul roads to extend to the floor at suitable grades to ensure efficient and safe excavation conducted in a manner that minimises environmental impact.

The development of the pit will depend on the internal haul roads and access, efficiency, safety and environmental management. The footprint of disturbed ground is not proposed to be enlarged after allowing for progressive rehabilitation.

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The pit is anticipated to have a life of ten years.

Final Contours

For weathered materials such as sand, a recommended batter slope 1:4 vertical to horizontal will be established for the batter slopes with a gently undulating floor of the pit. As the pit will average only 1.5 metres deep the final land surface will be similar to the existing land surface except that it will be slightly lower.

The Peppermint trees on the resource area will be retained and therefore lead to a slightly undulating final surface. The trees will be provide with a 10 metre setback and batter slope.

The Concept Final Contours are shown on the attached plan which does not allow for the retention of the trees apart from in concept.

Rehabilitation will be progressive, but because of the nature of the excavation will be restricted to completed faces. The majority of the pit will not be able to be rehabilitated until the completion of excavation. Batters will be rehabilitated when formed.

Wherever possible, rehabilitation will be continued as areas are completed to ensure that the amount of ground that is open at any one time is minimised. As access is currently through the existing pit, rehabilitation of this pit is not possible at this time.

Geotechnical parameters

The final profile of the excavated surface will be to Mines Safety and Inspection Act 1994 as explained in documents such as Guidelines on Safety Bund Walls Around Abandoned Open Pits (DOIR 1991).

The sand pit has steeply sloping faces during excavation in compliance with the DMIRS face angles for sand excavation. These will be battered down to 1:4 vertical to horizontal as a geotechnically stable landform that can be used for agricultural purposes.

5.4 Processing

Much of the sand is sold as fill without any processing. Some sand may be screened.

When coarse sand is identified and extracted there may be the potential for a small wash plant to remove the fines from the coarse sand. The fines, which may contain organic matter, will then be used to assist with the restoration of the sand pit if available.

It is unlikely that the washing of sand will exceed 5 000 tonnes per year and if there is no screening Part (V) of the Environmental Protection Act may not be triggered.

A DWER Licence will be required under Part V of the *Environmental Protection Act 1986* for screening if the annual volumes exceed 5 000 - 50 000 tonnes. (Category 70 Prescribed Premises).

5.5 Stockpiles

Stockpiles may be needed for sand if the white and yellow sand and coarse sand is taken separately.

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Stockpiles will only be required if the sand is screened and these will be located on the floor of the pit and 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 Gibb Road and not visible from Gale Rad.

5.6 Equipment

- The only facilities proposed for the site are a large shed for the storage of mobile plant and minor spare parts.
- Ablutions are to be a serviced portable system.
- · A loader will excavate sand and load the trucks.
- · An excavator will be used for higher faces and specialty work.
- A bulldozer is unlikely to be required but may be required to push down a face or other construction work.
- · Mobile screen to sieve the sand is required for specialty sands.
- · The only other vehicles are the road trucks
- Refueling will be conducted from mobile tanker in the pit. There will be no fuel stored on site
- · Major maintenance will continue to be conducted offsite.

5.7 Hours of Operation

Hours of operation will be 7.00 am to 5.00 pm Monday to Friday inclusive, excluding public holidays. This is similar to the operations of nearby quarries in the local area.

5.8 Access and Security

The access road from Gibb Road will be used for the transport of sand or to service the sand operations. That access point is for rural purposes only and will be required as an emergency exit or for farm purposes when sand extraction has been completed.

The site will be secured by locked gates when it is not being actively worked. The boundary fencing will be maintained to prevent inadvertent and unauthorised entry.

Warning signs for trucks will continue to be used to alert road users to the entrance onto Gibb Road. Maintenance of signage will be undertaken through the City of Busselton.

Transport

Transport will be along Gibb Road north as outlined in the attached Transport Management Plan.

That access has been used for sand transport from the excavations on Lot 1. The scale and intensity of the transport will be similar to that previously conducted from Lot 1. Sand extraction on Lot 1 is complete with little sand being extracted so there is unlikely to be any cumulative impacts from the transport of sand.

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Gibb Road is partially sealed at the northern end near dwellings and a vineyard. The remainder of the transport route is gravel with suitable traffic and width characteristics to enable for the transport of basic raw materials.

The number of truck movements will vary throughout the year depending on the size of contracts. To transport the required amount of sand a certain number of trucks must be used. See the attached Traffic Management Plan.

Road transport will use a variety of road approved vehicles such as rigid trucks, semi-trailers or rigid (8) wheeler trucks to a 5 axle dog trailer.

With a calculated volume of sand of 200 000 tonnes and a ten year life of the operations that equates to around 20 000 tonnes of sand extracted every year, but due to the variable nature of contracts, up to 30 000 tonnes of sand is anticipated to be transported in any one year.

With an average truck size of say 25 tonnes that equates to up to 1 200 laden truck movements in any one year for 30 000 tonnes extracted. If sand was transported on 200 days of the year that equates to an average of 6 laden truck movements per day.

It is suggested that for a large contract the Shire of Busselton be notified at least 1 week prior to the commencement of a large contract and informed of the tonnages, likely truck movement and anticipated volumes to be transported during that contract. This process is used at other sand pits and provides the City with an opportunity to discuss any specific issues with the operator.

A road maintenance agreement will be determined with the City of Busselton based on the City of Busselton Planning Policy 5, Rural Land Use and Development Policy 2010.

Table 3 Seasonal Closure and Campaign Closure

	CLOSURE OBJECTIVE	Completion Criteria	Actions for Care and Maintenance Greater than 12 months
1.0 C	OMPLIANCE		
1.1	All legally binding conditions and commitments relevant to closure and rehabilitation will be met.	1.1	Prior to undertaking temporary closure. Review the latest documentation. Assess compliance with the conditions and commitments Faces and the landform are to comply with DMIRS Safety Guidelines and be stable for the long term.
2.0 S	AFETY		be dual of the leng term.
2.1	Make the site safe.	2.1	Prior to vacating; Secure the site and any plant or structures to be left. Mobile plant and other equipment not required will be removed from site. The site will be cleaned, structures will be removed. Provide fencing, bunding, signage or other measures as required to provide a safe site, particularly above any faces. Security Complete activities to make the site safe. Provide bunding and warning signs above faces as required. Provide locked gates or log access restraints as required or maintain staff on site. Check and maintain perimeter fences. Visual audit of completed ground, to verify compliance.
	YDROGEOLOGY		
3.1	Ensure that there are no materials	3.1	 Remove fuel service materials. Remove any materials from which leaching may occur.

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	that could cause pollution or environmental harm.			
4.0 B	IODIVERSITY			
4.1	Minimise the risk to on site or offsite biodiversity.	4.1	 Implement the Dieback Management Plan. Implement the Weed Management Plan. Inspect the site for Significant Environmental and Declared weeds. Treat accordingly Inspect adjoining native vegetation and rehabilitation for edge weed effects. Treat accordingly. 	
5.0 S	TAKEHOLDERS			
5.1	Ensure stakeholder issues are considered.	5.1	Prior to temporary closure, as necessary, consult with the relevant stakeholders to check whether the closure planning, where possible, considers their interests and carry them out as necessary. If care and maintenance continues modify procedures in response to changes in stakeholder position, policies or conditions.	

5.9 Water Use

There is not anticipated to be a significant requirement for water use. The only water use will be limited water as required or dust suppression on the access road and for washing coarse sand if sufficient sand is available.

It is unlikely that the washing of sand will exceed 5 000 tonnes per year and if there is no screening Part (V) of the Environmental Protection Act 1986 may not be triggered.

If washing is undertaken the sand will be washed with water supplied from the existing soak just north of the sand pit, with water returning to the superficial groundwater system through seepage into the basal soils with little evaporation or use.

Water will continue to be required for dust suppression. This is discussed under Dust Management in the Offsite Impacts Management Plan.

Separations to groundwater comply with DWER requirements of > 500 mm.

A rounded figure of 1 000 litres or 1 kL water use per day is anticipated based on past experience at other pits, for dust suppression. For 100 days of full water requirements in a year, considering the low extraction volumes, winter and other wet days, the water requirements are anticipated to be 1 000 kL of water for dust suppression annually. A Dwelling normally uses around 300 kL per year as a comparison.

5.10 Workforce

The workforce will vary, depending on the level of operation and market demands, but usually 2-4 persons will work on site plus truck drivers as they access the operations.

5.11 Safety

Excavation is conducted to *Mines Safety and Inspection Act 1994 and Regulations 1995*. Excavation practices, and operations procedures are in compliance with the Act. Health and safety issues are overseen by the Department of Mines Industry Regulation and Safety.

Every morning prior to start there is a daily briefing or consideration of the potential hazards, any incidents such near misses, health and safety and any other relevant issues.

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Site Safety

Margaret River Natural Resources has procedures in place to manage safety, health, environmental impact, site completion and rehabilitation. All workers are required to wear full protective safety and high visibility gear when on site.

All vehicles have two way radio capability. No light vehicles are permitted on site without registering with mobile plant on site. Full personal protection is required for all persons on site at all times.

All personnel are provided with site induction, safety and environmental awareness training.

Emergency

The site is within mobile phone contact and all vehicles are equipped with two way radios.

- The loader will excavate from the face using an in out movement, only approaching
 the face from a perpendicular movement which is the safe option. The face will be no
 higher than the reach of the bucket, unless the sand free falls at the angle of repose in
 which case the face can be higher. For higher faces, benches or an excavator will be
 used.
- Personal protection is worn by all persons on site, with a minimum of hi viz, safety boots, long clothing, hearing and eye protection and helmets when near the face or operating machinery.
- Road trucks are separated from the operating loader. Site warning signs and directions will be installed as required to maintain safety.
- · Safety bunds or temporary fences will be used above any active vertical faces.
- · Warning signs are maintained as required.
- Emergency preparedness plans will be developed and implemented.
- Staff and contractors are inducted and trained as necessary and have the relevant qualifications to fulfill the tasks they are assigned to.
- Where applicable Safe Operating Procedure Sheets are made available for hazards.
 Workers and staff on all sites are trained in the use of the procedures and all employees provided with site induction and training as necessary prior to commencing work on the site.

Emergency

- The site is within mobile phone contact.
- · Safety management and operating procedures will be implemented.

Fire Management

The excavation area will form a natural firebreak; the access road will also assist. Water available on site can be used for fire fighting.

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The safety of workers is managed through a Safety Management Plan developed through the Mines Safety and Inspection Act 1994 and Regulations 1995.

Normally developments in bushfire areas are required to have fire management plans in place.

Western Australian Planning Commission Planning Bulletin 111/2016 provides for an exemption of a bushfire plan requirement because there will be no structures that will burn and the open ground will form a fire break. It also provides for an exemption where the proposed activity is a continuation of existing activities. This applies to this continuation of sand extraction.

The Department of Mines Industry Regulation and Safety, SRS and PMP systems, with the registration of all quarries, requires bushfire planning to be covered under that system. The PMP (Project Management Plan) will be required to be produced and approved prior to excavation being commenced.

The management actions that are used to minimise fire risk are summarised below.

- · Vehicles will be restricted to operational area, particularly on high fire risk days.
- · Diesel rather than petrol powered vehicles are used.
- Perimeter fire breaks will be maintained for Lot 101.
- The mobile plant on site will be available to assist with emergency fire management when safe to do so.
- Fire risk is addressed and maintained through the site Safety Management Procedures (Project Management Plan)
- Water supplies will be drawn from existing farm supplies with the proposed dam to supply water.
- . The farm fire fighting unit is available for fire management.
- The site is secured from unauthorised access by maintaining the existing fencing and locked gates.
- · Public access will not be permitted.
- An emergency muster area is provided.
- On site communications and worker induction and training will be provided.
- The site is within mobile phone range, the surrounding area is relatively flat and any bushfire smoke will readily be noticed.

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6.0 DUST MANAGEMENT

6.1 Environmental Dust

Background

Excessive dust has the potential to impact on both the workers and the adjoining land, and its potential for generation must be taken in context.

There are a number of key aspects to dust impacts;

- · What is the source of particles?
- · What is the potential for the particles to be disturbed?
- · What is the nature of the particles and how are they likely to behave?
- What types of impacts are the particles likely to have if they move?
- · What management actions can be used to mitigate or reduce dust impacts?

Most dust on site will be generated during vehicle movements.

Commonly called "dust," scientists and regulators refer to the term particulate matter (or PM) to describe the range of particles that exists in the air breathed in.

Particulate matter exists naturally in the atmosphere, eg sea-salt spray and pollens. PM can be increased due to human activities such as vehicle exhaust, industrial processes, power stations, mining, farming and wood heaters, or smoke from bushfires.

Exposure to PM can be associated with health and amenity impacts if the exposure is excessive.

The likely risk of these impacts depends on a range of factors including the size, structure and composition of the PM and the general health of the person.

Particulate matter needs to be suspended in the air to carry any distance. The particles must be smaller than sand grains, which will only carry short distances because the grains are too large to move at any more than bouncing. The particles that are able to be suspended are called Suspended Particulate Matter and the total amount of that is referred to as TSP.

Research

Little published data is available from general mining in Western Australia even though monitoring is undertaken at some sites. There is data specifically from mining, (predominantly coal) from New South Wales (NSW Health) where particulate levels have been measured to be;

PM <2.5 microns as 2-5% of emissions (One micron is 1/1000 of 1 mm).

PM< 2.5 are invisible and called "fine particles". They are the main health issue and are caused by vehicle emissions whether they are along roads or on private land. Vehicle emissions will not occur at night or at other times when the site is not active.

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PM 2.5 - PM10 microns as 15 - 45%

PM 10 (particles between 2.5 and 10 microns) are invisible and called "coarse particles". They can be breathed in, but are removed by alveoli and mucous. (NSW Health). This dust may be generated when land is cleared and topsoil disturbed or the site is subject to traffic in summer.

PM>10 microns as 50 - 70%

PM>10 is visible dust and will, based on the resource, be the vast majority of the particles.

Normally all sizes of dust are generated together, and there will be visible dust being generated when invisible dust is being formed. Therefore any visible dust present is a good sign and early indicator of a dust risk. A summary of the sources and proportions of dust is shown in; NSW EPA and NSW Ministry of Health Environmental Health Branch 2015, Review of the health impacts of emission sources, types and levels of particulate matter air pollution in the ambient air in NSW.

This is backed up by occupational monitoring through the Department of Mines Industry Regulation and Safety. Unpublished data from those quarries shows quarries are compliant or can readily be made compliant with the health and safety and community standards through normal dust management practices. See Section 1.4 Occupational Dust.

In Australia the research relates mainly to coal mines, but new research relating to the drilling of natural stone – rock quarries provided good data generally. Whilst there is no drilling and cutting on this site there is data in the research for the carry of the particles which is relevant.

Sairanen M and O Selonen, 2018, Dust formed during drilling in natural stone quarries, Bull. Eng. Geol. Environ. 77:1249 to 1262.

That research found that the particles generated from the quarries tested were PM>10 microns or greater. The PM<2.5 microns almost totally originated from external sources and vehicles, and not the actual grinding of the rocks.

The other key findings were that for coarse particles (Total suspended particles – TSP and PM10, the mass concentrations of the particles decreased rapidly in all directions with most pronounced decreases upwind and at 50 metres the concentration mass was "barely distinguished from the altering median level". The same was also found for the fine particles PM 2.5 to PM1.0.

That drop off was also correlated to the visual appearance of dust. That is there was no visual dust past 50 metres and that was confirmed by the sample results. Background "concentration was attained 69 – 90 m for coarse particles and at 55 – 105 m distance for fine particles".

For the quarry haul road dust, the background concentration of dust was reached at a distance of 30 metres. This quantifies the potential dust impacts from roads.

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Sand Quarry - minor Gravel Extraction

Sand excavation is at the lowest risk from dust, producing very little dust material, with the exception of the vehicle dust generated from unsealed roads and the dust from fine clays within the sand that can be disturbed by vehicles movements when dry. The sand particles are comparatively large and only move in stronger winds by bouncing to about 300 - 500 mm above the ground surface when dry and are readily stopped by any vegetation, even pasture.

The main particles on site are large sand grains, which are not mobilised to the atmosphere and cannot be breathed in. The small amounts of fine clay and other particles from roads are "coarse particles" and do not provide a significant health risk even if generated.

For this operation the main transport routes (Northern portion of Gibb Road and beyond) are sealed and it is only the portion of Gibb Road near the resource and access road to the site and the internal roads that are not sealed but are wetted down as required.

With the pit being over 500 metres from dwellings there is a negligible risk to dwellings as shown by the DWER assessment score. See Table 5 below.

Occupational dust associated with the quarrying processes falls under the *Mines Safety* and *Inspection Act 1994* and *Regulations 1995* overseen by the Department of Mines Industry Regulation and Safety who regularly inspect the site.

Tree Belt - Buffers

Dust particles are readily stopped by tree belts and distance, with which the site complies. Tree belts slow the wind and allow the dust to settle. See *Planning Guidelines Separating Agricultural and Residential Land Uses, Department of Natural Resources Queensland* 1997(Pages 65 – 111) and Department of Health WA, 2012, Guidelines for Separation of Agricultural and Residential Land Uses which uses the same criteria (Pages 112 – 118).

The Queensland Guidelines predominantly relate to agricultural spray drift, but based on particle size also relate to dust.

The Guidelines provide for a buffer of 300 metres for open agricultural land, dropping down to 40 metres where an effective tree belt is in place. The Western Australian Department of Health also uses the same guidelines. These buffer distances for spray drift are greater than that required for dust particles as shown by Sairanen M and O Selonen, 2018, with the buffers of 30 metres for roads and 100 metres for the pit.

The Guidelines are based on field studies and demonstrate the effectiveness of tree belts and distance in providing screening against particulate travel.

A minimum of 500 metre buffer distances is available for dwellings from the sand pit, which complies with the Guideline and the Queensland, Health Department and research. In addition there are scattered and clumps of trees in the intervening space.

there are scattered trees in the intervening space that will assist in slowing wind speed.

The average number of laden trucks per day will be 6 with 6 unladen truck movements in.

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6.2 Assessment of Dust Risk

Dust Guidelines

Dust management is an integral part of the extraction and processing of any basic raw material.

The most common form of disturbance is by mobile plant and vehicle impacts. In this local area dusty roads have the most potential to produce dust, such as the access road which is no different to any other local unsealed road.

The potential for dust emissions falls under the *Guidance for the Assessment of Environmental Factors, EPA, March 2000.* Assessments of the potential dust risk are normally made using the Land development sites and impacts on air quality, *Department of Environmental Protection and Conservation Guidelines, November 1996.*

These guidelines are still in place but are incorporated into the DEC (DER) 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities.

The DEC (DER) in 2008 released a draft Guideline for the Development and Implementation of a Dust Management Plan.

Even so a dust risk assessment has been completed using the DEC (DWER) 2011 Guideline.

Table 4 Dust Risk Assessment from DWER (DEC)

PART A Number	Item	
		Score
1	Nuisance potential of the material	Low for excavated material and with dust control in place - 2
2	Topography and vegetation screening	Screened and sheltered - 1
3	Area of site activities	Active trafficked areas at any one time are 1 - 5 hectares in area - 3
4	Type of work being undertaken	The small scale of excavation is equivalent to partial earthworks - 6
	Summer total without dust measures	Maximum = 12

PART B Number	Item				
		Score			
1	Distance to premises Premises between 500 to 1000 metres - 6				
2	Effect of prevailing wind	Isolated premises affected by one wind direction The premises is not really affected, not in the path of prevailing winds which are easterly and south westerly - 1			
	Total Part B	Maximum = 7			

1	Activity	Calculated Score	Allocated Risk of Dust
L		Part A x Part B	

Excavation with or without dust	Maximum	Classification 1
suppression.	Premises = 12 x 8 = 84	Negligible Risk,
		The actions and contingencies proposed are
		consistent with the DWER Policy
		Dust management will be required for pit best practice
		and worker environment.

6.3 Buffers

The sand operations comply with the EPA Generic Buffers for sand excavation and the Health Department and research. See Section 6.1.

6.4 Occupational Dust

There is very low risk from occupational dust to workers on site, and if dust levels on site are low they are also low offsite.

6.5 Actions and Management

Table 5 Dust Management

ACTIVITY	POSSIBLE RISK SEVERITY and FREQUENCY	OPERATIONAL PROCEDURES AND COMMITMENTS	RISK AFTER MANAGE MENT
EARTHWORK	S		
Land Clearing, construction earthworks and building the bund Low - Occasionally to open new ground		This involves removing the topsoil for use in revegetation and topping the screening bunds, followed by removal of the overburden. Clearing will be conducted to only remove the area required for immediate mining to expose the resource and construct the operational features. If winds are sufficiently strong, or other weather conditions are unacceptable to negate the effects of dust management, operations will cease until conditions improve and compliance can be achieved. Visual monitoring of the visual dust is the best and fastest method of monitoring dust risk and dust generation and faster response can be achieved than alarms or monitors. If visual dust is significant then smaller particles may also be present.	
Land restoration	Low - Once per year or less frequent	Land restoration is infrequent and normally conducted only once per year. Scheduled activities such as ripping, overburden and topsoil spreading will be conducted at times of low dust risk	Low
EXCAVATION	- PROCESSING		
Excavation	Low - Frequent	There are no changes to the sand excavation methods. Sand excavation is moving away from the dwelling to the north Excavation will be conducted on the floor of the pit to provide maximum shelter for dust protection. The treed buffers to the north provide compliance with Government Guidelines.	Low
Loading and stockpile creation	Low - Frequent and in campaigns	Few stockpiles are used. Loading from the face produces little dust and is covered under excavation.	Low

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Transport	Low	It is noted that the average number of laden trucks per day will be	Low
	-	6 with 6 unladen truck movements in.	
	small numbers	All loads will be covered. (No tarp of cover – No load).	
Road condition	Low - Frequent	The access road is sealed. All loads for transport outside the pit are covered. The access road and crossover are maintained in good condition (free of potholes, rills and product spillages). Gibb Road is maintained by the City of Busselton for small potholes and by the City for more major works. An agreement for road maintenance will be discussed with the City of Busselton and a contribution to maintenance provided as	Low
Health and Amenity		 assessed during the discussion. A readily auditable trigger of no visible dust to cross the property boundary with the exception of the western – south western boundary where there are no nearby dwellings, in line with DWER Licence and best practice in WA. The research (Sairanen M and O Selonen, 2018) has demonstrated that visual assessment of dust agrees with the measured concentrations of dust. The trigger for dust management is the generation of visual dust. The loader operator will determine the amount of dust being generated and they are in the best position to assess dust generation and to direct remediation. On site induction training will include observation and mitigation where possible of all dust emissions. Occupational dust associated with the quarrying processes falls under the Mines Safety and Inspection Act 1994 and Regulations 1995 overseen by the Department of Mines Industry Regulation and Safety who regularly inspect the site. Included in the program are personal dust monitoring assessments. If on site dust is managed, offsite dust risk is also managed. Operations will temporarily cease if conditions occur where dust cannot be managed. The latest weather conditions to increase the awareness of dust risk. 	
Complaints		All complaints relating to dust are to be investigated immediately on receipt of a complaint. A record of all dust complaints is to be maintained together with the mitigation measures to be used to reduce the dust impacts.	

6.6 Dust Monitoring

Most dust generated from processing and vehicle movements has a very large visible component.

The loader operator is in the best position to assess dust and implement management to mitigate or reduce the dust risk and generation.

Human monitoring can detect potential dust risks prior, and take action prior, to significant dust being generated. They notice dust immediately such as from tyres, whereas machine monitoring has to rely on significant dust being generated, travelling to the boundaries of the premises and triggering an alarm. The operators would be negligent if they let the dust get to that level of impact prior to taking action. (The research by Sairanen M and O Selonen, 2018 demonstrates that visual assessment of dust agrees with the measured concentrations of dust).

The auditable condition is visible dust crossing the boundary of the premises; the lot boundary. A readily auditable trigger of no visible dust to cross the property boundary with the exception of the western – south western boundary where there are no nearby dwellings, in line with DWER Licence and best practice in WA.

Attachment C

Explanatory reports and management plans

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This is the condition used on Department of Water Environment Regulation Licences and all other quarries such as sand and hard rock quarries in Western Australia and has worked well in the past.

It is also the method used by the Department of Mines Industry Regulation and Safety to rapidly assess occupational dust on site.

All operators on site are instructed to be vigilant to dust generation and management and report any excessive dust or potential dust management issues.

Visual monitoring is even more effective when complemented by an extensive reporting and complaints process and this is used.

The effectiveness of the dust management is shown by no complaints regarding dust normally being received. No complaints are known relating to dust from excavation within the past five years.

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7.0 NOISE MANAGEMENT

7.1 Operations

Noise Management is designed to comply with Best Practise, such as Institute of Quarrying Australia/Queensland Government, Noise Management.

7.2 Regulatory Framework

Noise can originate from a number of operations and may impact on onsite workers, or travel offsite and impact on external sensitive premises. Both potential noise impacts are addressed by reducing the noise generated from the quarrying and processing operations.

Offsite noise is governed by the Environmental Protection (Noise) Regulations 1997.

The Environmental Protection (Noise) Regulations 1997, require that sensitive premises including dwellings in non industrial and rural areas, are not subjected to general noise levels (excluding blasting), during the hours 7.00 am to 7.00 pm Monday to Saturday that exceed 45 dBA. Allowable noise to 55 dBA is permitted for up to 10% of the time and to 65 dBA for 1% of the time. Noise levels are not to exceed 65 dBA during normal working hours.

Between 9.00 am and 7.00 pm on Sundays and Public Holidays, and between 7.00 pm and 10.00 pm on all days, the base level is 40 dBA.

At night, between 10.00 pm and 7.00 am Mondays to Saturday, and before 9.00 am on Sundays and Public Holidays the permitted level drops to 35 dBA.

The 10% and 1% "time above" allowances apply at night and on Sundays and Public Holidays as well.

There are penalties for tonality of 5 dB, modulation 5 dB and 10 dB for impulsiveness, that are added to the permitted levels. That is, if the noise is tonal or modulated the permitted levels drop by 5 dB. Impulsiveness is not likely to be relevant for the quarry under normal circumstances.

The Noise Regulations provide for Construction Noise exemptions to enable construction of the site such as the building of the screening bund and opening the pits.

Influencing factors that raise the allowable noise levels are activities such as external industrial noise, some nearby land uses and busy roads. These are not relevant to this site.

Under Schedule 1 of the Noise Regulations the premises on which the extraction of basic raw materials are extracted, is classified as Industrial Land for the purposes of calculating influencing factors. This was defined as the whole cadastral boundaries in State Administrative Tribunal decision {2013} WASAT 139, Bushbeach v City of Mandurah. In this case the premises is quite small and approximates the area of disturbance and will have little impact on the influencing factors.

At a distance greater than 15 metres from the sensitive premises (eg dwelling), and commercial premises, a base level of 60 dBA applies at all times, with the 10% time permitted to be up to 75 dBA and the 1% permitted to be up to 80 dBA. For industrial premises the base level is 65 dBA at all times with the 10% time permitted to be up to 80 dBA and the 1% permitted to be up to 90 dBA.

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7.3 Environmental Noise Management

The types of equipment proposed to be used are listed below. Not all plant will be on site at any one time and that provides for contingencies to reduce the operational noise on site if necessary at certain times.

Based on the experience of Landform Research and the operation of many other sand quarries the proposed sand excavation will easily be able to comply with the Noise Regulations at the closest dwellings.

Anticipated equipment required for the production of the various resources are.

Equipment	Sand Extraction
Rubber tyred loader (Komatsu WA 430 or similar)	Loading sand from the face
Semi trailer or other road trucks	Transporting product
Excavator	Operating at the face in the of the pit
Mobile screen	Small screen may be used to operate occasionally in the centre of the pit for screening sand for specialty uses
Bulldozer	May be required, occasionally to push down the top sand resource or lower the faces.

Table 6 Noise Management

OPERATIONAL PROCEDURES	COMMITMENTS	MANAGED RISK
Comply with the Environmental Protection (Noise) Regulations 1997.	Margaret River Natural Resources is committed to continued compliance with the Regulations. The proposed operations are designed to comply with the EPA generic buffer distances	Noted
 Maintain adequate buffers to sensitive premises. 	 It is noted that the average number of laden trucks per day will be 6 with 6 unladen truck movements in. 	Low
 Locate exposed features behind natural barriers and landform. 	 It is noted that the average number of laden trucks per day will be 6 with 6 unladen truck movements in. 	Low
Maintain all plant in good condition with efficient mufflers and noise shielding.	This is used and is committed to. All plant is to be maintained in sound condition.	Low
Maintain haul road and hardstand surfaces in good condition (free of potholes, rills and product spillages) and with suitable grades.	No changes to the access roads are proposed. See dust management	Low
Implement a site code outlining requirements for operators and drivers for noise management.	 A site code is to be implemented and Margaret River Natural Resources is committed to site induction and training for all personnel for all parts of the operations. 	Low
Shut down equipment when not in use.	Shutdown is used to save fuel and maintenance costs in addition to noise minimisation.	Low
 Fit warning lights, rather than audible sirens or beepers, on mobile equipment 	Lights or low frequency frog beepers are to be used rather	Low

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wherever possible.	than high pitched beepers to restrict noise intrusion.	
Provide a complaints recording, investigation, action and reporting procedure.	A complaints recording and investigation procedure is proposed and will be implemented and maintained.	Low
Provide all workers with efficient noise protection equipment.	All personal noise protection equipment will be provided to staff as required.	Low
Minimise and conduct at the least disruptive times.	Quarrying is to be conducted during the approved working hours.	Low

7.4 Occupational Noise

Occupational noise associated with the quarrying processes falls under the Mines Safety and Inspection Act 1994 and Regulations 1995.

The management of occupational noise is normally handled by providing all necessary hearing protection, as well as conducting worker inductions and educational programs for all staff. Regular site audits of quarry and mining operations are normally conducted by the Department of Mines Industry Regulation and Safety.

As part of its commitments, Margaret River Natural Resources are pro-active with its worker safety awareness;

- > by providing all necessary safety equipment such as ear protection,
- > identifying sections of the plant where hearing protection is required, as well as,
- conducting induction and educational programs for its staff.

Warning signs are used to identify areas of potential noise associated with mobile plant.

The DMIRS will conduct inspections of all quarries.

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8.0 VISUAL MANAGEMENT

There are a number of management actions that can be taken in quarries to minimise visual impact and these will be used wherever possible. The general management actions are summarised below together with the visual impact issues that relate to this site. The actions will be used where applicable and as the opportunity presents to minimise visual impact.

Guidance on visual impact is contained in *Department of Planning*, 2007, Visual Landscape Planning in Western Australia (DoP 2007). Guidance can also be found in Forest Commission of Victoria, undated, Landscape Types of Victoria.

The pit is set back a minimum of 470 metres from Gibb Road behind a significant buffer of trees and rehabilitated land, with the remainder of the pit over 500 metres away.

To assess the potential for the site to be visible the local roads of Gibb and Gale Roads were driven to determine the potential for the pit to be seen. Google Earth Pro was then used to generate sight lines from the pit back to the nearby land uses and from Gibb Road back towards the pit.

The pit is not identified as being significantly impacted by viewsheds apart from a very small area in the north west of the pit, if the intervening trees were not in place. However in that location there is considerable vegetation within the road verge of Gibb Road which will protect the views of the pit. In addition steps are taken during excavation to mitigate or minimise view impacts.

Visual Impact can occur in a number of circumstances, by the operation being set too high in the landscape, by being too close to neighbours and by insufficient visual protection.

There are a number of management actions that can be taken in quarries to minimise visual impact and these will be used wherever possible. The general management actions are summarised below and are used where applicable and as the opportunity presents to minimise visual impact.

- The quarry is located on the top of a natural plateau ridge which minimizes the viewsheds.
- The pit is almost all 500 metres plus from Gibb Road
- · The pit is at a distance, behind natural barriers of the pit and the intervening trees.
- Excavation will take place from the floor of the pit below natural ground level
- The access road is at low elevation and truck movements are not visible.
- Overburden and interburden dumps are pushed into positions where they will form screening barriers, particularly to the west, north west.
- Progressive rehabilitation of all completed, excavated or disturbed areas will be implemented.

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9.0 WATER QUALITY MANAGEMENT

9.1 Water Source Protection Areas

Department of Water Environment Regulation – South West Region Guideline –Water resource considerations for extractive industries apply to this site.

The excavation on Lot 101 complies with DWER Guidelines for water management and separation to the groundwater of > 2 metres in most situations and at all times 0.5 metres (500 mm). for all other areas including the edge of the low lying areas.

9.2 Water Requirements

The pit is relatively small with short access roads and operated intermittently in campaigns.

The water requirements are anticipated to be minimal and sourced from farm supplies. In most cases dust suppression will not be required.

Around 1 000 kL per year is to be used for minor dust suppression and for washing product.

Whilst to wash any product will pump more water, with little evaporation the water will be seep back to the superficial water table.

The proposed operation complies with all Government Policies and Guidelines.

Potable water is brought to the site as needed.

9.3 Water Quality Protection Guidelines

All facilities and procedures on site are designed to comply with the DWER – DMIRS Water Quality Protection Guidelines for Mining and Mineral Processing and are all complied with:

- > Minesite stormwater
- > WQPN 15 Extractive Industries near sensitive water resources
- Department of Water Environment Regulation South West Region Guideline Water resource considerations for extractive industries.

9.4 Surface Water

The sand resource is located on plateau sand ridge which rises from around 68 metres AHD to 74 metres AHD. The sand resource is separated from the headwaters of the small creekline by 100 metres. The site lies within the Geographe Bay Rivers Surface Water Area. See the attached Updated Water Management Plan.

9.5 Groundwater

See also section 4.4 Hydrogeology.

The resource area is elevated with a shallow seasonal superficial water table perched at the top of the underlying Cretaceous sediments when the vertical infiltration rate is exceeded by the winter precipitation.

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Excavation will continue down to an elevation of 1 to 3.0 metres, well above the highest winter water table which will be predominantly >2.0 metres above the superficial water table as the sand resource is located on the plateau ridge.

The water table measurements taken on 14 November 2018 and 6 September 2019 show that the sand resource is approximately 2.0 metres deep in the south east and centre thickening to 3.5 metres deep in the north west. With a separation of 0.5 metres to the water table the thickness of resource will be 1-1.5 metres in the east and centre and up to 3.0 metres in the west. Gravel resource occurs in the north west with the sand.

In the south west, the Department of Water South West Region Guidelines Water Resource Considerations for Extractive Industries permits a final land surface of 0.5 metres above the highest winter water table. The south west guideline is more applicable to this site than the guideline WQPN 15 because the end use of the land will be to continued agriculture use.

Around 1 000 kL per year is used for minor dust suppression and is to be sourced from a soak at the headwaters of the small creekline. See the attached Updated Water Management Plan.

9.6 Salinity

Precipitation falling on the site is fresh.

The groundwater obtained from the bore on site is fresh and there is no likelihood of significant or other salinity increases apart from minor evaporation, which is no different from any garden.

The existing bore provides a monitoring point for water quality.

The groundwater is not exposed, apart from a small sump in the base of the pit to act as a water source.

9.7 Dewatering

No dewatering is proposed. All water is to be retained in the pit and infiltrates into the sand.

9.8 Recharge

The area has no surface drainage because of the permeable and porous nature of the sand. There is no surface drainage from the excavation site. All excess water infiltrates the permeable sand.

There will be no alteration to drainage lines, and neither surface water nor ground water will be affected. On closure the surface will continue to be free draining to the water table.

The resource area is pasture and will be returned to pasture.

The groundwater issues were considered by the Environmental Protection Authority in Bulletins 512, 788, 821 and 818, and whilst these do not specifically refer to the extraction of basic raw materials, and are for the Lake Clifton Catchment, they do consider the impact of clearing, planting trees and rural, residential developments. The figure the EPA used for recharge from native vegetation was 10-15% rainfall, whereas cleared land had a recharge of 30-40%.

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It is noted that the clearing of the former forest from Lot 101 will have led to significantly increased recharge and the formation of the creeklines as more permanent features.

Recharge from pasture is anticipated currently to be near 30% based on the vegetation and elevation above the water table. Recharge on excavated areas will also be in the order of 30% because of smaller separations to the water table based on the existing sand ridges accepting and retaining moisture from smaller rainfall events which do not reach the water table. (Environmental Protection Authority Bulletins 512, 788, 821 and 818). This will result in little change to recharge with excavation.

9.9 Acid Sulfate Risk

Definitive survey procedure is produced in *DEC (DWER) 2013, Identification of Acid Sulfate Soils and acidic Landscapes* and within document *Acid Sulfate Soil Management Advisory Committee NSW, 1998, Acid Sulfate Manual.* This information forms the basis for much of the assessment procedures in Australia, including those adopted by the Western Australian Planning Commission and the Department of Environment Regulation.

The main method of assessment is based on geological examination. If at risk conditions are identified than laboratory testing may be required but must be completed carefully because there is a high risk of false positives with the available testing regimes.

Acid sulfate only becomes a potential risk when a number of circumstances are present.

Acid Sulfate is a natural phenomena, that can be exacerbated by disturbance. For it to be present there needs to be;

- > Rock, soil or regolith present that is carrying sulfides.
- Sulfide carrying materials from below the water table are to be exposed to the atmosphere
- Excavation below the water table is to be carried out exposing the sulfide carrying materials to oxygen in the atmosphere.
- Dewatering of the sulfide carrying materials is proposed, exposing them to oxygen.
- Exposure of peat or organoferricrete materials, that were permanently under reducing conditions, to the air.

Materials at risk under reducing conditions are normally grey in colour or have been grey with no brown or red brown iron oxides. Where exposed to the atmosphere there is a change to brown iron oxides, with yellow jarosite and other alteration minerals that are distinctive.

The site has been inspected by Lindsay Stephens of Landform Research and the resource area tested with excavation test holes to 3.0 metres depth. None of the at risk parameters occur on site.

On site the soils are yellow sands that are oxidised and do not carry any risk of acid sulphate potential. Some minor iron induration is encountered in the faces of the pit, generally below the proposed base of the pit.

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This concurs with Nattaporn-Prakongkep, R J Gilkes, B Singh and S Wong, 2011, Mineralogy and chemistry of sandy soils in the Perth metropolitan area of the Swan Coastal Plain, Department of Environment and Conservation who concluded that there is no risk of acid sulfate soils in sands unless there is peat or organoferricrete present and excavation proceeds below the water table. In such situations no testing would be required because there is no risk. None of these conditions are encountered.

9.10 Unauthorised Access and Illegal Dumping

- The potential for rubbish to be dumped relates to unauthorised access to the site.
 Access is restricted by current farm fencing and locked gates. The pit is 500 metres from the nearest road.
- Wastes generated from on site operational activities will be recycled wherever possible and periodically disposed of at an approved landfill site.
- Any illegally dumped materials are to be removed promptly to an approved landfill or other suitable site, depending on the nature of the material.

9.11 Wastewater Disposal

A serviced portable toilet is proposed to be in place while the site is operating. Serviced means they are pumped out by a licensed contractor.

9.12 Refuelling - Copied from the attached Updated Water Management Plan

Fuel management will be in accordance with the relevant guidelines. The methods to be used are summarised below.

Documents specific to the fuel and maintenance are the DOW - DMIRS Water Quality Protection Guidelines for Mining and Mineral Processing

- WQPN 60 Tanks for mobile fuel storage in PDWSAs.
- > WQPN 15 Extractive Industries updated 2019.
- Department of Water Environment Regulation South West Region Guideline Water resource considerations for extractive industries.

Refuelling - Fuel Management Plan

- There will be no onsite fuel storage. The loader will continue to be refuelled on site from a mobile tank or tanker. This method is used on most mine and construction sites as well as many farming properties.
- Refuelling on site will occur in the active pit area to allow for containment if any spill did
- The main risk of contamination is the minor drips that occur during the removal of hoses etc. Minor spills are quickly degraded by soil microbial matter.
- The only other risk is from a tank rupture, but tanks are designed to manage this
 eventuality and are approved to the relevant standards. Soil contaminated by large
 spills will be removed from the site to an approved disposal area.

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- The operators of the mobile refuelling facilities are trained in re-fuelling duties including the management of any spills.
- In the event of a spill or adverse incident, activities will be stopped in that area until the incident is resolved.
- Spillage will be contained in plant and working areas by shutting down plant or equipment if the plant or equipment is the source of the spill (provided it is safe to do so). The sand will provide high absorbency and will retain any spill.
- Soil contaminated by spills will be removed from the site to an approved disposal area.
- All significant adverse incidents (such as a fuel spill of >5 litres) in one dump, are to be recorded, investigated and remediated. A record is to be kept of incidents, and DWER, and City of Busselton notified within 24 hours of an incident.

9.13 Servicing and Maintenance - Copied from the attached Updated Water Management Plan

Documents specific to the fuel and maintenance are the DWER Water Quality Protection Guidelines for Mining and Mineral Processing

WQPN 15 - Extractive Industries updated 2019.

The main risk of contamination comes from tank or hose rupture on earth moving machines.

- All major servicing of vehicles will be conducted off site.
- The loader will continue to be parked at a secure site at night and minor servicing will be conducted there.
- Regular inspections and maintenance of fuel, oil and hydraulic fluids in storages and lines will be carried out for wear or faults.
- In the event of a small service item being required during operations, such as lubricating
 and maintenance activities, these will be carried out in designated areas in the pit.
 Equipment for the containment and cleanup of spills is to be provided as required.
- Waste oil and other fluids derived from the routine maintenance of mobile machinery, will be transported off site and disposed off at an approved landfill site. Grease canisters, fuel filters, oil filters and top-up oils are stored in appropriate containers in a shed or brought to the site as required.
- If any spillage occurs it will be contained in the plant and working areas by shutting down plant or equipment if the plant or equipment is the source of the spill (provided it is safe to do so).
- Accidental spill containment and cleanup protocol will be implemented as necessary.
- Non essential or old operating plant and materials will be removed from the site. Locked gates and the existing fences will be maintained to prevent illegal dumping and contamination of water.

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There will be no waste disposal on site. Wastes generated will be recycled wherever
possible and periodically disposed of at an approved landfill site. Any waste materials
derived during routine maintenance activities will be stored in appropriate sealed
containers within a designated storage area or taken from site and disposed of at an
approved facility.

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 Regular inspections (at least weekly) are conducted to ensure no wastes, litter and the like are present in or around the excavation and processing area.

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10.0 BIODIVERSITY

10.1 Flora

The excavation area is cleared and will be returned to pasture and productive agricultural land of pasture.

There are about 20 Peppermint Trees on the resource area, If these are to be cleared a Clearing Permit will be applied for prior to clearing. At this time it is not proposed to clear the Peppermint trees, but rather excavate around the trees, leaving a 10 metre buffer to each tree.

The creekline is dominated by Taxandria linearifolia regrowth and colonisation.

If cleared, to compensate and to provide an offset, 100 Peppermint Trees (*Agonis flexuosa*) will be planted in clumps between the remnant Jarrah Marri Forest that is closer to Gibb Road and the small creekine. This will create a habitat for Ringtail Possums which is not currently available because the existing Peppermint Trees are scattered and isolated and will not currently provide suitable habitat for the possums.

10.2 Fauna

The site is pasture apart from scattered regenerating native plants. Native fauna is likely to be severely depleted on this pasture.

Areas of native vegetation adjoin to the west and south, which will provide habitat or refuge for any displaced species.

The fauna on site will already be significantly depleted by the clearing as there are just scattered Peppermint trees on site.

The proposal does not require the clearing of Black Cockatoo habit with the only vegetation to be impacted being isolated regrowth Peppermint.

The potential for impact on Possums is considered low for the following reasons.

- > The clearing of Peppermint trees is minimised.
- The existing Peppermint Trees are isolated and do not afford suitable habitat for Possums.
- Additional Peppermint Trees will be planted in clumps with wildlife linkages. 100 Peppermint trees will be planted to link the remnant Jarrah – Marri Forest west of the pit to the small creekline vegetation.
- This will create a usable habitat for the Ringtail Possums if they occur locally and link the forest to the Taxandria linearifolia along the creekline.

10.3 Wetlands

There are no wetlands on the resource area. The creekline which commences 100 metres from the pit will have greater water in it since the removal of the forest which one occupied the whole of Lot 101. Therefore the soils around the creekline have increased in water since clearing and the *Taxandria linearifolia* has therefore been able to colonise the pasture and increase the size of the *Taxandria* Thicket along and around the creekline.

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10.4 Stygofauna and Troglofauna

Stygofauna, occur in caves and "are aquatic subterranean animals, found in a variety of groundwater systems". Troglofauna occur in air chambers in underground caves or smaller voids.

There is no limestone or similar rock on the resource area and therefore no potential for significant or unusual stygofauna in sand.

10.5 Weeds and Plant Diseases

Weed and plant disease management plans are attached at the end of this document.

Attachment C

Explanatory reports and management plans

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11.0 CLOSURE

11.1 Background

The excavated area was cleared prior to excavation and will be returned to pasture with some clumps of Peppermint trees between the creekline and the remnant Jarrah – Marri Forest

Experience by Landform Research in rehabilitation of sand quarries has shown that when completed well there is no need for irrigation of the rehabilitation and in the local areas.

It should be noted that Margaret River Natural Resources is part of the group that owns Lot 101. It is therefore in their interests to efficiently and correctly rehabilitate the excavated area.

Closure Objectives

The closure and rehabilitation is developed from a set of closure objectives that are designed to provide a parkland pasture end land use.

The closure objectives are shown Table 9 below.

In Table 9 the methods to be used to achieve the closure and rehabilitation objectives are shown, referenced to each of the closure objectives.

In order to provide monitoring and auditing of the closure and rehabilitation objectives a set of Completion Criteria are developed in Table 10 where the monitoring and restoration procedures are listed. The Completion Criteria are provided with a number, which is listed in each table as relevant.

Occasionally with sand excavations an operation is placed under care and maintenance or has a temporary closure. In such a situation some actions have to be taken to ensure the site is safe and does not have the potential to provide additional environmental impact. The provisions for temporary closure are shown in Table 4.

As part of the development of the closure and rehabilitation an inventory of the materials on site is provided in Table 8.

The materials inventory is a checklist of the materials that might occur when extracting materials from the ground and does not necessarily indicate that such materials are present on site.

Closure Summary

The extraction of sand is an interim use prior to reconstruction to a restoration of pasture.

Dieback and Weed Management in addition to monitoring and replanting failed areas is proposed.

Appropriate topsoil management is an important element in achieving successful rehabilitation and pasture re-establishment on the restored surface.

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Rehabilitation will progressively follow mining, with completed areas of the excavation being revegetated as soon as practicable.

The final land surface will be smoothed and sloped to be compatible with the existing natural landform of the area, averaging 1.5 metres below the current land surface.

Appropriate contour banks will be used to control and harvest surface water from the post mined landform.

A definitive time for seeding and the planting is not prescribed, but rather a commitment to establish the vegetation within the first autumn/winter following placement of the overburden/topsoil.

Proposed Final Contours

Final contours are discussed in Section 5.3 Pit Design and Staging.

In summary the end land surface will be in accordance with the safety considerations of the Mines Safety and Inspection Act 1995 and the requirements and guidelines of the DMIRS; for example Guidelines on Safety Bund Walls Around Abandoned Open Pits 1991.

The depth of the pit will continue to be reformed to an undulating floor generally 2 metres above the water table but reducing to >0.5 metre separation in the south near the wetter pasture with perimeter faces battered down to 1:4 vertical to horizontal. The depth will be determined by the base floor having a separation to the highest water table of 0.5 to 1.0 metres as outlined in the attached Updated Water Management Plan that has been approved by DWER...

Materials Inventory

The materials remaining at closure from sand mining are natural soil materials that do not produce any remaining or lingering environmental risk.

An audit of the potential materials that may be present from mining at closure is presented below.

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Table 7 Materials Inventory

Туре	Comment	Treatment	Reference
Soil	Topsoil is natural and	None required.	
	contains no detrimental materials	To be used in rehabilitation.	
Subsoils -	Subsoil sand is natural	Non required.	
Overburden	and contains no	Generally taken as resource.	
	detrimental materials.		
Waste rock and non	Not present. The pit	None required.	
surface material and	bottoms in earthy		
tailings	yellow sand which is a natural material		
	natural material normally occurring on		
	the surface.		
Saline surface water	The water quality is fresh.	No treatment necessary	
Saline ground water	The water quality is fresh.	No treatment necessary	
Acidic materials and	Not present. The sand	No treatment necessary.	Field geological
drainage	does not contain sulfides and there is no risk of acidic materials developing. The sand does not carry acidic materials or	,	examination by Landform Research and the soil test holes excavated in a grid across the resource area.
	any at risk materials. Concurs with Nattaporn-Prakongkep, R J Gilkes, B Singh and S Wong, 2011.		
	Mineralogy and chemistry of sandy soils		
	in the Perth metropolitan area of the Swan Coastal Plain,		
	Department of Environment and Conservation.		
Sodic or dispersive	The water quality is		Field geological
materials	fresh.		examination by Landform Research
Asbestos – asbestiform minerals	None present.		Field geological examination
Radioactive materials	Not present	The sand does not contain	Published WA
		radioactive minerals. The activity	Geological Survey
		level is much lower radioactivity than other locations such as	radiometric
		coastal locations where heavy	mapping
		minerals are more prevalent.	
Metallic or chemical materials	Not present	No metallic or sulfidic materials or minerals are present in these sands.	Field geological examination and experience and published information.
Tailings storage	Not required		mioringuon.
Ablutions waste		Serviced portable toilet system is provided.	Water Management Plan
Dangerous Goods and Hazardous Materials	None will remain on closure.	There are normally no hazardous materials used for sand mining apart from fuel, and servicing. The only other materials are for tasks such as weed management and	

Landform Research

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		are dealt with under those sections.	
	FUEL The various plant will be refueled from mobile tanker.	Any soil or other materials with drips and spills will be removed offsite to an approved waste site or location.	Water Management Plan
	None will remain on closure.		
	SERVICE MATERIALS Only minor lubrication will be conducted on site All major servicing will	Any wastes will be collected and removed from site promptly to an approved recycling or waste disposal area. Only minor servicing will be	Water Management Plan
	be conducted offsite.	conducted on site. All major servicing will be conducted offsite.	
	None will remain on closure		
General waste		Regularly removed from site to an approved disposal area	Water Management Plan

11.2 Closure Implementation

The closure planning will be updated from time to time as the excavation progresses forwards. This will include both anticipated costs and procedures.

The following procedures will be used for final closure and rehabilitation of any stage of excavation and on completion of the sand pit.

- The closure of completed areas of the operations will be progressive with closure of all remaining ground at the end of operations.
- Maintenance and monitoring will be conducted until completion criteria is met. A three year cut off is provided for rehabilitated soils.
- c) Unexpected or early closure will be completed in the same way as permanent closure below but the full rehabilitation will be completed as one operation.

Table 8 Closure and Rehabilitation Techniques

CLOSU OBJEC		Completion Criteria	Actions for Permanent Closure of any stage or the operations.
1.0 COMPLIAN	ICE		
1.1 All lega condition commits relevant closure rehabilit be met.	nents to mine and	1.1a 1.1b	 Rehabilitate any areas that are no longer required to local pasture with clumps of native vegetation. Review the latest documentation. Comply with legal requirements and commitments and conditions of approval. Assess compliance with the conditions and commitments and end use. Reform the land surface to have a landform similar to the natural form but at a lower elevation. Design the rehabilitation to comply with, and be able to achieve the completion criteria and commitments. Compile an audit table of all conditions and commitments that relate to closure and conduct an audit of those items upon the completion of each stage of rehabilitation and annually until sign off.

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			Visually audit against all conditions.				
2.0 L	2.0 LANDFORM AND SOILS						
2.1	All non natural structures, with mining will be removed.	2.1 2.2a	 All non natural inert materials associated with quarrying will be collected and removed from site unless required for internal roads. All ground once occupied such as hardstand is to be deep ripped and soils reconstructed as required. If not required, roadbase, hardstand and any other inert materials left over from the site operations will be scraped and picked up and will be used to backfill the pit faces or reused. Visual audit of completed ground, to verify compliance. Visual audit of completed ground, to verify compliance with "no 				
	removed from site.	2.2b	contamination to be left". Soil testing will be undertaken if there is evidence of adverse materials remaining such as fuel spills. As a result of any testing remediation will be undertaken to ensure that the site is not contaminated. Check samples will be collected to verify a lack of contamination.				
2.3	The land surface will be visually similar to the surrounding landform.	2.3	 Complete the activities to make the site safe. Faces and the landform are to comply with DMIRS Guidelines and be stable for the long term. Ensure that the batters are formed to comply with DMIRS and geotechnical requirements. Where possible match the landform to the adjoining excavated and non excavated surfaces. Push down or backfill faces and slopes. The surface will be undulating with similar slopes to the pre − mined condition. The excavated floor is to be undulating at between 0.5 m - > 2.0 metres separation to the locally perched seasonal water table with batter slopes less than 1 : 4 vertical to horizontal. The excavated surface is to be resistant to wind and water erosion. Visual observations and survey of the landforms to confirm compliance. 				
2.4	The land surface and soils are to be capable of supporting pasture with clumps of native vegetation – trees.	2.4	 The soils are to be constructed from overburden overlain by topsoil, leaf litter, vegetation fragments as available in areas of native vegetation. Deep rip the floors and batter slopes along contour. Deep rip any compacted hardstand or internal roads. At the end of the current excavation the overburden topsoil followed by the vegetation will be spread across the excavated area as the key part of the final rehabilitation. The topsoil cover of 50 – 100 mm will be pushed to the edge of the current excavation in separate windrows where available. This is usually the top 50 mm to 100 mm. Topsoil will be respreads as the final surface covering. Visual observations and discussions with operators. 				
	YDROGEOLOGY						
3.1	The reformed surface be >2 metres above the highest groundwater table.	3.1	 Push down or backfill faces and slopes. The excavated floor is to be undulating at between 0.5 m - > 2.0 metres separation to the locally perched seasonal water table with batter slopes less than 1: 4 vertical to horizontal. Surface water drainage will be similar to the current drainage in quantity and direction of flows. Visual observations and survey of the landforms to confirm compliance. 				

4.0 BIODIVERSITY 4.1 The rehabilitated areas will, in time, form sustainable pasture with clumps of trees and local native vegetation. Rev

Biological Hygiene

- > Implement the Dieback Management Plan.
- Implement the Weed Management Plan.

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Topsoil Recovery

- Overburden will be removed by pushing to the perimeter of the proposed pit to form perimeter bunding to the pit. This material will be used for later rehabilitation.
- When stored topsoil is used it may be diluted and mixed with fresh topsoil.

Revegetation

- Where possible any disturbed areas that are no longer required will be rehabilitated using the methods described above within 12 months of becoming available.
- Topsoil and vegetation fragments will be transferred directly from an area being cleared and spread across the surface to provide seed sources and habitats wherever possible. If direct transfer is not possible, any material stored in dumps will be respread.
- Larger vegetation will be formed into occasional piles for habitat creation on the lower elevations.
- Pre-seeding weed control is only likely to be required where topsoils are used that contain weed species. This is unlikely to be the case on this site where the existing vegetation is in excellent condition even though some exotic species are currently present within the "natural" vegetation.
- Any weeds likely to significantly impact on the rehabilitation will be sprayed with Roundup or other herbicide or grubbed out, depending on the species involved. Fusilade will be used where grasses present an impediment to rehabilitation. Weed affected topsoil and overburden will be buried.

Native vegetation in the clumps connecting the remnant forest to the creekline.

- Rehabilitation will take place during the first winter months following the clearing of the existing Peppermint Trees if they are cleared as a result of the grant of a Clearing Permit
- Local species (Agonis flexuosa) are to be used in revegetation (100 plants) sourced as tube plants and used because they are the favoured habitat of the Western Ringtail Possum.
- Any materials brought to the site will be dieback and weed free.
- Trees/shrubs will be installed as tube plants during June July in clumps on the rehabilitated land surface and will be provided with a 10 g tree fertiliser tablet placed beside the plant. The planting density will be 50 tube plants per hectare, planted in clumps.
- The clumps of trees will be fenced to exclude stock, and rabbit guards installed if deemed necessary at the time of planting. If no stock are retained on site, fencing will not be necessary.
- Tube plants are to be established in low undulations and not on the high points of furrowed soil. The planting rate is to achieve the completion criteria allowing for deaths.

Pasture

- The preferred method of revegetation is to use the pasture seed from existing topsoil on pasture areas. However this may be deficient and additional seed is likely to be required.
- The sowing of pasture and crop will be integrated into the normal farming systems. Seeds of pasture species will be spread by normal farm practice at rates and species determined by the land holders/farm manager with advice from either a consultant or the Department of Primary Industries and Regional Development.
- The pasture species will be matched to the soil types and rainfall. The location falls into the "High Rainfall Coastal" planting regime with sandy soils. Suitable perennial legumes include Birdsfoot trefoil, Lucerne, Strawberry Clover, and Sulla. Perennial pasture includes Perennial

			Ryegrass, Phalaris, Cocksfoot, and Summer Active Tall Fescue, Kikuyu and Rhodes Grass. Annual pasture species include Italian Ryegrass, Serradella, subterranean clover. The actual species used will be determined by the individual season, nature of the rainfall in the preceding months and stocking/hay production proposed by the landholder which may change from time to time. Seeding rates are 2 – 5 kg/ha depending on the species used; for example Ryegrass is seeded at 3 kg/ha whereas Rhodes Grass is seeded at 4 kg/ha. If sufficient vegetation does not germinate the area will be over-seeded in early Autumn with a mixture of pasture species. Completion Criteria Pasture with clumps and linkages of 100 local native Peppermint between the forest remnant and the creekline vegetation if the existing Peppermint on site are to be cleared under a Clearing Permit.
4.2	The re-established surface will be free from Declared or Significant Environmental weeds that could compromise the success of the rehabilitation or impact on adjoining vegetation.	4.2	 ➢ Inspect the site for Significant Environmental and Declared Weeds. ➢ If found, inspect adjoining native vegetation for edge effects. ➢ Inspect rehabilitation and the edges of access roads. ➢ Provide weed control using the methods outlined in the Weed Management. ➢ Implement Dieback protection measures outlined in the Dieback Management Plan. ➢ Observations, discussions with operators and vegetation assessment.
5.0 S	TAKEHOLDERS		
5.1	The interests of all relevant stakeholders will be considered during operations, closure planning and closure.	5.1	 Prior to closure, consult the stakeholders to check whether the closure planning, where possible, considers their interests and carry them out as necessary. Consult with City of Busselton, in relation to their requirements for closure. Review the latest documentation. Comply with legal requirements and commitments. Closure audit.
6.0 S	AFETY		
6.1	The site will be left safe for parkland pasture end use.	6.1	 Provide warning signs as required. Provide fences, bunding and warning signs above faces as required. Provide locked gates or access restraints as required. Inspect all areas and ensure the land surfaces and access points, are stable to erosion from wind and water. The disturbed land will be made safe and in compliance with the Mines Safety and Inspection Act 1994 and DMIRS Mine Closure Guidelines. Surfaces will be formed to DMIRS Guidelines and match natural ground. Holes, sumps drains, ditches and the like will be filled and removed. The land surface is to have a landform similar to the natural form. Audit of completed ground, to verify compliance. Visual observations of the landforms.

11.3 Monitoring

Table 9 Monitoring and Remediation

	CLOSURE		Completion	Measurement Tools	Performance	Remediation
	OBJECTIVE		Completion Criteria	Measurement 100is	Indicators	Remediation
1.0 C	OMPLIANCE		Ontona		maioatoro	
1.1	All legally binding conditions and commitments relevant to mine closure and rehabilitation will be met.	1.1a	The disturbed land will be made safe and in compliance with the Mines Safety and Inspection Act.	Conduct an audit of all legally binding conditions.	All legally binding conditions have been complied with. Audit at least annually. Monitor for 3 years.	Reform the land surface and bring the operation into line with the conditions and legal requirements.
		1.1b	Comply with the requirements of the Planning Consent and Extractive Industries Licence.	Conduct an audit of the environmental conditions. This includes Clearing Permits, DWER Licences and other conditions.	 All conditions have been complied with. Audit at least annually. Monitor for 3 years. 	Undertake any action that is necessary to bring the site into compliance.
$\overline{}$	ANDFORM AND SO					
2.1	All non natural structures, with mining will be removed.	2.1	The site will be cleaned, and non natural materials associated with mining will be removed.	Visual audit of completed ground, to verify compliance.	 No non natural structures will be retained on site. Conduct at closure. 	Remove any foreign materials.
2.2	All wastes will be removed from site.	2.2a	All non local hardstand and roads will be collected and removed or buried in a safe location.	 Visual audit of completed ground, to verify compliance. Discussion with staff and operators. 	 Non local materials associated with excavation Conduct at closure. 	Remove or bury non natural materials.
		2.2b	Any contaminated soil or materials will be removed to an approved waste disposal site.	 Visual audit of completed ground, to verify compliance. Discussion with staff. Soil testing if there is evidence of material remaining. 	 No visual evidence or sample data (if conducted) of contaminated or waste materials. Conduct at closure. 	 Remove any remaining facilities and remediate or remove any contaminated soil. Retest and remediate as necessary.
2.3	The land surface will be visually similar to the surrounding landform.	2.3	> The land surface will be visually similar to the surrounding landform.	Visual observations from the key viewscapes.	➤ The land surface will be visually similar to the surrounding landform. ➤ At closure and for 3 years.	Repeat the relevant site closure procedures.
2.4	The land surface and soils are to be capable of supporting pasture with clumps of native	2.4	 Reconstructed soil properties will be appropriate to pasture. 	Visually observe the land surface.	➤ At closure and for 3 years or sign off.	Repeat the relevant site closure procedures with respect to soil preparation.

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	vegetation -					
0.011	trees.					
3.0 H 3.1	YDROGEOLOGY The reformed	3.1	➤ The	➤ Implement site	➤ Floor to be	➤ Reform the land
	surface be 0.5m to >2.0 metres above the highest groundwater table.	3.1	rehabilitated surface will have a separation of be 0.5m to >2.0 metres above the highest groundwater table.	Implement site survey. Use piezometers or test pits as necessary to confirm compliance. Visual observations and site survey.	Floor to be undulating some 1.5 metres on average below the natural surface.	surface with backfill or other measures to bring the surface into compliance.
4.0 B	The rehabilitated	4.1	> The	➤ Conduct visual	➤ The rehabilitated	 Where deficient,
	areas will, in time, form sustainable pasture with clumps of Peppermint trees connecting the remnant forest and the creekline vegetation.		rehabilitated areas will be pasture with clumps of trees and local native vegetation.	audits and as necessary plant counts.	areas will be pasture with clumps of trees and local native vegetation. At closure and for 3 years or sign off.	provide additional tube planting or seeding.
4.2	The re- established surface will be free from Declared or Significant Environmental weeds that could compromise the success of the rehabilitation or impact on adjoining vegetation.	4.2	No significant infestations of environmental or declared weeds.	 Visual audits. Maintain ongoing records. 	 Exotic and weed species will not compromise rehabilitated areas. At closure and for 3 years or sign off. 	Undertake additional weed management such as spraying or mechanical removal. Continue monitoring and management to check compliance. Repeat as necessary for 3 years or until sign off.
	TAKEHOLDERS					
5.1	Ensure stakeholder issues are considered.	5.1	Prior to closure, consult any relevant stakeholders to check whether the closure planning considers their interests.	Verify the closure plan against the Stakeholder interests. Site audit and discussions with operators.	 Stakeholder interests are incorporated into the closure planning where possible. At closure and for 3 years or sign off. 	Undertake any action that is required to meet the requirements of the stakeholders. Repeat as necessary the various steps in the closure planning and revegetation.
	AFETY					
6.1	The site will be left safe for parkland pasture end use.	6.1	The disturbed land will be made safe and in compliance with the Mines Safety and Inspection Act 1994 and DMIRS Mine Closure Guidelines.	 Visual audit of completed ground, to verify compliance. Discussion with staff. 	 Faces and the landform are to comply with DMIRS Guidelines and be stable for the long term. At closure and for 3 years or sign off. 	Undertake any action that is necessary to make the site safe.

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11.4 Weed Management Plan

Weed management is to be used to minimise impact on adjoining remnant vegetation and on adjoining properties as well as maintaining the agricultural capability of the rural lot.

Margaret River Natural Resources is part of the group that owns Lot 101. It is therefore in their interests to efficiently and correctly rehabilitate the excavated area.

The management of weeds is essentially similar to that for plant diseases. The impact of weeds is really the impact within the local area and the more they are controlled the better. It is desirable that the site does not become a haven for environmental weeds and therefore a management and control program is warranted at all sites.

Weeds can be declared under the *Agriculture and Related Resources Protection Act* 1976 which requires that Declared Weeds are eradicated. Other weeds are not Declared but may be classified as Environmental Weeds because they are well known for impacting on vegetation.

Weeds are most likely to impact on;

- > Disturbed areas such as overburden dumps, topsoil stockpiles.
- Edges of access roads.
- Edges of firebreaks adjacent to surrounding vegetation.
- > Locations accessible to the public on which rubbish is dumped.

The main sources of weeds are;

- Weeds from edge effects from access and local roads.
- · Gradual creep of weeds along access roads.
- Rubbish dumped by the public. This is not likely as the resource is set well back from Gibb Road
- Materials or waste brought to site by employees.
- Soil and seeds from vehicles arriving at site. This often applies to trucks that have carried something else such as grain, or vehicles to be used in earthworks.
- · Wind blown seed from surrounding land.
- Birds and other vectors. This is more common than is often given credit for. eg Solanum species.
- . The Dieback Management Actions will be used to assist weed management.

Weed Management

- Weed Management will integrate with normal farm weed management.
- Inspections are to be conducted to monitor the presence and introduction of Environmental and Declared Weeds on an annual or more frequent basis. On identification, Declared and significant environmental weeds will either be removed, buried, or sprayed with a herbicide.

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- All vehicles and equipment to be used during land clearing or land reinstatement, are to be clean and free from soil or plant material when arriving at site.
- No soil and vegetation will be brought to the site apart from that to be used in rehabilitation.
- · Plants to be used in rehabilitation are to be free from weeds.
- Weed affected top soils may need to be taken offsite, used in weed affected areas, buried by 500 mm soil/overburden or taken offsite.
- Illegally dumped rubbish is the major source of weeds and will be removed promptly.
- . No weed contaminated or suspect soil or plant material is to be brought onto the site.
- When clearing land or firebreaks vehicles will work in conjunction with dieback principles and push from areas of better vegetation towards areas of lower quality vegetation.
- Weeds are to be sprayed with broad spectrum spray prior to planting or seeding in weed affected soils as required.

11.5 Dieback Management

Dieback of vegetation is often attributed to *Phytophthora cinamomi* even though there are other Phytophthora species and other diseases such as *Armillaria* that can cause dieback like symptoms. Microscopic soil-borne fungi of the genus *Phytophthora* kill a wide range of native plants and can cause severe damage to many vegetation types, particularly those from the families Proteaceae, Epacridaceae, Xanthorrhoeaceae and Myrtaceae.

In most cases dieback is caused by a pathogen which infests the plant and causes it to lose vigour, with leaves dying, and overtime may kill the plant. As such the management of Dieback is essentially related to plant hygiene when coming onto a site and within a site.

There are several guides to the management of Dieback.

- Department of Parks and Wildlife (DBCA) Dieback Hygiene Manual 1992 is a practical guide to Dieback management.
- Department of Parks and Wildlife (DBCA) Best Practice Guidelines for the Management of Phytophthora cinamomi, draft 2004.
- Dieback Working Group 2005, Management of Phytophthora Dieback in Extractive Industries.
- Dieback Working Group, 2000, Managing Phytophthora Dieback, Guidelines for Local Government.

Jarrah Dieback (*Phytophthora cinnamomi*) is scattered across this part of the State, but in many cases such as this site the vegetation is not interpretable because of the levels of disturbance.

On this site, even though there is no current evidence of dieback or other species normal best practice, plant disease management actions will be used,

The aim of dieback management during excavation is to minimise the risk of entry
of any additional plant pathogens to the site.

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Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

- There is very little risk of the operations spreading dieback onto vegetation on adjoining properties as there is no access to those properties and they are cleared.
- All vehicles and equipment used during land clearing or land reinstatement, will be clean and free from soil or plant material when arriving at site.
- When removing topsoil and clearing, vehicles will run around the perimeter and then push inwards where possible.
- No soil and vegetation will be brought to the site apart from that to be used in rehabilitation and that which is dieback free.
- Plants to be used in rehabilitation are to be certified as from dieback free sources.
- Excavation vehicles will be restricted to the excavation area apart from clearing land.
- Rehabilitated surfaces will be free draining and not contain wet or waterlogged conditions.
- · Illegally dumped rubbish is to be removed promptly.
- When clearing land or firebreaks vehicles are to work from disturbed areas towards
 the pit; or, in situations where dieback interpretation is not possible, from areas of
 higher quality vegetation to areas of lower quality vegetation.

DBCA has determined that material such as sand, taken from deeper in the regolith profile where there is no organic and other plant matter, carries low risk of spreading dieback. (DEC 2004).

The Weed Management Policy will be complied with.

Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

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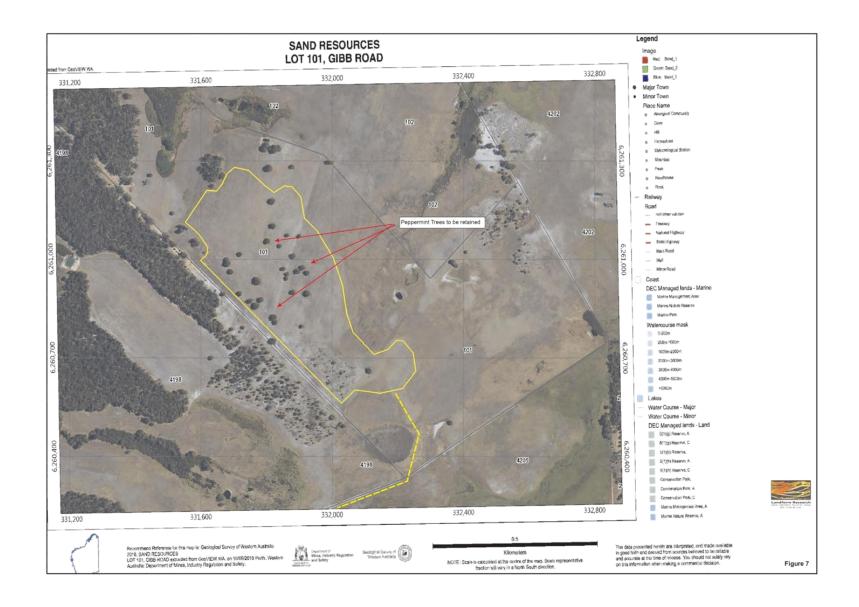
Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

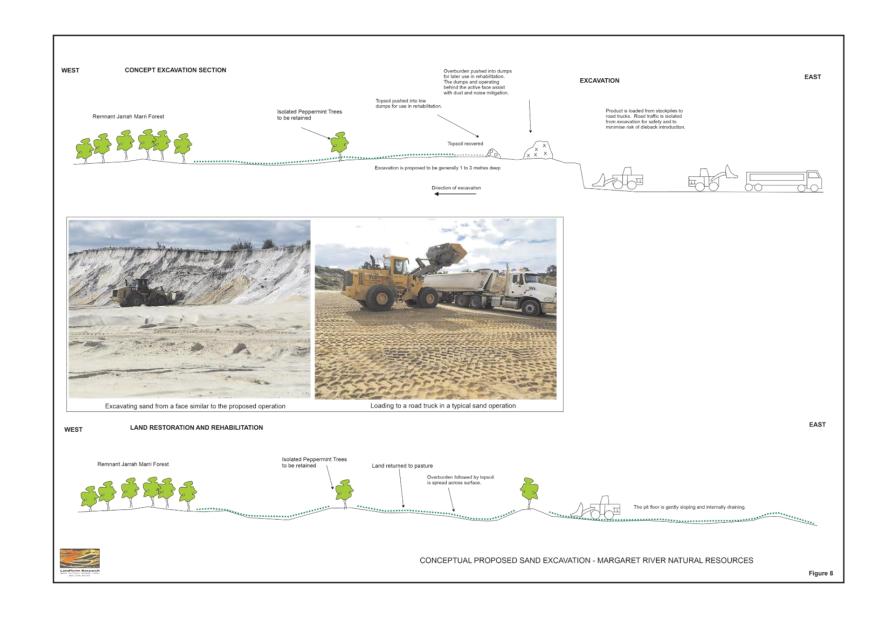
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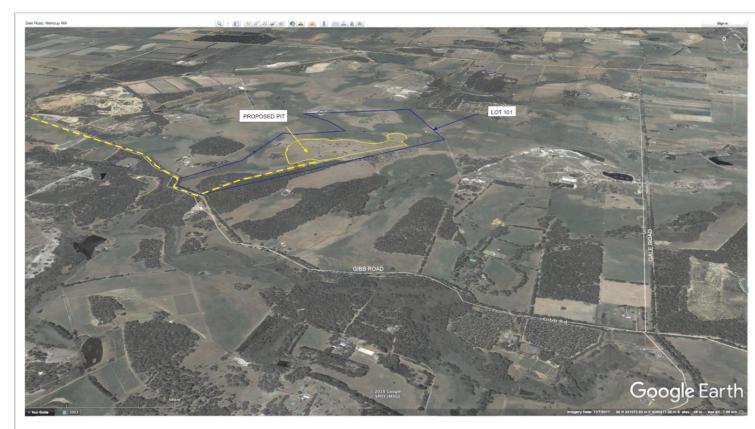
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Attachment C



MARGARET RIVER NATURAL RESOURCES



OVERVIEW OF THE PIT ON LOT 101, SHOWING THE SURROUNDING EXTRACTIVE INDUSTRIES

Updated Water Management Plan

Attachment C

Proposed Sand Pit Lot 101, Gibb Road, Kaloorup

Margaret River Natural Resources Pty Ltd

21 October 2019

1.0 Geology and Geomorphology

The sand lies between the Leeuwin Complex and the Yilgarn Craton in a down faulted basin filled with Permian overlain by Cretaceous sediments.

The land system is the Yelverton System (DPIRD Mapping) that now lies above the Whicher Scarp and was formed as a north facing bay at a time of higher sea level.

The general formation of the sand systems are thought to be a marine with dunes, for the surface finer sands, with the basal sands being considered to have potentially originated from the Permian glacial times.

The geology is discussed in Wilde S A and D R Nelson, 2001, Geology of the Western Yilgarn Craton and Leeuwin Complex, Western Australia – Field Guide, Geological Survey of Western Australia and Marnham J R, G J Hall and R L Langford, 2000, Regolith-Landform Resources of the Cowaramup-Mentelle 1:50 000 Sheet, Geological Survey of Western Australia.

The sand resource is located on a plateau sand and gravel ridge that rises from around 68 metres AHD to 74 metres AHD.



Updated Water Management Plan – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

2.2 Regolith and Soils

The soils and excavation of sands are well known from the other sand pits that have operated and currently operate across the local area. A small amount of gravel and gravelly soil occurs in the west of the resource.

The resource typically has a grey sand overburden up to 100 mm thick over leached white silica sand grading to yellow sand. Yellow sand occurs more in the west closer to the laterite duricrust, with the leached white sand more common in the areas of lower elevation or areas that have been subject to leaching in the geological past.

The finer sand overlies discontinuous thin layers of coarser sand.

Under the sand is the sandy loam subsoils that are developed on the Cretaceous sediments.

The soils are well described in Marnham J R, G J Hall and R L Langford, 2000, Regolith-Landform Resources of the Cowaramup-Mentelle 1:50 000 Sheet, Geological Survey of Western Australia.

3.0 Climate

The climate of the area is classified as Mediterranean with warm to hot summers and cool wet winters.

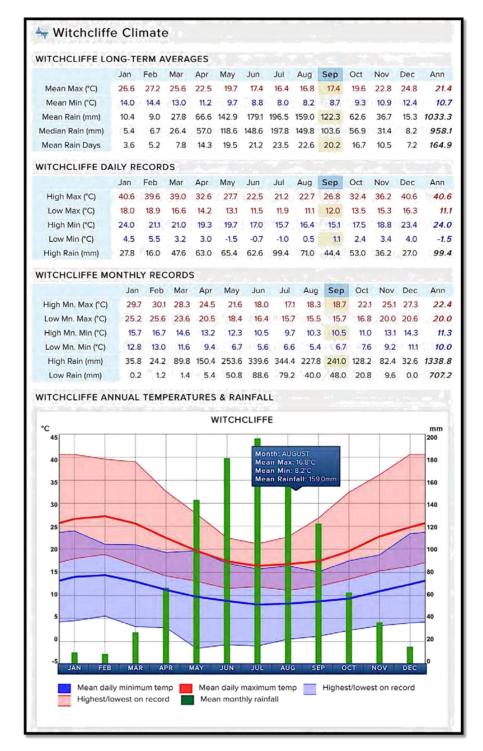
Temperatures are recorded at Witchcliffe, where the maximum temperatures in the hottest and coldest months, December to January and July, are 24 to 27 degrees C and 16 - 17 degrees C respectively. In winter the average minima drop to 8 degrees C in July.

Average annual rainfall for the area is 958 mm. Most of the rain falls during the winter months April to October inclusive. Evaporation exceeds rainfall in all but the wetter months.

The 2 hour 10 year exceedance rainfall event is 39.2 mm.

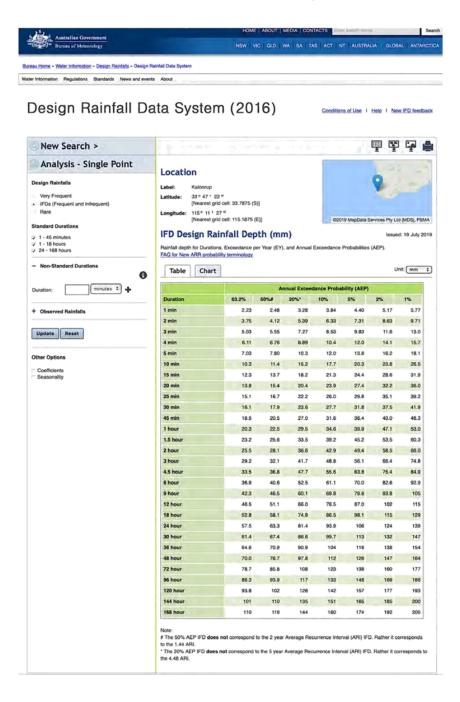
Wind direction is predominantly from the east in the morning and from the north west to south west in the afternoon during the summer months, with winter winds being lighter but having a component of strong winds in winter storms.

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4.0 Surface Water

There is no surface runoff of water on the sand resource due to the porosity and permeability of the sand, with precipitation draining to the water table.

Only the areas that are well above the water table have been selected for excavation. In summer the local soils dry out, but in winter the rate of precipitation wets the sand. There are no winter-wet conditions.

The site is not subject to any watercourses or flood paths but the headwaters of a creek originates to the north of the eastern portion of the pit, originating from water entering the overlying sands and then running along the more clayey basement of Cretaceous sediments. The setback to the headwaters of the creek is over 100 metres from the edge of the sand pit.

The surface water and superficial groundwater are the only relevant considerations for this proposal.

It is noted that the clearing of the former forest from Lot 101 will have led to significantly increased recharge and the formation of the creeklines which are more permanent features.

Figure 2 shows the dry elevated area where the sand resource occurs. It also shows the water courses that commence down slope from the proposed pit and which will not be impacted by the excavations. See Figure 7 for the on site contours.

The water table measurements taken on 14 November 2018 show that the sand resource is approximately 2.0 metres deep in the south east and centre thickening to 3.5 metres deep in the north west. Additional soil test holes were conducted on 11 September 2019. With a separation of 0.5 metres to the water table the thickness of resource will be 1-1.5 metres in the east and centre and up to 3.0 metres in the west. Gravel resource occurs in the north west with the sand. Test hole 13 had a separation to perched groundwater of 5.1 metres on 11 September 2019.

In the south west, the Department of Water South West Region Guidelines Water Resource Considerations for Extractive Industries permits a final land surface of 0.5 metres above the highest winter water table. Draft WQPN 15 BRM extraction near sensitive resources is also relevant for guidance.

There is generally no surface runoff of water from the sand due to the porosity and permeability of the sand, with precipitation draining to the water table. It has been estimated that 30% of the rainfall will reach the superficial aquifer with an unknown amount filtering into the deeper aquifers, based on the pasture on the sand.

The groundwater issues were considered by the Environmental Protection Authority in Bulletins 512, 788, 821 and 818, and whilst these do not specifically refer to the extraction of basic raw materials, and are for the Lake Clifton Catchment, they do consider the impact of clearing, planting trees and rural, residential developments. The figure the EPA used for recharge from native vegetation was 10-15% rainfall, whereas cleared land had a recharge of 30-40%.

Recharge from pasture is anticipated currently to be near 30% based on the vegetation and elevation above the water table. Recharge on excavated areas will also be in the order of 30% because of smaller separations to the water table based on the existing sand ridges accepting and retaining moisture from smaller rainfall events which do not reach the water table. (Environmental Protection Authority Bulletins 512, 788, 821 and 818). This will result in little change to recharge with excavation.

A review of summer and winter ground and aerial photography shows that the pit is located in elevated sandy ground that does not get waterlogged in winter and does not grow good pasture because of the poor soil quality on elevated ground. See Figure 2.

Updated Water Management Plan – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

At the end of excavation the soils will be returned to a lower elevation at which soil moisture is more readily available and the pasture will last into summer. The effect will be that the excavated area will appear green on Figure 2, indicating summer soil moisture.

Minor surface water is generated from the slopes above the pit and the haul road. This will form from rainfall infiltrating the ground, running along on top of the granite basement and then emerging at the gutters to the haul road.

All surface water from the access roads will drain to the edges to infiltrate the adjoining sand as is the case with any gravel road.

All surface water will be retained in the pit. DWER has normal guidelines for water management of retaining the 2 hour ten year exceedance of 39.2 mm within the pit.

Whilst the base of the pit is normally sand, the western portion bottoms on less permeable gravel and underlying sediments. Therefore to retain the volume of water from a 2 hour 10 year exceedance event a rainfall of 40 mm is used for simplicity and assuming a saturated catchment.

For that rainfall one hectare of pit will generate 400 $\rm m^3$ of stormwater. Therefore for each hectare the edges of the pit are to be able to retain that volume of water.

To prepare the pit the topsoil and overburden is pushed to low bunds on the side of the pit and then the pit is extracted to a depth of around 1 to 3 metres. That means the depth of the pit, including the perimeter bund of normally around 1 metre high, is around 2-4 metres in depth.

Assuming that the pit is only 2 metres deep at the lowest elevation, and using a floor slope of 1 to 10 vertical to horizontal for the steepest pit slope, then each linear metre of pit wall will hold 20 m³ of stormwater. To retain the 2 hour ten year storm event a pit to wall distance of only 20 - metres along the edge of the pit is required per hectare of pit. See the attached cross section..

This demonstrates how the pit will easily retain all the water from the design rainfall event. For a pit that is larger a correspondingly larger basin area is required. In reality the wall and bund around the pit will normally be at least 3 metres which will reduce the required basin size further.

The design of the pit is consistent with Department of Water, *Water resource considerations* for extractive industries, DOW South West Region Guideline and Draft WQPN 15 BRM extraction near sensitive resources.

5.0 Groundwater

Department of Water 2010 *Murray Drainage and Water Management Plan* at Pinjarra places the transmissivity as 5 – 15 metres per day or around 9.2 metres per day for similar sand in a similar hydrogeological situation.

The infiltration rates ensure that the sand does not become saturated and no water exists in the sand resource areas.

The resource area is elevated, with a shallow seasonal superficial water table perched at the top of the underlying Cretaceous sediments when the vertical infiltration rate is exceeded by the winter precipitation.

The site sits within the South West Groundwater Areas Allocation Plan 2000 and lies in the Dunsborough – Vasse Subarea for Superficial and Leederville Formation. The underlying Yarragadee Aquifer will not be impacted.

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In reality it is only the Superficial Aquifer that is relevant to this proposal in terms of the depth to groundwater beneath the base of the sand pit.

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There are no acid sulphate or salinity issues, with the soils and water being fresh and elevated in the landscape.

The excavation of sand from the site complies with the DWER South West guidelines and uses the management actions wherever there is environmental benefit.

The protection of surface and ground water from contamination by hydrocarbons is viewed by Margaret River Natural Resources as a critically important issue in managing its environmental responsibilities at this site. The company has examined this risk and adopted a range of policies and procedures.

The resource area is elevated with a shallow seasonal superficial water table perched at the top of the underlying Cretaceous sediments when the vertical infiltration rate is exceeded by the winter precipitation.

Excavation will continue down to an elevation of 1 to 3.0 metres, well above the highest winter water table which will be predominantly >2.0 metres above the superficial water table as the sand resource is located on the plateau ridge.

The location and extent of the resource to be excavated was developed following extensive aerial and ground observations by Lindsay Stephens of Landform Research. See Figures 2 and 7.

The water table measurements taken on 14 November 2018 show that the sand resource is approximately 2.0 metres deep in the south east and centre thickening to 3.5 metres deep in the north west. With a separation of 0.5 metres to the water table the thickness of resource will be 1-1.5 metres in the east and centre and up to 3.0 metres in the west. Gravel resource occurs in the north west with the sand.

In the south west, the Department of Water South West Region Guidelines Water Resource Considerations for Extractive Industries permits a final land surface of 0.3 - 0.5 metres above the highest winter water table. The south west guideline is more applicable to this site than the guideline WQPN 15 because the end use of the land will be to continued agriculture use.

Around 1 000 kL per year is used for minor dust suppression and is to be sourced from a soak at the headwaters of the small creekline.

Holes were excavated to the base of the resource on 12 November 2018. The local area (Witchcliffe) experienced a very wet August in 2018 with consistent but slightly below average rainfall in September through November. Even so with the heavy rainfall of August and the consistent later rainfall the soils remained moist.

The soil test holes were sunk with an excavator to the base of the resource and the elevation measured below natural ground level. The soil test holes were sunk under the supervision of Roger Cook of Margaret River Natural Resources on 12 November 2018 in locations allocated by Lindsay Stephens of Landform Research to check the previously interpreted elevations of the resource and water tables.

Additional test holes were conducted using an excavator on 11 September 2019 and measured by Lindsay Stephens of Landform Research, which was about the highest winter groundwater for 2019, based on rainfall data. Several test holes were sunk near the 2018 soil test holes to compare the water table from 2018 and 2019. The data was similar in each year as could be expected based on the drainage off the ridge especially to the north west.

The soil test holes are shown on Figure 7 with a section along the resource provided. The contours of the late winter water tables are shown on Figure 6.

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The test holes confirm the resource area and depth assessments previously made and show that the excavation can be completed with no impact on the local water tables or any risk of local flooding.

Within the resource area, the perched seasonal groundwater varies from an elevation of 63.5 metres AHD, in the north west, rising to 71.0 metres in the central parts of the resource.

It is also noticed that within each concept stage the elevation of the seasonal maximum water table varies quite considerably. Therefore the best means of determining the base floor of the pit, between 0.5 and 1.0 metres, is during excavation.

The elevation of the water table provides a starting point for the floor elevation, but it is only during excavation that more precise measurements can be made as the resource and the water table varies in elevation. Even so there should be no exposure of the water table during excavation apart for short periods in the small active area of the pit whist adjustments are made to the final floor elevation.

Soil test Hole Results.

HOLE NUMBER	EASTING	NORTHING	GROUND AHD	DEPTH TO WATER	GROUND WATER AHD NOV 2018	GROUND WATER AHD SEPT 2019
1	331 452	6261 490	49.0 m	0.0 m	49.0 m	
2	331 676	6261 347	63.6 m	3.5 m	60.1 m	
3	331 689	6261 157	69.3 m	3.2 m	66.1 m	
4	331 820	6260 930	73.2 m	3.5 m	69.7 m	
5	331 939	6260 766	72.4 m	1.5 m	70.9 m	
6	332 047	6260 649	72.3 m	2.1 m	70.2 m	
7	331 828	6260 924	73.4 m	3.3 m		70.1 m
8	331 689	6261 157	69.3 m	2.3 m		67.0 m
9	331 705	6261 312	65.0 m	2.7 m		62.3 m
10	331 697	6260 883	72.1 m	2.7 m		69.4 m
11	331 873	6260 706	72.3 m	>2.5 m		< 69.8 m
12	332 022	6260 833	70.7 m	1.1 m		69.6 m
13	331 854	6261 096	72.2 m	5.1 m		67.1 m
14	331 799	6261 197	72.1 m	> 1.1 m		< 71.0 m
15	331 694	6261 065	72.0 m	2.4 m		69.6 m
16	331 619	6260 969	72.8 m	> 1.7 m		< 71.1 m
17	332 209	6260 890	69.7 m	0.5 m		69.2 m
18	331 489	6261 275	56.7 m	0.0 m		56.7 m

In addition there is a commitment to monitor the water table during excavation using small test holes and/or piezometers in the base of the pit as the pit is excavated. Any areas which do not have the correct separation to the water table will be backfilled as necessary to ensure that the correct amount of sand of around 0.5 – 1.0 metres is provided above the winter high water table. See Figure 8.

Protection of the Water Table

The management of water during excavation is contained in the Excavation Management Plan dated 28 November 2018. Excavation is to occur with a separation of 0.5 to 1.0 metres of the winter maximum perched water table.

Updated Water Management Plan – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

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The pasture on the ridge is low grade as it sits on leached white sand well above the water table. In summer the temporary perched water table drops below the underlying subsoil base of loamy and sandy clay sediments. This causes the pasture to die as can be seen from summer aerial photographs.

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The aim of the excavation has always been, in addition to extracting the sand, improving the pasture on site by removing the leached white sand from the surface and reconstructing a soil based on loamy yellow sands closer to the water table. The reconstructed soils have much greater water and nutrient holding capacity than the current leached sands.

This means that the final land surface will be 0.5 to 1.0 metres above the highest perched water table.

The best means of not intersecting the water table is to excavate and provide piezometers of temporary test holes to measure the late winter water tables. If the separations are not sufficient the floor of the pit is to be back filled to achieve the separation. Test excavations and piezometers will be used to confirm the separations to the water table.

The water table should not be exposed at any time and if it is exposed in late winter then the floor will be raised to the final floor separation of 0.5 – 1.0 metre separation. The normal excavation at cut will be 0.2 to 0.3 metres below the final floor elevation to enable room for the 0.2 to 0.3 metres of topsoil to be replaced.

If the floor floods in late winter the floor of the pit is too low and the floor will be backfilled to achieve the completion criteria pit floor with a separation of 0.5 to 1.0 metres.

Attachment C

Explanatory reports and management plans

Updated Water Management Plan – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup Margaret River Natural Resources

6.0 WATER QUALITY MANAGEMENT

6.1 Water Source Protection Areas

Department of Water Environment Regulation - South West Region Guideline -Water resource considerations for extractive industries apply to this site.

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The excavation on Lot 101 complies with DWER Guidelines for water management and separation to the groundwater of > 2 metres in most situations and at all times 0.5 metres (500 mm), for all other areas including the edge of the low lying areas.

6.2 Water Requirements

The pit is relatively small with short access roads and operated intermittently in campaigns.

The water requirements are anticipated to be minimal and sourced from farm supplies. In most cases dust suppression will not be required.

Around 1 000 kL per year is to be used for minor dust suppression and for washing product.

Whilst to wash any product will pump more water, with little evaporation the water will seep back to the superficial water table.

The proposed operation complies with all Government Policies and Guidelines.

Potable water is brought to the site as needed.

Water Quality Protection Guidelines 6.3

All facilities and procedures on site are designed to comply with the DWER - DMIRS Water Quality Protection Guidelines for Mining and Mineral Processing and are all complied with;

- Minesite stormwater
- WQPN 15 Extractive Industries near sensitive water resources
- Draft WQPN 15 BRM extraction near sensitive resources 2014
- Department of Water Environment Regulation South West Region Guideline -Water resource considerations for extractive industries.

6.4 Surface Water

See the documentation in Section 3.0 above which is largely taken from the Excavation Management Plan dated 28 November 2018.

6.5 Groundwater

See the documentation in Section 4.0 above which is largely taken from the Excavation Management Plan dated 28 November 2018.

6.6 Salinity

Precipitation falling on the site is fresh.

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The groundwater obtained from the bore on site is fresh and there is no likelihood of significant or other salinity increases apart from minor evaporation, which is no different from any garden.

The existing bore provides a monitoring point for water quality.

The groundwater is not exposed, apart from a small sump in the base of the pit to act as a water source.

6.7 Dewatering

No dewatering is proposed. All water is to be retained in the pit and infiltrates into the sand.

6.8 Recharge

See the documentation in Section 3.0 above which is largely taken from the Excavation Management Plan dated 28 November 2018.

6.9 Acid Sulfate Risk

Definitive survey procedure is produced in *DEC (DWER) 2013, Identification of Acid Sulfate Soils and acidic Landscapes* and within document *Acid Sulfate Soil Management Advisory Committee NSW, 1998, Acid Sulfate Manual.* This information forms the basis for much of the assessment procedures in Australia, including those adopted by the Western Australian Planning Commission and the Department of Environment Regulation.

The main method of assessment is based on geological examination. If at risk conditions are identified then laboratory testing may be required but must be completed carefully because there is a high risk of false positives with the available testing regimes.

Acid sulfate only becomes a potential risk when a number of circumstances are present.

Acid Sulfate is a natural phenomena, that can be exacerbated by disturbance. For it to be present there needs to be;

- > Rock, soil or regolith present that is carrying sulfides.
- Sulfide carrying materials from below the water table are to be exposed to the atmosphere.
- Excavation below the water table is to be carried out exposing the sulfide carrying materials to oxygen in the atmosphere.
- Dewatering of the sulfide carrying materials is proposed, exposing them to oxygen.
- Exposure of peat or organoferricrete materials, that were permanently under reducing conditions, to the air.

Materials at risk under reducing conditions are normally grey in colour or have been grey with no brown or red brown iron oxides. Where exposed to the atmosphere there is a change to brown iron oxides, with yellow jarosite and other alteration minerals that are distinctive.

Attachment C

13.1

Explanatory reports and management plans

Updated Water Management Plan – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

The site has been inspected by Lindsay Stephens of Landform Research and the resource area tested with excavation test holes to 3.0 metres depth. None of the at risk parameters occur on site.

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On site the soils are yellow sands that are oxidised and do not carry any risk of acid sulphate potential. Some minor iron induration is encountered in the faces of the pit, generally below the proposed base of the pit.

This concurs with Nattaporn-Prakongkep, R J Gilkes, B Singh and S Wong, 2011, Mineralogy and chemistry of sandy soils in the Perth metropolitan area of the Swan Coastal Plain, Department of Environment and Conservation who concluded that there is no risk of acid sulfate soils in sands unless there is peat or organoferricrete present and excavation proceeds below the water table. In such situations no testing would be required because there is no risk. None of these conditions are encountered.

6.10 Unauthorised Access and Illegal Dumping

- The potential for rubbish to be dumped relates to unauthorised access to the site. Access is restricted by current farm fencing and locked gates. The pit is 500 metres from the nearest road.
- Wastes generated from on site operational activities will be recycled wherever possible and periodically disposed of at an approved landfill site.
- Any illegally dumped materials are to be removed promptly to an approved landfill or other suitable site, depending on the nature of the material.

6.11 Wastewater Disposal

A serviced portable toilet is proposed to be in place while the site is operating. Serviced means they are pumped out by a licensed contractor.

6.12 Refuelling

Fuel management will be in accordance with the relevant guidelines. The methods to be used are summarised below.

Documents specific to the fuel and maintenance are the DOW - DMIRS Water Quality Protection Guidelines for Mining and Mineral Processing

- WQPN 60 Tanks for mobile fuel storage in PDWSAs.
- WQPN 15 Extractive Industries near sensitive water resources.
- Department of Water Environment Regulation South West Region Guideline Water resource considerations for extractive industries.

Refuelling - Fuel Management Plan

- There will be no onsite fuel storage. The loader will continue to be refuelled on site from a
 mobile tank or tanker. This method is used on most mine and construction sites as well as
 many farming properties.
- Refuelling on site will occur in the active pit area to allow for containment if any spill did occur.

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- The main risk of contamination is the minor drips that occur during the removal of hoses etc. Minor spills are quickly degraded by soil microbial matter.
- The only other risk is from a tank rupture, but tanks are designed to manage this eventuality and are approved to the relevant standards. Soil contaminated by large spills will be removed from the site to an approved disposal area.
- The operators of the mobile refuelling facilities are trained in re-fuelling duties including the management of any spills.
- In the event of a spill or adverse incident, activities will be stopped in that area until the incident is resolved.
- Spillage will be contained in plant and working areas by shutting down plant or equipment
 if the plant or equipment is the source of the spill (provided it is safe to do so). The sand
 will provide high absorbency and will retain any spill.
- · Soil contaminated by spills will be removed from the site to an approved disposal area.
- All significant adverse incidents (such as a fuel spill of >5 litres) in one dump, are to be recorded, investigated and remediated. A record is to be kept of incidents, and DWER, and City of Busselton notified within 24 hours of an incident.

6.13 Servicing and Maintenance

Documents specific to the fuel and maintenance are the DWER Water Quality Protection Guidelines for Mining and Mineral Processing

WQPN 15 - Extractive Industries near sensitive water resources.

The main risk of contamination comes from tank or hose rupture on earth moving machines.

- All major servicing of vehicles will be conducted off site.
- The loader will continue to be parked at a secure site at night and minor servicing will be conducted there.
- Regular inspections and maintenance of fuel, oil and hydraulic fluids in storages and lines will be carried out for wear or faults.
- In the event of a small service item being required during operations, such as lubricating and maintenance activities, these will be carried out in designated areas in the pit. Equipment for the containment and cleanup of spills is to be provided as required.
- Waste oil and other fluids derived from the routine maintenance of mobile machinery, will be transported off site and disposed off at an approved landfill site. Grease canisters, fuel filters, oil filters and top-up oils are stored in appropriate containers in a shed or brought to the site as required.
- If any spillage occurs it will be contained in the plant and working areas by shutting down plant or equipment if the plant or equipment is the source of the spill (provided it is safe to do so).
- Accidental spill containment and cleanup protocol will be implemented as necessary.

13.1 Attachment C

Explanatory reports and management plans

Updated Water Management Plan – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

Non essential or old operating plant and materials will be removed from the site. Locked gates and the existing fences will be maintained to prevent illegal dumping and contamination of water.

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- There will be no waste disposal on site. Wastes generated will be recycled wherever possible and periodically disposed of at an approved landfill site. Any waste materials derived during routine maintenance activities will be stored in appropriate sealed containers within a designated storage area or taken from site and disposed of at an approved facility.
- Regular inspections (at least weekly) are conducted to ensure no wastes, litter and the like are present in or around the excavation and processing area.

Prepared by

Lindsay Stephens

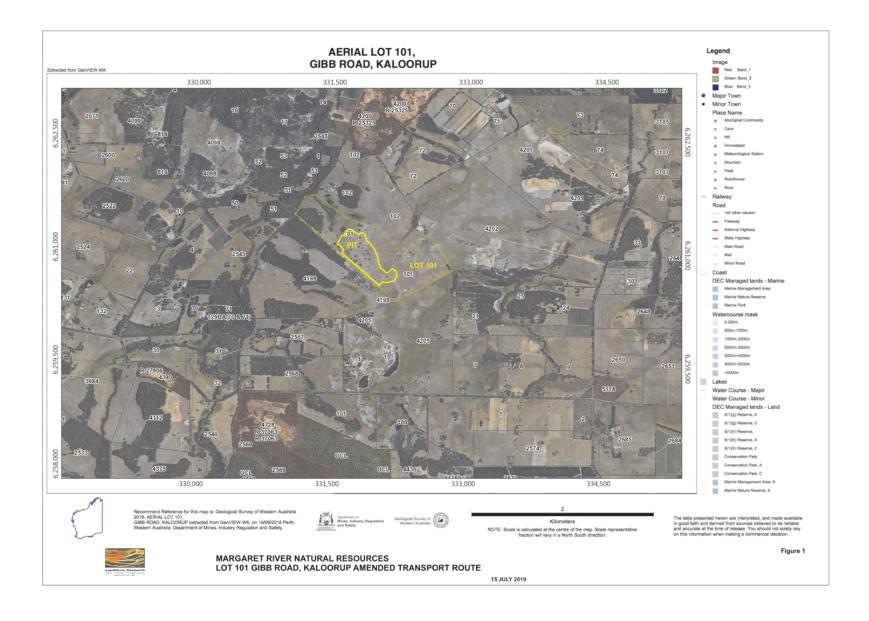


Lindsay Stephens BSc (Geology), MSc (Plant Ecology)

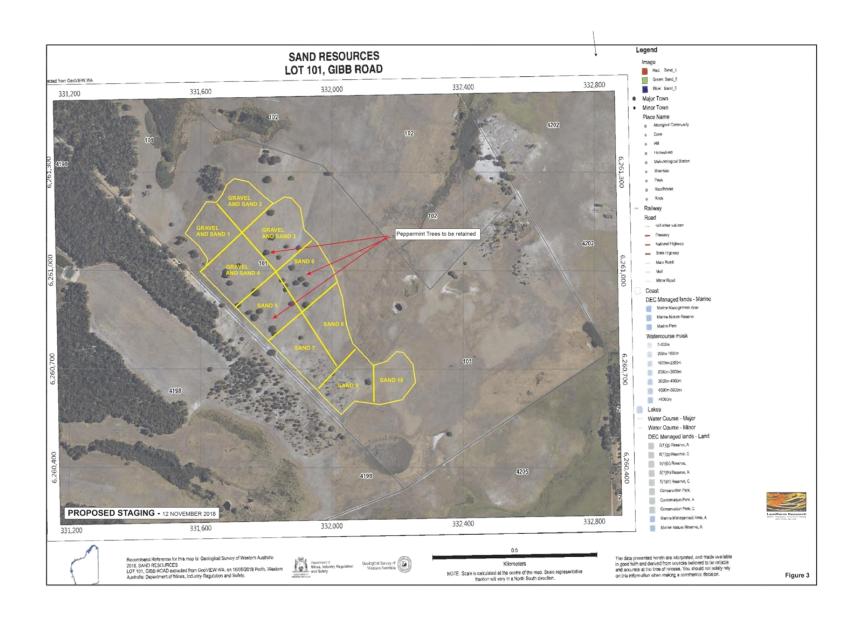
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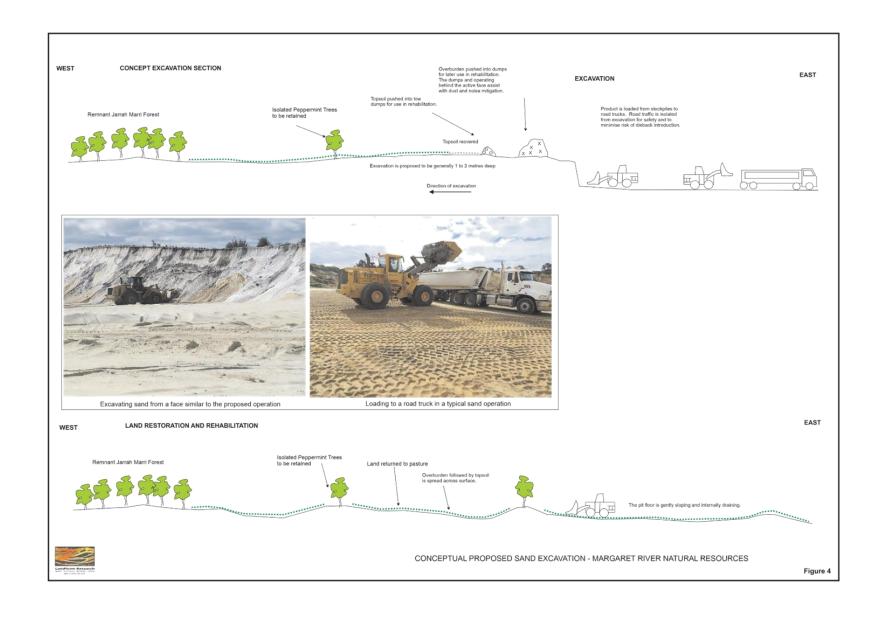
Mem Aus Geomechanics Soc – MEIANZ – FIQA

Tel 08 9474 3978, landform@iinet.net.au





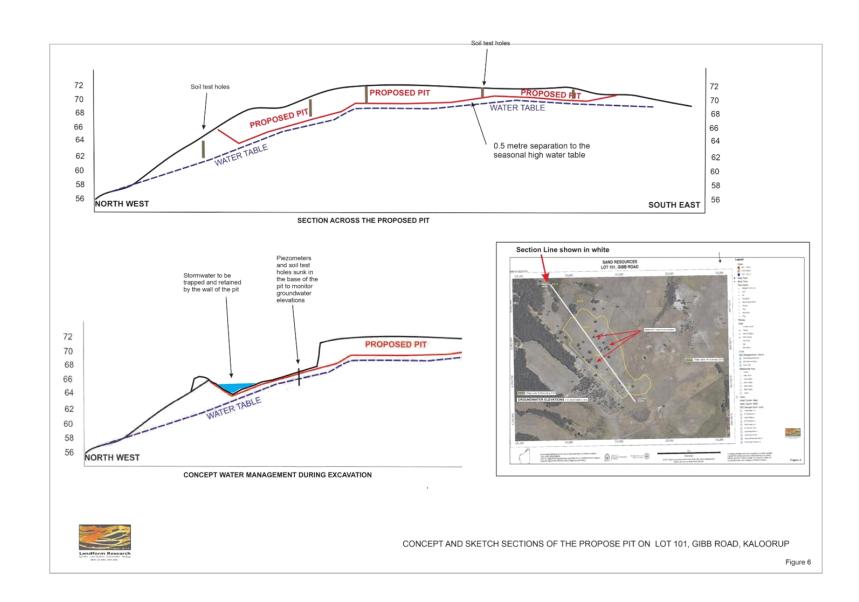




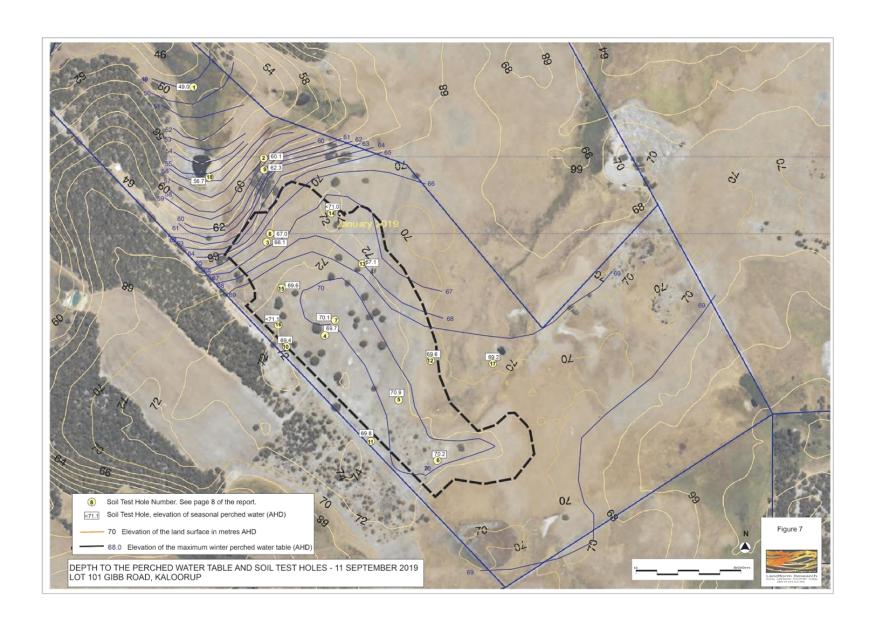
Attachment C



CONTOUR PLAN OF LOT 101, GIBB ROAD, KALOORUP



Attachment C



Attachment C Explanatory reports and management plans



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Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

AMENDED TRAFFIC ROUTE AND MANAGEMENT

GIBB - NORTH JINDONG AND ROY ROADS

PROPOSED SAND PIT, LOT 101, GIBB ROAD KALOORUP

13 September 2019

Summary

The proposed amended transport route for pit traffic along the northern section of Gibb Road to North Jindong Road and Roy Road to Bussell Highway, provides an ability to quickly reach a much safer section of road than was previously proposed along Gale Road.

There is 1.5 km of gravel road along which the trucks will travel and that becomes a traffic management issue for which Margaret River Natural Resources has proposed a Transport Management Plan (attached).

The proposed truck traffic complies with the City of Busselton for the width, construction and current traffic movements along Gibb Road.

Prepared by



Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

Amended Transport Route

The original transport route was proposed to cart the sand through Lots 4205 and Lot 1 Gale Road and then along Gale Road.

On review of the transport options the transport of sand through Lots 4205 and Lot 1 Gale Road and along Gale Road is not now considered the best option.

There is a better and safer option by using North Jindong Road and Roy Roads, which are bitumen roads with two lanes marked by lime marking. Also the City of Busselton have advised that Payne Road is a RAV Network 3 with Conditions, indicating its safer formation.

On the other hand Gale Road, whilst sealed, has several sharp corners where the truck traffic has to slow down. The seal coat is only single lane, meaning that trucks and other vehicles will have to slow and leave the bitumen. See the attached Figures. Figure 1 for location and 7, 8 and 9 for photographs.

Gale Road has been used for the transport of sand and gravel for many years by local operators but is considered less safe than using the amended transport route.

On the other hand Gibb Road has a seal coat for the northern section with the remainder being gravel road in good condition with a width of 7 metres and a transport length of gravel of 1.5 kilometres.

This gravel portion of Gibb Road has very low traffic counts and appears to be used solely to access several dwellings on the section of road.

The sealed section of Gibb Road was constructed to enable the transport of gravel from the City of Busselton Pit with that pit at the northern end of Gibb Road appearing now to only have minor use and use by off road trail bike riding.

The revised transport route is;

- > Lot 101 Gibb Road
- Gibb Road north
- Payne Road North Jindong Road
- Roy Road
- Bussell Highway

Scale and Intensity of the transport

The proposed scale and intensity of the transport is not proposed to change.

The number of truck movements will vary throughout the year depending on the size of contracts. To transport the required amount of sand a certain number of trucks must be used.

Road transport will use a variety of road approved vehicles such as rigid trucks, semi-tippers (16 to 26 tonnes) or rigid (8) wheeler tippers (3-15 tonnes) and potentially with a 5 axle dog trailer.

With a calculated volume of sand of 200 000 tonnes, and a ten year life of the operations, that equates to around 20 000 tonnes of sand extracted every year. However due to the variable nature of contracts, up to 30 000 tonnes of sand is anticipated to be transported in any one year.

With an average truck size of say 25 tonnes that equates to up to 1 200 laden truck movements in any one year for 30 000 tonnes extracted. If sand was transported on 200 days of the year that equates to an average of 6 laden truck movements per day.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

There could be a slightly higher daily average number of truck movements if more smaller trucks access the site. For example if the average load is 20 tonnes then the average number of truck movements to cart 30 000 tonnes of material annually will be 7.5 trucks per day. In any case the average will be less than one per hour.

To be conservative an average of 10 vehicles are suggested per day on 200 days per year allowing for staff and service vehicles.

However with the nature of sand sales, there will be times when more trucks arrive on a particular day and times when there will be less.

A condition of a maximum of 30 trucks on any one day is acceptable to Margaret River Natural Resources.

In addition it is suggested that for a large contract the Shire of Busselton be notified at least 1 week prior to the commencement of a large contract and informed of the tonnages, likely truck movements and anticipated volumes to be transported during that contract. This process is used at other sand pits and provides the City with an opportunity to discuss any specific issues with the operator.

A road maintenance agreement will be determined with the City of Busselton based on the City of Busselton Planning Policy 5, Rural Land Use and Development Policy 2010.

Existing road

City of Busselton Engineers completed traffic counts along Gibbs Road in May-June of this year. (source City of Busselton)

These traffic counts indicate approximately "30 vehicle per day annual average day traffic" on Gibb Road.

The count was taken 2.6km north of the intersection with Gale Road which is around the location of the entrance to Lot 101.

In addition the City advises that the traffic count was an annual average of 30 vehicles per day. They also advised that there is currently an application for the harvesting of a BlueGum Plantation which will add to the truck movements along Gibb Road. It is estimated that 8 truck movements will be added as a result of the tree harvesting. That will take the average daily traffic to 38 movements per day.

No speed data was available.

If a conservative additional traffic of 10 vehicles per day are added then the current daily traffic loading, on an annual basis, increases to around 48 vehicles average maximum per day.

City of Busselton advised that their last Engineer's inspection of Gibbs Road it was an unsealed road with a 7m wide formation, which is similar to the measurements made by Margaret River Natural Resources on 11 September 2019.

The City of Busselton advised that their engineering section do not have issues with transport vehicles turning right on to Gibbs Road to Payne Road. Payne Road is a RAV Network 3 With Conditions, so this would be preferable to heading south to Gale Road, which is not on the RAV network.

Data provided by the City of Busselton is summarised in the table below. Using the City measurements of 7 metre width gravel then up 70 daily average number of vehicles is applicable as shown in the table below supplied from the City of Busselton. With the predicted average of around 48 vehicles the vehicle movements comply with the current road construction.

It is also noted that the City of Busselton graded Gibb Road on 11 September 2019.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

Table 3 - Seal Widths and Carriageway widths for Rural Roads

Design Traffic Volumes (AADT) (veh/day) (Note 1)	Carriageway Width (seal width + trafficable shoulders) (m)	Sealed Width (m)
0-75	7	Unsealed (see note 1)
75 - 150	7.5	3.5 (note 2)
150 - 500	8.0	6.0(note 3)
Over 500	8.0 (note 4)	7.0

Source - Based generally on "Rural Roads Guide", Table 4.1 & 4.2

The northern portion of Gibb Road has a seal coat for the northern section with the remainder being gravel road in good condition with a width of 7 metres and a transport length of gravel of 1.5 kilometres.

That means that transport along Gibb Road becomes a management issue of the predicted truck traffic.

Therefore a traffic management program is proposed for all trucks travelling along the gravel section of Gibb Road. See the attached Traffic Management Plan.

Site Access

Access to Lot 101 is located at the southern boundary of the lot. The gate is set back 40 metres from the property boundary of Lot 101 to enable a truck to park on Lot 101 prior to entry or exit, without parking on Gibb Road. (Figures 1, 5 and 6). See also the photograph in Figure 7.

The access road runs along the existing fire break for a distance of around 550 metres. The access is straight, with good visibility. The track has been upgraded to the point where trucks can travel safely along the road, but not to the point where the road is so good that trucks will speed. As the access road has some underlying laterite duricrust there are some natural undulations, which will act as speed humps. (Figures 1, 5 and 6). See also the photograph in Figure 7.

The internal access road will also be sheeted with gravel as necessary to provide the safe access. Gravel will be accessed from the gravel resource on the proposed extractive industry area.

For such a small sand resource it is not preferred to provide a wide road that will increase visual impact, but to provide a safe access that is more compatible with the surrounding landscape.

There is not anticipated to be a significant upgrade to the existing access road to achieve the access

The access road is not near any dwellings. The closest dwellings are to the actual entrance rather than other parts of the access road. Figures 1, 2, 3 and 4.

The distances to sensitive premises are;

- > 340 metres north across thick native forest
- > 460 metres south west
- > 525 metres north west
- 640 metres west
- > 730 metres south west.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

With respect to the existing gravel section of Gibb Road, there are thought to be 6 dwellings set back off that section of road, set back at distances of:

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- > 130 metres minimum of 90 metres dense forest
- > 130 metres minimum of 90 metres dense forest
- > 145 metres east of Gibb road with pasture and scattered trees between
- > 140 metres minimum of 50 metres forest
- > 145 metres minimum of 90 metres dense forest
- > 330 metres minimum of 90 metres dense forest

There is unlikely to be any significant increase from dust by the additional vehicles considering the scattered rain that falls through the year and the setbacks to the dwellings from Gibb Road.

Jones D N, L Bemede, A R F Bond, C Dexter and C L Strong, 2016, Dust as a contributor to the road effect zone: a case study from a minor forest road in Australia, Australian Journal of Environmental Management Volume 23, No 1 p 67 – 80 noted that dust deposition at a distance of 40 metres from a gravel road in forest varied from 8% to 30% of the deposition at the roadside depending on the level of vegetation cover. They also found that mammals were not significantly impacted by the dust compared to when the road was sealed.

In other studies dust particles have been found to be readily stopped by tree belts and distance, with which the site complies. Tree belts slow the wind and allow the dust to settle. See *Planning Guidelines Separating Agricultural and Residential Land Uses, Department of Natural Resources Queensland 1997 (Pages 65 – 111)* and *Department of Health WA, 2012, Guidelines for Separation of Agricultural and Residential Land Uses* which uses the same criteria (Pages 112 – 118).

The Queensland Guidelines predominantly relate to agricultural spray drift, but based on particle size also relate to dust.

The Guidelines provide for a buffer of 300 metres for open agricultural land, dropping down to 40 metres where an effective tree belt is in place. The Western Australian Department of Health also uses the same guidelines. The guidelines assess dust in the absence of dust control.

The Guidelines are based on field studies and demonstrate the effectiveness of tree belts and distance in providing screening against particulate travel on level ground.

The only dwelling which has less buffers is the dwelling east from Gibb Road, but this is set back behind a row of verge trees that even though they are not 40 meters wide, they are located at the edge of the road and are effective in reducing the wind speed and travel, allowing time for any dust to settle prior to the air travelling across the paddock.

In addition a speed limit of 40 kph will be imposed on truck traffic by Margaret River Natural Resources to minimise noise and dust generated from Gibb Road and to minimise any safety risks.

It is noted that being a public road the *Environmental Protection (Noise) Regulations 1997* do not apply. See Figures 1, 2, 3 and 4. See Figures 7, 8 and 9 for photographs of the transport route.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup Margaret River Natural Resources

Timing of the vehicles

Hours of operation will be 7.00 am to 5.00 pm Monday to Friday inclusive, excluding public holidays. This is similar to the operations of nearby quarries in the local area.

Lindsay Stephens Landform Research

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

ROAD TRUCK MANAGEMENT - DRIVER INSTRUCTIONS

Margaret River Natural Resources Pty Ltd

All truck contractors are supplied with written guidelines on the operations of the pit.

Drivers are inducted to the site through the Safety Management Procedures for the site.

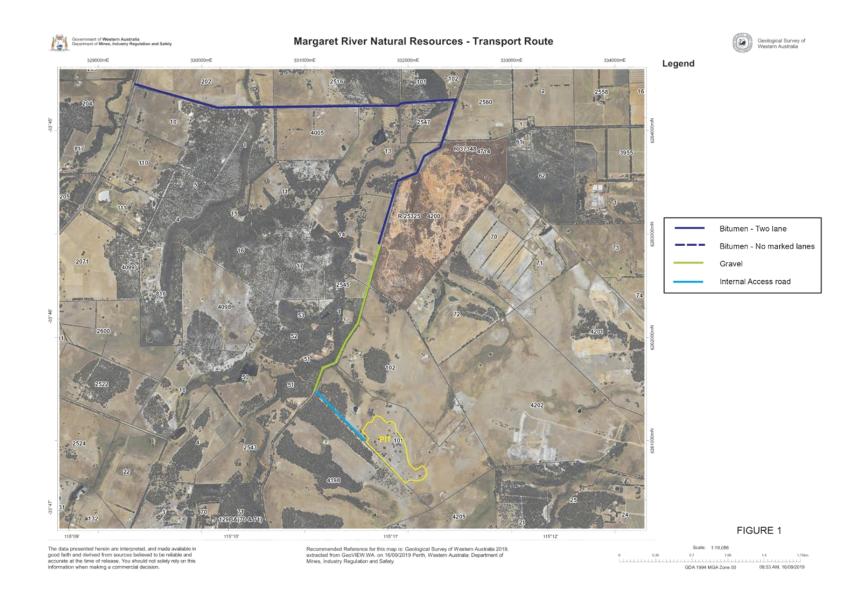
Signs are used on site to inform drivers of their responsibilities.

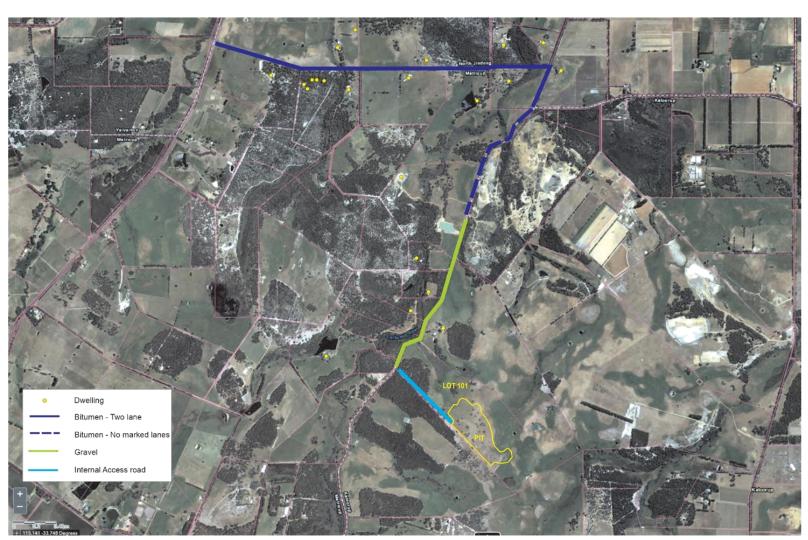
Drivers found breaching site procedures are warned and their employer notified in writing. Drivers breaching procedures on a second occasion are banned from the pit.

- All companies and contractors transporting sand or gravel will be informed of the operating hours and procedures applying to their contract.
- All trucks must arrive at the site clean and free from earth, sand, gravel, clay, vegetable matter or grain seed. Trucks not clean will not be permitted to be loaded.
- 3. There will be no cleaning or tip off at site.
- 4. All truck drivers and companies will be informed of the "normal operating hours of 7.00 am to 5.00 pm" Monday to Friday, excluding Public Holidays.
- 5. Trucks will be permitted to enter the site and be parked prior to the "start time", to remove the safety hazard of parking on Gibb Road or within the community.
- 6. Parking on Gibb Road is not permitted.
- 7. On entry, trucks will be required to park and wait to be loaded.
- 8. On entry trucks will radio forward of entry on the allocated UHF radio channel.
- Trucks are to enter the site at low power and make their way to the pit to wait for loading or instruction.
- 10. Trucks will not be loaded prior to the "start time".
- 11. Trucks are to leave the pit under low power.
- 12. The speed limit along the access road and within the pit is 25 kph.
- 13. Trucks are to swing anticlockwise into the pit to be loaded.
- 14. Trucks are not permitted to reverse except for safety or emergency.
- 15. No excessive revving of engines on roads is permitted near or within the site apart from safety considerations.
- 16. No air or exhaust brakes are to be used within the pit or on nearby roads except for emergency.
- 17. No horns are to be sounded within the pit or nearby except for emergency.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup Margaret River Natural Resources

- 18. Truck drivers are not permitted to leave the cab during loading unless they are located in a safe or designated place.
- 19. Communication between trucks and the loader will be via radio and eye contact.
- 20. Prior to leaving the pit all loads must be secured by tarpaulins or other suitable cover for minimising the loss of sand or gravel.
- 21. Prior to leaving site trucks are to be inspected by the drivers for sand or gravel or other materials adhering to the trucks.
- 22. Trucks are to slow to 40 kph when travelling on the gravel section of Gibb Road.
- 23. Drivers failing to adhere to the "Road Truck Management" will be banned from the pit



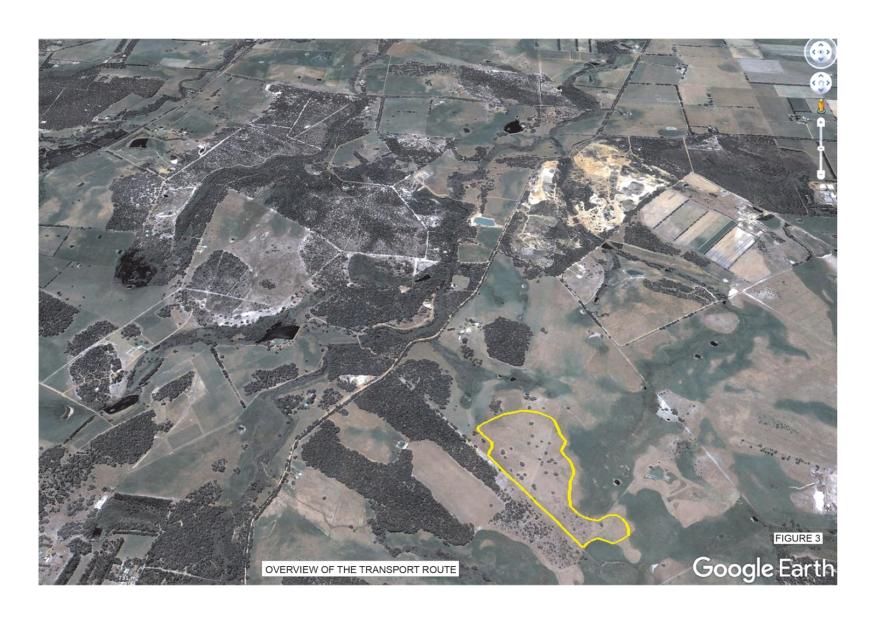


LOCATION OF DWELLINGS

FIGURE 2

12 February 2020

Attachment C







Location of the access road along the existing fire break

LOCATION OF THE ACCESS ROAD

FIGURE 5

12 February 2020



Attachment C Explanatory reports and management plans



Access from Gibb Road. Note gate set back to allow for truck parking and passing



Gibb Road south of Gersbach Road



Gibb Road, north from the access point



Gibb Road, north of Gerbasch Road

FIGURE 7











View south along North Jindong Road to intersection with Payne Road (left) and Gibb Road (right)

Roy Road vew west from North Jindong Road

FIGURE 8

12 February 2020



North Jijndong Road towards the intersection of Roy Road (left)







Roy Road central east

Roy Road central west

FIGURE 9

Attachment D Summary of submissions - initial round (2018)

SUMMARY OF SUBMISSIONS

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

SUBMISSIONS CLOSE: 31 October 2018 OFFICER: Joanna Wilkinson/Stephanie Navarro

	NAME	ADDRESS	Nature of Submission	Comment
GOVI	AUTHORITIES			
1.			The Subject Land is within the Busselton Drainage District (See attached Plan) The Water Corporation would expect that there will be no adverse flows from this activity as stated in their Documentation, and the Department of Water should be asked to comment if they haven't already be contacted.	Noted. Advice has been sought from Dept. Water and Environmental Regulation.
2.	Main Roads		No objection subject to the following condition: • The proponent will comply with Main Roads Heavy Vehicles Services haulage routerequirements/	Recommend advice note.
3.	DWER (Natural Resource Management)		As per email from Brendan Kelly, Senior Natural Resource Management Officer - Department of Water & Environmental Regulation, dated 8/11/18, 17/01/19, 21/01/19 and 30/01/19, further information required to assess impact on groundwater. Final Email from Brendan Kelly, Senior Natural Resource Management Officer, dated 26/11/19: Further to extensive discussions and emails regarding this proposal. As advised, DWER now has an updated report 'Updated Water Management Plan, Landform Research, 21 October 2019' (Landform). Firstly, it is clear that the test holes 7, 8, 13 & 15 (Landform, test hole photographs), which are located centrally and to the north-west within the proposed area of operation, have intercepted groundwater. It is also apparent that groundwater was intercepted in test holes 5 & 6 (Landform, Table 'Soil test hole results', p.8), located centrally and to the south-east within the proposed area of operation. Landform indicates that groundwater beneath the site appears to contour roughly from 71 mAHD in the south-east to 67mAHD in the north-west of the proposed extraction area. It is notable that the depth of resource to be recovered will depend on the local topography. Irrespective, the extraction of sand will be required to remain clear of the groundwater table and this is able to be achieved by the proponent's preferred 'push-up' method of extraction, rather that working to a sand face. Recommendation DWER recommends that the City of Busselton apply conditions to any development approval, to maintain a separation distance from groundwater of a suggested 0.5 metre.	Additional information and monitoring requested from Application. Further analysis undertaken and application re-referred to DWER. Refer to follow up response in Attachment E to Council report.

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

		DWER also recommends the following conditions apply:	
		The extractive industry shall not intercept the water table at any time.	
		 If any interception of groundwater occurs, work shall cease and an advice notice provided to the Shire within 48 hours, followed by agreed remedial action. 	
		 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 / post rehabilitation. 	
		There will be no storage of hydrocarbons, coolants or lubricants on-site.	
		 On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. 	
		No major repairs or maintenance will take place on site.	
4.	DWER (Contaminated Sites)	Lot 101 has not been reported to DWER as a known or suspected contaminated site and DWER holds no records for the site. However, DWER understands that truck access to the site is proposed to be through Lot 1 and Lot 4205 Gale Road.	Applicant no longer proposed to take access to Gale Road via Lot 101 and therefore these comments are considered no longer
		Land at Lot 1 on Plan 54810, as shown on certificate of title 1511/662, was classified under section 13 of the Contaminated Sites Act 2003 (CS Act) as possibly contaminated – investigation required on 12 April 2018.	applicable.
		The classification was based on information that Lot 1 has been used for the disposal and possible burial of waste including building and demolition waste. Waste disposal by burial is a land use consistent with landfilling and has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (Department of Environment Regulation, 2014).	
		Aerial photographs and a site inspection by a DWER Compliance Officer in April 2018, identified large stockpiles of demolition waste including fragments of potential asbestos-containing material (PACM) within Lot 1.	
		Based on the available information, DWER has no objection to the proposed extractive sand mining activity within Lot 101. However, there is the potential for the release of asbestos fibres to the air, associated with disturbance of demolition waste if trucks are allowed through Lot 1. DWER recommends that if another route is not sought, any approval should include the following advice note:	

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PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

		Advice An appropriate management plan should be prepared to address the risks associated with potential disturbance of waste and asbestos-containing materials from vehicles driving through Lot 1.	
		Amended route through Lot 1 referred to DWER on 22 July 2019. Email response from Samantha Lakin, Environmental Officer, Contaminated Sites, Science and Planning with referral response attached and dated 26 July 2019:	
		I refer to your email to the Department of Water and Environmental Regulation (DWER) on 22 July 2019. Your email requests that DWER review information provided in the Traffic Assessment and Management Plan (the management plan) and comment on whether it provides appropriate management measures to address potential contamination risks associated with truck traffic through Lot 1 Gale Road, Kaloorup (the site).	
		The initial application (DA18/0674) proposed a truck route through the centre of the site. DWER provided advice dated 1 November 2018 recommending that if an alternate route is not sought, then an appropriate management plan should be prepared to address the risks associated with potential disturbance of waste and asbestoscontaining materials by vehicles driving through the site.	
		DWER understands that the applicant has proposed an alternate route through Lot 1. The amended route appears to travels along the fence line and fire break on the northern, eastern and south-eastern boundaries of the site. DWER considers the amended route more suitable and may reduce the risk of encountering contaminated materials.	
		The management plan states that the amended route will be covered in gravel to allow a hard surface for truck traffic, and will be inspected prior to gravel deposition, with any foreign materials to be collected and disposed of at an appropriate landfill.	
		Based on the information provided, subject to the truck route being located along the boundary of the site as described in the management plan, DWER considers the measures outlined appropriate.	
5.	DBCA	No objection subject to the following advice: DBCA supports the stated intention to retain WA Peppermint trees with 10m buffers, and the planting of additional WA Peppermint trees to enhance the site's fauna corridor linkages. If clearing of vegetation is unavoidable, a permit should be applied for from DWER. The environmental values are likely to be impacted by the proposal and these will be through the assessment of a clearing permit.	Noted.
PUBLI	C SUBMISSIONS – YOUR SAY		
1.	Nathan Tognela	We are residents living across the road from this proposed development. We are strongly opposed and have the following concerns. — Increased traffic on Gibb Road which is still gravel and very narrow and windy. This is our major concern given increased heavy traffic, we do not want trucks on this road given it's currentstate. Dust and noise, we live in a rural setting and do not want increase dust ornoise. Length of time of this development is of concern.	 Refer to report regarding traffic along Gibb Road. Refer to report regarding amenity impacts along Gibb Road. Approval will be limited to 5 years in accordance with LPP5A.

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

SUBMISSIONS CLOSE: 31 October 2018

OFFICER: Joanna Wilkinson/Stephanie Navarro

2.	Karen Galloway 241 Gale Road Metricup	OBJECTION – FIRST SUBMISSION I reside at 241 Gale Road in Metricup, and I hereby wish to lodge an objection to the proposed access route for this application.	•	Gale Road no longer proposed to be used as part of Haulage Route.Refer to report regarding traffic along Gibb Road.
		The topography of this section of Gale Road is not suitable for large volumes of heavy trucks, with sharp bends and road narrowing at the creek line. The Augusta-Margaret River school bus also uses this section of Gale Road, with turning point in front of our entrance ways. We already have a substantial amount of truck traffic on Gale Road from other pits in this area. Permitting additional trucks from yet another pit will exacerbate the situation. The City of Busselton has a duty of care not to permit any additional heavy vehicles along this particular route. The potential cumulative impact of truck traffic on Gale Road is concerning, should yet another pit be permitted to use this road. There are also 2 tourist attractions on Gale Road, being The Beer Farm and ChurchView Wine Estate. Increased volumes of truck traffic has the potential to negatively impact tourism. The proposed extractive industry is on Gibb Road, Kaloorup. The northern end of Gibb Road leads directly onto Payne Road and provides direct access for truck traffic. The initial northern section of Gibb Road is already bitumised.		

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PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	Karen M Galloway (email) 241 Gale Road Metricup	Billion - SECOND SUBMISSION I am becoming increasingly concerned about the number of sand and gravel pits operating within our area. There have been many sub-divisions in this area over the years, with more and more people living in closer proximity to each other. Consequently all these pits are starting to impact more and more residents. Dust producing industries should not be permitted to operate in these populated areas, particularly areas with tourist attractions, which by their very nature are designed to attract people into the area. This region has a "clean and green" image for tourism. The dust emitted from these extractive industries goes into the environment and people living in the vicinity are affected. I would appreciate the City of Busselton considering the health risks that residents are potentially being subjected to in this area as a result of all these extractive industries operating. Research has shown that it only takes a very small amount of airborne silica dust to create a health hazard. Silica dust is a known carcinogen. (It is worth noting that respiratory diseases are totally preventable).	•	Number of existing operations within the area not a valid planning consideration. Setbacks of proposed operations assessed against and deemed to meet LPP5A. Dust management plan and dust bond to be condition of approval.
3.	Martin Staines & K Cameron 496 Gibb Road METRICUP	OBJECTION Operated a flower and tree farm since 2004. located 500 metres north-west of the intersection between Gibb and Gale Roads and 2km from the proposed development. Concerns regard traffic Safety along Gibb and Gale Road as a result of additional traffic movements and potential conflict between trucks and cars. Concerns regarding compliance of extractive industry practices	•	Gale Road no longer proposed to be used as part of Haulage Route.Refer to report regarding traffic along Gibb Road. Ongoing compliance of the site to be managed via conditions of development approval.
4.	Sandy Muir	Concerns regarding use of Gale Road. Gale Road should upgraded. Opposed to haulage on weekends.	•	Gale Road no longer proposed to be used as part of Haulage Route. Refer to report regarding traffic along Gibb Road. Haulage limited to weekdays as per a condition of development approval,
5.	Giancarlo Bertelli	OBJECTION Concerns regarding haulage along Gale Road and potential safety implications.	•	Gale Road no longer proposed to be used as part of Haulage Route.Refer to Council report regarding traffic along Gibb Road.
6.	Neil Galloway 241 Gale Road, Metricup	Concerns regarding use of Gale Road as part of Haulage Route. Concerns regarding operations 6 days a week and for 10 years.	•	Gale Road no longer proposed to be used as part of Haulage Route. Refer to Council report regarding traffic along Gibb Road.

Summary of submissions - initial round (2018)

SUMMARY OF SUBMISSIONS

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PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

			 Haulage limited to weekdays as pera condition of development approval. Approval limited to 5 years as per condition of approval. 			
7.	Joe Lacopo 365 Gibb Road KALOORUP	Concerns regarding vehicle movements indicated within supporting documents. Concerns regarding ongoing compliance of extractive industries within the City. Concerns with inadequate rehabilitation of other extractive industries within the locality. Inadequate weed management practices proposed. Not in keeping with the rural character of the area and vision of a tourist locality.	Traffic impact assessment provided in support of proposal. Would condition maximum number of truck movements per day. Gale Road no longer proposed to be used as part of Haulage Route. Refer to Council report regarding traffic along Gibb Road. Ongoing compliance of the site to be managed via conditions of development approval. Weed management plan would be condition on development approval.			
PUBLIC	PUBLIC SUMISSIONS – EMAIL/OTHER					
8.	Ross Booth 274 Gibb Road KALOORUP	SUPPORT (SUBJECT TO ACCESS ROUTE) We have no issues with the proposed industry, providing the access remains via Gale Road for the term of the industry.	Noted.			
	Ross Booth 274 Gibb Road KALOORUP	Concerns regarding noise.	 Refer to Council report regarding noise impacts. 			
9.	Peter & Ellen Buswell 5 Harnett Street BUSSELTON G & K Coulson	1. Margaret River Natural Resources has operated in the area since 2000 – at Tanah Marah Rd in Osmington, Harman's Mill Rd in Metricup. The rehabilitation in both previous pits has been of a high standard. 2. The sandpit could produce filter sand which is used by the local community. The filter sand is used by the local community – including Busselton Water (supplying 25,000 local residents) – local dairies, wineries, farmers, water drillers, landscapers. 3. The sandpit operators have a history of value adding to the resource – screening and washing to produce a range of products – of course filling sand would also be available. Gravel produced is also useful to the community as a whole. OBJECTION	Noted			
10.	G & K COUISOII	OBECTION				

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	(Deadline Group Pty Ltd) 43 Gersbach Road KALOORUP	Increased number of trucks in the area which is deteriorating the condition of roads and turning the area into an extraction pit. The chances of the trucks taking Gibb Rd to access Payne Rd is increased. There are already enough sand and gravel extraction businesses in the area.	used as part of H Council report r Gibb Road.	onger proposed to be aulage Route. Referto egarding traffic along operations within the diplanning
11.	Deborah & Mark Pettersson 465 Gibb Road KALOORUP	 Numerous examples of non-compliance on the site. Concerns regarding existing vehicle movements along Gale Road. No written consent has been provided by the owners of Lot 4205 and Lot 1 Gale Rd DWER is currently investigating the illegal dumping on nearby extractive Lot 4205 has just begun extraction and plans to remove approx. 200 old peppermint trees, possibly containing WRP. Their clearing permit required them to plant 180 peppermint trees prior to clearing but this has not been done. In order for an easement road to go through lot 4205 and be constructed, further clearing of trees could be necessary. This should not be permitted until the existing clearing permit has been amended. There could also be the need to remove possums. Dust and noise from truck movements is likely to impact heavily on our farming practices (cattle). Potential impacts on water courses through our farm drain down from Lot 1 and we are fearful that the construction of an access road and vehicle movements may disturb suspected contaminated waste and contribute to possible air and water contamination. The proposed depth of excavation and removal of sand does not ring true – the water table will be affected. We strongly object to a 10 year licence; it should be 5 years to allow for proper compliance. Concerns regarding operation hours on weekends die to number of tourist operations on the Gale Rd – the Beer Farm, Churchview Estate and the mountain bike group. Would like to see the transport route changed to north on Gibb Rd and then to Roy Rd and Payne Rd, which is a gazetted heavy haulage route. There is no traffic management plan in the application. The applicant underestimates the impact of the 2.5km access Rd and transport route along Gale Rd (also a school bus route). The dust from the easement road would be significant, and a full-time water tank needed through summe	the site. Access through I to Gale Road no used as part of H Council report r Gibb Road. Applicant has c trees to be management pla approval. Location of acces be confirmed. Dust and noise r submitted. Access track wou stormwater runtheir site. Water table issu via further water LPP permits a soption to renew. Condition on a operating hours	5 year approval with
	Deborah & Mark Pettersson 465 Gibb Road KALOORUP	Potential health impacts that arise from exposure to silica, ie through cutting, grinding, drilling or otherwise disturbing silica dust.	 Dust would need Applicant has advegetation is to be City undertook o 	vised that no be cleared.

Summary of submissions - initial round (2018)

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PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

			Remaining vegetation is located within a threatened ecological community buffer. A clearing permit would be required. Statement that the proposal has been discussed with all adjoining landowners who are supportive of the proposed operation – incorrect. Several nearby residents oppose the proposal. Suitable buffer distance cited in the report is not correct, but should be determined based on the size of the operation. No traffic management plan or study has been completed. Consideration of viewsheds has not included visual impact for nearby residents. Groundwater levels are assumed, not definite.	Buffers in accordance with LPP Traffic information submitted by applicant. Bunding would assist in reducing visual impact of activities. Groundwater issue remains unresolved.
12.	1.	J Hughes	SUPPORT – PRO FORMA LETTER	21 signatories on separate pro-forma letters.
		122 Strelly St Bsn		
	2.	S Carmichael	 The products which will be produced will be of value to the community as a whole; at a basic level sand & 	Noted that none of the signatory addresses
	bear.	35 Barlee St Bsn	gravel.	are within close proximity to the
	3.	L Carmichael	 The further value adding by washing and screening to produce filter sand, as supplied to Busselton Water 	development site.
		4 Quail Cove Bsn	which in turn supplies 25,000 local residents with drinking water.	
	4.	E Burges		
		59 Barlee St Bsn		
	5.	S Peatling		
		5 Chidley Cove West Bsn		
	6.	A Lloyd		
	1.2	1 Lorikeet Loop Broadwater		
	7.	D Crowther		
		2 Currawong Dve Broadwater		
	8.	A Vanmaris		
	120	297 Marine Tce Bsn		
	9.	R May		
		29 Maslin St Capel		
	10.	M Johnson		
		21 Walpole Loop Yalyalup		
	11.	T Lewis		
		2 Fentrail Pl Bsn		
	12.	M Best		
	1920	3 Trojon Cl		
	13.	A, F & T Higgins		
		31 Provincia Pde Yalyalup		
	14.	D Nicholls		
		78 College Ave Bsn		
	15.	J Newman		
	16	7 Cloisters Cove Bsn L Bornatici		
	16.	L BOTHACICI		

Summary of submissions - initial round (2018)

SUMMARY OF SUBMISSIONS

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	16 Bullock Ct Bsn 17. A & J Pontague 11 Lavender Garden Yalyalup		
13.	Robert Tognela 278 Gibb Road METRICUP	SUPPORT Every house block, industrial or commercial development past, present and future requires sand fill and gravel and including open space and playgrounds.	
14.	Robert Tipper 390 Gibb Road METRICUP	Gale Road is not capable of safely handling the level of truck traffic proposed. Concern with increased traffic from additional developments.	Road upgrades have been assessed.

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

SUBMISSIONS CLOSE: 31 December 2019

OFFICER: Stephanie Navarro

	NAME & ADDRESS	Nature & Summary of Submission	Comment
GOV	TAUTHORITIES		
1.	Water Corporation	Application was not re-referred to Water Corporation.	Noted.
2.	Main Roads	Application was not re-referred to Main Roads.	Noted
3.	DWER (Natural Resource Management)	As per email from Brendan Kelly, Senior Natural Resource Management Officer - Department of Water & Environmental Regulation, dated 8/11/18, 17/01/19, 21/01/19 and 30/01/19, further information required to assess impact on groundwater.	Recommend conditions to be placed on development approval.
		Final Email from Brendan Kelly, Senior Natural Resource Management Officer, dated 26/11/19:	
		Further to extensive discussions and emails regarding this proposal.	
		As advised, DWER now has an updated report 'Updated Water Management Plan, Landform Research, 21 October 2019' (Landform).	
		Firstly, it is clear that the test holes 7, 8, 13 & 15 (Landform, test hole photographs), which are located centrally and to the north-west within the proposed area of operation, have intercepted groundwater.	
		It is also apparent that groundwater was intercepted in test holes 5 & 6 (Landform, Table 'Soil test hole results', p.8), located centrally and to the south-east within the proposed area of operation.	
		Landform indicates that groundwater beneath the site appears to contour roughly from 71 mAHD in the south-east to 67mAHD in the north-west of the proposed extraction area.	
		It is notable that the depth of resource to be recovered will depend on the local topography.	
		Irrespective, the extraction of sand will be required to remain clear of the groundwater table and this is able to be achieved by the proponent's preferred 'push-up' method of extraction, rather that working to a sand face.	
		Recommendation	
		DWER recommends that the City of Busselton apply conditions to any development approval, to maintain a separation distance from groundwater of a suggested 0.5 metre.	
		DWER also recommends the following conditions apply:	
		The extractive industry shall not intercept the water table at any time.	

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

		 If any interception of groundwater occurs, work shall cease and an advice notice provided to the Shire within 48 hours, followed by agreed remedial action. 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 / post rehabilitation. There will be no storage of hydrocarbons, coolants or lubricants on-site. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. No major repairs or maintenance will take place on site.
4.	DWER (Contaminated Sites)	Application was not re-referred to DWER (Contaminated Sites)
5.	DBCA	Application was not re-referred to DBCA.

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

PURII	PUBLIC SUBMISSIONS				
1.	Diane Smith-Gander Service Address: PO Box 445 Cottesloe WA 6911 Impacted property address: 114 Gibb Road Metricup WA 6280	Objection (Your Say Respondent No. 1) Submission raised the following concerns: Length of consultation period. Traffic route on the basis of disruption to vineyard operations via truck movements and dust including potential water contamination and negative health impacts to vineyard workers of dust particulate matter. No firm commitment that only sand screening and washing would be undertaken and not clear if chemical processing is proposed on site. Clarification regarding products of extraction, processing on site and likelihood of dust requested. Request that the approval limit operations to non-vineyard operations time of year i.e. May to August. Objection (Your Say Respondent No. 3) Follow up submission raised the following concerns: Inadequate resources to ensure compliance of operations and truck movements utilising an unapproved haulage route. Objection (via email) Submission raised the following additional concerns: Inadequate consultation undertaken and requested extension to advertising period Additional information in relation to extractive processes and potential dust escaping from site and trucks along transport route. Request that operations be limited to non-vineyard operation time of years – May to August.	The modifications to the proposed development were initially re-advertised for the standard 14 day advertising period in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The original close of submission date would have been 13 December 2019. However, to the level of interested, the referral period was extended until 31 December 2019. Transport route has been assessed against requirements of LPP5A and deemed compliant. Dust management plan to form a condition of approval.		
2.	Ross Booth Service Address: 21a Keane Street Wembley 6014 Impacted property address: 274 Gibb Road METRICUP WA 6280	Objection (Your Say Respondent No. 2) Submission raised the following concerns: • Width of Gibb Road and conflicts between holiday traffic and truck movement. Objection (via email) Submission raised the following additional concerns: • Safety along Gibb Road – insufficient room for vehicles to pass • Potential health implications from silica. • Inadequate water supply proposed for dustsuppression. • Impact on amenity, including noise, and property values.	Transport route has been assessed against requirements of LPP5A and deemed compliant.		

Attachment E

SUMMARY OF SUBMISSIONS

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

SUBMISSIONS CLOSE: 31 December 2019

OFFICER: Stephanie Navarro

3.	Pauline Orr Service Address: 276 Roy Road Metricup 6280 Impacted property address: 276 Roy Road Metricup 6280	Objection (Your Say Respondent No. 4) Submission raised the following concerns: Intersection of Roy and Lucy Road will become more hazardous. Gale Road is considered the be a better and safer option than Gibb Road. Additional traffic monitoring should be undertaken at the intersection of North Jindong Road and Payne/Roy Road as already a busy intersection. Additional truck movements will result in additional noise and safety impacts as well as additional wear and tear on the road. Inadequate resources to ensure compliance with approved haulage route. Did not receive a consultation letter.	
4.	Amanda Petchell Service Address: 241 Gibb Road Kaloorup 6280 Impacted property address: 241 Gibb Road Kaloorup 6280	Objection (Your Say Respondent No. 5) Submission raised the following concerns: Safety concerns regarding large number of trucks utilising Gibb Road. Gibb Road is single lane with not enough room for a car and a truck (or two trucks) to pass one another. No line markings along sealed portion of Gibb Road. A number of other users of Gibb Road to be considered including livestock trucks and agricultural machinery. Concerns regarding intersection of Payne/Gibb/North Jindong Road with no signage (ie. giveway or stop) – recommend intersection be upgraded.	
5.	Riki Mackenzie Service Address: Lot 17 Irvine Road Metricup 6280 Impacted property address: Lot 17 Irvine Road Metricup 6280	Objection (Your Say Respondent No. 6) Submission raised the following concerns: Proximity to residential areas. Increased traffic Noise pollution from reserving beepers on machinery. Area has a high environmental and cultural significance. Dust. Alternative locations should be considered.	
6.	Mornay de Villiers	Objection (Your Say Respondent No. 7) Submission raised the following concerns:	

Summary of submissions - second round (2019) Attachment E

SUMMARY OF SUBMISSIONS

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	Service Address: 6 Bluejay Close WOODVALE 6026 Impacted property address 276 Gibb Road Metricup 6280	Potential health impacts from dust and noise. Safety concerns regarding additional traffic along Gibb Road, width of Gibb Road and blindcorners. Noise from operations will impact amenity of the area. Property is utilised for short stay accommodation. Number of inaccuracies within the submission including: Climate data from Witchcliffe used in lieu of closer weather station at Jindong. Dwellings at 274 & 276 Gibb Road not shown on Figure 2. Large number of pits in the area.
7. Giancarlo Bertelli Objection (Your Say Respondent No. 8) Submission raised the following concerns: 237 Gale Road Metricup 6284 Impacted property address: 237 Gale Road Metricup 6284 Metricup 6284 Objection (Your Say Respondent No. 8) Submission raised the following concerns: Dust will have adverse impact to in vines located 500m west. Noise from traffic movements. Adverse impact of native wildlife. Large number of pits in the area.		Submission raised the following concerns: Dust will have adverse impact in vines located 500m west. Noise from traffic movements. Adverse impact of native wildlife.
8.	Anne Carter Service Address: 52 Irvine Road Metricup 6280 Impacted property address 52 Irvine Road Metricup 6280	Objection (Your Say Respondent No. 9) Submission raised the following concerns: Proximity to Bushland Protection lots with rare flora and fauna. Dust on existing vineyards and surrounding dwellings Traffic volumes along Gibb Road. Already a busy road and will require additional maintenance as a result of additional truck movements.
9.	Stuart Love Service Address: 19A View Street Peppermint Grove 6011 Impacted Property Address:	Objection (Your Say Respondent No. 10) Submission raised the following concerns: Road safety taking into account narrow and winding nature of Gibb Road. Traffic data collected during May to June which is considered to be the lowest usagemonths. Additional traffic will deteriorate road quicker. Dust and noise impacts from vehicle movements and mining and processing of sand.

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	Landa with a second		
	278 Gibb Road Kaloorup 6280	Email submission also received.	
10.	Guiseppe Lacopo Service Address: 365 Gibb Road Kaloorup 6280 Impacted Property Address: 365 Gibb Road Kaloorup 6280	Objection (Your Say Respondent No. 11) Submission raised the following concerns: Safety impacts from truck movements along Gibb Road. Impact of dust (including silica) on livestock and dams. Environmental impacts.	
11.	Brycen Godfrey Service Address: 272 Gibb Road Metricup 6280 Impacted Property Address: 272 Gibb Road Metricup 6280	Objection (Your Say Respondent No. 12) Submission raised the following concerns: Road safety – narrow gravel road with blind corners that can be difficult to navigated. Potential for conflict between different road users including tourism traffic, bikes etc Health impacts from dust, including silica dust Environmental impacts including rehabilitation and impacts of flora and fauna. Enforcement of applicable requirements.	
12.	Karen & Neil Galloway Service Address: PO Box 348 COWARAMUP WA 6284 Impacted Property Address: 241 Gale Road	Objection (via email) – Karen Galloway Submission raised the following concerns: Compliance with proposed access route and speed limits; Impact on environment Possible extensions of time and scale of extractive. Dust produced and potential impacts on environment including vegetation Concerns regarding potential contamination of surface water, groundwater and soil. Retention of Peppermint Trees on site and impact on Western Ringtail Possum	

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

13.	Greg and Kathy Coulson Service Address: 285 Gibb Road Kaloorup 6280 Impacted Property Address: 285 Gibb Road Kaloorup 6280	Amount of water available to be used for dust suppression Potential impacts on groundwater and adequate separation distances to be maintained. Silica dust and potential health impacts. Number of extractives already operating within the area - 13 operations within a 10km radius of Gibb and Gale Road. Impact on "quiet rural area" and cumulative effect of all these extractives operating within the area. Objection (via email) - Neil Galloway Submission raised the following concerns: Road safety as Gibb Road is a narrow and windy road with corrugation and potholes Number of users along Gibb Road including residents, viticultural and farming vehicles and tourist and recreational vehicles. Dust from truck movements, screening and stockpiles including potential health concerns. Dust suppression and monitoring methods appear to be inadequate within the supporting information. Impacts on Western Ringtail Possums and their habitat. Visual impacts Large number of other pits within the area. Objection (via email) Submission raised the following concerns: Gibb Road is narrow and windy and becomes badly corrugated. Additional gravel dust from road will impact visibility and covervegetation. Additional traffic will result in additional wear and tear along Gibb Road which already gets potholes in winter. Potential health impacts from the processing of sand products. Insufficient water usage has been estimated in the supporting documentation for dust suppression. Ongoing issues around the monitoring and compliance.
14.	Martin Staines Service Address: PO Box 151	Objection (via email) Submission raised the following concerns: Traffic Safety with a number of other pits within the area. Gibb Road not suitable to be used by trucks due to two sharp narrow bends with minimal
	Cowaramup 6284 Impacted Address:	elib koda not suitable to be used by trucks due to two sharp narrow bends with minimal vegetation. Health concerns from silica dust that may be emitted from the operations.

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	496 Gibb Road Kaloorup	 Inadequate assumptions within supporting information regarding amount of water needed for dust suppression. Inadequate monitoring and compliance of extractives within the area.
15.	John Cousins Service Address: 204 Gibb Road Kaloorup Impacted Address: 204 Gibb Road Kaloorup	Objection (via email) Submission raised the following concerns: Safety concerns regarding condition of Gibb Road – corrugations, overhanding trees and sharp concerns Dust is already an issue within the area Additional vehicle movements along Gibb Road as a result of development
16.	Malcolm Hawke Service Address: 52 Yaltara Road CITY BEACH WA 6015 Impact Address: 252 Roy Road Metricup WA 6280	Objection (via email) Submission raised the following concerns: Additional trucks utilising Roy Road and potential safety implications in particular due to entrance to property have poor sightlines. Health concerns regarding silica dust, including potential impacts on vineyards and livestock.
17.	Diane & Russell Tipper Service Address 390 Glibb Road Metricup Impacted Address 390 Glibb Road Metricup	Objection (via email) Submission raised the following concerns: Safety implications from use of Gibb Road with additional haulage trucks. Insufficient road width to accommodate truck and cars passing. Additional wear and tear on the road resulting in the road becoming rutted and pot holed. Health implications from dust

Attachment E

SUMMARY OF SUBMISSIONS

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	T .	
18.	Deborah and Mark Pettersson Service Address 465 Gibb Road Kaloorup WA 6280 Impacted Address 465 Gibb Road Kaloorup WA 6280	Objection (via email) Submission raised the following concerns: Condition of Gibb Road which is a gravel road and is already in poor condition from current vehicle movements. Safety concerns regarding different vehicle uses including residents, diary and viticulture trucks. Dust emissions from screening process and potential health and safety implications. Potential for silica dust to be emitted from the process. More detailed dust information should be submitted Dust emissions from truck movements along Gibb Road Inadequate information provided regarding water source for dust suppression Ongoing compliance issues with other extractive operations within the area. Impact on amenity as a result of dust, noise and disruption to everyday life. Number of tourist operations within the area that will potential be affected by proposal including Middle Earth bike trails, Leuca Creek Farm, the Beer Farm, Churchview Estate, Southern Capes Motorcycle Club, the Humble Horse and Yelverton Brook Eco Retreat.
	ubmissions	
19.	Symen and Gina Bergsma Service Address 192 Roy Road Metricup WA 6280 Impacted Address 192 Roy Road Metricup WA 6280	Objection (via email) Submission raised the following concerns: Not notified of the application as part of the formal referral process. Safety implications from vehicle movements along Roy Road with a number of blind spots and crests along Roy Road.
20.	Luigi & Louisa Bove Service Address 195 Roy Road Metricup WA 6280	Objection (via email sent by Symen and Gina Bergsman) Submission raised the following concerns: • Safety implications from vehicle movements along Roy Road with a number of blind spots and crests along Roy Road.

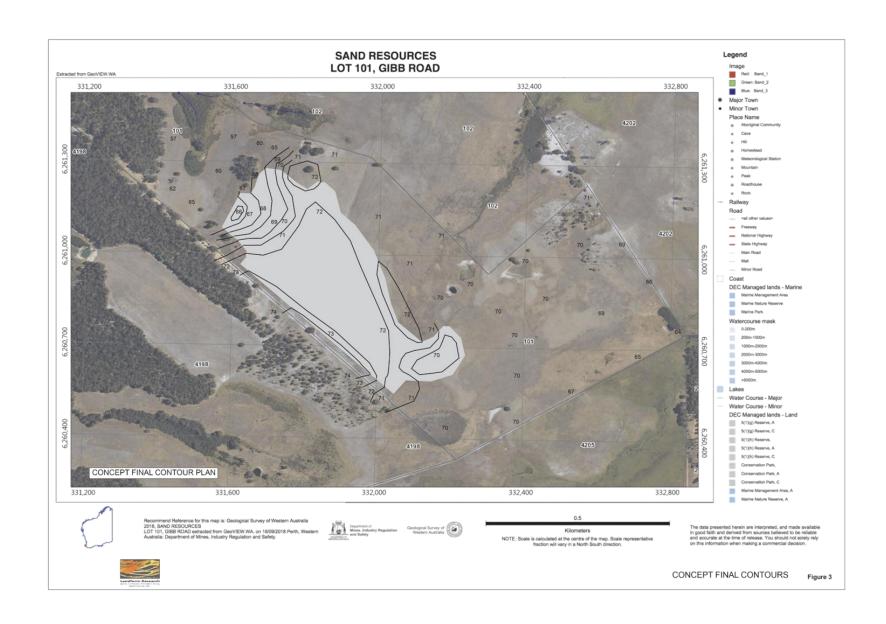
Summary of submissions - second round (2019) Attachment E

SUMMARY OF SUBMISSIONS

PROPOSAL: DA18/0674 Extractive Industry (Sand and Gravel) Lot 101 NO 285 Gibb Road KALOORUP

	Impacted Address 195 Roy Road Metricup WA 6280 *No email*		
21.	Lauren Wilhelm Service Address PO BOX 696 COWARAMUP 6284 Impacted Address 20 Lucy Road NORTH JINDONG WA 6280	Objection (via email) Submission raised the following concerns: Safety implications from vehicle movements along Roy Road with a number of blind spots and crests along Roy Road. Potential health implications from silica dust Implications on vineyards from dust Insufficient information in supporting documentation in regarding to sand screening and washing. Concerns regarding chemical processing on site.	

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Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

7.0 NOISE MANAGEMENT

7.1 Operations

Noise Management is designed to comply with Best Practise, such as Institute of Quarrying Australia/Queensland Government, Noise Management.

7.2 Regulatory Framework

Noise can originate from a number of operations and may impact on onsite workers, or travel offsite and impact on external sensitive premises. Both potential noise impacts are addressed by reducing the noise generated from the quarrying and processing operations.

Offsite noise is governed by the Environmental Protection (Noise) Regulations 1997.

The Environmental Protection (Noise) Regulations 1997, require that sensitive premises including dwellings in non industrial and rural areas, are not subjected to general noise levels (excluding blasting), during the hours 7.00 am to 7.00 pm Monday to Saturday that exceed 45 dBA. Allowable noise to 55 dBA is permitted for up to 10% of the time and to 65 dBA for 1% of the time. Noise levels are not to exceed 65 dBA during normal working hours.

Between 9.00 am and 7.00 pm on Sundays and Public Holidays, and between 7.00 pm and 10.00 pm on all days, the base level is 40 dBA.

At night, between 10.00 pm and 7.00 am Mondays to Saturday, and before 9.00 am on Sundays and Public Holidays the permitted level drops to 35 dBA.

The 10% and 1% "time above" allowances apply at night and on Sundays and Public Holidays as well.

There are penalties for tonality of 5 dB, modulation 5 dB and 10 dB for impulsiveness, that are added to the permitted levels. That is, if the noise is tonal or modulated the permitted levels drop by 5 dB. Impulsiveness is not likely to be relevant for the quarry under normal circumstances.

The Noise Regulations provide for Construction Noise exemptions to enable construction of the site such as the building of the screening bund and opening the pits.

Influencing factors that raise the allowable noise levels are activities such as external industrial noise, some nearby land uses and busy roads. These are not relevant to this site.

Under Schedule 1 of the Noise Regulations the premises on which the extraction of basic raw materials are extracted, is classified as Industrial Land for the purposes of calculating influencing factors. This was defined as the whole cadastral boundaries in State Administrative Tribunal decision {2013} WASAT 139, Bushbeach v City of Mandurah. In this case the premises is quite small and approximates the area of disturbance and will have little impact on the influencing factors.

At a distance greater than 15 metres from the sensitive premises (eg dwelling), and commercial premises, a base level of 60 dBA applies at all times, with the 10% time permitted to be up to 75 dBA and the 1% permitted to be up to 80 dBA. For industrial premises the base level is 65 dBA at all times with the 10% time permitted to be up to 80 dBA and the 1% permitted to be up to 90 dBA.

7.3 Environmental Noise Management

The types of equipment proposed to be used are listed below. Not all plant will be on site at any one time and that provides for contingencies to reduce the operational noise on site if necessary at certain times.

Based on the experience of Landform Research and the operation of many other sand quarries the proposed sand excavation will easily be able to comply with the Noise Regulations at the closest dwellings.

Anticipated equipment required for the production of the various resources are.

Equipment	Sand Extraction
Rubber tyred loader (Komatsu WA 430 or similar)	Loading sand from the face
Semi trailer or other road trucks	Transporting product
Excavator	Operating at the face in the of the pit
Mobile screen	Small screen may be used to operate occasionally in the centre of the pit for screening sand for specialty uses
Bulldozer	May be required, occasionally to push down the top sand resource or lower the faces.

Table 6 Noise Management

OPERATIONAL PROCEDURES	COMMITMENTS	MANAGED RISK
Comply with the Environmental Protection (Noise) Regulations 1997.	Margaret River Natural Resources is committed to continued compliance with the Regulations. The proposed operations are designed to comply with the EPA generic buffer distances	Noted
 Maintain adequate buffers to sensitive premises. 	 It is noted that the average number of laden trucks per day will be 6 with 6 unladen truck movements in. 	Low
 Locate exposed features behind natural barriers and landform. 	 It is noted that the average number of laden trucks per day will be 6 with 6 unladen truck movements in. 	Low
Maintain all plant in good condition with efficient mufflers and noise shielding.	This is used and is committed to. All plant is to be maintained in sound condition.	Low
Maintain haul road and hardstand surfaces in good condition (free of potholes, rills and product spillages) and with suitable grades.	No changes to the access roads are proposed. See dust management	Low
Implement a site code outlining requirements for operators and drivers for noise management.	 A site code is to be implemented and Margaret River Natural Resources is committed to site induction and training for all personnel for all parts of the operations. 	Low
Shut down equipment when not in use.	Shutdown is used to save fuel and maintenance costs in addition to noise minimisation.	Low
 Fit warning lights, rather than audible sirens or beepers, on mobile equipment 	Lights or low frequency frog beepers are to be used rather	Low

Landform Research

Proposed plans/documents to be approved

Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

wherever possible.	than high pitched beepers to restrict noise intrusion.	
Provide a complaints recording, investigation, action and reporting procedure.	A complaints recording and investigation procedure is proposed and will be implemented and maintained.	Low
Provide all workers with efficient noise protection equipment.	All personal noise protection equipment will be provided to staff as required.	Low
Minimise and conduct at the least disruptive times.	Quarrying is to be conducted during the approved working hours.	Low

7.4 Occupational Noise

Occupational noise associated with the quarrying processes falls under the Mines Safety and Inspection Act 1994 and Regulations 1995.

The management of occupational noise is normally handled by providing all necessary hearing protection, as well as conducting worker inductions and educational programs for all staff. Regular site audits of quarry and mining operations are normally conducted by the Department of Mines Industry Regulation and Safety.

As part of its commitments, Margaret River Natural Resources are pro-active with its worker safety awareness;

- > by providing all necessary safety equipment such as ear protection,
- > identifying sections of the plant where hearing protection is required, as well as,
- conducting induction and educational programs for its staff.

Warning signs are used to identify areas of potential noise associated with mobile plant.

The DMIRS will conduct inspections of all quarries.

Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

11.0 CLOSURE

11.1 Background

The excavated area was cleared prior to excavation and will be returned to pasture with some clumps of Peppermint trees between the creekline and the remnant Jarrah - Marri

Experience by Landform Research in rehabilitation of sand quarries has shown that when completed well there is no need for irrigation of the rehabilitation and in the local areas.

It should be noted that Margaret River Natural Resources is part of the group that owns Lot 101. It is therefore in their interests to efficiently and correctly rehabilitate the excavated area.

Closure Objectives

The closure and rehabilitation is developed from a set of closure objectives that are designed to provide a parkland pasture end land use.

The closure objectives are shown Table 9 below.

In Table 9 the methods to be used to achieve the closure and rehabilitation objectives are shown, referenced to each of the closure objectives.

In order to provide monitoring and auditing of the closure and rehabilitation objectives a set of Completion Criteria are developed in Table 10 where the monitoring and restoration procedures are listed. The Completion Criteria are provided with a number, which is listed in each table as relevant.

Occasionally with sand excavations an operation is placed under care and maintenance or has a temporary closure. In such a situation some actions have to be taken to ensure the site is safe and does not have the potential to provide additional environmental impact. The provisions for temporary closure are shown in Table 4.

As part of the development of the closure and rehabilitation an inventory of the materials on site is provided in Table 8.

The materials inventory is a checklist of the materials that might occur when extracting materials from the ground and does not necessarily indicate that such materials are present on site

Closure Summary

The extraction of sand is an interim use prior to reconstruction to a restoration of pasture.

Dieback and Weed Management in addition to monitoring and replanting failed areas is proposed.

Appropriate topsoil management is an important element in achieving successful rehabilitation and pasture re-establishment on the restored surface.

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Rehabilitation will progressively follow mining, with completed areas of the excavation being revegetated as soon as practicable.

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The final land surface will be smoothed and sloped to be compatible with the existing natural landform of the area, averaging 1.5 metres below the current land surface.

Appropriate contour banks will be used to control and harvest surface water from the post mined landform.

A definitive time for seeding and the planting is not prescribed, but rather a commitment to establish the vegetation within the first autumn/winter following placement of the overburden/topsoil.

Proposed Final Contours

Final contours are discussed in Section 5.3 Pit Design and Staging.

In summary the end land surface will be in accordance with the safety considerations of the Mines Safety and Inspection Act 1995 and the requirements and guidelines of the DMIRS; for example Guidelines on Safety Bund Walls Around Abandoned Open Pits 1991.

The depth of the pit will continue to be reformed to an undulating floor generally 2 metres above the water table but reducing to >0.5 metre separation in the south near the wetter pasture with perimeter faces battered down to 1:4 vertical to horizontal. The depth will be determined by the base floor having a separation to the highest water table of 0.5 to 1.0 metres as outlined in the attached Updated Water Management Plan that has been approved by DWER..

Materials Inventory

The materials remaining at closure from sand mining are natural soil materials that do not produce any remaining or lingering environmental risk.

An audit of the potential materials that may be present from mining at closure is presented

Table 7 Materials Inventory

Туре	Comment	Treatment	Reference
Soil	Topsoil is natural and	None required.	
	contains no detrimental materials.	To be used in rehabilitation.	
Subsoils -	Subsoil sand is natural	Non required.	
detrimental materials.		Generally taken as resource.	
Waste rock and non surface material and tailings	Not present. The pit bottoms in earthy yellow sand which is a natural material normally occurring on the surface.	None required.	
Saline surface water	The water quality is fresh.	No treatment necessary	
Saline ground water	The water quality is fresh.	No treatment necessary	
Acidic materials and drainage	Not present. The sand does not contain sulfides and there is no risk of acidic materials developing. The sand does not carry acidic materials or any at risk materials. Concurs with Nattaporn-Prakongkep, R J Gilkes, B Singh and S Wong, 2011, Mineralogy and chemistry of sandy soils in the Perth metropolitan area of the Swan Coastal Plain, Department of Environment and Conservation.	No treatment necessary.	Field geological examination by Landform Research and the soil test holes excavated in a grid across the resource area.
Sodic or dispersive materials	The water quality is fresh.		Field geological examination by Landform Research
Asbestos – asbestiform minerals	None present.		Field geological examination
Radioactive materials	Not present	The sand does not contain radioactive minerals. The activity level is much lower radioactivity than other locations such as coastal locations where heavy minerals are more prevalent.	Published WA Geological Survey radiometric mapping
Metallic or chemical Not present materials		No metallic or sulfidic materials or minerals are present in these sands.	Field geological examination and experience and published information.
Tailings storage	Not required		
Ablutions waste		Serviced portable toilet system is provided.	Water Management Plan
Dangerous Goods and Hazardous Materials None will remain on closure.		There are normally no hazardous materials used for sand mining apart from fuel, and servicing. The only other materials are for tasks such as weed management and	

Landform Research

		are dealt with under those sections.	
	FUEL The various plant will be refueled from mobile tanker. None will remain on closure.	Any soil or other materials with drips and spills will be removed offsite to an approved waste site or location.	Water Management Plan
	SERVICE MATERIALS Only minor lubrication will be conducted on site All major servicing will be conducted offsite. None will remain on closure	Any wastes will be collected and removed from site promptly to an approved recycling or waste disposal area. Only minor servicing will be conducted on site. All major servicing will be conducted offsite.	Water Management Plan
General waste		Regularly removed from site to an	Water Management
		approved disposal area	Plan

11.2 Closure Implementation

The closure planning will be updated from time to time as the excavation progresses forwards. This will include both anticipated costs and procedures.

The following procedures will be used for final closure and rehabilitation of any stage of excavation and on completion of the sand pit.

- The closure of completed areas of the operations will be progressive with closure of all remaining ground at the end of operations.
- Maintenance and monitoring will be conducted until completion criteria is met. A three year cut off is provided for rehabilitated soils.
- c) Unexpected or early closure will be completed in the same way as permanent closure below but the full rehabilitation will be completed as one operation.

Table 8 Closure and Rehabilitation Techniques

CLOSURE OBJECTIVE	Completion Criteria	Actions for Permanent Closure of any stage or the operations.
1.0 COMPLIANCE		
1.1 All legally binding conditions and commitments relevant to mine closure and rehabilitation will be met.	1.1a 1.1b	Rehabilitate any areas that are no longer required to local pasture with clumps of native vegetation. Review the latest documentation. Comply with legal requirements and commitments and conditions of approval. Assess compliance with the conditions and commitments and end use. Reform the land surface to have a landform similar to the natural form but at a lower elevation. Design the rehabilitation to comply with, and be able to achieve the completion criteria and commitments. Compile an audit table of all conditions and commitments that relate to closure and conduct an audit of those items upon the completion of each stage of rehabilitation and annually until sign off.

Landform Research

			Visually audit against all conditions.				
2.0 L/	2.0 LANDFORM AND SOILS						
2.1	All non natural structures, with mining will be removed. All wastes will be removed from site.	2.2a 2.2b	 All non natural inert materials associated with quarrying will be collected and removed from site unless required for internal roads. All ground once occupied such as hardstand is to be deep ripped and soils reconstructed as required. If not required, roadbase, hardstand and any other inert materials left over from the site operations will be scraped and picked up and will be used to backfill the pit faces or reused. Visual audit of completed ground, to verify compliance. Visual audit of completed ground, to verify compliance with "no contamination to be left". Soil testing will be undertaken if there is evidence of adverse materials 				
			remaining such as fuel spills. As a result of any testing remediation will be undertaken to ensure that the site is not contaminated. Check samples will be collected to verify a lack of contamination.				
2.3	The land surface will be visually similar to the surrounding landform.	2.3	 Complete the activities to make the site safe. Faces and the landform are to comply with DMIRS Guidelines and be stable for the long term. Ensure that the batters are formed to comply with DMIRS and geotechnical requirements. Where possible match the landform to the adjoining excavated and non excavated surfaces. Push down or backfill faces and slopes. The surface will be undulating with similar slopes to the pre – mined condition. The excavated floor is to be undulating at between 0.5 m - > 2.0 metres separation to the locally perched seasonal water table with batter slopes less than 1: 4 vertical to horizontal. The excavated surface is to be resistant to wind and water erosion. Visual observations and survey of the landforms to confirm compliance. 				
2.4	The land surface and soils are to be capable of supporting pasture with clumps of native vegetation – trees.	2.4	 The soils are to be constructed from overburden overlain by topsoil, leaf litter, vegetation fragments as available in areas of native vegetation. Deep rip the floors and batter slopes along contour. Deep rip any compacted hardstand or internal roads. At the end of the current excavation the overburden topsoil followed by the vegetation will be spread across the excavated area as the key part of the final rehabilitation. The topsoil cover of 50 – 100 mm will be pushed to the edge of the current excavation in separate windrows where available. This is usually the top 50 mm to 100 mm. Topsoil will be respreads as the final surface covering. Visual observations and discussions with operators. 				
3.0 HYDROGEOLOGY							
3.1	The reformed surface be >2 metres above the highest groundwater table.	3.1	 Push down or backfill faces and slopes. The excavated floor is to be undulating at between 0.5 m - > 2.0 metres separation to the locally perched seasonal water table with batter slopes less than 1: 4 vertical to horizontal. Surface water drainage will be similar to the current drainage in quantity and direction of flows. Visual observations and survey of the landforms to confirm compliance. 				

The rehabilitated areas will, in time, form sustainable pasture with clumps of trees and local native vegetation.

Biological Hygiene

- > Implement the Dieback Management Plan.
- Implement the Weed Management Plan.

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Topsoil Recovery

- Overburden will be removed by pushing to the perimeter of the proposed pit to form perimeter bunding to the pit. This material will be used for later rehabilitation.
- > When stored topsoil is used it may be diluted and mixed with fresh topsoil.

Revegetation

- Where possible any disturbed areas that are no longer required will be rehabilitated using the methods described above within 12 months of becoming available.
- Topsoil and vegetation fragments will be transferred directly from an area being cleared and spread across the surface to provide seed sources and habitats wherever possible. If direct transfer is not possible, any material stored in dumps will be respread.
- Larger vegetation will be formed into occasional piles for habitat creation on the lower elevations.
- Pre-seeding weed control is only likely to be required where topsoils are used that contain weed species. This is unlikely to be the case on this site where the existing vegetation is in excellent condition even though some exotic species are currently present within the "natural" vegetation.
- Any weeds likely to significantly impact on the rehabilitation will be sprayed with Roundup or other herbicide or grubbed out, depending on the species involved. Fusilade will be used where grasses present an impediment to rehabilitation. Weed affected topsoil and overburden will be buried.

Native vegetation in the clumps connecting the remnant forest to the creekline.

- Rehabilitation will take place during the first winter months following the clearing of the existing Peppermint Trees if they are cleared as a result of the grant of a Clearing Permit
- Local species (Agonis flexuosa) are to be used in revegetation (100 plants) sourced as tube plants and used because they are the favoured habitat of the Western Ringtail Possum.
- Any materials brought to the site will be dieback and weed free.
- Trees/shrubs will be installed as tube plants during June July in clumps on the rehabilitated land surface and will be provided with a 10 g tree fertiliser tablet placed beside the plant. The planting density will be 50 tube plants per hectare, planted in clumps.
- The clumps of trees will be fenced to exclude stock, and rabbit guards installed if deemed necessary at the time of planting. If no stock are retained on site, fencing will not be necessary.
- Tube plants are to be established in low undulations and not on the high points of furrowed soil. The planting rate is to achieve the completion criteria allowing for deaths.

Pasture

- The preferred method of revegetation is to use the pasture seed from existing topsoil on pasture areas. However this may be deficient and additional seed is likely to be required.
- The sowing of pasture and crop will be integrated into the normal farming systems. Seeds of pasture species will be spread by normal farm practice at rates and species determined by the land holders/farm manager with advice from either a consultant or the Department of Primary Industries and Regional Development.
- The pasture species will be matched to the soil types and rainfall. The location falls into the "High Rainfall Coastal" planting regime with sandy soils. Suitable perennial legumes include Birdsfoot trefoil, Lucerne, Strawberry Clover, and Sulla. Perennial pasture includes Perennial

			Ryegrass, Phalaris, Cocksfoot, and Summer Active Tall Fescue, Kikuyu and Rhodes Grass. Annual pasture species include Italian Ryegrass, Serradella, subterranean clover. The actual species used will be determined by the individual season, nature of the rainfall in the preceding months and stocking/hay production proposed by the landholder which may change from time to time. Seeding rates are 2 – 5 kg/ha depending on the species used; for example Ryegrass is seeded at 3 kg/ha whereas Rhodes Grass is seeded at 4 kg/ha. If sufficient vegetation does not germinate the area will be over-seeded in early Autumn with a mixture of pasture species.
			Completion Criteria Pasture with clumps and linkages of 100 local native Peppermint between
			the forest remnant and the creekline vegetation if the existing Peppermint on site are to be cleared under a Clearing Permit.
4.2	The re-established surface will be free from Declared or Significant Environmental weeds that could compromise the success of the rehabilitation or impact on adjoining vegetation.	4.2	 ➢ Inspect the site for Significant Environmental and Declared Weeds. ➢ If found, inspect adjoining native vegetation for edge effects. ➢ Inspect rehabilitation and the edges of access roads. ➢ Provide weed control using the methods outlined in the Weed Management. ➢ Implement Dieback protection measures outlined in the Dieback Management Plan. ➢ Observations, discussions with operators and vegetation assessment.
5.0 S	TAKEHOLDERS		
5.1	The interests of all relevant stakeholders will be considered during operations, closure planning and closure.	5.1	 Prior to closure, consult the stakeholders to check whether the closure planning, where possible, considers their interests and carry them out as necessary. Consult with City of Busselton, in relation to their requirements for closure. Review the latest documentation. Comply with legal requirements and commitments. Closure audit.
6.0 S	AFETY		
6.1	The site will be left safe for parkland pasture end use.	6.1	 Provide warning signs as required. Provide fences, bunding and warning signs above faces as required. Provide locked gates or access restraints as required. Inspect all areas and ensure the land surfaces and access points, are stable to erosion from wind and water. The disturbed land will be made safe and in compliance with the Mines Safety and Inspection Act 1994 and DMIRS Mine Closure Guidelines. Surfaces will be formed to DMIRS Guidelines and match natural ground. Holes, sumps drains, ditches and the like will be filled and removed. The land surface is to have a landform similar to the natural form. Audit of completed ground, to verify compliance. Visual observations of the landforms.

11.3 Monitoring

Table 9 Monitoring and Remediation

	CLOSURE		Completion	Measurement Tools	Performance	Remediation		
4.0.	OBJECTIVE		Criteria		Indicators			
	1.0 COMPLIANCE							
1.1	All legally binding conditions and commitments relevant to mine closure and rehabilitation will be met.	1.1a	The disturbed land will be made safe and in compliance with the Mines Safety and Inspection Act.	Conduct an audit of all legally binding conditions.	 All legally binding conditions have been complied with. Audit at least annually. Monitor for 3 years. 	Reform the land surface and bring the operation into line with the conditions and legal requirements.		
		1.1b	Comply with the requirements of the Planning Consent and Extractive Industries Licence.	Conduct an audit of the environmental conditions. This includes Clearing Permits, DWER Licences and other conditions.	 All conditions have been complied with. Audit at least annually. Monitor for 3 years. 	 Undertake any action that is necessary to bring the site into compliance. 		
	ANDFORM AND SO							
2.1	All non natural structures, with mining will be removed.	2.1	The site will be cleaned, and non natural materials associated with mining will be removed.	Visual audit of completed ground, to verify compliance.	No non natural structures will be retained on site. Conduct at closure.	Remove any foreign materials.		
2.2	All wastes will be removed from site.	2.2a	All non local hardstand and roads will be collected and removed or buried in a safe location.	 Visual audit of completed ground, to verify compliance. Discussion with staff and operators. 	 Non local materials associated with excavation Conduct at closure. 	Remove or bury non natural materials.		
		2.2b	Any contaminated soil or materials will be removed to an approved waste disposal site.	Visual audit of completed ground, to verify compliance. Discussion with staff. Soil testing if there is evidence of material remaining.	No visual evidence or sample data (if conducted) of contaminated or waste materials. Conduct at closure.	Remove any remaining facilities and remediate or remove any contaminated soil. Retest and remediate as necessary.		
2.3	The land surface will be visually similar to the surrounding landform.	2.3	The land surface will be visually similar to the surrounding landform.	Visual observations from the key viewscapes.	➤ The land surface will be visually similar to the surrounding landform. ➤ At closure and for 3 years.	Repeat the relevant site closure procedures.		
2.4	The land surface and soils are to be capable of supporting pasture with clumps of native	2.4	Reconstructed soil properties will be appropriate to pasture.	Visually observe the land surface.	At closure and for 3 years or sign off.	Repeat the relevant site closure procedures with respect to soil preparation.		

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	vegetation -							
	trees.							
	3.0 HYDROGEOLOGY							
3.1	The reformed surface be 0.5m to >2.0 metres above the highest groundwater table.	3.1	rhe rehabilitated surface will have a separation of be 0.5m to >2.0 metres above the highest groundwater table.	 Implement site survey. Use piezometers or test pits as necessary to confirm compliance. Visual observations and site survey. 	Floor to be undulating some 1.5 metres on average below the natural surface.	Reform the land surface with backfill or other measures to bring the surface into compliance.		
	IODIVERSITY The make ilitate d	4.4	► Th.	S Candust viewal	> The vehalilitated	> M/hana dafaiant		
4.1	The rehabilitated areas will, in time, form sustainable pasture with clumps of Peppermint trees connecting the remnant forest and the creekline vegetation.	4.1	The rehabilitated areas will be pasture with clumps of trees and local native vegetation.	Conduct visual audits and as necessary plant counts.	 The rehabilitated areas will be pasture with clumps of trees and local native vegetation. At closure and for 3 years or sign off. 	Where deficient, provide additional tube planting or seeding.		
4.2	The re- established surface will be free from Declared or Significant Environmental weeds that could compromise the success of the rehabilitation or impact on adjoining vegetation.	4.2	No significant infestations of environmental or declared weeds.	 Visual audits. Maintain ongoing records. 	 Exotic and weed species will not compromise rehabilitated areas. At closure and for 3 years or sign off. 	Undertake additional weed management such as spraying or mechanical removal. Continue monitoring and management to check compliance. Repeat as necessary for 3 years or until sign off.		
	TAKEHOLDERS							
5.1	Ensure stakeholder issues are considered.	5.1	Prior to closure, consult any relevant stakeholders to check whether the closure planning considers their interests.	 Verify the closure plan against the Stakeholder interests. Site audit and discussions with operators. 	 Stakeholder interests are incorporated into the closure planning where possible. At closure and for 3 years or sign off. 	Undertake any action that is required to meet the requirements of the stakeholders. Repeat as necessary the various steps in the closure planning and revegetation.		
	AFETY		- may 12 - 1 - 1					
6.1	The site will be left safe for parkland pasture end use.	6.1	The disturbed land will be made safe and in compliance with the Mines Safety and Inspection Act 1994 and DMIRS Mine Closure Guidelines.	 Visual audit of completed ground, to verify compliance. Discussion with staff. 	 Faces and the landform are to comply with DMIRS Guidelines and be stable for the long term. At closure and for 3 years or sign off. 	Undertake any action that is necessary to make the site safe.		

Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

11.4 Weed Management Plan

Weed management is to be used to minimise impact on adjoining remnant vegetation and on adjoining properties as well as maintaining the agricultural capability of the rural lot.

Margaret River Natural Resources is part of the group that owns Lot 101. It is therefore in their interests to efficiently and correctly rehabilitate the excavated area.

The management of weeds is essentially similar to that for plant diseases. The impact of weeds is really the impact within the local area and the more they are controlled the better. It is desirable that the site does not become a haven for environmental weeds and therefore a management and control program is warranted at all sites.

Weeds can be declared under the *Agriculture and Related Resources Protection Act* 1976 which requires that Declared Weeds are eradicated. Other weeds are not Declared but may be classified as Environmental Weeds because they are well known for impacting on vegetation.

Weeds are most likely to impact on;

- > Disturbed areas such as overburden dumps, topsoil stockpiles.
- Edges of access roads.
- Edges of firebreaks adjacent to surrounding vegetation.
- Locations accessible to the public on which rubbish is dumped.

The main sources of weeds are;

- Weeds from edge effects from access and local roads.
- Gradual creep of weeds along access roads.
- Rubbish dumped by the public. This is not likely as the resource is set well back from Gibb Road
- Materials or waste brought to site by employees.
- Soil and seeds from vehicles arriving at site. This often applies to trucks that have carried something else such as grain, or vehicles to be used in earthworks.
- · Wind blown seed from surrounding land.
- Birds and other vectors. This is more common than is often given credit for. eg Solanum species.
- The Dieback Management Actions will be used to assist weed management.

Weed Management

- Weed Management will integrate with normal farm weed management.
- Inspections are to be conducted to monitor the presence and introduction of Environmental and Declared Weeds on an annual or more frequent basis. On identification, Declared and significant environmental weeds will either be removed, buried, or sprayed with a herbicide.

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- All vehicles and equipment to be used during land clearing or land reinstatement, are to be clean and free from soil or plant material when arriving at site.
- No soil and vegetation will be brought to the site apart from that to be used in rehabilitation.
- · Plants to be used in rehabilitation are to be free from weeds.
- Weed affected top soils may need to be taken offsite, used in weed affected areas, buried by 500 mm soil/overburden or taken offsite.
- Illegally dumped rubbish is the major source of weeds and will be removed promptly.
- . No weed contaminated or suspect soil or plant material is to be brought onto the site.
- When clearing land or firebreaks vehicles will work in conjunction with dieback principles and push from areas of better vegetation towards areas of lower quality vegetation.
- Weeds are to be sprayed with broad spectrum spray prior to planting or seeding in weed affected soils as required.

11.5 Dieback Management

Dieback of vegetation is often attributed to *Phytophthora cinamomi* even though there are other Phytophthora species and other diseases such as *Armillaria* that can cause dieback like symptoms. Microscopic soil-borne fungi of the genus *Phytophthora* kill a wide range of native plants and can cause severe damage to many vegetation types, particularly those from the families Proteaceae, Epacridaceae, Xanthorrhoeaceae and Myrtaceae.

In most cases dieback is caused by a pathogen which infests the plant and causes it to lose vigour, with leaves dying, and overtime may kill the plant. As such the management of Dieback is essentially related to plant hygiene when coming onto a site and within a site.

There are several guides to the management of Dieback.

- Department of Parks and Wildlife (DBCA) Dieback Hygiene Manual 1992 is a practical guide to Dieback management.
- Department of Parks and Wildlife (DBCA) Best Practice Guidelines for the Management of Phytophthora cinamomi, draft 2004.
- Dieback Working Group 2005, Management of Phytophthora Dieback in Extractive Industries.
- Dieback Working Group, 2000, Managing Phytophthora Dieback, Guidelines for Local Government.

Jarrah Dieback (*Phytophthora cinnamomi*) is scattered across this part of the State, but in many cases such as this site the vegetation is not interpretable because of the levels of disturbance.

On this site, even though there is no current evidence of dieback or other species normal best practice, plant disease management actions will be used,

The aim of dieback management during excavation is to minimise the risk of entry
of any additional plant pathogens to the site.

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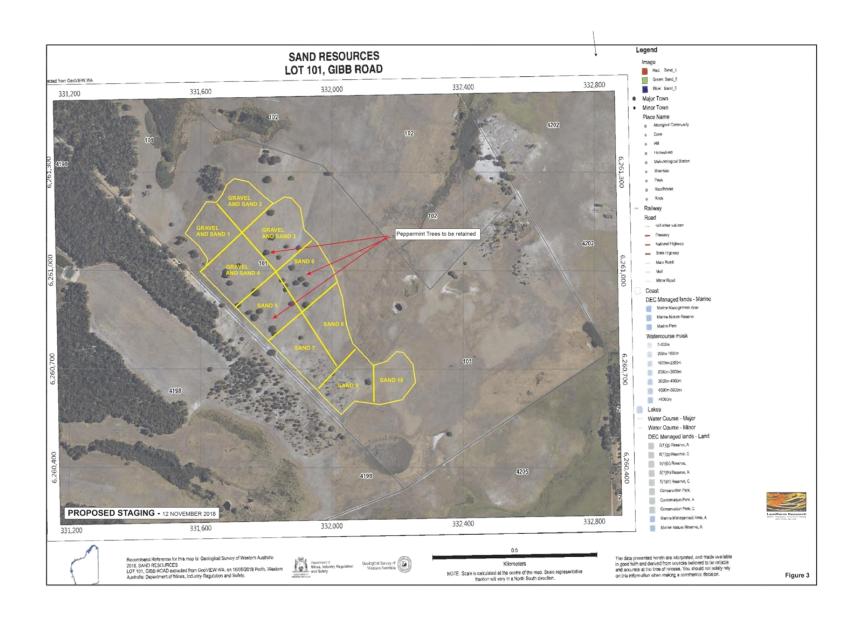
Excavation - Rehabilitation Management Plan, Sand Excavation, Lot 101, Gibb Road, Kaloorup

- There is very little risk of the operations spreading dieback onto vegetation on adjoining properties as there is no access to those properties and they are cleared.
- All vehicles and equipment used during land clearing or land reinstatement, will be clean and free from soil or plant material when arriving at site.
- When removing topsoil and clearing, vehicles will run around the perimeter and then push inwards where possible.
- No soil and vegetation will be brought to the site apart from that to be used in rehabilitation and that which is dieback free.
- Plants to be used in rehabilitation are to be certified as from dieback free sources.
- Excavation vehicles will be restricted to the excavation area apart from clearing
- Rehabilitated surfaces will be free draining and not contain wet or waterlogged
- Illegally dumped rubbish is to be removed promptly.
- When clearing land or firebreaks vehicles are to work from disturbed areas towards the pit; or, in situations where dieback interpretation is not possible, from areas of higher quality vegetation to areas of lower quality vegetation.

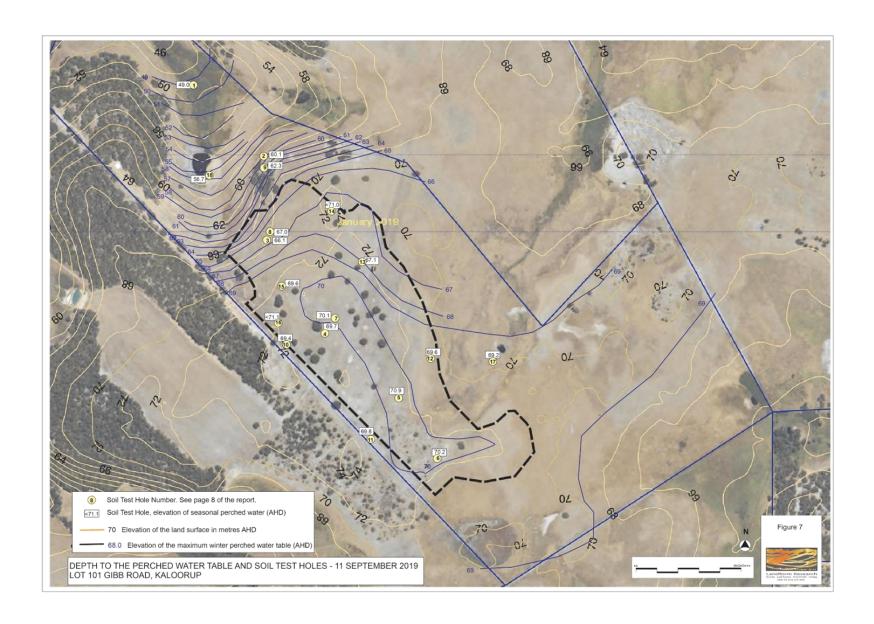
DBCA has determined that material such as sand, taken from deeper in the regolith profile where there is no organic and other plant matter, carries low risk of spreading dieback. (DEC 2004).

The Weed Management Policy will be complied with.

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Attachment F



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Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

AMENDED TRAFFIC ROUTE AND MANAGEMENT

GIBB - NORTH JINDONG AND ROY ROADS

PROPOSED SAND PIT, LOT 101, GIBB ROAD KALOORUP

13 September 2019

Summary

The proposed amended transport route for pit traffic along the northern section of Gibb Road to North Jindong Road and Roy Road to Bussell Highway, provides an ability to quickly reach a much safer section of road than was previously proposed along Gale Road.

There is 1.5 km of gravel road along which the trucks will travel and that becomes a traffic management issue for which Margaret River Natural Resources has proposed a Transport Management Plan (attached).

The proposed truck traffic complies with the City of Busselton for the width, construction and current traffic movements along Gibb Road.

Prepared by



Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

Amended Transport Route

The original transport route was proposed to cart the sand through Lots 4205 and Lot 1 Gale Road and then along Gale Road.

On review of the transport options the transport of sand through Lots 4205 and Lot 1 Gale Road and along Gale Road is not now considered the best option.

There is a better and safer option by using North Jindong Road and Roy Roads, which are bitumen roads with two lanes marked by lime marking. Also the City of Busselton have advised that Payne Road is a RAV Network 3 with Conditions, indicating its safer formation.

On the other hand Gale Road, whilst sealed, has several sharp corners where the truck traffic has to slow down. The seal coat is only single lane, meaning that trucks and other vehicles will have to slow and leave the bitumen. See the attached Figures. Figure 1 for location and 7, 8 and 9 for photographs.

Gale Road has been used for the transport of sand and gravel for many years by local operators but is considered less safe than using the amended transport route.

On the other hand Gibb Road has a seal coat for the northern section with the remainder being gravel road in good condition with a width of 7 metres and a transport length of gravel of 1.5 kilometres.

This gravel portion of Gibb Road has very low traffic counts and appears to be used solely to access several dwellings on the section of road.

The sealed section of Gibb Road was constructed to enable the transport of gravel from the City of Busselton Pit with that pit at the northern end of Gibb Road appearing now to only have minor use and use by off road trail bike riding.

The revised transport route is;

- Lot 101 Gibb Road
- Gibb Road north
- Payne Road North Jindong Road
- Roy Road
- Bussell Highway

Scale and Intensity of the transport

The proposed scale and intensity of the transport is not proposed to change.

The number of truck movements will vary throughout the year depending on the size of contracts. To transport the required amount of sand a certain number of trucks must be used.

Road transport will use a variety of road approved vehicles such as rigid trucks, semi-tippers (16 to 26 tonnes) or rigid (8) wheeler tippers (3-15 tonnes) and potentially with a 5 axle dog trailer.

With a calculated volume of sand of 200 000 tonnes, and a ten year life of the operations, that equates to around 20 000 tonnes of sand extracted every year. However due to the variable nature of contracts, up to 30 000 tonnes of sand is anticipated to be transported in any one year.

With an average truck size of say 25 tonnes that equates to up to 1 200 laden truck movements in any one year for 30 000 tonnes extracted. If sand was transported on 200 days of the year that equates to an average of 6 laden truck movements per day.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

There could be a slightly higher daily average number of truck movements if more smaller trucks access the site. For example if the average load is 20 tonnes then the average number of truck movements to cart 30 000 tonnes of material annually will be 7.5 trucks per day. In any case the average will be less than one per hour.

To be conservative an average of 10 vehicles are suggested per day on 200 days per year allowing for staff and service vehicles.

However with the nature of sand sales, there will be times when more trucks arrive on a particular day and times when there will be less.

A condition of a maximum of 30 trucks on any one day is acceptable to Margaret River Natural Resources.

In addition it is suggested that for a large contract the Shire of Busselton be notified at least 1 week prior to the commencement of a large contract and informed of the tonnages, likely truck movements and anticipated volumes to be transported during that contract. This process is used at other sand pits and provides the City with an opportunity to discuss any specific issues with the operator.

A road maintenance agreement will be determined with the City of Busselton based on the City of Busselton Planning Policy 5, Rural Land Use and Development Policy 2010.

Existing road

City of Busselton Engineers completed traffic counts along Gibbs Road in May-June of this year. (source City of Busselton)

These traffic counts indicate approximately "30 vehicle per day annual average day traffic" on Gibb Road.

The count was taken 2.6km north of the intersection with Gale Road which is around the location of the entrance to Lot 101.

In addition the City advises that the traffic count was an annual average of 30 vehicles per day. They also advised that there is currently an application for the harvesting of a BlueGum Plantation which will add to the truck movements along Gibb Road. It is estimated that 8 truck movements will be added as a result of the tree harvesting. That will take the average daily traffic to 38 movements per day.

No speed data was available.

If a conservative additional traffic of 10 vehicles per day are added then the current daily traffic loading, on an annual basis, increases to around 48 vehicles average maximum per day.

City of Busselton advised that their last Engineer's inspection of Gibbs Road it was an unsealed road with a 7m wide formation, which is similar to the measurements made by Margaret River Natural Resources on 11 September 2019.

The City of Busselton advised that their engineering section do not have issues with transport vehicles turning right on to Gibbs Road to Payne Road. Payne Road is a RAV Network 3 With Conditions, so this would be preferable to heading south to Gale Road, which is not on the RAV network.

Data provided by the City of Busselton is summarised in the table below. Using the City measurements of 7 metre width gravel then up 70 daily average number of vehicles is applicable as shown in the table below supplied from the City of Busselton. With the predicted average of around 48 vehicles the vehicle movements comply with the current road construction.

It is also noted that the City of Busselton graded Gibb Road on 11 September 2019.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

Table 3 - Seal Widths and Carriageway widths for Rural Roads

Design Traffic Volumes (AADT) (veh/day) (Note 1)	Carriageway Width (seal width + trafficable shoulders) (m)	Sealed Width (m)
0-75	7	Unsealed (see note 1)
75 - 150	7.5	3.5 (note 2)
150 - 500	8.0	6.0(note 3)
Over 500	8.0 (note 4)	7.0

Source - Based generally on "Rural Roads Guide", Table 4.1 & 4.2

The northern portion of Gibb Road has a seal coat for the northern section with the remainder being gravel road in good condition with a width of 7 metres and a transport length of gravel of 1.5 kilometres.

That means that transport along Gibb Road becomes a management issue of the predicted truck traffic.

Therefore a traffic management program is proposed for all trucks travelling along the gravel section of Gibb Road. See the attached Traffic Management Plan.

Site Access

Access to Lot 101 is located at the southern boundary of the lot. The gate is set back 40 metres from the property boundary of Lot 101 to enable a truck to park on Lot 101 prior to entry or exit, without parking on Gibb Road. (Figures 1, 5 and 6). See also the photograph in Figure 7.

The access road runs along the existing fire break for a distance of around 550 metres. The access is straight, with good visibility. The track has been upgraded to the point where trucks can travel safely along the road, but not to the point where the road is so good that trucks will speed. As the access road has some underlying laterite duricrust there are some natural undulations, which will act as speed humps. (Figures 1, 5 and 6). See also the photograph in Figure 7.

The internal access road will also be sheeted with gravel as necessary to provide the safe access. Gravel will be accessed from the gravel resource on the proposed extractive industry area.

For such a small sand resource it is not preferred to provide a wide road that will increase visual impact, but to provide a safe access that is more compatible with the surrounding landscape.

There is not anticipated to be a significant upgrade to the existing access road to achieve the access

The access road is not near any dwellings. The closest dwellings are to the actual entrance rather than other parts of the access road. Figures 1, 2, 3 and 4.

The distances to sensitive premises are;

- > 340 metres north across thick native forest
- > 460 metres south west
- > 525 metres north west
- 640 metres west
- > 730 metres south west.

Amended Access Route - Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup Margaret River Natural Resources

With respect to the existing gravel section of Gibb Road, there are thought to be 6 dwellings set back off that section of road, set back at distances of:

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- 130 metres minimum of 90 metres dense forest
- 130 metres minimum of 90 metres dense forest
- 145 metres east of Gibb road with pasture and scattered trees between
- 140 metres minimum of 50 metres forest
- 145 metres minimum of 90 metres dense forest
- 330 metres minimum of 90 metres dense forest

There is unlikely to be any significant increase from dust by the additional vehicles considering the scattered rain that falls through the year and the setbacks to the dwellings from Gibb Road.

Jones D N, L Bemede, A R F Bond, C Dexter and C L Strong, 2016, Dust as a contributor to the road effect zone: a case study from a minor forest road in Australia, Australian Journal of Environmental Management Volume 23, No 1 p 67 - 80 noted that dust deposition at a distance of 40 metres from a gravel road in forest varied from 8% to 30% of the deposition at the roadside depending on the level of vegetation cover. They also found that mammals were not significantly impacted by the dust compared to when the road was sealed.

In other studies dust particles have been found to be readily stopped by tree belts and distance, with which the site complies. Tree belts slow the wind and allow the dust to settle. See Planning Guidelines Separating Agricultural and Residential Land Uses, Department of Natural Resources Queensland 1997 (Pages 65 - 111) and Department of Health WA, 2012, Guidelines for Separation of Agricultural and Residential Land Uses which uses the same criteria (Pages 112 - 118).

The Queensland Guidelines predominantly relate to agricultural spray drift, but based on particle size also relate to dust.

The Guidelines provide for a buffer of 300 metres for open agricultural land, dropping down to 40 metres where an effective tree belt is in place. The Western Australian Department of Health also uses the same guidelines. The guidelines assess dust in the absence of dust control.

The Guidelines are based on field studies and demonstrate the effectiveness of tree belts and distance in providing screening against particulate travel on level ground.

The only dwelling which has less buffers is the dwelling east from Gibb Road, but this is set back behind a row of verge trees that even though they are not 40 meters wide, they are located at the edge of the road and are effective in reducing the wind speed and travel, allowing time for any dust to settle prior to the air travelling across the paddock

In addition a speed limit of 40 kph will be imposed on truck traffic by Margaret River Natural Resources to minimise noise and dust generated from Gibb Road and to minimise any safety risks.

It is noted that being a public road the Environmental Protection (Noise) Regulations 1997 do not apply. See Figures 1, 2, 3 and 4. See Figures 7, 8 and 9 for photographs of the transport route.

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup Margaret River Natural Resources

Timing of the vehicles

Hours of operation will be 7.00 am to 5.00 pm Monday to Friday inclusive, excluding public holidays. This is similar to the operations of nearby quarries in the local area.

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Lindsay Stephens Landform Research

Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup

Margaret River Natural Resources

ROAD TRUCK MANAGEMENT - DRIVER INSTRUCTIONS

Margaret River Natural Resources Pty Ltd

All truck contractors are supplied with written guidelines on the operations of the pit.

Drivers are inducted to the site through the Safety Management Procedures for the site.

Signs are used on site to inform drivers of their responsibilities.

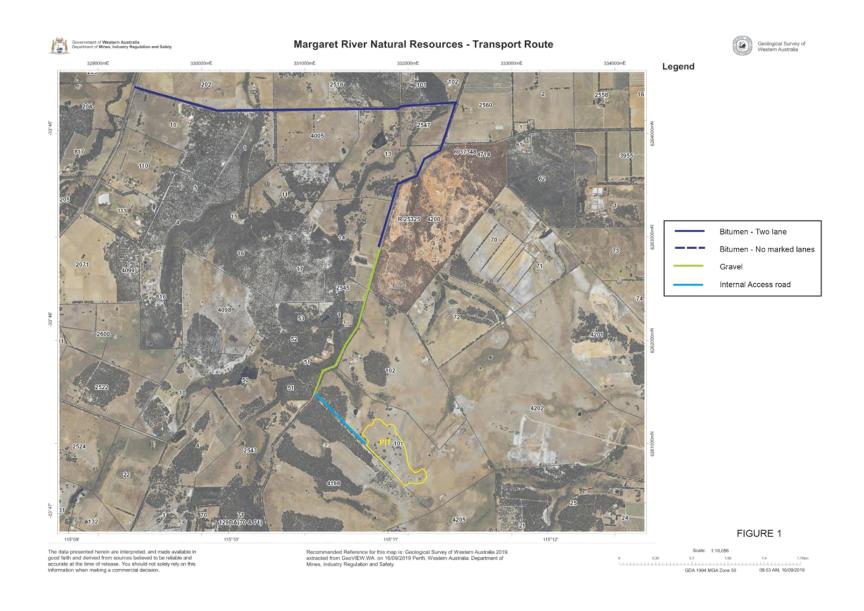
Drivers found breaching site procedures are warned and their employer notified in writing. Drivers breaching procedures on a second occasion are banned from the pit.

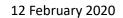
- All companies and contractors transporting sand or gravel will be informed of the operating hours and procedures applying to their contract.
- All trucks must arrive at the site clean and free from earth, sand, gravel, clay, vegetable matter or grain seed. Trucks not clean will not be permitted to be loaded.
- 3. There will be no cleaning or tip off at site.
- 4. All truck drivers and companies will be informed of the "normal operating hours of 7.00 am to 5.00 pm" Monday to Friday, excluding Public Holidays.
- 5. Trucks will be permitted to enter the site and be parked prior to the "start time", to remove the safety hazard of parking on Gibb Road or within the community.
- 6. Parking on Gibb Road is not permitted.
- 7. On entry, trucks will be required to park and wait to be loaded.
- 8. On entry trucks will radio forward of entry on the allocated UHF radio channel.
- Trucks are to enter the site at low power and make their way to the pit to wait for loading or instruction.
- 10. Trucks will not be loaded prior to the "start time".
- 11. Trucks are to leave the pit under low power.
- 12. The speed limit along the access road and within the pit is 25 kph.
- 13. Trucks are to swing anticlockwise into the pit to be loaded.
- 14. Trucks are not permitted to reverse except for safety or emergency.
- 15. No excessive revving of engines on roads is permitted near or within the site apart from safety considerations.
- 16. No air or exhaust brakes are to be used within the pit or on nearby roads except for emergency.
- 17. No horns are to be sounded within the pit or nearby except for emergency.

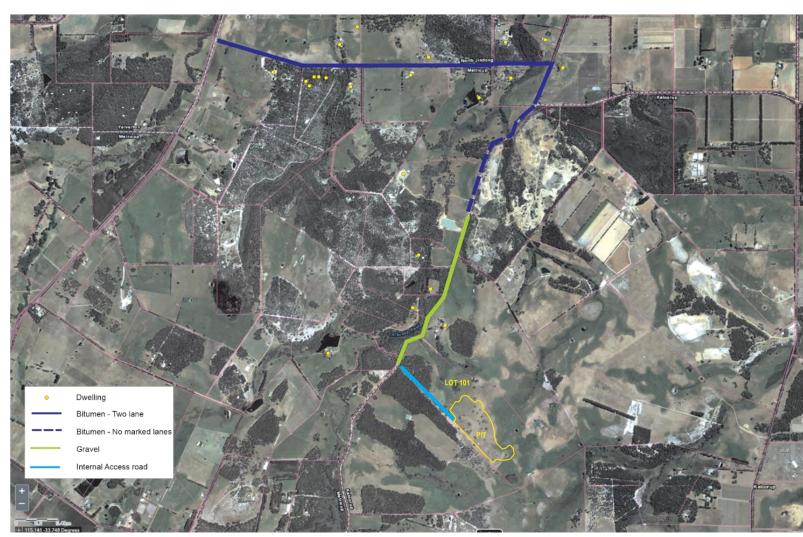
Amended Access Route – Proposed Sand Quarry Lot 101 Gibb Ro, Kaloorup Margaret River Natural Resources

- 18. Truck drivers are not permitted to leave the cab during loading unless they are located in a safe or designated place.
- 19. Communication between trucks and the loader will be via radio and eye contact.
- 20. Prior to leaving the pit all loads must be secured by tarpaulins or other suitable cover for minimising the loss of sand or gravel.
- 21. Prior to leaving site trucks are to be inspected by the drivers for sand or gravel or other materials adhering to the trucks.
- 22. Trucks are to slow to 40 kph when travelling on the gravel section of Gibb Road.
- 23. Drivers failing to adhere to the "Road Truck Management" will be banned from the pit

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LOCATION OF DWELLINGS

FIGURE 2

Attachment F







Location of the access road along the existing fire break

LOCATION OF THE ACCESS ROAD

FIGURE 5



LOCATION OF THE ENTRANCE CROSS OVER AND GATE FIGURE 6

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Attachment F



Access from Gibb Road. Note gate set back to allow for truck parking and passing



Gibb Road south of Gersbach Road

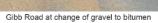


Gibb Road, north from the access point



Gibb Road, north of Gerbasch Road

FIGURE 7





Bitumen northern portion of Gibb Road







Roy Road vew west from North Jindong Road

FIGURE 8

12 February 2020





North Jijndong Road towards the intersection of Roy Road (left)







Roy Road central east

Roy Road central west

FIGURE 9

ADOPTION BY EXCEPTION RESOLUTION

At this juncture, the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the below reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together:

COUNCIL DECISION

C2002/031

Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 12.6 Policy and Legislation Committee 29/01/2020 REVIEW OF COUNCIL POLICY: BEACH AND FORESHORE AREAS ACCESS BY THE HOLDER OF A COMMERCIAL FISHING BOAT LICENCE
- 12.7 Policy and Legislation Committee 29/01/2020 REVIEW OF BUILDING INSURANCE POLICY
- 12.8 Policy and Legislation Committee 29/01/2020 REVIEW OF EVENTS POLICY
- 12.9 Policy and Legislation Committee 29/01/2020 LOCAL PLANNING POLICY REVIEW REVOCATION OF LOCAL PLANNING POLICIES LPP1A, LPP1E, LPP1G, LPP1H AND LPP8B
- 12.10 Policy and Legislation Committee 29/01/2020 REVIEW OF COUNCIL POLICY: PUBLIC ARTWORK
- 12.11 Policy and Legislation Committee 29/01/2020 MEDIA AND PUBLIC STATEMENTS COUNCIL POLICY
- 13.2 AMENDMENT 45 TO LOCAL PLANNING SCHEME 21 AND PROPOSED STRUCTURE PLAN AFFECTING LOT 30 (70) MILLBROOK ROAD CONSIDERATION OF INITIATION
- 17.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0

EN BLOC

12. REPORTS OF COMMITTEE

12.6 <u>Policy and Legislation Committee - 29/01/2020 - REVIEW OF COUNCIL POLICY: BEACH AND</u> FORESHORE AREAS - ACCESS BY THE HOLDER OF A COMMERCIAL FISHING BOAT LICENCE

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 Environmental Services

REPORTING OFFICER Ranger & Emergency Services Coordinator - Ian McDowell **AUTHORISING OFFICER** Director, Planning and Development Services - Paul Needham

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A Council Policy: Beaches and Foreshore Areas - Access

by the Holder of a Commercial Fishing Boat Licence U



This item was considered by the Policy and Legislation Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/032 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council rescinds Council policy '009/6: Beaches and Foreshore Areas – Access by the Holder of a Commercial Fishing Boat Licence'.

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

A review of Council Policy 009/6: Beaches and Foreshore Areas: Access by the Holder of a Commercial Fishing Boat Licence (the Policy) has been undertaken. Following the review it has been determined by officers that the Policy is not strategic in nature and, as such, should be administered by the City as an internal guideline. This report seeks to rescind the Policy. A copy of the Policy is attached (Attachment A).

BACKGROUND

A review of the Policy has been undertaken in accordance with the City's policy review schedule. Since the last review of the Policy in November 2017, the City implemented a Policy Framework document, the purpose of which is to provide a structure for the development and maintenance of documents intended to guide the City's approach to decision-making, namely Council Policies, Operational Practices, Work Processes and Guidelines.

OFFICER COMMENT

Under the City's policy framework structure, a Council policy should provide a strategic statement of the Council's direction. Following a review of the Policy it has been determined by officers that its content provides supporting information more aligned to the administrative function of issuing permits rather than a strategic statement of the Council and as such, the development of an Operational Practice or an internal guideline document is more appropriate.

Statutory Environment

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

Pursuant to section 2.1(1) of the City of Busselton Local Government Property Local Law 2010:

"Unless under the authority of a permit or determination a person must not take or cause a vehicle to be taken onto or driven onto local government property".

Local government property includes beaches and foreshores, except where land is in private ownership, or is managed by the State Government's Department of Biodiversity, Conservation and Attractions (DBCA).

The authority to administer the provision of Local Laws, including issuing permits, is delegated to the Chief Executive Officer under the provisions of the section 3.18 of the *Local Government Act 1995*. Accordingly, there is no need to have a Council Policy for what is essentially an administrative function.

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 could:

- 1. Retain Council Policy 009/6: Beaches and Foreshore Areas: Access by the Holder of a Commercial Fishing Boat Licence; and
- 2. Ask that officers present a revised policy for Council's consideration at a later point in time.

CONCLUSION

Following a review of Council Policy 009/6: Beaches and Foreshore Areas: Access by the Holder of a Commercial Fishing Boat Licence it has been determined by officers that the policy is not strategic in nature and as such, can be administered by the City as an Operational Practice or similar internal guideline. This report recommends to rescind the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the Officer Recommendation is endorsed by the Council, the Policy will be immediately rescinded.

Council Policy: Beaches and Foreshore Areas - Access by the Holder of a Commercial Fishing Boat Licence

Last Updated 08/11/2017

009/6	Beaches and Foreshore Areas – Access by the Holder	V3
	of a Commercial Fishing Boat Licence	

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PURPOSE

The purpose of this policy is to establish a framework for the management of beach and foreshore access by the holder of a Commercial Fishing Boat Licence.

SCOPE

This policy will guide the community and staff in the process for allowing holders of a commercial fishing boat licence to access the City's beaches and foreshore in a vehicle.

DEFINITIONS

Commercial Fishing: means fishing for a commercial purpose.

Commercial Fishing Boat Licence: means a licence granted under the *Fish Resources Management Regulation 1995* authorising an individual to engage in commercial fishing (issued by the Department of Fisheries Western Australia).

Local Government Property: as defined in the Local Government Property Local Law 2010.

Vehicle: means every conveyance and every object capable of being propelled on wheels, tracks or otherwise but does not include a trailer.

POLICY CONTENT

Pursuant to clause 2.1 (1) of the City of Busselton *Local Government Property Local Law 2010* (the Local Law):

"Unless under the authority of a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property".

Beach Access

Beach and foreshore areas and all adjoining reserves are to be left clean at all times.

Vehicles may only enter and exit beaches via the established formal access points at the following locations:

- Abbey Beach (eastern side of car park)
- Bunkers Bay Beach
- Castle Rock
- Dolphin Boat Ramp
- Eagle Bay Beach (eastern end)
- Eagle Bay Beach (western end)
- Eagle Bay Beach (middle, locked gate)
- Meelup Beach
- Siesta Park
- Smiths Beach (southern end)
- Quindalup Professional Fisher's Boat Ramp
- · Quindalup Public Boat Ramp
- Wonnerup Beach Access

Temporary Beach Access Permit

Prior to accessing the City's beach and foreshore areas in a vehicle, holders of a Commercial Fishing Boat Licence are required to apply for a 'Commercial Fisher's Beach Access' permit from the City.

There is a limit of three vehicles plus trailers per permit. Permits are not transferable between vehicles without written approval from the City.

Attachment A

Council Policy: Beaches and Foreshore Areas - Access by the Holder of a Commercial Fishing Boat Licence

Last Updated 08/11/2017

Permits are subject to the application fee as set out in Council's Adopted Schedule of Fees and Charges. Beach access permits for holders of a commercial fishing boat licence will generally be valid for a period of three years.

<u>Vehicles</u>

Only vehicles licenced/registered with the Department of Transport are permitted on the City's beaches and foreshore.

Policy Background

Policy Reference No – 009/6

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved – 08/11/2017

Review Frequency – as required

Related Documents – City of Busselton Local Government Property Local Law 2010

History

Council Resolution	Date	Information	
C1711/273	8 November 2017	Policy reformatted to City standard	
		Definitions included to provide clarity	
		Terminology change from 'Licenced Professional	
		Fishermen' to 'Holder of a Commercial Fishing Boat	
		Licence'	
		Information relating to the payment of a	
		application fee included	
		Permit period extended to three years	
		Version 3	
C0412/435	8 December 2004	Resolved as a continuing policy of the Council – no	
		change	
		Version 2	
C0211/504	13 November 2002	Amendment to include Siesta Park as an approved	
		access point.	
		Version 2	
		Version 1	

12.7 Policy and Legislation Committee - 29/01/2020 - REVIEW OF BUILDING INSURANCE POLICY

STRATEGIC GOAL6. LEADERSHIP Visionary, collaborative, accountable **STRATEGIC OBJECTIVE**6.4 Assets are well maintained and responsibly managed.

SUBJECT INDEX Asset Management BUSINESS UNIT Corporate Services

REPORTING OFFICER Manager Governance and Corporate Services - Sarah Pierson

AUTHORISING OFFICER Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A Revised Building Insurance Policy 🗓 溢

Attachment B Current Building Insurance Policy L

This item was considered by the Policy and Legislation Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/033 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council adopts the revised Council policy 'Building Insurance' as per attachment A to replace the current policy at Attachment B.

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

This report presents a revised Building Insurance Policy (Attachment A) (the Policy) for Council's consideration, with the current policy amended as part of the City's ongoing policy review process.

BACKGROUND

In 2011, the Council resolved to adopt an approach of taking out different levels of insurance for City building assets on a Service Level Hierarchy (SLH) basis, with all buildings and improvements on land owned or managed by the City allocated a level of insurance appropriate to its SLH, its current condition and planned future use. At its meeting held on 23 March 2011, the Council resolved (C1103/091) the following:

- 1. Adopt an approach of taking out different levels of insurance for City owned building assets based on Service Level Hierarchy approach and building condition.
- 2. Apply different levels of insurance for the 2011/2012 financial year being; Demolition, Indemnity and Replacement / Reinstatement ...
- 3. Provide for the insurance needs of buildings valued at under \$50,000 through the existing Buildings Reserve Fund and thus not take out an insurance policy in respect of any buildings within the Shire that are valued at under \$50,000 unless the CEO considers it necessary due to special circumstances to take out a separate policy of insurance in respect of a particular building.
- 4. Via the Policy and Legislation Committee develop a policy in relation to insurance of City owned buildings that encapsulates the philosophy of the approach identified in this resolution and report including appropriate CPI indexing of building values.
- 5. Request the CEO to review the costs and need of insuring buildings for demolition value only and only take out this form of insurance where a cost benefit analysis justifies insuring.

A policy adopting the above approach was presented to and adopted by Council on 24 July 2013 (C1307/192). The policy outlined the rationale for the different insurance levels and detailed the calculation of the SLH. It also formalised the requirement for lessees to reimburse the City for the costs of insurance. The Policy was again reviewed in 2016 as part of the City's ongoing policy review process, with no substantive changes identified or made to the policy (see current policy version at Attachment B).

The Policy has undergone a further review as part of the City's policy review process and is presented for Council's adoption.

OFFICER COMMENT

When reviewing the City's policies, officers consider several factors, including the purpose and relevance of the policy, the City's policy framework, any other associated policies, plans and procedures, and whether the content and format can be amended for improved readability.

The Policy is considered of ongoing relevance, and to have an important purpose; providing strategic guidance and clarity as to the various levels of insurance and in what circumstances they will be applied.

In 2017, the City engaged John M. Woodhouse to conduct a review of the City's governance systems and procedures (GSR), one of the recommendations being that policies "should deal with higher level objectives and strategies" and "should not deal with any operational matters, employee matters or other matters which are the responsibility of the CEO".

A proportion of the content of the current policy is considered to be operational in nature, as it sets out in detail the calculation of the SLH. Pursuant to the recommendations of the GSR and current City practice, the proposed Policy has been revised to remove this detail. The Policy instead refers to the Building Asset Management Plan, an operational-level document which contains the detailed breakdown of the SLH. This provides officers with an overarching policy guideline which can be read in conjunction with a discrete, more flexible operational document, and aligns with the GSR recommendation that "any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO (this is so particularly where the purpose is to give directions to employees as to the manner in which operational matters are to be carried out)".

Statutory Environment

Under section 2.7(2)(b) of the *Local Government Act 1995* (the Act), the local government's policies are determined by the Council. The Council fulfils this role with the recommendations of the Policy and Legislation Committee, established under section 5.8 of the Act.

The officer recommendation supports the general function of a local government under the Act to provide for the good government of persons in its district.

Relevant Plans and Policies

The Policy aligns with the City's policy framework, intended to provide guidance as to the intent, scope and language of a Council policy (versus an operational document), and has been developed using the City's policy template, intended to provide a consistent format across all City policies.

The officer recommendation is intrinsically linked to the Asset Management Plan which details the City's Service Level Hierarchy.

Financial Implications

There are no financial implications associated with the officer recommendation as the Policy does not seek to change the way in which building insurance is currently allocated.

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 have been identified.

Options

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

- 1. Not endorse the Policy as revised;
- 2. Suggest further amendments to the Policy; or
- 3. Rescind the Building Insurance Policy with the CEO to determine the approach to be taken from time to time in relation to insurance.

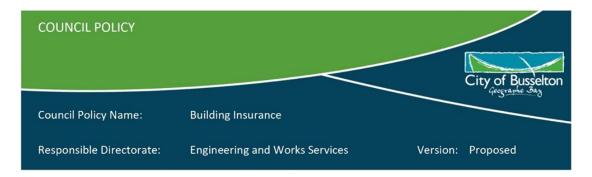
CONCLUSION

This report presents a revised Building Insurance Policy for Council to consider. The Policy continues to provide guidance to City officers in allocating the appropriate insurance level to City-owned buildings and improvements on land owned and managed by the City.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Policy will be implemented and published within one week of the Council's endorsement.

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1. PURPOSE

1.1. The purpose of this Policy is to outline the City's approach to building insurance and the treatment of insurance for leased buildings.

2. SCOPE

2.1. This Policy is applicable to all buildings and associated improvements on land owned or managed by the City of Busselton, and to tenants under a community and sporting group lease or a commercial lease agreement.

3. **DEFINITIONS**

Term	Meaning
Certified Practising Valuer	A person with the required qualifications, training and experience to perform
	valuation of real property.
Policy	This City of Busselton Council policy titled "Building Insurance"
Service Level Hierarchy	A hierarchy developed as part of the Building Asset Management Plan adopted by
(SLH)	Council in December 2010, used to determine the level of priority a building is
	afforded with respect to maintenance and replacement.

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objective 6.4 Assets are well maintained and responsibly managed.

5. POLICY STATEMENT

- 5.1. Council seeks to obtain the best value-for-money insurance coverage for each building owned or managed by the City.
- 5.2. There are four levels of insurance:
 - a. Replacement / Reinstatement: cost for full replacement of a building to current day standards, including provisions for architects and engineers fees, removal of debris, extra costs of reinstatement, extinguishment costs and miscellaneous structures and equipment.
 - b. Indemnity Only: the market value of the building. In the event of a total loss, that amount is the maximum amount payable and there is no consideration of replacing or rebuilding the asset.
 - c. **Demolition Only**: This value can be set by Council, nominating a value to a certain building based on previous quotations, actual costs or an estimation of the probable costs to demolish it.
 - d. **No Insurance**: Council may elect not to insure a building in instances where other insurance cover exists or in circumstances where insurance cover is not necessary.

Revised Building Insurance Policy

- 5.3. With the exception of leased buildings, the City will not insure buildings under the value of \$50,000 unless the CEO decides it is necessary, due to special circumstances, to insure a particular building.
- 5.4. All buildings and their associated improvements will be allocated a level of insurance appropriate to its SLH, its current condition and planned future use.
- 5.5. The typical relationship between a building's SLH and its insurance level is shown in the below table:

SLH	INSURANCE LEVEL	
1	Replacement / Reinstatement	
2	Replacement / Reinstatement	
3	Replacement / Reinstatement or Indemnity (in some cases)	
4	Replacement / Reinstatement or Indemnity (in some cases) Demolition Replacement / Reinstatement	
5		
6		

- 5.6. To ensure that all building values are consistent with current replacement costs and / or market values, the City will undertake revaluations every three years, to be carried out by a Certified Practising Valuer.
- 5.7. The City's standard community and sporting group lease and commercial lease agreements require that all buildings and improvements are insured for replacement / reinstatement value, with tenants, subject to paragraph 5.8, required to reimburse the cost of insurance to the City.
- 5.8. Not-for-profit community and sporting groups who lease buildings that are listed with the Heritage Council of WA and have conservation plans are only required to reimburse 50% of the cost of insurance.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. City of Busselton Building Asset Management Plan - Service Level Hierarchy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Current Adoption	DATE		Resolution #	
Previous Adoption	DATE	14 September 2016	Resolution #	C1609/234

Current Building Insurance Policy

244

Last Updated 14/09/2016

029	Building Insurance Policy	V2 Current

PURPOSE

The purpose of this policy is to outline the rationale for allocating different levels of insurance for City owned buildings and/or improvements and to formalise the requirement for Lessees of City buildings to reimburse the City of Busselton for the cost of insurance.

2. SCOPE

This policy applies to all City owned buildings and / or improvements located in the City of Busselton that are covered by the City insurance policy. It also applies to all community and sporting groups and commercial lease holders of City owned buildings.

3. POLICY CONTENT

The Council has determined that a strategic approach is required with regards to levels of building insurance to ensure that the best value for money is obtained for each and every building covered. When determining the appropriate level of insurance to be applied to a particular building, certain information pertaining to this building needs to be obtained so that an informed decision can be made. This will also ensure that all buildings are assessed on an individual basis as well as within the context of the entire asset portfolio.

Buildings, where practicable, should be assessed on the basis of their Service Level Hierarchy (SLH) explained in more detail below, current overall condition which is based on an asset management assessment and whether there is an alternative should the building be no longer in operation.

Service Level Hierarchy

A Service Level Hierarchy (SLH) for buildings has been developed as part of the Building Asset Management Plan adopted by Council in December 2010 and has been used as the basis for determining insurance levels for buildings. The SLH defines an appropriate hierarchy for all City owned and managed buildings, which includes leased buildings and further defined below.

The buildings are to be assessed under the following three criteria;

Importance to the community

A rating based on perceptions of community expectations of services provided the scores are allocated between:

- 1 Very important
- 2 Important
- 3 Fair importance
- 4 Low importance
- 5 Not important

Criticality to the operations of Council

How critical a building is to the day to day operations of the City the scores are allocated as follows:

- 1 Very critical
- 2 Critical
- 3 Fair criticality
- 4 Low criticality

Current Building Insurance Policy

12 February 2020

Last Updated 14/09/2016

Attachment B

5 Not critical

Usage Factor

12.7

An assessment of the usage level of each building including workforce and public use, the scores are allocated between:

- 1 High usage
- 2 Moderate usage
- 3 Low usage
- 4 Some degree of usage
- 5 Little or no use

Each Criteria is given an equal weighting and points are allocated according to the score i.e. score 1 = 1 point, 2 = 2 points, 3 = 3 points, 4 = 4 points and 5 = 5 points. Points are allocated up to a maximum of fifteen across the three criteria. The scores can then be broken down into five (5) service level hierarchies for buildings as a guide for determining the Service Level Hierarchy. Additional to this, leased buildings (both community and commercial) can be allocated into a hierarchy six (a, b or c) dependant on the City's level of obligation towards these buildings. This will assist further in the allocation of insurance levels.

Service Level Hierarchy One (1)

A building that scores between a 1 and 3 is identified as core service, high usage and high public profile asset to be in very good condition operationally and aesthetically. A building that falls into this category would be insured for replacement/reinstatement value.

Service Level Hierarchy Two (2)

A building that scores between a 4 and 5 is identified as core service, moderate usage and /or moderate public profile asset to be in good / very good condition operationally and aesthetically. A building that falls into this category would be insured for replacement/reinstatement value.

Service Level Hierarchy Three (3)

A building that scores between a 6 and 7 is identified as core service, low usage and/or public profile asset to be in serviceable / good condition operationally and aesthetically. A building that falls into this category would generally be insured for replacement/reinstatement value and in some instances indemnity value.

Service Level Hierarchy Four (4)

A building that scores between an 8 and 10 is of non-core service, some degree of usage and / or profile, condition only needs to meet minimal operational and statutory requirements. A building that falls into this category would generally be insured for replacement /reinstatement value and in some instances indemnity value.

Service Level Hierarchy Five (5)

A building that scores 11 plus is of non-core service, little or no usage and / or profile, it is unoccupied or surplus to requirements. A building that falls into this category would generally be insured for demolition value.

Service Level Hierarchy Six (a)

Commercial and community leased buildings for which the City is responsible to maintain and renew either directly or through coordination of funding programs. Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

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Service Level Hierarchy Six (b)

Commercial and community leased buildings for which the City is responsible for the structural integrity only (tenant or lessee responsible for day to day maintenance and minor renewal). Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

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Service Level Hierarchy Six (c)

Commercial and community leased buildings for which the City has no obligation with respect to the ongoing maintenance and renewal of the building i.e. not required to have a yearly budget allocation for these buildings. Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

Insurance Levels

Each building, once assessed as per the requirements of this policy will be allocated an insurance level appropriate to its SLH, current condition and planned future use.

These insurance levels are as follows;

Replacement / Reinstatement: cost for full replacement of a building to current day standards including provisions for contingencies such as architects and engineers fees, removal of debris, extra cost of reinstatement, extinguishment costs and miscellaneous structures and equipment.

Indemnity Only: The "market value" of the building only. In the event of a total loss then that amount would be the maximum amount payable, there will be no consideration of replacing or rebuilding the asset in the processing of the claim.

This cover would be valid when it is deemed that a certain building would not be rebuilt in its current form and/or location, therefore doesn't require full replacement / reinstatement insurance cover.

Demolition Only: This value can be set by the Council, nominating a value to a certain building based on previous quotations, actual costs or an estimation of the probable costs to demolish it after a significant damage event.

No Insurance: Council may elect in some instances not to insure a building where other insurance cover already exists or the situation dictates that insurance cover is not necessary. This option would not be utilised in many instances.

Buildings Valued at under \$50,000 (excluding leased buildings): With the exception of Leased Buildings, the City will not insure buildings valued at under \$50,000, unless the CEO considers it necessary due to special circumstances to take out a separate policy of insurance in respect to a particular building. The City believes the City's existing Building Reserve sufficiently provides for the insurance needs of such buildings.

Valuation of Assets

To ensure that all building values are consistent with current replacement costs and / or market values, the City will undertake a revaluation carried out by a Certified Practising Valuer every three (3) years. This value will then form the basis of each building's insurance cover and will be indexed each financial year by the Perth Consumer Price Index (CPI) until such time as an updated valuation is undertaken.

Leased Building

Current Building Insurance Policy

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All leased buildings and improvements are to be insured for replacement/reinstatement value. Lessees are required to reimburse the City to the full extent of the cost of insurance for Leased Buildings. An exemption is applied to not for profit community and sporting groups leasing City owned or managed buildings that are listed with the Heritage Council of WA with conservation plans. A concession of 50% of the insurance premium is to be applied. No concession will be granted for commercial tenants.

Review

The policy is to be reviewed every three (3) years to coincide with the review of the Building Asset Management Plan and the re-valuation of City Buildings.

Policy Background

Policy Reference No: 029

Owner Unit – Asset Management

Originator – Coordinator, Asset Management, Engineering and Works Services

Policy approved by – Council

Date Approved – 24 July, 2013

Review frequency – Every 3 years

<u>History</u>

Council Resolution	Date	Information
C1609/234	14 September, 2016	Policy update generally to replace the words 'reinstatement/ reinstatement' with 'replacement/ reinstatement' to more accurately reflect the insurance type being
		referred to. Version 2
C1307/192	24 July, 2013	Version 1

12.8 Policy and Legislation Committee - 29/01/2020 - REVIEW OF EVENTS POLICY

STRATEGIC GOAL 4. ECONOMY Diverse, resilient, prosperous

STRATEGIC OBJECTIVE 4.3 Events and unique tourism experiences that attract visitors and

investment.

SUBJECT INDEX Events and Governance **BUSINESS UNIT** Corporate Services

REPORTING OFFICER Manager Governance and Corporate Services - Sarah Pierson

Events Coordinator - Peta Tuck

AUTHORISING OFFICER Director, Community and Commercial Services - Naomi Searle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A Events Policy - Revised [1]

Attachment B Events Policy - Current Attachment C DA1- 25 Delegation

Attachment D Events Policy - Revised With Committee

Amendments !! **

This item was considered by the Policy and Legislation Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

OFFICER RECOMMENDATION

That the Council adopts the Council policy 'Events' as per Attachment A, to replace the current policy (Attachment B)

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C2002/034 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council:

- 1. adopts the Council policy 'Events', inclusive of the Committee amendments, as per Attachment D; and
- 2. adopts the Delegation DA1-25 as per Attachment C.

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

This report presents a revised Events policy (Attachment A) (the Policy) for Council consideration, with the current policy being amended in response to recent amendments to the *Local Government Act 1995* (the Act) requiring all local governments to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events. As opposed to creating a second stand-alone policy for this purpose, the current Events policy has been reviewed to be more strategic in nature and to include these requirements. It is now recommended for Council approval.

BACKGROUND

The original Events policy was adopted by Council on 12 April 2006 to improve management of the event application and approval process. The policy was part of an overall events application package developed to help inform applicants about the various approvals required and to assist the City to meet its legislative responsibilities.

The policy was reviewed in September 2016 to include reference to the objectives and goals of the Events Strategy prepared in April 2012, and to document improvements in the event application process. Provisions of a Surfing Events and Competition Policy, and the Meelup Regional Park Special Event Conditions were also incorporated, with those policies rescinded.

The current policy is very operational in nature, detailing the event application process and setting out specific conditions for the use of various sites around the district for events. In accordance with an initiative to ensure policy documents are strategic in nature, the Policy has been moved into the current policy format and significantly reviewed to remove operational level detail. This operational detail will be included in an Operational Practice which can be made available to both staff and members of the public as required.

Additionally, on 18 October 2019, amendments to the Act came into force requiring local governments to prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events. Importantly, local governments are able to approve, in accordance with the policy, attendance at an event, and in doing so, exclude as a closely associated person a person who provided a gift in the form of the ticket or invitation to attend the event. This is further discussed in the Officer Comment and Statutory Environment sections of this report.

OFFICER COMMENT

The attraction, development and promotion of events is a key strategic objective for the City of Busselton, with events an important contributor to the achievement of a robust and prosperous economy, and the creation of vibrant places and an inclusive community.

In recognition of events as a strategic driver the City has adopted the brand 'Events Capital WA' and developed an events strategy (currently under review). Through this strategy the City seeks to achieve the following objectives, as outlined in the Policy:

- generation of direct and indirect economic benefits to the community;
- generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion;
- creation of a calendar of events which brings visitors and provides activation of the district year round; and
- positive promotion of the City of Busselton district and the South West region of WA.

Events are considered to be either a Hallmark, Major, Regional or Community event dependant on their ability to achieve the City's objectives with the Policy containing a guide as to how events will be categorised. The Policy also sets out the ongoing role for the Marketing and Events Reference Group to make recommendations to Council with respect to the allocation of sponsorship funds towards Events.

While the Policy recognises the importance of events, it also acknowledges the potential for events to impact adversely on community safety, amenity and the environment; and thus maintains the requirement for events within the City of Busselton district to be approved. The event application process has however been removed from the Policy but will be outlined in an Events Application Operational Practice.

Attendance at Events

Section 5.90A of the Act requires all local governments to prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.

Section 5.87A and 5.87B of the Act requires a Councillor or CEO respectively to declare any gift received in the course of their duties with a value of more than \$300, or where the cumulative value of one or more gifts received from a donor is more than \$300.

Further, under Section 5.62(1)(eb) and (ec), a person who gives, in any capacity, a gift or gifts to a Councillor or CEO with a value (single or cumulative) of over \$300, becomes a closely associated person, in relation to which interests must be declared.

Section 5.62 (1A) and (1B) provide an exclusion to this requirement which is where the gift is a ticket to, or otherwise relates to the attendance at an event as defined in section 5.90A(1), and where the local government approves, in accordance with the local government's policy under section 5.90A, the Councillor or CEO's attendance at the event.

The Policy is proposed to be the City's policy under section 5.90A of the Act. It outlines the value of having Council members and the CEO attend events, as a means of supporting and reinforcing the City's strategic positioning as the 'Events Capital WA', and to strengthen the City's ability to assess events for their benefit and ongoing relevance.

While the Policy does provide scope for the CEO to purchase tickets for the purposes of representation at events, attendance by Council members and the CEO will generally be approved where invitations / tickets are provided by event organisers to the City. The Policy provides criteria by which applications to attend events will be assessed and pre-authorises attendance (where tickets are available) by Councillors at a number of established Hallmark and Major events. The Policy supports the provision of invitations / tickets to a Council member's / the CEO's partner for events held outside of normal business hours.

In conjunction with the Policy, it is recommended that a delegation be provided from Council to the CEO for the purposes of section 5.62 (1B) such that he can approve, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at an event. The proposed delegation is attached at Attachment C. The alternative is for each relevant person's attendance at an event (where the attendance is a gift over \$300 and where an exclusion to the financial interest disclosure requirements are sought) to be approved by Council (the local government). It is expected that this will be impractical in a lot of instances, and the delegation also seeks to create efficiencies, reducing the need to prepare Council reports. The delegation is conditioned, requiring the CEO to seek written approval from the Mayor for his own attendance.

Statutory Environment

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

There is no dedicated legislative framework under which event approvals are provided. The staging of an event will generally trigger the need for one or more approvals under various pieces of legislation, such as the *Public Health Act 2016* and the *Health (Public Buildings) Regulations 1992*, the *Liquor Control Act 1988*, and the *Road Traffic Act 1974 and Road Traffic Code 2000*. The City's centralised event approval requirement and process ensures that the relevant approvals for an event are obtained in an efficient manner, for both the City and the event organiser, and provides the City with the additional ability to apply appropriate risk mitigation strategies.

Recent changes to the Act, as detailed already above, have resulted in the Policy dealing with attendance at events by Councillors and the CEO. The relevant clauses are detailed below:

5.62 Closely associated persons

(1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —

...

- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
- (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO;
- (1A) Subsection (1)(eb) and (ec) apply to a gift if
 - (a) either
 - (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
 - (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection; and
 - (b) the gift is not an excluded gift under subsection (1B).
- (1B) A gift is an excluded gift
 - (a) if —
- (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
- (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;

5.90A. Policy for attendance at events

(1) In this section —

event includes the following -

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including
 - (a) the provision of tickets to events; and
 - (b) payments in respect of attendance; and
 - (c) approval of attendance by the local government and criteria for approval; and
 - (d) any prescribed matter.

Relevant Plans and Policies

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the Governance Services Review carried out in 2017. The framework sets out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

Financial Implications

Adoption of the Policy does not have any direct financial implications as the City is not proposing in practice to adjust its current approach to the management of event attendance and specifically is not proposing to allocate additional funds towards event attendance.

Stakeholder Consultation

The Department of Local Government, Sport and Cultural Industries (DLGSC) have released an operational guideline and template policy to assist local governments in the drafting of their policies. The City's policy aligns broadly to the template, while being tailored to suit the City's specific practices. No other external stakeholder consultation has been undertaken.

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, with the Policy helping to mitigate the risk of attendance at events being seen as inappropriate or unnecessary; and removing the risk of event attendance, where approved for valid reasons, creating a financial conflict of interest.

Options

Council could decide not to adopt the Policy or to require further amendments to the Policy.

CONCLUSION

A revised Events Policy is presented for Council's approval.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be placed on the City's website within one week of adoption.

1. PURPOSE

1.1. The purpose of this Policy is to articulate the strategic importance of Events to the City of Busselton and to set out a framework for the attraction and promotion of Events. This Policy also sets out the City's position with respect to the attendance of Councillors and the CEO at Events in accordance with Section 5.90A of the Act.

2. SCOPE

2.1. This Policy is applicable to Events within the City of Busselton District and more broadly to Events across the South West region of WA.

3. **DEFINITIONS**

Term	Meaning
Act	Local Government Act 1995
District	City of Busselton local government area
Event	An organised occurrence hosted by a person or organisation on public or private land where people assemble at a given time for a given purpose and which generally involves one or more of the following: Preparation or sale of food; Sale or consumption of alcohol; Congregation of people; Erection of infrastructure and / or signage; Generation of additional noise; Use / installation of electrical equipment; Changes / interruptions to traffic flow; Additional parking requirements; Crowd control measures Includes: Concerts and music festivals; Sporting events; Conferences; Exhibitions, expos and fairs; Functions (e.g. community or business events); and Markets.
Partner	Spouse, de-facto or other partner as approved
Policy	This City of Busselton Council policy entitled "Events"

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 4 Economy and Key Goal Area 6 Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objectives
 - a. 4.3: Events and unique tourism experiences that attract visitors and investment.
 - b. 6.1: Governance systems, processes and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

- 5.1. The City has adopted the brand 'Events Capital WA', with the attraction, development and promotion of Events recognised by Council as a key strategic and competitive advantage for the development of a robust and prosperous economy and tourism industry, and an important contributor to the creation of vibrant places and an inclusive community
- 5.2. The City will actively engage with and assist Event organisers to support the development of a diverse year round calendar of Events, across the District.
- 5.3. The attraction, development, and approval of Events will be in accordance with the following Objectives:
 - a. generation of direct and indirect economic benefits to the community;
 - b. generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion;
 - c. creation of a calendar of events which brings visitors to the District year round and provides broad activation across the District; and
 - d. positive promotion of the District and the South West region of WA.
- 5.4. Events are categorised for their strategic importance as follows:
 - a. Hallmark an international or nationally recognised Event that creates significant economic benefit and typically attracts 5,000 plus participants / visitors;
 - b. Major an Event which attracts visitors nationally and from outside of the region, showcases regional facilities and attractions, creates economic benefit and typically has between 2,000 and 5,000 participants / visitors:
 - c. Regional an Event that attracts visitors to the region from within the State and from within the region, helps to build the City's Events Capital WA brand and has the potential to become a future Major or Hallmark Event;
 - d. Community an event which celebrates aspects of community life, has strong social / community benefit; more limited economic benefit, and is generally run by the community.
- 5.5. While Events are considered a positive contributor, the potential for Events to impact adversely on community safety, amenity and the environment is recognised. In order to manage risk, environmental and amenity impacts, Events held within the District must, subject to paragraph 5.6, be approved by the City prior to taking place. The event application process is outlined in the Events Application Operational Practice.
- 5.6. An Event approval is not required at venues which have an appropriate development approval under the City's town planning scheme and / or an approval in accordance with environmental health legislation.
- 5.7. Event applications will be assessed against the objectives outlined in paragraph 5.3 and the following criteria (or criteria similar):
 - a. the nature, size and suitability of the event
 - b. the location of the event, its suitability and whether it meets the City's objectives of broad activation;
 - c. the period of time the event will operate;
 - d. the amenity of the event and the likely impacts on residents;

Events Policy - Revised

- e. any conflicts with other events or community use at or around the location;
- f. the relevant experience of the operator and their capacity to manage key risks such as fire safety.
- 5.8. The following specific event location criteria will also be applied to assist in protection of sensitive areas and to ensure the equitable use of the location by event organisers and the general community:
 - a. Meelup Regional Park:
 - i. Maximum of four trail based events per calendar year, that is an event that involves participants walking, running or cycling on trails or roads within the park; and
 - ii. Maximum of four site based events per calendar year, that is an event that involves use of a beach and / or adjacent picnic and car park area; and
 - iii. Maximum of one trail based and one site based event per month.
 - b. Yallingup and Smith Beach:
 - i. Maximum of one international or national event per year;
 - ii. Maximum of four other major events per year, of up to four days each;
 - iii. Maximum of one minor event per year, of up to four days;
 - iv. Maximum of eight club events (run by local board riding clubs) per year
- 5.9. Fees upon application are payable as per the City of Busselton's Schedule of Fees and Charges.

Events Sponsorship

- 5.10. The City has an events sponsorship programme that is funded through a combination of municipal funds and funds derived from the industrial / commercial differential rate. The Marketing and Events Reference Group (MERG) makes recommendations to Council with respect to the allocation of funds towards Events.
- 5.11. Event sponsorship can be provided as cash or in-kind contributions, with sponsorship agreements entered into with event organisers on either a single or multi-year basis.
- 5.12. Event sponsorship requests will be assessed against the objectives outlined in paragraph 5.3.
- 5.13. Events sponsored by the City will be evaluated to determine future funding levels.

Event Attendance

- 5.14. Councillor and CEO representation at Events is valued as a means of reinforcing the City's strategic positioning as the 'Events Capital WA', and to ensure Events are properly assessed for their benefit and ongoing relevance.
- 5.15. Invitations / tickets to Events may be provided to the City by Event organisers. Where attendance at these Events is approved in accordance with this Policy, the requirement to disclose a financial interest under the Act will not apply.
- 5.16. An invitation provided or addressed personally to a Councillor or to the CEO (for instance via a personal email account) will not be captured by this Policy and the requirement to disclose a financial interest where the amount exceeds the amount prescribed under the Local Government (Administration) Regulation 20A will apply.
- 5.17. In addition to invitations / tickets provided by Event organisers, the CEO, in consultation with the Mayor, may purchase tickets for the purposes of City representation at an Event. The City will generally only purchase tickets for Hallmark and Major Events where attendance is demonstrated through reference to the criteria in paragraph 5.18 as being in the City's interest.

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- 5.18. In determining approval for attendance at events under Section 5.90A(2)(c), Council (or the CEO under delegation) will consider the following criteria:
 - a. who is providing the ticket to the Event;
 - b. the location of the Event and whether it is in the City of Busselton District;
 - c. whether the Event is sponsored by the City;
 - d. the relevance of the Event to the City's adopted policy objectives under paragraph 5.3;
 - e. the role of the Council member or CEO when attending the Event (participant, presenter, observer) and the value of their contribution;
 - f. the cost to attend the Event and / or the public value of attendance if the ticket is being provided at no cost to the Local Government;
 - g. the number of invitations / tickets received; and
 - h. the benefits or importance of Council and / or CEO representation at the event.
- 5.19. A list of established pre-authorised Events and attendees is provided at Attachment A. The attendees are authorised in order of priority, subject to the number of available invitations / tickets. Where there are insufficient invitations / tickets available for all pre-authorised attendees to attend, the CEO (in liaison with the Mayor) will determine final attendance.
- 5.20. It is considered appropriate for a Councillor or CEO's Partner to accompany them to an Event held outside of normal business hours. While the City will not generally pay for such attendance, invitations / tickets received by the City may be provided for this purpose where they are available.
- 5.21. The Mayor can delegate any approved attendance to an Event to the Deputy Mayor or another Council member.
- 5.22. This policy does not apply where a Councillor or the CEO attends an Event at their own cost and in a personal capacity.

RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Government Act 1995
- 6.2. Events Strategy
- 6.3. Events Application Operational Practice

REVIEW DETAILS

Review Frequenc	у	3 yearly		
Council	DATE		Resolution #	
Adoption				
Previous	DATE	14/09/2016	Resolution #	C1609/232
Adoption				

Attachment A – Pre-authorised Events

Event	Event Organiser OR DATE	Attendee
Hallmark Events	_	
Ironman WA	Ironman Oceania	Mayor
		CEO
		Deputy Mayor
		All Councillors
Cinefest Oz	Geographe French Australian	Mayor
	Festivals Inc.	CEO
		Deputy Mayor
		All Councillors
Busselton Festival of Triathlon	Triathlon Western Australia	Mayor
(Ironman 70.3)		CEO
		Deputy Mayor
		All Councillors
Gourmet Escape	IMG Culinary	Mayor
•		CEO
		Deputy Mayor
		All Councillors
Busselton Jetty Swim	Busselton Allsports Inc.	Mayor
		CEO
		Deputy Mayor
		All Councillors
Jazz by the Bay	Jazz by the Bay Association	Mayor
	, ,	CEO
		Deputy Mayor
		All Councillors
Forest Rally	West Australian Car Club (Inc)	Mayor
•		CEO
		Deputy Mayor
		All Councillors
Major Events		
Cabin Fever	Creative Corner	Mayor
		CEO
		Deputy Mayor
		All Councillors
X-Adventure Dunsborough	Rapid Ascent Pty Ltd	Mayor
9		CEO
		Deputy Mayor
		All Councillors

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PURPOSE

The purpose of this Policy is to provide event organisers with information on the event application and approval process for events to be held in the City of Busselton, and guidelines for the sponsorship of events through the City of Busselton.

The specific objectives of this policy are to;

- a. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton;
- b. Ensure that the health and safety of persons attending events in the City of Busselton is considered in all planning;
- c. Provide an efficient and timely approval process and response in accordance with the City of Busselton's Customer Service Charter;
- d. Ensure compliance with regulatory requirements and standards;
- e. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties;
- Ensure that the environmental, heritage and cultural impacts of events are assessed and appropriate measures are put in place to minimise any adverse impacts; and
- Provide information on the Event Sponsorship program available to event organisers;

The City of Busselton will assess event applications for the conduct of events in accordance with legislative requirements under this policy.

SCOPE

This policy applies to all events held within the boundaries of the City of Busselton.

For the purpose of this policy the following definitions apply:-

Event: An occurrence proposed to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to;

- a. Concerts and music festivals
- b. Motorsport events, motor vehicle rallies and displays
- c. Sporting events
- d. Cultural and community events
- e. Shows and fairs
- f. Exhibitions, wine and food festivals
- Surfing events

Event Application Forms for major events, minor events and markets are required to be completed for any proposed event. Event Application Forms request details of size, nature, date, time, purpose, activities and facilities in relation to the event.

Event Organiser means the person, company or organisation, excluding the City of Busselton managed events, who is responsible for organising an event and who makes application to the City of Busselton for approval to stage an event.

Public Place means any street, way or place including but not limited to community reserves, facilities, halls or public open space.

City of Busselton Facility or Reserve means any property owned or managed (via Management Order) by the City of Busselton and includes buildings, recreation centres, community centres, halls, and reserves (passive and active).

Passive Reserve Area means a designated reserve area within the City utilised for recreational or community purposes only ie. Mitchell Park, Rotary Park, Lions Park, Signal Park, Busselton Jetty, and City foreshore areas or beaches for water based sports and entertainment events.

Active Reserve Area means a designated reserve area within the City that is utilised by sporting bodies, community groups etc for the purpose of conducting sporting fixtures, carnivals, etc. ie. Sir Stewart Bovell Park, Lou Weston Oval, Churchill Park Oval, Barnard Park and Dunsborough Playing Fields.

BACKGROUND

Events Development in the 'Events Capital WA'

As a significant contributor to the local economy, as well as enhancing the vibrancy of the community, the attraction and development of events is a key focus of the City of Busselton. Branded "Events Capital WA", the City's role in events is to engage and assist event organisers to support a diverse calendar of events, while maintaining the safety and amenity of the community.

EVENT APPLICATION PROCESS

If a public gathering requires one (1) or more approvals from the following list of criteria, then it is deemed to be an event and the event organiser is required to submit an Event Application and to obtain the relevant approvals from the City:

Event Criteria which requires approval

- · Preparation or sale of food to the public;
- Erection of tents and marquees larger than 25m², stages and other structures for public use;
- Number of patrons attending the event, requiring the issuing of a Certificate of Approval (formally an Accommodation Certificate) in accordance with the Health Act and associated Regulations;
- Potential noise, including music, use of amplified equipment, extraordinary vehicle noise;
- Use of or installation of electrical equipment including generators, cabling, extension cords, switches, fuses:
- Trading in a public place selling, hiring of goods, wares or merchandise in a public place;
- Risk management plan; for events identified as having possible associated risks;
- Changes or interruptions to traffic flow (ie traffic management plans);
- · Proposed signage for the event to be erected;
- · Sale or consumption of alcohol;
- · Additional parking requirements;
- · Additional toilet facilities;
- · Crowd control or security measures;
- First aid requirements;
- Amusement structures:
- Water safety plans for water based events;
- Fire management plans; and
- Appropriate level of public liability insurance coverage.

Where formal event approval is not required

If the application is a request for the hire of passive or active reserve area or equipment (see definition of passive and active reserve) located within the City of Busselton formal event approval is not required. However, completion of a Facility Hire Form is required for each occasion.

Event application procedure

- 1. All events, new and annual, must submit an event application at least eight (8) weeks prior to the proposed date of the event; twelve (12) weeks for events to be held in the Meelup Regional Park;
- 2. Applicants are required to submit a completed Event Application Package to the City of Busselton, consisting of the following:
 - a. Event Application Form;
 - b. Event Checklist (to be read in conjunction with the 'Event Information for Applicants');
 - c. Event Site Plan; and
 - d. Complete all relevant Forms included in the Event Application Package and obtain any other approvals as required.
- 3. All sections of the Event Application Form and Event Checklist must be completed in order for the application to be eligible for assessment;
- 4. The applicant must submit a Risk Management Plan that complies with the requirements of AS4360 if the event is deemed to require a Risk Management Plan, as directed by the City of Busselton;
- 5. The applicant must provide a Certificate of Currency indicating a minimum of \$10 million Public Liability Insurance coverage that is valid for the period covering the event date;
- 6. The applicant must be familiar with the relevant Reserve / Park Environment Management Plan if using City of Busselton reserves and prepare an Event Environmental Management Plan as directed;
- 7. The City of Busselton may request any additional information to be supplied by applicants in order to ensure comprehensive assessment of the application.

Assessment of event applications

The following information will be considered by the City of Busselton in the assessment and approval process of event applications:

- 1. The nature, size, availability and suitability of the event in relation to the venue requested and the likely impact of the event on the facility;
- 2. The amenity of the event (including the presence of alcohol);
- 3. The ability of the facility to accommodate the event at the proposed time of year (taking into consideration weather and the condition of the land, if on a community reserve or public open space);
- 4. The likely impact on residents as a result of the location of the event (including noise, dust, excessive light, traffic congestion or other adverse effects perceptible outside the venue);
- 5. The period of time for which the event will operate and the proposed times of operation;
- 6. Conflict or potential conflict with other events or community use in that location or a surrounding
- 7. The benefits to the City of Busselton community;
- 8. Reputation of the operator;
- Risk to natural, heritage and cultural values of the event area or surrounding area;
- 10. Any other factors that may be considered necessary in relation to a particular event.

Fees for Event Approval

- 1. All events will attract an application fee in accordance with the City of Busselton's Adopted Schedule of Fees and Charges:
- 2. The applicant will be advised of any additional fees and charges upon event approval. These must be paid at least seven (7) days prior to the event;
- 3. Concerts will attract separate fees in accordance with the 'Staging of Concerts' in the City of Busselton's Adopted Schedule of Fees and Charges;
- 4. Refund of fees will only be considered in the event of a cancellation notice being received at least seven (7) days prior to the event date and may attract an administration fee.

Bonds for Events

- 1. Bonds will be requested for events using City of Busselton facilities, the amount requested will vary depending on the facility used, in accordance with the City of Busselton's Adopted Schedule of Fees and Charges:
- 2. The Bond money will be refunded in full following the successful completion of the conditions of approval outlined in the City's acknowledgement letter;
- 3. Failure to comply with any of the conditions specified in Councils acknowledgement letter resulting in damages may result in all or part of the bond money not being refunded to the applicant;
- 4. Failure to pay the bond money less than seven (7) days prior to the event may result in the event approval being withdrawn.

THIS POLICY DOES NOT COVER:

- 1. Events to be held at:
 - a. Educational premises including primary, secondary and tertiary centers; and
 - b. Religious centers including churches and worship centers.
- 2. An event approval is not required providing there is no variation from the following existing approvals:
 - a. Conditions associated with a Planning Consent under the City of Busselton Town Planning Scheme.
 - b. Approvals as required in accordance with the Health Act 1911 and associated Regulations. However if the event proposed exceeds any established accommodation numbers or differs in nature to any approvals already in place then an event approval is required and the requirements of this Policy apply.

EVENT VENUES

Within the City of Busselton there are a number of venues where events are held, ranging from coastal/beach sites, nature reserves and parks, urban and business districts, community halls, sporting grounds, City facilities including the Busselton Cultural Precinct, and private properties and estates.

In addition to the standard event conditions, the following venues require specific conditions to ensure any potential impacts to the location's amenities are minimised or mitigated:

Meelup Regional Park

Meelup Regional Park ('the Park') is an A-class reserve vested in the City of Busselton for the purpose of conservation and recreation. The Meelup Regional Park Management Committee has been established by the City of Busselton Council to assist in ensuring that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

Required by the Land Administration Act 1997, the Meelup Regional Park Management Plan's vision for the Park is "manage the Park for conservation and environmental enhancement and allow recreation and other uses of the Park to occur to the extent that they do not impair the conservation values of the Park." Cognisant of this, the following objectives provide guidance in managing events in the Park;

- 1. natural systems should be able to sustain the recreation that is occurring or proposed
- 2. the intensity, frequency, type, duration, timing and distribution of recreational activities may need to be controlled to maintain the amenity of the park and the enjoyment of visitors
- recreation planning will seek to foster appreciation of the Park's natural values.

In addition to the general event conditions, specific Meelup Regional Park Event Conditions (see Appendix 1) are required to be met to ensure that events are consistent with the Meelup Regional Park Management Plan.

Event organisers utilising Meelup Regional Park must complete the Event Application form and comply with the Meelup Regional Park Specific Event Conditions and any additional conditions that may arise depending on the type of the event to be held. Event organisers will be requested to consult directly with the City of

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Busselton's Meelup Environment Officer. Approval to proceed with the event will not be given until this consultation process has taken place.

A fee per participant or event may be charged and the event organiser may be required to provide a bond in accordance with the City of Busselton's Adopted Schedule of Fees and Charges.

Events held in Meelup Regional Park are categorised in the following areas:

1. Trail Based Events

Trail Based Events generally involve participants walking, running or cycling on designated trails or roads within the Park on a specified day. Trail-based events are subject to the Specific Event Conditions for Meelup Park.

2. Site Based Events

Site Based Events generally involve use of a beach and/or adjacent picnic and car park area. They range from relatively small social gatherings to larger scale events. Site-based events, other than wedding ceremonies, school excursions, functions or informal gatherings are subject to the Specific Event Conditions for Meelup Regional Park.

3. Road Based Events

Whilst road reserves within the Park are technically not part of the Park, an integrated approach to management of events utilizing or within these road reserves is essential if the Park's values are to be protected and enjoyment of the Park by the broader community is not to be adversely impacted.

Due to the environmental significance of the Meelup Regional Park, the frequency of events is restricted as

1. Trail Based Events

- Maximum of four (4) trail based events per calendar year;
- No two events occurring within the same month.

2. Site Based Events

- Maximum of four (4) site based events per calendar year;
- No two (2) events occurring within the same month at the same site.

Wedding ceremonies, school excursions, functions or informal gatherings held in the Park require a booking, completion of a Facility Hire form and payment of a fee (if it applies) through the City of Busselton. Such activities are generally permitted subject to City of Busselton terms and conditions, including nonexclusive use of the location, parking only in designated areas, no damage to coastal or natural environments, no amplified music, no unauthorized consumption of alcohol, and removal of all litter. They will generally only be permitted at Meelup Beach, Castle Bay and Bunker Bay.

Busselton Jetty

The Busselton Jetty (Jetty) is vested by the State to the City of Busselton under a Management Order.

For any event to be held or utilising the Busselton Jetty, event organisers are required to complete a specific Jetty event application form which includes applying for a permit to use the Jetty. The Jetty event application form is applicable for water based sporting events, cultural events, functions and community fireworks.

Yallingup Main Break and Smiths Beach

In addition to the general event conditions, specific conditions are required for surfing events and/or competitions held at Yallingup and Smiths Beach within a 12 month period to achieve consistency and co-

ordination for the staging of surfing events at these locations, and to ensure equitable use of the surf locations by recreational and competition surfers. It also assists to minimise damage, and promote the recovery of coastal systems within the City of Busselton's coastal reserves.

The Yallingup and Smith Beach Surf Competition Categories specific event conditions (see Appendix 2) applies to organisations wishing to conduct surfing events and/or competitions at international, national, state or club level and applies to all forms of surf craft including, but not limited to surfboards, wave skis, body boards, wind surfers and kite surfers.

Busselton and Dunsborough Foreshores

The Busselton and Dunsborough Foreshores have undergone a significant redevelopment to improve recreational facilities and to add vibrancy and activity to these areas.

Events can be conducted in these foreshore areas under the same conditions as all public space events. However, as they are high usage areas for local residents and visitors, the City may require additional measures to be implemented to ensure equitable access for all users.

Cultural Precinct on Queen Street

The Cultural Precinct is located on Queen St between Marine Terrace and Adelaide Street and consists of the Weld Theatre, Art Geo Complex with the ArtGeo Gallery and Courthouse Gallery, and artist studios around the courtyard.

The Cultural Precinct is the preferred location for a future Performing Arts and Convention Centre that will also serve as a venue for meetings, conferences and conventions, further growing the business tourism market. As an entry point to the foreshore, the Cultural Precinct is central to the promotion of a blended commercial and recreational/cultural experience

All Other Areas

All events held in the City of Busselton boundaries require the completion of appropriate event application forms and granting of relevant approvals from within the City and also from external Government agencies including but not limited to; Department of Health, Department of Transport, Department of Racing Gaming and Liquor, and Main Roads WA.

EVENT SPONSORSHIP

Recognising the significance that events play in delivering economic and social benefits to the community, and building on the City as the 'Events Capital WA', the City has an Events Sponsorship Programme that is funded through the following sources:

1. Municipal Funds

The Council allocates a fixed amount annually towards funding events, these funds are historically allocated to well established, annually recurring events.

2. Industrial/Commercial Differential Rate

Industrial and Commercial rated properties across the City directly contribute toward the City's continued support of tourism, marketing and event activities through a Differential Rate. An established Marketing and Events Reference Group makes recommendations to Council with respect to the allocation of funds generated through the Differential Rate specifically towards the funding of events and marketing initiatives.

Event sponsorship can be provided as cash or in-kind contributions and once approved by Council, event organisers are required to enter into a sponsorship agreement with the City under one of the following terms:

1. Single Year Events

Events that are held once and not over a consecutive period

2. Multi-Year Events

Events that are held on an annual basis over a period of years.

Event sponsorship requests are assessed through the Event Sponsorship Programme against the following criteria:

- Economic impact the direct and indirect dollars that an event generates to the City of Busselton community:
- Strategic alliance events that are held within the off-peak shoulder season, and events that are of
 a cultural nature;
- Media/promotion the direct and indirect value of marketing and promotional activities;
- · Environmental impact the level of impact on the environment and associated resources; and
- Social benefits the associated value to the community.

Post Event Evaluation Reports

Events sponsored by the City are subject to a funding agreement and a post event evaluation report, within three (3) months of the date of the event outlining the following:

- 1. General performance and activities of the event;
- 2. Measure against Key Performance Indicators as per the funding agreement;
- 3. Economic impact;
- 4. Benefit to the local community;
- 5. Benefit to local businesses; and
- 6. Media coverage of the event.

Post event evaluation reports will be used to determine if future funding will be approved for event organisers.

POLICY REVIEW

The Events Policy will be reviewed every two years.

Policy Background

Policy Reference No. - 231

Owner Unit – Commercial Services

Originator – Events Coordinator

Policy approved by – Council

Date Approved – 12 April 2006

Review Frequency – every two years

HISTORY

Council Resolution	Date	Information
C1609/232	14 September, 2016	Due to the growth in the number of events and legislative changes
		the policy was reviewed.
		Version 2 Note: This policy incorporates
		surfing and therefore the surfing
		events and competition policy 021 was revoked as part of the
		adoption of the Events policy.

Council 265 12 February 2020 12.8 Attachment B Events Policy - Current

Last updated 14/09/2016

C0604/105	12 April, 2006	Version 1
		Note: This policy incorporates
		concerts and therefore the
		concerts policy (073/2) was
		revoked as part of the adoption of
		the Events policy.

12 February 2020

Last updated 14/09/2016

Appendix 1 - Meelup Regional Park Specific Event Conditions;

These specific event conditions apply to events proposed for specific sites, trails or roads within Meelup Regional Park (the 'Park'). The conditions outlined below are based on the provisions of the Meelup Regional Park Management Plan (the 'Management Plan'), and all events in the Park must comply with the Management Plan.

Pre-event information from event organisers

The event organisers are to:

- Apply to the City for the proposed event at least 12 weeks prior to the event, to allow for consideration and assessment by the City after consultation with the Meelup Regional Park Committee. (Committee).
- 2. Contact the City of Busselton's Meelup Environmental Management Officer for guidance on the specific management measures required, and arrange to meet onsite to inspect the event areas.
- 3. Be familiar and comply with the Management Plan and other guiding documents.
- Provide an aerial photograph with either: a) the GPS alignments for trail-based and road based events, or b) the boundary within which the event will be held for site-based events.
- 5. Submit a detailed Event Management Plan addressing:
 - a. Date, duration and event location(s);
 - b. Participant/competitor numbers and management;
 - c. Spectator numbers and management, including proposed locations for spectators;
 - d. Numbers and management of officials, marshals, volunteers and support vehicles;
 - e. Details of road closures and/or traffic management measures, including locations and duration:
 - f. If exclusive use of a site, trail or road within the Park is required, detail how it will be managed:
 - g. Evidence of the event organiser's track record, business and environmental ethics
 - Details and outcomes of consultation with other stakeholders, for example, government agencies, local government, community groups etc.
- 6. Submit a detailed Environment Management Plan addressing:
 - Plans for prevention and mitigation of environmental impacts which are relevant to the event such as preventing damage to vegetation, impact on fauna and coastal beach environments:
 - b. Dieback and weed management measures
 - c. Compatibility of the event with the wider community, Park neighbours and other Park users and how conflict is to be minimised;
 - d. Rubbish management
 - e. Noise/disturbance to residents, if applicable;
 - f. Promotion of the event, including websites, print and other media.
- Notify the Meelup Environmental Management Officer of any proposed alterations to the requested alignment/venue immediately.
- 8. Consult with Department of Parks and Wildlife (DPaW) and/or Department of Environment Regulation(DER) regarding activities proposed in the vicinity of declared rare flora, threatened ecological communities, threatened fauna and/or priority ecological communities.
- Include interpretative material, to be agreed between the City and event organiser, which provides information on the Park's environmental, cultural and recreational values, as part of the event information pack and/or on the event website.
- 10. As bike riding is prohibited in the Park, ensure that any bike section of the route contained within the Park will not be advertised, published in any publication or circulated in any material or electronic form so as to not promote its use for bike riding.

Further specific conditions may also be required, and this will be assessed on a case by case basis once the event management plan has been submitted.

During the Event

The event organisers are to_ensure that all participants, marshals, race officials and any support crew are briefed on:

- 1. Where possible provide an opportunity for the Meelup Environmental Management Officer to address the event participants or provide environmental information on the Park to officials.
- 2. The natural values of the Park and environmental issues identified in the EMP.
- 3. That all flora is protected and it is illegal to pick wildflowers or damage vegetation.
- 4. The principles of Leave No Trace, which must be adhered to at all times while in the Park.
- 5. That all persons are to remain on designated trails and use authorised access points at all times except in an emergency.
- 6. For trail-based events, the current prohibited status of riding bicycles in the Park, and the one-off nature of the event allowing bicycles on designated trails in the Park.
- 7. That areas of the Park are regularly baited with 1080 dried meat baits for feral animal control and that these baits are toxic and should not be handled or ingested.
- 8. No person is to interfere with existing signage in the Park.
- Ensure that all promotional material and media information associated with the event directs spectators to areas designated as spectator locations approved by the City prior to the event.
- 10. Ensure that all competitors, officials, marshals and any other support crew remain on designated tracks and authorized access points at all times except in an emergency.
- 11. Provide course markers, bunting and/or marshals to ensure competitors do not veer off the course alignment.
- 12. Ensure that any signage is: a) corflute and at least A3 in size, b) erected in a manner that makes it difficult to remove, and c) replaced if it is removed before or during the event.

Post-event information/actions

The event organisers are to:

- 1. Remove all evidence of the presence of the event within 24 hours of the conclusion of the event, including all signage, litter, markings, flagging tape, bunting, traffic management infrastructure and other materials that have been placed for the event.
- 2. Submit an event report within three months after the event detailing any event issues including environmental impacts and proposed improvements. You will receive feedback from the City of Busselton on the event including any event management improvements.

Appendix 2 - Yallingup and Smith Beach Surf Competition Categories

It is imperative that City of Busselton manages the number and types of surfing competitions and events utilising City of Busselton managed land at Yallingup and Smiths Beach. The prescribed number and types of events is as follows:

1. International and National Events (100 + competitors and large spectator component)

Only one (1) International or National event organised in conjunction with Surfing WA, will be approved by the City of Busselton in any one year. Confirmation shall be provided at least 6 months prior to the event date, in order to assess the proposal and exclude other potential events.

2. Major Events (Up to 100 competitors)

Only two (2) major events, organised in conjunction with Surfing WA, comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year.

3. Large Events (50-70 competitors) Ballot System

Only two (2) large events comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year. A 'Surfing Competition Ballot Application Form' will be submitted to City of Busselton by December 1st for the following calendar year.

Surfing WA and the City of Busselton will jointly assess the application(s) and successful applicants will notified and ask to submit a City of Busselton event application package for the event.

4. Minor Events (0 - 50 competitors) Ballot System

Only one (1) minor event in any one year comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year. A 'Surfing Competition Ballot Application Form' will be submitted to City of Busselton by December 1st for the following calendar year. Surfing WA and the City of Busselton will jointly assess the application(s) and successful applicants will notified and ask to submit a City of Busselton event application package for the event.

Club Events

Local board riding clubs, such the Indian Ocean Longboard Club and the Yallingup Boardriders, are permitted to conduct their annual round of club events at sites previously nominated with the City of Busselton.

Clubs will be required to complete annually, prior to nominating their seasonal calendar of events, a 'Surfing Club Beach usage application form' for sites controlled by the City of Busselton. Dates for competition, particularly at the 'Yallingup Mainbreak' surf break, need to be included in the 'Surfing Club Beach usage application form.'

6. Traditional Contests and Philanthropic Events

Traditional and Philanthropic contests and events outside this Policy will be continued to be supported for the period that the contests continue to run successfully and with minimum impact of the surfing community.

Surfing Event and/or Competition Locations

Whilst there are many surfing locations across the western and northern boundaries of the City, many of these foreshore reserves are either not managed by the City of Busselton or have inadequate facilities to successfully conduct a surfing competition. Below is a table of the nominated sites:

Table 1. Nominated competition sites at City of Busselton Managed Foreshore reserves

INTERNATIONAL SITES	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup Mainbreak	Additional Infrastructure to be provided as directed
	by the City of Busselton
MAJOR EVENT SITES (70 – 100 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Vallingun / Smitha Baach	Rubbish Bins, Taping off dunes / sensitive areas
Yallingup / Smiths Beach	Environmental Control
LARGE EVENT SITES (50-70 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Vallia and A Caritha Danah	Rubbish Bins, Taping off dunes / sensitive areas
Yallingup / Smiths Beach	Environmental Control
MINOR EVENT SITES (0-50 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Smiths Beach	Rubbish Bins and Toilets

All sites, at City of Busselton managed foreshore reserves, other than those nominated are to be excluded from competitions. No events are to be held on Public Holiday weekends.

Number of Annual Events and/or Competitions

By prescribing a set number of events at the Yallingup and Smiths Beach surf breaks, this policy will allow for a fair and equitable surfing environment for club, competition and recreational surfers alike.

The prescribed number of competitions / events, as per event categories 1 to 5 listed above, from January the 1^{st} to December the 31^{st} of each calendar year will be 13 competitions / events inclusive.

This figure is based on the average of one competition / event per every four weeks at this venue. The prescribed breakdown of these competitions / events includes:

CATEGORY	ORGANISATION	NUMBER
CLUB	Yallingup Boardriders	4
CLUB	Indian Ocean Longboard Club	4
INTERNATIONAL, MAJOR or LARGE	Surfing Western Australia	2
TRADITIONAL and PHILANTHROPIC	Yallingup Malibu Classic	2
TRADITIONAL and PHILANTHROPIC	Taj Small Fries	2
LARGE or MINOR	Ballot system	1

^{*} any application for an event that is in addition to the number of events allowed in the policy will referred to the Council for consideration

Approval Procedures

Please refer to the City of Busselton's Event Policy. The City of Busselton Event Policy outlines in detail the Event Application processes required at the City of Busselton in order to comply with legislative requirements.

Approval of Attendance at Events

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.5.62(1B) Approval of attendance at events	
FUNCTION	s.5.62(1B) Approval of attendance at events	
CONDITIONS	This delegation is subject to the CEO seeking written approval of the Mayor for his own attendance at an event.	
POLICY	Nil	
REFERENCE DOCUMENTS	Nil	

RECORD KEEPING	ECM Delegation Profile – GOV	ECM Delegation Profile – GOVXXX	
VERIFICATION	Initial Council Resolution	Recent Council Resolution N/A	
RECENT ALTERATIONS	Nil	·	
PREVIOUS DELEGATION REFERENCE	Nil		



1. PURPOSE

1.1. The purpose of this Policy is to articulate the strategic importance of Events to the City of Busselton and to set out a framework for the attraction and promotion of Events. This Policy also sets out the City's position with respect to the attendance of Councillors and the CEO at Events in accordance with Section 5.90A of the Act.

2. SCOPE

2.1. This Policy is applicable to Events within the City of Busselton District and more broadly to Events across the South West region of WA.

3. **DEFINITIONS**

Term	Meaning
Act	Local Government Act 1995
District	City of Busselton local government area
Event	An organised occurrence hosted by a person or organisation on public or private land where people assemble at a given time for a given purpose and which generally involves one or more of the following: Preparation or sale of food; Sale or consumption of alcohol; Congregation of people; Erection of infrastructure and / or signage; Generation of additional noise; Use / installation of electrical equipment; Changes / interruptions to traffic flow; Additional parking requirements; Crowd control measures Includes: Concerts and music festivals; Sporting events; Conferences; Exhibitions, expos and fairs; Functions (e.g. community or business events); and Markets; and Any other activity in accordance with 5.90A(1)(e)-
Partner	Spouse, de-facto or other partner as approved
Policy	This City of Busselton Council policy entitled "Events"

Events Policy - Revised With Committee Amendments

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 4 Economy and Key Goal Area 6 Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objectives
 - a. 4.3: Events and unique tourism experiences that attract visitors and investment.
 - b. 6.1: Governance systems, processes and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

- 5.1. The City has adopted the brand 'Events Capital WA', with the attraction, development and promotion of Events recognised by Council as a key strategic and competitive advantage for the development of a robust and prosperous economy and tourism industry, and an important contributor to the creation of vibrant places and an inclusive community
- 5.2. The City will actively engage with and assist Event organisers to support the development of a diverse year round calendar of Events, across the District.
- 5.3. The attraction, development, and approval of Events will be in accordance with the following objectives:
 - a. generation of direct and indirect economic benefits to the community;
 - b. generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion;
 - c. creation of a calendar of Events which brings visitors to the District year round and provides broad activation across the District: and
 - d. positive promotion of the District and the South West region of WA.
- 5.4. Events are categorised for their strategic importance as follows:
 - a. Hallmark an international or nationally recognised Event that creates significant economic benefit and typically attracts 5,000 plus participants / visitors;
 - b. Major an Event which attracts visitors nationally and from outside of the region, showcases regional facilities and attractions, creates economic benefit and typically has between 2,000 and 5,000 participants / visitors:
 - c. Regional an Event that attracts visitors to the region from within the State and from within the region, helps to build the City's Events Capital WA brand and has the potential to become a future Major or Hallmark Event;
 - d. Community an Event which celebrates aspects of community life, has strong social / community benefit; more limited economic benefit, and is generally run by the community.
- 5.5. While Events are considered a positive contributor, the potential for Events to impact adversely on community safety, amenity and the environment is recognised. In order to manage risk, environmental and amenity impacts, Events held within the District must, subject to paragraph 5.6, be approved by the City prior to taking place. The event application process is outlined in the Events Application Operational
- An Event approval is not required at venues which have an appropriate development approval under the City's town planning scheme and / or an approval in accordance with environmental health legislation.
- 5.7. Event applications will be assessed against the objectives outlined in paragraph 5.3 and the following criteria (or criteria similar):
 - a. the nature, size and suitability of the Event;
 - b. the location of the Event, its suitability and whether it meets the City's objectives of broad activation;
 - c. the period of time the Event will operate;

d. the amenity of the Event and the likely impacts on residents;

- e. any conflicts with other Events or community use at or around the location;
- f. the relevant experience of the operator and their capacity to manage key risks such as fire safety.
- 5.8. The following specific Event location criteria will also be applied to assist in protection of sensitive areas, and to ensure the equitable use of the location by Event organisers and the general community:
 - a. Meelup Regional Park:
 - i. Maximum of four trail based Events per calendar year, that is an Event that involves participants walking, running or cycling on trails or roads within the park; and
 - ii. Maximum of four site based Events per calendar year, that is an Event that involves use of a beach and / or adjacent picnic and car park area; and
 - iii. Maximum of one trail based and one site based Event per month.
 - b. Yallingup and Smith Beach:
 - i. Maximum of one international or national Event per year;
 - ii. Maximum of four other major Events per year, of up to four days each;
 - iii. Maximum of one minor Event per year, of up to four days;
 - iv. Maximum of eight club Events (run by local board riding clubs) per year
- 5.9. Fees upon application are payable as per the City of Busselton's Schedule of Fees and Charges.

Events Sponsorship

- 5.10. The City has an events sponsorship programme that is funded through a combination of municipal funds and funds derived from the industrial / commercial differential rate. The Marketing and Events Reference Group (MERG) makes recommendations to Council with respect to the allocation of funds towards Events.
- 5.11. Event sponsorship can be provided as cash or in-kind contributions, with sponsorship agreements entered into with Event organisers on either a single or multi-year basis.
- 5.12. Event sponsorship requests will be assessed against the objectives outlined in paragraph 5.3.
- 5.13. Events sponsored by the City will be evaluated to determine future funding levels.

Event Attendance

- 5.14. Councillor and CEO representation at Events is valued as a means of reinforcing the City's strategic positioning as the 'Events Capital WA', and to ensure Events are properly assessed for their benefit and ongoing relevance.
- 5.15. Invitations / tickets to Events may be provided to the City by Event organisers. Where attendance at these Events is approved in accordance with this Policy, the requirement to disclose a financial interest under the Act will not apply.
- 5.16. An invitation provided or addressed personally to a Councillor or to the CEO (for instance via a personal email account) will not be captured by this Policy, and the requirement to disclose a financial interest where the amount exceeds the amount prescribed under the Local Government (Administration) Regulation 20A will apply.
- 5.17. In addition to invitations / tickets provided by Event organisers, the CEO, in consultation with the Mayor, may purchase tickets for the purposes of City representation at an Event. The City will generally only purchase tickets for Hallmark and Major Events where attendance is demonstrated, through reference to the criteria in paragraph 5.18, as being in the City's interest.

- 5.18. In determining approval for attendance at Events under Section 5.90A(2)(c), Council (or the CEO under delegation) will consider the following criteria such as the following:
 - a. who is providing the ticket to the Event;
 - b. the location of the Event-and whether it is in the City of Busselton District;
 - c. whether the Event is sponsored by the City;
 - d. the relevance of the Event to the City's adopted policy objectives under paragraph 5.3;
 - e. the role of the Council member or CEO when attending the Event (participant, presenter, observer) and the value of their contribution:
 - f. the cost to attend the Event and / or the public value of attendance if the ticket is being provided at no cost to the Local Government;
 - g. the number of invitations / tickets received; and
 - h. the benefits or importance of Council and / or CEO representation at the event.
- 5.19. A list of established pre-authorised Events and attendees is provided at Attachment A. The attendees are authorised in order of priority, subject to the number of available invitations / tickets. Where there are insufficient invitations / tickets available for all pre-authorised attendees to attend, the CEO (in liaison with the Mayor) will determine final attendance.
- 5.20. It is considered appropriate for a Councillor or CEO's Partner to accompany them to an Event held outside of normal business hours. While the City will not generally pay for such attendance, invitations / tickets received by the City may be provided for this purpose where they are available.
- 5.21. The Mayor can delegate any approved attendance to an Event to the Deputy Mayor or another Council
- 5.22. This policy does not apply where a Councillor or the CEO attends an Event at their own cost and in a personal capacity.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Government Act 1995
- 6.2. Events Strategy
- 6.3. Events Application Operational Practice

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	14/09/2016	Resolution #	C1609/232

Attachment D

Attachment A – Pre-authorised Events

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Event	Event Organiser OR DATE	Attendee
Hallmark Events		
Ironman WA	Ironman Oceania	Mayor
		CEO
		Deputy Mayor
		All Councillors
Cinefest Oz	Geographe French Australian	Mayor
	Festivals Inc.	CEO
		Deputy Mayor
		All Councillors
Busselton Festival of Triathlon	Triathlon Western Australia	Mayor
(Ironman 70.3)		CEO
		Deputy Mayor
		All Councillors
Gourmet Escape	IMG Culinary	Mayor
		CEO
		Deputy Mayor
		All Councillors
Busselton Jetty Swim	Busselton Allsports Inc.	Mayor
		CEO
		Deputy Mayor
		All Councillors
Jazz by the Bay	Jazz by the Bay Association	Mayor
		CEO
		Deputy Mayor
		All Councillors
Forest Rally	West Australian Car Club (Inc)	Mayor
		CEO
		Deputy Mayor
		All Councillors
Major Events		
Cabin Fever	Creative Corner	Mayor
		CEO
		Deputy Mayor
		All Councillors
X-Adventure Dunsborough	Rapid Ascent Pty Ltd	Mayor
		CEO
		Deputy Mayor
		All Councillors

12.9 <u>Policy and Legislation Committee - 29/01/2020 - LOCAL PLANNING POLICY REVIEW -</u> REVOCATION OF LOCAL PLANNING POLICIES LPP1A, LPP1E, LPP1G, LPP1H AND LPP8B.

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: to adopt legislative documents e.g. local laws, local

planning schemes, local planning policies

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A LPP 1A: Canal Lots 1

Attachment B LPP 1E: Grouped and Multiple Dwellings and Habitat

Adobe

Attachment C LPP 1G: Kalgaritch Estate \(\frac{1}{2} \)
Attachment D LPP 1H: Abbey Green Estate \(\frac{1}{2} \)
Attachment E LPP 8B: Social Impact Statements \(\frac{1}{2} \)

This item was considered by the Policy and Legislation Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/035 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council:

- 1. Revoke the following Local Planning Policies as set out below:
 - LPP 1A : Canal Lots;
 - LPP 1E : Grouped and Multiple Dwelling and Habitat;
 - LPP 1G : Kalgaritch Estate;
 - LPP 1H : Abbey Green Estate; and
 - LPP 8B : Social Impact Statements.
- 2. Advertise the notice of revocation in a newspaper circulating within the Scheme area in accordance with Clause 6 of Part 2 of Schedule 2 Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

The City has commenced a review of its local planning policies (LPPs). Stage 1 of this review in March 2019 was policy neutral and converted the LPPs into a new format. This review took the LPPs from the existing manual structure and separated them into individual policies.

The City has now commenced Stage 2 of the process which involves reviewing the content and relevance of all LPPs. As part of this stage, the City has already revoked three LPPs which were considered to be redundant due to changes in legislation. It is proposed as part of this stage that another five LPPs be revoked.

The LPPs proposed to be revoked as part of this report are as follows –

LPP 1A : Canal Lots;

LPP 1E: Grouped and Multiple Dwelling and Habitat;

LPP 1G : Kalgaritch Estate;

LPP 1H: Abbey Green Estate; and

LPP 8B: Social Impact Statements.

BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide that LPPs may be prepared by a local government in respect of any matter related to the planning and development of the Scheme area.

The intention of an LPP is to provide guidance to applicants and developers in regards to the decision making process as well as to the local government when exercising discretion under the Scheme. LPPs must be consistent with the intent of the relevant Scheme provisions, including the R-Codes, and cannot vary development standards or requirements set out in a Scheme or impose any mandatory requirements upon development.

LPPs are to be given due consideration in the assessment of development 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 – 'Deemed Provisions for Local Planning Schemes' (Deemed Provisions).

In March 2019, the City commenced the first stage of the LPP review. This stage was policy neutral and did not alter the intent or provisions within the LPPs, however reformatted the LPPs into a new, easier to read template and took the LPPs out of a manual structure, separating them into individual policies.

These changes were adopted by the Council at its meeting held on 27 March 2019 (C1903/053).

The City has now commenced the second stage of this process and is reviewing the content and relevance of its LPPs. Due to the number of LPPs and the complexity of issues which need to be addressed, this review is intended to be broken down into a number of stages.

At its meeting held on 30 October 2019, the Council resolved (C1910/208) to revoke three LPPs that were considered to be redundant and it is now proposed that another five LPPs be revoked for the reasons outlined in the report below.

As part of this stage, the following LPPs have been identified as being redundant and are recommended to be revoked:

- LPP 1A: Canal Lots:
- LPP 1E: Grouped and Multiple Dwelling and Habitat;
- LPP 1G: Kalgaritch Estate;
- LPP 1H: Abbey Green Estate; and
- LPP 8B: Social Impact Statements.

A further, more comprehensive description of each of the above LPPs and the reasons why they are considered to be redundant is provided within the Officer Comment section of this report. The LPPs will be revoked following a Council resolution via a notice of revocation published in a local newspaper.

OFFICER COMMENT

Below is a description of each of the LPPs that City officers are recommending be revoked and the reasons why they are now considered redundant.

LPP 1A: Canal Lots

LPP1A was adopted as part of 'LPP1 – Residential Development Policy' (previous policy manual format) by the Council at its meeting on 17 October 2007 (C0710/236). LPP1A was introduced to ensure consistent standards were achieved for residential development which fronted onto canals. At the time that LPP1A was adopted there were no setback provisions for buildings to canals within the Scheme.

LPP1A provides guidance in relation to setbacks from canal lot frontages where a lot has more than one frontage (or boundary) to a canal. In these instances, one canal is required to be nominated by the City as the "primary canal frontage". This frontage is required to achieve a minimum setback of 4.5m and average setback of 6m. The other canal frontage shall be deemed the "secondary canal frontage" and therefore is not required to achieve the 6m average however a minimum setback of 4.5m will still apply.

It is noted that the only canal lots within the City are located within the Port Geographe Development Special Control Area and therefore the provisions of clause 5.9 – Port Geographe Development Area of the Scheme and LPP4B – Port Geographe Village Centre apply to these lots. Clause 5.9.2(g) of the Scheme includes provisions for setbacks from canal walls and states as follows:

No building shall be erected closer than 4.5 metres from the landward side of the stabilised canal edge, subject to an average setback of 6.0 metres and the general appearance of the canal being maintained. Engineering certification will also need to be provided with a building licence application ensuring that no additional structural loads are placed on the canal walls.

The requirements within LPP1A are therefore consistent with the Scheme with the exception of the requirement to not meet the 6m average where the canal is deemed to be the "secondary canal frontage". An aerial review of the Port Geographe Development Area indicates that there are 21 canal lots within Port Geographe with more than one canal frontage. 13 of these lots have already been developed with 8 of these lots still vacant. Given the small number of lots with dual canal frontages and the likelihood that any variation sought (through a development application) to the secondary frontage setbacks would be minor in terms of neighbour and visual amenity, the setback provision in the policy is considered unnecessary.

The LPP also provides guidance in relation to appropriate setbacks for shade sails on canal lots. The R-Codes define 'pergolas' (which for the purposes of this discussion includes shade sails) as "an open framed structure covered in water permeable material or unroofed which may or may not be attached to a dwelling". Pergolas are not considered 'buildings' under the R-Codes and therefore are not subject the street setback or lot setback requirements at Parts 5.1.2 of Volume 1 of the R-Codes which specifically relate to building setbacks. The installation of a shade sail in a Residential zone does not typically require any development approval on this basis. As such, it is considered inappropriate to introduce de facto setback controls for shade sails associated with Single Houses through this policy.

For the reasons above, the Policy is considered to superfluous to the Scheme requirements and other LPP requirements and it is recommended that LPP1A be revoked.

LPP 1E: Grouped and Multiple Dwelling and Habitat

On 14 December 2005, the Council resolved to develop a consolidated residential development Policy. This LPP was to supersede the Dual Occupancy Development Policy (1994) and contain only the provisions within the Residential Development Policy (1994) which had not become redundant through the gazettal of the District Town Planning Scheme No. 20 in 1999 and the introduction of the Residential Design Codes of WA in October 2002 (C0512/387).

Through the development of the LPP an Environmental Reference Group was consulted who suggested that the policy should incorporate provisions to protect native vegetation on private property, particularly Agonis flexuosa (WA Peppermint Trees) and other vegetation that forms important habitat for the Western Ringtail Possum (WRP). Provisions were developed and incorporated into the LPP whereby the design of infill development in Busselton and Dunsborough would be encouraged to minimise the impact of development on WA Peppermint trees.

It was considered at the time that applying these provisions to Single Houses would be difficult to introduce without further detailed assessment as to the impact the controls may have on development. It was therefore considered that this was beyond the scope of the policy. The LPP did however propose that Grouped and Multiple Dwelling development aim to reduce the impacts of development by retaining trees with a trunk diameter greater than 10cm, requiring 3m buffer areas around trees as well as incorporating new WA Peppermint trees in landscaping within the lot and/or verge to create habitat and habitat connections for WRP. The final version of the LPP containing these provisions was adopted by the Council at its meeting held on 17 October 2007 (C0710/236 refers). It is noted however that the Policy carries no significant statutory weight given no formal tree controls exist in Residential areas and there is no direct reference to the matter of tree retention for such development in the Scheme.

It is considered that the current provisions within the LPP will become redundant with the introduction of Scheme Amendment 42 which proposes to introduce a 'Western Ringtail Possum Habitat Special Control Area.' Amendment 42 was initiated by the Council at its meeting held on 10 April 2019 and is currently with the Department of Planning, Lands and Heritage awaiting consent to advertise. It is anticipated that Amendment 42 will be advertised in early 2020 and at such time it will be considered to be a 'seriously entertained' planning document and therefore can be given due regarding in the assessment of development application.

Amendment 42 proposes to introduce into the Scheme a Special Control Area within which a development application will be required prior to the removal of native trees of a certain size. The Special Control Area will include the Residential zoned areas within Busselton and Dunsborough which currently do not have controls around clearing within the Scheme. It is proposed that an associated LPP will be developed in conjunction with Amendment 42 that will include provisions for the assessment of development applications within the Special Control Area and require in the first instance the removal of native trees be avoided and/or minimised and where this is not possible it will include specific requirements for replacement planting.

With the initiation of Amendment 42, and proposed associated LPP, it is considered that this Policy will become redundant and once advertised Amendment 42 will be considered a 'seriously entertained planning document' and therefore can be considered in the assessment of development application. It is therefore recommended that that the policy be revoked.

LPP 1G: Kalgaritch Estate

LPP1G was adopted on 8 July 1992 and was introduced to ensure the protection of properties from potential flooding and to preserve residential amenity of former lots 170 and 171 Queen Elizabeth Avenue, Beachlands (subsequently subdivided and known as 'Kalgaritch Estate').

'Kalgaritch Estate' is zoned Residential with a residential density of R2.5. Under the R-Codes the minimum lot size at this density is 4,000m². It is noted however that the range of lot sizes within this Estate is from 2,000m² to 4,000m² and therefore the Policy was introduced to allow concessions for reduced setbacks of 3m for outbuildings or similar structures to the side and rear setbacks. The deemed-to-comply criteria of R-Codes requires 7.5m to side and rear boundaries at an R2.5 density. By removing these provisions, the City may still award these concessions considered through the assessment of a proposal against the Design Principles of the R-Codes.

In addition to the above, the LPP1G also prescribes a 21 metre buffer strip to the Sub "A" Drain along Queen Elizabeth Drive for the purposes of overland flow in event of flooding. The lots which abut the Sub "A" Drain along Queen Elizabeth Drive have drainage easements along the rear of 10m or 20m which are considered to be sufficient in ensure development does not occur within this area and unreasonably interfere with overland flow paths should the Sub "A" Drain flood. It is further noted that should such a matter be considered sufficiently important to warrant development control, it should always be contained within the Scheme itself given the limited statutory weight given to LPPs.

It is therefore considered that this Policy is redundant and it is recommended that it be revoked.

LPP 1H: Abbey Green Estate

LPP 1H applies to former lots 100 to 133 Ray Avenue, Broadwater which were subsequently subdivided into 34 individual green title lots. These lots have been developed as Single Houses however function in association within the neighbouring aged person's facility 'Ray Village'. There are restrictive covenants over these properties which limit the age of occupants to persons over 50.

The original version of this LPP titled 'Abbey Green Housing and Development – Ray Avenue Broadwater' was originally adopted on 26 June 1997. The previous version of this LPP included provision for the following –

- Building envelopes;
- Architectural style;
- Finishes;
- Vehicle parking;
- Fencing;
- Driveways;
- Landscaping;
- Clothes lines;
- Screening of rubbish bins;
- TV antennas;
- Storerooms/sheds;
- Solar water heaters; and
- Air conditioners.

As part of a review of the LPPs in 2009 the above LPP was amended and only two provisions within the original LPP were retained which related to height of development, being limited to single storey, and the retention of mature Agonis Flexuosa - WA Peppermint. These provisions were inserted into Element H 'Abbey Green Estate' of LPP1 — Residential Development Policy with the following commentary relating to these changes inserted into the background notes:

The Abbey Green Performance Standards have been significantly reduced in scope in recognition of the ineffectiveness of the earlier version of the policy to control the matters which it was originally designed to control. The Abbey Green component of the policy now only seeks to restrict two matters, being: the restriction of redevelopment to single storey; and the removal of habitat trees (specifically the mature Agonis Flexuosa - WA Peppermint).

These changes to the LPP were adopted by the Council at its meeting held on 14 October 2009 (C0910/354).

The lots which are covered by this LPP have now all been developed in accordance with these requirements. It is considered that as there is no planning basis for the height controls by the LPP and that an LPP is not the appropriate mechanism to control height. Furthermore, it is considered that the vegetation controls are inconsistent with the requirements for other similar adjoining residential areas which do not have any such 'controls'.

It is noted that the City has initiated Amendment 42 which will include these lots in a 'Western Ringtail Possum Habitat Protection Special Control Area' which intends to impose consistent controls around the clearing of vegetation throughout the City.

It is therefore considered that this Policy is redundant and is recommended that it be revoked.

LPP 8B: Social Impact Statements

In 1996 a local planning policy was adopted by the Council that required the preparation of a Social Impact Statement (SIS) for significant development proposals. This LPP was subsequently amended by Council at its meetings held on 9 September 1998 and again on 17 October 2007. As part of these amendments, the application of this LPP was broadened to include all development proposals which require advertising as well as strategic development projects. In addition, the requirements regarding the content of the SIS were modified.

The intention of this Policy was to outline those matters which should be considered in the assessment of a development application. These matters included economic, social, transport, ecological, cultural and other potential cumulative impacts. The Policy also includes a pro-forma SIS for minor development proposals such as Residential Enterprise, Cottage Industry or Bed and Breakfast Accommodation.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) contains at Clause 67 'Matters to be considered by local government' for development applications. Amongst other things, Clause 67 includes:

(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; (emphasis added)

Given the introduction of the 'Matters to be considered' in the Deemed Provisions of the Regulations, the requirements of LPP8A have effectively been superseded. It is further noted the detailing of such requirements is better suited to an information sheet and/or checklist that can be submitted by the applicant with their development application, and is not necessary to be addressed within an LPP.

In addition, LPP8A outlines procedures for different levels of 'stakeholder and community consultations' for different types of applications. This is considered to be a procedural issue in the assessment of development applications and therefore better suited to an internal procedure and not an LPP.

It is therefore considered that this Policy is redundant and is recommended that it be revoked.

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* (Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015*, especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

The Deemed Provisions include procedures for the creation, amendment and revocation of an LPP. Clause 6(b) of Part 2 of Schedule 2 of the Deemed Provisions allows a local planning policy to be revoked by a notice of revocation prepared by the local government and published in a newspaper circulating in the Scheme area.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

Part 2, Division 2 of the Deemed Provisions requires that a local government undertake consultation before adopting or amending a local planning policy (although a minor amendment can be made without consultation). At least 21 days must be allowed for the making of submissions.

The Deemed Provisions do not require the same consultation when a LPP is to be revoked and an LPP can be revoked via a notice of revocation published in a newspaper circulating in the Scheme area.

Risk Assessment

An assessment of the risks associated with the implementation of the officer recommendations 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 proposed recommendation, the Council could choose to not revoke one or more of the LPPs recommended to be revoked as part of this report.

CONCLUSION

It is recommended that the Council support the proposed policy changes and initiation as described in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the officer recommendation would involve advertising the policy revocations. It is expected that this will occur within one month of the Council decision.

Local Planning Policy No. 1A **CANAL LOTS**



HEAD OF POWER

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.

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PURPOSE

The purpose of this policy is to ensure a high standard of development is achieved for residential developments for lots within the Port Geographe Development Area outside the area defined as the Port Geographe Village Centre (which are subject to the Port Geographe Village Centre Guidelines).

INTERPRETATION

N/A

POLICY STATEMENT

All applications for development shall be required to comply with the provisions of the Scheme. Additionally, the following provisions apply:

4.1 **Building Setbacks**

Lots which front a canal on more than one boundary will require one nominated primary canal frontage to achieve a 4.5 m minimum, 6.0 m average setback, with the other (secondary) canal frontage to achieve a 4.5 m minimum setback. The City of Busselton shall nominate which canal frontage is required to achieve the 6.0 m average.

Setbacks for 'Shade Sails' 4.2

- 4.2.1 For the purposes of this policy, Shade Sails are considered to be structures comprised of poles with shade cloth restrained between and unenclosed on all sides, except where directly abutting a dwelling. (Note: shade sails are considered to be a building or a load bearing structure requiring engineer's certification and a building licence.)
- 4.2.2 Posts associated with shade sails shall be setback a minimum of 4.5 m from the canal boundary, unless it is considered that a setback of less than 4.5 m will not undermine the amenity of the adjoining property and the consent of the affected adjoining property owner has been received. Shade sails shall be no higher than 3.6 m unless otherwise
- 4.2.3 Shade Sails shall be exempt from the calculation of average rear setbacks and site coverage under the R Codes.

REVIEW DETAILS

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

LPP 1E: Grouped and Multiple Dwellings and Habitat

Local Planning Policy No. 1E GROUPED AND MULTIPLE DWELLINGS AND HABITAT



1. HEAD OF POWER

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.

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2. PURPOSE

This policy provision has been prepared to provide criteria for reducing the impact of potential habitat tree loss in grouped and multiple dwelling development projects.

The Western Ringtail Possum inhabits areas associated with Agonis flexuosa (WA Peppermint) woodland and is listed as a Threatened (Vulnerable) Species under Commonwealth and State legislation.

3. INTERPRETATION

N/A

4. POLICY STATEMENT

To ensure the protection of residential amenity, Western Ringtail Possum habitat and the reasonable development of built form within the City, the following policy provisions will apply to all grouped dwelling and multiple dwelling development applications:

- 4.1 The location of all WA Peppermint trees with an individual or combined trunk diameter of 10 cm or greater (measured at 1.5 m above ground level) shall be depicted on the site plan when the application is submitted for Planning Consent.
- 4.2 To provide for the protection of Western Ringtail Possum habitat, the design of developments shall make every attempt to minimise impacts on WA Peppermint trees and applications may be refused or modified through conditions of approval where an alternative design response would reduce the loss of significant habitat trees. The following measures may assist in minimising impacts, and should be implemented in a manner that aims to reduce the impacts through development layout and/or landscape design:
 - Retain peppermint trees of more than an individual or combined diameter of 10 cm measured at 1.5 m above ground level) to the greatest extent possible whilst avoiding;
 - impacts on tree roots include a buffer [preferably 3 m] within which limited or no soil disturbance can occur;
 - ii. branch pruning (especially where canopy connection could be affected); or
 - filling of more than 0.5 metres over pre-construction soil height around the base of trees.
 - b) Positively consider the following design initiatives;
 - Incorporation in landscaping of new WA Peppermint trees to replace any that must be removed, as a result of the development;
 - set aside areas to maintain and/or create habitat and connections to adjoining urban habitat: and

LPP 1E: Grouped and Multiple Dwellings and Habitat

Local Planning Policy No. 1E GROUPED AND MULTIPLE DWELLINGS AND HABITAT



- iii. plant additional WA Peppermint trees (and plant sedge understorey if possible) to infill and enhance habitat, and nurture new trees to ensure they become reasonably established.
- 4.3 Where the approval of a development application would result in the loss of a tree(s) with an individual or combined trunk diameter in excess of 10cm (measured at 1.5 m above ground level) and replacement planting within the lot is not practicable, then the City may impose a condition of approval requiring the planting of replacement trees of a suitable size and maturity within the adjoining road reserve or open space reserve in the locality, to the satisfaction of the City.

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5. REVIEW DETAILS

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

LPP 1G: Kalgaritch Estate

287

Local Planning Policy No. 1G KALGARITCH ESTATE



1. HEAD OF POWER

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

To ensure the protection of property from potential flooding and to preserve residential amenity.

Applies to Lots 170 and 171 Queen Elizabeth Avenue Beachlands (subsequently subdivided and known as Kalgaritch Estate).

3. INTERPRETATION

N/A

4. POLICY STATEMENT

The following provisions apply -

- 4.1 3 metres shall be the acceptable side and rear setback for outbuildings or similar structures in the Kalgaritch Estate.
- 4.2 To ensure a safe flow path from any possible breach of the levee, structures are not permitted within the 21 metre buffer strip contained within the Kalgaritch Estate and west of the Sub "A" Drain (Queen Elizabeth Drive).
- 4.3 Outbuildings and structures are to be setback at least 10 metres from the front (primary road) boundary and preferably to the rear of the dwelling.
- 4.4 The requirements of G3.2 overrides the requirements of G3.1.

5. REVIEW DETAILS

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

Attachment D LPP 1H : Abbey Green Estate

Local Planning Policy No. 1H **ABBEY GREEN ESTATE**



1. HEAD OF POWER

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.

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PURPOSE

To preserve residential amenity by limiting buildings to single storey design and to ensure the protection of the W.A. Peppermint Tree (Agonis Flexuosa).

INTERPRETATION

N/A

POLICY STATEMENT

Applies to Lots 100 to 133 (inclusive) Ray Avenue Broadwater.

The following provisions apply -

- 4.1 Buildings shall comply with table 3, category A area buildings of the R Codes (single storey design).
- 4.2 To provide for the protection of Western Ringtail Possum habitat, the design of developments shall make every attempt to minimise impacts on WA Peppermint trees and applications may be refused or modified through conditions of approval where an alternative design response would reduce the loss of significant habitat trees.

REVIEW DETAILS

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

Local Planning Policy No. 8B SOCIAL IMPACT STATEMENTS



1. HEAD OF POWER

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

2.1 Background

Social Impact Assessment (SIA) is the process of analysing, monitoring and managing the social consequences of development. A Social Impact Statement forms part of a SIA process and is a beneficial tool in discovering potential issues and informing the community in the decision making process.

Where land use proposals are subject to a requirement for community consultation the preparation of a Social Impact Statement (SIS) can serve to increase the flow of information to the community, Council and the proponent and assist in resolving issues of concern. The preparation of a SIS provides the community with an opportunity to identify, as part of the decision-making process, those local values that are worth protecting, the opportunities to maximise benefits and minimise negative impacts from a decision, and provide an avenue for benefits of local knowledge to be made available to the proponent.

The successful implementation of the SIA process recognises that social, environmental and economic impacts are inextricably linked. The SIA process also requires consideration of likely flow on and cumulative impacts arising from decisions made.

The SIA process is also viewed as an opportunity for a proponent to identify how local community values have been taken into account, and generally to outline the potential costs and benefits of a proposal.

This Policy requires a SIS to be prepared for all development proposals which are subject to a community consultation/advertising process, as well as rezoning proposals and strategic planning proposals (such as reports accompanying Development Guide Plans, Detailed Area Plans). It is the clear intention of the City that the SIS provides the information necessary to inform the public fully on proposals and reduce the potential for misunderstanding. The extent of information required in any SIS and the method of engaging in community consultation will be directly proportionate to the extent of issues generated by the scale of the proposal.

2.2 Objectives

The overriding intent of requiring a SIS is to assist in revealing issues relevant to land use planning decisions that in turn results in a more environmentally, economically and socially sustainable environment. This process seeks to promote community development, build capacity and develop social capital (social networks and trust). This objective is guided by both general objectives, being the overarching intent of the policy, and guiding principles, to which the SIS and community consultation shall have regard.

2.2.1 Objectives

This policy seeks to provide:

 A framework for the identification of issues arising from development proposals that may impact on the social structure of the City;

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- b. A consistent and thorough approach to the assessment of issues associated with proposals;
- A description of issues and means to address those issues for the consideration of the community and the City;
- d. Information and support for community input into the decision making process;
- e. Minimisation of negative impacts and maximisation of positive outcomes;
- f. Integration of expertise in the decision making process; and
- g. The consideration of a wide range of issues that have social implications, including: infrastructure, resource issues (and access to those resources), heritage impacts, landform impacts, economic and fiscal impacts, community impacts, cultural impacts, indigenous rights impacts, demographic impacts, transport impacts and other relevant considerations.

2.2.2 Guiding Principles

The preparation of a SIS and the fulfilment of this Policy shall take into account the principles of:

- Transparency/Honesty The content and disclosure within a SIS should be accurate, truthful and based upon the highest degree of ethical and professional requirements.
- b. Precaution Where potential issues of social impact are not fully certain, the lack of certainty should not be a reason for positive or negative consideration, rather the lack of certainty should guide the implementation of mitigation measures, monitoring and identification of requests for future information.
- c. Equity Social impacts should not fall disproportionately on certain groups, particularly the disadvantaged or vulnerable such as the elderly, the economically disadvantaged, the young or those with special needs. In addition, costs should not be imposed on future generations or the environment:
- Polluter Pays The full cost of avoiding or compensating social impacts should be borne by the proponent;
- Diversity There are different interests, skills and values within a varied demographic within the community:
- Prevention It is preferable to avoid negative social impacts than restoring or rectifying damage after an event;
- g. Health and Safety The physical, and social wellbeing and safety of all people should be considered when assessing the risk of accidents and the impact on health; and
- h. Consultation Consultation with potentially affected stakeholders, land owners/residents should commence at a very early stage in the development process (where possible pre lodgement of a DA or DGP, rezoning) in order to inform, consult and engage stakeholders fully in the consultation process.

2.3 Application

A SIS is required, in accordance with the criteria established in Part 4 – 'Policy Provisions' of this Policy, for:

- a. All proposals for rezoning; or amending of the Scheme.
- All proposals for strategic level development planning, such as information supporting Development Guide Plans, Strategies, Structure Plans, Detailed Area Plans, Scheme review; and
- c. Minor variations to DGPs, DAP's and structure plans will generally be exempt from the need to comply with the preparation of a SIS pursuant to this policy.

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In relation to development applications, it should be noted that any use that is identified as an 'SA' use in the Zoning and Development Table of Local Planning Scheme No. 21 (the Scheme) automatically requires advertising and therefore, the preparation of a SIS. A SIS will also be required for a use identified as an 'AA' use under the Scheme where the City determines that consultation is required. At the City's discretion, a SIS may be required for any other development application, including a 'Use Not Listed' in the Scheme and where consultation is necessary.

This policy should be read in conjunction with the City of Busselton Local Planning Scheme (the Scheme) and other City policies relating to development approval and is applicable in conjunction with any other requirement of Council for public consultation in regard to a development application.

The City reserves the right to require the preparation of a Social Impact Statement for any other development proposal where, due to its scale or nature, Council considers it appropriate.

3. INTERPRETATION

'Social Impact Assessment' - Includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of a land use planning decision to be made in respect of a particular development proposal and any social change process that results from that decision. The primary purpose is to bring about better planning decisions and a more sustainable and equitable ecological and human

'Social Impact Statement' – A statement prepared pursuant to the requirements of the provisions of this policy to provide information relevant to the SIA of a proposal and consequential planning decision.

POLICY STATEMENT

4.1 Social Impact Statement - preparation

A Social Impact Statement shall be prepared to meet the guiding principles of part 2.2.2 of this policy and shall meet the following requirements:

- 4.1.1 The level of detail, consultation and investigation should relate directly to the scale of the development proposed and the extent of issues inherent in the consideration of the proposal.
- 4.1.2 Proposals that have the potential for significant social impacts will be required to be accompanied by a comprehensive SIS prepared on the basis of pre lodgement consultation and liaison with the local community and stakeholders and either level 2 or level 3 community consultation.
- 4.1.3 A SIS may be incorporated within information provided in support of a proposal, provided the scope of a SIS is completely addressed by a section dedicated specifically to this matter. Where a SIS is prepared as a stand-alone document, the replication of information may be required to ensure that the proposal, its context, and its potential impacts are fully described in the SIS.
- 4.1.4 Technical supporting information may be required to justify specific observations and information within an SIS. Impacts on traffic, noise, landform, vegetation, hydrology and land capability are all examples of where technical supporting information may be required.
- 4.1.5 The following matters shall be addressed in a SIS, to the satisfaction of the City:

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(a) Economic Impact

- Employment opportunities and estimate of number of jobs that will be created directly and indirectly as a result of the proposal;
- Income generation (short and long term);
- Impact on the local economy; including the engagement of local labour, local goods and services in the proposal;
- Provision of capital infrastructure;
- Provision of telecommunications and advanced technology

(b) Social Impact

- Benefits to existing community services;
- Impact on existing community facilities;
- Provision of affordable housing;
- · Impact on quality of life;
- · Provision of useable open space;
- Identify stakeholders, the consultation level required (see part 6 of this policy) and
 possible strategies to engage community and maximise the informed debate on the
 proposal including an outline of the process for approval.
- Long term costs and benefits to the community;
- · Requirements for additional facilities;
- Access to resources;
- Impact on community safety, security and social amenity
- Noise and acoustic impacts (may require a separate technical report).
- · Visual Impact assessment impacts. (May require a separate technical report)

(c) Transport Issues

- Impact on local transport networks;
- Availability and use of public transport, walking, cycling trips?
- Impact on pedestrian/cycle networks;
- Heavy vehicle movements and potential conflict (eg. school bus).

(d) Ecological Impact

- Potential for pollution/contamination;
- Impact on greenhouse gas emissions carbon footprint;
- Impact on biodiversity and ecological values, including hydrology;
- Impact on vegetation clearing;
- Fauna habitat impact; and
- Dust and air born particulate/odours. (May require a separate technical report)
- · Impact on potable water use (sustainable measures introduced?);
- Impact on energy use (sustainable measures or initiatives introduced?).

(e) Cultural Impact

- Impact on local character, amenity and 'sense of place';
- Impact on historic and cultural landscapes;
- · Form partnerships with community;
- · Impact on attractions of the area; and
- Impact on places of heritage significance, both indigenous and post European settlement.

12.9

Attachment E LPP 8B: Social Impact Statements

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- (f) Any other relevant considerations
 - Construction impacts (short to medium term);
 - Operational impacts (long term); and
 - Likely flow on and cumulative impacts arising from the likely precedent a favourable planning decision may create.

4.2 Stakeholders and Community Consultation

Three broad levels of consultation are recognised by this policy as being required to meet the needs of the community based upon the principle that as the complexity and scale of proposals increases so does the community's need for constructive engagement in the planning process. These levels are identified in response to increasing potential for social impact arising from a proposal and are outlined in Schedule 2.

A Social Impact Statement prepared in accordance with this policy shall address the following requirements:

- 4.2.1 Stakeholder and community consultation shall be the responsibility of the proponent in accordance with this policy, including the identification of key stakeholders and the expected methods of community consultation to be undertaken by the proponent.
- 4.2.2 The City will be responsible for the statutory responsibility to advertise, inform and respond to submissions lodged during the formal advertising period. The City acknowledges submissions and informs submitters of the relevant process in respect to a final decision on the proposal. The City will make available a SIS prepared in support of a proposal and relevant associated documentation to whomever it is appropriate to consult in order to consider the proposal during formal advertising.
- 4.2.3 Following the conclusion of the advertising period the City may require further information or details to modify an SIS where any inconsistencies within the document have been highlighted, the accuracy of the original information is questionable or unclear or the statements made in the SIS are subjective and not verifiable based on acceptable technical or professional details. The City may highlight issues to the proponent as a result of submissions received, to which the proponent may be invited to respond.
- 4.2.4 The City strongly recommends that the proponent initiates constructive engagement between the applicant and the community/stakeholders before, during and after the formal advertising period for all levels of consultation.
- 4.2.5 In assessing the appropriateness of consultation methods for a proposal, due regard should be given to the likely social impacts and the methods to be adopted to reduce or resolve these social impacts including the level and type of consultation proposed by the applicant.

REVIEW DETAILS

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

LPP 8B : Social Impact Statements

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APPENDIX 1

SOCIAL IMPACT STATEMENT: PRO-FORMA (for minor development proposals)

As part of the City's assessment process, a Social Impact Statement is required to be prepared for all Development Proposals that require advertising, pursuant to the Local Planning Scheme. If you are unclear on the requirement for a Social Impact Statement, please discuss the matter with a City Planning Officer. The City may require the preparation of a Social Impact Statement for other development types due to the scale and nature of the proposal or the potential to have a specific impact.

Completion of this pro-forma will be acceptable as the Social Impact Statement for minor development proposals, such as Residential Enterprise, Cottage Industry or Bed and Breakfast Accommodation. Development proposals that are likely to generate significant off-site impacts, either through the construction or operation phases will require a more detailed Social Impact Statement prepared in accordance with City policy. Copies of the full policy and clarification on the requirement for a Social Impact Statement may be obtained by contacting a City Planning Officer on 9781 0444.

A re	esponse is only required	where ap	plicable	to the proposed development		
1. F	PROPOSED DEVELOPMEN	NT:				
a)	LOCATION: AREA & OW	/NERSHIP	OF SUBJ	IECT LAND L	OT NO:	
Loc	ation:					
Are	a:					
Ow	nership:					
App	olicant:					
b)	BACKGROUND: EXISTIN	IG DEVEL	OPMENT	/ LANDUSE ON SITE (E.G. HOUS	SE, RESIDENCE)	
c)	DESCRIPTION OF SITE					
>	Topography (e.g. flat, sv	vampy):				
>	Vegetation (e.g. cleared):				
>	Surrounding Developme	ent (e.g. r	esidentia	I):		
Ple	ase tick as appropriate	YES	NO	COMMENT		
>	Drainage					
>	Water Supply					
>	Effluent Disposal					
>	Electricity/Gas Supply					
>	Telecommunications					
>	Sealed Roads					

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Local Planning Policy No. 8B SOCIAL IMPACT STATEMENTS



g)	ECOLOGICAL IMPACTS (SHORT-TERM: POLLUTION, COMMUNITY HEALTH ETC)
h)	CULTURAL/HERITAGE IMPACTS (SHORT-TERM: BUILDING/SITE DISTURBANCE)
ОТ	HER COMMENTS
3.	OPERATIONAL STAGE OF DEVELOPMENT:
(Co	mments should identify potential impacts and measures that will be used to address these)
a)	ARE THE DEVELOPMENT IMPACTS SEASONAL AND/OR ONGOING?
b)	NO. OF EMPLOYEES
c)	ECONOMIC IMPACTS (EMPLOYMENT GENERATION ETC, LOCAL GOODS SOURCED)
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d)	SOCIAL IMPACT (COMMUNITY SERVICES/INFRASTRUCTURE REQUIREMENTS, IMPACT ON QUALITY
~,	OF LIFE OF RESIDENTS AND TOURISTS)
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e)	TRANSPORT/TRAFFIC ISSUES/PEDESTRIAN/CYCLIST SAFETY, CARPARKING ETC
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-F	ECOLOGICAL IMPACTS (POLITITION ETC. COMMUNITY HEALTH BIODIVERSITY ETC)
f)	ECOLOGICAL IMPACTS (POLLUTION ETC, COMMUNITY HEALTH, BIODIVERSITY ETC)
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g)	CULTURAL IMPACTS (LOCAL AMENITY, IMPACT ON TOURIST ATTRACTIONS AND PLACES OF
-	HERITAGE SIGNIFICANCE)
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h)	PERCEIVED ISSUES OF OBJECTION/CONFLICT? (HOW WILL THESE BE ADDRESSED)?

LPP 8B : Social Impact Statements

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Local Planning Policy No. 8B SOCIAL IMPACT STATEMENTS



4. COMMUNITY CONSULTATION (Comments should identify the consultation required and measures employed to consult the community of the community	
	(
a) List the likely key issues of concern from affected stakeholders.	(immedicate vicinity)
b) List the expected level of community consultation required for a proposed to implement the appropriate level of stakehold identified. The levels of community consultation are defined by a Inform,	ler and community consultation
Level 2 - Consult or Level 3 - Engage	
c) Has the immediate community been informed prior to formal lo has been the response from the immediate community to this in	
d) Are there any perceived issues of concern expressed against community?	the proposal by the immediate
e) Has the proposal been modified in response to preliminary comm to what extent?	nunity consultation? If so, how and
OTHER COMMENTS	

Attachment E

Local Planning Policy No. 8B SOCIAL IMPACT STATEMENTS



APPENDIX 2

The City has identified three (3) levels of community consultation based upon the complexity of the proposal. The level of public engagement and community consultation methods should be specified by the proponent as part of the SIS based upon the scale of the proposal and therefore the potential for the proposal to generate social impacts. The following three categories should be referenced to the SIS and are provided as an outline of the expected methods of community consultation to be adopted by a proponent for a particular proposal:

LEVEL 1 - INFORM

Level 1 "informing" normally involves simple and relatively non impacting proposals such as simple rezonings, strategic proposals and smaller development applications. Methods and recommended approaches to assist can include the following:

- Factual information included in the SIS is needed to describe the full impact of the proposal.
- · Information is provided to the immediate community prior to formal advertising of the proposal
- The public is informed of the results of the process.
- Information as necessary to ease concerns or prepare for involvements in the process.
- The issues are relatively simple and are clearly outlined.

LEVEL 2 - CONSULT

Level 2 "consulting" normally involves larger scale, potentially more socially impacting proposals such as rezonings, strategic proposals and development applications. Methods and recommended approaches to consultation can include the following:

- One on one or community representative meetings prior to formal advertising of the proposal.
- Community workshops to introduce the proposal and proponent.
- Produce and distribute a fact sheet.
- Involve individuals and groups that have an interest in the issues and are likely to be interested in or affected by the outcome of the proposal.
- The public is informed of the results of the process.
- Discussion with stakeholders is to be encouraged.

LEVEL 3 - ENGAGE

Level 3 "engaging" normally involves larger scale, potentially more socially impacting proposals such as complex rezonings, strategic proposals and larger development applications. Methods and recommended approaches to engagement can include the following:

- Citizens are invited to talk to the proponent regarding complex, value laden issues.
- The proponent should identify primary and secondary stakeholders and their information requirements well ahead of formal advertising
- There is an expectation that citizens have an increased capacity to shape proposals and decisions that affect them.
- There is opportunity for partnering on key issues with the proponent.
- Options generated together will be respected.
- The public needs to know the results of the process
- Web site and newsletter information can be distributed to the community
- Consultants can be employed by the proponent to shape and respond to critical issues raised by the community throughout the consultation process.

12.10 Policy and Legislation Committee - 29/01/2020 - REVIEW OF COUNCIL POLICY: PUBLIC

ARTWORK

STRATEGIC GOAL 1. COMMUNITY: Welcoming, friendly, healthy

STRATEGIC OBJECTIVE 1.3 A community with access to a range of cultural and art, social and

recreational facilities and experiences.

SUBJECT INDEX CMTY016: Community Programs

BUSINESS UNIT Community Services

REPORTING OFFICER Cultural Development Officer - Jacquie Happ

AUTHORISING OFFICER Director, Community and Commercial Services - Naomi Searle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A Revised Policy - Public Artwork 🗓 🕍

Attachment B Current Policy - Public Artwork L Attachment C Public Artwork Guidelines L

This item was considered by the Policy and Legislation Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/036 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council adopts the Council policy 'Public Artwork' as per Attachment A, to replace the current policy (Attachment B).

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

This report presents a revised version of Council policy Public Artwork (the Policy) (Attachment A) for Council approval. The Policy has been amended as part of the City's overall review of its Council policies and with regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

BACKGROUND

In March 2018, Council adopted a policy in relation to public artworks on City owned or managed land that are commissioned by the City or through Developer Contributions, received by donation or on loan.

The City has developed and implemented a policy framework, which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices. The Policy has been transferred to the new Council policy template and reviewed by officers. Being considered of continuing importance, it is now presented for Council's consideration.

OFFICER COMMENT

The purpose of the Policy is to convey the importance and relevance of public artwork in the City, and highlight that there are processes in place that guide the City in acquiring, managing and decommissioning public artworks on City owned or managed property.

The Policy has been amended to remove repetition of clauses, operational aspects and simplify definitions. The Policy refers to and operates in conjunction with the Public Artwork Guidelines which are provided at Attachment C for reference.

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.

Relevant Plans and Policies

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as Operational Practices.

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 medium or greater level were identified.

Options

As an alternative to the proposed recommendation the Council could:

- 1. require further amendments to the Policy; or
- 2. choose to rescind the Policy, noting public artwork guidelines would remain in place.

CONCLUSION

The report presents a revised Council policy 'Public Artwork' for approval by Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be placed on the City's website within one week of adoption.



1. PURPOSE

1.1. The purpose of this Policy is to recognise and articulate the significant role that Public Artwork has in the development of cultural, economic, social and artistic vitality of a City, adding a sense of community, belonging and place.

2. SCOPE

- 2.1. This policy applies to Public Artwork installed on City owned or managed buildings, reserves, and locations where the Public Artwork is the property of City by special arrangement.
- 2.2. This Policy does not apply to artwork covered by the provisions of Council Policy 'Urban Art'.

3. **DEFINITIONS**

Term	Meaning
Acquisition	The obtaining of ownership of a Public Artwork through commissions, developer
	contributions, donations, prizes and community art projects.
Artist	Professional artists, experienced community artists or arts groups eligible to carry out
	Public Artwork projects.
Decommission	The removal or relocation of a Public Artwork
Policy	This City of Busselton Council policy entitled "Public Artwork."
Public Artwork	A permanent, temporary or ephemeral work of artwork located in an exterior
	environment created by an Artist or developed under the guidance of an Artist

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 1 – Community of the City's Strategic Community Plan and specifically Community Objective 1.3: A community with access to a range of cultural and art, social and recreational facilities and experiences.

5. POLICY STATEMENT

- 5.1. Public Artwork is intended to:
 - a. reflect and promote the lifestyles, heritage and culture of the community;
 - b. encourage community connection, reflection, inspiration, celebration and well-being;
 - c. invigorate and create vibrancy in places and spaces; and
 - d. support regional creative and arts industries.
- 5.2. Consultation in relation to the Acquisition of Public Artwork will occur with impacted stakeholders where required.
- 5.3. Public Artwork will only be Decommissioned where there is a clear justification and with consideration of the potential impacts on stakeholders.

5.4. The Acquisition and Decommissioning of Public Artwork by the City will be in accordance with the Public Artwork Guidelines and, where relevant, the City of Busselton Development Contributions Policy.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Public Artwork Guidelines
- 6.2. City of Busselton Development Contributions Policy (6B Percent for Art Provisions)
- 6.3. Percent for Art Step by Step Guidelines

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council	DATE		Resolution #	
Adoption				
Previous	DATE	14 March 2018	Resolution #	C1803/039
Adoption				

CITY OF BUSSELTON PUBLIC ARTWORK POLICY

1.0 POLICY STATEMENT

Public artworks within the City of Busselton district are intended to reflect the cultures and lifestyles of the local community, to create vibrant spaces and invigorate places, and/or celebrate cultural or heritage aspects of the region.

The principles of Public Artwork are to:

- promote civic, community and cultural identity by introducing public artwork which makes streets, open spaces and buildings more locally distinctive;
- enhance the sense of place by encouraging public art forms which reinforce and highlight early settlement and Aboriginal history, cultural heritage and contemporary life;
- · encourage community reflection, inspiration, celebration and well-being;
- improve visual amenity and the appearance of places by using public art to screen unattractive views and add interest;
- support regional art production where possible by contracting locally-based artists to create artworks;
- encourage the use of a diverse range of traditional and contemporary media and technologies; and
- recognise the importance of the role of art in public places.

Public artworks are acquired in numerous ways including commissions, developer contributions, donations, prizes and community art projects. Under certain circumstances artwork may be on loan to the City as in an outdoor exhibition in a public space.

Generally the City of Busselton manages and controls public artworks which are located on Cityowned or managed properties as public spaces.

2.0 SCOPE

The City of Busselton is presented with public artwork opportunities from time to time as community projects, donations from organisations or individuals, the City's own public artwork initiatives or artwork on loan.

This Policy proposes to address public artworks in terms of the City's responsibility in:

- Acquisition
- Consultation
- Maintenance
- Deaccessioning
- Responsibilities

3.0 DEFINITIONS

3.1 Artist

It is acknowledged that the term 'artist' is self-referencing. For the purposes of this Policy, artists are expected to be able to meet at least two of the following criteria:

- a person who evidences their experience in implementing successful public artwork projects;
- a person who has completed a university degree or a diploma in a relevant arts field (ie visual arts, multi-media, fine arts) as appropriate to the public artwork commission brief:
- a person who earns the majority of their income from arts-related activities, including: teaching, selling artwork or undertaking public art commissions;
- a person who exhibits their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional artists; and
- a person who has had works of art acquired by major public or private collections; and
- emerging artists/s whose Artwork complies with Public Art Guidelines.

3.2 Public Artworks

A public artwork is a permanent, temporary or ephemeral work of art created by an artist or developed under the guidance of a professional artist; that has been commissioned, acquired, donated or on loan to suit a public space either outdoors or indoors, or facility that is accessible to the community.

Public artwork does not include:

- busking, art markets, pop-up galleries;
- playground equipment;
- commercial promotions in any form including business logos or brands;
- directional/way-finding elements such as super-graphics, signage or colour coding;
- · objects that are mass-produced or reproduced;
- · most art reproductions;
- services or utilities necessary to operate or maintain artworks; and
- · commercially designed and manufactured street furniture.

4.0 ACQUISITIONS

Acquisitions are public artworks purchased, commissioned, donated or on loan to the City of Busselton. These artworks become part of the City's *Public Art Register* at the City's discretion. Public artwork acquisition processes for example include but are not limited to:

- Sculpture by the Bay annual acquisitive prize;
- the City's Development Contributions Policy;
- artworks commissioned by the City, such as the Settlement Art Project;
- exterior urban art or mural commissions;
- donations; and
- · artwork on loan to the City for public exhibition (temporary acquisitions)

Public Artworks acquired by and more specifically, commissioned by the City, are required to have an Installation Plan and Maintenance Plan as outlined in the *Public Artwork Guidelines*. The City is responsible for the installation of artworks unless otherwise agreed by contract. Artworks will include signage that includes the name of the work, artist and year of completion or installation.

4.1 Prizes

The City may acquire public artworks through a competitive process with a monetary reward. The competition will outline its terms and conditions for the prize and include a copy of the *Public Artwork Guidelines*. The artworks acquired through a prize process may not be as robust as an artwork commissioned by a professional artist with a much higher budget. Artworks acquired through prizes might occasionally be expected to have a shorter life span of up to five (5) to ten (10) years.

4.2 Development Contributions Policy

The City of Busselton has a *Development Contributions Policy* that includes *6B Percent for Art Provisions*. In general these artworks are commissioned for private property however some artworks are installed on City owned or managed land. In the case of an artwork located on public property, the developer will be responsible for the maintenance of the artwork for the span of its life and this is managed by a Maintenance Agreement .

A cash in lieu payment will be spent in accordance with the Policy. The *Public Art Guidelines* should be read in conjunction with the *Percent for Art Step by Step Guidelines*.

4.3 Commissioned Public Artworks

Commissioned works may require involvement and consultation with the community. Depending on the subject or theme; the scale and size; and the location of the proposed artwork, a reference group or panel maybe formed to support the decision making process which would include key stakeholders. Public Artworks commissioned by the City will be guided by the *Public Artwork Guidelines*.

4.4 Public Urban Artworks

City commissioned or approved outdoor urban art or mural artworks are guided by the *Urban Art Policy* and *Urban Art Guidelines*.

4.5 Donations

Periodically community groups, private individuals and/or the corporate sector gift artwork for permanent display within the City. Donated artworks are accepted through a *Public Artwork Donation Agreement* between the donor and the City of Busselton.

4.6 Artwork on Loan (temporary acquisitions)

Periodically Artists, individuals or organisations will loan artworks to the City where the City curates, manages and controls an outdoor exhibition as part of a community celebration, festival or event. In this case, artwork on loan will be accepted through a *Public Artwork Loan Agreement* between the identity who is lending the artwork and the City of Busselton, unless already covered by a separate or existing loan agreement with the lender.

Artworks that are acquired by any means are entered to the Public Art Register.

5.0 CONSULTATION

Artworks commissioned and/or donated to the City of Busselton are site specific and will include consultation with key stakeholders. These stakeholders may include:

- residents or businesses located within viewing distance of the location;
- sponsors or donors;
- Councillors, project partners, community groups and organisers; and
- precinct stakeholders.

Consultation would consider the following selection criteria:

- themes of artwork that reflect the City's principles outlined in this policy;
- materials used and cost of maintenance plan;
- public safety;
- suitability in terms of
 - o environment
 - o culture
 - o accessibility
 - point of interest and meeting place;
- location
- integration with existing artworks that are nearby;
- minimise impact on visual amenity of residential and business premises;
- o sculpture trails;
- o proximity to infrastructure such as pathways, parks and parking;
- accessibility for maintenance works;
- passive surveillance.

Locations where public artworks may be sited include City-owned or managed properties in Busselton, Dunsborough, Yallingup, Vasse and other Locality precincts such as town centres and foreshores, in and adjacent to public buildings, parks, gardens and reserves, and Busselton Jetty.

6.0 MAINTENANCE

Unless an agreement exists between the City and an Artist, owner of an artwork, or a third party stipulates otherwise, any public artworks acquired by the City or located on City-controlled land will be the responsibility of the City. Accordingly, the City will informally inspect the condition of the artwork to carry out maintenance as required. A Maintenance Plan will be supplied by the Artist/s as part of the acquisition process and this will be submitted for inclusion as part of the City's Public Art Register.

The maintenance period for acquired artworks will be ten (10) years from the date of installation unless agreed otherwise. The maintenance plan will be implemented by the City's Engineering Works and Services Directorate.

A Condition Assessment and Valuation Report for insurance and maintenance purposes will be conducted by an Arts Valuation Consultant every three years to establish the historical, cultural and artistic significance of a public artwork. The Condition Assessment will recommend whether an artwork needs priority attention, conservation or remedial works or needs to be removed.

7.0 DEACCESSIONING

Deaccessioning is the process of decommissioning a public artwork that is deemed to be a risk to public safety and is considered to be beyond repair within a reasonable and acceptable budget.

Generally, an assessment of a public artwork on City owned/managed land will be undertaken through regular inspections and a valuation and condition assessment conducted every three (3) years, with recommendations informing the deaccessioning timeframe.

Regular informal inspections and recommendations occur by the City's Parks and Garden staff.

12.10 Attachment B

> In the case of public artworks located on City-owned or managed property, the City may decide to remove an artwork at any time should it be deemed to be in an advanced state of disrepair or damage, the artwork is no longer considered suitable for the location, for relocation, or for other reasons such as safety.

> In such cases, the City will consult with the Artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal. The decommissioned artwork will be offered to the Artist for removal at their cost. In the case that an artist cannot be contacted, evidence of a reasonable attempt to find the artist will be recorded. The City will remove the public artwork at its cost if the Artist does not want it.

RESPONSIBILITIES 8.0

Community and Commercial Services Directorate

Acquisition, consultation, location, installation, valuation, condition assessments,

Engineering Works and Services Directorate

Location, installation, maintenance

Finance & Corporate Services Directorate

Asset Register, insurance

Planning Directorate

Development Contribution Policy: 6B Percent for Art Provisions

POLICY BACKGROUND

Policy Reference No:

Owner Unit: **Community Services**

Policy Adopted:

Review Frequency: As Required

HISTORY

Cou	ncil Resolution	Date	Information
C18	03/039	14/03/2018	

City of Busselton

Public Artwork Guidelines

Revised January 2020







City of Busselton Acquisitive Prize winners as part of Dunsborough & Districts Progress Association 'Sculpture by the Bay' Family of Four by Greg Banfield
Whine & Dine by James Horsley
Tempo by Greg Gelmi



City of Busselton Public Artwork

The City of Busselton recognises that Public Artwork plays a significant role in the cultural, economic, social and artistic vitality of the City, adding a sense of community, belonging and place.

Public artwork created by Artists within the City of Busselton district are intended to reflect the cultures and lifestyles of the local community, to create vibrant spaces and invigorate places, and celebrate cultural or heritage aspects of the region.

Public artwork can help to:

Attachment C

- · promote civic, community and cultural identity
- · encourage community reflection, inspiration, celebration and well-being;
- · improve visual amenity of places and spaces; and
- · supports regional creative and arts industries.

The City engages with and encourages community members and organisations in the development and acquisition of Public Artworks that reflect the cultures and lifestyles of the people who live here and will create vibrancy and dynamics to public open spaces.

These Public Artwork Guidelines have been developed to provide information to Artists to ensure that artworks will be robust and long lasting, as well as safe for the visitors who view or interact with them.

The principles of the City of Busselton Public Artwork Policy are to:

- promote civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- enhance the sense of place by encouraging public art forms which reinforce and highlight early settlement and Aboriginal history, cultural heritage and contemporary life:
- encourage community reflection, inspiration, celebration and well-being;
- improve visual amenity and the appearance of places by using public art to screen unattractive views and add interest;
- support regional art production where possible by contracting locally-based artists to create artworks;
- encourage the use of a diverse range of traditional and contemporary media and technologies; and
- recognise the importance of the role of art in public places.

For more information about the Public Artwork Policy, please see the City website under Council Policies.



Figure 2 Queen Street Barriers commissioned by the City of Busselton

All public artworks require an installation plan and Artwork by Voytek Kozlowski Image: E O'Brien maintenance schedule.

Attachment C Public Artwork Guidelines

Acquisitions

Acquisitions are public artworks purchased, commissioned, donated or on loan to the City of Busselton. These artworks become part of the City's Public Art Register at the City's discretion. Public artwork acquisition processes include but are not limited to:

- Sculpture by the Bay annual acquisitive prize;
- the City's Development Contributions Policy;
- · artworks commissioned by the City, such as the Settlement Art Project;
- exterior urban art or mural commissions;
- · donations; and
- artwork on loan to the City for public exhibition (temporary acquisitions)

Public Artworks acquired by and more specifically, commissioned by the City, are required to have an Installation Plan and Maintenance Plan. The City is responsible for the installation of artworks unless otherwise agreed by contract. Artworks will include signage that includes the name of the work, artist and year of completion or installation.

Donations and Community led Public Artworks

Periodically community groups, private individuals and/or the corporate sector gift artwork for permanent display within the City. Donated artworks are accepted through a Public Artwork Donation Agreement between the donor and the City of Busselton.

For organisations interested in donating or commissioning Public artwork, applicants must provide a project plan that includes:

- design plans and/or drawings of the proposal
- dimensions
- materials
- location
- installation plan
- · maintenance plan and
- expected lifespan of the final work.

The organisation must identify stakeholders and demonstrate that the stakeholders have been consulted with prior to commencing the project.

Organisations should demonstrate that they have the necessary finance, expertise and commitment to undertake the project. The project budget should include costs for installing the artwork. It is recommended that the Artist be included in the installation process. Sometimes it is recommended that the Artist install the artwork due to their expertise and experience and if so, this should form part of their fee.

The Installation Plan should include drawings certified by a structural engineer and with consideration of traffic management; frame and footing requirements.

The Maintenance Schedule should include recommended products, methods of application and timeframes for works.

The City will assess community driven projects on case by case basis, and City officers should be contacted before any project commences.

311 Attachment C Public Artwork Guidelines

Prizes

The City may acquire public artworks through a competitive process with a monetary reward. The competition will outline its terms and conditions for the prize and include a copy of the Public Artwork Guidelines. The artworks acquired through a prize process may not be as robust as an artwork commissioned by a professional artist with a much higher budget. Artworks acquired through prizes might occasionally be expected to have a shorter life span of up to five (5) to ten (10) years.

Development Contributions Policy

The City of Busselton has a Development Contributions Policy that includes 6B Percent for Art Provisions. In general these artworks are commissioned for private property however some artworks are installed on City owned or managed land. In the case of an artwork located on public property, the developer will be responsible for the maintenance of the artwork for the span of its life and this is managed by a Maintenance Agreement.

A cash in lieu payment will be spent in accordance with the Policy. These Public Art Guidelines should be read in conjunction with the Percent for Art Step by Step Guidelines.

Commissioned Public Artworks

Commissioned works may require involvement and consultation with the community. Depending on the subject or theme; the scale and size; and the location of the proposed artwork, a reference group or panel maybe formed to support the decision making process which would include key stakeholders.

Public Urban Artworks

City commissioned or approved outdoor urban art or mural artworks are guided by the Urban Art Policy and Urban Art Guidelines.

Artwork on Loan (temporary acquisitions)

Periodically Artists, individuals or organisations will loan artworks to the City where the City curates, manages and controls an outdoor exhibition as part of a community celebration, festival or event. In this case, artwork on loan will be accepted through a Public Artwork Loan Agreement between the identity who is lending the artwork and the City of Busselton, unless already covered by a separate or existing loan agreement with the lender.

Artworks that are acquired by any means are entered to the Public Art Register.

Artist

An Artist is defined as:

- a person who evidences their experience in implementing successful public artwork projects;
- a person who has completed a university degree or a diploma in a relevant arts field (ie visual arts, multi-media, fine arts) as appropriate to the public artwork commission brief;
- a person who earns the majority of their income from arts-related activities, including: teaching, selling artwork or undertaking public art commissions;
- a person who exhibits their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional artists; and
- a person who has had works of art acquired by major public or private collections;
 and
- emerging artists/s whose Artwork complies with Public Art Guidelines.

Professional artists, experienced community artists, or arts groups are eligible to carry out Public Artwork projects and this may be undertaken in conjunction with community organisations.

Installation Plan

The City will install public artworks according to the Installation Plan supplied by the Artist. The Installation Plan will include Certified Engineers Drawings of the design of the supporting framework (bolts, cage, reinforcing materials) and footing design. Any modifications that have been recommended by the structural engineer must be made prior to installation and at the cost of the Artist.

The Artist will deliver the artwork to the agreed site for installation in a timely manner in consultation with City Officers and staff, and will supply the necessary parts for the installation to be completed.

The Artist is required to be in attendance and provide any materials or equipment and direction required to protect or support the artwork during installation and until the footings have cured sufficiently for the artwork to be left unattended.

A Building Permit may be recommended for public artworks under three metres high and is required for artworks over three metres high. The responsibility for a building permit will be outlined during the process of commissioning the artwork.

Artist Installing Artworks

The City appreciates that occasionally the Artist is the best person to install their unique artwork because of their experience and expertise, the Artist will liaise with the City to outline the process and responsibilities required. In most cases, the installation would form part of any fee schedule for the Artwork and a certified structural engineer's report is required.



Figure 3 Aegis Ellendale as part of Percent for Art condition now on City of Busselton verge. Artwork: Angela McHarrie Image: E O'Brien

Maintenance Schedule

The Maintenance Schedule will detail materials and finishes including Materials Safety Data Sheets and construction drawings for the artwork. This is required to be supplied by the Artist before final payment is made. The plan will outline recommended cleaning products and schedule for cleaning, as well as frequency and application of recommended sealing products or other maintenance requirements.

A Maintenance Agreement with the City may be required for Public Artwork on City property and installed by private means.

Vandalism

Artworks in public places are subject to vandalism. Where there is passive surveillance in an area that has high foot traffic there is less likelihood of vandalism while remote locations may be subject to damage occurring.

When planning and designing public artworks, consideration needs to be given to the location of the artwork, and the possibility of various forms of vandalism that might occur. This might include painting, pushing and pulling of parts with force, swinging objects and the removal of small parts.

Longevity & Materials

Construction, materials and finishes must be of a high quality and standard suitable for the City of Busselton's coastal locations, durable to exposure to salty air and water, cyclonic winds and ultraviolet rays. They should be made to last a minimum of ten years and should provide for a practical maintenance schedule. The Artist needs to address Australian Design and Building Standards.

Artists also need to supply a structural certification by a qualified engineering company or business. Points to observe but are not limited to:

- tensile integrity of the materials;
- artwork to withstand winds up to 70km p/h;
- no use of toxic substances that are potentially harmful to people;
- all mild steel welded joints to be hot dip galvanised after any welding has taken place, or coated with stabilizing compound* and dissimilar metals are not in contact with one another. For instance, stainless steel requires stainless steel bolts and screws;
- no flammable materials used:
- colour treatments selected whether painted or printed, are UV stable. For instance, darker colours, reds and oranges are more susceptible to UV and fading. Reflective surfaces are recommended because they will maintain colour better over time; and
- glass should be laminated.

Safety

The prevention of serious injury is an important consideration in the construction and location of artworks. It is recommended that safety considerations need to be balanced with awareness that children will, inevitably, play in public spaces. Artworks should consider the need for play, learning and fun. Kidsafe WA provides some guidelines that will be useful in creating engaging and safe artworks. www.kidsafewa.com.au .

^{*}It is understood that sculptures may include metals that are designed to rust over time.

The City of Busselton requires compliance with the following Australian Standards for Playgrounds:

- A maximum free height of fall of 1.5m for supervised early childhood settings.
- A fall zone beneath and around playground equipment where the free height of fall is more than 0.5m that is loose-fill - at least 300mm of suitable sand or mulch.
- No gaps in which a child could become trapped, especially by the head, neck or chest.
 Gaps that can trap limbs, fingers, hair and clothing should be avoided.
- No sharp corners or edges to the artwork, including the potential for timber to splinter or metal to cut.

Ephemeral Artworks

Ephemeral artworks are of a temporary nature such as banners, collages, digital projections, chalk drawings and works made from materials such as sand or ice that deteriorate over time. In the City of Busselton, ephemeral artworks will be subject to negotiation with key stakeholders at or near the location, Artists and City staff, on a case-by-case basis.

Water-based Artworks

Increasingly there is opportunity to situate artworks in areas other than on land. The City is surrounded with beautiful coastline that may be suitable for sculpture, either under or close to the water line. Additionally, underwater sculptures have the potential to become further habitats for marine creatures. As these types of artworks are few, information is still being gathered on what is required for water-based sculptures. Water-based artworks may require more extensive approval processes, for example from the Department of Biodiversity, Conservation and Attractions, the Department of Primary Industries and Regional Development, Fisheries and Department of Transport.

Artist/s creating artworks to be located in or around water need to mindful of:

- costs for installation for example hiring of barge or diving equipment;
- sharp edges and hooked parts that catch loose articles or body parts as people swim by or investigate;
- · toxic materials that deteriorate;
- materials that may leach into the underwater environment; and
- depth of water so that sea faring craft will not hit it.

For the Busselton Jetty in particular, approval needs to be given by the Department of Transport and considerations need to include proximity to the Jetty for people not to:

- jump and hit by accident;
- jump from
- jump onto.

Water artworks have the potential to be moored at a location, as per boat moorings. Further guidance on moorings can be provided by the City. However this does not mean that an artwork is approved if it is compliant



Figure 1 Artificial Reef Module, Dunsborough Boat Ramp. Artwork: Samuel Allen & Dunsborough Primary School students Image: J Happ

Attachment C

with mooring information. All water-based artworks will be discussed on a case-by-case basis.

Deaccessioning and Decommissioning

Deaccessioning is the process of decommissioning a public artwork that is deemed to be a risk to public safety and is considered to be beyond repair within a reasonable and acceptable budget.

Public Artwork will only be Decommissioned where there is a clear justification, and with consideration of the potential impacts on stakeholders.

Generally, an assessment of a public artwork on City owned/managed land will be undertaken through regular inspections and a valuation and condition assessment conducted every three (3) years, with recommendations informing the deaccessioning

Regular informal inspections and recommendations occur by the City's Parks and Garden staff.

In the case of public artworks located on City-owned or managed property, the City may decide to remove an artwork at any time should it be deemed to be in an advanced state of disrepair or damage, the artwork is no longer considered suitable for the location, for relocation, or for other reasons such as safety.

In such cases, the City will consult with the Artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal. The decommissioned artwork will be offered to the Artist for removal at their cost. In the case that an artist cannot be contacted, evidence of a reasonable attempt to find the artist will be recorded. The City will remove the public artwork at its cost if the Artist does not want it.

Contact

Please contact the Cultural Development Officer on 97810444 for further information.



Figure 5 Spanish Settler from the Settlement Artwork: Greg James Image: Jacquie Happ

12.11 Policy and Legislation Committee - 29/01/2020 - MEDIA AND PUBLIC STATEMENTS COUNCIL POLICY

STRATEGIC GOAL 6. LEADERSHIP Visionary, collaborative, accountable

STRATEGIC OBJECTIVE 6.2 Council engages broadly and proactively with the community.

SUBJECT INDEX Council Policies
BUSINESS UNIT Governance Services

REPORTING OFFICER Public Relations Coordinator - Meredith Dixon **AUTHORISING OFFICER** Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A Media and Public Statements U

Attachment B Media and Public Statements – Revised With

Committee Amendments U

This item was considered by the Policy and Legislation Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

OFFICER RECOMMENDATION

That the Council adopts the Council policy 'Media and Public Statements' as per Attachment A.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C2002/037 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council adopts the Council policy 'Media and Public Statements', inclusive of the Committee amendments, as per Attachment B.

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

This report presents a proposed Policy 'Media and Public Statements' (the Policy) (Attachment A) for Council approval. The purpose of the Policy is to establish protocols for the release of public statements (including media statements) issued by the City of Busselton; to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.

BACKGROUND

The issuing of media and public statements by the City of Busselton has to date, been guided by the City of Busselton Code of Conduct; the *Local Government (Rules of Conduct) Regulations 2007*, the *Local Government Act 1995*, and various internal procedural documents.

With a heightened focus on communications and engagement both across the sector and within the City of Busselton, it is timely that the City adopt a formal position on the issuing of media and public statements.

The review of existing procedures and formalisation of a media and public statements policy has been prompted by discussions at Council inductions (post the 2019 Local Government Elections) and a workshop held with Council in early December to look at communication and engagement strategies.

While this workshop was primarily focused on engagement (i.e. consultation and the two-way flow of information) the need to formalise roles and responsibilities regarding the issuing of media and public statements (including on social media) was evident.

The Policy will underpin and inform the development of a broader Community Stakeholder Framework for the City including development of a Community Engagement Policy and associated engagement planning guidelines. Public and media statements are an essential component of stakeholder communication. Formalising roles and responsibilities in relation to the issuing of such statements is a practical first step toward improved communication and engagement.

OFFICER COMMENT

The Policy guides the issuing of media statements and public statements pertaining to City of Busselton business, with particular reference to the roles and responsibilities of the Mayor and Deputy Mayor, Elected Members and the CEO (or authorised officer/s).

The Policy outlines the purpose of issuing media and public statements and the modes through which such statements will generally be made, including social media.

The Policy outlines the City's approach to responding to official media enquiries and seeks to formalise sector wide and current practice at the City which sees media enquiries directed to the CEO such that information can be coordinated (usually by members of the Public Relations team) to support the release of an official response.

It is noted, however, that the Mayor in his / her official capacity as spokesperson for the City, can provide statements directly to the media if he / she elects to do so.

Statutory Environment

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* (the Act) to provide for the good government of persons in its district. Specific references to the roles and responsibilities of the Mayor, Deputy Mayor, Elected Members and the CEO as per the Act are referenced in the Policy.

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, however a review of a number of similar local government policies was undertaken.

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 Officer recommendation serves to mitigate the currently identified risk of inconsistent and potentially incorrect information and/or inappropriate commentary being relayed to the public by Elected Members and employees, helping to ensure the risk is reduced from a high (likelihood of likely) to a medium level risk.

Inconsistent and potentially incorrect information and/or inappropriate commentary being
relayed to the public by Elected Members and City of Busselton employees.

Risk Category Risk Consequence		Likelihood of Consequence	Risk Level
Reputation	Moderate	Possible	Medium

Options

Council could choose:

- 1. Not to adopt a policy in relation to the subject matter.
- 2. To amend the Policy.

CONCLUSION

This Policy formalises the City of Busselton's position on the issuing of public and media statements. It contains guidelines that will help ensure Elected Members and City Officers respond to public and media enquiries relating to City of Busselton business in a way that is consistent, professional and maximises the positive perception of the City.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be effective immediately upon adoption, with the Policy published to the City's website within one week.

PURPOSE

- 1.1. The purpose of this Policy is to establish protocols for the release of public statements issued by the City of Busselton (including to the media and on Social Media) to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.
- 1.2. This Policy also provides clarity on the roles and responsibilities of the Mayor, the Deputy Mayor, Councillors and the Chief Executive Officer when speaking publicly/issuing public statements.

SCOPE

2.1. This Policy is applicable to public statements initiated by Council Members and the CEO (or delegated Officers) which pertain to the business of the City of Busselton; made orally, in writing, or electronically, in either their City role or in a personal capacity.

DEFINITIONS

Term	Meaning		
Policy	This City of Busselton Council policy is entitled Media and Public Statements		
Social Media	Web-based technology which facilitates the communication and sharing of text,		
	photos, audio, video and information in general.		

STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective/s:
 - 6.1 Governance systems, processes and practices are responsible, ethical and transparent.
 - 6.2 Council engages broadly and proactively with the community.
 - 6.3 Accountable leadership that is supported by a skilled and professional workforce.

POLICY STATEMENT

- 5.1. Media and public statements will be issued by the City for the purposes of:
 - a. sharing information required by law to be publicly available;
 - b. sharing information that is of interest and benefit to the Community;
 - c. promoting City of Busselton events and services;
 - d. promoting public notices and community consultation / engagement opportunities;
 - e. answering questions and responding to requests for information relevant to the role of the City; and
 - f. receiving and responding to community feedback, ideas, comments, compliments and complaints.
- 5.2. Official statements will be consistent with policies, standards and the positions adopted by the Council.

Media and Public Statements

12.11 Attachment A

- 5.3. The City uses a combination of different communication modes to relay public statements including:
 - a. City websites;
 - b. advertising and promotional materials;
 - media releases and media statements promoting specific City positions prepared for or provided by the Mayor, the CEO (or delegated Officer);
 - d. social media platforms; and
 - e. community newsletters and communiques.

Speaking on behalf of the City of Busselton

- 5.4. Section 2.8 (1) (d) provides that the Mayor is the official spokesperson for the City of Busselton and may represent the City in official communications, including; speeches, commentary, print, electronic mediums and social media.
- 5.5. Section 5.34 of the LG Act provides that the Deputy Mayor may perform the functions of the Mayor if
 - a. the office of Mayor is vacant; or
 - b. the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.
- 5.6. Section 2.10 of the LG Act sets out the role of a Council member and the role does not include speaking on behalf of the local government without prior approval of the Mayor. The Mayor may give approval to Councillors (or other individuals) to speak on behalf of Council when:
 - a. an individual has specific expertise or knowledge of a specific area of Council business;
 - b. a comment from an individual other than the Mayor would generally be expected by the community;
 - a comment from an individual other than the Mayor maximises the positive perception of the City of Busselton Council.
- 5.7. The CEO or a CEO approved officer may speak to the media or otherwise in public as to the City's affairs in performance of the CEO's functions under S.5.41 of the LG Act, including that of managing the day-to-day operations of the City. The CEO only requires the approval of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as official spokesperson of the City.
- 5.8. Statements made by Council Members and City employees whether undertaken in an authorised official capacity or as a personal communication, must not:
 - a. bring the City of Busselton into disrepute,
 - b. compromise the person's effectiveness in their role with the City of Busselton,
 - c. imply the City's endorsement of personal views,
 - d. imply the Council Member or employee is speaking on behalf of the City, unless authorised to do so; or
 - e. disclose, without authorisation, confidential information.

Council Member Statements on City Matters

- 5.9. Council members may speak in public to the extent that doing so does not conflict with roles or obligations outlined in the City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.
- 5.10. Any public statement made by a Council Member, whether made in a personal capacity or in their capacity as a Councillor, must:
 - a. clearly state that the comment or content is a personal view only which does not necessarily represent the views of the City of Busselton;
 - b. be made with reasonable care and diligence;
 - be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
 - d. be factually correct;
 - e. avoid damage to the reputation of the local government;
 - f. not reflect adversely on a decision of the Council;
 - g. not reflect adversely on the character or actions of another Council Member or Employee; and
 - h. maintain a respectful tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member.

Media and Public Statements

5.11. A Council Member who is approached by the media for a statement may request the assistance of the City via a request to the CEO or relevant Director.

Media Enquiries

- 5.12. The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.
- 5.13. Media enquiries will be dealt with promptly, honestly and within the media representative's deadline wherever possible.
- 5.14. All media enquiries must be directed to the City's Public Relations team in the first instance whereby information will be coordinated to support the release of an official response on behalf of the City. The media may, however, approach the Mayor directly for comment in his/her capacity as official spokesperson for the City.
- 5.15. Council Members may make comments to the media in a personal capacity only refer to clause 5.21.

Social Media

- 5.16. The City uses social media and maintains social media accounts to facilitate information sharing and to provide feedback to our community. Social media will not be used by the City to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.
- 5.17. The City may post and contribute to social media hosted by others to ensure that the City's strategic objectives are appropriately represented and promoted.
- 5.18. The City will, at its discretion, moderate its social media accounts to address, and where necessary delete, content deemed to be:
 - a. offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
 - b. soliciting or commercial in nature;
 - c. unlawful or which may incite others to break the law;
 - d. information which may compromise individual or community safety or security;
 - e. repetitive material copied and pasted or duplicated;
 - f. electioneering for Council, appointment to official Office, or any ballot;
 - g. in violation of intellectual property rights or the legal ownership of interests or another party; and
 - h. inappropriate in any other way.
- 5.19. Where a third party contributor to a City's social media account is identified as posting content which is deleted in accordance with the above, the City may, at its discretion, hide that contributor's comment and / or block that contributor for a specific period of time or permanently.
- 5.20. The City of Busselton will use social media channels to communicate and advise the community regarding Emergency Management.

Personal Communications

5.21. Personal communications and statements made privately have the potential to be made public, whether intended or not. Council Members should ensure that their personal communications do not breach the requirements of this policy, the City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Code of Conduct
- 6.2. Local Government (Rules of Conduct) Regulations 2007
- 6.3. Elected Members Guide
- 6.4. Social Media Personal use (OP)

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council	DATE		Resolution #	
Adoption				
Previous	DATE	N/A	Resolution #	N/A
Adoption				

1. PURPOSE

- 1.1. The purpose of this Policy is to establish protocols for the release of public statements issued by the City of Busselton (including to the media and on Social Media) to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.
- 1.2. This Policy also provides clarity on the roles and responsibilities of the Mayor, the Deputy Mayor, Councillors and the Chief Executive Officer when speaking publicly/issuing public statements.

SCOPE

2.1. This Policy is applicable to public statements initiated by Council Members and the CEO (or delegated Officers) which pertain to the business of the City of Busselton; made orally, in writing, or electronically, in either their City role or in a personal capacity.

3. **DEFINITIONS**

Term	Meaning
Act	Local Government Act 1995
Policy	This City of Busselton Council policy is titled "Media and Public Statements"
Social Media	Web-based technology which facilitates the communication and sharing of text,
	photos, audio, video and information in general.

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objectives:
 - a. 6.1 Governance systems, processes and practices are responsible, ethical and transparent;
 - b. 6.2 Council engages broadly and proactively with the community;
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5. POLICY STATEMENT

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 - ${\tt d. \ promoting \ public \ notices \ and \ community \ consultation \ / \ engagement \ opportunities;}$
 - e. answering questions and responding to requests for information relevant to the role of the City; and
 - f. receiving and responding to community feedback, ideas, comments, compliments and complaints.
- 5.2. Official statements will be consistent with policies, standards and the positions adopted by the Council.

Amendments

- 5.3. The City uses a combination of different communication modes to relay public statements including:
 - a. City websites:
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Speaking on behalf of the City of Busselton

- Section 2.8 (1) (d) of the Act provides that the Mayor is the official spokesperson for the City of Busselton and may represent the City in official communications, including; speeches, commentary, print, electronic mediums and Social Media.
- Section 5.34 of the LG Act provides that the Deputy Mayor may perform the functions of the Mayor if
 - a. the office of Mayor is vacant; or
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- _Section 2.10 of the LG-Act sets out the role of a Council member and the role does not include speaking on behalf of the local government without prior approval of the Mayor.
- __The Mayor may include commentary from other Council members in media and public statements wheregive approval to Councillors (or other individuals) to speak on behalf of Council when:
 - a. an Council memberindividual has specific expertise or knowledge of a specific area of Council
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Council Member Statements on City Matters

- 5.9.5.10. Council members may speak in public to the extent that doing so does not conflict with roles or obligations outlined in the City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.
- 5.10.5.11. Any public statement made by a Council Member, whether made in a personal capacity or in their capacity as a Councillor, shouldmust:
 - a. clearly state that the comment or content is a personal view only which does not necessarily represent the views of the City of Busselton;
 - b. be made with reasonable care and diligence;
 - c. be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment

Attachment B

- d. be factually correct;
- e. avoid damage to the reputation of the local government;
- f. not reflect adversely on a decision of the Council;
- g. not reflect adversely on the character or actions of another Council Member or Employee; and

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Amendments

- h. maintain a respectful tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member.
- 5.11.5.12. A Council Member who is approached by the media for a statement may request the assistance of the City via a request to the CEO or relevant Director.

Media Enquiries

- 5.12.5.13. The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.
- 5.13.5.14. Media enquiries will be dealt with promptly, honestly and within the media representative's deadline wherever possible.
- 5.14.5.15. All media enquiries must be directed to the City's Public Relations team in the first instance whereby information will be coordinated to support the release of an official response on behalf of the City. The media may, however, approach the Mayor directly for comment in his/her capacity as official spokesperson for the City.
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- 5.19. Where a third party contributor to a City's Social Media account is identified as posting content which is deleted in accordance with the above, the City may, at its discretion, hide that contributor's comment and / or block that contributor for a specific period of time or permanently.
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Council 326 12 February 2020 12.11 Attachment B Media and Public Statements – Revised With Committee

Media and Public Statements – Revised With Committee Amendments

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Code of Conduct
- 6.2. Local Government (Rules of Conduct) Regulations 2007
- 6.3. Elected Members Guide
- 6.4. Social Media Personal use (OP)

7. REVIEW DETAILS

Review Frequency		3 yearly			
Council	DATE		Resolution #		
Adoption					
Previous	DATE	N/A	Resolution #	N/A	
Adoption					

13.2 AMENDMENT 45 TO LOCAL PLANNING SCHEME 21 AND PROPOSED STRUCTURE PLAN AFFECTING LOT 30 (70) MILLBROOK ROAD – CONSIDERATION OF INITIATION

STRATEGIC GOAL 3. ENVIRONMENT Valued, conserved and enjoyed

STRATEGIC OBJECTIVE 3.2 Natural areas and habitats are cared for and enhanced for the

enjoyment of current and future generations.

SUBJECT INDEX Local Planning Schemes

BUSINESS UNIT Stategic Planning

REPORTING OFFICER Strategic Planner - Janine Eriksson

AUTHORISING OFFICER Director, Planning and Development Services - Paul Needham

NATURE OF DECISION Legislative: to adopt legislative documents e.g. local laws, local

planning schemes, local planning policies

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A Location Plan Location

Attachment B Development Guide Plan La Attachment C Proposed Structure Plan La Cheme Amendment Map La Attachment E Alternative EAW route La Cheme Amendment Map La Cheme Amendment E Alternative EAW route La Cheme E Alternative EAW route EAW r

Attachment F Commonage Structure Plan (CPACSP) 1

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2002/038 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the Council:

- 1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations* 2015, initiates Amendment No. 45 to the City of Busselton Local Planning Scheme No. 21 for community consultation for the purposes of:
 - a) Deleting Additional Use 52 from Schedule 2 Additional Uses
 - b) Amending Schedule 3 Special Provision Areas as follows:

No.	Particulars of Land	Zone	Special Provisions
SP 71	As shown on Scheme Map	Rural Residential	 The following uses shall be deemed to be "A" uses for the purposes of Part 4 of the Scheme: Art Gallery Brewery
			 Chalet Exhibition Centre Hotel Reception Centre Rural Holiday Resort Small Bar Tavern Tourist Accommodation Winery
			2. Development within the Special Provision Area shall be limited to

i.	Development associated with the use (but not
	expansion) of existing buildings on the land (as at 1 January 2019); or Development of a Single House or development ancillary to a Single House; or Use of a Single House or development ancillary to a Single House as a Holiday Home (Single House), Bed and Breakfast, Home Business, Home Occupation or Home Office.

- c) Amending the Scheme Map accordingly.
- 2. Notes that, as the Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, upon preparation of the necessary documentation, the Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
- 3. Advises the Western Australian Planning Commission that Amendment No. 45 is considered a 'standard' amendment pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve.
 - b) It is an amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - c) It is an amendment that does not result in significant environmental, social, economic or governance impacts on land in the Scheme area.
- 4. Adopts the Millbrook Farm Structure Plan, shown at Attachment D for public consultation, pursuant to Part 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 9/0

EXECUTIVE SUMMARY

The Council is requested to consider initiating a Scheme Amendment to remove Additional Use 52 from Schedule 2 of the City of Busselton Local Planning Scheme 21 (the Scheme) from Lot 30 Millbrook Road, Yallingup, and introducing Special Provision 71 under Schedule 3 of the Scheme to a portion of Lot 30 Millbrook Road. Council is also requested to consider the associated Structure Plan aimed at superseding the existing 'Development Guide Plan No. 50' (DGP 50), which relate to the land.

The intent of the changes proposed through the Structure Plan and Amendment is to reduce the extent of the land currently able to be considered for non-residential uses and to better control the potential scale of such development to be more consistent with the amenity of existing neighbouring lots whilst providing for some additional rural residential lots.

The purpose of this report is to recommend to the Council that Amendment 45 be initiated and, together with the associated Structure Plan, be adopted for the purposes of community consultation.

BACKGROUND

The Millbrook rural residential area generally, and Lot 30 Millbrook Road more particularly ('Millbrook Farm', the subject land), was created through the subdivision of original Lots 1 and 114 Millbrook Road, Yallingup. This land had a total area of 99 hectares, on which 43 lots were allowed in accordance with DGP 50, which was endorsed in May 2005 (see Attachment B). Of the allowable 43 lots, a total of 41 lots were ultimately created.

The subject land and Structure Plan area is identified on the Location Plan at Attachment A. The Structure Plan area is bound by Millbrook Road and Gunyulgup Valley Drive to the west, Nukklgup Loop to the north and east, and Wildbrook Place to the south. The subject land is located within the Structure Plan area, with access from Millbrook Road to the west, Dress Circle to the east, and Wildbrook Place to the south.

'Millbrook Farm' is 24 hectares in area and contains State and local heritage registered buildings which include a timber mill, water wheel, barn and dwellings built in the 1920s. It has variable topography associated with waterways, and includes three dams. The majority of the land is cleared, with intact remnant vegetation in the southern area, and along Gunyulgup Brook to the north.

Since 2005, the majority of the rural residential lots and associated roads in the Structure Plan area have been developed in accordance with DGP 50, with the exception of the subject land (depicted as proposed Lot 30 and Lot 43 on the DGP). In accordance with DGP 50, the subject land was zoned under the Scheme to provide for a variety of tourist-related uses to complement the heritage precinct (please refer to Additional Use No. 52). The DGP currently provides development potential on the subject land for 34 Chalets and Holiday Cabins, together with a range of tourist/commercial activities.

A development application for a Reception Centre was approved on 4 April 2018 (DA17/0651), subject to conditions, including the restriction of hours of operation (based on noise assessments and sound management plans). The Reception Centre has not as yet been constructed.

The proposed Structure Plan (Attachment C) is intended to supersede DGP 50. An overall Structure Plan review was required to ensure that general density requirements and emergency access for bushfire considerations (etc.) could be adequately addressed and integrated holistically, as well as updating provisions to be consistent with current regulations and practice.

The Structure Plan proposes to subdivide the subject land into nine rural residential lots, which range in size from 1.02 ha -1.69ha, with the exception of proposed Lots 5 and 8. Proposed Lot 5 has an area of 4.14 ha, and includes the existing homestead and two associated dams. Proposed Lot 8 has an area of 10.8 ha and incorporate existing heritage buildings and potential tourist uses.

The Structure Plan report is accompanied by a Bushfire Management Plan (BMP) and Heritage Assessment (to be discussed in officer comment below) and outlines a number of community benefits as summarised below:

- Remnant vegetation and areas unsuitable for development based on bushfire assessment are proposed to be protected by the introduction of a Development Exclusion Area.
- Portion of Lot 30 (proposed Lot 8) near Wildbrook Place, with a current development potential for 6 chalets, will instead retain existing remnant vegetation.
- Proposed Lots 7 and 9 will each accommodate a single dwelling, in place of 10 chalets allowed under current DGP 50.
- The amenity of existing and future residents will be improved by concentrating potential tourist/commercial activities within proposed Lot 8, and restricting any additional development to a maximum floorspace of 2,500m² Net Lettable Area (NLA).
- The Bushfire Management Plan prepared to support this Structure Plan (to be implemented at the subdivision stage) will improve bushfire safety and control in the vicinity by the introduction of a new road connection and realigned fire emergency access way, supported by the construction of a 50,000 litre water supply for fire-fighting purposes.
- The current DGP allows for intensive agriculture (e.g. viticulture) within Lot 30. This policy statement is removed in the proposed Structure Plan and, therefore, the subject land will no longer have the potential for intensive agriculture land uses.

The Amendment proposes to remove 'Additional Use No. 52' from Schedule 2 of the Scheme, which applies to Lot 30, and replace it with 'Special Provision Area No. 71' in Schedule 3 of the Scheme to a portion of Lot 30 (proposed Lot 8 in the proposed Structure Plan). This would reduce the potential land area available for uses not ordinarily permitted in the Rural Residential zone.

The Scheme Amendment Map is shown at Attachment D.

OFFICER COMMENT

The main issues considered relevant for discussion in this report are:

- Heritage
- Amenity
- Bushfire and Environmental Management
- Lot Yield

Heritage

There are three distinct groups of heritage buildings on 'Millbrook Farm' which were developed in the early 1920's. The structures recognised as having important heritage value include the water driven saw mill and water wheel, barn, the stables, blacksmith's forge, and two original residences of former landowners, Jack Donald and Robert Donald, who first developed the property. The historic structures are to remain and are showcased by their close proximity as a small heritage precinct. The property also contains the 'Seymour Cottages' that were relocated to the site from Dunsborough in 1982. These buildings were reconstructed on site using early building techniques and original materials (where possible) to preserve the original designs.

The heritage precinct was classified by the National Trust (WA) in 1984, and is included as a Permanent Entry on the State Register of Heritage Place in 1999. It is also included in the City's Heritage List, and the City included both 'Millbrook Farm' and the Millbrook Water Mill in its Municipal Heritage Inventory in 2014.

The Structure Plan proposal is supported by a Heritage Assessment which indicates that, whilst heritage components are to be preserved, the 'Millbrook Farm' heritage precinct has the potential for sensitive and adaptive re-use as a tourist destination. The Assessment also indicates that a number of covenants exist over the subject land which preclude fencing and the planting of vegetation to retain the visual link between each of the two heritage residences and the other buildings reinforcing the original intent of the builder and promoting the site as a heritage precinct.

Amenity

The subject land has been regarded as having potential for tourist uses since adoption of the Commonage Policy Area Consolidated Structure Plan (2004) (Attachment F), which identified the heritage precinct on the subject land as having merit to accommodate certain appropriate additional uses. This was reflected in 'Additional Use No. 52' (which is proposed to be removed through this Amendment and replaced with 'Special Provision Area No. 71' as described previously). Additional Use No. 52 is detailed in the Statutory Environment section of this report). Certain uses are already permissible under the 'Rural Residential' Zone and the following uses therefore no longer require inclusion in the proposed Special Provision Area for that reason:

- Guesthouse.
- Restaurant/Café.
- Recreation Private.
- Industry Cottage.

The following uses are, however, proposed to be excluded as they are no longer considered necessary or appropriate:

- Caretaker's dwelling.
- Club Premises.

To ensure that development does not occur at a scale that is inconsistent with the objectives of the zone or the rural amenity of the surrounding locality, the Amendment proposes to control the extent of development on proposed Lot 8 by limiting any additional allowable floorspace to a maximum of 2,500m² NLA. This additional floorspace limit will not include single dwelling development, or the retrofit of existing heritage buildings, but will apply only to any additions to buildings and new development. The existing development permissibilities under the DGP/ Additional Use No. 52 does not limit floorspace and therefore the subject land could potentially accommodate extensive development areas. The restriction of floorspace in this instance will limit all additional development to 2500m² which may equate, for example, to ten 250m² chalets, or a 12 room guesthouse and dining area.

'Reception Centre' has been included, as a use previously considered (and approved), along with other associated uses, including 'Hotel', 'Tavern' or 'Small Bar' (which are also complementary to uses such as 'Brewery' or 'Winery', which are proposed to remain as permissible additional uses). The rationale for inclusion of these uses is that whist they aren't permissible uses in a Rural Residential zone they are considered likely to support the heritage/tourist theme, and provide complementary additional uses to the existing permissible uses. For example, a 'Guesthouse' is currently a permissible use in the Rural Residential zone, however, if alcohol is served to guests, then that use may become more directly defined as a 'Hotel'.

A 'Restaurant/Café' is also a permissible use in the Rural Residential zone, which may on occasion be hired for events, and therefore operate as a 'Reception Centre' at times.

Whilst this rationale would not apply in standalone situations in a Rural Residential zone, in this context where support for a range of additional tourism uses has been recognised under the Scheme and in planning policy, these additional uses are considered appropriate. All uses in 'Special Provision Area No. 71' will be considered 'A' uses under the Scheme, which requires that related development applications will require to be advertised.

The list of permissible uses is quite varied in order to provide future developers a reasonable degree of flexibility in the nature of tourist development which may eventually occur on the subject land, and in the size and scale of the buildings developed. However, considering the additional floorspace limit imposed, it is likely that only a small proportion of additional of uses will ultimately be developed on site.

Vegetation and Bushfire

A Bushfire Management Plan (BMP) has been prepared on behalf of the landowners based on the objectives and criteria set out in the WAPC bushfire policy and associated guidelines for a 'bushfire prone' area. The BMP assessment supports the proposed cul-de-sac design, subject to the realignment of the emergency access way (EAW) to Dress Circle (to be provided as an easement, or right of carriageway, in favour of the City). The BMP also requires the provision of a 50,000 litre water supply in the public reserve, to the satisfaction of the City. The Structure Plan proposes to protect all existing remnant vegetation, and areas that are not suitable for future development (based on the bushfire assessment) shall be placed in a 'Development Exclusion Area'.

City officers will review comments from external agencies (i.e. DFES and DPLH) regarding the BMP prior to making final recommendations regarding the alignment of the EAW. The City has previously investigated opportunities to improve public access way (PAW) connections and/or EAW throughout the Commonage area, and consider that any viable opportunities for improved access should be investigated through subdivision and development processes. When the Structure Plan is presented to the Council for final consideration, City officers will likely be recommending an alternative EAW route, to follow the western boundary of Lot 7 through the battle axe shaped portion of the lot and extending past the southern boundary of Lot 6 to connect into the proposed cul-de-sac (See Attachment E: Alternative EAW). This route may also serve to provide improved public access for residents in the location.

Lot Yield

DGP 50 comprised an area of 99 hectares, and allowed the creation of 43 lots (of which a total number of 41 lots was actually created) and a resultant average lot area of 2.3 ha. In the subject 'Precinct 4', CPACSP ordinarily recommends a minimum rural residential lot size of 1 ha, with an overall average lot size of 2 ha. The Structure Plan proposes to intensify the density of the original DGP by creating an additional 9 lots (providing for a potential total of 50 lots), which results in an average lot size of 1.9 ha. Although this is marginally less than the CPACSP policy requires, the minimum lot size of 1 would be maintained, and the overall outcome generally meets the underlying purpose and intent of the CPACSP.

The consideration of 9 additional rural residential lots (in place of a potential 34 chalets currently allowable under DGP 50) and the proposed reduction of the area available for additional tourist uses, is considered an improvement in terms of any likely impact on the prevailing local rural residential character and amenity. It is therefore recommended that the additional rural residential lots proposed in the Structure Plan be supported.

Statutory Environment

The key elements of the statutory environment with respect to this proposal are set out in the relevant objectives, policies and provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and the Scheme.

Planning and Development Act 2005

The *Planning and Development Act 2005* outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this Amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex. The resolution of the local government is to specify the level of the amendment and provide an explanation justifying this choice. This Amendment is considered to be a 'standard' amendment.

The Regulations provide separate processes for the approval of Scheme amendments and structure plans, adherence to which would advance the draft Structure Plan ahead of the draft Amendment. The Structure Plan is required to be endorsed, however, to create the land parcel the subject of the Amendment (i.e. portion of Lot 30) and therefore the Structure Plan and Amendment proposals are being progressed concurrently. Progression of the draft Structure Plan will observe the statutory process and timeframes associated with the Amendment.

City of Busselton Local Planning Scheme No. 21

The subject land at 'Millbrook Farm' is zoned 'Rural Residential' in the Scheme, with associated 'Additional Use No. 52', as shown below:

Table 1: Extract from Schedule 2- Additional Use No. 52

No	PARTICULARS OF	LAND USE	CONDITIONS		
	LAND	PERMITTED/SPECIFIED			
A52	Portions of Lots 1 and 110, being 9000, Millbrook Road, Yallingup (proposed Lots 30 and 43)	Additional Uses permitted on the specified land are – 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant/Café 4. Public Amusement 5. Recreation Private 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club Premises	 The Additional Uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme. The Additional Uses, where permitted, shall be developed in a manner that is considered by the local government to be consistent with the endorsed DGP and maintenance of the rural and historic amenity of the locality. 		
		12. Rural Holiday Resort			
		Caretakers Dwelling			

The Amendment proposes to remove the 'Additional Use' rights under Schedule 2 and replace it with a 'Special Provision Area' under Schedule 3.

The subject land is also located within a designated 'Landscape Value Area' (LVA) in the Scheme. The proposed Structure Plan design, and the scale of uses included in the proposed 'Special Provision Area No. 71', supports the objectives of the LVA provisions through protection of significant remnant vegetation and established landscape values.

It has also been determined that the Structure Plan proposal and associated Amendment can address the relevant objectives and policies of the 'Rural Residential' zone.

Relevant Plans and Policies

The key strategies and policies most relevant to the proposal are:

- State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (2003).
- State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas.
- Leeuwin-Naturaliste Sub-Regional Strategy (LNSRS) (2019).
- City of Busselton Draft Local Planning Strategy (2016).
- Commonage Policy Area Consolidated Structure Plan (2004)

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge (2003)

The Leeuwin-Naturaliste Ridge Statement of Planning Policy 6.1 (SPP6.1) defines the subject land as 'Rural Residential' within the Commonage area. The landscape classes of 'Natural Landscape Significance' and 'Rural Landscape Significance' relate to the subject land and identify that natural and rural characteristics there contribute to landscape values. SPP6.1 also encourages that land committed for rural residential development adopts a 'cluster principle' responsive to retaining designated landscape values. The objectives of SPP6.1 have been accommodated in the Structure Plan by providing a rural residential lot design which provides protection and enhancement of the natural vegetation and habitat linkages, and maintains rural land use features.

The protection and enhancement of the heritage and tourism component of the subject land upholds to the statement and intent of Section 4.5 and 4.6 of SPP6.

Section 4.5: 'Tourism Statement of Intent' states:

'A diverse and sustainable tourism base which complements the existing character and lifestyle of the policy area will be facilitated by:

- encouraging nature-based and cultural tourism opportunities;
- promoting low-scale tourist development that is consistent with local characteristics;
- encouraging innovative tourism development that responds to the local natural and cultural environment;
- assessing land use proposals for their impact on tourism; and
- conserving those landscape, cultural and environmental values that offer future tourism potential.'

Section 4.6: 'Cultural Heritage Statement of Intent' includes places of Aboriginal and non-Aboriginal cultural heritage significance being identified and conserved for the benefit of present and future generations by:

- the establishment of the cultural heritage significance of the place;
- the development and implementation of an appropriate conservation policy for the place;

- the appropriate management of places in the public domain; and
- the encouragement of the use of available incentives to heritage conservation.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (2015) and the Guidelines for Planning in Bushfire Prone Areas (2017)

SPP3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as 'bushfire prone' by the Fire and Emergency Services Commissioner, as highlighted on the 'Map of Bush Fire Prone Areas'. The Guidelines for Planning in Bushfire Prone Areas gives supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The subject land is located in a bushfire prone area and, consistent with the requirements of SPP3.7, a Bushfire Management Plan (BMP) has been prepared by qualified fire consultants.

Leeuwin-Naturaliste Sub-Regional Strategy (LNSRS)

The purpose of the LNSRS is to manage and plan for growth in the sub-region, to respond to environmental landform change, and to guide planning for the development of rural land uses.

The subject land is designated as 'Rural and Landscape Protection' in the LNSRS, and the WAPC strategic requirements relevant to such areas include:

- 15. Balancing bushfire risk, biodiversity conservation and economic growth.
- 17. Supporting the identification through planning instruments or regional ecological corridors for biodiversity and wildlife, and to connect environmental assets.

It has been assessed that the proposed Amendment and Structure Plan achieve a desirable balance between mitigating bushfire risk, enabling biodiversity conservation, and allowing limited and localised economic activities.

City of Busselton Draft Local Planning Strategy (2016)

The City's Draft Local Planning Strategy includes the provision to:

Support and pro-actively plan to identify suitable areas for re-subdivision/consolidation of existing rural-residential development in both the Commonage and Dunbarton rural residential areas.

Furthermore:

In accordance with the draft South West Planning and Infrastructure Framework no new rural residential areas are proposed and the strategy provides the scope to consider limited further subdivision and consolidation within the existing rural-residential areas of Commonage and Dunbarton, where there is seen to be a demonstrable community benefit and having regard to environmental, landscape/visual amenity and biodiversity values, as well as bushfire risk. This will contribute to the more efficient use of land, services and infrastructure and will maximise the number of rural residential lots without needing to alienate additional areas of rural land.

The proposed Amendment and Structure Plan are considered to be consistent with the aims and objectives of the draft LPS.

Commonage Policy Area Consolidated Structure Plan (2004)

The CPACSP was endorsed by the City and the WAPC in 2004 as a guide to planning and development within the 'Commonage' area. It should be noted that the CPACSP is an overarching, guiding document and not a 'Structure Plan' in the sense that the term is now used in the Regulations.

The subject land is located in 'Precinct 4' of the CPACSP, which has a requirement for a minimum lot size of 1 ha and an average lot size of 2 ha across that precinct. The CPACSP states that the designated average lot sizes must be maintained, although flexibility in minimum lot sizes may be permitted by the City (and WAPC) subject to demonstrated community benefits. 'Precinct 4' also indicates an area for 'proposed tourist development' and a 'tourist village'. Proposed Lot 8 in the draft Structure Plan is sited in the area generally indicated.

The Structure Plan proposals are considered to be consistent with the relevant provisions of the CPACSP as described throughout the 'Officer Comment' section.

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

Should the Officer Recommendation not be supported, the following options could be considered:

- 1. Resolve to not adopt the Amendment (and/or Structure Plan) for initiation for public consultation, and provide justification for such a decision. It should be noted that, under the relevant legislation, there is no right of appeal against a Council decision not to adopt a Scheme amendment for initiation.
- 2. Require modifications to the proposed Amendment and/or Structure Plan, and provide reasons for requiring these.
- 3. To seek further information before making a decision.

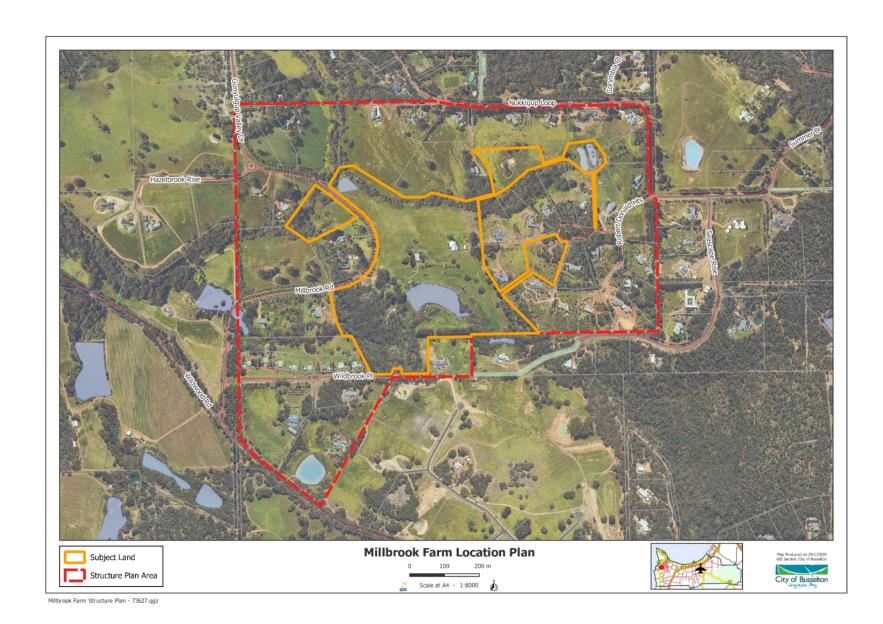
Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of the above options being appropriate.

CONCLUSION

Officers are of the view that the proposal is generally consistent with the aims and objectives of the State and local planning policy frameworks. It is recommended that Amendment 45 be initiated by the Council, and that the proposed (and accompanying) Structure Plan be also adopted, for advertising for public consultation.

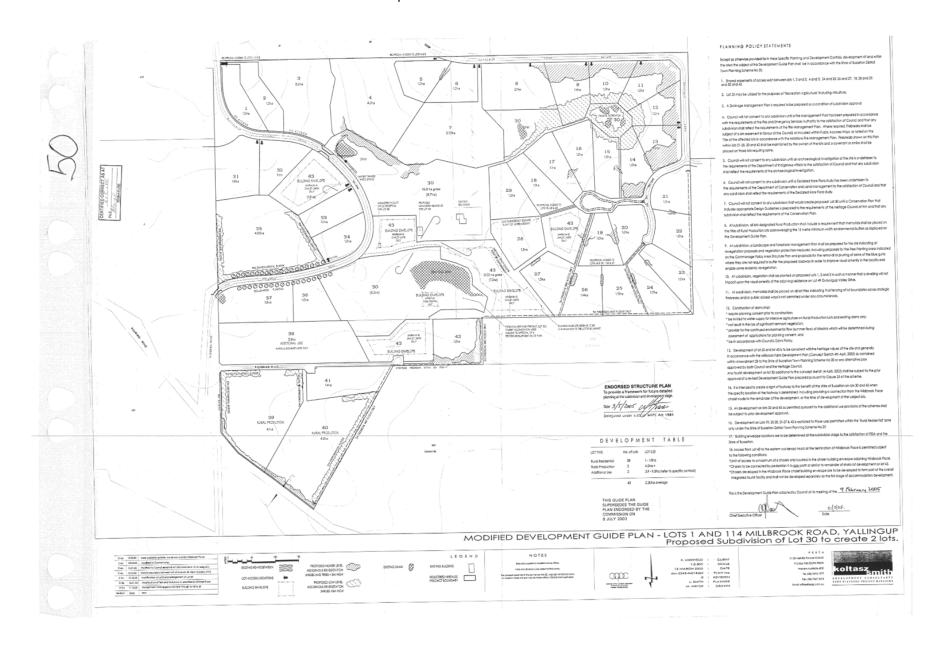
TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

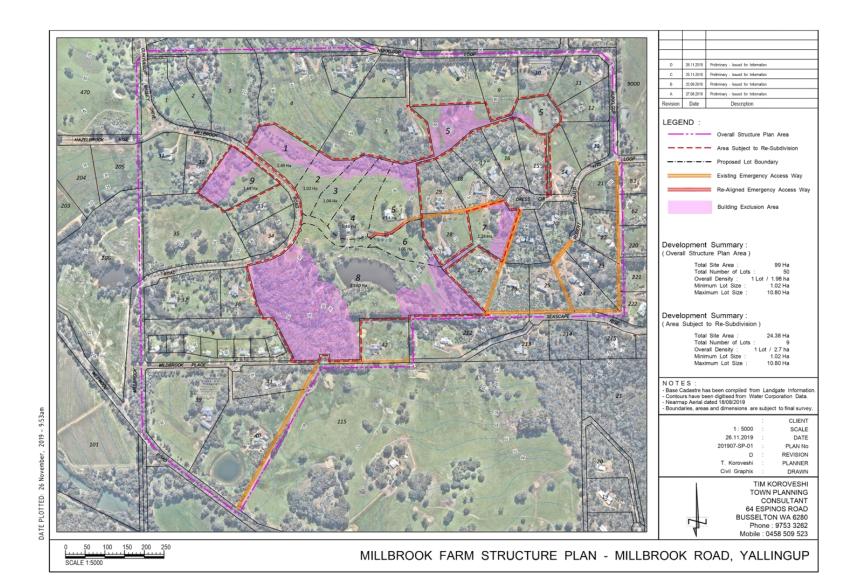
The implementation of the 'Officer Recommendation' will involve advising the applicant of the resolution of the Council and commencing the process to advertise the Amendment and Structure Plan, which will occur within one month of the decision date.

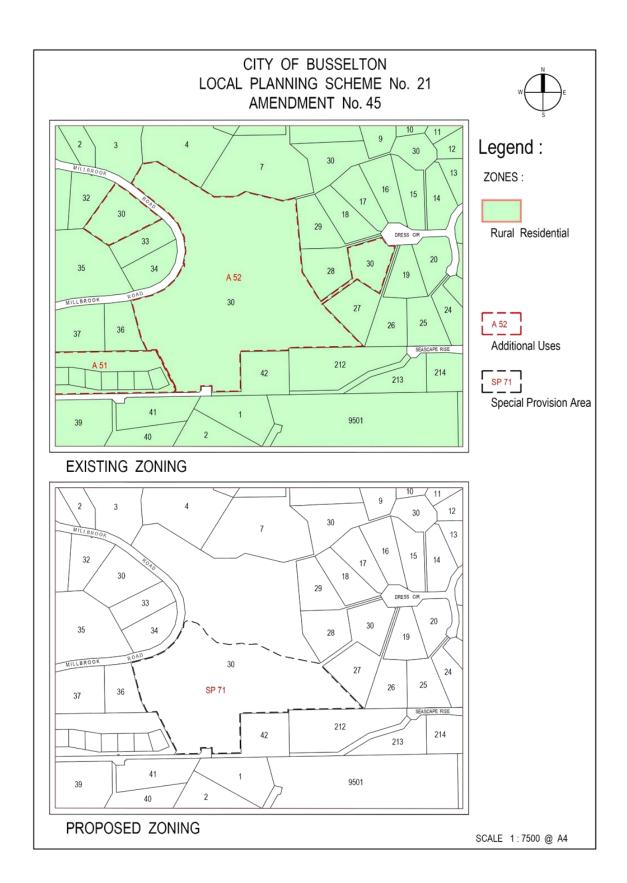


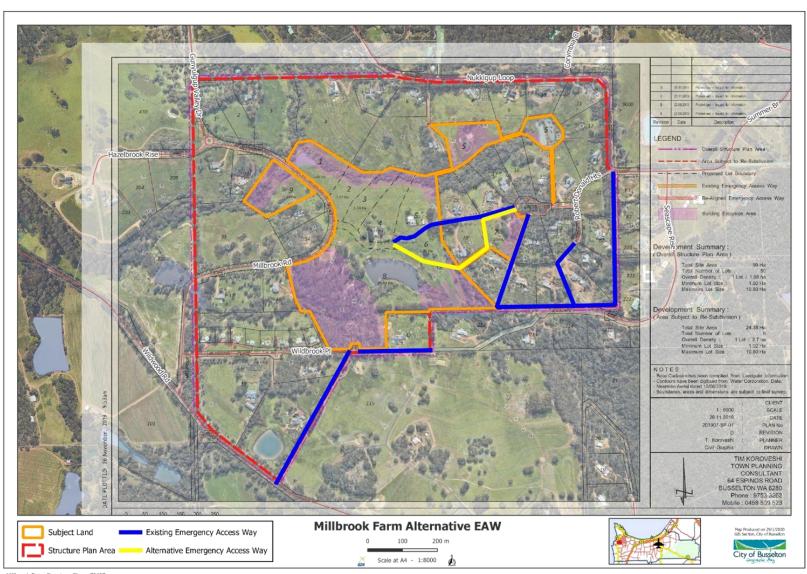
Development Guide Plan

338

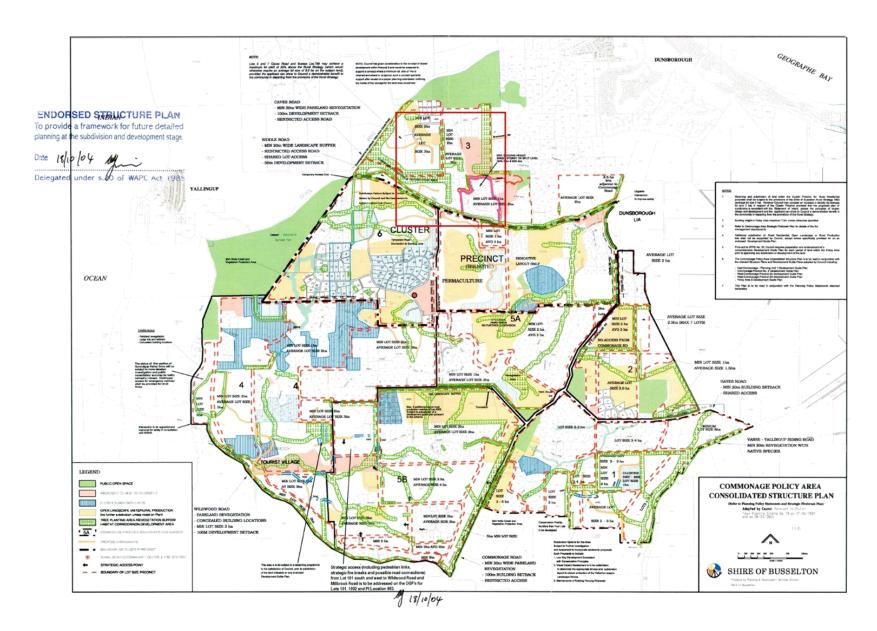








Millbrook Farm Structure Plan - 73627.qgz



COMMONAGE POLICY AREA CONSOLIDATED STRUCTURE PLAN

Planning Policy Statements

(Relating to Subdivision and Development)

June 2004

OBJECTIVE

The objective of these Statements is to provide additional guidance to the Shire and the community in relation to land use and development (including subdivision) within the Commonage (Rural Residential) Policy Area.

The Statements are to be read in conjunction with, and form part of, the Commonage Policy Area Consolidated Structure Plan (the Structure Plan) adopted by Council and endorsed by the Western Australian Planing Commission.

SUBDIVISION

- Subdivision shall be generally in accordance with a development guide plan (DGP) adopted by the Council and approved by the WA Planning Commission (WAPC) from time to time for the land. Development guide plans and subdivision/development proposals shall be generally in accordance with the Consolidated Structure Plan. The Council and the WAPC may approve minor modifications to the Structure Plan. No further subdivision of lots will be permitted beyond that provided for by the Structure Plan or an endorsed development guide plan.
- 2. Rural residential subdivision of land within the Policy Area shall include a broad range of lot sizes in accordance with the Town Planning Scheme provisions and shall recognise areas of open landscape and remnant vegetation appropriately. Lots ranging upwards from 5,000m² may be considered by the Shire in the 'Cluster Precinct' only in subdivision proposals that adopt a clustered approach to design. Smaller lot sizes may also be considered where provided for on an endorsed development guide plan.
- 3. Cluster approaches to rural residential subdivision are supported in other undeveloped areas except for areas exposed to long range views, exposed to views along key existing and proposed distributor roads and sites which consist of remnant vegetation or include vegetation/habitat corridors. Outside the Cluster Precinct a general minimum lot size of one hectare may be considered subject to achievement of the designated average lot size for the land as indicated on the Structure Plan. Cluster subdivision proposals will be assessed in relation to the performance criteria specified in the Leeuwin-Naturaliste Ridge SPP, including assessment of visual analysis prior to preparation of a development guide plan for the land.

4. Future road and pedestrian access systems are to provide access opportunities to adjoining lots and to existing road reserves, and connectivity options are to be fully investigated in the preparation of development guide plans. Cul-de-sac road designs are not supported in high fire risk areas. Road rationalisation proposals, such as road closures, will require WAPC approval.

DEVELOPMENT

- 5. The combined floor area of any buildings on any lot within the 'Cluster Precinct' shall not exceed 10% of the area of that lot and shall be confined to the building envelope or building area where delineated on an endorsed development guide plan.
- Except as otherwise provided for on an endorsed DGP, any lots that do not have a designated building envelope shall comply with the following:
 - a. A minimum building setback of 100 metres shall apply to Caves, Commonage and Wildwood Roads. This may be reduced to 70 metres in heavily vegetated parts of Commonage and Wildwood Roads. A 50 metre minimum setback shall apply to Biddle Road and Marrinup Drive and a 30metre setback shall apply to Hayes and O'Byrne Roads.
 - b. In all other cases a minimum building setback of 20 metres from the front and rear boundaries, and from roads, and 15 metres from the side boundaries shall apply.
 - All building development shall be contained within a radius of 30 metres, except within the 'Cluster Precinct'.
 - a. Within the 'Cluster Precinct' all development shall be contained within a radius of 20 metres unless otherwise provided for on an endorsed development guide plan. The area cleared for buildings within bushland shall not exceed 1,000m².
- Dwellings, effluent disposal areas and other structures shall not be constructed within 30 metres of any stream, watercourse or dam. Proposals for dams shall be assessed in accordance with the Shire's 'Dams Policy'.
- 8. Dwelling houses and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colours and textures, which are essentially natural and earthy. All materials shall be to the satisfaction of the Shire and shall be compatible with the rural character of the locality. Refer to the Shire's 'Use of Reflective Building Materials Policy'.
- The maximum building height in the Policy Area shall be 7.5 metres unless
 otherwise specified on the Structure Plan or an endorsed DGP. Radio, TV masts
 and satellite discs shall be located so that they do not detract from the visual
 amenity of the locality.

Commonage Structure Plan (CPACSP)

- 10. Subdividers and development proponents will be required to make monetary contributions toward the upgrading of roads, community facilities and other infrastructure required as a consequence of their development in accordance with the 'Commonage Implementation Policy' as adopted by Council. This may include additional contributions for any development of land other than for a single dwelling.
- 11. Strategic firebreaks shall be provided within public access ways and in accordance with the 'Commonage Area Strategic Firebreak Plan'. Other fire fighting facilities shall be constructed or provided by the subdivider to the satisfaction of the Shire and the Fire and Emergency Services Authority in accordance with WAPC Policy DC 3.7 'Fire Planning' and the 'Planning for Bush Fire Protection' guidelines, as amended.
- 12. The Shire will recommend appropriate memorials on rural production lots adjoining sensitive land uses to address off-site impacts and corresponding memorials on rural residential and tourist lots adjoining rural production lots to state that the rural production activity may create a nuisance effect on rural residential amenity.
- 13. Fencing that is permitted for the purposes of management of pasture areas (other than a fence which may be required by the Shire to be erected around a swimming pool), shall comprise non-electrified stock-proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land with posts being of split jarrah, treated native hardwood or treated pine. The use of stock proof fencing shall be limited to lots identified as 'Rural Production' lots on endorsed DGPs.

ENVIRONMENT

- 14. No trees or substantial vegetation shall be felled, removed or damaged except for:
 - a) Clearing associated with approved development within the building envelope (this does not mean that the entire building envelope may be cleared, but only that vegetation which needs to be cleared for a dwelling and it's curtilage, a water tank and an outbuilding);
 - Establishment of firebreaks as may be required by a Local Law or a notice issued by the Shire or the Fire and Emergency Services Authority;
 - c) Establishment of driveways in association with approved development; or
 - d) Removal of vegetation that is dead, dying or dangerous with the written approval of the Shire.
- 15. No person shall cultivate any land, spray any pesticide or apply any fertiliser within 30 metres from any creek or watercourse, within 20 metres of a front or rear boundary, or within 15 metres of a side boundary.
- 16. The Structure Plan indicates the general alignment of habitat and revegetation corridors. The Shire and the Department of Conservation and Land Management are to investigate the general location and width of vegetation/habitat corridors linking remnant vegetation with the National Park, recreation reserves and other

Crown reserves during the preparation of development guide plans. Subdivision design is to have regard to the establishment of vegetation/habitat corridors.

Commonage Structure Plan (CPACSP)

- 17. Fencing and lot firebreaks shall not be permitted within areas of remnant vegetation, or as identified on an endorsed development guide plan. No fencing shall be constructed within 20 metres of the centre line of any creek or watercourse. Fencing within designated vegetation/wildlife corridors shall not inhibit fauna movements.
- 18. It is preferable that residents within the Policy Area do not keep cats in order to promote the protection of native fauna. Residents are to manage all domestic animals/pets to minimise the risks to native flora and fauna and shall observe the requirements of the Shire of Busselton Cat Local Law.

DISTRICT TOWN PLANNING SCHEME

- 19. All development shall be in accordance with the requirements of the District Town Planning Scheme. In relation to District Town Planning Scheme No. 20, development shall be consistent with the provisions of Clauses 27 & 85 in particular.
- 20. The Commonage Policy Area Consolidated Structure Plan is to be considered in conjunction with the endorsed Development Guide Plans, including:
 - East Commonage Planning Unit 1 Development Guide Plan
 - Commonage Precinct 3 Development Guide Plan
 - West Commonage - Precinct 5A Development Guide Plan
 - West Commonage Precinct 5B Development Guide Plan
 - Policy Area 6 Development Guide Plan

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 does not require a decision of Council and is simply

for information purposes and noting

VOTING REQUIREMENT Simple Majority

ATTACHMENTS Attachment A City of Busselton Quarterly Report from WALGA

2019 🖫

Attachment B Local Government House Trust 2020 L

Attachment C Correspondence from the office of Hon Rita Saffioti

MLA U

Attachment D State Administrative Tribunal Reviews U

Attachment E Correspondence from the office of Hon Stephen

Dawson MLC !

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2002/039 Moved Deputy Mayor K Hick, seconded Councillor P Carter

That the items from the Councillors' Information Bulletin be noted:

- 17.1.1 WALGA Quarterly Report Q4 2019 and Local Government House Trust 2020
- 17.1.2 WALGA 2020-21 State Budget Submission
- 17.1.3 Correspondence from the Office of Hon Rita Saffioti MLA regarding Bushfire Framework Review 2019
- 17.1.4 State Administrative Tribunal Reviews
- 17.1.5 Correspondence from the Office of Hon Stephen Dawson MLC regarding recycling sector

CARRIED 9/0

EN BLOC

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 WALGA Quarterly Report Q4 2019 and Local Government House Trust 2020

The quarterly report from WALGA is an important communications vehicle, enabling us to outline interactions and activities of your Council with the Association and help to demonstrate how WALGA can contribute to Member's operations and our progress towards achieving Council specific and sector-wide advocacy goals.

17.1.2 WALGA 2020-21 State Budget Submission

Each year WALGA prepares a submission to the State Government outlining the sector's key priorities for the upcoming budget. The sector's 2020-21 submission which was developed in consultation with WALGA's State Council and Zones can be accessed here: https://walga.asn.au/Policy-Advice-and-Advocacy/Economic-Development/Economic-Policy-and-Advocacy

17.1.3 Correspondence from the Office of Hon Rita Saffioti MLA regarding Bushfire Framework Review 2019

Correspondence has been received in relation to the Bushfire Framework Review 2019 and is attached for your information.

17.1.4 State Administrative Tribunal Reviews

A summary of the current State Administrative Reviews is attached (Attachment D) for your information.

17.1.5 Correspondence from the Office of Hon Stephen Dawson MLC regarding recycling sector

Correspondence has been received in response to current issues and challenges relating to the recycling sector and is attached for your information.

WALGA Quarterly Overview Report

2019 Q4 (October - December)

*Please note due to the Christmas shutdown this reporting period finished on 19 December 2019



With this being the first quarter completed following the October elections, we welcome those newly Elected Councillors who are for the first time receiving this Quarterly Report. WALGA issues these individualised reports each quarter in order to outline the interactions and activities of your Council with the Association to help demonstrate how WALGA can contribute to Member's operations and our progress towards achieving Council specific and sector-wide advocacy goals.

This report includes for the first time an update for those Councils that are unit holders in the Local Government House Trust. 132 of 139 of WA Local Governments are holders, with the Auditor General recently advising this unit value needs to be included in your asset register.

WALGA has also been liaising with the Office of the Auditor General on the financial ratios used in auditing processes, as some of the current ratios are not suitable for the style and scope of Local Government operations. The OAG has indicated a willingness to explore this further, and WALGA will form a Sector Reference group to further review these ratios including Zone Feedback

and provide recommendations to the May 2020 State Council meeting.

MEMBER SERVICES



11 training sessions were undertaken by1 participants from the City of Busselton.



Governance advice was provided 5 times to the City of Busselton.



Employee Relations advice was provided 6 times to the City of Busselton.



15 Roadwise activities were conducted in the City of Busselton this quarter.



Tax Service advice was provided 2 times to the City of Busselton.*

* Tax service advice is reported one quarter in arrears due to third party reporting timeframes.

LOCAL GOVERNMENT HOUSE TRUST

The City of Busselton holds 7 units in the Local Government House Trust, with each unit valued at \$17,805.27 as at 30 June 2019. This value is derived from net assets as outlined in the latest audited financial statements which are available on request.

Total value of units currently held by the City of Busselton equals

\$124,636.87. Further information on results and outlook for the Trust is also included in the attached flyer.

SECTOR ADVOCACY

LOCAL GOVERNMENT ROAD ASSETS AND EXPENDITURE REPORT 2018-19

WALGA's annual Local Government Road Assets and Expenditure Report provides a comprehensive analysis of the investment in WA roads and acts as a supporting document, useful in intergovernmental negotiations on the allocation of road funds. WALGA sought information from all Local Governments on their road expenditure information for the financial year.

WALGA

The City of Busselton contributed road data to the report.

YOUREVERYDAY CAMPAIGN

Over the quarter, videos from the City of Busselton received:

165 website views for Reducing Waste in the Kitchen.

193 website views for Experience Natural Attractions and Wineries in a Seaside Destination.

113 website views for The Fantastic Southwest Corner Has Something For Everyone.

The City also featured in a YourEveryday print ad on page 4 of the West Australian on Saturday, 30 November.

ADVOCACY WORKSHOP -SINGLE RESIDENTIAL BUILDING APPROVALS PROCESS

Following the release of a Consultation Regulatory Impact Statement by the

T: (08) 9213 2000 communications@walga.asn.au www.walga.asn.au

WALGA Quarterly Overview Report

2019 Q4 (October - December)

*Please note due to the Christmas shutdown this reporting period finished on 19 December 2019

Department of Mines, Industry Regulation and Safety on 17 October, WALGA hosted a workshop to discuss proposed reforms to WA's regulatory framework for the building approval process for single residential buildings and established a preferred option.

2 Local Government Officers from the City of Busselton attended.

ADVOCACY WORKSHOP -SWIMMING POOL FENCING

Following the release of the draft Australian Standard for Safety barriers for swimming pools, WALGA hosted a workshop for Members on 9 October. Attendees discussed the Standards Australia draft document and provided comments to inform a sector representative submission to be submitted prior to the 31 December closing date.

2 Local Government Officers from the City of Busselton attended.

MEETINGS AND EVENTS

WALGA REGIONAL ROAD GROUP (RRG) MEETINGS

The RRGs make recommendations to the State Advisory Committee (SAC) in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The City of Busselton participated in the following RRG meeting this quarter:

~ South West (Elected Members and Technical) RRG Meetings.

WALGA staff attend RRG meetings to provide executive support and advice.

WORKSHOP ON SWIMMING POOL BARRIERS

On Wednesday 6 November WALGA and DMIRS held a workshop at the City of Canning on pool barrier requirements, specifically boundary barriers and retaining walls for Local Government Building Surveyors and Swimming Pool Inspectors. Members discussed the AS standards and various interpretations of the implementation of the requirements. 52 Officers from 21 Local Governments attended.

2 Local Government Officers from the City of Busselton attended.

BASIC RAW MATERIALS WORKSHOP

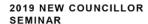
Following the release of a draft revised State Planning Policy, WALGA hosted a workshop with the Department of Planning, Lands & Heritage for Local Government Officers to discuss the topic of data collection for this proposed new policy.

1 Local Government Officer from the City of Busselton attended.

MANAGING SEDIMENT LOSS DURING DEVELOPMENT WORKSHOP

WALGA and Perth NRM partnered to host this event on 9 November, which focussed on the tools and approaches to manage sediment generation and loss on development sites.

1 Local Government Officer from the City of Busselton attended.



A New Councillor Seminar was held on Friday, 15 November at the Perth Convention and Exhibition Centre. Approximately 70 Elected Members attended the seminar.

WALGA

The event focussed on the essential elements of Elected Member legal responsibilities; the role of the DLGSC; the relationship between Mayor and CEO; experiences of a new Councillor from two years ago; Town Planning (including DAPs); and community leadership. The day also included information on LGIS and WALGA's support services for Elected Members.

1 Elected Member from the City of Busselton participated.

PROMOTION TO SECTOR

ENVIRONEWS

The City submitted an article on a rehabilitation project in conjunction with a Friends group, which was published in the December issue.

WALGA Quarterly Overview Report

2019 Q4 (October - December)

*Please note due to the Christmas shutdown this reporting period finished on 19 December 2019



Ad hoc advice provided by WALGA staff on the following:

- Update on recent developments in LED street lighting opportunities to reduce costs and improve lighting.
- Proposed Minor amendment to the Caravan Parks and Camping Ground Regulations.

RESOURCES

 Two Policy Templates provided for Works and for Events in the Local Government Road Reserve.

CONTACTS

Chief Executive Officer Nick Sloan 9213 2025

Executive Manager Business Solutions

John Filippone 9213 2020

Executive Manager Environment and Waste Mark Batty

Mark Batty 9213 2078

Executive Manager Finance and Marketing Zac Donovan 9213 2038

Executive Manager Governance and Organisational Services Tony Brown 9213 2051

Executive Manager Infrastructure Ian Duncan 9213 2031

Executive Manager People and Place Joanne Burges 9213 2018



Local Government House Trust Update

JANUARY 2020

Attachment B

BACKGROUND

The Local Government House Trust ("the Trust") is a unit trust. created back in 1980 for the purpose of providing building accommodation to the Western Australian Local Government Association (WALGA).

Under the current Trust Deed, 132 Local Governments contributed to create a Trust comprising of 620 units. Units are of equal value and are revalued annually once the audited Financial Report is adopted by the Board of Management at its November meeting.

Since January 2014, the Trust has provided WALGA with accommodation at the ONE70 building, located at 170 Railway Parade West Leederville.

The building fulfils an essential requirement to provide suitable accommodation for the Association and its staff, while representing a long-term investment opportunity through rental income and long term capital growth. The building includes meeting rooms which are used extensively for training courses provided to Elected Members and Local Government Officers, meetings of State Council, its committees and numerous policy groups and committees. Meeting rooms are also available for use by Members.

The building consists of four levels of quality office space. WALGA leases level one, enabling WALGA employees to be housed on a single floor. Three levels are available to third party tenants with additional rental space on the ground floor occupied by an all-day childcare and café. Underground building car parking ensures sufficient parking for visitors. The energy efficient building utilises solar power generation from PVC Units and carries a 5 Star Green Star rating. It has also achieved an indicative five star NABERS rating for energy and water.

The Trust has 60% ownership of the ONE70 building, through its investment in a joint venture with Qube Property.

The Joint Venture agreement ends in 2024, with the Trust having the option of purchasing the building outright.

Cash growth outlined in the chart to the right allows for repayment of building loan debt. The projected cash reserves assumes the expected renewal of the fourth floor tenants beyond August 2020. The next major lease breakpoint is for levels two and three, when Marsh/LGIS has a lease breakpoint in 2024.

HIGHLIGHTS FROM 2018/19

- Building remained fully tenanted, which is a good result in the local commercial property market.
- Building is fully occupied with a weighted average lease expiry (WALE) of 5.3 years at 30 June 2019.
- Trust's own cash reserves grew to \$2.0 million at 30 June 2019.
- Building loan debt held by the Joint Venture reduced to \$26.2 million at 30 June 2019 (Trust's 60% share of the loan being
- Borrowing interest rates remained low.

BUILDING VALUATION

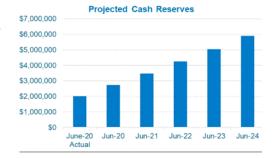
The most recent independent valuation at 30 June 2019 valued the property at \$49.5 million which reflects contracted future lease income. This compares favourably against the cost of land and buildings of \$43.4 million and current net book value of \$36.5 million

FUTURE OUTLOOK

The positive impact of record low interest rates on loan borrowings is anticipated to drive a good result in 2019/20. However, interest rate savings will be absorbed by a reduction in lease income from 2020/21, as a 2020 lease expiry is expected to be extended in a market less favourable than five years ago. With full tenancy and low rates on loan borrowings, the outlook for the Local Government House Trust remains positive.

The Trust's own cash reserves are projected to continue growing. Strategically this will place the Trust in a position to consider the outright purchase of 170 Railway Parade in 2024. Profits however tend to be relatively modest due to the impact of building depreciation which is an accounting entry and does not necessarily reflect the diminution in building value.

Projections for the Trust's own cash reserves are shown below.



Local Government House Trust Update JANUARY 2020 (CONTINUED)

HOUSE TRUST UNIT VALUE

The unit value as at 30 June 2019 is \$17,805 based upon Net Assets of \$11.039.266 / 620 units.

Unit values follow the movement of the Trust's Net Assets. Included within the Trust's Net Assets are the Trust's 60% share of assets and liabilities held in the Joint Venture established to own and manage the building.

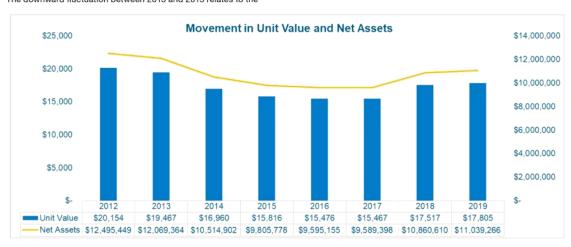
Unit values will fluctuate over time depending on the movement in net assets.

The downward fluctuation between 2013 and 2015 relates to the

transition from the previous building to the current ONE70 building.

Full occupancy of the new building since 2015 has seen the movement in net assets stabilise. The uplift in 2018 is due to the restatement of net assets by \$765,074 following the change in accounting for lease income. Lease income is now accounted for on the straight line basis, instead of the previous "as invoiced basis".

The graph below shows the fluctuation in the net assets and unit price of the Trust since 2012 (2011/12).





TRUST DEED VARIATION

A Deed of Variation to the Trust
Deed will soon be circulated to Local
Governments holdings units for
approval. The amendment is intended
to strengthen the House Trust's
position as a State/ Territory Body for
tax purposes. The Amendment seeks
to achieve this by:

1. Transferring the power over the appointment of Trustee to the beneficiaries, where consent of 75% of the beneficiaries (unit holders) will be required, and Confirmation that the power exists with the Board of Management, while allowing the Trustee sufficient operational discretion to place and renew investments and pay suppliers.

Approval of this Deed of Variation to the Trust deed requires consent of 75% of the 132 unit holders.

Any questions can be directed by email to lght@walga.asn.au.

17.1

Correspondence from the office of Hon Rita Saffioti MLA



Minister for Transport; Planning

Our Ref:

72-22659

Your Ref:

LAGR003

Cr Grant Henley Mayor City of Busselton city@busselton.wa.gov.au

Dear Cr Henley

BUSHFIRE FRAMEWORK REVIEW 2019

Thank you for your letter of 8 November 2019 regarding the Bushfire framework review 2019.

The report entitled "Bushfire Planning and Policy Review: A Review into the Western Australian Framework for Planning and Development in Bushfire Prone Areas" (the Buti Report) made a number of recommendations to address the issues raised with Dr Buti through the review process.

Further consideration was given to bushfire mapping methodologies of other States. Cabinet agreed that the Queensland methodology (undertaken by the CSIRO) could be adapted for Western Australia to achieve the outcomes proposed by Dr Buti, but with the inclusion of scientific rigour.

Cabinet endorsed a Bushfire Framework Review Implementation Plan in response to the recommendations contained within the Buti Review, which includes:

- a three stage approach to the development of a State Map of Bushfire Prone Areas based on the CSIRO Queensland methodology;
- a full review of State Planning Policy 3.7 and the Guidelines for Planning in Bushire Prone Areas;
- finalisation of the Position Statement for Tourism in Bushfire Prone Areas;
- strengthening processes for disclosing information about a property's designation as a bushfire prone area on sale or transfer of land;
- the development of minimum 'best practice' requirements for fire break notices to standardise assessment practices under AS3959 and provide an enforceable mechanism for bushfire management plan compliance; and
- improve accreditation and up skilling of practitioners and training.

Correspondence from the office of Hon Rita Saffioti MLA

-2-

The premise that urban bushfire prone areas present different (lesser) contextual risks than non-urban areas (recommendations 2 and 3 of the Buti Review) was supported by Cabinet, however will now be addressed through the CSIRO State Map. The Map will identify different classifications of risk across the State, such as low, medium, high and very high. Different policy requirements will be developed to reflect the risk category. The State Map and revised policy are due for publication in December 2020. As part of this process, consideration will also be given to long skinny strips of vegetation.

The Department of Planning, Lands and Heritage and Department of Mines, Industry Regulation and Safety will be working with industry to identify opportunities to strengthen the processes for disclosing information about a property's designation as a bushfire prone area on sale or transfer of land.

The Department of Fire and Emergency Services (DFES), through the Rural Fire Division is currently reviewing section 33 Notices issued under the *Bush Fires Act* 1954 to assist local governments to contemporise their information and link to current mechanisms that mitigate bushfire risk. The Rural Fire Division will be meeting with representatives from the City of Busselton as part of this project in 2020.

Cabinet approved the consolidation of the *Fire Brigades Act 1942*, *Bush Fires Act 1954* and *Fire and Emergency Services Act 1998*. Bushfire Management Plans (BMP) are important mitigation strategies designed to prevent bushfire impacts on new developments. The consolidation of the three acts will consider the way in which BMP's are enforced and can remain current. The City of Busselton will have an opportunity to comment on any draft legislation. Updates on the legislation review are available on the DFES website at:

https://www.dfes.wa.gov.au/legislationreview/Pages/default.aspx

All local governments will shortly be receiving an email advising of the Bushfire Framework Review 2019, anticipated milestones and opportunities for local governments to provide input into the review process. If you would like to be included in regular updates on the progress of the Implementation Plan, please email bushfire@dplh.wa.gov

Thank you for raising this matter with me.

Yours sincerely

HON RITA SAFFIOTI MLA MINISTER FOR PLANNING

15 JAN 2020

356 State Administrative Tribunal Reviews

As at 24 January 2020

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELT	ON						
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Martyn Cavanagh / Lee Reddell	Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214. The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the State Administrative Tribunal Act 2004 Directions hearing on the 29 November 2019 where it was resolved: The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson. The matter is listed for an on-site mediation on 6 January 2020. Mr Michael Johnson is invited to attend and participate in the mediation. Mediation on 6 January 2020 where it was resolved that: the applicant is to provide additional information to the respondent by 3 February 2020; The matter is listed for mediation on 13 February 2020.	Mediation on 13 February 2020	
Bishop v City of Busselton	545 Gale Road, Kaloorup	November 2019	Review of a decision to give a direction under s.214.	Martyn Cavanagh / Joanna Wilson	Directions hearing on the 29 November 2019 against the decision of the City to give a direction under s.214 The matter was adjourned to a further directions hearing on 13 December 2019 in order for the applicant to seek legal advice Directions hearing listed for 13 December 2019 was vacated s214 direction issued by the City is stayed until further orders are made. The matter is listed for a directions hearing on 7 February 2020.	Directions Hearing 7 February 2019	
Hotait v City of Busselton	9 Prospect Close, Quindalup	November 2019	Review of a decision to give a direction under s.214.	Martyn Cavanagh / Lee Reddell	Directions hearing on 31 January 2020 against the decision of the City to give a direction under s.214	Directions hearing on 31 January 2020	

NIL

Council		357	12 February 2020
17.1	Attachment D	State Administrative Tribunal Reviews	

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
WESTERN AUSTRALIAN PLANNING COMMISSION							
NIL							

Minister for Environment; Disability Services; Electoral Affairs Deputy Leader of the Legislative Council

Our Ref:

62-18412

Mr Mike Archer Chief Executive Officer City of Busselton

By Email: city@busselton.wa.gov.au

Dear Mr Archer

I am writing to seek support from local governments in response to current issues and challenges in the recycling sector.

As you would be aware, the local waste recycling industry, which has been dealing with China's decision in 2018 to restrict imports of recyclables, has been hit with onshore challenges following a fire at Perth's largest recycling processing facility, run by Cleanaway, on 25 November 2019. Furthermore, in November 2019 in response to an announcement by the Council of Australian Governments, Australian Environment Ministers proposed a timetable to ban the export of waste paper, plastic, glass and tyres which will require a significant increase in local processing capacity.

I trust all available options will be considered and, where appropriate, actioned as soon as possible to avoid recyclables being landfilled due to lack of available processing capacity. I also recognise that the current recycling challenges may impact commercial arrangements between local governments and their service providers. I strongly encourage local governments to work closely with service providers to overcome short term commercial hurdles to ensure the community can be confident that its recycling efforts are being dutifully honoured.

Local governments have a key role in the recycling industry as service providers and educators. Local governments can help instil confidence in the community about the benefits of recycling. I would like to take this opportunity to recognise and thank all local governments for their contribution to improving waste and recycling outcomes in this State. I encourage all local governments to continue to educate the community on how to recycle properly and reduce contamination.

I am committed to working towards the *Waste Avoidance and Resource Recovery Strategy 2030* material recovery target of 75 per cent by 2030, and am particularly determined to avoid recyclable material being sent to landfill. I am also committed to working together and sharing responsibility, which is a key principle in the Strategy.

I am confident that the State Government in partnership with the Commonwealth Government, local governments, industry and the community, can continue to build a strong and sustainable recycling sector in Western Australia.

Thank you once again for your contribution to waste and recycling in Western Australia.

Yours sincerely

Hon Stephen Dawson MLC

MINISTER FOR ENVIRONMENT

23 JAN 2020

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

At this juncture, the Mayor, being no objections, put the below reports, which require an absolute majority of Council, were adopted en bloc, i.e. all together:

COUNCIL DECISION

C2002/040 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 12.1 Finance Committee 22/01/2020 BUDGET AMENDMENT REQUEST / REVIEW REALLOCATION OF GLC POOL RELINING BUDGET
- 12.2 Finance Committee 22/01/2020 BUDGET AMENDMENT REQUEST / REVIEW CLIMATE ADAPTATION RESERVE
- 12.3 Finance Committee 22/01/2020 BUDGET AMENDMENT REQUEST / REVIEW VASSE KALOORUP OVAL CARPARK DEVELOPMENT
- 12.4 Finance Committee 22/01/2020 BUDGET AMENDMENT REQUEST / REVIEW PROJECT OVERSPENDS OFFSET BY ROAD ASSET RENEWAL RESERVE
- 12.5 Finance Committee 22/01/2020 BUDGET AMENDMENT REQUEST / REVIEW OLD VASSE LIGHTHOUSE
- 14.1 RFT 26-19 BUSSELTON FORESHORE HOTEL SITE 1 PRECINCT CIVIL AND LANDSCAPING WORKS

CARRIED 9/0

12.1 <u>Finance Committee - 22/01/2020 - BUDGET AMENDMENT REQUEST / REVIEW -</u> REALLOCATION OF GLC POOL RELINING BUDGET

STRATEGIC GOAL 6. LEADERSHIP Visionary, collaborative, accountable

STRATEGIC OBJECTIVE 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Budget Planning and Reporting

BUSINESS UNIT Financial Services

REPORTING OFFICER Manager Financial Services - Paul Sheridan

AUTHORISING OFFICER Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Nil

This item was considered by the Finance Committee at its meeting on 22 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/041 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council endorse the requested budget amendment outlined in Table 1 below resulting in nil impact on the budgeted net current position:

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Non-Current Assets				
522-B9517-3280-0000	Contractor Costs – GLC Pool Relining	50,000	(50,000)	0
332-B9604-3280-0000	Contractor Costs – Women's Change Facility Bovell	83,685	6,500	90,185
522-B9596-3280-0000	Contractor Costs – GLC Building Improvements	525,900	43,500	569,400
Net Total		659,585	0	659,585

CARRIED 9/0

EN BLOC

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the officer recommendation will result in a nil impact on the City's current amended budget net position.

BACKGROUND

Council adopted its 2019/2020 municipal budget on Wednesday 31 July 2019 with a balanced budget position. Since this time, Council has been advised of certain expense changes that have impacted the original budget. The Finance Committee is now being asked to consider recommending to Council a budget amendment for the re-allocation of the GLC Pool Relining budget.

OFFICER COMMENT

Capital works were recently completed on the installation of women's change room facilities located at Bovell Oval. This project cost \$6,500 more than estimated. To this end, a request is made to transfer \$6,500 of the GLC Pool Relining budget totalling \$50,000 to cover this budget overrun.

Subsequent to this, a second request is made to reassign the remaining \$43,500 of Pool Relining budget to the GLC Building Improvements budget increasing it from \$525,900 to \$569,400, for works to be completed this financial year.

Both GLC swimming pools were relined in financial year 2017/2018. It was decided at the time that \$50,000 of the left over budget be carried over in anticipation of additional future works. Additional works are no longer considered necessary. Based on this, a request is made to consolidate the remaining \$43,500 of budget into this year's GLC building improvements works, soon to go out for tender.

Planned Amendment Items

Officers propose that the 2019/2020 adopted budget (as amended), be further amended to reflect the following funding changes, shown in Table 1.

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Non-Current Assets				
522-B9517-3280-0000	Contractor Costs – GLC Pool Relining	50,000	(50,000)	0
332-B9604-3280-0000	Contractor Costs – Women's Change Facility Bovell	83,685	6,500	90,185
522-B9596-3280-0000	Contractor Costs – GLC Building Improvements	525,900	43,500	569,400
	Net Total	659,585	0	659,585

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. Any adjustments to a budget allocation must be made by an absolute majority decision of the Council. Additionally, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance by an absolute majority decision of the Council.

Relevant Plans and Policies

The proposed budget amendment is supported by the City's asset management plan, capital works program and long term financial plan.

Financial Implications

The financial implications of this recommendation are contained within the report.

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.

There is a risk to the City, as there is with all projects undertaken, that the final cost could exceed budget. If this looks to be the case, Council will be notified so a suitable offset / project scope back can be identified.

Options

The Council could decide not to go ahead with the proposed budget amendment request.

CONCLUSION

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval, the remaining proposed works will be planned, organised and completed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the officer recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

12.2 <u>Finance Committee - 22/01/2020 - BUDGET AMENDMENT REQUEST / REVIEW - CLIMATE</u> ADAPTATION RESERVE

STRATEGIC GOAL 6. LEADERSHIP Visionary, collaborative, accountable

STRATEGIC OBJECTIVE 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Budget Planning and Reporting

BUSINESS UNIT Financial Services

REPORTING OFFICER Manager Financial Services - Paul Sheridan

AUTHORISING OFFICER Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting

and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Nil

This item was considered by the Finance Committee at its meeting on 22 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/042 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council endorse the requested budget amendment outlined in Table 1 below resulting in a nil impact on the City's budgeted net current position:

Table 1:

able 1:		1		
Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Current Assets				
9000-7001	Municipal Cash at Bank	(160,209)	(162,352)	(322,561)
Revenue				
510-C2512-1215-0000	Capital Grants – Sand Renourishment	(60,000)	60,000	0
Expenditure				
510-C2525-3280-0000	Contractor Costs – Wonnerup Groynes 3, 4, 5 & 6	136,000	11,367	147,367
510-C2528-3280-0000	Contractor Costs – Craig Street Groyne & Sea Wall	84,209	90,985	175,194
Reserve				
9000-2500	Transfer to Reserve – Municipal Retained Earnings	(1,316,137)	(162,352)	(1,478,489)
102-9103	Transfer from Climate Adaptation Reserve	1,316,137	162,352	1,478,489
	Net Total	0	0	0

CARRIED 9/0

EN BLOC

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the officer recommendation will result in a nil impact to the City's budgeted net current position.

BACKGROUND

Council adopted its 2019/2020 municipal budget on Wednesday 31 July 2019 with a balanced budget position. Since this time, the City has been advised of certain expense changes that have impacted the original budget. The Finance Committee is now being asked to consider recommending to Council a budget amendment for the following items:

1. Sand Renourishment

- a) Remove \$60,000 from the budgeted Sand Re-nourishment Coastal Adaptation and Protection program (CAP) grant allocation.
- b) Retain the corresponding Sand Re-nourishment expenditure budget, funded by drawing down an additional \$60,000 from Reserve 102 Climate Adaptation Reserve.

2. Coastal Protection Groyne Projects

- a) Include the refurbishment of one extra groyne to the capital project C2525 Wonnerup Groynes 3, 5 & 6 and adjust the project name to Wonnerup Groynes 3, 4, 5 & 6.
- b) Add an additional budget of \$11,367 against project C2525 Wonnerup Groynes 3, 4, 5 & 6 to be drawn from Reserve 102 Climate Adaptation Reserve.
- c) Add an additional budget of \$90,985 against project C2528 being the Craig Street Groynes and Sea Wall, also to be drawn from Reserve 102 Climate Adaptation Reserve.

OFFICER COMMENT

Sand Renourishment

Over the last eight years the City has been very successful in securing sand renourishment grant funding under the State Governments Coastal Adaptation and Protection (CAP) grants program, having been successful five out of the last eight years. Unfortunately this financial year the City has been unable to secure grant funding, requiring a budget amendment to recognise the reduced grant income.

Total sand renourishment costs year to date total \$202,378, against a budget of \$259,240 for the year. It is highly likely the City will encounter damaging storms in winter 2020 and that coastal renourishment will be necessary. City officers are therefore seeking to retain the expenditure budget at current levels through drawdown of an equivalent amount (\$60,000) from the Climate Adaptation Reserve.

Coastal Protection Groyne Projects

Last financial year the City embarked on two coastal protection groyne projects. These two projects were combined into a single Tender due to the nature of the works being related, i.e. rock seawall and groyne works.

The first project was to refurbish three of the six Wonnerup groynes at an original estimated cost of \$300,000 (C2525). Upon further investigation it was decided to include a fourth groyne into the scope of works. The works spanned two financial years at a total cost of \$171,794. The budget carried over into the 2019/2020 budget for this project was calculated incorrectly with an amount of \$136,000 carried over as opposed to \$147,367. Council approval is therefore sought to add an additional \$11,367 to the budget for C2525 Wonnerup groynes 3, 4, 5 & 6, to be drawn down from the Climate Adaptation Reserve.

Additionally, the intent was to carry over the full remaining budget (of the original \$300,000) as at the end of 2018/2019 which was \$275,573; such that the balance (between that and the total cost of \$171,794 for project one) could be utilised for project two - the construction of coastal defences C2528 - Craig Street groyne and sea wall.

Project two was originally estimated to cost \$250,000. The City received grant funding from the Department of Transport's Costal Adaptation Program to the value of \$125,000, matched by the City for an overall budget of \$250,000. The total project came in at \$340,986; over budget by \$90,986. As noted above it was intended that the savings from the Wonnerup groyne project (\$128,206) would cover / offset the over expenditure against this project. The savings were not carried over however and so effectively were never drawn down from the Climate Adaptation Reserve in 2018/19. In order to balance this year's budget a request is made to budget an additional amount of \$90,986 against this project; to be drawn from the Climate Adaptation Reserve.

In summary the two projects had a total combined budget of \$300,000+250,000 = \$550,000 and the total cost for both amounts to \$171,794+\$340,986 = \$512,780. Thus combined, the projects came in under budget by \$37,220. Due to the circumstances described above however, budget adjustments are now required.

Planned Amendment Items

Officers propose that the 2019/2020 adopted budget (as amended), be further amended to reflect the following funding changes, shown in Table 1.

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Current Assets				
9000-7001	Municipal Cash at Bank	(160,209)	(162,352)	(322,561)
Revenue				
510-C2512-1215-0000	Capital Grants – Sand Renourishment	(60,000)	60,000	0
Expenditure				
510-C2525-3280-0000	Contractor Costs – Wonnerup Groynes 3, 4, 5 & 6	136,000	11,367	147,367
510-C2528-3280-0000	Contractor Costs – Craig Street Groyne & Sea Wall	84,209	90,985	175,194
Reserve				
9000-2500	Transfer to Reserve – Municipal Retained Earnings	(1,316,137)	(162,352)	(1,478,489)

102-9103	Transfer from Climate Adaptation Reserve	1,316,137	162,352	1,478,489
	Net Total	0	0	0

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. Any adjustments to a budget allocation must be made by an absolute majority decision of the Council. Additionally, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Relevant Plans and Policies

The proposed budget amendment is supported by the City's asset management plan, capital works program and long term financial plan.

Financial Implications

The financial implications of this recommendation are contained within the report.

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

The Council could decide not to go ahead with the proposed budget amendment request.

CONCLUSION

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval the remaining works will be planned, organised and completed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the officer recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

12.3 <u>Finance Committee - 22/01/2020 - BUDGET AMENDMENT REQUEST / REVIEW - VASSE</u> KALOORUP OVAL CARPARK DEVELOPMENT

STRATEGIC GOAL 6. LEADERSHIP Visionary, collaborative, accountable

STRATEGIC OBJECTIVE 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Budget Planning and Reporting

BUSINESS UNIT Financial Services

REPORTING OFFICER Manager Financial Services - Paul Sheridan

AUTHORISING OFFICER Director Finance and Corporate Services - Tony Nottle

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Attachment A Department of Education Letter !!

This item was considered by the Finance Committee at its meeting on 22 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/043 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council endorse the requested budget amendment outlined in Table 1 below resulting in nil impact on the budgeted net current position:

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Revenue				
510-C0052-1212-0000	Capital Grants – Vasse Kaloorup Oval Carpark	(130,000)	(20,000)	(150,000)
Expenditure				
541-C0052-3280-0000	Contractor Costs – Vasse Kaloorup Oval Carpark	260,000	20,000	280,000
Net Total		130,000	0	130,000

CARRIED 9/0

EN BLOC

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the officer recommendation will result in a nil impact on the City's current amended budget net position.

BACKGROUND

Council adopted its 2019/2020 municipal budget on Wednesday 31 July 2019 with a balanced budget position. Since this time, Council has been advised of certain expense changes that have impacted the original budget. The Finance Committee is now being asked to consider recommending to Council a budget amendment for the following items:

- 1. An increase in the budgeted grant contribution (from \$130,000 to \$150,000) from the Department of Education towards the Vasse Kaloorup Oval carpark development.
- 2. An increase the overall budget towards the Vasse Kaloorup Oval carpark development by \$20,000 to \$280,000.

OFFICER COMMENT

The City was notified in August 2019 of its success in securing \$150,000 towards the Vasse Kaloorup Oval carpark development. At the time the budget was being prepared it was estimated that this amount would be in the order of \$130,000. The contribution was increased with a desire by the Department of Education "that the project may include public access pathway links to and around the school to bring students safely to school". See Attachment A being the letter of grant award from the Department. This amendment will have no impact on the municipal net position.

Planned Amendment Items

Officers propose that the 2019/2020 adopted budget (as amended), be further amended to reflect the following funding changes, shown in Table 1.

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Revenue				
541-C0052-1212-0000	Capital Grants – Vasse Kaloorup Oval Carpark	(130,000)	(20,000)	(150,000)
Expenditure				
541-C0052-3280-0000	Contractor Costs – Vasse Kaloorup Oval Carpark	260,000	20,000	280,000
Net Total		130,000	0	130,000

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. Any adjustments to a budget allocation must be made by an absolute majority decision of the Council. Additionally, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Relevant Plans and Policies

The proposed budget amendment is supported by the City's capital works program and long term financial plan.

Financial Implications

The financial implications of this recommendation are contained within the report.

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.

There is a risk to the City, as there is with all projects undertaken, that the final cost could exceed budget. If this looks to be the case, Council will be notified so a suitable offset / project scope back can be identified.

Options

The Council could decide not to go ahead with the proposed budget amendment request.

CONCLUSION

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval the proposed works will be planned, organised and completed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the officer recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

Department of Education Letter

371



Your ref Our ref Enquiries

D19/0347836

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

Attention Mr Oliver Darby

Dear Mr Darby

Thank you for the successful meeting between representatives from the Department of Education and the City of Busselton to investigate traffic management treatments and measures to ease traffic around Vasse Primary School.

It is appreciated that the City included a \$260 000 budget figure in its 2019/2020 financial year plan as a contribution towards a new car park for the school and community. It was suggested that the project may include public access pathway links to and around the school to bring students safely to school.

The Department has allocated an amount of \$150 000 as a contribution towards the new 70 car parking bays proposed alongside the courts adjoining the school and is seeking confirmation of the joint funding agreement with the City. A copy of the plans and associated cost estimate will also be greatly appreciated.

Please contact Senior Project Officer, Mr Tony Ioppolo on 9264 4223 or email at Anthony.loppolo@education.wa.edu.au should you wish to discuss this matter further or require any additional information.

We look forward to continue working together with the City of Busselton to progress this project.

Yours sincerely

Steve Parry Director

Capital Works and Maintenance

5 August 2019

12.4 <u>Finance Committee - 22/01/2020 - BUDGET AMENDMENT REQUEST / REVIEW - PROJECT</u> OVERSPENDS OFFSET BY ROAD ASSET RENEWAL RESERVE

STRATEGIC GOAL 6. LEADERSHIP Visionary, collaborative, accountable

STRATEGIC OBJECTIVE 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Budget Planning and Reporting

BUSINESS UNIT Financial Services

REPORTING OFFICER Manager Financial Services - Paul Sheridan

AUTHORISING OFFICER Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Nil

This item was considered by the Finance Committee at its meeting on 22 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/044 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council endorse the requested budget amendment outlined in Table 1 below resulting in a nil impact on the budgeted net current position:

Table 1:

able 1:						
Account Codes	Account Code Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)		
Current Assets						
9000-7001	Municipal Bank Account	(156,913)	(268,260)	(425,173)		
Expenditure						
541-W0224-3280-0000	Contractor Costs - Jones Way Asphalt Overlay	74,182	18,248	92,430		
541-S0068-3280-0000	Contractor Costs – Georgiana Molloy Bus Bay Facilities	0	14,784	14,784		
541-S0317-3280-0000	Contractor Costs – Naturaliste Tce Asphalt Overlay	0	45,291	45,291		
541-W0195-3280-0000	Contractor Costs – Yallingup Beach Road	0	43,039	43,039		
541-C0013-3280-0000	Contractor Costs – Yallingup Beach Car Park	66,472	8,727	75,199		
541-D0017-3280-0000	Contractor Costs – Chain Ave Drainage Works	0	41,621	41,621		

541-S0035-3280-0000	Contractor Costs – Strelly St / Barlee St Roundabout	16,259	96,550	112,809
Equity				
9000-2500	Transfer to Reserve - Municipal Retained Earnings	(156,913)	(268,260)	(425,173)
223-9102	Transfer from Reserve - Road Asset Renewal	156,913	268,260	425,173
	0	0	0	

CARRIED 9/0

EN BLOC

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the officer recommendation will result in a nil impact on the City's budgeted net current position.

BACKGROUND

Council adopted its 2019/2020 municipal budget on Wednesday 31 July 2019 with a balanced budget position. Since this time, Council has been advised of certain expense changes that have impacted the original budget. The Finance Committee is now being asked to consider recommending to Council a budget amendment for the re-allocation of Road Asset Renewal Reserve funds to re-align capital project over expenditures compared to budget.

OFFICER COMMENT

The projects detailed below were budgeted and scheduled for completion in the 2018/19 financial year but were not fully invoiced or in some instances completed by the end of the financial year, they were however completed by mid-July 2019. The carry-over work required for completion was not however re-budgeted and hence Council approval is sought to utilise funds within the Road Asset Renewal Reserve to offset the costs.

In considering the detail provided for each project below, it should be noted that approximately \$488,947 of road project savings was returned to the Road Asset Renewal Reserve at the end of the 2018/19 financial year (in reality they were not drawn from the reserve). This is after the various other projects were completed, carried over or correctly re listed and represents the savings which would have been used to offset the expenditure listed below. Officers therefore recommend that Council approve a budget amendment to transfer funds from the Road Asset Renewal Reserve to balance the project over expenditures that are now occurring within 2019/20 financial year budget.

W0224 - Jones Way Asphalt Overlay

Budget Required \$18,248

The original scope for this project excluded approximately 150m of road resurfacing and kerb, plus two drainage pits which would allow the whole streetscape to be upgraded. The opportunity to upgrade the whole of street was however taken, therefore maximizing on mobilization efficiencies. While this increase in scope could have (ideally) been covered from within the 2018/19 budget, works were not complete and receipt of invoices post the end of the 2018/19 has resulted in the overspend falling into the 2019/20 year.

S0068 - Georgiana Molloy Bus Bay Facilities

Budget Required \$14,784

The above requirement has occurred due to Contractor invoices not being received during the 2018/19 financial year. The project was delivered \$51,863 under the original budget in 2018/19 with the remaining funding returned to the reserve and not carried into 2019/20.

S0317 - Naturaliste Terrace Asphalt Overlay

Budget Required \$45,291

Similarly the requirement for this job has occurred due to Contractor invoices not being received during the 2018/19 financial year.

W0195 - Yallingup Beach Road and C0013 - Yallingup Beach Car Park

Budget Required \$43,039 Budget Required \$8,727

The combined budget requirement associated with these two road and carpark projects is \$51,766. Works were not complete in 2018/19 and receipt of invoices post the end of the 2018/19 year has resulted in this requirement falling into 2019/20.

The over expenditure occurred due to wet weather, imposed staging and project scope changes including additional footpath, bollards and adjustments to the kerb profile to minimise impact to Melaleuca trees within the carpark. This over expenditure would normally have been resolved through balancing the project under and overs at the end of the 2018/19 financial year but was only highlighted as invoices and receipts were costed to the project, post the end of the financial year.

D0017 - Chain Avenue - Drainage Works

Budget Required \$41,621

The above requirement has occurred largely due to drainage detail changes on-site, following input from the Water Corporation. This over expenditure only came to light post the end of the financial year due to Contractor invoices not being received during the 2018/19 financial year.

S0035 - Strelly Street / Barlee Street Roundabout B

Budget Required \$96,550

This requirement has occurred as works were not complete in 2018/19 and receipt of invoices post the end of 2018/19 has resulted in the overspend falling into the 2019/20 year. The over expenditure occurred due to additional NBN/ Telstra costs incurred, drainage changes on-site to avoid conflicts with utilities & additional connections, additional asphalt laid prior to winter storm event (to save granular road base), kerb changes and inefficiencies of working during inclement winter weather

An additional \$28,319 of Regional Road Group (RRG) grant funding has been secured and applied against this project, reducing the budget requirement to \$96,550. Again, this over expenditure only come to light post the end of the 2018/19 financial year.

Planned Amendment Items

Officers propose that the 2019/2020 adopted budget (as amended), be further amended to reflect the following funding changes, shown in Table 1.

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Current Assets				
9000-7001	Municipal Bank Account	(156,913)	(268,260)	(425,173)
Expenditure				
541-W0224-3280- 0000	Contractor Costs - Jones Way Asphalt Overlay	74,182	18,248	92,430
541-S0068-3280-0000	Contractor Costs – Georgiana Molloy Bus Bay Facilities	0	14,784	14,784

541-S0317-3280-0000	Contractor Costs – Naturaliste Tce Asphalt Overlay	0	45,291	45,291
541-W0195-3280- 0000	Contractor Costs – Yallingup Beach Road	0	43,039	43,039
541-C0013-3280-0000	Contractor Costs – Yallingup Beach Car Park	66,472	8,727	75,199
541-D0017-3280-0000	Contractor Costs – Chain Ave Drainage Works	0	41,621	41,621
541-S0035-3280-0000	Contractor Costs – Strelly St / Barlee St Roundabout	16,259	96,550	112,809
Equity				
9000-2500	Transfer to Reserve - Municipal Retained Earnings	(156,913)	(268,260)	(425,173)
223-9102	Transfer from Reserve - Road Asset Renewal	156,913	268,260	425,173
	Net Total	0	0	0

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. Any adjustments to a budget allocation must be made by an absolute majority decision of the Council. Additionally, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Relevant Plans and Policies

The proposed budget amendment is supported by the City's asset management plan, capital works program and long term financial plan.

Financial Implications

The financial implications of this recommendation are contained within the report.

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. There are no risks identified of medium or greater level.

Options

The Council could decide not to go ahead with the proposed budget amendment request.

CONCLUSION

Council's approval is sought to amend the budget as per the details contained in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the officer recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

12.5 <u>Finance Committee - 22/01/2020 - BUDGET AMENDMENT REQUEST / REVIEW - OLD VASSE</u> LIGHTHOUSE

STRATEGIC GOAL 6. LEADERSHIP Visionary, collaborative, accountable

STRATEGIC OBJECTIVE 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Budget Planning and Reporting

BUSINESS UNIT Financial Services

REPORTING OFFICER Manager Financial Services - Paul Sheridan

AUTHORISING OFFICER Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Nil

This item was considered by the Finance Committee at its meeting on 22 January 2020, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/045 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council endorse the requested budget amendment outlined in Table 1 below resulting in nil impact on the budgeted net current position:

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Expenditure				
120-B9600-3280-0000	Contractor Costs – Old Vasse Lighthouse	120,000	(94,245)	25,755
120-C3112-3280-000	Contractor Costs – Foreshore Exercise Equipment	123,400	94,245	217,644
Net Total		243,400	0	243,400

CARRIED 9/0

EN BLOC

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report seeks recommendation of the Finance Committee to Council for the approval of budget amendments as detailed in this report. Adoption of the officer recommendation will result in a nil impact on the City's current amended budget net position.

BACKGROUND

Council adopted its 2019/2020 municipal budget on Wednesday 31 July 2019 with a balanced budget position. Since this time, Council has been advised of certain expense changes that have impacted the original budget. The Finance Committee is now being asked to consider recommending to Council a budget amendment for the re-allocation of the remaining budget for the Old Vasse Lighthouse project to the Foreshore Exercise Equipment project.

OFFICER COMMENT

In the 2018/19 budget, the City allocated \$120,000 towards the Old Vasse Lighthouse project with the understanding that the Rotary Club would provide an additional contribution of \$100,000; which was later reduced to \$10,000 to procure the clocks component only.

Following the procurement of an engineer's structural design at a cost of \$25,755, the City has a balance of \$94,245 in unallocated funds to complete the project. An indicative estimated costing has been secured of \$260,000 to \$280,000 for the project, excluding landscaping works.

Given the significant reduction in available funds and the remaining scope of work to complete the project, it is recommended that it be discontinued and that the balance of remaining funds be reallocated to the Foreshore Exercise Equipment project to address a budget shortfall identified at tender stage for that project.

The Busselton Foreshore Exercise Equipment project includes six exercise stations over a one kilometre circuit between Gale Street and the Equinox restaurant. The project supplements youth-oriented playground infrastructure with exercise equipment that is suitable for a broad range of ages. Exercise stations are for community use and will be readily accessible to the public.

A Rotary clock could be further considered as part of projects such as the Mitchell Park redevelopment, or as part of an upgrade to a roundabout in an appropriate location.

Planned Amendment Items

Officers propose that the 2019/2020 adopted budget (as amended) be further amended to reflect the following funding changes, shown in Table 1.

Table 1:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Expenditure				
120-B9600-3280-0000	Contractor Costs – Old Vasse Lighthouse	120,000	(94,245)	25,755
120-C3112-3280-000	Contractor Costs – Foreshore Exercise Equipment	123,400	94,245	217,644
Net Total		243,400	0	243,400

Statutory Environment

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the annual budget. Any adjustments to a budget allocation must be made by an absolute majority decision of the Council. Additionally, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

Relevant Plans and Policies

The proposed budget amendment is supported by the City's capital works program and long term financial plan.

Financial Implications

The financial implications of this recommendation are contained within the report.

Stakeholder Consultation

The Rotary Club has been advised that the City is unable to proceed with the proposed Old Vasse Lighthouse project at this point in time.

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

The Council could decide not to approve the proposed budget amendment request.

CONCLUSION

Council's approval is sought to amend the budget as per the details contained in this report. Upon approval the remaining proposed works will be planned, organised and completed.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the officer recommendation be endorsed, the associated budget amendment will be processed within a month of being approved.

14.1 RFT 26-19 BUSSELTON FORESHORE HOTEL SITE 1 PRECINCT CIVIL AND LANDSCAPING WORKS

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 Tenders

BUSINESS UNIT Major Projects and Facilities

REPORTING OFFICER Administration Officer - Carley O'Neil

AUTHORISING OFFICER Director, Engineering and Works Services - Oliver Darby

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Attachment A Landscaping Plan Landscaping Pla

Attachment B Published Under Separate Cover Confidential

Evaluation & Recommendation Report

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2002/046 Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council:

- Pursuant to RFT 26-19 Hotel Site 1 Precinct Civil and Landscaping Works, accept the tender from Industrial Roadpavers (WA) Pty Ltd as the most advantageous tenderer (Successful Tenderer), subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regs);
- Delegates power and authority to the Chief Executive Officer to negotiate and agree with the Successful Tenderer minor variations in accordance with Regulation 20 of the FG Regs, subject to such variations and the final terms not exceeding the overall project budget; and
- 3. Endorse the requested budget amendment outlined in Table 1 below resulting in no change to the budgeted net current position:

Table 1:

Cost Code	Description	Current Amended Budget \$	Change (\$)	Resulting Proposed Amended Budget (\$)
Revenue				
Expenditure				
120.C3206.3280.0000	Landscaping Old Tennis club Site	500,000	80,000	580,000
120.C0053.3280.0000	Carpark on Hotel Site 1	500,000	366,566	866,566
120.C3113.3280.0000	Busselton Tennis Club Infrastructure	868,604	(200,000)	668,604

Reserve				
	Transfer from			
225.9103	Parks and	(500,000)	(80,000)	(580,000)
	Gardens Reserve			
	Transfer from			
114.9103	City Car Parking	0	(166,566)	(4.00.500)
114.9105	and Access	U	(100,300)	(166,566)
	Reserve			
	Unspent Loan			
9000-7054	Funds for	(788,604)	200,000	(588,604)
3000-7034	Busselton Tennis			
	Club			
	Unspent Loan			
	Funds to be			
9000-7054	utilised for	0	(200,000)	(200,000)
9000-7034	carpark on Hotel	U	(200,000)	
	Site 1 (BTC			
	Project)			
Net Total		\$580,000	\$0	\$580,000

CARRIED 9/0

EN BLOC

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

The City's objective with request for tender RFT26-19 Hotel Site 1 Precinct Civil and Landscaping Works (the RFT) is to engage a suitably experienced Contractor to undertake the following works at Busselton Foreshore Hotel Site 1:

- Demolition of existing tennis courts and other infrastructure.
- Construction of drainage and car park works; extending the existing car park located on the corner of Marine Terrace and Jetty Way.
- Extension of power from Marine Terrace.
- Installation of street lighting poles and luminaires, vista lights, bollard lights and other lighting equipment. These will be free-issued by the City.
- Hard landscaping such as exposed aggregate footpaths and seating walls.
- Soft landscaping including turf, trees, garden beds, median island rain gardens and reticulation.

BACKGROUND

An improved foreshore experience was identified to elevate Busselton as a major regional commercial centre and to maximise the economic growth from tourists visiting Busselton as an outright destination or touring through the South West.

The Busselton Foreshore Master Plan (the Master Plan) was adopted by the Council on 28 March 2012. It was prepared to guide the detailed planning of the Foreshore into the future and identified potential sites for hotel/short stay accommodation. The Master Plan followed a process of systematic community engagement and local decision making. It is consistent with the Council's vision of the Busselton Foreshore as the principal playground and recreation space for residents and visitors.

The Busselton Foreshore redevelopment project has been delivered in three stages over a decade of development. The result is a thriving destination that is enjoyed by locals and visitors alike with a visitor centre and exhibition space, a skate park, a nautical-themed playground and walking promenades.

The next stage of the redevelopment will integrate open space and public facilities with existing commercial leases and new private investment. Ground lease revenues from commercial venues will be directed to maintenance and preservation of the iconic Busselton Jetty and foreshore area reducing the burden on ratepayers both now and into the future.

Redevelopment of this area (known as Hotel Site 1) will connect the Busselton Foreshore, Cultural Precinct and Busselton CBD by removing the former barrier of use to this area by the Busselton Tennis Club. The new car park and landscaping works will link the Esplanade Hotel and Marine Terrace to the Busselton Foreshore. As a result, significant additional parking for the Foreshore and the new Busselton Entertainment Arts and Cultural Hub (BEACH) will be provided.

OFFICER COMMENT

The RFT was issued as a Public Tender on Saturday 30 November 2020 and closed at 2:00p.m. on Tuesday 14 January 2020. The invitation to tender was advertised in the 'West Australian' newspaper. The City received five (5) compliant tender responses from the following contractors:

- BCP Contractors Pty Ltd
- Cape to Cape Excavations Pty Ltd
- Civilcon (WA) Pty Ltd
- Industrial Roadpavers (WA) Pty Ltd
- Leeuwin Civil Pty Ltd

Assessment Process

In accordance with the City's procurement practices and procedures, tender assessments were carried out by a tender evaluation panel comprising City officers with relevant skills and experience. The tender assessment process included:

- Assessing tenders received against relevant compliance criteria. The compliance criteria were
 not point scored. Each submission was assessed on a Yes/No basis as to whether each
 criterion was satisfactorily met. All tenders were deemed compliant.
- Assessing tenders against the following qualitative criteria:

Criteria	Weighting
Relevant Experience	20%
Local Benefit	5%
Respondent's Resources	15%
Demonstrated Understanding	20%

A scoring and weighting system was used to assess the tenders against these qualitative criteria.

The extent to which a tender demonstrated greater satisfaction of each of the qualitative criteria resulted in a greater score. The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the City, based on principles of best value for money. That is, although price was a consideration, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.

Summary of Assessment Outcomes

The outcome of the evaluation panel's assessment was as follows:

Rank	Company	Summary
		Strong submission. Industrial Roadpavers have 50 years' experience in civil projects similar in scope.
		Recent experience relevant to Hotel Site 1 in Perth working for State Government on hospital and school car parking projects.
1.	Industrial Roadpavers (WA) Pty Ltd	Fuel and accommodation sourced locally in Busselton.
		Large list of resources, subcontractors listed.
		Management personnel and job description provided.
		Detailed program provided illustrates good understanding of project scope and requirements. Lowest price tendered.
		Leeuwin Civil have experience working in and around townscape services, previous contracts awarded with similar detail required and stakeholder engagement.
2.	Leeuwin Civil Pty Ltd	Experience working on the foreshore.
		Support of local community and sporting groups. Good staffing, plant and equipment.
		Good understanding of project scope and requirements. Second lowest price tendered.
3. Cape to Cape Excavations Pty Ltd		Cape to Cape Excavations have some prior experience provided including Margaret River Senior High School and Busselton Toyota, although minor detail provided.
	Cape to Cape Excavations Pty Ltd	Support a range of local sporting and community groups.
		Good list of resources and materials and maintenance repair.
		Good detail provided in methodology, detailed program provided.

		Good range of local experience relevant to the project.
	4. BCP Contractors Pty Ltd	Support a range of local sporting and community groups.
4.		Good staffing, plant and equipment. No indication of landscape resourcing.
		Provided detailed works methodology and articulated a good understanding of the project requirements.
		Mostly buildings noted in previous experience that are not relevant to the scope of the project.
		Good regional experience.
5.	5. Civilcon (WA) Pty Ltd	Small list of resources - no grader or semi trucks.
		Minimal information relating to scope of works.
		Limited information in submission relating to landscape construction.

Statutory Environment

The contract value is greater than \$500,000, therefore, in accordance with section 5.43(b) of the *Local Government Act 1995* (the Act), read with Delegation 3J, the tender is required to go before the Council.

In terms of section 3.57 of the Act, a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and service. Part 4 of the *Local Government (Functions and General) Regulations 1996*:

- requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds \$150,000; and
- Regulations 11, 14, 18, 20 and 21A provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

With regard to the RFT, City officers have complied with abovementioned legislative requirements.

Relevant Plans and Policies

The City's purchasing policies and its occupational health and safety, asset management and engineering technical standards and specifications were all relevant to the RFT, and have been adhered to in the process of requesting and evaluating tenders.

Financial Implications

The 2019/20 budget allocated a total of \$1,000,000 to complete the project. Tender prices however have been submitted in excess of the allocated budget.

Staff have investigated potential project scope amendments to bring the costs in line with the budgeted amount. Unfortunately, the scope would have to be significantly amended to the point that the end result would not be in keeping with the overall foreshore concept.

The financial impact taking into consideration the costs of materials supplied by the City and the tendered price is described in the table below:

Description	Amount
19/20 Budget Allocation Busselton Foreshore Hotel site 1 Precinct	\$ 1,000,000
Tendered Price - Industrial Road Pavers (WA Pty Ltd)	-\$ 1,241,516
City provided materials (LED lights/Light fittings/Poles etc.)	-\$ 201,357
Less consultancy spent to date	-\$ 3,693
Total	-\$ 446,566

Officers have identified alternative funding sources to ensure that the project can be completed. It is therefore recommended that Council consider accessing funds from both the Parks and Gardens Reserve and the Car Park Reserve as well as the savings generated from the Busselton Tennis Club (BTC) project to fund the shortfall as follows:

Funding source Amour		ount
Parks and Gardens Reserve	\$	80,000
City Car Parking and Access Reserve	\$	166,566
Savings from BTC Project	\$	200,000
Total	\$	446,566

The BTC project was partially funded via a loan. The hotel site 1 works are part of the overall Busselton Tennis Club relocation and therefore the loan funds are able to be utilised.

Table 1: In order for Council to access the additional funding required, a budget amendment would need to be considered as follows:

Cost Code	Description	Current Amended Budget (\$)	Change (\$)	Resulting Proposed Amended Budget (\$)
Revenue				
Expenditure				
120.C3206.3280.0000	Landscaping Old Tennis club Site	500,000	80,000	580,000
120.C0053.3280.0000	Carpark on Hotel Site 1	500,000	366,566	866,566
120.C3113.3280.0000	Busselton Tennis Club Infrastructure	868,604	(200,000)	668,604
Reserve				
225.9103	Transfer from Parks and Gardens Reserve	(500,000)	(80,000)	(580,000)
114.9103	Transfer from City Car Parking and Access Reserve	0	(166,566)	(166,566)

9000-7054	Unspent Loan Funds for Busselton Tennis Club	(788,604)	200,000	(588,604)
9000-7054	Unspent Loan Funds to be utilised for carpark on Hotel Site 1 (BTC Project)	0	(200,000)	(200,000)
Net Total		580,000	\$0	\$580,000

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to the works.

Risk Assessment

An assessment of the potential implications of implementing the officer's recommendation has been undertaken using the City's risk assessment framework, with the intention being to identify risks which, following implementation of controls, are identified as medium or greater. There are no such risks identified, with the preferred tenderer assessed as being capable of delivering the services to a suitable service level and in line with the agreed program.

Options

The Council may consider the following alternate options:

- 1) To award the tender to an alternative tenderer/s. In the view of the Officers, this could result in the tender being awarded to a tenderer that is not most advantageous to the City.
- 2) To not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the construction of the Hotel Site 1 Precinct car park and associated works.

For the reasons provided in this report, the abovementioned options are not recommended.

CONCLUSION

It is recommended that Council accept the tender of Industrial Roadpavers (WA) Pty Ltd as the most advantageous to the City, subject to minor variations to be negotiated by the CEO, not exceeding the overall project budget. A budget amendment is also requested.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The selection of the Successful Tenderer can be made immediately after the Council has endorsed the officer recommendation, subject to successful negotiation in accordance with the officer recommendation.



ITEMS FOR DEBATE

12.12 <u>Airport Advisory Committee - 29/01/2020 - BUSSELTON MARGARET RIVER AIRPORT CAR</u> PARKING FEES

STRATEGIC GOAL 5. TRANSPORT Smart, connective and accessible

STRATEGIC OBJECTIVE 5.1 Public transport services that meet the needs of the community.

SUBJECT INDEX

BUSSELTON MARGARET RIVER AIRPORT

BUSINESS UNIT Commercial Services

REPORTING OFFICER Manager, Commercial Services - Jennifer May

AUTHORISING OFFICER Director, Community and Commercial Services - Naomi Searle

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

VOTING REQUIREMENT Absolute Majority

ATTACHMENTS Attachment A BMRA Proposed Public Parking Rates \(\bar{\partial} \) \(\bar{\partial} \)

Attachment B Airport Public Parking Rates Comparison.

This item was considered by the Airport Advisory Committee at its meeting on 29 January 2020, the recommendations from which have been included in this report.

Cr Henley foreshadowed an alternative motion prior to the meeting. In accordance with the City's *Standing Orders Local Law 2008*, the Committee Recommendation was moved and considered first.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2002/047 Moved Deputy Mayor K Hick, seconded Councillor R Paine

That the Council endorse:

- 1. Public parking fees for the Busselton Margaret River Airport public car park as listed in the Busselton Margaret River Airport Public Parking Fees (attachment A); and
- 2. The advertising of the Busselton Margaret River Airport Public Parking Fees in accordance with *Local Government Act WA 1995* for 7 days.

CARRIED 5/4

For the motion: Cr Hick, Cr Paine, Cr Cronin, Cr Carter, Cr Riccelli

Against the motion: Cr Henley, Cr Barrett-Lennard, Cr Cox, Cr Miles

EXECUTIVE SUMMARY

As a result of the introduction of Jetstar regular public transport (RPT) flights commencing in March 2020, it is anticipated there will be an increased demand in public car parking. As such, officers have undertaken a review of other airport fees and charges and recommend new public parking rates to be in effect prior to the commencement of Melbourne-Busselton RPT services on 25 March 2020.

BACKGROUND

In 2007, the first closed charter services for fly in fly out (FIFO) workers commenced from the BMRA with two flights per week. Since this time, the number of flights and passengers have fluctuated depending on the demand for FIFO workers by mining resource companies. In 2012/13, due to a considerable increase in FIFO charter flights (eight new flights within three months) and subsequent increase in FIFO passengers, parking at the BMRA had become an issue with some passengers paying for parking and many others parking on grassed areas within the BMRA precinct.

As such, officers presented a car parking upgrade proposal to Council in 2013, recommending the introduction of formalised parking areas, expansion and fencing of the existing gravel car park, and installation of car parking machines.

Officers also recommended replacing the existing parking rate based on a maximum period of three weeks parking with a daily parking rate. Council endorsed the recommendations and the secured gravel car park was constructed and the first pay machines installed in 2013/14.

In 2018, the landside component of the Airport Development Project included the construction of a new 422 bay public car park and installation of an automated car parking system which has been used by the FIFO passengers since June 2019. While the public car park is located 150m further away from the terminal building, the new car parking system offers patrons the ability to pay by EFTPOS and credit card and has been well received by FIFO workers.

Currently, parking in the public car park is charged at a rate of \$5.00 per day (incl GST) which is the same rate that was applied for parking in the previous dedicated FIFO gravel car park and which was considered appropriate for that particular situation.

The number of closed charter flights to mine site airports located in the North West is currently 12 per week and a total of 14,344 departing passengers were recorded for the 2018/19 financial year. Car parking revenue for the 2018/19 financial year totalled \$224,700.

In March 2020, RPT services will commence operating from the BMRA with the commencement of Jetstar Melbourne- Busselton direct flights. The introduction of RPT services will result in an increase in the number of people using the BMRA either as passengers, family and/or friends picking up or dropping off passengers. Regardless, it is expected there will be an increase in visitation and increased demand for public parking.

The new public car park will be the only short term and long term parking available to members of the public and FIFO passengers. Other parking areas such as drop off/ pick up zones, taxi, ride share, car hire, private charter vehicles and shuttle buses will have separate dedicated parking areas and be managed accordingly.

Hence with the commencement of RPT services and anticipated increased public parking, officers recommend the introduction of new public car parking fees while retaining the existing FIFO daily parking rate which will only be available to FIFO passengers.

OFFICER COMMENT

The development of the BMRA and the commencement of the Jetstar RPT flights in March will increase visitation and hence the requirement for formalised public car parking at the BMRA. The Development project has delivered the construction of the public car park and car parking systems which have been in use by FIFO passengers since June 2019. The increased car parking expected with the commencement of RPT services has identified a need to review the current parking rates and pricing structure, in particular paid public parking rates. On investigation of other regional airport and Perth Airport car parking fees, officers have considered the need to introduce paid public parking at rates that do not discourage the public from parking at the BMRA.

In determining the new public car parking fees, officers have collated car parking fees and charges from other regional airports within Western Australia and Perth Airport as a comparison (attachment B). Officers have also considered the frequency and number of flights per day, type of passengers (FIFO, community/residents and business) and facilities available at BMRA and other regional airports.

In summary, officers recommend the following:

- the first hour of parking continues to be free of charge;
- an increasing rate starting at \$5 be charged after the first hour through to 24 hours at a rate of \$10 for short term parking (less than 24 hours);
- long term parking to start at \$10 per day, decreasing to \$5 per from day 31; and
- the FIFO daily parking rate remain as is (however subject to an annual scheduled fees and charges increase in 2020).

The proposed fees for the BMRA public car park are as follows:

Time		BMRA Public Car Park Rate	
		(incl GST)	
Hrs	0-1	0	
Short term parking		5	
	1.5-2	5	
	2-3	5	
	3-4	5	
	4-5	6	
	5-6	6	
	6-7	7	
	7-8	7	
	8-9	8	
	9-10	8	
	10-11	9	
	11-12	9	
	12-24	10	
Long term parking	1 Day	10	
	2 Days	20	
	3 Days	30	
	4 Days	40	
	5 Days	50	
	6 Days	60	
	7 Days	70	
	8 Days	78	
	9 Days	86	
	10 Days	94	
	11 Days	102	
	12 Days	110	
	13 Days	118	
	14 Days	125	
	15+ Days	132	
	31	\$6/day	

The recommended parking rates are in some cases considerably lower than some of the regional airports such as Karratha Airport or Port Hedland International Airport, however the frequency of flights and options for travel are significantly different for the BMRA compared to these airports. In comparison to Geraldton or Albany Airports, which are more similar in terms of frequency of flights and passenger numbers, officers recommend slightly higher daily rates.

The recommendation to maintain the FIFO parking daily rate separate to the public parking rates is based on the following:

- continued support for the mining and resources industry and regional employment opportunities by having a reduced parking rate;
- high frequency of use FIFO passengers are regular, year-round users of the BMRA (with a variety of rosters in place i.e. 8-6, 2-1);
- while not all FIFO passengers are, a large majority are City of Busselton residents and ratepayers; and
- car parking rates for FIFO passengers have previously been set to an affordable level.

While officers recommend the FIFO daily parking rates are not increased to reflect the public parking rate of \$10/ day, officers do support an increase in the daily rate from \$5.00 per day to \$6.50 (incl GST) to account for charges associated with credit card processing and future maintenance of the new public car park. The proposed increase to the daily rate will be presented to Council for consideration as part of the annual budget, and fees and charges review. Using the annual review process will allow officers time to consult with FIFO passengers and provide notice of the parking rate increase.

Further, the new public car parking system will allow for different pricing structures and officers have consulted with the system provider to determine the process for allowing FIFO passengers to continue using a different daily rate, which will be the through the purchase of a car parking swipe card that can be restricted for use to coincide with FIFO charter flights only.

RPT passengers and members of the public (non FIFO) will be issued a parking ticket on entry into the car park and fees applied as per the public car parking fees when the ticket is presented at the car parking ticket payment machine or on exit from the car park.

Statutory Environment

Sections 6.16 – 6.19 and 1.7 of the Local Government Act 1995 refer to the imposition, setting the level of, and associated administrative matters pertaining to fees and charges. The requirement to review fees and charges on an annual basis is detailed within Regulation 5 of the *Local Government* (Financial Management) Regulations:

- 6.16 (3) Fees and charges are to be imposed when adopting the annual budget but may be -
- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.
- * Absolute majority required.
- 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.
- 1.7. Local public notice
- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
- (a) published in a newspaper circulating generally throughout the district; and
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is -
- (a) published under subsection (1)(a) on at least one occasion; and
- (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days

Relevant Plans and Policies

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

Financial Implications

There are no significant financial implications associated with the officer recommendation for the 2019/20 adopted budget. To meet the statutory requirements of the Local Government Act 1995, the proposed new fees must be advertised which can be covered by allocations in the approved 2019/20 Airport Operations budget.

Currently, City and contractor staff working at the BMRA do not pay for parking, with the introduction of public parking rates there may be fringe benefit tax implications for the City of Busselton and BMRA contractor employers. Officers will continue to review this matter.

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 such risks have been identified.

Options

As an alternative to the proposed recommendation the Council could:

- 1. Amend the officers recommended new public parking rates for short term and long term parking and maintain the FIFO daily parking rate;
- 2. Amend the officers recommended new public parking rates for short term and long term parking and propose an alternative FIFO daily parking rate; or
- 3. Apply a single daily parking rate for all parking including RPT passenger, members of the public and FIFO passengers at the existing daily parking rate (of \$5.00 per day incl GST) or of another amount considered appropriate.

CONCLUSION

The commencement of the new RPT services in March 2020 at the BMRA has highlighted the need for public parking rates to be introduced. The recommended rates have been compared with other regional airports and Peth Airport to ensure that they are a fair representation for the public and allow the City of Busselton to collect appropriate levels of revenue that can then be used for ongoing maintenance and future upgrades of the Airport infrastructure.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council endorsement of the Officers Recommendation, public notice of the City of Busselton's intention to introduce the new fees will be advertised for the minimum number of days. The expectation is that the new public car parking fees will be in place on or before the 25 March 2020 to coincide with the start of the new RPT flights.

Council

12.12

		BMRA Public Car Park Rate (incl
Time		GST)
Hrs	0-1	0
Short term parking	1-1.5	5
	1.5-2	5
	2-3	5
	3-4	5
	4-5	6
	5-6	6
	6-7	7
	7-8	7
	8-9	8
	9-10	8
	10-11	9
	11-12	9
	12-24	10
Long term parking	1 Day	10
	2 Days	20
	3 Days	30
	4 Days	40
	5 Days	50
	6 Days	60
	7 Days	70
	8 Days	78
	9 Days	86
	10 Days	94
	11 Days	102
	12 Days	110
	13 Days	118
	14 Days	125
	15+ Days	132
	31	\$6/day

393 Airport Public Parking Rates Comparison

		Perth Airport		Port			Kalgoorlie			BMRA Public Car Park
		(L/T)	Newman	Hedland	Karratha	Broome	Boulder	Albany	Geraldton	
Hrs	0-1	Free	Free	Free	Free			Free	Free	Free
Short tern	n 1-1.5	20	4	7	6		Fro Fro	Free	2	5
	1.5-2	20.6	4	7	6			Free	2	5
	2-3	23.4	5	10	8			Free	2	5
	3-4	25.4	7	10	9			Free	2	5
	4-5	28	8	13	10				2	6
	5-6	28	9	13	11		Free - first 24 hrs		max \$10/24 hrs	6
	6-7	28	13	16	12					7
	7-8	28	15	16	25					7
	8-9	28	16	25	25					8
	9-10	28	17	25	25					8
	10-11	28	22	25	25					9
	11-12	28	22	25	25					9
	12-24	28	22	25	25					10
Days	1 Day	56	12	17	18	15	10	\$8.80	5	10
long term	2 Days	83	24.00	34	34	30	20	\$17.60	10	20
	3 Days	96	36.00	51	50	45	30	\$26.40	15	30
	4 Days	107	48.00	68	66	60	40	\$35.20	20	40
	5 Days	117	60.00	85	82	75	50	\$44.00	25	50
	6 Days	130	72.00	102	98	90	60	\$52.80	30	60
	7 Days	141	84.00	119	114	105	70	\$61.60	35	70
	8 Days	147	96.00	136	130	120	80	\$70.40	40	78
	9 Days	158	106.00	153	146	135	90	\$79.20	45	86
	10 Days	169	116.00	170	162	150	100	\$88.00	50	94
	11 Days	180	126.00	187	178	165	110	\$96.80	55	102
	12 Days	191	136.00	204	194	180	120	\$105.60	60	110
	13 Days	202	146.00	221	210	195	130	\$114.40	65	118
	14 Days	215	156.00	238	224	210	140	\$123.20	70	125
	15+ Days	\$11/day	166.00	252	238	225	150	\$132.00	75	132
	31		\$8/day	\$10/day		240	\$10/day	rate	\$5/day	\$6/day

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

16. FINANCE AND CORPORATE SERVICES REPORT

Nil

18.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. **URGENT BUSINESS**

Nil

20. <u>CONFIDENTIAL REPORTS</u>

Nil

21. <u>CLOSURE</u>

The Presiding Member closed the meeting at 6.57pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 396 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 26 FEBRUARY 2020.

DATE:	PRESIDING MEMBER:	