# Ordinary Council Meeting (26 November 2025)

**ATTACHMENTS**

| Number | Title |
|---|---|
| 7.1.1(1) | Minutes of Ordinary Council Meeting held 22 October 2025 |
| 7.2.1(1) | Minutes of Special Council Meeting held 22 October 2025 |
| 7.2.2(1) | Minutes of Special Council Meeting held 12 November 2025 |
| 8.1.1(1) | Minutes of Bunbury Geographe Group of Councils Meeting held 16 October 2025 |
| 9.1.1(1) | Accendo – Works and Excavation Plan (Gravel) Oct 2025 V3 |
| 9.1.1(2) | Public submissions |
| 9.1.1(3) | Agency submissions |
| 9.1.1(4) | Assessment under Clause 67 |
| 9.1.1(5) | Applicant's comment on submissions. |
| 9.1.1(6) | Stages 1 and 2 |
| 9.1.2(1) | Environmental Management Plan Rev 0.6. |
| 9.1.2(2) | Development Approval P22022 - gravel extraction |
| 9.1.2(3) | Weed Management Plan |
| 9.1.2(4) | Water Management Plan |
| 9.1.2(5) | Noise Management Plan |
| 9.1.2(6) | Dust Management Plan |
| 9.1.2(7) | Pit Rehabilitation and Maintenance Management Plan |
| 9.1.2(8) | Dieback Brochure |
| 9.1.2(9) | Visual Impact Assessment |
| 9.1.2(10) | Agronomist Report |
| 9.1.2(11) | Complaint Register |
| 9.1.2(12) | Public Submissions |
| 9.1.2(13) | Agency Submissions |
| 9.1.2(14) | Assessment under Clause 67 |
| 9.1.3(1) | Development application documentation |
| 9.1.3(2) | Further information |
| 9.1.3(3) | Updated elevations |
| 9.1.3(4) | Public submissions |

| | |
|---|---|
| **9.1.3(5)** | Agency submissions. |
| **9.1.3(6)** | Assessment under Clause 67 |
| **9.1.4(1)** | Landgate map showing proposed extension of Cherrydale Way, Beelerup |
| **9.2.2(1)** | Monthly Financial Report – September 2025 |
| **9.2.3(1)** | Monthly Financial Report – October 2025 |
| **9.2.4(1)** | Code of Conduct for Council Members, Committee Members and Candidates |
| **9.2.6(1)** | Rates Exemption application - Donnybrook Arts and Crafts Group (DACG) |
| **9.2.7(1)** | Donnybrook Clock Tower Proposal |
| **9.2.8(1)** | Draft Right of Deed of Entry |
| **9.2.9(1)** | 2026 Council Meeting Reports and Agenda Cycle |

Shire of
Donnybrook Balingup

# Minutes of Ordinary Council Meeting

Held on 22 October 2025 and to commence after the Special Council Meeting
Held at the Council Chambers in Donnybrook
*(1 Bentley Street, Donnybrook)*

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**Authorised**:

Nick O'Connor, Chief Executive Officer

**Prepared:** 24 October 2025

| TABLE 2: MEASURES OF CONSEQUENCE | | | | | |
|---|---|---|---|---|---|
| Rating | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Health & Safety | First aid injuries | Medical treatment | Lost time injury of > 5 days | Notifiable incident | Fatality, permanent disability |
| Financial | Less than $2,000 | $2,000 - $20,000 Or < 5% variance in cost of project | $20,001 - $100,000 Or > 5% variance in cost of project | $100,001 - $1M | More than $1M |
| Service Interruption | No material service interruption | Temporary interruption to an activity – backlog cleared with existing resources | Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources | Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected | Indeterminate prolonged interruption of Service Unit core service deliverables |
| Compliance/ Legal | No noticeable regulatory or statutory impact | Some temporary non compliances | Short term non-compliance but with significant regulatory requirements imposed | Non-compliance results in termination of services or imposed penalties | Non-compliance results in criminal charges or significant damages or penalties |
| Reputation | Unsubstantiated, localised low impact on community trust, low profile or no media item | Substantiated, localised impact on community trust or low media item | Substantiated, public embarrassment, moderate impact on community trust or moderate media profile | Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions | Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions |
| Community | No noticeable effect on constituents, community, organisations, businesses, services, etc. | Limited effect on constituents, community, organisations, businesses, services, etc. | Moderate and manageable effect on constituents, community, organisations, businesses, services, etc. | Substantial effect on constituents, community, organisations, businesses, services, etc. | Devastating effect on constituents, community, organisations, businesses, services, etc. |
| Property | Inconsequential or no damage. | Localised damage rectified by routine internal procedures | Localised damage requiring external resources to rectify | Significant damage requiring internal & external resources to rectify | Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building |
| Environment | Contained, reversible impact managed by on site response | Contained, reversible impact managed by internal response | Contained, reversible impact managed by external agencies | Uncontained, reversible impact managed by a coordinated response from external agencies | Uncontained, irreversible impact |

| TABLE 3: MEASURES OF LIKELIHOOD | | |
|---|---|---|
| Rating | Description | Frequency |
| Almost Certain (5) | The event is expected to occur in most circumstances | More than once per year |
| Likely (4) | The event will probably occur in most circumstances | At least once per year |
| Possible (3) | The event should occur at some time | At least once in 3 years |
| Unlikely (2) | The event could occur at some time | At least once in 10 years |
| Rare (1) | The event may only occur in exceptional circumstances | Less than once in 15 years |

| TABLE 4: RISK MATRIX | | | | | | |
|---|---|---|---|---|---|---|
| | | Consequence | | | | |
| | | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Likelihood | Almost Certain (5) | Moderate (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| | Likely (4) | Low (4) | Moderate (8) | High (12) | High (16) | Extreme (20) |
| | Possible (3) | Low (3) | Moderate (6) | Moderate (9) | High (12) | High (15) |
| | Unlikely (2) | Low (2) | Low (4) | Moderate (6) | Moderate (8) | High (10) |
| | Rare (1) | Low (1) | Low (2) | Low (3) | Low (4) | Moderate (5) |

| TABLE 5: RISK TOLERANCE CRITERIA | | | |
|---|---|---|---|
| Risk Rank | Description | Criteria For Risk Tolerance | Responsibility |
| Low | Tolerated | Risk tolerated with adequate controls, managed by routine procedures and subject to annual monitoring | Operational Manager |
| Moderate | Monitor | Risk tolerated with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Operational Manager |
| High | Urgent Attention Required | Risk tolerated with effective controls, managed by senior management / executive and subject to monthly monitoring | Director / CEO |
| Extreme | Unacceptable | Risk only tolerated with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring | CEO / Council |

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## 1. Declaration of Opening / Announcement of Visitors

**Acknowledgement of Country:**

The Presiding Member acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Presiding Member declared the meeting open at 5:26pm and welcomed the public gallery.

The Presiding Member advised that the session is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Presiding Member further stated the following:

> *"This meeting is being livestreamed and digitally recorded in accordance with Council Policy. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.*
> *Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording."*

## 2. Attendance (OCM)

**Councillors Present:**

| | | |
|---|---|---|
| Cr John Bailey | Cr Alexis Davy | Cr Lisa Glover |
| Cr Tyler Hall | Cr Anita Lindemann | Cr Vivienne MacCarthy |
| Cr Amanda McNab | Cr Grant Patrick | Cr Alex Purich |

**Staff Present:**

| | |
|---|---|
| Nick O'Connor, Chief Executive Officer | Ross Marshall, Director Operations |
| Loren Clifford, Acting Director Finance and Corporate | Meta Hazeldine, Manager Financial Services |
| Michelle Dennis, Manager Development Services | Samantha Farquhar, Administration Officer Corporate Services |

**Other Members Present:**

Public Gallery: 8 members of the public were in attendance.

Suspension of clause 8.2 (members to rise) of *Meeting Procedures Local Law 2017.*

- At the start of each council meeting a resolution should be carried suspending clause 8.2 (members to rise) of the Standing Orders as having councillors stand when debating interferes with the sound quality for livestream.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 188/10-25 | | |
| **MOVED BY:** | Cr Alexis Davy | **SECONDED BY:** | Cr Alex Purich |

**That Council Suspend clause 8.2 (members to rise) of the Standing Orders**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

### 2.1. Apologies

Nil.

### 2.2. Approved Leave of Absence

Nil.

### 2.3. Application for Leave of Absence

Nil.

## 3. Announcements from the Presiding Member

Do you know someone who's making a real difference in our community?
The Community Citizen of the Year Awards, run through Auspire – Australia Day Council WA, give local governments across Western Australia the chance to celebrate individuals and groups who go above and beyond to make our communities better.

These awards honour outstanding contributions in areas such as Education, health, arts, environment, social inclusion, sport, business and employment, fundraising, voluntary services, or any other area that helps build a stronger, more vibrant community.

Award Categories:

1. Community Citizen of the Year– for individuals aged 16+
2. Young Community Citizen of the Year– for individuals aged 16–30
3. Senior Community Citizen of the Year - over 65 years

4. Active Citizenship – for groups or events

We strongly encourage individuals to consider submitting a nomination.

Tickets are available now for Taking Liberty which is being held at 6:00pm on Tuesday 16 December 2025, in the Donnybrook Memorial Hall.

# 4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors, Committee Members and staff to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Purich declared an impartiality interest regarding item 9.1.3, as he resides on Brookhampton Road, and his family owns property on Brookhampton Road in the affected area.

# 5. Public Question Time

## 5.1. Responses to previous public questions that were taken on notice

Nil.

## 5.2. Public Question Time

Nil.

# 6. Presentations

## 6.1. Petitions

Nil.

## 6.2. Presentations

Nil.

## 6.3. Deputations

Please note that no new information is to be raised during the deputation.

Kanella Hope in relation to item 9.1.1 (Presented at the Agenda Briefing held 15 October 2025).

## 6.4. Delegates' Reports

Conference Report: Lean into Legacy – Local Government Insights – Cr MacCarthy and Cr Glover (Attachment 6.4(1)).

## Adoption by Exception

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 189/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That Council adopt the following items 'En-bloc' and resolves in accordance with each of the Executive Recommendations:**

**7.1.1 Ordinary Council Meeting held on 25 September 2025**
**7.2.1 Special Council Meeting held on 9 October 2025**
**8.1.1 Bush Fire Advisory Committee Meeting held on 9 October 2025**
**9.1.2 Temporary Accommodation Request – 9 (Lot 56) Macrozamia Retreat, Donnybrook**
**9.1.4 SODB Response to SWRRG Elected Members Meeting Motion**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

# 7. Confirmation of Minutes

## 7.1 Ordinary Council Meeting Minutes

### 7.1.1 Ordinary Council Meeting held on 25 September 2025

Minutes of the Ordinary Council Meeting held 25 September 2025 are attached as Attachment 7.1.1(1).

**Executive Recommendation:**

**That the Minutes from the Ordinary Council Meeting held 25 September 2025 be confirmed as a true and accurate record.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 190/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That the Minutes from the Ordinary Council Meeting held 25 September 2025 be confirmed as a true and accurate record.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by en-bloc resolution 189/10-25** |

## 7.2 Special Council Meeting Minutes

### 7.2.1 Special Council Meeting held on 9 October 2025

Minutes of the Special Council Meeting held 9 October 2025 are attached as Attachment 7.2.1(1).

**Executive Recommendation:**

**That the Minutes from the Special Council Meeting held 9 October 2025 be confirmed as a true and accurate record.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 191/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That the Minutes from the Special Council Meeting held 9 October 2025 be confirmed as a true and accurate record.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by en-bloc resolution 189/10-25** |

# 8. Reports of Committees

## 8.1 Committee Meeting Minutes

### 8.1.1 Bush Fire Advisory Committee Meeting held on 9 October 2025

Minutes of the Bush Fire Advisory Committee Meeting held 9 October 2025 are attached as Attachment 8.1.1(1).

**Executive Recommendation:**

**That the Minutes from the Bush Fire Advisory Committee Meeting held 9 October 2025 be received.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 192/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That the Minutes from the Bush Fire Advisory Committee Meeting held 9 October 2025 be received.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by en-bloc resolution 189/10-25** |

# 9. Reports of Officers

## 9.1. Director Operations

### 9.1.1. Development Application P25029 – Cherry Stall relocation, new coffee/food van and pylon sign at Lot 1 (18190) South Western Highway, Donnybrook

**Report Details:**

**Prepared by:** Principal Planner

**Manager:** Manager Development Services

**Applicant:** Kanella Hope (Planned Focus)

**Location:** Lot 1 (18190) South Western Highway, Donnybrook

**File Reference:** A757 (P25029) **Voting Requirement:** Simple Majority

**Attachment(s):**

9.1.1 (1) Planned Focus – Development application proposal
9.1.1 (2) Public submissions
9.1.1 (3) Government agency submissions
9.1.1 (4) Assessment under Clause 67

**Executive Recommendation**

**That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25029 for the relocation of the Cherry Stall (Wayside Stall) and establishment of the new coffee/food van and pylon sign at Lot 1 (18190) South Western Highway, Donnybrook subject to the following conditions and advice:**
**Conditions:**

1. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans, including any notations, and must not be altered or modified without the further written consent of the Shire.**
   **Approved Plans:**
   a) **Planned Focus - Licciardello Cherry Stall Relocation Plan No: 1160-5-001 (Rev B: dated 21.4.2025); and**
   b) **Advertising Sign.**
2. **The coffee/food van may only operate when the Cherry Stall (Wayside Stall) is open.**
3. **Prior to the commencement of the development, an application for a vehicular crossover is to be submitted to, and approved by, the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.**
4. **Prior to the commencement of the use, sight line improvement works will be required on Bendall Road and any alterations, relocation or damage of existing infrastructure within the**

**road reserve must be completed and reinstated to the specification and satisfaction of the Shire.**

5. **All vehicular parking is to be wholly within the site at all times.**
6. **No vehicle access is permitted to or from South Western Highway.**
7. **Prior to the commencement of the use, the parking bays demonstrated on the approved site plan shall be constructed and drained and clearly designated. In addition, all internal areas accessing the parking bays are to be constructed to a compacted gravel all weather standard and drained to the satisfaction of the Shire and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.**
8. **All stormwater from the proposed development including building(s) and hardstand area(s) shall be managed onsite by the landowner in perpetuity, in accordance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017* to the satisfaction of the Shire.**
9. **Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding properties, including any infrastructure, to the satisfaction of the Shire.**
10. **Prior to the commencement of the use, a waste management plan for the use of temporary toilets is to be submitted to, and approved by, the Shire's Environmental Health Services. The waste management plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire.**
11. **All landscaping shown on the approved site plan shall be installed within 12 months of the occupation of the development and maintained thereafter to the satisfaction of the Shire.**
12. **No part of the construction of the approved pylon sign (including any footings etc.) shall encroach over the property boundary.**
13. **Signage is to be continually maintained by the landowner to the satisfaction of the Shire including;**
    a) **The sign is not to be illuminated;**
    b) **Shall be designed and constructed in such a manner that the composite construction of the sign panel, supports and fixings will not cause injury or major damage if struck by a vehicle, cyclist or pedestrian, or becomes dislodged for any reason.**
    c) **Removal within 24 hours should any sign be damaged;**
    d) **Replacement and/or repairs; and**
    e) **Removal of any graffiti within 3 working days.**

**Advice Notes:**

a) **The Shire's Planning Services advise:**
    (i) **It is the landowner's responsibility to ensure that Main Roads WA approvals are in place prior to the installation of any signage. This may require a separate application for the installation of signage to be submitted to Main Roads WA for approval in accordance with Main Roads' 'Policy and Application Guidelines for Advertising Signs within and beyond State Roads Reserves.'**

**(ii) Limited Aboriginal heritage surveys have been conducted in the surrounding area. Therefore, the landowner is advised of ongoing obligations under the *Aboriginal Heritage Act 1972*, including the requirement to cease works and notify authorities should any unregistered sites or artefacts be identified during ground disturbance.**

**b) The Shire's Works and Services advise:**

**(i) The new crossover onto Bendall Road will need to be constructed at a sealed standard.**

**(ii) With regards to conditions relating to all internal driveways and accessways, these should be designed to ensure appropriate management of stormwater and to be constructed of suitable surface so as not to cause adverse impacts to adjoining properties or on-site operations.**

**c) The Shire's Environmental Health Services advise:**

**(i) The Landowner is required to submit a management plan for the use of temporary toilets, to the satisfaction of the Shire's Environmental Health Services. This must include servicing and cleaning arrangements and demonstrate compliance with the Guideline for the management of public health risks associated with temporary toilets in Western Australia. The temporary toilet must be an accessible toilet. Use of temporary toilets for the combined use of patrons and staff will not be supported on a permanent basis. Use of temporary toilets will be permitted for up to 2 years from the date of completion. After this date, an application to install an onsite effluent disposal system must be lodged with the Shire for approval. A site and soil evaluation must accompany any future onsite effluent disposal application.**

**(ii) The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the Shire of Donnybrook-Balingup Environmental Health Services on (08) 9780 4205.**

**d) Department of Water and Environmental Regulation (DWER) advise:**

**(i) DWER provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. Available floodplain mapping for the Preston River through Donnybrook stops around 1.5 kilometre upstream of the Lot.**

**(ii) Based on the 1 in 100 AEP flood level of 54.57m AHD at the limit of mapping, DWER estimate the 1 in 100 AEP flood level applicable to the Lot is ~ 54.0m AHD.**

**(iii) Based on the floodplain management strategy for the area, proposed development (i.e., filling, building, etc) on the lot is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 54.5m AHD is recommended to ensure adequate flood protection.**

**(iv) Please note that non-habitable developments (e.g. garages, sheds, workshops, etc) may not require such a high level of flood protection. However, should development occur below the recommended level, all electrical installations should be located above the recommended minimum habitable floor levels and suitably insulated to increase resilience to major flooding.**

e) **If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**

f) **If applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

## Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 9 - A thriving economy.

**Objective:** 9.2 - Attract and retain a diverse mix of businesses and investment opportunities.

**Item:** Nil.

## Executive Summary

The purpose of this report is for Council to consider an application for development approval for the relocation of the existing cherry stall from Lot 873 to Lot 1 (18190) South Western Highway, Donnybrook, with vehicle access proposed via Bendall Road, rather than directly from the South Western Highway.

According to the application, the relocation is intended to enhance customer safety by avoiding direct access from the highway and reducing potential traffic conflicts. The proposal also includes the installation of advertising signage to support the visibility and operation of the relocated stall and establishment of a coffee/food van.

In accordance with the Shire's Delegation Register, Officers do not have delegation to determine development applications where objections have been received. In this instance, two (2) objections and three (3) submissions in support were received.

Following assessment, Officers consider the proposal to be acceptable, subject to appropriate conditions and advice notes. These address key planning considerations, agency referrals, and public submissions. It is therefore recommended that Council approve the application, subject to the conditions outlined in the Executive Recommendation.

## Background

*Proposal*

The proposal involves relocating the existing cherry stall from its current location on Lot 873 to a new position on Lot 1, with vehicle access via a new crossover from Bendall Road, approximately 52 metres from the South Western Highway intersection. The intention is to improve vehicle safety and provide a more functional and accessible site layout.

Key features of the proposed development include:

- A total cleared area of approximately 4,400m².
- Relocation of the existing stall.
- A one-way internal access route, designed to accommodate passenger vehicles and caravans, constructed in compacted gravel to an all-weather standard.
- A car parking area comprising:
    - 22 standard car parking bays, and
    - 4 caravan parking bays.
- A new 15-metre-wide bitumen crossover onto Bendall Road.
- A central grassed area including:
    - The cherry stall sea container,
    - A pad site for a coffee/food van (to operate on a self-contained basis),
    - A small playground with picnic tables.
- Landscaping around the playground and central stall area, including the planting of shade trees to provide customer amenity.
- A farm-style post and wire fence along all boundaries to delineate the stall area from the highway and adjacent orchard operations.
- A post-and-rail fence to provide visual and physical separation around the central customer area and playground.
- Installation of a non-illuminated advertising sign in the south-western corner of the site, proposed to:
    - Reach a maximum height of 3.5 metres,
    - Be triangular in shape, up to 3 metres wide.
- Opening hours: daylight hours, 7 days a week, year-round, with peak periods expected on weekends, public holidays, and during seasonal events (e.g. cherry season in summer).
- Provision of a self-contained, trailer-mounted unisex toilet, to be serviced regularly by a commercial contractor.
- On-site bins for waste disposal, to be regularly emptied and maintained by the operator.
- The stall will continue to primarily sell produce grown on the property, with some flexibility for complementary, incidental, or value-added products.

Below in Figure 1 is the development application site plan:

Figure 1 – Development Application Plan

Below in Figure 2 is the sign plan:

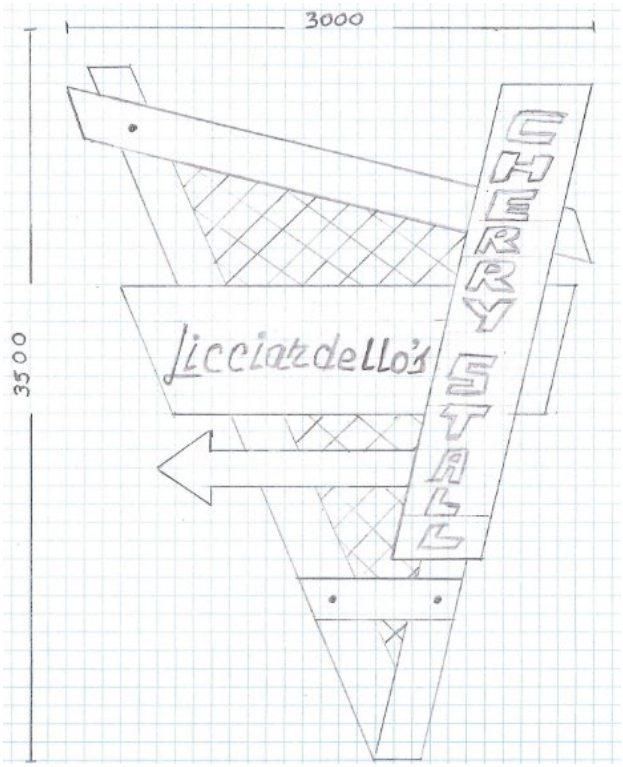


Figure 2 – Sign Plan

*Location*

The northern part of Lot 1 (18190 South Western Highway, Donnybrook) is approximately 5.2 hectares in area and is located on the northern side of the South Western Highway, within a 110 km/h speed zone, approximately 3 kilometres west of the Donnybrook townsite.

The subject site is located on the corner of Bendall Road and South Western Highway, as illustrated in Figure 4 below. The lot is zoned Priority Agriculture under the Shire of Donnybrook-Balingup Local Planning Scheme No.7 (LPS7), and currently contains an established avocado orchard.

The proposal requires the clearing of approximately 4,400m² of avocado trees within the orchard area. The cleared area will be backfilled and levelled to create a suitable development pad for the relocated cherry stall and associated facilities.

As previously noted, vehicular access to the site is proposed via Bendall Road, which is a local road under the Shire's control, rather than directly from the South Western Highway.

Figure 3 - Lot 1 bordered in red showing surrounding uses.

Figure 4 – Showing location of existing cherry stall and proposed relocation at Lot 1.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Environment | Possible | Moderate | Low (3) |
| Risk Description: | Flooding and bushfire. | | |
| Mitigation: | The site has been assessed for bushfire risk, and a Bushfire Attack Level (BAL) assessment has identified a BAL–Low, confirming that the bushfire risk is minimal.<br>In relation to potential flooding and stormwater impacts, Officers recommend that, if approval is granted, a condition be imposed requiring stormwater to be managed on site. This will ensure that any land use impacts and potential off-site effects are appropriately managed to an acceptable level. DWER has also recommended minimum finished floor levels to minimise flood damage. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Possible | Insignificant | Low (3) |
| Risk Description: | Impact on local community due to operations. | | |
| Mitigation: | Conditional development approval and compliance. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Health | Unlikely | Minor | Low (4) |
| Risk Description: | The proposal includes the use of a self-contained, portable toilet for staff and customer use. This arrangement has been supported by the Shire's Environmental Health Services for a limited period only. Beyond this initial two year period, the landowner will be required to install a permanent effluent disposal system that complies with the Government Sewerage Policy and relevant health regulations. | | |

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| Mitigation: | Conditional development approval, including time-limited use of the portable toilet facility. Requirement for the landowner to upgrade to a compliant effluent disposal system within a specified timeframe. |

## Financial Implications

The landowner has paid all relevant application fees. If Council refuses the application the landowner may exercise the right to have the decision reviewed by the State Administrative Tribunal. If that is the case, then it may be likely that there will be additional resourcing required (staff time and/or the cost of appointing a consultant to represent the Shire).

## Policy Compliance

*Local Planning Policy 9.6 – Signage/Advertisement (LPP9.6)*

The proposal includes the installation of a new pylon sign, approximately 3.0 metres wide (at its broadest point) and 3.5 metres high, to be located at the corner of South Western Highway and Bendall Road, in front of the proposed relocated cherry stall. The sign is intended to improve wayfinding and promote visibility of the stall for passing traffic.

The sign is required to be assessed against:

- Local Planning Policy 9.6 – Signage/Advertisement (LPP9.6),
- Clauses 4.45 and 4.46 of the Shire of Donnybrook-Balingup Local Planning Scheme No.7 (LPS7),
- The subject site is located within Special Control Area 7 – Road Protection Area, which imposes additional controls to maintain the visual character, amenity, and function of major travel routes, including South Western Highway.

A full assessment against Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* is provided in Attachment 9.1.1(4), part (g) relates specifically to the assessment of the sign.

The proposed pylon sign has been assessed and is considered appropriate and consistent with the objectives of LPS7 and LPP9.6, for the following reasons:

- The sign will enhance wayfinding and visibility of the business from the Highway, contributing to traffic safety by clearly directing customers to the new access point on Bendall Road.
- It is non-illuminated, and directly related to the rural/agricultural use on the property.
- Its location within the Road Protection Area is acceptable due to its low visual impact, rural design, and direct relevance to the on-site activity.

## Statutory Compliance

A full assessment of the proposal has been undertaken against the provisions of Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Donnybrook-Balingup Local Planning Scheme No.7 (LPS7). This assessment is provided in Attachment 9.1.1(4).
Where elements of the proposal require the exercise of planning discretion, further clarification relating to it and justification are provided within the Officer Comment section of this report.

The proposal is considered to generally comply with the relevant statutory framework, subject to the recommended conditions of approval.

## Consultation

*Consultation with Government/Service Agencies*

The application was referred to the following government departments and service agencies for comment during the period 27 May 2025 to 8 July 2025:

- Department of Primary Industries and Regional Development (DPIRD)
- Department of Planning, Lands and Heritage (DPLH)
- Department of Health
- Main Roads Western Australia (MRWA)
- Department of Water and Environmental Regulation (DWER)

Referral included a written notice and a copy of the submitted plans. Copies of the government agency submissions are provided in Attachment 9.1.1(3).

The key issues raised through the referral process, along with Officer responses, are summarised below:

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| Submission summary - Department of Planning, Land and Heritage (DPLH)<br>A review of the Register of Places and Objects and the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database confirms that the subject site does not intersect any known Aboriginal heritage sites or places. As such, no approvals under the *Aboriginal Heritage Act 1972* (AHA) are required at this time.<br>However, it is noted that limited Aboriginal heritage surveys have been conducted in the surrounding area. Therefore, the landowner will be advised of their ongoing obligations under the AHA, including the requirement to cease works and notify authorities should any unregistered sites or artefacts be identified during ground disturbance. | Officer comment:<br>The comments from DPLH are noted. An advice note will be included on the development approval, reminding the landowner of their responsibilities under the *Aboriginal Heritage Act 1972* (where applicable). |
| Submission Summary – Main Roads WA:<br>Main Roads WA (MRWA) provided a submission stating that they have no objection in principle to the proposed relocation of the cherry stall and associated signage on Lot 1, subject to several comments and conditions. A | Officer comment:<br>Officers acknowledge that MRWA does not object to the proposal in principle, including the relocated cherry stall and associated signage on Lot 1. However, the recommendation to remove the existing crossover on Lot 873 cannot be enforced through this application, for the following reasons: |

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| summary of key points raised by MRWA includes:<br>Access and Crossover Concerns:<br>• MRWA notes that while the application applies only to Lot 1, it references proposed downgrading of an existing access on Lot 873 (South Western Highway), currently servicing the existing cherry stall.<br>• MRWA's position is that multiple crossovers to South Western Highway are not supported, in line with its access management policy.<br>• MRWA requires removal of the existing unsealed crossover on Lot 873, including associated gates and reinstatement of the roadside drain.<br>• Any works in the MRWA road reserve require prior approval and an application to undertake roadworks.<br>Signage Conditions:<br>MRWA has no objection to the proposed signage, subject to conditions including:<br>• Static, non-illuminated signage only.<br>• No overhanging or encroachment into the road reserve.<br>• Maximum display area not to exceed what is proposed.<br>• No digital or reflective content.<br>• No vegetation trimming within the road reserve for visibility.<br>• Sign construction must meet safety standards.<br>• Future modifications require MRWA agreement.<br>General Advice:<br>MRWA reserves the right to reassess the signage if changes occur to the road network or infrastructure in future. | • The current application applies only to Lot 1, and does not include Lot 873 within the development footprint or legal boundaries of the proposal.<br>• While the existing crossover on Lot 873 is referenced in the application, it is outside the scope of this development approval and therefore cannot be conditioned under the *Planning and Development (Local Planning Schemes) Regulations 2015*.<br>The landowner has advised that the existing crossover on Lot 873 will be:<br>"... downgraded and used only for farm-related purposes, such as occasional lime deliveries and access to orchard areas on the opposite side of the highway. There is no alternative access point to this part of the farm."<br>To ensure transparency MRWA's recommendations was provided to the landowner and MRWA was advised to consult directly with the landowner of Lot 873 regarding any ongoing access concerns.<br>Regarding the proposed signage, Officers confirm that it:<br>• Meets the requirements of LPS7 and Local Planning Policy 9.6 (LPP9.6);<br>• Is static, non-illuminated, and appropriately scaled;<br>• Is entirely within private property boundaries, with no encroachment into the MRWA road reserve.<br>The following advice will also be included in the approval notification to the landowner:<br>*"It is the landowner's responsibility to obtain all necessary approvals from Main Roads WA prior to installation of any signage. This may include a separate application under Main Roads' 'Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves.'"* |
| Submission summary - Department of Primary Industries and Regional Development (DPIRD):<br>DPIRD has no objection to the proposed relocation of the existing cherry stall to Lot 1, | Officer comment:<br>The comments from DPIRD are noted. The proposed access arrangement via Bendall Road is consistent with the objectives of the Local Planning |

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| with access proposed from Bendall Road rather than directly from the South Western Highway, which aligns with Main Roads WA's preference for access via local roads. | Scheme No. 7 (Clause 4.32.2), which discourages direct access to major roads where suitable access is available from side streets. |
| Submission summary - Department of Water and Environmental Regulation (DWER):<br>DWER does not object to the proposal however we have identified it has the potential for impact on environmental management. Key issues and recommendations are provided below, and these matters should be addressed:<br><br>Issue: Water Supply<br>Advice: The following advice note is recommended to be applied:<br>All facilities on the subject lot are proposed to be self-contained and therefore expected to be self-servicing in terms of water supply.<br><br>Issue: Wastewater Management<br>Advice: The following management condition is recommended to be applied:<br>The transportable toilet will be self-contained and emptied routinely by an appropriately registered and authorised service provider.<br><br>Issue: Stormwater Management<br>Advice: The following management condition is recommended to be applied:<br>A stormwater management plan and/or design for the developable area shall be submitted prior to approval, to the satisfaction of the Shire of Donnybrook - Balingup.<br><br>Issue: Flood Management<br>Advice: The topography of the subject lot is below the estimated 1 in 100 year AEP flood level of ~ 54m and maybe subject to flood. | Officer comment:<br>The comments and recommendations from DWER are noted. The suggested conditions and advice notes will be incorporated into the development approval, consistent with the advice from the Shire's Internal Departments. |

*Public Submissions*

As part of the public consultation process, letters were sent to adjoining and nearby landowners within a 500m radius of the subject property, inviting comment on the proposal. The consultation period ran from 29 May 2025 to 12 June 2025.

At the close of the formal advertising period, the Shire had received three submissions in support of the application and was preparing to grant development approval under Delegation 9.2.1.

While delegated officers were finalising assessment of the application in consultation with the applicant and landowner, two additional submissions were received. These submissions raised concerns relating to:

- the extent of commercial and retail use of the property; and
- potential traffic congestion and safety impacts.

Although these submissions were not made within the specified advertising period, they were received prior to a final determination being made. For these reasons and to allow procedural fairness:

- the submissions are required to be treated as objections for the purposes of Delegation 9.2.1;
- the grounds raised (retail/commercial use and traffic safety) constitute valid planning considerations, irrespective of whether Council agrees with them; and
- the nature of the submissions is such that the issues raised cannot be addressed by minor variations or conditions of approval, as they relate to fundamental aspects of the proposed development.

Accordingly, while the application could have been determined under delegation prior to the late submissions being brought forward, it is no longer capable of being determined under Delegation 9.2.1. The matter is therefore required to be referred to Council for determination.

Copies of the public submissions are provided in Attachment 9.1.1(2).

The key issues raised during the consultation process are summarised below, along with Officer responses:

| Key issue | Officer response |
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| • Impact on Donnybrook's rural character and tourism identity: The objector emphasises the importance of maintaining the South Western Highway approach into Donnybrook as a scenic route known for traditional roadside fruit stalls, suggesting the proposal detracts from this image.<br>• Comparison to Crooked Carrot-style development: | This objection raises a combination of strategic, procedural, and amenity concerns. Issues relating to land use definition, traffic safety, and planning compliance have been addressed through the planning assessment. Conditions and advice notes are recommended to ensure the development remains consistent with rural planning objectives, including controls on signage, parking, access, and operational scale. |

| Key issue | Officer response |
|---|---|
| The proposal is likened to a larger commercial operation (e.g., Crooked Carrot), which the objector notes is located further from town centres. They express concern that this proposal, being only 3km from Donnybrook, will negatively affect local businesses and traffic.<br>• Accuracy of proposal claims:<br>  ○ Disputes the claim that the cherry stall has operated for 12 years (claims only 7 years).<br>  ○ Questions whether Main Roads WA actually requested the relocation.<br>  ○ Suggests the landowner has operated multiple roadside stalls on the property without proper approval.<br>  ○ Notes the existing packing shed site should be used instead.<br>• Nature of the use (retail vs wayside stall): The objector argues that the operation functions more like a retail shop, not a wayside stall, referencing the admission in the proposal that the use doesn't fully align with the wayside stall definition.<br>• Concerns about produce sourcing: Notes that the landowner only grows three types of produce (avocados, cherries, pears) and alleges that other produce is sourced from Canning Vale Markets, questioning compliance with planning intent for wayside stalls.<br>• Consultation scope: Queries how many landowners were notified and whether Donnybrook town centre businesses were consulted, given the potential commercial impact of a coffee/food van and a playground so close to town.<br>• Traffic and road safety concerns: Raises safety concerns with increased traffic, including buses and caravans, on Bendall Road, particularly during holiday periods. Believes the relocation will | The application has been assessed as a "wayside stall", not a retail shop, and appropriate conditions will limit its use accordingly.<br><br>As the definition of "wayside stall" does not expressly exclude produce not produced on-site the sale of produce not grown on the property can be considered reasonably incidental to the predominant sale of produce from the property. To prohibit the sale of other produce is considered an unduly narrow interpretation of the Scheme definition. |

| Key issue | Officer response |
|---|---|
| create new safety issues, rather than solve existing ones.<br>• Questioning the proposal's intent and planning alignment:<br>The objector questions the long-term expectation for the site, implying that the scale and cost of the proposal indicate intentions beyond a seasonal stall, potentially conflicting with rural zoning objectives.<br>• Planning Strategy Reference:<br>Refers to Clause 5.4 of the Shire's Local Planning Strategy, arguing the proposal may conflict with the objectives for Priority Agriculture zoning by:<br>o Removing productive orchard land;<br>o Introducing a non-rural use that could affect amenity and land use compatibility;<br>o Not demonstrating that alternative, more appropriate sites are unavailable. | |

## Officer Comment

The proposal seeks approval to relocate the existing cherry stall from South Western Highway to Bendall Road, establish a new coffee/food van, and install associated signage on Lot 1 (South Western Highway/Bendall Road, Donnybrook). The application has been assessed against the objectives of the Priority Agriculture zone, the provisions of Local Planning Scheme No. 7 (LPS7), the endorsed and draft Local Planning Strategies, relevant State Planning Policies, and Schedule 2, Part 9, Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is provided in (Attachment 9.1.1(4)).

The development supports the continuation and diversification of a long-standing agricultural activity by improving safety and functionality, offering value-adding opportunities, and enhancing tourism potential. These outcomes are consistent with the zone objectives and the strategic direction for the locality.

1. Zoning and Land Use Class Permissibility
During assessment, draft conditions were provided to the landowner and applicant for comment. The applicant's primary concern related to the proposed "Market" use class.

Officers consider the proposal should be confined to approval for a "Wayside Stall" i.e: *means a building situated on private land which offers for sale to the general public produce or any commodity*

*which is produced on the land upon which the buildings are located*, with the coffee/food van approved only as incidental and complementary to the stall. This classification better reflects the primary activity i.e. continued on-farm sale of cherries with some expansion into other products, and is consistent with the Priority Agriculture zone objectives, which include:

- Encouraging value-adding opportunities to agricultural products at source;
- Promoting existing intensive agricultural land uses; and
- Supporting complementary activities that enhance rural productivity and diversity.

Under LPS7, a "Wayside Stall" is a 'D' use in the Priority Agriculture zone, meaning it is not permitted unless the local government has exercised its discretion and granted development approval. The application does not provide sufficient information to justify a classification as a "Market" which is an 'A' use in the Priority Agriculture zone meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice. A "Market" is defined as the display and sale of goods from stalls by independent vendors. No evidence has been provided that independent vendors would operate from the site.

While a future market-style operation may be a logical progression, it cannot be supported at this stage without further detail on layout, buildings, or additional producers. Should future expansion occur (e.g. larger buildings or sea containers with multiple producers selling goods), a separate application for a Market land use may be required.

With respect to the coffee/food van:

- On its own, the van is not directly related to the orchard or agricultural activities on the property, and would not ordinarily be supported under the Priority Agriculture zoning.
- However, when considered incidental i.e. clearly secondary to the wayside stall operations, supporting visitors and promoting the farm's produce, the van may be considered acceptable in the current context.

2. Front Setback Non-Compliance

- The proposed stalls are located approximately 25m from Bendall Road, below the 30m minimum setback required under Clause 4.55 of LPS7.
- The variation is supported on the basis that it reduces the number of avocado trees that will be removed to clear the site for development.

3. Effluent and Wastewater Management

- Public toilets are not a requirement for this development. Notwithstanding, the application proposes temporary portable toilets, which are only permitted short-term under the *Government Sewerage Policy 2019*.
- A permanent solution is required to ensure long-term compliance.
- Condition recommended: Submission of a Waste Management Plan addressing toilet facilities, waste servicing, and transition to a permanent effluent disposal system within two years.

4. Stormwater and Flood Risk

- DWER has requested stormwater management measures to prevent off-site impacts, noting the site's proximity to the Preston River and potential flood risk.
- Condition recommended: Stormwater to be managed on site.
- Advice note: Landowner advised of DWER's recommended minimum floor level of 54.5m AHD for any future habitable structures, though not strictly applicable to this development.

5. Traffic and Access Arrangements
- Relocation to Bendall Road significantly improves safety compared with the current South Western Highway access.
- Main Roads WA and Shire Works and Services staff raise no objection subject to conditions.
- Condition recommended: Construction of a sealed crossover to Shire standards, internal circulation as shown, and developer responsibility for any required sight line improvements on Bendall Road.

6. Signage Compliance
- The proposed pylon sign complies with LPS7 and Local Planning Policy 9.6 in terms of scale, location, and design.
- It is non-illuminated and directly related to on-site produce sales.
- Condition recommended: Signage to be maintained in good order, located wholly within the lot, and erected only once Main Roads WA approval is obtained.

7. Cultural Heritage
- DPLH has confirmed no formal approval is required under the *Aboriginal Heritage Act 1972*.
- However, given the site's proximity to the Preston River, a place of cultural significance, caution is warranted.
- Advice note: Landowner reminded of obligations under the *Aboriginal Heritage Act 1972* should any unidentified cultural material be discovered.

<u>Development considerations</u>

When considering a development application, clause 68 (2) of the Deemed Provisions outlines the following options for determination:

*The local government may determine an application for development approval by -*

*(a) Granting development approval without conditions; or*

*(b) Granting development approval with conditions; or*

*(c) Refusing to grant development approval.*

Staff have assessed the application, including the advice from relevant Government agencies and other Shire service divisions. Objections have been reviewed and addressed. Staff consider the proposal capable of being approved and managed through reasonable and achievable conditions of approval.

*Conclusion*

The proposal has been assessed in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook–Balingup Local Planning Scheme No. 7.

The development is consistent with the objectives of the Priority Agriculture zone, aligns with the principles of orderly and proper planning, and is supported by relevant State and local planning frameworks. Subject to conditions/advice addressing effluent management, stormwater control, traffic safety, and signage, the proposal will provide improved safety, functionality, and amenity compared with the existing cherry stall location.

Matters raised through submissions have been appropriately considered and can be satisfactorily addressed through conditions of approval. On this basis, the application is considered to comply with the requirements of orderly and proper planning, and conditional approval is recommended.

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| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Alex Purich |

**That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25029 for the relocation of the Cherry Stall (Wayside Stall) and establishment of the new coffee/food van and pylon sign at Lot 1 (18190) South Western Highway, Donnybrook subject to the following conditions and advice:**
**Conditions:**

1. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans, including any notations, and must not be altered or modified without the further written consent of the Shire.**
   **Approved Plans:**
   a) **Planned Focus - Licciardello Cherry Stall Relocation Plan No: 1160-5-001 (Rev B: dated 21.4.2025); and**
   b) **Advertising Sign.**
2. **The coffee/food van may only operate when the Cherry Stall (Wayside Stall) is open.**
3. **Prior to the commencement of the development, an application for a vehicular crossover is to be submitted to, and approved by, the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.**
4. **Prior to the commencement of the use, sight line improvement works will be required on Bendall Road and any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Shire.**
5. **All vehicular parking is to be wholly within the site at all times.**
6. **No vehicle access is permitted to or from South Western Highway.**

7. **Prior to the commencement of the use, the parking bays demonstrated on the approved site plan shall be constructed and drained and clearly designated. In addition, all internal areas accessing the parking bays are to be constructed to a compacted gravel all weather standard and drained to the satisfaction of the Shire and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.**
8. **All stormwater from the proposed development including building(s) and hardstand area(s) shall be managed onsite by the landowner in perpetuity, in accordance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017* to the satisfaction of the Shire.**
9. **Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding properties, including any infrastructure, to the satisfaction of the Shire.**
10. **Prior to the commencement of the use, a waste management plan for the use of temporary toilets is to be submitted to, and approved by, the Shire's Environmental Health Services. The waste management plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire.**
11. **All landscaping shown on the approved site plan shall be installed within 12 months of the occupation of the development and maintained thereafter to the satisfaction of the Shire.**
12. **No part of the construction of the approved pylon sign (including any footings etc.) shall encroach over the property boundary.**
13. **Signage is to be continually maintained by the landowner to the satisfaction of the Shire including;**
    a) **The sign is not to be illuminated;**
    b) **Shall be designed and constructed in such a manner that the composite construction of the sign panel, supports and fixings will not cause injury or major damage if struck by a vehicle, cyclist or pedestrian, or becomes dislodged for any reason.**
    c) **Removal within 24 hours should any sign be damaged;**
    d) **Replacement and/or repairs; and**
    e) **Removal of any graffiti within 3 working days.**

**Advice Notes:**

a) **The Shire's Planning Services advise:**
    (i) **It is the landowner's responsibility to ensure that Main Roads WA approvals are in place prior to the installation of any signage. This may require a separate application for the installation of signage to be submitted to Main Roads WA for approval in accordance with Main Roads' 'Policy and Application Guidelines for Advertising Signs within and beyond State Roads Reserves.'**
    (ii) **Limited Aboriginal heritage surveys have been conducted in the surrounding area. Therefore, the landowner is advised of ongoing obligations under the *Aboriginal Heritage Act 1972*, including the requirement to cease works and notify authorities should any unregistered sites or artefacts be identified during ground disturbance.**

b) **The Shire's Works and Services advise:**

(i) The new crossover onto Bendall Road will need to be constructed at a sealed standard.

(ii) With regards to conditions relating to all internal driveways and accessways, these should be designed to ensure appropriate management of stormwater and to be constructed of suitable surface so as not to cause adverse impacts to adjoining properties or on-site operations.

c) The Shire's Environmental Health Services advise:

(i) The Landowner is required to submit a management plan for the use of temporary toilets, to the satisfaction of the Shire's Environmental Health Services. This must include servicing and cleaning arrangements and demonstrate compliance with the Guideline for the management of public health risks associated with temporary toilets in Western Australia. The temporary toilet must be an accessible toilet. Use of temporary toilets for the combined use of patrons and staff will not be supported on a permanent basis. Use of temporary toilets will be permitted for up to 2 years from the date of completion. After this date, an application to install an onsite effluent disposal system must be lodged with the Shire for approval. A site and soil evaluation must accompany any future onsite effluent disposal application.

(ii) The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the Shire of Donnybrook-Balingup Environmental Health Services on (08) 9780 4205.

d) Department of Water and Environmental Regulation (DWER) advise:

(i) DWER provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. Available floodplain mapping for the Preston River through Donnybrook stops around 1.5 kilometre upstream of the Lot.

(ii) Based on the 1 in 100 AEP flood level of 54.57m AHD at the limit of mapping, DWER estimate the 1 in 100 AEP flood level applicable to the Lot is ~ 54.0m AHD.

(iii) Based on the floodplain management strategy for the area, proposed development (i.e., filling, building, etc) on the lot is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 54.5m AHD is recommended to ensure adequate flood protection.

(iv) Please note that non-habitable developments (e.g. garages, sheds, workshops, etc) may not require such a high level of flood protection. However, should development occur below the recommended level, all electrical installations should be located above the recommended minimum habitable floor levels and suitably insulated to increase resilience to major flooding.

e) If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.

f) **If applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

Cr Davy moved an amendment:

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| **MOVED BY:** | Cr Alexis Davy | **SECONDED BY:** | Cr Lisa Glover |

**Amend the motion to include item B as outlined below:**

**B: That Council requests the Chief Executive Officer to request Main Roads WA to consider reducing the speed limit to 80km/h along South Western Highway Argyle from the southern entrance to the parking/rest area located west of Bendall Road Donnybrook and to widen Bendall Road at the intersection with the highway to accommodate existing traffic volume and load.**

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| **For:** Cr Bailey, Cr Davy, Cr Glover |
| **Against:** Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Lost: 3/6** |

Substantive motion

| | | | |
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| **COUNCIL RESOLUTION:** | 193/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Alex Purich |

**That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25029 for the relocation of the Cherry Stall (Wayside Stall) and establishment of the new coffee/food van and pylon sign at Lot 1 (18190) South Western Highway, Donnybrook subject to the following conditions and advice:**
**Conditions:**

1. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans, including any notations, and must not be altered or modified without the further written consent of the Shire.**
   **Approved Plans:**
   a) **Planned Focus - Licciardello Cherry Stall Relocation Plan No: 1160-5-001 (Rev B: dated 21.4.2025); and**
   b) **Advertising Sign.**
2. **The coffee/food van may only operate when the Cherry Stall (Wayside Stall) is open.**
3. **Prior to the commencement of the development, an application for a vehicular crossover is to be submitted to, and approved by, the Shire in accordance with the Shire's crossovers**

**standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.**

4. **Prior to the commencement of the use, sight line improvement works will be required on Bendall Road and any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Shire.**
5. **All vehicular parking is to be wholly within the site at all times.**
6. **No vehicle access is permitted to or from South Western Highway.**
7. **Prior to the commencement of the use, the parking bays demonstrated on the approved site plan shall be constructed and drained and clearly designated. In addition, all internal areas accessing the parking bays are to be constructed to a compacted gravel all weather standard and drained to the satisfaction of the Shire and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.**
8. **All stormwater from the proposed development including building(s) and hardstand area(s) shall be managed onsite by the landowner in perpetuity, in accordance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017* to the satisfaction of the Shire.**
9. **Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding properties, including any infrastructure, to the satisfaction of the Shire.**
10. **Prior to the commencement of the use, a waste management plan for the use of temporary toilets is to be submitted to, and approved by, the Shire's Environmental Health Services. The waste management plan is to be implemented and continuously maintained thereafter to the satisfaction of the Shire.**
11. **All landscaping shown on the approved site plan shall be installed within 12 months of the occupation of the development and maintained thereafter to the satisfaction of the Shire.**
12. **No part of the construction of the approved pylon sign (including any footings etc.) shall encroach over the property boundary.**
13. **Signage is to be continually maintained by the landowner to the satisfaction of the Shire including;**
    a) **The sign is not to be illuminated;**
    b) **Shall be designed and constructed in such a manner that the composite construction of the sign panel, supports and fixings will not cause injury or major damage if struck by a vehicle, cyclist or pedestrian, or becomes dislodged for any reason.**
    c) **Removal within 24 hours should any sign be damaged;**
    d) **Replacement and/or repairs; and**
    e) **Removal of any graffiti within 3 working days.**

**Advice Notes:**

a) **The Shire's Planning Services advise:**

(i) It is the landowner's responsibility to ensure that Main Roads WA approvals are in place prior to the installation of any signage. This may require a separate application for the installation of signage to be submitted to Main Roads WA for approval in accordance with Main Roads' 'Policy and Application Guidelines for Advertising Signs within and beyond State Roads Reserves.'

(ii) Limited Aboriginal heritage surveys have been conducted in the surrounding area. Therefore, the landowner is advised of ongoing obligations under the *Aboriginal Heritage Act 1972*, including the requirement to cease works and notify authorities should any unregistered sites or artefacts be identified during ground disturbance.

b) The Shire's Works and Services advise:

(i) The new crossover onto Bendall Road will need to be constructed at a sealed standard.

(ii) With regards to conditions relating to all internal driveways and accessways, these should be designed to ensure appropriate management of stormwater and to be constructed of suitable surface so as not to cause adverse impacts to adjoining properties or on-site operations.

c) The Shire's Environmental Health Services advise:

(i) The Landowner is required to submit a management plan for the use of temporary toilets, to the satisfaction of the Shire's Environmental Health Services. This must include servicing and cleaning arrangements and demonstrate compliance with the Guideline for the management of public health risks associated with temporary toilets in Western Australia. The temporary toilet must be an accessible toilet. Use of temporary toilets for the combined use of patrons and staff will not be supported on a permanent basis. Use of temporary toilets will be permitted for up to 2 years from the date of completion. After this date, an application to install an onsite effluent disposal system must be lodged with the Shire for approval. A site and soil evaluation must accompany any future onsite effluent disposal application.

(ii) The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the Shire of Donnybrook-Balingup Environmental Health Services on (08) 9780 4205.

d) Department of Water and Environmental Regulation (DWER) advise:

(i) DWER provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. Available floodplain mapping for the Preston River through Donnybrook stops around 1.5 kilometre upstream of the Lot.

(ii) Based on the 1 in 100 AEP flood level of 54.57m AHD at the limit of mapping, DWER estimate the 1 in 100 AEP flood level applicable to the Lot is ~ 54.0m AHD.

(iii) Based on the floodplain management strategy for the area, proposed development (i.e., filling, building, etc) on the lot is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 54.5m AHD is recommended to ensure adequate flood protection.

(iv) Please note that non-habitable developments (e.g. garages, sheds, workshops, etc) may not require such a high level of flood protection. However, should development

**occur below the recommended level, all electrical installations should be located above the recommended minimum habitable floor levels and suitably insulated to increase resilience to major flooding.**

**e) If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**

**f) If applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

| |
|---|
| **For:** Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Cr Bailey, Cr Davy, Cr Glover |
| **Carried: 6/3** |

## 9.1.2 Temporary Accommodation Request – 9 (Lot 56) Macrozamia Retreat, Donnybrook

| **Report Details:** | | | |
|---|---|---|---|
| **Prepared by:** | Manager Development Services | | |
| **Manager:** | Ross Marshall, Director Operations | | |
| **Applicant:** | Landowner | | |
| **Location:** | 199 (Lot 100) Irishtown Road, Donnybrook | | |
| **File Reference:** | A5453 | **Voting Requirement:** | Simple Majority |
| **Attachment(s):** | | | |

Nil.

### Executive Recommendation

**That Council:**

1. **Considers the use of the transportable structure, sea container and roof cover at 9 (Lot 56) Macrozamia Retreat, Donnybrook as temporary works and use and therefore exempt from development approval under clauses 61(1)(a)(17) and 61(2)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 12-month period from the date of this approval.**
2. **Approves temporary accommodation at 9 (Lot 56) Macrozamia Retreat Donnybrook in the transportable structure for a maximum of twelve (12) months by the applicant and their immediate family (maximum occupants 4) subject to the following conditions:**
    - **(a) All wastewater generated is to be collected and disposed of in fit for purpose receptacles or an approved onsite effluent disposal system, subject to separate written approval to the satisfaction of the Shire;**
    - **(b) The sleeping compartment of the transportable structure is to be fitted with a suitable smoke detector and carbon monoxide detector;**
    - **(c) The power connection to the transportable unit is to be protected by a suitable residual current device (RCD);**
    - **(d) Within one month of this decision, the application is to prepare and provide evidence of a bushfire management plan consistent with DFES's My Bushfire Plan WA; and;**
    - **(e) Within three months of this decision, applicant to obtain a time limited building approval certificate for all structures that do not meet the prescribed circumstances where a building permit is not required under Regulation 41(3) of the *Building Regulations 2012*.**
3. **All temporary works associated with the approved temporary accommodation shall be removed, and the site reinstated to its original condition, to the satisfaction of the local government, upon the expiry of the approval period, unless separate development approval or relevant approvals for the retention of the structures have been obtained prior to that date.**

## Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 6 - The built environment is responsibly planned and well maintained.

**Objective:** 6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.

**Item:** Nil.

## Executive Summary

Council is requested to determine an application for the occupation of temporary accommodation on a residential zoned lot for a period of 12 months. While the Shire has several authorised persons appointed under the provisions of the *Caravan Parks and Camping Grounds Act 1995* in the absence of an adopted Policy and that this proposal may be considered contentious, this matter is being referred to Council for determination.
Conditional approval is recommended.

## Background

The Shire has been informed that the owners are residing on the property in a transportable structure. The owner recently installed a roof cover over this unit to provide weather protection to the structure. There is also a sea container on site being used for secure storage.
The land is zoned Residential within the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7). As illustrated in Figure 1, the lot, outlined in blue, is designated as bushfire prone. The lot is 1,003m$^2$ in area.

Figure 1 – Excerpt of DFES Map of Bushfire Prone Areas

The current housing crisis has resulted in the Minister for Local Government effecting changes to the *Caravan Parks and Camping Grounds Regulations 1997* enabling local governments to consider requests for the occupation of caravans and camps for up to 24 months. In considering such

applications, the local government is to be satisfied that both the land and the caravan/camp are suitable for camping especially with respect to safety and health and access to services.
Conditions are able to be imposed on any approval.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Reputational | Possible | Moderate | Moderate (9) |
| Risk Description: | Not seen to be responding to community needs. | | |
| Mitigation: | Consideration of an application on its merits. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Environment | Possible | Insignificant | Low (3) |
| Risk Description: | Impacts from use of temporary facilities. | | |
| Mitigation: | Conditions requiring appropriate approvals for onsite effluent disposal. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Health & Safety | Unlikely | Catastrophic | High (10) |
| Risk Description: | Impacts from unsafe structures and facilities. | | |
| Mitigation: | Conditions requiring appropriate approvals. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Community | Likely | Moderate | High (12) |
| Risk Description: | Development not in keeping with the locality. | | |
| Mitigation: | Time limited conditions. | | |

## Financial Implications

The applicant has made payment of the application fee.

## Policy Compliance

*Local Planning Policy 9.16 Transportable Structures*

LPP 9.16 outlines the development standards when considering an application for development approval for a transportable structure. If the Council agree that the use and works are temporary (refer "statutory compliance"), then the structures will be exempt from development approval and LPP 9.16 will not apply.

*Draft LPP-1 Temporary Residential Accommodation*

Council advertised the draft policy for public and agency submissions. Following workshops with Council further information has been requested from LGIS regarding risks associated with approving this type of accommodation. LGIS have not been able to provide an indication of when they might be able to provide their considered response.

The proposal meets the draft policy standards with respect to setback distances, access to water and power with parking available onsite and pets capable of being contained. While on Figure 1 the sea container appears to be across the property boundary, it has recently been relocated to within the property boundary (as confirmed by a site visit and visual inspection of new survey pegs).
The proposal does not meet the draft policy standards with respect to lot size, the existence of a building permit for the permanent dwelling, a bushfire attack level assessment has not been provided and existing onsite effluent disposal systems do not have statutory approvals.

## Statutory Compliance

Regulation 11A of the *Caravan Parks and Camping Grounds Regulations 1997* Camping on private land with local government approval states the following:

*(1) A person may apply in writing to a local government for approval to camp on land the person owns or has a legal right to occupy if the land is in the local government's district.*

*(2) The local government may approve the person camping on the land for a period specified in the approval not exceeding 24 consecutive months.*

*(3) The approval is subject to the following conditions —*

*(a) that any caravan or camp in which the person is camping on the land is maintained in such a condition that it is not a hazard to safety or health;*

*(b) that the land is maintained in such a condition that it is suitable for camping, particularly in relation to —*

*(i) safety and health; and*

*(ii) access to services;*

*(c) any other conditions specified by the local government in the approval.*

*(4) The local government is taken to have refused the application if the local government does not give the approval within 63 days of the application.*

*(5) The local government may revoke an approval given by the local government, by written notice to the holder of the approval, if the local government is satisfied that a condition of the approval has been breached.*

*(6) Before revoking the approval, the local government must —*

*(a) give written notice to the holder of the local government's intention to revoke the approval unless, within 35 days after the notice is given, the holder shows cause why the approval should not be revoked; and*

*(b) consider any written response to the notice received from the holder during that period.*

Any decision of a local government with respect to these applications may be reviewed upon request by the Minister for Local Government.
In accordance with clause 61(1)(a)(17) and clause 61(2)(f) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, both temporary works and temporary uses are exempt from development approval if they exist for less than 48 hours, or for a longer period as agreed by the local government within any 12-month period. Should Council resolve to approve the proposed temporary accommodation, this exemption can be extended to cover the associated temporary works for the same 12-month period. A condition of approval will be included requiring the removal of the temporary works and the reinstatement of the site to its original condition once the

approval period has expired, unless the applicant obtains separate approval for the structures under the relevant legislation prior to the expiry date.
Regulation 41(3) of the *Building Regulations 2012* prescribes the circumstances where a building permit is not required to include:

> *Construction, erection, assembly or placement of a freestanding Class 10a building that —*
> *(a) has a floor area not exceeding 10 $m^2$; and*
> *(b) is no more than 2.4 m in height;*

The Regulations also enable permit authorities to issue time limited building approval certificates.

Clause 2.1 of the *Shire of Donnybrook-Balingup Waste Local Law 2017* Supply of receptacles states:

*(1) The local government is to supply, for the use of each premises situated with the area covered by the kerbside collection service, receptacles that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.*
*(2) The owner of premises to which subclause (1) applies must –*
*(a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and*
*(b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.*

Given the location of this property is within an existing kerbside collection service area, it is considered that should temporary accommodation be approved, the property would be eligible for a kerbside bin collection service.

## Consultation

The Shire is in receipt of a customer complaint regarding the use of the property. The Executive Recommendation provides an approval pathway for the temporary structures associated with the applicant's request to reside on the property while they work towards building their permanent dwelling.

## Officer Comment

In consideration of the suitability of the site for camping in relation to safety, health and access to services, the applicant has confirmed that the transportable structure provides for their immediate needs as is fitted with a kitchenette, separate bathroom and sleeping quarters.
A DryFlush portable toilet is currently in use with greywater currently discharging to the garden. To minimise potential offsite impacts as well as to safeguard occupant safety a condition regarding wastewater disposal is recommended.
Scheme water and mains power are each connected to the structure. Rubbish is regularly conveyed to the Donnybrook Landfill site via a contractor.
For the safety of the occupants, it is recommended that the sleeping compartment of the structure be fitted with a suitable smoke detector and carbon monoxide detector and that any power connection be protected by an RCD.
While the landowner has yet to formally engage a builder, they have commenced the process of determining their final house plan.

The current development, while not in keeping with the standard of homes built in the locality, is located within a cul-de-sac i.e. not prominent in the subdivision, setback within the property and presents neatly to the street as illustrated in Figure 2. Works are considered temporary and the landowner is working towards engaging a builder to construct their permanent dwelling.

Figure 2 – Street elevation

Conditional approval is therefore recommended.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 194/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Considers the use of the transportable structure, sea container and roof cover at 9 (Lot 56) Macrozamia Retreat, Donnybrook as temporary works and use and therefore exempt from development approval under clauses 61(1)(a)(17) and 61(2)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 12-month period from the date of this approval.**
2. **Approves temporary accommodation at 9 (Lot 56) Macrozamia Retreat Donnybrook in the transportable structure for a maximum of twelve (12) months by the applicant and their immediate family (maximum occupants 4) subject to the following conditions:**
    - **(a) All wastewater generated is to be collected and disposed of in fit for purpose receptacles or an approved onsite effluent disposal system, subject to separate written approval to the satisfaction of the Shire;**
    - **(b) The sleeping compartment of the transportable structure is to be fitted with a suitable smoke detector and carbon monoxide detector;**

**(c) The power connection to the transportable unit is to be protected by a suitable residual current device (RCD);**

**(d) Within one month of this decision, the application is to prepare and provide evidence of a bushfire management plan consistent with DFES's My Bushfire Plan WA; and;**

**(e) Within three months of this decision, applicant to obtain a time limited building approval certificate for all structures that do not meet the prescribed circumstances where a building permit is not required under Regulation 41(3) of the *Building Regulations 2012*.**

**3. All temporary works associated with the approved temporary accommodation shall be removed, and the site reinstated to its original condition, to the satisfaction of the local government, upon the expiry of the approval period, unless separate development approval or relevant approvals for the retention of the structures have been obtained prior to that date.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by en-bloc resolution 189/10-25** |

## 9.1.3. Brookhampton Road Regional Road Safety Program Funding

**Report Details:**

**Prepared by:** Manager Works and Services

**Manager:** Ross Marshall, Director Operations

**Location:** Brookhampton Road, SLK 0.0 – 4.0

**File Reference:** **Voting Requirement:** Absolute Majority

**Attachment(s):**

9.1.4(1) Memorandum of Understanding – The Regional Road Safety Program

### Executive Recommendation

**That Council:**

1. **Endorses the Chief Executive Officer to sign the Memorandum of Understanding and accept the total funding of $932,900 from the Regional Road Safety Program for the upgrading of Brookhampton Road between straight line kilometre 0.0 and 4.0;**
2. **Amends the 2025/26 Budget to include the payment of $373,160, being the first 40% of the total funding, claimable on execution of the Memorandum of Understanding**
3. **Amends the 2025/26 Capital Works Budget to include the expenditure of $40,000 for the survey, design and other preliminary works required to deliver the project*; and***
4. **Amends the Shire of Donnybrook Balingup Six Year Forward Roadworks Program to reflect the inclusion of the project in the 2026/27 financial year.**

### Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 8 - Safe and convenient movement of people into and around the district.

**Objective:** 8.1 - Improve road safety, connectivity and traffic flow for all users.

**Item:** 8.1.1 - Advocate via the Regional Roads Group for the State Government to upgrade and improve key regional transport infrastructure.

### Executive Summary

In May of 2025 Shire Officers submitted an application for funding under Main Roads WA's (MRWA) Regional Road Safety Program (RRSP) for the upgrading of a section of Brookhampton Road between the South West Highway and the intersection with Sandhills Road. Officers were subsequently informed of the success of this application on 14 August 2025.

Under this funding the Shire will receive $932,900, to be recouped in three claims of 40%, 40% and 20%. The first 40% ($373,160) is payable upon execution of the Memorandum of Understanding (MoU) with MRWA, which will occur in the 2025/26 financial year, therefore the 2025/26 budget requires amendment to accept this income.

While physical works will commence in the 2026/27, preliminary works such as survey and design will be undertaken in 2025/26, therefore an allocation of $40,000 to the current 2025/26 Annual budget will be required, which will be funded by the first 40% payment to be received by the Shire.

Finally, the Shire's Six Year Capital Roadworks Program requires amendment to include the capital works project in 2026/27. This will be undertaken at its next review and presented to Council for endorsement by its March 2026 Ordinary Council Meeting.

The remainder of the funding, as well as $104,000 of Shire funding required under the funding model will be included in the 2026/27 draft budget.

## Background

The Regional Road Safety Program (RRSP) is a jointly funded initiative of the Australian and Western Australian Governments aimed at reducing fatal and serious injury crashes on regional roads through the delivery of low-cost, high-benefit safety treatments. The program focusses on high-speed sealed roads under the care and control of Local Governments. Building on the success of RRSP on State controlled roads, this current program targets Local Government roads with a history of serious crashes and substandard cross sections.

In early 2025, Main Roads with Western Australian Local Government Association (WALGA) and The Royal Automobile Club of Western Australia (Incorporated) (RAC) identified high-priority road sections on regional local government roads using desktop data from WALGA and Main Roads systems, including crash history, seal width, and traffic volumes. A Benefit-Cost Ratio (BCR) approach was used to prioritise segments most suited to low-cost safety treatments. Local Governments were invited to review pre-filled Nomination Forms to confirm the suitability, scope, and deliverability of the proposed works.

The CEO subsequently received a letter from MRWA on 6 May 2025 explaining the background of the RRSP and that similar projects on some 9,000 kilometres of State controlled roads resulted in lowering the number of fatal crashes by a mean reduction of 52%. The program focusses on a reduction in run-off-road and head-on crashes whish are the most common crash type that result in fatalities and serious injuries. Accompanying the letter were guidelines that guided Officers through the planning, implementation and management of the projects under the RRSP and which outline the criteria for selected priority roads, the types of treatments to be applied, and target cross sections. The priority road identified for the Shire of Donnybrook Balingup was the full length of Brookhampton Road from the South West Highway in the north to Kirup in the south.

While the decision was taken by Officers to focus the subject application on the 4 kilometres between the South West Highway and the intersection of Sandhills road, this does not preclude future applications as the current funding is only Tranche 1 of multiple tranches to be rolled out in the next five years. The decision to apply for the subject section was made after considering the Shire's capacity to deliver as well as the fact that the cost of the final reseal where it overlays the pre-existing seal must be met by the Shire.

The attached MoU includes the original application submitted by the Shire which details the works and outcomes planned. Essentially the seal will be widened to the width of the existing formation, i.e. to the current extents between unsealed shoulders, therefore the new road surface will occupy the same footprint as the current seal and unsealed shoulders. This means there will be no need to clear native vegetation or carry out significant verge works, resulting in a less complex and less expensive project, which is the crux of this funding program.

The project is very similar in nature to works recently carried out on Cundinup-Kirup and Balingup-Nannup Roads and will be delivered by an outside Contractor as per the projects on those roads.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Likely | Major | High (16) |
| Risk Description: | Budget over expenditure due to unforeseen works required to deliver the project | | |
| Mitigation: | Undertaking of a detail design and specification so that the works can be outsourced for a fixed price contract. | | |

## Financial Implications

The 2025/26 budget will require amendment to accept the first $40% claim of $373,160 and expenditure of $40,000 to cover the cost of survey, design and other preliminary activities. The balance of the first 40% will be carried forward and the remainder of the funding, as well as Council's contribution of $104,000 will be included in the draft 2026/27 budget.

## Policy Compliance

Nil.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 195/10-25 | | |
| **MOVED BY:** | Cr Tyler Hall | **SECONDED BY:** | Cr Amanda McNab |

**That Council:**

1. **Endorses the Chief Executive Officer to sign the Memorandum of Understanding and accept the total funding of $932,900 from the Regional Road Safety Program for the upgrading of Brookhampton Road between straight line kilometre 0.0 and 4.0;**
2. **Amends the 2025/26 Budget to include the payment of $373,160, being the first 40% of the total funding, claimable on execution of the Memorandum of Understanding**
3. **Amends the 2025/26 Capital Works Budget to include the expenditure of $40,000 for the survey, design and other preliminary works required to deliver the project*; and***
4. **Amends the Shire of Donnybrook Balingup Six Year Forward Roadworks Program to reflect the inclusion of the project in the 2026/27 financial year.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by absolute majority vote** |

### 9.1.4 SODB Response to SWRRG Elected Members Meeting Motion

| **Report Details:** | | | |
|---|---|---|---|
| **Prepared by:** | Manager Works and Services | | |
| **Manager:** | Ross Marshall, Director Operations | | |
| **Applicant:** | Shire of Donnybrook Balingup | | |
| **Location:** | Shire of Donnybrook Balingup. | | |
| **File Reference:** | WRK 04/2 | **Voting Requirement:** | Simple Majority |
| **Attachment(s):** | | | |
| 9.1.4(1) | Letter – SWRRG Elected Members – Shire of Donnybrook Balingup Response to Bridge Works. | | |

**Executive Recommendation**

**That Council:**

1. **Notes the Shire of Donnybrook Balingup response to the Southwest Regional Group (SWRRG) Elected Members Meeting resolution regarding bridges located on Roads of Regional Significance under Local Government management.**
2. **Requests the Chief Executive Officer to advocate for the following through the SWRRG:**
   - **2.1. That for all Local Government owned bridges on an approved "Road of Regional Significance" that the Local Government can make application for funding from the Regional Road Group for works on the bridge, including, preventative, specific, replacement and emergency works. This will be permissible whenever there is a requirement for the Local Government to fund part or all of the works. The funding will be on the same 2/3 (MRWA) 1/3 (LG) model, as is currently in place for road projects.**
   - **2.2. If the works are deemed "Emergency Work", the Local Government has the ability to seek 2/3 of their own cost towards these works from the road project pool if there are surplus funds available, or reallocate funds from current approved own road projects, with approval of the SWRRG. For clarity, this funding is also eligible to be used for the purchase of propping, to ensure that these significant bridge assets can remain fit for purpose, until the emergency works are completed.**
   - **2.3. That The State Advisory Committee and MRWA provide annually a minimum 3-year committed, approved and funded program of bridge works that are to be delivered by the SWRRG Local Governments. This will then allow for the Local Governments to undertake appropriate project management planning for the approved works within achievable timeframes. The approved funding is to be allocated to each of the Local Governments, consistent with the road projects framework, being:**
     - **2.3.1. 40% upon the project being approved**
     - **2.3.2. 40% upon the first 40% allocation being spent, and**
     - **2.3.3. 20% at the completion of works.**

## Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

| | |
|---|---|
| **Outcome:** | 8 - Safe and convenient movement of people into and around the district. |
| **Objective:** | 8.1 - Improve road safety, connectivity and traffic flow for all users. |
| **Item:** | 8.1.1 - Advocate via the Regional Roads Group for the State Government to upgrade and improve key regional transport infrastructure. |

## Executive Summary

The motion below was put forward by the South West Regional Road Group (SWRRG) Elected Member's at its meeting in July 2025:

> *That Member Councils each compile a report on major bridges on Roads of Regional Significance as outlined in ROADS 2040, within their LGA. This list is to be presented to the SWRRG Technical Committee at their November 2025 meeting for collation and decision for the ownership / responsibility / maintenance of these bridges to be passed to MRWA. This collated list will be presented to Elected Members at the November meeting, then a letter to the Minister for Transport will be prepared highlighting the current and expected level of bridge maintenance within the South West Region.*

This motion would impact thirteen bridges within the Shire of Donnybrook Balingup. Shire officers are of the opinion that the proposed transfer of ownership or responsibility for these bridges to Main Roads WA is not a realistic scenario, given that the bridges exist on Local Government controlled roads.

A response outlining an alternative recommendation was drafted by Shire staff to SWRRG for consideration at the November 2025 meeting. A copy of the letter is presented as Attachment 12.1.3(1) for Council Members' information.

## Background

At its Ordinary Council meeting held 28 May 2025 Council resolved the following:
*That Council:*

> *"COUNCIL RESOLUTION 80/05-25*
>
> 1. *Receive the Minutes from the South West Regional Road Group Committee Meeting held on 31 March 2025; and*
> 2. *Instructs the Chief Executive Officer to formally write to WALGA to address the following issues with the State Road Funds to Local Government Advisory Committee (SAC);*
>    *2.1 Timing of funding for Councils to undertake bridgeworks, with the preferred model to replicate the Regional Road Group road project funding 40% up front for planning and approvals, 40% and 20% construction progress), and*
>    *2.2 Clarification in detail for costs that will be applicable for reimbursement under the funding including outsourcing of project management throughout all phases of the project, and*

*2.3 Confirmation that funding will be preserved for multiple year projects; and*

3. *Instructs the Chief Executive Officer to formally write to the Member for Collie Preston, Jodie Hanns MLA, to request assistance with the issues included in Item 2.*

The above matters have been actioned by the Chief Executive Office with the Shire still to receive a response to 2.1, 2.3 and 3.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Likely | Major | High (16) |
| Risk Description: | Shire timber bridges are assets which require regular routine and preventative work by the Shire to maximize their useful life. With delays in the delivery of identified specific, upgrade and replacement work by MRWA, this has resulted in additional costs being borne by Local Government to undertake emergency bridge works, whilst we await the identified works to be completed. | | |
| Mitigation: | Advocate for improved funding structures with the State to alleviate the financial impact currently being experienced by Local Governments for unexpected and costly delivery of emergency bridge works, and the delivery of specific, upgrade and/or replacement bridge works | | |

## Financial Implications

Main Roads WA has outlined previously, that they have faced many challenges in the delivery of specific or replacement bridge works, which has resulted in a lengthy backlog for these types of works across Western Australia.

As a result, this has had a flow on financial impact on Local Governments, as these delays can result in emergency works being identified by Main Roads WA, particularly during Level 2 Inspections. Emergency work is funded on a 2/3 Main Roads and 1/3 Local Government basis. Rather than the Local Government having no own source costs, if the works had been undertaken through an appropriately timed and planned specific or replacement works program.

This can have an unexpected and significant financial impact on Local Governments should the work required be extensive or if emergency repairs are required across multiple bridges in the same financial year.

The letter recommends to the SWRRG that the request to The Minister, The State Advisory Committee and MRWA should be based on the following:

- That for all Local Government owned bridges on an approved “Road of Regional Significance” that the Local Government can make application for funding from the Regional Road Group for works on the bridge, including, preventative, specific, replacement and emergency works. This will be permissible whenever there is a requirement for the Local Government to fund part or all of the works. The funding will be on the same 2/3 (MRWA) 1/3 (LG) model, as is currently in place for road projects.
- Further if the works are deemed “Emergency Work”, the Local Government has the ability to seek 2/3 of their own cost towards these works from the road project pool if there are surplus

funds available, or reallocate funds from current approved own road projects, with approval of the SWRRG. For clarity, this funding is also eligible to be used for the purchase of propping, to ensure that these significant bridge assets can remain fit for purpose, until the emergency works are completed.

In addition to the above, the letter also sought the following to be put to the elected members for endorsement:

- That The State Advisory Committee and MRWA provide annually a minimum 3-year committed, approved and funded program of bridge works that are to be delivered by the SWRRG Local Governments. This will then allow for the Local Governments to undertake appropriate project management planning for the approved works within achievable timeframes. The approved funding is to be allocated to each of the Local Governments, consistent with the road projects framework, being:
  - 40% upon the project being approved
  - 40% upon the first 40% allocation being spent, and
  - 20% at the completion of works.

## Policy Compliance

*Council Policy ASS/CP-2- Asset Management*

Council Policy ASS/CP-2 objective it to ensure that the Shire has information, knowledge and understanding about the long-term and the cumulative consequences of being the custodian of public assets and their appropriate management. Asset management is considered a financial and administrative requirement of Local Governments as reflected within the *Local Government Act 1995.*

## Statutory Compliance

*Local Government Act 1995*

## Consultation

Ongoing discussions between the Shire, Main Roads and other members of the SWRRG have been held over the several months to try and reach a position that will suit all parties involved in the maintenance and renewal of timber bridges going forward.

The Shire is encouraging continued discussions with other Local Governments of the SWRRG prior to the next SWRRG elected members meeting in November 2025.

## Officer Comment

Our Shire currently has 32 traffic bridges plus 1 pedestrian bridge within the Shire (with 1 disputed ownership bridge asset). These bridges play an important role in our Shire for the movement of vehicles and pedestrians throughout the Shire and make up a significant portion of our total asset valuation.

The recent MRWA changes in the delivery of specific and renewal bridge works in the South West has created confusion amongst the member Local Governments of the SWRRG, with concerns costs usually covered by the State are being shifted to the Local Governments.

The recommendation of the letter provides a process that appropriately considers the challengers that the change in delivery of bridge works will present to Local Governments and provides Local Governments with the ability to work collaboratively with other Local Governments to package similar works resulting in cost and efficiency benefits for all.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 196/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Notes the Shire of Donnybrook Balingup response to the Southwest Regional Group (SWRRG) Elected Members Meeting resolution regarding bridges located on Roads of Regional Significance under Local Government management.**
2. **Requests the Chief Executive Officer to advocate for the following through the SWRRG:**
   - **2.1. That for all Local Government owned bridges on an approved "Road of Regional Significance" that the Local Government can make application for funding from the Regional Road Group for works on the bridge, including, preventative, specific, replacement and emergency works. This will be permissible whenever there is a requirement for the Local Government to fund part or all of the works. The funding will be on the same 2/3 (MRWA) 1/3 (LG) model, as is currently in place for road projects.**
   - **2.2. If the works are deemed "Emergency Work", the Local Government has the ability to seek 2/3 of their own cost towards these works from the road project pool if there are surplus funds available, or reallocate funds from current approved own road projects, with approval of the SWRRG. For clarity, this funding is also eligible to be used for the purchase of propping, to ensure that these significant bridge assets can remain fit for purpose, until the emergency works are completed.**
   - **2.3. That The State Advisory Committee and MRWA provide annually a minimum 3-year committed, approved and funded program of bridge works that are to be delivered by the SWRRG Local Governments. This will then allow for the Local Governments to undertake appropriate project management planning for the approved works within achievable timeframes. The approved funding is to be allocated to each of the Local Governments, consistent with the road projects framework, being:**
     - **2.3.1. 40% upon the project being approved**
     - **2.3.2. 40% upon the first 40% allocation being spent, and**
     - **2.3.3. 20% at the completion of works.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by en-bloc resolution 189/10-25** |

## 9.2. Director Finance and Corporate

### 9.2.1. Schedule of Accounts Paid as at 30 September 2025

**Report Details:**

**Prepared by:** Finance Officer

**Manager:** Manager Financial Services

**File Reference:** FNC 10/2 **Voting Requirement:** Simple Majority

**Attachment(s):**

Nil.

**Executive Recommendation**

**That Council receive the schedule of accounts paid as detailed in the report for the period ending 30 September 2025.**

**Strategic Alignment**

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

**Executive Summary**

Council is requested to receive the Schedule of Accounts Paid for the period 1 to 30 September 2025, in accordance with Regulation 13(3) of the *Local Government (Financial Management) Regulations 1996*. The total payments made under delegated authority during this period amount to $1,401,531.52.

**Background**

In accordance with Delegation 1.2.23 – *Payments from the Municipal or Trust Funds* adopted by Council on 26 June 2024, the Chief Executive Officer is authorised to incur expenditure in line with the provisions of the adopted Annual Budget, including limited over-expenditure subject to subsequent budget amendments. Pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of account paid under this delegation is to be prepared and presented to Council on a monthly basis.

**Risk Management**

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Unlikely | Minor | Low (2) |
| Risk Description: | Additional checks and balances of accounts paid by the Shire. | | |

| | | | |
|---|---|---|---|
| Mitigation: | Monthly reporting on accounts paid. | | |
| Compliance | Unlikely | Minor | Low (2) |
| Risk Description: | Meeting legislative requirement of financial reporting to the Council | | |
| Mitigation: | Monthly reporting on accounts paid. | | |

## Financial Implications

All liabilities settled have been in accordance with the annual budget provisions.

## Policy Compliance

All payments have been made in line with Shire policies:

- FIN/CP-4 Purchasing
- FIN/CP-5 Regional Price Preference
- FIN/CP-7 Credit Card

## Statutory Compliance

*Local Government (Financial Management) Regulations 1996*

Where the local government has delegated the CEO the exercise of its power to make payments from the municipal fund or the trust funds, Regulation 13 requires that a list of accounts paid by the CEO is to be prepared each month showing for each account paid:

(a) The payee's name; and
(b) The amount of the payment; and
(c) The date of the payment; and
(d) Sufficient information to identify the transaction.

This list of accounts is to be:

(a) Presented to Council at the next ordinary meeting of the Council after the list is prepared; and
(b) Recorded in the minutes of that meeting.

## Consultation

Relevant staff have been consulted and have confirmed that all payments were authorised in accordance with their delegated authority.

## Officer Comment

A detailed listing of payments has been provided below for Council's formal receipt. Elected Members are encouraged to raise any queries prior to the Ordinary Council Meeting to allow sufficient time for investigation and preparation of a response.

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| CREDIT CARD | | | | |
| | 01/08/2025 | PDQ | REFUND DEPLOY & INVENTORY LICENCE | -2,443.37 |
| | 30/08/2025 | BENDIGO BANK | CARD FEES | 16.00 |
| | 01/08/2025 | DONNYBROOK IGA | COUNCILLORS - MEETING REFRESHMENTS | 65.39 |
| | 07/08/2025 | SENDGRID | MONTHLY AUTOMATED EMAIL SERVICE, LINKED TO ENVIBE | 143.69 |
| | 09/08/2025 | MICROSOFT | AZURE USAGE CHARGES | 277.41 |
| | 09/08/2025 | CALTEX | STAFF FUEL | 120.19 |
| | 12/08/2025 | LUCID SOFTWARE | ANNUAL SUBSCRIPTION | 173.04 |
| | 23/08/2025 | RED COT | CONTAINERS FOR STORAGE | 105.95 |
| | 23/08/2025 | CALTEX | STAFF FUEL | 129.90 |
| | 25/08/2025 | MAILCHIMP | MONTHLY MARKETING SUBSCRITPION | 41.54 |
| DD28674.1 | 14/09/2025 | BENDIGO BANK | TOTAL: CREDIT CARD PAYMENTS | -1,370.26 |
| EFT PAYMENTS | | | | |
| EFT31580A | 04/09/2025 | SHIRE OF DONNYBROOK BALINGUP | PAYROLL FOR THE PERIOD ENDING 03.09.25 | 170,233.29 |
| EFT31580B | 04/09/2025 | AUSTRALIAN TAX OFFICE | PAYG PE: 03.09.25 | 50,488.00 |
| EFT31580C | 10/09/2025 | AUSTRALIAN TAX OFFICE | PAYG PE: VARIANCE | 100.00 |
| EFT31581 | 11/09/2025 | HARMONIC IT | CAMERA, TV MOUNT, PLUS INSTALLATION | 2,080.10 |
| EFT31582 | 11/09/2025 | AUSTRALIA POST - ACCOUNTS | SHIRE POSTAGE | 5,692.66 |
| EFT31583 | 11/09/2025 | AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH | EMPLOYEE UNION DEDUCTIONS | 79.50 |
| EFT31584 | 11/09/2025 | AMITY SIGNS | STREET SIGNS | 69.30 |
| EFT31585 | 11/09/2025 | WINC AUSTRALIA PTY LTD - ACCOUNTS | STATIONERY SUPPLIES | 46.19 |
| EFT31586 | 11/09/2025 | ALLENS TRAFFIC MANAGEMENT | TRAFFIC MAMANGEMENT - ROAD WORKS PRIOR TO MEDIEVAL EVENT, ROAD & DRAINAGE WORKS - VARIOUS, EMERGENCY SOUTHAMPTON RD | 27,357.00 |
| EFT31587 | 11/09/2025 | ALL WEST BUILDING APPROVALS | VC MITCHELL PARK - ALL ABILITIES ACCESS RAMP - BUILDING CERTIFICATION | 605.00 |
| EFT31588 | 11/09/2025 | AGTRAC MACHINERY | MOWER BLADE | 165.00 |
| EFT31589 | 11/09/2025 | APG PLUS | SERVICE ZIP HYDROTAP | 693.26 |
| EFT31590 | 11/09/2025 | ADAM DAVEY CONSULTING | VC MITCHELL PARK - FERTILSER BLEND | 2,192.30 |
| EFT31591 | 11/09/2025 | AQUATECH DRILLING | DBK WMF - BORE CONSTRUCTION | 10,840.50 |
| EFT31592 | 11/09/2025 | BUNNINGS GROUP LIMITED | COMMUNITY EVENT - WHEELIE BINS, PRESTON VILLAGE - MISC MATERIALS | 1,754.29 |
| EFT31593 | 11/09/2025 | BOC LIMITED | DBK DEPOT - OXYGEN BOTTLE | 45.31 |
| EFT31594 | 11/09/2025 | BUILDING AND CONSTRUCTION INDUSTRY TRAINING BOARD | BCTIF LEVY COLLECTIONS | 755.59 |
| EFT31595 | 11/09/2025 | BDA TREE LOPPING | TREE PRUNING | 30,536.00 |
| EFT31596 | 11/09/2025 | BALINGUP LIQUOR & GENERAL STORE | BFB - DIESEL | 374.44 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31597 | 11/09/2025 | BLUE FORCE PTY LTD | PRESTON VILLAGE - MONTHLY EMERGENCY HELP MONITORING | 532.95 |
| EFT31598 | 11/09/2025 | BAILEYS FERTILISERS | FERTILISER | 2,365.00 |
| EFT31599 | 11/09/2025 | BALINGUP WELDING & CIVIL PTY LTD | PICK UP ABANDONED HORSE FLOAT, REMOVAL OF DUMPED RUBBISH | 498.85 |
| EFT31600 | 11/09/2025 | BETTER TELCO SOLUTIONS PTY LTD | MONTHLY SERVICE CHARGES - ACCESS FEE & SIP | 931.17 |
| EFT31601 | 11/09/2025 | BRIGHTMARK GROUP PTY LTD | CLEANING - AUG 25 | 19,525.96 |
| EFT31602 | 11/09/2025 | BEILBY DOWNING TEAL PTY LTD | RECRUITMENT SERVICES | 5,738.70 |
| EFT31603 | 11/09/2025 | DUG CROSS ELECTRICS | TEST & TAGGING OF ELECTRICAL EQUIPMENT, REPAIR FAULTY LIGHT | 985.00 |
| EFT31604 | 11/09/2025 | AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT | PAYROLL DEDUCTIONS | 347.46 |
| EFT31605 | 11/09/2025 | BIDFOOD BUNBURY | DBK REC CTR - KIOSK STOCK | 325.58 |
| EFT31606 | 11/09/2025 | COLLIE COUNTRY MUSIC CLUB | HALL BOND REFUND | 150.00 |
| EFT31607 | 11/09/2025 | CIVIC LEGAL | MINN COTTS - PROVIDE ADVICE - DECEASED TENANT | 2,194.50 |
| EFT31608 | 11/09/2025 | CAFE 48 | BFB FUNCTION, COUNCIL WORKSHOP & STAFF MEETING REFRESHMENTS | 1,331.00 |
| EFT31609 | 11/09/2025 | DONNYBROOK HARDWARE & GARDEN | HARDWARD SUPPLIES - BUILDERS PLASTIC, BOLTS, WASHERS, SAFETY HASP, SHOVEL HANDLES, SPARY & MARK PAINT | 277.20 |
| EFT31610 | 11/09/2025 | DONNYBROOK BUTCHERS | MEETING REFRESHMENTS | 150.00 |
| EFT31611 | 11/09/2025 | DONNYBROOK FRUIT BARN PTY LTD | BFB - DIESEL | 141.57 |
| EFT31612 | 11/09/2025 | DONNYBROOK FAMILY BAKERY | MEETING/TRAINING - REFRESHMENTS | 36.00 |
| EFT31613 | 11/09/2025 | DONNYBROOK BRIDGESTONE TYRE SERVICE | SUPPLY & FIT TYRES | 1,000.00 |
| EFT31614 | 11/09/2025 | DONNYBROOK DISTRICT HIGH SCHOOL | DBK LIBRARY - ELECTRICITY, WATER | 1,335.59 |
| EFT31615 | 11/09/2025 | DONNYBROOK FARM SERVICE | POOL CHEMICALS, RETIC COMPONENTS | 1,077.03 |
| EFT31616 | 11/09/2025 | DONNYBROOK FRESH SUPA IGA | GROCERY SUPPLIES | 993.14 |
| EFT31617 | 11/09/2025 | DONNYBROOK COMMUNITY RADIO INC. | DBK REC CTR - 12 MTH RADIO SPONSORSHIP | 160.00 |
| EFT31618 | 11/09/2025 | DBCEC (WA) PTY LTD | HIRE SEMI SIDE TIPPER, RUBBER TYRE ROLLER, BLN TRANSFER STATON - EXTENSION OF SITEWORKS | 50,639.60 |
| EFT31619 | 11/09/2025 | DONNYBROOK CLASSIC AUTO CLUB (INC) | HALL BOND REFUND | 150.00 |
| EFT31620 | 11/09/2025 | J EADES | BALINGUP HALL HIRE - BOND REFUND | 1,000.00 |
| EFT31621 | 11/09/2025 | DEPARTMENT OF FIRE AND EMERGENCY SERVICES | ESL 1ST QTR CONTRIBUTION - 25/26 | 121,202.18 |
| EFT31622 | 11/09/2025 | FAIRTEL PTY LTD | DBK SES - PHONE AND NBN SERVICE | 159.97 |

SHIRE OF DONNYBROOK BALINGUP
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| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31623 | 11/09/2025 | HASTIE WASTE PTY LTD | DBK WMF & BLN TRANSFER STATION - MONTHLY MANAGEMENT, SERVICING OF FRONT LIFT WASTE BINS, DELIVERY PICKUP & EMPTY FRONT LIFT BINS - MEDIEVAL EVENT | 40,883.50 |
| EFT31624 | 11/09/2025 | HEATLEYS SAFETY & INDUSTRIAL | W&S - PPE EQUIPMENT GLOVES, EARMUFFS, EARPLUGS | 391.09 |
| EFT31625 | 11/09/2025 | INDUSTRIAL AUTOMATION GROUP PTY LTD | STANDPIPE UPGRADE | 5,824.50 |
| EFT31626 | 11/09/2025 | INFIELD SERVICES PTY LTD | MUMBALLUP BFB - BUSHFIRE FIGHTING PUMP MAINTENANCE | 321.64 |
| EFT31627 | 11/09/2025 | INDUSTRY MAINTENANCE SOLUTIONS | BLN PUBLIC HALL - LIBRARY ENTRY ROOF COVER | 8,019.74 |
| EFT31628 | 11/09/2025 | JONNO'S HANDYMAN AND CARPENTRY SERVICES | COMMUNITY HOUSING - GENERAL MAINT & GARDENING, WINDOW BLINDS INSTALL, PICTURE RAIL, DESK SUPPORT & NOTICE BOARD | 809.88 |
| EFT31629 | 11/09/2025 | LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA | COMMUNITY DEVELOPMENT CONFERENCE | 1,480.00 |
| EFT31630 | 11/09/2025 | MALATESTA ROAD PAVING & HOTMIX | EMULSION ROAD PATCHING | 720.00 |
| EFT31631 | 11/09/2025 | MICROSOFT REGIONAL SALES CORPORATION | MICROSOFT 365 BUSINESS PREMIUM PLANS & EXCHANGE ONLINE PLANS | 2,122.23 |
| EFT31632 | 11/09/2025 | MORLEY CANVAS | DBK REC CTR - REPAIR OF POOL BLANKET | 750.00 |
| EFT31633 | 11/09/2025 | MONARCH360 PTY LTD | IMPLEMENTATION SERVICES EDRMS | 1,690.92 |
| EFT31634 | 11/09/2025 | NESPRESSO AUSTRALIA | COFFEE | 400.00 |
| EFT31635 | 11/09/2025 | OFFICEWORKS | STATIONERY SUPPLIES | 422.24 |
| EFT31636 | 11/09/2025 | PRESTON PRESS | ADVERTISING - FIRE PREVENTION ORDER 25/26 , SHIRE CONNECT, COMMUNITY GRANTS PROGRAM | 1,395.00 |
| EFT31637 | 11/09/2025 | PARKS & LEISURE AUSTRALIA | CORPORATE MEMBERSHIP PARKS AND LEISURE 25-26 | 825.00 |
| EFT31638 | 11/09/2025 | PRESTON VALLEY MAINTENANCE | GENERAL MAINTENANCE - SIGNAGE INSTALL, REPAIRS TO FOOTPATHS, REMOVE SHADE SALE, APPLY DECKING OIL, REMOVE GRAFFITI, FIX DOOR HANDLE, REPAIR ROOF LEAK | 5,420.00 |
| EFT31639 | 11/09/2025 | ROYAL LIFE SAVING SOCIETY WA INC. | LIFEGUARD LICENCE RENEWALS | 1,074.00 |
| EFT31640 | 11/09/2025 | REPCO - DONNYBROOK | VEHICLE SPRAY PAINT | 33.25 |
| EFT31641 | 11/09/2025 | RECRUITWEST PTY LTD | CASUAL LABOUR HIRE | 7,931.88 |
| EFT31642 | 11/09/2025 | SOS OFFICE EQUIPMENT | MONTHLY PRINTER METER READS | 913.62 |
| EFT31643 | 11/09/2025 | BUNBURY TRUCKS | CAMERA & CABLES | 691.85 |
| EFT31644 | 11/09/2025 | SOUTH WEST SEPTICS | SEPTIC TANK PUMP OUTS | 3,091.70 |
| EFT31645 | 11/09/2025 | SURVCON PTY LTD | SURVEYS OF GRAVEL STOCKPILES, FEATURE CONTOUR SURVEY | 4,070.00 |
| EFT31646 | 11/09/2025 | SEEK LIMITED | ADVERTISEMENT - STAFF VACANCIES | 781.00 |

SHIRE OF DONNYBROOK BALINGUP
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| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31647 | 11/09/2025 | STATEWIDE BEARINGS | BRONZE BUSH | 22.44 |
| EFT31648 | 11/09/2025 | SCOPE BUSINESS IMAGING | DBK SES - PREVENTATIVE SERVICE PLAN FOR PRINTER/COPIER | 33.97 |
| EFT31649 | 11/09/2025 | S HANSHAW | REIMBURSEMENT - WORKING WITH CHILDREN CHECK RENEWAL | 87.00 |
| EFT31650 | 11/09/2025 | SAPIO PTY LTD | APPLE FUN PARK - REPLACE CCTV CAMERA | 1,955.00 |
| EFT31651 | 11/09/2025 | SUPAGAS | GAS FACILITY FEE | 149.60 |
| EFT31652 | 11/09/2025 | SOUTHERN STAR BUILDING COMPANY & MAINTENANCE | BROOKHAMPTON HALL - ADDITIONAL REPAIR WORK | 7,908.50 |
| EFT31653 | 11/09/2025 | TELSTRA - MELBOURNE ACCOUNTS | TELEPHONE, MOBILE & INTERNET CHARGES | 1,731.55 |
| EFT31654 | 11/09/2025 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT CHARGES | 180.99 |
| EFT31655 | 11/09/2025 | TANGENT NOMINEES PTY LTD | REFUND OF DEVELOPMENT APPLICATION FEE | 1,745.37 |
| EFT31656 | 11/09/2025 | TELAIR PTY LTD | NBN SERVICE CHARGES | 678.90 |
| EFT31657 | 11/09/2025 | WATER CORPORATION | WATER & SEWERAGE CHARGES | 123.36 |
| EFT31658 | 11/09/2025 | SYNERGY | ELECTRICITY CHARGES | 21,924.42 |
| EFT31659 | 11/09/2025 | WA LOCAL GOVERNMENT ASSOCIATION (WALGA) | 2025 WALGA LOVAL GOVERNMENT CONVENTION | 4,332.40 |
| EFT31660 | 11/09/2025 | VEOLIA ENVIRONMENTAL SERVICES | STREET CLEANING | 2,697.76 |
| EFT31661 | 11/09/2025 | WESTRAC EQUIPMENT PTY LTD | OIL & WEAR STRIPS, DECAL, ENGINE FILTER, FUEL FILTER, GAS STRUTS | 2,221.15 |
| EFT31662 | 11/09/2025 | WORK CLOBBER | PPE | 1,185.00 |
| EFT31662A | 18/09/2025 | SHIRE OF DONNYBROOK BALINGUP | PAYROLL FOR THE PERIOD ENDING 17.09.25 | 159,797.71 |
| EFT31662B | 18/09/2025 | AUSTRALIAN TAX OFFICE | PAYG PE: 17.09.25 | 42,180.00 |
| EFT31663 | 25/09/2025 | HARMONIC IT | ANNUAL MANAGED SERVICES AGREEMENT 25/26 | 10,367.50 |
| EFT31664 | 25/09/2025 | AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH | EMPLOYEE UNION DEDUCTIONS | 79.50 |
| EFT31665 | 25/09/2025 | AMITY SIGNS | STREET SIGNS | 166.10 |
| EFT31666 | 25/09/2025 | ABCO PRODUCTS PTY LTD | CLEANING CONSUMABLES | 3,042.53 |
| EFT31667 | 25/09/2025 | AFGRI EQUIPMENT AUSTRALIA PTY LTD | STRAP | 273.47 |
| EFT31668 | 25/09/2025 | BUILDING AND CONSTRUCTION INDUSTRY TRAINING BOARD | BCTIF LEVY COLLECTIONS | 1,201.25 |
| EFT31669 | 25/09/2025 | DONNYBROOK CAPEL DISTRICTS COMMUNITY FINANCIAL SERVICES LTD | REFUND - MONTHLY RENTAL PAID TWICE IN ERROR | 5,046.98 |
| EFT31670 | 25/09/2025 | BANKS PEST AND WEED CONTROL | WEED CONTROL | 1,232.00 |
| EFT31671 | 25/09/2025 | BALINGUP PROGRESS ASSOCIATION - BACH | SERVICE LEVEL AGREEMENT 2025-26 | 8,800.00 |
| EFT31672 | 25/09/2025 | BEILBY DOWNING TEAL PTY LTD | RECRUITMENT SERVICES PROPOSAL | 4,367.00 |
| EFT31673 | 25/09/2025 | GEOGRAPHE FORD | VEHICLE SERVICE | 379.00 |
| EFT31674 | 25/09/2025 | CITY & REGIONAL FUELS | PURCHASES ON FUEL CARDS & BULK FUEL - AUG 25 | 17,258.23 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31675 | 25/09/2025 | AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT | PAYROLL DEDUCTIONS | 372.87 |
| EFT31676 | 25/09/2025 | CLEANAWAY OPERATIONS PTY LTD. | BLN TRANSFER STATION - RECYCLING | 842.80 |
| EFT31677 | 25/09/2025 | WESTERN AUSTRALIA POLICE | BFB - VOLUNTEER POLICE CHECKS | 17.60 |
| EFT31678 | 25/09/2025 | CRS ELECTRICAL | LOWDEN BFB - REPLACE FAULTY FLOOD LIGHTS | 933.60 |
| EFT31679 | 25/09/2025 | CLEANAWAY | REFUSE COLLECTION & DISPOSAL - AUG 25 | 47,338.73 |
| EFT31680 | 25/09/2025 | CONNECT CALL CENTRE SERVICES | AFTERHOURS CALL CENTRE | 272.14 |
| EFT31681 | 25/09/2025 | CHG-MERIDIAN AUSTRALIA PTY LTD | DBK REC CTR - MATRIX FITNESS LEASE | 5,587.99 |
| EFT31682 | 25/09/2025 | CLEANAWAY PTY LTD | DBK WMF - RECYCLING BIN TRANSFER/PROCESSING - AUG 25 | 1,367.21 |
| EFT31683 | 25/09/2025 | CLEANAWAY OPERATIONS PTY LTD | BLN TRANSFER STATION - GENERAL WASTE COLLECTION & DISPOSAL - AUG 25 | 4,849.08 |
| EFT31684 | 25/09/2025 | CHARGEFOX PTY LTD | EV CHARGING STATION - MANAGEMENT FEES | 69.96 |
| EFT31685 | 25/09/2025 | DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION | CLEARING PERMIT APPLICATION FEE FOR CLEARING OF NATIVE VEGETATION | 400.00 |
| EFT31686 | 25/09/2025 | DONNYBROOK MEDICAL SERVICES | PRE-EMPLOYMENT MEDICALS | 820.00 |
| EFT31687 | 25/09/2025 | DONNYBROOK BUTCHERS | MEETING REFRESHMENTS | 70.23 |
| EFT31688 | 25/09/2025 | DONNYBROOK BRIDGESTONE TYRE SERVICE | HIRE OF ESCAVATOR, REPLACE TYRE STEMS | 649.00 |
| EFT31689 | 25/09/2025 | DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY - BUILDING COMMISSION | BSL COLLECTIONS | 2,561.94 |
| EFT31690 | 25/09/2025 | DBCEC (WA) PTY LTD | STORMWATER EXTENSTION - DRAINAGE MATERIALS, LOAD & TRANSFER CLEAN SAND, VERGE WORKS - CONSTRUCT SWALES | 24,976.88 |
| EFT31691 | 25/09/2025 | DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS | DBK WASTE MANAGEMENT FACILITY - LEASE - WASTE DISPOSAL RENT | 220.00 |
| EFT31692 | 25/09/2025 | DONNYBROOK MENS SHED (INC) | VC MITCHELL PARK - MANUFACTURE & SUPPLY DOOR | 480.70 |
| EFT31693 | 25/09/2025 | DONNYBROOK MOBILE WELDING | VC MITCHELL - FABRICATE TROLLEY | 2,182.40 |
| EFT31694 | 25/09/2025 | HASTIE WASTE PTY LTD | DBK WMF & BLN TRANSFER STATION - PROCESSING OF MATTRESSES FOR RECYCLING | 480.00 |
| EFT31695 | 25/09/2025 | HEATLEYS SAFETY & INDUSTRIAL | HESSIAN SAND BAGS FOR DRAINAGE MAINTENANCE | 437.80 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31696 | 25/09/2025 | INFIELD SERVICES PTY LTD | BFB VEHICLE SERVICE, DIAGNOSE & REPAIR PUMP FAULT, FAULT LIGHT ON DASH | 2,358.35 |
| EFT31697 | 25/09/2025 | SOUTH WEST ISUZU | FAULT LIGHT ON DASH | 598.79 |
| EFT31698 | 25/09/2025 | JONNO'S HANDYMAN AND CARPENTRY SERVICES | COMMUNITY HOUSING - GENERAL MAINT & GARDENING, REPAIR SKIRTING, REPAIR WATER DAMAGE ON WALL | 1,588.12 |
| EFT31699 | 25/09/2025 | LANDGATE CUSTOMER ACCOUNT | PROPERTY INFORMATION SEARCH - TITLES & EASEMENTS | 130.40 |
| EFT31700 | 25/09/2025 | LIVING SPRINGS WATER PTY LTD | BOTTLED SPRING WATER | 56.00 |
| EFT31701 | 25/09/2025 | LEISURE INSTITUTE OF WA AQUATIC (INC.) | LIWA - SOUTHWEST REGIONAL SEMINAR | 220.00 |
| EFT31702 | 25/09/2025 | LGISWA | WORKERS' COMPENSATION INSURANCE 25/26 - ESTIMATED WAGES TO ACTUAL WAGES ADJUSTMENT | 770.17 |
| EFT31703 | 25/09/2025 | LINDSAY TRANSPORT | FREIGHT CHARGES FOR TRANSPORT OF FERTILISER | 104.94 |
| EFT31704 | 25/09/2025 | LG SOLUTIONS PTY LTD | LG SOLUTIONS - CLOUD FEES & CHARGES - LICENCE & SUPPORT TO 30 JUNE 2026 | 9,240.00 |
| EFT31705 | 25/09/2025 | A LINDBERG | REFUND BOND - CAT TRAP | 100.00 |
| EFT31706 | 25/09/2025 | MALATESTA ROAD PAVING & HOTMIX | EMULSION - ROAD PATCHING | 720.00 |
| EFT31707 | 25/09/2025 | METAL ARTWORK BADGES | NAME BADGE | 15.84 |
| EFT31708 | 25/09/2025 | MULLALYUP FOREST FARM NURSERY | PLANTS | 269.50 |
| EFT31709 | 25/09/2025 | MAINLINE PLUMBING | VC MITCHELL PARK - ANNUAL BACKFLOW DEVICE TESTING | 462.00 |
| EFT31710 | 25/09/2025 | MAINSPRAY | WEED SPRAYING | 24,499.20 |
| EFT31711 | 25/09/2025 | MANJIMUP FREIGHT DISTRIBUTORS & BMI LOGISTICS | PARTS FOR LOADER - FREIGHT CHARGES | 18.50 |
| EFT31712 | 25/09/2025 | S MARSHALL | REFUND OVERPAYMENT OF RATES | 3,833.44 |
| EFT31713 | 25/09/2025 | E MASON | REFUND PORTION DOG REGISTRATION | 150.00 |
| EFT31714 | 25/09/2025 | M MARGETIC | REFUND DBK TRANSIT PARK BOOKING | 80.00 |
| EFT31715 | 25/09/2025 | A MENARD | REFUND OVERPAYMENT OF BULK SWIM PASSES | 18.00 |
| EFT31716 | 25/09/2025 | DAVID NOWLAND HYDRAULICS | PLANT - 3 BORE RAM | 737.00 |
| EFT31717 | 25/09/2025 | OFFICEWORKS | STATIONERY SUPPLIES | 441.14 |
| EFT31718 | 25/09/2025 | OPTEON PROPERTY GROUP PTY LTD | PROPERTY VALUATION - COMMERCIAL PREMISES | 2,750.00 |
| EFT31719 | 25/09/2025 | OMNICOM MEDIA GROUP AUSTRALIA PTY LTD | ADVERTISING - PLANNING | 443.97 |
| EFT31720 | 25/09/2025 | PRESTON VALLEY MAINTENANCE | GENERAL MAINTENANCE - ADJUST RETIC, INSTALL MORTAR ROCK PITCHING, RELOCATE STAGE, GUTTER CLEAN, FIXING BLACKBOARD, SECURE NETALL POSTS | 4,345.00 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31721 | 25/09/2025 | PRESTON POWER EQUIPMENT | SHARPEN BLADES, SPOOL WITH AUTOCUT, EDGER CROSS BLADE | 602.50 |
| EFT31722 | 25/09/2025 | PRIME INDUSTRIAL PRODUCTS | BLN TRANSFER STATION - PALLET JACK | 630.66 |
| EFT31723 | 25/09/2025 | PROGRAMMED PROPERTY SERVICES | DBK MEMORIAL HALL - MEETING ROOM - PAINT WALLS, SKIRTING, DOORS, FRAMES & FIREPLACE SILL | 2,585.00 |
| EFT31724 | 25/09/2025 | HOLCIM (AUSTRALIA) PTY LTD | AGGREGATE FOR ROAD PATCHING | 1,072.13 |
| EFT31725 | 25/09/2025 | REPCO - DONNYBROOK | LED SPOT LIGHTS, STARTER KIT, GAS STRUT, LED LIGHTS, BULB, INDICATOR LAMP, FLEX, BULLBAR MOUNT, CABLE STRIPER, NUDGE BAR FITTING KIT | 1,969.07 |
| EFT31726 | 25/09/2025 | RANTAM PTY LTD | BLN TRANSFER STATION - CONSTRUCTION OF SHED - PROGRESS PAYMENT | 13,500.00 |
| EFT31727 | 25/09/2025 | RECRUITWEST PTY LTD | CASUAL LABOUR HIRE | 15,287.70 |
| EFT31728 | 25/09/2025 | STEWART & HEATON CLOTHING CO. P/L | BFB - PPE CLOTHING | 1,137.75 |
| EFT31729 | 25/09/2025 | SOUTHERN LOCK & SECURITY | ADMIN SUB CENTRE - REPLACEMENT MAIN PANEL & SIREN CABLE | 2,850.00 |
| EFT31730 | 25/09/2025 | SEEK LIMITED | ADVERTISEMENT - STAFF VACANCIES | 511.50 |
| EFT31731 | 25/09/2025 | SHRED-X PTY LTD & AUSTRALIAN PAPER RECYCLING | SHREDDING BIN PICK UP | 174.09 |
| EFT31732 | 25/09/2025 | SMARTSHEET AUSTRALIA PTY LTD | SMARTSHEET CONTRACT RENEWAL | 26,980.00 |
| EFT31733 | 25/09/2025 | SYKES ENGINEERING PTY LTD TRADING AS SOUTHWEST ELECTRICAL & COMMUNICATION | VC MITCHELL PARK OVAL LIGHTING | 22,917.51 |
| EFT31734 | 25/09/2025 | SOUTH WEST PROPERTY MANAGEMENT | RENTAL SUBSIDY FOR CHILD CARE WORKER | 1,738.10 |
| EFT31735 | 25/09/2025 | SOUTHERN STAR BUILDING COMPANY & MAINTENANCE | BROOKHAMPTON HALL - REPLACING FLAT VALLEY GUTTER | 2,258.30 |
| EFT31736 | 25/09/2025 | SJ TRAFFIC MANAGEMENT PTY LTD | TRAFFIC MANAGEMENT | 3,405.60 |
| EFT31737 | 25/09/2025 | C SHAND | REFUND OVERPAYMENT OF RATES | 127.00 |
| EFT31738 | 25/09/2025 | SEAL TV PTY LTD | ADMIN CENTRE - HEAVY DUTY OUTDOOR TV ENCLOSURE | 3,728.45 |
| EFT31739 | 25/09/2025 | TELSTRA - MELBOURNE ACCOUNTS | TELEPHONE, MOBILE & INTERNET CHARGES | 955.53 |
| EFT31740 | 25/09/2025 | TREEHOUSE CHILDCARE CENTRE INC. | REIMBURSEMENTS - CHILDCARE ATTRACTION & RENTION GRANT | 3,762.08 |
| EFT31741 | 25/09/2025 | THOMPSON SURVEYING CONSULTANTS | DBK WMF - TOP OF CASING SURVEY OF GROUNDWATER MONITORING BORE | 715.00 |
| EFT31742 | 25/09/2025 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT | 46.84 |
| EFT31743 | 25/09/2025 | TIMIAMA NOMINEES PTY LTD | GRAVEL MATERIAL | 26,598.00 |
| EFT31744 | 25/09/2025 | TPG NETWORK PTY LTD | STANDARD & FAST FIBRE INTERNET | 1,304.60 |
| EFT31745 | 25/09/2025 | K THOMAS | REFUND OVERPAYMENT OF RATES | 804.00 |
| EFT31746 | 25/09/2025 | SYNERGY | ELECTRICITY CHARGES | 2,311.52 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| EFT31747 | 25/09/2025 | WA LOCAL GOVERNMENT ASSOCIATION (WALGA) | WALGA SOUTH WEST COUNTRY ZONE ANNUAL SUBSCRIPTION 25/26 | 660.00 |
| EFT31748 | 25/09/2025 | VEOLIA ENVIRONMENTAL SERVICES | STREET CLEANING | 981.11 |
| EFT31749 | 25/09/2025 | WESTRAC EQUIPMENT PTY LTD | FILTERS FOR SERVICE | 378.53 |
| EFT31750 | 25/09/2025 | ZIPFORM | RATES NOTICES 25-26 - PRINTING NOTICES, ENVELOPES & BUDGET BROCHURE, INSERT NOTICES, ESL, FIREBREAK ORDER & RATES BROCHURE INTO ENVELOPE SEAL & SORT | 5,741.34 |
| EFT31750A | 29/09/2025 | WA TREASURY CORPORATION | LOAN 94 – VC MITCHELL PARK DEVELOPMENT | 115,368.51 |
| | | | **TOTAL: EFT PAYMENTS** | **1,318,571.61** |
| **CHEQUE PAYMENTS** | | | | |
| 53841 | 02/09/2025 | SHIRE OF DONNYBROOK BALINGUP | BIN SERVICE RATE CHARGES | 11,608.00 |
| 53842 | 12/09/2025 | DEPARTMENT OF TRANSPORT | CUSTOMER PURCHASE OF SHIRE LOG PLATE | 900.00 |
| | | | **TOTAL: CHEQUE PAYMENTS** | **12,508.00** |
| **BANK FEES** | | | | |
| | 30/09/2025 | BENDIGO BANK | BANK FEES | 446.54 |
| | | COMMONWEALTH | BANK FEES | 293.20 |
| | | TYRO | BANK FEES | 946.83 |
| | | PAYPAL | TRANSACTION FEES | 2.59 |
| | | WA TREASURY | BANK FEES | 0.00 |
| | | EZIDEBIT | TRANSACTION FEES | 55.08 |
| | | SPACETOCO | TRANSACTION FEES | 1,533.02 |
| | | | **TOTAL: BANK FEES** | **3,277.26** |
| **DIRECT DEBITS** | | | | |
| DD28645.1 | 03/09/2025 | SPECTRUM SUPER | EMPLOYEE SUPER DEDUCTIONS | 35.71 |
| DD28645.2 | 03/09/2025 | UNISUPER | EMPLOYEE SUPER DEDUCTIONS | 642.72 |
| DD28645.3 | 03/09/2025 | CBUS SUPER | EMPLOYEE SUPER DEDUCTIONS | 408.37 |
| DD28645.4 | 03/09/2025 | TATE SUPERANNUATION FUND | EMPLOYEE SUPER DEDUCTIONS | 326.70 |
| DD28645.5 | 03/09/2025 | BRIGHTER SUPER | EMPLOYEE SUPER DEDUCTIONS | 356.79 |
| DD28645.6 | 03/09/2025 | ONEPATH MASTERFUND | EMPLOYEE SUPER DEDUCTIONS | 263.09 |
| DD28645.7 | 03/09/2025 | AWARE SUPER | EMPLOYEE SUPER DEDUCTIONS | 21,580.60 |
| DD28645.8 | 03/09/2025 | COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER | EMPLOYEE SUPER DEDUCTIONS | 1,223.37 |
| DD28645.9 | 03/09/2025 | GESB SUPER SCHEME | EMPLOYEE SUPER DEDUCTIONS | 836.34 |
| DD28645.10 | 03/09/2025 | AUSTRALIAN SUPER | EMPLOYEE SUPER DEDUCTIONS | 5,542.37 |
| DD28645.11 | 03/09/2025 | AMP LIFE LIMITED | EMPLOYEE SUPER DEDUCTIONS | 354.17 |
| DD28645.12 | 03/09/2025 | MERCER SUPER TRUST | EMPLOYEE SUPER DEDUCTIONS | 356.41 |
| DD28645.13 | 03/09/2025 | MLC PLUM SUPER | EMPLOYEE SUPER DEDUCTIONS | 652.87 |
| DD28645.14 | 03/09/2025 | REST SUPERANNUATION | EMPLOYEE SUPER DEDUCTIONS | 925.00 |
| DD28667.1 | 17/09/2025 | SPECTRUM SUPER | EMPLOYEE SUPER DEDUCTIONS | 35.71 |
| DD28667.2 | 17/09/2025 | CBUS SUPER | EMPLOYEE SUPER DEDUCTIONS | 408.30 |
| DD28667.3 | 17/09/2025 | TATE SUPERANNUATION FUND | EMPLOYEE SUPER DEDUCTIONS | 345.24 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENTS FROM 1 SEPTEMBER TO 30 SEPTEMBER 2025

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| DD28667.4 | 17/09/2025 | AMP LIFE LIMITED | EMPLOYEE SUPER DEDUCTIONS | 317.32 |
| DD28667.5 | 17/09/2025 | BRIGHTER SUPER | EMPLOYEE SUPER DEDUCTIONS | 332.31 |
| DD28667.6 | 17/09/2025 | ONEPATH MASTERFUND | EMPLOYEE SUPER DEDUCTIONS | 221.29 |
| DD28667.7 | 17/09/2025 | WEALTH PERSONAL SUPERANNUATION AND PENSION FUND | EMPLOYEE SUPER DEDUCTIONS | 138.48 |
| DD28667.8 | 17/09/2025 | HOSTPLUS | EMPLOYEE SUPER DEDUCTIONS | 220.90 |
| DD28667.9 | 17/09/2025 | TELSTRA SUPERANNUATION SCHEME | EMPLOYEE SUPER DEDUCTIONS | 110.45 |
| DD28667.10 | 17/09/2025 | AWARE SUPER | EMPLOYEE SUPER DEDUCTIONS | 22,243.63 |
| DD28667.11 | 17/09/2025 | COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER | EMPLOYEE SUPER DEDUCTIONS | 1,223.37 |
| DD28667.12 | 17/09/2025 | GESB SUPER SCHEME | EMPLOYEE SUPER DEDUCTIONS | 821.94 |
| DD28667.13 | 17/09/2025 | AUSTRALIAN SUPER | EMPLOYEE SUPER DEDUCTIONS | 4,842.78 |
| DD28667.14 | 17/09/2025 | MERCER SUPER TRUST | EMPLOYEE SUPER DEDUCTIONS | 460.14 |
| DD28667.15 | 17/09/2025 | MLC PLUM SUPER | EMPLOYEE SUPER DEDUCTIONS | 746.81 |
| DD28667.16 | 17/09/2025 | REST SUPERANNUATION | EMPLOYEE SUPER DEDUCTIONS | 910.41 |
| DD28667.17 | 17/09/2025 | UNISUPER | EMPLOYEE SUPER DEDUCTIONS | 642.72 |
| DD28670.1 | 15/09/2025 | SG FLEET AUSTRALIA PTY LIMITED | CESM - VEHICLE LEASE PAYMENT | 1,018.60 |
| | | | TOTAL: DIRECT DEBITS | 68,544.91 |
| | | | TOTAL: PAYMENTS FROM MUNICIPAL ACCOUNT | 1,401,531.52 |

CERTIFICATION BY CHIEF EXECUTIVE OFFICER

This Schedule of Accounts Paid is submitted to the Council Meeting on 22 October 2025 in accordance with the *Local Government (Financial Management) Regulations 1996* Section 13. These accounts have been checked and are fully supported by vouchers and invoices, which have been duly certified as to the receipts of goods and the rendition of services and as to prices, computations and costings.

Chief Executive Officer

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 197/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That Council receive the schedule of accounts paid as detailed in the report for the period ending 30 September 2025.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

## 9.2.2. Statement of Financial Activity report for the period ending 31st of August 2025

**Report Details:**

**Prepared by:** Manager Financial Services

**Manager:** Acting Director Finance & Corporate

**File Reference:** Nil **Voting Requirement:** Simple Majority

**Attachment(s):**

9.2.2(1) Statement of Financial Activity for period ending 31st of August 2025

### Executive Recommendation

**That Council receive the Statement of Financial Activity report for the period ending 31st of August 2025 as per** Attachment 9.2.2(1)

### Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

### Executive Summary

Pursuant to Section 6.4 of the *Local Government Act 1995* (the Act) and Regulation 34(4) of *the Local Government (Financial Management) Regulations 1996* (the Regulations), a local government is to prepare, on a monthly basis, a monthly financial report presented to Council details the Shire's performance in relation to its adopted/amended budget and actuals.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance for the period ending 31st of August 2025.

### Background

The Regulations detail the form and manner in which the monthly financial report is to be presented to the Council, and is to include the following:

- Annual budget estimates.
- Budget estimates to the end of the month in which the statement relates.
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates.
- Material variances between budget estimates and actual revenue/expenditure.
- Net current assets at the end of the month to which the statement relates.

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its Special Meeting of Council on 6th of August 2025 it was recommended Council adopt the following material variance reporting thresholds for the 2025/26 financial year:

*a) Variances equal to or greater than 10% of the year-to-date budget amounts detailed in the Statement of Financial Activity, however variances due to timing differences are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*

*b) Reporting of variances only applies for amounts greater than $25,000.*

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Unlikely | Moderate | Moderate (6) |
| Risk Description: | Monetary loss that may or may not be managed within existing budget or may not impact a program or services | | |
| Mitigation: | Reporting financials monthly | | |
| Compliance | Unlikely | Minor | Low (4) |
| Risk Description: | Meeting legislative requirement of financial reporting to the Council | | |
| Mitigation: | Monthly reporting on financial reports. | | |

## Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

## Policy Compliance

Nil.

## Statutory Compliance

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare financial activity statements.

## Consultation

The Shire's Executive Team, Department Managers and Finance staff monitor the Shire's monthly revenue and expenditure.

Approved budget amendments are recorded in the financial statements to always reflect the Shire's current budget and financial position.

## Officer Comment

Due to end-of-financial-year processing requirements, the presentation of the August 2025 Financial Statements to Council was postponed to the ordinary meeting in October 2025. These statements compare year-to-date expenditure and revenue against the 2025/26 Adopted Budget. The opening surplus for the financial year reflects figures from the draft Annual Financial Statements, which remains subject to audit.

Please note that material variance reporting may contain anomalies, as carried over projects from 2024/25 has not been included when this Agenda Report was prepared. These discrepancies will be addressed in future Financial Reports presented to Council. Explanation of current material variances is included in Note 3 of the attached financial report.

The issuing of rates for 2025/26 was completed in August 2025. Payment options are as follow:

- First instalment and due date for single full payment is 26th of September 2025
- Second rates instalment due date is 25th of November 2025
- Third rates instalment due date is 30th January 2026
- Fourth and final instalment due date is 31st of March 2025

At the end of August cash funds held in Bendigo is 57% of all Shire funds. As per the investment policy this is 7% above the maximum permitted with Bendigo Bank. Funds have since been transferred into other institutions to ensure investments align as per the policy.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 198/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Anita Lindemann |

**That Council receive the Statement of Financial Activity report for the period ending 31st of August 2025 as per** Attachment 9.2.2(1)

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

Suspend standing orders to allow Elected Members to speak more than once.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 199/10-25 | | |
| **MOVED BY:** | Cr Anita Lindemann | **SECONDED BY:** | Cr Alexis Davy |

**That Council suspend clause 8.10 and part 10 of the Standing Orders**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 200/10-25 | | |
| **MOVED BY:** | Cr Anita Lindemann | **SECONDED BY:** | Cr Tyler Hall |

**That Council reinstate clause 8.10 and part 10 of the standing orders**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil |
| **Carried: 9/0** |

Suspend standing orders to allow Elected Members to speak more than once.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 201/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Alexis Davy |

**That Council suspend clause 8.10 and part 10 of the Standing Orders**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

Reinstate standing orders.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 202/10-25 | | |
| **MOVED BY:** | Cr Alexis Davy | **SECONDED BY:** | Cr Grant Patrick |

**That Council reinstate clause 8.10 and part 10 of the standing orders**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil |
| **Carried: 9/0** |

## 9.2.3. Shire Committees and Councillor Group Membership

| Report Details: | | | |
|---|---|---|---|
| **Prepared by:** | Administration Officer, Corporate Services | | |
| **Manager:** | Manager Corporate Services | | |
| **Applicant:** | Shire of Donnybrook Balingup | | |
| **Location:** | Shire of Donnybrook Balingup | | |
| **File Reference:** | CNL 16 | **Voting Requirement:** | Absolute Majority |
| **Attachment(s):** | | | |
| 9.2.3(1) | Committee Book | | |

### Executive Recommendation

**That Council:**

1. **Appoint the following three Elected Members as Audit and Risk Management Committee members:**
   - **Cr_____ (Shire President)**
   - **Cr_____**
   - **Cr_____**

2. **Appoint the following external members to the Audit and Risk Management Committee:**
   - **Mr Ian Telfer**
   - **Mr Angelo Logiudice**

3. **Appoint the following four Elected Members as Development Assessment Panels (DAP) members:**
   - **Cr_____**
   - **Cr_____**
   - **Cr_____* Alternate Member**
   - **Cr_____* Alternate Member**

4. **Appoint the following two Elected Members as delegates to the South West Country Zone of WALGA:**
   - **Shire President**
   - **Deputy Shire President *Proxy**

5. **Appoint the following Elected Member as a Bush Fire Advisory Committee member:**
   - **Cr_____**

6. **Appoint the following two Elected Members as delegates to The Donnybrook School Community Resource Library Management Committee members:**
   - **Cr_____**
   - **Cr_____**

7. **Appoint the following three Elected Members as delegates to the Warren Blackwood Alliance of Council members:**
   - **Cr_____ (Shire President preferred Clause 6.4 of WBAC Constitution)**
   - **Cr_____**
   - **Cr_____*Proxy**

8. **Appoint the following two Elected Members as Warren Blackwood Climate Alliance Reference Group (CARG) members:**
   - **Cr_____**
   - **Cr_____**

9. **Appoint the following Elected Member as a Local Emergency Management Committee (LEMC) member:**
   - **Cr_____**

10. **Appoint the following Elected Member as a Regional Road Group (RRG) member:**
    - **Cr_____**

11. **Appoint the following Elected Member as a Leschenault Wellington District Health Advisory Committee (DHAC) member:**
    - **Cr_____**

12. **Appoint the following Elected Member as a Disability Access Inclusion Reference Group (DAIP) member:**
    - **Cr_____**
    - **Cr_____*Proxy**

13. **Appoint the following Elected Member as a Talison Stakeholder Reference Group Committee Member:**
    - **Cr_____**
    - **Cr_____*Proxy**

## Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 4 - Shared responsibility for sustainability.

**Objective:** 4.1 - Encourage the adoption of sustainable practices.

**Outcome:** 11 - Strong, visionary leadership.

**Objective:** 11.1 - Provide strategically focused, open and accountable governance.

## Executive Summary

Council is requested to appoint Elected Members as representatives to the following Committee's or Working/Reference Group for the next biennial term of two years. The following are the specific bodies in question:

- Audit and Risk Management Committee; and
- Development Assessment Panels (DAP); and
- South West Country Zone; and
- Bush Fire Advisory Committee (BFAC); and
- The Donnybrook School Community Resource Library Management Committee; and
- Warren Blackwood Alliance of Councils (WBAC); and
- Warren Blackwood Climate Alliance Reference Group; and
- Local Emergency Management Committee (LEMC); and
- Regional Road Group (RRG).
- Leschenault Wellington District Health Advisory Committee (DHAC)
- Talison Stakeholder Reference Committee

## Background

The Council's representation on these Committees and Working/Reference Groups has been facilitated by Elected Members and/or Senior Staff members for the past 12 months.

Council resolved the following at the Ordinary Council Meeting held 22 November 2023:

*"COUNCIL RESOLUTION 139/23*

*That Council:*

1. *Appoint the following three Elected Members as Audit and Risk Management Committee members:*
   - *Cr McCarthy*
   - *Cr Davy*
   - *Cr Bailey*

2. *Appoint previous external member Ian Telfer to the Audit and Risk Management Committee as an external member for the December 2023 meeting.*

3. *Appoint the following four Elected Members as Development Assessment Panels (DAP) members:*
   - *Cr Lindemann*
   - *Cr Davy*
   - *Cr Glover * Alternate Member*
   - *Cr Shand * Alternate Member*

4. *Appoint the following two Elected Members as delegates to the South West Country Zone of WALGA:*
   - *Shire President Cr MacCarthy*
   - *Deputy Shire President Cr Lisa Glover *Proxy*

5. *Appoint the following Elected Member as a Bush Fire Advisory Committee member:*
   - *Cr Patrick*

6. *Appoint the following two Elected Members as delegates to The Donnybrook School Community Resource Library Management Committee members:*
   - *Deputy Shire President Cr Glover*
   - *Cr MacCarthy*

7. *Appoint the following three Elected Members as delegates to the Warren Blackwood Alliance of Council members:*
   - *Shire President Cr MacCarthy*
   - *Cr Davy*
   - *Deputy Shire President Cr Glover *Proxy*

8. *Appoint the following two Elected Members as Warren Blackwood Climate Change Impact Reference Group members:*
   - *Cr Lindemann*
   - *Cr Davy*

9. *Appoint the following Elected Member as a Local Emergency Management Committee (LEMC) member:*
   - *Shire President Cr MacCarthy*

10. *Appoint the following Elected Member as a Regional Road Group (RRG) member:*
    - *Cr Mitchell*

Council resolved the following at the Ordinary Council Meeting held 28 May 2025:

*"COUNCIL RESOLUTION 97/05-25*

*That Council:*

1. *Appoint, by absolute majority, President MacCarthy as the Presiding Member of the Audit and Risk Management Committee; and*
2. *Appoint, by absolute majority, Councillor Patrick as the Presiding Member and President MacCarthy as the Deputy Presiding Member, of the Chief Executive Officer Recruitment and Performance Review Committee.*

Committee, Working/Reference Group details vary and have been outlined in Attachment 9.2.3(1).

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Service Interruption | Unlikely | Insignificant | Low (4) |
| Risk Description: | No representation on the Committee. | | |
| Mitigation: | Appoint Elected Members to the Committees. | | |

## Financial Implications

Nil.

## Policy Compliance

Nil.

## Statutory Compliance

- *Local Government Act 1995*
- *Bush Fires Act 1954*
- *Emergency Management Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*

## Consultation

Nil.

## Officer Comment

The appointments to these Committees and Working/Reference Groups stand as a crucial mechanism for proactive community representation and focused participation in areas of essential local concern.

The fulfillment of these roles will be instrumental in advocating for the interests of the community and the region as a whole. It is the responsibility of the Council to appoint the most qualified individuals to each of these groups, ensuring that our community receives well-rounded and effective support. These individuals will provide advice and feedback to both the group and Council.

In accordance with recent reforms to the *Local Government Act 1995*, the Audit and Risk Management Committee will transition to an Audit, Risk and Improvement Committee (ARIC). This includes the requirement to appoint an independent Presiding Member and Deputy Presiding Member, who must not be a council member or employee of the local government. These changes aim to strengthen governance and impartial oversight. The revised Terms of Reference will also align with the Office of the Auditor General's Better Practice Guide, ensuring consistency and transparency in committee operations. The updated Terms of Reference is expected to be presented to Council following the October 2025 elections.

While recent reforms to the *Local Government Act 1995* will require the establishment of an Audit, Risk and Improvement Committee (ARIC) and the appointment of an independent Presiding Member, these new regulations have not yet come into effect. Therefore, appointments will continue to be made in accordance with the current Terms of Reference for the Audit and Risk Management Committee until such time as the revised Terms of Reference are formally adopted by Council. The updated Terms of Reference are expected to be presented to Council following the October 2025 elections.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 203/10-25 | | |
| **MOVED BY:** | Cr Amanda McNab | **SECONDED BY:** | Cr Alex Purich |

**That Council:**

1. **Appoint the following two Elected Members as Audit and Risk Management Committee members:**
   - **Cr MacCarthy (Shire President)**
   - **Cr Hall**

2. **Appoint the following external members to the Audit and Risk Management Committee:**
   - **Mr Ian Telfer**
   - **Mr Angelo Logiudice**

3. **Appoint the following four Elected Members as Development Assessment Panels (DAP) members:**
   - **Cr Davy**
   - **Cr Lindemann**
   - **Cr Hall* Alternate Member**
   - **Cr Patrick* Alternate Member**

4. **Appoint the following two Elected Members as delegates to the South West Country Zone of WALGA:**
   - **Shire President**
   - **Deputy Shire President *Proxy**

5. **Appoint the following Elected Member as a Bush Fire Advisory Committee member:**
   - **Cr Purich**

6. **Appoint the following two Elected Members as delegates to The Donnybrook School Community Resource Library Management Committee members:**
   - **Cr Lindemann**
   - **Cr McNab**

7. **Appoint the following three Elected Members as delegates to the Warren Blackwood Alliance of Council members:**
   - **Cr MacCarthy (Shire President preferred Clause 6.4 of WBAC Constitution)**
   - **Cr Hall**
   - **Cr Davy *Proxy**

8. **Appoint the following two Elected Members as Warren Blackwood Climate Alliance Reference Group (CARG) members:**
   - **Cr Bailey**
   - **Cr Davy**

9. **Appoint the following Elected Member as a Local Emergency Management Committee (LEMC) member:**
    - **Cr MacCarthy**

10. **Appoint the following Elected Member as a Regional Road Group (RRG) member:**
    - **Cr Purich**

11. **Appoint the following two Elected Members as a Leschenault Wellington District Health Advisory Committee (DHAC) member:**
    - **Cr MacCarthy**
    - **Cr Patrick**

12. **Appoint the following two Elected Members as a Disability Access Inclusion Reference Group (DAIP) member:**
    - **Cr Lindemann**
    - **Cr Bailey *Proxy**

13. **Appoint the following two Elected Members as a Talison Stakeholder Reference Group Committee Member:**
    - **Cr Patrick**
    - **Cr Lindemann *Proxy**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0 by absolute majority vote** |

## 9.3. Chief Executive Officer

Nil.

## 10 Elected Member Motions

Nil.

## 11. New Business of an urgent nature introduced by Decision of the Meeting

Nil.

## 12. Meeting Closed to the Public

### 12.1. Matters for which the Meeting may be closed

#### 12.1.1 Bituminous Seal Tender

This report is confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

> (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

That the meeting be closed to the public.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 204/10-25 | | |
| **MOVED BY:** | Cr Lisa Glover | **SECONDED BY:** | Cr Alexis Davy |

**That the meeting be closed in accordance with section 5.23(c) of the *Local Government Act 1995* to discuss the following confidential items:**
**12.1.1 Bituminous Seal Tender**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

The meeting was closed to the public at 6:58pm.

That the meeting be re-opened to the public

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 206/10-25 | | |
| **MOVED BY:** | Cr Grant Patrick | **SECONDED BY:** | Cr Amanda McNab |

**That Council re-open the meeting to the public.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Glover, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 9/0** |

The meeting re-opened to the public at 7:03pm, and the Presiding Member read the confidential resolutions aloud.

### 12.2. Public reading of Resolutions that may be made public

**That Council:**

1. **Requests the Chief Executive Officer to award the contract for RFQ 351 – Bituminous Products 2025-26 to Malatesta Road Paving & Hot Mix, in accordance with their submitted offer for the specified projects only.**
2. **Requests the Chief Executive Officer to advise Malatesta Road Paving & Hot Mix that Council has determined not to accept their schedule of rates, for non-specified works, submitted with their offer.**

## 13. Closure

The Presiding Member advised that the next Agenda Briefing Session will be held on 19 November 2025 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 7:04pm.

Shire of
Donnybrook Balingup

# Minutes of Special Council Meeting

## Held on 22 October 2025 commenced at 5:00pm
## Held at the Council Chambers in Donnybrook
*(1 Bentley Street, Donnybrook)*

The purpose of this meeting is as follows:

- Swearing in new Councillors
- Election of Shire President
- Election of Deputy Shire President

**Authorised**:

Nick O'Connor, Chief Executive Officer

**Prepared:** 24 October 2025

| TABLE 2: MEASURES OF CONSEQUENCE | | | | | |
|---|---|---|---|---|---|
| Rating | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Health & Safety | First aid injuries | Medical treatment | Lost time injury of > 5 days | Notifiable incident | Fatality, permanent disability |
| Financial | Less than $2,000 | $2,000 - $20,000 Or < 5% variance in cost of project | $20,001 - $100,000 Or > 5% variance in cost of project | $100,001 - $1M | More than $1M |
| Service Interruption | No material service interruption | Temporary interruption to an activity – backlog cleared with existing resources | Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources | Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected | Indeterminate prolonged interruption of Service Unit core service deliverables |
| Compliance/ Legal | No noticeable regulatory or statutory impact | Some temporary non compliances | Short term non-compliance but with significant regulatory requirements imposed | Non-compliance results in termination of services or imposed penalties | Non-compliance results in criminal charges or significant damages or penalties |
| Reputation | Unsubstantiated, localised low impact on community trust, low profile or no media item | Substantiated, localised impact on community trust or low media item | Substantiated, public embarrassment, moderate impact on community trust or moderate media profile | Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions | Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions |
| Community | No noticeable effect on constituents, community, organisations, businesses, services, etc. | Limited effect on constituents, community, organisations, businesses, services, etc. | Moderate and manageable effect on constituents, community, organisations, businesses, services, etc. | Substantial effect on constituents, community, organisations, businesses, services, etc. | Devastating effect on constituents, community, organisations, businesses, services, etc. |
| Property | Inconsequential or no damage. | Localised damage rectified by routine internal procedures | Localised damage requiring external resources to rectify | Significant damage requiring internal & external resources to rectify | Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building |
| Environment | Contained, reversible impact managed by on site response | Contained, reversible impact managed by internal response | Contained, reversible impact managed by external agencies | Uncontained, reversible impact managed by a coordinated response from external agencies | Uncontained, irreversible impact |

| TABLE 3: MEASURES OF LIKELIHOOD | | |
|---|---|---|
| Rating | Description | Frequency |
| Almost Certain (5) | The event is expected to occur in most circumstances | More than once per year |
| Likely (4) | The event will probably occur in most circumstances | At least once per year |
| Possible (3) | The event should occur at some time | At least once in 3 years |
| Unlikely (2) | The event could occur at some time | At least once in 10 years |
| Rare (1) | The event may only occur in exceptional circumstances | Less than once in 15 years |

| TABLE 4: RISK MATRIX | | | | | | |
|---|---|---|---|---|---|---|
| | | Consequence | | | | |
| | | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Likelihood | Almost Certain (5) | Moderate (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| | Likely (4) | Low (4) | Moderate (8) | High (12) | High (16) | Extreme (20) |
| | Possible (3) | Low (3) | Moderate (6) | Moderate (9) | High (12) | High (15) |
| | Unlikely (2) | Low (2) | Low (4) | Moderate (6) | Moderate (8) | High (10) |
| | Rare (1) | Low (1) | Low (2) | Low (3) | Low (4) | Moderate (5) |

| TABLE 5: RISK TOLERANCE CRITERIA | | | |
|---|---|---|---|
| Risk Rank | Description | Criteria For Risk Tolerance | Responsibility |
| Low | Tolerated | Risk tolerated with adequate controls, managed by routine procedures and subject to annual monitoring | Operational Manager |
| Moderate | Monitor | Risk tolerated with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Operational Manager |
| High | Urgent Attention Required | Risk tolerated with effective controls, managed by senior management / executive and subject to monthly monitoring | Director / CEO |
| Extreme | Unacceptable | Risk only tolerated with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring | CEO / Council |

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# 1. Declaration of Opening / Announcement of Visitors

**Acknowledgement of Country:**
The Chief Executive Officer acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Chief Executive Officer declared the meeting open at 5:00pm and welcomed the public gallery.

The Chief Executive Officer advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Chief Executive Officer further state the following:

> *"This meeting is being livestreamed and digitally recorded in accordance with Council Policy. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.*
> *Whilst every endeavor has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording."*

# 2. Attendance

**Councillors Present:**

| | | |
|---|---|---|
| Cr John Bailey | Cr Alexis Davy | Cr Lisa Glover |
| Cr Tyler Hall | Cr Anita Lindemann | Cr Vivienne MacCarthy |
| Cr Amanda McNab | Cr Grant Patrick | Cr Alex Purich |

**Staff Present:**

| | |
|---|---|
| Nick O'Connor, Chief Executive Officer | Loren Clifford, Acting Director Finance and Corporate |
| Ross Marshall, Director Operations | Michelle Dennis, Manager Development Services |
| Meta Hazeldine, Manager Financial Services | Samantha Farquhar, Administration Officer Corporate Services |

**Public Gallery:** 10 members of the public were in attendance.

## 2.1. Apologies

Nil.

## 2.2. Approved Leave of Absence

Nil.

## 3. Announcements from the Chief Executive Officer

Nil.

## 4. Swearing in of new Councillors

The Chief Executive Officer invited each Councillor Elect to undertake the Oath or Affirmation of Allegiance and Declaration of Office.

## 5. Election of Shire President

The Chief Executive Officer invited nominations for the position of Shire President for the ensuing two years.

Cr Vivienne MacCarthy nominated herself to the position of Shire President.

Cr Vivienne MacCarthy was unopposed therefore, is elected as President

## 6. Election of Deputy Shire President

The Chief Executive Officer invited nominations for the position of Deputy Shire President for the ensuing two years.

Cr Lindemann nominated herself to the position of Deputy Shire President.

Cr Glover nominated herself to the position of Deputy Shire President.

Cr Glover nominated Cr Purich to the position of Deputy Shire President, Cr Purich accepted the nomination.

Cr Glover withdrew her nomination to the position of Deputy Shire President.

Cr Lindemann withdrew her nomination to the position of Deputy Shire President.

Cr Alex Purich was unopposed therefore, is elected as Deputy Shire President.

## 7. Allocation of Seating Arrangements

In accordance with s.8.1 of the *Shire of Donnybrook Balingup Meeting Procedures Local Law 2017*, the Chief Executive Officer alloted, alphabetically, a position at the Council table to each Member.

## 8. Closure

The Shire President advised that the next Ordinary Council Meeting will commence straight after the Special Council Meeting on 22 October 2025 in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 5:18pm.

Shire of
Donnybrook Balingup

# Minutes of Special Council Meeting

## Held on 12 November 2025 and commenced at 5:00pm
## Held at the Council Chambers in Donnybrook

*(1 Bentley Street, Donnybrook)*

The Purpose of this meeting is for Council to:

- Declare the 2026 Extraordinary Election, including setting the date, voting method and Returning Officer.
- Endorses the proposed Chief Executive Officer Key Performance Criteria (KPI's) 2025/2026; and
- Approve Additional Purpose Expenditure – Organisation Restructure (Confidential).

**Authorised**:

Nick O'Connor, Chief Executive Officer

**Prepared:** 14 November 2025

| TABLE 2: MEASURES OF CONSEQUENCE | | | | | |
|---|---|---|---|---|---|
| Rating | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Health & Safety | First aid injuries | Medical treatment | Lost time injury of > 5 days | Notifiable incident | Fatality, permanent disability |
| Financial | Less than $2,000 | $2,000 - $20,000 Or < 5% variance in cost of project | $20,001 - $100,000 Or > 5% variance in cost of project | $100,001 - $1M | More than $1M |
| Service Interruption | No material service interruption | Temporary interruption to an activity – backlog cleared with existing resources | Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources | Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected | Indeterminate prolonged interruption of Service Unit core service deliverables |
| Compliance/ Legal | No noticeable regulatory or statutory impact | Some temporary non compliances | Short term non-compliance but with significant regulatory requirements imposed | Non-compliance results in termination of services or imposed penalties | Non-compliance results in criminal charges or significant damages or penalties |
| Reputation | Unsubstantiated, localised low impact on community trust, low profile or no media item | Substantiated, localised impact on community trust or low media item | Substantiated, public embarrassment, moderate impact on community trust or moderate media profile | Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions | Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions |
| Community | No noticeable effect on constituents, community, organisations, businesses, services, etc. | Limited effect on constituents, community, organisations, businesses, services, etc. | Moderate and manageable effect on constituents, community, organisations, businesses, services, etc. | Substantial effect on constituents, community, organisations, businesses, services, etc. | Devastating effect on constituents, community, organisations, businesses, services, etc. |
| Property | Inconsequential or no damage. | Localised damage rectified by routine internal procedures | Localised damage requiring external resources to rectify | Significant damage requiring internal & external resources to rectify | Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building |
| Environment | Contained, reversible impact managed by on site response | Contained, reversible impact managed by internal response | Contained, reversible impact managed by external agencies | Uncontained, reversible impact managed by a coordinated response from external agencies | Uncontained, irreversible impact |

| TABLE 3: MEASURES OF LIKELIHOOD | | |
|---|---|---|
| Rating | Description | Frequency |
| Almost Certain (5) | The event is expected to occur in most circumstances | More than once per year |
| Likely (4) | The event will probably occur in most circumstances | At least once per year |
| Possible (3) | The event should occur at some time | At least once in 3 years |
| Unlikely (2) | The event could occur at some time | At least once in 10 years |
| Rare (1) | The event may only occur in exceptional circumstances | Less than once in 15 years |

| TABLE 4: RISK MATRIX | | | | | | |
|---|---|---|---|---|---|---|
| | | Consequence | | | | |
| | | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Likelihood | Almost Certain (5) | Moderate (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| | Likely (4) | Low (4) | Moderate (8) | High (12) | High (16) | Extreme (20) |
| | Possible (3) | Low (3) | Moderate (6) | Moderate (9) | High (12) | High (15) |
| | Unlikely (2) | Low (2) | Low (4) | Moderate (6) | Moderate (8) | High (10) |
| | Rare (1) | Low (1) | Low (2) | Low (3) | Low (4) | Moderate (5) |

| TABLE 5: RISK TOLERANCE CRITERIA | | | |
|---|---|---|---|
| Risk Rank | Description | Criteria For Risk Tolerance | Responsibility |
| Low | Tolerated | Risk tolerated with adequate controls, managed by routine procedures and subject to annual monitoring | Operational Manager |
| Moderate | Monitor | Risk tolerated with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Operational Manager |
| High | Urgent Attention Required | Risk tolerated with effective controls, managed by senior management / executive and subject to monthly monitoring | Director / CEO |
| Extreme | Unacceptable | Risk only tolerated with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring | CEO / Council |

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# 1. Declaration of Opening / Announcement of Visitors

**Acknowledgement of Country:**
The Shire President acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Shire President declared the meeting open at 5:00pm and welcomed the public gallery.

The Shire President advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President further stated the following:

> *"This meeting is being digitally recorded in accordance with Council Policy.*
> *Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.*
> *Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording."*

# 2. Attendance

**Councillors Present:**

| | | |
|---|---|---|
| Cr John Bailey | Cr Alexis Davy (via Teams) | Cr Tyler Hall |
| Cr Anita Lindemann | Cr Vivienne MacCarthy | Cr Amanda McNab |
| Cr Grant Patrick (via Teams) | Cr Alex Purich (via Teams) | |

**Staff Present:**

| | |
|---|---|
| Nick O'Connor, Chief Executive Officer | Ross Marshall, Director Operations |
| Loren Clifford, Acting Director Finance and Corporate | Samantha Farquhar, Administration Officer Corporate Services |

**Public Gallery:** 2 members of the public were in attendance.

Cr Davy joined the meeting at 5:02pm, via Teams.

Cr Purich and Patrick read the following:
*"Pursuant to Section 14CA(5) of the Local Government (Administration) Regulations 1996, I Councillor (Alex Purich and Grant Patrick) declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting."*

## 2.1. Apologies

Nil.

### 2.2. Approved Leave of Absence

Nil.

### 2.3. Application for Leave of Absence

Nil.

## 3. Announcements from the Presiding Member

Nil.

## 4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors and staff to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Loren Clifford declared a Financial Interest in Item 11.1.1

## 5. Public Question Time

### 5.1. Responses to previous public questions that were taken on notice

Nil.

### 5.2. Public Question Time

Nil.

## 6. Presentations

### 6.1. Petitions

Nil.

### 6.2. Presentations

Nil.

### 6.3. Deputations

Nil.

### 6.4. Delegates' Reports

Nil.

# 7. Reports of Committees

Nil.

# 8. Reports of Officers

## 8.1. Director Operations

Nil.

## 8.2 Director Finance and Corporate

Cr Davy read aloud the following:

*"Pursuant to Section 14CA(5) of the Local Government (Administration) Regulations 1996, I Councillor Alexis Davy declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting."*

Cr Amanda McNab entered the Council Chamber at 5:12pm

Suspend standing orders

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 207/11-25 | | |
| **MOVED BY:** | Cr Anita Lindemann | **SECONDED BY:** | Cr John Bailey |

**That Council Suspend standing orders.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 8/0** |

Re-instate standing orders

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 208/11-25 | | |
| **MOVED BY:** | Cr Anita Lindemann | **SECONDED BY:** | Cr Grant Patrick |

**That Council Re-instate standing orders.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 8/0** |

### 8.2.1 Extraordinary Election 2026

**Report Details:**

**Prepared by:** Loren Clifford, Acting Director Finance and Corporate

**Manager:** Nick O'Connor, Chief Executive Officer

**File Reference:** CNL09/1 **Voting Requirement:** Absolute Majority

**Attachment(s):**

8.2.1(1) Cost Estimate - Postal
8.2.1(2) Written Agreement - Postal

**Executive Recommendation**

**That Council:**

1. **In accordance with section 4.9(1)(b) of the *Local Government Act 1995*, sets the date of the extraordinary election for the filling of one (1) Councillor vacancy as Thursday, 26 March, 2026; and**
2. **Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australia Electoral Commissioner is to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required; and**
3. **Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election; and**
4. **Approves unbudgeted expenditure of $43,250 (GST exclusive) in the 2025/2026 Annual Budget to conduct the 2026 Extraordinary Election, to be funded from the 2024/2025 surplus.**

**Strategic Alignment**

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 11 - Strong, visionary leadership.

**Objective:** 11.1 - Provide strategically focused, open and accountable governance.

**Item:** Nil.

**Executive Summary**

This report seeks Council's endorsement to set the date of the 2026 extraordinary election, to appoint the WA Electoral Commissioner to conduct the 2026 extraordinary election via postal voting and to amend the 2025/2026 Annual Budget to allocate the necessary funding. This approach ensures compliance with legislative requirements and supports efficient, transparent electoral processes.

**Background**

The need for the 2026 extraordinary election arises due to the resignation of Councillor Lisa Glover, who was elected during the 2023 Ordinary Elections for a term ending in 2027. Councillor Glover formally resigned from Council on 24 October 2025, creating a vacancy that cannot be filled by backfilling by the 'first unelected candidate' from the recent 2025 election.

Under Section 2.32 of the *Local Government Act 1995*, a Councillor's office becomes vacant upon resignation. While the Act allows for vacancies to be filled without an election under certain conditions, this is only applicable when:

- The vacancy occurs within 12 months of the relevant Councillor being elected, and
- The replacement is selected from the same pool of candidates from the election in which the vacancy occurred.

Because Lisa Gover was elected in 2023, and the vacancy occurred in 2025, the 12-month window has lapsed.

Consultation with WALGA's governance team has confirmed there is no legal mechanism for Council to obtain an exemption to the requirement to hold an extraordinary election.

As such, an extraordinary election to fill the vacancy is required.

### Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Unlikely | Moderate | Moderate (6) |
| Risk Description: | Failure to appoint the Electoral Commissioner or determine the election method in accordance with the *Local Government Act 1995* may result in non-compliance. | | |
| Mitigation: | Appoint the Electoral Commissioner as per the Executive recommendation. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Community | Possible | Minor | Moderate (6) |
| Risk Description: | Selecting an unsuitable voting method may result in reduced voter turnout, diminished community representation, and reputational harm due to perceived inaccessibility or inconsistency with established practices. | | |
| Mitigation: | Proceeding with postal voting—used consistently over the past 28 years—aligns with community expectations, recent local government reforms, and ensures a familiar, accessible, and standardized process for all electors. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Moderate | Moderate (9) |
| Risk Description: | Without a formal budget amendment, these costs cannot be incurred, potentially delaying the election or breaching financial protocols. | | |
| Mitigation: | Amend the 2025/2026 Annual Budget as outlined in this report. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Service Interruption | Possible | Minor | Moderate (6) |
| Risk Description: | • Decision-Making Capacity: The vacancy may hinder Council's ability to achieve quorum or pass resolutions requiring an absolute majority.<br>• Portfolio Coverage: Responsibilities previously held by the departing Councillor may be temporarily unassigned or redistributed, affecting service continuity. | | |

| | |
|---|---|
| | • Community Representation: The community may experience a gap in representation, potentially leading to reduced community confidence in Council decisions.<br>• Operational Disruption: Election logistics may temporarily impact access to Council facilities and divert staff resources from regular operations. |
| Mitigation: | • Decision-Making Capacity: Schedule critical decisions to align with full Council attendance.<br>• Portfolio Coverage: Reassign the departing Councillor's responsibilities to existing members on an interim basis.<br>• Community Representation: Continue to communicate proactively with the community to reassure constituents of continued representation and responsiveness.<br>• Operational Disruption: Plan the Election logistics to minimizes impact on core services, including early scheduling of venue use and staff support. |

## Financial Implications

WAEC has estimated the cost to conduct 2026 extraordinary election for the Shire as a postal election at $38,250 (ex GST) as per the Cost Estimate provided at (Attachment 8.2.1(1)). This cost is based on the following assumptions:

- The method of election will be postal; and
- One (1) vacancy; and
- 5,000 electors; and
- A response rate of approximately 45%; and
- Appointment of a local Returning Officer; and
- Count to be conducted at the Shire Administration Office using the CountWA system.

In accordance with the *Local Government (Elections) Regulations 1997*, WAEC conducts elections on the basis of full cost recovery. This means the final cost may differ from the Cost Estimate provided. Should a significant change in the estimated cost become evident prior to, or during, this election, Council will be advised as early as possible.
An estimated additional $5,000 in staff-related costs is anticipated for the conduct of the count, over and above the WAEC's quoted cost.

The 2025/2026 Budget will need to be amended to have an allocation of $43,250 (ex GST) to meet the total costs associated with undertaking the extraordinary election. This amount includes operational costs such as staff wages and overheads. It is recommended that the $43,250 of unbudgeted expenditure be funded from the 2024/25 surplus, which is estimated to be significantly more than the 2024/25 mid-year budget review figure of $125,000.

An alternative informal cost estimate was provided by WAEC to conduct an in-person election at $26,998. This cost is based on the following assumptions:

- 5016 electors; and

- Participation rate 18%; and
- 1 polling place in the district; and
- 1 councillor vacancy.

This does not include:

- Staff to issue early votes during the election,
- Staff to assist the Returning Officer on the day / with the count on election night.

## Policy Compliance

Nil.

## Statutory Compliance

*Local Government Act 1995*

Section 4.9(1)(b) of the *Local Government Act 1995* requires Council to decide the date of an extraordinary election within one month of the vacancy occurring.

Section 4.20(4) of the Local Government Act 1995 allows Council to declare the Electoral Commissioner responsible for conducting elections.

Section 4.61(2) permits Council to decide that an election be conducted by postal voting.

Section 6.8 requires an absolute majority decision to authorise expenditure not included in the adopted budget.

The WA Electoral Commission's Service Charter outlines the procedural timeline and responsibilities for postal elections, reinforcing the need for timely declarations and budget allocations

## Consultation

Staff have consulted with WAEC, WALGA and the Local Government Department regarding the 2026 extraordinary election process.

The Electoral Commissioner will arrange the Statewide public election notice as required by the s. 4.64 of the *Local Government Act 1995*. The Shire will promote the Election through the Shire's website and social media.

## Officer Comment

Following the receipt of two cost estimates for the upcoming extraordinary election, it's recommended that Council proceed with the postal voting method.
While postal voting incurs an additional cost of approximately $10,000, it offers a significantly higher response rate of 45%, compared to 18% for in-person voting. This method aligns with broader local government trends and supports accessibility for remote and regional voters, which is particularly important given the geographic diversity of our community.

Postal voting is consistent with the recent local government reforms in Western Australia, which emphasise increased participation, accessibility, and standardisation of electoral processes. Choosing

postal voting ensures we are aligned with these reforms and reinforces what our community has come to expect as the normal process—having conducted postal elections for the past 28 years.

Council should also consider the impact of voter fatigue, with residents having recently participated in Federal, State, and Local Government ordinary elections, and now facing this extraordinary election. Postal voting offers a more convenient and familiar option that can help mitigate disengagement and maintain democratic participation.

| | | | |
|---|---|---|---|
| **MOVED BY:** | Cr Anita Lindemann | **SECONDED BY:** | Cr Grant Patrick |

**That Council:**

1. **In accordance with section 4.9(1)(b) of the *Local Government Act 1995*, sets the date of the extraordinary election for the filling of one (1) Councillor vacancy as Thursday, 26 March, 2026; and**
2. **Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australia Electoral Commissioner is to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required; and**
3. **Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election; and**
4. **Approves unbudgeted expenditure of $43,250 (GST exclusive) in the 2025/2026 Annual Budget to conduct the 2026 Extraordinary Election, to be funded from the 2024/2025 surplus.**

| |
|---|
| **For:** Cr Lindemann, Cr MacCarthy, Cr Patrick |
| **Against:** Cr Bailey, Cr Davy, Cr Hall, Cr McNab, Cr Purich |
| **Lost: 3/5 by absolute majority vote** |

Cr Davy raised the following motion which was put to the vote as the original motion was lost.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 209/11-25 | | |
| **MOVED BY:** | Cr Alexis Davy | **SECONDED BY:** | Cr John Bailey |

**That Council:**

1. **In accordance with section 4.9(1)(b) of the *Local Government Act 1995*, sets the date of the extraordinary election for the filling of one (1) Councillor vacancy as Saturday, 28 March 2026; and**
2. **Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australia Electoral Commissioner is to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required; and**

3. **Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as an in-person election; and**
4. **Approves unbudgeted expenditure of $32,000 (GST exclusive) in the 2025/2026 Annual Budget to conduct the 2026 Extraordinary Election, to be funded from the 2024/2025 surplus.**

| |
|---|
| **For:** Cr Bailey, Cr Patrick, Cr Purich, Cr Lindemann, Cr McNab |
| **Against:** Cr Hall, Cr MacCarthy |
| **Carried: 6/2 by absolute majority vote** |

Cr Hall foreshadowed an alternate motion which was not put to the vote due to Cr Davy's alternate motion being carried by an absolute majority vote.

Cr Hall's alternate motion:

**That Council:**

1. **Requests the CEO to report back to Council with information gathered from at least three (3) (of the ten (10)) Local Governments who conducted in-person elections during October 2025. The report shall include:**
    - **1.1. detailed cost breakdown**
    - **1.2. staffing requirements**
    - **1.3. security measures**
    - **1.4. operational challenges and lessons learned**
    - **1.5. preparation and delivery timeframes (i.e. How long everything took)**
    - **1.6. feedback from the LG RO's (if other than CEO) on the feasibility and cost-effectiveness of in person elections.**

## 8.2.2 Endorsement of the Chief Executive Officer's 2025/2026 Performance Criteria (KPI's)

**Report Details:**

**Prepared by:** Loren Clifford, Acting Director Finance and Corporate

**Manager:** Nick O'Connor, Chief Executive Officer

**File Reference:** EMP889 **Voting Requirement:** Simple Majority

**Attachment(s):**

8.2.2(1) Price Consulting - Summary Report (Confidential)

### Executive Recommendation

**That Council:**

1. **Notes the Summary Report provided by Price Consulting** (Attachment 8.2.2(1))**; and**
2. **Endorses the proposed Chief Executive Officer Key Performance Criteria (KPI's) 2025/2026 as detailed in the body of this report; and**
3. **Requests the Chief Executive Officer to publish the 2025/2026 Key Performance Indicators on the Shires website.**

### Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

### Executive Summary

This report seeks Council's endorsement of the CEO's Key Performance Criteria (KPIs) for 2025–2026, which have been developed collaboratively by the Council's Review Panel, the CEO, and an external consultant, and recommends their publication on the Shire's website.

### Background

To support the development of the CEO's Key Performance Criteria (KPIs) for 2025–2026, Council engaged Price Consulting Group Pty Ltd.

The CEO performance review process encompasses the establishment of expectations, ongoing guidance, and formal assessment of performance. Defining clear KPIs is essential to ensure alignment between Council's strategic priorities and the CEO's operational focus, and to provide a transparent framework for accountability. These criteria are typically cascaded throughout the organisation to reinforce strategic alignment across all levels. Given the increasing emphasis on governance and performance transparency, regular reviews enable Council to identify emerging issues early and adjust expectations or resources as needed.

This report presents the outcomes of the recent workshop convened to finalise the CEO's performance criteria for the 2025–2026 period.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Unlikely | Minor | Low (4) |
| Risk Description: | Inadequate documentation or failure to follow due process could breach statutory obligations or internal policies. | | |
| Mitigation: | • Ensure performance criteria are developed in accordance with the *Local Government Act 1995* and *Administration Regulations 1996*.<br>• Engage external consultants (e.g., Price Consulting) to guide the process. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Service Interruption | Unlikely | Minor | Low (4) |
| Risk Description: | Poorly defined or unrealistic KPIs could result in operational disruptions or failure to meet community expectations. | | |
| Mitigation: | • Align KPIs with council plan outcomes.<br>• Cascade criteria throughout the organisation to reinforce strategic alignment.<br>• Conduct regular reviews to identify emerging issues and adjust expectations or resources as needed. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Unlikely | Insignificant | Low (2) |
| Risk Description: | Poorly defined or unrealistic KPIs could result in operational disruptions or failure to meet community expectations. | | |
| Mitigation: | • Publish the CEO's KPIs publicly to demonstrate accountability.<br>• Ensure the criteria reflect community values and strategic priorities.<br>• Facilitate inclusive workshops with Council and the CEO to co-develop KPIs. | | |

## Financial Implications

Nil.

## Policy Compliance

Standard for CEO Recruitment, Performance Review and Termination

The Performance Criteria were set in accordance with the standards and the CEO's employment contract.

CEO's Contract of Employment

Clause 4 of the CEO's contract of employment requires that a performance review is undertaken at least annually, and that the review references Performance Criteria that are agreed in writing by the parties.

## Statutory Compliance

*Local Government Act 1995*

The CEO Key Performance Criteria (KPIs) have been established as part of the Shire's governance framework, the CEOs contract and in accordance with:

Sections 5.38 and 5.39(3)(b) of the *Local Government Act 1995,* which requires that:

- The performance of the CEO be reviewed at least once a year, and
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review.

Schedule 2 Division 3 of the *Local Government (Administration) Regulations 1996* requirements, specifically the principles and standards for CEO Performance Reviews relating to agreement between local government and the CEO on any performance criteria to be met in addition to the contractual performance criteria.

## Consultation

The process for setting the CEO Performance Criteria (KPI's)was developed and approved in discussion with the Review Panel and the CEO. The process entailed:

- Drafting an initial set of KPI's and circulating to the Review Panel and CEO via email.
- Facilitating a workshop on 13 October 2025 with the Review Panel and the CEO to fine tune the set of key performance indicators.
- Preparing a report summarising the outcomes for CEO and Council consideration and approval.

In line with the *Local Government Amendment Act 2023*, it is recommended that Council endorse the CEO's Key Performance Criteria (KPIs) and approve their publication on the Shire's website. This approach promotes transparency and aligns with the reform objectives to improve accountability and community engagement. Publishing the KPIs also reflects best practice and prepares the Shire for compliance with upcoming regulatory requirements, while reinforcing public confidence in the CEO's performance framework.

## Officer Comment

The Proposed CEO Performance Criteria (KPI's) 2025 - 2026, are structured around the following four key strategic outcomes:

1. Performance of the Functions of the CEO, as outlined in s5.41 of the Local Government Act,
2. Delivery of Strategic Community Plans Outcomes, ensuring alignment with Council's priorities,
3. Key Focus Areas,
4. Leadership and embedding the Shire's Values.

The proposed CEO Key Performance Criteria (KPIs) for 2025 - 2026 are outlined below.

1. Performance of the Functions of the CEO in s5.41 of the LG Act

    1.1. Advise the Council in relation to the functions of a local government under the LG Act and other written laws.

1.2. Ensure that advice and information is available to the Council so that informed decisions can be made.

1.3. Implement Council decisions in a timely manner.

1.4. Liaise with the Shire President on the local government's affairs and the performance of the local government's functions.

1.5. Be responsible for the employment, management, supervision, direction, and dismissal of other employees (subject to section 5.37(2) in relation to senior employees).

1.6. Ensure annual governance returns and audits are conducted.

2. Delivery of Strategic Community/Council Plan Outcomes

2.1. *People* - 1.4.1 Engage with local Indigenous community representatives

2.2. *People* - 2.1.5 Facilitate Development of a Public Health Plan

2.3. *Planet* - 4.2.2 Implement and expand climate action initiatives that improve energy efficiency, promote sustainability, and support community-led environmental engagement.

2.4. *Planet* - 5.3.2 Collaborate with neighbouring Councils to review regional waste options to reduce landfill.

2.5. *Place* - 6.1.4 Advocate for provision of relevant services and infrastructure to facilitate appropriate land development.

2.6. *Place* - 6.2.1 Support the Energy Efficient Pilot Program (EEPP) to help residents and businesses build energy literacy and implement efficiency measures through home audit kits, workshops and resources.

2.7. *Prosperity* – 9.4.1 Through the Workforce Plan explore opportunities for apprenticeships and traineeship to provide more employment opportunities in the Shire of Donnybrook Balingup organisation.

2.8. *Prosperity* – 10.1.1 Develop a Tourism and Economic Development Strategy.

2.9. *Performance* – 11.1.1 Provide an annual review of key informing strategies to the Integrated Planning and Reporting Framework to inform the Annual Budget.

2.10. *Performance* - 11.2.1 Develop a Community Engagement Plan

3. Key Focus Areas

3.1. Develop and ICT strategy to guide future investment in technology.

3.2. Review the Terms of Reference and operations of the Audit and Risk Management Committee.

3.3. Develop and implement a Councillor induction program following the 18 October Council elections.

3.4. Develop and implement an enhanced capital project reporting framework to provide Councillor visibility of project delivery.

4. Leadership and embedding the Shire's Values

4.1. CEO displays leadership attributes/behaviours.

The proposed CEO performance criteria (KPIs) above have been developed for the 2025 - 2026 performance review cycle and align to the planning and budget cycle to enable key priorities to be progressed in line with the Shire's direction and resourcing framework and will form the basis for the performance review cycle.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 210/11-25 | | |
| **MOVED BY:** | Cr John Bailey | **SECONDED BY:** | Cr Alexis Davy |

**That Council:**

1. **Notes the Summary Report provided by Price Consulting** (Attachment 8.2.2(1))**; and**
2. **Endorses the proposed Chief Executive Officer Key Performance Criteria (KPI's) 2025/2026 as detailed in the body of this report; and**
3. **Requests the Chief Executive Officer to publish the 2025/2026 Key Performance Indicators on the Shires website.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 8/0** |

### 8.3 Chief Executive Officer

Nil.

## 9. Elected Member Motions of which previous notice has been given

Nil.

## 10. New Business of an urgent nature introduced by Decision of the Meeting

Nil.

Loren Clifford left the Council Chamber at 6:13pm, due to her financial interest on item 11.1.1
Ross Marshall left the Council Chamber at 6:14pm

## 11. Meetings Closed to the Public

### 11.1. Matters for which the Meeting may be closed

#### 11.1.1 Organisation Restructure - Additional Purpose Expenditure

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(a) a matter affecting an employee or employees; and

That the meeting be closed to the public.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 211/11-25 | | |
| **MOVED BY:** | Cr Anita Lindemann | **SECONDED BY:** | Cr Alex Purich |

**That the meeting be closed to the public in accordance with section 5.2(c) of the *Local Government Act 1995* to discuss the following confidential items:**
**11.1.1 Organisation Restructure – Additional Purpose Expenditure**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 8/0** |

The meeting was closed to the public at 6:14pm.

That the meeting be re-opened to the public.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 213/11-25 | | |
| **MOVED BY:** | Cr John Bailey | **SECONDED BY:** | Cr Grant Patrick |

**That Council re-open the meeting to the public**.

| |
|---|
| **For:** Cr Bailey, Cr Davy, Cr Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 8/0** |

The meeting re-opened to the public at 6:17pm, and the Presiding Member read the confidential resolutions aloud.

### 11.2. Public reading of Resolutions that may be made public

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 212/11-25 | | |
| **MOVED BY:** | Cr Alexis Davy | **SECONDED BY:** | Cr Tyler Hall |

**That Council:**

1. **Authorises additional purpose expenditure in the 2025/26 Annual Budget per s6.8 of the *Local Government Act 1995* for the reasons contained in the body of the report; and**
2. **Funds the additional expenditure from the 2024/25 end of financial year surplus.**

| |
|---|
| **For:** Cr Bailey, Cr Davy, Hall, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Patrick, Cr Purich |
| **Against:** Nil. |
| **Carried: 8/0** |

## 12. Closure

The Shire President to advise that the next Agenda Briefing Session will be held on 19 November 2025 at 5:00pm, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 6:19pm.

# BUNBURY GEOGRAPHE GROUP OF COUNCILS

# MINUTES

of the

Bunbury Geographe Group of Councils Meeting

held on

**THURSDAY, 16 October 2025**

At

Shire of Dardanup
Administration Centre Eaton
1 Council Drive - EATON

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**SHIRE OF DARDANUP**

**MINUTES FOR THE BUNBURY GEOGRAPHE GROUP OF COUNCILS MEETING HELD ON THURSDAY 16th OCTOBER 2025, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 9.00AM.**

## *1.* DECLARATION OF OPENING

The Chairperson, declared the meeting open at 9:07am and welcomed those in attendance.

*Acknowledgement of Country*

*The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region and pay our respects to their elders, past, present and emerging. The Shire of Dardanup also respects and celebrates all cultures of all our residents and visitors to our Shire.*

*Emergency Procedure*

*In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located at the Eaton Boomers Club where we will meet (and complete a roll call).*

## 2. RECORD OF ATTENDANCE/APOLOGIES

### *2.1 Attendance*

| | | |
|---|---|---|
| André Schonfeldt | - | Shire of Dardanup |
| Gary Clark (Acting CEO) | - | Shire of Capel |
| Annie Riordan | - | Shire of Harvey (Teams) |
| Phil Anastasakis | - | Shire of Collie |
| Nick O'Connor | - | Shire of Donnybrook/Balingup (Teams) |

### *2.2 Apologies*

| | | |
|---|---|---|
| Alan Ferris | - | City of Bunbury |

## 3. MATTTERS FOR DISCUSSION

### *3.1 Bunbury Geographe group of councils Financials*

**Report Purpose:** To provide an overview to members of BGGC financial position. Full transaction history is included in Attachment 3.1 A.

| | |
|---|---|
| Fund balance as at 14-10-2025 | $46,976.31 |
| Less: committed funds for SW Sport & Rec Strategy | -$18,834.00 |
| Available funds at 14-10-2025 | $28,142.31 |
| Less: funds allocated for the Governance review | -$20,000.00 |
| Funds left over after Governance Review | $8,142.31 |

Note: The available funds do not include:

1. 2025/26 contributions from member councils; or
2. Any funds in relation to BGTP.

***Recommendation:***

***That the BGGC CEOs:***

1. ***Note the seed funding initially received from the Department of Local Government and paid by member Councils at the establishment of the group as per Attachment 3.1A.***
2. ***Note the balance remaining before the Governance Review is undertaken is $28,142.31.***
3. ***Note the current contribution per Council to the Group is $500 per annum and considers the fees as part of the governance review.***

**MOVED -**Mr Gary Clark **SECONDED –**Mr Phil Anastasakis

**CARRIED UNANIMOUSLY**

Discussion: Concerns raised about resolving the fee structure prematurely before finalizing the governance model.

Ms Annie Riordan suggested rewording the resolution to “consider member contributions as part of the governance review” to reflect flexibility.

Group unanimously agreed with the revised wording.

### *3.2 Shire of Donnybrook-Balingup notice to withdraw from Bunbury Geographe group of councils*

**Report Purpose:** To advise BGGC members of the withdrawal process following the formal notice given by the Shire of Donnybrook-Balingup on the 7th of October 2025 (Attachment 3.2A).

*Background:*

Clause 9 of the Bunbury Geographe Group of Councils MOU outlines the process for a Participant to withdraw from the Group. The key provisions include:

> *9. 1 A Participant may, at any time between 1 July and 31-December in any year, give to the Bunbury Geographe Group of Councils notice of its intention to withdraw from the Bunbury Geographe Group of Councils.*
>
> *9.2 The withdrawal of a Participant shall take effect from the end of the financial year following the giving of the notice of withdrawal under clause 9.1*
>
> *9.3 As soon as practicable following the end of the second financial year after the withdrawal of a Participant takes effect, the Bunbury Geographe Group of Councils shall:*
> *a) distribute to the Participant an amount equal to the proceeds and any surplus funds which would have been payable if the Bunbury Geographe Group of Councils was wound up; or*
> *b) be entitled to recover from the Participant an amount equal to the liability or debt which would be payable by the Participant if the Bunbury Geographe Group of Councils was wound up,*
> *as the case may be.*
>
> *9.4 Participants may be required to pay distribution*
> *If the Bunbury Geographe Group of Councils is unable to meet the distribution referred to in clause 9. 3(a) from funds on hand then, unless the Bunbury Geographe Group of Councils decides otherwise, the Participants (other than the Participant which has withdrawn) shall pay the distribution in the proportions equal to their respective equities in the Bunbury Geographe Group of Councils.*

*Governance and Participation:*

The Shire of Donnybrook-Balingup will remain a full Participant until 30 June 2026. Representation, voting rights, and obligations continue until that date.

*Financial Entitlement or Liability:*

As soon as practicable after the 30th June 2028, the Group must:

- Distribute any surplus funds or proceeds to the Shire of Donnybrook-Balingup, or
- Recover any outstanding liabilities or debts from the Shire of Donnybrook- Balingup based on a hypothetical winding-up scenario

Therefore, the settlement of funds owing from or to BGGC will be considered in 2028 in accordance with the MOU clause 9.3.

***Recommendation:***

***That the BGGC CEOs requests the Secretariat formally writes to the Shire of Donnybrook Balingup on behalf of the group to:***

***(1) acknowledge the receipt of notice (Attachment 3.2A) from the Shire of Donnybrook to withdraw from the Group in accordance with clause 9.1 of the MOU,***

***(2) convey that the withdrawal will take effect on 30 June 2026 in accordance with clause 9.2 of the MOU; and***

***(3) convey that the financial entitlements or liabilities will be assessed at the end of the second financial year after withdrawal takes effect in accordance with clause 9.3 of the MOU being 30 June 2028.***

**MOVED** -Mr Nick O'Connor **SECONDED –** Ms Annie Riordan

**CARRIED UNANIMOUSLY**

Discussion: Mr Nick O'Connor confirmed his council's decision to withdraw from the Bunbury Geographe Group of Councils. Mr Andre Schonfeldt spoke against the motion but did not vote against it. Mr Andre Schonfeldt expressed disappointment, emphasizing the value of collaboration between small and large local governments.

### *3.3 Workshop to be held on the 31st of October 2025*

**Report Purpose:**
To inform BGGC members of a proposed stakeholder engagement session scheduled for Friday, 31st October, aimed at exploring governance models for the Bunbury Geographe Group of Councils (BGGC) and to decide on a session format.

*Background:*

At the BGGC meeting held on the 21st if August it was decided the CEO group must:

1. *Develop a draft governance model;*
2. *Fund the development of the draft governance model from the existing surplus funds up to $20,000;*
3. *Develop a contributions proposal to fund the governance model;*
4. *Recommend the most effective member group for the region; and*
5. *Complete the above by 31 March 2026.*

A full day workshop session is being planned to bring together key stakeholders on the 31st of October 2025 at the Shire of Dardanup council chambers. A calendar invitation has been circulated to hold this date. The objective is to understand the broader regional governance context and how it may inform the BGCC's future model. The session is intended to include presentations from:

1. BGEA (Bunbury Geographe Economic Alliance)
2. ASW (Australia's South West)
3. PSWMA (Perth Southwest Metropolitan Association)

*Discussion Points:*

Confirmation of attendance

Determination of the session format:

a) Whether an independent facilitator should be engaged to guide the discussion and support consensus-building.
   - If option A, suggestions of facilitators.

b) whether the session should proceed as a series of presentations followed by open discussion, with the aim of reaching consensus organically.

***Recommendation:***

***That BGGC CEOs group requests the Secretariat to arrange an independent facilitator to facilitate a half day workshop for the CEO Group for the 31st of October 2025, to workshop and agree on the scope of works to be undertaken by a consultant to be appointed to assist with the development of a draft governance model, and to invite presentations from the following groups:***

- ***BGEA (Bunbury Geographe Economic Alliance) 30 min***
- ***PSWMA (Perth Southwest Metropolitan Association) 60 min***

**MOVED -**Mr Gary Clark **SECONDED –**Mr Phil Anastasakis

**CARRIED UNANIMOUSLY**

Discussion:

Mr Andre Schonfeldt advised Mr Alan Ferrris has confirmed his attendance.

Mr Andre Schonfeldt outlined the workshop's purpose: to explore optimal governance models for the region.

Mr Phil Anastasakis confirmed he is available for half a day and clarified that the $330,000 CEO model is off the table for the Shire of Collie.

Ms Annie Riordan and Mr Nick O'Conner emphasized the need for a staged approach and alternative models.

Facilitator Engagement

Mr Andre Schonfeldt proposed engaging an independent facilitator to guide the workshop.

Names suggested included Warwick Carter and Kelly Vick.

Ms Annie Riordan and Mr Nick O'Conner supported the idea for neutrality and structure.

Resolution Amendments:

Workshop confirmed for October 31.

Presentations to be invited from:

Bunbury Geographe Economic Alliance (BGEA) – 30 minutes

Southwest Metropolitan Group – 60 minutes

Facilitator to be procured.

**Action:** Mr Gary Clark is to reach out to Kelly Vick.

Mr Andre Schonfeldt to coordinate workshop on the 31st of October as outlined above.

### *3.4 BGTP SLA*

**Report Purpose:**

To seek clarification from members in relation to the proposed Service Level Agreement (SLA) with ASW (Australia's South West) (Attachment 3.4 A).

*Background:*

At the BGGC meeting held on the 21st of August 2025 the group carried unanimously the following resolution:

> ***That funding for BGTP to run through to 30 June 2026. Decision will be made to the future of the partnership, with decision to be made for the future for 31 March 2026.***

*Legal Implications:*

The MOU for the Bunbury Geographe Tourism Partnership lapsed on the 13th of October 2024( Attachment 3.4B). As a result, there is currently no resolution on the books as to who to engage or what the project is intended to achieve. The recent resolution by the group in August does not provide clarity on this, simply that the funding for BGTP run through to 30 June 2026.

ASW is a non-for-profit Regional Tourism Operator partly funded by Tourism WA. It appears that they can not be considered as an Agency of the State and therefore a procurement process may be required. Noting the Total consideration is for $163,000, this is within the CEO of the Shire of Dardanup's delegations, however a formal resolution from the BGGC group for the project would be preferred in order for the procurement policy including procurement plan requirements to be met.

*Working Group*

The BGGC established an officer level working group to provide input and guidance to ASW. Should the Group agree to continue with the SLA, it is recommended that the Working Group also continues.

It is acknowledged that the Shire of Capel staff have undertaken significant work and support towards the working group over the last two years, and it is recommended that the Group recognise this.

It is further recommended that if the Shire of Capel staff wish to continue supporting the working group into the future that this remains with the Shire of Capel. If however, the Shire of Capel staff wish to pass this responsibility on to another local government it is recommended that another member local government volunteer to undertake this. Should the shire of Capel withdraw its support and no further volunteers be received, the Shire of Dardanup as the Secretariat will assume the role.

**Recommendation:**

**That the BGGC CEOs:**

1. **Endorses that the Shire of Dardanup on behalf of the participating local governments sign the Service Level Agreement (Attachment 3.4A) with Australia South West to deliver on the Bunbury Geographe Tourism Partnership Project for the Group until 30 June 2026 to the value of $163,000.**

2. **Endorses that the Shire of Dardanup invoice the following participating Local Governments in accordance with the table set out below:**

| Local government | Contribution |
|---|---|
| City of Bunbury | $60,000 |
| Shire of Harvey | $38,000 |
| Shire of Capel | $25,000 |
| Shire of Collie | $20,000 |
| Shire of Dardanup | $20,000 |

3. **Acknowledges and thanks Jennelle Dunn for the great work she has done in coordinating the BGTP Officer Working Group;**

4. **Supports the Coordination of the BGTP Officer Working Group be hosted by Shire of Harvey upon receiving confirmation from Ms Annie Riordan, if not then the Shire of Dardanup will assume the role until 30 June 2026.**

**MOVED -** Ms Annie Riordan **SECONDED –** Mr Gary Clark

**CARRIED UNANIMOUSLY**

Discussion:

Mr Andre Schonfeldt raised concerns about signing the SLA without formal resolution or MOU.

Clarified ASW is a not-for-profit, not a government agency.

Councils had previously paid directly to ASW.

Mr Andre Schonfeldt advised he may seek council endorsement to formalize the arrangement and will put a procurement plan in place before signing the SLA.

<u>Budget and Procurement</u>

All Councils confirmed budget allocations for contributions.

Mr Andre Schonfeldt clarified funds would be processed outside of trust accounts.

Budget line established under “regional collaboration.”

<u>Tourism Working Group Coordination</u>

Ms Annie Riordan to confirm if Shire of Harvey can host the working group.

If not, Shire of Dardanup to be considered.

Mr Gary Clark noted historically coordination was done by ASW and the need for shared responsibility.

**Action:** Ms Annie Riordan to confirm if Shire of Harvey can host the working group.

Mr Andre Schonfeldt to complete necessary procurement procedures and sign the Service level Agreement.

Shire of Dardanup to invoice member councils for their 25/26 contribution as listed above.

## 4. NEW BUSINESS OF AN URGENT NATURE

FOGO Update:

Mr Andre Schonfeldt shared research is being conducted on transport options to Perth/Peel region.

Workshop scheduled with Councillors for November 5 to discuss options.

Ms Annie Riordan, Mr Gary Clark, Mr Nick O'Connor and Mr Phil Anastasakis expressed interest in being informed on research conducted and outcomes of the Workshop on the 5th of November.

Mr Andre Schonfeldt discussed the alternative site north of Banksia Road for a new waste transfer station and has requested support from DWER and the State Government.

**Action:** Mr Andre Schonfeldt to communicate feedback from research and outcomes of the Waste Management workshop on the 5th of November.

Shire of Collie - Withdrawal from Bunbury Geographe Toursim Partnership

Mr Phil Anastasakis noted the Shire of Collie has given notice that they intend to withdraw from the Bunbury Geographe tourism partnership post 25/26 financial year.

Mr Andre Schonfeldt advised this would be noted at the next meeting.

## 5. CLOSE

The Chairperson advised that the date of the next Meeting is to be confirmed at the Workshop scheduled for 31 October 2025 and declared the meeting closed at 9:51am.

accendo AUSTRALIA

# WORKS AND EXCAVATION PLAN (GRAVEL)

## LOT 77 UPPER CAPEL ROAD, UPPER CAPEL

October 2025

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# 1 INTRODUCTION

## 1.1 Background

Carbone Bros Pty Ltd (the applicant) is proposing to extract gravel from an 8.15 hectare (ha) area within Lot 77 (706) Upper Capel Road, Upper Capel (herein referred to as the subject site) (refer to **Figure 1** and **Figure 2**).

This application is made for a five year period however, the exact life of the project is difficult to estimate as it will be dependent on supply and demand trends.

The available volume of gravel (*insitu* volume of approximately 80,000 $m^3$) is to be extracted, commencing in Stage 1 and working in a clockwise direction (refer to **Figure 2**).

This document has been submitted to fulfil the relevant requirements provided within the Shire of Donnybrook – Balingup's *Local Planning Strategy*, the Shire of Donnybrook- Balingup's *Local Planning Scheme No. 7,* the Shire of Donnybrook – Balingup's *Extractive Industries Local Law* and the Shire of Donnybrook-Balingup's *Animals, Environment and Nuisance Local Law*. It is intended to provide the Shire of Donnybrook-Balingup, the public and relevant government agencies with an understanding of the proposal and the environmental strategies and commitments proposed to address various environmental and social issues.

# 2 EXISTING ENVIRONMENT

## 2.1 Location and Layout Plans

The subject site is located within Lot 77 Upper Capel Road, Upper Capel. The lot is wholly owned by John Fry (refer to **Appendix A** for Proof of Ownership). Authorisation for Carbone to act on the landowner's behalf for this proposal has been provided (refer to **Appendix B**).

The subject site is located within the municipality of the Shire of Donnybrook-Balingup, approximately 7km south west of the Donnybrook town centre and approximately 190 km south of Perth (refer to **Figure 1**).

## 2.2 Land Use and Zoning

The subject site is zoned "General Agriculture" under the Shire of Donnybrook-Balingup's *Local Planning Scheme No. 7* (LPS 7). Under the LPS 7 'Extractive Industry' is not a permitted land use unless the local government has exercised it discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions. Therefore, all applications for extractive industry on 'General Agriculture' zoned properties require prior approval from the Shire.

Land use abutting the boundaries of the subject site are zoned 'General Agriculture' to the south and east and 'Priority Agriculture' to the north and west.

The subject site is currently used for the grazing of cattle and cropping.

## 2.3 Topography and Soils

The subject site is located on the side of a hill with the elevation ranging from 135 metres (m) Australian Height Datum (AHD) in the southeastern corner of Stage 2 to 100 m AHD on the north-western boundary of Stage 3 (refer to **Appendix C**).

The subject site is located on boundary of the Goodwood Valleys system consisting of valleys of the Donnybrook Sunkland with sandy gravel, loamy gravel and deep sand and the Lowden Valleys system consisting of deep gneissic valleys in the south of the Western Darling Range zone with loamy earth, loamy duplex gravel and stony soils (Tille 2006).

The subject site is located within the following phases as mapped by the Department of Primary Industries and Regional Development's (Natural Resource Information (NRInfo)) database (DPIRD 2023):

- Rosa gentle slopes phase: Gentle valley slopes and footslopes (relief 10-30 m, slopes 3-10%).
- Donnybrook low slopes phase: Relief (20-60 m), slopes (5-20%). Soils are deep sands, sandy gravels and loamy earths.
- Kingia subsystem (Goodwood): Lateritic isolated crests and narrow ridges over sedimentary rocks, relief 5-20 m, slopes 1-10%. Soils are sandy gravels with some deep sands (refer to **Figure 3**).

### 2.3.1 Acid Sulfate Soils

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

conditions are termed “Actual ASS” (AASS), and those that have acid generating potential but remain in their naturally anaerobic conditions are termed “Potential ASS” (PASS).

National ASS risk mapping prepared by the CSIRO from the Australian Soil Resource Information System (ASRIS 2024) indicates that there is an ‘Extremely low probability of occurrence’ for ASS within the subject site.

Accordingly, the potential impacts associated with ASS are expected to be low and therefore no further investigations regarding ASS are considered necessary.

## 2.4 Climate

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

The closest weather recording station is Donnybrook (Station 9534). Temperatures are highest on average in January, at approximately 30.6°C. July has the lowest average temperature of the year of 5.7°C.

Rainfall for the area is approximately 970 mm per annum with approximately 90% of the rain falling during the winter months, April to October inclusive.

During the summer months the dominant wind in the mornings is from the east, south-east at 10-14 knots, swinging to the south-west to south-east at 20-25 knots in the afternoon. During winter, the winds are most commonly north and north-west 10-14 knots. During storms, winds from the west and north-west can reach 40 knots (BoM 2024).

Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Intensity-Frequency-Duration (IFD) data system which yields the two hour 1 in 10 (10%) annual exceedance probability storm event for the subject site as 36.1 mm/hr.

## 2.5 Vegetation and Flora

The vegetation within the subject site is in a ‘completely degraded’ (Keighery 1994) condition due to prolonged land degradation processes including land clearing, pasture cultivation and livestock grazing. The extraction area has been designed to ensure all vegetation will be avoided therefore no clearing permit is required.

### 2.5.1 Threatened Ecological Communities

An ecological community is defined as “a naturally occurring assemblage that occurs in a particular type of habitat” (PWS 2015). A Threatened Ecological Community (TEC) is one that has declined in area or was originally limited in distribution. Uncommon ecological communities that do not strictly meet TEC defined criteria, or are inadequately defined, are listed by the DBCA as a Priority Ecological Community (PEC).

As well as protection under State legislation, selected ecological communities are also afforded statutory protection at a Federal level pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act provides for the protection of TECs, which are listed under section 181 of the Act, and are defined as “Critically Endangered”, “Endangered” or “Vulnerable” under Section 182.

A search undertaken of the DBCA’s *Threatened Ecological Communities* (TEC) database and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) *Matters of National Environmental Significanc*e database indicated the possible presence of the Empodisma peatlands of southwestern Australia TEC within the subject site.

To be identified as the abovementioned TEC the following key diagnostic characteristics must be met:

- Occurs in south-west Australia, mainly within the Warren IBRA bioregion and Southern Jarrah Forest subregion of the Jarrah Forest IBRA bioregion. Discrete occurrence may also be present in the Perth (DWA02) (Swan Coastal Plain), Northern Jarrah Forest (JAF01) (Jarrah Forest) and Fitzgerald (ESP01) (Esperance) IBRA subregions.
- Occurs on an organosol that is typically saturated for at least a month during the year.
- Ground later almost always contains evidence of *Empodisma gracillimum* unless recently disturbed, for example by fire within 12-24 months. Other sedge species from the families Cyperaceae and Restionaceae also are typically present.
- Other indicator species include one or more of the following: *Acacia hastulata, Callistemon glaucus, Gymnoschoenus anceps, Leptocarpus tenax* and *Schoenus multiglumis.*

Given the presence of gravel soils within the subject site it is unlikely this TEC is present. Furthermore, given the absence of native vegetation, the subject site does not contain any conservation significant vegetation communities.

### 2.5.2 Environmentally Sensitive Areas

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

The subject site is not mapped within an ESA and there are not ESAs in proximity to the subject site.

## 2.6 Fauna

Fauna habitat within the subject site is absent, attributed to a history of anthropogenic disturbances which has resulted in an altered land use and the removal of native vegetation. Accordingly, no impact to fauna of conservation significance are anticipated as a result of the proposal.

## 2.7 Hydrology

### 2.7.1 Groundwater

The subject site is located within the Capel River North Branch subarea of the *Rights in Water and Irrigation* (RIWI) *Act 1914* proclaimed Busselton - Capel Groundwater Area.

Three groundwater monitoring bores are located in proximity to the extraction area (refer to **Figure 4**). They have been monitored for groundwater levels in August and October 2024 (refer to **Appendix D**). Data from this monitoring period along with surrounding creek lines has been used to produce groundwater contours for the site (refer to **Figure 4**). The boundaries of the four stages have been designed to ensure that at least 0.5 m separation to the maximum groundwater is achievable at all times.

### 2.7.2 Surface Water

The subject site is located in the Capel River North Branch subarea of the proclaimed Capel River System proclaimed surface water area. The subject site is not proclaimed under the *Country Areas Water Supply Act 1947* as a Public Drinking Water Source Area.

The Capel River North is located to the north of the subject site. A tributary of this river is also located to the south of the subject site. A buffer of at least 200 m is provided to both of these watercourses from all extraction activities. There are no mapped wetlands located within or in proximity to the subject site.

## 2.8 Dieback

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

## 2.9 Crown Land and Reserves

The subject site is not located within Crown land. A State Forest block (Byron Block), part of the Jarrahwood State Forest is located approximately 500 m to the south of the subject site. The proposed operations are not likely to impact this site.

## 2.10 Aboriginal Heritage

All Aboriginal sites in Western Australia are provided protection under the *Aboriginal Heritage Act 1972* in which it is an offence for anyone to excavate, damage, destroy, conceal or in any way alter an Aboriginal site without the Minister's permission.

An online search for relevant Aboriginal heritage information was undertaken using the Department for Planning, Lands and Heritage (DPLH) *Aboriginal Cultural Heritage Inquiry System* that incorporates both the heritage site register and the heritage survey database (DPLH 2023). The Aboriginal Cultural Heritage Directory provides locations and information about Aboriginal cultural heritage in Western Australia. The system contains past survey reports, places, cultural landscapes, protected areas, local Aboriginal cultural heritage services and Native Title Parties.

Results of the database search revealed that there have been three heritage surveys undertaken covering the subject site as follows:

- Heritage Survey Area 104608: Bunbury-Wellington Regional Planning Study: Working Papers No. 6, Aboriginal Heritage and Planning Survey;
- Heritage Survey Area 102,073 and 102,074: Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol 1 & 2;
- Heritage Survey Area 104,079: Bunbury-Wellington Regional Planning Study: Aboriginal Heritage and planning survey: working paper No. 6.

While these surveys did not constitute a comprehensive 'site identification', 'site avoidance' or 'work area/programme clearance' survey, no Aboriginal heritage sites are identified as being present within the subject site. The closest Aboriginal heritage site is the Capel River (ID 20,061) located approximately 300 m to the north and east of the excavation areas (refer to **Figure 5**).

## 2.11 Surrounding Residents

The subject site has been designed to maximise setbacks to the closest sensitive receptors, where possible. This has involved extensive analysis of the local landform, environmental characteristics, land uses and location of sensitive receptors.

The key amenity issues for sensitive premises associated with the proposal are:

- Visual amenity;
- Dust; and
- Noise.

The Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors* (June 2005) provides generic separation distances to assist in the determination of suitable buffers where industry may have the potential to affect the amenity of a sensitive land use. In particular, for extractive industries including crushing and screening operations, a buffer distance of 1,000 m is recommended from sensitive land uses.

The closest residential dwellings to the subject site are provided below and shown in **Figure 6.**

**Table 1. Residential dwellings within 1,000 m of the subject site.**

| Resident No. | Distance to subject site (m) |
|---|---|
| 1 | 340 m |
| 2 | 640 m |
| 3 | 640 m |
| 4 | 660 m |
| 5 | 705 m |
| 6 | 715 m |
| 7 | 950 m |

The closest residential dwellings to the subject site are located approximately 340 m from the eastern boundary.

Management measures associated with noise and dust are discussed in further detail in **Sections 5.5** and **5.6**, respectively.

# 3 PLANNING FRAMEWORK

## 3.1 State Planning Strategy 2050

The *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.

In relation to Basic Raw Materials (BRM), the key outcome for the Strategy is '*accessible and affordable supplies of BRM are available close to demand*'.

The proposal is consistent with this outcome as a nearby and relatively environmentally unconstrained resource will be provided to the South West region.

## 3.2 Statement of Planning Policy No. 2 Environmental and Natural Resources Policy

In relation to basic raw material resources, this policy recommends that planning strategies, schemes and decision making should:

- Identify and protect important and economic mineral resources; and
- Identify and protect important basic raw material resources and provide for their extraction.

The extraction proposal is consistent with the intent of this Policy as it will enable the extraction of a basic raw material from the site while ensuring the protection of the nearby environmental values associated with wetlands and groundwater.

## 3.3 Planning Policies

### 3.3.1 Shire of Donnybrook – Balingup's Local Planning Scheme No. 7

The subject site is zoned "General Agriculture" under the Shire's LPS7. Under the LPS 7 extractive industry is not a permitted land use unless the local government has exercised it discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions. Therefore, all applications for extractive industry on 'General agriculture' zoned properties require prior approval from the Shire.

The Shire's objectives in managing and guiding land use, development and subdivision within the General Agriculture zone are:

i. Encourage the protection of rural infrastructure and agricultural land resources;
ii. Encourage the use of rural land for commercial agricultural production including grazing, cropping, agro forestry, tree plantations, and intensive agriculture (where permitted);
iii. Seek to protect the economic viability of the area;
iv. Seek to encourage development which will improve the Shire's population base;
v. Recognise the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of a site and of the district by ensuring through siting and landscaping provision that any development does not detrimentally change the scenic rurual character;
vi. Recommend support for subdivision where it provides for boundary adjustments, realignments and farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement and infrastructure provision;

vii. Support non-rural uses where they are compatible with adjacent and nearby rural and other uses, and where environmental, landscape and servicing considerations are appropriately addressed;
viii. Support the retention and protection of portion of land within that zone that are not cleared of remnant vegetation and that are valuable to the rural and natural landscape values and ecological systems of the district; and
ix. Encourage and promote appropriate bush fire risk management.

### 3.3.2 Shire of Donnybrook – Balingup's Local Planning Strategy

In relation to basic raw material resources, this policy recommends that planning strategies, schemes and decision making should:

- Establish a balanced position that recognises the importance of basic raw materials and provides an adequate level of protection to existing resources whilst facilitating growth and development of townsites and rural living areas (in appropriate locations).
- Provide clarity and direction to proponents for the development of extractive industries that also provide suitable protections to the surrounding areas.
- Protect existing Priority Agriculture from potential BRM activities and prioritise this land for traditional agricultural activities.

The extraction proposal is consistent with the intent of this Policy as it will enable the extraction of a basic raw material from the site while ensuring the protection of the nearby environmental values and returning the land to productive pasture ensuring no net loss of agricultural land.

### 3.3.1 Shire of Donnybrook – Balingup's Extractive Industries Local Law

The local law provides guidance to the Shire officers on the control and extraction of BRM within the Shire. Extractive industries are issued with a planning consent and an extractive industries licence (EIL).

This document has been provided to address the information requirements as set out within the local law.

# 4 EXTRACTION ACTIVITIES

The gravel quarry will cover an area of approximately 8.15 ha, with a current maximum elevation ranging from 100 m AHD to 135 m AHD. It will be excavated to a maximum depth of 1.5 m below ground level (BGL) commencing in the south and moving in a clockwise direction (refer to **Figure 2**).

It is estimated that the total maximum volume of gravel to be removed will be approximately 80,000 $m^3$ with up to 20,000 $m^3$ excavated each year, depending on supply and demand.

The planned end use of the quarry is to restore a natural soil profile and return the area to pasture, ensuring that there is no net loss of agricultural land.

## 4.1 Operational Works

Using a loader, the topsoil (where available) will be stripped and placed in stockpiles. Overburden, if present, will be removed using a dump truck and stockpiled to the perimeter of the proposed pit area. Bunding will be constructed along the southern and eastern boundaries of the extraction area to minimise the impact to sensitive receptors (refer to **Figure 2**).

### 4.1.1 Truck Movements

Access from the property will be via Upper Capel Road, travelling north to Goodwood Road, Emerald Street, Marmion Street and on to South Western Highway (refer to **Figure 7**).

It is proposed to extract a maximum of approximately 20,000 $m^3$ or bank cubic metres (BCM) per year. The average daily extraction rate:

= 20,000 BCM / 52 weeks / 5 working days per week
= 77 BCM per day.

It is estimated that approximately 70% of the haulage is proposed to be undertaken from October to May (8 months). Therefore, the average daily extraction rate (main season):

= 20,000 BCM x 70% / 32 weeks / 5 working days
= 88 BCM per day.

The average daily extraction rate (LCM):

= 88 BCM x 1.15
= 101 LCM

It is proposed to utilise 22 tonne semi-trailers with a capacity of approximately 39.6 LCM of gravel. Accordingly, the average daily truck movements during the main season are as follows:

= 101 LCM/ 39.6 LCM truck capacity
= 3 truck movements per day x 2 (to and from)
= 6 trips per day x 2 (peak fluctuations)
= 12 trips per day maximum.

Given the highly variable nature of the campaigns, these calculations are estimates only, there may be periods in which these daily truck numbers are exceeded.

### 4.1.2 Gravel Extraction

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

A summary of the proposed extraction activities is provided below:

- Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed.
- Soil and overburden will be removed and stored within perimeter bunds for later rehabilitation use.
- An excavator or front-end loader will be used to excavate the gravel material.
- A loader will then transfer the material into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site.
- All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening.
- Upon completion of excavation, the quarry will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours.
- At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.

### 4.1.3 Final Contours

The slope of the final contours of the quarry will be an undulating surface at approximately 1.5 m below the current land surface which is consistent with the adjoining land (refer to **Figure 8**).

Slopes of the batters at the end of excavation, where required, will be retained at 1:5 vertical to horizontal which will enable the landform to be integrated with the surrounding landscape. This batter can be readily traversed by livestock, vehicles and machinery and is considered appropriate for the site's topographical relief.

### 4.1.4 Rehabilitation

Progressive rehabilitation will be undertaken as far as practicable. Rehabilitation will be undertaken upon the completion of each stage.

Upon completion of quarrying, the following broad completion criteria will be achieved:

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

Rehabilitation is discussed in further detail in **Section 6**.

## 4.2 Proposed Operating Times

Typical operating hours for quarries will be adopted for the subject site which involves 7am to 5pm each Monday to Friday, with no activities to occur on Saturdays, Sundays or public holidays. The subject site will be worked by 2 - 3 persons, depending on market demand.

The proposed transport route is a designated bus route. To ensure that trucks are not operating on designated school bus routes at the same time as the bus, trucks will not operate on the route during designated periods 15 minutes before and after the expected school bus times. Given that school bus times are regularly subject to change (due to school holidays and schedule changes based on pick up/drop off points), the applicant will be responsible for liaising with the school bus company prior to the

commencement of school holidays and every school term. The pit operators will be careful to ensure compliance with these requirements.

## 4.3 Equipment

All operational equipment will work on the quarry floor to provide maximum sound and visual screening. All equipment and infrastructure will be fully portable to facilitate movement throughout the site required for staged quarrying operations. The subject 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.

Equipment and facilities that may be used onsite are provided in the Table below.

**Table 2. Equipment.**

| Equipment | Description |
|---|---|
| Site office and/or containers | May be required for the management and security of small items. |
| Toilet | A portable toilet may be required on site. |
| Water tanker | Used for dust suppression on the access roads and working floors when required. |
| Bulldozer | Topsoil will be stripped using a bulldozer. Bulldozers will also be used for the movement of gravel and loading trucks. |
| Loader | Loaders will be used for the movement of gravel and loading road trucks. |
| Excavator | An excavator may be used for the removal of gravel material. |
| Terex Finlay 1-140 Impact Crusher | Used for the crushing of gravel. |
| Terex Finlay 693 Supertrak | Used for the screening of crushed gravel. |
| Anaconda Radial Stockpiler | Used for stockpiling crushed gravel. |
| Grader | Used for rehabilitation. |
| Fuel storage | No fuel will be stored onsite. |
| Light vehicles | Access to and around the site. |
| Tip truck | Removal of gravel from site. |

### 4.3.1 Water Usage

Water is only required for dust suppression within the quarry and the access road. Water will be sourced from an offsite source and tankered to the site for dust suppression purposes, as required.

# 5 ENVIRONMENTAL IMPACTS AND MANAGEMENT

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

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

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

## 5.1 Visual Impact

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.

The subject site is visible from Upper Capel Road. The locality has been extensively developed for agricultural land uses and therefore is not located in a visually sensitive landscape. Rehabilitation will be undertaken upon completion of each stage, and the subject site will be returned to pasture, ensuring that any potential visual impacts are short-term. Accordingly, no further management measures are proposed for potential visual impacts.

## 5.2 Hydrology

### 5.2.1 Surface Water

The current water cycle within the subject site consists of inputs from rainwater flowing downhill in a northerly direction into the wider drainage system. The development is not proposing to alter this process, as there are no drainage lines within the proposed extraction area.

No surface water features have been identified within the extraction site with a buffer of at least 300 m to all nearby watercourses. Therefore, the development is unlikely to impact on surface flows.

A Water Management Plan has been prepared for the subject site and is provided in **Appendix E**. This Plan documents the proposed surface water management measures associated with the extractive industry operation.

### 5.2.2 Groundwater

Groundwater will not be extracted or dewatered during the operation of the quarry and therefore, no impacts to groundwater levels are proposed.

Maximum excavation levels will be approximately 1.5 m BGL at maximum extraction depths. As discussed within **Section 2.5.1** no interaction with groundwater is expected during excavation works. Furthermore, a separation of at least 0.5 m, between the final contours and the maximum groundwater elevation will be maintained.

Accordingly, no impacts to groundwater are expected as a result of this proposal.

## 5.3 Vegetation and Fauna

As described in **Section 2.5**, the subject site has been cleared of remnant native vegetation and is currently comprised of a variety of pasture grasses or crops. The extraction area has been designed to avoid all native vegetation. A buffer of 6 m between the extraction area, any stockpiles or bunding to the crown drip zone of the retained vegetation will be maintained at all times to protect the tree roots from accidental vehicle damage, soil compaction and tree root exposure.

No impacts to groundwater will result from the proposal and therefore any potential impacts to stygofauna or troglofauna are considered unlikely.

Based on the above, the proposal will not result in any direct impacts to native flora, vegetation or fauna, and therefore no management measures are proposed.

## 5.4 Dieback (*Phytophthora cinnamomi*)

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

The primary objective of dieback management during operations is to minimise the risk of entry of dieback to the subject site. This can be achieved by preventing the importation of soil or plant material to and from the subject site. The risk of transportation via vehicles and equipment is low given that sealed roads will be utilised prior to entering the subject site.

The management measures proposed for dieback control are developed in accordance with the *Dieback Working Group (DWG) – Best Practice Guidelines* (DWG, 2005) for an uninterpretable site and are provided within **Table 3**

**Table 3. Dieback management measures.**

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

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

**Table 4. Risk assessment associated with dieback.**

| Hazard | Source of Hazard | Potential Impacts | Mitigation | Likelihood | Consequence | Residual Risk |
|---|---|---|---|---|---|---|
| Introduction/ spread of dieback | Importation of soil/plant material. Onsite movement of soil. | Impacts to the condition of remnant vegetation. Spread to offsite locations. | Refer to Management Measures provided in **Table 3**. | 1 | 2 | Low |

## 5.5 Noise

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

The proponent will ensure that all noise emissions comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times. A Noise Management Plan has been prepared for the subject site and is provided in **Appendix F**. This Plan documents the proposed noise management measures associated with the extractive industry operation.

## 5.6 Dust

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

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

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

A Dust Management Plan has been prepared for the subject site and is provided in **Appendix G**. This Plan documents the proposed dust management measures associated with the extraction industry operation.

## 5.7 Heritage Sites

A search of the DPLH *Aboriginal Cultural Heritage Inquiry System* shows no specific sites of Aboriginal significance occurring within or in proximity to the subject site. If during the course of mining an Aboriginal cultural heritage site is discovered, the proponent will immediately advise the DPLH and abide by the *Aboriginal Heritage Act 1972*.

## 5.8 Domestic and Industrial Waste Products

No domestic or industrial waste will be stored onsite. Any waste material generated during the operational activities will be taken offsite for disposal at an approved landfill facility on a daily basis. Hydrocarbon wastes such as accidental oil spills will be mopped up with absorbent material and segregated for removal and disposal offsite by a licensed contractor.

An approved portable toilet system may be temporarily placed onsite during construction activities. Waste from the toilet system will be disposed of offsite at an approved treatment facility.

## 5.9 Hydrocarbons and Dangerous Goods Management

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

Servicing of machinery and equipment will not occur onsite further reducing the possibility of contamination.

There is the minor possibility for soil and water contamination as a result of an incidental hydrocarbon leakages or spills during the operation of machinery. Accordingly, management measures for hydrocarbon spills are provided in the Water Management Plan (refer to **Appendix E**).

# 6 REHABILITATION MANAGEMENT PLAN

## 6.1 Objectives

The objective is to return the land to a condition capable of supporting agricultural activities, with pasture production rates equivalent to or better than pre-mining production rates. This will include dryland pasture with a variety of species.

**Table 5. Rehabilitation Objectives**

| Land Use | Closure Objectives | Completion Criteria | Performance Criteria | Measurement Tool |
|---|---|---|---|---|
| Agriculture | A self sustaining cover of pasture | Crops cover the extraction area after completion of the rehabilitation works. | Less than 5% bare ground | Annual monitoring as provided in **Section 6.8** |
| | Weed levels that are not likely to impact on the viability of the reconstructed soils | No declared weed species are present. Weed species are not competing with cover crop across the site. | Declared weed species absent from the rehabilitation area. | Annual monitoring as provided in **Section 6.8** |
| | A safe and stable landform suitable for the proposed future land use | No areas of erosion or soil collapse are observed. | Rehabilitation surface remains flat and stable, with no evidence of surface erosion. | Annual monitoring as provided in **Section 6.8** |

## 6.2 Topsoil and Overburden Removal

Topsoil is an integral part of rehabilitation as it contains organic matter and a seed bank which assists in establishing vegetation when respread on disturbed areas.

Topsoil where available will be stripped and stockpiled separately, prior to commencing quarrying.

The soils will be stripped in a dry state to preserve soil structure and stripping will be undertaken in relatively still weather conditions. Management of the topsoil will involve the following:

- Stockpiles will be located sufficiently distant from quarrying operations so that they will not be disturbed prior to being used in rehabilitation.
- Soil stripping should be avoided during wet conditions.
- The dimensions of the topsoil stockpiles will not exceed 2 m in height. This is to prevent topsoil becoming anaerobic and deteriorating in soil structure, organic matter, nutrients, seed resource and populations of beneficial soil micro-organisms.

## 6.3 Landform Reconstruction and Contouring

Landform reconstruction and contouring will involve the following:

- The final landform will be formed to approximately 1.5 m below the current land surface.
- Batters will be retained at 1:5 vertical to horizontal.

- The excavated floor will be deep ripped in two directions. The width between rip lines will be 1 m intervals.
- The topsoil and overburden will be spread over the surface where available to provide a substrate for agricultural soils.

## 6.4 Site Preparation

To ensure the success of the revegetation works, site preparation should occur well before planting is undertaken. This includes landform reconstruction and contouring measures as outlined in **Section 6.3** the implementation of a weed control programme as outlined in **Section 6.5**.

In the event that compacted areas are identified within the revegetation area, contour ripping may be required. Ripping loosens soil aggregates and provides a softer soil surface for the establishment of plant roots. Ripping also promotes aeration of soil, assisting in the breakdown of organic matter and water infiltration.

## 6.5 Weed Management

### 6.5.1 Weed Control

Pre-seeding weed control is only likely to be required where topsoils are used that contain weed species. Given the current land use, it is not anticipated that weed control will be other than normal agriculture practice. If required, weed control will only be conducted after overburden and topsoil have been spread and any seeds have been allowed to germinate.

Herbicides will be selected for the target species, taking into account the surrounding environment and the constraints this may present.

Based on the location and species of weeds present, the recommended weed treatments are detailed in **Table 6**. The timing for weed control is specified within **Table 7**.

**Table 6. Weed control treatment.**

| Treatment | Suggested Constituents | Target Species |
|---|---|---|
| Glyphosate spray | 2% Glyphosate including Pulse®, wetting agent and Chlorsulfuron | Broadleaf species e.g. *Pelargonium capitatum*<br>Woody weeds e.g. *Zantedeschia aethiopica* |
| Selective grass spray | Fusilade and approved adjuvant (e.g. Pulse®) | Grass species e.g. *Ehrharta longifolia* |

### 6.5.2 Weed Hygiene

The following weed hygiene practices will be employed:

- Machinery will be checked prior to entering rehabilitation areas to ensure that weed seeds and propagules are not transported to this area.

### 6.5.3 Weed Management Plan

The following weed and disease controls will be implemented within the subject site to assist in the control of invasive species and enhance the outcomes of the proposed rehabilitation works.

**Table 7. Management actions for weed control.**

| Parameter | Action | Timing |
|---|---|---|
| Surface Material | Assess weed potential within topsoil material prior to removal and separate weed affected topsoil for treatment or disposal. | Prior to and during topsoil removal |
| | Store significantly weedy surface material separately to clean surface material. | Surface material removal |
| | Stockpile all surface materials in the general vicinity of its origin. | Surface material removal |
| Hygiene Measures | Avoid moving surface material or fill material from weed infected areas to non-infested areas. | At all times |
| | All earthmoving and ground engaging equipment will be cleaned of vegetation, mud and soil prior to entry and exit of the subject site. | At all times |
| | No soil and vegetation should be brought to the site apart from that to be used in rehabilitation and plants used in rehabilitation should be free of weeds. | At all times |
| Access | Control access within the quarry area to reduce the spread of weeds, especially off-road vehicle access, to prevent disturbance to vegetation and weed invasion. | At all times |
| | Restrict access to areas outside the subject site to reduce the spread of weeds into or out of the site. | At all times |
| Weed Control | Chemical spraying is to be undertaken as per **Section 6.5.1**. | Refer to **Section 6.8** |
| Monitoring and Reporting | Monitoring and reporting work are required to ensure that the revegetation objections are achieved. | |

## 6.6 Rehabilitation

As previously discussed, it is proposed to return the extraction area to pasture. Ripping will be undertaken within the quarry to reduce the potential for surface erosion and promote a seed bed for establishing pasture. During this process, a number of measures will be utilised to ensure maximum efficiency with minimal disturbance. Any ripping that occurs along slopes will have regular contour banks built across the tracks to prevent erosion from water runoff.

As far as possible, topsoil will be placed along the contour to help reduce erosion. Placing the topsoil in such a manner will reduce the down slope flow of water and increase water storage. The final landform will resemble the pre-mining landform where practicable (minus the excavated material). The overburden storage area will take into consideration the surrounding landform and as far as practicable match the surrounding features.

While no specific soil preparation is anticipated, the requirement for the application of lime and/or fertiliser can be determined by soil testing once the landform has been rehabilitated.

For pasture revegetation it is essential that the species are matched to the soil types and rainfall. The location falls into the “High Rainfall Coastal” planting regime with sandy to gravelly soils. Suitable perennial legumes include birdsfoot trefoil, lucerne, strawberry clover and sulla. Perennial pasture includes perennial ryegrass, phalaris, cocksfoot and Rhodes grass. Annual pasture species include ryegrass, serradella and 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. Seed will be broadcast uniformly within the marked areas in overlapping passes using mechanical equipment to allow for complete and even seed coverage of the pre-prepared area.

## 6.7 Maintenance

Maintenance will be undertaken following planting/seeding with all activities to be conducted in response to the maintenance inspections and monitoring (as discussed below). The key elements associated with maintenance works will include suppression of smothering weeds and infill planting. The requirement to implement revegetation maintenance and infill planting measures will be determined following each monitoring event.

## 6.8 Monitoring and Reporting

A program of monitoring of the rehabilitation works is required to ensure that the objectives are achieved.

Maintenance inspections will be undertaken annually in spring by the proponent to determine the requirement for maintenance measures.

During these inspections, the area will be assessed to determine pasture and weed coverage within areas that have been rehabilitated.

### 6.8.1 Completion Criteria

To achieve the rehabilitation objectives and ensure that future management is minimised, the measurable goals for rehabilitated areas are as follows:

- Self-sustaining crop cover with less than 5% bare ground;
- Reduce weed cover to less than 10% (noting that the pasture is not considered a 'weed'); and
- Rehabilitation surface remains flat and stable, with no evidence of surface erosion.

Maintenance will continue to be undertaken as required until this criterion has been achieved or as otherwise agreed with the Shire. Following the successful completion of the revegetation program, the Shire will, upon application from the owner, refund the bond lodged against the implementation of the rehabilitation.

## 6.9 Scheduling

The rehabilitation will be undertaken on the completion of excavation of each stage. Accordingly, a definitive timeline for rehabilitation is not prescribed, but rather a commitment to establish pasture by the first August, following completion of the extraction works for each stage.

Rehabilitation works will be undertaken at the following specified times of year:

1. Spring/summer:
    - Excavated area to be graded to levels and contours conforming to the adjacent unaffected areas minus the thickness of the excavated material.
    - Deep ripping along the contour at 1 m intervals.
    - Embankment batters will be cut as specified in **Section 6.3**.
    - Stockpiled topsoil will be spread over the shaped surface.
2. Autumn:
    - Pre-seeding weed control.

3. Autumn/winter:
    - Seeding with appropriate agricultural seed mix.
    - If sufficient vegetation does not germinate following initial seeding, the area will be re-seeded.
4. Spring:
    - Maintenance inspections to determine extent of maintenance requirements.
    - Formal monitoring will be undertaken in areas that have been rehabilitated.

## 6.10 Decommissioning

Following completion of the extraction activities, the applicant will undertake the following actions to decommission the site:

- All buildings and infrastructure will be removed;
- Any hard stand surfaces will be removed and used to backfill the pit;
- Overburden will be used as backfill;
- The area will have the slopes and soils constructed to allow for the future proposed land use.

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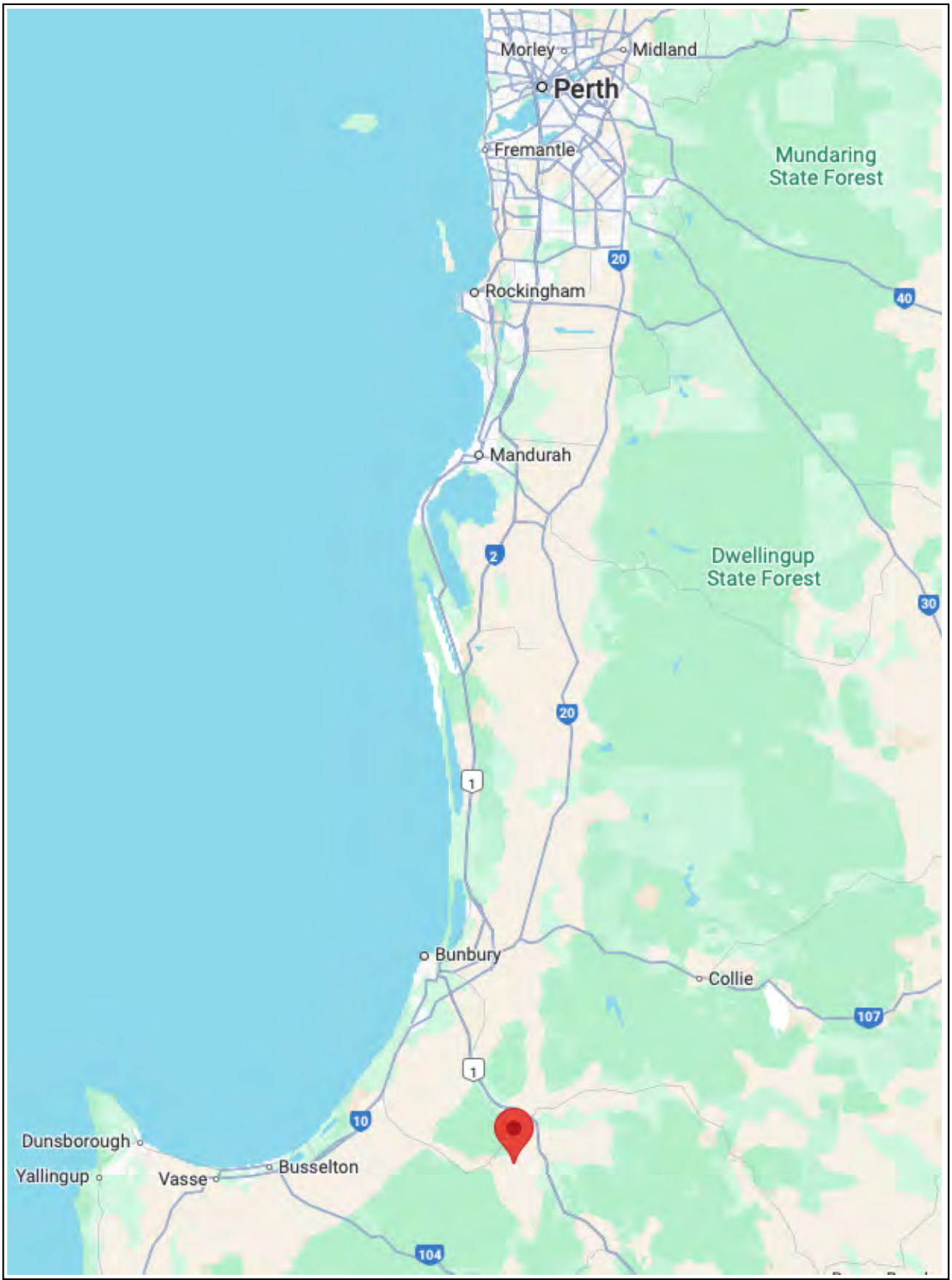
# FIGURES

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|---|---|---|---|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel | | Project Number | Drawing Number | Revision |
| | | | 2448 | Figure 1 | A |
| DRAWING TITLE | 1 – Site Locality | | Designed PN | Checked | |
| | | | Drawn PN | Approved | |
| CLIENT | Carbone Bros Pty Ltd | | Date | 20/2/2025 | |
| | | | Local Authority | Shire of Donnybrook Ballingup | |
| | | | Sheet 1 of 1 | | |

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PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 2 - Site Extent

CLIENT Carbone Bros Pty Ltd

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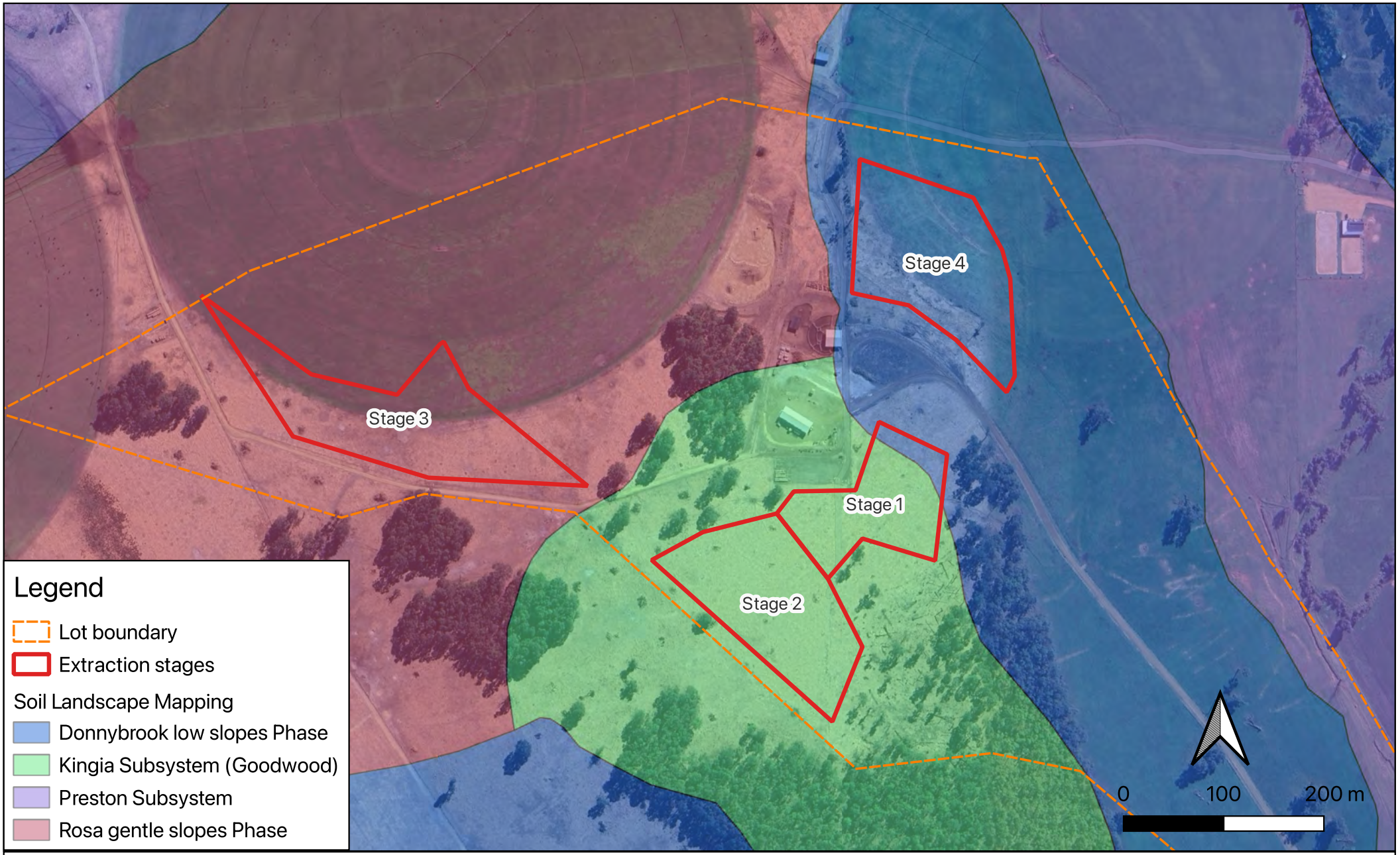
| | | | |
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 2 | Drawn | PN |
| Revision | B | Checked | |
| Date | 17/10/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 3 - Soil landscape mapping

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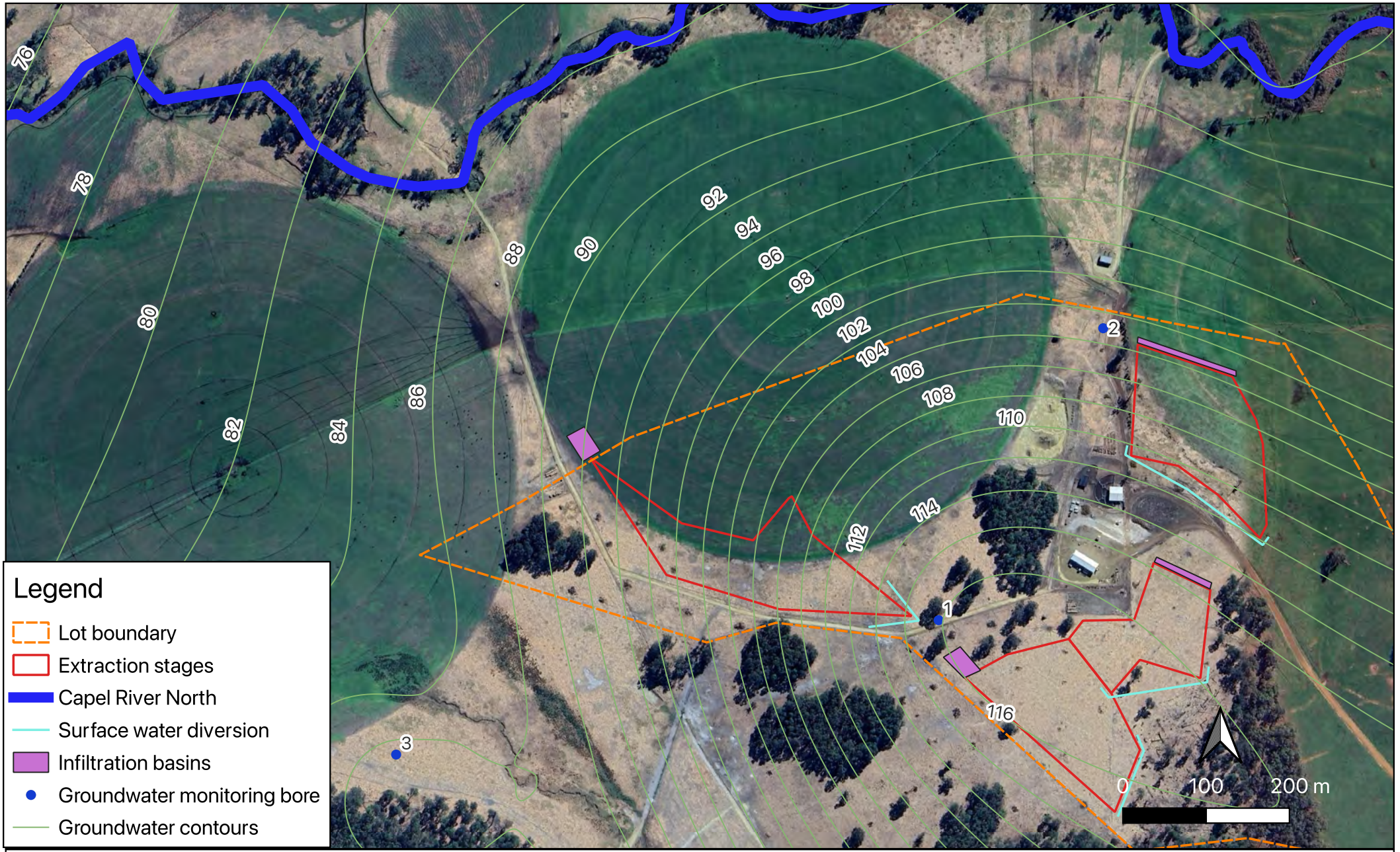
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 3 | Drawn | PN |
| Revision | A | Checked | |
| Date | 20/2/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 4 - Water features

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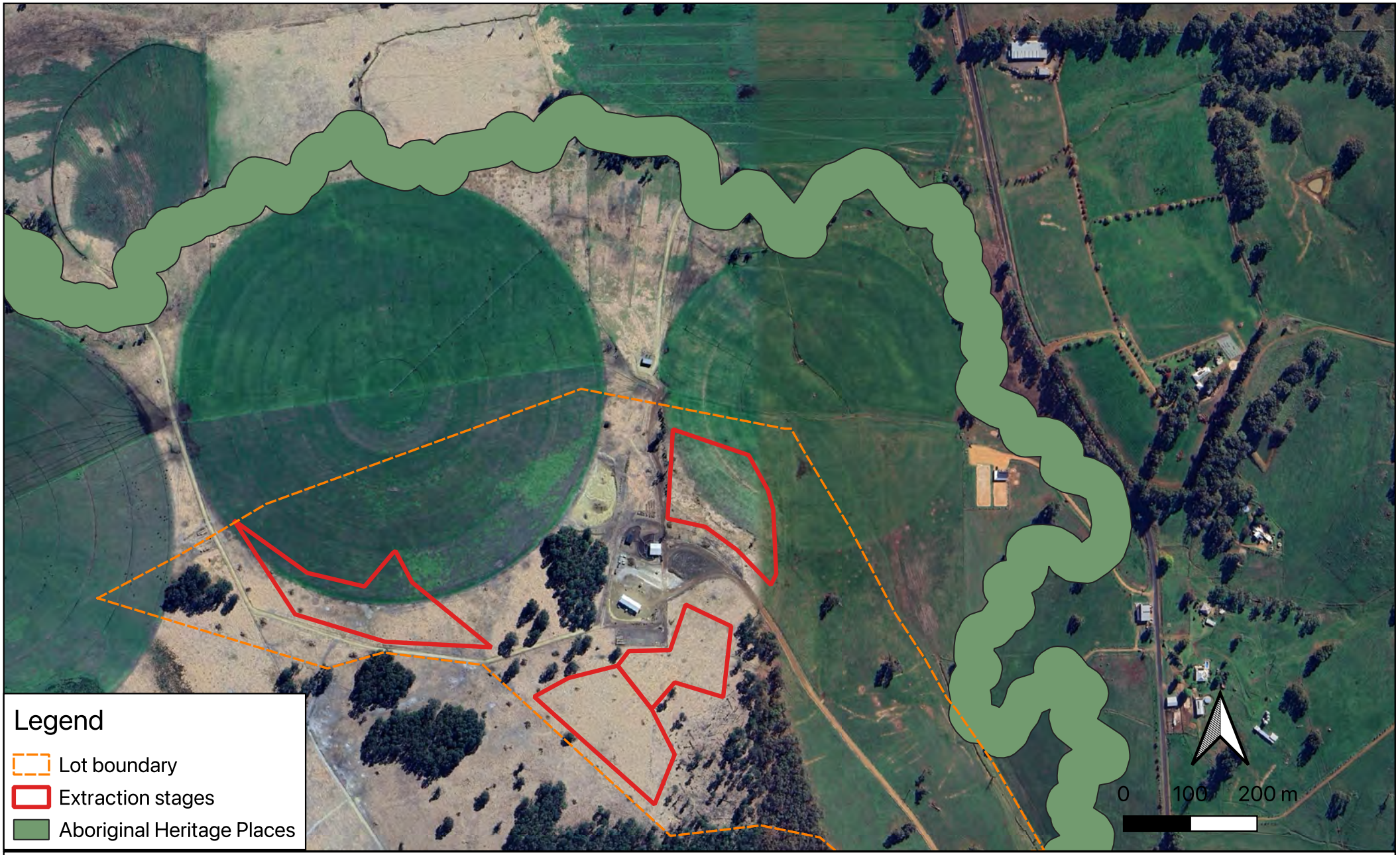
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 4 | Drawn | PN |
| Revision | B | Checked | |
| Date | 24/3/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 5 - Aboriginal Heritage Place Mapping

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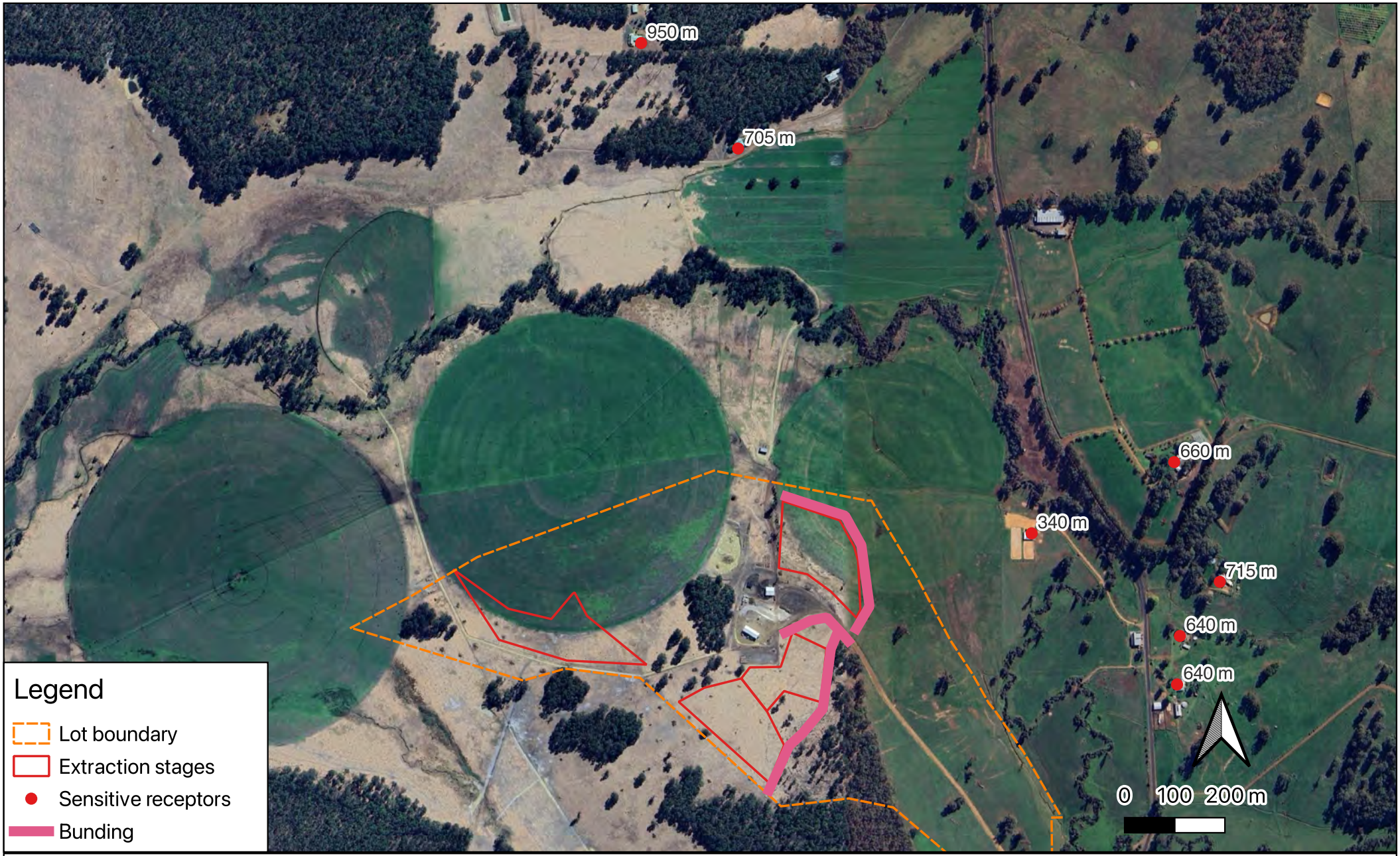
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 5 | Drawn | PN |
| Revision | A | Checked | |
| Date | 20/2/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 6 - Sensitive receptors

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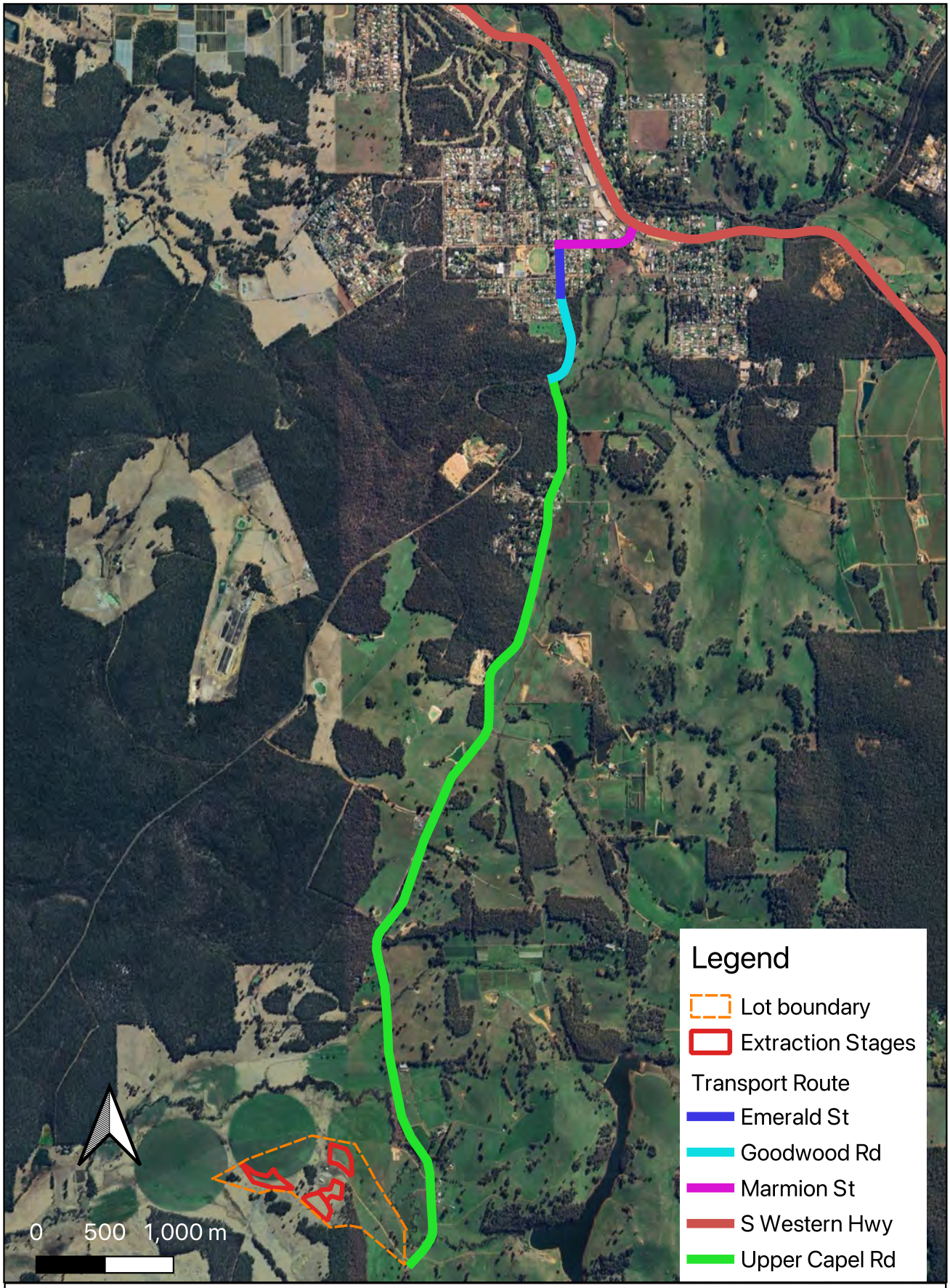
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 6 | Drawn | PN |
| Revision | B | Checked | |
| Date | 17/10/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




| | |
|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel |
| DRAWING TITLE | Figure 7 – Transport Route |
| CLIENT | Carbone Bros Pty Ltd |

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West Busselton
Western Australia 6280
Mobile 0418 950 852

| Project Number | Drawing Number | Revision |
|---|---|---|
| 2448 | Figure 7 | A |

| | | | |
|---|---|---|---|
| Designed | PN | Checked | |
| Drawn | PN | Approved | |

Date 14/02/2025
Local Authority Shire of Donnybrook – Balingup
Sheet 1 of 1

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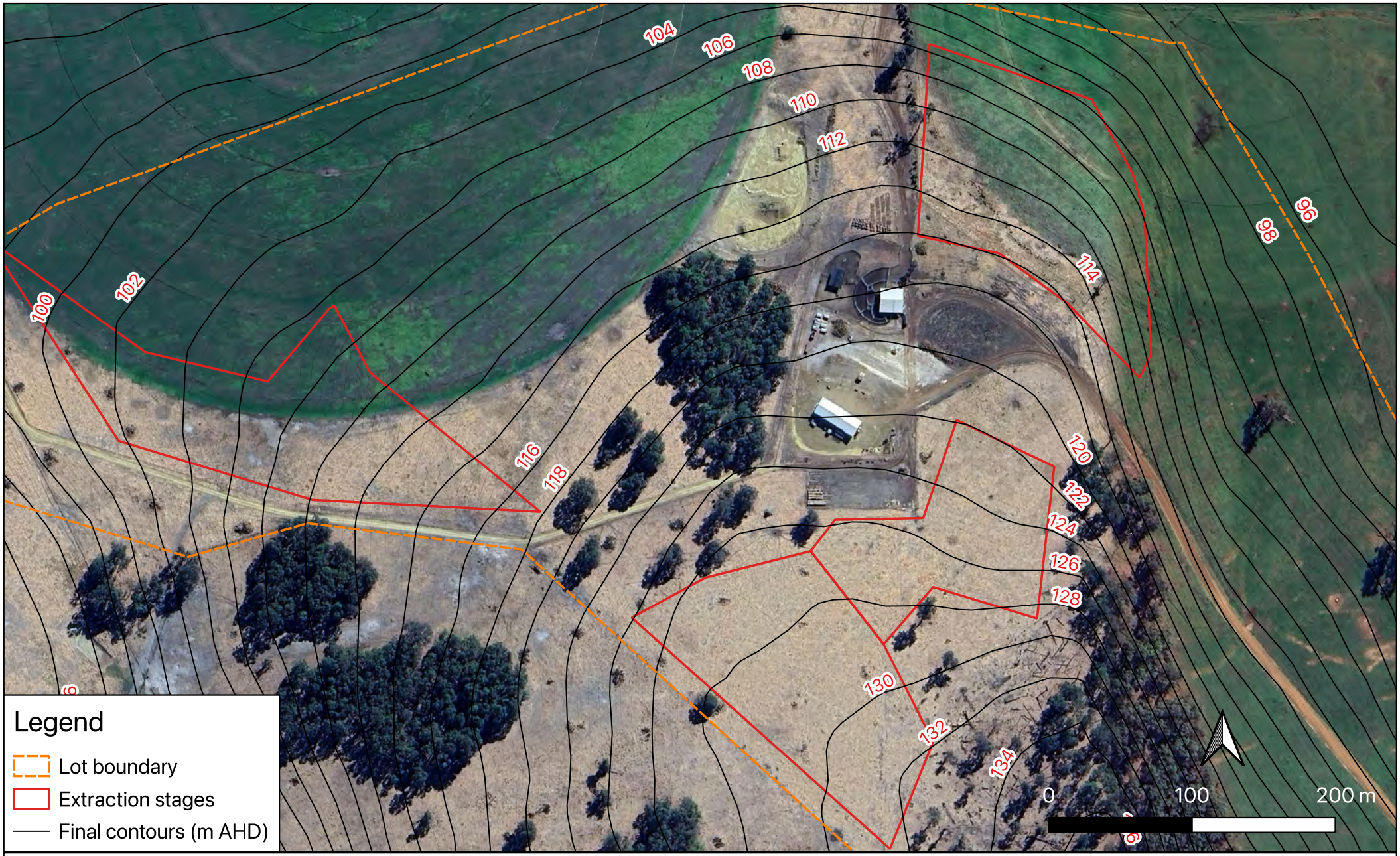


| | |
|---|---|
| PROJECT | 706 Upper Capel Road,Upper Capel |
| DRAWING TITLE | Figure 8 - Final contours |
| CLIENT | Carbone Bros Pty Ltd |

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| | | | |
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 8 | Drawn | PN |
| Revision | A | Checked | |
| Date | 20/2/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |

# APPENDIX A – PROOF OF OWNERSHIP

# RATE NOTICE

**Tax Invoice ABN 88 470 935 824**

**Financial Year**
**1 JULY 2020 TO 30 JUNE 2021**


Address: Cnr Bentley & Collins Street
PO Box 94
Donnybrook, WA 6239
Cashier Hours: 8:30am - 4:00pm
Tel: (08) 9780 4200
Fax: (08) 9731 1677
Rates Tel: (08) 9780 4227
Email: rates@donnybrook.wa.gov.au
Web: www.donnybrook-balingup.wa.gov.au


Shire of Donnybrook Balingup

SHOULD THE NAME OR ADDRESS SHOWN BE INCORRECT, PLEASE ADVISE THE SHIRE IN WRITING.

053 00818 Rural

CRENDON HOLDINGS PTY LTD
PO BOX 9
DONNYBROOK WA 6239

| | |
|---|---|
| ASSESSMENT NUMBER | A5226 |
| DUE DATE | 15 October 2020 |
| DATE OF ISSUE | 10 September 2020 |
| VALUATION | $2,490,000.00 - UV |
| VE NUMBER | 2091908 |
| MINIMUM RATE | $1,104.00 |

2922 J 4596 4597 ~~1183~~ 2220 2502 G

| DESCRIPTION OF RATED LAND | 537&587 UPPER CAPEL RD, UPPER CAPEL<br>Lot 3, 5, 6, 72, 73, 74, 75, 76, 77, 78, 79, 81, 86, 183 |
|---|---|

J G G J L J D

| TYPE OF CHARGE | RATE IN CENTS | CURRENT | ARREARS | TOTAL |
|---|---|---|---|---|
| CENTRAL RURAL | 0.5377 | $13,388.73 | | $13,388.73 |
| UV WASTE MANAGEMENT LEVY | 0.0557 | $818.46 | | $818.46 |
| *(INCLUDES REBATE OF $538.47)* | | | | |
| Emergency Services Levy | | $84.00 | | $84.00 |
| *(ESL Category 5, Valuation )* | | | | |
| Pre-payments | | -$412.61 | | -$412.61 |
| POOL INSPECTION FEE | $14.61 | $14.61 | | $14.61 |

Payments received after 27/08/2020 are not included in this notice.

| TOTAL AMOUNT | $13,893.19 |
|---|---|

L000818 001635 #77887

## PAYMENT OPTIONS

NOTE: Payments not received by the due date will incur daily interest. Please see over for more information.

| OPTION NUMBER | | PAYMENTS | DUE DATES | AMOUNT DUE |
|---|---|---|---|---|
| 1 | Pay in one instalment | Total Payment | 15 October 2020 | $13,893.19 |
| 2 | Pay in two instalments | 1st Instalment | 15 October 2020 | $6,811.36 |
| | Option Fee $140.32 | 2nd Instalment | 12 February 2021 | $7,222.15 |
| | | Total Option 2: $14,033.51 | | |
| 3 | Pay in four instalments | 1st Instalment | 15 October 2020 | $3,221.93 |
| | Option Fee $226.99 | 2nd Instalment | 14 December 2020 | $3,632.75 |
| | | 3rd Instalment | 12 February 2021 | $3,632.75 |
| | | 4th Instalment | 13 April 2021 | $3,632.75 |
| | | Total Option 3: $14,120.18 | | |

## PAYMENT METHODS

15/10

**REFERENCE NUMBER:** 1000052266

**NAME:** CRENDON HOLDINGS PTY LTD

**PROPERTY ADDRESS:** 537&587 UPPER CAPEL RD, UPPER CAPEL

**Pay By Direct Debit**
Contact the Shire of Donnybrook Balingup
9780 4227

**Pay By Credit Card**
PHONE: 1300 276 468
INTERNET: www.donnybrook-balingup.wa.gov.au/
BILLER CODE: 000069
REF#: **1000052266**
We accept Mastercard and Visa.

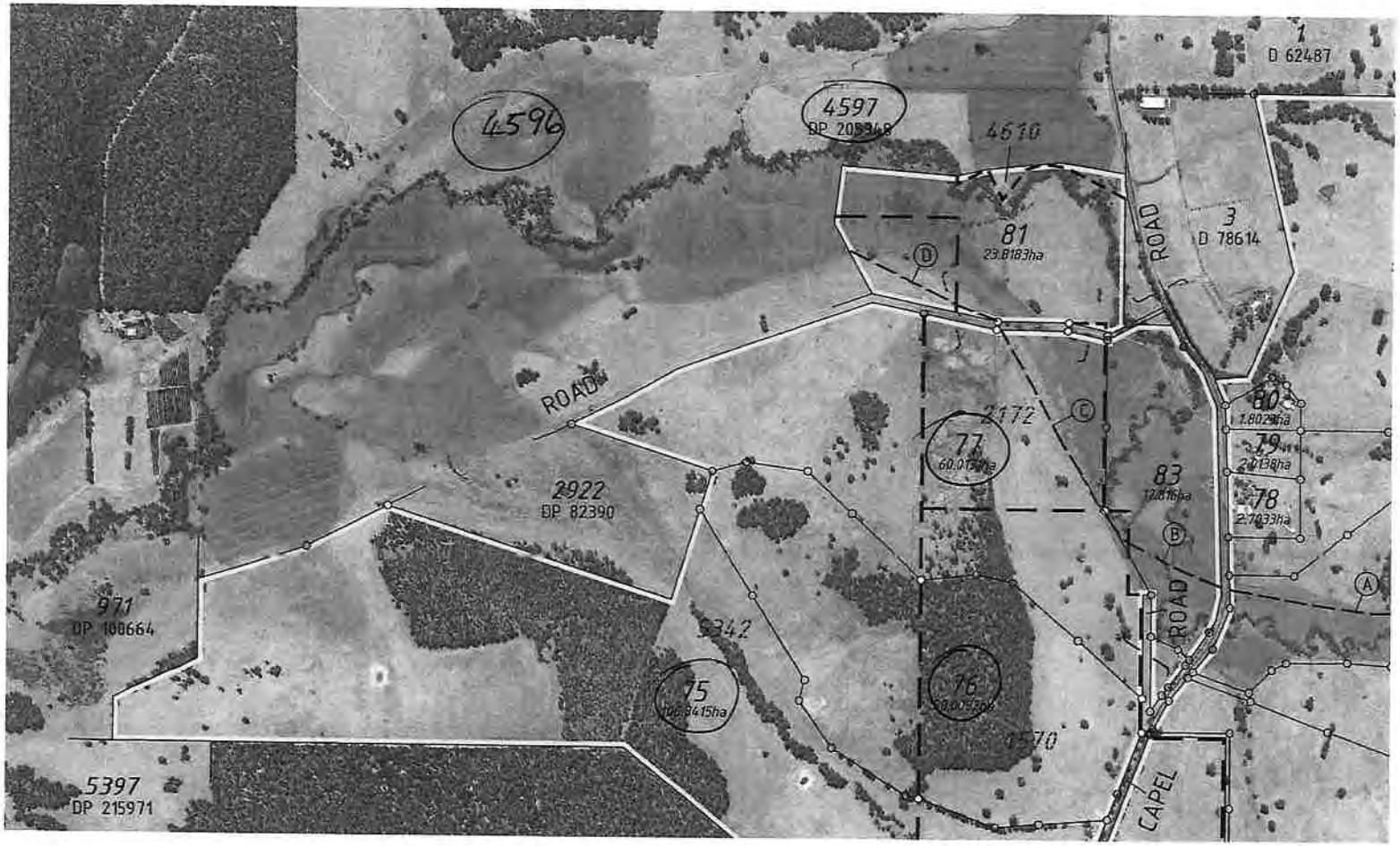
**BPAY - Telephone and Internet Banking**
BILLER CODE: 268581
REF#: **1000052266**
Contact your bank or Financial Institution to arrange payment

**By Mail**
Detach this slip and make your cheques or money order payable to the Shire of Donnybrook Balingup
Post to PO Box 94, Donnybrook, WA 6239
NO RECEIPT WILL BE ISSUED

**In Person**
At Council Office, Cash, Cheque, Credit Card or EFTPOS available.

| VER. | AMENDMENT | AUTHORISED BY | DATE |
|---|---|---|---|
| 2 | AUDIT REQUIREMENTS | M.E. SAUZIER | 18/03/16 |

HELD BY LANDGATE II



WESTERN AUSTRALIA

| TITLE NUMBER | |
|---|---|
| Volume | Folio |
| **2929** | **840** |

# RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

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

BGRoberts

REGISTRAR OF TITLES

REGISTRAR OF TITLES WESTERN AUSTRALIA

**LAND DESCRIPTION:**

LOT 77 ON DEPOSITED PLAN 404256

**REGISTERED PROPRIETOR:**
(FIRST SCHEDULE)

JOHN STEPHEN FRY OF 20 DAWSON AVENUE ABBEY WA 6280

(T P347715 ) REGISTERED 8/11/2022

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

1. N661527 EASEMENT BENEFIT CREATED UNDER SECTION 136C TLA FOR WATER SUPPLY PURPOSES - SEE DEPOSITED PLAN 404256 AND INSTRUMENT. REGISTERED 30/6/2017.
2. N661527 EASEMENT BURDEN CREATED UNDER SECTION 136C TLA FOR WATER SUPPLY PURPOSES - SEE DEPOSITED PLAN 404256 AND INSTRUMENT REGISTERED 30/6/2017.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

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

**STATEMENTS:**

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

| | |
|---|---|
| SKETCH OF LAND: | DP404256 |
| PREVIOUS TITLE: | 802-70, 992-82, 1730-464, 1979-405 |
| PROPERTY STREET ADDRESS: | 706 UPPER CAPEL RD, UPPER CAPEL. |
| LOCAL GOVERNMENT AUTHORITY: | SHIRE OF DONNYBROOK-BALINGUP |

LANDGATE COPY OF ORIGINAL NOT TO SCALE 19/03/2025 09:32 AM Request number: 67942073

Landgate
www.landgate.wa.gov.au

# APPENDIX B – AUTHORISATION FROM LANDOWNER

I, John Fry give Carbone Bros Pty Ltd permission to remove gravel from lot 75, 76 and 77 Upper Capel Road Donnybrook. Carbone Bros will remove the gravel off our property – estimate of approx. 30,000m3 and will level areas when the gravel is stockpile. We anticipate clearing the gravel and will rehabilitate the land back to pasture.

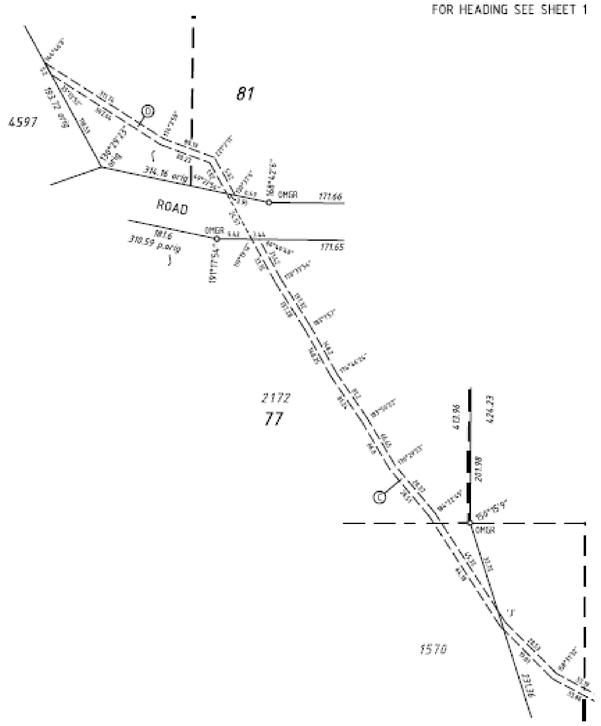
Signed by the Land Owner

John Fry: _____

Date: 7/12/2024

# APPENDIX C – SITE CONTOUR SURVEY

HELD BY LANDGATE IN DIGITAL FORM.
FOR HEADING SEE SHEET 1




ENLARGEMENT 'A'

LEGEND

- POWER DOME
- TREE
- EXISTING SURFACE HEIGHT
- CROP EDGE
- PROPOSED EXTRACTION AREA
- EDGE OF GRAVEL
- FACE OF BUILDING
- VEGETATION LINE
- EASEMENT LINE
- BOUNDARY LINE
- FENCE
- CONCRETE EDGE
- BOTTOM OF BANK
- TOP OF BANK
- GATE
- DRAINAGE PIPE
- BOTTOM OF BANK
- TOP OF BANK

LOT 4597
DP205948

ROAD

LOT 2922
17.8062 Ha
DP82390

LOT 77
60.0131 Ha
DP404256

LOT 76
DP404256

LOT 75
DP404256

AREA 1
11812m²

AREA 2
44313m²

AREA 3
5383m²

AREA 4
25263m²

AREA 5
60322m²

CROP EDGE

CATTLE YARDS

WATER TANK

SEE ENLARGEMENT 'A' FOR EASEMENT DETAILS

US = 111.54
300/24
D = 7.7
DS = 111.22

| Rev. | Description | Drawn | Date | Checked |
|---|---|---|---|---|
| A | INITIAL ISSUE | TJ | 2/5/2024 | MR |

Scale: 1:2500 A1 ORIG. ALL DISTANCES IN METRES
0 50 100 150

Surveyor: CW
Survey date: 24/4/2024
Precal/Cad: N/A

The contents of this plan are date stated within the revision panel. All consultants and persons wishing to utilise this data should satisfy themselves of this plan's currency by contacting Surveon.

The boundaries depicted on this plan were not re-established as part of this survey, therefore this plan does not guarantee their accuracy. Re-establishment of the cadastral boundaries is recommended for any proposed works on or near existing boundaries.

N

# PROPOSED EXTRACTION AREA PLAN
# LOT 77 ON DEPOSITED PLAN 404256
# 706 UPPER CAPEL ROAD, UPPER CAPEL

Client: CARBONE BROS


SURVEYING SERVICES
PO Box 365
Dunsborough
WA 6281
Australia
Tel: (08) 9754 1188
Fax: (08) 9756 8000
mail@survcon.com.au
www.survcon.com.au


PROJ MNGR. Michael Riddle | DATUM MGA94 AHD

JOB NUMBER 9457 | TITLE SS_100 | REVISION A

# APPENDIX D – GROUNDWATER MONITORING DATA

# Lot 2922 & 77 Upper Capel Road, Upper Capel Quarry - Groundwater Level Monitoring 2024

| | 30-Aug-24 | | 02-Oct-24 | |
|---|---|---|---|---|
| | Level from Top of Collar (mTOC) | Level (mBGL) | Level from Top of Collar (mTOC) | Level (mBGL) |
| MW1 | 2.86 | 2.16 | 3.02 | 2.32 |
| MW2 | 1.77 | 0.99 | 2.3 | 1.52 |
| MW3 | 1.115 | 0.465 | 1.75 | 1.1 |
| | | | | |

| Collar Heights (mAGL) | Natural ground surface m (AHD) | Top of casing m (AHD) |
|---|---|---|
| 0.7 | 120 | 120.7 |
| 0.78 | 104 | 104.78 |
| 0.65 | 89 | 89.65 |
| | | |

# APPENDIX E - WATER MANAGEMENT PLAN

# WATER MANAGEMENT PLAN

## LOT 77 UPPER CAPEL ROAD, UPPER CAPEL

October 2025

Telephone +61 418 950 852

info@accendoaustralia.com.au
PO Box 5178 West Busselton WA 6280
ABN 11 160 028 642

www.accendoaustralia.com.au

## Document Control

| Version | Date | Author | Reviewer |
|---|---|---|---|
| V1 | 19/02/2025 | PN | KMT/Client |
| V2 | 26/02/2025 | PN | KMT |
| V3 | 15/10/2025 | PN | KMT |
| **Filename** | 2448_Upper Capel Rd WMP_V3 | | |

## Limitations

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

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

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

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

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

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

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## FIGURES

Figure 1. Regional Location of the Subject Site

Figure 2. Site Extent

Figure 3. Surface Water Management

Figure 4. Final contours

# 1 INTRODUCTION

## 1.1 Background

The subject site is located within Lot 77 Upper Capel Road, Upper Capel. The subject site is located within the municipality of the Shire of Donnybrook-Balingup, approximately 7 km south west of the Donnybrook town centre and approximately 190 km south of Perth (refer to **Figure 1**).

The available volume of gravel (*insitu* volume of approximately 80,000 $m^3$) is to be extracted in four stages ranging from 1.4 to 2.4 ha in size. Works will commence in the Stage 1 and then continue in a clockwise direction (refer to **Figure 2**).

The slope of the final contours of the quarry will be an undulating surface at approximately 1.5 m below the current land surface which is consistent with the adjoining land.

Where batters are required, they will be retained at 1:5 vertical to horizontal with the primary objective of ensuring a consistent landform across the property.

## 1.2 Purpose and Scope

The purpose of this Water Management Plan (WMP) is to review the risks and control measures to appropriately manage minimise the environmental impacts of the extractive industry on both groundwater and surface water in proximity to the subject site. This document has been prepared to support and should be read in conjunction with, the *Works and Excavation Plan (Gravel) prepared* by Accendo Australia (2025) for extraction within the subject site.

The scope of the WMP is to cover the following:

- Legislative and regulatory compliance;
- Existing environment;
- Risk assessment water quality impacts;
- Mitigation and measurement measures; and
- Roles and responsibilities in relation to water management.

# 2 EXISTING ENVIRONMENT

## 2.1 Location

The subject site is located within Lot 77 (706) Upper Capel Road, Upper Capel. The subject site is located within the municipality of the Shire of Donnybrook-Balingup, approximately 7 km south west of the Donnybrook town centre and approximately 190 km south of Perth (refer to **Figure 1**).

## 2.2 Land Use

The subject site is zoned "General Agriculture" under the Shire of Donnybrook-Balingup's *Local Planning Scheme No. 7* (LPS 7). Under the LPS 7 'Extractive Industry' is not a permitted land use unless the local government has exercised it discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions. Therefore, all applications for extractive industry on 'General Agriculture' zoned properties require prior approval from the Shire.

Land use abutting the boundaries of the subject site are zoned 'General Agriculture' to the south and east and 'Priority Agriculture' to the north and west.

The subject site is currently used for the grazing of cattle and cropping.

## 2.3 Topography and Soils

The subject site is located on the side of a hill with the elevation ranging from 135 metres (m) Australian Height Datum (AHD) in the south eastern corner of Stage 2 to 100 m AHD on the north-western boundary of Stage 3 (refer to **Appendix A**).

The subject site is located on boundary of the Goodwood Valleys system consisting of valleys of the Donnybrook Sunkland with sandy gravel, loamy gravel and deep sand and the Lowden Valleys system consisting of deep gneissic valleys in the south of the Western Darling Range zone with loamy earth, loamy duplex gravel and stony soils (Tille 2006).

The subject site is located within the following phases as mapped by the Department of Primary Industries and Regional Development's (Natural Resource Information (NRInfo)) database (DPIRD 2023):

- Rosa gentle slopes phase: Gentle valley slopes and footslopes (Relief 10-30 m, slopes 3-10%).
- Donnybrook low slopes phase: Relief (20-60 m), slopes (5-20%). Soils are deep sands, sandy gravels and loamy earths.
- Kingia subsystem (Goodwood): Lateritic isolated crests and narrow ridges over sedimentary rocks, relief 5-20 m, slopes 1-10%. Soils are sandy gravels with some deep sands.

## 2.4 Climate

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

The closest weather recording station is Donnybrook (Station 9534). Temperatures are highest on average in January, at approximately 30.6°C. July has the lowest average temperature of the year of 5.7°C.

Rainfall for the area is approximately 970 mm per annum with approximately 90% of the rain falling during the winter months, April to October inclusive.

During the summer months the dominant wind in the mornings is from the east, south-east at 10-14 knots, swinging to the south-west to south-east at 20-25 knots in the afternoon. During winter, the winds are

most commonly north and north-west 10-14 knots. During storms, winds from the west and north-west can reach 40 knots (BoM 2024).

Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Intensity-Frequency-Duration (IFD) data system which yields the two hour 1 in 10 (10%) annual exceedance probability storm event for the subject site as 36.1 mm/hr.

## 2.5 Hydrology

### 2.5.1 Groundwater

The subject site is located within the Capel River North Branch subarea of the *Rights in Water and Irrigation* (RIWI) *Act 1914* proclaimed Busselton - Capel Groundwater Area.

Three groundwater monitoring bores are located in proximity to the extraction area (refer to **Figure 3**). They have been monitored for groundwater levels in August and October 2024 (refer to **Appendix B**). Data from this monitoring period along with surrounding creek lines has been used to produce groundwater contours for the site (refer to **Figure 3**). The boundaries of the four stages have been designed to ensure that at least 0.5 m separation to the maximum groundwater is achievable at all times.

A review of rainfall data over the winter period, from June to September, from the Donnybrook South (Station 109505) which is the closest station with complete data for 2024, shows that winter rainfall levels in 2024 were the highest since 2017. The average winter rainfall for this period, excluding 2018 which did not have data, for July was 525 mm. Rainfall recorded in 2024 for the winter period was 611 mm. Therefore, it can reasonably be assumed that groundwater monitoring in 2024 is indicative of maximum groundwater levels in the area.

### 2.5.2 Surface Water

The subject site is located in the Capel River North Branch subarea of the proclaimed Capel River System proclaimed surface water area. The subject site is not proclaimed under the *Country Areas Water Supply Act 1947* as a Public Drinking Water Source Area.

The Capel River North is located to the north of the subject site. A tributary of this river is also located to the south of the subject site. A buffer of at least 200 m is present to both of these watercourses from all extraction activities. There are no mapped wetlands located within or in proximity to the subject site.

# 3 EXTRACTION ACTIVITIES

The gravel quarry will cover an area of approximately 8.15 ha, with a current maximum elevation ranging from 100 m AHD to 135 m AHD. It will be excavated to a maximum depth of approximately 1.5 m below ground level (BGL) commencing in Stage 1 and moving in a clockwise direction (refer to **Figure 2**).

It is estimated that the total maximum volume of gravel to be removed will be approximately 80,000 $m^3$ with up to 20,000 $m^3$ excavated each year, depending on supply and demand.

The planned end use of the quarry is to restore a natural soil profile and return the area to pasture, ensuring that there is no net loss of agricultural land.

## 3.1 Operational Works

Using a loader, the topsoil (where available) will be stripped and placed in stockpiles. Overburden, if present, will be removed using a dump truck and stockpiled to the perimeter of the proposed pit area. Bunding will be constructed along the southern and eastern boundaries of the extraction area to minimise the impact to sensitive receptors (refer to **Figure 2**).

Typical operating hours for quarries will be adopted for the subject site which involves 7am to 5pm each Monday to Friday, with no activities to occur on Saturdays, Sundays or public holidays. The subject site will be worked by 2 - 3 persons, depending on market demand.

### 3.1.1 Gravel Extraction

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

A summary of the proposed extraction activities is provided below:

- Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed.
- Soil and overburden will be removed and stored within perimeter bunds for later rehabilitation use.
- An excavator or front-end loader will be used to excavate the gravel material.
- The material will then be picked up by a loader and fed to the mobile crusher.
- A loader will then transfer the material into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site.
- All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening.
- Upon completion of excavation, the quarry will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours.
- At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.

The planned end use of the quarry is to restore a natural soil profile and return the area to pasture, ensuring that there is no net loss of productive agricultural land.

### 3.1.2 Final Contours

The slope of the final contours of the quarry will be an undulating surface at approximately 1.5 m below the current land surface which is consistent with the adjoining land (refer to **Figure 4**).

Slopes of the batters at the end of excavation, where required, will be retained at 1:5 vertical to horizontal which will enable the landform to be integrated with the surrounding landscape. This batter can be readily traversed by livestock, vehicles and machinery and is considered appropriate for the site's topographical relief.

### 3.1.3 Equipment

All operational equipment will work on the quarry floor to provide maximum sound and visual screening. All equipment and infrastructure will be fully portable to facilitate movement throughout the site required for staged quarrying operations. 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.

Equipment and facilities that may be used onsite are provided in the Table below.

**Table 1. Equipment.**

| Equipment | Description |
|---|---|
| Site office and/or containers | May be required for the management and security of small items. |
| Toilet | A portable toilet may be required on site. |
| Water tanker | Used for dust suppression on the access roads and working floors when required. |
| Bulldozer | Topsoil will be stripped using a bulldozer. Bulldozers will also be used for the movement of gravel and loading trucks. |
| Loader | Loaders will be used for the movement of gravel and loading road trucks. |
| Excavator | An excavator may be used for the removal of gravel material. |
| Terex Finlay 1-140 Impact Crusher | Used for the crushing of gravel. |
| Terex Finlay 693 Supertrak | Used for the screening of crushed gravel. |
| Anaconda Radial Stockpiler | Used for stockpiling crushed gravel. |
| Grader | Used for rehabilitation. |
| Fuel storage | No fuel will be stored onsite. |
| Light vehicles | Access to and around the site. |
| Tip truck | Removal of gravel from site. |

### 3.1.4 Water Usage

Water is only required for dust suppression within the quarry and the access road. Water will be sourced from an offsite source and tankered to the site for dust suppression purposes, as required.

# 4 POTENTIAL IMPACTS AND MANAGEMENT

The Section provides and overview of the potential impacts to water resources associated with the proposed land use, and the proposed management measures to address the identified impacts.

## 4.1 Surface Water

The current water cycle within the subject site consists of inputs from rainwater flowing downhill in a westerly direction into the wider drainage system. The development will maintain this process, with all surface water being retained within the excavated areas prior to being directed to detention basin to enable infiltration through the base to ensure water quality to the watercourse is maintained.

Detention basins will be constructed in accordance with **Figure 3** to detain any run off from within the extraction area and protect the Capel River North from silt laden runoff. Diversion bunds will also be located to direct the flow of rainwater around the extraction area (refer to **Figure 3**) where noise bunds are not present.

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

## 4.2 Drainage

Potential impacts associated with sedimentation and erosion from stormwater runoff during the operation of the quarry will be minimised by the construction of diversion drains around the excavation areas to divert clean water away from the pit and contain any potentially sediment laden surface water within the pit.

The DWER recommendation is that surface water runoff produced within the excavation area from the two hour, 1 in 10 (10%) annual exceedance probability event should be contained within the pit (DoW 2019). Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Intensity-Frequency-Duration (IFD) data system (BoM 2021), which yields the two hour 1 in 10% (10%) annual exceedance probability event for the site at 36.1 mm. For every 1 ha area open for excavation at any time a holding volume of 361 $m^3$ is required.

Infiltration basins of suitable size for the extraction area will be constructed on the down slope boundaries of each cell to ensure no silt laden runoff occurs. Sizes of the basins will range from 506 $m^3$ for Stage 1 to 870 $m^3$ for Stage 3 (refer to **Figure 3**).

During excavation activities, the surface will be internally drained, with the gradients in the cells being constructed to ensure that no surface water runoff occurs.

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

**Table 2. Risk assessment associated with surface water and stormwater.**

| Hazard | Source of Hazard | Potential Impacts | Mitigation | Likelihood | Consequence | Residual Risk |
|---|---|---|---|---|---|---|
| Erosion and sedimentation | Uncontrolled and contaminated stormwater runoff | Erosion and sedimentation resulting in poor surface water quality in surrounding waterways. | Construction of diversion drains around the excavation areas to divert clean water away from the pit and contain any potentially sediment laden surface water within the pit.<br><br>Excavation undertaken with a gradient to ensure that stormwater is contained within the excavation footprint.<br><br>Construction of detention basin between the extraction area and the Capel River North to contain any potentially sediment laden surface water. | 1 | 2 | Low |

## 4.3 Groundwater

Groundwater will not be extracted or dewatered during the operation of the quarry and therefore, no impacts to groundwater levels are proposed.

Maximum excavation levels within the gravel/clay extraction area have been determined to ensure at least 0.5 m separation from the maximum groundwater level will be maintained at all times. The final contours of the quarry will provide an undulating surface mirroring the existing ground surface minus the excavated material. This will provide a separation of at least 0.5 m between the final contours and the maximum groundwater elevation.

No interaction with groundwater is expected. The extraction and processing of materials within the site is a chemically free operation with the liquids used being lubricants for machinery and fuel. There will be no storage of chemicals or fuel on the subject site. In addition, the subject site is not adjacent to any environmental sensitive areas (i.e. conservation category or Ramsar wetlands). Therefore, a 0.5 m separation to groundwater is deemed to be suitable in consideration of the low risk nature of the operation.

**Table 3. Risk assessment associated with groundwater.**

| Hazard | Source of Hazard | Potential Impacts | Mitigation | Likelihood | Consequence | Residual Risk |
|---|---|---|---|---|---|---|
| Contamination of groundwater | Machinery | Contamination of groundwater | Maintenance of at least 0.5 m separation from groundwater at all times. | 1 | 2 | Low |

## 4.4 Hydrocarbons and Dangerous Goods Management

Hydrocarbons and small amount of the chemicals associated with the drill and blast operations are the only dangerous goods that will be utilised within the proposed extraction area. However, storage of hydrocarbons on the site will not occur.

Major servicing of machinery and equipment will not occur onsite further reducing the possibility of contamination.

There is the minor possibility for soil and water contamination as a result of incidental hydrocarbon leakages or spills during the operation of machinery. In such instances the management measures specified below will be implemented.

**Table 4. Hydrocarbon and dangerous goods management measures.**

| Timing | Management Measure |
|---|---|
| During quarry operations | Mobile refuelling of equipment and vehicles will be undertaken on site by a mobile fuelling truck. |
| | Spill kits containing appropriate equipment for control, containment and cleanup of hydrocarbon and chemical spills will be available in appropriate locations onsite and maintained. |

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

**Table 5. Risk assessment associated with the uncontrolled discharge of contaminants.**

| Hazard | Source of Hazard | Potential Impacts | Mitigation | Likelihood | Consequence | Residual Risk |
|---|---|---|---|---|---|---|
| Uncontrolled discharge of contaminants to land | Machinery | Contamination of soils and/or water | Refer to Management Measures provided in **Table 4**. | 1 | 2 | Low |

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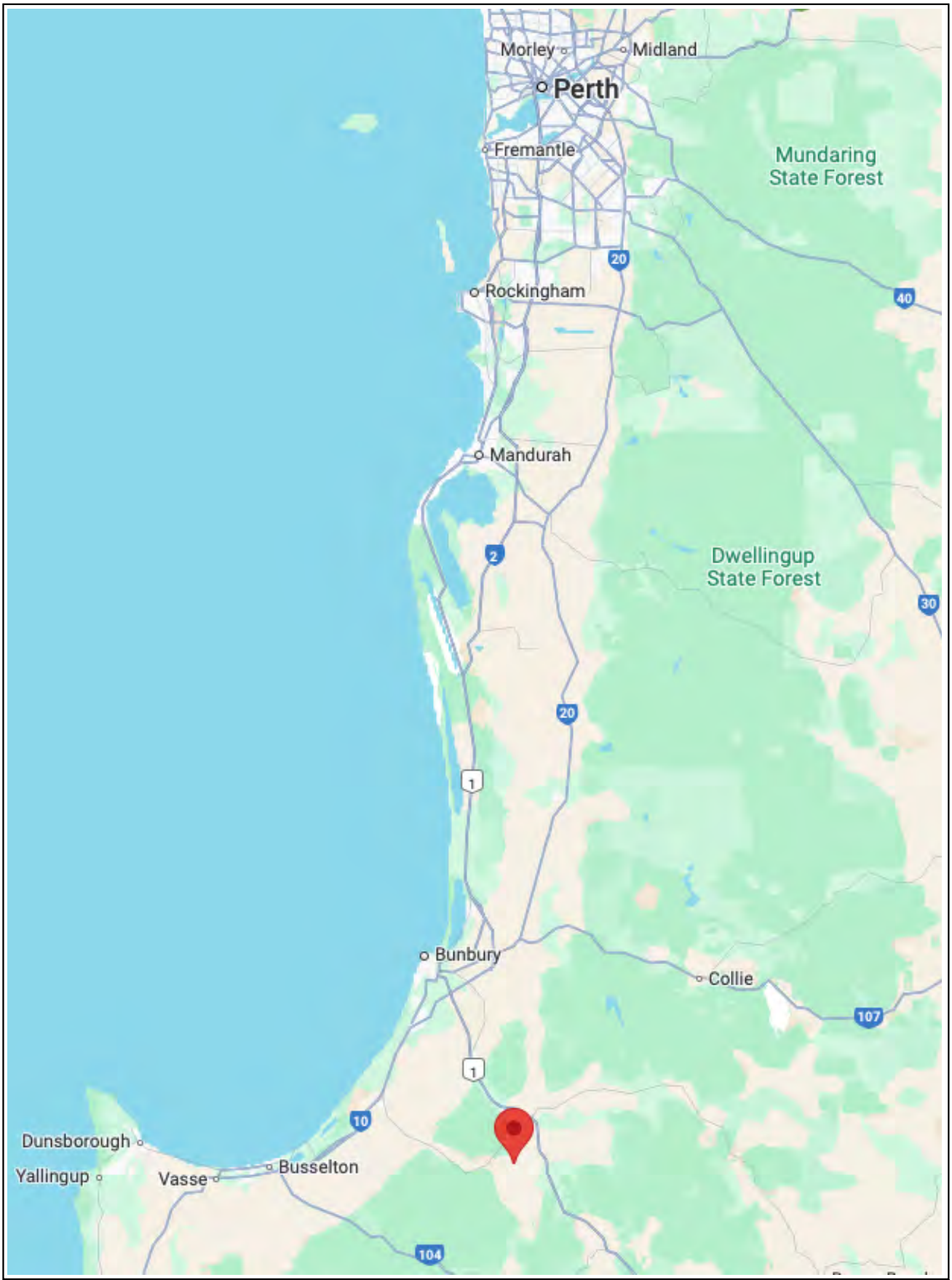
# FIGURES

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|---|---|---|---|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel | | Project Number | Drawing Number | Revision |
| | | | 2448 | Figure 1 | A |
| DRAWING TITLE | 1 – Site Locality | | Designed PN | Checked | |
| | | | Drawn PN | Approved | |
| CLIENT | Carbone Bros Pty Ltd | | Date | 20/2/2025 | |
| | | | Local Authority | Shire of Donnybrook Ballingup | |
| | | | Sheet 1 of 1 | | |

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PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 2 - Site Extent

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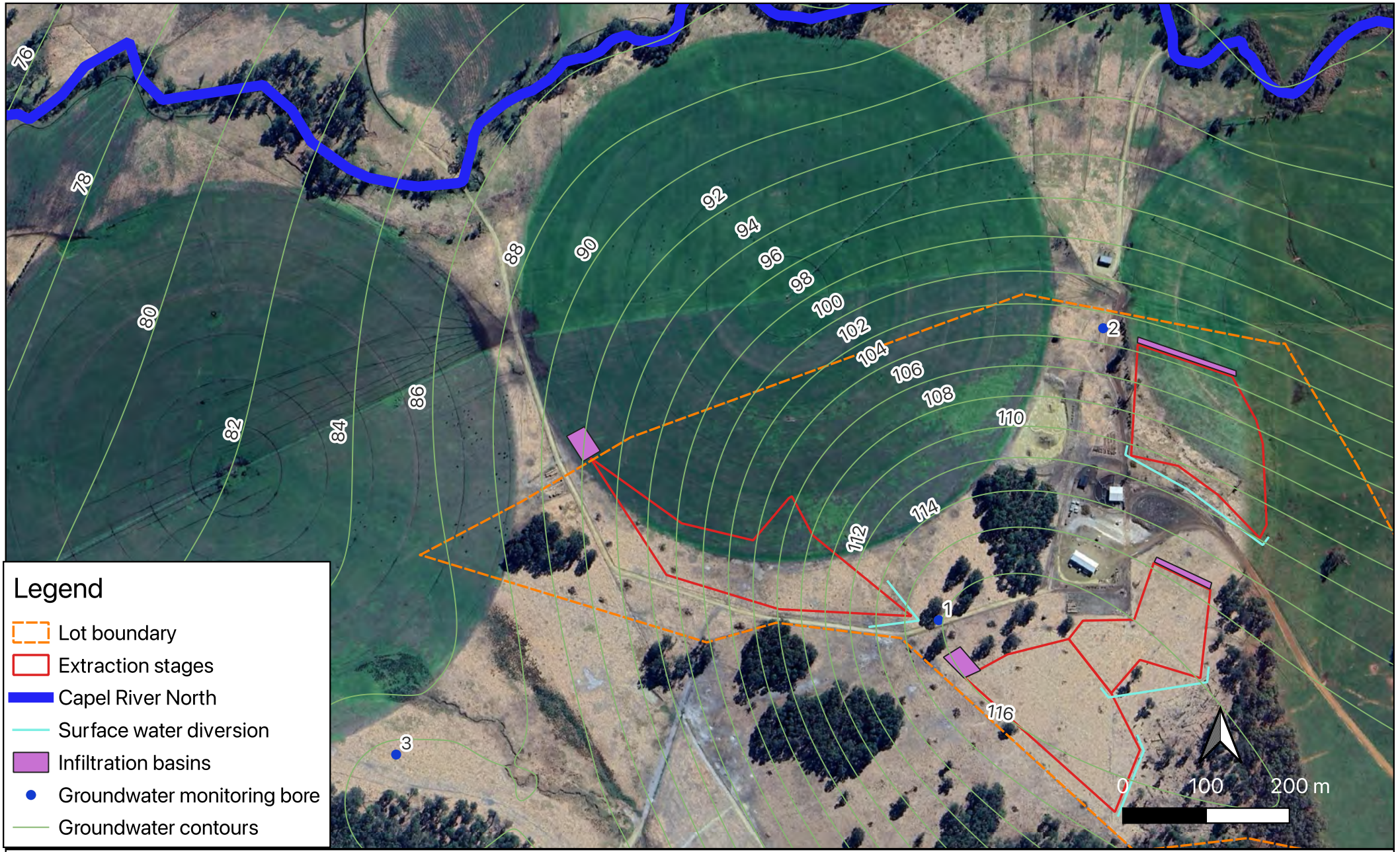
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 2 | Drawn | PN |
| Revision | B | Checked | |
| Date | 17/10/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 4 - Water features

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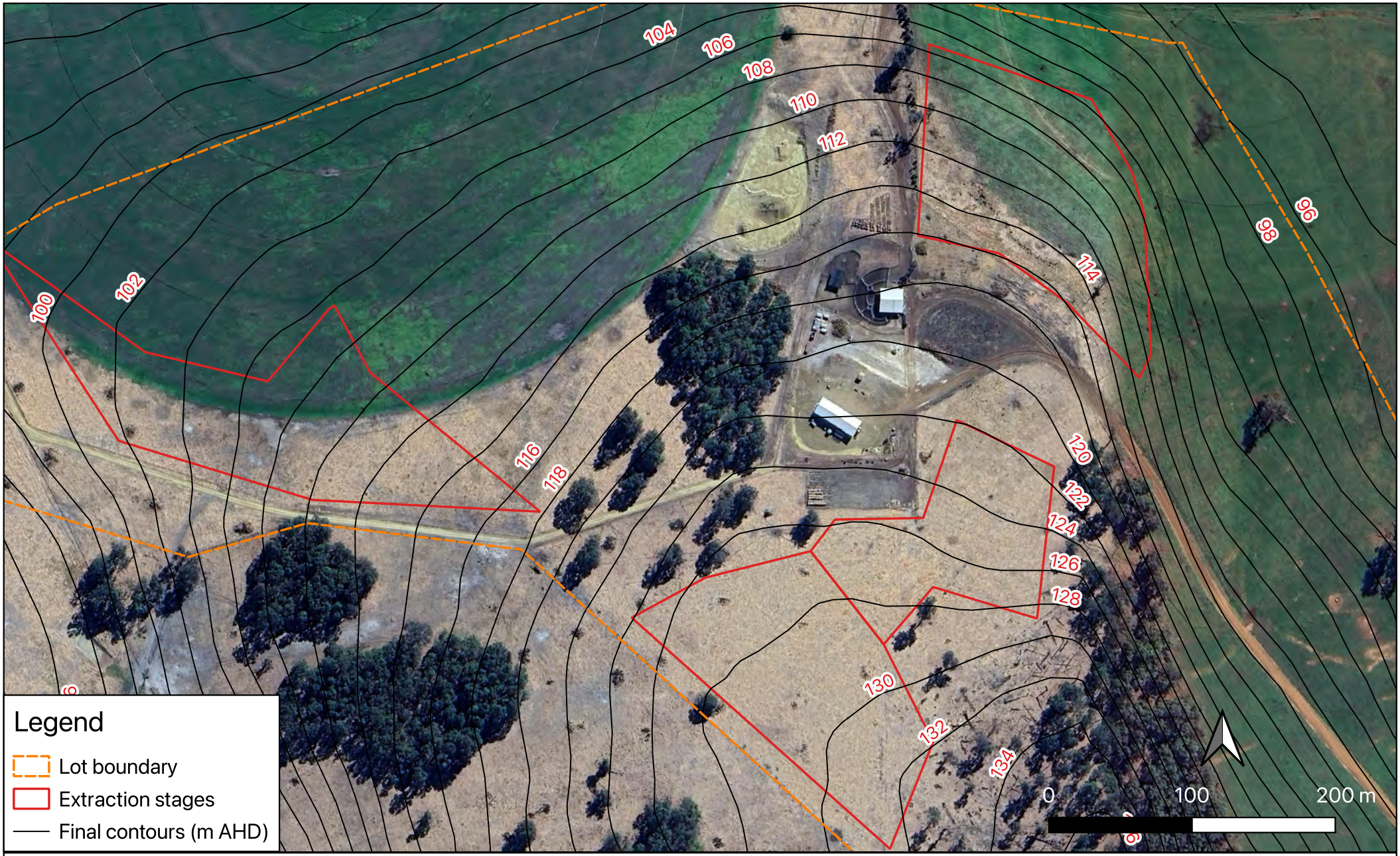
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 4 | Drawn | PN |
| Revision | B | Checked | |
| Date | 24/3/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




| | |
|---|---|
| PROJECT | 706 Upper Capel Road,Upper Capel |
| DRAWING TITLE | Figure 4 - Final contours |
| CLIENT | Carbone Bros Pty Ltd |

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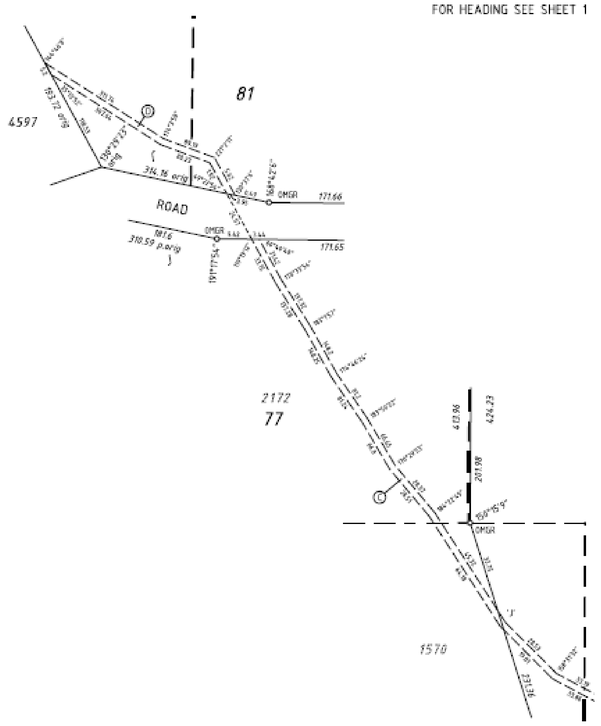
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 4 | Drawn | PN |
| Revision | A | Checked | |
| Date | 20/2/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |

# APPENDIX A – SITE CONTOUR SURVEY

HELD BY LANDGATE IN DIGITAL FORM.
FOR HEADING SEE SHEET 1




ENLARGEMENT 'A'

LEGEND

- POWER DOME
- TREE
- EXISTING SURFACE HEIGHT
- CROP EDGE
- PROPOSED EXTRACTION AREA
- EDGE OF GRAVEL
- FACE OF BUILDING
- VEGETATION LINE
- EASEMENT LINE
- BOUNDARY LINE
- FENCE
- CONCRETE EDGE
- BOTTOM OF BANK
- TOP OF BANK
- GATE
- DRAINAGE PIPE
- BOTTOM OF BANK
- TOP OF BANK

LOT 4597
DP205948

ROAD

LOT 2922
17.8062 Ha
DP82390

LOT 77
60.0131 Ha
DP404256

LOT 76
DP404256

LOT 75
DP404256

AREA 1
11812m²

AREA 2
44313m²

AREA 3
5383m²

AREA 4
25263m²

AREA 5
60322m²

CROP EDGE

CATTLE YARDS

WATER TANK

SEE ENLARGEMENT 'A' FOR EASEMENT DETAILS

US = 111.54
300/24
D = 7.7
DS = 111.22

| Rev. | Description | Drawn | Date | Checked |
|---|---|---|---|---|
| A | INITIAL ISSUE | TJ | 2/5/2024 | MR |

Scale: 1:2500 A1 ORIG. ALL DISTANCES IN METRES
0 50 100 150

Surveyor: CW
Survey date: 24/4/2024
Precal/Cad: N/A

The contents of this plan are date stated within the revision panel. All consultants and persons wishing to utilise this data should satisfy themselves of this plan's currency by contacting Surveon.

The boundaries depicted on this plan were not re-established as part of this survey, therefore this plan does not guarantee their accuracy. Re-establishment of the cadastral boundaries is recommended for any proposed works on or near existing boundaries.

N

# PROPOSED EXTRACTION AREA PLAN
# LOT 77 ON DEPOSITED PLAN 404256
# 706 UPPER CAPEL ROAD, UPPER CAPEL

Client: CARBONE BROS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PROJ MNGR. Michael Riddle | DATUM MGA94 AHD

JOB NUMBER 9457 | TITLE SS_100 | REVISION A

# APPENDIX B – GROUNDWATER MONITORING DATA

# Lot 2922 & 77 Upper Capel Road, Upper Capel Quarry - Groundwater Level Monitoring 2024

| | 30-Aug-24 | | 02-Oct-24 | |
|---|---|---|---|---|
| | Level from Top of Collar (mTOC) | Level (mBGL) | Level from Top of Collar (mTOC) | Level (mBGL) |
| MW1 | 2.86 | 2.16 | 3.02 | 2.32 |
| MW2 | 1.77 | 0.99 | 2.3 | 1.52 |
| MW3 | 1.115 | 0.465 | 1.75 | 1.1 |
| | | | | |

| Collar Heights (mAGL) | Natural ground surface m (AHD) | Top of casing m (AHD) |
|---|---|---|
| 0.7 | 120 | 120.7 |
| 0.78 | 104 | 104.78 |
| 0.65 | 89 | 89.65 |
| | | |

# APPENDIX F – NOISE MANAGEMENT PLAN

# NOISE MANAGEMENT PLAN

## LOT 77 UPPER CAPEL ROAD, UPPER CAPEL

October 2025

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## Document Control

| Version | Date | Author | Reviewer |
|---|---|---|---|
| V1 | 10/02/2025 | PN | KMT/Client |
| V2 | 26/02/2025 | PN | KMT |
| V3 | 15/10/2025 | PN | KMT |
| | | | |
| **Filename** | 2448_Lot 77 Upper Capel Rd NMP_v3 | | |

## Limitations

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

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

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

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

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

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

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# 1 INTRODUCTION

## 1.1 Background

Carbone Bros Pty Ltd (the applicant) is proposing to extract gravel from an 8.15 hectare (ha) area within Lot 77 (706) Upper Capel Road, Upper Capel (herein referred to as the subject site) (refer to **Figure 1** and **Figure 2**).

The available volume of gravel (*insitu* volume of approximately 80,000 $m^3$) is to be extracted, commencing in stage 1 and working in a clockwise direction (refer to **Figure 2**).

The subject site will be excavated to a maximum depth of 1.5 metres (m) below ground level in four stages, with a maximum stage area of approximately 2.4 ha in size. The post extraction landform will be similar visually and in form with the pre-excavation landform with batter slopes of at least 1:5 vertical to horizontal.

## 1.2 Purpose and Scope

This Noise Management Plan (NMP) has been prepared to fulfil the relevant requirements provided within the Shire of Donnybrook – Balingup's (the Shire) *Local Planning Strategy,* the Shire's *Local Planning Scheme No. 7,* the Shire's *Extractive Industries Local Law* and the Shire's *Animals, Environment and Nuisance Local Law*. It is intended to provide the Shire, the public and relevant government agencies with an understanding of the proposal and the environmental strategies and commitments proposed to address noise emissions associated with the proposed land use. This document has been prepared to support and should be read in conjunction with, the *Works and Excavation Plan (Gravel)* prepared by Accendo Australia (2025) for gravel extraction within the subject site.

The Plan will describe the proposed management measures necessary to ensure noise impacts on surrounding receptors will be managed in accordance with best practice and the *Environmental Protection (Noise) Regulations 1997*.

# 2 EXISTING ENVIRONMENT

## 2.1 Land Use

The subject site is zoned "General Agriculture" under the Shire's *Local Planning Scheme No. 7* (LPS 7). Under the LPS 7 'Extractive Industry' is not a permitted land use unless the local government has exercised it discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions. Therefore, all applications for extractive industry on 'General Agriculture' zoned properties require prior approval from the Shire.

Land use abutting the boundaries of the subject site are zoned 'General Agriculture' to the south and east and 'Priority Agriculture' to the north and west.

The subject site is currently used for the grazing of cattle and cropping.

## 2.2 Topography and Soils

The subject site is located on the side of a hill with the elevation ranging from 135 metres (m) Australian Height Datum (AHD) in the southeastern corner of Stage 2 to 100 m AHD on the north-western boundary of Stage 3.

The subject site is located on boundary of the Goodwood Valleys system consisting of valleys of the Donnybrook Sunkland with sandy gravel, loamy gravel and deep sand and the Lowden Valleys system consisting of deep gneissic valleys in the south of the Western Darling Range zone with loamy earth, loamy duplex gravel and stony soils (Tille 2006).

The subject site is located within the following phases as mapped by the Department of Primary Industries and Regional Development's (Natural Resource Information (NRInfo)) database (DPIRD 2023):

- Rosa gentle slopes phase: Gentle valley slopes and footslopes (Relief 10-30 m, slopes 3-10%).
- Donnybrook low slopes phase: Relief (20-60 m), slopes (5-20%). Soils are deep sands, sandy gravels and loamy earths.
- Kingia subsystem (Goodwood): Lateritic isolated crests and narrow ridges over sedimentary rocks, relief 5-20 m, slopes 1-10%. Soils are sandy gravels with some deep sands.

## 2.3 Climate

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

The closest weather recording station is Donnybrook (Station 9534). Temperatures are highest on average in January, at approximately 30.6°C. July has the lowest average temperature of the year of 5.7°C.

Rainfall for the area is approximately 970 mm per annum with approximately 90% of the rain falling during the winter months, April to October inclusive.

During the summer months the dominant wind in the mornings is from the east, south-east at 10-14 knots, swinging to the south-west to south-east at 20-25 knots in the afternoon. During winter, the winds are most commonly north and north-west 10-14 knots. During storms, winds from the west and north-west can reach 40 knots (BoM 2024).

Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Intensity-Frequency-Duration (IFD) data system which yields the two hour 1 in 10 (10%) annual exceedance probability storm event for the subject site as 36.1 mm/hr.

# 3 EXTRACTION ACTIVITIES

The gravel quarry will cover an area of approximately 8.15 ha, with a current maximum elevation ranging from 100 m AHD to 135 m AHD. It will be excavated to a maximum depth of 1.5 m BGL in four stages, with a maximum size of approximately 2.4 ha.

It is estimated that the total maximum volume of gravel to be removed from the four stages will be approximately 80,000 $m^3$ with less than 20,000 $m^3$ excavated each year, depending on supply and demand.

The planned end use of the quarry is to restore a natural soil profile and return the area to pasture, ensuring that there is no net loss of productive agricultural land.

## 3.1 Operational Works

Using a loader, the topsoil (where available) will be stripped and placed in stockpiles. Overburden, if present, will be removed using a dump truck and stockpiled to the perimeter of the proposed pit area.

Bunding will be constructed along the southern and eastern boundaries of the extraction area to minimise the impact to sensitive receptors (refer to **Figure 2**).

### 3.1.1 Truck Movements

Access from the property will be via Upper Capel Road, travelling north to Goodwood Road, Emerald Street, Marmion Street and on to South Western Highway (refer to **Figure 3**).

It is proposed to extract a maximum of approximately 20,000 $m^3$ or bank cubic metres (BCM) per year. The average daily extraction rate:

= 20,000 BCM / 52 weeks / 5 working days per week
= 77 BCM per day.

It is estimated that approximately 70% of the haulage is proposed to be undertaken from October to May (8 months). Therefore, the average daily extraction rate (main season):

= 20,000 BCM x 70% / 32 weeks / 5 working days
= 88 BCM per day.

The average daily extraction rate (LCM):

= 88 BCM x 1.15
= 101 LCM

It is proposed to utilise 22 tonne semi-trailers with a capacity of approximately 39.6 LCM of gravel. Accordingly, the average daily truck movements during the main season are as follows:

= 101 LCM/ 39.6 LCM truck capacity
= 3 truck movements per day x 2 (to and from)
= 6 trips per day x 2 (peak fluctuations)
= 12 trips per day maximum.

Given the highly variable nature of the campaigns, these calculations are estimates only, there may be periods in which these daily truck numbers are exceeded.

### 3.1.2 Gravel Extraction

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

A summary of the proposed extraction activities is provided below:

- Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed.
- Soil and overburden will be removed and stored within perimeter bunds for later rehabilitation use.
- An excavator or front-end loader will be used to excavate the gravel material.
- A loader will then transfer the material into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site.
- All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening.
- Upon completion of excavation, the quarry will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours.
- At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.

### 3.1.3 Final Contours

The slope of the final contours of the quarry will be an undulating surface at approximately 1.5 m below the current land surface which is consistent with the adjoining land.

Slopes of the batters at the end of excavation, where required, will be retained at 1:5 vertical to horizontal which will enable the landform to be integrated with the surrounding landscape. This batter can be readily traversed by livestock, vehicles and machinery and is considered appropriate for the site's topographical relief.

### 3.1.4 Rehabilitation

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

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

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

## 3.2 Proposed Operating Times

Typical operating hours for quarries will be adopted for the subject site which involves 7am to 5pm each Monday to Friday, with no activities to occur on Saturdays, Sundays or public holidays. The subject site will be worked by 2 - 3 persons, depending on market demand.

The proposed transport route is a designated bus route. To ensure that trucks are not operating on designated school bus routes at the same time as the bus, trucks will not operate on the route during designated periods 15 minutes before and after the expected school bus times. The pit operators will be careful to ensure compliance with these requirements.

## 3.3 Equipment

All operational equipment will work on the quarry floor to provide maximum sound and visual screening. All equipment and infrastructure will be fully portable to facilitate movement throughout the site required for staged quarrying operations. 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.

Equipment and facilities that may be used onsite are provided in the Table below.

**Table 1. Equipment**

| Equipment | Description |
|---|---|
| Site office and/or containers | May be required for the management and security of small items. |
| Toilet | A portable toilet may be required on site. |
| Water tanker | Used for dust suppression on the access roads and working floors when required. |
| Bulldozer | Topsoil will be stripped using a bulldozer. Bulldozers will also be used for the movement of gravel and loading trucks. |
| Loader | Loaders will be used for the movement of gravel and loading road trucks. |
| Excavator | An excavator may be used for the removal of gravel material. |
| Terex Finlay 1-140 Impact Crusher | Used for the crushing of gravel. |
| Terex Finlay 693 Supertrak | Used for the screening of crushed gravel. |
| Anaconda Radial Stockpiler | Used for stockpiling crushed gravel. |
| Grader | Used for rehabilitation. |
| Fuel storage | No fuel will be stored onsite. |
| Light vehicles | Access to and around the site. |
| Tip truck | Removal of gravel from site. |

# 4 NOISE IMPACTS AND MANAGEMENT

## 4.1 Sensitive Receptors

The subject site has been designed to maximise setbacks to the closest sensitive receptors. This has involved extensive analysis of the local landform, environmental characteristics, land uses and location of sensitive receptors.

The Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors* (June 2005) provides generic separation distances to assist in the determination of suitable buffers where industry may have the potential to affect the amenity of a sensitive land use. In particular, for extractive industries including crushing and screening operations, a buffer distance of 1,000 m is recommended from sensitive land uses.

The closest residential dwellings to the subject site are provided below and shown in **Figure 4.**

**Table 2. Residential dwellings within 1,000 m of the subject site**

| Resident No. | Distance to subject site (m) |
|---|---|
| 1 | 340 m |
| 2 | 640 m |
| 3 | 640 m |
| 4 | 660 m |
| 5 | 705 m |
| 6 | 715 m |
| 7 | 950 m |

The closest residential dwellings to the subject site are located approximately 340 m from the eastern boundary.

## 4.2 Noise Generating Activities

The proposed extraction activities will be low impact in nature and the noise emanating from the subject site will be indistinct from typical rural noises. Furthermore, extraction activities will only be undertaken during standard hours of operation (in accordance with the conditions of the Extractive Industry Licence). A summary of potential noise generating activities is presented in **Table 3**.

**Table 3. Noise generating activities.**

| Activity | Duration | Equipment to be used | Sound pressure Level (dB(A)) | Comments |
|---|---|---|---|---|
| Topsoil stripping | 3 weeks per year | CAT 972 Front end Wheel Loader (FEL) or similar or Dozer | 109<br>112 | Initial impact to closest resident which will reduce as stockpiles increase. |
| Excavation and stockpiling of sand | 80% of works undertaken within 6 months of the year | CAT 330F Excavator | 104 | Noise will be muffled by stockpiles present at edge of excavation areas. |
| Loading of trucks from stockpiles | A maximum of 5 years with up to 50 loads per day, dependent on demand. | Single Semi-loader, semi – tipper or road train | 103 | Noise will be muffled by stockpiles, vehicles are new and well maintained. |
| Crushing and screening | 80% of works undertaken within 6 months of the year | Impact Crusher<br>Screen<br>Stacker | 114<br>109<br>96 | Noise will be muffled by bunding around crusher and extraction area. |
| Rehabilitation of completed stages | To be undertaken in conjunction with excavation works where applicable. | CAT 14M Grader | 108 | Limited period of moderate noise levels, indistinguishable from excavation noise when undertaken concurrently. |
| Water Trucks | Used as required during operations. | Water Cart | 99 | Not used at all times. |

Noise levels have been obtained from a combination of manufacturers' specifications and from on-file data (Lloyd George Acoustics 2025).

A Noise Assessment was undertaken by Lloyd George Acoustics (Lloyd George 2025) (refer to **Appendix A**) which demonstrated that noise levels resulting from the extraction and screening works, and the noise from trucks entering the site, are predicted to exceed the assigned level of 45 dB $L_{A10}$ at a number of residents. To address the noise exceedance, it is recommended to construct an earthen bund around the crushing and screening plant to a height of 3.5 m and on the southern and eastern boundaries of the extraction area to a height of approximately 4 m, as detailed within Figure 6 of **Appendix A**.

## 4.3 Noise Management Measures

The proponent will ensure that noise emissions comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times. In addition, the management measures prescribed within **Table 4** will be implemented to reduce noise emissions as far as practicable.

**Table 4. Management actions for noise.**

| Item | Action | Trigger/Timing | Responsibility |
|---|---|---|---|
| *Inductions* | | | |
| 1 | As part of site inductions, employees, contractors and visitors to the site are reminded of their responsibility to undertake work activities in an environmentally sensitive manner, including minimising noise while on site, or entering and leaving the site. | Ongoing | Site Manager |
| *Planning Controls* | | | |
| 2 | Daily Planning<br>• The use of significant noise generating equipment or activities simultaneously is avoided.<br>• The noisiest activities are scheduled to the least sensitive times of the day. | Where possible | Site Manager |
| 3 | Regular review of meteorological data, specifically wind speed and direction, to guide decisions on quarrying activities. | As required, with consideration to the intensity of activities onsite and the prevailing weather conditions | Site Manager |
| *Operational Controls* | | | |
| 4 | Equipment and Machinery<br>• Use machinery and equipment with minimal noise output levels.<br>• Ensure all machinery is regularly serviced as per the equipment's maintenance schedule to minimise noise generation.<br>• Where appropriate, all machinery and equipment will be shut off when not in use.<br>• Use flashing lights/broadband alarms instead of tonal reversing alarms on excavators/loaders.<br>• Apply speed restrictions (10 km/hr within site) and a ban on exhaust braking. | Continuous | All employees & contractors |
| 5 | Overburden and topsoil will be used to form perimeter bunds to assist with noise screening. A 4 m high bund will be located to the south and east of the extraction areas as shown in Figure 6 of **Appendix A** and a 3.5 m high bund will be located around the crushing and screening plant. | Prior to quarrying | Site Manager |
| *Complaints Management* | | | |

| Item | Action | Trigger/Timing | Responsibility |
|---|---|---|---|
| *Inductions* | | | |
| 6 | Erect on-site signage directing public to make complaints to the relevant person. | Prior to quarrying | Site Manager |
| 7 | Maintain a complaints register (refer to **Appendix B**). A Complaints Register will be established for the site to record the following information:<br>• Date, time, location and nature of the exceedance.<br>• Identify the cause (or likely cause) of the exceedance and responsible parties.<br>• Identify the activities that were occurring at the time of the non-compliance.<br>• Determine the activities that were most likely contributing to the non-compliance.<br>• Describe what action has been taken to date.<br>• Describe the proposed measures to address the exceedance.<br>If the complaint is verified as being due to a site source, remedial action will be undertaken within 2 hours. The Shire of Donnybrook - Ballingup will be advised of all complaints as soon as they are received. If a compliant cannot be resolved within the 2 hour response period, it may be necessary to cease operations. | Upon receiving complaint | Site Manager |

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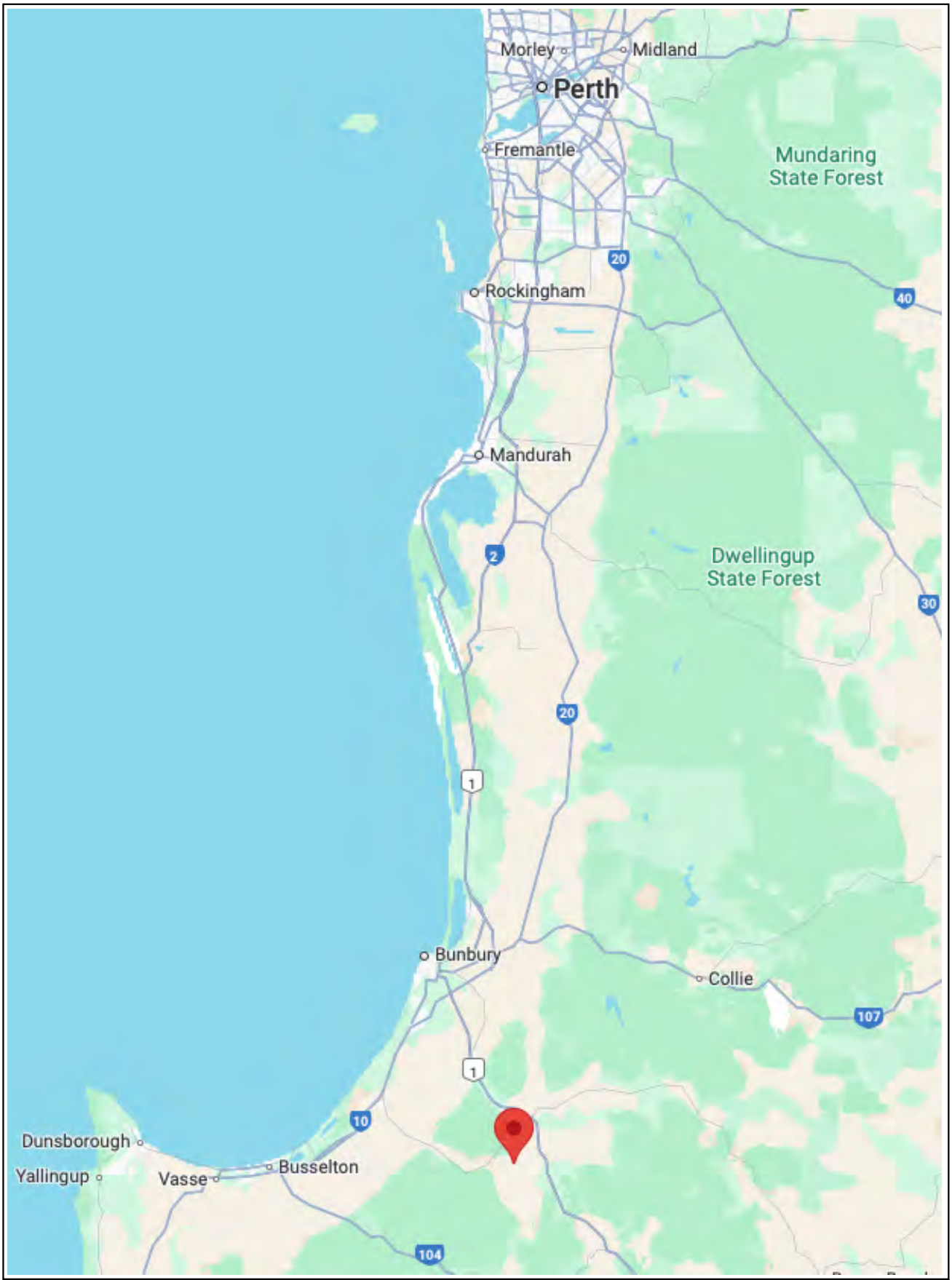
# FIGURES




| | | | | | |
|---|---|---|---|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel | | Project Number | Drawing Number | Revision |
| | | | 2448 | Figure 1 | A |
| DRAWING TITLE | 1 – Site Locality | | Designed PN | Checked | |
| | | | Drawn PN | Approved | |
| CLIENT | Carbone Bros Pty Ltd | | Date | 20/2/2025 | |
| | | | Local Authority | Shire of Donnybrook Ballingup | |
| | | | Sheet 1 of 1 | | |

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PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 2 - Site Extent

CLIENT Carbone Bros Pty Ltd

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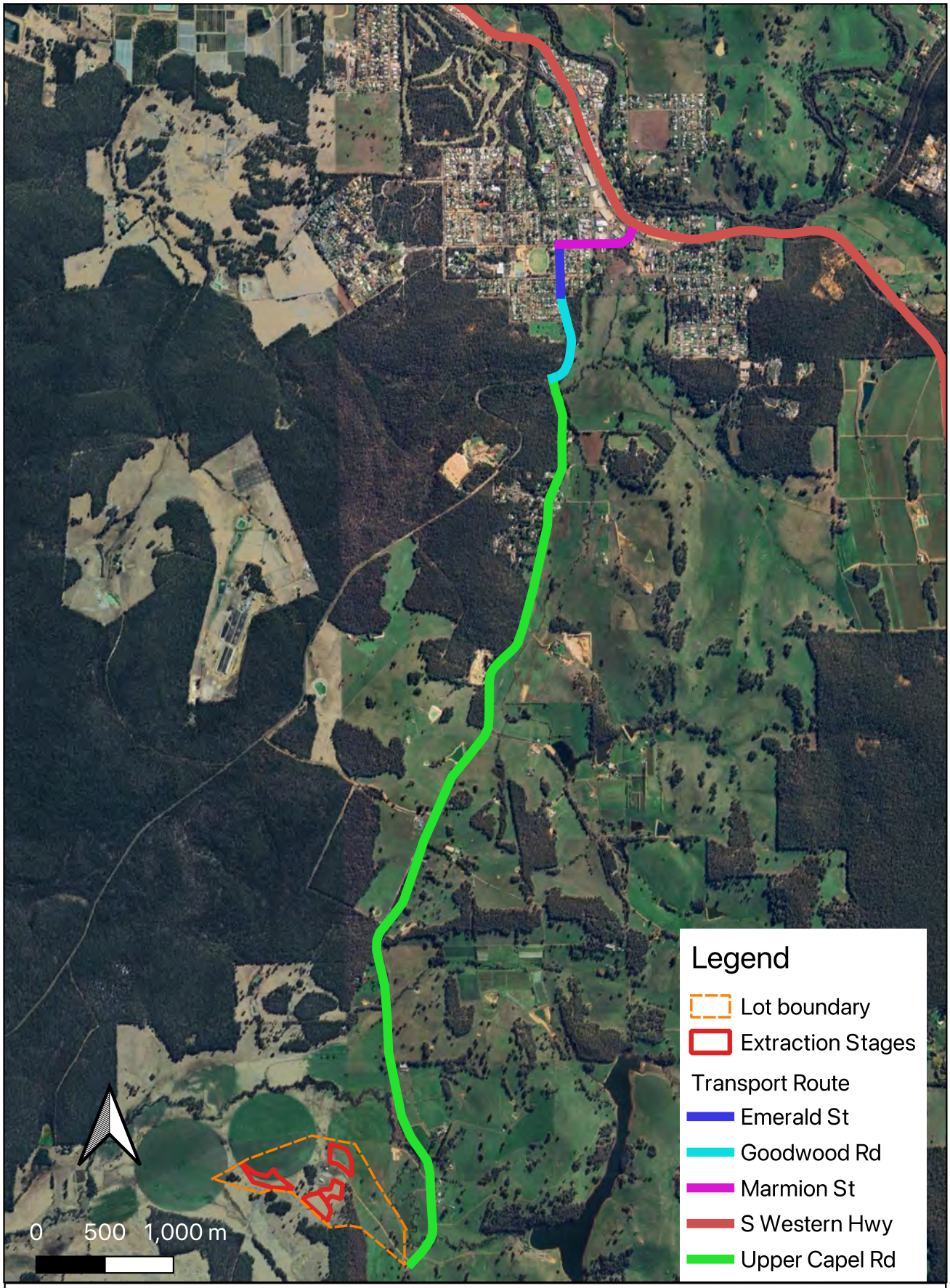
| | | | |
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 2 | Drawn | PN |
| Revision | B | Checked | |
| Date | 17/10/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




| | |
|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel |
| DRAWING TITLE | Figure 3 – Transport Route |
| CLIENT | Carbone Bros Pty Ltd |

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| Project Number | Drawing Number | Revision |
|---|---|---|
| 2448 | Figure 3 | A |

| | | | |
|---|---|---|---|
| Designed | PN | Checked | |
| Drawn | PN | Approved | |

Date 14/02/2025
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# APPENDIX A – ENVIRONMENTAL NOISE ASSESSMENT

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# Environmental Noise Assessment - Extractive Gravel Pits

## Lot 77 (#706) Upper Capel Road, Upper Capel, WA 6239

**Reference: 250610362-01A**

Prepared for:
Accendo Australia

# Reference: 250610362-01A


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This report has been prepared in accordance with the scope of services described in the contract or agreement between Lloyd George Acoustics Pty Ltd and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client, and Lloyd George Acoustics Pty Ltd accepts no responsibility for its use by other parties.


| Date | Rev | Description | Author | Verified |
|---|---|---|---|---|
| 29-Jul-25 | 0 | Issued to Client | Rob Connolly | Terry George |
| 1-Oct-25 | A | Included Noise Bunds Around Site | Rob Connolly | Terry George |

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# 1. INTRODUCTION

Lloyd George Acoustics was engaged by Accendo Australia to undertake an environmental noise assessment for a proposed gravel extractive pit to be located at Lot 77 (#706) Upper Capel Road, Upper Capel, WA 6239 - refer *Figure 1-1*.

***Figure 1-1: Subject Site Location (Source: DPLH PlanWA)***

With regard to noise emissions, consideration is given to noise from gravel extraction, crushing/screening, ripping/pushing, grading and loading operations when received at neighbouring properties, against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*.

The gravel will be extracted from the three pit areas shown in *Figure 1-2.* The plant is assumed to be operating at natural ground level for the construction phase only. It is understood that the Client will utilise the waste topsoil and overburden to construct noise bunds during the construction phase. The maximum excavation depth being 2.0 metres below ground level (BGL).

The gravel pit will operate within the day period of 7.00 a.m. to 6.00 p.m. Monday to Friday and 7.00 a.m. to 1.00 p.m. on Saturdays for rehabilitation only. It will not be operated on Sundays or Public Holidays. Trucks will arrive on site and will be loaded with gravel. There will be 12 trucks (24 movements) accessing the pit areas during a typical day. Access point will be to the south east of the lot – refer *Figure 1-3* highlighted in yellow.

Crushing & screening plant will be located in one area whilst extraction takes place across the three designated extractive areas. The dozer will be utilised to strip topsoil, movement of gravel and loading of trucks. The excavator may be used for the removal of gravel material. The water tanker will be used to suppress dust across the whole site as required. The front end loader (FEL) will be used for the movement of gravel and loading of trucks. Light vehicles will be used throughout the site to transport staff to plant. The grader will only be used for rehabilitation purposes.

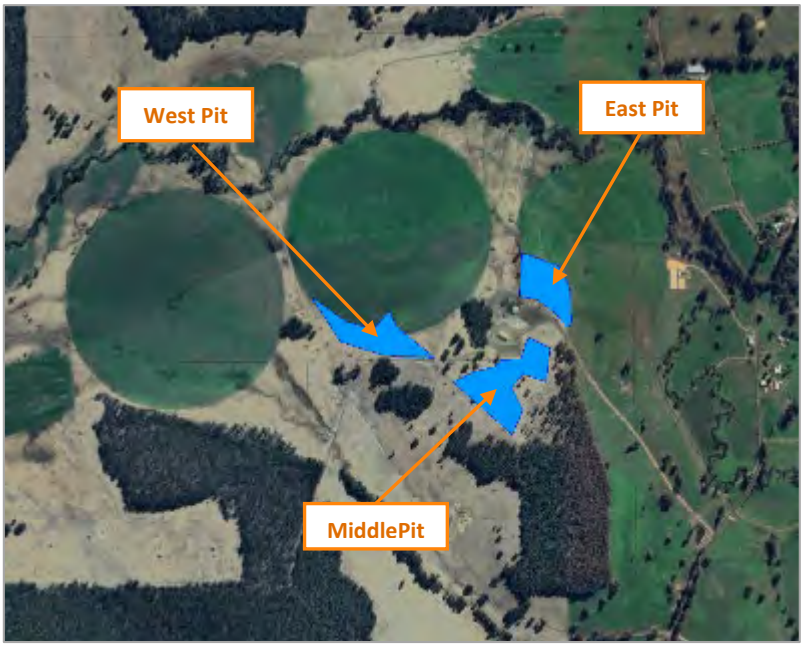



***Figure 1-2: Area of Extraction Highlighted***

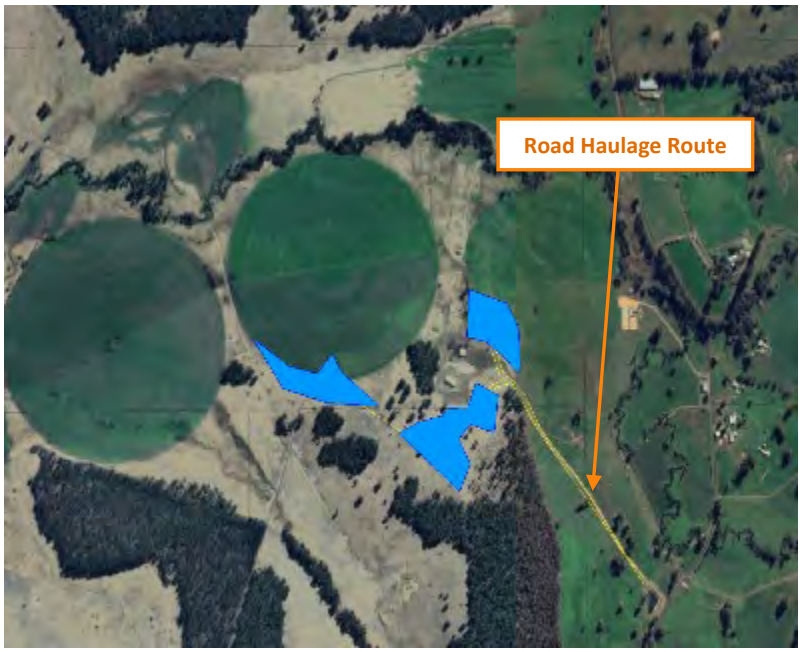



***Figure 1-3: Haulage Truck Route***

*Appendix A* contains a description of some of the terminology used throughout this report.

# 2. CRITERIA

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

## 2.1. Regulation 13

Regulation 13 provides the noise requirements that are to be satisfied whilst the construction activities are occurring and are detailed below:

**Regulation 13(2)**

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

- *(a) the construction work was carried out in accordance with control of environmental noise practices set out in section 4 of AS 2436-2010 Guide to noise and vibration control on construction, maintenance and demolition sites; and*
- *(b) the equipment used on the premises was the quietest reasonably available; and*
- *(c) if the occupier was required to prepare a noise management plan … in respect of the construction site –*
  - *(i) the noise management plan was prepared and given in accordance with the requirement, and approved by the CEO or authorised delegate; and*
  - *(ii) the construction work was carried out in accordance with the noise management plan, excluding any ancillary measure;"*

**Regulation 13(3)**

*"Regulation 7 does not apply to noise emitted from a construction site as a result of construction work carried out other than between the hours specified in subregulation (2) if the occupier of the construction site shows that -*

- *(a) the construction work was carried out in accordance with control of environmental noise practices set out in section 4 of AS 2436-2010 Guide to noise and vibration control on construction, maintenance and demolition sites; and*
- *(b) the equipment used on the premises was the quietest reasonably available; and*
- *(c) the construction work was carried out in accordance with a noise management plan, excluding any ancillary measure, in respect of the construction site –*
  - *(i) prepared and given to the CEO or authorised delegate not later than 7 days before the construction work commenced; and*
  - *(ii) approved by the CEO or authorised delegate; and*
- *(d) at least 24 hours before the construction work commenced, the occupier of the construction site gave written notice of the proposed construction work to the occupiers of all premises at which noise emissions received were likely to fail to comply with the standard prescribed under regulation 7; and*
- *(e) it was reasonably necessary for the construction work to be carried out at that time."*

**Regulation 13(6)**

*"A noise management plan prepared under subregulation (3)(c), (4) or (5A) is to include, but is not limited to -*

*(a) details of, and reasons for, construction work on the construction site; and*
*(b) details of, and the duration of, activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7; and*
*(c) predictions of noise emissions on the construction site; and*
*(d) details of measures to be implemented to control noise (including vibration) emissions; and*
*(e) procedures to be adopted for monitoring noise (including vibration) emissions; and*
*(f) complaint response procedures to be adopted."*

Although it is stated that Regulation 7 does not apply, it is still referred to in terms of providing written notice.

## 2.2. Regulations 7, 8 & 9

This group of regulations provide the prescribed standard for noise as follows:

***"7. Prescribed standard for noise emissions***

*(1) Noise emitted from any premises or public place when received at other premises –*
*(a) must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and*
*(b) must be free of –*
*(i) tonality; and*
*(ii) impulsiveness; and*
*(iii) modulation,*
*when assessed under regulation 9.*

*(2) For the purposes of subregulation (1)(a), a noise emission is taken to significantly contribute to a level of noise if the noise emission … exceeds a value which is 5 dB below the assigned level at the point of reception."*

Tonality, impulsiveness and modulation are defined in regulation 9 (refer *Appendix A*). Under regulation 9(3), *"Noise is taken to be free of the characteristics of tonality, impulsiveness and modulation if -*

*(a) the characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and*
*(b) the noise emission complies with the standard prescribed under regulation 7(1)(a) after the adjustments in the table [Table 2-1] … are made to the noise emission as measured at the point of reception."*

***Table 2-1: Adjustments Where Characteristics Cannot Be Removed***

| Where Noise Emission is Not Music* | | | Where Noise Emission is Music | |
|---|---|---|---|---|
| Tonality | Modulation | Impulsiveness | No Impulsiveness | Impulsiveness |
| + 5 dB | + 5 dB | + 10 dB | + 10 dB | + 15 dB |

* These adjustments are cumulative to a maximum of 15 dB.

The assigned levels (prescribed standards) for all premises are specified in regulation 8(3) and are shown in *Table 2-2*. The $L_{A10}$ assigned level is applicable to noises present for more than 10% of a representative assessment period, generally applicable to "steady-state" noise sources. The $L_{A1}$ is for short-term noise sources present for less than 10% and more than 1% of the time. The $L_{Amax}$ assigned level is applicable for incidental noise sources, present for less than 1% of the time.

***Table 2-2: Baseline Assigned Levels***

| Premises Receiving Noise | Time Of Day | Assigned Level (dB) | | |
|---|---|---|---|---|
| | | $L_{A10}$ | $L_{A1}$ | $L_{Amax}$ |
| Noise sensitive premises: highly sensitive area[1] | 0700 to 1900 hours Monday to Saturday (Day) | 45 + influencing factor | 55 + influencing factor | 65 + influencing factor |
| | 0900 to 1900 hours Sunday and public holidays (Sunday) | 40 + influencing factor | 50 + influencing factor | 65 + influencing factor |
| | 1900 to 2200 hours all days (Evening) | 40 + influencing factor | 50 + influencing factor | 55 + influencing factor |
| | 2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night) | 35 + influencing factor | 45 + influencing factor | 55 + influencing factor |
| Noise sensitive premises: any area other than highly sensitive area | All hours | 60 | 75 | 80 |
| Commercial Premises | All hours | 60 | 75 | 80 |
| Industrial and Utility Premises | All hours | 65 | 80 | 90 |

1. ***highly sensitive area*** means that area (if any) of noise sensitive premises comprising —
   (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
   (b) any other part of the premises within 15 metres of that building or that part of the building.

As properties surround the proposed pit are in a rural area, away from any major or secondary roads and there are no commercial or industrial land usages, the influencing factor (IF), in relation to noise received at noise sensitive premises, has been calculated as 0 dB. It is noted that the dwelling identified as R0 is located on the same lot (Lot 77 #706 Upper Capel Road) as the proposed extractive areas and as such an agreement will be entered into with the homeowner and the assigned noise levels will not be applicable at this dwelling. *Table* 2-3 shows the assigned levels (ANL's) including the influencing factor during the operating hours of the pit at the receiving locations, being that of the baseline ANL's.

***Table 2-3: Assigned Levels***

| Premises Receiving Noise | Time Of Day | Assigned Level (dB) | | |
|---|---|---|---|---|
| | | $L_{A10}$ | $L_{A1}$ | $L_{Amax}$ |
| +0 dB IF<br>Noise sensitive premises: highly sensitive area[1] | 0700 to 1900 hours Monday to Saturday (Day) | 45 | 55 | 65 |
| Noise sensitive premises: any area other than highly sensitive area | All hours | 60 | 75 | 80 |

It must be noted the assigned levels above apply outside the receiving premises and at a point at least 3 metres away from any substantial reflecting surfaces.

The assigned levels are statistical levels and therefore the period over which they are determined is important. The Regulations define the Representative Assessment Period (RAP) as *"a period of time of not less than 15 minutes, and not exceeding 4 hours, determined by* an *inspector* or *authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission"*. An inspector or authorised person is a person appointed under Sections 87 & 88 of the *Environmental Protection Act 1986* and include Local Government Environmental Health Officers and Officers from the Department of Water Environmental Regulation. Acoustic consultants or other environmental consultants are not appointed as an inspector or authorised person. Therefore, whilst this assessment is based on a 4-hour RAP, which is assumed to be appropriate given the nature of the operations, this is to be used for guidance only.

## 2.3. Regulation 3

***"3. Regulations do not apply to certain noise emissions***

*(1) Nothing in these regulations applies to the following noise emissions –*

*(a) Noise emissions from the propulsion and braking systems of motor vehicles operating on a road;"*

*(b) a reversing alarm fitted to a motor vehicle, mobile plant, or mining or earthmoving equipment;*

In regards to regulation 3(1)(a), while trucks associated with the loading of gravel are on public roads, they are exempt from the Regulations, however, the noise must be assessed once they enter private land. In regards to regulation 3(1)(b), it is considered by DWER that any reversing alarms fitted to the mobile plant and transport trucks are not necessarily exempt under the Regulations, since they are not specifically required under another written law. The commonly used fixed noise output tonal reversing alarms also known as 'reversing beeper' emit, by their very nature, tonal and modulating noise at high levels. As such, this type of reversing alarm generally cannot comply with the Regulations even at distant receivers. Alternative alarms such as broadband alarms are commonly used to minimise the impact.

# 3. METHODOLOGY

## 3.1. Site Measurements

As this is a rural area, it can be expected that ambient noise levels will be low and that any noise resulting from operations at the gravel pit will be audible at the nearest noise sensitive premises. Therefore, background noise monitoring was not considered to be required for this assessment.

## 3.2. Noise Modelling

Computer modelling has been used to predict the noise emissions from the development to all nearby receivers. The software used was *SoundPLAN 9.0* with the ISO 9613 algorithms (ISO 17534-3 improved method) selected, as they include the influence of meteorological conditions. Input data required in the model are listed below and discussed in *Section 3.2.1* to *Section 3.2.4*:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

### 3.2.1. Meteorological Conditions

Meteorological information utilised is provided in *Figure 3-1* and is considered to represent worst-case conditions for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

***Table 3-1: Modelling Meteorological Conditions***

| Parameter | Day (7.00am to 7.00pm) |
|---|---|
| Temperature (°C) | 20 |
| Humidity (%) | 50 |
| Wind Speed (m/s) | Up to 5 |
| Wind Direction* | All |

* The modelling package allows for all wind directions to be modelled simultaneously.

Alternatives to the above default conditions can be used where one year of weather data is available and the analysis considers the worst 2% of the day and night for the month of the year in which the worst-case weather conditions prevail (source: *Draft Guideline on Environmental Noise for Prescribed Premises*, May 2016). In most cases, the default conditions occur for more than 2% of the time and therefore must be satisfied.

### 3.2.2. Topographical Data

Topographical data was adapted from publicly available information (e.g. *Google*) in the form of spot heights. The extractive area is modelled at 2.0 metres BGL.

Surrounding existing buildings were also incorporated in the noise model, as these can provide noise shielding as well as reflection paths. All buildings are assumed to be single storey buildings and modelled with a height of 3.5 metres with receivers 1.4 metres above ground.

*Figure 3-1* shows a 2D overview of the noise model with the location of all relevant receivers identified.

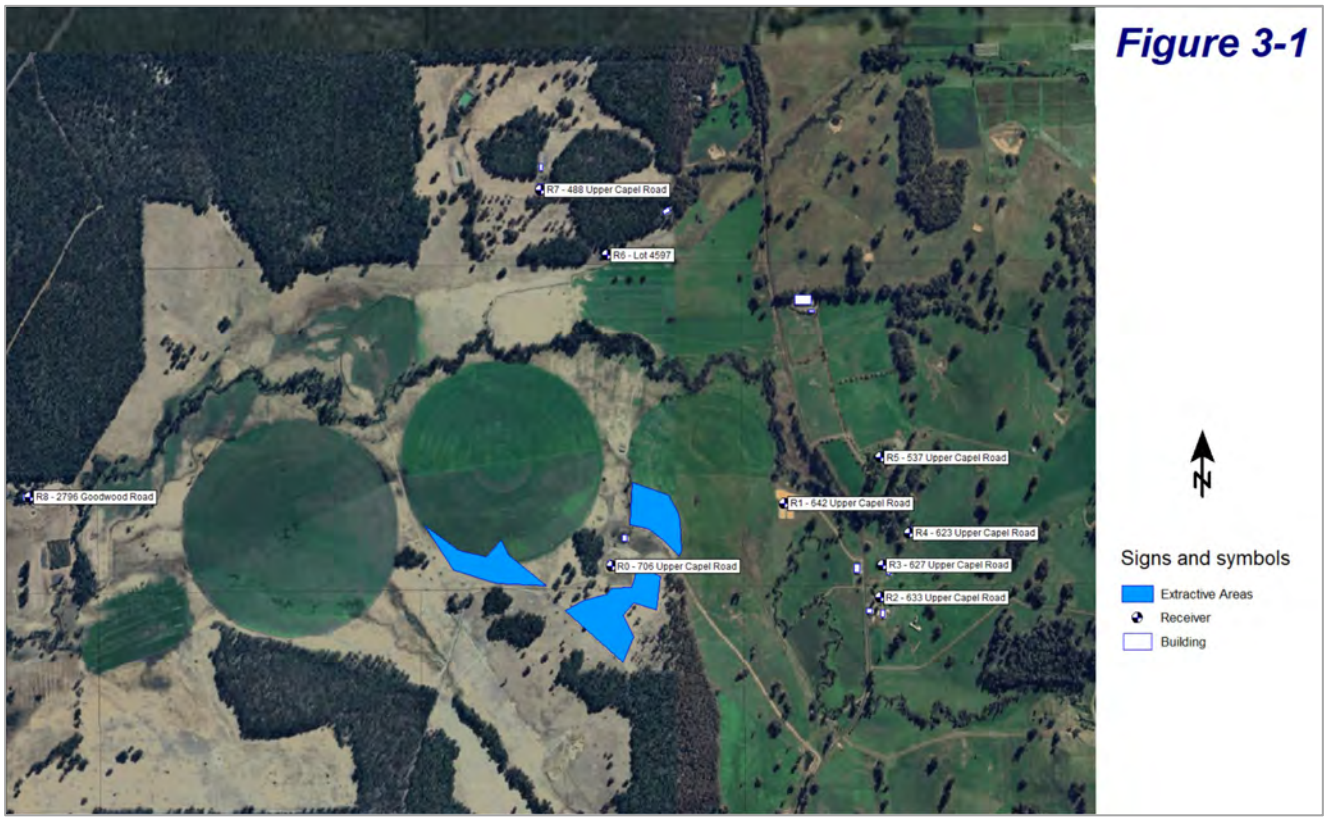



***Figure 3-1: Overview of Noise Model***

### 3.2.3. Ground Absorption

The ground absorption has been assumed to be 0.9 (90%) for the study area, noting that 0.0 represents hard reflective surfaces such as water and 1.0 represents absorptive surfaces such as grass.

### 3.2.4. Source Sound Levels

The source sound power levels used in the modelling are provided in *Table 3-2*.

***Table 3-2: Source Sound Power Levels, dB***

| Description | Octave Band Centre Frequency (Hz) | | | | | | | | Overall dB(A) |
|---|---|---|---|---|---|---|---|---|---|
| | 63 | 125 | 250 | 500 | 1k | 2k | 4k | 8k | |
| Finlay/Terex Impact Crusher | 121 | 118 | 112 | 111 | 108 | 105 | 100 | 98 | **114** |
| Grader | 84 | 89 | 94 | 101 | 103 | 103 | 97 | 89 | **108** |
| Excavator | 112 | 110 | 104 | 99 | 98 | 95 | 90 | 0 | **104** |
| Finlay Screen | 108 | 120 | 105 | 103 | 100 | 99 | 100 | 88 | **109** |
| Trucks | 107 | 108 | 101 | 100 | 97 | 96 | 87 | 81 | **103** |
| Dozer | 104 | 113 | 110 | 107 | 107 | 105 | 100 | 100 | **112** |
| Front End Loader | 102 | 112 | 104 | 105 | 104 | 102 | 98 | 93 | **109** |
| Radial Stacker | 95 | 93 | 94 | 88 | 93 | 90 | 78 | 75 | **96** |
| Water Cart | 93 | 101 | 97 | 93 | 94 | 92 | 86 | 78 | **99** |
| Light Vehicles Idling | 81 | 78 | 74 | 72 | 74 | 74 | 67 | 67 | **79** |

The following is noted in relation to *Table 3-2*:

- Sound power levels are a mixture of both manufacturer's and on-file data;
- All plant is assumed to be 2.0 metres above ground level (AGL), except the light vehicle which is modelled at 0.5 metres AGL;
- Sound source represents $L_{10}$ level;
- Truck and water cart moving sound power is converted from shown sound power in Sound*PLAN* software based on travelling speed at a maximum of 30 km/hr whilst onsite;
- All sources are modelled as operating concurrently;
- Scenario 2, 3 and 4 noise models include the 3.5 metre high noise bund created during the construction phase around the future crushing & screening plant area and 4.0 metre high bunds AGL to the east and south of extractive areas, refer *Figure 6-1*;
- The ground level is at the existing ground level EGL for construction phase and then future expected 2.0 metres below ground level BGL;
- Fixed plant source group contains the Finlay Crusher, Screen & Sources and Radial Stacker;
- Moving plant source group includes haulage trucks and water carts;
- Dozer has its own designated source group;
- Mobile plant source group contains all other plant.

# 4. RESULTS

## 4.1. Noise Measurements

As this is a rural area, it can be expected that ambient noise levels will be low and that any noise resulting from operations at the gravel pit will be audible at the nearest noise sensitive premises. Therefore, ambient noise monitoring was not considered to be required for this assessment.

## 4.2. Noise Modelling

The noise levels were predicted for various scenarios:

- Scenario 1: Construction/Rehabilitation Phase – Removing topsoil/overburden and constructing 3.5 metre high bund around the future crushing & screening plant area and 4.0 metre high bunds AGL to the east and south of extractive areas*, refer Figure 6-1*. Groundworks will include the use of up to 1 x Excavator, 1 x water cart, 1 x dozer, 1 x front end wheeled loader (FEL), 1 x grader and haulage trucks. Ground level will be lowered with the removal of overburden/topsoil during this phase. The maximum excavation depth being 1.5 metres BGL. This scenario can be considered the same for rehabilitation works also. All plant operating concurrently.
- Scenario 2: Normal Operations with extraction taking place in middle pit section – Removing the gravel material involving the use of 1 x FEL, 1 x water cart, 1 x excavator, 1 x crusher, 1 x screen, 1 x radial stacker and haulage trucks entering and exiting the site after being loaded. All plant are located in middle pit area. Noise model includes the 3.5 metre high noise bund created around the fixed plant and 4.0 metre high bunds AGL to the east and south of extractive areas during the construction phase. The ground level is at 2.0 metres BGL. All plant operating concurrently.
- Scenario 3: Normal Operations with extraction taking place in eastern pit section – Removing the gravel material involving the use of 1 x water cart, 1 x excavator, 1 x dozer in eastern pit area. 1 x crusher, 1 x screen, 1 x radial stacker, I x FEL located in middle pit section. Haulage trucks entering and existing the site after being loaded. Noise model includes the 3.5 metre high noise bund created around the fixed plant and 4.0 metre high bunds AGL to the east and south of extractive areas during the construction phase. The ground level is at 2.0 metres BGL. All plant operating concurrently.
- Scenario 4: Normal Operations with extraction taking place in western pit section – Removing the gravel material involving the use of 1 x water cart, 1 x excavator, 1 x dozer in western pit area. 1 x crusher, 1 x screen, 1 x radial stacker, I x FEL located in middle pit section. Haulage trucks entering and existing the site after being loaded. Noise model includes the 3.5 metre high noise bund created around the fixed plant and 4.0 metre high bunds AGL to the east and south of extractive areas during the construction phase. The ground level is at 2.0 metres BGL. All plant operating concurrently.

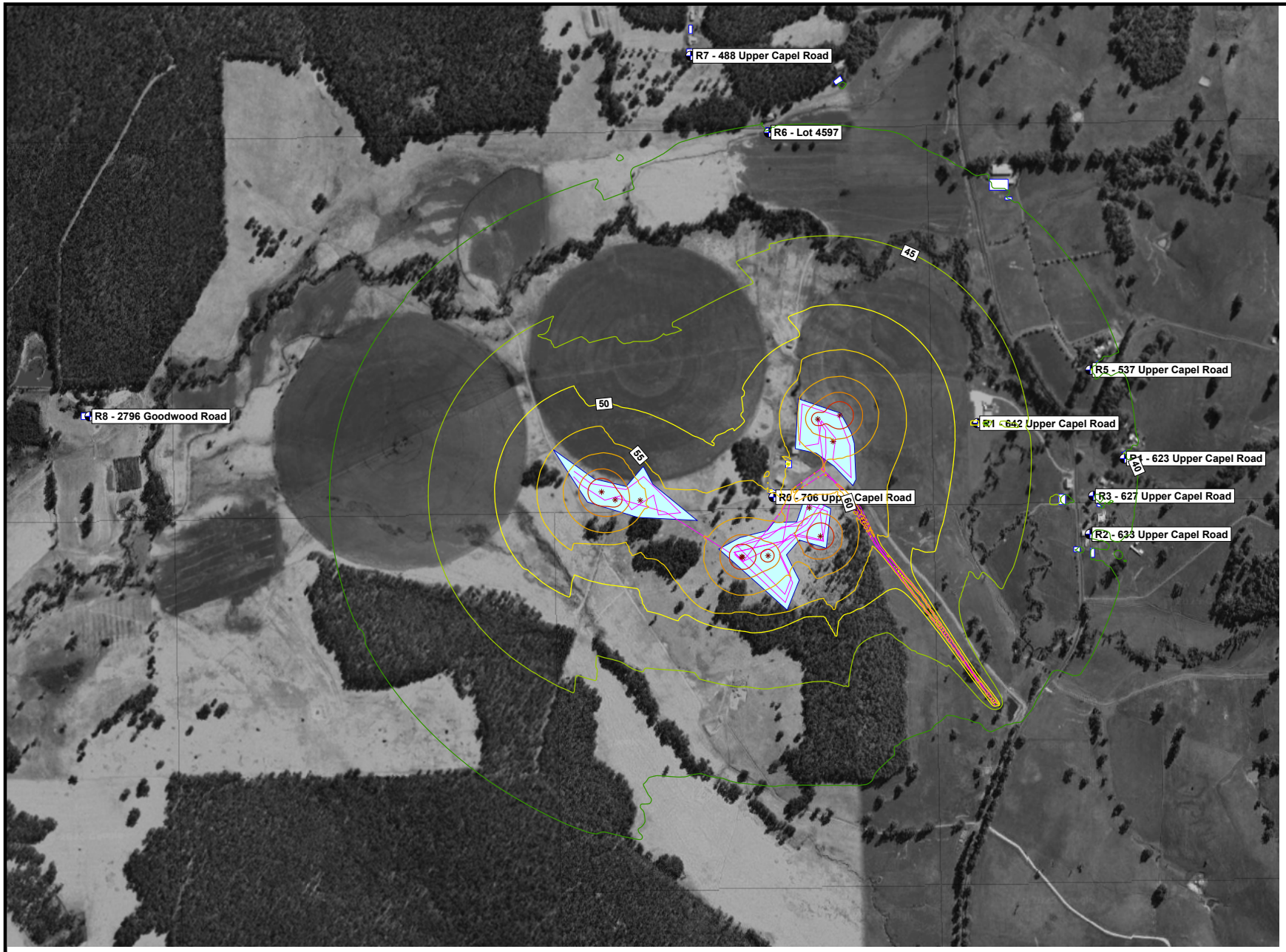
### 4.2.1. Scenario 1 – Construction Phase

The predicted noise levels during the construction phase of stripping the topsoil, moving the topsoil and overburden and construction of a 3.5 metre high bund around the future crushing & screening plant area and 4.0 metre high bunds AGL to the east and south of extractive areas, refer *Figure 6-1* during the construction phase. Noise levels from all plant operating concurrently are provided in *Table 4-1*. This scenario can also be considered for rehabilitation works however in this case the noise bunds would be deconstructed. A noise contour plot is also provided in *Figure 4-1* showing noise levels at ground floor.

***Table 4-1: Scenario 1 - Predicted Levels during Construction Phase, $L_{10}$ dB(A)***

| Receiver | Moving Water Cart & Haulage | Dozer | All Other Mobile Plant | Overall |
|---|---|---|---|---|
| R0 - 706 Upper Capel Road | 42 | 59 | 50 | **60** |
| R1 - 642 Upper Capel Road | 29 | 50 | 39 | **49** |
| R2 - 633 Upper Capel Road | 26 | 43 | 34 | **44** |
| R3 - 627 Upper Capel Road | 25 | 43 | 34 | **43** |
| R4 - 623 Upper Capel Road | 24 | 42 | 33 | **43** |
| R5 - 537 Upper Capel Road | 24 | 44 | 35 | **45** |
| R6 - Lot 4597 | 22 | 42 | 34 | **43** |
| R7 - 488 Upper Capel Road | 25 | 39 | 31 | **40** |
| R8 - 2796 Goodwood Road | 23 | 32 | 29 | **34** |

# Figure 4-1




**Predicted Noise level $L_{A10}$ dB**

- = 40
- = 45
- = 50
- = 55
- = 60
- = 65
- = 70

N

## Signs and symbols

- Line source
- Point source
- Receiver
- Extractive Area
- Dwellings

Scale 1:15000

0 100 200 400 600

**Scenario 1 - Construction Phase - Lot 77 (#706) Upper Capel Road, Upper Capel - Predicted Noise Levels**

$L_{A10}$ Noise Level Contours - Mobile Plant Only - No Tonality Penalty Included - Ground Floor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### 4.2.2. Scenario 2 – Normal Operations – Middle Pit

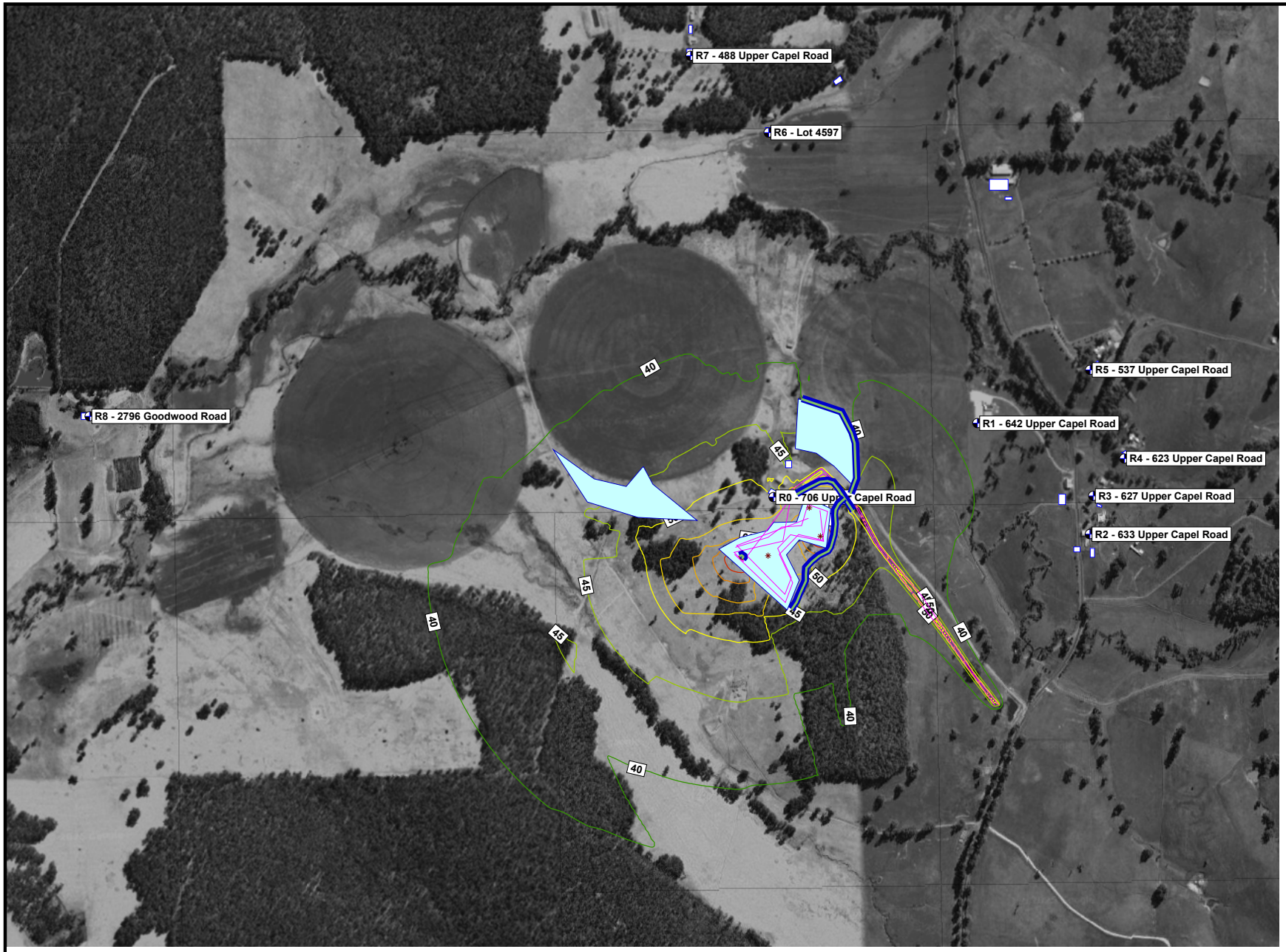
The results for the Normal Operations with extraction taking place in the middle pit section Scenario 2 are provided in *Table 4-2*. A noise contour plot is also provided in *Figure 4-2* showing noise levels at ground floor.

***Table 4-2: Scenario 2 – Normal Operations Middle Pit Predicted Levels, $L_{10}$ dB(A)***

| Receiver | Fixed Plant | Moving Water Cart & Haulage | Dozer | All Other Mobile Plant | Overall |
|---|---|---|---|---|---|
| R0 - 706 Upper Capel Road | 45 | 37 | 47 | 43 | **51** |
| R1 - 642 Upper Capel Road | 30 | 23 | 37 | 29 | **38** |
| R2 - 633 Upper Capel Road | 28 | 21 | 33 | 26 | **35** |
| R3 - 627 Upper Capel Road | 28 | 20 | 33 | 26 | **35** |
| R4 - 623 Upper Capel Road | 27 | 19 | 31 | 24 | **33** |
| R5 - 537 Upper Capel Road | 28 | 20 | 34 | 25 | **35** |
| R6 - Lot 4597 | 30 | 20 | 33 | 27 | **33** |
| R7 - 488 Upper Capel Road | 28 | 17 | 24 | 25 | **31** |
| R8 - 2796 Goodwood Road | 27 | 17 | 18 | 23 | **29** |

The dominant source at all identified receivers is either the Dozer or Fixed Plant.

# Figure 4-2




**Predicted Noise level**
**$L_{A10}$ dB**

- = 40
- = 45
- = 50
- = 55
- = 60
- = 65
- = 70

N

## Signs and symbols

- Line source
- Point source
- Receiver
- Extractive Area
- Dwellings
- Noise Bund

Scale 1:15000

0 100 200 400 600

**Scenario 2 - Middle Pit Area - Lot 77 (#706) Upper Capel Road, Upper Capel - Predicted Noise Levels**

$L_{A10}$ Noise Level Contours - Fixed & Mobile Plant Only - No Tonality Penalty Included - Ground Floor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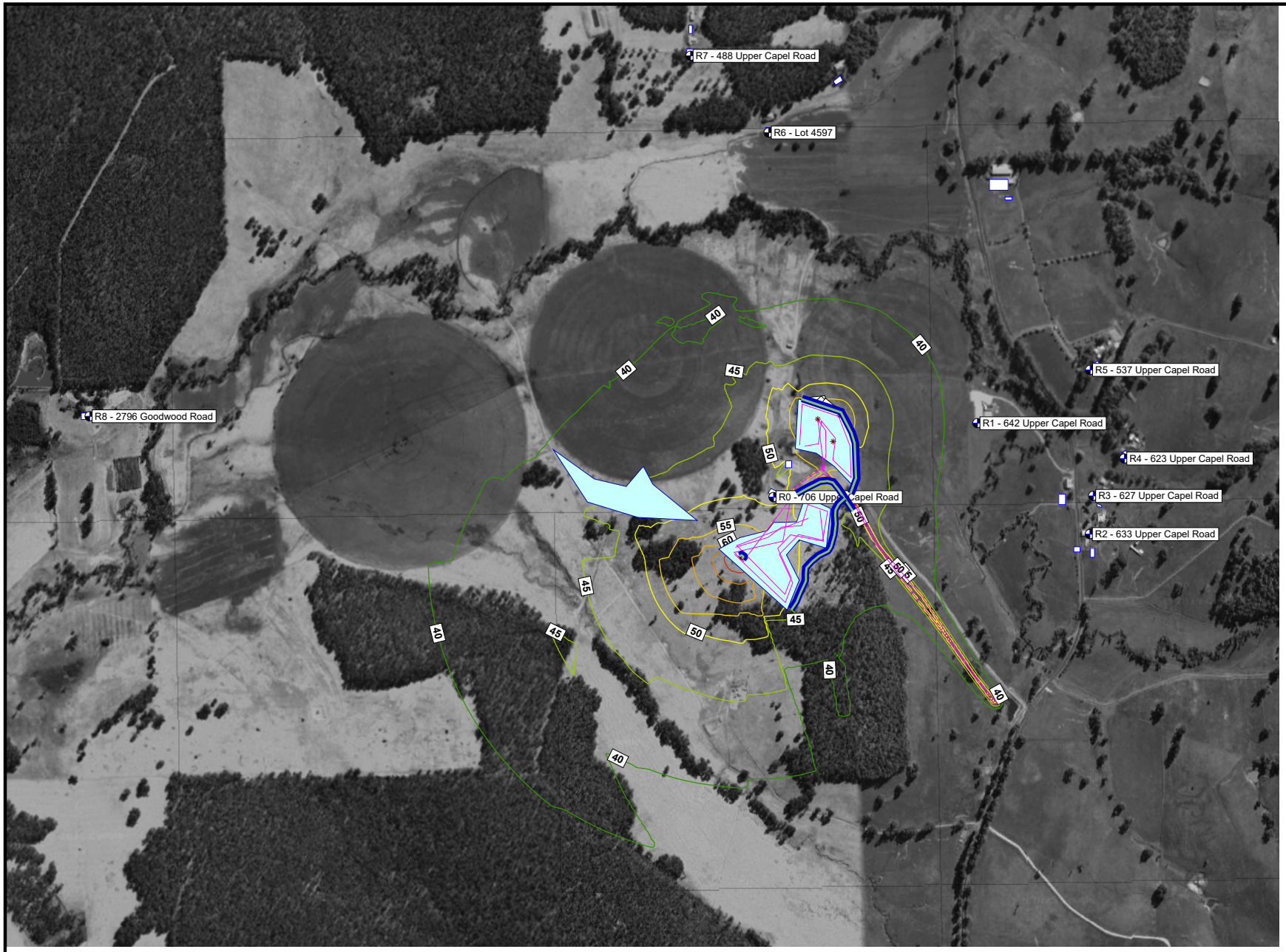
### 4.2.3. Scenario 3 – Normal Operations – Eastern Pit

The results for the Normal Operations with extraction taking place in the eastern pit section Scenario 3 are provided in *Table 4-3*. A noise contour plot is also provided in *Figure 4-3* showing noise levels at ground floor.

***Table 4-3: Scenario 3 – Normal Operations Eastern Pit Predicted Levels, $L_{10}$ dB(A)***

| Receiver | Fixed Plant | Moving Water Cart & Haulage | Dozer | All Other Mobile Plant | Overall |
|---|---|---|---|---|---|
| R0 - 706 Upper Capel Road | 45 | 38 | 31 | 39 | **47** |
| R1 - 642 Upper Capel Road | 30 | 25 | 35 | 34 | **39** |
| R2 - 633 Upper Capel Road | 28 | 22 | 30 | 28 | **34** |
| R3 - 627 Upper Capel Road | 28 | 22 | 30 | 29 | **34** |
| R4 - 623 Upper Capel Road | 27 | 20 | 29 | 28 | **33** |
| R5 - 537 Upper Capel Road | 28 | 22 | 33 | 32 | **37** |
| R6 - Lot 4597 | 30 | 23 | 30 | 29 | **35** |
| R7 - 488 Upper Capel Road | 28 | 20 | 27 | 25 | **32** |
| R8 - 2796 Goodwood Road | 27 | 20 | 18 | 22 | **29** |

# Figure 4-3




**Predicted Noise level**
**$L_{A10}$ dB**

- = 40
- = 45
- = 50
- = 55
- = 60
- = 65
- = 70

N

## Signs and symbols

- Line source
- Point source
- Receiver
- Extractive Area
- Dwellings
- Noise Bund

Scale 1:15000

0 100 200 400 600

**Scenario 3 - East & Middle Pit Area - Lot 77 (#706) Upper Capel Road, Upper Capel - Predicted Noise Levels**

$L_{A10}$ Noise Level Contours - Fixed & Mobile Plant Only - No Tonality Penalty Included - Ground Floor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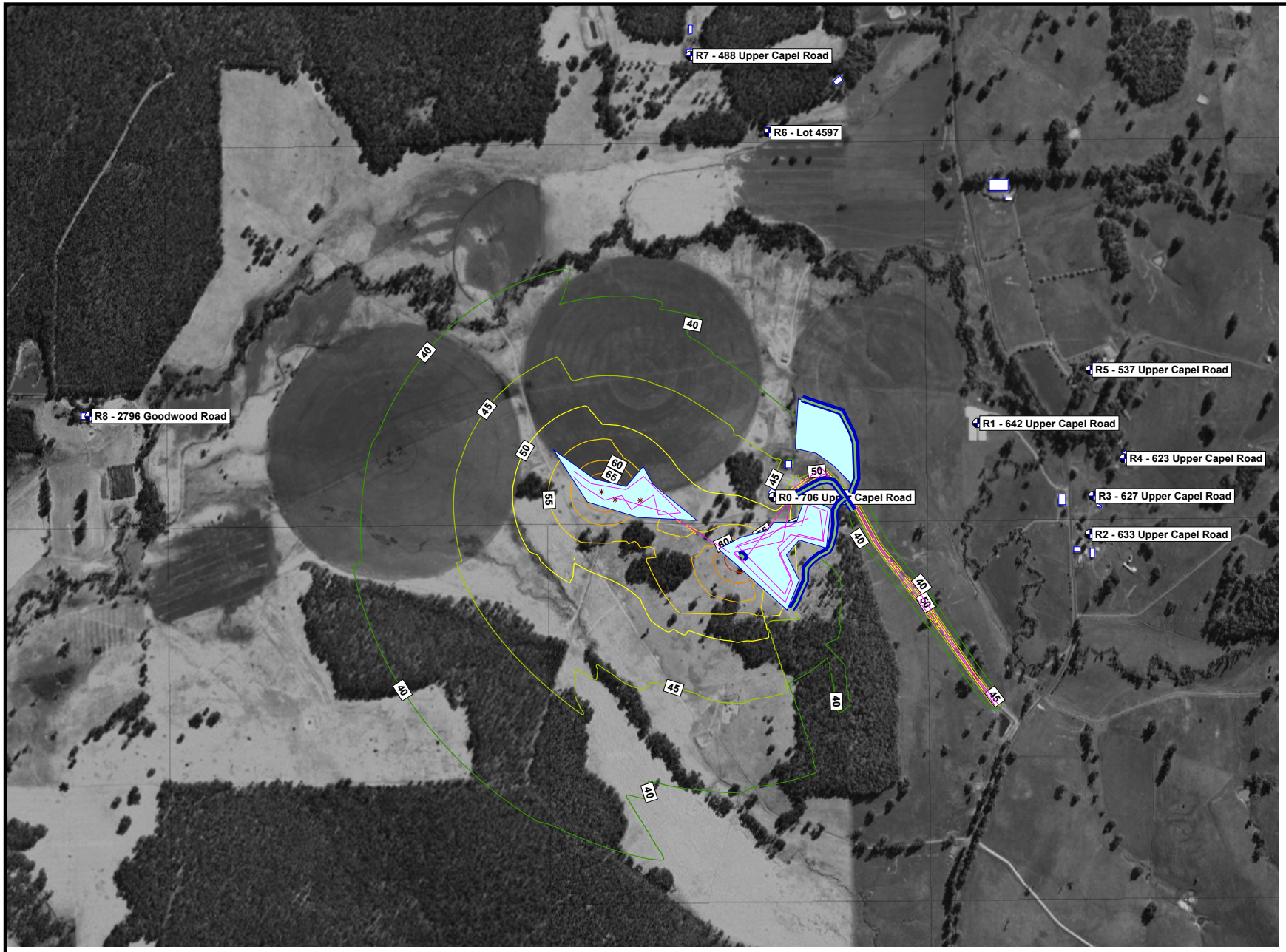
### 4.2.4. Scenario 4 – Normal Operations – Western Pit

The results for the Normal Operations with extraction taking place in western pit section Scenario 4 are provided in *Table 4-4*. A noise contour plot is also provided in *Figure 4-4* showing noise levels at ground floor.

***Table 4-4: Scenario 4 – Normal Operations Western Pit Predicted Levels, $L_{10}$ dB(A)***

| Receiver | Fixed Plant | Moving Water Cart & Haulage | Dozer | All Other Mobile Plant | Overall |
|---|---|---|---|---|---|
| R0 - 706 Upper Capel Road | 45 | 37 | 37 | 39 | **47** |
| R1 - 642 Upper Capel Road | 30 | 23 | 24 | 25 | **32** |
| R2 - 633 Upper Capel Road | 28 | 21 | 22 | 23 | **30** |
| R3 - 627 Upper Capel Road | 28 | 21 | 21 | 23 | **30** |
| R4 - 623 Upper Capel Road | 27 | 19 | 23 | 22 | **30** |
| R5 - 537 Upper Capel Road | 28 | 20 | 27 | 24 | **32** |
| R6 - Lot 4597 | 30 | 20 | 21 | 28 | **34** |
| R7 - 488 Upper Capel Road | 28 | 18 | 28 | 26 | **32** |
| R8 - 2796 Goodwood Road | 27 | 17 | 26 | 24 | **31** |

# Figure 4-4




**Predicted Noise level**
**$L_{A10}$ dB**

- = 40
- = 45
- = 50
- = 55
- = 60
- = 65
- = 70

N

## Signs and symbols

- Line source
- Point source
- Receiver
- Extractive Area
- Dwellings
- Noise Bund

Scale 1:15000

0 100 200 400 600

**Scenario 4 - West & Middle Pit Area - Lot 77 (#706) Upper Capel Road, Upper Capel - Predicted Noise Levels**

$L_{A10}$ Noise Level Contours - Fixed & Mobile Plant Only - No Tonality Penalty Included - Ground Floor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# 5. ASSESSMENT

## 5.1. Scenario 1

*Table 5-1* provides the noise levels for Scenario 1 – Construction Phase. Intrusive noise characteristics are expected, so noise levels are adjusted by +5 dB for possible tonal characteristics.

***Table 5-1: Adjusted Levels during Construction Phase, $L_{10}$ dB(A)***

| Receiver | Predicted Nosie Level | Adjusted Nosie Level[1] |
|---|---|---|
| R0 - 706 Upper Capel Road | 60 | **65** |
| R1 - 642 Upper Capel Road | 49 | **54** |
| R2 - 633 Upper Capel Road | 44 | **49** |
| R3 - 627 Upper Capel Road | 43 | **48** |
| R4 - 623 Upper Capel Road | 43 | **48** |
| R5 - 537 Upper Capel Road | 45 | **50** |
| R6 - Lot 4597 | 43 | **48** |
| R7 - 488 Upper Capel Road | 40 | **45** |
| R8 - 2796 Goodwood Road | 34 | **39** |

* Adjusted by + 5 dB for tonality

Noise from the construction activity is not required to meet the assigned levels. However, under Regulation 13, it must be demonstrated that the noise is being managed such that the emissions are as low as reasonably practicable. In this instance, this would be achieved by:

- using well-maintained equipment at all times;
- where practicable, orientating equipment such that the noise side faces away from the residences;
- where practicable and safe, any reversing alarms fitted to the mobile plant should be of the broadband noise type rather than tonal, beeping type. It was noted on the site visit that this was predominately the case already for the existing mobile plant.

## 5.2. Scenarios 2, Scenario 3 & Scenario 4

*Table 5-2* assesses the noise levels for Scenario 2, Scenario 3 & Scenario 4. Intrusive noise characteristics are expected, so noise levels are adjusted by +5 dB for possible tonal characteristics and compared against the daytime assigned levels.

***Table 5-2: Adjusted Scenario 2, Scenario 3 & Scenario 4 Assessment, dB(A)***

| Receiver | Scenario 2 Adjusted Level[1] | Scenario 3 Adjusted Level[1] | Scenario 4 Adjusted Level[1] | Assigned Level | Assessment |
|---|---|---|---|---|---|
| R0 - 706 Upper Capel Road | 56 | 52 | 52 | N/A | *N/A* |
| R1 - 642 Upper Capel Road | 43 | 44 | 37 | 45 | *Complies/Complies /Complies* |
| R2 - 633 Upper Capel Road | 40 | 39 | 35 | 45 | *Complies/Complies /Complies* |
| R3 - 627 Upper Capel Road | 40 | 39 | 35 | 45 | *Complies/Complies /Complies* |
| R4 - 623 Upper Capel Road | 38 | 38 | 35 | 45 | *Complies/Complies /Complies* |
| R5 - 537 Upper Capel Road | 40 | 42 | 37 | 45 | *Complies/Complies /Complies* |
| R6 - Lot 4597 | 38 | 40 | 39 | 45 | *Complies/Complies /Complies* |
| R7 - 488 Upper Capel Road | 36 | 37 | 37 | 45 | *Complies/Complies /Complies* |
| R8 - 2796 Goodwood Road | 34 | 34 | 36 | 45 | *Complies/Complies /Complies* |

1. Adjusted by + 5 dB for tonality

From the above, it can be seen that compliance is achieved at all identified receivers for normal operations.

# 6. RECOMMENDATIONS

Compliance is shown to be achieved at all noise sensitive receivers with the following noise mitigation implemented:

Noise bunds should be constructed of topsoil and overburden during the initial 'Construction Phase' as demonstrated in *Figure 6-1* as follows:

- Noise bunds to be constructed around the future location of the proposed crusher/screening fixed plant atop the natural ground. Height of boundary bunds should be as high as is reasonably practicable to a minimum of 3.5 metres AGL. These are to be considered to be carried out in the initial construction phase.
- Noise bund should be created to the east and south of extractive areas atop the natural ground to a minimum height of 4.0 metres AGL.

***Figure 6-1: Scenario 4 – Noise Bunds To Be Constructed During 'Construction Phase'***

The noise should also be managed as follows:

- Orientation of the mobile plant so as the exhaust (noisiest side) is pointing to the north/west to limit noise emissions;
- Make use of radio communication between wheeled loader and road truck operators to allow for positioning and loading of trucks without the use of horn signals as far as practicable;
- Installation of an acoustic muffler to exhaust of dozer and consideration of close fitting acoustic curtains/panels;
- Mobile plant tonal reversing alarm alternatives should be considered where deemed safe (i.e. broadband);
- Selection of the quietest plant possible;

- Ensure that trucks aren't exiting and entering the site at the same time where practicable, so as to minimise noise impact at nearby receivers;
- There is to be only three haulage trucks operational on site at any one time where practicable;
- Purchasing staff need clear policy guidelines for procurement of new plant to ensure that noise levels do not increase over time;
- Given that there are many moving sources there may be times where compliance may not be practicable;
- Maintenance staff may need to implement a maintenance programme to prevent noise levels increasing over time.

# Appendix A – Terminology

The following is an explanation of the terminology used throughout this report:

- **Decibel (dB)**

The decibel is the unit that describes the sound pressure levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

- **A-Weighting**

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as $L_A$, dB.

- **Sound Power Level ($L_w$)**

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure level at known distances. Noise modelling incorporates source sound power levels as part of the input data.

- **Sound Pressure Level ($L_p$)**

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc. and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

- **$L_{ASlow}$**

This is the noise level in decibels, obtained using the A-frequency weighting and the S (slow) time weighting. Unless assessing modulation, all measurements use the slow time weighting characteristic.

- **$L_{AFast}$**

This is the noise level in decibels, obtained using the A-frequency weighting and the F (fast) time weighting. This is used when assessing the presence of modulation.

- **$L_{APeak}$**

This is the greatest absolute instantaneous sound pressure level in decibels using the A-frequency weighting.

- **$L_{Amax}$**

An $L_{Amax}$ level is the maximum A-weighted noise level during a particular measurement.

- **$L_{A1}$**

The $L_{A1}$ level is the A-weighted noise level exceeded for 1 percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

- **$L_{A10}$**

The $L_{A10}$ level is the A-weighted noise level exceeded for 10 percent of the measurement period and is considered to represent the "intrusive" noise level.

- **$L_{A90}$**

The $L_{A90}$ level is the A-weighted noise level exceeded for 90 percent of the measurement period and is considered to represent the "background" noise level.

- **$L_{Aeq}$**

The equivalent steady state A-weighted sound level ("equal energy") in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the "average" noise level.

- **One-Third-Octave Band**

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20000 Hz inclusive.

- **Representative Assessment Period**

Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

- **$L_{Amax}$ assigned level**

Means an assigned level, which, measured as a $L_{ASlow}$ value, is not to be exceeded at any time.

- **$L_{A1}$ assigned level**

Means an assigned level, which, measured as a $L_{ASlow}$ value, is not to be exceeded for more than 1 percent of the representative assessment period.

- **$L_{A10}$ assigned level**

Means an assigned level, which, measured as a $L_{ASlow}$ value, is not to be exceeded for more than 10 percent of the representative assessment period.

- **Tonal Noise**

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

– the presence in the noise emission of tonal characteristics where the difference between -

(a) the A-weighted sound pressure level in any one-third octave band; and

(b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A\ Slow}$ levels.

This is relatively common in most noise sources.

- **Modulating Noise**

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

– a variation in the emission of noise that —

(a) is more than 3 dB $L_{A\ Fast}$ or is more than 3 dB $L_{A\ Fast}$ in any one-third octave band; and

(b) is present for at least 10% of the representative assessment period; and

(c) is regular, cyclic and audible.

- **Impulsive Noise**

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness means:

– a variation in the emission of a noise where the difference between $L_{Apeak}$ and $L_{Amax}$ is more than 15 dB when determined for a single representative event.

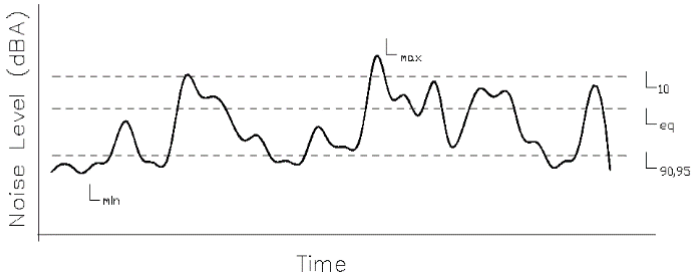
- **Major Road**

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

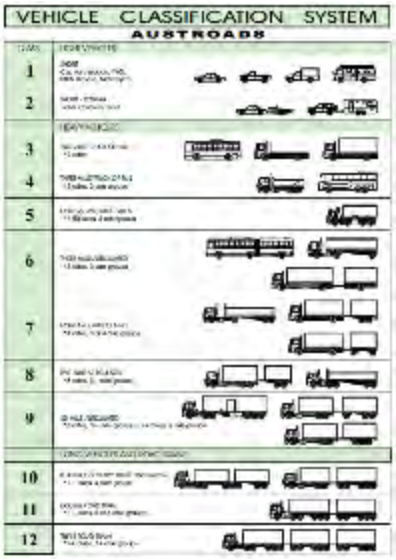
- **Secondary / Minor Road**

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

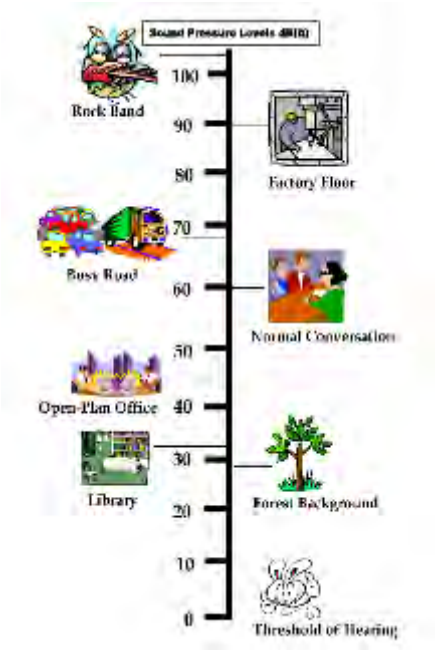
- **Chart of Noise Level Descriptors**




- **Austroads Vehicle Class**




- **Typical Noise Levels**



# APPENDIX B – COMPLAINTS REGISTER

**Complaints Register**

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

# APPENDIX G – DUST MANAGMENT PLAN

# DUST MANAGEMENT PLAN

## LOT 77 UPPER CAPEL ROAD, UPPER CAPEL

October 2025

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## Document Control

| Version | Date | Author | Reviewer |
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| **Filename** | 2448_Lot 77 Upper Capel Rd DMP_V3 | | |

## Limitations

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

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

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

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

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

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

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Figure 1. Regional Location of the Subject Site

Figure 2. Extent of the Subject Site

Figure 3. Sensitive Receptors

Figure 4. Transport route

# 1 INTRODUCTION

## 1.1 Background

Carbone Bros Pty Ltd (the applicant) is proposing to extract gravel from an 8.15 ha area within Lot 77 (706) Upper Capel Road, Upper Capel (herein referred to as the subject site) (refer to **Figure 1** and **Figure 2**).

This application is made for a five-year period however, the exact life of the project is difficult to estimate as it will be dependent on supply and demand trends.

The available volume of gravel (*insitu* volume of approximately 80,000 m3) is to be extracted, commencing in Stage 1 and working in a clockwise direction (refer to **Figure 2**).

The slope of the final contours of the quarry will be an undulating surface at approximately 1.5 m below the current land surface which is consistent with the adjoining land.

Slopes of the batters at the end of excavation will be retained at 1:5 vertical to horizontal.

## 1.2 Purpose and Scope

This Dust Management Plan (DMP) has been prepared to fulfil the relevant requirements provided within the Shire of Donnybrook – Balingup's (the Shire) *Local Planning Strategy,* the Shire's *Local Planning Scheme No. 7,* the Shire's *Extractive Industries Local Law* and the Shire's *Animals, Environment and Nuisance Local Law*. It is intended to provide the Shire, the public and relevant government agencies with an understanding of the proposal and the environmental strategies and commitments proposed to address dust emissions associated with the proposed land use. This document has been prepared to support and should be read in conjunction with, the *Works and Excavation Plan (Gravel)* prepared by Accendo Australia (2025) for gravel extraction within the subject site.

Recognised industry standard practices for dust control are well-established within Western Australia. The utilisation of these standard practices is proposed at the subject site to suppress dust and reduce potential impacts associated with dust emissions.

Management of these activities are an effective means to prevent adverse effects of dust. The purpose of this DMP is to review the risks and control measures to appropriately manage dust and mitigate its impact.

The scope of the DMP is to cover the following:

- Legislative and regulatory compliance;
- Existing environment;
- Risk assessment of potential dust sources and air quality impacts;
- Mitigation and measurement measures; and
- Roles and responsibilities in relation to dust management.

# 2 EXISTING ENVIRONMENT

## 2.1 Land Use

The subject site is zoned "General Agriculture" under the Shire's *Local Planning Scheme No. 7* (LPS 7). Under the LPS 7 'Extractive Industry' is not a permitted land use unless the local government has exercised it discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions. Therefore, all applications for extractive industry on 'General Agriculture' zoned properties require prior approval from the Shire.

Land use abutting the boundaries of the subject site are zoned 'General Agriculture' to the south and east and 'Priority Agriculture' to the north and west.

The subject site is currently used for the grazing of cattle and cropping.

## 2.2 Sensitive Receptors

The Environmental Protection Authority (EPA) *Guidance for the Assessment of Environmental Factors* (June 2005) provides generic separation distances to assist in the determination of suitable buffers where industry may have the potential to affect the amenity of a sensitive land use. In particular, for extractive industries including crushing and screening, a buffer distance of 1,000 m is recommended from sensitive land uses.

The closest residential dwellings to the subject site are provided below and shown in **Figure 3.**

**Table 1. Residential dwellings within 1,000 m of the subject site.**

| Resident No. | Distance to subject site (m) |
|---|---|
| 1 | 340 m |
| 2 | 640 m |
| 3 | 640 m |
| 4 | 660 m |
| 5 | 705 m |
| 6 | 715 m |
| 7 | 950 m |

The closest residential dwelling to the subject site is located 340 m from the eastern boundary.

## 2.3 Topography and Soils

The subject site is located on the side of a hill with the elevation ranging from 135 metres (m) Australian Height Datum (AHD) in the southeastern corner of Stage 2 to 100 m AHD on the north-western boundary of Stage 3 (refer to **Appendix A**).

The subject site is located on boundary of the Goodwood Valleys system consisting of valleys of the Donnybrook Sunkland with sandy gravel, loamy gravel and deep sand and the Lowden Valleys system consisting of deep gneissic valleys in the south of the Western Darling Range zone with loamy earth, loamy duplex gravel and stony soils (Tille 2006).

The subject site is located within the following phases as mapped by the Department of Primary Industries and Regional Development's (Natural Resource Information (NRInfo)) database (DPIRD 2023):

- Rosa gentle slopes phase: Gentle valley slopes and footslopes (Relief 10-30 m, slopes 3-10%).

- Donnybrook low slopes phase: Relief (20-60 m), slopes (5-20%). Soils are deep sands, sandy gravels and loamy earths.
- Kingia subsystem (Goodwood): Lateritic isolated crests and narrow ridges over sedimentary rocks, relief 5-20 m, slopes 1-10%. Soils are sandy gravels with some deep sands.

## 2.4 Climate

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

The closest weather recording station is Donnybrook (Station 9534). Temperatures are highest on average in January, at approximately 30.6°C. July has the lowest average temperature of the year of 5.7°C.

Rainfall for the area is approximately 970 mm per annum with approximately 90% of the rain falling during the winter months, April to October inclusive.

During the summer months the dominant wind in the mornings is from the east, south-east at 10-14 knots, swinging to the south-west to south-east at 20-25 knots in the afternoon. During winter, the winds are most commonly north and north-west 10-14 knots. During storms, winds from the west and north-west can reach 40 knots (BoM 2024).

Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Intensity-Frequency-Duration (IFD) data system which yields the two hour 1 in 10 (10%) annual exceedance probability storm event for the subject site as 36.1 mm/hr.

# 3 EXTRACTION ACTIVITIES

The gravel quarry will cover an area of approximately 8.15 ha, with a current maximum elevation ranging from 100 m AHD to 135 m AHD. It will be excavated to a maximum depth of 1.5 m below ground level (BGL) commencing in the south and moving in a clockwise direction (refer to **Figure 2**).

It is estimated that the total maximum volume of gravel to be removed will be approximately 80,000 $m^3$ with up to 20,000 $m^3$ excavated each year, depending on supply and demand.

The planned end use of the quarry is to restore a natural soil profile and return the area to pasture, ensuring that there is no net loss of agricultural land.

## 3.1 Operational Works

Using a loader, the topsoil (where available) will be stripped and placed in stockpiles. Overburden, if present, will be removed using a dump truck and stockpiled to the perimeter of the proposed pit area. Bunding will be constructed along the southern and eastern boundaries of the extraction area to minimise the impact to sensitive receptors (refer to **Figure 2**).

Typical operating hours for quarries will be adopted for the subject site which involves 0700 to 1700 each Monday to Friday, with no activities to occur on Saturdays, Sundays or public holidays. The site will be worked by 2 - 3 persons, depending on market demand.

### 3.1.1 Truck Movements

Access from the property will be via Upper Capel Road, travelling north to Goodwood Road, Emerald Street, Marmion Street and on to South Western Highway (refer to **Figure 4**).

It is proposed to extract a maximum of approximately 20,000 $m^3$ or bank cubic metres (BCM) per year. The average daily extraction rate:

= 20,000 BCM / 52 weeks / 5 working days per week
= 77 BCM per day.

It is estimated that approximately 70% of the haulage is proposed to be undertaken from October to May (8 months). Therefore, the average daily extraction rate (main season):

= 20,000 BCM x 70% / 32 weeks / 5 working days
= 88 BCM per day.

The average daily extraction rate (LCM):

= 88 BCM x 1.15
= 101 LCM

It is proposed to utilise 22 tonne semi-trailers with a capacity of approximately 39.6 LCM of gravel. Accordingly, the average daily truck movements during the main season are as follows:

= 101 LCM/ 39.6 LCM truck capacity
= 3 truck movements per day x 2 (to and from)
= 6 trips per day x 2 (peak fluctuations)
= 12 trips per day maximum.

Given the highly variable nature of the campaigns, these calculations are estimates only, there may be periods in which these daily truck numbers are exceeded.

### 3.1.2 Gravel Extraction

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

A summary of the proposed extraction activities is provided below:

- Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed.
- Soil and overburden will be removed and stored within perimeter bunds for later rehabilitation use.
- An excavator or front-end loader will be used to excavate the gravel material.
- A loader will then transfer the material into the crusher where it would be reduced to smaller sizes and transferred to an adjoining screener. The screener then sorts the gravel into various sizes for stockpiling. On an as needed basis, gravel product will be loaded on to road trucks of various configurations for transport off-site.
- All static and other equipment, such as crushers and screens (where used), will be located on the floor of the quarry to provide visual and acoustic screening.
- Upon completion of excavation, the quarry will be reformed and back filled, where subgrade material is available, to achieve the proposed final contours.
- At the end of excavation, the floor of the quarry will be deep ripped, covered by overburden and topsoil, and rehabilitated to a constructed soil.

### 3.1.3 Final Contours

The slope of the final contours of the quarry will be an undulating surface at approximately 1.5 m below the current land surface which is consistent with the adjoining land.

Slopes of the batters at the end of excavation, where required, will be retained at 1:5 vertical to horizontal which will enable the landform to be integrated with the surrounding landscape. This batter can be readily traversed by livestock, vehicles and machinery and is considered appropriate for the site's topographical relief.

### 3.1.4 Equipment

All operational equipment will work on the quarry floor to provide maximum sound and visual screening. All equipment and infrastructure will be fully portable to facilitate movement throughout the site required for staged quarrying operations. 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.

Equipment and facilities that may be used onsite are provided in the Table below.

**Table 2. Equipment.**

| Equipment | Description |
|---|---|
| Site office and/or containers | May be required for the management and security of small items. |
| Toilet | A portable toilet may be required on site. |
| Water tanker | Used for dust suppression on the access roads and working floors when required. |
| Bulldozer | Topsoil will be stripped using a bulldozer. Bulldozers will also be used for the movement of gravel and loading trucks. |

| Equipment | Description |
|---|---|
| Loader | Loaders will be used for the movement of gravel and loading road trucks. |
| Excavator | An excavator may be used for the removal of gravel material. |
| Terex Finlay 1-140 Impact Crusher | Used for the crushing of gravel. |
| Terex Finlay 693 Supertrak | Used for the screening of crushed gravel. |
| Anaconda Radial Stockpiler | Used for stockpiling crushed gravel. |
| Grader | Used for rehabilitation. |
| Fuel storage | No fuel will be stored onsite. |
| Light vehicles | Access to and around the site. |
| Tip truck | Removal of gravel from site. |

### 3.1.5 Water Usage

Water is only required for dust suppression within the quarry and the access road. Water will be sourced from an offsite source and tankered to the site for dust suppression purposes, as required.

# 4 POTENTIAL IMPACTS

## 4.1 Dust Sources

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

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

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

## 4.2 Risk Assessment

In accordance with the DWER's "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*", a risk assessment for dust emissions has been prepared (DWER 2021).

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

The site classification assessment is provided below.

**Part A. Nature of site**

| **Item** | **Score Options** | | | | **Score** |
|---|---|---|---|---|---|
| 1.Nuisance potential of soil when disturbed | Very low - 1 | Low – 2<br>*Material is of coarse composition* | Medium - 4 | High - 6 | 2 |
| 2. Topography and protection provided by undisturbed vegetation | Sheltered and screened - 1 | Medium screening – 6<br>*Screening provided by 4 m bund, some paddock and roadside vegetation.* | Little screening – 12<br>*Screening provided by some paddock and roadside vegetation* | Exposed and wind prone - 18 | 6 |

| | | | | | |
|---|---|---|---|---|---|
| 3. Area of site disturbed by the works | Less than 1ha - 1 | Between 1 and 5ha – 3<br>*Excavation will occur in stages less than 3 ha.* | Between 5 and 10ha – 6 | More than 10ha - 9 | 3 |
| 4. Type of work being done | Roads and trenches - 1 | Roads, drains and medium deep sewers - 3 | Roads, drains, sewers and partial earthworks - 6 | Bulk earthworks – 9<br>*Gravel extraction* | 9 |
| **Total score for Part A** | | | | | 20 |

**Part B. Proximity of site to other land uses**

| **Item** | **Score Options** | | | | **Score** |
|---|---|---|---|---|---|
| 1.Distance of other land uses from site | More than 1km - 1 | Between 1km and 500m – 6 | Between 100m and 500m - 12 | Less than 100m - 18 | 12 |
| 2. Affect of prevailing wind direction (easterly) on other land uses | Not affected - 1 | Isolated land uses affected by one wind direction – 6 | Dense land uses affected by one wind direction – 9 | Dense/sensitive land uses highly affected by prevailing winds - 12 | 6 |
| **Total score for Part A** | | | | | 18 |

Site Classification Score (A x B) = 360

Classification 2 (score between 200 and 399, considered **Low risk**). The provisions, contingency arrangements and monitoring requirements as specified by the DWER (2011) associated with a Classification 2 proposal are provided below.

Provisions:

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

Contingency arrangements:

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

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

Monitoring requirements:

Complaints management system in place.

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

## 4.3 Management Measures

While the potential impacts to amenity from dust emissions are considered low, standard dust suppression measures will be implemented during operation activities, as provided within **Table 3**.

**Table 3. Dust management measures.**

| **Legislation and Key Standards** | | |
|---|---|---|
| *Environmental Protection Act 1986* (EP Act)<br>*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (DEC 2011) | | |
| **Objectives** | | |
| • Minimise dust lift during all activities.<br>• No adverse dust impacts to sensitive receptors from the quarry operations. | | |
| **Targets** | | |
| • No visible dust beyond the property boundary.<br>• No dust complaints. | | |
| **Management Actions** | | |
| **Description** | **Responsibility** | **Timing** |
| Notice to be erected at the site, providing contact details of the person to be contacted regarding the works. This person will also be available outside of operational hours to address any complaints. | Site Manager | Prior to extraction |
| Induction for all employees will include information on:<br>• Potential sources of dust<br>• Dust Management Plan<br>• Speed limits onsite and staying on designated roads<br>• Reporting procedure for dust issues | Site Manager | Prior to extraction |
| Topsoil stripping shall not occur during the following conditions:<br>• Winds in excess of 30 km/hr; | Site Manager | Topsoil stripping and bund construction |

| | | |
|---|---|---|
| Areas of land cleared and the period of time they remain cleared are to be kept to a minimum. | Site Manager | At all times |
| Water trucks are to water down unsealed roads during operation to reduce dust lift. | Site Manager | As required |
| Stockpiles, where possible, will be limited to the anticipated cubic volume/vehicle movement for cartage on the following operating day. | Machine Operator | At all times |
| Temporary stockpiles and exposed areas will be watered and stabilised as required. Stabilisation techniques that will be considered depending on environmental conditions will include hydro-mulching. | Site Manager | As required |
| Noise bunding will be stabilised as required including the use of hydro-mulching. | Site Manager | As required |
| Transport of dust-prone material will be via covered trucks or dampened prior to transport to prevent dust lift during transport. | Drivers | During soil transport activities |
| Water trucks are to be available at all times during quarry activities to water the site on observation of dust lift. | Site Manager | As required |
| Vehicle speeds will be restricted to no more than 10km/hr on the site to minimize dust lift off. | Drivers | At all times |
| Wind fencing and soil stabilisation equipment will be available for commissioning if required. | Site Manager | As required |
| Maintain a complaints register (refer to **Appendix B**). A Complaints Register will be established for the site to record the following information:<br>• Date, time, location and nature of the exceedance.<br>• Identify the cause (or likely cause) of the exceedance and responsible parties.<br>• Identify the activities that were occurring at the time of the non-compliance.<br>• Determine the activities that were most likely contributing to the non-compliance.<br>• Describe what action has been taken to date.<br>• Describe the proposed measures to address the exceedance. | Site Manager | As required |

| Monitoring | | | |
|---|---|---|---|
| **Description** | **Parameter** | **Responsibility** | **Frequency** |
| Visual monitoring of dust will be ongoing throughout the day during operations. All monitoring is to be maintained on a logging sheet for reference and proof of compliance. | Dust lift and signs of dust deposition near property boundary. Evidence of no visible dust crossing the site boundary will be used as the monitoring criteria for compliance. | Site Manager | Continuous |
| **Contingency and Corrective Actions** | | | |
| **Incident or Consequence** | **Corrective Action** | **Responsibility** | |
| Observation of excessive dust lift onsite | Report and investigate as incident. | Site Manager | |
| | Halt work within proximity of the area until cause of dust is addressed. | Site Manager | |
| | Increase dust mitigation measures (e.g. additional watering of exposed areas). | Site Manager | |
| Complaint received | Report and investigate as incident. To determine the validity of the complaint, the wind direction, wind speed and activities being undertaken on site at the time of the complaint will be established. | Site Manager | |
| | If required, halt work until cause of dust is addressed. | Site Manager | |
| | If the complaint is verified as being due to a site source, remedial action will be undertaken within 2 hours. The Shire will be advised of all complaints as soon as they are received. If a complaint cannot be resolved within the 2 hour response period, it may be necessary to cease operations. | Site Manger | |
| | Review dust management procedures and adjust if deemed necessary. | Site Manager | |

# REFERENCES

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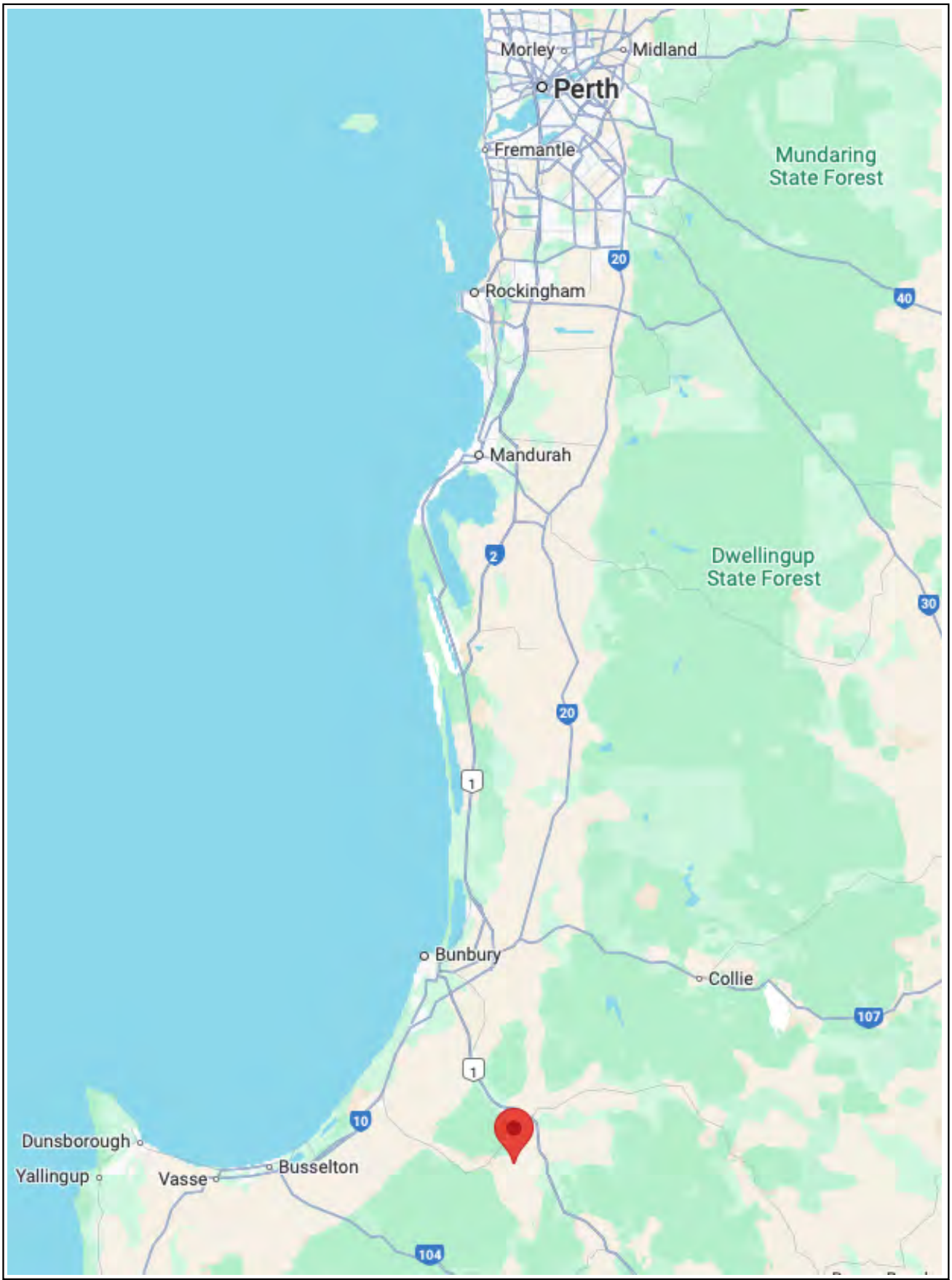
# FIGURES




| | | | | | |
|---|---|---|---|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel | | Project Number | Drawing Number | Revision |
| | | | 2448 | Figure 1 | A |
| DRAWING TITLE | 1 – Site Locality | | Designed PN | Checked | |
| | | | Drawn PN | Approved | |
| CLIENT | Carbone Bros Pty Ltd | | Date | 20/2/2025 | |
| | | | Local Authority | Shire of Donnybrook Ballingup | |
| | | | Sheet 1 of 1 | | |

accendo AUSTRALIA

PO Box 5178
West Busselton
Western Australia 6280
Mobile 0418 950 852

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PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 2 - Site Extent

CLIENT Carbone Bros Pty Ltd

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| | | | |
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 2 | Drawn | PN |
| Revision | B | Checked | |
| Date | 17/10/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |

| | |
|---|---|
| PROJECT | 706 Upper Capel Road,Upper Capel |
| DRAWING TITLE | Figure 3 - Sensitive receptors |
| CLIENT | Carbone Bros Pty Ltd |

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| | | | |
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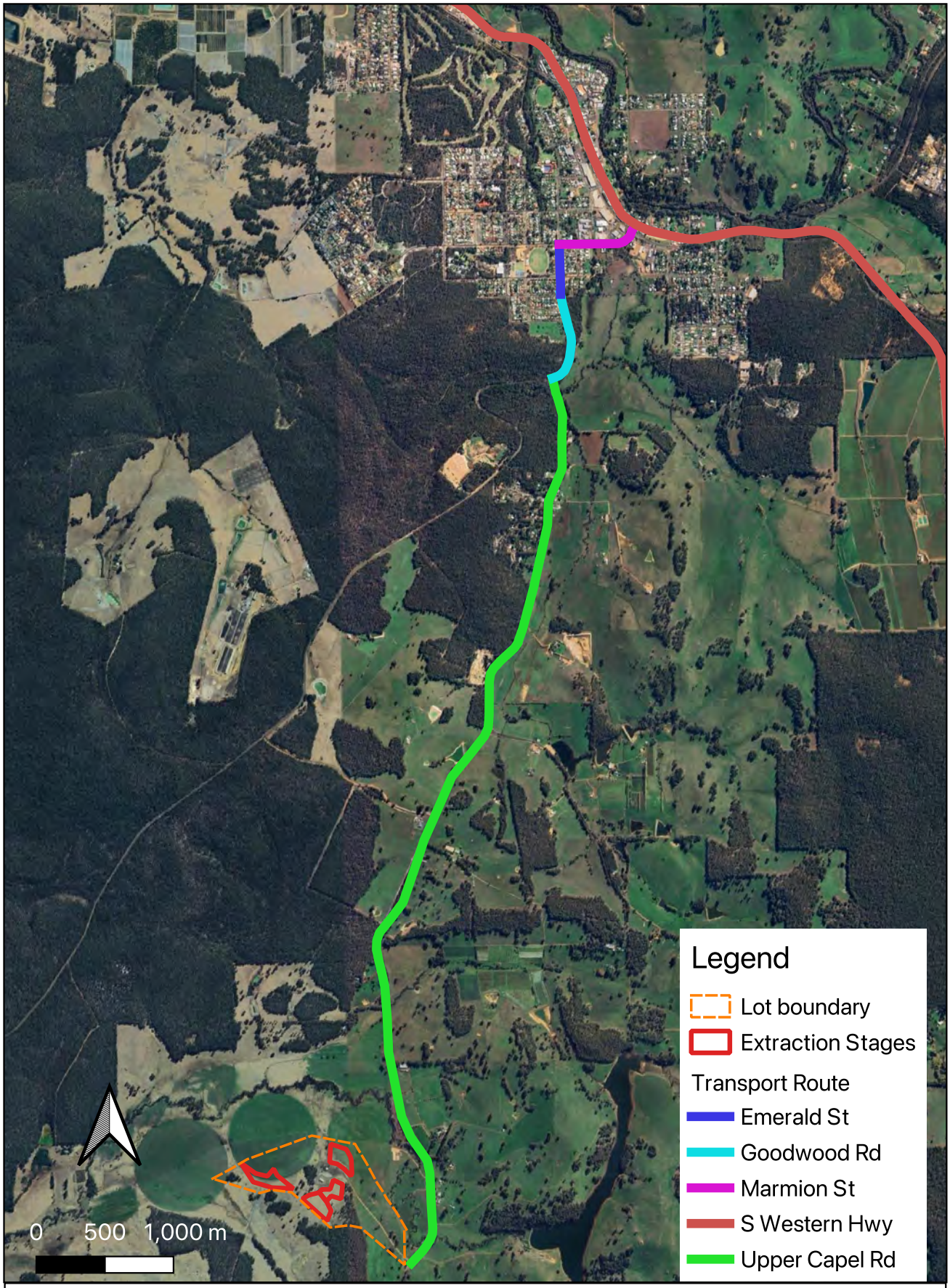
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 3 | Drawn | PN |
| Revision | B | Checked | |
| Date | 17/10/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |




| | |
|---|---|
| PROJECT | 706 Upper Capel Road, Upper Capel |
| DRAWING TITLE | Figure 4 – Transport Route |
| CLIENT | Carbone Bros Pty Ltd |

accendo AUSTRALIA

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West Busselton
Western Australia 6280
Mobile 0418 950 852

| Project Number | Drawing Number | Revision |
|---|---|---|
| 2448 | Figure 4 | A |

| | | | |
|---|---|---|---|
| Designed | PN | Checked | |
| Drawn | PN | Approved | |

Date 14/02/2025
Local Authority Shire of Donnybrook – Balingup
Sheet 1 of 1

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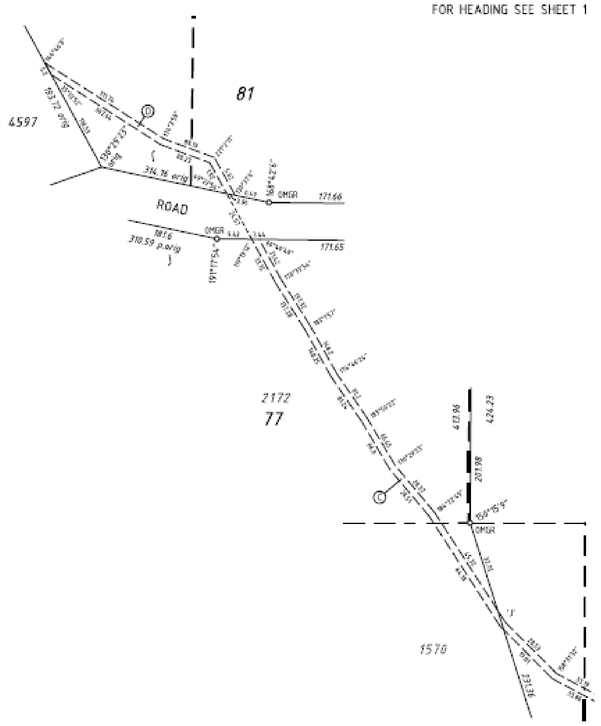
# APPENDIX A – SITE CONTOUR SURVEY

HELD BY LANDGATE IN DIGITAL FORM.
FOR HEADING SEE SHEET 1




ENLARGEMENT 'A'

LEGEND

- POWER DOME
- TREE
- EXISTING SURFACE HEIGHT
- CROP EDGE
- PROPOSED EXTRACTION AREA
- EDGE OF GRAVEL
- FACE OF BUILDING
- VEGETATION LINE
- EASEMENT LINE
- BOUNDARY LINE
- FENCE
- CONCRETE EDGE
- BOTTOM OF BANK
- TOP OF BANK
- GATE
- DRAINAGE PIPE
- BOTTOM OF BANK
- TOP OF BANK

LOT 4597
DP205948

ROAD

LOT 2922
17.8062 Ha
DP82390

LOT 77
60.0131 Ha
DP404256

LOT 76
DP404256

LOT 75
DP404256

AREA 1
11812m²

AREA 2
44313m²

AREA 3
5383m²

AREA 4
25263m²

AREA 5
60322m²

CROP EDGE

CATTLE YARDS

WATER TANK

SEE ENLARGEMENT 'A' FOR EASEMENT DETAILS

US = 111.54
300/24
D = 7.7
DS = 111.22

| Rev. | Description | Drawn | Date | Checked |
|---|---|---|---|---|
| A | INITIAL ISSUE | TJ | 2/5/2024 | MR |

Scale: 1:2500 A1 ORIG. ALL DISTANCES IN METRES
0 50 100 150

Surveyor: CW
Survey date: 24/4/2024
Precal/Cad: N/A

The contents of this plan are date stated within the revision panel. All consultants and persons wishing to utilise this data should satisfy themselves of this plan's currency by contacting Surveon.

The boundaries depicted on this plan were not re-established as part of this survey, therefore this plan does not guarantee their accuracy. Re-establishment of the cadastral boundaries is recommended for any proposed works on or near existing boundaries.

N

# PROPOSED EXTRACTION AREA PLAN
# LOT 77 ON DEPOSITED PLAN 404256
# 706 UPPER CAPEL ROAD, UPPER CAPEL

Client: CARBONE BROS


SURVEYING SERVICES
PO Box 365
Dunsborough
WA 6281
Australia
Tel: (08) 9754 1188
Fax: (08) 9756 8000
mail@survcon.com.au
www.survcon.com.au


PROJ MNGR. Michael Riddle | DATUM MGA94 AHD

JOB NUMBER 9457 | TITLE SS_100 | REVISION A

# APPENDIX B – COMPLAINTS REGISTER

**Complaints Register**

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

**From:** [redacted]
**Sent:** Thursday, 15 May 2025 5:01 PM
**To:** SM planning
**Subject:** 25015

I would wish to comment on this proposal as there are some inadequacies clearly visible.
Stage 4 is well within a 2-300m area where there are attempts to conduct enjoyment of another property and boundary, and the slope is already woefully badly drained and would potentially cause further winter flooding, and future dust and noise as it is directly downwind of the prevailing wind direction onto this private area. There are livestock, pets and sporting activities which would be directly affected, both by noise, dust and drainage, thus depleting the right to have use and enjoyment of an adjoining property supposedly fit for purpose.

[redacted]

**From:** [redacted]
**Sent:** Thursday, 15 May 2025 11:06 PM
**To:** SM planning
**Subject:** 25015

Further to my earlier email.
The number of daily movements is also vague suggesting 3 but vaguely working up to 12, I also feel that there has been a considerable amount of use of the “Assume” word throughout this application. We all know what this word actually means.
There also seems that the original access road has been planned from several years ago and that this has been a long term intention, which will definitely reduce the legal right of neighbours to enjoy uninterrupted use of their original bargain:ie:the right to use with original Purchase of land.
No core geological sample results have been published to corroborate the geological description of the bedrock strata.

[redacted]

**From:** [redacted]
**Sent:** Sunday, 18 May 2025 1:51 PM
**To:** SM planning
**Subject:** Re: 25015

Enclosed picture of equestrian and pet area marked in thin red on right side of photo

[redacted]

| | Post Title | Post Comment | Contact Name | Contact Email | Date Submitted |
|---|---|---|---|---|---|
| Proposal 25015 | | It would appear that the number of movements daily are somewhat vague parameters from 3 to 12, the potential drainage system is also already woefully inadequate as stage 4 is well within 200 metres of another property boundary on a downward slope that already floods the adjoining property and thus would dramatically increase directly onto domestic and livestock sporting activities which would destroy the ability to live and conduct activities on this site, including potential noise and dust. | [redacted] | | 15/05/2025 16:46 |

**From:** [redacted]
**Sent:** Monday, 19 May 2025 4:44 PM
**To:** SM planning
**Subject:** Proposal 25015

[redacted]

**To:**
Shire of Donnybrook-Balingup
Email: shire@donnybrook.wa.gov.au
[Or address to the Planning Officer handling Proposal 25015 if known]

**Date:** [Insert today's date]

**Subject:** Strong Objection to Planning Proposal 25015 – Coffee Rock Extraction and Crushing

Dear Planning Officer,

I write to lodge my **strong objection** to **Planning Proposal 25015**, which seeks approval for the **extraction and crushing of coffee rock over 80,000 square metres** in close proximity to my property.

My property is located within **200 metres of the proposed extraction site**. I operate a well-established **equestrian facility housing 21 horses**, alongside other domestic animals including dogs and household pets. The potential impacts of this proposal on the health, safety, and wellbeing of both animals and humans are significant and unacceptable.

## Key Grounds for Objection:

1. **Unacceptable Proximity to Sensitive Land Use**
The proposed operations fall within a **buffer zone** that would normally warrant rejection for such an intensive industrial activity. Horses are extremely sensitive to dust, noise, and vibration. The noise and mechanical disturbance from crushing rock, combined with truck movements, will cause stress, behavioural changes, and potentially injury to the horses and handlers.

[redacted]

2. **Dust and Air Quality Concerns**
Crushing operations will generate **silica and particulate matter** harmful to animal and human respiratory health. There is no indication that adequate dust suppression or environmental management plans are in place.

3. **Excessive Vehicle Movements & Safety Hazards**
The proposal includes truck traffic on **both sides of my property**, raising serious concerns about:

- Safety risks to animals, staff, and visitors
- Road degradation and noise pollution
- Constant disturbance from reversing alarms, diesel engines, and loading operations

4. **Amenity & Property Value Impacts**
The industrial nature of the operation is **incompatible with the rural residential and equestrian land uses**. My property's value and liveability will be materially affected. I would not have purchased the property had this proposal been disclosed.

5. **Lack of Disclosure at Time of Purchase**
It appears this project was already in planning before my acquisition of the property. If this is the case, the **failure to disclose** material information constitutes a breach of good faith and may have legal implications for the vendor or agents involved.

6. **Cumulative Impact on Community and Environment**
The sheer scale of the operation (80,000 m²) represents a significant disruption to the surrounding rural environment, posing unacceptable risks to local biodiversity, groundwater, and soil health.

↓

**Request for Immediate Action:**

| Post Title | Post Comment | Contact Name | Contact Email | Date Submitted |
|---|---|---|---|---|
| Opposition to proposal P25015 Gravel excavation. | The impact of heavy vehicles passing daily in both directions involves greatly increased noise factors, health issues including those arising from dust, most particularly in the summer months with very strong prevailing easterly winds, and safety concerns entering and exiting the property, also the devaluation of property values. I have heard a suggestion that an alternate route may possibly be considered. Trusting that true and honest consideration will please be given to the effect that the chosen route would have. | | | 30/05/2025 11:12 |

**From:** [redacted]
**Sent:** Wednesday, 21 May 2025 12:17 PM
**To:** SM planning
**Subject:** Proposal P25015

**To Whom It May Concern,**

**Re: Objection to Proposal P25015**

We, the undersigned, [redacted] are the registered owners and residents of [redacted] We are writing to formally object to the proposed industrial development outlined in Proposal P25015, which concerns the establishment of a quarry on the property opposite our residence.

Our property was purchased as a rural lifestyle property, specifically for its peaceful surroundings and natural outlook. The hill that is the subject of the proposal forms a significant part of our property's view and visual amenity. The development of a quarry at this location will severely **detract from the visual appeal** of the area, which we believe will in turn negatively impact the **value of our property**.

In addition to the visual impact, we are deeply concerned about the **increase in dust, noise pollution from machinery, and heightened truck activity**—both on the dirt road opposite our property and along Upper Capel Road. These changes will materially alter the current environment we live in and **significantly degrade our quality of life**.

This is a **quiet, rural area**, and any industrial activity of the nature proposed would be inconsistent with the character of the locality. The **aesthetic, environmental, and lifestyle impacts** of this proposal are profound, and we strongly urge the planning authority to consider the rights and well-being of existing residents before allowing such a disruptive development to proceed.

We respectfully request that Proposal P25015 be **rejected** in its current form.

[redacted]

**From:** [redacted]
**Sent:** Monday, 26 May 2025 3:07 PM
**To:** SM planning
**Subject:** Proposal P25015

Good afternoon I would like to put in my disapproval for the above proposal P25015 due to living at upper Capel rd. Upper Capel road is a very concerning road, the council has done much work to this bend in the road but the speed and crossing of the white line is very much a worry as a person who lives and watches the daily traffic and Introducing gravel trucks would be rather alarming, so I would like to submit my non approval of this proposal as a safety issue, thank you for your time

[redacted]

**From:** [redacted]
**Sent:** Tuesday, 27 May 2025 10:07 AM
**To:** SM planning
**Subject:** P25015

I would like to voice my concerns regarding the above proposal. As a direct neighbour my daily activities and animals could be severely impacted by dust, noise and traffic only approximately 300 metres from my boundary. As a dressage rider and trainer I work with sensitive horses and the purchase of our property was based on the quiet tranquility here. My 12 horses were imported from the Uk in 2021 specifically to continue their unique programme of De-Stressage, Horses Helping Humans to Help Themselves. Our therapy has attracted interest and helped people with PTSD, depression, terminal illness and anxiety. A constant rumble of passing traffic on 2 sides of our property plus drilling and crushing is likely to startle horses and make it impossible for me to continue this valuable work. I also work with horse/ rider combinations whose partnerships are suffering from tension and anxiety. A peaceful environment is essential and I do not anticipate that this will be the case if this proposal goes ahead. If it is agreed I would request noise and dust suppression measures, alternative access perhaps via Goodwood Road, working time limits with notice given and sufficient screening.
My grateful thanks for your consideration of my concerns.

[redacted]

[redacted]

27 May 2025

Donnybrook-Balingup Shire
PO Box 94
Donnybrook WA 6239

To Whom it may Concern

**Re: Objection to Application P 25015**

I am writing to formally express my strong opposition to the proposed gravel pit development on Upper Capel Road. As a local resident and Paralympian who has proudly represented Australia in international equestrian competition, I feel it is important to raise concerns about the risks this development poses to road safety, particularly for those of us transporting valuable livestock.

My property is located directly on Upper Capel Road, and I frequently travel this route towing a horse float with elite-level horses in training for international competition. These animals are of high value. I have many clients coming and going from the property with horses to attend training sessions with me. The prospect of increased heavy vehicle traffic, including gravel trucks, significantly heightens the danger on what is already a narrow and windy rural road.

Adding frequent heavy truck traffic to this road would make entering or exiting my driveway with a horse float extremely hazardous. The increased potential for a catastrophic accident involving a float and a truck.

Upper Capel Road is not built for this level of heavy traffic. It lacks the infrastructure and visibility required to safely support a large volume of heavy vehicles. I urge the Shire to consider the long-term implications this development could have, not only for residents like myself but for the broader safety and rural integrity of the area.

As someone who has worked for decades to represent our region and our nation with distinction, I ask that you take these concerns seriously and prioritise the safety and wellbeing of the local community, both human and animal.

Thank you for your time and consideration. I would appreciate being kept informed of any decisions or further consultations regarding this proposal.

28th May 2025

**To Whom It May Concern,**

Re: Proposal P25015

I am writing as a neighbour and client of [redacted], who operates a highly respected horse riding and equine therapy business on her property on Upper Capel Rd.

When I moved to the area nearly 18 months ago, I was beyond thrilled to learn that a highly decorated and well-known horsewoman—of a calibre equivalent to an Olympic-level dressage rider and British dressage instructor—was based just down the road. This felt like a remarkable win not only for our local horse community, but for Western Australia more broadly.

As a community, I believe we should take pride in supporting her business and feel fortunate to have such a highly respected, internationally accoladed dressage rider and equine therapist in our area.

While the proposed quarry operations are not directly adjacent to my own property, I am concerned about the broader implications for the surrounding environment, rural amenity, and local enterprises like [redacted], which rely heavily on the peaceful, natural setting we all value.

I personally pay for and participate in riding lessons at her property. It is a serene and professional environment, ideally suited to horse training and therapy. However, I would not feel comfortable continuing these activities in the presence of nearby quarrying due to:

1. **Noise disturbances**, which would likely frighten my horse and create safety risks;
2. **Difficulty hearing instructions**, which is already a challenge for me in outdoor settings—even without nearby machinery and truck activity;
3. **Dust and airborne particles,** which present health concerns for both riders and horses.

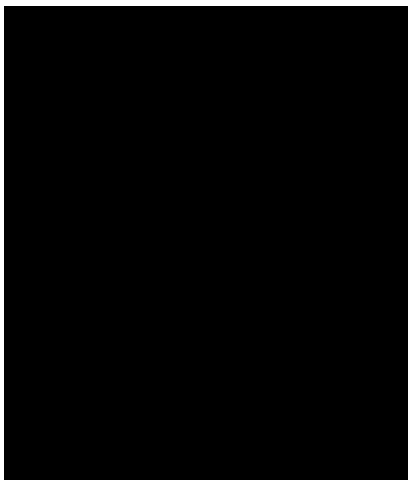
I expect other clients would feel similarly, which could severely affect her ability to continue operating.

[redacted] made a significant commitment in relocating her business from the UK, choosing this area specifically for its peaceful setting and suitability for horses. To continue the equine therapy work she had been delivering for over 20 years, she even went so far as to import many of her horses at great personal expense. To see that compromised by nearby quarrying operations would be deeply unfortunate.

I understand the shire has a complex job balancing economic development with community interests, and I do not oppose responsible development. However, I believe that alternative solutions could help protect both the quarry's objectives and local livelihoods.

In particular, I encourage serious consideration of **Goodwood Road as an alternative access route** instead of Upper Capel Road. This would not only reduce the direct impact on neighbouring properties like [redacted] but would also limit heavy vehicle traffic past other rural residences in the area, including my own—further preserving the peace and safety of our community.

Thank you for your time and for your thoughtful consideration of these concerns. I trust that the shire remains committed to protecting the unique lifestyle and land uses that make this area so special.



# Comment Submission Form

*Shire of Donnybrook Balingup*

RECEIVED 28/5/25

Shire of Donnybrook Balingup

## Notice of Application for Development Approval – P25015

**Application for Extractive Industry – Gravel. The proposed gravel extraction is to be conducted over a 5-year period at Lot 77 (706) Upper Capel Road, Upper Capel.**

Your Name: [redacted]

Your Address: [redacted] Suburb: [redacted] Postcode: [redacted]

Email: [redacted]

Phone: [redacted]

Please choose from the following your response to the application:

☐ SUPPORT ☐ OBJECT ☑ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

MY CONCERN IS FOR THE CONDITION OF THE ROAD. THE INCREASED HEAVY TRAFFIC WILL RESULT IN ACCELERATED DEGRADATION OF THE ROAD SURFACE UNLESS THE SHOULDERS ARE REGULARLY MAINTAINED.

PLEASE ENSURE THE SHOULDERS ARE REGULARLY GRADED & MAINTAINED.

Signature: [redacted] Date: 27-5-25

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

# Comment Submission Form

*Shire of Donnybrook Balingup*

SHIRE OF DONNYBROOK BALINGUP
RECEIVED
Donnybrook Balingup
3 JUN 2025
Record No:
File No:
Officer:
Signed Off:

## Notice of Application for Development Approval – P25015

**Application for Extractive Industry – Gravel. The proposed gravel extraction is to be conducted over a 5-year period at Lot 77 (706) Upper Capel Road, Upper Capel.**

Your Name: [redacted]

Your Address: [redacted] Suburb: [redacted] Postcode: [redacted]

Email: [redacted]

Phone: [redacted]

Please choose from the following your response to the application:

☒ SUPPORT ☐ OBJECT ☐ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

please note the following incorrect statements that will need to be amended.

Page 39. [redacted] has signed permission for gravel extraction on Lots 75, 76 and 77. [redacted] is title owner for Lot 77 ONLY. Registered owner of Lots 75 & 76 is [redacted] of which [redacted] is trustee. [redacted] cannot give permission for any action on Lots 75 & 76.

Page 80 Noise Management plan. The Application lists the City of Busselton as the entity that any complaints will be addressed to. It needs adjustment so that the Shire of Donnybrook Balingup Shire needs to be the entity that handles all complaints.

Signature: [redacted] Date: _____

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

**From:** [redacted]
**Sent:** Friday, 30 May 2025 12:09 PM
**To:** SM planning
**Cc:** [redacted]
**Subject:** Donnybrook Shire proposal 25015

# Donnybrook Shire proposal 25015

I wish to raise serious objections to this proposal, mainly, as a local farmer and resident on Upper Capel Rd, for many years, to the routing of the carting of gravel from Lot 77/706.

I live 50m from this road, on the crest of a very steep gradient in either direction and have great concerns of the potential impact a considerable increase in heavy traffic will have, especially pulling in and out of my drive which is almost blind on one gradient, and the noise of exhaust brakes.

This road is a designated “Tourist” road and as such is not both wide enough, or underpinned enough to accommodate this type of heavy traffic, upper Capel road between pearls road and goodwood road has been fully rebuilt in last 10 years because the sides had dissolved and become narrow and mass of potholes and now even without extra heavy haulage its heading back that way .

It is regularly used by vintage and veteran cars, motorcycles, and at one stage last year over 1000 cyclists all at one time. And I’ve seen on one occasion a young boy fall off his bike when he rode from the ashphalt to gravel but traffic had caused a 100mm deep trench along side of road and he fell off .

There is no speed limit, so this exacerbates the possibility of collisions and crashes.
It is becoming apparent that as time goes by more and more smaller blocks are emerging along this road and traffic, exponentially, is increasing with lifestyle activities, cycles, children, horses, and kangaroos of course.

As the rural population increases it seems that more care is needed as to where the infrastructure resources are obtained. As this is beginning to affect more families than ever before, choices of raw materials and from where they are sourced is becoming ever more critical. It appears that the planning process and its operatives are somewhat lagging behind in this demographic change and will need to update.
This road, especially, is not upgraded and has soft verges, narrow parts, and is already considered dangerous for a school bus, let alone numbers of Semi Trucks fully laden and difficult to manoeuvre in such a tight confined space, and steep gradients.

Thank you

[redacted]

**From:** [redacted]
**Sent:** Friday, 30 May 2025 7:43 AM
**To:** SM planning
**Subject:** Proposal : P25015-Extractive industry-gravel.

>
> To whom it may concern,
>
> I wish to lodge a complaint/objection to the proposal of P25015- Extractive industry- gravel.
> Firstly upon entering/ leaving my property I will be confronted with the view of a gravel pit instead of the tranquil farmland we are used to.
> One can only surmise what this will do to the value of the surrounding properties.
> We purchased our property which adjoins the land upon which the gravel extraction will occur for the peaceful lifestyle, not the sound of heavy haulage and crushers operating not 5 but proposed 6 days a week, so even our peaceful weekends will disappear due to the noise.
> Secondly, the access- egress road, (Upper Capel Road) for carting the gravel is winding and hilly.
> This road I'm told is deemed a tourist drive and is unsuited for the amount of heavy haulage machinery proposed.
> The egress from this Upper Capel Road onto my property and the property next door is on a downhill slope, and it would become dangerous if followed by semi and B train vehicles, as well as the again increase of noise with the use of their engine braking.
> Looking at the state of parts of the road with collapsing soft verges, tears in asphalt and continual patching/repairing, as well as an underground spring on the hill by Pearl Road regularly leaking through the asphalt, bringing even more heavy traffic could cause these issues to become an increased hazard to other traffic using the road.
> At numerous times already we've asked shire supervisor Russell Jones out to patch holes due to drains overflowing and soft verges crumbling.
> The Upper Capel Road is also utilised by school buses, veteran motorcycles, car clubs, and bicycle clubs/ riders.
> I believe this proposal is unsuitable in this area and will result in the loss of the peace and tranquility of surrounding properties due to the noise of crushers, trucks loading and truck travel on the road.
> The increased hazard on the access/egress road will greatly increase the chances of a traffic incident occurring, which is not what anyone wants on a tourist route in our shire.

[redacted]

**From:** [redacted]
**Sent:** Monday, 9 June 2025 2:13 PM
**To:** SM planning
**Subject:** Concerns regarding Proposal 25015

Donnybrook Planning,

I'm writing in response to learning from a neighbor about the proposal for a gravel excavation project on Upper Capel Rd and as My property [redacted] adjoins Upper Capel Rd and my wife and I commute along Upper Capel rd daily I've felt compelled to voice my concerns about the increase in road danger on Upper Capel Rd if this project was to be appproved as Upper Capel rd IS NOT wide enough to safely commute semi trailer trucks along in high numbers due to it's narrow nature. Even the applicants for the proposal are offering to not have the trucks travelling along Upper Capel Rd at the same time as the School bus which highlights that they're also aware of the limitations of the road for safe passage with the large trucks fully loaded.
I therefore request that Donnybrook planning at a minimum request that the applicants undertake a a thorough 3rd party independant transport management assessment and risk assessment including consultation with all residents on and adjoining upper Capel Rd before considering any approvals for this project to proceed.

[redacted]

**From:** South West Region Planning Services <swrplanning@mainroads.wa.gov.au>
**Sent:** Tuesday, 1 April 2025 3:35 PM
**To:** Cecilia Muller
**Subject:** Reply [PLR#0225-0060] Development Application - P25015 - Extractive Industry (Gravel) - Lot 77 (706) Upper Capel Road, Upper Capel

OFFICIAL

OFFICIAL

Hi Cecilia,

I refer to the email below and advise that Main Roads has no objection to the proposed Gravel Extractive Industry.

If you have any queries please contact Daniel Naude on 9724 5724.

Regards,

**South West Region Planning Services**
Tel: +97245600

Main Roads acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

---

**From:** Evette Macfarlan <evette.macfarlan@mainroads.wa.gov.au>
**Sent:** Friday, 21 March 2025 7:11 AM
**To:** South West Region Planning Services <swrplanning@mainroads.wa.gov.au>
**Subject:** FW: Request for agency comment - DA - P25015 - Lot 77 (706) Upper Capel Road, Upper Capel - Due 6 May 2025 - Shire of Donnybrook Balingup

OFFICIAL

For your attention D25#283103

https://TrimWebDrawer.mrwa.wa.gov.au/WebDrawer/record/21073102

**Evette Macfarlan**
Business Services Officer
South West Region
Regional Operations

Tel: +61 8 9724 5703 Mob: +61 448 034 404

Main Roads acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

---

**From:** Cecilia Muller <cecilia.muller@donnybrook.wa.gov.au>
**Sent:** Thursday, 20 March 2025 4:38 PM
**To:** bunbury@dbca.wa.gov.au; records@dmirs.wa.gov.au; registrar@dplh.wa.gov.au; landuse planning <Landuse.planning@dpird.wa.gov.au>; bunbury.admin@dwer.wa.gov.au; WEB South West Region <swreg@mainroads.wa.gov.au>; South West Region Planning Services <swrplanning@mainroads.wa.gov.au>; WAPCreferrals@pta.wa.gov.au
**Subject:** Request for agency comment - DA - P25015 - Lot 77 (706) Upper Capel Road, Upper Capel - Due 6 May 2025 - Shire of Donnybrook Balingup

**CAUTION:** This email originated from outside of Main Roads. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

**Notice of application for development approval P25015 - Lot 77 (706) Upper Capel Road, Upper Capel**

Please be advised that the Shire of Donnybrook Balingup has received an application for development for the following purpose and as an agency you are invited to comment on this proposal.

**Property: Lot 77 (706) Upper Capel Road, Upper Capel**

**Proposal: Extractive Industry (Gravel)**

DWER – please also provide comment on noise and dust matters.

In this regard, it would be appreciated if you could please provide comment on the proposed development **no later than 6 May 2025**.

Should you have any queries or wish to discuss this matter, please do not hesitate to contact me on (08) 9780 4207 or via email at cecilia.muller@donnybrook.wa.gov.au.

Regards,

**Cecilia Muller** - Principal Planner

P: (08) 9780 4200 / (08) 9780 4207 E: cecilia.muller@donnybrook.wa.gov.au

**From:** Pinfold, Daniel <Daniel.Pinfold@pta.wa.gov.au>
**Sent:** Monday, 31 March 2025 3:44 PM
**To:** Cecilia Muller
**Subject:** P25015 - Lot 77 (706) Upper Capel Road, Upper Capel

Kaya Cecilia,

**RE: P25015 - Lot 77 (706) Upper Capel Road, Upper Capel**

Thank you for your email dated 20/03/2025, the Public Transport Authority (PTA) has no objections to this proposal.

Yaankga,


## Daniel Pinfold

### Assistant Planner | Infrastructure Planning & Land Services

| Mon | Tues | Weds | Thurs | Fri |
|---|---|---|---|---|
| *Available* | *Available* | *Unavailable* | *Unavailable* | *Unavailable* |

Public Transport Authority of Western Australia
Public Transport Centre, West Parade, Perth, 6000
PO Box 8125, Perth Business Centre, WA, 6849
Tel: (08) 9326 2943 Fax: (08) 9326 2000
Email: daniel.pinfold@pta.wa.gov.au | Web: www.pta.wa.gov.au



*The Public Transport Authority of Western Australia cannot accept any liability for any loss or damage sustained as a result of software viruses. You must carry out such virus checking as is necessary before opening any attachment to this message. The information in this email and any files transmitted with it may be of a privileged and/or confidential nature and is intended solely for the addressee(s). If you are not an intended addressee please notify the sender immediately, and note that any disclosure, copying or distribution by you is prohibited and may be unlawful. The views expressed in this email are not necessarily the views of the Public Transport Authority.*

Department of Energy, Mines, Industry Regulation and Safety
Resource and Environmental Regulation
GOVERNMENT OF WESTERN AUSTRALIA

Your ref P25015
Our ref A0082/202201
Enquiries Steven Batty — 9222 3104
Steven.BATTY@demirs.wa.gov.au

Cecilia Muller
Principal Planner
Shire of Donnybrook-Balingup
Sent by Email — cecilia.muller@donnybrook.wa.gov.au
PO Box 94, Donnybrook, WA 6239

Dear Cecilia Muller

**SHIRE OF DONNYBROOK-BALINGUP - DA EXTRACTIVE INDUSTRY - GRAVEL - LOT 77 (706) UPPER CAPEL ROAD UPPER CAPEL**

Thank you for your letter dated 20/03/2025 inviting comment on the development application for Extractive Industry Licence (EIL) for Gravel at Lot 77 (No 706) Upper Capel Road, Upper Capel in the Shire of Donnybrook-Balingup.

Although EIL's fall outside the *Mining Act 1978*, information on mineral resources, including basic raw materials, is of importance to the Geological Survey and Resource Strategy Division, within DEMIRS. The information is used in our MINEDEX database, which is a source of information for our State-wide resource mapping system - GeoView. The locations and status of basic raw material extraction sites are also valuable inputs to our resource assessment and land use planning role.

Our aim is for the database to be a comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials.

Thank you for the opportunity to note this proposal. DEMIRS has determined this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. It would be appreciated if DEMIRS continues to be notified of all applications for EIL's in the Shire of Donnybrook-Balingup and that all future correspondence is addressed to the Executive Director of the Geological Survey and Resource Strategy Division and submitted electronically to records@dmirs.wa.gov.au

Yours sincerely

**Steven Batty** | Senior Geologist
Resource Security Directorate
31 March 2025



Mineral House 100 Plain Street East Perth Western Australia 6004
Postal address: Locked Bag 100 East Perth WA 6892
Telephone +61 8 9222 3333 Facsimile +61 8 9222 3862
www.demirs.wa.gov.au
ABN 69 410 335 356

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Planning, Lands and Heritage**

Your ref: DA P25015
Our ref: ADV-10007786 / A00008-25
Enquiries: Sam Hansen 08 6551 8030

Ms Cecilia Muller
Principal Planner
Shire of Donnybrook-Balingup

Via Email: cecilia.muller@donnybrook.wa.gov.au

Dear Ms Muller

**ABORIGINAL CULTURAL HERITAGE – EXTRACTIVE INDUSTRY (GRAVEL) – LOT 77 (706) UPPER CAPEL ROAD, UPPER CAPEL**

Thank you for your inquiry dated 25 March 2025 seeking comment from the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Conservation team, regarding the proposed Extractive Industry (Gravel) located at Lot 77 (706) Upper Capel Road, Upper Capel.

A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites. Therefore, based on the current information held by DPLH, no approvals under the *Aboriginal Heritage Act 1972* (AHA) are required in this instance.

DPLH also advises the proponent regularly checks ACHIS should new Aboriginal Cultural Heritage be reported within your subject area. You can search ACHIS by using the following link:

Aboriginal Cultural Heritage Inquiry System

DPLH also advises the following:

- The granting of the development approval does not impact the Aboriginal heritage of the area;
- Given that the granting of the deveopment approval will facilitate works in the area the proponent (Carbone Bros Pty Ltd) needs to contact the Aboriginal Heritage Conservation Team for their own advice prior to the commencement of works;
- It should be emphasised to the proponents that the granting of the development approval does not count as approval under the AHA.

Should you have any queries regarding this advice please contact Samantha Hansen, Senior Heritage Officer, at samantha.hansen@dplh.wa.gov.au or on 6551 8030.

Yours sincerely

Samantha Hansen

Samantha Hansen
**SENIOR HERITAGE OFFICER**

11 April 2025

Department of **Biodiversity, Conservation and Attractions**

GOVERNMENT OF WESTERN AUSTRALIA

PARKS AND WILDLIFE SERVICE


Your ref P25015
Our ref: 2023/004582 / PRS53746
Enquiries: Matthew Wansborough
Phone: 08 9725 4300
Email: swlanduseplanning@dbca.wa.gov.au


Chief Executive Officer
Shire of Donnybrook-Balingup
1 Bentley St, Donnybrook, WA 6239

ATTENTION: Cecilia Muller

**APPLICATION FOR DEVELOPMENT APPROVAL P25015 - LOT 77 (706) UPPER CAPEL ROAD, UPPER CAPEL**

I refer to your email dated 20 March 2025 forwarding an extractive industry application for the above property for the Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Service comment.

The following comments are provided pursuant to DBCA's responsibilities under the *Biodiversity Conservation Act 2016* (BC Act).

**Advice to Shire**

The Accendo Works and Excavation Plan (v2 26 February 2025) depicts the proposed extent of the extractive works. If any future native vegetation clearing is proposed, the proponent should seek advice from the Department of Water and Environmental Regulation (DWER) in relation to clearing permit requirements. If a clearing permit is required, DBCA expects that the environmental values that are likely to be impacted by the proposed development will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER.

The proposed extraction area is within close proximity to retained native vegetation. DBCA recommends that a 6-metre wide buffer between the extraction area and retained vegetation be located outside the tree crown drip zone, with the buffer being measured from the crown drip zone rather than the tree trunk. The vegetation buffer should consist of suitable demarcation materials to protect the retained trees and tree roots from accidental vehicle damage, soil compaction and tree root exposure.

DBCA recommends that stockpiles are located outside the tree buffer areas to minimise potential impacts to the remnant vegetation.

Thank you for the opportunity to comment on this application. Please contact Matthew Wansborough at the DBCA's South West Region office on 9725 4300 or swlanduseplanning@dbca.wa.gov.au if you have any queries regarding this advice.

Kerstin Stender
A/Regional Manager

22 April 2025

**From:** Leon Van Wyk <Leon.Vanwyk@dpird.wa.gov.au>
**Sent:** Monday, 5 May 2025 9:24 AM
**To:** Cecilia Muller
**Subject:** RE: [EXT] - FW: LUP 2116 - Shire of DB - Gravel extraction - Lot 77 Upper Capel Road Upper Capel

OFFICIAL

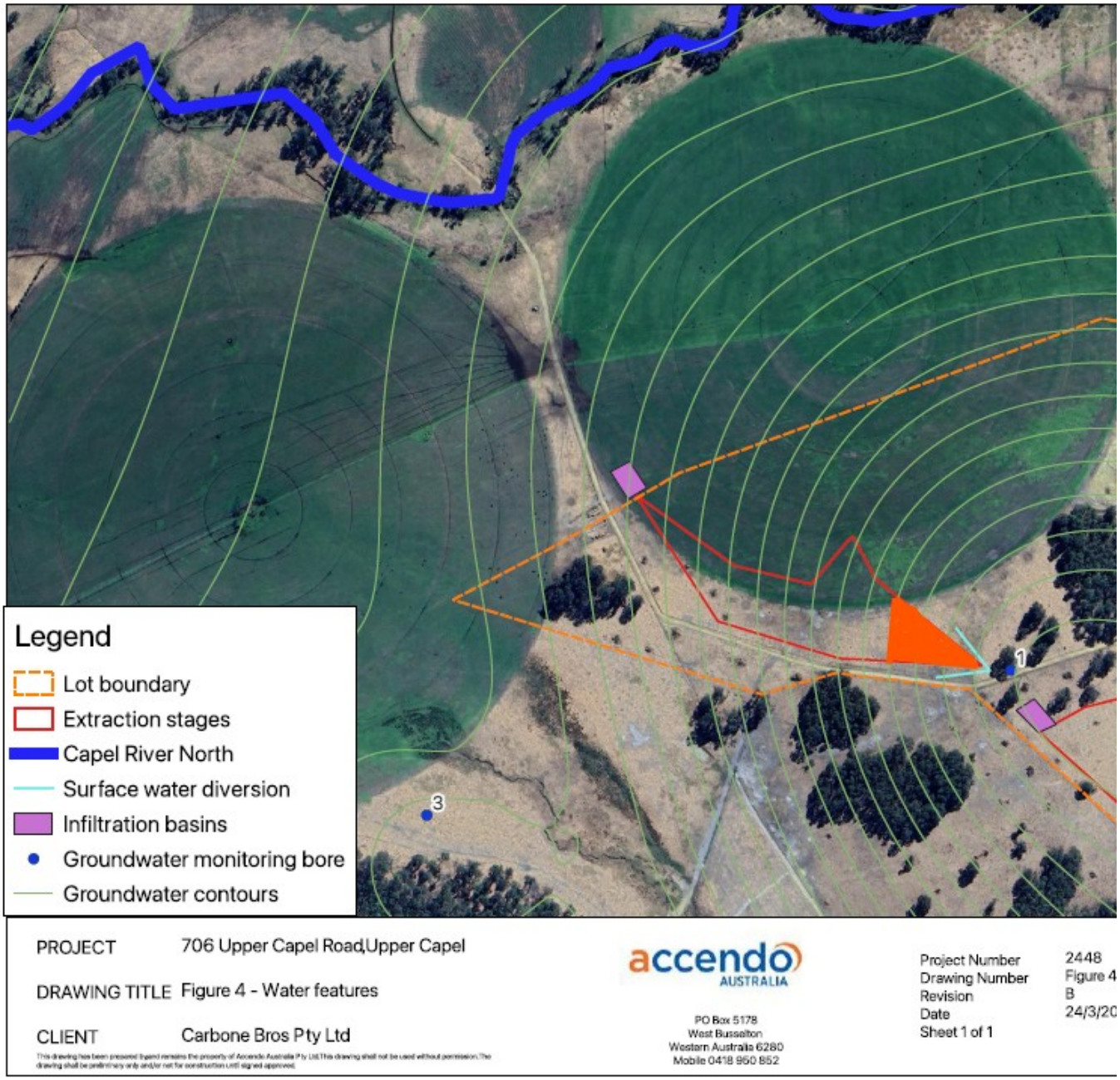
Cecilia

DPIRD assessed updated Figure 4 (bore sites included) and found the following:

- Groundwater contours are not marked
- DPIRD used interpolation to determine the contour values between groundwater bore 1 (2.16 mBGL) and 2 (0.99 mBGL)
- Applicant mentioned that any areas where 1.5 m of extraction would result in less than 0.5 m separation to groundwater is excluded from this application
- Using the interpolation to determine contour values – only stage 1 and 2 will be able to maintain a 0.5 m separation to groundwater after the removal of 1.5 m
- Only the areas marked (orange colour) in stage 3 and 4 will be able to maintain a 0.5 m separation to groundwater after the removal of 1.5 m

DPIRD is only able to support the extraction of stage 1 and 2 at this stage.

DPIRD recommends that the application be send to the Department of Water and Environmental Regulation (DWER) to assess if a separation of 0.5 m to groundwater will be maintained after the removal of 1.5 m of gravel.




Regards

**Leon van Wyk | Senior Research Scientist**
**Manager - Land Use Planning Section**
Agricultural Resource Management and Assessment

Fisheries and Sustainability
Department of Primary Industries and Regional Development
Verschuer Place, Bunbury WA 6230
**t** (08) 9780 6171 | **m** 0427 086 946 | **w** dpird.wa.gov.au

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**From:** Cecilia Muller <cecilia.muller@donnybrook.wa.gov.au>
**Sent:** Friday, 2 May 2025 4:17 PM
**To:** Leon Van Wyk <Leon.Vanwyk@dpird.wa.gov.au>
**Cc:** Phoebe Norman <phoebe@accendoaustralia.com.au>
**Subject:** [EXT] - FW: LUP 2116 - Shire of DB - Gravel extraction - Lot 77 Upper Capel Road Upper Capel

Department of
**Primary Industries and Regional Development**
GOVERNMENT OF WESTERN AUSTRALIA

Your reference: P25015
Our reference: LUP 2116
Enquiries: Leon van Wyk

Cecilia Muller
Principal Planner
Shire of Donnybrook-Balingup
PO Box 94
DONNYBROOK WA 6239
cecilia.muller@donnybrook.wa.gov.au

28 April 2025

Dear Cecilia

**COMMENT: Notice of application for development approval P25015 - Lot 77 (706) Upper Capel Road, Upper Capel**

Thank you for the opportunity to comment on the proposed extractive industry for the extraction of gravel at Lot 77 Upper Capel Road, Upper Capel.

The Department of Primary Industries and Regional Development (DPIRD) does not support the proposed extractive industry (gravel) at the abovementioned lot, and would like to provide the following comments:

- **Groundwater Monitoring Bores**: The locations of the groundwater monitoring bores are not indicated on any of the included maps. This omission hinders effective assessment and interpretation of the groundwater monitoring data.
- **Groundwater Levels**: According to the groundwater monitoring data provided in Appendices B and D, two monitoring bores (MW2 and MW3) record groundwater levels at less than 1 metre below ground level (BGL). Specifically, MW2 is at 0.99m BGL and MW3 at 0.465m BGL.
- **Separation to Groundwater Table**: With groundwater levels already below 1m BGL, DPIRD is concerned that the applicant may not be able to maintain a minimum 0.5m separation from the maximum groundwater table. Notably, MW3 is already within 0.5m of the surface.
- **Weed Management Plan**: DPIRD has assessed the Weed Management Plan and found that it meets the basic requirements. The plan should be implemented during both the operational and rehabilitation phases of the project.

- **Rehabilitation Plan**: DPIRD has reviewed the Rehabilitation Plan and determined that it satisfies the basic requirements.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpird.wa.gov.au.

Yours sincerely

Mr Timothy Overheu
**Acting Director Agriculture Resource Management Assessment**
**Fisheries and Sustainability**

**From:** Daniel Wong <daniel.wong@dwer.wa.gov.au>
**Sent:** Thursday, 15 May 2025 2:36 PM
**To:** SM Shire; Cecilia Muller
**Cc:** Leon Van Wyk
**Subject:** Proposed Gravel Extraction at 706 Upper Capel Road Upper Capel 6239 ( Lot 77 on Deposited Plan 404256 ) ( DWER ref: PA 071065 , DWERT51~96 ; Shire ref: P25015 )
**Attachments:** WQPN-15 -Basic-raw-materials-extraction.pdf; WQPN 56_Tanks for fuel and chemical storage near sensitive water resources _Dec 2018.pdf; Technical Report - Noise - Gravel extractive industry - L77 Upper Capel Rd - Upper Capel - FINAL.pdf; AQ2185-M AQ Final__For Shire_PA 071065_DW_External version.pdf; WQPN 10 Contaminant spills 2020.pdf

OFFICIAL

OFFICIAL

15th May 2025

Our Reference: PA 071065 , DWERT51~96

Your reference: P25015

To: Shire of Donnybrook-Balingup

From: Department of Water and Environmental Regulation

Attention: Cecilia Muller

Dear Cecilia,

**RE: Proposed Gravel Extraction at 706 Upper Capel Road Upper Capel 6239 (Lot 77 on Deposited Plan 404256)**

Thank you for providing the above proposed sandstone extraction for the Department of Water and Environmental Regulation (DWER) to consider.

This proposal is to extract a total of **~80,000 $m^3$ of** gravel at the above subject lot over around 5 years (see Screenshot 1 below).

To support this proposal, the following documents have been prepared, and are <u>both</u> contained within the referral PDF document, '2448~Upper Capel Rd W&E_v2 reduced.pdf':

- *Works and Excavation Plan (Gravel) - Lot 77 Upper Capel Road, Upper Capel* (by accendo Australia, Version V2, 26th February 2025) (to be referred to as the Excavation Plan V2)
- *Water Management Plan - Lot 77 Upper Capel Road, Upper Capel* (by accendo Australia, Version V2, 26th February 2025) (to be referred to as the Water Management Plan V2)

**Due to insufficient groundwater information (Issue 2 below) to conduct an adequate assessment, DWER is unable to support this proposal in its current form and additional information is therefore required.**

We have identified that the proposal will impact on the environment and water resource management. Key issues and recommendations are provided below, and these matters must be addressed to the satisfaction of the Department:

- **Issue 1**: The proposed operations may be categorised as Prescribed Premises under the *Environmental Protection Regulations* 1987
- **Advice 1**: The following is advised:
    - a) As the proposal is likely to exceed the threshold for a prescribed premises (Category 12: >50,000 tonnes/year or Category 70: >5,000 but < 50,000 tonnes/year ), it is likely to require a works approval/license for a Prescribed Premises under the EP Act 1986
    - b) As such, the proponent is to strongly advised to contact DWER's Industry Regulation branch regarding a works approval/license at info@dwer.wa.gov.au or 6364 7000
    - c) The Applicant is to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals

- **Issue 2**: Groundwater and pit floor levels
- **Advice 2**: The following is advised/requested:
    - a) Additional information be provided to the satisfaction of the Shire, in consultation with DWER, to confirm that a 0.5 metre separation to the highest groundwater can be achieved:
        - 1) Monitoring bore measurements in metres AHD of the 'top of casing' and 'natural ground surface' (and any other relevant data) at the bore locations be provided to supplement the existing information in Appendix B – clearly showing how groundwater levels in metres AHD have been arrived at
        - 2) Bore construction details be provided including bore depth, screen interval, lithology (and any other relevant information)
        - 3) Ideally, a suitable additional bore location within the extraction area be provided as appropriate
        - 4) A comparison of on-site measurements to historical groundwater data and historical rainfall figures to ensure the maximum groundwater level has been captured
        - 5) Details on how bore surface water levels; and creek line values were used to determine groundwater contours, such as, but not limited to survey location details (if based on surveyed surface water levels, or other basis of measurement)
    - b) For clarity, a map be provided showing groundwater contours superimposed over natural surface contours, labelled monitoring bores and imagery
    - c) The department advises that the highest groundwater occurs between August to early October (late winter to early spring) depending upon rainfall

- **Issue 3**: Stormwater management
- **Advice 3**: The following is advised:

- a) **Recommended Condition:** The Stormwater Management Plan (Water Management Plan V2) is to be amended and approved to the satisfaction of the Shire, consistent with DWER's *Water Quality Protection Note 15 - Basic Raw Materials Extraction* (July 2019)
- a) **Advice note:** The Stormwater Management Plan is to include additional details (as appropriate), such as, but not limited to:
  - Perimeter bund, diversion bund and diversion drain details
  - Stockpile management
  - Stormwater flow directions in context of ground contours
  - Detention basin maintenance schedule and
  - Silt trap design

- **Issue 4**: Water supply
- **Advice 4**: The following is advised:
  - a) **Recommended Condition**: The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire.
  - b) **Advice**: The proponent is to provide details of the offsite water source, and is strongly advised to contact DWER's Bunbury water licensing branch on 97264111 to determine if there are any potential licensing requirements for the take of water to support the proposed extraction activities

- **Issue 5**: Environmental risks
- **Advice 5**: The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 '*Basic raw materials extraction*' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated

- **Issue 6**: Dieback management plan
- **Advice 6**: The Dieback Management measures provided in Section 5.4 of the Excavation Plan V2 is to be reviewed, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries

- **Issue 7**: Staging Plan
- **Advice 7**: **Recommended Condition**: Extraction must be undertaken in accordance with an agreed staging plan, as approved by the local government. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation

- **Issue 8**: Rehabilitation plan and final landform
- **Advice 8**: The following is advised:
  - a) **Recommended Condition**: The Excavation and Rehabilitation Plan is to be approved and implemented to the satisfaction of the Shire consistent with WQPN 15 and the Guidelines for Preparing Mine Closure Plans, and covering the intended staging, final landform, proposed post extraction land use, successful rehabilitation criteria and rehabilitation schedule

- b) **Advice:** Due to the 'General Agriculture' zoning of the subject land, the Shire is advised to consult with DPIRD regarding the potential impacts the removal of material would have on the agricultural landuse post-rehabilitation

- **Issue 9**: Fuel and chemical management
- **Advice 9**: Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – '*Toxic and Hazardous Substance Storage and Use*' (Dec 2018). Contingencies for spills should be in accordance with WQPN 10 – '*Contaminant spills — emergency response plan*' (May 2020)

- **Issue 10**: Noise
- **Advice 10**: Please refer to the attached document 'Technical Report - Noise - Gravel extractive industry - L77 Upper Capel Rd - Upper Capel – FINAL.pdf'

- **Issue 11**: Dust
- **Advice 11**: Please refer to the attachment 'AQ2185-M AQ Final__For Shire_PA 071065_DW_External version.pdf'

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

This advice is based on a desktop analysis of the information provided in this referral. As a site visit has not been undertaken, prior to approval of the EIL, the Shire is advised to check for matters raised in this response to ensure appropriate conditions are imposed.

In the event that the applicant determines that a works approval or licence application is required under Part V of the *Environmental Protection Act 1986* (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.

More detail pertaining to the above issues are provided in Table 1 below.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact the undersigned.

Thank you.

Yours sincerely,

*Daniel Wong*
Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au
Phone: 08 9726 4113
Fax: 08 9726 4100

Postal: PO Box 261, Bunbury, WA 6231
Location: 35-39 McCombe Road, Bunbury, WA 6230

**Table 1 - Department of Water and Environmental Regulation detailed comments on P25015**

| Item No. | Reviewer comment/advice |
|---|---|
| 1 | **Issue 1:** The proposed operations may be categorised as Prescribed Premises under the *Environmental Protection Regulations* 1987<br><br>**Advice 1:** The following is advised:<br>• a) As the proposal is likely to exceed the threshold for a prescribed premises (Category 12: >50,000 tonnes/year or Category 70: >5,000 but < 50,000 tonnes/year ), it is likely to require a works approval/license for a Prescribed Premises under the EP Act 1986<br>• b) As such, the proponent is to strongly advised to contact DWER's Industry Regulation branch regarding a works approval/license at info@dwer.wa.gov.au or 6364 7000<br>• c) The Applicant is to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals<br><br>**Discussion 1:**<br>DWER notes that crushing and screening will occur on-site – noting that up to 20,000 $m^3$ is proposed to be excavated annually.<br><br>Based on the information provided it has been determined that the proposed operations may be categorised a Prescribed Premises as per Schedule 1 of the *Environmental Protection Regulations* 1987, depending on the quantity of material proposed to be screened/crushed etc i.e.:<br><br>12 Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated — 50000 tonnes or more per year<br>Or<br><br>70 Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated. — More than 5 000 but less than 50 000 tonnes per year<br><br>Activities such as crushing and screening during extractive industry operations, may cause the premises to become prescribed for the purposes of Part V Division 3 of the *Environmental Protection Act (*EP Act). This will occur if the proposed crushing and screening **equipment** has a design capacity (when operated 24/7 or at a capacity limited by a planning approval) that meets or exceeds the specified production or design capacity of the relevant category under Schedule 1 of the *Environmental Protection Regulations 1986*.<br><br>The applicant is therefore advised that they may meet the requirement for Prescribed Premises and as such require a works approval to construct/install the equipment (mobile or otherwise) and a licence or registration to operate. It should be noted that planning approvals may influence DWER's determination of production or design capacity, where an approval has the effect of restricting capacity (such as constraining hours of operation). |

| | |
|---|---|
| | The purpose of a works approval is to allow DWER to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during construction and operation. Note that any works approval or licence issued under Part V of the EP Act will only regulate emissions associated with the crushing and screening operation (such as dust, noise and contaminated stormwater). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site.<br><br>DWER has no record of this premises and has not received any applications relating to this proposal. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals and / or if they have queries relating to works approvals and licenses to contact DWER at info@dwer.wa.gov.au or 6364 7000. |
| 2 | **Issue 2:** Groundwater and pit floor levels<br><br>**Advice 2:** The following is advised:<br>• a) Additional information be provided to the satisfaction of the Shire, in consultation with DWER, to confirm that a 0.5 metre separation to the highest groundwater can be achieved:<br>o 1) Monitoring bore measurements in metres AHD of the 'top of casing' and 'natural ground surface' (and any other relevant data) at the bore locations be provided to supplement the existing information provided in Appendix B – clearly showing how groundwater levels in metres AHD have been arrived at<br>o 2) Bore construction details be provided including bore depth, screen interval, lithology (and any other relevant information)<br>o 3) Ideally, a suitable additional bore location within the extraction area be provided as appropriate<br>o 4) A comparison of on-site measurements to historical groundwater data and historical rainfall figures to ensure the maximum groundwater level has been captured<br>o 5) Details on how bore surface water levels; and creek line values were used to determine groundwater contours, such as, but not limited to survey location details (if based on surveyed surface water levels, or other basis of measurement)<br>• b) For clarity, a map be provided showing groundwater contours superimposed over natural surface contours, labelled monitoring bores and imagery<br>• c) The department advises that the highest groundwater occurs between August to early October (late winter to early spring) depending upon rainfall<br><br>**Discussion 2:**<br>The applicant proposes a maximum extraction depth to 1.5 metres below ground level to achieve a 0.5 metres separation to the maximum groundwater.<br><br>Screenshot 5 shows:<br>• a watercourse floodplain elevation at roughly the ~95 metre contour from our GIS<br>• groundwater contours generated by Accendo based on the monitoring bores and 'surrounding creek lines (also see Screenshots 6 & 7)<br><br>DWER however notes that:<br>• measurements in metres AHD of the bore 'top of casing' and 'natural ground surface' at the bore locations have not been included in Appendix B of the Water Management Plan V2<br>• bore construction such as depth, screen interval, lithology (and any other relevant information) has not been provided<br>• although it was stated that the 3 monitoring bores are located in proximity to the extraction area, the location of the south west bore (not labelled – see Screenshot 3) is however not ideal for this assessment as it is well outside of the abstraction areas. |

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| | • the monitoring bore water levels only covers 2 measurements, and there was no comparison to historical groundwater data or historical rainfall figures<br>• it is not known what creek line values were used in the groundwater level determinations, where the measurements were taken (i.e. if they were surveyed levels on the edge of the creek or surveyed surface water levels) |
| 3 | **Issue 3:** Stormwater management and stockpiles<br><br>**Advice 3:** The following is advised:<br>• a) **Recommended Condition:** The Stormwater Management Plan (Water Management Plan V2) is to be amended and approved to the satisfaction of the Shire, consistent with DWER's Water Quality Protection Note 15 - *Basic Raw Materials Extraction* (July 2019)<br>• b) **Advice note:** The Stormwater Management Plan is to include additional details (as appropriate), such as, but not limited to:<br>o Perimeter bund, diversion bund and diversion drain details<br>o Stockpile management<br>o Stormwater flow directions in context of ground contours<br>o Detention basin maintenance schedule and<br>o Silt trap design<br><br>**Discussion 3:** The Water Management Plan V2 contains details on stormwater management, where the site is to be internally drained, with the proposed use of diversion bunds, diversion drains and detention basins to manage stormwater. Detention basin volumes have been provided based on the 2 hour, 1 in 10% annual exceedance probability event (Screenshot8).<br><br>In addition, the Water Management Plan V2 commits the following that will assist in stormwater management:<br>• "Prior to excavation commencing the site will be ground surveyed, the excavation footprint marked out and a 1 metre contour plan developed."<br>• "Soil and overburden will be removed and stored within perimeter bunds for later rehabilitation use."<br><br>DWER concurs with the risk assessment and risk mitigation measures provided in the Water Management Plan V2 (Screenshot 9). We advise that the recommended additional detail will however assist in providing greater clarity for the operations in mitigating the stormwater risk. |
| 4 | **Issue 4:** Water supply<br><br>**Advice 4:** The following is advised:<br>• a) **Recommended Condition**: The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire<br>• b) **Advice:** The proponent is to provide details of the offsite water source, and is strongly advised to contact DWER's Bunbury water licensing branch on 97264111 to determine if there are any potential licensing requirements for the take of water to support the proposed extraction activities<br><br>**Discussion 4:** The following detail is provided regarding a water supply:<br><br>• "Water is only required for dust suppression within the quarry and the access road. Water will be sourced from an offsite source and tankered to the site for dust suppression purposes, as required." |

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| | No details have been provided regarding the offsite source, and it is not known if this source will come from an adjacent property, noting that subject Lot 77, and neighbouring Lots 2922, 4596 and 4597 are under the same ownership (Fry, John Stephen). It is therefore not known if the take of licensed water from the adjacent properties are proposed – as this detail has not been provided. |
| 5 | **Issue 5:** Environmental risks<br><br>**Advice 5:** The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 '*Basic raw materials extraction*' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated<br><br>**Discussion 5:** WQPN 15 provides recommendations on how to limit the impacts of their operations to the environment and water resources, to which the proponent is expected to adhere to where appropriate to the site situation (attached for your convenience). |
| 6 | **Issue 6:** Dieback management plan<br><br>**Advice 6:** The Dieback Management measures provided in Section 5.4 of the Excavation Plan V2 is to be reviewed, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries<br><br>**Discussion 6:** N/A |
| 7 | **Issue 7:** Staging Plan<br><br>**Advice 7:** Extraction must be undertaken in accordance with an agreed staging plan, as approved by the local government. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation<br><br>**Discussion 7:** The following statement is noted in the Excavation Plan V2:<br><br>• "The available volume of gravel (*insitu* volume of approximately 80,000 m3) is to be extracted in four stages ranging from 1.4 to 2.4 ha in size. Works will commence in the Stage 1 and then continue in a clockwise direction (refer to Figure 2)."<br><br>The Shire should however note that the extraction stage boundaries and naming provided for Figures 2-6 & 8 (pg. 29 – 33 & 35 of the PDF) are **inconsistent** with that of the Site Contour Survey in Appendix A (pg. 42 & 65 of PDF) (compare Screenshots 2 & 3 with Screenshot 4) – to which clarification is required. |
| 8 | **Issue 8:** Rehabilitation plan and final landform<br><br>**Advice 8:** The following is advised:<br><br>• a) **Recommended Condition**: The Excavation and Rehabilitation Plan is to be approved and implemented to the satisfaction of the Shire consistent with WQPN 15 and the Guidelines for Preparing Mine Closure Plans, and covering the intended staging, final landform, proposed post extraction land use, successful rehabilitation criteria and rehabilitation schedule.<br><br>• b) **Advice:** Due to the 'General Agriculture' zoning of the subject land, the Shire is advised to consult with DPIRD regarding the potential impacts the removal of material would have on the agricultural landuse post-rehabilitation |

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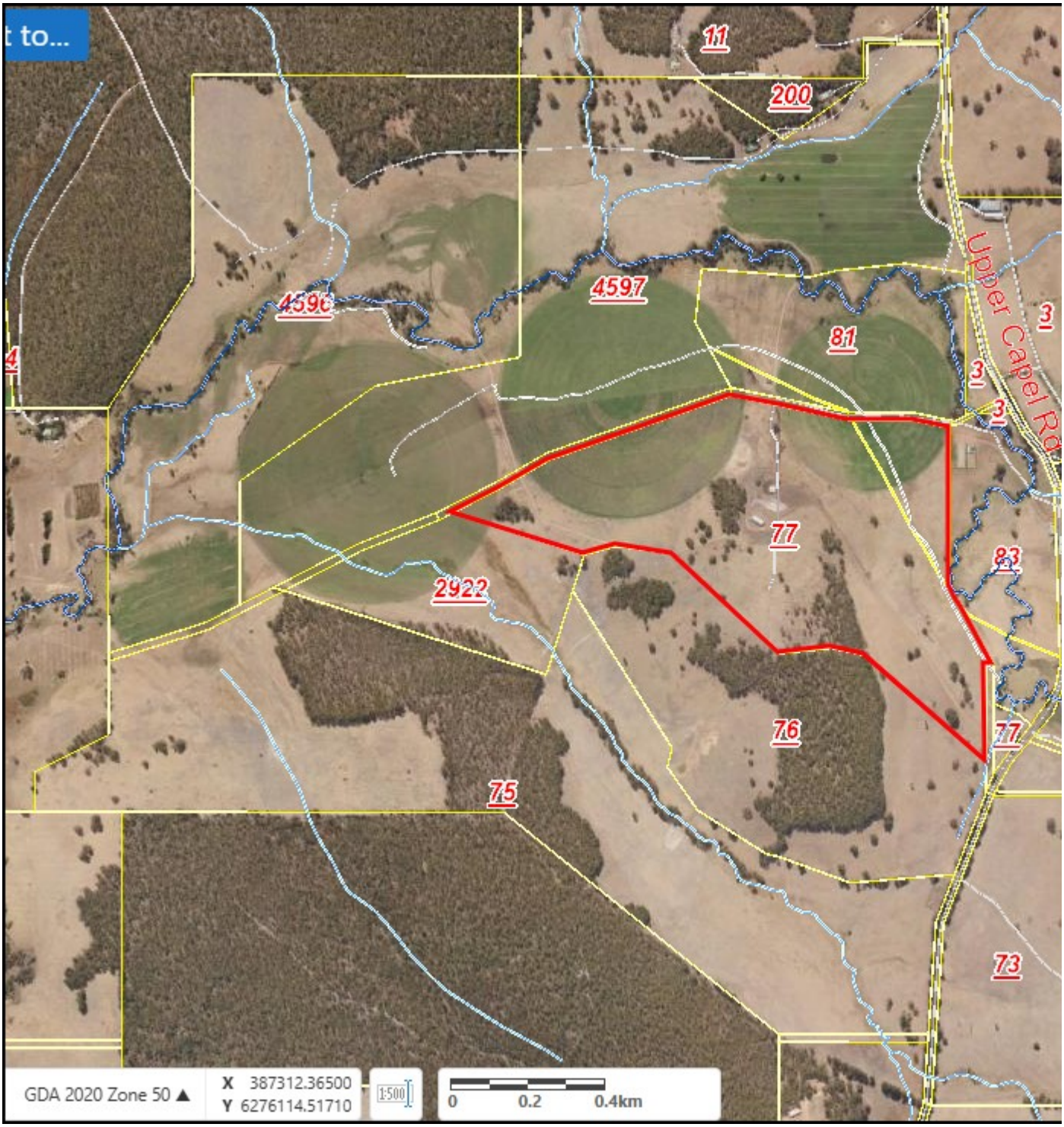
| | **Discussion 8:** Section 6 of the Excavation Plan V2, the 'Rehabilitation Management Plan' provides the relevant details for returning the land back to the pasture landuse – to which the above recommended condition is advised.<br><br>However, due to the 'General Agriculture' zoning of the subject land, DPIRD should be consulted to ensure the optimal outcomes with the final landuse – in particular, the potential impact this would have with the removal of the gravel, and reduced separation distance to groundwater (which is uncertain at this stage in view of insufficient groundwater information – as advised under Issue 2 above). |
| 9 | **Issue 9:** Fuel and chemical management<br><br>**Advice 9:** Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – '*Toxic and Hazardous Substance Storage and Use*' (Dec 2018). Contingencies for spills should be in accordance with WQPN 10 – '*Contaminant spills — emergency response plan*' (May 2020)<br><br>**Discussion 9:** The proponent has committed a number of measures to mitigate the risk of fuel spills to the receiving environment in Section 4.4 of the Water Management Plan V2 – to which DWER supports.<br><br>To assist the proponent in management of the fuel risk, they are advised to refer to the following Water Quality Protection Notes (WQPNs) where appropriate/relevant:<br><br>• WQPN 56 – '*Toxic and Hazardous Substance Storage and Use*' (Dec 2018)<br>• WQPN 10 – '*Contaminant spills — emergency response plan'* (May 2020) |
| 10 | **Issue 10:** Noise<br><br>**Advice 10:** Please refer to the attached document 'Technical Report - Noise - Gravel extractive industry - L77 Upper Capel Rd - Upper Capel – FINAL.pdf'<br><br>**Discussion 10:** As above. |
| 11 | **Issue 11:** Dust<br><br>**Advice 11:** Please refer to the attachment 'AQ2185-M AQ Final__For Shire_PA 071065_DW_External version.pdf'<br><br>**Discussion 11:** As above. |




**Screenshot 1: Location map**

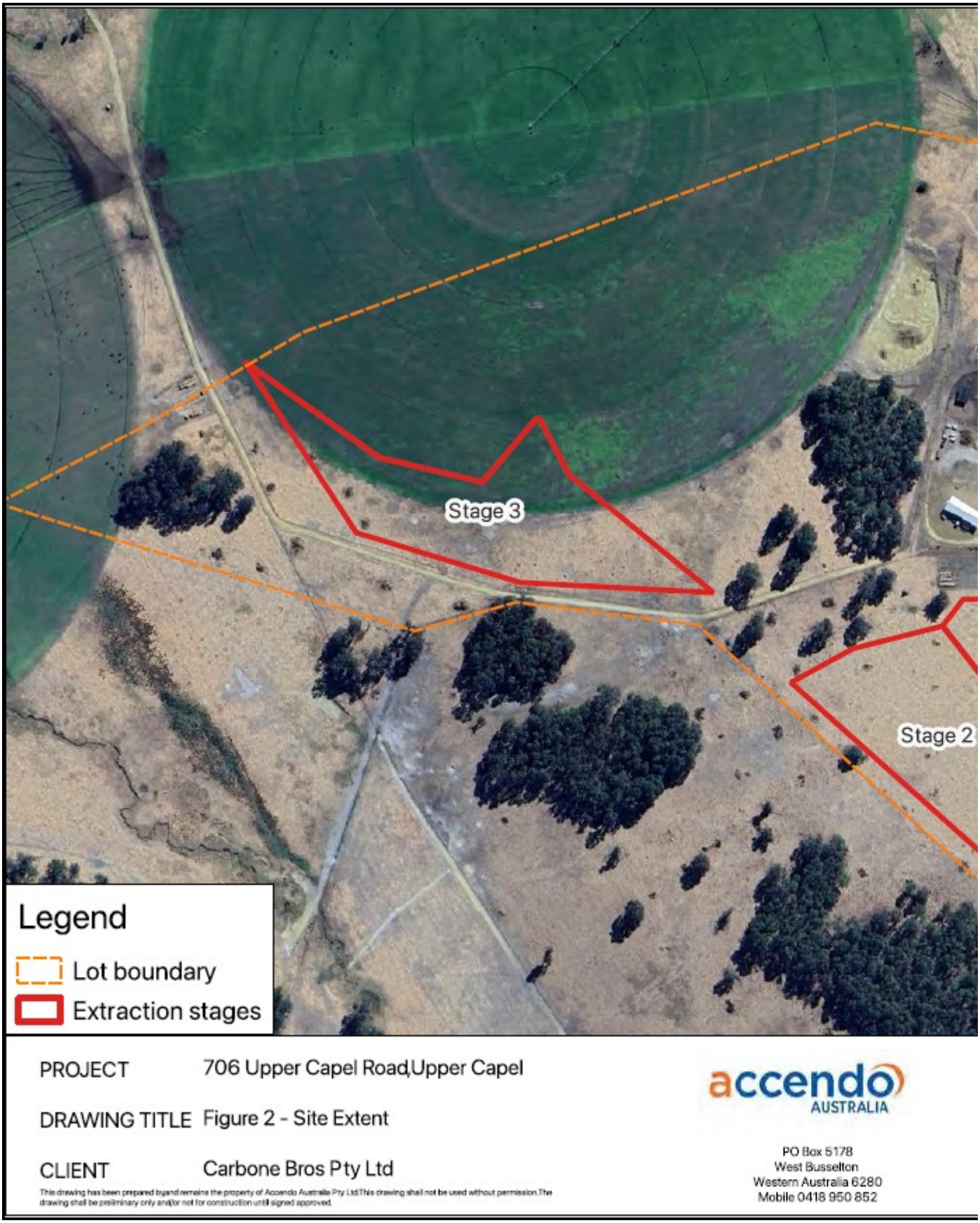
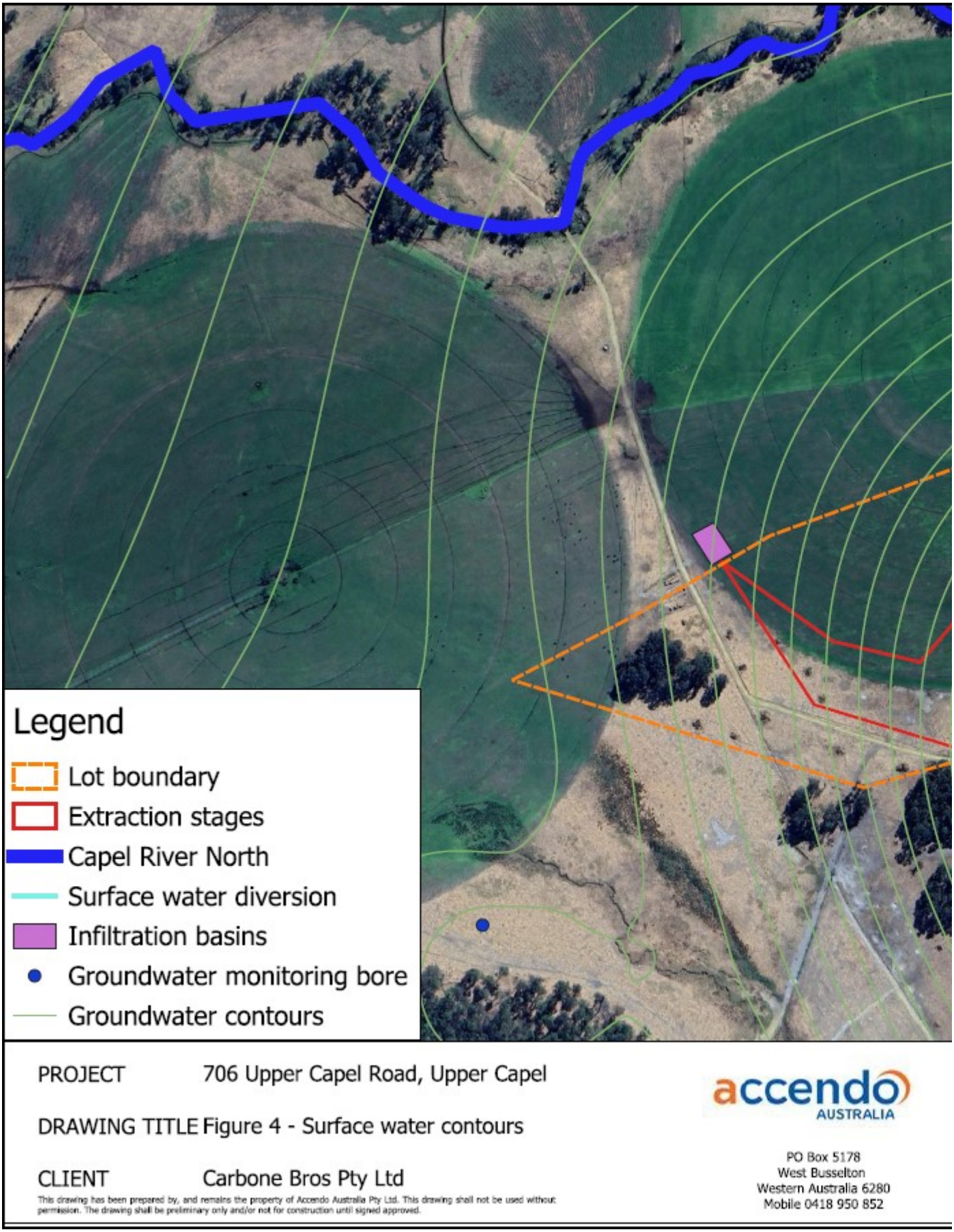
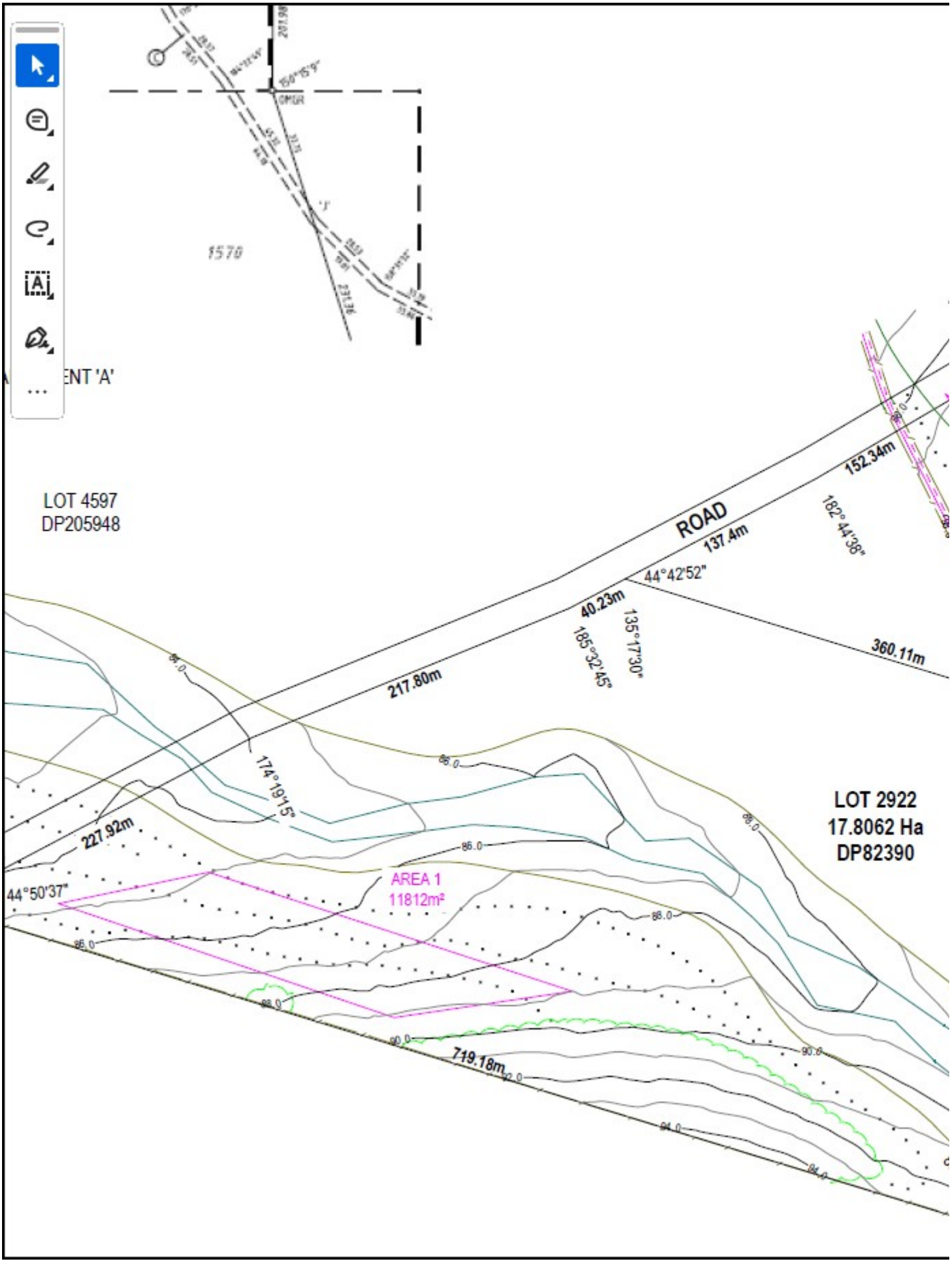


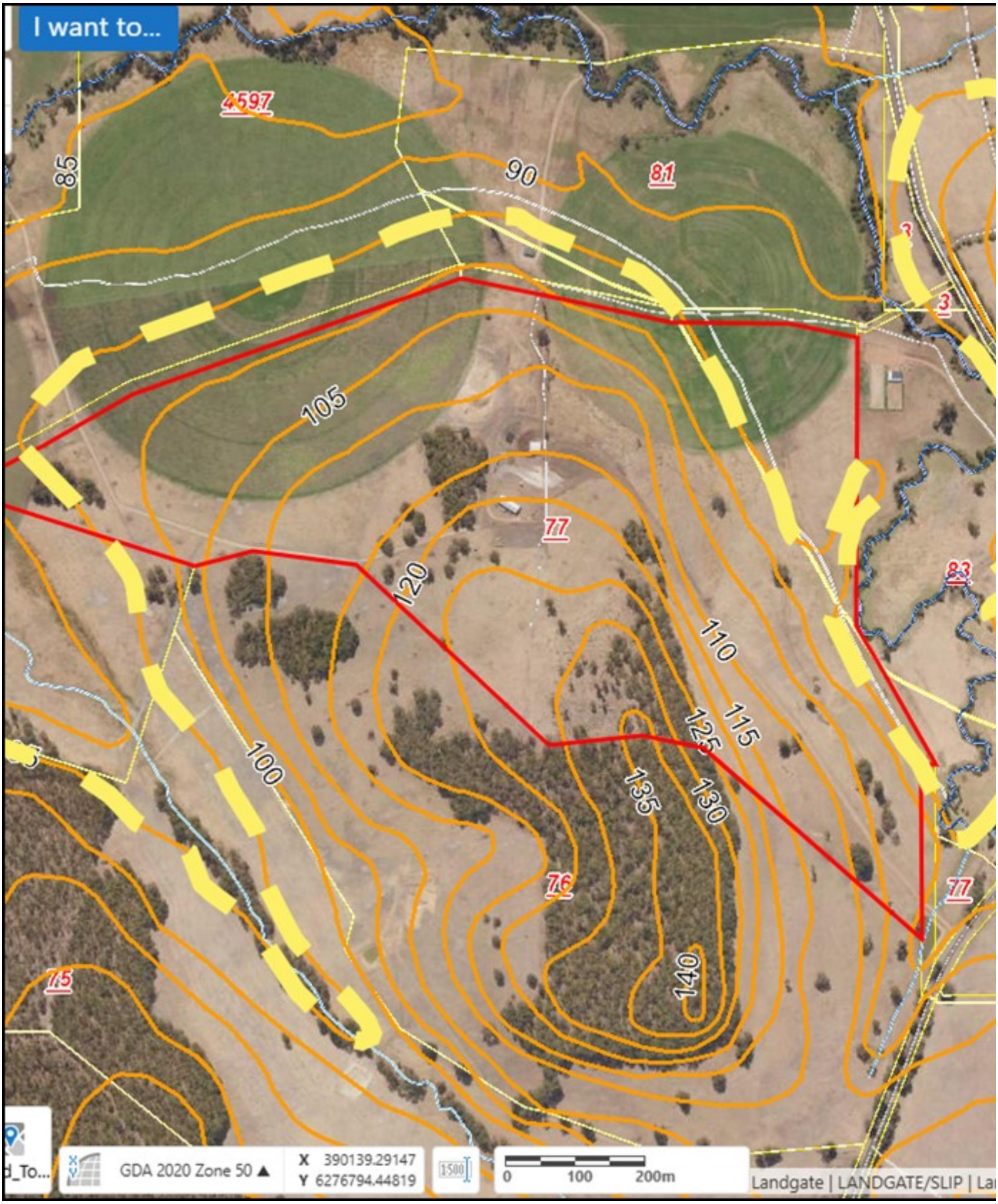

**Figure 2 – Site extent – pg. 29 of PDF**




**Screenshot 3: Figure 4: Groundwater contours – bore locations (this was missing on pg. 31 of PDF) – Figure 4 appears to be incorrectly titled 'Surface water contours'**




**Screenshot 4: APPENDIX A – SITE CONTOUR SURVEY – pg. 64 of PDF – Confirmation required by applicant for Areas 1 to 5**




**Screenshot 5: Left image: Thick dotted yellow line is 95 metre topographic contour – watercourse level is about 95 m contour ; Right image: Groundwater contours (pg 31 of PDF)**

## 2.7 Hydrology

### 2.7.1 Groundwater

The subject site is located within the Capel River North Branch subarea of the *Rights in Water and Irrigation* (RIWI) *Act 1914* proclaimed Busselton - Capel Groundwater Area.

Three groundwater monitoring bores are located in proximity to the extraction area (refer to **Figure 4**). They have been monitored for groundwater levels in August and October 2024 (refer to **Appendix D**). Data from this monitoring period along with surrounding creek lines has been used to produce groundwater contours for the site (refer to **Figure 4**). The boundaries of the four stages have been designed to ensure that at least 0.5 m separation to the maximum groundwater is achievable at all times.

### 2.7.2 Surface Water

The subject site is located in the Capel River North Branch subarea of the proclaimed Capel River System proclaimed surface water area. The subject site is not proclaimed under the *Country Areas Water Supply Act 1947* as a Public Drinking Water Source Area.



**Screenshot 6: Groundwater contour generation**

**Lot 2922 & 77 Upper Capel Road, Upper Capel Quarry - C**

| | 30-Aug-24 | | 02-Oct-24 | | |
|---|---|---|---|---|---|
| | Level from Top of Collar (mTOC) | Level (mBGL) | Level from Top of Collar (mTOC) | Level (mBGL) | Collar Heights (mAGL) |
| MW1 | 2.86 | 2.16 | 3.02 | 2.32 | 0.7 |
| MW2 | 1.77 | 0.99 | 2.3 | 1.52 | 0.78 |
| MW3 | 1.115 | 0.465 | 1.75 | 1.1 | 0.65 |
| | | | | | |

**Screenshot 7: Appendix B - Bore levels and details**

# 4 POTENTIAL IMPACTS AND MANAGEMENT

The Section provides and overview of the potential impacts to water resources associated with the proposed land use, and the proposed management measures to address the identified impacts.

## 4.1 Surface Water

The current water cycle within the subject site consists of inputs from rainwater flowing downhill in a westerly direction into the wider drainage system. The development will maintain this process, with all surface water being retained within the excavated areas prior to being directed to detention basin to enable infiltration through the base to ensure water quality to the watercourse is maintained.

Detention basins will be constructed in accordance with **Figure 3** to detain any run off from within the extraction area and protect the Capel River North from silt laden runoff. Diversion bunds will also be located to direct the flow of rainwater around the extraction area (refer to **Figure 3**).

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

## 4.2 Drainage

Potential impacts associated with sedimentation and erosion from stormwater runoff during the operation of the quarry will be minimised by the construction of diversion drains around the excavation areas to divert clean water away from the pit and contain any potentially sediment laden surface water within the pit.

The DWER recommendation is that surface water runoff produced within the excavation area from the two hour, 1 in 10 (10%) annual exceedance probability event should be contained within the pit (DoW 2019). Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Intensity-Frequency-Duration (IFD) data system (BoM 2021), which yields the two hour 1 in 10% (10%) annual exceedance probability event for the site at 36.1 mm. For every 1 ha area open for excavation at any time a holding volume of 361 $m^3$ is required.

Infiltration basins of suitable size for the extraction area will be constructed on the down slope boundaries of each cell to ensure no silt laden runoff occurs. Sizes of the basins will range from 506 $m^3$ for Stage 1 to 870 $m^3$ for Stage 3 (refer to **Figure 3**).

During excavation activities, the surface will be internally drained, with the gradients in the cells being constructed to ensure that no surface water runoff occurs.

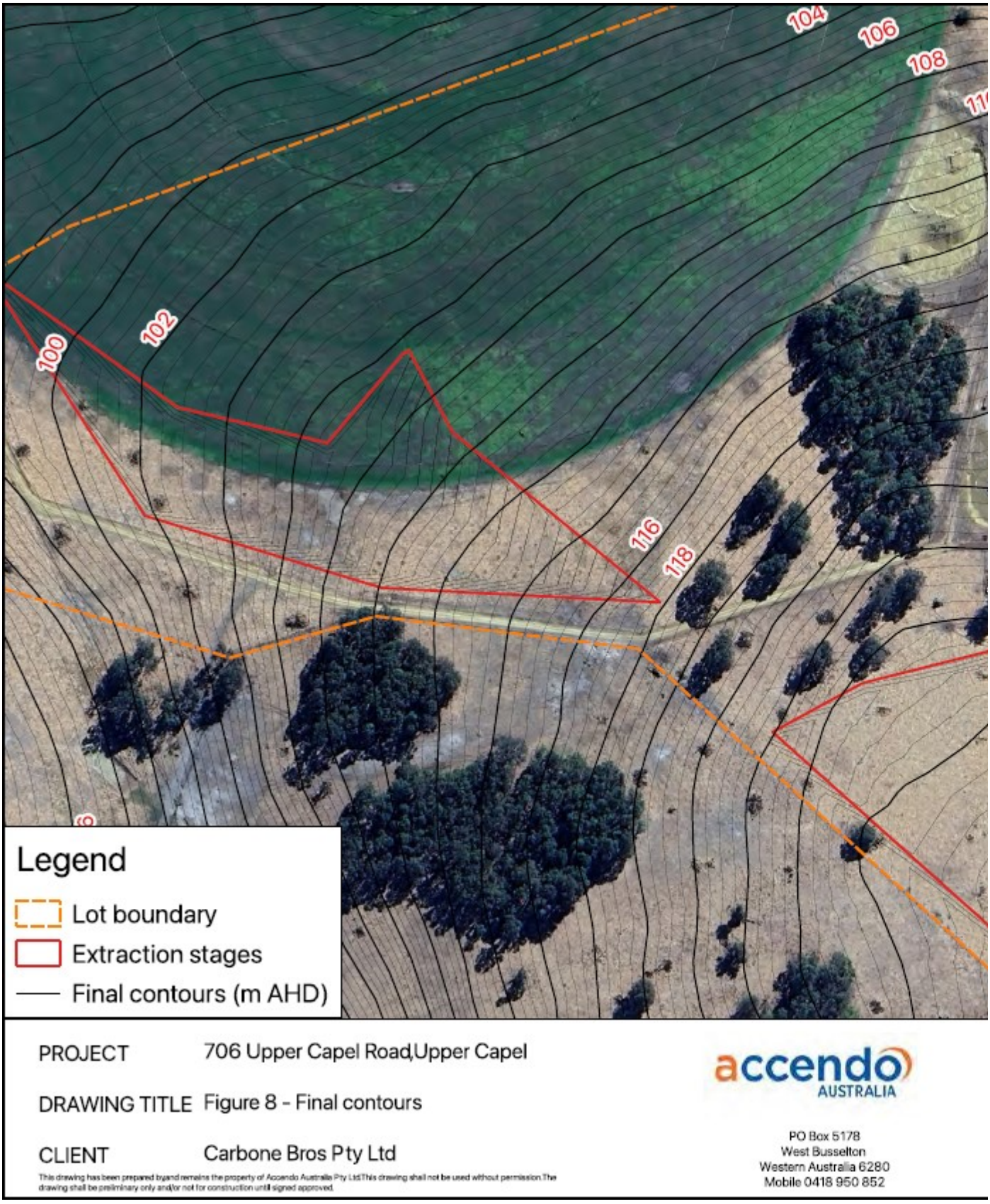
A risk assessment relating to surface water and stormwater runoff in consideration of the proposed management measures is provided below. The residual risk associated with sedimentation and erosion from stormwater runoff during the operation of the extractive industry is considered low.

**Screenshot 8: Stormwater management measures in Water Management Plan V2**

Table 2. Risk assessment associated with surface water and stormwater.

| Hazard | Source of Hazard | Potential Impacts | Mitigation | Likelihood | Consequence | Residual Risk |
|---|---|---|---|---|---|---|
| Erosion and sedimentation | Uncontrolled and contaminated stormwater runoff | Erosion and sedimentation resulting in poor surface water quality in surrounding waterways. | Construction of diversion drains around the excavation areas to divert clean water away from the pit and contain any potentially sediment laden surface water within the pit.<br><br>Excavation undertaken with a gradient to ensure that stormwater is contained within the excavation footprint.<br><br>Construction of detention basin between the extraction area and the Capel River North to contain any potentially sediment laden surface water. | 1 | 2 | Low |

**Screenshot 9: Stormwater risk mitigation measures in Water Management Plan V2**




**Screenshot 10: Final landform**

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

# Technical (Review) Report

Advice on the noise management plan for the gravel extractive industry, Lot 77 Upper Capel Road, Upper Capel, prepared for the Shire of Donnybrook-Ballingup

Department of Water and Environmental Regulation

May 2025

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**Acknowledgements**

For more information about this report, contact

Environmental Noise, Department of Water and Environmental Regulation.

# Document control

## Document version history

| Version | Date | Description | Author | Reviewer |
|---|---|---|---|---|
| 0.0 | 05/05/2025 | Draft – internal review | MS | OM |
| 1.0 | 07/05/2025 | Final - Issued | MS | JB |

## Corporate reference

| File number and/or name | File owner or custodian |
|---|---|
| DWERDT1093446 | Planning advice, South West Region |

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| Signature | Date 05/05/2025 |

## Reviewer details

| | |
|---|---|
| Name | Olivier Mallié MPhil (Mechanical Engineering), MAAS |
| Position title | Senior Environmental Noise Officer |
| Signature | Date 05/05/2025 |

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   3.2. Additional noise considerations ..... 2
4. Conclusion ..... 3

# 1. Introduction

This advice has been prepared for the Shire of Donnybrook Ballingup (the Shire) in response to a request for comment made to the Department of Water and Environmental Regulation (DWER) on the noise management plan in relation to the proposed gravel extractive industry proposed to be located at Lot 77 Upper Capel Road, Upper Capel.

# 2. Documentation

The following documents were referred to and formed the basis of this technical advice.

| Material / document name | Author | Date |
|---|---|---|
| Works and Excavation Plan (Gravel)<br>Lot 77 Upper Capel Road, Upper Capel (Filename: 2448_Lots 2922 & 77 Upper Capel Rd W&E _v2) | Accendo Australia | February 2025 |
| *Guideline for the Assessment of Environmental Factors No.3 Separation Between Industrial and Sensitive Land Uses* | Environmental Protection Authority | June 2005 |
| *Draft Guideline on Environmental Noise for Prescribed Premises* | Department of Water and Environmental Regulation | May 2016 |

# 3. Advice

DWER's Environmental Noise Branch (ENB) has reviewed the Works and Excavation Plan (Gravel) – specifically Appendix F – Noise Management Plan (NMP) - prepared by Accendo Australia (Accendo) for the proposed gravel extraction at Lot 77 Upper Capel Road, Upper Capel.

## 3.1. Screening assessment

Accendo have neither prepared nor commissioned an environmental noise assessment to be undertaken by an acoustic consultant for the proposal.

Instead, it has been stated a screening assessment has been conducted. This utilised the *Guideline for the Assessment of Environmental Factors No.3 Separation Between Industrial and Sensitive Land Uses* (Guidance No. 3) as well as the *Draft Guideline on Environmental Noise for Prescribed Premises* (Prescribed Premises Guideline) as justification.

The Accendo NMP refers to Guidance No. 3 and states "*for extractive industries, a buffer distance of 300 m to 500 m is recommended from sensitive land uses. A conservative value of 500 m has been used for this project*". Accendo identified the nearest residential dwellings being 640 – 715 metres from the closest pit's edge.

Accendo have stated they utilised the above along with noise specifications for the equipment listed in Table 1 of the NMP as input into the Environmental Noise Screening Tool in Appendix 1 of the Prescribed Premises Guidelines. Accendo subsequently state "*the preliminary screening assessment (Part 1) indicated no requirement for detailed noise emission assessment given that the distance to the nearest sensitive land use is greater than the recommended separation distance (300 m to 500 m)*".

It is noted Guidance No. 3 contains four classes of extractive industry (namely "*hard rock, Darling Scarp*", "*not hard rock*", "*no blasting conducted*" and "*sand and limestone extraction*"). Given Accendo quote a buffer of 300-500 metres, it is apparent Accendo have selected the class for sand and limestone. This separation distance specifically relates to extractive industry where no grinding or milling works are undertaken and the sand and soft limestone rock requires the least demand of machinery and therefore could be considered the least intrusive. However, the other three classes of extractive industries have buffer distances listed as 1000 metres or "case by case" to account for the varying activities which may be involved. Given the proposal includes crushing and screening of laterite rock, the 300-500 metre buffer distance for sand and limestone extraction is not an appropriate screening criteria. Guidance No. 3 does not prohibit development within the generic separation distance but suggests "*a scientific study based on site- and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts*".

It is unclear how any screening assessment in relation to the Prescribed Premises Guidelines may have been conducted given the screening assessment form was not included in the NMP. Table 3 of the Accendo NMP lists a range of equipment proposed to be used as well as what are described as "sound pressure level", although ENB presumed these are actually "sound power levels". Additionally, it appears the list of equipment in Table 3 is incomplete for it does not include all the equipment listed in Table 1. In particular, it is noted equipment such as bulldozers, crushers and screens can be significant sources of noise and therefore would need to be included in any environmental noise assessment.

Owing to the lack of any verifiable detail being provided, ENB is unable to provide comment if the proposal is likely to comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

## 3.2. Additional noise considerations

The Accendo NMP provides no commentary concerning reversing alarms, which are almost universally fitted to plant and vehicles expected to attend site. Reverse alarms fitted to plant and vehicles for a development such as this are not exempt from the Noise Regulations and therefore are required to comply with the assigned (or allowable) levels. Commonly used tonal reversing alarms have inherently tonal and modulating characteristics which increase annoyance and attract penalty adjustments

under the Noise Regulations. Consequently, their use can have impacts on amenity and difficulty complying with the assigned noise levels even at distant receivers. Where deemed to be required, alternatives to tonal reversing alarms such as broadband smart alarms should be used. If the Shire decides to approve the development, it may be appropriate to condition that any reverse alarms fitted to plant and vehicles be of the broadband type.

The Accendo NMP makes reference to truck noise on the site; however it does not consider noise associated with truck movements on public roads. While the Noise Regulations do not apply to noise of vehicles operating on public roads, such noise can impact amenity. The Shire may wish to consider whether noise associated with an increase in heavy vehicle traffic on surrounding roads will adversely impact on residential amenity.

# 4. Conclusion

Accendo have stated a screening assessment has been completed in line with the Prescribed Premises Guidelines. However, the screening assessment was not included as part of the NMP for completeness or verification purposes. Furthermore, the list of noise producing equipment purported to have been used as part of the screening assessment appears incomplete. Additionally, the 300-500 metre buffer distance for sand and limestone extraction is not an appropriate screening criteria for extraction activities involving crushing and screening of laterite rock.

Having regard to the nature of the proposed extractive industry operations, the proposed equipment to be used, and the proximity to noise sensitive premises, the proposed development should be supported by a detailed environmental noise assessment.

Detailed environmental noise assessments should be undertaken by a competent person either holding the membership grade of ‘Member’, being eligible to be a ‘Member’ or is working under the supervision of a ‘Member’ of the Australian Acoustical Society; or work for a firm that is a member of the Association of Australasian Acoustical Consultants.

# DWER dust
# TECHNICAL ADVICE

| | |
|---|---|
| SUBJECT: | SHIRE OF DONNYBROOK-BALINGUP-GRAVEL EXTRACTION DMP – CARBONE BROS |
| AQ ID: | AQ2185 |
| DATE: | 7 MAY 2025 |

**Key points:**

- The proponent used the recommended EPA GS3 separation distance for sand and limestone extraction (no grinding or milling works) of 300m to 500m. However, the proposal includes crushing and screening onsite, this may indicate that an appropriate separation distance would be greater noting that 1,000 m is the separation distance for hard rock operations that include crushing and screening.
- The Aboriginal Cultural Heritage place Capel River (ID 20061) located 300 m away from the excavation area was not considered in the Dust Management Plan (DMP) as a receptor for potential fugitive dust impacts. Places where people congregate and that might be affected by fugitive dust emissions should be considered sensitive receptors.

**DWER recommends that:**

- The proponent considers the Aboriginal Cultural Heritage place Capel River (ID 20061) a sensitive receptor.
- If the development proceeds then early and ongoing engagement with the sensitive receptors and Traditional Owners is included in the DMP.
- Should dust impacts become evident, the proponent reviews dust management practices and considers implementing monitoring as per the DEC 2011 dust guideline.

Further to the Shire's technical advice request of 26 March 2025, DWER has reviewed sections of

- *Dust management Plan (DMP) – Lot 77 Upper Capel Road, Upper Capel* (Accendo Australia, Feb 2025).

Please refer to our statement of limitations regarding this review as shown below.

## Background

The Shire of Donnybrook-Balingup has requested that DWER (PA: 071065) conducts a technical assessment of its dust management plan as outlined in the provided document.

Carbone Bros Pty Ltd (the applicant) is proposing to extract gravel from an 8.15 hectare area within Lot 77 (706) Upper Capel Road, Upper Capel.This application is made for a

five year period however, the exact life of the project is difficult to estimate as it will be dependent on supply and demand trends.

The available volume of gravel (*insitu* volume of approximately 80,000 $m^3$) is to be extracted, commencing in Stage 1 and working in a clockwise direction until Stage 4 (Figure 1).

*Figure 1 Proposal excavation areas and residential sensitive receptors (Accendo Australia, 2025)*

## Scope of advice

DWER has been requested to review the DMP. No specific questions were asked. DWER has reviewed the DMP with consideration of the following:

- Consideration of the existing setting and features of the proposal area.
- Recommended separation distance as per the 2005 *EPA Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses* (EPA GS3)
- Proposed dust controls as per *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (DEC 2011 dust guideline).

## Advice

Gravel extraction is not listed in EPA GS3 but it specifies the following separation distances:

- 1,000 metres (m) for extractive industries hard rock quarrying (including blasting), crushing and screening.
- 300 m to 500 m, for extractive industries sand and limestone extraction, depending on size, and without grinding or milling works.

The proponent used a separation distance of 300 m to 500 m for extractive industries (sand and limestone extraction with no grinding or milling works) for the proposal assessment. However, the proposal includes crushing and screening onsite. DWER considers that this may indicate that an appropriate separation distance would be greater noting that 1,000 m is the separation distance for hard rock operations that include crushing and screening.

Additionally, DWER notes that the Aboriginal Cultural Heritage place Capel River (ID: 20061) is located 300 m away from the excavation area but was not considered in the DMP as a receptor for potential fugitive dust impacts (Table 1).

*Table 1 Distance between the proposal excavation areas and residential sensitive receptors (Accendo Australia, Feb 2025).*

**Table 1. Residential dwellings within 1,000 m of the subject site.**

| Resident No. | Distance to subject site (m) |
|---|---|
| 1 | 640 m |
| 2 | 640 m |
| 3 | 660 m |
| 4 | 710 m |
| 5 | 715 m |

The closest residential dwellings to the subject site are located approximately 640 m from the eastern boundary.

The proposed dust controls detailed in the DMP are consistent with commonly used dust controls for similar operations such as those described in the DEC 2011 dust guideline and the DWER draft *Guideline: Fugitive dust emissions*.

DWER recommends that:

- If the development proceeds, early and ongoing engagement with the adjacent residents and Traditional Owners is included in the DMP, given that the site is located in a rural area with a small number of residences in the vicinity. This should include opening communication pathways to notify the proponent of air quality concerns throughout the life of the project.
- Should dust impacts become evident, the proponent reviews dust management practices to ensure additional dust controls (and potentially dust monitoring) as per the DEC 2011 dust guideline.
- The Aboriginal Cultural Heritage place Capel River (ID: 20061) to be considered a sensitive receptor.

## Limitations of DWER Review

Please note the following important information relevant to the review of this proposal by DWER:

- The pollutant of concern considered by the proponent is fugitive dust;
- DWER does not typically attempt to verify information provided by the proponent, however, we might advise on inconsistencies or potential concerns.
- DWER assumes that the individuals responsible for dust management are suitably experienced in the techniques proposed to control dust. The success of the dust management strategy depends critically on the competence of the relevant personnel; and
- DWER does not have primary responsibility for the assessment of public health issues, including Health Risk Assessment, in relation to air pollution. This is the role of the Department of Health.

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25015 - Extractive Industry (Gravel) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (a) the aims and provisions of the Scheme/any other local planning scheme operating within the Scheme area | Zoning: Lot 77 (706) Upper Capel Road, Upper Capel is zoned General Agriculture under LPS7.<br><br>Purpose and Objectives of the General Agriculture Zone (LPS7):<br><br>3.5.1 Purpose<br>The purpose of the General Agriculture zone is to provide for the sustainable use of rural land, accommodating a broad range of rural pursuits and complementary non-agricultural uses that are compatible with the land's capability and retain the rural character and amenity of the locality.<br><br>3.5.2 Objectives<br>The local government's objectives in managing land use, development, and subdivision within the General Agriculture zone include:<br>1. Encourage the protection of rural infrastructure and agricultural land resources;<br>2. Encourage the use of rural land for commercial agricultural production, including grazing, cropping, agroforestry, tree plantations, and intensive agriculture (where permitted);<br>3. Protect the economic viability of the area;<br>4. Encourage developments that will improve the Shire's population base;<br>5. Recognise the aesthetic and tourism importance of the scenic landscape and retain the rural scenic character of the district through appropriate siting and landscaping;<br>6. Support subdivision for boundary adjustments, farm restructuring, and new lots that promote effective land management, environmental and landscape enhancement, and infrastructure provision;<br>7. Support non-rural uses where they are compatible with nearby rural uses and environmental, landscape, and servicing considerations are addressed;<br>8. Support the retention and protection of land containing remnant vegetation that is valuable to rural and natural landscape values and ecological systems; and<br>9. Encourage and promote appropriate bushfire risk management.<br><br>Assessment of the Proposal against Zone Purpose and Objectives:<br>The proposed gravel extraction is considered consistent with the purpose and objectives of the General Agriculture zone because:<br>• It aligns with the broad range of rural activities anticipated in the zone, including extraction of basic raw materials;<br>• It allows the gravel resource to be extracted while enabling the land to be returned to pasture following completion;<br>• It promotes the sustainable use and management of the site's natural gravel resources;<br>• Regarding visual amenity, Stages 1 and 2 are set further back from the road, with extraction occurring on elevated land that slopes away from the frontage. These stages are therefore considered less visually intrusive than Stages 3 and 4, which are likely to be highly visible to passing traffic and may |

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| | adversely impact the landscape amenity. The applicant has not provided a Visual Impact Assessment to demonstrate the potential effects of Stages 3 and 4 on the scenic landscape.<br>• Operational management plans can address noise and dust impacts to prevent adverse effects on surrounding land uses.<br><br>Land Use Permissibility:<br>The proposed development is defined as 'Industry – Extractive' under LPS7:<br>An industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone, or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry–mining.<br><br>'Industry–Extractive' is classified as an 'A' land use in the General Agriculture zone. This means the use is not permitted unless the local government exercises discretion by granting development approval after giving special notice in accordance with Clause 64 of the deemed provisions.<br><br>LPS7 requires all applications for extractive industry on General Agriculture zoned properties to be advertised and referred, with submissions considered prior to determination.<br><br>Stages 1 and 2 of the proposed extractive industry are considered compatible with the purpose and objectives of the General Agriculture zone. These stages enable the sustainable extraction of the gravel resource while ensuring that the land can be returned to pasture for future rural uses, without adversely impacting surrounding land uses. However, Stages 3 and 4 require further information to assess the suitability of the extractive industry on this part of Lot 77. Detailed information relating to depth to groundwater, visual impact, and potential impacts on nearby equestrian land uses should be provided and considered prior to the granting of approval for these stages. |
| (b) requirements of orderly and proper planning taking into account any proposed changes to the scheme. | Clause 4.54 – General Agriculture Zone<br>The Shire's policies for development and subdivision within the General Agriculture zone under LPS7 seek to:<br>1. Encourage a diversity of well-managed and sustainable rural and agricultural activities where landowners and operators contain impacts on their own properties and adopt 'good neighbour' practices;<br>2. Confirm that rural residential or rural smallholdings subdivisions will not be supported unless the land is identified in an endorsed Local Planning Strategy for Rural Residential or Rural Smallholdings and rezoned for that purpose; and<br>3. Require proposals for non-agricultural uses to be supported and justified by an Agricultural Impact Assessment unless otherwise varied by the local government. |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25015 - Extractive Industry (Gravel) | |
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| (2) In considering a DA application the below must be considered if applicable. | |
| | The proposed gravel extraction (stage 1 and 2) is considered consistent with part 1 of these policies, as it represents a well-managed, sustainable use of the gravel resource with rehabilitation back to pasture. Appropriate conditions and advice can ensure that potential noise and dust impacts from the extractive industry are contained within the property.<br><br>Cl.4.54.8 of LPS7 contains the following development standards for the General Agriculture zone: |

| Development Standards | Proposal | Complies Yes/No |
|---|---|---|
| Min. Front Setback 30m | Closest part of Stage 4 pit area is 760m from Upper Capel Road. | Yes |
| Min. Side Setback 20m | Closest part of Stage 4 pit approx. 70m to side boundary (Lot 83 – agriculture/horse training); Stage 2 pit approx. 20m to side boundary (Lot 76 – general agriculture) | Yes |
| Min. Rear Setback 20m | Closest part of Stage 3 pit on rear boundary with Lot 4597 used for pasture production) | No |
| Setback adjacent to State Forest, National Park, Conservation Reserve or Crown/Local Government land – 100m. | | Not applicable. |

Clause 4.5.4.8.7 requires that setbacks for extractive industries help maintain the environmental and landscape qualities of the locality. Activities associated with Stages 3 and 4 will be highly visible from Upper Capel Road and are likely to have adverse visual impacts on the surrounding landscape.

Clause 4.54.10 – Grounds for Refusal
The Shire may refuse development approval if, in its opinion, the proposal will:

1. Adversely affect the rural landscape;
2. Adversely impact agricultural use of the land or surrounding areas;
3. Cause detrimental environmental impacts;
4. Result in unacceptable fire management risk;
5. Place unacceptable servicing requirements not appropriately addressed by the applicant;
6. Result in impacts not adequately contained on the site; or
7. Result in an undesirable planning outcome.

Officers have concerns that Stages 3 and 4 require further information to assess the suitability of the extractive industry on this part of Lot 77. Detailed information relating to depth to groundwater, visual impact, and potential impacts on nearby

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25015 - Extractive Industry (Gravel) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | equestrian land uses should be provided and considered prior to the granting of approval for these stages.<br><br>However, Stages 1 and 2 of the proposal are not considered to warrant refusal because:<br>• Post-extraction, the land will be recontoured and returned to pasture, consistent with surrounding rural landscapes;<br>• Gravel extraction will not impact ongoing agricultural use of the remaining land or adjacent areas;<br>• Potential noise and dust impacts can be managed through operational management plans;<br>• The proposal does not create a fire management risk;<br>• Adequate servicing exists to support the development; and<br>• Conditions of approval can appropriately manage the development, preventing an undesirable planning outcome. |
| (c) any approved State planning policy | State Planning Policy 2.4 – Basic Raw Materials (SPP 2.4)<br>The objectives of SPP 2.4 are to:<br>1. Ensure basic raw materials (BRM) and their regional importance are considered early in the planning process;<br>2. Protect BRM in Significant Geological Supplies (SGS) areas and Environmental Significance (ES) areas by avoiding encroachment from incompatible land uses;<br>3. Ensure BRM resources are used efficiently in land use planning and development;<br>4. Identify BRM extraction opportunities through sequential land use without compromising the final intended land use; and<br>5. Ensure extraction of BRM avoids, minimises, or mitigates adverse impacts on the community, water resources, and biodiversity.<br><br>Clause 6.3 – Subdivision and Development Considerations<br>• Land Use Compatibility: SPP 2.4 requires that extractive industries avoid sensitive land uses within SGS areas and maintain appropriate separation distances, as outlined in EPA Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses.<br>• The EPA Guidelines note that extractive industries may generate dust and noise. Staff have recommended the implementation of Dust and Noise Management Plans to ensure impacts remain within acceptable levels.<br>• The proposal does not introduce sensitive uses in the area, and surrounding land remains zoned for General Agriculture.<br>• Stages 1 and 2 of the development have been supported, and groundwater and water resources are not expected to be impacted. DWER and DPIRD have advised that Stages 3 and 4 require further information on groundwater levels to determine appropriate pit floor levels before extraction.<br><br>Clause 6.5 – Development Approval and Management Plans |

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|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | • All extractive industry applications are required to be supported by appropriate management plans. It is recommended that conditions be imposed to ensure that a Dust Management Plan and a Noise Management Plan are implemented during extraction.<br><br>State Planning Policy 2.5 – Rural Planning (SPP 2.5)<br>SPP 2.5 recognises that basic raw materials are essential for the construction of buildings, roads, infrastructure, and the sustainability of agricultural production.<br>Clause 5.19 – Basic Raw Materials Outside the Perth and Peel Planning Regions sets out key requirements:<br>1. Significant Geological Supplies (SGS) and their buffers should not be developed for other purposes until the resource is extracted or unless compatible development is demonstrated.<br>2. SGS and significant basic raw material resources, including indicative buffers, should be identified in subregional or local planning strategies.<br>3. Regional and local planning schemes should include provisions for the protection, access, and use of SGS and BRM resources.<br>4. Local strategies and schemes should identify basic raw material sites as required.<br>5. Extraction of BRM should generally not be prohibited.<br>6. Sequential land use planning is encouraged, enabling programmed extraction and rehabilitation ahead of longer-term use.<br>7. Sensitive zones or land uses may be approved if they do not limit existing or potential BRM extraction.<br>8. Extraction within areas of native vegetation or significant biodiversity may require referral under Part IV or V of the Environmental Protection Act 1986, with environmental protection measures applied as necessary.<br>9. Planning decision-makers should consider advice from environmental agencies regarding remnant vegetation connectivity and potential impacts.<br>10. Extraction within public drinking water source areas must maintain appropriate separation distances to the groundwater table and other infrastructure to protect water quality.<br>The proposal is consistent with the relevant considerations of Clause 5.19 of SPP 2.5. It ensures staged extraction and rehabilitation, maintains compatibility with surrounding rural land uses, and incorporates management measures to protect environmental and water resources. |
| (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d) | EPA Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (2005)<br>• The EPA Guidelines note that extractive industries can generate dust and noise.<br>• For extractive industries involving “grinding and milling works” (where material is processed by grinding, milling, sieving, aeration, etc., with no blasting), generic buffer distances should be determined on a case-by-case basis.<br>• The applicant has provided a Noise Assessment and staff have recommended the implementation of Dust and Noise Management Plans to ensure potential impacts are mitigated and that acceptable environmental standards are |

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|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | achieved. |
| (e) any policy of the Commission; | Not applicable. |
| (f) any policy of the State | If effluent disposal were proposed, the provisions of the Government Sewer Policy 2019 would apply. No effluent disposal is proposed as part of this application. |
| (fa) any local planning strategy for this Scheme endorsed by the Commission | Approved 2014 Local Planning Strategy<br>• Lot 77 (706) Upper Capel Road is identified as General Agriculture under the approved Local Planning Strategy (LPS).<br>• Clause 5.4.1 of the Strategy provides guidance for development in General Agriculture areas, including:<br>o Discouraging land uses unrelated to agriculture unless exceptional circumstances can demonstrate compatibility;<br>o Providing adequate separation distances between potentially conflicting land uses;<br>o Introducing management requirements to protect existing agricultural activities;<br>o Discouraging development that may result in land or environmental degradation; and<br>o Encouraging appropriate land management and consideration of sequential land use change.<br>Assessment against Approved LPS:<br>• The proposal recognises the presence of gravel resources and protects them from inappropriate uses that could prevent extraction.<br>• Compliance with the Extractive Industries Local Law is required, including management of buffers (setbacks), noise, dust, environmental impacts, traffic, landscape impacts, and rehabilitation.<br>• Gravel extraction relevant to Stages 1 and 2 is considered compatible with surrounding agricultural activities.<br>• Environmental impacts, particularly dust and noise, can be managed through conditions of approval.<br>• Following extraction and rehabilitation, the land will remain suitable for agricultural use.<br><br>Draft Local Planning Strategy<br>• The lot is identified as Rural land under the draft Shire of Donnybrook-Balingup Local Planning Strategy.<br>• Basic Raw Materials (Clause 20.0): The Shire contains a range of BRM located within rural areas, and new proposals should consider potential land use conflicts.<br>• Planning Directions for Extractive Industries:<br>1. Establish a balanced approach that recognises the importance of BRM while providing protection to existing resources and accommodating growth in townsites and rural living areas.<br>2. Provide clarity and direction to applicant for extractive industry development while protecting surrounding areas.<br>• Rural Land Use Diversification (Part 12.0): |

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|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | ○ Agriculture in the region faces social, economic, and environmental challenges affecting land viability and rural community sustainability.<br>○ A balance is required between traditional and non-traditional rural land uses (e.g., tourism, BRM extraction) while encouraging complementary, value-adding uses that do not jeopardise traditional agricultural activities.<br>Assessment against Draft LPS:<br>• The proposal is consistent with draft Strategy requirements, requiring development approval and compliance with the Extractive Industries Local Law.<br>• The gravel pits are located within the General Agriculture zone, which is considered more suitable for such development than the Priority Agriculture zone.<br>• Potential amenity impacts relevant to Stages 1 and 2 are able to be managed, ensuring compatibility with surrounding land uses and environmental considerations. |
| (g) any local planning policy for the Scheme area | TPP 9.7 – Interpretation (Extractive Industry)<br>• The policy provides that landowners are exempt from requiring an Extractive Industry Licence when materials are extracted for use on the property and not for commercial gain.<br>• The proposal involves a commercial operation for off-farm use and therefore does not qualify for the exemption under the policy. |
| (h) any structure plan or local development plan that relates to the development | Not applicable. |
| (i) any report of the review of the local planning scheme that has been published | The Shire has commenced a review of LPS7. |
| (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve | Not applicable. |
| (k) the built heritage conservation of any place that is of cultural significance; | Not applicable. |
| (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located | Aboriginal Heritage Considerations<br>• The Department of Planning, Lands and Heritage (DPLH) advised that the footprint of the proposed extraction area does not directly impact a known Aboriginal Cultural Heritage Place, but is located in close proximity to one.<br>• The Department of Water and Environmental Regulation (DWER) noted that off-site impacts from the extraction activities could potentially affect the nearby Aboriginal Cultural Heritage Place.<br>• Advice will be provided to the applicant to ensure awareness of ongoing obligations under the Aboriginal Heritage Act 1972, including the requirement |

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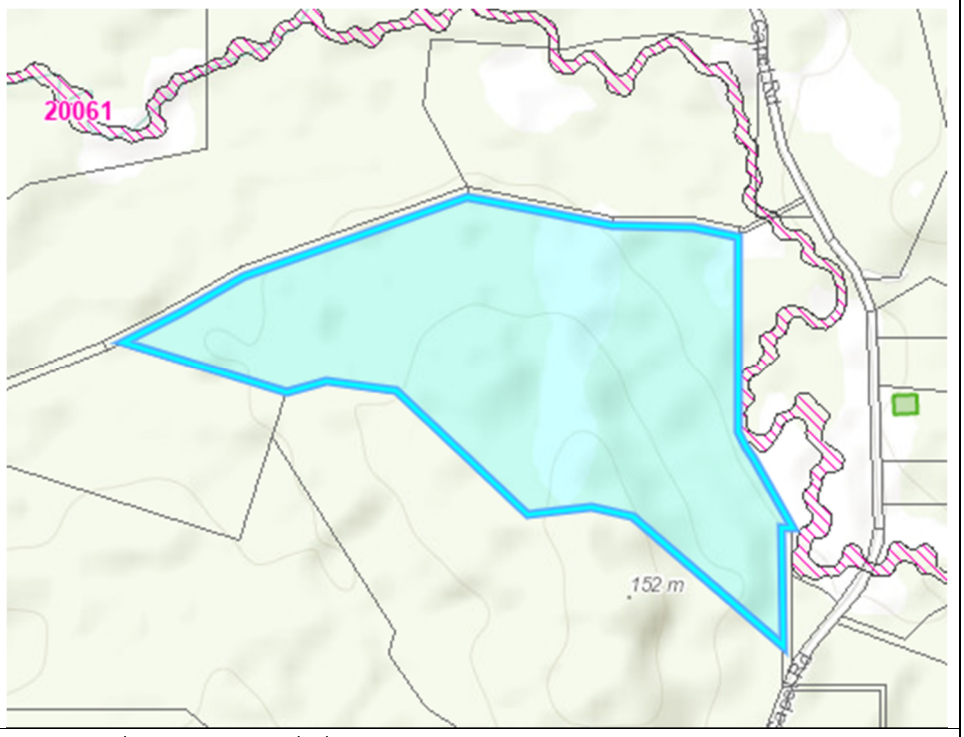
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | to cease works and notify authorities should any unregistered sites or artefacts be discovered during ground disturbance, or if off-site impacts from the extractive operations may affect the heritage site.<br><br>The figure below demonstrates the location of the known Aboriginal Cultural Heritage Place.<br>  <br> |
| (m) the compatibility of the development with its setting, including: | |
| (i) the compatibility of the development with the desired future character of its setting | The proposal is for a limited five-year extraction period, after which the area will be rehabilitated and returned to pasture and rural use. This approach is considered consistent with the desired future rural landscape of the locality, and will not adversely affect the long-term amenity, visual character, or rural nature of the area or surrounding properties. |
| (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development | The proposal does not adequately address the potential impacts of the extractive industry on the adjoining equine therapy business. Objectors have raised concerns regarding possible adverse effects. Given the specialised nature of this business and the potential for extractive industry operational noise or other disturbances to disrupt horse training and handling, it is recommended that approval be limited to Stages 1 and 2 at this time. Further stages should only be considered following the submission and assessment of an additional risk and amenity assessment, specifically addressing the potential impacts on the operational equine therapy business. |
| (n) the amenity of the locality including | |
| (i) environmental impacts of the development | Concerns remain regarding the ability to achieve and maintain the minimum 0.5 m separation to groundwater within Stages 3 and 4. Consistent with DPIRD's position, officers recommend that only Stages 1 and 2 be approved at this stage. Given the |

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|---|---|
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| | potential for dust and noise, it is recommended that conditions be imposed requiring the implementation of dedicated Dust and Noise Management Plans. The development will be subject to conditions and is not expected to generate significant adverse environmental impacts. It should be noted that any quarrying or processing activity above 5,000per annum will require a works approval from the Department of Water and Environmental Regulation (DWER), meaning that DWER will also be involved in assessing environmental impacts during the operation of the extractive industry. |
| (ii) the character of the locality | Extraction operations limited to Stages 1 and 2 are considered compatible with the rural character of the locality. The limited duration of extraction, combined with the rehabilitation of the land to pasture, ensures that the rural landscape and visual amenity are maintained. Concerns regarding Stages 3 and 4 and their potential impact on visual amenity have already been noted. |
| (iii) social impacts of the development | Some objections were received from neighbouring landowners during consultation. However, approval limited to Stages 1 and 2 can be effectively managed through the implementation of appropriate management practices, including dust and noise controls, and is not expected to generate significant adverse social impacts. |
| (o) likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate their impact | Clearing of Native Vegetation – Clause 4.8 LPS7<br>• LPS7 allows the Shire to limit and control the clearing of native vegetation associated with any development proposal.<br>• The property is primarily pasture/cropping areas with some isolated native vegetation and two small patches of remnant vegetation. The proposed gravel pits will be located entirely within cleared areas.<br>• This approach is consistent with Clause 4.8, which aims to protect remaining native vegetation. As with previously approved extractive industry applications, any remaining vegetation will be secured with a buffer between the extraction areas and native bushland as a condition of approval, if granted.<br>• Any clearing of native vegetation would require approval from the Department of Water and Environmental Regulation (DWER) unless exempt under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004.*<br>The applicant has provided management practices addressing weeds, water, rehabilitation, and dieback, which have been considered by relevant government agencies. Some of these practices will require further refinement prior to implementation, and conditions and advice have been recommended to ensure the ongoing protection of the natural environment. |
| (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 | No clearing of native vegetation is required for the proposed development, and the existing native vegetation areas will be retained and protected. The Department of Biodiversity, Conservation and Attractions (DBCA) has recommended that a 6-metre setback be maintained from the drip line of existing vegetation. This requirement is imposed as a condition. |

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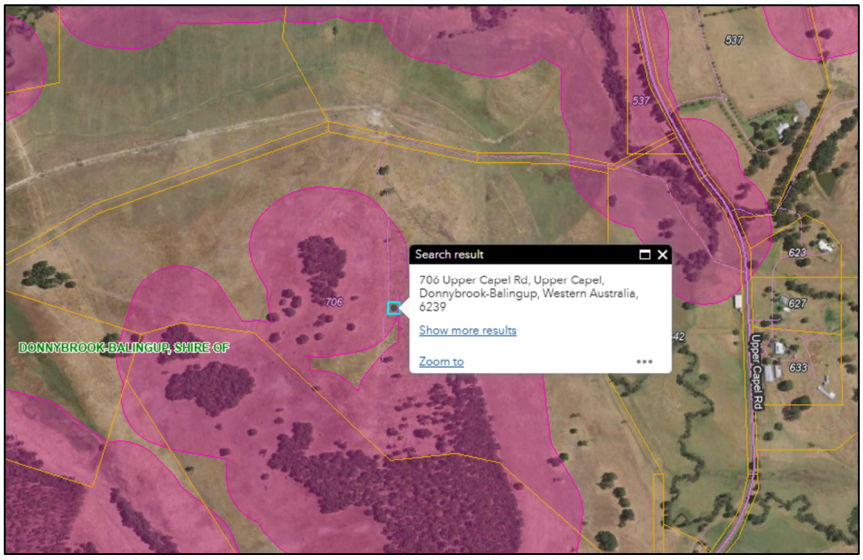
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk | Parts of the property are designated as bushfire prone, as mapped by the Department of Fire and Emergency Services (DFES).<br>  <br>Clause 4.42 – Bush Fire Hazard and Fire Management Plans<br>• LPS7 requires the Shire to assess development proposals on bushfire-prone land and ensure compliance with relevant State and local government policy on bushfire protection.<br>• The majority of the proposed gravel pit area is within the designated bushfire-prone zones.<br>• No habitable buildings are proposed as part of the development. While staff will be on-site during operations, the development is considered low-risk and exempt from the requirements of State Planning Policy 3.7 – Bushfire Protection.<br>• The applicant will still be required to comply with the Shire's annual Fire Prevention Order, as well as DFES Total Fire Ban days and Shire Harvest Vehicle Movement Bans during operations.<br>The land is considered suitable for the proposed gravel extraction, with bushfire risks manageable through operational compliance with existing fire requirements. |
| (r) the suitability of the land for the development taking into account the possible risk to human health or safety | Stages 1 and 2 are considered suitable for the proposed gravel extraction, given the importance of securing the gravel resources. To ensure potential risks to human health and safety are managed, staff and agencies have recommended the implementation of Dust and Noise Management Plans. These plans will mitigate potential impacts and ensure that the proposal operates within acceptable environmental and safety standards. |
| (s) the adequacy of: | |
| (i) the proposed means of access to and egress from the site | Clause 4.32 of LPS7 allows the Shire to set standards for the position and construction of crossovers onto roads. Staff have recommended the following:<br>• The crossover and the first 50 metres of the driveway inside the property are to be bitumen sealed at the applicant's cost, to the satisfaction of the Shire. |

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|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | • The applicant shall, at their cost, widen (to a width of 7.2 m) and seal Upper Capel Road for a distance of 50 metres in each direction from the crossover, to the satisfaction of the Shire.<br>• The applicant shall enter into an agreement with the Shire to pay a road maintenance contribution, determined in accordance with the Western Australian Local Government Association (WALGA) document *"Estimating the Cost Impact on Sealed Local Roads from Additional Freight Tasks" (May 2015)*, based on the volume of gravel extracted from the site, to the satisfaction of the Shire. |
| (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles | All loading, unloading, manoeuvring, and parking of vehicles will occur within the boundaries of the property, ensuring that operations do not impact the public road network. |
| (t) 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 | The additional vehicle movements generated by the proposed gravel extraction are considered consistent with the scale of other farm operations in the area.<br>• The application was referred to Main Roads WA, who raised no objections to the proposal proceeding.<br>• The Shire's Engineering Services have recommended some upgrades to Upper Capel Road to support safe access.<br>• Staff have also recommended the installation of advance warning signs along Beelerup Road during operational periods to manage traffic safety.<br>Overall, the traffic generated by the development is considered acceptable, and appropriate measures are recommended to ensure road safety and capacity are maintained. |
| (u) the availability and adequacy for the development of the following: | |
| (i) public transport services | Not applicable. |
| (ii) public utility services | Not applicable. |
| (iii) storage, management and collection of waste; | Not applicable. |
| (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) | Not applicable. |
| (v) access by older people and people with disability; | Not applicable. |
| (v) potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses | Not applicable. |

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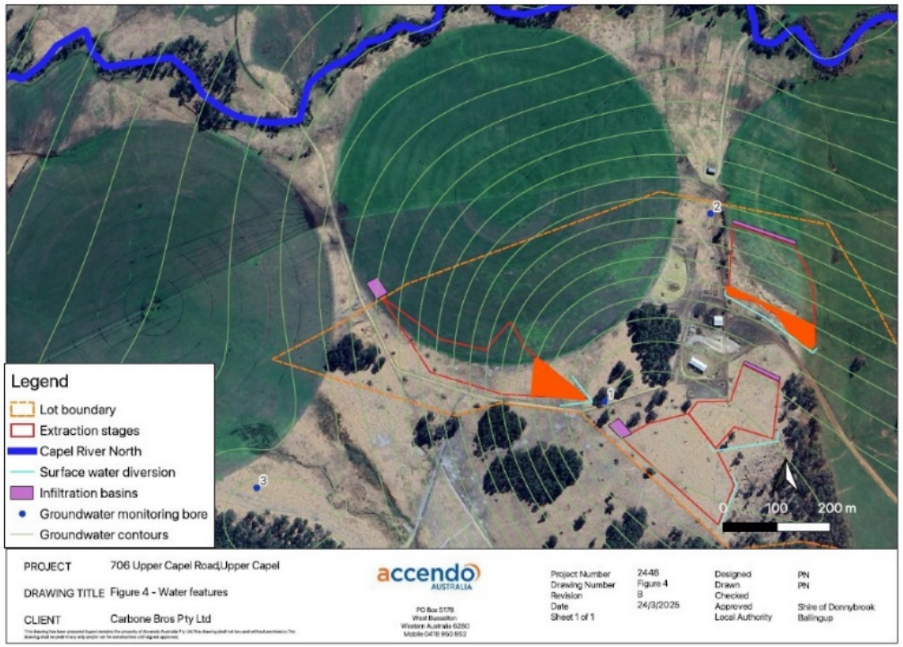
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (w) history of the site where the development is to be located | The lot is currently used for agricultural purposes. Stages 1 and 2 have primarily been used for pasture, while Stages 3 and 4 may impact existing crop circles. |
| (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals | The Shire and the broader community will benefit from the local availability of basic construction materials, such as gravel. These resources are essential for supporting development and infrastructure, including sand pads for housing construction and gravel for road building and maintenance. |
| (y) any submissions received on the application; | Refer to the Consultation – Public Submissions section in the Agenda Item. |
| (za) the comments or submissions received from any authority consulted | Refer to the Consultation – Government/Service Agencies section in the Agenda Item. |
| (zb) any other planning consideration the local government considers appropriate | The Shire of Donnybrook-Balingup Extractive Industries Local Law 2016 requires that any person carrying out an extractive industry must, in addition to obtaining development approval, hold a valid and current Extractive Industry Licence. The criteria within the Local Law are generally assessed as part of the planning process.<br>The Local Law regulates the operational aspects of extractive industries, including:<br>• Licensing requirements, fees, transfers, cancellations, and renewals, including the Shire's power to cancel a licence for non-compliance;<br>• Payment of bonds for restoration and reinstatement works;<br>• Excavation limitations near boundaries and required setbacks;<br>• Blasting controls;<br>• Requirement for public liability insurance;<br>• Compliance with the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986*;<br>• Requirements for ceasing operations and reinstatement upon closure;<br>• Objections and appeals procedures; and<br>• Modified penalties and fines for non-compliance.<br>The Extractive Industry Licence, issued under the Local Law, complements the development approval and recommended conditions to ensure the proposal operates safely and without generating adverse impacts on the surrounding area. |

-Schedule of Submissions for applicant comment

RE: P25015 A5439 Lot 77 (706) Upper Capel Road, Upper Capel – Extractive Industry (Gravel)

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| Main Roads WA | Main Roads has no objection to the proposed Gravel Extractive Industry. | Noted |
| Public Transport Authority (PTA) | The Public Transport Authority (PTA) has no objections to this proposal. | Noted |
| Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) | DEMIRS has determined this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. | Noted |
| Department of Planning, Lands and heritage – Aboriginal Cultural Heritage | A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites. Therefore, based on the current information held by DPLH, no approvals under the Aboriginal Heritage Act 1972 (AHA) are required in this instance.<br><br>DPLH also advises the following:<br>• The granting of the development approval does not impact the Aboriginal heritage of the area;<br>• Given that the granting of the development approval will facilitate works in the area the proponent (Carbone Bros Pty Ltd) needs to contact the Aboriginal Heritage Conservation Team for their own advice prior to the commencement of works;<br>• It should be emphasised to the proponents that the granting of the development approval does not count as approval under the AHA. | Noted |
| Department of Biodiversity Conservation and | The Accendo Works and Excavation Plan (v2 26 February 2025) depicts the proposed extent of the extractive works. If any future native vegetation clearing is proposed, the proponent should seek advice from the Department | No clearing of native vegetation will occur. Supporting documentation has been updated to include 6 metre buffer. |

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| Attractions (DBCA) | of Water and Environmental Regulation (DWER) in relation to clearing permit requirements. If a clearing permit is required, DBCA expects that the environmental values that are likely to be impacted by the proposed development will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER.<br><br>The proposed extraction area is within close proximity to retained native vegetation. DBCA recommends that a 6-metre-wide buffer between the extraction area and retained vegetation be located outside the tree crown drip zone, with the buffer being measured from the crown drip zone rather than the tree trunk. The vegetation buffer should consist of suitable demarcation materials to protect the retained trees and tree roots from accidental vehicle damage, soil compaction and tree root exposure.<br><br>DBCA recommends that stockpiles are located outside the tree buffer areas to minimise potential impacts to the remnant vegetation. | |
| Department of Primary Industries and Regional Development (DPIRD) | **Final Submission 5/05/2025**<br>DPIRD assessed updated Figure 4 (bore sites included) and found the following:<br>• Groundwater contours are not marked<br>• DPIRD used interpolation to determine the contour values between groundwater bore 1 (2.16 mBGL) and 2 (0.99 mBGL)<br>• Applicant mentioned that any areas where 1.5 m of extraction would result in less than 0.5 m separation to groundwater is excluded from this application<br>• Using the interpolation to determine contour values – only stage 1 and 2 will be able to maintain a 0.5 m separation to groundwater after the removal of 1.5 m<br>• Only the areas marked (orange colour) in stage 3 and 4 will be able to maintain a 0.5 m separation to groundwater after the removal of 1.5 m<br><br>DPIRD is only able to support the extraction of stage 1 and 2 at this stage. | **Environmental Consultant Comments**<br>**14/05/2025 – Response to DPIRD Final Submission**<br>The groundwater contours marked in green on this figure were produced from the groundwater bores and the level of the creek line not only bore 1 and bore 2. This is the reason for the difference in the contours. The elevation of the contours have been included on this figure for reference. These contours were then used to determine the areas in which 0.5 m separation to groundwater will still be achievable after the extraction of 1.5 m of material.<br><br>**30/04/2025 – Response to DPIRD original submission**<br>**Groundwater Monitoring Bores**<br>***DPIRD Comment***<br>*The locations of the groundwater monitoring bores are not indicated on any of the included maps. This omission* |

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| | DPIRD recommends that the application be send to the Department of Water and Environmental Regulation (DWER) to assess if a separation of 0.5 m to groundwater will be maintained after the removal of 1.5 m of gravel.<br><br>  <br> | *hinders effective assessment and interpretation of the groundwater monitoring data*.<br>Response<br>Figure 4 has been amended to show groundwater monitoring bore locations and is attached to this response.<br><br>Groundwater Levels<br>*DPIRD Comment*<br>*According to the groundwater monitoring data provided in Appendices B and D, two monitoring bores (MW2 and MW3) record groundwater levels at less than 1 metres below ground level (BGL). Specifically, MW2 is at 0.99 m BGL and MW3 at 0.465 m BGL.*<br><br>Separation to Groundwater Table<br>*DPIRD Comment*<br>*With groundwater levels already below 1 m BGL, DPIRD is concerned that the applicant may not be able to maintain a minimum 0.5 m separation from the maximum groundwater table. Notably, MW3 is already within 0.5 m of the surface.* |
| | **Original Submission 28/04/2025**<br>The Department of Primary Industries and Regional Development (DPIRD) **does not support** the proposed extractive industry (gravel) at the abovementioned lot, and would like to provide the following comments:<br><br>• Groundwater Monitoring Bores: The locations of the groundwater monitoring bores are not indicated on any of the included maps. This omission hinders effective assessment and interpretation of the groundwater monitoring data.<br>• Groundwater Levels: According to the groundwater monitoring data provided in Appendices B and D, two monitoring bores (MW2 and | Response<br>Groundwater readings and surrounding creek lines were used to produce groundwater contours. These contours were then used to inform the extraction areas, with any areas where 1.5 m of extraction would result in less than 0.5 m separation to groundwater being excluded from this application. The area adjacent to MW3 was not included within the proposed extraction area due to the lack of separation to groundwater observed. The closest extraction to MW3 is located at a distance greater than 380 m to ensure adequate separation is possible. |

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| | MW3) record groundwater levels at less than 1 metre below ground level (BGL). Specifically, MW2 is at 0.99m BGL and MW3 at 0.465m BGL.<br>• Separation to Groundwater Table: With groundwater levels already below 1m BGL, DPIRD is concerned that the applicant may not be able to maintain a minimum 0.5m separation from the maximum groundwater table. Notably, MW3 is already within 0.5m of the surface.<br>• Weed Management Plan: DPIRD has assessed the Weed Management Plan and found that it meets the basic requirements. The plan should be implemented during both the operational and rehabilitation phases of the project. | |
| Department of Water and Environmental Regulation (DWER) | Due to insufficient groundwater information (Issue 2 below) to conduct an adequate assessment, DWER is **unable to support this proposal** in its current form and additional information is therefore required.<br><br>We have identified that the proposal will impact on the environment and water resource management. Key issues and recommendations are provided below, and these matters must be addressed to the satisfaction of the Department: | |
| | **Issue 1**: The proposed operations may be categorised as Prescribed Premises under the *Environmental Protection Regulations* 1987<br><br>**Advice 1**: The following is advised:<br><br>a) As the proposal is likely to exceed the threshold for a prescribed premises (Category 12: >50,000 tonnes/year or Category 70: >5,000 but < 50,000 tonnes/year), it is likely to require a works approval/license for a Prescribed Premises under the EP Act 1986<br>b) As such, the proponent is to strongly advised to contact DWER's Industry Regulation branch regarding a works approval/license at info@dwer.wa.gov.au or 6364 7000<br>c) The Applicant is to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals | Noted |

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| | Issue 2: Groundwater and pit floor levels<br><br>Advice 2: The following is advised/requested:<br><br>a) Additional information be provided to the satisfaction of the Shire, in consultation with DWER, to confirm that a 0.5 metre separation to the highest groundwater can be achieved:<br>1) Monitoring bore measurements in metres AHD of the 'top of casing' and 'natural ground surface' (and any other relevant data) at the bore locations be provided to supplement the existing information in Appendix B – clearly showing how groundwater levels in metres AHD have been arrived at<br>2) Bore construction details be provided including bore depth, screen interval, lithology (and any other relevant information)<br>3) Ideally, a suitable additional bore location within the extraction area be provided as appropriate<br>4) A comparison of on-site measurements to historical groundwater data and historical rainfall figures to ensure the maximum groundwater level has been captured<br>5) Details on how bore surface water levels; and creek line values were used to determine groundwater contours, such as, but not limited to survey location details (if based on surveyed surface water levels, or other basis of measurement)<br>b) For clarity, a map be provided showing groundwater contours superimposed over natural surface contours, labelled monitoring bores and imagery<br>c) The department advises that the highest groundwater occurs between August to early October (late winter to early spring) depending upon rainfall | 1) Appendix B has been updated.<br><br>2) No bore logs or construction details are available.<br>3) This is not considered necessary as data has been sourced from bores and the creekline.<br>4) WMP has been updated to include this information. Winter rainfall for 2024 (611 mm) was the highest since 2017 and higher than the average from these years (525 mm).<br>5) Bore and surface water were taken from a combination of the site survey undertaken and provided as Appendix C of the works and excavation plan and from Google Earth for the Capel River North. From these measurements, groundwater contours were created using QGIS. |
| | Issue 3: Stormwater management<br><br>Advice 3: The following is advised: | Will be addressed once conditions have been finalised. |

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| | a) **Recommended Condition:** The Stormwater Management Plan (Water Management Plan V2) is to be amended and approved to the satisfaction of the Shire, consistent with DWER's *Water Quality Protection Note 15 - Basic Raw Materials Extraction* (July 2019)<br>b) **Advice note:** The Stormwater Management Plan is to include additional details (as appropriate), such as, but not limited to:<br>▪ Perimeter bund, diversion bund and diversion drain details<br>▪ Stockpile management<br>▪ Stormwater flow directions in context of ground contours<br>▪ Detention basin maintenance schedule and<br>▪ Silt trap design | |
| | **Issue 4**: Water supply<br>**Advice 4**: The following is advised:<br>a) **Recommended Condition**: The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire.<br>b) **Advice**: The proponent is to provide details of the offsite water source, and is strongly advised to contact DWER's Bunbury water licensing branch on 97264111 to determine if there are any potential licensing requirements for the take of water to support the proposed extraction activities | Will be addressed once conditions are finalised. |
| | **Issue 5**: Environmental risks<br>**Advice 5**: The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 '*Basic raw materials extraction*' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated | Noted |
| | **Issue 6**: Dieback management plan | Noted |

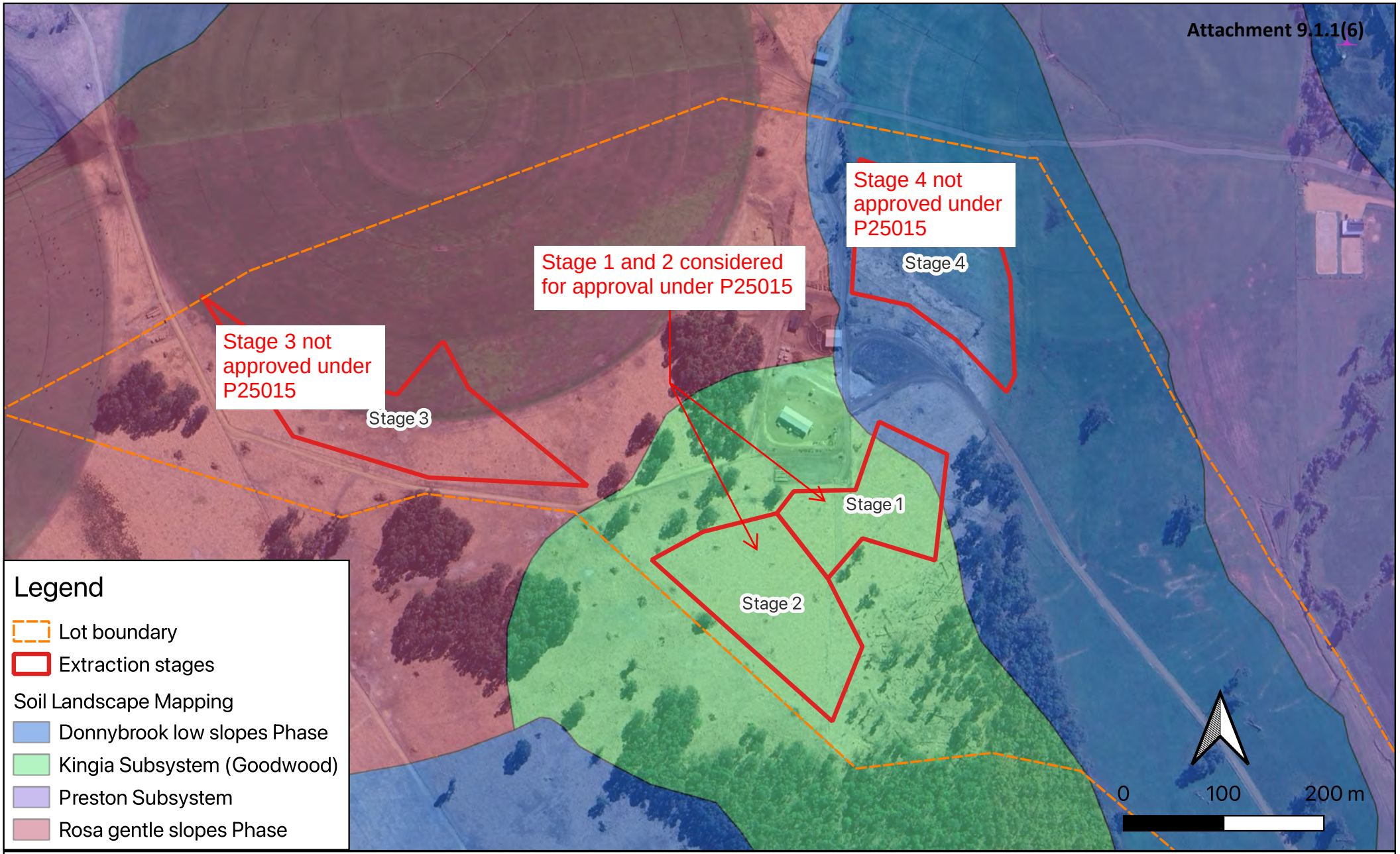
| Submissions – Agency | | Applicant Comments |
|---|---|---|
| | **Advice 6**: The Dieback Management measures provided in Section 5.4 of the Excavation Plan V2 is to be reviewed, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries | |
| | **Issue 7**: Staging Plan<br><br>**Advice 7**: **Recommended Condition**: Extraction must be undertaken in accordance with an agreed staging plan, as approved by the local government. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation | Noted |
| | **Issue 8**: Rehabilitation plan and final landform<br><br>**Advice 8**: The following is advised:<br><br>a) **Recommended Condition**: The Excavation and Rehabilitation Plan is to be approved and implemented to the satisfaction of the Shire consistent with WQPN 15 and the Guidelines for Preparing Mine Closure Plans, and covering the intended staging, final landform, proposed post extraction land use, successful rehabilitation criteria and rehabilitation schedule<br>b) **Advice:** Due to the 'General Agriculture' zoning of the subject land, the Shire is advised to consult with DPIRD regarding the potential impacts the removal of material would have on the agricultural landuse post-rehabilitation | Noted. Furthermore, the proponent has entered an agreement with the landowner committing to ensuring the final land use is suitable for general agriculture. |
| | **Issue 9**: Fuel and chemical management<br><br>**Advice 9**: Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – '*Toxic and Hazardous Substance Storage and Use*' (Dec 2018). Contingencies for spills should be in accordance with WQPN 10 – '*Contaminant spills — emergency response plan*' (May 2020) | Noted |

| Submissions – Agency | | Applicant Comments |
|---|---|---|
| | | |
| | Issue 10: Noise<br>Advice 10: Please refer to the attached document 'Technical Report- Noise- Gravel extractive industry- L77 Upper Capel Rd- Upper Capel – FINAL.pdf' | A Noise Assessment has been undertaken and is provided with this response. Modelling undertaken as part of this assessment shows that with the management actions proposed compliance with the *Environmental Protection (Noise) Regulations 1997* will be achieved at all sensitive receptors. |
| | Issue 11: Dust<br>Advice 11: Please refer to the attachment 'AQ2185-M AQ Final__For Shire_PA 071065_DW_External version.pdf' | Recommendations have been included in the updated Dust Management Plan. |
| **Submissions – Public – Summary of Key Concerns Raised** | | **Applicant Comments** |
| 1. Road Safety and Traffic Hazards<br>• Narrow and Unsuitable Roads: Upper Capel Road is narrow, winding, steep, and structurally unsuited for frequent heavy vehicle use.<br>• Driveway and Visibility Risks: Some residences (including one just 50m from the road) face steep crests and limited sightlines, making driveway entry/exit dangerous.<br>• Increased Heavy Vehicle Movements: Unclear but potentially escalating truck movements (3 to 12+ per day) create noise, danger, and disruption.<br>• School Bus and Public Safety Risks: Existing concerns for school transport; increased traffic raises unacceptable risk levels.<br>• Tourist and Recreational Conflict: Upper Capel Road is a tourist route used by cyclists, car clubs, and motorcyclists; gravel trucks pose a safety threat.<br>• Lack of Risk Assessment: No independent transport or road safety analysis has been provided.<br>• Proposed Mitigation: Suggest rerouting trucks via Goodwood Road; maintain road shoulders; avoid school bus hours. | | Main Roads WA has reviewed the proposal and had no objections, indicating the road network and crossings on the transport route are sufficient for the proposed operations.<br>Trucks will not operate on the route during designated periods 15 minutes before and after any expected school bus times. |
| 2. Noise, Dust, and Air Quality<br>• Noise Pollution: Constant disturbance from machinery, crushers, alarms, and engine braking, especially near homes and sensitive training areas. | | A noise assessment has been undertaken which indicates compliance with the *Environmental Protection (Noise)* |

| Submissions – Agency | Applicant Comments |
|---|---|
| • **Dust Generation**: High concern during summer due to prevailing easterly winds. Potential for harmful silica dust and particulate matter.<br>• **Impact on Health**: Dust poses respiratory risks to residents, horses, and therapy clients.<br>• **Lack of Dust Control**: No evidence of effective mitigation or environmental management. | *Regulations 1997* will be achieved at all sensitive receptors.<br>Dust management measures are consistent with DEC 2011 dust guidelines and best practice. No visible dust will cross the premise boundaries. Prevailing easterly winds take dust and noise away from any nearby residences, which are located to the east. Bunding to the south and east of the extraction area will provide protection for nearby sensitive receptors. |
| 3. Visual Amenity and Property Value<br>• **Degraded Rural Character**: Quarry operations conflict with the area's quiet, natural setting.<br>• **Viewshed Impact**: Development on elevated land will be highly visible, reducing landscape amenity.<br>• **Devaluation of Property**: Anticipated drop in property value due to noise, dust, traffic, and industrial intrusion. | A gravel extraction pit is currently already located on Upper Capel Road. Bunding will act to screen the view of the extraction footprint from the road during operations. The operation is relatively short-term and will be progressively rehabilitated back to pasture reinstating the rural aesthetic. |
| 4. Impact on Livelihoods and Local Business<br>• **Equine Therapy Business at Risk**:<br>  ○ Specialised, UK-trained dressage therapist operates a business supporting PTSD, depression, and terminal illness clients.<br>  ○ Business relies on calm, rural setting and noise-free training environment.<br>  ○ Quarry risks making business unviable due to disruption, danger, and declining client confidence.<br>• **High-Value Livestock Transport Risk**: Regular transport of elite horses increases stakes of any incident involving heavy trucks. | Bunding will act to screen the view of the extraction footprint from the equine therapy business during operations. The operation is relatively short-term and will be progressively rehabilitated back to pasture reinstating the rural aesthetic.<br>Main Roads WA has reviewed the proposal and had no objections, indicating the road network and crossings on the transport route are sufficient for the proposed operations. |
| 5. Environmental and Cumulative Impacts<br>• **Biodiversity and Soil Health**: Concern over large-scale (~80,000m²) impact on local flora, fauna, groundwater, and soil.<br>• **Inadequate Drainage**: Existing water runoff issues may worsen; increased flooding risk to neighbouring properties. | Impacts to flora, fauna, groundwater and soil have been discussed within the supporting documentation and are expected to be low.<br>No change to surface water flow is expected due to the operations. |
| 6. Compatibility and Proximity Concerns<br>• **Proximity to Sensitive Land Uses**: | Area is zoned general agriculture, not rural residential or recreational and the site will be progressively |

| Submissions – Agency | Applicant Comments |
|---|---|
| ○ Stage 4 located within 200–300m of residences and equestrian areas.<br>○ Too close to livestock, pets, and recreational areas.<br>• **Incompatible Land Use**: Intensive industrial activity directly conflicts with surrounding rural-residential and recreational uses. | rehabilitation back to pasture in accordance with the zoning. |
| 7. Amenity and Lifestyle Disruption<br>• **Loss of Livability**: Residents fear significant decline in their use and enjoyment of land (e.g., sports, recreation, animal care).<br>• **Change in Community Character**: Introduction of quarry changes the rural lifestyle appeal, prompting concerns about long-term sustainability of the area's land use. | A gravel extraction pit is currently already located on Upper Capel Road. Bunding will act to screen the view of the extraction footprint from the road during operations. The operation is relatively short-term and will be progressively rehabilitated back to pasture reinstating the rural aesthetic. |
| 8. Procedural and Documentation Issues<br>• **Incorrect Landowner Consent**: Application inaccurately lists landowner permissions—John Fry not authorised for all relevant lots.<br>• **Incorrect Complaint Contact**: Noise complaints wrongly directed to the City of Busselton instead of the Shire of Donnybrook–Balingup.<br>• **Lack of Disclosure at Sale**: Quarry plans were likely known but not disclosed during property purchases, raising concerns of misleading conduct. | The proposal is on the one lot 77, owned by John Fry.<br><br>Complaint contact has been updated.<br><br>The proponent was not involved in property purchases. |
| 9. Community Requests and Proposed Measures<br>• Reroute truck access via **Goodwood Road**.<br>• Enforce **working hour limitations** and provide **advance notice** of activities.<br>• Install **screening**, apply **dust suppression**, and limit noise-generating machinery use.<br>• Conduct **independent road safety and environmental assessments**.<br>• Maintain **road shoulders and verges** regularly. | Working hours will be limited to 7am to 5 pm Weekdays or in accordance with the Extractive Industry Licence. Bunding will be in place and dust suppression measures in accordance with DEC 2011 dust guidelines and best practice will be implemented.<br>Feedback has been received by Government bodies responsible for road safety (Main roads WA) and environmental factors (DBCA, DWER and DPIRD).<br>The proponent has recommended that a condition be placed within the EIL providing for a road maintenance levy determined as per the Western Australia Local Government Association (WALGA) document '*Estimating the Cost Impact on Sealed Local Roads from Additional* |

| Submissions – Agency | Applicant Comments |
| --- | --- |
| | *Freight Tasks'* (May 2015) related to all gravel removed from the operations. |




PROJECT 706 Upper Capel Road,Upper Capel

DRAWING TITLE Figure 3 - Soil landscape mapping

CLIENT Carbone Bros Pty Ltd

This drawing has been prepared by,and remains the property of Accendo Australia Pty Ltd.This drawing shall not be used without permission.The drawing shall be preliminary only and/or not for construction until signed approved.

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| | | | |
|---|---|---|---|
| Project Number | 2448 | Designed | PN |
| Drawing Number | Figure 3 | Drawn | PN |
| Revision | A | Checked | |
| Date | 20/2/2025 | Approved | |
| Sheet 1 of 1 | | Local Authority | Shire of Donnybrook Ballingup |

# Extractive Industries Licence Application and Environmental Management Plan Rev 0.6

Proposal for Sand Extraction in Addition to Previous Approval P22022 for Gravel

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## Lot 10 Donnybrook Boyup Brook Road Yabberup, Shire of Donnybrook-Balingup

REPORT PREPARED BY
LUNDSTROM ENVIRONMENTAL CONSULTANTS PTY LTD

# Lot 10 (2038) Donnybrook Boyup Brook Road Yabberup, Shire of Donnybrook-Balingup

## Proposal for Sand Extraction in Addition to Previous Approval P22022 for Gravel

## Version Reference: 0.6

Date: May 2025

Prepared by Lundstrom Environmental Consultants Pty Ltd for Westwall Holdings Pty Ltd

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Version Register

| Version No. | Description | Author | Reviewed by | Date |
|---|---|---|---|---|
| 0.1 | Final | S.Talvelkar | M. Lundstrom | April 2022 |
| 0.2 | Final Revised | S.Talvelkar | M.Lundstrom | May 2022 |
| 0.3 | Revised after Public Comment | S.Talvelkar | M.Lundstrom | February 2023 |
| 0.4 | Revised after DA issued | S.Talvelkar | M.Lundstrom | January 2024 |
| 0.5 | Additional revision | D.Bestry | M. Lundstrom | November 2024 |
| 0.6 | Additional revision | V.Gorskaia | M. Lundstrom | May 2025 |

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# 1 INTRODUCTION

The purpose of this report is to provide all the necessary information required in support of an amendment to the Development Approval (DA) 22022 Extractive Industries Licence (EIL) application (Appendix 1) by the proponent, Westwall Holdings. DA 22022 is an approval for gravel extraction only, but since sand has been found within the proposed footprint, after further detailed investigation, it is now requested that the application be amended to include sand as well.

This application is for extraction of sand in 4.4ha within a total area of 12.7ha, in three of the approved six stages. This report sets out the details required by the Shire of Donnybrook-Balingup for the extraction of sand on the property and provides an environmental assessment of the proposal and environmental management plans.

The landowner has provided Westwall Holdings with consent to the project (Appendix 2).

# 2 PROPERTY DESCRIPTION, OWNERSHIP AND LOCALITY

The property is situated approximately 18km from the intersection of Donnybrook Boyup Brook Road and South-western Highway. A locality plan is included as Figure 1. The property description and ownership are summarised in Table 1.

Table 1. Property description

| | |
|---|---|
| **Property Description:** | Lot 10 Donnybrook Boyup Brook Road<br>Yabberup<br>Shire of Donnybrook-Balingup |

Lot 10:

| | |
|---|---|
| **Deposited Plan** | 95632 |
| **Volume** | 2156 |
| **Folio** | 66 |
| **Area:** | 40.7806ha |
| **Ownership** | Old Valley PTY LTD |

The properties intersect pending Exploration Licence 70/5871 applied by Preston River Lithium Pty Ltd, however surface rights would not be affected, so the tenement holder will not have access to surface resources such as basic raw materials.

# 3 DESCRIPTION OF THE SITE AND ITS SURROUNDS

## 3.1 PRESENT LAND USE

The property is currently used as a vineyard. The extraction area will be rehabilitated back to irrigated pastures for intensive sheep farming after completion of operations.

Figure 2 illustrates the land use of the property and its immediate surrounds.

## 3.2 TOPOGRAPHY

The elevation of the subject areas ranges between 117m AHD and 190m AHD and generally falls towards the north and north-east.

Current slopes across the proposed EIL areas range between approximately 1:28 (3.57%) and 1:8 (12.8%).

## 3.3 SURFACE WATER, DRAINAGE AND WETLANDS

The property is not situated within a *Rights in Water Irrigation Act 1914* (RIWI) Surface Water Proclamation Area.

The Preston River is approximately 560m north of the closest boundary of the proposed extraction area. Preston River tributaries flowing from the south, are adjoining the proposed extraction area on the west and east at approximately 200m and 400m respectively. The tributaries flow through the farm dams, as shown in Figure 2 (Landgate, 2022).

The tributary flowing on the west of the proposed operation will be protected by the proposed operation by the mechanism of a 40m buffer between the tributary and the proposed area.

The site is located within the Leschenault Estuary – Preston River Catchment within the upper Preston sub catchment.

There are no wetlands present within 1.5km of the proposed extraction areas.

The site and does not fall in a Public Drinking Water Source Area (Landgate, 2022).

The Old Valley Pty Ltd has a Surface Water Licence, 66218 which expires in October 2033 (DWER, 2024).

Details of the methods that will be used to manage stormwater and off-site sedimentation are discussed in Section 5.5 of this report.

## 3.4 GEOLOGY AND SOILS

The underlying geology of a metamorphic/granitic rocks of the Yilgarin craton. In places, weathered granitic materials are overlain by ferruginous duricrust, massive to rubbly and include iron-cemented reworked products. ((GeoVIEW, 2022), (Dawe, 1998), (EPP, 2014)). In the area, which is the subject of this report, good quality sand has been found to occur to the exclusion of laterite gravel. The sand is an erosion product of the underlying granitic material.

Within the proposed extraction area sand has been found to occur in 4.4ha of the proposed total area of 12.7 ha.

The excavation depth will be approximately one and a half metres below current ground level. After rehabilitation, the final landsurface will be approximately one metre below the current ground level.

## 3.5 GROUNDWATER HYDROLOGY

Due to presence of granitic material or rocks in the shallow subsurface, ground water occurrence is limited to localized small aquifers associated with deeper accumulations of sandy materials or in fractured rock aquifers. Water table is approximately 20m deep but is limited due to impervious nature of rock.

The Site is not situated within a *Rights in Water Irrigation Act 1914*(RIWI) Groundwater Proclamation Area (Landgate, 2022).

## 3.6 VEGETATION AND FAUNA

There will be no clearing of native vegetation since the entire area proposed for gravel and sand extraction is currently planted to grapes. The surrounding native vegetation will not be disturbed and are protected by a buffer of 10m from the extractive activities.

The surrounding native vegetation type is categorized as Queenwood and Balingup Vegetation Complex (Landgate, 2022). Species present in these areas are *Eucalyptus marginata, Corymbia calophylla* and *Eucalyptus wandoo* (Beard, 2005).

No Threatened species listed under the EPBC Act or gazetted as Declared Rare Flora (Threatened) pursuant to the BC Act were observed in the proposed extraction area.

No Threatened or Priority Ecological Communities are present in the proposed extraction Area.

## 3.7 ENVIRONMENTALLY SENSITIVE AREAS

An Environmentally Sensitive Area (ESA) is an area where the vegetation has high conservation value and cannot be cleared. ESAs are declared by the Minister in the Environmental Protection (Environmentally Sensitive Areas) Notice 55 (2005) under section 51B of the Environmental Protection Act 1986. There are no Environmentally Sensitive Areas (ESA) as defined by the Clearing Regulations (DWER, 2019a) within or adjacent to the proposed EIL area.

## 3.8 CURRENT ZONING AND EXISTING INFRASTRUCTURE

Lots 10 is zoned as “Priority Agriculture”, in terms of the Shire of Donnybrook-Balingup Local Planning Scheme No.7 (DPLH, 2022).

## 3.9 BUSHFIRE PRONE AREAS

Quarter of the proposed extraction area, the western boundary falls within a bushfire prone area as designated by the Fire and Emergency Services (FES) Commissioner on 1 June 2018. However, the threat of bushfire from this operation is considered low, since the development area is on cleared agricultural land.

## 3.10 CLOSEST RESIDENCES

The EPA draft Environmental Assessment Guidelines “Separation distances between Industrial and sensitive land uses” lists the generic buffer for extractive industries where “grinding and milling works but no blasting” are proposed as 500-1,000m, depending on the type of processing (EPA, 2015). The operation is considered “low scale”, since only up to 2ha of area will be disturbed at a time; 500m buffer would be adequate.

The closest structures to the outer boundaries of the extraction area are identified on Figure 2. There are nine structures located within 1km of the proposed extraction areas, as shown in Table 2.

Table 2. Structures Within 1km Radius of Proposed Extraction Area

| Reference No. on Figure 2 | Lot no. | Distance to closest area of pit (metres) |
|---|---|---|
| Structure 1 | 2482 | 516 W |
| Structure 2 | 800 | 545 NW |
| Structure 3 | 144 | 608 NE |
| Structure 4 | 143 | 650 N |
| Structure 5 | 11 | 697 NW |
| Structure 6 | 3594 | 753 NE |
| Structure 7 | 6 | 925 NE |
| Structure 8 | 1 | 978 W |
| Structure 9 | 539 | 950 N |

There are no structures within 500m of the closest boundary of the operation area. The nearest structure S1 is 516m west from the closest boundary of Stage 5.

# 4 THE DEVELOPMENT PROPOSAL

## 4.1 PREVIOUS SAND EXTRACTION

No previous commercial scale sand extraction has occurred on the property.

## 4.2 PROPOSED SAND EXTRACTION

Westwall Holdings intend to extract approximately 88,000 tonnes of sand from the areas indicated on Figure 3 in Stages 1, 3a and 5a whose areas are 2.2, 1.1 and 1.1 hectares respectively and these areas are shown on Figure 3. This sand will be extracted over a period of five years in stages. The total area to be disturbed is approximately 4.4ha and excavation will proceed to a depth of approximately one and a half metres.

Gravel also occurs in two of the proposed sand stages, but no concurrent mining of sand and gravel will take place. In each stage, sand will be extracted and placed in a stockpile with the mined area being smoothed and stabilised. Once the area is stabilised, trucks will enter the pit and remove sand as per the demand that exists. Once each extracted area has been stabilised and smoothed, the extraction of gravel may commence, but this will be dependent on demand. The EIL application is for 5 years. Once the extraction phase has been completed, the area will be returned to irrigated pastures to support sheep farming.

The proposed new extraction licence is required for the purpose of undertaking the following activities on the land:

- The proposed extraction area will be cleared of vine plantation in stages, with only the stage being worked on, being cleared, ensuring the disturbed area exposed at any time to a practical minimum.
- Extraction in stages from an area of 4.4ha in three stages as shown in Figure 3. Stages 1, 3a and 5a will involve extraction of approximately 88,000 tonnes of sand in total but will be dependent on demand.
- Topsoil will be removed from the extraction area prior to the commencement of each stage, with only the area targeted for immediate extraction being open. Topsoil will be stockpiled separately along the edges of the extraction area, with stockpiles being no more than 3m high and 18m wide, with batters of 1:3.
- Within each current stage of extraction, a front-end loader will be used to excavate the material. If required, this material may be loaded into screen after which a stacker will be employed to create a product stockpile. The product stockpile will be no more than 3m high with a batter of 1:3.
- Trucks will enter the pit and be loaded from the stockpile by a front-end loader.
- Product stockpiles will be placed in such a way, that they will act as a noise and visual buffer between the crusher and the sensitive receptors.
- Extraction activity will result in the lowering of the ground level by approximately one metre after rehabilitation has occurred.
- At a time, only one stage of up to 2ha will be extracted and will be progressively rehabilitated back to pasture after completion of extraction activities and before moving to the next stage. This will ensure that the area of disturbed land is stabilised, and the disturbed area exposed at any time is kept to a practical minimum.

- Measures to limit noise and dust from the operations are discussed separately in 5.6 and 5.7 below.
- Rehabilitation and stormwater management measures will be implemented.
- The lot boundary buffer of 20m will apply.
- Batters of 1:3 will be maintained throughout the operation. Where possible, topsoil will be replaced and seeded with irrigated pastures for intensive sheep farming on a progressive basis, in fully extracted areas, prior to the commencement of winter.

Table 3 below summarises the actions that are to take place on the property over the next 5-year licence period (2025 to 2030).

Table 3. Proposed Stages of SAND Extraction (Indicative only)

| Stage | Action | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|---|---|---|---|---|---|---|---|
| 1 | Strip, screen and stockpile | | | | | | |
| 1 | Load and truck out | | | | | | |
| 1 | Progressive rehabilitation of 2.1ha | | | | | | |
| 3a | Strip, screen and stockpile | | | | | | |
| 3a | Load and truck out | | | | | | |
| 3a | Progressive rehabilitation of 1.1ha | | | | | | |
| 5b | Strip, screen and stockpile | | | | | | |
| 5b | Load and truck out | | | | | | |
| 5b | Progressive rehabilitation of 1.1ha | | | | | | |
| All | Monitoring and Maintenance | | | | | | |

## 4.3 SITE ACCESS AND EGRESS ROADS

Site access and egress is well established from Donnybrook Boyup Brook Road (Figure 2). The driveway will be upgraded to include bitumen sealing, as per MRWA and Shire specifications.

## 4.4 SCHOOL BUS SCHEDULE

To incorporate the school bus hours, there will be curfew on truck movements to and from the pit, the curfew will be between 0730 and 0840 in the morning, and between 1520 to 1620 in the afternoon, on school days.

## 4.5 ESTIMATED TRAFFIC TO BE GENERATED

Operating times will be 8 am to 5 pm Monday to Friday, excluding public holidays unless otherwise agreed, in writing, by the Shire of Donnybrook Balingup.

The following estimates are made:

| | |
|---|---|
| Estimated annual sand removal: | 18,000 tonnes |
| Number of working days per month: | 22 days |
| Vehicle payloads (GAV's[1]): | Standard rigid truck (14 tonnes) |
| | Single Semi-loader (24 tonnes) |
| Proportional use: | 14 tonner (50%), 24 tonners (50%) |

The above estimates suggest a maximum of 2 truck trips (in total) per day, but this will be dependent on demand, but never more than 10.

There will be no change to the tonnage per annum, nor the truckloads per day as approved in P22022.

[1] General Access Vehicle (in terms of Road Traffic Rules and Regulations 2002)

# 5 POTENTIAL NEGATIVE ENVIRONMENTAL IMPACTS AND PROPOSED MANAGEMENT

Short-term negative environmental impacts are to be expected in the process of all mining actions. These can largely be mitigated over the medium to long term provided that operating procedures are in accordance with acceptable standards and that rehabilitation measures are implemented as proposed. The following listed potential impacts are used as a checklist to ensure that all potential major impacts are addressed.

## 5.1 FLORA AND FAUNA

There will be no clearing of native vegetation since the entire area proposed for gravel and sand extraction is currently planted to grapes. Therefore, it is unlikely there will be significant impact to indigenous flora and fauna. The native vegetation existing nearby the proposed extraction area will not be disturbed and will be protected by a buffer of 10m from the extractive activities.

## 5.2 WEEDS

Westwall Holdings will implement a weed management plan as is described in Appendix 3 of this report.

## 5.3 ALTERATION OF THE LAND SURFACE

After rehabilitation, the land surface will be approximately one metre lower than the original and with the batters of 1:6, and surface smoothing the change will be imperceptible.

## 5.4 VISUAL IMPACT

Whilst a short-term visual impact will occur, once rehabilitation has been completed and pastures regrown, there will be little evidence that extraction has taken place.

The short-term visual impact will be mitigated by managing orientation of quarry faces, progressive rehabilitation, and tree screening.

The direction of working will be down-up the elevation i.e. north to south. Only one stage of approximately 2ha will be worked upon at a time and will be progressively rehabilitated before starting the next stage, to limit the exposure and visual impact from extractive industry operation.

Due to the staged approach and smaller sized stages which are further away from the previously proposed stages, will assist in managing the visual impact(s) associated with the proposal. The earth bunds (topsoil) of 3m height, will be pushed to the edges of extraction area, serving as a visual barrier between most extraction areas and the sensitive receptors.

The topsoil bunds will be seeded with Sudan/Sudax grass to reduce visual and dust impacts. This grass is a great stock feed and grows extremely quickly when watered, to a height of 2m at a rate of about an inch a day. It will act as a great dust suppressant and is also visually attractive. screening equipment will be located on the pit floor, behind these bunds to mitigate noise impact and restrict visibility of these equipment and open pit area. Growing vegetation on the stockpiles also helps reduce topsoil losses through erosion and assists in maintaining biological activity in the soil and protects the regenerative capacity of the natural topsoil (Resources Victoria, 2010).

A visual impact assessment was conducted for the proposed extraction areas and results are attached as Appendix 9. Commencing from a point on the Donnybrook Boyup Brook Road, Google Earth photographs were used to create the visual field. This visual field was then plotted as a cross section up the slope. The cross section indicates the positions that stockpiles should be placed to limit visibility of the operation. The line of sight shows (topsoil) stockpiles, whichever is available for the area of concern, screens most of the proposed extraction activities as shown in the profiles attached as Appendix 9. The photographs are attached for each profile and photo points and profile lines are shown in Figure 4. The product stockpiles of 5m height are notionally placed in the middle of each stage, which screens the crushing and screening activities.

At a time, only one stage will be open and will be progressively rehabilitated to irrigated pastures for intensive sheep farming after completion of extractive activities before moving to the next stage. Moreover, the presence of native vegetation along the western boundary and along the Donnybrook Boyup Brook Road will give further screening between the extractive activities and the sensitive receptors on the west and northwest of the Proposed extraction area. Further tree planting has been carried out to reduce visual impact. Plums have been planted just to the east of the extraction footprint as shown in Figure 2.

The owner plans to plant cherry trees in the front blocks of property, which will improve the visual amenity of the site once established. The owner is planning to continue their program of planting horticultural produce in the front lots as they have the most suitable soil types, with DPIRD coding the area with >70% of the land having high to very high capability (DPIRD-033). Information gathered from the applicant/owner in early September 2023 indicated that 10,000 Cherry trees will be planted in a few years when available from the nursery and 20,000 plum trees have already been planted between Aug-Sep 2023. The applicant has also planted 300 Cottonwood Poplars down the driveway, and which are coming in their 3rd year. It is expected that gravel and sand workings will be substantially blocked from the view. In future, further establishment of horticulture varieties is proposed.

The plan is to commence planting both plums and cherries in the front blocks/lots closest to the road. Pollinators will be planted on the fence line and will be allowed to grow to 5-6m high to assist further in the visual appearance of the property.

## 5.5 WATER

In all mining operations the potential exists for impacts to be incurred on surrounding water resources, or by storm water erosion of exposed areas. This is dependent on the slopes associated with the site, the nature of the ground materials and the proximity of the site to sensitive receptors such as productive aquifers, wetlands, lakes, or rivers.

A Water Management Plan has been prepared and is included as Appendix 4 of this report.

### 5.5.1 Water Management

#### 5.5.1.1 Surface Water Management

Surface drainage within the proposed EIL area is generally towards the north into the Preston River. There are minor drainage lines exist to the east and west of the proposed area (Figure 2). Two dams exist, at 200m W and 400m E of the EIL area. The dams will not be directly impacted by sedimentation, as the drainage is towards the north of the extraction area, towards Preston River. As a precaution, a 40m buffer has been applied between all watercourses and proposed extractive activities.

The proposed extraction site does not include any expressions of surface water such as lakes, wetlands, dams, rivers or creeks, and no major surface drainage lines have been identified within the proposed extraction areas.

#### 5.5.1.2 Stormwater Management

Stormwater management is an important issue on this site and the management measures proposed are as follows:

- Any surface runoff from unmined areas outside the EIL area will be diverted around the workings by means of stockpiles and diversion bunds placed around the boundaries of the operational stage.
- The runoff generated by direct rainfall onto the working stage will be managed using number of measures which include:
    - Stormwater detention ponds to be constructed at the base of each stage whilst it is being worked, with all stormwaters generated by rainfall onto the active cell being directed to them by the use of rip lines and material stockpiles. Detention ponds will serve as effective silt traps in times of high surface runoff. Runoff and detention pond sizing is calculated in the Water Management Plan (Appendix 4).
    - Strategically placed stockpiles to reduce water flow within the extraction area.
    - Topsoil stockpile will be positioned in a gently sloped area along the stage boundary, and it will stabilise quickly, which will prevent any sedimentation.
    - Product (gravel and sand) stockpiles will act as a barrier to the storm water flow, and any water escaping will be captured by the constructed detention ponds.
- On completion of the extraction stage, where necessary contour banks will be constructed with an average fall of 0.2% and within a range of 0.1 and 0.4%. The contour bunds will be spaced according to contour design guidelines (See Water Management Plan in Appendix 4).

#### 5.5.1.3 Groundwater Management

Due to presence of granitic material or rocks in the shallow subsurface, ground water occurrence is limited to localized small aquifers associated with deeper accumulations of sandy materials.

The project does not involve abstracting groundwater for operational purposes. No groundwater will be exposed by this development.

Due to the low scale nature of the operations, no groundwater contamination is anticipated. No fuel or lubricant storage will occur on the site.

Refuelling will take place using a mobile refuelling vehicle which is equipped with a “snap-on snap-off, fast-fill and auto shut-off” facility. Plant will be refuelled each morning, leaving the vehicles almost empty overnight.

Refuelling or any activities that carry a risk of spills will be carried away from the detention basins and stormwater flow paths. No major servicing, which could lead to fuel and oil spills, will take place on the site. Contaminated material resulting from any minor spills will be extracted and disposed of offsite at an appropriate landfill facility.

Westwall Holdings will implement a Hydrocarbon Spill Response outlining their procedures for controlling, recovering, treating, and reporting hydrocarbon spills (See Water Management Plan in Appendix 4).

## 5.6 NOISE

An assessment of noise emissions from the proposed gravel and sand extraction operations was undertaken by Herring Storer Acoustics (Appendix 5). The noise modelling estimated the sound levels which may be incurred from the operation under worst-case conditions. The modelling is not an average of the likely noise to occur at each residence but a process to determine whether the operation will always comply with the Environmental Protection (Noise) Regulations 1997.

As detailed in Section 3.10 and Appendix 5 there are nine residential dwellings within 1,000m of the proposed operations, located mostly towards the north and north-west. The nearest residence is located 516m to the west of Stage 5. The proposed crusher and screener locations are shown on Figure 3.

At the neighbouring residences, the applicable acoustic criterion for the assessment is the assigned $L_{A10}$ day period noise level of 45dB(A).

Therefore, to comply with the criteria, management of the dozer and fixed plant noise levels requires operations behind a barrier (earth bund) for strategic locations throughout the staging. Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the Environmental protection (Noise) Regulations 1997 (discussed further in Appendix 5).

### 5.6.1 Noise Management

Westwall Holdings will apply the following noise management practices for the proposed operations:

- Initially topsoil stockpile and later product stockpile noise bunds will be constructed for screener locations as recommended by Herring Storer Acoustics.
- Bunds will be created with sand product on site and a soil binding agent will be utilised (if necessary) to stabilise the bunding, which will be maintained until operations at that location cease.
- Topsoil will be stockpiled along the edges of the extraction area, to a maximum height of 3m, and product stockpile will be placed to a maximum of 5m in front of the crusher and screener, to act as a noise barrier between the screener and sensitive receptors, to give the greatest noise attenuation benefits.
- For the stages that sand is to be extracted, no crushing will be required and therefore this will reduce noise that was initially predicted in the Herring Storer report.
- All plant will be maintained in good condition with efficient mufflers and noise shielding.
- Mobile equipment will be fitted with broadband reversing alarms.
- A contact number for complaints will be advertised on the site notice board at the entrance to the property, and a complaints system will be in place with any complaints recorded by the Operations Manager and acted on promptly.

## 5.7 DUST

There is potential for dust to be generated when conditions are dry and there are strong winds during the initial stages of the proposed operation. Proposed measures to limit the impact of dust are contained in a Dust Management Plan included as Appendix 6.

### 5.7.1 Dust Management

The potential dust generating activities associated with the proposed development and the measures that are proposed to manage dust impacts are listed below:

• A 15kl water cart will be on site during all periods when earth is being moved. If and when dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern.

• Stockpiling activities will be in topographic low points with raw and processed stockpiles arranged such that windbreaks are created to further prevent impacts from fugitive dust.

• A polymer-based spray-on soil stabilizer will be applied to topsoil stockpiles if they do not stabilize by crusting and grass re-growth.

• Truck loads will always be covered so that no dust is generated in transit.

• A notice will be erected at the front gate, and this will provide emergency contact details for the Quarry Manager.

• A complaints register will be used, with all complaints being formally recorded.

## 5.8 DIEBACK

### 5.8.1 Potential Impacts

Previous assessment of the dieback status of the site could not be ascertained due to the historical clearing that had occurred on site. These areas should thus be classified as “uninterpretable” and managed as per the guidelines applicable for this classification (Dieback Working Group, 2010). Westwall Holdings Pty Ltd has prepared a brochure for management of dieback which is included as Appendix 8.

### 5.8.2 Dieback Management

The following management measures will be put in place to minimise future spread of dieback:

- The properties will always be fenced.
- Access to the properties will be via a single entrance gate.
- All machinery, trucks and other vehicles will arrive in a clean condition free of soil and organic matter that may contain dieback.
- Any soil and plant material brought to the site for rehabilitation purposes should be from dieback free sources.
- Employees and contractors working on the site will be informed of the purpose of the above measures and their responsibilities in relation to dieback prevention.
- The site will not be worked during wet periods.

## 5.9 HERITAGE SITES

A search of the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Inquiry System (AHIS) shows one registered site which is the Preston River Site 19795, classified as a mythological site

((Department of Planning, Lands and Heritage) DPLH, 2022). However, the site is 200m west from the nearest western stage, and 400m east from the nearest eastern stage. The site will not be disturbed or impacted by the operations.

There are no other registered or heritage sites within the proposed extraction area. If during the works, an Aboriginal cultural heritage site is discovered, the Proponent will immediately advise the DPLH and abide by the *Aboriginal Heritage Act 1972*.

## 5.10 ACID SULFATE SOILS

A search of the CSIRO's Australian Soil Resource Information System (ASRIS) database identified the area has been provisionally classified as having an extremely low probability with very low confidence of occurrence for acid sulfate soils (CSIRO, 2022).

## 5.11 FIRE MANAGEMENT

Fire management will be implemented in accordance with Shire of Donnybrook-Balingup's Local Planning Scheme 7. Fire management

### 5.11.1 Fire Risk

The rainfall pattern for the area is such that the majority of the rain falls in late autumn to early spring. This rainfall supports substantial vegetation growth which dries off in summer/early autumn.

Bush fires in the area are generally fast moving, with many fires running up the trees into the canopy, sending out embers to start spot fires ahead of the main ground fire, making suppression and containment difficult. Smoke is a major hindrance to fire fighters in such fast-moving fires.

Fire risk assessment for the proposed development will consider existing site conditions (WA Planning Commission & FESA 2010), which include:

- Topography and slope with reference to accessibility
- Remnant vegetation cover and likely revegetation
- Surrounding land use patterns

The bush fire risk level for the proposed development area is Low-Medium, as the area will be cleared of the vineyards before commencement of extractive operation. The bush fire risk levels for the surrounding remnant vegetation are rated as Extreme and Low-Medium in cleared areas.

### 5.11.2 Water Supplies

As per condition 4.41.3 of Local Planning Scheme 7, a water tanker is available for firefighting operations off site when bush fires are close by, and water availability is at the discretion of Westwall holdings management. Water will be available from the constructed detention ponds, as well as existing farm dams. A 15kl water cart will be always on site. Approximately 6000kl of water will be required every year for the proposed operation activities and bush fire management.

The Old Valley Pty Ltd has a Surface Water Licence, 66218 for which the allocation is 492000KL. Approximately 10% will be used for the water requirement for dust suppression and bushfire management during the proposed extraction lifecycle. The water is pumped from the dam D1, as

shown on Figure 2, which is part of the surface water licence. The dam D1 has 1.6 billion litres and is already piped into the gravel and sand blocks under pressure. D1 will be used for the water requirement for dust suppression and bushfire management during the proposed extraction lifecycle.

### 5.11.3 Contacts

The Site Supervisor will be the main point of contact for any fire related queries. The Supervisor's contact number will be displayed on the sign at the main access gate.

### 5.11.4 Actions in the Event of a Bush Fire on Site

The following actions will be taken in the event of a bush fire.

- All personnel on site will be notified immediately of fire.
- Fire will be reported to FESA Operations by ringing '000' and providing all known details on the fire including location, type of vegetation burning, intensity, smoke level.
- If safe to do so, onsite personnel and equipment will be used to extinguish the fire using fire extinguishers, water cart, plant, and equipment.
- Personnel and equipment will be relocated to a safe area.
- A fire break will be created around the fire, if possible, only if it is safe to do so. Any personnel or equipment will not be put at risk.
- On arrival of Fire Brigade, site supervisor will take directions from the most senior Brigade Officer (Incident Controller) on site. Westwall Holding personnel will follow their own chain of command (site supervisor/team leader).
- Mobile phones area will be available to most operators.
- Fire extinguishers will be fitted to all plants and a mobile firefighting unit will be available on site.
- Operations will cease during a fire ban or harvest ban.
- The water cart will be fitted with a fire hose facility.

# 6 REHABILITATION

## 6.1 PROPOSED REHABILITATION MEASURES

Rehabilitation of the completed areas will be progressive with the entire area being returned to irrigated pastures for intensive sheep farming. A pit Rehabilitation and Maintenance Management Plan is included as Appendix 7.

This report is being prepared by an Agronomist and sent as a separate attachment (Appendix 10).

The following steps will be implemented:

- All batters behind the active working face will be contoured to achieve a slope of no more than 1:6.
- Final land surface will have the same grade as the original surface but will be approximately one metre lower.
- Stockpiled topsoil will be re-spread over completed area.
- The pit floor will be ripped along the contour, at 6m intervals, to a depth of 0.5 to 1m to relieve compaction, improve infiltration, attenuate stormwater runoff and facilitate rapid root penetration.
- Stormwater attenuation embankments will be constructed as discussed in Section 5.5.1.2 above.
- All areas will be seeded with appropriate pasture species.
- Rehabilitation work will only be carried out just prior to or during the wet season.
- Regular monitoring will be undertaken over the licence period as is described in Section 6.3 below.

## 6.2 MONITORING AND MAINTENANCE

Monitoring of rehabilitated areas will ensure that any area requiring remedial work is identified. Monitoring will be carried out on an annual basis to assess:

- The physical stability of the landform in the rehabilitated area.
- The success of sown pasture grasses.
- The emergence of weeds.

Monitoring will continue until the completion criteria presented in Section 6.3 have been fulfilled. Maintenance procedures will be carried out where necessary and will include:

- Repair of any erosion damage.
- Seeding areas that may not have regenerated.
- Weed control.

## 6.3 COMPLETION CRITERIA

Completion criteria should be set at a high enough standard to ensure that the overall objectives of the rehabilitation have been met. These criteria should allow for efficient reporting and auditing so that rehabilitation works can be tracked and finalised within an appropriate timeframe.

The completion criteria proposed for extractive operations on Lots 10 is presented in Table 4.

Table 4. Closure Criteria, Objectives and Interim Targets

| Criteria | Objective | Interim Targets |
|---|---|---|
| a) Safety | The site is safe to humans. | Site is safe to humans during operations. |
| b) Sustainability | The site is sustainable in the long term without additional management inputs. | On-going Management of short-term impacts. |
| c) Suitability | The site is suitable for the agreed land uses. | On-going Management of short-term impacts. |
| d) Visual amenity and heritage | The rehabilitated extraction area blends into the surrounding environment. | On-going Management of short-term impacts. |
| e) Off-site impacts | Significant adverse off-site impacts are prevented. | Significant adverse off-site impacts are prevented. |
| f) Hydrology | a. Site hydrology does not prevent the establishment of desired vegetation.<br>b. Site hydrology does not reduce the stability of the landform.<br>c. Stormwater is contained within the site. | Stormwater is contained within the site during operations.<br>Identification and mitigation of any hydrology related issues during operations. |
| g) Soils and stability | a. Soil profiles and structures are sufficient to ensure vegetation establishment.<br>b. The landform is stable. | Topsoil is respread in all rehabilitation areas.<br>Identification and mitigation of potential erosion scars and scours during operations. |
| h) Vegetation | a. Pasture grasses cover the entire site after completion of the extraction phase.<br>b. Pasture grass cover is sufficiently resilient to sustain grazing pressure. | After one year pasture grasses over 30% of target area increasing by 20% per annum thereafter. |
| i) Weeds | a. Declared pest weeds are absent.<br>b. The level of weed species should not be detrimental to the planted seedlings. | Declared weed species removed systematically during operations. |

# 7 REFERENCES

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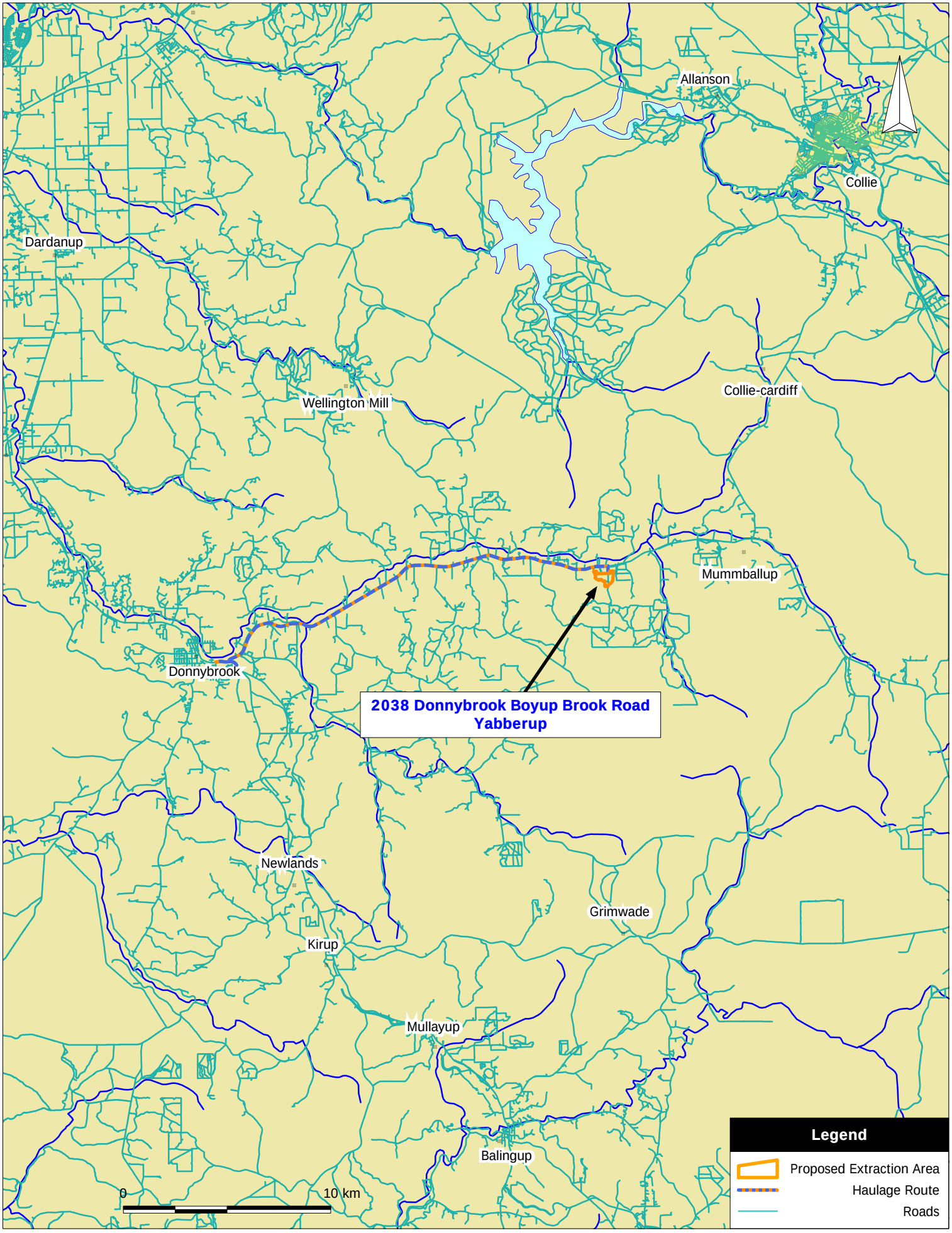
# FIGURES

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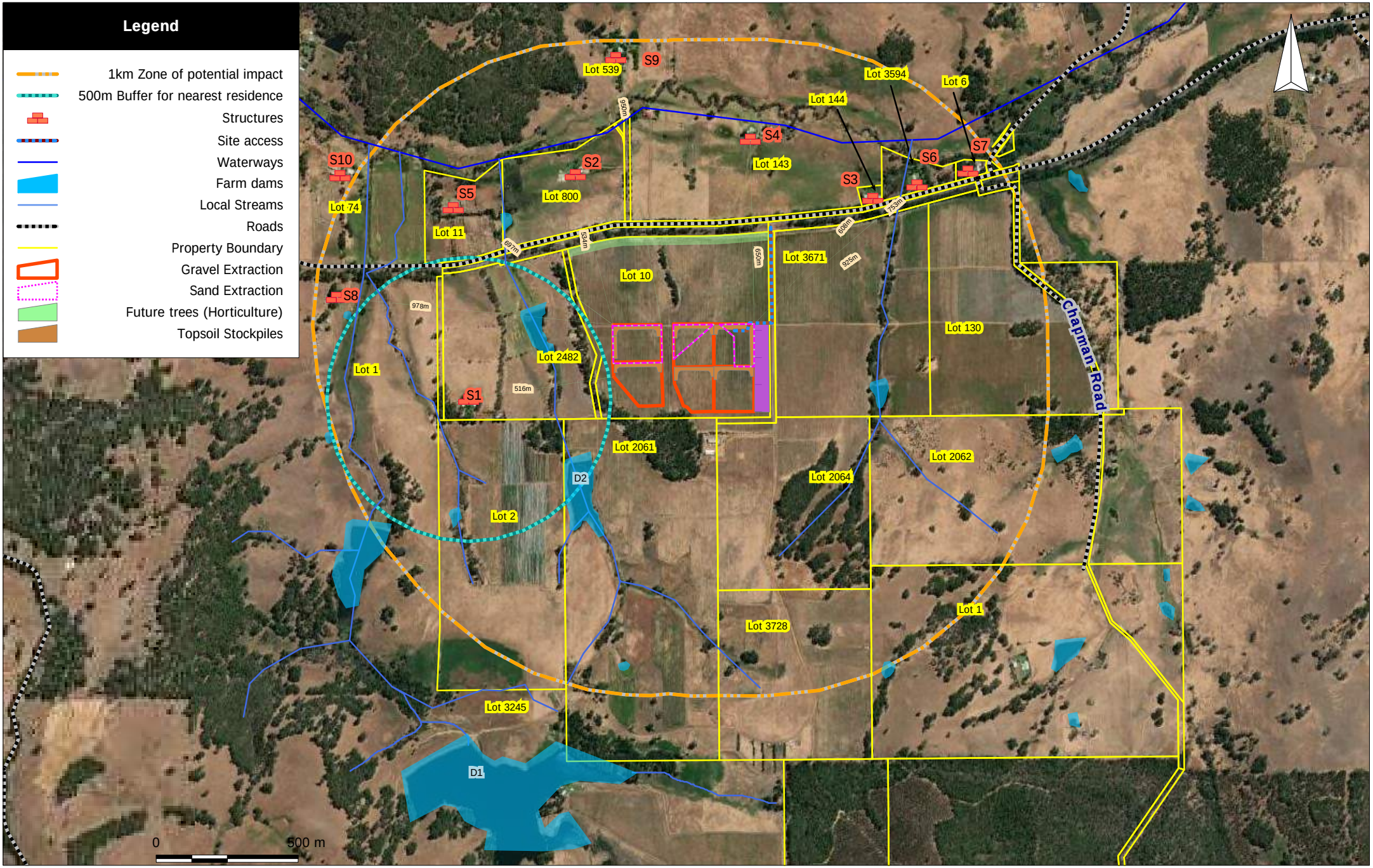
Projection: Australia MGA94 (50)

Client: Westwall Holdings
Project: Gravel & Sand Extraction
Location: 2038 Donnybrook Boyup Brook Road, Yabberup

# Figure 1:

# Locality Plan





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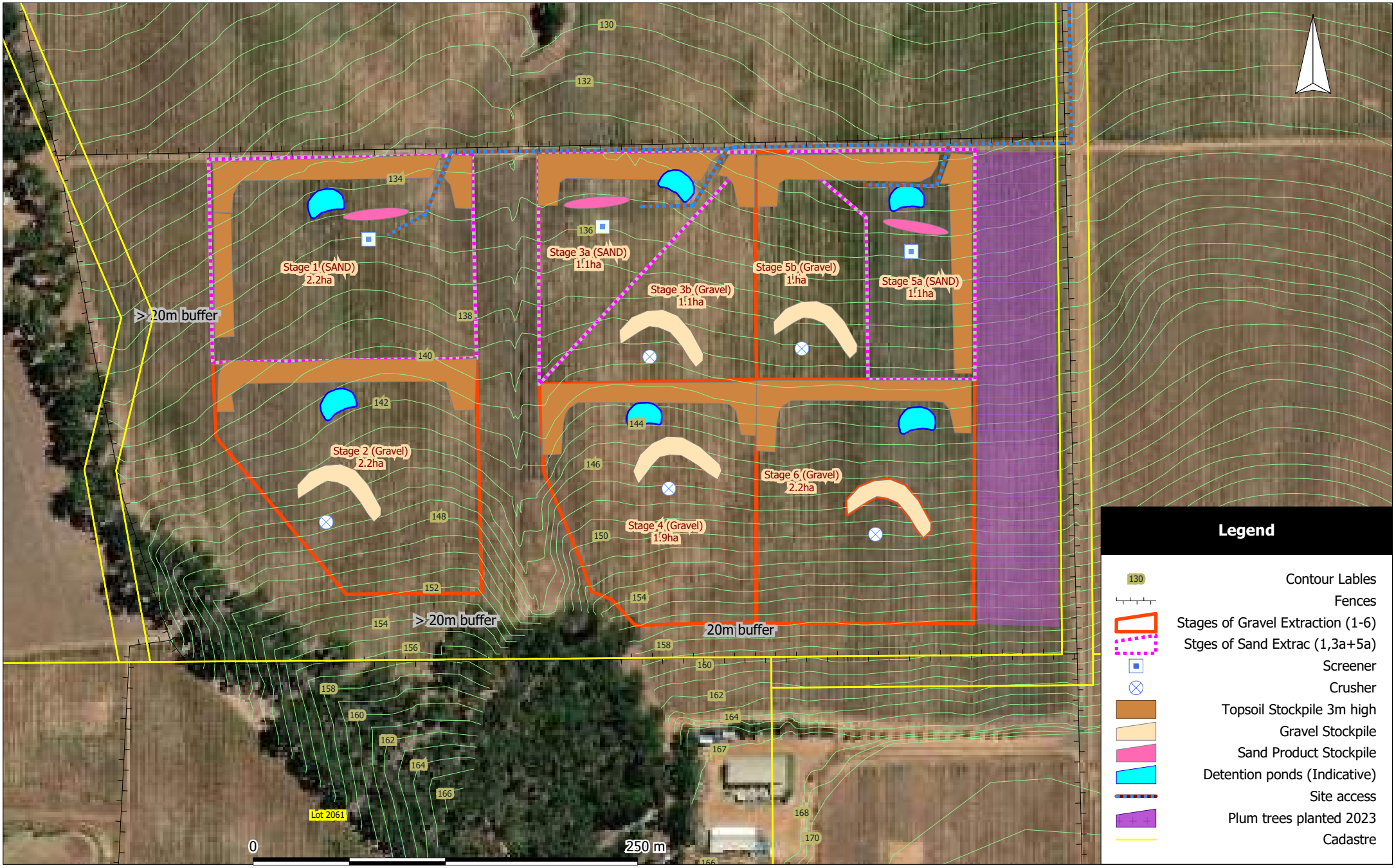
# Figure 2:

**Site and Surrounds**





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Original Size: A4
Air Photo Source: ArcGis Dec 2021
Datum: GDA94
Projection: Australia MGA94 (50)

Client: Old Valley Pty Ltd

Project: Gravel & Sand Extraction
Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 3:

**Proposed Extraction**

# APPENDIX 1:

# DEVELOPMENT APPROVAL APPLICATION FORMS

# APPENDIX 2

# LETTER OF AUTHORISATION

# APPENDIX 3

# WEED MANAGEMENT PLAN

# APPENDIX 4

# WATER MANAGEMENT PLAN

# APPENDIX 5

# NOISE MANAGEMENT PLAN

# APPENDIX 6

# DUST MANAGEMENT PLAN

# APPENDIX 7

## PIT REHABILITATION AND MAINTENANCE MANAGEMENT PLAN

# APPENDIX 8

# DIEBACK BROCHURE

# APPENDIX 9

# VISUAL IMPACT ASSESSMENT

# APPENDIX 10

# AGRONOMIST REPORT

# APPENDIX 11

# COMPLAINT REGISTER

**c. the scale of the development in relation to the staging of the extraction and rehabilitation.**

**ADVICE NOTES:**

**A. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

Pursuant to Part 2, Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the decision by Council (the Commissioner) to approve this application is made, on balance, based on the matters raised being able to be reasonably managed through appropriate conditions of approval.

**COUNCIL RESOLUTION 106/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner) approve Development Application P22022 Extractive Industry (Gravel) – Lot 10 Donnybrook-Boyup Brook Road, Yabberup, subject to the following conditions:**

**VALIDITY**

**1. This approval is valid for a period of five (5) years after the date of issue or within any extended period as determined, in writing, by the Shire of Donnybrook Balingup.**

**REVISED PLANS**

**2. Prior to the submission of an Extractive Industry Licence application, revised documentation and/or additional information is to be submitted to, and approved by, the Shire of Donnybrook Balingup including:**

**a) A revised staging plan demonstrating a reduction in the area of each extraction stage to a maximum of 2 hectares and the specific location of bunds for each stage (as may be required for noise management and/or visual impact mitigation).**

**b) A revised Noise Management Plan demonstrating reasonable and practicable management solutions as to how noise generated across each of the stages will comply with the *Environmental Protection (Noise) Regulations 1997* and the Shire of Donnybrook Balingup *Animals, Environment and Nuisance Local Law 2017,* or superseding standard(s). This is to include specific design, location, construction and source of material, as may be required, for all noise management measures (i.e. bunds).**

**c) A revised Visual Impact Assessment, prepared in accordance with *State Planning Policy 2.4 Planning for Basic Raw Materials* and *Visual***

***Landscape Planning in Western Australia*, demonstrating how the visual amenity impact of the following elements will be suitably mitigated from Donnybrook-Boyup Brook Road and the surrounding area:**

**(i) The extraction area(s);**
**(ii) Access roads and vehicle loading area(s);**
**(iii) Bunds, stockpiles and mounds; and**
**(iv) Safety fencing.**

**d) An Agronomist Report (or similar) prepared by a suitably qualified person that clearly demonstrates:**

**(i) The quality of the soil within the proposed extraction stages; and**
**(ii) The amount of topsoil and overburden present in the extraction stages.**

**3. Prior to the submission of an Extractive Industry Licence application all application documentation is to be accordingly updated to reflect the revised documentation and/or additional information as per Condition 2, and thereafter implemented to the satisfaction of the Shire of Donnybrook Balingup.**

**4. The layout of the site and location of works permitted must always accord with the endorsed plan(s), as per Conditions 2 and 3, including any notations and/or conditions of approval, and must not be altered or modified without the further written consent of the Shire of Donnybrook Balingup.**

**DUST MANAGEMENT**

**5. Dust is to be appropriately managed on site at all times in accordance with the relevant provisions of the approved Dust Management Plan (as per Condition 3), the Shire of Donnybrook Balingup *Animals, Environment and Nuisance Local Law 2017*, and to the satisfaction of the Shire of Donnybrook Balingup.**

**6. A suitable supply of water for the purposes of all site management operations, is to be provided to the satisfaction of the Shire of Donnybrook Balingup (Refer Advice Note E).**

**WEED AND DIEBACK MANAGEMENT**

**7. Weed management is to be undertaken in accordance with the relevant provisions of the Application Management Plan (as per Condition 3) and to the satisfaction of the Shire of Donnybrook Balingup. Any declared weeds found to be within the site need to be appropriately treated and removed prior to any further excavation works and reported as per Condition 18.**

**8. Measures to reduce dieback are to be undertaken in accordance with the relevant provisions of the Application Management Plan (as per Condition 3) and to the satisfaction of the Shire of Donnybrook Balingup.**

**9. A minimum 10m buffer is to be provided between all proposed extraction areas and adjacent native vegetation. The 10m buffer is to be demarcated to clearly identify vehicle exclusion areas to the satisfaction of the Shire of Donnybrook Balingup, in consultation with the Department of Biodiversity, Conservation and Attractions.**

**FIRE MANAGEMENT**

**10. Suitable fire management is to be undertaken in accordance with the relevant provisions of the Application Management Plan (as per Condition 3), the Shire of Donnybrook Balingup *Bush Fire Brigades Local Law* and the *Bush Fires Act 1954*, or superseding standard(s).**

**WATER MANAGEMENT**

**11. All stormwater from the proposed development including building(s) and hardstand area(s) shall be managed by the landowner in perpetuity, in accordance with the *Animals, Environment and Nuisance Local Law 2017* and the approved Water Management Plan (as per Condition 3).**

**12. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any infrastructure, to the satisfaction of the Shire of Donnybrook Balingup.**

**13. Extraction works are not to exceed a depth of 1m below the existing natural ground level unless otherwise approved, in writing, by the Shire of Donnybrook Balingup in consultation with the Department of Water and Environmental Regulation.**

**14. No groundwater is to be exposed on the surface of the pit floor. Should groundwater be exposed during excavation works, all works are to cease and the Shire of Donnybrook Balingup is to be notified. Any remedial works, as required by the Shire of Donnybrook Balingup, in consultation with the Department of Water and Environmental Regulation, are the responsibility of the operator to rectify.**

**15. Any refuelling and/or activities that carry a risk of spills are not to be undertaken in close proximity to the detention basins or stormwater flow paths.**

**ONGOING COMPLIANCE AND MONITORING**

**16. Prior to the submission of an Extractive Industry Licence application, an ongoing compliance and monitoring methodology is to be prepared and approved by the Shire of Donnybrook Balingup, in consultation with the relevant authorities. The methodologies are to be implemented thereafter as they relate to:**

**a) Noise emissions;**

**b) Dust emissions;**
**c) Water management; and**
**d) Weed and dieback management.**

**17. With regards to Condition 16 and the applicable Management Plans (as per Condition 3), a complaints register is to be established including:**

**a) Details of the subject of the complaint;**
**b) Actions undertaken by the applicant/landowner to rectify the complaint; and**
**c) The on-site publication of appropriate contact details where complaints are to be directed (in the first instance).**

**18. With regards to Condition 16 and 17 a suitable report is to be prepared and submitted to the Shire of Donnybrook Balingup every 3 months including information relating to:**

**a) The data and results of the on-site monitoring as per Condition 16;**
**b) A copy of the complaints register as per Condition 17; and**
**c) Any other information as deemed necessary by the Shire of Donnybrook Balingup.**

**REHABILITATION AND PIT CLOSURE MANAGEMENT**

**19. Prior to the submission of an Extractive Industry Licence application, a Pit Rehabilitation and Closure Management Plan prepared by a suitably qualified person is to be submitted to, and approved by, the Shire of Donnybrook Balingup. The Plan is to be prepared in accordance with the requirements of works outlined within the Shire of Donnybrook Balingup *Extractive Industry Local Law 2016* including, but not limited to:**

**a) All site restoration and remediation works including indicative timeframes;**
**b) Maximum batter/slope levels and methods of stabilisation;**
**c) Finished ground levels;**
**d) Watercourse management including the removal of water management measures, as may be required, after extraction (i.e. the proposed sumps);**
**e) Proposed plant species, number and location including any maintenance requirements; and**
**f) Any measures for the restoration of the soil quality to pre-extraction levels as may be required as a result of the Agronomist Report (or similar, as per Condition 2).**

**20. With regards to Conditions 2, 3 and 19, site restoration of each stage is to be substantially completed prior to extraction occurring on the next stage to the satisfaction of the Shire of Donnybrook Balingup.**

**21. Pit closure works and rehabilitation of each of the entire site is to be completed within two (2) years of the end of extraction works or the expiration of this approval (whichever is sooner) unless otherwise extended, in writing, by the Shire of Donnybrook Balingup.**

**22. With regards to Condition 2, 19 and 21, following the completion of all site rehabilitation works, a post-extraction Agronomist Report (or similar) is to be prepared, demonstrating that the soil quality has been substantially returned to pre-extraction levels, to the satisfaction of the Shire of Donnybrook Balingup.**

**23. Prior to the submission of an Extractive Industry Licence application, a $20,000 bond (cash or unconditional bank guarantee in favour of the Shire of Donnybrook Balingup) is required for the works identified by the Pit Rehabilitation and Closure Management Plan in Condition 19. Return of the bond will be subject to meeting the completion of works identified in the rehabilitation and closure plan to the satisfaction of the Shire of Donnybrook Balingup.**

**OPERATING HOURS**

**24. Operating hours of the extractive works are restricted to:**

**a) 8:00 am to 5:00 pm – Monday to Friday (excluding Public Holidays) unless otherwise agreed, in writing, by the Shire of Donnybrook Balingup.**

**25. Trucks are not to operate between the following hours on any given school day on a school bus route, as defined by the Department of Education:**

**a) 7:30 am to 8:40 am; and**
**b) 3:20 pm to 4:20 pm.**

**VEHICULAR MANAGEMENT**

**26. Prior to the commencement of works, the road reserve adjoining the lot is to be designed, constructed, sealed, and drained for a distance of 100m from the intersection with Donnybrook-Boyup Brook Road, to the satisfaction of the Shire of Donnybrook Balingup in consultation with Main Roads Western Australia, the Public Transport Authority and ARC Infrastructure.**

**27. The cost to relocate and/or remove any services/infrastructure that may be required for the purposes of meeting Condition 26, are the responsibility of the landowner/applicant.**

**28. With regard to Condition 26, the applicant is to thereafter maintain the road for the life of extraction operations to the satisfaction of the Shire of Donnybrook Balingup.**

**OTHER**

**29. Prior to the commencement of works, a copy of a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of**

**not less than $10,000,000 in respect of any one claim relating to any of the excavation operations.**

**30. Prior to the commencement of works, suitable safety fencing and warning signage is to be installed on the perimeter of the extraction area, and thereafter maintained, to the satisfaction of the Shire of Donnybrook Balingup.**

**ADVICE NOTES**

**A. This development approval does not equate to an Extractive Industry Licence. No works are to be undertaken until such time as an application for an Extractive Industry Licence is submitted to, and approved by, the Shire of Donnybrook Balingup in accordance with the *Extractive Industry Local Law 2016*.**

**B. The proposed operations are likely categorized as a Prescribed Premises, as per Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations). The applicant is advised to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals. You will need to contact the Department of Water and Environmental Regulation (DWER) at info@dwer.wa.gov.au or (08) 6364 7000 regarding requirements.**

**C. It is recommended that the applicant undertake public consultation, including to surrounding residences within 1,000m of the extraction area, prior to:**

**(i) Periods of crushing and screening;**
**(ii) Large cartage/haulage campaigns; and**
**(iii) Any other periods of activity that the proponent considers may impact surrounding residences.**

**D. With regards to Condition 5, this includes the requirement to ensure that dust generating activities only occur within winter months.**

**E. With regards to Condition 6, Department of Water and Environmental Regulation have advised that use of water associated with any existing dams or water courses may be subject to approval. It is recommended that the proponent contact the Department of Water and Environmental Regulation's Bunbury water licensing branch for further information.**

**F. With regards to Conditions 19, 20, 21, 22 and 23, return of the bond will be measured against the works identified within the Pit Rehabilitation and Closure Management Plan as determined by the Shire of Donnybrook Balingup.**

**G. With regards to Condition 26 and 28, the road reserve is to remain publicly accessible and is not in any way to restrict public use of the reserve. In addition, it is noted that the approved use of, and upgrade to, the subject road reserve is not to be misconstrued as the Shire's support for any future request to the close and/or acquire the road reserve under the *Land Administration Act 1997*.**

**H. Prior to the commencement of works, the Public Transport Authority requests that a management protocol report for all construction methods must be prepared and submitted to the satisfaction of Arc Infrastructure. The construction methods detailed in the management protocol report shall be thereafter implemented and maintained for the duration of the development.**

**I. In addition to Advice Note D, the Public Transport Authority advises that the operations should be consistent with the following:**

**(i) Services to the development are not to cross the rail reserve, either above or below ground;**
**(ii) Construction works, vehicles or materials are not to be stored within the rail reserve;**
**(iii) Drainage is not to be discharged into the rail reserve; and**
**(iv) No clearing of native vegetation is to occur within the rail corridor.**

**J. The Public Transport Authority have advised that should the rail corridor be reactivated, upgrades to the rail level crossing may be required subject to the recommendations of an Australian Level Crossing Assessment Model (ALCAM) assessment for the level crossing prior to the reopening of rail line.**

**K. The proposed extraction is to be implemented in accordance with the Department of Water and Environmental Regulation's Water quality protection note (WQPN) 15 'Basic raw materials extraction' where applicable, to ensure environmental risks are appropriately mitigated.**

**L. Management of all activities involving hazardous chemicals shall be in accordance with the Department of Water and Environmental Regulation's WQPN 56 – 'Toxic and Hazardous Substance Storage and Use' (Dec 2018).**

**M. Notwithstanding any approval hereby granted by the local government, the applicant is reminded of their obligations under the *Aboriginal Cultural Heritage Act 2021* with regards to undertaking a due diligence assessment and obtaining all relevant approvals. For further information, you may wish to contact the Department of Planning, Lands and Heritage.**

**N. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**

**O. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**

**P. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

**CARRIED: Commissioner McGowan**

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## WEED MANAGEMENT PLAN

**Prepared for Westwall Holdings Pty Ltd**
**2038 Donnybrook Boyup Brook Road, Yabberup**
**Shire of Donnybrook- Balingup**

### 1. INTRODUCTION

This Weed Management Plan (WMP) has been prepared in accordance with guidelines published by the Department of Agriculture and Food (DAF) (DAF 2014). This WMP should be read in conjunction with the report entitled "*Revised Extractive Industries Licence Application and Environmental Management Plan 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup"*, prepared for Westwall Holdings Pty Ltd by Lundstrom Environmental Consultants Pty Ltd in February 2023.

#### 1.1 Locality and Ownership

Locality: 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup
Ownership: Old Valley Pty Ltd

Figure 1 shows the site and its surrounds and indicates the proposed Extractive Industries Licence (EIL) area covered by this application.

#### 1.2 Development Proposal

Westwall Holdings intends to extract approximately 45,720 tonnes/year of gravel and sand from the areas indicated on Figure 1 in stages 1 to 6 of approximately 2ha each. The total area to be disturbed is approximately 12.7ha and excavation will proceed to a depth of approximately one meter. The EIL application is for 5 years.

### 2. RESPONSIBILITIES

Westwall Holdings Pty Ltd accepts responsibility for weed management within Zones A and B (as identified in Section 4.1 of this report) and any areas identified within the conditions of approval set by the Shire of Donnybrook-Balingup.

### 3. CURRENT WEED STATUS OF THE PROPERTY

At present there are no declared weeds on the property.

## 4. PROPOSED WEED MANAGEMENT ACTIONS

The following is a general description of the actions that will be implemented by Westwall Holdings Pty Ltd for weed management:

### 4.1 Weed Management Zones on the Subject Land

For the purpose of this WMP, the subject land has been allocated zones as follows:

Zone A: This is all the land within the quarry and includes the base of the excavation, roadways and stockpiles of topsoil, overburden and all product stockpiles.

Zone B: This is all land that is at natural level which extends 100m beyond the perimeter of the quarry and includes any stockpiles or overburden created by the excavation and rehabilitated areas.

### 4.2 Weed Emergence Monitoring

Monitoring of the emergence of weeds in Zones A and B will be undertaken by an experienced and licensed weed management contractor on a six-monthly basis i.e. after the first seasonal rains and at the end of spring. In addition, Westwall Holdings Pty Ltd personnel on the site will be instructed to report any infestations that may occur on other occasions. Based on the type of weeds that emerge, a control plan will be formulated by the licensed weed management contractor.

### 4.3 Import and Export of Weeds

Westwall Holdings Pty Ltd will ensure that all plant and equipment is clean and free of any soil when moving any equipment to or from the site. Westwall Holdings Pty Ltd will also ensure that any quarry products imported to the site will be free of weeds.

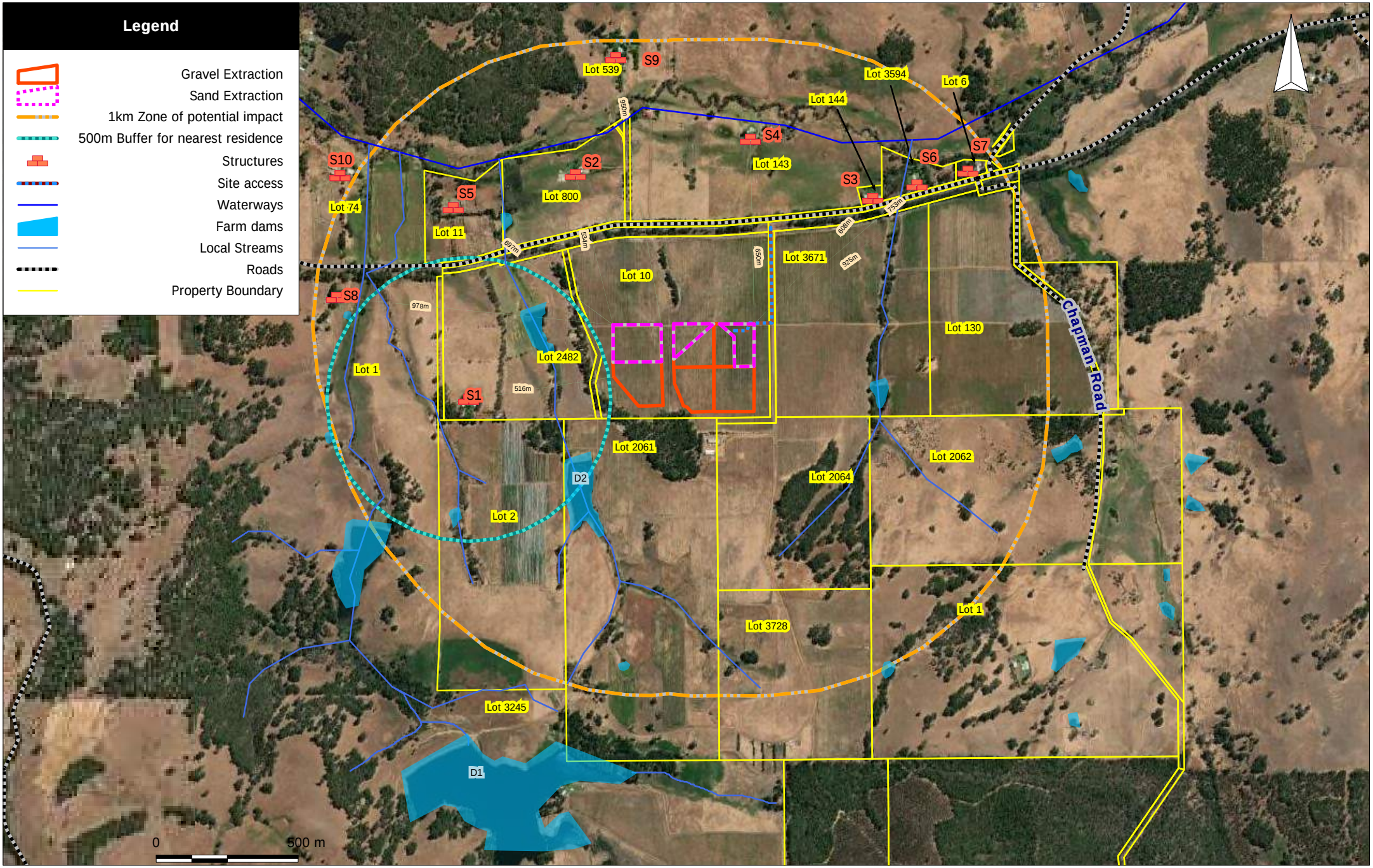
### 4.4 Weed Control Program

If a weed infestation occurs within Zones A or B, the licensed weed management contractor will apply the appropriate method of control, in accordance with the guidelines published by the DAF, whether chemical or mechanical, at the appropriate time. The weed management contractor will keep a record of all treatments.

## 5. REFERENCES

Department of Agriculture and Food (DAF) (2014). *Department of Agriculture and Food WA guidelines for weed control procedures for extractive industries licence.*

# FIGURES





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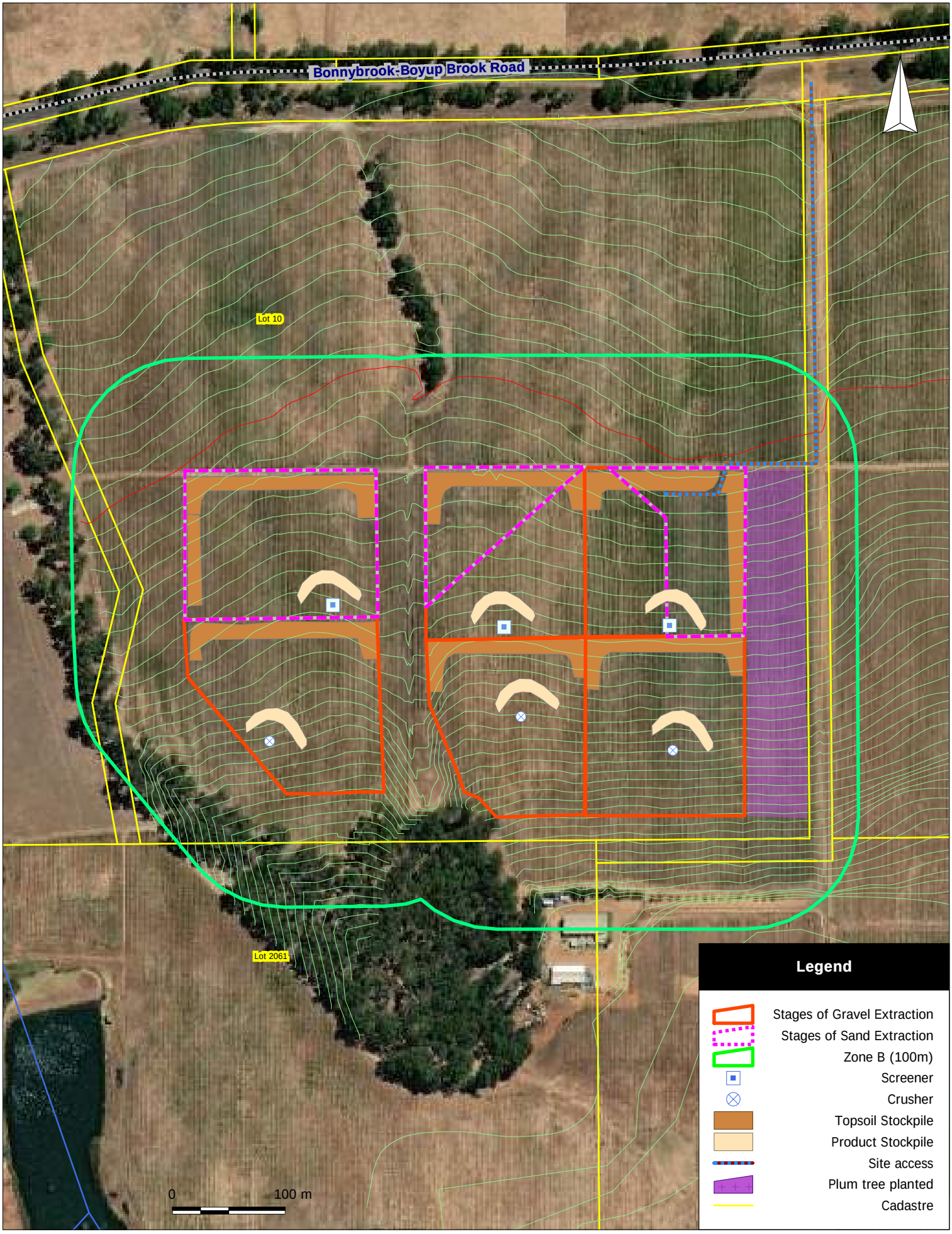
Client: Westwall Holdings
Project: Gravel & Sand Extraction
Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 1:

## Site and Surrounds

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Projection: Australia MGA94 (50)

Client: Old Valley Pty Ltd
Project: Grave & Sand Extracti
Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 2:

**Proposed Extraction**

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# WATER MANAGEMENT PLAN

**Prepared for Westwall Holdings Pty Ltd**
**2038 Donnybrook Boyup Brook Road, Yabberup**
**Shire of Donnybrook-Balingup**

## 1. INTRODUCTION

This Water Management Plan (WMP) has been prepared for the purpose of an Extractive Industries Licence (EIL) application and a Development Approval (DA) application for gravel and sand extraction on 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup.

This WMP should be read in conjunction with the report entitled ***"****Revised Extractive Industries Licence Application and Environmental Management Plan 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup"*, prepared for Westwall Holdings Pty Ltd by Lundstrom Environmental Consultants Pty Ltd in January 2024.

### 1.1 PROPERTY DESCRIPTION, OWNERSHIP AND LOCALITY

| | |
|---|---|
| Property Description: | 2038 Donnybrook Boyup Brook Road,<br>Yabberup<br>Shire of Donnybrook-Balingup |
| Ownership: | Old Valley Pty Ltd |

The properties are approximately 18km from the intersection of Donnybrook Boyup Brook Road and South-western Highway. Figure 1 illustrates the site and its surrounds.

### 1.2 HISTORIC AND PRESENT LAND USE

The property is currently used as a vineyard. The extraction area will be rehabilitated back to pastures after completion of operations.

Lots 10 is zoned as "Priority Agriculture, in terms of the Shire of Donnybrook-Balingup Local Planning Scheme (LPS) No. 7 (DPLH, 2022).

# 2. THE DEVELOPMENT PROPOSAL

## 2.1 PROPOSED EXTRACTION ACTIVITIES

Westwall Holdings intend to extract approximately 45,720 tonnes/year of gravel and sand from the areas indicated on Figure 2 in stages 1 to 6 of approximately 2ha each. The total area to be disturbed is approximately 12.7ha and excavation will proceed to a depth of approximately one meter. The EIL application is for 5 years. Once the extraction phase has been completed, the area will be returned to irrigated pastures to support sheep farming.

The proposed extraction licence is required for the purpose of undertaking the following activities on the site:

- The proposed extraction area will be cleared of non-operational vine plantation in stages, with only the stage being worked on, being cleared, ensuring the disturbed area exposed at any time to a practical minimum.
- Extraction of gravel and sand from an area of 12.7ha in six stages as shown in Figure 2. Stages 1 to 6 will involve extraction of approximately 228,600 tonnes of gravel and sand in total but will be dependent on demand.
- Topsoil will be removed from the extraction area prior to the commencement of each stage, with only the area targeted for immediate extraction being open. Topsoil will be stockpiled separately along the edges of the extraction area, with stockpiles being no more than 3m high and 18m wide, with batters of 1:3.
- Within each current stage of extraction, a bulldozer will rip and blade material to a raw material stockpile. This material is loaded into the crusher after which stacker creates a product stockpile. The product stockpile will be no more than 5m high and 28m wide, with batters of 1:3.
- A mobile crushing and screening plant will be used on site for approximately three to four weeks per year, depending on the size of the campaign.
- Product and topsoil stockpiles will be placed in such a way that they will act as noise and visual buffer between the extraction activities and sensitive receptors.
- Crusher and stockpile positions have been identified by the proponent for each stage and are illustrated in Figure 2.
- Extraction activity will result in the lowering of the ground level by approximately one metre.
- At a time, only one stage of up to 2ha will be extracted and will be progressively rehabilitated back to irrigated pastures for intensive sheep farming after completion of extraction activities and before moving to the next stage. This will ensure that the area of disturbed land is stabilized, and the disturbed area exposed at any time to a practical minimum.
- Trucks will enter the pit via an existing access road off Donnybrook Boyup Brook road and be loaded from the stockpile by a front-end loader.
- There will be no blasting in this operation.
- Rehabilitation and stormwater management measures will be implemented.
- The lot boundary buffer of 20m will apply.

- Batters of 1:6 will be maintained throughout the operation. Where possible, topsoil will be replaced and seeded with pastures on a progressive basis, in fully extracted areas, prior to the commencement of winter.

**Table 1: Stages of the Extraction Operation**

| | Action | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
|---|---|---|---|---|---|---|---|
| 1 | Strip, crush/screen and stockpile | | | | | | |
| 1 | Load and truck out | | | | | | |
| 1 | Progressive rehabilitation of 2.1ha | | | | | | |
| 2 | Strip, crush/screen and stockpile | | | | | | |
| 2 | Load and truck out | | | | | | |
| 2 | Progressive rehabilitation of 2.2ha | | | | | | |
| 3 | Strip, crush/screen and stockpile | | | | | | |
| 3 | Load and truck out | | | | | | |
| 3 | Progressive rehabilitation of 2.1ha | | | | | | |
| 4 | Strip, crush/screen and stockpile | | | | | | |
| 4 | Load and truck out | | | | | | |
| 4 | Progressive rehabilitation of 1.9ha | | | | | | |
| 5 | Strip, crush/screen and stockpile | | | | | | |
| 5 | Load and truck out | | | | | | |
| 5 | Progressive rehabilitation of 2.2ha | | | | | | |
| 6 | Strip, crush/screen and stockpile | | | | | | |
| 6 | Load and truck out | | | | | | |
| 6 | Progressive rehabilitation of 2.2ha | | | | | | |
| 1-6 | Monitoring and Maintenance | | | | | | |

# 3. EXISTING ENVIRONMENT

## 3.1 TOPOGRAPHY, HYDROLOGY AND WETLANDS

The elevation of the subject areas ranges from 117m AHD and 190m AHD and generally falls towards the north and north-east.

Current slopes across the proposed EIL areas range between approximately 1:28 (3.57%) and 1:8 (12.8%).

The property is not situated within a *Rights in Water Irrigation Act 1914* (RIWI) Surface Water Proclamation Area. The Site lies does not lie within a *Rights in Water Irrigation Act 1914*(RIWI) Groundwater Proclamation Area (Landgate, 2022).

The Preston River is approximately 560m north of the closest boundary of the proposed extraction area. Preston River Tributaries flowing from the south, are adjoining the proposed extraction area on the west and east at approximately 200m and 400m respectively. The tributaries flow through the farm dams, as shown in Figure 1 (Landgate, 2022).

The site is located within the Leschenault Estuary – Preston River Catchment within the upper Preston sub catchment.

There are no wetlands present within 1.5km of the proposed extraction areas.

The site and does not fall in a Public Drinking Water Source Area (Landgate, 2022).

Old Valley Pty Ltd has the Licence 66218 which has allocation of 492 000 KL of surface water, under renewal process.

Details of the methods that will be used to manage stormwater and off-site sedimentation are discussed later in this report.

### 3.2 GEOLOGY AND SOILS

The underlying geology of a metamorphic/granitic rocks of the Yilgarin craton. In places, weathered granitic materials are overlain by ferruginous duricrust, massive to rubbly and include iron-cemented reworked products and nodular gravel. In some areas the laterite is covered by metre of sand and sandy loam ((GeoVIEW, 2022), (Dawe, 1998), (EPP, 2014)).

The soil profile comprises a thin layer of gravelly sand which overlies a gravelly loam which grades into laterite boulders and gravel.

The excavation depth will be one metre below current ground level.

### 3.3 GROUNDWATER HYDROLOGY

Due to presence of granitic material or rocks in the shallow subsurface, ground water occurrence is limited to localized small aquifers associated with deeper accumulations of sandy materials or in fractured rock aquifers. Water table is approximately 20m deep but is limited due to the impervious nature of the rock.

The Site is not situated within a *Rights in Water Irrigation Act 1914*(RIWI) Groundwater Proclamation Area (Landgate, 2022).

### 3.4 RAINFALL

One of the closest weather stations is The Wold (Station 009927) and it has a mean annual rainfall of 828.4 mm. The wettest months are June, July and August and the driest months are December, January and February. The station has been recording rainfall since 1974. The highest recorded annual rainfall was 1116.1mm in 1996 and the lowest was 441.4mm in 2010.

Table 2 shows the average monthly and annual rainfall for The Wold.

**Table 2: Mean Rainfall Data (mm) for The Wold for Period (Station 009927) 1974 to 2021 (BoM 2021a)**

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Ann |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 16.3 | 15.1 | 20.8 | 46.9 | 109.9 | 137.1 | 153.0 | 130.3 | 93.4 | 54.1 | 36.4 | 15.3 | 828.4 |

Rainfall intensity has been calculated using the Bureau of Meteorology (BoM) Rainfall Intensity-Frequency-Duration (IFD) data system (BoM, 2022), which provides the 2hr 10% Annual Exceedance Probability (AEP) as 33.8mm. The DWER recommends that surface water runoff produced within the mined area from this rainfall event should be contained within the pit (DWER, 2019). This aspect is discussed later in this document.

## 4. WATER MANAGEMENT

In all extraction operations the potential exists for impacts to be incurred on surrounding water resources, or by stormwater erosion of exposed areas. The planned surface water management actions for this site will be designed such that the nearby tributaries of the Preston River will not be further impacted by the proposed extractive activities.

### 4.1 Surface Water Management

Surface water management will be based on the Department of Water Guideline, “Water Quality Protection Note No. 15” (DWER, 2019) which considers both runoff within the extraction area and runoff from adjacent catchments.

During periods of heavy rainfall, stormwater runoff can be generated. Stormwater detention ponds will be installed to store accumulated runoff for the 2-hour 10% AEP rainfall event (ponds shown on Figure 2), with the stormwater generated being directed to the detention ponds via rip lines. These will serve as effective silt traps in times of high surface runoff. Where possible, topsoil and overburden stockpiles will be used to control stormwater runoff during these periods. Stockpiles will be strategically placed to reduce water flow within the extraction area. Topsoil stockpiles will be positioned in a gently sloped area along the stage boundary. Topsoil stockpiles stabilise quickly, and erosion from these is limited. However, if not stabilised naturally, polymer-based stabilizer will be used. Product (gravel and sand) stockpiles will act as a barrier to the storm water flow, and any water escaping the product stockpile will be captured by the constructed detention ponds.

Runoff generated within each extraction stage or sub-catchment for the 2hr 10% Annual Exceedance Probability (AEP) rainfall event has been calculated using the Rational Method as detailed in Table 3. Storm-water management infrastructure (detention ponds and contour bunds) will be designed to manage, at minimum, this runoff until such time as the land surface has recovered sufficiently for these structures to be removed.

Runoff from areas outside the extraction stages will be diverted away using diversion (cut-off) bunds. Diversion bunds will also be used to prevent surface water flow in between the stages. Contour bunds within each stage will help direct surface water flow towards detention ponds and prevent uncontrolled flow of surface water from mined areas to nearby streams.

As part of the rehabilitation process, the ground will be ripped along the contour at 6m intervals prior to fertilisation and seeding. This leaves a depression and low bund which will attenuate surface water flows and prevent soil erosion during the period that pasture grasses are becoming established. Surface water detention ponds and cut-off bunds will be retained until vegetation ground cover is sufficient to stabilise the ground surface and prevent erosion.

Regular monitoring of the erosion control measures will be undertaken, and repairs implemented where necessary throughout the licence period or longer if necessary.

**Table 3: Surface Water Management Areas, Runoff Volumes and Detention Pond Dimensions**

| Extraction Stage | Total Area (ha) | Extraction Area (ha) | Undisturbed Area (ha) | Design Storm Runoff* $m^3$ | # Detention Ponds | Detention Pond Storage ($m^3$) | Detention Pond Area (With 2m depth) ($m^2$) |
|---|---|---|---|---|---|---|---|
| 1 | 2.1 | 2.1 | 0.00 | 572.59 | D1 | 572.59 | 286.29 |
| 2 | 2.2 | 2.2 | 0.00 | 604.47 | D2 | 604.47 | 301.23 |
| 3 | 2.1 | 2.1 | 0.00 | 579.98 | D3 | 579.98 | 289.99 |
| 4 | 1.9 | 1.9 | 0.00 | 526.38 | D4 | 526.38 | 263.19 |
| 5 | 2.2 | 2.2 | 0.00 | 603.31 | D5 | 603.31 | 301.65 |
| 6 | 2.2 | 2.2 | 0.00 | 596.39 | D6 | 596.39 | 298.19 |
| **TOTAL** | **12.8** | **12.8** | **0.00** | **3483.15** | **6** | - | - |

*Calculated by Rational Method with a 2hr 10% AEP of 33.8mm obtained from the Bureau of Meteorology (BoM) website (BOM, 2022). Runoff coefficients used for Rational Method calculations were 0.8 for disturbed areas and 0.3 for undisturbed areas.

### 4.1.1 Stormwater Detention Ponds

As each extraction stage is opened, stormwater detention pond(s) will be excavated deeper than the workings (but within the extraction area) with the capacity to hold at least a 2hr 10% AEP storm event. D1, D2, D3, D4, D5 and D6 detention ponds will be constructed in Stage 1, 2, 3, 4, 5 and 6 respectively. The positions of these detention ponds are shown on Figure 3 and the storage capacities listed in Table 3 above.

### 4.1.2 Contour Bank/Bund Design

Basic design parameters for the contour bunds that will be used for stormwater management on this property have been taken from the Queensland Department of Environment and Resource Management guideline, attached to this management plan as Annexure 1.

Contour bank design is dependent on the following factors:
- Land-use after rehabilitation
- Slope
- Soil erodibility

In this case, the site will be returned to its former agricultural land use post-extraction. The proposed contour bank type in this situation is "narrow-based" i.e., approximately 4m across.

Slopes on Stages 1 to 6 averages between 3% to 4%, hence according to the contour bund design guidelines (Annexure 1), it is recommended that contour banks are spaced approximately 40m to 45m apart, and with a fall within a range of 0.2 and 0.3%.

### 4.2 Runoff Management and Monitoring

Runoff from areas outside the defined stages will largely be diverted away naturally.

No un-managed surface water runoff will be allowed flow outside the defined extraction area.

In addition to the construction of the storm water detention ponds described above the following measures are proposed to achieve onsite management of surface water runoff from the proposed EIL working:

- As each extraction area is completed, narrow-based contour bunds will be constructed to a grade of between 0.2 to 0.5%. Contour bund design methodology as discussed in 4.1.2 above.
- Cut-off bunds will be formed along the boundary of the proposed area, to prevent runoff entering mined area.
- Drainage within the extraction area must be retained within the pit. Hence, the site supervisor will undertake a daily site inspection to ensure drainage is not impacting adjacent properties.
- In case of contamination or discharge, an incident report will be completed, and investigation undertaken by the operations and/or OH&S Manager.
- Site boundaries will be carefully monitored on a fortnightly basis or during heavy rainfall to ensure no water flow is observed into the surrounding sensitive environmental and human receptors.
- Daily visual inspections of stockpiles and bunds will be conducted. If an erosion incident is noted, work will stop until the incident has been assessed and prevention control measures implemented.
- Stockpiles will be strategically placed to reduce water flow within the extraction area. Topsoil stockpile will be positioned in a gently sloped area along the stage boundary,

topsoil stockpile stabilizes quickly, which will prevent any sedimentation. However, if not stabilized naturally, polymer-based stabilizer will be used.

- Product (gravel and sand) stockpile will act as a barrier to the storm water flow, and any water escaping the product stockpile will be captured by the constructed detention ponds.
- The overflows of the sumps will have silt curtains to address the potential for sedimentation discharge properties.
- Initial post mining rehabilitation will involve the construction of contour bunds to control the flow of stormwater (including particulate matter) over the EIL area.

**4.3 Groundwater Management**

Ground water occurrence is limited to localized small aquifers associated with deeper accumulations of sandy materials. The project does not involve dewatering or abstraction of groundwater.

When water is required for dust management, it will be abstracted from the existing farm dams on the property or off-site from the nearest available commercial (scheme) source.

Due to the low scale nature of the operations and limited groundwater, no groundwater contamination is anticipated and there is no risk to any private groundwater supply. No fuel or lubricant storage will occur on the site.

Refuelling will take place using a mobile refuelling vehicle which is equipped with a “snap-on snap-off, fast-fill and auto shut-off” facility. Plant will be refuelled each morning, leaving the vehicles almost empty overnight.

Refuelling or any activities that carry a risk of spills will be carried away from the detention basins and stormwater flow paths. No major servicing, which could lead to fuel and oil spills, will take place on the site. Contaminated material resulting from any minor spills will be extracted and disposed of offsite at an appropriate landfill facility.

Westwall Holding will implement a Hydrocarbon Spill Response, attached to this management plan as Annexure 2, outlining their procedures for controlling, recovering, treating and reporting hydrocarbon spills.

**4.4 Water Supplies for Bushfire Management**

As per condition 4.41.3 of Local Planning Scheme 7, a water tanker is available for firefighting operations off site when bush fires are close by, and water availability is at the discretion of Westwall holdings management. Water will be available from the constructed detention ponds, as well as existing farm dams. A 15kl water cart will be always on site. Approximately 6000kl of water will be required every year for the proposed operation activities and bush fire management.

The Old Valley Pty Ltd has a Surface Water Licence, 66218 for which the allocation is 492000KL, of which 10% will be used for the water requirement for dust suppression and bushfire

management during the proposed extraction lifecycle. The water is pumped from the dam D1, as shown on Figure 1, which is part of the surface water licence. The dam D1 has 1.6 billion litres and is already piped into the gravel blocks under pressure. D1 will be used for the water requirement for dust suppression and bushfire management during the proposed extraction lifecycle.

### 4.5 Monitoring and Management Measures

After pit closure and rehabilitation, monitoring of rehabilitated areas will ensure that any areas requiring remedial work are identified. Monitoring will be carried out on an annual basis to assess the:

- Physical stability of the landform in the rehabilitated areas.
- Success of pasture grasses.
- Emergence of weeds.

Monitoring will continue until the completion criteria have been fulfilled. Maintenance procedures will be carried out where necessary and may include:

- Repair of any erosion damage.
- Seeding areas that may not have regenerated.
- Weed control.

## 5. ACID SULFATE SOILS

A search of the CSIRO's Australian Soil Resource Information System (ASRIS) database identified the area has been provisionally classified as having an extremely low probability with very low confidence of occurrence for acid sulfate soils (CSIRO, 2022).

## 6. REFERENCES

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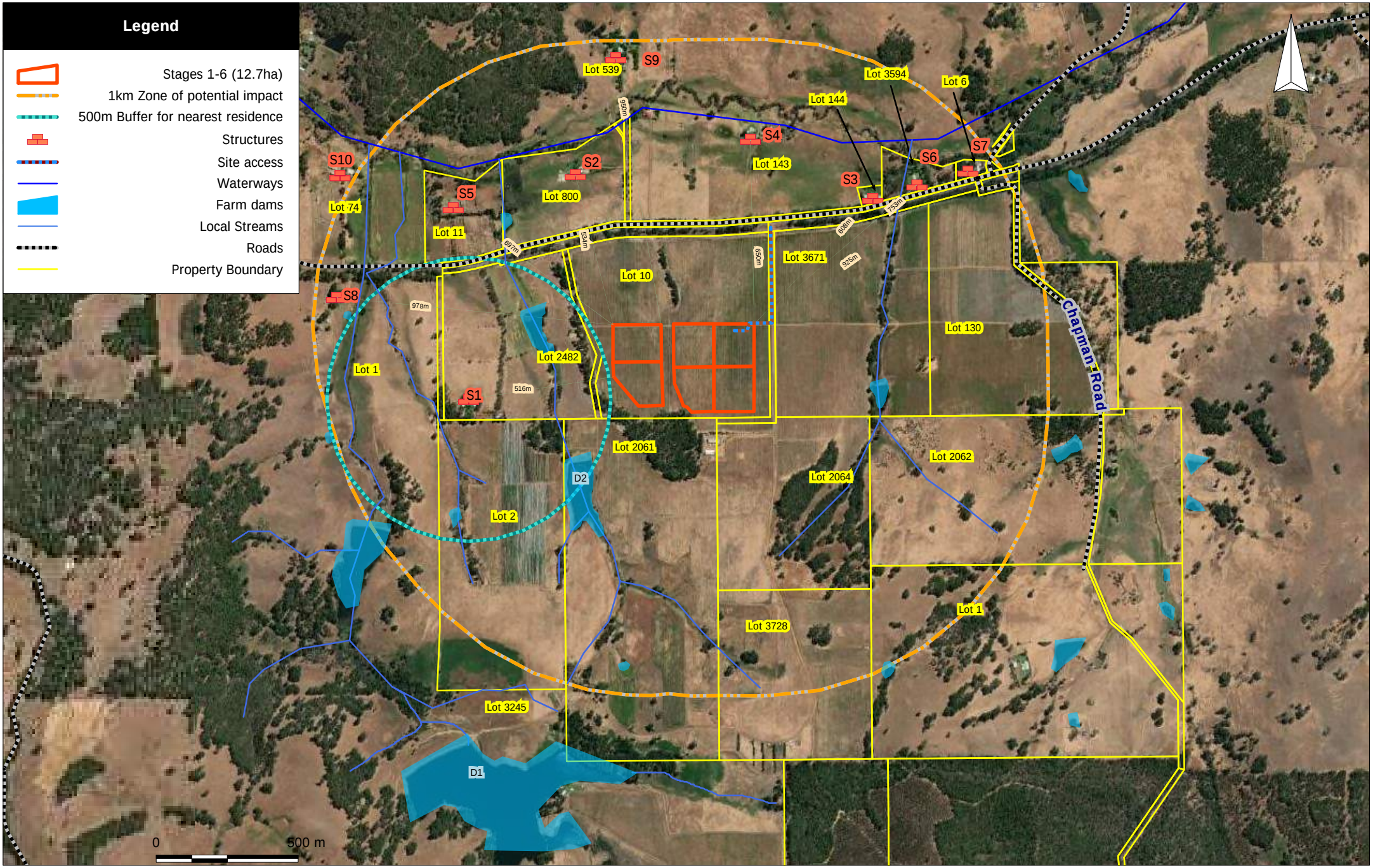
# FIGURES





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Datum: GDA94
Projection: Australia MGA94 (50)

Client: Westwall Holdings

Project: Gravel & Sand Extraction

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 1:

## Site and Surrounds

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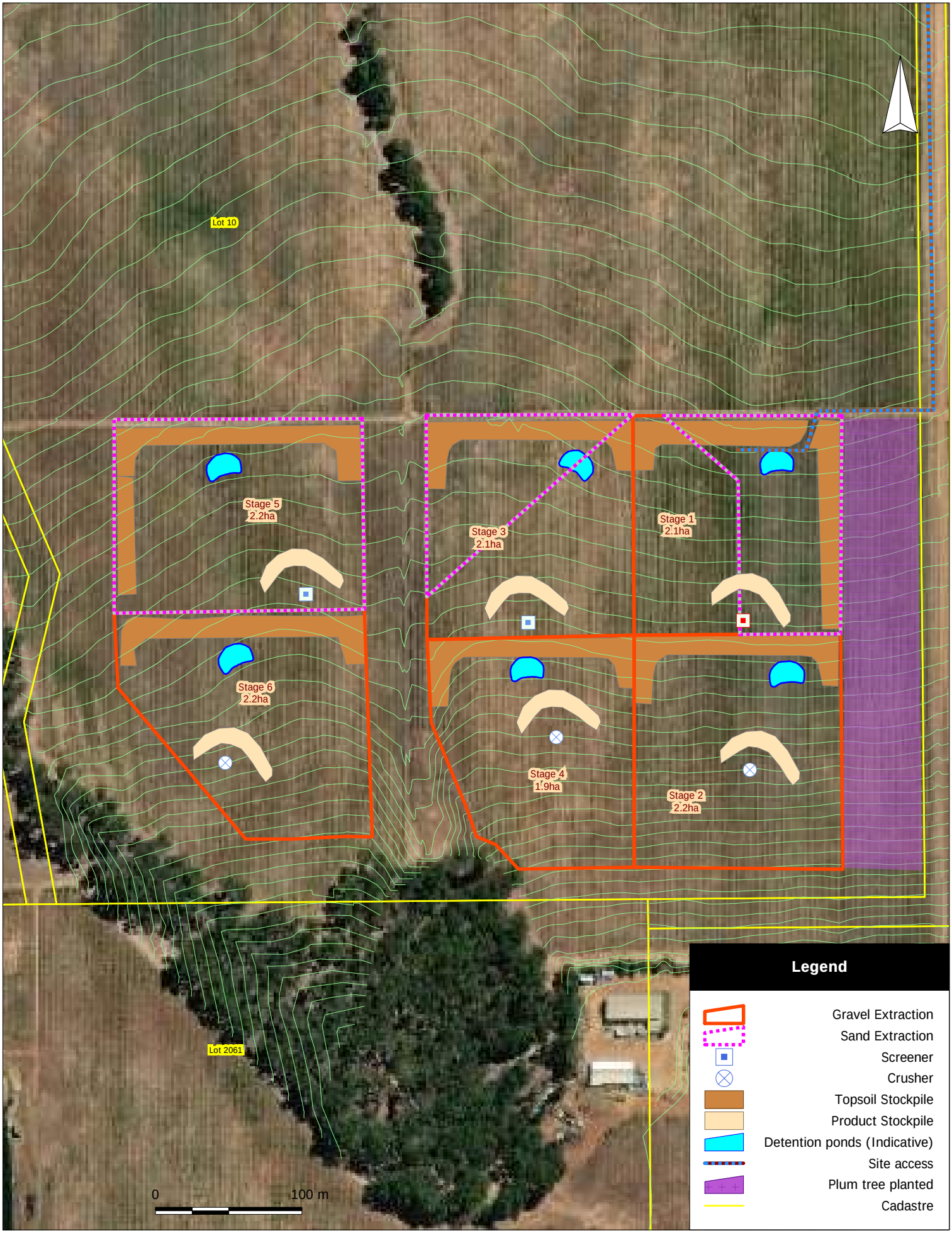


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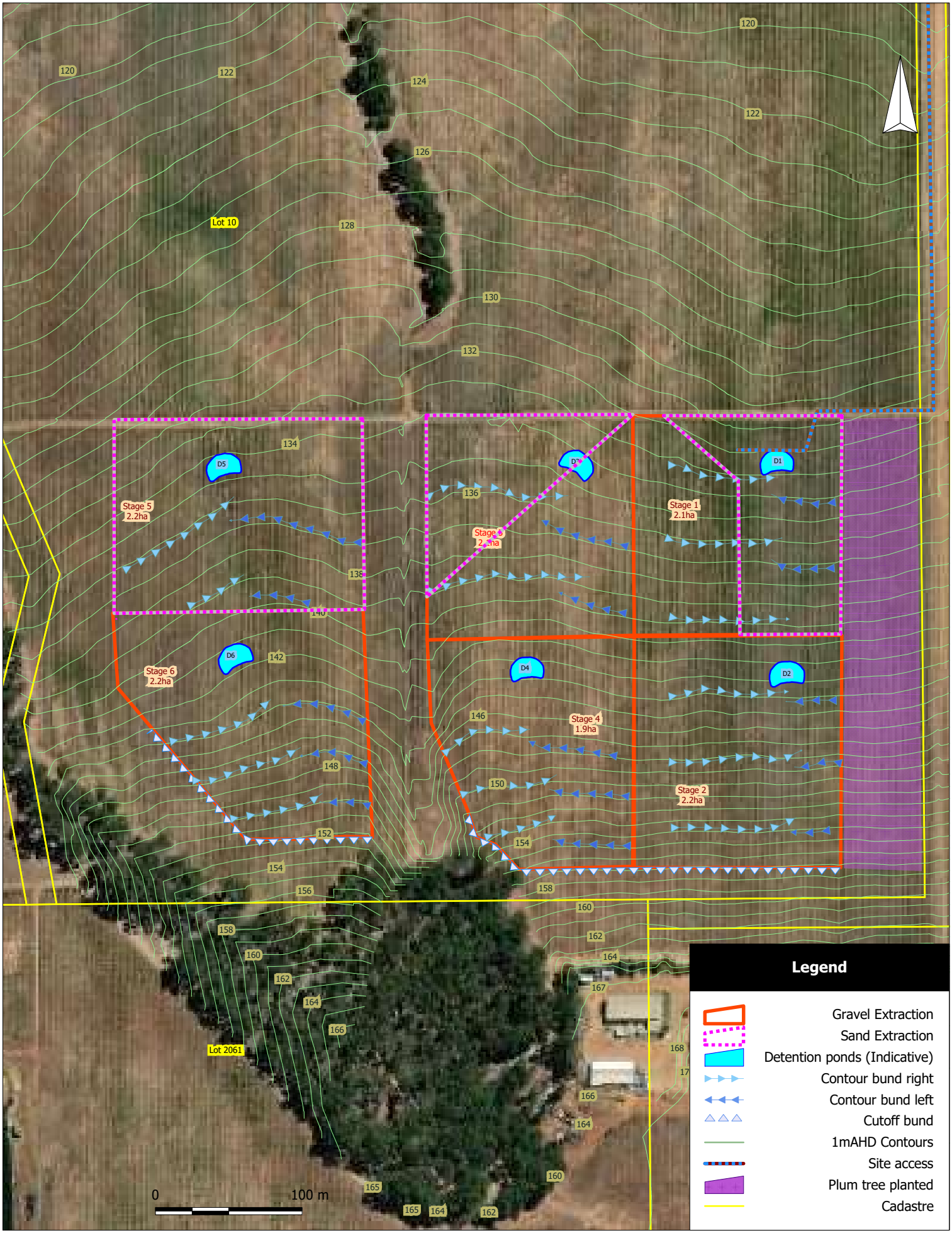
Client: Old Valley Pty Ltd

Project: Gravel & Sand Extraction

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 2:

## Proposed Extraction





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Client: Old Valley Pty Ltd

Project: Gravel Extraction

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 3:

**Stormwater Management Plan**

# Annexure 1

# Contour bank specifications

Contour banks, combined with effective stubble management, are recommended to control erosion on sloping land used for growing crops.

Before building contour banks, decisions have to be made about the:

- gradient in the bank channel
- length of the banks
- spacing of the banks
- proposed bank shape and dimensions.

Contour bank specifications vary with the land slope. Most broad-acre cropping areas in Queensland are under three per cent. Slopes of up to eight per cent are cropped on the eastern Darling Downs, inland Burnett and the Atherton Tableland. Some horticultural crops in coastal areas are grown on steeper slopes.

## Gradients

Contour bank gradients are normally expressed as a percentage. A bank with a gradient of 0.2 m in 100 m would have a gradient of 0.2 per cent. Selecting suitable gradients for contour banks has to be a compromise. If gradients are too high, bank channels with bare soil may erode. If gradients are too low, banks lined with crops may overtop or there may be excessive pondage in the bank following run-off.

Recommended contour bank gradients are shown in Table 1. Gradients are highest on steeper land where banks are shorter and have less capacity than banks on low sloping land. It is normal practice for a contour bank to be constructed to the same capacity for its entire length. Since the amount of run-off to be carried increases with the length of the contour bank, variable gradients can be used along a contour bank channel.

**Table 1. Gradients for contour banks**

| Land slope (%) | Contour bank gradients (%) | | |
|---|---|---|---|
| | Top section | Middle section | Outlet section |
| 2 | 0.15 | 0.15 | 0.2 |
| 3–5 | 0.2 | 0.25 | 0.3 |
| 5–10 | 0.3 | 0.4 | 0.5 |

In intensive cropping areas (e.g. sugar cane), parallel contour bank systems are preferred. Such systems require flexibility in contour bank gradients. Gradients can be modified over short distances to improve workability of the layout. If the channel is permanently grassed, higher gradients can be used.

Gradients at bank outlets may need to be increased for the last 30 m if the waterway is stable and well grassed or the banks empty into an adjacent grassed area.

## Length

Table 2 provides a guide to maximum bank lengths based on land slope. It is based on well maintained contour banks and the minimum contour bank spacings normally recommended on such slopes. It assumes that run-off is travelling in the one direction in the contour bank channel. On steeper landscapes, average contour bank lengths are likely to be shorter because the distance between natural drainage lines is less than on low slopes.

**Table 2. Recommended maximum bank lengths for various land slopes and single contour bank spacing**

| Land slope (%) | Maximum bank length (metres) |
|---|---|
| 1 | 2500 |
| 1.5 | 2000 |
| 2 | 1750 |
| 3 | 1500 |
| 4 | 1000 |
| 5 | 750 |
| 6 | 600 |
| 7 | 450 |
| 8 | 400 |
| 9 | 350 |
| 10 | 300 |

## Spacing

There are no strict rules that determine the correct spacing for a particular situation. The concept of a single and double spacing has been used to allow variations in contour bank spacings—depending on the average conditions likely to be experienced in a paddock (Table 3).

Single spacings should be used where paddocks are seriously eroded and lower levels of ground cover are likely. Double spacings can be used where there is minimal erosion and high levels of cover are to be maintained. Spacings between single and double can be chosen when there is a need to compromise. For example, in the Central Highlands where high rainfall intensities often occur and dry seasons often lead to low cover levels.

**Table 3. Recommended contour bank spacings**

| Slope (%) | Single Spacing | | Double Spacing | |
|---|---|---|---|---|
| | VI (m) | HI (m) | VI (m) | HI (m) |
| 1 | 0.9 | 90 | 1.8 | 180 |
| 2 | 1.2 | 60 | 2.4 | 120 |
| 3 | 1.4 | 45 | 2.8 | 90 |
| 4 | 1.6 | 40 | 3.2 | 80 |
| 5 | 1.8 | 36 | 3.6 | 72 |
| 6 | 1.9 | 32 | 3.8 | 64 |
| 7 | 2.1 | 30 | 4.2 | 60 |
| 8 | 2.4 | 30 | 4.8 | 60 |
| 9 | 2.7 | 30 | 5.4 | 60 |
| 10 | 3.0 | 30 | 6.0 | 60 |

VI = Vertical interval; HI = Horizontal interval

## Shape and dimensions

Narrow-based banks normally have batters of 1:3 (VI:HI) while broad-based banks may have batters varying from 1:4 to1:8 (VI:HI). The amount of soil required to build a bank increases significantly as the bank batter becomes flatter.

The amount of run-off a contour bank has to handle depends on its length, the distance between banks, rainfall intensity, and the condition of the soil surface in terms of its ability to produce run-off.

Contour banks must be able to handle vastly different conditions in the channel. They vary from a smooth and bare channel (comparable to a highway) to one with a growing crop or standing stubble (comparable to a traffic jam).

**Table 4. How flow depth affects velocities and flow rates in contour banks**

| Depth of flow in the channel (m) | Conditions in the contour bank channel | | | |
|---|---|---|---|---|
| | Standing wheat stubble | | Bare cultivated channel | |
| | Velocity (m/s) | Flow rate ($m^3$/s) | Velocity (m/s) | Flow rate ($m^3$/s) |
| 0.2 | 0.08 | 0.14 | 0.38 | 0.72 |
| 0.3 | 0.10 | 0.35 | 0.48 | 1.74 |
| 0.4 | 0.11 | 0.67 | 0.57 | 3.35 |
| 0.5 | 0.13 | 1.13 | 0.65 | 5.65 |

This data is based on a contour bank on a land slope of two per cent and a gradient of 0.2 per cent with the same shape as shown in Figure 1.

If necessary, a suitable design can be obtained by preparing a spreadsheet as shown in Table 4 (based on Mannings formula for a typical contour bank cross section). For a given cross section shape, velocities and flow rates can be compared for different flow depths and different channel conditions.

Erodible velocities (0.5–0.6 m/s) may occur once the depth of flow in a bare channel exceeds 0.3 m. However, when the channel has standing stubble a flow depth of 0.5 m will only be flowing at 0.13 m/s.

Contour banks are not normally individually designed. A bank that can handle a depth of flow of 0.4 to 0.5 m will provide satisfactory capacity for typical contour bank layouts. To accommodate such a flow, a contour bank needs to be constructed to a height of 60 to 70 cm to allow for settlement and some freeboard.

Table 5 shows some typical contour bank cross sections with a height of 0.5 m on slopes ranging from 2–5 per cent. Note how the capacity of a contour bank for a given height is very dependent on the land slope.

**Table 5. Contour bank specifications for banks of a height of 0.5 m on a range of slopes**

| Land slope % | Batter on bank | Batter on inlet into channel | Bottom width (m) | Cross sectional area ($m^2$) |
|---|---|---|---|---|
| 2 | 1:4 | 1:50 | 4 | 8.75 |
| 3 | 1:4 | 1:20 | 4 | 5.00 |
| 4 | 1:3 | 1:10 | 2 | 2.63 |
| 5 | 1:3 | 1:5 | 2 | 2.00 |

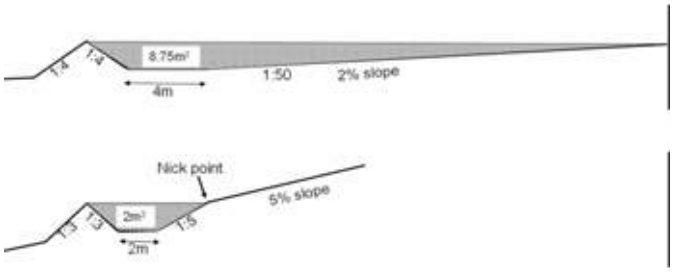


**Figure 1. Contour bank cross sections for banks 0.5m high on a 2 percent and a 5 per cent slope.**

## Further information

For further information visit the DERM website <www.derm.qld.gov.au> and refer to *Soil conservation measures—design manual for Queensland* (Chapter 9), and the following fact sheets:

- L202—*Maintaining contour banks*
- L13—*Erosion control in cropping land*
- L35—*Run-off control measures for soil conservation*.

*July 2010*
*L205*

**For general enquiries contact the Queensland Government call centre 13 13 04 or visit www.derm.qld.gov.au**

# Annexure 2

# WESTWALL HOLDINGS

## Hydrocarbon Spill Management Plan

**Purpose:**

The purpose of this document is to describe the measures that Westwall Holdings will implement in order to limit the impact of any hydrocarbon spills that may take place on any of their extraction and waste fill sites.

**Proposed Measures:**

The following preventative measures will be implemented:

- No fuel will be stored on site and all plant and equipment will be refuelled by a mobile fuel truck, as and when required. Refuelling is done in the morning and plant and equipment is empty during the night.
- Refuelling or any activities that carry a risk of spills will be carried out away from the detention basins and stormwater flow paths.
- All major servicing of plant and equipment will take place at the workshops off site.
- Refuelling trucks are fitted with automatic snap-off fuel nozzles, thus preventing overfilling and spillage.
- Operators/drivers are provided instruction on the need for hydrocarbon pollution prevention when induction courses are given.

The following actions will be taken in the event of a spill occurring:

- Stop the spill source immediately if it is safe to do so.
- Contain the spill and prevent any contact with water bodies and drains.
- Clean up the spill by digging up the contaminated soil and transporting it to a licensed waste disposal site. Replace the excavated material with clean fill.

- If possible a photographic record of the procedure should be kept.
- Report the incident to the Quarry Manager.

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# NOISE MANAGEMENT PLAN

**Prepared for Westwall Holdings Pty Ltd**
**For 2038 Donnybrook Boyup Brook Road, Yabberup**
**Shire of Donnybrook-Balingup**

## 1. INTRODUCTION

This Noise Management Plan (NMP) has been prepared in accordance with guidelines published by the Environmental Protection Authority (EPA, 2007). Noise will be managed under Part V of the *Environmental Protection* Act 1986 (EP Act) and subsidiary regulations, including *Environmental Protection (Noise) Regulations 1997*.

This NMP should be read in conjunction with the report entitled "Revised *Extractive Industries Licence Application and Environmental Management Plan (EMP) 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup*"**,** prepared for Westwall Holdings Pty Ltd by Lundstrom Environmental Consultants Pty Ltd in January 2024.

The objectives of this NMP are as follows:

- To describe the nature of the proposed operation;
- To identify any sources of noise that might arise from these operations;
- To identify the proximity of any sensitive premises in this regard;
- To identify measures that will limit the generation of noise from the operations;
- To identify measures that will limit the impact of noise on sensitive premises.

## 2. SITE BACKGROUND

### 2.1 Locality and Ownership

Locality: 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup
Ownership: Old Valley Pty Ltd

The properties are approximately 18km from the intersection of Donnybrook Boyup Brook Road and South-western Highway.

Figure 1 shows the site and surrounds, and Figure 2 indicates the proposed Extractive Industries Licence (EIL) area covered by this application.

### 2.2 Land Use

The property is currently used as a vineyard. The extraction area will be rehabilitated back to pastures after completion of operations.

Lots 10 is zoned as "Priority Agriculture", in terms of the Shire of Donnybrook-Balingup Local Planning Scheme (LPS) No. 7 (DPLH, 2022).

## 3. PROPOSED WORKS AND POTENTIAL IMPACTS

### 3.1 Proposed Extraction Activities

Westwall Holdings intend to extract approximately 45,720 tonnes/year of gravel and sand from the areas indicated on Figure 2 in stages 1 to 6 of approximately 2ha each. The total area to be disturbed is approximately 12.7ha and excavation will proceed to a depth of approximately one meter. The EIL application is for 5 years. Once the extraction phase has been completed, the area will be returned to irrigated pastures to support sheep farming.

The proposed extraction licence is required for the purpose of undertaking the following activities on the site:

- The proposed extraction area will be cleared of non-operational vine plantation in stages, with only the stage being worked on, being cleared, ensuring the disturbed area exposed at any time to a practical minimum.
- Extraction of gravel and sand from an area of 12.7ha in six stages as shown in Figure 2. Stages 1 to 6 will involve extraction of approximately 228,600 tonnes of gravel and sand in total but will be dependent on demand.
- Topsoil will be removed from the extraction area prior to the commencement of each stage, with only the area targeted for immediate extraction being open. Topsoil will be stockpiled separately along the edges of the extraction area, with stockpiles being no more than 3m high and 18m wide, with batters of 1:3.
- Within each current stage of extraction, a bulldozer will rip and blade material to a raw material stockpile. This material is loaded into the crusher after which stacker creates a product stockpile. The product stockpile will be no more than 5m high and 28m wide, with batters of 1:3.
- A mobile crushing and screening plant will be used on site for approximately three to four weeks per year, dependent on the size of the campaign.
- Product and topsoil stockpiles will be placed in such a way that they will act as noise and visual buffer between the extraction activities and sensitive receptors.
- Crusher and stockpile positions have been identified by the proponent for each stage and are illustrated in Figure 2.
- Extraction activity will result in the lowering of the ground level by approximately one metre.
- At a time, only one stage of up to 2ha will be extracted and will be progressively rehabilitated back to irrigated pastures for intensive sheep farming after completion of extraction activities and before moving to the next stage. This will ensure that the area of disturbed land is stabilized, and the disturbed area exposed at any time to a practical minimum.
- Trucks will enter the pit via an existing access road off Donnybrook Boyup Brook road and be loaded from the stockpile by a front-end loader.
- Measures to limit noise will be undertaken.
- There will be no blasting in this operation.
- Rehabilitation and stormwater management measures will be implemented.
- The lot boundary buffer of 20m will apply.

- Batters of 1:6 will be maintained throughout the operation. Where possible, topsoil will be replaced and seeded with pastures on a progressive basis, in fully extracted areas, prior to the commencement of winter.

At a time one bulldozer, two front end loader, one crusher, one stacker will be operating on the site. Table 1 provides a description of all activities, their duration, aspect and an assessment of potential for noise impacts.

**Table 1: Summary of Noise Generating Activities**

| Activity | Duration | Equipment to be used | Comments |
|---|---|---|---|
| Strip and stack topsoil. Rip and blade laterite to crusher sites. | Up to 3-4 weeks per annum | D10 Bulldozer<br>CAT 980 front end loader (FEL)113dB(A) | Initial impact on closest resident S1, 516m away from closest boundary of Stage 1 will be moderate, but this will decrease, as the stockpile of topsoil will be pushed to edges of proposed extraction area. As well as crushing and screening plant will be surrounded by product stockpile attenuating noise from the plant. |
| Crushing, screening and stockpiling of gravel and sand | Up to 3-4 weeks per annum | Finlay Screen 693<br>Striker 1320 Crusher<br>Striker 25m Stacker | The crushing and screening plant will be surrounded by the product stockpiles, thereby attenuating noise from the plant. Late model equipment will be utilised with reduced noise level outputs. |
| Loading of trucks from stockpiles. | A maximum of 13 loaded trucks per day. | Standard rigid truck (14 tonnes)<br>Single Semi-loader (24 tonnes)<br>CAT 980 FEL | Loading area surrounded by stockpiles. Machine reverse alarms with lower frequency output units will be utilized. |
| Rehabilitation of completed stages. | Up to 2 weeks per year from 2024 to 2029. | D9/D10 Bulldozer<br>CAT 980 FEL | Moderate noise levels for limited period. |

### 3.2 Potential Sensitive Receptors

#### 3.2.1 Residential Dwellings

The EPA draft Environmental Assessment Guidelines "Separation distance between industrial and sensitive land uses" lists the generic buffer for extractive industries where "grinding and milling works but no blasting" are proposed as 500-1000m, depending on the type of processing (EPA, 2015). The operation is considered "low scale", since only up to 2ha of area will be disturbed at a time; 500m buffer would be adequate.

The closest structures to the outer boundaries of the extraction area are identified in Figure 1. There are nine structures, excluding the owner's shed, which is not residential, located within 1km of the proposed extraction areas.

The details of the closest dwellings are presented in Table 2 along with locations shown on Figure 1.

**Table 2: Structures within 1000m of the proposed extraction area**

| Reference No. on Figure 1 | Lot no. | Distance to closest area of pit (metres) |
|---|---|---|
| Structure 1 | 2482 | 516 W |
| Structure 2 | 800 | 545 NW |
| Structure 3 | 144 | 608 NE |
| Structure 4 | 143 | 650 N |
| Structure 5 | 11 | 697 NW |
| Structure 6 | 3594 | 753 NE |
| Structure 7 | 6 | 925 NE |
| Structure 8 | 1 | 978 W |
| Structure 9 | 539 | 950 N |

There are no structures within 500m of the closest boundary of the operation area. The nearest structure S1 is 516m west from the closest boundary of Stage 5. The native vegetation is well established, to the west of Stage 5 and 6, and will act as a buffer between the extractive industry activities and nearest structure S1.

### 3.3 Building Permit

Regarding the building permit, which has been approved for a dwelling on Lot 2064, it is confirmed that dwelling is not going to be constructed and hence not included in the noise assessment.

## 4. NOISE ASSESSMENT AND ATTENUATION MEASURES

The proposed development will generate some operational noise during periods of stripping, crushing, and screening, but this will be limited to approximately three to four weeks per year. Mitigation measures will be implemented which will limit the impact of operational noise.

For the stages that sand is to be extracted, no crushing will be required, only screening and therefore no extra noise will be produced.

An assessment of noise emissions associated with the extraction, crushing, screening and loading of gravel and sand for the operational stages on site, was undertaken by Herring Storer Acoustics Computer modelling was used to predict the noise levels, under worst case conditions, to each of the external sensitive receiver locations. The Acoustic assessment is attached as Annexure 1.

Crushing and screening is being undertaken at distances greater than those modelled previously and hence noise should not impact the sensitive premises.

Noise attenuation measures will be implemented as mentioned below:

1. Operating times will be 8 am to 5 pm Monday to Friday, excluding public holidays unless otherwise agreed, in writing, by the Shire of Donnybrook Balingup.

2. Late model equipment will be utilised with reduced noise level outputs.

3. The crushing and screening plant will be positioned more than 500m away from all sensitive receptors, as shown in Figure 1, all sensitive receptors are more than 500m away from any given closest point of the proposed extraction boundary.

4. The topsoil and product stockpiles positions are as shown in Figure 2 and will provide noise attenuation from extraction activity.

5. During the actual mining phase, topsoil will be pushed up in bunds along the edges of the proposed area as shown in figure 2 and will be no more than 3m high and 18m wide, with the batters of 1:3.

6. The product stockpile will be no more than 5 metres high, and will be positioned in front of the crusher, acting as noise barrier between the noise generating activities and the sensitive receptors existing on the west and north of the operation.

7. The product stockpile will maximize the buffering of noise that might occur from the loading of trucks after mining operations have ceased.

8. The red 'earthy' colour of the crushed gravel tends to blend in with the natural environment, limiting the visual impact of the proposed stockpiles.

9. On-site generator will be only used when the crusher will be operational, which will be 3-4 weeks per annum, product stockpile placed before the noise generating equipment, will act as noise barrier between operation and sensitive receptors.

10. Only broad band reversing warning devices (croakers) will be utilised on all heavy machinery and trucks.

11. If a D10 dozer is to be used for the operations, it is to be fitted with CAT noise suppression.

12. All plant will be maintained in good condition with efficient mufflers and noise shielding.

13. Quarterly noise monitoring will be conducted to measure noise of the equipment at different locations, during the life of the pit. This will help determine the effectiveness of noise control measures in place.

14. Noise monitoring will also follow the corrective actions to mitigate if noise identified is above the acceptable levels. Noise audit form is attached as Annexure 2.

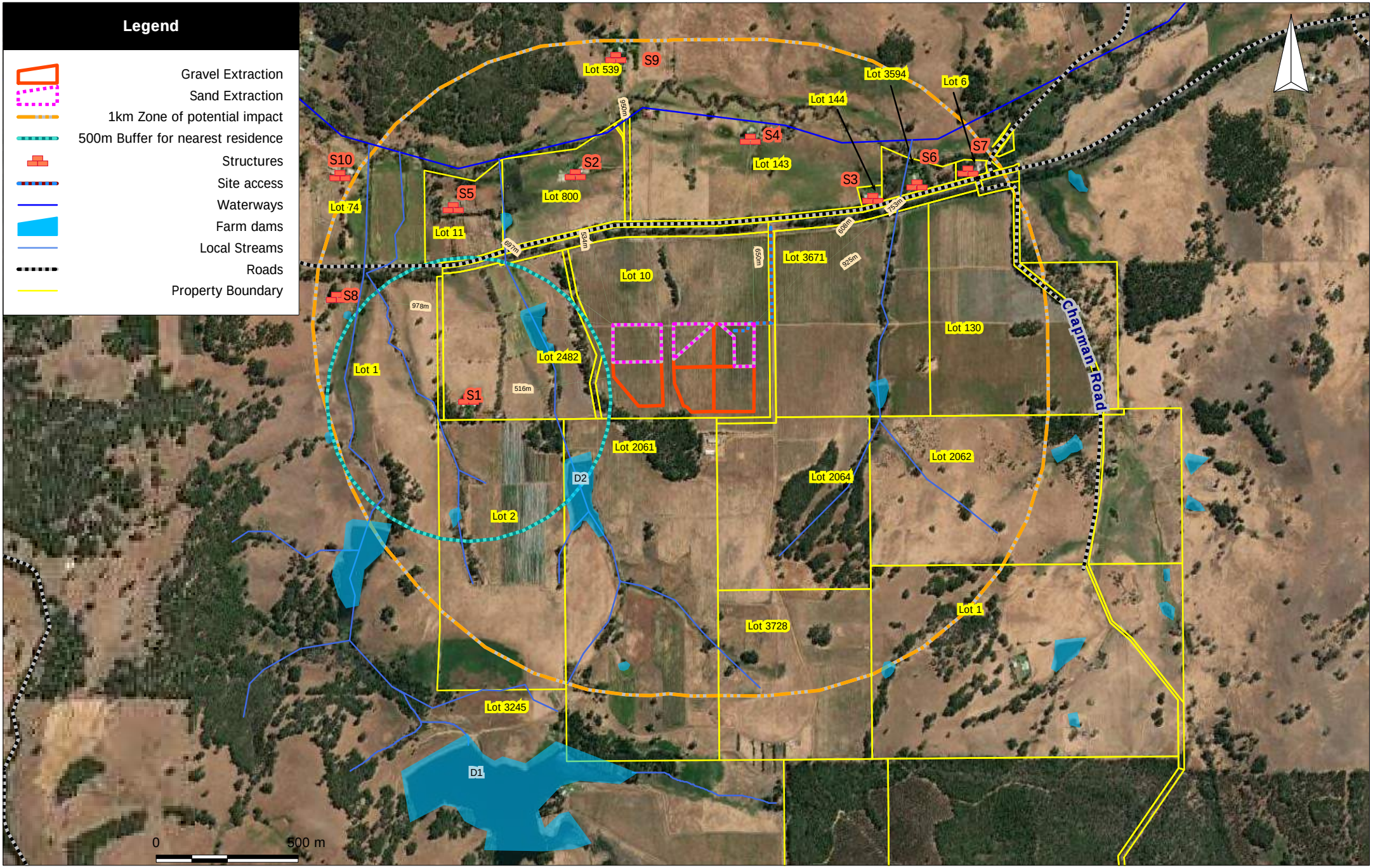
15. A complaints register will be implemented, with any complaints being formally recorded.

16. The signage on the gate will include the contact telephone number of the site supervisor to allow for quick reaction to any complaints that may arise.

**5. REFERENCES**

Herring Storer Acoustics: Acoustic Assessment: Extractive Industry – 2038 Donnybrook–Boyup Brook Road, Yabberup (Ref: 29414-4-22120) – Prepared for Westwall Holdings Pty Ltd.

# FIGURES





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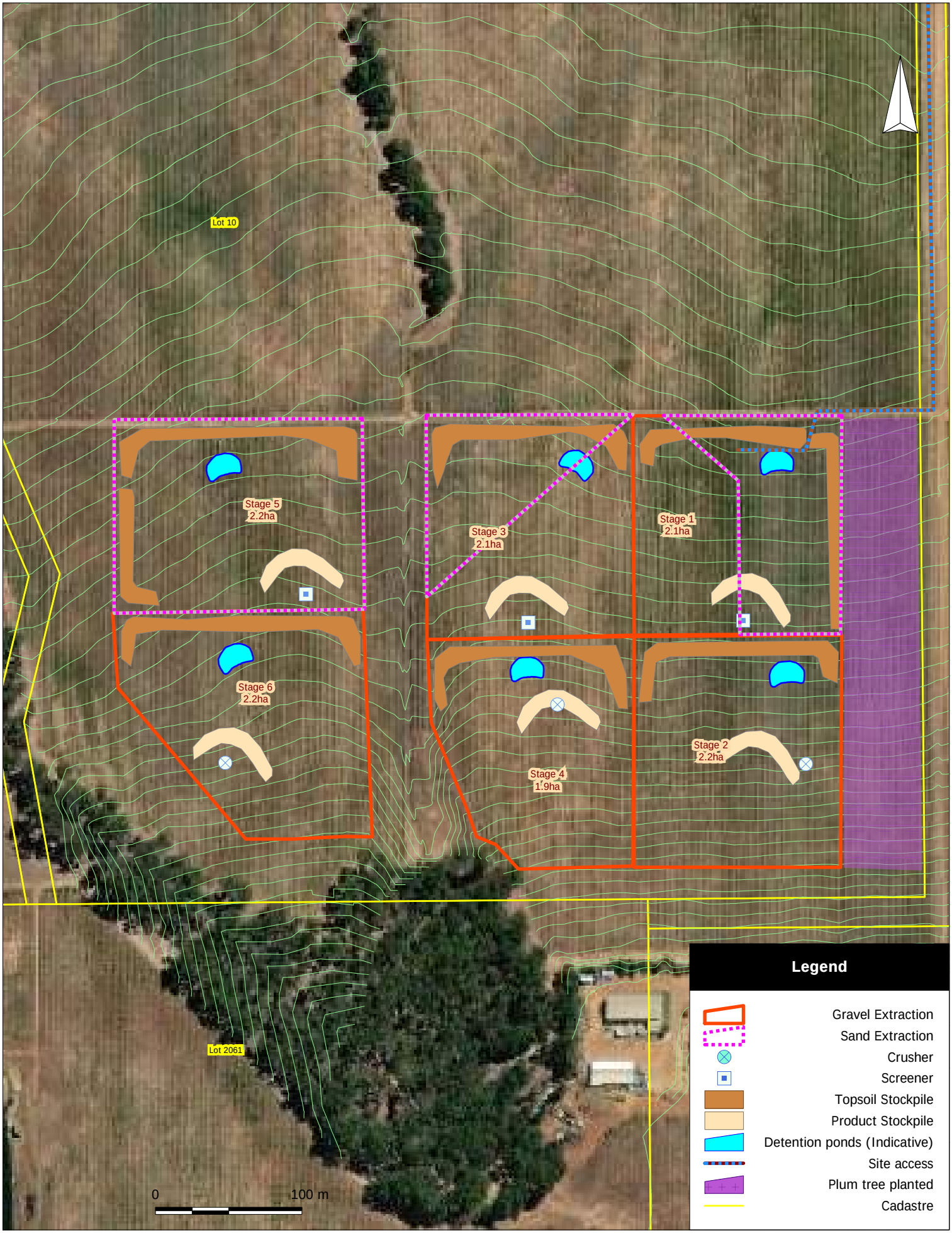
Scale: 1:17000
Original Size: A4
Air Photo Source: ArcGIS Dec 2021
Datum: GDA94
Projection: Australia MGA94 (50)

Client: Westwall Holdings
Project: Gravel & Sand Extraction
Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 1:

**Site and Surrounds**





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Client: Old Valley Pty Ltd

Project: Gravel & Sand Extract

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 2:

**Proposed Extraction**

# Annexure 1

HERRING STORER ACOUSTICS

# WESTWALL HOLDINGS PTY LTD

EXTRACTIVE INDUSTRY
2038 DONNYBROOK – BOYUP BROOK ROAD, YABBERUP

# ACOUSTIC ASSESSMENT

MARCH 2023

OUR REFERENCE: 29414-4-22120

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2038 DONNYBROOK – BOYUP BROOK ROAD, YABBERUP

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# APPENDICIES


A Site Layout

B Noise Contours

# 1. INTRODUCTION

Herring Storer Acoustics have been commissioned by Lundstrom Environmental Consultants on behalf of Westwall Holdings Pty Ltd to undertake an acoustic assessment of noise emissions from the proposed gravel extraction operations located at 2038 Donnybrook – Boyup Brook Road, Yabberup.

The proposed extraction operations will operate from 0700 – 1900 Monday to Friday and 0700 – 16:00 on Saturdays. No operations would occur on Sundays or Public Holidays. The nearest residential premises are located to the west and south of the proposed operations.

The main access road is via Donnybrook – Boyup Brook road as shown in Figure 1.1, along with the proposed operations.

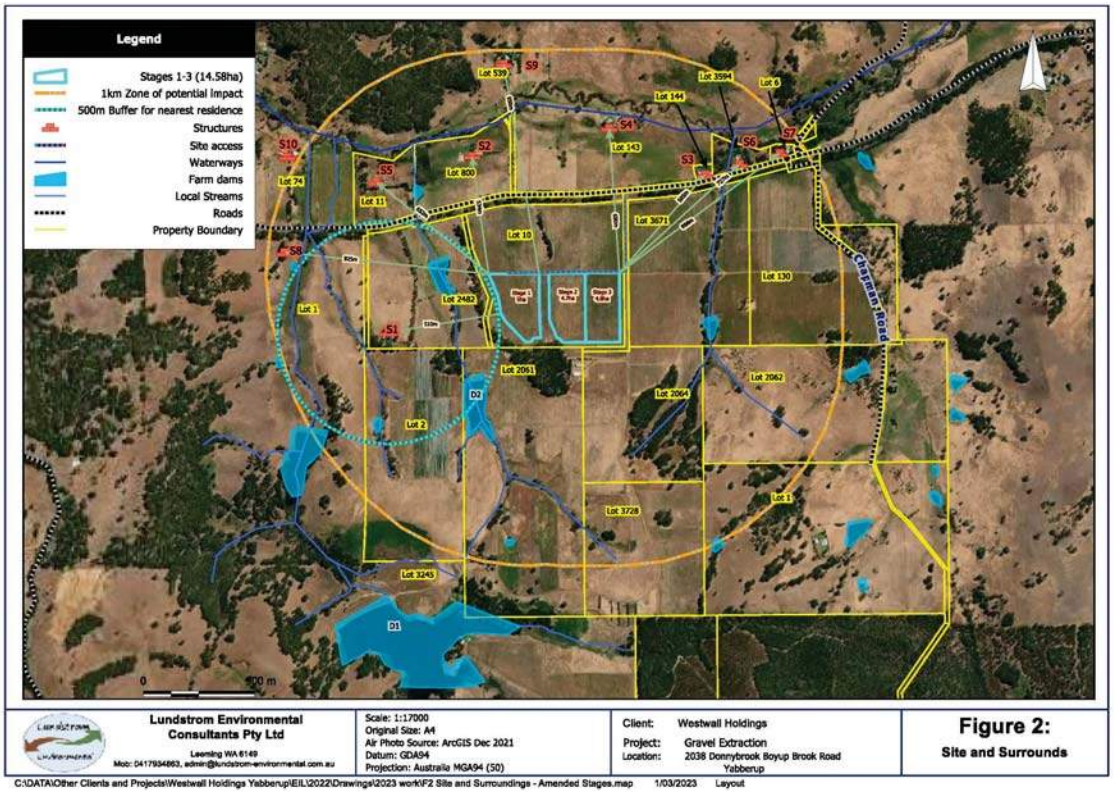



**FIGURE 1.1 – EXTRACTION OPERATIONS**

This assessment is provided to support the regulatory approvals processes and show that compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* can be achieved.

As part of the study, the following was carried out:

- Identification of individual operations and the associated noise levels.
- Assess the predicted noise levels at the nearest surrounding highly noise sensitive premises for compliance with the appropriate criteria.
- If exceedances are predicted, comment on possible noise amelioration options for compliance with the appropriate criteria.

For information, a locality plan is shown in Appendix A.

## 2. SUMMARY

Assessment has been conducted on the proposed gravel extraction operations for 2038 Donnybrook – Boyup Brook Road, Yabberup.

The facility would only operate during the day period (being Monday to Friday 0700 to 1900 hours and 0700 to 1600 on Saturdays). Therefore, at the neighbouring residences, the applicable acoustic criteria for this assessment is the assigned $L_{A10}$ day period noise level of 45 dB(A).

Noise received at the nearest residential premises has the potential to exceed the assigned noise level criteria if no noise control in the form of earthen bunding is implemented.

Therefore, to comply with the criteria, management of the dozer and fixed plant noise levels requires operations behind a barrier (earth bund) for strategic locations throughout the staging.

Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the Environmental Protection (Noise) Regulations 1997 for the operating times as outlined in this assessment.

## 3. CRITERIA

The allowable noise level for noise sensitive premises in the vicinity of the proposed site is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 and 8 stipulate maximum allowable external noise levels or assigned noise levels that can be received at a premise from another premises. For residential premises, this noise level is determined by the calculation of an influencing factor, which is then added to the base levels shown below. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern. The base noise levels for residential premises are listed in Table 3.1.

**TABLE 3.1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL**

| Premises Receiving Noise | Time of Day | Assigned Level (dB) | | |
|---|---|---|---|---|
| | | $L_{A\ 10}$ | $L_{A\ 1}$ | $L_{A\ max}$ |
| Noise sensitive premises | 0700 - 1900 hours Monday to Saturday (Day) | 45 + IF | 55 + IF | 65 + IF |
| | 0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day Period) | 40 + IF | 50 + IF | 65 + IF |
| | 1900 - 2200 hours all days (Evening) | 40 + IF | 50 + IF | 55 + IF |
| | 2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night) | 35 + IF | 45 + IF | 55 + IF |

Note: $L_{A10}$ is the noise level exceeded for 10% of the time.
$L_{A1}$ is the noise level exceeded for 1% of the time.
$L_{Amax}$ is the maximum noise level.
IF is the influencing factor.

It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

**"impulsiveness"** means a variation in the emission of a noise where the difference between $L_{Apeak}$ and $L_{Amax\ Slow}$ is more than 15 dB when determined for a single representative event;

**"modulation"** means a variation in the emission of noise that –

(a) is more than 3dB $L_{A\ Fast}$ or is more than 3 dB $L_{A\ Fast}$ in any one-third octave band;

(b) is present for more at least 10% of the representative assessment period; and
(c) is regular, cyclic and audible;

**"tonality"** means the presence in the noise emission of tonal characteristics where the difference between –

(a) the A-weighted sound pressure level in any one-third octave band; and
(b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A\ Slow}$ levels.

The nearest potential noise sensitive premises to the proposed development have been identified using the area map in Figure 3.1.

The usage of the surrounding land use varies from intensive horticulture and residential land use. Therefore, the assigned noise levels for operational times are as noted in Table 3.2.

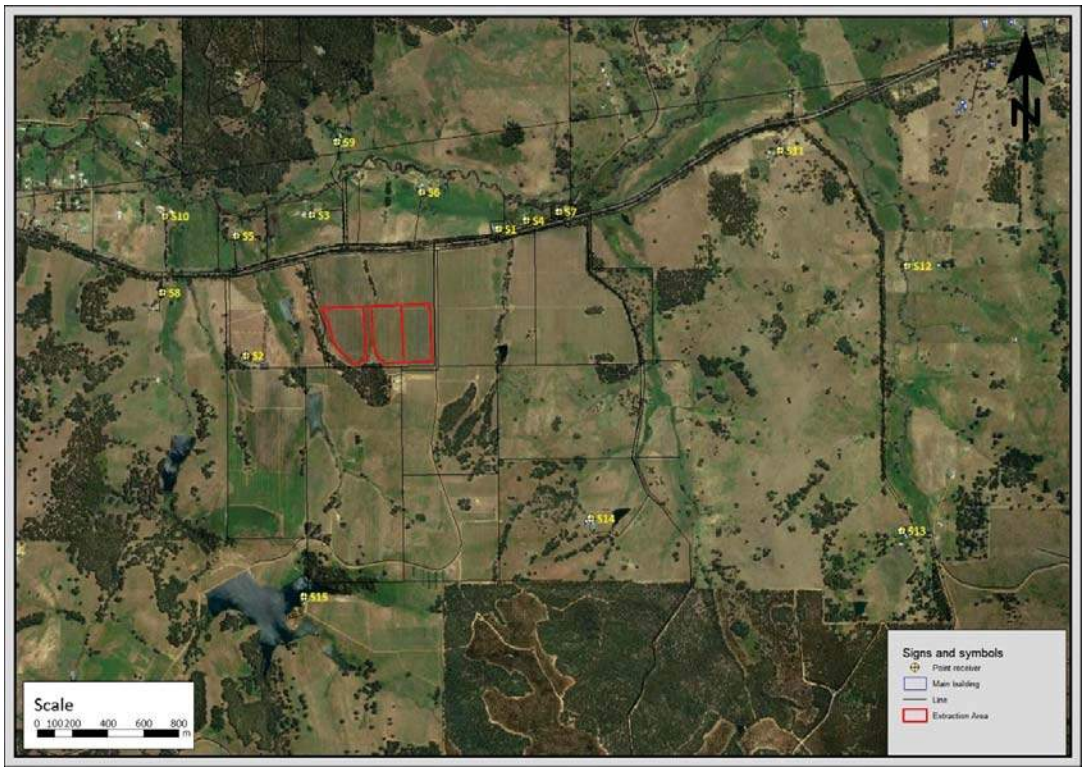



**FIGURE 3.1 – RECEIVER LOCATION MAP**

**TABLE 3.2 – ASSIGNED NOISE LEVELS**

| Premises Receiving Noise | IF dB | Time of Day | Assigned Level (dB) | | |
|---|---|---|---|---|---|
| | | | $L_{A\ 10}$ | $L_{A\ 1}$ | $L_{A\ max}$ |
| Receiver S1 to S15 | 0 | 0700 - 1900 hours Monday to Saturday (Day) | 45 | 55 | 65 |

## 4. PROPOSED OPERATIONS

The proposed extraction operations will operate from 0700 – 1900 Monday to Friday and 0700 – 16:00 on Saturdays. No operations would occur on Sundays or Public Holidays.

Site equipment is as per Table 4.1.

**TABLE 4.1 – SITE ACTIVITIES**

| Activity | Duration | Equipment to be used | Comments |
|---|---|---|---|
| Strip and stack topsoil. Rip and blade laterite to crusher sites. | Up to 3-4 weeks per annum | D10 Bulldozer<br>CAT 980 front end loader | Topography of the area and remnant vegetation will isolate the operations from nearby residences. Hours of operation will be restricted to 7am to 6pm weekdays and 7am to 12pm on Saturdays. |
| Crushing, screening and stockpiling of gravel | Up to 3-4 weeks per annum | Finlay Screen 693<br>Striker 1320 Crusher<br>Striker 25m Stacker | The crushing and screening plant will be surrounded by the product stockpiles, thereby, attenuating noise from the plant. Late model equipment will be utilised with reduced noise level outputs. |
| Loading of trucks from stockpiles. | A maximum of 13 loaded trucks per day. | Standard rigid truck (14 tonnes)<br>Single Semi-loader (24 tonnes)<br>CAT 980 FEL | Loading area surrounded by stockpiles. Machine reverse alarms with lower frequency output units will be utilised. |
| Rehabilitation of completed stages. | Up to 2 weeks per year from 2022 to 2027. | D9/D10 Bulldozer<br>CAT 980 FEL | Moderate noise levels for limited period. |

## 5. CALCULATED NOISE LEVELS

Noise immissions[1] at the nearest neighbouring residential premises, due to noise associated with the proposed operations, were modelled with the computer programme SoundPlan. Sound power levels used for the calculations are based on measured sound pressure levels of similar equipment proposed for use on site.

The modelling of noise levels has been based on noise sources and sound power levels shown in Table 5.1.

1 Immissions – noise received at a source
2 Emissions – noise emanating from a source and / or location

**TABLE 5.1 – SOUND POWER LEVEL - NOISE SOURCES dB(A)**

| Source Name | Quantity | SWL dB(A) |
|---|---|---|
| Loaders (Cat 980H or similar) | 1 | 111 |
| Screening Plant (McCloskey S190 Screener or Similar) | 1 | 101 |
| Crusher (Terex J1175) | 1 | 113 |
| Dozer D10 or equivalent | 1 | 108 |

Note: The above equipment models have been used to provide an indication of the size. Other models may be used although these have been assumed to have a similar sound power level.

Based on noise emissions from the above equipment, an overall operating scenario has been developed. Figure 5.1 details the source locations assumed in the predictive modelling along with the proposed development of the pit.

**FIGURE 5.1 – SOURCE LOCATION AND PIT PROGRESSION**

Based on the initial modelling scenario, the noise sources have been placed at the existing surface level. As the pit is open towards the north/west, additional protection is achieved to barrier noise emissions from the plant. Additionally, a dozer noise source has been placed in the most critical locations in terms of distance from the nearest noise receivers.

Initial noise modelling indicated that with no barriers, noise levels at the surface may exceed the criteria, dependant on the location. Therefore, a secondary scenario was developed with the inclusion of barriers. Generally, dozer operations would be behind the face of a pit, or behind earth stockpiles, hence an allowance has been made for these sources. Given the location of the fixed plant (Crusher / screen etc) earth barriers (bunds) would be required to ensure attention of noise in the directions of the receivers. Figure 5.2 details the bunding used in the noise model, however, this is an indication only with it providing the direction the equipment should be operating in regard to the pit face.

**FIGURE 5.2 – NOISE BARRIERS – INDICATIVE LOCATIONS**

Based on the above the following scenarios have been considered:

- S1 to S3 Fixed Plant noise source in worst case locations natural ground surface (each stage) including barriers.
- S4 to S6 Dozer noise source in worst case locations natural ground surface (each stage) including barriers.

The following input data was used in the calculations:

a) Provided area plots.
b) Sound Power Levels listed in Table 4.1.
c) Ground contours and receiver point provided by client (Appendix A).

Weather conditions for modelling were as stipulated in the Environmental Protection Authority's "*Draft Guidelines on Environmental Noise for Prescribed Premises"* and for the day period are as listed in Table 5.2.

**TABLE 5.2 – WEATHER CONDITIONS**

| Condition | Day |
|---|---|
| Temperature | 20°C |
| Relative humidity | 50% |
| Pasquill Stability Class | E |
| Wind speed | 4 m/s* |

* From sources, towards receivers.

# 6. RESULTS

Calculated noise levels associated with the noise emissions from the proposed operations for the assumed scenarios, are summarised below in Table 6.1 and 6.2. Appendix B contains the overall noise contour plots.

**TABLE 6.1 – CALCULATED NOISE LEVEL – FIXED PLANT AND TRUCK**

| Receiver | S1 Fixed Plant Stage 1 | S2 Fixed Plant Stage 2 | S3 Fixed Plant Stage 3 |
|---|---|---|---|
| S1 | 30 | 34 | 32 |
| S2 | 35 | 31 | 30 |
| S3 | 34 | 31 | 30 |
| S4 | 29 | 33 | 30 |
| S5 | 32 | 28 | 27 |
| S6 | 32 | 33 | 31 |
| S7 | 27 | 32 | 29 |
| S8 | 29 | 25 | 25 |
| S9 | 30 | 28 | 27 |
| S10 | 28 | 24 | 24 |
| S11 | 19 | 24 | 20 |
| S12 | 3 | 4 | 4 |
| S13 | 2 | 3 | 3 |
| S14 | 16 | 17 | 17 |
| S15 | 11 | 10 | 14 |

**TABLE 6.2 – CALCULATED NOISE LEVEL - DOZER OPERATIONS**

| Receiver | S1 Fixed Plant Stage 1 | S2 Fixed Plant Stage 2 | S3 Fixed Plant Stage 3 |
|---|---|---|---|
| S1 | 34 | 36 | 37 |
| S2 | 39 | 36 | 34 |
| S3 | 39 | 37 | 36 |
| S4 | 32 | 34 | 35 |
| S5 | 36 | 36 | 33 |
| S6 | 34 | 37 | 37 |
| S7 | 30 | 32 | 33 |
| S8 | 33 | 31 | 30 |
| S9 | 34 | 34 | 33 |
| S10 | 32 | 31 | 29 |
| S11 | 21 | 23 | 24 |
| S12 | -1 | 0 | 1 |
| S13 | -2 | -1 | 0 |
| S14 | 11 | 11 | 13 |
| S15 | 11 | 10 | 5 |

# 7. ASSESSMENT

For the day time operations, based on calculated noise levels at the nearest premises, noise levels have been considered as being tonal in characteristics. Therefore, a +5dB penalty has been included to allow for a tonal component for the residence.

Based on the site information for the various activities (Section 4), the dozer and crushing operations are proposed to operate only four weeks of the year. Given these won't be simultaneous, the noise levels as per 6.1 and 6.2 are highly unlikely to occur at the same time, hence have not been assessed as cumulative. However, to provide a level of conservatism, the truck movements have been included as a cumulative noise source in conjunction with the fixed plant operations

Hence, Table 7.1 and 7.2 summarises the applicable Assigned Noise Levels, and assessable noise level emissions, for the scenarios considered.

For ease of assessment, the highest noise level at any of the stages has been used for the assessment.

**TABLE 7.1 – ASSESSMENT OF NOISE LEVELS – FIXED PLANT AND TRUCK MOVEMENT**

| Receiver | Premises Receiving Noise Assessable Noise Level dB(A) | Time of Day | Assigned Level (dB) | Compliance |
|---|---|---|---|---|
| S1 | 34[39] | 0700 - 1900 hours Monday to Saturday (Day) | 45 | Complies |
| S2 | 35[40] | | | Complies |
| S3 | 34[39] | | | Complies |
| S4 | 33[38] | | | Complies |
| S5 | 32[37] | | | Complies |
| S6 | 33[38] | | | Complies |
| S7 | 32[37] | | | Complies |
| S8 | 29[34] | | | Complies |
| S9 | 30[35] | | | Complies |
| S10 | 28[33] | | | Complies |
| S11 | 24[29] | | | Complies |
| S12 | 4[9] | | | Complies |
| S13 | 3[8] | | | Complies |
| S14 | 17[22] | | | Complies |
| S15 | 14[19] | | | Complies |

[ ] Denotes inclusion of =5 dB penalty for annoying characteristics

**TABLE 7.2 – ASSESSMENT OF NOISE LEVELS – DOZER OPERATIONS**

| Receiver | Premises Receiving Noise Assessable Noise Level dB(A) | Time of Day | Assigned Level (dB) | Compliance |
|---|---|---|---|---|
| S1 | 37[42] | 0700 - 1900 hours Monday to Saturday (Day) | 45 | Complies |
| S2 | 39[44] | | | Complies |
| S3 | 39[44] | | | Complies |
| S4 | 35[40] | | | Complies |
| S5 | 36[41] | | | Complies |
| S6 | 37[42] | | | Complies |
| S7 | 33[38] | | | Complies |
| S8 | 33[38] | | | Complies |
| S9 | 34[39] | | | Complies |
| S10 | 32[37] | | | Complies |
| S11 | 24[29] | | | Complies |
| S12 | 1[6] | | | Complies |
| S13 | 0[5] | | | Complies |
| S14 | 13[18] | | | Complies |
| S15 | 11[16] | | | Complies |

[ ] Denotes inclusion of =5 dB penalty for annoying characteristics

## 8. CONCLUSION

Assessment has been conducted on the proposed gravel extraction operations for 2038 Donnybrook – Boyup Brook Road, Yabberup.

The facility would only operate during the day period (being Monday to Friday 0700 to 1900 hours and 0700 to 1600 on Saturdays). Therefore, at the neighbouring residences, the applicable acoustic criteria for this assessment is the assigned $L_{A10}$ day period noise level of 45 dB(A).

Noise received at the nearest residential premises has the potential to exceed the assigned noise level criteria if no noise control in the form of earthen bunding is implemented.

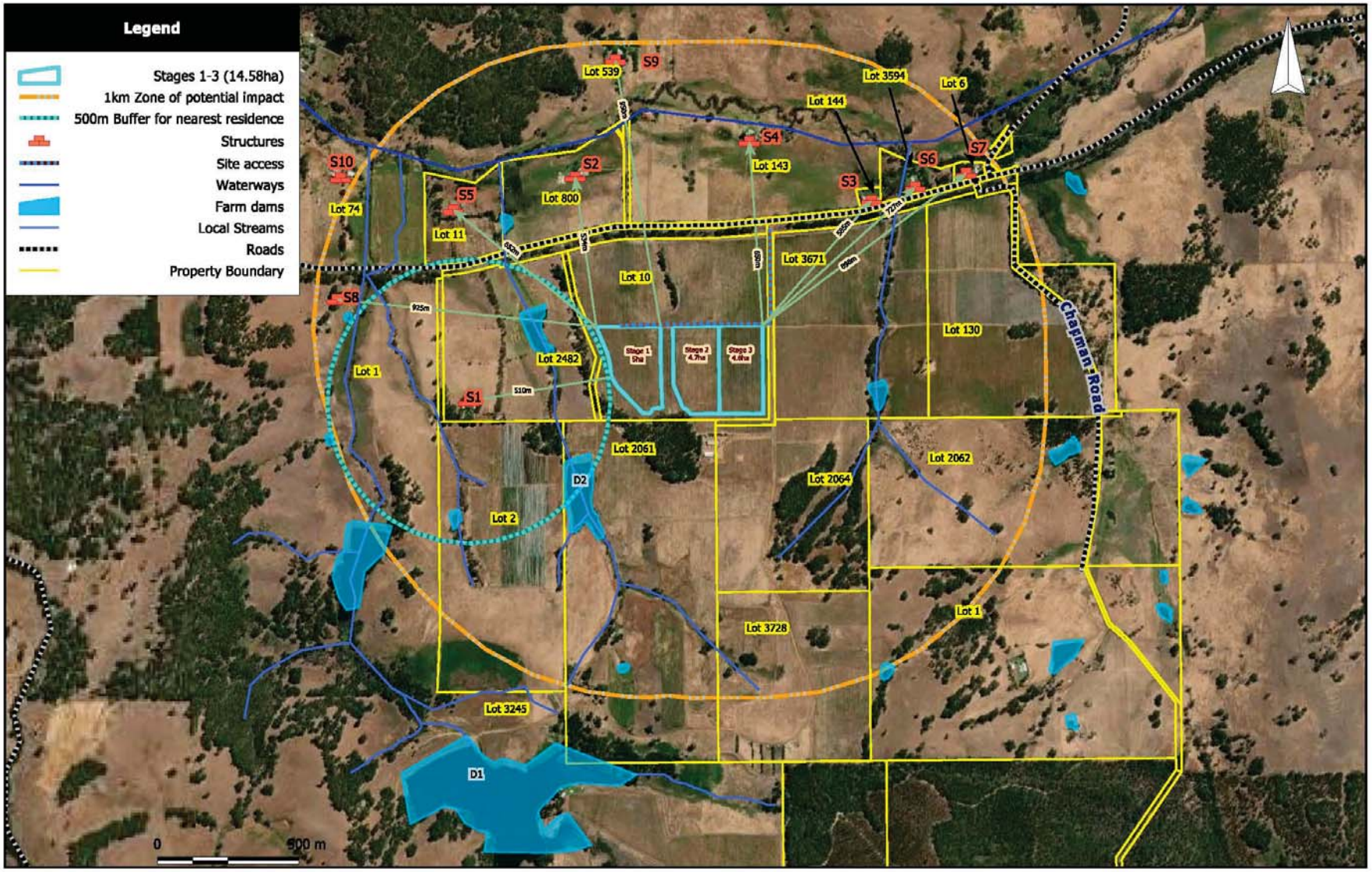
Therefore, to comply with the criteria, management of the dozer and fixed plant noise levels requires operations behind a barrier (earth bund) for strategic locations throughout the staging.

Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the Environmental Protection (Noise) Regulations 1997 for the operating times as outlined in this assessment.

# APPENDIX A

FIGURE A1 – LOCATION MAP

**FIGURE A1 – SITE LAYOUT**

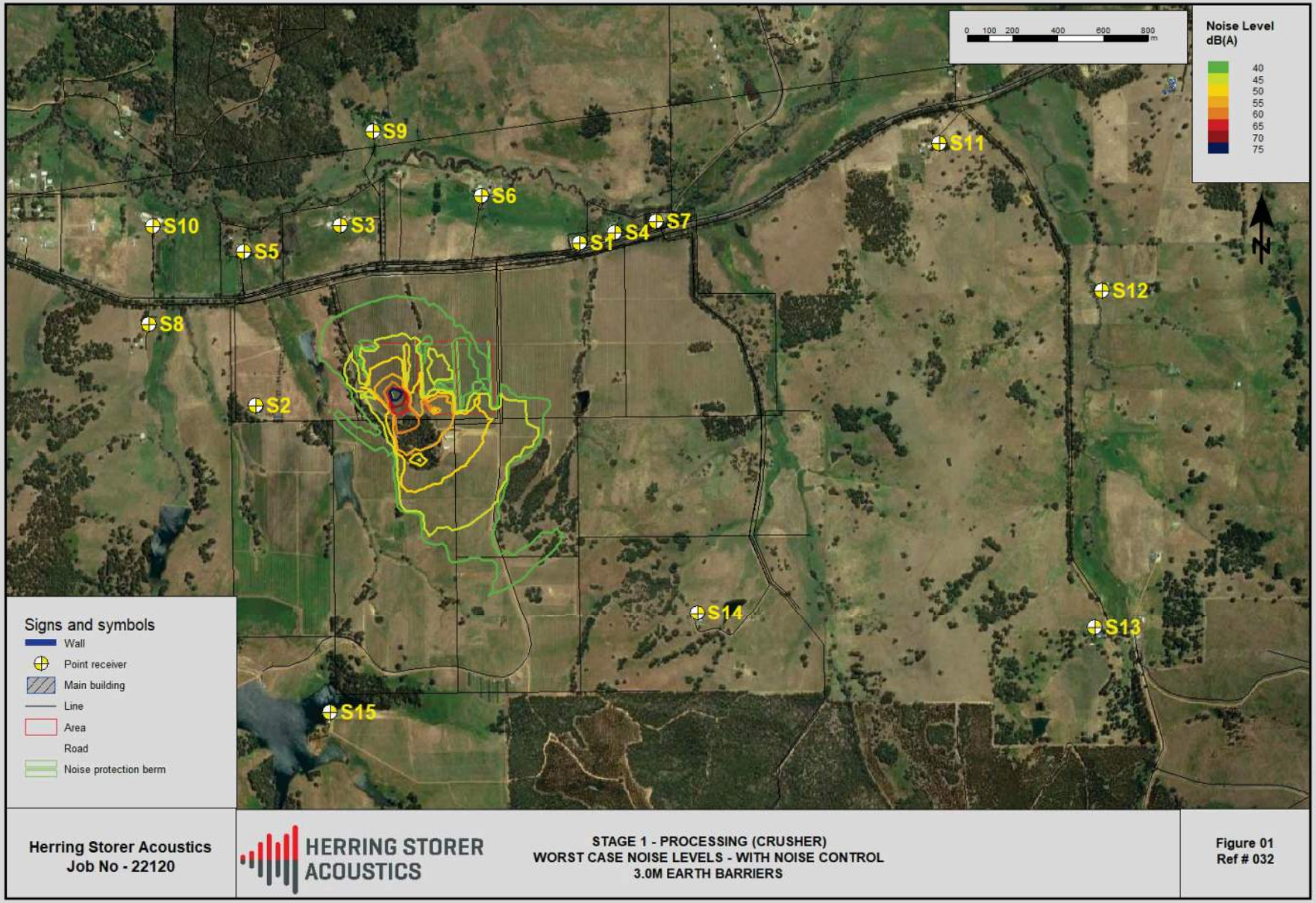



| | | | |
|---|---|---|---|
| **Lundstrom Environmental Consultants Pty Ltd**<br>Leeming WA 6149<br>Mob: 0417934863, admin@lundstrom-environmental.com.au | Scale: 1:17000<br>Original Size: A4<br>Air Photo Source: ArcGIS Dec 2021<br>Datum: GDA94<br>Projection: Australia MGA94 (50) | Client: Westwall Holdings<br>Project: Gravel Extraction<br>Location: 2038 Donnybrook Boyup Brook Road Yabberup | **Figure 2:**<br>**Site and Surrounds** |

C:\DATA\Other Clients and Projects\Westwall Holdings Yabberup\EIL\2022\Drawings\2023 work\F2 Site and Surroundings - Amended Stages.map 1/03/2023 Layout

# APPENDIX B

Noise Contours

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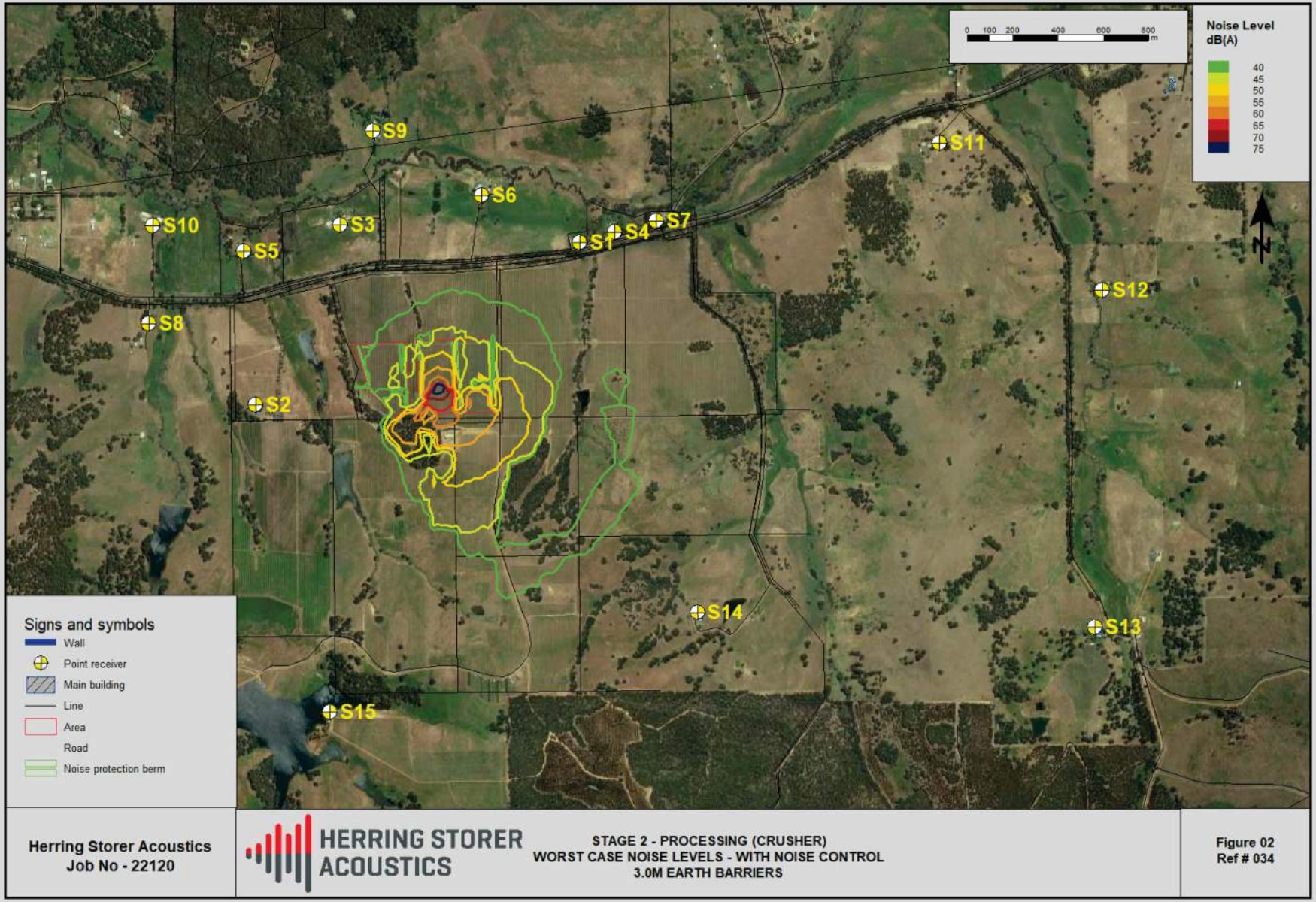
HERRING STORER ACOUSTICS

STAGE 1 - PROCESSING (CRUSHER)
WORST CASE NOISE LEVELS - WITH NOISE CONTROL
3.0M EARTH BARRIERS

Figure 01
Ref # 032

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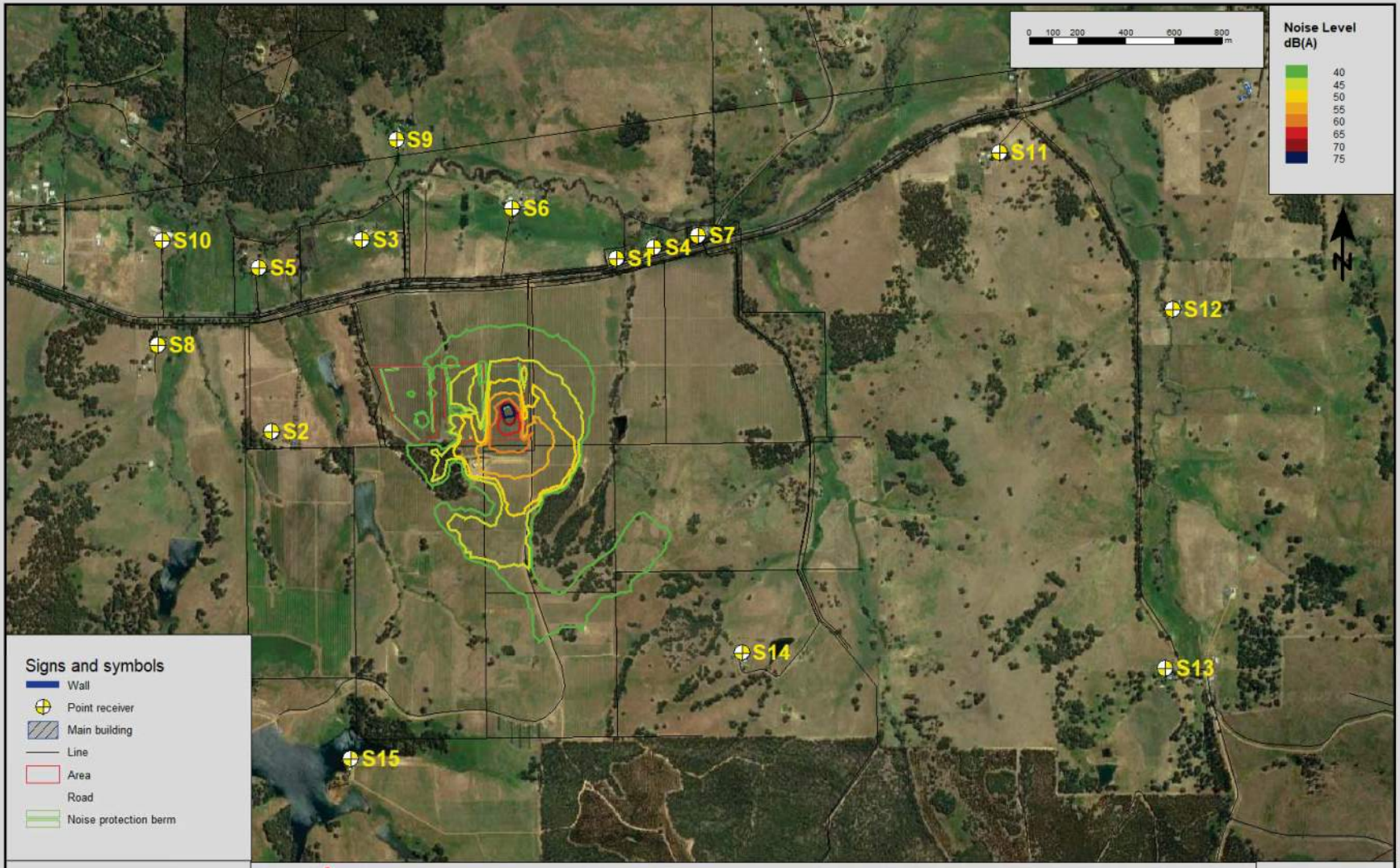
Job No - 22120

HERRING STORER ACOUSTICS

STAGE 2 - PROCESSING (CRUSHER)
WORST CASE NOISE LEVELS - WITH NOISE CONTROL
3.0M EARTH BARRIERS

Figure 02
Ref # 034

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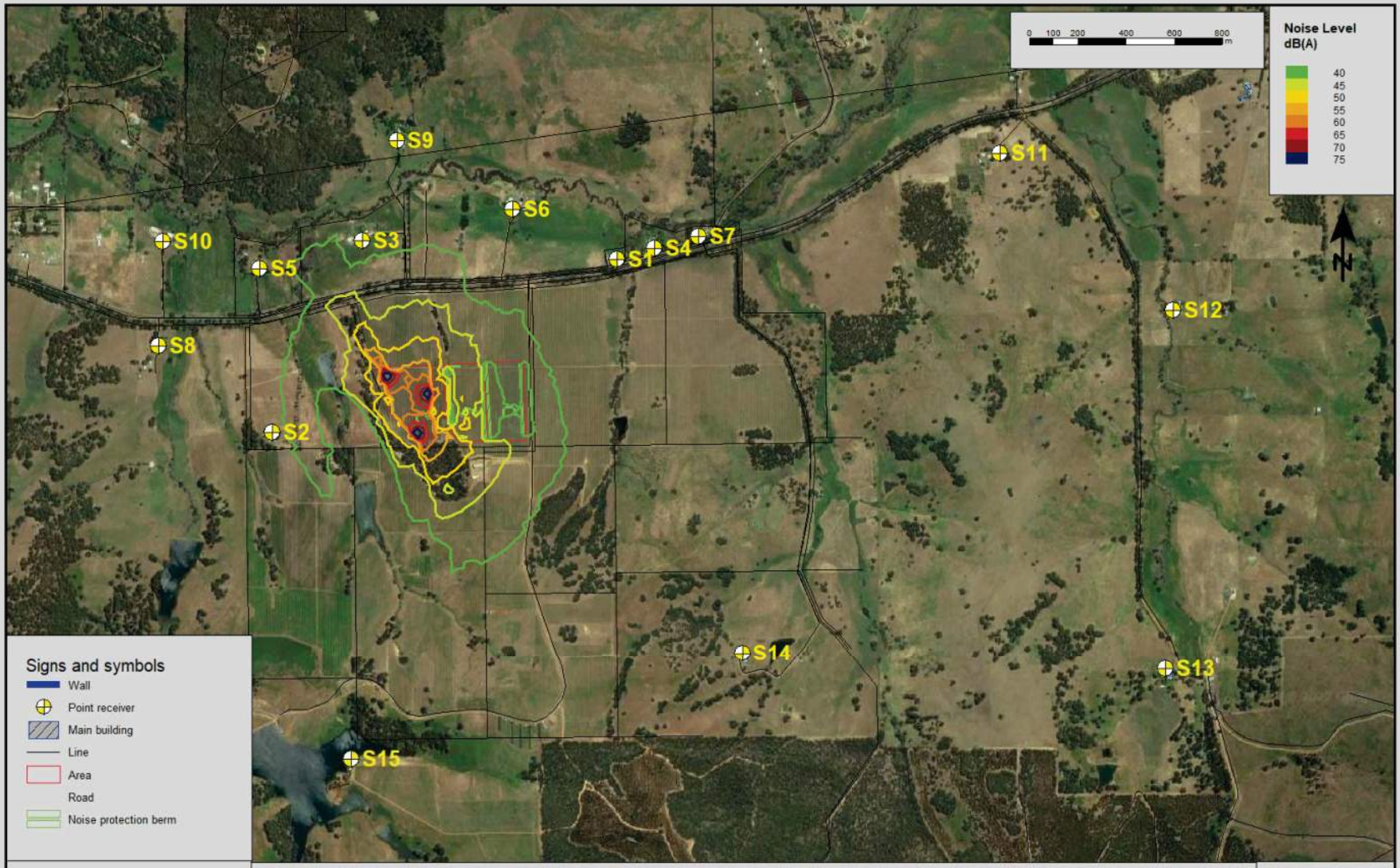
Job No - 22120

HERRING STORER ACOUSTICS

STAGE 3 - PROCESSING (CRUSHER)
WORST CASE NOISE LEVELS - WITH NOISE CONTROL
3.0M EARTH BARRIERS

Figure 03
Ref # 036

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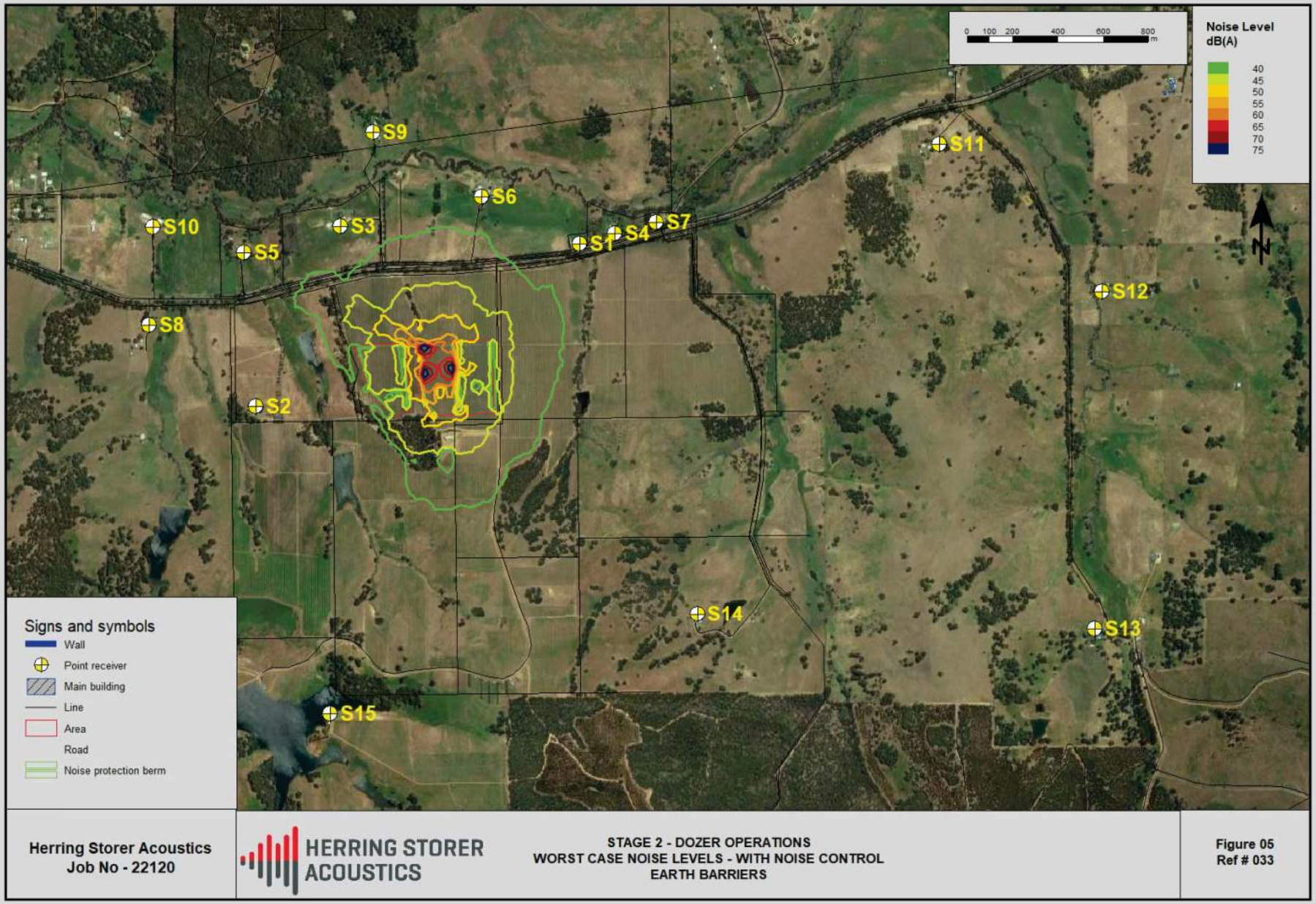
STAGE 1 - DOZER OPERATIONS
WORST CASE NOISE LEVELS - WITH NOISE CONTROL
EARTH BARRIERS

Figure 04
Ref # 031

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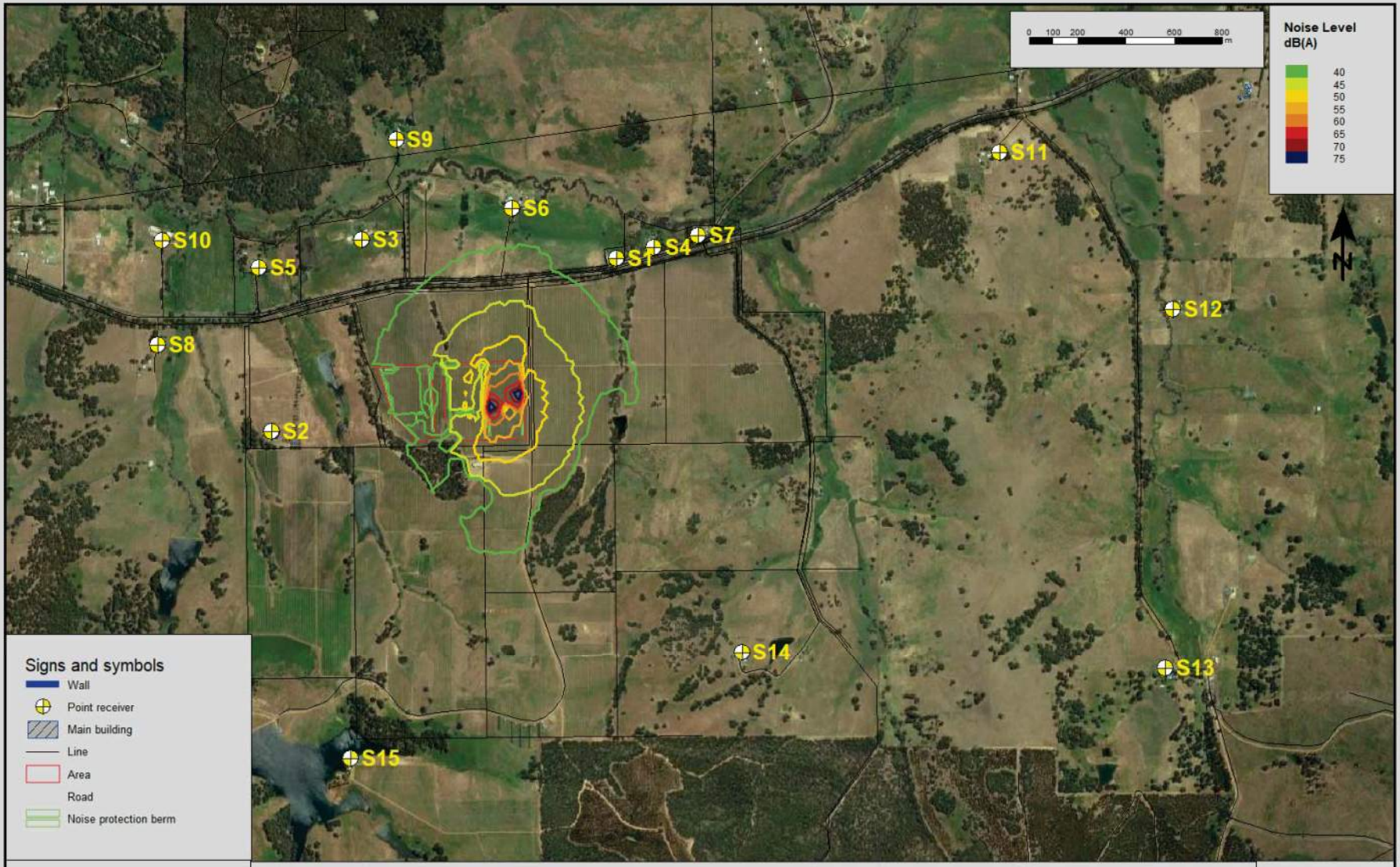
STAGE 2 - DOZER OPERATIONS
WORST CASE NOISE LEVELS - WITH NOISE CONTROL
EARTH BARRIERS

Figure 05
Ref # 033




Herring Storer Acoustics
Job No - 22120

HERRING STORER ACOUSTICS

STAGE 3 - DOZER OPERATIONS
WORST CASE NOISE LEVELS - WITH NOISE CONTROL
EARTH BARRIERS

Figure 06
Ref # 035

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## DUST MANAGEMENT PLAN

**Prepared for Westwall Holdings Pty Ltd**
**2038 Donnybrook Boyup Brook Road, Yabberup**
**Shire of Donnybrook-Balingup**

### 1. INTRODUCTION

This Dust Management Plan (DMP) has been prepared in accordance with guidelines published by the Department of Environment and Conservation (DEC) (Jan. 2011), now the Department of Water and Environmental Regulation (DWER). This Dust Management Plan should be read in conjunction with the report entitled **"***Revised Extractive Industries Licence Application and Environmental Management Plan 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup*", prepared for Westwall Holdings Pty Ltd by Lundstrom Environmental Consultants Pty Ltd in January 2024.

The objectives of this DMP are as follows:

- To describe the nature of the proposed operation;
- To identify any sources of dust that might arise from these operations;
- To identify the proximity of any sensitive premises in this regard;
- To identify measures that will limit the generation of dust from the operations;
- To identify measures that will limit the impact of dust on sensitive premises.

### 2. SITE BACKGROUND

Locality: 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup
Ownership: Old Valley Pty Ltd

Figure 1 is a recent aerial photograph showing the property and its surrounds. Figure 2 indicates the proposed operations areas covered by this application.

#### 2.1 Land Use

The property is currently used as a vineyard. The extraction area will be rehabilitated back to pastures after completion of operations (Figure 1).

**2.2 Geology and Soils**

A thin layer of topsoil with depth approximately 100-500mm, overlies sandy gravels and laterite. The underlying geology of a metamorphic/granitic rocks of the Yilgarin craton. In places, weathered granitic materials are overlain by ferruginous duricrust/laterite, which is massive to rubbly and includes iron-cemented reworked products. ((GeoVIEW, 2022), (Dawe, 1998), (EPP, 2014)).

The soil profile comprises a thin layer of gravelly sand which overlies a gravelly loam which grades into laterite boulders and gravel.

The excavation depth would be one metre below current ground level.

**2.3 Nuisance Potential of materials**

The crushed material texture is predominantly gravel with moderate amounts of sand and trace amounts of fines (clays and silts), with grain size distribution (ISO 14688-1) being approximately as follows:

| | |
|---|---|
| Gravel (>2.0mm): | 44% |
| Sand (0.063<2.0mm): | 34% |
| Fines (Silt & Clay; <0.063mm): | 7% |

(The particle size analysis laboratory report is included as Annexure 3)

During strong winds the potential exists for fine particles (including fine sand) to become airborne especially when they are disturbed by excavation activities.

In its in-situ state, the laterite is a cemented pisolitic material and has no loose fines. However, during the crushing operation very fine particles of less than PM50 (particulate matter with diameter 50 micrometers) are produced as fugitive dust and require suppression as is discussed in Section 4 below.

Areas of sand extraction will generate less dust than the gravel extraction areas. This is due to the fact that the sand extraction areas have less fines than the gravel extraction areas and there is no crushing or screening required for this sand. The sand requires only loading and trucking.

It is estimated from the particulate size distribution graph shown in Annexure 4, that the potential for total suspended particles (TSP) less than PM50 is approximately 5.5%. Mitigation measures are discussed in Section 4 below.

Potentially significant sources of airborne particulates from the site have been assessed as being limited to:

- Dust lift-off from exposed extraction areas or rehabilitated surfaces
- Dust lift-off from stockpiles (topsoil and extracted product)
- Dust lift-off from haul roads and tracks resulting from light vehicle and heavy earthmoving traffic
- Dust generation from crushing and screening processes, loading and transportation of extracted material.

The majority of airborne particulates from the site are likely to be visible dust.
Mitigation measures for the operations are discussed in Section 4 below.

**2.4 Potentially Sensitive Receptors**

The Environmental Protection Authority (EPA) draft Environmental Assessment Guidelines “Separation distances between Industrial and sensitive land uses” lists the generic buffer for extractive industries grinding and milling works but no blasting as 500 - 1 000m depending on the type of processing. As this operation would be a “low scale” operation, the minimum generic buffer would be likely to apply.

The details of the closest dwellings are presented in Table 1 along with locations shown on Figure 1. There are nine structures, excluding the owner's shed, which is not residential, located within 1km of the proposed extractions areas, as shown in Table 1.

**Table 1: Aspects and Impacts of Dust Generating Activities**

| Reference No. on Figure 1 | Lot no. | Distance to closest area of pit (metres) |
|---|---|---|
| Structure 1 | 2482 | 516 W |
| Structure 2 | 800 | 545 NW |
| Structure 3 | 144 | 608 NE |
| Structure 4 | 143 | 650 N |
| Structure 5 | 11 | 697 NW |
| Structure 6 | 3594 | 753 NE |
| Structure 7 | 6 | 925 NE |
| Structure 8 | 1 | 978 W |
| Structure 9 | 539 | 950 N |

There are no structures within 500m of the closest boundary of the operation area. The nearest structure S1 is 516m west from the closest boundary of Stage 5. The native vegetation is well established, to the west of Stages 5 and 6, and will act as a buffer between the extractive industry activities and the sensitive receptor S1.

### 2.5 Prevailing Winds

In DWER's assessment of the previously submitted application, the following was suggested:

*"The closest DWER stations are Collie (22 kilometres NNE) and Bunbury (42 kilometres NW). While neither station is representative of the proposed site, the wind roses from recent available datasets do indicate a regional similarity in wind patterns, with increased windspeeds at Bunbury due to the proximity to the coast."*

The wind roses for DWER AQMS Bunbury and Collie, indicates that the strongest wind direction is easterly/south-easterly). Structures S3, S6 and S7 are to the north-east and, S9 and S4 are to the north of the proposed extraction area and will not be impacted by any wind direction. Structure S1 and S8 are west and S2 and S5 are north-west of the proposed area and might be impacted by the easterly and south-easterly wind respectively, hence the 'Dense land uses affected by one wind direction' has been selected in the site risk assessment (Annexure 2).

The Wind roses for DWER AQMS Bunbury and Collie have been included in Annexure 1.

## 3. PROPOSED WORKS AND POTENTIAL IMPACTS

Westwall Holdings intend to extract approximately 45,720 tonnes/year of gravel and sand from the areas indicated on Figure 3 in Stages 1 to 6 of approximately 2ha each. The total area to be disturbed is approximately 12.7ha and excavation will proceed to a depth of approximately one meter. The EIL application is for 5 years. Once the extraction phase has been completed, the area will be returned to irrigated pastures to support sheep farming.

The proposed extraction licence is required for the purpose of undertaking the following activities on the site:

- The proposed extraction area will be cleared of vine plantation in stages, with only the stage being worked on, being cleared, ensuring the disturbed area exposed at any time to a practical minimum.
- Extraction of gravel and sand from an area of 12.7ha in six stages as shown in Figure 3. Stages 1 to 6 will involve extraction of approximately 228,600 tonnes of gravel and sand in total but will be dependent on demand.
- Topsoil will be removed from the extraction area prior to the commencement of each stage, with only the area targeted for immediate extraction being open. Topsoil will be stockpiled separately along the edges of the extraction area, with stockpiles being no more than 3m high and 18m wide, with batter of 1:3 meters.
- Within each current stage of extraction, a bulldozer will rip and blade material to a raw material stockpile. This material is loaded into the crusher after which stacker creates a product stockpile. The product stockpile will be no more than 5m high and 28m wide, with batter of 1:3 meters.
- A mobile crushing and screening plant will process the material for approximately three to four weeks per year on site. Trucks will enter the pit and be loaded from the stockpile by a front-end loader.
- Product stockpile will be placed in such a way that they will act as a noise buffer between the crusher and the sensitive receptors.
- Crusher and stockpile positions have been identified for each stage and are illustrated in Figures 3.
- Extraction activity will result in the lowering of the ground level by approximately one meter.
- At a time, only one stage of up to 2ha will be extracted and will be progressively rehabilitated back to pasture after completion of extraction activities and before moving to the next stage. This will ensure that the area of disturbed land is stabilized, and the disturbed area exposed at any time is kept to a practical minimum.
- Trucks will enter the pit via an existing access road off Donnybrook Boyup Brook Road and be loaded from the stockpile by a front-end loader.
- Measures to limit noise and dust from the operations are discussed separately in 5.6 and 5.7 below.
- Rehabilitation and stormwater management measures will be implemented.
- There will be no blasting in this operation.
- The lot boundary buffer of 20m will apply.
- Batters of 1:6 will be maintained throughout the operation. Where possible, topsoil will be replaced and seeded with irrigated pastures for intensive sheep farming on a progressive basis, in fully extracted areas, prior to the commencement of winter.

### 3.1 Plant and Equipment to be used

Equipment to be used in these operations includes:

- D10 Bulldozer
- Large Front-End Loader (CAT 980 or equivalent)
- Striker 1320 Crusher
- Finlay Screen 693
- Striker 25m Stacker

- Standard rigid truck (14 tonnes)
- Single Semi-loader (24 tonnes)

### 3.2 Summary of Mining Actions

Table 2 provides a description of all activities, their duration, aspect and an assessment of potential for dust impacts.

**Table 2: Aspects and Impacts of Dust Generating Activities**

| Activity | Duration | Aspect | Impact |
|---|---|---|---|
| Construction of internal driveway / access road | 1 week | Actions may release dust into the atmosphere | Dust may create an amenity issue with nearby residents |
| Topsoil Stripping and stockpiling | Up to 1 week per annum in 6 stages. | Disturbance of grass and soil exposes ground to wind erosion | Dust may create an amenity issue with nearby residents |
| Rip and blade laterite to crusher site | Up to 3 weeks per annum in 6 stages. | Actions may release dust into the atmosphere | Fine red dust may create an amenity issue with nearby residents |
| Crushing, screening and stockpiling of gravel and sand | Up to 4 weeks per annum in 6 stages. | Crushing and screening actions may release dust into the atmosphere | Fine red dust may create an amenity issue with nearby residents |
| Loading of trucks from stockpiles | 5 years at a maximum of 13 loaded trucks per day. | Loading of gravel and sand may release dust into the atmosphere | Fine red dust may create an amenity issue with nearby residents |
| Transport of gravel and sand from site | 5 years at a maximum of 13 loaded trucks per day. | Dust could escape from trucks in transit | Amenity, health or traffic safety issue |
| Rehabilitation of completed stages | Up to 2 weeks per year from 2024 onwards | Disturbance of topsoil could release dust into the atmosphere | Dust may create an amenity issue with nearby residents |

### 3.3 Site Risk Assessment and Classification

Based on the risk assessment conducted (Annexure 3), the classification derived is “Medium risk” (Classification 3). Measures for managing dust impacts are discussed in Section 4 below.

## 4. MEASURES PROPOSED FOR MANAGING DUST

This report has identified the potential dust generating activities associated with the proposed development and has also identified the potentially sensitive receptors. The measures that are proposed to manage dust impacts are listed below:

- Activities likely to generate the most dust including construction of access roads, topsoil stripping and crushing and screen activities will be timed to occur in winter.
- A 15kl water cart will be on site during periods when the internal access road is being constructed, material is being moved or crushing is being conducted. When dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern.
- Water for dust suppression will be obtained from commercial sources in the local area.
- The Old Valley Pty Ltd has a Surface Water Licence, 66218 with an allocation of 492,000KL, of which 10% will be used for the water requirement for dust suppression and bushfire management during the

proposed extraction lifecycle. The water is pumped from the dam D1, as shown on Figure 1, which is part of the surface water licence. The dam D1 has 1.6 billion litres and is already piped into the gravel blocks under pressure. D1 will be used for the water requirement for dust suppression and bushfire management during the proposed extraction lifecycle.

- If necessary, loads will be dampened prior to loading/unloading.
- If dust can be seen to be carried outside the Site, the source of dust will be identified, and measures implemented to prevent or minimize further dust emissions.
- If there are high winds and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred, or conditions have changed.
- Crushing and stockpiling activities will be in topographic low points with raw and processed stockpiles arranged such that windbreaks are created to further prevent impacts from fugitive dust.
- A polymer-based spray-on-soil stabilizer will be applied to topsoil stockpiles if they do not stabilize by crusting and grass re-growth.
- Handling of materials will be kept to a minimum.
- Internal roads will be surfaced with gravel. A 20km per hour speed limit will always apply to trucks on these internal roads.
- Truck loads will always be covered by tarpaulins and dampened when fully loaded, prior to leaving extraction area, so that no dust is generated in transit.
- At a time, only up to 2ha of land will be extracted and progressively rehabilitated back to pasture after completion of extraction activities. This will ensure that the area of disturbed land is stabilized and the disturbed area exposed at any time is kept to a practical minimum to prevent dust emission.
- Employees and contractors working on site will be provided with information on how to minimise dust emissions.
- No burning of waste will occur.
- When the site is not in operation, the dust management plan will continue to be implemented by the Operations Manager.
- A notice will be erected at the front gate that provides emergency contact details for the Operations Manager.
- A complaints system will be put in place, and these will be recorded by the Operations Manager and acted on promptly.

Visual monitoring will be undertaken to confirm dust management measures are effectively maintaining dust emissions at acceptable levels.

## 5. REFERENCES

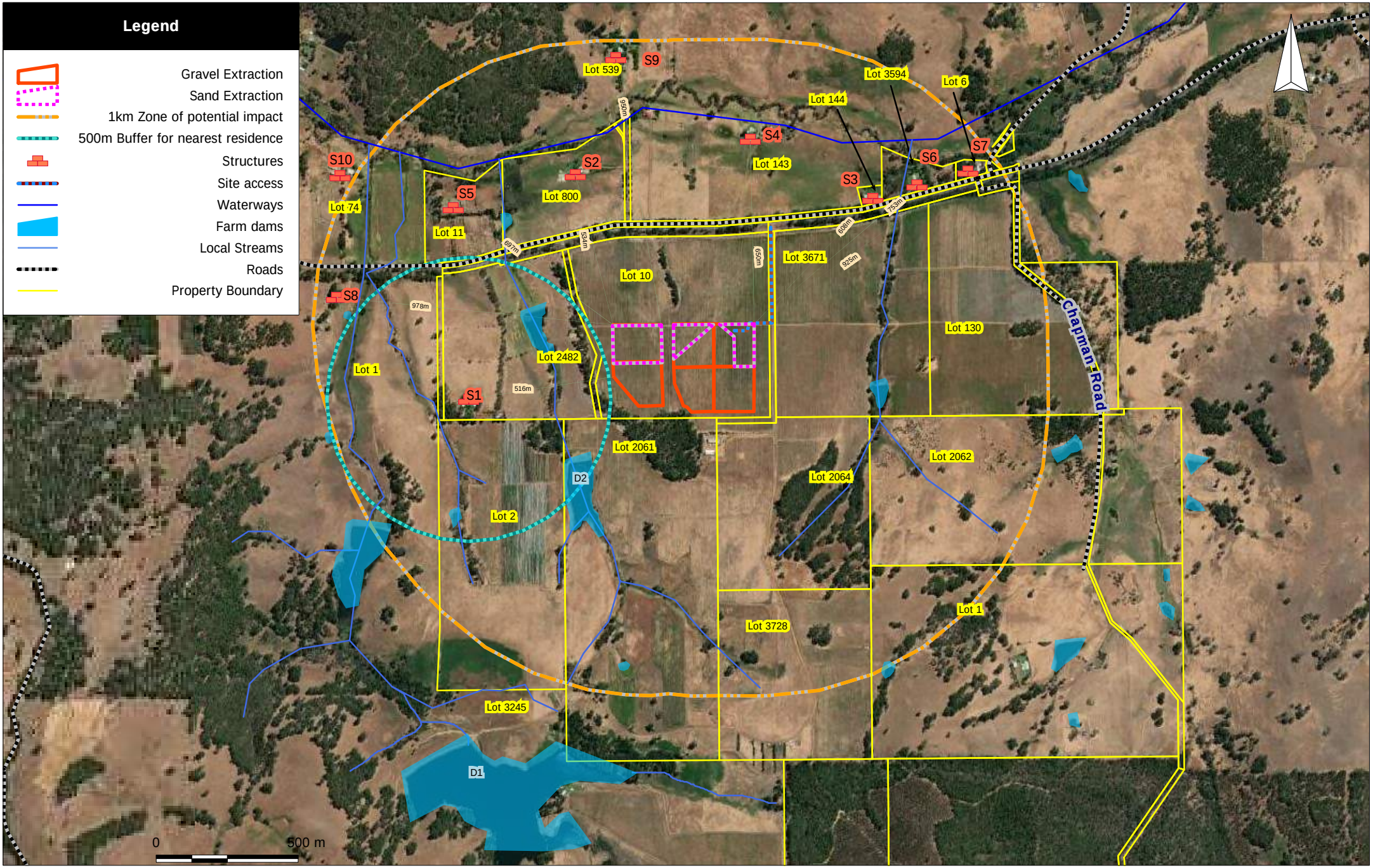

Department of Environment and Conservation (DEC) (2011). *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.*

Department of Environment and Conservation (DEC) (2011). *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.*

Department of Agriculture, Water, and the Environment (DAWE) (1998). Assessment of Mineral and Hydrocarbon Resources in the South-West Forest Region of Western Australia. https://www.awe.gov.au/sites/default/files/sitecollectiondocuments/rfa/regions/wa/resources/wa_res_rfa.pdf

Edge Planning and Property (EPP) (2014). Shire of Donnybrook-Balingup. Local Planning Strategy. https://www.dplh.wa.gov.au/getmedia/dac64431-2c09-4e86-9a60-bb267ce6f71f/LST-Donnybrook-Balingup-local-planning-strategy

# FIGURES





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Scale: 1:17000
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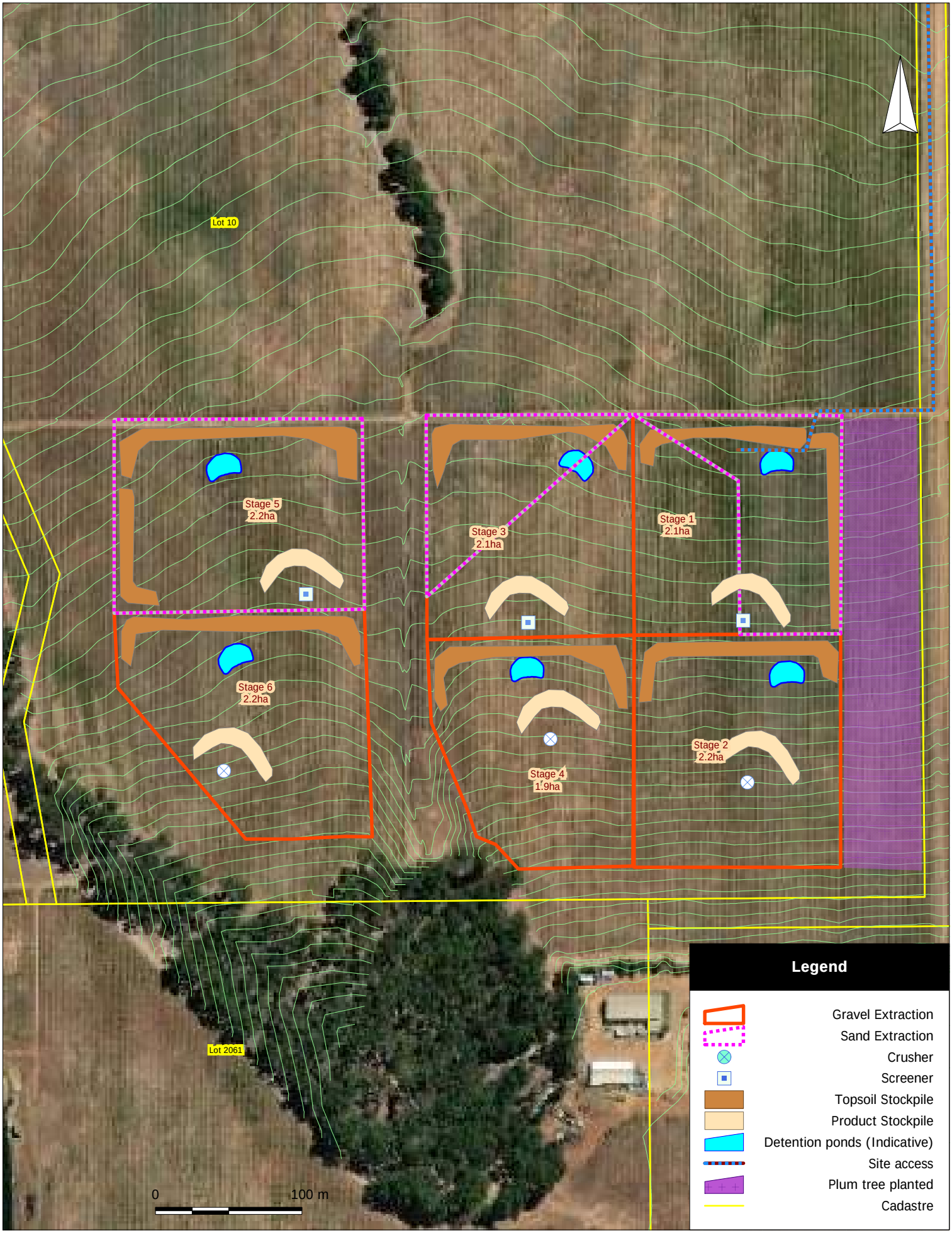
Air Photo Source: ArcGIS Dec 2021
Datum: GDA94
Projection: Australia MGA94 (50)

Client: Westwall Holdings
Project: Gravel & Sand Extraction
Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 1:

## Site and Surrounds

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Datum: GDA94
Projection: Australia MGA94 (50)

Client: Old Valley Pty Ltd

Project: Gravel & Sand Extraction

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 2:

**Proposed Extraction**

# ANNEXURE 1

**DWER AQMS wind roses**

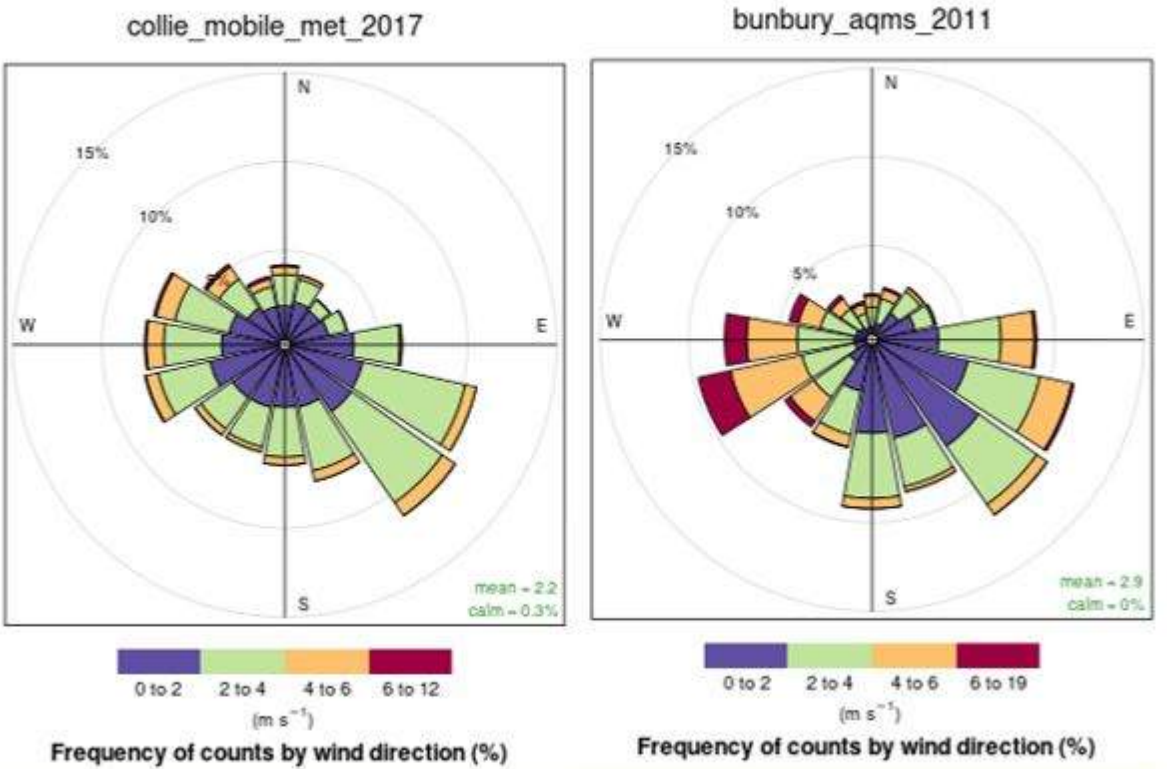



*Figure 2 - wind roses for DWER AQMS Bunbury and Collie*

# ANNEXURE 2

**Site Classification Assessment Chart**

# Appendix 1: Site risk assessment/classification for activities generating uncontaminated dust

## Sheet 1: Site classification assessment chart

### Part A. Nature of site

| Item | Score options | | | | Allocated score |
|---|---|---|---|---|---|
| 1. Nuisance potential of soil. when disturbed | Very low .....**1** | Low.....**2** | Medium.....**4** | High.....**6** | 2 |
| 2. Topography and protection provided by undisturbed vegetation | Sheltered and screened.....**1** | Medium screening....**6** | Little screening.....**12** | Exposed and wind prone.....**18** | 12 |
| 3. Area of site disturbed by the works | Less than 1ha.....**1** | Between 1 and 5ha..**3** | Between 5 and 10ha.....**6** | More than 10ha.....**9** | 3 |
| 4. Type of work being done | Roads or shallow trenches.....**1** | Roads, drains and medium depth sewers.....**3** | Roads, drains, sewers and partial earthworks.....**6** | Bulk earthworks and deep trenches.....**9** | 9 |
| | | | | **TOTAL score for Part A** | 26 |

### Part B. Proximity of site to other land uses

| Item | Score options | | | | Allocated score |
|---|---|---|---|---|---|
| 1. Distance of other land uses from site | More than 1km.....**1** | Between 1km and 500m.....**6** | Between 100m and 500m.....**12** | Less than 100m.....**18** | 6 |
| 2. Effect of prevailing wind direction (at time of construction) on other land uses | Not affected.....**1** | Isolated land uses affected by one wind direction.....**6** | Dense land uses affected by one wind direction.....**12** | Dense/ sensitive land uses highly affected by prevailing winds.....**18** | 18 |
| | | | | **TOTAL score for Part B** | 24 |

**SITE CLASSIFICATION SCORE (A X B) =** 624

**Sheet 3: Notes relating to 'site assessment classification chart'**

1. The site assessment chart is used to differentiate between Classifications 1, 2, 3 and 4, as defined within these guidelines. Classifications 2 and 3 are subject to Note 4, below.

2. Sites may be divided into two or more classifications depending mainly on the proximity of existing land uses.

3. In assessing the relevant score level, the 'effect of prevailing winds' must be carefully considered. While houses, commercial areas, market gardens, schools and factories have high sensitivity ratings, roads, parks and recreational areas have lower sensitivity ratings.

4. Construction during dry period (1 October — 31 March).

   (a) Where other land uses are within 100 metres of the site:

   (i) sites assessed as Class 3 will automatically become Class 4, and

   (ii)sites assessed as Class 2 will automatically become Class 3.

   (b) Where other land uses are situated between 100 metres and 500 metres from the site, an on-site re-evaluation of Class 3 sites shall be conducted by the engineer for the developer, the local government or the DEC to determine the extent of additional Class 4 requirements considered necessary (if any).

## Sheet 4: Dust management and monitoring requirements for each site classification score

Based on the total score obtained from the 'SITE CLASSIFICATION ASSESSMENT CHART' and notwithstanding any allowance for special site conditions during the dry period. (refer to Note 4. Appendix 1) the following site classification will apply:

**Site classification 1** — under 199; **Site classification 2** — 200 to 399; **Site classification 3** — 400 to 799; and **Site classification 4** — over 800.

**Note:**

- Unique sites may need special assessment
- It is essential that any contracts for construction work on site include the relevant contingency arrangements appropriate for the site classification

**Classification 1 (score under 199, considered negligible risk)**

Provisions:
- None required.

Contingency arrangements:
- None required.

**Classification 2 (score between 200 and 399, considered low risk)**

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

Contingency arrangements:
- Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust suppression.
- All areas of disturbed land should be stabilised to ensure that the disturbed area exposed at any time is kept to a practical minimum.

Monitoring requirements:
- Complaints management system in place (complaints recorded and acted on promptly).
- Notice to be erected at the site, providing contact details of the person to be contacted and works.

**Classification 3 (score between 400 and 799, considered medium risk)**

Provisions:

- Appropriate wind fencing of a length specified in the air quality management programme needs to be stored on site or available within one hour of being required by the engineer for the developer/local government/DEC.
- All areas of disturbed land should be stabilised to ensure that the disturbed area exposed at any time is kept to a practical minimum to prevent exceedence of dust standards (see Section 4.4.2).
- The engineer for the developer shall maintain close control of works with dust creating potential (for example. allowable length of open trenching).
- After all siteworks are completed, and before the contractor has vacated the site, the developer should ensure that the entire site is stable. The developer then retains responsibility for site stability until change of ownership/control takes place. After the change of ownership/control has taken place, the new owner or controlling party will inherit responsibility for site stabilisation.

Contingency arrangements:

- Suitable water-carts in good working condition and of not less than 10.000 litres capacity per 7.5 hectares of disturbed site, or other suitable alternatives, shall be available to commence watering on the site within 18 hours of being required to do so by the engineer for the developer/local government/DEC.
- Surface stabilisation equipment shall be available to commence operation on site within 48 hours of being required to do so by the engineer for the developer/local government/DEC and with sufficient capacity to cover the disturbed site area within a further 48 hours.
- Wind fencing shall be erected within 18 hours of the contractor being required to do so by the engineer for the developer/local government/DEC. Dust generating works on the site shall cease in the interim.
- If dust-related complaints are generated due to activities on the site, the developer may be required by the local government or an authorised DEC officer to distribute advisory notices to adjoining land occupiers within 48 hours. A notice form is provided in Sheet 5 of Appendix 1.
- If dust-related complaints are generated due to material which has been excavated for trenching, the developer shall ensure this material is stabilised within 48 hours of being requested to do so by the engineer for the developer, local government or an authorised DEC officer.
- Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust and wind-borne material suppression.
- Include an allowance for surface stabilisation for the purposes of dust and wind-borne material suppression to be maintained after the construction period and until change of ownershiplcontrol takes place.

Monitoring requirements

- Site dust management system in place.
- On-site dust monitoring against short term criteria.
- Off-site (compliance) dust monitoring at site boundary (if close to sensitive receptors) or at sensitive receptors. See Section 4 and Appendix 4.
- Complaints management system in place (complaints recorded and acted on promptly).
- Exceedences to be reported to the relevant authority — DEC. Local Government or DOH.
- Notice to be erected at the site, providing contact details of the person to be contacted regarding the works.

**Classification 4 (score over 800, considered high risk)**

Provisions:

- Advisory notices shall be issued to adjoining land occupiers, the local government and the DEC at least 48 hours before site works commence. The notices shall include the name of the developer, engineer for the developer, Contractor/s, contract period, contact telephone numbers of the site engineer and local government environmental health officer as detailed in Sheet 5 of Appendix 1.
- Fencing to the extent and in locations agreed to by the developer and local government shall be erected before any part of the site surface is disturbed.

**Note: This provision does not necessarily mean that the total site boundary is to be fenced. The fence is to be installed to an extent which will protect adjacent land uses and in most cases should be erected on the edge of the area which will be disturbed rather than on the site boundary.**

- An amount of wind fencing of a length specified in the air quality management programme needs to be stored on site or available within one hour of being required by the engineer for the developer/local government/DEC.
- The nominated wind fencing is to remain in position until the disturbed surface is stable.
- Surface stabilisation is to be applied to the disturbed area of each section of the site upon completion of the works in that section.
- The engineer for the developer shall maintain strict control of works with dust-creating potential. Material which has been excavated for trenching shall be stabilised if the trench is to be left exposed for longer than 72 hours.
- After all siteworks are completed. and before the contractor has vacated the site, the developer should ensure that the entire site is stable. The developer then retains responsibility for site stability until change of ownership/control takes place. After the change of ownership/control has taken place, the new owner or controlling party will inherit responsibility for site stabilisation.

Contingency arrangements:

- Suitable water-carts in good working condition and of not less than 10 000 litres capacity per 5 hectares of disturbed site, or an appropriate alternative, shall be available to commence immediate watering on the site.
- Surface stabilisation equipment shall be available to commence operation on site within 48 hours of being required to do so by the engineer for the developer/local government/DEC and with sufficient capacity to cover the disturbed site area within a further 48 hours.
- Additional wind fencing shall be erected within 18 hours of the contractor being required to do so by the engineer for the developer/local government/DEC. Dust generating works on the site shall cease in the interim.
- Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust and wind-borne material suppression.
- Include an allowance for surface stabilisation for the purposes of dust and wind-borne material suppression to be maintained after the construction period and until change of ownership/control takes place.

Monitoring requirements

As for Classification 3.

# ANNEXURE 3

**Particle size analysis laboratory report**

MATERIALS CONSULTANTS

300 Collier Road, Bassendean, WA 6054
PO Box 3090, Bassendean DC, WA 6942
Telephone: 08 6278 3755
Email:admin@matcons.com.au
www.matcons.com.au

# Material Test Report

**Report No: MAT:MC21-03614-S09**
**Issue No: 1**

**Client:** Nick Stroud

**Project:** Quality Control(Nick Stroud)

**Location:** Project : Prestonvale Gravel and Sand

Preliminary Report Issued - Issue:
The results in this report relate only to the items/samples that were tested.

Signatory:Alex Briggs
(Laboratory Supervisor)
Date of Issue: 16/12/2021

THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

## Sample Details

| | |
|---|---|
| **Sample ID** | MC21-03614-S09 |
| **Date Sampled** | 15/11/2021 |
| **Sampling Method** | Tested as received |
| **Soil Description** | Gravel |
| **Specification** | Table 501D1: Pavements - 04/10110-05 - 04/10/2021 |
| **Sample Location** | Southside Row 167/166<br>Surface Dirt<br>0.1m - Gravel |

## Other Test Results

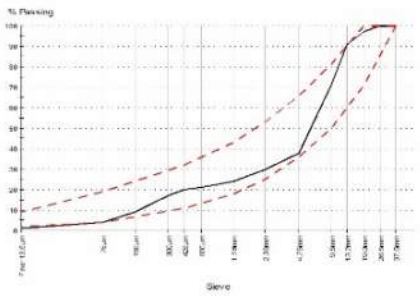
| Description | Method | Result | Limits |
|---|---|---|---|

## Particle Size Distribution

**Method:** WA115.1
**Drying by:** Oven
**Date Tested:** 15/12/2021

| Sieve Size | % Passing | Limits |
|---|---|---|
| 37.5mm | 100 | 100 – 100 |
| 26.5mm | 100 | |
| 19.0mm | 97 | 71 – 100 |
| 13.2mm | 91 | |
| 9.5mm | 71 | 50 – 81 |
| 4.75mm | 38 | 36 – 66 |
| 2.36mm | 30 | 25 – 53 |
| 1.18mm | 24 | 18 – 43 |
| 600µm | 21 | |
| 425µm | 20 | 11 – 32 |
| 300µm | 17 | |
| 150µm | 9 | |
| 75µm | 4 | 4 – 19 |
| Finer 13.5µm | 1 | 2 – 9 |

## Chart



## Comments

Preliminary results issued on the 16/12/2021

MATERIALS CONSULTANTS

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# Material Test Report

**Report No: MAT:MC21-03614-S10**
**Issue No: 1**

**Client:** Nick Stroud

**Project:** Quality Control(Nick Stroud)

**Location:** Project : Prestonvale Gravel and Sand

Preliminary Report Issued - Issue:
The results in this report relate only to the items/samples that were tested.

Signatory:Alex Briggs
(Laboratory Supervisor)
Date of Issue: 16/12/2021

THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

## Sample Details

| | |
|---|---|
| **Sample ID** | MC21-03614-S10 |
| **Date Sampled** | 15/11/2021 |
| **Sampling Method** | Tested as received |
| **Soil Description** | Gravel |
| **Specification** | Table 501D1: Pavements - 04/10110-05 - 04/10/2021 |
| **Sample Location** | 1 hole in Borsh<br>4cm Surface Dirt<br>Gravel 1.6m |

## Other Test Results

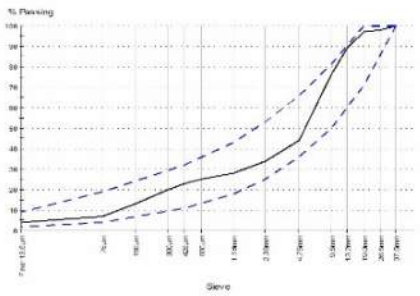
| Description | Method | Result | Limits |
|---|---|---|---|

## Particle Size Distribution

**Method:** WA115.1
**Drying by:** Oven
**Date Tested:** 15/12/2021

| Sieve Size | % Passing | Limits |
|---|---|---|
| 37.5mm | 100 | 100 – 100 |
| 26.5mm | 98 | |
| 19.0mm | 97 | 71 – 100 |
| 13.2mm | 89 | |
| 9.5mm | 76 | 50 – 81 |
| 4.75mm | 44 | 36 – 66 |
| 2.36mm | 34 | 25 – 53 |
| 1.18mm | 28 | 18 – 43 |
| 600µm | 25 | |
| 425µm | 23 | 11 – 32 |
| 300µm | 20 | |
| 150µm | 13 | |
| 75µm | 7 | 4 – 19 |
| Finer 13.5µm | 4 | 2 – 9 |

## Chart



## Comments

Preliminary results issued on the 16/12/2021.

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# PIT REHABILITATION AND MAINTENANCE MANAGEMENT PLAN

**Prepared for Westwall Holdings Pty Ltd**
**For 2038 Donnybrook Boyup Brook Road, Yabberup,**
**Shire of Donnybrook-Balingup**

## 1. INTRODUCTION

This Rehabilitation Management Plan (RMP) has been prepared to describe the measures that will be undertaken to rehabilitate the area of land impacted by the proposed EIL operations 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup. This RMP should be read in conjunction with the report entitled "*Revised Extractive Industries Licence Application and Environmental Management Plan (EMP) 2038 Donnybrook Boyup Brook Road, Yabberup , Shire of Donnybrook-Balingup*", prepared for Westwall Holdings Pty Ltd by Lundstrom Environmental Consultants in January 2024. The site and surrounds is shown on Figure 1.

### 1.1 Locality and Ownership

Locality: 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup
Ownership: Old Valley Pty Ltd

### 1.2 Development Proposal

Westwall Holdings intend to extract approximately 45,720 tonnes/year of gravel and sand from the areas indicated on Figure 2 in stages 1 to 6 of approximately 2ha each. The total area to be disturbed is approximately 12.7ha and excavation will proceed to a depth of approximately one meter. The EIL application is for 5 years. Once the extraction phase has been completed, the area will be returned to irrigated pastures to support sheep farming.

The proposed extraction licence is required for the purpose of undertaking the following activities on the site:

- The proposed extraction area will be cleared of non-operational vine plantation in stages, with only the stage being worked on, being cleared, ensuring the disturbed area exposed at any time to a practical minimum.
- Extraction of gravel and sand from an area of 12.7ha in six stages as shown in Figure 2. Stages 1 to 6 will involve extraction of approximately 228,600 tonnes of gravel and sand in total but will be dependent on demand.
- Topsoil will be removed from the extraction area prior to the commencement of each stage, with only the area targeted for immediate extraction being open. Topsoil will be stockpiled separately along the edges of the extraction area, with stockpiles being no more than 3m high and 18m wide, with batters of 1:3.

- Within each current stage of extraction, a bulldozer will rip and blade material to a raw material stockpile. This material is loaded into the crusher after which stacker creates a product stockpile. The product stockpile will be no more than 5m high and 28m wide, with batters of 1:3.
- A mobile crushing and screening plant will be used on site for approximately three to four weeks per year, dependent on the size of the campaign.
- Product and topsoil stockpiles will be placed in such a way that they will act as noise and visual buffer between the extraction activities and sensitive receptors.
- Crusher and stockpile positions have been identified by the proponent for each stage and are illustrated in Figure 2.
- Extraction activity will result in the lowering of the ground level by approximately one metre.
- At a time, only one stage of up to 2ha will be extracted and will be progressively rehabilitated back to irrigated pastures for intensive sheep farming after completion of extraction activities and before moving to the next stage. This will ensure that the area of disturbed land is stabilized, and the disturbed area exposed at any time to a practical minimum.
- Trucks will enter the pit via an existing access road off Donnybrook Boyup Brook road and be loaded from the stockpile by a front-end loader.
- Measures to limit noise will be undertaken.
- There will be no blasting in this operation.
- Rehabilitation and stormwater management measures will be implemented.
- The lot boundary buffer of 20m will apply.
- Batters of 1:6 will be maintained throughout the operation. Where possible, topsoil will be replaced and seeded with pastures on a progressive basis, in fully extracted areas, prior to the commencement of winter.

## 2. REHABILITATION

### 2.1 Proposed Rehabilitation Measures

The proposed rehabilitation measures conform for the proposed EIL include:

- All batters behind the active working face will be contoured to achieve batters of no less than 1:6 meters.
- The final land surface will have the same grade as the original surface, but approximately 1m lower.
- The topsoil, which will be removed and placed in a stockpile during the operation, will later be respread as a part of rehabilitation. The topsoil is a valuable resource for successful revegetation. It contains viable seeds, nutrients, and microbes. The collection and storage of topsoil affects its soil characteristics. As soil seeds, nutrients and microbes rely on oxygen to survive, growing vegetation on the stockpile helps reduce topsoil losses through erosion and assists in maintaining biological activity in the soil. This topsoil will be respread and will have capability to support pastures and as well as perennial horticulture in future. Progressive rehabilitation of every 2ha area will avoid losses of nutrient, microbes and seeds by long term stockpiling.
- The pit floor will be ripped along the contour, at 6m intervals, to a depth of 0.5 to 1m to relieve compaction, improve infiltration, attenuate stormwater runoff, and facilitate rapid root penetration.
- Stormwater infrastructure is to remain post-extraction to assist in the control of flow velocity where downstream erosion problems are present, until pasture is sufficiently established.
- As part of the rehabilitation process, the ground will be deep ripped along the contour at six metre intervals prior to fertilisation and seeding. This leaves a depression and low bund which will attenuate stormwater flows and prevent rill erosion during the period that the grasses are establishing.

Stormwater detention ponds and cut-off bunds will be retained until the grass roots have completely stabilised the ground surface.

- Stormwater detention ponds and cut off bunds will be backfilled and rehabilitated once grass roots have stabilised the ground surface.
- Recommended pasture species for rehabilitation of the excavation site are as follows:
  - ❖ Persian clover
  - ❖ Tetila Ryegrass
  - ❖ Junee subclover
  - ❖ Seradella Cadiz
  - ❖ Italian Ryegrass

- Regular monitoring of the erosion control measures will be undertaken, and repairs implemented where necessary throughout the licence period or longer if necessary. The final contours of the rehabilitated extraction are illustrated on Figure 3.
- Timing for rehabilitation of the stages is detailed in Table 1.

**Table 1: Proposed Stages of Extraction**

| | Action | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
|---|---|---|---|---|---|---|---|
| 1 | Strip, crush/screen and stockpile | | | | | | |
| 1 | Load and truck out | | | | | | |
| 1 | Progressive rehabilitation of 2.1ha | | | | | | |
| 2 | Strip, crush/screen and stockpile | | | | | | |
| 2 | Load and truck out | | | | | | |
| 2 | Progressive rehabilitation of 2.2ha | | | | | | |
| 3 | Strip, crush/screen and stockpile | | | | | | |
| 3 | Load and truck out | | | | | | |
| 3 | Progressive rehabilitation of 2.1ha | | | | | | |
| 4 | Strip, crush/screen and stockpile | | | | | | |
| 4 | Load and truck out | | | | | | |
| 4 | Progressive rehabilitation of 1.9ha | | | | | | |
| 5 | Strip, crush/screen and stockpile | | | | | | |
| 5 | Load and truck out | | | | | | |
| 5 | Progressive rehabilitation of 2.2ha | | | | | | |
| 6 | Strip, crush/screen and stockpile | | | | | | |
| 6 | Load and truck out | | | | | | |
| 6 | Progressive rehabilitation of 2.2ha | | | | | | |
| 1-6 | Monitoring and Maintenance | | | | | | |

### 2.2 Monitoring and Maintenance

Monitoring will be carried out on an annual basis to assess:

- The physical stability of the landform in the rehabilitated areas.
- Success of germination of pasture grasses.
- The emergence of weeds.

Monitoring will continue until the completion criteria presented in Section 2.3 have been fulfilled. Maintenance procedures will be carried out where necessary and will include:

- Repair of any erosion damage.
- Replanting/seeding areas that may not have regenerated.
- Weed control.

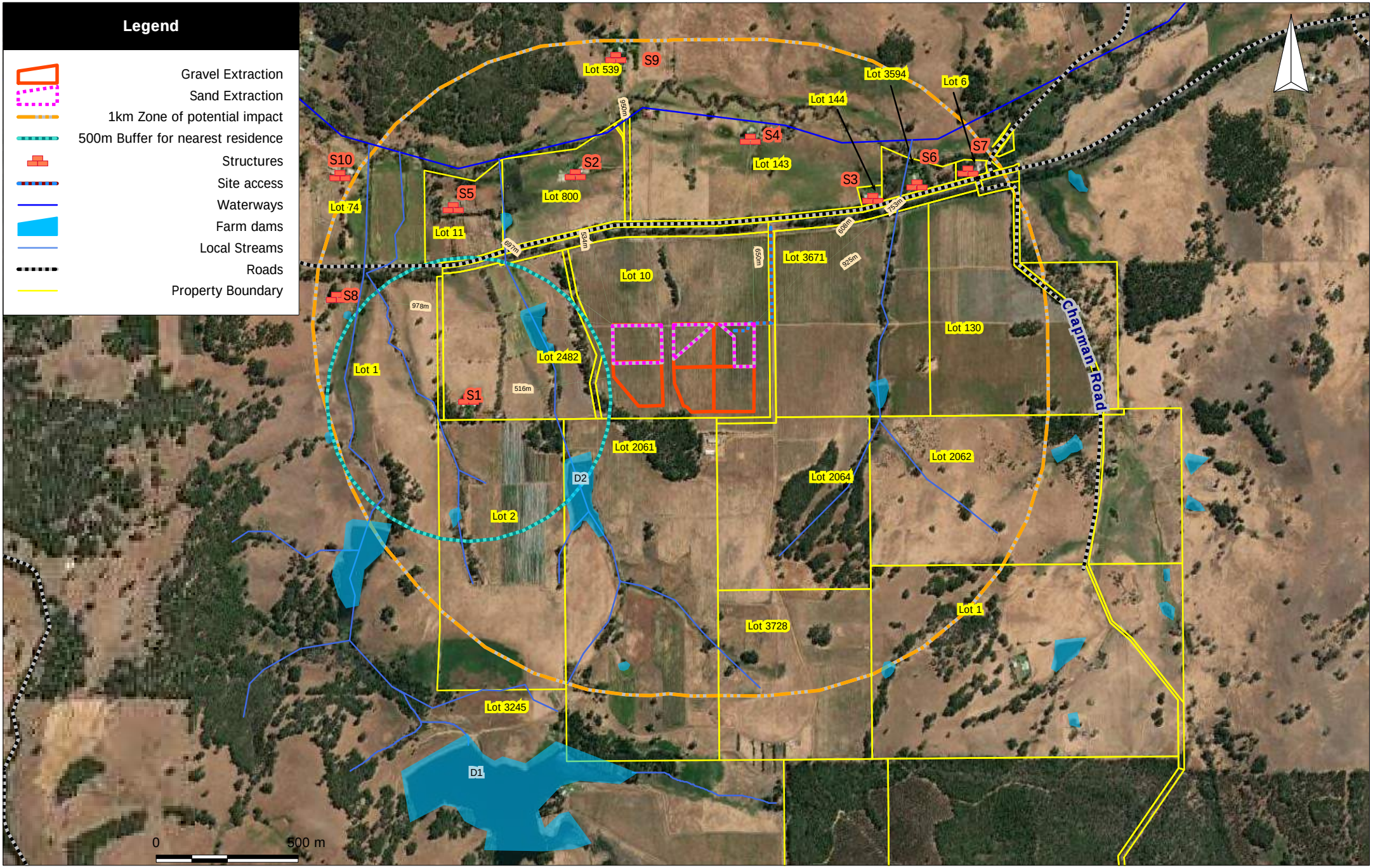
### 2.3 Completion Criteria

Completion criteria are identified to allow effective reporting and auditing and to define an endpoint for the rehabilitation activities. The completion criteria proposed for extractive operations at 2038 Donnybrook Boyup Brook Road are presented in Table 2.

**Table 2: Closure Criteria and Interim Targets**

| Criteria | Objective | Interim Targets |
|---|---|---|
| 1. Safety | The site is safe to humans. | • The site is safe to humans during operations |
| 2. Sustainability | The site is sustainable in the long term without additional management inputs. | N/A |
| 3. Suitability | The site is suitable for agricultural purposes. | N/A |
| 4. Visual amenity and heritage | The rehabilitated extraction area blends into the surrounding environment. | N/A |
| 5. Off-site impacts | Significant adverse off-site impacts are prevented. | N/A |
| 6. Hydrology | a. Site hydrology does not prevent the establishment of desired vegetation.<br>b. Site hydrology does not reduce the stability of the landform.<br>c. Stormwater is contained within the site. | • Stormwater is contained within the site during operations.<br>• Identification and mitigation of any hydrology related issues during operations. |
| 7. Soils and stability | a. Soil profiles and structures are sufficient to ensure vegetation establishment.<br>b. The landform is stable. | • Topsoil is respread in all rehabilitation areas.<br>• Identification and mitigation of potential erosion scars and scours during operations. |
| 8. Vegetation | a. Pasture grasses cover the entire targeted area.<br>b. Pasture grass cover is sufficiently resilient to sustain grazing pressure. | • After one year pasture grasses cover 40% of target area increasing by 20% per annum thereafter. |
| 9. Weeds | a. Declared pest weeds are absent.<br>b. The level of weed species should not be detrimental to the planted seedlings or pasture grasses. | • Weed species removed systematically during operations. |

# FIGURES





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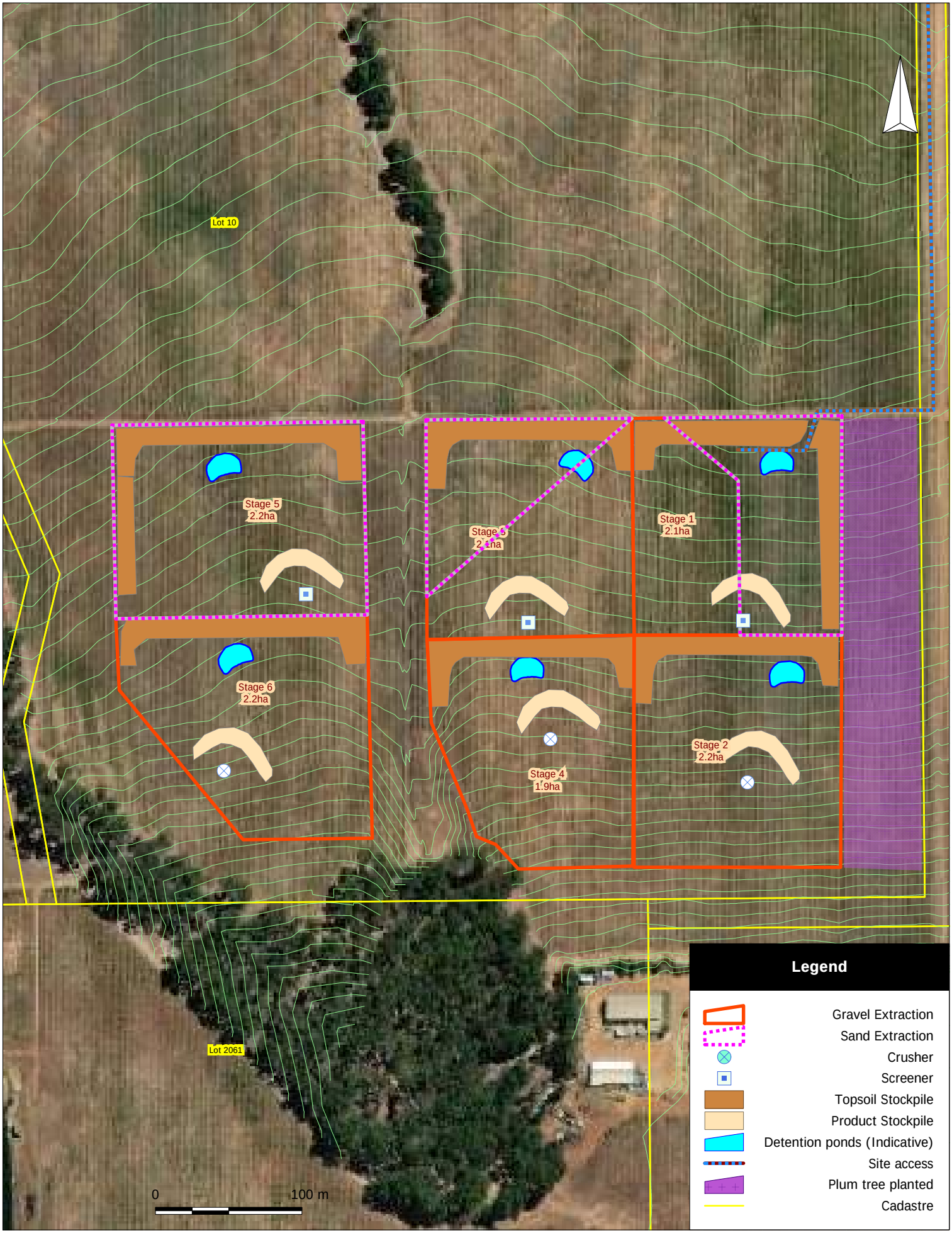
Scale: 1:17000
Original Size: A4
Air Photo Source: ArcGIS Dec 2021
Datum: GDA94
Projection: Australia MGA94 (50)

Client: Westwall Holdings
Project: Gravel & Sand Extraction
Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 1:

## Site and Surrounds





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Scale: 1:3200
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Air Photo Source: ArcGis Dec 2021
Datum: GDA94
Projection: Australia MGA94 (50)

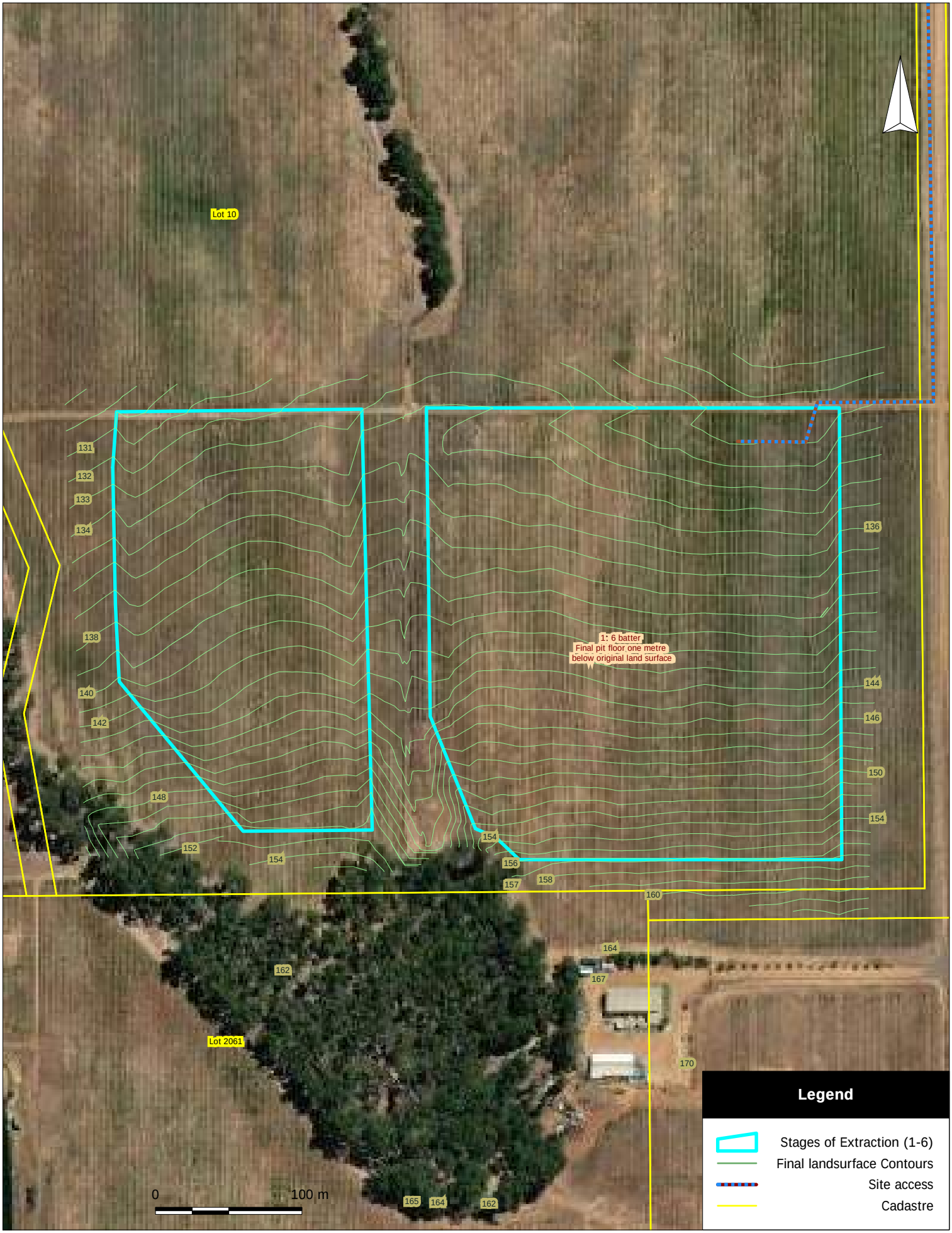
Client: Old Valley Pty Ltd

Project: Gravel & Sand Extraction

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 2:

**Proposed Extraction**

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Client: Old Valley Pty Ltd

Project: Gravel & Sand Extraction

Location: 2038 Donnybrook Boyup Brook Road Yabberup

# Figure 3:

## Final Landsurface Contours

*PHYTOPHTHORA DIEBACK AND EXTRACTIVE INDUSTRIES INFORMATION BROCHURE*

*for*

**Westwall Holdings Pty Ltd**

## What is *Phytophthora* Dieback?

*Phytophthora* dieback is a soil-borne fungal pathogen that kills a wide range of plant species in the southwest of WA by destroying their root systems. There are many species of *Phytophthora* that occur worldwide. Although most *Phytophthora* species can cause plant disease, *Phytophthora cinnamomi* is the most frequently isolated *Phytophthora* species from native plant communities in WA's south west.

## Impact of *Phytophthora* Dieback

*Phytophthora* Dieback occurs in all Southern Australian States and has had a significant impact on the biodiversity of native plants and animals from WA. It sometimes occurs in the nursery, mining, and forestry industries in WA.

According to CALM (2003), a conservative estimate places approximately 15-20% of the Jarrah forest as infested by *Phytophthora cinnamomi*. Furthermore, approximately 60% of the shrubland, *Banksia* woodland and Mallee woodland in the Stirling Range National Park are infected by the pathogen. Similarly, 70% of the *Shannon* and *D'Entrecasteaux* National Parks are also affected by *Phytophthora cinnamomi.*

## Managing *Phytophthora* Dieback

The movement of large volumes of soil is a significant risk in terms of spreading *Phytophthora* dieback. The extractive industry has the opportunity to reduce the rate of spread of *Phytophthora* dieback by taking steps to minimise the accidental spread of the pathogen, with extraction in the >400 mm rainfall zone at greatest risk of spreading the pathogen.

In particular, operations occurring near native plant communities dominated with *Banksia* species and other Proteaceae may be at high risk. Different types of extracted materials have their different levels of inherent risk with regards to the likelihood of being infested with *Phytophthora* dieback and therefore these differences need to be taken into account. For example, sand and gravel which carries organic matter or topsoil can be infested *with Phytophthora*, whereas limestone and hard rock are normally dieback free.

## Plants Susceptible to *Phytophthora* Dieback

Banksias, proteas, grass-trees and jarrah are amongst the plants that are highly susceptible to Phytophthora impacts, as are over 2,300 other native plants and some exotic plants. This includes 40% of WA's threatened flora.

The Dieback Working Group website provides a list of both susceptible and resistant species at https://www.dwg.org.au

Disturbed native vegetation, farmland, urban and other similar areas are not normally able to be assessed for the presence of *Phytophthora*, so if you have concerns with the use of particular extracted materials next to native vegetation or exotic plants, please contact either the Department of Biodiversity Conservation & Attractions or the Dieback Working Group.

## Best Practice Management Techniques

Various practices are described by the Dieback Working Group[1] and are used by Westwall Holdings Pty Ltd to minimise the risk of their operations acting as a vector for the transfer of the pathogen. The techniques described in this document are by no means all- encompassing but provide a summary.

Many resource sites, including Westwall Holdings Pty Ltd site on Donnybrook Boyup Brook Road, are considered to be "excluded (not assessable)" for the presence of *Phytophthora* dieback, because they are located on areas of disturbed vegetation. However, all of Westwall Holdings Pty Ltd sites, including Donnybrook Boyup Brook Road, are chosen because they present a minimal risk of dieback being present, including being elevated, and mostly containing species not favoured by *Phytophthora* such as pasture. Resources are then extracted, processed and managed according to best practice to provide the lowest possible *Phytophthora* risk.

## Summary of Best Practice Techniques used by Westwall Holdings Pty Ltd

- Training of staff on *Phytophthora* Dieback and management.
- No unauthorised entry is permitted.
- Vehicles must be “clean on entry”
- Areas are identified as follows:
  - Extraction and processing areas
  - Roads, including haul roads
  - Turn around points
  - Hygiene – quarantine points
  - Storage and stockpile areas
  - Water sources
- Surface water is contained on site.
- Stockpile areas are hard and well drained.
- Vehicles must be "clean on exit".
- Site and activities are secured by fencing, signage, training and other methods.
- Separate excavation and loading areas.
- Signs illustrate the status and measures required are used as applicable.
- Dieback free water is used.
- Customers are notified of the Dieback status of the site and the resource.
- Stockpiles are regularly checked for organic matter or topsoil contamination.

**Westwall Holdings Pty Ltd**
**1 Finey St, Cottesloe WA 6011**

INFORMATION FOR THIS BROCHURE HAS BEEN OBTAINED FROM:

Dieback Working Group.

Management of *Phytophthora* Dieback in Extractive Industries.

The profiles are selected based on the visibility of the proposed extraction stages, from the sensitive receptor i.e. the Donnybrook Boyup-Brook Road (DBB). The DBB road is mostly lined by overstorey native vegetation, which is providing visual screening to the property (Lot 10), however there are spaces in between, from which the property can be seen. It should be noted that this visibility should be brief from a moving vehicle, as mostly, tree lining will screen the property. As a conservative approach, the visual assessment has been conducted to understand the visual impact of the proposed operation through those gaps between the trees lining the DBB road. Furthermore, the various mitigation and management strategies proposed to manage the visual impact have also been assessed.

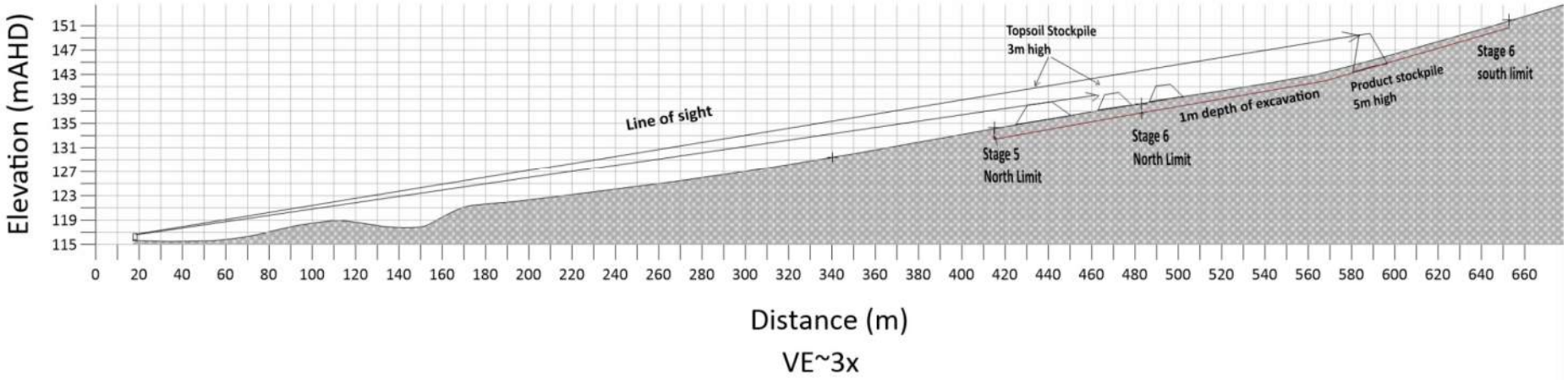
The Management and mitigation strategies include:

(1) Limiting the exposed area by having smaller stages of 2ha
(2) Strategic clearing of vines
(3) Managing visibility of the operation by initially using the topsoil bund and later the overburden and product stockpile once available.
(4) Managing the visual impact of the management strategies i.e. bunds by planting fast growing pasture species, blending with the surrounding features.
(5) The extraction area will be behind the bunds as shown in Figure 4 attached to this.
(6) The vehicle loading area will be behind the bund.
(7) Safety Fencing already exists along the west, south, east, and north as ring locked agricultural fencing. The fence is illustrated in Figure 1.

Profile A

The picture above is taken from 'Point A' looking at the western stages Stage 5 and 6 from the (DBB) road. Please see the Figure attached to see the Profile locations as well as the staging. Lot 10 is visible through the gap between the tree line. Profile A attached below shows the visual impact assessment of Stage 5 and 6 from Point A. From the road, only topsoil bunds will be visible, and topsoil bunds will obstruct the visibility of the extractive industry operations.

# Profile A

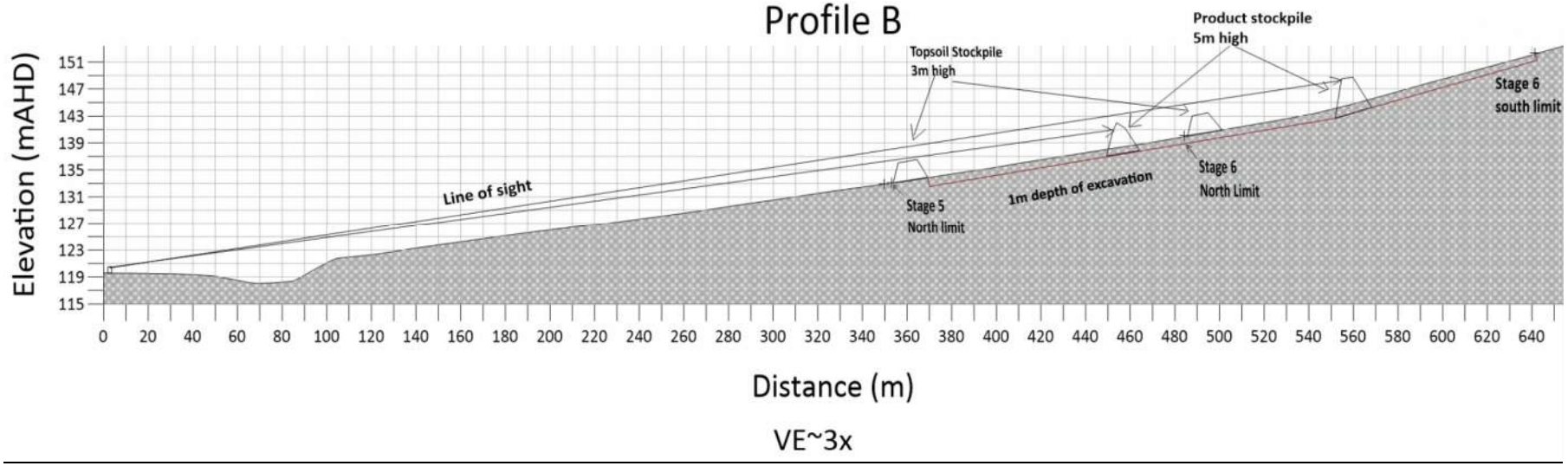

Elevation (mAHD)
151
147
143
139
135
131
127
123
119
115
0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300 320 340 360 380 400 420 440 460 480 500 520 540 560 580 600 620 640 660
Distance (m)
VE~3x
Line of sight
Topsoil Stockpile
3m high
Stage 5
North Limit
Stage 6
North Limit
1m depth of excavation
Product stockpile
5m high
Stage 6
south limit

Profile A also shows the visual assessment of Stage 6 operations. It should be noted here that Stage 5 will be operated on and rehabilitated before starting Stage 6. Strategic clearing of vines will be conducted, with only the stage to be extracted cleared to gradually adapt the visual features of the property. Each stage will be extracted down-up, where initially topsoil bunds will be used as visual barrier for operations on the lower elevation and once the overburden and product stockpiles are in place, they will provide screening from the operations at higher elevation. The top of the product stockpile will be visible at most, with none of the pit area being visible.

The visual impact of the product stockpile will be limited due to its earthy color which blends with the natural environment. To mitigate the visual impact of the topsoil, fast growing pasture species will be planted on the topsoil, which will blend with surrounding features of the area and protect and maintain the topsoil quality.

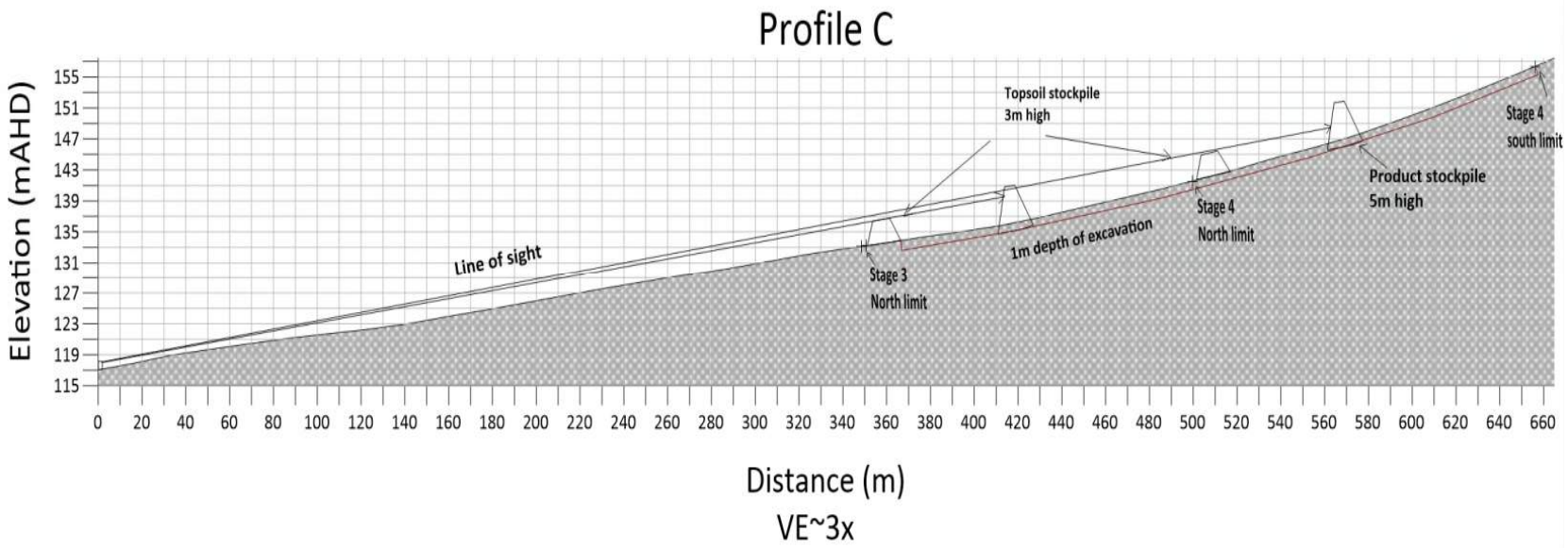
Profile B

The picture above is at Point B looking at the western stages Stage 5 and 6 from the (DBB) road. Please see the Figure attached to see the Profile locations and the staging. Profile B attached below shows the visual impact assessment of Stage 5 and 6 from Point B.


Profile B
Elevation (mAHD)
151
147
143
139
135
131
127
123
119
115
0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300 320 340 360 380 400 420 440 460 480 500 520 540 560 580 600 620 640
Distance (m)
VE~3x
Line of sight
Topsoil Stockpile
3m high
Product stockpile
5m high
Stage 5
North limit
1m depth of excavation
Stage 6
North Limit
Stage 6
south limit

Profile C

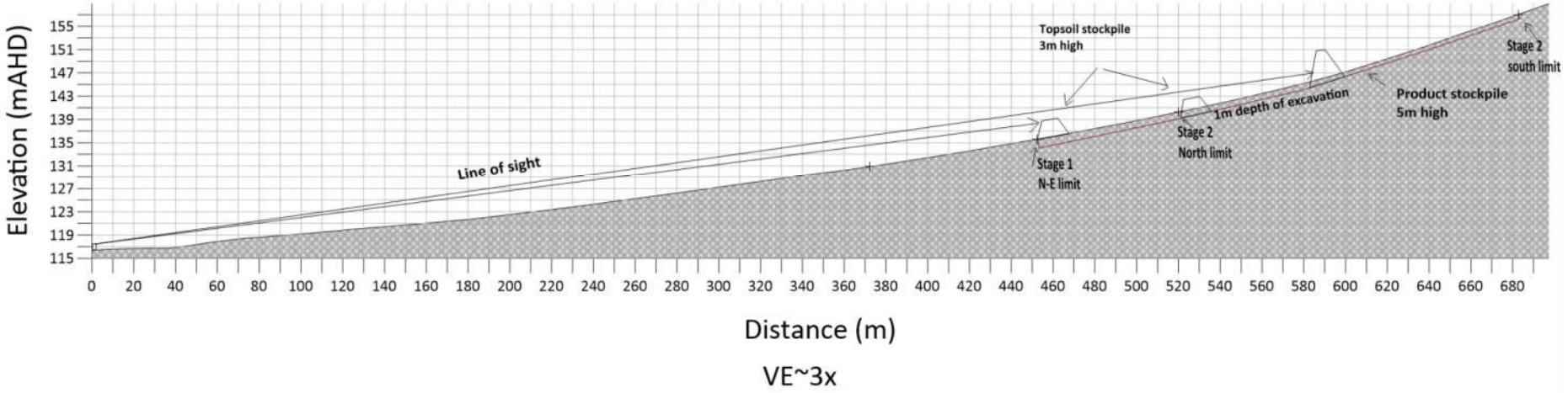
The picture above is at Point C looking at the Middle stages Stage 3 and 4 from the (DBB) road. Please see the Figure attached to see the Profile locations and the staging. Profile C attached below shows the visual impact assessment of Stage 3 and 4 from Point C.


Profile C
Elevation (mAHD)
155
151
147
143
139
135
131
127
123
119
115
0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300 320 340 360 380 400 420 440 460 480 500 520 540 560 580 600 620 640 660
Distance (m)
VE~3x
Topsoil stockpile
3m high
Line of sight
Stage 3
North limit
1m depth of excavation
Stage 4
North limit
Product stockpile
5m high
Stage 4
south limit

Profile D

The picture above is at Point D looking at the eastern stages Stage 1 and 2 from the (DBB) road. Please see the Figure attached to see the Profile locations and the staging. Profile D attached below shows the visual impact assessment of Stage 1 and 2 from Point D.

# Profile D




VE~3x

# WESTWALL HOLDINGS PTY LTD

EXTRACTIVE INDUSTRY
2038 DONNYBROOK-BOYUP ROAD, YABBERUP

## SOIL REHABILITATION

MAY 2025

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Government of Western Australia
Department of Training
and Workforce Development

## OVERSEAS QUALIFICATION ASSESSMENT ADVICE

Ref: OQU-1023-14782

| | |
|---|---|
| **Name:** | Nicolas Andres Silva Cordova |
| **Qualification:** | Bachelor in Agronomy |
| **Years of study:** | 5.0 |
| **Mode of study:** | Full Time |
| **Institution** | Universidad de Tarapacá |
| **Year of issue:** | 2019 |
| **Country:** | Chile |

**ASSESSMENT ADVICE**

As referenced by the Australian Government Department of Education, Skills and Employment (DESE) Country Education Profile assessment guidelines for Chile, the Bachelor in Agronomy is assessed as ***comparable to the educational level of an Australian Bachelor Degree***.

**Important Notes:**

- *This assessment is issued on the basis of certified copies of the originals. This assessment does not constitute an endorsement of the authenticity of the documents presented.*
- *This assessment advice cannot be used for migration purposes.*

Travis Cacciola
Manager
Overseas Qualifications Unit

4 October 2023

*This assessment is a guide to the comparability of the educational level of the overseas qualifications in Australian terms. Acceptability for employment, membership of a professional body, occupational registration or further study purposes is a matter for the respective authorities in Australia to determine. This assessment advice may assist in this regard.*

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# Overview

Preston vale is located within the Preston valley, approximately 24 kilometers east of the townsite of Donnybrook, Western Australia. The property was established in 1999 with nearly 240 hectares of now unproductive and abandoned Vineyards.

There are predominantly two soil types on Preston Vale Vineyard, being gravel mixed in sandy loams, which are free draining, and red/ brown clay loams over decomposing granites. The gentle northern slopes provide the most soil variability. Soils on these areas include; deep alluvial sands and loams, gravelly sands and loams, and some lateric (ironstone) caps.

This report presents the results of the edaphology soil profile characterization conducted in the zones between the proposed sand extraction operation, a study on the feasibility of land rehabilitation and a plan for soil rehabilitation.

This information provides valuable insight in the feasibility of land rehabilitation proposing a set of measures in line with the best standards and practices, aiming to return the use of land for agricultural activities and its productivity after the extractive operations have finished in the area.

# 1. Introduction

An agricultural soil rehabilitation assessment was commissioned by Westwall Holdings Pty Ltd, undertaken at 2038 Donnybrook – Boyup Brook Road, Yabberup, in a proposed sand extraction area between the property.

The proposed extraction area is located under and abandoned Vineyard paddock. The area is currently unproductive, not generating any kind of revenue. From a landscaping perspective, the abandonment state is aesthetically unpleasant. The paddock contains all sorts of agricultural infrastructure and access to irrigation, that can be removed, stored and repurposed to develop any kind of agricultural project that fits the local climate conditions.

The government knows that Quarrying and sand extraction are essential for construction and infrastructure, but the local Shire has raised concern that those extraction projects might leave behind significant disturbances to the Valley's landscape and environment. Practical experience and peer-reviewed research show that land disturbed by hard-rock quarries or sand pits can be returned to productive ecological or agricultural use when a soil cover is provided during rehabilitation works.

This investigation examines the technical and environmental feasibility of rehabilitating land for future agricultural purposes, after sand extraction operations, with a specific focus on achieving a final soil depth of 1 meter. References and case studies are presented to support the analysis.

This study is provided to support the regulatory approvals processes, proving that is possible to rehabilitate the land for agricultural use after the extractive operations have ceased.

# 2. Soil characterization

An analysis of the soil's properties was conducted in the proposed sand extraction area, to give context to the investigation.

The sampling technique utilized involved making soil pits in various locations, inside the proposed extraction zone, and collecting samples from each one, the values obtained were averaged and recorded in the table below. The properties of each soil horizon were described, following the procedures shown in the manual "A simple guide for describing soils" (***Stuart-Street A., et al, 2020, A simple guide for describing soils, Department of Primary Industries and Regional Development, Perth***.) and "Australian soil and land survey, field handbook. Third edition" (***National committee on soil and terrain, 2009***).

| Soil profile | | Depth (m) | Horizon | Color | Texture | Soil type | Coarse fragments | Average % of gravel >2mm | Apparent density (gr/cm3) | Soil weight in 1 Ha (ton) |
|---|---|---|---|---|---|---|---|---|---|---|
| **S** | | 1.75 | | | | Yellow Deep sands | | 5.00% | | 12744 |
| Sa | | 0.1 | A/1 (topsoil) | 7.5 YR 2.5/1 | Loamy Sand | Sandy soil | 1% | | 0.83 | 830 |
| Sb | | 0.14 | A/2 (topsoil) | 7.5 YR 2.5/2 | Loamy Sand | Sandy soil | 1% | | 1.06 | 1484 |
| Sc | | 0.7 | B/1 | 10 YR 4/6 | Sand | Sandy soil | 6% | | 1.49 | 10430 |
| Sd | | 0.56+ | B/2 | 2.5 Y 5/6 | Sand | Sandy soil | 14% | | 1.67 | 9352 |

Table 1. Average properties of the soil in the extraction area.

The analysis to the soil profile matches with the description of “Yellow deep sand" (Soil Group 446), mentioned in ***Soil Groups of Western Australia (2013),*** which refers to yellow sands greater than 80 cm deep. These soils are characterized by yellow color within the top 30 cm, neutral to acid pH, and sometimes contain limestone gravel or ferricrete at depth. Local names include yellow sandplain, pear and pine sand, and others. The typical Australian Soil Classification is "Yellow-Orthic Tenosol."

Usually, these soils present a poor structure, high acidity, low CEC, low water and nutrient retention, all along the soil’s profile. These properties can be managed and improved during the rehabilitation stage.

These characteristics make viable to intervene and extract of a portion of the soil’s sand, leaving in the area after rehabilitation, a soil with an average depth of one meter. Keeping the main physical properties of the soil mainly unaltered, making it possible to reestablish the land to an agricultural purpose.

# 3. Technical Feasibility

## 3.1 Soil-Material Balance

For the purpose of leaving a rehabilitated soil of 1 m of cover equal to **10 000 $m^3$ $ha^{-1}$**. Material sources are:

1. Direct return of stripped soils (highest success rate). This is planned to be achieved by laying back the first 20cm of topsoil from the extraction area.
2. Overburden or “marl” blended with composted organics (used at Outão limestone quarry, Portugal) (Correia et al., 2001). In the case of the extraction area, it’s planned to leave a layer of 80 cm of yellow sand, which will be the base of the rehabilitated soil.

Laboratory work indicates that plant-available water and rooting depth plateau once soil thickness exceeds about 0.9–1.2 m on quarried sub-strata (Schuman et al., 2005, USDA).

## 3.2 Vegetation Establishment

A soil depth of 1 meter (100 cm) is considered quite favorable for a wide range of crops, as it allows for extensive root development, good water retention, and nutrient availability.

Some of the crops that have the potential to be stablished, once the land is rehabilitated with the proposed soil depth are:

**Cereal Crops**

Cereals like wheat, barley, oats, maize (corn), and rice benefit from deep soils because their roots can penetrate deeply, accessing water and nutrients efficiently. This depth supports high yields and resilience to short dry periods.

**Leguminous Crops**

Legumes such as beans, peas, chickpeas, lentils, and soybeans develop deep taproots, especially in well-structured soils. A soil with a depth of 1 meter allows for better nitrogen fixation and drought resistance, which is important for these crops.

**Root and Tuber Crops**

Crops like potatoes, carrots, sweet potatoes and beets require loose, deep soils to allow their storage organs to expand. The proposed 1 m depth, would prevent root crowding and deformation, leading to higher quality produce.

**Vegetables**

Many vegetables, including tomatoes, peppers, cucumbers, onions, lettuce, and cabbage, thrive in deep soils. The extra depth supports healthy root systems, which is crucial for nutrient uptake and plant stability.

**Fruit Trees and Shrubs**

Fruit trees such as apples, pears, peaches, plums, and citrus, as well as berry bushes (blueberries, raspberries, blackberries), require deep soils for anchorage and to access water during dry periods. 1 m depth is generally sufficient for most orchard crops, provided the soil is well-drained and not compacted.

**Forage and Pasture Crops**

Deep soils are ideal for perennial forages like alfalfa, clover, and various pasture grasses. These crops develop extensive root systems, which improve drought tolerance and productivity over multiple years.

**Other Specialty Crops**

Vine crops (such as grapes), nuts (like almonds and walnuts), and some medicinal or aromatic plants also benefit from deep soils, especially in regions with dry summers.

At the Arrábida quarry (Portugal) 98 % plant survival and rapid faunal recolonization were recorded on 1 m coversoil platforms after 10 years (Correia et al., 2001).

# 4. Environmental perspective

## 4.1. Restoration of Ecosystem Functions

Research and case studies show that 1 meter of soil is generally sufficient to restore key ecosystem functions:

- **Plant Growth:** Studies indicate that plant-available water and rooting depth plateau at soil thicknesses of 0.9–1.2 meters, supporting robust vegetation growth [5].
- **Soil Health:** Organic matter and nutrient cycling can be restored to near-reference levels within a decade if soil quality is maintained and appropriate vegetation is established.
- **Biodiversity:** Rehabilitated sites can support diverse plant and animal communities, especially if native species are used and habitat features (logs, rocks) are incorporated [1][3].

## 4.2. Long-Term Stability

Monitoring is essential to track vegetation cover, soil nutritional balance, and erosion. Adaptive management (e.g., re-seeding, erosion control) may be needed to address unforeseen issues. Successful rehabilitation can return land to productive agricultural, forestry, or recreational use, and in some cases, even enhance biodiversity compared to pre-mining conditions [3][5].

# 5. Case-Study Evidence

1. **Outão Limestone Quarry, Portugal** – 1 m coversoil over marl; 30 years of data show soil organic C rose from 0.4 % to 2.1 % and native shrub cover reached 65 % by year 15 (Correia et al., 2001).
2. **Calder Sand Pit, Ontario** – 55 ha progressively back-filled to 1 m; returned to Class 2 farmland with maize yields >90 % of regional average within five seasons (OSSGA, 2010).
3. **Christchurch Aggregates, NZ** – Feasibility study found that 1 m of soil above pit-lake water level is sufficient for vertical-farm greenhouses anchored on floating pontoons, provided that imported loams meet NZS 4452 standards (Canterbury Uni., 2022).

# 6. Conclusions

A final soil depth of 1 m is technically adequate for most post-mining land uses, provided the sub-grade is stable and a suitable growth medium is used. Long-term ecological studies demonstrate that 1 m of cover soil can restore ecosystem function (nutrient cycling, biodiversity) to near-reference levels. By systematically addressing soil acidity, low CEC, and poor structure through lime, organic matter, clay, and biochar amendments, and by implementing a tailored nutrient and biological management program, the fertility and productivity of the rehabilitated yellow sandy soil can be significantly improved. Ongoing monitoring and adaptive management will ensure the long-term sustainability of the soil resource.

Quarry restoration is not solely an environmental endeavor; it can also yield economic benefits. These restored areas can be repurposed for various uses, such as recreational space, tourism, or agriculture. BY diversifying land use, it is possible to stimulate local economies, generate employment opportunities and new revenue streams.

The act of restoring quarries can also enhance the value of properties and attract investment, further boosting the economics of local regions.

Therefore, rehabilitation of the proposed extraction area to a 1 m soil depth is **feasible and defensible** from environmental, technical and economic perspectives, provided that the outlined best-practice measures are adopted.

# 7. References


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10. Schoknecht, N., Pathan, S. (2013). A simple guide to the main soils of Western Australia. Perth, WA.

# Annexure 1

# Soil Rehabilitation plan

## 1. Environmental values

The rehabilitation of this site will be a process once the area is no longer required for extraction activities.

The plan will cover all the activities that ensure the rehabilitation of the site for agricultural purposes including:

- Progressive rehabilitation
- Earthworks
- Storage of materials to use in rehabilitation works
- Top soil management and erosion control measures
- Weed management
- Improvement of soil fertility

The rehabilitation plan will outline the necessary steps to restore the environmental values of the site, ensuring they are consistent with the surrounding landscape and reflective of conditions prior to extractive activities.

The primary environmental concern resulting from quarry operations is on-site erosion. To address this, the rehabilitation plan will include an erosion control strategy, detailing the actions and procedures required to stabilize soil quality to standards acceptable to local and state government agencies. The ultimate goal is to return the land to agricultural use. Soil quality will be monitored in accordance with the requirements of the Environmental Authority, once issued, as well as any other relevant legislative obligations.

Environmental impacts related to noise, dust, and vibration will subside and return to background levels once extractive activities have ceased. Rehabilitation efforts will prioritize areas visible from Boyup-Brook Road to enhance the visual appeal of the site.

All mobile structures not needed for rehabilitation will be removed from the site. Additionally, all waste materials will be cleared by the operator or by registered and qualified contractors.

## 2. Earthworks

Since the site's final intended use is for grazing and/or Horticultural purposes, the processing and stockpile pads will be levelled, contoured as necessary, tined, top-dressed, and reseeded. Many of the haul roads currently providing access to the site were originally property access roads; these will be retained for ongoing property access.

All extraction areas will be levelled where possible, or otherwise prepared for rehabilitation. Surrounding areas not required for ongoing site activities will be progressively levelled and/or contoured in preparation for rehabilitation. As no residual benches will remain on site, all areas can be shaped and battered to facilitate rehabilitation.

The earthworks will include the following activities: levelling and contouring the perimeter of the extraction area; treating areas adjacent to access roads that are no longer needed for haulage, so that rehabilitation can begin; and treating the perimeter of stockpile pads and any other areas not required for current operations to enable rehabilitation to proceed.

## 3. Storage of materials to use in rehabilitation works

As the area identified for extraction is presently covered with abandoned and unproductive grapevines, a comprehensive plan has been developed to address the existing agricultural infrastructure. This infrastructure includes a variety of materials such as wooden posts, metal posts, drip irrigation lines, and wires, all of which are currently unused but remain valuable for future operations. The plan involves carefully dismantling and collecting each component, ensuring that materials are not damaged during removal so they can be effectively reused. Once gathered, these materials will be systematically sorted and transported to a specifically designated storage area within the farm. This storage area will provide protection from the elements and facilitate easy access when needed. The intention is to repurpose these resources during the forthcoming rehabilitation works, where they will play a crucial role in reestablishing the agricultural productivity of the land. By reusing existing infrastructure, the project not only reduces waste and costs but also supports a more sustainable approach to land restoration and ongoing farm management.

## 4. Top soil management and erosion control measures.

The rehabilitation process will commence with the careful removal and stockpiling of topsoil from the designated extraction areas. This topsoil will be preserved for use in the future rehabilitation of the site, ensuring that the valuable organic material and seed bank are retained. Stockpiles will be strategically located in the upper section of the extraction area, constructed to a maximum height of two meters to minimize compaction and maintain soil health. These stockpiles will be managed to encourage natural regeneration by native fauna and will be regularly monitored and maintained to remain free of weeds and invasive species.

Given the specific properties of the site's soil, which has an average depth of approximately 1.75 meters, the rehabilitation strategy involves leaving a layer of sandy subsoil, about 80 centimeters thick, over the lateritic parent material in the extraction zone. This subsoil layer will then be covered with a 20-centimetre layer of the previously removed topsoil. The resulting soil profile, with an average depth of one meter, will be sufficient to support a wide range of agricultural uses, including the cultivation of various fruit trees, horticultural crops, and pastoral grasses. This approach is designed to restore the land's productivity and return it to sustainable agricultural use.

Maintaining the soil covered with vegetation is one of the best methods to prevent erosion, so revegetation efforts will encompass a combination of landscaping, the careful spreading of topsoil, and the planting of selected species suitable for grazing and horticultural purposes. The selection of plant species will be guided by the intended future use of the land and the need to establish a resilient and diverse vegetative cover. A comprehensive weed management plan will be implemented to maximize the growth of desired species and to prevent the establishment and spread of noxious or invasive plants. This plan will include regular monitoring, early detection, and prompt control measures as necessary.

As the topsoil stockpiles may remain unused for an extended period, measures will be taken to maintain the viability of the long-term seed bank within the soil. This will be achieved by promoting the growth of native vegetation on the stockpiles, which will help preserve soil structure, prevent erosion, and support local biodiversity.

Before the topsoil is re-spread over the rehabilitated areas, the ground surface will be levelled and, where possible, contoured to create a stable surface that resists erosion and enhances the retention of topsoil. This preparatory work is essential to ensure the long-term success of the rehabilitation process and to facilitate the re-establishment of productive and sustainable land use.

## 5. Weed management

This weed management plan outlines the specific steps to be taken to manage weeds effectively during the sand. It is designed to minimize the introduction, establishment, and spread of weeds, thereby protecting the agricultural ecosystem, supporting successful site rehabilitation, and ensuring compliance with all relevant regulatory requirements. The potential for weed infestations exists in several contexts: during the development phases as topsoil is removed from extraction areas and placed in stockpiles; during site rehabilitation when topsoil is spread over the treated areas; within the buffer zones surrounding the site; as a result of wind and traffic using or crossing the quarry access road and Boyup-Brook Road; from animals grazing in the vicinity of the quarry site; and from adjacent land used for agricultural purposes.

The primary threats of weed infestation from adjacent areas include sheep grazing, transport vehicles, and agricultural machinery. However, the risk of weed introduction from machinery entering the site should be considerably reduced due to the procedures outlined in this plan.

The soil type on the site exhibits characteristics of low fertility, which can influence vegetation establishment. The sandy soil is well-drained, with limited water retention capacity, low cation exchange capacity (CEC), and an acidic pH. These conditions may limit the growth potential of many declared weeds.

On-site weed management is structured around three key categories:

-Prevention of weeds entering the site

-Controlling outbreaks of weeds on site,

-Prevention of weeds leaving the site.

**1. List of potential weed species**

The following Class 3 weeds are present in the Donnybrook-Balingup area and require management to alleviate their harmful impact, reduce their numbers or distribution, or prevent or contain their spread:

- *Austrocylindropuntia cylindrica* (Juss. ex Lam.) Backeb. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: cane cactus; coral cactus
- *Austrocylindropuntia subulata* (Muehlenpf.) Backeb. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: Eve's needle; Eve's pin

- *Chondrilla juncea* L. Family: Asteraceae
  Declared Pest - s22(2) (C2 Restricted C3 Exempt)
  Common name: gum succory; hogbite; naked weed; rush skeleton weed; skeleton weed
- *Cylindropuntia fulgida* (Engelm.) F.M.Knuth Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: boxing glove cactus; coral cactus
- *Cylindropuntia imbricata* (Haw.) F.M.Knuth Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: devil's rope; rope pear
- *Cylindropuntia kleiniae* (DC.) F.M.Knuth Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: Klein's cholla; Klein's pencil cactus; candle cholla
- *Cylindropuntia pallida* (Rose) F.M.Knuth Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Synonyms: *Cylindropuntia rosea* (DC.) Backeb.
  Common name: Hudson pear (white-spined); white-spined Hudson pear
- *Cylindropuntia tunicata* (Lehm.) F.M.Knuth Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: Hudson pear (brown-spined); brown-spined Hudson pear; thistle cholla
- *Opuntia elata* Salm-Dyck Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: Riverina pear
- *Opuntia elatior* Mill. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: red-flower prickly pear
- *Opuntia engelmannii* Salm-Dyck ex Engelm. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: Engelmann's pear; Engelmann's prickly pear
- *Opuntia microdasys* (Lehm.) Pfeiff. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: bunny ears; golden bristle cactus; teddy bear cactus

- *Opuntia monacantha* Haw. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: drooping tree pear
- *Opuntia polyacantha* Haw. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: plains prickly pear
- *Opuntia puberula* Hort. Vindob. ex Pfeiff. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: nopal de culebra; nopal de tortuga
- *Opuntia stricta* (Haw.) Haw. Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: common prickly pear; erect prickly pear
- *Opuntia tomentosa* Salm-Dyck Family: Cactaceae
  Declared Pest - s22(2) (C3 Restricted)
  Common name: velvet pear; velvet tree pear
- *Ulex europaeus* L. Family: Fabaceae - Papilionaceae
  Declared Pest - s22(2) (C2 Restricted C3 Exempt)
  Common name: furze; gorse

## 2. Weed Hygiene Protocols

### 2.1 Machinery and Equipment

- A hygiene checklist inspection must be conducted for all machinery and visitors entering the site, visitors that don't comply with this requirement won't be allowed entrance pass the visitor's parking area. Trucks transporting sand or other materials off-site are not required to submit a declaration; however, all vehicles must be free of mud, dust, and plant material before leaving the site, in accordance with public road transport requirements.
- All machinery, vehicles, and equipment must be thoroughly cleaned before entering the project site to remove any soil, plant material, or weed seeds.
- The hygiene checklist will be conducting following the form provided by Western Australia Main roads, attached at the end.

### 2.2 Personnel Hygiene

- All personnel entering the site should ensure that their clothing and footwear are clean and free of soil and plant material.
- Visitors to the site should be informed of weed hygiene protocols and required to comply.

## 3. Weed Identification and Reporting

- All personnel should be trained to identify common weed species in the area.
- A weed identification guide, including photographs and descriptions of key weed species, should be of easy access for the personal.
- Any suspected weed sightings must be reported immediately to the Site Supervisor or Environmental Officer.

## 4. Weed Control Measures

### 4.1 Control Methods

- Weed control methods must be selected based on the species present, the extent of the infestation, and the environmental sensitivity of the area.
- Control methods may include:
    - **Manual Removal:** Hand-pulling or digging out weeds, ensuring that all roots and propagules are removed.
    - **Mechanical Control:** Mowing, slashing, or cultivating to suppress weed growth.
    - **Chemical Control:** Application of herbicides, in accordance with manufacturer's instructions and all relevant regulations. Herbicides should be used selectively to minimize impacts on non-target species.

### 4.2 Application of Control Measures

- All weed control activities must be conducted by trained and qualified personnel.
- Herbicides must be applied in accordance with manufacturer's instructions and all relevant regulations.
- Appropriate safety precautions must be taken when using herbicides, including the use of personal protective equipment (PPE).

- A record of all weed control activities must be maintained, including the date, location, species targeted, control method used, and personnel involved.

**5. Monitoring and Evaluation**

- Regular monitoring of weed populations must be conducted to assess the effectiveness of control measures and identify any new infestations.
- Monitoring should be conducted at least quarterly during the operational phase and biannually during the rehabilitation phase.
- Monitoring data should be used to evaluate the effectiveness of the weed management plan and make any necessary adjustments.

**6. Rehabilitation**

- During site rehabilitation, priority should be given to establishing a dense and diverse vegetation cover that can outcompete weeds.
- Native or site-appropriate species should be selected for revegetation.
- Weed control measures should be continued during the rehabilitation phase to ensure the successful establishment of desired vegetation.

**7. Reporting and Documentation**

- A record of all weed management activities must be maintained, including:
    - Weed hygiene protocols
    - Machinery cleaning records
    - Material sourcing documentation
    - Weed sighting reports
    - Weed control activity records
    - Monitoring data

mainroads WESTERN AUSTRALIA

JUNE 2024

# Hygiene Checklist

Vehicles, machinery, trailers, equipment and plant can transport invasive species like *Phytophthora cinnamomi*, pests and weeds into remnant vegetation. This checklist ensures that all vehicles and plant do not arrive or leave Main Roads sites with contaminating material.

**Table 1: Project Details**

| | | | |
|---|---|---|---|
| **Project Name:** | | | |
| **Region Name:** | | | |
| **Project Number:** | | **Task Code:** | |
| **Contractor Name:** | | **Contract Number:** | |

**Table 2: Vehicle / Machinery / Trailer / Equipment / Plant Details**

| | | | |
|---|---|---|---|
| **Date:** | | **ENTRY or EXIT from site** | *Circle one* |
| **Location of Inspection:** | | | |
| **Owner / Operator:** | | | |
| **Type / Make/ Model:** | | | |
| **Registration Number:** | | | |
| **Odometer / Hour Meter Reading:** | | | |

**Table 3: Hygiene Checklist**

Check the following sections of the Vehicle / Machinery / Trailer / Equipment / Plant, to ensure it is clean and free of vegetative (including weeds and seeds) and soil material.

| Item | Type (front, rear, sides) | Not Applicable | Not Clean | Clean |
|---|---|---|---|---|
| Scrub bar | | ☐ | ☐ | ☐ |
| Air filter | | ☐ | ☐ | ☐ |
| Fenders | | ☐ | ☐ | ☐ |
| Radiator area | | ☐ | ☐ | ☐ |
| Belly plates /underside | | ☐ | ☐ | ☐ |
| Bucket, blade and forks, backhoe attachment, scraper | | ☐ | ☐ | ☐ |
| Rippers | | ☐ | ☐ | ☐ |
| Suspension | | ☐ | ☐ | ☐ |
| Spare wheels | | ☐ | ☐ | ☐ |
| Wheels and tracks, skids | | ☐ | ☐ | ☐ |
| Drill bits | | ☐ | ☐ | ☐ |
| Mud flaps | | ☐ | ☐ | ☐ |
| Flat sections | *Esp. horizontal* | ☐ | ☐ | ☐ |
| Cupped sections | | ☐ | ☐ | ☐ |
| Chassis areas | *H or C sections* | ☐ | ☐ | ☐ |
| Hinged points | *Esp. articulated areas e.g. truck, crane, excavator arm* | ☐ | ☐ | ☐ |

| Item | Type (front, rear, sides) | Not Applicable | Not Clean | Clean |
|---|---|---|---|---|
| Leaks | *Motor, transmission, hoses, hydraulics to be stuck down, reservoirs* | ☐ | ☐ | ☐ |
| Spill kits | | ☐ | ☐ | ☐ |
| Fire suppression gear | | ☐ | ☐ | ☐ |
| Trailers | | ☐ | ☐ | ☐ |
| Cargo space | | ☐ | ☐ | ☐ |
| Inside Cabin | | ☐ | ☐ | ☐ |
| Under the Bonnet / Engine Bay | | ☐ | ☐ | ☐ |
| Lights, Bumpers and Accessories e.g. toolboxes, spare tyres. | | ☐ | ☐ | ☐ |
| Hydraulics and any attachments e.g. arms/booms, tynes and rippers, support frames, hydraulic hoses etc. | | ☐ | ☐ | ☐ |
| **OTHER COMMENTS ON HYGIENE OF VEHICLE / MACHINERY / TRAILER / EQUIPMENT / PLANT** | | | | |

## INSPECTION SIGN OFF

**I declare that the Vehicle / Machinery / Trailer / Equipment / Plant listed above has been thoroughly inspected by myself, and is free of all vegetative and soil material.**

| | | | |
|---|---|---|---|
| **Name:** | | | |
| **Company Name:** | *(If relevant)* | **Position:** | |
| **Signature:** | | **Date** | |

**I concur (different from the person who "declared") that the Vehicle / Machinery / Trailer / Equipment / Plant meets the required hygiene standards and is therefore suitable for entry to/or exit from this site.**

| | | | |
|---|---|---|---|
| **Name:** | | | |
| **Company Name:** | *(If relevant)* | **Position:** | |
| **Signature:** | | **Date:** | |

**OR**

**This Vehicle / Machinery / Trailer / Equipment / Plant does not meet the required hygiene standards, and is therefore not suitable for entry to or exit from this site until the following areas are further cleaned.**

| | | | |
|---|---|---|---|
| | | | |
| **Name:** | | | |
| **Company Name:** | *If relevant* | **Position:** | |
| **Signature:** | | **Date:** | |

## PHOTOS OF CLEAN VEHICLE/MACHINERY/EQUIPMENT

<Insert photos if required>

## 6. Soil's Fertility improvement

Given the soil characteristics in the proposed extraction area, characterized by low pH, small amount of nutrients, low cation exchange capacity (CEC), and poor structure; additional measures should be taken to increase the soil's fertility, improving the agricultural potential after the topsoil is laid back, assuring the rehabilitation of the land.

Prior to implementing corrective measures, a comprehensive soil testing is needed to confirm current pH, CEC, organic matter content, macro- and micronutrient levels, and baseline biological activity. This will enable precise amendment rates and ongoing monitoring.

Given the low pH, it is essential to raise the soil pH to a target range suitable for most crops (typically pH 5.5–6.5 in for sandy soils in this region). It is recommended to apply high-quality agricultural lime (calcium carbonate), based on the initial pH and buffer capacity of the soil, determined by the laboratory analysis. The lime should be incorporated thoroughly into the top 20–30 cm of soil, to ensure even distribution and effective pH adjustment. The soil should be tested annually, to adjust and re-apply lime as necessary, as sandy soils are prone to acidification due to leaching and fertilizer use.

Applications of organic matter help to increase the CEC, nutrient and water retention and improve the soil structure. This can be done by directly adding manure and mixing it into the soil, or even allowing animals to graze in the area and let their depositions incorporate over time, enhancing the soil properties.

A comprehensive fertilization program will be developed to asses the micro and macro nutrients deficiencies, taking into account the target crop and target yield.

# Annexure 2

**Westwall Holdings Extractive Industries Operations**

**Complaints Register**

Complainants to submit all complaints to Prestongravel@gmail.com

Complaints made by telephone to the number published at the entrance must also be entered in this register.

| Contact details of complainant (if applicable) | Date and Time | Details of complaint | Actions Undertakings to rectify complaint |
|---|---|---|---|
| Name:<br>Email:<br>Phone: | Date:<br>Time: | Cause:<br><br>Impact: | |
| Name:<br>Email:<br>Phone: | Date:<br>Time: | Cause:<br><br>Impact: | |
| Name:<br>Email:<br>Phone: | Date:<br>Time: | Cause:<br><br>Impact: | |
| Name:<br>Email:<br>Phone: | Date:<br>Time: | Cause:<br><br>Impact: | |
| Name:<br>Email:<br>Phone: | Date:<br>Time: | Cause:<br><br>Impact: | |

# Submission Form
# Notice Of Application For Development Approval (P25035)
# Extractive Industry Sand
# Lots 10 (2038) Donnybrook Boyup Brook Road, Yabberup

Dear Sir/Madam

I am writing to respond to the above Notice of Application.

I also understand that though my property was not within the area for request for comment, there is concern amongst residents of Yabberup regarding this proposal and how it will adversely impact our community.

We object to the submitted Notice Of Application For Development Approval (P25035) Extractive Industry Sand Lots 10, 2051, 3671, 2064 (2038) Donnybrook Boyup Brook Road, Yabberup, We also provide the following comments for the Council's consideration.

The comments provided are divided into two sections related to:

- Application of existing legislative controls identified in previous Shire Of Donnybrook Balingup (the Shire) determinations for Development Applications P22022, P23002; and
- Environmental, social and economic impacts.

## APPLICABLE LEGISLATIVE CONTROLS

### Status of Development Approval File Ref A4781 (P22022)

The following is a condition of development approval for P22022 (Fiona, 2025).

*"N. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect." (Shire Of Donnybrook Balingup 2022 pp 68)* (Condition N)

Development proposal 25035 is an amendment to existing development approval P22022. It is suggested that progress toward meeting Condition N above be established before any further assessment is undertaken. Were P22022 determined to not met Condition N, the applicant should informed that:

- the development approval has lapsed; and
- the existing development application is refused.

## Land Zoned Priority Agriculture

### Local Planning Strategy

The Shire Local Planning Strategy 2014 (LPS) Section 5.4.1 states the following strategies for zoned land within the Shire.

*“conserve the productive potential of agricultural land, prevent adverse effects on the viability of established or potential agricultural industries; and encourage sustainable farming practices. (Shire of Donnybrook-Balingup Local Planning Strategy, 2014, pp 46)*

*discourage land uses unrelated to agriculture from locating on agricultural land (unless the proponent suitably demonstrates there are exceptional circumstances and that these can be compatible with agricultural uses to the satisfaction of the local government).”* (Shire of Donnybrook-Balingup Local Planning Strategy, 2014, pp 47)

### Local Planning Scheme No 7

The predominant land zoning’s in the upper and middle Preston River Valley catchment are general and priority agriculture. The Scheme defines the intended purposes of land zoned ‘priority agriculture’ and ‘general agriculture’ as presented below.

### General Agriculture Zone

*“... Purpose*

*The purpose of the General Agriculture zone is to provide for the sustainable use of rural land which primarily accommodates a broad range of rural pursuits and complementary non-agricultural uses that are compatible with the capability of the land and which retain the rural character and amenity of the locality."*

(Department Of Planning, Lands and Heritage 2021 pp 17)

### Priority Agriculture Zone

*"... Purpose*

*The purpose of the Priority Agriculture zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources. To provide for intensive agricultural and horticultural production; including orchards, market gardens and vineyard enterprises. To also allow, where appropriate, limited forms of non-agricultural development that support, are compatible with and complement agricultural production."*

(Department Of Planning Lands and Heritage 2021 pp18)

Land within the Shire zoned priority agriculture land is of particular importance to the future sustainability of Western Australian Agriculture. There is also a strong correlation with the location of priority agricultural land and areas immediately adjacent the Preston River. Protection of land zoned priority agriculture from activities not commensurate with the stated

objectives of the Scheme and the LPS will also reduce risk to the valued attributes of the Preston River.

The public interest of the local community impacted by proposed development applications is reflected in the provisions of the in force Scheme and the objectives of the LPS.

Extractive activities proposed to be conducted under Extractive Industry Licences are also contrary to the purposes and objectives of the Scheme and LPS and are therefore against the public interest.

Single opportunity value adding activities such as basic raw material extraction reduces the disturbed lands capacity to preserve zoning classification. Unacceptable risk attendant to proposed extractive industry activities on future soil productivity was the basis of a recent council decision as outlined below.

## Recent Council Decisions

One of the principal concerns against the development application is the capacity of the land to be again classified as 'priority agriculture' land after components of the soil profile had been extracted. The 26th June 2024 Council vote reflected that risk attendant to loss of priority agricultural land and future opportunity compared to immediate resource 'need' and the benefits to the greater community in the medium to longer term was considered 'not acceptable'.

The 30th August 2023 Executive recommendation identified P22022 as none compliant with the *Planning and Development (Local Planing Schemes) Regulation (2015)* (the Deemed Provisions). The recommendation was overturned by then Commissioner Gail McGowan and development approval granted for P22022. Regarding development approval P22022 Commissioner McGowan placed an extensive number as conditions to be met prior to any issuance of an extractive industry license for the proposed activities.

Both decisions establish that the Shire executive as outlined in the 30th August 2023 determination and the Councillors via the 26th June 2024 decision that the proposed activities to be undertaken under P22022 and those under Development Application – Extractive Industry Gravel - Lots 130 Donnybrook Boyup Brook Road, Yabberup File Reference A4781 (P23002) were non compliant with the Deemed Provisions. The matters outlined in each of the council minutes are presented below.

### P22022 Executive Recommendation 30th August 2023

*"That Council (the Commissioner): Pursuant to Schedule 2, Part 9, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), refuses application reference P22022, and the accompanying plans (Attachments 7.1.2 (2) to (10)), for an Extractive Industry (Gravel) at Lot 10 Donnybrook-Boyup Brook Road, Yabberup, for the following reasons:*

*Provisions of the Priority Agriculture Zone 1. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2) (a) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically subclauses (i), (iv), (vii), and*

*(ix) as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural land uses.*

*2. In relation to clause 67(2) (fa) of the Deemed Provisions, the proposal is inconsistent with the Shire of Donnybrook Balingup Local Planning Strategy, specifically clause 5.2.4 and 5.5.7, as it may impact the landscape associated with the identified tourist route of the Donnybrook-Boyup Brook Road.*

*3. In relation to clause 4.54.10 of LPS7, in considering the reasons for refusal stipulated where the local government shall refuse an application for development approval, in the opinion of the local government the proposal will:*
*a. Adversely affect the rural landscape (subclause (i));*
*b. Adversely impact upon the agricultural use of the land and adjacent/nearby areas (subclause (ii));*
*c. result in the impacts of the proposed use/development not being adequately contained on the application site (subclause (vi)); and*
*d. in the opinion of the local government, result in an undesirable planning outcome (subclause (vii)).*

*Noise Management 4.*

*In relation to Part 3, clause 67(2) (c), (f), (m) and (n), of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed noise management measures can reasonably, practicably and/or realistically achieve compliance with the Environmental Protection (Noise) Regulations 1997. This will result in an unacceptable impact to the noise sensitive receivers within the applicable buffer area of the site.*

*Land Degradation 5.*

*In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*Visual Amenity and Compatibility of Development 6.*

*In relation to clause 67(2) (m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development is compatible within its setting and surrounding area and will not adversely affect the amenity and scenic values of the locality in relation to;*

*a. the bunds, topsoil and overburden stockpiles;*
*b. the location of areas for light and heavy vehicular parking; and*
*c. the scale of the development in relation to the staging of the extraction and rehabilitation."*

(Shire Of Donnybrook Balingup 2022 pp 60 -61)

## Development Application - Extractive Industry - Lots 130 Donnybrook Boyup Brook Road, Yabberup File Reference A4781 (P23002)

The following information is presented for information and to indicate the Shire Of Donnybrook Balingup Shire Councils recent decision to refuse Development Application 23002. Development Application 23002 was for gravel extraction immediately adjacent the amended proposal location.

In contradiction to P22022 the Executive recommended approval of P23002. Nonetheless, an elected Council voted 2 (two) to 7(seven) against approval. The Councillors also reaffirmed their position regarding inconsistent usage of land zoned priority agriculture by supporting the following alternative motion 5 votes to 4.

Please note the alternative motion below proposed by Councillor Alexis Davis and supported by Council (vote 5/4) on 26th June 2024.

*"Alternate Motion: Cr Davy put the following alternate motion. MOVED BY: COUNCIL RESOLUTION: 92/24 Cr Alexis Davy SECONDED BY: Cr Deanna Shand*

*That Council: 1. Pursuant to Schedule 2, Part 9, Clause 68(2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015"* (the Deemed Provisions) *"refuse to grant development approval for Application P23002 for the extractive industry on Lot 130 Donnybrook Boyup Brook Road, Yabberup for the following reasons:*

*A. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2)(a) of the Deemed Provisions the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically 3.6.2 subclauses as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural uses, particularly in regard to the following points:*

*(i) require the protection of the rural infrastructure and agricultural land resources;*

*(iii) support the improvement of resource and investment security for agricultural and allied industry production;*

*(iv) require protection and enhancement of biodiversity;*

*(v) encourage value-adding opportunities to agricultural products at source;*

*(vi) support a wide variety of productive agricultural and rural activities;*

*(viii) support sensible use and management of resources, and the proper direction and control of development; and*

*(ix) promote the existing intensive agricultural land use.*

*B. In relation to Part 3, clause 3.6.1 of LPS7, the applicant has failed to sufficiently demonstrate the proposed development will provide for the sustainable use of high-quality agricultural land and fails to sufficiently demonstrate that the development will preserve existing agricultural production.*

*C. In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*D. It is noted the Department of Primary Industries and Regional Development (DPIRD) has provided comments opposing the development proposal as Lot 130 Donnybrook – Boyup*

*Brook Road, Yabberup is zoned Priority Agriculture within LPS7. The DPIRD advice states that: (i) (ii) (iii) (iv)*

*(i) The Department does not support the extraction of gravel on land zoned 'Priority Agriculture' and all the proposed extraction areas are zoned 'Priority Agriculture'.*

*(ii) All the land zoned 'Priority Agriculture' has a high to very high (A2) or moderate to very high (B1) capability for viticulture based on DPIRD Regional scale soil mapping as evident in Figure 1 (NRInfo).*

*(iii) The land identified for gravel extraction is currently planted with grapes (vineyard) and the applicant proposed to replace the vineyard with pasture following the removal of gravel.*

*(iv) The proposed extraction of gravel will remove the free draining part of the soil that is beneficial for viticultural and perennial horticultural production. The extraction of gravel will have a negative impact on the capability of the land for viticulture and perennial horticulture therefore making it doubtful that the rehabilitated soil will be able to support vineyards to the same extent as it currently does.*

*E. In relation to clause 67(m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development won't adversely affect the rural landscape of the locality.*

*F. Approval of the proposed development would result in an undesirable planning outcome as evidenced by the significant public objection to the proposal, and the existing, and ensuing social impacts of such a decision." (Shire Of Donnybrook Balingup 2024 pp 66 - 69)*

The 26th June 2024 Shire of Donnybrook Balingup Minutes provide the following rationale for the Councils decision.

*'The Officer's report refers to State Planning Policy 2.5 'Rural Planning'. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resources, food production, environmental and landscape values. The policy notes the likelihood that increasing the population will increase pressure on rural land for food production and acknowledges the likelihood of competing land uses becoming a planning issue.*

*Priority agriculture land that is land that is considered high quality agricultural land is due to suitable soils, climate, the availability of water resources and access to services. The policy aims to preserve rural land, in general, for primary production and basic resource materials however contrary to the information provided by the senior planning officer in the agenda briefing, separate definitions are provided for primary production, which includes extractive industries, and priority agricultural land which has particular significance for food production purposes. The objectives clearly state that particular focus will be given to the protection of priority agricultural land for food production not for general primary production pursuits.' (Shire Of Donnybrook Balingup 2024 pp 69)*

**P22022 Executive Recommendation 30th August 2023**

*"That Council (the Commissioner): Pursuant to Schedule 2, Part 9, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), and*

*the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), refuses application reference P22022, and the accompanying plans (Attachments 7.1.2 (2) to (10)), for an Extractive Industry (Gravel) at Lot 10 Donnybrook-Boyup Brook Road, Yabberup, for the following reasons:*

*Provisions of the Priority Agriculture Zone 1. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2) (a) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically subclauses (i), (iv), (vii), and (ix) as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural land uses.*

*2. In relation to clause 67(2) (fa) of the Deemed Provisions, the proposal is inconsistent with the Shire of Donnybrook Balingup Local Planning Strategy, specifically clause 5.2.4 and 5.5.7, as it may impact the landscape associated with the identified tourist route of the Donnybrook-Boyup Brook Road.*

*3. In relation to clause 4.54.10 of LPS7, in considering the reasons for refusal stipulated where the local government shall refuse an application for development approval, in the opinion of the local government the proposal will:*
*a. Adversely affect the rural landscape (subclause (i));*
*b. Adversely impact upon the agricultural use of the land and adjacent/nearby areas (subclause (ii));*
*c. result in the impacts of the proposed use/development not being adequately contained on the application site (subclause (vi)); and*
*d. in the opinion of the local government, result in an undesirable planning outcome (subclause (vii)).*

*Noise Management 4.*

*In relation to Part 3, clause 67(2) (c), (f), (m) and (n), of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed noise management measures can reasonably, practicably and/or realistically achieve compliance with the Environmental Protection (Noise) Regulations 1997. This will result in an unacceptable impact to the noise sensitive receivers within the applicable buffer area of the site.*

*Land Degradation 5.*

*In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*Visual Amenity and Compatibility of Development 6.*

*In relation to clause 67(2) (m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development is compatible within its setting and surrounding area and will not adversely affect the amenity and scenic values of the locality in relation to;*

*a. the bunds, topsoil and overburden stockpiles;*
*b. the location of areas for light and heavy vehicular parking; and*
*c. the scale of the development in relation to the staging of the extraction and rehabilitation."*

*(Shire Of Donnybrook Balingup 2022 pp 60 -61)*

In relation to the above, there has been an inconsistent approach to decision making regarding inappropriate development proposals on land zoned priority agriculture. This is understandable given the differences in priority between an appointed Commissioner and elected Councillors.

It is suggested that the Shire of Donnybrook Balingup adopt a consistent approach to decision making regarding approval of activities inconsistent with the protection of land zoned priority agriculture.

In this instance it is recommended that the extraction of sand as proposed in Development Application 25035 be refused as it is inconsistent with the deemed provisions and the LPS for the reasons outlined by council officers and Councillors in P22022 and P23003 determinations respectively.

## ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

### Southern Edge Of The Proposed Wellington National Park

The location of the proposed activity is immediately adjacent the Donnybrook Boyup Brook Road. The Donnybrook - Boyup Brook Road at present is the main southern road access to the proposed expanded Wellington National Park. Based on the State Government's intention to expand the existing Wellington National Park, it is suggested that the future development policy direction points toward activities favouring conservation and ecotourism. This observation is further supported by existing and proposed ecotourism ventures within the Donnybrook- Balingup Shire (the Shire's) and Collie Shires.

The existence of an extractive industry along this major access route is not consistent with the intended future direction of the area. During the extractive process visual amenity will be impacted if the site is not screened from the road. Based on the size of extraction areas this will be difficult to achieve.

**Please Note:** The proposed duration of the activity is five years. Rehabilitation of mined areas is intended to be undertaken after completion of each stage.

### Future Land Use

The existing land use based on observation is agriculture/viticulture. If the existing land tenure is converted to extractive, future use for agricultural purposes would be severely restricted. Changes to soil characteristics and profiles even subsequent to rehabilitation would take many years to be become viable. To return the soil condition to meet its current use criteria would be a cost prohibitive to the proposed activity. It is suggested that the land once mined would not be able to be used for agricultural purposes.

Lundstrom Environmental Consultants Pty Ltd (2025), identify that the site is to be returned to grazing after sand extraction. Is this the most beneficial use for the land in the longer term? It is suggested that the community would be best served by retaining the land in its present condition. From a future amenity perspective for example, intensive agriculture, would be benefited by maintaining the existing land characteristics.

Anecdotal evidence suggests that future land use may be gold mining. It is noted that the "... *properties intersect pending Exploration Licence 70/5871 applied by Preston River Lithium Pty Ltd)*, ..." (pp 6, Lundstrom Environmental Consultants Pty Ltd, 2025). As discussed below, resources requiring extractive processes are not exclusive to this site. A more suitable location should be considered.

**The Shire's vision** is as follows:

*"Our Vision*

*A proud community enjoying our rural lifestyle, cultural heritage and natural environment."*

Shire of Donnybrook Balingup (2022)

Is this approval of this Notice of Application in alignment with the Shire's vision statement?

It is understood that extractive industries are necessary for provision of resources to progress development for the benefit of the community. As outlined later in these comments this is not the only source of sand in the Shire. The risk attendant to this proposal does not need to be realised. Other sand sources in more appropriate locations are available.

## Hydrology

Sand extraction will also change the hydrology of the site. Infiltration rates, surface hydrology and groundwater flow will be impacted by the proposed activity. Once opened runoff will need to be addressed. Average yearly rainfall for Donnybrook is 969.8mm (Bureau of Meteorology, 2022). *" .. 1mm of rain falling on 1m$^2$ yields 1 litre of water"* (Team Poly, 2022. Based on the surface area of Stage 1, at the most active time of year for rainfall (May to October) an average 819 mm (or 0.819m$^3$ of rainfall per m$^2$ of area*)*) will fall. Meaning 5.9 hectares (if entire stage 1 is open) x 819L (or 0.819 m$^3$) = 48,321m$^3$ of water to be managed over the 6 month period. The figures used are rainfall averages over 119 years for Donnybrook sourced from Bureau of Meteorology, 2022. It is acknowledged that above the calculation provided is simplistic and does not take into account surface soil field capacity.

Based on average rainfall for Donnybrook an average of over 8000m$^3$ per month of surface runoff will have to be managed between May and October. Assuming surface runoff is at a minimum turbid, impacted water will require onsite treatment prior to discharge.

The following is based on my observations of local soil conditions during installation of groundwater bore at my residence on March 2014. The soil profile is loam to 30cm gradually changing to clay/sandy clay at 1m. From 1m the soil profile changes to clay inter fingered with sand. Clay becomes in prevalent with depth. The depth of the bore was to 30m and has a groundwater extraction rate in excess of 100 litres per minute. Standing groundwater was measured at 2.2m depth.

It is acknowledged that the soil profile at the proposal location may differ from those described. Nonetheless, it would be safe to indicate that when the gravel/sand is removed, kaolin clay will be present close to the surface. The characteristics of clay will limit the infiltration of rainfall into the soil profile once it has reached saturation. It is suggested that alteration of the existing soil profile will adversely impact local hydrology.

## Previous Examples of Land Condition After Completion Of Extraction

Based on observations of previous gravel extraction locations in the vicinity of Yabberup, for example the gravel pits located at the top of Morrissey Road and approximately 1km east of the South Preston River. These areas remain poorly if at all rehabilitated. The gravel extraction pit adjacent the Donnybrook-Boyup Brook Road approximately 1 km east of the South Preston River has not been rehabilitated, is an eyesore for the region and is a good example of what may happen at this location.

**Please Note:** It is acknowledged that I do not know who the previous operators of these extractive operations were or what conditions were placed on rehabilitation for the locations identified.

Based on previous observation and anecdotal evidence most sites are not well rehabilitated at the end of the extractive process. As in previous situations the cost of rehabilitating this location may fall to the Western Australian community.

**Water Ponds**

I have concerns relating to the water ponds and their potential to over flow. With this unpredictable climate, associated with global warming, there is a good chance that in the next 10 years of operation of the sand/gravel pit, that we will experience major flooding in this region, resulting in the water ponds over flowing and running down hill into the Preston River. The WA Water Corporation has done monitoring of this river, in front of our property, and has photographic evidence of protected species such as the native water rat, 'Rakali' *(Hydromys chrysogaster)* (Department of Biodiversity, Conservation And Attractions (2017)) and fresh water mussels. Anything that could endanger these fauna should be avoided.

**Noise**

From our property, we can hear the harvesting of the grape vines on the property next door to the proposed gravel/sand pit. This noise level will only increase with the use of heavy machinery diggers, separation operations and the truck noise in the transportation of sand. We moved to Yabberup for the peace and quiet if offers.

**Traffic On Our Roads**

The amount of trucks on our roads has increased significantly over the last few years. Any further increase would exacerbate the problem not only for the community of Yabberup but the already major issue of trucks travelling through Donnybrook. The safety of our children, other community members and animals is very important.

**Community Benefit**

The benefit of this activity to the local community is only in a minor number of jobs. Any remaining benefit will be taken out of the area. Weighed against the potential long term losses to the community this notice of application should not be supported by the Shire of Donnybrook Balingup for the reasons outlined in these comments

If you have any enquiries regarding the above comments please contact us via return email cameyjquan@gmail.com

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We are writing in response to Extractive Industries Licence Application P25035 on Lot 10 (2038) Donnybrook Boyup Brook Road Yabberup

In preparing this response we have read all the application documentation and appendices and have referred to the extensive feedback from the Mr Diamond, Shire Planning Officer and the eventual Council Resolution 106/23 documented in the Minutes of Special Meeting of Council (Commissioner) dated 30 August 2023 relating to the initial application P22022.

We wish to object to Application P25035 on the following grounds and will detail this for each document submitted to support the application.

**Application and Environmental Management Plan Rev 0.6**

- Sand stockpile heights conflict on application – is it 3m high (item 4.2, no page number) or 5m high as stated in item 5.4? The discrepancy has potential significant effects upon dust and visual impact if 5 metres is the planned height.
- Depth of excavation – original application P22022 indicated excavation to 1 m below current ground level and

  > *after extraction, the land surface will be approximately one metre lower than the original and with the batters of 1:6, and surface smoothing the change will be imperceptible (item 5.3 page 10 of application P22022).*

  New application indicates excavation to depth of 1.5m but final depth change is still 1m. there is no documentation to explain how this will occur.

**Appendix 5 Noise Management Plan**

- There is no indication that topography of land was considered regarding noise management – the Preston valley is up to 200m above sea level south of the extraction area and on the opposite side of valley to the north. Noise levels due to this can be amplified due to constructive interference (reference:https://www.acoustics.org.nz/sites/www.acoustics.org.nz/files/journal/pdfs/Hannah_L_NZA2007_b.pdf)
- Noise mitigation is planned to be done by constructing berms. These will only be of benefit close to the source of sound and are less effective when the sounds are of low frequency (as in extractive industries) – see previous reference. Due to land topography the benefit of berms on sloping ground will be reduced – the Noise Management Plan does not address this.
- Just because the application claims to meet Environmental Noise Regulations it does not mean that local residents won't experience noise impacts which are unacceptable compared with current noise levels.

**Appendix 6 Dust management plan**

- The site classification score is calculated as 624 (medium risk) as per Appendix 1. This indicates that wind fencing needs to be kept on site, but there is no mention of this in the management plan.
- There is no indication of how increased dust will be managed if it occurs outside of operational hours.

**Appendix 7 Pit Rehabilitation and Maintenance Management Plan**

- This plan makes no mention of the recommendations of the Agronomist regarding improving soil fertility, adjusting pH or applying organic matter (page 23 Appendix 10). As only 20cm of topsoil is to be replaced during rehabilitation, along with 80cm of yellow sand (as per Agronomist's report), the fertility of the final land and its ability to support a range of activities related to a Priority Agriculture area is much reduced and has a negative effect on sustainable agriculture in the future.

- Monitoring of rehabilitation is described as an annual event (page 4), which appears to be inappropriately infrequent especially for the management of weeds.
- Table 2 page 4 gives an interim target of 40% pasture grass cover within 1 year (increasing to 80% by year 3), which means there is ongoing risk of erosion and dust from exposed land for years after the sand and gravel extraction is completed.
- According to the Application and Environmental Management Plan Rev 0.6, slopes across the proposed extractive areas currently range between approximately 1:28 (3.57%) and 1:8 (12.8%). The batter of the land post extraction is proposed as 1:6 (16.6%) which indicates that the slope of the land will be considerably steeper than the original. This will increase the risk of erosion and stormwater runoff. There is not specific acknowledgement made in the submission regarding the challenges of rehabilitating steeper slopes.

**Appendix 9 Visual impact Assessment**

- The drawings indicate that product stockpiles and topsoil stockpiles will be visible from the Donnybrook Boyup Brook Road, and the colour of sand stockpiles (light yellow as per agronomist's report photos) will not limit visual impact as claimed.
- Reference is made to attached figure 1 and figure 4 which are not present.

**Appendix 10 Agronomist's report**

- This report is mostly generic information regarding the ability of gravel/sand pits to be rehabilitated. Some of the report has no relevance to the proposed sand and gravel extraction, (e.g. Item 4.1 biodiversity page 7, and the mention of promoting the growth of native vegetation on stockpiles page 14). At least two paragraphs of the report have been directly lifted from another publication without attribution (page 9, Conclusions – taken from https://www.boothventures.co.uk/news/what-is-quarry-restoration/). Those with an academic qualification such as the Agronomist know that plagiarism is completely unacceptable in professional reports.
- The report indicates that reserved topsoil and 80cm of yellow sand will be used for rehabilitation (Item 3.1 page 5), but no mention of the sand occurs in the main application.
- The Agronomist recommends:

  > *By systematically addressing soil acidity, low CEC, and poor structure through lime, organic matter, clay, and biochar amendments, and by implementing a tailored nutrient and biological management program, the fertility and productivity of the rehabilitated yellow sandy soil can be significantly improved (page 9).*

  There is no indication in the application that these measures will be undertaken.

- The agronomist states on page 14 that:

  > *Stockpiles will be strategically located in the upper section of the extraction area, constructed to a maximum height of **two** meters to minimize compaction and maintain soil health. These stockpiles will be managed to encourage natural regeneration by native fauna.*

  The Application and Environmental Management Plan states that stockpiles of topsoil will be in the lower sections of the extraction area to a height of **three** metres. As it is bare soil, envisaging 'natural regeneration by native fauna' seems extremely unlikely.

- The agronomist also says (page 14)

  *As the topsoil stockpiles may remain unused for an extended period, measures will be taken to maintain the viability of the long-term seed bank within the soil. This will be achieved by*

*promoting the growth of native vegetation on the stockpiles, which will help preserve soil structure, prevent erosion, and support local biodiversity.*

There is no indication in the application that growth of native vegetation is planned, and the proposal to grow Sudan/Sudax grass on the topsoil stockpiles, or spray with soil stabiliser will do nothing to support local biodiversity.

- The list of potential weeds provided by the agronomist does not include plants listed under section 22(2) of the Biosecurity and Agriculture Management Act 2007, most of which are a more significant threat in a pastoral scenario. This suggests either a lack of appreciation of local weeds, or lack of due diligence.

- The Council Resolution 106/23 DI P22022 (30 August 2023) requested that the Agronomist's report "clearly demonstrates the quality of the soil within the proposed extraction stages". This is only covered in a theoretical sense on page 4 of the report.

- The Agronomist's report makes no mention of the extraction of gravel and the impact that this would have on soil quality and water drainage/availability post rehabilitation. The Minutes of Ordinary Council Meeting 26 June 2024, in relation to Application P23002 for an Extractive Industries License by the same applicant on adjoining Lot 130, note on page 52 that

> *Department of Primary Industries and Regional Development (DPIRD)*
>
> *a. **The Department does not support the extraction of gravel on land zoned 'Priority Agriculture'** and all the proposed extraction areas are zoned 'Priority Agriculture'.*
>
> *b. All the land zoned 'Priority Agriculture' has a high to very high (A2) or moderate to very high (B1) capability for viticulture based on DPIRD Regional scale soil mapping as evident in Figure 1 (NRInfo).*
>
> *c. The land identified for gravel extraction is currently planted with grapes (vineyard) and the applicant proposed to replace the vineyard with pasture following the removal of gravel.*
>
> *d. The proposed **extraction of gravel will remove the free draining part of the soil** that is beneficial for viticultural and perennial horticultural production. The extraction of gravel will have a negative impact on the capability of the land for viticulture and perennial horticulture. It is therefore doubtful that the rehabilitated soil will be able to support vineyards to the same extent as it currently does.*

DPIRD's assessment indicates that extractive industries are inappropriate in this location. The agronomist has not factored the cumulative effect of sand and gravel extraction from the land and the impact this would have on soil, regeneration, sustainability and increased risk of stormwater damage due to poor drainage.

We note that Application P23002 was refused Council Resolution 92/42.

**Community effects**

- Impact on tourism – Preston and Ferguson Valleys are promoted for their natural environment, food and wine. The introduction of extractive industries will have a negative impact on the future of these plans, tourism employment and visitors to the area.
- Impact on future land use – allowing an extractive industry creates a precedence in relation to future applications for extraction or mining – noting that the area is under a potential mining exploration site.

- Impact on property values. Properties in the area are on priority agriculture zoning and purchased with the expectation of the peaceful amenity of the land and the surrounding area with appropriate sustainable land use. The change to land usage to extractive industries will have a negative impact on property value.
- Impact on health and wellbeing – increase in noise, dust and vibration are not conducive to a healthy life and can precipitate or exacerbate physical and mental health issues. Increased traffic along the Donnybrook-Boyup Brook Road will also add to the risk of accidents.

**Commissioner McGowan's Resolution 106/23 (Minutes of Special Council Meeting 30 August 2023) in relation to Application P22022**

- We note that the Shire Executive recommended rejecting the application. Their multiple objections to the application are still relevant.
- Advice Note N indicates that

  *If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect*.

As there has apparently been no development since approval on 30 August 2023, and is extremely unlikely to occur by 30 August 2025, we can assume that the approval has thus lapsed.

**Application P23002 for an extractive industry (gravel extraction) on Lot 130, adjacent to Lot 10, was refused at Ordinary Council Meeting 26 June 2024.**

The reasoning for the refusal can be confidently applied to the current application P25035:

> *The Officer's report refers to State Planning Policy 2.5 'Rural Planning'. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resources, food production, environmental and landscape values. The policy notes the likelihood that increasing the population will increase pressure on rural land for food production and acknowledges the likelihood of competing land uses becoming a planning issue. Priority agriculture land that is land that is considered high quality agricultural land is due to suitable soils, climate, the availability of water resources and access to services. The policy aims to preserve rural land, in general, for primary production and basic resource materials however contrary to the information provided by the senior planning officer in the agenda briefing, separate definitions are provided for primary production, which includes extractive industries, and priority agricultural land which has particular significance for food production purposes. The objectives clearly state that particular focus will be given to the protection of priority agricultural land for food production not for general primary production pursuits.*

For the foregoing reasons we do not support the Extractive Industries License Application P25035, and due diligence of the Council should compel it to reject this application.

**Submission Form**

**Notice of Application for Development Approval (P25035)**

**Extractive Industry Sand**

**Lots 10 (2038) Donnybrook Boyup Brook Road,**

**Yabberup**

Dear Sir/Madam

We write to you as concerned Yabberup residents who will be directly impacted by this application.

We strongly object to the submitted Notice Of Application For Development Approval (P25035) Extractive Industry Sand Lots 10, 2051, 3671, 2064 (2038) Donnybrook Boyup Brook Road, Yabberup which would allow for the addition of 88,000 tonnes of sand to be taken from this site. We also provide the following comments for the Shire of Donnybrook-Balingup Council's (Council's) consideration.

The comments provided are divided into two sections related to:

- Application of existing legislative controls identified in previous Shire of Donnybrook Balingup (the Shire) determinations for Development Applications P22022, P23002 which are all located on the same property.
- Environmental, social and economic impacts.

## APPLICABLE LEGISLATIVE CONTROLS

### Status of Development Approval File Ref A4781 (P22022)

The following is a condition of development approval for P22022.

*"N. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect." (Shire Of Donnybrook Balingup 2022 pp 68)* (Condition N)

Development proposal 25035 is an amendment to existing development approval P22022. It is suggested that progress toward meeting Condition N above be established before any further assessment is undertaken. Were P22022 determined to not met Condition N, the applicant should informed that:

- the development approval has lapsed; and
- the existing development application is refused.

### Land Zoned Priority Agriculture

**Local Planning Strategy**

The Shire Local Planning Strategy 2014 (LPS) Section 5.4.1 states the following strategies for zoned land within the Shire.

*“conserve the productive potential of agricultural land, prevent adverse effects on the viability of established or potential agricultural industries; and encourage sustainable farming practices. (Shire of Donnybrook-Balingup Local Planning Strategy, 2014, pp 46)*

*discourage land uses unrelated to agriculture from locating on agricultural land (unless the proponent suitably demonstrates there are exceptional circumstances and that these can be compatible with agricultural uses to the satisfaction of the local government).”* (Shire of Donnybrook-Balingup Local Planning Strategy, 2014, pp 47)

**Local Planning Scheme No 7**

The predominant land zoning’s in the upper and middle Preston River Valley catchment are general and priority agriculture. The Scheme defines the intended purposes of land zoned ‘priority agriculture’ and ‘general agriculture’ as presented below.

**General Agriculture Zone**

*“... Purpose*

*The purpose of the General Agriculture zone is to provide for the sustainable use of rural land which primarily accommodates a broad range of rural pursuits and complementary non-agricultural uses that are compatible with the capability of the land and which retain the rural character and amenity of the locality."*

(Department Of Planning, Lands and Heritage 2021 pp 17)

**Priority Agriculture Zone**

*"... Purpose*

*The purpose of the Priority Agriculture zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources. To provide for intensive agricultural and horticultural production; including orchards, market gardens and vineyard enterprises. To also allow, where appropriate, limited forms of non-agricultural development that support, are compatible with and complement agricultural production."*

(Department Of Planning Lands and Heritage 2021 pp18)

Land within the Shire zoned priority agriculture land is of particular importance to the future sustainability of Western Australian Agriculture. There is also a strong correlation with the location of priority agricultural land and areas immediately adjacent the Preston River. Protection of land zoned priority agriculture from activities not commensurate with the stated objectives of the Scheme and the LPS will also reduce risk to the valued attributes of the Preston River.

The public interest of the local community impacted by proposed development applications is reflected in the provisions of the inforce Scheme and the objectives of the LPS.

Extractive activities proposed to be conducted under Extractive Industry Licences are also contrary to the purposes and objectives of the Scheme and LPS and are therefore against the public interest.

Single opportunity value adding activities such as basic raw material extraction reduces the disturbed lands capacity to preserve zoning classification. Unacceptable risk attendant to proposed extractive industry activities on future soil productivity was the basis of a recent council decision as outlined below.

**Recent Council Decisions**

One of the principal concerns against the development application is the capacity of the land to be again classified as 'priority agriculture' land after components of the soil profile had been extracted. The 26th June 2024 Council vote reflected that risk attendant to loss of priority agricultural land and future opportunity compared to immediate resource 'need' and the benefits to the greater community in the medium to longer term was considered 'not acceptable'.

The 30th August 2023 Executive recommendation identified P22022 as none compliant with the *Planning and Development (Local Planning Schemes) Regulation (2015)* (the Deemed Provisions). The recommendation was overturned by then Commissioner Gail McGowan and development approval granted for P22022. Regarding development approval P22022 Commissioner McGowan placed an extensive number as conditions to be met prior to any extractive industry license being issued for the proposed activities.

Both decisions establish that the Shire Executive as outlined in the 30th August 2023 determination and the Councillors via the 26th June 2024 decision that the proposed activities to be undertaken under P22022 and those under Development Application - Extractive Industry Gravel - Lots 130 Donnybrook Boyup Brook Road, Yabberup File Reference A4781 (P23002) were non compliant with the Deemed Provisions. The matters outlined in each of the council minutes are presented below.

**P22022 Executive Recommendation 30th August 2023**

"*That Council (the Commissioner): Pursuant to Schedule 2, Part 9, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), refuses application reference P22022, and the accompanying plans (Attachments 7.1.2 (2) to (10)), for an Extractive Industry (Gravel) at Lot 10 Donnybrook-Boyup Brook Road, Yabberup, for the following reasons:*

*Provisions of the Priority Agriculture Zone 1. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2) (a) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically subclauses (i), (iv), (vii), and (ix) as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural land uses.*

*2. In relation to clause 67(2) (fa) of the Deemed Provisions, the proposal is inconsistent with the Shire of Donnybrook Balingup Local Planning Strategy, specifically clause 5.2.4 and 5.5.7, as it may impact the landscape associated with the identified tourist route of the Donnybrook-Boyup Brook Road.*

*3. In relation to clause 4.54.10 of LPS7, in considering the reasons for refusal stipulated where the local government shall refuse an application for development approval, in the opinion of the local government the proposal will:*

*a. Adversely affect the rural landscape (subclause (i));*

*b. Adversely impact upon the agricultural use of the land and adjacent/nearby areas (subclause (ii));*

*c. result in the impacts of the proposed use/development not being adequately contained on the application site (subclause (vi)); and*

*d. in the opinion of the local government, result in an undesirable planning outcome (subclause (vii)).*

*Noise Management 4.*

*In relation to Part 3, clause 67(2) (c), (f), (m) and (n), of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed noise management measures can reasonably, practicably and/or realistically achieve compliance with the Environmental Protection (Noise) Regulations 1997. This will result in an unacceptable impact to the noise sensitive receivers within the applicable buffer area of the site.*

*Land Degradation 5.*

*In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*Visual Amenity and Compatibility of Development 6.*

*In relation to clause 67(2) (m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development is compatible within its setting and surrounding area and will not adversely affect the amenity and scenic values of the locality in relation to;*

*a. the bunds, topsoil and overburden stockpiles;*

*b. the location of areas for light and heavy vehicular parking; and*

*c. the scale of the development in relation to the staging of the extraction and rehabilitation."*

(Shire Of Donnybrook Balingup 2022 pp 60 -61)

**Development Application - Extractive Industry - Lots 130 Donnybrook Boyup Brook Road, Yabberup File Reference A4781 (P23002)**

The following information is presented for information and to indicate the Shire Of Donnybrook Balingup Shire Councils recent decision to refuse Development Application 23002. Development Application 23002 was for gravel extraction immediately adjacent the amended proposal location.

In contradiction to P22022 the Executive recommended approval of P23002. Nonetheless, an elected Council voted 2 (two) to 7(seven) against approval. The Councillors also reaffirmed their position regarding inconsistent usage of land zoned priority agriculture by supporting the following alternative motion 5 votes to 4.

Please note the alternative motion below proposed by Councillor Alexis Davis and supported by Council (vote 5/4) on 26th June 2024.

*"Alternate Motion: Cr Davy put the following alternate motion. MOVED BY: COUNCIL RESOLUTION: 92/24 Cr Alexis Davy SECONDED BY: Cr Deanna Shand*

*That Council: 1. Pursuant to Schedule 2, Part 9, Clause 68(2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015"* (the Deemed Provisions) *"refuse to grant development approval for Application P23002 for the extractive industry on Lot 130 Donnybrook Boyup Brook Road, Yabberup for the following reasons:*

*A. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2)(a) of the Deemed Provisions the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone,*

*specifically 3.6.2 subclauses as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural uses, particularly in regard to the following points:*

*(i) require the protection of the rural infrastructure and agricultural land resources;*

*(iii) support the improvement of resource and investment security for agricultural and allied industry production;*

*(iv) require protection and enhancement of biodiversity;*

*(v) encourage value-adding opportunities to agricultural products at source;*

*(vi) support a wide variety of productive agricultural and rural activities;*

*(viii) support sensible use and management of resources, and the proper direction and control of development; and*

*(ix) promote the existing intensive agricultural land use.*

*B. In relation to Part 3, clause 3.6.1 of LPS7, the applicant has failed to sufficiently demonstrate the proposed development will provide for the sustainable use of high-quality agricultural land and fails to sufficiently demonstrate that the development will preserve existing agricultural production.*

*C. In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*D. It is noted the Department of Primary Industries and Regional Development (DPIRD) has provided comments opposing the development proposal as Lot 130 Donnybrook – Boyup Brook Road, Yabberup is zoned Priority Agriculture within LPS7. The DPIRD advice states that: (i) (ii) (iii) (iv)*

*(i)The Department does not support the extraction of gravel on land zoned 'Priority Agriculture' and all the proposed extraction areas are zoned 'Priority Agriculture'.*

*(ii) All the land zoned 'Priority Agriculture' has a high to very high (A2) or moderate to very high (B1) capability for viticulture based on DPIRD Regional scale soil mapping as evident in Figure 1 (NRInfo).*

*(iii)The land identified for gravel extraction is currently planted with grapes (vineyard) and the applicant proposed to replace the vineyard with pasture following the removal of gravel.*

*(iv)The proposed extraction of gravel will remove the free draining part of the soil that is beneficial for viticultural and perennial horticultural production. The extraction of gravel will have a negative impact on the capability of the land for viticulture and perennial horticulture therefore making it doubtful that the rehabilitated soil will be able to support vineyards to the same extent as it currently does.*

*E. In relation to clause 67(m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development won't adversely affect the rural landscape of the locality.*

*F. Approval of the proposed development would result in an undesirable planning outcome as evidenced by the significant public objection to the proposal, and the existing, and ensuing social impacts of such a decision." (Shire Of Donnybrook Balingup 2024 pp 66 - 69)*

The 26th June 2024 Shire of Donnybrook Balingup Minutes provide the following rationale for the Councils decision.

*'The Officer's report refers to State Planning Policy 2.5 'Rural Planning'. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resources, food production, environmental and landscape values. The policy notes the likelihood that increasing the population will increase pressure on rural*

*land for food production and acknowledges the likelihood of competing land uses becoming a planning issue.*

*Priority agriculture land that is land that is considered high quality agricultural land is due to suitable soils, climate, the availability of water resources and access to services. The policy aims to preserve rural land, in general, for primary production and basic resource materials however contrary to the information provided by the senior planning officer in the agenda briefing, separate definitions are provided for primary production, which includes extractive industries, and priority agricultural land which has particular significance for food production purposes. The objectives clearly state that particular focus will be given to the protection of priority agricultural land for food production not for general primary production pursuits.' (Shire Of Donnybrook Balingup 2024 pp 69)*

**P22022 Executive Recommendation 30th August 2023**

"*That Council (the Commissioner): Pursuant to Schedule 2, Part 9, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), refuses application reference P22022, and the accompanying plans (Attachments 7.1.2 (2) to (10)), for an Extractive Industry (Gravel) at Lot 10 Donnybrook-Boyup Brook Road, Yabberup, for the following reasons:*

*Provisions of the Priority Agriculture Zone 1. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2) (a) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically subclauses (i), (iv), (vii), and (ix) as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural land uses.*

*2. In relation to clause 67(2) (fa) of the Deemed Provisions, the proposal is inconsistent with the Shire of Donnybrook Balingup Local Planning Strategy, specifically clause 5.2.4 and 5.5.7, as it may impact the landscape associated with the identified tourist route of the Donnybrook-Boyup Brook Road.*

*3. In relation to clause 4.54.10 of LPS7, in considering the reasons for refusal stipulated where the local government shall refuse an application for development approval, in the opinion of the local government the proposal will:*

*a. Adversely affect the rural landscape (subclause (i));*

*b. Adversely impact upon the agricultural use of the land and adjacent/nearby areas (subclause (ii));*

*c. result in the impacts of the proposed use/development not being adequately contained on the application site (subclause (vi)); and*

*d. in the opinion of the local government, result in an undesirable planning outcome (subclause (vii)).*

*Noise Management 4.*

*In relation to Part 3, clause 67(2) (c), (f), (m) and (n), of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed noise management measures can reasonably, practicably and/or realistically achieve compliance with the Environmental Protection (Noise) Regulations 1997. This will result in an unacceptable impact to the noise sensitive receivers within the applicable buffer area of the site.*

*Land Degradation 5.*

*In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*Visual Amenity and Compatibility of Development 6.*

*In relation to clause 67(2) (m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development is compatible within its setting and surrounding area and will not adversely affect the amenity and scenic values of the locality in relation to;*

*a. the bunds, topsoil and overburden stockpiles;*

*b. the location of areas for light and heavy vehicular parking; and*

*c. the scale of the development in relation to the staging of the extraction and rehabilitation."*

*(Shire Of Donnybrook Balingup 2022 pp 60 -61)*

It is recommended that the extraction of sand as proposed in Development Application 25035 be refused as it is inconsistent with the deemed provisions and the LPS for the reasons outlined by Council officers and Councillors in P22022 and P23003 determinations respectively.

Additional points of objection:

**1. Future land use**

If the existing land tenure is converted to extractive, future use for agricultural purposes would be severely compromised.

**2. Extractive industry will adversely affect nearby areas**

- The proposal is not compatible with existing businesses and threatens the agricultural values and activities of those adjacent to the site, and therefore creates a land use conflict between neighbours.
- As a result of the approval of the first application for a gravel pit on the same site (Ref: P22022) I ceased plans for a low impact wellness business (ie nature based respite service for children and young people with disabilities and specific learning needs). Such a dominant extractive industry so close to my property will impact upon my ability to provide a retreat facility which seeks to promote a positive wellbeing environment for vulnerable people.

1. The proposal does not recognise the aesthetic and tourism importance of the scenic landscape and the need to retain it's rural scenic character.
2. Historically our valley is an agricultural area with a move towards lifestyle blocks and eco-tourism ventures in more recent times. The population of our area is growing. The introduction of an extractive industrial zone front and centre along the Donnybrook-Boyup-Brook Rd opposite the Yabberup Hamlet does not align with why people moved here (ie to enjoy a rural lifestyle).

- The expansion of the Wellington National Park was undertaken in recognition of the strategic plan proposed by Promote Preston (subcommittee of the Yabberup Community Association, of which I am a founding member) recognising the tourism potential for linking the Preston River Valley with Donnybrook, the Ferguson Valley and Collie. Yabberup and surrounds is now the southern boundary to the park.

- Promote Preston and the Donnybrook-Balingup Shire have a shared vision to develop the rail trail between Donnybrook and Mumballup/Noggerup. This initiative is now more likely with the WA Government making an election promise at the 2025 election to reverse the privatisation of the rail network. The railway line runs in front of the proposed excavation site.
- We have been successful in gaining funding to produce a website promoting Preston River Valley and have launched a website (www.prestonrivervalley.net.au). It is problematic to promote a positive, eco-friendly region that has a major extractive industry front and centre.

## 3. Visual impact

The activities of the proposal, including earth bunding, stockpiles and other activities will significantly alter and redefine the agricultural and rural landscape to the detriment of the visual amenity of the locality and will be visible to the immediate surrounding neighbours north of the site including myself and all those who access my property. I live on the opposite ridge. To state this simply, this proposal (Ref: P22022) by the landowner is asking me to be looking out over gravel and sand pits for a period of at least 5 years.

I am aware that I and my neighbours are not the only ones who will have a view of the gravel and sand pits. This current operation will also be visible from Chapman Road.

- It too is a discordant and unpleasant view for those who visit or drive through the valley seeking to appreciate it's unique rural values.

## 4. Noise

- The proposal will create additional noise and dust emissions that will extend beyond the property boundaries of the site onto the surrounding properties from its mining operations, including crushing, screening, stockpiling and transport of material from the site. The application states, "measures to limit noise will be undertaken" but does not state what these are.

- I am particularly concerned about the ongoing impact of exposure to noise as it is strongly associated with mental distress. Over the years we have been impacted by the noise (and lights) from the vineyards on the same property when they were harvesting their grapes. There is no recognition of the geography of the surrounding landscape which is a valley and sound travels both up and along valleys.

**5. Traffic**

- The amount of trucks on our roads has increased significantly over the last few years. Any further increase would exacerbate the problem for the Yabberup community. And if combined with traffic related to the event venue on this same property the cumulative effects is significant.

**6. Dieback**

- Further clarification is needed on how the landowner will address "Dieback". Attaching a brochure is not sufficient.

**7. Bushfire Management**

- The application states this proposal is low fire risk but without any reference to a professionally produced bushfire management plan. As the local Bushfire Ready facilitator for the Lowden Fire brigade I am acutely aware of the importance of such a plan. The application doesn't take into consideration the change of land use from Agriculture – Intensive to Industry – Extractive. There isn't any information regarding to the daily and seasonal operations in context of fire bans and truck movements or vegetation management of this site. Or information on what happens in a Bushfire event.

**8. Impact on local water sources.**

- There appears to be a high risk that the operations of the land use, extraction of gravel/sand and stormwater runoff could impact connected waterbodies (such as the tributaries) within the site and near the sand/gravel extraction area. Furthermore, it is close to the Preston River. I wish to highlight that Preston River is one of the few rivers in the South West with low/no salinity. Sand/gravel pits are associated with an increase in water salinity in surrounding areas Preserving the quality of this river in a drying climate is paramount. Promote Preston have been actively seeking funding from the Commonwealth government to remove weeds and support rehabilitation along the river. These efforts could be compromised by the gravel/sand pit which the applicant states is approximately 560m away with Preston River tributaries flowing from the south are adjoining the proposed extraction area on the west and east at approximately 200m and 400m respectively. Further the applicant identifies that the tributaries flow through the farm dams.
- I am also concerned that the impact of the extractive industry operations may impact on nearby surface water and groundwater resources of neighbouring properties.
- Further, no mention of restitution has been outlined should the operation impact on groundwater.
- Access is proposed over a 'local stream'. Has this been addressed.

**9. Impact on protected species**

- The WA water Corporation monitors the Preston River Valley in Yabberup and has photographic evidence of protected species such as the native water rat, 'Rakali' *(Hydromys chrysogaster)* (Department of Biodiversity, Conservation And Attractions

(2017)) and fresh water mussels. Anything that could endanger these fauna should be avoided.

## 10. Health Impact

- The proposed change to the landscape and proposed extractive industries has caused angst and uncertainty within the mental health and wellbeing of the community. At the community meeting held at Yabberup Hall in June, 2022 where the same landowner provided information on the first gravel pit application he made there was a great deal of concern expressed by the community. I subsequently offered to gauge this level of distress and impact on resident's mental health. I received 34 responses over a 4 day period. The results indicated the proposed development has caused general angst and uncertainty amongst local residents. The results reflected themes of social disruption and personal powerlessness. People are concerned about the impact of noise and how safety will be compromised when using local roads. This proposal has changed how people think about and value where they live and how they perceive their future. Overall this proposal is negatively impacting on the mental health and wellbeing. This has been further compacted by a second, third and now fourth application from the same applicant. The second application was submitted as residents were dealing with the impact of bushfires.

## 11. Mining and extractive industries is not supported by the local community

- Extractive industries are not supported by those living in Preston River Valley. This is evident by the community's successfully stopping 4 mining tenements application since February 2022. Recent community surveys have consistently identified that approximately 98% of residents oppose any mining activity.

## 12. Benefit to the Community

It is suggested any economic benefit of this activity to the local community is minimal. Any remaining benefit will be taken out of the area. Weighed against the potential long term

losses to the community and priority agriculture land, this notice of application should not be supported by the Shire of Donnybrook Balingup for the reasons outlined in these comments.

END

**SUBMISSION FORM**

**NOTICE OF APPLICATION FOR DEVELOPMENT APPROVAL**
**P25035: AMENDMENT TO APPROVAL P22022 TO INCLUDE SAND EXTRACTION**

**Response to Application:** **OBJECT**

**Comments:**

**We OBJECT (Application P25035) on the following grounds:**

- Consideration for the fact that the initial application (P22022) was staunchly objected to by the local community and was not supported by the Shire (from memory), with conditional approval provided for by an unelected incumbent – noting the extensive list of conditions on which 'approval' was provided – we do not consider it reasonable that an amendment to the application (P22022) should be entertained, particularly, as we understand it, those conditions have not been met, and any further amendment to the application stands to further complicate and muddy the situation, making an ongoing assessment, oversight, and governance highly problematic.
- Failure to address and meet conditions already imposed on Application P22022.
- It is not clear as to which application (P22022 / P25035) and the details within each would take precedence and therefore what conditions are being sought to be approved, particularly to the point of any inconsistencies – one example being the numerous hours of operations quoted across the applications and supporting documents.
- Conflicts with the current Priority Agriculture zoning, with the proposal being in stark contrast to the aims and objectives of the zone.
- An extractive industry is inconsistent with the fabric of the community and the area, as well as the Shire's own vision.
- Lack of clarity on the operational and cumulative impact (environmental; societal etc.) of the proposal(s) with consideration for the sand extraction in addition to the original application (P22022).
- Potential and likely adverse impact on the environment in preparation for, and during operations.
- Increase in proposed operational activities and ground disturbance increasing the risk and extent of adverse impacts on the surrounding area; the potential for harm to flora and fauna; and the time for rehabilitation.
- Concerns that the Application fails to provide for the preservation of the agricultural land, as well as for the guarantee of successful rehabilitation of the land.

- Increased volume of traffic, with associated safety concerns and increasing noise.
- Strong concerns regarding appropriate operational oversight, and the active and transparent management of conditions on any subsequent approvals.
- We also note that none of the Appendices appeared to be attached to the Application provided for comment.
- For further context and supporting background, we have attached our initial OBJECTION to Application P22022, as well as our successful OBJECTION to Application P23002. As much as the commentary in the attached objections applies to the amended Application P25035 please consider within our current OBJECTION.

Thank you for your consideration.

# Comment Submission Form

*Shire of Donnybrook Balingup*

RECEIVED 22/7/25

## Notice of Application for Development Approval P25035

**Application for an Amendment to Approval P22022 to Include Sand Extraction.**

Your Name

Your Addre

Email:

Phone:

Please choose from the following your response to the application:

☐ SUPPORT ☑ OBJECT ☐ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

MORE TRUCKS ON THE ROAD, which is already a DANGEROUS ROAD, with only a few SAFE passing AREAS. NOISE IS AN ISUE WHEN you LIVE CLOSE. THE WATER + ENVIROMENTAL IMPACT, IT HAS and THE IMPACT ON THE PRESTON RIVER.

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

RECEIVED 29/7/25

# Comment Submission Form

*Shire of Donnybrook Balingup*

## Notice of Application for Development Approval P25035

**Application for an Amendment to Approval P22022 to Include Sand Extraction.**

Your Na

Your Ac

Email:

Phone:

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☒ SUPPORT ☐ OBJECT ☐ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

Signature:

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

# Comment Submission Form

*Shire of Donnybrook Balingup*

RECEIVED 30/07/25

Shire of Donnybrook Balingup

## Notice of Application for Development Approval P25035

**Application for an Amendment to Approval P22022 to Include Sand Extraction.**

Your Name

Your Addre

Email:

Phone:

Please choose from the following your response to the application:

☐ SUPPORT ☑ OBJECT ☐ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

The Tranquility will be altered.

How fortunate to find Sand under gravel a rare thing.
Surely only clay can be found under Gravel.
Dust contaminates.
Noise pollution
Will the applicant comply with obligations?
Extra trucks on a narrow and poor road.

Signature:

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

**Submission Form**

**Notice of Application for Development Approval (P25035)**

**Extractive Industry Sand**

**Lots 10 (2038) Donnybrook Boyup Brook Road,**

**Yabberup**

Dear Sir/Madam

We write to you on behalf our membership with comprises of 130 residents of the Preston River Valley.

We strongly object to the submitted Notice of Application For Development Approval (P25035) Extractive Industry Sand Lots 10, 2051, 3671, 2064 (2038) Donnybrook Boyup Brook Road, Yabberup which would allow for the addition of 88,000 tonnes of sand to be taken from this site. We also provide the following comments for the Shire of Donnybrook-Balingup Council's (Council's) consideration.

The comments provided are divided into two sections related to:

- Application of existing legislative controls identified in previous Shire of Donnybrook Balingup (the Shire) determinations for Development Applications P22022, P23002 which are all located on the same property.
- Environmental, social and economic impacts.

## APPLICABLE LEGISLATIVE CONTROLS

### Status of Development Approval File Ref A4781 (P22022)

The following is a condition of development approval for P22022. (Fiona, 2025)

*"N. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect." (Shire Of Donnybrook Balingup 2022 pp 68)* (Condition N)

Development proposal 25035 is an amendment to existing development approval P22022. It is suggested that progress toward meeting Condition N above be established before any further assessment is undertaken. Were P22022 determined to not met Condition N, the applicant should informed that:

- the development approval has lapsed; and
- the existing development application is refused.

## Land Zoned Priority Agriculture

### Local Planning Strategy

The Shire Local Planning Strategy 2014 (LPS) Section 5.4.1 states the following strategies for zoned land within the Shire.

*“conserve the productive potential of agricultural land, prevent adverse effects on the viability of established or potential agricultural industries; and encourage sustainable farming practices. (Shire of Donnybrook-Balingup Local Planning Strategy, 2014, pp 46)*

*discourage land uses unrelated to agriculture from locating on agricultural land (unless the proponent suitably demonstrates there are exceptional circumstances and that these can be compatible with agricultural uses to the satisfaction of the local government).”* (Shire of Donnybrook-Balingup Local Planning Strategy, 2014, pp 47)

### Local Planning Scheme No 7

The predominant land zoning’s in the upper and middle Preston River Valley catchment are general and priority agriculture. The Scheme defines the intended purposes of land zoned ‘priority agriculture’ and ‘general agriculture’ as presented below.

### General Agriculture Zone

*“... Purpose*

*The purpose of the General Agriculture zone is to provide for the sustainable use of rural land which primarily accommodates a broad range of rural pursuits and complementary non-agricultural uses that are compatible with the capability of the land and which retain the rural character and amenity of the locality."*

(Department Of Planning, Lands and Heritage 2021 pp 17)

### Priority Agriculture Zone

*"... Purpose*

*The purpose of the Priority Agriculture zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources. To provide for intensive agricultural and horticultural production; including orchards, market gardens and vineyard enterprises. To also allow, where appropriate, limited forms of non-agricultural development that support, are compatible with and complement agricultural production.”*

(Department Of Planning Lands and Heritage 2021 pp18)

Land within the Shire zoned priority agriculture land is of particular importance to the future sustainability of Western Australian Agriculture. There is also a strong correlation with the location of priority agricultural land and areas immediately adjacent the Preston River. Protection of land zoned priority agriculture from activities not commensurate with the stated

objectives of the Scheme and the LPS will also reduce risk to the valued attributes of the Preston River.

The public interest of the local community impacted by proposed development applications is reflected in the provisions of the inforce Scheme and the objectives of the LPS.

Extractive activities proposed to be conducted under Extractive Industry Licences are also contrary to the purposes and objectives of the Scheme and LPS and are therefore against the public interest.

Single opportunity value adding activities such as basic raw material extraction reduces the disturbed lands capacity to preserve zoning classification. Unacceptable risk attendant to proposed extractive industry activities on future soil productivity was the basis of a recent council decision as outlined below.

**Recent Council Decisions**

One of the principal concerns against the development application is the capacity of the land to be again classified as 'priority agriculture' land after components of the soil profile had been extracted. The 26th June 2024 Council vote reflected that risk attendant to loss of priority agricultural land and future opportunity compared to immediate resource 'need' and the benefits to the greater community in the medium to longer term was considered 'not acceptable'.

The 30th August 2023 Executive recommendation identified P22022 as none compliant with the *Planning and Development (Local Planning Schemes) Regulation (2015)* (the Deemed Provisions). The recommendation was overturned by then Commissioner Gail McGowan and development approval granted for P22022. Regarding development approval P22022 Commissioner McGowan placed an extensive number as conditions to be met prior to any extractive industry license being issued for the proposed activities.

Both decisions establish that the Shire Executive as outlined in the 30th August 2023 determination and the Councillors via the 26th June 2024 decision that the proposed activities to be undertaken under P22022 and those under Development Application - Extractive Industry Gravel - Lots 130 Donnybrook Boyup Brook Road, Yabberup File Reference A4781 (P23002) were non compliant with the Deemed Provisions. The matters outlined in each of the council minutes are presented below.

**P22022 Executive Recommendation 30th August 2023**

"*That Council (the Commissioner): Pursuant to Schedule 2, Part 9, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), refuses application reference P22022, and the accompanying plans (Attachments 7.1.2 (2) to (10)), for an Extractive Industry (Gravel) at Lot 10 Donnybrook-Boyup Brook Road, Yabberup, for the following reasons:*

*Provisions of the Priority Agriculture Zone 1. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2) (a) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically subclauses (i), (iv), (vii), and (ix) as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural land uses.*

*2. In relation to clause 67(2) (fa) of the Deemed Provisions, the proposal is inconsistent with the Shire of Donnybrook Balingup Local Planning Strategy, specifically clause 5.2.4 and*

*5.5.7, as it may impact the landscape associated with the identified tourist route of the Donnybrook-Boyup Brook Road.*

*3. In relation to clause 4.54.10 of LPS7, in considering the reasons for refusal stipulated where the local government shall refuse an application for development approval, in the opinion of the local government the proposal will:*

*a. Adversely affect the rural landscape (subclause (i));*

*b. Adversely impact upon the agricultural use of the land and adjacent/nearby areas (subclause (ii));*

*c. result in the impacts of the proposed use/development not being adequately contained on the application site (subclause (vi)); and*

*d. in the opinion of the local government, result in an undesirable planning outcome (subclause (vii)).*

*Noise Management 4.*

*In relation to Part 3, clause 67(2) (c), (f), (m) and (n), of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed noise management measures can reasonably, practicably and/or realistically achieve compliance with the Environmental Protection (Noise) Regulations 1997. This will result in an unacceptable impact to the noise sensitive receivers within the applicable buffer area of the site.*

*Land Degradation 5.*

*In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*Visual Amenity and Compatibility of Development 6.*

*In relation to clause 67(2) (m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development is compatible within its setting and surrounding area and will not adversely affect the amenity and scenic values of the locality in relation to;*

*a. the bunds, topsoil and overburden stockpiles;*

*b. the location of areas for light and heavy vehicular parking; and*

*c. the scale of the development in relation to the staging of the extraction and rehabilitation."*

(Shire Of Donnybrook Balingup 2022 pp 60 -61)

**Development Application - Extractive Industry - Lots 130 Donnybrook Boyup Brook Road, Yabberup File Reference A4781 (P23002)**

The following information is presented for information and to indicate the Shire Of Donnybrook Balingup Shire Councils recent decision to refuse Development Application 23002. Development Application 23002 was for gravel extraction immediately adjacent the amended proposal location.

In contradiction to P22022 the Executive recommended approval of P23002. Nonetheless, an elected Council voted 2 (two) to 7(seven) against approval. The Councillors also reaffirmed their position regarding inconsistent usage of land zoned priority agriculture by supporting the following alternative motion 5 votes to 4.

Please note the alternative motion below proposed by Councillor Alexis Davis and supported by Council (vote 5/4) on 26th June 2024.

*"Alternate Motion: Cr Davy put the following alternate motion. MOVED BY: COUNCIL RESOLUTION: 92/24 Cr Alexis Davy SECONDED BY: Cr Deanna Shand*

*That Council: 1. Pursuant to Schedule 2, Part 9, Clause 68(2)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015"* (the Deemed Provisions) *"refuse to grant development approval for Application P23002 for the extractive industry on Lot 130 Donnybrook Boyup Brook Road, Yabberup for the following reasons:*

*A. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2)(a) of the Deemed Provisions the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically 3.6.2 subclauses as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural uses, particularly in regard to the following points:*

*(i) require the protection of the rural infrastructure and agricultural land resources;*

*(iii) support the improvement of resource and investment security for agricultural and allied industry production;*

*(iv) require protection and enhancement of biodiversity;*

*(v) encourage value-adding opportunities to agricultural products at source;*

*(vi) support a wide variety of productive agricultural and rural activities;*

*(viii) support sensible use and management of resources, and the proper direction and control of development; and*

*(ix) promote the existing intensive agricultural land use.*

*B. In relation to Part 3, clause 3.6.1 of LPS7, the applicant has failed to sufficiently demonstrate the proposed development will provide for the sustainable use of high-quality agricultural land and fails to sufficiently demonstrate that the development will preserve existing agricultural production.*

*C. In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*D. It is noted the Department of Primary Industries and Regional Development (DPIRD) has provided comments opposing the development proposal as Lot 130 Donnybrook – Boyup Brook Road, Yabberup is zoned Priority Agriculture within LPS7. The DPIRD advice states that: (i) (ii) (iii) (iv)*

*(i) The Department does not support the extraction of gravel on land zoned 'Priority Agriculture' and all the proposed extraction areas are zoned 'Priority Agriculture'.*

*(ii) All the land zoned 'Priority Agriculture' has a high to very high (A2) or moderate to very high (B1) capability for viticulture based on DPIRD Regional scale soil mapping as evident in Figure 1 (NRInfo).*

*(iii) The land identified for gravel extraction is currently planted with grapes (vineyard) and the applicant proposed to replace the vineyard with pasture following the removal of gravel.*

*(iv) The proposed extraction of gravel will remove the free draining part of the soil that is beneficial for viticultural and perennial horticultural production. The extraction of gravel will have a negative impact on the capability of the land for viticulture and perennial horticulture therefore making it doubtful that the rehabilitated soil will be able to support vineyards to the same extent as it currently does.*

*E. In relation to clause 67(m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development won't adversely affect the rural landscape of the locality.*

*F. Approval of the proposed development would result in an undesirable planning outcome as evidenced by the significant public objection to the proposal, and the existing, and ensuing social impacts of such a decision." (Shire Of Donnybrook Balingup 2024 pp 66 - 69)*

The 26th June 2024 Shire of Donnybrook Balingup Minutes provide the following rationale for the Councils decision.

*'The Officer's report refers to State Planning Policy 2.5 'Rural Planning'. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resources, food production, environmental and landscape values. The policy notes the likelihood that increasing the population will increase pressure on rural land for food production and acknowledges the likelihood of competing land uses becoming a planning issue.*

*Priority agriculture land that is land that is considered high quality agricultural land is due to suitable soils, climate, the availability of water resources and access to services. The policy aims to preserve rural land, in general, for primary production and basic resource materials however contrary to the information provided by the senior planning officer in the agenda briefing, separate definitions are provided for primary production, which includes extractive industries, and priority agricultural land which has particular significance for food production purposes. The objectives clearly state that particular focus will be given to the protection of priority agricultural land for food production not for general primary production pursuits.' (Shire Of Donnybrook Balingup 2024 pp 69)*

**P22022 Executive Recommendation 30th August 2023**

"*That Council (the Commissioner): Pursuant to Schedule 2, Part 9, clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), refuses application reference P22022, and the accompanying plans (Attachments 7.1.2 (2) to (10)), for an Extractive Industry (Gravel) at Lot 10 Donnybrook-Boyup Brook Road, Yabberup, for the following reasons:*

*Provisions of the Priority Agriculture Zone 1. In relation to Part 3, clause 3.6.2 of LPS7 and clause 67(2) (a) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development will be consistent with, and not contrary to, the aims and objectives of the Priority Agriculture zone, specifically subclauses (i), (iv), (vii), and (ix) as they relate to the protection and management of agricultural land resources, biodiversity, and the promotion of intensive agricultural land uses.*

*2. In relation to clause 67(2) (fa) of the Deemed Provisions, the proposal is inconsistent with the Shire of Donnybrook Balingup Local Planning Strategy, specifically clause 5.2.4 and 5.5.7, as it may impact the landscape associated with the identified tourist route of the Donnybrook-Boyup Brook Road.*

*3. In relation to clause 4.54.10 of LPS7, in considering the reasons for refusal stipulated where the local government shall refuse an application for development approval, in the opinion of the local government the proposal will:*

*a. Adversely affect the rural landscape (subclause (i));*

*b. Adversely impact upon the agricultural use of the land and adjacent/nearby areas (subclause (ii));*

*c. result in the impacts of the proposed use/development not being adequately contained on the application site (subclause (vi)); and*

*d. in the opinion of the local government, result in an undesirable planning outcome (subclause (vii)).*

*Noise Management 4.*

*In relation to Part 3, clause 67(2) (c), (f), (m) and (n), of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed noise management measures can reasonably, practicably and/or realistically achieve compliance with the Environmental Protection (Noise) Regulations 1997. This will result in an unacceptable impact to the noise sensitive receivers within the applicable buffer area of the site.*

*Land Degradation 5.*

*In relation to clause 67(2) (a), (c), (q) and (za) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed extraction will not jeopardise the future agricultural use of the land in relation to biodiversity, soil degradation and protection of the land as a long-term agricultural resource.*

*Visual Amenity and Compatibility of Development 6.*

*In relation to clause 67(2) (m) and (n) of the Deemed Provisions, the applicant has failed to sufficiently demonstrate that the proposed development is compatible within its setting and surrounding area and will not adversely affect the amenity and scenic values of the locality in relation to;*

*a. the bunds, topsoil and overburden stockpiles;*

*b. the location of areas for light and heavy vehicular parking; and*

*c. the scale of the development in relation to the staging of the extraction and rehabilitation."*

*(Shire Of Donnybrook Balingup 2023 pp 60 -61)*

It is recommended that the extraction of sand as proposed in Development Application 25035 be refused as it is inconsistent with the deemed provisions and the LPS for the reasons outlined by Council officers and Councillors in P22022 and P23003 determinations respectively.

Additional points of objection:

1. **Future land use**

   If the existing land tenure is converted to extractive, future use for agricultural purposes would be severely compromised.

## 2. Extractive industry will adversely affect nearby areas

- The proposal is not compatible with existing businesses and threatens the agricultural values and activities of those adjacent to the site, and therefore creates a land use conflict between neighbours.
- The proposal does not recognise the aesthetic and tourism importance of the scenic landscape and the need to retain it's rural scenic character.
- Historically our valley is an agricultural area with a move towards lifestyle blocks and eco-tourism ventures in more recent times. The population of our area is growing. The introduction of an extractive industrial zone front and centre along the Donnybrook-Boyup-Brook Rd opposite the Yabberup Hamlet does not align with why people moved here (ie to enjoy a rural lifestyle).
- The expansion of the Wellington National Park was undertaken in recognition of the strategic plan proposed by Promote Preston recognising the tourism potential for linking the Preston River Valley with Donnybrook, the Ferguson Valley and Collie. Yabberup and surrounds is now the southern boundary to the park.
- Promote Preston and the Donnybrook-Balingup Shire have a shared vision to develop the rail trail between Donnybrook and Mumballup/Noggerup. This initiative is now more likely with the WA Government making an election promise at the 2025 election to reverse the privatisation of the rail network. The railway line runs in front of the proposed excavation site.
- Promote Preston have been successful in gaining funding to produce a website promoting Preston River Valley and have launched a website (www.prestonrivervalley.net.au). It is problematic to promote a positive, eco-friendly region that has a major extractive industry front and centre.

## 1. Visual impact

- The activities of the proposal, including earth bunding, stockpiles and other activities will significantly alter and redefine the agricultural and rural landscape to the detriment of the visual amenity of the locality and will be visible to the immediate surrounding neighbours north of the site.
- It too is a discordant and unpleasant view for those who visit or drive through the valley seeking to appreciate it's unique rural values.

## 4. Noise

- The proposal will create additional noise and dust emissions that will extend beyond the property boundaries of the site onto the surrounding properties from its mining operations, including crushing, screening, stockpiling and transport of material from the site. The application states, "measures to limit noise will be undertaken" but does not state what these are.
- We are particularly concerned about the ongoing impact of exposure to noise as it is strongly associated with mental distress. There is no recognition of the geography of the surrounding landscape which is a valley and sound travels both up and along valleys.

## 5. Traffic

- The amount of trucks on our roads has increased significantly over the last few years. Any further increase would exacerbate the problem for the Yabberup community. And if combined with traffic related to the event venue on this same property the cumulative effects is significant.

## 6. Dieback

- Further clarification is needed on how the landowner will address “Dieback”. Attaching a brochure is not sufficient.

## 7. Impact on local water sources

- There appears to be a high risk that the operations of the land use, extraction of gravel/sand and stormwater runoff could impact connected waterbodies (such as the tributaries) within the site and near the sand/gravel extraction area. Furthermore, it is close to the Preston River. We wish to highlight that Preston River is one of the few rivers in the South West with low/no salinity. Sand/gravel pits are associated with an increase in water salinity in surrounding areas. Preserving the quality of this river in a drying climate is paramount. Promote Preston have been actively seeking funding from the Commonwealth government to remove weeds and support rehabilitation along the river. These efforts could be compromised by the gravel/sand pit which the applicant states is approximately 560m away with Preston River tributaries flowing from the south are adjoining the proposed extraction area on the west and east at approximately 200m and 400m respectively. Further the applicant identifies that the tributaries flow through farm dams.
- We also concerned that the impact of the extractive industry operations may impact on nearby surface water and groundwater resources of neighbouring properties.
- Further, no mention of restitution has been outlined should the operation impact on groundwater.
- Access is proposed over a ‘local stream’. Has this been addressed?

## 8. Impact on protected species

- The WA water Corporation monitors the Preston River Valley in Yabberup and has photographic evidence of protected species such as the native water rat, ‘Rakali’ *(Hydromys chrysogaster)* (Department of Biodiversity, Conservation And Attractions (2017)) and fresh water mussels. Anything that could endanger these fauna should be avoided.

## 9. Mining and extractive industries is not supported by the local community

- Extractive industries are not supported by those living in Preston River Valley. This is evident by the community’s successfully stopping 4 mining tenements application since February 2022. Recent community surveys have consistently identified that approximately 98% of residents oppose any mining activity.

## 10. Benefit to the Community

It is suggested any economic benefit of this activity to the local community is minimal. Any remaining benefit will be taken out of the area. Weighed against the potential long term losses to the community and priority agriculture land, Development Application (P 25035) should not be supported by the Shire of Donnybrook Balingup for the reasons outlined in these comments.

END

## REFERENCES

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Department of Planning, Lands and Heritage (2021) *Shire Of Donnybrook Balingup Local Planning Scheme No. 7 Updated to include AMD 13 GG 08/06/2021.* Retrieved from https://www.wa.gov.au/system/files/2021-10/LPSC-Donnybrook_balingup-scheme-text.pdf On 4 April 2024

Fiona (2025) Personal Communication in Yabberup on 3rd August 2025

Shire of Donnybrook-Balingup (2014) *Local Planning Strategy June 2014* Retrieved from Shire of Donnybrook-Balingup on 6 April 2024

Shire Of Donnybrook Balingup (2023) *Minutes of Special Council Meeting 30 August 2023* Retrieved from Minutes - Special Council Meeting 30 August 2023.pdf on 30 July 2025

Shire Of Donnybrook Balingup (2024) *Minutes of Ordinary Council Meeting 26 June 2024* Retrieved from confirmed-ocm-minutes-26-june-2024.pdf on 30 July 2025

August 6th, 2025

Chief Executive Officer

Shire of Donnybrook Balingup.

Dear Sir,

**Objection to the Amendment to P22022, being P25035, at Lot 10 Donnybrook-Boyup Brook Rd, Yabberup, WA 6239**

I have reviewed the proposed amendment in the context of:

- The Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (Scheme);
- The Shire of Donnybrook-Balingup Local Planning Strategy 7 dated 2014 (LPS);
- Clause 67(2) of the Schedule 2: Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions); and
- State Planning Policy 2.4 – Basic Raw Materials Extractive Industry Policy (SPP 2.4)

After careful consideration and reading of the Extractive Industries Licence Application and Environmental Management Plan (Planning Report) and supporting technical documents, I wish to voice my strong objection to the proposed land use for the reasons outlined, following:

1. The proposal is inconsistent with the intent and objectives of Clause 3.5 General Agriculture zone and Clause 3.6 Priority Agricultural zone as per the Shire's Scheme.

2. The proposal is not compatible with the existing businesses and threatens the agricultural value and activities of primary producers adjacent to the site, and therefore create a land use conflict between neighbours over the next 5 years.

3. The activities of the proposal, including earth bunding, stockpiles and other activities will significantly alter and redefine the agricultural and rural landscape to the detriment of the visual amenity of the locality and will be visible to the immediate surrounding neighbours north of the site and on the opposite side of the valley. My farm, being of heritage significance, lends itself to being utilised as a wedding venue. This is something I am considering, however with the possibility of industrial and extractive activity in close proximity, this is not an option as it will drastically reduce the attraction of my farm for such activities. Items 4,6,7 below, exacerbates this.

4. The proposal will create additional noise and dust emissions that will extend beyond the property boundaries of the site onto the surrounding properties from its mining operations, including crushing, stockpiling and transport of material from the site. In addition, we have noted that there

are some inconsistencies and discrepancies between the Noise Management Plan and Dust Management Plan. There will be significant increase in traffic volume from the site because of the truck movements from this site, further disrupting the amenity of the locality.

5. The proposal poses an unacceptable fire risk as it doesn't take into consideration the change of land use from Agriculture – Intensive to Industry – Extractive. There isn't any information regarding to the daily and seasonal operations in context of bushfire and vegetation management of this site and ongoing affects to truck movements. This is important, given that serious bushfire events have occurred in the area in the last couple of years.

6. There will be significant increase in traffic volume from the site because of the truck movements from this site, further disrupting the amenity of the locality. This, **IN ADDITION** to of the truck movements created in application P22022

7. The proposal is not in keeping of the rural and agricultural character of the area and amenity of the locality.

8. I have strong concerns regarding the environmental rehabilitation of the site after the gravel **AND 88,000 TONNES OF SAND** has been extracted and the potential impacts it may have particularly on the native wildlife within the area.

9. Operations of the land use, extraction of gravel and sand, stormwater runoff could impact the Preston River and connected waterbodies (such as the wetlands, dams and creeks) within the site and immediately abutting the gravel extraction area. As stated previously, this could affect the surrounding agricultural, agrotourism and low impact businesses that are more suited to be supported in this zone. This is a key concern.

10. Having been elected as the Chair of Save Preston River Vally Association, the local community have given myself, our committee and active members the duty to defend our land and waterways from such disruptive and destructive activities.

11. The Salient elements of my previous objection to P22022 are relevant to my objection to P25035.

12. I request that the Sire Executive examine closely the conditions placed upon Application P22022, prior to considering Amendment P25035.

Attached documents;

A. Save Preston River Valley Position statement
B. Previous objection to P22022

# POSITION STATEMENT

AUGUST 2023

SAVE PRESTON RIVER VALLEY

SAVE PRESTON RIVER VALLEY

Save Preston River Valley Inc. (SPRV) acknowledges the traditional custodians of the land, the Kaniyang and Wiilman people and their continuing connection to the land, waters and community.

# The Preston River Valley: Too special to mine

Mining exploration tenements have now been approved for much of the Shire of Donnybrook-Balingup. Some property owners have already been approached by mining companies seeking access to explore for minerals.

In response to this, Save Preston River Valley Inc. has been formed. It is a community based, volunteer group, focused on protecting the Preston River Valley from mining and other extractive industries that threaten our agricultural and tourism businesses, aesthetic beauty of our valley, recreation and forested areas, biodiversity, local properties and the Preston River itself. Mining finite resources is mutually exclusive and incompatible with the above, and as such we are seeking mining and major extractive industries be excluded from the Preston River Valley catchment.

## Our Position

Preston River Valley is a bio zone of regional significance incompatible with mining and major extractive industries.

The Preston River water catchment is characterised by large tracts of jarrah/marri forests in the upland catchment which drains into the fertile farming flats adjoining the Preston River.

It has significant cultural, environmental, agricultural and economic significance.

Preston River Valley is an eco friendly place to live, work and explore.

We are committed to the social connectivity and health of our community.

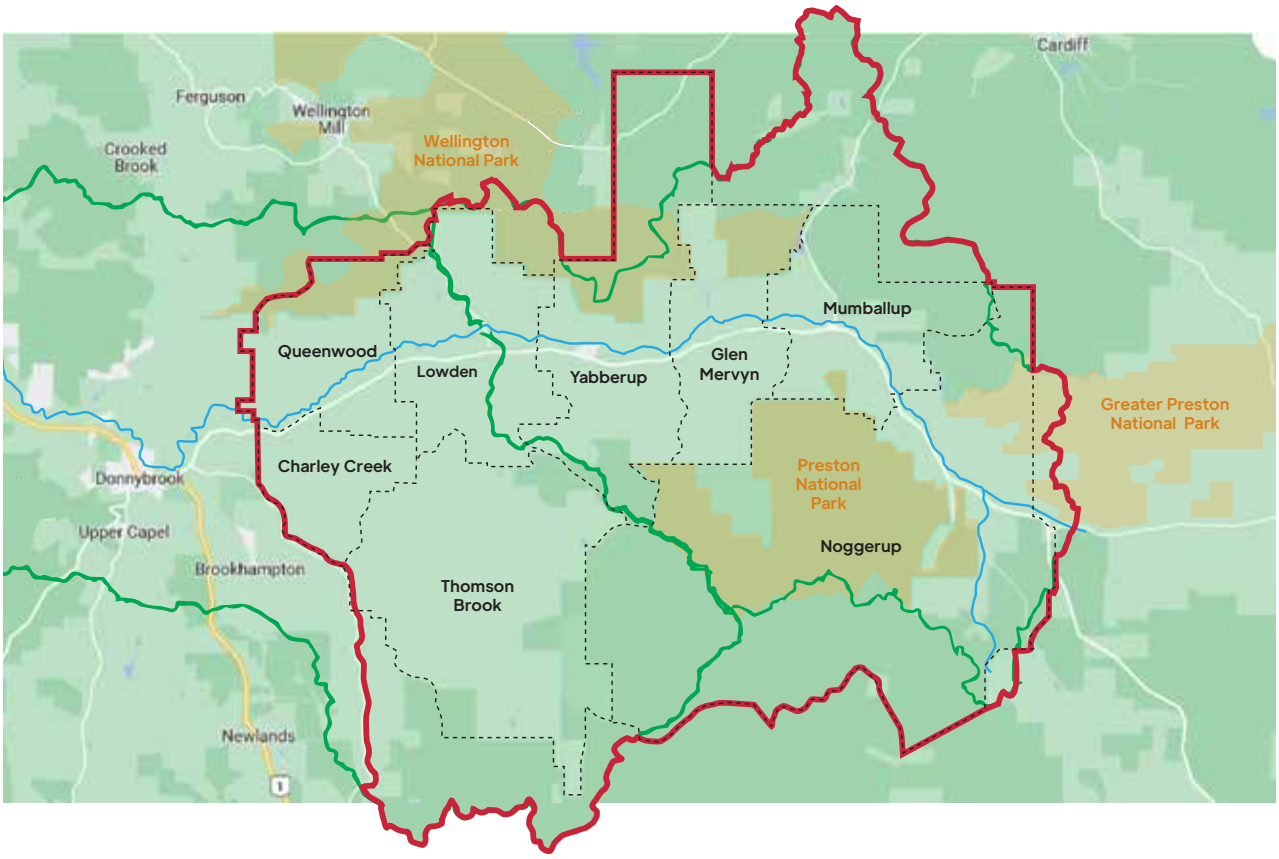
Mining and extractive industries are not supported by the local community.

SAVE PRESTON RIVER VALLEY

POSITION STATEMENT
AUGUST 2023

# The Preston River Valley

The Preston River Valley is considered to be the localities of Charley Creek, Thompson Brook, Queenwood, Lowden, Yabberup, Glen Mervyn, Mumballup and Noggerup in the Shire of Donnybrook-Balingup. Additionally, it includes portions of the designated water catchment as outlined in the Leschenault Estuary Catchment nutrient report. (1)



SAVE PRESTON RIVER VALLEY

POSITION STATEMENT
AUGUST 2023

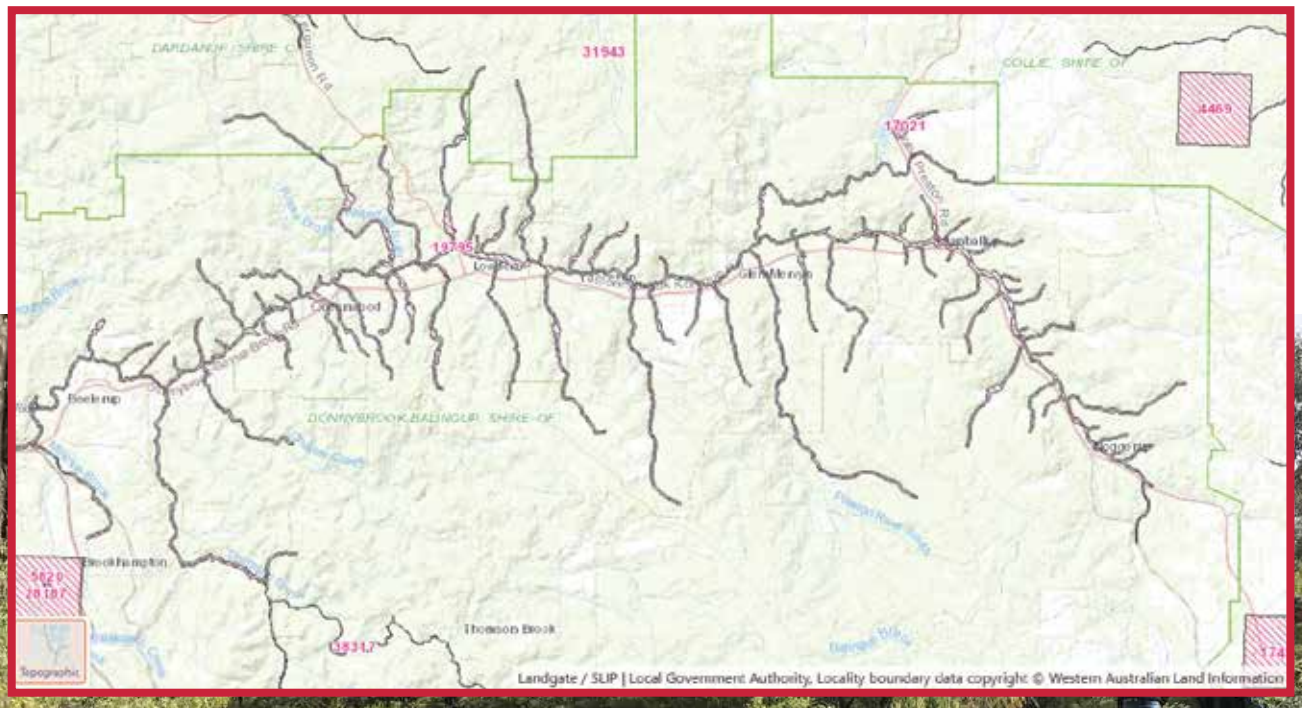
# This area is too special to mine

The Preston River Valley should not be mined for the following reasons:

1. **Cultural Heritage**
2. **Preston River water catchment**
3. **Ecosystems and biodiversity**
4. **The Preston River Valley is an eco-friendly place to live, work and visit**
5. **Mining would negatively impact the health and wellbeing of the Preston River Valley community**
6. **Mining and extractive industries are not supported by the local community**

# 1. Cultural Heritage

The Preston River (Gnangangarich Waugyl) and its tributaries is a registered Aboriginal site and is of cultural significance to the local Noongar community, the traditional custodians of this land. (2)



THIS AREA IS TOO SPECIAL TO MINE

# 2. Preston Water Catchment

The Preston River below Lyall's Creek is unique among river systems in the south west as it is low in salts with a perpetual flow rate. This is in part due to a relatively intact forested upper catchment and the advent of the Glen Mervyn Dam. Constructed in the 1980's the dam provides fresh water to horticultural irrigators down steam, flushes the system of excessive nutrient loadings and provides favourable conditions for a plethora of freshwater species.

However, the Preston River is under stress. Most of the agricultural land use in the valley is centred around the Preston River and much of the fringing vegetation is in poor condition. (1) In alignment with the River Action Plan for the Upper Preston River (2007) the local community has been actively treating weeds and supporting the rehabilitation of the river in recognition of maintaining and improving the health of the river and to support habitat connectivity. (3)

Mining involves significant volumes of water being removed from a catchment. It changes groundwater flows and can impact the quality of rivers and streams through contamination and acidification. Mining in close proximity to waterways poses unacceptable erosion, contamination and turbidity risks.

The WA Government has acknowledged that what happens in the upper and middle catchment of the Preston River impacts the health of the river downstream and has invested in improving the health of the Leschenault estuary with a focus on reducing nutrient input from priority catchments. (4)

THIS AREA IS TOO SPECIAL TO MINE

# 3. Ecosystems and Biodiversity

The Preston River catchment is of state and national significance with the river being a wildlife conduit between the Wellington and Preston National Parks and the Mumballup state park.

The landform and soils of the Preston River Valley can be summarised as being the Mumballup sub-system with alluvial brown loamy earths giving rise to perennial horticulture. The uplands are characterised by the Queenwood and Balingup soil/vegetation sub-systems which has a significant capacity to support live stock and large tracts of native vegetation. The Upper Preston Valley Catchment comprises of 322 km2 of which two thirds is uncleared.

The Mumbullup forest complex is broadly described as having Jarrah/Marri/Banksia uplands and valley floors comprising of flooded gums, weeping peppermints, Yarri, Bullich and swamp banksia's. Within this vegetation mosaic, several vegetation complexes are under represented in the reserve system such as the Balingup and Mumbullup vegetation due to extensive clearing. (5)

Western Quoll or Chuditch (*Dasyurus geoffroii*)

Smooth Marron (*Cherax cainii*)

*Tetratheca parvifolia* and *Acacia semitrullata* is indicative of these systems decline and are listed as a Priority 3 species. Rare and threatened species include the Quenda. Endangered species found in the area include Forest red-tailed black cockatoo, Carnaby's black cockatoo and Baudin's black cockatoo. Critically threatened species such as the western ringtail possum and vulnerable species such as the chuditch, quokka, brush-tailed phascogale, woylie, carpet python, peregrine falcon, are known to occur in the area. (6) The river is home to sea mullet, smooth marron, south west glass shrimp, south western goby, western minnow and western pygmy perch and rakali- native water rats. Vulnerable species living in the river include the Carter's freshwater mussel (7) which are considered keystone species indicative of river health.

Mining on high gradient slopes in close proximity to waterways and other competing land uses impinges directly on landforms and the integrity of the landscape. Removal of substrate disturbs and degrade soils which would impact the ongoing ecological integrity of the region.

THIS AREA IS TOO SPECIAL TO MINE

# 4. The Preston River Valley is an eco-friendly place to live, work and explore

Preston River Valley is a longstanding, vibrant community. Yabberup Hall, established in 1896 is one of the oldest in WA and has the guiding motto, "For the cause that lacks assistance. For the wrong that needs resistance. For the future in the distance. And the good that we can do."

Historically the Preston River Valley is an agricultural area with a move towards lifestyle blocks, eco- tourism and other small business ventures in more recent times. It offers a diverse agriculture/horticultural income steam with livestock, hay cropping, nurseries, wineries, and orchard production luring backpackers and tourists alike. The database of local businesses developed by Promote Preston shows a wide variety of micro-medium businesses along the valley as represented by the following:

**Eco businesses:** Forrest Nursery, Seed Shed, Mumballup Organics

**Farming** (cattle, orchards, horticulture, viticulture, aquiculture): Mandalay Road Wines, Bakkheia Wines, Kingwood Heights orchard, Blue Tractor eggs, Lowden Ridge free range farm, Thomson Brook Wines, Marigold Lamb, Organic & Biodynamic Meats WA, Redtail Ridge Organic Meat and Produce, Mumballup Pecans, Sherwood Springs Olive Oil, plus many roadside food stalls

**Accommodation:** Skating Goose Farm, Kambarang, Glen Mervyn Lodge, Noggerup Farmstay

**Artisans:** Sally Young Design, Yabberup Studio, Richard Fry, Josh Langley

**Food:** Karrabilli Eats, The Mumby Pub, Preston Valley Store

SAVE PRESTON RIVER VALLEY

**POSITION STATEMENT**

AUGUST 2023

The Shire of Donnybrook-Balingup 2014 local planning strategy (8) has identified that the

> "visual amenity and landscape integrity of the Shire is one of its greatest assets. The area has a favourable combination of landform/soils, climate and water supply, which have made it a productive agricultural area and a significant contributor to the agricultural industry in Western Australia."

As an agricultural zone it is a vital resource moving forward in providing food security to the south west in a drying climate.

The Preston River Valley is also a known hotspot for adventure tourism with the Bibbulmun and Munda Biddi hiking/mountain bike trails weaving through the area. The expansion of the Wellington National Park was undertaken by the WA Government in recognition of the strategic plan proposed by Promote Preston recognising the tourism potential for linking the Preston River Valley with Donnybrook, the Ferguson Valley and the Collie River Valley. Yabberup and surrounds is now the southern boundary to the park. $3.35 million has been slated for the development of tourism opportunities which has accompanied the expansion. (9)

Tourism is also identified by the Shire of Donnybrook-Balingup as a key industry. Local group, Promote Preston has had positive discussions with the Donnybrook-Balingup Shire in support of developing our eco tourism potential including developing the rail trail between Donnybrook and Mumballup/Noggerup and the development of a nature play zone for children at Frog's Hollow. Introduction of major industry in the area is a cause of concern for our agricultural and tourism businesses, local residents and visitors due to disturbance and destruction of physical landforms and loss of environmental values. Local businesses are also concerned about competing pressures for employees and trades that are required for them to operate successfully.

THIS AREA IS TOO SPECIAL TO MINE

# 5. Mining would negatively impact the health and wellbeing of the Preston River Valley community

Research tells us that when an extractive industry is introduced into a community it can have a negative health impact (10). Mining can negatively impact physical health due to reduced air quality, and exposure to toxins. (11) It can also impact mental health due to the disruption of social connectedness. The introduction of mining to a community has been linked to anxiety, depression, insomnia and lower quality of life with people who gain a strong sense of identity from the land being most likely to experience negative outcomes (12). Furthermore, this impact is mediated by individuals' perceptions of community disorder and personal powerlessness, particularly their inability to control the activity, where it occurs, and how it is regulated (13). In addition, cross-sectional studies have shown that noise annoyance is strongly associated with mental distress (14).

In 2022 the Yabberup community raised concerns about plans for major extractive industries being introduced in the Preston River Valley at Yabberup. Noise, dust, increased traffic and loss of visual amenity were key community concerns raised along with the impact on this potential industry on the local environment including the Preston River, and the health of the community.

THIS AREA IS TOO SPECIAL TO MINE

# 6. Mining and extractive industries are not supported by the local community

A united community is a powerful community as shown by 95 local residents joining SPRVI (as at 16/8/23). We have had a further 24 people who have joined who reside outside the Preston River Valley.

Extractive industries are not supported by those living in Preston River Valley. This is evident by the community's successfully stopping the Painted Spire E70/6046 mining tenement application in February, 2023. Thirty nine affidavits were sworn by people in the community, and 138 people signed a petition stating opposition. In addition, all potentially impacted property owners in the Lowden postcode 6240 and all properties in the tenement itself were surveyed with 97% stating they were opposed to the tenement application and mining in the Preston Valley. A second application (Galan Lithium E70/6410) for the same land tenure was also successfully opposed in June, 2023.

A petition opposing exploration and seeking exemption from mining in the Preston Valley has been started. To date, it has garnered signatures from within the Preston River Valley (150), plus additional signatures from those outside the PRV but within the Shire of Donnybrook – Balingup (41) and those beyond the Shire (73).

# References

1. Leschenault Estuary Catchment nutrient report, 2018
2. Aboriginal Cultural Heritage Inquiry System, Department of Planning, Lands and Heritage
3. Leschenault Catchment Council et. al. 2007: River Action Plan for the Upper Preston
4. www.wa.gov.au/service/natural-resources/water-resources/healthy-estuaries-wa
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6. www.ourwaparks.org.au/wellington-national-park-expansion/
7. https://rivers.dwer.wa.gov.au/site/sylvan-way/
8. www.wa.gov.au/system/files/2021-11/LST-Donnybrook-Balingup-local-planning-strategy.pdf
9. www.dbca.wa.gov.au/news/2020/335-million-injected-wellington-national-park-expansion
10. Moffatt, J & Baker, P (2013) Farmers, mining and mental health: The impact on a farming community when a mine is proposed. Rural Society 23(1):60-74DOI:10.5172/rsj.2013.1932
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12. https://theconversation.com/as-coal-mining-declines-communityy-mental-health-problems-linger-60094
13. Downey, L., & Van Willigen, M. (2005). Environmental Stressors: The Mental Health Impacts of Living Near Industrial Activity. Journal of Health and Social Behavior, 46(3), 289–305.
14. Beutel M, Brähler E, Ernst M et al (2020) European Journal of Public Health. Noise annoyance predicts symptoms of depression, anxiety and sleep disturbance 5 years later. Findings from the Gutenberg Health Study. 30:3, 487–492.

**To understand Private Land Provisions go to**
www.dmp.wa.gov.au/Documents/Minerals/Minerals-Mining_Notices_Private_Land_Provisions.pdf

## Contact Us

saveprestonrivervalley@gmail.com
www.prestonrivervalley.net.au/saveprestonrivervalley

**Our Ref:** Donnybrook-Boyup Brook Rd 2038, Yabberup
**Your Ref:** P22022: Extractive Industry - Gravel
**Address:** Donnybrook-Boyup Brook Rd 2038, Yabberup
**Date:** 24 June 2022

**Developed Property Pty Ltd**
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planning@developedproperty.com.au
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Dear Sir / Madam,

## Objection to the Development Application for the proposed Industry - Extractive at No. 2038 Donnybrook-Boyup Brook Rd, Yabberup

Developed Property Pty ltd on behalf of Jay McCormack, the landowner of Sunnyvale Farm at 1885 Donnybrook-Boyup Brook Rd, Yabberup wish to thank you for the opportunity to provide comment on the proposed for Industry - Extractive at the property address. We have reviewed the proposal in context of:

- The Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (Scheme);
- The Shire of Donnybrook-Balingup Local Planning Strategy 7 dated 2014 (LPS);
- Clause 67(2) of the Schedule 2: Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions); and
- State Planning Policy 2.4 – Basic Raw Materials Extractive Industry Policy (SPP 2.4)

After careful consideration and reading of the *Extractive Industries Licence Application and Environmental Management Plan* (Planning Report) and supporting technical documents, we wish to voice our objection to the proposed land use for the reasons outline in the letter below:

1. The proposal is inconsistent with the intent and objectives of Clause 3.5 General Agriculture zone and Clause 3.6 Priority Agricultural zone as per the Shire's Scheme.

2. The proposal is not compatible with the existing businesses and threatens the agricultural value and activities of primary producers adjacent to the site, and therefore create a land use conflict between neighbours over the next decade.

3. The activities of the proposal, including earth bunding, stockpiles and other activities will significantly alter and redefine the agricultural and rural landscape to the detriment of the visual amenity of the locality and will be visible to the immediate surrounding neighbours north of the site and on the opposite side of the valley.

4. The proposal will create additional noise and dust emissions that will extend beyond the property boundaries of the site onto the surrounding properties from its mining operations, including crushing, stockpiling and transport of material from the site. In addition, we have noted that there are some inconsistencies and discrepancies between the Noise Management Plan and Dust Management Plan.

5. The proposal poses an unacceptable fire risk as it doesn't take into consideration the change of land use from Agriculture – Intensive to Industry – Extractive. There isn't any information regarding to the daily and seasonal operations in context of bushfire and vegetation management of this site and ongoing affects to truck movements.

6. There will be significant increase in traffic volume from the site because of the truck movements from this site, further disrupting the amenity of the locality.

7. The proposal is not in keeping of the rural and agricultural character of the area and amenity of the locality.

8. We also have concerns regarding the environmental rehabilitation of the site after the gravel has been extracted and the potential impacts it may have particularly on the native wildlife within the area.

9. Operations of the land use, extraction of gravel and stormwater runoff could impact the Preston River and connected waterbodies (such as the wetlands, dams and creeks) within the site and immediately abutting the gravel extraction area. As stated previously, this could affect the surrounding agricultural, agrotourism and low impact businesses that are more suited to be supported in this zone.

10. A recent Health Impact Assessment conducted by Dr Julieanne Hilbers has identified that proposed change to the landscape and proposed extractive industries has caused angst and uncertainty within the mental health and wellbeing of the community.

11. The proposal could have a significant impact on Aboriginal Heritage abutting the site, which hasn't been adequately considered by the proponent.

As part of our application, we have attached the following documents:

- Appendix 1 – Peer Review of the Noise Assessment Report (Acoustic Report) prepared by Eco Acoustics, and
- Appendix 2 – Health Impact Assessment dated 23 June 2022 prepared by Dr Julieanne Hilbers.

The above concerns have been further explored in the letter below.

## Submissions from the Community is a valid Planning Consideration

The site is zoned Part General Agriculture and Primary Agriculture as per the Shire's Scheme. In accordance with the Zoning Table, Industry – Extractive is categorized as 'A' land uses in these zones, which: *"means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions."*

An Industry – Extractive land use is not a permitted land use in the General Agriculture and Primary Agriculture and must be able to satisfy the Shire that the proposal is able to comply with the Local and State Planning Framework. As an A land use, the Shire is required to ensure that the community is appropriately

given due regard in the assessment of the application as per Clause 67(2)(y) of the Deemed Provisions. In that regard, please consider the contents of this submission from other members of the community in the assessment of this application.

## Inconsistent with the Objectives of the General Agriculture and Priority Agriculture zones

The following Objectives of the General Agriculture and Primary Agriculture zones from the Shire's Scheme have been identified and considered relevant in context of this proposal:

***Cl 3.5 General Agriculture zone:***

*Cl 3.5.2 Objectives:*

*…*

*(ii) encourage the use of rural land for commercial agricultural production including grazing, cropping, agro forestry, tree plantations, and intensive agriculture (where permitted);*

*(iii) seek to protect the economic viability of the area;*

*…*

*(v) recognise the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of a site and of the district by ensuring through siting and landscaping provision that any development does not detrimentally change the scenic rural character;*

*…*

*(vii) support non-rural uses where they are compatible with adjacent and nearby rural and other uses, and where environmental, landscape and servicing considerations are appropriately addressed;*

*(viii) support the retention and protection of portions of land within that zone that are not cleared of remnant vegetation and that are valuable to the rural and natural landscape values and ecological systems of the district; and*

*(ix) encourage and promote appropriate bush fire risk management…*

***Cl 3.6 Primary Agriculture zone:***

*(i) require the protection of the rural infrastructure and agricultural land resources;*

*…*

*(iii) support the improvement of resource and investment security for agricultural and allied industry production;*

*(iv) require protection and enhancement of biodiversity;*

*(v) encourage value-adding opportunities to agricultural products at source;*

*(vi) support a wide variety of productive agricultural and rural activities;*

*…*

*(vii) support sensible use and management of resources, and the proper direction and control of development*

*…*

*(x) encourage other similar or complementary activities.*

## Land use conflict with this proposal and surrounding farming and agritourism business

As highlighted above, it is considered that the General Agriculture and Priority Agriculture zone are intended to ensure the protection and viability of rural land uses, the protect the amenity of the rural landscape and natural environment and allow for complementary low-impact economies to occur within the region. Section 5.4 of the Shire's LPS also recommends that *"low-key tourist uses including those associated with traditional forms of agriculture and rural retreats"* are encouraged within the locality and take advantage of the rural landscape and natural environment.

The mining activities from this land use, however; have the potential to negatively impact those industries and undermine any complementary low-impact tourist uses within the area. Clause 4.54.1(iii) of the Scheme allows the Shire to require that proposals for non-agricultural uses be supported and justified by an Agricultural Impact Assessment (AIA). This is requirement is supported by the Shire's LPS recommends that the Shire should require any "*planning application* [to] … *include a statement and/or assessment of the impact of the proposed land use to confirm that the proposal will contribute to sustainable agricultural production in the locality and will not detrimentally impact on existing agricultural industries and operators or the expansion of the agriculture industry."*

The applicant has not provided an AIA to adequately demonstrate that there will be no land use conflicts that could arise from this proposed Industry – Extractive as a matter of proper and orderly planning under Clause 67(2)(b) of the Deemed Provisions.

## Impact on Visual Amenity and detriment to the rural landscape

The proposed activities of the Industry – Extractive (including earth bunding and stockpiling) will significantly alter and redefine the agricultural and rural landscape to the detriment of the visual amenity of the locality. Clause 4.54.8.7 of the Shire's Scheme states:

*"In assessing applications for development approval for the establishment of plantations, industry - extractive and other development on land within the General Agriculture zone, the local government shall seek to ensure that the setbacks assist in maintaining environmental and landscape qualities of the locality so they are not detrimentally affected."*

The extent and ability to assess the level of damage to the rural landscape however cannot be effectively quantified without further information provided by the applicant in relation to the location of the earth bunds. Furthermore, we also have concerns that the earth bunds will adequately attenuate noise emissions and screen the mining operations and plant, as there location has not been specified within the documents. Furthermore, there is no details on their heights and size of the earth bunds in relation to the levels and contours of the site, and specifications of the plant and equipment to be used.

Based on this information provided, it is very likely that the Industry – Extractive land use will be visible to the immediate surrounding neighbours north of the site, on the opposite side of the valley and those travelling along Donnybrook Boyup Road. On this basis, the proposal is considered contradictory to Clause 67(2) (n) and (o) of the Deemed Provisions.

## Peer Review of the Dust and Noise Management Reports

The *Environmental Protection Authorities Guidance Statement No 3 – Separation Distances between Industrial and Sensitive Land Uses* recognises the noise and dust emissions as potentially have significant impact on sensitive land uses (such as residents). For an extractive industry land use, it recommends that a buffer of 1,000m is provided to sensitive land uses, which should be consolidated within the confines of the lot property boundaries.

The proposed extraction gravel pits intrude beyond the property boundaries and impacting the nearby residents. To address this concern, the applicant has provided the following documents:

- *Noise Management Plan – Industry - Extractive 2038 Donnybrook-Boyup Brook Road, Yabberup Acoustic Assessment ref: 29414-2-22120 – Herring Storer Acoustics* dated 26th April 2022 (Noise Management Plan), and
- *Dust Management Plan 2038 Donnybrook Boyup Brook Road Yabberup, Shire of Donnybrook – Balingup Version Reference 0.1* - Lungstrom Environmental Consultants (Dust Management Plan),

for the Shire's consideration. We engaged, Eco Acoustics, to provide a peer review the Noise Management Plan, in context of the Dust Management Plan and Planning Report. In their review of the documents, Eco Acoustics found inconsistencies between the two documents as well as the Planning Reports, which may cause discrepancies with the assessment and modelling of the Noise Management Plan. A summary of the findings of the Peer Review have been outlined below:

- The Noise Management Plan notes that there will be an average of 17 truck movements a day over a year, whereas the Dust Management Plan notes a maximum number of 17 trucks movements a day per calendar year. This difference between these numbers can have a different output on the Acoustic Modelling that was used to guide the preparation of the Noise Management Plan, and therefore should be updated and ensure consistency between the two documents,
- There is no mention of the numbers of plant that will be operating simultaneously, and no mention of the source heights of these items of plant and equipment,
- The Dust Management Plan refers to additional plant (D10 Dozer, Striker 25 Stacker, etc) which hasn't been included in the modelling for the Noise Management Plan. The Noise Management Plan should be updated to include this plant operating under normal operational conditions, and
- As previously stated, there are no details on the height and location of the proposed earth bunds in context of the sloping contours of the site nor the equipment and plant that is to be used on the plans.

A copy of the Peer Review has been provided for the Shire's Reference as part of our submission (see Appendix 1). On this basis, the proposed development is contradictory to Clauses 67(2) (n) and (o) of the Deemed Provisions.

## Access, Egress and Lack of Traffic Movement information

Donnybrook-Boyup Road is identified as a Primary Regional Road. It is noted that a Traffic Impact Statement has not been provided as part of the submission to the Shire for consideration. Such as plan should show how

access or egress is to be achieved safely for Trucks, Plant and other equipment from the site and merge with the existing traffic network as per Clause 4.54.8.8 of the Scheme. Without this information, it would be difficult to assess whether the current road configuration is adequate to handle the additional traffic generation to and from this site, or whether additional measures and road modifications (such as acceleration or deceleration lanes) would be necessary to ensure vehicle safety and merging of domestic and freight traffic. This should have been provided as per Clause 6.5(e) of SPP 2.4. It is therefore considered that Clause 67(2) (s) and (t) of the Deemed Provisions have not been adequately addressed.

### Lack of consideration for Bushfire Management

We have concerns that this proposal poses would create an unacceptable fire risk to the operators of the Industry – Extractive land use and surrounding neighbours. Section 3.9 (Page 5) of the Planning Report states:

*"One-third part of the proposed extraction area, the western boundary, and some portion on the south-east falls within a bushfire prone area (Figure 2) as designated by the Fire and Emergency Services (FES) Commissioner on 1 June 2018. However, the threat of bushfire from this operation is considered low, since the development area is on cleared agricultural land."*

There isn't any information regarding to the daily and seasonal operations in context of bushfire and vegetation management of this site. The proponent is relying on the farming management practices of the Agricultural – Intensive land (vineyard). Clauses 3.5, 3.6 and 4.54.11 of the Scheme requires that the Shire is satisfied that the proposal will not pose an unacceptable bushfire risk, and is a refusal listed for refusal under Clause 4.54.11 (and by proxy for the Priority Agriculture zone) 4.55.2 of the Scheme.

This is a significant planning consideration that should be given due regards, it is recommended that the Shire requires the applicant to provide a bushfire management plan and an emergency evacuation plan are prepared in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas and associated guidelines.

On that note, further clarity is required to ensure that this Industry – Extractive will not operate plant and equipment where there is an increased risk for bushfires to occur, particularly during the Shire's Fire break periods or when there is a total fire ban. It is important to clarify how does the applicant propose to adapt to these restrictions, and what impact this would have on the estimated daily volume of truck movements daily. This should then be reflected in the Dust and Noise Management Plans respectfully, to ensure consistency between the documents and ensure that the land use impact is minimised.

In addition to the Scheme Provisions listed above, it is considered that the proposed development has not adequately addressed Clauses 67(2) (q) of the Deemed Provisions which requires consideration of "*the suitability of the land for development taking into account … bushfire risk*".

### Impact on the Preston River and surrounding waterbodies

The Planning report and Water Management Plan states that *"there are no wetlands present within 1.5km of the proposed extraction areas."* This is not accurate as a desktop aerial survey and GIS maps from the

Department of Planning, Lands and Heritage's Plan WA website (see figure below) shows water bodies (such as dams, creeks and wetlands) being within 150m of Stage 1 of the extraction area on neighbouring properties that connects downstream to Preston River, north of this site. While these local systems are not identified as RAMSAR or state significant wetlands, they still play a significant role in the local ecology, biodiversity and health of the Preston River system as well as the agricultural activities of the neighbouring properties.

Clause 4.14.2 of the Shire's Scheme states that:

*"any developments which may have an impact on any waterway including rivers, creeks, streams, drainage lines, lakes, soaks, swamps and other wetlands, the local government shall have regard to –*

*(i) managing water balance;*
*(ii) maintaining and where possible enhancing water quality;*
*(iii) encouraging water conservation;*
*(iv) maintaining and where possible enhancing water related environmental values; and*
*(v) maintaining and where possible enhancing recreational and cultural values.*

The applicant has not provided any information as to how the operations of the land use, extraction of gravel and stormwater runoff flow into these connected waterways and could further impact on the Preston River. Without a peer review of the Water Management Plan or the current information provided in a drawing, it is difficult to accurately determine the impact of this proposal on the health of these waterways or quantify it in a manner that it could be assessed against these provisions of the Scheme. Clarification on this point, also allows the Shire to determine if the setbacks provided are adequate to address the requirements as outlined by Clauses 4.54.8.6 and 4.54.8.7 of the Scheme, or alternatively have the proposal scaled back accordingly. The current landowner at Lot 143 has experienced silt runoff directly from vineyard operations, and previously found chemicals linked to the vineyard operations, detected in his livestock.

This lack of consideration for the natural environment, could further exacerbate the land use conflicts that is likely to occur on the neighbouring agricultural production value of the surrounding properties, as well as the existing and future agritourism businesses within the locality. On this basis, the proposed development is contradictory to Clauses 67(2) (n)(i) and (o) of the Deemed Provisions.

### Environmental impacts on the native wildlife

As previously noted, the Scheme requires that the land use proposal takes into consideration the environmental values of the locality in its assessment. We also have concerns about the impact on native bird life and environment. Red tailed and white tailed Carnaby Cockatoos have been observed habiting within the area, however the lack of a fauna or flora survey doesn't provide the Shire and other relevant State Government Agencies with sufficient information to ensure that the environmental values of the locality are being protected. The onerous should be on the applicant to undertake the necessary local groundwork to ensure that the additional traffic, noise and dust emissions to occur as a result from the proposal have been minimalised and appropriately managed. Failure to do so, is grounds for refusal as noted under Clause 4.54.10 (i) of the Scheme.

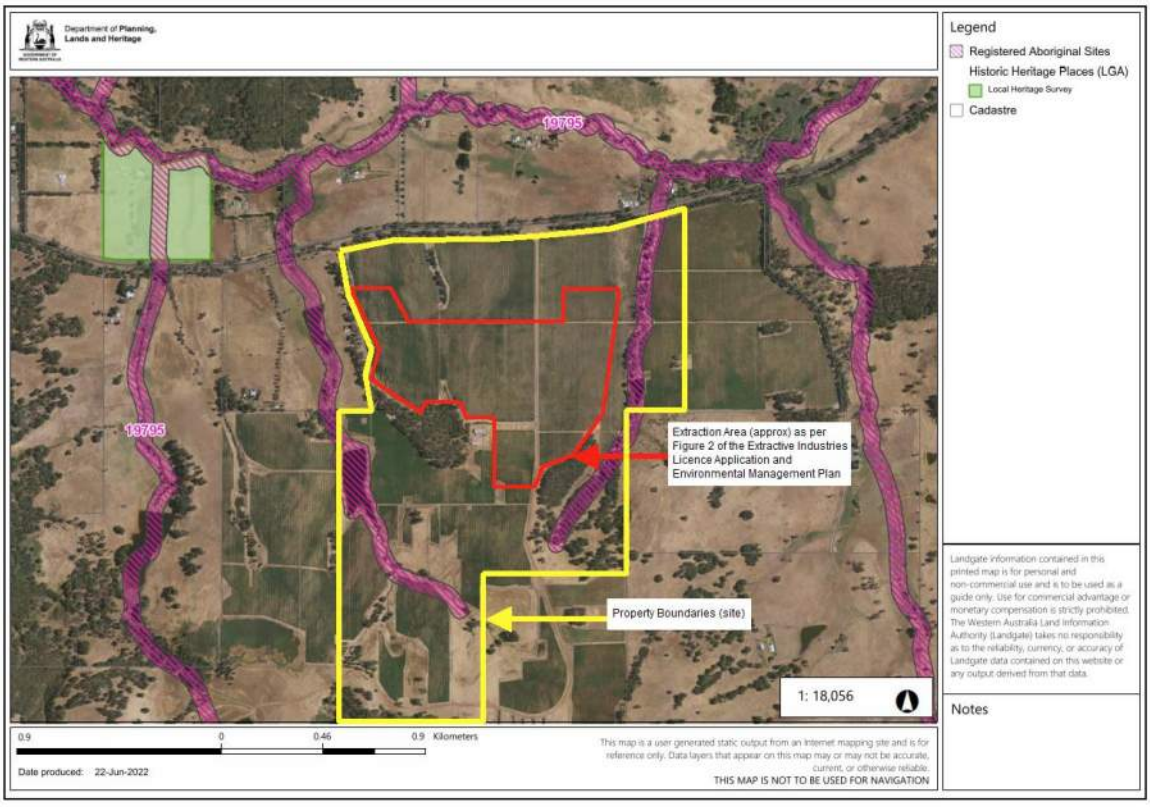
## Mental Health Impact Assessment

A Mental Health Impact Assessment of the proposal on the community was prepared Dr Julieanne Hilbers. Her assessment included a survey of the local residents affected by the proposal, in which she has received 34 responses. In her findings, she found that there was general consensus that the proposed development has caused general angst and uncertainty amongst local residents. The results reflected themes of social disruption and personal powerlessness. People are concerned about the impact of noise and how their safety will be compromised when using local roads. This proposal has changed how people think about and value where they live and how they perceive their future. Overall, this proposal is negatively impacting on the mental health and wellbeing of the community.

The impact of the proposal on the mental health and wellbeing of the community is a relevant matter of consideration against Clause 67(2) (n)(iii) and (x) of the Deemed Provisions. A copy of her survey and summary of Dr Hilber's Mental Health Impact Assessment (Appendix 2) has been attached for the Shire's reference.

## Aboriginal Cultural Heritage

As per shown in the figure below, the extractive area of the Industry – Extractive land use doesn't extend or intrude into the Registered Aboriginal Site 19795 (Preston River). Notwithstanding this however, the emissions from the dust and noise from the operations of the Industry – Extractive land use however does extend over those boundaries and could have a significant impact on the mythological and heritage value of the locality and the traditional cultural and spiritual practices that may occur.



The proposal doesn't take this into consideration, is matter that should be given due regard as per Clause 67(2)(l) site of the Deemed Provisions, which has not been accounted for within the proposal. Prior to any consideration of the land use, we urge that the Shire consults with the Traditional Owners of the area.

## Summary

In summary, we are vehemently opposed to the proposed Industry - Extractive at this site. As outlined in our submission, there is sufficient reasons to refuse the development in its entirety and a lack of sufficient information to address those concerns. Alternatively, should the application be deferred pending amended plans or additional information, we request that the application is readvertised as there have been errors, inconsistencies and lack of information that would allow us to make an informed submission.

Please provide any formal updates on the application via email to planning@developedproperty.com.au If you have any queries or require further clarification regarding the above matters, please do contact us via telephone or email as per the below details.

Yours sincerely,

Ryan Soerja Djanegara
Planning Consultant
(08) 6119 9175

## Appendix 1 – Pier Review of Acoustic report

EcoAcoustics
ATF Ireland Family Trust ABN 26 450 946 619

A: 10 Alyxia Place, Ferndale
T: (08) 9367 1555
E: rebecca@ecoacoustics.com.au
W: www.ecoacoustics.com.au

**To:** Deanna Shand

**From:** Rebecca Ireland

**Date:** 21 June 2022

**Email:** deanna.shand@gmail.com

**Pages:** 4

**Reference:** 22061090 - 01

**Re:** Proposed Extractive Industries Licence Application - 2038 Donnybrook Boyup Brook Road Yabberup - Review of Acoustic Assessment

Dear Deanna

We refer to your email of 15th June 2022 regarding the above site. Our office has completed a review of the following documents with respect to the proposal:

- *Extractive Industries Licence Application and Environmental Management Plan – 2038 Donnybrook Boyup Brook Road Yabberup, Shire of Donnybrook – Balingup Version Reference 0.1* - Lungstrom Environmental Consultants dated April 2022 (LEC Report);
- *Appendix 6 – Dust Management Plan 2038 Donnybrook Boyup Brook Road Yabberup, Shire of Donnybrook – Balingup Version Reference 0.1* - Lungstrom Environmental Consultants (LEC Dust Report)
- Appendix 5 - Noise Management Plan – *Extractive Industry 2038 Donnybrook-Boyup Brook Road, Yabberup Acoustic Assessment ref: 29414-2-22120* – Herring Storer Acoustics dated 26th April 2022 (HSA Report);

It is important to note that our review of the LEC Report and LEC Dust report were to understand the scale of the operation, not to provide any detail as to the validity of either report. The purpose of this document is to provide a peer review of the HSA Report.

In accordance with your request, we provide the following discussion relating to the acoustic assessment.

***Absence of Assessment of Vehicle Movements Around the Site***

The LEC Report notes that 74,000 Tonnes of material will be removed from the site per annum. The report notes that the two sizes of trucks will be used in the removal of product, namely 14 Tonne Truck and a 24 Tonne Truck. From the LEC report it is understood that these will be used in a ratio of 50:50 duration. Equating to 2643 Trips for the smaller sized vehicles and 1542 Trips for the larger vehicles. Usually, with gravel pits, the stockpiled material builds up to a maximum volume – in our experience, this has been around 6000m$^3$. At this point, the raw material is then removed from the site, using trucks. It often occurs dependent on the demand for gravel, with lower truck movements in the autumn/winter months and higher movements in the spring/summer months. The LEC Report provides a discussion on the average number of tucks being 17 vehicles per day averaged over the year,

which equals approximately 2 tuck movements per hour. In reality, the site is likely to have periods whereby excavation is occurring material is transported to the crusher and screen for processing and stockpiling, thus no truck loading.

At other times, there will be periods whereby there is high demand for product and there are significantly more trucks on the site. Reviewing the truck movements against the anticipated maximum stockpile volume of 6000m$^3$ of product, would result in 340 truck movements to move the stockpiled product. This would result in significantly more than the average 2 truck movements per hour noted in the LEC Report. The LEC Dust report differs in its discussion on truck movements, noting that the 17 trucks per day will be the **maximum** number of vehicle movements not the average.

Unfortunately, as this has not been addressed at all in the acoustic report, it is not possible to provide comment on the predicted noise levels associated with truck movements on the site. Once the truck enters the site off the road, then the noise associated with that vehicle should be assessed in accordance with the Environmental Protection (Noise) Regulations 1997. In addition, the LEC and HSA Reports have no indication of the haul route for any of the stages. This is considered to be a major deficiency. It is possible that trucks may be travelling within 75 metres of the nearest noise sensitive premises.

In addition to the lack of information relating to the trucks on the site removing product, there is no mention of the noise associated with the proposed Water Cart, to be utilised for dust suppression. From the LEC Dust Report it is understood that the Water Cart will be used during periods when the internal access roads are under construction, when material is being moved, during crushing or during adverse windy weather.

***Plant & Equipment***

The report notes that the following items of plant will be used on the site:

- Loaders (CAT 980H or similar)
- Screening Plant (McCloskey S190 or similar)
- Crusher (Terex J1175)
- Dozer D7 or equivalent

There is no mention as to the numbers of plant that will be operating simultaneously, and no mention of the source heights assumed for each of these items of plant and equipment. Without the inclusion of the assumed source height, it is impossible to determine the height of the bund. Majority of these items of plant have source heights in excess of 2.5 metres, this should be factored in to the modelling.

In addition, the HSA Report list differs from the plant and equipment list provided in the LEC Dust Report, which includes the following additional plant:

- D10 Dozer
- Striker 25 m Stacker

- Semi-loader (26 tonnes)
- Road Train (55 Tonnes)

In our experience for a similar sized gravel pit, it would be considered appropriate to include the additional items noted in the LEC Dust report in the noise modelling. In addition, the HSA Report should provide details on the usage of these plant and equipment. It is unlikely that they will be used individually. The noise modelling should be updated to include all items of plant operating under normal operational conditions.

***Earth Bunds***

The HSA Report notes that earthen bunds will be used to control the noise from the site, however, the report neglects to note:

- The required heights of the bunds used in the modelling; and
- The exact location of the bunds in relation to the plant and equipment.

It should be noted that the construction of these bunds may have significant noise impact on the neighbouring residences, as it is possible that the mobile plant is required to operate at elevated locations to construct them.

It is understood that the stockpiled materials will be utilised as earth bunds around the crusher and screen, hence these will not be a permanent form over the period of operation at each stage. It is unlikely that the height of the stockpiling will be adequate for the duration of the crushing and screening phase, as this is the product used to provide the earthen bund.

***Amenity of Neighbouring Noise Sensitive Premises***

Whilst not a requirement of the Regulations, it is good acoustic practice to conduct an ambient noise survey of the surroundings. The noise impact associated with a quarry in a rural area not only depends on the actual noise levels emitted from the proposed operation, but also on how much the proposed operation will increase the ambient noise level experience by the existing noise sensitive premises. In a rural setting such as this, daytime ambient noise levels could be as low as 30-35dB(A). Thus the introduction of noise levels of 40 to 45 dB(A) will significantly impact the amenity of the neighbouring noise sensitive premises, despite meeting the assigned noise levels.

We trust the above is acceptable. Should you require further information please do not hesitate to contact us.

Regards,

Rebecca Ireland

Managing Director

## Appendix 2 – Health Impact Assessment Survey June 2022

is a registered psychologist, educator, and researcher. She is currently an Honorary Associate with the Centre for Research in Aged Care at Edith Cowan University.

# Health Impact of the Proposed Gravel Pit on those living within the Preston River Valley

Yabberup / Lowden is a vibrant rural community where there is strong social connectedness as evidenced through community involvement with the Yabberup Community Association, local Men's Group, Promote Preston, and the Volunteer Fire Brigade.

Our community was recently advised that a one of our neighbours is seeking planning approval to extract gravel over 38 hectares (76,000 tonnes) over a 10-year period from the front of their property which adjoins the Donnybrook-Boyup Brook Rd. This has led to some distress and concern amongst the community. This survey sought to capture some baseline data on the mental health impact of this proposal on local residents.

**Background**

Our relationship with our home environment and how we notice, think about, and appreciate our natural surroundings where we live are critical in supporting good mental health and preventing distress.

Open space, peace and quiet and clean air are all important drawcards for why people choose to live in the country. There is an overall positive connection and strong emotional attachment to the land that you don't usually get in cities. This positive connection leads to cognitive benefits, and improvements in mood, mental health, and emotional well-being (1).

Research tells us that when an extractive industry is introduced into a community it can have a negative health impact (2). It can lead to the disruption of social connectedness and has been linked to anxiety, depression, insomnia, and lower quality of life. Although not everyone is susceptible to these effects, people who gain a strong sense of identity from the land are most likely to experience negative outcomes (3). Furthermore, this impact is mediated by individuals' perceptions of community disorder and personal powerlessness, particularly their inability to control the activity, where it occurs, and how it is regulated (4).

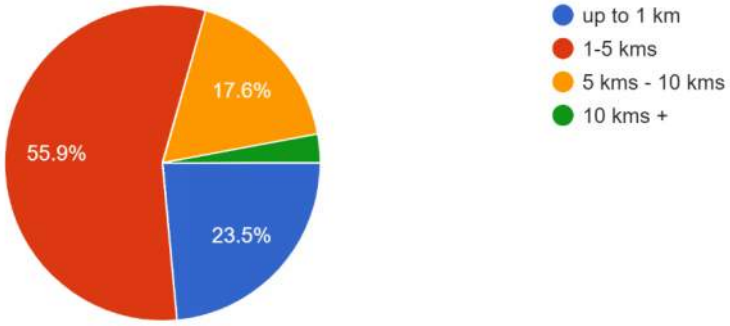
In addition, cross-sectional studies have shown that noise annoyance is strongly associated with mental distress (5).

**Methodology and analysis**

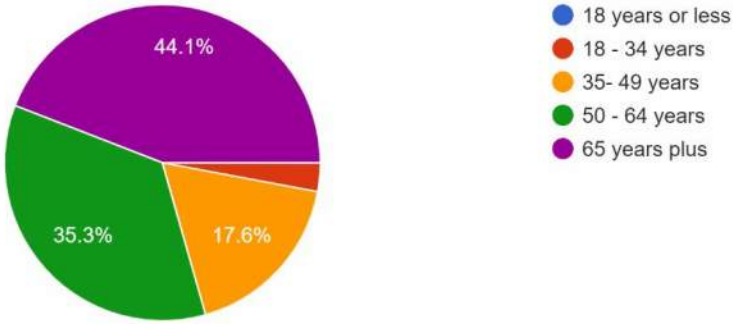
Questions 1-3 in this survey were adapted from the Kessler Psychological Distress Scale (K10). Question 4 was based on the comments made at the community meeting held at the Yabberup Hall on June 9. This survey was made available by the Yabberup Grapevine (email list) and was open for a 4-day period. This is an underestimation of the responses received as a prior version of the survey that was sent out was discontinued. Only comments from that survey have been

included in the appendices. Subsequently I would suggest this a representative sample of the current level of distress within the Yabberup community.

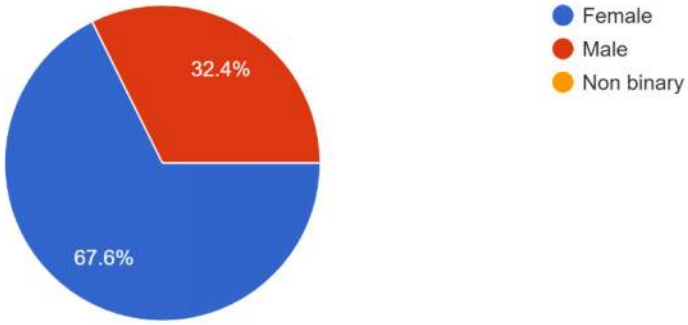
**Who completed this survey?**
A total of 34 responses were received. Most (80%) of the respondents live within 5 kms of the proposed pit with (97%) within 10 kms.



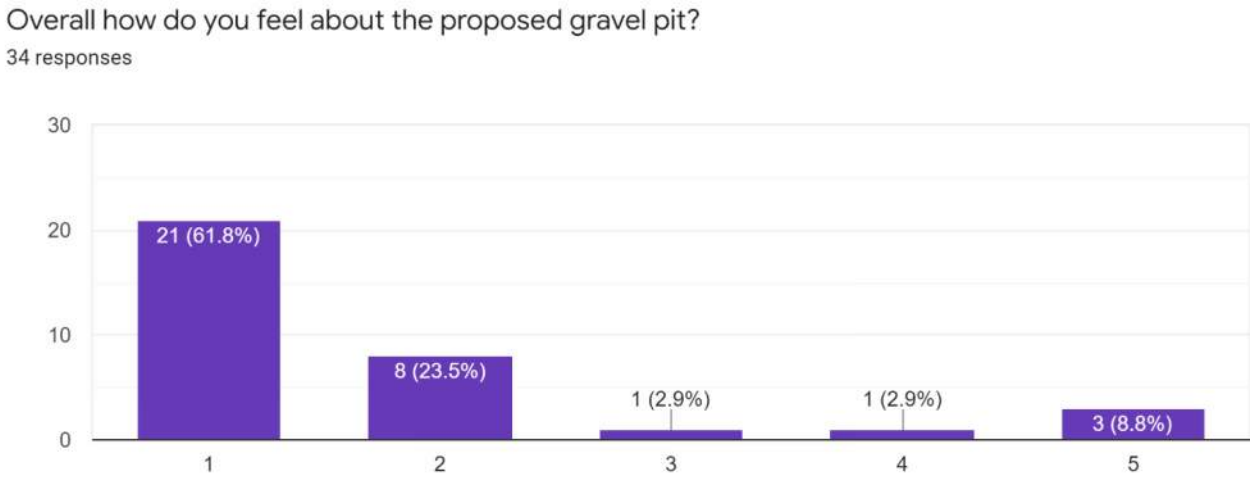

The median age within the Donnybrook shire is 47 years. 79% of respondents to the survey were 50 years or older. It is useful to note that an older population will already have predisposing health conditions which can be compounded by anxiety or depression associated with grief, loss, or illness.




68% of respondents were female while 32% were male.

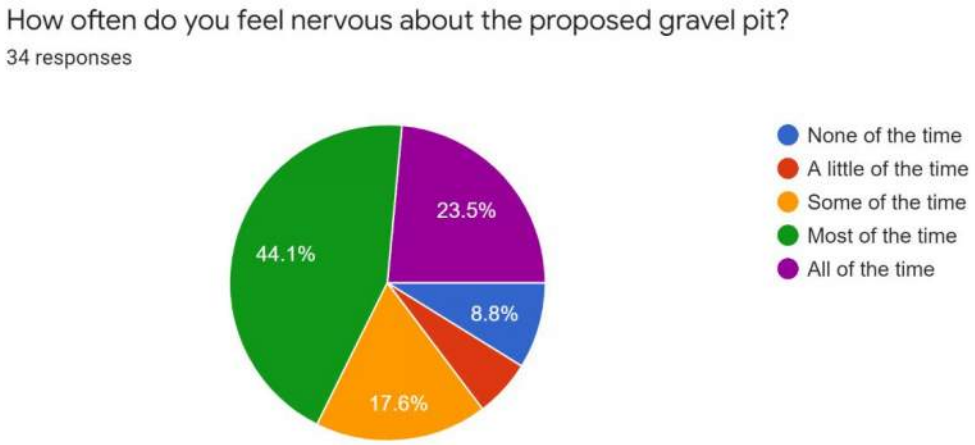


**Results**

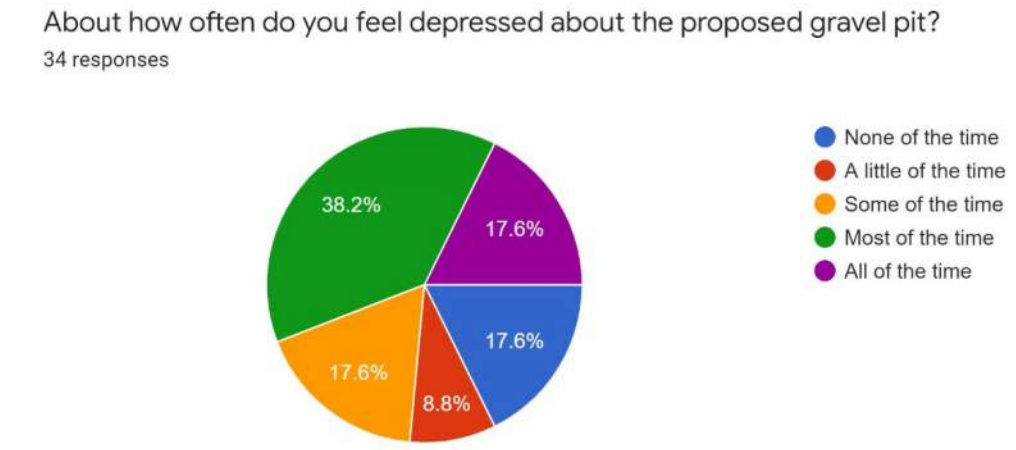



1 = Extremely negative 5 = Extremely positive

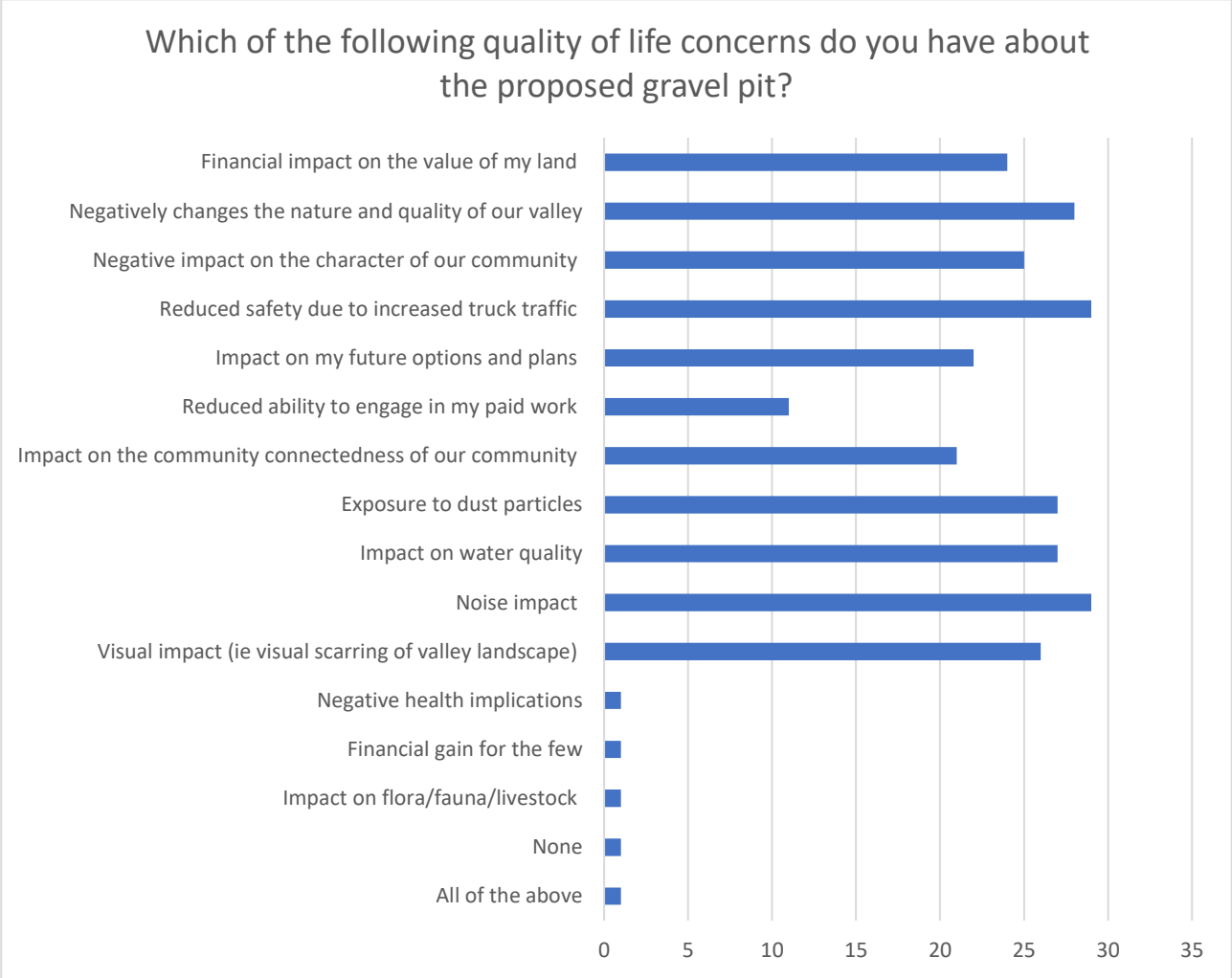
85% of respondents felt negative or extremely negative about the proposal




91% of respondents felt nervous about the proposed gravel pit




82% of respondents felt some degree of depression about the proposed gravel pit




Note. Multiple responses were permissible on this question.

**What impact do you believe the proposed gravel pit will have on your everyday life?**

All but a few respondents identified the gravel pit would have a negative impact of their everyday life. Many comments reflected the points made above about increased noise, traffic, and road safety. Others stated concerns this will directly impact on their businesses, lifestyle and set a precedent for other similar applications in the valley. Environmental impact and loss of amenity were also concerns. For some it has led to thoughts of moving away.

Comments made are included in Appendix 1. Here is a sample:

*"I work in the mining industry and travel to mine sites which are very noisy. We moved to this location for the peace and quiet. The noise from the proposed gravel pit will severely impact my health and wellbeing."*

*"My primary concern is the change from premier agricultural to industry. Secondary, is the value of my property, as my husband and I are in our Late 60's and 70's and will need to downsize and sell within 5-10 years. Thirdly, the constant incessant noise will cause mental issues with my husband especially and then there is the loss of the traditional aspect of our community."*

*"Terrible in every respect. I feel anxious, depressed, and sick just thinking about the prospect of this gravel pit application and of course expect, if forced to live within one km of it, to feel unbelievably worse if the application is approved. Of course, if this happens thoughts of moving away from this area have immediately surfaced with great sadness."*

**What impact do you believe the proposed gravel pit will have on the Yabberup Community/Preston River Valley?**

Consistent with previous research this survey reflected themes of social disruption and personal powerlessness. It changes how people think about and value where they live and how they perceive their future. Comments are listed in Appendix 1. A sample is provided here:

*"It will divide the community. It will disrupt, if not destroy, the desire and ability of those wishing to pursue tourism ventures within the area. It has the potential to negatively impact on water and soil quality (via erosion and silting of the Preston River and by altering the pH of farmland, within a wide radius, through wind borne dust) which will affect food production in this relatively pristine environment. For these and many other reasons, it will impact property values in the region which will have a negative financial and psychological effect on most residents thus completely altering their future plans and aspirations."*

*"The gravel pit will reduced our capacity to be considered a tourist destination of note, and increase the prospect of accidents on the road."*

*"Initiatives by State and Local Government to promote Preston as a tourism (e.g., Preston Art Trail, wineries) and lifestyle destination will be negatively impacted by this proposal. Members of our community who find their quality of life/amenity impacted may choose to leave or suffer stress caused by these impacts. Land values will be affected and the wealth effect of this will impact on the economic wellbeing of the community. Road safety is already a stressful issue with many of my neighbours reporting close calls and accidents, many a result of numerous heavy vehicles utilizing the road. Slow moving, heavily laden trucks entering the traffic flow as well as increased volumes entering the facility will increase the*

*potential for major trauma. I am also concerned about the impact of this on school bus safety."*

*"The financial benefit for one family and a quantity of gravel cannot be regarded as more important than the wellbeing of an entire community."*

*"Endangering our peaceful environment, water quality, duress with road accidents, upset neighbours and home residents. I believe this will be the undoing of our community."*

Opportunity was provided to make any other comments about how the proposed gravel pit has already or will have on your health / mental health. Similar themes to above were again represented with escalating frustration and anger.

*"I feel this gravel pit application is already having a huge negative impact on my health/ mental health as I'm spending as many hours as possible a day researching all the well detailed information on gravel pits and none of it appears to be good. This knowledge then causes me to feel daily fear, panic, sick, depressed, hopeless, sad, and wanting to leave this area if the application is successful. I also feel a daily incredibly angry rage that this application can be legally made in the heart of historically, still currently zoned PRIORITY AGRICULTURAL LAND and within 2-3kms of the thriving well populated Yabberup township. Incredibly, also within 300 metres---5 kms from this proposed gravel pit are many well established viable commercial AGRICULTURAL businesses: cattle/ sheep, orchards, wineries, horticulture, and marron farming. Believing this area to be solely for AGRICULTURAL enterprises areas of truffles have recently been planted. This proposed gravel pit is ON PRIORITY AGRICULTURAL LAND and was once and hopefully still could be with correct management the thriving VINEYARD it once was. This application has already caused us to sadly cancel current building plans on our property until the outcome of this application is known. Building will not go ahead at all if this proposal is accepted by the Shire, due to the fear of over capitalising on our property which will be greatly devalued. Multiply all these daily fears and worries by 100 percent if this enterprise, which is entirely inappropriate and unacceptable in this area is allowed to proceed."*

*"I've been extremely worried about this since I heard of its proposal. We chose to move to Yabberup as it's a hidden gem in the Southwest... it's a little noisy during peak hour with the trucks but apart from that it's a beautiful, quiet piece of country where we wish to raise our family. We didn't choose a suburb that was already commercialised, we chose one that was untouched, barely known and had the beautiful character of bush, an abundance of animals and the Preston River. We would be utterly disappointed if it goes ahead because of these reasons. We were told there would be no development in Yabberup when we bought so it's very unfair and inconsiderate that the Owners would be willing to literally ruin people's livelihoods and homes purely for their own financial gain. That's not community. The fact they want to do this is beyond me."*

*"The third of our land that overlooks the vineyard is suitable for a chalet. It has beautiful views, electricity running past and an existing gravel road for entry. That amenity will be destroyed if a gravel pit occupies the land opposite. At our age, we realize that we may need to sell up in the next 10 years and this development will impact our ability to sell at a reasonable price. This is a great concern to us."*

*"Just a feeling of total frustration at even the consideration of such an application to extract gravel. No consideration to farming neighbours not wider community wanting a clean green environment."*

*"Constant noise would have to be one of the worst impacts for people's wellbeing. It is well known that is why people buy in areas to escape it. Industry cannot avoid this noise. That is why we have ZONED INDUSTRIAL areas outside city limits. You don't see residential homes in the middle of an industrial area. It is completely unfair to dump a giant industrial project amongst a peaceful farming community where the loudest noises, currently, are the baaing of sheep."*

*"Every day it is on my mind with some kind of negative effect. It also affects my outlook on the shire if they were to ignore the human aspect of this and simply placate one business over hundreds of people. It puts them in a very un-empathetic light and makes me less likely to want to support the shire in future ventures."*

*"Unnecessary concern about the granting of licences to companies of unknown shareholders. The lack of community consultation in many instances including this one. The time I have spent on preparing letters to Shire and researching submission forms of objection. The worry that this Shire has already decided on approval thus leaving a feeling of being powerless."*

*"At least it won't be in OUR view, but for the people who have to live next door to it, the noise, dust, destruction of their peace and quiet, the reason they came to live here, all destroyed. They will dread having to come home to it and will be unable to sell as no one will want to live next to this industry. For us, the destruction of the quiet, for 10 years, will be mentally debilitating, and having to hear it all day, instead of hearing the birds and sounds of nature, then spending all night feeling angry and helpless. Of course, it's going to impact our health."*

**Summary**

There was general consensus that the proposed development has caused general angst and uncertainty for local residents. The results reflect themes of social disruption and personal powerlessness. People are concerned the impact of noise on their wellbeing and their safety in using local roads. This proposal has changed how people think about and value where they live and how they perceive their future.

**Appendix 1: Comments**

This is a collation of comments from 3 questions:

- What impact do you believe the proposed gravel pit will have on your everyday life?
- What impact do you believe the proposed gravel pit will have on the Yabberup Community/Preston River Valley?
- Any other comments you would like to make about how this proposal will impact on your mental health and wellbeing?

These have been collated together due to the overlap in responses to all 3 questions.

Text responses:

- Noise, inability to advance my business plan
- Immense
- Stress due to increased traffic on roads I travel daily.
- Increased truck traffic on the road
- Safety on road which I use often. Anger at the impact of this industry in a rural area where tourism is becoming more important. Concern if this proposal gets through what chance a neighbour of mine applies for such a licence.
- None
- Daily driving with extra trucks on the road. Loose gravel stones being on the road causing windscreen damage more often.
- Concern that once this licence is granted other applications could follow thus reducing our quality of life.
- Constant noise will be detrimental to running my tourism business. We have a small winery and the ambience of the tasting experience at the cellar door will be ruined by the constant din of the crushing of rock. As well, the already busy road of the Donnybrook Boyup Brook Road will provide danger for tourists ambling along the valley looking for a gravel turnoff.
- Apart from the business angle, the constant noise will severely affect our quality of life. It is the peace and quiet which attracted us to buy in the area. This will be destroyed. We have enough disturbance already from log trucks which blanket us with dust when they are logging and charging past our vineyard. However, they do not log 52 weeks of the year! I think we can make accommodation for them particularly as they do make an attempt to work with us watering the road and confining their hours of work. I do not see any sign of accommodation by the existing owner of the current proposal.
- As I grow organically, I am outside. Dust concerns me as does increase in road pollution. Future plans to grow food sources.
- Noise of crushers and screens. Trucks and loaders. Will affect my daily life. We moved here for a peaceful life living with nature. Also, safety, pulling out of my driveway with the increased traffic on a 110 kms road. In my opinion it could have a detrimental effect on our wetlands. The water coming off the proposed site directly feeds my wetland area that in turn runs out to the river.
- Potential to destroy the ambience of the rural setting we moved here to enjoy with family and friends.
- It will affect my enjoyment of my property in respect of the natural quality of the valley.
- Apart from all the obvious physical & environmental impacts, it's the fact that the majority of the local folk DONT want the gravel pit and that should be the deciding factor.

- My primary concern is the change from premier agricultural to industry. Secondary, is the value of my property, as my husband and I are in our Late 60's and 70's and will need to downsize and sell within 5-10 years. Thirdly, the constant incessant noise will cause mental issues with my husband especially and then there is the loss of the traditional aspect of our community.
- Cheaper gravel for maintaining roads
- Very angry that the council should even consider letting this beautiful land into a mining venture
- Medium impact
- We all work from home. Noise, phone calls. Husband records videos during work time. Son works for a National Call centre. We also have an old orchard we wish to regenerate, spray free trees and fruit salad home orchard and grow our own vegetables. Duress with how this will affect our water source and good source. Reversing beepers on machinery will drive me to distraction.
- The noise of reversing trucks and machinery echoing through the valley will affect anyone within a 7km radius and beyond
- Noise, dust, water quality
- Truck traffic and probable dust and noise
- Dust and breathing issues
- It will increase noise, which will have a negative impact on the mental health on locals such as myself and increase truck traffic which will make it more dangerous to enter and exit Yabberup road.
- The increased amount of truck traffic, noise pollution and environmental impact will cause depression and anxiety
- Noise, dust, professional video footage for my work affected by sound of machinery,
- An extremely negative one. I am greatly concerned about the negative environmental impact of any excavation works on that property. It holds one of the state's largest privately owned dams, by volume, which means there is a tremendous amount of water which traverses that property. This flows onto my property.
- Terrible in every respect. I feel anxious, depressed, and sick just thinking about the prospect of this gravel pit application and of course expect, if forced to live within one km of it, to feel unbelievably worse if the application is approved. Of course, if this happens thoughts of moving away from this area have immediately surfaced with great sadness. We have lived in the Preston Valley since 2006 We moved here to live amongst and enjoy the clean, lush, green, quiet mixture of agriculture and native jarrah/ marri forest that surrounds us. There is an abundance of fresh water in our area with the pristine Preston River flowing through the Valley, the incredible Wellington National Park and Wellington dam, beautiful Collie River Valley and the Glen Mervyn Dam, all just a few kilometres away. A high annual winter rainfall fills many private dams on agricultural land making this a truly unique area which must be preserved.
- Serious loss of our clean air and water, and enjoyment of the peaceful countryside that we moved here to enjoy in our retirement.
- More trucks going up and down the road. Feeling that the area is not developing in the way I would have hoped.
- I work in the mining industry and travel to mine sites which are very noisy. We moved to this location for the peace and quiet. The noise from the proposed gravel pit will severely impact my health and wellbeing.

- Concerned with danger of trucks pulling out onto highway, with speed Limit already too high through Yabberup, and general noise of trucks on highway and at the pit. Visual outlook will also be of concern as the beautiful hills are ripped up and will be years from coming back to green vegetation.
- Health concerns from increased diesel fumes and dust particles, not only for me but for young children in the area and for the animals, domestic and Wildlife, in the area.
- Noise impact
- This is just the start, and he will turn it into a Lithium mine
- Truck movements through Ferguson valley. There are no passing lanes. A hazard to cyclists, a hazard large, long vehicles to pedestrians at Gnomesville, also noise.
- We will now be living with constant noise, road traffic and dust. we have recently moved to the area to enjoy the peaceful rural life and we are in direct line for the noise and dust from this proposed gravel pit. We are also concerned about the native fauna with numerous endangered cockatoo species living and nesting in this area.
- Negative impact on the quality of life we experience in a rural, agricultural environment. We bought our land in the context of the designated land use established by the DB Shire and constantly feel that this project will detract from our way of life. I am also very concerned about road safety. Already many of my neighbours have had close calls with heavy vehicles using the main road. Slow moving, heavily laden trucks entering the stream of traffic close to our point of entry will significantly increase risk. Also concerned about the potential for school bus to be involved. The road would need a significant upgrade to reduce this impact.
- Concern about road trips down Boyup Brook Road and the possibility of trucks taking a short cut through Ferguson Road to Bunbury
- Noise (Distance between our properties is only 650m) Loss of rural view of tree trees and hillside Dust in air and river Run off from removed and replaced soil taking mud and gravel into the river which is our animals' drinking supply.
- The noise factor and huge concerns about the safety of the road with additional trucks coming and going 5 days a week.
- One third of our block faces South overlooking the existing vineyard. There will be dust, noise, and visual impact on our land if the gravel pit goes ahead which will diminish our enjoyment of it.
- Massive increase in noise pollution to my property. Quality of water flowing from that pit to my property will affect my farm immensely. Increase in dust which will affect my health and that of my animals. Large increase in heavy and light traffic, increasing safety risks on the road. All of this has me very anxious about my quality of life and to the potential damage to the fertile land on which I live.
- Dismay at realising Priority Agriculture zone means little. Worry about what might be approved on my border. Increased truck movement with its attending dangers.
- The noise, especially reversing beeping, and machinery, it’s annoying enough when any roadworks happens on Boyup Brook Rd, but this will be going on for 10 years, and noise is amplified in this valley. Also, the extra trucks causing MORE safety issues, bad enough with the current traffic of big double trucks.
- Traffic past my place is already bad.
- I believe the impact will be negative potentially i.e., visual impact, noise, water and soil quality, dust, divide the community, impact future options and plans, road safety, devalue land prices.
- More trucks to deal with on the road. Also, loose rocks causing windscreen damage

- Safe travel on Boyup Brook Road will not be guaranteed. There are no passing lanes and a high-speed limit
- Absolutely none
- In terms of a broader impact concerns were around change in purpose from agriculture and tourism to mining.
- Changes our community from an agricultural / tourism focus to mining.
- No longer a beautiful valley.
- Negative. Flys against the rural nature and tourism bent that has been worked on by so many. The Shire needs to hear the anger this creates amongst the residents and listen to their concerns. Really listen. So tired of the Donnybrook centric approach of the council.
- Immeasurable
- It should be Priority Agriculture. It means all the work done to protect this environment goes out the window. It will lead to an angry resentful community who trust little in Local Government and our CEO if licence is granted.
- None
- A lot. Our area is not the right area for this sort of operation
- Anger that Promote Preston's hard work to save and enhance our valley will be negated.
- Initiatives by State and Local Government to promote Preston as a tourism (e.g., Preston Art Trail, wineries) and lifestyle destination will be negatively impacted by this proposal. Members of our community who find their quality of life/amenity impacted may choose to leave or suffer stress caused by these impacts. Land values will be affected and the wealth effect of this will impact on the economic wellbeing of the community. Road safety is already a stressful issue with many of my neighbours reporting close calls and accidents, many a result of numerous heavy vehicles utilizing the road. Slow moving, heavily laden trucks entering the traffic flow as well as increased volumes entering the facility will increase the potential for major trauma. I am also concerned about the impact of this on school bus safety.
- I do not know of anyone, apart from the current owner, who has a good word to say about this proposal. It will destroy the peace and neighbourly interactions of the residents with everyone very disturbed about this proposed pit. There will be a number of homes for sale with a consequential drop in values. The mental disturbance of constant, loud noise will have a huge impact on the health of the residents.
- Community shares food sources, this could deeply impact this by way of dust particles on food grown. Already deals with the threat of road carnage. This will only increase this.
- It will distress people on a daily basis. People will worry about the water and the river. Dust, noise.
- Change the way they think about their home and area. That it will lower the value of their property.
- It will divide the community. It will disrupt, if not destroy, the desire and ability of those wishing to pursue tourism ventures within the area. It has the potential to negatively impact on water and soil quality (via erosion and silting of the Preston River and by altering the ph. of farmland, within a wide radius, through wind borne dust) which will affect food production in this relatively pristine environment. For these and many other reasons, it will impact property values in the region which will have a negative financial and psychological effect on most residents thus completely altering their future and aspirations.
  The financial benefit for one family and a quantity of gravel cannot be regarded as more important than the wellbeing of an entire community.

- It will increase the traffic making the area into an industrial zone.
- The Yabberup community isn't ONE person or one family, we don't get thugged/pushed around to enable the greed of one family; nearly ALL of Yabberup stood in protest AGAINST the gravel pit and that should be the power of community; the basic building blocks of human society, the next stop up the social ladder from immediate family. For the health & growth of the community let community do its job! That easy!
- The gravel pit will reduce our capacity to be considered a tourist destination of note and increase the prospect of accidents on the road.
- Any mining should not be considered in a Housing area
- High impact
- Endangering our peaceful environment, water quality, duress with road accidents, upset neighbours and home residents. I believe this will be the undoing of our community.
- The extra traffic on an already busy road will make it more dangerous
- Safety on the road, ground water quality and noise, land value.
- This area is primarily an agricultural area, not industrial. Keep it that way.
- Very bad and very concerning health issues.
- The destruction of our natural ecosystem and destroying the level of natural gravel drainage in good farming soil. It may be a gateway to possible lithium mining in future which all the locals protest heavily against.
- Devalue our land and community. Effect wildlife habitat.
- Overall negative impact.
- I simply believe it will be an environmental tragedy.
- I believe this proposed gravel pit will have a devastating effect on the Yabberup Community/Preston River Valley AND surrounding beautiful small country towns. I believe many families, farmers, businesses, and retirees will leave the Yabberup Community and the Preston Valley if they are able to, if this application is approved.
  I believe that the proposed removal of 74.000 tons of gravel annually with 22 working days ,7am-5pm per month, over 8-10 years will devastate the Preston Valley and the small country towns this gravel is trucked through. These towns are already badly affected by the excessive numbers of large trucks thundering down their main streets.
- Serious loss of the district's clean air and water, and enjoyment of the peaceful countryside that so many locals moved here to enjoy.
- It will distress people on a daily basis. People will worry about the water and the river. Dust, noise. Change the way they think about their home and area. That it will lower the value of their property.
- Nothing beneficial for the surrounding community. Financial gain of the gravel for the Shire will be offset by the costs of needing to maintain roads more often.
- We use the road every single day, four of us, twice per day and live right on the Donnybrook Boyup Road.
- Time spent in writing letters and talking to Shire staff and Councillors is not conducive to my wellbeing. So frustrating dealing with staff with no idea where this gravel extraction will take place.
- None.
- I am severely asthmatic; the dust will affect my daily life. Also, the concern for our ground water. this is the only source of water on our property
- Just a feeling of total frustration at even the consideration of such an application to extract gravel. No consideration to farming neighbours not wider community wanting a clean green environment.

- Even the thought of this development is depressing. We are at an age where we may have to move from our place within the lifetime of this pit and it may substantially affect land prices to the point our future plans will be affected. We also chose to live in the valley (arrived 1982) for the rural environment not to be located near a gravel mine.
- Constant noise would have to be one of the worst impacts for people's wellbeing. It is well known that is why people buy in areas to escape it. Industry cannot avoid this noise. That is why we have ZONED INDUSTRIAL areas outside city limits. You don't see residential homes in the middle of an industrial area. It is completely unfair to dump a giant industrial project amongst a peaceful farming community where the loudest noises, currently, are the baaing of sheep.
- Has already impacted my health by dealing g with the potential for more noise particularly in a valley plus truck movements in the mornings.
- Personally, having so much noise 6 days a week, I don't know how I will cope as I'm home almost every day. The dust coming on my property and covering my roof, cars, clothes line etc. It will be an eyesore on a very open property on a well-used road, with lots of tourists passing every day.
- It worries me at a time when there are climate concerns and health matters.
- The Local council member was present at the Yabberup Meeting, he proved his inability to listen/communicate; when hands were raised to display the level of opposition to the Gravel Pit, he was asked how that display would/could affect his decision and his reply was all about the bureaucratic process that has to take place before decisions are made! What the hell is going on, again we the community of Yabberup will not be bullied by individuals or antiquated political paradigms! The next meeting should be about instigating change in the local shire councils; they have their own agenda!
- The worry about this change of my environment and vista has been measurable. I lose sleep thinking of what else or who else I can implore to help prevent this travesty. My husband has Alzheimer's and this change of aspect and the danger of more trucks in this road is concerning. We enjoy a tranquil, beautiful bucolic environment now and have done, by choice for 16 years
- Little concern. In comparison to other industries or extractions I don't feel the impact is too high. No one wants anything in their back yard, but we still need resources to maintain roads etc and impact from current land uses such as vineyards, plantations and farming stand to cause problems too, but this is often overlooked as aesthetically they look nicer.
- My husband has very bad Asma
- I am very anxious about this gravel pit. From my kitchen window will be able to see. The noise and impact on the environment is huge and totally lack of trust with the Shire as to me it is not all about dollars. Our lifestyle has been one I've proudly raised our children in and now very, very concerned.
- Will the water be safe to drink?
- Moved to this area for a better quality of life, peace of mind and all this could be impacted
- Depressed and health issues
- I am worried about the impact on our local ecosystem, which stresses me, and development of our beautiful valley of integral farmland into an industrial area.
- Anxiety about how this will affect my way of life in the Yabberup community and the devaluation of my property
- Every day it is on my mind with some kind of negative effect. It also affects my outlook on the shire if they were to ignore the human aspect of this and simply placate one

business over hundreds of people. It puts them in a very un-empathetic light and makes me less likely to want to support the shire in future ventures.

- At the most inopportune time of my life, this gravel pit proposal has affected me very negatively.
- I feel this gravel pit application is already having a huge negative impact on my health/ mental health as I'm spending as many hours as possible a day researching all the well detailed information on gravel pits and none of it appears to be good. This knowledge then causes me to feel daily fear, panic, sick, depressed, hopeless, sad, and wanting to leave this area if the application is successful. I also feel a daily incredibly angry rage that this application can be legally made in the heart of historically, still currently zoned PRIORITY AGRICULTURAL LAND and within 2-3kms of the thriving well populated Yabberup township. Incredibly, also within 300 metres---5 kms from this proposed gravel pit are many well established viable commercial AGRICULTURAL businesses: cattle/ sheep, orchards, wineries, horticulture, and marron farming. Believing this area to be solely for AGRICULTURAL enterprises areas of truffles have recently been planted. This proposed gravel pit is ON PRIORITY AGRICULTURAL LAND and was once and hopefully still could be with correct management the thriving VINEYARD it once was. This application has already caused us to sadly cancel current building plans on our property until the outcome of this application is known. Building will not go ahead at all if this proposal is accepted by the Shire, due to the fear of over capitalising on our property which will be greatly devalued. Multiply all these daily fears and worries by 100 percent if this enterprise, which is entirely inappropriate and unacceptable in this area is allowed to proceed.
- I have high blood pressure, so it's not just the anxiety of what could happen, but should the quarry be approved, the daily intrusion into our very lives can be expected to cause significant mental and physical health problems. Furthermore, as an Emeritas Professor I still do research and other academic work, and being just 650m from the quarry, I do not see how I can still do this with the extraction and loading of gravel up to 12 hours a day, the additional road noise (including reversing horns) and a gravel crusher in action.
- I do not support the gravel pit going ahead and I hope Shire Counsellors can represent the local community effectively.
- I am concerned about the local fauna and the impact that the dust and noise will have on the breeding grounds of the endangered cockatoos. these cockatoos take decades to adjust to new feeding and breeding grounds.
- Worried for the future that it may open up other businesses to mine land in the valley, therefore affecting further flora and fauna habitats and the river.
- Worries about if this is just a gateway to lithium mining in the area, which will be a long-standing project and neither myself or any of the locals want.
- The noise, extra traffic on the road, dust and the quality of ground water and rainwater
- I think it is a good idea
- During the six weeks yearly of crushing. Tonnes crushed per hour are going to be around 200t/hour to meet peak 75000t. Noise in the valley is going to be significant.
- We are very anxious and concerned about ours and others lifestyles with the constant noise and dust.
- Unnecessary concern about the granting of licences to companies of unknown shareholders. The lack of community consultation in many instances including this one. The time I have spent on preparing letters to Shire and researching submission forms of objection. The worry that this Shire has already decided on approval thus leaving a feeling of being powerless.

- We are beside ourselves with anxiety that we won't be able to stand living so close to an active quarry which will have so devalued our property that we could only move to a similar house by using the remaining capital of our superannuation, thus becoming wholly dependent on the old age pension.
- I've been extremely worried about this since I heard of its proposal. We chose to move to Yabberup as it's a hidden gem in the Southwest... it's a little noisy during peak hour with the trucks but apart from that it's a beautiful, quiet piece of country where we wish to raise our family. We didn't choose a suburb that was already commercialised, we chose one that was untouched, barely known and had the beautiful character of bush, an abundance of animals and the Preston River. We would be utterly disappointed if it goes ahead because of these reasons. We were told there would be no development in Yabberup when we bought so it's very unfair and inconsiderate that the Owners would be willing to literally ruin people's livelihoods and homes purely for their own financial gain. That's not community. The fact they want to do this is beyond me.
- The third of our land that overlooks the vineyard is suitable for a chalet. It has beautiful views, electricity running past and an existing gravel road for entry. That amenity will be destroyed if a gravel pit occupies the land opposite. At our age, we realize that we may need to sell up in the next 10 years and this development will impact our ability to sell at a reasonable price. This is a great concern to us.
- I think the gravel pit will have an overall positive effect bringing industry, jobs, and money to the community.
- Concern for my neighbours who live closer. Concern that our Shire does not listen to residents' concerns and don't act on our behalf Extreme frustration at this application even being considered after all the work done to promote our area
- It is extremely worrying for the entire valley. Does not agree with Shires strategic plans for future of Donnybrook at all!
- At least it won't be in OUR view, but for the people who have to live next door to it, the noise, dust, destruction of their peace and quiet, the reason they came to live here, all destroyed. They will dread having to come home to it and will be unable to sell as no one will want to live next to this industry. For us, the destruction of the quiet, for 10 years, will be mentally debilitating, and having to hear it all day, instead of hearing the birds and sounds of nature, then spending all night feeling angry and helpless. Of course, it's going to impact our health.
- More noise more stress and anxiety
- It would and has added more anxiety and uncertainty impacting negatively on my mental health.
- Really happy the gravel pit is going ahead. Great opportunity for owner to get more value from his land.
- Profoundly life changing effects … our lives will be forever changed by the pounding of gravel carting trucks past our door and the reduced safety of travelling along a road we drive each day which now carries gravel trucks
- I am severely asthmatic, so extra dust could be a concern for me
- I worry that this can happen
- Depressed
- None
- My husband has asthma, and any kind of mining will have very bad breathing problem

**Submission Form**

**Notice Of Application For Development Approval (P25035)**

**Extractive Industry Sand**

**Lots 10 (2038) Donnybrook Boyup Brook Road,**

**Yabberup**

**Promote Preston** is a sub-committee of the Yabberup Community Association and is focused on building the economic, environmental and social capital of Preston River Valley.

Preston River Valley covers the localities of Charley Creek, Thompson Brook, Queenwood, Lowden, Yabberup, Mumballup, Glen Mervyn and Noggerup within the Shire of Donnybrook-Balingup.

We strongly object to the submitted Notice of Application For Development Approval (P25035) Extractive Industry Sand Lots 10, 2051, 3671, 2064 (2038) Donnybrook Boyup Brook Road, Yabberup which would allow for 88,000 tonnes of sand to be taken from this site in addition to gravel. We also provide the following comments for the Shire of Donnybrook-Balingup Council's (Council's) consideration.

- The expansion of the Wellington National Park was undertaken in recognition of the strategic plan proposed by Promote Preston (subcommittee of the Yabberup Community Association, of which I am a founding member) recognising the tourism potential for linking the Preston River Valley with Donnybrook, the Ferguson Valley and Collie. Yabberup and surrounds is now the southern boundary to the park.
- $3.35 million has accompanied the expansion. Promote Preston is currently working with the Department of Biodiversity, Conservation and Attractions to develop a day use area in the Preston River Valley region.
- Promote Preston and the Donnybrook-Balingup Shire have a shared vision to develop the rail trail between Donnybrook and Mumballup/Noggerup. This initiative is now more likely with the WA Government making an election promise at the 2025 election to reverse the privatisation of the rail network. The railway line runs in front of the proposed excavation site.
- Promote Preston is committed to the revitalisation of 'Lords' recreation area including nature play just down the road from the extraction area near the Yabberup Hall. Having extra trucks on the road is not conducive for safe placemaking.
- We have been successful in gaining funding to produce a website promoting Preston River Valley and have launched a website (www.prestonrivervalley.net.au). It is problematic to promote a positive, eco-friendly region that has a major extractive industry front and centre.

**SUBMISSION FORM**

**NOTICE OF APPLICATION FOR DEVELOPMENT APPROVAL**
**EXTRACTIVE INDUSTRY – GRAVEL**
**LOTS 10, 2061, 3671, 2064 (2038) DONNYBROOK-BOYUP BROOK RD, YABBERUP**

**Response to Application:** **OBJECT**

**Comments:**

**Proposal**

*P22022: Extractive Industry – Gravel* development application (**'the proposal'** consisting of the *Application and Environmental Management Plan*; *Weed Management Plan*; *Water Management Plan*; *Noise Management Plan*; and *Dust Management Plan*) has/had a number of obvious, and not inconsequential, errors and inconsistencies including, for example, a reference to the proposal being prepared for B&J Catalano Pty Ltd (in the initial version of the proposal), and a discrepancy in the proposed operating hours and days (the *Application and Environmental Management Plan* states '7am to 5pm Monday to Friday excluding public holidays', whereas the *Noise Management Plan* states multiple times 'from 0700 – 19:00 Monday to Friday and 0700 – 16:00 on Saturdays).

There also appears to be some inconsistency between the proposed extraction stages as outlined in the *Application and Environmental Management Plan:*

**Table 3:**
- Notes Stage 4 (4.9ha) only – no part (a) and (b)
- Notes Stage 5 (6.6ha)
- Notes Stage 6 (7.1ha)

**Figure 3:**
- Notes Stage 4a (1.9ha) and Stage 4b (3ha) – do stage (a) and (b) occur in parallel or sequentially? What impact does this have in the steps and timing as per Table 3?
- Notes Stage 5 (6.35ha) – inconsistent with Table 3
- Notes Stage 6 (6.59ha) – inconsistent with Table 3

With these types of errors and inconsistencies, it would be reasonable to question what other information in the proposal may be incorrect, and what the severity and impact of those inaccuracies may be. It would also be reasonable to proposition that it should not be the role of the community to proof the proposal for errors and inconsistencies, and nor should the community be put in the position of preparing submissions in response to a proposal when the information is unclear and therefore the subsequent impacts cannot be firmly established.

As a side note, during the **resident meeting on 09 June 2022, the proposal representative (Mr. Edward 'Mick' Stroud) was unaware of the discrepancy in operating hours, and when quizzed on the matter declared it would be 08:30 to 15:30.** The correct hours should be reflected in the formal proposal and/or (in the event the proposal is approved) in the conditions of approval.

It would also be prudent to note the distinction between modelling, estimates and assumptions. The proposal appears to be largely based on assumptions, though not specifically called out as such in the proposal, with few actual estimates firmly based on any operational planning included in the proposal. There appears to be an absence of robust modelling, with the proposal lacking any detailed ramp-up and operational modelling – a fact that was highlighted at the resident meeting on 09 June 2022, during which many of the proposal representative's responses when questioned on aspects of the proposal were flippant and casual in nature, and often included commentary to the effect of "I/we don't know, but we had to include something in the proposal".

An example being that while the proposal includes some information regarding the type of vehicles (acknowledging each Appendix appears to note different vehicles), it does not appear to include any consolidated details of the full fleet of truck and auxiliary and light vehicles that will be required for the operation (as well as the cumulative impact of the full fleet), and nor does it include any ancillary buildings such as ablutions. The number of people to staff the operation is also not included. And while the proposal notes 'average of 17 truck trips (in total) per day', it is unclear whether this is 17 trucks performing one moment, or fewer trucks performing multiple movements, and whether one trip is one-way or a return trip. The details of which has the potential to significantly vary the size and impact of the operation.

Question 1: upon receiving a proposal of this nature, does the Shire assess it to ensure it meets a minimum standard prior to accepting the proposal and putting it out for community comment?

Question 2: if yes to Question 1, did the Shire complete an assessment on this occasion?

Question 3: if an assessment was completed (Question 2), did the Shire deem that the proposal was satisfactory to progress?

Given the impact on the community, it would be fair to expect a proposal of this nature to be held to the highest standard. It makes it difficult to submit a response when the proposal lacks detail and/or the details are inconsistent, erroneous and/or unclear.

**Operations and monitoring**

During the resident meeting on 09 June 2022, the proposal representative noted that he/they may manage the operation himself/themselves. When queried on his/their experience with extraction, stripping and crushing etc., it was remarked that a contractor may actually be engaged to manage and undertake the operation. This is another significant factor that is unclear.

Question 4: given the knowledge and expertise required for extractive operations, as well as to implement, manage and monitor the various environmental management plans, including weed, water, noise and dust, what remit and responsibility does the Shire have to ensure any approved operation is managed and performed by a suitably qualified person/organisation?

Question 5: and at what point is this (Question 4) considered and addressed as part of the approval process?

Question 6: with regards to rehabilitation, noting that the proposal is structured around stages, with progressive rehabilitation of one stage scheduled to occur in parallel with, and be completed after, the stripping, crushing and stockpiling of the subsequent stage (*Application and Environmental Management Plan*, Table 3), in the event the proposal is approved, what criteria and measures will the Shire have incorporated in the conditions of approval with regards to rehabilitation and the progression from one stage to another? In other words, how will the Shire ensure the responsible, timely and successful rehabilitation of each area as extraction progresses from one stage to the next?

Question 7: should the proposal be approved, what independent, regular monitoring practices will the Shire engage and enforce to ensure operational compliance with the proposal and associated environmental management plans, including weed, water, noise and dust, as well as any conditions of approval?

**Other commentary**

With particular reference to the Purpose and Objectives of Priority Agriculture Zone (*Local Planning Scheme No.7* c.3.6.1 and c.3.6.2), coupled with the Shire's own vision of 'a proud community enjoying our rural lifestyle, culture heritage and natural environment', the proposal inherently conflicts with the fabric and intent of the area.

Of upmost concern and obligation should be the protection against potential harm to the Preston River and neighbouring water supplies and soil quality; the impact of dust on agricultural endeavours in the area; the potential impact on plant and animal biodiversity; and the adverse impact of noise for those in the proximity of the site. An extractive industry, and the current proposal, is not consistent with the integrity of the area, both in the immediate term, as well as for what may unfold in future.

During the resident meeting on 09 June 2002, the Shire representative confirmed there is no material financial benefit to the community (given the Shire only receives a small application fee and an annual licencing fee of approximately $800 per annum, should the proposal be

approved). Given the short-term negative environmental impacts, as well as the potential for adverse environmental impacts over the medium to long term, while also acknowledging other real and potential societal and community impacts over a minimum of ten years, it would be fair to question what benefit is to be gained for the Donnybrook-Balingup community should the proposal be approved, and would that benefit justify the risks and adverse impacts of the proposal, particularly with consideration for the fact that the very nature of the proposal is inconsistent with the zoning and Shire's vision statement?

Question 8: will the Shire complete a cost (risk)-benefit analysis of the proposal as part of the approval process?

Question 9: appreciating that the proposal is shared with other state government departments and authorities, given the complexity of what should be a comprehensive proposal of this nature, the fact that the proposed operation is not consistent with Priority Agriculture zoning, and the real and potential adverse impacts of extractive industry, has the Shire considered having a peer review conducted on the proposal and the associated environmental management plans, including weed, water, noise and dust?

While not strictly material to the proposal per se, another concern was the Shire's limited community engagement. While it may be presented that a 'conservative' approach was adopted with regards to the application of a 1km boundary, the legislation merely establishes the minimum obligation, and there does not appear to be anything prohibiting the Shire from adopting what could be reasonably considered (given the nature of the proposal and the impact on the surrounding areas) a more suitable, community-focused and inclusive engagement approach i.e. actively engaging with all Yabberup residents, as well as the broader Donnybrook-Balingup community.

**Summary statement**
With consideration for the points briefly outlined above, we currently **object to the *P22022: Extractive Industry – Gravel* development application**.

It is our hope that the Shire exercises its discretion to reject the proposal and continues to work towards a proud community enjoying our rural lifestyle, cultural heritage and the natural environment, both today and into the future.

As Yabberup residents, we would appreciate formal responses to the nine questions asked above, as well as being kept informed as to the progress of the proposal.

Thank you.

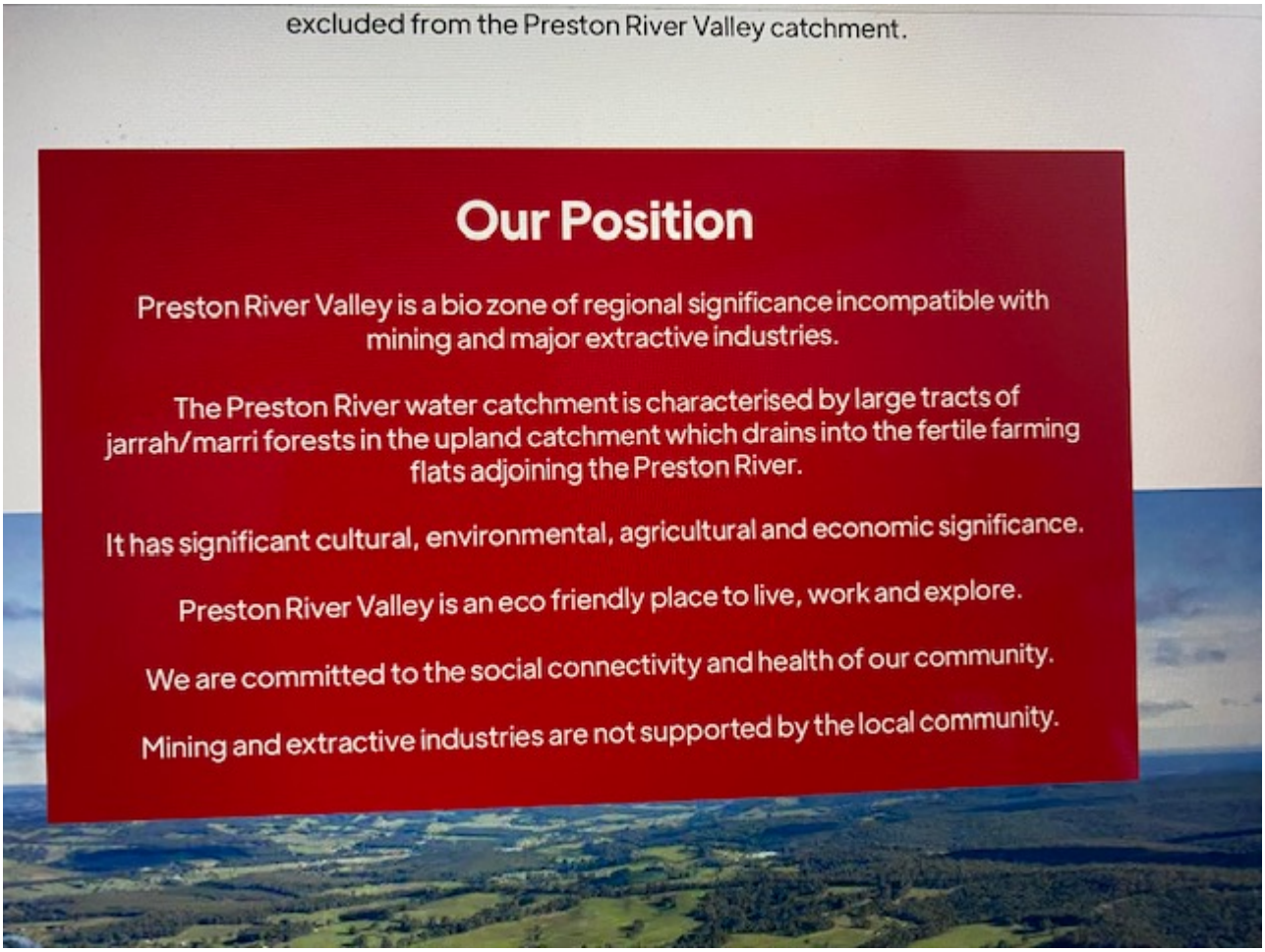
Good Morning,
I wish to object strongly to any further approvals for either gravel or sand extraction on this property.

I have voiced my disapproval previously and attended meetings held by our Preston River Progress group. These licences go against all zoning regulations, a heritage overlay and the community wishes.

The gravel permit should never have been granted and to prevent further damage and insults to the Preston community I request this amendment to allow sand extraction be voted against. Your assistance in preventing further degradation to our area would be appreciated.

A question to the applicant about how the
Collies Future Fund donation of $300,000 towards a 'luxury event and accommodation venue' was spent and how exactly this gravel and sand extraction industry work harmoniously?

A definite no from me and a reminder of how hard locals work to promote this area for agriculture and tourism.


excluded from the Preston River Valley catchment.
Our Position
Preston River Valley is a bio zone of regional significance incompatible with mining and major extractive industries.
The Preston River water catchment is characterised by large tracts of jarrah/marri forests in the upland catchment which drains into the fertile farming flats adjoining the Preston River.
It has significant cultural, environmental, agricultural and economic significance.
Preston River Valley is an eco friendly place to live, work and explore.
We are committed to the social connectivity and health of our community.
Mining and extractive industries are not supported by the local community.

Sent from my iPhone

Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

| | |
|---|---|
| Addressee's ref: | P25035 |
| Our ref: | ADV- 10008995 |
| File no: | A00008-25 |
| Enquiries: | Sandy Curtis (08) 6551 7952 |

Gabriella Hayward
Planning Officer
Shire of Donnybrook Balingup

Email: gabriella.hayward@donnybrook.wa.gov.au

Dear Ms Hayward

**REQUEST FOR COMMENT – AMENDMENT TO APPROVAL P22022 TO INCLUDE SAND EXTRACTION, LOCATED AT LOT 10 (2038) DONNYBROOK BOYUP BROOK ROAD, LOWDEN**

Thank you for your inquiry dated 11 July 2025 seeking comment from the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Conservation Team, regarding the proposed amendment to Approval P22022 to include sand extraction, located at Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden.

A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage places or registered sites.

DPLH Aboriginal Heritage Conservation does not have any objections to the proposed amendment to Approval P22022 to include sand extraction. Please note that limited Aboriginal heritage surveys have been completed over the subject land and, as such, it is unknown if there is Aboriginal heritage present. Therefore, the applicant needs to be made aware of their obligations under the *Aboriginal Heritage Act 1972*.

DPLH also advises the applicant and the Shire of Donnybrook Balingup regularly checks Aboriginal Cultural Heritage Inquiry System (ACHIS) should new Aboriginal heritage be reported within the subject area.

Should you have any queries regarding this advice please contact Sandy Curtis, Senior Heritage Officer, at Sandy.Curtis@dplh.wa.gov.au or on (08) 6551 7952.

Yours sincerely

Sandy Curtis
Senior Heritage Officer
11/08/2025

## Cecilia Muller

**From:** MacLeod, Rashidah <Rashidah.MacLeod@pta.wa.gov.au>
**Sent:** Wednesday, 20 August 2025 3:19 PM
**To:** SM planning
**Cc:** Gabriella Hayward
**Subject:** RE: Public Transport Authority Referral Response - Development Application - P25035 - Lot 10 Donnybrook Boyup Brook Road, Lowden

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Some people who received this message don't often get email from rashidah.macleod@pta.wa.gov.au. Learn why this is important

OFFICIAL

Hi Gabriella,

**RE: Proposed Amendment Development Approval P25035 to Include Sand Extraction - Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden**

Thank you for your email dated 10 July 2025, the Public Transport Authority (PTA), has no objection to the above proposal to include sand extraction to the existing Approval P25035 which includes Condition 1 for temporary land use.

The PTA requests a copy of the Shire's final determination sent to wapcreferrals@pta.wa.gov.au

Kind regards,

**Rashidah MacLeod**
**Senior Transport and Land Use Planner | Infrastructure Planning and Land Services**
Public Transport Authority of Western Australia
Public Transport Centre, West Parade, Perth, 6000
PO Box 8125, Perth Business Centre, WA, 6849
Tel: (08) 9326 5658 Fax: (08) 9326 2000
Email: Rashidah.MacLeod@pta.wa.gov.au | Web: www.pta.wa.gov.au

*The Public Transport Authority of Western Australia cannot accept any liability for any loss or damage sustained as a result of software viruses. You must carry out such virus checking as is necessary before opening any attachment to this message. The information in this email and any files transmitted with it may be of a privileged and/or confidential nature and is intended solely for the addressee(s). If you are not an intended addressee please notify the sender immediately, and note that any disclosure, copying or distribution by you is prohibited and may be unlawful. The views expressed in this email are not necessarily the views of the Public Transport Authority.*

Department of
**Primary Industries and Regional Development**
GOVERNMENT OF WESTERN AUSTRALIA

Your reference: P25035
Our reference: LUP 2216
Enquiries: Leon van Wyk

Gabriella Hayward
Planning Officer
Shire of Donnybrook-Balingup
PO Box 94
DONNYBROOK WA 6239
gabriella.hayward@donnybrook.wa.gov.au

28 July 2025

Dear Gabriella

**COMMENT: Notice of application for development approval P25035 - Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden**

Thank you for the opportunity to comment on the proposal to amend the existing approval, which currently permits only gravel extraction, to also allow sand extraction at Lot 10 Donnybrook-Boyup Brook Road, Lowden.

The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed addition of sand extraction to the current approval for gravel extraction at the abovementined lot. DPIRD assessed the Weed Management Plan and found that it fulfils the basic requirements.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpird.wa.gov.au.

Yours sincerely

Timothy Overheu

Mr Timothy Overheu
**Acting Director Agriculture Resource Management Assessment**
**Fisheries and Sustainability**

444 Albany Highway Albany WA 6330
Telephone 08 9892 8444 landuse.planning@dpird.wa.gov.au
**dpird.wa.gov.au**
ABN: 18 951 343 745

Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

| | |
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| Addressee's ref: | P25035 |
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| File no: | A00008-25 |
| Enquiries: | Sandy Curtis (08) 6551 7952 |

Gabriella Hayward
Planning Officer
Shire of Donnybrook Balingup

Email: gabriella.hayward@donnybrook.wa.gov.au

Dear Ms Hayward

**REQUEST FOR COMMENT – AMENDMENT TO APPROVAL P22022 TO INCLUDE SAND EXTRACTION, LOCATED AT LOT 10 (2038) DONNYBROOK BOYUP BROOK ROAD, LOWDEN**

Thank you for your inquiry dated 11 July 2025 seeking comment from the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Conservation Team, regarding the proposed amendment to Approval P22022 to include sand extraction, located at Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden.

A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage places or registered sites.

DPLH Aboriginal Heritage Conservation does not have any objections to the proposed amendment to Approval P22022 to include sand extraction. Please note that limited Aboriginal heritage surveys have been completed over the subject land and, as such, it is unknown if there is Aboriginal heritage present. Therefore, the applicant needs to be made aware of their obligations under the *Aboriginal Heritage Act 1972*.

DPLH also advises the applicant and the Shire of Donnybrook Balingup regularly checks Aboriginal Cultural Heritage Inquiry System (ACHIS) should new Aboriginal heritage be reported within the subject area.

Should you have any queries regarding this advice please contact Sandy Curtis, Senior Heritage Officer, at Sandy.Curtis@dplh.wa.gov.au or on (08) 6551 7952.

Yours sincerely

Sandy Curtis
Senior Heritage Officer
11/08/2025

Government of **Western Australia**
Department of **Health**

Classification: Official
Your Ref: P25035
Our Ref: F-AA-90448-13:
Contact: Yashvee Manrakhan-Field (08) 9222 2000

Gabriella Hayward
Planning Officer
Shire of Donnybrook-Balingup
PO Box 94,
DONNYBROOK WA 6239

Via email: planning@donnybrook.wa.gov.au;
gabriella.hayward@donnybrook.wa.gov.au

Dear Gabriella Hayward

**PROPOSED DEVELOPMENT APPROVAL P25035 - LOT 10 (2038) DONNYBROOK BOYUP BROOK ROAD, LOWDEN**

Thank you for your email dated 10 July 2025, requesting comment from the Department of Health (DoH) on the above proposal.

## DoH position

☐ No objection – no comments or advice to provide.
☒ No objection – with comments and/or recommended conditions and advice notes provided below.
☐ Do not support – reasons provided below, i.e. additional reports, studies, plans or other information that should be provided to determine public health risk / legislative compliance.

## DoH advice

### 1. Industrial / agricultural interface

The submission relates to the Extractive Industry License amendment to allow sand extraction from a proposed gravel pit. The site lies in agricultural (arable) land immediately north of the existing farmhouse (owners). The nearest sensitive land uses are other farmhouses located 450m to the west and 500m and to the north of the proposed quarry.

The Environment Protection Authority's 2005 guideline recommends a default separation distance of 1000 metres between quarrying operations (including crushing) and sensitive land uses. This is to reduce potential impacts from dust, noise, and odour.

In this case, the proponent has submitted a dust management plan for a quarrying site where extraction and crushing will occur **for no more than six weeks per year**.

Key measures include:

- No operations during high wind conditions
- No use of water carts, but dust suppression sprays will be used on stockpiles
- A Dust Complaint Register will be maintained during operations

Given the remote location of the site and its distance from sensitive receptors, and considering the proposed dust controls, the Department of Health considers the public health risks to be low and manageable.

However, even when dust does not cause direct physical health effects, persistent nuisance dust can lead to community stress and anxiety, which may contribute to health issues over time.

## 2. Contaminated sites

The site has not been classified as a C-RR[1], CRU[2], RRU[3] as recorded on DWER's Contaminated Sites database (*Contaminated Sites Act 2003*). However, although this site does not appear on Contaminated sites, it may be subject to other important classifications not recorded on that database. The proponent should obtain a Basic Summary of Records relating to the land and its surroundings to complete their assessment of the site's suitability for a rezoning to a more sensitive land use: Schedule 1 — Forms. A guide to contaminated sites available here: Guideline: Identification, reporting and classification of contaminated sites.

Footnote:

[1] C-RR - Contaminated – Remediation Required

[2] CRU – Contaminated – Restricted Use

[3] RRU – Remediated for Restricted Use

## 3. Water supply and wastewater disposal

All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011.

Any non-drinking water (i.e. water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements in accordance with AS/NZS AS3500 – Plumbing and Drainage.

Disposal of wastewater generated on site is required to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the Government Sewerage Policy 2019. In accordance with the Regulations, an Application to Construct or Install an Apparatus for the Treatment of Sewage is required to be submitted to the Shire of Donnybrook-Balingup for the wastewater treatment system. The application for this system is required to be forwarded to the DoH for assessment and approval.

Any sewage intended to be reused or recycled for beneficial purposes such as landscape and garden bed irrigation, toilet flushing, or other purposes will require

prior approval from the DoH. Please refer to the Application process for approval of a recycling water scheme for more information.

## Recommended Conditions

1. To ensure community wellbeing, the proponent shall:
    a) Comply with the dust management plan which states that extraction and crushing will occur **for no more than six weeks per year.**
    b) Monitor dust emissions proactively, especially during active extraction and crushing periods.
    c) Prohibit operations during adverse weather, particularly high winds.
    d) Respond promptly and effectively to any complaints or concerns raised by the community.
    e) Maintain clear records of complaints and actions taken in the Dust Complaint Register.
    f) Review and adjust dust management practices as needed to prevent nuisance impacts.
2. The proponent should obtain a Basic Summary of Records relating to the land and its surroundings to complete their assessment of the site's suitability for a rezoning to a more sensitive land use: Schedule 1 — Forms. A guide to contaminated sites available here: Guideline: Identification, reporting and classification of contaminated sites.

    Footnote:

    [1] C-RR - Contaminated – Remediation Required

    [2] CRU – Contaminated – Restricted Use

    [3] RRU – Remediated for Restricted Use
3. All drinking water provided onsite must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011.
4. Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration and suitable backflow prevention arrangements, in accordance with AS/NZS AS3500 – Plumbing and Drainage.

Should you have any queries or require further information, please contact System Performance on 9222 2000 or eh.eSubmissions@health.wa.gov.au.

Yours sincerely

Dr Michael Lindsay
**EXECUTIVE DIRECTOR**
**ENVIRONMENTAL HEALTH DIRECTORATE**

20 August 2025

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Biodiversity, Conservation and Attractions**

PARKS AND WILDLIFE SERVICE

Your ref: P25035
Our ref: 54365 2023/004582
Enquiries: Tracy Teede
Phone: 97254300
Email: swlanduseplanning@dbca.wa.gov.au

Chief Executive Officer
Shire of Donnybrook-Balingup
PO Box 94
DONNYBROOK WA 6239

ATTENTION: Cecilia Muller

**AMENDMENT TO EXISTING APPROVAL P22022 TO INCLUDE SAND EXTRACTION - LOT 10 DONNYBROOK-BOYUP BROOK ROAD LOWDEN**

I refer to your email dated 10 July 2025 seeking the Department of Biodiversity, Conservation and Attractions' (DBCA) comments in relation to an amendment to an existing approved development, to include sand extraction at the above location.

The following comments are provided pursuant to DBCA's responsibilities under the *Biodiversity Conservation Act 2016* (BC Act).

**Advice to Shire**

Lot 10 contains the *Queenwood (QW)* vegetation complex that has approximately 542ha of the pre-1750 vegetation extent remaining. This is below the nationally recommended 1500ha threshold for the retention of remnant vegetation. Black cockatoos are listed as threatened species under the BC Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have been found in close proximity to Lot 10.

Section 3.6 of the application advises that no clearing of native vegetation is required for the proposed extraction works and that a 10-metre buffer will be provided between retained bushland and extraction works.

DBCA supports a minimum 10-metre buffer being provided between proposed extraction areas and adjacent retained native vegetation and recommends the 10-metre buffer be demarcated to clearly identify the exclusion area to ensure vehicles, extraction works, detention pond and stockpile areas are located outside the 10-metre buffer zone.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife South-West Region office on 08 97254300 or email swlanduseplanning@dbca.wa.gov.au if you have any questions about this advice.

Yours sincerely

Aminya Ennis
Regional Manager

26 August 2025

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Mines, Petroleum and Exploration**

Your ref P25035- A4781
Our ref A0980/202201
Enquiries Marcelo Godefroy Rodriguez
9222 3135
marcelo.godefroyrodriguez@dmpe.wa.gov.au

12 August 2025

Gabriella Hayward
Planning Officer
Shire of Donnybrook Balingup
Sent by email: gabriella.hayward@donnybrook.wa.gov.au

Dear Gabriella

**Notice of application for development approval P25035 - Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden**

Thank you for your letter dated 06 August 2025 inviting comment on the abovementioned proposed Extraction Industry License, as shown on the attached map.

Although EIL's fall outside the Mining Act 1978, information on mineral resources, including basic raw materials, is of importance to the Geological Survey and Resource Strategy Division within the Department of Mining, Petroleum and Exploration (DMPE). The information is used in our MINEDEX database, which is a source of information for our State-wide resource mapping system – GeoView. The locations and status of basic raw material extraction sites are also valuable inputs to our resource assessment and land use planning role.

Our aim is for the database to be a comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources and including basic raw materials. The Geological Survey and Resource Strategy Division (Land Use Planning) assessed the impact that the proposal may have on access to potential or defined resources and related infrastructure within the area.

DMPE has determined that this proposal raises no significant concerns with respect to mineral and petroleum resources, geothermal energy and basic raw materials. It would be appreciated if DMPE continues to be notified of all applications for EIL's in the Shire of Donnybrook - Balingup and that all future correspondence is addressed to the Executive Director of the Geological Survey and Resource Strategy Division and submitted electronically to records@dmpe.wa.gov.au

Yours sincerely

Marcelo Godefroy Rodriguez | SENIOR GEOLOGIST
Land Use Planning, Geological Survey and Resource Strategy Division
Department of Mines, Petroleum and Exploration
marcelo.godefroyrodriguez@dmpe.wa.gov.au | www.dmpe.wa.gov.au



Locked Bag 100 East Perth WA 6892
www.dmpe.wa.gov.au
ABN 69 410 335 356

## Cecilia Muller

**From:** South West Region Planning Services <swrplanning@mainroads.wa.gov.au>
**Sent:** Wednesday, 6 August 2025 2:56 PM
**To:** Gabriella Hayward
**Subject:** Reply [PLR#0225-0154] Development Application - P25035 - Extractive Industry (Gravel & Sand) - Lot 10 (2038) Donnybrook Kojonup Road, Lowden

OFFICIAL

Hi Gabriella,

I refer to your email of 10 July 2025 and advise that Main Roads has no objections in principle to the proposed extension of the existing extractive industry licence, subject to the following comments.

The proposed activity is expected to increase traffic movements onto Donnybrook-Kojonup Road (Donnybrook–Boyup Brook Road), which may result in material or debris being tracked onto the road. Should this occur, the applicant will be required to undertake sweeping and implement appropriate, approved, traffic management measures at their full cost.

In addition, during the previous extractive industry approval process, the sealing of the crossover was completed without inspection by Main Roads. As we cannot confirm whether it was constructed to the required standard and Main Roads satisfaction, the applicant must maintain the crossover in a weatherproof condition and ensure it remains fit for purpose. This includes addressing any deterioration such as potholes or tracking of material, which may compromise the condition of Main Roads' assets, at their full cost.

If you have any queries, please contact Kerry Jones on 9724 5661.

Regards,

**South West Region Planning Services**
Tel: +97245600

Main Roads acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

---

**From:** WEB South West Region <swreg@mainroads.wa.gov.au>
**Sent:** Thursday, 10 July 2025 4:01 PM
**To:** South West Region Planning Services <swrplanning@mainroads.wa.gov.au>
**Subject:** [PLR#0225-0154] Development Application - P25035 - Extractive Industry (Gravel & Sand) - Lot 10 (2038) Donnybrook Kojonup Road, Lowden - Due 21.08.2025

OFFICIAL

## Cecilia Muller

**From:** Daniel Wong <daniel.wong@dwer.wa.gov.au>
**Sent:** Friday, 3 October 2025 9:54 AM
**To:** Gabriella Hayward; SM planning
**Cc:** Cecilia Muller; Jarrad Ramsden
**Subject:** Full Advice to proposed extractive industry amendment to include sand extraction at Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden ( DWER ref: PA 073823 , DWERT51~107 ; Shire ref: P25035 & P22022 )
**Attachments:** 063162 - SWL - Amend - SWL66218(5) - Undertaking to grant a licence or permit - EXTENSION - Old Valley Pty Ltd.PDF; Technical Review Report - Lot 10 Donnybrook Boyup Brook Rd - Shire of Donnybrook-Balingup.pdf; AQ2297-M AQ Final__For Shire.pdf

OFFICIAL

3rd October 2025

Our Reference: PA 073823 , DWERT51~107

Your reference: P25035

To: Shire of Donnybrook-Balingup

From: Department of Water and Environmental Regulation

Attention: Gabriella Hayward

Dear Gabriella,

**RE: Full Advice to proposed extractive industry amendment to include sand extraction at Lot 10 (2038) Donnybrook Boyup Brook Road, Lowden**

Thank you for providing the above proposed sand extraction for the Department of Water and Environmental Regulation (Department/DWER) to consider.

Please find attached the requested noise and dust advice (see attachments).

This information is to be appended to our previous response (this email) for your convenience.

Referral summary

This referral is an amendment to the previous gravel extraction development application, P22022 to include sand extraction ( DWER ref: PA 055932 , DWERVT8887~51 ; Shire ref: P22022 ), noting:

- that the extraction of about ~88,000 tonnes of sand over Stages 1, 3a and 5a over a 5 year period (see Screenshots 1 & 2 below)
- that sand extraction will occur first, followed by sand stockpile removal and subsequent gravel extraction (Screenshot 3 below)
- the main differences between the previous application P22022 and this application P25035 can be seen in Screenshots 4-6 below.

Supporting documents

To support this revised proposal, the following documents have been prepared:

- *Extractive Industries Licence Application and Environmental Management Plan Rev 0.6 - Proposal for Sand Extraction in Addition to Previous Approval P22022 for Gravel - Lot 10 Donnybrook Boyup Brook Road Yabberup, Shire of Donnybrook-Balingup*
    - (by Lundstrom Environmental, dated: May 2025) (to be referred to as the 'Lundstrom EIL/EMP Report v0.6' )

- *Water Management Plan - 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup* (in Appendix 4 of Lundstrom EIL/EMP Report v0.6)
    - (by Lundstrom Environmental Consultants Pty Ltd, undated) (to be referred to as the Lundstrom WMP)

- Acoustic Assessment - Extractive Industry - 2038 Donnybrook – Boyup Brook Road, Yabberup
    - (by Herring Storer Acoustics, for Westwall Holdings Pty Ltd, ref: 29414-2-22120 , Rev 3, dated: 1 Mar 2023 ) (to be referred to as the 'Acoustic Assessment Rev 3', same version submitted under P22022 )

- Dust Management Plan - 2038 Donnybrook Boyup Brook Road, Yabberup (in Appendix 6 of Lundstrom EIL/EMP Report v0.6)
    - (by Lundstrom Environmental Consultants Pty Ltd, for Westwall Holdings Pty Ltd) (to be referred to as the Dust Management Plan)

Previous referral P22022

DWER notes that prior to approval of application P22022, there were concerns:

- by the Shire regarding:
    - the agricultural viability of the land following the proposed extraction – to which an Agronomist Report (Appendix 10 of the Lundstrom EIL/EMP Report v0.6) was submitted to address the matter
    - bunds in relation to the effectiveness of a topsoil bund height greater than 2 metres to achieve noise control (in context of the site sloping topography), and the structural implications with the increased height
    - whether there would be sufficient topsoil to achieve the bund height of 2 or 3 metres (in context of noise attenuation)
    - stormwater management, erosion and sedimentation
- by landholders, particularly those downslope of the proposal regarding the matters raised by the Shire above

Advice to current referral P25035

To address the above concerns in relation to the above matters, the proposal to extract gravel has been approved, subject to conditions in approval P22022 granted by the Shire on 12 September 2023.

DWER has reviewed the Lundstrom EIL/EMP Report v0.6, and Lundstrom WMP – in context of Conditional Approval P22022 conditions.

We support the Shire's conditions in conditional approval P22022, and expect these to be transferred into P25035:

In our assessment, we advise/note:

- **Staging**: the proposed sizes for Stages 1, 3a and 5a whose areas are 2.2, 1.1 and 1.1 hectares (ha) respectively are acceptably consistent with **Condition 2a** (maximum 2 ha).
    - We support **Condition 20**, which is consistent with our previous advice note:
        - "Advice Note: Extraction must be undertaken in accordance with the agreed staging plan, as approved by the local government. Commencement of the subsequent extraction stage

shall be subject to the previous extraction site having substantially commenced rehabilitation"

- **Water supply**: We support **Condition 6** (water supply) and **Advice Note E** (water licensing), but the Shire should be aware that:
    - the attached letter was sent to the applicant (Mr Stroud) in February 2025, noting that DWER was prepared to provide a licence under the *Rights in Water and Irrigation Act 1914* (RIWI Act) for the purposes of Mr Stroud complying with the Development Approval
    - the issue of this licence was contingent on being provided a copy of the Extractive Industries approval from the Shire, which we have not received
    - this undertaking concludes on 30 August 2025 to coincide with the Development Approval
    - if the Extractive Industry licence is not provided by that time, the undertaking will lapse and Mr Stroud's application for a licence will be returned as incomplete
    - we understand the nature of the extractive industry has been amended to reflect both sand and gravel removal. If this is the case, we will need to understand what those changes look like as it may impact our assessment.
    - as per this letter:
        - the department has been repeatedly requesting Mr Stroud to apply for a dam the department considers regulated and thereby requires a licence under the RIWI Act
        - an application has not been forthcoming and in such circumstances where persistent requests are not actioned it may be considered that the landowner may potentially not be willing to comply with the terms and conditions of any instrument granted
    - should the current RIWI licence application be returned to Mr Stroud in the absence of an Extractive Industries licence (EIL) from the Shire, he will be able to apply at any time in the future subject to assessment and similar requirements
    - for inquiries with regards to obtaining a RIWI licence, conditional upon the Shire's EIL approval, the Shire is advised to contact our Bunbury Water Licencing Branch officer at kym.pennefather@dwer.wa.gov.au
- **Dieback (and weed) Management**: For **Conditions 7 – 9**, our previous advice remains, that states:
    - "The Dieback Management measures provided in the Lundstrom EIL/EMP is to be reviewed, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the *Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries*."
- **Water Management** (Potential stormwater, erosion and sedimentation risk to downstream neighbours, the Preston River/associated wetlands and infrastructure): While we concur with **Conditions 11-16**, we advise:
    - the additional condition be applied:
        - "The *Water Management Plan - 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup* (in Appendix 4 of Lundstrom EIL/EMP Report v0.6) is to be approved and implemented to the satisfaction of the Shire, consistent with WQPN 15"
    - the above recommendation is to ensure stormwater, erosion and sediment transport is appropriately managed to protect downstream landholders and infrastructure (i.e. Donnybrook-Boyup Brook Road) for the life of the project and beyond
    - that the continued maintenance of the integrity of the cut-off bunds and detention basins is important to ensure the effectiveness of these protection measures remains. Large storm events can erode the cut-off bunds, and fill the detention basins with sediment reducing their retention capacity over time.
    - the Shire to consult with its engineers as appropriate regarding any engineering detail of the cut-off bunds and detention basins
- **Ongoing Compliance And Monitoring**: DWER notes that **Condition 16(c), 17 & 18** also covers the above mentioned '**Water Management**'
- **Rehabilitation And Pit Closure Management**:
    - DWER supports **Conditions 19 – 23**, which addresses our advice to P22022, and it is expected that these conditions will carry over to P25035.
    - We also note that there be no open waterbodies post-extraction as per **Condition 19(d).**
    - In addition, it is noted the applicant has provided details on the final land surface contours in Figure 3 of the Rehabilitation and Management Plan (Screenshot 7).
    - We recommend that the Shire liaise with:

    - its engineers to ensure that the site post-extraction is sufficiently stable to ensure there is no increased risk to the downstream landholders.
    - DPIRD with regards to **Condition 2 (d),** regarding the veracity of the Agronomist Report – to ensure the land can be rehabilitated to the proposed final agricultural landuse, and that sufficient topsoil is available to ensure land agricultural viability
- **Groundwater protection**: We note in the Lundstrom WMP that "excavation will proceed to a depth of approximately one meter" – to which we support **Conditions 13 & 14** to addresses this requirement
- **Fuel and chemical management** & **Environmental risks**: The requirement to manage all activities involving hazardous chemicals, as per WQPN 56 has been adopted in **Advice note L**, and to ensure environmental risk is appropriately managed in covered in **Advice note K**
- **Crushing and Screening (requirements under the *Environmental Protection Regulations 1987*)**: DWER notes that no reference has been made in regard to ensuring compliance with the *Environmental Protection Regulations 1987* with regards to the proposed crushing and screening activity. DWER advises that our previous advice remains (Issue 1 in Table 1 below). We support the Shire's **Advice Note B** – which requires the applicant to contact DWER regarding environmental licensing requirements under these regulations.

General

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

In the event that the applicant determines that a works approval or licence application is required under Part V of the *Environmental Protection Act 1986* (EP Act), the advice provided in this communication **does not prejudice** and must not be considered to infer the outcome of the EP Act licence and works approval process.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact the undersigned.

Thank you.

Yours sincerely,

*Daniel Wong*

Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au
Phone: 08 9726 4113
Fax: 08 9726 4100
Postal: PO Box 261, Bunbury, WA 6231
Location: 71 McCombe Road, Bunbury, WA 6230

**Previous advice: Table 1 – DWER previous advice ( DWER ref: PA 049525 , DWERVT10315~1 ) – to be read in conjunction with our additional comments above**

| Item No. | Reference | Reviewer comment/advice |
|---|---|---|
| 1 | N/A | **Issue 1:** The proposed operations may be categorised as Prescribed Premises under the *Environmental Protection Regulations* 1987<br><br>**Advice 1:** The following is advised: |

the applicant is to refer to the Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals and to contact DWER regarding works approvals and licenses at info@dwer.wa.gov.au or 6364 7000

**Discussion 1:** Based on the information provided it has been determined that the proposed operations may be categorised a Prescribed Premises as per Schedule 1 of the *Environmental Protection Regulations* 1987, depending on the quantity of material proposed to be screened/crushed etc i.e.:

| | | |
|---|---|---|
| 12 | Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated | 50000 tonnes or more per year |
| Or | | |
| 70 | Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated. | More than 5 000 but less than 50 000 tonnes per year |

Activities such as crushing and screening during extractive industry operations, may cause the premises to become prescribed for the purposes of Part V Division 3 of the *Environmental Protection Act (*EP Act). This will occur if the proposed crushing and screening equipment has a design capacity (when operated 24/7 or at a capacity limited by a planning approval) that meets or exceeds the specified production or design capacity of the relevant category under Schedule 1 of the *Environmental Protection Regulations 1986*.

The applicant is therefore advised that they may meet the requirement for Prescribed Premises and as such require a works approval to construct/install the equipment (mobile or otherwise) and a licence or registration to operate. It should be noted that planning approvals may influence DWER's determination of production or design capacity, where an approval has the effect of restricting capacity (such as constraining hours of operation).

The purpose of a works approval is to allow DWER to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during construction and operation. Note that any works approval or licence issued under Part V of the EP Act will only regulate emissions associated with the crushing and screening operation (such as dust, noise and contaminated stormwater). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site.

DWER has no record of this premises and has not received any applications relating to this proposal. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at http://www.der.wa.gov.au/our-work/licences-and-works-approvals and / or if they have queries relating to works approvals and licenses to contact DWER at info@dwer.wa.gov.au or 6364 7000.

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

# Technical (Review) Report

Advice on noise associated with the proposed extractive industry at 2038 Donnybrook - Boyup Brook Road, Yabberup, prepared for the Shire of Donnybrook-Balingup

Department of Water and Environmental Regulation

September 2025

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September 2025

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**Acknowledgements**

For more information about this report, contact

Environmental Noise, Department of Water and Environmental Regulation.

# Document control

## Document version history

| Version | Date | Description | Author | Reviewer |
|---|---|---|---|---|
| 0.0 | 15/9/2025 | Draft – internal review | | JG |
| 1.0 | 20/9/2025 | Final - Issued | | JG |

## Corporate reference

| File number and/or name | File owner or custodian |
|---|---|
| DWERT51~107 | South West Planning Advice |

## Author details

| | |
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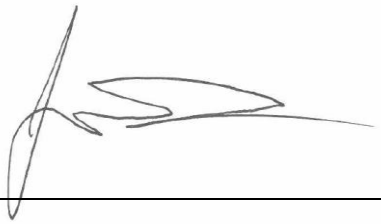
| Position title | Senior Environmental Noise Officer |
| Signature  | Date 20/9/2025 |

## Reviewer details

| | |
|---|---|
| Name | Jon Button BSc, MAAS |
| Position title | Acting Manager Environmental Noise |
| Signature | Date 22/9/2025 |

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# 1. Introduction

This advice was prepared for the Shire of Donnybrook-Balingup in response to a request for comment on the noise emissions from the proposed amendment to an existing approval for gravel extraction operations at 2038 Donnybrook-Boyup Brook Road, Yabberup by including sand extraction operations.

# 2. Documentation

In support of this request, the Shire made the following documents available which form the basis of this technical expert advice. The Shire did not request any specific advice.

| Material / document name | Author | Date |
|---|---|---|
| Extractive Industries Licence Application and Environmental Management Plan Rev 0.6 – Proposal for Sand Extraction in Addition to Previous Approval P22022 for Gravel – Lot 10 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup – prepared for Westwall Holdings Pty Ltd | Lundstrom Environmental Consultants Pty Ltd | May 2025 |
| Noise Management Plan – for 2038 Donnybrook Boyup Brook Road, Yabberup, Shire of Donnybrook-Balingup - prepared for Westwall Holdings Pty Ltd | Lundstrom Environmental Consultants Pty Ltd | |
| Acoustic Assessment: Extractive Industry – 2038 Donnybrook–Boyup Brook Road, Yabberup (Ref: 29414-4-22120) – Prepared for Lundstrom Environmental Consultants | Herring Storer Acoustics | 01/03/2023 (Rev.4) |
| Acoustic Assessment: Extractive Industry – 2038 Donnybrook–Boyup Brook Road, Yabberup (Ref: 29414-3-22120) – Prepared for Lundstrom Environmental Consultants | Herring Storer Acoustics | 8/11/2022 (Rev.3) |
| Acoustic Assessment: Extractive Industry – 2038 Donnybrook–Boyup Brook Road, Yabberup (Ref: 29414-2-22120) – Prepared for Lundstrom Environmental Consultants | Herring Storer Acoustics | 27/04/2022 (Rev.2) |

# 3. Advice

The Environmental Noise Branch (ENB) of the Department of Water and Environmental Regulation reviewed the Acoustic Assessment report prepared by Herring Storer Acoustics (HSA) in March 2023 (Rev.4) for the original proposal of the gravel extraction operations, which was approved by the Shire.

In the 2023 report, HSA modelled the noise emission levels from the proposed gravel extraction operations on the southern part of Lot 10 on Diagram 95632, which were proposed to be conducted at three stages. Based on HSA's modelling and assessment, by constructing earth bunds around the boundary of each stage site, as well as around the fixed plant (crusher/screen etc), noise emission levels from the proposed gravel extraction operations would comply with the daytime assigned levels specified in the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) at all 15 neighbouring sensitive locations. HSA's 2023 modelling and assessment results, as well as the proposed noise mitigation measures, seem reasonable and effective to ENB.

The currently proposed amendment is to divide each of the gravel extraction stages into two stages. While the gavel extraction operation will remain on the southern part of each original stage area, the sand extraction operation will be conducted on the northern part of the area. It appears that the proponent has not conducted an updated noise assessment for the proposed amended operations. The Noise Management Plan (NMP) developed by Lundstrom Environmental Consultants (LEC) for the proponent to support the amendment application simply referred to HSA's 2023 report, which was prepared to support the original gravel proposal.

In general, noise levels generated from a sand extraction operation are considered lower than those from the gravel extraction operation. Hence, ENB would agree that the noise compliance results concluded in HSA's 2023 report are still applicable to the proposed amended operations, if all the noise mitigation measures proposed in HSA's 2023 are implemented.

However, ENB's review of the NMP seems to indicate that the noise mitigation measures, in terms of earth bunds as shown in Figure 2, will not strictly follow what were proposed by HSA in the 2023 report. It can be seen, when compared this figure with Figure 5.2 in HSA's 2023 report, that large sections of earth bunds around the boundaries of each stage are removed in the NMP. The locations and orientations of the earth bunds around the fixed plant at each stage are also quite different from what were proposed, which do not seem able to effectively reduce noise emission levels to the nearest sensitive premises. LEC has not provided any information as how these noise control measures were designed. LEC has not provided any justification if these noise control measures are able to ensure the noise compliance at all neighbouring sensitive premises either.

Based on above discussions, ENB cannot advise if noise emissions from the proposed amended operations will be managed to comply with the Noise Regulations. The proponent may be required to revise the Nosie Management Plan by:

1. either clearly indicating that all the noise mitigation measures proposed in HSA's 2023 report will be strictly followed and implemented; or
2. redoing the noise modelling and assessment to demonstrate that the noise control measures designed in the NMP will be able to achieve compliance with the Noise Regulations at all neighbouring sensitive premises.

# 4. Limitations

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

- No computer modelling was undertaken to verify the results predicted by HSA.

**DWER**
**TECHNICAL ADVICE**

| | |
|---|---|
| SUBJECT: | SHIRE OF DONNYBROOK BALINGUP - WESTWALL HOLDINGS GRAVEL EXTRACTION |
| AQ ID: | AQ2297 |
| DATE: | 2 OCTOBER 2025 |

**Key points**

- The distance between the proposal boundary and nearest sensitive receptors appears to be greater than the recommended separation distance as per EPA GS3 for the proposed activity. Consequently, we consider that the risk of air quality impacts is likely to be low.
- The proposed dust controls listed in the dust management plan are consistent with those described in DWER guidelines. However, the effectiveness of dust management is entirely dependent on the proper implementation of control measures.
- If the proposal is approved and dust impacts become evident, we recommend that the proponent reviews dust management practices and implement additional dust controls (potentially including dust monitoring) as per the DEC 2011 dust guideline.

Further to the Shire's technical advice request of 11 August 2025, DWER has reviewed sections of

- *Dust management plan* (Lundstrom Environmental Consultants Pty Lt, January 2024)
- *Complaints register* (Westwall Holdings Pty Ltd, January 2024)

Please refer to our statement of limitations regarding this review as shown below.

## Background

The Shire of Donnybrook Balingup has requested that DWER (Planning advice ref: PA 073823) provide technical advice on the proposal submitted by Westwall Holdings (the applicant). The applicant has requested an amendment to the current approval to add sand extraction, as the current approval permits gravel extraction only. The proposal area is 12.7 hectares and is located at 2038 Donnybrook-Boyup Brook Road, Yabberup WA 6239 (Figure 1).

This application is for a 5-year period; however, the exact life of the project will be dependent on supply and demand trends. The available volume of gravel and sand (*in-situ* volume of approximately 228,600 tonnes) is to be extracted.

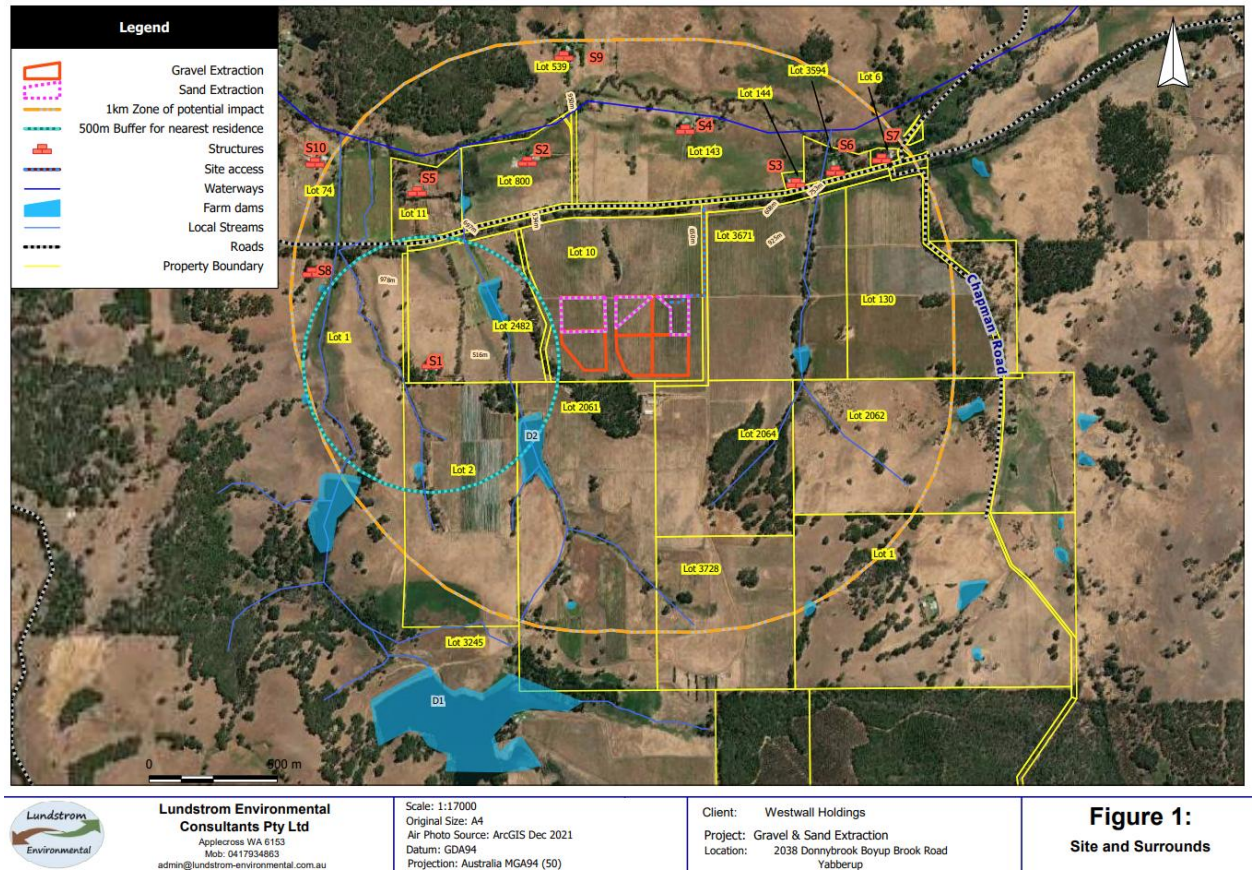


*Figure 1. Site location (Lundstrom Environmental Consultants Pty Ltd, January 2024)*

## Advice

No specific questions were asked. The scope of the advice comprised a review of the documents provided with consideration of:

- The existing setting and features of the proposal area.
- The recommended separation distance as per *Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses* (EPA, 2005) (EPA GS3)
- The DWER *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (DEC, 2011) (DEC 2011 guideline).
- The draft DWER *Guideline: dust emissions* (DWER, 2021) (draft DWER 2021 guideline).

An outline of DWER's assessment approach is:

- Consider the location of sensitive receptors with respect to the recommended separation distance as per EPA GS3.

  If the recommended separation distance is met, then the proposal is likely to pose a low risk of dust impacts however this is highly dependent on-site management.

  If the recommended separation distance is not met, then DWER considers that this represents an increased risk of air quality impacts, noting that this would depend on characteristics of the operation including dust management practices. DWER is not a decision maker; however, our general position is that the

recommended separation distance should be met to reduce the risk of land use incompatibility.

- Review dust management plans with reference to the general guidance in the DEC 2011 guideline and the draft DWER 2021 guideline, noting that these guidelines are available on the DWER website.

Separation distances listed in EPA GS3 for these types of operations include:

- Category (not defined): 300 m to 500 m for extractive industries sand and limestone extraction, depending on size, and without grinding or milling works.
- Categories 12: 500 m for screening of sand, rocks, chemicals, and minerals.

As the proposal involves limestone and sand extraction with onsite crushing operations, DWER considers the appropriate separation distance to be 500 m. The distance between the proposal boundary and nearest sensitive receptors appears to be greater than this distance. Consequently, we consider that the risk of air quality impacts is likely to be low.

The proposed dust controls listed in the DMP are consistent with those described in the DEC 2011 dust guideline and the draft DWER 2021 guideline. However, the effectiveness of dust management is entirely dependent on the proper implementation of control measures.

If the proposal is approved and dust impacts become evident, we recommend that the proponent reviews dust management practices and implement additional dust controls (potentially including dust monitoring) as per the DEC 2011 dust guideline.

**Limitations of DWER Review**

Please note the following important information relevant to the review of this proposal by DWER:

- The pollutant of concern considered by the proponent is fugitive dust.
- DWER assumes that the individuals responsible for dust management are suitably experienced in the techniques proposed to control dust. The success of the dust management strategy depends critically on the competence of the relevant personnel; and
- DWER does not have primary responsibility for the assessment of public health issues, including Health Risk Assessment, in relation to air pollution. This is the role of the Department of Health.

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

Your Ref:
Our Ref: RF4037
Enquiries: Lini O'kane
Phone: 9726 4107

Old Valley Pty Ltd
PO BOX 1314
FREMANTLE WA 6959

Email – edwardhstroud@gmail.com

Dear Mick and Anne,

**Re: Application for a license or permit under the *Rights in Water and Irrigation Act 1914***

**Properties:**

**Lot 3728 On Plan 140648 Volume/Folio 1175/306 Lot 3728 Yabberup**

**Lot 10 On Diagram 95632 Volume/Folio 2156/66 Lot 10 Yabberup**

**Lot 130 On Plan 301904 Volume/Folio 2123/349 Lot 130 Yabberup**

**Lot 2 ON Plan 48776 - Volume/Folio 2610/27 - Lot 2 Yabberup**

**Lot 2061 On Plan 140249 Volume/Folio 2123/350 Lot 2061 DonnybrookBoyup Brook Rd Yabberup**

**Lot 2064 On Plan 140249 Volume/Folio 2123/351 Lot 2064 Yabberup**
**Lot 3245 On Plan 252598 Volume/Folio 1263/435 Lot 3245 Morrissey Rd Yabberup**
**Lot 3671 On Plan 251784 Volume/Folio 2123/348 Lot 3671 Yabberup**

**Extension of the letter of undertaking – 063162**

The Department of Water and Environmental Regulation wrote to you on 21/11/2024 undertaking to grant a licence following your application, dated 28/03/2024 to amend your licence to take water to draw 492,000 kLs per annum from the Upper Preston 3 surface water resource.

The Department has no record of having received the following information which was due on the 21/02/2025;

- **A copy of an approved Extractive Industry Licence from the Shire of Donnybrook Balingup for Extractive Industry (Gravel) on Lot 10 Donnybrook-Boyup Brook Rd, Yabberup.**

The department has contacted the Shire of Donnybrook-Balingup and understands that your Extractive Industries Licence is subject to you complying with the terms

and conditions of the Development Approval provided by the Shire. We also understand that one of those conditions relates to the securing of an appropriate water supply to service the development. As discussed with the Shire, this Letter of Undertaking is provided to assist with complying with your Development Approval by demonstrating the department's intention to grant the water licence upon presentation of the Extractive Industries Licence.

To align the respective approvals, the department will grant a further extension to match that of your Development Approval, being the 30/08/2025. This is subject to you providing a copy of the Extractive Industries Licence to the Department before this date.

A draft copy of your proposed license and draft Monitoring and Management Plan have previously been provided for your referral. The plan has not been amended from the previous version other than to acknowledge that gravel extraction as an additional authorised activity.

Please be aware that the license when issued, will contain new conditions which were listed in the previous letter of undertaking which was e-mailed to you on the 21/11/2024.

This extension of the letter of undertaking is **valid until the 30/08/2025**. Before this date, you must supply the information requested. Please keep the department informed of any problems that may prevent you from complying. If this information is not provided by the 30/08/2025 your application will be returned, and you can reapply at a latter date when you have the appropriate approvals in place.

**Finally, we remind you of our notification in our letter of 30 October 2023 that the small dam on Lot 2061 is situated on a proclaimed tributary and requires licensing. Please make application using the department's licensing portal – Water Online.**

If you have any queries, please contact Lini O'kane by telephone on 9726 4107.

Yours sincerely,

**Mike McKenna**
**District/Program Manager**
**South West Region**
**21 November 2024**

cc- cecilia.muller@donnybrook.wa.gov.au

South West Region
71 McCombe Road Bunbury Western Australia 6230
Telephone (08) 9726 4111 Fax (08) 9726 4100
www.dwer.wa.gov.au

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (a) the aims and provisions of the Scheme/any other local planning scheme operating within the Scheme area | Zoning: Lot 10 Donnybrook Boyup Brook Road, Yabberup is zoned Priority Agriculture under LPS7.<br><br>Land Use Permissibility:<br>The proposed development is defined as 'Industry – Extractive' under LPS7:<br>*An industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone, or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry–mining.*<br><br>'Industry–Extractive' is classified as an 'A' (advertised discretionary) land use in the Priority Agriculture zone. This means the use is not permitted unless the local government exercises discretion by granting development approval after giving special notice in accordance with Clause 64 of the deemed provisions.<br><br>LPS7 requires all applications for extractive industry on Priority Agriculture zoned properties to be advertised and/or referred, with submissions considered prior to determination.<br><br>The extractive industry land use has previously been considered and approved on part of Lot 10 under Development Approval P22022 allowing gravel extraction.<br><br>The proposal to extract sand in addition to gravel facilitates the sustainable use of the available sand resource. The assessment of this proposal has focused on the potential additional impacts associated with sand extraction within the existing approved footprint. Officers consider that any such impacts can be appropriately managed through the imposition of conditions to ensure there are no adverse effects on the environment or the community during operations. The proposed staged rehabilitation approach will ensure that the site is progressively restored to pasture, with no long-term detrimental impacts on the landscape. |
| (b) requirements of orderly and proper planning taking into account any proposed changes to the scheme. | Clause 4.5.4.8.7 requires that setbacks for extractive industries contribute to the protection of the environmental and landscape values of the locality. The proposed sand extraction will occur within three of the six approved gravel extraction stages. Therefore, the setbacks for extraction have already been considered and approved under Development Approval P22022.<br><br>Clause 4.54.10 – Grounds for Refusal<br>The Shire may refuse development approval if, in its opinion, the proposal will:<br>1. Adversely affect the rural landscape;<br>2. Adversely impact agricultural use of the land or surrounding areas;<br>3. Cause detrimental environmental impacts;<br>4. Result in unacceptable fire management risk;<br>5. Place unacceptable servicing requirements not appropriately addressed by the applicant;<br>6. Result in impacts not adequately contained on the site; or |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | 7. Result in an undesirable planning outcome.<br>The proposal is not considered to warrant refusal because:<br>• Post-extraction, the land will be recontoured and returned to pasture, consistent with surrounding rural landscapes;<br>• Sand and gravel extraction will not impact ongoing agricultural use of the remaining land or adjacent areas;<br>• Potential noise and dust impacts can be managed through operational management plans;<br>• The proposal does not create a fire management risk;<br>• Adequate servicing exists to support the development; and<br>• Conditions of approval can manage the development appropriately, preventing an undesirable planning outcome. |
| (c) any approved State planning policy | State Planning Policy 2.4 – Basic Raw Materials (SPP 2.4)<br>The objectives of SPP 2.4 are to:<br>1. Ensure basic raw materials (BRM) and their regional importance are considered early in the planning process;<br>2. Protect BRM in Significant Geological Supplies (SGS) areas and Environmental Significance (ES) areas by avoiding encroachment from incompatible land uses;<br>3. Ensure BRM resources are used efficiently in land use planning and development;<br>4. Identify BRM extraction opportunities through sequential land use without compromising the final intended land use; and<br>5. Ensure extraction of BRM avoids, minimises, or mitigates adverse impacts on the community, water resources, and biodiversity.<br><br>State Planning Policy 2.5 – Rural Planning (SPP 2.5)<br>SPP 2.5 recognises that basic raw materials are essential for the construction of buildings, roads, infrastructure, and the sustainability of agricultural production.<br>The proposal is consistent with the relevant considerations of SPP 2.5. It ensures staged extraction and rehabilitation, maintains compatibility with surrounding rural land uses, and incorporates management measures to protect environmental and water resources. |
| (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d) | EPA Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (2005)<br>The EPA Guidelines note that extractive industries can generate dust and noise.<br>The proposal incorporates measures to manage and mitigate potential dust, noise, and other environmental impacts associated with extractive operations. |
| (e) any policy of the Commission; | Not applicable. |
| (f) any policy of the State | If effluent disposal were proposed, the provisions of the Government Sewer Policy 2019 would apply. No effluent disposal is proposed as part of this application. |
| (fa) any local planning strategy for this Scheme endorsed by the Commission | Approved 2014 Local Planning Strategy<br>The Donnybrook–Boyup Brook Road is identified as a *scenic tourist route* under the Shire's Local Planning Framework. Clauses 5.2.4 and 5.5.7 of the Shire's *Local Planning Strategy (2014)* emphasise the importance of protecting landscapes associated with designated tourist routes. Donnybrook–Boyup Brook Road is |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | specifically identified as one of these key routes, with additional statutory protection provided through Special Control Area 7 (SCA7) under *Local Planning Scheme No. 7 (LPS7)*.<br><br>Draft Local Planning Strategy<br>Under the *draft Shire of Donnybrook–Balingup Local Planning Strategy*, the subject lot is identified as High Priority Agricultural Land. Relevant sections of the draft Strategy include:<br>• Basic Raw Materials (Clause 20.0):<br>The Shire contains a range of basic raw material (BRM) resources within rural areas. New proposals for extractive industries are to consider potential land use conflicts.<br>• Planning Directions for Extractive Industries:<br>1. Establish a balanced approach that recognises the importance of BRM while providing protection to existing resources and accommodating growth in townsites and rural living areas.<br>2. Provide clarity and direction to applicants for extractive industry development while protecting surrounding areas.<br>3. Protect existing Priority Agriculture zoned land from potential BRM activities, and prioritise this land for traditional agricultural purposes.<br><br>The draft Strategy proposes the following action:<br>*"Review the land use permissibility for extractive industries within the Priority Agriculture zone and consider as an 'A' use."*<br><br>The rationale for this action states:<br>*"The use of Priority Agriculture land for agricultural purposes is considered the highest and best use of such land. It should therefore be protected from extractive operations that may restrict the ability of the land to be used for agricultural purposes."*<br><br>It is noted that under the current LPS7, *Extractive Industry* is already classified as an 'A' use within the *Priority Agriculture* zone, meaning it may be considered subject to advertising and assessment.<br><br>The *extractive industry* use has previously been approved on part of Lot 10 under *Development Approval P22022* for gravel extraction, endorsed by Council (the Commissioner) under Resolution 106/23. The *land use itself is not in dispute* and remains consistent with prior approvals. |
| (g) any local planning policy for the Scheme area | TPP 9.7 – Interpretation (Extractive Industry)<br>• The policy provides that landowners are exempt from requiring an Extractive Industry Licence when materials are extracted for use on the property and not for commercial gain.<br>• The proposal involves a commercial operation for off-farm use and therefore does not qualify for the exemption under the policy. |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (h) any structure plan or local development plan that relates to the development | Not applicable. |
| (i) any report of the review of the local planning scheme that has been published | The Shire has commenced a review of LPS7. |
| (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve | Not applicable. |
| (k) the built heritage conservation of any place that is of cultural significance; | Not applicable. |
| (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located | Aboriginal Heritage Considerations<br>• The Department of Planning, Lands and Heritage (DPLH) advised that the footprint of the proposed extraction area does not directly impact a known Aboriginal Cultural Heritage Place, but the applicant is to be advised of ongoing obligations under the *Aboriginal Heritage Act 1972.* |
| (m) the compatibility of the development with its setting, including: | |
| (i) the compatibility of the development with the desired future character of its setting | The proposal is for a limited five-year extraction period, after which the site will be rehabilitated and returned to pasture and ongoing rural use. This approach is considered consistent with the desired future rural landscape of the locality and is not expected to adversely affect the long-term amenity, visual character, or rural nature of the area or surrounding properties. |
| (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development | The proposal is not expected to adversely affect future development opportunities on adjoining or nearby land. The height, bulk, scale, orientation, and appearance of the gravel extraction operations have already been approved, and the addition of sand extraction within the existing approved footprint is not anticipated to result in any additional impacts. |
| (n) the amenity of the locality including | |
| (i) environmental impacts of the development | The proposal incorporates measures to manage and mitigate potential dust, noise, and other environmental impacts associated with extractive operations. The development will be subject to Shire approval and compliance with any imposed conditions of approval. On this basis, the proposal is not expected to result in significant adverse environmental impacts.<br>It is noted that any extraction or processing activity exceeding 5,000 tonnes per annum will require a works approval or licence from the Department of Water and Environmental Regulation (DWER). This ensures that DWER oversight is maintained to manage and regulate environmental impacts appropriately. An advice note is included in the recommendation. |
| (ii) the character of the locality | The proposal is consistent with the existing rural character of the area. The limited duration of extraction activities, combined with the progressive rehabilitation of |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | the site back to pasture, will ensure that the rural landscape and visual amenity are restored and maintained in the long term. |
| (iii) social impacts of the development | Some objections were received from neighbouring landowners during consultation. However, the proposal can be effectively managed through the implementation of appropriate management practices, including dust and noise controls, and is not expected to generate significant adverse social impacts. |
| (o) likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate their impact | Noting the advice from various agencies, the proposal is not expected to have a detrimental impact on the natural environment or water resources.<br>The applicant has provided management practices addressing weeds, water, rehabilitation, and dieback, which have been supported by relevant government agencies and will be implemented as conditions of approval, ensuring the protection of the natural environment. |
| (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 | No clearing of native vegetation is proposed in any of the three stages where sand extraction is to occur. The Department of Biodiversity, Conservation and Attractions (DBCA) has recommended that a 10-metre setback be maintained from the drip line of existing vegetation. This requirement was imposed as a condition on the Development Approval P22022 (gravel). |
| (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 | Parts of the property are designated as bushfire prone, as mapped by the Department of Fire and Emergency Services (DFES).<br> <br>Clause 4.42 – Bush Fire Hazard and Fire Management Plans<br>• LPS7 requires the Shire to assess development proposals on bushfire-prone land and ensure compliance with relevant State and local government policy on bushfire protection.<br>• The majority of the sand and gravel pit area is not within the designated bushfire-prone zones.<br>• No habitable buildings are proposed as part of the development. While staff will be on-site during operations, the development is considered low- |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | risk and exempt from the requirements of State Planning Policy 3.7 – Bushfire Protection.<br>• The applicant will still be required to comply with the Shire's annual Fire Prevention Order, as well as DFES Total Fire Ban days and Shire Harvest Vehicle Movement Bans during operations.<br>The land is considered suitable for the sand and gravel extraction, with bushfire risks manageable through operational compliance with existing fire requirements. |
| (r) the suitability of the land for the development taking into account the possible risk to human health or safety | The site is considered suitable for the proposed sand extraction in addition to the gravel extraction, given the importance of securing the sand and gravel resources. To ensure potential risks to human health and safety are managed, staff have recommended the preparation and implementation of Dust, Noise, Weed and Water Management Plans. These plans will mitigate potential impacts and ensure that the proposal operates within acceptable environmental and safety standards. |
| (s) the adequacy of: | |
| (i) the proposed means of access to and egress from the site | Clause 4.32 of LPS7 allows the Shire to set standards for the location and construction of crossovers onto public roads. The proposal does not alter the existing intersection onto Donnybrook–Boyup Brook Road, which was constructed as a condition of Development Approval P22022 (gravel extraction). A condition is recommended requiring that the intersection be maintained to the Shire's satisfaction. |
| (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles | All loading, unloading, manoeuvring, and parking of vehicles will occur within the boundaries of the property, ensuring that operations do not impact the public road network. |
| (t) 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 | The proposed sand extraction is expected to generate an average of 2 truck movements (semi-trailers) per day, with a maximum of 10 per day, depending on demand. For comparison, the approved gravel extraction is to generate an average of 13 truck movements per day.<br>The application confirms that sand and gravel extraction will not occur concurrently, with all sand intended to be removed before gravel extraction commences.<br>Overall, the traffic generated by the development is considered acceptable. Road and intersection upgrades have already been completed under the conditions of Development Approval P22022 for gravel extraction. Additional measures are recommended to ensure ongoing road maintenance and to limit truck movements during times when school buses are operating to maintain traffic safety. |
| (u) the availability and adequacy for the development of the following: | |
| (i) public transport services | Not applicable. |
| (ii) public utility services | Not applicable. |
| (iii) storage, management and collection of waste; | Not applicable. |
| (iv) access for pedestrians and cyclists (including end of trip | Not applicable. |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25035 - Extractive Industry (Sand) | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| storage, toilet and shower facilities) | |
| (v) access by older people and people with disability; | Not applicable. |
| (v) potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses | Not applicable. |
| (w) history of the site where the development is to be located | The lot currently contains a vineyard. On 30 August 2023, Council (the Commissioner) approved extractive industry (gravel extraction) on part of Lot 10 under Development Approval P22022. |
| (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals | The Shire and the broader community will benefit from the local availability of basic construction materials, such as sand and gravel. These resources are essential for supporting development and infrastructure, including sand pads for housing construction and gravel for road building and maintenance. |
| (y) any submissions received on the application; | Refer to the Consultation – Public Submissions section in the Agenda Item. |
| (za) the comments or submissions received from any authority consulted | Refer to the Consultation – Government/Service Agencies section in the Agenda Item. |
| (zb) any other planning consideration the local government considers appropriate | The *Shire of Donnybrook-Balingup Extractive Industries Local Law 2016* requires that any person carrying out an extractive industry must, in addition to obtaining development approval, hold a valid and current Extractive Industry Licence. The criteria within the Local Law are generally assessed as part of the planning process. The Local Law regulates the operational aspects of extractive industries, including:<br>• Licensing requirements, fees, transfers, cancellations, and renewals, including the Shire's power to cancel a licence for non-compliance;<br>• Payment of bonds for restoration and reinstatement works;<br>• Excavation limitations near boundaries and required setbacks;<br>• Blasting controls;<br>• Requirement for public liability insurance;<br>• Compliance with the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986;*<br>• Requirements for ceasing operations and reinstatement upon closure;<br>• Objections and appeals procedures; and<br>• Modified penalties and fines for non-compliance.<br>The Extractive Industry Licence, issued under the Local Law, complements the development approval and recommended conditions to ensure the proposal operates safely and without generating adverse impacts on the surrounding area. |

PS ref: 9379

21 August 2025

Chief Executive Officer
Shire of Donnybrook- Balingup
PO Box 94, Donnybrook
WA 6239

Via email: shire@donnybrook.wa.gov.au

Attention: Planning Services

Dear Sir/Madam,

**LOT 502 (30) ALLNUTT STREET, DONNYBROOK**
**APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT**
**FORWARD WORKS**

Planning Solutions acts on behalf of Hall & Prior Health and Aged Care Group, the lessee of Lot 502 (30) Allnutt Street, Donnybrook (**subject site**).

We are pleased to present this application for forward works associated with the redevelopment of Tuia Lodge aged are facility.

With regard to the above, please find enclosed:

1. Shire of Donnybrook Balingup Development Application Form and Checklist, signed by the applicant and landowner.
2. Certificate of Title and Deposited Plan applicable to the subject site
3. Development plans depicting proposed works
4. Civil drawings
5. Environmental Summary Note

The following submission discusses various matters pertaining to the proposal, including:

- Site details
- Proposal
- Town planning considerations

## 1 SITE DETAILS

### 1.1 Legal description

The subject site is legally described as "*Lot 502 on Deposited Plan 72099*", being the whole of the land contained within Certificate of Title Volume LR3025 and Folio 518.

The lot is subject to a Management Order, with the primary interest holder being the Shire of Donnybrook-Balingup. There are several limitations, interests, encumbrances and notifications listed on the title.

Refer **Appendix 1** - Certificate of Title and Deposited Plan

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PS

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Planning Solutions (Aust) Pty Ltd

## 1.2 Site context

The subject site is in the suburb of Donnybrook, within the Shire of Donnybrook-Balingup.

The immediate area comprises residential dwellings to the east, west and south of the subject site. To the north is Donnybrook District Hospital and the St John Ambulance Donnybrook facility.

The subject site presently comprises Tuia Lodge aged care facility which comprises a single storey building and associated landscaping, parking and access. The subject site maintains primary vehicle access via Allnut Street, with a secondary vehicle access via Egan Street. The site contains 17 on-site vehicle parking bays, with a further 17 vehicle parking bays within the immediate road reserve adjoining the facility on Allnut Street.

Refer **Figure 1**, aerial photograph.

**Figure 1 – Aerial photograph**

## 2 PROPOSAL

The development application seeks approval for forward works associated with future expansion works to the existing Tuia Lodge aged care facility.

Specifically, the proposal comprises of the following:

- Minor demolition works to the eastern edge of the existing aged care facility
- Site works, including:
    - Fill and retaining walls
    - Construction of a concrete slab (for future development)
- Stormwater management measures (for future development)
- 1.8m high fencing above retaining walls
- Tree removal for associated site works

Refer **Appendix 2** - Development Plans, **Appendix 3** – Civil Plans and **Appendix 4** – Affected Tree Plan.

# 3 TOWN PLANNING CONSIDERATIONS

## 3.1 Shire of Donnybrook- Balingup No. 7

The Shire of Donnybrook- Balingup *Local Planning Scheme No. 7* (**LPS7**) applies to the subject site.

The provisions of LPS7 are supplemented by the **deemed provisions** at Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a deemed provision and a provision of LPS7 are in conflict, the deemed provision prevails.

### 3.1.1 Zoning

Pursuant to LPS7, the subject site is reserved 'Public Purpose - Hospital and Allied Purposes'.

### 3.1.2 Use and Development of Local Reserves

In accordance with Clause 2.4.1 of LPS7, a person must not use, commence or carry out development on a Local Reserve without first obtaining development approval in accordance with Part 8 of the Deemed Provisions of LPS7.

Whilst LPS7 does not contain objectives for the Public Purpose - Hospital and Allied Purposes Reserve, in determining an application for development approval, the local government shall have regard to the matters set out within Clause 67 of the Deemed Provisions and the intended purpose of the Reserve.

Refer **Table 1** for consideration of the proposed works with respect the provisions of Clause 2.4 of LPS7.

**Table 1: Use and development of Local Reserves**

| Clause 2.4- Use and Development of Local Reserves | | Comment |
|---|---|---|
| *2.4.1* | *A person must not use, commence or carry out development on a Local Reserve without first having obtained development approval, under Part 8 of the deemed provisions of the Scheme.* | Site works will not commence until approval has been determined by local government. |
| *2.4.2* | *In determining an application for development approval, the local government is to have due regard to*<br>○ *the matters set out in clause 67 of the deemed provisions; and*<br>○ *the ultimate purpose intended for the Reserve.* | Refer to **section 3.1.5** (matters to be considered)<br>The proposed forward works are associated with the future expansion of the existing Tuia Lodge aged care facility. As the works are associated with the existing use of the facility, it is considered that these works align with the purpose intended for the Reserve. |
| *2.4.3* | *In the case of land that is reserved for the purposes of a public authority, the local government will, subject to arrangements made under clause 2.4.4 consult with that authority before determining an application for development approval.* | N/A |
| *2.4.4* | *The local government may enter into arrangements with public authorities to determine those proposals that should, and those that need not form the subject of consultation for the purpose of clause 2.4.3.* | N/A |
| *2.4.5* | *For the purpose of clause 2.4.1, "a person" shall include the local government which may, in applying for development approval for works and development on Reserves under its care, control and management, seek an independent assessment of its application by a suitably qualified person and, if such action is taken, shall have due regard to the advice received when making a determination of the application concerned.* | N/A |

As provided in **Table 1** above, the proposed forward works are considered to meet the ultimate purpose intended for the reserve and align with the provision of Part 2 of LPS7. Additionally, the works are consistent with the agreed use and purpose of the land in accordance with the Certificate of Title and relevant notifications and encumbrances.

As such, the works warrant approval accordingly.

### 3.1.3 Aims of the Scheme

Refer **Table 2** below for consideration of the relevant aims and objectives of LPS7, relevant to the proposed forward works.

**Table 2: Aims of the Scheme**

| Clause 1.7- Aims of the Scheme | | Comment |
|---|---|---|
| *(i)* | *encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;* | The proposed development works are considered to align with the principles of orderly and proper planning and will facilitate the future expansion and enhancement of the existing aged care facility. These works ensure the ongoing economic and social well-being of the community and will further enhance the amenity of the locality. |
| *(ii)* | *provide a sufficient supply of serviced and suitable land for housing, rural living, commercial and industrial activities, community facilities, recreation and open space;* | The proposed works will facilitate the expansion of the existing aged care facility, which in turn provides expanded accommodation options for the ageing community. |
| *(viii)* | *protect and enhance the environmental values and natural resources of the district and to promote ecologically sustainable land use and development.* | To ensure the proposed development is carried out in a manner that minimises disruption to the natural environmental values and character of the area, Western Environmental were engaged to undertake preliminary investigation of the subject site and consider the proposed development in the context of the existing environmental conditions.<br>Based on preliminary assessment by Western Environmental, which included both desktop assessment and on-site investigations, preliminary conclusions are that the area of proposed works is unlikely to have adverse impact on environmental values or ecosystem diversity.<br>Refer to **Appendix 4** for Western Environmental advice and preliminary results. |
| *(xviii)* | *the extent possible under the Scheme, conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the municipality and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making;* | |
| *(xix)* | *recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values* | |

As provided in **Table 2** above, the proposed forward works meets the requirements under *Clause 1.7* (Aims of the Scheme) under LPS7 and warrants approval accordingly.

### 3.1.4 Other Considerations - Development requirements

Refer **Table 3** for the development standards of LPS7 relevant to the proposed development.

**Table 3: Development Standards of LPS7**

| Clause 4.8- Clearing Native Vegetation | | Comment |
|---|---|---|
| 4.8.2 | Where the clearing of native vegetation is necessary to develop land, the local government will, in assessing an application for development approval, have regard to the extent of clearing to be undertaken and the quality and type of vegetation to be removed and may impose conditions or make arrangements with the proponent to retain some of the vegetation on the land. | The proposed works require the removal of 19 existing trees to facilitate the future aged care facility expansion. Of these trees, 14 are understood to be native species. Refer **Appendix 2** – Development Plans for affected tree detail.<br>The proposed works and the design of the future aged care expansion has taken into consideration existing trees within the subject site and the proposed works have been designed in a manner that minimises the extent of trees required to be removed to facilitate the expansion. |

The proposed forward works design is considered acceptable with respect to the considerations within Clause 4.8 and the proposal warrants approval accordingly.

### 3.1.5 Matters to be Considered

Clause 67(2) of the Deemed Provisions sets out the matters for which due regard is to be given when considering a development application.

Refer **Table 4** below for an assessment of the relevant matters.

**Table 4 - Matters to be considered**

| Matter to be considered | Provided |
|---|---|
| *(a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;* | The aims and provisions of LPS7 are considered and addressed within this submission. |
| *(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;* | There are no known amendments to LPS7 or other planning instruments the local government is considering which would affect this proposal. |
| *(c) any approved State planning policy* | Refer to **Section 5** below. |
| *(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve* | LPS7 does contain specific reserve objectives to be considered. **Section 3.1.3** of this submission addresses the proposed development against the aims of the Scheme. |
| *(m) the compatibility of the development with its setting, including —*<br>*(i) the compatibility of the development with the desired future character of its setting; and*<br>*(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;* | The proposed development works include site works to facilitate construction of a new concrete slab which will serve as the future floorplate of the aged care facility expansion. These works will facilitate a development outcome consistent with the intention to provide aged care and are considered to align with the desired future character of the subject site.<br>The works are preparatory in nature and will enable the delivery of the expansion Tuia Lodge facility. These works align with the preferred land use for the land and warrant approval accordingly.<br>The future expansion will be addressed via a separate development application that will appropriately address the development in height, scale and appearance in further detail. |
| *(n) the amenity of the locality including the following —*<br>*(i) environmental impacts of the development;*<br>*(ii) the character of the locality;*<br>*(iii) social impacts of the development;* | The proposed forward works will not create any adverse environmental, character of social impacts as set out within this submission. |
| *(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource* | A civil and stormwater design concept has been prepared by Terpkos Engineering to outline preliminary stormwater management that will support the future expansion works. The design detail has been prepared in accordance with the Shire's requirements. |

As set out within **Table 4**, the proposed development satisfies the relevant matters to be considered and warrants approval accordingly.

## 4 SPECIAL CONTROL AREA (SCA2) – PUBLIC DRINKING WATER SOURCE PROTECTION

Special Control Area 2 – Public Drinking Water Source Protection (**SCA2**) is applicable to the subject site and must be considered as part of the development application process. In accordance with LPS7, the purpose of SCA2 is, as follows:

> *The objective of the Public Drinking Water Source Protection Special Control Area is to ensure that the land use and development within the Special Control Area is compatible with the protection and long-term management of water resources for public water supply and water catchment areas designated under the Country Areas Water Supply Act 1947.*

In accordance with Clause 5.3.2, the local government is required to refer applications for development approval which involve specific activities to the Department of Water (now known as Department of Water and Environmental Regulation (DWER)). Having regard to the matters set out within Clause 5.3.2, the proposed works are not considered to be a kind of application requiring referral to DWER as part of the development application assessment process.

As SCA2 is relevant to the subject site, in determining the application for development approval, the local government must consider the provisions of Clause 5.3.3. Refer **Table 5** for comment with respect to the relevant considerations for the proposed works.

**Table 5: Public Drinking Water Source Protection (SCA2)**

| Clause 5.3- Public Drinking Water Source Protection (SCA2) | | Comment |
|---|---|---|
| *5.3.3.1* | In determining applications for development approval within the Public Drinking Water Source Protection Special Control Areas, the local government will have due regard to relevant State Government policies and current Department of Water Land Use Compatibility Tables for Public Drinking Water Source Areas. | Refer **Section 5** of this submission for consideration against *State Planning Policy 2.7 Public Drinking Water Source* (**SPP2.7**) and *Draft State Planning Policy 2.9 Planning for Water* (**Draft SPP2.9**). |
| *5.3.3.2* | Notwithstanding, the permissibility of land uses in the Zoning Table, the following uses are not permitted within the Special Control Area -<br>(i) abattoir;<br>(ii) piggery;<br>(iii) power station;<br>(iv) fish processing;<br>(v) tannery; and<br>(vi) wool scouring. | None of the listed land uses are relevant to the proposed works. |
| *5.3.3.3* | In determining applications for development approval, the local government is to have due regard to any comments or recommendations from the Department of Water and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The local government shall also have regard to the management direction provided by the priority classification of certain areas, noting that -<br>(i) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and<br>(ii) Priority 3 (P3) areas are defined to manage the risk of pollution to the water source. | Noted. |

As set out within **Table 5**, the proposed works meet the considerations of SCA2 and warrants approval accordingly.

## 5 STATE PLANNING POLICIES

### 5.1 State Planning Policy 2.7 – Public Drinking Water Source

The subject site is located within an identified public drinking water source areas and wellhead protection zone. SPP2.7 outlines that all priority source protection areas outside the metropolitan region should be shown within a Special Control Area within the relevant Local Planning Scheme.

LPS7 identifies the subject site within SCA2 given the subject site is covered by a Priority 3 (P3) Public Drinking Water Source Protection Area.

Pursuant to the provisions of SPP2.7, development should be subject to consideration with Water Quality Protection Note 25 - *Land Use Compatibility and Public Drinking Water Source Areas* (**Protection Note**). Given no new land use approval is sought, requirement for consideration with the land use compatibility Protection Note is not considered relevant to the proposed development. This matter may be considered with the future development application for the expansion of the existing aged care facility.

The forward works will be managed to minimise disturbance to existing surface water flows and groundwater levels. Clearing is limited to minimum areas necessary for future development works, reducing potential impacts on public water source areas.

The proposed development works are not considered to have an adverse effect on public drinking water source quality and warrants support accordingly.

### 5.2 Draft State Planning Policy 2.9 – Planning for Water

The Western Australian Planning Commission has reviewed the State's water planning framework and released Draft SPP2.9 for public comment. Draft SPP2.9 seeks to consolidate all water related state policies within one framework instrument, whilst maintaining clear measures to ensure protection of public drinking water source areas from incompatible land use and development.

As Draft SPP2.9 was put out for consultation in August 2021 and there is no clear indication of its gazettal, it has not considered to have any statutory weight in the assessment of the proposed development.

## 6 CONCLUSION

It is considered the proposal should be favourably determined, on individual merit under delegated authority to enable clearances and other approvals to be obtained for the forward works in a timely manner, to meet with the project schedule for delivery of the Tuia Lodge facility expansion.

We therefore respectfully request the application for development approval be considered on its merits and favourably determined under Council discretion.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,

**MILLA HARRIS**
**PLANNING CONSULTANT**

## Appendix 1:
## Certificate of Title and Deposited Plan

WESTERN AUSTRALIA

| TITLE NUMBER | |
|---|---|
| Volume | Folio |
| **LR3025** | **518** |

# RECORD OF QUALIFIED CERTIFICATE OF CROWN LAND TITLE

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES

REGISTRAR OF TITLES WESTERN AUSTRALIA

**LAND DESCRIPTION:**

LOT 502 ON DEPOSITED PLAN 72099

**STATUS ORDER AND PRIMARY INTEREST HOLDER:**
(FIRST SCHEDULE)

**STATUS ORDER/INTEREST:** RESERVE UNDER MANAGEMENT ORDER

**PRIMARY INTEREST HOLDER:** SHIRE OF DONNYBROOK-BALINGUP OF PO BOX 94, DONNYBROOK
(XE M935284 ) REGISTERED 11/3/2015

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

1. M853783 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 10/12/2014.
2. M935282 RESERVE 52022 FOR THE PURPOSE OF AGED PERSONS ACCOMMODATION REGISTERED 11/3/2015.
   M935284 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 11/3/2015.
3. O784256 LEASE TO GREAT SOUTHERN CARE COMPANY PTY LTD OF 16-18 MAYFAIR STREET WEST PERTH WA 6005 EXPIRES: SEE LEASE. REGISTERED 28/6/2021.

Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.
(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
(3) The interests etc. shown hereon may have a different priority than shown.

----------END OF CERTIFICATE OF CROWN LAND TITLE----------

**STATEMENTS:**

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

SKETCH OF LAND: DP72099

END OF PAGE 1 - CONTINUED OVER

Subject to dealing

LANDGATE COPY OF ORIGINAL NOT TO SCALE 28/02/2025 12:01 PM Request number: 67858098

Landgate
www.landgate.wa.gov.au

| | |
|---|---|
| PREVIOUS TITLE: | LR3008-919 |
| PROPERTY STREET ADDRESS: | 30 ALLNUTT ST, DONNYBROOK. |
| LOCAL GOVERNMENT AUTHORITY: | SHIRE OF DONNYBROOK-BALINGUP |
| RESPONSIBLE AGENCY: | DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD) |

NOTE 1: M935282 CORRESPONDENCE FILE 00185-2015-01RO

Subject to dealing



Landgate
www.landgate.wa.gov.au

LANDGATE COPY OF ORIGINAL NOT TO SCALE 20/08/2025 04:53 PM Request number: 68647452
www.landgate.wa.gov.au

| VER | AMENDMENT | AUTHORISED BY | DATE |
|---|---|---|---|
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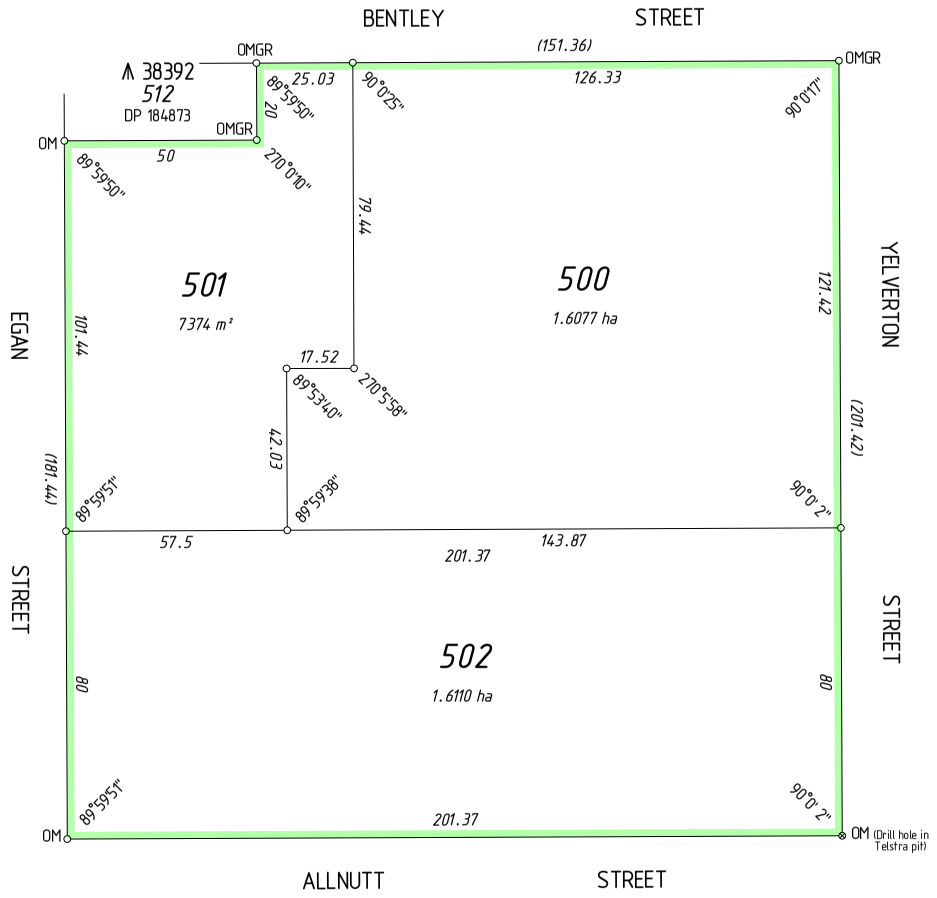


## INTERESTS AND NOTIFICATIONS

| SUBJECT | PURPOSE | STATUTORY REFERENCE | ORIGIN | LAND BURDENED | BENEFIT TO | COMMENTS |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

t 150079

TYPE: CROWN

PURPOSE: SUBDIVISION

PLAN OF

# LOTS 500, 501 & 502

HELD BY LANDGATE IN DIGITAL FORM ONLY.

SSA NO

DISTRICT: WELLINGTON
TOWNSITE: DONNYBROOK

DoL FILE: 01471-1983

LOCAL AUTHORITY: SHIRE OF DONNYBROOK-BALINGUP
LOCALITY: DONNYBROOK

| FORMER TENURE | ON | FIELD BOOK |
|---|---|---|
| LOT 513<br>ON DP 127041<br>LR 3008/919 | INDEX<br>SEE SMARTPLAN | 128997 |

SCALE: 1 : 1250 @A3
ALL DISTANCES ARE IN METRES
0 10 20 30 40 50 60 70m

SURVEYOR'S CERTIFICATE - Reg 54

I, M. RIDDLE

hereby certify that this plan is accurate and is a correct representation of the -

(a) *survey, and/or
(b) *calculations from measurements recorded in the field records,
[*delete if inapplicable]

undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

Licensed Surveyor ..... Date

SURVEYOR'S CERTIFICATE - Compiled

I .....

hereby certify that this compiled plan

(a) is a correct and accurate representation of the survey(s) of the subject land; and

(b) is in accordance with the relevant law in relation to which it is lodged.

Licensed Surveyor ..... Date

LODGED

DATE: 24-FEB-2015

FEE PAID: $0.00

ASSESS No.: 16844334

TYPE OF VALIDATION

FULL AUDIT .....
LEGAL COMPONENT JS
DOCKET TRIM
EXAMINED J SEAGAR
I.S.C. .....
F.S.C. .....

SURVEY FIRM Sc5876

Surveon SURVEYING SERVICES
PO Box 365 Dumbarougth WA 6281
Tel: (08) 97567 719 Fax: (08) 97568 000 mail@survcon.com.au www.survcon.com.au

IN ORDER FOR DEALINGS

SUBJECT TO .....

RESERVE ACTION .....

27.2.2015
FOR INSPECTOR OF PLANS & SURVEYS AUTHORIZED LAND OFFICER DATE

APPROVED

11.3.2015
INSPECTOR OF PLANS & SURVEYS AUTHORIZED LAND OFFICER DATE

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION

FILE EXEMPT FROM WAPC APPROVAL

DELEGATED UNDER S.16 P&D ACT 2005 DATE

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN

# 72099

SHEET 1 OF 1
VERSION 1

# Appendix 2:
# Development Plans

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|---|---|---|---|---|
| | | | | |
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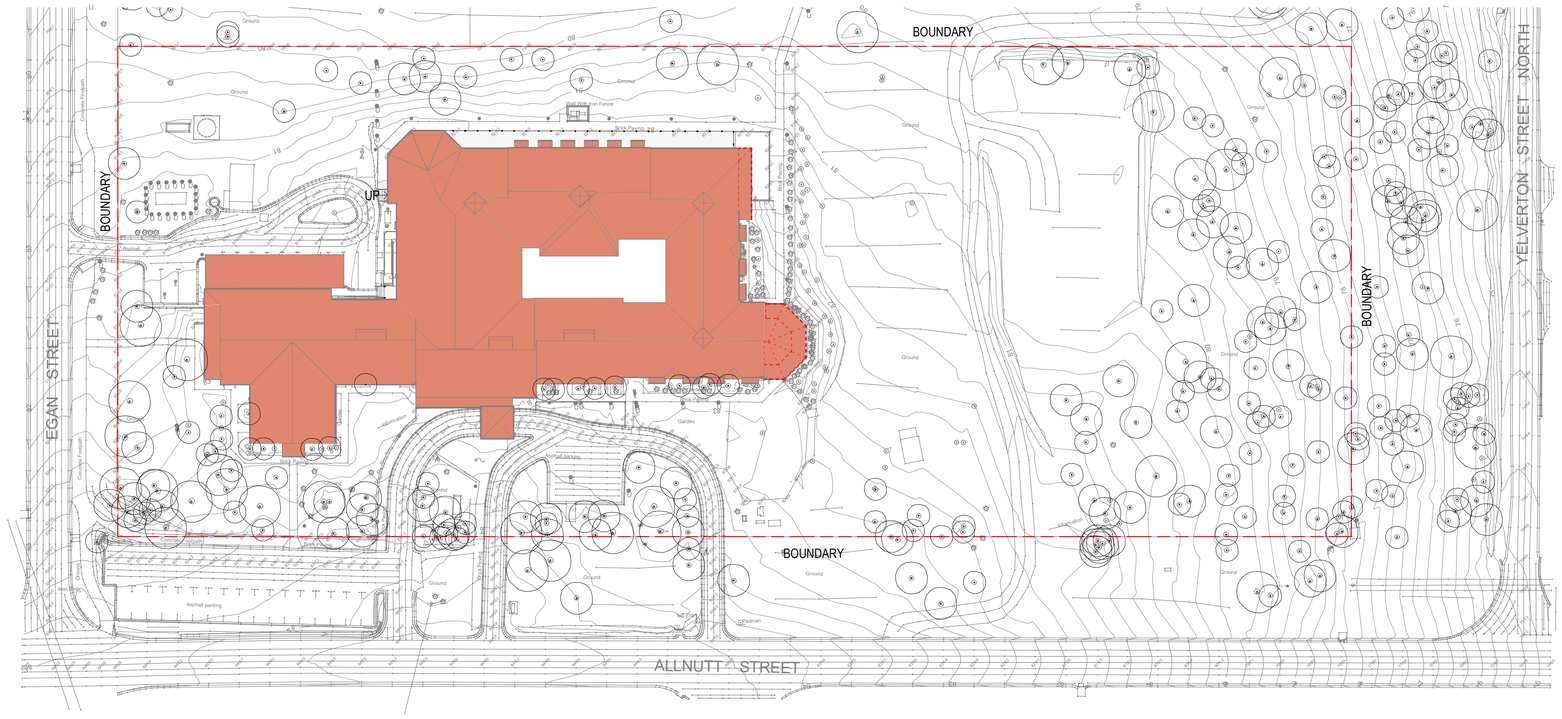
| A | 11/08/25 | ISSUED FOR DA | SJ | SJ |




SCALE

1 : 500 @ A1

# TUIA LODGE, DONNYBROOK

EXISTING SITE PLAN

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C:\Users\sally.jones\Documents\DMG_24023_TUIA LODGE_R23_sally.jonesWG3PA.rvt

DMG
ARCHITECTURE
LEVEL 1, 1008 HAY STREET, PERTH WA 6000
T (08) 9212 8888 info@dmgaustralia.com.au
WWW.DMGAUSTRALIA.COM.AU

PROJECT # 24023

DRAWING # DA.01

ISSUE A

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|---|---|---|---|---|
| A | 11/08/25 | ISSUED FOR DA | SJ | SJ |

AFFECT TREE REGISTER -
REFERENCE DOCUMENT- TREE SURVEY_240625

| TREE NUMBER: | TREE TYPE | TRUNK DIA | CANOPY DIA |
|---|---|---|---|
| RS15 | Eucalyptus | 500mm | 3m |
| RS62 | Chilean Palm | 200mm | 1.5m |
| RS63 | Acacia | 100mm | 3m |
| RS64 | Acacia | 150mm | 4m |
| RS65 | Radiata Pine | 1100mm | 14m |
| RS66 | English Oak | 500mm | 8m |
| RS72 | Radiata Pine | 900mm | 12m |
| RS74 | Radiata Pine | 900mm | 12m |
| RS75 | Port Jackson Pine | 450mm | 3m |
| RS76 | Port Jackson Pine | 500mm | 2.4m |
| RS92 | Lilly Pilly | 400mm | 5m |
| RS93 | Lilly Pilly | 600mm | 9m |
| RS94 | Lilly Pilly | 550mm | 8m |
| RS95 | Marri | 500mm | 6m |
| RS96 | Marri | 250mm | 2m |
| T2 | Marri | 430mm | 8.5m |
| T49 | Eucalyptus | 830mm | 18m |
| T51 | Eucalyptus | 850mm | 21m |
| T52 | Eucalyptus | 780mm | 23m |

NORTHERN BOUNDARY

SOUTHERN BOUNDARY

Ground

Wall With Iron Fence

Gate

Brick Paving

EXISTING BUILDING

Garden

Asphalt parking

Information

RS15 RS64 RS63 RS65 RS66 RS67 RS68 RS69 T49 T51 T52 RS62 RS95 RS94 RS93 RS92 RS72 RS74 RS75 RS76 RS73 RS78 RS96 RS97 RS98 RS100 RS101 RS102 RS103 RS104 RS105 RS110 RS109 RS80 RS81 RS82 RS83 RS84 RS85 RS86 RS87 RS88 RS90 RS91 RS116 RS117 RS124 RS125 RS126 RS127 RS128 RS130 RS144 RS71 RS147 RS148 T2 254 255 260 261 262 263 270

GRASS TREE

DOTTED LINE INDICATES AREA OF PROPOSED SLAB

DENOTES EXTENT OF 1:3 BATTER SLOPE MAX WITH SCOUR PROTECTION - SEE CIVIL DESIGN FOR DETAILS

FOR RETENTION TO BE ASSESSED BY THE ARBORIST / DETERMINED ON SITE AT TIME OF FORWARD WORKS

RELOCATE DURING FORWARD WORKS

BROWN HATCH INDICATES AREA OF PROPOSED FILL - SEE CIVIL DESIGN FOR DETAILS

LEGEND:
RS# =REFER TO TREE SURVEY 240625
T# = REFER TO TAGGED TREES IN TREE SURVEY 240625
S = 0.1M - 0.3M TRUNK DIAMETER
M = 0.5M - 1.0M TRUNK DIAMETER
= UNSPECIFIED SHRUBBERY

SCALE

1 : 200 @ A1

# TUIA LODGE, DONNYBROOK

AFFECTED TREE PLAN

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DMG
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PROJECT # 24023

DRAWING # DA.02 ISSUE A

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|---|---|---|---|---|
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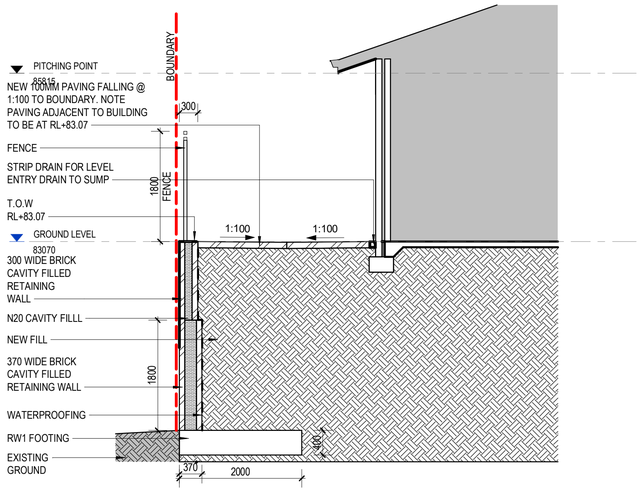
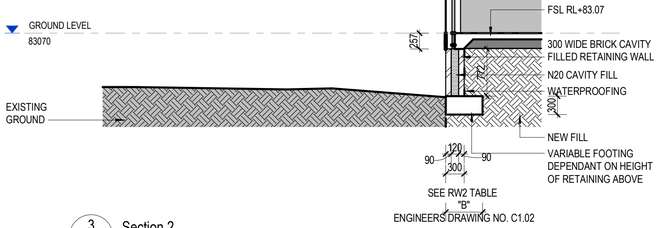



2 A01.20 Section 1
1 : 50




3 A01.20 Section 2
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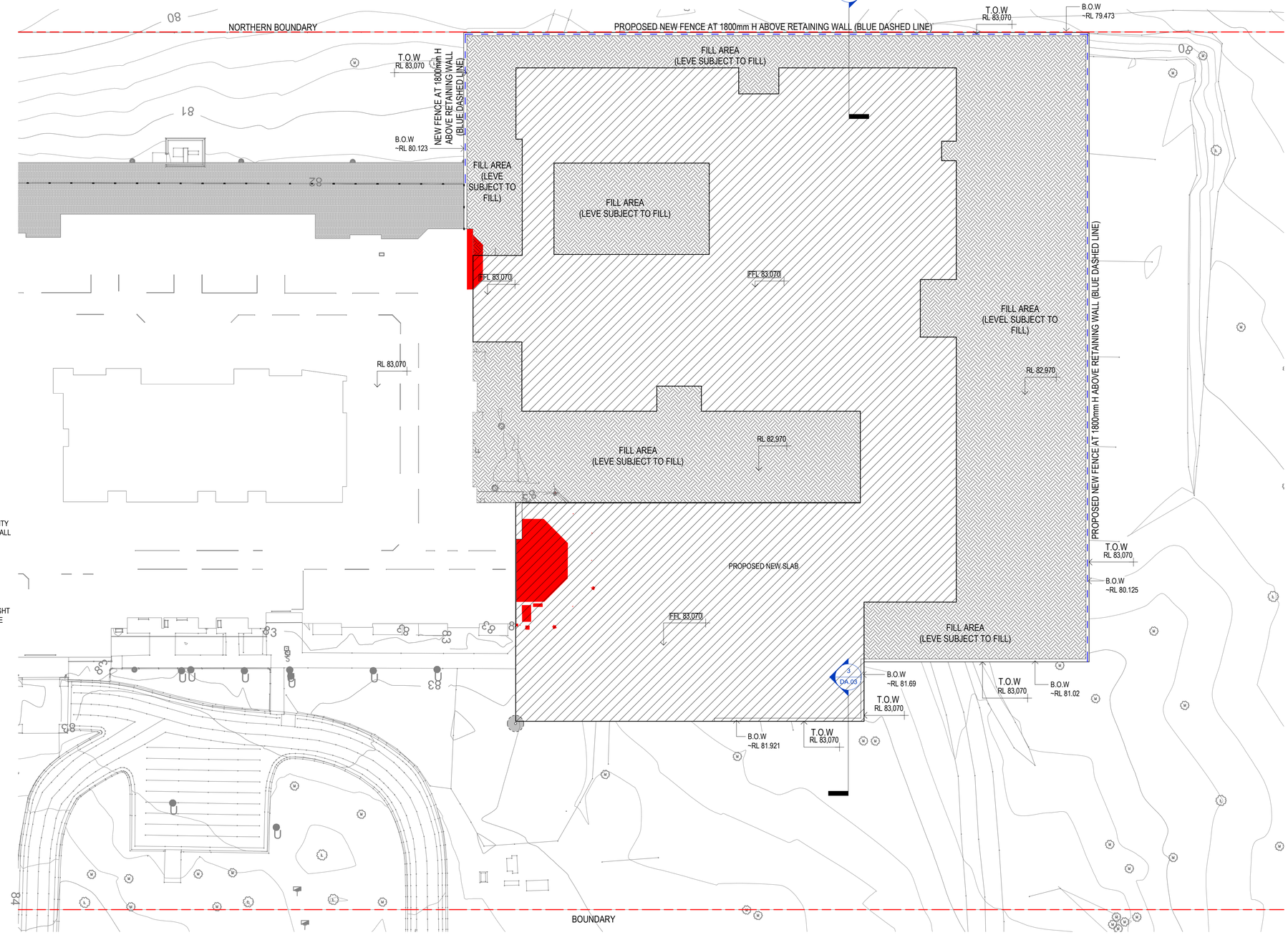


2 DA.03

1 PROPOSED SLAB PLAN
1 : 200

SCALE

As indicated @ A1

# TUIA LODGE, DONNYBROOK

SITE WORKS PLAN

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WWW.DMGAUSTRALIA.COM.AU

PROJECT # 24023

DRAWING # DA.03 ISSUE A

# Appendix 3:
# Civil Design Drawings

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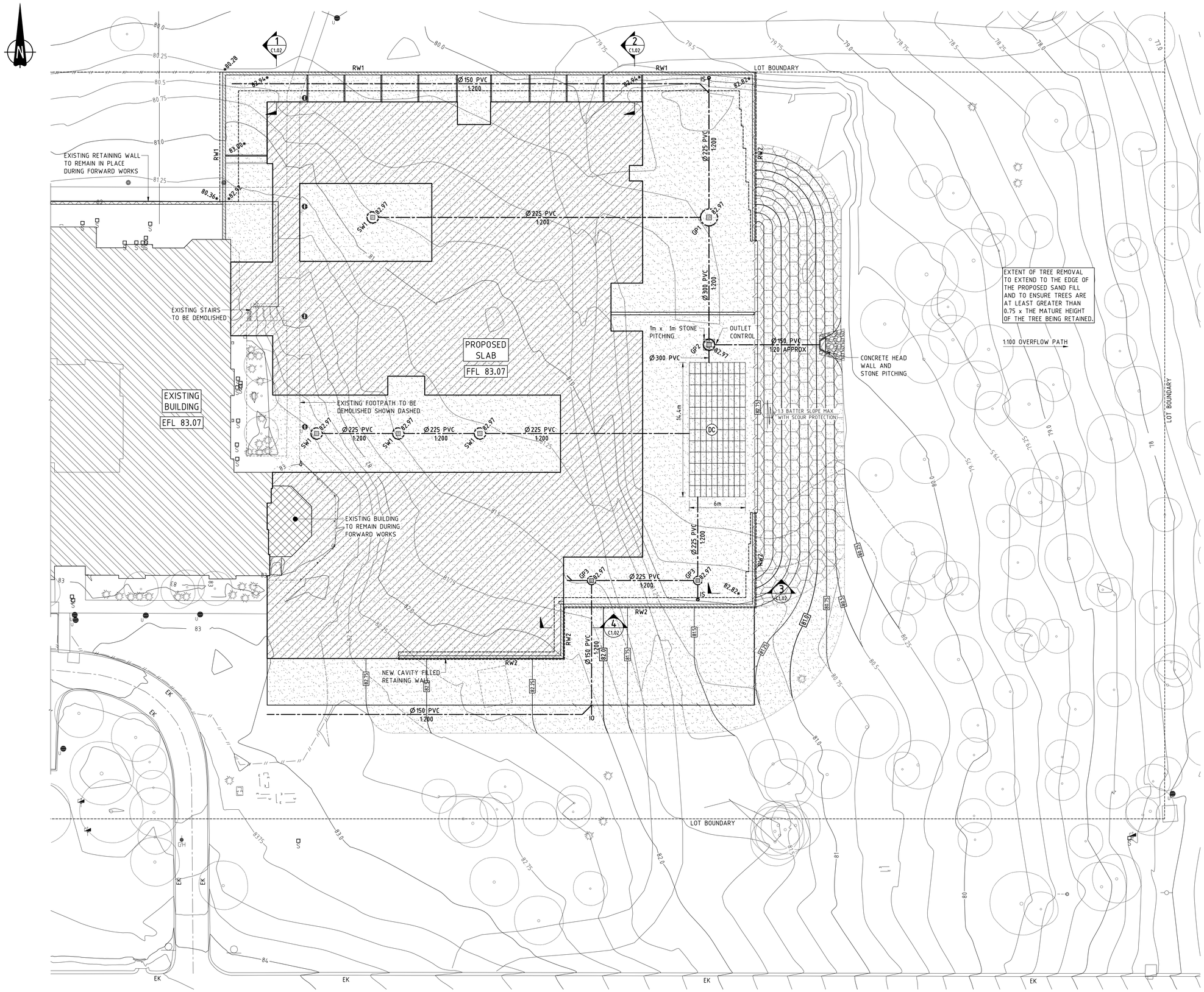


## FORWARD WORKS SITE LAYOUT PLAN 1:200

- RW1 AND RW2 DENOTE CAVITY BRICK FILLED RETAINING WALLS. C1.02 FOR TYPICAL SECTIONS.

## LEGEND

- DENOTES NEW BUILDING WORKS
- DENOTES EXISTING BUILDING ENVELOPE
- DENOTES EXTENT OF SAND FILL
- DENOTES EXTENT OF SCOUR PROTECTION
- EK — DENOTES EXISTING KERB
- FFL 37.720 — DENOTES FINISHED FLOOR LEVEL
- FGL 37.620 — DENOTES FINISHED GROUND LEVEL
- 80.0 — DENOTES PROPOSED GROUND CONTOUR
- 79.0 — DENOTES EXISTING GROUND CONTOUR
- DENOTES EXISTING CONTOUR MODIFIED
- IS — DENOTES INSPECTION SHAFT
- DC — DRAINAGE CELL 14.4m x 4.8m x 0.914m DEEP ACO STORMBRIXX SD WITH ACCESS SHAFT. MINIMUM STORAGE CAPACITY 75m³. DESIGN AND INSTALL IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS. MIN 0.8m COVER. (OR SIMILAR APPROVED)
- 150 PVC 1:200 — DENOTES Ø150 PVC STORMWATER PIPE AT 1:200 GRADE
- GP1 — DENOTES Ø1800 x 1800 DEEP PRECAST SOAKWELL WITH PRECAST LID AND 600 x 600 RAISED (100mm HIGH) GULLY GRATE AND PRECAST BASE WITH Ø1200 HOLE.
- GP2 — DENOTES Ø1200 x 1800 DEEP PRECAST GULLY PIT WITH PRECAST LID AND 600 x 600 RAISED (100mm HIGH) GULLY GRATE PLUS 1m x 1m STONE PITCHING ZONE, AND PRECAST BASE WITH Ø600 HOLE.
- SW1 — DENOTES Ø1200 x 1200 DEEP PRECAST SOAKWELL WITH PRECAST LID AND 450 x 450 RAISED (100mm HIGH) HEELSAFE GRATE AND PRECAST BASE WITH Ø600 HOLE.

## STORMWATER DRAINAGE DESIGN SUMMARY

IMPERVIOUS AREA:
BUILDING, EXTERNAL PAVING AND INTERNAL COURT YARD AREAS
(APPROX. 50m x 68m) = 3400m² APPROX

MINIMUM ONSITE STORAGE DESIGN REQUIREMENTS:

OPTION 1:
SHIRE OF DONNYBROOK-BALLINGUP.
MINIMUM DESIGN REQUIREMENTS: (1m³ PER 150m²)

MINIMUM STORAGE REQUIRED = 3400/150 = 22.7m³ APPROX.

OPTION 2:
AUSTRALIAN RAINFALL AND RUNOFF
AEP = 10%
1 HOUR STORM EVENT, RAINFALL DEPTH = 28.1mm
ON SITE STORAGE REQUIRED = 3400x0.9x0.0281
= 86.0m³ APPROX.

ON SITE STORAGE PROVIDED:
- GULLY PIT (GP1): 1 x 1800Ø x 1800 DEEP = 4.58m³ APPROX.
- GULLY PIT (GP2): 1 x 1200Ø x 1800 DEEP = 2.04m³ APPROX.
- GULLY PITS (GP3): 2 x 900Ø x 1500 DEEP = 1.91m³ APPROX.
- SOAKWELLS (SW1): 4 x 1200Ø x 1200 DEEP = 5.43m³ APPROX.
- DRAINAGE CELL 14.4x6.0x0.914x0.95 = 75.02m³ APPROX.

TOTAL ON SITE STORAGE PROVIDED = 88.98m³ APPROX.

| REV No. | DATE | DESCRIPTION | BY | APPR. |
|---|---|---|---|---|
| 2 | 18.08.25 | ISSUED FOR DEVELOPMENT APPROVAL | J.V. | P.T. |
| 1 | 29.07.25 | ISSUED FOR DESIGN DEVELOPMENT REVIEW | J.S. | P.T. |

terpkos ENGINEERING
ph. (08) 9389 7228 | f. (08) 9389 7221
Unit 10/18 Stirling HWY Nedlands Perth, WA 6009

CLIENT: DMG ARCHITECTURE
PROJECT: TUIA LODGE DONNYBROOK
TITLE: FORWARD WORKS SITE LAYOUT PLAN

| | | | |
|---|---|---|---|
| DESIGNED: P.T. | DATE: JUL 2025 | PROJECT No: | 15927 |
| DRAWN: J.S. | SCALE: 1:200 A1 SIZE | DRAWING No: | C1.01 |
| CHECKED: | CAD REF: J.V. - 15927C101.dwg 18.08.25 1:15 PM | REVISION No: | 2 |
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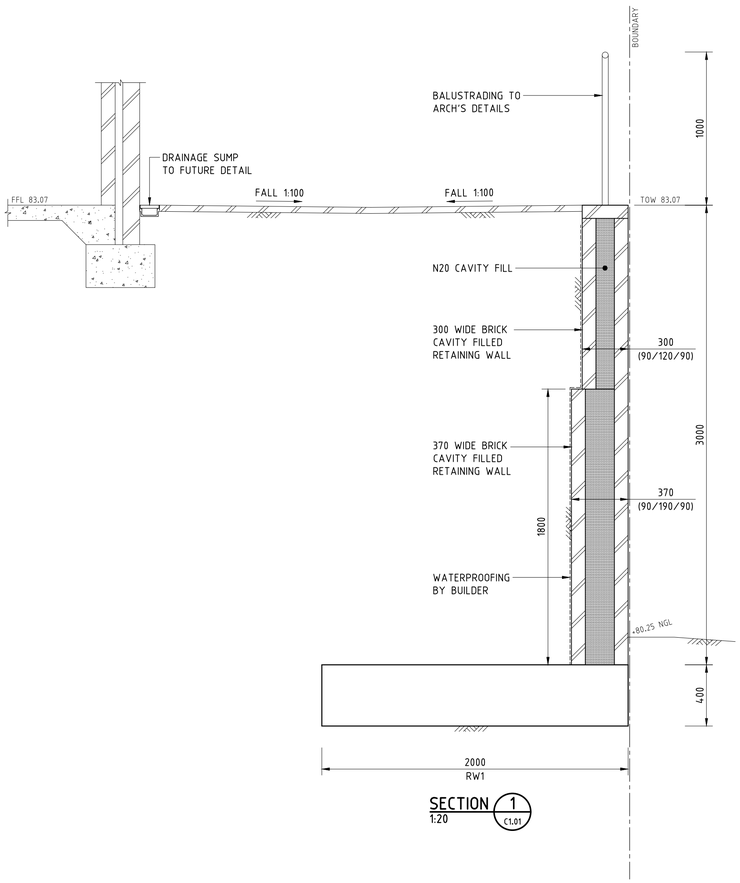
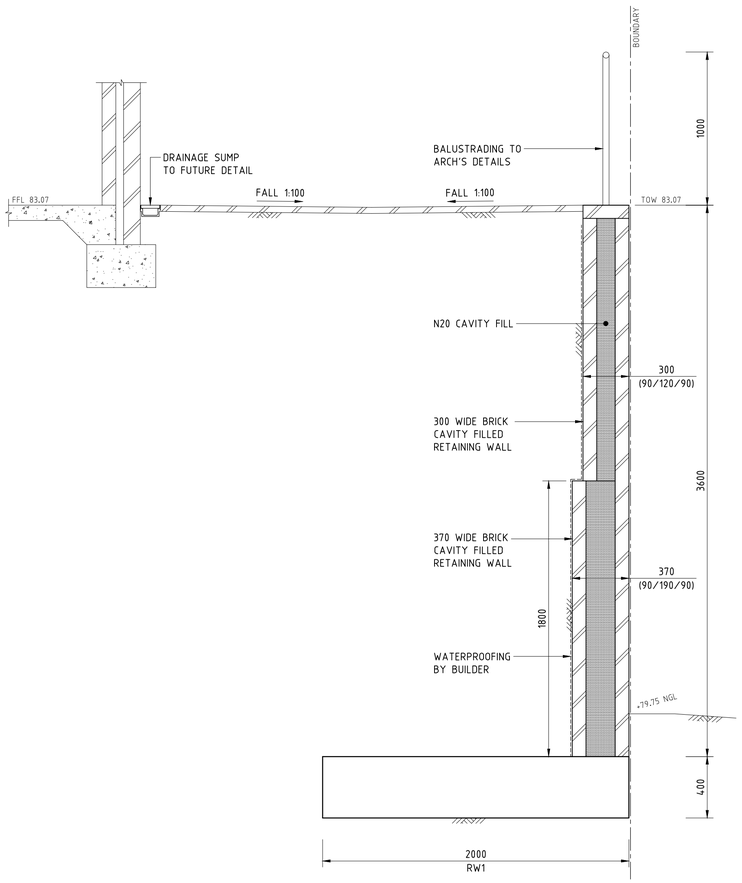
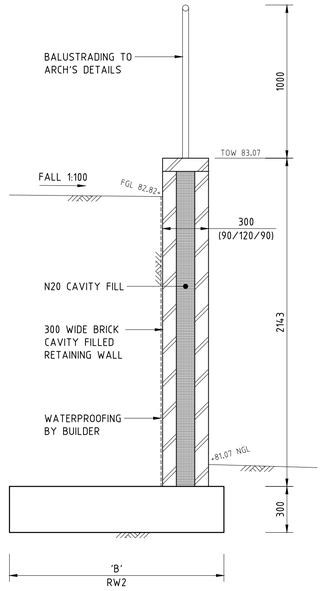



SECTION 1 (C1.01) 1:20

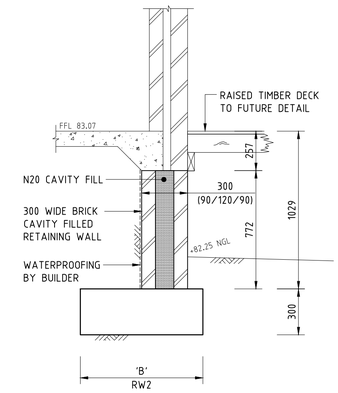



SECTION 2 (C1.01) 1:20

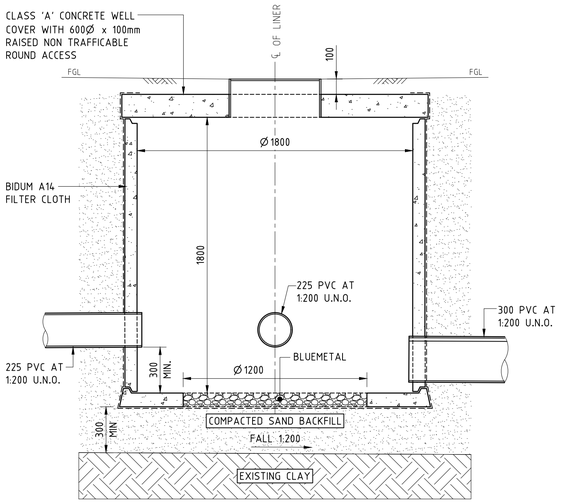



SECTION 3 (C1.01) 1:20

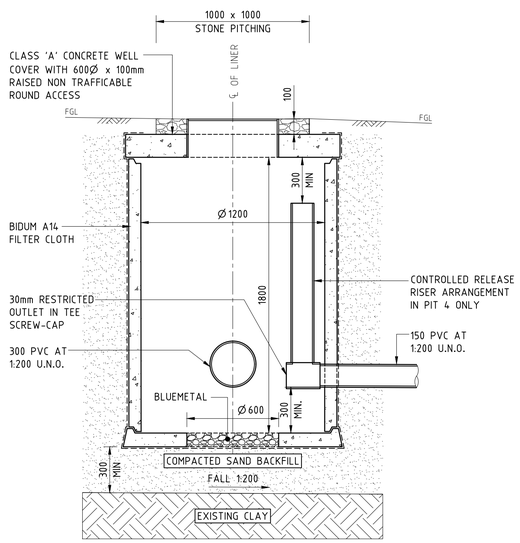
| RETAINING WALL 'RW2' | |
|---|---|
| 'H' | 'B' |
| 0 - 900 | 600 |
| 901 - 1400 | 800 |
| 1401 - 2000 | 1100 |
| 2001 - 2400 | 1400 |
| 2401 - 2700 | 1600 |
| 2701 - 3000 | 1800 |



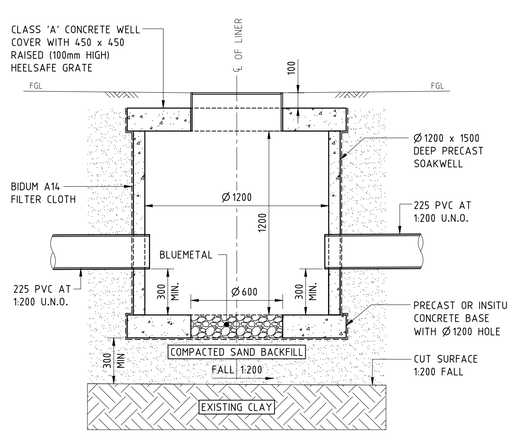

SECTION 4 (C1.01) 1:20



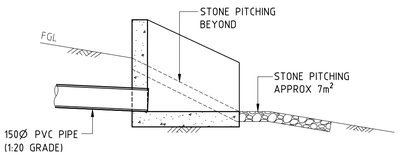

TYPICAL STORMWATER GULLY PIT WITH NON TRAFFICABLE LID (GP1) 1:20




STORMWATER GULLY PIT WITH OUTLET CONTROL FLOW DEVICE (GP2) 1:20




TYPICAL SOAKWELL NON TRAFFICABLE (SW1) 1:20




TYPICAL PRECAST CONCRETE HEADWALL CROSS-SECTION 1:20

| REV No. | DATE | DESCRIPTION | BY | APPR. |
|---|---|---|---|---|
| 2 | 18.08.25 | ISSUED FOR DEVELOPMENT APPROVAL | J.V. | P.T. |
| 1 | 29.07.25 | ISSUED FOR DESIGN DEVELOPMENT REVIEW | J.S. | P.T. |

terpkos – ENGINEERING –
ph. (08) 9389 7228 | f. (08) 9389 7221
Unit 10/18 Stirling HWY Nedlands Perth, WA 6009

CLIENT: DMG ARCHITECTURE

PROJECT: TUIA LODGE DONNYBROOK

TITLE: FORWARD WORKS TYPICAL SECTIONS & DETAILS

| | | | |
|---|---|---|---|
| DESIGNED: P.T. | DATE: JUL 2025 | PROJECT No: | 15927 |
| DRAWN: J.S. | SCALE: 1:20 (AT ISO A1) | DRAWING No: | C1.02 |
| CHECKED: | CAD REF: J:\X - 15927\C1\02.dwg 18.08.25 2:45 PM | REVISION No: | 2 |
| APPROVED: | THIS DRAWING SHALL BE CONSIDERED FOR REFERENCE PURPOSES ONLY AND NOT FOR CONSTRUCTION UNLESS APPROVED. | | |

## Appendix 4:
## Western Environmental Technical Note

Friday, 15 August 2025

*Our Ref: A25.072-MEM-EA_0_FINAL*

Hall and Prior Aged Care
16-18 Mayfair Street
WEST PERTH WA 6005

ATTENTION: Mason Prior

**SUBJECT: TUIA LODGE AGED CARE – ENVIRONMENTAL ADVICE AND PRELIMINARY RESULTS**

Western Environmental Approvals Pty Ltd (WEPL) presents the following memorandum to provide environmental and preliminary results of site assessments to support the Development Application for the redevelopment of Tuia Lodge Aged Care Facility in Donnybrook (the Project). The Project is located at is partially vegetated and contains environmental values and habitat for black cockatoo species and Western Ringtail Possum (WRP) that are protected under the State *Biodiversity Conservation Act 2016* (BC Act) and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

WEPL have undertaken the following scopes of work to inform the environmental assessment and approvals for the Site:

- Desktop assessment.
- Initial site inspection that included targeted black cockatoo and WRP surveys and a reconnaissance level flora and vegetation survey.
- Targeted WRP survey.

A formal technical report detailing the results of the biological surveys and an assessment under the EPBC Act is still to be prepared.

WEPL has produced this high level memorandum detailed the methodology and preliminary results of the biological assessment that has informed the approvals pathway required for the Project.

## Methodology

WEPL have undertaken the following scope of work as outlined below to assist with environmental approvals with the project.

### Desktop Assessment

WEPL have undertaken a desktop assessment to identify significant environmental values which may be present within the local area surrounding the Site.

### Initial Site Inspection

Following the completion of the desktop assessment, WEPL undertook a site assessment on 15 of July 2025 to validate environmental values identified through the desktop assessment. The assessment included targeted black cockatoo and WRP surveys and a reconnaissance level flora and vegetation survey collecting the following information:

- Condition of vegetation present.
- Broadly describing vegetation present.
- Identifying vegetation or fauna (including habitat) that may be representative of conservation significant.

The objective of the initial site assessment was to identify whether further and detailed biological assessment is required to support the potential development and scoping the work required.

### Targeted Western Ringtail Possum Assessment

WEPLs preliminary habitat assessment indicated that that Critically Endangered WRP occurs onsite. A targeted habitat assessment and spotlighting survey was undertaken to identify presence/absence and allow for population estimation if present. This level of detail will be required to support environmental approvals, however may also identify that the Site does not provide core habitat for the species which may remove the requirement for formal environmental approvals.

Two repeated nights of systematic transect spotlighting were undertaken across the Site on 6 August 2025 and 11 August 2025. Transects were 25-50 m wide. This methodology was applied to recent research projects aimed at estimating population across the southwest and major project approvals such as the Bunbury Outer Ring Road and is the accepted standard by regulators.

### Technical Report

A report will be prepared which includes discussion of black cockatoo species and WRP population estimate, habitat quality and extent, comparison to DBCA habitat quality mapping, context of site in terms of regional habitat, other values the site may offer such as connective corridors. Results from the previous black cockatoo habitat assessment undertaken by WEPL will be included in this report.

### EPBC Act Assessment

To ensure there is no potential impacts on matters of national environmental significance (MNES), WEPL will undertake an assessment under the EPBC Act.

## Preliminary Findings

During the three biological assessment undertaken by WEPL the following key findings have been identified within the Survey Area shown in Plate 1.

### Black Cockatoo Potential Nest Trees

49 potential nest trees were identified within the Survey Area (no hollows present but have large enough Diameter at Breast Height [DBH] to support potential future hollows). The 49 trees comprised of:

- 11 Jarrah.
- 34 Marri.
- Four Tuart.

An additional 44 trees with a DBH under 50 cm were also identified (potential future nest trees) within the Survey area.

### Black Cockatoo Observations:

Foraging evidence for all three-black cockatoo species were identified within the Survey Area as shown in Plate 1.

**Plate 1: Black Cockatoo and Western Ringtail Possum values recorded within the Survey Area during initial site inspection**

### Western Ringtail Possum:

WRP was identified as present within the Survey Area. Two records of fresh scat were recorded within the Survey Area.  the spot lighting survey across the two nights spotted three Western Ringtail Possums (WRPs) and also three dreys/nest were recorded in nearby non-native vegetation, as shown in the Plate 2. The three dreys are not located within the disturbance footprint of the Project based on the DMG Architecture Affected Tree Plan dated 12/08/2025, and therefore will not be cleared.

**Plate 2: Western Ringtail Possum values recorded within the Survey Area during the Targeted Western Ringtail Possum Surveys**

### Flora and Vegetation:

No conservation significant flora or vegetation representative of Threatened Ecology Communities or Priority Ecology Communities protected under the BC Act or EPBC Act were identified within the Survey Area.

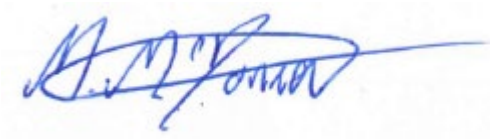
## Environmental Approvals

WEPL are in the process of finalising the technical biodiversity assessment report and completing environmental assessments under the EPBC Act and the WA *Environmental Protection Act 1986*.

## Conclusion

Thank you for the opportunity to provide this proposal, should you wish to proceed, we request that you sign and return the Agreement for Engagement document under the Schedule to our office for execution. If you would like to discuss any aspects of this proposal further, please do not hesitate to contact the undersigned.

Yours sincerely,
Western Environmental Approvals Pty Ltd



MATT MCDONNELL
Associate

PS ref: 9379

15 October 2025

Chief Executive Officer
Shire of Donnybrook Balingup
1 Bentley Street
Donnybrook WA 6239

Attention: Cecilia Muller, Principal Planner

Dear Cecilia,

**LOT 502 (30) ALLNUTT STREET, DONNYBROOK**
**RESPONSE TO REQUEST FOR FURTHER INFORMATION**
**AGED CARE FACILITY**

We refer to the Shire of Donnybrook Balingup (**Shire**) request for further information (**RFI**) correspondence dated 24 September 2025. In response to the Shire's RFI, we are pleased to provide the following submission in response to matters raised and in support of the proposed development.

In response to the matters raised, we provide the following additional information in support of the development:

1. Written response to the RFI correspondence
2. Updated Development Plans

## 1 UPDATED DEVELOPMENT PLANS

In support of the RFI response, the development plans have been amended to address aspects of the Shire's RFI (refer **Appendix 1** – Updated Development Plans). The updated Development Plans address the Shire's request for provision of elevational drawings demonstrating the proposed retaining and site works.

We note the Site Plan has had a minor revision associated with the location of the future slab. This is a result of design development process for the substantive development expansion (to be lodged under separate cover). We do not consider this amendment proposes any material change to the lodged development application or impacts the Shire's assessment and determination of the development application.

## 2 RESPONSE TO REQUEST FOR FURTHER INFORMATION

The following information responds to matters contained within the Shire's RFI correspondence. As the RFI raises varying matters, responses have been separated to address each matter and the public submission comments.

### 2.1 Landscape Plan

A Landscaping Plan is being prepared for the substantive development application and will be lodged for consideration with that subsequent application.

We request that there be no condition for provision of a landscaping plan imposed on the Forward Works DA as this aspect of works is more appropriately addressed via the future substantive development.

PLANNING SOLUTIONS
URBAN & REGIONAL PLANNING
PS

Level 1, 251 St Georges Tce, Perth WA
(08) 9227 7970
GPO Box 2709
Cloisters Square PO 6850

admin@planningsolutions.com.au
www.planningsolutions.com.au
ACN 143 573 184 ABN 23 143 573 184
Planning Solutions (Aust) Pty Ltd

## 2.2 Construction Management Plan

A Construction Management Plan (**CMP**) will be prepared and lodged for approval by the Shire prior to the commencement of works. As is standard with a CMP, this plan will address matters raised within the Shire's RFI.

Typically, a CMP would address (but is not limited to) the following construction related matters:

- Dust management/mitigation measures
- Noise management
- Site vehicle access
- Parking areas
- Loading/unloading practices
- Traffic management
- On-site storage
- Site safety and hoarding

We consider this matter can be addressed via a suitably worded condition of development approval.

## 2.3 Retaining Walls and Fencing

In relation to matters noted with respect to retaining and fencing, the proposed development is situated on a Public Purpose (Hospital and Allied Purposes) Reserve pursuant to *Local Planning Scheme No. 7* (LPS7). Therefore, development and use of land is to be in accordance with the provisions of Clause 2.4 of LPS7.

The original development application submission addressed the provisions of Clause 2.4 of LPS7, as well as the matters to be considered pursuant to Clause 67 of the Deemed Provisions.

With respect to the Shire's request for comment on the potential environmental and visual impacts of the works, in addition to comments within the development application submission, we note the following:

- The area of proposed works is setback from the Allnut Street lot boundary between 18m-28m, and 35m-45m (approximately) from the closest edge of the street. To Yelverton Street North, the works are setback from the lot boundary approximately 35m, and 60m to the edge of the street.
- These setbacks, coupled with existing retained vegetation within the site and adjoining road reserves, appropriately mitigates the visibility of the proposed works from the public realm and adjoining residential properties.
- As demonstrated within the elevations, the level of fill as viewed from the southern elevation is likely to have minimal visual impact and is designed as a continuation of the existing finished levels of the existing aged care facility (refer **Appendix 1** - Updated Development Plans).
- To the north where retaining and fencing is proposed along the boundary, the adjoining hospital maintains existing vegetation, car parking and access aisles between the proposed development site and the main hospital building. These elements establish a suitable visual buffer between the proposed development and the main hospital building, which sits approximately 50m north of the shared boundary.
- In relation to environmental considerations, as set out within this submission and the original development application materials, we contend that the proposed development is considerate of the existing natural environment.

## 2.4 Environmental Assessment

Currently, further reporting from Western Environmental is not available for distribution to the Shire. I note that the assessment and reporting processes are covered by separate legislation, the *Environmental Protection and Biodiversity Conversation Act 1999* (**EPBC Act**).

Once assessment is progressed, the proponent of the proposed development may be able to provide the Shire further advice on assessment outcomes.

## 2.5 Public Submission

With respect to your request for comment on the objection received during the public consultation period, we note that the submission raises several points which we say are not relevant planning considerations. The following summarises and responds to the matters raised:

Point 1

- The submission notes the importance of local ecosystem and wildlife. The proposed works have been designed in a manner that closely considers the natural ecosystem, and the potential habitat of black cockatoo and Western Ringtail Possums (**WRP**). To address this, Western Environmental were engaged to provide advice and undertake assessment of the subject site and proposed development.
- Western Environmental undertook thorough investigation through desktop review and two site inspections. During inspections, WRP and nesting areas were not identified within vegetation within the area of proposed works.
- Western Environmental are preparing additional assessment reporting in accordance with the requirements of the EPBC Act that will address flora and fauna considerations. This matter falls outside of the planning legislation and is therefore suitably addressed by the separate assessment and reporting being undertaken.

Point 2

- The submission notes that the vegetation provides shelter from winds. This matter is not considered a relevant planning consideration.

Point 3

- The submitter notes that they 'believe' that removal of vegetation would 'upset' the fauna and flora ecosystem. There is no evidence provided to suggest that these statements are fact or that the submitter is qualified to make these comments.
- Western Environmental completed two site inspections of the site. Through this, they noted no significant flora or vegetation representative of Threatened Ecology Communities or Priority Ecology Communities protected under the *Biodiversity Conservation Act 2016* or EPBC Act were identified within the survey area.
- This matter is not considered to be a relevant planning consideration.

Point 4

- The submission notes the landowners purchased the site with the knowledge it was going to remain as bushland. Subject to obtaining necessary approvals, the site may be developed and does not have greater protection from development occurring.
- This point is not a relevant planning consideration.

Point 5

- The submission notes contribution to community. The proposed development works are on private land and subject to obtaining necessary approvals, the site may be developed. The development works do not propose significant impact to the environmental value of the land.
- It is also noted that in relation to recreational value of the land, this is not a reserve for public open space or a conversation area open to the public.
- This point is not a relevant planning consideration.

With respect to the submitter's comments, these points are not considered to raise matters of planning relevance specific to the proposed development. The importance of respecting the environmental values of the site has been carefully considered as part of the proposed development, and the proponent has engaged suitably qualified consultants to provide technical advice to inform the proposed development.

The proposed removal of trees from the subject site is being separately addressed through separate legislative requirements as per the EPBC Act and will be assessed and reported on accordingly.

## 3 DETERMINATION OF DEVELOPMENT APPLICATION

We note the Shire has indicated this application requires determination by Council based on receipt of a submission during the public consultation period. As outlined within this correspondence, we do not consider the consultation submission raises relevant planning matters, with several non-planning related matters raised.

Where environmental matters are noted, these are dealt with via separate legislation and will be addressed through additional environmental reporting by the project environmental consultant.

The Shire's Delegation Register states development applications may be determined under delegated authority. We acknowledge there are conditions restricting delegated decisions, as outlined within the Shire's Register. Conditions (a) and (b) set out under Part 9.2 of the delegation register, states:

> *a. Key Trigger for Council Consideration*
>
> *This delegation must not be exercised by the delegated officer where:*
>
> *i. There are unresolved submissions/objections; or*
>
> *ii. Is significant in size, scale and or value.*
>
> *b. Development Applications - Exclusions to Delegated Authority*
>
> *This power of delegation does not extend to approving applications for development approval in the following categories:*
>
> *i. Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval;*
>
> *ii. Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest;*
>
> *iii. The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable).*

In considering conditions (a) and (b) above, the following is noted with respect to the ability for the Shire's delegated officers to determine the application under delegated authority:

With respect to Condition (a):

- As set out within this submission, the objection is not considered unresolved. We have responded to the submission matters and contend that they are not valid or addressed via other processes and legislation separate to the planning framework.
- The proposed works are not significant in size, scale or value and represent only the preliminary phase of the future expansion of Tuia Lodge which is subject to a separate development application.

With respect to Condition (b):

- As set out within this submission, the objection is not considered to provide valid planning grounds. Matters relating to environmental considerations are dealt with through the EPBC Act, which is separate legislation.
- The development is not deemed to be contentious, and the proposed expansion of the facility has previously been presented to the Shire's Council on several occasions.
- The application only received one submission during the consultation period, therefore indicating there is no 'significant community interest'.
- The proposed development is not an amendment to a previous development approval.

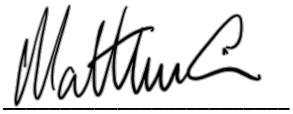
Given the above, we request officers reconsider their position on the requirement for this application to be determined by Council and instead progress determination of the application under delegated authority via the relevant officer.

## 4 CONCLUSION

We consider the information provided above, and enclosed, addresses the Shire's RFI correspondence. Accordingly, we respectfully request the Shire's officers finalise their assessment of the proposed development and progress a delegated decision on the proposed development.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

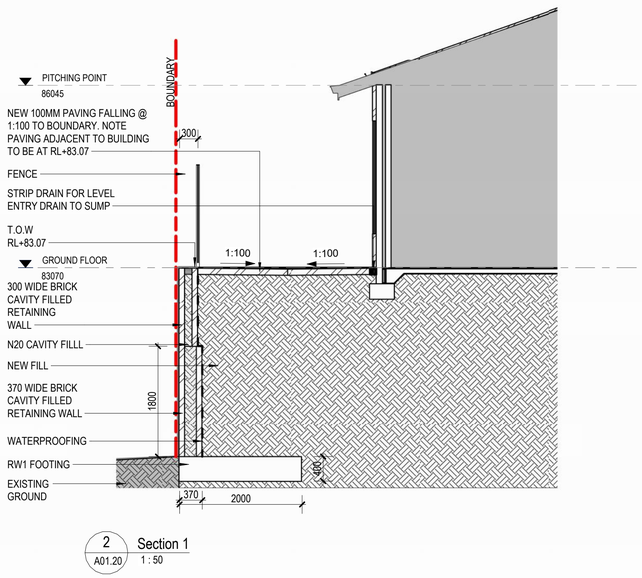
Yours faithfully,



**MATTHEW CAIN**
**SENIOR ASSOCIATE**

Attachment 9.1.3(3)

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|---|---|---|---|---|
| A | 11/08/25 | ISSUED FOR DA | SJ | SJ |




2 A01.20 Section 1
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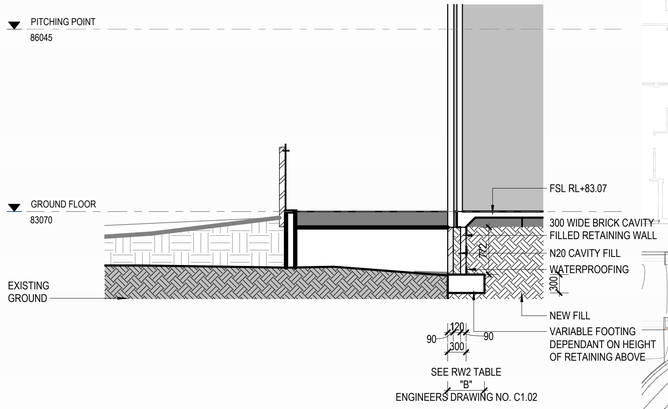


3 A01.20 Section 2
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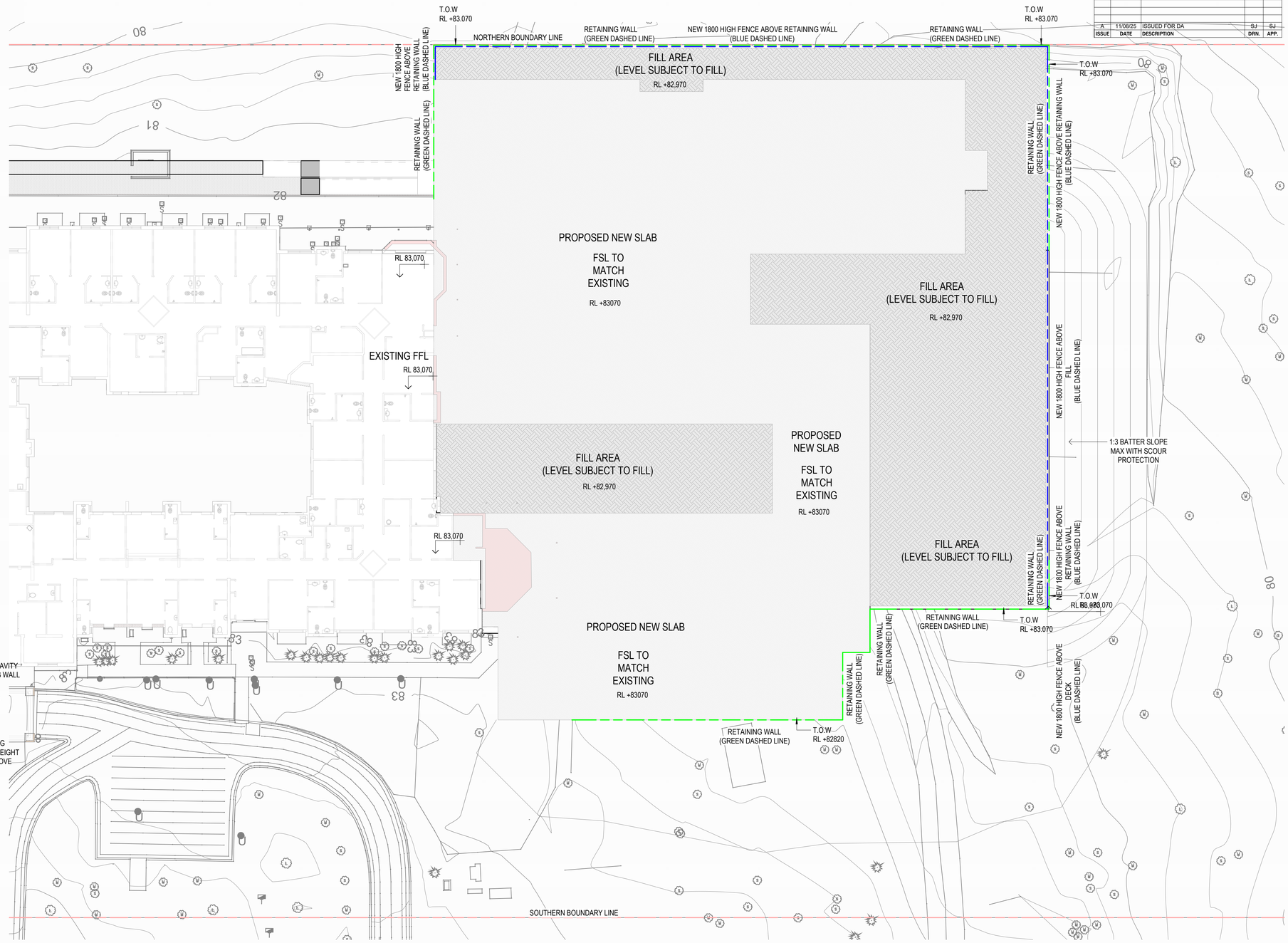


SCALE

As indicated @ A1

# TUIA LODGE, DONNYBROOK

SITE WORKS PLAN

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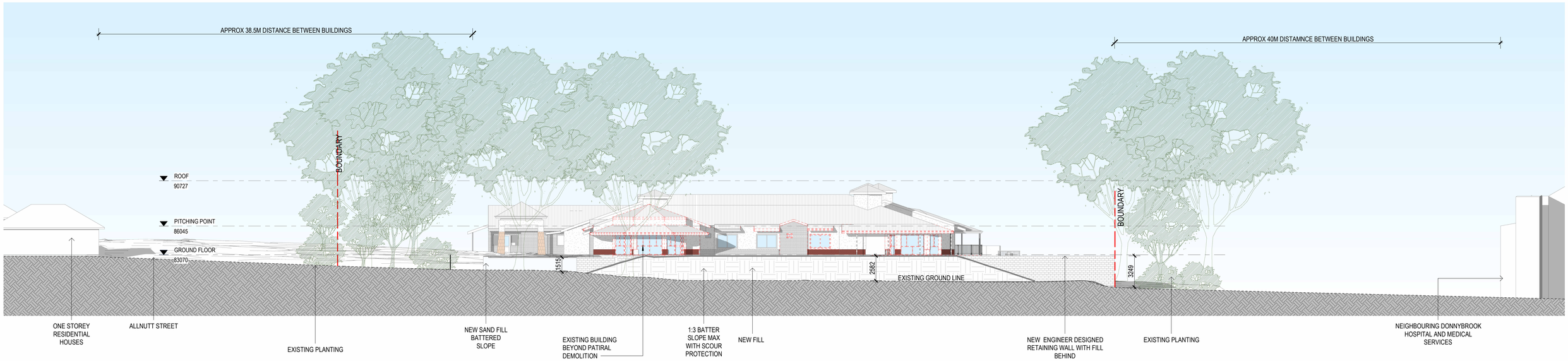
DMG
ARCHITECTURE
LEVEL 1, 1008 HAY STREET, PERTH WA 6000
T (08) 9212 8888 info@dmgaustralia.com.au
WWW.DMGAUSTRALIA.COM.AU

PROJECT # 24023

DRAWING # DA.03 ISSUE A

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
|---|---|---|---|---|
| A | 26/09/25 | CONSULTANT INFORMATION | HZ | SJ |



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# TUIA LODGE, DONNYBROOK

PROPOSED ELEVATIONS

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WWW.DMGAUSTRALIA.COM.AU

PROJECT # 24023

DRAWING # DA.08 ISSUE A

| ISSUE | DATE | DESCRIPTION | DRN. | APP. |
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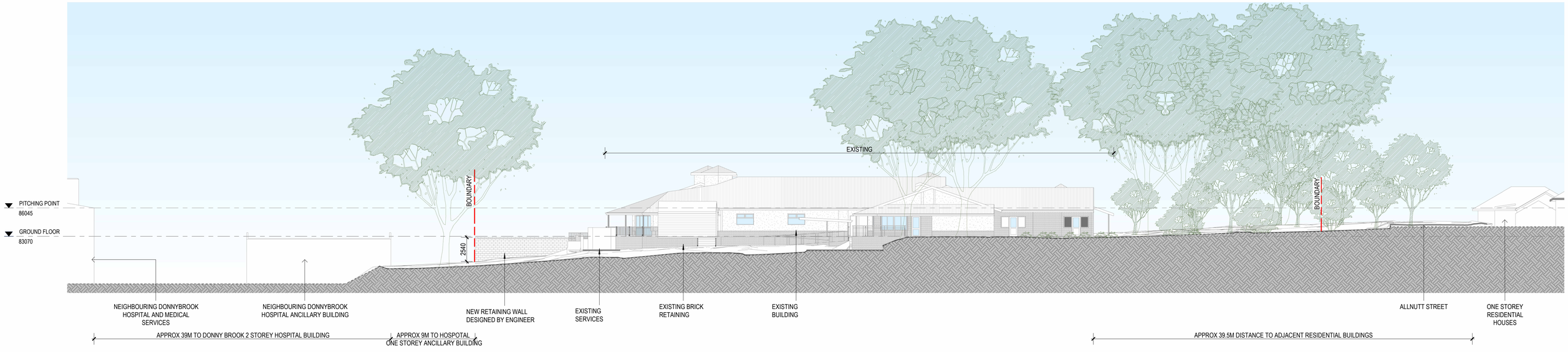


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# TUIA LODGE, DONNYBROOK

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LEVEL 1, 1008 HAY STREET, PERTH WA 6000
T (08) 9212 8888 info@dmgaustralia.com.au
WWW.DMGAUSTRALIA.COM.AU

PROJECT # 24023

DRAWING # DA.09

ISSUE

I would like to formally express my strong opposition to the Shire Council's proposal to develop the suburban bushland located at Lot 502 Allnutt Street, Donnybrook.

This area is a vital part of our local ecosystem and provides essential habitat for native wildlife. Of particular concern is the presence of ringtail possums, which have been regularly sighted in the area. These animals rely on intact vegetation for food, nesting, and safe movement, and any loss or fragmentation of their habitat could have serious consequences for their survival in this region.

I also have concern with regards to the removal of the larger trees on the proposed site as they not only are a delight to look at but shelter our property from strong wind that come from the West reducing the chance of damage to our property. It is also believed that removing the trees would upset the fauna system below in which we have seen rare orchids and many other species of wildflower.

We purchased our property with all the above in mind as we very much enjoy the peace in nature where we live, with the incredible views we have. We were informed when purchasing our property that this site was always going to remain as bush land, while we understand area development is investigated, we feel it would be a shame to lose such a natural and peaceful area.

Beyond its environmental value, the bushland also contributes significantly to community wellbeing. It offers a space for recreation, quiet reflection, and connection to nature—qualities that are increasingly rare and irreplaceable in growing suburban areas. The loss of this natural space would be deeply felt by residents who consider it a treasured part of our community.

I urge the Council to reconsider this proposal and explore alternative solutions that allow for sustainable development while preserving this unique and ecologically significant area.

Thank you for your time and consideration.

# Comment Submission Form

*Shire of Donnybrook Balingup*

RECEIVED 9/10/25

Shire of Donnybrook Balingup

## Notice of Application for Development Approval

**Application for Site Works only at Lot 502 (30) Allnutt Street, Donnybrook**

Your Name:

Your Addre:

Email:

Phone:

Please choose from the following your response to the application:

☑ SUPPORT ☐ OBJECT ☐ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

Signature:

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

# Comment Submission Form

*Shire of Donnybrook Balingup*

RECEIVED 18/09/25

Shire of Donnybrook Balingup

## Notice of Application for Development Approval

**Application for Site Works only at Lot 502 (30) Allnutt Street, Donnybrook**

Your Nam

Your Add

Email:

Phone:

Please choose from the following your response to the application:

☑ SUPPORT ☐ OBJECT ☐ COMMENT ONLY (no other response)

Please leave your comments in the space provided below. If your require additional space, please attach separate pages and ensure you submit them together.

Signature:

**Please complete and return this submission via post, email, or in person to the Shire Administration Office.**

## Cecilia Muller

**From:** Daniel Wong <daniel.wong@dwer.wa.gov.au>
**Sent:** Thursday, 2 October 2025 3:20 PM
**To:** Cecilia Muller
**Cc:** SM Shire
**Subject:** REQ-0001358 - P25052 - Tuia Lodge Expansion - Lot 502 (30) Allnutt Street, Donnybrook

2nd October 2025

Our Reference: REQ-0001358

Your reference: P25052

To: Shire of Donnybrook-Balingup

From: Department of Water and Environmental Regulation

Attention: Cecilia Muller

Dear Cecilia,

**RE: Tuia Lodge Expansion - Lot 502 (30) Allnutt Street, Donnybrook**

Thank you for providing the above proposal for the Department of Water and Environmental Regulation (DWER) to consider.

This proposed development occurs over Lot 502 (see Screenshots 1 – 6 below).

As noted in your referral, this proposal involves:

- Minor demolition on the eastern edge of the existing facility
- Site works, including fill and construction of retaining walls (screenshots 4 & 5)
- Construction of a concrete slab (Screenshot 5)
- Installation of stormwater management measures (Screenshot 6)
- Removal of selected trees (Screenshots 4 & 5)

The Department has identified that the proposal has the potential for impact on the environment. Key issues and recommendations are provided below, and these matters should be addressed:

- **Issue 1**: The clearing of native vegetation is subject to the *Environmental Protection Act 1986* (EP Act)
- **Advice 1**: The following is advised:
    - a) The proponent is to obtain Developmental Approval prior to clearing to ensure the clearing is exempt under Regulation 5, Item 1 of the EP Act, and clearing to be in accordance with the Shire's Firebreak and Fuel Hazard Reduction notice
    - b) Please note that in the absence of Development Approval, this exemption does not apply
    - c) If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).

- **Issue 2**: Public Drinking Water Source area and wellhead protection zone

- **Advice 2**: This development expansion is to connect to reticulated sewerage, to achieve compliance with the Department's Water Quality Protection Note 25 - *Land use compatibility tables for public drinking water source areas*

- **Issue 3**: Stormwater and erosion/sediment transport management
- **Advice 3**: The following is advised:
    - a) Care should be taken during construction works to ensure that material is not mobilised into the neighbouring properties, being the Yelverton street road reserve at eastern boundary, Allnut street to the south and Lot 500 to the north
    - b) The Shire is advised to liaise with its environmental engineers to ensure the proposed stormwater management is in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004–2007)

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

More detail pertaining to the above issues are provided in Table 1 below.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact the undersigned.

Thank you.

Yours sincerely,

*Daniel Wong*
Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au
Phone: 08 9726 4113
Fax: 08 9726 4100
Postal: PO Box 261, Bunbury, WA 6231
Location: 35-39 McCombe Road, Bunbury, WA 6230

**Table 1 - Department of Water and Environmental Regulation detailed comments onP25052**

| Item No. | Reviewer comment/advice |
|---|---|
| 1 | **Issue 1:** The clearing of native vegetation is subject to the Environmental Protection Act 1986 (EP Act)<br><br>**Advice 1:** The following is advised:<br>• a) The proponent is to obtain Developmental Approval prior to clearing to ensure the clearing is exempt under Regulation 5, Item 1 of the EP Act, and clearing to be in accordance with the Shire's Firebreak and Fuel Hazard Reduction notice.<br>• b) Please note that in the absence of Development Approval, this exemption does not apply. |

| | |
|---|---|
| | • c) If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).<br><br>**Discussion 1:**<br>DWER notes that this proposal involves the removal of native species.<br><br>Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless:<br>• it is undertaken under the authority of a clearing permit<br>• it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required<br>• the clearing is subject to an exemption<br><br>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations).<br><br>Based on the information provided, should development approval be issued, clearing to construct a building or structure is likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the Clearing Regulations.<br><br>Note that this exemption does not apply prior to development approval being issued.<br><br>If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098). |
| 2 | **Issue 2:** Public Drinking Water Source area and wellhead protection zone<br><br>**Advice 2:** This development expansion is to connect to reticulated sewerage, to achieve compliance with the Department's Water Quality Protection Note 25 - *Land use compatibility tables for public drinking water source areas*<br><br>**Discussion 2:** DWER notes the proposal is located within a Priority 3 Public Drinking Water Source area, and the northern portion of this lot is within a wellhead portion zone.<br><br>For aged care facilities to be compatible in a Priority 3 PDWSA, Table 2 of the Department's Water Quality Protection Note 25 - *Land use compatibility tables for public drinking water source areas* (WQPN 25) requires compliance with Condition 1 – which relates to sewage disposal being in accordance with the Government sewerage policy.<br><br>Clause 5.1.1 of the *Government Sewerage Policy 2019* (GSP 2019) requires for connection to reticulated sewerage. Our GIS dataset shows that this existing development is already connected to reticulated sewerage. |
| 3 | **Issue 3**: Stormwater and erosion/sediment transport management<br><br>**Advice 3**: The following is advised:<br>• a) Care should be taken during construction works to ensure that material is not mobilised into the neighbouring properties, being the Yelverton street road reserve at eastern boundary, Allnut street to the south and Lot 500 to the north |

| | |
|---|---|
| | • b) The Shire is advised to liaise with its environmental engineers to ensure the proposed stormwater management is in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004–2007)<br><br>**Discussion 3**: To enable extension of the eastern portion of the building, a considerable amount of fill is proposed.<br><br>As such, the above is advised. |
| 4 | **File note 1:** Flood<br><br>The Department notes that the proposal is located outside of a floodplain, on elevated land (Screenshot 2) – to which we have no comment to offer. |

Development Services
629 Newcastle Street Leederville WA 6007
PO Box 100 Leederville WA 6902
T (08) 9420 2099
F (08) 9420 3193

Your Ref: P25052
Our Ref: DEV426371
Enquiries: Matt Calabro
Direct Tel: 9420 2099

2 October 2025

Chief Executive Officer
Shire Of Donnybrook-Balingup
PO BOX 94
DONNYBROOK WA 6239

Attention of: Cecilia Muller

**Re: Development Application - Lot 502, 30 Allnutt St, Donnybrook**

Thank you for your letter dated 1st September 2025. We offer the following comments regarding this proposal.

The Site is situated in a P3 Source Protection area, this allows for urban development to occur within it. Due to the works being minor in nature and not affecting Water Corporation assets or services at this time, Water Corporation has no objections to the proposal.

Water Corporation requests follow up information and submission of further future works, once information is known about the ultimate expansion and demand for additional water and wastewater services.

The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works associated with the Water Corporation. Water Corporation may also require land being provided for works.

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.

Please provide the above comments to the landowner, developer and/or their representative.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact me at matt.calabro@watercorporation.com.au

Regards,

Matt Calabro
Senior Planner – Land Use Planning
Development Services

Department of **Biodiversity, Conservation and Attractions**

GOVERNMENT OF WESTERN AUSTRALIA

PARKS AND WILDLIFE SERVICE

Your ref: P25052
Our ref: 54640 2023/003114
Enquiries: Tracy Teede
Phone: 9725 4300
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Chief Executive Officer
Shire of Donnybrook-Balingup
PO Box 94
DONNYBROOK WA 6239

ATTENTION: Cecilia Muller

**FORWARD WORKS – TUIA LODGE AGED CARE FACILITY –**
**LOT 502 (30) ALLNUTT STREET DONNYBROOK**

I refer to your email dated 1 September 2025 forwarding a development application for the above property for the Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Service comment.

The following comments are provided pursuant to DBCA's responsibilities under the *Biodiversity Conservation Act 2016* (BC Act).

**Advice to City**

Biodiversity values

The Western Environmental Pty Ltd (WEPL) *Environmental Advice and Preliminary Results Technical Note* (15 August 2025) (Technical Note) indicated that western ringtail possums (WRP) and black cockatoo habitat were found within Lot 502.

WRP and black cockatoos are listed as threatened species under the BC Act and Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). WRP are listed as critically endangered under the EPBC Act and BC Act.

Vegetation clearing
The Planning Solutions' letter (21 August 2025) Section 3.1.4 Table 3 Clause 4.8.2 indicates that the extent of vegetation clearing has been minimised to facilitate the proposed works and that nineteen fauna habitat trees will be cleared for the proposed future aged care facility expansion.

DBCA supports the retention of threatened fauna habitat where possible. The proponent should be aware of their obligations and approval requirements under section 40 of the BC Act, which requires Ministerial authorisation to take or disturb threatened species.

DBCA recommends that when vegetation clearing is required, the proponent seek advice from DBCA's Species and Communities branch at speciesandcommunities@dbca.wa.gov.au prior to clearing works, in relation of section 40 authorisation requirements.

DBCA notes that the Technical Note's *Environmental Approvals* and *EPBC Act Assessment* sections refers to a WEPL biodiversity assessment report being prepared for a referral of the application to the Federal *Department of Climate Change, Energy, the Environment and Water* (DCCEEW) for assessment under the EPBC Act.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife Service South-West Region office on 9725 4300 if you have any queries regarding this advice.

Yours sincerely

Aminya Ennis
Regional Manager

9 October 2025

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (a) the aims and provisions of the Scheme/any other local planning scheme operating within the Scheme area | The proposal for the forward works to accommodate the redevelopment of Tuia Lodge aged care facility is considered compatible with the following aims of the Scheme, to –<br>(i) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social wellbeing of the community, and the amenity of the area;<br>(ii) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;<br>(iii) provide a sufficient supply of serviced and suitable land for housing, rural living, commercial and industrial activities, community facilities, recreation and open space;<br>(vii) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;<br>(viii) protect and enhance the environmental values and natural resources of the district and to promote ecologically sustainable land use and development;<br>(xviii) the extent possible under the Scheme, conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the municipality and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making;<br>(xix) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values.<br><br>The proposed forward works for the redevelopment and expansion of Tuia Lodge aged care facility are considered compatible with the aims of the Scheme, as they support the orderly and sustainable development of an essential community facility by enhancing aged care services in a well-located area, consistent with the purpose of the reserve as outlined in the management order. The proposal appropriately balances social benefits with environmental considerations, supported by an environmental assessment that informs the planning assessment and addresses potential impacts associated with tree removal.<br><br>Clause 4.8 of Local Planning Scheme No. 7 (LPS7) provides the Shire with the ability to limit and control the clearing of native vegetation associated with development proposals. Under Clause 4.8.2, in assessing an application that involves vegetation removal, the local government must consider the extent, type, and quality of vegetation to be cleared and may impose conditions or make arrangements for the retention of some vegetation on-site.<br><br>The applicant has advised that 19 existing trees will need to be removed to facilitate the future expansion of the aged care facility, of which 14 are believed to be native species. The applicant has also stated that the proposed works have been designed to minimise the extent of tree removal required.<br><br>Any clearing of native vegetation will also be subject to approval by the Department of Water and Environmental Regulation (DWER), unless exempt under the |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
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| (2) In considering a DA application the below must be considered if applicable. | |
| | *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. The Shire may consider appropriate conditions to further mitigate the loss of vegetation, including potential replanting or landscaping requirements as part of any future development approval.<br><br>The applicant has indicated that a landscaping plan is being prepared for the future building and will be submitted for consideration with the development application for the next stage of the development. This will ensure that appropriate landscaping treatments are integrated into the final development design and provide an opportunity for vegetation replacement or enhancement. |
| (b) requirements of orderly and proper planning taking into account any proposed changes to the scheme. | Lot 502 is a local scheme reserve for Public Purposes. The proposal is consistent with the purpose of the reserve as outlined in the management order which states that the reserve is to be used for Aged Persons Accommodation. |
| (c) any approved State planning policy | Matters relating to SPP 2.7 Public Drinking Water Source and Draft SPP 2.9 Planning for Water, are considers under (o) in this assessment. |
| (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d) | Not applicable. |
| (e) any policy of the Commission; | Not applicable. |
| (f) any policy of the State | Government Sewer Policy 2019 – the development is in the Public Drinking Water Source Protection Area under Local Planning Scheme No. 7. The development complies with the policy provisions as it will be connected to reticulated sewer. |
| (fa) any local planning strategy for this Scheme endorsed by the Commission | <u>*Approved 2014 Local Planning Strategy*</u><br>The lot is identified as "Community" under the Shire of Donnybrook-Balingup Local Planning Strategy.<br><br><u>*Draft Local Planning Strategy*</u><br>The subject lot is designated as "Existing Regional Infrastructure and Public Purposes" in the Donnybrook Townsite Strategy Plan, as outlined in the draft Local Planning Strategy.<br><br>As outlined in the draft Strategy, the Shire's median age for 2020 was estimated at 47.7 which is higher than the State's median age of 37.6. Based on the age structure of the Shire, the Strategy recognises a need to address future residential requirements for older people.<br><br>The draft Strategy sets a clear planning direction regarding housing choice, specifically Direction 2.1, which aims to "provide housing and lifestyle options that cater for residents at various stages of life to attract and retain residents within the district." Supporting this, the Strategy includes a rationale that recognises the evolving housing needs of individuals throughout their lifecycle and highlights the importance of enabling residents to "age in place." The proposal aligns with this strategic intent by supporting the provision of appropriate housing options that cater to older residents, thereby contributing to the Shire's broader objective of retaining long-term community members. |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| (g) any local planning policy for the Scheme area | Not applicable. |
| (h) any structure plan or local development plan that relates to the development | Not applicable. |
| (i) any report of the review of the local planning scheme that has been published | The Shire has commenced a review of Local Planning Scheme No. 7 (LPS7); however, the draft scheme has not yet been released for public advertising or comment. As such, the provisions of LPS7 remain in effect until the review process progresses further. |
| (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve | In the case of land reserved under this Scheme, Clause 2.4 of Local Planning Scheme No. 7 (LPS7) outlines the requirements for the use and development of land designated as Local Reserves. Development on Local Reserves cannot proceed without development approval in accordance with Part 8 of the deemed provisions. In assessing such applications, the local government must have regard to the matters listed in Clause 67 of the deemed provisions as well as the ultimate intended purpose of the reserve. Where land is reserved for the purpose of a public authority, the local government is required to consult with that authority prior to making a decision, unless alternative arrangements have been made under Clause 2.4.4. Clause 2.4.5 further provides that these requirements apply equally when the local government is itself the proponent, ensuring transparency and objectivity through independent assessment.<br><br>As required under Clause 2.4.4, the Department of Planning, Lands and Heritage (DPLH) was consulted on the proposal. The Department advised that, from a Land Use Management (LUM) perspective, the proposed development is consistent with the current reserve purpose of *'Aged Persons Accommodation'* and associated ancillary uses, and therefore LUM has no objection to the proposal. |
| (k) the built heritage conservation of any place that is of cultural significance; | Not applicable. |
| (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located | Not applicable. |
| (m) the compatibility of the development with its setting, including: | |
| (i) the compatibility of the development with the desired future character of its setting | The proposed forward works, comprising site earthworks and the construction of retaining walls, are intended to facilitate the future expansion of the existing Tuia Lodge aged care facility. The site is located within a broader institutional and residential context, with the Donnybrook District Hospital immediately to the north, and residential development to the west and south.<br>The proposed retaining walls will reach a maximum height of approximately 3.2 metres along the northern boundary. This height is required to ensure the finished floor level of the planned extension aligns with that of the existing facility.<br>A 3.2 metre retaining wall combined with a 1.8 metre solid fence would result in a total height of approximately 5 metres, which could appear visually bulky. In a precinct reserved for public purposes, such as the hospital, medical centre, and |
| (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development | |

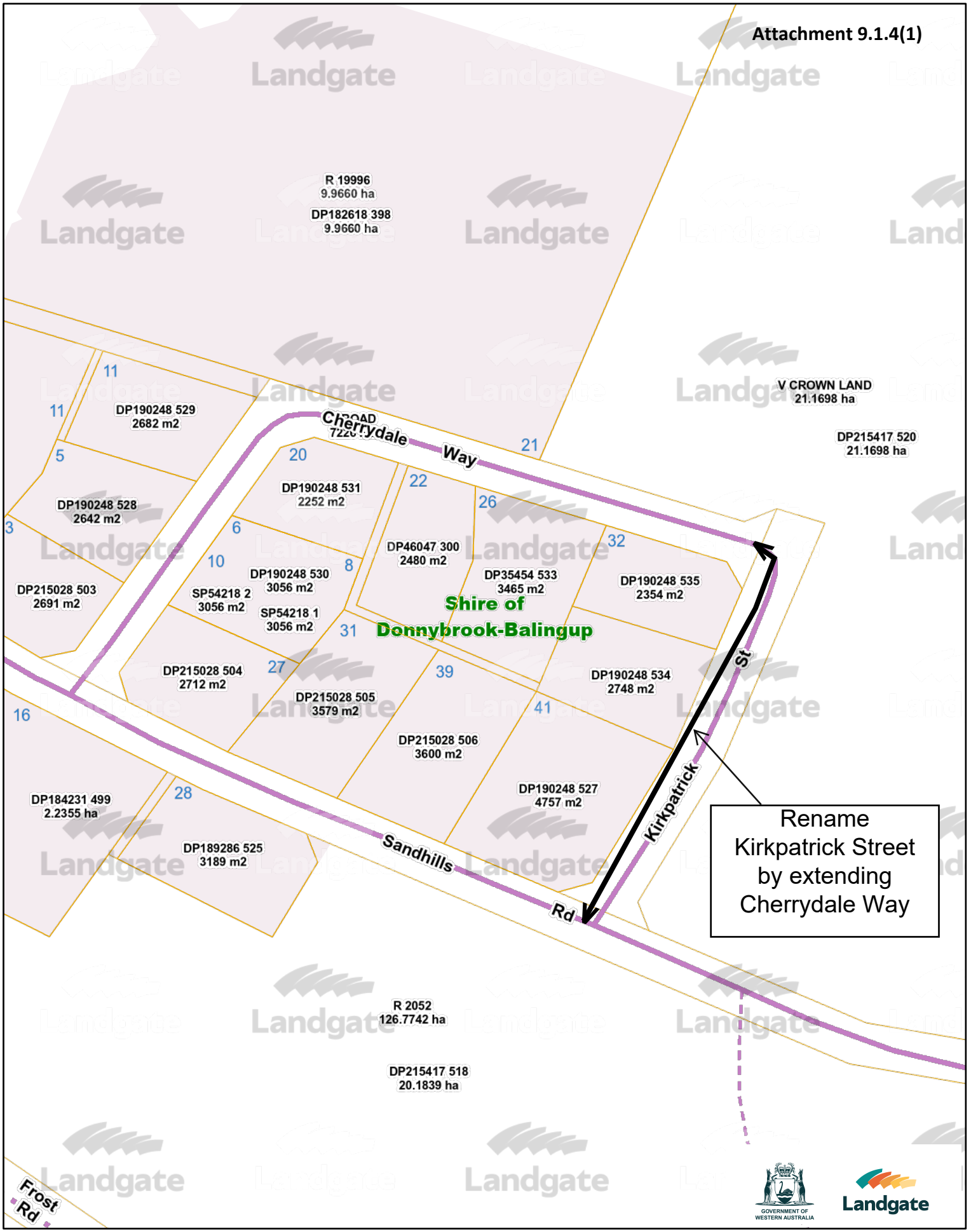
| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | emergency service, maintaining openness and visual permeability is generally desirable to:<br>• Retain passive surveillance opportunities; and<br>• Avoid creating a visually dominant or fortress-like appearance that may detract from the public amenity of the area.<br>In this context, an open-style or visually permeable fence (such as a pool-style fence) would provide a softer interface with adjoining public-purpose land. The potential visual impact along the hospital interface is also moderated by existing vegetation and the physical separation from the main hospital building, both of which assist in reducing perceptions of bulk and scale.<br>Due to the site's natural topography, which falls to the north, the proposed works will present as more modest when viewed from Yelverton and Allnutt Streets. The significant setbacks from these road frontages, together with established tree cover within the road reserve, will further reduce the visual prominence of the development.<br>The proposed retaining walls are functional and appropriate within the institutional setting and, once the overall development is completed, will integrate with the final built form. On balance, the proposal is considered to maintain a satisfactory relationship with adjoining land uses and to be compatible with the existing character and amenity of the locality. |
| (n) the amenity of the locality including | |
| (i) environmental impacts of the development<br>(ii) the character of the locality<br>(iii) social impacts of the development | There are existing residential dwellings located opposite Tuia Lodge, and the aged care facility will remain operational throughout the construction period. Accordingly, it is important that appropriate environmental management measures are implemented to minimise potential impacts on surrounding properties, particularly in relation to dust generation and construction noise during vegetation clearing and site works.<br><br>To address these matters, it is recommended that a condition be imposed requiring the submission and approval of a Construction Management Plan prior to the commencement of works. An accompanying advice note is also recommended to remind the applicant that construction activities must be undertaken in accordance with the *Environmental Protection (Noise) Regulations 1997*. Under these Regulations, construction work is restricted to the hours of 7:00am to 7:00pm, Monday to Saturday, and is not permitted on Sundays or Public Holidays without separate approval.<br><br>The inclusion of these requirements will ensure that environmental impacts, such as dust and noise emissions, are appropriately managed and that the amenity of the locality is maintained throughout the construction phase. |
| (o) likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate their impact | Lot 502 is located within Special Control Area 2 (SCA2) – Public Drinking Water Source Protection Area under Local Planning Scheme No. 7. The objective of this Special Control Area is to ensure that all land use and development are compatible with the protection and long-term management of water resources intended for public supply. |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | Given the site's environmental sensitivity, the proposal was referred to the Department of Water and Environmental Regulation (DWER) and the Water Corporation for comment. Both agencies advised that they have no objection to the proposal, noting that the forward works are not expected to have any detrimental impact on the public drinking water source. It was recommended, however, that detailed stormwater management measures be addressed as part of any subsequent development application, and that the future buildings be connected to reticulated water and sewer services to ensure appropriate environmental protection. |
| (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 | The applicant has advised that 19 existing trees are proposed to be removed to facilitate the future expansion of the aged care facility, 14 of which are native species. The proposed site works have been designed to minimise vegetation removal wherever practicable. No updated environmental reporting from Western Environmental Pty Ltd (WEPL) is currently available. Accordingly, the application has been assessed based on the information presently provided.<br><br>The WEPL Technical Note (15 August 2025) identified habitat within Lot 502 for both the western ringtail possum (WRP) and black cockatoos, which are listed as threatened species under the *Biodiversity Conservation Act 2016* (BC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The WRP is classified as *critically endangered* under both Acts. While the extent of vegetation clearing has been minimised, the removal of 19 potential fauna habitat trees remains necessary. The Department of Biodiversity, Conservation and Attractions (DBCA) supports the retention of threatened fauna habitat where possible and has advised that any disturbance to such species requires Ministerial authorisation under section 40 of the BC Act. DBCA further recommends that the applicant consult with its Species and Communities Branch prior to undertaking any clearing works.<br><br>In addition, the Department of Water and Environmental Regulation (DWER) has advised that the proponent must obtain Development Approval prior to any clearing, in order for the activity to qualify for exemption under Regulation 5, Item 1 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. In the absence of a valid approval, this exemption does not apply. Should approval be granted, the applicant will be advised to contact the Native Vegetation Regulation section of DWER prior to clearing.<br><br>Given the scale and purpose of the proposed development, it is considered appropriate to require the submission of a detailed landscaping plan as part of any future development application for the facility expansion. The applicant has indicated that such a plan will be provided with the subsequent application, providing an opportunity for vegetation replacement and site enhancement consistent with the environmental context of the area. |
| (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, | The subject lot is not located within a designated bushfire prone area or flood prone area, and no other environmental risks have been identified. As such, the land is considered suitable for the proposed development from a risk and hazard perspective. |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| subsidence, landslip, bush fire, soil erosion, land degradation or any other risk | |
| (r) the suitability of the land for the development taking into account the possible risk to human health or safety | The proposal represents an extension to an established and operational facility and does not introduce any new activities or land uses that would pose a threat to human health or safety. |
| (s) the adequacy of: | |
| (i) the proposed means of access to and egress from the site | The application does not currently provide specific details regarding the proposed access for the construction of the site works. The applicant has indicated that a Construction Management Plan (CMP) will be prepared and submitted for approval by the Shire prior to the commencement of works. As is standard, the CMP will address key construction-related matters, including:<br>• Dust management and mitigation measures<br>• Noise management<br>• Site vehicle access<br>• Parking areas<br>• Loading and unloading practices<br>• Traffic management<br>• On-site storage<br>• Site safety and hoarding<br>The applicant has indicated that these matters can be appropriately addressed through a condition of development approval. Officers recommend that a condition be imposed requiring the submission and approval of a CMP prior to the commencement of works to ensure that access, egress, and other construction activities are managed in a safe and orderly manner. |
| (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles | Same as above. |
| (t) 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 | The proposal relates to forward works associated with the expansion of the existing Tuia Lodge aged care facility. During construction, an increase in site-related traffic is anticipated, including deliveries of goods and materials. These movements are typical for development of this nature and are not expected to adversely affect the capacity or safety of the surrounding road network. Traffic management will be addressed through the Construction Management Plan (CMP). Should any damage occur to Shire roads or infrastructure as a result of construction activities, the applicant will be required to undertake appropriate repairs to restore the affected infrastructure to its original condition. |
| (u) the availability and adequacy for the development of the following: | |
| (i) public transport services | Not applicable to forward works proposal. |
| (ii) public utility services | Not applicable to forward works proposal. |
| (iii) storage, management and collection of waste; | During the construction phase, waste generated on-site will be managed by the applicant in accordance with standard construction industry practices, including the use of appropriate waste storage facilities and regular removal by licensed |

| Planning & Development (Local Planning Scheme) Regulations 2015 (Schedule 2, Part 9, Clause 67)<br>MATTERS FOR CONSIDERATION<br>P25052 Forward Works – Tuia Lodge Redevelopment | |
|---|---|
| (2) In considering a DA application the below must be considered if applicable. | |
| | contractors. No issues are anticipated in relation to waste management for the proposed works. |
| (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) | Not applicable to forward works proposal. |
| (v) access by older people and people with disability; | Not applicable to forward works proposal. |
| (v) potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses | No loss of community service or benefit has been identified as a result of the proposed extension to the existing Tuia Lodge aged care facility. The development is expected to enhance, rather than diminish, the level of community service provided. |
| (w) history of the site where the development is to be located | Tuia Lodge, has been providing aged care services to the community since 1985. Originally established by the Shire of Donnybrook-Balingup with strong local volunteer support and fundraising, the facility reflects a long-standing community commitment to caring for the elderly. In 2021, the Shire entered into a 21-year lease agreement with Hall & Prior Health & Aged Care Group, transferring operational management while retaining the management order over the property. Under Hall & Prior's management, Tuia Lodge underwent refurbishments and expanded its services to include in-home community-based care programs. |
| (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals | The proposed extension of the Tuia Lodge aged care facility is expected to have a positive impact on the community as a whole by enhancing the availability and quality of aged care services within the Shire. The development supports community well-being and aligns with broader planning objectives to cater for an ageing population. |
| (y) any submissions received on the application; | Refer to the "Consultation" section in the Agenda Item. |
| (za) the comments or submissions received from any authority consulted | Refer to the "Consultation" section in the Agenda Item. |
| (zb) any other planning consideration the local government considers appropriate | Matters relating to the lease agreement are considered in the Agenda Item. |

# Shire of Donnybrook-Balingup, Locality Beelerup, Map Ref: BG30/14.05




Created: 8 October 2025 from Map Viewer Plus: https://map-viewer-plus.app.landgate.wa.gov.au/index.html

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Author:

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Shire of
Donnybrook Balingup

# Code of Conduct
# For Council Members, Committee Members and Candidates

*November 2025*

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## Introduction

This Code of Conduct for Council Members, Committee Members and Candidates has been adopted by the Shire of Donnybrook Balingup in accordance with section 5.104 of the *Local Government Act 1995*. It incorporates the Model Code of Conduct prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*.

The Code outlines the principles, behaviours, and rules of conduct expected of elected members, committee members, and candidates. It supports the Shire's commitment to good governance, ethical leadership, and community trust.

This Code aligns with the Shire's Council Plan 2022–2032, which integrates the Strategic Community Plan and Corporate Business Plan into a unified vision for the future. The Plan guides Council's strategic priorities and decision making, ensuring that all actions reflect the aspirations of the community and the values of the organisation.

## Values

The Shire is committed to fostering a workplace that embodies key core values. By living these values, the Shire aims to build a collaborative, respectful, and enjoyable workplace where everyone feels valued and empowered to contribute their best:

- Teamwork - We believe in the power of collaboration and high performance. By prioritising open communication, active listening, and shared accountability, we create a culture of trust and inclusion.
- Respect - We uphold the value of respect by treating everyone with kindness, fairness, and understanding.
- Integrity - We act with honesty, transparency, and ethical standards in all our dealings.
- Courage - We encourage open communication by speaking up with new ideas, challenging the status quo respectfully, and taking ownership of difficult decisions, even in uncertain situations.
- Fun (Positivity / Joy) - We embrace the value of fun by creating a positive and enjoyable work environment.



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# Division 1 — Preliminary

## 1. Citation

This is the Shire of Donnybrook Balingup Code of Conduct for Council Members, Committee Members and Candidates.

## 2. Terms used

(1) In this code —

**Act** means the *Local Government Act 1995*;

**candidate** means a candidate for election as a council member;

**complaint** means a complaint made under clause 11(1);

**publish** includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

# Division 2 — General principles

## 3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

## 4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.



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### 5. Relationship with others

(1) A council member, committee member or candidate should —

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

### 6. Accountability

A council member or committee member should —

(a) base decisions on relevant and factually correct information; and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district.

## Division 3 — Behaviour

### 7. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

### 8. Personal integrity

(1) A council member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

(b) must comply with all policies, procedures and resolutions of the local government.

### 9. Relationship with others

A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and



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(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

## 10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(e) must comply with any direction given by the person presiding at the meeting; and

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## 11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## 12. Dealing with complaint

(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.



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(4) If the local government makes a finding that the alleged breach has occurred, the local government may —

(a) take no further action; or

(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —

(a) engage in mediation;

(b) undertake counselling;

(c) undertake training;

(d) take other action the local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —

(a) its finding and the reasons for its finding; and

(b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

## 13. Dismissal of complaint

(1) The local government must dismiss a complaint if it is satisfied that —

(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

(b) either —

(i) the behaviour was dealt with by the person presiding at the meeting; or

(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

## 14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.

(2) The withdrawal of a complaint must be —

(a) in writing; and

(b) given to a person authorised under clause 11(3).



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### 15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## Division 4 — Rules of conduct

*Notes for this Division:*

*(1) Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*

*(2) A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

### 16. Overview of Division

(1) This Division sets out rules of conduct for council members and candidates.

(2) A reference in this Division to a council member includes a council member when acting as a committee member.

### 17. Misuse of local government resources

(1) In this clause —

**electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

**resources** of a local government includes —

(a) local government property; and

(b) services provided, or paid for, by a local government.

(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

### 18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.



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## 19. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## 20. Relationship with local government employees

(1) In this clause —

**local government** employee means a person —

(a) employed by a local government under section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code Chapter* XXXV.

## 21. Disclosure of information

(1) In this clause —

**closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

**document** includes a part of a document;

**non confidential document** means a document that is not a confidential document.



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(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

(1) In this clause —

**interest** —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and



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(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

## 23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



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# SHIRE OF DONNYBROOK BALINGUP

# MONTHLY FINANCIAL REPORT

**(Containing the required statement of financial activity and statement of financial position)**

## For the period ended 30 September 2025

***LOCAL GOVERNMENT ACT 1995***
***LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996***

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## SHIRE OF DONNYBROOK BALINGUP
## STATEMENT OF FINANCIAL ACTIVITY
## FOR THE PERIOD ENDED 30 SEPTEMBER 2025

| | Note | Adopted Budget Estimates (a) | YTD Budget Estimates (b) | YTD Actual (c) | Variance* $ (c) - (b) | Variance* % ((c) - (b))/(b) | Var. |
|---|---|---|---|---|---|---|---|
| | | $ | $ | $ | $ | % | |
| **OPERATING ACTIVITIES** | | | | | | | |
| **Revenue from operating activities** | | | | | | | |
| General rates | | 8,479,018 | 8,470,018 | **8,468,630** | (1,388) | (0.02%) | |
| Grants, subsidies and contributions | | 2,083,411 | 719,164 | **668,215** | (50,949) | (7.08%) | |
| Fees and charges | | 2,764,672 | 1,498,850 | **1,522,743** | 23,893 | 1.59% | |
| Interest revenue | | 431,500 | 106,245 | **94,258** | (11,987) | (11.28%) | |
| Other revenue | | 500 | 500 | **0** | (500) | (100.00%) | |
| | | **13,759,101** | **10,794,777** | **10,753,846** | **(40,931)** | (0.38%) | |
| **Expenditure from operating activities** | | | | | | | |
| Employee costs | | (6,773,089) | (1,671,677) | **(1,694,372)** | (22,695) | (1.36%) | |
| Materials and contracts | | (4,451,392) | (1,350,180) | **(1,375,003)** | (24,823) | (1.84%) | |
| Utility charges | | (476,948) | (119,139) | **(94,866)** | 24,273 | 20.37% | |
| Depreciation | | (7,519,180) | (1,879,792) | **0** | 1,879,792 | 100.00% | ▲ |
| Finance costs | | (149,948) | (36,825) | **(34,313)** | 2,512 | 6.82% | |
| Insurance | | (554,641) | (245,599) | **(248,177)** | (2,578) | (1.05%) | |
| Other expenditure | | (149,065) | (37,128) | **(29,218)** | 7,910 | 21.30% | |
| | | **(20,074,263)** | **(5,340,340)** | **(3,475,949)** | **1,864,391** | 34.91% | |
| Depreciation excluded from operating activities | | 7,519,180 | 1,879,792 | **0** | (1,879,792) | (100.00%) | ▼ |
| **Amount attributable to operating activities** | | **1,204,018** | **7,334,229** | **7,277,897** | **(56,332)** | (0.77%) | |
| **INVESTING ACTIVITIES** | | | | | | | |
| **Inflows from investing activities** | | | | | | | |
| Proceeds from capital grants, subsidies and contributions | | 5,846,213 | 188,737 | **146,039** | (42,698) | (22.62%) | ▼ |
| Proceeds from disposal of assets | | 301,173 | 0 | **0** | 0 | 0.00% | |
| Proceeds from financial assets at amortised cost - self supporting loans | | 10,477 | 0 | **0** | 0 | 0.00% | |
| Proceeds from financial assets at amortised cost - commercial loans | | 56,000 | 3,333 | **3,333** | 0 | 0.00% | |
| Proceeds from financial assets at amortised cost - other | | 5,200 | 1,400 | **1,400** | 0 | 0.00% | |
| | | **6,219,063** | **193,470** | **150,772** | **(42,698)** | (22.07%) | |
| **Outflows from investing activities** | | | | | | | |
| Acquisition of property, plant and equipment | | (5,172,579) | (479,988) | **(426,973)** | 53,015 | 11.05% | ▲ |
| Acquisition of infrastructure | | (4,859,274) | (223,876) | **(235,905)** | (12,029) | (100.00%) | |
| | | **(10,031,853)** | **(703,864)** | **(662,878)** | **40,986** | 5.82% | |
| **Amount attributable to investing activities** | | **(3,812,790)** | **(510,394)** | **(512,106)** | **(1,712)** | (0.34%) | |
| **FINANCING ACTIVITIES** | | | | | | | |
| **Inflows from financing activities** | | | | | | | |
| Leases liabilities recognised | | 100,000 | 0 | **0** | 0 | 0.00% | |
| Transfer from reserves | | 3,294,902 | 318,500 | **318,500** | 0 | 0.00% | |
| | | **3,394,902** | **318,500** | **318,500** | **0** | 0.00% | |
| **Outflows from financing activities** | | | | | | | |
| Payments for principal portion of lease liabilities | | (51,538) | (10,640) | **(10,640)** | 0 | 0.00% | |
| Repayment of borrowings | | (131,459) | (45,277) | **(45,277)** | 0 | 0.00% | |
| Transfer to reserves | | (1,921,200) | (53,928) | **(53,928)** | (0) | (0.00%) | |
| | | **(2,104,197)** | **(109,845)** | **(109,845)** | **(0)** | (0.00%) | |
| Non-cash amounts excluded from financing activities | 2(c) | (100,000) | 0 | **0** | 0 | 0.00% | |
| **Amount attributable to financing activities** | | **1,190,705** | **208,655** | **208,655** | **(0)** | (0.00%) | |
| **MOVEMENT IN SURPLUS OR DEFICIT** | | | | | | | |
| **Surplus or deficit at the start of the financial year** | 2(a) | 1,418,067 | 1,418,067 | **1,890,276** | 472,209 | 33.30% | ▲ |
| Amount attributable to operating activities | | 1,204,018 | 7,334,229 | **7,277,897** | (56,332) | (0.77%) | |
| Amount attributable to investing activities | | (3,812,790) | (510,394) | **(512,106)** | (1,712) | (0.34%) | |
| Amount attributable to financing activities | | 1,190,705 | 208,655 | **208,655** | (0) | (0.00%) | |
| **Surplus or deficit after imposition of general rates** | | **0** | **8,450,557** | **8,864,723** | **414,165** | 4.90% | |

**KEY INFORMATION**

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data outside the adopted materiality threshold.
▲ Indicates a variance with a positive impact on the financial position.
▼ Indicates a variance with a negative impact on the financial position.
Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying notes.

# SHIRE OF DONNYBROOK BALINGUP
# STATEMENT OF FINANCIAL POSITION
# FOR THE PERIOD ENDED 30 SEPTEMBER 2025

| | Actual 30 June 2025 | Actual as at 30 September 2025 |
|---|---|---|
| | $ | $ |
| **CURRENT ASSETS** | | |
| Cash and cash equivalents | 9,388,371 | 12,303,982 |
| Trade and other receivables | 541,190 | 4,396,248 |
| Other financial assets | 23,810 | 20,477 |
| Inventories | 239,964 | 260,533 |
| Contract assets | 539,458 | 488,904 |
| Other assets | 642,323 | 0 |
| **TOTAL CURRENT ASSETS** | 11,375,116 | 17,470,144 |
| | | |
| **NON-CURRENT ASSETS** | | |
| Trade and other receivables | 226,467 | 226,467 |
| Other financial assets | 863,224 | 863,224 |
| Inventories | 1,950,644 | 1,950,644 |
| Property, plant and equipment | 57,479,637 | 58,026,358 |
| Infrastructure | 151,500,831 | 151,616,989 |
| Intangible assets | 423,797 | 423,797 |
| **TOTAL NON-CURRENT ASSETS** | 212,444,600 | 213,107,479 |
| | | |
| **TOTAL ASSETS** | 223,819,716 | 230,577,623 |
| | | |
| **CURRENT LIABILITIES** | | |
| Trade and other payables | 1,756,526 | 820,369 |
| Contract liabilities | 15,656 | 0 |
| Capital grant/contributions liabilities | 1,176,220 | 1,481,530 |
| Other liabilities | 180,797 | 215,787 |
| Lease liabilities | 20,281 | 9,642 |
| Borrowings | 131,459 | 86,182 |
| Employee related provisions | 755,177 | 755,177 |
| **TOTAL CURRENT LIABILITIES** | 4,036,116 | 3,368,687 |
| | | |
| **NON-CURRENT LIABILITIES** | | |
| Other liabilities | 3,932,500 | 3,932,500 |
| Lease liabilities | 19,872 | 19,872 |
| Borrowings | 2,848,308 | 2,848,308 |
| Employee related provisions | 244,524 | 244,524 |
| Other provisions | 2,149,239 | 2,149,239 |
| **TOTAL NON-CURRENT LIABILITIES** | 9,194,443 | 9,194,443 |
| | | |
| **TOTAL LIABILITIES** | 13,230,559 | 12,563,130 |
| | | |
| **NET ASSETS** | **210,589,157** | **218,014,493** |
| | | |
| **EQUITY** | | |
| Retained surplus | 32,088,612 | 39,778,519 |
| Reserve accounts | 5,576,654 | 5,312,082 |
| Revaluation surplus | 172,923,891 | 172,923,892 |
| **TOTAL EQUITY** | **210,589,157** | **218,014,493** |

This statement is to be read in conjunction with the accompanying notes.

## 1 BASIS OF PREPARATION AND MATERIAL ACCOUNTING POLICIES

### BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

***Local Government Act 1995 requirements***
*Section 6.4(2) of the Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996,* prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

*Local Government (Financial Management) Regulations 1996,* regulation 34 prescribes contents of the financial report. Supplementary information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

### PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 September 2025

**THE LOCAL GOVERNMENT REPORTING ENTITY**
All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

**MATERIAL ACCOUNTING POLICES**
Material accounting policies utilised in the preparation of these statements are as described within the 2025-26 Annual Budget. Please refer to the adopted budget document for details of these policies.

**Critical accounting estimates and judgements**
The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
  - Property, plant and equipment
  - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Estimated useful life of intangible assets
- Measurement of employee benefits
- Measurement of provisions
- Estimation uncertainties and judgements made in relation to lease accounting

## 2 NET CURRENT ASSETS INFORMATION

### (a) Net current assets used in the Statement of Financial Activity

| | Note | Adopted Budget Opening 1 July 2025 | Actual as at 30 June 2025 | Actual as at 30 September 2025 |
|---|---|---|---|---|
| **Current assets** | | $ | $ | $ |
| Cash and cash equivalents | | 4,774,259 | 9,388,371 | 12,303,982 |
| Trade and other receivables | | 2,424,798 | 541,190 | 4,396,248 |
| Other financial assets | | 10,546 | 23,810 | 20,477 |
| Inventories | | 250,000 | 239,964 | 260,533 |
| Contract assets | | 0 | 539,458 | 488,904 |
| Other assets | | 0 | 642,323 | 0 |
| | | 7,459,603 | 11,375,116 | 17,470,144 |
| **Less: current liabilities** | | | | |
| Trade and other payables | | (2,185,344) | (1,756,526) | (820,369) |
| Other liabilities | | 0 | (1,372,673) | (1,697,317) |
| Lease liabilities | | (30,000) | (20,281) | (9,642) |
| Borrowings | | (131,419) | (131,459) | (86,182) |
| Employee related provisions | | (500,000) | (755,177) | (755,177) |
| | | (2,846,763) | (4,036,116) | (3,368,687) |
| Net current assets | | 4,612,840 | 7,339,000 | 14,101,457 |
| Less: Total adjustments to net current assets | 2(b) | (4,041,533) | (5,448,724) | (5,236,735) |
| **Closing funding surplus / (deficit)** | | **571,307** | **1,890,276** | **8,864,722** |

### (b) Current assets and liabilities excluded from budgeted deficiency

| | | | | |
|---|---|---|---|---|
| **Adjustments to net current assets** | | | | |
| Less: Reserve accounts | | (4,202,952) | (5,576,654) | (5,312,082) |
| Less: Financial assets at amortised cost - self supporting loans | | 0 | (23,810) | (20,477) |
| Add: Current liabilities not expected to be cleared at the end of the year | | | | |
| - Current portion of lease liabilities | | 30,000 | 20,281 | 9,642 |
| - Current portion of borrowings | | 131,419 | 131,459 | 86,182 |
| **Total adjustments to net current assets** | 2(a) | **(4,041,533)** | **(5,448,724)** | **(5,236,735)** |

### (c) Non-cash amounts excluded from financing activities

| | Adopted Budget Estimates 30 June 2026 | YTD Budget Estimates 30 September 2025 | YTD Actual 30 September 2025 |
|---|---|---|---|
| | $ | $ | $ |
| **Adjustments to financing activities** | | | |
| Non cash proceeds from new leases | (100,000) | 0 | 0 |
| **Total non-cash amounts excluded from financing activities** | **(100,000)** | **0** | **0** |

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the local governments' operational cycle.

## 3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.
The material variance adopted by Council for the 2025-26 year is $25,000 and 10.00% whichever is the greater.

| Description | Var. $ | Var. % | |
|---|---|---|---|
| | $ | % | |
| **Expenditure from operating activities** | | | |
| **Depreciation** | **1,879,792** | **100.00%** | ▲ |
| Depreciation yet to be processed due to assets still subject to final audit. | | Timing | |
| **Depreciation excluded from operating activities** | **(1,879,792)** | **(100.00%)** | ▼ |
| Depreciation yet to be processed due to assets still subject to final audit. | | | |
| **Inflows from investing activities** | | | |
| **Proceeds from capital grants, subsidies and contributions** | **(42,698)** | **(22.62%)** | ▼ |
| Income in the following areas are less than estimated: | | | |
| VC Mitchell Park $36,863 | | Timing | |
| MRWA Special Project Bridges $3,251 | | | |
| LRCI $2,583 | | | |
| **Outflows from investing activities** | | | |
| **Acquisition of property, plant and equipment** | **53,015** | **11.05%** | ▲ |
| Expenditure in the following areas are greater than estimated: | | | |
| Plant & Equipment - Parks & Reserves $10,590 | | Timing | |
| Expenditure in the following areas are less than estimated: | | | |
| VC Mitchell - Park Pavillion $60,576 | | Timing | |

SHIRE OF DONNYBROOK BALINGUP
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 30 SEPTEMBER 2025

## 1 KEY INFORMATION

### Funding Surplus or Deficit Components

**Funding surplus / (deficit)**

| | Adopted Budget | YTD Budget (a) | YTD Actual (b) | Var. $ (b)-(a) |
|---|---|---|---|---|
| Opening | $1.42 M | $1.42 M | $1.89 M | $0.47 M |
| Closing | $0.00 M | $8.45 M | $8.86 M | $0.41 M |

Refer to Statement of Financial Activity

**Cash and cash equivalents**

| | $12.30 M | % of total |
|---|---|---|
| Unrestricted Cash | $6.99 M | 56.8% |
| Restricted Cash | $5.31 M | 43.2% |

Refer to 3 - Cash and Financial Assets

**Payables**

| | $0.82 M | % Outstanding |
|---|---|---|
| Trade Payables | $0.38 M | |
| 0 to 30 Days | | 99.7% |
| Over 30 Days | | 0.3% |
| Over 90 Days | | 0.0% |

Refer to 9 - Payables

**Receivables**

| | $0.22 M | % Collected |
|---|---|---|
| Rates Receivable | $4.18 M | 53.1% |
| Trade Receivable | $0.22 M | % Outstanding |
| Over 30 Days | | 88.1% |
| Over 90 Days | | 0.7% |

Refer to 7 - Receivables

### Key Operating Activities

**Amount attributable to operating activities**

| Adopted Budget | YTD Budget (a) | YTD Actual (b) | Var. $ (b)-(a) |
|---|---|---|---|
| $1.20 M | $7.33 M | $7.28 M | ($0.06 M) |

Refer to Statement of Financial Activity

**Rates Revenue**

| YTD Actual | $8.47 M | % Variance |
|---|---|---|
| YTD Budget | $8.47 M | (0.0%) |

**Grants and Contributions**

| YTD Actual | $0.64 M | % Variance |
|---|---|---|
| YTD Budget | $0.70 M | (9.0%) |

Refer to 13 - Grants and Contributions

**Fees and Charges**

| YTD Actual | $1.52 M | % Variance |
|---|---|---|
| YTD Budget | $1.50 M | 1.6% |

Refer to Statement of Financial Activity

### Key Investing Activities

**Amount attributable to investing activities**

| Adopted Budget | YTD Budget (a) | YTD Actual (b) | Var. $ (b)-(a) |
|---|---|---|---|
| ($3.81 M) | ($0.51 M) | ($0.51 M) | ($0.00 M) |

Refer to Statement of Financial Activity

**Proceeds on sale**

| YTD Actual | $0.00 M | % |
|---|---|---|
| Adopted Budget | $0.30 M | (100.0%) |

Refer to 6 - Disposal of Assets

**Asset Acquisition**

| YTD Actual | $0.24 M | % Spent |
|---|---|---|
| Adopted Budget | $4.86 M | (95.1%) |

Refer to 5 - Capital Acquisitions

**Capital Grants**

| YTD Actual | $0.17 M | % Received |
|---|---|---|
| Adopted Budget | $5.85 M | (97.0%) |

Refer to 5 - Capital Acquisitions

### Key Financing Activities

**Amount attributable to financing activities**

| Adopted Budget | YTD Budget (a) | YTD Actual (b) | Var. $ (b)-(a) |
|---|---|---|---|
| $1.19 M | $0.21 M | $0.21 M | ($0.00 M) |

Refer to Statement of Financial Activity

**Borrowings**

| Principal repayments | ($0.05 M) |
|---|---|
| Interest expense | ($0.03 M) |
| Principal due | $2.93 M |

Refer to 10 - Borrowings

**Reserves**

| Reserves balance | $5.31 M |
|---|---|
| Net Movement | ($0.26 M) |

Refer to 4 - Cash Reserves

**Lease Liability**

| Principal repayments | ($0.01 M) |
|---|---|
| Interest expense | ($0.00 M) |
| Principal due | $0.03 M |

Refer to Note 11 - Lease Liabilites

This information is to be read in conjunction with the accompanying Financial Statements and notes.

# SHIRE OF DONNYBROOK BALINGUP

# SUPPLEMENTARY INFORMATION

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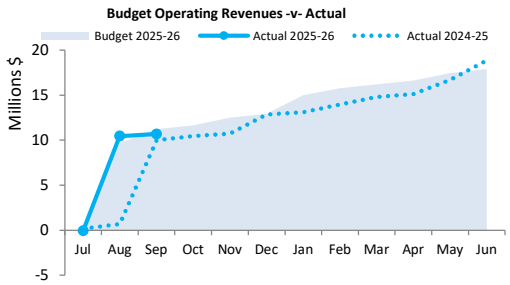
BASIS OF PREPARATION - SUPPLEMENTARY INFORMATION

Supplementary information is presented for information purposes. The information does not comply with the disclosure requirements of the Australian Accounting Standards.

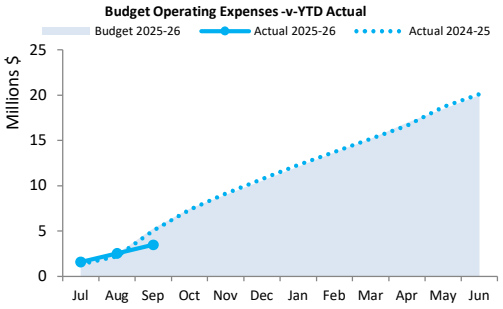
## 2 KEY INFORMATION - GRAPHICAL

### OPERATING ACTIVITIES

#### OPERATING REVENUE

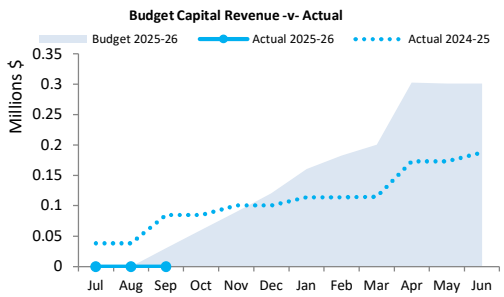



#### OPERATING EXPENSES

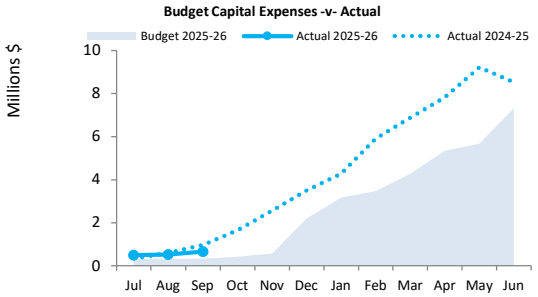



### INVESTING ACTIVITIES

#### CAPITAL REVENUE

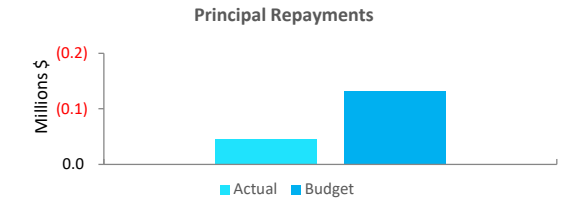


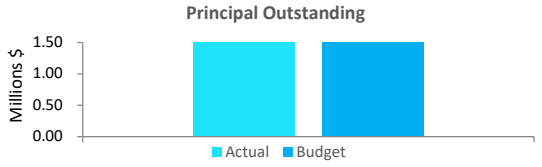

#### CAPITAL EXPENSES



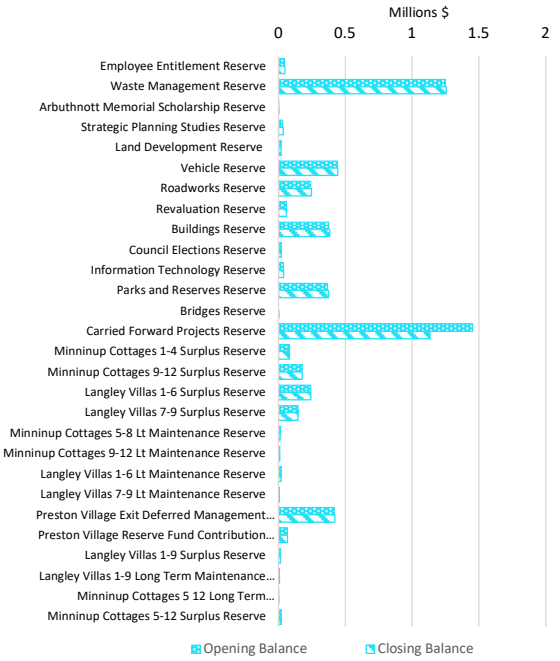

### FINANCING ACTIVITIES

#### BORROWINGS

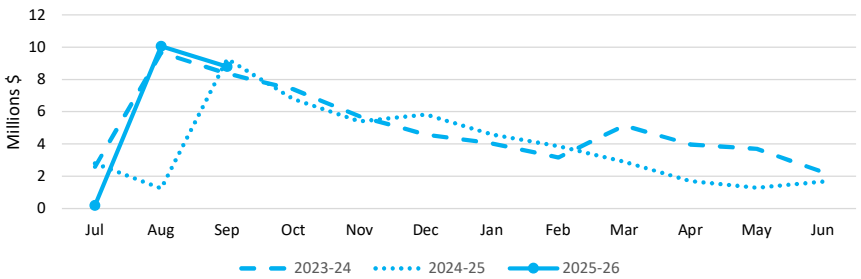



#### RESERVES




### Closing funding surplus / (deficit)




This information is to be read in conjunction with the accompanying Financial Statements and Notes.

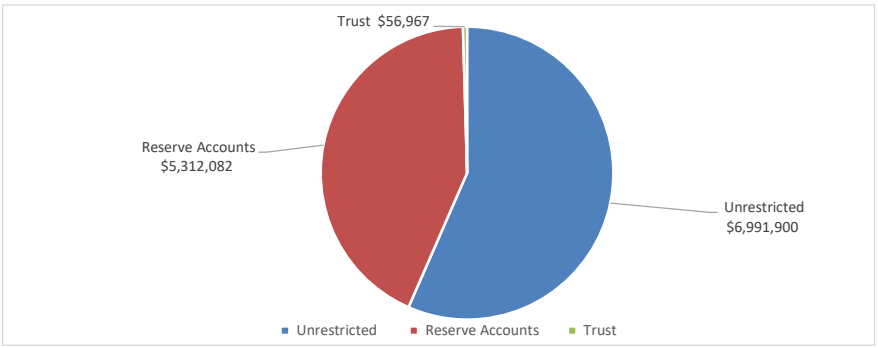
## 3 CASH AND FINANCIAL ASSETS AT AMORTISED COST

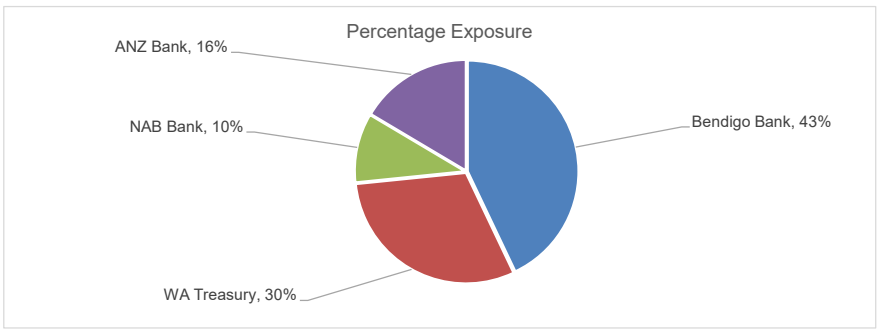
| Description | Classification | Unrestricted | Reserve Accounts | Total | Trust | Institution | Interest Rate | Maturity Date |
|---|---|---|---|---|---|---|---|---|
| | | $ | $ | $ | $ | | | |
| Floats/Petty Cash on Hand | Cash and cash equivalents | 1,010 | 0 | 1,010 | 0 | | NIL | On hand |
| Municipal Bank Account | Cash and cash equivalents | 1,292,848 | 439,191 | 1,732,039 | 0 | Bank | Variable | Cheque Acc |
| WA Treasury | Cash and cash equivalents | 3,698,042 | 0 | 3,698,042 | 0 | Bank | 3.55% | At Call |
| ANZ Bank Term Deposit | Cash and cash equivalents | 2,000,000 | 0 | 2,000,000 | 0 | Bank | 4.06% | 11/2025 |
| ANZ Bank Account | Cash and cash equivalents | | 160,000 | 160,000 | 0 | Bank | | |
| Bendigo Bank Account | Cash and cash equivalents | 0 | 641 | 641 | 0 | Bank | 3.10% | 09/2025 |
| NAB Term Deposit | Cash and cash equivalents | 0 | 1,232,111 | 1,232,111 | 0 | Bank | 1.45% | 09/2025 |
| Bendigo Bank Term Deposit | Cash and cash equivalents | 0 | 3,480,139 | 3,480,139 | 0 | Bank | 3.75% | 10/2025 |
| Trust Fund Cash at Bank | Cash and cash equivalents | 0 | 0 | 0 | 56,967 | Bank | Variable | Cheque Acc |
| **Total** | | **6,991,900** | **5,312,082** | **12,303,982** | **56,967** | | | |
| **Comprising** | | | | | | | | |
| Cash and cash equivalents | | 6,991,900 | 5,312,082 | 12,303,982 | 56,967 | | | |
| | | **6,991,900** | **5,312,082** | **12,303,982** | **56,967** | | | |

**KEY INFORMATION**
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.
Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:
- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 8 - Other assets.



## 4 RESERVE ACCOUNTS

| Reserve account name | Budget | | | | Actual | | | |
|---|---|---|---|---|---|---|---|---|
| | Opening Balance | Transfers In (+) | Transfers Out (-) | Closing Balance | Opening Balance | Transfers In (+) | Transfers Out (-) | Closing Balance |
| | $ | $ | $ | $ | $ | $ | $ | $ |
| **Reserve accounts restricted by Council** | | | | | | | | |
| Employee Entitlement Reserve | 42,500 | 92,000 | 0 | 134,500 | 42,500 | 4,851 | 0 | 47,351 |
| Waste Management Reserve | 1,248,309 | 199,300 | (241,500) | 1,206,109 | 1,248,309 | 7,277 | 0 | 1,255,586 |
| Arbuthnott Memorial Scholarship Reserve | 2,685 | 0 | (300) | 2,385 | 2,685 | 0 | 0 | 2,685 |
| Strategic Planning Studies Reserve | 31,012 | 17,000 | 0 | 48,012 | 31,012 | 4,851 | 0 | 35,863 |
| Land Development Reserve | 21,259 | 0 | 0 | 21,259 | 21,259 | 0 | 0 | 21,259 |
| Vehicle Reserve | 439,525 | 556,000 | (755,402) | 240,123 | 439,525 | 4,851 | 0 | 444,376 |
| Roadworks Reserve | 243,161 | 17,000 | 0 | 260,161 | 243,161 | 4,851 | 0 | 248,012 |
| Revaluation Reserve | 60,000 | 40,000 | 0 | 100,000 | 60,000 | 0 | 0 | 60,000 |
| Buildings Reserve | 377,082 | 425,000 | (405,047) | 397,035 | 377,082 | 7,277 | 0 | 384,359 |
| Council Elections Reserve | 20,000 | 28,500 | (45,000) | 3,500 | 20,000 | 2,426 | 0 | 22,426 |
| Information Technology Reserve | 38,061 | 28,500 | 0 | 66,561 | 38,061 | 2,425 | 0 | 40,486 |
| Parks and Reserves Reserve | 367,921 | 300,000 | (53,068) | 614,853 | 367,921 | 7,277 | 0 | 375,198 |
| Bridges Reserve | 0 | 208,500 | (122,043) | 86,457 | 0 | 2,426 | 0 | 2,426 |
| Carried Forward Projects Reserve | 1,454,216 | 0 | (1,614,633) | (160,417) | 1,454,216 | 0 | (318,500) | 1,135,716 |
| Minninup Cottages 1-4 Surplus Reserve | 82,722 | 0 | (17,695) | 65,027 | 82,722 | 0 | 0 | 82,722 |
| Minninup Cottages 9-12 Surplus Reserve | 179,776 | 0 | (20,265) | 159,511 | 179,776 | 0 | 0 | 179,776 |
| Langley Villas 1-6 Surplus Reserve | 243,439 | 0 | (19,949) | 223,490 | 243,439 | 0 | 0 | 243,439 |
| Langley Villas 7-9 Surplus Reserve | 146,755 | 0 | 0 | 146,755 | 146,755 | 0 | 0 | 146,755 |
| Minninup Cottages 5-8 Lt Maintenance Reserve | 11,669 | 0 | 0 | 11,669 | 11,669 | 0 | 0 | 11,669 |
| Minninup Cottages 9-12 Lt Maintenance Reserve | 10,628 | 0 | 0 | 10,628 | 10,628 | 0 | 0 | 10,628 |
| Langley Villas 1-6 Lt Maintenance Reserve | 21,023 | 0 | 0 | 21,023 | 21,023 | 0 | 0 | 21,023 |
| Langley Villas 7-9 Lt Maintenance Reserve | 7,200 | 0 | 0 | 7,200 | 7,200 | 0 | 0 | 7,200 |
| Preston Village Exit Deferred Management Reserve | 417,463 | 0 | 0 | 417,463 | 417,463 | 4,066 | 0 | 421,529 |
| Preston Village Reserve Fund Contribution Reserve | 64,921 | 0 | 0 | 64,921 | 64,921 | 1,350 | 0 | 66,271 |
| Langley Villas 1-9 Surplus Reserve | 15,032 | 0 | 0 | 15,032 | 15,032 | 0 | 0 | 15,032 |
| Langley Villas 1-9 Long Term Maintenance Reserve | 6,781 | 5,400 | 0 | 12,181 | 6,781 | 0 | 0 | 6,781 |
| Minninup Cottages 5 12 Long Term Maintenance Reserve | 4,000 | 0 | 0 | 4,000 | 4,000 | 0 | 0 | 4,000 |
| Minninup Cottages 5-12 Surplus Reserve | 19,514 | 4,000 | 0 | 23,514 | 19,514 | 0 | 0 | 19,514 |
| | **5,576,654** | **1,921,200** | **(3,294,902)** | **4,202,952** | **5,576,654** | **53,928** | **(318,500)** | **5,312,082** |

## 5 CAPITAL ACQUISITIONS

| Capital acquisitions | Adopted Budget | YTD Budget | YTD Actual | YTD Variance |
|---|---|---|---|---|
| | $ | $ | $ | $ |
| Buildings | 3,687,658 | 161,488 | 97,883 | (63,605) |
| Furniture and equipment | 25,226 | 0 | 0 | 0 |
| Plant and equipment | 1,459,695 | 318,500 | 329,090 | 10,590 |
| **Acquisition of property, plant and equipment** | **5,172,579** | **479,988** | **426,973** | **(53,015)** |
| Infrastructure - roads | 3,449,185 | 20,000 | **30,597** | 10,597 |
| Infrastructure - other | 383,632 | 133,876 | **143,882** | 10,006 |
| Infrastructure - footpaths | 140,252 | 0 | **0** | 0 |
| Infrastructure - bridges | 886,205 | 70,000 | **61,425** | (8,575) |
| **Acquisition of infrastructure** | **4,859,274** | **223,876** | **235,905** | **12,029** |
| **Total capital acquisitions** | **10,031,853** | **703,864** | **662,878** | **(40,986)** |
| **Capital Acquisitions Funded By:** | | | | |
| Capital grants and contributions | 5,846,213 | 188,737 | 174,564 | (14,173) |
| Lease liabilities | 100,000 | 0 | 0 | 0 |
| Other (disposals & C/Fwd) | 301,173 | 0 | 0 | 0 |
| Reserve accounts | | | | |
| Waste Management Reserve | 241,500 | 0 | 0 | 0 |
| Arbuthnott Memorial Scholarship Reserve | 300 | 0 | 0 | 0 |
| Vehicle Reserve | 755,402 | 0 | 0 | 0 |
| Buildings Reserve | 405,047 | 0 | 0 | 0 |
| Council Elections Reserve | 45,000 | 0 | 0 | 0 |
| Parks and Reserves Reserve | 53,068 | 0 | 0 | 0 |
| Bridges Reserve | 122,043 | 0 | 0 | 0 |
| Carried Forward Projects Reserve | 1,614,633 | 318,500 | 318,500 | 0 |
| Minninup Cottages 1-4 Surplus Reserve | 17,695 | 0 | 0 | 0 |
| Minninup Cottages 9-12 Surplus Reserve | 20,265 | 0 | 0 | 0 |
| Langley Villas 1-6 Surplus Reserve | 19,949 | 0 | 0 | 0 |
| Contribution - operations | 489,565 | 196,627 | 169,814 | (26,813) |
| **Capital funding total** | **10,031,853** | **703,864** | **662,878** | **(40,986)** |

**KEY INFORMATION**

**Initial recognition**

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under $5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5).* These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

**Measurement after recognition**

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2).* Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

**Reportable Value**

In accordance with *Local Government (Financial Management) Regulation 17A(2),* the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

## 5 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

**Capital expenditure total**
**Level of completion indicators**

0%
20%
40%
60%
80%
100%
Over 100%

Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

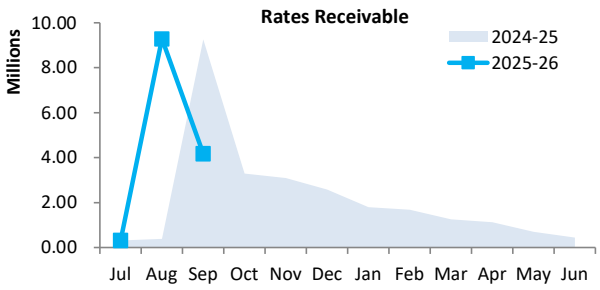
| | Account Description | | Adopted Budget | YTD Budget | YTD Actual | Variance (Under)/Over |
|---|---|---|---|---|---|---|
| **Capital Expenditure** | | | $ | $ | $ | $ |
| | | | | | | 0 |
| | **Buildings** | | | | | 0 |
| B108 | Administration Centre - Donnybrook | | 37,567 | 9,242 | 3,390 | 5,853 |
| B123 | Council Chambers | | 14,149 | 0 | 1,259 | (1,259) |
| B162 | Public Hall - Donnybrook | | 13,172 | 0 | 0 | 0 |
| B163 | Public Hall - Balingup (and Library) | | 18,500 | 18,500 | 7,863 | 10,637 |
| B164 | Public Hall - Kirup | | 137,409 | 0 | 0 | 0 |
| B165 | Public Hall - Newlands | | 55,639 | 0 | 0 | 0 |
| B369 | Public Hall - Yabberup (and tennis shed) | | 32,445 | 0 | 0 | 0 |
| B374 | Scout Hall - Donnybrook | | 35,481 | 0 | 0 | 0 |
| B376 | Mens Shed workshop and ablutions - Egan Park | | 51,500 | 0 | 0 | 0 |
| B300 | Public Toilets - Ayres Gardens Precinct | | 25,000 | 0 | 0 | 0 |
| B106 | VBFB Station - Argyle / Irishtown | | 1,600,000 | 0 | 0 | 0 |
| B395 | Waste Management Facility - Donnybrook | | 70,503 | 0 | 0 | 0 |
| B397 | Balingup Recreation Centre | | 109,310 | 0 | 0 | 0 |
| B078 | Donnybrook Recreation Centre | | 394,582 | 0 | 0 | 0 |
| B379 | Ablutions - Balingup Transit Park | | 27,548 | 27,548 | 6,902 | 20,646 |
| B372 | Public Hall - Brookhampton | | 25,101 | 25,101 | 25,363 | (262) |
| B373 | Community Resource Centre - Donnybrook | | 13,658 | 0 | 0 | 0 |
| B385 | Minninup Cottages (Units 1-4) | | 16,480 | 0 | 0 | 0 |
| B386 | Minninup Cottages (Units 5-12) | | 32,960 | 0 | 0 | 0 |
| B392 | Depot - Donnybrook | | 14,228 | 14,228 | 2,127 | 12,101 |
| B396 | Transfer Station - Balingup | | 0 | 0 | 44,686 | (44,686) |
| B398 | VC Mitchell - Park Pavillion | | 962,426 | 66,869 | 6,293 | 60,576 |
| | | | **3,687,658** | **161,488** | **97,883** | 63,605 |
| | **Plant and Equipment** | | | | | |
| 2746 | Plant & Equipment - Parks & Reserves | | 11,000 | 0 | 10,590 | (10,590) |
| 0884 | Vehicles - Ranger | | 69,010 | 0 | 0 | 0 |
| 2274 | Vehicles - Town Planner | | 35,020 | 0 | 0 | 0 |
| 0434 | Vehicles - Parks & Reserves | | 434,945 | 0 | 0 | 0 |
| 3554 | Vehicles - Transport | | 815,990 | 318,500 | 318,500 | 0 |
| 4214 | Vehicles - Public Works Overheads | | 93,730 | 0 | 0 | 0 |
| | | | **1,459,695** | **318,500** | **329,090** | (10,590) |
| | **Furniture and Equipment** | | | | | |
| 8904 | Dolphin Wave Pool Cleaner | | 6,700 | 0 | 0 | 0 |
| 8974 | Christmas Decorations | | 18,526 | 0 | 0 | 0 |
| | | | **25,226** | **0** | **0** | 0 |
| | **Infrastructure - Other** | | | | | 0 |
| R144 | VC Mitchell - Design & Development | | 0 | 0 | 39,570 | (39,570) |
| R169 | VC Mitchell - Tennis Lighting | | 126,829 | 68,499 | 68,498 | 1 |
| R170 | VC Mitchell - Storage Shed / Shelter | | 0 | 0 | 9,695 | (9,695) |
| R178 | VC Mitchell - Kitchen & Bar Equipment | | 0 | 0 | 1,984 | (1,984) |
| R188 | Egan Park | | 16,153 | 16,153 | 13,160 | 2,993 |
| R191 | Apple Fun Park | | 5,305 | 5,305 | 0 | 5,305 |
| R192 | Trigwell Park / Apex Park | | 15,586 | 0 | 0 | 0 |
| R193 | Trigwell Street Park | | 14,967 | 0 | 0 | 0 |
| R194 | Donnybrook Arboretum | | 21,911 | 21,911 | 1,120 | 20,791 |
| R189 | Donnybrook Townsite (General) | | 10,927 | 2,730 | 0 | 2,730 |
| R197 | Balingup Skatepark | | 20,000 | 0 | 0 | 0 |
| R198 | South West Hwy Donnybrook | | 74,813 | 0 | 0 | 0 |
| R199 | Ayers Gardens | | 16,391 | 4,095 | 0 | 4,095 |
| R200 | Donnybrook Waste Management Facility | | 35,000 | 8,748 | 9,855 | (1,107) |
| R201 | Yabberup Townsite | | 25,750 | 6,435 | 0 | 6,435 |
| | | | **383,632** | **133,876** | **143,882** | (10,006) |
| | **Infrastructure - Bridges** | | | | | |
| B5224 | Bridge 5224 - Renewal Works | | 220,155 | 0 | 0 | 0 |
| B5185 | Bridge 5185 - Merrifield View | | 417,000 | 0 | 0 | 0 |
| B3617 | Bridge 3617 - Bridge St | | 110,000 | 70,000 | 61,425 | 8,575 |
| 3625 | Bridge 3625 - Charlie Creek Road | | 10,300 | 0 | 0 | 0 |
| B0875 | Bridge 0875 - Balingup Nannup Road | | 25,750 | 0 | 0 | 0 |
| B3639 | Bridge 3639- Bendall Road | | 15,450 | 0 | 0 | 0 |
| 0876 | Bridge 0876 - Balingup Nannup Road | | 36,050 | 0 | 0 | 0 |
| B9315 | Bridge 9315- Donnybrook Pedestrian Suspension Bridge | | 51,500 | 0 | 0 | 0 |
| | | | **886,205** | **70,000** | **61,425** | 8,575 |
| | **Infrastructure - Footpaths** | | | | | |
| C2409 | Preston River Path Loop | | 140,252 | 0 | 0 | 0 |
| | | | **140,252** | **0** | **0** | 0 |
| | **Infrastructure - Roads** | | | | | |
| C2404 | Forrest Road | | 0 | 0 | 359 | (359) |
| C2210 | Southampton Road | | 202,576 | 0 | 0 | 0 |
| C2304 | Montgomery Road | | 55,000 | 0 | 1,600 | (1,600) |
| C2405 | Smith & Timms Rd | | 0 | 0 | 875 | (875) |
| C2410 | Freemasons Drainage Easement Upgrade and Extension - Lots | | 100,000 | 20,000 | 12,217 | 7,783 |
| C2501 | Cundinup-Kirup Road | | 661,746 | 0 | 7,221 | (7,221) |
| C2502 | Southampton Road | | 783,075 | 0 | 2,575 | (2,575) |
| C2503 | Jayes Road - Balingup - | | 350,000 | 0 | 2,175 | (2,175) |
| C2504 | Prowse Road - Balingup | | 120,000 | 0 | 0 | 0 |
| C2505 | Greenbushes Grimwade Rd | | 60,000 | 0 | 0 | 0 |
| C2506 | Smith Street Donnybrook (Inc rear laneway) | | 215,000 | 0 | 0 | 0 |
| C2507 | Smith (Nth end up to Timms) & Timms Street Dbk | | 508,000 | 0 | 0 | 0 |
| C2508 | Ravenscliffe Road - Kirup - | | 120,065 | 0 | 2,175 | (2,175) |
| C2509 | Wellington Road - Balingup | | 33,723 | 0 | 0 | 0 |
| C2510 | Brockman Road - Balingup | | 135,000 | 0 | 1,400 | (1,400) |
| C2511 | Upper Capel Road Gravel Pit Rehabilitation | | 35,000 | 0 | 0 | 0 |
| C2512 | Steet Lighting Renewal | | 30,000 | 0 | 0 | 0 |
| | | | **10,031,853** | **703,864** | **662,878** | **40,986** |

## 6 DISPOSAL OF ASSETS

| Asset Ref. | Asset description | Budget | | | | YTD Actual | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Net Book Value | Proceeds | Profit | (Loss) | Net Book Value | Proceeds | Profit | (Loss) |
| | | $ | $ | $ | $ | $ | $ | $ | $ |
| | **Plant and equipment** | | | | | | | | |
| | Ranger - DB92 | 23,690 | 23,690 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Subaru Forrester - DB463 | 17,510 | 17,510 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Pig Trailer - DB6248 | 5,150 | 5,150 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Tractor - DB4806 | 46,350 | 46,350 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Ute - DB102 | 19,570 | 19,570 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Ride on Mower 60" - DB606 | 15,450 | 15,450 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Ride on Sweeper - DB271 | 5,768 | 5,768 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Grader - DB4517 | 77,250 | 77,250 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Ute - DB117 | 19,570 | 19,570 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Mitsubishi Triton - DB8250 | 20,600 | 20,600 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Mitsubishi Triton - DB346 | 23,690 | 23,690 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Tandem Wheel Trailer - DB6292 | 2,575 | 2,575 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Ride on Mower - DB193 | 24,000 | 24,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | **301,173** | **301,173** | **0** | **0** | **0** | **0** | **0** | **0** |

## 7 RECEIVABLES

| Rates receivable | 30 Jun 2025 | 30 Sep 2025 |
|---|---|---|
| | $ | $ |
| Opening arrears previous year | 370,380 | 440,310 |
| Levied this year | 9,258,817 | 8,468,630 |
| Less - collections to date | (9,188,887) | (4,732,510) |
| **Net rates collectable** | **440,310** | **4,176,430** |
| % Collected | 95.4% | 53.1% |




| Receivables - general | Credit | Current | 30 Days | 60 Days | 90+ Days | Total |
|---|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ | $ |
| Receivables - general | (10,617) | 31,428 | 12,506 | 140,814 | 1,276 | 175,406 |
| Percentage | (6.1%) | 17.9% | 7.1% | 80.3% | 0.7% | |
| **Balance per trial balance** | | | | | | |
| Trade receivables | | | | | | 175,406 |
| Other receivables | | | | | | 3,800 |
| GST receivable | | | | | | 40,612 |
| **Total receivables general outstanding** | | | | | | **219,818** |

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

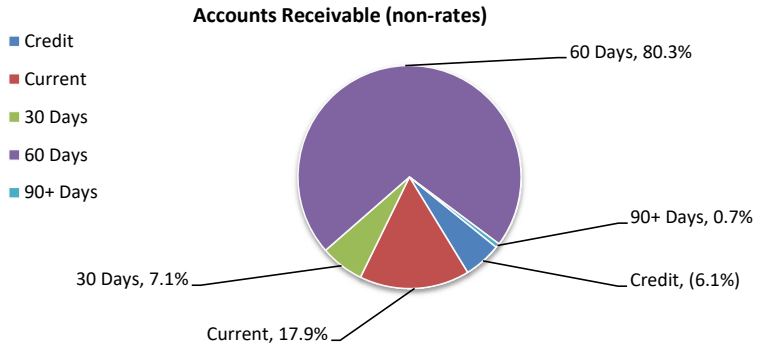
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

**Classification and subsequent measurement**

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



## 8 OTHER CURRENT ASSETS

| Other current assets | Opening Balance 1 July 2025 | Asset Increase | Asset Reduction | Closing Balance 30 September 20 |
|---|---|---|---|---|
| | $ | $ | $ | $ |
| **Other financial assets at amortised cost** | | | | |
| Financial assets at amortised cost - self supporting loans | 10,477 | | 0 | 10,477 |
| Financial assets at amortised cost - commerical loans | 13,333 | | (3,333) | 10,000 |
| **Inventory** | | | | |
| Fuel and materials | 24,615 | | 160 | 24,775 |
| Gravel stock | 215,349 | | 20,409 | 235,758 |
| **Other assets** | | | | |
| Prepayments | 64,772 | | (64,772) | 0 |
| Accrued income | 535,388 | | (535,388) | 0 |
| Contract assets | 539,458 | (50,554) | 0 | 488,904 |
| Accrued interest | 42,163 | | (42,163) | 0 |
| **Total other current assets** | **1,445,555** | **(50,554)** | **(625,087)** | **769,914** |

**Amounts shown above include GST (where applicable)**

**KEY INFORMATION**

**Other financial assets at amortised cost**

The Shire classifies financial assets at amortised cost if both of the following criteria are met:
- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

**Inventory**

Inventories are measured at the lower of cost and net realisable value.
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

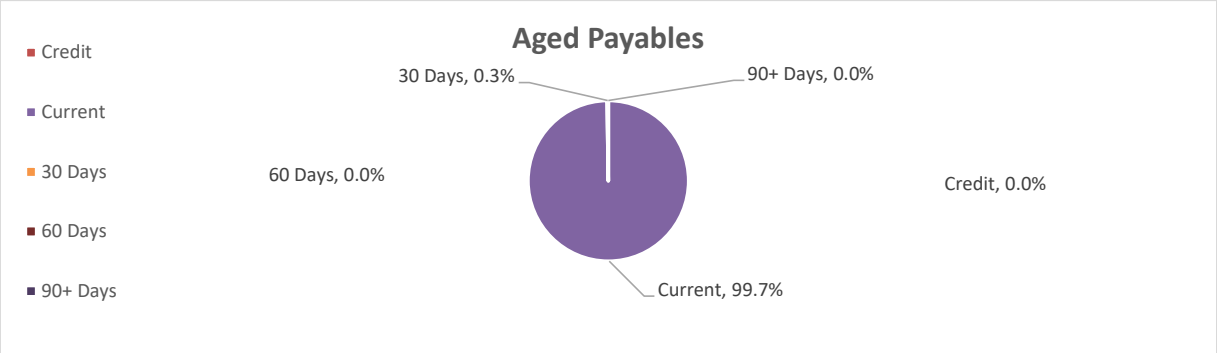
## 9 PAYABLES

| Payables - general | Credit | Current | 30 Days | 60 Days | 90+ Days | Total |
|---|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ | $ |
| Payables - general | 0 | 380,069 | 1,072 | 0 | 0 | 381,141 |
| Percentage | 0.0% | 99.7% | 0.3% | 0.0% | 0.0% | |
| **Balance per trial balance** | | | | | | |
| Sundry creditors | | | | | | 381,141 |
| Prepaid rates | | | | | | 78,844 |
| Bonds and deposits held | | | | | | 360,384 |
| **Total payables general outstanding** | | | | | | **820,369** |

**Amounts shown above include GST (where applicable)**

**KEY INFORMATION**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.
The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



## 10 BORROWINGS

### Repayments - borrowings

| Information on borrowings | | | New Loans | | Principal Repayments | | Principal Outstanding | | Interest Repayments | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Particulars** | **Loan No.** | **1 July 2025** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** |
| | | $ | $ | $ | $ | $ | $ | $ | $ | $ |
| Tuia Lodge Fire Supression System | 93 | 151,222 | 0 | 0 | 0 | (29,300) | 151,222 | 121,922 | 444 | (2,274) |
| VC Mitchell Park | 94 | 2,812,722 | 0 | 0 | (45,277) | (91,682) | 2,767,445 | 2,721,040 | (34,099) | (139,055) |
| | | 2,963,944 | 0 | 0 | (45,277) | (120,982) | 2,918,667 | 2,842,962 | (33,655) | (141,329) |
| **Self supporting loans** | | | | | | | | | | |
| Donnybrook Country Club | 90 | 15,823 | 0 | 0 | 0 | (10,477) | 15,823 | 5,346 | 81 | (362) |
| | | 15,823 | 0 | 0 | 0 | (10,477) | 15,823 | 5,346 | 81 | (362) |
| **Total** | | **2,979,767** | **0** | **0** | **(45,277)** | **(131,459)** | **2,934,490** | **2,848,308** | **(33,574)** | **(141,691)** |
| Current borrowings | | 131,459 | | | | | 86,182 | | | |
| Non-current borrowings | | 2,848,308 | | | | | 2,848,308 | | | |
| | | **2,979,767** | | | | | **2,934,490** | | | |

All debenture repayments were financed by general purpose revenue.
Self supporting loans are financed by repayments from third parties.

**KEY INFORMATION**
The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

## 11 LEASE LIABILITIES

### Movement in carrying amounts

| Information on leases | | | New Leases | | Principal Repayments | | Principal Outstanding | | Interest Repayments | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Particulars** | **Lease No.** | **1 July 2025** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** |
| | | $ | $ | $ | $ | $ | $ | $ | $ | $ |
| Network Switches | 214-0439437001 | 1,210 | 0 | 0 | (1,208) | (1,218) | 3 | (8) | (11) | (8) |
| Matrix Fitness Equipment | A6ZBG64105 | 38,943 | 0 | 0 | (9,432) | (20,320) | 29,511 | 18,623 | (728) | (1,249) |
| IT Equipment - Desktops / Laptops | New | 0 | 0 | 100,000 | 0 | (30,000) | 0 | 70,000 | 0 | (7,000) |
| **Total** | | **40,153** | **0** | **100,000** | **(10,640)** | **(51,538)** | **29,514** | **88,615** | **(739)** | **(8,257)** |
| Current lease liabilities | | 20,281 | | | | | 9,642 | | | |
| Non-current lease liabilities | | 19,872 | | | | | 19,872 | | | |
| | | **40,153** | | | | | **29,514** | | | |

All lease repayments were financed by general purpose revenue.

**KEY INFORMATION**

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

## 12 OTHER CURRENT LIABILITIES

| Other current liabilities | Note | Opening Balance 1 July 2025 | Liability transferred from/(to) non current | Liability Increase | Liability Reduction | Closing Balance 0 September 202 |
|---|---|---|---|---|---|---|
| | | $ | $ | $ | $ | $ |
| **Other liabilities** | | | | | | |
| Contract liabilities | | 15,656 | 0 | 0 | (15,656) | 0 |
| Capital grant/contributions liabilities | | 1,176,220 | 0 | 564,521 | (259,211) | 1,481,530 |
| Contract liability - contribution to works | | 180,797 | 0 | 34,990 | 0 | 215,787 |
| **Total other liabilities** | | 1,372,673 | 0 | 599,511 | (274,867) | 1,697,317 |
| **Employee Related Provisions** | | | | | | |
| Provision for annual leave | | 378,807 | 0 | 0 | 0 | 378,807 |
| Provision for long service leave | | 376,370 | 0 | 0 | 0 | 376,370 |
| **Total Provisions** | | 755,177 | 0 | 0 | 0 | 755,177 |
| **Total other current liabilities** | | **2,127,850** | **0** | **599,511** | **(274,867)** | **2,452,494** |

**Amounts shown above include GST (where applicable)**

**A breakdown of contract liabilities and associated movements is provided on the following pages at Note 13 and 14**

**KEY INFORMATION**

**Provisions**

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

**Employee Related Provisions**

**Short-term employee benefits**

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.
The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

**Other long-term employee benefits**

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

**Contract liabilities**

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

**Capital grant/contribution liabilities**

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

## 13 GRANTS, SUBSIDIES AND CONTRIBUTIONS

| Provider | Unspent grant, subsidies and contributions liability | | | | | Grants, subsidies and contributions | | |
|---|---|---|---|---|---|---|---|---|
| | Liability 1 July 2025 | Increase in Liability | Decrease in Liability (As revenue) | Liability 30 Sep 2025 | Current Liability 30 Sep 2025 | Adopted Budget Revenue | YTD Budget | YTD Revenue Actual |
| | $ | $ | $ | $ | $ | $ | $ | $ |
| **Grants and subsidies** | | | | | | | | |
| Grants - LGGC Financial Assistance Grants | 0 | 0 | 0 | 0 | 0 | 740,521 | 185,130 | 162,510 |
| Grants - LGGC Local Road | 0 | 0 | 0 | 0 | 0 | 380,763 | 95,190 | 109,035 |
| ESL Operating Grant - SES | 4,479 | 4,775 | 0 | 9,254 | 9,254 | 19,100 | 4,773 | 0 |
| ESL Operating Grant - VBFB | 0 | 64,740 | (64,740) | 0 | 0 | 243,980 | 60,993 | 64,740 |
| Attraction & Retention of Child Care Workers Grant | 15,084 | 0 | (6,369) | 8,715 | 8,715 | 15,084 | 3,771 | 6,369 |
| Bushfire Mitigation Grant | 0 | 135,420 | (112) | 135,308 | 135,308 | 100,000 | 24,999 | 112 |
| Kidsport Grant | 0 | 0 | 0 | 0 | 0 | 500 | 123 | 909 |
| Youth Week Grant | 0 | 0 | 0 | 0 | 0 | 3,000 | 0 | 0 |
| Bike Rescue Program | 0 | 0 | 0 | 0 | 0 | 10,000 | 0 | 0 |
| Australia Day | 0 | 0 | 0 | 0 | 0 | 10,000 | 0 | 0 |
| Thank a Volunteer Grant | 89 | 0 | 0 | 89 | 89 | 0 | 0 | 0 |
| Main Roads Direct Grant | 0 | 0 | 0 | 0 | 0 | 275,000 | 275,000 | 239,611 |
| Natural Resource Recovery Program | 65,000 | 0 | (12,364) | 52,636 | 52,636 | 0 | 0 | 12,364 |
| Reimbursements & Recoveries | 0 | 0 | 0 | 0 | 0 | 213,070 | 53,186 | 42,846 |
| Donnybrook Library Resources | 0 | 4,962 | (1,061) | 3,901 | 3,901 | 0 | 0 | 1,061 |
| Library Community Cohesion Program | 0 | 5,000 | 0 | 5,000 | 5,000 | 0 | 0 | 0 |
| Other contributions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 133 |
| | **84,652** | **214,897** | **(84,646)** | **214,903** | **214,903** | **2,011,018** | **703,165** | **639,690** |

## 14 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

| | Capital grant/contribution liabilities | | | | Capital grants, subsidies and contributions revenue | | |
|---|---|---|---|---|---|---|---|
| Provider | Liability 1 July 2025 | Increase in Liability | Decrease in Liability (As revenue) | Liability 30 Sep 2025 | Adopted Budget Revenue | YTD Budget | YTD Revenue Actual |
| | $ | $ | $ | $ | $ | $ | $ |
| **Capital grants and subsidies** | | | | | | | |
| Bridgeworks - Special Projects Grant | 17,007 | 0 | 0 | 17,007 | 0 | 0 | 0 |
| Social Housing Economic Recovery Package Grant | 228 | 0 | 0 | 228 | 0 | 0 | 0 |
| LGGC Special Projects Bridges | 19,998 | 0 | (19,998) | 0 | 373,000 | 23,250 | 19,998 |
| MRWA Special Project Bridges | 0 | 0 | 0 | 0 | 325,657 | 0 | 0 |
| Regional Road Group | 67,050 | 344,000 | 0 | 411,050 | 935,050 | 0 | 0 |
| Roads to Recovery | 0 | 0 | 0 | 0 | 1,253,000 | 0 | 0 |
| MRWA - Regional Road Safety Program | 0 | 0 | 0 | 0 | 40,000 | 0 | 0 |
| VC Mitchell - Talison | 802,426 | 0 | (57,543) | 744,883 | 802,426 | 36,075 | 57,542 |
| LRCI Grant Income - Public Halls | 0 | 0 | 0 | 0 | 57,259 | 0 | 0 |
| LRCI Grant Income - Kirup Hall | 0 | 0 | 0 | 0 | 31,000 | 2,583 | 0 |
| Department of Water & Environment - E-Waste storage shed | 14,513 | 5,624 | (20,137) | (0) | 64,003 | 15,999 | 20,136 |
| Department of Transport - Preston Loop Pathway | 35,126 | 0 | 0 | 35,126 | 72,626 | 0 | 0 |
| DFES - Capital Grant | 0 | 0 | 0 | 0 | 1,600,000 | 0 | 0 |
| VC Mitchell - lighting grant | 126,829 | 0 | (68,498) | 58,331 | 126,829 | 126,829 | 68,498 |
| NAB Community Grant - Yabberup Hall | 8,390 | 0 | (8,390) | 0 | 8,390 | 0 | 8,390 |
| Donnybrook Recreation Centre - Solar Battery Project - 2025 Election commitment | 0 | 0 | 0 | 0 | 120,000 | 0 | 0 |
| Balingup Recreation Centre - Aircon Replacement - 2025 Election commitment | 0 | 0 | 0 | 0 | 30,000 | 0 | 0 |
| Men's Shed Workshop & Ablutions - Egan Park | 0 | 0 | 0 | 0 | 25,000 | 0 | 0 |
| | **1,091,568** | **349,624** | **(174,566)** | **1,266,626** | **5,864,240** | **204,736** | **174,564** |
| **Capital contributions** | | | | | | | |
| CTW0001 Contribution to works - Palmer St | 1,500 | 0 | 0 | 1,500 | 0 | 0 | 0 |
| CTW0007 Contribution to works - Palmer St | 1,500 | 0 | 0 | 1,500 | 0 | 0 | 0 |
| CTW0011 Contribution to works - Palmer St | 1,500 | 0 | 0 | 1,500 | 0 | 0 | 0 |
| CTW0025 Contribution to works - Donnybrook CBD Upgrades | 13,175 | 0 | 0 | 13,175 | 0 | 0 | 0 |
| CTW0026 Contribution to works - Drainage - Ecclestone St Fairway | 37,286 | 0 | 0 | 37,286 | 0 | 0 | 0 |
| CTW0027 Contribution to works - Palmer St (09/10) | 3,000 | 0 | 0 | 3,000 | 0 | 0 | 0 |
| CTW0031 Contribution to works - Mitchell & Grimwade Rd | 24,444 | 0 | 0 | 24,444 | 0 | 0 | 0 |
| CTW0032 Contribution to works - Palmer/Smith St | 3,051 | 0 | 0 | 3,051 | 0 | 0 | 0 |
| CTW0034 Contribution to works - Carey St | 3,014 | 0 | 0 | 3,014 | 0 | 0 | 0 |
| CTW0036 Contribution to works - Drainage - Bentley St | 49,716 | 0 | 0 | 49,716 | 0 | 0 | 0 |
| CTW0041 Contribution to works - Bridge & Palmer St | 3,050 | 0 | 0 | 3,050 | 0 | 0 | 0 |
| CTW0047 Contribution to works - Chapman St | 3,477 | 0 | 0 | 3,477 | 0 | 0 | 0 |
| CTW0049 Contribution to works - Mead St | 18,084 | 0 | 0 | 18,084 | 0 | 0 | 0 |
| Contribution to works - Montgomery Road | 18,000 | 0 | 0 | 18,000 | 18,000 | 0 | 0 |
| Contribution - Bridge 5224 | 0 | 0 | 0 | 0 | 36,364 | 0 | 0 |
| | **180,797** | **0** | **0** | **180,797** | **54,364** | **0** | **0** |
| **TOTALS** | **1,272,365** | **349,624** | **(174,566)** | **1,447,423** | **5,918,604** | **204,736** | **174,564** |

## 15 TRUST FUND

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

| Description | Opening Balance 1 July 2025 | Amount Received | Amount Paid | Closing Balance 30 September 2025 |
|---|---|---|---|---|
| | $ | $ | $ | $ |
| Cash in Lieu of Public Open Space Funds | 56,967 | 0 | 0 | **56,967** |
| | **56,967** | **0** | **0** | **56,967** |

## 16 BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

| Description | Council Resolution | Classification | Non Cash Adjustment | Increase in Available Cash | Decrease in Available Cash | Amended Budget Running Balance |
|---|---|---|---|---|---|---|
| | | | $ | $ | $ | $ |
| **Budget adoption** | | | | | | 0 |
| Smith St (North End) & Timms St C2507 | 171/08-25 | Capital expenses | | | (245,000) | (245,000) |
| Smith St (North End) & Timms St C2507 | 171/08-25 | Capital revenue | | 245,000 | | 0 |
| Brookhampton Road C2513 | 195/10-25 | Capital expenses | | | (40,000) | (40,000) |
| Brookhampton Road C2513 | 195/10-25 | Capital revenue | | 40,000 | | 0 |
| | | | | **285,000** | **(285,000)** | **0** |

Shire of
Donnybrook Balingup

# Code of Conduct
# For Council Members, Committee Members and Candidates

*November 2025*

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## Introduction

This Code of Conduct for Council Members, Committee Members and Candidates has been adopted by the Shire of Donnybrook Balingup in accordance with section 5.104 of the *Local Government Act 1995*. It incorporates the Model Code of Conduct prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*.

The Code outlines the principles, behaviours, and rules of conduct expected of elected members, committee members, and candidates. It supports the Shire's commitment to good governance, ethical leadership, and community trust.

This Code aligns with the Shire's Council Plan 2022–2032, which integrates the Strategic Community Plan and Corporate Business Plan into a unified vision for the future. The Plan guides Council's strategic priorities and decision making, ensuring that all actions reflect the aspirations of the community and the values of the organisation.

## Values

The Shire is committed to fostering a workplace that embodies key core values. By living these values, the Shire aims to build a collaborative, respectful, and enjoyable workplace where everyone feels valued and empowered to contribute their best:

- Teamwork - We believe in the power of collaboration and high performance. By prioritising open communication, active listening, and shared accountability, we create a culture of trust and inclusion.
- Respect - We uphold the value of respect by treating everyone with kindness, fairness, and understanding.
- Integrity - We act with honesty, transparency, and ethical standards in all our dealings.
- Courage - We encourage open communication by speaking up with new ideas, challenging the status quo respectfully, and taking ownership of difficult decisions, even in uncertain situations.
- Fun (Positivity / Joy) - We embrace the value of fun by creating a positive and enjoyable work environment.



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# Division 1 — Preliminary

## 1. Citation

This is the Shire of Donnybrook Balingup Code of Conduct for Council Members, Committee Members and Candidates.

## 2. Terms used

(1) In this code —

**Act** means the *Local Government Act 1995*;

**candidate** means a candidate for election as a council member;

**complaint** means a complaint made under clause 11(1);

**publish** includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

# Division 2 — General principles

## 3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

## 4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.



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### 5. Relationship with others

(1) A council member, committee member or candidate should —

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

### 6. Accountability

A council member or committee member should —

(a) base decisions on relevant and factually correct information; and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district.

## Division 3 — Behaviour

### 7. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

### 8. Personal integrity

(1) A council member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

(b) must comply with all policies, procedures and resolutions of the local government.

### 9. Relationship with others

A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and



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(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

## 10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(e) must comply with any direction given by the person presiding at the meeting; and

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## 11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## 12. Dealing with complaint

(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.



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(4) If the local government makes a finding that the alleged breach has occurred, the local government may —

(a) take no further action; or

(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —

(a) engage in mediation;

(b) undertake counselling;

(c) undertake training;

(d) take other action the local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —

(a) its finding and the reasons for its finding; and

(b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

## 13. Dismissal of complaint

(1) The local government must dismiss a complaint if it is satisfied that —

(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

(b) either —

(i) the behaviour was dealt with by the person presiding at the meeting; or

(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

## 14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.

(2) The withdrawal of a complaint must be —

(a) in writing; and

(b) given to a person authorised under clause 11(3).



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### 15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## Division 4 — Rules of conduct

*Notes for this Division:*

*(1) Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*

*(2) A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

### 16. Overview of Division

(1) This Division sets out rules of conduct for council members and candidates.

(2) A reference in this Division to a council member includes a council member when acting as a committee member.

### 17. Misuse of local government resources

(1) In this clause —

**electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

**resources** of a local government includes —

(a) local government property; and

(b) services provided, or paid for, by a local government.

(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

### 18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.



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## 19. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## 20. Relationship with local government employees

(1) In this clause —

**local government** employee means a person —

(a) employed by a local government under section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code Chapter* XXXV.

## 21. Disclosure of information

(1) In this clause —

**closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

**document** includes a part of a document;

**non confidential document** means a document that is not a confidential document.



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(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

(1) In this clause —

**interest** —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and



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(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

## 23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



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DONNYBROOK
ARTS & CRAFTS GROUP

SHIRE OF
DONNYBROOK BALINGUP
RECEIVED
0 8 OCT 2025
Record No: ICOR 110870
File No: A1137
Officer: Rates.
Signed Off:

PO Box 283
Donnybrook 6239
ABN: 92 708 116 791

CEO Nick O'Connor
Shire of Donnybrook-Balingup
PO Box 94
DONNYBROOK WA 6239

Re: Concession on Rates for the Charity Donnybrook Arts and Crafts Group

Dear Mr O'Connor

Donnybrook Arts and Crafts Group (DACG) would like to apply for the concession on rates for the property at 108 South Western Highway Donnybrook applicable to a charity in line with the CWA and other local not for profit and charitable organisations. DACG became a registered charity and received DGR status in March this year and with the help of a benefactor has been able to purchase 108 South Western Highway for club purposes. It is this building that the rates are for.

The primary use of the building at 108 South Western Highway is for activities run by DACG and there is no outside commercial income stream involved. Summit Real Estate was previously leasing part of the building but this has now expired and they are no longer tenants. We will be commencing our improvements very soon to move the club and its activities into this building in the next few months.

The activities of DACG include four club days, being Tuesday - pottery, knitting and crochet group; Wednesday - sewing, knitting and crochet group; Thursday - mosaics, patchwork and stitching group, Saturday - art, weaving, spinning and other fibre arts. The DACG Page Turners book club is held on the last Wednesday of the month and the last Friday of the month is the 'Midnight Run' where the opportunity to bring all the groups together and then craft until midnight is the aim. Members and visitors are encouraged to attend this event as it showcases the versatility and skills of all the arts and crafts available. Our fees are $60 per year and visitors pay $4 per attendance. DACG has provided many workshops over the years to the community including art classes, printmaking, felted soapmaking, rugmaking, cardmaking, pottery, mosaics, and children's workshops. Our income is based on membership fees, donations, sales of donated items and commission from the sales of members' items in our sales outlet DACG Artisans.

Artisans has been operating for seven years now and is run by members on a volunteer basis. Artisans and Donnybrook Arts and Crafts Group (DACG) is one group with the same people with Artisans being the public face for DACG. It is the name of the shop for sales of members' arts and crafts and as such is an integral part to all the charitable activities that are provided by DACG. Artisans is open seven days a week and is easily accessible to the public for information regarding activity days, workshops, events, exhibitions, charitable collection points or any club program information.

DACG Artisans provides a steady income for the group to do the charitable activities that they do. This commission assists in funding these events as well as contributing to the financial costs of running the group. DACG Artisans supports any members of the public to join DACG as a member thus allowing them to become part of a creative community that supports all charitable activities and events that the group participates in. It also unites and strengthens communities with friendships, education, service and advocacy for those in regional areas where distance and isolation are a factor.

The purpose of DACG Artisans is to allow members or any member of the public who joins DACG the opportunity to create, sell, and exhibit their work. More than half of over 125 DACG members display their work in Artisans to sell. They volunteer their time in both manning the shop as well as contributing their work as donations and fundraisers for many other community groups and charitable events.

Being part of the DACG Artisans shop gives members support, purpose, commitment, satisfaction, personal growth, volunteering skills and confidence as they open the shop, handle money, handle sales, interact with the public as well as providing DACG activity information to visitors regarding upcoming events including club days, workshops and charitable functions. It creates amazing friendships by reducing the isolation and loneliness and improving the mental health of many people and it gives a sense of belonging and opportunity for giving back to their community as is outlined in the objects of 2025 Constitution.

In 2018, DACG had $2500 in the bank and memberships had fallen to less than 25. The information from the Shire that they would no longer be supporting us financially with our lease arrangements for the Blue Guide Hall meant we were left to sort our future on our own after 42 years of contributing to our community. We worked very hard to get DACG Artisans up and running and in the first year we doubled our membership and had $20,000 in the bank towards a new building. We have tripled that amount over the past five years and will put that money towards the renovations and moving of a whole clubhouse of art and craft equipment into the new building. DACG Artisans has worked as it should have with members producing work that could be sold and DACG now having the funds to continue into the future and service its community as it has done for the nearly 50 years. It has furthered and widened the organisation's activities and purpose in many ways including charitable beneficiaries such as local schools, women's refuge, women's health packs, cancer morning teas, beanies for newborns, beanies for brain cancer, donations to several animal refuges (fire), joey bags, wheelchair rugs, patchwork rugs for chemo patients (over 50 this year), rugs for nursing home, donated art and craft items for raffles for other organisation's fundraising activities.

Over the past twelve months we have completed so many applications to ensure our club can continue into the future successfully and to continue doing the very important service we provide to our community. We look forward to receiving a successful outcome to our application for rates concession to assist us with providing this service.

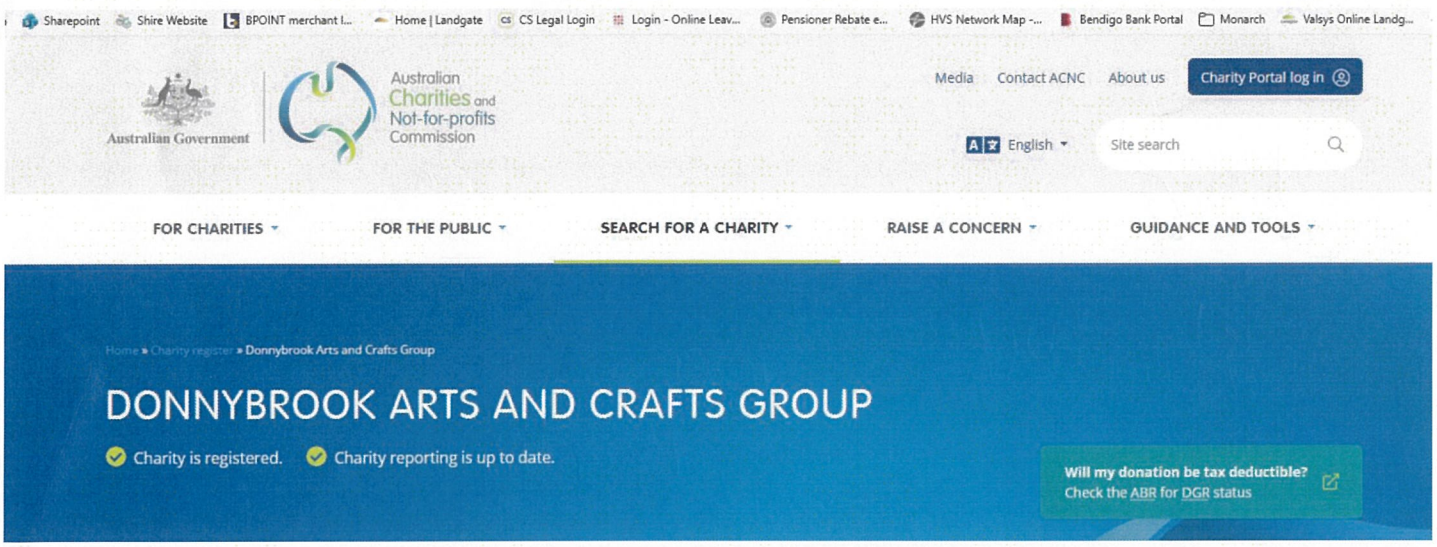
Yours sincerely

Bel Stephenson

Bel Stephenson

Treasurer
Donnybrook Arts and Crafts Group
dbk.arts.crafts@gmail.com
0409 076 453

2 October 2025




## Charity details

| | |
|---|---|
| **ABN:** | 92708116791 |
| **Address:** | 11 Marmion St<br>Donnybrook<br>WA, 6239, Australia |
| **Email:** | dbk.arts.crafts@gmail.com |
| **Address For Service email:** | dbk.arts.crafts@gmail.com |
| **Phone:** | 0409076453 |
| **Who the charity helps:** | Families<br>Financially disadvantaged people<br>General community in Australia<br>People in rural/regional/remote communities<br>People with disabilities<br>Unemployed persons<br>Veterans and/or their families<br>Victims of crime (including family violence)<br>Victims of disaster |
| **Date established:** | 1 July 1976 |
| **Next report due:** | 31 January 2026 |
| **Financial year end:** | 30/06 |

## Where the charity operates

| | |
|---|---|
| **States:** | Western Australia |

# Donnybrook Arts and Crafts Group

Charity is registered.

Charity reporting is up to date.

## Charity details

**ABN:**
92708116791

**Address:**
11 Marmion St
Donnybrook
WA, 6239, Australia

**Email:**
dbk.arts.crafts@gmail.com

**Address For Service email:**
dbk.arts.crafts@gmail.com

**Phone:**
0409076453

**Who the charity helps:**
Families
Financially disadvantaged people
General community in Australia
People in rural/regional/remote communities
People with disabilities
Unemployed persons
Veterans and/or their families
Victims of crime (including family violence)
Victims of disaster

**Date established:**
1 July 1976

**Next report due:**
31 January 2026

**Financial year end:**
30/06

## Where the charity operates

**States:**
Western Australia

### Using the information on the Register

Information on the Charity Register has been provided to the ACNC by charities. If information is not shown, this may be because it has not yet been provided. The ACNC may also approve information be withheld from the Charity Register in certain circumstances. Read more about information on the Charity Register.

# People

## Responsible people

The role of a 'Responsible Person' is an important one for registered charities. Generally, a charity's Responsible People are its board or committee members, or trustees.

**Aileen Flynn**

**Role**: Committee Member

Associated charities →

**Beryl Stephenson**

**Role**: Treasurer

Associated charities →

**Carolyn Hayes**

**Role**: President

Associated charities →

**Christine Blowfield**

**Role**: Committee Member

Associated charities →

**Claire Connolly**

**Role**: Committee Member

Associated charities →

**Jillian Lynch**

**Role**: Committee Member

Associated charities →

**Joanne Endersbee**

**Role**: Committee Member

Associated charities →

**Margaret Parke**

**Role**: Committee Member

Associated charities →

**Peta Morgan**

**Role**: Secretary

Associated charities →

**Rae McPherson**

**Role**: Deputy Chairperson

Associated charities →

**Susan Cavill**

**Role**: Committee Member

Associated charities →

# Documents

## Annual reporting

| Title | Due date | Date received | Download |
|---|---|---|---|
| Annual Information Statement 2026 | 30 December 2026 | Not yet submitted | — |
| Financial Report 2026 | 30 December 2026 | Pending | — |
| Annual Information Statement 2025 | 31 January 2026 | Not yet submitted | — |
| Financial Report 2025 | 31 January 2026 | Pending | — |

## Documents

| Title | Date | Reporting year | Download |
|---|---|---|---|
| Governing Document | 7 February 2025 | — | Download |

# History

## The charity's subtype history

| Purpose | Start date | End date |
|---|---|---|
| Advancing social or public welfare | 1 July 2024 | — |
| Advancing culture | 1 July 2024 | — |

## Registration status history

| Effective date | Status |
|---|---|
| 1 July 2024 | Registered |

# LOCAL GOVERNMENT ACT 1995 - SECT 6.26

## 6.26 . Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of ***owner*** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of ***owner*** in section 1.4 occupies or makes use of the land;

and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999* ; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006* ) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

# Donnybrook Clock Tower Proposal - All Responses

| | Response Title (optional) | Date Submitted | Primary | Response to Proposal | Submission Type | Response Tags |
|---|---|---|---|---|---|---|
| 1 | Donnybrook Clock Tower Proposal - Opposed | 10/09/25 | I am writing as a ratepayer to express my opposition to the proposed Donnybrook Clock Tower project.<br><br>While I appreciate the intent to commemorate the early pioneers and the significance of Donnybrook stone, I do not support this initiative for the following reasons:<br><br>• Unnecessary Cost to Ratepayers: The financial burden of constructing a landmark clock tower is one that ratepayers should not be expected to bear. There are many other pressing priorities that require funding, and this proposal does not represent a practical or essential investment.<br><br>• Alternative Commemorative Options: Numerous existing buildings constructed with Donnybrook stone could serve as more appropriate and cost-effective locations for a commemorative plaque or a modest display. These include:<br>- All Saints' Anglican Church<br>- Stone House<br>- Donnybrook Hotel<br>- Donnybrook Post Office<br>- Railway Precinct<br>- Soldiers Memorial Hall<br>There is no need for such an elaborate structure to honour our heritage.<br><br>• Lack of Practical Need: A town clock does not serve a functional purpose in today's context. In the age of smartphones, a public clock is as outdated as a payphone—once essential, now largely ignored. Instead, I suggest exploring an interactive screen display that could guide visitors to historical and tourist locations around the town. This would be a more engaging and useful alternative, and the base of such a display could still incorporate Donnybrook stone to honour local materials.<br>• Tourism and Engagement: The closure of the Donnybrook Tourist Association highlights the need for more dynamic and informative ways to engage visitors. An interactive display could fill this gap more effectively than a static clock tower.<br>• Donor Generosity: It is lovely that someone wants to donate funds toward the construction of the clock tower. However, I believe those funds could be redirected to a more practical and meaningful alternative that better serves the community.<br><br>• Ongoing Maintenance and Administrative Burden: The long-term costs associated with maintaining a clock tower—both structurally and mechanically—are significant and should be carefully considered. Additionally, the administrative burden of organising and managing such a project adds further strain to Shire resources.<br><br>• Environmental Impact: The removal of the "Quercus Palustris" tree is deeply concerning. This tree, planted by the community, will one day provide valuable shade to residents, visitors, and even local pets. Its removal would be a loss to the town's natural landscape and community spirit.<br><br>In summary, I believe the proposal represents an unnecessary and costly initiative that does not align with the practical needs or values of the community as a whole, perhaps only a small minority. I urge Council to reconsider and explore more sustainable and meaningful alternatives. | *AGAINST* | *Website (consultation item)* | *Supports idea of proposal but against method/implementation of Clock Tower  Concerned with impacts of tree removal/location of proposal  Suggests alternative options to still achieve main idea  Ratepayer burdens/future cost concerns* |
| 2 | They were not "pioneers" | 10/09/25 | Hi,<br><br>Please do not refer to early, white immigrants as "pioneers" or "settlers". Neither of these definitions are correct. The land was not uninhabited, it already had a thriving Noongar settlement and ignoring them and their custodianship of country is disrespectful.<br><br>Thank you! | *N/A* | *Website (consultation item)* | *Other information* |
| 3 | Ms | 11/09/25 | Clocks are passed their use by date, A tower displaying the sandstone (that is the main idea) maybe not a clock, maybe display all other plaques, maybe acknowledge Wally Trigwell as the park is now being sold. The shire should not be frightened to adding new assets as they may mark not for renewal and allow for removal at end of life or remove other assets from the list not for renewal. If the shire ceases adding new, it will come to pass that everything is due for renewal at the same time. | *AGAINST* | *Website (consultation item)* | *Suggests alternative options to still achieve main idea  Ratepayer burdens/future cost concerns  Other information* |
| 4 | Website Consultation item: "Not something the community wants or needs"<br>Emailed Response title: "Response to Clock Tower Proposal" | 11/09/25 | I appreciate the intent of recognising Donnybrook's history and the contribution of the local stone industry. However, I do not support the Clock Tower Proposal.<br><br>My concerns are:<br>(1) the initiative has been led by a very small group of individuals, and I do not believe the wishes of a single past resident should override broader community priorities<br>(2) the proposed site requires the removal of a commemorative tree that was planted to acknowledge earlier redevelopment efforts. Destroying one community symbol to make way for another risks diminishing, rather than strengthening, our shared heritage<br>(3) a structure of this scale and permanence in such a central location should be based on wide community consultation and demonstrated community benefit<br>(4) Donnybrook stone remains a commercial product. There is a risk that the proposal could be perceived as serving private or business interests rather than community interests<br>(5) a clock tower may not deliver the kind of attraction or sense of pride that inspires visitors (or locals)<br><br>While I note the committee claims the project will be privately funded, I encourage Council to carefully consider whether it genuinely reflects the wishes of the wider Donnybrook community. Alternative forms of recognition could honour our history without displacing existing commemorative assets or creating a structure that may not deliver lasting value. | *AGAINST* | *Other* | *Supports idea of proposal but against method/implementation of Clock Tower  Concerned with impacts of tree removal/location of proposal  Ratepayer burdens/future cost concerns  Other information* |
| 5 | Clock Tower proposal - use of Donnybrook stone | 12/09/25 | Many examples of Donnybrook stone are present in the streetscape of Donnybrook inclusive of recent additions, that are garden stone examples, the addition to the front of the Donnybrook Town Hall, the covering over of the War Memorial and the garden blocks recently placed at the railway station, also many random large rocks and rocks utilised as mounting stones for plaques.<br><br>Should this small group achieve approval for the project proposed, a Clock Tower, on the back of the elevation of the Donnybrook stone story that included the inclusion of the Donnybrook stone quarries in the Register of Heritage Places of Western Australia and Notifications on the Land Management mechanisms of the former Government Quarry collective, Nomination and receipt of the State Heritage Plaque that includes Donnybrook stone in the Railway Heritage Precinct etc., it is hoped the proposed Clock Tower is a quality installation and does not inhibit future larger Donnybrook stone projects in the Shire of Donnybrook Balingup to recognise and bring to life the Donnybrook stone story through expertise.<br><br>The location perhaps should not be the only location considered, in general it is not good practice to remove one commemoration to install another. Is there a location planned for the relocation of the current commemoration installed at the proposed site ?<br><br>Perhaps the lawn area alongside the small carpark at the Donnybrook War Memorial and Donnybrook Amphitheatre is an improved location for a Clock Tower. This location would provide a safer environment to view and approach a Clock Tower than on a very busy carpark entry and exit and the main highway. As an alternate the Clock Tower would still have main road presence however would be in a more ambient and functional locality to support visitation, maintenance and admiration, it would also compliment the Donnybrook stone amphitheatre and parkland facilities available rather than a very busy carpark near a toilet block.<br><br>Thank you for the opportunity to mention these few points. | *PARTIAL* | *Website (consultation item)* | *Concerned with impacts of tree removal/location of proposal  Suggests alternative options to still achieve main idea  Other information* |
| 6 | Get out of the way | 14/09/25 | Allow this group to get on with it. They have obviously thought long and hard and are funding it<br>As long as the memorial tree is not removed it can go in any one of a number of sites. I leave this to those involved. | *PARTIAL* | *Website (consultation item)* | *Supports idea of proposal but against method/implementation of Clock Tower  Concerned with impacts of tree removal/location of proposal* |
| 7 | Outrageous | 16/09/25 | Never have I heard a more ridiculous proposal than this.<br><br>It is intended to be constructed using Donnybrook stone at a preferred site in Ayers Garden (SW Hwy) where the "Quercus Palustris" tree was planted by the Donnybrook Community in recognition of the redevelopment of the central business district. The proposed location will require removal of the aforementioned tree and plaque that commemorates the redevelopment of the central business district in 2000.<br>Why on Earth would anyone in their right mind want to remove what is probably the most attractive and precious feature of the main street of Donnybrook and plonk in some man-made clock tower!?!?<br>It beggars belief.<br>Why not somewhere else ?<br>Like somewhere there ISN'T a magnificent work of nature in the form of a majestic oak planted in 1890!! | *AGAINST* | *Website (consultation item)* | *Concerned with impacts of tree removal/location of proposal* |
| 8 | Clock tower - Tree removal | 16/09/25 | While I am very much behind the Clocktower to be made out of Donnybrook stone, I am completely against the removal of the existing memorial tree . I do not care about plaque, it is the tree that is far more important. There are many other spots the clocktower could be built without cutting down yet another tree within the townsite. If it comes down to this being the only spot available for the Clock tower, then the tree 100% takes precedence. | *AGAINST* | *Website (consultation item)* | *Supports idea of proposal but against method/implementation of Clock Tower  Concerned with impacts of tree removal/location of proposal  Suggests alternative options to still achieve main idea* |
| 9 | Another white elephant | 16/09/25 | It is my understanding you propose to remove a beautiful tree to replace it with a stone edifice? Clocktower.<br>Can we not keep the tree and make a more useful and usable item for acknowledging our heritage<br>How about an undercover market square near the tree with Donnybrook stone pillars and QR code signs on these. Or a rock climbing wall in our playground area<br>Clock towers have a long history of being poorly maintained into the future. They become an expensive ongoing problem for the shire. With no income to offset it. | *AGAINST* | *Website (consultation item)* | *Supports idea of proposal but against method/implementation of Clock Tower  Concerned with impacts of tree removal/location of proposal  Suggests alternative options to still achieve main idea  Ratepayer burdens/future cost concerns* |
| 10 | Tree removal and asset addition | 16/09/25 | I object to the proposal of removing the oak tree in favour of a stone edifice that the shire is then obliged to maintain into the future<br>Has the shire not been trying to reduce its asset management base?<br>Build the clock tower if you feel it's needed but not at the expense of any trees or at the increase in rates to cover the asset management in the future<br><br>Firm No. | *AGAINST* | *Website (consultation item)* | *Concerned with impacts of tree removal/location of proposal  Ratepayer burdens/future cost concerns* |
| 11 | All for the town clock, just leave the oak. | 17/09/25 | Hi,<br>Basically, it's likes the title says.<br>Is there any chance the tree could be transplanted?<br>That spot would be ideal for the clock so a transplant should be a serious consideration.<br>Another concern is the transfer of the clock to council as an asset to maintain.<br>Just another that the council will struggle to maintain.<br>There are town halls that are in need of maintenance so adding another asset will put pressure on that already crowded asset list.<br>Increase the funds for the trust to provide for maintenance.<br>Thanks for listening. | *PARTIAL* | *Website (consultation item)* | *Supports idea of proposal but against method/implementation of Clock Tower  Concerned with impacts of tree removal/location of proposal  Suggests alternative options to still achieve main idea  Ratepayer burdens/future cost concerns* |
| 12 | Clock tower | 17/09/25 | No, we are not in favour of the new clock tower. No more of our ratepayer money needs to be spent on items not needed or wanted. | *AGAINST* | *Website (consultation item)* | *Ratepayer burdens/future cost concerns* |
| 13 | Donnybrook clock tower | 18/09/25 | More money to get wasted. The shire can not keep the tourist information center open, stay on top of the verge getting mowed though out town or keep the on top of the cat's and dogs (mostly cats) that are out of there yards but want to spend money on a clock tower. Please look at spending money on maintaining the town or reopening the tourist information center. | *AGAINST* | *Website (consultation item)* | *Ratepayer burdens/future cost concerns* |

# Right of Entry (Business and Goods)

## Schedule – Details

| | | |
|---|---|---|
| **Date** | **day of 20** | |
| **Lessor** | **Name** | Shire of Donnybrook-Balingup ABN 88 470 935 824 |
| | **Address for service of notices** | 1 Bentley Street, Donnybrook WA 6239 |
| **Lessee** | **Name** | Fresh Fields Aged Care Pty Ltd ACN 063 959 759 |
| | **Address for service of notices** | 16 - 18 Mayfair Street, West Perth WA 6005 |
| **Security Trustee** | **Name** | CBA Corporate Services (NSW) Pty Limited ACN 072 765 434 |
| | **Address for service of notices** | Level 6, 1 Harbour Street, Sydney NSW 2000 |
| **Premises** | The premises located at 30 Allnut Street, Donnybrook WA 6239, more particularly described as Lot 502 on Deposited Plan 72099, being the whole of the land contained in Certificate of Crown Land Title Volume LR3025 Folio 518, comprising the premises and any fixtures, fittings and accessories of the land. | |
| **Business** | **Aged care services** | |
| **Lease** | The lease in respect of the Premises dated 17 June 2021, originally between the Lessor and Great Southern Care Company Pty Ltd ACN 113 533 574 and now between the Lessor and Lessee, registered with dealing number O784256, as amended, novated or replaced from time to time. | |
| **Security** | **1** | Mortgage over the Lease dated on or about the date of this document |
| | **2** | General Security Agreement dated 25 June 2025 granted by, among others, the Lessee in favour of the Security Trustee |
| | | |
| | | |
| | | |
| **Goods** | All of the Lessee's goods, inventory, stock chattels, plant and equipment located at the Premises, excluding the Lessor's Property (as defined in the Lease). | |

# Right of Entry (Business and Goods)

The Lessor has entered into or intends to enter into the Lease with the Lessee in relation to the Premises. Beneficiaries under the Security Trust Deed have provided or will provide financial accommodation to the Lessee secured by the Security. At the request of the Security Trustee and the Lessee and subject to the terms of this document:

**1. Interpretation**

In this deed the terms listed in the Schedule have the meaning set out beside them, and:

**Security Trust** means the "Fresh Fields Health and Aged Care Security Trust" constituted under the Security Trust Deed.

**Security Trust Deed** means the document entitled "Security Trust Deed for the Fresh Fields Health and Aged Care Security Trust" dated 25 June 2025 between, amongst others, the Lessee and the Security Trustee.

**2. Consent and Lessor's Rights**

2.1 **Consent**

The Lessor consents to the Security and to the registration of the Security.

2.2 **Lessor's Rights**

Other than as expressly set out in this deed, nothing in this deed limits the Lessor's rights under the Lease.

**3. Agreements by Lessor**

The Lessor agrees:

(a) that the Security Trustee or a controller (within the meaning of that term in the Corporations Act) appointed by the Security Trustee or any of its agents or assigns, may:

(i) exercise the Security Trustee's rights, powers and authorities under the Security whether or not the Lessee is in default under the Lease;

(ii) enter the Premises at any reasonable time or times and remain on the Premises for a reasonable time for the purpose of inspecting, repair or maintaining the Premises or the Goods or removing or carrying away the Goods from the Premises; and

(iii) assign, sell or transfer the Lessee's interest in the Lease pursuant to the terms of the Security subject to compliance with the terms of the Lease dealing with a transfer or assignment of the Lease;

(b) that the exercise of any such rights, powers or authorities by the Security Trustee or any controller appointed by the Security Trustee does not of itself constitute a default by the Lessee under the Lease;

(c) that the Goods belong to the Lessee subject to any rights of the Security Trustee under the Security and that they will remain chattels and are not intended to become fixtures to the Premises;

(d) that if the Security Trustee only removes the Goods in accordance with this deed, it does not constitute taking possession of the Premises or an adoption of the Lease by the Security Trustee; and

(e) that it will not, as a result of any default by the Lessee under the Lease, whether or not the default has been remedied by the Lessee:

(i) terminate the Lease; or

(ii) refuse to renew the Lease; or

(iii) withhold consent to the transfer or assignment of the Lease or grant of a sublease,

unless prior to taking the action referred to in subparagraphs (i), (ii) and (iii) of this clause, it uses its best endeavours to give the Security Trustee written notice of any such default and allowing the Security Trustee a period of not less than 10 business days (or such other time as may subsequently be agreed) within which to rectify the default or, where rectification is not possible, to pay to the Lessor reasonable compensation in respect of the default. An omission by the Lessor to give the Security Trustee such notices as set out in this paragraph (e) does not give the Security Trustee a right to claim against the Lessor.

**4. Entry into possession and make good**

4.1 **Entry into possession**

The Security Trustee agrees that, if it enters into possession of the Premises, it will:

(a) pay the rental and outgoings under the Lease which accrue during the period that the Security Trustee is in possession of the Premises; and

(b) comply with and fully perform all of the Lessee's obligations under the Lease.

The Security Trustee's obligations under this clause will apply during the period of possession only and will terminate at the end of any such period of possession.

4.2 **Make good**

The Security Trustee agrees to:

(a) make good any damage caused to the Premises by the entry to the Premises or removal of the Goods by the Security Trustee or any of its agents or assigns; and

(b) exercise its rights to enter the Premises and remove the Goods in a way that minimises the disturbance to the Premises as far as practicable.

**5. Security Trustee's limitation of liability**

The parties to this deed acknowledge and agree that:

(a) the Security Trustee enters into and performs this deed and the transactions it contemplates only as the trustee of the Security Trust, except where expressly stated otherwise. This applies also in respect of any past and future conduct (including omissions) relating to this deed or those transactions;

(a) the Security Trustee holds the benefit of this document as a nominee, and for the benefit, of the beneficiaries under the Security Trust Deed;

(b) the Security Trustee's obligations, duties and responsibilities are limited to those expressly set out in the Security Trust Deed, the Secured Documents (as that term is defined in the Security Trust Deed) and this deed;

(c) under the Security Trust Deed, the Security Trustee is entitled to be indemnified for its actions under this deed out of the assets of the Security Trust and / or by the beneficiaries under the Security Trust Deed subject to the exceptions in paragraph (d) below;

(d) under and in connection with this deed and the transactions and conduct referred to in paragraph (a) above, the Security Trustee's liability (including for negligence) to parties is limited to the extent it can be satisfied out of the assets of the Security Trust. The Security Trustee need not pay any such liability out of other assets. This limitation will not apply to any obligation or liability of the Security Trustee only to the extent it is not so satisfied because there is a reduction in the extent of the Security Trustee's indemnification out of the assets of the Security Trust caused by the Security Trustee's fraud, gross negligence or wilful misconduct;

(e) the Security Trustee may assign any of its rights or novate any of its obligations under this deed at any time to a replacement security trustee provided that, in the case of a novation, the replacement security trustee enters into a deed of novation acceptable to the Lessor (acting reasonably); and

(f) the Security Trustee will not be in breach of this deed nor will the Security Trustee be obliged to do or omit to do anything pursuant to this deed if the Security Trustee would, or might in the Security Trustee's reasonable opinion, be in breach of any applicable law or regulation.

**6. Notices**

6.1 All notices:

(a) must be in writing addressed to the intended recipient at the address shown in the Schedule;

(b) must be signed by a person duly authorised by the sender; and

(c) will be taken to have been given when delivered, received or left at the above address. If delivery or receipt occurs on a day when business is not generally carried on in the place to which the notices is sent, or is after 4.00 pm (local time), it will be taken to have been duly given at the commencement of business on the next day when business is generally carried on in that place.

6.2 This clause does not limit the ways in which legal proceedings arising out of this document may be served under law.

**7. Counterparts**

This deed may be signed in counterparts and all such counterparts taken together shall be deemed to constitute the one instrument.

**8. Date**

This deed is made on the date appearing in the Schedule.

**Executed by the parties as a deed**

**Execution by the Lessor**

**THE COMMON SEAL** of **SHIRE OF DONNYBROOK-BALINGUP** was affixed by authority of a resolution of the Council in the presence of:

| | |
|---|---|
| ..... | ..... |
| Shire President | Chief Executive Officer |
| ..... | ..... |
| Name of Shire President (print) | Name of Chief Executive Officer (print) |

**Execution by the Lessee**

| | | |
|---|---|---|
| **SIGNED, SEALED AND DELIVERED** for **Fresh Fields Aged Care Pty Ltd ACN 063 959 759** by its attorney pursuant to power of attorney dated 18 May 2022 who states that no notice of revocation of the power of attorney has been received: | ) ) ) ) ) ) ) | ..... Graeme Bruce Prior |

**Execution by the Security Trustee**

| | |
|---|---|
| **SIGNED, SEALED AND DELIVERED** by its attorney for **CBA CORPORATE SERVICES (NSW) PTY LIMITED** under power of attorney dated 26 November 2013 in the presence of: | ) |
| ..... | ) |
| Signature of witness | |
| ..... | ..... |
| Name of witness (block letters) | By executing this deed the attorney states that the attorney has received no notice of revocation of the power of attorney |

# 2026 Council Meeting Reports & Agendas Cycle



## January

| MON | TUE | WED | THU | FRI | SAT | SUN |
|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
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| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
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## February

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## March

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## April

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## May

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## June

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## July

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## August

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## September

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## October

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## November

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## December

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| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
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| 28 | 29 | 30 | 31 | | | |

| | |
|---|---|
| FIRST MON., MONTHLY (or 2 weeks before Agenda Briefing) | Agenda Report List to be finalised with CEO and Directors |
| FIRST TWO WED., MONTHLY | Council Workshop |
| SECOND & THIRD FRI., MONTHLY | • Full OCM Agenda and Attachments finalised by AOCS and approved by CEO, uploaded to website and forwarded to Councillors by AOCS |
| THIRD WED., MONTHLY | Agenda Briefing |
| DAY BEFORE OCM @ 3PM | Finalise Adoption by Exception report, issued to Councillors by AOCS |
| FOURTH WED., MONTHLY | Ordinary Council Meeting |