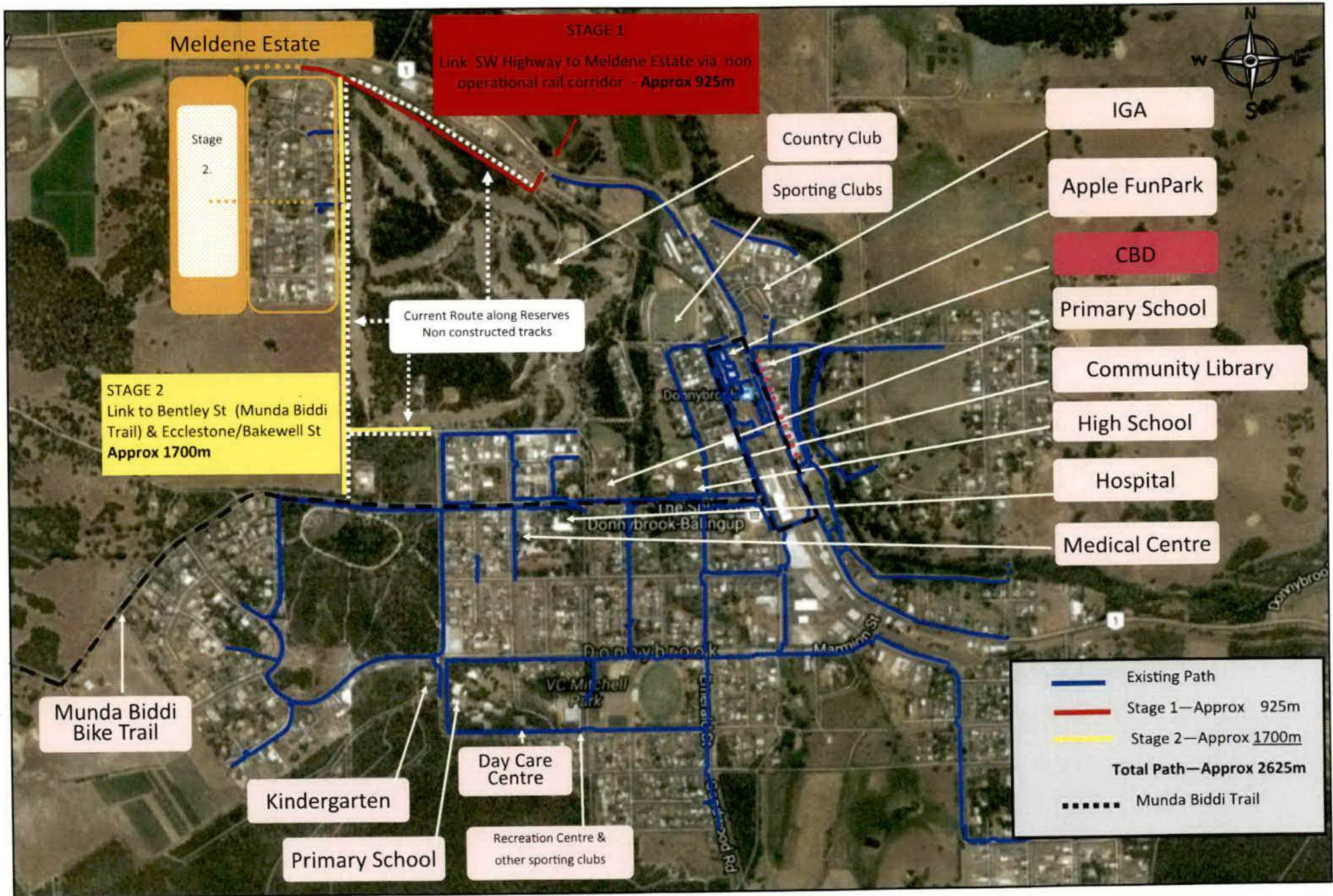


Proposed Meldene Estate Pathway Link



**Meldene Estate Pathway Link
Community & Stakeholder Comments**

From	Stage 1	Stage 2	Comment	Response
Landowner adjacent golf course	Support	Support	While I think the bicycle path is a great thing a few things need to be considered . Some of the trees on the west Boundary of the golf club have invasive root systems and are self cleaning this will pose an added expense down the line with regard to destroying the path surface , limbs fall off these tree regularly ,this could be a safety hazard. Security is a concern for me as I have an open front workshop on the Boundary this will incur considerable expense to make secure. Bollards should be placed at the entry points to the bicycle path to stop drivers of vehicles taking shortcuts from one estate to the other.	1. Trees - As part of the design process, an arborist will be engaged to provide recommendations for the protection of the path from tree root invasions, and assess any dangerous limbs for removal. The Shire intends to manage debris on the path by regular inspections and including the path in the Shire's sweeping program. 2. Bollards - The Shire is proposing to install bollards at entry points to deter motorists from using the path. These will be removable for emergency or service vehicle access.
Landowner adjacent golf course	Support	Support	I would like to express my support in regards of the proposed bicycle path link to Meldene Estate. Bicycles become more and more popular, not only for recreation purpose, but also as a useful vehicle in people's day to day business, like shopping or commuting to work. It is proven that riding bicycles can have a huge impact on peoples health, like reducing the risk of cardiac diseases and weight loss. In creating safe bike paths, the Shire of Donnybrook would contribute to a healthier community! The use/development of the non-operational rail reserve should be a high priority project throughout the region. Creating a safe bicycle-path network by using non-operational rail reserves/tracks could also be a huge draw-card to develop an environment friendly tourism in the area, which would be beneficial for our local economy. While planning the proposed path, measures should be taken to prevent that the path would be used by motorized vehicles. The proposed stage 2 is, unfortunately, already often used by motorbikes, quadbikes and even cars, as a shortcut into town, which is potentially dangerous for everyone else being there, specially for the children from the neighbourhood.	Motorised Vehicles - The Shire is proposing to install bollards at entry points to deter motorists from using the path. These will be removable for emergency or service vehicle access.
Landowner adjacent golf course	Support	Support	Thank you for the information recently forwarded regarding the proposals of new cycle pathways link to Meldene Estate. As residents living in Marginata Drive, Meldene Estate, we would like to give our full support for the initiative being proposed, along with our appreciation for consideration of the improved convenience for the residents. We have a question regarding the proposed Stage 2 link - ie along the golf course boundary. Will this pathway be bitumen or gravel surface and will it be considered it can be used for motor vehicles ie motor bikes or cars? Thank you for your response.	Motorised Vehicles - The Shire is proposing to install bollards at entry points to deter motorists from using the path. These will be removable for emergency or service vehicle access.

Donnybrook Balingup Chamber of Commerce Inc.	Support	Support	The Donnybrook Balingup Chamber of Commerce is in full favour of the proposed bicycle path the Donnybrook Balingup Shire is undertaking for the benefit of our town. This proposed bicycle path will utilise the vacant area next to the disused rail tracks and keep the users safe from the main highway. Bike riders in the Donnybrook area are increasing and this path will be used constantly.	The Shire thanks you for your support for this project.
Donnybrook Country Club Inc.	Support	Other	The Donnybrook Country Club agree in principal to the proposed bicycle path link Stage 1 Proposal. In regard to the Stage 2 Proposal there have been some concerns raised by members. These concerns are listed below. Who is responsible if a wayward golf ball strikes a person using the pathway? What are the legal ramifications to the person who hit the ball? What signage will the Shire erect to warn the general public of the potential for wayward golf balls? How many signs will be installed along the path to warn the public? What will the Shire have in place to prevent motor cyclists from using the pathway? Will horse riders be permitted to use the pathway? If no, what will be in place to prevent them riding onto the fairways? Will the path surface material be back asphalt? This will spoil the ambience of the golf course so another material should be used. Will the Shire place rubbish bins along the path to prevent increase of litter on golf course from general public using the path? How many trees will need to be removed to meet the required width of the path? Can this width be varied to prevent removal of any trees? Looking forward to your feedback on the above concerns.	<ol style="list-style-type: none"> 1. Legal Matters - The Shire, as part of the design process, will need to seek further advice on these legal matters. 2. Signage - The Shire is proposing to install signage at various strategic locations along the path adjacent to the golf course to inform the public of the nearby golf course. 3. Bollards - The Shire is proposing to install bollards at entry points to deter motorists from using the path. These will be removable for emergency or service vehicle access. 4. Horse Riders - There is no intention for the path to be utilised by horse riders. 5. Path Surface - The path surface is proposed as asphalt to meet the guidelines of the WABN grant applications and an asphalt seal provides a smoother cycling surface. Black has been chosen to match the existing path along South Western Highway, however alternative colours can be considered during the design process. 6. Rubbish Bins - At this stage the Shire does not propose to install rubbish bins, however, littering will be monitored and if required, consider installing rubbish bins in the future. 7. Trees - Until a detailed design is completed, the extent of clearing is unknown however, clearing will be kept to a minimum. An arborist will be engaged during the design process to provide professional advice on matters relating to vegetation.

Landowner adjacent golf course	Other	Not Support	<p>I wish to register my objection to stage two of this proposal. My reason being: - 1. I feel that this path will impinge on our privacy. If this path is constructed there will be an increase in walkers, and bicycle riders will use this path. With the road at the front and then this path at the back we will not have any privacy. 2. I feel there is also the potential for litter to be dispersed along this track making this beautiful area untidy. 3. With a 2.5m black asphalt path this will encourage motor cycle riders to use this area possibly as a short cut to the highway. We had this problem a few years back with motor bikes roaring up and down the track just after the fire break had been graded. The noise from these machines continued throughout the weekends, with residents complaining. This continued until either the police or ranger stopped it. (Can't remember which ones) 4. With a black asphalt path installed horse riders will be forced to ride on the golf force fairways. 5. As a golfer I am concerned that if a player miss hits a shot and hits someone on this path they will be sued for damages and must prove their innocence in a court of law. The though of this is terrifying, and in this litigious society it is a very real possibility. 6. I feel that people using this path could be a distraction to golf players and path users not being aware of players hitting up. 7. Bicycle riders will be asking for this area to be fenced off as they will consider cycling along the edge of a golf course is not safe environment for them. 8. I do not wish to see a black asphalt path snaking its way through this area as I feel it will spoil the ambience of this beautiful area. Would it not be possible to continue this path along the railway reserve to connect with the Munda Biddi Bike Trial where it branches off near the Highway just north of Meldene estate.</p>	<p>The Shire notes your objection to Stage Two of the project. The objective of the proposed path alignment is to provide a safe connectivity to multiple community facilities including schools, recreation and medical facilities as well as providing a link to inner and outer sub-developments (current and future). The proposed path also aligns with the Shire's path network strategy.</p>
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Landowner adjacent golf course	Support	Other	In regard to the proposed bicycle path link I am in favour of the Stage 1 proposal. In regard to the Stage 2 proposal I do have some concerns as we do back onto the golf course. These concerns are identified as follows: - the width of the path and the affect this will have on the flora i.e. removal of trees. Has research been done on how many trees and plants would be removed? - I believe that our privacy will be affected. An increased risk of theft due to easy access along the path way. - the risk of unsightly signs/bins/bollards that may been seen from our residence. - increase in traffic along the bike path. We purchased our property due to the outlook from our verandah and the relative privacy the block gave us mindful that we were looking onto a golf course. While currently we experience and are not fazed by or worried by the occasional horse riders and motor bike riders the establishing of the path will obviously increase traffic along our fence line. I look forward to your feedback	<p>1. Clearing of flora - Until a detailed design is completed, the extent of clearing in unknown however, clearing will be kept to a minimum. An arborist will be engaged during the design process to provide professional advice on matters relating to vegetation.</p> <p>2. Privacy - The Shire is proposing to install bollards at entry points to deter motorists from using the path. These will be removable for emergency or service vehicle access.</p> <p>3. Infrastructure - As above, the Shire is proposing to install removable bollards at entry points and signage at various strategic locations along the path adjacent to the golf course to inform the public of the nearby golf course. The locations of these signs will be determine during the design process and your comments will be considered when determining these locations. Rubbish bins are not currently proposed to be installed.</p> <p>4. Increased Traffic - The objective of the proposed path alignment is to provide a safe connectivity to multiple community facilities including schools, recreation and medical facilities as well as providing a link to inner and outer sub-developments (current and future). The proposed path also aligns with the Shire's path network strategy.</p>
Donnybrook Visitor Centre	Support	Support	This looks like a great proposal for Donnybrook. The committee discussed this proposal and they are in favour of it.	The Shire thanks you for your support for this project.
ARC Infrastructure	Support	Support	In principle support for the project, subject various conditions being satisfied.	The Shire is currently in discussions with Arc Infrastructure.
Water Corporation	Support	Support	In principle support for the project, subject various conditions being satisfied.	The Shire is currently in discussions with Water Corporation.
Western Power	Support	Support	In principle support for the project, subject various conditions being satisfied.	The Shire if currently in discussions with Western Power.



Enquiries: Shelley Coutts 97 245 749
Our Ref: 17/2447
Your Ref:

21 August 2018

Chief Executive Officer
Shire of Donnybrook Balingup
PO Box 94
Donnybrook WA 6239

SHIRE OF DONNYBROOK BALINGUP RECEIVED 24 AUG 2018
Record No: 1 COR 65894
File No: WRK 12
Officer: DNM
X Ref:
Corresps:
Signed Off:

Dear Sir,

South Western Highway Widening - Balingup

Attached for consideration by Council are plans depicting land required for the widening of the South Western Highway in Balingup. In order for the project to proceed, the land shown shaded on the enclosed copies of Land Dealing Plans 201702-0379-3, 201702-0381 and 201702-728 are required for inclusion in the road reserve that fall within the Shire of Donnybrook Balingup. A locality plan is also attached for your reference. Please note that Lot 55 is a 0.1m wide strip of land owned by the State of WA.

Main Roads has approached all landowners and other affected parties and arrangements for acquisition are being finalised. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act* that local government resolve to dedicate the road.

It would be appreciated if Council could consider the matter at its next meeting and provide the following statement in a letter to Main Roads marked to my attention. This will satisfy the requirements of Regional and Metro Services (RMS) at the Department of Lands.

"Council at its ordinary meeting held on (Day Month Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plans 201702-0379-3, 201702-0381 and 201702-728 as a road pursuant to Section 56 of the Land Administration Act 1997".

In addition, please provide a copy of the minutes of the Council meeting relating to the resolution, which is required for the Department of Lands and Main Roads' records.

Main Roads will be responsible for any costs and claims that may arise as a result of the dedication.

If you require any further information please contact me on 97245749 or e-mail Shelley.Coutts@mainroads.wa.gov.au.

Yours faithfully

Shelley Coutts
Project Manager Land

Enc

Lots 71, 94, 105, 30 and 55 South Western Highway Balingup

DESCRIPTION
Locality Plan

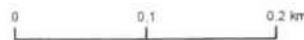


LEGEND

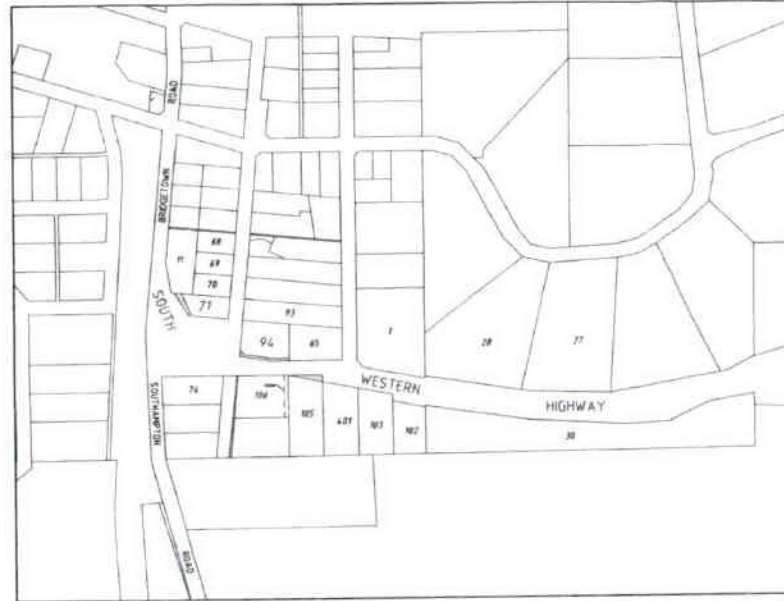
- Localities and Suburbs
- Private Road
- Public Road
- DPaW Road
- Other Road
- Cadastre

KEY MAP

AUTHOR: DOMAIN01c6011
DATE: 23-July-2018
CREATED BY INTEGRATED MAPPING SYSTEM
GEOCENTRIC DATUM OF AUSTRALIA



ITEM	DESCRIPTION	C/I	OWNERSHIP/MANAGEMENT ORDER/PRIMARY INTEREST HOLDER	REMARKS	AREA REQUIRED	DRAWING NUMBER
1	LOT 71	2060/439	A.L. & K.L. WEST	MORTGAGE L99543	223m ²	201702-0722
2	LOT 94	1477/304	THE ROMAN CATHOLIC BISHOP OF BUNBURY		298m ²	201702-0723
3	LOT 105	1583/80	P.C. DAVIS	MORTGAGE J57286	246m ²	201702-0380



LOCALITY PLAN
SCALE 1:5000



AMENDMENTS		
No.	DATE	DESCRIPTION

- NOTES**
1. DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
 2. SLK IS A H.R. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.

LEGEND

- LAND REQUIRED FOR ROAD PURPOSES.
- BOUNDARY TO BE SURVEYED.

METADATA

GROUND SURVEY STANDARD
DATE OF CAPTURE
MAPPING SURVEY STANDARD
DATE OF CAPTURE
MAIN ROADS PROJECT ZONE: BRIDGE TOWN 94
HEIGHT DATUM:

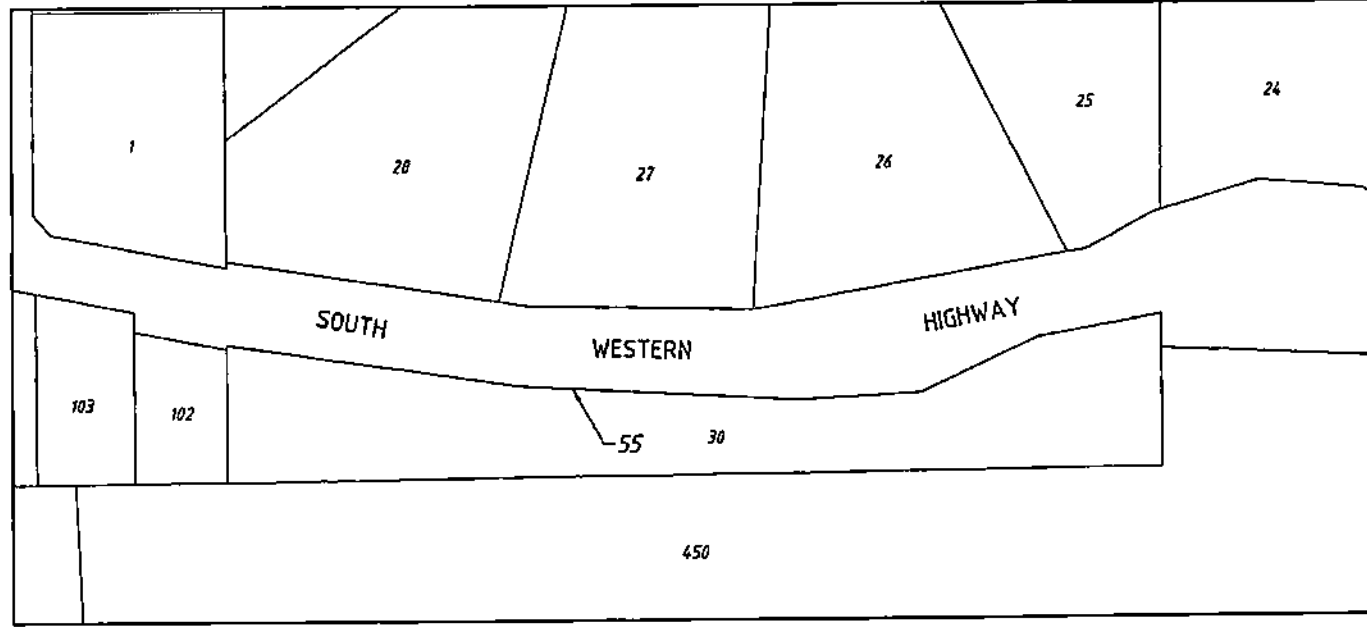
METROPOLITAN & SOUTHERN REGIONS DIRECTORATE
SOUTH WEST REGION
SUBSCRIPTION SERVICE
Telephone: (08) 9724 3488 Fax: (08) 9724 3484

FILE NUMBER: 17/2447
DESIGNED/DRAWN: A. SZELIGA 24/07/2010
VERIFIED: [Signature] 21/08/2010
APPROVED: [Signature] 20/09/10

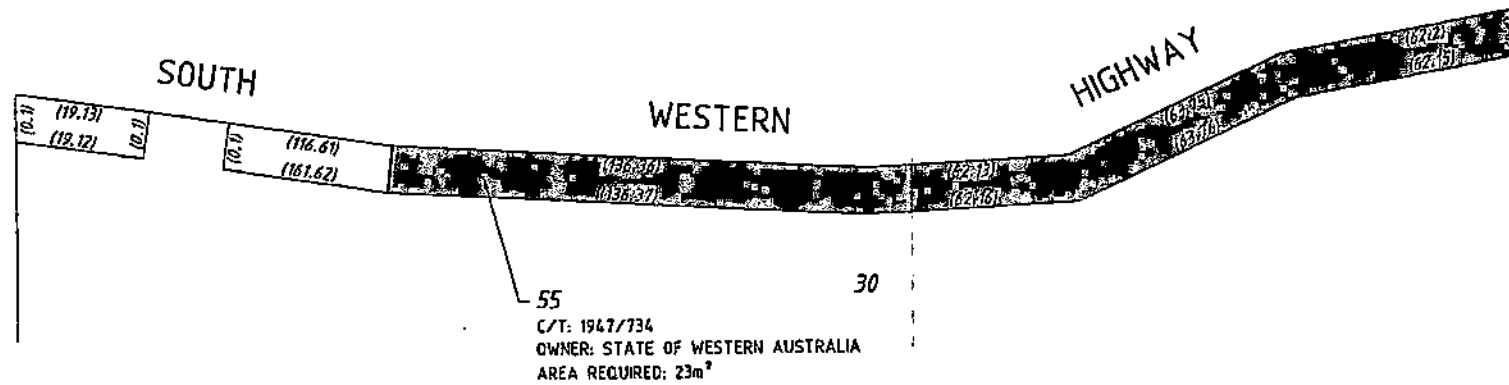
SOUTH WESTERN HIGHWAY (H009)
SOUTHAMPTON ROAD INTERSECTION
216.00 SLK TO 217.00 SLK
LAND DEALINGS PLAN
SHEET 1 OF 1

LOCAL AUTHORITY: (217) SHIRE OF DONNYBROOK / BALINGUP
DRAWING TYPE: AMENDMENT
7200 201702-0728





LOCALITY PLAN
SCALE 1:2500



55
C/T: 1947/734
OWNER: STATE OF WESTERN AUSTRALIA
AREA REQUIRED: 23m²

AMENDMENTS			
NO.	DATE	DESCRIPTION	APPROVED

NOTES

- DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
- SLK IS A M.R. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.

LEGEND

LAND REQUIRED FOR ROAD PURPOSES.

BOUNDARY TO BE SURVEYED.

METADATA

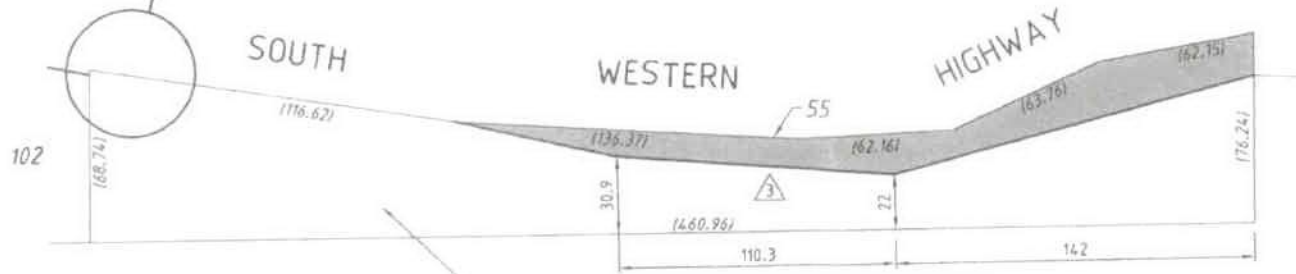
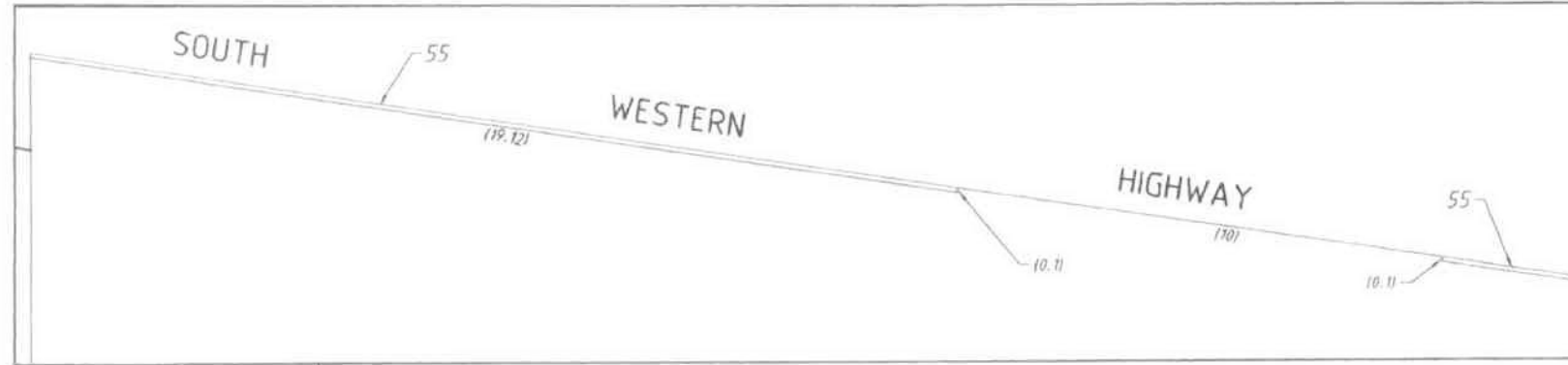
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DATE OF CAPTURE:
MAPPING SURVEY STANDARD:
DATE OF CAPTURE:
MAIN ROADS PROJECT ZONE: BRIDGETOWNS4
HEIGHT DATUM:

METROPOLITAN & SOUTHERN REGIONS DIRECTORATE
SOUTH WEST REGION
ROBERTSON DRIVE
Telephone 08 9724 5140
SUNBURY 6233
Fax 08 9724 5454

FILE NUMBER: 17/2447
DESIGNED / DRAWN: A. SZELIGA 23/01/2018
ISSUED: 7/3/2018
APPROVED: [Signature] 7/3/2018

SOUTH WESTERN HIGHWAY (1009)
BALINGUP SOUTH
216.54 SLK TO 218.30 SLK
LAND DEALINGS PLAN
LOT 55 (STATE OF W.A.)
LOCAL AUTHORITY: (27) SHIRE OF BOWTEGONG / Balingup
DRAWING NUMBER: 201702-0381

NOT TO SCALE



30
 C/T: 1947/733
 OWNER: P.L. & I.G. BRIDGMAN
 AS JOINT TENANTS
 MORTGAGE N142024
 AREA REQUIRED 4207m²



AMENDMENTS			
NO.	DATE	DESCRIPTION	APPROVED
1.	15/01/2018	LAND REQUIRED AMENDED	S. COULTIS
2.	16/01/2018	LAND REQUIRED AMENDED	S. COULTIS
3.	11/01/2018	LAND REQUIRED AMENDED	

NOTES

- DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
- SLK IS A M.R. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.

LEGEND

	LAND REQUIRED FOR ROAD PURPOSES.
	BOUNDARY TO BE SURVEYED.

METADATA

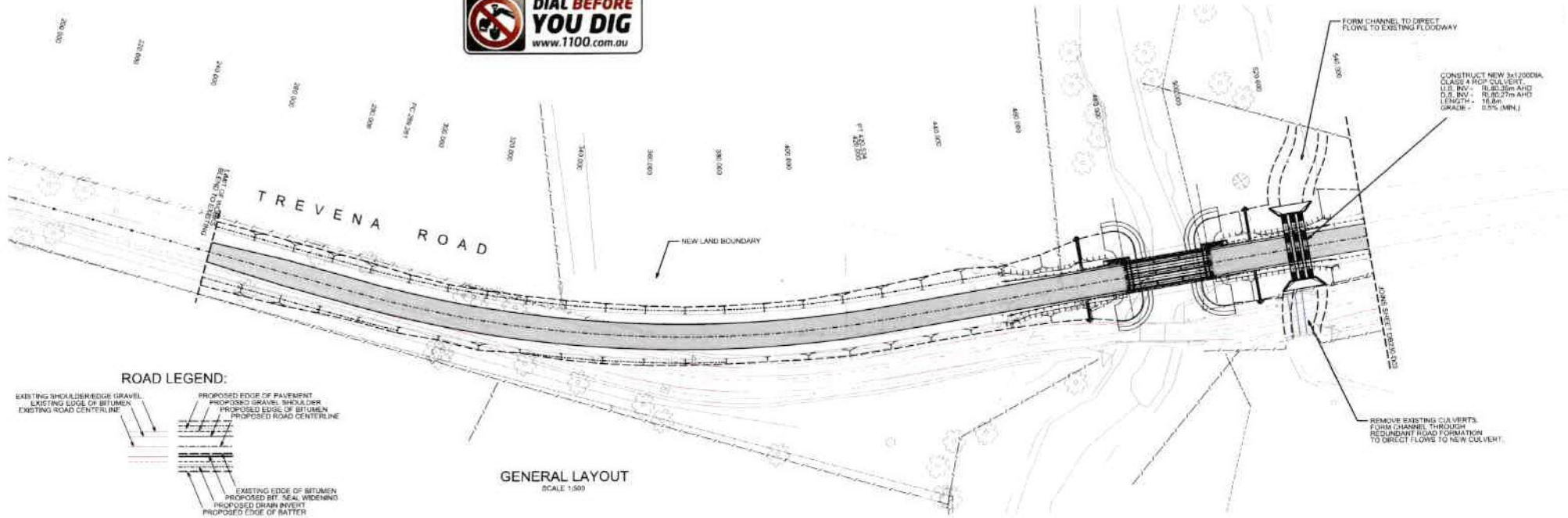
GROUND SURVEY STANDARD
 DATE OF CAPTURE
 MAPPING SURVEY STANDARD
 DATE OF CAPTURE
 MAIN ROADS PRIORITY ZONE BRIDGETOWNVA
 HEIGHT DATUM

ROBERTSON DRIVE BRIDGEMAN 6730
 Telephone: 08 9724 5430 Fax: (08) 9724 5433

FILE NUMBER	17/2447
DESIGNED / DRAWN	A. SZELOGA 24/07/2017
CHECKED	S. COULTIS 27/02/2018
APPROVED	P. BROMLEY 28/02/2018

SOUTH WESTERN HIGHWAY (H009)
 BALINGUP SOUTH
 214.58 SLK TO 218.30 SLK
 LAND DEALINGS PLAN
 LOT 30 BRIDGMAN

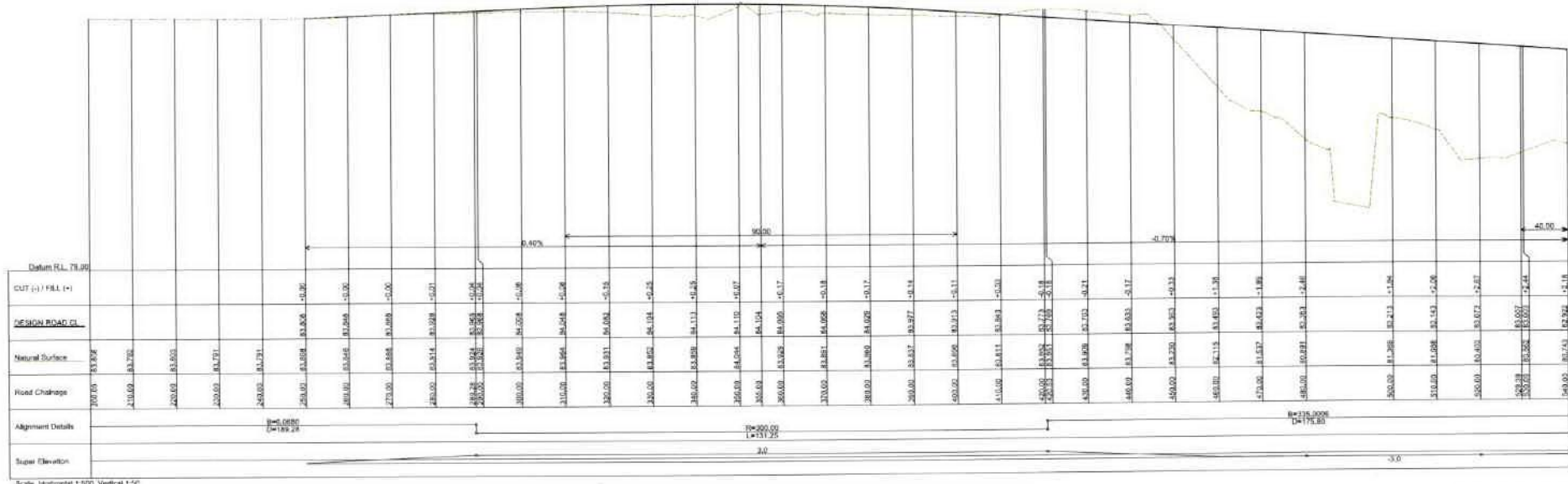
THIS DRAWING IS AN AMENDMENT OF THE APPROVED DRAWING **201702-0379-3**



ROAD LEGEND:

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- EXISTING EDGE OF BITUMEN
- EXISTING ROAD CENTERLINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED GRAVEL SHOULDER
- PROPOSED EDGE OF BITUMEN
- PROPOSED ROAD CENTERLINE
- EXISTING EDGE OF BITUMEN
- PROPOSED BIT SEAL WIDENING
- PROPOSED DRAIN INVERT
- PROPOSED EDGE OF BATTER

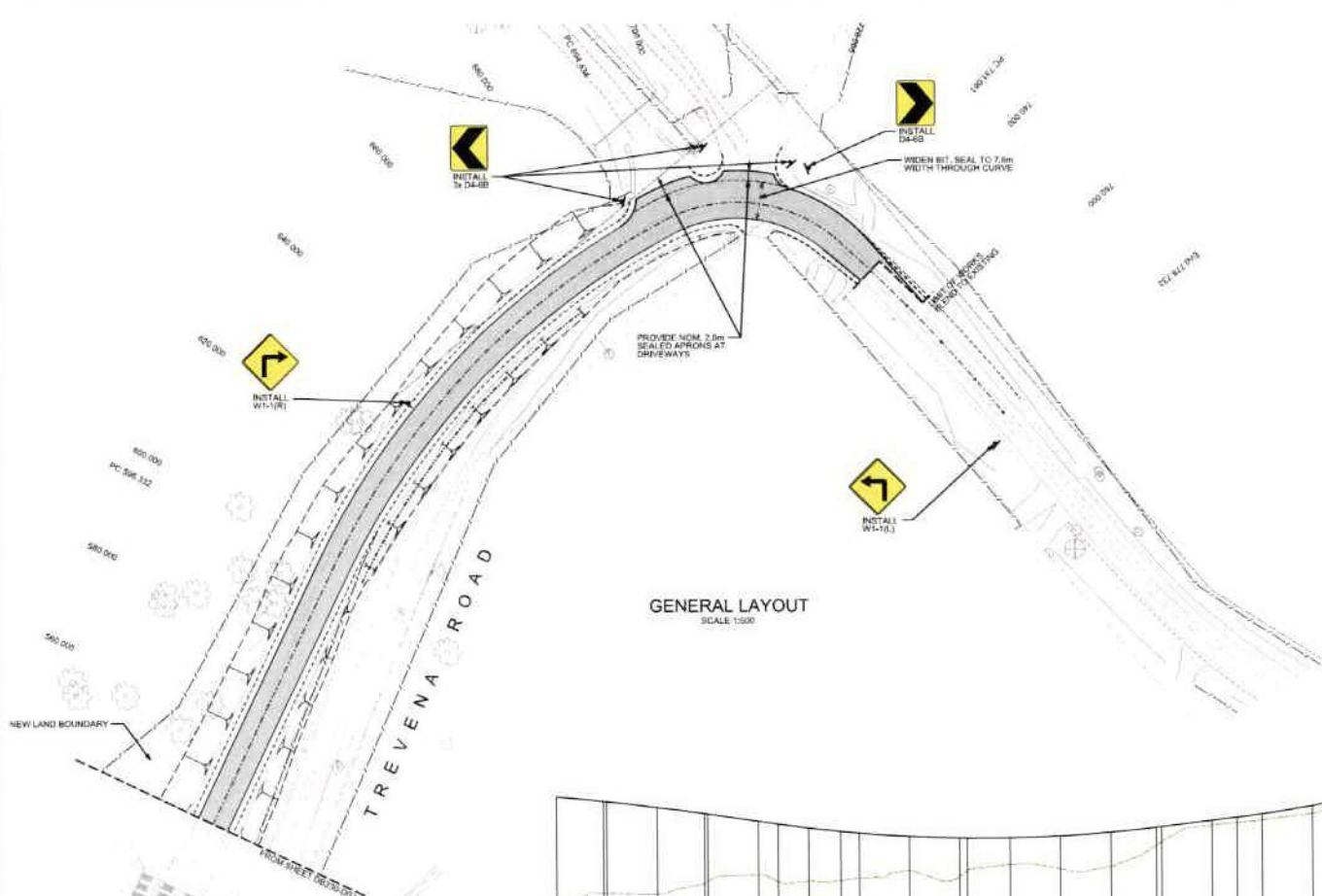
GENERAL LAYOUT
SCALE 1:500



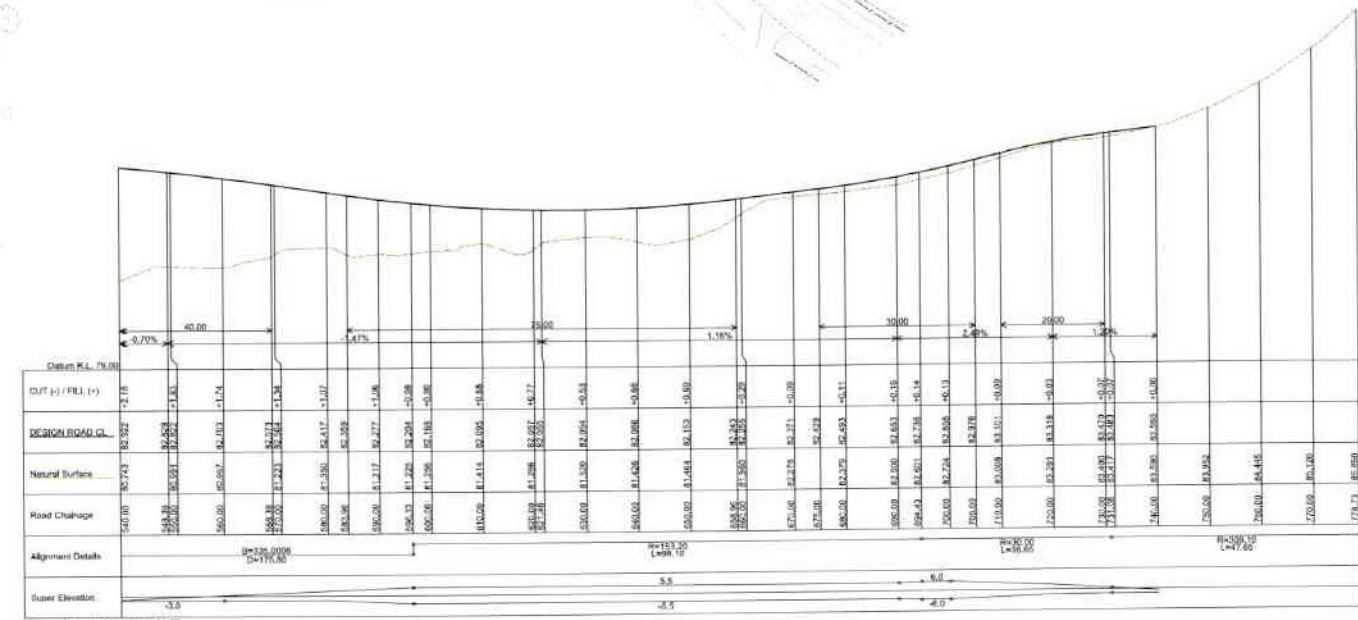
ROAD LONGSECTION



MK ALIGNMENT MOVED AT CH700M INITIAL RELEASE	APPROVED DATE: 27-5-18	 Coates Civil Consulting 124 Infrastructure Trade (Project & Asset Management) P.O. Box 2209 BUNBURY WA 6231 Phone: (08) 979 525 Email: coatescivilconsulting@bigpond.com	SCALE 1:500 (A1)	SURVEYED: L.B. F.B. DATE: DESIGNED: C.Coates & DRAWN: DATE: JULY 2018	CHECKED: DATE: APPROVED: DATE:	THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BELOW. CLIENT: SHIRE OF DONNYBROOK-BALINGUP	TREVENA ROAD, QUEENWOOD BRIDGE APPROACHES UPGRADE SLK0.25 - 0.80km ROAD PLAN-PROFILE CH540-800m	DRAWING No: DB230-D02 SHEET No. 2 of 5 ISSUE DATE: AUG 2018	B
			DETAILS OF AMENDMENTS		DATE		DATE		DATE



- ROAD LEGEND:**
- EXISTING SHOULDER EDGE OF GRAVEL
 - EXISTING EDGE OF BITUMEN
 - EXISTING ROAD CENTERLINE
 - PROPOSED EDGE OF PAVEMENT
 - PROPOSED GRAVEL SHOULDER
 - PROPOSED EDGE OF BITUMEN
 - PROPOSED ROAD CENTERLINE
 - EXISTING EDGE OF BITUMEN
 - PROPOSED BIT. SEAL WIDENING
 - PROPOSED DRAIN INVERT
 - PROPOSED EDGE OF BATTER
- LEGEND:**
- WAT WATER PIPE
 - SW EXIST DRAINAGE PIPE
 - NEW DRAINAGE PIPE
 - SEW SEWER PIPE
 - TEL TEL/CCM CABLES
 - GAS GAS PIPE
 - EL UNGROUND ELECTRICITY
 - POWER POLE & STAY WIRE
 - TREE (TO BE REMOVED)
 - DESIGN FINISHED SURFACE LEVEL
 - EXISTING FENCE LINE
 - CADASTRAL BOUNDARY (UNVERIFIED)

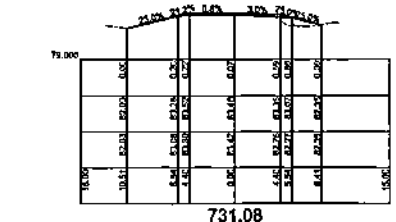


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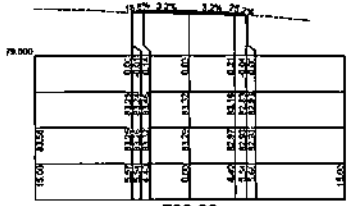
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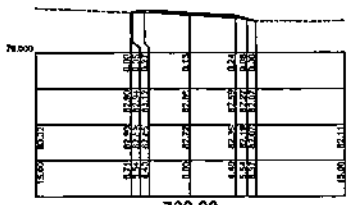
# 01 ALIGNMENT MOVED AT CH700m INITIAL RELEASE	APPROVED DATE	COATES CIVIL CONSULTING 120 Industrial Design (Private) & Asset Management P.O. Box 2308 BUNBURY WA 6231 Phone: (08) 9779 929 Email: coatescivil@coatescivil.com.au	SCALE 1: 500 (A1)	SURVEYED: L.R. F.R. DATE: DESIGNED: C. Coates & DRAWN: DATE: JULY 2018	THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BELOW	CLIENT: SHIRE OF DONNYBROOK-BALINGUP	TREVENA ROAD, QUEENWOOD BRIDGE APPROACHES UPGRADE SLK0.25 - 0.80km ROAD PLAN-PROFILE CH540-740m	DRAWING No. DB230-D03
			DATUM: AHD ORIGIN OF LEVELS: PMA 4334 RL 114.000	CHECKED: DATE: APPROVED: DATE:				SHEET No. 3 of 5 ISSUE DATE: AUG 2018



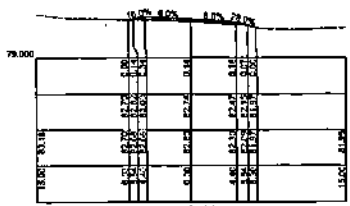
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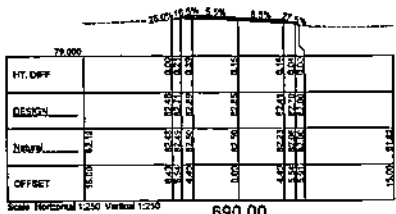
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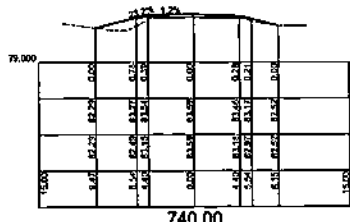
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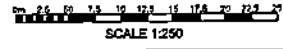
694.43



690.00



740.00



MK	ALTERNATIVE MOVED AT CH700m	31-8-18
	INITIAL RELEASE	
	DETAILS OF AMENDMENTS	APPROVED DATE

COATES CIVIL CONSULTING
 Civil Infrastructure Design - Project & Asset Management
 P.O. Box 2200 BUNBURY WA 6221
 Phone 08 9498 878 809
 Email: coatescivil@coatescivil.com.au

SCALE
1:250 (A1)
 DATE AND
 DRAUGHT OF LEVELS:
 PH 1000 RL 100.000

SURVEYED: L.R. P.A. DATE:
 DESIGNED: C Coates DATE: JULY 2018
 DRAWN: DATE:
 CHECKED: DATE:
 APPROVED: DATE:
 DATE:

THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BELOW.
 DATE:

CLIENT:

 SHIRE OF DONNYBROOK-BALINGUP

TREVENA ROAD, QUEENWOOD
 BRIDGE APPROACHES UPGRADE
 SLK0.25 - 0.80km
 ROAD CROSS SECTIONS CH690-760m

DRAWING No.	DB230-D05
SHEET No.	5 OF 5
ISSUE DATE:	AUG 2018
	B



Government of
Western
Australia



ABN: 50 860 676 021

Enquiries: Peter Newhouse on 9725 5658
Our Ref: 04/9140
Your Ref:

Chief Executive Officer
Shire of Donnybrook - Balingup
PO Box 94
DONNYBROOK WA 6239

ATTENTION: John Attwood

Dear Sir

2010 / 2011 BRIDGE PROGRAM OF WORKS

The following bridge(s) in your shire have been recommended for funding on the 2010 / 2011 Program of Works:

Road Name:	Bridge No:	Works Description:	Funding Type:	Budget:
Trevena Rd	3643	Pre-Construction Activities	SDR/STA	\$150,000
				\$150,000

Bridges with Funding Type 'SDR/STA' are funded 2/3 from West Australian Local Government Grants Commission (WALGGC) and 1/3 from Main Roads. The budget amount(s) shown are the maximum funds available and include design and construction activities.

By now you will have received a request from the WALGGC for an application for Special Project Funding of Bridges for 2010/11. It is recommended that the Council's application aligns with the above program of works (bridges with Funding Type 'SDR/STA' only.) The breakdown of funding is detailed on the attached form.

Bridges with Funding Type 'STA' are fully funded by Main Roads and are not to be included in your application to WALGGC.

Main Roads will shortly be programming the delivery of the design and construction of the Main Roads Bridge Program. Please indicate if you require assistance from Main Roads to deliver any of the above works. This advice will enable the works to be incorporated into the Main Roads Delivery Program.

SPECIAL PROJECT FUNDING	
RECEIVED	
4 SEP 2009	
Record No	1 COR 17900
File No	BR 3643
Officer	RM
Meeting	
Minute No	
Answered	

2 September 2009

Delivery options for the programmed bridges are:

1. **Local Authority to arrange Design and Construction:**
 - o Main Road's funding will be held over until all of the following items have been addressed:
 - o Designs are in accordance with Main Roads and AS 5100 Bridge Design requirements, (Main Roads recommends the use of suitable Consultants for structural design work and can provide a list of Consultants on request.)
 - o A copy of the construction drawings are issued to Main Roads prior to construction commencing.
 - o Work is constructed in accordance with construction drawings and specification. (Main Roads may inspect the work.)
 - o A copy of the "as-constructed" drawings is received by Main Roads.
 - o Outstanding issues identified by Main Roads are addressed.

2. **Main Roads to arrange Design and Local Authority to arrange Construction.**
 - o Please indicate when you anticipate commencing construction works, so that the designs can be prepared in advance.
 - o Local Authority staff will be invited to have input in the design process.
 - o Main Road's funding (less design costs) will be held over until all of the following items have been addressed:
 - o Work is constructed in accordance with construction drawings and specifications. (Main Roads may inspect the work.)
 - o A copy of the "as-constructed" drawings is received by Main Roads.
 - o Outstanding issues identified by Main Roads are addressed.

3. **Main Roads to arrange Design and Construction.**
 - o Local Authority staff will be invited to have input in the design and construction process.

Please notify me by 30 September 2009 of the delivery options for the design and construction for each bridge on the 2010/11 Bridge Program assuming the funding is ultimately approved. Please use the attached Request for Assistance form for this notification.

Yours faithfully



Peter Newhouse
ASSET MANAGER STRUCTURES

Enc

REQUEST FOR ASSISTANCE IN THE DELIVERY OF THE BRIDGE PROGRAM

Our File : 04/9140 Enquiries : Peter Newhouse
 Your File : Region : South West Region

 To : **JOHN ATTWOOD**
 Position: **Chief Executive Officer**
 Location : **Shire of Donnybrook - Balingup**
 Subject : **2010 / 2011 BRIDGE PROGRAM OF WORKS**

Please sign and return for confirmation of transmittal to:

Main Roads - South West Region.
 PO Box 5010
 Bunbury 6231
 Fax No: 9725 5666

Signed: _____ Date: _____

Please tick the appropriate Design and Construction boxes.

No	Road Name:	Bridge No:	Works Description - Scope Comments:	Total Programmed Allocation	WALGGC Allocation	Main Roads or AFP Allocation	Design to be Arranged by:		Construction to be Arranged by:	
							Shire	Main Roads	Shire	Main Roads
0045	Trevena Rd	3543	Pre-Construction Activities Preconstruction Activities Including Road Alignment Planning Study, Waterways Assessment, Geotechnical Assessment, Survey, Aboriginal Heritage Assessment And Clearances, Environmental Clearances, Detailed Design And Estimate By Quantity Surveyor.	\$150,000	\$150,000	\$50,000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11.1.3	SUBJECT:	REALLOCATION OF SPECIAL PROJECT GRANTS FOR BRIDGEWORKS – AMENDMENT TO 2014/15 BUDGET
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Location:	Administration
Applicants:	Administration
Zone:	N/A
File Ref:	DEP 52/3
Author:	Greg Harris, Manager Finance & Administration (<i>Belinda Richards, A/Manager Finance and Administration</i>)
Report Date:	16 March 2015
Attachments:	Nil

Background

Council's budget for the 2014/15 year lists the following Bridgeworks jobs.

	Project Description	Council 1/3rd contribution
1	Bridge #4928A Preston Park Road	\$268,000
2	Bridge #3616 Irishtown Road	\$ 88,000

Council receives funding through the WA Local Government Grants Commission representing one third cost of the proposed works. These funds are paid on a quarterly basis direct to Council. The remaining two thirds of the cost are funded through Main Roads WA.

Main Roads WA generally undertake the bridgeworks on behalf of Council and then invoices the Shire for its one-third contribution.

Advice has been received from Main Roads WA that these projects have been completed at below the cost estimate and therefore the Shire will be invoiced for less than its estimated one-third contribution it has received directly from the WA Local Government Grants Commission.

Main Roads WA have advised that in accordance with the WA Local Government Grants Commission guidelines the unspent funds shall remain with the Council to be utilized in a manner at the discretion of the Council. A budget adjustment will be required to reallocate these funds to another cost area.

In a previous financial year Council has also received funding of \$100,000 for Bridge #3643 on Trevena Road. This funding has been held in Council's Roadworks Reserve. This project was not included in the 2014/15 budget as it was uncertain when the Bridgeworks would be completed. The works on this bridge have also been completed at less than the cost estimate and therefore unspent funds are available for reallocation on this project. The project will also need to be formally included within the 2014/15 budget.

Comment

Whilst Council has the discretion to utilise the unspent funds in any manner it chooses it is recommended that the funding remains allocated to Bridgeworks and is reallocated to Bridge Maintenance.

It is therefore recommended that the following budget adjustment is undertaken to reallocate these funds as described above.

Job Number	GL Account	Description	Details	Income \$	Expenditure \$
Bridge #4928A	132000	Preston Park Road	Reduce Exp.		(67,795.83)
Bridge #3616	132000	Irishtown Road	Reduce Exp.		(23,750.30)
Bridge #3643	132000	Trevena Road	Increase Exp.		100,000.00
Bridge #3643	132000	Trevena Road	Reduce Exp.		(5,435.49)
	133510	Transfer from Roadworks Reserve	Increase Inc.	100,000.00	
Job M001	134500	Bridge Mtce.	Increase Exp.		96,981.62

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Absolute Majority Decision is required to amend the 2014/15 budget.

Risk Assessment

No formal risk management assessment has been done in respect to this agenda item as it relates to funding only for the identified projects.

Financial Implications

The proposed amendments to the budget will have no net impact on the final budget result as amendments to income match amendments to expenditure.

Strategic Implications

Outcome 1.7 - A well-used and efficient transport network

Outcome 4.2 – Maintain long term financial viability

Outcome 4.3 – An open and accountable local government that is respected, professional and trusted

Outcome 4.7 – Maintain and enhance Shire assets

**Council Decision
(Officer's Recommended Resolution)**

Moved: Cr Dawson

Seconded: Cr Duncan

- 1. That Council amend the 2014/15 budget to reallocate unspent Bridge funding to Bridge Maintenance as detailed below:**

Description	Details	GL Acct	Job No.	Amount
Preston Park Rd	Reduce Expenditure	132000	Job 4928A	\$67,795.83
Irishtown Rd	Reduce Expenditure	132000	Job 3616	\$23,750.30
Trevena Rd	Increase Expenditure	132000	Job 3643	(\$100,000.00)
Trevena Rd	Reduce Expenditure	132000	Job 3643	\$5,435.49
	Increase Income (Transfer from Reserve)	133510		\$100,000.00
Bridge Maintenance	Increase Expenditure Bridge Maintenance		Job M001	(\$96,981.62)

**Carried 9/0
By Absolute Majority**



Department of Planning,
Lands and Heritage

GOVERNMENT OF
WESTERN AUSTRALIA

Land Use Management Division

COPY

Our ref: 00006-2017 - Job 163121
Objective ID: A8559101
Enquiries: Phone: (08) 6552 4647 Fax: (08) 6552 4417
Email: ron.pumphrey@lands.wa.gov.au

7 November 2017

Chief Executive Officer
Shire of Donnybrook-Balingup
Post Office Box 94
DONNYBROOK WA 6239

Attention: Mr Damien Morgan, Manager Works and Services

Registered Post

Dear Sir

**PORTION OF LOT 177 ON DEPOSITED PLAN 232725 – SHIRE OF
DONNYBROOK-BALINGUP
NOTICE OF ENTRY ON TO LAND FOR THE PURPOSE OF PUBLIC WORKS -
PURSUANT TO SECTION 186 LAND ADMINISTRATION ACT 1997 PROPOSED
CONSTRUCTION OF A ROAD**

In accordance with section 186(1) of the *Land Administration Act 1997 (LAA)*, the Minister for Lands has authorised the Shire of Donnybrook-Balingup by its employees or authorised agents, contractors and subcontractors (**Shire**) to enter on the land described in the Schedule below (**Land**) to:

1. do anything necessary as preliminary or ancillary to the construction of the road including, without limitation, undertaking investigations with respect to statutory approvals and clearing the land; and
2. carry out the construction of the road (**Purpose**).

Entry is authorised subject to the issue of a notice under section 186(3) of the LAA to the registered proprietor of the Land described in the Schedule.

A copy of the notice issued to the registered proprietor under section 186(3) is attached for your information.

The Land to which this notice refers is the area shown hachured blue on the attached plan and identified on the land acquisition plan, being more particularly described in the schedule as follows:

Land Description
Portion of Lot 177 on Deposited Plan 232725 Certificate of Title Volume 1638 Folio 276

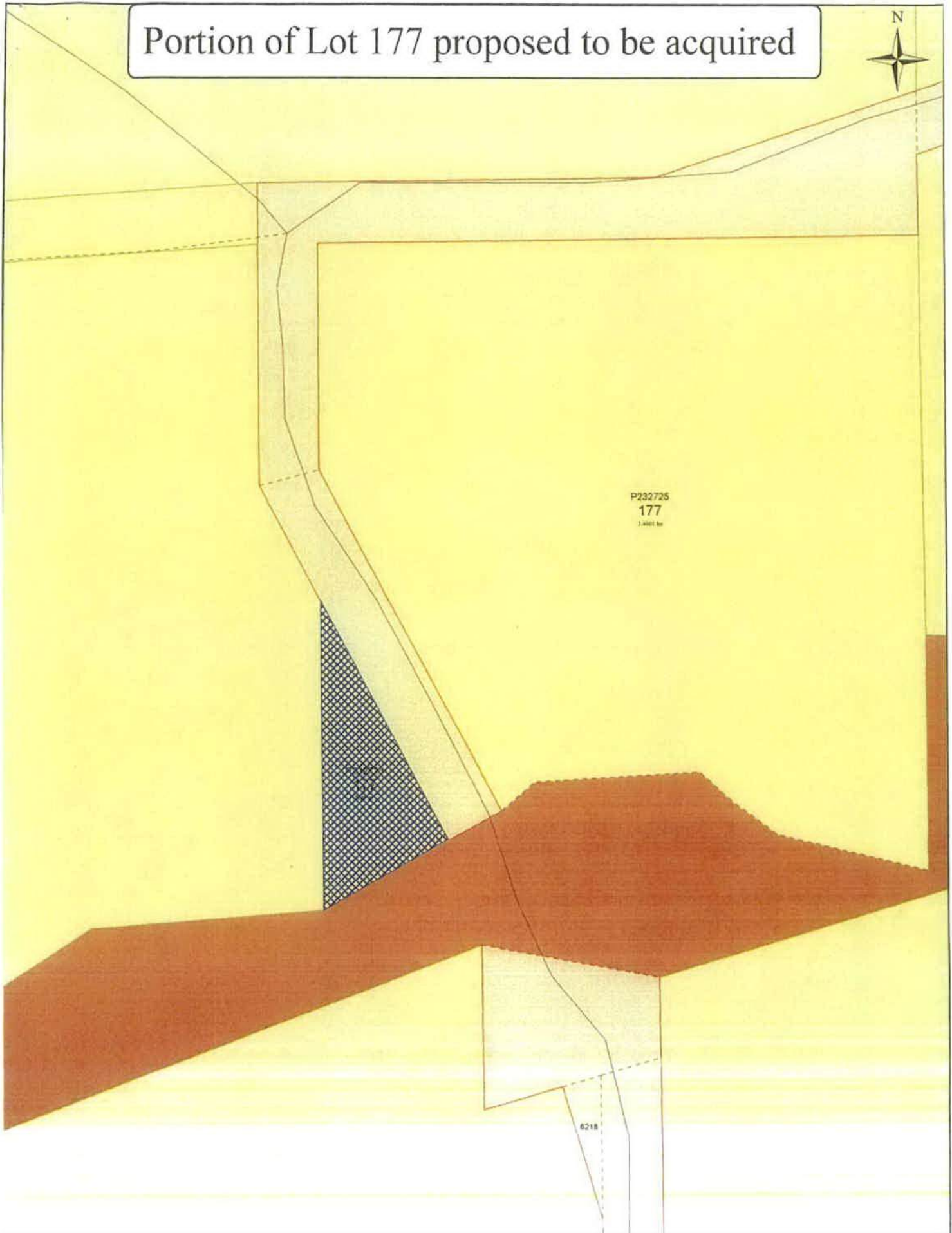
If you have any queries please contact Ron Pumphrey, Manager – Case Management, South West and Great Southern on (08) 6552 4647 or by email to ron.pumphrey@lands.wa.gov.au.

Yours sincerely



Matt Darcey
Acting Assistant Director General

Portion of Lot 177 proposed to be acquired



Scale : 1:1500 (MGA)
MGA : SW=399816.376,6288143.404 Zone 50 / NE=400131.307,6288550.566 Zone 50
Lat/Long : -33°32'29.887", 115°55'15.368" / -33°32'16.775", 115°55'27.741" H 271mm by W 210mm

Printed : 11:41 Mon 1/Aug/2016
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This product is for information purposes only and is not guaranteed. The information may be out of date and should not be relied upon without further verification from the original documents. Where the information is being used for legal purposes then the original documents must be searched for all legal requirements.



Appeals Convenor
Environmental Protection Act 1986

**REPORT TO THE
MINISTER FOR ENVIRONMENT**

**APPEAL AGAINST THE DECISION TO GRANT A CLEARING PERMIT
CPS 7423/1: CLEARING OF 0.6 HECTARES OF NATIVE
VEGETATION – TREVENA ROAD RESERVE, QUEENWOOD
SHIRE OF DONNYBROOK-BALINGUP**

PROPONENT: SHIRE OF DONNYBROOK-BALINGUP

Appeal Number C024 of 2017

May 2018

Appeal Summary

This report relates to an appeal lodged against the decision of the Department of Water and Environmental Regulation (DWER) to grant Clearing Permit CPS 7423/1 to the Shire of Donnybrook-Balingup, to clear 0.6 hectares (ha) of native vegetation within the Trevena Road Reserve for the purpose of bridge construction and road realignment.

DWER assessed the proposal against the ten clearing principles, as set out under Schedule 5 of the *Environmental Protection Act 1986*, and found the proposed clearing was 'at variance' to clearing principle (f) vegetation associated with a wetland or watercourse, 'may be at variance' to clearing principle (b) significant habitat for indigenous fauna and 'not likely to be at variance' with the remaining principles.

In its conclusion on its assessment, DWER determined that the proposed clearing was unlikely to have any significant environmental impacts, noting the size and linear shape of the application area and its location along an existing road reserve. The clearing permit was granted subject to conditions requiring the permit holder to avoid and minimise clearing where possible and to implement fauna management measures to avoid impacts to individual fauna.

The appellant's key ground of appeal related to the blackbutt and marri trees situated within 40 metres of the existing bridge and the appellant sought to have these trees excluded from the clearing permit area. The appellant submitted that these trees provided an environmental linkage for fauna and were vital in holding the banks of the river together. Additionally, the appellant raised concerns regarding the lack of surveys undertaken, conservation significant flora, native vegetation growing in association with a watercourse, consideration of alternative bridge alignments and the fauna management condition.

In responding to the appeal, DWER recommended that the permit holder be required to inspect potential habitat trees for western ringtail possums, that condition 6(d) be removed to clarify that potential habitat trees, where unoccupied, are not required to be retained and to include a requirement to keep records and report on activities undertaken in relation to the implementation of management conditions 5 and 6 (avoid and minimise clearing and fauna management).

Taking into account the available information, the Appeals Convenor considered that DWER's assessment of the clearing permit application was appropriate and that DWER's decision to grant the permit subject to conditions was justified.

Recommendation

The Appeals Convenor recommended that the appeal be allowed in part, to the extent that the clearing permit is amended to:

- include western ringtail possums under condition 6(a)
- remove condition 6(d); and
- include a condition requiring the permit holder to keep records and report on activities undertaken in relation to the implementation of management conditions 5 and 6.

It is otherwise recommended that the appeal be dismissed.

INTRODUCTION

This report relates to an appeal lodged by Mr David Mazza (the appellant) in objection to a decision of the Department of Water and Environmental Regulation (DWER) to grant a clearing permit to the Shire of Donnybrook-Balingup (permit holder) to clear 0.6 hectares (ha) of native vegetation within the Trevena Road Reserve, Queenwood, for the purpose of bridge construction and road realignment. The location and extent of the application area are shown in Figure 1.

Figure 1– Location and extent of application area for Clearing Permit CPS 7423/1



(Source: www.cps.der.wa.gov.au, 2018, Googlemaps, 2018)

Background

DWER received an application to clear 0.6 ha of native vegetation within the Trevena Road Reserve, Queenwood, on 20 December 2016. On 30 January 2017, the application was advertised for public submissions for a period of 21 days. Nine public submissions were received in response to the advertisement and two submissions were withdrawn.

DWER's Decision Report states that the public submissions raised concerns in relation to impacts to a watercourse, fauna habitat, clearing in an extensively cleared landscape, groundwater quality, erosion, Aboriginal heritage sites and planning approvals and that these concerns were addressed under principles (a), (b), (e), (g) and "Planning instruments and other relevant matters". DWER considered the other concerns relating to the age of the

native vegetation, visual amenity, cultural heritage, alternative road alignments and planning proposals were beyond the environmental impacts associated with clearing and could not be taken into consideration.

On 20 December 2017, DWER granted a clearing permit authorising the clearing of 0.6 ha of native vegetation. It was against this decision that the appeal was lodged.

This document is the Appeals Convenor's formal report to the Minister for Environment under section 109(3) of the *Environmental Protection Act 1986* (EP Act).

OVERVIEW OF APPEAL PROCESS

In accordance with section 106 of the EP Act, a report was obtained from DWER in relation to the issues raised in the appeal. During the appeal investigation, the Appeals Convenor consulted the appellant and the permit holder in relation to issues raised in the appeal. This included a site visit with a representative of the permit holder and a separate site visit with the appellant.

The appellant requested a copy of DWER's report on the appeal, and provided additional information in support of his appeal which was considered during the appeal investigation.

The environmental appeals process is a merits based process. For appeals in relation to a decision to grant a clearing permit, the Appeals Convenor normally considers the environmental merits of the assessment by DWER based on principles as set out in Schedule 5 of the EP Act, as well as other environmental factors. Questions of additional information not considered by DWER, technical errors and attainment of relevant policy objectives are normally central to appeals.

OUTCOME SOUGHT BY APPELLANT

The appellant is seeking for the Minister to amend the application area to exclude the blackbutt and marri trees within 40 metres of the existing bridge.

GROUND OF APPEAL

The appellant's grounds of appeal have been summarised as follows:

- assessment against the clearing principles; and
- adequacy of conditions.

The appellant raised additional matters which were beyond the scope of appeal. These matters are discussed under "Other Matters".

GROUND 1: ASSESSMENT OF THE CLEARING PROPOSAL

The appellant's key ground of appeal was that DWER did not adequately assess the environmental values of the application area or the environmental impacts of the proposed clearing, particularly in regard to the blackbutt and marri trees, conservation significant flora and fauna, native vegetation growing in association with a watercourse and alternative bridge alignments. Additionally the appellant also raised concerns regarding the lack of surveys undertaken and that the fauna management condition was inconclusive.

This ground of appeal has been considered as follows:

- assessment of the clearing permit; and
- alternative bridge alignments.

Consideration

DWER assessed the proposal against the ten clearing principles, as set out under Schedule 5 of the EP Act, and found the proposed clearing was 'at variance' to clearing principle (f) vegetation associated with a wetland or watercourse, 'may be at variance' to clearing principle (b) significant habitat for indigenous fauna and 'not likely to be at variance' with the remaining principles.

Assessment of the clearing permit

The appellant submitted that the blackbutt and marri trees were critical in retaining the banks of the Preston River during significant erosion events such as flood events due to the root systems holding the river bank together and proposed that DWER should undertake a further site visit during a flooding event. Additionally, the appellant noted that the blackbutt and marri trees provided habitat and a key ecological linkage for local fauna such as Carnaby's black cockatoos and western ringtail possums which have been observed utilising the trees by local residents.

In regard to rare flora the appellant submitted that DWER's assessment appeared to ignore potentially rare flora, and provided a photograph of a spider orchid located near the application area. The appellant disagreed with DWER's assessment of clearing principles (a), (b) and (c), and was of the view that further seasonal surveys would be required to assess the impact of the clearing on flora and fauna within the application area.

In relation to clearing principle (f), the appellant was of the view that DWER's assessment was subjective and its determination lacked justification. The appellant questioned whether there was a threshold of trees over which there would be a variance, or cause a refusal to grant a permit.

Significance of the blackbutt and marri trees

Noting the appellant's concern that the assessment did not consider the differing values of vegetation types, DWER maintained its view that the environmental values were adequately addressed in its Decision Report and that the main value provided by blackbutt and marri trees within the application area was fauna habitat.

During its assessment against clearing principle (b), DWER found that the application area comprised suitable foraging and breeding habitat for the forest red-tailed, Baudin's and Carnaby's black cockatoos, with evidence of foraging observed during a site inspection. In its Decision Report, DWER noted that the local area retains 50 per cent native vegetation cover, including conservation areas containing black cockatoo foraging habitat in a better condition. Having regard to the abovementioned, DWER concluded that the proposed clearing may impact upon breeding habitat for the black cockatoos and applied a fauna management condition to require the permit holder to inspect hollows prior to clearing and, where occupied, to delay clearing until no longer in use.

The Decision Report notes that the Western Australian Local Government Association's *South West Regional Ecological Linkage Technical Report (2009)* [WALGA Ecological Linkage Report] identifies a regional ecological linkage that runs along the Preston River, intersecting the application area. The WALGA Ecological Linkage Report notes that small forest and woodland mammals such as possums are sensitive to fragmentation, but will cross small gaps in vegetation cover, generally less than 100 metres, when dispersing. In its assessment DWER considered that, due to the small, narrow and linear nature of the application area which follows an existing road, the proposed clearing was unlikely to have a

significant impact on the environmental values of the ecological linkage via fragmentation or removal of large areas of native vegetation.

DWER also found that the application area may comprise suitable habitat for the chuditch, brush-tailed phascogale and western ringtail possum. However, noting the size, condition and location of the application area along an existing road, DWER considered the application area did not comprise a significant habitat for these species. Nonetheless, DWER required the permit holder to inspect hollows for southern brush-tailed phascogales prior to clearing and in response to the appeal, recommended that the permit holder also inspect habitat trees for the western ringtail possum. This is discussed further under Ground 2.

During the appeal investigation, the permit holder provided a Habitat Tree Assessment Report (Habitat Report) undertaken to identify potential habitat trees within the application area. The Habitat Report found there were 27 habitat trees within the application area, nine having small to medium sized hollows suitable for phascogales with no conclusive evidence of use and none with large hollows suitable for black cockatoos. The Habitat Report also surveyed the area for western ringtail possums and found dreys in two trees within the application area and in one tree outside the application area. The Habitat Report recommended that a pre-clearing trapping program prior to clearing be undertaken in consultation with DWER.

In response to the findings in the Habitat Report, the permit holder advised that five of the trees with small hollows are required to be removed, and that the two trees containing western ringtail possum dreys would most likely not require removal. The permit holder also confirmed that a fauna spotter would be on-site during the clearing to ensure potential impacts to fauna in the area, including those utilising hollows or dreys, are avoided.

In relation to the stability of the riverbank, DWER took into consideration the major watercourse 'Preston River', the presence of riparian vegetation, the size and shape of the application area, the location along an existing road reserve, the soil type present, advice received from the then Department of Water (DoW) and that DoW had issued the permit holder a permit to interfere with the bed or banks of the river in assessing the clearing against clearing principles (f), (g), (i) and (j). During the assessment, DWER received advice from DoW which identified the main risks of the proposed clearing to be onsite erosion, sediment transport and associated turbidity. DoW advised how such risks could be mitigated, such as the proper management of stormwater and run-off, development of site-specific erosion and sediment controls and works to be undertaken during the dry season. In its assessment, DWER acknowledged that the proposed clearing may increase sedimentation and runoff into the river, but considered impacts were likely to be minimal and short term.

Having regard to the above and the matters raised on appeal, DWER considered that the final bridge design is likely to manage surface water flow, prevent deterioration in the quality of surface water and prevent water erosion, and advised that the removal of the blackbutt and flooded gum trees would not lead to an unacceptable risk to the environment. In response to the appellant's concerns regarding the lack of site inspections during a flooding event, DWER advised that it had sufficient information to undertake an assessment of the proposed clearing.

Conservation significant flora

In regard to the appellant's concerns relating to clearing principles (a) and (c), DWER's assessment identified that four priority flora and one rare flora species were recorded within the local area. In its assessment, DWER noted that the application area contained minimal

understorey and mid-storey species with the understorey dominated by weeds, and considered that habitat for conservation significant flora was unlikely to occur within the application area. Furthermore, the priority flora species recorded within the local area were priority 3 and 4 species which were known from several locations and were not considered to be under imminent threat. It is noted that the Department of Biodiversity, Conservation and Attractions' advice provided during the assessment stated that the proposed clearing would not impact on any conservation significant flora or vegetation.

In response to the appellant's photograph of the spider orchid, DWER advised that there are multiple species of spider orchids with only some species classified as rare. DWER considered the photograph was not sufficient to identify the species and did not consider an additional survey was warranted as no known rare spider orchid species have been recorded within the local area.

In regard to the rare flora species *Synaphea stenoloba* recorded in the local area, DWER advised that this species is known to be found on soils in low lying areas that are occasionally inundated, with associated vegetation being generally swampy heath to one metre high with scattered emergent *Nuytsia floribunda*. In this case, DWER considered that suitable habitat for *S. stenoloba* was not likely to occur within the application area. Based on the foregoing, DWER considered the proposed clearing was unlikely to impact upon the conservation status of priority flora species or rare flora species recorded within the local area.

The appellant's concern in regard to seasonal surveys is acknowledged, and it is noted that the timing of surveys to coincide with breeding or flowering periods can be useful in identifying the presence of vegetation, flora and fauna species within an application area. In this regard, DWER's *A guide to the assessment of applications to clear native vegetation* (2014) [Assessment Guide] generally does not require a permit holder to undertake vegetation, flora or fauna surveys unless there is a likelihood the proposed clearing would result in a moderate or high impact on the environment or if there is insufficient information to make an informed assessment against the clearing principles, and in this case, DWER considered there was sufficient information available to undertake an assessment in accordance with published guidance and standard practice, and that no further information was necessary to make a determination.

Alternative bridge alignments

The appellant was of the view that the permit holder did not properly consider alternative locations for the bridge and was seeking for an alternative alignment that avoided the blackbutt and marri trees. The appellant submitted that his preferred alternative alignment was safer, avoided the trees, crossed the river at a narrower section, would require less clearing of trees and would potentially require less filling due to the elevation of the opposing banks being relatively similar.

In response to this element of the appeal, DWER advised that its role is to conduct an assessment of the environmental values, identify potential impacts of the proposed clearing and apply conditions to mitigate the potential impacts, with the comparative environmental merits of alternative proposals being beyond the scope of assessment. DWER noted that it is the permit holder's responsibility to specify the scope of clearing required for the proposed works and, in this case, the position of the bridge and alignment of the road. In this regard, it is noted that the permit holder is working with Main Roads Western Australia in regard to the design and alignment of the bridge and advised that the bridge will be designed and constructed in accordance with relevant standards.

The permit holder advised that alternative options were looked at and the bridge alignment was selected after taking into account considerations such as cost, impacts to private landholders, safety and environmental impacts.

Conclusion

Having regard to the information provided by DWER, the appellant, the permit holder and relevant guidance, it is considered that DWER's assessment of the proposed clearing against the clearing principles was appropriate, supported by the available evidence and was undertaken in accordance with published policies and procedures.

Therefore, it is recommended that this ground of appeal is dismissed.

GROUND 2: ADEQUACY OF CONDITIONS

The appellant was of the view that allowing the permit holder to commission the fauna survey, under condition 6 of the permit, was a conflict of interest as the permit holder was initially going to clear the trees without a clearing permit until concerned residents informed DWER.

Referring to condition 6(d) of the clearing permit, the appellant noted that the condition appeared subjective by leaving the decision to clear trees with the permit holder and submitted that the permit is inconclusive as to the course of action where habitat trees are identified. The appellant is seeking for the clearing permit to clearly state the course of action where endangered or vulnerable flora and fauna are found in the area.

Condition 6(d) of the clearing permit states:

6. Fauna Management

(d) Where *habitat tree(s)* are identified [by a fauna specialist], the permit holder shall avoid clearing of identified *habitat tree(s)* where appropriate.

Consideration

It is noted that DWER considered the proposed clearing of habitat trees would cause the greatest impact through accidental injury or death to individual black cockatoos and southern brush-tailed phascogales and applied a fauna management condition to the permit.

In response to the appellant's statement that western ringtail possums have been observed and noting that the application area may contain habitat for the western ringtail possum, DWER advised that the clearing permit should have included a condition requiring the permit holder to inspect potential habitat trees for western ringtail possums prior to clearing and, where occupied, to delay clearing until no longer in use.

DWER disagreed with the appellant that a conflict of interest exists where the permit holder is responsible for engaging a fauna specialist and considered the fauna management conditions were adequate to ensure a qualified specialist undertakes surveys. It is noted that a fauna specialist is defined in the clearing permit as:

... a person who holds tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bio region and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*.

However, DWER agreed with the appellant that the fauna management condition 6(d) was inconsistent with the assessment and the rest of condition 6 and recommended that condition 6(d) be removed from the permit. DWER clarified that the intention was for the trees not to be cleared while occupied by individuals of the listed fauna, and not that all potential habitat trees be retained. Additionally, DWER noted that the clearing permit did not contain a requirement for recording and reporting of activities in relation to fauna management, and recommended that the clearing permit should have included a requirement to record and report on condition 6.

DWER advised it encourages permit holders to continually seek to avoid and minimise the impacts of clearing where possible and usually requires permit holders to demonstrate that the clearing is reasonably necessary with no practical alternatives. In this case, DWER noted that such a condition was applied but a corresponding condition requiring the permit holder to record and report on such efforts was not. Accordingly, DWER recommended that the clearing permit be amended to include conditions requiring the permit holder to record and report on efforts to avoid and minimise clearing.

Conclusion

Having regard to DWER's assessment of the clearing permit application and the conditions applied to the permit, it is considered that DWER was justified in granting the clearing permit subject to an avoid and minimise condition and a fauna management condition to avoid accidental injury or death of fauna.

However, based on DWER's recommendations, it is agreed that the clearing permit could be improved by the inclusion of additional conditions and amendments to the existing conditions. This includes an amendment to include western ringtail possums under condition 6(a), to remove condition 6(d), and the inclusion of requirements to keep records and report on activities undertaken in relation to the implementation of management conditions 5 and 6 (avoid and minimise clearing and fauna management).

Therefore, it is recommended that this ground of appeal be allowed in part, to the extent that the clearing permit is amended as detailed in this report.

OTHER MATTERS

The following matters were raised by the appellant as being relevant, but are considered to be outside the scope of the appeal. Nevertheless, these matters have been included in this report for information.

The appellant stated that there was a lack of communication from DWER during the assessment process in regard to the appellant's submission on the clearing application advertised in February 2017. Additionally, the appellant noted the appeals information sheet was ambiguous in regard to timeframes as the closing date for appeals could be calculated from date of the permit grant or notification.

DWER advised that regular communication occurs with clearing permit applicants but not individuals who provide submissions on an application. Noting the appellant's concerns regarding the amount of time taken for a response, being approximately ten months, DWER advised that the delay was due to requiring evidence of the permit holder's right to enter the land on which clearing was to be undertaken.

In response to the appellant's comments regarding the appeals information sheet, it is noted that the closing date for appeals depends on the type of appeal being lodged. Section 101A(4) of the EP Act provides that any person may appeal the grant of a clearing permit

within 21 days of the grant of the permit. Sections 101A(1), (2) and (3) of the EP Act provide that the applicant/permit holder may appeal the refusal, conditions, amendment, revocation or suspension of a clearing permit within 21 days of being notified, and any person may appeal the conditions or amendment of a clearing permit within 21 days of the permit holder being notified.

CONCLUSION AND RECOMMENDATION

Having regard to the information available, it is considered that DWER's assessment of the clearing permit application against the clearing principles was appropriate, supported by available evidence and undertaken in accordance with published policies and procedures and its decision to grant the clearing permit, subject to certain conditions, was justified.

However, based on DWER's advice, it is considered that the clearing permit could be improved by including western ringtail possums under condition 6(a), removing condition 6(d) to clarify that potential habitat trees, where unoccupied, are not required to be retained and including a condition requiring the permit holder to keep records and report on activities undertaken in relation to the implementation of management conditions 5 and 6 (avoid and minimise clearing and fauna management).

Therefore, it is recommended that the appeal be allowed in part, to the extent that the clearing permit is amended to include the conditions as detailed in this report.

The final wording of the conditions is a matter for DWER under section 110 of the EP Act.

It is otherwise recommended that the appeal is dismissed.



Emma Gaunt
APPEALS CONVENOR

Investigating Officer:
Cassie Chew, A/Senior Appeals Officer

Appeal Number:
C024 of 2017



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST GRANT OF A CLEARING PERMIT CPS 7423/1 TREVENA ROAD RESERVE, QUEENWOOD

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 101A of the *Environmental Protection Act 1986* in objection to the grant of Clearing Permit CPS 7423/1 by the Department of Water and Environmental Regulation. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Mr David Mazza
Permit Holder:	Shire of Donnybrook-Balingup
Proposal description:	Clearing of 0.6 hectares of native vegetation for the purpose of bridge construction and road realignment
Minister's Decision:	The Minister allowed the appeal in part
Date of Decision:	14 June 2018

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act* (the Act), the Minister obtained a report from the Department of Water and Environmental Regulation (DWER) on the matters raised in the appeal. The Minister was advised that representatives of the Office of the Appeals Convenor met with the appellant on a site visit, and also met with the permit holder to discuss the appeal.

After considering the appeal, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeal.

In summary, the appellant's key issue was in regard to the blackbutt and marri trees located within 40 metres of the Preston River, and the appellant sought to have these trees excluded from the clearing permit. The appellant was of the view that these trees were of particular significance in providing stability to the river bank, fauna habitat and an ecological linkage. Additionally, the appeal raised concerns in regard to conservation significant flora, native vegetation growing in association with a watercourse, consideration of alternative bridge alignments and the fauna management condition.

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C024 of 2017

In relation to the appellant's concerns regarding the significance of the blackbutt and marri trees, DWER advised that the main value provided by the trees was fauna habitat and noted that a regional ecological linkage runs along the Preston River, the application area comprised suitable habitat for black cockatoo species and may comprise suitable habitat for the southern brush-tailed phascogale. The Minister was advised that DWER considered that the proposed clearing would not significantly impact the ecological linkage, was unlikely to have a significant impact upon habitat for conservation significant fauna and that condition 6 (fauna management) of the clearing permit ensured impacts to individual fauna would be avoided.

The Minister noted that, during the appeal investigation, the permit holder provided a habitat tree assessment report of the application area which identified 27 potential habitat trees, nine with small hollows suitable for phascogales showing no conclusive evidence of use and two with western ringtail possum dreys. The Minister understood that the permit holder has advised that five of the trees bearing small hollows will be required to be cleared, that the two trees containing dreys will most likely not require removal and that a fauna spotter will be on-site to ensure impacts to fauna are avoided.

In noting the concerns regarding the stability of the riverbank, the Minister understood that DWER considered that the final bridge design is likely to manage surface water flow, prevent deterioration in the quality of surface water and prevent water erosion, and advised that the removal of the blackbutt and flooded gum trees along the watercourse would not lead to an unacceptable risk to the environment.

In response to the appellant's submission regarding the fauna management condition, DWER agreed that condition 6(d) was inconclusive and recommended that it be removed. DWER clarified that the intention of condition 6 was to require the permit holder to delay clearing trees occupied by the listed fauna until no longer in use, and not that all potential habitat trees be retained. The Minister noted that DWER also recommended that the permit holder should be required to inspect habitat trees for western ringtail possums, and keep records and report on efforts to avoid and minimise clearing and manage impacts to fauna.

In relation to the other matters on appeal, the Minister considered the Appeals Convenor's advice and the information presented, and was of the view that DWER's assessment of the proposed clearing was appropriate, supported by the available evidence and was undertaken in accordance with published policies and procedures, and that its decision to grant the clearing permit, subject to certain conditions, was justified.

However, the Minister allowed the appeal in part to the extent that the clearing permit is amended as detailed in the Appeals Convenor's report.

The precise wording of the conditions will be a matter for DWER to consider in giving effect to the change in accordance with section 110 of the Act.

The Minister otherwise dismissed the appeal.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

Office of the Appeals Convenor

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Enquiries: Neville Pearce on 9724 5685.

Our Ref: 04/6923-02

Your Ref:

21 August 2018

Ben Rose
Chief Executive Officer
Shire of Donnybrook - Balingup
PO Box 94
DONNYBROOK WA 6239

Dear Sir

DETAILED INSPECTION REPORT

Structure No: 3643 on Trevena Rd

Please find enclosed for your records a copy of the detailed inspection report for the above structure, and a schedule of routine, preventative and specific maintenance work items that are required to be undertaken in order to maintain the structural integrity and extend the life of the structure.

The routine and preventative work items detailed should be undertaken by Council from existing funds. Such maintenance aids in the preserving and prolonging the serviceable life of the existing structure.

The specific work items can be undertaken by Council from existing funds or under joint funding arrangements with Main Roads when priorities and funding allow. These works are required to maintain the structural integrity and extend the life of the structure. These items have been entered onto the Main Roads' Bridge Management System for programming purposes.

Preliminary examination has indicated that the load carrying capacity of this bridge may have been affected by the deterioration of structural components as listed in the attached report. Main Roads is in the process of determining the structure's current load capacity and will advise you accordingly when the assessment is completed.

Active termites have been reported to be on or near this bridge and require your **URGENT** attention.

If you require any further information please contact me on 9724 5685.

Yours Sincerely

Neville Pearce
ASSET MANAGEMENT OFFICER STRUCTURES