
Guide to Road Safety Part 6: Managing Road Safety Audits

The reasons for selection of an Audit or assessment at a stage of a project, or exemptions to the requirement for Audit/Assessment, should be documented. Audits/Assessments should be undertaken as follows:

Project Cost [values should be reviewed by each organisation]	Audit Stages Required [audit stages should be reviewed by each organisation]
> \$20.0m	A Safe System Assessment must be undertaken at Feasibility and/or Preliminary Design stage and Road Safety Audits must be undertaken at all other stages
\$1m to \$20.0m	Risk factors should be considered when determining the stages of Audit and Assessment. In general, at a minimum, Road Safety Audits should be undertaken at one of the design stages.
< \$1m	Risk factors should be considered when determining the stages of Audit or Assessment that should be carried out.

Risk factors should be taken into account when determining the stage or stages at which Audits/Assessments will be required. Considerations should be given to the risk factors impact on road user safety, and the potential impact on project delivery and cost if changes are required as a result of an Audit/Assessment. In general, the earlier a Safe System Assessment can be undertaken, the better (refer to Road Safety Audit and Safe System Assessment Procedure).

Road Safety Audit Team

Audit team members must be registered on [insert system]. There must be at least one senior Road Safety Auditor within the team. The team should consist of at least two members.

If a consultant is to be appointed to undertake the Road Safety Audit, they must have the appropriate insurances and quality management system.

It is essential that the team be highly knowledgeable and skilled in all facets of the work being audited, is knowledgeable about the Safe System approach and its implementation and is independent of the project.

Safe System Assessment Team

At the time of release of this policy the formal accreditation for Safe System Assessors is being developed. It is the project or region's responsibility to engage an Assessment team that is independent of the project, has experience in the practical application of the Safe System and with experience using the Safe System Assessment Framework.

While the Assessment team must be independent of the project, they do not necessarily need to be external to [insert organisation].

G.2 Local Government Policy

This example has been adapted from the City of Melville in Western Australia.

POLICY OBJECTIVES

To set out the requirements for conducting Road Safety Audits in [insert organisation].

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To improve the safety of the road network and developments in [insert organisation] and ensure measures to eliminate or reduce road environment risks for all road users are fully considered with emphasis placed on fatal and serious crash risk.

To promote the development, design and implementation of a safe road system through the adoption of formal road safety auditing principles and practices.

POLICY SCOPE

This Policy applies to [insert organisation] road infrastructure projects and to qualifying projects that are subject to the Development Application processes.

The Policy applies to all District Distributor, Local distributor and Local Access Roads within the [insert organisation].

DEFINITIONS / ABBREVIATIONS USED IN POLICY

Audit Team means a team that shall comprise of at least two people, independent of the design team, including members appropriately experienced and trained in road safety engineering or crash investigation with knowledge of current practice in road design or traffic engineering principles who undertake the road safety audit.

Audit Team Leader means the person with appropriate training and experience with overall responsibility for carrying out the audit and certifying the report. An Audit Team Leader practising in [insert state or territory] must be an [insert organisation] Accredited Senior Road Safety Auditor.

Audit Team Member means an appropriately experienced and trained person who is appointed to the Audit Team and who reports to the Audit Team Leader. An Audit Team Member practising in [insert state or territory] must be an [insert organisation] Accredited Road Safety Auditor.

Corrective Action Report (CAR) means a tabular summary report prepared by the Audit Team to be completed by the Asset Owner, Project Owner, Project Coordinator or delegated representative to respond to identified findings and recommendations detailed in the audit report.

Crash investigation means an examination of crashes to identify patterns and common trends that may have contributed to crash causation or crash severity. This can include the detailed investigation of a single crash.

Permanent change means any permanent change to the road network, excluding like for like maintenance replacement works and temporary works.

Public road means a road either under the control of [insert organisation], Local Government, or any other road accessible by the public (excludes private roads).

Road Safety Audit means a formal, systematic, assessment of the potential road safety risks associated with a proposed road project or road improvement project conducted by an independent qualified audit team. The assessment considers all road users and suggests measures to eliminate or mitigate those risks.

Road safety engineering means the design and implementation of physical changes to the road network intended to reduce the number and severity of crashes involving road users, drawing on the results of crash investigations.

Road Safety Inspection means a formal examination of an existing road or road related area in which a qualified team report on the crash potential and likely safety performance of the location, (formerly known as an 'Existing Road Safety Audit').

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Safe System means a road safety approach adopted by National and State Governments to generate improvements in road safety. The Safe System approach is underpinned by three guiding principles: people will always make mistakes on our roads but should not be killed or seriously injured as a consequence; there are known limits to the forces the human body can tolerate without being seriously injured; and the road transport system should be designed and maintained so that people are not exposed to crash forces beyond the limits of their physical tolerance.

Specialist Advisor means a person approved by the client who provides independent specialist advice to the audit team, such as, road maintenance advisors, traffic signal specialists, police advisors and individuals with specialist local knowledge.

POLICY STATEMENT

This policy requires that the following commitments be adopted as part of a strategic framework for the implementation of road safety audit principles and practices in the planning and development of infrastructure within the [insert organisation].

Include road safety audit goals and objectives in our Corporate Plan and Business Management Systems (BMS).

Background

In accordance with the Australian National and the [insert organisation] State Road Safety Strategies this policy adopts a Safe System approach to the delivery of a road safety audit service by placing emphasis on fatal and serious crash risk.

The road safety audit process is an assessment of road engineering projects and as such the Safe System sphere of influence is limited to two of the four cornerstones of the Safe System approach, namely, Safe Roads and Roadsides, and Safe Speeds.

This is to be achieved by focusing the audit process on considering safe speeds and by providing forgiving roads and roadsides. This is to be delivered through the Road Safety Audit process by accepting that people will always make mistakes and by considering the known limits to crash forces the human body can tolerate with the aim to reduce the risk of fatal and serious injury crashes.

A road safety audit is a formal examination of a future road or traffic project in which an independent qualified team reports on potential crash occurrence and severity which may result from the introduction of the project.

Road safety audits are a proactive process to prevent the occurrence of road crashes. The road safety audit process provides project managers with a powerful mechanism to identify potential crash risk in the delivery of infrastructure projects and aims to reduce the risk of trauma and crashes on the road network.

In the implementation of this policy the road safety audit approach to be taken is: that it is not acceptable that any human should die or be seriously injured on the [insert organisation] road network, and specific road safety audit findings shall be highlighted in this regard.

Application

Road safety audits and road safety inspections must be conducted in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit, and [insert organisation] complementary checklists and procedures.

The road safety audit process must be completed using the [insert organisation] road safety audit report template provided on the [insert organisation] website.

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All road safety audits must be repeated if the project design materially changes, if there are many minor changes which together could impact on road user safety, or if the previous road safety audit for the relevant stage is more than 3 years old. Should a project not begin the next stage in its development within 3 years of the completion of the previous audit, the project must be re-audited. This is to ensure that due consideration is given to the project's interface with the existing road network.

Relevant staff shall be trained in order to fulfil the training and experience requirements to achieve and maintain road safety auditor accreditation.

Where appropriate a reciprocal partnership agreement will be arranged with other local governments to create opportunities for road safety audit teams to include qualified independent team members from partnering local governments.

Road Safety Audit Team

- All road safety audit teams must comprise a minimum of two members.
- All audit teams must be led by a suitably qualified and experienced [insert organisation] Accredited Senior Road Safety Auditor and shall be listed on the Road Safety Audit Portal so that the maximum emphasis is placed on road safety engineering and Safe System principles.
- All audit team members must be [insert organisation] Accredited Road Safety Auditors and shall be listed on the Road Safety Audit Portal.
- Specialist advisors, such as, Police advisors or technical experts can assist the audit team by providing independent specialist advice on particular aspects of a project. There is no requirement for a specialist advisor to be an Accredited Road Safety Auditor. Specialist advisors shall be listed as an 'Advisor' in the audit report and shall not be listed as a team member.
- The audit team shall include a Local Government officer (they can be a specialist advisor).
- Team Leaders/Members shall excuse themselves from participation in the audit if:
 - They have had any involvement in planning, design, construction or maintenance activities for road infrastructure for the project.
 - They perceive any possibility of duress or coercion by their employer or employer's staff in relation to the audit.
- Persons not accredited as a Road Safety Auditor or who do not have relevant specialist skills may still participate as an observer if invited to do so by the Team Leader.

When to Audit

- Blackspot Projects

Road Safety Audits shall be conducted on all Blackspot funded projects as per State Blackspot Program Development and Management Guidelines.
- Road projects with a project value $\geq$ \$1 million

All road infrastructure projects that involve a permanent change to the City's road network with an estimated project value $>$ \$1 million shall have a road safety audit undertaken at the following 3 stages as a minimum:

 - Stage 2 – Preliminary design
 - Stage 3 – Detailed design
 - Stage 4 – Pre-opening (when the project is substantially complete and prior to opening to the public).

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- Road projects with a project value $\geq$ \$150 000 and $<$ \$1 million

All road infrastructure projects that involve a permanent change to the City's road network with an estimated project value $\geq$ \$150 000 and $<$ \$1 million shall have a road safety audit undertaken at the following 2 stages as a minimum:

- Stage 3 – Detailed design
- Stage 4 – Pre-opening (when the project is substantially complete and prior to opening to the public).
- A detailed design road safety audit shall be carried out on a road project that involves a permanent change to the City's road network with a project value $<$ \$150 000 if it is considered complex and/or high risk at the discretion of the Manager Engineering.

Land Developments

Road safety audits shall be conducted on land use developments that intersect the [insert organisation] road network in accordance with the requirements of this policy. The road project value warrants above shall be used to determine audit requirements, with the exception of projects with an estimated project value less than \$150 000 that meet any of the following warrants:

- subdivisions of more than 20 lots
- car parks providing access for more than 50 vehicles
- developments that are likely to generate traffic movements in excess of 100 movements per day
- projects that are likely to generate increased pedestrian or cycle movements, or where significant numbers of pedestrians or cyclists are nearby or
- project locations where potential road safety risks are identified by the [insert organisation].

Land use developments that involve a permanent change to the public road network with an estimated project value less than \$150 000 that meet any of the above warrants shall have a road safety audit undertaken at the following 2 stages as a minimum:

- Stage 3 – Detailed design
- Stage 4 – Pre-opening (when the project is substantially complete and prior to opening to the public).

The road safety audit shall include the internal road network and parking area within the development.

Existing Roads

Road safety inspections shall be undertaken for existing intersections or road sections where there is a traffic management or road safety concern, at the discretion of the Manager Engineering.

Close out

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall complete the Corrective Action Report within one calendar month and arrange for the completed and signed report to be recorded on the City's records system and a copy forwarded to the audit team leader.

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall be responsible for the proposed actions and comments resulting from the Corrective Action Report.

Austroads' **Guide to Road Safety Part 6: Managing Road Safety Audits** provides guidance on the procurement, management and conduct of road safety audits. The Guide emphasises the responsibilities of road and transport agencies and key players such as project managers, project sponsors and auditors to maximise alignment with Safe System principles by integrating them into the road safety audit process.

Guide to Road Safety Part 6



Austroads

Austroads is the association of Australasian road and transport agencies.

www.austroads.com.au

14.1.4 APPROVAL FOR JARRING SOUTH ROAD DRAINAGE WORKS
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Applicant:	Kevin Naisbitt
File No.	0067
Attachments:	1. Email addressed to Denise Gobbart 2. Aerial map of works
Author:	Ms Vanessa Crispe
Disclosure of Interest:	Nil
Date of Report:	4 September 2019
Senior Officer:	Ms Denise Gobbart


 Manager Infrastructure Services


 Chief Executive Officer
Summary

For Council to approve of drainage works that will cross under the Jarring South Road at approximately SLK 5.690 with additional works adjacent to Old Lake Grace Road.

Background

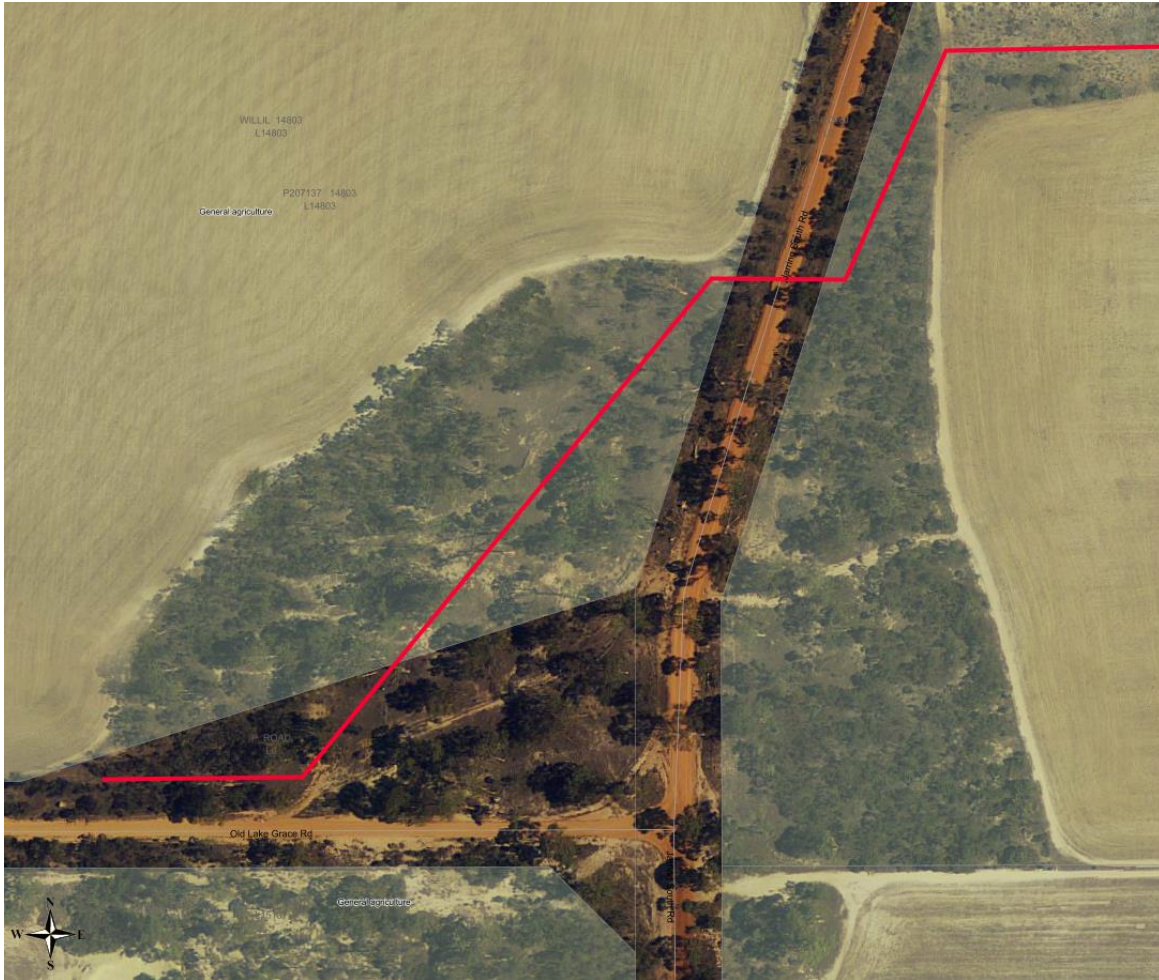
The Shire has received a request by landowner Kevin Naisbitt to install deep drainage due to the issue he is currently experiencing with the rising salt table. This has been causing the salmon trees in the area, some partly on the Shire's road reserve and some partly on Kevin Naisbitt's land, to deteriorate, as well as cause the nearby land to slowly lose its arability.

In an attempt to solve this issue, Kevin has proposed trenching new drains to pull water away from the affected area (around the Jarring South Road-Old Lake Grace Road intersection) and carry it to the main Lake Grace lake. As part of these works, a culvert will need to be installed across the Jarring South Road, and drains dug around Old Lake Grace Road within the Shire-controlled road reserve.

Comment

The relevant portions to the Shire about these proposed works is the culvert installation and additional open drainage. While these works would help the vegetation lying on the Shire's road reserve, ultimately it would be for Kevin Naisbitt's benefit. As such, Mr Naisbitt is offering to pay for all the works to be done on Shire assets since these modifications are required for the salinity reduction plan to work.

The proposed culvert to go across Jarring South Road SLK 5.690 will have a length of 36 metres, which is far longer than ordinary under-road drainage structures. The reasoning for this is that both headwalls will be situated in Mr Naisbitt's property and this culvert will open out on to a 2 metre deep drain. As a 2 metre drop right next to the carriageway is a safety hazard, the culvert would be buried 2 metres deep under the road surface (so it does not affect the current shoulder/drainage geometry and levels) and extend beyond the extent of the road reserve, with the headwalls installed on Mr Naisbitt's private land. The size of the culvert is proposed to be 450mm diameter. After the culvert has been installed by Mr Naisbitt's selected contractor Clayton Lyon, the road will be built back up to the same levels as before.



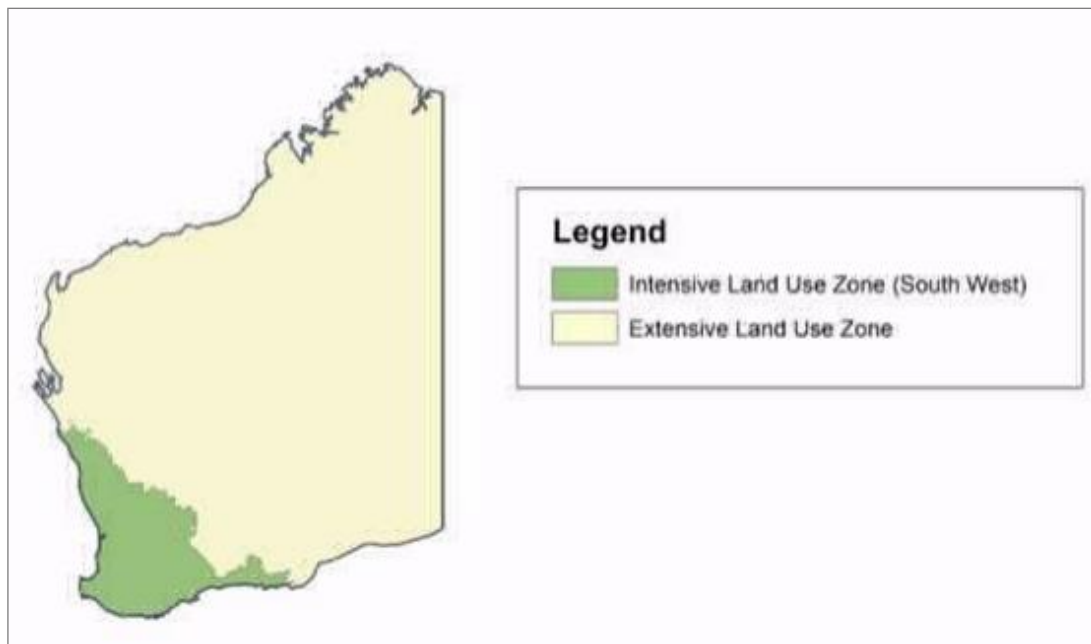
Proposed line of drainage works in red, and land boundaries

There are additional drains proposed to be dug close to and parallel with Old Lake Grace Road, turning northeast after some distance. This drain crosses over from the road reserve in to private land, but stopping at the boundary should not be an issue given that Mr Naisbitt (who owns the impacted private land) will be carrying out the works on the Shire's behalf on the Shire's road reserve.

Another component to this job is the acquisition of a clearing permit. Native vegetation will be required to be cleared out to make space for these drains, therefore an application will need to be submitted to the Department of Water and Environmental Regulation (DWER). They must agree with the proposed clearing and issued a clearing permit before any drainage works can be done in vegetated areas. Submission of a clearing permit application carries a fee dependent on the area size to be cleared and whether it is specifically for an area all at once (area permit), or cleared piece-by-piece over time (purpose permit). Note that Lake Grace lies within the Intensive Land Use Zone.

Area/purpose permit application area (hectares)	Intensive land-use zone	Extensive land-use zone	Purpose permit component fee
Not more than 1 ha	\$400	\$400	\$2,000
More than 1 ha but not more than 5 ha	\$600	\$600	
More than 5 ha but not more than 10 ha	\$1,500	\$750	
More than 10 ha but not more than 50 ha	\$2,000	\$1,000	
More than 50 ha but not more than 100 ha	\$3,000	\$1,500	
More than 100 ha but not more than 500 ha	\$4,000	\$2,000	
More than 500 ha but not more than 1000 ha	\$5,000	\$2,500	
More than 1000 ha	\$10,000	\$5,000	

Clearing Permit application fees as of July 1, 2019



Land Use Zoning

The Shire is able to apply for a clearing permit either for areas only owned by the Shire (road reserves) or it can apply for the area comprising the entire job (road reserves and private land). Mr Naisbitt would need to issue the Shire with written authorisation that can be submitted to obtain a clearing permit. However, while the Shire would be initially paying for the permit application fees, it should be reclaimed from Mr Naisbitt as part of the costs of the project. Otherwise this process can be done vice versa; the Shire gives written authorisation for Mr Naisbitt to apply for a clearing permit on the Shire's behalf.

DWER's aim is to make a determination on a clearing permit submission within 60 working days for 80% of their received clearing applications, to give an idea of a timeframe.

Lastly, prior to any drainage works are to commence, the entity who will be carrying out drainage works will be required to notify the Commissioner of Soil and Land Conservation of the works, according to the *Soil and Land Conservation Regulations 1992*, as the works will include deep drainage (2-3 metres in depth) for the control of salinity.

Legal Implications

Soil and Land Conservation Regulations 1992

5. Notice of intention to drain or pump water

- (1) When an owner or occupier of land proposes to drain or pump water from under the land surface because of the salinity of the land or the water and to discharge that water onto other land, into other water or into a watercourse, the owner or occupier shall, at least 90 days before the draining or pumping commences, notify the Commissioner in writing in a form approved by the Commissioner.
- (2) An owner or occupier of land who gives notice to the Commissioner in accordance with subregulation (1) but fails to commence draining or pumping water within the period of 2 years from the date of the notice, is required, at least 90 days before he or she proposes to drain or pump water, to give notice, in accordance with subregulation (1), to the Commissioner for reassessment.
- (2a) A notice under subregulation (1) or (2) is to be accompanied by —
 - (a) a plan or an aerial photograph in a scale approved by the Commissioner —
 - (i) with a north point and the scale clearly marked;
 - (ii) identifying the land to which the notice relates and adjacent land, including lot or location numbers;
 - (iii) showing the location of the proposed drains or pumping works, and where the water will be discharged; and
 - (iv) showing any public roads adjacent to the land to which the notice relates;
 - and
 - (b) any approval, permission or consent to —
 - (i) carry out the proposed draining or pumping, or to discharge the water; or
 - (ii) construct any works to be used for the proposed drainage or pumping, or to discharge the water,
 obtained under any law of the State, or any application submitted for such approval, permission or consent.
- (4) On receiving a notice under subregulation (1), the Commissioner shall send a copy of the notice to any Public Authority or district committee that is or may be concerned with the salinity of that other land or water.

Environmental Protection Act 1986

51A. Terms used

clearing means —

- (a) the killing or destruction of; or
- (b) the removal of; or
- (c) the severing or ringbarking of trunks or stems of; or
- (d) the doing of any other substantial damage to, some or all of the native vegetation in an area, and includes the draining or flooding of land, the burning of vegetation, the grazing of stock, or any other act or activity, that causes —
- (e) the killing or destruction of; or
- (f) the severing of trunks or stems of; or
- (g) any other substantial damage to, some or all of the native vegetation in an area;

native vegetation has the meaning given by section 3(1) but does not include vegetation that was intentionally sown, planted or propagated unless —

- (a) that vegetation was sown, planted or propagated as required under this Act or another written law; or
- (b) that vegetation is of a class declared by regulation to be included in this definition;

51C. Unauthorised clearing of native vegetation

A person who causes or allows clearing commits an offence unless the clearing —

- (a) is done in accordance with a clearing permit; or
- (b) is of a kind set out in Schedule 6; or
- (c) is of a kind prescribed for the purposes of this section and is not done in an environmentally sensitive area

Policy Implications

Shire of Lake Grace – Policy 5.10 Drainage and Water Pipeline

Consultation

Internal: Denise Gobbart, Chief Executive Officer

External: Mr Kevin Naisbitt, Farmer

Financial Implications

The landowner proposing the works has proposed to cover the entire cost of roadworks and drainage works, including works on Shire-controlled land. All remedial works if the workmanship is found to not be to as it was before the works, will be borne by Mr Naisbitt.

If the Shire is to apply for the clearing permit, a cost will be incurred for the clearing permit application fee (expected to be \$2,000) Council can set forth the condition that all fees related to the acquisition of the clearing permit is to be reclaimed from the Mr Naisbitt.

The headwalls for the 36m culvert will end up in Mr Naisbitt's land, and as such will be under his responsibility for maintenance. The culvert will also be maintained and cleared by Mr Naisbitt given that the Shire will be unable to access the openings without entering private land.

Therefore it is not expected for this work to incur a meaningful cost beyond administration.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Outcome 1.1 An innovative, productive agriculture industry

- 1.1.1 Enhance and maintain transport network
- 1.1.3 Support and promote the agricultural productivity of the district

Outcome 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.1 Manage and preserve the natural environment

Recommendation

That Council,

1. Authorise Kevin Naisbitt to undertake the proposed roadworks, pending approval from the Commissioner of Soils and obtaining a clearing permit;
2. Do not approve a deep drainage parallel to Old Lake Grace Road being situated in the Road Reserve.

Voting Requirements

Simple majority required.

From: [Kevin Naisbitt](#)
To: [Shire of Lake Grace](#)
Subject: IE1099 - Att: Denise
Date: Wednesday, 14 August, 2019 11:26:13 AM
Attachments: [proposed earthworks.png](#)

Hi Denise, <<...>>

I spoke to Vanessa yesterday regarding a proposed culvert crossing of Jarring Sth Rd within the shire of LG.

The brief background is the corner of Old lake Grace rd and Jarring Sth is starting to have issues with rising water table (salt) which is affecting both my land and the shires land on that intersection. It is an iconic patch of salmon trees, owned by myself and shire and I would like to start rehabilitating the area to save the remaining trees and land area.

To do this, from what I perceive, is to dig a drain from this corner, through my land and to eventually finish in the Main Lake Grace Lake. What I need from the shire is permission to cross the Jarring sth rd.

I have included an aerial map for you to look at to help understand the area and the proposed drain.

The drain will consist of a 2m deep ditch to drain off sub surface water away from the area which due to years of cropping, land clearing and environmental changes over the last 50 years has seen an increase in the salt water table in this area.

The crossing of the road will be done by the same contractor digging the drain, Clayton Lyon, and will consist of one 450mm culvert pipe, 2m under the road level and stretching 36m from end to end. The idea of the excessive length culvert is to leave the road and its verges in the same condition as which they currently are and not create and unwanted holes, soil erosion and banks to create a road hazard.

The current proposal, site crossing and area effected is not easily explained in paper and aerial photos so I would like to show both you and Vanessa at the next available time the site and to find out more on what the shire requires for this project to go ahead. Currently I am proposing to pay for the bulk of the costs of doing this work, given the shires stipulations are not a massive step above what we are currently planning.

I look forward to further discussions on this matter and could you please also forward this email/map through to Vanessa.

Thanks

Kevin Naisbitt

Item 14.1.4

Attachment 2



14.1.5 APPROVAL FOR NO STOPPING ROAD MARKING, LAKE GRACE SCHOOL

Applicant: Lake Grace Roadwise Committee
File No. 0447
Attachments: 1. No Parking proposed image
Author: Mr Jason Lip


Technical Officer

Disclosure of Interest: Nil
Date of Report: 6 September 2019
Senior Officer: Ms Vanessa Crispe


Manager Infrastructure ServicesSummary

For Council to approve the Shire to undertake road marking works to signify a 'No Parking' zone on School Place, adjacent to the pedestrian crossing.

Background

The Lake Grace Roadwise Committee is dedicated to improving the road safety in and around Lake Grace town. During the 11 April Committee Meeting, an item was raised in regards to parents/guardians parking next to the pedestrian crossing at the Lake Grace District High School, on School Place (as opposed to Absolon Street). There are "No parking" signs present next to the crossing.

However, the signs do not appear to be effective as parents/guardians continue to park along this strip where the sign is easily readable. Roadwise has proposed marking the surface of the road to drastically increase the visibility of the restriction parking in this spot. The markings will be a longitudinal blue line near the kerb.

Comment

Having cars parked there constitutes a hazard as vehicles temporarily stopping along this strip of road impedes the vision of drivers entering School Place from Absolon Street and turning right, directly into the pedestrian crossing. On the other side of the nature strip on Absolon Street, vehicles are permitted to stop to drop off passengers. This does not constitute a hazard as the pedestrian crossing does not cross Absolon Street (therefore pedestrians do not have right of way and would remain vigilant for passing traffic).



Location of proposed line marking

The Absolon Street road width is 10 metres wide kerb-to-kerb so there is enough space for vehicles to stop along the side.

Currently there are two signs informing drivers that they are not allowed to park within the designated area shown above; one next to the pedestrian crossing and one on the corner of the nature strip next to the one-way entry into School Place from Absolon Street. Both signs have text to the effect of “No parking at any time / Mon – Fri” with an arrow indicating the direction of the prohibited area. The message of the signage is extremely clear.

When a person was questioned as to why they had parked in this area, despite the nearby signage forbidding it, they had responded that the school had instructed them to park there anyway.

It is estimated that having the prohibited parking area marked in be a longitudinal blue line near the kerb and would cost roughly \$1,500 to \$2,000 in terms of labour and materials (assuming a local contractor is used). The intention to having a high visibility marking on the road surface is to ‘softly shame’ drivers who may stop over this area, or otherwise alert drivers who may have a lapse in judgement or are still ignorant of the signage in place. Carrying out these marking will also send a message to the community that this is still an issue that the Roadwise Committee is focused on and that it has not been forgotten or abandoned.

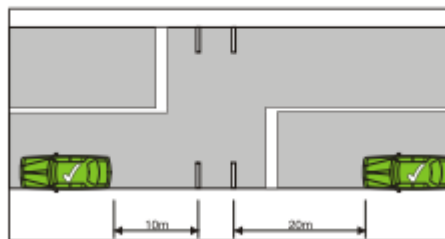
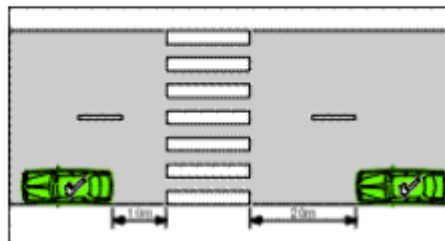
Legislatively, vehicles are not allowed to stop within 20 metres before a pedestrian crossing or within 10 metres after a pedestrian crossing, unless there is signage permitting such actions. Contravening this law carries a minimum fine of 1 Penalty Unit, currently set at \$50 per Penalty Unit in section 7 of the *Road Traffic (Administration) Act 2008*. If the problem persists, it may be required to start discouraging this behaviour through the enforcement of this law.

Legal Implications

Road Traffic Code 2000

144. Stopping on or near children's crossing or pedestrian crossing

- (1) This regulation does not apply to a pedestrian crossing at an intersection.
- (2) A person shall not stop a vehicle so that any portion of the vehicle is —
 - (a) within 20 m of the approach side of a pedestrian crossing or children's crossing; or
 - (b) within 10 m of the departure side of a pedestrian crossing or children's crossing,
 unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under these regulations.
 Modified penalty: 1 PU
- (3) For this regulation, distances are measured in the direction in which the person is or was driving, and as shown in the examples.

Example 1**Measurement of distance — children's crossing****Example 2****Measurement of distance — pedestrian crossing**Policy Implications

Nil

Consultation

Internal: Vanessa Crispe, Manager Infrastructure Services
 External: Lake Grace Roadwise Committee

Financial Implications

A cost of \$1,500 is expected to be incurred, to be allocated to the Job 122601 – “Town Street Maintenance”.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective – A valued, healthy and inclusive community and life-style

Outcome 2.1 An engaged, supportive and inclusive community

- 2.1.1 Community services and infrastructure meeting the needs of the district
- 2.1.3 Actively promote and support community events and activities within the district

Leadership Objective – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.3 Provide strategic leadership and governance

Recommendation

That Council:

1. Authorise line marking on the northern side of School Place, from the pedestrian crossing eastwards to the vehicle entry way from Absolon Street;
2. Allocate costs incurred from this work to Job 122601 – “Town Street Maintenance”.

Voting Requirements

Simple majority required.



14.1.6 WHEATBELT SECONDARY FREIGHT NETWORK PROGRAM – FORMALISATION OF COMMITMENT

Applicant:	Internal Report
File No.	0527 & 0484
Attachments:	1. WSN Program Governance Plan 2. WSN Multi-Criteria Analysis Methodology 3. WSN Program Delivery Plan 4. WSN Map March 2019
Author:	Ms Denise Gobbart Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	09 September 2019
Senior Officer:	Ms Denise Gobbart



Chief Executive Officer

Summary

For Council to consider a request by the Wheatbelt Secondary Freight Network (WSFN) Steering Committee that the associated 42 Local Governments formalise their commitment to WSN Program, to be eligible for future funding and project consideration, via a formal resolution of Council.

Background

42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt. The Wheatbelt Secondary Freight Network (WSFN) Program has successfully been allocated \$70 million of Federal funding (ROSI) and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement). The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded. The available \$87.5M will not be sufficient to upgrade all the identified 80 routes and good governance of this program, and ongoing collaboration between all parties, will be critical in securing additional funding.

Attached is Program Governance Plan (PGP) which identifies how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG) and Local Governments. The PGP will provide a framework and guidelines for all members of the WSN Program to operate within. The PGP will be used to communicate to all stakeholders how the program will be governed. This PGP should be read in conjunction with the attached Program Delivery Plan and the Multi-criteria Analysis (MCA) Methodology documents that provide operational details about how on-ground capital works will be delivered for Stage 1 and beyond.

Now that the initial funding for the delivery of on-ground capital works for Stage 1 has been confirmed, it is proposed that all 42 Local Governments formalise their commitment to WSN Program, to be eligible for future funding and project consideration. It is requested by the WSN Steering committee that this formal commitment from all 42 Councils be via a formal resolution of Council, which will entail the presentation and acknowledgement of the following WSN program documents:

- Project Governance Plan

- Program Delivery Plan
- Multi Criteria Analysis Methodology.

The 42 Council resolutions will be collated as addendums to a formal agreement that the Regional Road Group will sign with the Federal and State Governments on behalf of all 42 LGs associated with the WSFN program formalising the ongoing commitment to the program.

In order to demonstrate best outcomes and value for money it is necessary to develop a transparent process to identify which routes have the highest priority for the limited available funding. A prioritisation of the Wheatbelt Secondary Freight Network routes will via a multi-criteria analysis (MCA) will be developed to score each route based on the available data submitted by Local Governments and the Revitalising Agricultural Region Freight (RARF) strategy being coordinated by the WA State Government. The criteria upon which each route will be assessed in the MCA includes:

Data Set	Description
ROSMA KSI Rate	ROSMA data will be supplied by Main Roads WA. It captures the rate of 'Killed or Serious Injury' (KSI) incidents on a route.
Seal Width	The seal width of the road described as a percentage of the route length, allowing an average seal width will be applied across the route. Seal width will be compared to a minimum seal width of 7m as per a Type 5 road.
Road Condition	Shire's have assessed road condition on a one to five scale, which has been applied as a direct metric. Five indicating very poor condition
ADT Counts	Average Daily Traffic counts provide data on the average number of total vehicles traveling on a road per day over the measurement period, capturing both heavy and light vehicle use.
ESA Counts	An Equivalent Standard Axle is defined as a dual tyred single axle transmitting 8.2 tonne to the pavement. ESA counts are therefore reflective of the total number and load of heavy vehicles that impact a road.

On-ground works for the WSFN program are expected to commence in financial year 2020/21 and be staged over a 3 to 5 year period depending upon Federal Government stipulations.

For the year 2019/20 the WSFN have identified 2 x pilot projects to begin on-ground works and refine project delivery methodologies and processes. These will be \$1 million dollars each and have been identified for the following Shires:

- Wheatbelt North
 - Shire of Victoria Plains
 - Lancelin to Meckering Route
 - Mogumber - Yarawindah Road
 - Project value \$1 Million
- Wheatbelt South
 - Shire of Quairading
 - Cunderdin to Kweda Route
 - Cunderdin - Quairading Road
 - Project Value \$1 Million

Comment

The Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.

The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:

- Wheatbelt North Regional Road Group (WN RRG)
- Wheatbelt South Regional Road Group (WS RRG)
- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA - Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

To date Council has demonstrated a commitment to this project that involved the following resolution from the Ordinary Meeting of Council held 22 March 2017;

RESOLUTION 12496

Moved Cr Clarke
Seconded Cr Hunt

That Council:

1. Supports up to Phase 2 of the Secondary Freight Route Project ('Project') with Regional Development Australia (Wheatbelt) seeking funding through the Federal Government's 'Building Better Regions Fund';
2. Support the required co-contributions for the Project to originate from Main Roads Western Australia allocations to the Wheatbelt South and Wheatbelt North Regional Road Groups or any other funding source; and,
3. Should the allocation referred to in 2 above not be forthcoming, Council consider an allocation in the Shire of Lake Grace's 2017/18 Draft Annual Budget for up to \$20,000, with the final amount dependent upon the required co-contribution and assuming that no other sources of funding are identified (i.e. worst case scenario).

CARRIED BY ABOSLUTE MAJORITY 9/0

The matter was also consider at the Ordinary Meeting of Council held on 22 August 2018 were the following was resolved;

RESOLUTION 12810

Moved Cr Stoffberg
Seconded Cr Lloyd

That Council:

1. Notes the Secondary Freight Routes Project Development report;
2. Supports the strategic intent of the Secondary Freight Routes project;
3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and
4. Endorses in principle an allocation of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development, subject to a successful Building Better Regions Program application.

CARRIED 7/0

The matter was also consider at the Ordinary Meeting of Council held on 15 May 2019 were the following was resolved;

RESOLUTION 12996

Moved Cr Stoffberg
Seconded Cr Hunt

1. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project;
2. Authorises the Chief Executive Officer to prepare and sign a letter of support that endorses the re-allocation of \$6,000 in 2019/2020 budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.

CARRIED 9/0

Given the commitment of \$70,000,000 from the Federal Government it is recommended that Council endorse the recommendation to allow the WSNF Steering Committee to administer the program to allow work to flow in a timely manner.

Legal Implications

Local Government Act 1995

Section 3.18 Performing Executive Functions

Policy Implications

Policy 5.7 Road Classification – The roads identified with the Shire of Lake Grace are Class A & B Roads. The Secondary Freight Routes Project proposes that all these roads would eventually be upgraded and sealed.

Policy 5.8 Unsealed Roads - Standards

Consultation

External: Wheatbelt South and Wheatbelt North Regional Road Groups

Financial Implications

A provision of \$6,000 is provided in the 2019-2020 Budget for the Wheatbelt Secondary Freight Network.

Local Governments with projects approved over the course of the WSFN program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Economic – A prosperous agricultural based economy, supporting diversification of industry

Outcome 1.1 An innovative, productive agriculture industry

- 1.1.1 Enhance and maintain transport network
- 1.1.2 Improve flood mitigation for transport infrastructure

Leadership – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.1 A strategically focused, unified Council functioning efficiently

- 4.1.1 Provide informed leadership on behalf of the community
- 4.1.2 Promote and advocate for the community and district
- 4.1.3 Provide strategic leadership and governance

Recommendation

That Council:

1. Formalise their commitment to the program the 'Wheatbelt Secondary Freight Network Program' enabling them to be eligible for future funding and project consideration;
2. Receive the following Wheatbelt Secondary Freight Network (WSFN) Program documents which outline how the WSFN Steering Committee proposes to administer the WSFN Program:
 - Program Governance Plan
 - Program Delivery Plan
 - Multi Criteria Analysis Methodology; and
3. Endorse the process and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSFN Steering Committee to make decisions in accordance with the Program Governance Plan.

Voting Requirements

Simple majority required



WSFN
WHEATBELT SECONDARY
FREIGHT NETWORK

PROGRAM
GOVERNANCE
PLAN

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1 Program Governance Outline

1.1 Program Overview

The Wheatbelt Secondary Freight Network (WSFN) in the Main Roads WA Wheatbelt region comprises some 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost-effective access to business. The WSFN project is developing a submission, with the supporting evidence and documentation required, to seek the addition of a program of road improvements across the network be added to the Infrastructure Australia (IA) Priority List.

The efficiency of supply chains serving industries in the Wheatbelt region is determined by the performance of the weakest link. Failure to maintain and improve productivity of the secondary freight network will reduce the international competitiveness of the Wheatbelt agricultural sector, which underpins employment and economic activity in the region. Transport links need to be addressed if the production of this sector is to be supported.

1.2 Goals

The 42 Local Governments (LGs) that collectively manage roads that comprise the Wheatbelt Secondary Freight Network are seeking to:

1. Efficiently deliver Stage 1 pilot projects funded through the Federal Government Roads of Strategic Importance (ROSI) program with State and Local Government co-contributions;
2. Develop a prioritised program of works for Stage 1 based on available funding (approximately \$87.5 million in funding for on-ground works), priority and deliverability.
3. Complete an "IA Stage 4 Business Case" submission covering the unfunded work needed to develop the WSFN to meet to industry requirements and submit this to Infrastructure Australia for inclusion on the Infrastructure Priority List (IPL).

1.3 Background

The 42 LGs of the Wheatbelt region have worked collaboratively for over 4 years to identify and now secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt.

The 42 LGs have worked collaboratively with a number of State Government Departments to develop this plan and secure the Federal funding and this level of collaboration is unprecedented. In order to ensure ongoing success it is imperative that governance to deliver this program be established to administer the available funds and deliver the agreed outcomes in a transparent, reportable manner to the satisfaction of all parties; Local Governments, States Government and the Commonwealth.

\$70 million of Federal funding (ROSI) has been allocated and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement). The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded.

The available \$87.5M will not be sufficient to upgrade all the identified 80 routes and good governance of this program, and ongoing collaboration between all parties, will be critical in securing additional funding.

In addition to this the Shire of Koorda has received a REDS grant of \$100k for 2019/20 to engage a project manager for this project.

1.4 Purpose of the Program Governance Plan

The purpose of this Program Governance Plan (PGP) is to identify how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG), their respective Sub-Groups and Local Governments. It will address who has responsibility for decision making on specific components. The PGP will provide a framework and guidelines for all members of the WSNF program to operate within. It also outlines how key administrative roles associated with program management such as stakeholder engagement, funding acquittal, project development and delivery and general correspondence will be undertaken. The PGP links all administrative tasks into a single concise document that members of the program governance team can regularly refer to.

The PGP will be used to communicate to all stakeholders how the program will be governed. It also provides a reference from which the governance of the program can be evaluated at any point in time and modified or improved as required.

1.5 Governance and Delivery

Given this funding is for Local Governments and all improvements are on Local Government assets it is appropriate that Local Government representatives determine program prioritisation, project selection, and appropriate standards and are responsible for design and delivery of the works.

It is proposed to split the Local Government responsibilities for this program delivery into three areas;

- Governance
 - Provide sound governance
 - Overall program management
 - Administration
- Management
 - Design and scoping of projects.
 - Delivery of individual identified projects
- Administration
 - Funding breakdown.
 - Funding acquittal.
 - Program agreements.

1.6 Formal Agreement

This PGP should be read in conjunction with the Program Delivery Plan and the Multi-criteria Analysis (MCA) Methodology documents that provide operational details about how the work will be delivered.

As outlined later in the PGP it is proposed that all 42 Local Governments are to formalise their commitment to WSNF Program, to be eligible for future funding and project consideration, via a formal resolution of Council, which will entail the presentation and acknowledgement of the following WSNF program documents:

- Project Governance Plan

- Program Delivery Plan
- MCA Methodology.

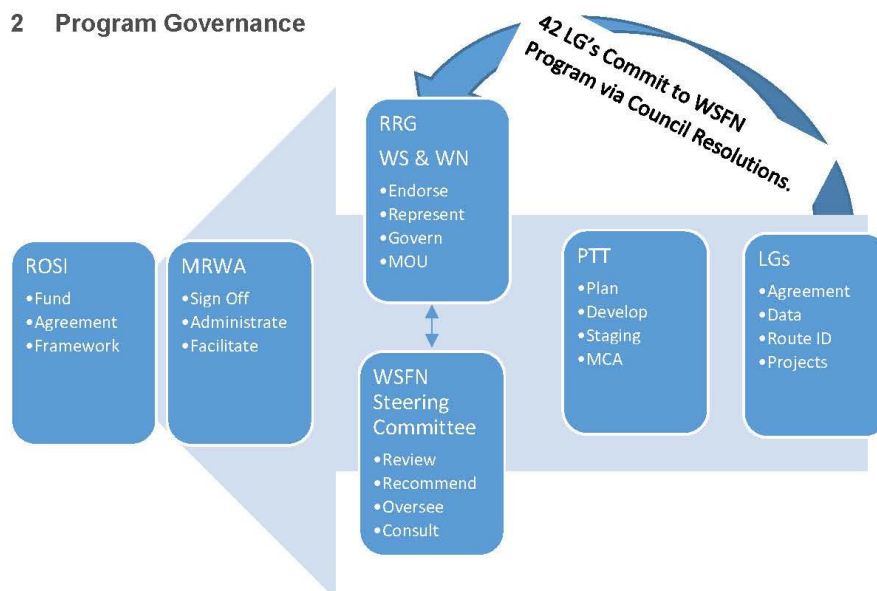
The 42 Council resolutions will be collated as addendums to a formal agreement (either a Deed of Agreement / Memorandum of Understanding, with exact terminology to be confirmed) that the Regional Road Group will sign with the Federal and State Governments on behalf of all 42 LGs associated with the WSNF program formalising the ongoing commitment to the program.

The following provides an overview of the delegations and approval processes for each relevant stakeholder group associated with WSNF program governance and delivery.

Document	WSNF Steering Committee	LG	RRG	MRWA
Formal Agreement	Prepare & Submit	Commit	Approve	Sign Off
Governance Plan	Prepare & Submit	Receive	Approve	Sign Off
Program Delivery Plan	Prepare & Submit	Receive	Endorse	Sign Off
Preliminary MCA	Prepare & Submit	Receive	Approve	Sign Off
Annual Report	Prepare & Submit	Receive	Receive	Receive
Staging Plan	Prepare & Submit	Receive	Endorse	Approve
Annual Program Budget	Prepare & Submit	Receive	Endorse	Sign Off
Specific Projects	Approve	Commit	Receive	Sign Off

The Program Delivery Plan will be a “live” document that will evolve as the program and its various projects are delivered. It is envisaged that this document incorporate various learnings undertaken over the course of the program.

2 Program Governance



2.1 Federal Government

The Australian Federal Government intends to invest \$4.5 billion over ten years to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities.

The WSFN Stage 1 prioritised program and on-ground capital works, up to a value of \$87.5 million, will be completed through the provision of Federal Government ROSI funds (\$70 million) along with matching State Government funds (\$11.7 million) and Local Government (\$5.8 million) co-contributions. The envisaged timeframe for this is 3 – 5 years subject to funding arrangements outlined by the Federal Government.

The Federal Government will:

- Provide guidance regarding program delivery and funding arrangements for WSFN program in-line with the ROSI requirements.
- Note Agreement between the 42 Local Governments of Wheatbelt North & Wheatbelt South Regional Road Groups (RRGs) regarding on-going support for investment in the WSFN and governance arrangements.
- Note a 5 year Staging Plan.
- Approve annual program plan through the Program Proposal Report (PPR).
- Provide funding to WA State Government via Main Roads WA in alignment with agreed milestones.

2.2 State Government (Main Roads WA)

Main Roads WA (MRWA) will represent the State Government in financial arrangements with the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development and provide the link between the Federal Government and the WSFN. MRWA

will review the processes undertaken by RRGs, WSN and associated LGs and approve when satisfied that these process have been complied with.

Federal and State Government funding will be managed through Main Roads WA. Main Roads WA will fulfil the public financial administration role as it does with the Regional Road Groups.

- MRWA Wheatbelt Regional Manager to sign off on individual projects.
- MRWA Wheatbelt Regional Manager to ensure the various projects are delivered in accordance with the project plan
- MRWA to administer funds.
- Reporting implementation of the WSN Program will be an additional funding stream within the Wheatbelt North and Wheatbelt South Regional Road Groups.

2.3 Wheatbelt North and Wheatbelt South Regional Road Groups

The WSN Program will use existing governance structures and decision-making processes within the Wheatbelt North (WN) and South (WS) Regional Road Groups.

The RRGs will make decisions and endorse commitment of funds in accordance with agreed processes and procedures based upon advice from WSN Steering Committee and its Governance Plan. This approach would mitigate the need for every decision to be considered by all 42 Shires and would therefore enable swifter decision making. Its specific roles and responsibilities will entail:

- WS & WN RRGs to enter into a joint Agreement / Memorandum of Understanding (MOU) [specific terminology to be confirmed] representing all 42 LGs confirming their inclusion in WSN program.
- Receive and acknowledge Steering Committee decisions
- Endorse Governance Plan under which the Steering Committee will operate.
- Endorse Multi Criteria Assessment as recommended by Steering Committee
- Receive and Note the Annual Report as presented by Steering Committee
- Approve the program including back up projects (Staging plan).
- Approve the Annual program budget

Should WN & WS when approving programs not come to an agreed position it will be referred to mediation group comprising of RDA-W, WALGA and MRWA.

2.4 WSN Steering Committee

The purpose of the Steering Committee is to provide oversight and governance to the program.

The Steering Committee is made up of the following members:

Voting Delegates

- 2 x Wheatbelt North Regional Road Group (WN RRG) Elected Members
 - Chairperson plus 1 other delegate
- 2 x Wheatbelt South Regional Road Group (WS RRG) Elected Members
 - Chairperson plus 1 other delegate

Non-Voting Delegates

- WSN Program Technical Director

- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA - Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

The Elected members are nominated to the Steering Committee for a two year term at the first RRG meeting following the LG elections. The Chairperson shall be elected at the first WSFN Steering Committee meeting following the LG elections.

Should the Steering Committee be unable to reach an agreed position it will be referred to mediation group comprising senior officers appointed by RDA-W, WALGA and MRWA.

The Steering Committee would work to set the goals and outcomes for the program in order for the Program Technical Team (refer Section 2.5) to develop a program brief and manage the consultant engagement process. Key roles would include:

- Set the goals and outcomes for the program.
- Provide political representation with State and Federal governments as well as their relevant authorities and departments.
- Identify funding opportunities and sources.
- Provide communication and consultation back to the WN and WS RRGs.
- Provide a collaborative approach to program delivery across multiple organisations.

The Steering Committee will recommend decisions and the commitment of funds to RRG in accordance with agreed processes and procedures outlined in WSFN Governance Plan.

Specific roles and responsibilities of the Steering Committee will be to:

- Review and recommended to RRGs
 - proposed routes within each sub-group.
 - approved Multiple Criteria Analysis process.
 - prioritisation of the 80 routes in accordance with the agreed Multi Criteria Assessment
 - work programs for future years and project prioritisation plans.
- Approve projects and allocation of project funding on an annual basis against agreed scope and budget with individual Shires.
- Consult and communicate with their respective sub-groups and member LGs.
- Ensure relevant information is presented to each RRG meeting for consideration.
- Prepare annual reports of achievements in the previous year
- Report on decisions made and program progress to Regional Road Groups and Main Roads

2.5 Program Technical Team

The PTT would be a technical working group consisting of the WSFN Program Technical Director and Project Manager as well as a Technical Advisor from each RRG.

The PTT will also have the ability to co-op specific technical resources as and when is required.

The role of the PTT will be to undertake a multi-organisational approach to deliver all the components of the program. Key responsibilities will entail.

- Engage consultants as required to deliver the program outcomes.
- Prioritise the 80 routes in accordance with the agreed Multi Criteria Assessment.
- Prepare work programs for future years.
- Prepare annual reports of achievements in the previous year.
- Prepare scope for future works to ensure consistency along identified routes.
- Allocate budgets against agreed scopes with individual Shires.
- Report on decisions made and program progress to Steering Committee and Working Group.

2.5.1 Program Technical Director

It is proposed that this role is undertaken by a representative of a Local Government within the Wheatbelt Regional Road Groups. Their roles and responsibilities will entail:

- Technical Member of the Steering Committee.
- Chairperson and coordination of PTT.
- Review of Project Brief and Budget as prepared by the Project Manager and present to Steering Committee.
- Oversee Project Manager in conjunction with employing LG.

The Steering Committee will make a recommendation to the RRGs to approve the appointment of Program Technical Director for a period an initial period of 3 years commencing October 2019, and every 2 years thereafter, outside of an election cycle.

2.5.2 Project Manager

The Project Manager will form part of the Program Technical Team and will be an integral key to successful program delivery. The complexity and scale of this program is significant and well beyond the technical and financial capabilities of the Wheatbelt Local Government staff on an individual basis. Engaging an external Project Manager with the skills and expertise required to work with the PTT, relevant LG officers as well as technical consultants will ensure a cohesive and collaborative environment is established for optimum outputs.

The Project Manager will direct the work of the external technical consultants and will be the main contact for communication between the PTT and external consultants.

Key roles of the Project Manager will be to undertake streamlined planning and coordination of activities associated with finalising the assessment, prioritisation and delivery of Stage 1 priority projects with relevant LGs. The activities include:

- Refine design criteria and develop preliminary standards and designs
- Consolidate existing data to gain an understanding of road user requirements, the physical site, and environmental context and constraints
- Undertake a study of quantified issues and opportunities, for input into route prioritisation.
- Collation and review of existing road condition and traffic data and program scopes.
- Identify priority projects and the proposed scope and timing for staged implementation of planned network
- Refine a route prioritisation MCA tool and conduct analysis of selected routes.
- Develop a route staging plan.

- Collection of additional, more detailed road condition and traffic data and project scope refinement.
- Site visits including cursory visual inspections would be undertaken to support desktop activities and to inform gap assessment.
- Development of detailed investigation and survey of Stage 1 priority projects. Supporting investigations that may be required which would include feature survey, environmental surveys, traffic surveys, utility services investigations (such as potholing), geotechnical and hydrological investigation.
- Development of "approved" and funded shovel ready projects
- Allocation for specific design or engineering investigations for immediate priority works (environmental, geotechnical, survey, detailed design).

The Shire of Koorda will be the auspice of the funding of the Project Manager for a nominal period of 3 years commencing 2019 (nominally October) as per the REDS Funding agreement.

2.6 LGs

- 42 Local Governments are to formalise their commitment to WSNF Program, to be eligible for future funding and project consideration, via a formal resolution of Council, which will entail the presentation and acknowledgement of the follow WSNF program documents:
 - Program Governance Plan
 - Program Delivery Plan
 - MCA Methodology.
- Provide necessary data to PTT to be utilised as part of MCA process and Staging Plan.
- Assist PTT with development of Staging Plan by identifying routes and assessing deliverability within the timeframes and parameters of the WSNF program.



WSFN
WHEATBELT SECONDARY
FREIGHT NETWORK

MULTI-CRITERIA ANALYSIS METHODOLOGY



In order to demonstrate best outcomes and value for money it is necessary to develop a transparent process to identify which routes have the highest priority for the limited available funding. A preliminary prioritisation of the Wheatbelt Secondary Freight Network routes was performed to provide an initial example of the future process and assist in identifying high-value routes. A simple multi-criteria analysis (MCA) was developed to score each route on the available data. This was undertaken as part of the Business Case development and funding submission process.

The objective of the MCA is therefore to accurately reflect the relative need for upgrade works for each route across the network. To achieve this, the MCA must be based on clear and justifiable scoring system that uses good-quality and verifiable data.

Following the Preliminary MCA development the WSNF team have been able to obtain additional more detailed data from the Revitalising Agricultural Region Freight (RARF) strategy being coordinated by the WA State Government. This data will be distributed to the WSNF Steering Committee via Main Roads WA. The additional data will be incorporated as part of the development of a Revised MCA.

This document summarises the Revised MCA methodology of prioritising the 80 Secondary Freight Routes of the WSNF program.

The criteria upon which each route will be assessed in the MCA includes:

- Average Daily Traffic
 - as submitted by LGAs
 - which would actually be "peak season" traffic
- Equivalent Standard Axles / per day
 - as submitted by LGAs
 - which would actually be "peak season" traffic
- Seal Width
 - Linearly relates to percentage of road below minimum 7M requirement for seal width.
- Road Safety
 - ROSMA as per RARF data
 - KSI
- Road Condition Data
 - as submitted by LGAs
 - Simple Condition Grading Model - IPWEA, 2015, IIMM, Sec 2.5.4

Input Data

Data will be collated from a range of sources as summarised below. These data sources fall under two general categories, relating either to the condition or utilisation of each route (see further explanation below):

Category	Data Set	Description
Condition	ROSMA KSI Rate	ROSMA data will be supplied by Main Roads WA. It captures the rate of 'Killed or Serious Injury' (KSI) incidents on a route.
Condition	Seal Width	The seal width of the road described as a percentage of the route length, allowing an average seal width will be applied across the route. Seal width will be compared to a minimum seal width of 7m as per a Type 5 road.
Condition	Road Condition	Shire's have assessed road condition on a one to five scale, which has been applied as a direct metric. Five indicating very poor condition
Utilisation	ADT Counts	Average Daily Traffic counts provide data on the average number of total vehicles traveling on a road per day over the measurement period, capturing both heavy and light vehicle use.
Utilisation	ESA Counts	An Equivalent Standard Axle is defined as a dual tyred single axle transmitting 8.2 tonne to the pavement. ESA counts are therefore reflective of the total number and load of heavy vehicles that impact a road.

MCA Process

The MCA will use a three-step process to incorporate all routes into a final ranking system:

- Each set of data is scored on a consistent scale (e.g. 1 to 5) based the range of results in the data set. For example, if average daily traffic counts (ADT) range from a minimum of 100 to a maximum of 600 then the following scores could be applied (example only):

ADT Range	ESA Range	Seal Width (m)	ROSMA (KSI)	Road Condition	Score
100 – 199	0 - 25	> 8	0	Excellent: only planned maintenance required	1
200 – 299	25 – 50	7 - 8	0.2	Good: minor maintenance required plus planned maintenance	2
300 – 399	50 - 75	6 - 7	1	Fair: significant maintenance required	3
400 – 499	75 – 100	5 - 6	1.5	Poor: significant renewal/rehabilitation required	4
500 - 600	> 100	< 5	2	Very Poor: physically unsound and/or beyond rehabilitation	5

- The scores for each set of data are then combined using weightings (%) to reflect the importance of each set of results in establishing the need for works (example below). This system will be supported by a descriptive justification for the weighting applied to each set of data:

Data Set	Example Score	Weighting	Final Score
A	2	10%	0.2
B	3	20%	0.6
C	4	30%	1.2
D	1	40%	0.4
Total		100%	2.4 out of 5

3. The final score for all routes are then compared to rank the routes according to a simple priority system e.g. high, medium and low.

Application of Weightings

The weightings applied to each set of data must be reflective of the actual need for upgrade/repair works. At a high level, the need for the works stems from:

1. The current condition of the route and how far this is from an ideal standard
2. How much the route will be utilised, primarily by heavy vehicles

Anecdotal feedback to-date has been that heavy vehicles generally choose routes based on travel time, irrespective of road condition. The result being that particular routes will quickly deteriorate if they are not maintained to a high standard – at significant cost to the affected Local Government. As an initial base it is therefore proposed that Condition and Utilisation categories collectively each receive equal weightings of 50%. This initial system is illustrated below:

Category	Suggested Category Weighting	Data Sets	Individual Weighting
Condition	50%	KSI Rate Seal Width Road Condition	To be developed (sum to 50%)
Utilisation	50%	ADT ESA	To be developed (sum to 50%)

It is noted that a higher weighting has been applied to ESA counts as this is reflective of the number of freight vehicles. Freight vehicles account for the majority of road costs and potential benefits through reduced VOC and repairs/reconstruction costs, these costs are generally proportional to total ESA numbers.

Under this system a highly utilised route in moderate condition may be prioritised over a route that is in poor condition but is seldom used. In refining and finalising the MCA weightings, agreement will need to be reached on what weightings approach will achieve the best value-for-money considering the root causes of costs and the expected future utilisation of each route.

The criteria will be weighted according to relevance to the overall investment decision and these totals to produce the upgrade priorities for each route. The route prioritisation will be produced and presented using a high-level four stage project implementation schedule.

Project Funding

Funding will be considered for the highest priority projects and will proceed provided the relevant Local Governments commit to providing the necessary match funding (one third of the States 20%).

Some routes will have more challenges than others (environmental, land, heritage, utilities etc.) but this does not change the prioritisation. It may, however, impact on the year of delivery as more time may be required to get to delivery stage. In this case appropriate development funding will be provided to these high priority projects.

Once a route is funded a route specific project plan will be developed in accordance with the project management plan and each Local Government involved in development and delivery will sign up to a detailed scope of what is to be delivered and an associated agreed fixed budget will be allocated.

Additional Pavement Condition Data

It is proposed that TSD or FWD data is used to determine pavement condition. These data sets can be obtained through undertaking tests on all 80 of the identified routes. This data provides an indication of the nature and status of the existing road pavement including an indication of the relative residual life of the pavement in terms of equivalent standard axles (ESAs). The life of a pavement is always measured in ESAs and it is possible to determine the relative residual life of a pavement in terms of ESAs. When combined with ADT predictions a residual pavement life in terms of years can be ascertained. These surveys can be commissioned by the project through existing Main Roads contracts and data provided to Shires for all 80 routes.

Condition	TSD Pavement Condition	The collection of Traffic Speed Deflectometer data provides information on the pavement condition and remaining residual life of a road and is therefore reflective of future maintenance and/or reconstruction costs.
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Undertaking the TSD investigation and analysing the data is likely to take between 6-9 months and would unlikely be available until after April 2020.

This will be used to:

- To refine and update Prioritisation List for Priority 2-5 projects and subsequent Staging Plans.
- Provide further clarity on Priority 1 projects if require.



WSFN
WHEATBELT SECONDARY
FREIGHT NETWORK

PROGRAM DELIVERY PLAN

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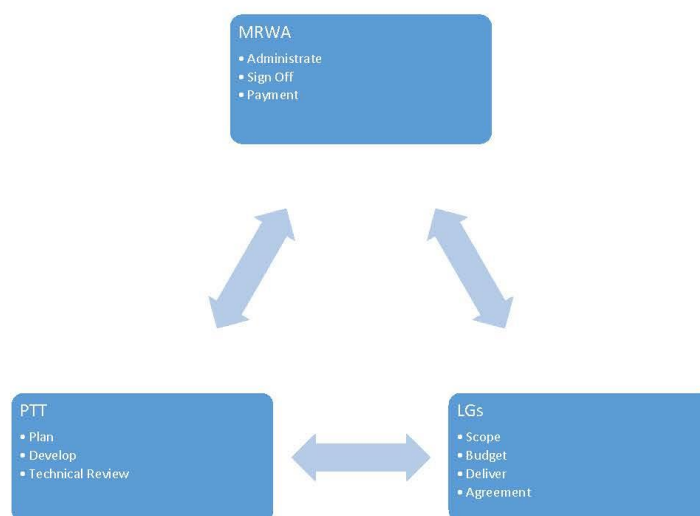
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1 Program Delivery

The program delivery structure aims to utilise existing resources across the LGs of the Wheatbelt RRG with input from other key program Working Group member organisation representatives. It also outlines the engagement of a Lead Consultant to undertake project management of the external technical consultancy components of the project.

The WSFN has a strong project management and governance experience, which has been working on this project since 2017. The program has thus far been coordinated by the Working Group, with Garrick Yandle, CEO Shire of Kulin, (previously Executive Manager of Infrastructure with the Shire of Dandaragan) undertaking the role of Program Manager. The Working Group has been in close consultation with all member organisations, key stakeholders, as well as the design consultant and various state government regulatory authorities and potential funding bodies.

As part of the on-going delivery of the program the Working Group consists of the following:



1.1 MRWA

Funding is to be channelled through Main Roads WA to each LG undertaking works. Main Roads will therefore process payments that are demonstrated to be in line with the agreed program management procedures.

- MRWA WR Manager to sign off on individual LGA Projects.
- MRWA to administer funds through the RRG Local Government Interface Manager (LGIM).
- MRWA WR Manager to ensure the various plans are being implemented

- Acquittal and review process for Certificates of Completion and Progress Payments is proposed to be.
 - Progress Payment Certificate - First 40% (once project is approved).
 - Progress Payment Certificate - First 40% (once project is commenced).
 - Completion Certificate - Final 20% (once project is completed).

1.2 Program Technical Team

The PTT would be a technical working group consisting of the WSFN Program Technical Director and Project Manager as well as a Technical Advisor from each RRG.

The PTT will also have the ability to co-op specific technical resources as and when is required.

The role of the PTT will be to undertake a multi-organisational approach to deliver all the components of the program. Key responsibilities will entail.

- Engage consultants as required to deliver the program outcomes.
- Prioritise the 80 routes in accordance with the agreed Multi Criteria Assessment.
- Prepare work programs for future years.
- Prepare annual reports of achievements in the previous year.
- Prepare scope for future works to ensure consistency along identified routes.
- Allocate budgets against agreed scopes with individual Shires.
- Report on decisions made and program progress to Steering Committee and Working Group.

1.2.1 Program Technical Director

It is proposed that this role is undertaken by a representative of a Local Government within the Wheatbelt Regional Road Groups. Their roles and responsibilities will entail:

- Technical Member of the Steering Committee.
- Chairperson and coordination of PTT.
- Review of Project Brief and Budget as prepared by the Project Manager and present to Steering Committee.
- Oversee Project Manager in conjunction with employing LG.

The Steering Committee will make a recommendation to the RRGs to approve the appointment of Program Technical Director for an initial period of 3 years commencing October 2019, and every 2 years thereafter, outside of an election cycle.

1.2.2 Project Manager

The Project Manager will form part of the Program Technical Team and will be an integral key to successful program delivery. The complexity and scale of this program is significant and well beyond the technical and financial capabilities of the Wheatbelt Local Government staff on an individual basis. Engaging an external Project Manager with the skills and expertise required to work with the PTT, relevant LG officers as well as technical consultants will ensure a cohesive and collaborative environment is established for optimum outputs.

The Project Manager will direct the work of the external technical consultants and will be the main contact for communication between the PTT and external consultants.

Key roles of the Project Manager will be to undertake streamlined planning and coordination of activities associated with finalising the assessment, prioritisation and delivery of Stage 1 priority projects with relevant LGs. The activities include:

- Refine design criteria and develop preliminary standards and designs
- Consolidate existing data to gain an understanding of road user requirements, the physical site, and environmental context and constraints
- Undertake a study of quantified issues and opportunities, for input into route prioritisation.
- Collation and review of existing road condition and traffic data and program scopes.
- Identify priority projects and the proposed scope and timing for staged implementation of planned network
- Refine a route prioritisation MCA tool and conduct analysis of selected routes.
- Develop a route staging plan.
- Collection of additional, more detailed road condition and traffic data and project scope refinement.
- Site visits including cursory visual inspections would be undertaken to support desktop activities and to inform gap assessment.
- Development of detailed investigation and survey of Stage 1 priority projects. Supporting investigations that may be required which would include feature survey, environmental surveys, traffic surveys, utility services investigations (such as potholing), geotechnical and hydrological investigation.
- Development of "approved" and funded shovel ready projects
- Allocation for specific design or engineering investigations for immediate priority works (environmental, geotechnical, survey, detailed design).

The Shire of Koorda will be the auspice of the funding of the Project Manager for a nominal period of 3 years commencing 2019 (nominally October) as per the REDS Funding agreement.

1.3 LGs

Officers from LGs with prioritised projects will be essential to ensure successful delivery of individual projects. This will provide a great opportunity for knowledge sharing and collaboration across the region. It will allow members of the PTT to undertake both informal and formal training of LGA staff to upskill and improve their technical capacity. Where possible neighbouring LGs will be encouraged to share technical, workforce and plant resources to assist in the efficient on-ground delivery of individual projects.

- Individual Shires will provide the following to the Steering Committee for approval before any funding will be released
 - Scope
 - Budget
 - Methodology
 - Delivery
- WSNF 5 Year Plan incorporated in their LTFP.
- Individual Shires incorporate Project Budgets into Council Budgets Annually.
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan.

2 Project Administration

As the WSFN Program and each individual LG project will be funded from three funding sources (Federal, State and Local Governments) it is important to clarify specific aspects with regards to the funding administration and delivery processes.

The Steering Committee put in separate funding submissions for a range of funding sources for both Management (administration, planning and design) Stage, as well as Capital Works Stage of the program. The program has been successful in obtaining funding from the following sources, as well as the required co-contribution from local governments:

Funding Source	Funding Amount	Stage
Regional Economic Development Grant	\$100K	Management
Local Government Co-contribution	\$252K 42 LGs x \$6K each	Management
Federal Government	\$70M	Capital Works
WA State Government	\$11.7M	Capital Works
Local Government	\$5.8M Individual LGs on project by project basis	Capital Works

2.1 Project Management Funding

The Project Manager is funded by the successful Regional Economic Development (RED) Grant through the WDC and acquitted by the Shire of Koorda. This specifically entails \$100K for a Project Manager to undertake project management.

The Project Manager will be initially contracted by the Shire of Koorda for a period of 3 years commencing 2019 (nominally October) as per the REDS Funding agreement.

Previously 42 local governments were asked to financially contribute to the WSFN project via a budget allocation of \$6,000 which was proposed to be part of a co-contribution towards BBRF. With the unsuccessful BBRF bid, it is proposed that the \$6,000 in financial contributions from each of the 42 local governments totalling \$252,000 be allocated to combine with the RED funding of \$100,000 to become project management pool of approximately \$350,000.

Funding Source	Funding Amount
RED Grant	\$100,000
Local Government Co-contribution	\$252,000
In Kind Contribution (approximately)	\$100,000
Project Management Total	\$452,000

This would contribute towards the overall project management requirements associated with the delivery of Stage 1 Priority Works over the course of an estimated 3 year delivery timeframe. Funding would contribute towards the following nominal requirements:

Role	Annual Funds	Comments
Project Manager	Nominal \$100,000 per annum of wages, plus superannuation and vehicle allowance and potentially accommodation	\$300,000 across 3 years
Project Administration and Communications Officer	Nominal \$20,000 per annum of wages only	\$60,000 across 3 years

Given the delivery of Stage 1 is likely to go over 5 years, then additional funding will be required for the Project Manager position. It is proposed that this additional funding be sourced via LGs contributing towards the PM as part of the LGs individual project budgets. A nominal figure for each project will be determined via the Steering Committee. As an example, a figure of 0.5% of total program funding (\$87.5M) would contribute approximately \$430K towards funding the Project Manager position. For each \$1M project approximately \$5,000 would be required to funding the Project Manager position. Individual LGs would still need to fund their own design, project management and project delivery of their individual projects.

Additional costs of vehicle and housing also likely to be required for the project manager position over the course the 5 years of delivery. The additional funding from each project would also contribute towards these additional costs.

Total project manager costs over 5 years are likely to be around \$750,000.

It is envisaged that a LG will advertise and employ the Project Manager over a 3 year period to work on the project on a part time basis. LGs with a desire to fulfil this role will be invited to make a submission to the WSFN Steering Committee for consideration. As indicated this contract will initially be managed by the Shire of Koorda for a period of 3 years commencing 2019 (nominally October) as per the REDS Funding agreement.

2.2 Capital Works Funding Administration

2.2.1 Funding Breakdown

The Australian Government will invest \$4.5 billion, including \$1 billion of additional funding committed in the 2019-20 Budget, to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities.

Stage 1 priority program prioritisation and on-ground works, up to a capital value of \$90M, will be completed through the provision of Federal Government ROSI funds (\$70 million) along with matching State Government funds (\$11.7M) and Local Government (\$5.8M) co-contributions. The envisaged timeframe for this is 3 – 5 years.

Funding Source	Funding Ratio	Funding Amount
Federal (ROSI)	80%	\$70M
State	13.3%	\$11.7M
LGA (Own Source)	6.7%	\$5.8M
Total	100%	\$87.5M

The Federal Government's role will:

- Provide framework and guidelines for funding WSNF program via ROSI.
- Note Agreement with 42 LGs of WR RRG regarding WSNF.
- Note 5 year Staging Plan.
- Approve annual project plan.
- Provide funding to LG via WA State Government.

2.2.2 Funding Acquittal

Main Roads WA (MRWA) will represent the State Government in financial arrangements with the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development and provide the link between the Federal Government and the WSNF. MRWA will review the processes undertaken by RRGs, WSNF and associated LGs and approve when satisfied that these process have been complied with.

Federal and State Government funding will be managed through Main Roads WA. Main Roads WA will fulfil the public financial administration role as it does with the Regional Road Groups.

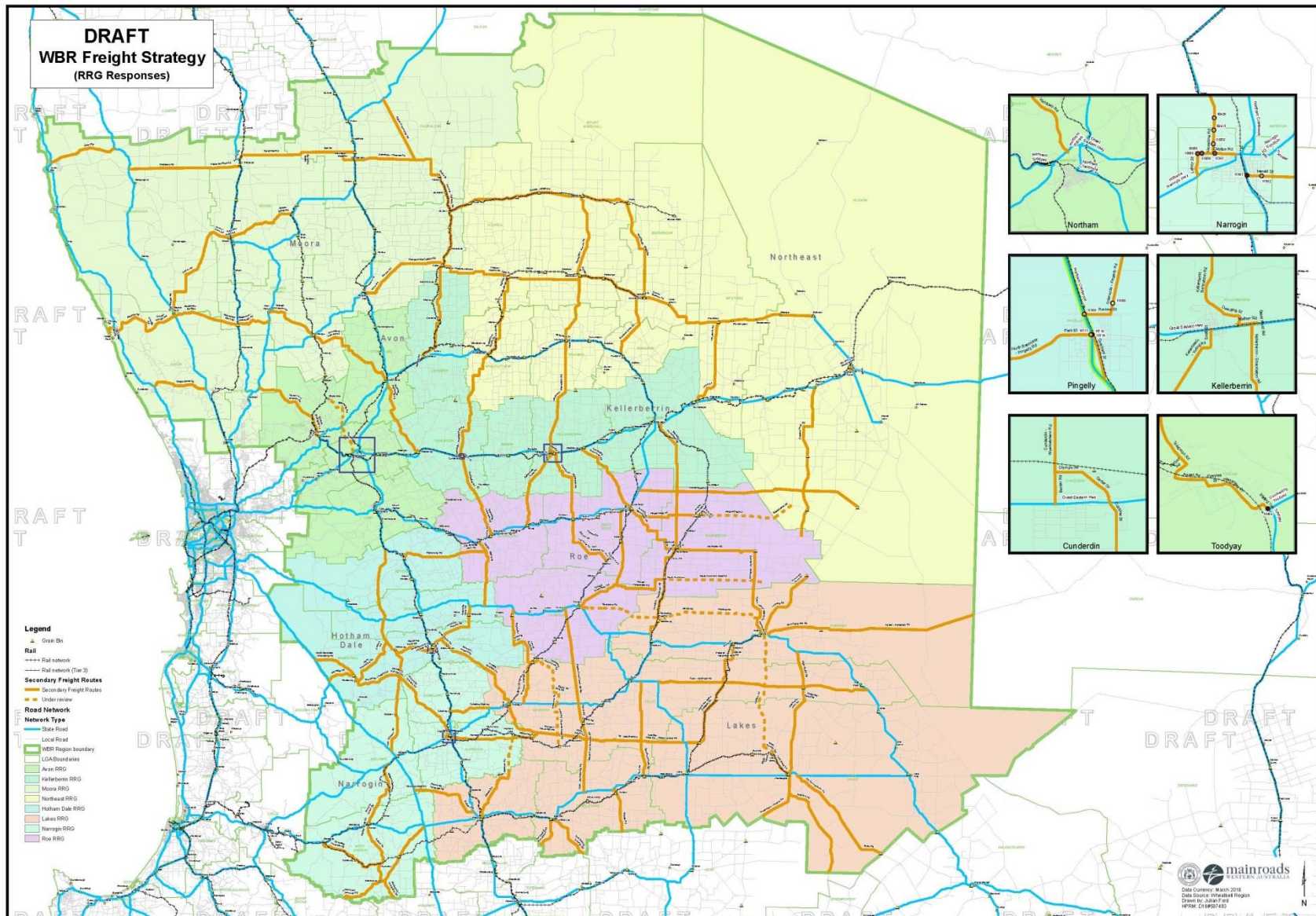
- MRWA Wheatbelt Regional Manager to sign off on individual projects.
- MRWA Wheatbelt Regional Manager to ensure the various projects are delivered in accordance with the project plan
- MRWA to administer funds.
- Reporting implementation of the WSNF Program will be an additional funding stream within the Wheatbelt North and Wheatbelt South Regional Road Groups.
- Acquittal and review process for Certificates of Completion and Progress Payments is proposed to be.
 - Progress Payment Certificate - First 40% (once project is approved).
 - Progress Payment Certificate - First 40% (once project is commenced).
 - Completion Certificate - Final 20% (once project is completed).

2.3 Project Delivery

The following provides an overview of the key components associated with planning, development, scoping, prioritisation and delivery of on-ground works. It outlines how the Working Group, Steering Committee, PTT and LGs will work together towards successful project delivery.

Stage	Details
1. Program Staging Plan	▪ PTT will develop a staging plan for program delivery. ▪ Relevant LGs will be informed of their proposed project and indicative budget, scope and year of delivery. ▪ Identification of Funds required for a 4 year program set in advance by project priority lists. ▪ Funding to be limited according to individual LG ability to deliver works.
2. Project Scoping and Approval	▪ Stage 1 priority projects will be determined via the MCA process. ▪ Projects will be scoped and a preliminary budget developed by the PTT in-conjunction with individual LGs.

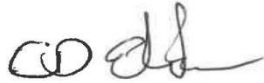
	- Projects prioritisation will be undertaken via an MCA process by the PTT with input from relevant consultants as required. - PTT will make recommendations to the Steering Committee for endorsement. - The Steering Committee will then forward endorsed recommendations through to the relevant WN or WS RRG.
3. Detailed Scoping, Design and Budget Development	- LGs will develop detailed budgets and designs (if necessary) for nominated Stage 1 priority projects. - LGs are to include projects in their annual budget for the proposed year. - LGs to be responsible for all relevant approvals. - PTT to work with LGs to verify budgets.
4. Delivery	- LGs will be responsible for tendering, project management and delivery of each project in the proposed year. - PTT to work with LGs to provide technical assistance and advice during delivery. - Incorporate into annual capital works program. - Works already funded from other sources are not eligible for funding under this program. - Cannot use existing funding sources, other than own sources funds, as co-contribution (ie not RRG or Roads to Recovery or Blackspot or Commodity Route funding sources)



14.1.7 AUTHORISE CHIEF EXECUTIVE OFFICER TO RECEIVE MANAGEMENT ORDER AND REQUEST ADDITIONAL RESERVE PURPOSE

Applicant: Internal Report
File No. 0366
Attachments: 1. Reserve Aerial Map
 2. Advice from DPLH
Author: Mr Craig Elefsen

Disclosure of Interest: Nil
Date of Report: 6 September 2019
Senior Officer: Ms Vanessa Crispe



Senior Technical Officer



Manager Infrastructure Services

Summary

For Council to approve the Chief Executive Officer to request the Department of Planning, Lands & Heritage to take over the management order and add an additional reserve purpose of "Gravel" to Reserve R29573 on Tonkin Road.

Background

In sourcing gravel for the 2019/2020 Roadworks program we have identified many potential sources, however many of these sources we cannot obtain without permission from land owners. In other cases, such as those that lie on reserves, we cannot continue with gravel procurement unless the reserve purpose is consistent with our intended use, which is mostly roadworks.

Comment

During the initial investigative process Reserve R29573 on Tonkin Road was identified as having good quality gravel at a decent quantity. Upon further investigation it was found the reserve's responsible body was the Department of Planning, Lands and Heritage (DPLH) and the reserve use was for "Government Requirements", which only counts State Government.

Advice was sought from DPLH as to how to proceed with gaining access to this gravel. The reply given was that Council would need to agree to take on the management order of Reserve R29573 before DPLH would consider adding "Gravel" to the reserve purpose, thereby matching our intended work (roadworks) and allowing the Shire to proceed with an application for a clearing permit with Department of Water and Environmental Regulation.

During discussion with DPLH they have also advised that the Department of Premier and Cabinet are planning to implement the South West Native Title Settlement in the second half of 2019 which may deny us access to the gravel even though we are trying to follow all the correct procedures. That is, if the ownership of the reserve is selected to be transferred over to the Noongar Land estate under the Noongar Land Base Strategy, the Shire would then have to seek permission from them to access the gravel regardless of any management order with DPLH which would be rendered invalid.

Legal Implications

Land Administration Act 1997

41. Reserving Crown land, Minister's powers as to
Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.
46. Care, control and management of reserves
- (1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.
 - (2) The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.

Aboriginal Heritage Act 1972

17. Offences relating to Aboriginal sites

A person who —

- (a) excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or
- (b) in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site, commits an offence unless he is acting with the authorisation of the Registrar under section 16 or the consent of the Minister under section

Policy Implications

Shire of Lake Grace Policy Manual - Policy 7.9 Asset Management

Consultation

Internal: Vanessa Crispe, Manager Infrastructure Services
Jason Lip, Technical Officer
Nicola Kuchling, Administration Support Officer

External: Sandra Frost, Department of Planning, Lands and Heritage

Financial Implications

According to the Department of Planning Lands and Heritage website

Document Type	Description	Cost
Simple Document	A 'simple' document takes an estimated 1.5 hours to complete (excluding any 'downtime'). Examples may include revocation of Management Orders; Lease extensions	\$191.00
Moderate Document	A 'moderate' document takes an estimated 4.5 hours (excluding any 'downtime') to complete. Examples may include issuing of a Lease; granting of an Easement.	\$731.00
Complex Document	A 'complex' document takes 8 hours or more (excluding any 'downtime') to complete and may involve Legal Services. Examples may include Variation of Lease; preparing Contracts of Sale.	\$1333.00

It is expected that having a management order drafted would come under a Moderate Document, but there is a chance it could be upgraded to a Complex Document.

All administrative fees will be charged to Job 1210152 – “Biddy Camm Road SLK 80.330” as gravel taken from this pit would be allocated to that road job.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective – A prosperous agricultural based economy, supporting diversification of industry

Outcomes 1.1 An innovative, productive agriculture industry

- 1.1.1 Enhance and maintain transport network.

Environment Objective – Protect and enhance our natural and built environment

Outcomes 3.2 A natural environment for the benefit and enjoyment of current and future generations

- 3.2.1 Manage and preserve the natural environment

Recommendation

That Council authorise the Chief Executive Officer to

1. complete all tasks deemed necessary to obtain a management order on Reserve R29573;
2. Apply for the addition of “Gravel” to the reserve list of purposes;

Voting Requirements

Simple majority required.

TONKIN ROAD RESERVE R29573

Legend

Populated Places



Crown Reserves



Local Government Authority



State Roads



Other Roads



Craig Elefsen

From: DOL-Proposals <proposals@dplh.wa.gov.au>
Sent: Monday, 19 August 2019 11:47 AM
To: Craig Elefsen
Subject: RE: Request for use of land

Good morning Craig

Thank you for your email dated 19 August regarding the change of purpose for Reserve 29573.

Before the department would consider changing the reserve purpose, we would seek confirmation from the Shire that they are willing to take management over this reserve. In addition, Native Title would need to be addressed and it is recommended that this be placed on hold until the commencement of the South West Native Title Settlement which is estimated within the second half of 2019 (refer to Department of Premier and Cabinet's website <https://www.dpc.wa.gov.au/swnts/South-West-Native-Title-Settlement/Pages/Timeline-Agreement-to-Commencement.aspx>)

Kind regards

Sandra Frost | State Land Officer | Acceptance
 140 William Street, Perth WA 6000
 6552 4454
www.dplh.wa.gov.au



The department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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From: Craig Elefsen <sto@lakegrace.wa.gov.au>
Sent: Monday, 19 August 2019 8:53 AM
To: DOL-Proposals <proposals@dplh.wa.gov.au>
Subject: RE: Request for use of land

Good morning Sandra

Thank you for getting back to me, we wish to try and change the purpose of the below mention reserve, is it possible to get a list of what needs to be done and any info on how we can do this

- Reserve 29573 is unmanaged with the purpose being "Government Requirements", we do not consent to gravel being extracted as it is not consistent with the reserve purpose. If the Shire wishes to use this reserve

for gravel purposes, then the reserve purpose will need to be amended and consideration will need to be given to Native Title implications.

Thankyou

Kind regards,

Craig Elefsen
Senior Technical Officer



Shire of Lake Grace
Address: 1 Bishop Street Lake Grace WA 6353
Postal Address: PO Box 50 Lake Grace WA 6353
Phone: (08) 9890 2500
Website: www.lakegrace.wa.gov.au

End Excerpt

14.1.8 GRANTING OF EASEMENT ON LOT 1 PINGRUP-LAKE GRACE ROAD

Applicant:	Russell Tyler - Water Corporation	
File No.	0369	
Attachments:	1. Letter and Plan from Water Corp 2. Aerial Map Approximation	
Author:	Ms Vanessa Crispe	Manager Infrastructure Services
Disclosure of Interest:	Nil	
Date of Report:	10 September 2019	
Senior Officer:	Ms Denise Gobbart	 Chief Executive Officer

Summary

For Council to consent to an easement for Water Corporation to protect underground water pipeline assets on Lot 1 Pingrup-Lake Grace Road, as presented in Deposited Plan 411708, version 1.

Background

In 2011, Lot 1 Pingrup-Lake Grace Road was owned by the Carruthers family, whom Water Corporation were negotiating with in order to be granted an easement. This process has continued on long enough for this lot to later be acquired by the Shire of Lake Grace in 2017, and as such Water Corporation is now seeking the acquisition of an easement from the Shire, being the owner of the lot.

Along with Lot 1 Pingrup-Lake Grace Road, Water Corporation have also installed a water pipeline infrastructure to the surrounding lots still owned by the Carruthers family, and this last section held by the Shire is all that is remaining for this pipeline.

Comment

The current use for Lot 1 Pingrup-Lake Grace Road is as a stormwater open drain that runs along the western side of this lot, and feeds into a sump visible from South Road. This sump is powered with a pump that can transfer collected stormwater either to the recreational oval dams known as the "Turkey Nests", or to the holding tanks sitting at the south end of the footy oval (the Turkey Nests also pump water in to these tanks). This pump is only turned on when the sump is at a high water level.

The proposed easement is well clear of both the open drain and the sump, with the sump being on the south side of this lot roughly 175 metres away. The easement also is not a rectangular shape, and is more of an 'L' shape as seen on Attachment 2. As such if any upgrade works are planned for the sump and drain on this lot, the easement would not duly affect the capacity of future work.

Also visible on Attachment 2 is the easements on the adjacent land. The proposed easement lines up with easements touching both the north and eastern side of Lot 1, which are the aforementioned easements in Carruthers' land.

Water Corporation is willing to compensate the Shire \$1,500 (plus GST if applicable) for the granting of this easement. They will also pay all fees necessary for the registration of the

easement with Landgate. Given that this easement would have minimal impact on any future work, the Shire does not see a strong reason to deny the granting of this easement on the condition that the Shire receives proper, to-scale plans/drawings of the easement after the easement has been granted.

Legal Implications

Planning and Development Act 2005

167. Easement, creation of etc. on subdivision

Policy Implications

Shire of Lake Grace Policy Manual – Policy 7.9 Asset Management

Consultation

Internal: Denise Gobbart, Chief Executive Officer

Financial Implications

If Council consents to the easement, Water Corporation will pay the Shire \$1,500 (One Thousand, Five Hundred dollars)

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective - A prosperous agricultural based economy, supporting diversification of industry

Outcomes 1.1 An innovative, productive agriculture industry

- 1.1.4 Maintain and provide water infrastructure and lobby to support drought-proofing and water-harvesting initiatives

Recommendation

That Council:

1. Authorise the Chief Executive Officer to advise the Water Corporation that consent is granted for the proposed easement as presented on Deposited Plan 411708, when payment of \$1,500 is confirmed;
2. Request to-scale drawings of the easement upon the granting of the easement for the Shire's records, as an additional condition.

Voting Requirements

Simple majority required.

629 Newcastle Street PO Box 100 T (08) 9420 2420
Leederville WA 6007 Leederville WA 6902 F (08) 9420 3626



File ref: JT1 2014 04198
Doc ref: 20270061
Contact: Russell Tyler
Phone: (08) 9420 2194
Email: russell.tyler@watercorporation.com.au

22 October 2018

The CEO
Shire of Lake Grace
PO Box 50
LAKE GRACE WA 6353

Dear Sir

**SHIRE CONSENT TO PROPOSED WATER PIPELINE EASEMENT ON LOT 1
PINGRUP-LAKE GRACE RD FOR WATER CORPORATION**

We are aware that the Shire of Lake Grace became the owner of a property, identified as lot 1 on diagram 53275, on 23 June 2017. Prior to the Shire's acquisition of the property, Water Corporation had been negotiating with the previous owners, the Carruthers family, to acquire an easement for water pipeline infrastructure constructed on this and 3 of their adjacent properties near the end of 2011. The pipeline easements have now been registered on the Carruthers lots 14146, 1 and 9748 and we seek the Shire's consent to register an easement for the remaining pipeline section.

As seen on the enclosed survey plan, the proposed easement area is roughly 10 metres long by 3 metres wide and is located in the north-east corner of the lot. An easement is required to protect the underground pipeline fittings at the location.

A qualified valuer was engaged to assess the level of compensation to be paid for the easement, recommending an amount of \$1,000 plus GST to be appropriate in this instance. In line with Water Corporation policy, we offer a minimum payment of \$1,500 (plus GST if applicable) and ask that the Shire give favourable consideration to this offer. The valuer has made a comment in his report that *"The subject property was discussed over the telephone on the 26th February (2018) with Linda Gray, Deputy Chief Executive Officer with the Shire of Lake Grace. Ms Gray indicated that, from the Shire's perspective she did not think the Shire would have any concerns with the proposed easement required to protect Water Corporation infrastructure providing water to the township. The only requirement was that the Shire receive the necessary drawings with relation to the proposed easement."*

In addition to the compensation payment of \$1,500 (plus GST if applicable), the Water Corporation will pay any and all costs associated with the documentation and registration of the easement at Landgate.

Please indicate with an email or telephone response, at your earliest convenience, whether the Shire of Lake Grace will accept the compensation offered and consent to the proposed easement .

Please do not hesitate to contact me if you have any queries or concerns.

Yours faithfully



Russell Tyler
Advisor - Property Acquisitions

Item 14.1.8

Attachment 1

VER.	AMENDMENT	AUTHORISED BY	DATE		TYPE	FREEHOLD	S.S.A.	YES/NO
				FOR INTEREST PURPOSES ONLY	PURPOSE	INTEREST		
					PLAN OF	EASEMENT &/OR OTHER INTERESTS OVER LOT 1 ON D 53275		
					FORMER TENURE	D.O.L. FILE		
				LOCAL AUTHORITY	SHIRE OF LAKE GRACE			
				LOCALITY	LAKE GRACE			
				FIELD RECORD	SURVEYOR'S CERTIFICATE - REG 54 I, PAUL C.C. RHODES 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. 2018.08.13 14:58:02 +08'00'			
				LICENSED SURVEYOR	DATE			
				LODGED				
				14.08.2018	DATE		FEE PAID	ASSESS No.
				I.S.C.				
				EXAMINED				
				E. Milewska	23.08.2018		DATE	
				WESTERN AUSTRALIAN PLANNING COMMISSION FILE				
				Deleted under S.16 P&O Act 2005 DATE				
				IN ORDER FOR DEALINGS				
				SUBJECT TO				
				<i>E. Milewska</i> 23.08.2018 DATE				
				FOR INSPECTOR OF PLANS AND SURVEYS				
				APPROVED				
				INSPECTOR OF PLANS AND SURVEYS (S. 18 Licensed Surveyors Act 1999)				
				DEPOSITED PLAN 411708				
				SHEET 1 OF 1 SHEETS - VERSION 1				

INITIAL INTERESTS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(X)	EASEMENT		DOC	LOT 1 ON D 53275	WATER CORPORATION	

SCALE: 1:500 AT A2 SIZE

HELD BY LANDGATE IN DIGITAL FORMAT ONLY

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Item 14.1.8

Attachment 2



14.1.9 DRAINAGE PERMIT LAKE KING-NORSEMAN ROAD, LAKE KING

Applicant:	Mr Colin Penny	
File No.	0479	
Attachments:	1. Prelim Catchment Plan 2. Notice of Intent to Drain – DPIRD 3. Email request from Colin Penny and Proposal	
Author:	Ms Vanessa Crispe	 Manager Infrastructure Services
Disclosure of Interest:	Nil	
Date of Report:	9 September 2019	
Senior Officer:	Ms Denise Gobbart	 Chief Executive Officer

Summary

That Council do not allow a deep drain being installed into the Shire's road reserve.

Background

At the Ordinary Meeting of Council Held 19 December 2018 a Clearing permit and request to install a culvert on the Lake King Norseman Road between Lot 2683 and Lot 2709 at the approximate Straight Line Kilometre (SLK) 18.00. The Following was resolved;

RESOLUTION 12894

Moved Cr Chappell
Seconded Cr Stanton

That Council:

1. Authorise the Chief Executive Officer to sign an application for a clearing permit for clearing work to be carried out along a section of the Lake King-Norseman Road Reserve, Lake King;
2. Approve the installation of a culvert on the gravel section of Lake King-Norseman Road, Lake King, at no cost to the Shire of Lake Grace.

CARRIED 8/1

After the Ordinary Council meeting on 19 December 2018, a call was received from the Deputy Soil Commissioner to advise that the information that they had received included the provision of a deep drain to be located within the Lake King Norseman Road reserve. It is intended that this drain may be up to two (2) metres in depth. For the Soil Commissioner to consider the application they require confirmation from the Shire of Lake Grace as to our decision to approve or decline the proposal.

A site inspection was undertaken by Vanessa Crispe, Manager Infrastructure Services and the Chief Executive officer (CEO) on Wednesday 8 May 2019. A Drive through of Lot 2864 and Lot 2709 was undertaken with Colin Penny and Vance Nicholls.

An understanding of the objective was gained and the location of the proposed culvert was identified. Having undertaken the site inspection, officers had doubt with the installation of the culvert. Potentially, the road should be lowered and a floodway installed to ensure the flow of

water is not impeded. It was proposed that water would be piped to corner of Lot 2683 and then have a discharge point that would flow into the culvert and across the road into a deep drain. The CEO enquired if the pipe was extended, is there the potential that the culvert would not be required. This response was unknown given the extent of what desilting of the creek line was required.

Given this information, it was suggested that we undertake an engineering assessment of that portion of Lake King-Norseman Road, to enable the potential construction of a floodway to ensure that the Shire hasn't impeded the flow of water. Significant volumes of water cross the road at this location, it was indicated to be potentially close to a metre deep at times. Given this depth markers also need to be located at this site.

Both Mr Penny and Mr Nicholls believed this was a positive action prior to any work on the drain. It is intended to seek Council endorsement of this action prior to presenting the request for drainage approval to Council.

At the Ordinary Meeting of Council Held 15 May 2019 a Clearing permit and request to install a culvert on the Lake King Norseman Road between Lot 2683 and Lot 2709 at the approximate Straight Line Kilometre (SLK) 18.00. The Following was resolved;

RESOLUTION 12995

Moved Cr Chappell
Seconded Cr Lloyd

That Council endorse the proposal for an engineering assessment to be undertaken on the Lake King-Norseman Road in the vicinity of SLK 18.00 where a culvert is proposed to be installed in the area of the natural creek line, prior to making a decision on the deep drainage request.

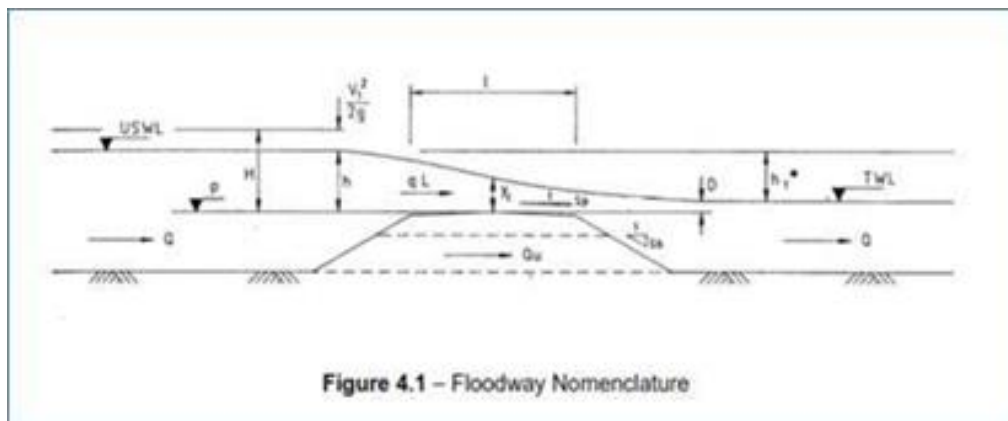
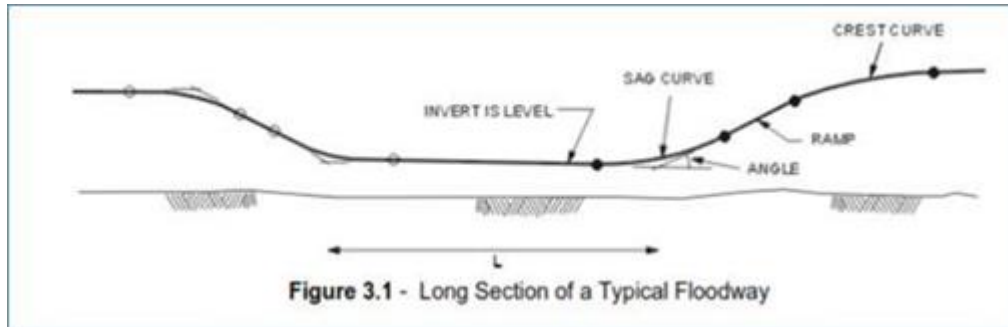
CARRIED 9/0

Comment

WML Consultants Pty Ltd was contacted to undertake an engineering assessment providing the following information;

- Catchment boundary – Attachment Prelim Catchment Plan. The proposed floodway site is not marked on the catchment plan but it is located at the western end of the catchment.
- Rainfall data for the site – the method WML Consultants used considered the nearest available weather information. The available information was hardly ever in the catchment of interest (which is the case for this site).
- Return period for design. This varies depending on the importance of the asset and is between 1 in 20 years and 1 in 100 years. The 1 in 20 years (for example) means there is a 5% chance of the storm event happening in any one year. WML Consultants have looked at 1 in 20 years and 1 in 50 years.
- Maximum water depth. The floodway length and depth of water are matched to the design flow. The guidelines suggest a maximum water depth of 200mm for cars and 500mm for trucks. This is at the crest of the road (see Figure 4.1 below); the water will be a little deeper on the upstream side. Floodway lengths are usually limited to about 300m. Note how floodway length is defined in Figure 3.1.

- Run-off coefficient. This is the proportion of water that runs off from a storm event. For example, if 100mm fell evenly over a catchment how much would reach the outlet? It also depends on whether there have been several prior rainfall events to wet the catchment. The runoff coefficient is a guess. WML Consultants used 0.6. Ideally this would be verified.



Findings for the site in question;

1 in 50-year storm event

200mm water depth. Floodway length = 450m.

500mm water depth. Floodway length = 115m.

1 in 20-year storm event

200mm water depth. Floodway length = 370m.

500mm water depth. Floodway length = 90m.

The above analysis is preliminary and has been undertaken to determine the approximate floodway length – which would determine how much survey information would be required and determine whether the project is feasible. A more detailed and accurate analysis can be undertaken that would (probably) reduce the estimate of the peak flows, and then reduce the corresponding lengths of floodways. The preliminary analysis indicates the floodways would only flow for 2 to 3 days.

Discussions have been held with WML Consultants and Mr Colin Penny with Mr Penny advising that he had been advised to have the deep drain cross the road away from the creek line. He

said water builds up slowly in the area (it is flat) so in a big storm event the drain would continue operating until it and the culvert reached capacity, then backing up to the intersection of the drain with the creek. Thereafter the main flow would go down the creek line and across the road, not down the drain resulting in damage. The drain at the culvert location (upstream and downstream of the road) would need to be deep enough to accommodate a culvert and its cover (and that depends on the class of the culvert). The drain would need to be continually maintained. The off-creek culvert could work but there needs to be a table drain along the road from the creek to the culvert so all the water upstream is drained. This table drain needs to be continually maintained as well.

WML Consultants can see this being effective if the large flood event runs quickly otherwise they were not sure if it is worthwhile.

The proposed deep drain, appears to be for the benefit of the adjacent landowner as the water from the opposite side of the road would continue in the natural creek line. The proposed deep drain would be changing the natural water course as well adding a benefit to the landowner in diverting the water off his land, but this could also create salinity/water logging issues further down the floodway system.

Legal Implications

Soil and Land Conservation Regulations 1992

Policy Implications

Shire of Lake Grace Policy – 5.10 Drainage and Water Pipeline

Under the provisions of Section 19 of the Local Government (Uniform Local Provisions) Regulations it is illegal for any person to interfere with the natural flow of surface water, on, across or through any thoroughfare under the care and control of Council which will cause damage to that thoroughfare unless authorised to do so.

A landowner wishing to discharge or divert water on, across, or through a thoroughfare under the care and control of Council will first make application outlining their proposed works. If the proposed works (as assessed by staff), on, or across any thoroughfare under the care and control of Council are of no benefit to Council the landowner will be responsible for all costs associated with the works.

If the proposed works are considered to be of benefit to Council and, subject to a decision of Council, the cost may be negotiated.

Consultation

Internal: Denise Gobbart, Chief Executive Officer
External: Paul Foley, WML Consultants Pty Ltd

Financial Implications

Floodway proposed costs as endorsed in the 2019/20 Budget \$90,025. Future maintenance costs are unknown if the deep drain is installed, being of a depth of two (2) meters specialised equipment would be required.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Economic – A prosperous agricultural based economy, supporting diversification of industry

- Outcome 1.1 An innovative, productive agriculture industry
- 1.1.1 Enhance and maintain transport network
 - 1.1.2 Improve flood mitigation for transport infrastructure

- Outcome 1.3 An attractive destination for visitors
- 1.3.2 Maintain and enhance local iconic attractions and infrastructure

Environment Objective – Protect and enhance our natural and built environment

Outcome 3.1 A well maintained attractive built environment servicing the needs of the community

- 3.1.1 Maintain, rationalise, improve or renew buildings and community infrastructure

Recommendation

That Council:

1. Do not approve the request to install a deep drain through the Lake King-Norseman road;
2. Authorise the Chief Executive Officer to advise the Deputy Soil Commissioner that the Shire of Lake Grace declines the proposal for the provision of a deep drain to be located within the Lake King-Norseman Road reserve.

Voting Requirements

Simple majority required





Shire of Lake Grace	
File No:	0804
06 NOV 2018	
Xref:	
Records #:	134428
Officer:	MIS/IAO

Ms Denise Gobbart
Chief Executive Officer
Shire of Lake Grace
PO Box 50
LAKE GRACE WA 6353

Our Ref: 1817886V01
Enquiries: Buddy Wheaton (9368 3573)
Date: 30 October 2018

Dear Ms Gobbart

NOTICE OF INTENT TO DRAIN - LOT 2865 AND 2866 ON PLAN 210635

Attached for your information is a copy of a Notice of Intent (NOI) to Drain for the above locations.

Should you wish to provide any comments which will assist the Commissioner of Soil and Land Conservation to make a decision on the proposal, would you please forward these comments to the Commissioner before 27 November 2018.

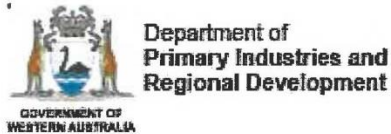
Should you require additional time for comment, or wish to discuss this matter further, please do not hesitate to contact me on (08) 9368 3573.

Yours sincerely

Buddy Wheaton
DEPUTY COMMISSIONER
SOIL AND LAND CONSERVATION

cc: John Firth, Department of Agriculture and Food, South Perth

Office of the Commissioner of Soil and Land Conservation
3 Baron-Hay Court, South Perth WA 6151
Locked Bag 4, Bentley Delivery Centre WA 6983
Telephone +61 (0)8 9368 3282 Facsimile +61 (0)8 9368 3355 commsoil@dpird.wa.gov.au
dpird.wa.gov.au



Ms Denise Gobbart
Chief Executive Officer
Shire of Lake Grace
PO Box 50
LAKE GRACE WA 6353

Our Ref: 1817968V1
Enquiries: Buddy Wheaton (9368 3573)
Date: 30 October 2018

Dear Ms Gobbart

NOTICE OF INTENT TO DRAIN - LOT 2864 ON PLAN 210628

Attached for your information is a copy of a Notice of Intent (NOI) to Drain for the above locations.

Should you wish to provide any comments which will assist the Commissioner of Soil and Land Conservation to make a decision on the proposal, would you please forward these comments to the Commissioner before 27 November 2018.

Should you require additional time for comment, or wish to discuss this matter further, please do not hesitate to contact me on (08) 9368 3573.

Yours sincerely

Buddy Wheaton
DEPUTY COMMISSIONER
SOIL AND LAND CONSERVATION

cc: John Firth, Department of Agriculture and Food, South Perth

Office of the Commissioner of Soil and Land Conservation
3 Baron-Hay Court, South Perth WA 6151
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dpird.wa.gov.au

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION REGULATIONS 1992

Regulations 5 and 6

NOTICE OF INTENT TO DRAIN OR PUMP WATER



When is a notice of intent to drain or pump required?

Where an owner or occupier of land wishes to drain or pump groundwater for the purpose of controlling salinity, he or she is required to lodge a notice of intention with the Commissioner of Soil and Land Conservation at least 90 days before discharging water. This includes draining or pumping within the same property. Note that within the Peel-Harvey Catchment Area, a notice of intention is required for **any** draining or pumping works.

What happens if I do not lodge a notice of intent to drain or pump?

It is an offence not to give notice of intent to drain when required to do so. The penalty is \$2,000 for individuals and up to \$10,000 for companies. You may also be liable for charges of causing environmental harm under recent changes to the *Environmental Protection Act 1986*.

Further information

Further information on completing this form is available from the Office of the Commissioner of Soil and Land Conservation in Perth on (08) 9368 3282 (8.30am to 5.00pm Monday to Friday).

1. TYPE OF PROPOSAL

Tick one:

DRAINAGE ONLY ☐PUMPING ONLY ☐DRAINAGE AND PUMPING ☒

2. SINGLE OR MULTIPLE PROPERTY NOTIFICATION

WILL THE DRAIN/PUMPING BE
CONSTRUCTED ON A SINGLE
PROPERTY? ☐

YES ☐

GO TO QUESTION 3

NO ☒

GO TO QUESTION 4

3. DETAILS OF OWNER/OCCUPIER - SINGLE PROPERTY

Mr ☐Mrs ☐Ms ☐Miss ☐Other ☐SURNAME OR FAMILY NAME GIVEN OR FIRST NAME(S) COMPANY NAME
(if applicable) LOCATION NUMBER(S) OF LAND TO BE
DRAINED/PUMPED (e.g. Avon Location 1234) LOCAL GOVERNMENT DISTRICT
(Shire, Town or City council) POSTAL ADDRESS TOWN/SUBURB POSTCODE CONTACT NUMBER FACSIMILE EMAIL WHICH ARE YOU? (tick one): ☐

OWNER OF THE LAND

☐

OCCUPIER OF THE LAND

GO TO QUESTION 6

8. DETAILS OF PERSON/COMPANY UNDERTAKING EXCAVATION WORKS

WILL THE DRAIN OR PUMPING REQUIRE EARTHWORKS TO BE UNDERTAKEN? ☒ YES ☐ NO

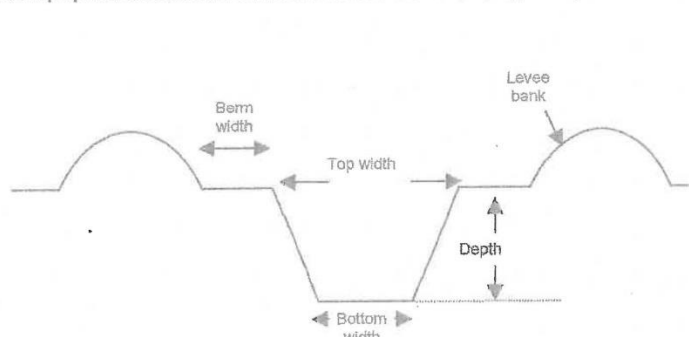
If YES, complete the following if you are engaging a contractor to do the work:

NAME OF CONTRACTOR NEWHOLSTIEN P/L
 ADDRESS 68 ROXBURGHE DRIVE THE VINES
 POSTCODE 6069
 CONTACT NUMBER 0429113708 FACSIMILE

9. CROSS-SECTIONAL PLAN OF DRAIN

Please complete the cross-sectional plan(s) of the drain(s) including the drain dimensions, whether there will be levee banks etc.

Note: if the proposed drain involves channels of a different cross-section, please provide additional cross-section plans.



Top width of drain 3.5m
 Bottom width of drain 1m
 Depth 2.2m
 Berm width – left hand side 1m
 Berm width – right hand side 1m

Levee bank (tick one):
 No levee banks ☐
 Levee banks on one side only ☐
 Levee banks on both sides ☒

10. CHECKLIST OF OTHER APPROVALS

Draining or pumping water may require approval/consent from a number of different public authorities. Controls vary from area to area. It is your responsibility to check what other approvals are required for your proposal.

The following is a checklist of some of the more common types of approval that may be required:

- ☒ Approval to undertake earthworks on a road or railway – local government, Main Roads, Public Transport Authority
- ☒ Approval to undertake earthworks on other Crown land – public authority managing the land (e.g. DEC, local govt etc.)
- ☐ Development approval under a town or region planning scheme – local government, WA Planning Commission
- ☐ Approval to clear native vegetation – Department of Environment and Conservation
- ☐ Licence to take groundwater – Department of Water
- ☐ Permit to undertake earthworks on bed or banks of watercourses – Department of Water
- ☐ Referral of proposal which may impact on Ramsar wetlands – Federal Department of Environment and Heritage
- ☒ Location of cables and pipelines etc – dial 1100 before you dig
- ☐ Approval to undertake works affecting an Aboriginal site – Department of Indigenous Affairs
- ☐ Approval to undertake works affecting a heritage place – Heritage Council; local government

Please attach copies of relevant approvals listed above (if any).

11. CONSULTATION WITH DOWNSTREAM AND OTHER AFFECTED LANDHOLDERS

The two landholders immediately downstream of the land subject to the drain and any other landholder who might be adversely affected by the construction and operation of the drain should be asked to complete the form in Schedule 4.

Completed forms should be returned to the Commissioner of Soil and Land Conservation, at the address below.

RAIN DRAIN
 WORKS MANAGED
 LG SHIRE
 MURRAY
 WATER = 10/10/23

TELEPHONE 2864

SCHEDULE 1

DETAILS OF OWNERS/OCCUPIERS FOR PROPOSALS INVOLVING TWO OR MORE PROPERTIES

Insert the details of each property on which the drainage/pumping will take place, in order of the commencement point to discharge point.

Property no. **1** SURNAME OR FAMILY NAME **PENNY**

GIVEN OR FIRST NAME(S) **COLLIN** **REGISTERED**

COMPANY NAME (if applicable) **C & S PENNY** **D - 03 - 18**

LOCATION NUMBER(S) OF LAND TO BE DRAINED/PUMPED (e.g. Avon Location 1234) **2865 2866** **Commissioner of Soil and Land Conservation**

LOCAL GOVERNMENT DISTRICT (Shire, Town or City council) **LAKE GRACE**

POSTAL ADDRESS **P.O. Box 33**

TOWN/SUBURB **LAKE KING** POSTCODE **6356**

CONTACT NUMBER **0427380048** FACSIMILE

EMAIL **WARAWARA@BORDERNET.COM.AU**

WHICH ARE YOU? (TICK ONE): ☒ OWNER OF THE LAND ☐ OCCUPIER OF THE LAND

Property no. **2** SURNAME OR FAMILY NAME **McLean**

GIVEN OR FIRST NAME(S) **Shane** **REGISTERED**

COMPANY NAME (if applicable) **W & M A McLean & SON** **D - 04 - 18**

LOCATION NUMBER(S) OF LAND TO BE DRAINED/PUMPED (e.g. Avon Location 1234) **ROE LOC 2864 LAKE KING 6356** **Commissioner of Soil and Land Conservation**

LOCAL GOVERNMENT DISTRICT (Shire, Town or City council) **Lake grace**

POSTAL ADDRESS **12612 Biddy comm RD Lake King**

TOWN/SUBURB **Lake King** POSTCODE **6356**

CONTACT NUMBER **0427774418** FACSIMILE

EMAIL **mcleanfarms@outlook.com**

WHICH ARE YOU? (TICK ONE): ☒ OWNER OF THE LAND ☐ OCCUPIER OF THE LAND

Property no. **3** SURNAME OR FAMILY NAME **NICHOLLS**

GIVEN OR FIRST NAME(S) **VANCE**

COMPANY NAME (if applicable) **MJ + PA NICHOLLS**

LOCATION NUMBER(S) OF LAND TO BE DRAINED/PUMPED (e.g. Avon Location 1234) **ROE 2709**

LOCAL GOVERNMENT DISTRICT (Shire, Town or City council) **LAKE GRACE**

POSTAL ADDRESS **P.O. Box 23**

TOWN/SUBURB **LAKE KING** POSTCODE **6356**

CONTACT NUMBER **0428551581** FACSIMILE

EMAIL **nicks2709@gmail.com**

WHICH ARE YOU? (TICK ONE): ☒ OWNER OF THE LAND ☐ OCCUPIER OF THE LAND

If insufficient room, please continue on a separate sheet of paper

SCHEDULE 1

DETAILS OF OWNERS/OCCUPIERS FOR PROPOSALS INVOLVING TWO OR MORE PROPERTIES

Insert the details of each property on which the drainage/pumping will take place, in order of the commencement point to discharge point.

Property no. ☒ 4 SURNAME OR FAMILY NAME METCAIF

GIVEN OR FIRST NAME(S) RICHARD MARTIN

COMPANY NAME (if applicable)

LOCATION NUMBER(S) OF LAND TO BE DRAINED/PUMPED (e.g. Avon Location 1234) 1624

LOCAL GOVERNMENT DISTRICT (Shire, Town or City council) LAKE GRACE

POSTAL ADDRESS 2488 HATTERS HILL RD

TOWN/SUBURB LAKE KING POSTCODE 6356

CONTACT NUMBER 0428744066 FACSIMILE

EMAIL rrmet@esyt.net.au

WHICH ARE YOU? (TICK ONE): ☒ OWNER OF THE LAND ☐ OCCUPIER OF THE LAND

Property no. ☐ SURNAME OR FAMILY NAME

GIVEN OR FIRST NAME(S)

COMPANY NAME (if applicable)

LOCATION NUMBER(S) OF LAND TO BE DRAINED/PUMPED (e.g. Avon Location 1234)

LOCAL GOVERNMENT DISTRICT (Shire, Town or City council)

POSTAL ADDRESS

TOWN/SUBURB POSTCODE

CONTACT NUMBER FACSIMILE

EMAIL

WHICH ARE YOU? (TICK ONE): ☐ OWNER OF THE LAND ☐ OCCUPIER OF THE LAND

Property no. ☐ SURNAME OR FAMILY NAME

GIVEN OR FIRST NAME(S)

COMPANY NAME (if applicable)

LOCATION NUMBER(S) OF LAND TO BE DRAINED/PUMPED (e.g. Avon Location 1234)

LOCAL GOVERNMENT DISTRICT (Shire, Town or City council)

POSTAL ADDRESS

TOWN/SUBURB POSTCODE

CONTACT NUMBER FACSIMILE

EMAIL

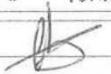
WHICH ARE YOU? (TICK ONE): ☐ OWNER OF THE LAND ☐ OCCUPIER OF THE LAND

If insufficient room, please continue on a separate sheet of paper

12. DECLARATION(S)

All owners/occupiers that are party to the drainage/pumping proposal must sign this declaration. If the proposal is for one property, complete and sign the first box only.

I/WE DECLARE THAT THE INFORMATION IN THIS FORM AND THE ATTACHMENTS IS TRUE AND CORRECT:

161112	Property no. 1	NAME OF OWNER/OCCUPIER	COLLIN PENNY
		COMPANY NAME (if applicable)	C+S PENNY
		SIGNATURE	
		DATE	17-10-18
341112	Property no. 2	NAME OF OWNER/OCCUPIER	Shane McLean
		COMPANY NAME (if applicable)	WE & MA McLean & Son
		SIGNATURE	
		DATE	17-10-18
161112	Property no. 3	NAME OF OWNER/OCCUPIER	VANCE NICHOLLS
		COMPANY NAME (if applicable)	MJ + PA NICHOLLS
		SIGNATURE	Vance Nicholls
		DATE	1-10-18
161112	Property no. 4	NAME OF OWNER/OCCUPIER	RICHARD METCALF
		COMPANY NAME (if applicable)	R METCALF
		SIGNATURE	R M Metcalf
		DATE	5/9/18
	Property no. ☐	NAME OF OWNER/OCCUPIER	
		COMPANY NAME (if applicable)	
		SIGNATURE	
		DATE	

If insufficient room, please attach additional sheets

ONCE COMPLETED, SEND THE ORIGINAL OF THIS FORM AND ALL ATTACHMENTS TO:

Commissioner of Soil and Land Conservation
Department of Agriculture and Food
Locked Bag 4
BENTLEY DISTRIBUTION CENTRE WA 6983

or hand deliver to:
Department of Agriculture and Food
3 Baron-Hay Court
SOUTH PERTH WA 6151

YOU WILL BE NOTIFIED IN WRITING THAT YOUR NOTICE OF INTENT HAS BEEN RECEIVED. IF YOU HAVE NOT RECEIVED A RESPONSE WITHIN 14 DAYS OF SENDING YOUR NOTICE, PLEASE TELEPHONE THE COMMISSIONER'S OFFICE ON (08) 9368 3282 TO CHECK PROGRESS.

IMPORTANT: THE 90-DAY NOTICE OF INTENT PERIOD COMMENCES ON THE DAY WHEN A COMPLETE AND VALID NOTICE IS RECEIVED BY THE COMMISSIONER'S OFFICE.

SHANE

SCHEDULE 4

Department of
Agriculture and Food

SOIL AND LAND CONSERVATION REGULATIONS 1992

OFFICE USE ONLY

7/04

NEIGHBOURS COMMENT FORM

This form is to be completed by the two landholders immediately downstream from land that is proposed to be drained or pumped and any other adjoining landholder who may be adversely affected by the proposal. The Commissioner of Soil and Land Conservation will take these comments into account in assessing the proposal.

TO: The Commissioner of Soil and Land Conservation
Department of Agriculture and Food
Locked Bag 4
BENTLEY DELIVERY CENTRE WA 6983

DEAR COMMISSIONER

I/WE* AM/ARE*

(insert full name(s) here)

THE OWNER(S)/OCCUPIER(S)* OF Shane McLean 12612 Biddy Comm RD LAKE KING

(insert location number of your land here)

LOCATED IN THE LOCAL GOVERNMENT DISTRICT OF Lake Grace

(insert local government name here)

I/WE* HAVE BEEN ADVISED BY Colin Penny THAT HE/SHE

(insert name of person proposing to drain here)

PROPOSES TO DRAIN OR PUMP WATER FROM Roe DC 2865 + 2866

(insert location number(s) of land to be drained here)

AND DISCHARGE WATER IN THE MANNER DESCRIBED IN THE PLAN ATTACHED TO HIS/HER* **NOTICE OF INTENTION TO DRAIN** MADE UNDER REGULATION 5 OR 6 OF THE SOIL AND LAND CONSERVATION REGULATIONS 1992.

I/WE* HAVE CONSIDERED THIS PROPOSAL AND PROVIDE THE FOLLOWING RESPONSE:

Tick one

☒ I/WE HAVE NO OBJECTION TO THE PROPOSAL☐ I/WE OBJECT TO THE PROPOSAL

COMMENTS:

YOURS FAITHFULLY

NAME/S Shane McLeanADDRESS 12612 Biddy Comm RDTOWN Lake KingPOSTCODE 6356

SIGNATURE/S

DATE 17-10-18

SCHEDULE 4

Department of
Agriculture and Food

SOIL AND LAND CONSERVATION REGULATIONS 1992

OFFICE USE ONLY

7/04

NEIGHBOURS COMMENT FORM

This form is to be completed by the two landholders immediately downstream from land that is proposed to be drained or pumped and any other adjoining landholder who may be adversely affected by the proposal. The Commissioner of Soil and Land Conservation will take these comments into account in assessing the proposal.

TO: The Commissioner of Soil and Land Conservation
Department of Agriculture and Food
Locked Bag 4
BENTLEY DELIVERY CENTRE WA 6983

DEAR COMMISSIONER

I/WE* VANCE NICHOLLS AM/ARE*
(insert full name(s) here)

THE OWNER(S)/OCCUPIER(S)* OF ROC 2709
(insert location number of your land here)

LOCATED IN THE LOCAL GOVERNMENT DISTRICT OF LAKE GRACE
(insert local government name here)

I/WE* HAVE BEEN ADVISED BY COLIN PENNY / SHANE MCLEAN THAT HE/SHE
(insert name of person proposing to drain here)

PROPOSES TO DRAIN OR PUMP WATER FROM ROC 100 2865 + 2866 + 2864
(insert location number(s) of land to be drained here)

AND DISCHARGE WATER IN THE MANNER DESCRIBED IN THE PLAN ATTACHED TO HIS/HER* NOTICE OF INTENTION TO DRAIN MADE UNDER REGULATION 5 OR 6 OF THE SOIL AND LAND CONSERVATION REGULATIONS 1992.

I/WE* HAVE CONSIDERED THIS PROPOSAL AND PROVIDE THE FOLLOWING RESPONSE:

Tick one

☒ I/WE HAVE NO OBJECTION TO THE PROPOSAL☐ I/WE OBJECT TO THE PROPOSAL

COMMENTS:

YOURS FAITHFULLY

NAME/S VANCE NICHOLLS
ADDRESS 1864 NORSEMAN RD
TOWN LAKE KING. POSTCODE 6356
SIGNATURE/S Vance Nicholls DATE 1-10-18.

RICHARD

SCHEDULE 4

Department of
Agriculture and Food

SOIL AND LAND CONSERVATION REGULATIONS 1992

OFFICE USE ONLY 7/04

NEIGHBOURS COMMENT FORM

This form is to be completed by the two landholders immediately downstream from land that is proposed to be drained or pumped and any other adjoining landholder who may be adversely affected by the proposal. The Commissioner of Soil and Land Conservation will take these comments into account in assessing the proposal.

TO: The Commissioner of Soil and Land Conservation
Department of Agriculture and Food
Locked Bag 4
BENTLEY DELIVERY CENTRE WA 6983

DEAR COMMISSIONER

I/WE* RICHARD METCALF AM/ARE*
(insert full name(s) here)

THE OWNER(S)/OCCUPIER(S)* OF 1624
(insert location number of your land here)

LOCATED IN THE LOCAL GOVERNMENT DISTRICT OF LAKE GRACE
(insert local government name here)

I/WE* HAVE BEEN ADVISED BY COLLIN PENNY + SHANE MCLEAN THAT HE/SHE
(insert name of person proposing to drain here)

PROPOSES TO DRAIN OR PUMP WATER FROM ROE LOC 2865 + 2866 + 2864
(insert location number(s) of land to be drained here)

AND DISCHARGE WATER IN THE MANNER DESCRIBED IN THE PLAN ATTACHED TO HIS/HER* NOTICE OF
INTENTION TO DRAIN MADE UNDER REGULATION 5 OR 6 OF THE SOIL AND LAND CONSERVATION
REGULATIONS 1992.

I/WE* HAVE CONSIDERED THIS PROPOSAL AND PROVIDE THE FOLLOWING RESPONSE:

Tick one

☒ I/WE HAVE NO OBJECTION TO THE PROPOSAL

☐ I/WE OBJECT TO THE PROPOSAL

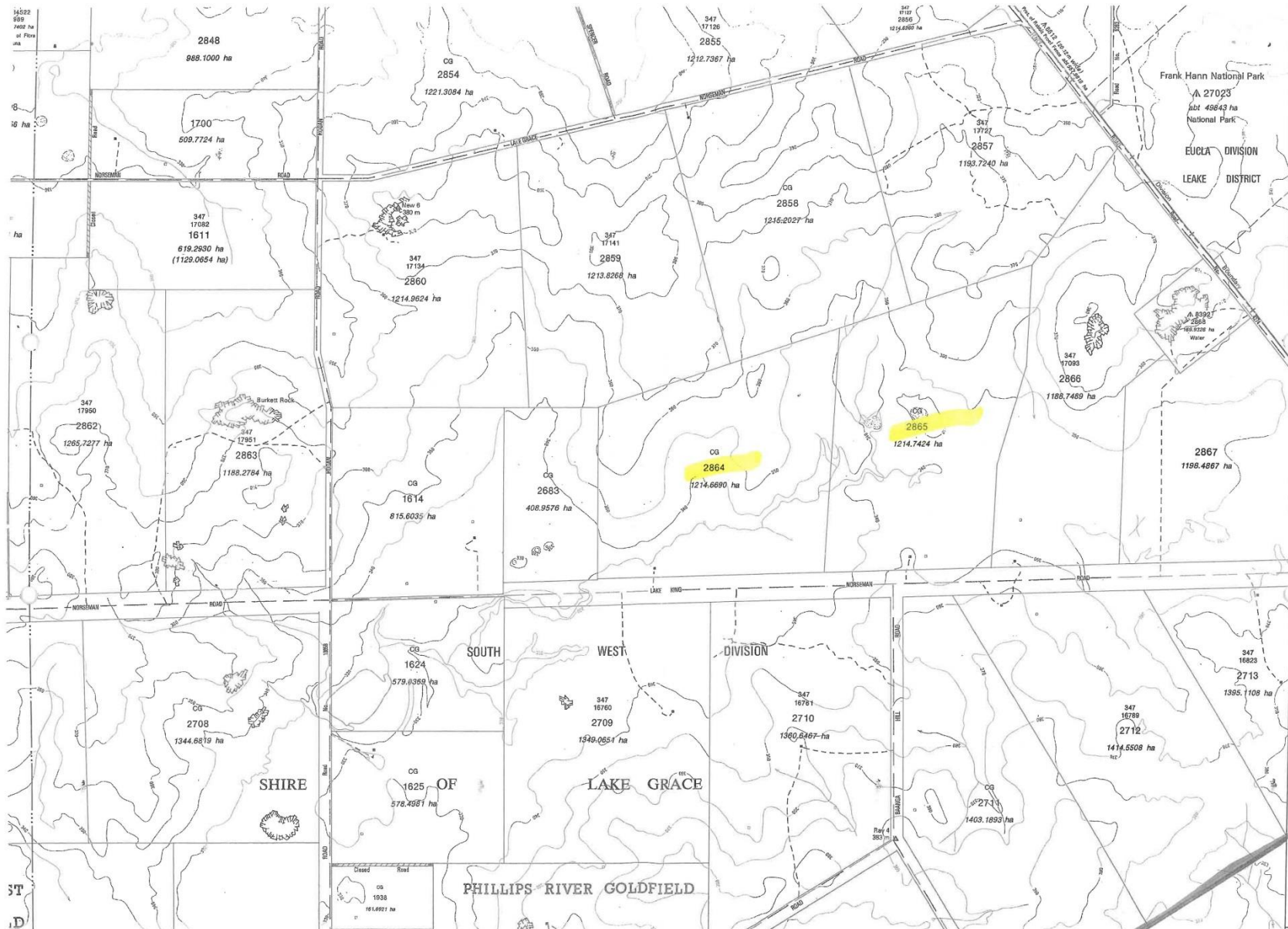
COMMENTS:

YOURS FAITHFULLY

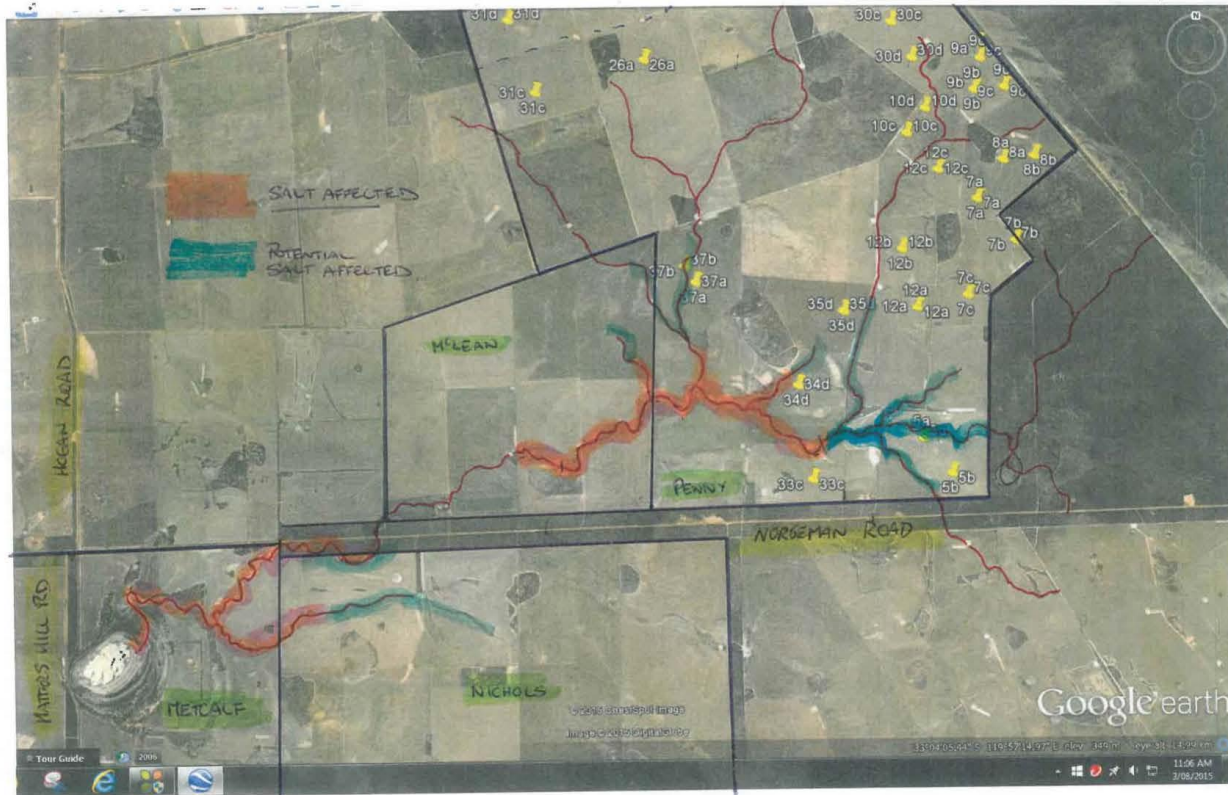
NAME/S AS ABOVEADDRESS TOWN POSTCODE SIGNATURE/S R Metcalf DATE 5/9/17

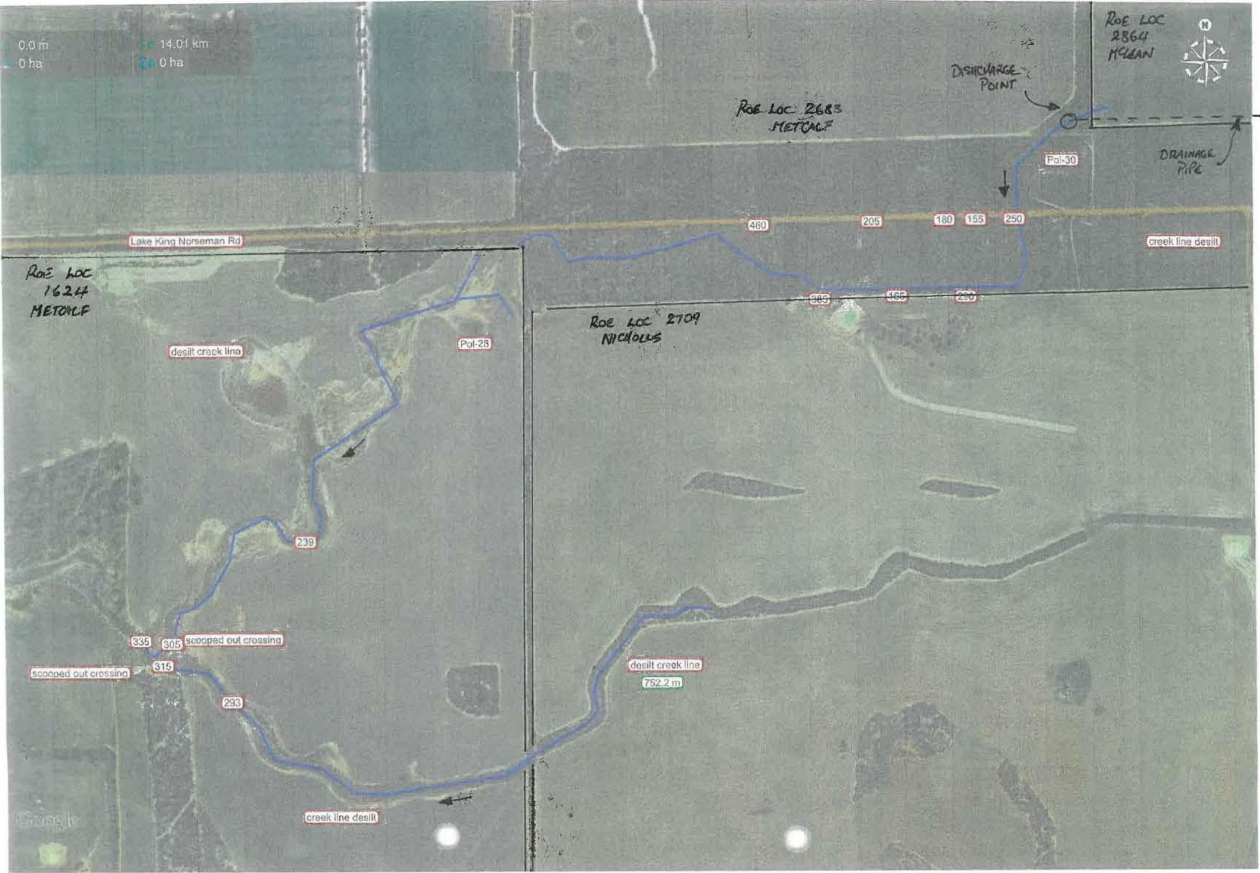
Item 14.1.9

Attachment 2













Department of Water and Environmental Regulation
Department of Mines, Industry Regulation and Safety

Application for a clearing permit (area permit)

Environmental Protection Act 1986, section 51E

FORM C1

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence.

CPS No.

Date stamp

Part 1: Assessment bilateral agreement

The native vegetation clearing processes under Part V of the *Environmental Protection Act 1986* (WA) (EP Act) have been accredited by the Commonwealth of Australia under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) and can be assessed under an assessment bilateral agreement.

To be assessed in this manner, the proposed clearing action must be referred to the Commonwealth under the EPBC Act and deemed a 'controlled action' prior to submitting this application form.

For further information see *Form Annex C7* and *A guide to native vegetation clearing processes under the assessment bilateral agreement* available at www.der.wa.gov.au/our-work/clearing-permits.

Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process such as the assessment bilateral agreement?

☐ Yes EPBC Number

☒ No Proceed to Part 2

List the controlling provisions identified in the notification of the controlled action decision.

☐ Form Annex C7 is complete and the required supporting information is attached.

Part 2: Land details

The location of the land where clearing is proposed must be accurately described.

Land description: volume and folio number, lot or location number(s), Crown lease or reserve number, pastoral lease number, or mining tenement number of all properties.

ROAD RESERVE ALONG LAKE KING NORSEMAN ROAD APPROX 2.78 KM TO
4.24 KM EAST OF HOGAN ROAD JUNCTION
ADJACENT TO PROPERTIES ROE LOC 2709 AND 2683

FILE REFERENCE

Street address

1740 LAKE KING NORSEMAN ROAD LAKE KING

Local government area

LAKE GRACE SHIRE

Land zoning, e.g. rural, residential, industrial

ROAD RESERVE

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 3: Applicant details	
Applicant details	
If granted, the permit will be granted in the name(s) of (all) landowner(s). Include the Australian Company Number (ACN) if the proposed permit holder is a body corporate or other entity formed at law.	Are you applying as an individual, a company or incorporated body? Enter details for one only. An individual ☒ Title ☒ Mr ☐ Mrs ☐ Ms ☐ Other Name/s <u>Colin Penny</u> OR A body corporate or other entity formed at law (include ACN)
Applicant contact details	
If applying as a company or incorporated body, please also supply the registered business office address. All written correspondence from the Department of Water and Environmental Regulation (DWER) or Department of Mines, Industry Regulation and Safety (DMIRS) regarding your application will be made via email. You must provide a valid email address, through which you agree to accept all electronic correspondence. The postal/business address supplied must be a physical address to which a statutory notice under the EP Act may be delivered.¹	Provide contact details for the above individual or body corporate. Contact person and position (if applicable) <u>Colin Penny</u>
	Company name (if applicable) <u>LOS Penny</u>
	Postal / business address <u>P.O. Box 33 LAKE KING 6356</u>
	Phone (fixed line) <u>98330048</u> Phone (mobile) <u>0427330048</u>
	Email address <u>WARRARA@BORDERNET.COM.AU</u>
Relationship to landowner	
To apply for a permit you must either be: - the landowner; - acting on the landowner's behalf; - or - likely to become the landowner.	"I am..." (mark the applicable box) ☒ the owner of the land.
	☒ acting on behalf of the owner and have attached an agent's authority, expressly authorising me to act on behalf of the landowner. [Attach a copy of the authorisation.]
	☐ likely to become the owner of the land. (If granted, the clearing permit will only be issued once the applicant becomes the land owner). [Attach evidence of the pending transfer of ownership, contract of sale ('offer and acceptance'), or letter from current landowner.]

¹ The provision of a postal/business address is required as any statutory notices or directions under the relevant legislation are required to be served by post or personally [sections 75 and 76 Interpretation Act 1984 (WA)].

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 3: Applicant details	
Ownership of land	
A landowner can be: • a person who holds the certificate of title; • a person who is the lessee of Crown land; - or • a public authority that is responsible for care of the land.	Form of ownership: ☐ Certificate of title. [Attach a copy of the certificate and all associated encumbrances with the application – available from Landgate] ☐ Pastoral lease. [Attach a copy of the lease and all associated encumbrances] ☐ Mining lease. ☐ Public authority that has care, control, or management of the land. ☐ Other form of lease, land tenure, or specific arrangement. Please state:
Contact details for enquiries	
If different from the applicant's contact details, enter the contact details of a person with whom DWER or DMIRS should liaise with concerning this clearing application.	Where contact details differ to those of the applicant, complete the below section: Contact person (and position, if applicable) Company name (if applicable) Postal / business address Phone (fixed line) Phone (mobile) Email address

Part 4: Proposed clearing	
An aerial photograph or map with a north arrow must be attached, clearly marking the area proposed to be cleared or if you have the facilities, a digital map on a suitable portable digital storage device of the area to clear as an ESRI shapefile with the following properties: Geometry type: Polygon shape Coordinate system: GDA 1994 (Geographic latitude/longitude) Datum: GDA 1994 (Geocentric Datum of Australia 1994). An ESRI shapefile must be provided if the application requires an assessment under an EPBC Act accredited process.	Total area of clearing proposed (hectares) APPROX 1.7 HEC ALONG ROAD RESERVE and/or number of individual trees to be removed NIL LOW MAURE SCRUB HEIGHT? Proposed method of clearing EXCAVATOR Period within which clearing is proposed to be undertaken, e.g. May 2018 – June 2018 From FEB 2018 to APRIL 2018 Purpose of clearing DESILT CREEK LINE THROUGH ROAD RESERVE Final land use: DESILT CREEK LINE THROUGH APPROX 1.7KM OF ROAD RESERVE TO FACILITATE UPPER CATCHMENT DRAINAGE

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 4: Proposed clearing	
You must provide evidence that avoidance and mitigation options have been pursued to eliminate, reduce, or otherwise mitigate the need for, and scale of, the proposed clearing of native vegetation.	Have alternatives that would avoid or minimise the need for clearing been considered and applied? ☐ Yes ☒ No
	If yes, provide details:
Refer to DWER's Clearing of native vegetation offsets procedure guideline available on the DWER website, and the Environmental Protection Authority's (EPA) WA Environmental Offsets Policy and Guidelines on the EPA website for further information.	Do you want to submit a clearing permit offset proposal with your application? ☐ Yes ☒ No
	If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i> .
Part 5: Other DWER approvals	
INSTRUCTIONS: - If your application is to be submitted to DMIRS, complete Section A and then skip to Part 6 of this form. - If your application is to be submitted to DWER, complete Section A and B.	
Section A: Environmental Impact Assessment	
Environmental Impact Assessment (Part IV of the EP Act)	
Has this clearing application or any related matter been referred to the Environmental Protection Authority?	☐ Yes – provide details [] ☒ No
Do you intend to refer the proposal to the Environmental Protection Authority?	☐ Yes – intend to refer (proposal is a 'significant proposal') ☐ Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement): MS [] ☐ No – a current valid Ministerial Statement applies: MS [] ☐ No – not a 'significant proposal'
Section 37B(1) of the EP Act defines a 'significant proposal' as "a proposal likely, if implemented, to have a significant effect on the environment". If a decision-making authority (e.g. DWER or DMIRS) considers that the proposal in this application is likely to constitute a 'significant proposal', they are required under section 38(5) of the EP Act to refer the proposal to the EPA for assessment under Part IV, if such a referral has not already been made. If a relevant Ministerial Statement already exists, please provide the MS number in the space provided.	
Section B: Other approvals	
Pre-application scoping	
Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?	☒ No ☐ Yes – provide details: []
Works Approval / Licence / Registration (Part V Division 3 of the EP Act)	
Have you applied or do you intend to apply for a works approval, licence, registration, or an amendment to any of the above, under Part V Division 3 of the EP Act?	☐ Yes – application reference (if known): [] ☐ No – a valid works approval applies: [] ☐ No – a valid licence applies: [] ☐ No – a valid registration applies: [] ☒ No – not required
It is an offence to perform any action that would cause a premises to become a prescribed premises of a type listed in Schedule 1 of the <i>Environmental Protection Regulations 1987</i>, unless that action is done in accordance with a works approval, licence, or registration. For further guidance, refer to Guidance Statement: Decision Making (February 2017).	

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 5: Other DWER approvals	
Water Licences and Permits (<i>Rights in Water and Irrigation Act 1914</i>)	
Have you applied or do you intend to apply for:	☒ Yes – application reference (if known): []
1. a licence or amendment to a licence to take water (surface water or groundwater); or	☐ No – a current valid licence applies: []
2. a licence or amendment to a licence to construct wells (including bores and soaks); or	☐ N/A
3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?	
Part 6: Index of Biodiversity Surveys for Assessments (IBSA)	
Biodiversity surveys submitted to support this application must meet the requirements of the EPA's Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA) (April 2018). If these requirements are not met, DWER / DMIRS may decline to deal with the application.	☐ All biodiversity surveys submitted with this application meet the requirements of the EPA's <i>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</i> .
Part 7: Prescribed fee	
Make cheques or money orders payable to: Department of Water and Environmental Regulation for all clearing purposes other than mineral and petroleum activities or Department of Mines, Industry Regulation and Safety for mineral and petroleum clearing activities under the <i>Mining Act 1978</i>, various Petroleum Acts, or State Agreement Acts. For credit card payments to: - DWER, pay via BPoint, accessible online at: https://dwer.wa.gov.au/make-a-payment - DMIRS, complete <i>Form C3</i> and attach it to this form. Do not send cash in the mail.	Please indicate the clearing permit application fee that you are paying: ☐ \$50 for an area of less than one hectare ☒ \$100 for an area between one hectare and 10 hectares ☐ \$200 for an area of more than 10 hectares Payment method (mark the applicable box): ☒ Cheque / Money Order (DWER) Secure EFT payment ☐ (see https://dwer.wa.gov.au/make-a-payment for payment details) ☐ (DWER) Secure credit card payment through BPoint Receipt number: Date of payment: ☐ (DMIRS) Credit card – complete and attach <i>Form C3</i>

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 8: Application checklist	
Additional information to assist in the assessment of your proposal may be attached to this application – e.g. reports on salinity, fauna or flora studies or other environmental reports conducted for the site could be included in electronic format and submitted on suitable portable digital storage device.	Please ensure you have included the following as part of your application:
	REQUIRED
	☐ Payment.
	☐ An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile.
	☐ Copy of the certificate of title or pastoral lease.
	☐ An index of all documentation attached to this application.
	AS REQUIRED
	☐ Copy of written authority to act on behalf of the landowner.
	☐ Evidence of the pending transfer of land ownership, such as the offer and acceptance, or written notice from the current landowner.
	☐ <i>Form C3 – Credit card payment for DMIRS clearing applications</i> , if the fee is to be paid to DMIRS by credit card.
☐ <i>Form Annex C7 – Assessment bilateral agreement</i> , if the clearing is also to be assessed under an EPBC Act accredited process.	
☐ Appendix A of the <i>Clearing of native vegetation offsets procedure</i> guideline, if the application includes a proposal for clearing permit offsets.	
ADDITIONAL SUPPORTING INFORMATION	
☐ Photos of the application area.	
☐ Biodiversity surveys, submitted in accordance with the requirements of the EPA's <i>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</i> .	

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 9: Submission of application**Confidential or commercially sensitive information**

Information submitted as part of this application will be made publicly available. If you wish to submit information that you believe to be commercially sensitive or otherwise confidential, then you should submit that information in an appendix to this application (Attachment 1), with a written statement of reasons why you request that each item of information be kept confidential.

DWER and DMIRS will take reasonable steps to protect confidential or commercially sensitive information. Please note in particular that all submitted information may be the subject of an application for release under the *Freedom of Information Act 1992* (WA).

If you have any enquiries regarding the provision of relevant information as part of this application contact either DWER or DMIRS, on the details below.

Files that are greater than 10MB in size cannot be received via email by DWER. Files larger than 45MB cannot be received via email by DMIRS. These large files can be sent via File Transfer. Alternatively, email DWER or DMIRS (as applicable) and you will be provided with a link to submit these files.

All information which you would propose to be exempt from public disclosure has been separately placed in **Attachment 1** (located at the end of this form). Grounds for claiming exemption in accordance with Schedule 1 to the *Freedom of Information Act 1992* must be specified. ☐

A signed, electronic copy of the application form, including all attachments, has been submitted via the appropriate email address specified below. ☐

A signed, electronic copy of the application form has been submitted via the appropriate email address specified below, and attachments have been submitted via File Transfer, or via the link supplied by the relevant Department. ☐

A full, signed hard copy has been sent to the appropriate postal address specified below. ☐

Email or post applications for all clearing purposes (other than mining and petroleum activities) to:

Email: info@dwer.wa.gov.au

Department of Water and Environmental Regulation
Locked Bag 33
CLOISTERS SQUARE
PERTH WA 6850

Telephone: 6364 7000

For more information: www.dwer.wa.gov.au

Email or post applications related to mining and petroleum clearing activities (under delegation) to:

Email: nvab@dmirs.wa.gov.au

Department of Mines, Industry Regulation and Safety
Resource and Environmental Compliance Division
Mineral House
100 Plain St
EAST PERTH WA 6004

Telephone: 9222 3333

For more information: www.dmirs.wa.gov.au

Please retain a copy of this form for your records.

Incomplete applications will be declined in accordance with section 51E(3) of the *Environmental Protection Act 1986*.

If there is insufficient space on any part of this form, please continue on a separate sheet of paper and attach to this form

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 10: Declaration and signature

General

I/We confirm and acknowledge that:

- the information contained in this application is true and correct and I/we acknowledge that knowingly providing information which is false or misleading in a material particular constitutes an offence under section 112 of the *Environmental Protection Act 1986* (WA) and may incur a penalty of up to \$50,000;
- I/We have legal authority to sign on behalf of the applicant (where authorisation provided);
- I/We have not altered the requirements and instructions set out in this application form;
- I/We have provided a valid email address in Part 3 for receipt of all written correspondence from DWER or DMIRS (as applicable) in relation to this application. I/We acknowledge that successful delivery to my/our server constitutes receipt of correspondence for the purposes of the *Environmental Protection Act 1986* (WA); and
- I/We have provided a valid postal and /or business address in Part 3 for the service of all statutory notices under the relevant legislation.

Publication

I/We confirm and acknowledge:

- this application (including all attachments, apart from the sections identified in Attachment 1) is a public document and may be published;
- biodiversity surveys provided in accordance with Part 6 will be published and used, for the purposes of the IBSA project, in accordance with your declaration made in the *Metadata and Licensing Statement*;
- all necessary consents for the publication of information have been obtained from third parties;
- information considered exempt from public disclosure has been placed in Attachment 1 with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the *Freedom of Information Act 1992* (WA);
- subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to the Department by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and
- the decision to not publish information will be at the discretion of the CEO of the Department and will be made consistently with the provisions of the *Freedom of Information Act 1992* (WA).

Please indicate if you are signing as an individual or a company:



An individual. If an individual landowner is applying, all landowners must sign this form.



A company.

Company name:

ACN:



A person expressly authorised or authorised to execute on behalf of a body corporate must sign this form. A company must be a legal entity and provide an ACN. Please note an Australian Business Number is not sufficient.



Other entity formed at law.

Provide details:

Signature

COLLIN PENNY

Name

LAND OWNER ROE LOC 2865 2866

Position

Date

13.11.18

Signature

Shane McLean

Name

LAND OWNER ROE LOC 2864

Position

Date

13.11.18

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 10: Declaration and signature

General

I/We confirm and acknowledge that:

- the information contained in this application is true and correct and I/we acknowledge that knowingly providing information which is false or misleading in a material particular constitutes an offence under section 112 of the *Environmental Protection Act 1986* (WA) and may incur a penalty of up to \$50,000;
- I/We have legal authority to sign on behalf of the applicant (where authorisation provided);
- I/We have not altered the requirements and instructions set out in this application form;
- I/We have provided a valid email address in Part 3 for receipt of all written correspondence from DWER or DMIRS (as applicable) in relation to this application. I/We acknowledge that successful delivery to my/our server constitutes receipt of correspondence for the purposes of the *Environmental Protection Act 1986* (WA); and
- I/We have provided a valid postal and /or business address in Part 3 for the service of all statutory notices under the relevant legislation.

Publication

I/We confirm and acknowledge:

- this application (including all attachments, apart from the sections identified in Attachment 1) is a public document and may be published;
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- all necessary consents for the publication of information have been obtained from third parties;
- information considered exempt from public disclosure has been placed in Attachment 1 with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the *Freedom of Information Act 1992* (WA);
- subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to the Department by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and
- the decision to not publish information will be at the discretion of the CEO of the Department and will be made consistently with the provisions of the *Freedom of Information Act 1992* (WA).

Please indicate if you are signing as an individual or a company:

☐ An individual. If an individual landowner is applying, all landowners must sign this form.

☐ A company. Company name: _____ ACN: _____
☐ A person expressly authorised or authorised to execute on behalf of a body corporate must sign this form. A company must be a legal entity and provide an ACN. Please note an Australian Business Number is not sufficient.

☐ Other entity formed at law. Provide details: _____

VANCE

Vance Nicholls
Signature

13-11-18
Date

VANCE NICHOLLS
Name

ROE LOC 2709 LAND OWNER
Position

DICK

Richard Metcalf
Signature

13-11-18
Date

Richard Metcalf
Name

PROPERTY OWNER OF ROE LOC 2633 + 1624
Position

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

ATTACHMENT 1 – Confidential or commercially sensitive information**Request for exemption from publication**

Information which you consider should not be published, on the grounds of a relevant exemption found in Schedule 1 to the *Freedom of Information Act 1992* (WA), must be specified in this Attachment.

NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED

Specify section:

Ground for claiming exemption:

Specify section:

Ground for claiming exemption:



Department of Water and Environmental Regulation
Department of Mines, Industry Regulation and Safety

Application for a clearing permit (purpose permit)

Environmental Protection Act 1986, section 51E

FORM C2

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence.

CPS No.

Date stamp

Part 1: Assessment bilateral agreement

The native vegetation clearing processes under Part V of the *Environmental Protection Act 1986* (WA) (EP Act) have been accredited by the Commonwealth of Australia under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) and can be assessed under an assessment bilateral agreement.

To be assessed in this manner, the proposed clearing action must be referred to the Commonwealth under the EPBC Act and deemed a 'controlled action' prior to submitting this application form.

For further information see *Form Annex C7* and *A guide to native vegetation clearing processes under the assessment bilateral agreement* available at www.der.wa.gov.au/our-work/clearing-permits.

Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process such as the assessment bilateral agreement?

☐ Yes EPBC Number:

☒ No Proceed to Part 2

List the controlling provisions identified in the notification of the controlled action decision.

☐ *Form Annex C7* is complete and the required supporting information is attached.

Part 2: Land details

The location of the land where clearing is proposed must be accurately described.

Land description: volume and folio number, lot or location number(s), Crown lease or reserve number, pastoral lease number or mining tenement number of all properties.
ROAD RESERVE ALONG LAKE KING NORSEMAN RD APPROXIMATELY
2.78 KM TO 4.24 KM EAST OF HOGAN ROAD JUNCTION
ADJACENT TO PROPERTIES ROE LOC 2709 AND ROE LOC 2633

FILE REFERENCE

Street address

1740 LAKE KING NORSEMAN RD LAKE KING 6356

Local government area

LAKE GRACE SHIRE

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 3: Applicant details	
Applicant details	
Note: if granted, the applicant will be considered the holder of the permit. Include the Australian Company Number (ACN) if the proposed permit holder is a body corporate or other entity formed at law.	Are you applying as an individual, a company or an incorporated body? Enter details for one only. An individual ☒ Title ☒ Mr ☐ Mrs ☐ Ms ☐ Other: Name(s) <u>COLLIN PENNY</u> OR A body corporate or other entity formed at law (include ACN) "I am..." (mark applicable box or boxes) ☒ the owner of the land. ☒ acting on behalf of the owner and have attached an agent's authority, expressly authorising me to act on behalf of the landowner. [Attach a copy of the authorisation] ☐ likely to become the owner of the land. [Attach evidence of the pending transfer of ownership, contract of sale ('offer and acceptance') or letter from current landowner.] ☒ the person doing the clearing. ☐ the person on whose behalf the clearing is being done.
Applicant contact details	
If applying as a company or incorporated body, please also supply the registered business office address. All written correspondence from the Department of Water and Environmental Regulation (DWER) or Department of Mines, Industry Regulation and Safety (DMIRS) regarding your application will be made via email. You must provide a valid email address through which you agree to accept all electronic correspondence. The postal/business address supplied must be a physical address to which a statutory notice under the EP Act may be delivered.¹	Provide contact details for the above individual or body corporate. Contact person (and position, if applicable) <u>COLLIN PENNY</u> Company name (if applicable) <u>C & S PENNY</u> Postal / business address <u>2483 LAKE KING NORSEMAN ROAD</u> <u>LAKE KING 6356</u> Phone (fixed line) <u>98380048</u> Phone (mobile) <u>0427380048</u> Email address <u>WARAWARA@BORDERNET.COM.AU</u>

¹ The provision of a postal/business address is required as any statutory notices or directions under the relevant legislation are required to be served by post or personally [sections 75 and 76 Interpretation Act 1984 (WA)].

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 3: Applicant details (continued)		
Authority to access land		
To apply for a permit you must be the landowner, or have the authority of the landowner to access the land and undertake the clearing. Evidence of authority can include, for example, a copy of the certificate of title or a letter of authority from the landowner. Note: the letter of authority must explicitly state the applicant has authority to clear on the land.	State the nature of the applicant's authority to access the land to be cleared. [Attach evidence of authority]	
Landowner's ownership of land		
A landowner can be: • a person who holds the certificate of title; • a person who is the lessee of Crown land; or • a public authority that is responsible for care of the land.	The landowner's form of ownership is: ☐ Certificate of title [Attach a copy of the certificate and all associated encumbrances with the application – available from Landgate].	
	☐ Pastoral lease [Attach a copy of the lease and all associated encumbrances].	
	☐ Mining lease.	
	☒ Public authority that has care, control or management of the land.	
	☐ Other form of lease, land tenure or specific arrangement. Please state:	
Contact details for enquiries		
If different from the applicant's contact details, enter the contact details of a person with whom DWER or DMIRS should liaise with concerning this clearing application.	Where contact details differ to those of the applicant, complete the below section:	
	Contact person (and position, if applicable)	
	Company name (if applicable)	
	Postal / business address	
	Phone (fixed line)	Phone (mobile)
Email address		

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 4: Proposed clearing	
An aerial photograph and/or map with a north arrow must be attached, clearly marking the area proposed to be cleared or if you have the facilities, a digital map on a suitable portable digital storage device of the area to clear as an ESRI shapefile with the following properties: Geometry type: Polygon shape Coordinate system: GDA 1994 (Geographic latitude/longitude) Datum: GDA 1994 (Geocentric Datum of Australia 1994). An ESRI shapefile must be provided if the application requires an assessment under an EPBC Act accredited process.	Total area of clearing proposed (hectares) <i>APPROX 1.7 HEC THROUGH ROAD RESERVE</i> and/or number of individual trees to be removed <i>NIL LOW HAWK SCRUB.</i>
	Proposed method of clearing: EXCAVATOR
	Purpose of clearing: DESILT CREEK LINE THROUGH ROAD RESERVE + ROE LOC
	Period within which clearing is proposed to be undertaken, e.g. May 2018 – June 2018 from FEB 2018 to APRIL 2018
	Final land use: DESILT CREEK LINE THROUGH APPROX 1.7 KM OF ROAD RESERVE TO FACILITATE UPPER CATCHMENT DRAINAGE
You must provide evidence that avoidance and mitigation options have been pursued to eliminate, reduce or otherwise mitigate the need for, and scale of, the proposed clearing of native vegetation.	Have alternatives that would avoid or minimise the need for clearing been considered and applied? ☐ Yes ☒ No
	If yes, provide details:
Refer to DWER's Clearing of native vegetation offsets procedure guideline available on the DWER website, and the Environmental Protection Authority's (EPA) WA Environmental Offsets Policy and Guidelines on the EPA website for further information.	Do you want to submit a clearing permit offset proposal with your application? ☐ Yes ☒ No
	If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i>.

1624/
2709

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 5: Other DWER approvals	
Instructions: - If your application is to be submitted to DMIRS, complete Section A and then skip to Part 6 of this form. - If your application is to be submitted to DWER, complete Section A and B.	
Section A: Environmental Impact Assessment	
Environmental Impact Assessment (Part IV of the EP Act)	
Has this clearing application or any related matter been referred to the Environmental Protection Authority?	☐ Yes – provide details [] ☒ No
Do you intend to refer the proposal to the Environmental Protection Authority? Section 37B(1) of the EP Act defines a 'significant proposal' as "a proposal likely, if implemented, to have a significant effect on the environment". If a decision-making authority (e.g. DWER or DMIRS) considers that the proposal in this application is likely to constitute a 'significant proposal', they are required under section 38(5) of the EP Act to refer the proposal to the EPA for assessment under Part IV, if such a referral has not already been made. If a relevant Ministerial Statement already exists, please provide the MS number in the space provided.	☐ Yes – intend to refer (proposal is a 'significant proposal') ☐ Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement) MS [] ☐ No – a current valid Ministerial Statement applies: MS [] ☒ No – not a 'significant proposal'
Section B: Other approvals	
Pre-application scoping	
Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?	☒ No ☐ Yes – provide details: []
Works Approval / Licence / Registration (Part V Division 3 of the EP Act)	
Have you applied or do you intend to apply for a works approval, licence, registration, or an amendment to any of the above, under Part V Division 3 of the EP Act? It is an offence to perform any action that would cause a premises to become a prescribed premises of a type listed in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> , unless that action is done in accordance with a works approval, licence, or registration. For further guidance, please refer to the Guidance Statement: Decision Making (February 2017).	☐ Yes – application reference (if known): [] ☐ No – a valid works approval applies: [] ☐ No – a valid licence applies: [] ☐ No – a valid registration applies: [] ☒ No – not required
Water Licences and Permits (Rights in Water and Irrigation Act 1914)	
Have you applied or do you intend to apply for: 1. a licence or amendment to a licence to take water (surface water or groundwater); or 2. a licence or amendment to a licence to construct wells (including bores and soaks); or 3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?	☒ Yes – application reference (if known): [1817886V1] ☐ No – a current valid licence applies: [] ☐ N/A
Part 6: Index of Biodiversity Surveys for Assessments (IBSA)	

PLEASE SEE DOCUMENTATION

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 6: Index of Biodiversity Surveys for Assessments (IBSA)

Biodiversity surveys submitted to support this application must meet the requirements of the EPA's [Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments \(IBSA\)](#) (April 2018). If these requirements are not met, DWER / DMIRS may decline to deal with the application.



All biodiversity surveys submitted with this application meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*.

Part 7: Prescribed fee

Make cheques or money orders payable to:

Department of Water and Environmental Regulation for all clearing purposes other than mining and petroleum activities

or
Department of Mines, Industry Regulation and Safety for mineral and petroleum clearing activities under the *Mining Act 1978*, various Petroleum Acts, or State Agreement Acts.

For credit card payments to:

- DWER, pay via BPoint, accessible online at: <https://dwer.wa.gov.au/make-a-payment>
- DMIRS, complete *Form C3* and attach it to this form.

Do not send cash in the mail.

Please indicate the clearing permit application fee that you are paying:



\$200 for a purpose permit

Payment method (tick applicable box):



Cheque / Money Order



(DWER) Secure EFT payment

(see <https://dwer.wa.gov.au/make-a-payment> for payment details)



(DWER) Secure credit card payment through BPoint

Receipt number:

Date of payment:



(DMIRS) Credit card – complete and attach *Form C3*

OFFICE USE ONLY

Part 8: Application checklist

Additional information to assist in the assessment of your proposal may be attached to this application – e.g. reports on salinity, fauna or flora studies or other environmental reports conducted for the site could be included in electronic format and submitted on suitable portable digital storage device.

Please ensure you have included the following as part of your application:

REQUIRED



Payment.



An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile.



Copy of the certificate of title or pastoral lease.



An index of all documentation attached to this application.

AS REQUIRED



Copy of written authority to act on behalf of the landowner.



Written authority from the landowner to access the land and conduct the clearing.



Evidence of the pending transfer of land ownership, such as the offer and acceptance letter, or written notice from the current landowner.



Form C3 – Credit card payment for DMIRS clearing applications, if the fee is to be paid to DMIRS by credit card.



Form Annex C7 – Assessment bilateral agreement, if the clearing is also to be assessed under an EPBC Act accredited process.



Appendix A of the *Clearing of native vegetation offsets procedure* guideline if the application includes a proposal for clearing permit offsets.

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 10: Declaration and signature

General

I/We confirm and acknowledge that:

- the information contained in this application is true and correct and I/we acknowledge that knowingly providing information which is false or misleading in a material particular constitutes an offence under section 112 of the *Environmental Protection Act 1986* (WA) and may incur a penalty of up to \$50,000;
- I/We have legal authority to sign on behalf of the applicant (where authorisation provided);
- I/We have not altered the requirements and instructions set out in this application form;
- I/We have provided a valid email address in Part 3 for receipt of all written correspondence from DWER or DMIRS (as applicable) in relation to this application. I/We acknowledge that successful delivery to my/our server constitutes receipt of correspondence for the purposes of the *Environmental Protection Act 1986* (WA); and
- I/We have provided a valid postal and /or business address in Part 3 for the service of all statutory notices under the relevant legislation.

Publication

I/We confirm and acknowledge:

- this application (including all attachments, apart from the sections identified in Attachment 1) is a public document and may be published;
- biodiversity surveys provided in accordance with Part 6 will be published and used, for the purposes of the IBSA project, in accordance with your declaration made in the *Metadata and Licensing Statement*;
- all necessary consents for the publication of information have been obtained from third parties;
- information considered exempt from public disclosure has been placed in Attachment 1 with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the *Freedom of Information Act 1992* (WA);
- subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to the Department by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and
- the decision to not publish information will be at the discretion of the CEO of the Department and will be made consistently with the provisions of the *Freedom of Information Act 1992* (WA).

Please indicate if you are signing as an individual or a company:



An individual. If an individual landowner is applying, all landowners must sign this form.



A company.

Company name:

ACN:

A person expressly authorised or authorised to execute on behalf of a body corporate must sign this form. A company must be a legal entity and provide an ACN. Please note an Australian Business Number is not sufficient.



Other entity formed at law.

Provide details:

Signature

Date

COLLIN PENNY

Name

LAND OWNER ROE LOC 2865

Position

Signature

Date

Shane McLean

Name

LAND OWNER ROE LOC 2864

Position

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 10: Declaration and signature

General

I/We confirm and acknowledge that:

- the information contained in this application is true and correct and I/we acknowledge that knowingly providing information which is false or misleading in a material particular constitutes an offence under section 112 of the *Environmental Protection Act 1986* (WA) and may incur a penalty of up to \$50,000;
- I/We have legal authority to sign on behalf of the applicant (where authorisation provided);
- I/We have not altered the requirements and instructions set out in this application form;
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- the decision to not publish information will be at the discretion of the CEO of the Department and will be made consistently with the provisions of the *Freedom of Information Act 1992* (WA).

Please indicate if you are signing as an individual or a company:

☐ An individual. If an individual landowner is applying, all landowners must sign this form.

☐ A company. Company name: ACN:

☐ A person expressly authorised or authorised to execute on behalf of a body corporate must sign this form. A company must be a legal entity and provide an ACN. Please note an Australian Business Number is not sufficient.

☐ Other entity formed at law. Provide details:

VANCE

Vance Nicholls
Signature

13-11-18
Date

VANCE NICHOLLS
Name

ROE LOC 2709 LAND OWNER.
Position

DICK

Rm metcalf.
Signature

13-11-18
Date

Richard metcalf
Name

PROPERTY OWNER OF ROE LOC 2683 + 1624
Position

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

Part 8: Application checklist	
ADDITIONAL SUPPORTING INFORMATION	☐ Photos of application area.
	☐ Biodiversity surveys, submitted in accordance with the requirements of the EPA's <i>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</i> .
Part 9: Submission of application	
Confidential or commercially sensitive information Information submitted as part of this application will be made publicly available. If you wish to submit information that you believe to be commercially sensitive or otherwise confidential, then you should submit that information in an appendix to this application (Attachment 1), with a written statement of reasons why you request that each item of information be kept confidential. DWER and DMIRS will take reasonable steps to protect confidential or commercially sensitive information. Please note in particular that all submitted information may be the subject of an application for release under the <i>Freedom of Information Act 1992</i> (WA). If you have any enquiries regarding the provision of relevant information as part of this application contact either DWER or DMIRS, on the details below. Files that are greater than 10MB in size cannot be received via email by DWER. Files larger than 45MB cannot be received via email by DMIRS. These large files can be sent via File Transfer. Alternatively, email DWER or DMIRS (as applicable) and you will be provided with a link to submit these files.	
All information which you would propose to be exempt from public disclosure has been separately placed in Attachment 1 (located at the end of this form). Grounds for claiming exemption in accordance with Schedule 1 to the <i>Freedom of Information Act 1992</i> must be specified.	
A signed, electronic copy of the application form, including all attachments, has been submitted via the appropriate email address specified below.	
A signed, electronic copy of the application form has been submitted via the appropriate email address specified below, and attachments have been submitted via File Transfer, or via the link supplied by the relevant Department.	
A full, signed hard copy has been sent to the appropriate postal address specified below.	
Email or post applications for all clearing purposes (other than mining and petroleum activities) to: Email: info@dwer.wa.gov.au Department of Water and Environmental Regulation Locked Bag 33 CLOISTERS SQUARE PERTH WA 6850 Telephone: 6364 7000 For more information: www.dwer.wa.gov.au	Email or post applications related to mining and petroleum clearing activities (under delegation) to: Email: nvab@dmirs.wa.gov.au Department of Mines, Industry Regulation and Safety Resource and Environmental Compliance Division Mineral House 100 Plain St EAST PERTH WA 6004 Telephone: 9222 3333 For more information: www.dmirs.wa.gov.au
Please retain a copy of this form for your records. Incomplete applications will be declined in accordance with section 51E(3) of the <i>Environmental Protection Act 1986</i>. If there is insufficient space on any part of this form, please continue on a separate sheet of paper and attach to this form	

ATTACHMENT 1 – Confidential or Commercially Sensitive Information

Request for exemption from publication	
Information which you consider should not be published, on the grounds of a relevant exemption found in Schedule 1 to the <i>Freedom of Information Act 1992</i> (WA), must be specified in this Attachment.	
NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED	
Specify section:	Ground for claiming exemption:
Specify section:	Ground for claiming exemption:

John Dyer

From: warawara@bordnet.com.au
Sent: Thursday, 29 November 2018 9:41 AM
To: John Dyer
Subject: Authority to clear
Attachments: IMG_20181129_0001.pdf; clearing permit (2).docx

Hi John,

As per phone call

Could the shire please supply a letter of authority to myself, I being the applicant wishing to obtain a clearing permit to desilt a creek line through the road reserve on the Lake King Norseman road.

Please see attached.

Covering letter to Department of Water and Environmental regulation, I have made mention of road being water logged? if you can review this and let me know if you're happy for me to forward this on the Department of WER

Copy of application form. Authority to access land section

Kind Regards
Collin Penny

A clearing permit is being applied for to desilt a natural creek line so as to assist the movement of surface water through a section of road reserve on the Lake King Norseman road.

Rising ground water and subsequent waterlogging in the upper catchment area has resulted in a substantial loss of cropping country, having consulted with a DPIRD hydrologist it was decided that a levied deep drain, constructed adjacent to the natural water course would assist in draining the sub surface water on these properties, it would of course, be then beneficial for that flow to move unimpeded through the lower section of the water course and discharge into an existing lake.

The creek line in the lower catchment as mentioned, has over time become silted up, this combined with the dam like barrier created by the Lake King Norseman road, has all but blocked the natural flow of water through this section, the resulting saturation has in turn impacted the adjoining farmland and killed off the vegetation through that area.

The Lake Grace Shire engineer recently inspected the site and is in agreeance that a culvert is required under the road to assist with the movement of water through that point; it would also be of benefit for ongoing road maintenance by lowering the water table that is contributing to the constant saturation of the road base.

14.1.10 RELOCATION OF TREES ON CLARK AVENUE

Applicant: Internal Report
File No. 0621
Attachments: Nil
Author: Ms Vanessa Crispe

Disclosure of Interest: Nil
Date of Report: 10 September 2019
Senior Officer: Ms Denise Gobbart


 Manager Infrastructure Services


 Chief Executive Officer

Summary

For Council to authorise the Chief Executive Officer to relocate the two trees sitting within the proposed footpath area to the vegetated area south of Clark Avenue

Background

Towards to the end of the 2018/19 Financial Year, the infrastructure department has carried out planning to install footpaths along Clark Avenue and Mather Street, drafting up the scope of works sending out requests for quotes.

As part of the preparation for this project, a letter was sent out by mail dated 24 May 2019 to all residents who would be directly impacted by the works (would run across their property's frontage and through their driveways). The letter acted as a notification to the proposed footpath work and invited comments or complaints to be submitted to the Shire by writing.

The Shire has recorded one (1) complaint, submitted not by writing but by phone call, in regards to the sapling in front of their property. This resident wanted to know what would be done about this sapling, as it sits on the edge of the proposed footpath. The Shire responded by phone that the sapling would be taken out as it would be in the path of the footpath. The resident was very displeased by this response.

Comment

Although only one complaint has been received about a tree/sapling being in the path of the footpath, there are actually two saplings in the work zone area. However no complaint has been received about the second sapling. But as the Shire is undertaking works to relocate the problem sapling in question, it would not be too much extra effort to relocate the other sapling, which would need to be dealt with either way.

A few alternatives were discussed internally with regards to this sapling:

1. Constructing a gap in the footpath around the sapling.
 - The sapling would still be in close proximity to the footpath. There will eventually come a time when the roots will grow under the footpath, adversely altering its shape causing a tripping hazard, or even cracking the footpath itself. This would lead to further remedial work that can be completely avoided. Given its location, it would also eventually grow large enough to be a physical obstacle that needs to be navigated around by pedestrians/footpath users, including a problem as it is located under the power line.
2. Having the gap large enough so that the roots will not damage the footpath.

- The intention of the footpath's width of two (2) metres is so that there is enough room for cyclists, persons requiring walking aids or gophers/scooters to be able to safely pass by each other. Having a larger gap would affect footpath traffic in that single localised area (as opposed to having such gaps and/or obstacles be recurring which would constantly remind pedestrians of hazards). Not to mention it looks very out of place having a break in the footpath design in only two places along this entire footpath stretch.
3. Relocating the footpath to the other side of the sapling.
- The sapling is right in the middle of the verge. Moving the footpath to the other side (closer to the properties' front fences) would put them close to vegetation walls on other properties, close to power poles and decrease the angle and distance for line-of-sight of vehicle reversing out of their driveways of pedestrians who may be walking by.

While it is generally held that the maintenance of the verge adjacent to a property is the responsibility of that property's owner, all verges are ultimately under the care and control of Council (as it lies within the road reserve), therefore Council has the right to order the Shire to dispose of any tree sitting on the verge without needing to seek permission from adjacent property owners. As a compromise and after going through any alternative plans, the Shire is willing to relocate the two saplings to the other side of the road, though there is no guarantee that they would survive the transplant.



Immediate area of Tree 1