

Our Ref: DA18/0674

Enquiries: Stephanie Navarro



9 April 2020

Margaret River Natural Resources Pty Ltd  
28 Cutler Road  
JANDAKOT WA 6164

**Attention: Roger Cook (Margaret River Natural Resources Pty Ltd)**

Dear Roger,

**DA18/0674 APPLICATION FOR DEVELOPMENT APPROVAL  
INDUSTRY - EXTRACTIVE (SAND AND GRAVEL) - LOT 101 (285) GIBB ROAD KALOORUP**

I refer to your application for Development Approval received by the City on 27 September 2018 for Industry - Extractive (Sand and Gravel) on the above mentioned site.

The Council has considered the application at its meeting on 25 March 2020 (C2003/00103) and I can advise that the application has been approved, subject to conditions. A decision notice and approved plans are enclosed.

Please take the time to carefully read the notice of determination, including all conditions and advice notes, as well as any notations made on the approved plans, prior to commencing the development.

Please note that the notice of determination is a Development Approval only and is not a building permit or any other form of approval.

If you have any queries regarding this matter please do not hesitate to contact Stephanie Navarro direct on 9781 0345 or via email at [Stephanie.Navarro@busselton.wa.gov.au](mailto:Stephanie.Navarro@busselton.wa.gov.au)

Yours sincerely

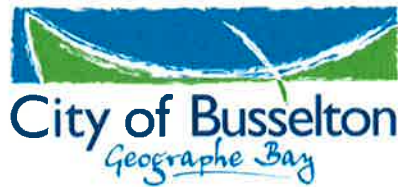
A handwritten signature in blue ink, appearing to read "Lee Reddell".

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Lee Reddell  
**MANAGER DEVELOPMENT SERVICES**

Enc: Decision Notice  
Approved plans

All Communications to:  
The Chief Executive Officer, Locked Bag 1, BUSSELTON WA 6280  
T: (08) 9781 0444 E: [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au) [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au)



## NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

**CITY OF BUSSELTON**  
**LOCAL PLANNING SCHEME No. 21**

Application No: DA18/0674  
Determination Date: 9 April 2020

The City having considered the application:

Dated:	27 September 2018
Submitted by:	Margaret River Natural Resources Pty Ltd
On behalf of:	Margaret River Natural Resources Pty Ltd
Legal Description:	Lot 101 PLAN 69781
Property Details:	285 Gibb Road KALoorUP WA 6280
Proposal:	Industry - Extractive (Sand and Gravel)

hereby advise that the Council determined at its meeting held on 25 March 2020 (C2003/00203) that Development Approval is granted subject to the following conditions:-

### GENERAL CONDITIONS

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

### PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT CONDITIONS:

3. The owner must ensure that no material is extracted from the site or any other works undertaken until the following plans/details have been submitted to, and approved by, the City:
  - 3.1 A Tree Protection Plan outlining temporary demarcation barriers to be erected 15 metres from the crown drip zone of trees to protect the tree and root system from accidental machinery damage.

- 3.2 A revised Dust Management Plan, including additional details validating the water supply available for dust suppression.
- 3.3 A revised Dieback Management Plan prepared by a dieback management consultant accredited with Department of Biodiversity, Conservation and Attractions, including additional details of monitoring and compliance over the life of the development.
- 3.4 A revised Water Management Plan, including:
- (i) additional details validating the water supply available for screening and washing of sand and gravel; and
  - (ii) additional details regarding stormwater retention measures to prevent the flow of stormwater into the tributaries of the Carburnup River.
- 3.5 Plans for the widening of Gibb Road to a minimum unsealed carriageway width of 7.0 metres from the crossover to the subject site north to the sealed section of Gibb Road (such plans shall specify the width, alignment, gradient and type of construction proposed for the upgrades, including all relevant horizontal cross-sections and longitudinal-sections showing existing and proposed levels, together with details of culverts and where necessary how such culverts will be upgraded).
- 3.6 Details of upgrades to the crossover to ensure that adequate sightlines are achieved.
- 3.7 Details of warning signage to be erected along the transport route. Signage shall include signs on both approaches to the pit along Gibb Road 100 metres from the crossover.
- 3.8 A 3D Digital Terrain Model prepared by a licensed surveyor for the whole of Lot 101, Gibb Road, Koorup indicating the following in Australian Height Datum:
- (i) Existing ground levels;
  - (ii) Maximum extraction depths; and
  - (iii) Minimum final ground levels after rehabilitation.
- 3.9 The following being provided to the City:
- (i) A road maintenance bond of \$20,000 (being an unconditional bank guarantee) to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the approval. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City. The City may use the bond to maintain the affected public roads as it deems necessary.
  - (ii) A dust bond to the value of \$5,000 (being an unconditional bank guarantee), which shall be held against satisfactory compliance with the Dust Management Plan.
  - (iii) A rehabilitation bond to the value of \$20,000 (being an unconditional bank guarantee), which shall be held against satisfactory compliance with the Closure Plan.
  - (iv) Further to Conditions 3.9(i) – 3.9(iii) an executed legal agreement with the City (with the costs of preparation of that agreement being borne by the owner or nominee). The legal agreement shall provide for:
    - (a) The ability for the City to be able to use the bonds, or parts of the bonds as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works in accordance with the conditions of this development approval and any further costs;
    - (b) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City;

- (c) If at any time any part of the bond is called upon, used or applied by the City in accordance with the legal agreement, the restoration of the bond to the full amount required by these conditions; and
- (d) The ability to lodge a caveat over the site to secure the City's interest.

**PRIOR TO COMMENCEMENT OF EXTRACTION CONDITIONS:**

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

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

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

**ONGOING CONDITIONS:**

- 6. The owner must ensure that the plans, details and works undertaken to satisfy Conditions 1, 2, 3 and 4 are subsequently implemented and maintained for the life of the development and, in addition, the following conditions must be complied with:
  - 6.1 The development hereby approved shall be limited to: the excavation or movement of sand and gravel from its natural state on the site; screening of sand; crushing of gravel; transportation of sand and gravel within or off the site; associated drainage works and access ways; and rehabilitation works. At no time shall any blasting works be carried out.
  - 6.2 Notwithstanding Condition 6.1, Cells 1 and 2 are limited to the extraction of sand only, and no crushing can be undertaken within Cells 1, 2, 3 or 4, or outside the approved extraction area. Cells are as indicated on the approved plans (Figure 3 Sand Resource Proposed Staging).
  - 6.3 Operating hours, including in respect of any use of any vehicle or machinery or the transportation of materials, shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays only; and for rehabilitation works only the additional hours of 7.00am and 1.00pm Saturdays; and no works of any kind to be carried out at any time on Sundays or public holidays.
  - 6.4 Trucks going to and from the development hereby approved are not to operate on Monday to Friday between the hours of 7.30am and 8.50am and between 3.15pm and 4.30pm on any given school day or between other times as agreed in writing between the applicant and the City.
  - 6.5 The designated haulage route to Bussell Highway will be northwards along Gibb Road to North Jindong Road and then west along Roy Road. No other routes may be used, until trucks have reached Bussell Highway.
  - 6.6 A maximum number of 20 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on any operating day. No truck movements shall be permitted on any other day.
  - 6.7 Notwithstanding Conditions 6.5 and 6.6 above, should more than 20 truck movements per day and/or an alternative haulage route be proposed, a Traffic Management Plan is to first be both

submitted to and approved in writing by the City; with the Plan being submitted to the City at least 7 working days prior to any haulage not consistent with Conditions 6.5 or 6.6 occurring.

*Note: The City will not approve additional truck movements and/or an alternative haulage route for more than 20 working days in any calendar year. Any additional days will require a Modification to Development Approval to be submitted to, and approved by, the City.*

- 6.8 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 2.1(iii) concurrently with the extraction of the following 2 hectare area.
- 6.9 No excavation can occur closer than 300mm to the maximum winter perched water table generally as indicated in 'Figure 7 Depth to the perched water table and soil test holes' or at a depth greater than that indicated in the 3D Model Terrain Diagram as the maximum extraction depth (condition 3.8 refers) whichever is greater. No dewatering works are to be undertaken.
- 6.10 The final land surface (after rehabilitation for pasture) must be a minimum of 500mm above the maximum winter perched water table, generally as indicated in 'Figure 3 Concept Final Contours', and at a height no less than that indicated in the 3D Model Terrain Diagram as the minimum final ground level (condition 3.8 refers) whichever is greater.
- 6.11 The owner must ensure that, annually and within the month following every anniversary of the issue by the City of the Permit to Commence certificate, a 3D Digital Terrain Model is prepared by a licensed surveyor for the whole of Lot 101, Gibb Road, Koorup indicating ground levels at the time of survey in Australian Height Datum.
- 6.12 The owner must ensure that, annually and within three months following every anniversary of the issue by the City of the Permit to Commence certificate, a written report is given to the City that includes the following to the satisfaction of the City:
  - (a) A copy of the 3D Digital Terrain Model prepared in accordance with Condition 6.11 and a statement by a licensed surveyor certifying:
    - (i) The extent/size and location of the area which has been extracted;
    - (ii) The extent/size and location of the area which has been rehabilitated;
    - (iii) The extent/size and location of the area which is currently under operation; and
  - (b) Details confirming that the conditions of this approval have been complied with and how the conditions have been complied with.
- 6.13 No extraction operations, including the use of any vehicle or machinery or the stockpiling or transportation of extracted material, is to be undertaken on the site at any time when an annual written report is due under Condition 6.12 and has not been provided to the City.
- 6.14 No development, including the use of any vehicle or machinery or the stockpiling or transportation of extracted material, may be carried out at any time when any bond that is required to be in force and effect under Condition 3.9 (or any agreement made in accordance with Condition 3.9) is not in full force and effect.

#### ADVICE NOTES

- 1. If the applicant and/or owner are aggrieved by this decision, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website - [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au)
- 2. If the applicant and/or owner are aggrieved by this decision, there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the City of Busselton.

3. This Decision Notice grants planning consent to the development the subject of this application (DA18/0674). It cannot be construed as granting development approval for any other structure shown on the Approved Development Plan(s), which was not specifically included in this application.
4. Please be advised that when forwarding payment of bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.
5. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted *Crossover Policy and Vehicle Crossovers Technical Specification*.
6. You are advised that in order to discharge condition 3.4 stormwater should initially be contained on-site to remove sediments and turbidity. Overland stormwater flows outside of the project excavation area should be diverted via adequate bypass drains / earthen bunds around disturbed surfaces and stockpiled matter. Sedimentation basins should be designed and maintained in accordance with the Water and Rivers Commission's Minesite Stormwater Management.
7. The Tree Protection Plan is to identify trees both on and off-site which may be affected. The Plan shall detail what measures will be undertaken to ensure the protection of the trees and shall include, but not be limited to:
  - a) The erection of protective fencing around the trees to be retained.



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Lee Reddell  
**MANAGER DEVELOPMENT SERVICES**

Date: 09 April 2020