

# Ordinary Council Meeting

8 August 2018

## Minutes



Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Agendas and Minutes are available on the City's website [www.kwinana.wa.gov.au](http://www.kwinana.wa.gov.au)

## Vision Statement

***Kwinana 2030  
Rich in spirit, alive with opportunities,  
surrounded by nature – it's all here!***

## Mission

**Strengthen community spirit, lead  
exciting growth, respect the environment  
- create great places to live.**



## We will do this by –

- providing strong leadership in the community;
- promoting an innovative and integrated approach;
- being accountable and transparent in our actions;
- being efficient and effective with our resources;
- using industry leading methods and technology wherever possible;
- making informed decisions, after considering all available information; and
- providing the best possible customer service.

## Values

### **We will demonstrate and be defined by our core values, which are:**

- Lead from where you stand – Leadership is within us all.
- Act with compassion – Show that you care.
- Make it fun – Seize the opportunity to have fun.
- Stand Strong, stand true – Have the courage to do what is right.
- Trust and be trusted – Value the message, value the messenger.
- Why not yes? – Ideas can grow with a yes.

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## Present:

MAYOR C ADAMS  
DEPUTY MAYOR P FEASEY  
CR W COOPER  
CR M KEARNEY  
CR S LEE  
CR S MILLS  
CR M ROWSE  
CR D WOOD

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVILOVICH	-	Director City Strategy
MRS B POWELL	-	Director City Engagement
MRS M COOKE	-	Director City Regulation
MR D ELKINS	-	Director City Infrastructure
MR B SCAMBLER	-	Coordinator Statutory Planning
MR A HARDING	-	Manager Environment
MR T HOSSEN	-	Lawyer
MS A MCKENZIE	-	Council Administration Officer

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## 1 Declaration of Opening:

*Presiding Member declared the meeting open at 7:00pm and welcomed Councillors, City Officers and gallery in attendance and read the Welcome.*

“IT GIVES ME GREAT PLEASURE TO WELCOME YOU ALL HERE AND BEFORE COMMENCING THE PROCEEDINGS, I WOULD LIKE TO ACKNOWLEDGE THAT WE COME TOGETHER TONIGHT ON THE TRADITIONAL LAND OF THE NOONGAR PEOPLE”

## 2 Prayer:

*Councillor Wendy Cooper read the Prayer*

“OH LORD WE PRAY FOR GUIDANCE IN OUR MEETING. PLEASE GRANT US WISDOM AND TOLERANCE IN DEBATE THAT WE MAY WORK TO THE BEST INTERESTS OF OUR PEOPLE AND TO THY WILL. AMEN”

## 3 Apologies/Leave(s) of Absence (previously approved)

### Apologies

Nil

### Leave(s) of Absence (previously approved):

Nil

## 4 Public Question Time:

### 4.1 Ms Amanda Marshall, Wandí

#### Question 1

How much money has the City spent to date and how much do they intend to spend on developing their materials around the sand mining application in Wellard and the defence of that not happening? And concurrently also, how much the City has spent to date on the Mandogalup issue?

#### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that to give an accurate answer the City would have to refer to previous financial years, as the City has had a long standing position of objection to sand mining over the last 20 years, to be able to track that expenditure would take quite a considerable amount of time and Council resources.

The Chief Executive Officer stated that if the question is referring to how much money the Council has spent since being made aware of the sand mining application since the Friday it was advertised, there has been no direct expenditure to date, as it has really been a case of City Officers analysing the 1000 page submission that was made by PGV Environmental, and then providing a report to Council, with enough time to make the submission due date of 10 August 2018.

The Chief Executive Officer advised that there has been previous expenditure in relation to the management of that reserve, as Council has managed that reserve for a considerable amount of time, particularly for the purposes of conservation. The Chief Executive Officer further advised that the City has commissioned reports, one of which has been used without the City's authority by PGV Environmental, which was the GHD report where the City tried to identify some of the rare fauna species that exist within that reserve. The Chief Executive Officer explained that this was done within the capacity of the City being the manager of that reserve for conservation and further explained that it would be very difficult to go back over the years and identify all expenditure in relation to that matter and differentiate whether that was expenditure for the purposes of objecting to sand mining or expenditure for the purposes of managing the reserve for conservation, and that it may be that the City used information obtained in terms of managing for conservation against the sand mine.

The Chief Executive Officer advised that in relation to Mandogalup, similarly, a lot of the preparation regarding the Local Planning Policy has been City Officer time, there has been the engagement of some consultants in terms of responding to the submissions that were received in relation to the advertising of the Local Planning Policy. The Chief Executive Officer added that historically she is not aware if there were any other consultancies utilised by the City.

The Chief Executive Officer explained that the City has made similar objections to clearing proposals in the Mandogalup area, in particular recently in relation to lots on Rowley Road, that again, similarly had high conservation values and the community had also objected and submissions were made at the Federal and State level. In regards to some of those proposed clearing applications that had gone to the Federal Government, there was not enough notice, therefore most of that preparation was done by City Officers analysing the reports. Majority of the work involved was performed using in-house resources.

#### 4 PUBLIC QUESTION TIME

##### Question 2

Will there be money committed going forward as well?, any expectation that there will be funds spend on the sand mining defence going forward?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that there is no proposal at this stage before Council for additional expenditure and the recommendations tonight are not related to direct expenditure, they are related to advocacy and lobbying and sending the City's objections to the decision makers in this process to reconsider. If Council adopt the Officer's recommendation, the resources used to will be in-house and the use of the Elected Members, within their advocacy role. The Chief Executive Officer added that at a future stage, a request to use funds may be warranted, but a report would need to come back to Council at that time.

##### Question 3

Would those City Officers have day-to-day duties that they are neglecting whilst working on the proposal? Or is that what they are employed to do?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that City Officers are employed to do what the Council directs them to do, in terms of their day to day duties, responding to recommendations from Council is one of them.

#### 4.2 Mr Steven Summerell, Kwinana Town Centre

##### Question 1

My question is based on the rates calculation, they are calculated by Gross Rental Value (GRV) and they have gone up, probably since the mining boom rental prices have gone down so I am just wondering how they have managed to go up?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that the amount that is on your rates notice is the calculation of your GRV multiplied by the rate in the dollar, the rate in the dollar is set by Council each year, and it can vary. The Chief Executive Officer further explained that even if potentially the GRV decreased, it would be open to any Council in Western Australia to increase the rate in the dollar so that the end amount stayed the same or increased.

Mr Summerell advised that a suburb in the foothills recently had theirs reduced due to the GRV being reduced.

#### 4 PUBLIC QUESTION TIME

The Chief Executive Officer added that it is open to any ratepayer who feels their GRV is too high, to make a submission to the Valuer General to have that reviewed and the information on how to do this is available on your rates notice. This is not something that the City is involved in, the Valuer General provides the GRV information to the City on a roll with a value for every property in the City, and you are able to challenge that if you feel it is incorrect.

#### 4.3 Mr Kevin Desmond, Parmelia

##### Question 1

Councillor Rowse is using his phone during the Council meeting, I thought that was against regulations, is that allowed?

##### Response

The Mayor referred the question to Councillor Matthew Rowse

Councillor Matthew Rowse explained that the battery on his laptop had just died and that he is using his phone to view the agenda.

##### Question 2

On the 14 March I asked this question 'Can the Council supply me with a list of all of the current job vacancies?, including how long the vacancies have been open? And also how much money has been saved this financial year by not filling vacancies properly?', five months later I have not received a reply?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that as she advised at the night of that meeting, it would actually take a significant amount of time and resources to provide an answer. The Chief Executive Officer further advised that her decision in relation to the best use of Council resources in relation to your question was to provide a response at the end of the financial year when those figures could be summarised. The Chief Executive Officer added that she has before her a draft response to the question and that it will be provided as part of the next Ordinary Council Meeting agenda.

##### Question 3

I understand three Councillors went to Adelaide fairly recently, is that correct?

##### Response

The Mayor advised yes that it correct.

Mr Desmond asked the date they went.

The Mayor stated that she did not have that information in front of her.

##### Question 4

On the 11 April, I asked the question 'Can I be provided with a list of the Councillors travel expenses for this financial year?', now there are three names on this, Councillor Adams, Councillor Lee, Councillor Mills and Dennis Wood, but I don't think that the Councillors that went are all on the list? Is that correct?

#### 4 PUBLIC QUESTION TIME

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that travel expenses and professional development are viewed differently, so that going on a study tour is actually not a travel expense, the costs incurred are related to Training and Development. Excerpts from relevant legislation that define travel expenses are included below. The Chief Executive Officer further explained that travel expenses are treated differently, so if the question was 'who has been on any professional development that involved interstate travel' then you may have got a different answer to the one that was prepared for you.

##### *Local Government Act 1995*

###### *5.98. Fees etc. for council members*

- (2) A council member who incurs an expense of a kind prescribed as being an expense —
  - (a) to be reimbursed by all local governments; or
  - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
  - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
  - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

##### *Local Government (Administration) Regulations 1996*

###### *31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))*

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
  - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
  - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

###### *32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))*

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
  - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and

#### 4 PUBLIC QUESTION TIME

- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

#### *Elected Members Allowances, Expenses and Gifts*

##### 5.3.1 Travelling Expenses

Elected Members are to be reimbursed for travelling expenses incurred while **driving** a privately owned or leased vehicle (rather than a commercially hired vehicle) in the performance of the official duties of their office, subject to:

5.3.1.1 Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- (a) Council meetings, civic functions, citizenship ceremonies or briefings called by either Council, the Mayor and/or the Chief Executive Officer;
- (b) Committees to which the Elected Member is appointed a delegate or in the circumstance an Elected Member deputising for the delegate who is unable to attend, by Council.
- (c) Meetings, training and functions scheduled by the Chief Executive Officer or Directors.
- (d) Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate or a deputy to the delegate.
- (e) Functions and presentations attended in the role as an Elected Member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- (f) Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City.
- (g) Any other occasion in the performance of an act under the express authority of Council.
- (h) Site inspections in connection with matters listed on any Council agenda (members to state the item number listed on any Council agenda along with the date and time of the visit on the claim form).
- (i) In response to a request to meet with a ratepayer/elector, but excluding contact with any relevant to the biennial elections (members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

5.3.1.2 Elected Members are to be reimbursed travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of Council. The extent to which an Elected Member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996* is –

- (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- (b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back —

#### 4 PUBLIC QUESTION TIME

- (i) for the person to travel from the person's place of residence or work to the meeting and back; or
- (ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

5.3.1.4 Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained within Section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011 as at 17 June 2015.

#### 5.3.1.5 Public Transport

In the event that an Elected Member does not have access to a private vehicle, for travel referred to above, or has a preference for public transport, the Elected Member may use the services of the bus and rail public transport system, expenditure for which is to be reimbursed upon completion of a travel claim form and lodgement of receipts. A taxi service is also acceptable where this is considered necessary.

#### 5.3.1.6 Parking Fees

Parking fees incurred as a result of travel to any occasion referred to in clause 3.1.1 of this policy are to be reimbursed upon lodgement of receipts accompanying the associated travel claim form. The cost of 'valet' parking is not to be reimbursed (unless authorised by the Chief Executive Officer).

The Chief Executive Officer undertook to provide an account of professional development involving interstate travel by Elected Members.

## 4.4 Ms Moira Nell, Wellard

### Question 1

With the sand mining proposition and the City talking about no future funding being allocated necessarily at the moment to fight this going forward, obviously we are going up against quite a large corporation whom have extensive manpower, funding and contacts, I am just wondering if there is a way that the people whom are dedicating their time fighting this, the residents, if we can possibly have access to the resources that the City has already gathered and already got together and if possible we can combine our efforts to make sure we are more prepared, educated and be more of a force and united going forward?

### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer said certainly, if Council give that direction this evening, the City will work with the local community, as that is where you are going to get your greatest advocacy. The Chief Executive Officer added that one of the environmental initiatives the City has implemented has resulted in the City receiving over 10 million views on a very recent Facebook post and has also given the City an extra 12,000 followers on Facebook, so the City is looking at capitalising on this and sending the message out regarding the sand mine worldwide.

#### 4 PUBLIC QUESTION TIME

##### Question 2

That is wonderful to the lead up to Friday obviously as we need people to put in public comment, from that point, with all due respect, Facebook is not going to move these giants, we basically need legal advice, we need professional environmental reports, we need to be able to build a team of residents as well as the Council to be able to utilise what's been done and possibly talk about moving forward with things that are going to be able to shake these people up, there has been a lot of hearsay that it has been pushed through and that it has not necessarily followed the right protocols, how are we going to be able to hit those gaps before it gets approved at a Federal level?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that the City is currently investigating all legal avenues and are seeking legal advice to see if there are any opportunities for the City to question the processes that have been followed. The Chief Executive Officer stated that the City is happy to work with the community if guided that way by Council tonight in relation to this.

The Mayor added that there are two levels to this, a political level and an operational level, which the Chief Executive Officer has articulated. The Mayor explained that with the political level, the City has also met with the Environmental Minister, and of course, there are more actions to follow.

#### 4.5 Ms Amanda Marshall, Wandj

##### Question 1

When I have requested reports from the Council in relation to Mandogalup, I have been instructed to request documents under the Freedom of Information Act, where you have to pay to access the documents.

In regards to the legal advice you sought is that internal or external legal advice?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that at this stage the City has asked for legal advice, so the City has not incurred any costs to date. The Chief Executive Officer further explained that the City has what is known as a retainer with our legal counsel, so you are able to ask a number of questions providing you are not seeking written advice without incurring a cost to the City. If the Lawyers providing that advice believe that it does need to be put in writing, then there would be a cost incurred.

##### Question 2

Does the Council feel that it is appropriate that, I guess to me, this is a State issue, so the State government has made a decision around the issue, in terms of the process involved here with the State department making the decisions does the local government not believe it is best left to those with the best expertise and knowledge to make these decisions without having to incur time and cost, even if internal, it is still a cost to Council, to fight something that really the EPA etc. should be making an informed decision as they did with Mandogalup?

#### 4 PUBLIC QUESTION TIME

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that if you read the report presented on this matter, you will see that it is really highlighted in there that there has been some deficiencies in relation to the State's decision making process, for example, in relation to the clearing application permit, it was lodged, then the Banksia Woodland became a declared Threatened Ecological Community, Federally, and then a short time after that declaration, the clearing permit was issued. The Chief Executive Officer continued to explain that the City is running what it feels is a valid argument, that in relation to the clearing permit the Threatened Ecological Community of the Banksia Woodland actually was not assessed as part of that process, given the City has had a long standing position of opposition to sand mining in the Banksia Road Rifle Range, it was seen as appropriate to reflect on that clearing permit issue and to identify that there was a gap in the decision making at a State level and point that out not only to the State decision makers but the Federal Government in relation to this current proposal.

##### Question 2

I guess that is a grandfathering situation isn't it?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that generally it is a case of once the approval is issued if there was a subsequent declaration you cannot go back, the City is raising the question that Banksia Woodlands were declared before the approval was issued, it may be that we cannot run that as a legal argument but the City feels that given the environmental values of that site, given the long standing opposition of the City, it is worth exploring and raising with the decision makers.

#### 4.6 Mr Robert White, Mandogalup

##### Question 1

There is an application for a sand mine in Latitude 32, in Ashley and Sayer Roads, they are clearing a cockatoo nesting habitat, and I have not heard the Council say boo about it? What is the difference?

##### Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer stated that she was not aware of that proposal and referred the question to the Manager Environment.

The Manager Environment advised that he is not aware of that proposal either.

Mr White explained that it is Landcorp on Ashley Road and it is also PGV.

The Mayor and Chief Executive Officer thanked Mr White for bringing it to Council's attention.

## 5 Applications for Leave of Absence:

### COUNCIL DECISION

236

MOVED CR S LEE

SECONDED CR M ROWSE

That Councillor Wendy Cooper be granted a leave of absence from 11 September 2018 to 25 September 2018 inclusive.

That Mayor Carol Adams be granted a leave of absence from 31 August 2018 to 5 September 2018 inclusive.

CARRIED  
8/0

## 6 Declarations of Interest by Members and City Officers:

Councillor Merv Kearney declared an indirect financial interest in item 16.5, Second Deed of Variation: Portion of Reserve 25309, Summerton Road, Calista – Kwinana Golf Club Inc due to being a sponsor of the Kwinana Golf Club.

Mayor Carol Adams declared an impartiality interest in item 21.2, Request for Extension of Financial Close Date for Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd due to a Director of the company being a friend.

Chief Executive Officer, Joanne Abbiss declared a financial interest in item 21.3, Chief Executive Officer Performance Review 2017/18 and setting of 2018/19 Key Performance Indicators and Remuneration due to the report relating to her employment.

## 7 Community Submissions:

### 7.1 **Mr Kevin Desmond regarding item 21.2, Request for Extension of Financial Close Date for Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd:**

Firstly, what I am going to say about this is that I have a really strong sense of déjà vu, in the five years I have been coming to Council we seem to always be talking about sand mines and Mandogalup and we have been talking about the incinerator and someone once said insanity is doing the same thing over and over again expecting different results, I just hope that we can resolve all of these matters very quickly.

Regarding the incinerator, I will just explain to the people in the audience what this is about, the City signed a contract to send their waste to an incinerator, the incinerator company can not raise the money and they have asked for an extension of financial closure. This submission is about the suitability for the Kwinana WTE Project Co Pty Ltd, which I will now on refer to as Phoenix Energy, this matter has been running for nearly five years and it has to be mentioned that the contract has lots and lots of irregularities, the contract was given to Phoenix Energy who have got no experience with incinerators, Phoenix Energy has not got any money, Phoenix Energy has not got any assets, yet they were awarded the largest and most expensive contract in Kwinana's history. Just in the last few months, it has come out to the public that the owner is personal friends of Carol Adams and her husband, which seems the wrong time to come out.

## 7 COMMUNITY SUBMISSIONS

Let's carry on with the irregularities; out of all the Councils in Western Australia (WA), Kwinana is the only Council to accept, what was a backwards option, for the incineration contract. The local government advised them that they should not do it, but Council went and paid for legal advice to get permission, what I've seen of the legal advice, it stated that there was no other alternative but at the same time of them going into a contract with Phoenix Energy there was another incinerator company that already had planning permission, so I do not understand the legal view on that. It gets even more bizarre, because when Phoenix Energy were pitching this, they said the waste that is sent to them, none of it will end up in landfill and that they were going to turn 120 thousand tonnes of bottom ash to bricks, now this is obviously nonsense as they never applied for EPA permission, and it is not on their building plans. Now that excludes the 12 thousand tonnes of toxic ash that cannot even go to landfill, it has to go to a special landfill, with a special licence because it is so toxic. Over the years I have seen some proposed partners of Phoenix Energy come and go, the only thing that is consistent about Phoenix Energy is that they have never been able to raise any money.

The last thing to raise here is the extraordinary behaviours of the Mayor and CEO, five years ago, New Energy applied for EPA approval for an incinerator, just over the border in Rockingham, at that time Council raised no objections. Earlier this year New Energy applied for a new EPA approval but this time Council, I think quite rightly, put in a submission saying that there were various dangers of it being put there, any qualms they have about New Energy, I have lots, apply to Phoenix Energy as well, as they are only 500 metres difference between houses. Then the CEO and the Mayor did not stop there, they visited Rockingham Council to try stop New Energy, which I do not really understand and then they went to Landcorp, and again I do not understand. It seems to me that the City of Kwinana are going all out for incinerators, but only for one incinerator company.

What I am saying to the Council is, they should not be extending this financial closure. In April, the CEO told me they did not need to extend it and in fact I was quite amazed when I knew about the Council talking to them about an extension but the Deputy Mayor did not, so I do not know why I am more informed than him. These matters that I have raised this evening, I have already raised with the Environment Minister and the Minister of Local Government and his suggestion to me was to pass them onto the Department of Local Government, which I will do this week. I think the very least the Council can do is renegotiate this contract, there is a clause in the contract, that if we do not supply enough waste, we still have to pay for it and there appears to be better deals around. My suggestion is that we stop and really look at our policy and bring in a three bin system.

### **7.2 Mr Steve Sturgeon on behalf of the Casuarina Wellard Progress Association regarding item 14.1, Sand Mining Application Lots 53 and 1320, Banksia Road, Wellard, Western Australia (EPBC 2015/7438):**

My name is Steve Sturgeon and I am the president of the CWPA (Casuarina Wellard Progress Association) and I speak on behalf of the CWPA and the residents affected by the proposed sand mine.

Firstly I would like to express our thanks to The Mayor, CEO, Councillors and staff of the City for their quick and positive response to our alert regarding the invitation to comment by PGV issued on 27 July.

## 7 COMMUNITY SUBMISSIONS

We have read and considered the excellent report and recommendations produced by the City's officers on this complex issue. We would now respectfully call upon the councillors to unanimously adopt this report in its entirety.

We further request, that upon unanimously adopting this report and recommendations. The City enters into a collaborative campaign with CWPA and the residents with the common goals of:

### Immediate objectives

- Inform all surrounding residents of the health, safety and environmental risks associated with a sand mine in such close proximity to residential properties.
- Ensure quality and quantity of submissions to PGV Environmental by Friday 10 August.
- Lobby the Federal Government to reject the submission put forward by PGV Environment, as it contains a number of false, misleading and contrary statements used to justify these sand mines.

### Long term objectives

- Preserve the endangered Banksia Woodland in its entirety, through whichever classification and legal means necessary, in line with the conservation advice issued by the Threatened Species Scientific Committee in 2016.
- Lobby the State Labor Government to reverse the decision of the former Liberal Government by withdrawing the mining leases and clearing permits for both the Banksia and Boomerang Road mine sites.
- Pursue a written declaration by the State Government that ensures the longevity of the Banksia Woodland and its unique flora and fauna.

In closing, I would like to publicly thank everyone who has rallied to this cause and in particular I would like to offer a very special vote of thanks to the dedicated City staff who worked so hard to produce this comprehensive response to PGV in such a short time.

Last but not least a very special thanks to The City's Environment Manager Ashley Harding, for being a light in the wilderness for me during this difficult time.

## 8 Minutes to be Confirmed:

### 8.1 Ordinary Meeting of Council held on 25 July 2018:

#### COUNCIL DECISION

237

**MOVED CR S MILLS**

**SECONDED CR S LEE**

**That the Minutes of the Ordinary Meeting of Council held on 25 July 2018 be confirmed as a true and correct record of the meeting.**

**CARRIED  
8/0**

8 MINUTES TO BE CONFIRMED

## 8.2 Executive Appraisal Committee Meeting held on 23 July 2018:

### COUNCIL DECISION

238

MOVED CR S MILLS

SECONDED CR W COOPER

That the Minutes of the Executive Appraisal Committee Meeting held on 23 July 2018 be confirmed as a true and correct record of the meeting.

CARRIED  
8/0

## 9 Referred Standing / Occasional / Management /Committee Meeting Reports:

Nil

## 10 Petitions:

Nil

## 11 Notices of Motion:

Nil

## 12 Reports – Community

Nil

## 13 Reports – Economic

Nil

## 14 Reports – Natural Environment

### 14.1 Sand Mining Application Lots 53 and 1320, Banksia Road, Wellard, Western Australia (EPBC 2015/7438)

#### DECLARATION OF INTEREST:

There were no declarations of interest declared.

#### SUMMARY:

Hanson Construction Materials Pty Ltd (previously ROCLA) gained approval from the Department of Mines and Petroleum (DMP) to commence the development and operation of the sand mining project from Lots 53 and 1320, Banksia Road, Wellard on 11 April 2016.

The City was not informed of this most recent proposal and had a number of adjacent local residents have informed the City that they were also not consulted.

Sand mining at this site has been opposed by the City for over 10 years.

Hanson Construction is now seeking to clear 16.25ha of very good to excellent condition Banksia Woodland, now listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

City Officers have reviewed the Preliminary Documentation available as part of the Public Notice and have prepared a submission to the Commonwealth Government strongly opposing the clearing of native vegetation for the purposes of the mining operation for Council's consideration (refer to Attachment A).

If approval is granted under the EPBC Act, the City will be limited in its ability to prevent implementation of the mining proposal. Options have been investigated by City Officers and include;

- Submitting comments to the Commonwealth Government during the formal comment period required under the EPBC Act.
- Writing to the Western Australian Minister for Environment and Minister for Mines requesting that they refer the matter to the Environment Protection Authority (EPA) under section 38(4) of the *Environmental Protection Act 1986* (EP Act) given the community has demonstrated significant concern with the proposal.
- Writing to the Minister for Mines and the Department of Mines and Petroleum (DMP) indicating that a referral to the EPA would be appropriate as the impact on Banksia Woodland Threatened Ecological Community has not been considered in the approval of a clearing permit by the DMP;
- Writing to the Western Australian Minister for Environment, Minister for Mines and the Chairman of the EPA regarding the concerns that the City has relating to the significant reduction in buffers for this activity inconsistent with EPA guidance;
- Seeking legal advice relating to avenues to appeal the existing approvals given the City was not informed or consulted on the most recent approval.

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

**OFFICER RECOMMENDATION:**

**That Council:**

1. Re-iterate opposition to the sand mining proposal at Lot 53 and Lot 1320 Banksia Road;
2. Endorses the submission contained within Attachment A which contains the City's comments on the Publication of Preliminary Documentation under the EPBC Act, as per the Public Notice dated 27 July 2018.
3. Advise the Western Australian Minister for Mines and the Department of Mines and Petroleum (DMP) that the approval to commence the development and operation of sand mining from Lots 53 and 1320, Banksia Road, Wellard is not supported having regard to the significant social, environmental and health impacts, including the significant reduction in buffers. This advice will also confirm that the City does not support the reserve being vested to the City of Kwinana if the site is mined;
4. Write to the Western Australian Minister for Environment requesting that they refer the matter to the EPA under section 38(4) given the community has demonstrated significant concern with the proposal (Attachment B).
5. Write to the Western Australian Minister for Mines requesting that the matter be referred to the EPA under section 48i and 38(5) of the *Environmental Protection Act 1986*, for assessment given that new information is available indicating the proposal will impact the Threatened Ecological Community "Banksia Woodlands of the Swan Coastal Plain" (Attachment C).
6. Write to the Federal Minister of Environment requesting that the matter be referred to the EPA under section 48i and 38(5) of the *Environmental Protection Act 1986*, for assessment given that new information is available indicating the proposal will impact the Threatened Ecological Community "Banksia Woodlands of the Swan Coastal Plain" (Attachment C).

**DISCUSSION:**

On a number of occasions in the past, Council has considered an application to mine sand from the disused Banksia Road Rifle Range (Lots 53 and 1320 Banksia Road) in Wellard.

The City has consistently opposed the proposal to mine sand from Lots 53 and 1320 Banksia Road. Most recently, a motion was carried at the Ordinary Council Meeting Minutes from 14 February 2007 stated that the proposed sand mine was **not supported** by the City of Kwinana, for the following reasons:

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

- (i) *The proposal will require removal of a significant area of remnant native vegetation which is in excellent condition, and a significant landscape feature ridgeline.*
- (ii) *The proposal including the impact of truck movements, dust and noise is likely to adversely affect the lifestyle and amenity of surrounding existing and proposed Special Rural residents in the area.*
- (iii) *The proposal does not comply with the Environmental Protection Authority Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses, which, for a Screening Works is a minimum of 500m, noting that there are about 40 residential lots located within 500m of the proposed sand mine premises.*
- (iv) *The impact to the infrastructure from frequent movements of heavily loaded trucks will result in the need for total replacement of these road assets.*

Further, at its Ordinary Council Meeting on the 25 September 2013, Council considered and opposed proposed sand mines on reserves within the City of Kwinana and the Shire of Serpentine Jarrahdale at Lots 53 and 1320 Banksia Road, and Lot 6 Banksia Road and Lot 300 & 301 Boomerang Road, Oldbury respectively.

The City of Kwinana was not informed of the most recent proposal to clear vegetation, and was not informed of the approval by DMP to commence the development and operation of the sand mine at the site, despite being vested with the management of this reserve. Local residents have also approached the City indicating they had not been consulted and had no knowledge of the latest proposal.

City Officers have recently confirmed that Hanson Construction Materials Pty Ltd (previously ROCLA) gained approval from the Department of Mines and Petroleum (DMP) to commence the development and operation of the sand mining project from Lots 53 and 1320, Banksia Road, Wellard on 11 April 2016. The project will result in the clearing of 16.25ha of very good to excellent condition Banksia Woodland, now listed as Endangered under the EPBC Act.

The proposed action has been referred to the Commonwealth Government for approval under the EPBC Act and determined to be a “controlled action” with a Preliminary Documentation level of assessment set. A Public Notice was issued inviting interested persons and organisations to comment in writing on the Preliminary Documentation by Friday 10 August 2018.

A review of the Preliminary Documentation has been undertaken by the City Officers reconfirming previous advice provided regarding the unacceptable nature of the impacts of the sand mine development and operation on conservation significant fauna, Threatened Ecological Communities (TECs) and Matters of National Environmental Significance (MNES). The proposed submission documents these concerns in detail as outlined in Attachment A. In summary the issues are:

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

- There is an unacceptable impact to the Banksia Woodlands TEC;
- There is an unacceptable impact to Carnaby's and Black Cockatoos that utilise the site for foraging purposes. There are significant differences between the consultants reports used to determine the value of the site. PGV environmental has stated previously that there are "no signs of Black Cockatoo foraging" which significantly contradicts the report prepared by GHD in 2015, commissioned by the City of Kwinana, which confirms that there are significant and plentiful signs of continued Black Cockatoo foraging for an extended period of time.
- The approval of the clearing permit, by the DMP in 2016, directly contradicts 8 of the 10 clearing principles against which clearing permits are assessed.
- The proposal has been approved with considerable reduction in buffers recommended by the EPA in the Guidance for Assessment of Environmental Factors. This guidance document states that a buffer of 300-500 metres is appropriate for the type of extractive industry proposed. The Mining Proposal and Remedial Action and Management Plan confirm the use of screening and sieving machinery. This suggests the appropriate buffer between this activity and sensitive land users is 500 metres. The buffers proposed by this activity are reduced by 80%. This is a considerable reduction that will have significant impacts on adjacent residents and is also likely to create ongoing compliance issues for the City due to dust and noise complaints;
- The hours of operation are 6 days a week, 7am to 5pm. The hours of operation, combined with the reduced buffers are going to impact negatively on the amenity and well-being of adjacent property owners. There is likely to be significant increase in noise complaints upon implementation of the proposal;
- The stated benefits relating to the remediation of the lead contamination are over emphasised in the associated reports as is the risks posed by the site and the area requiring remediation. The site does not have to be mined if remediation is required. A more detailed, scientifically based and Western Australian Accredited Auditor approved rehabilitation plan would be more successful and have less risks than the plan included in the public notice documentation;
- The methods proposed in the remediation plan are ignorant of the chemistry relevant to lead contamination in organic sands and the ameliorating ability of soil pH to significantly reduce mobilisation of heavy metal contamination. The mobility of lead contamination at the site is being rendered negligible by the soil pH as demonstrated by the City's ongoing groundwater monitoring program which indicates that lead has not impacted groundwater at the site;
- The proposed remediation methods will introduce considerable abrasive forces which will likely break the weak bonds that will increase lead mobility. The lead oxides are highly soluble at this point and the remediation plan introduces and exacerbates the potential exposure pathways to environmental and human receptors, being inhalation of dust created at the site and increased mobility of lead to groundwater resulting from site dust control measures;
- A significant increase in truck traffic to and from the site will increase the likelihood of serious truck versus passenger vehicle impacts. The roads in the location require upgrading to facilitate the proposal and accelerated deterioration of road surface is likely;

#### 14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

- The proposal if implemented will use groundwater for dust control and the proposal reports have modelled groundwater abstraction drawdown that is likely. The drawdown impact has not been factored into the impacts on vegetation within the lease area but outside of the actual mining area. The clearing permit and EPBC application are to seek approval for impacts on vegetation within the mining area. The impacts to vegetation outside the mining area (the buffer vegetation) has not been referred to the EPA or EPBC. As the species present are native, being Banksia Woodland TEC (which are highly susceptible to changes in groundwater levels) the drawdown will impact negatively on this vegetation. The applications to date do not permit this impact and should be referred to the EPBC and EPA separately;
- The site has two areas of dieback, one being within the area proposed to be mined. The management plans included are insufficient to guarantee that dieback won't be further dispersed by the mining activities or dispersed through transport of material from the site to other sites. The risk of spreading dieback within and beyond the site posed by this activity is considerable and contrary to the Threat Abatement Plan for Disease in Natural Ecosystems Caused by *Phytophthora cinnamomi*;
- The approved Mine Proposal and Closure Plan has no reference to dieback within the document and only broadly references dieback in a draft document attached which the proponent states as being adequate to address the dieback risks on site. The proposed methods are insufficient to mitigate the risk of spread of dieback.
- The proposal indicates that the City of Kwinana will manage the site at the completion of mining and rehabilitation activities. The City of Kwinana has not been consulted with regards to this statement.

City Officers have investigated a number of options that may be considered by Council to protect the site from mining and associated vegetation clearance. These options include;

- Submitting comments to the Commonwealth Government during the formal comment period required under the EPBC Act. This provides the City with an opportunity to ensure that the Commonwealth is fully aware of the implications the proposal will have on environmental values and Matters of National Environmental Significance, significant detriment to the community, significant detriment and risk to adjacent neighbours/receptors and the regional ecological impact, if implemented.
- Writing to the Western Australian Minister for Environment requesting that they refer the matter to the EPA under section 38(4) of the EP Act given the community has demonstrated significant concern with the proposal. Section 38(4) of the EP Act enables the Minister to refer a proposal to the EPA if there is considerable community concern relating to a proposal.
- Writing to the State Minister for Mines requesting that they refer the matter to the EPA under section 48i and 38(5) of the EP Act as the approval of the clearing permit and Mining Proposal will impact on the Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community (TEC). These sections of the EP Act compel a Decision Making Authority to refer significant proposals to the EPA if the implementation of the proposal will have a significant impact on the environment. The impact on Banksia Woodland TEC present at the site, which has not been assessed, would qualify as a valid example of what should be referred to the EPA. The correspondence should also be provided to the EPA so they are formally aware of the City's request.

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

- Seeking legal advice relating to avenues to appeal the existing approvals given the City was not informed or consulted on the most recent approval.

**LEGAL/POLICY IMPLICATIONS:**

For the purpose of Councillors considering a financial or impartiality interest only, the proponent/owner is Rocla Pty Ltd.

If approval is granted under the *Environment Protection and Biodiversity Conservation Act 1999* the City will have limited ability to prevent implementation of the mining proposal.

**FINANCIAL/BUDGET IMPLICATIONS:**

The proposal will result in significant financial implications for the City.

Increased traffic will result in the deterioration of local roads due to truck movements and increased maintenance costs.

The City will likely be required to manage increased complaints from residents near the mine.

It is the City's experience that rehabilitated sites are much more costly to maintain than sites which comprise native vegetation in excellent condition. If implemented, and if the City considers managing the site post mining activities, there will be considerable additional cost for management activities.

The City has invested in the management of the reserve to date including weed control and fencing which has increased the vegetation condition and improved the habitat values of the site to the point where it has species richness and diversity greater than adjacent nature reserves. This investment, which is considerable, will be lost.

**ASSET MANAGEMENT IMPLICATIONS:**

The City of Kwinana has not been informed of any negotiations regarding the management of the site post mining. The City have actively managed the site over the last 15-20 years, maintaining excellent vegetation condition, controlling feral animals, and undertaking weed control. This proposal will result in a loss of this asset to the City of Kwinana.

The upgrade of roads is required to support any mining operations at the site, however annual contributions and road design have not been determined. Additionally, there is no legal agreement between Hanson Pty Ltd between and City of Kwinana in regards to this matter.

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

**ENVIRONMENTAL IMPLICATIONS:**

Rifle Range Reserve, (Lot 53 and 1320 Banksia Road Wellard) contains very good to excellent condition Banksia Woodland. Banksia Woodlands of the Swan Coastal Plain are currently listed as Endangered and a Threatened Ecological Community under the EPBC Act. In addition, the Reserve contains foraging habitat for the Endangered Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), and the Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksia nasa*). The proposal is also within the buffer area of "Communities of Tumulus Mound Springs" which is also listed as a Threatened Ecological Community.

The Reserve is one of the best examples of local biodiversity in the City. Its loss will be a significant loss to the biodiversity of the area. The City's experience has been that species that exists at the moment can not be returned to the site through rehabilitation methods.

If the proposal is implemented, the scientific value and reserve of DNA that is present at the site will be permanently lost. This is an enormous loss of environmental value locally and a significant loss regionally and federally.

**STRATEGIC/SOCIAL IMPLICATIONS:**

This proposal does not support the outcomes or objectives of the City's Strategic Community Plan. The City has surveyed the community a number of times to ensure we reflect the desires and concerns of our residents and we are consistently told that they place great value on the surrounding environment and Kwinana's natural areas. One of the three aspirations of the Strategic Community Plan is that we are "Surrounded by Nature".

Sand mining and associated truck movements will create an amenity issue through increased traffic, dust, vehicle and machinery noise that will adversely impact the quiet rural lifestyle of our residents who live in close proximity to the operation.

Below are the objectives within the Strategic Community Plan which relate to this proposal.

Plan	Outcome	Objective
Strategic Community Plan	A beautiful natural environment	Objective 3.1 Improve conservation of biodiversity and protection of native vegetation whilst achieving high levels of environmental protection in new developments 3.2 Educate and promote improved environmental land management
Strategic Community Plan	A well planned city	Objective 4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity

**14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)**

**COMMUNITY ENGAGEMENT:**

Despite their special interest in this proposal, neither the City nor adjacent local residents were formally informed of the most recent proposal and approval.

The City has attended meetings hosted by local resident groups over a number of years including most recently on 29 July 2018. The community has repeatedly raised concerns with this proposal.

As part of the EPBC Act approval process the proponent was asked to provide details of their public consultation process. This listed the most recent public consultation as 2014/15. This report indicated that a Community Consultation Plan had been prepared and endorsed by the City. This plan included the formation of a Consultative Group including a representative from the City of Kwinana. City Officers have been unable to find any record of the City endorsing this plan nor any evidence that the group has formed or that any meetings have been held. Local community members have stated that they have not been involved in any such group.

The lack of community consultation by the proponent on this most recent proposal is highly concerning. More detailed comments to this effect have been included in the City's submission, see Attachment A.

Within the proponent's documents, a number of claims have been made about the City of Kwinana's formal endorsement or consent to parts of the proposal including;

- Road upgrades and maintenance contributions;
- Involvement and endorsement of a proposed community consultation process; and
- The approval of a mine closure plan and acceptance of the site by the City following mine closure.

The City has no record of any such agreements with the current proponent.

**RISK IMPLICATIONS:**

There are a number of risks to the City as a result of this proposal.

Risk Event	Noise, dust, traffic and vibration impacts on the community.
Risk Theme	Inadequate safety and security practices Inadequate environmental management
Risk Effect/Impact	People/Health Environment Compliance Property
Risk Assessment Context	Strategic
Consequence	Major

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Oppose proposal
Rating (after treatment)	Unknown, depends on outcome.

Risk Event	Loss of reserve biodiversity and local amenity
Risk Theme	Inadequate environmental management
Risk Effect/Impact	People/Health Environment
Risk Assessment Context	Strategic
Consequence	Major
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Oppose proposal
Rating (after treatment)	Unknown, depends on outcome.

**COUNCIL DECISION**

239

**MOVED CR W COOPER**

**SECONDED CR M ROWSE**

**That Council:**

1. **Re-iterate opposition to the sand mining proposal at Lot 53 and Lot 1320 Banksia Road;**
2. **Endorses the submission contained within Attachment A which contains the City's comments on the Publication of Preliminary Documentation under the EPBC Act, as per the Public Notice dated 27 July 2018.**
3. **Advise the Western Australian Minister for Mines and the Department of Mines and Petroleum (DMP) that the approval to commence the development and operation of sand mining from Lots 53 and 1320, Banksia Road, Wellard is not supported having regard to the significant social, environmental and health impacts, including the significant reduction in buffers. This advice will also confirm that the City does not support the reserve being vested to the City of Kwinana if the site is mined;**

14.1 SAND MINING APPLICATION LOTS 53 AND 1320, BANKSIA ROAD, WELLARD, WESTERN AUSTRALIA (EPBC 2015/7438)

4. Write to the Western Australian Minister for Environment requesting that they refer the matter to the EPA under section 38(4) given the community has demonstrated significant concern with the proposal (Attachment B).
5. Write to the Western Australian Minister for Mines requesting that the matter be referred to the EPA under section 48i and 38(5) of the *Environmental Protection Act 1986*, for assessment given that new information is available indicating the proposal will impact the Threatened Ecological Community “Banksia Woodlands of the Swan Coastal Plain” (Attachment C).
6. Write to the Federal Minister of Environment requesting that the matter be referred to the EPA under section 48i and 38(5) of the *Environmental Protection Act 1986*, for assessment given that new information is available indicating the proposal will impact the Threatened Ecological Community “Banksia Woodlands of the Swan Coastal Plain” (Attachment C).
7. That the Mayor write to Mr Roger Cook MLA, Member for Kwinana, Ms Alyce Hayden MLA Member for Darling Range, Ms Madeleine King MLA Federal Member for Brand and other relevant members of State or Federal Parliament, providing them with a copy of the Council report and seeking their support in advocating on behalf of the City of Kwinana and the affected residents to stop the sand mining proposal and clearing of vegetation at Lots 53 and 1320 Banksia Road, Wellard.
8. Authorise the City Officers to work collaboratively with the Casuarina Wellard Progress Association to give effect to the Council resolution.

CARRIED  
8/0

NOTE – That the officer recommendation has been amended to include points 7 and 8.

**COUNCIL DECISION**

240

MOVED CR W COOPER

SECONDED CR S LEE

That Council suspend Standing Orders.

CARRIED  
8/0

**COUNCIL DECISION**

241

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council reinstate Standing Orders.

CARRIED  
8/0

General		
The City of Kwinana strongly opposes the proposal to mine Lot 53 and Lot 1320 Banksia Road, Wellard due to the unacceptable nature of the impacts on conservation significant fauna, Threatened Ecological Communities (TECs) and Matters of National Environmental Significance (MNES).		
Response to Public Notice		
Document Reference	Claim	City of Kwinana Response
Use of GHD Report	The proponent was permitted to use reports Prepared by GHD for City of Kwinana	The City has advised PGV, formally and through their lawyers, that the use of the documents prepared for the City by GHD is not permitted.
PGV Letter, Section 1	RPS estimated drawdown at a distance of 600m	The drawdown at the site is likely to impact on the vegetation immediately adjacent to the mining area. The affect of drawdown or significant rapid water level changes is catastrophic to native vegetation and Banksia species in particular. The proposal has not considered that the adjacent vegetation will also be impacted considerably by the proposal. Even minimal drawdown can have considerable impacts.
PGV Letter Section 1	Failure to remediate the site may lead to contamination of groundwater.	Conversely, the proposed activities in the mining proposal may also lead to groundwater contamination and significantly increase the risk of the dust source/receptor pathway being realised as a result of significantly reduced buffers between screening and sieving activities and residential properties.
PGV Letter Section 1	Hanson has included a Remedial Action Plan and the commitment to engage an auditor during the remediation process. The process of lead removal is outlined in this document (Attachment 7).	The City requires that the appropriate level of remediation for the site is 'Decontaminated' and any target levels for remediation are determined by the City of Kwinana, prior to the commencement of mining.
PGV Letter, Section 3	PGV did not record foraging evidence on the site, potentially due to the lag in cone production after a fire in 2002.	<p>The difference between the Site surveying in 2013 by PGV and GHD in 2015, relating to the amount of foraging evidence present, would suggest that the Banksia species present at the site are a biological anomaly, as the amount of cones that have been produced between 2013 and 2015, in a two year period, is extraordinary.</p> <p>Furthermore, for the amount of foraging evidence present to have accumulated in a two year period, a significant foraging resource and a high value habitat must be sustaining considerably higher numbers of Black Cockatoos than has been reported. The Black</p>

		<p>Cockatoos, to create this amount of foraging evidence must be almost entirely dependent on the vegetation within this Reserve.</p> <p>This is further reinforced by the recent reporting of a roosting site 800m from the site in 2017.</p>
PGV letter, section 3	There was no roosting on the site recorded during the Great Cocky Count in 2016 and in 2014.	No surveying was actually undertaken at the site on these occasions by the community. As no surveying was undertaken, using this information to evidence that no roosting sites are present is incorrect and misleading.
PGV letter, section 4	The rehabilitated area restored post mining site will be managed by the City of Kwinana for conservation/recreational uses consistent with maintaining Black Cockatoo foraging habitat.	<p>At no point in time has the City been consulted regarding this statement. The City does not support mining in this location and will not assume management of the area without detailed consultation. <b>This statement is false</b></p> <p>The City of Kwinana has not been consulted in regards to this statement. The City has not been involved with determining the completion criteria for the site nor any relevant plans. <b>As such the City considers this statement to be false.</b></p> <p>The City will also state that it will not subsidise the proponent by managing a former mine site with ratepayer funds. The City expects that the management of the area will be undertaken post mining in perpetuity by the proponent or the State of WA.</p>
PGV Letter, Section 4	Hanson has committed to a weed control and a dieback management plan as per the Restoration Plan (Attachment 12;	The plan is not sufficient to prevent the spread of dieback within or from the site to other sites based on the absence of any reference to dieback within attachment 12 M70/915 Wellard – Site Restoration Management Plan. The attachments to the plan only have a broad reference to dieback and does not present any methods, specific to the characteristics of the site suitable to prevent the spread within or from the site.
PGV Letter, Section 5	The Clearing permit was granted by DER on 22 October 2016	<p>The Clearing Permit was granted by Department of Mines and Petroleum</p> <p>The assessment of the Clearing Permit did not include impacts on Banksia Woodlands TEC which was listed on 16 September 2016. This represents a significant impact and new information and a referral to the EPA would be required according to section 48I of the EP Act.</p>
PGV Letter, Section 6	<i>Demonstrate that the action is not inconsistent with any relevant recovery plan or threat</i>	The action, as demonstrated by the lack of detail specific to the management of dieback relevant to the site characteristics, management of the site, topsoil handling and remediation process, is inconsistent with the Threat Abatement Plan (TAP)

	<p><i>abatement plan including (but not limited to):</i> Australian Government Department of the Environment (2014). Threat abatement plan for disease in natural ecosystems caused by <i>Phytophthora cinnamomi</i>. Commonwealth of Australia, Canberra</p>	<p>Referral of proposed action 23 February 2013 pg. 27 stated: "There is no risk of spreading the fungal disease from this site".</p> <p>However, the reserve contains at least two known areas of <i>Phytophthora Dieback</i> infestations.</p> <p>The TAP identifies that "Humans can spread <i>P. cinnamomi</i> further and faster than any other infestation vector. <u>High risk</u> activities for spread include mining"</p>
<p>PGV Letter, section 6</p>	<p>The proposed measures are not inconsistent with the Recovery Plan for Forest Red-tailed Black Cockatoos and Carnaby's Black Cockatoos as it will not:</p> <ul style="list-style-type: none"> <li>• Decrease the number of Forest Red-tailed Black Cockatoos in Western Australia;</li> <li>• Decrease the number of Forest Red-tailed Black Cockatoos breeding pairs;</li> <li>• Decrease the number of Forest Red-tailed Black Cockatoos roosting sites; or</li> <li>• Decrease the number of juvenile Forest Red-tailed Black Cockatoos in each roosting flock.</li> </ul>	<p>The identification of a roost site in close proximity to the site in 2017 indicates that the usage of the site is greater than has been indicated by PGV Environmental.</p> <p>The impact on quality native vegetation, suitable for foraging for both species of black cockatoos utilising the site, will be devastating. As the significant majority of the site has not been previously cleared, the foraging values are some of the highest for several kilometres. The identification of a roost site in 2017 confirms that there will be impacts on roost sites for both species of black cockatoos using the site.</p>
<p>PGV Letter, Section 6</p>	<p>The Dieback survey by Glevan Consulting shows surrounding bushland as infested with Dieback with</p>	<p>A Dieback Management Plan has not been prepared relevant to the issues at the site.</p>

	<p>small areas that are not. A Dieback Management Plan will be prepared outlining appropriate hygiene protocols during construction and management of stormwater to ensure the disease is not transmitted through run-off:</p>	
<p>PGV Letter, section 7</p>	<p>Therefore, the vegetation has a risk of removal, or 'Risk of Loss' irrespective of the implementation of the proposal.</p>	<p>The City has been monitoring the site for several years and has concluded that the lead is not mobile, and there is no risk of the lead becoming airborne through dust due to the vegetation cover on the site if it remains in its current state. DWER has advised the City of Kwinana, via letter, that the environmental values at the site may outweigh the risk posed by lead in its current state.</p> <p>Conversely, the proposal does not factor that the process of moving and stripping lead, through the abrasive forces, will make the lead more soluble and increase the risk of lead becoming airborne, particularly during site clearing works as lead is strongly bound to organic molecules in an acid environment as is the case in this Reserve.</p> <p>The proposal greatly increases the risk of exposure pathways to sensitive receptors being realised. As the mine has reduced buffers, this risk is brought closer to those receptors also.</p> <p>The conclusion of section 4.1 of the Ram plan are also invalid as the site is not publicly accessible as it is managed as a conservation Reserve and the visual impact statement is subjective. The City of Kwinana has discussed this with residents and can advise that the residents consider that the mining proposal represents a greater visual impact than what is currently present at the site.</p> <p>Additionally, if the site was reclassified as 'Contaminated – remediation required', the footprint of remedial works would not require 16.25ha of vegetation to be removed. In actuality, the highest concentration of lead could be removed simply by excavating the bunds around the shooting ranges only as this is where the highest concentration of lead is located. Current information indicates that the site's soil processes are adequately binding lead and mitigating mobilisation to groundwater and airborne pathways.</p>

		Any reduction to the offset calculations using this reasoning should be reviewed as 16.25 hectares is not required to be cleared to facilitate remediation of lead contamination.
PGV Letter, Section 7	The overall outcome of contributing to a larger parcel of land is beneficial to the environment, providing larger areas of protected bushland, improving habitat values, decreasing threatening and degrading processes such as edge effects, also improving the economic viability of managing the site in the future.	<p>This statement does not consider the impact the loss of much of this Reserve will have on the local environment.</p> <p>As the Reserve has very high species richness and diversity, the Reserve acts as a node that exports species rich DNA to the surrounding bushland on residents property. Removal of 16.25ha of the site will decrease the functionality of the Reserve and negate the ability of this Reserve to act as a node in wildlife corridors that connect neighbouring Reserves and pockets of bushland.</p> <p>The impact on the functionality will persist post mine closure as the current Reserve, with it's close to ideal boundary/area ratios, will be significantly compromised resulting in edge effect, increased predation, weed invasion and loss of species including conservation, priority and endangered fauna such as <i>Lerista lineata</i>, <i>Neelaps calonotus</i> and two black cockatoo species.</p>
PGV Letter, Section 7	<i>These contaminants may cause unacceptable risk of harm to human and environmental health as well as an unacceptable aesthetic impact to employees (and/or contractors/subcontractors) working at the sand quarry</i>	This risk can be entirely mitigated if sand mining is not to occur on the site.
PGV Letter, Section 7	There is a likelihood that if the site is not remediated as proposed that the site will be reclassified to "Contaminated - remediation required". Such a classification	<p>Incorrect. Site classification is not dependent on the remediation methods proposed.</p> <p>Classification is likely, although the remediation methods that are appropriate are those that remediate the site to an acceptable level independent of what is proposed for the site.</p> <p>The State is unlikely to have any remediation obligation if the site is classified as requiring remediation.</p>

	triggers a statutory remediation obligation for the State Government under s. 23 of the <i>Contaminated Sites Act 2003 (WA)</i> .	
PGV Letter, Section 8	Offsets Policy	<p>The offsets proposed are insufficient to compensate the community for loss of TECs or high value conservation Reserves.</p> <p>Banksia Woodlands have not been considered as part of the referral, and subsequently the offsets are insufficient to address the impacts on MNES.</p>
PGV Letter, Section 9.1	The remediation of the lead on the site will allow the site to be used for public recreation (rather than the current state where it is surrounded by a high mesh fence) providing a valuable natural asset. The proposed action will also result in mitigating the risk to the community of accidental exposure to lead.	<p>The site is managed as a Conservation Reserve. The community accepts that the conservation values at the site are greater than the recreational value. The statement also assumes that upon closure of the site it will be free of contamination. Additionally, the City has no intention of managing a former mine site for recreational purposes without the City approving any such plans. Contrary to what has been stated in other areas of the letter and accompanying information, the <b>City has not been consulted with regard to post closure management and will not accept management of a former mine site for recreation purposes.</b></p>
	<b>9.2 Strategic importance of the Action</b>	<p>The WA building industry is at an all time low. The demands for such material are a fraction of what is stated and there are currently many operating quarries that can satisfy this dwindling need.</p> <p>The property was not identified as a basic raw material node in the WA government's suspended Strategic Assessment of the Perth and Peel Region suggesting that this proposal was insignificant in the considerations of Directions 2031 and the more recent Perth and Peel@ 3.5 Million Plan.</p> <p>Any statements regarding urgency need to reflect the actual requirements of the housing market.</p>
	<b>9.3 Locational importance</b>	<p>The location of the proposal is immediately adjacent to residential properties. The proposal will impact on the amenity of those properties/occupiers and the health and well being of the property owners. The proposal will increase truck movements on roads not designed for such traffic or frequency of movements.</p>

	<p>Department of Mines and Petroleum (DMP) who have mapped the sand resource as a “Regionally Significant Basic Raw Material (BRM)” after an extensive review of BRM within the Perth Peel Region.</p>	<p>The Strategic Assessment of the Perth and Peel (SAPPR) region did not identify the Reserve within the Basic Raw Materials Class of Action.</p> <p>Instead, the SAPPR identified the Reserve for inclusion into the conservation estate.</p> <p>Please See Attachment A</p>
	<p>9.4 Greenhouse gas</p>	<p>The clearing of vegetation at the site represents a significant release of sequestered carbon and removes the ability of the Reserve to further capture carbon. Complex remnant vegetation communities are more efficient at long term carbon capture than revegetation as the amount of management input is considerably less.</p> <p>Any claims that proposal to clear vegetation from the site is the option with the least amount of carbon dioxide produced is incorrect. It is more likely clearing the site will be the option that produces the largest amount of carbon dioxide.</p> <p>There are several quarries operating within a 3km range that can service any demand for sand products. These quarries are not operating at full capacity.</p>
<p>PGV Letter, Section 9.6</p>	<p>The employment of 5 people on site will support an additional 30 jobs</p>	<p>This claim appears to be unfounded and unsubstantiated. Economic Modelling from REMPLAN indicates that 5 jobs in this field would sustain an additional 1 job in the wider supply chain, based on an employment multiplier of 1.2 typically found in the industry.</p> <p>The impact of this development would be negligible on the \$11 billion housing industry quoted.</p> <p>Please see attached REM Plan report included in Attachment B.</p>
	<p><b>9.8 regulator consultation</b></p>	<p>The consultation with the City of Kwinana has been insufficient and, as such, has been misrepresented within documentation.</p> <p>City currently strongly opposes the proposal due to the impacts on native vegetation, fauna, dust, noise, traffic and end use.</p>

		<p>Any claims that the City supports or has been consulted with regarding management post mining are false.</p> <p>Additionally, as the City of Kwinana represents the community, the City has received information that many of the claims regarding consultation with the community are also false, have been extrapolated or misconstrued.</p> <p>There is no agreement between the City and the proponent regarding Road Upgrades and Contributions for Sand Mine. Any statement made by the proponent indicating they have an Agreement with the City of Kwinana is false.</p>
PGV Letter, Section 10	Impacts to black cockatoos will be avoided in the buffer area	<p>This statement is incorrect. The decrease in density will affect the foraging behaviour of both species. The drawdown resulting from groundwater abstraction will affect the vegetation on site outside of the mining area and is likely to result in significant decline of foraging habitat. This impact on native vegetation and black cockatoos is yet to be assessed as it is outside the clearing permit area.</p> <p>As there is likely to be impacts outside of the mine area, a separate EPBC Act referral should be made to assess those impacts.</p>
DoEE 8 May Correspondence	Departmental Quality Value (8)	The majority of native vegetation on site is in excellent condition, is a TEC and supports considerable foraging habitat for endangered species. The value of 8 is incorrect and should be either 10 for the whole proposal area minus the ranges or 9.
Theis Drawdown Modelling		<p>The drawdown modelling indicates the vegetation within the Reserve, but outside of the lease area will be impacted by drawdown.</p> <p>As the species present in this area are very sensitive to changes and reductions in the height of the water table, there will be impacts to Banksia Woodland TECs that have not been accounted for in the current application.</p> <p>This will require a separate EPBC Act referral.</p>
InSitu, Remedial Action & Management Plan	<p>approach will be to screen the topsoil zone and monitor the subsoil horizon.</p> <p>Should significant lead shot/bullets be seen to extend down further into</p>	<p>Screening requires a 500m separation from residential properties according to WA EPA guidance.</p> <p>The <i>Contaminated Sites Act 2003</i> is the guiding legislation relating to remediation of the site. The Mining approval, with its reduced buffers contradicts guidance in the:</p> <ul style="list-style-type: none"> <li>-<i>Contaminated Sites Act 2003</i>;</li> <li>-Contaminated Sites Management Series;</li> </ul>

	The subsoil, then the subsoil area will also be screened.	-NEPMs; -EPA Guidance; and -Mines Safety Regulations relating to buffers between residences
Insitu RA&MP	Section 4.5. ...transported offsite for disposal at a suitably licensed facility, transported via internal haul roads to a fixed screening plant located to the centre of the site or screened centrally in	500m required. Buffer proposed does not comply with WA EPA guidelines.
Insitu RA&MP	A HIL of 300mg/kg (or 300 ppm) will be adopted for the assessment of lead in soil. This is the NEPM criteria for 'standard residential' areas.	The Remedial Action and Management Plan will likely increase lead contaminated dust from the site reaching sensitive receptors.  The City of Kwinana has not been consulted in regards to the use of the site post mine closure and rehabilitation.
Insitu RA&MP 5.5	5.5 Key Plant and Equipment A centrally-located screening plant and a front end loader will be used during the mining and rehabilitation process. Screening plant will be used to screen out lead particles and/or clay pigeon fragments from sand resource for potential use as resource or as fill onsite, subject to verification testing by a qualified land contamination specialist. Screening plant will be located at a centralised site location to allow for maximum	A screening plant requires a 500m buffer

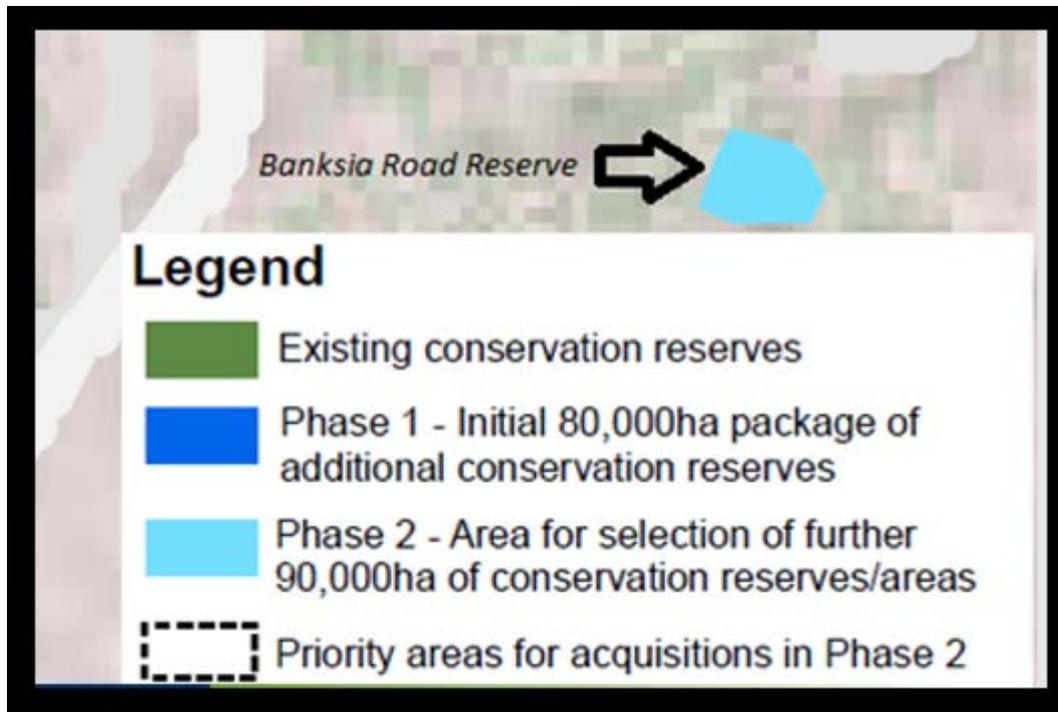
<p>Insitu RA&amp;MP 5.5</p>	<p>Site infrastructure. Transportable site office;  <ul style="list-style-type: none"> <li>• vehicle/equipment compound;</li> <li>• toilet; and</li> <li>• refuelling facility (5,000 litre maximum self-bunded diesel above ground tank).</li> </ul> </p>	<p>Advice regarding the suitability of proposed infrastructure has not been sought from the City of Kwinana. These will require formal application and approval from the City of Kwinana who will determine their suitability.</p>
	<p>Site will be selected by the remediation contractor and will be meet the following objectives:</p> <ul style="list-style-type: none"> <li>• Compliance with all traffic road rules.</li> <li>• Minimisation of noise, vibration and odour to adjacent premises.</li> <li>• Utilisation of state roads and minimisation of use of local roads.</li> </ul> <p>Site access/egress and transport will utilise public roads including</p>	<p>There is no agreement between the proponent and the City of Kwinana relating to the use of roads, any upgrades required or compensation for deterioration of the City's road assets.</p>
<p>Insitu RA&amp;MP 6.2.4</p>	<p>Dust (and potential lead dust) may be made airborne during soil handling activities, loading and unloading of materials, as a result of wind-borne dust from exposed surfaces and stockpiles, during vehicle movements on paved and unpaved roads and screening activities.</p>	<p>The risk of dust exposure to adjacent receptors is exacerbated due to the reduced buffers approved. Considerable risk is present to adjacent neighbours.</p>
<p>Rocla Site Restoration</p>	<p>General</p>	<p>Restoration to the current condition is not possible.</p>

Managem nt Plan		
Rocla Site Restoration Managem ent Plan		The site restoration plan is inconsiderate of soil hygiene requirements necessary to prevent the spread of soil pathogens such as dieback which is present on the site. This will be in contravention of the Threat Abatement Plan.
Rocla Site Restoration Managem ent Plan	Batter angles Grades approximately 1:3 should be designed as a minimum.	To use the site for the purposes of Public Open Space (POS) the grades are required to be 1:6. The plan is therefore not compliant with the City of Kwinana requirements for a POS.
Restoring a biodiverse plant community	General	The document is in draft format. Reliance on draft documents to guide rehabilitation of sites that are contaminated and contain dieback is not supported.
Clearing Permit Approval	<b>DMP approval</b>	<p>It would appear the Clearing Permit has been approved by the DMP which introduces considerable conflicts. DMP does not appear to have considered the local and regional value of the site in granting the approval.</p> <p>At no point has the DMP contacted the City of Kwinana regarding the concerns stated previously nor has the DMP informed the City of Kwinana of the granting of the approval. As the City is the vested management authority of the Reserve it would be appropriate to have advised the City of the approval so any rights of appeal may have been investigated. As this has not occurred, the City has not had an opportunity to appeal the Clearing Permit approval.</p> <p>In addition, the Clearing Permit has been granted when there is clear evidence that the proposal is inconsistent with the majority of the 10 clearing principles especially in light of the considerable values for fauna habitat that are evidenced by the GHD report included in the application.</p> <p>Please note that the GHD reports, commissioned by the City of Kwinana, included in the documents made available in the Public Notice by PGV Environmental are being used without the permission of the City of Kwinana. Reproduction, advertising or publishing findings or the report without the permission of the City is not permitted.</p>
Epa guidance for assessment of environmen tal factors	<b>Mining buffer</b>	<p>Please note that EPA Guidance documentation indicates that a 500m buffer is appropriate for the proposal.</p> <p><a href="http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS3-Separation-distances-270605.pdf">http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS3-Separation-distances-270605.pdf</a></p>

Clearing Permit	<b>fauna impact</b>	<p>The Clearing Permit has been granted with no apparent consideration of impacts on fauna present at the site as can be demonstrated by the lack of conditions applied to the Clearing Permit that would mitigate such impacts.</p> <p>As demonstrated by the City of Kwinana, the site has regionally significant fauna values. The approval of the Clearing Permit is inappropriate and will result in the death of priority and native fauna.</p>
From EPBC Response 21 June 2018, question 2	PGV Environmental claim that the species <i>Kunzea glabrescens</i> , is the species that the Dwarf Hammer Orchid often grows in association with, and that there was no <i>Kunzea glabrescens</i> recorded on the site.	<p>This is false, as the GHD report (2014) clearly indicates in Appendix E, species recorded in the study area includes <i>Kunzea glabrescens</i>, and so there is the possibility of the Dwarf Hammer Orchid at the site. No additional surveys have been conducted to confirm this.</p> <p>Another spring survey is required to determine presence/absence of the Dwarf Hammer Orchid.</p>
Question 3	PGV Environmental claimed to have surveyed the site 2013 and did not record foraging evidence on the site, potentially due to lack of cone production after a fire in 2002.	<p>According to the Black Cockatoo Habitat Assessment (PGV Environmental, 2014), the methodology indicates that the site visit was undertaken on one day in November 2013. In particular, Carnaby's Cockatoos can vary their patterns of foraging so as to visit different sites on different days. One visit to the site would not be sufficient to gather the relevant scientific evidence to claim that the area is not a foraging site.</p> <p>Furthermore, the claim that one fire in 2002 has reduced banksia cone production, based on personal comments from the original proponent (John White), is false and misleading.</p> <p>The City of Kwinana has collected and recorded <i>Banksia attenuata</i>, <i>Allocasuarina fraseriana</i> and <i>Allocasuarina humilis</i> seed from the site in 2015, in sufficient quantities to suggest that cone production has not been significantly affected from this described 2002 fire. In fact studies have suggested that in order to maintain populations of "Banksia" species (specifically, <i>B.prionotes</i>, <i>B.menziesii</i>, <i>B.leptophylla</i> and <i>B.attenuata</i>) the heath should be burnt at a frequency of no less than ten years. (Cowling, R.M., Byron, B., Lamont, and S.M.Pierce, 1987). This would suggest that at the time of the survey in 2013, ten years after the fire, Banksias would have been at peak cone production.</p> <p>City of Kwinana has installed fauna monitoring cameras at the site since the beginning of 2016. It</p>

		provides continuous data about presence/absence of native species and feral animals. Carnaby's Cockatoos have been recorded foraging at the Reserve on the 24 of June 2017 and the 3 <sup>rd</sup> of August 2017 (please see photo plates 1-3).
Question 3	PGV Environmental claim that there has been no record of a roosting site in the north of the project area. The GHD report from 2014 suggested that there could be a potential roost site north of the project area.	<p>A valid roost site has been recorded approximately 800m to the north of the project area (Referred to by Birdata as SERWELR002). Current data recorded from the Great Cocky Count in 2017 indicated the presence of 298 Carnaby's Cockatoos on one night, and 75 Carnaby's in 2018. With such a large population roosting in close proximity, the project area is a very important foraging site.</p> <p>PGV have not produced any material as part of this submission, that clearly indicates the "Current Use" by Black Cockatoos at this site.</p>
General	The full conditions for the mining proposal have not been included in the public notice	The full set of Conditions attached to the Mining Proposal and Closure Plan have not been made available to the City of Kwinana or the general public.

# Attachment A – Strategic Assessment of the Perth and Peel Region mapping



Source: Department of Premier and Cabinet, Strategic Assessment of the Perth and Peel Region Mapping.



## Impact Report for Kwinana (C)

### Impact Scenario

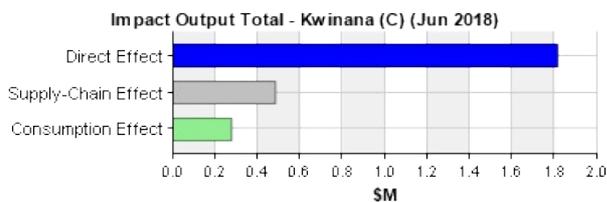
Industry Sector	Direct Change Jobs	Direct Change Output (\$M)
Non Metallic Mineral Mining	5	

### Impact on Output

From a direct increase in output of \$1.813 million it is estimated that the demand for intermediate goods and services would rise by \$0.483 million. This represents a Type 1 Output multiplier of 1.267. These supply-chain effects include multiple rounds of flow-on effects, as servicing sectors increase their own output and demand for local goods and services in response to the direct change to the economy.

The increases in direct and indirect output would typically correspond to the creation of jobs in the economy. Corresponding to this change in employment would be an increase in the total of wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated at \$0.276 million.

Total output, including all direct, supply-chain and consumption effects is estimated to increase by up to \$2.573 million. This represents a Type 2 Output multiplier of 1.419.

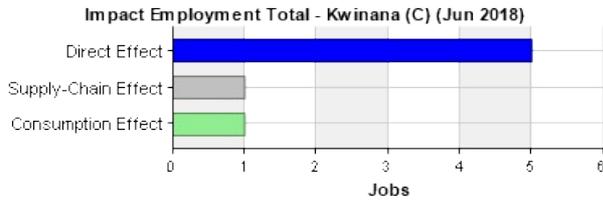


### Impact on Employment

From a direct increase in output of \$1.813 million the corresponding creation of direct jobs is estimated at 5 jobs. From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the gain of a further 1 job. This represents a Type 1 Employment multiplier of 1.200.

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated to further boost employment by 1 job.

Total employment, including all direct, supply-chain and consumption effects is estimated to increase by up to 7 jobs. This represents a Type 2 Employment multiplier of 1.400.

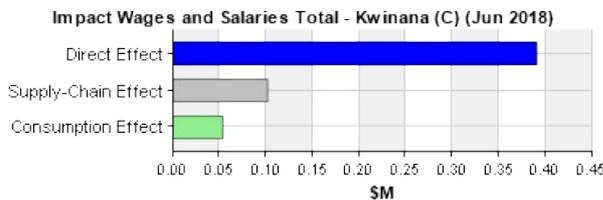


## Impact on Wages and Salaries

From a direct increase in output of \$1.813 million it is estimated that direct wages and salaries would increase by \$0.390 million. From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the gain of a further 1 job and a further increase in wages and salaries of \$0.101 million. This represents a Type 1 Wages and Salaries multiplier of 1.260.

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are expected to further boost employment in sectors such as retail therefore further increasing wages and salaries by \$0.053 million.

Total wages and salaries, including all direct, supply-chain and consumption effects is estimated to increase by up to \$0.545 million. This represents a Type 2 Wages and Salaries multiplier of 1.397.

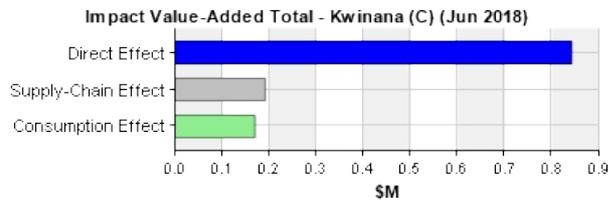


## Impact on Value-Added

From a direct increase in output of \$1.813 million the corresponding increase in direct value-added is estimated at \$0.842 million. From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to value-added of \$0.192 million. This represents a Type 1 Value-added multiplier of 1.228.

The increase in direct and indirect output and the corresponding boost to jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are expected to further boost value-added by \$0.170 million.

Total value-added, including all direct, supply-chain and consumption effects is estimated to increase by up to \$1.203 million. This represents a Type 2 Value-added multiplier of 1.430.



## Impact Summary

Impact Summary	Direct Effect	Supply-Chain Effect	Consumption Effect	Total Effect	Type 1 Multiplier	Type 2 Multiplier
Output (\$M)	\$1.813	\$0.483	\$0.276	\$2.573	1.267	1.419
Employment (Jobs)	5	1	1	7	1.200	1.400
Wages and Salaries (\$M)	\$0.390	\$0.101	\$0.053	\$0.545	1.260	1.397
Value-added (\$M)	\$0.842	\$0.192	\$0.170	\$1.203	1.228	1.430

# Photoplates

Plate 1 – Carnaby's Black Cockatoo – Ground Foraging



Plate 2 – Carnaby's Black Cockatoo – Ground Foraging



Plate 3 – Carnaby's Black Cockatoo, Ground Foraging



9 August 2018

Hon Stephen Dawson MLC  
Minister for the Environment  
12<sup>th</sup> Floor Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Our Ref.: D18/47317

Dear Minister

**PROPOSED CLEARING OF REGIONALLY SIGNIFICANT BUSHLAND - BANKSIA ROAD  
MINING PROPOSAL**

The proposed clearing of Reserve 24784 (Lot 1320) Banksia Road, Wellard and Reserve 32621 Banksia Road, Wellard (Lot 53), known as the Rifle Range, is being referred to you under section 38(4) of the *Environmental Protection Act 1986* (EP Act) due to the great public concern the proposal has generated. If approved, the proposal will result in the removal of Banksia Woodland that is classified as a *Threatened Ecological Community* under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The affected reserve is the best quality native vegetation of its type in the area, supporting a high diversity of native flora and fauna.

The proposal was referred to the Environment Protection Authority (EPA) in March 2009. The EPA determination, released on 19 May 2009, was 'Not Assessed'. The community (Wellard Progress Association Inc.) appealed (Appeal 096/09) to have the site assessed by the EPA, however, the then Western Australian Minister for the Environment, Donna Faragher, dismissed this appeal on 24 May 2009.

**Administration**

Cnr Gilmore Ave & Sulphur Rd, Kwinana WA 6167 | PO Box 21, Kwinana WA 6966 | Hours Mon-Fri 8am-5pm (Cashier hours 8am-4pm)  
Telephone 08 9439 0200 | Facsimile 08 9439 0222 | TTY 08 9419 7513 | admin@kwinana.wa.gov.au | www.kwinana.wa.gov.au

Significant new or additional information justifies the reassessment of the issues raised by the proposal:

1. Subsequent to the EPA decision to not assess the proposal, the affected bushland has been listed as a *Threatened Ecological Community* under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act);
2. The City commissioned a report by GHD, which found the reserve to have excellent biodiversity values both for its size and its particularly high habitat value for fauna species due to the variety of microhabitats and various resource niches available (i.e. fallen logs, hollow logs, leaf litter, sandy soil);
3. The Reserve is now of sufficient size, shape and condition to be considered Regionally Significant.
4. Banksia Woodlands were listed prior to the approval of the Clearing Permit and should have been considered by the Department of Mines.

The City is concerned that appropriate consideration of the impacts on conservation significant native vegetation proposed by this development during previous assessments may not have occurred. On this basis and in view of the public interest in this matter, the City is requesting that you refer the proposal to the EPA pursuant to section 38(4) of the EP Act.

Yours faithfully

Carol Adams  
**Mayor**

Cc. EPA Chairman, Dr Tom Hatton

Attachments: Report presented to the City of Kwinana Council (Item 14.1) at the Ordinary Council Meeting held on 8 August 2018, inclusive of Attachment A, EPBC Act Submission.



9 August 2018

Hon. William (Bill) Joseph Johnston MLA  
Minister for Mines and Petroleum  
9<sup>th</sup> Floor Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Our Ref.: D18/47352

Dear Minister

**PROPOSED CLEARING OF REGIONALLY SIGNIFICANT BUSHLAND - BANKSIA ROAD MINING PROPOSAL**

The proposed clearing of Reserve 24784 (Lot 1320) Banksia Road, Wellard; and, Reserve 32621 Banksia Road, Wellard (Lot 53), known as the Rifle Range, is being brought to your attention as it appears that the Department of Mines and Petroleum (The Department) has made a decision on a significant proposal [s.37b(1)] of a prescribed class [s.48I] without referring the matter to the Environmental Protection Authority as required by the EP Act.

A Clearing Application proposing to clear 17.359ha was submitted to the Department on 23 February 2015. This application included a document that stated:

*“Perth’s Banksia woodland communities are coming under increasing pressure from development and as a result, these once extensive woodlands are diminishing”.*

*“... Outside of a few notable exceptions... large preserves of pristine and intact tracts of Banksia woodland are rare.”*

**Administration**

Cnr Gilmore Ave & Sulphur Rd, Kwinana WA 6167 | PO Box 21, Kwinana WA 6966 | Hours Mon-Fri 8am-5pm (Cashier hours 8am-4pm)  
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The 'Banksia Woodlands of the Swan Coastal Plain' ecological community was listed as endangered under Australia's national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), on 16 September 2016. This listing coupled with the Conservation Advice prepared by the Threatened Species Scientific Committee provided further evidence that this proposal is likely, if implemented, to have a significant effect on a federally listed TEC and endangered species.

The area proposed to be cleared was listed as 'endangered' under the EPBC Act after the Clearing Application was submitted, however, Banksia Woodlands were listed prior to the approval of the Clearing Permit and should have been considered by the Department.

Further significant new or additional information justifies the reassessment of the issues raised by the proposal:

1. The City commissioned a report by GHD, which found the Reserve to have excellent biodiversity values both for its size and its particularly high habitat value for fauna species;
2. The Reserve is now known to be of sufficient size, shape and condition to be considered Regionally Significant;
3. The City has determined that the Reserve contains areas of 'pristine' vegetation so environmentally significant that there is now no minimum area threshold for referral of proposals to clear such areas to the Department of Environment and Energy; and
4. The City has determined that the proposed clearing would be at variance to at least eight (8) of the ten (10) clearing principles.

The City is concerned that appropriate consideration of the significant effect on conservation significant native vegetation proposed by this development during previous assessments have not occurred. On this basis, the City is requesting that you now refer the proposal to the EPA pursuant to section 38(5) of the EP Act.

#### Administration

Yours faithfully

Carol Adams  
**Mayor**

Cc. EPA Chairman, Dr Tom Hatton

Attachments: Report presented to the City of Kwinana Council (Item 14.1) at the Ordinary Council Meeting held on 8 August 2018, inclusive of Attachment A, EPBC Act Submission.

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9 August 2018

Hon. Josh Frydenberg MP  
Minister for the Environment and Energy  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

Our Ref.: D18/47360

Dear Minister

**PROPOSED CLEARING OF REGIONALLY SIGNIFICANT BUSHLAND - BANKSIA ROAD SAND MINING PROPOSAL**

The City of Kwinana, Western Australia, has been managing a public reserve for several decades for conservation purposes. The reserve has also been granted a mining lease contrary to the wishes of the City of Kwinana and adjacent residents.

The City of Kwinana opposes mining of this site as it has significant habitat for Federally listed endangered species (Carnaby's Black Cockatoo) and, comprises vegetation that is also a Federally listed Threatened Ecological Community (TEC) being Banksia Woodlands.

The proposed clearing of Reserve 24784 (Lot 1320) Banksia Road, Wellard; and, Reserve 32621 Banksia Road, Wellard (Lot 53), known as the Rifle Range, should be referred by you to the Western Australian Environmental Protection Authority, under section 38(5) of the Western Australian *Environmental Protection Act 1986* (EP Act), as the Western Australian Department of Mines and Petroleum (DMP) has approved a proposal that impacts on Banksia Woodlands without appropriate consideration.

**Administration**

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The 'Banksia Woodlands of the Swan Coastal Plain' ecological community was listed as endangered under Australia's national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), on 16 September 2016. This listing coupled with the Conservation Advice prepared by the Threatened Species Scientific Committee presented evidence to the Western Australian Department of Mines and Petroleum that the proposal was likely, if implemented, to have a significant effect on the environment.

The ecological community proposed to be cleared was listed as 'endangered' under the Environmental Protection and Biodiversity Conservation Act 1999 after the Clearing Application was submitted. The documentation that was prepared to support the Clearing Permit application was therefore devoid of information relating to the proposals impact on Banksia Woodlands. However, Banksia Woodlands were listed prior to the approval of the Clearing Permit on 27 October 2016 and should have been considered by the Western Australian DMP.

The proponent also referred their proposal to the Department of Environment and Energy as required by the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) (please see referral 2015/7438). As the referral was made prior to the listing of Banksia Woodlands (August 2016) the proposal to clear Banksia Woodlands from the site will not have had any State or Federal consideration of the impact to this TEC.

The Department of Environment and Energy (DoEE) is a decision-maker that is aware that the proposed action, if implemented, will have significant impact on a Threatened Ecological Community that had not been considered at any stage of the assessment.

The Western Australian Environmental Protection Act compels decision-makers to refer proposals that are likely to have a significant impact on the environment to the Western Australian Environmental Protection Authority.

#### Administration

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Further significant new or additional information justifies the reassessment of the issues raised by the proposal:

1. The City commissioned a report by the competent and respected consultant, GHD, which found the reserve to have excellent biodiversity values both for its size and in comparison to other reserves within the region, providing particularly high habitat value for fauna species;
2. The Reserve is of a sufficient size, shape and condition to be considered Regionally Significant.
3. The City has determined that the Reserve contains areas of 'pristine' vegetation, so environmentally significant that there is now no minimum area threshold for referral of proposals to clear such areas to the Department of Environment and Energy; and,
4. The City has determined that the proposed clearing would be at variance to at least eight of the 10 clearing principles.

The City is concerned that appropriate consideration of the significant effect on conservation significant native vegetation proposed by this development during previous assessments have not have occurred. On this basis, the City is requesting that you now refer the proposal to the Western Australian EPA pursuant to section 38(5) of the Western Australian Environmental Protection Act 1986.

Yours faithfully

Carol Adams  
**Mayor**

Cc. EPA Chairman, Dr Tom Hatton  
Cc. Projects Assessments West Section (DoEE), Mallory Owen,  
Cc. Secretary, Department of the Environment and Energy, Finn Pratt.

Attachments: Report presented to the City of Kwinana Council (Item 14.1) at the Ordinary Council Meeting held on 8 August 2018, inclusive of Attachment A, EPBC Act Submission.