

Environment Advisory Committee Meeting

2 February 2022

Minutes

To: Environment Advisory Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Environment Advisory Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.


Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



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ATTACHMENTS *with separate index follows Item 6.*

Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 9 February 2022.



Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 4 May 2022.

Signed: Paul D. Hart

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

1 DECLARATION OF OPENING

Cr P Hart, Chairperson, declared the meeting open at 4.04pm.

1.1 ANNOUNCEMENT OF VISITORS

Nil.

1.2 RECORD OF ATTENDANCE AND APOLOGIESMembers

Cr P Hart	Councillor/Chair
Mrs J Hart	Community Member
Mrs E Hall	Community Member

Staff

Mr H de Vos	Acting Manager Development and Regulation
Mr G Warburton	Reserves Management Officer
Mrs M Rebane	Executive Assistant

Visitors

Cr C Duri	Councillor
Mr J Von Perger	Visitor

Apologies

Cr R Madacsi	Shire President
Cr D Wrench	Councillor

1.3 DISCLOSURE OF INTEREST

Nil.

2 MINUTES AND ADDITIONAL INFORMATION**2.1 CONFIRMATION OF MINUTES****2.2.1 UNCONFIRMED MINUTES OF THE EAC MEETING HELD ON 6 DECEMBER 2021**

The Officer's Recommendation in the Agenda for the EAC Meeting is below:

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO. EAC001/02/22

MOVED J Hart

That the Unconfirmed Minutes of the Environmental Advisory Committee Meeting held on 6 December 2021 be confirmed.

MOTION CARRIED 3/0

2.2 REVIEW OF STATUS REPORT

Attachments

- | | |
|---|-----------------------|
| 1 | Updated Status Report |
|---|-----------------------|

2.3 INWARD/OUTWARD CORRESPONDENCE

2.3.1 Lot 107 Nockdomine Road Dumbarton Presentation

Date of Report:	9 February 2022
Applicant or Proponent:	Environmental Advisory Committee
File Reference:	COC14
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Acting Manager Development and Regulation
Attachments	1 Tabled Attachment from Mr Von Perger

PURPOSE

To be present for a presentation from a landowner.

BACKGROUND

Justin Von Perger has been in communication with Officers in relation to Lot 107 Nockdomine Road, Dumbarton.

Mr Von Perger would like to present his vision and ideas for the property to the Environmental Advisory Committee Meeting.

A formal Development Application will be submitted in February 2022, but the presentation will allow him to talk about his innovative land management processes intended for the property. Mr Von Perger is seeking feedback from the EAC.

OFFICER COMMENT

Mr Von Perger was absent from the December EAC Meeting due to illness. At that time, Officers indicated that a presentation will be brought to a Council Forum after the Agenda Briefing in February 2022.

Officers consider this is something that ought to be showcased and the general discussion going forward is that the owner might be introducing processes which should become good practice for the wider community. Whilst this initial discussion will be for one property, the intent is to raise awareness at a wider community level. Below are the areas relevant to the terms of reference for the EAC in this instance.

- Native vegetation and landscape;
- Biodiversity protection and enhancement;
- Environmental sustainability;
- Climate change impact adaptation and mitigation.

Mr Von Perger tabled an attachment at 4.15pm.

A presentation in respect to the above and the tabled attachments was made.

Mr Von Perger left the building at 5.06pm.

3 OFFICER REPORTS

3.1 Update on Draft Local Biodiversity Strategy

Date of Report:	9 February 2022
File Reference:	COC14
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Acting Manager Development and Regulation
Attachments:	Nil

PURPOSE

To provide an update on the Draft Local Biodiversity Strategy.

BACKGROUND

The Shire of Toodyay continues to work with the Environment Advisory Committee to prepare a Local Biodiversity Strategy.

This is a key outcome of the Shire's Environmental Strategy and to date, its progress has been delayed due to other operational priorities and a lack of resourcing.

However, the Shire has recently reengaged with the environmental consultants – JBS&G Strategen to get the project back on track.

CONSULTATION

Community consultation is a vital part of the development process; however, no consultation will take place until the Council has adopted a draft local biodiversity strategy for advertising.

There is no statutory basis outlining a set consultation manner and duration and therefore guidance has been taken from the Shire of Toodyay Council Policy - M.2 Public Consultation – Formal Matters which states that a Level F – District approach should be applied.

Consultation mechanisms available for Level F include but are not limited to:

- (i) Newspaper advertising;
- (ii) Letter drops or Council notices;
- (iii) Signage and displays in relevant locations;
- (iv) Media releases – press, radio, television (subject to availability);
- (v) Notice to be displayed on Council's website;
- (vi) Formation of community or advisory committees under *Local Government Act 1995*;

- (vii) Formation of working groups;
- (viii) Workshops, forums or briefing/information sessions;
- (ix) Public meetings; or
- (x) Other procedures as required.

Ultimately the Administration will determine which is the most appropriate form for this consultation to occur moving forward.

COMMENTS AND DETAILS

Timeframes

The following steps outline how the Local Biodiversity Strategy will progress from here:

1. The Draft Local Biodiversity Strategy is distributed to EAC members for review.
2. A workshop is held to discuss any issues raised and to draft revisions and modifications.
3. Forward the draft back to JBS&G Strategen to incorporate changes and modifications.
4. Present final draft to EAC at its meeting with a view that the EAC resolve to recommend to Council that the draft Strategy is adopted for community consultation.

Workshop outcomes

1. The first workshop was held on 19 January 2022 and about 40% of the document was reviewed.
2. Given the importance of the document it was agreed by committee members that the process should not be rushed and that further workshops be conducted to ensure that the EAC was satisfied with the document moving forward.
3. Additionally, the EAC has formed a MS Teams Group to allow members to edit and contribute to the development of the document and to share ideas and information in a centralized location – without requiring a meeting every time.
4. Next workshop date is Wednesday 16 February 2022.

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO. EAC002/02/22

MOVED J Hart

That the Environment Advisory Committee recommends to Council the following:

That Council notes that work on the Local Biodiversity Strategy is progressing and that further updates will be provided when the document is ready to be considered for community consultation.

MOTION CARRIED 3/0

3.2 Native Vegetation Offset for proposed clearing for roadworks

Date of Report:	9 February 2022
File Reference:	COC14
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Acting Manager Development and Regulation
Attachments:	<ol style="list-style-type: none"> 1. Map - Lot 108 on Plan P013653 Vol. 1606 Fol. 67 – No. 21 Hibbertia Place, Toodyay 2. Bindi-Bindi Toodyay Road Widening Project.

PURPOSE

To provide guidance to the Council on a proposal to create a conservation covenant on Lot 108 on Plan P013653 Vol. 1606 Fol. 67 – No. 21 Hibbertia Place, Toodyay for the purpose of being able to set aside environmental offsets associated with Shire of Toodyay works projects (refer to **Attachment 1**).

BACKGROUND

The Shire of Toodyay Department of Assets and Infrastructure is currently engaged in the planning phase of several road projects. One of these road projects involves the widening of a section of Bindi-Bindi – Toodyay Road from Bindoon Dewars Pool Road in Coondle to One Man Road in Bejoording – approximately 11.3km (refer to **Attachment 2**).

This project requires vegetation to be cleared along the route to enable the widening of the road. Roadside vegetation along this stretch is scattered in pockets. To facilitate this process, the Shire of Toodyay has had to apply for a Native Vegetation Clearing Permit with the Department of Water and Environmental Regulation (DWER) – Clearing Permit Application CPS 9376/1.

COMMENTS AND DETAILS**Purpose of clearing**

Bindi-Bindi/Telegraph Road connects the Town of Toodyay with the populated subdivision areas of Coondle (east), Woodland Heights, Dewars Pool and Bejoording.

Between these subdivisions lay extensive farming areas ranging in size and land use from horticultural operations to broad acre agricultural enterprises.

This Road continues beyond the northern Toodyay boundary into the Shire of Victoria Plains through the towns of Calingiri and Piawaning connecting to the road network of the Mid-West.

Bindi-Bindi Road is a conduit that funnels increasing volumes of traffic including heavy haulage vehicles especially during harvest season.

A growth of tourist/caravan traffic has occurred as travellers tour north from Toodyay to mid-west destinations particularly noticeable during the wildflower season.

Toodyay is a significant tourist town and promotes itself as a destination and has experienced an upsurge in tourist/visitor numbers of late.

Tragically, three fatal traffic crashes have occurred in the past five years along the section of Bindi-Bindi Road covered by the application.

Main Road crash data shows these fatalities occurred on the 29/1/16, 7/11/17 and 14/3/20.

The Toodyay Shire was granted Black Spot Funding to allow for safety improvements to be carried out.

Subsequently, engineering design work was completed with every effort was applied to minimise the clearing of native vegetation.

It was determined that to achieve the road widening and shoulder treatments necessary to gain the safety improvements that any reduction in the proposed clearing would severely compromise the benefits and indeed increase the hazardous nature of the road.

The installation of crash barriers and/or other mitigation treatments has not been incorporated into this current design plan.

The Shire of Toodyay is cognisant of the need to minimise environmental impacts related to this application because of the environmental, heritage and scenic values associated with this part of the road.

Potential actions considered

Potential actions to address / mitigate the potential impacts of the proposed clearing (loss of native vegetation in an area that has been extensively cleared).

The following could be considered:

1. Onsite mitigation: This could be done by an onsite revegetation to 'replace' the native vegetation lost to the clearing. In this case the Shire could plant native trees on the same Road Reserve with a minimum of 1 to 1 ratio (e.g., the number of trees cleared to the number of trees planted)
2. (if option 1 is not viable or adequate) Offsite environmental offset. This could be done by rehabilitating, revegetating, or conserving an area outside of the application area to counterbalance the impacts. This usually requires larger area of rehabilitation, revegetation or conservation, a minimum of 2 to 1 ratio could be expected.

Given Option 1 is not feasible due to the nature of the project and limitations associated with the width of the road reserve – Option 2 is now being explored by the Shire of Toodyay to support the clearing permit application.

PROPOSAL

Lot 108 on Plan P013653 (No. 21 Hibbertia Place) in Toodyay is a 123.28 hectare irregular shaped, heavily vegetated parcel of land adjacent to the Majestic Heights and Lozanda Heights subdivision areas. Its rugged terrain and natural vegetation mean that the parcel is limited in development potential in the future. It is freehold land owned by the Shire of Toodyay.

Given the abundance of natural vegetation onsite and lack of development potential, it is considered an ideal site to be considered for this offset which has been calculated at approximately two (2) hectares - and for future environmental offsets for other projects. This would be a banked offset.

Depending on the tenure of the proposed offset land, the Shire would either:

1. Secure (in perpetuity) a conservation covenant to the offset area; or
2. Change the tenure and / or the purpose of the land (to conservation – in perpetuity), the land could either be managed by DBCA or the Shire.

In this case it is recommended that Option 1 be undertaken and that the Shire of Toodyay arrange for a conservation covenant to be placed on the property.

CONSULTATION

There is no requirement for this matter to undergo community consultation.

COVENANTS TO PROTECT NATIVE VEGETATION IN WESTERN AUSTRALIA

Landowners who wish to protect and manage native vegetation on their property may enter into an agreement (covenant) with the Commissioner of Soil and Land Conservation under s30 of the *Soil and Land Conservation Act 1945*.

Covenants are voluntary written agreements with the Commissioner to manage a specified area of vegetation to retain and promote its growth. Covenants are positive, rather than restrictive, and may be in perpetuity.

Covenants explained

A covenant is a voluntary agreement between a landowner and the Commissioner of Soil and Land Conservation (Commissioner) that aims to conserve an area of land (or part of it) in as near to its natural state as possible.

Covenants may be registered as a memorial on the Certificate of Title for the land and can bind any future owners of the land.

Conservation Covenants and Agreements to Reserve are positive – rather than restrictive – covenants, where the landowner agrees to manage the vegetation on their property to retain and promote its growth.

The covenant does not usually contain management prescriptions beyond limiting clearing and grazing of the native vegetation and may allow uses such as removal of selected timber and seed collection. Fencing may be required to ensure livestock do not intrude into the covenanted area.

The Soil and Land Conservation Act provides for 2 types of covenants:

- Conservation Covenant, which is irrevocable. The term of these covenants is usually specified for perpetuity or a period of time. Once finalised, the Commissioner does not have statutory authority to vary or discharge these covenants.
- Agreement to Reserve (ATR), which is not expressed as irrevocable. These covenants may be in perpetuity or for a specified time and may be varied or discharged by the Commissioner.

From time to time, landowners may ask the Commissioner to discharge the ATR by applying to the Commissioner in writing, stating the reasons they would like to vary or discharge the ATR. If the Commissioner refuses to discharge the ATR, the landowner can appeal the decision by applying to the State Administrative Tribunal of Western Australia.

Conservation Covenants and ATRs bind each person who has consented in writing to the covenant. They may be registered as a 'memorial' over the property's Certificate of Title, binding successive landowners.

Landowners wishing to enter into a covenant will initially need to provide an aerial photograph or a good quality plan that outlines the vegetation to be protected, with a list of any conditions required.

Process to arrange a covenant

There are a number of steps to arrange a covenant. Once the Commissioner has agreed in principle to a Conservation Covenant or ATR, the landowner will be advised of the following steps:

- If only a part of the lot is to be covenanted, the landowner must engage a licensed surveyor to draw up an Interests Only Deposited Plan (IODP) that identifies the area to be protected by a covenant. Some IODPs can be completed by the surveyor as 'desktop' work, rather than a detailed survey of the site. The surveyor will then lodge the IODP with Landgate.
- The IODP can be skipped if an entire lot (as described on the Certificate of Title) is to be covenanted.
- When the Commissioner has received advice that the IODP has been lodged and received an electronic copy, documents are prepared for the landowner's review and signing when all details are confirmed correct.
- Where covenants are required as a condition of a statutory process, such as a subdivision approval or an environmental impact assessment, the Commissioner charges a fee for preparing the documents based on the time taken to complete the task.
- If a Conservation Covenant is proposed, a statement of undertaking will be included in the documents confirming that the owners understand they are signing an irrevocable covenant.
- Signed covenants are lodged with Landgate for registration of the memorial on the Certificate of Title.

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO. EAC003/02/22

MOVED J Hart

That the Environment Advisory Committee recommends to Council the following:

That Council supports the placement of a conservation covenant over Lot 108 on Plan P013653 (No. 21 Hibbertia Place) in Toodyay for the purposes of creating a banked offset to address / mitigate the potential impacts of future Shire of Toodyay projects which involve proposed clearing (loss of native vegetation in an area that has been extensively cleared).

MOTION CARRIED 3/0

4 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

E Hall – Toodyay West Road – clearing on all the verges. Question to be raised in Teams.

RMO Fire mitigation works allowing machinery to get into there to reduce the fire risk. Benefit is the walking trail is created for tourism purposes.

5 CONFIRMATION OF NEXT MEETING

The next meeting of the Environment Advisory Committee is scheduled to be held on 4 May 2022 commencing at 4.00pm.

6 CLOSURE OF MEETING

The Chairperson closed the meeting at 5.46pm.



ATTACHMENTS

Environment Advisory Committee Meeting

Wednesday, 2 February 2022

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EAC STATUS REPORT
Environmental Advisory Committee

Supporting Officers
Acting Manager Development & Regulation



Meeting Date	Purpose	Resolution / Other Comment	Target date for completion	Actioned by	Completion Date	Meeting Commentary and record of Council Meeting Resolution No.
6/12/2021	<i>Status Report</i>	Acting Manager Development and Regulatory Services to liaise with Consultants engaged with respect to the Biodiversity Strategy.	By next meeting	AMDR	T.B.A.	
6/12/2021	Record of Attendance and Apologies	Mrs E Hall is marked as an apology to this meeting, due to her invitation to attend not having been sent to her email.	ASAP	EA	7/12/2021	Name and Email added to the Group and email sent to E Hall regarding the meeting (with the minutes attached).
6/12/2021	Lot 3 (No. 34) Stirling Terrace, Toodyay – Proposed removal of mature trees.	That Council: 1. Approves the application for the removal of the Mugga ironbark (Tree 4) as indicated in the attached plans. 2. Does not approve the removal of the Lemon-Scented Gums (Tree 1 & 2) nor the removal of the River Red Gum (Tree 3). 3. Supports the remedial measures such as branch removal for Trees 1, 2 & 3 as indicated in the report from the arborist attached to this report. 4. Advises the Applicant consider replacement of Tree 4 with native hedging or another native species indigenous to the area.	ASAP	AMDR	T.B.A.	

EAC STATUS REPORT
Environmental Advisory Committee

Supporting Officers
AMDR/RMO



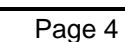
Meeting Date	Purpose	Resolution / Other Comment	Target date for completion	Actioned by	Completion Date	Meeting Commentary and record of Council Meeting Resolution No.
6/12/2021	Update on Community Verge Flora Survey	That the EAC uses this hiatus in the Verge Flora project to do further preparation and refinement of the project and plan in order to resume the survey in autumn 2022.	ASAP	AMDR	T.B.A.	

LOT 107
NOCKDOMINIE
RD DUMBARTON
STAGE 1: FACILITIES & WATER

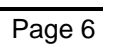
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PHILLIPA & JUSTIN

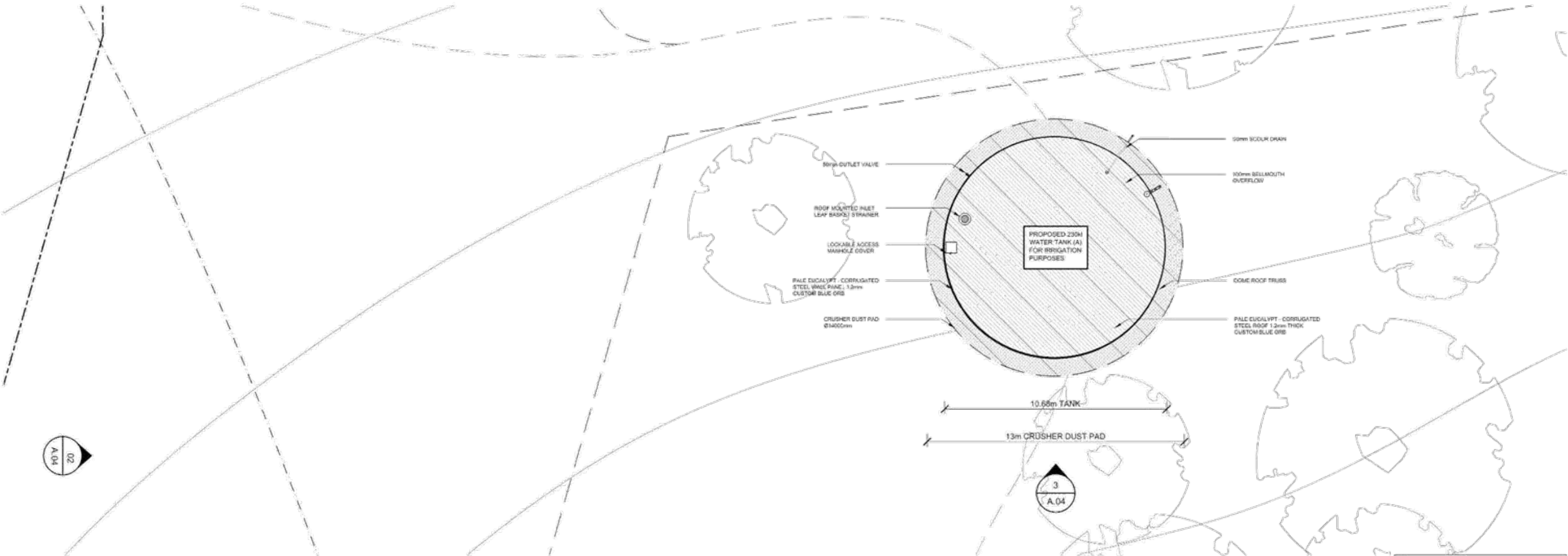
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211105_1

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SITE LOCATION PLAN	A01
AERIAL LOCATION PLAN	A02
SITE PLAN	A03
TANK A PLAN	A04
TANK B PLAN	A05
TANK C PLAN	A06
STUDIO FLOOR PLAN	A07
STUDIO ELEVATIONS N&E	A08
STUDIO ELEVATIONS S&W	A09





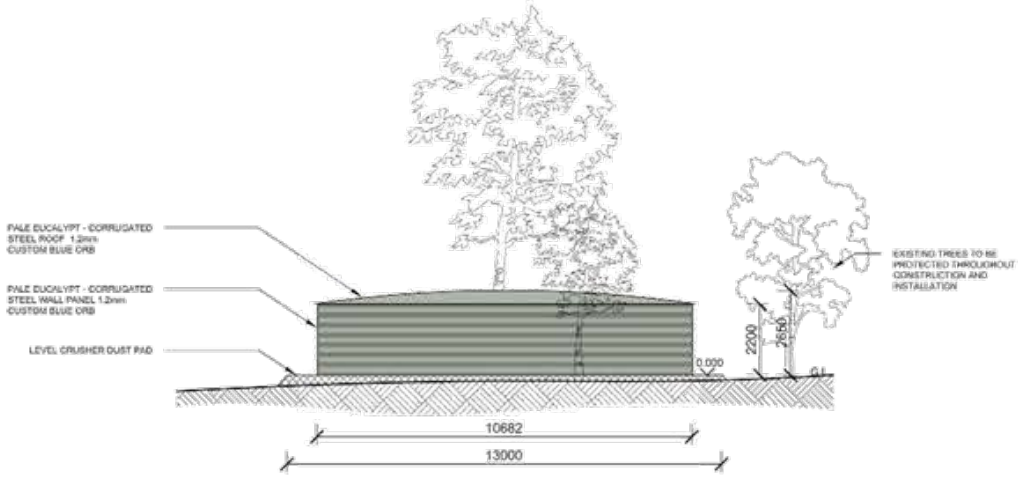




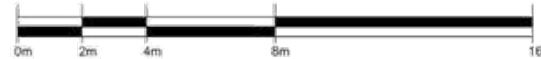
01 TANK A SITE PLAN
1:200



02 VISUALISATION
NTS



03 TANK A SOUTH ELEVATION
1:200



LEGEND:

- EXISTING CREEKS
- SITE BOUNDARY
- BUILDING ENVELOPE
- CADASTRE BOUNDRIES
- PUBLIC ROADS

PROJECT ADDRESS

LOT 107 NOCKDOMINIE RD DUMBARTON

STAGE 1: FACILITIES & WATER

DRAWING NAME

TANK A PLAN

CLIENTS

PHILLIPA & JUSTIN

PROJECT No.

211105_1

DRAWN: JVP

CHECKED:

SHEET No.

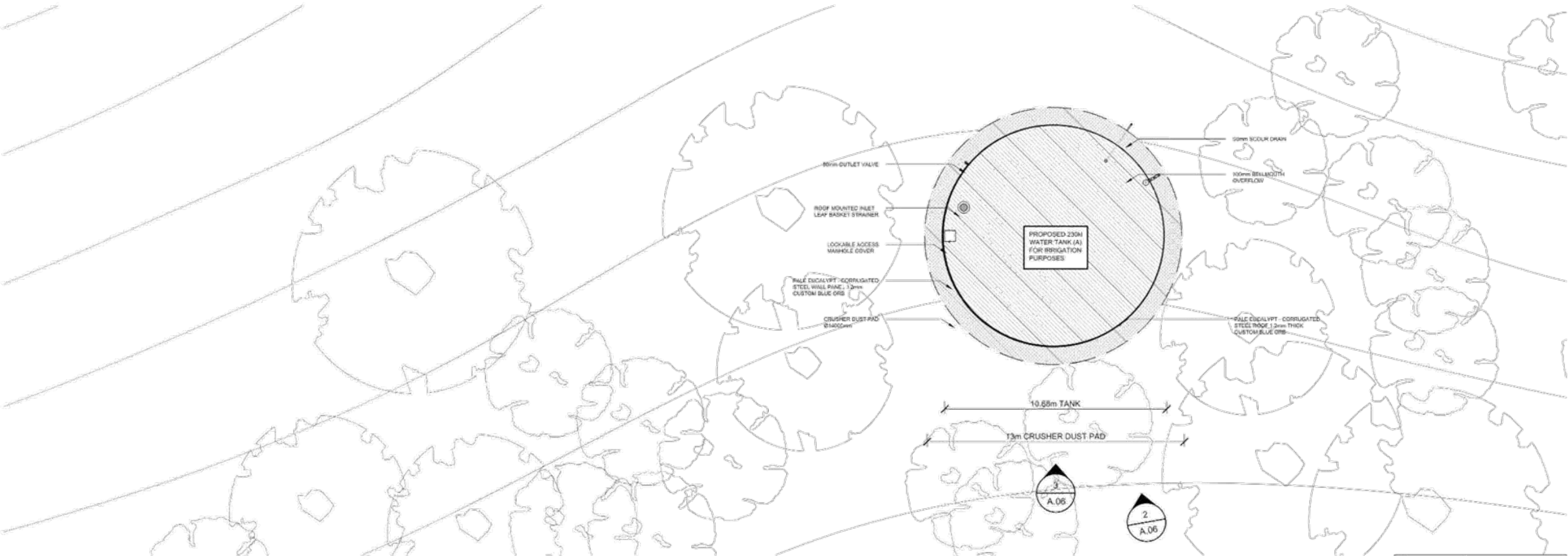
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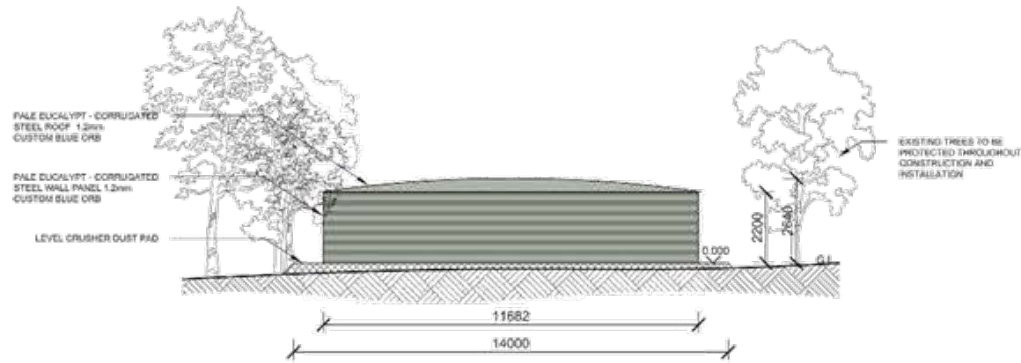
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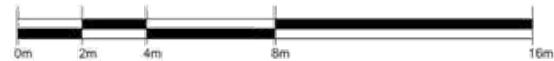
01 TANK A SITE PLAN
1:200



02 VISUALISATION
NTS



03 TANK A SOUTH ELEVATION
1:200



LEGEND:

- EXISTING CREEKS
- SITE BOUNDARY
- BUILDING ENVELOPE
- CADASTRE BOUNDRIES
- PUBLIC ROADS

PROJECT ADDRESS

LOT 107 NOCKDOMINIE RD DUMBARTON

STAGE 1: FACILITIES & WATER

DRAWING NAME

TANK C PLAN

CLIENTS

PHILLIPA & JUSTIN

PROJECT No.

211105_1

DRAWN: JVP

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SHEET No.

A06

SCALE:

AS SPECIFIED

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