

Extractive industry (gravel) approved by Commissioner

Shire of Donnybrook Balingup 4 September 2023



At the Special Council (Commissioner) Meeting held on 30 August 2023, the Commissioner considered and approved a development application for an extractive industry (gravel).

Whilst the Executive Officers and their staff recommended refusal, the Commissioner considered the application in detail at the meeting and resolved that the proposal was capable of approval subject to very stringent conditions. If the application were to have been refused, Commissioner McGowan advised that there would have been a strong likelihood of a successful appeal to the State Administrative Tribunal (SAT). The proponent is still able to appeal the conditions to the SAT, and has a maximum period of 28 days in which to do so.

Consideration of this proposal was given to the 72 submissions received from the public, as well as to the three very well argued deputations on the night. Key concerns raised (and that still remain) include whether the noise and visual amenity impacts can be appropriately managed. The proponent is required to satisfy the Shire on these aspects **before** an extractive industries licence can be issued. Advice from the Department of Water and Environmental Regulation was that the project, given its reduced scale, would not adversely affect the Preston River or the waterways.

Other conditions of this project that the proponent must meet mean that:

- The land cannot be excavated to a depth of more than 1 metre.
- Activity is to be confined between 8am and 5pm, Monday to Friday, with no weekend or after-hours operations permitted.
- Staging and sequencing of the project cannot occur over more than 2 hectares at a time.
- No trucks are permitted to operate during morning and afternoon school bus times.
- A significant bond is to be paid to ensure that the land is appropriately rehabilitated.
- The approval is restricted to a five (5) year period.

Commissioner McGowan said that it was a difficult decision to reach given the level of public interest and the particularly special nature of the Preston River Valley.

"It is prime agricultural land and a part of the broader Preston River, Ferguson and Collies River Valley tourist area. However, on balance, it was considered that a heavily conditioned approval offers the best protection for the uniqueness of the region while also recognizing the importance of having access to basic raw materials such as gravel."

Commissioner McGowan also commended the professional manner in which the opponents of the project had presented their case, and also acknowledged commitments made by the proponent in terms of reduction in scope and scale. She has also expressed her appreciation for the work of the Shire Officers who have been contributing to this case.

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