

*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

AGENDA

for the

Ordinary Meeting of Council

to be held

2PM, THURSDAY 16th March 2017

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

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1. DECLARATION OF OPENING:

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Mark Conley
Cr Eliza Dowling
Cr Scott Ballantyne
Cr Tim Haslam
Cr Roger Newman
Cr Dawson Bradford

President
Deputy President

Mr Gary Sherry
Ms Tonya Williams
Mr Bruce Brennan

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Works & Services

2.1.2 Apologies

Nil at this time.

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

OFFICER'S RECOMMENDATION:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil at this time.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil at this time

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Thursday 16th February 2017

OFFICER'S RECOMMENDATION:

That the minutes of the Ordinary Meeting of Council held on Thursday 16th February 2017 be confirmed as a true record of proceedings.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil at this time.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1	List of Accounts Submitted for Council Approval and Payment –February 2017
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File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	2 nd March 2017
Author:	Nichole Gould
Attachments:	9.1.1A List of February 2017 Trust Accounts 9.1.1B List of February 2017 Municipal Accounts

Summary

Council is to consider the February 2017 List of Accounts.

Background - Nil

Comment

Council is provided at Attachments 9.1.1A and 9.1.1B with a list of payments made from each of Council's bank accounts during the month of February 2017.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. to not note the list of accounts.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council receives the List Of Accounts for December 2016 and January 2017 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

1. **Trust Fund in February 2017 totalling \$29,167.55 included at Attachment 9.1.1A;and**
2. **Municipal Fund in February 2017 totalling \$202,899.33 included at Attachment 9.1.1B.**

**LIST OF TRUST FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
FEBRUARY 2017**

Chq/EFT	Name	Description	Amount
010217	Police Licensing	Licensing Payments	-2378.30
150217	Police Licensing	Licensing Payments	-2102.40
160217	Police Licensing	Licensing Payments	-262.30
170217	Police Licensing	Licensing Payments	-1242.35
200217	Police Licensing	Licensing Payments	-3235.80
210217	Police Licensing	Licensing Payments	-2568.20
220217	Police Licensing	Licensing Payments	-282.40
230217	Police Licensing	Licensing Payments	-2410.45
270217	Police Licensing	Licensing Payments	-1394.20
280217	Police Licensing	Licensing Payments	-3899.85
020217	Police Licensing	Licensing Payments	-1925.30
030217	Police Licensing	Licensing Payments	-1835.35
060217	Police Licensing	Licensing Payments	-999.70
070217	Police Licensing	Licensing Payments	-939.45
080217	Police Licensing	Licensing Payments	-1639.55
090217	Police Licensing	Licensing Payments	-440.45
130217	Police Licensing	Licensing Payments	-599.30
140217	Police Licensing	Licensing Payments	-1012.20
			-29167.55

**LIST OF MUNICIPAL FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
FEBRUARY 2017**

Chq/EFT	Name	Description	Amount
150217	10 - Big Air Cloud Management	Big Air Cloud Management	-125.33
160217	13 - ATO Clearing Account BAS	ATO Clearing Account BAS	-12362.00
200217	14 - Rent On Forrest Street	Rent On Forrest Street	-600.00
220217	15 - Rent For Grader Driver House	Rent For Grader Driver House	-360.00
060217	14 - Rent On Forrest Street	Rent On Forrest Street	-600.00
070217	11 - Interest On Graders	Interest On Graders	-744.70
070217	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders	-2969.58
080217	15 - Rent For Grader Driver House	Rent For Grader Driver House	-360.00
EFT2702	Brett Rowe Mobile HD Mechanical Services	Pressure Test for Leaks, Labour, Removed & Reconditioned Radiator, Replace Fuel Return Line, Coolant & Parts, Travel	-2097.18
EFT2703	Metric Fencing	50% Payment of Order - 6 x Panels Flattop Fencing @ 1200h, 8 x 50x50 Posts 1 x Gate 1000 x 1150 with Magna Latch & SC Hinges with 1 Bag Screws (colour - pale euc)	-771.00
EFT2704	DJ Superannuation	Superannuation contributions	-180.68
EFT2705	Metric Fencing	50% Final Payment of Order - 6 x Panels Flattop Fencing @ 1200h, 8 x 50x50 Posts, 1 x Gate 1000 x 1150 with Magna Latch & SC hinges with 1 Bag Screws (colour - pale euc)	-771.00
EFT2706	Air Liquide Pty Ltd	Cylinder & Cylinder Fee Size E	-404.77
EFT2707	Beaurepaires	Puncture Repair & Tyre Repair Materials	-128.56
EFT2708	Bitutek	Bituminous Spray Seal Work - C170 Bitumen @ 1.6L/m2 & 10mm Aggregate Quantity 33,418 @ \$2.55, Binder Application Litres Quantity 8,374 @ \$0.65	-99724.90
EFT2709	Builders Registration Board Building Commission	January 2017 Building Forms	-606.53
EFT2710	Ballards Of Narrogin	Gas 45kg Liquid Withdrawal	-120.00
EFT2711	Covs	Fuel Filters	-148.65
EFT2712	Cuballing Building Company	Supply & Install Cupboards at Popoanyinning Fire Station	-3850.00
EFT2713	Cuby Roadhouse	Postage & Freight	-907.31
EFT2714	Dews Mini Excavations	Hire of Excavator for Culverts - Driveway (Bilman) at Yornaning Property	-302.50
EFT2715	Dryandra Pony Club Inc	2017 Dryandra Pony Club Membership C Smith	-190.00
EFT2716	Edwards Motors Pty Ltd	15,000kms Service Holden Colorado Dual Cab Ute	-561.25
EFT2717	Edge Planning & Property	Interim Invoice January 2017	-202.95
EFT2718	Frigmac Pty Ltd	Chrome Bubbler & Goose Neck Tap	-160.60
EFT2719	Great Southern Fuel Supplies	January Account - Bulk Diesel	-10297.33
EFT2720	Great Southern Waste Disposal	Rubbish Bin Removal 28/12/16 to 31/01/17 - Household Service x 250	-4771.25

Chq/EFT	Name	Description	Amount
EFT2721	GT Radiator And Machining Services	Recore Amann Roller Radiator	-1980.00
EFT2722	Halanson Earthmoving	Hire of Excavator - 31.25hrs @ \$200 per Hour & Hire of Side Tipper - 10.5hrs @ \$130 per Hour	-8376.50
EFT2723	JR & A Hersey P/L	3 x 4XL Hard Yakka Shirts - A Mort & 5 x M Shirts - D Christensen	-572.00
EFT2724	Knightline Computers	2 x Computers HP 400 ProDesk, 2 x Monitors HP Elite Display, Install & Setup	-4765.50
EFT2725	Kelyn Training Services	Work Safely & Follow WHS Policy Training, Basic Worksite Traffic Management & Traffic Control Training, Trainer Expenses & Travel	-3284.00
EFT2726	Landgate	GRV Schedule No G2016/3 Dated 21/05/16 to 16/12/16 & G2016/4 Dated 17/12/16 to 13/01/17	-197.30
EFT2727	Laser Corps WA	Mobile Laser Combat Adventure Wed 12/04/17 from 10am-1.30pm x 14 Taggers & Battlefield - Youth Day Event	-1100.00
EFT2728	Metrocount	6 x 6V Welded Battery Pack	-198.00
EFT2729	Market Creations	Synergy Backup in the Cloud January 2017	-514.92
EFT2730	Marketforce	Public Notice - Advert- Narrogin Observer 19/01/17 - Council Meeting Dates 2017	-195.49
EFT2731	McDougall Weldments	Repair Pipe on Fire Truck - Aluminium Rods & Labour	-623.70
EFT2732	Narrogin Agricultural Repairs	Air Filter & Spark Plugs	-40.00
EFT2733	Narrogin Auto Electrics	Fix Faults, Traced Rear Engine Short to U/S Micro Switch, Regas Aircon, Replace Battery	-1883.13
EFT2734	Narrogin Bearing Services	10mm High Tensile Link Chain x 4, Slip Hook x 2 & Grab Hook x 2	-393.95
EFT2735	Narrogin Country Fresh Meats	1kg BBQ Sausages & 12 x Scotch Fillet Steaks	-111.99
EFT2736	Narrogin Embroidery	Emboridery 3 x Work Shirts - Anthony Mort	-112.00
EFT2737	Road Signs Australia	Street Name Plate 150mm High	-92.40
EFT2738	Shire Of Narrogin	December 2016 - Dry Hire of Jet Patcher 11.5hrs @ \$172.00, Blue Metal 19tonne @ \$79.20, Emulsion 1500litres @ \$1.08 & Labour Works Crew 3hrs @ \$80.00	-5342.80
EFT2739	SOS Office Equipment	Photocopier Meter Reading DCVC4475 24/12/16 to 24/01/2017	-64.77
EFT2740	South West Print Group(Dynamic Print)	Quote Books (in 50s Triplicate)	-624.00
EFT2741	St John Ambulance Wa Ltd Narrogin Sub Centre	First Aid Course 3/05/17 - Daniel Christensen	-320.00
EFT2742	Staples Australia Pty Ltd	Rexel Stack & Shred Shredder, 100g Rubber Bands Size 65 & 100g Size 16	-652.44
EFT2743	Toll Ipec (Courier Australia)	Freight Charges - JR & H Hersey	-47.75
EFT2744	Westrac	18L ELC Coolant	-89.25

Chq/EFT	Name	Description	Amount
EFT2745	Whitford Fertilisers Narrogin	Use of Weighbridge 8 x Rubbish Truck Weighs @ \$5.00 each	-44.00
EFT2746	DJ Superannuation	Superannuation contributions	-180.68
184796	Australian Super	Superannuation contributions	-408.90
184797	Hostplus Super	Superannuation contributions	-209.84
184798	Matrix Superannuation	Superannuation contributions	-65.41
184799	WA Local Government Super Plan	Superannuation contributions	-5592.97
184800	Westscheme Superannuation	Superannuation contributions	-593.69
184801	Shire of Cuballing	Reimbursement Coles Card - Groceries for Volunteer Day Event	-989.70
184802	Building & Construction Industry Training	BCITF Forms November - January 17	-724.12
184803	Cuby Tavern	1 Carton Carlton Dry	-50.00
184804	IINET Limited	NBN Wireless Limitless Boost Inc LNM Calls	-93.44
184805	Neill Robertson	Replace Broken Floor Boards in Kitchen, Install DAR Jarrah Splayed Bead Fixing & Varnish with Two Coats	-520.42
184806	Synergy	Electricity Charges - Street Lighting 24/01/17 to 7/02/17	-1131.65
184807	Shire of Cuballing	Building Services - January 2017 - Labour 26.75 @ \$110.00 & Travel 292kms @ \$0.95	-3356.77
184808	Telstra	Service Charges - Shire Office	-1189.06
184809	Water Corporation	Water Charges - Standpipe Francis St	-2444.13
184810	Australian Super	Superannuation contributions	-408.90
184811	Hostplus Super	Superannuation contributions	-209.84
184812	Matrix Superannuation	Superannuation contributions	-65.41
184813	WA Local Government Super Plan	Superannuation contributions	-5589.60
184814	Westscheme Superannuation	Superannuation contributions	-593.69
270217	Commonwealth Bank	Bank Fees	-9.99
270217	Commonwealth Bank	Artwork for Special Series Plates	-573.43
270217	Commonwealth Bank	OCN Fuel	-56.19
270217	Commonwealth Bank	Conference Parking	-9.36
270217	Commonwealth Bank	Online Survey Strategic Community Plan	-30.00
270217	Commonwealth Bank	CN039 Holden Cruze Fuel	-55.39
270217	Commonwealth Bank	CN3455 Haulmore Trailer parts	-92.00
270217	Commonwealth Bank	Hire of Traffic Lights (Wandering-Narrogin Road)	-1666.36
270217	Commonwealth Bank	Staff Training (Toolbox Meeting)	-44.43
			-202899.33

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1	Wheatbelt Strategic Freight Networks Project – Participation and Contribution in 2017/2018
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Applicant: N/A
File Ref. No: ADM008
Disclosure of Interest: Nil
Date: 9th March 2017
Author: Gary Sherry
Attachment: 9.2.1A Local Portion of the Freight Network Map

Summary

Council is to consider financially contributing to the Wheatbelt Strategic Freight Networks Project and participating in an application to the Building Better Regions Fund by the Wheatbelt South and Wheatbelt North Regional Road Groups seeking funding for this project.

Background

Sustainably funding the road network to meet the needs of industry and the community is a key issue for rural Local Governments in Western Australia.

Wheatbelt local governments have identified a network of secondary freight routes, which provide the infrastructure necessary to enable transport the majority of road freight within (as opposed to through) the region.

This is the first stage of a project being led by the Wheatbelt North and Wheatbelt South Regional Road Groups to attract and focus additional funding to upgrade and maintain the infrastructure necessary to support the freight task in the regions.

The identified secondary freight routes have now been mapped and assessed against existing Restricted Access Vehicle (RAV) networks and commodity specific studies such as the work on agricultural lime and grain movement. This has been conducted over the last two financial years at an in-kind cost to Local Governments of approximately \$393,522.

The outcome of Phase 1 is the identification of 80 routes covering 4,675 kilometres of road length. Each of the routes, which may contain 5 or 6 roads each, must be assessed against technical criteria to establish both the nature and cost of required improvement works.

The Shire of Cuballing has the Wandering Narrogin Road and the Cuballing East Road included on the secondary freight network. A map showing the local portion of the freight network is included at Attachment 9.2.1.

The next step in this project is to complete a technical assessment of the identified Secondary Freight Routes against the requirements for movement of Restricted Access Vehicles and to prioritise, scope and cost the work that would be required to provide a secondary freight network at the required level of service. It is proposed that this will be followed by the development of a business case for funding.

1,185 kilometres of the proposed secondary freight network has already been assessed and no further assessment is required for these roads to progress to works stage. A further 56 kilometres of road containing 20 assessment points is in the forward works schedule for Main Roads. This leaves a balance of 3,434 kilometres to be attended to.

Main Roads advise that this work is currently unable to be included within the short term work flow and is likely to remain outstanding for in excess of four years.

In order to bring the assessment work forward and thus allow the additional funding currently available through Roads to Recovery (a two year doubling of funding) to be strategically directed towards a regional strategy, it is proposed that alternate sources of funding be secured to enable this work to proceed independently of Main Road's time frames.

RDA Wheatbelt, on behalf of Road Groups North and South, made an application with Regional Grant Scheme (RGS) to the State Government seeking \$300,000 towards road planning (specifically the assessment of what is required to bring the identified priority secondary freight routes to standard).

The application identified that the \$300,000 was insufficient to complete the work which is estimated by Main Roads to cost around \$2Million.

It is now proposed to submit a Building Better Regions Fund (BBRF) to the Federal Government may provide another opportunity for this planning work to be progressed.

Should Road Groups North and South wish it, the Committee of RDA Wheatbelt proposes to assist this regional project by funding the preparation of the BBRF application seeking funds to complete the planning phase of the secondary freight routes. This work would be completed in two phases:

Phase 1: Scoping

1. Assessment of the condition of the existing road network (based on available data supplemented with consultation and field investigations) covering the identified secondary freight network.
2. Development of transport modelling to inform scope and design criteria.
3. Development and agreement as to the scope and standards required across the 80+ routes.
4. Development of concept design to facilitate a P50 cost estimate for the 80+ routes (including methodology to determine costings across a large road network with limited data).
5. Assessment and prioritization of routes for a program of delivery including supporting justification for costs and benefits within a business case framework.

The cost estimating process for this phase will require input from a number of disciplines including the following consultants;

- geotechnical
- environmental
- consultation
- transport and traffic engineering
- civil engineering

RDA Wheatbelt will meet the costs of Phase 1.

Phase 2: Preparation of Business Case and BBRF application

This phase is used to undertake the work required to compile the evidence and complete the business case to support the submission for the required funding amount (determined from Phase 1).

Completion of this Phase is subject to finalisation of the required co-contributions based on the figure calculated in Phase 1. That is, the RDA Wheatbelt Committee has agreed to pay for this Phase to be completed subject to the agreement of Road Groups North and South in relation to meeting the required minimum co-contribution level.

The required co-contributions are set by the Federal Government based on the physical location of the benefit of the project. For areas classified as Remote or Very Remote the required co-contribution is 25% of the project amount (ie. \$1 for every \$3 of grant funding). For other classifications it is \$1 for \$1.

Within the Wheatbelt region the following Shires are classified as remote or very remote:

Parts of Merredin	Kondinin
Parts of Moora	Lake Grace
Parts of Wickopin	Mount Marshall
Parts of Wongan-Ballidu	Mukinbudin
Bruce Rock	Narembeen
Corrigin	Nungarin
Dalwallinu	Trayning
Dumbleyung	Westonia
Koorda	Yilgarn
Kulin	

Should the majority of the road work NOT be in these shires but be within the remaining Wheatbelt Shires, the classification of the project would not be able to achieve a Remote status and so would require a \$1 for \$1 co-contribution. The correct classification of the project would be calculated under Phase 1 of the project. Co-contributions can be made subject to approval of the grant.

Tasks to complete Phase 2 include the following:

1. undertake problem definition and needs assessment
2. develop opportunity statement based on potential benefits of the project
3. quantify benefits of undertaking the work against the following areas:
 - a. Criteria 1: Economic Benefit
 - b. Criteria 2: Social Benefit
4. provide Input as necessary into the following areas
 - a. Criteria 3: Value for Money
 - b. Criteria 4: Project Delivery
5. collation of business case and supporting evidence for inclusion in BBRF application.

The time frames for the BBRF are very tight with the final application required to be lodged by 31st March 2017.

Comment

If the Wheatbelt Regional Road Groups North and South would like to proceed with a BBRF application the participants would need to clarify the following:

1. Do Road Groups North and South agree with the proposed idea of applying through the BBRF – ie. Is the proposal put forward by RDA Wheatbelt supported?

The member local governments of the Wheatbelt North RRG have approved participation at their latest meeting. The Wheatbelt South RRG will consider participation in their meeting to be held on 4th April 2017.

2. Who will be the applicant? An applicant is required to be the Named Applicant. The Applicant will have responsibility for the governance of the project (should it be approved) and will be required to be a financial co-contributor in their own right (no specific amount specified in the guidelines, but must be something). The applicant is required to be either a Local Government or a Not for Profit organization.

It is not suggested that the Shire of Cuballing should not become the applicant. This is probably best done by a larger wheatbelt local government closer to the Wheatbelt RDA's Northam headquarters.

3. supporting evidence of a financial contribution from participating local governments. The \$2,000,000 project can obtain a minimum of \$1,000,000 funding under the BBRF program.

Achieving the minimum contribution from a successful BBRF grant application would require a maximum, equal financial contribution from the 38 participating local governments of \$26,316 (\$1Million divided by 38). The Shire of Cuballing will need to indicate that a contribution of up to \$26,316 would be provided in 2017/18 if the grant was successful.

4. The extent of desk top work able to be completed to support this proposal depends on the quality of the data available from the LGA network.

The Shire of Cuballing has relatively good data and would be able to provide information that would include:

1. Traffic Modelling showing:
 - a. count size data locations
 - b. type of count (class or axle)
 - c. age of data (year of collection)
 - d. availability of historic data to help understand historic growth
 - e. duration of data collection
 - f. latitude/longitude of count location
2. Information about the proposed routes including
 - a. existing road width (formation and seal width)
 - b. existing road condition, seal, unsealed, and age
 - c. any drainage assets eg. Register of culverts
 - d. location and number of intersection and driveway connections along routes
 - e. current RAV networks (I have obtained this listing from Main Roads).

Strategic Implications

Sustainably funding the road network to meet the needs of industry and the community is a key issue for rural Local Governments in Western Australia.

Statutory Environment – Nil at this time

Policy Implications – Nil

Financial Implications

The Shire of Cuballing is considering an equal contribution of \$26,316 to obtain at least matching BBRF funding.

This is the maximum contribution that would be required and additional grant funding may be sourced that would reduce that contribution.

Participation in this project could provide an alternative source of road funding for an improved freight network in the future.

Economic Implications

The secondary freight network, made up of local government roads is a key economic asset in the wheatbelt region.

Social Implications

The secondary freight network are also key transport links for all passenger and other traffic between wheatbelt communities.

Environmental Considerations – Nil

Consultation

Central Country Zone of WALGA members
WALGA
Wheatbelt RDA
Wheatbelt Development Commission
Main Roads WA

Options

The Council can resolve:

1. the Officer's Recommendation;
2. to participate in the project in a reduced or greater manner to the Officer's Recommendation;
3. to not participate in the BBRF application.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1. Support the approach of an application to the Building Better Regions Fund (BBRF) to be prepared by Wheatbelt Regional Development Australia (RDA) for the Wheatbelt Strategic Freight Networks Project;**
- 2. Support a local government in the Wheatbelt region being the applicant in a BBRF application for the Wheatbelt Strategic Freight Networks Project;**
- 3. Agree to providing a financial contribution of up to \$26,316 in the 2018/19 financial year for the Wheatbelt Strategic Freight Networks Project; and**
- 4. Will provide any Shire of Cuballing asset management data required in a BBRF application to the Wheatbelt RDA for the Wheatbelt Strategic Freight Network Project..**



9.2.2	Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning
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Location: Lot 101 (Plan No. 60143) Reeds Road, East Popanyinning
Applicant: John & Raewyn Street
Owner: John & Raewyn Street
File Ref. No: A990
Date: 8th March 2017
Author: Gary Sherry
Attachments: 9.2.2A Location plan
9.2.2B Council report and resolution – 20 October 2016
9.2.2C Ducks Nuts Motorbike Park Extension Submission (Business Plan)
9.2.2D Public Comment Received post 20 October 2016

Summary

A Development Application for an expanded Motorbike Park operation at Lot 101 Reeds Road, East Popanyinning is recommended for refusal primarily on noise and amenity reasons.

Background

The Council has considered the Motorbike Park (previously called a Motorcycle Park) on a number of previous occasions. The location of the application site is shown in Attachment 9.2.2A.

Most recently, the Council at its meeting on 20th October 2016 resolved as follows:

“That Council in relation to the Development Application for the proposed expansion of the Motorcycle Park operations on Lot 101 (Plan 60143), Reeds Road, East Popanyinning:

1. defer making a decision on the Development Application and request the applicant provide the following information:
 - a. a clear site plan/s which is to scale, based on aerial photography, which shows the four tracks, existing facilities and the proposed Motorcycle Park facilities including the camping area;
 - b. provision of certificates of insurance including public liability and personal accident insurance relating to Motorcycle Park activities;
 - c. a noise assessment, by a suitably qualified acoustic consultant, that outlines noise levels from existing operations, predicted noise levels from proposed operations, mitigation measures and recommendations;
 - d. a dust suppression plan; and
 - e. a management plan which addresses matters including managing clients, minimising risks, promoting safety and being a good neighbour;
2. note the Shire administration will separately report back to the Council, following matters set out in point 1 being suitably addressed, with the Council to determine whether or not it will approve the Development Application for the expanded Motorcycle Park operations;
3. if the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.”

The report to Council on 20th October 2016 is provided in Attachment 9.2.2A which includes details of the proposal, consultation on the Development Application, the planning framework and outlining key issues. Recent details submitted by the applicant (to be called the “Business Plan”) are set out in Attachment 9.2.2B. These attachments provide background information which are generally not repeated in this report.

In brief, the Shire received 16 submissions on the Development Application. 10 submissions raised objections, 2 submissions raised issues, 1 submission raised no objections and 3 submissions supported the Development Application.

Council has received public comment regarding this application since reviewing the application on 20th October 2016. These comments are included at Attachment 9.2.2D. In summary these comments support the quality of the motorbike park and the and experience of visiting the park currently.

The reasons for opposing the Development Application included that noise impacts extend into adjoining properties, the expansion of operations negatively impact the rural character, quiet enjoyment and amenity of the area, and insufficient information and technical investigations have been undertaken including relating to noise and other impacts.

Following the Council meeting on 20th October 2016, the applicant has progressed various matters. The Shire administration has had regular communications with the applicant and the applicant’s representative and the Shire administration has reviewed various versions of the Business Plan. In regards to Council’s resolution for additional information on 20th October 2016, the Shire administration considers that the provision of a clearer site plan and suitable insurances are suitably addressed. The dust suppression plan and risk management plan, while not complete, could be readily addressed or conditioned to be provided.

It is Council’s request for a suitable noise assessment that is still outstanding. The Shire administration has consistently raised with the applicant the need to address Council’s resolution to commission an independent and suitably rigorous noise assessment to determine noise levels from the proposed expanded operations of the Motorbike Park. The applicant’s approach to noise impacts is set out in the Business Plan at Attachment 9.2.2B.

Comment

It is recommended that the Council refuse the Development Application to expand the Motorbike Park operations primarily on noise and amenity reasons. Despite repeated efforts, the Shire administration suggests the applicant has not appropriately addressed the following information from the Council resolution on 20th October 2016:

“a noise assessment, by a suitably qualified acoustic consultant, that outlines noise levels from existing operations, predicted noise levels from proposed operations, mitigation measures and recommendations”.

At this stage, the applicant has not provided sufficient technical evidence to demonstrate that the impacts of the expanded operations will comply with the *Environmental Protection Noise Regulations 1997* and that neighbouring properties will have appropriate levels of amenity.

Some of the issues with the noise assessment and commentary in the Business Plan include:

- (a) the information is basic and it reveals the noise from the Motorbike Park would most likely contravene the Noise Regulations even with a strong easterly. The Shire administration understands that the decibels (dB) in a rural environment should be around 60dB during the day rather than around 90dB. For instance, the Noise Regulations set out that in a rural environment (defined as “noise sensitive premises”)

- is up to 60dB normally, up to 75dB for 10% of the time, up to 80dB for 1% of the time and never over 80dB. This requirement to be at the property boundary;
- (b) no noise assessment was taken off-site or at nearby residences. The noise levels within 15 metres of residences is required to be 45dB during the day;
 - (c) there is no evidence that the noise assessor is suitably qualified. Nearby residents and others would also query whether the noise assessor is “independent” or “arm’s length” from the operator;
 - (d) the assessment was not rigorous enough. For example, it didn’t incorporate different weather/wind conditions, how those weather/wind conditions impacted the assessment or how the noise levels would change with additional motorbikes;
 - (e) in the most recent version of the Business Plan, it is has removed the loudest noise reading from the north-east section of the Motorbike Park (over 90dB at former position 5). There is no rationale as to why this recording has been removed;
 - (f) the noise assessment does not make any reference to Noise Regulation standards and the impact of these standards on the Motorbike Park’s noise levels; and
 - (g) various information in the report relates to standards and guidelines from other States or to processes separate to determining a Development Application.

The Development Application represents a significant “ramping up” of operations (additional days, additional operating hours and additional riders) compared to previous Council approvals. This is expected to create off-site noise impacts, onto properties not owned by Mr and Mrs Street, noting the area’s topography, that some of the tracks are adjacent to property boundaries, the proposed scale of the operations and proposed operating hours including from 8am on Sundays.

It is acknowledged that there is a cost to the applicant/operator in providing a rigorous noise assessment from a suitably qualified acoustic consultant. The applicant appears to have spent time and effort commissioning a Business Plan without suitably addressing Council’s resolution. The issue of noise impacts was highlighted as the key issue in the report to Council on 20th October 2016.

Previous reports to Council have recommended that a noise management plan be prepared. Good land use planning should seek to avoid noise problems in the first place.

It is recommended the Development Application be refused. The applicant/operator is welcome to submit a new Development Application that is accompanied by a noise assessment from a qualified practitioner that provides critically required technical evidence. The noise assessment should outline noise levels from existing operations, predict noise levels from proposed operations, take account of the statutory right for at least one dwelling on each adjoining and nearby lot, outline mitigation measures and set out recommendations to manage impacts. The noise assessment should be to the satisfaction of the local government and the Department of Environment Regulation. The noise assessment will assist to provide certainty for the operators, neighbours, the Shire and other stakeholders as to the current situation and the expected noise impact of the proposed expanded operations.

Strategic Implications

It is understood that Motorbike Park clients live in the district, Wheatbelt, Perth and in other parts of Western Australia. The Motorbike Park provides an important regional recreational facility in a controlled environment.

Statutory Environment

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Environmental Protection Act 1986, Environmental Protection Noise Regulations 19997 and Shire of Cuballing Town Planning Scheme No. 2.

While there are limited nearby dwellings, owners of adjoining and nearby titles have a statutory right to gain approval for a single house on each title providing there is appropriate legal and practical vehicular access. Sub-clause 5.11.1 of the *Shire of Cuballing Town Planning Scheme No. 2* also enables the local government to approve up to two dwellings on any lot in the General Agriculture Zone under certain circumstances.

Policy Implications - Nil

Financial Implications

Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision to the State Administrative Tribunal (SAT). The Shire could be liable for costs associated with defending the decision at a SAT hearing. The SAT would then have the final decision on the Development Application.

Economic Implications

The applicant advises its operation and its clients support local businesses.

Social Implications

Various residents have concerns or oppose the application due to impacts on amenity, quality and life and implications on human health.

Environmental Considerations

Given the Motorbike Park is located on cleared land, it is expected that the impacts could be environmentally acceptable if the operator appropriately manages risks and operations.

Consultation

Consultation was previously undertaken by the Shire administration.

Options

The Council can:

1. determine the noise levels are sufficiently low and approve the Development Application with no conditions (giving reasons);
2. determine the noise levels are sufficiently low and approve the Development Application with conditions (giving reasons);
3. determine the noise levels are too high or the technical evidence base is not appropriate and refuse the Development Application; or
4. determine that the information provided at this time is not sufficient, to defer the Development Application and to require a noise assessment from a suitably qualified acoustic consultant before approving or refusing the Development Application.

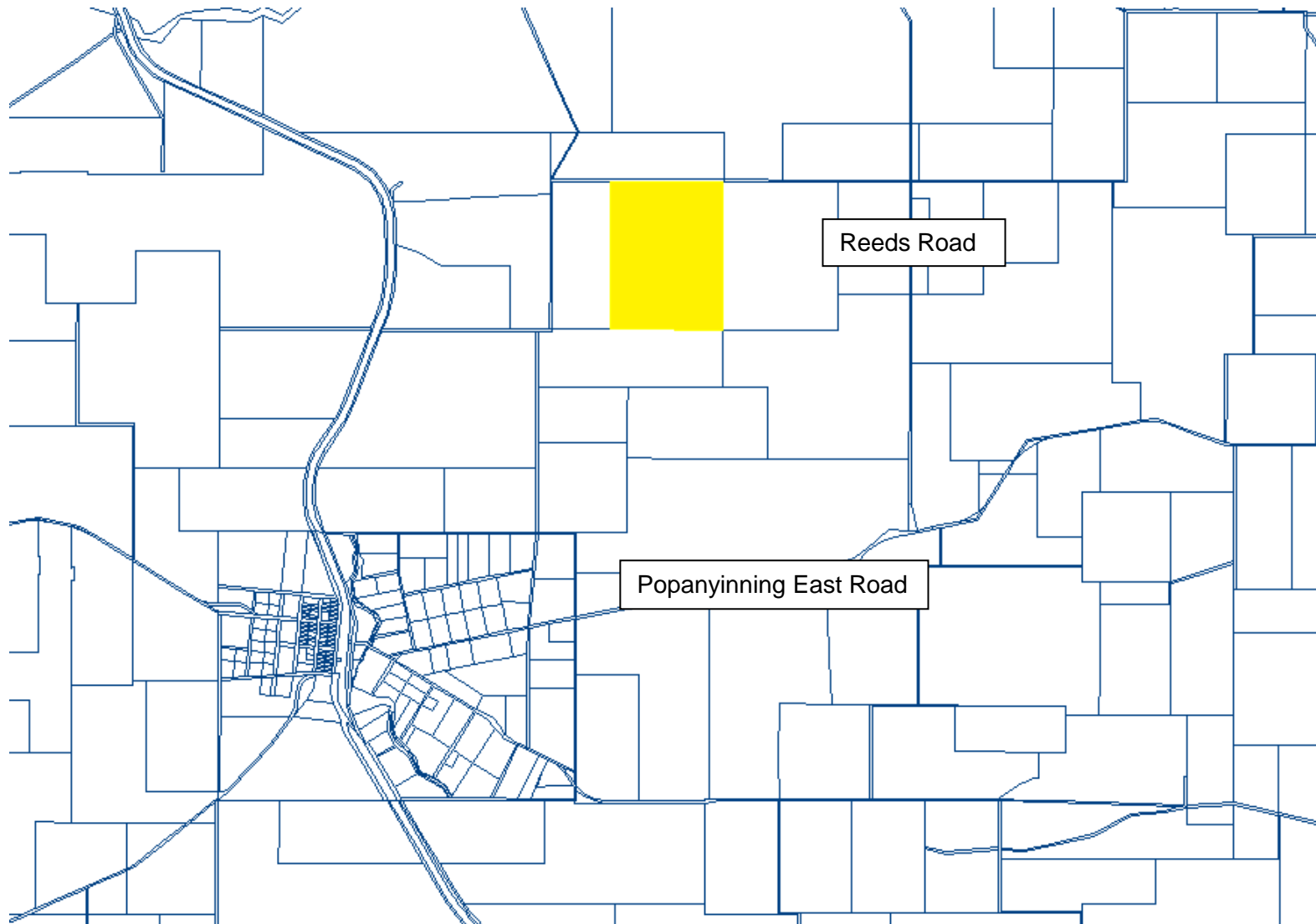
Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1. refuse the Development Application for the proposed expansion of the Motorbike Park operations on Lot 101 (Plan 60143), Reeds Road, East Popanyinning for the following reasons:**
 - a. the applicant has not sufficiently demonstrated, through a noise assessment by a suitably qualified acoustic consultant, that noise levels from existing operations and predicted noise levels from proposed expanded operations will comply with the Environmental Protection Act 1986 and the Environmental Protection Noise Regulations 1997;**
 - b. the Development Application does not appropriately address matters set out in Clause 67(m) and (n) of Schedule 2 – Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 given the noise assessment provided with the Business Plan reveals off-site noise impacts and the associated potential for land use conflict and a loss of character in the locality.**
 - c. the Development Application is inconsistent with the objectives of State Planning Policy 2.5 Rural Planning to “avoid and minimise land use conflicts”;**
 - d. the Development Application is inconsistent with the objectives of State Planning Policy 4.1 State Industrial Buffer Policy “to ensure that amenity (environmental quality, health and safety standards) is maintained at acceptable levels to surrounding areas and to ‘sensitive uses’ ”; and**
 - e. the Development Application is inconsistent with the Shire of Cuballing Town Planning Scheme No. 2 objectives for the General Agriculture Zone in clause 4.2(b) “To ensure the preservation of the rural character and rural appearance of land within the zone”.**
- 2. Advise the applicant that if they are aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**
- 3. Advise the applicant to operate in accordance with the development approval issued by the Council on 20th February 2014 including the hours of operation and the number of patrons on the property.**
- 4. Encourage the applicant to submit a new Development Application which is accompanied by a noise assessment from a suitably qualified acoustic consultant.**



9.2.2 Development Application for an expanded Motorcycle Park - Lot 101 Reeds Road, East Popanyinning - Interim Report Following Public Submission Period

Location:	Lot 101 (Plan No. 60143) Reeds Road, East Popanyinning
Applicant:	John & Raewyn Street
Owner:	John & Raewyn Street
File Ref. No:	A990
Date:	13 th October 2016
Author:	Gary Sherry
Attachments:	9.2.2A Council resolution on 20 February 2014 9.2.2B Information submitted by the applicant 9.2.2C Location plan 9.2.2D Summary of submissions 9.2.2E Submissions 9.2.2F Location of nearby landowners/residents who made a submission 9.2.2G Location of nearby dwellings 9.2.2H Recent information from the applicant

Summary

This report outlines the outcomes of the consultation period, broadly considers the submissions and sets out the suggested next steps regarding the Development Application. Following the applicant providing required information, the Development Application will again be reported to Council.

Background

1. *Purpose of report*

The purpose of this report is to:

- inform Council of the outcomes and issues arising from the public consultation period;
- seek Council direction for required additional technical investigations and supporting information; and
- outline the next steps relating to the Development Application.

2. *Previous Council resolutions*

The Council has considered the Motorcycle Park on a number of previous occasions. This includes:

- 18th April 2013 – considered the initial Development Application and in part resolved that ‘Council write a letter to the applicant stating that they require a report from a Town planning consultant with regards to the Motorcycle Park’;
- 18th July 2013 – related to the easement, which provides vehicular access between Reeds Road and the Motorcycle Park, including its standard of construction;
- 15th August 2013 – granted conditional development approval; and
- 20th February 2014 – revoked previous decisions and granted conditional development approval. The Council resolution is provided in Attachment 9.2.2A and includes conditions relating to matters including hours of operation, Fire and Emergency Management Plan, provision of emergency access to Calcoran Road, and no more than 10 patrons on the property.

In April 2016 the Shire became aware that the operators were operating in a manner that was inconsistent with the development approval dated 20th February 2014.

The Shire met with the operator, advised of the requirement to comply with the conditions of the 20th February 2014 approval and that they have a right to submit a new Development Application. The Shire advised that any new Development Application should contain clearer plans, clarify uses, update the Fire and Emergency Management Plan and address effective management including being a 'good neighbour'.

3. The proposal

The applicant has submitted a Development Application to modify the previous development approval for a Motorcycle Park on Lot 101 Reeds Road, East Popanyinning through proposing to expand the operation through additional days, additional operating hours and additional riders. In particular, in addition to what the applicant currently has conditional approval for, the applicant now seeks to:

- operate on Wednesdays and Thursdays;
- operate an hour earlier from 8.00am on Sundays;
- extend the number of patrons from 10 to 60; and
- enable camping (although limited information was provided by the applicant).

Details originally submitted by the applicant with this Development Application are set out in Attachment 9.2.2B. The facility operates under the name of Ducks Nuts Motorcycle Park.

4. The site

The site:

- is situated approximately 4 kilometres north-east of Popanyinning. The site's location is shown in Attachment 9.2.2C;
- has an area of 133.66 hectares, is largely cleared and is predominantly used for cropping and livestock;
- contains four existing motorcycle tracks along with a shed, sea containers and ablutions;
- is flat to gently sloping;
- contains a creek in the northern section; and
- adjoins the unconstructed Calcoran Road and has legal and practical vehicular access to Reeds Road via an easement.

5. Public consultation

The Shire administration invited comment on the Development Application through writing to 63 adjoining and nearby landowners, placing details on the Shire website, placing a notice in the Narrogin Observer, placing a public notice on the Shire and other private notice boards, and having details available at the Shire office.

6. Submissions

The Shire received 16 submissions on the Development Application which are set out in Attachments 9.2.2D and Attachment 9.2.2E, noting that Karen Forth provided two letters. In summary, the submissions can be divided as follows:

- 10 submissions raising objections with the Development Application;
- 2 submissions raising issues with the Development Application;
- 1 submission raising no objections with the Development Application; and
- 3 submissions supporting the Development Application.

The reasons for opposing the Development Application, along with key issues raised, are summarised below:

- noise and dust impacts extend into adjoining properties;
- it negatively impacts the rural character and amenity of the area along with the quiet enjoyment of adjoining and nearby properties;
- various tracks are located on the property boundaries, there are insufficient buffers and physical barriers to other properties and some tracks should be relocated to increase buffers;
- insufficient information and technical investigations have been undertaken to make an informed assessment including relating to noise impacts,
- question the economic and social benefits to Popanyinning and the district;
- increased fire risks on surrounding areas and there is a need to prepare an appropriate Fire and Emergency Management Plan;
- the proposal is inconsistent with the *Shire of Cuballing Town Planning Scheme No. 2* including the aims of the Scheme and objectives for the General Agriculture Zone;
- safety and other associated risks, including that approval could result in the Shire and the operator being exposed to liability risks if necessary risk management, insurances, accreditation and track design are not appropriate;
- increased traffic, safety and maintenance impacts on Reeds Road and East Popanyinning Road and concerns that Shire of Cuballing ratepayers will meet the costs;
- it will promote anti-social behaviour including 'hoon behaviour' on local roads;
- environmental impacts including risk of fuel and oil spills;
- incompatibility of the proposed facility with the character of the surrounding area;
- detrimental impact on property values; and
- visual impacts.

Attachment 9.2.2F shows the location of nearby landowners/residents who made a submission.

In accordance with standard practice, the Shire administration provided the applicant with copies of the submissions/summary of submissions in order to address concerns and issues where possible. The Shire administration sought the applicant's advice on a range of matters including:

- opportunities to reduce noise impacts and whether the applicant would commission an independent noise assessment to determine noise levels from the Motorcycle Park;
- clarifying whether camping is proposed, associated numbers and proposed facilities;
- oversight of the Motorcycle Park operation including ensuring that operating hours are met by clients, ensuring that the number of users is within any approval level, particularly loud or unsafe bikes are not used and patrons comply with park rules relating to fires;
- how the increase in activity/users will be addressed in the Fire and Emergency Management Plan; and
- opportunities to assist in reducing the impact of the operation on neighbours including traffic conflicting with agricultural uses such as moving stock or machinery.

The applicant's response is provided in Attachment 9.2.2H.

7. *Planning framework*

There are various planning and associated documents relevant to the application including:

- *Shire of Cuballing Town Planning Scheme No. 2 (TPS2)*;

- *Shire of Cuballing Local Planning Strategy;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection Noise Regulations 1997;*
- various State Planning Policies (SPP) including *SPP 2 Environment and Natural Resources, SPP 2.5 Land Use Planning in Rural Areas, SPP 2.9 Water Resources, and SPP 4.1 State Industrial Buffer Policy;*
- Environmental Protection Authority (EPA) *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses, EPA Guidance Statement No. 33 - Environmental Guidance for Planning and Development, and EPA Environmental Assessment Guideline for Consideration of environmental impacts from noise;*
- *Guide to management of noise from motor sport venues;* and
- a portion of the site is classified as a bushfire prone area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.

In summary, the documents require addressing relevant planning, environmental, amenity, risk, safety, servicing and landscape considerations and seeking to diversify the local economy. Some of the key documents are further outlined below.

Shire of Cuballing Town Planning Scheme No. 2

The site is zoned 'General Agriculture' in TPS2. The Motorcycle Park fits into the definition of 'recreation-private' which is defined as:

“recreation – private” – means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;’

‘Recreation – private’ is a ‘D’ use in the General Agriculture Zone as set out in the Zoning Table. Clause 4.3 of TPS2 states a ‘D’ use ‘means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.’

Camping is not a listed use in the Zoning Table. Sub-clause 4.4.2 of TPS2 sets out the options for the local government to determine the non-listed uses. By way of comparison, a ‘caravan park’ is an ‘A’ use in the General Agricultural Zone (the Development Application needs to be advertised for comment prior to determination by the local government).

Clause 1.6 titled ‘Aims of the Scheme’ includes the following aims:

‘To protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes’; and

‘To encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire’.

Objectives for the General Agriculture Zone in clause 4.2(b) include:

‘To preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner’; and

‘To ensure the preservation of the rural character and rural appearance of land within the zone’.

Shire of Cuballing Local Planning Strategy

The Local Planning Strategy provides no direct guidance relating to Motorcycle Parks. The strategy does, amongst matters, seek to protect prime agricultural land, to promote the provision of additional businesses in the district, to prevent the intrusion of land uses not compatible with primary agricultural activities, and to promote best practice land management.

SPP 4.1 State Industrial Buffer Policy

SPP 4.1 applies to industrial development, transport and infrastructure proposals and special uses including recreational facilities such as speedways. In summary, development is required to be appropriately sited, designed and managed 'to ensure that amenity (environmental quality, health and safety standards) is maintained at acceptable levels to surrounding areas and to 'sensitive uses'.

The policy in part states:

'While buffer areas are an effective tool for dealing with residual emissions and risk, they often affect land not owned by the proponent (which is often held in private ownership) and can result in limitations being imposed on the use and development of this land. This raises issues of equity and possible compensation, in particular, who should "pay" for off-site buffer areas around proposed or established industry and infrastructure.'

'Proposals for new development and expansion/upgrading of existing facilities ...should have regard to the interests of affected landowners in surrounding areas, where unacceptable impacts extend beyond any existing buffer areas...In recognition of these interests, the developer may need to upgrade processing systems to mitigate impacts and negotiate with affected landowners'.

'Off-site buffer areas should be defined and secured as early as possible in the planning stages for new facilities and the expansion/upgrading of existing facilities'.

SPP 4.1 sets out that developers/proponents have various economic mechanisms to secure a buffer area. These measures include outright purchase, land swaps and acquiring interests or rights to restrict the development or use of land. This last mechanism involves entering into agreements with the owners of vacant land to acquire the rights or interests in land to restrict its development or use. The mechanism in such agreements can be registered as a restrictive covenant on the title. Under this option the owner could continue to own and use the land in a way that is compatible with the adjoining use.

Environmental Assessment Guideline: Consideration of environmental impacts from noise

The EPA guideline in part states:

- the EPA's objective, in the first instance, is that proposals will demonstrate compliance with the noise regulations;
- the EPA expects proponents to use best practice design and noise management and to demonstrate how the proposal will be implemented to achieve compliance with these statutory and policy instruments;
- land use planning, through the designation of land use zones and the approval of planning applications, is integral to preventing land use conflicts and protecting the amenity of the community from noise; and
- the EPA expects that appropriate distances are established for separating the source of noise emissions from impacting on the health and amenity of nearby sensitive receivers – known as 'separation distances'. Noise attenuating design, construction and

installations should be incorporated into the developments, so as to avoid land use conflicts arising.

Other policies and guidelines

There is no standard separate distance (buffer) for Motorcycle Parks in Western Australia. Various publications mention related uses such as raceways for motor vehicles (speedways and drag strips) and outline the key emission impacts are noise and dust. The recommended separate distance is to be determined on a 'case by case' basis.

Comment

1. *Overview*

At this stage, it recommended that the Council defer making a decision on the proposed expansion of Motorcycle Park operations. The proposal represents a significant 'ramping up' of operations compared to previous Council approvals which is expected to create off-site impacts. At this stage, the applicant has not provided sufficient information to enable the Shire and others to make an informed assessment. It is suggested, as a minimum, that the applicant provide the following information:

- a) clear site plan/s which is/are to scale, based on aerial photography, which show the four tracks, existing facilities and proposed Motorcycle Park facilities including the camping area;
- b) provision of certificates of insurance including public liability and personal accident insurance relating to Motorcycle Park activities;
- c) a noise assessment, by a suitably qualified acoustic consultant, that outlines existing noise levels from existing operations, predicted noise levels from proposed operations, mitigation measures and recommendations;
- d) a dust suppression plan; and
- e) a management plan which addresses matters such as managing clients, minimising risks, promoting safety and being a good neighbour.

Following the receipt of requested information from the applicant, the Shire administration will report back to Council, with the Council to consider whether or not it will grant conditional development approval to expand the Motorcycle Park operations.

2. *Environmental and social impacts*

A range of environmental and social impacts have been raised by objectors which are summarised in the background section and set out in the attachments. The objections and issues raised must be carefully taken into account as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Subject to the applicant appropriately addressing requested information, it is suggested that various objections and issues can be addressed through development conditions or other legislation.

Some matters raised by objectors are beyond the powers of the Shire such as 'hoon' behaviour on local roads given it is a police matter. Council may be able to separately address this matter through liaison and information provision to local police.

3. *Noise impacts*

It is suggested that noise impacts are the key issue with this Development Application. In summary, given the location of the tracks adjacent to property boundaries, the number of proposed riders and the topography, it is expected that noise impacts extend into properties not owned by Mr and Mrs Street. No noise assessment has been prepared for the Motorcycle Park and the existing operation may or may not comply with the *Environmental Protection Noise Regulations 1997*.

Prior to considering a Development Application to significantly expand the operations, it is suggested there is a need for a noise assessment to be prepared by a qualified practitioner to provide critically required technical evidence. It is suggested that the noise assessment should outline noise levels from existing operations, predict noise levels from proposed operations, take account of the statutory right for at least one dwelling on each adjoining and nearby lot, outline mitigation measures and recommendations. The noise assessment should be to the satisfaction of the local government and the Department of Environment Regulation. The noise assessment will assist to provide certainty for the operators, neighbours, the Shire and other stakeholders as to the current situation and the expected noise impact of the proposed expanded operations.

Previous reports to Council have also recommended that a noise management plan be prepared. Good land use planning should seek to avoid noise problems in the first place.

By way of background, the applicant in their letter dated 3rd July 2012 in part stated 'We have contacted Motorcycling WA...and they will also be providing us with equipment to ensure the noise levels are within regulation.' It is understood the operators do not have noise measuring equipment.

While there are limited nearby dwellings, owners of adjoining and nearby titles have a statutory right to gain approval for a single house on each title providing there is appropriate legal and practical vehicular access. Sub-clause 5.11.1 of TPS2 also enables the local government to approve up to 2 dwellings on any lot in the General Agriculture Zone under certain circumstances.

In addition to the *Environmental Protection Act 1986* and the associated *Environmental Protection (Noise) Regulations 1997*, there could be scope for neighbouring landowners to bring a common law action against the Motorcycle Park operator to prevent noise pollution for nuisance or seek compensation.

4. On-going management

There is a need for effective on-going management which appropriately addresses the safety, security and management of riders and visitors. The operator has the primary duty of care for the Motorcycle Park to ensure that riders and visitors are responsible and do not create inappropriate impacts, including noise, dust, fire, litter etc. to adjoining/nearby properties.

To minimise land use impacts and encourage appropriate neighbourly relations, it is recommended the operator/applicant submit an appropriate Management Plan. It is expected the Management Plan would:

- address the responsibility for rider/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
- outline the approach to maximise the safety and security of riders/visitors; and
- seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks.

Strategic Implications

It is understood that Motorcycle Park clients live in the district, Wheatbelt, Perth and in other parts of Western Australia. The Motorcycle Park provides an important regional recreational facility in a controlled environment.

Statutory Environment

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Environmental Protection Act 1986, Environmental Protection Noise Regulations 1997, and TPS2.

Policy Implications - Nil

Financial Implications

All costs associated with the development will be borne by the applicant. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision to the State Administrative Tribunal (SAT). The Shire could be liable for costs associated with defending the decision at a SAT hearing. SAT would then have the final decision on the Development Application.

Economic Implications

The applicant advises its operation and its clients support local businesses.

Social Implications

Various residents have concerns or oppose the application due to impacts on amenity, quality and life and implications on human health.

Environmental Considerations

Given the Motorcycle Park is located on cleared land, it is expected that the impacts could be environmentally acceptable if the operator appropriately manages risks and operations.

Consultation

Consultation was recently undertaken by the Shire administration.

Options

The Council can:

1. approve the Development Application with no conditions (giving reasons);
2. approve the Development Application with conditions (giving reasons);
3. refuse the Development Application (giving reasons); or
4. defer and request additional information.

Voting Requirements

Simple Majority

COUNCIL DECISION:

That Council in relation to the Development Application for the proposed expansion of the Motorcycle Park operations on Lot 101 (Plan 60143), Reeds Road, East Popanyinning:

- 1. defer making a decision on the Development Application and request the applicant provide the following information:**
 - a. a clear site plan/s which is to scale, based on aerial photography, which shows the four tracks, existing facilities and the proposed Motorcycle Park facilities including the camping area;**
 - b. provision of certificates of insurance including public liability and personal accident insurance relating to Motorcycle Park activities;**
 - c. a noise assessment, by a suitably qualified acoustic consultant, that outlines noise levels from existing operations, predicted noise levels from proposed operations, mitigation measures and recommendations;**
 - d. a dust suppression plan; and**
 - e. a management plan which addresses matters including managing clients, minimising risks, promoting safety and being a good neighbour;**
- 2. note the Shire administration will separately report back to the Council, following matters set out in point 1 being suitably addressed, with the Council to determine whether or not it will approve the Development Application for the expanded Motorcycle Park operations;**
- 3. if the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

Moved: Cr Haslam

Seconded: Cr Bradford

Carried 5/0

Ms Hopper-Wood, Mr Wood, Mr Street, Ms Street, Mr Chattillon, Mr Hall and Mr Thompson left the meeting at 4.00pm

The Ducks Nuts Motorbike Park



Karen Bain

Avon Gems

Updated 19 January 2017

avongems@outlook.com.au

Liability limited by a scheme under Professional Standards Legislation

19 January 2017

Liability limited by a scheme under Professional Standards Legislation



EXECUTIVE SUMMARY

The Ducks Nuts Motorbike Park has been operating since 2014 with a limit of 10 riders per day. The motorbike park is a popular destination for families who want to ride together in a safe environment. This report is part of a submission to extend the number of riders using the motorbike park to a maximum of 60 and to open 6 days a week. This is in line with the Tourism 2020 growth strategy and the Tourism WA brand of Experience Extraordinary.

The Ducks Nuts Motorbike Park is located on a rural property away from any built up areas and on low productive agricultural land due to salinity issues. The

motorbike park has demonstrated that diversifying land use for tourism can provide a sustainable income and attract visitors to the area to increase opportunities for existing business owners. Instate visitors from as far afield as Esperance, Albany and Geraldton have been regular visitors. Perth riders have also been returning and numbers need to increase to meet the demand.

There are four commercial motorbike facilities operating in WA and each provide a different style of riding experience and target different customers. The Ducks Nuts Motorbike Park targets families especially with young riders and those who wish to improve their skills in a non-competitive environment. The relaxed riding opportunities encourage social interaction between riders of all abilities and the opportunity to watch and learn from those more experienced or encourage those learning to improve their confidence.

Policies and procedures have been developed through experience and consultation with riders and cover risk management, behavior and being a good neighbor with regards to traveling to and from the property. Noise restrictions are in place with regards to hours of operation and the ability to monitor levels in the future. Cooperation between riders and staff have resulted in an environment where safety is the highest priority without it impacting on how much enjoyment can be had at the venue. Facebook comments are mostly about those who have not been there yet planning when they can get there and those who have been there planning when to go back as they appreciate the work that gets put into having a safe and fun day.



19 January 2017

Liability limited by a scheme under Professional Standards Legislation

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VISION

To provide a safe place for motorbike riders of all ages and abilities to enjoy riding their own motorbikes.

MISSION

In order to maintain a high level of safety The Ducks Nuts Motorbike Park will:

- ❖ Provide a variety of different tracks suitable for different skill levels.
- ❖ Be built to allow supervision across the tracks through high visibility of all riders.
- ❖ Control numbers of riders using any specific track at any time.
- ❖ Control experience level of riders using a track at any time and not allow mixed riding that could put riders in danger.
- ❖ Not allow anyone to ride if they have consumed any alcohol or drugs.
- ❖ Request any riders or non-riders who are abusive or behaving in a manner that could endanger other people to leave the park.



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INTRODUCTION

Motorbike riding is a popular hobby for a lot of people and can be divided into different types of motorbikes. Road bikes need to be licensed and can be ridden on all roads. These bikes can be used for touring and can be powerful enough to tow a trailer. Off-road bikes can be licensed for on and off road use or unlicensed and can only be ridden on private land, designated off-road vehicle areas or commercial facilities.



Off-road vehicles can include motorbikes, quads or side by side vehicles (buggies). Motorbikes start at 50cc bikes suitable for children and go up to over 2,000cc road bikes.

The styles of motorbike riding also vary with some riders preferring to ride their bikes on trails covering considerable distances. Others prefer to be involved in competition and are members of Motocross clubs or Trial bike clubs. Families like to be able to share the outdoor activity and ride together. For the thrill seeker the challenge of freestyle riding over jumps and tight corners and increasing their skills is important. Motorbike riding is a physically and mentally challenging activity that can be exhilarating but also provides social and health benefits to those involved¹⁴. The popularity of off-road riding is increasing as highlighted by the 60% increase in sales of off-road and quad bikes between 2004 and 2008. The off-road motorcycle industry in WA is valued at around \$150 million per annum¹⁴.

The Ducks Nuts Motorbike Park is a destination adventure tourism business that specialises in freestyle recreational motorbike riding for novice to expert level. The park has been operating since 2014 at a limited capacity of 10 riders per day for 4 days per week. Customers have consisted of young children riding 50cc bikes through to experienced motocross riders and quad riders. This report is part of a submission to extend permission from 10 riders to 60 riders (maximum capacity events) and extend trading days to 6 days a week to meet demand.

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Current days and hours are:

Friday 8am – 5pm

Saturday 8am – 5pm

Sunday 9am – 5pm

Monday 8am – 5pm

Proposed days and hours are:

Friday 8am – 5pm

Saturday 8am – 5pm

Sunday 8am – 5pm

Monday 8am – 5pm

Tuesday Closed

Wednesday 8am – 5pm (maximum 15 riders)

Thursday 8am – 5pm (maximum 15 riders)

BACKGROUND

John Street has been riding motorbikes for approximately 50 years having started at the age of 4. The types and styles have consisted of road bikes for touring Australia and New Zealand, off-road bikes and quads on farms and riding bikes in trials in New Zealand. He has also designed Trial Courses at a National level in New Zealand. His son has also ridden motorbikes from a young age and the concept of The Ducks Nuts Motorbike Park was due to wanting a safe place for children to ride without the risk of other vehicles like 4WD cars using the same area. The park started with 3 tracks, Junior, Intermediate and Senior. An Advanced level track has been added to meet the needs of more experienced riders for training. The 10 rider limit has been useful in gauging the need for the facility and developing policies and procedures to meet the growing demand from customers. Discussions with the CEO of the Shire resulted in putting in a submission to increase capacity to 60 riders to cover any special events at the property. The increase in days is also demand lead with regards to the flexible working hours in WA that mean weekends are not always days off for people. Research in regards to the changing needs of the tourism industry has confirmed this.

P.E.S.T. ANALYSIS

Political

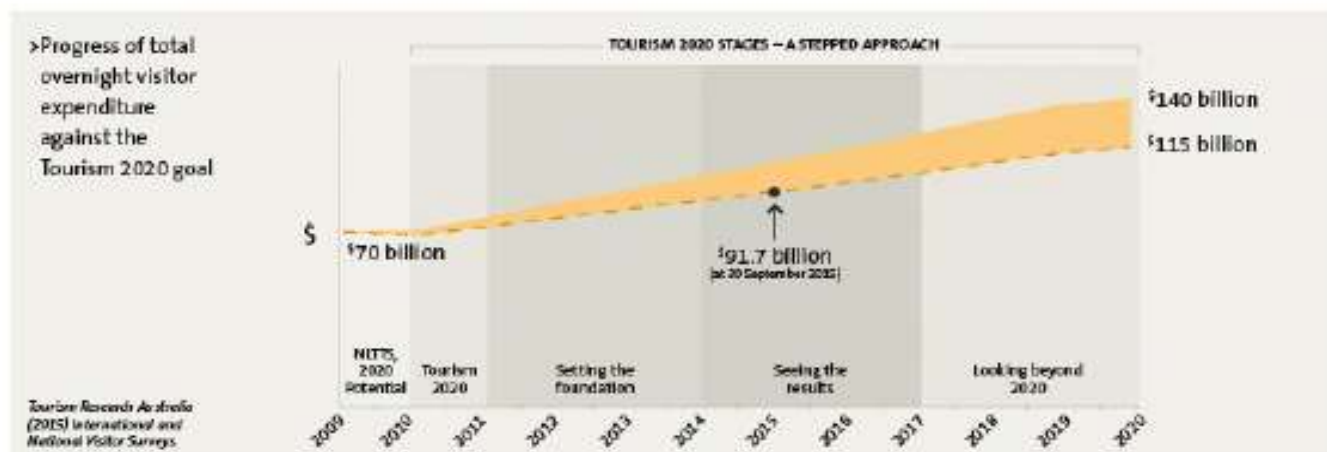
Tourism 2020

Growing the tourism industry in Australia is important and is to be approached as a whole of Government initiative. Tourism 2020 is the Federal Government National Long-Term Tourism Strategy (NLTS) with the

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primary goal of increasing overnight accommodation spending from \$70 billion in 2009 to between \$115 and \$140 billion in 2020¹.



Experience Extraordinary

The WA strategy for Tourism 2020 is based on the Experience Extraordinary branding. The strategy is not based only on overnight accommodation but incorporates investment attraction and export development as well as strategic land development and regional growth¹⁹. The WA strategy rests on 7 pillars including Brand



establishment, in creating visitor numbers to regional areas and events. This has resulted in local government including tourism within their strategic plans. The Avon Valley Region including Toodyay, Northam, York and Beverley have been awarded a \$16,180 to develop a Motorcycle Friendly Region project⁶. This targets road bike

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riders who want to visit the region for a day out from Perth. The Shire of Manjimup is carrying out a feasibility study with regards to opening a trail bike hub for riders. Motocross is recognised as an important activity for young people with Healthway and MakeSmoking History as the major sponsors of WAMX events. York has provided a motocross style park on the outskirts of town that anyone can use unsupervised. Riders must wear at least the minimum level of safety equipment and ride at their own risk.

The WA strategy also highlights the importance of industry being involved in providing innovative and sustainable products in line with the Experience Extraordinary branding. In WA there are four private businesses that provide facilities for motorbike riders. These are:

- West Moto Park in Wylkatchem that includes 3 designated riding areas and a 10km Enduro course. The property provides bikes for hire as well as camping facilities and café. This business has been operating for over 6 years and is aimed at the international and interstate visitors without their bikes as well as the intrastate riders. Coaching is available.
- West Coast Trail Bike Park at Kirup is located on a 1200-acre farm and consists of 60km of purpose built trails. The business is geared towards families who want to ride together on trails. There are also a variety of Safaris on offer from 1 to 3 days touring off-road destinations in the South West. Motorbikes are available for hire.
- Dirt Rider Heaven is located at Mogumber and operates 9 am – 5 pm Saturday and Sunday only for 40 weekends a year. The location is an hour away from Perth and caters for day riders only. The tracks are motocross styled and include a 6km Enduro circuit. There are no motorbikes for hire.
- The Ducks Nuts Motorbike Park is located in the Shire of Cuballing and consists of 4 motocross style graded tracks for novice to expert riders. Target riders are families, friends and non-competitive riders who want to increase their skills. Motocross riders also use the track for training or relaxing without the additional pressure of competition. All tracks are located within a close proximity to each other to allow for supervision of riders. There are no motorbikes for hire.

Serious Adventure

The 2006 Report from the Taskforce to the Minister for Tourism regarding visitor safety of those people engaged in Adventure Tourism highlighted the importance of the sector for Tourism in WA. Thrill seeking with its perceived inherent risks is one of the attractions for people looking for adventure. Outback/Adventure was ranked second in 2004 in the iconic experiences research for Tourism WA Destination Development Strategies. Difficulty with regards to accurate information regarding what constitutes Adventure Tourism is a result of

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limited specific questions on what activities people are involved in as areas include bushwalking, fishing, horse riding, climbing, safaris and can be individual or in groups. Motorbike riding has limited specific information however it is included in the Coroners' reports for deaths involving adventure activities between July 2000 and June 2005. In WA fatalities were listed as

- Fishing 6
- Scuba diving/Snorkeling 3
- Motorcycling 3
- Paragliding 2
- Other Equestrian 2
- Surfing 2
- Go-Karting 1
- Kite Surfing 1
- Parachuting 1
- Windsurfing 1
- Canoeing 1
- Jet ski/boating 1

Details regarding the motorcycle fatalities with regards to whether involved in commercial or non-commercial activities were not included. The Outdoor Recreation Centre Victoria has developed Adventure Activity Standards (AAS) for organisations carrying out activities with dependent groups. The standards were developed for activities including abseiling, bushwalking, scuba diving, horse riding, 4WD, mountain bike and trail bike riding. The areas covered include essential practices including leader competency, emergency procedures, equipment and commitment to environmentally sustainable practices. The AAS is not a requirement for WA operators but has been used by The Ducks Nuts Motorbike Park to provide Best Practice policies and procedures.

Civil Liability Act 2002

The Civil Liability Act 2002 was brought in partly to mitigate the ever increasing insurance burden being placed on businesses, clubs and tour operators with regards to sporting and recreational activities. Participants in activities are to assume responsibility for obvious risks. The major provision of the act is that warnings and waivers are legally enforceable with the exception of safety laws and deliberate harm or recklessness. The Ducks Nuts Motorbike Park requires all participants to read and sign a waiver before using any of the facilities.

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All riders under 18 require parental or guardian consent and are supervised by the signatory or responsible adult from their group. Written and verbal warnings with regards to the risks involved and how to reduce these risks are given. All riders are recommended to ride on the level of track they have experience with and not to move to a higher level without obtaining enough confidence in their own ability.

Parks for People Caravan and Camping

The implementation plan, 2014 summarizes the \$21.05 million investment by the Department of Parks and Wildlife as part of the Western Australian Caravan and Camping Action Plan 2013-18. One of the eight new campgrounds is located in Dryandra and has been built on a \$360,000 budget. The importance of affordable camping and caravanning options is highlighted with regards to growing regional areas. The Ducks Nuts Motorbike Park would prefer not to host camping instead recommending the limited accommodation in the area. However if there is no suitable accommodation they have allowed people to stay on the property at no charge overnight and for less than 3 nights as allowed in camping regulations in WA.

Greater Narrogin Region – Growing Our Community – An Economic Development & Implementation Strategy

One of the emerging industries mentioned in the Growing Our Community report was tourism as a way to achieve Wheatbelt GDP growth target. In the area of land development increasing industrial and residential land with the aim of increasing population, employment opportunities and economic growth for the Shire of Cuballing is also highlighted. Narrogin Motorplex to be relocated outside of Narrogin town center and to house all motorsports. Recreation facilities to be upgraded in Popanyinning and Cuballing are currently in the concept stage. The Ducks Nuts Motorbike Park has shown that tourism can provide growth within the region as this submission highlights. Return visits and new customers have resulted in more time and numbers wanting to be allowed to use the venue. As the area becomes known as a recreation hub there is potential for building other venues. Land in Narrogin is limited and the Shire of Cuballing has the opportunity to build on its proximity to Narrogin by offering opportunities like the Motorplex to be built in the Shire but ensure that facilities are of a 7 day recreational nature for example 10 pin bowling, pool, a cinema are included. Housing affordability and varied recreational opportunities would attract younger people and those who wish to retire from work but maintain an active social life.

Manjimup Trail Bike Hub Feasibility Study

The Shire of Manjimup feasibility study has been published for public comment²⁰. The study included one of the most extensive surveys of motorbike enthusiasts in Australia. 2,272 responses were received in 2 weeks, with 95% supporting the idea of a Trail Bike Hub. The number one item for riders was "A welcoming attitude from

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local businesses and community". The report included information about community and rider concern with regards to trail riding in WA.

COMMUNITY & LAND MANAGER CONCERNS	RIDER CONCERNS
<ul style="list-style-type: none"> ● Noise ● Trail conflicts ● Environmental impacts ● Trail damage ● Enforcement difficulties ● Illegal activities / nuisance behaviour ● Injuries ● Liability ● Land management ● Lack of suitable places to ride 	<ul style="list-style-type: none"> ● Lack of designated trails and riding areas ● Trails being closed or designated for other activities only ● Poor quality of off-road areas ● Lack of community understanding and acceptance, conflicts ● Lack of information on places to ride and types of registration ● Safety and injuries within unmanaged areas ● Irresponsible behaviour of other riders ● Lack of places for juniors and families to legally ride

The provision of more managed, legal and appropriate locations would reduce some of these concerns. Others are being tackled through initiatives of the Departments of Sport and Recreation and Parks and Wildlife with the support of the Recreational Trailbike Riders Association.

There are 50,000 trail bikes in WA who generate \$140 million into the economy each year. The Manjimup economics benefit analysis conservatively estimated a 20.6% growth in Domestic Overnight Tourism valued at \$13.4 million to the Shire. The Manjimup Shire is focusing on a niche market with regards to Trail bike riders who have the following characteristics.

- ❖ sufficient size, to be potentially profitable;
- ❖ no real competitors, or markets which have been ignored by other companies;
- ❖ growth potential;
- ❖ sufficient purchasing ability;
- ❖ a need for special treatment;
- ❖ customer goodwill and opportunities for the first entrant to exercise superior competence.

Further marketing factors involved who to target. Responses were divided into three options:

1. Adrenaline and speed
2. Technical Challenge

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3. Adventure and exploration

The first two options were not considered as suitable for the Manjimup area. Instead the focus is away from speed and directed towards relaxation, family time, discovery and enjoying the outdoors. The Manjimup Shire position is

Recommendation: Positioning

*The market position of **Adventure, Discovery and Exploration** is more aligned with eco-tourism than with motorsport, and is the recommended position for the Manjimup Trail Bike Trail Hub.*

The study divided riders by experience rather than by bike types or demographics. The first three are:

- ❖ Adventure Riders- Long distance day or multi-day on-road / off-road rides on larger road registered motorcycles. Estimated current number of bikes 1,673.
- ❖ Trail Bike Tourers- Day or overnight point to point rides on road registered trail / enduro style motorcycles. Estimated current number of bikes 5,130
- ❖ SingleTrack Explorers- Challenging riding on "single trail" where the track is only the width of a motorcycle tyre tread and winds its way through the bush. Not recorded.

The four experiences shared with The Ducks Nuts Motorbike Park are:

- ❖ Motocross Simulators- Non-competitive, circuit-style riding on motocross bikes and quads. Estimated current number of bikes 6,500 with 2,000 registered motocross competitors
- ❖ Family Explorers- Trail bike touring, on a smaller scale, for family groups. Estimated current number of bikes 16,630.
- ❖ ATV Tourers- Trail touring on ATVs (quad bikes) and Side x Sides. Estimated current number of bikes 7,595.
- ❖ Mini Riders- Junior riders not yet ready to hit the trails and / or children with non-riding parents with small lower powered 50-100cc mini-bikes. Estimated bike number included with family explorers

Manjimup has budgeted \$150,000 for Stage 1 and \$159,000 for Stage 2 with regards to set up and promotion of the Trails targeting the experienced riders. Stage 3 does not have a budget as it is aimed at private investment with regards to less experienced riders. How the Shire of Manjimup proposes to support this initiative is highlighted below.

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Stage 3: Create Private Property Family Use Facilities [Year 1/2 2017-18 and 2018/19]	
<p>Objectives:</p> <ul style="list-style-type: none"> ➤ Provide initial experiences for non-road registered vehicles and unlicensed riders on private property. ➤ Establish supporting systems- private property, Shire and land manager partnerships. 	<p>User Segments:</p> <ul style="list-style-type: none"> - Mini riders - Motocross Simulators - Family Explorers - Single track explorers
<p>Key Tasks:</p> <p>Products & Services</p> <ol style="list-style-type: none"> 1. Work with potential private property owners and suitable accommodation providers to consider opportunities and options. 2. Shire to offer a sympathetic and streamlined Development Application approvals process. 3. Support applications for permission to use suitable DPaW land where adjacent (eg plantation estate), by restricted use lease, gazetted as Off Road Vehicle Area or other mechanisms yet to be determined. 4. Work with interested providers through the process, assist with information and advice on trails planning, management practices and grant submission support. <p>Marketing & Promotion</p> <ol style="list-style-type: none"> 5. Extend all marketing and promotional material to include private property commercial providers. 	<p>Resource:</p> <p>Foundation</p> <p>Shire</p> <p>Foundation / Shire</p> <p>Foundation</p>
<p>Deliverables:</p> <ul style="list-style-type: none"> ➤ Two private property owners with suitable riding experiences for families and motocross riders. ➤ Inclusion of these riding experiences into the overall Hub marketing and promotion. 	
<p>Shire requirements: Shire land use approval processes and continued development of promotion support.</p> <p>DPaW requirements: permission to use suitable DPaW land where adjacent (eg plantation estate), by restricted use lease, gazetted as Off Road Vehicle Area or other mechanisms yet to be determined.</p>	
<p>Budgets: N/A as cost will be with property owners/commercial providers. Foundation cost will be the time spent by the Foundation Program Manager under existing role/ contract.</p>	

Stage 3 matches what is provided at The Ducks Nuts Motorbike Park. A further area highlighted within the study is the intergenerational need with regards to outdoor recreational activities and the ability of those with disabilities to be included in activities. This is already being catered for at The Ducks Nuts with riders who have disabilities being able to ride their own modified vehicles or as passengers in Side by sides.

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Economic/Environmental



The Ducks Nuts Motorbike Park is located on poor quality land with salinity issues. This means that agricultural returns would be lower. The use of the land for tourism reverses this trend with the attraction of sufficient riders to provide a viable living and still keep the more productive areas available for agricultural use. The land being used does not have any structures of a permanent nature that would affect the environmental protection of native vegetation or wetlands and watercourses.

Local planning strategy⁸ highlights the importance of attracting employment opportunities to the Shire and the retention of younger people. The Ducks Nuts Motorbike Park can be considered a Commercial Development within the scope of the planning strategy and the need for extending the number of customers from 10 to 60 highlights the potential for growth within the Shire. The potential for growth within tourist accommodation sector of the Shire would also attract employment opportunities for enterprising businesses. The Dryandra Forrest attracts visitors for its natural beauty and The Ducks Nuts Motorbike Park attracts visitors for its safe riding location. Both result in economic growth for the Shire of Cuballing.

Social

Visiting friends and families or being able to share activities with friends and families are high on the list of motivations on surveys of tourists in WA⁹. Freedom and Fun was the primary response from the State Trail Bike Strategy survey. Employment concerns and the harder it is to buy a home has resulted in younger people taking shorter breaks and looking for experiences. This has led to the increase in



Figure 3: "What do you like about trail bike riding" - survey for the State Trail Bike Strategy

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sales of off-road vehicles and riding as a form of stress management. The Ducks Nuts Motorbike Park provides a safe location for families and friends to ride together for a couple of hours or the whole day.

Technological

Technology has not only influenced our working lives it has also influenced our leisure activities. The GoPro camera and similar cameras have encouraged more extreme forms of sport and the ability to record the action. Riders at The Ducks Nuts Motorbike Park are no exception. A search of YouTube shows a lot of different riders' views of the track as well as views from the spectators view point. Smartphones, digital cameras and the ability to share videos on social media have all increased the demand for locations like the motorbike park where content can be filmed and you can be fairly sure of getting some good action shots.

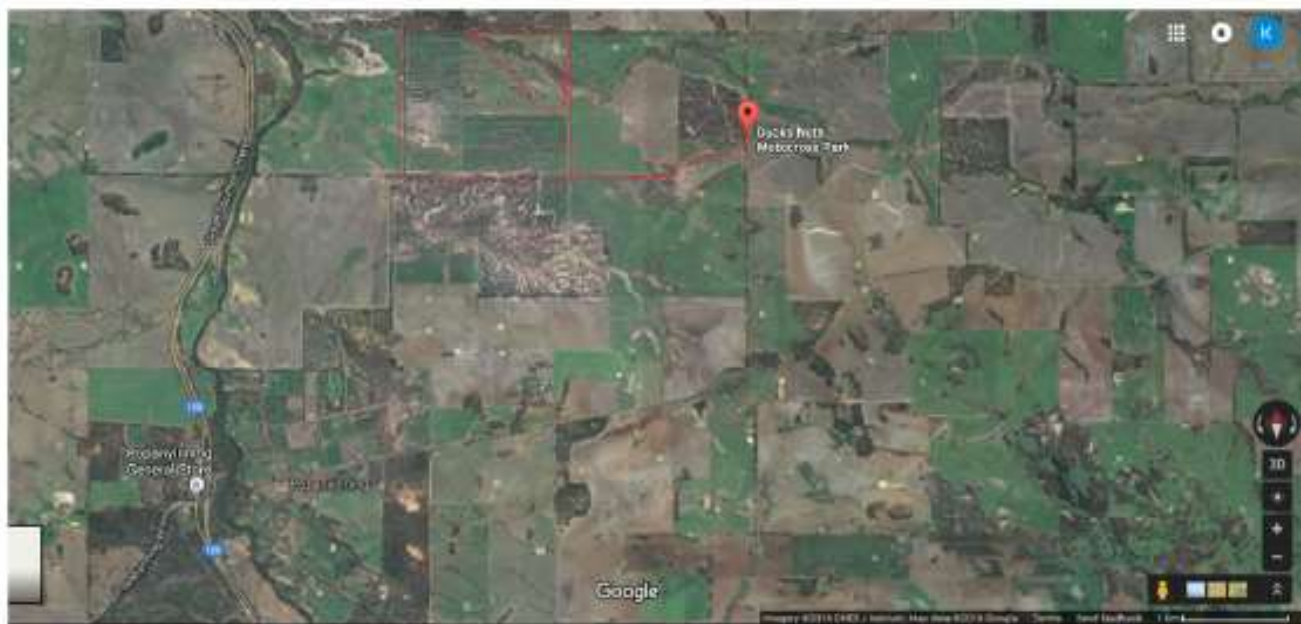


TRACK DESIGN

John Street has experience with regards to motorbike track design. This includes designing trial tracks at a national level in New Zealand. It is important that the tracks progress in a logical manner to improve rider's skills and maintain a safe environment at the same time. Riders report that this has been achieved at The Ducks Nuts Motorbike Park. Each track has its own challenges whether it is the tight corners or the jumps. Each track also allows for different bikes to be used more easily than others for example quads are better on the Senior track than the Intermediate track due to the tightness of the turns. What is involved in a good track design is highlighted below. The original planning application included the aerial view and diagram of the area. This has been included (Appendix 1). The tracks are dirt tracks and are able to be altered at any time to maintain interest and level of challenge. A rough diagram of the layout of the 4 present tracks is included but this is subject to change when allowing for weather conditions.

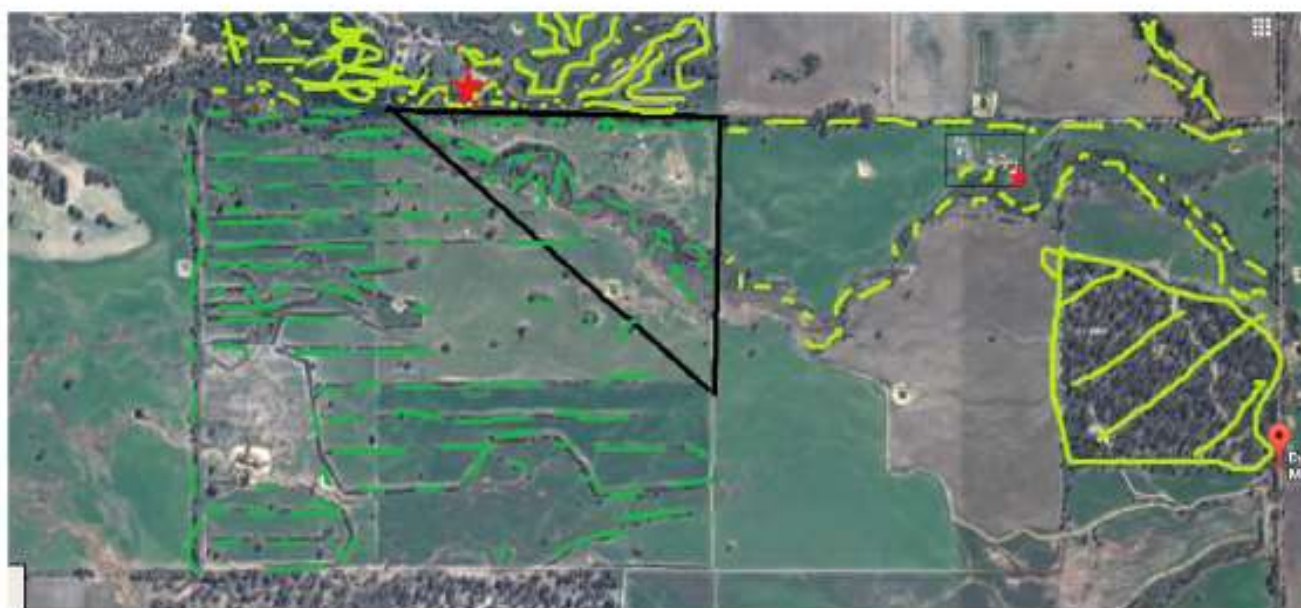
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Good Neighbour design

Selection of the property prior to purchase included consideration of noise and dust impact of surrounding properties. The Ducks Nuts Motorbike Park is located away from any built up area. The neighbouring properties consist of a farming property with buildings 1km away and the closest property is occupied during the weekends only and is located across Calcoran Road. The mature trees on the property acts as buffers to reduce noise



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levels and disperse dust. The amount of mature trees in place meant that the location was ideal for the type of track being built.

- ★ Denotes neighboring accommodation
- Denotes mature trees on The Ducks Nuts Motorbike Park
- Denotes mature trees on neighbor's property

The tracks are located in an 800m by 500m area. Three of the tracks are inside of the main tree buffered zone. The tracks are also designed to keep noise and dust levels down, the Junior track (Pink) is designed for young riders on 50cc motorbikes. This track is closest to the nearest neighbor and consists of mostly flat riding. The Intermediate track (Blue) is designed with tight turns and low jumps. This results in slower speeds and less engine noise. This is a confidence building track ensuring that riders are able to control their motorbikes. The Senior track (Gold) has longer straights and allows for increased speed and the jumps are set for riders to gain length rather than height if they jump. All jumps have the option of going around them. Allowing increased speed but discouraging racing is controlled by the width of the track and adding corners to remove the temptation of speed on the long straight. The Advanced track (Red) is designed for experienced riders who know how to jump safely and control their motorbike on the turns. The riders are usually experienced Motocross riders. The track is designed to improve skills in a non-competitive environment and includes



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sufficient corners as well as jumps to keep riders speeds down and improve skill levels. All jumps have emergency exit options so that riders can avoid any person that falls whilst jumping. Safety is the top criteria in the design of all the tracks. All of the tracks are dirt tracks and are able to be changed at any time. This means that they can be modified to meet the needs of the riders and riders do suggest changes. Interest can also be maintained by changing the layout so that regular riders are still challenged.

Dust Suppression



Dust can be an issue both on the track and on the surrounding gravel roads. Whilst some measures can be put in place on the tracks it is only through education that anything can be done about the gravel roads. The Ducks Nuts Motorbike Park will implement dust control measures to the satisfaction of local government on an on-going basis. This will include

- ❖ A reticulation system being added to reduce the level of dust during warmer weather.
- ❖ The tracks are located within the river bed area which reduces dust.
- ❖ The trees control some of the dust by breaking up the wind flow.
- ❖ There is no riding permitted during fire bans which means that hot days with wind will not generate dust other than what occurs naturally.
- ❖ Mud is more of an issue during wet times.

SAFETY GUIDELINES

Activity Description

Motor bike riding is recognised as a dangerous activity. The risk is part of the appeal. However, keeping the risk to an acceptable level is important, especially in a business situation. Safety is a part of the marketing of The Ducks Nuts Motorbike Park and is incorporated into all policies and procedures. The Adventure Activity Standards² provide an excellent framework for safety policies and procedures and is used for this management plan.

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Planning

Prior to opening each day information needs to be gathered this includes:

- ❖ Weather – Temperature, rain, fire bans or any other natural occurrence that could impact on the day.
- ❖ The number of customers booked in.
- ❖ The age and experience level of the riders
- ❖ The health and wellbeing of any staff

Documentation

Documentation required is the signed waiver (appendix 2) from each rider. This document includes

- ❖ Name and Contact details of each rider
- ❖ Details of the risks involved in motorbike riding
- ❖ Ride at own risk with no liability for owners except in the case of negligence
- ❖ Permission for under 18 years to ride and person responsible for supervision of junior rider
- ❖ Page for signature on multiple visits
- ❖ Health issues that may require assistance are listed eg Diabetes, heart conditions, Asthma or disability
- ❖ Space for incident reports



Documentation is stored in filing cabinet in alphabetical order. This allows for easy tracking of return customers and monitoring of skill level or accident history.

Risk Management

The Australian/New Zealand Standard on Risk Management (AS/NZ 4360:1999) is an established process for risk management, it describes risk management as 'a process consisting of well-defined steps which, taken in sequence, support better decision making by contributing a greater insight into risks and their impacts.'²

The Ducks Nuts Motorbike Park risk management procedures include:

- ❖ Riders must book before attending the venue to ensure there is space.

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- ❖ Track design and inspection – The track is checked and graded prior to any riding. If there are any hazards these are removed or that part of the track is closed.
- ❖ All riders must book in prior to unloading their bikes. All documentation is filled in and skill levels, rules and expected behaviour is discussed.
- ❖ Safety equipment is checked.
 - Minimum level of safety equipment is:
 - Helmet labelled with appropriate Standards Association of Australia and appropriate eye covering either goggles or visor.
 - Suitable clothing pre-approved by staff.
 - Boots – Motocross, dirt track or fully enclosed and approved by staff
- ❖ Additional safety equipment including:
 - Gloves are recommended but at rider's discretion.
 - Clothing with built in arm and knee pads
 - Body armour consisting of back and chest plates
 - Kidney protection
 - And shoulder guards can all be worn.
- ❖ Bikes are the rider's responsibility but they can be checked if there is a possibility of a hazard. (John is also a qualified motorbike mechanic and can tell by the sound a bike makes as to whether there may be an issue.)
- ❖ All junior riders need to be supervised at all times and beginner's need to be watched until their confidence increases.
- ❖ Riders must follow the tracks at all times and not take shortcuts. All tracks are one way only.
- ❖ Behaviour is discussed including no Alcohol or drugs.
- ❖ Any unsafe behaviour will result in being asked to stop and the possibility of being asked to leave the park.
- ❖ Smoking is only allowed in designated areas and all rubbish must be disposed of responsibly in bins provided or taken home.
- ❖ Reminders of taking care on country roads and fatigue management are included in discussions during the day.



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EMERGENCY STRATEGY

Emergency strategies can cover different areas including fire, accidents and illness.

Fire

Fires are a major concern in WA, especially the risk of Bushfires. The Ducks Nuts Motorbike Park has some Bushfire prone elements as highlighted by the map of part of the Shire of Cuballing⁴⁰.



Advice was obtained from the local Fire department with regards to risk assessment and John's experience as a volunteer fire fighter were used to prepare the procedures with regards to reducing the risks of fires. The procedures are very strict at The Ducks Nuts Motorbike Park. The following procedures are in place:

- ✓ All firebreaks are prepared in early spring to ensure appropriate width is obtained prior to fire season.
- ✓ Grass levels are maintained by grazing stock or mowing.
- ✓ If a harvest and vehicle ban is in place the park is closed.
- ✓ No fires are to be lit at any time without owner's permission.
- ✓ Smoking is only allowed in designated areas and butt bins are provided.
- ✓ DFES warning site is monitored and if a warning is issued when there are bikes on the track all riders are signalled by air horn or hand signals to return to their vehicles. Signed up with hotline for notification of any nearby fires.

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- ✓ Assessment of location and direction of fire will be made with regards to the safety of evacuation.
- ✓ Evacuation will be via the entry easement roadway (clearly sign posted) to Reeds Road or via Emergency Exit 1 (EE1) to Calcoran Road or Emergency Exit 2 (EE2) across neighbour's property to Great Southern Highway. Permission has been granted.
- ✓ If it is not safe to evacuate, then advice from the fire department is to locate Muster point around the dam as the track will act as a firebreak as well as having access to water.
- ✓ A mobile water firefighting system is located centrally at the track in case of grass fires and dry powder extinguishers are available to fight any vehicle fires. Fire services will be notified on 000.



Accident

The nature of any motorbike accident has the potential to result in major injuries. The procedures are:

- ✓ If someone comes off their bike the next rider stops and offers assistance. No riders pass until the rider is off the track or riding again.
- ✓ If rider is not able to get up unaided, then all riding is stopped on that track until the situation is assessed.
- ✓ If rider is unconscious 000 is dialled and a helicopter and ambulance is sent out immediately. The rider is not moved in anyway except to monitor life signs until professional assistance arrives. The risk of head injury, spinal damage or internal bleeding are all beyond the scope of first aid treatment and professional advice is to monitor not move anyone involved in a major accident.

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Illness

Motorbike riding can be a high adrenaline activity for spectators as well as riders with the risk of a heart attack being a possibility. First aid treatment will be given and an ambulance will be called. Any other health risks will be noted on the waiver with information regarding emergency treatment. This includes diabetes, epilepsy and asthma or other disability.

Restrictions to Participation

There is a no alcohol policy in place for anyone wishing to ride at The Ducks Nuts Motorbike Park. Anyone found drinking will not be able to continue to ride or may even be asked to leave. This also applies to any drugs being used. Any behaviour that is deemed to be putting themselves or others at risk will be stopped and individuals may be asked to leave the property.

Staff Responsibilities

John has extensive experience in workplace safety including Safety Officer for Lakis, Fire and Safety Officer for Sandbik Mining as well as carrying out general construction work for Lakis. John checks all safety aspects of the track and maintains them to a high standard. John and Raewyn both supervise the customers whilst they are on the property.

Leader's Skills

John has skills developed through competing, riding and maintaining motorbikes of different types over 50 years. He has also developed skills in relation to maintaining a safe working environment in construction, transport and mining. Four years as a member of the Waikare volunteer fire brigade in New Zealand have also added to the development of skills related to emergency situations.

First Aid

Motorbike accidents require specialist actions not covered in basic First Aid courses. The procedures in Risk Management are followed in the first instance. All staff have First Aid qualifications and are able to provide assistance for minor injuries including cuts, grazes and burns. Broken limbs can be stabilised prior to transport to a hospital by car or ambulance.

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Communication

Instructions are given to all riders when they register with regards to being aware of any hand signals or air horns being used to stop riding and return to their vehicles in case of any emergencies. All riders can be observed anywhere on the tracks by staff and they have the ability to stop riders at any time.

Ratios of staff to riders

The nature of The Ducks Nuts Motorbike Park as a non-competitive venue means that the number of staff required is low. John and Raewyn are able to supervise riders up to 30 people as juniors are supervised by their parents or guardians. If there are 30-60 riders booked in, then two more staff members would be required to provide individual supervision for each track. Rider behaviour shows that not all riders will be riding all the time as it is physically demanding and riders spend time socialising between their rides. Riders who return and know the routine at the track also assist new riders as part of the social interaction of a shared hobby. This results in an atmosphere of relaxed enjoyment with high supervision levels from volunteer riders watching out for each other.

INSURANCE

The Ducks Nuts Motorbike Park has \$20million Legal Liability Rural cover for anyone visiting the venue. This covers accidents in the park not related to riding motorbikes. Riders sign a waiver with regards to accepting the risks involved in motorbike riding and are responsible for obtaining their own accident insurance if they wish to be covered whilst riding. A copy of the waiver is attached (Appendix 3)

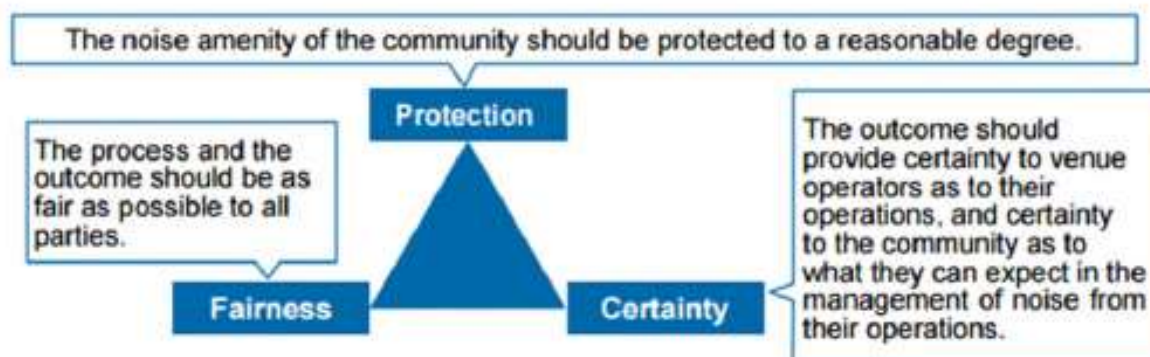
NOISE MANAGEMENT PLAN

Noise can be a contentious issue and can cause problems between neighbours. As a result legislation has been put in place to address potential issues. The Environmental Protection (Noise) Regulations, 1997 set out the requirements for noise levels⁴³. Amendments in 2013 were brought in to better manage noise from motor sport, shooting clubs, sporting and entertainment venues⁴⁴. The Guide to management of noise from motor sports venues published by the Department of Environment Regulation suggests ways that motorsport venues

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can deal with noise issues through the use of Noise Management Plans¹⁶. In working through any approval process the DER suggest the following framework¹⁶.



The noise regulations are based on the level of noise at any receiving point and are based on the nature of the premises use. Distance is highlighted as the most important element in the reduction of noise issues. Queensland Sports and Recreation guide for owners and managers of Off Road Motorcycling facilities highlight the importance of using distance to attenuate sound. Sound levels decrease by 6dB(A) for each doubling of distance¹⁷. The DER recommends contacting all residential properties within 1km of a venue during the planning stage for a motor sport venue. The Ducks Nuts Motorbike Park is a tourist venue not a motor sport venue as there is no racing permitted at the track. The Ducks Nuts Motorbike Park is located in a rural area with no noise sensitive premises within 15m of the property and a single residence 1km away from the boundary of the track.

Noise Assessment by Suitably Qualified Acoustic Expert

97% of all businesses in Western Australia are small businesses and help to create attractive liveable communities¹⁸. The Ducks Nuts Motorbike Park is one of these and have shown growth in their business that has resulted in the need to apply for an extension with regards to the number of people allowed to use the facilities.

*"For some business owners it's their interaction with local government, not compliance with regulations, that can create problems."*¹⁸

The Shire of Cuballing has requested a noise assessment by a suitably qualified Acoustic expert. Complying with this request would be unfair to The Ducks Nuts Motorbike Park from a commercial standpoint as they are a small business operator and quotes for this assessment are in the region of \$5,000. Local Government advice with regards to a Noise Assessment states¹⁷:

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An acoustic report may be needed in situations where:

- *it is required by a planning instrument, a council endorsed policy or DCP*
- *a new development is proposed that will create significant noise (e.g. new industry, or commercial premises with refrigeration, air conditioning or exhaust equipment)*
- *a new noise-sensitive development is proposed in an area where existing noise sources are present (e.g. an existing industrial site, main road or rail line is located nearby)*
- *a new development will generate a significant amount of traffic*
- *complaints are received about noise from an existing activity*

The Ducks Nuts Motorbike Park has been operating for two years and has received no complaints in relation to noise. The guide also highlights the feasibility and reasonable nature of any measures that are put in place with regards to managing noise levels. Feasible measures are ones that can be put into practice taking into account safety and maintenance requirements. Reasonable measures need to take into account how many people are affected, cost involved in any noise mitigation measures, impact on environment, risks to users of the venue.

Noise mitigation measures can be applied:

- At the source
- In the transmission path
- At the noise receiver

The Ducks Nuts Motorbike Park only has control over two of these measures the source and the transmission path. Each has been used to maintain a level of noise that has not generated any complaints during its period of operation.

Noise Mitigation Planning

To ensure the least disruption to local communities caused by noise the following policies and procedures were put in place:

- ✓ Location – only one residence is located within 1km of the property boundary.
- ✓ Track design – include a lot of skill based activities that increase in difficulty with experience, rather than speed based activities that require a lot of throttle usage.
- ✓ Times of operation – riding is only allowed from 8.00 to 17.00 on designated days.
- ✓ Pre-booking attendance – riders need to book their time and day for riding before coming to the track. This includes information about ages and bikes being ridden.

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- ✓ Checking bikes prior to riding on track – after registration bikes are checked for safety prior to going on the track including any exhaust modifications. Any suspect bikes can now be measured for noise levels and refused permission until acceptable levels are achieved.
- ✓ Skill level/bike type – the mix of skill levels and types of bikes ensures that total noise levels across the 800m x 500m track areas are controlled. 50cc bikes ridden by very young children do not generate the same level of noise as 500cc bikes ridden by motocross riders over jumps.
- ✓ Provide opportunities for social interaction – talking to riders and encouraging group chats means that there are not a lot of riders on the track at any one time. Sharing footage from GoPro cameras and digital photos also increases enjoyment of their hobby, but reduces the time spent on the track.

Noise Levels

Motorcycling Australia Manual of Motorcycle Sport requires all Sound Control Officers to be licenced. To obtain a licence as a SCO requires:

2.5.10.1 SCO's are licenced after completion of a technical seminar on the principals, instruments and methods to be used.

2.5.10.2 SCO covers noise testing at all levels of meeting except FIM World Championship and Trophy events.

2.5.10.3 SCO decisions are a judgement of fact.

Sound Emissions at racing venues are carried out in two ways

30 meters (from side of track) ride by test with the maximum for all disciplines of 95 dB(A)

Or 2 Metre Max method for individual bikes is 112 dB(A) with a 4dB/A allowance. This measurement is carried out at the rear of the motorbike at a 45 degree angle. The motorbike is placed so that there are no solid obstacles within a 10 m radius. Preference is for tests to be carried out on soft ground to prevent reverberation. In other than moderate wind, machines should face forward in to the wind direction. Ambient sound level must remain lower than 100dB(A). Measurement is made with the motorcycle on its wheels, with a hot engine

A Motorcycle Australia licenced Sound Control Officer carried out noise level readings at The Ducks Nuts Motorbike Park on 29th October 2016. As this is not a racing venue levels were recorded at different locations to give a baseline with regards to sound levels during operation. Two sets of readings were taken; the ambient noise and with 7-9 bikes using the track. The wind was strong and from an easterly direction during both sets of readings. The readings were 5 minutes in duration and the highest decibel reading was recorded. A Digitech QM1592 professional sound level meter was used. The noise levels were measured from 7 points around the

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property. The levels were measured with and without motorbikes to gage a base level with regards to ambient noise levels and current rider levels (appendix 4).



	1	2	3	4	5	6	7
With out bikes	29.2dB(A)	37.0 dB(A)	39.7 dB(A)	35.5 dB(A)	36.5 dB(A)	35.4dB(A)	38.8 dB(A)
With bikes	81.0dB(A)	86.3dB(A)	67.3dB(A)	78.6 dB(A)	95.7 dB(A)	80.9dB(A)	73.6 dB(A)

Position 1 was located at the furth est point that motorbikes are allowed to travel. It is next to the Advanced track and is outside of the main tree buffer zone. Lowest ambient level of 29.2dB(A). Experienced riders are just coming off of jump and turning into a corner 81.0dB(A).

Position 2 was located in the main car parking area where riders are starting their bikes and rewving engines prior to starting to ride 86.3dB(A).

Position 3 was located closest to neighbouring property that does not yet have a residence built. Lowest with bike reading of 67.3dB(A) and highest ambient reading of 39.7dB(A).

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Position 4 was located between the Intermediate and Senior tracks where there are a lot of corners and bikes doubling back past each other on different parts of the track. Multiple bikes in the area that requires skill to negotiate the corners has resulted in lower noise levels 78.6dB(A).

Position 5 was located on the corner at the start of a straight next to a tree. This was expected to be the highest reading and was confirmed at 95.7dB(A) with an ambient reading of 36.5 dB(A).

Position 6 was located at the end of a straight prior to a corner and was 80.9dB(A) which was 14.8db less than position 5.

Position 7 was located at the end of the buffer zone next to the Junior track and near the neighbour's un-built residence. This was the second highest ambient level of 38.8 dB(A) and the second lowest with bike reading of 73.6dB(A).

These readings were all taken in close proximity (less than 5m) to the tracks, to gauge effects on neighbouring residents an independent operator would need to measure the level at their residence.

Noise Mitigation Results

The noise levels confirm that the noise mitigation planning with regards to location and track design were justified. Location of the Junior track closest to the potential home of the neighbour recorded lower levels at position 3 and 7. Using corners and skill requirements resulted in lower speeds and lower levels at position 4. All other locations were less than industrial levels except for position 5. The highest reading of 95.7dB(A) was measured within 5m of the track, allowing for the 6dB(A) reduction with each doubling of distance the level at the closest residence (1km away) would be around 45dB(A).

Noise levels would be higher at a racing venue with all riders taking off together. As the Ducks Nuts Motorbike Park is not a competition venue and riders enter and exit tracks at their own choice this is not an issue except for a Sunday morning. Restrictions on starting before 9am results in the 9am start being a mass start as riders are impatient to start riding. The request for the extension for an 8am start allows for a more staggered start with early riders having a break whilst those arriving later start at their own pace.

If any motorbikes are considered too loud then readings can be taken and the motorbike can not be ridden until noise reducing modifications have been carried out. Motorcycle Queensland sanctioned trail rides state 94dB(A) for four stroke engines and 96dB(A) for two stroke engines¹⁹.

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Noise Monitoring

The Duck's Nuts Motorbike Park has now purchased their own noise monitoring equipment and will be randomly checking noise levels within the track area and around the area to ensure that noise levels are at a reasonable level. These records will be available for Shire officials to check.

Date	Riders	Max reading position 5	Ambient noise	Temp	Humidity	Wind direction	Speed	Notes
07.01.17		90dB(A)	41dB(A)	25C	32%	SE	3.0m/s	
13.01.17	8	87.4dB(A)	30 dB(A)					
15.01.17	20			31.6C	13%	N/NW	6.2m/s	Movement Ban in place at 10am. Track closed and monies refunded plus stubby holders as good will.
16.01.17	8	68.3dB(A)	39dB(A)	23C	42%	SE	4.8m/s	3 juniors on 150cc-250cc bikes

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MARKETING

Facebook

The Ducks Nuts Motorbike Park uses Facebook as the primary source of marketing. Photos from each week are uploaded and riders have the opportunity to find pictures of themselves. The use of social media allows for control with regards to the numbers attending the park as people need to book before they attend the track. There is no signage in Popanyinning or Reeds Road. The venue can only be found when it is open and the flags are out. Word of mouth within the motorcycle community has ensured that the Ducks Nuts Motorbike Park has grown slowly and within the area it was focused on. This is families who want to ride together. Appreciation is shown with regards to the quality of the venue, the friendly support provided and the skills and experience that is shared. Responsible riders appreciate the venue for the safety it offers as well as the reduction of damage to parks and bushland where people would be riding. Continuing with this theme of safety the Ducks Nuts Motorbike Park will explore a series of road safety posters highlighting the risks involved in country driving.

These can be put up at the park or provided to local businesses as well as on Facebook or other social media platforms in the future. Two examples are included below.



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you know the risks on the track. But do you know the risks on the road?

The Ducks Nuts Motorbike Park, Popanyinning. 0498 604 722



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you know the risks on the track. But do you know the risks on the road?

The Ducks Nuts Motorbike Park, Popanyinning. 0498 604 722



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Event Marketing

The Ducks Nuts Motorbike Park has been approached by Honda with regards to hosting the launch of the CRF450 motorbike in April. This will involve not only showcasing the CRF450 model but also the CRF250 model and some of Honda's other vehicles including Quads and Farm Workhorse vehicles and Side by Sides. The choice of venue was reported to be due to location with regards to being away from built up areas and allowing those who were interested in the product to come rather than attracting those who only wanted to look but not buy. The Ducks Nuts reputation is very high within the Motorcycling community.

Tourism Accreditation

The Ducks Nuts Motorbike Park will be applying for Tourism Council WA accreditation this year. If granted the park will be the first motorcycle venue to gain this accreditation in WA. This will also provide an opportunity to enter the Tourism WA awards under the specialist category and the Adventure category. Nominations open in April and close in June. The accreditation would highlight that The Ducks Nuts Motorbike Park is a State level attraction that follows Best Practice policies with regards to record keeping, safety, marketing and sustainable business practices.

PUBLIC CONSULTATION

The Shire of Cuballing provided an opportunity for public consultation with regards to the extension of trading requested by The Ducks Nuts Motorbike Park. Letters were sent to 63 adjoining and nearby landowners, notices were placed on the Shire noticeboard and website, in the Narragin Observer and on Private Noticeboards. Only one residence is located within 1km of the tracks, the next closest residence being 2km away and the township of Popanyinning is 4km away. 16 submissions were received by the shire consisting of

- 10 raising objections
- 2 raising issues
- 1 raising no objections
- 3 supporting

A summary of the objections published on the Shire of Cuballing website states

"The reasons for opposing the Development Application, along with key issues raised, are summarised below:

- *noise and dust impacts extend into adjoining properties;*
- *it negatively impacts the rural character and amenity of the area along with the quiet enjoyment of adjoining and nearby properties;*
- *various tracks are located on the property boundaries, there are insufficient buffers and physical barriers to other properties and some tracks should be relocated to increase buffers;*

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- *insufficient information and technical investigations have been undertaken to make an informed assessment including relating to noise impacts,*
- *question the economic and social benefits to Papaninning and the district;*
- *increased fire risks on surrounding areas and there is a need to prepare an appropriate Fire and Emergency Management Plan;*
- *the proposal is inconsistent with the Shire of Cuballing Town Planning Scheme No. 2 including the aims of the Scheme and objectives for the General Agriculture Zone;*
- *safety and other associated risks, including that approval could result in the Shire and the operator being exposed to liability risks if necessary risk management, insurances, accreditation and track design are not appropriate;*
- *increased traffic, safety and maintenance impacts on Reeds Road and East Papaninning Road and concerns that Shire of Cuballing ratepayers will meet the costs;*
- *it will promote anti-social behaviour including 'hoon behaviour' on local roads;*
- *environmental impacts including risk of fuel and oil spills;*
- *incompatibility of the proposed facility with the character of the surrounding area;*
- *detrimental impact on property values; and*
- *visual impacts²⁹.*

Lack of written information appeared to be the main issue that this business plan has been used to rectify. Change in land use has not been requested as The Ducks Nuts Motorbike Park has been operating for two years. The initial application in 2014 was for 50 riders which was reduced to 10 due to limited ablution facilities. This has now been rectified with a separate planning application and a \$20,000 investment in new facilities. Numbers have increased and in order to be sustainable as a business an extension to 60 riders is needed to cover maximum use of the facilities. Behavior outside of the property is not under the control of The Ducks Nuts Motorbike Park owners and as stated by the Shire falls under the Police jurisdiction. It is the responsibility of all residents to share information with their visitors with regards to road safety in the Wheatbelt. Business growth in the shire has been highlighted and includes businesses outside of agriculture including tourism. Bed and breakfast businesses have reported benefiting from riders staying overnight as has the local general store. Land use with regards to noise issues highlights the importance of avoiding problems in the first place. As noise complaints are made by people receiving the noise and not by those that generate the noise. There is only one residence within 1km of the track and even though approval can be given for more than one dwelling on the adjoining properties the numbers affected are very low. In the case of the neighbor who wanted to open a bed and breakfast and stated that the noise would be detrimental to his business plans has overlooked the

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opportunity of having up to 60 riders and their families wanting to stay so close to the venue. One person who raised objections stated that he lived on the other side of Popanyinning and could not hear any noise but could imagine that those who lived on the other side would have problems. This is a perception not a fact. The nature of noise is also such that distance does change it and the choice of location well away from any built up environment means that there is very minimal noise problems affecting anyone and those raising it as an issue are doing so for their own purpose. A good neighbor policy requires both sides to participate not just one. The owners of The Ducks Nuts Motorbike Park have demonstrated Good Neighbor behavior through:

- ✓ Choice of location – away from all but one residence within 1km of the track.
- ✓ Opening hours – Daylight hours only when ‘normal’ activities take place
- ✓ Limited numbers – Numbers have grown slowly and no formal complaints have been made until requests for feedback were made.
- ✓ Education with regards to behavior in discussions with those attending the track.
- ✓ Minimal advertising – The venue is hard to find with out instructions so is a specific destination and not just a place to drop in.

A comparable business model is the Archery facility on the Toodyay-Clackline Road. When it was opened the locals said that it would fail within 6 months because it was not a farming venture. It was located off the beaten track and required people to visit that location specifically. 38 years of operation later and the owner aged 70 reports that he is happy doing what he is doing, where he is doing it and has no plans to retire in the near future. Diversity in land use is important for rural communities to remain sustainable in Australia

GLOSSARY

Enduro – Endurance riding competition around a designated track. Can include speed tests and skills tests.

Freestyle competition riding – Riding in specific competitions that involve high jumps, stunt riding, acrobatics and is considered the most dangerous level of motorbike sports. Professional riders also stage shows using this format i.e. The Crusty Demons.

Freestyle recreational riding – Riding on purpose built tracks that allow for tight corners, jumping and motocross style riding without any competition. No ramps or stunt riding is allowed.

Touring – Riding road bikes from point A to B. This can be done by individuals or with clubs.

Trail Bike Riding – Off-road riding along designated tracks located on private property or within National parks.

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Trial Bike Riding – Skills based competition riding over obstacles. The course can be manmade or incorporate natural elements.

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Gary Sherry

From: Dean Roberts <Dean.Roberts@byrne-cut.com.au>
Sent: Saturday, 21 January 2017 4:07 PM
To: Gary Sherry
Subject: Ducks Nuts Motorbike park

Afternoon,

Being a FIFO worker I support the idea of Having the park open on a Wednesday and Thursday because I am limited to when I can ride. I have been riding at the Ducks Nuts for the last 2 years and it is a great park for all levels of riding and is also a great place to take the kids without having to fork out hundreds of dollars for a MAWA club.

Regards,

Dean Roberts
Underground Electrical Supervisor
Jundee Gold Mine

Mobile: +61430441582
Web: www.byrne-cut.com.au



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AUSTRALIA**

Gary Sherry

From: Dale Roberts <daleroberts07@gmail.com>
Sent: Saturday, 21 January 2017 4:47 PM
To: Gary Sherry
Subject: Ducks nuts moto park

I support this park to be open on Wednesday and Thursdays, I am a fifo worker that usually rides here during the week. It is a great park with a good family friendly atmosphere. It also helps with people riding in the bush illegally and provides a safe environment for people to ride motocross at a reasonable price.

Gary Sherry

From: Ross Craigie <craigie782@gmail.com>
Sent: Saturday, 21 January 2017 5:04 PM
To: Gary Sherry
Subject: Ducks nuts mx park

Hi my name is Ross craigie I live in bunbury and love taking my family out to the ducks nuts MX park it is safe and control riding environment. camping and socialising with people from around wa is great I have made a lot of friends from going to the park and it would be a shame to see it closed down. If ducks nuts was not open there is no reason for myself or many of the hundreds of people that go there to go to that part of our state . Thank you Ross Craigie and family

Gary Sherry

From: Hannah Wilkin <h_wilkin@hotmail.com>
Sent: Saturday, 21 January 2017 5:01 PM
To: Gary Sherry
Subject: John and Rae

Hi,

My husband and I would like to support John and Rae at Ducks nuts opening for longer. As we are from Kalgoorlie and my husband is a FIFO worker and myself a shift worker it would definitely benefit us.

Regards

Hannah and Ben Conn

Gary Sherry

From: arley rose <arleyj14@hotmail.com>
Sent: Saturday, 21 January 2017 5:38 PM
To: Gary Sherry
Subject: Ducks nuts motorcycle park

The ducks nuts motorcycle park is a much needed ride park for dirtbike riders. It is a safe and friendly environment. And i think FIFO mid week rides would be much appreciated.
 Thanks

Gary Sherry

From: Jimmy Forth <jforth1994@hotmail.com>
Sent: Saturday, 21 January 2017 7:08 PM
To: Gary Sherry
Subject: Duck Nuts motorbike park.

Greetings,

I know you have had bitter complaints about the Duck Nuts ride park and I want to give you my opinion as someone who rides there.

I have been riding there for the last two years or so. There isn't many places around for amateurs to ride. Motorcross clubs are becoming more and more expensive. I am happy to drive 2 hours out of Perth to ride for a small fee and they deserve that fee for the efforts they put into the track and with the photos they take. The Park is getting better and better.. until someone complains.

As far as I'm concerned, they are doing it on their property and during good hours of the day, so whats the problem? People enjoy the riding and I'd be happy to say that most of he people that go there get along well with John and Rae. If this park closes, there is only going to be more people in all the town's around Cuballing and Cuballing itself having issues with riders not riding safely and on a supervised track.

I work FIFO and it makes it good to have somewhere to ride during the week. And the way I see it, if it's what they want to do and during good hours of the day, I couldn't see why they can't have it open all the time.

People are only complaining because John and Rae are doing an excellent thing for the community and thats better then what they could ever achieve. In my opinion, I'd tell who ever complains about this sort of thing to grow up. Noise of Motorcross bikes hardly carries in the wind.

If this park closes or can't get what they want (to help people ride) then it's fair to say we have a failed system around the Cuballing shire.

Cheers, Jimmy

Gary Sherry

From: Alan Smith <pommyone@hotmail.com>
Sent: Saturday, 21 January 2017 7:45 PM
To: Gary Sherry
Subject: save Ducks Nuts Motorcross Park

Dear Sir this park is essential for the good of all off road motor bike riders both junior senior and leaners. There are not enough of these places that riders can attend in a safe environment. More are needed and the government has not come to the party to supply safe off road areas south of the metro Perth. Please allow this park to flourish. Alan Smith age 55.

Gary Sherry

From: Jeff Palmer <jeffpalmer79@live.com.au>
Sent: Saturday, 21 January 2017 8:34 PM
To: Gary Sherry
Subject: Ducks Nuts Motorbike Park

To whom it may concern.

Im writing this email to you in regards to the Ducks nuts motorbike park run by John and Rae Street in Popanyinning. I understand they're under a bit of pressure on the subject of operating hours, number of riders and other things associated with a bike park. Myself and my son have been travelling to the park and riding there for years. Its a great facility for off road motorcycles and probably the best one in the state. My son races competitively and it is an expensive sport and too much for alot of people. The park gives people a place to go ride at an affordable ,family friendly and most importantly safe environment. Its keeping alot of people out of riding in illegal bush places on the outskirts of the city and letting families enjoy dirtbikes without the risk of dumped rubbish, 4wd traffic and other dangers. I aldo think the facility brings alot of people threw the surrounding towns boosting the economy.

I hope the shire can work with the owners of the park and neighboring properties to keep the park open and running to its full potential as it is hugely praised by the off road community.

Thanks for taking the time to read this.

Jeff Palmer

Any question dont hesitate to call
0401 597 440

Gary Sherry

From: Baxter Hemmingway <baxhamster@gmail.com>
Sent: Saturday, 21 January 2017 8:57 PM
To: Gary Sherry
Subject: Ducks Nuts Application

To whom it may concern, i am contacting you to provide my support to the owners of the Duck Nuts motorcycle recreational track regarding their application that is currntly being reviewed by the shire. Being a FIFO worker based out of Perth i am a regular visitor to the track where i spend time with my children (10 & 12yrs old). The ability to visit mid week during the school holiday but also to head down to the track with FIFO mates is also something that would be extremely attractive. There are a few option around the Perth metro area but the Ducks Nuts is by far the best track in the region, couple this with the prospect of additional visitors stopping by at the local towns to stock up on supplies & fuel etc would be beneficial to local businesses.

I hope your council can see their way to agrering to the application by way of approval.

Kind regards

Steve

Gary Sherry

From: jaetaylor <jason@jjcelectricalandgas.com.au>
Sent: Saturday, 21 January 2017 10:27 PM
To: Gary Sherry
Subject: The Ducks Nuts

Hi
I write this email in support for the above facilities extension in hours and riders. With diminishing "legal" and safe areas to ride The Ducks Nuts forms a fantastic venue for riders and families alike to ride. I take my children there during the week each year and spend a few days at the park. It would be greatly appreciated by the off road community that the park is made available as requested.

Kind Regards
Jason Taylor

Gary Sherry

From: Ryan Forster <ryanforster5@gmail.com>
Sent: Saturday, 21 January 2017 11:52 PM
To: Gary Sherry
Subject: The Ducks Nuts Motorbike Park

Hello, as a rider of The Ducks Nuts Motorbike Park I would just like to say that they are an amazing organisation who personally satisfied my very particular needs when it came to Motorbike riding there, and I believe that the changes and extensions that John would like to pursue should be fully supported, thank you for reading this

Ryan Forster

Gary Sherry

From: PerthTrailScene <info@perthtrailscene.com>
Sent: Saturday, 21 January 2017 11:54 PM
To: Gary Sherry
Subject: Ducks Nuts Motorcycle Park

To whom it may concern,

I am writing to express my support of the extension application for Ducks Nuts Motorcycle Park in your shire of Cuballing, Western Australia. Our website has over 1800 members and we openly encourage and recommend the park to everyone. We believe these facilities are very important to our sport and families that want to enjoy those activities in a safe and friendly environment.

Thank you for your time.

Mark Thomas
PerthTrailScene.com



Gary Sherry

From: Adrian English <longenglish89@gmail.com>
Sent: Sunday, 22 January 2017 3:10 AM
To: Gary Sherry
Subject: Extension

Hi, i think the extension at the ducks nuts motorbike park is a must. As it gives everyone a chance to use the park. Eg. Fifo, shift workers and families on school holidays.

Thank you

Adrian English

Gary Sherry

From: Elliot Duguay <elliot.duguay@gmail.com>
Sent: Sunday, 22 January 2017 10:06 AM
To: Gary Sherry
Subject: Duck's Nuts Support

Hello,

Just emailing to show support for the increase in opening hours along with membership numbers for ducks nuts riding park.

Regards,
Elliot

Gary Sherry

From: Craig Shaw <lozzy.dye@bigpond.com>
Sent: Sunday, 22 January 2017 10:06 AM
To: Gary Sherry
Subject: Duck's Nuts bike park

Hi I'd just like to register my vote, so to speak, for John & Rae at the Duck's Nuts bike park. Additional numbers & mid week openings for school holidays/FIFO workers such as myself would be great.

My family & I drive from Bunbury on a regular basis to attend their great set up. We try support local business(food/drinks/fuel) where possible. Having lived in small country WA towns I understand what this outside patronage means to local business.

Kind regards,

Craig Shaw

Gary Sherry

From: Monkeyboy <kieranlatham@gmail.com>
Sent: Sunday, 22 January 2017 10:15 AM
To: Gary Sherry
Subject: The Ducks Nuts Motorbike Park

Good Morning,

Can you please support The Ducks Nuts Motorbike Park, they offer an amazing service to your community and sounding shires.

If you embrace motorcycle riding you will bring more money to your shire like the Manjimup trail hub.

Kind Regards

Kieran Latham

Gary Sherry

From: Stevie Matthews <stevom93@hotmail.com>
Sent: Sunday, 22 January 2017 12:13 PM
To: Gary Sherry
Subject: Ducks Nuts Motorbike Park

To whom it may concern,

I support John and Rae in there application for the Ducks Nuts Motorbike Park. Without this ride park it would make it extremely hard for me to be able to enjoy my r&r from work and the park is great for the young ones as well, as it is hard to find places to ride in WA as it is.

Kind Regards,

Stevie Matthews

Gary Sherry

From: Karl Strudwick <kstrudw@hotmail.com>
Sent: Sunday, 22 January 2017 12:14 PM
To: Gary Sherry
Subject: Ducks nuts motorbike park

I'm sending this email in support for Ducks nuts extension, as a FIFO worker on a 2/1 roster i try to maximise family time with a bit of relaxing riding. To do this i need access to various parks midweek when my young bloke is at daycare and my wife is working. Wednesday/Thursday riding days would be a perfect fit.

cheers Karl

A990

Gary Sherry

From: adam stamper <adamstamper@hotmail.com>
Sent: Sunday, 22 January 2017 4:00 PM
To: Gary Sherry
Subject: Duck Nuts

Dear sir/Madame,

I am writing in support of the ducks nuts motorbike park. It's a great local business that needs our support, I have been a few times over the last year.

Real friendly and family focused place that attracts many people into the area. Please do all you can to support them and keep things running.

Thanks for your time
Adam

Gary Sherry

A990

From: Brendan Cox <coxy34@hotmail.com>
Sent: Sunday, 22 January 2017 6:55 PM
To: Gary Sherry
Subject: Ducksnuts moto park extensions

Dear CEO,

I'm writing to show my support in favour of the Ducksnuts motorbike park extension application.

As a Perth FIFO rider, being able to visit ducksnuts more would allow myself and many others in a similar situation to maintain a healthy work/life balance.

Thanks
Regards,
Brendan Cox

A990

Gary Sherry

From: Trevor Crisp <apmwa@westnet.com.au>
Sent: Wednesday, 1 February 2017 6:17 AM
To: Gary Sherry
Subject: Support for The Ducks Nuts MX Park East Poppanyinning

Dear Mr. Sherry,

I write in regard to the extension application for the Ducks Nuts MX Park.

We are in full support of the Park run by John and Rae in East Poppanyinning.

Kind regards,

Trevor
 Allied Property Maintenance
 Perth WA

**Gary Sherry**

A990

From: Trevor and Bronwyn <trevandbron@westnet.com.au>
Sent: Friday, 3 February 2017 12:55 PM
To: Gary Sherry
Subject: Extension Application Motorbike Park East Poppanyinning

Dear Sir/Madam

We are writing in regards to the extension application for the Ducks Nuts Motorbike Park run by John & Rae in East Poppanyinning.

We are a family of riders and are in support of the Park and hope to see the operation continue as there are not enough of these kind of facilities for riders throughout WA.

Kind regards

A990

Gary Sherry

From: Matt Vandenberg <matt.vandenberg@hotmail.com>
Sent: Friday, 3 February 2017 5:12 PM
To: Gary Sherry
Subject: Ducks Nuts Motorcycle Park

Dear Sir/Madam,

I am writing to you to highlight and lend support to the recent application for time extensions by The Ducks Nuts Motorcycle Park (DNMP), located within your shire.

I am an avid off-road rider and so my support for it is obvious from that point of view but this is not the only reason why and I will outline my reasons below.

Firstly, I am a doctor working in one of Perth's major hospitals. I see a significant amount of trauma and disability sustained in off-road motorcycling activities. It is an inherently dangerous pursuit however conditional risk can be minimised. My observations are that riders at high-risk are those that ride in unregulated environments without safety standards and, frequently, alone. Many riders feel forced into this position, especially those who work outside of standard business hours, and this includes myself. Private clubs exist but they are competition focused and subject to excessive regulation and financial cost making them inappropriate for many recreational riders and difficult to access for those inclined to compete.

I am convinced that many of these injuries could have been avoided, or at least their severity reduced, if riders were afforded the chance to ride within a regulated, closed course environment where minimum safety standards apply and other riders are typically in proximity. DNMP is just this and I tell no lie when I say that DNMP potentially saves lives. There are also wider benefits to DNMP and others like it.

In brief, illegal off-road riding is not just dangerous to the riders themselves. It puts members of the wider community at physical risk, reflects poorly on the motorcycling community as a whole and is detrimental to the environment. The more that riders are forced into illegal riding, the greater the risks are to the wider community and environment are. DNMP and similar places are not the whole answer but they are a big part of it.

In conclusion, the extension application submitted by DNMP is one that warrants serious consideration given the many obvious benefits it would provide to not just riders but the wider community and environment.

I strongly urge you to support the application.

Yours sincerely,

Matt Vandenberg

9.2.3 Council Meeting Schedule 2017

File Ref. No: ADM239
Disclosure of Interest: Nil
Date: 1st March 2017
Author: Gary Sherry

Summary

Council is to confirm the remaining Ordinary/Special/Elector's Meeting dates, locations and starting time for 2017.

Background

It is a legislative requirement for the public in general to be advised in advance of all meeting dates, place and starting times to facilitate attendance or participation in Council Meetings. Unforeseen circumstances may dictate a change to this schedule and local advertising will inform Electors accordingly.

In 2016 Council's Ordinary Meetings commenced at 3pm. This timing allowed the informal Council Forum to commence at 1pm, be interrupted at 3pm and then recommence after the end of the meeting.

At their December 2016 Ordinary Meeting, Council resolved the following Council Meeting schedule:

COUNCIL DECISION:

That Council adopt the following Schedule of Council Meetings for 2017:

Thursday 16 February 2017	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 16 March 2017	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 20 April 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 18 May 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 15 June 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 20 July 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 August 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 21 September 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 19 October 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 16 November 2017	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 21 December 2017	Ordinary Meeting	3:00 PM	Council Chambers

Moved: Cr Haslam

Seconded: Cr Dowling

Carried 6/0

The schedule included a start time of 2pm for the Ordinary Meetings held in February and March 2017. The start time for these meetings allowed the implementation of the Department of Local Government's suggested schedule to hold formal Council meetings first and then informal Council Forums after the closure of the formal meeting.

Comment

At the February 2017 Meeting, Council appeared to handle business in a more timely manner in both the formal Council and the more informal Council Forum. It could be suggested that this was due in part to the complete separation of the two types of activities.

The adopted schedule of meetings has Council reverting to the timing format for meetings from 2016. If Council wishes to adopt a 2pm meeting start for some or all of the remaining meetings for 2017, Council must formally resolve to do so.

Council can:

1. Continue with the current advertised start times of 3pm. This was the previous decision of December 2017 and does not require any further decision of Council; or
2. Continue to test the start time of 2pm and decide by resolution to change the start time for a further 3 meetings to better establish if this change should be permanently implemented.

No	Date	Type	Time
3	Thursday 20 April 2017	Ordinary Meeting	2:00 PM
4	Thursday 18 May 2017	Ordinary Meeting	2:00 PM
5	Thursday 15 June 2017	Ordinary Meeting	2:00 PM

Council would then consider this matter again at their June 2017 Meeting and, if Council wishes, could amend or not the start time of the remaining six meetings of 2017; or

3. Agree that the 2pm start time is a better alternative and amend the start time for all the remaining Council meetings in 2017.

Strategic Implications - Nil

Statutory Environment

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications – Nil

Financial Implications

Local advertising in the Narrogin Observer of the meeting dates adopted in December 2017 cost \$195.49.

A slightly smaller charge, arising because of the reduced amount of content in each advert, would be incurred with each following advertisement by of meeting times by Council.

Economic Implications

Social Implications

Council has had a number of local residents and interested people attend Council's meetings in 2016. Council should seek to encourage this to occur in 2017 if there is community interest.

Environmental Considerations – Nil
Consultation - Nil

Options

The Council can:

1. resolve the Officer's Recommendation;
2. resolve to amend the start time for all 2017 Council meetings to 2pm;
3. not make any resolution and complete the Council meeting schedule adopted in December 2017.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council conduct the following Ordinary Meetings of Council as listed below:

Thursday 20 April 2017	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 18 May 2017	Ordinary Meeting	2:00 PM	Council Chambers
Thursday 15 June 2017	Ordinary Meeting	2:00 PM	Council Chambers

9.3 MANAGER OF WORKS & SERVICES:

Nil

9.4 ENVIRONMENTAL HEALTH OFFICER:

Nil

9.5 BUILDING OFFICER:

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil at this time

12. NEXT MEETING

3pm, Thursday 20th April 2017 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

13. CLOSURE OF MEETING: