



Shire of Dardanup

APPENDICES

**INFRASTRUCTURE
SERVICES
DIRECTORATE**

**ORDINARY COUNCIL
MEETING**

To Be Held

Wednesday, 14th of December 2022

Commencing at 5.00pm

At

Shire of Dardanup - Administration Centre Eaton
1 Council Drive – EATON

[Appendix ORD: 12.3.1A]

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Yabberup Road gate licence request – public submissions						
RISK THEME PROFILE:		3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)						
RISK ASSESSMENT CONTEXT:		Strategic						
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	Livestock on roads can cause damage to public roads.	Minor (2)	Unlikely (2)	Low (1 - 4)	Reject proposal to operate gates and remove them or stipulate condition that the Shire reserves the right to recoup costs due to damage.	Minor (2)	Unlikely (2)	Low (1 - 4)
LEGAL AND COMPLIANCE	Gates across public thoroughfares introduce risk to the general public including for emergency access and creating a hazard to road users.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Reject proposal to operate gates and remove them or stipulate conditions including that the gates must not be locked at any time and limiting closure time periods. Note: Yabberup Road is a very low volume road and not a through road.	Moderate (3)	Rare (1)	Low (1 - 4)
REPUTATIONAL	Precedence was been set by Council that allowed one Shire landowner a gate licence (subject to a trial period).	Insignificant (1)	Possible (3)	Low (1 - 4)	Either reject the proposal if not suitable or provide permission to operate gates subject to conditions including a trial period	Insignificant (1)	Unlikely (2)	Low (1 - 4)
ENVIRONMENT	Livestock allowed for an extended period within the road reserve, there is the possibility of “incidental grazing”, which could adversely impact natural vegetation alongside the road	Minor (2)	Possible (3)	Moderate (5 - 11)	Reject proposal to operate gates for livestock transfer or limit time period that livestock are permitted to remain within the road reserve.	Minor (2)	Unlikely (2)	Low (1 - 4)

Nathan Ryder

From: Vincent Jenkins <vincent.jenkins@dplh.wa.gov.au>
Sent: Thursday, 11 August 2022 2:09 PM
To: Records
Subject: Gate Licence Request: Lot 1 on DP15738 Yabberup Road, Wellington Forest

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Dear Theo,

Thank you for your letter dated 3 August 2022 seeking the Department Of Planning Land and Heritage's comments on the proposed gate licence at above property.

Land Use Planning has no comments on or objections to the proposal.

Kind regards

Vincent Jenkins | Senior Planning Officer | Land Use Planning
178 Stirling Terrace, Albany WA 6330
9892 7318 |
www.dplh.wa.gov.au



The Department is responsible for planning and managing land and heritage for all Western Australians – **now and into the future**

The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

Disclaimer: this email and any attachments are confidential, and may be legally privileged. If you are not the intended recipient, any use, disclosure, distribution or copying of this material is strictly prohibited. If you have received this email in error please notify the sender immediately by replying to this email, then delete both emails from your system.

This email and any attachments to it are also subject to copyright and any unauthorised reproduction, adaptation or transmission is prohibited.

There is no warranty that this email is error or virus free.

This notice should not be removed.

Nathan Ryder

From: lycholit <lycholit@bigpond.com>
Sent: Thursday, 25 August 2022 6:18 PM
To: Records
Subject: Yabberup Road Proposed Gate licence

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Good Afternoon

With reference to the above gate licence

I would like to be sure that before any gate licence is granted restoration work is carried out to the fences that run adjacent to the gazetted road at either end of the proposed gate closures. At present or in the recent past fences were laying on the ground and cattle are roaming at will on the gazetted road and are a hazard to road users in vehicles or on horseback.

I would also like to know how often the gates will be closed

Thank you

Regards

Linda Lycholit
P O Box 499
Donnybrook
WA 6239
MOB 0427 089 597
lycholit@bigpond.com

Nathan Ryder

From: Susan Pass <susanpass@iinet.net.au>
Sent: Thursday, 8 September 2022 9:00 PM
To: Nathan Ryder; Records; Kathleen Hoult
Cc: Sue Pass (home); 'Brian Pass (home)'
Subject: Yabberup Road Gate - Proposed Licence - S&B Pass Submission opposing
Attachments: CCE08092022.pdf

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To whom it may concern

Please find attached our submission in response to the Yabberup Road licence request of Mr Tony and Mrs Lyn Pitt referred to below.

Three emails will follow with the photos referred to in the submission (due to size constraints).

Would you please reply to acknowledge receipt of the submission and three photo emails with attachments, and advise if there is any problem with receiving this material.

Kind regards

Brian and Sue Pass

From: Kathleen Hoult [mailto:Kathleen.Hoult@dardanup.wa.gov.au]
Sent: Wednesday, 3 August 2022 4:19 PM
To: susanpass@iinet.net.au
Subject: Yabberup Road Gate - Proposed Licence

Good Afternoon Susan,

Please find attached letter and notice of a Proposed gate licence at Yabberup Road.

If you have any further questions about the attached, please don't hesitate to contact the officer enclosed on the letter.

Submission on the proposal are open until 9 September 2022.

Kind regards

Kathleen ☺

Kathleen Hoult
Governance Officer



A: 1 Council Drive | PO Box 7016 | Eaton WA 6232
T: 08 9724 0335 | **E:** Kathleen.Hoult@dardanup.wa.gov.au

[Appendix ORD: 12.3.1B]

W: www.dardanup.wa.gov.au



“This message contains privileged and confidential information intended only for the use of the addressee or entity named above. Use of this information beyond this intended use is unauthorised”

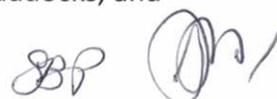
**SUBMISSION BY OWNER/OCCUPIER OF LOT 3383 YABBERUP ROAD REGARDING
DARDANUP COUNCIL RESOLUTION 186-22 – YABBERUP ROAD GATE LICENCE REQUEST**

1. Susan and Brian Pass have occupied lot 3383 (Pass property) at 775 Yabberup Road, Dardanup, since 2003, 19 years so far. The landowner is Mrs Susan Pass.
2. We oppose the request for a gate licence by Mr Tony Pitt to install or close gates over Yabberup Road, in particular two gates being: Gate 1 near the north entry from Pile/Mungalup Road, and Gate 2 adjacent to Pass property at lot 3383. We request that the gates and solid structure fences across the thoroughfare be removed, and note they are still in place despite the direction given to Mr and Mrs Pitt on 10 January 2022 to remove gates and wire by 28 February 2022.
3. For the reasons set out below we believe the licence sought for these two gates over Yabberup Road between Pile/Mungalup Road and our property entry:
 - a. would unreasonably and unfairly impede access to our property along Yabberup Road, which is a public road and our street address;
 - b. is not necessary or appropriate;
 - c. seeks to close gates over times and dates well in excess of what would be required to safely move cattle in this location;
 - d. would obstruct and prevent free access of vehicles, as the Pitt cattle are a large breed and we have seen groups of about 20 – 50 animals on or next to the road which is a narrow gravel road with a verge which is in places uneven, waterlogged and heavily treed;
 - e. is worded so vaguely as to times and dates that it would be impossible to monitor whether it was being used reasonably, and impossible for us to anticipate when our public road access would be clear of cattle both for our own ease of access and for our visitors or necessary work vehicles;
 - f. creates a safety problem for us and our visitors in a fire or other emergency;
 - g. the two gates subject of the licence request, along with their location along Yabberup Road, the support fences into the thoroughfare, and the attached signage, amount to an assertion of proprietary rights by Mr and Mrs Pitt and family over a public road;
 - h. is rarely granted, is not justified here and should be refused.
4. The Pass property of Lot 3383 is about 94 acres or 38.5 hectares. The Yabberup Road verge of Lot 3383 has high conservation value which is at risk by cattle trampling, pushing against it and eating it.
5. The Pitt property is all the other privately owned land on both sides of Yabberup Road (about 500 acres) for about 2.4 Km south of Pile/Mungalup Road until you reach State forest, and was inherited by Mr Pitt from his uncles in about 2018. It surrounds lot 3383 to its north, east and south, that is all lot 3383 boundaries, except for some boundary with State forest and part of Bussells pine plantation.

Two handwritten signatures in black ink are located at the bottom right of the page. The first signature is a stylized, cursive 'SP' and the second is a more fluid, cursive signature.

[Appendix ORD: 12.3.1B]

6. Yabberup Road is the street address and legal entry to the Pass property and is a public road maintained and managed, we understand, by the Shire of Dardanup. It is the road on which the Shire placed street numbers, the Pass property number being 775 and the Pitt property number being about 785. We have been advised these numbers relate to the property distance from the junction with Donnybrook/Boyup Brook road to the south.
7. While Yabberup Road is described under "Officer Comment" in the Application Papers as a 2.42 Km "no through" road, in fact it continues through to Donnybrook/Boyup Brook Road. At about 2.42 Km along Yabberup Road from Pile/Mungalup Road there is a fence and gate at the south end of Pitt property. This gate across Yabberup Road at this south boundary (not subject of the licence request) was we understand installed under direction of CALM in about the 1970/s, along with a CALM sign attached to a forest tree which restricted travel through the forest to prevent spread of die back. The security of the gate does not appear to be managed by CALM now and locals have used it regularly and it connects with various other tracks and roads as well as Donnybrook/Boyup Brook road. (See attached current Dept Biodiversity burn map showing Yabberup Road and surrounds.)
8. There is an unnamed forestry firebreak and access track on the west side of both the Pass property and part of the Pitt property, between Bussell Pine Plantation and the farm properties. We understand this track is managed by the Forestry Department and not visibly maintained. A drive by reveals erosion gouges and a pot hole growing near the Pass property where old track drainage pipes have become blocked. Bussell Pine Plantation is a very high fire risk area. While access to part of both the Pass and Pitt properties is also possible along this track, it is not on its own a safe all year access. Having free unhindered vehicle access on more than one road is a very important part of our fire safety: for ourselves, our visitors, and for fire trucks or responders as it is necessary to know they can get out before they enter in. Yabberup Road needs to remain open and unhindered by structures and cattle to be reliable and safe in a crisis or emergency.
9. For about 15 years our neighbours were Jack and Bill Smith (until they died and Tony Pitt inherited the property in about 2018). We always had a good relationship with Bill and Jack, mutually respecting the different uses we made of our properties and lifestyle.
10. Jack and Bill Smith, well into their 8th decade we think, used to move cattle as necessary, with minimal impact on Yabberup Road by:
 - a. transferring them across Yabberup Road through paddock gates along their Yabberup Road fences where the gates are opposite or close to opposite each other, if cattle needed to cross between east and west,
 - b. by using the many internal gates between their paddocks, so most movement could occur within east side paddocks or west side paddocks, and



- c. when necessary, along the road by placing a roll of hay on a tractor which the stock followed without needing gates closed. Jack and/or Bill remained with the cattle and did this in a short time. They did not to our knowledge close gates over Yabberup Road and go away for a few hours as the Pitt request asks to do.
11. Some time during 2021 and 2022 Mr Pitt has been altering and/or replacing substantial fencing on Yabberup Road verge. At one time he had installed, or substantially strengthened two timber and steel verge fences to support two gates over Yabberup Road. Gate 1, near the entry to Yabberup Road at its north; Gate 2 adjacent to Pass property lot 3383 (including hinging the gate to attach to Pass fencing and open into verge on Pass side). The two gates subject of this licence request remain in place and able to be closed at his will. During 2021 they have often been closed when we have been at the Pass property, and Mr Pitt has only been leaving them open more often, since Shire personnel became involved and after a number of concerned phone calls from us to the Shire. (See attached several photos showing Gates 1 and 2 closed in 2021).
12. Mr Pitt also built new substantial paddock fencing into the verge opposite Pass property and leading to a rebuilt gate arrangement which worked by pushing cattle into the Pass boundary fence with Yabberup Road and its verge and channelling them along Yabberup Road instead of using the internal paddock gates which had long been in place. While his new paddock fence into the verge has now been moved back close to its original position, the gate and its support fence across the thoroughfare remain and we object to it, and request that it is completely removed.
- ~~13.~~ For quite a while there were no functioning boundary fences along much of Mr Pitt's Yabberup Road boundary, with unsupervised cattle regularly on Yabberup Road and free to wander from paddocks with internal gates open and fences to the public road down, but with gates over Yabberup Road sometimes closed. We spoke with Mr Pitt but did not at first raise or progress a complaint with the Shire, as he indicated he had a lot of maintenance and limited funds at that time.
14. Cattle have been on the road and grazing on the verge at other times with the gates across Yabberup Road closed. We spoke with the Shire a number of times and attach several photos of Pitt cattle on Yabberup Road and inside lot 3383 Pass Property during 2021, including on 13 March, 7 May, 1 June and 25 July 2021.
15. We consider Mr Pitt and his family are treating Yabberup Road and verge as if it is his private road and part of his property, and this sense of him asserting it is a private road is strengthened by the recent erection of the signs requiring his or his wife Lyn's permission to enter along Yabberup Road as two of the signs are on gate and fencing structures over Yabberup Road and its verge. (See attached photos of new Bio – Security signs on Gate 1 fence over Yabberup Road and on CALM gate requiring permission of Pitts to enter). The words on the signs read in part: "Please contact the



[Appendix ORD: 12.3.1B]

manager before entering. Do not enter property without prior approval. Keep to roadways and laneways”.

16. The 17 January email of the Applicant (with the Application Papers) we note only seeks a permit for one gate not two.
17. We request that this application for a licence to close two gates over Yabberup Road be refused for the reasons in paragraph 3. We also request that a clear message is given to Mr Pitt and his family that Yabberup Road is a public access road and is not Mr Pitt's road to grade, alter, build structures on, or to graze his animals along.
22. Should Council be inclined to grant a licence, which we object to, then we request it is subject to much stricter conditions including:
 - a. Mr Pitt and/or competent cattle handler to be present for the duration of the closure and controlling the cattle movement and accommodating vehicles if present;
 - b. Closure limited to 1 hour or less;
 - c. Closure limited to necessary times only and subject to prior written notice;
 - d. Require cattle to be kept moving (and not allowed to stall in, trample or graze the verge);
 - e. No padlocks, fixed closures or gates closed at any time just a temporary barrier removed as soon as cattle have moved past;
 - f. Signs asserting "No entry without permission" to Yabberup Road and erected on Gate 1 support fence, and on CALM/DPAW gate be removed;
 - g. If fencing into the thoroughfare is permitted by licence to remain, that it is first assessed for safety compliance as it comes close to road edge and would obstruct vehicles in an emergency especially a fire emergency, or if cattle are on the road;
 - h. Licence to be for 12 months only and require re-application with assessment of compliance and damage.
18. We respectfully request adequate prior notice of the date of Council meeting when this matter will next be dealt with, and we also request the right to attend the Council meeting and speak to this submission as an interested and adversely affected party.

Dated 8 September 2022



Susan Pass



Brian Pass

Nathan Ryder

From: Susan Pass <susanpass@iinet.net.au>
Sent: Thursday, 8 September 2022 9:04 PM
To: Nathan Ryder; Records; Kathleen Hoult
Cc: Sue Pass (home); 'Brian Pass (home)'
Subject: Emailing: 1 Yabberup Road surrounds current burn map
Attachments: 1 Yabberup Road surrounds current burn map.jpg; 2 Gate 2 closed 13 Mar 21.jpg; 3 Cattle on Yabberup Road 7 May 21.jpg; 4 Gate 2 closed 1 June 21.jpg; 5 Gate 2 closed 2 June 21.jpg; 6 Cattle on verge beside lot 3383 on 2 June 21.jpg; 6a. cattle on road 4 July 21.jpg

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We refer to our email just sent with respect to the Yabberup Road Gate licence application. Here is email 1 of 3 with photos referred to.

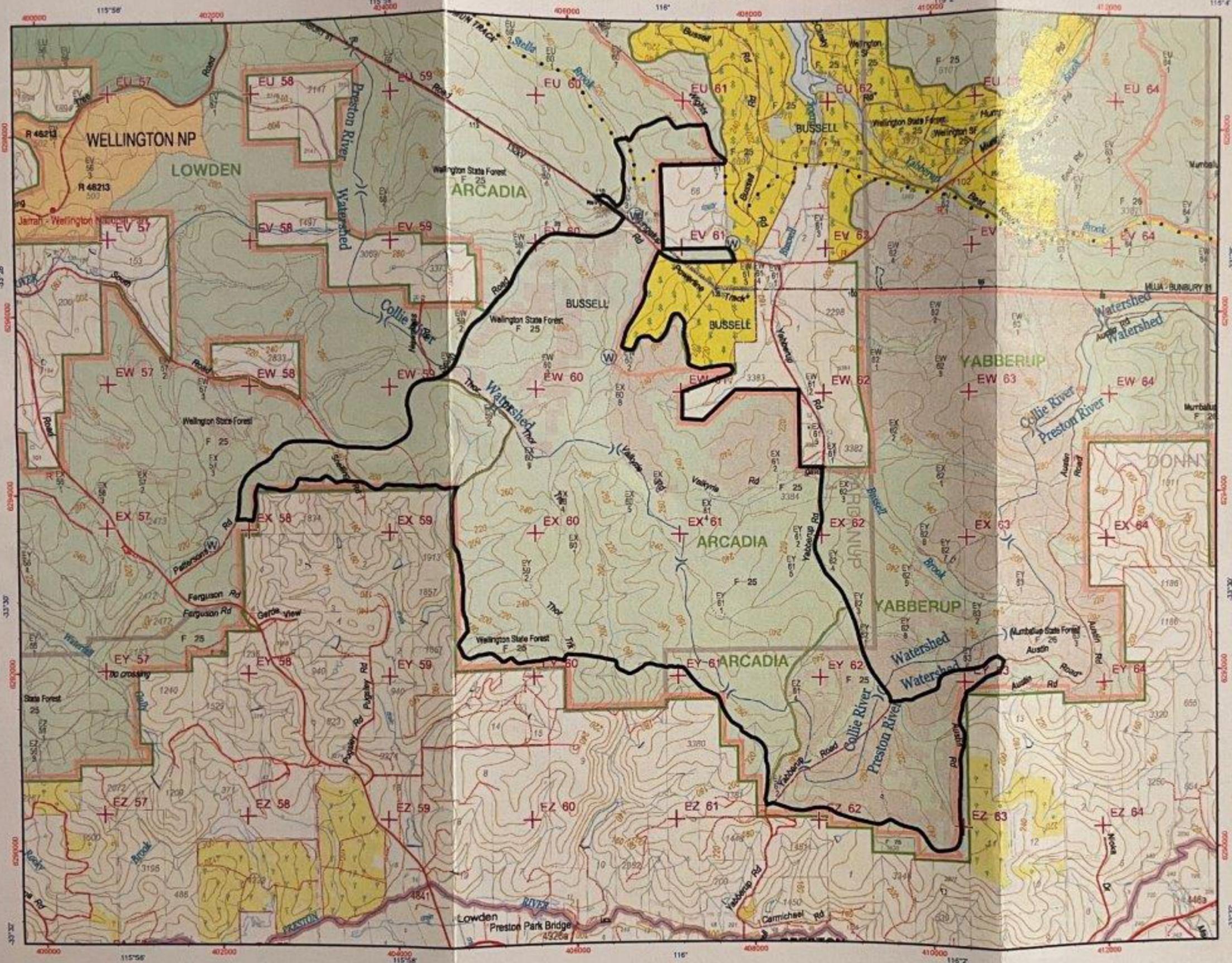
Kind regards
Sue and Brian Pass

Your message is ready to be sent with the following file or link attachments:

1 Yabberup Road surrounds current burn map.jpg
2 Gate 2 closed 13 Mar 21.jpg
3 Cattle on Yabberup Road 7 May 21.jpg
4 Gate 2 closed 1 June 21.jpg
5 Gate 2 closed 2 June 21.jpg
6 Cattle on verge beside lot 3383 on 2 June 21.jpg 6a. cattle on road 4 July 21.jpg

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WTN_113 ARCADIA - VALKYRIE RD Boundary Map



2022/2023
 Area - 2223.2 ha (approx)
 Perimeter - 38.4 km (approx)

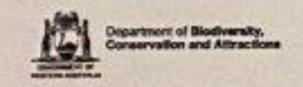
Legend
 Scheduled


 1:40,000
 (A3)



GDA2020 MGA Zone 50

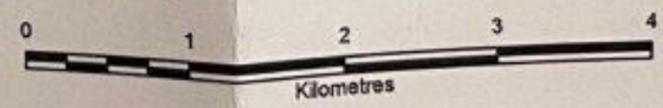
Produced by the
 Department of
 Biodiversity, Conservation
 and Attractions



Graticule shown at 2 minutes intervals
 Grid shown at 2000 metre intervals

Roads and tracks on land managed by DBCA may contain unmarked hazards and their surface condition is variable. Exercise caution and drive to conditions on all roads.

The Dept. of Biodiversity, Conservation and Attractions does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted.















Nathan Ryder

From: Susan Pass <susanpass@iinet.net.au>
Sent: Thursday, 8 September 2022 9:07 PM
To: Nathan Ryder; Records; Kathleen Hoult
Cc: Sue Pass (home); 'Brian Pass (home)'
Subject: Emailing: 7 Gate 2 closed
Attachments: 7 Gate 2 closed 25 July 21.jpg; 7a Gate 2 closed and intruding Pitt boundary fence 25 July 21.jpg; 8 Gate 1 closed 6 Aug 21.jpg; 9 Gate 2 closed 6 Aug 21.jpg; 10 Yabberup Road verge beside lot 3383 6 Aug 21.jpg; 11. 775 missing and steely inside fence 24 July 21.jpg; 12. 775 replaced on Yabberup Road 2 Aug 21.jpg

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Email 2 of 3 referred to in Yabberup Road gate licence submission of S&B Pass.

Kind regards

Sue and Brian Pass

Your message is ready to be sent with the following file or link attachments:

7 Gate 2 closed 25 July 21.jpg
7a Gate 2 closed and intruding Pitt boundary fence 25 July 21.jpg
8 Gate 1 closed 6 Aug 21.jpg
9 Gate 2 closed 6 Aug 21.jpg
10 Yabberup Road verge beside lot 3383 6 Aug 21.jpg 11. 775 missing and steely inside fence 24 July 21.jpg 12. 775 replaced on Yabberup Road 2 Aug 21.jpg

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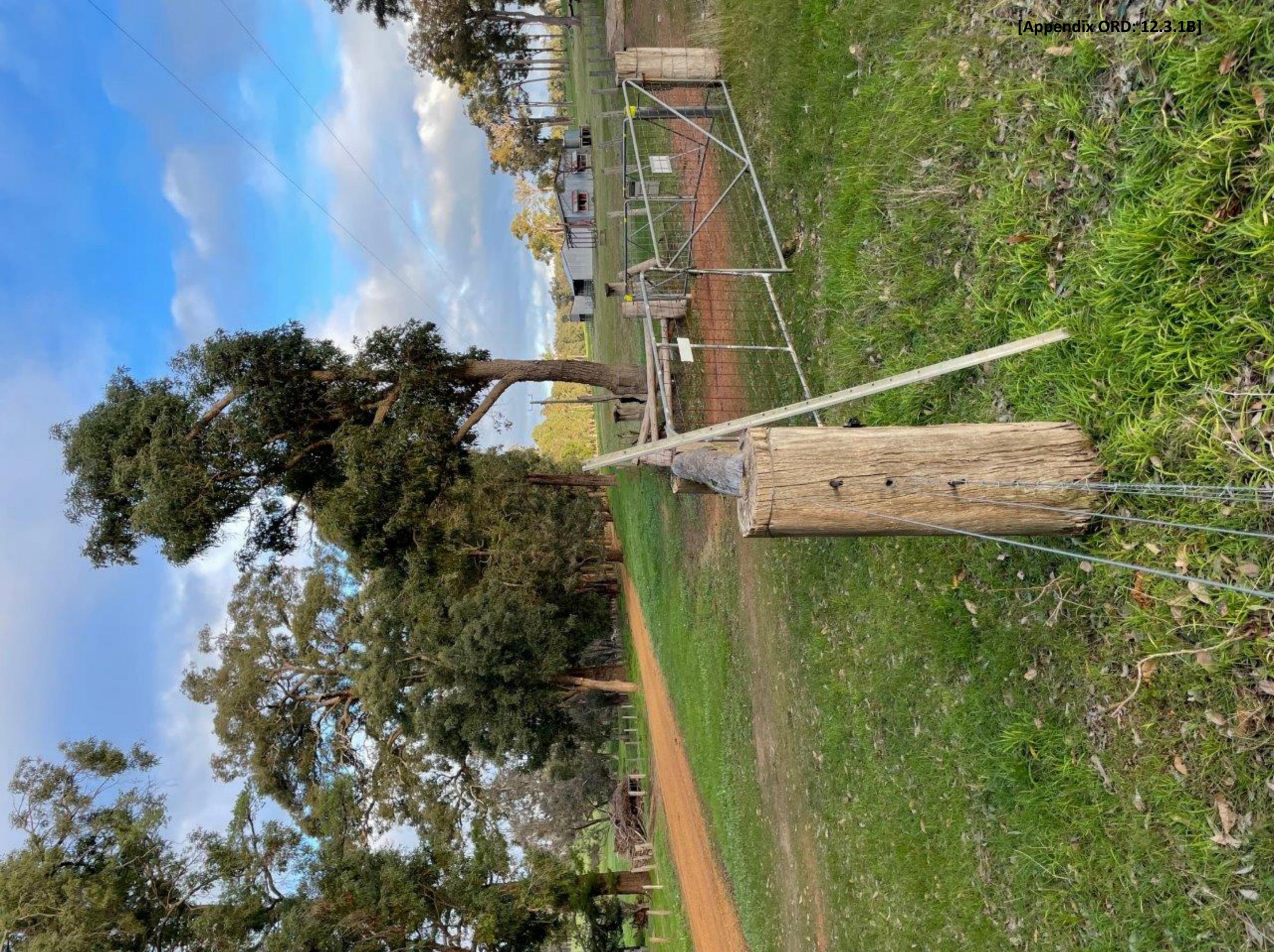












[Appendix ORD: 12.3.1B]



Nathan Ryder

From: Susan Pass <susanpass@iinet.net.au>
Sent: Thursday, 8 September 2022 9:08 PM
To: Nathan Ryder; Records; Kathleen Hoult
Cc: Sue Pass (home); 'Brian Pass (home)'
Subject: Emailing: 13. 775 surrounded by old fencing
Attachments: 13. 775 surrounded by old fencing wire 30 Aug 21.jpg; 14. Gate 2 at 20 Aug 22.jpg; 15 Gate 1 with new permission of Pitts required to enter sign 19 Aug 22.jpg; 16. Permission of Pitts to enter required sign 19 Aug 22.jpg; 16a Close up of Permission of Piutts to enter required 19 Aug 22.jpg; 17 Closed CALM gate 19 Aug 22.jpg; 18 Permission of Pitts required to enter sign on CALM gate 19 Aug 22.jpg

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Email 3 of 3 photos referred to in Yabberup Road gate licence submission by S&B Pass.

Kind regards
Sue and Brian Pass

Your message is ready to be sent with the following file or link attachments:

13. 775 surrounded by old fencing wire 30 Aug 21.jpg 14. Gate 2 at 20 Aug 22.jpg
15 Gate 1 with new permission of Pitts required to enter sign 19 Aug 22.jpg 16. Permission of Pitts to enter required sign 19 Aug 22.jpg 16a Close up of Permission of Piutts to enter required 19 Aug 22.jpg
17 Closed CALM gate 19 Aug 22.jpg
18 Permission of Pitts required to enter sign on CALM gate 19 Aug 22.jpg

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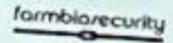
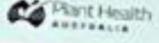




VISITORS
PLEASE RESPECT
FARM BIOSECURITY

Please contact the manager before entering.
0428283132 Tony
0428283032 LYN

Do not enter property without prior approval.
Keep to roadways and laneways.



VISITORS

PLEASE RESPECT FARM BIOSECURITY

Please contact the manager before entering.



0428283132

TONY

0428283032

LYN

Do not enter property without prior approval.
Keep to roadways and laneways.

