

SHIRE OF SERPENTINE JARRAHDALE
LOCAL PLANNING SCHEME N^o 2
AMENDMENT N^o 172

SHIRE OF
30 AUG 2012
SERPENTINE JARRAHDALE

PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF SERPENTINE JARRAHDALE
LOCAL PLANNING SCHEME N^o 2
AMENDMENT N^o 172

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act, 2005 (as amended) amend the above Local Planning Scheme by:

- i) Rezoning portion of Lot 3 Kiln Road, Cardup from "Rural" to "Special Use – Extraction/Storage Shale & Clay"
- ii) Amending the Scheme Map by delineating portion of Lot 3 Kiln Road, Cardup within the Special Use zone and identifying it as "ESC"; and
- iii) Amending the "Description of Land" column of Appendix 2 for Special Use Zone 2 by including portion of Lot 3 Kiln Road, Cardup.

Dated this 25th day of June 2012

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1.	LOCAL AUTHORITY	:	SHIRE OF SERPENTINE JARRAHDALE
2.	DESCRIPTION OF LOCAL PLANNING SCHEME	:	LOCAL PLANNING SCHEME N ^o 2
3.	TYPE OF SCHEME	:	DISTRICT ZONING SCHEME
4.	SERIAL N^o OF AMENDMENT	:	172
5.	PROPOSAL	:	<ul style="list-style-type: none"> i) Rezoning portion of Lot 3 Kiln Road, Cardup from “Rural” to “Special Use – Extraction/Storage Shale & Clay” ii) Amending the Scheme Map by delineating portion of Lot 3 Kiln Road, Cardup within the Special Use zone and identifying it as “ESC”; and iii) Amending the “Description of Land” column of Appendix 2 for special Use Zone 2 by including portion of Lot 3 Kiln Road, Cardup.

6. REPORT

6.1 BACKGROUND

Lot 3, together with Lot 6 Shale Road and Lot 50 Kiln Road, has been identified as having a critical key clay and shale resource. Extraction has commenced on Lot 6 under an Extractive Industry Licence and Development Approval issued in 2006. A fresh Extractive Industry Licence and Development Approval was issued in June 2012 for Lots 3, 6 and 50. Lot 3 is zoned “Rural”, whereas adjacent Lots 6 and 50 are zoned “Special Use” specifically for extractive industry.

6.2 PROPOSAL

The site is identified as a Key Extraction Area (Clay Resource) under Western Australian Planning Commission’s Basic Raw Materials Policy (SPP 2.4). Section 6.1.1 of this Policy states that these areas should be protected in Town Planning Schemes and Section 6.2.3 recommends protection of these resources by appropriate zoning.

Given the scale of the land use on Lot 3, and consistency with the land uses on adjoining lots, it is appropriate that the part of Lot 3 used for extractive industry be zoned accordingly. This Scheme Amendment is for that part of lot 3, as indicated in the zoning maps, to be rezoned from “Rural” to “Special Use – Extraction/Storage Shale and Clay”. The boundaries of that part

of Lot 3 subject to this Scheme Amendment coincide with the approved subdivision application to realign the lot boundaries.

The purpose of this Scheme Amendment is to rationalise the zoning of the Austral Bricks Cardup site to reflect the site's current use as well as its regional significance as a Key Clay Extraction Area under SPP 2.4.

6.3 STATUTORY AND STRATEGIC MATTERS

6.3.1 Land Uses

Under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 'Industry Extractive' is defined as:

- a) The extraction of sand, gravel, clay, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials of products; and
- b) The production of salt by the evaporation of salt water.

Extractive industry is an 'AA' use in the "Rural" zone under Table 1 of TPS 2, meaning that it is a use that may be permitted at the discretion of the Shire in the "Rural" zone. This is the case of the extractive industry use on Lot 3.

The inclusion of part Lot 3 in the Special Use zone Appendix 2 will result in the extraction and storage of Shale and Clay being a permitted land use on the site.

6.3.2 Metropolitan Region Scheme (MRS) and TPS2

The subject site, being a portion of Lot 3 Kiln Road, is zoned "Rural" under the MRS and the Shire's TPS 2. The land directly abutting the site comprises a mix of "Rural" and "Special Use – Extraction/Storage Shale and Clay" zones. The purpose of this scheme amendment is to rezone the land to bring it into conformity with the adjoining "Special Use – Extraction/Storage Shale and Clay" zoned parcels.

6.3.3 Rural Strategy

The Serpentine Jarrahdale Shire's Rural Strategy includes the subject site within the 'Agricultural Protection' policy area. The general purpose of the Agricultural Protection policy area under the Shire's Rural Strategy is to "maintain the current standards and practice of agricultural use and development". The Rural Strategy does not identify whether an extractive industry use is a desirable, conditional or undesirable use within the 'Agricultural Protection' policy area. Surrounding land is identified within the 'Raw Materials Extraction' policy area, and is currently being used for extractive industry purposes.

6.3.4 SPP 2.4 – Raw Materials Extraction

The subject site is identified within a 'Key Extraction Area' as defined by SPP 2.4. Under this policy, 'Key Extraction Areas' are defined as:

"Areas of recognised regional resources providing for future long term supply of basic raw materials. These areas should be protected in relevant town planning schemes".

The proposed scheme amendment is a means of protecting this long term resource by rezoning the land under the TPS 2 to identify it specifically for the extraction and storage of shale and clay.

6.3.5 Local Planning Policy No.8 – Landscape Protection (LPP 8)

The subject property is located within the Shire’s Landscape Protection Policy Area. In relation to development associated with extractive industries and proposed rezoning of land, LPP 8 contains the following guidance:

“Screening around proposed extractive and industrial developments or operations will be required to minimise visual impacts. These types of developments are not to be seen from the coastal plan, major roads and tourist routes, and major recreation areas. Approval for these types of development will not be given unless the visual impact of the proposal on the Darling Scarp has been addressed to Council’s satisfaction”.

And

“Rezoning of land and the subdivision of land within the policy area will not generally be supported where it is likely to result in an undesirable density of development visible from the South Western Highway or the coastal plan”.

Issues surrounding visual amenity were resolved through the determination of the development application and extractive industry licence for the extraction of shale and clay on the site.

6.3.6 Development Approval

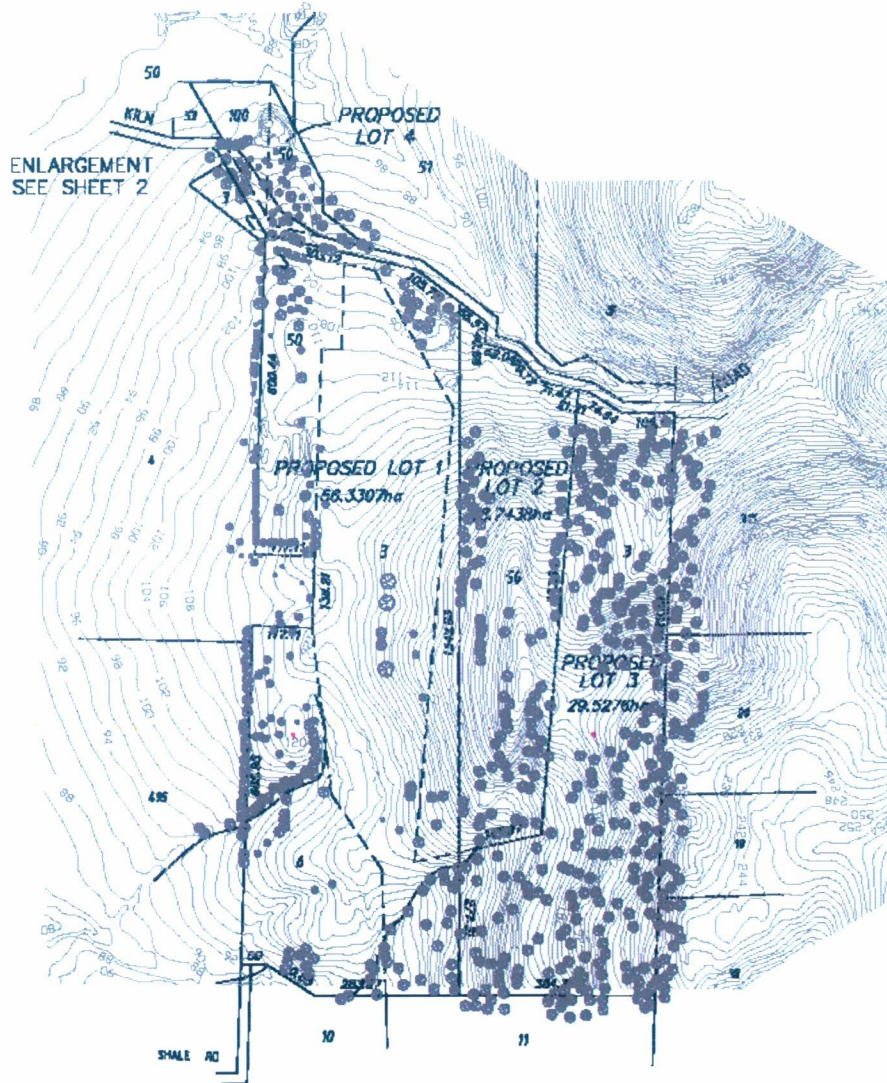
The Shire of Serpentine has resolved to grant development approval and an Extractive Industry licence for the extraction of shale and clay at its meeting held 11 June 2012.

6.3.7 Subdivision (Boundary Realignment)

A subdivision application has been approved by the Western Australian Planning Commission to facilitate boundary realignments within the Austral Bricks landholdings. The boundary realignments will have no impact on the proposed rezoning of the land or any future development of the site for extractive industry purposes.



SUBJECT TO SURVEY



NOTES:

- ORIGINAL AREA OF LOT 3 - 57.3775ha
- ORIGINAL AREA OF LOT 6 - 13.9167ha
- ORIGINAL AREA OF LOT 50 - 35.5036ha
- ORIGINAL AREA OF LOT 100 - 4.0924ha
- ALL BUILDINGS TO BE RETAINED

LEGEND

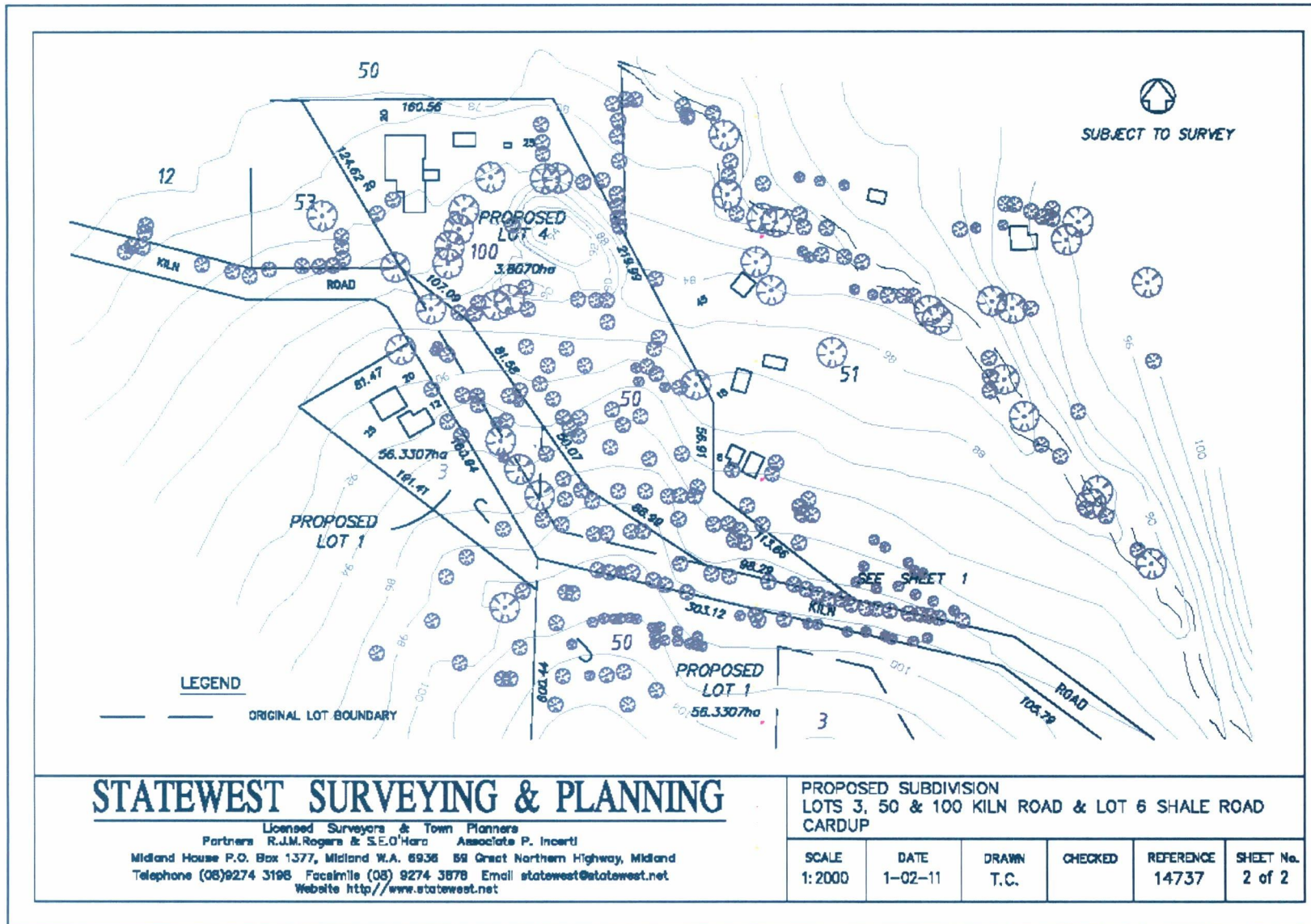
----- ORIGINAL LOT BOUNDARY

STATEWEST SURVEYING & PLANNING

Licensed Surveyors & Town Planners
 Partners R.J.M. Rogers & S.E. O'Hara Associate P. Inceff
 Midland House P.O. Box 1377, Midland N.A. 6636 66 Great Northern Highway, Midland
 Telephone (08)9274 3198 Facsimile (08) 9274 3678 Email statewest@statewest.net
 Website <http://www.statewest.net>

**PROPOSED SUBDIVISION
 LOTS 3, 50 & 100 KILN RD & LOT 6 SHALE RD
 CARDUP**

SCALE 1:7500	DATE 1-02-11	DRAWN T.C.	CHECKED	REFERENCE 14737	SHEET No. 1 of 2
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PROPOSED SUBDIVISION
 LOTS 3, 50 & 100 KILN ROAD & LOT 6 SHALE ROAD
 CARDUP

SCALE	DATE	DRAWN	CHECKED	REFERENCE	SHEET No.
1:2000	1-02-11	T.C.		14737	2 of 2

6.4 SUMMARY

Part of Lot 3 Kiln Road, Cardup occupies the same 'Extractive Industry' land use as adjoining lots. However Lot 3 has a "Rural" zoning, whereas adjacent Lots 6 and 50 are zoned "Special Use". It is proposed to rezone part of Lot 3 to "Special Use – Extractive Industry/Storage Shale and Clay" consistent with adjacent properties.

Within the "Rural" zone 'Extractive Industry' is an 'AA' land use, meaning that it may be permitted at the discretion of the Shire. The inclusion of Lot 3 within the "Special Use" zone and Appendix 2 will result in 'Extractive Industry' being a permitted land use on the site.

The amendment will rationalise the zoning of the Austral Bricks Cardup site to reflect the site's current use as well as its regional significance as a Key Clay Extraction Area under SPP 2.4.

PLANNING AND DEVELOPMENT ACT, 2005 (AS AMENDED)

SHIRE OF SERPENTINE JARRAHDALE

LOCAL PLANNING SCHEME N^o 2

AMENDMENT N^o 172

The Council of the Shire of Serpentine Jarrahdale, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act, 2005 (as amended), hereby amends the above Local Planning Scheme by:

- i) Rezoning portion of Lot 3 Kiln Road, Cardup from "Rural" to "Special Use – Extraction/Storage Shale & Clay"
- ii) Amending the Scheme Map by delineating portion of Lot 3 Kiln Road, Cardup within the Special Use zone and identifying it as "ESC"; and
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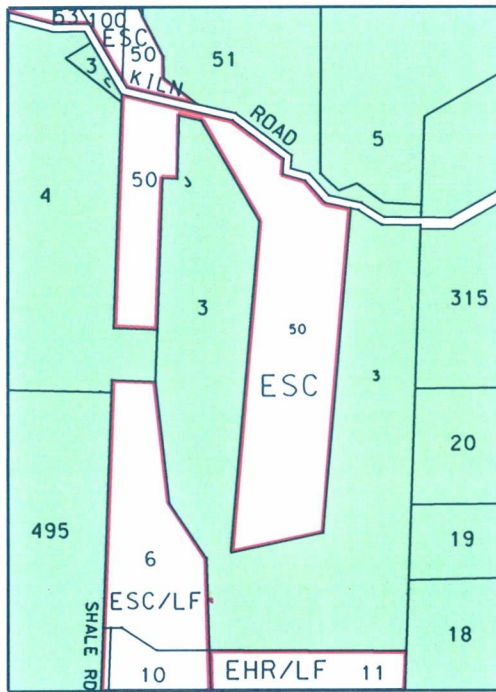
Shire of Serpentine Jarradale

Town Planning Scheme No. 2

(District Scheme)

Amendment No. 172

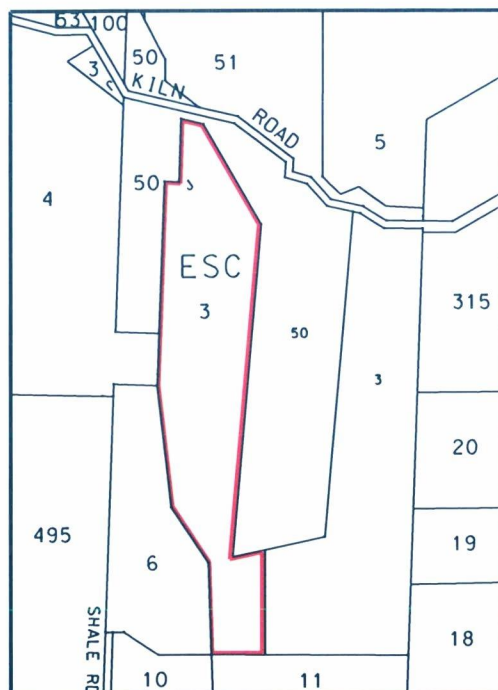
Current Zoning



Legend

- Rural
- Special Use
- ESC Extraction/Storage Shale and Clay
- ESC/LF Extraction/Storage Shale and Clay/Landfill
- EHR/LF Extraction of Hard Rock/Landfill

Proposed Zoning



Legend

- ESC Special Use Extraction/Storage Shale and Clay



NORTH

SCALE 1:2000

RESOLUTION TO AMEND SCHEME

Adopted by resolution of the Council of the Shire of Serpentine Jarrahdale at the Ordinary Meeting of the Council held on the 25th day of June 2012

CHIEF EXECUTIVE OFFICER

SHIRE PRESIDENT

RESOLUTION TO ADOPT AMENDMENT TO SCHEME

Adopted by resolution of the Council of the Shire of Serpentine Jarrahdale at the Ordinary Meeting of the Council held on the _____ day of _____ 20

The Common Seal of the Shire of Serpentine Jarrahdale was hereunto affixed in the presence of:

CHIEF EXECUTIVE OFFICER

SHIRE PRESIDENT

Recommended/Submitted for Final Approval:

**DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005**

Date: _____

Final Approval Granted:

MINISTER FOR PLANNING

Date: _____