

**Summary of Submissions**  
**Scheme Amendment No. 172 – Pt L3 Kiln Road, Cardup**

Submitter	No	Comment	Officer Response
Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	1.	<p>After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations.</p> <p>Please note the following:</p> <ul style="list-style-type: none"> <li>• For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.</li> <li>• There is no appeal right in respect of the EPA's decision to not assess the scheme amendment.</li> <li>• This letter will be made available to the public on request.</li> </ul>	Noted.
Western Power Locked Bag 2520 PERTH WA 6000	2.	<p>There are no objections, however, there are overhead powerlines and/or underground cables, adjacent to or traversing across the proposed area of works. Therefore, the following should be considered, prior to any proposed works commencing.</p> <p><u>Working in proximity to Western Power Distribution Lines</u></p> <p>All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted. For more information on this please visit the Western Power Website links below:</p> <p><a href="http://www.westernpower.com.au/safety/Electrical_Safety_at_Work.html">http://www.westernpower.com.au/safety/Electrical_Safety_at_Work.html</a></p> <p><a href="http://www.westernpower.com.au/safety/DialBeforeYouDig.html">http://www.westernpower.com.au/safety/DialBeforeYouDig.html</a></p> <p>or <a href="http://www.1100.com.au">www.1100.com.au</a></p> <p><a href="http://www.commerce.wa.gov.au/WorkSafe">http://www.commerce.wa.gov.au/WorkSafe</a></p>	Noted.

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		<p><b>Please note:</b>  <b>Western Power must be contacted on 13 10 87, if your proposed works involve:</b></p> <p>A) Any changes to existing ground levels around poles and structures.</p> <p>B) Working under overhead powerlines and/or over underground cables.</p> <p>Western Power is obliged to point out that any change to the existing (power) system; if required, is the responsibility of the individual developer.</p>	
Telstra Operations Locked Bag 2525 PERTH WA 6001	3.	<p>Any network extension that may be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBN Co. Or the Telstra Smart Community website: <a href="http://www.telstra.com.au/smart-community/developers/">http://www.telstra.com.au/smart-community/developers/</a>.</p> <p>More information regarding NBN Co. Can be found on their website <a href="http://www.nbnco.com.au/">http://www.nbnco.com.au/</a>. I add this information about BNB Co. As it is not known when services will be available from NBN Co. Telstra may provide services if NBN Co. cannot.</p> <p>Please dial 1100 (Dial before You Dig) for location of existing services.</p>	Noted.
Department of Indigenous Affairs Ground Floor 151 Royal Street EAST PERTH WA 6004	4.	<p>I have reviewed the information you provided and advise, based on that information, that there are no registered Aboriginal heritage sites within the proposed area. It is possible that there is Aboriginal heritage within the land subject to the proposed amendment. Immediately to the north of Lot 3, Kiln Road, Cardup, is heritage place DIA 16108 (Cardup Brook). This heritage place was considered by the ACMC in 2007 as 'not a site' and is currently stored data on the DIA database. Approximately 2 km to the northwest are a number of registered archaeological sites containing assemblages of stone artefacts.</p>	Noted.

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Department of Mines and Petroleum Mineral House 100 Plain Street EAST PERTH WA 6004	5.	<p>The Geological Survey of Western Australia (GSWA) has assessed the proposal on behalf of the Department of Mines and Petroleum (DMP) with respect to access to minerals and petroleum resources, geothermal energy and basic raw materials.</p> <p>The proposal area is recognised in State Planning Policy 2.4 as a Key Extraction Area for clay. GSWA has also recently published new mapping showing the proposal area to be of regional significance for clay. The reference to this mapping follows:</p> <p style="padding-left: 40px;">Strickland, CD2012, Regionally significant basic raw materials, Fremantle-Jarrahdale, Resource potential for land use planning (1:100,000 scale): Geological Survey of Western Australia.</p> <p>DMP therefore supports this amendment proposal.</p>	Noted.
State Heritage Office PO Box 7479 Cloisters Square PO WA 6850	6.	<p>The proposed Scheme Amendment has been considered for its potential impact on heritage places within the Scheme area. There is no objection to the proposal.</p>	Noted.
Department of Health PO Box 8172 Perth Business Centre WA 6949	7.	<p>The DOH has no specific comment however health concerns occasionally transcend buffers and visual screens depending upon the nature of the process. Consideration must be given to the need for contingencies to protect residents from public health impacts such as dust, noise, etc.</p>	<p>Noted.</p> <p>The following plans are in place:</p> <ul style="list-style-type: none"> <li>- Noise Management Plan. In addition, condition 6 of the current Planning Approval requires a noise impact assessment to be completed by a suitably qualified consultant and submitted by 30 June 2013</li> <li>- Dust Management Plan</li> <li>- Visual Amenity and Rehabilitation Plan</li> </ul>
Main Roads PO Box 6202 EAST PERTH WA 6892	8.	<p>Main Roads has no objection to the proposed change. However, main Roads advises that the conditions for extraction stated in letter dated 18 April 2011 (D11#94633) still apply. (Copy attached).</p> <p>Please forward a copy of the Council's determination on this</p>	Noted.

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		<p>proposed development, quoting file reference 08/5216 (D12#395042).</p> <p>The proposed development is acceptable to Main Roads subject to the following conditions being imposed:</p> <ol style="list-style-type: none"> <li>1. No earthworks shall encroach onto the South Western Highway road reserve and the road and pavement shall be kept free of materials being carted.</li> <li>2. The applicant shall make good any damage to the existing verge vegetation within the South Western Highway road reservation.</li> </ol> <p>Advice to Applicant</p> <p>1. All enquiries related to conditions 1-2 shall be directed to the Metropolitan Region - Asset Manager on 9323 4111.</p> <p>If the Council disagrees with or resolves not to include as part of its conditional approval any of the above conditions or advice to applicant can you please inform Main Roads.</p>	
<p>Department of Water            PO Box 332            MANDURAH WA            6210</p>	9.	<p>The DoW has considered the proposed amendment and has no comment to offer at this stage of the planning process.</p>	Noted.
<p>Water Corporation            PO Box 100            LEEDERVILLE WA            6902</p>	10.	<p>The Water Corporation has no objections or comments to make on the proposed rezoning.</p>	Noted.
<p>Department of Planning – Policy Development            Locked Bag 2506            PERTH WA 6001</p>	11.	<p>The subject site is not located adjacent or in proximity to a Bush Forever area and as such is unlikely to have any direct or indirect impacts on Bush Forever land.</p>	Noted.

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		Policy Development therefore raises no objection to the proposal.	
Department of Fire & Emergency Services PO Box 1174 PERTH WA 6844	12.	Please be advised that the Department of Fire and Emergency Services (DFES) refers you to the Department of Fire and Emergency Services and the Western Australian Planning Commission (WAPC) Planning for Bush Fire Protection Guidelines Edition 2 - May 2010 (These Guidelines replace DC 3.7 Fire Planning and Planning for Bush Fire Protection, which were released by the WAPC and FESA in December 2001) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4).  Your advertisement for public comment notification has been noted and filed at our South Coastal Regional Office.	Noted.  An updated Fire Management Plan has been drafted and will be submitted to Shire in January 2013.
Department of Environment and Conservation	13.	It is important to note that clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from DEC, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Exemptions in the Regulations do not apply in areas that are classified as environmentally sensitive.	Austral Bricks acknowledge the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, and note that no clearing of native vegetation will be undertaken unless permission is granted through a clearing permit from the Department of Environment and Conservation.
Hanson Construction Materials Pty Ltd PO Box 187 VICTORIA PARK WA 6979	14.	Rezoning is supported.  Zoning in line with the site activity is responsible planning. Recognition of the value of the resource to the greater community and the importance of basic raw materials as in SPP 2.4 is commendable.	Noted.
Cesare Colli PO Box 2175 MALAGA WA 6944	15.	We have no issues with this proposal.	Noted.
A152400 David & Julia Attwater	16.	Our home is situated above the brickwork site and as such will be greatly affected by the work carried out by Austral bricks.	The subject site is identified in State Planning Policy 2.4 as a key extraction area. Such areas are required to be protected for extractive industry under the

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214 Kiln Road KARRAKUP WA 6122		<p>We find it frustrating to come under a 'landscape clause', which we adhere to and yet the brickworks can take out the hill.</p> <p>We have grave concerns of the impact in the short and long term when excavation commences. Some of our concerns in the extraction process include:</p> <ul style="list-style-type: none"> <li>• Noise and dust control.</li> <li>• The huge increase of truck, trailer and machinery movement.</li> <li>• The large unsightly hole left in the hillside and the future rezoning of the land after these application amendments.</li> <li>• The disturbance to our under ground water supply which is a large part of our fire fighting system &amp; reticulation.</li> </ul> <p>We are aware that companies large and small have policies in place to cover these concerns.</p> <p>We would appreciate the shire to keep us informed of any issues regarding the brickworks movements.</p> <p>I trust should the Serpentine Jarrahdale shire approve these applications the shire will take a very active involvement in the Austral Bricks activities, with a very large degree of consideration for the surrounding land owners/ residents.</p>	<p>prevailing Local Planning Scheme. Nonetheless, the Council has the opportunity to impose conditions on Planning Approvals, and has done so in the recently issued Approval. The following plans are in place:</p> <ul style="list-style-type: none"> <li>- Noise Management Plan + requirement for noise impact assessment by 30 June 2013</li> <li>- Dust Management Plan</li> <li>- Traffic Management Plan</li> <li>- Visual and Rehabilitation Management Plan</li> <li>- Compliance Assessment Plan.</li> <li>- Water Management Plan – to provide updated information demonstrating groundwater will not be impacted by 31 December 2012.</li> </ul> <p>Screening vegetation has been established to limit visibility of operation to public. The extent of operations will also be restricted to lower on the hill so as to limit visibility to South Western Highway.</p> <p>Groundwater will not be intercepted. This is demonstrated by Hydroconcept report October 2012.</p>
Dykstra Planning on behalf of <ul style="list-style-type: none"> <li>• Alphabay Holdings</li> <li>• Sunbright Nominees</li> <li>• KW Radford &amp; Cherrybrook</li> </ul> C/- PO Box 316 KELMSCOTT WA 6991	17.	<p>This submission is not about opposing the extraction of shale and clay as a legitimately identified resource on the subject land, rather, this submission calls upon Council to take a strategic view of the long term management needs of the site and its ability to coexist with the nearby developing communities and associated land uses over the coming decades. This submission seeks to highlight the strategic land use and management issues, and sees the Scheme Amendment as an opportunity to secure an appropriate level of landuse and management controls, in recognition of the potential long term and large scale nature of the proposed extractive industry operation.</p>	Noted

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	17.1	<p><b>The effect of Scheme Amendment 172</b></p> <p>The rezoning of the land proposed under the Scheme Amendment 172 effectively seeks to combine several smaller extractive industry areas by adding the central land area, and thereby "locking in" a large area of land on the edge of the escarpment, adjacent to the expanding Byford and Mundijong settlement areas, for extractive industry activities. The effect of this rezoning is that it:</p> <p>a) "locks it in" for a very long period of time, without any time limitations;</p> <p>b) allows for a larger scale of operation, including the possibility of amalgamating extraction areas into a much larger pit;</p> <p>c) removes the discretion that Council currently has under its scheme, whereby Council could currently reject or limit the expansion of the extractive industry activity;</p> <p>d) significantly increases the scale and timeframe of extractive industry over a larger area, which in turn could impose a buffer over surrounding land for a long period of time. This will limit the potential for new developments and landuses to occur in the immediate surrounding area for a very long time, perhaps 40 - 50 years or more, (the Gosnells quarries are an example of this, where the extensive scale and timeframe of quarrying activities has effectively sterilised extensive surrounding land areas from further development for a very long time);</p> <p>e) would allow for the manufacture, storage and distribution of masonry products to take place on land south of Kiln Road (i.e. - another manufacturing and distribution plant) and Council could not reject such a proposal;</p> <p>f) does not require the owners and operators to demonstrate if and how they intend to contain emissions (e.g. noise and dust) within their boundaries, as required under clause 5.1 of the WAPC Statement of Planning Policy relating to industrial buffers; and</p>	<p>a) Protecting the resource by "locking it in" is consistent with WAPC SPP 2.4.</p> <p>b) Operations are not proposed to be in the form of one large pit across the entire site. There will be progressive rehabilitation of the site as areas become available following extraction campaigns.</p> <p>c) SPP 2.4 identifies the site as a key extraction area. This State level policy identifies the site as one that has State level significance in terms of basic raw materials, specifically clay. Bearing this in mind it would be inappropriate for Council to reject an application for extraction of the resource. Continued operations and approvals, however, remain subject to Council approval.</p> <p>d) Site already highlighted under SPP 2.4. Buffers will apply consistent with that policy.</p> <p>e) Any proposals for manufacturing of products would be subject to assessment and licensing by the DEC. Scheme Amendment does not automatically grant this use.</p> <p>f) Dust, Noise and Visual Amenity Management Plans required under Planning approval for operation.</p> <p>g) Rehabilitation and Mine Closure Plans required under Planning Approval for operation.</p>

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		g) does not plan for the post-extraction rehabilitation and landuse.	
	17.2	It is quite clear that this particular Scheme Amendment cannot be simply viewed as a marginal and incremental expansion of other adjoining extractive industry areas. This Scheme Amendment will bring all these extraction areas together into what could potentially be one very large and very long term extractive industry operation, along with associated potential storage and manufacturing/distribution plants. This Scheme Amendment effectively facilitates something very new and very significant in terms of a landuse activity on a sensitive area of the escarpment in close proximity to the Byford and Mundijong settlements. It is only reasonable then that the entire zoning area, including the adjoining zones which will essentially be amalgamated under this proposal, would therefore be subject of a comprehensive review to determine the appropriateness of the zoning and zoning controls.	As above.
	17.3	<p><b>Recommended Changes to the Special Use Zoning</b></p> <p>Scheme Amendment 172 proposes to include additional land within the existing Special Uses zone No. 2 (extraction-storage of shale and clay). This modification of Special Use zone No.2 can, in the interest of orderly and proper planning, be expanded to also include the following scheme provisions that will guide and control land use planning and decisions in the longer term, namely;</p> <ol style="list-style-type: none"> <li>1. That the manufacture, storage and distribution of masonry products is not to be permitted on land within the Special Use zoned area south of Kiln Road;</li> <li>2. All of the listed land uses within the Special Use zone are to be classified as discretionary uses (AA), where Council has the discretion to approve, refuse or limit applications for landuse and development. Landfill should become a prohibited activity;</li> <li>3. The use and development of land within the Special Use zone is</li> </ol>	<ol style="list-style-type: none"> <li>1. As noted previously, any such land uses would be subject to DEC assessment and approval. Scheme Amendment does not automatically allow this use without assessment.</li> <li>2. It would be contrary to the objectives of SPP 2.4 to create a Planning environment where an application for approval for extractive industry could be refused in this location. The Planning approval process needs to enable the imposition of reasonable and appropriate conditions to not adversely affect the environment and the amenity of the locality during and after the removal of the resource.</li> <li>3. a) Planning approval process considers distance to other land uses and potential impacts. Requirements of Planning Approval cover emissions including noise and dust.</li> </ol> <p>b-e) This is all covered by existing Planning Approval</p>



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		<p>subject to compliance with the following requirements;</p> <p>a) no extractive industry activity shall occur within 500m of adjoining alternatively zoned land, unless:</p> <ul style="list-style-type: none"> <li>• The proponent can demonstrate containment of all dust and noise emissions within the boundaries of the Special Use zone; or</li> <li>• The proponent can provide the written consent from the effected adjacent landowner;</li> </ul> <p>b) revegetation and/or bunding works to screen extractive industry activity and storage activity from view of surrounding land;</p> <p>c) progressive rehabilitation and revegetation of the extraction areas;</p> <p>d) preparation and implementation of a water management plan;</p> <p>e) preparation and implementation of a traffic management plan, including arrangements for the upgrading and/or maintenance of local roads utilised by the extractive industry operation; and</p> <p>f) all trucks included in dispatching clay and/or shale outside of the special site zoning area shall not utilise Kiln Road.</p> <p>4. The special site zone should include an appropriate "sunset-clause", to ensure that extraction and storage operations are completed within a reasonable timeframe that is respectful of the surrounding land and communities (eg. 10-15 years).</p>	<p>requirements.</p> <p>f) This is a specific condition that is inappropriate for inclusion in the Scheme and needs to be considered in the context of a Planning application.</p> <p>4. Imposition of a "sunset clause" would be contrary to the intentions of SPP 2.4.</p>
	17.4	<p><b>Grounds for Modifying Scheme Amendment No.2</b></p> <p>One of the most significant effects of Scheme Amendment 172 is that Council discretion to approve, refuse or limit planning applications for extractive industry and storage purposes on the subject land has been taken away. With the Special Use zoning effectively making all of the listed landuses "permitted" (P), this entitles the landowner and operator to unfettered development and landuse opportunities. Given that this Amendment effectively combines several smaller extractive industry areas into a larger area that could result in a significantly larger and longer term operation, it</p>	<p>The proposed Scheme Amendment recognises the significance of the site as a State resource. It is a consolidation of the extraction area bringing the zoning of the central area into line with the existing Special Use zone that effectively surrounds it. Any proposed activity on the site still requires an application to be lodged with the Council, who are then able to impose conditions, including time limits, on the approval.</p>

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		<p>is entirely appropriate for Council to have a higher level of discretion and control over planning applications that may be lodged within this zoning area as the activity and its surrounding uses develop over time. Increasing the level of discretion and control that the local authority may exercise will not take away the landowner/operators rights to challenge the exercise of Councils discretion at any time through the State Administrative Tribunal.</p>	
	17.5	<p>By including the subject land (portion of Lot 3) within the existing Special Use No.2 zoning table, the manner in which the landuses are currently listed in that table would allow a future application to be made for a manufacturing and distribution plant on Lot 3, or on other similarly zoned land south of Kiln Road. Although this may not be the intent of the current landowner and operator, nonetheless the amended Special Use No.2 zoning table (as advertised for public comment) would allow such a scenario in future. This is not considered appropriate for the land located south of Kiln Road , and accordingly there are sound planning grounds to ensure that the Special Use zoning restricts such more intense uses to the existing site on the north side of Kiln Road only.</p>	<p>The proposed amendment simply brings the zoning of portion of Lot 3 into line with the existing surrounding zoning.</p>
	17.6	<p>With respect to the onus of containing noise and odour buffers on the land that is subject to extractive industry operations, not only is this a fair and reasonable principle of planning and land ownership, it is consistent with the direction that is being taken under the Statement of Planning Policy of the WAPC with respect to buffers for industrial landuses.</p> <p>For one landowner to enjoy a significant landuse benefit at the cost of an adjoining landowners' landuse being sterilised is not only an example of bad landuse planning, it is simply inequitable and leaves decision makers and the owners/operators of such activities open to challenge. The establishment of this fair and equitable principle through the use of special zoning provisions will ensure the extractive industry proponents and operators make every reasonable attempt to avoid and/or minimise noise and dust emissions polluting their neighbours' properties. Further, the introduction of controls</p>	<p>The submitter asserts that the proposal is bad land use planning, particularly in terms of off-site impacts. On the contrary. The current zoning provides different zoning over the same resource, complicating the assessment process. The proposed Amendment is consistent with State policy. In terms of potential off-site impacts the proposed amendment affects land that is already surrounded by the Special Use zoning. The area proposed to be rezoned is further away from adjoining land uses than the existing Special Use zoned land. The Planning approval process provides ample opportunity for the imposition of conditions to control potential off-site impacts.</p>

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		<p>relating to revegetation, bunding, rehabilitation works, water management planning and traffic management planning are very appropriate, standard and up to date control measures relevant for the kind of landuse activity.</p> <p>Making provisions for these control measures under the Special Use zoning of the Scheme will both ensure that these controls remain in place for the long term, and will also provide the power of the Scheme to any future condition of planning approval that Council may impose on any development application within the zone. Conditions on planning approvals that have the backing of the Scheme are less likely to be successfully challenged in a Tribunal or other forum.</p>	
	17.7	<p><b>Recommendation</b></p> <p>Given that the above mentioned suggested modifications to Scheme Amendment 172 would constitute a significant change in the Amendment proposal, a readvertising period for the Scheme Amendment would be warranted. Based upon this, the following proposed motion is recommended to Council:</p> <p><i>A) That Council, having regard for the matters raised in submissions, adopt the following modifications to Scheme Amendment 172, by amending the Special Use zone No. 2 such that:</i></p> <p><i>1. the manufacture, storage and distribution of masonry products is not to be permitted on land within the Special Use zoned area south of Kiln Road;</i></p> <p><i>2. all of the listed land uses within the Special Use zone are to be classified as discretionary uses (AA), where Council has the discretion to approve, refuse or limit applications for landuse and development. Landfill should become a prohibited activity;</i></p>	<p>For the reasons discussed above, the proposed alternative recommendation is not supported.</p>

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		<p><i>3. the use and development of land within the Special Use zone is subject to compliance with the following requirements:</i></p> <p><i>a) no extractive industry activity shall occur within 500m of adjoining alternatively zoned land, unless:</i></p> <ul style="list-style-type: none"> <li><i>• The proponent can demonstrate containment of all dust and noise emissions within the boundaries of the Special Use zone; or</i></li> <li><i>• The proponent can provide the written consent from the effected adjacent landowner;</i></li> </ul> <p><i>b) revegetation and/or bunding works to screen extractive industry activity and storage activity from view of surrounding land;</i></p> <p><i>c) progressive rehabilitation and revegetation of the extraction areas;</i></p> <p><i>d) preparation and implementation of a water management plan; and</i></p> <p><i>e) preparation and implementation of a traffic management plan, including arrangements for the upgrading and/or maintenance of local roads utilised by the extractive industry operation.</i></p> <p><i>f) All trucks involved in dispatching clay and/or shale outside of the special site zoning area shall not utilise Kiln Road.</i></p> <p><i>4. The special site zone should include an appropriate "sunset-clause", to ensure that extraction and storage operations are completed within a reasonable timeframe that is respectful of the surrounding land and communities (et. 10-15years).</i></p>	
	17.8	<i>B) That Council forward Scheme Amendment 172, along with the recommendation to modify the amendment, to the Western</i>	The submitter has not provided any justification for the proposed modifications as all of the concerns raised

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		<p><i>Australian Planning Commission with a request that the Amendment be modified and readvertised for public comment,</i></p> <p style="padding-left: 40px;"><i>a) including referral to the Department of Environment and Conservation.</i></p>	<p>are capable of being addressed by the adoption of the Amendment in its advertised form. Regarding the proposed referral to the DEC, the proposed Amendment as it stands has been assessed by the EPA, who have no objection to it proceeding. They have determined that it does not need to be formally assessed and they have specifically advised that there is no appeal right against this determination.</p>
	17.9	<p>The various landowners that adjoin and surround the land that is proposed to be rezoned under Scheme Amendment 172 hereby request that Council gives serious consideration to the matters raised within this submission. If further clarification or assistance is required in arriving at a suitable modified Scheme Amendment, please do not hesitate to contact the undersigned at this office.</p>	
<p>A151800 P &amp; G Edminston PO Box 54 Byford WA 6122</p>	18.	<p>We object to the proposed rezoning for the reasons set out below-</p> <p>All the area marked for rezoning should not be allowed so as to ensure the rural ambiance of Kiln Road is retained. The applicant has demonstrated that it does not work its operations to reduce its physical and visual impacts on the community. Only by retaining a rural barrier between the extractive industry and Kiln road can the rural aspect of the road surrounds be maintained. Failure to retain the rural buffer will leave Kiln Road with the appearance of a road through the middle of a quarry.</p>	<p>The Visual and Rehabilitation Management Plan is a requirement of planning approval and addresses visual amenity of users of kiln road.</p> <p>Screening vegetation has been installed to limit visibility of operations.</p>
	18.1	<p>Shale Road should be reconsidered as a preferable access to Kiln Road due to the following recent developments</p> <ul style="list-style-type: none"> <li>• The closure of manufacturing at the Cardup the site</li> <li>• Impending closure of the Landfill sit closing in around two years</li> <li>• Indication that Norman Road will be the preferred access point to the Tonkin Highway extension..</li> </ul>	<p>This was a consideration of the Planning approval, which requires upgrades to Kiln road in accordance with the recommendations of the Traffic Management Plan.</p> <p>In regard to Norman Rd, the Mundijong Whitby District Structure Plan says that Norman Rd may be closed and rehabilitated to consolidate important native vegetation areas either side of it.</p>

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		In any event any consideration for access to Kiln Road should be deferred to the proposed later application for the "realignment to the bend in Kiln Road". This will ensure any access requirement is considered as a whole and suitably located.	
	18.2	There are insufficient buffers provided to adjoining properties. These buffers need to be expanded to minimise the disadvantage to the owners of those adjoining properties.	SPP 2.4 advises that due consideration be given to buffers between the extractive industry and any 'sensitive' land uses. These include residential and rural residential zoned land. Neither of these zones exist within the buffer of this site. The surrounding land is zoned Rural or Special Use.
A152300	19.	We oppose the rezoning.	A number of environmental management plans are in place and EPA has determined that any environmental impacts can be appropriately managed through the management plans for the site.
R & A Maughan-	19.1	1) The destruction and degradation is destroying the rural character of the district.	
Smallhorn		2) Very little economic or employment benefits will occur for the Shire.	The resource is critical to brick manufacturing in W.A. and will support the wider community and housing industry.
357 Kiln Road	19.2	3) With Australs closure of the brickwork the value of this resource will increase vastly with rezoning.	This is not a Planning consideration.
Karrakup 6122			
A152300	19.3	In September 1987 Metro Brick, a division of Bristile Ltd provided this Shire with a Basic Raw Materials-Extractive industry plan which covered all of the Basic Raw Materials that were required for the brick making industry. These areas are in the Serpentine Shire area and included Lot 6 Shale Road and Lots 3 and 50 Kiln Road, Cardup. In late 1987 this Shire submitted to the Minister for Planning a proposed amendment to the Town Planning Scheme amendment No 47. This gave Bristile Ltd zoning and extractive rights to Lots 3 and 50 Kiln Road, Cardup and Lot 6 Shale Road. No request was made to have the balance of Lot 3 Kiln Road zoned Extractive Industry thus this lot remains Rural. At this time we preferred that the Zoning remained Rural Non Conforming use. We were given information that Bristile were trying to sell but the rural zoning had deterred buyers. The new zonings that were granted brought forward	These are not Planning considerations. For information purposes, Bristile Ltd was purchased by Brickworks Limited and renamed Austral.
Supplementary			Management plans are required as part of any Planning approval process to address any potential impacts. Major growth areas in the region will be further north in Byford, which can accommodate short to medium term growth, with longer term growth planned for the Mundijong Whitby area to the south west. These are outside prescribed buffers.
comments			

**Summary of Submissions**  
**Scheme Amendment No. 172 – Pt L3 Kiln Road, Cardup**

Submitter	No	Comment	Officer Response
		<p>a new purchaser, Austral. Their application to rezone Lot 3 Kiln Road, if successful, would increase the value of the extraction site enormously.</p> <p>Further to the rezoning of Lot 3, if granted, is the fact that with the major population and housing growth in the vicinity, plus Austral's projected housing development on the north side of Kiln Road and concerns by the public about environment, health, ecology, the escarpment and the visual pollution this council will be inflicting on their ratepayers will be a problem for about 40 years plus.</p>	
	19.4	<p>If rezoning goes ahead and excavation is commenced a major hazard will exist for local motorists when thousands of loads of material are being carted North and South from the site at Cardup. 25% of their loads were destined for the brickworks, however with the Brickworks ceasing operations it will be prudent to have all the excavated material transported by way of Shale Road. This will mean there is no need to rebuild Kiln Road. The original agreement that Austral use Shale Road should be enforced.</p> <p>We are informed that Norman Road is going to be the access route for the Tonkin Highway. This makes more sense economically than the Kiln Road route. The economics will be improved by the Landfill closing shortly.</p>	<p>This was considered in the Planning approval application. The use of Kiln road was proposed and has been approved.</p> <p>The Mundijong Whitby District Structure Plan identifies Norman Rd as potentially being closed and rehabilitated to consolidate significant natural areas. It is not proposed to have a rail crossing, which it would need to access Tonkin Hwy.</p>
	19.5	<p>The Shire must establish a better system of monitoring and inspections of conditions that are imposed on Austral and other companies that operate in the shire. License charges must be increased and these costs must be carried by the operators of these companies.</p>	<p>This is a Council operational matter and not relevant to a Scheme Amendment.</p>
<p>A152000 N &amp; H MacDougall PO Box 100 Byford 6122</p>	20.	<p>Same as items 21.3 to 21.5 above.</p>	