

## SUMMARY OF SUBMISSIONS

## PA22/752 - Kiln Road, Cardup 104 (L31) - Proposed Amendment to Approved Extractive Industry

Submitter	Submitter Comments	Applicant Response
MRWA	<p>In response to correspondence received on 20 September 2022, please be advised Main Roads has no objections subject to the following conditions being imposed:</p> <p>Conditions</p> <p>1.This approval is limited to an annual extraction of 100,000 tonnes of clay, to continue up to 31 December 2027.</p> <p>Should the Shire disagree with or resolve not to include as part of its conditional approval any of the above conditions or advice, Main Roads requests an opportunity to meet and discuss the application further, prior to a final determination being made. Main Roads requests a copy of the Shire’s final determination on this proposal to be sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a>. In the interim, if you have any queries please do not hesitate to contact Michelle Ferraro on 9323 6390.</p>	
DWER	<p>The Department has identified that the proposed amendment to the approved extractive industry has the potential for impact on environmental management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.</p> <p><b>Issue</b> Industry Regulation</p> <p><b>Advice</b> The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the Environmental Protection Act 1986 (EP Act).</p> <p>The categories of prescribed premises are outlined in Schedule 1 of the Environmental Protection Regulations 1987.</p>	<p>The Department whilst referring to potential doesn’t specify precisely how the proposed amendment per se has the potential to impact environmental management, however the comment is noted.</p> <p>A suite of approved environmental management plans are already in place to manage this operation.</p> <p>This advice is noted, however there is no processing on site, (this is stated in the application). Therefore, approvals under Part V of the EP Act are not required.</p>

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	<p>The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.</p> <p>The provided development application request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.</p> <p>Based on the information provided, the proposed operations were considered as per</p> <p>Schedule 1 of the Environmental Protection Regulations 1987 for the following categories:</p> <table border="1" data-bbox="219 847 1055 1358"> <thead> <tr> <th data-bbox="219 847 544 983">Category</th> <th data-bbox="544 847 869 983">Category description</th> <th data-bbox="869 847 1055 983">Production or design capacity</th> </tr> </thead> <tbody> <tr> <td data-bbox="219 983 544 1358">12</td> <td data-bbox="544 983 869 1358">Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated</td> <td data-bbox="869 983 1055 1358">50000 tonnes or more per year</td> </tr> </tbody> </table>	Category	Category description	Production or design capacity	12	Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	50000 tonnes or more per year	
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70	<p>Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated</p> <p>More than 5000 but less than 50000 tonnes per year</p>	<p>An “Environmental Noise Assessment” was undertaken by Lloyd George Acoustics in 2013 and a “Noise Monitoring Report” was prepared by Lloyd George Acoustics in 2015 which determined that the operation complies with the Environmental Protection (Noise) Regulations 1997.</p> <p>There have been no unauthorised discharges from the operation nor is this envisaged.</p>
<p>The information provided indicates that the proposal is unlikely to cause the premises to be considered a prescribed premises.</p> <p>The application will need to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 and Environmental Protection (Unauthorised Discharges) Regulations 2004 irrespective of whether the premises is prescribed or not.</p> <p>Note that this advice is provided based on the information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact the Department at <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> or phone 6364 7000 to clarify requirements, should there be changes to information.</p> <p>Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p> <p>In the event that the applicant determines that a works approval or licence application is required under Part V of the Environmental Protection Act 1986 (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.</p>		

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	<p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>	
1	<p>I wish to submit my comments on the proposed Application for Amendment to Extractive Industries in Byford and Cardup - Austral Holdings</p> <p>I feel that the proposed amendment of the extraction licence for Austral Bricks manufacturing on Kiln Rd in Byford to continue beyond December 2022 is undesirable on many levels. It seems to fly in the face of everything that ratepayers have been led to believe.</p> <p>In 2008, in addition to the pollutants, there was a continual problem with dust containing a very high silica content being blown from the Austral Brickworks site when the katabatic easterly winds blew across the escarpment. (There has been much publicity in recent times about the effects of silica dust on carpenters who cut stone benchtops and have subsequently developed incurable lung disease).</p> <p>It was about this time that the company told residents that their brick manufacturing plant and quarry had a limited life and would be closed within a few years. That was the reason that the Shire allowed the Byford on the Scarp developer to dramatically reduce buffer zones.</p> <p>Many residents built their houses relying on the truth of the above declaration.</p> <p>An acquaintance of mine was laid off from the Brickworks around that time, only to be re-employed years later to refurbish the facility (at an enormous cost, so I am told), They were obviously already planning at that time to go back on the original agreement.</p>	<p>The respondent appears to be referring to the incorrect site and therefore the comments in this submission are not relevant and should not be considered by the Shire in their decision-making.</p> <p>Again, this comment appears to relate to the brickmaking facility and not the site subject to this application. The Shire should not have regard to these comments when making their decision. In any event, there has been no history of dust problems recorded at the site either by Austral Bricks or the Shire.</p> <p>As above.</p> <p>This comment is speculative and without evidence and is not relevant to this application.</p>

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	<p>There have apparently been many issues with dust in the past, including concerns about the building a Primary School. It was feared that the dust levels were too high and could present a health risk for students.</p> <p>My own property is constantly covered in fine dust and sand, and presumably, I and my neighbours are inhaling that when outdoors.</p> <p>There was obviously a reason for the Council to only grant approval until Dec 2022. The only thing to have changed since that decision was made is that the number of residential dwellings has increased dramatically. The issues will therefore be exacerbated in the future.</p> <p>It now appears that the Austral Holdings wants to continue manufacturing to the detriment of all the surrounding residential properties.</p> <p>Also, there are the toxic emissions to be considered. This is a young person's estate with a large number of vulnerable children. Emissions such as those listed below should be of great concern.</p> <p>Carbon Monoxide – up to 398 tonnes per year  Hydrochloric acid - up to 35 tonnes per year  Toxic Particles - up to 92 tonnes per year</p>	<p>The site is over 4200 metres from the Byford Primary School. This far exceeds the minimum 500 metre separation distance recommended by GS3. It is clear that the respondent is referring to the incorrect site from their description. No evidence provided that dust originates from over 4.2km away and so the comment should not be considered by the Shire in their decision-making about this site.</p> <p>We note the respondent lives in Byford, (over 2 km away) Without evidence or record of dust breaches from this site, this comment would not seem to be a valid consideration in any decision for this site.</p> <p>The number of dwellings within close proximity (i.e. 1,000 metres from the site) has not increased at all. evidence indicates this comment is not relevant to the proposal.</p> <p>This comment appears to be in relation to the brickmaking facility and not the site subject to this application.</p> <p>There are no emissions such as these resulting from the extractive operations on site. These comments are without substance and not relevant to this application and should not be considered in the Shire's decision.</p>

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	<p>Other emissions - variety of quantities per year. (These include Arsenic, Beryllium, Cadmium, Chromium 111 and VI, Copper, Fluoride, Mercury, Nickel, Oxides of Nitrogen, Particulate matter, Polychlorinated Dioxins and furans (TEQ), Polycyclic aromatic hydrocarbons (B{a}P<sub>eq</sub>), Sulphur dioxide and Sulphuric acid.</p> <p>The Council is allowing the expansion of the residential estate with many new dwellings under construction. Such a mixture of high density residential development and a heavy extractive industry (for that is what it is), is surely a recipe for disaster. The Council should perhaps consider that it is leaving itself open to a possible class action in the future and, win or lose, this will prove to be a very costly exercise.</p> <p>The katabatic winds on the escarpment are strong and the dust and toxic emissions will certainly be widespread if the proposal goes ahead.</p> <p>Heavy industry and high density residential dwellings have never, and will never be a good mix. The Council would do well to look closely at the zoning issues around this area, because it is now heavily residential and therefore the residential rate income is increasing substantially. If large numbers of residents become dissatisfied with the Council's operations, there will eventually have to be change.</p>	<p>The submitter is confusing Heavy Industry with Extractive Industry – two different use classes. This comment appears to refer to a different site and is therefore not relevant to the application under assessment.</p> <p>There have been no record of dust complaints from the operation and these comments are unsubstantiated. The separation distances to the quarry are considered satisfactory and exceed the minimum separation distances (the closest sensitive residence is 570 metres to the east which is not affected by katabatic wind flows.</p> <p>This application does not relate to heavy industry. The site is located over 2,000 metres from the Byford residential area. There are no long-term plans to develop</p>

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	<p>I would urge the Council to reject the amendment for the continuation of Austral Holdings manufacturing plant on the grounds that there is insufficient evidence that the health of the residents will not be adversely affected.</p>	<p>high density residential in close proximity to the site subject to this application, and if there was such a proposal this would need to undergo a thorough assessment before advancing. The respondent appears to be referring to the incorrect site in their submission. Therefore this comment is not relevant to this application.</p> <p>It is clear from this comment that the respondent is referring to the factory and not this site.</p>
2	<p>When coming down Kiln Road, the trucks entering and leaving the site access road are very hard to see and are often going too fast. They <u>do not</u> have right of way.</p> <p>Signs must be installed plus possibly a mirror to ensure the safety of motorists on Kiln Road.</p>	<p>A "Traffic Impact Statement" has been prepared by Shawmac in July 2022 to support the application. The new traffic assessment has been prepared to take into consideration current traffic counts and MRWA requirements. The Assessment concluded that "the existing road network will have sufficient capacity to accommodate the traffic generated by the development" and "The available sight distance from the existing site access meets the minimum requirements".</p> <p>Signage is installed on the road identifying trucks entering/exiting when the site is operational as required under the current approval.</p>
3	<p>I have reviewed the correspondence and relevant documents on YourSaySJ website and have decided to object to the proposed development application. I will follow with interest the further development/outcome of the consultation and referral process on the subject.</p> <p>I trust that the shire of Serpentine Jarrahdale will keep my details including contact details confidential and secured.</p> <p><b>OBJECTION TO PROPOSED AMENDMENT TO APPROVED EXTRACTIVE INDUSTRY - FOR FUTHER DEVELOPMENT.</b></p> <p><b>AIR &amp; DUST POLLUTION - Byford Wind direction is constant SSW</b></p>	<p>Noted.</p>

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	<p>NOISE POLLUTION – increased traffic activity and operating equipment will impact noise.</p> <p>DESIGN REPORT DOCUMENT 2010014-DR-001</p> <p># INCREASED HEAVY VEHICLE Activity on South Western Hwy - Increased risk to general public and all road users.</p> <p># TRANSPORT IMPACT STATEMENT - NON of the Figure, maps or Photos advise the shire on the proximity of the residential areas - this is evidential a bases for argument that the Traffic will have a heavy impact on the general population and environment.</p> <p># DESIGN REPORT - Table 1 refers to Brick (100% North) &amp; Clay (90% North) truck Movements means annual (260Days) 32,891 Truck movement through Residential area from 05.00AM - 05.00pm Daily 126.5 Trucks through Residential area - which will have an impact on the Environment, Noise Road Safety and all residents of Byford.</p> <p># ENVIRONMENTAL IMPACT - on ground water levels impact vegetation and native animal wildlife,</p>	<p>Noted. The Byford residential area is located north of the site and not in the direction of the “constant SSW” winds referred to in this submission. There are no dwellings within 1,000 metres of the site to the south-west. This comment is therefore irrelevant to the proposal and doesn’t raise any issues or concerns that would need to be considered by the Shire in their decision about the use of the site.</p> <p>There is no “increase” in traffic activity or operation. This application proposes to reduce traffic and operation activity. Given the nature of the concerns expressed the comment does not relate to the proposal before Council for their decision. .</p> <p>The “Traffic Impact Statement” addresses the access and the local road (Kiln Road). There are no residential areas located on that stretch of Kiln Road used by trucks. The “Traffic Impact Statement’ by Shawmac (2022) considers the relevant surrounding road network and traffic numbers. Page 12 of the report includes a long term analysis which states that the Tonkin Highway extension will draw some traffic away from the South Western Highway and that the “impact in the longer term is likely to be negligible”. In addition the transport routes are approved for use under the appropriate Main Roads RAV Network.</p> <p>There are no truck movements proposed through a residential area. Trucks only move along the approved RAV network. The current approved hours of operation are from 6am to 5pm Monday to Saturday. Regardless, a “Traffic Impact Statement’ by Shawmac (2022) has been prepared to assess the likely impacts of the application. This study found there to be no impact likely. It is therefore requested that the Shire consider the outcomes of this technical document in their decision-making. In addition the transport routes are approved for use under the appropriate Main Roads RAV Network.</p> <p>This comment doesn’t state any specific issues. There is no clearing proposed. A “Water Management Plan” (Coterra, 2014) is in place for the operation. An agreed program of groundwater monitoring takes place and is reported to the Shire</p>

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	<p># DUST MANAGEMENT PLAN - IS FROM SEPTEMBER 2012 - 10 YEARS OLD (where is the 5 years review as mentioned seems more a tick the box statement )</p> <p># 5. MONITORING PROGRAM - IS NOT defined as merely a statement there are no definitions.</p> <p># 5.2 Complaints management plan - has NO accountability or responsibility reference</p> <p># 5.3 Stakeholder Consultation - There is no Frequency and or financial support to independent Subject matter Experts</p>	<p>annually. There is nothing substantiated in this comment that can be considered by the Shire.</p> <p>Dust management is reported to the Shire on an annual basis in their Annual Reports. The Shire undertakes annual audits and inspections of the site and have deemed the site compliant against the conditions of the approval. A five year independent audit was undertaken in 2017 and submitted to the Shire which did not identify any amendments required to the Dust Management Plan. Austral Bricks also responds to any complaints should they arise.</p> <p>The monitoring program is defined and detailed within the 'Water Management Plan' (Coterra, 2014). Water monitoring results are submitted annual to the Shire in the Annual Report.</p> <p>It is unclear whether this statement is referring to the Shire's process or the existing stakeholder consultation required under the approval. The Terms of Reference for the Cardup Stakeholder Community Group sets out the frequency of consultation. In addition, all public information is available on the Austral Bricks website.</p> <p>Austral Bricks have responsibility and accountability to report immediately under certain circumstances and legislation and continues to comply with the legislative requirements. Annual Reports are submitted to the Shire as per the condition of the approval.</p> <p>There is no requirement to update a management plan unless an issue arises with management, complaints and an increase in nearby receptors. Austral Bricks undertakes an annual review of the Management Plan to determine if amendments are required and reports this to the Shire in the Annual Report.</p> <p>These Guidelines are the latest issued by DWER. The frequency that government guidelines are issued or updated is beyond the control of the applicant and the relevance for the purposes of the Council to make a decision on this matter. Austral Bricks complies with the relevant Guidelines as published by regulatory agencies.</p>

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	<p># 5.4 Reporting - Only annual means that any activity that have a Negative Impact on residents will not be actioned and might suffer the consequence of the operations for a long period.</p> <p># 6. Review of dust Management Plan - Serious every 5 years??</p> <p># 7. The operational Recommendations are taken out of an 11 YEAR OLD GUIDELINES and a 36 YEAR OLD GEOLOGICAL SURVEY (1986)</p> <p>*Department of Environment and Conservation (2011 ). Guidelines for managing the impact of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities. Perth, Western Australia.</p> <p>NOISE MONITORING REPORT - REF 13042391-02</p> <p># Is Developed and based on data from and before 30 September 2015 - with the increase of operational activity this DATA is Unacceptable and has no relevance to the current and future requirements.</p> <p>PLEASE NOTE: BYFORD AND ITS TRAFFIC HAS GROWN EXPONENTIALLY OVER THE LAST 7 YEARS ( seriously)</p> <p>FIRE MANAGEMENT PLAN is dated 2012 - and refer to guidelines 2010, I am sure circumstance have changed</p>	<p>The application states there is no increase in activity at this site and the proposal is actually to decrease operations The “Environmental Noise Assessment” by Lloyd George Acoustics was prepared in 2013 modelling a higher operation activity and therefore the outcomes are extremely relevant to this application. In addition, there have been no changes to the surrounding environment or the relevant sections of the Noise Regulations to warrant an amendment to the modelling.</p> <p>A “Traffic Impact Statement” has been prepared by Shawmac in July 2022 to support the application. The new traffic assessment has been prepared to take into consideration current traffic counts and MRWA requirements. The Assessment concluded that “the existing road network will have sufficient capacity to accommodate the traffic generated by the development”. In addition the transport routes are approved for use under the appropriate Main Roads RAV Network.</p> <p>The current SPP 3.7 Guidelines state that extractive industry is exempt from requiring a Bushfire Management Plan. As operations and bushfire risk has not changed since 2012 the current BMP is relevant and still in use.</p>

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	# DEPRECIATION PROPERTY - ALL THE POINTS OF OBJECTION HAVE A NEGATIVE IMPACT ON PROPERTY MARKET VALUE.	Economic impact on properties is not a valid planning consideration and should not be considered in the assessment process.
4	Byford being a very windy area as you are aware, would be a very worrying affair. Regarding fumes and toxins being blown across from the site making it a health issue such as hay fever and also a danger for the birds, ducks and animals of any ash settling on trees, buildings and the ground.	Based on the reference to fumes, toxins and ash, it is assumed that this respondent is referring to a different site. Regardless, there will be no "ash" generated by the site and the only fumes will be from machinery and trucks which are equivalent to usual urban transport air emissions. This comment is unsubstantiated and there is no justification or evidence provided. It should not be considered by the Shire in their decision-making.
5	<p><u>NO</u> to further extraction continuing for a further 5 years.</p> <p>This was to cease as of 31 December 2022 and Council should not approve extension.</p> <p>The dust etc now is bad enough for our health in the area and to extend is ludicrous.</p> <p>PS I fear Council will go ahead no matter what the outcome of our submissions. This is an example of more environmental damage!!!</p>	<p>The business operation of extractive industry was not intended to "cease as of 31 December 2022 The long-term operation of the quarry was identified in the 2012 application and all 8 stages were approved in the current Development Approval. The site has been identified for long-term basic raw materials supply in State Planning Policy 2.4.</p> <p>A request for an extension of time subject to assessment and consideration by the Shire is a valid and legal avenue to sustaining the business operations at the site.</p> <p>There have been no complaints relating to dust from the operation, only a few complaints relating to dust on Kiln Road. These are not considered to be a significant issue as they can be addressed through further management. There is no substantiated evidence that operation of the quarry is bad for health when operated according to approved management plans.</p>
6	There has already been an extension to the quarry so I do not agree to another.	Noted, however the long-term operation of the quarry was identified in the 2012 application and all 8 stages were approved in the current Development Approval. The site has been identified for long-term basic raw materials supply in State Planning Policy 2.4.

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7	<p>Thank you for seeking comments from those who are clearly impacted by your decisions regarding the safety of living in such close proximity to an extractive industry.</p> <p>The large number of residents now affected is of serious concern and I do not approve of an extension up to 31/12/27</p>	<p>The comment does not substantiate what the nature of the impacts are, and evidence of the case is lacking. Despite the emotional appeal that there is a risk to “safety” of residents this is unsubstantiated. The quarry has operated for over 10 years with good audit outcomes and few complaints over this time, which have been managed and resolved promptly. The site is surrounded by other land zoned Rural and there is no long-term plan to increase residential development in close proximity to the site.</p>
8	<p>The dust problem has never been.</p> <p>I have a vintage truck that is part of the Anzac Day Parade and the dust gets into the paint work.</p> <p>The other thing is the ground water, we are worried it will be messed around with.</p> <p>So a BIG NO from us.</p>	<p>Rural areas are dusty environments and rural activities such as cropping, mowing, ploughing, clearing are all possible dust generators. There is no substantiated evidence the vintage truck is covered by dust only from the operation of this site.</p> <p>An approved “Water Management Plan” operates for this site. The operation does not intersect groundwater. Annual groundwater monitoring is undertaken as required and is reported to the Shire. It is not clear from this comment how the groundwater will be “messed with”. The comment is without evidence or substance and should be disregarded.</p>
9	<p><b><u>Introduction</u></b></p> <p>Please find set out below the joint submission of the Serpentine Jarrahdale Ratepayers’ Association Inc., Byford Scarp Residents’ Association, Byford Progress Association Inc., and’ the local resident members of the Austral Bricks Stakeholder’s Group, collectively known in future tms submission as the Austral Byford Bricks Stakeholder’s Group (ABBSG), on the Development Application for Lot 31, 104 Kiln Road, Cardup for a proposed Amendment to Approved Extractive Industry by Austral Bricks.</p> <p>The ABBSG has serious concerns about this application in view of previous long-running issues associated with the extraction activities at this site and welcomes the opportunity to provide our input. We submit, that no amendment be approved until the matters contained in this submission have been investigated and</p>	<p>Noted.</p> <p>The quarry has operated for over 14 years with few documented complaints and demonstrated ongoing compliance against the legislative requirements as demonstrated by the Shire’s annual audit program.</p>



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	<p>2022 meeting, it was advised that the Company intended to apply for a two year extension to their licence as they did not have. The resources to prepare a full application. We therefore see no reason why this application needs to be expedited at this time.</p> <p><b><u>Dust Management</u></b></p> <p>Dust on Kiln Road continues to be a problem. The Company needs to change its operations such that dust is managed on site, rather than attempting to deal with the problem on Kiln Road itself. A possible solution would be for a 'vehicle washing station to be installed before the exit to Kiln Road which would dean off any dust, mud or other material from vehicles.</p> <p>All transport being used for transportation need efficient and effective covers on their loads to prevent wind distribution of dust after the vehicle has left the site.</p> <p><b><u>Traffic Management</u></b></p> <p>There needs to be an urgent review of traffic volumes and flow into and out of both the extraction site and the plant on to Kiln Road as there have been changes to this operation since the initial licence was granted. Specifically, there have been plant upgrades, the closure of the Armadale works and general changes: to the flow of trucks carrying raw material into and out of the, site. The Department of Main Roads (DMR) has already</p>	<p>This comment also refers to the Cardup brickmaking plant, which is another site and not relevant to the proposal being considered by the Council. It is unclear whether the submission relates to the manufacturing plant or the extractive industry subject to this proposal.</p> <p>The application was submitted on the 18<sup>th</sup> August, over 90 days before the approval expires (4 months). The application is to amend the expiry date to allow a longer timeframe for the operation to extract resources as the operations remain within the already approved Stages 1-3.</p> <p>Complaints relating to dust on Kiln Road have been promptly addressed by Austral Bricks when and as received. They have since updated management practices to clean the road by engaging a street sweeper three times a week during operations. A cattlegrid has also been recently installed at the entrance and the access is sealed at the entrance/exit. Further management can be addressed by Austral Bricks, however this concern is not considered to be a fatal planning flaw to the application.</p> <p>Trucks are already required to be covered and Austral Bricks ensures compliance with contractors against that requirement.</p> <p>A "Traffic Impact Statement" by Shawmac (2022) has been prepared to support the application. It is therefore requested that the Shire consider the outcomes of this technical document in their decision-making. An assessment of the intersection of Kiln Road and the Highway was undertaken by Shawmac in 2020 (as part of a separate application relating to the manufacturing plant) and the proposed design has been included with the application. This concern has therefore already been addressed through the new Traffic Impact Statement.</p>

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	<p>expressed concerns about the intersection of Kiln Road and the South Western Highway vis-a-vis when the combined traffic flows of both the plant and the extraction site are accumulated.</p> <p><b><u>Site Rehabilitation</u></b></p> <p>The Licence set out an expectation that there would be on-going rehabilitation of the site at Stages 1 to 3 within the ten year licence period (subject to market demand). At the November 2021 Stakeholder meeting, it was advised that Stage 2 would likely be ready for rehabilitation within two years (again subject to demand). However, at the May 2022 meeting, the Company changed its view and that Stage 2 would be kept open indefinitely.</p> <p>The ABBSG therefore has great concern that the rehabilitation of the site is subject to the whim of the Company and is entirely conceivable, based on past experience with Austral Bricks, that they could keep Stage 2 "open" by extracting one or two loads per year and claiming that the stage is still operational. The ABBSG's view is coloured by the minimalist rehabilitation observed with the Mine' closure at the north of Kiln Road.</p>	<p>Stage 2 is still operational. It is required to stay operational to extract the resource. At the same time there will be some excavation into Stage 3. This operational procedure was outlined in the 2012 application which explained that more than one stage would be open at a time because there are two different clay resources on the site. Rehabilitation of Stages 1 and 2 will be to a water basin/dam and this proposal is consistent with the approved "Mine Closure Plan" prepared in 2012. As is stated in the approved "Mine Closure Plan", stages 1-3 will be rehabilitated following excavation of these areas. As operation is still in Stages 1-3 there is possibility for Austral Bricks to rehabilitate stages 1 to 3 as yet. Regardless, and in anticipation of future rehab works they have undertaken some recontouring of the existing pit.</p>
10	<p>This submission centres around five key areas of concern, which need to be addressed before any Development Application is considered and certainly before it is approved.</p> <p><b>1. Dust Management</b></p> <p>Dust deposits on Kiln Road are a real concern. I have cause to use Kiln Road several times a week and find that over the last five years, dust/mud on the road as a result of the ingress and egress of trucks from both the plant and the extraction site have increased significantly. When the road is dry, the dust blows around sometimes making it difficult to see the road and other on-coming traffic. After rain, the road surface becomes very muddy which makes the road surface slippery and dangerous.</p>	<p>Noted. Past complaints relating to dust/mud on Kiln Road have been acted on immediately by Austral Bricks to resolve the issue. Additional management implemented over the last few years has resolved this issue.</p>

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	<p>In addition, the dust and mud builds up under my car and needs to be washed off on a regular basis to avoid corrosion issues</p> <p><b>2. Traffic Management</b> Kiln Road is quite narrow and not really designed for heavy goods traffic. At times there is a very heavy flow of trucks entering and leaving the plant and extraction site. On occasions, when these trucks are leaving the sites, they force oncoming traffic to pull off the road onto the gravel/dirt strip on the left side of the road to allow the trucks to exit and pass. At the intersection of Kiln Road and the South Western Highway, turning trucks force entering traffic to stop until they have cleared the junction, which is simply not up to handling such heavy vehicles</p> <p><b>3. Site Rehabilitation</b> This has not been taking place as was previously stated and agreed on. The Company seems to rate this important process at a low level and something to be avoided at all costs.</p> <p><b>4. Groundwater Management</b> At the moment, nobody really knows the exact situation with the state, quality and quantity of groundwater on the Austral. Bricks extraction site and that which is leeching off to surrounding watercourses, streams and creeks. Data needs to be provided by the Company about all of this, including findings from bores.</p>	<p>An “Traffic Impact Statement’ by Shawmac (2022) has been prepared to support the application. It is therefore requested that the Shire consider the outcomes of this technical document in their decision-making. Kiln Road has the appropriate RAV rating for the trucks used for this operation. An assessment of the intersection of Kiln Road and the Highway was undertaken by Shawmac in 2020 and the proposed design has been included with the application.</p> <p>As is stated in the approved “Mine Closure Plan”, stages 1-3 will be rehabilitated following excavation of these areas, it is not going to be done when there remains resources to be extracted. There is no timing obligation or requirement for Austral Bricks to rehabilitate stages 1 to 3 until extraction has completed. Regardless, they have undertaken some recontouring of the existing pit. Having more than one stage open for excavation was outlined in the 2012 application which explained that this is required because there are two different clay resources on the site.</p> <p>This comment is should not be considered by the Shire in making their decision. Despite the assertion, Austral Bricks has regularly undertaken annual groundwater monitoring and the Shire is provided the result in the Annual Reports. The Annual Report includes the outcomes of surface water quality monitoring and details the surface water management for the previous year. There is no unauthorised discharge or “leeching” to watercourses, streams and creeks. In addition, all public information is available on the Austral Bricks website. This comment is spurious and should not be considered.</p>

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	<p><b>5. Austral Bricks Stakeholders' Meeting</b> As a local resident member of this group; I am completely dissatisfied with the conduct, agenda, minutes and the way these meetings are chaired. Austral Bricks treats this exercise as something which they have to tolerate rather than trying to establish a working and co-operative arrangement with members to achieve mutually satisfactory outcomes.</p>	<p>Austral Bricks considers the Stakeholder meetings are conducted in accordance with the Stakeholder Consultative Framework as approved by the Shire.</p>
11	<p>We are extremely concerned about this proposal. We have tank (rain) water only for personal use. The dust trucks would generate all ends upon our roof and in the rainwater tanks, and on out solar panels. We have a bore and are concerned about future of our bore water.</p>	<p>This comment is hypothetical and speculative as dust is generated from all types of rural activities not just extractive industry There have been no complaints received relating to dust issuing from operations within the quarry. There have been some complaints relating to dust on the road however these have been dealt with in a timely manner when they have been raised. Austral Bricks undertakes comprehensive annual groundwater monitoring and attends to dust controls during events which warrant this measure. There have been no detrimental impacts as a result of the operation. There is no dewatering or intersection of the groundwater table. It is therefore unlikely that the operation affects groundwater bores and no evidence is offered to support the claim.</p>
12	<p>I oppose the Austral Bricks proposed amendment to continue extraction to 31/12/2027 for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Continued poor dust management at the site on Kiln Road</li> <li>2. Lack of transparency of ground water management on site. Austral bricks has not historically been proactive or forthcoming in monitoring groundwater quality and quantity going into the Cardup Brook or the bores. As a local resident I am genuinely concerned about the local environment and what Austral Bricks is allowing into the watercourses. Open</li> </ol>	<p>Noted. Complaints relating to dust/mud on Kiln Road have been received in the past and have been acted to resolve immediately by Austral Bricks. Additional management implemented over the last few years has been to address this issue. This is not considered to be a reason to not approve the application. This comment is unsubstantiated and spurious. Austral Bricks undertakes all monitoring and reporting is regular, scientific and provided to the Shire on an annual basis. Austral Bricks' comprehensive annual groundwater monitoring indicates no detrimental impacts as a result of the operation. There is no dewatering or intersection of the groundwater table. It is therefore unlikely that the operation</p>

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	<p>and honest data would be essential for any continued extraction scrutiny!</p>	<p>affects groundwater bores. In addition all public information is available on the website as well presented to the Cardup Stakeholder Community Group.</p> <p>The mentioning of Cardup Brook in this comment suggests that the respondent is referring to the incorrect site suggesting this comment is not relevant to this proposal.</p>
13	<p>Thank you for the opportunity to provide comment on the above issue.</p> <p>We have lived in the “Scarp” estate for eleven years and are well acquainted with the local environment and any issues impacting it.</p> <p>The existing quarry extends North and as a consequence its Northern end is immediately behind, and to the East, of our estate. In fact , with recent estate development , the top/Eastern edge of the completed Estate is now only a few hundred metres from the Quarry.</p> <p>Fortunately, this section of the quarry is dormant and not being actively worked. That said, we do believe with the prevailing hot and dry Easterly winds each summer, that we suffer some dust from the exposed surface of the dormant quarry.</p> <p>As a consequence, we, as residents, have considerable concerns about continued commercial/ industrial activity in the immediate vicinity of our home/estate especially in the vicinity South East of our Estate from which the prevailing winds originate for much of the year.</p> <p>In conclusion, we trust sharing our experience of many years in “The Scarp” will contribute in a practical way to both “The Applicant“ and the Shires deliberations on the current Development Application.</p>	<p>Noted.</p> <p>It appears that the respondent is referring to the incorrect site (an inactive quarry north of the brickmaking factory). This submission is not relevant to this proposal.</p>

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14	<p>I object to the Proposed Amendment as Austral Bricks have failed to comply with its monitoring obligations in the past!</p> <p>We continue to see issues with dust management not properly taken care of – to the point I personally asked 2 head management staff at a meeting in May with Austral Bricks to take samples from my roof as the dust reaches as far as our house! And note out property is some hundreds of meters away from the Austral Bricks site!</p> <p>I have also bought up at meetings with Austral Cardup that is dangerous &amp; very concerning that they do not perform any kind of soil testing around the site to confirm contaminates are not leaching into the ground or surrounding areas, but that is done at other Austral sites.</p> <p>To the point of being told we probably shouldn't eat the veggies we grow in our gardens at home! (Told by an Austral manager!)</p> <p>I have lived in Byford since 1992 - Byford is no longer the small country town of a few houses, we are now a densely populated suburb that is still growing. Yes, the Brickworks have been there for 100 years BUT times have changed; it's time their management of site changes too to keep everyone safe!</p>	<p>This comment is unsubstantiated and spurious. Austral Bricks undertakes all monitoring and reporting is regular, scientific and provided to the Shire on an annual basis. Austral Bricks have continued to demonstrate compliance against its legislative requirements as confirmed through the Shire's annual audit program.</p> <p>It appears the respondent is referring to the incorrect site (being the inactive quarry north of the brickmaking factory and the factory itself). The submission is not relevant to the application under assessment.</p>
15	<p>Thank you for giving the opportunity to comment on this application.</p> <p>We are against the Cardup Brickworks receiving extension to their Extractive Industry because we receive pollution blowing over us with the Easterly Winds, blowing a chemical odour and dust which affects our health. The odour and dust pollution are known to contain heavy metals and after these years of extra operation, it is time to shut down, seeing they can't operate without the odour and dust pollution. There are many residents in this area now, it</p>	<p>It appears that the respondent is referring to the incorrect site (being the brickmaking factory). The submission is not relevant to the application under assessment.</p>

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	<p>is not an appropriate location any longer, it is time for them to move on.</p> <p>We had a Pollution Response Officer, Compliance and Enforcement from the Department of Water and Environmental Regulation at our place recently, and he took some pollution readings and they came up positive from the Brick Works, with the wind coming from an easterly direction.</p> <p>We have not complained about this problem as we had received letters in the past saying that the Brickworks would be shut down soon, but now we have received another request for it to continue on. We need to speak up, please consider our points seriously in your decision making.</p>	
16	<p>I am totally against this application. With easterly winds blowing in my direction there is always lots of dust. It covers everything on a daily basis and as I collect rainwater for my property it is in my water too. I am not on mains water. The extra trucks will also cause traffic problems.</p>	<p>It is unlikely that easterly winds are contributing dust at the respondent's property. The nearest sensitive land use to the west is a rural dwelling approximately 970 metres to the north-east and the next closest is a special rural area over 2,000 metres to the west.</p> <p>A "Traffic Impact Statement" by Shawmac (2022) has been prepared to support the application. It is therefore requested that the Shire consider the outcomes of this technical document in their decision-making.</p> <p>It is likely that the respondent is referring to another site and is commenting on the brickmaking facility and inactive quarry. The submission is not relevant to the application under assessment.</p>