



## Location Plan

### Site Characteristics

The site has an area of 30.40ha and is bound to the west by Punrak Road which is adjacent to the Punrak Drain. Vehicle access to the site is through a limestone gravel driveway via Hopeland Road which is situated to the east. The driveway is within a gazetted road reserve owned by the Shire.

A small portion of the land located north of the site is mapped as Resource Enhancement Wetland. The wetland is outside that proposed extraction area. The subject land contains portions of intact Banksia Woodland vegetation on the southern portion of the extraction area.

The excavation area has a topographic range of approximately 18m Australian Height Datum (AHD) to 25m AHD. The contours show that the excavation depth is to approximately 15m AHD to the north-west and 16m AHD to the south-east. At the end of extraction the finished floor level will range between approximately 17m AHD and 18m AHD.

### Existing Development

The subject site is developed with an existing dwelling and outbuildings. The site is partially cleared and has been historically utilised for agriculture and equine activities associated with horse training and agistment. The subject site lies within a broad acre area that supports predominately agricultural based land uses, such as poultry farming, cattle grazing and horse agistment.

### Proposed Development

The proponents are seeking an extractive industry licence and development approval to extract sand from the subject property. The resource will be extracted from an existing sand ridge which traverses the site in a north-south direction towards the eastern boundary.

The development application proposes excavation of approximately 1 million cubic metres (m<sup>3</sup>) of sand covering 12.24ha of the site. The depth of excavation ranges from 2m to 7m depending on groundwater levels and separation distance to the groundwater table. Sands underlying the excavation area are Bassendean sands which are described as white to pale grey at surface and yellow at depth. The extracted sand will be supplied to the land development industry within the Shire and around Perth.

### Excavation Programme

Excavation of sand will be undertaken in three stages as shown in the staging plan provided in attachment OCM023.1/03/17. A maximum of 5ha will be excavated annually with approximately 8.8ha being extracted in the first two years of operation. Extraction of sand is anticipated to be completed within a five year period. The application does not propose processing of sand on site.

### Excavation Procedure

The method of extraction for the proposed three stages is described as follows:

- Prior to excavation, vegetation will be cleared and topsoil will be removed and stored for use in rehabilitation.

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- Overburden will be removed and stored for future land rehabilitation through backfill and placement, in accordance with a Rehabilitation Management Plan.
  - The sand resource is typically screened using a portable screening plant to remove any organic material and stockpiled prior to tipping directly into road trucks for transportation to stockpile areas. A Department of Environment and Regulation (DER) works approval and screening licence will be obtained as required to undertake these works.
  - Reformation of the land is normally carried out using a loader to push the topsoil and overburden.
  - On completion, the land surface will be graded to ensure the final slopes will not exceed a grade of one in three in accordance with Shire of Serpentine Jarrahdale's Extractive Industries Local Law.
  - Rehabilitation works to commence in accordance with an approved Rehabilitation Management Plan.
  - Excavation will commence in the south-west area of the site (Stage 1).
  - No clearing in Stage 3 will occur until a DER Purpose Permit approval is provided. In the event DER does not approve the clearing of the Banksia Woodland area a 20m buffer from the Banksia Woodland boundary will be accommodated.

The hours of operation are proposed to be from 7.00am to 5.00pm from Monday to Friday and 7.00am to 12.00 noon Saturday.

**Relevant Previous Decisions of Council:**

There is no previous Council decision in relation to this application.

**Community / Stakeholder Consultation:**

The application was advertised for a period of 29 days, from 5 September 2016 to 3 October 2016, in accordance with Clause 6.3 of TPS2 and the Shire's Local Planning Policy No.27 (LPP27) Stakeholder Engagement in Land Use Planning.

A total of 4 submissions were received comprising of 2 objections and 2 submissions in support of the application. The objectors raised concerns regarding increased truck movements and associated noise pollution, dust nuisance, impact on the landscape and environment, water management and potential effects on the local hydrology and hours of operation. These concerns are discussed later in the report.

Attachment OCM023.10/03/17 of this report provides a summary of the comments and issues raised during the community consultation process and a technical response to each comment and issue.

**Comment:**

Metropolitan Region Scheme (MRS)

The subject land is zoned Rural under the MRS. Extractive industries in the rural zone under the MRS are the subject of a 'clause 32' resolution, requiring a determination to be made both under TPS2 and the MRS. Accordingly, it is a requirement that Council provide a recommendation to the WAPC who will determine the application under the provisions of the MRS.

Town Planning Scheme No. 2 (TPS2)

The subject land is zoned Rural under TPS2. The purpose of the 'Rural' zone is as follows:

*"The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

The extraction of materials is considered to fall within the defined use class 'Industry – Extractive', under TPS2 which is defined as follows:

*Industry Extractive* - means an industry which involves-

- a) the extraction of sand, gravel, clay, soil, 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 or products; and*
- (b) the production of salt by the evaporation of salt water.*

The proposal is considered to be consistent with this definition of land use as defined under TPS2. Within zoning Table 1 of TPS2 the use class has the designation 'AA' which under Clause 3.2.2 of TPS2 means that Council may at its discretion, permit the use if it is satisfied that the proposal will not have a detrimental impact on the amenity of the locality.

In consideration of whether the proposal can be approved, an assessment has been completed in accordance with Clause 6.4.2 of TPS2 which states the following:

- (a) the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- (c) the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- (d) the provisions of the Scheme and any Council policy affecting the land;*
- (e) any comments received from any authority consulted by the Council;*
- (f) any submissions received in response to giving public notice of the application;*
- (g) the orderly and proper planning of the locality; and*
- (h) the preservation of the amenity of the locality.*

#### Rural Strategy

The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 1994 and Rural Strategy 2013 Review which was adopted by the Shire in 2014. The policy area seeks to protect land for productive agriculture and preserving the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.

The objectives of this policy area are:

- *To retain and maintain traditional agricultural uses in this policy area.*
- *To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To prevent the further fragmentation of land through subdivision and thus retain the remaining large lots for future rural use.*

- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation.*

Officers have considered that the proposed land use can be supported in the policy area as the proposed development will have a temporary impact on the agricultural capacity of the land. The policy also promotes alternative agricultural uses that have less land degradation. It is considered that upon completion of the sand extraction all facilities and equipment will be removed from site and the land will be rehabilitated. The site will be returned to a condition suitable to support rural uses that do not detract from the character and rural lifestyle of the area.

The applicant will be required to prepare a rehabilitation plan in accordance with the requirements of the Shire and the safety requirements of the *Mines Safety and Inspection Act 1994*. The application has adequately addressed potential land degradation concerns by carrying out land capability and geotechnical feasibility studies to determine suitability of the land use. Officers have considered that it is not in conflict with the policy and can be approved.

#### State Planning Policy 2.0 – Environment and Natural Resources (SPP2)

SPP2 identifies basic raw materials such as sand, clay, hard rock, limestone and gravel together with other construction and road building materials as being important natural resource assets and a vital part of the State's economy. SPP2 indicates that a ready supply of such materials in close proximity to developing areas is required in order to keep downward pressure on the cost of land development and the resultant price of housing.

Officers considered that the application is consistent with the policy as it proposes to extract Bassendean sand deposits which are suitable for use as construction and fill sand. Extraction of sand will facilitate the continued supply of a valuable sand resource to support Perth's land development industry. It is considered that the proposal is compatible with the intent of SPP2.

#### State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the Catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System, should be managed to reduce or eliminate nutrient export from the land.

The coastal plain catchment will not be impacted by the proposed sand extraction. The excavation proposes to lower natural surface topography to a finished floor level of approximately 17m and 18m AHD. These finished levels will not impact on the groundwater table. The DoW have confirmed that the surface changes will have negligible impact on the drainage site characteristics post development. The proposal is considered to be consistent with the policy, as further detailed within this report.

#### Statement of Planning Policy 2.4 - Basic Raw Materials (SPP2.4)

SPP2.4 is designed to facilitate the extraction of basic raw materials and sets out the matters which are to be taken into account by the WAPC and local governments in considering zoning, subdivision and development applications for extractive industries. The policy identifies policy areas for extraction of basic raw materials in various local government areas. These policy



areas are categorised as priority resource locations, key extraction areas and extraction areas based on their regional significance.

The objectives of this policy are:

- *the location and extent of known basic raw material resources;*
- *protect priority resource locations, key extraction areas and extraction areas from being developed for incompatible land uses which could limit future exploitation;*
- *ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction;*
- *provides a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.*

The subject site is not identified as either a priority resource location, a key extraction area or an extraction area under the policy. However, the policy allows extraction of basic raw materials on any rural land subject to the proposal complying with planning and environmental requirements.

Officers have considered that the proponent can adequately address the environmental requirements through the implementation of dust, noise, traffic and flora management plans that have been submitted with the application. Officers are satisfied that the proposed extraction of sand will not result in land degradation and will not have a detrimental impact on the amenity of the locality. The management plans will form part of the planning approval if the application is approved. It is considered that the proposal is compatible with the objectives of SPP2.4.

### **Dust**

An extractive industry will generate dust during all stages of the operation which includes removal of overburden, stripping of topsoil, sand excavation and stockpiling. The applicant was requested to submit additional information in the form of a site specific Dust Management Plan (DMP) to ensure that potential impacts for on-site workers and neighbouring properties would be minimised.

In that regard a DMP was prepared in accordance with relevant Department of Environment Regulation's Dust Guidelines document, "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC March 2011)*".

The dust mitigation, suppression and management measures described in the DMP were considered to be appropriate and adequate. These measures included the application of water trucks, sprinklers, water cannon and a complaint based system to deal with dust emissions. The use of water on operational and traffic areas would significantly reduce the potential for dust to lift. In addition, the site would be excavated in three stages of less than 5ha. Staging areas of extraction is considered to reduce the surface area susceptible to the risk of dust. Each stage would be rehabilitated when excavation has been completed. The management plan report states that operations will cease during adverse weather conditions.

Officers have considered the DMP to be adequate and are satisfied that the management measures proposed are clear and concise. If the dust management strategies are properly implemented the area can be managed to meet acceptable standards for dust control. In accordance with the DMP the site classification score is low risk to the sensitive receptors

identified within the generic 500m buffer. In that regard the report recommends conditions that the development must comply with the approved DMP and that a maximum of 5ha of land to be excavated at any one time.

### **Noise**

Noise from sand extraction has the potential to adversely impact on the health of residents and amenity of a rural environment. Noise sources can be from site operations and traffic movements in and out of the site.

The applicant provided an acoustic assessment which was prepared by Herring Storer Acoustics and dated November 2016. The noise study modelled potential noise levels to be received at nearby sensitive receptors, and provided noise management strategies to ensure noise levels comply with the *Environmental Protection (Noise) Regulations 1997*.

In accordance with the acoustic assessment report, noise levels received at the nearest premises comply with the *Environmental Protection (Noise) Regulations 1997* for the operating times. Notwithstanding, the recommendation of approval will include a condition limiting the hours of operation from 7.00am to 5.00pm Monday to Friday and 7.00am to 12.00 noon Saturday.

### State Planning Policy - 4.1 State Industrial Buffer Policy (SPP4.1)

SPP4.1 addresses the buffer requirements for a number of industrial categories including extractive industries. The objectives of the policy avoid conflict between industry and/or essential infrastructure and sensitive land uses.

Extractive industries by their nature generate offsite impacts associated with dust and noise. The application identifies two sensitive land uses that are within the 500m buffer stipulated under the *Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses)*. While the buffer is not intended to be an absolute separation distance it provides general guidance on suitable separation distances in the absence of site-specific technical studies.

The applicant has provided dust and noise management plans which have strategies to sufficiently manage the potential impacts without adversely affecting the amenity of the locality. Officers are satisfied that the proposed extraction and associated activities can be managed and meet the requirements of *Environmental Protection (Noise) Regulations 1997* and acceptable standards for dust control. The management plans will form part of a planning approval.

### Environmental Protection Authority (EPA) – Guidance Statement No.3

The Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides guidance to proponents, responsible authorities and stakeholders on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land use conflicts. The guideline separation distance between extractive industry and sensitive land uses is between 300-500m depending on the size of the operation. Sand extraction can cause off-site health and amenity impacts primarily noise, dust and groundwater issues.

Clause 2.3 of the document defines a sensitive land use as:

*“Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings”.*

The proposal has two (2) sensitive receptors within the generic 500m buffer as identified in Figure 1 below. These are located to the east and south of the proposal. The closest sensitive receptor residence is located 165m east of the proposed sand quarry. An acoustic assessment has been submitted and concludes that calculated noise levels will comply with the assigned levels.

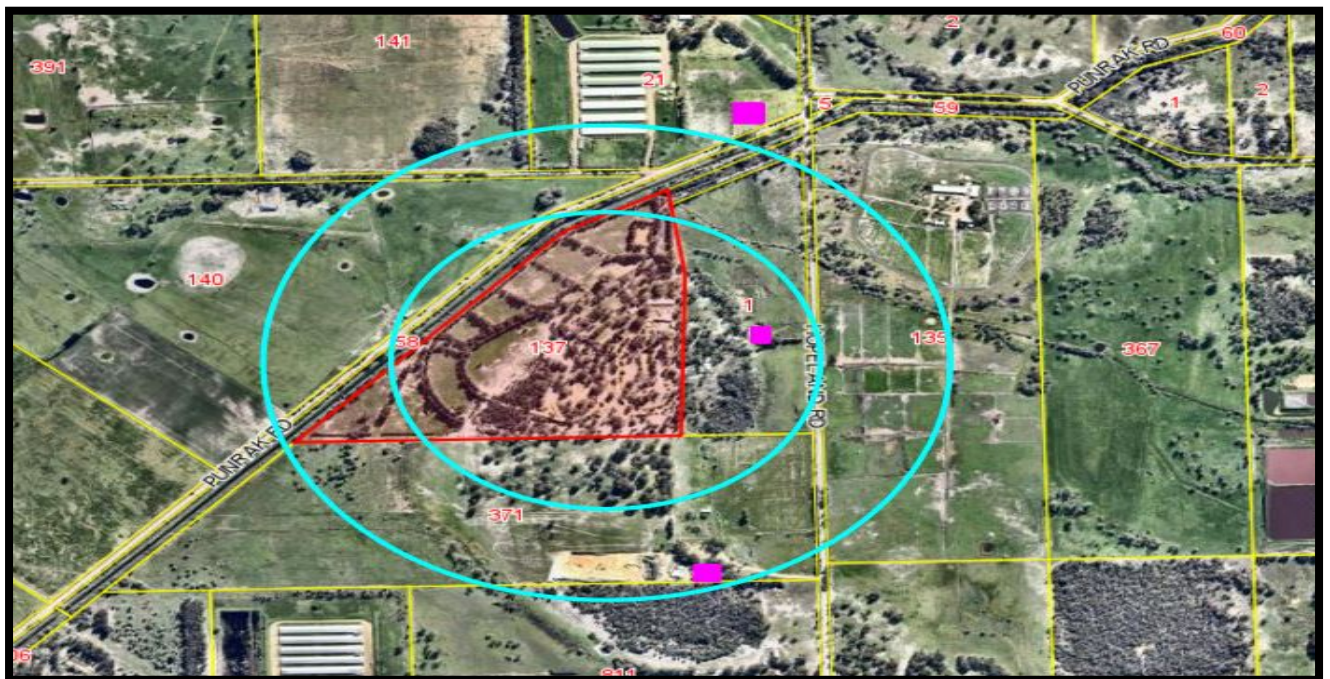


Figure 1. 300 and 500m buffers; sensitive receptors identified in purple

**Shire’s Local Planning Policy No 6 - Water Sensitive Design (LPP6)**

The main objective of the policy is to ensure that best water sensitive design management practices and methods are implemented for new developments within the Shire. With regards to extractive industries the policy requires that groundwater levels are monitored to protect properties from flooding or damage by surface water or groundwater and that hydrological impacts are carefully considered. The policy requires that groundwater levels are monitored to achieve the acceptable separation to Annual Average Maximum Groundwater Level (AAMGL). The policy also requires for the protection and maintenance of the diversity and abundance of locally indigenous fauna and flora species.

**Hydrological Impacts**

Hydrology is an important planning consideration for extractive industry proposals. If not managed properly extraction has the potential to impact on the quantity and quality of groundwater and surface water resources within the area. The subject land has an existing licensed bore sourced from the Leederville aquifer.

Concerns were raised during the consultation period that inadequate information had been submitted with regards to site specific groundwater levels. In addition, the DoW also requested



that a mine plan be provided, which includes finished levels and onsite monitoring which is to be undertaken to determine the AAMGL.

In that regard the applicant provided a Water Management Plan dated February 2017. In summary, the management plan discussed the following matters:

- Changes in on-site loss of rainwater and impacts on run-off rates including water balance components.
- Impacts on the groundwater regime of reducing sand coverage, site groundwater monitoring and mapping of the AAMGL.
- Groundwater level monitoring using two existing up-gradient monitoring bores and two down-gradient bores to be installed to monitor water levels and water quality.
- Surface water management to avoid disruption of surface water flows and ensure that contaminants are not released in the resource enhancement wetland (50m buffer will be maintained between the wetland and the mine operations).
- Fuels and chemical management through minimisation of storage of hydrocarbons on site and ensuring that any fuel on site is stored and spills managed in accordance with the Water Quality Protection Note 56: Tanks for Elevated Storage (DoW 2016).

Officers were satisfied that the Water Management Plan adequately demonstrated that a 2m separation distance (buffer zone) to the AAMGL is achievable. The 2m separation distance buffer provides a level of security that any surface changes will have negligible impact on the site characteristics post extraction. If works were to progress to extract sand to a lower floor level, then Shire Officers would require site specific geotechnical investigation and site specific groundwater monitoring to be undertaken.

The DoW was satisfied with the additional information provided and the following comments have been provided "*The Department is satisfied with the Water Management Plan Lot 137 Punrak Road Hopeland (RPS, 2016), which includes the methodology proposed by RPS to work to an interim excavation level of 2m above indicative ground water level and the commitment to groundwater monitoring*".

#### Shire's Local Planning Policy No 26 - Biodiversity Planning (LPP26)

The policy recognises the need to protect, restore and manage the Shire's landscapes and biodiversity. The relevant objective of the policy is to protect, maintain and improve the viability of habitats, ecological communities, flora and fauna, and genetic diversity. The policy outlines measures to be taken to minimise the impact of the proposed development on biodiversity, including measures to restore and protect natural areas, ongoing management of natural areas, and revegetation of new areas.

#### **Flora**

The proposed extraction area runs across areas of remnant vegetation mapped on the Shire's Biodiversity Strategy as a Potentially Locally Significant Natural Area (PLSNA). As the proposal would result in removal of native vegetation, the applicant was required to undertake a professional Level 2 Flora survey and report, assessing the quality of the vegetation in the extraction area.

The assessment targeted a search for threatened and priority flora within the survey area. The assessment was against a criteria relating to rarity, biodiversity, representatives of flora and vegetation condition. As a result of the survey the Banksia Woodland was identified as the only intact vegetation type within the survey area. The report concluded that the presence of 71 native taxa within the vegetation, categorised biodiversity as moderately high. At State level the

vegetation was assessed as being significant based on the presence of Banksia Woodland. Clearing of the native vegetation particularly State listed priority Banksia requires a permit from the DER.

It is noted that in 2015 the applicant lodged a clearing permit application to DER to clear 3.1ha of native vegetation. DER required the applicant to submit flora and vegetation surveys and to obtain planning approval and an extractive licence from the Shire.

In that regard Officers have therefore considered to approve clearing of vegetation in Stage 1 of the sand extraction. Approval for subsequent Stages 2 and 3 would be subject to DER issuing a clearing permit. The report recommends an advice note that states that clearing of vegetation in Stages 2 and 3 would be subject to a DER permit.

### **Rehabilitation and Management**

The long lasting biodiversity impact that an extractive industry proposal can have on a landscape is an important planning consideration. There is potential for the proposal to degrade the landscape's visual and biodiversity value. Concerns were raised in regards to the rehabilitation of the site, the long term use of the site and the ability for the Shire to enforce the effective management and rehabilitation processes which have been proposed in the application.

The applicant has not provided a Rehabilitation Management Plan for the site at this stage. However the applicant has provided information that will assist in the site being rehabilitated over time to achieve final and full rehabilitation once the extraction on the site has ceased. The applicant has provided that upon completion of the sand extraction, all facilities and equipment will be removed and the site being rehabilitated to a condition suitable for horse training and other land uses. The application also outlines broad actions to be undertaken for the rehabilitation process as follows:

- *Respread of topsoil stockpiles as part clearing works up to a depth of 300mm to assist in the establishment of pasture species. Where required seed for pasture will be spread to maximise growth and ensure that 90% vegetation cover is achieved.*
- *Batter areas will be stabilized through revegetation with native plants to minimise erosion risk. All final slopes will be similar to those in the local area and the excavated site will be left in a safe manner in accordance with the Mines Safety and Inspection Act 1994.*
- *The final contours are anticipated to be visually comparable with the flatter parts of the site and suitable batters (no greater than one in three) will be created along the interface between excavation area and the 20m vegetated buffer along the site boundary.*
- *The rehabilitation of the site is intended to return the land to a condition suitable to support, as a minimum, activities that are currently supported by the site which includes horse training.*

Officers have considered such rehabilitation measures can be implemented through the conditions of a planning approval. In that regard the report recommends a condition for a rehabilitation management plan. The management plan will be required to outline the process of revegetation and biodiversity management that is to be continued over the site to ensure that it is rehabilitated over time to achieve final and full rehabilitation once the extraction on the site has ceased.

## Wetland

The majority of the site is not classified as wetland. Resource Enhancement Wetland UFI15364 is mapped to the north and east of the proposed excavation area. A portion of the wetland UFI15785 extends along the site's western boundary and east of the proposed excavation area. The site has been designed and will be operated to minimise surface water flows and ensure that potential contaminants are not released into the wetland. To protect the wetland from any pollution a 50m buffer will be maintained between the wetland and operational areas of the mine. The Department of Parks and Wildlife have considered that the proposal and any potential environmental impacts can be appropriately addressed through the existing planning framework.

### Shire's LPP63 - Integrated Land Use and Transport Planning

The objectives of the Shire's draft Integrated Land Use and Transport Planning policy are to:

- *“Ensure that transport assessments are effectively integrated into land use planning processes;*
- *That there is clear guidance about the level of information required to be provided in support of planning proposals, including structure plans, subdivisions and developments;*
- *Ensure a consistent, open and transparent approach is taken to the consideration of transport impacts; and*
- *Recognise that there are a significant number of stakeholders involved in the effective design and implementation of integrated land use and transport planning outcomes.”*

## Traffic movements

Concerns raised by residents related to the potential amenity impact as a result of an increase in traffic movements, the impact the increased traffic would have on the safety of road users and the capacity of the roads to cater for increased heavy traffic volumes. Concerns were raised by Officers regarding the following matters:

- The capability of the unsealed section of road (access road) to service the heavy vehicles required to transport the sand;
- Sight lines at the unsealed and Hopeland Road intersection; and
- The impact of the traffic on the intersections of Hopeland Road and Karnup Road.

A Traffic Impact Assessment (TIA) prepared by Tarsc and dated 5 January 2017 formed part of the development application. As a result of the traffic analysis the following findings were made:

- The proposed development should generate in the order of 65 vehicular trips per day with 60 of these being truck movements on a typical day;
- The proportion of heavy vehicles due to the quarry operations is expected to increase from 14% to 17% on Hopeland Road and 12.9% to 13.8% on Karnup Road;
- The driveway will be maintained to a crushed limestone standard for the duration of the operations by the quarry operator;
- The impacts of the traffic volumes associated with the development on the road network are considered acceptable with the generated traffic being 1% to 4% of the ultimately expected traffic volume on Karnup Road and Hopeland Road respectively; and
- Delays and queues at the nearby intersections and crossover are expected to be minimal with very good levels of service now and into the future.

The main route for the majority of trips associated with the operation will be to and from Kwinana Freeway via the Hopeland Road and Karnup Road intersection. An assessment of the turning paths at the intersection of Hopeland Road and Karnup Road indicates that the intersection is currently not safe for use by semi-trailers with the current or adjusted white lines. In that regard Officers have considered that the intersection needs to be upgraded to keep 19m semi-trailers lane compliant.

Officers have considered that there is a reasonable planning nexus between the proposed use and upgrading the intersection as the proposal will increase traffic movements to and from the site. The increase in traffic movements associated with the proposal are likely to exacerbate the safety of the intersection. In that regard the report recommends conditions that the applicant is required to contribute towards upgrading of the Hopeland Road and Karnup Road intersection.

Access to the site is via a limestone driveway via Hopeland Road. The non-sealed surface of the access way will generate dust from the movement of semi-trailers entering and exiting the site. In order to reduce and manage the impact of dust to acceptable levels Officers have recommended that the first 20m of the access road be constructed and sealed to the minimum standard of the Shire as detailed in the IPWEA Subdivisional Guidelines. In that regard the report recommends conditions that the applicant is required to construct the access road.

#### Shire's Council Policy – Extractive Industry Licences (PP14)

The extractive industry licence policy applies to all extractive industries within the Shire as defined in the *Extractive Industries Local Law 1995*. The policy sets out the process to be undertaken by Shire Officers when auditing and reviewing compliance of extractive industry licence.

The objectives of the policy are:

- *To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.*
- *To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.*
- *To set a process for determining audit review timeframes. To set a process for reviewing documents required under licence conditions to be undertaken by Shire Officers.*

If the proposal is approved the applicant will be required to comply with the conditions set out for the extractive industry in accordance with PP14. The licensee is required to make payment of a new license fee based on quantities of excavated material and/or area of excavation, or the relevant proportion of the annual licence fee as determined by the local government by 30<sup>th</sup> June each year.

The report recommends that an advice note regarding licensing of the operation be included as a condition of approval.

#### Shire's Extractive Industry - Local Law

The local law is administered under the *Local Government Act 1995* for licensing the operation of extractive industries. Under the local law an extractive industry means quarrying and/or excavating for stone, gravel, sand and other minerals and a person who undertakes to carry



on an extractive industry must, under the local law, make an application to the Shire for a licence in the manner prescribed.

Under the provision of the Shire's Extractive Industry Local Law, a licence is required to be issued prior to the commencement of any excavation activities. The applicant is seeking approval of an extractive industry licence for a period of up to five years. The period being sought is considered to be consistent with the timeframes that the Shire has previously approved and have been supported by the State Administrative Tribunal in the instances when the term of approval condition had to be reviewed.

### Options and Implications

Council has the following options when considering this application:

Option 1: Council may resolve to approve the application subject to appropriate conditions.

Option 2: Council may resolve to refuse the application, including reasons.

Option 1 is recommended.

### Conclusion

The application has been assessed and has been determined that it is capable of being approved due to being consistent with the Shire's planning framework. The proposal will provide a resource that is increasingly required locally and throughout the State for development. The local area is growing rapidly and the increased urban development within the south eastern corridor requires sand fill due to the topography characterised by low lying areas prone to flooding.

Officers have assessed the application and are satisfied that development issues such as dust, noise, hydrology and rehabilitation of the site can be adequately managed through the application of proper planning conditions.

### **Attachments:**

- [OCM023.1/03/17](#) – Development Plans (IN17/3207)
- [OCM023.2/03/17](#) – Staging Plan (E17/1426)
- [OCM023.3/03/17](#) - Clause 67 Deemed Provisions Planning Assessment (E17/1764)
- [OCM023.4/03/17](#) – Flora and Vegetation Survey (E17/1413)
- [OCM023.5/03/17](#) – Dust Management Plan (E17/1278)
- [OCM023.6/03/17](#) – Acoustic Assessment (E17/1277)
- [OCM023.7/03/17](#) – Water Management Plan (E17/1276)
- [OCM023.8/03/17](#) - Transport Impact Assessment (E17/1442)
- [OCM023.9/03/17](#) - Fire and Emergency Plan (E17/1279)
- [OCM023.10/03/17](#) - Summary of Submissions (IN17/3825)

### **Alignment with our Strategic Community Plan:**

Objective 3.1	Urban Design with Rural Charm
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Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

### Statutory Environment:

- *Planning and Development Act 2005 (WA)*
- *Local Government Act 1995 (WA)*
- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997 (WA)*
- Shire of Serpentine Jarrahdale's Town Planning Scheme No.2
- State Planning Policy SPP2.4 (SPP2.4) – Basic Raw Materials
- State Planning Policy SPP2.1 (SPP2.1) – Peel-Harvey Coastal Plain Catchment
- State Planning Policy SPP4.1 (SPP4.1) State Industrial Buffer
- Local Planning Policy LPP6 – Water Sensitive Design
- Local Planning Policy LPP26 – Biodiversity Planning
- Local Planning Policy LPP63 – Integrated Land Use Transport Planning
- Extractive Industries Local Law 1995
- Council Planning Policy 14 - Extractive Industry Licences

### Financial Implications:

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

### Officer Recommendation:

**That Council approves the application submitted by Roberts Day Australia Pty Ltd for an Extractive Industry on Lot 137 (394) Hopeland Road, Hopeland as contained in attachment OCM023.1/03/17 in accordance with clause 68 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:**

1. **That the Chief Executive Officer forward a copy of the notice of determination to the Western Australian Planning Commission in accordance with RES 2015/01 resolution under Clause 32 of the Metropolitan Region Scheme for their consideration.**
2. **This approval is valid for a period of five years from the date of determination.**
3. **Operating hours shall be restricted to 7.00am to 5.00pm Monday to Friday and 7.00am to 12noon Saturday. Work is not permitted on Sundays or Public Holidays.**

4. **The applicant shall not undertake any processing or washing of excavated material on the development site.**
5. **The applicant shall implement noise mitigation measures in accordance with the Noise Assessment Report prepared by Herring Storer Acoustics dated 17 November 2016 so that no unreasonable noise (as defined in Regulation 5 of the Environmental Protection (Noise) Regulations 1997 (WA)).**
6. **The applicant shall implement dust management measures in accordance with the Dust Management Plan prepared by RPS dated 2 February 2017, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.**
7. **The applicant shall implement the water management measures detailed in the Water Management Plan prepared by RPS dated 2 February 2017 so that the development does not adversely affect groundwater or surface water quality in any manner.**
8. **All stormwater is to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, water courses and drainage lines is prohibited.**
9. **The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area. No earthworks, including batters, shall intrude into any buffer areas described in the Water Management Plan prepared by RPS dated 2 February 2017.**
10. **The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.**
11. **The applicant shall implement suitable fire protection measures in accordance with the Fire Management Plan prepared by RPS dated 2 February 2017.**
12. **The applicant shall implement measures to minimise the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons in accordance with the Management Plan and shall ensure that no chemicals or potential liquid contaminants are disposed of on site.**
13. **The applicant shall submit an annual report to the Shire of Serpentine Jarrahdale by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and Rehabilitations Management Plan requirements, to the satisfaction of the Shire. The annual report shall also provide details of complaints and complaint responses.**
14. **Prior to the commencement of works the developer shall make a substantial or complete contribution to the costs associated with the required upgrading of Hopeland Road and Karnup Road intersection. The contribution is to be negotiated with the Shire.**
15. **Prior to commencement of works the developer shall construct the unmade road reserve up to Hopeland Road to the minimum standard as required by the Shire**

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and as detailed in the IPWEA Subdivisional Guidelines. The pavement shall be designed for a 40 year fatigue life and shall comprise a minimum of a 200mm thick limestone subbase with a 100mm crushed granite roadbase.

16. The landowner shall ensure that all loads leaving the premises with sand, soil or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.
17. A Rehabilitation Management Plan shall be prepared by a suitably qualified person at the developer's cost and submitted for approval by the Shire and thereby implemented by the developer at the conclusion of each stage of extraction work prior to commencement of further extraction works.
18. At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified geotechnical Engineer.

**Advice Note:**

1. The removal of vegetation for the development application for sand extraction is approved for Stage 1 only. Approval for subsequent Stages 2 and 3 are subject to clearing permit from the Department of Environmental Regulation.
2. The applicant shall undertake the extractive industry operations in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law. Annual extractive industries licence fees shall be paid on or before 31 December each year as determined by the Shire.

**OCM023/03/17 COUNCIL DECISION / Alternative Recommendation:**

Moved Cr Rich, seconded Cr Gossage

That Council approves the application submitted by Roberts Day Australia Pty Ltd for an Extractive Industry on Lot 137 (394) Hopeland Road, Hopeland as contained in attachment OCM023.1/03/17 in accordance with clause 68 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following conditions:

1. Stage three and an associated 20 metre buffer identified on plan 'figure 2' 'staging plan' does not form part of this approval as the clearing of native vegetation results in the removal of Banksia Woodland which is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999 and the Environmental Protection Act 1986.
2. The development complying with any details marked in red on the approved plans.
3. That the Chief Executive Officer forward a copy of the notice of determination to the Western Australian Planning Commission in accordance with RES 2015/01



- resolution under Clause 32 of the Metropolitan Region Scheme for their consideration.**
- 4. This approval is valid for a period of five years from the date of determination.**
  - 3. Operating hours shall be restricted to 7.00am to 5.00pm Monday to Friday and 7.00am to 12noon Saturday. Work is not permitted on Sundays or Public Holidays.**
  - 4. The applicant shall not undertake any processing or washing of excavated material on the development site.**
  - 5. The applicant shall implement noise mitigation measures in accordance with the Noise Assessment Report prepared by Herring Storer Acoustics dated 17 November 2016 so that no unreasonable noise (as defined in Regulation 5 of the Environmental Protection (Noise) Regulations 1997 (WA)).**
  - 6. The applicant shall implement dust management measures in accordance with the Dust Management Plan prepared by RPS dated 2 February 2017, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.**
  - 7. The applicant shall implement the water management measures detailed in the Water Management Plan prepared by RPS dated 2 February 2017 so that the development does not adversely affect groundwater or surface water quality in any manner.**
  - 8. All stormwater is to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, water courses and drainage lines is prohibited.**
  - 9. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area. No earthworks, including batters, shall intrude into any buffer areas described in the Water Management Plan prepared by RPS dated 2 February 2017.**
  - 10. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.**
  - 11. The applicant shall implement suitable fire protection measures in accordance with the Fire Management Plan prepared by RPS dated 2 February 2017.**
  - 12. The applicant shall implement measures to minimise the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons in accordance with the Management Plan and shall ensure that no chemicals or potential liquid contaminants are disposed of on site.**

13. The applicant shall submit an annual report to the Shire of Serpentine Jarrahdale by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and Rehabilitations Management Plan requirements, to the satisfaction of the Shire. The annual report shall also provide details of complaints and complaint responses.
14. Prior to the commencement of works the developer shall make a substantial or complete contribution to the costs associated with the required upgrading of Hopeland Road and Karnup Road intersection. The contribution is to be negotiated with the Shire.
15. Prior to commencement of works the developer shall construct the unmade road reserve up to Hopeland Road to the minimum standard as required by the Shire and as detailed in the IPWEA Subdivisional Guidelines. The pavement shall be designed for a 40 year fatigue life and shall comprise a minimum of a 200mm thick limestone subbase with a 100mm crushed granite roadbase.
16. The landowner shall ensure that all loads leaving the premises with sand, soil or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.
17. A Rehabilitation Management Plan shall be prepared by a suitably qualified person at the developer's cost and submitted for approval by the Shire and thereby implemented by the developer at the conclusion of each stage of extraction work prior to commencement of further extraction works.
18. At the completion of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified geotechnical Engineer.

**Advice Note:**

1. In relation to condition 1, the removal of Banksia Woodland does not comply with clause 7.13.6(c) of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2. Removal of vegetation will impact on a threatened ecological community which is contrary to this clause.

**CARRIED UNANIMOUSLY**

**Council Note:** The Officers Recommendation was amended by changing condition 1 and condition 3 and advice note 2 was removed and advice note 1 was amended. This was to ensure that a 20 metre buffer identified on plan 'figure 2' 'staging plan' does not form part of this approval as the clearing of native vegetation would result in the removal of Banksia Woodland which does not comply with clause 7.13.6(c) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.