



All enquiries to Planning Services on 9526 1111
Our ref: PA16/164: AN:wj

13 August 2018

Roberts Day Town Planning
GPO Box 6369
EAST PERTH WA 6892

Via email: mandy.pearce@robertsday.com.au

Dear Sir/Madam,

**Proposed Extractive Industry (Sand Extraction)
Lot 137, 394 Hopeland Road, Hopeland**

I refer to your application, received 18 August 2016, for approval to commence development on the aforementioned lot.

In accordance with the provisions of the Shire's Town Planning Scheme No. 2 and the authority delegated to Council under the provisions of the Metropolitan Region Scheme, your application to commence development has been approved. Attached is the Notice of Determination of Application for Development Approval stating the conditions with which the development is required to comply.

Should you be aggrieved by any of the decision or any conditions imposed, you have the right under the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Applications for review must be submitted to the Tribunal within 28 days of the date on the decision notice. Further information can be obtained by calling the Tribunal on (08) 9219 3111 or by visiting their website at www.sat.justice.wa.gov.au.

Your attention is drawn to the fact that this consent constitutes planning approval only and that a Building Permit may be required from the Shire prior to the commencement of construction works. Where relevant, the nominated builder should be provided with a copy of conditions of the Notice of Determination on Application for Development Approval. The Building Permit application cannot be accepted until all relevant planning conditions are cleared by the Shire. Accordingly, please ensure that the drawings and information supplied to the Shire for a building permit address any conditions issued on the planning approval by the Shire to avoid delays in the issue of the Permit. Please note that any amendments proposed outside of the approved plans and conditions of development approval may result in the requirement for a new Planning Application to be submitted for assessment and determination.

Yours faithfully

Ashwin Nair
Manager Statutory Planning and Compliance

Planning and Development Act 2005
Shire of Serpentine Jarrahdale
**Notice of Determination on Application for
Development Approval**

Property File: A32100 Application No: PA16/164
Location: 394 Hopeland Road, Hopeland
Lot: 137 Plan/Diagram: 152967
Vol. No: 1668 Folio No: 739
Application Date: 18 August 2016 Received On: 18 August 2016

Description of Proposed Development: Extractive Industry (Sand Extraction)

Use Class: Industry Extractive

Date of Determination: 26 February 2018 – OCM016/02/18

That Council GRANTS Development Approval pursuant to Clause 68(2) of the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015* for a Extractive Industry (Sand Extraction) subject to compliance with the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and Specifications	Plans P1 – 12 received at the Shire's Offices on the 13 February 2017 Flora and Vegetation Survey received at the Shire's Offices on the 9 January 2017 Dust Management Plan received at the Shire's Offices on the 13 February 2017 Acoustic Assessment received at the Shire's Offices on the 13 February 2017 Water Management Plan received at the Shire's Offices on the 13 February 2017 Transport Impact Assessment received at the Shire's Offices on the 9 January 2017 Fire and Emergency Plan received at the Shire's Offices on the 13 February 2017 Figure 2 Stage 3 Retention Plan dated 5 August 2018 Pavement Plan 17-4-42/100 (Rev A) dated June 2017 prepared by Porter Consulting Engineers.
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2. Subject to the following requirements ,sand extraction is permitted within the Stage 3 extraction area shown on the figure 2 staging plan:
 - a) There must be no sand extraction or other disturbance within that part of the Stage three extraction area shown on the Ecological retention plan dated 5 February 2018 as proposed retention and proposed 20m buffer;

- (b) A batter must be constructed outside of the proposed 20 m buffer to protect vegetation from extraction works; and
 - (c) Prior to any sand extraction occurring within the Stage 3 extraction area, fencing must be installed around the proposed retention area within the proposed 20m buffer and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
3. The development complying with any details marked in red on the approved plans.
 4. 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.
 5. This approval is valid for a period of five years from the date of determination.
 6. Operating hours shall be restricted to 7.00am to 5.00pm Monday to Saturday. Work is not permitted on Sundays or Public Holidays.
 7. The applicant shall not undertake any washing of excavated material on the development site.
 8. 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)).
 9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. The applicant shall implement suitable fire protection measures in accordance with the Fire Management Plan prepared by RPS dated 2 February 2017.

15. 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.
 16. 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.
 17. Prior to the commencement of sand extraction ,the applicants shall pay an amount of \$33,750 to the Shire as a contribution to works to be undertaken by the Shire to upgrade the intersection of Hopeland Road and Karnup Road.
 18. Prior to commencement of works the developer shall construct a 3m wide sealed road with 500mm shoulder on both sides and one passing lane for semi-trailers, within the unmade road reserve up to Hopeland Road with 2 coat seal from the existing gate to Hopeland Road (being approximately 20 metres from its intersection with Hopeland Road). The pavement shall be built to the specification shown on Plan 17-4-42/100 (Rev A) dated June 2017 and prepared by Porter Consulting Engineers.
 19. 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.
 20. 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.
 21. 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.
- NOTE 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- NOTE 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

6 Paterson Street
Mundijong 6123
Western Australia



10.1.10 - attachment 5
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NOTE 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

A handwritten signature in black ink, appearing to read "Ashraf Jami".

Signed:

Dated: 13 August 2019

For and on behalf of the Shire of Serpentine Jarrahdale