

Deemed Provisions – CI 67 Matters to be considered by local Government

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<p>Comment:</p> <p>'Industry Extractive' is an 'AA' land use under Table 1 – Zoning Table of TPS2 and therefore the use can be permitted at Council's discretion.</p> <p>Under the Shire's Draft Local Planning Scheme No.3 (LPS3), the subject land is identified to remain zoned 'Rural', whereby the sand mining would still fall in the land use category of 'Industry Extractive'.</p>			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: As discussed in report to Council, the proposal is considered generally consistent with the planning framework.</p>			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment:</p> <p>The proposal has been assessed in accordance with the following State Planning Policies</p> <ul style="list-style-type: none"> • State Planning Policy 2.0 - Environment and Natural Resources (SPP2) • State Planning Policy 2.5 - Rural Planning (SPP2.5) • State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) • Statement of Planning Policy 2.4 - Basic Raw Materials (BRM) (SPP2.4) 			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<p>Comment:</p>			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

Comment: 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, with Council separately determining the application under the Town Planning Scheme.

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: As discussed in the report, the proposal is generally consistent with the objectives of LPP4.10 – Extractive Industries. Conditions of approval have been included requiring the applicant to provide a suite of management plans to ensure offsite impacts are suitably managed.			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: As discussed in the original report to Council, the proposal has two sensitive receptors within the generic 500m separation distance of the Environmental Protection Authority Guidance Statement Note 3 (Separation distances between Industrial and Sensitive Land Uses) and one immediately south of the separation distance. Given the same resource is proposed to be extracted over five years, there will be less frequent activity as a result. Noise impacts will thus be less likely, albeit spreading over an extended period of time.

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: It is considered that once the resource has been extracted and the site rehabilitated, the land could be used in the future for productive rural uses. The application details that the site will be returned to pasture once extraction is complete.

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: It is considered that the excavation depth will ensure there is no adverse impact on the groundwater or environment. The Groundwater Atlas measurement of the highest known water table in this area is 30m AHD. The extraction is proposed to a depth of 2m - 4m. It is considered that excavation will not impact on groundwater at its highest known level. The final excavated land surface over the majority of the site will remain unchanged. The seven-hectare excavation area in the central west will be lowered by up to 4 metres in the centre grading back to natural ground elevation at the perimeters.

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: A Rehabilitation Plan has been recommended as a condition of approval. As discussed in the report following completion of extraction, the site is proposed to be rehabilitated to pastureland with areas of vegetation around the western and southern perimeter. Officers are satisfied that through this measure, the site can be comprehensively rehabilitated over time once the extraction on the site has ceased.

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: It is considered that bushfire risk can be appropriately managed and as such, a Condition is recommended requiring a Bushfire Management Plan (BMP) to be provided demonstrating compliance with SPP3.7 and the <i>Guidelines for Planning in Bushfire Prone Areas</i> .			

s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
Comment: A condition is recommended to be imposed to address the accelerated decline in road pavement life for all local government roads that form part of specific haulage contracts. This will vary throughout the life of the operation, and will be required to be documented and reported annually, with annual payments made commensurate with the WALGA calculation methodology for those local roads used.			

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Access to and from the site would be via an existing driveway which has a crossover onto Jarrahdale Road. Officers note that the type of vehicles proposed have not been expressly defined by the applicant. However, the applicant has identified that the trucks would, on average, move between 30-40 tonnes of sand per load. This would mean that the trucks are not Restricted Access Vehicles (not road trains), which are not permitted on Jarrahdale Road. The crossover on Jarrahdale Road and the internal driveway were approved by the Shire with the initial application (2013) and has been constructed in accordance with the Shire's Engineering standards. Officers however consider that the applicant should provide a Traffic Management Plan (TMP) to satisfy the concerns raised in objection to the proposal. This would include confirmation that the type of truck proposed is acceptable, the frequency of movements, and confirmation that safe vehicle movements can occur.			

u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

w) the history of the site where the development is to be located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Historically, the site had been planted with pines; however, these have been cleared and only limited remnant vegetation remains which will be removed as part of the ongoing excavation process. The contours for the current excavation area ranges from 76 metres Australian Height Datum (AHD) at the northern edge to 90 metres AHD at the south-east corner of the site.			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: refer to consultation section of assessment			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: refer to consultation section of assessment			

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			