

Technical Report			
TRIM Number:	PA22/197	Synergy Number:	
Lodgement Date:	25 February 2022	DAU Date:	
Address:	Lot 137, 394 Hopeland Road, Hopeland		
Proposal:	Extractive Industry		
Land Use:	Industry – Extractive	Permissibility:	SA
Owner:	Craig and Michelle McAllister		
Applicant:	Hatch Roberts Day		
Zoning:	Rural	Density Code:	R2
Delegation Type:	12.1.1	Officer:	Haydn Ruse
Site Inspection:	No		
Advertising:	Yes		
Outstanding Internal Referrals:	No		
External Referrals:	No		
Within a Bushfire Prone Area:	Yes		

Introduction:

A planning application dated 25 February 2022 has been received which is seeking to amend Condition 5 of the current Development Approval, in order to extend the validity of that approval for a further five years.

The subject lot is zoned Rural in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). An Extractive Industry is considered an 'Industry - Extractive' land use which is a 'SA' use within the 'Rural' zone in accordance with the Shire's TPS 2.

The proposal is reported to Council for determination as officers do not have delegation to determine a 'Industry – Extractive' land use under delegation 12.1.1 where objections have been received.

This report recommends that the extension of time for the extractive industry as proposed be approved subject to appropriate conditions.

Background:

Existing Development

The subject site (the site) is a rural property with an area of 31.6ha and is bound by the Punrak Drain to the north and west and rural land to the east and south. The site is accessed via a battle-axe leg from Hopeland Road to the east.



Figure 1: Aerial Imagery

The site features residential and equestrian development, including a dwelling, outbuildings, stables and paddocks. The site also contains patches of native vegetation being Banksia Woodlands in the following areas of the site. The image also identifies the condition of the patches ranging from 'Degraded', 'Good' to 'Very Good'.



Figure 2: Location of Banksia Woodlands and Condition

The site is subject to an existing approval for an Extractive Industry granted by Council on 26 February 2018, which was the culmination of a SAT process brought by the applicant in response to Council's first decision on 23 March 2017. These have been explained above.

In terms of the existing approval, it allows the clearing of native vegetation within the extraction area, the extraction of approximately 1 million m³ of Bassendean sand from extraction Stages 1, 2 and a portion of Stage 3 depicted within the below staging plan over (the current approved) five year period. The extraction area covers a total area of 12.24ha of the site with excavation

depths ranging from 2m to 7m subject to groundwater levels. Approved excavation staging plan below:



Figure 3: Staging Plan

Council should note that extraction has already commenced onsite within the Stage 1 extraction area in line with the existing approval for the site and accompanying approved management plans.

Proposed Development

The application seeks to amend the relevant condition of development approval in order to extend the validity until 26 February 2028. The application does not seek to change or intensify any component of the approved development. The applicant still seeks to extract approximately 1 million m³ covering 12.24ha of the site, part of which has already been extracted. The depth of excavation ranges from 2m to 7m in depth across the site, restricted by the height of the sandy ridge and depth of the groundwater table across the site. The hours of operations would be between 7.00am to 5.00pm from Monday to Friday and 7.00am to 12.00pm on Saturdays. No processing of sand is proposed on-site (washing) however mobile screening takes place to remove organic and stone materials before being taken offsite.

The proponent also seeks to maintain the buffer of 20m in the Stage 3 extraction area to the 0.33ha patch of 'Good to Very Good' condition Banksia Woodlands.

The approved development plans can be viewed in **attachment 1** and the approved Management Plans can be viewed in **attachment 2** to this report.

Community / Stakeholder Consultation

The application was advertised to surrounding landowners and a notice placed on 'Your Say SJ' for a period of 21 days from 16 March 2022 to 6 April 2022, in accordance with the Local Planning Policy 1.4 - Public Consultation for Planning Matters. Two submissions were received during the consultation period, both of which raised objections to the proposal. The submissions raised concerns in relation to traffic, road conditions, clearing and groundwater impacts.

The application was also referred to the Department of Water and Environmental Regulations (DWER), who provided a submission with advice in relation to licensing requirements, native vegetation clearing and groundwater. The submission does not raise any specific objection to the proposal so long as it does not present any expansion to the existing approval.

A summary of the submissions can be viewed in **attachment 3** to this report. The submissions have been addressed in the relevant sections within the report.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- Metropolitan Region Scheme (MRS)
- Town Planning Scheme No. 2 (TPS2)

State Government Policies

- State Planning Policy 2.4 - Basic Raw Materials (SPP2.4)

Local Planning Framework

- Local Planning Strategy (LPS)
- Draft Local Planning Scheme No. 3 (LPS3)
- Local Planning Policy 1.4 - Public Consultation for Planning Matters Policy (LPP1.4)
- Local Planning Policy 4.10 - Extractive Industries policy (LPP4.10)

Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions, which can be viewed in **attachment 4**. For the purpose of this report, discussion is confined to the objection resulting in the item being presented to Council and where Council is required to exercise discretion.

Land Use:

The development has a current approval as an Extractive Industry under Town Planning Scheme No. 2 (TPS2), which is an 'SA' use in the Rural zone and capable of approval subject to community consultation. The proposed extension to the timeframe does change the expectations of amenity of the area, essentially prolonging what was originally expected to only be a five year operation.

The site is proposed to remain zoned Rural under draft Local Planning Scheme No.3 (LPS3) and would be an Industry - Extractive land use under LPS, which is defined as:

'Industry - Extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes -

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.'*

The development is considered to meet this definition as it entails the extraction of sand from the site, which is basic raw material. Within the Rural zone an Industry Extractive would be an 'A' use under LPS3, meaning it would be capable of approval subject to community consultation.

Local Planning Strategy:

The site is identified as 'Rural' under the Local Planning Strategy. The objectives for the Rural area seek to protect agricultural land and the rural landscape. The development is temporary in nature and would not affect the capacity for the land to be used for agriculture once the works have been completed.

In terms of the rural landscape, the excavation area is proposed to be rehabilitated once works have been completed so the land can be used for rural purposes associated with equine development. Rehabilitation also includes the planting of native vegetation to stabilise the site and to also ensure for a more sympathetic alignment with the existing rural landscape.

The excavation area also excludes a large portion of the site that features dense remnant vegetation, identified as a patch of 'Good to Very Good' condition Banksia Woodlands. This is an important feature to be retained which reflects the rural landscape and is a key feature of the character of the locality.

Officers are satisfied the proposed extension of the validity of the approval still aligns with the objectives for the Rural area under the LPS.

Amenity:

Local governments use the Environmental Protection Authority (EPA) document "Guidance for the Assessment of Environmental factors: Separation Distances between Industrial and Sensitive Land Uses (2005)" to protect sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure. The guideline separation distance between extractive industry and sensitive land uses is between 300m-500m depending on the size of the operation. Sand extraction can cause offsite health and amenity impacts primarily noise, dust, and groundwater issues.

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

"Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools. Nursing homes, childcare facilities, shopping centres playgrounds and some public buildings".

The proposal has two sensitive receptors within the generic 500m buffer as identified in the below image. 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.

Whereas the intensity of approved extractive industry works are not proposed to increase (same volume of material), it is clear that the amenity of the area will be impacted insofar that the five year timeframe will extend to ten years, and the potential for ten years of amenity impact.

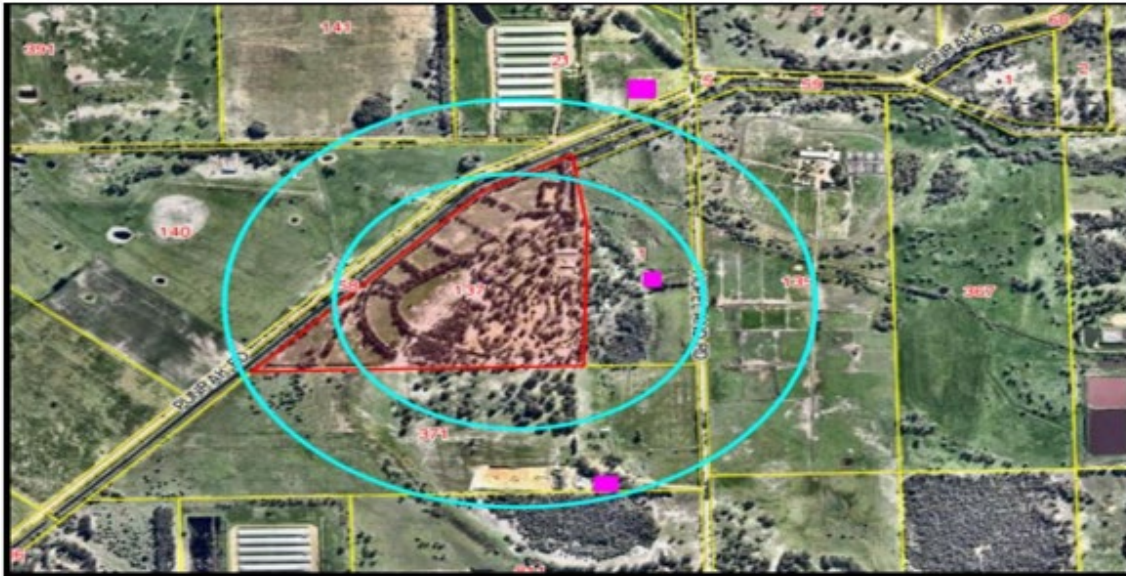


Figure 4: Location of Sensitive Receptors

Noise:

Noise is a key amenity impact. During the consultation period, concerns were raised in relation to noise impacts associated with the development.

The applicant, in an attempt to demonstrate that noise emitted from the development complies with the assigned levels under the *Environment Protection (Noise) Regulations 1997 (the Noise Regulations)*, submitted an acoustic assessment as part of the earlier application. This acoustic assessment remain relevant to the operation, as no changes are proposed by this application other than to extend the validity of approval.

The acoustic assessment modelled noise from the activities of the development and the levels received at the nearby sensitive receptors at the locations marked below. The sensitive receptors included in the assessment extend slightly beyond the 500m recommended buffer in order to provide a complete understanding of the impacts of noise from the development.

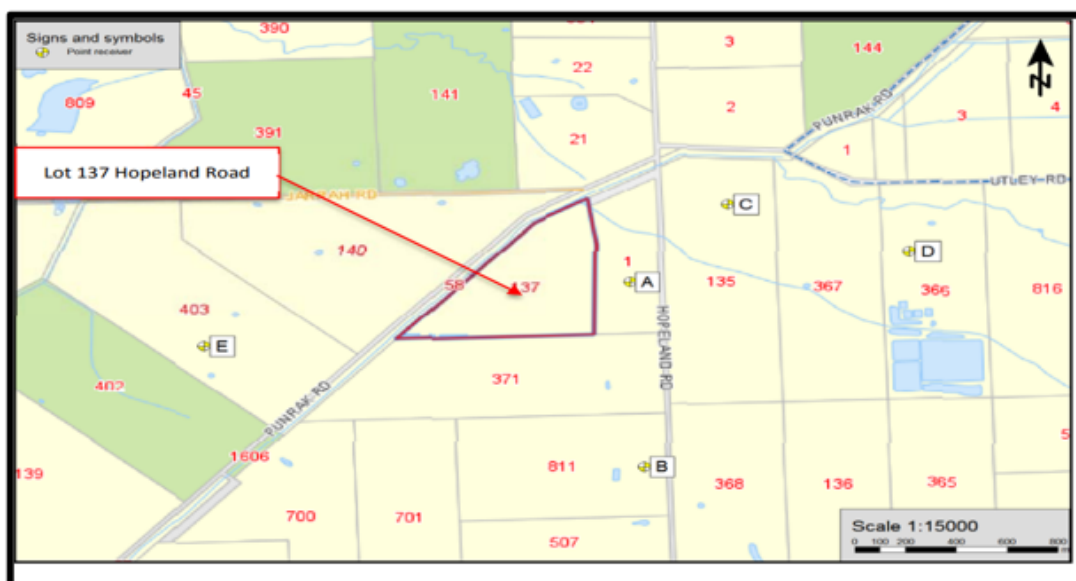


Figure 5: Location of Sensitive Receptors

The acoustic assessment modelled the scenario whereby all plant and machinery are operating at the same time (trucks, loader, screening plant and tipper - a worst case scenario). The scenario modelled was also based on the loader and screener within the confines of the pit wall and stockpiles of topsoil. The pit and the stockpile provide a noise barrier of approximately 3m in height reducing the level of noise received at the sensitive receptors. The acoustic assessment concluded that the development complies with the 48dB and 45dB assigned levels of the Noise Regulations as follows:

Premises Receiving Noise	Assessable Noise Level dB(A)	Time of Day	Assigned Level (dB)	Compliance
A	45	0700 - 1900 hours Monday to Saturday (Day)	48	Complies
B	37			Complies
C	39		45	Complies
D	30			Complies
E	33			Complies

Figure 6: Noise Level Assessment

Officers are satisfied that activities onsite can be undertaken in a manner which does not exceed the assigned Noise Regulations.

Dust:

A site-specific Dust Management Plan (DMP) was submitted as part of the earlier approval and subsequently approved. The DMP was prepared in accordance with the Department of Environment Regulations' 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 2010).

The approved measures within the DMP include the application of water from onsite 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 is proposed to be rehabilitated when excavation has been completed. The approved DMP states that operations will cease during adverse weather conditions.

Officers consider the DMP is adequate and there is no requirement for an updated DMP as the development does not propose to increase in size or volume of extraction.

Traffic:

During the consultation period, concerns were raised in relation to the impact of the development on traffic in the surrounding area and the capacity of the surrounding road network to cater for the vehicles accessing the site. Officers have also identified similar concerns as part of the merits based assessment.

As part of the initial approval, a condition was imposed requiring the upgrading of a specific intersection and construction works linking road access to Hopeland Road. The intersection contribution allowed for upgrade works to be done at the intersection of Hopeland Road and Karnup Road to enable vehicles to turn within the intersection without crossing into oncoming traffic.

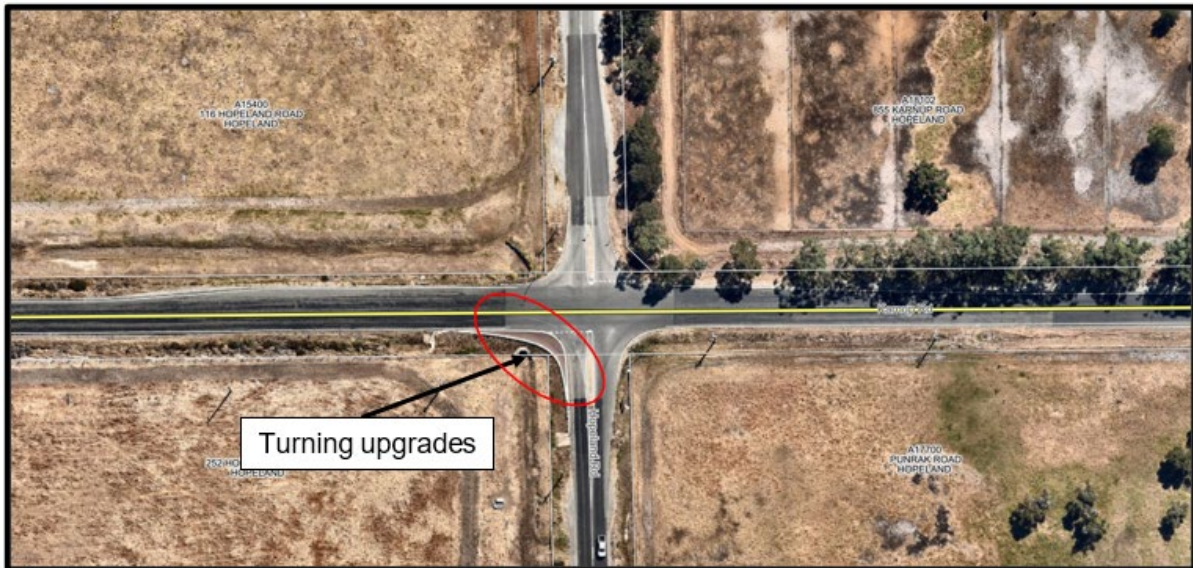


Figure 7: Intersection Upgrades

The Transport Impact Statement (TIS) states the haulage vehicles used in conjunction with the development would be as-of-right vehicles not exceeding 19m in length. These vehicles are legally permitted to use any public road without the requirement for a licence or approval from Main Roads Western Australia (MRWA). The number of vehicle movements generated per day would be approximately 65 of which 60 would be truck movements. The traffic generated from the development equates to approximately 1% of the ultimately expected traffic volume on Karnup Road, and 4% of the ultimately expected traffic volume on Hopeland Road. It should be noted that there are no additional traffic movements proposed as part of this application than what was previously approved by Council.

The key issue however remains that road deterioration will occur over an extended period, with a further five years of movement along the local road network and particularly during winter periods where the road asset is vulnerable to potholing and edge erosion.

While the intersection is now acceptable between Hopeland Road and Karnup Road, the merits based assessment reveals the need to address the advanced road pavement deterioration that will occur as part of doubling the validity period for the development.

This needs to particularly deal with the facts that fully loaded vehicles leaving the site and the unladen weight of vehicles returning, place additional load on road assets that have not been constructed with such size and intensity of load in mind. This brings forward safety issues for the community associated with more rapidly deteriorating road assets. As such, ongoing maintenance costs of the use of the road network for vehicles associated with the development needs to be considered as part of this extension request, for such to be considered consistent with orderly, proper and safe planning.

Local Planning Policy 4.10 Extractive Industries (Including Extraction of Mineral Sand and other Minerals) allows the Shire to consider road maintenance through such arrangements as follows:

AD 1.5.3

Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been made to ensure the upgrading of roads where necessary to improve the standard of access'.

With the policy being given due regard as part of this application seeking to extend the validity of the approval, the following local road network has been assessed:

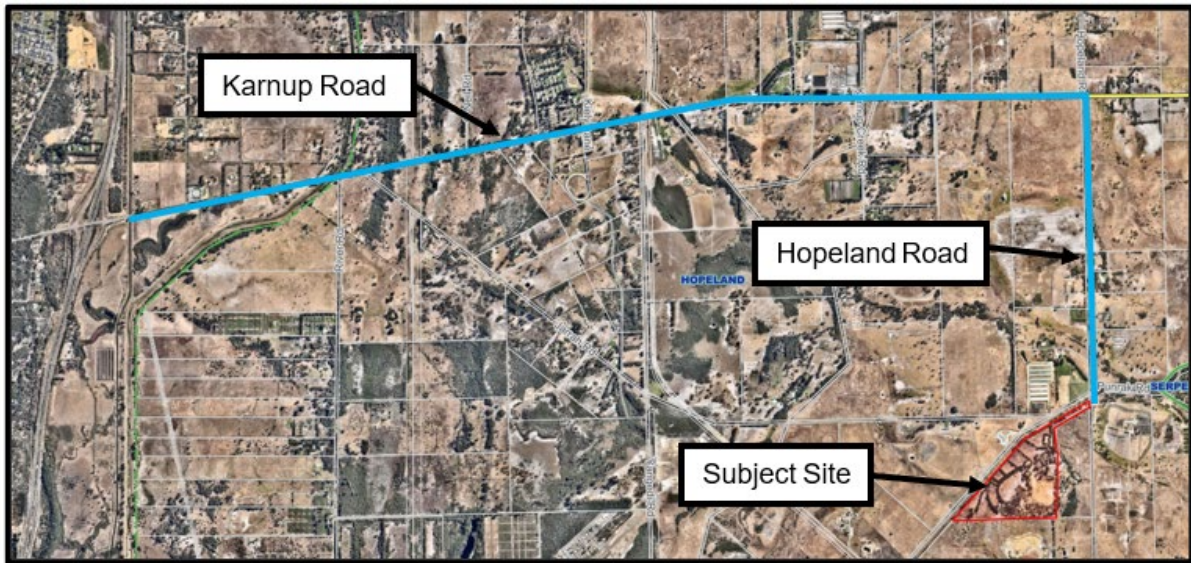


Figure 8: Haulage Route

To address the road safety issue resulting from the accelerated depreciation of the road network, officers recommend a condition (consistent with the Local Planning Policy) for an annual maintenance contribution to be paid and for this to be reserved for specific works to fix the accelerated decline in the pavement life of the road network.

This condition, if supported by Council, will require by 31 July each year the applicant submitting a road audit demonstrating the actual vehicle movements generated by the development over the previous 12-month period. This will then be used as the basis for the calculation of an equitable contribution based on the actual usage of local roads. An example of a calculation has been provided below, based on the length of local road travelled, laden weight of vehicles and applying a 1.2c per tonne per kilometre:

1	Accelerated Pavement Depreciation				
2					
3	RAV Class	1			
4					
5	Tonnage/year	250000			
6	Years	1			
7	Total Tonnage	250000			
8	ESA per Payload Tonne	0.27	for RAV Class 1 - Regulation Mass Limit		
9	ESA/year	67500			
10					
11	Total Route (km)	12.0			
12	Hopeland Road	2.26	Regional Distributor		
13	Karnup Road	5.5	Regional Distributor		
14		7.8			
15					
16		km	\$/ESA/km	ESA/year	Cost/year
17	Regional Distributor	7.76	0.037	67500	\$19,380.60
18		7.8			\$19,380.60
19					

Figure 9: Example Contribution Calculation

A condition of approval has been recommended to establish the contribution requirement and calculation methodology. The calculation methodology adopted reflects similar rates of the

local government sector for extractive industry development. Contribution arrangements are a common requirement for extractive industry developments, and it is considered an appropriate means to ensure maintenance and subsequently improve safety of roads that are subject to increased depreciation as a direct result of extractive industry developments.

If this condition is not imposed, Officers are concerned that the prolonged life of the development will directly result in the deterioration of the local road network, noting particularly the five additional winter periods which result in wide ranging potholing and edge erosion caused by large laden vehicles.

Consideration has also been given to this fact the development site features a long access leg to Hopeland Road. To mitigate traffic conflict between incoming and outgoing vehicles within the site, the current approval required the access leg be built in accordance with a Pavement Plan prepared by Porter Consulting Engineers which can be viewed within attachment 5. The access leg has been constructed under the current approval and is required to be maintained for the extent of the approval.

Native Vegetation Clearing:

Notably, the clearing of vegetation has already been approved and is not proposed to be expanded. Furthermore, the submission from DWER acknowledges that a clearing permit has also been issued for the vegetation covered by the proposed excavation area which mainly comprises of Banksia Woodlands. As the application seeks approval for an extension of the timeframe for the approval only, the proposal presents no further impact on native vegetation.

In line with the previous approval, a requirement for a Rehabilitation Plan has also been recommended to ensure the site is appropriately rehabilitated once excavation has been completed.

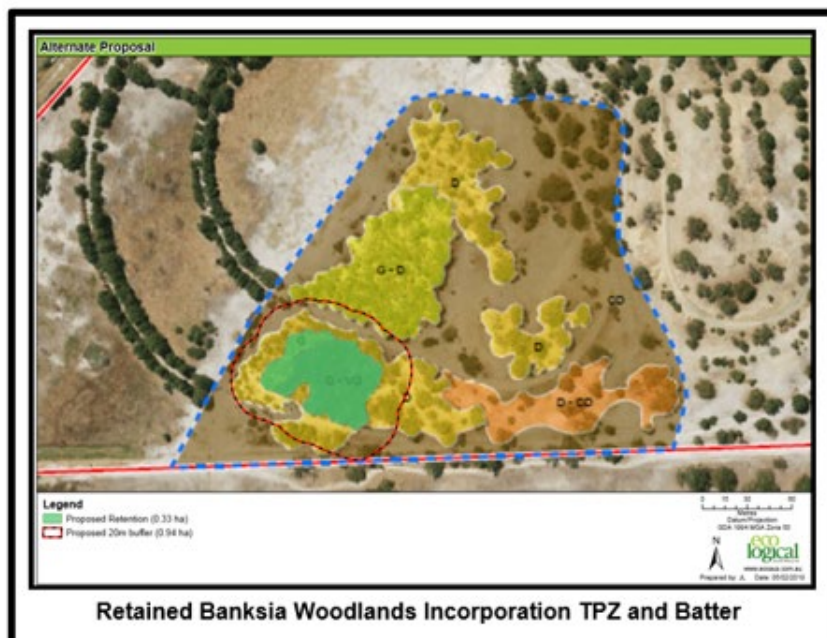


Figure 10: Area of 'Good to Very Good' Banksia Woodlands within Buffer

Groundwater Impacts:

During the consultation period, concerns were raised in relation to groundwater impacts from the development. DWER also provided advice in relation to monitoring groundwater levels and licencing requirements for the use of groundwater. DWER advice recommends reference be

given to historical maximum groundwater levels (MGL), which sit at 17m AHD throughout the property based on DWER's Groundwater Contours. Alternatively, on-site groundwater monitoring data should be used to determine the on-site MGL.

The Water Management Plan submitted with the application and approved as part of the previous approval provides a commitment to undertake groundwater monitoring as part of the operations and ensure finished floor levels for the excavation area are maintained with a 2m separation to groundwater levels. Officers are satisfied the implementation of groundwater monitoring and maintenance of a 2m separation to groundwater levels, combined with the annual audit process for Extractive Industry's will ensure the groundwater is not unduly impacted.

Wetland:

A Resource Enhancement Wetland UFI15364 (shaded in pink below) is mapped to the north and east of the proposed excavation area. A portion of the site is a Multiple Use Wetland (shaded in yellow) UFI5785 which extends along the site's western boundary and east of the proposed excavation area as depicted below:

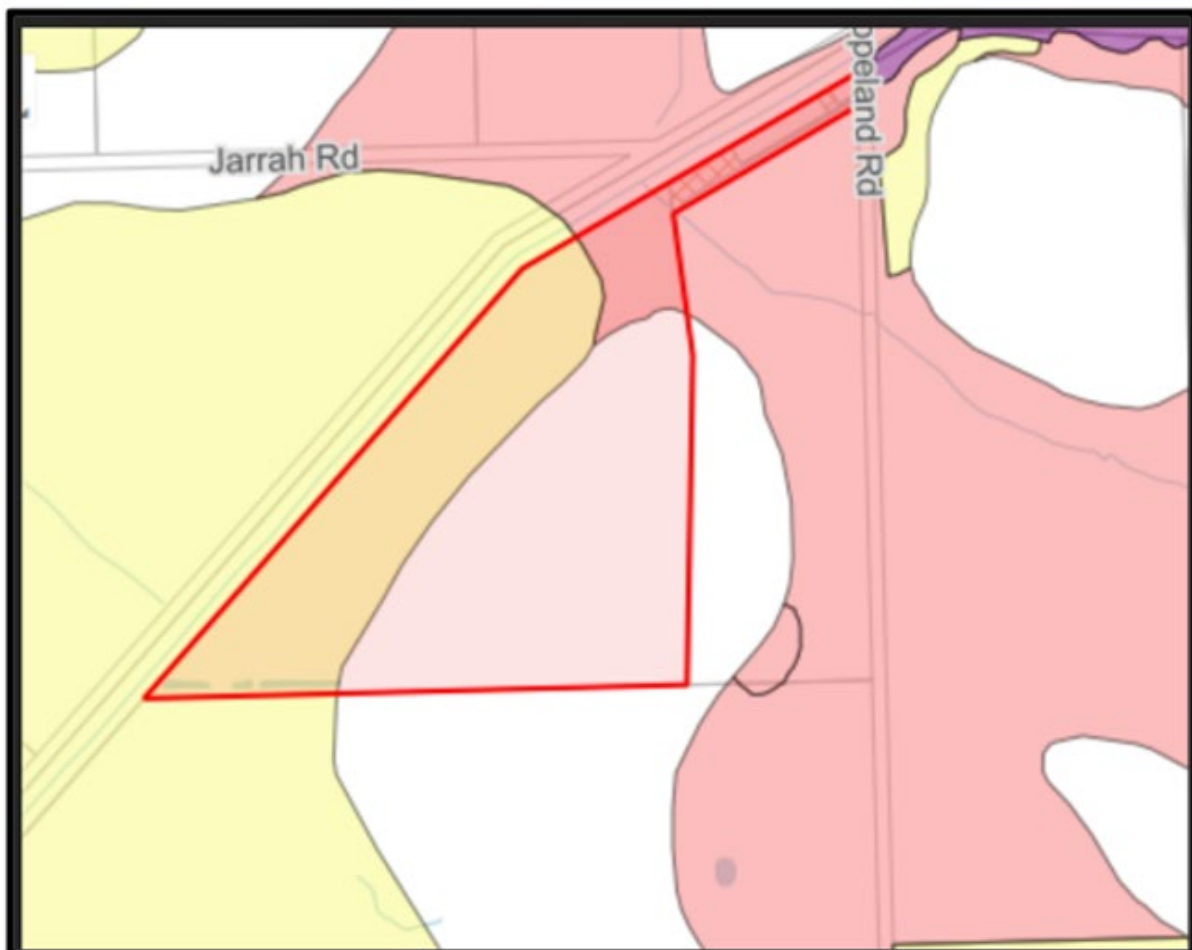


Figure 11: Location of Wetlands on-site

The excavation area falls within the elevated areas on site outside of the wetlands. The development as approved still maintains a 50m setback from the wetlands as initially proposed. The extraction area has not been proposed to be expanded as a part of this process and therefore does not project closer to the wetlands.

Rehabilitation Plan:

Following Council's reconsideration of several conditions at its February 2018 OCM, the applicant submitted a Rehabilitation Management Plan (RMP) which proposes the following rehabilitation measures of the site:

Rehabilitation Management Plan		
Table 1 Staged Rehabilitation Management Plan Works		
Application	Description	Responsibility and timing
Stage 1 to 4		
Water Management	<ul style="list-style-type: none"> Maintain a final minimum unsaturated clearance of 1.28m, in accordance with Hopeland's Water Management Plan (RPS 2018). 	Hanson, prior to rehabilitation works and across a period of up to 18 months of groundwater monitoring.
Earthworks	<ul style="list-style-type: none"> Prepare final contours (one in three) to be visually comparable with the flatter parts of the site and similar to those in the local area. Contours to be acceptable for horse agistment or a similar rural land use. Land surface graded to ensure final slopes will not exceed one in three vertical to horizontal in accordance with Shire of Serpentine-Jarrahdale Extractive Industries Local Law. Excavation left in a safe manner in accordance with the <i>Mines Safety and Inspection Act 1994</i>. 	Hanson; at most two years post extraction activity.
Revegetation	<ul style="list-style-type: none"> Respread topsoil stockpiled (when determined necessary) as part of clearing works to a depth of 100 mm during the wetter months (April to October) to minimise dust generation. Soil is ripped to a depth of 300 mm (or as determined necessary) to assist in the establishment of pasture species. Stabilise batter areas through revegetation with native plant or pasture species to minimise erosion risk. Where required, seed for pasture species will be sowed to maximise growth and ensure vegetation cover is achieved. <ul style="list-style-type: none"> Pastoral species composition should consist of a mix that will maximise on ground outcomes. 	Hanson; respraying and ripping to be undertaken during wetter months (April to October). Hanson; seeding undertaken during winter (June to August).
Application	Description	Responsibility and timing
Maintenance and contingency measures	<ul style="list-style-type: none"> Spread mulched vegetation, stockpiled during clearing works, on revegetation areas to prevent dust lift off prior to turf growth binding the soil. To enhance the establishment of vegetation cover, no livestock will be kept in the rehabilitated areas for 6-months. If turf growth is ineffective, fertiliser may be applied and pastoral species may be reseeded. Conduct regular monitoring of success of the contingency measures. Implement weed control program, as required: <ul style="list-style-type: none"> spraying herbicide/insecticide during the spring flowering season (non-toxic to livestock), using selective sprays to kill certain weeds Maintain hygiene boundaries to prevent the spread of weeds within the project area. 	Hanson; post revegetation works. Maintenance and any contingency measures to be undertaken during the 6 months after rehabilitation works begin for each stage. Hanson; carry out ongoing monitoring. Spot spraying Arum Lily undertaken in June to October.
Fencing	<ul style="list-style-type: none"> Maintain fencing installed prior to sand extraction in stages around the proposed retention area within the proposed 20 m buffer. 	Hanson; post extraction activities, up to 6 months after rehabilitation works begin at each stage.

Figure 12: Rehabilitation Management Plan

A copy of the submitted RMP can be viewed in **attachment 7** to this report. Officers have identified that the RMP is required to be further amended, as follows:

- A detailed graphic plan to be submitted outlining the final contours of the extractive envelope, batters and buffer zones. All distances and setbacks are to be detailed.
- A staged rehabilitation plan, including timing (dates) as extraction progresses and rehabilitation occurs in stages following progression. The statement within Table 1 of the RMP that final earthworks will be commenced 'at most two years post extraction activity' is not accepted.
- A full revegetation plan of the batters/buffer zones earmarked from native revegetation.

This is recommended as a condition of approval requiring an updated RMP to be submitted within 60 days of the approval.

Local Planning Policy 4.10 - Extractive Industries Policy:

The proposed development is subject to the provisions of LPP4.10 as an extractive industry relating to the extraction of sand. The policy requires five key areas to be addressed in the assessment of an application for an Extractive Industry, being: amenity, environment, buffers, visual impact and transport. The policy provides acceptable development standards for proposals to demonstrate compliance against and where compliance isn't or can't be achieved the policy provides performance criteria that must be met. Assessment against the provisions of the policy is provided in the table below:

Acceptable Development	Performance Criteria	Proposal
<i>Amenity</i>		
AD1.1.1 Development is located away from sensitive land uses unless appropriate measures can be taken to ameliorate adverse impacts.	PC1.1.1 Development does not prejudice the productive use of agricultural land on site or in the surrounding locality.	The extraction area is approximately 165m from the nearest sensitive receptor (dwelling) on the neighbouring property to the east. The application includes noise and dust management plans, which are considered to adequately ameliorate adverse impacts from the operations and comply with the acceptable development standards.
AD1.1.2 Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on recognised public holiday days.	PC1.1.2 Development does not unduly disrupt surrounding residents by way of vehicular traffic, noise, blasting and dust vibration.	The proposed hours of operation comply with the acceptable development standards.
AD 1.1.4 Extraction of material occurs from only one site per property at any one time.	PC1.1.3 Consultation has occurred with the local community and relevant government departments.	The proposal affects only one property and complies with the acceptable development standards. A staged approach to excavation has also been proposed to ensure impacts are minimised and can be managed more effectively.
AD1.1.5 Sites are filled with clean material only	PC1.1.4 The site is able to be rehabilitated in a way that is compatible with the long-term planning for the site and surrounding area.	The site is proposed to be rehabilitated to accommodate the use of the land for future equestrian purposes. No backfill is proposed so the development is considered to comply with the acceptable development standards.
<i>Environment</i>		
AD1.2.1 Development does not prejudicially effect native	PC1.2.1 Development is located so as to minimise	The current approval includes a condition

Acceptable Development	Performance Criteria	Proposal
flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.	impact upon native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land	requiring the excavation area be amended to exclude vegetation with a high level of ecological value. This condition is not proposed to be amended and the proposal is therefore considered to comply with the acceptable development standards through the condition.
AD1.2.2 Dieback is managed in accordance with Best Practice Guidelines - Management of Phytophthora Dieback in Extractive Industries (2005 - Dieback Working Group).		Officers have imposed a condition of approval requiring a Dieback Management Plan to be submitted within 60 days of this approval.
AD1.2.3 Sites can be suitably rehabilitated in accordance with an agreed management plan.		A rehabilitation management plan has not been approved through conditions of the current approval, however has been previously submitted. Further amendments have been required as a condition of approval,
Buffers		
AD1.3.1 Quarry of hard rock (including blasting), crushing and screening - requires a buffer distance of 1000m. Quarry (not hard rock). Processing rock ore etc by blasting, grinding and milling works - material processed by grinding, milling or separated by sieving, aeration etc - requires a buffer distance of 1000m. Quarry (no blasting) - material processed by grinding, milling or separated by sieving, aeration etc - requires a buffer distance of 500m. Sand and limestone extraction no grinding or milling Works - Requires a buffer distance of 500m.	PC1.3 Development is sited in accordance with the principles of State Planning Policy 4.1 State Industrial Buffer Policy and Guidance Note 3 - Separation Distances Between Industrial and Sensitive Land Uses (EPA - 2005).	The proposed development achieves a buffer of 165m to the nearest sensitive receptor and does not meet the minimum 500m required for sand extractive industries. The performance criteria require compliance with Guidance Note 3, which recommends a buffer of 300m-500m and allows a reduction where technical reports and management plans have been provided to demonstrate a reduced buffer is acceptable. In this instance, the management plans have demonstrated off-site impacts can be managed in the buffer provided and the proposal is therefore considered to meet the performance criteria.
Visual Impact		

Acceptable Development	Performance Criteria	Proposal
AD1.4.1 Development is to be visually in evident in the landscape when viewed from major travel routes.	PC1.4 Development is unobtrusive and does not prejudicially affect the natural landscape.	The subject site is a battle-axe lot and the development on-site would not be visible from the surrounding public realm or major travel routes. The development is considered to comply with the acceptable development standard.
<i>Transport</i>		
AD1.5.1 Development is located in proximity to heavy haulage routes.	PC1.5 Development satisfactorily addresses the following issues: <ul style="list-style-type: none"> • Proximity to and interaction with school bus routes; • Conditions and nature of roads to be used; • Impact on higher traffic volume on higher risk roads; • Size of trucks and number of truck movements; • Access points to the operation site; • Existence of any other extractive industry or heavy haulage in the vicinity and cumulative effects on the transport network; and • Comments of Main Roads WA. 	The proposed operations do not entail the use of heavy haulage vehicles, relying on 19m as-of-right vehicles instead and so proximity to heavy haulage routes is not necessary. However, this is still a requirement to meet the acceptable development standard. Main Roads WA's Heavy Vehicle Services Map indicates Karnup Road up to the intersection with Hopeland Road is permitted to carry up to 27.5m oversize B-Double trucks. The subject site is located approximately 2.2km from the intersection of Hopeland Road and Karnup Road and is considered to comply with the acceptable development standard.
AD1.5.2 Development which does not utilise school bus routes for haulage purposes.		There is a school bus service operating on Karnup Road. The proposed development does not comply with the acceptable development standard and there are no performance criteria for this provision. The objectives of the policy have been considered further in this report to address this non-compliance.
AD1.5.3 Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been		Conditions of the initial approval required financial contributions be provided for road upgrades. Officers have also recommended a maintenance agreement to

Acceptable Development	Performance Criteria	Proposal
made to ensure the upgrading of roads where necessary to improve the standard of access.		be entered into with the operator to provide an annual contribution for the accelerated deterioration of the road pavement caused by the vehicle movements from the development. As a result, the acceptable development standards are considered to be met.

The proposal generally complies with LPP4.10, with the exception of the haulage route overlapping with an existing school bus route on Karnup Road. The objectives of the policy must be considered to determine if the non-compliance is acceptable. The relevant objectives of the policy in relation to the sharing of a route with a school bus service are:

- Extractive industries are located in the most appropriate areas of the Shire;
- Extractive industries are sited and operated to meet the varied needs of the community;
- Extraction occurs where the available haulage routes and road hierarchy are satisfactory or can be upgraded to support an extractive industry without affecting the sustainability of the transport resource.

Although the proposal shares a route with a local school bus service, the vehicles proposed to be used in conjunction with the development are as-of-right vehicles rather than heavy haulage vehicles. As a result, the risk of collision or incompatibility with other road is much lower than a proposal seeking to use heavy haulage vehicles. The proposal is located within close proximity to Kwinana Freeway, the vehicles used are not limited to haulage routes and recent road upgrades ensure the route proposed would be sufficient to facilitate the development. Officers consider the proposed development meets the objectives of LPP4.10 and the variation proposed can be supported.

With the road maintenance condition, it is also considered that the proposal will address what is otherwise a current gap in the original approval that was granted.

Extractive Industry License Application

Under the Shire of Serpentine Jarrahdale Local Law: Extractive Industry all such operations are required to obtain ensure a license has been obtained prior to the operations occurring or valid for the duration of the extraction period. The criteria within the Local Law is generally assessed through the planning process as amenity impacts, consultation and traffic impacts are all assessed. As Officers do not have delegation to extend an Extractive Industry License, Officers recommend Council approve the issue of a license conditionally as part of this process for a further five years till 26 February 2028.

Deemed Provisions

Clause 77(1)(b) provides that an owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —

- (b) to amend or delete any condition to which the approval is subject.

This application seeks to modify condition 5 of the approval to essentially change the validity from five year to ten year.

Condition 5 currently states:

This approval is valid for a period of five years from the date of determination.

Council are asked to amend this to read:

This approval is valid for a period of five years from the date of determination.

According to Clause 77(4) of the Deemed Provisions, Council can approve this application request subject to further conditions, based on the merits of the application.

77(4) The local government may determine an application made under subclause (1) by —

- (a) approving the application without conditions; or
- (b) approving the application with conditions; or
- (c) refusing the application.

Officers recommend a decision in accordance with Clause 77(4)(b).

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

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

Option 2: Council may resolve to approve the application unconditionally.

Conclusion:

The application seeks approval to amend Condition 5 of the original approval. The extension is sought to align with a subsequent application for an extension to the approval of the same development under the MRS and would ensure the timeframe of the two developments align. The proposed development is considered appropriate for approval provided additional conditions are imposed, for the reasons explained in the report.

Attachments:

- CL67 Table

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

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
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"/>
Comment:			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

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

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"/>
Comment:			
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"/>
Comment:			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" 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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
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:			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" 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:			
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:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			