

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 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 of approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

c) any approved State planning policy See assessment of the Shire's Local Planning Policy 4.10 - Extractive Industries	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
<p><u>State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)</u> SPP3.7 seeks to implement effective risk-based planning and development to preserve life and reduce the impact of bushfires on property and infrastructure. The site is designated as bushfire prone. The applicant has provided a Bushfire Management Plan (BMP) which has been prepared in accordance with the SPP3.7 and the <i>Guidelines for Planning in Bushfire Prone Areas</i> and which It is considered that bushfire risk can be appropriately managed.</p>			
<p><u>Statement of Planning Policy 2.4 - Basic Raw Materials (BRM) (SPP2.4)</u> The intent of SPP2.4 is to “ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State’s BRM resources.” The policy ensures the extraction of BRM avoids, minimises or mitigates any adverse impacts on the community, water resources and biodiversity values.</p> <p>This policy recognises the following site categories for Extraction Sites (ES) which comprise all commercial sites from which BRM are extracted. The subject site is not identified as either a priority resource location, a key extraction area or an extraction area under the policy. The site is however identified within a mining operation area for ‘Titanium-zircon’ deposits under LPS as stated above.</p> <p>Officers have considered that the proponent can adequately address the policy provisions including amenity and environmental requirements, through the implementation of dust, noise, traffic and flora management plans, as well as implementation of Ministerial conditions that regulate these aspects. Officers are satisfied that the proposed extraction of minerals will not result in land degradation and will not have adverse detrimental impacts on the amenity of the locality</p>			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: The approved proposal has been through an environmental impact assessment by the Environmental Protection Authority (EPA) in accordance with the *Environmental Protection Act 1986*. With regard to adding area to the previous Ministerial approval, the Minister has granted the requested amendments under section 45C (1) of the *Environmental Protection Act 1986*. No ministerial approvals are required to extend the timeframe of the mining operations.

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

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

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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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"/>
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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"/>
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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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Development:

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

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

The Proposal will not impact on the cultural or historical significance of the locality. The Proposal is not located within an area of historical significance and does not affect any place of heritage significance. The proposal is not listed within the Register of Heritage Places or the subject of a heritage agreement or a conservation order under the *Heritage of Western Australia Act 1990 (WA)*.

The proposal will not affect any registered place or place that is the subject of a heritage agreement under the Heritage of Western Australia Act 1990 (WA). The Proposal is not listed within the Shire's Municipal Inventory under the Heritage of Western Australia Act 1990 (WA).

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: The site is an established mining operation that has been in existence for over a decade carried out alongside rural uses. It is considered that the use is compatible with the existing surrounding rural uses. Furthermore, at the end of the mining operations the site will be rehabilitated back to pastureland. Given the majority of the excavated material is returned to the landscape this particular operation has less impact on the rural landscape than a typical extractive industry.

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:

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:

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 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:			
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 of 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 checked="" type="checkbox"/>	N/A <input 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:

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"/>
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Comment:

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

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

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

Local Planning Policy 4.10 - Extractive Industries (Including Extraction of Mineral Sand and Other Minerals) (LPP4.10)

LPP 4.10 defines mineral sands as ‘sand containing economic quantity of titanium minerals’ The policy sets out requirements when assessing an application for mineral sands situated on private land. Under the policy if the ‘Acceptable Development’ criteria are met, an application is considered appropriate. If a proposal does not meet the Acceptable Development criteria, the applicant must demonstrate how the proposal meets the ‘Performance Criteria’. These policy measures have been assessed in the table below.

Performance Criteria (PC)	Acceptable Development (AD)	Proposal
Element: Amenity		
PC1.1.1 Development does not prejudice the productive use of agricultural land on site or in the surrounding locality.	AD1.1.1 Development is located away from sensitive land uses unless appropriate measures can be taken to ameliorate adverse impacts.	<p>Acceptable Criteria - Officers are satisfied with proposed rehabilitation strategies of the site. Proper implementation of the strategies would result in the site being used for agricultural purposes as proposed.</p> <p>Performance Criteria Hours of operation are 24 hours a day, 7 days a week, however during</p>

Performance Criteria (PC)	Acceptable Development (AD)	Proposal
<p>PC1.1.2 Development does not unduly disrupt surrounding residents by way of vehicular traffic, noise, blasting and dust vibration.</p> <p>PC1.1.3 Consultation has occurred with the local community and relevant government departments.</p> <p>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.</p>	<p>AD1.1.2 Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on public holiday days.</p> <p>AD 1.1.4 Extraction of material occurs from only one site per property at any one time.</p> <p>AD1.1.5 Sites are filled with clean material only.</p>	<p>evening and nighttime periods (7pm-7am) all mining earthworks activities cease and only mineral processing activities will be undertaken continuously on a 24-hour basis involving the feed prep screening plant fed by a front end loader and wet concentrator plant remain in operation.</p> <p>Acceptable Development A Community Consultation Framework has been prepared to guide the applicant's engagement with the local community as a part of the existing mining operations. Consultation has occurred with the relevant State Government Agencies.</p> <p>Acceptable Development No fill is proposed to be imported to the site</p>
Element: Environmental		
<p>PC1.2.1 Development is located so as to minimise 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.</p>	<p>AD1.2.1 Development does not prejudicially affect 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.</p> <p>AD1.2.2 Dieback is managed in accordance with Best Practice Guidelines - Management of</p>	<p>Performance Criteria An environmental assessment has been prepared to assess the impact on the natural features of site. The site has been cleared for excavation and management plans provided demonstrating that water will not be adversely impacted upon.</p> <p>Acceptable Development Weed management measures that are included in the Dieback</p>

Performance Criteria (PC)	Acceptable Development (AD)	Proposal
	<p>Phytophthora Dieback in Extractive Industries (2005 - Dieback Working Group).</p> <p>AD1.2.3 Sites can be suitably rehabilitated in accordance with an agreed management plan.</p>	<p>and Weed Management Plan are considered to be comprehensive and have addressed key performance areas outlined within the Best Practice Guidelines - Management of Phytophthora Dieback.</p> <p>Acceptable Development A Rehabilitation Plan has been provided to address this and it is considered that the site can be appropriately rehabilitated.</p>
Element: Buffers		
<p>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).</p>	<p>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.</p>	<p>Performance Criteria</p> <p>There are twelve sensitive receptors within 2000m of the proposed site as varied by the Ministerial Approval.</p> <p>The applicant has submitted site-specific dust management plans that to demonstrate how the development will manage offsite emissions. These have been he approved proposal has therefore been through an extensive environmental impact assessment by the Environmental Protection Authority (EPA) in accordance with the <i>Environmental Protection Act 1986</i>. The Ministerial Approval contains conditions requiring a range of management plans and reporting on native vegetation, watercourses, wetlands, rehabilitation, weed and dieback, water, acid sulphate soils, noise, air quality and dust.</p>

Performance Criteria (PC)	Acceptable Development (AD)	Proposal
Element: Visual Impact		
PC1.4 Development is unobtrusive and does not prejudicially affect the natural landscape.	AD1.4.1 Development is to be visually evident in the landscape when viewed from major travel routes	Acceptable Development A Visual and Rehabilitation Plan was approved as part of the initial application. The application is supported by a Visual Assessment report undertaken for the project.
Element: Transport		
<p>PC1.5 Development satisfactorily addresses the following issues:</p> <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. 	<p>AD1.5.1 Development is located in proximity to heavy haulage routes.</p> <p>AD1.5.2 Development which does not utilise school bus routes for haulage purposes.</p> <p>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 made to ensure the upgrading of roads where necessary to improve the standard of access.</p>	<p>Acceptable Development</p> <p>Commercial access to the site, would be via Hopeland Road. There will be no change to the routine haulage of heavy mineral concentrate product from the wet concentrator plant south to Picton, which is outside of the Shire of Serpentine Jarrahdale.</p> <p>Key transport routes are within the Shire of Murray operating under existing approvals.</p>

In addition, Appendix B of the LPP specifically relates to applications for mineral extraction and lists matters that are required to be addressed as part of a development application. These matters include environmental factors, visual impact, transport, amenity and rehabilitation. These matters are all considered under the relevant headings of the main report.