Ordinary Council Meeting – 21 March 2022 – 9.1 - Notice of Motion – Prohibiting Groundwater Extraction for Export for Commercial Use

9.1 - Notice of Motion – Prohibiting Groundwater Extraction for Export for Commercial Use (SJ3761)	
Councillor	Councillor Rich
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 1995*.

Notice of Motion

A Notice of Motion was received from Councillor Rich via email on Monday, 14 March 2022. Officers have provided assistance in respect of drafting intent, and email confirmation received on 18 March 2022 confirmed the notice of motion as follows:

"That Council REQUEST a report be presented within three months of the April Council meeting, for Council to consider initiating an amendment to the Local Planning Scheme in order to:

a. Introduce a specific land use definition of 'extraction and exportation of groundwater for commercial use';

b. Make this land use a prohibited (X) use in all zones within the Local Planning Scheme area."

Officer Comment

Each Local Government's Local Planning Scheme provides the framework for regulating development. This framework pertains to land use control, as well as physical works control.

These are the two aspects of 'development', being:

1. The use of land, comprising the activities which are done in or on the land; and
2. The activities which result in some physical alternations to land.

A proposal for development can be either or, or both and, in respect of the two aspects.

The first aspect is termed land use, and is regulated by way of a Local Planning Scheme prescribing zones, land uses, and land use permissibility within such zones. This is commonly provided in the land use table of a Local Planning Scheme.

The second aspect is termed physical works, and is typically regulated through development standards which control the physical form of works such as size, setback and functional elements (carparking, landscaping, colours and materials etc).

The notice of motion reflects an intent to prohibit a specific land use, being groundwater extraction and export for commercial use. There is a key focus on both extraction and exportation of groundwater for commercial use, such as water bottling. This is very specific, insofar that it connects only extraction associated with export away from the water environment.

In order to provide certainty of prohibition of the specific land use, the steps set out in the notice of motion would be procedurally the correct steps to be followed.

© Shire of Serpentine Jarrahdale 2021

It is noted that ultimately all Scheme amendments are subject to WAPC consideration and Minister decision.

Voting Requirements: Simple Majority

Councillor Recommendation

That Council REQUEST a report be presented within three months of the April Council meeting, for Council to consider initiating an amendment to the Local Planning Scheme in order to:

a. **Introduce a specific land use definition of 'extraction and exportation of groundwater for commercial use';**
b. **Make this land use a prohibited (X) use in all zones within the Local Planning Scheme area.**

 © Shire of Serpentine Jarrahdale 2021