

SUMMARY OF SUBMISSIONS

PA22/705 – Lot 4 King Road, Oldbury - Proposed Amendment to Approved Extractive Industry

Submitter	No	Submitter Comments	Applicant Comments	Officer Recommendation
DBCA	1	<p>In reference to your correspondence dated 31 August 2022, the Parks and Wildlife Service at the Department of Biodiversity, Conservation and Attractions (DBCA) provides the following comments.</p> <p>Any proposed clearing of native vegetation associated with the proposal should be undertaken in accordance with the Environmental Protection Act 1986 (EP Act) and Environmental Protection (Clearing of Native Vegetation) and be discussed with the Department of Water and Environmental Regulation (DWER).</p>	Noted	Noted
DWER	2	<p>The Department has identified that the development proposal has the potential to impact on water resource values and/or management. Key issues and advice are provided below, and these matters must be addressed to the satisfaction of the Department.</p> <p>The development application seeks to amend four conditions applied to the original approval of the extractive industry (sand mining) at Lot 4 King Road, Oldbury in July 2021. The proposed changes are to the excavation plan, approval period, road bond and final separation to groundwater. The Department has no comment to make on the proposed changes to the road bond and approval period and provides the following advice on the proposed amendments to the excavation plan and final separation to groundwater.</p> <p>Final Separation to Groundwater</p> <p>Issue Groundwater Resources</p> <p>The application seeks to amend the separation distance to maximum groundwater level from the final finished level from 1 metre to 0.50 metres. This proposed separation distance to maximum groundwater level is consistent with advice provided to the applicant by the Department in April</p>	Noted	Noted

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		<p>2022 which noted a minimum of 0.3 metres separation to the maximum groundwater level be maintained.</p> <p>Excavation Plan</p> <p>Issue Native Vegetation</p> <p>Advice Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"> • it is undertaken under the authority of a clearing permit • it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required • the clearing is subject to an exemption <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p>The Department received a Clearing Permit application CPS 9406/1 on 14/9/2021 from Aigle Royal Superannuation Pty Ltd and ARD No.3 Pty Ltd to clear 7.05 hectares of native vegetation at this location for the purposes of sand extraction. This application is currently being assessed.</p> <p>The extent of clearing specified in the clearing permit application appears to be consistent with the clearing proposed in the Development Application.</p> <p>If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).</p>		

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		<p>Issue Peel Harvey Coastal Plain Catchment</p> <p>Advice The proponent is to be advised that the proposal is located within the Peel-Harvey catchment and the provision of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 and the Statement of Planning Policy No 2.1, Peel-Harvey Coastal Plain Catchment (SPP 2.1) shall apply.</p> <p>Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>		
A406387 – Water Corporation	3	Thank you for the opportunity to comment on this proposal. Water Corporation doesn't have any assets that will be impacted and will not be providing any services, therefore we don't have any objection to this proposal.	Noted	Noted
A130203	4	<p>It has been recently brought to our attention (Your ref PA22/705:HM:w) that an extractive industry planning development is being considered by the SJ Shire for Lot 4 King Rd, Oldbury.</p> <p>The approval of this extractive industry proposal, as it stands, is of concern to The Seedling Factory (we are an adjacent neighbour) in that</p> <ol style="list-style-type: none"> The floor of the mining void is to be only 0.5 m (and 0.3 m has been suggested) above the maximum ground water level for this area. This may well affect the availability and water quality of the superficial aquifer which The Seedling Factory is dependent on for its business; 	0.5m exceeds the minimum separation permitted by DWER.	As discussed in the report, the application including the accompanying Groundwater Level Mapping Report was sent to DWER for assessment and comment. The information included the natural contours of the site and site

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		<p>2. Heavy mining machinery operating in close contact (less than 1 m separation) with groundwater has the potential to contaminate groundwater with diesel and other hydrocarbons (hydraulic fluids etc). This contamination will affect The Seedling Factory or in the worst case it will become unusable when associated with fertigation;</p> <p>3. The maximum water level for this area has not been determined. Only a single measurement of static groundwater level is available, measured in 2021, in the monitoring bores installed for the purpose of assessing groundwater at the site (bores KR1, KR 2 and KR 3). We do not consider that DWER bores, located distant from 4 Kings Road can be relied on to confirm the maximum groundwater level at this property. The planning development's consultant's report discusses average annual maximum groundwater levels where the highest groundwater level should have been addressed;</p> <p>4. We are of the opinion that should the planning development go ahead, a minimum of 1 metre separation distance between the lowest point in the mining operation and the highest groundwater level should be maintained. The determination of the highest groundwater level at the property, we understand, would require a minimum of 2 years intense monitoring especially during and shortly after the winter rainfall has ceased (allowing for groundwater flow lag to occur);</p> <p>5. We are also concerned that if the groundwater table is breached by the mining operation, the resultant loss of groundwater (mine dewatering and direct evaporation are examples) to the adjacent properties will result in The Seedling Factory not having enough groundwater for its stated, and approved by regulatory authorities, beneficial uses;</p> <p>6. Once the time of the year when maximum groundwater level has been determined, we recommend that the mining operation confirms by official survey, that the separation distance from the lowest point of the mining operation to the highest accepted groundwater level (by SJ Shire and the</p>	<p>The groundwater level analysis conducted by Hyd20 has been supported by DWER. Refer attached email exchange.</p> <p>As above</p> <p>As explained above, the separation of 500mm is in accordance with DWER policy.</p> <p>As explained above, DWER has reviewed the analysis conducted by Hyd20 and supports both their findings and recommendations.</p>	<p>specific and regional groundwater monitoring data to accurately represent the groundwater levels within the site and the broader area. DWER were satisfied with the amended separation distance of 0.5m to the natural groundwater level.</p>

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		<p>local community – such as SJ Shire Ratepayers Association) has not been breached.</p> <p>The Seedling Factory is growing approximately 65 million vegetable seedlings per year for the WA market garden industry and is an absolutely critical link in the WA food chain. Any disruption in the quality or quantity of water would be catastrophic.</p> <p>We ask that you consider our concerns in respect of this critical resource and look forward to receiving your response.</p>		