

SUMMARY OF SUBMISSIONS
Lot 5 King Road, Oldbury and Lot 4 King Road, Oldbury Extractive Industry

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Water Corporation	1	<p>The property is remote from water and wastewater services and the Corporation therefore has no objection to the proposal proceeding.</p> <p><u>Approval for works</u></p> <p>There is an open drain channel nearby the subject lot, we suggest when any work is carried out in proximity to our Assets to apply for an Asset Protection Risk Assessment (APRA) To assess whether the proposed development will require and APRA details of the Prescribed Proximities and relevant legislation are available in our guidelines.</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid. Please provide the above comments to the landowner, developer and/or their representative.</p>	Noted	Noted
DEMIRS	2	<p>The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p> <p>DEMIRS lodges no objections to the above development application.</p>	Noted	Noted
DWER	3	<p>The Department has identified that the proposed sand mining activities have the potential to impact on environment and water resource values and/or management. In principle, the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters are to be addressed and adhered to.</p> <p>Issue Surface Water</p> <p>Advice The Birrega Main Drain (BMD) runs along the northern boundary of Lot 5 King Road. The Development Application – Extractive Industry (Sand) Lot 4 and Lot 5 King Road, Oldbury (Rowe Group, 2023), proposes a separation</p>	<p>Noted</p> <p>Noted. Agree to increased setback.</p>	Site plan has been amended to include a 30m setback from the northern boundary.

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		<p>distance of 10m between the property boundary of Lot 5 and extraction activities.</p> <p>In accordance with Water Quality Protection Note 15 Basic Raw Materials Extraction (WQPN 15) (DWER, 2019) and previous advice from the Department to the proponent (29 April 2022), a minimum setback of 30m is required between the banks of the BMD and the excavation area:</p> <ul style="list-style-type: none"> • <i>“Mining pits must be situated at least 30m away from the top of the waterway banks. For larger waterways, a bigger buffer may be appropriate.</i> • <i>Roads, processing sites, stockpiles and other infrastructure should be away from the riparian zone, or at least 30m away from the top of the waterway bank.”</i> <p>In addition, a portion of the proposed development is within the 1 in 100 (1%) annual exceedance probability (AEP) floodplain (see Attachment 1). WQPN 15 states that basic raw materials extraction should be above the 1% AEP flood level. Implementation of a 30m buffer will place operations on Lot 5 outside of the 1% AEP floodplain.</p> <p>The proposed footprint area is to be amended to include a 30m setback from the banks of the BMD to any proposed activity.</p> <p>Issue Industry Regulation</p> <p>Advice The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the Environmental Protection Act 1986 (EP Act).</p> <p>The categories of prescribed premises are outlined in Schedule 1 of the Environmental Protection Regulations 1987.</p>		

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		<p>The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.</p> <p>The provided development referral request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.</p> <p>The application states that the proposed sand extraction operations relates to the extraction of material as clean fill for construction of land and subdivisions and that no processing of sand will occur at the site. Further, it is understood that the application does not propose the extraction of mineral sands. Therefore, based on the information provided, the proposed operations are unlikely to trigger any categories under Schedule 1 of the Environmental Protection Regulations 1987 causing the site to become a prescribed premises.</p> <p>However, please be advised that should the applicant amend the proposal to process sand on-site (screen, wash, crush, grind, mill, size or separate) then the following categories may apply:</p> <table border="1" data-bbox="528 1002 1498 1374"> <thead> <tr> <th data-bbox="528 1002 745 1137">Category</th> <th data-bbox="745 1002 1285 1137">Category Description</th> <th data-bbox="1285 1002 1498 1137">Production or Design Capacity</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1137 745 1374">12</td> <td data-bbox="745 1137 1285 1374">Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated</td> <td data-bbox="1285 1137 1498 1374">50000 tonnes or more per year</td> </tr> </tbody> </table>	Category	Category Description	Production or Design Capacity	12	Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	50000 tonnes or more per year	<p>Noted</p> <p>No crushing is proposed.</p>	
Category	Category Description	Production or Design Capacity								
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		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; padding: 5px;">70</td> <td style="padding: 5px;">Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated r</td> <td style="padding: 5px;">More than 5000 but less than 50000 tonnes per year</td> </tr> </table> <p>The application will also need to demonstrate compliance with the general provisions of the EP Act and <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The Department has no record of this premises and has not received any applications relating to this proposal. The applicant is advised to refer to the information and Industry Regulation Guide to https://www.wa.gov.au/service/environment/environment-information-services/licences-and-works-approvals-prescribed-premises or if they have queries relating to works approvals and licences to contact the Department at info@dwer.wa.gov.au or 6364 7000.</p> <p>Please note that this advice is provided based on information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact the Department at the above contact details to clarify requirements, should there be changes to information.</p> <p>Issue Flood</p> <p>Advice The Department provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. Our guiding principles for floodplain management are to ensure that:</p> <ul style="list-style-type: none"> • Proposed development has adequate flood protection. 	70	Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated r	More than 5000 but less than 50000 tonnes per year		
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		<ul style="list-style-type: none"> • Proposed development does not detrimentally impact on the existing flooding regime of the general area. <p>The <i>Birrega and Oaklands Flood Modelling and Drainage Study</i> shows that the general area is affected by shallow overland flooding during major events with the 1 in 100 (1%) AEP flood level estimated to be approximately 19.8 m AHD (see Attachment 1).</p> <p>More importantly, a portion of the proposed development is located within the 1% AEP floodplain. When proposed development (i.e. filling, building, etc) is located within the floodplain the Department assesses proposals based on their individual merits. Some of the factors examined include depth of flooding, velocity of flow, its obstructive impact on flow, possible structural and potential flood damage, difficulty/safety in evacuation during major floods and its regional benefit.</p> <p>With regards to the proposed development, the following comments with regard to major flooding are provided:</p> <ul style="list-style-type: none"> • The Lot is located on relatively high ground with flows falling to both the west and east from King Road. • The proposal will not obstruct flows and the minor loss of catchment / flood storage will not detrimentally affect the general flooding regime of the area. • The Lot may become isolated during major flood events with floodwaters overtopping access roads to the property. • Should the proposed development be accepted, minimum habitable floor levels of 20.3 m AHD are recommended to ensure adequate flood protection into the future. <p>Please note that this advice is related to major flooding only and other planning issues, such as groundwater, stormwater drainage, environmental and ecological considerations, may also need to be addressed. It should be noted that this advice does not take into account local stormwater drainage.</p>	Noted	

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		<p>to be cleared under CPS 9406/1. It appears unlikely that an exemption applies to the extent of clearing undertaken.</p> <p>Please note that the Department does not issue retrospective clearing permits for areas that have been historically cleared, and the matter has been referred to the Department's Compliance and Enforcement Division for potential investigation. Should any further clearing be proposed, a clearing permit would be required. Similarly, should the area retain any regenerative capacity and require clearing in the future to maintain the proposed end land use, a clearing permit would be required.</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> <p>Issue Groundwater</p> <p>Advice The property is located within the Serpentine Groundwater Area (Jandakot Mound 2 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction (for example, for dust suppression) would be subject to licensing by the Department.</p> <p>An application to apply for a groundwater licence will be subject to water availability at the time. No guarantee of availability can be determined until an application has been received. An application would also be subject to assessment in accordance with relevant policies and guidelines.</p> <p>It should be noted that groundwater in this area is approaching full allocation resulting in limited resource being available for new applications. Alternative sources of water may need to be sought to satisfy any non-potable water requirements or the applicant can seek a water trade agreement from another groundwater user in the area. Further information is available from: https://www.wa.gov.au/service/building-utilities-and-essential-</p>	<p>Noted</p> <p>Noted</p>	

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		<p>services/integrated-essential-services/water-licensing-application-forms-and-guides</p> <p>The proponent should contact the water licensing section at the Mandurah office on 9550 4222 for further advice on water availability.</p> <p>Issue Contaminated Sites</p> <p>Advice The Department's Contaminated Sites Branch (CS) understands that Shire of Serpentine Jarrahdale Application 23-700 seeks development approval for Sand Extraction (Industry-Extractive) across both Lots 4 and 5 King Road, Oldbury.</p> <p>Land comprising Lots 4 and 5 on Diagram 48008 (the site) has not been reported to the Department as a known or suspected contaminated site, and is not classified under the Contaminated Sites Act 2003 (CS Act).</p> <p>Land adjacent to the site (south), comprising Lot 422 on Plan 202731, was classified under the CS Act as possibly contaminated – investigation required on 8 November 2010 and a memorial (reference number L482082ML) was placed on the certificate of title.</p> <p>Lot 422 has been used for historical sand extraction, and as an abrasive blasting and metal coating premises, which are land uses that have the potential to cause contamination, as specified in the guideline Assessment and Management of Contaminated Sites (DWER, 2021). In 2009, analysis of water and sediments within an unlined wastewater pond at the site found that the pond was impacted with elevated levels of metals and tributyltin. Further investigations are required to assess potential risks to groundwater at Lot 422.</p> <p>Groundwater flow direction in the area is towards the east, and as the site lies cross-gradient from the wastewater pond at Lot 422, it appears unlikely that any potential groundwater impacts from the adjacent land would affect the proposed development. The Department notes that the proposed sand</p>	Noted	

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		<p>extraction levels allow for a separation distance of at least 500 mm from maximum groundwater levels, and as such dewatering is not proposed.</p> <p>Issue Acid Sulfate Soils</p> <p>Advice Acid Sulfate Soil risk mapping shows that the site lies within an area identified as having a moderate to low risk of acid sulfate soils occurring within three metres of the natural soil surface, but high to moderate risk of acid sulfate soils beyond three metres below the natural soil surface.</p> <p>Given that the proposal does not propose dewatering or excavation within less than 500 mm of the maximum groundwater level, the Department advises that an acid sulfate soils condition is not considered necessary in this instance.</p> <p>Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licences 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>	Noted	

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		<p>Attachment 1 – Flood mapping: Lots 4 and 5 King Road, Oldbury</p> 		
DWER Noise Branch	4	<p>Assessment of Acoustic Report</p>  <p>DWER Technical Report of Acoustic F</p>	 <p>23098383-01-reduced.pdf</p>	<p>The Environmental Acoustic Assessment report was reviewed by DWER noise branch. As a result of the concerns raised above, the applicant then revised the application and amended the proposal by reducing the scale and extraction period</p>

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				of the project. To address noise impacts, Noise Management Plan (NMP) must be prepared and approved demonstrating how noise levels would be continually managed in order to minimise exceedances to the assigned noise levels.
DBCA	5	The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the application.	Noted	Noted
A400278	6	<p>I object to this proposal for the following reasons:-</p> <p>The King Road proposal does not affect me personally, (or our property on Cumming road), other than the extra traffic/movement of trucks in an area which has already had a massive increase in traffic due to the slow movement of traffic on the Kwinana freeway and the nearby roadworks and building.</p> <p>I do see the removal of this quantity of sand (as is already apparent on the King road sand extraction block), as detrimental to the area, and likely to cause many problems to the houses on the western side of King Road, with dust and dirt in large quantities being blown by the strong Easterly winds.</p> <p>The topsoil and vegetation is needed to prevent this dust problem.</p> <p>Would the property be replanted/revegetated after the end of the lease?</p> <p>I thankyou for considering my objection.</p>	<p>Sand, as fill material, is a strategic resource vital to enabling land development, including housing supply, in the metropolitan area.</p> <p>The subject area has been mined for sand over many years.</p> <p>The volume of sand to removed is relatively small and will be extracted within a short space of time.</p>	Officers consider that issues raised concerning traffic movements, dust and vegetation removal have been considered sufficiently addressed in the main report and based on the information provided.

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			<p>Extraction activity will need to be carried out in accordance with the following management plans that meet EPA requirements:</p> <ul style="list-style-type: none"> • Acoustic/ noise • Traffic • Dust <p>In addition, the land will be rehabilitated with topsoil harvested from the site.</p> <p>In relation to possible traffic concerns the traffic report states:</p> <p>As shown, the crash history is low and does not appear to indicate a major safety issue. The proposal itself will generate a relatively low amount of traffic on an infrequent basis and is unlikely to increase the risk of crashes unacceptably.</p> <p>We also note that sand extraction was recently completed on Lot 4</p>	

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			(pursuant to PA22/705) representing approximately 65% of total material to be extracted. Aigle Royal Group is not aware of any complaints arising from these works.	
A401678	7	Trucks to not use Orton Road as Orton road is horribly potholed and noisy. Trucks to avoid using exhaust brake on King Road.	As above	Traffic matters have been disused under the Traffic section of the Main report.
A400344	8	<p>Development Application - Consultation and Referral</p> <p>Lot 5 King Road, Oldbury Lot 4 King Road, Oldbury - Extractive Industry (Sand)</p> <ul style="list-style-type: none"> • I <u>object</u> to the above Development Application for an Extractive industry on Lots 4 and 5 King Road Oakford. There are negative repercussions to the surrounding residents of this sand pit if it is to recommence operating for the reasons outlined below. • There has previously been, and if this application is granted, there will be constant road noise of heavy vehicles throughout the day adding to the already heavy traffic of commuters now using this road. Negative health effects of Noise Pollution can include Respiratory agitation, racing pulse, high blood pressure, headaches and, in case of extremely loud, constant noise, gastritis, colitis and even heart attacks. • We have currently suffered damage to our home ie walls and floors cracking from the constant vibrations of these heavy vehicles continually passing by, and if this continues it will only get worse. 	As above	<p>Traffic matters have been disused under the Traffic section of the Main report.</p> <p>To address the road safety issue resulting from the accelerated depreciation of the road network due to additional vehicle movements generated by the development, Officers recommend a condition for a contribution to be paid annually in arrears, based upon actual vehicle movements, to be used to address the</p>

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		<ul style="list-style-type: none"> • Heavy sand vehicles of the volume outlined in the application will cause an extreme road /accident hazard, as this is a rural residential area. By example, I personally was almost run off the road by one of these trucks whilst slowing down to enter a driveway along King Road. • Traffic building up along King Road and Thomas Road intersection during the hours of operation will become unmanageable and potentially dangerous. • When these trucks were operating prior to this application being made, trucks were pulling over and parking directly on the verges in the morning's prior to 7am, with the engine still running. If this is a practice necessary for the operation of the extraction and transportation of Sand, then it is not accepted. • Further to the above, I have had to fortify the road edge to crossover at my own cost, the degradation of the road edge and crossover from these trucks using the verge. The operation of the bulk haulage of sand will cause added cost and stress to maintain private properties due to the repercussions from additional heavy vehicle transport in this area. 		<p>accelerated decline in the pavement life of the road</p> <p>To address noise impacts, a Noise Management Plan (NMP) shall be prepared and approved demonstrating how noise levels would be continually managed in order to minimise exceedances to the assigned noise levels.</p> <p>Officers consider that the offsite impacts can be appropriately managed to reduce adverse impacts. A Dust Management Plan identifying dust management and monitoring practices through the review of ongoing mining activities has been recommended.</p>
Resident	9	I object to the above Development Application for an Extractive industry on Lots 4 and 5 King Road Oakford, for the reasons outlined below.	As above	Traffic matters have been disused under

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		<p>Due to increasing traffic on King Road already from commuters bypassing the Freeway and roadworks/roundabouts on Thomas Road additional traffic caused by Heavy vehicles, especially of the volume predicted, will put added strain and congestion on the part of King Road to be utilised by the Sand trucks, by:</p> <ul style="list-style-type: none"> • Interfering with peak hour commuters using this road to go to and from work. • Causing a build up of traffic exiting King Road to enter Thomas Road and vice versa, which in turn will create a dangerous safety hazard for vehicle accidents. • The constant flow of heavy traffic going from Site to Destination throughout the day will increase road surface damage. • The continuous rumbling of heavy vehicles all day long creates a noise hazard/pollution, which destroys the peaceful respite of non-peak hour traffic along this already busy route. • Heavy vehicles, namely the Sand Trucks, were not previously complying with speed signs and were intimidating smaller vehicles by driving too close or too fast. • Despite the large blocks and bushland setting, this is still a residential area and deserves the same conditions reserved for suburban neighbourhoods. • To date my house has suffered from heavy vehicle vibrations, doors and window frames are moving, and doors and windows don't shut properly. The damage to my home from an increase in this activity, will be a cost I expect not compensated for. • Any future development plans for this area will be destroyed by quarrying sand from acres of land wiping out the rural residential aspect of it and industrialising it. 		<p>the Traffic section of the Main report.</p>

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A154200	10	<p>Could you please advise the route as I am concerned about the 44 truck movements per day for the next 5 years if using Orton Road.</p> <p>Orton Road is substandard, and this will pose a risk to all motorists and pedestrians.</p>	<p>In relation to possible traffic concerns the traffic report states:</p> <p>As shown, the crash history is low and does not appear to indicate a major safety issue. The proposal itself will generate a relatively low amount of traffic on an infrequent basis and is unlikely to increase the risk of crashes unacceptably.</p>	<p>Haulage route was sent to the submitter who acknowledged receipt.</p>