

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: The subject site is zoned 'Rural' under Local Planning Scheme No.3. The proposal falls within the land use of 'Industry Extractive' defined under LPS3.			

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:			
<u>State Planning Policy 2.5 - Rural Planning (SPP2.5)</u>			
<p>The purpose of this policy is to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome. Within the Perth and Peel Regions, it is recognised that rural land will become more contested as land is required for other purposes including basic raw material extraction.</p> <p>It is considered that once the resource has been extracted and the site rehabilitated, the land could be used in the future for productive rural uses. The application details that the site will be returned to pasture once extraction is complete, consistent with the aims of SPP2.5. As satisfied the proposed extension of the validity of the approval still aligns with the purpose of SPP2.5.</p>			
<u>State Planning Policy 2.0 – Environment and Natural Resources (SPP2)</u>			
<p>SPP2 identifies basic raw materials such as sand, clay, hard rock, limestone and gravel together with other construction and road building materials as being important natural resource assets and a vital part of the State's economy. SPP2 indicates that a ready supply of such materials in close proximity to developing areas is required in order to keep downward pressure on the cost of land development and the resultant price of housing.</p> <p>Officers considered that the application is consistent with the policy as it proposes to extract Bassendean sand deposits which are suitable for use as construction and fill sand. Extraction of sand will facilitate the continued supply of a valuable sand resource to support Perth's land development industry. It is considered that the proposal to extend validity of approval is compatible with the intent of SPP2.</p> <p>Generally, the policy provides a framework to decision making bodies on matters concerning the environment and natural resources which should be taken into account in planning decision-making,</p>			

while acknowledging the inherent difficulties of balancing conflicting needs. Officers consider the proposal can adequately address the environmental requirements through the implementation of management plans, as well as conditions that regulate these aspects. Officers are satisfied that the proposed extraction of sand if carefully managed will not result in land degradation and will not have a detrimental impact on the amenity of the locality, consistent with state planning policy framework.

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:

e) any policy of the Commission	YES <input checked="" 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:

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

LPP4.10 sets out requirements when assessing an application for an Extractive Industry. 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.	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

<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>agricultural purposes as proposed.</p> <p>Acceptable Criteria</p> <p>Slight variation hours of operation are restricted to 7:00am to 5:00pm Monday to Saturday.</p> <p>Acceptable Development</p> <p>A Community Consultation Framework (CCF) is required to be prepared to guide the applicant's engagement with the local community as a part of the sand mining operations, consistent with the previous SAT determination.</p> <p>Consultation has occurred with the relevant State Government Agencies.</p> <p>Acceptable Development</p> <p>Acceptable Development</p> <p>No fill is proposed to be imported to the site</p>
<p>Element: Environmental</p>		
<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 Phytophthora Dieback in</p>	<p>Acceptable Criteria</p> <p>An Environmental Assessment has been prepared to assess the impact on the natural features of site. A conditional clearing permit was granted from the Department of Water and Environmental Regulation (DWER) (attachment 2) under the <i>Environmental Protection Act 1986</i> to clear no 11.6 hectares of native vegetation which is valid until 7 August 2034. In addition, a works approval within attachment 3 has also been obtained from the DWER, which is valid until 5 October 2026</p> <p>Acceptable Development</p> <p>Weed management measures within the Environmental</p>

	<p>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>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>
<p>Element: Buffers</p>		
<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 eight sensitive receptors within 500m. The application details dust management and monitoring practices contained within the Works Approval and the Environmental Management Plan.</p> <p>The application demonstrates that noise emissions can therefore be managed within the acceptable levels of the Noise Regulations. Furthermore Condition 28 of the current approval requires the applicant to submit details of the proposed temporary bund for noise attenuation purposes to be submitted to and approved by the Shire prior to commencement of operations. It is the Shire's expectation that the applicant would comply with the condition requirements of the noise condition set through the SAT process.</p>

Element: Visual Impact		
<p>PC1.4 Development is unobtrusive and does not prejudicially affect the natural landscape.</p>	<p>AD1.4.1 Development is to be visually in evident in the landscape when viewed from major travel routes</p>	<p>Acceptable Development With the existing approvals, Condition 9 requires the applicant is required to submit Visual Impact Assessment compliance reports.</p>
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 The approved haulage route for vehicles going to and from the subject site as follows:</p> <ol style="list-style-type: none"> i. Boomerang Road between the works site and Banksia Road; ii. Banksia Road between Boomerang Road and Lydon Road; iii. Lydon Road between Banksia Road and Coyle Road; iv. Coyle Road between Lydon Road and King Road; and v. King Road between Coyle Road and Thomas Road. <p>Performance criteria Discussed in the main report.</p> <p>Acceptable Development A condition has been included for a road maintenance agreement based on the road asset impact the proposal will have.</p>

h) any structure plan, activity centre plan or local development plan that relates to the development.

i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*

YES

NO

N/A

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

NO

N/A

Comment:

Development:

k) the built heritage conservation of any place that is of cultural significance

YES

NO

N/A

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)*.

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located

YES

NO

N/A

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

NO

N/A

Comment: At the end of the mining operations the site will be rehabilitated back to. The application details that the land would be rehabilitated to the pre-mined species composition of Banksia woodland and pastureland with a productive capacity that would fully support future rural land uses. In terms

preserving of the rural landscape, the excavation area is proposed to be rehabilitated once works have been completed. The rehabilitation also includes the planting of native vegetation to stabilise the site and to also ensure for an alignment with the existing rural landscape.

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

NO

N/A

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

NO

N/A

Comment: The Groundwater Modelling Assessment 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 would ensure the groundwater is not unduly impacted. The monitoring of ground water is expected to be in respect of condition 36 requirements set through the SAT process.

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

NO

N/A

Comment: The proposal identifies a portion of the area to the west as the ecological corridor which is to be fenced off and protected. The ecological link is considered to be an important feature to be retained which reflects the rural landscape and is a key feature of the character of the locality. Once rehabilitation has been completed there is opportunity to enhance connectivity between the undisturbed quality existing remnant vegetation and introduced native vegetation.

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

NO

N/A

Comment:

r) the suitability of the land for the development taking into account the possible risk to human health or safety

YES

NO

N/A

Comment:

s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			

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	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment: The applicant submitted a Traffic Impact Statement (TIS) for the proposal. The traffic volumes associated with the development on the approved vehicle route has been assessed as under the 10% 'material impact' threshold.

To this end, noting the vehicles are a type permitted on the road and considering the additional vehicle movements are low in context to the existing capacity of the road network, Officers consider the development will not adversely impact upon the vehicle route proposed to be taken by the developer which has been approved by SAT.

A further condition is recommended that ensures the advanced deterioration of the local road network is offset by a relevant monetary contribution to the Shire, reflective of the planning framework that provides for this to occur. This will reserve such funds to enable asset renewal that will be required as a result of the extended operational timeframe.

u) the availability and adequacy for the development of the following –	YES	NO	N/A
I. Public transport services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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			

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	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment:

w) the history of the site where the development is to be located	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input 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:			
<p>The application was advertised for a period of 28 days from 4 July 2024 to 1 August 2024 to surrounding landowners within a 1km radius of the subject site, in accordance with LPP1.4 - Advertising Development Applications. The application was also advertised on the Shire's website including a sign on site for the same period.</p> <p>At the conclusion of the advertising period, 17 submissions consisting of 15 objections, 2 in support and one letter from the City of Kwinana raising concerns were received. Matters raised have been discussed in the main report.</p> <p>A Community Consultation Framework (CCF) is required to be prepared to guide the applicant's engagement with the local community as a part of the sand mining operations, consistent with the previous SAT determination.</p>			

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