

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 3 September 2019

ATTENDANCE

Lucy Gouws, Leigh Medlen, Chris Wenman, Chris McAtee, Hilary Metcalfe

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
26/08/2019	A11345	103 (Lot 1022) Heron Drive, Margaret River	Holiday House (Renewal)	P219513
26/08/2019	A5492	16 (Lot 3) St Alouarn Place, Margaret River	Holiday House (Large) Renewal	P219514
27/08/2019	A12092	2 (Lot 2662) Nickol Street, Margaret River	Dwelling	P219517
27/08/2019	A9496 A2046	17 (Lot 53) Bussell Highway, Augusta	Outbuilding Addition (Shed/Garage)	P219518
27/08/2019	A1650	10347 & 10437 (Lot 2812 & Lot 2807) Bussell Highway, Witchcliffe	Local Development Plan - Cottage Lot (Stage 1)	P219519
27/08/2019	A1650	10347 & 10437 (Lot 2812 & Lot 2807) Bussell Highway, Witchcliffe	Local Development Plan - Affordable Lots (Stage 1)	P219520
27/08/2019	A1650	10347 & 10437 (Lot 2812 & Lot 2807) Bussell Highway, Witchcliffe	Local Development Plan - Family Lots (Stage 1)	P219521
27/08/2019	A1748	163 (Lot 1) Treeton Road, North Cowaramup	Chalet	P219522
27/08/2019	A11752	27A (Strata Lot 2 of Lot 97) Georgette, Way Prevelly	Holiday House (Renewal)	P219523
28/08/2019	A8201 A3365	10 (Lot 402) Clydesdale Place, Margaret River	Holiday House	P219525
28/08/2019	A6262	13 (Lot 13) Mitchell Road, Rosa Glen	Extension of Term to P217192 - Chalets x 3	P219526
29/08/2019	A3928	72 (Lot 801) Willmott Avenue, Margaret River	Pergola Addition	P219527
30/08/2019	A6536	20 (Lot 233) Minchin Way, Margaret River	Light Industry - Industrial Hemp Processing	P219528

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
26/08/2019	A12392	15 (Lot 228) Lumber Crescent, Karridale	Rainwater Tank	219360
26/08/2019	A8171	9 (Lot 177) Acacia Court, Cowaramup	Single Dwelling	219361
27/08/2019	A2982	43 (Lot 53) Mitchell Drive, Prevelly	Occupancy Permit Application Change of Use Class 10b to Class 8	219362
27/08/2019	A11171	9 (Lot 396) Pimelia Drive, Margaret River	Single Dwelling	219363
27/08/2019	A2203	171 Vansittart Road, Karridale	Unauthorised Works - Cafe Patio, Shed - Rocket Ship and Toilet Facility	219364
27/08/2019	A2203	171 Vansittart Road, Karridale	Occupancy Permit - Bus Station and Office	219365
27/08/2019	A4888	10 (Lot 292) Flora Grove, Molloy Island	Unauthorised Works - Verandah	219366
28/08/2019	A3750	Lot 6 Doyle Place, Margaret River	Single Dwelling	219367
29/08/2019	A10818	133 Ashton Street, Margaret River	Ancillary Accommodation	219368
29/08/2019	A3851	416 (Lot 69) Kevill Road West, Margaret River	Carport	219370
30/08/2019	A8221	6280 (Lot 192) Caves Road, Margaret River	Wood and Storage Shed	219371
30/08/2019	A11297	5926 (Strata Lot 3 of Lot 410) Caves Road, Margaret River	Garage	219372

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
11/06/2018	Leigh Medlen	Lots 104 and 105 Bussell Highway, Margaret River	Park Home Park - Margaret River Lifestyle Village - Site 45 Pinot Way - Contos 1a	Cancelled	P218344
20/07/2018	Leigh Medlen	Lots 104 and 105 Bussell Highway, Margaret River	Park Home Park - Margaret River Lifestyle Village - Site 44 Pinot Way - Eagle Bay	Cancelled	P218436
29/05/2019	Leigh Medlen	24 (Lot 42) Harrington Road, Margaret River	Amendment to Planning Approvals P214316 & P218564	Approved	P219347
23/07/2019	Devin Moltoni	6 (Lot 223) Marmaduke Point, Drive Gnarabup	Holiday House (Large) Renewal	Approved	P219435
31/07/2019	Lara Hoole	33 (Lot 114) Stewart Street, Margaret River	Holiday House	Approved	P219443
01/08/2019	Leigh Medlen	17 (Lot 40) Ewing Street, Augusta	Use Not Listed (Retaining)	Approved	P219446
22/08/2019	Lucy Gouws	79 (Lot 104) Baudin Drive, Gnarabup	Cancellation of Holiday House Approval (P217030)	No longer operating	P219509
28/08/2019	Leigh Medlen	13 (Lot 13) Mitchell Road, Rosa Glen	Extension of Term to P217192 - Chalets x 3	Approved	P219526
02/09/2019	Lucy Gouws	43 (Lot 2661) Tonkin Boulevard, Margaret River	Bed and Breakfast (Renewal)	Approved	P219530

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
15/02/2019	Leigh Medlen	Lot 4419 Scadden Road, Courtenay	Extractive Industry (Sand)	Approve	P219099

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Nil

CLOSURE OF MEETING



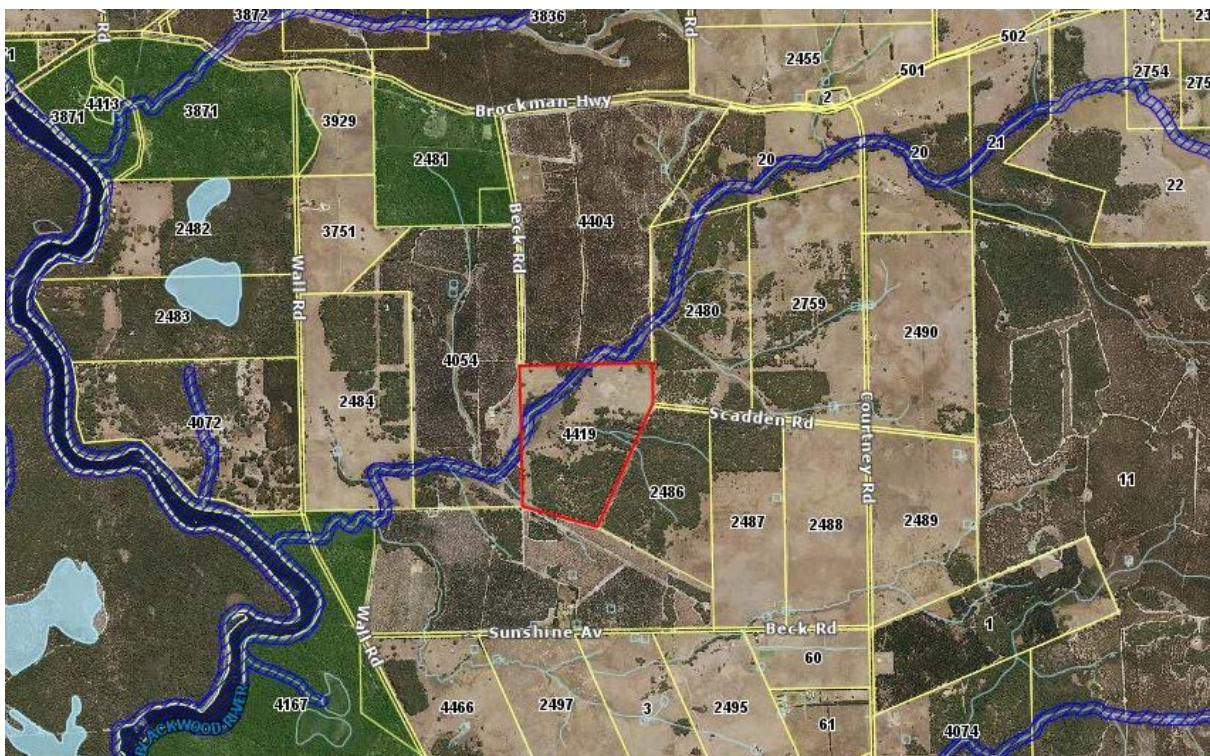
DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Extractive Industry (Sand) at Lot 4419 Scadden Road, Courtenay

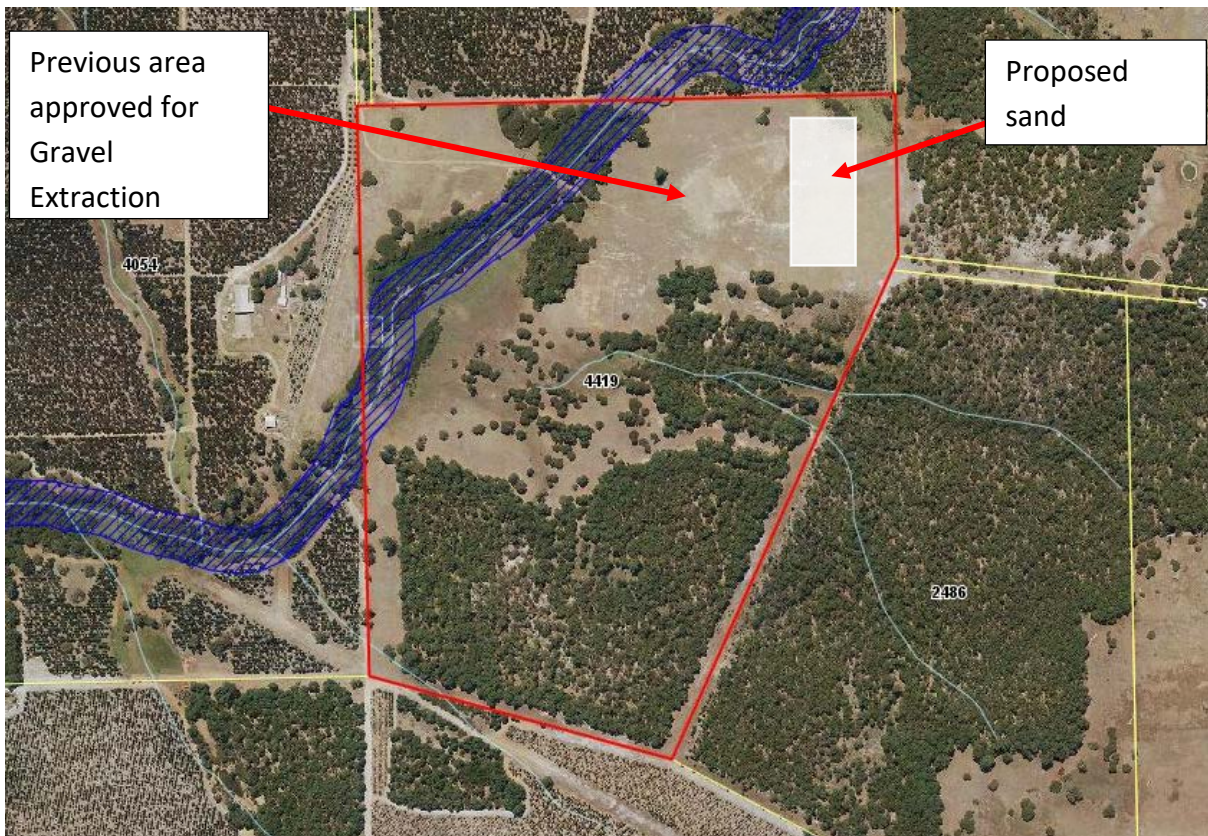
Major (Level 2)

P219099; PTY/2373

REPORTING OFFICER : Leigh Medlen
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	52 hectares
Zone	General Agriculture
Proposed Development	<p>The proposal is summarised as follow:</p> <ul style="list-style-type: none"> • The use will involve the extraction of sand. • The site has previously been used for gravel extraction in the past and the proposal involves an additional area to be used for the extraction of sand. • Operating hours are between 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, • Sand extraction is proposed to occur over 1.74 hectares with 15,739m³ of material being extracted. The sand would generally be excavated between 500mm to 1m in depth. • The haulage route proposed to is to the north along Beck Road and onto Brockman Hwy. • Equipment to be used includes excavation work to be undertaken by a front end loader, a water cart to be used to manage erosion and dust, front end loaders and dozers to be used for rehabilitation of the site and haulage trucks for the carting of the excavated sand. • Rehabilitation to pasture is proposed by respraying the topsoil on the site prior to reseeding. • No vegetation is proposed to be removed within the excavated area. • The proposed excavated area is setback 20m from the northern and eastern property boundaries.
Permissible Use Class	'A' Advertising required.
Heritage/Aboriginal Sites	A tributary of the Blackwood River exists through the site. Comments for Department of Aboriginal Affairs have been sought and detailed within the subsequent sections of this report.
Encumbrance	Nil
Date Received	15/02/2019





Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies Local Planning Policy 3 – Extractive Industry	
Officer Comment	Local Planning Policy 3 - Extractive Industries (LPP3) This policy has been formulated to provide a consistent approach to the application of extractive industries and to establish criteria for the assessment of such proposals. LPP3 sets acceptable development standards as well as performance criteria to guide assessment when the acceptable standard is not met. The elements of LPP3 are discussed further below:
	Acceptable Requirement
	Comment
	Amenity
	Development is located away from sensitive land uses unless appropriate measures can be taken to ameliorate adverse impacts.
Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on recognised public holiday days.	Complies. Recommended to be reiterated as a condition of approval.
Extraction of material occurs from only one site per property at any one time.	Complies. The site has previous had extractive industry approval for gravel. The areas used for gravel extraction have been rehabilitated. The current proposal only involves the extraction of sand adjacent to the area previously used for gravel extraction.
Sites are filled with clean material only.	Complies. Topsoil will be used to rehabilitate the site which is recommended to be undertaken in accordance with a rehabilitation plan.

	Environment	
	<p>Development does not prejudicially effect 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>Dieback is managed in accordance with Best Practice Guidelines – Management of Phytophthora Dieback in Extractive Industries (2005 – Dieback Working Group).</p> <p>Sites can be suitably rehabilitated in accordance with an agreed management plan.</p>	<p>No vegetation is proposed to be removed within the extractive area. A hydrogeology summary of the site has been provided by the proponent and it recommended that no interception of ground water is reiterated as a condition of approval. DWER have recommended that the maximum pit depth of the extractive area shall be 14AHD.</p> <p>A Dieback Management Plan has not been provided. A condition of approval has been included requiring this detail prior to commencement of any works.</p> <p>Intent to return site to pasture. A rehabilitation plan has not been provided however this is recommended to be included as a condition on any approval granted and that rehabilitation is then undertaken in accordance with the plan.</p>
	Buffers	
	<p>Sand extraction with no grinding or milling works - requires a buffer distance of 500m.</p> <p>Quarry (no blasting), with processing though grinding, milling or separated by sieving or aeration – requires a buffer distance of 500m.</p> <p>Quarry of hard rock (including blasting) including crushing and screening – requires a buffer of 1000m.</p>	<p>Complies. 500m buffer to nearest residence.</p> <p>The proposal does not include blasting which has previously been the determining factor in assessing whether a 500m or 1km setback should be applied. Therefore, a 500m buffer setback distance is used as a guide in the assessment of the application. The proposal is consistent with the guidelines for a buffer.</p>
	Visual Impact	
	<p>Development is to be visually in evident in the landscape when viewed from major tourist routes.</p> <p>Outside of major tourist routes, development is to comply with the visual management guidelines of the Council’s Local Planning Strategy and State Planning Policy 6.1 – Leeuwin Naturaliste Ridge (if applicable).</p>	<p>Not Applicable. No major tourist routes fronting the site.</p> <p>Complies. The extraction areas are not in proximity to major tourist routes. The site is located within Visual Management Area C in accordance with the Local Planning Strategy, which allows development to be visually dominant but borrow from the naturally established form, line, colour and texture to be compatible with the existing landscape. The proposal will be screened by existing vegetation on the site and is not visible from any road network.</p>
Transport		
<p>Development is located in proximity to heavy haulage routes.</p> <p>Development which does not utilise school bus routes for haulage purposes.</p>	<p>Complies.</p> <p>Complies. The application is proposing to use Beck Road and Brockman Highway. Beck Road is not a school bus route however, Brockman Hwy is.</p>	

	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.	Refer to Engineering comments in the consultation section of the report below. A condition is recommended requiring an agreement be entered between the Shire and the proponent to ensure a contribution for maintenance works to the road network is included. The implementation of a passing bay is also recommended as a condition.
Structure Plans and Local Development Plans (DAP)		
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Advertising/Agency Referrals		
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: The application was advertised within a 2km radius of the site. 2 submissions of support were received and 2 submissions were received objecting to the proposal. 1 submission objecting to the proposal has since been withdrawn.	
Have agency or authority comments been received? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
<p>DBCA:</p> <ul style="list-style-type: none"> The department have no comments on the proposal. It is considered that any potential environmental impacts will be appropriately addressed through the existing framework. <p>DPLH</p> <ul style="list-style-type: none"> The proposed development is not in the vicinity of any state registered Heritage Place, and as such we do not intend on making any comment. <p>DWER:</p> <ul style="list-style-type: none"> The Hydrology report gives an outwardly conservative separation distance – pit floor to groundwater that has been proposed, DWER accepts the EI can proceed, providing any license specifically conditions a pit floor level. DWER recommend that standard conditions apply to any approval including: <ul style="list-style-type: none"> The extractive industry shall not intercept the water table. The maximum pit depth shall be 14.0mAHD. No unmanaged stormwater is to leave the active extraction areas. All site stormwater is to be managed, where required, through the use of bunds, retention basins, cut of drains and the like. If required, clean stormwater in the overland flows is to be kept separate and diverted from extraction pits via bunds. No dewatering of the extraction area shall be permitted without authorisation under the 'Rights in Water and Irrigation Act 1914' and approval of the local government. If the interception of ground water occurs, work shall cease and advice provided to the Shire within 24 hours, followed by agreed remedial action. There shall be no storage of hydrocarbons on site. On site refuelling or equipment will be from a mobile service vehicle carrying appropriate spill present and clean-up equipment; 	<p>Noted.</p> <p>Noted. The site is within the vicinity of a Tributary to the Blackwood River which is a place listed as having Aboriginal Heritage Significance. The proposal does not impact the proposed tributary.</p> <p>Noted. This advice is recommended to be included as advice on any approval granted. It is recommended that a water management plan be required prior to the commencement of works in light of DWERs comment. This approach is consistent with previous decisions for extractive industries. Maximum pit depths and interception with ground water have been reiterated as recommended condition on any approval granted.</p>	

<ul style="list-style-type: none"> - No major repairs or maintenance will take place on site. • The Shire should request that an appropriate rehabilitation plan be prepared, approved and implemented to the satisfaction of the Shire. <p>Main Roads WA</p> <ul style="list-style-type: none"> • Main Roads has no objection in principle to the proposed extraction subject to the following requirements: <ul style="list-style-type: none"> - The intersection of Beck Road and Brockman Highway is to be upgraded to the specification and satisfaction on Main Roads (including the bitumen sealing of the first 30 metres of the intersection. Prior to undertaking any works in the road reserve an application for minor works in the main road reserve will need to be approved by Main Roads. - Temporary advance warning truck signs shall be installed either side of the intersection when the intersection is being used. • Main Roads will investigate the removal of vegetation from the road verge opposite the intersection and along the highway road reserve to improve sightlines at the intersection. <p>Shire's Infrastructure Services: Beck Road has one additional residential property located approximately 350m from the Brockman Hwy and Beck Road intersection. The Shire has requested one passing bay to be constructed between the other property and the intersection. There are no tourist attractions that are accessed via Beck Road.</p> <p>Standard Conditions to be included.</p> <p>Shire's Environmental Health Services: The primary issues from a health perceptible in relation to extractive industries is for the potential noise and dust impacts on surrounding residences.</p> <p>It is noted that since extraction operations commenced on the property there has been no record of complaints having been received by the Shire with regards to noise or dust from the development.</p> <p>Standards conditions to be included.</p>	<p>A rehabilitation plan is recommended to be required as a condition on any approval granted.</p> <p>Noted. The proponent has been made aware of the intersection requirements by Main Roads, which is recommended to be reflected as a condition on any approval granted.</p> <p>Noted. The proponent is aware of the passing bay requirements which is recommended to be included as a condition on any approval granted.</p> <p>Noted. No previous issues present with the site or a history of complaints regarding the previous extractive industry.</p>
Nature of Submission	Officer Comment
<p>2 x Submissions of Support</p> <p>1 x Submission of Objection</p> <ul style="list-style-type: none"> • It is not clear from the description of the proposal or the map provided the location of the proposed pit for extracting sand. From the letter provided if this is accurate, the pit would be less than 200 metres from my residence which is permanently occupied. • I note that in 2014 I objected to another planning application and that was on the grounds that the location of the gravel pit was less than 200metres from my residence. I note that this pit was immediately filled and rehabilitated following this objection. • I respectfully request that the no sand or gravel is approved within 300m from my residence. 	<p>Noted Support.</p> <p>The proposed extraction area will be located approximately 700m to the closest residence. The advertising letter incorrectly identified the pit location from the western boundary in lieu of the eastern boundary. The submitter has subsequently been advised of this error and provided the opportunity to provide any additional comments should they wish.</p> <p>Noted. The extractive area will be located approximately 700m from the adjoining landowner which is consistent with the request and the Shire's Local Planning Policy.</p>

Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
Assessment of Application				
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
R Codes				
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Development Standards (Schedule 9)				
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
<i>Officer Comment</i>	Standard	Requirement	Provided	Comment
	Side (North)	20m	20m	Complies
	Side (East)	20m	20m	Complies
	Side (South)	20m	20m	Complies
	Rear	20m	>20m	Complies
	The site does not have a frontage to a road and has a battle-axe leg arrangement for access to the site therefore there is no 'frontage' setback requirement of the proposal.			
Building Height				
N/A				
Clause 67				
A. In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?				
Officer Comment	Yes. Subject to conditions.			
B. In the opinion of the officer:				
i. Are utility services available and adequate for the development?	N/A			
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	No vegetation is proposed to be removed as part of the application.			
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A			
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. The closest residence is located in excess of 500m from the extraction site. It is recommended that through appropriate management arrangements any potential impacts can be minimised and addressed.			
iv. Is the development likely to comply with AS3959 at the building permit stage?	N/A			
Other Comments				
Any further comments in relation to the application?				
Officer Comment	The proposal is consistent with the acceptable development criteria of the LPP3 and has the appropriate separation distances to limit any potential impacts of the development to adjoining properties. A site visit was undertaken with the Shire's Coordinator of Environmental/Landcare Service which found the development to be relatively low risk from an environmental perspective and with appropriate measures in place (such as pit depths and run-off) the proposal could be appropriately managed to further limit any environmental considerations of the proposal. Conditional Approval is recommended.			

OFFICER RECOMMENDATION

That the Manager of Planning and Development Services Grants Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Extractive Industry (Sand) at Lot 4419 Scadden Road, Courtenay subject to compliance with the following conditions:

CONDITIONS

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 received at the Shire's Offices on 15 February 2019.
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. This approval is valid for a period of five (5) years starting on the date this approval is granted.
4. This approval does not include blasting activities.
5. The extractive industry (including site construction and truck operating hours) shall not operate outside the hours of 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays. The extractive industry shall not operate on Sundays or public holidays.
6. The maximum number of haulage trucks permitted to attend the site in any one day is restricted to 5 in and 5 out (10 truck movements) excluding vehicle movement for onsite management purposes.
7. Prior to the commencement of works, a Water Management Plan shall be prepared to the satisfaction of the Shire and shall be submitted for the approval to the Shire. Works shall be conducted on site at all times in accordance with the approved Water Management Plan (please refer to advice note 'g').
8. Prior to the commencement of works, a Dieback Management Plan shall be prepared to the satisfaction of the Shire and shall be submitted for the approval of the Shire. Works shall be conducted on site at all times in accordance with the approved Dieback Management Plan.
9. Prior to commencement of works, a Dust Management Plan shall be prepared to the satisfaction of the Shire and shall be submitted for the approval of the Shire. Works shall be conducted on site at all times in accordance with the approved Dust Management Plan (see advice note 'l').
10. Extraction is confined to the approved area shown on the plan at any given time.
11. Prior to commencement of works, a Rehabilitation Plan shall be prepared to the satisfaction of the Shire and shall be submitted for the approval of the Shire (refer to advice note 'e').
12. All excavated areas shall be rehabilitated to the satisfaction of the Shire within 12 months from the expiry date of this approval, or within 12 months of depletion of the resource whichever occurs first (refer to advice note 'e').
13. Dewatering of the extraction area is not permitted and the excavation shall not intercept the water table. Extraction must be maintained above the seasonal ground water table as determined by the Department of Water and Environmental Regulation. Works must immediately cease in the event the water table is intercepted and remedial actions implemented to the satisfaction of the Shire (see advice note 'f').
14. There shall be no standing water occurring at the end of the extractive operation (see advice note 'f').
15. This approval allows for excavation to an average depth of 1m below natural ground level. The maximum pit depth shall be 14.0m AHD.
16. The applicant is required to construct a passing bay to the Shire's standards and satisfaction at full cost to the applicant, prior to commencement of haulage from site (refer to advice note 'c' and 'd').
17. Prior to commencement of the extractive industry, engineering drawings and specifications for the provision of the passing bay, are to be submitted, approved, and road construction works, undertaken in accordance with the approved plan. All associated works required in the upgrade, including but not limited to construction, clearing and drainage works shall be at the applicant's cost, to the satisfaction of Local Government (refer to advice note 'c' and 'd').

18. Prior to the commencement of extraction, a legal agreement with the Shire shall be entered into by the proponent, and at full cost to the proponent, for the contribution of an annual fee or regarding a suitable maintenance regime of the Beck Road by the developer, that may be required for the period that the extractive industry is in operation.
19. The intersection of Beck Road and Brockman Highway is to be upgraded to the specifications and satisfaction of Main Roads, including bitumen sealing the first 30m of the intersection. Prior to undertaking any works in the road reserve an application is required to be made and approved by Main Roads.
20. Temporary advance warning truck signs shall be installed either side of the intersection when the intersection is being used for the Extractive Industry to the satisfaction of Main Roads.
21. The proponent shall implement all measures necessary to prevent erosion, or airborne or waterborne transmission of soil and sediment from the development and tracking of soil by vehicle tyres onto the road during the extraction period.
22. Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
23. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. The Proponent shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3 for any works on or within the road reserve (including road).
- c) Construction shall not commence until the Shire has approved detailed engineering plans and specifications of the works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.
- d) The Consulting Engineer shall advise Council's Officer not less than twenty-four hours prior, so that inspections may be carried out, if required, at completion of each of the following stages:
 - Pegging of clearing for construction.
 - Clearing, levelling, preparatory earthworks, soil and water management for construction and rock removal.
 - Sub grade preparation.
 - Pegging of grades, cross sections, levels and widths.
 - Drainage (consulting Engineer to inspect and certify that drainage has been installed correctly/properly).
 - Placement and preparation of sub-base material (if any). Placement and preparation of road base material.
 - Final grading, trimming and water binding. Prime or primer seal.
 - Kerb, drainage headwalls, spillways, drop-weirs and erosion control structures.
 - Preparation and placement of final surface treatment (if any). Verge backfill and trimming of batters.
 - Cleaning of all drainage systems, road surfaces, verges and the site generally for the final inspection.
- e) In regards to rehabilitation of the site reference should be made to the 'Guidelines for Preparing Mine Closure Plans', Department of Mines and Petroleum and Environmental Protection Authority, June 2011'.

- f) If interception of ground water occurs, the Shire shall be advised within 24 hours and agreed remedial action undertaken to the specifications of the Department of Water and Environmental Regulation and to the satisfaction of the Shire.
- g) The water management plan shall address the following:
- a) The management of stormwater from the extraction area. No unmanaged stormwater is to leave the extractive areas and shall be managed at all times (via measures where appropriate such as the use of bunds, retention basins or drains).
 - b) Details of the location of plant and equipment, including refuelling activities, which should be undertaken away from any waterways to minimise any risks to surface and ground water.
 - c) A 'spill management plan' in the case of spills during refuelling.
- h) The clearing of native vegetation is prohibited, unless clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation, or is of a kind that is exempt in accordance with Schedule 6, of Regulation 5 (contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*). Please note, any development which causes harm and can result in the death of vegetation may constitute clearing and be subject to the relevant clearing permit.
- i) The Proponent is advised that the following dust minimisation practises should be included in the required Dust Management Plan:
- Stockpiles of processed material will be sprayed with water and compacted as required;
 - Green belts will be used to augment the adjoining road reserve in reducing wind-speed through the pit-operations and to assist with trapping any resulting dust;
 - Completed sections of the pit will be rehabilitated as soon as practicable to reduce the area of open ground and help reduce wind speed;
 - The top soil/root layer will not be removed until immediately prior to the commencement of sand extraction;
 - Covering of loads before leaving property;
 - Stabilisation of areas completed over summer (when vegetation stabilisation is impracticable) is to be achieved by spreading mulch;
 - Induction of employees and contractors includes awareness of dust generation and management measures;
 - Complaint response procedure.