

APPENDIX C

Lot 5 Wellesley Planning Consent and Conditions for Stage 10
Extraction

VERSION 1

*A Breath of Fresh Air*

FILE NO: A016076/EX/005
DOC NO: C292/00008
APPLIC NO: P388/23

4 December 2023

Carbone Bros Pty Ltd
Po Box 61
Brunswick Junction WA 6224

Dear Sir/Madam,

Amendment of Development Approval – Amendment to P155/22 (A016076/EX/003) – Extractive Industry (Amended Documents and Management Plans) [EX/005] – Lot 5 (No. 335) Wellesley Road North, Wellesley

I refer to your Application for Development Approval dated 06/11/2023 for the proposed Amendment of Development Approval – Amendment to P155/22 (A016076/EX/003) – Extractive Industry (Amended Documents and Management Plans) [EX/005] at the above property address. Please be advised that Staff, under delegated authority (Delegation No. 9.1.2(13)) have approved the application subject to the attached conditions. This application has been granted Development Approval only, and where necessary a Building Permit will need to be obtained from Council prior to the commencement of works.

Pursuant to Clause 77 of Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the applicant / owner is able to seek Council's approval to amend or cancel the development approval.

If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any queries or require additional information please do not hesitate to contact me on 9729 0348 or via email elizabeth@harvey.wa.gov.au.

Kind Regards,

DocuSigned by:

Elizabeth Edwards

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Manager Planning Services

Planning and Development Act 2005

SHIRE OF HARVEY
District Planning Scheme No. 1

Notice of Determination on cl. 77 Application for Amendment of a Development Approval

Location: 335 WELLESLEY ROAD NORTH WELLESLEY WA 6233

Lot: 5 Plan/Diagram: /P005888

Vol. No: 1826 Folio No: 663

Application date: 06/11/2023 Received on: 06/11/2023

Description of proposed development: AMENDMENT OF DEVELOPMENT APPROVAL – AMENDMENT TO P155/22 (A016076/EX/003) - EXTRACTIVE INDUSTRY (AMENDED DOCUMENTS AND MANAGEMENT PLANS) [EX/005]

The application for development approval is:

Approved subject to the following conditions:

1. No extraction works associated with this Development Approval are permitted to occur on the property until such time as Conditions 3 to 5 of this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Shire.
2. All extraction activities, processing and storage of extracted or processed materials must cease on or before five (5) years from the date of the issue of the Extractive Industry Licence. If further extraction activities, processing or storage of extracted or processed materials is required after five (5) years from the date of the issue of the Extractive Industry Licence, a new approval must be obtained before continuing.

Prior to Extractive Industry Licence being Issued

3. Prior to the issue of an Extractive Industry Licence, confirmation of the source and availability of water for dust suppression shall be submitted to the Shire.
4. Prior to the issue of an Extractive Industry Licence, a reinstatement bond of \$34,500 (6.9ha @ \$5,000 per hectare) shall be provided to the Shire in the form of a Bond or Bank Guarantee.
5. Prior to the issue of an Extractive Industry Licence, the Applicant shall have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire.

Ongoing

6. The Approved Development shall, at all times, comply with the approved plans, approved Management Plans and the approved amended Works and Excavation Plan (Doc No. A016076/EX/005 – 01), as modified by conditions of this approval.
7. The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance of the conditions of Development Approval and Extractive Industry Licence. The Annual Audit of Compliance shall also include a progress report on the conditions of the approved Rehabilitation Management and Monitoring Plan including:

- a. Details of completed, ongoing and future rehabilitation areas.
- b. Photos of rehabilitated areas.
- c. Monitoring and reporting details, if available.
- d. Start and completion dates, and expected start dates, if applicable.
- e. A map depicting the rehabilitation areas and their completion progress.

The Annual Audit of Compliance shall be submitted prior to an annual renewal licence being issued by the Shire.

8. A survey plan shall be provided annually with the Annual Audit of Compliance required by Condition No. 7 detailing the levels in m AHD of the active and non-rehabilitated extraction areas.
9. An annual contribution shall be made towards the maintenance and upgrading of Wellesley Road in accordance with the methodology adopted by WALGA in the document "Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015".
10. No crushing or screening activities shall occur unless a Works Approval or other appropriate Licence or Registration has been obtained from the Department of Water and Environmental Regulation as required by Part V of the *Environmental Protection Act 1986*.
11. Stockpiles shall be kept to a maximum height of 5m to avoid visual impact and/or material wind drift.
12. Operating hours are restricted to 7.00a.m. – 5.00p.m., Monday to Friday and 7.00a.m. – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays.
13. The Applicant is required to provide a copy of the endorsed *Phytophthora* Dieback and Extractive Industries Information Brochure to each new customer of the extractive industry operation.
14. The approved amended Weed Management Plan (Doc. No. A016076/EX/005 – MP1) shall be implemented to the satisfaction of the Shire in consultation with the Department of Primary Industries and Regional Development.
15. The approved amended Dust Management Plan (Doc. No. A016076/EX/005 – MP2) shall be implemented to the satisfaction of the Shire.
16. The previously approved Dieback Management and Monitoring Plan (Doc. No. A016076/EX/003 – MP3) approved as part of the Development Approval dated 5 July 2022 shall be implemented to the satisfaction of the Shire.
17. The amended approved Rehabilitation Management and Monitoring Plan (Doc. No. A016076/EX/005 – MP4) shall be implemented to the satisfaction of the Shire.
18. The approved Water Management Plan (Doc. No. A016076/EX/005 – MP5) shall be implemented to the satisfaction of the Shire.
19. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire.
20. Any refuelling activities shall be undertaken in accordance with the Department of Water and Environmental Regulations' Water Quality Protection Note - Toxic and Hazardous Substance

Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site.

21. With respect to the reinstatement bond required by condition 4), the Shire:
 - a. may call on the Bank Guarantee or Bond for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant.
 - b. may, with one week's written notice to the Applicant, enter Lot 5 for the purpose of carrying out or maintaining the rehabilitation work.
 - c. may retain the Bank Guarantee or Bond and/or enter Lot 5 in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later).
 - d. must return the Bank Guarantee or Bond (or the balance thereof) to the Applicant at the expiration of that period.
22. Any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the *Environmental Protection Act 1986*, or the clearing is exempt from the need for a clearing permit.
23. Excavation shall be undertaken to the maximum depth of 30m AHD, unless otherwise approved by the Shire, in consultation with the Department of Water and Environmental Regulation, following site specific groundwater monitoring being undertaken.
24. A 0.5m separation distance to the groundwater shall be maintained for the life of the extraction activities.
25. Groundwater shall not be exposed, extracted or dewatered during the operation of the extraction activities unless the appropriate approval has been obtained from the Department of Water and Environmental Regulation.
26. If groundwater is exposed or intercepted, activities on site shall cease immediately and the Shire shall be notified within 24 hours. Such exposure or interception of the groundwater shall be remedied to the satisfaction of the Shire in consultation with the Department of Water and Environmental Regulation.

Advice Notes:

1. With reference to Condition No. 10, the Department of Water and Environmental Regulation advises that a new or amended Works Approval may be required for the screening activities associated with the Stage 10 area.
2. The Applicant is advised of their obligations under the *Environment Protection and Biodiversity Conservation Act 1999*.
3. The Department of Planning, Lands and Heritage recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guideline.

4. All extraction is required to remain compliant with:

- a. The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation.
- b. The Department of Water and Environmental Regulation's "Water Quality Protection Note 15 "Basic Raw Materials Extraction".

Date of determination: 4 December 2023

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

DocuSigned by:

4 December 2023

Elizabeth Edwards

EBFBFB8A60104F3
for and on behalf of the Shire of Harvey

Extractive Industries Licence Application and Environmental Management Plan

LOT 5 WELLESLEY ROAD,
WELLESLEY, SHIRE OF HARVEY



SHIRE OF HARVEY

APPLICATION FOR
DEVELOPMENT APPROVAL

APPROVED

DocuSigned by:

Elizabeth Edwards

04/12/2023

CHIEF EXECUTIVE OFFICER

DATE



REPORT PREPARED BY

LUNDSTROM ENVIRONMENTAL CONSULTANTS PTY LTD