

LATE ITEMS - TOWN PLANNING CONTENTS

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6.3.4 PROPOSED EXTRACTIVE INDUSTRY (HARD ROCK QUARRY) INCREASED OPERATIONS – LOTS 29, 52 & 7890 (NO. 199) HATCH ROAD, BOWES

LOCATION:	Lots 29, 52 & 7890 (No. 199) Hatch Road, Bowes
FILE REFERENCE:	10.8.1.2 – 199 HAT/ A3913
APPLICANT:	Boral Resources (WA) Ltd
OWNER:	G & H Parker
DATE OF REPORT:	11 September 2016
REPORTING OFFICER:	Debbie Carson – Planning Officer Kathryn Jackson – Acting Principal Planner
RESPONSIBLE OFFICER:	Garry Keeffe- Chief Executive Officer
APPENDICES:	
1.	Copy of Works Approval documentation -DER
2.	Correspondence from EPA
3.	Attachments detailing quarry size, depth, noise contour maps and rehabilitation of bunds and benches
4.	Schedule of Submissions and other tabled documents from landowners
5.	Applicant response to submissions

AUTHORITY / DISCRETION:

Quasi-Judicial *when Council determines an application within a clearly defined statutory framework, abiding by the principles of natural justice, acting only with discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.*

SUMMARY:

An Application for Development Approval has been received for the development of an Extractive Industry (granite hard rock quarry) upon Lots 29, 52, 7890 (No.199) Hatch Road, Bowes).

Council has previously granted its conditional approval of an Extractive Industry (granite hard rock quarry) upon this property at its 21 November 2008 and 17 June 2011 meetings of Council. As the Extractive Industry was not substantially commenced (no works undertaken onsite) the development approval for the land use of Extractive Industry has since lapsed.

A new application has therefore been lodged by the applicant for an Extractive Industry (granite hard rock quarry) with a maximum excavation capacity of 200,000 tonne per year (referred to as ‘Standard’ operations).

Advertising of the new, reduced proposal was undertaken for a period of 30 days. During the advertising period 32 submissions were received from adjoining landowners and governmental and service agencies. Whilst some submissions provided no objection to the proposal, all submissions lodged by adjoining landowners (24) opposed the development.

This report recommends Council grant conditional approval to the operation of an Extractive Industry (granite hard rock quarry) to a maximum extraction capacity of 200,000 tonne per year.

LOCALITY PLANS:

Figure 1. Lot boundaries of development area



BACKGROUND:

Council granted planning approval to standard quarry operations on Lots 29, 52 & 7890 Hatch Road, Bowes at their ordinary meeting held on 21 November 2008. An extension to Planning Approval 088-08 was subsequently granted by Council on 16 July 2010, extending the approval until 21 November 2012.

In March 2011, the applicant submitted a proposal to increase the operations of the quarry to meet the potential requirements associated with the construction of the

Oakajee Port. The application proposed a significant increase in the proposed rate of production and Council granted planning approval to the increased operations on 17 June 2011.

In June 2015, the applicant applied to extend their planning approval for the increased operations, however Council determined that a new application would be required due to the applicant's approval already having lapsed. The applicant has therefore reapplied for development approval for standard operations, as per the original application granted approval by Council on 21 November 2008.

It is noted to Council that this proposal is considered to contain information that is outdated, as the information contains old references to the development of the Oakajee Port and to the larger extraction proposal with which this application for Development Approval for a standard (reduced size) quarry does not apply.

It is also noted that the applicant has provided current *Environmental Protection Act 1986* Works Approval documentation (W4481/2008/1) from the Department of Environment Regulation, which was revised and amended by the DER on the 17 September 2015 (Appendix 1). They have also provided correspondence from the Environmental Protection Authority, which cites that the quarry proposal does not require formal assessment from the EPA, and it has been confirmed by the EPA that a proposal cannot be referred to the EPA more than once (refer Appendix 2) and therefore this advice and correspondence is considered to still be valid.

Council deferred the decision of the current application for Development Approval for the proposed rock quarry at its 22 July 2016 ordinary meeting, to enable Councillors to conduct a site inspection and to coordinate meetings with both the applicant and the surrounding landowners of Lots 29, 52 and 7890 (No. 199) Hatch Road, Bowes.

On 31 August 2016, a community meeting was held at the Northampton Community Centre to allow landowners to direct their concerns to BORAL representatives and Councillors. Twenty four (24) adjoining landowners and family members were present at this meeting, together with Anthony Watson (BORAL representative), Councillors Simkin (President), Scott (Deputy President), and Suckling, and Shire staff members Garry Keeffe (CEO), Kathryn Jackson (Acting Principal Planner) and Debbie Carson (Planning Officer). The landowners raised numerous concerns which are detailed further in this report.

On 7 September 2016, members of Council and staff met with the landowner of the proposed rock quarry to undertake a site inspection. They then met with three representatives of the adjoining landowners for a wider area inspection. Persons in attendance at these on-site meetings were Crs Simkin, Scott, Carson and Suckling, staff members Garry Keeffe and Debbie Carson, George Parker (landowner meeting only), and Margi Weir, Tonya Crudeli and Nicola Hearman (adjoining landowner meeting only). At this on-site meeting the landowner representatives provided further written information addressing the proposal and their request for refusal of the application, which are discussed further in this report and attached as Appendix 4.

On 8 September 2016, the Shire's Planning Officer met with BORAL representatives on-site at their Orange Grove rock quarry in Perth to conduct a site visit and inspection of the applicant's existing quarry operation, which is located adjacent to semi-rural and rural residential properties.

On 9 September 2016, BORAL representatives (Anthony Watson- Planning and Development Manager and Craig Holness- Environmental Specialist) met with Cr Simkin (President) and Shire staff members Debbie Carson and Kathryn Jackson (Planning Department) to present their response to the landowner's concerns previously submitted (response provided at Appendix 5).

The Proposal:

The proposal is for the development of a granite hard rock quarry to be located upon Lot 29, 52 & 7890 Hatch Road, Bowes. A site map of the area is provided below as Figure 2.

Figure 2. Site map and layout of proposed quarry



The following information is also provided (in summary format) relating to the standard quarry operations. A complete copy of the Extraction Proposal (in electronic format) has also been previously provided to Councillors, and further attachments regarding the quarry properties, depth, proposed excavation sequence, noise contour maps and rehabilitation of bunds and benches are provided in Appendix 3.

ASPECT	
Total area of excavation	18ha
Process and stockpiles	3-9ha
Total disturbance area	27ha
Hard rock extraction	100,000 tonnes per year average up to 200,000 tonnes

Estimated reserve	12.4 million tonnes
Life of project	20 years
Maximum depth	80 metres AHD (approximately 45 metres)
Native vegetation clearing	6.5 ha of “Completely Degraded” remnant vegetation & 1.1 ha of “Degraded” vegetation. The area is existing cleared farmland (used for cropping) with rocky ridges containing sparse stands of vegetation.
PROCESSING	
Hardrock crushing	Average 100,000 tonnes per year crushed products with capacity of 200,000 tonnes per year
Water requirements	500kL per year
Water supply source	Owner has a licensed bore on site (applicant would require their own DoW water license approvals), additional water harvesting on-site and water trucks to bring in additional water if necessary
Blast management	Up to 10 blasts per year
INFRASTRUCTURE	
Total area of plant & rock	3ha for plant and stockpiles
Area of settling ponds	1ha
Fuel storage	Not required, mobile tankers used
TRANSPORT	
Truck movements	Average 1 per hour up to 250 days per year
Access	Hatch Road with modifications to intersection with NWC Hwy.
WORKFORCE	

Construction	6 persons
Operation	3 persons
Hours of operation	Monday-Saturday 7.00am to 5.00pm excluding public holidays

In considering this application the following table provides an overview of the subject land:

Description	Information
Lot size (Lots 29, 52 & 7890)	154.7ha
Zoning	General Rural
Ownership	G & H Parker with agreement to Boral for a 20 year period
Permissibility	An 'Extractive Industry' is an 'A' use which means Council may, at its discretion, permit the use
LPS Precinct	Moresby Planning Precinct – Extractive Industry is considered appropriate subject to compliance with Local Planning Scheme, Council and WA Planning Commission Policies
Local Planning Policies	Extractive Industry LPP
Existing Development	Vacant rural land
Existing Services	Power, telecommunications, bore
Vehicular Access	Hatch Road – currently gravel
Topography	Lot 29 slopes from east to west
Vegetation	The landholding is predominantly cleared with a small amount of degraded vegetation within the excavation and processing areas
Soil Type/s	Red brown loams to sandy loams
Surrounding Land	All adjoining landholdings are currently zoned 'General Rural'. However, a number of landholdings have the potential to be subdivided into 'Rural Smallholdings' (20-40ha) under the <i>Shire of Northampton Local Planning Strategy</i> . There are 13 dwellings within 1.5km radius of the proposed quarry with the State Heritage listed Oakabella Homestead within approximately 1km of the proposed quarry.

COMMUNITY & GOVERNMENT CONSULTATION:

The Application for Extractive Industry was advertised for a period of 30 days from 10 May 2016 to 8 June 2016, in accordance with Clause 9.4 of the *Local Planning Scheme No. 10 – Northampton*. A copy of this advertisement was placed in the *Geraldton Guardian* on 10 May 2016.

Letters and copies of the proposal were also sent to adjoining landowners (from both Northampton and Chapman Valley Shires) as well as to the following Government agencies:

- Water Corporation;
- Western Power;
- Department of Parks and Wildlife;
- Department of Water;
- Department of Indigenous Affairs;
- Telstra;
- State Heritage Office;
- Department of Mines and Petroleum;
- Main Roads WA;
- Department of Transport; and
- Shire of Chapman Valley.

A notice also appeared at both the Shire offices (Northampton and Kalbarri) and on the Shire of Northampton's website for the duration of the advertising period.

As previously outlined above, a community meeting, and on-site meetings were also held with stakeholders to discuss the proposal.

Submissions

As a result of advertising a total of 32 submissions were received. Seven (7) submissions were received from governmental agencies who raised a number of points that need to be addressed and conditioned if final approval is to be granted by Council. One (1) submission was received from the Shire of Chapman Valley suggesting appropriate conditions for the approval of an extractive industry application. The remaining twenty-four (24) submissions were received from affected landowners and occupiers who all raised similar concerns relating to noise, dust, ground water resources, traffic, school bus, local wildlife, the affect on property value and compliance with planning documents.

The landowners and occupiers requested a meeting with Shire staff and Councillors prior to any decision being made, and a community meeting for adjoining landowners was held on 31 August 2016. Additionally, a further site inspection was held with adjoining landowner representatives of the Oakabella area.

It is expected that a petition will also be presented for Council consideration objecting to the development of a quarry within the Oakabella vicinity.

A summary of submissions received during the advertising period is attached in the 'Schedule of Submissions' (**Appendix 4**), together with further documents tabled by the landowners' representative group. A response to these submissions from the applicant is provided as **Appendix 5**.

Copies of the actual submissions are available to Council upon request.

FINANCIAL & BUDGET IMPLICATIONS:

Nil. However should Council refuse this application and the applicant proceed to exercise their right of appeal, costs are likely to be imposed on the Shire through its involvement in the appeals process.

STATUTORY IMPLICATIONS:

State: Planning and Development Act 2005

Local: Shire of Northampton Local Planning Scheme No. 10 – Northampton

The land is zoned 'General Rural' under the *Local Planning Scheme No. 10 – Northampton* with 'Extractive Industry' listed as an 'A' use, meaning that local government may exercise its discretion to grant planning approval after giving special notice in accordance with clause 9.4 (Advertising Applications).

Extractive Industry is defined by the Scheme as:

“the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances from the land and also the storage, treatment or manufacture of products from those materials on the land from which those materials are extracted or on land adjacent thereto”

The objective of the 'General Rural' zone as stated in the Scheme is:

“to provide for the sustainable use of land for the agricultural industry and other uses complimentary to sustainable agricultural practices, which are compatible with the capability of the land and retain the rural character and amenity of the locality.”

There are no specific development standards for ‘Extractive Industry’ contained within the Scheme.

It is noted that the development proposal and subject lots fall outside the Special Control Area - Moresby Range Landscape Protection (SCA 2) boundaries, and therefore the provisions of this SCA2 do not apply.

It is therefore considered that the application meets the requirements of the Local Planning Scheme No. 10.

POLICY IMPLICATIONS:

- Local: Shire of Northampton Local Planning Strategy (2010)*
- Local Planning Policy – Extractive Industry (2014)*
- Local Planning Policy – Consultation for Planning Proposals (2014)*

Shire of Northampton Local Planning Strategy

The subject land is located within the ‘Moresby Planning Precinct’, and falls within the land capability/land use area of ‘Northampton Block’, defined within the *Local Planning Strategy*.

The aim of the Moresby Planning Precinct is:

“To encourage a diverse range of activities that compliment, and do not override, the preservation of the visual and environmental landscape feature for recreation and tourism, whilst recognising the rights of existing owners.”

The precinct supports a wide variety of land uses including broadacre cropping, livestock grazing, small intensive rural uses such as orchards and rural smallholdings. The precinct has a high landscape amenity. The Strategy acknowledges that the precinct contains quantities of raw materials, which present the possibility for raw material extraction.

The key strategies and actions of the Moresby Planning Precinct are:

“Environment

- *To protect and manage the existing conservation reserve system and other areas of environmental significance to maintain biodiversity and enhance tourism and recreational opportunities.*
- *Encourage the adoption of sustainable land management practices.*
- *Locate and administer land use development according to the capability of areas to sustain these uses with acceptable environmental impact.*

Community

- *Provide for limited rural living without compromising diversified agricultural activities in the rural hinterland.*
- *Conserve heritage buildings and places.*
- *Identify and protect productive agricultural land and promote opportunities for the continuation of existing and new farming enterprises.*
- *Promote further development and diversification of the tourism industry.*
- *Protect major sources of basic raw materials.*

Infrastructure

- *Ensure standards of infrastructure are provided appropriate to the nature of the use and their locality.”*

It is noted to Council that the Moresby Planning Precinct should not be confused with the Moresby Range land units detailed within the *Local Planning Strategy* at Part 5 – Land Capability (or the Special Control Area outlined above). The Moresby Range land units are not applicable to the lots subject to this application, rather the subject land falls within the Northampton Block land units under the Strategy.

The *Local Planning Strategy* does, however, highlight both the importance of retaining heritage and rural landscape qualities, whilst securing basic raw materials:

“4.4.5 Tourism is a growing industry which is strongly based on the coastal environment, heritage and the rural landscape qualities. The natural resources supporting tourism should continue to be protected, and the quality of the heritage tourism product improved and diversified.

4.5.4 *As basic raw materials are large volume low cost products they are normally sourced locally where required. With much of the Shire relatively undeveloped at this stage the potential for basic raw materials will be for small local quarries and borrow pit to supply a townsite or portion of a road. With the onset of major infrastructure projects in the Midwest Region there is an increasing interest in securing basic raw materials such as hard rock (granite). It is important that these sources are identified, however in the interim, some form of low intensity land use such as agriculture may be appropriate.*

One of LPS strategies, as above, is to “Protect major sources of basic raw materials” has an action to “seek support for the identification of areas of basic raw materials, whilst preserving landscape values”.

Thus, whilst the Moresby Planning Precinct highlights the importance of preserving the visual and environmental landscape features, the use ‘Extractive Industry’ is also considered within the Strategy to be an appropriate use, subject to compliance with other statutory and strategic planning mechanisms.

Local Planning Policy – Extractive Industry (2014)

The primary objectives of this *Local Planning Policy* are to identify Council requirements in relation to the siting and operation of extractive industries, identify conditions of approval that Council may consider placing on a Development Approval for an extractive industry as well as provide a set of advertising requirements and base information to be provided for through the assessment of proposals.

Whilst the proposed use accords with general intent of the Policy a number of points are made in reference to the following clauses:

Clause 4.2.1 states:

“Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, vibration, dust, lightspill, odour, visual intrusion or contamination.”

Council needs to be satisfied that the proposal will not result in unacceptable environmental impacts, in particular, by way of noise, vibration, dust and visual intrusion.

Clause 4.2.3 states:

“Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.”

Council needs to consider if the quarry setback distances to existing and potential land-uses are adequate.

Clause 4.2.4 states:

“Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.”

In considering the proposal, it is recommended Council condition any Development Approval to ensure extraction activities are adequately screened from the road and adjoining properties.

Clause 4.2.6 states:

“Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.”

As the application proposes to utilise Hatch Road for the movement of materials from the site, it is considered appropriate that Council require the applicant to upgrade to a bitumen sealed width of 10 metres and maintain this road throughout the duration of the quarry. Again, consideration needs to be given to the number and frequency of truck movements associated with the operations and the impact that this is likely to have on its local road network.

Clause 4.2.7 states:

“Extractive industry will only be approved where Council is satisfied that the proposal will not negatively impact upon the local road network, including the provision of local bus services.”

The applicant has proposed to create a turn in bay for the local school bus to minimise road conflict. Further negotiation with the applicant has resulted in a condition (subject to approval of the application) that truck movements cease during school bus pick up and drop off times. Once more, Council needs to carefully consider the impacts of the increased operations on their local road network as it is likely that truck movements will negatively impact upon the local road network and North West Coastal Highway.

Clause 4.2.9 states:

“The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year’s duration will be subject to a renewed application for planning approval on an annual basis. For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.”

The Applicant is requesting that Council consider granting an extended Development Approval in the order of 20 years (or a minimum of 10 years) to provide long term protection of the source.

A Local Planning Policy shall not bind Council in respect of any application for Planning Consent but Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

Local Planning Policy – Consultation for Planning Proposals (2014)

Local Planning Policy – Consultation for Planning Proposals states the following advice for the consideration of submissions:

“Matters to be taken into account in the consideration of submissions are outlined as follows but must be based on valid planning grounds:

- a. *Considerations outlined in the relevant town planning scheme, local government policy or strategy;*

- b. *Potential for detrimental impact on the enjoyment of nearby properties from such causes as the affect on views to and from the development site, overshadowing, privacy, noise impact, or the scale, height, external appearance and bulk of proposed new developments;*
- c. *Impact of the proposal on streetscape and the amenity of the locality;*
- d. *Heritage values or significance;*
- e. *The adequacy of access, egress, parking and manoeuvring including disabled access;*
- f. *Traffic generation and probable effect on safety and traffic movement;*
- g. *Removal of, or increased threat to, natural vegetation;*
- h. *The assessed fire hazard appropriate to the land and the proposed new land use and development;*
- i. *Any other environmental consideration including but not limited to potential for soil erosion or land degradation, water quality degradation, or increased environmental risk;*
- j. *Potential loss of any community service or benefit;*
- k. *Adequacy of community and public utility services; and*
- l. *Any other matter relevant to orderly and proper planning.*

A Local Planning Policy shall not bind Council in respect of any application for Planning Consent but Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

It is further noted to Council that the lots subject to this application for Development Approval fall outside the Department of Planning's *Moresby Range Management Strategy (2009)* study area, and therefore not subject to the conservation and management provisions of this strategy.

STRATEGIC IMPLICATIONS:

Nil.

COMMENT:

The proposed standard quarry operations are considered to comply with the *Shire of Northampton Local Planning Scheme No. 10, Local Planning Policy – Extractive Industry*, and the *Shire of Northampton Local Planning Strategy*. Additionally, the applicant has a current Works Approval from the Department of Environmental Regulation (DER). The Environmental Protection Authority (EPA) have determined that, whilst the

proposal raises a number of environmental issues, they are not so severe as to require formal assessment by the EPA, and rather can be dealt with under Part V of the Environmental Protection Act as a Works Approval issued through the DER.

During the advertising period a number of concerns were raised regarding the operation of the hard rock quarry, and these were presented during the advertising period as formal submissions and raised at the meetings with adjoining landowners. These concerns are addressed in further detail below.

Visual Impact and Management

The visual impact of the proposed quarry and the management thereof has been raised as a major concern by adjoining landowners, given the significant landscape amenity of the area. A number of proposed actions to be employed by the applicant, in order to mitigate visual impacts include:

- Constructing screening bunds and planting 5m wide perimeter tree and shrub screens to reduce visual impact where required;
- Stage workings and progressive rehabilitation to provide visual protection;
- Provide progressive rehabilitation of all completed, excavated or disturbed areas (as per rehabilitation example in Appendix 3);
- Locate buildings, plant and stockpiles in areas of low visual impact behind bunds; and
- Locate crushing plant and equipment on quarry pit floor once excavation has commenced.

In accordance with the *Local Planning Policy – Extractive Industry*, it is recommended Council condition any Development Approval to ensure the extraction activities are adequately screened and setback from Hatch and Starling Roads. This is considered to be of high importance given these roads are used not only for local traffic but traffic associated with tourism uses.

Noise/Blast Impacts and Management

The noise impacts of the proposed quarry and the management thereof has been another major concern raised during the advertising period, with the location of the quarry not complying with the EPA buffer guidelines of 1000 metre distances to dwellings. The appropriate managing authority for regulating noise impacts is the Department of Environment Regulation, who impose conditions through their works approval and licensing processes, and who have required the applicant construct strategic noise bunds to attenuate the potential impacts of the reduced quarry

distances, as part of their Works Approval (W4481/2008/1) conditions (refer Appendix 1):

“1.3.2 The Works Approval holder shall construct the initial strategic noise bunds in accordance with condition 1.2.1, and as detailed in Schedule 1.”

Further, the Works Approval requires the applicant implement a complaints management system and submit compliance documentation to the DER in order to fulfill their Works Approval conditions, and to obtain the final DER licenses required to commence operations.

To undertake their noise modelling and assessment, Herring Storer Acoustics were commissioned to carry out an Environmental Noise Assessment. The acoustic assessment of noise emissions recommended management of noise emissions above a ground level of RL115. The control and management recommendation for the standard quarry was as follows:

“Below an RL of 115 we believe that noise emissions will comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

Above an RL of 115 noise emissions require to be managed, by locating the crushing/ screening plant such that the stock piles are to the northwest and an earth-bund, of maximum height of 6 metres, is located on the southern and eastern sides of the plant.”

This noise assessment was considered by the appropriate authority, being the Department of Environment Regulation, who subsequently issued the Works Approval.

The applicant has further proposed to undertake a number of additional measures to mitigate noise for adjoining landowners such as:

- Excavation designed to operate from the floor of the pit behind the western face;
- Scheduling activities to minimise likelihood of noise nuisance;
- Construction of perimeter bunds 5-10 metres high, with higher bunding placed in locations between the quarry activities and the most noise affected/sensitive premises;
- Noise monitoring at closest dwellings to monitor operating noise levels;
- All equipment fitted with noise shields and efficient silencers
- Use of low frequency reversing alarms on plant and machinery if required; and

- Provide appropriate complaints recording, investigation, action and reporting procedures.

Landowners have further expressed concern that the noise modelling mapping as per Appendix 3 is incorrect or inadequate, in particular the measurement of distances from adjacent dwellings and the weather conditions used for modelling. The distances provided by the applicant to the closest dwellings have been verified by Shire staff using mapping software, and it is believed that the discrepancy lies between measurements taken to the position of the bund, rather than to the quarry pit edge (point of noise emission). Further, Herring Storer Acoustics, who undertook the noise modelling for the proposal, have third party accreditation and certification to ISO 9001- Quality Certification, and their modelling results are to the approval of the DER, as per the issuance of Works Approval, and therefore it is considered that the noise modelling is appropriate on this basis.

However, the potential noise impacts that the proposed development may have on adjoining landowners is still considered valid, and therefore in order to adequately reduce these impacts, it is recommended Council condition any Development Approval to require 50m setbacks from the property lot boundaries to the quarry pit boundaries, to ensure that a minimum 500m buffer does occur between the quarry pit edge where noise emissions occur, and the nearest dwellings.

Of further concern with regard to noise emissions, is that the proposed quarry site is within a 1km radius of the State Heritage listed Oakabella Homestead, and as such special blast and noise restrictions will apply. To mitigate the impact of these blast and vibration impacts, the applicant will be required to strictly adhere to the requirements instituted and regulated by the Department of Environment Regulation, in compliance with the Australian Standards for dwellings and heritage buildings. For the purposes of reporting and compliance to these DER regulations, blast monitoring stations are proposed to be located at Oakabella Homestead, and two further monitoring points within the vicinity. Additionally, the State Heritage Office has provided conditions for the appropriate management associated with Oakabella Homestead.

Whilst it is noted that noise management is ultimately the responsibility of the Department of Environment Regulation, it is recommended that Council condition any Development Approval with a requirement to construct perimeter bunds to a minimum height of 8 metres to assist with noise attenuation, and also condition that noise and blast monitoring be undertaken at Oakabella Homestead as well as two further

adjoining landholdings/dwellings, to be determined in consultation with, and to the satisfaction of, the local government.

It is also recommended that Council condition any Development Approval requiring Boral to undertake a structure survey of all adjacent dwellings and other at-risk assets including cement tanks, prior to blasting works commencing. The applicant will be responsible for the repair, maintenance and cost of any damage thereafter incurred as a result of quarrying and blasting activities.

Dust Impacts and Management

The impact of dust from the proposed quarry upon adjoining landowners, and the management thereof, has also been raised as a major concern by adjoining landowners. Dust control and management is regulated under the Mines Safety and Inspection Act 1994 by the Department of Mines and Petroleum, and a Dust Risk Assessment and Management Plan has been provided by the applicant, however this assessment was undertaken in 2008, some eight (8) years ago. The assessment was undertaken using NSW assessment criteria as there were, at the time of the 2008 assessment, no adopted criteria for dust deposition within Western Australia. Environmental consultants, SKM, determined that the air quality criteria for TPS and depositional dust levels were not expected to be exceeded for standard quarry operations and that PM₁₀ levels (i.e. air quality pollutant particles less than 10 microns in diameter) were expected to be exceeded by 3% on one occasion over a five year period. The *Department of Environment Regulation's Air Quality Fact Sheet – Air Quality Monitoring in Geraldton* (July 2016) states that:

"If the exceedance is caused by a fire or dust event and causes the one day average particle standards to exceed normal historical fluctuations and background levels, it is referred to as an exceptional event."

Further the Fact Sheet states that:

"Geraldton [town area] has occasionally exceeded the daily (24 hr) standard of 50 µg/m³ for PM₁₀ since 2006."

The Department of Environment Regulation is currently the regulatory body for air quality monitoring and management, and the applicant has advised that the DER has assessed the dust modelling undertaken by SKM and deemed the site to be compliant with requirements, as is reflected through the issuing and extension of a Works Approval. It is also noted that dust emission provisions are also conditioned in DER license approvals, and regular reporting and immediate reporting of exceedances is required in compliance with those DER regulations.

With regard to the incorrect locations of dwellings in the SKM Dust Assessment, it is agreed that the locations of the two identified dwellings is incorrect, and this therefore has warranted further investigation. It has now been determined by staff that the correct dwelling locations remain outside of the red contour line (for the small scale operations, not the larger proposal which is not applicable to this application). This contour line represents the allowable levels of PM₁₀ and TPS ground level concentrations and maximum monthly deposition levels as per the assessment criteria, and the results are therefore within the acceptable air quality level parameters.

In addition to this, the applicant has stated that they are committed to proactive management of dust emissions, and if dust emissions are found to be occurring due to unfavourable weather conditions, operations will cease until emissions are adequately controlled. It is also noted that a site visit to the Orange Grove rock quarry by the Planning Officer (also owned by the applicant), has confirmed that the company is committed to proactive dust management, with all areas of the quarry and lot that may be subject to dust being wet down regularly, and dust mitigation measures effectively implemented.

Despite dust emission and air quality management being the regulatory function of the DER, it is acknowledged that landowners have genuine concerns regarding dust impacts, and therefore it is recommended that Council condition any Development Approval requiring that the applicant undertake dust monitoring at sensitive locations, with those locations selected to the satisfaction and approval of the local government, and that operations will cease immediately if any exceedance occurs, until such time that emissions can be adequately reduced and controlled.

Water supply and impact on existing groundwater

Another primary concern of local residents is the impact of the quarry operations upon the water supply in the immediate locality. Concerns have been raised regarding the loss of groundwater resources and water quality. Several landowners in the vicinity of the proposed quarry rely upon groundwater bores for their non-potable water supplies. It is noted that the appropriate regulatory authority for water management is the Department of Water, who were consulted during the advertising period of this proposal. Their advice did not reference any groundwater supplies, or express a concern for the preservation of such supplies, or cite any objection to the proposal on this basis. The Department did instead state that it was a requirement for the applicant to apply for the relevant Section 5C License to Take Groundwater, should groundwater be required.

Further, the applicant has stated in its correspondence that no dewatering activities will occur as a result of the quarry operations, and that a combination of bore use

(within DoW licensing parameters), water harvesting and water carting will likely be used to address water requirements on-site. The applicant has further advised that no noticeable water or inflows were intersected during the investigative drilling program, and due to the tight and impermeable nature of the rock, it is unlikely that groundwater sources will be impacted.

Despite the groundwater management being the regulatory function of the Department of Water, it is acknowledged that adjoining landowners are reliant upon the provision of adequate water resources from their groundwater bores, and it is therefore recommended that Council condition any Development Approval requiring that the applicant be responsible, at its expense, to remedy any off-site water impacts that its quarrying activities may incur upon adjoining landholdings, to the satisfaction of the Local Government.

Road Access and Safety

The quarry is proposed to be accessed via Hatch Road, which is currently a gravel road maintained by the Northampton Shire Council. Loaded trucks exiting Lot 29 onto Hatch Road will be required to initially haul for a stretch of road uphill in an area with short sight lines and visibility, creating a potential hazard for other road users. The number of traffic movement along Hatch Road has not been recorded, however there are a number of landholdings whose primary access road to North West Coastal Highway is via Hatch Road.

Clause 4.2.6 of *Local Planning Policy – Extractive Industry* states:

“Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.”

As the Application proposes to utilise Hatch Road for the movement of materials from the quarry, and Council is the responsible authority for the management and maintenance of this road, it is considered appropriate that Council require assistance to upgrade and maintain it throughout the duration of the quarry life. Appropriate conditions should be placed on any Development Approval securing the upgrading and maintenance of Hatch Road to a 10 metre sealed road, spanning the length from the intersection of Hatch Road and the North West Coastal Highway, to 100 metres past the entry point of the quarry site, with all costs to be met by the proponent.

Further, it is considered that the short sight lines and slow truck speeds pose an unacceptable level of risk to other road users, and it is therefore recommended that a condition be placed on any Development Approval that the applicant be required to further widen this section of Hatch Road adjacent to the quarry entry/exit point, to allow a slip lane for slow moving trucks along the first uphill stretch heading eastward towards the highway, with all costs to be met by the proponent.

Similarly, trucks entering the North West Coastal Highway pose a potential risk to road users, and as such, the Department of Main Roads has listed a number of conditions to be placed upon a Development Approval, including requiring the upgrading of the intersection of Hatch Road and the Highway.

School bus access and safety has also been raised as a major concern during the advertising and consultation period. Clause 4.2.7 of *Local Planning Policy – Extractive Industry* states:

“Extractive industry will only be approved where Council is satisfied that the proposal will not negatively impact upon the local road network, including the provision of local bus services.”

Boral is proposing to create a turn in bay for local school buses to mitigate road use conflict. The proponent has also stated that they will work with the local community to ensure that the operations do not negatively impact upon the local bus service and the safety of its users. Upon further negotiation with the applicant, it is proposed that truck movements from the quarry could cease during designated school bus drop off and pick up times to alleviate this road use conflict and enhance the safety of local school children.

A further issue raised in terms of road access is the proposed road closures whilst blasting occurs at the quarry. Boral’s requirement to close Starling and Hatch Roads during blasting operations will be for relatively short durations (no longer than 15 minutes) and the blasts are proposed to occur up to ten (10) times per year. The applicant is aware of the requirement of tour bus/tourist access to Oakabella Homestead, and management of the blast schedule can be determined in line with their tour times and prevailing weather conditions. Additionally, the applicant has agreed that they will institute emergency management practices to delay blasting, and allow vehicular passage, in the event of a life-threatening emergency. As such, an appropriate condition and advice note should be placed on any Development Approval requiring the proponent to coordinate blasting in agreement with adjoining landowners and businesses such as Oakabella Homestead as well as the local government, and not to unnecessarily interfere or inhibit the passage of emergency services or other vehicles in the case of a life-threatening emergency.

Pre-coating of crushed granite

Landowner representatives expressed concern regarding the practice of “spraying” crushed rock with a pre-coating material during stockpiling. Upon discussions with the applicant’s Environmental Specialist, and an inspection of this pre-coating process by the Shire’s Planning Officer at the Orange Grove quarry, it is advised that the pre-coating of rock is contained within specialised plant equipment, and does not pose any risk to adjoining landowners with regard to airborne chemicals or spray drift.

Buffer Areas and Setback Distances

As previously stated, adjoining landowners have cited that the development proposal yields inappropriate setbacks to the rock quarry.

Clause 4.2.3 states that:

“Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.”

There is no prescribed statutory setback or buffer distances for quarry activities other than the recommended distances under the Environmental Protection Policy in consideration of noise and dust, and the mandatory setback provisions of the ‘General Rural’ zone detailed in the Shire’s Local Planning Scheme No. 10, being 20 metres from the front and rear boundaries, and 10 metres from any side boundary.

A required setback to the quarry pit edge of 50 metres from the frontages to Hatch and Starling Roads is considered to be appropriate, with adequate screening provided through the use of perimeter bunds and vegetation screening, to both screen the development from view of the roads and ensure 500 metre buffer distances from dwellings. Whilst a 500 metre buffer may be considered in close proximity, it is noted that the operations at Boral’s Golden Grove quarry pit operates with a 500 metre buffer of residences yet has maintained compliance with all regulatory requirements of the Department of Environment Regulation in terms of noise and dust emissions for the period of its operation.

Citation of Local and Regional Planning Documents in relation to the proposal

A number of concerns have been raised by landowners that the proposal does not act in accordance with the proper planning of the locality. It is noted that a number of

errors in relation to the citation of local and regional planning documents have been made, as follows:

- *Local Planning Strategy*- Concerned residents have cited that land between the North West Coastal Highway and Jackson Road are designated as Rural Smallholdings. It should be clarified that the Strategy does identify these landholdings for potential Rural Smallholdings, and potentially allow subdivision for future development, however under the Local Planning Scheme No. 10 (which has statutory authority over the *Local Planning Strategy*) lots are currently zoned 'General Rural' and any rezoning to 'Rural Smallholdings' would require individual landowners within the locality to apply for a Scheme Amendment, and further, they would be required to achieve a number of criteria, as per Appendix C of the *Strategy*:

"The following criteria should be used to assist in determining the suitability of land to accommodate rural smallholdings and rural residential rezoning and subdivision.

Will the land:

(a) be located in an area where further settlement is recommended by the Local Planning Strategy?

(b) be contiguous to similar development wherever possible and not result in unplanned and isolated developments throughout agricultural areas?

(c) be accessible to urban services and employment opportunities?

(d) be suitable based on an assessment of the demand for, and availability of:

- *road access;*
- *reticulated water (where required);*
- *electricity;*
- *telecommunications; and*
- *basic community services?*

(e) avoid significant agricultural land and incorporate appropriate buffers to protect significant land?

(f) avoid individual lot access on to highways and major roads?

(g) avoid areas with prospects for mining or extraction of basic raw materials?

(h) avoid areas that are environmentally sensitive?

(i) avoid land at risk of land or water degradation with regards to flooding, soil erosion, salinity or any other form of environmental degradation?

(j) avoid impact on scenic landscape, conservation and heritage attributes?

(k) avoid important natural resources, areas of high bush fire risk or environmental sensitivity?

(l) be of fair to high land capability to sustain the proposed land use?"

As per the *Local Planning Strategy*, proposals to rezone land from 'General Rural' to 'Rural Smallholdings' must be consistent with the above criteria, of which one criteria is to avoid areas with prospects for mining or extraction of basic raw materials.

Additionally, landowners have incorrectly cited excerpts of the Strategy in relation to the Moresby Range land units. It is noted that the lot in question does not fall within this stated land unit area, rather it falls within the land unit area known as 'Northampton Block' and therefore the information is not applicable.

Further, residents have cited that the granite deposit is not located upon the Basic Raw Materials Map of the Local Planning Strategy, and is therefore not identified as a major resource. With regard to this, the Strategy states:

"4.5.4 A wide variety of basic raw materials of hard rock, limestone, sand and gravel occur in the Shire and must be protected to ensure their staged utilisation in the future development of the region. Although specific major sources of basic raw materials within the Shire cannot be delineated on current available information an indication of the resources is shown on Figure 3."

Thus, figure 3, being the Basic Raw Materials Map, is acknowledged within the Strategy text as being only an indication of raw material resources.

- *Moresby Range Management Plan*- Residents have also referred to information contained within this Regional planning document, however the subject land again does not fall within the study area of this Management Strategy, and therefore is not applicable to this application.

Timeframe for Quarry Operation

The applicant has requested that Council consider granting an extended Development Approval in the order of 20 years (or at minimum 10 years) to provide long term protection of the source. In terms of large scale mining operations Council may entertain an extended period of approval based upon the individual merit. Given the sensitivity of the proposal and the surrounding future land use opportunities for ‘Rural Smallholdings’ within the *Local Planning Strategy*, it is recommended that Council only grant approval for a maximum of 10 years.

VOTING REQUIREMENT:

Absolute Majority Required: No.

CONCLUSION:

It is recommended that Council grant conditional development approval to the proposed Extractive Industry – Hard Rock Quarry on Lots 29, 52 & 7890 (No. 199) Hatch Road, Bowes, as per the following recommendation:

OFFICER RECOMMENDATION – ITEM 6.3.4	APPROVAL
<p>That Council grant formal development approval for the establishment of an Extractive Industry upon Lots 29, 52 & 7890 Hatch Road, Bowes subject to compliance with the following conditions:</p>	
<ol style="list-style-type: none"> <li data-bbox="365 1354 1429 1522">1. Development shall be in accordance with the received Management Plan for a standard quarry only, and shall be subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed Management Plan shall not be modified or altered without the prior written approval of the Local Government; <li data-bbox="365 1543 1429 1648">2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years after the date of determination, the approval shall lapse and be of no further effect. <li data-bbox="365 1669 1429 1827">3. This approval authorises the use of Lots 29, 52 & 7890 Hatch Road, Bowes for the purposes of Extractive Industry to continue for a period of 10 years from the date of the planning approval, (any extension beyond this time will require the further consideration of Council); 	

4. The development is restricted to excavating a maximum of 200,000 tonne of product per year;
5. A setback distance of 50 metres to the quarry pit shall be maintained from the road frontages to Hatch and Starling Roads and to any rivers or creeklines within the vicinity of the quarry, with a 5.0m wide tree planting program being established within the 50 metre setback area around the external perimeter of the proposed quarry within 12 months from commencement of works on-site;
6. The proponent is to install and maintain appropriate fencing around the perimeter of the proposed quarry which is compatible with the scenic rural nature of the adjoining land, to the approval of the Local Government;
7. The permitted hours of operation for the development, inclusive of the on-site operation of the Extractive Industry and all associated vehicle movements, shall be:

Monday to Saturday – 7:00am to 5:00pm;
Sundays and Public Holidays – no operations.

Permitted hours for blasting is between 9:00am to 2:00pm
8. The proponent is to submit and adhere to a Bushfire Management Plan prepared to the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* to the approval of the Local Government prior to commencement of works onsite;
9. The location, design, construction and maintenance of the intersection (and approaches to the intersection) of Hatch Road and the North West Coastal Highway shall be to the approval of Main Roads WA and the Local Government, with all costs to be met by the proponent;
10. The installation of warning/safety signage along North West Coastal Highway and Hatch Road to the approval of Main Roads WA and the Local Government, with all costs to be met by the proponent;
11. The applicant shall upgrade Hatch Road to a minimum bitumen seal of 10 metre width from the intersection of Hatch Road and the North West Coastal Highway to a minimum distance of 100m past the entry point of the quarry site, with the provision of a slip lane adjacent to the quarry exit point, with all costs to be met by the proponent;
12. The proponent is to contribute to the maintenance of Hatch Road by way of a negotiated/agreed annual payment to the Local Government based on the number of 'loaded truck' truck movements. The agreement is to be prepared by the Local Government's appointed Solicitor at the proponent's expense;
13. Arrangements being made with the Local Government for the upgrading of Elephant Hill Lookout loop road to match new Hatch Road profile;

14. Arrangements being made with the Local Government and Main Roads WA for the construction of a turn-in bay for the School Bus operating along North West Coastal Highway as shown upon the Management Plan;
15. The applicant shall cease all truck movements along Hatch Road from or to the quarry during designated school bus drop off and pick up times;
16. The crossover between the property gates and Hatch Road pavement shall be constructed to a bitumen standard consistent with the road surface and in accordance with Local Government specifications, with all costs to be met by the proponent;
17. The construction and maintenance of the internal roads and vehicle manoeuvring areas shall be to the approval of the Local Government, with all costs to be met by the proponent;
18. The car parking area adjacent to the site office shall be constructed to a compacted gravel standard and suitably drained in accordance with Local Government specifications;
19. The proposed site office shall be connected to a potable drinking water supply based on rainwater catchment with a minimum storage capacity to be determined in liaison with the local government;
20. The proposed site office shall be connected to an on-site effluent disposal system that is located, designed and installed to the approval of the Local Government;
21. A building permit for the proposed office shall be issued by the local government prior to installation;
22. The proponent is to implement and maintain reporting mechanisms and monitoring for noise and dust (and other) complaints throughout the duration of the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the Local Government and the Department of Environment Regulation. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan;
23. A copy of all complaints and the associated response(s) are to be provided to the Local Government for its information and records;
24. Reports relating to the monitoring of noise and dust emissions are to be forwarded to the Local Government every 3 months for its information and records;
25. Perimeter bunding is to be constructed to a minimum of 8m in height and is to be installed prior to the commencement of the Extractive Industry and thereafter

- maintained to the approval of the Local Government and the Department of Environment Regulation;**
- 26. The crusher shall be located in the floor of the excavation cell and not at ground level to reduce noise and dust emissions, once it is practicable to do so;**
- 27. Noise auditing is to be undertaken, with all costs to be met by the proponent, in accordance with the following:**
- (a) A noise audit is to be undertaken which includes noise monitoring and acoustic analysis at locations determined by the local government including Oakabella Homestead and two other nearby locations, to assist in ensuring the development's compliance with the Environmental Protection (Noise) Regulations 1997;**
- (b) A noise audit is to be undertaken at the commencement of operations upon the site, following the construction phase of the development;**
- (c) Should a noise audit recommend that any measure(s) require to be undertaken by the proponent to reduce any noise level or impact, the proponent shall comply with any such recommendation, with all costs to be met by the proponent and all works at the site are to cease until the noise level breach has been resolved;**
- (d) This condition does not prevent the Local Government from requiring the proponent to undertake additional noise audits, acoustic analysis or noise measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (e.g. construction of new dwellings within 1000m of the site).**
- 28. The proponent is to undertake off-site dust monitoring at sensitive premises as directed by the local government with all costs to be met by the proponent;**
- 29. Should dust emission levels at monitoring locations at any time exceed the requirements of the DER regulations as a result of quarrying activities, operations shall cease immediately, until such time that emissions are reduced to acceptable levels, to the satisfaction of the DER;**
- 30. All buildings and at-risk structures, including cement tanks, within a 1,500m radius of the quarry site, are to be inspected by a structural engineer and a subsequent detailed report provided to each landowner and the Local Government prior to commencement of blasting operations, to the approval of the Local Government, at the expense of the proponent;**
- 31. In the event that damage is caused to any of the inspected buildings and at risk structures in association with the operations of the Extractive Industry, the**

damage shall be repaired at the expense of the proponent to the satisfaction of the Local Government;

- 32. In the event of damage to Oakabella Homestead or its associated outbuildings, the proponent shall cease blasting and engage a structural engineer with proven heritage experience to undertake an assessment. In the event that damage has occurred, the proponent shall engage a heritage architect to restore and repair any damage, with such works referred to the Office of Heritage prior to the commencement of these works;**
- 33. Local plant species, or similar native varieties, shall be selected and used for the rehabilitation of quarry benches, and for all vegetative plantings within the lot boundaries, and rehabilitation shall be in accordance with the endorsed Management Plans;**
- 34. The applicant shall take all reasonable measures to ensure that road closures for blasting activities do not interfere with the passage of emergency vehicles or other vehicles in the event of a life-threatening situation;**
- 35. The timing of road closures of Hatch and Starling Roads for blasting activities shall be determined in consultation with, and to the approval of, the Local Government's Chief Executive Officer and notification shall be given to adjoining landowners and local road users, with a minimum of seven days notice by way of written notification;**
- 36. Should the operation of the Extractive Industry cause any off-site water impacts, the proponent shall be responsible at its expense to remedy the situation to the satisfaction of the Local Government;**
- 37. Post closure requirements shall become applicable upon the earlier of the following events:**
 - (a) acknowledgement by the proponent that extractive activities are completed; or**
 - (b) (unless the proponent obtains a fresh development approval for the extractive industry) the Local Government advises that it deems the extractive industry to have been effectively completed.**

Advice Notes:

- i. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.**
- ii. In relation to Condition 9, the proponent is required to submit to Main Roads WA a Traffic Assessment based on the WA Planning Commissions *Transport Impact Assessment Guidelines* to guide the necessary requirements for the upgrade of the intersection.**

- iii. In relation to condition 36, the CEO may only so deem where the local government has sought in writing Documented Proof of Continuance from the last-known operator (copied to the owner), and such Documented Proof has not been provided within 3 months of being requested. It is the proponent's responsibility to keep Documented Proof.
- “Continuance” for the purpose of this clause means that the cartage of extracted material from the site has not fallen below 50 truckloads in each year for the period of two years preceding the local government seeking Documented Proof of Continuance.
- “Documented Proof” means cartage records or the like containing at least the following details:
- (a) the date of cartage;
 - (b) the approximate volume of cartage;
 - (c) the destination of cartage;
 - (d) if the operator owned the truck used, the registration number and driver of the truck, the destination and the customer; and
 - (e) if the operator did not own the truck used, the business to which the truck belonged.
- No person shall forge or falsely modify records documents for the purpose of creating or facilitating Documented Proof.
- iv. The clearing of remnant vegetation is to be in accordance with the requirements of the Department of Environment Regulation;
- v. The applicant is advised that the local government strongly supports the formation of a Community Reference Group guided by an independent facilitator to minimise potential conflicts between community and operations e.g. appropriate timing for road closures associated with blasting operations;
- vi. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the responsibility of the proponent to obtain any additional approvals required before the development/use lawfully commences;
- vii. Weed Management standards and ongoing monitoring are to be undertaken by the proponent to the satisfaction of the Department of Agriculture and Food WA;
- viii. A Section 5C ‘Licence to Take Groundwater’ is required if groundwater is being used from the existing bore or other water source on-site or other groundwater well off-site;
- ix. Any damage to the road pavement of North West Coastal Highway, including the surface, by reason of use of the road in connection with the development is

to be repaired to the approval of Main Roads WA with all costs to be met by the proponent

- x. If an applicant is aggrieved by this determination, there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.**

APPENDIX 1. DEPARTMENT OF ENVIRONMENT REGULATION WORKS APPROVAL DOCUMENTATION



Government of Western Australia
Department of Environment Regulation

Works Approval

Environmental Protection Act 1986, Part V

Works Approval Holder: Boral Resources (WA) Ltd

Works Approval Number: W4481/2008/1

Registered office: 63-69 Abernathy Road
BELMONT WA 6104

ACN: 008 686 904

Premises address: Northampton Hardrock Aggregate Quarry
Lot 29 on Plan 232355, Lot 52 on Plan 138083, and Lot 7890 on Plan
143950 Hatch Road
BOWES WA 6535
as depicted in Schedule 1.

Issue date: Thursday, 17 September 2009

Commencement date: Thursday, 24 September 2009

Expiry date: Sunday, 23 September 2018

The following category/s from the *Environmental Protection Regulations 1987* cause this Premises to be a prescribed premises for the purposes of the *Environmental Protection Act 1986*:

Category number	Category description	Category production or design capacity	Approved premises 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.	50,000 tonnes or more per year	200,000 tonnes per annual period

Conditions

This Works Approval is subject to the conditions set out in the attached pages.


.....
Alana Kidd
Manager - Licensing (Resource Industries)
Officer delegated under section 20
of the *Environmental Protection Act 1986*



Works Approval Conditions

1 General

1.1 Interpretation

1.1.1 In the Works Approval, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 In the Works Approval, unless the contrary intention appears:

'Act' means the *Environmental Protection Act 1986*;

'annual period' means the inclusive period from 24 September until 23 September in the following year;

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purpose of correspondence means:
Chief Executive Officer
Department Administering the Environmental Protection Act 1986
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au

'construction work' has the same meaning as described in the *Environmental Protection (Noise) Regulations 1987*;

'Premises' means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Works Approval;

'Schedule 1' means Schedule 1 of this Works Approval unless otherwise stated;

'Works Approval' means this Works Approval numbered W4481/2008/1 and issued under the Act; and

'Works Approval Holder' means the person or organisation named as the Works Approval Holder on page 1 of the Works Approval.

1.1.3 Any reference to an Australian or other standard in the Works Approval means the relevant parts of the standard in force from time to time during the term of this Works Approval.

1.1.4 Any reference to a guideline or code of practice in the Works Approval means the current version of the guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guidelines or code of practice made during the term of this Works Approval.

1.2 General conditions

1.2.1 The Works Approval Holder shall construct the works in accordance with the documentation detailed in Table 1.2.1:



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Department of **Environment Regulation**

Table 1.2.1: Construction Requirements¹

Document	Parts	Date of Document
Works Approval Application Form	All	4 September 2008
Mining Proposal: Granite Hardrock Excavation, Lots 29, 52 and 7890 Hatch Road Bowes, Shire of Northampton, August 2008, Boral Resources (W.A.) Limited;	All, including Drawings and Appendices	August 2008
Mining Proposal: Granite Hardrock Excavation, Lots 29, 52 and 7890 Hatch Road Bowes, Shire of Northampton, Part 2 Appendices, August 2008, Boral Resources (W.A.) Limited	All, including Drawings and Appendices	August 2008
Email Transmittal dated 13 August 2009, titled 'Proposed Boral Hard Rock Quarry, Northampton Response to DEC Queries', Tim Reynolds	All	13 August 2009
Department of Environmental Regulation Form P4: Application to transfer or amend a licence, works approval or registration, Boral Resources (WA) Ltd	All	19 June 2015

Note 1: Where the details and commitments of the documents listed in condition 1.2.1 are inconsistent with any other condition of this works approval, the conditions of this works approval shall prevail.

1.3 Premises operation

- 1.3.1 The Works Approval holder shall only undertake construction work at the Premises between the hours of 0700 to 1900 hours Monday to Saturday (excluding Public Holidays).
- 1.3.2 The Works Approval holder shall construct the initial strategic noise bunds in accordance with condition 1.2.1, and as detailed in Schedule 1.

2 Information

2.1 Records

- 2.1.1 The Works Approval Holder shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

2.2 Reporting

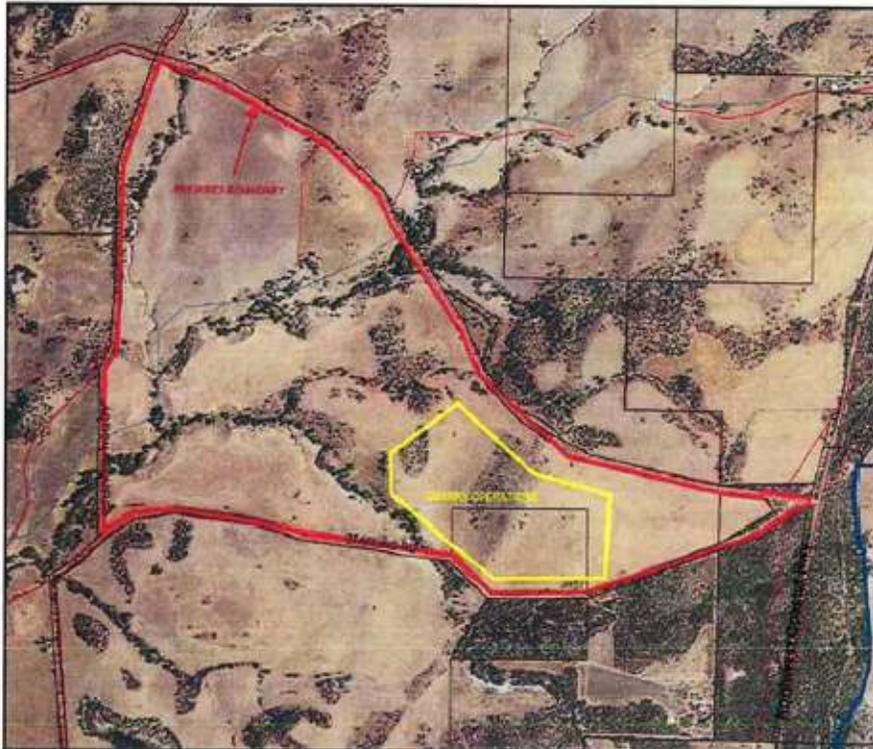
- 2.2.1 The Works Approval Holder shall submit a compliance document to the CEO, following the construction of the works and prior to commissioning of the same.
- 2.2.2 The compliance document shall:
- certify that the works were constructed in accordance with the conditions of the Works Approval; and
 - be signed by a person authorised to represent the Works Approval Holder and contain the printed name and position of that person within the company.



Schedule 1: Maps

Premises map

The Premises is shown in the map below. The red line depicts the Premises boundary.





Government of Western Australia
Department of Environment Regulation

Map of noise bunds

The location of the strategic noise bunds defined in condition 1.3.2 are shown below.





Government of Western Australia
Department of Environment Regulation

Decision Document

Environmental Protection Act 1986, Part V

Proponent: Boral Resources (WA) Ltd

Works Approval: W4481/2008/1

Registered office: 63-69 Abernathy Road
BELMONT WA 6104

ACN: 008 686 904

Premises address: Northampton Hardrock Aggregate Quarry
Lot 29 on Plan 232355, Lot 52 on Plan 138083, and Lot 7890 on Plan 143950
Hatch Road
BOWES WA 6535

Issue date: Thursday, 17 September 2009

Commencement date: Thursday, 24 September 2009

Expiry date: Sunday, 23 September 2018

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue an amended Works Approval. DER considers that in reaching this decision, it has taken into account all relevant considerations and that the Works Approval and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Paul Anderson
Licensing Officer

Decision Document authorised by: Alana Kidd
Manager - Licensing (Resource Industries)



Government of **Western Australia**
Department of **Environment Regulation**

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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

2 Administrative summary

Administrative details					
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input type="checkbox"/> Works Approval amendment <input checked="" type="checkbox"/>				
Activities that cause the premises to become prescribed premises	<table border="1"> <thead> <tr> <th>Category number(s)</th> <th>Assessed design capacity</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>200,000 tonnes per annual period</td> </tr> </tbody> </table>	Category number(s)	Assessed design capacity	12	200,000 tonnes per annual period
Category number(s)	Assessed design capacity				
12	200,000 tonnes per annual period				
Application verified	Date: N/A				
Application fee paid	Date: N/A				
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>				
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>				
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Commercial-in-confidence claim outcome					
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>				
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Ministerial statement No: EPA Report No:				
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				



Government of **Western Australia**
Department of **Environment Regulation**

Is the Premises within an Environmental Protection Policy (EPP) Area Yes No

If Yes include details of which EPP(s) here.

Is the Premises subject to any EPP requirements? Yes No

If Yes, include details here, e.g. Site is subject to SO₂ requirements of Kwinana EPP.

3 Executive summary of proposal and assessment

Boral Resources (WA) Ltd (Boral) was issued Works Approval W4481/2008/1 on the 24 September 2009 for the Northampton Hardrock Aggregate Quarry.

Boral applied on the 7 September 2012 to have their Works Approval amended by extending the expiry date for a further three years. The Works Approval was amended with a new expiry date of 23 September 2015.

Boral has again applied for a further three year extension to the expiry date of their Works Approval. The new expiry date will be the 23 September 2018. At the time of this amendment application, no works have been undertaken at the Premises.

No changes to the original application are proposed and this amendment only relates to an extension to the expiry date. DER has not re-assessed the acceptability or impacts of emissions and discharges from the Premises. Where conditions have been added or removed from the existing Works Approval these are justified in Section 4.

DER has determined that there are no issues resulting from this amendment that require restricting the extension of Works Approval W4481/2008/1 for an additional three years.

The Works Approval Holder does not currently hold a Licence for the Project and are advised to apply to DER prior to the completion of commissioning.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	W1.2.1 Licence conditions proposed	<p>Construction Condition 1.2.1 replaces condition 1 from the previous Works Approval. Additional definitions have been included in the interpretation section.</p> <p>Operation A condition to ensure all pollution and monitoring equipment is operated and maintained in accordance with the manufacturer's specifications is proposed in the Licence. A condition requiring recovery or removal and disposal of spills of environmentally hazardous materials outside an engineered containment system is proposed in the Licence. A condition for the treatment of contaminated stormwater prior to discharge, and implementation of measures to prevent stormwater becoming contaminated, is proposed for the Licence.</p>	<p>Application supporting documentation</p> <p>General provisions of the <i>Environmental Protection Act 1986</i>.</p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.</p>



Government of **Western Australia**
Department of **Environment Regulation**

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Premises operation	W1.3.1 and W1.3.2 Licence conditions proposed	Construction Condition 1.3.1 replaces condition 2 from the previous Works Approval. Condition 1.3.2 replaces condition 3 from the previous Works Approval. Operation Conditions that relate to restricted operational hours and days of the Premises are proposed in the Licence.	Application supporting documentation General provisions of the <i>Environmental Protection Act 1986</i> .
Information	W2.1.1 W2.2.1 to W2.2.2 Licence conditions proposed	Construction Condition 2.1.1 replaces condition 4 from the previous Works Approval. Conditions 2.2.1 and 2.2.2 replace condition 5 from the previous Works Approval. Operation Reporting and notification conditions are proposed for the Licence.	Application supporting documentation General provisions of the <i>Environmental Protection Act 1986</i> .
Duration	N/A	DER has determined that there are no issues resulting from this amendment that require restricting the extension the Works Approval W4481/2008/1 for a further three years. The new expiry date will be 23 September 2018.	N/A



Government of Western Australia
Department of Environment Regulation

5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
10/9/2015	Proponent sent a copy of draft instrument (21 day letter package)	Waiver form received. No comments	-



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Department of **Environment Regulation**

6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High

APPENDIX 2. CORRESPONDENCE FROM ENVIRONMENTAL PROTECTION AUTHORITY



Environmental Protection Authority

3/10/08
The Attorney
Level 8, 168 St Georges Terrace, scanned
Perth, Western Australia 6000.
Telephone: (08) 6364 6800.
Facsimile: (08) 6467 5557.
Postal Address: Locked Bag 33, D.O.
Cloisters Square, Perth, Western Australia 6850. W.M.
Website: www.epa.wa.gov.au D.L.
L.S.

Ms A Latta
Environmental Coordinator
Boral Resources (WA) Ltd
PO Box 268
BELMONT WA 6984

Our Ref CRN221789
Enquiries Kaylene Carter

Dear Ms Latta

PROPOSAL: Granite hardrock excavation
LOCATION: Lots 29, 52 and 7890 Hatch Road
LOCALITY: Bowes
PROPONENT: Boral Resources (WA) Ltd
ASSESSMENT: Not Assessed - Managed under Part V of EP Act (Works Approval)

Thank you for your letter of 12 September 2008 referring the above matter to the Environmental Protection Authority (EPA).

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so severe as to require formal assessment by the EPA, and the subsequent setting of formal conditions by the Minister for the Environment.

Nevertheless, you are advised that your project may require a Works Approval and/or a Licence under Part V of the *Environmental Protection Act (1986)*. Please contact your local Department of Environment and Conservation on 8921 5955 to determine your obligations under Part V of the Act, if you have not already done so.

It should be noted that construction cannot commence until the Works Approval has been issued and approval from other decision-making agencies has been obtained. If this proposal involves the construction of a wastewater treatment plant, approval is required to be gained from the Executive Director Public Health, via the Local Authority.

Some members of the public may have preferred that the EPA undertake a formal assessment of the proposal. By law they have a 14-day period, closing 10 November 2008, during which, on payment of the \$10 appeal fee, they may ask the Minister to consider directing the EPA to conduct a formal assessment.

Please contact the Appeals Convenor's office on 9221 8711 after the closing date of appeals to check whether any appeals against level of assessment were received.

The information received regarding your proposal will be made publicly available on request. At the referral stage of the environmental impact assessment process, your attention was drawn to section 39(2) of the *Environmental Protection Act (1986)* (EP Act), which provides for a proponent to request that matters of a confidential nature not be kept on the public record. If you believe any part of the proposal information relates to a manufacturing process or trade secret which is commercially confidential and should not be publicly available, please contact Anna Bogdanowski on 6467 5418 no later than 3 working days after the date of this letter. Any such request should be confirmed in writing.

Yours sincerely

Mark Jeffries

Mark Jeffries
A/Director
Environmental Impact Assessment Division
27 OCT 2008

Debbie Carson

From: Richard Sutherland [Richard.Sutherland@epa.wa.gov.au]
Sent: Tuesday, 13 September 2016 10:21 AM
To: Debbie Carson
Cc: Robert Hughes
Subject: Boral Quarry - Hatch Rd Query

Hi Debbie

In regard to your query, I can advise that the proposal for the Granite hardrock excavation on Lots 28, 52 and 7890 Hatch Road, Bowes was referred to the Environmental Protection Authority (EPA) in September 2008. This meant that the EPA was required to determine whether the proposal required environmental assessment under the *Environmental Protection Act 1986* (EP Act).

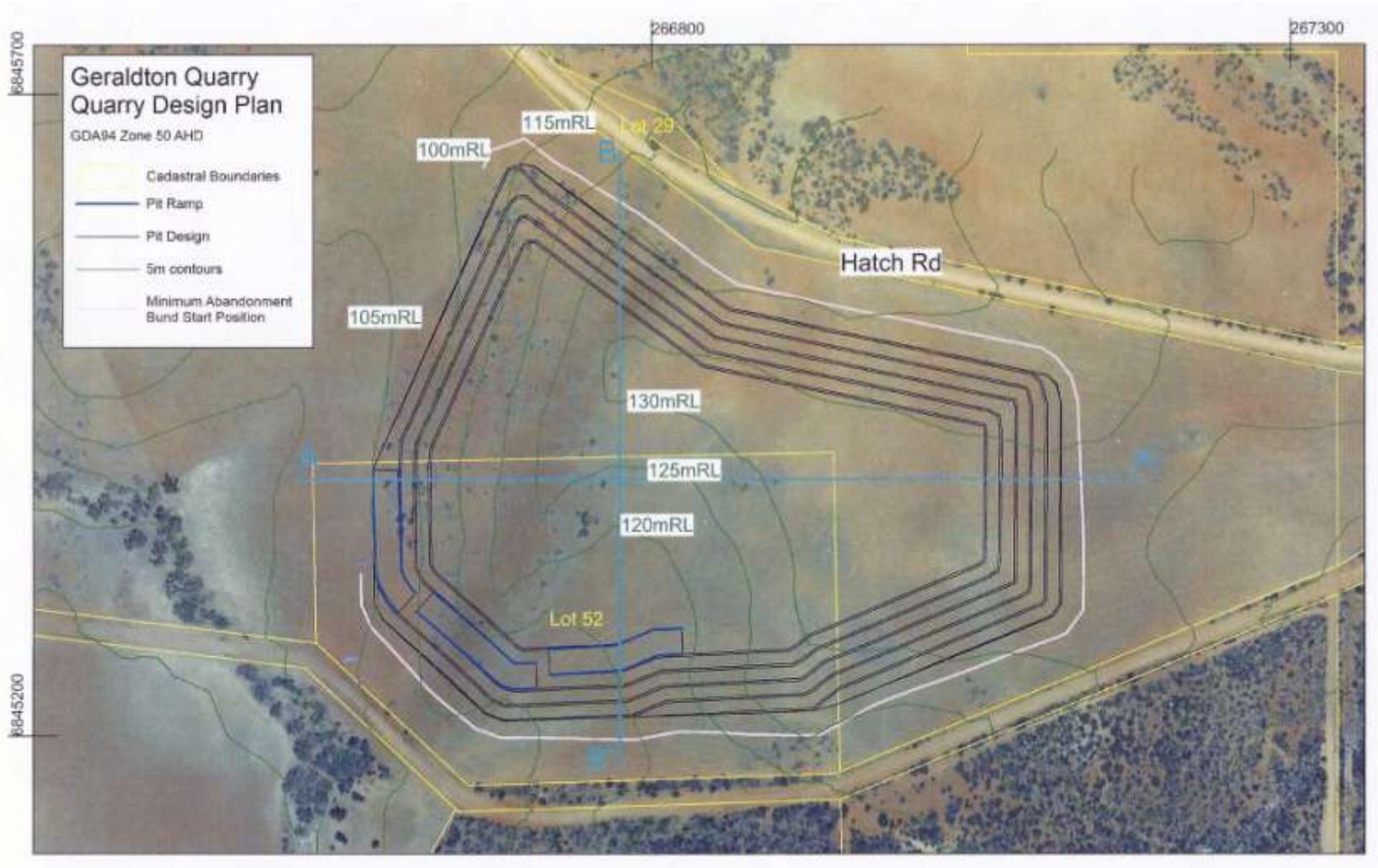
After consideration of the referral information, the EPA set the 'level of assessment' at "Not Assessed – Managed under Part V of the EP Act (Works Approval) in October 2008. Under section 38 (5j) of the EP Act, a proposal cannot be referred to the EPA more than once, and as such, the EPA's involvement with this proposal has been completed.

regards

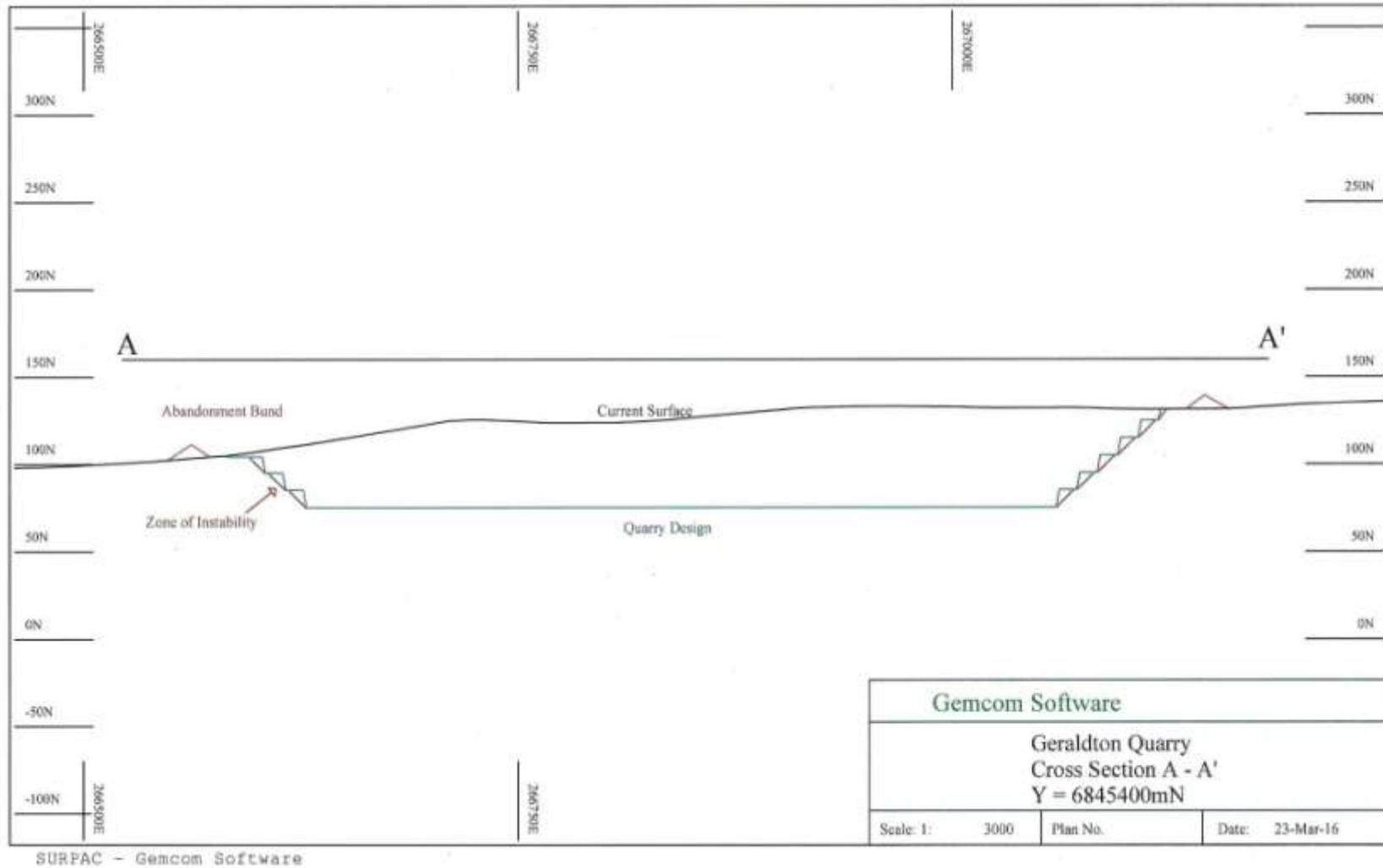
Richard Sutherland
Principal Environmental Officer, Mining and Industrial Assessments (South)
Assessment and Compliance Division
Office of the **Environmental Protection Authority**
The Atrium, Level 8, 168 St Georges Terrace, Perth
Locked Bag 10, East Perth WA 6892
Direct: 08 6145 0834 | reception: 08 6145 0800 | fax: 08 6145 0895
Email: richard.sutherland@epa.wa.gov.au | web: www.epa.wa.gov.au

APPENDIX 3.

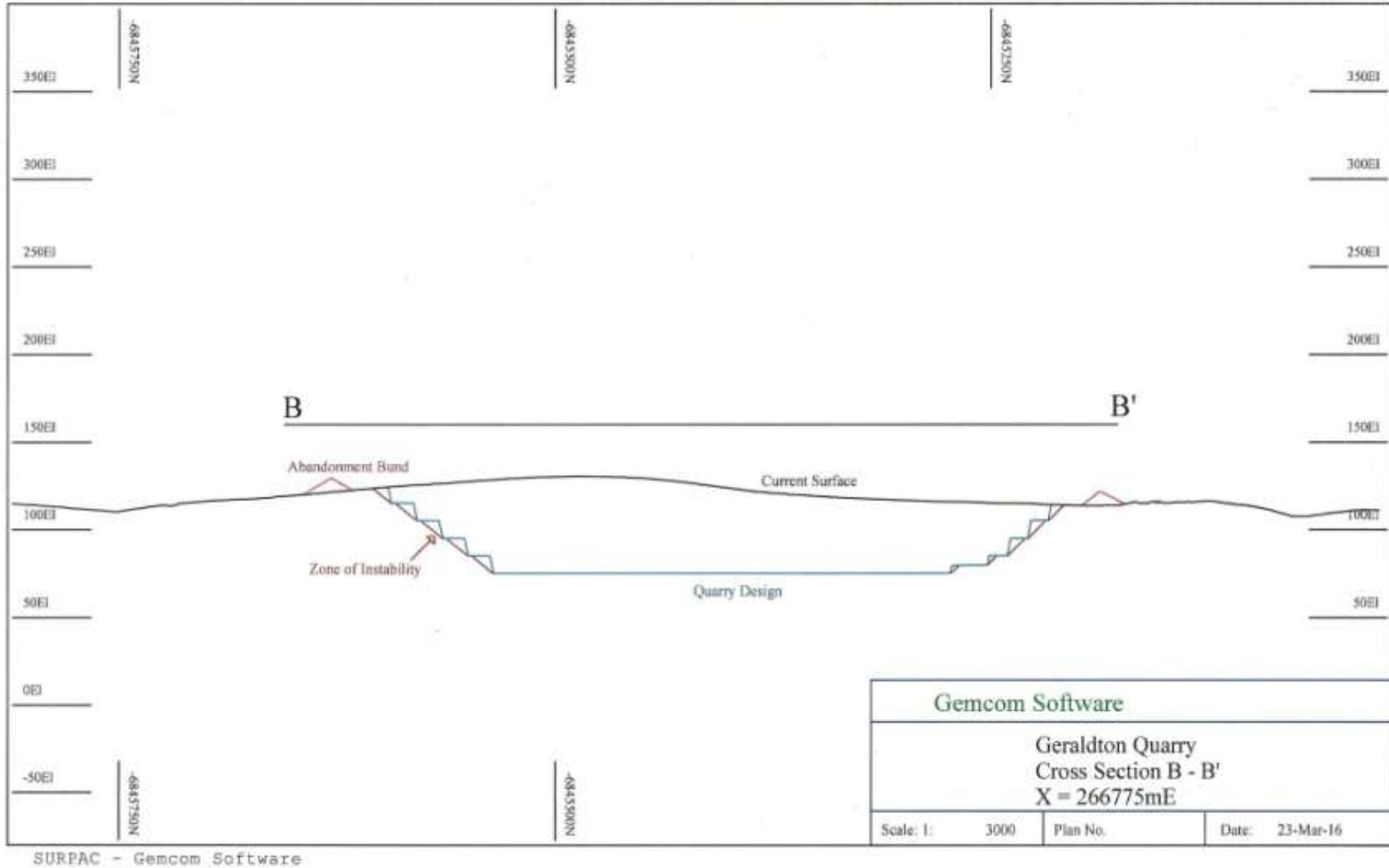
Quarry detail showing ramps, contours, bunds and benches



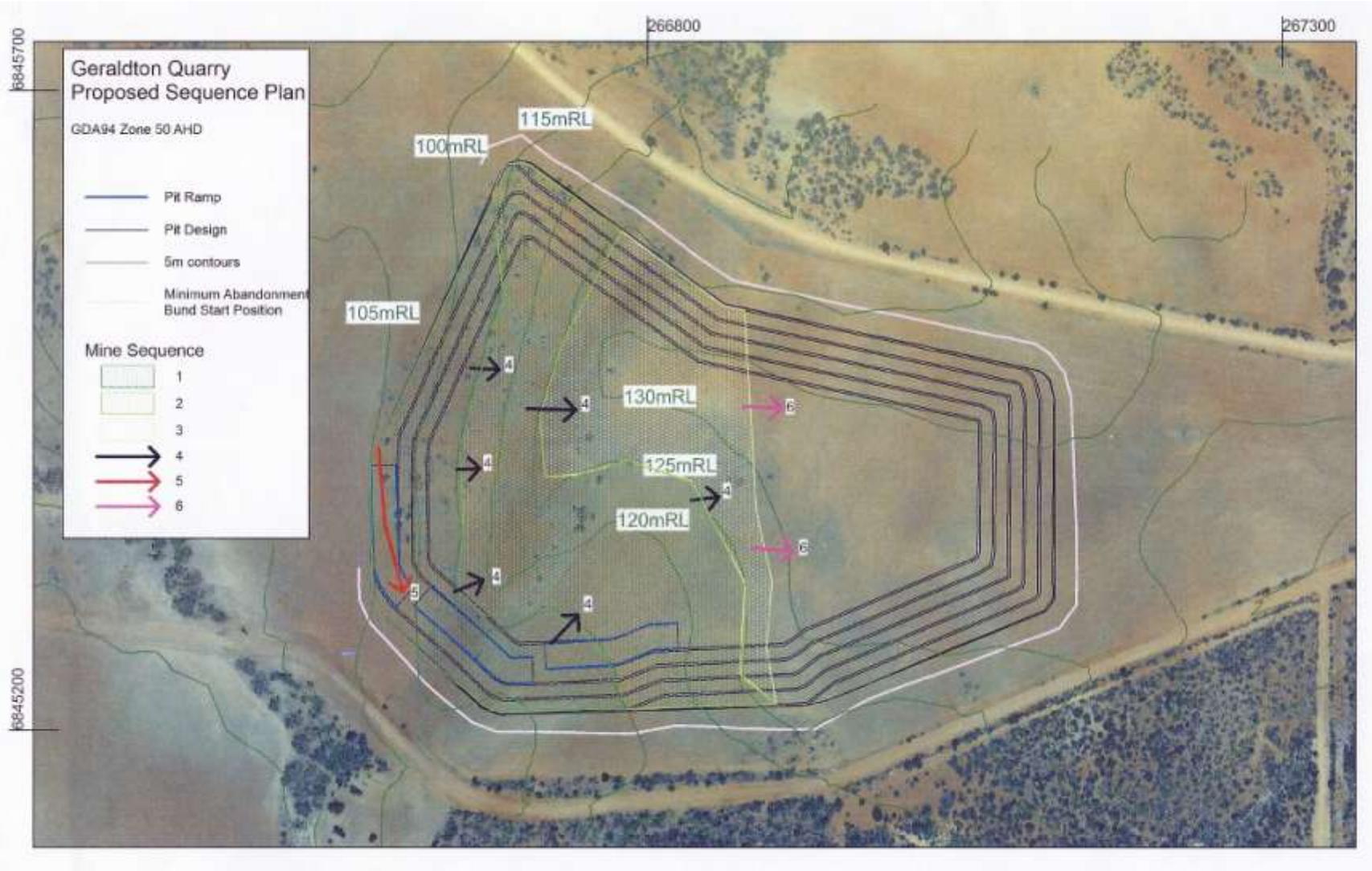
Cross section of Pit - A to A' (as per previous figure)



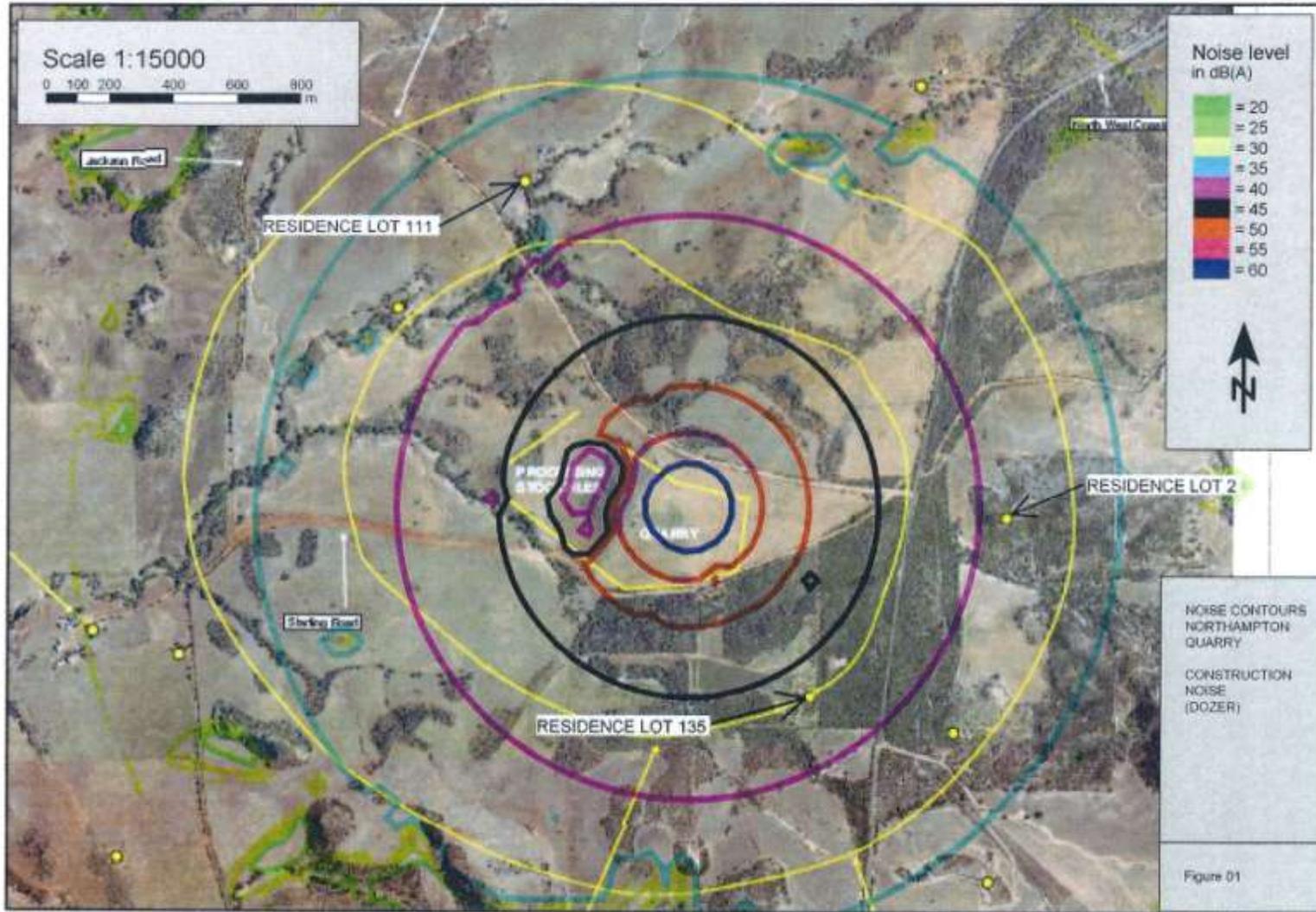
Cross section of Pit - B to B' (as per previous figure)



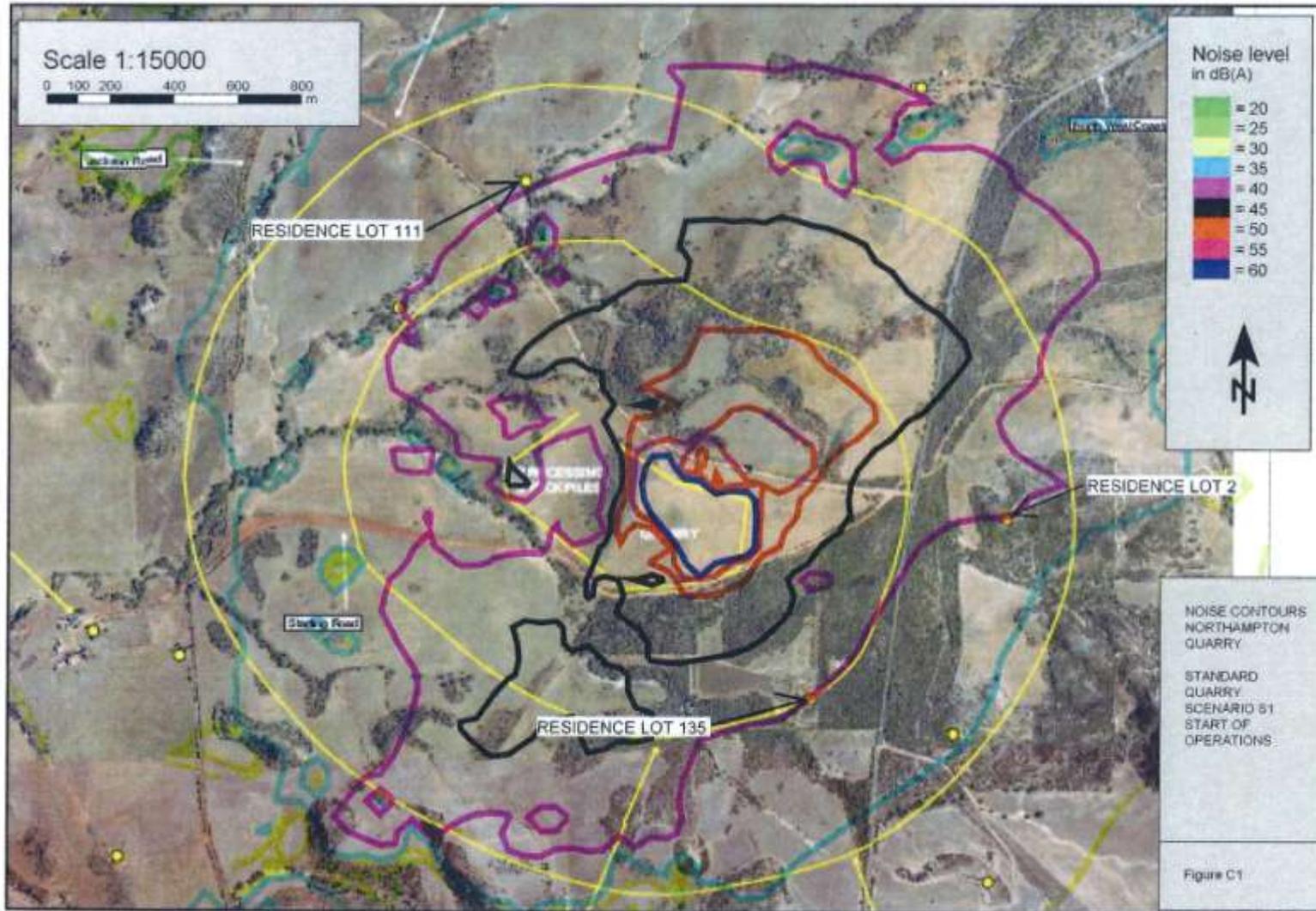
Proposed sequence plan of pit excavation



Noise contour map – construction phase – Standard Quarry



Noise contour map- Operational phase – Standard Quarry



Rehabilitation example – Orange Grove Rock Quarry showing staged rehabilitation of bunds and benches



Photo 9: Rehabilitation eastern face of Stage 3 Pit.

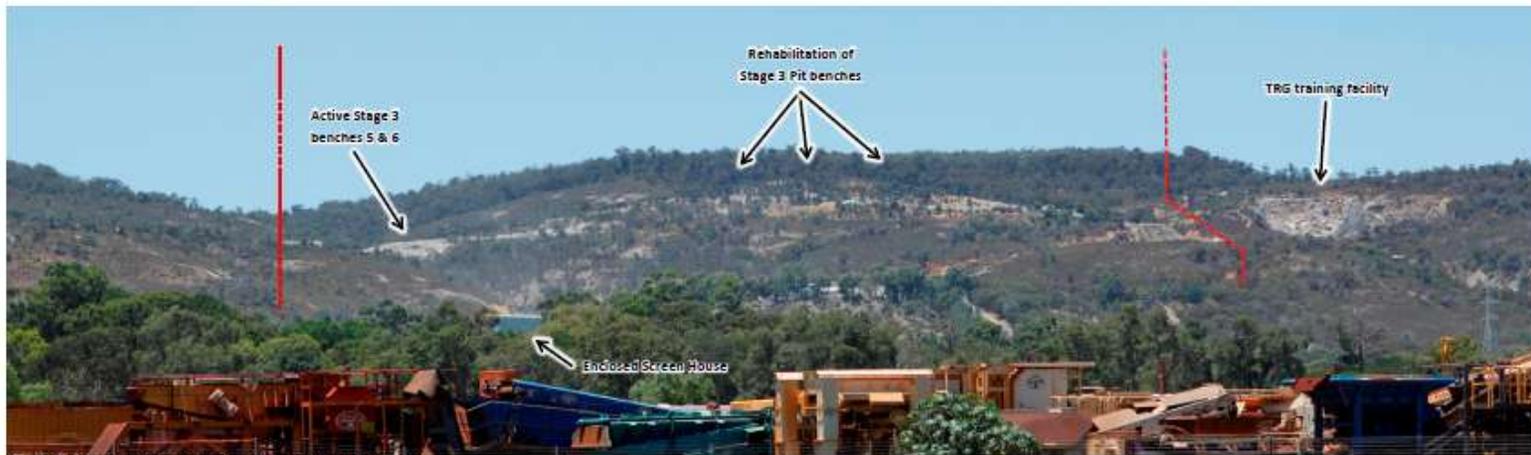


Photo 10: View from the corner of Bickley and Kelvin Rd (facing ESE).

APPENDIX 4. SCHEDULE OF SUBMISSIONS

No	Submitter	Property Address	Submission Detail	Comment
1.	Western Power	No affected property address	<ul style="list-style-type: none"> - The proposed work is near energised electrical installations and power lines. No person, plant or material must enter the “Danger Zone” (as determined by WA Occupational Health and Safety Regs 1996, Reg 3.64) of an overhead powerline or other electrical network assets. - Any change to Western Power’s network is the responsibility of the individual developer. 	Noted
2.	Department of Water	No affected property address	<ul style="list-style-type: none"> - A Section 5C ‘Licence To Take Groundwater’ is required if groundwater is being used from existing bore or other water source on site or other ground water well offsite. - Best management practices outlined in the Water Quality Protection Notes should be adhered to. 	Provided as advice in Advice Notes
3.	Department of Mines and Petroleum	No affected property address	<ul style="list-style-type: none"> - No objection. 	Noted
4.	Department of Parks and Wildlife	No affected property address	<ul style="list-style-type: none"> - Protection of creek lines with 50m buffer and minimised clearing of ridge vegetation 	Included as part of Condition 5
5.	Water Corporation	No affected property address	<ul style="list-style-type: none"> - No objection. 	Noted
6.	State Heritage Office (WA)	No affected property address	<ul style="list-style-type: none"> - The referral for the proposed development is considered in the context of the identified cultural significance of Oakabella (Place No. 3271) and the following advice given: 1. In the event of damage to Oakabella or its associated outbuildings, the proponent shall cease blasting and engage a structural engineer with proven heritage experience to undertake a full assessment. Blasting shall recommence only with 	Included as Condition 31

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			<p>the support of the structural engineer.</p> <p>2. The proponent shall engage a heritage architect to restore and repair any damage to Oakabella and its associated outbuildings due to quarry operations. Such works are to be referred to the State Heritage Office prior to being undertaken.</p>	
7.	<p>Main Roads</p> <p>Midwest Gascoyne Region Eastward Road, Geraldton WA 6530</p>	<p>No affected property address</p>	<ul style="list-style-type: none"> - The proposed development would generate a high number of heavy vehicle movements turning onto and off NWCH via Hatch Rd and it is considered likely there would be a detrimental impact on the level of service, amenity or safety of users of NWCH. - Main Roads has no objections to production up to 200,000 tonnes with an average production of 100,000 tonnes per year subject to Council imposing the following, or similar, conditions: <ul style="list-style-type: none"> 1. Satisfactory arrangements being made with Main Roads for the intersection of Hatch Road and NWCH (and approaches to the intersection) to be upgraded and constructed in accordance with Main Roads standards and specifications so that it will be capable of accommodating the proposed vehicle combinations and movements, at the cost of the applicant/landowner; 2. Satisfactory arrangements being made with the local government and Main Roads for the construction of a turn-in bay for the School Bus operating along NWCH at the cost of the applicant/landowner; 3. The applicant/landowner submits a Traffic Statement or Assessment (as appropriate) based on the <i>WAPC Transport Assessment Guidelines for Development</i> to guide the necessary requirements for upgrades to Hatch Road and NWCH intersection and any other upgrades; and 4. Repair of any damage to the road pavement of NWCH including the surface, required by reason of use of the road in connection with the 	<p>Included as Condition 9</p> <p>Included as Condition 15</p> <p>Provided a Advice Note to Condition 9</p> <p>Included as Condition 11</p>

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			<p>development to the approval of Main Roads and the local government, with all costs to be met by the applicant/landowner.</p> <ul style="list-style-type: none"> - The issue of the proposed road access and transportation of large volumes in association to a contract to supply material to the Oakajee Port is outdated and limited, and the applicant has not explored the possibility of using an internal temporary haul road from the proposed Port to the quarry site. Given transport noise along NWCH, as well as safety concerns and wear and tear costs, Main Roads objects to the proposal for the larger contract of producing 2 million tonnes per year for 2.5 years, until the haul road and route is extensively investigated as an option, rather than the use of Hatch Road and NWCH. 	Not applicable, as application is for standard quarry only
8.	Shire of Chapman Valley	No affected property address	<ul style="list-style-type: none"> - Correspondence received included a number of recommendations for conditions used in past Shire of Chapman Valley development approvals for similar extractive industry operations. 	- Noted
9.	Michael Harold Flanigan	Lot 34 Hatch Road, Oakabella WA 6532	<ul style="list-style-type: none"> - No objection, however cited concern for extra traffic and neighbours being affected especially damage to infrastructure. - Suggestion for compensation for disruption or damage for neighbouring landowners 	-This submission was modified, and was resubmitted at 28.
10.	John Van Maanen	Lot 112 Jackson Road, Bowes WA 6532	<ul style="list-style-type: none"> - Objection on the grounds of increased noise, dust and traffic. Cited there will be no benefit to Northampton. 	Considered to be valid planning considerations, and addressed with Conditions 7, 9-13 and 22-28.

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11.	Susan Angell	Lot 62 NWCH/Hatch intersection, Howatharra WA 6532	<ul style="list-style-type: none"> - Objection. - Has requested a meeting with Shire staff and all Councillors - States that the 8 year old report is obsolete, contradictory and inaccurate. - Objects to noise from blast and truck movements, length of operational hours, and dust. - States that result of approval may be devaluation of home and property and difficulty in selling - Stress of proposal is having negative health impacts 	<ul style="list-style-type: none"> - Noted, community meeting held 31/8/16 - Valid, although applicant cites that information relating to standard quarry is still applicable - Considered to be valid planning considerations, and addressed with Conditions 7 and 22-29. - Subjective, and only means of mitigation is by refusal of application - Not a valid planning consideration
<p>The following submitters all submitted duplicate letters stating the same concerns, but were submitted individually. These have therefore been collated with individual names and landholdings but a summary of the collective objections/comments is included in the submission detail column below (relating to all landowners/submitters No.'s 12-29).</p>				
12.	Mark and Margaret Hatch	No. 649 Hatch Road, Bowes WA 6332	<ul style="list-style-type: none"> - Objection - Request a meeting with Shire staff and all Councillors - Application offers no assurances of protecting landowners' rights therefore refusal of application is sought. - Report supplied by Boral is not a current representation of the situation and contains inaccurate data including data used for the wind assessment - Concerns raised include the following: 1. Does not contribute to the orderly and proper planning of the locality, nor to the preservation of amenities of the locality, and is likely to result in devaluation of properties, and future developments being compromised Lot 29 is an area designated under the Shire's 	<ul style="list-style-type: none"> - Noted, community meeting held 31/8/16 - Landowners rights protected through local and state government regulations and conditions of approval - Valid, although applicant cites that information relating to standard quarry is still applicable - Wind assessment modelling was performed by environmental specialist using existing air quality criteria available, this has subsequently been approved by DER - This is addressed within the comments section of the report, and is based on inaccurate information, and therefore not applicable to this proposal
13.	Bevan and Tania Jupp	Lot 36 Hatch Road, Bowes WA 6532		
14.	John Angell	3318 NWCH, Bowes WA 6532		
15.	Stephen Ray	660 Starling Road, Bowes WA 6532		
16.	Doug and Nicola Hearman	Lot 101 Hatch Road, Bowes WA 6532		
17.	Margi Weir	660 Starling Road, Bowes WA 6532		
18.	Colin Constantine	Lots 111, 148, 196, 197, 110, 159 and 3567 Hatch Road/NWCH, Bowes WA 6532		
19.	Catherine Constantine	As above		
20.	John Constantine	As above		

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21.	Edward Constantine	As above	<p>Local Planning Strategy for subdivision into lifestyle blocks of 20-40ha and represents a conflict of land uses between industrial and rural residential/lifestyle.</p> <p>2. Monitoring of noise levels should be implemented at least 12 months prior to any works commencing to allow for full seasonal variations to be considered and a benchmark for noise levels to be established. Noise such as reversing signals should be considered in addition to blast noise and will impact residences on lots 111, 135 and 2 within the EPA Noise Regulation (1997) requiring a 1000m buffer zone.</p> <p>3. Monitoring of dust levels should be implemented at least 12 months prior to any works commencing to allow for full seasonal variations to be considered and a benchmark for dust levels to be established. Reference made to pg 73 of Boral report citing that modelling predicts TPS concentrations to exceed criteria at Receptors 1 and 2 (being residences)</p> <p>4. Monitoring of local ground water resources should be implemented at least 12 months prior to any works commencing to allow for full seasonal variations to be considered and a benchmark for water levels to be established.</p> <p>5. Local water supply for Lot 135 may be compromised by the blasting of dolerite dyke resources, as this geological feature supports the lot's underground water supply.</p> <p>6. Lot 135 appears to be less than 500m from the quarry edge, and Lot 111 less than 800m from the quarry edge, meaning that the impact may be greater than assumed, especially in relation to</p>	<p>Noise monitoring and management is regulated by the DER, and DER has issued Works Approval for this proposal. Noise conditions have been applied as per conditions 22-27.</p> <p>Dust monitoring and management is regulated by DER, and DER has issued Works Approval for this proposal. Dust conditions have been applied as per conditions 22-25 and 28-29.</p> <p>Groundwater resources are monitored and managed by the Department of Water. Water conditions have been applied as per condition 36.</p> <p>As per comment above</p> <p>Noted, and addressed within comments of report and as per condition 5.</p>	
22.	Julie Lang	As above			
23.	Tonya Crudeli	As above			
24.	Marcia Constantine	As above			
25.	Andrew Carnell	Lot 1 NWCH, Isseka WA 6532			
26.	Christine Babbage and Ross McKay	3289 NWCH, Bowes WA 6532	<p>27.</p>	Ron and Sue Eddy	36 Oakabella Road East, Bowes WA 6532
28.	Michael Flanigan	Lot 34 Hatch Road, Oakabella WA 6532			
29.	Bonnie Stratton	Lot 112 Jackson Road, Bowes WA 6532			
30.	Peter Treharne	Lot 1 NWCH, Howatharra WA 6532			
31.	Julie Ross	Lot 1 NWCH, Howatharra WA 6532			
32.	Alfred Farrell	6 Oakabella Road East, Howatharra WA 6532			

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			<p>dust and noise levels.</p> <p>7. Local traffic survey on Hatch and Starling Roads and NWCH should be implemented at least 12 months prior to any works commencing to allow for full seasonal variations and a benchmark for traffic movements to be established.</p> <p>8. School Bus Bay is proposed to be on NWCH 250m south of Hatch Road intersection, meaning that the bus, students and parents have an increased safety risk. If site at corner of Jackson and Hatch via Starling Road can be secured as a bus bay, then these roads would need to be upgraded to all weather status to ensure safety of children.</p> <p>9. Proposed inspection of nearby buildings should be extended to include cement water tanks and any other at-risk structures.</p> <p>10. Businesses operating within a 2km radius have not been considered (except Oakabella) and primary producers have not been considered in the proposal</p> <p>11. Monitoring of local wildlife has not included the adjoining nature reserves where several species of flora and fauna exist.</p> <p>12. The proposal has not adequately addressed grievance processes, and local residents need a guarantee that their concerns will be addressed immediately. References in proposal using words such as “can” and “may” do not indicate that actions will actually be adopted. Further assurance and a plan detailing compensation is requested.</p> <p>- All issues should be addressed before</p>	<p>Noted, traffic and road management issues have been addressed as per conditions 9-13 and 35.</p> <p>Noted, school bus concerns have been addressed as per conditions 14 and 15.</p> <p>Noted, structure surveys are addressed as per conditions 30-32</p> <p>Noted, advice note supports the establishment of a reference group</p> <p>Noted, nature reserves and fauna will be addressed as per conditions 5,6,8,33 and as advice notes</p> <p>Noted, addressed as per conditions 22-24, 27 and within the advice notes</p>
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SHIRE OF NORTHAMPTON
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			<p>commencement of works.</p> <ul style="list-style-type: none"> - Noted existing quarry at property on East Chapman Road (not operating due to lack of demand), proven hard rock resource in Oakajee Buffer Zone (south of Coronation Bach Rd). - Proposal and letter not sent to all residents impacted by the proposal and all appendixes should have been sent in an electronic form, meaning residents have not had sufficient time to review and provide comment. 	<ul style="list-style-type: none"> - not a valid planning consideration - this is considered to be an incorrect statement. All landowners within a 2km radius were sent a letter advising of the proposal
In addition to the above collective objections some of the above landowners raised additional concerns as per below.				
14.	John Angell	As above, at 14	<ul style="list-style-type: none"> - Dwelling more susceptible to vibrations from highway traffic, and blasting from pipeline installation was very noticeable, and was disruptive to sleep patterns of shift work. Concern that this will be amplified with new quarry. - Concern regarding water table levels lowering upon which owner is reliant. - Property is located uphill from noise, and noise and impact may therefore be increased. - Will only agree if Boral purchases their landholding for the purpose of relocating away from development. 	<p>Noise monitoring and management is regulated by the DER, and DER has issued Works Approval for this proposal. Noise conditions have been applied as per conditions 22-27.</p> <p>Groundwater resources are monitored and managed by the Department of Water. Water conditions have been applied as per condition 36.</p> <p>Noise monitoring and management is regulated by the DER, and DER has issued Works Approval for this proposal. Noise conditions have been applied as per conditions 22-27.</p> <ul style="list-style-type: none"> - not a valid planning consideration
24.	Marcia Constantine	As above, at 24	<ul style="list-style-type: none"> - Slow moving trucks entering NWCH will compromise safety of road users travelling at legal speed. - Consideration must be given to loss of tourists to Oakabella and the possible damage to heritage 	<p>Noted, addressed as per conditions 9-13</p> <p>Noted, addressed as per conditions 30-32 and 35.</p>

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			<p>buildings.</p> <ul style="list-style-type: none"> - Proposal contradicts local planning strategy as land has been made into smaller rural holdings which is in conflict with approving a hard rock quarry. 	<ul style="list-style-type: none"> - This is addressed within the comments section of the report, and is based on inaccurate information, and therefore not applicable to this proposal
27.	Ron and Sue Eddy	As above, at 27	<ul style="list-style-type: none"> - An extra lane on NWCH should be provided at least 1 km south from Hatch Road as there is a long hill uprise for trucks entering NWCH from Hatch Rd which will otherwise obstruct traffic and cause congestion and other traffic-related problems - Queried whether there will be a provision for local people to be employed? 	<p>Noted, traffic and road management issues have been addressed as per conditions 9-13 and 35.</p> <ul style="list-style-type: none"> - unknown by Council
29.	Bonnie Stratton	As above, at 29	<ul style="list-style-type: none"> - Concern that environmental tests were all performed in 2008 and not re-performed for this application - Query as to why existing quarry nearby is not being utilised - Beautiful amenity of the area will be compromised and proposal is not conducive to lifestyle sought 	<ul style="list-style-type: none"> - Valid, although applicant cites that information relating to standard quarry is still applicable - Noise and dust assessment modelling was performed by environmental specialists, which have subsequently been approved by DER -not a valid planning consideration -Noted, addressed as per conditions 1, 25, 33 and 37

Mining Proposal
Granite Hardrock Excavation
Lots 29, 52 and 7890
Hatch Road,
Bowes

**Surrounding Land Owners
Points for Consideration
September
2016**

The majority of the people here tonight are here because they are deeply concerned with the application for a hard rock quarry on Hatch Road. Margi and I would like to talk on behalf of everyone and share our concerns. We simply do not want it in our area.

I would like to make reference to two Town Planning Documents, The Local Planning Strategy and the Local Planning Scheme No. 10. In which both are current working documents. There is evidence within these documents that a quarry should not be in this area.

Local Planning Strategy

Endorsed by the Western Australian Planning Commission (WAPC) on 12th January 2009

LPS provides direction for the next 15 – 20 years, therefore the strategy is nearly halfway through its life span.

Part 2 State and Regional Planning Context

- SPP2.5 Agricultural and Rural Land Use Planning. pg.9

The State's priority agricultural resource should be protected.

Rural settlements opportunities should be provided if sustainable and of benefit to the community.

The potential for land use conflict should be minimised

The state's natural resources should be carefully managed.

5.8 Moresby Range Management Strategy (See Map - Northampton Local Planning Strategy in the website's Document Centre) and enlarged map showing our area within the MR precinct

The area has high visual amenity, being crossed by the North West Coastal Highway and thus developments should be located out of sight lines.

The value of the Moresby Range lies in its landscape qualities and remnant vegetation. The protection of these resources should over-ride any pressure for development...

Development not in keeping with the landscape qualities such as quarries and rural industry should be located outside the Moresby Range if possible. Subdivision, with the designation of flat tops and steep slopes for conservation purposes may be one means of ensuring landscape protection.

Figure 3 – Basic Raw Materials

- Granite has not been identified as a major resource in this area

Part 6 Strategic Plan

The Shire of Northampton has an extremely rich natural environment, with its unique rural landforms and coastal environments providing a wealth of opportunities for sustainable economic development, tourism and high quality alternative lifestyles in close proximity to the Mid West's regional centre, Geraldton.

The vision for the Shire is that of prosperity and modest growth built on existing towns and services, having diversified local based economy, integrated with sustainable and productive natural resource base. The strategic plan seeks to ensure that the Shire's natural environment is carefully managed and that its natural and built assets are protected from inappropriate development that would prejudice the diverse agricultural, coastal, visual heritage and urban attributes of the Shire. Pg 52

Figure 6 – Rural Smallholdings (Northampton – South)

- Land between the North West Coastal Highway and Jackson Road is designated as Rural Smallholdings.
- Zoning Table Industry Extractive is 'X' not permitted in Rural Smallholdings.
- Planning documents indicate that Rural lifestyle blocks are the intended land use in this area.

Local Planning Scheme No. 10

WAPC endorsed 6th January 2012

Part 4 Zones and the Use of Land

4.3 Zoning Table pg.17

Part 10 Procedure for Dealing with Applications

- 10.2.1 n *The preservation of the amenity of the locality. pg. 65*
- 10.2.1 q *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety. pg. 65*

Town Planning Report (17th June 2011)

- Boral Application to increase operations of the quarry (previously approved on 21st November 2008)
- Officer recommendation to refuse planning approval
- Refusal based on 3 reasons: 1. ...*unacceptable environmental impacts as a result of noise, vibration and dust.* 2. ...*negatively impact upon the local road network, including the provision of local bus service.* 3. ...*not satisfied that the proposed use will contribute to the orderly and proper planning of the locality nor the preservation of amenities of the locality.*

We think that given the Shire's current documentation council should refuse planning approval.

Boral Application

- Application is from 2008 (outdated)

Buffer Zone Distance (Separation distances between Industrial and Sensitive Land Uses)

- EPA Noise Regulation (1997) states a 1000m Buffer Zone.
- 4 residences are within the 1000m buffer zone.
- 1 residences is within 500m. (Lot 27)

Noise

- Monitoring of Noise Levels should be implemented at least 12 months prior to any works commencing. This will allow for full seasonal variations to be considered and thus a benchmark for Noise Levels to be established. Noise Levels should not only be considered to be a product of Blasting within the pit but also the Reversing Signals on vehicles. In particular this will impact Residences on Lots 1, 2, 27, 111 and as these are within the EPA Noise Regulation (1997) which states a 1000 metre Buffer Zone.
- Lot 27 is less than 500m as stated in proposal. At 500m the quarry complies within 2 dB during construction and standard operation and within 3dB and 4db with the large operation, within 1dB during truck loading between the hours of 5am – 7am this would be different if the distance was smaller and NOT comply. We believe it is 460m
- Lot 111 is less than the 800m as stated in proposal. At 800m the quarry complies within 8 dB during construction and standard operation and within 3dB with the large operation, within 2dB during truck loading between the hours of 5am – 7am this would be different if the distance was smaller and NOT comply. We believe it is 740m
- Lot 1 which is less than the 900m as stated in the proposal, just complying at the 35 dB during truck loading between the hours of 5am – 7am this would be different if the distance was smaller and NOT Comply. We believe it is 820m.
- 3rd party should be monitoring, not Boral.

Dust

- Modelling dust levels have been predicted to Comply with NSW DECC guidelines. pg. 72 of proposal. In 2008 WA standard were still being implemented. This information is outdated.

Appendix 7 Preliminary Dust Assessment SKM

- There is NO acknowledgement of Lot 27 residence. No. 5 Receptor is incorrectly located. (refer to screen shot)
- Lot 111 is incorrectly labelled as No. 2 receptor (refer to screen shot)
- Part 2 Appendix 7 pg. 24 Figure 6-1 Modelled Maximum 24hr PM10 Ground Level Concentrations (ug/m) for Northampton Quarry – Large Scale Operations shows Lot 27 residence is within the 50ug/m – 75ug/m band ie it DOES NOT COMPLY Lot 111 is borderline, sitting on the 50ug/m. Maximum is 50ug/m
- Part 2 Appendix 7 pg. 28 Figure 6-3 Modelled Maximum 24hr TPS Ground Level Concentrations (ug/m) for Northampton Quarry – Large Scale Operations indicate that Lot 27 exceeds the criteria and DOES NOT COMPLY as they are located within the 90ug/m – 150ug/m band. Again this residences has no acknowledgement in the report. Lot 111 exceeds the criteria it is also within the band of 90ug/m – 150ug/ Maximum is 90ug/m.
- Part 2 Appendix 7 pg. 32 Figure 6-5 Modelled Maximum Monthly Deposition Levels (g/m/month) for Northampton Quarry – Large Scale Operations indicate that Lot 111 on the 4g/m/month line. Maximum is 4g/m/month.
- Part 2 Executive Summary from SKM talks about "proposal to develop a second quarry area" ??? pg. 1 This is also indicated in Boral's Executive Summary 2.3 Geology of the Parker Property "The western half of the property is either highly weathered or covered by recent creek sediments. This area will be examined more closely at a later date." This concept had NEVER been discussed by Boral Representatives.
- Part 2 Appendix 7 (pg.11) 4. Dust Emission Estimates 4.2.1 Scenario One "...extraction and crushing of this material is carried out during single three month

period... including Blasting. This three month intensive production period is proposed during the period May to July" There is no indication in any other management plan that this is the plan, yet it is the assumption SKM are working on to produce the report.

- 4.6 Primary Crushing 4.7 Secondary and Tertiary Crushing of Material pg.13 "*It is assumed there would be a reduction to TPS emissions from the use of enclosures.*" There is no management plan that states these will be used.
- 4.8 Wind Erosion pg13 "*To determine wind erosion emissions the formulae used for determining wind erosion from the **BHP Iron Ore operations in Port Hedland** was utilized.*" ??? "*Wind erosions from stockpiles was not included in these calculations*" ????
- 5.2.2 Model Terrain pg16 SKM identify and acknowledge "*uncertainties in source emission estimates.*"
- 5.2.4 Dispersion Curves pg17 SKM identify there is an "*absence of sigma theta measurements for Bowes.*" which is the direct measure of horizontal dispersion.
- 5.2.5 Time Series Meteorological Data pg 18 SKM recommend more accurate methods when predicting hourly average concentration for elevated sources
- Geraldton Meteorological Dataset 1998 – 2002 was used.

Note: PM10 (diameter of dust particles) this size particle are inhaled into the upper part of the airways and lung

Scientific studies have linked particle pollution exposure to a variety of health effects including

- Increased respiratory symptoms, such as irritation of the airways, coughing, aggravated asthma, development of chronic bronchitis, and breathing difficulties through decreased lung function.
- Irregular heartbeat
- Non-fatal heart attacks
- Premature death in people with heart or lung disease

Note: TSP (Total Suspended Particles) PM10-50 may also be trapped in the upper respiratory tract.

Taken from DEC: A guideline for managing the impacts of dust... p8

Department of Environment and Conservation: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities March 2011. (der.wa.gov.au)

- Site risk assessment classification needs to be completed. "*Sites with high to medium risk will require more stringent dust control and monitoring*"
- DEC's Expectations: "*For a facility with potentially significant impacts on sensitive receptors DEC's expectation would be for one year's data to be available and reviewed in order for seasonal variations to be observed.*" pg.25
- Dust Management Plan approved by EPA, DEC, DOH and/ or local government prior to implementation.

Again if Boral has misrepresented the distance to these residents then it is highly likely that the quarry will exceed the Dust Criteria at a number of locations.

Wind

- WIND DATA as referenced in Appendix 2 is from Geraldton Airport. This is not an accurate representation of the winds experienced in the proposal site.
- *"Alteration of operations in UNFAVOURABLE WEATHER CONDITIONS with normal operations only re-commencing when weather improves"* (page 74 of the Proposal, Boral 2008) is contrary to statement on page 72 which says that "... *additional production can be achieved by working continuously throughout the year.*"
- **Again this is in direct contradiction with SKM's Dust Report assumption of extraction, crushing and blasting being limited to May – July.**

Water Supply

- The dolerite dyke which lies above the resource to be extracted is the same geological feature which supports the underground water supply for property Lot 27. This is the sole water source for this property. It is highly possible that blasting to facilitate hard rock extraction will substantially compromise this water supply. This is not addressed at all in the proposal.

Visual Impact

- Nine titles (Lots 1, 2, 27, 62,101, 111, 197, 2911, 9375) have direct views overlooking the proposed quarry.
- After the lifespan of quarry has expired the visual impact is a permanent scar in this beautiful landscape.
- A quarry would have a substantial negative impact on land values in the immediate area.

Safety

- School Bus Bay - proposed to be on NWC Highway some 250 metres south of the Hatch Road intersection. This means that the School Bus, Children and Parents are potentially at risk from truck movements as well as normal highway traffic, particularly if the children are walking home. There will be 5 children that will definitely be using the School Bus during the proposed time frame of the quarry, this does not take into consideration community changes in the future or property changes that could bring more families into the area.
- Hatch Road and Starling Road Users – There are at least 20 residents that use the two roads daily, along with daily tourists that visit Oakabella, plus traffic associated with business currently operating in the area.
- **Point 15 of Management of Blasting Appendix 6 Blast Management pg7 States "Hatch and Starling Road are in proximity to the quarry and it will be necessary to temporarily close one or both of these roads for a short time when blasting" This is a major safety concern if both roads are closed and Emergency Services eg ambulance is required at one of the nine residents. In a large scale operation this could be every day.**

SUMMARY

In summary I would like to draw your attention to the current Shire of Northampton planning documents, which we have been discussing.

- Local Planning Strategy
- Town Planning Scheme No 10

The information from Shire's planning documents indicate that a quarry would be in direct conflict with the vision the Shire has for this area.

A quarry would appear to be of benefit to one landholder and one large company, with no apparent short or long term benefit to the Shire, yet would have a negative impact on a minimum of 36 people, from at least 25 properties (titles).

If the Shire elected to refuse this proposal - in keeping with the vision outlined in their planning documents - we could only see potential benefits to the Shire in terms of attracting people to this area with its unique rural lifestyle opportunities.

In conclusion I would like to remind everyone here tonight that "The strategic plan seeks to ensure that the Shire's natural environment is carefully managed and that its natural and built assets are protected from inappropriate development "

On behalf of everyone concerned I would like to thank you for listening and providing the opportunity to voice our concerns.

Please note:

The black text is the information shared at the meeting on the 31st August 2016.

The green text is new information that has been researched since the meeting.

APPENDIX 5. RESPONSE TO SUBMISSIONS FROM BORAL



7 September 2016

Boral Construction Materials
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PO Box 268
Belmont WA 6984
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The Chief Executive Officer
Shire of Northampton
PO Box 61
NORTHAMPTON WA 6535

Dear Sir

Lots 29, 52 & 7890 (199) Hatch Road, Bowes

We refer to our earlier correspondence in respect of the abovementioned properties, in particular the objection penned by "concerned local residents".

Please see following Boral's response to the concerns raised:

1. The land proposed to be developed as the hard rock quarry is currently zoned "General Rural". As per the Shire's Planning Scheme 10, an extractive industry is allowed within this zoning at the discretion of the authority.
2. Mining operations, inclusive of hard rock quarry extraction, is subject to regulation by the Department of Environmental Regulation (DER). The DER will impose conditions upon Boral for the operation of the mine. These conditions, amongst others, will include the regulation of **noise** emanating from the site. Boral will work to these conditions and will be reportable to same. Noise modelling undertaken as part of the approvals process confirmed the mine complied with the requirements stipulated by the Environmental Protection (Noise) Regulations 1997. This was confirmed by the DER issuing a Works Approval (WA4481) for the project.
3. SKM Consulting, a specialist environmental consulting firm, undertook dust emission modelling as part of the approvals process. The subsequent report found depositional dust, PM10 and TSP concentrations were not exceeded under the 'normal quarry' operating model for which this application pertains to. The DER have assessed the dust modelling undertaken by SKM and deemed the site to be compliant with requirements. This decision is reflected in the issuing of Works Approval (WA4481). Dust emissions are regulated by the DER and conditioned in DER Licences. Boral will operate in accordance with Licence conditions and will be reportable to same. The modelling undertaken by SKM did consider benchmark dust levels in the region. The modelling incorporated dust records obtained

from the Geraldton DER managed Tapered Element Oscillating Microbalance (TEOM) dust monitor which was operational since late 2005.

- i. The dust modelling was undertaken by SKM, which are a highly skilled and specialist environmental consulting firm. The data used in preparation of the dust model was deemed appropriated and suitable by SKM . The DER assessed the modelling and deemed it appropriate and suitable by issuing Works Approval (WA4481).
 - ii. Operations may be undertaken throughout the year; however Boral is committed to proactive management of dust emissions during anytime of operation. If excessive dust emissions are found to be occurring due to unfavourable weather conditions, operations will cease until emissions can be adequately controlled. This is typical practice in the quarry industry and is considered to be an effective management practice to limit dust emissions in severe weather conditions.
4. The proposed quarrying activity is not expected to intercept the regional groundwater table. There will be no dewatering or export of water from the quarry or processing facilities. Boral's submission provides detailed analysis of water use including proposed water harvesting across the site. Consistent with operations at most of Boral's sites, rainwater will be harvested and stored in dams for operational use. It is proposed that water will be sourced from an existing bore on Lot 29 to supplement dust suppression supplies if required. The extraction and use of water from this bore will require assessment and approval by the Department of Water. Boral will operate the bore in accordance with the conditions imposed by the Department of Water to ensure surrounding bore users are not adversely impacted. As there is no dewatering proposed and groundwater use is regulated by the Department of Water via licencing allocations Boral doesn't understand the basis on which 12 months of groundwater monitoring would be required.
5. The quarry is not likely to intersect the regional groundwater table and dewatering activities are not proposed. The geotechnical drilling program undertaken as part of the approval process reported no noticeable water or inflows were intersected during the drilling program. The report concluded the rock was very tight and impermeable and not a significant aquifer. Based on this information, it is highly unlikely quarrying activities will have an impact on surrounding groundwater users.
6. As per points 2 and 3 above, the quarry will be subject to stipulations by the Department of Environmental Regulation around the matters of dust and noise. It is Boral's contention that these stipulations will be met.
7. The **local traffic survey** that is called for by the residences will be addressed by Main Roads Department requirements. Boral is fully expectant that some road modifications will be required so as to accommodate the quarry and will fulfil all reasonable requirements in this respect.
8. Concerns in respect of the **school bus bay** are valid. As per the submission for the quarry (clause 5.6), "Boral is committed to finding an acceptable solution that maintains truck

movement, yet at the same time provides a safe environment for children using the bus or moving from the bus stop to a dwelling." We reiterate this commitment.

9. Boral agrees to extend its **structure survey** to include "cement water tanks and any other at-risk structures."

Please do not hesitate to contact the undersigned should you wish to discuss this matter further.

Yours faithfully



Anthony Watson
Planning & Development Manager
Boral Property Group

Encl.

6.3.5 LAND EXCHANGE (ROAD CLOSURE AND WIDENING) – KALBARRI

FILE REFERENCE:	10.6.1.3 / 399 RED / A1698
DATE OF REPORT:	11 September 2016
APPLICANT:	Halsall& Associates
LANDOWNER:	Summerstar Pty Ltd
REPORTING OFFICER:	Kathryn Jackson—Acting Principal Planner
APPENDICES:	
Appendix 1 – Land Exchange Plan	

AUTHORITY / DISCRETION:

Executive the substantial direction setting and oversight role of the Council. For example, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY:

Council is in receipt of an application for a proposed land exchange along the boundaries of Lot 10646 Red Bluff Road, Kallbarri. This report recommends initiation of the required road closure and road widening procedures.

BACKGROUND:

Council has received a request for the initiation of a land exchange from Halsall& Associates who are representing Summerstar Pty Ltd, the landowner of Lot 10646 Red Bluff Road, Kalbarri.

The land exchange would effectively see a 299m² portion of Lot 10646 along its George Grey Drive frontage be subdivided from the lot and amalgamated into the road reserve. In exchange, a 299m² area of road reserve along the lots Red Bluff Road frontage is to be amalgamated into Lot 10646.

The applicant has previously met staff from the Department of Lands onsite to discuss the land exchange with the Department expressing their support of the proposal. The proposed road closure and road widening plan has been prepared by the Department of Lands and provided to the applicant for submission to the Council.

A copy of the proposed road closure and road widening plan has been included as **Appendix 1** to this report.

Previously the land had development approval for the operation of a caravan park upon the site. It is anticipated that an application for the re-establishment of a

caravan park upon this site would be received by the Shire towards the end of the year following a recent presentation to the Council in relation to initial concepts for the redevelopment of the site.

Figure 1 - Locality Plan Lot 10646 Red Bluff Road & George Grey Drive, Kalbarri



COMMUNITY & GOVERNMENT CONSULTATION:

Section 58 of the Land Administration Act 1997 provides for the closure of public roads. Should Council initiate the road closures, they are required to be publicly advertised for a period of 35 days in accordance with the requirements of the Land Administration Act 1997. This would include the following actions:

- Notice being placed in a locally circulating newspaper detailing the proposed closures;
- Letters being sent to surrounding landowners/occupiers;
- Letters being sent to relevant government agencies; &
- A sign detailing the proposed road closures being erected onsite.

At the conclusion of the advertising period the proposal will be placed before a meeting of Council for its final determination.

FINANCIAL & BUDGET IMPLICATIONS:

Council charges a fee of \$657 gst incl. for road closures under its Planning Services Fees Schedule, and this fee is intended to recoup the cost of advertising the proposal.

All other costs associated with the road closure and widening actions such as surveying and settlement costs are to be met by the applicant.

STATUTORY IMPLICATIONS:

The Land Administration Act 1997 (as amended) provides the statutory process to be followed in regard to road closures.

The road closure actions are to be advertised in accordance with Section 58 of the Land Administration Act 1997, with this matter and any submissions presented to a further meeting of Council at the conclusion of the advertising period.

POLICY IMPLICATIONS:

Nil.

COMMENT

The amalgamation of a portion of Lot 10646 into the George Grey Drive road reserve effectively provides a greater setback distance between the active road pavement and the site. This is considered a positive outcome in that it will increase the safety of the eastern part of the property from road users, reduce road noise and provide a more consistent road reserve width along this section of the road.

The portion of Red Bluff Beach Road reserve that the owner will receive in lieu of this road widening will not affect the use of Red Bluff Beach Road and will serve to straighten the boundary line of Lot 10646 along this road frontage.

The initiation of road widening and road closure procedures is recommended with this matter being returned to Council at the conclusion of advertising for its final determination.

VOTING REQUIREMENT:

Absolute Majority Required: *No.*

CONCLUSION:

OFFICER RECOMMENDATION – ITEM 6.3.5

INITIATE ADVERTISING

That Council pursuant to section 58 of the Land Administration Act 1997 (as amended) initiate road closure action for the Red Bluff Beach Road reserve as shown upon Concept Plan 217A dated 17 June 2016.

APPENDIX 1 –

