



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 3 MARCH 2010
COMMENCING AT 3.38pm
IN THE LESSER HALL, YORK**

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 3 MARCH 2010, COMMENCING AT
3.38PM IN THE LESSER HALL, JOAQUINA STREET, YORK.

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

- 1.1 Declaration of Opening
The Shire President, Cr Pat Hooper, welcomed everyone and declared the meeting open at 3.38pm.
- 1.2 Acting Chief Executive Officer to read the disclaimer
The Chief Executive Officer, Mr Ray Hooper, read the disclaimer.
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
Cr Pat Hooper, Shire President; Cr Brian Lawrance, Deputy Shire President, Cr Tony Boyle, Cr Trevor Randell and Cr Roy Scott.
- 2.2 Staff
Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Acting Deputy Chief Executive Officer; Brooke Newman, Planning Officer; Simon Patterson, Engineer and Works Manager and Nicole McNamara, Development Services Officer.
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 41 members of the public in attendance at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

P & G Baker

Question –

“For many years Council and Main Roads have “flick-passed” to each other the resolution of the Blandstown heavy vehicle traffic problem. Why is Council not taking the initiative to join with Main Roads to solve the problem i.e. Why is Council not being an advocate for its community in this latest development?

Also what about business for me? I will no longer be able to run my Beauty Salon. Who will be compensating me?”

Response –

1. Council has liaised extensively with Main Roads WA, the Department of Planning, Minister for Regional Development and the Wheatbelt Development Commission for the land planning study to be undertaken so costings and designs can be prepared for future works such as a new bridge, bypass alignment, land resumptions and other matters associated with re-alignments.

The Department of Planning controls this process and to date the Minister has not agreed to fund or commission the required study.

A Western and Southern bypass has been included in the Local Planning Strategy since its inception.

2. Personal Business. If the extractive industry is approved and it operates at the full projected capacity from the first day and it operates at maximum capacity continuously there will be only a 4% increase in traffic volumes through Blandstown (currently 1004 vehicles per day).

The Section of Avon Terrace through Blandstown has been part of the state highway system for a number of years and this was the status of the road when you purchased your property and developed your business and it is very unlikely that any compensation would be due or payable.

3.2 Written Questions

4. PUBLIC QUESTION TIME

A King

Question – How can we the ratepayers help the Shire to get Main Roads to take action on creating a ring road around Blandstown, to divert the heavy duty haulage vehicles from the proposed Quarry at Gilgering?

Response – Main Roads WA acts upon pressure from politicians. As a citizen, everyone has the right to write to their politicians. You're more than welcome to go to the Shire Office and ask for the names and addresses for each Minister. Council has met with Main Roads WA nearly every month. The Shire would prefer the by-pass to go from Cut Hill Road to Knotts Road, whereas Main Roads would prefer Great Southern Highway to Forrest Street. Council is working extremely hard to sort out the issue with Main Roads WA, but needs the help of its community by writing to your politicians.

W Solly
York Society

Question 1 – How often do the Shire Councillors refer to the Shire of York's mission statement "To build on our history to create our future"?

Question 2 – If the problem of re routing traffic – especially heavy haulage, away from historic Blandstown is too complex for our Shire Council to solve, isn't it time to go to the State and Federal Governments for help in the preservation of this sensitive area of Australia's heritage?

Response – Question 1: Council is fully aware of the mission statement and gives it due consideration in the context of governance for the good of the community as a whole. Question 2: The State and Federal Governments are more than aware of the current issues. There are laws Council cannot overturn. The community should be writing to their politicians so pressure is put on Main Roads WA to act.

S Paskett

Question – We understand it is Main Roads WA's responsibility for the control of the roads. Is this not a good enough reason to reject the application?

Response – As Councillors, we pride ourselves to ensure we can get the best deal for the community. All vehicles that are registered and follow the law are allowed on the roads. We must vote the way the legislation allows us to.

V Persich

Question – Why aren't you standing up for us? Why aren't you working for us?

Response – If this application was two (2) kilometres South of where it is, it would be in the Beverley Shire and you would not be here. The Council is simply acting under state legislation. We are not trying to destroy Blandstown. We have been working extremely hard with this application, and a lot of issues have been put to the applicants. We are not just sitting on our hands.

R Paton

Question – If this issue is controlled by State Government rulings, why is Council voting on this?

Response – Council must justify a non-granting of a licence.

C Bozich

Question 1 – What economic value is there to the Shire of York if this development proceeds?

Question 2 – Has the Shire Councillors considered the increased danger on the York – Lakes Road for the people of York?

Response – There is a potential to create employment within the Shire of York. There will always be a need for basic raw materials in everyone's chosen lifestyle. The York – Lakes Road is a state road. The speed limit, passing lanes etc are all 100% controlled by Main Roads WA. This is the same for the Northam Shire and Mundaring Shire who also have a section of the road to Perth within their Shire.

R Betjeman

Question 1 – If Council is working hard on a bypass why isn't this information given to the public?

Question 2 – It is agreed that Council cannot stop traffic, but it could refuse the application and fight it in the State Administrative Tribunal?

Response – Question 1: Some information is confidential but agree could provide more information to the community. Question 2: State Administration Tribunal does not have to accept any local government recommended conditions if the Council rejects an explanation.

Mrs Fitzgerald

Question – Are there any reasons to reject the application?

Response – In 1982 the Mines Department gave up worrying about mining for gravel, etc and handed the issue to Local Government. If the applicant was trying to take out a forbidden material, Council could stop it. As they want to remove gravel, it's harder to refuse the application. Gravel is a commodity, and is needed everywhere for roads, highways etc. The traffic on the road can't be controlled by the local government. There are certain processes and steps that need to be followed when an application ticks all the boxes.

P McInnes

Question – If SAT is given a chance to approve or reject – why wouldn't they put the same conditions on the application?

Response – They may put the same conditions on, or they may not. We would have to run the risk that they may not put the same conditions in place, which means the outcome could be a lot different.

K Betjeman

Question 1 – Will Council please move “to defer to a later date approval of the Extractive Industry Application to enable thorough consultation between its community and all interested parties (that has not occurred) so that the issues are understood and a range of possible actions agreed, listed and scheduled”

Question 2 – If not, will Council establish such consultation before 2010-2011 budgets are committed by various agencies?

Response – Council has had numerous conversations with various Ministers, however the conversations do not get recorded as a lot of politicians do not like to have to stand by what they say. If Council overturns this application, it may go to the State Administrative Tribunal (SAT), where the recommendations may be ignored. SAT may not impose the same conditions as Council has, which means it could end up a lot worse than it should be.

The issues won't go away if you pass the issue. There is no excuse for not doing things you can. If you read your own files, there are various suggestions about things that Council can take up with Main Roads WA that they haven't. There are things within Council's influence. Council should defer to a later date to enable thorough consultation.

Response – Each Council member has read all documents at length, the files have been read and the application has been thoroughly researched. Most are aware that the Government's wheels move very slowly. For example, the proposed Gwambygine crossing that did not go ahead – that was not a decision made by Council. All Councillors have been trying like hell to fight for the bypass.

K Jane

Question – There is a condition that the rehabilitation bond is to be paid by the applicant prior to the commencement of any excavation. Can this bond be raised?

Response – There is a Schedule of Fees that are set by the Government. Council does not set the fee and therefore can't control the amount of the bond. If Main Roads WA want to apply a condition, they can.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Not applicable.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.1 SEAVROC Tree Cropping Policy Amendment

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO: OR.RDT.4.1
COUNCIL DATE: 3 March 2010
REPORT DATE: 23 February 2010
LOCATION/ADDRESS: Whole of Shire
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Patrick Ruettjes/Peter Wright (Shire Planners York and Beverley/Brookton)
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Draft Tree Cropping Policy
DOCUMENTS TABLED: Nil

Summary:

Council is asked to consider an amendment to the adopted SEAVROC Tree Cropping Local Planning Policy for advertising purposes. It is proposed to amend the minimum size for a tree plantation to require planning consent from 40 ha to 10 ha in accordance with FESA guidelines. The same threshold applies to the other SEAVROC Shires except for Brookton where it is proposed for amendment as well.

Background:

Council at its Ordinary Meeting of 16 February 2009 resolved to finally adopt a Tree Cropping Local Planning Policy that was developed as a SEAVROC project and simultaneously adopted in the Shires of Beverley, Brookton, Cunderdin, Quairading and York.

The policy originally stated that planning consent (or planning approval) was required for plantations larger than 40 hectares in Beverley, Brookton and York while Cunderdin and Quairading required an application for planning approval for plantations larger than 10 hectares.

There has been a significant increase in the concern expressed in relation to bush fires throughout Australia. Catastrophic fires have occurred resulting in substantial loss of life and/or property. An important concern with the SEAVROC Tree Cropping Policy is fire prevention in a potentially highly combustible crop.

The Fire and Emergency Services Authority of Western Australia (FESA) has produced guidelines for plantation fire protection. In the guidelines a tree crop plantation in a rural area is defined as "Any area of planted trees, other than a windbreak...exceeding 10 hectares".

Currently any area of tree crop with an aggregate area of less than 40 hectares does not require the planning consent of the local government. It is proposed to modify the SEAVROC Tree Cropping Policy to require planning consent for areas of 10 hectares or greater, to match FESA's guidelines. It is further proposed to incorporate FESA's Plantation Fire Protection Guidelines into the modified policy by reference.

The relevant changes have been marked in the attached Draft Tree Cropping Policy. It should be noted that the final text will reflect the changes currently implemented by the other SEAVROC Shires.

Consultation:

The Draft SEAVROC Tree Cropping Policy will be advertised for public comment for a period of 21 days in accordance with clause 8.8.2 of the Shire of York Town Planning Scheme No. 2.

Statutory Environment:

Planning and Development Act 2005; and
Shire of York Town Planning Scheme No. 2;

8.8 *Planning Policies*

8.8.1 *The local government may prepare a planning policy (hereinafter called "a Policy") which may make provision for any matter related to the planning or development of the Scheme area and which may be prepared so as to apply:*

- (a) generally or in a particular class of matter or in particular classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area*

and may amend or add to or rescind a Policy so prepared.

8.8.2 *A Policy shall become operative only after the following procedures have been completed:*

- (a) the local government having prepared and adopted a draft Policy shall publish a notice once a week for 2 consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
- (b) a policy which the local government considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*
- (c) the local government shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.*

8.8.3 *The local government shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.*

8.8.4 *An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in clause 8.8.2.*

8.8.5 *A Policy may be rescinded by:*

- (a) final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and*
- (b) publication of a formal notice of rescission by the local government twice in a local newspaper circulating in the Scheme area.*

8.8.6 *A Policy shall not bind the local government in respect of any application for planning consent but the local government shall have due regard to the*

provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

8.8.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

Policy Implications:

The proposed amendments to the policy reflect recommendations from FESA guidelines and bring the Shire's Tree Cropping Policy in line with the other SEAVROC member councils.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

It is not anticipated that the proposed changes to the policy will have any economic implications.

Social Implications:

N/A

Environmental Implications:

The proposed modifications are put on the table to follow FESA guidelines with respect to fire protection.

Comment:

Although bushfires have always been a concern in rural areas, recent loss of life and property in fires, such as the bushfire in Toodyay, has heightened these concerns. This is reflected in the new alert level of "catastrophic". Reducing the size of the area of tree crops allowed before requiring planning consent is anticipated to improved fire management over a potentially highly inflammable crop.

Incorporating FESA's Guidelines for Plantation Fire Protection into the policy by reference will provide applicants with a clear, generally accepted set of standards. Therefore the applicants will know what is expected in any fire management plan when submitting an application for planning consent for tree crops.

The reduction from 40 hectares to 10 hectares will bring the Shire of York in line with the other SEAVROC Shires (note that the attached Draft Policy has Brookton still with 40 hectares as the proposed changes have not been adopted there yet).

As the proposed modification to the SEAVROC Tree Cropping Policy is anticipated to enhance fire management within the Shire, it is recommended that Council adopt the draft modified policy for advertising in accordance with the Shire's Town Planning Scheme for a period of 21 days for public comment. The draft policy will be presented to Council following the submission period with any submissions received.

**RESOLUTION
010310**

Moved: Cr Randell

Seconded: Cr Boyle

“That Council resolves to adopt the Draft SEAVROC Tree Cropping Policy for advertising for public comment for a period of 21 days in accordance with Clause 8.8.2 of the Shire of York Town Planning Scheme No. 2.”

CARRIED (5/0)



Shire of York Town Planning Scheme No. 2
Local Planning Policy
SEAVROC Tree Cropping Policy
(Draft Version for Advertising – February 2010)

1. Background

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree cops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC) member local governments, which are the Shires of Brookton, Beverley, York, Quairading and Cunderdin, wish to maximise the benefits and opportunities associated with tree crops, such as new industry development and regional investment, while minimising any potential negative impacts. They also recognise that having consistent policy across the region can facilitate planning approvals and provide landowner and investor confidence.

Background information relating to tree crops is provided in the report, Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region.

2. Objectives/Purpose

The objectives of this Local Planning Policy are to:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications, in particular ensuring consistency across the five Shires;
- Allow local governments to keep track of tree crop developments, which will assist in promoting the region to potential processors;
- Demonstrate that SEAVROC local governments support and promote tree crops as a land use in the General Agriculture Zone;
- Encourage tree crop developers to adhere to industry guidelines and standards as specified in relevant codes of practice and other documents; and
- Identify specific issues that local governments wish to see addressed in the planning and development of tree crops.

Any tree crop development shall not be justification for an application for subdivision nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

3. Definitions

Applicant

An Applicant is defined as the person or entity (e.g. company or organisation) responsible for management of the tree crop. The Applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third party management agency). The Applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

Tree crop For the purpose of application of this policy a tree crop is defined as:

- Trees planted with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as environmental services; and
- Trees under the management of one Applicant with an aggregate area greater than 40 hectares in any one Shire in the Shires of Brookton, and an aggregate area greater than 10 hectares in the Shires of Beverley, Cunderdin, Quairading and York.

Landowner

A Landowner is defined as the person or entity that holds the title to the land.

Management Plan

Provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved.

A Management Plan includes the following components:

- Establishment plan;
- Plantation Management plan; and
- Fire Management plan.

Code of Practice

Code of Practice for Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.

Guidelines for Plantation Fire Protection

Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised.

4. Areas of application

This policy applies to land zoned 'General Agricultural' or "Farming" in the Local Planning Schemes of the Shires of Brookton, Beverley, York, Quairading and Cunderdin.

5. Application and approval requirements

5.1. When is an application required?

A Tree Crop Development Application must be submitted and approved prior to the commencement of a tree crop development.

In the Shires of Brookton, an application is required for all tree crop developments greater than 40 hectares in size. If an Applicant has tree crops with an aggregate area of less than 40 hectares within any one Shire an application is not required. However, the Applicant is required to submit a Tree Crop Development Application when new tree crop developments will result in the total aggregate area exceeding 40 hectares.

In the Shires of **Beverley**, Cunderdin, Quairading and **York** a Development Application is required when an applicant has an aggregate area of tree crops which is 10 hectares or greater.

A Tree Crop Development Application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant.

5.2. Tree Crop Development Application requirements

In addition to Shire requirements for Development Applications, a Tree Crop Development Application is to contain the following three parts:

1) Registration; which must contain the following information:

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree crop manager);
- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

A Registration form is provided in Attachment 1.

2) Management Plan.

- A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
- The Management Plan must address the policy measures described in Section 6 of this Policy.

3) Map; which should show the following:

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
- Other relevant information such as hazards or significant features.

5.2.1. Modification to Tree Crop Development Application

An Applicant with an existing Tree Crop Development Application approval may modify the existing application, including the addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed, and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan. If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

5.3. Assessment of applications

Tree Crop Development Applications should be submitted to the Shire in which the development will occur.

Assessment of Tree Crop Development Applications is to have regard to the application requirements and policy measures described in Sections 5.2 and 6 of this Policy.

6. Additional policy measures

The following policy measures must be addressed in the Management Plan.

6.1. General tree crop management

The Shires encourage all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to "ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable".

6.2. Access and roading

When planning tree crop developments, Applicant's should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on the Map.

The harvest and haulage of tree crop products results in 'wear and tear' of roads and other transport infrastructure and the Shires are seeking to minimise adverse affects on local roads within their control.

The future locations of processing facilities in or near the SEAVROC region are currently unknown, and it is therefore difficult to prepare a transport strategy prior to commencement of tree crop development.

6.3. Fire management

A fire management plan must be included as part of the overall Management Plan (see Attachment 2).

The Guidelines for Plantation Fire Protection contain guidelines for appropriate tree crop location, design and fire protection measures.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

COMPLETE IF NEW APPLICATION
Section 5 – Tree crop information (new applications only)

Total area to be planted (hectares):

Species to be planted (and area of each):

Proposed planting dates:

Management Plan attached (circle one): Yes / No

Map attached (circle one): Yes / No

Note: a Management Plan and a Map are prerequisites for approval of a new Tree Crop Development Application

COMPLETE IF APPLICATION MODIFICATION

Section 6 – Tree crop information (modifications only). Complete relevant sections

Reason for modification (e.g. new or changed tree crop area)

Additional area to be planted (hectares):

Species to be planted:

Proposed planting dates:

Management Plan attached (circle one): Yes / No

Map attached (circle one): Yes / No

Note: previously approved Management Plans and Maps may be used for modification if relevant

If no, provide reference to relevant Management Plan and/or Map

Signature of Applicant

Print Name - Date

Signature of Landowner (if land owner is not Applicant)

Print Name- Date

SHIRE USE ONLY

Application received on:

Application reviewed by:

Approved / Not approved:

Reasons for non approval:

Advice provided to Applicant on:

Tree crop register updated on:

Additional Landowners

Landowner 2

Name of landowner:

Address:

Land title:

Telephone:

Fax:

Landowner 3

Name of landowner:

Address:

Land title:

Telephone:

Fax:

Landowner 4

Name of landowner:

Address:

Land title:

Telephone:

Fax:

Signature of Landowner 2

Print Name

Date.....

Signature of Landowner 3

Print Name

Date.....

Signature of Landowner 4

Print Name

Date.....

Attachment 2 Tree Crop Development Application Management Plan Checklist

Tree Crop Development Application Management Plan Checklist

The following is provided as a checklist of information recommended to be included in a tree crop Management Plan. It is based on the guidelines in the *Code of Practice for Timber Plantations in Western Australia* and provides a reference to the relevant sections of the Code of Practice where relevant.

Section in Code of Practice

Establishment Plan

This should outline the following topics and how they will be managed:

- Areas of native vegetation 4.3
- Management and protection, including setback distances,
of watercourses, wetlands, reservoirs and significant features 4.3
- Setback distances to structures, dwellings and gazetted infrastructure
• Note: *the Guidelines for Plantation Fire Protection recommend a setback distance of 50 metres.*
- Areas to be planted and size of compartments
• *The Guidelines for Plantation Fire Protection contain guidelines on compartment size.*
- Access and firebreaks 4.5, 4.7.6

Also refer to the *Guidelines for Plantation Fire Protection*.

- Species to be planted 4.6.2
- Direction of planting lines in relation to contours and natural drainage 4.6.3
- Soil preparation methods 4.6.3
- Pest and weed control methods/prescription,
including control of declared animals and plants 4.6.5 – 4.6.7
- Planting methods/prescription
- Fertilising methods/prescription 4.6.4

Maintenance Plan

This should outline the activities to be conducted during the tree crop rotation and how they will be managed:

- Pest and weed control methods/prescription,
including control of declared animals and plants 4.6.5 – 4.6.7
- Grazing strategy 4.7.6
- Fertilising methods/prescription 4.6.4
- Pruning and thinning regimes 4.6.9
- Access and firebreak maintenance 4.5, 4.7.6

Fire Management Plan

This should contain the following details:

- Contact names and telephone numbers
- Names and addresses of local fire control bodies
- Map or details of access roads, firebreaks, water points etc.
Note: this information may be included on the main Map that forms part of the Tree Crop Development Application
- Location of fire fighting equipment, including details of cooperative arrangements
- Specific measures to protect services e.g. power lines and gas supplies, or surrounding values (if relevant)

NOTE:

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

Refer to Guidelines for Plantation Fire Protection

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Extension Of Planning Consent For The Land Use Of An Extractive Industry And Request For An Extractive Industry Licence - Lot 1 (6362) Great Southern Highway, Gilgering

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO:	Gr2.1260
COUNCIL DATE:	3 March 2010
REPORT DATE:	23 February 2010
LOCATION/ADDRESS:	Lot 1 (6362) Great Southern Highway, Gilgering
APPLICANT:	Land Insights for and on behalf of Bonthorpe Pty Ltd
SENIOR OFFICER:	Ray Hooper
REPORTING OFFICER:	Patrick Ruettjes/Brooke Newman
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Plans, Schedule of Submissions and Locality Map
DOCUMENTS TABLED:	Shire of York Extractive Industries Local Law, Application Documentation

Summary:

Council is asked to consider an extension of planning consent for the land use of an extractive industry and also to consider approval for an extractive industry licence to be issued to the applicant in order to commence extractive industry activities at Lot 1 (6362) Great Southern Highway, Gilgering.

Background:

An application has been received for an extractive industry licence to allow the excavation of gravel from Lot 1 (6362) Great Southern Highway, Gilgering. Lot 1 is zoned 'General Agriculture' under the Shire of York Town Planning Scheme No. 2 and covers an area of 1,512.48 hectares. It is the southernmost property in the Shire of York, abutting the Shire of Beverley (see attached locality map).

Application for the Issuing of an Extractive Industry Licence

The applicant proposes to mine gravel from a total of 5 pits within Lot 1 Great Southern Highway, Gilgering. The proposal includes excavation of gravel from a depth of 1.5 metres to a maximum of 7 metres. All proposed pits are located on or adjacent to gravel hilltops. The areas proposed for extractive industry activities are plotted on the attached plan. It is envisaged by the applicant that the extractive industry will be a staged development and it is anticipated by the applicant that the removal of product will be over a minimum of 5 years.

Pit sizes vary as follows:

Pit Number	Size
1	3.98ha
2	3.24ha
3	3.36ha
4	13.12ha
5	4.00ha
TOTAL:	27.70ha

The applicant is proposing to start the excavation at Stage 1A which is located in Pit 3. Stage 1B (located at Pit 5) and Stage 1C at Pit 1 are proposed to be commenced at the same time as Stage 1A. Once the material is removed from these stages, it is proposed that the areas will be decommissioned and rehabilitated.

It is proposed that once the works have been completed with the rehabilitation of Stages 1A, 1B and 1C, Stage 2 will commence on the eastern side of Pit 4 and Stage 3 will move to the western side of Pit 4.

Stage 4 is scheduled to commence in the western side of Pit 5 and Stage 5 is scheduled for Pit 2.

The report states:

'The gravel extraction process does not involve blasting or major noise-generating practices. Noise generation will be limited to trucks, earthmoving equipment and a screening and crushing machine.'

Regular noise tests as well as dust management and occupational safety and health measures are proposed by the applicant for the proposed operation.

Planning Consent

At its ordinary meeting held on 17 December 2007 Council resolved to issue planning consent for the land use of an extractive industry for Lot 1. At that meeting, the following resolution was made:

"That Council

A. *advise S J Henderson that it grants planning consent to a land use of an extractive industry for the extraction of gravel and associated uses on Lot 1 Great Southern Highway, York and an Extractive Industry will not be permitted to commence until such time that Council is satisfied that the potential impacts have been adequately addressed and will be subject to the following requirements:*

1. *Advice from Westnet Rail regarding the requirements of upgrading if required.*
2. *Advice from Main Roads WA regarding the requirements of upgrading if required.*
3. *Advice from Department of Environment and Conservation regarding requirements for a crushing plant and relevant approvals for extraction of materials (dependant on volumes).*
4. *Appropriate approvals in place for the storage of fuels for business use only. No sale of fuel is to be allowed under the general agriculture zone.*

5. *A building licence being issues for any buildings eg workshop, caretakers residence, ancillary accommodation etc.*
- B. *advise that they are required to comply with all requirements of the Extractive Industry Local Law.*
- C. *delegates to the Chief Executive Officer to approve the planning application subject to no valid objections being received during the advertising period.*

Advice Notes:

The applicants to be advised that the following matters must be addressed in any future application for an extractive industry licence under the Extractive Industry Local Law:

- (a) *A report being prepared by a qualified Traffic Engineer, at the applicants cost, to determine the impact of the proposed development on the relevant roads and submitted to Council for approval. The report is to address:*
- Current standards of roads;*
 - Required upgrading of roads to accommodate the vehicles associated with the extractive industry;*
 - Current and projected traffic volumes for the roads;*
 - The cost proportion that should be borne by the applicant for the upgrading of roads;*
 - Potential impacts on the school bus service and the provision of bus bays; and*
 - Liaise with Main Roads WA, if required, to determine the suitability of the intersections onto a main road to accommodate safe access and egress for the transport vehicles.*
- (b) *A noise management plan is to be prepared and submitted to Council for approval. The plan is to demonstrate that the noise levels received at any noise sensitive premises in the vicinity will not exceed the requirements of the Environmental Protection (Noise) Regulations 1997;*
- (c) *A comprehensive dust management plan is to be prepared and submitted to Council for approval. The plan is to:*
- demonstrate the methods of dust reduction in through the use of the dust suppression agent, the procedures for the use of the product, including frequency of application, strength of application, duration of dust suppression with each application and quantity of water required for each application;*
 - adequate information confirming the quantity of water available to be used for dust suppression and the quality of this water source. The DMP is also required to identify auxiliary water supplies if the proposed water supplies are exhausted; and*
 - details of the salinity of the proposed water supply to be used on the site is to be confirmed and details of the environmental implications of applying this water to the land in regard to the potential to increase the salinity of the groundwater supply in the area.*
- (d) *The applicants are advised that the commercial operation of pits is subject to an extractive industry licence being obtained and subject to relevant fees and charges at the time of the application.*

(e) *Subject to the volumes of extracted materials access through Blandstown may be restricted.”*

The applicant is seeking an extension of the planning consent (in a letter which was received prior to the expiry of the planning consent) in addition to the application for the issuing of an extractive industry licence.

Compliance with Previous Planning Consent Conditions:

The conditions have been addressed in the submitted documentation report except for advice from the Department of Environment and Conservation with respect to condition A3 of the original planning consent.

Rehabilitation Bond

The Shire of York Extractive Industries Local Laws stipulates the payment of a rehabilitation bond for extractive industries as per the Shire’s schedule of fees and charges (currently \$4,000.00 per hectare).

The table below outlines the requirement for the payment of rehabilitation bonds in relation to the overall area of each pit:

Pit Number	Size	Bond
1	3.98ha	\$15,920.00
2	3.24ha	\$12,960.00
3	3.36ha	\$13,440.00
4	13.12ha	\$52,480.00
5	4.00ha	\$16,000.00
TOTAL:	27.70ha	\$110,800.00

However, it is possible to enable the applicant/landowner to pay the bond in stages in accordance with the proposed staged development, i.e. a bond is determined on an annual basis in accordance with the progress of the extraction activities and bond money can be transferred while areas are being rehabilitated.

Other Issues

It should be noted that there is an approved subdivision issued for Lot 1 allowing for 10 lots ranging in size from 108.26 ha to 235.45 ha. The subdivision was approved in the State Administrative Tribunal.

The applicant(s) and their consultants advise that up to 40 heavy vehicle movements (20 in and 20 out) are envisaged for the operation of the site per day. The trucks are not to exceed 27.5 metres and are therefore within the allowable use for Great Southern Highway as per Main Roads regulations. An additional 8 light vehicle movements are also anticipated.

Traffic data provided in the documentation and by Main Roads indicate that there is an average of 89 truck movements per day on Great Southern Highway in vicinity of the proposed extractive industry site. This is proposed to increase to 129 counting the anticipated maximum 40 truck movements at peak capacity by the proposed extractive industry. This represents an increase of 45 %.

The traffic data for Avon Terrace in Blandstown, measured south of Wheeler Street, indicates an average of 1004 vehicle movements per day, including an average of 141 heavy vehicle

movements per day. If all trucks exiting Lot 1 pass through this route, an additional 40 movements would result in a total of 181 truck passages. This would represent an increase of 28 % in heavy vehicle movements, but only 4 % of the overall traffic movements.

While the applicant(s) have not finalised the truck routes as yet, it is anticipated that the transport of the extracted material will be organised exclusively via Main Roads controlled state roads outside the jurisdiction of the Shire of York.

Towards Perth, traffic will travel along Great Southern Highway to the north, passing through Avon Terrace in Blandstown, turning left into Henrietta Street and continuing via Great Southern Highway to the west. Northam bound traffic will go to the same intersection Avon Terrace/Henrietta Street/Balladong Street, turn right, continue up to Panmure Road, turn left and continue on the Northam – York Road. Traffic to the south towards Beverley is via Great Southern Highway southbound and does not affect the Shire of York.

These transport routes are entirely state roads designated for the proposed type of trucks, do not require any permits and are in no way under any control or jurisdiction of the Shire of York.

Should the extracted product travel on any Shire controlled road, contributions to road upgrading and maintenance will be proposed.

Consultation:

The application was advertised in accordance with the Shire's Extractive Industries Local Law for a period of 21 days. A total of 26 submissions have been received during the advertising period. 2 late submissions were also received. The submissions are addressed in full detail in the attached Schedule of Submissions.

Statutory Environment:

Shire of York Town Planning Scheme No. 2
Shire of York Extractive Industries Local Law

The land use of an extractive industry has previously been given approval under the provisions of the Shire's Town Planning Scheme No 2. That approval is required to be considered for extension under the same provisions.

The land use of an extractive industry is an "AA" use (discretionary use) under the provisions of the Scheme.

An application for an extractive industry licence is governed by the Shire's Extractive Industries Local Law (document will be tabled).

Policy Implications:

Nil

Financial Implications:

Bonds for rehabilitation of the site in accordance with the Extractive Industries Local Law are proposed to be imposed on the project to protect the community from any future costs.

Annual license fees are payable under the Extractive Industries Local Law, which will cover the cost to Council of administration and monitoring of the development.

Should heavy haulage vehicles be proposed to travel on a Shire of York controlled road, contributions will be required from the applicant for road upgrade and maintenance.

Strategic Implications:

The objectives of KRA 2 – Economic Development and Tourism, include:

“To encourage a sustainable community by increasing employment opportunities in York, attracting investment and businesses to the town, and achieving diversification of industries.”

An extractive industry on Lot 1 is deemed to be appropriate development for the purposes of providing employment, investment and economic growth within the Shire of York. It also reflects diversity of industry.

“To ensure economic development does not conflict with York’s heritage, lifestyle and environment.”

The proposed extractive industry may, over a long period of time, conflict with the heritage value, general lifestyle and environment of the Shire of York, and in particular, the people and buildings of the Blandstown Heritage Precinct.

The objectives of KRA 5 – History and Heritage, include:

“To safeguard York’s history and heritage.”

“To promote an increased rate of preservation of heritage buildings, including Council’s own heritage buildings.”

The implication of the operation of an extractive industry within Lot 1 in itself does not compromise the heritage of the Shire of York. However, the operation of heavy haulage vehicles through the Blandstown Heritage Precinct via a state road (Great Southern Highway) may potentially have a negative impact on the history and heritage of that area. Increased heavy haulage vehicle traffic may compromise the physical structure of heritage listed buildings, particularly within the Blandstown Precinct. However, this is likely to occur through the grain freight processes and general transport growth.

The Shire of York has been, is and will be lobbying for a southern bypass road for York to divert heavy traffic away from the town centre, heritage areas and residential areas. The Shire has made it quite clear that its preferred option includes an alignment via Cut Hill Road and Knotts Road as this route achieves most of the outcomes of diverting traffic away from town centre, heritage and residential areas.

The Shire has written to and discussed the issue and the urgency of a bypass road with various ministers and State Government departments. The Shire is in continuous discussions with the various State Government stakeholders, especially Main Roads and the Department of Planning, but it should be noted that the planning and construction of a bypass road is a matter of years and decades rather than months.

It is reiterated that any bypass road is a state government project and the Shire does not have any jurisdiction over the proposed bypass road, but will use all its options to continue to lobby for its planning and construction as a matter of urgency for the benefit of the community.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Various

Lot 1 is undulating with a number of granite outcrops. There are two locations on Lot 1 whereby development has occurred (houses and farming infrastructure such as shearing sheds, feed storage sheds, grain silos and general farming outbuildings).

There are a number of water courses traversing Lot 1 which will require monitoring for impacts from the extractive industry. There are also a number of dams on the property which are proposed for water retention to be utilised in the process of dust management.

The gravel deposits are quite extensive and are generally covered in remnant vegetation.

It is considered by the officer that a large portion of the land could generally be utilised for agricultural purposes (such as cropping and stock growing). However, it would be fair to assume that there would be significant areas of Lot 1 that would be considered to be not in the category of prime agricultural land. The applicant proposes to utilise arable portions of Lot 1 for continuous agricultural purposes.

A road suitable for heavy haulage vehicles will be required to be constructed to facilitate the extractive industry.

Triple bottom Line Assessment:

Economic Implications:

Diversification of industry and potential employment opportunities may arise from the proposed extractive industry. Basic raw materials, such as gravel, clay, sand, limestone etc, are required for state and regional development.

Social Implications:

Potential impact from heavy vehicle movement of the proposed extractive industry on the Blandstown area has resulted in a number of submissions (see attached Schedule of Submissions).

Environmental Implications:

A range of environmental issues, such as dust, noise, remnant vegetation, watercourses etc., have been addressed in the documentation report.

Monitoring of environmental issues will be required to be undertaken on an ongoing basis and this will largely be the responsibility of the Department of Environment and Conservation and the Department of Water.

Comment:

The main issues arising from the application for an Extractive Industry Licence and the extension of existing Planning Consent for Lot 1 (6362) Great Southern Highway, Gilgering, are discussed as follows:

Extension of Existing Planning Consent for the Land use of an Extractive Industry

Council is requested to consider approval of an extension to the previous planning consent issued for the land use of an extractive industry on Lot 1.

To date, the applicant has complied with the majority of conditions imposed by the previous planning consent apart from the requirement to have evidence from Department of Environment and Conservation of its approval of the project. The applicant has verbally advised that documentation to that effect would be made available in due course.

It is also important to note that the approved subdivision of Lot 1 may proceed at some point in the future. The granting of an extractive industry on land which has an approved but not yet cleared subdivision proposing lots of, on average, 150ha for potentially residential use and farming may have adverse implications in the future.

During the advertising process of the original application for the land use of an extractive industry, it appears that only little submissions were received. Therefore, it was deemed appropriate to issue planning consent for the land use.

It is now for Council to consider whether it is appropriate to issue an extension to the existing planning consent.

Despite the officers' opinion that a land use of extractive industry being granted on land which has potential to be subdivided into 10 lots varying in size from 108.26 ha and 235.45 ha (average lot size of 150 ha) is considered inappropriate as it may generate land use conflict in the future, in light of the applicant's willingness to comply with the previous approval and in the interest of promoting industry within the Shire of York, it is recommended that approval be granted for the extension of the planning consent for the land use subject to various conditions.

It is considered appropriate to impose a condition that a memorial be placed on the Certificate of Title of Lot 1 (to be carried to any subsequent lots formed in accordance with the approved subdivision) to notify prospective purchasers that there is an extractive industry approved on Lot 1 and potentially in the vicinity of any lots created in the future and may impact on the use and enjoyment of land by noise, dust, vibration of the operation and vehicle movements associated with the operation of an extractive industry.

Application for an Extractive Industry Licence

The applicant has provided extensive documentation with respect to the application for an Extractive Industry Licence under the Shire of York Extractive Industries Local Law, including a comprehensive Dust Management Plan, Traffic Report, Rehabilitation Management Plan, Flora Survey and Tree Hollow Survey.

The proposed list of conditions is considered to address the issues arising from dust and noise management, traffic management, provision of infrastructure, rehabilitation and environmental issues, water management and hours of operation.

For instance, it is proposed that the applicant pays a rehabilitation bond in accordance with the local law and ensures that each excavation stage is decommissioned and rehabilitated when it is completed.

Given that it is the officer's opinion that approval should be granted for the extension to the previous approval, despite the possible negative implications of a possible subdivision, it is recommended that approval be granted for the issuing of an extractive industry licence pursuant to the Shire of York's Extractive Industry Local Law, subject to various conditions.

Heavy Vehicle Movements

Numerous submissions have been received by residents and ratepayers of Blandstown with respect to heavy vehicle movements that may affect buildings and property along the state heavy vehicle route. The proponent proposes an additional 40 heavy vehicle movements at peak capacity of the operation of the quarry.

While at full excavation capacity this represents a potentially significant increase in heavy vehicle movements through the York townsite – if all trucks are going north – the transport routes are not in the responsibility of the Shire. The legality of the usage of Great Southern Highway, Avon Terrace (south of Henrietta Street), Henrietta Street, Balladong Street, Panmure Road, Northam – York Road and York – Quairading Road is fairly simple. These roads are state roads under the control of Main Roads WA and are free to be used by any traffic as long as it does not involve vehicles longer than 27.5 metres.

It is acknowledged that the presence of heavy vehicle routes through the townsite and through residential areas is very suboptimal. Therefore, the Shire has made numerous submissions to Ministers, State Government Departments, Members of Parliament and other stakeholders to lobby for a bypass route that is in the best interest of York by diverting heavy traffic away from the town centre and residential areas. Council's preferred option is a bypass route via Cut Hill Road, Knotts Road, south of CBH, north of the sewer ponds, then crossing the river and aligning with the York – Quairading Road. This option minimises impact on rural residential areas, diverts traffic away completely from the town centre and also diverts traffic away from all residential areas west of the river.

A bypass road, however, is not a matter of weeks or months, but rather of years and decades. The Shire is committed to continue to lobby with the State Government for the necessity and urgency of a bypass route, but to date, no corridor has been defined and no funds have been allocated towards the project. **It is reiterated again that any bypass road is the responsibility of the State Government in terms of planning and funding.** The relevant agencies are the Department of Planning and Main Roads WA. The Shire is in discussions with these agencies on a continuous basis, but it is not anticipated that a solution can be presented in the near future.

Should it be proposed that heavy haulage permit vehicles being utilised by the extractive industry travel along roads under the control of the Shire of York, a condition be imposed on the applicant/landowner that a contribution be made to the upgrade and/or maintenance of the portion of road which is under the control of the Shire of York.

Heritage Precincts

Under the Shire of York Strategic Plans (see the 'Strategic Implications' section of this report) and the Shire's Local Planning Policy on Heritage Precincts and Places, the Shire has an obligation to protect and enhance its heritage and history. From this perspective, the proposal to operate a quarry on the boundary to Beverley does not have a direct impact on the Shire's heritage asset. The heavy traffic generated by the proposed development, however, has a potential impact on the heritage and history of York.

If officers were in a position to make recommendation to alter the transport routes, they certainly would do so to reduce heavy traffic and its impact on heritage buildings, the town centre and residential areas because it would be in the best interest of the community.

The legality, however, is that any truck driver can utilise the state routes at any time subject to Main Roads regulations. In the case of Avon Terrace in Blandstown, this is a vehicle configuration of up to 27.5 metres length. Therefore, there is no limit on the number of heavy vehicle movements on that road and therefore no option for interference or conditions by the Shire with respect to the extractive industry licence application.

Conclusion

The proposed extractive industry is recommended for the issuing of an Extractive Industry Licence under the Shire of York Extractive Industries Local Law and for the extension of planning consent for one year.

While the approved subdivision on Lot 1 and the potentially proposed transport route through the York townsite are considered major impediments on the proposed extractive industry, the Shire does not have any legal options to link the extractive industry to the state approved transport routes and therefore any moves in that direction are expected to be rejected in the State Administrative Tribunal.

OFFICER RECOMMENDATION

That Council:

1. *Issue an extension to the previous planning consent dated 11 February 2008 for the land use of an extractive industry on Lot 1, Great Southern Highway, Gilgering subject to the following conditions:*
 - 1.1. *A memorial in the form of a Section 70A Notification under the Transfer of Land Act 1893 (As Amended) notifying prospective purchasers that basic raw materials are located on Lot 1 and that an approval has been issued for the commencement of an extractive industry on Lot 1 potentially affecting the use and enjoyment of the land due to dust, noise, vibration and vehicle movements generated by or associated with the operation of an extractive industry to the satisfaction of the Local Government. The notification is to be transferred to any future Certificates of Title arising from any future subdivision of Lot 1.*
 - 1.2. *The extractive industry to substantially commence within twelve (12) months from the date of issue of planning consent. Should the extractive industry not commence within this time, the applicant be advised that a new application will be required to be made.*
2. *Advise the applicant that the Shire of York requires the following information to be submitted and approved prior to the issuing of an Extractive Industry Licence:*
 - 2.1. *A Drainage Management Plan being submitted to the satisfaction of the Department of Water and the Local Government.*
 - 2.2. *A fauna study being submitted to the satisfaction of the Department of Environment and Conservation and the Local Government.*
 - 2.3. *Evidence of public liability insurance policy being provided to the satisfaction of the Local Government.*

3. *Delegates to the Chief Executive Officer the ability to issue an Extractive Industry Licence in accordance with the Shire of York Extractive Industries Local Law on Lot 1 (6362) Great Southern Highway, Gilgering, subject to the required information being received and approved in accordance with condition 2 above and subject to the following conditions:*
 - 3.1. *The extractive industry shall be carried out and fully implemented in accordance with the details incorporated within the documentation endorsed with an "Approved" stamp by the Local Government and is attached to the Extractive Industry Licence.*
 - 3.2. *The excavation area is limited to the area shown on the approved plans – namely Pit Nos. 1 to 5 – to a maximum depth of 7 m from ground level to the satisfaction of the Local Government.*
 - 3.3. *Excavation is not permitted within 20 metres of any boundary of Lot 1.*
 - 3.4. *The applicant shall comply with the requirements of this Extractive Industry Licence and the Shire's Extractive Industry Local Laws as attached hereto at all times.*
 - 3.5. *Hours of operations and movements of heavy vehicles in or out of Lot 1 shall be limited to 07.00 to 19.00 hours, Monday to Saturday, and shall be managed in accordance with the submitted Noise Management Plan.*
 - 3.6. *The facility is to operate in accordance with the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997. Should noise complaints be received it shall be the licensee's responsibility to employ a suitably qualified acoustic engineer to determine exceedances and remedies. Where the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997 can not be satisfied, the licensee shall seek approval for the operation, in accordance with Regulation 17, of the same.*
 - 3.7. *Reversing alarms on vehicles and equipment must be managed on site to ensure they do not interfere with the amenity of nearby properties while complying with the Occupational Safety & Health Regulations 1996 and the Environmental Protection (Noise) Regulations 1997.*
 - 3.8. *The Dust Management Plan approved by the Local Government must be adhered to and followed at all times. Should complaints be received in relation to dust emissions, dust monitoring equipment shall be installed and regular reports be provided, in consultation with the Local Government.*
 - 3.9. *No blasting is to take place as part of the proposed extractive industry operation.*
 - 3.10. *All trafficable areas shall be treated and maintained in a manner which prevents or minimises the generation of airborne dust to the satisfaction of the Local Government and in accordance with the Dust Management Plan.*
 - 3.11. *Drainage management shall be in accordance with the approved Drainage Management Plan and the approved plan for the extractive industry.*
 - 3.12. *Prior to any cartage taking place, a detailed technical plan showing exact internal road widths, direction of entry and exit, angles of entry and exit, any turning circles and any other relevant information of the proposed internal road infrastructure shall be submitted to the Shire of York for approval. No cartage will be permitted until the construction of the internal road infrastructure has occurred to the satisfaction of the Local Government.*

- 3.13. *The internal road infrastructure is to be maintained to the satisfaction of the Local Government during extractive operations on an ongoing basis.*
- 3.14. *A fence restricting vehicle and pedestrian access to the area identified for the operations of the quarry shall be constructed prior to the commencement of site works.*
- 3.15. *Warning signs are to be placed along each of the boundaries of the area excavated under this licence which are no more than 200 metres apart, not less than 1.8m high and not less than 1 metre and bears the words "DANGER EXCAVATIONS KEEP OUT".*
- 3.16. *A sign is to be located at the entrance to the property at all times to identify the quarry operator and a contact name and number of a responsible contact person for enquiries relating to the quarry operations.*
- 3.17. *This extractive industry licence is valid for a period of five (5) years from the date of this approval. If development is not completed within this period, a new licence must be obtained before commencing or continuing development.*
- 3.18. *The licensee shall provide, for the approval of the Local Government on an ongoing basis, a detailed Rehabilitation and Maintenance Plan of suitable indigenous planting on, and around, the quarried area, to be planted at the completion of remedial earthworks. The plan is to be provided on an annual basis.*
- 3.19. *The Rehabilitation and Maintenance Plan approved by the Local Government is to be adhered to and implemented at the conclusion of mining operations.*
- 3.20. *Remnant vegetation outside of the excavation area is to be protected from the quarry operations and transport movements at all times.*
- 3.21. *The site is to be rehabilitated using local endemic species to the satisfaction of the Local Government.*
- 3.22. *Survey pegs are to be placed on site prior to commencement of operations in order to clearly delineate the boundaries of the excavation areas in accordance with the approved plans and the terms and conditions of this licence.*
- 3.23. *The applicant shall obtain and maintain relevant clearing permits from the Department of Environment and Conservation prior to any significant land clearing taking place.*
- 3.24. *A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the Local Government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.*
- 3.25. *The licensee shall provide to the local government a copy of the policy taken out under condition 3.24, within 14 days after the issue of that policy and shall provide to the Local Government evidence of renewal within 14 days of each renewal date.*
- 3.26. *On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee determined by the local government from time to time.*

- 3.27. *A licensee who wishes to renew or extend a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal:*
- (i) the fee determined by the local government from time to time;*
 - (ii) a copy of the current licence;*
 - (iii) a plan showing the contours of the excavation carried out to the date of that application;*
 - (iv) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in the attached documentation report; and*
 - (v) any other things referred to in the Shire of York's Extractive Industries Local Laws.*
- 3.28. *No permit vehicles from this extractive industry are to pass onto any road under the control of the Shire of York unless the appropriate Local Government and Main Roads approvals are in place.*
- 3.29. *A rehabilitation bond is to be paid by the applicant prior to commencement of any excavation and subsequently on or before 30 June in each year to the Local Government in accordance with the endorsed Fees and Charges (currently \$4,000 per hectare) based on a staging plan outlining the sizes of the intended excavation areas to be excavated in the following financial year drafted by a licensed surveyor to the satisfaction of the Local Government.*
- 3.30. *In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried on at a site subject to this licence, the licensee in respect of that site must -*
- i) comply with all applicable provisions of that Act or those Acts; and*
 - ii) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.*
- 3.31. *Failure to comply with any of the conditions outlined above may result in the Local Government revoking this Extractive Industry Licence or taking such other action as considered appropriate by the Shire of York as available under the existing Local Law.*

Advice Notes:

- a) The licensee shall at all times adhere to and abide by any relevant Main Roads WA legislation or requirements.*
- b) Any damage caused to the Great Southern Highway by the extractive industry is to be repaired at the request and to the satisfaction of Main Roads WA.*
- c) Approval being obtained by Main Roads WA for use of truck routes utilised by transportation vehicles, if required.*
- d) The licensee shall at all times adhere to and abide by any relevant Westnet Rail legislation or requirements.*
- e) The operation of the extractive industry is to comply with the conditions of any licence to operate issued by the Department of Environment and Conservation specifically related to the screening and crushing of materials.*

- f) *The applicant is required to comply with any works licence issued by the Department of Environment and Conservation for the construction of any new buildings on the subject site.*
- g) *A building licence is to be applied for and obtained from the Local Government for the construction of any infrastructure associated with the extractive industry activities including the placement of any temporary structure or sea container.*
- h) *With respect to condition 3.29, progressive payments of bond money are acceptable, i.e. once an area has been rehabilitated to the satisfaction of the Local Government, the bond money held in trust can be utilised to cover the rehabilitation bond for a future excavation area.*
- i) *With respect to condition 3.30, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.*

**RESOLUTION
020310**

Moved: Cr Lawrance

Seconded: Cr Boyle

That Council:

- 4. *Issue an extension to the previous planning consent dated 11 February 2008 for the land use of an extractive industry on Lot 1, Great Southern Highway, Gilgering subject to the following conditions:***
 - 4.1. *A memorial in the form of a Section 70A Notification under the Transfer of Land Act 1893 (As Amended) notifying prospective purchasers that basic raw materials are located on Lot 1 and that an approval has been issued for the commencement of an extractive industry on Lot 1 potentially affecting the use and enjoyment of the land due to dust, noise, vibration and vehicle movements generated by or associated with the operation of an extractive industry to the satisfaction of the Local Government. The notification is to be transferred to any future Certificates of Title arising from any future subdivision of Lot 1.***
 - 4.2. *The extractive industry to substantially commence within twelve (12) months from the date of issue of planning consent. Should the extractive industry not commence within this time, the applicant be advised that a new application will be required to be made.***
- 5. *Advise the applicant that the Shire of York requires the following information to be submitted and approved prior to the issuing of an Extractive Industry Licence:***
 - 5.1. *A Drainage Management Plan being submitted to the satisfaction of the Department of Water and the Local Government.***
 - 5.2. *A fauna study being submitted to the satisfaction of the Department of Environment and Conservation and the Local Government.***
 - 5.3. *Evidence of public liability insurance policy being provided to the satisfaction of the Local Government.***
 - 5.4. *Provide certified approval from;
Westnet***

Main Roads WA

That all issues relating to property access across the rail reserve and entry/exit to Great Southern Highway have been addressed.

- 6. Delegates to the Chief Executive Officer the ability to issue an Extractive Industry Licence in accordance with the Shire of York Extractive Industries Local Law on Lot 1 (6362) Great Southern Highway, Gilgering, subject to the required information being received and approved in accordance with condition 2 above and subject to the following conditions:***
 - 6.1. The extractive industry shall be carried out and fully implemented in accordance with the details incorporated within the documentation endorsed with an "Approved" stamp by the Local Government and is attached to the Extractive Industry Licence.***
 - 6.2. The excavation area is limited to the area shown on the approved plans – namely Pit Nos. 1 to 5 – to a maximum depth of 7 m from ground level to the satisfaction of the Local Government.***
 - 6.3. Excavation is not permitted within 20 metres of any boundary of Lot 1.***
 - 6.4. The applicant shall comply with the requirements of this Extractive Industry Licence and the Shire's Extractive Industry Local Laws as attached hereto at all times.***
 - 6.5. Hours of operations and movements of heavy vehicles in or out of Lot 1 shall be limited to 07.00 to 19.00 hours, Monday to Saturday, and shall be managed in accordance with the submitted Noise Management Plan.***
 - 6.6. The facility is to operate in accordance with the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997. Should noise complaints be received it shall be the licensee's responsibility to employ a suitably qualified acoustic engineer to determine exceedances and remedies. Where the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997 can not be satisfied, the licensee shall seek approval for the operation, in accordance with Regulation 17, of the same.***
 - 6.7. Reversing alarms on vehicles and equipment must be managed on site to ensure they do not interfere with the amenity of nearby properties while complying with the Occupational Safety & Health Regulations 1996 and the Environmental Protection (Noise) Regulations 1997.***
 - 6.8. The Dust Management Plan approved by the Local Government must be adhered to and followed at all times. Should complaints be received in relation to dust emissions, dust monitoring equipment shall be installed and regular reports be provided, in consultation with the Local Government.***
 - 6.9. No blasting is to take place as part of the proposed extractive industry operation.***
 - 6.10. All trafficable areas shall be treated and maintained in a manner which prevents or minimises the generation of airborne dust to the satisfaction of the Local Government and in accordance with the Dust Management Plan.***
 - 6.11. Drainage management shall be in accordance with the approved Drainage Management Plan and the approved plan for the extractive industry.***

- 6.12. *Prior to any cartage taking place, a detailed technical plan showing exact internal road widths, direction of entry and exit, angles of entry and exit, any turning circles and any other relevant information of the proposed internal road infrastructure shall be submitted to the Shire of York for approval. No cartage will be permitted until the construction of the internal road infrastructure has occurred to the satisfaction of the Local Government.*
- 6.13. *The internal road infrastructure is to be maintained to the satisfaction of the Local Government during extractive operations on an ongoing basis.*
- 6.14. *A fence restricting vehicle and pedestrian access to the area identified for the operations of the quarry shall be constructed prior to the commencement of site works.*
- 6.15. *Warning signs are to be placed along each of the boundaries of the area excavated under this licence which are no more than 200 metres apart, not less than 1.8m high and not less than 1 metre and bears the words "DANGER EXCAVATIONS KEEP OUT".*
- 6.16. *A sign is to be located at the entrance to the property at all times to identify the quarry operator and a contact name and number of a responsible contact person for enquiries relating to the quarry operations.*
- 6.17. *This extractive industry licence is valid for a period of five (5) years from the date of this approval. If development is not completed within this period, a new licence must be obtained before commencing or continuing development.*
- 6.18. *The licensee shall provide, for the approval of the Local Government on an ongoing basis, a detailed Rehabilitation and Maintenance Plan of suitable indigenous planting on, and around, the quarried area, to be planted at the completion of remedial earthworks. The plan is to be provided on an annual basis.*
- 6.19. *The Rehabilitation and Maintenance Plan approved by the Local Government is to be adhered to and implemented at the conclusion of mining operations.*
- 6.20. *Remnant vegetation outside of the excavation area is to be protected from the quarry operations and transport movements at all times.*
- 6.21. *The site is to be rehabilitated using local endemic species to the satisfaction of the Local Government.*
- 6.22. *Survey pegs are to be placed on site prior to commencement of operations in order to clearly delineate the boundaries of the excavation areas in accordance with the approved plans and the terms and conditions of this licence.*
- 6.23. *The applicant shall obtain and maintain relevant clearing permits from the Department of Environment and Conservation prior to any significant land clearing taking place.*
- 6.24. *A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the Local Government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.*

- 6.25. The licensee shall provide to the local government a copy of the policy taken out under condition 3.24, within 14 days after the issue of that policy and shall provide to the Local Government evidence of renewal within 14 days of each renewal date.**
- 6.26. On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee determined by the local government from time to time.**
- 6.27. A licensee who wishes to renew or extend a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal:**
- (vi) the fee determined by the local government from time to time;**
 - (vii) a copy of the current licence;**
 - (viii) a plan showing the contours of the excavation carried out to the date of that application;**
 - (ix) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in the attached documentation report; and**
 - (x) any other things referred to in the Shire of York's Extractive Industries Local Laws.**
- 6.28. No permit vehicles from this extractive industry are to pass onto any road under the control of the Shire of York unless the appropriate Local Government and Main Roads approvals are in place.**
- 6.29. A rehabilitation bond is to be paid by the applicant prior to commencement of any excavation and subsequently on or before 30 June in each year to the Local Government in accordance with the endorsed Fees and Charges (currently \$4,000 per hectare) based on a staging plan outlining the sizes of the intended excavation areas to be excavated in the following financial year drafted by a licensed surveyor to the satisfaction of the Local Government.**
- 6.30. In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried on at a site subject to this licence, the licensee in respect of that site must -**
- i) comply with all applicable provisions of that Act or those Acts; and**
 - ii) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.**
- 6.31. Failure to comply with any of the conditions outlined above may result in the Local Government revoking this Extractive Industry Licence or taking such other action as considered appropriate by the Shire of York as available under the existing Local Law.**

Advice Notes:

- a) *The licensee shall at all times adhere to and abide by any relevant Main Roads WA legislation or requirements.*
- b) *Any damage caused to the Great Southern Highway by the extractive industry is to be repaired at the request and to the satisfaction of Main Roads WA.*
- c) *Approval being obtained by Main Roads WA for use of truck routes utilised by transportation vehicles, if required.*
- d) *The licensee shall at all times adhere to and abide by any relevant Westnet Rail legislation or requirements.*
- e) *The operation of the extractive industry is to comply with the conditions of any licence to operate issued by the Department of Environment and Conservation specifically related to the screening and crushing of materials.*
- f) *The applicant is required to comply with any works licence issued by the Department of Environment and Conservation for the construction of any new buildings on the subject site.*
- g) *A building licence is to be applied for and obtained from the Local Government for the construction of any infrastructure associated with the extractive industry activities including the placement of any temporary structure or sea container.*
- h) *With respect to condition 3.29, progressive payments of bond money are acceptable, i.e. once an area has been rehabilitated to the satisfaction of the Local Government, the bond money held in trust can be utilised to cover the rehabilitation bond for a future excavation area.*
- i) *With respect to condition 3.30, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.*

CARRIED (5/0)

Reason for change:

To insert clause 2.4 requiring the proponent to provide proof of approvals by other parties prior to the issue of a licence.

**RESOLUTION
030310**

Moved: Cr Boyle

Seconded: Cr Scott

That Council continues its extensive lobbying for the appropriate land use and traffic management studies to be conducted as a matter of urgency by the relevant State Government Departments to define transport corridors and potential river crossing locations with the aim of planning and implementing a southern and western bypass route for York to divert heavy traffic away from the town centre, heritage areas and residential areas.

Advice Note:

Members of the public are urged to voice concerns about traffic impacts, deterioration of heritage buildings and assets and loss of residential amenity to the Minister for Planning, Minister for Transport and other Members of Parliament.

CARRIED (5/0)

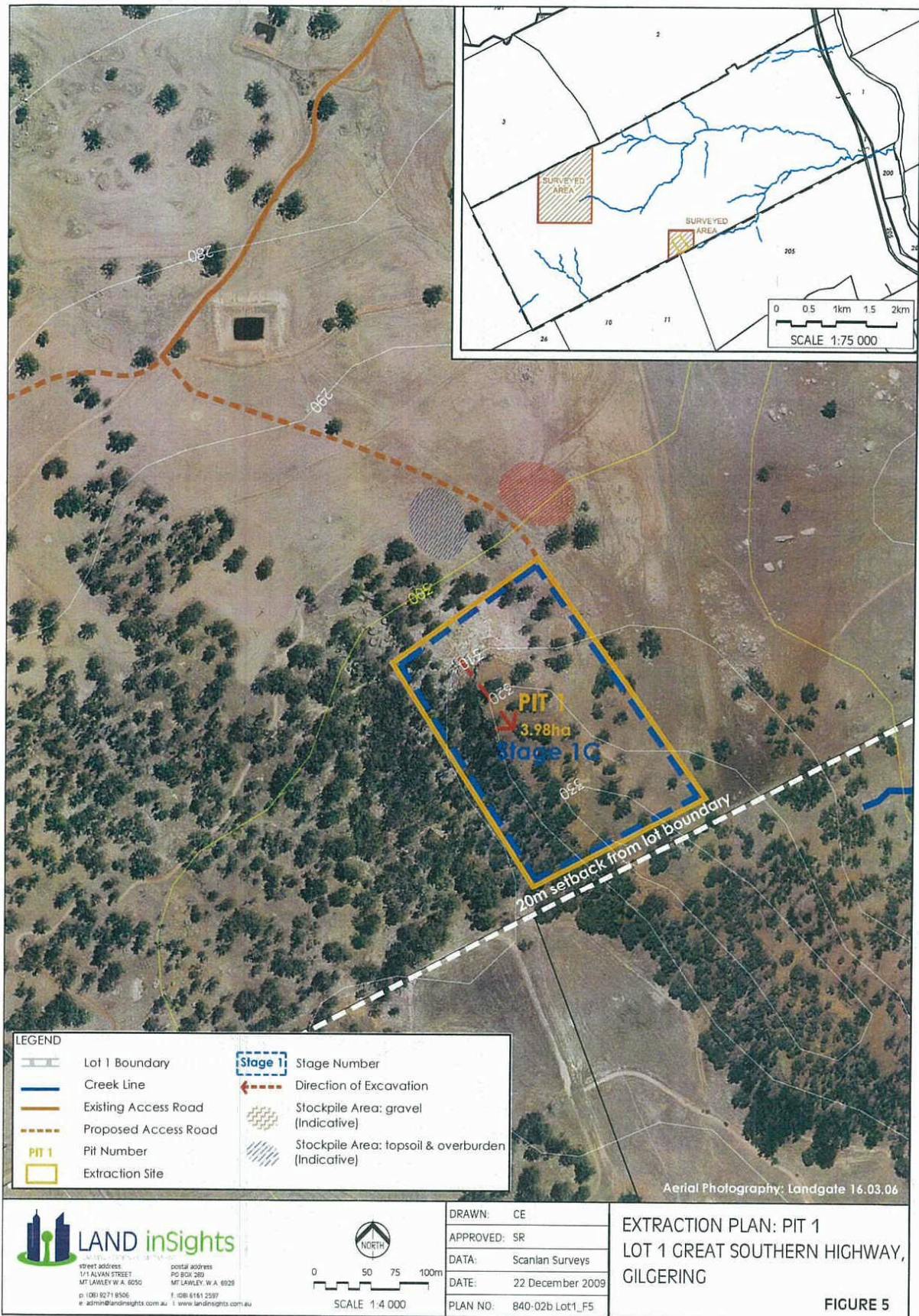
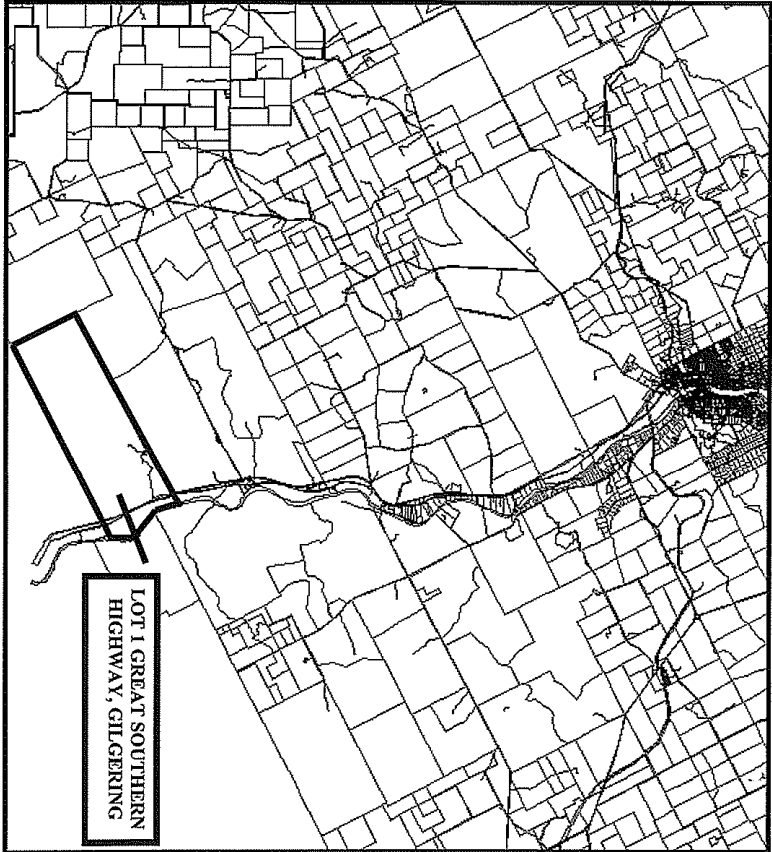


FIGURE 5

LOT 1 GREAT SOUTHERN HIGHWAY, GILGERING



**SCHEDULE OF SUBMISSIONS
PROPOSED EXTRACTIVE INDUSTRY
LOT 1 GREAT SOUTHERN HIGHWAY, GILGERING**

SUMMARY OF SUBMISSION	APPLICANT'S RESOLUTION	OFFICER COMMENT
<p>Department of Water</p> <p>No objection subject to the following:</p> <ul style="list-style-type: none"> - The applicant to provide erosion mitigation works to the watercourses (gullies) affected by increased flows as a result of the clearing of native vegetation and/or the proposed extraction works. It is recommended that consultation should occur in this regard with the Northern Office of the Department of Water. - The proposal is located within a proclaimed surface water area. In accordance with the Rights in Water and Irrigation Act 1914, the extraction of surface water for activities such as dust suppression may require a licence. This includes the extraction of water from dams located in a watercourse, however, a licence is not required for the watering of stock (feedlots excepted) or for domestic requirements. Modification to a watercourse, its bed or banks requires a permit from the Department of Water. - The subject property is located within a non-proclaimed area for groundwater under the Rights in Water and Irrigation Act 1914. The presence of and yield from groundwater aquifers in the subject area is not guaranteed; test holes should be drilled to locate a suitable groundwater supply. Extraction of any groundwater from artesian aquifers, however, is subject to licensing by the Department of Water. 	<p>Erosion mitigation measures are addressed in the Rehabilitation Management Plan which was sent to Council as an additional attachment to the application on the 4th February 2010.</p> <p>Noted. A licence can be applied for by the proponent if required.</p> <p>Noted.</p>	<p>Erosion mitigation will be monitored on an ongoing basis in conjunction with the landowner and the relevant State Government Departments at various stages of the development.</p> <p>Upon commencement of the development, the Shire and the Department of Water will work in conjunction with the landowner to satisfactorily resolve all issues.</p>
<p>Ratepayer</p> <p>Concerned over:</p> <ul style="list-style-type: none"> - the number of trucks using the roads and the effect the trucks will have on the roads. - vibration and the effect on heritage buildings. - Noise. - Decreased value of property and will the Shire compensate for loss of value. - Destruction of heritage area and establishment of by-pass road. 	<p>Trucks associated with the proposed extraction activities might travel along the Great Southern Highway, Avon Terrace and onto Henrietta Street which becomes Great Southern Highway once more. The exact number of trucks which will travel this route is not known at this stage, but will not be over 40 truck movements a day. However, this number could possibly be less depending on the level of demand and the direction that trucks will need to travel to meet customer demand. This route has approval from Main Roads WA to be a heavy haulage route.</p>	<p>The movement of heavy haulage vehicles is regulated by Main Roads WA. The Shire of York does not have jurisdiction over State approved heavy haulage routes.</p> <p>The Shire of York does recognise the importance of the Blandstown Heritage Precinct, however, no conditions are able to be imposed to eliminate any real or perceived damage to the heritage area.</p>

		<p>The operation does not propose to use the road for anything apart from its approved use from Main Roads WA and will not use trucks longer than 27.5 metres. All other issues cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	<p>The by-pass route is strongly supported by the Shire of York, however, no route has been confirmed to date. The proposed by-pass route is a State Government responsibility, and the Shire is committed to assisting the relevant Departments and Agencies concerning the by-pass.</p> <p>There is no indication at this point in time as to the estimated completion date of the by-pass except to say that it will not be commenced within the near future.</p> <p>Reference to a decrease in property value and request for compensation is considered inappropriate as the Shire has no jurisdiction over the use of the approved State road.</p>
<p>Bed and Breakfast</p>	<p>Concerned regarding:</p> <ul style="list-style-type: none"> - traffic flow of heavy vehicles through Blandstown Precinct. - degradation of Blandstown Heritage Precinct. - general traffic concerns for the York-Perth road with respect to lack of passing lanes and travellers of that road. - Poor advertising of the proposal. - When is by-pass going to be constructed? Council has not made commitment to the by-pass. - Speed limits through Blandstown Precinct. - Residents and businesses may close down due to the increased use of the roads for heavy haulage. - Dust issues. 	<p>The route through Blandstown to the Great Southern Highway has approval from Main Roads WA to be a heavy haulage route. The exact number of trucks which will travel this route is not known at this stage, but will not be over 40 truck movements a day. These issues cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p> <p>Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA. Issues relating to speed limits and poor advertising are beyond the scope of this application.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p> <p>Dust issues will be monitored on an ongoing basis.</p>
<p>Friends of Blandstown Association Inc</p>	<p>Concerns over:</p> <ul style="list-style-type: none"> - Increased traffic (heavy haulage) in Blandstown Precinct. - Council's responsibility to conserve the heritage and amenity of the Blandstown Precinct. - 40 laden and 40 empty trucks per day travelling along Avon Terrace in the Blandstown Precinct will cause substantial damage to heritage buildings and their foundations. 	<p>The route through Blandstown to the Great Southern Highway has approval from Main Roads WA to be a heavy haulage route. The exact number of trucks which will travel this route is not known at this stage, but the maximum truck movements will be 40 movements per day, not 80 movements per day as the respondent implies. This route has approval from Main Roads WA to be a heavy haulage route.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p> <p>Alternative route proposed passes heritage buildings as well and travels along Shire controlled roads. The number of affected residents would be larger than on the State roads.</p>

	<ul style="list-style-type: none"> - Urgent need for the Blandstown by-pass. - Suggests alternative route of "from Great Southern Highway onto the Gwambygne Road and continue onto the Top Beverly Road to rejoin the Great Southern Highway at Balladong Road". - Vibration to buildings and loss of amenity. 	<p>The operation does not propose to use the road for anything apart from its approved use from Main Roads WA and will not use trucks longer than 27.5 metres. All other issues cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA. Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA.</p>	<p>Additional financial burdens would be imposed on all ratepayers for the upgrade and maintenance of Shire roads.</p>
Ratepayer	<ul style="list-style-type: none"> - There has been a lack of consultation and communication with the Blandstown residents - The Blandstown area is still awaiting an update on the proposed bypass road which will deal with the heavy haulage traffic currently experienced in our local residential neighbourhood, impacting our homes due to vibration and noise. - The current proposal does not duly consider an appropriate feasibility study for the introduction of a new quarry facility of commercial nature, including associated infrastructure required to support such a facility as a quarry without impact to local residents and amenity - Current and future residents of Blandstown - this is an official "heritage precinct", currently experiencing positive development to protect this valuable history and asset of York as WA's first inland town and birthplace, this history needs to be preserved and given due consideration - Residents in the Blandstown district value their heritage homes, sense of community and are passionate about developing the heritage story for York, which is not being valued in this proposal. - There needs to be an understanding and risk mitigation strategy for the breach of noise impacts as a result of heavy vehicles, many who currently move on Avon Tce exceeding the 50kph speed limit, using air brakes as they enter the town site and cross the bridge. <p>It is very concerning that the full implications of this proposal are not currently being considered carefully by Council, and I urge you to undertake further community consultation and feasibility/impact studies so that collectively, we may find a solution to bring about much needed commercial development, along with sustainable development of our existing, current and future heritage precinct.</p>	<p>The route through Blandstown to the Great Southern Highway has approval from Main Roads WA to be a heavy haulage route. The exact number of trucks which will travel this route is not known at this stage, but will not be over 40 truck movements a day. The issues raised by the respondent cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA. Further to the above, it is not considered appropriate for the commercial aspects of the application to be released publicly. Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA.</p> <p>This is a policing issue and is inappropriate for it to be addressed as part of this application.</p> <p>The Shire of York Extractive Industry Local Laws include a list of requirements which were addressed by the application. It is considered that the information provided to Council should be sufficient to allow them to make an informed decision without the need for further studies, particularly those that are not completely related to the proposal.</p>	<p>The application for an extractive industry licence was advertised in accordance with the provisions of clause 7.3 of the Shire of York Town Planning Scheme No 2 and the Shire of York's Extractive Industries Local Law.</p> <p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p> <p>The proposal has been considered in great detail. All activities will be closely monitored by the Shire and other relevant State Government Departments.</p> <p>Alleged traffic offences are to be reported to the Police.</p>

		<p>I am seeking your immediate feedback as to your proposed approach to review this proposal in light of the concerns provided above, which may restore community spirit and reduce the significant community impacts currently presented for Blandstown.</p>	
Ratepayer	<p>- Distressed at prospect of Quarry. - Runs a business in the area and believes her business will be destroyed by the heavy haulage vehicles. - Believes her small children will be in danger from the trucks. - Building she owns is heritage listed and believes it will be destroyed by the vibration of heavy trucks. - Believes urgent action needs to be taken in relation to the by-pass. - Believes she will need to seek compensation for loss of income should her business fail and is seeking legal advice on the matter.</p>	<p>The route through Blandstown to the Great Southern Highway has approval from Main Roads WA to be a heavy haulage route. The exact number of trucks which will travel this route is not known at this stage, but will not be over 40 truck movements a day and could be less than this number. The issues raised by the respondent cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p> <p>Claims for compensation will not be able to be entertained by the Shire of York as the heavy haulage route is outside of the Local Government's jurisdiction.</p>
York Bureau Tourist	<p>The York Tourist Bureau is concerned at the impact of the truck traffic movements (noise, vibration, dust) particularly in the historic Blandstown Precinct. The Blandstown Precinct area has particular historical significance to York and with the building being particularly close to the main road we have concerns regarding the impact to the building, the noise for residents and the impact to the amenity of the area for tourists with the likely impact of negatively affecting the viability of the business operated in those buildings and consequently the viability of maintaining the buildings.</p> <p>We also express our concern at the increase in traffic over the narrow Blandstown Bridge, the road into York and the turn off from Avon Terrace to Gilgerring and also along the length of the Great Southern Highway which although designated a highway is in fact primarily a reasonably winding single lane tourism and town access road.</p>	<p>The route through Blandstown to the Great Southern Highway has approval from Main Roads WA to be a heavy haulage route. The exact number of trucks which will travel this route is not known at this stage, but will not be over 40 truck movements a day and could be less than this number. The issues raised by the respondent (such as noise, amenity, vibration and business viability) cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>
Ratepayer	<p>On that basis, we wish to express our strong objection to the application.</p> <p>1. Lack of capacity for heavy traffic to by-pass Blandstown. The By-Pass which has been proposed since the days of Commissioner Gavan Troy (2005) and the various Reference Advisory Groups has not eventuated, nor is there any sign that it is on the way.</p>	<p>Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>

<p>2.) The residents of the area are justified in their fear that the fragility of the original Blandstown buildings would be compromised by frequent passing through of the heavy haulage trucks involved in transporting the quarry products. This would be so due to:</p> <p>a) constant vibration along the roads, shaking buildings (subtly but constantly) which do not have the solid foundations of modern buildings, have mud-brick construction using lime mortar, do not have the advanced supports which modern buildings do, etc... The vibration would compromise the long-term stability of the structures and could lead to great cost to owners if they needed special steel reinforcement etc... as a result of the Shire's allowing such trucks to pass through.</p>	<p>The heritage values of Blandstown are noted. However, this does not affect the fact that the roads through Blandstown are approved by Main Roads WA as heavy haulage roads. The application does not propose to use the road for anything other than the approved use.</p> <p>Noted, however an argument has not been presented in this comment and therefore cannot be addressed.</p> <p>The issues raised by the respondent (such as noise, amenity, vibration and exhaust fumes) caused by trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA. It is acknowledged that Blandstown is highly valued from a heritage perspective, however this does not void the fact that the roads through Blandstown are approved by Main Roads WA as heavy haulage roads. The application does not propose to use the road for anything other than the approved use.</p>	<p>Any real or perceived health implications will be required to be addressed through the relevant State Government Departments.</p> <p>Noise from the extractive industry on Lot 1 is not considered to impact residents of the townsite or the Blandstown Precinct.</p> <p>Any environmental impacts will be monitored by the Shire of York and the Department of Environment and Conservation and the Environmental Protection Authority.</p> <p>The mentioned roads are Main Roads controlled State roads, while Knots Road is a Shire road. The State roads are approved for heavy vehicle traffic.</p> <p>It is not in the jurisdiction of the Shire to 'allow' trucks to pass, Avon Terrace in Blandstown is an approved State road for heavy traffic.</p>
<p>1.) Since Blandstown is not protected from Heavy Vehicles in the same way the CBD is, and due to its lying on the only flat-ground route out through York, these vehicles are liable to choose the Great Southern Highway route out to Balladong Road and out of York. For such vehicle drivers this is the "least line of resistance". The road is sealed, visibility is good most of the route (except at the heart of Blandstown), it is not twisty like Knots Road which is still narrow once one gets a few hundred metres beyond CBH.</p>		
<p>2. The importance and fragility of Blandstown, the First Settlement area of York, where almost every one of the first Small Businesses serving the core needs of the original settlers (including some of those of further outlying settler farmers) had their homes. Balladong Farm, the first Lying in house, the first Music Teacher, the first Wheelwrights, the first Butchers, and more.</p> <p>3. The physiological and psychological health of the current occupants of Blandstown.</p>		

	<p>b) constant exhaust fumes, which involve emission of several chemical gases would over time and with repeated frequent passing through Blandstown as proposed by this development application, would compound the natural tendency of the particular brick construction to erode with weathering, so creating a more rapid deterioration.</p> <p>c) the noise of many large trucks over time would similarly impact the buildings, as certain noise frequencies affect certain building components.</p> <p>3.) Physiological and psychological health of the occupants of Blandstown.</p> <p>a) Quite aside from the laws demanding that decibels of machinery operation etc., at the site of a quarry or any other business be no greater than 100 decibels, there is the issue of the ongoing low-level chronic noise and (when nearer) acute noise of passing heavy vehicles. Any of us who have endured ongoing roadworks, bridgeworks, sewerage works or use of heavy machinery in our locations are familiar with the wearing effect of the noise on our levels of discomfort or stress. People who live by the road in Blandstown do not have the advantage of large frontages to help serve as buffers against the noise of passing traffic particularly heavy traffic.</p> <p>b) Studies of noise impacts on populations living near to highway overpasses in the US, for instance, have found that the enduring and chronic passing of traffic increases the incidence of physiological stress effects, such as heart attack and strokes. This is even if the decibels are never more than 70. The psychological effects should be even more obvious to us.</p>	<p>This issue is a more wide-spread problem from the use of vehicles and is not directly related to the application, nor is it considered appropriate that this issue is addressed.</p> <p>Noise and dust management will be carried out as appropriate within the proposed extractive industry operation. However, the issues raised by the respondent (such as noise, dust and pollutants) caused by trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads W.A. Management of dust is addressed in the Dust and Noise Management Plan which states that trucks will be covered in tarps before leaving the site.</p> <p>This comment is unrelated to the application and should not be used as a basis for refusal. Regardless, the term 'chronic passing' most likely refers to a higher number than 40 truck movements during the day. Furthermore, the route through Blandstown is approved by Main Roads W.A as a heavy haulage route. The application does not propose to use the road for any purpose apart from its approved use.</p>	<p>It is not anticipated that the operation of a quarry at Lot 1 Great Southern Highway, Gilgering, has an impact on the residents of Blandstown.</p>
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<p>c) Similarly, it has been found that when there is such ongoing, chronic noise, there is an increase in incidence of hearing loss in babies and small children.</p> <p>d) Extra dust in the air caused by works at the site, and liable to be born on winds, are not conducive to the health of the population breathing it.</p> <p>e) The exhaust pollutants or passing heavy vehicles act as lung and upper-respiratory irritants which can be quite serious for some people, including asthmatics.</p> <p>f) Frequent heavy vehicles adds to the safety risks for drivers and pedestrians in the type of are which is closely settled such as the core of Blandstown.</p> <p>4.) It barely needs to be stated, but there is a Tourism Benefit in keeping Blandstown settlement in good condition, as well as protecting the health and wellbeing of the residents of Blandstown so they can foster and support appreciation of the amenity which belongs not only to them but to the whole of York.</p> <p>Before it could justify anything more than the law that says, in paraphrase, "Council shall not reject a proposal out-of-hand without due process in consultation with relevant government departments and agencies", the Shire needs to consult with the principal players "on the ground" such as:</p> <ul style="list-style-type: none"> ◆ its local Heritage Committee (by whatever name it now goes) which I understand has within the last year or so recently re-included a representative from The York Society; ◆ the Friends of Blandstown with whom it has, within these last few years, undertaken to consult on heritage matters affecting Blandstown; ◆ due to the Heritage Significance of Blandstown and its confessed support of Blandstown; ◆ the Heritage Council; ◆ related instrumentalities. 	<p>Same as above comment.</p> <p>The site is located over 20km from Blandstown which is a sufficient buffer for this not to be an issue.</p> <p>This comment relates to a larger issue which cannot be addressed through this application. Furthermore, the route through Blandstown is approved by Main Roads WA as a heavy haulage route. The application does not propose to use the road for any purpose apart from its approved use.</p> <p>Noted, however this comment is not directly related to the proposal and therefore cannot be addressed.</p> <p>This comment is noted, thus the purpose of the public advertising period the aim of which is to consult with government agencies, community groups and the general public.</p>	<p>Community consultation has been undertaken in accordance with the Town Planning Scheme and the Local Law.</p>
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<p>The Shire is also obliged to consider:</p> <ul style="list-style-type: none"> ◆ the Environmental Impacts of all development proposals affecting it and its constituents ◆ both Natural Environment and Built Environment (the latter being more in focus here); ◆ the Health Impacts of all developments, both for the sake of the immediately impacted and wider communities. <p>On the latter, as per the W.A. Government's "Public Health Consultation: A guide for developers", page 8, or similar in www.public.health.wa.gov.au/.../2/Public Health Consultation Guide.pdf has the Shire required that the proposed developer:</p> <ol style="list-style-type: none"> 1. to identify the key public health issues related to the proposal; 2. to identify specific community segments who may be particularly affected by the public health issues from the proposal; 3. to seek out these community segments and find way of ... involving them; 4. to get input from the stakeholders about the extent, relevance and prioritisation of public health issues in relation to the proposal; 5. to work with stakeholders to jointly determine desired outcome in relation to relevant public health issues; 6. to develop the proposal in such a way as to include commitments to achieve the agreed public health outcomes; 7. to conduct ongoing consultation and communication with stakeholders on the relevant public health aspect during the proposal development process. 	<p>The application has addressed the potential impacts of the proposal in accordance with the Shire of York Local Laws for Extractive Industries. It is considered that these issues have been adequately addressed within the proposed extraction site.</p>	<p>Again, the application has addressed the potential impacts of the proposal in accordance with the Shire of York Local Laws for Extractive Industries. The community and stakeholders (such as government agencies) were invited to be involved in the project and invited to submit a comment as part of the public advertising process.</p>
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Main Roads	<p>No objection subject to the following:</p> <ul style="list-style-type: none"> - The intersection of the current access to Lot 1 at the existing rail corridor being designed and upgraded to the specification of Main Roads WA in consultation with the Public Transport Authority. - The access to Lot 1 being designed and upgraded to be suitable for purpose to the specification of MRWA at the proponent's cost. <p>MRWA notes that Lot 1 was the subject of a subdivisional application to the Western Australian Planning Commission dated 13 May 2009. During the assessment of that application, some preliminary investigation into the rail crossing was carried out. This was based on a different type of vehicle usage and will need to be reassessed with consideration to the Traffic Report dated December 2009 with this new application.</p>	<p>The intersection of the current access to Lot 1 at the existing rail corridor was addressed in the Traffic Report prepared by appropriately qualified traffic engineers and included with the application. The Traffic Report was prepared in consultation with Main Roads on the necessary issues.</p> <p>Preliminary investigation was carried out in relation to the requirements of the proposed subdivision. However, consultation was also carried out during the preparation of the Traffic Report for the extractive industry licence which considered the difference in vehicle use. The Traffic Report was prepared to address the necessary issues in consultation with Main Roads WA. The approved subdivision is a separate issue and should not be considered in relation to this application.</p> <p>Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA.</p>	Main Roads will negotiate the construction of the entry/exit point to their satisfaction.
Ratepayer	<p>Concerned that fragile heritage buildings will be damaged by extra trucks travelling the road.</p> <p>Why has the proposed by-pass never been implemented?</p> <p>We understand that the York Shire's mission statement is "To build on our history and create our future".</p> <p>Part 1 - "To Build Our History" - surely this cluster of very early buildings needs protecting. They are largely owned by people who care about York's history and these Blandstown residents are doing their bit to preserve this heritage, so we call on the Councillors to support them and to work assiduously to implement the construction of the Blandstown by-pass to divert heavy traffic away from this special heritage area and to not allow any increase of heavy vehicles through this precinct.</p> <p>Part 2 - "To Create our Future" - it is acknowledged that tourism is very important to York's economy. To create a viable future for York we must supply employment for our young people and the tourism industry needs to be developed and expanded. If the historical aspect of York is degraded and destroyed and roads made hazardous so visitors cannot comfortably walk amongst heritage buildings, this would be very detrimental to an industry that could provide much needed jobs.</p>	<p>Noted, however this issue does not directly relate to this application.</p> <p>This issue caused by trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.

Ratepayer	<p>The bridge over Bland Brook is wooden. Its ability to handle large modern trucks is based on hope rather than facts. One day, a major crash will occur. You should take out major insurance.</p> <p>If the project goes ahead, limit axle loads and speed to the limit of the law. Also if the traffic upsets the walls of the heritage houses in Blandstown, you will need more insurance.</p> <p>The applicant or operator should be forced to put up a bond (not insurance) to cover potential damage. Legislation covering this exists with the Mines Department.</p> <p>Council should pressure the applicant to get the approved by-pass road completed because hard as it may seem, it will be easier to get this done that to get any money out of them if a major crash occurs. Even if permission to set up a quarry is granted, production should not be allowed to go ahead until the by-pass road is usable even if not sealed.</p> <p>By allowing this project to go ahead, you will be creating a situation not dissimilar to the situation which would exist if wheat carting to the bin was a year round project. When both activities are operating, which trucks have the right of way and who will police it?</p> <p>To conclude, there is enough gravel/granite between Perth and York to cover the whole metro area in road metal six metres deep. Is it possible that these contractors have been chased out of Perth and are looking for someone at York to subsidize their operations, the Shire being the most likely starter.</p>	<p>The issues raised by the ratepayer (such as the capacity of the bridge and the speed limit) caused by trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA. Consultation has been carried out with Main Roads regarding the capacity of the road.</p> <p>This issue is not relevant as extractive industries are not covered under the mining legislation.</p> <p>Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA. It is considered inappropriate for the proponent to contribute to the by-pass which is a regional issue.</p> <p>This issue cannot be conditioned or addressed as part of the application. It is also considered inappropriate and elitist to allow trucks to use the same route for other purposes.</p> <p>This statement made by the ratepayer is not substantiated and is contrary to recent reports made about the gravel supply in WA. If these types of ill-informed and totally incorrect comments about the proponent are made publically available there could be a case for defamation.</p> <p>The respondent does not mention any specific issues, but the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p> <p>In addition, consultation with Main Roads WA has occurred and they have indicated that this route has approved to be a heavy haulage route satisfactory for vehicles no longer than 27.5m in length.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>
Ratepayer	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>		<p>The Department of Mines and Petroleum are supportive of the application despite extractive industries falling outside its jurisdiction. A bond for rehabilitation purposes is proposed but has nothing to do with a bond for damages on a State road which is not a Shire matter.</p>

	<p>The impact of constant haulage truck traffic on fragile historic buildings is recognised as likely to be significant and should therefore be avoided.</p> <p>Our opposition to the quarry development is not the actual facility but the truck traffic it will generate and the proposed route that these trucks will take.</p> <p>We sincerely urge Council to oppose the development until such time as an adequate road infrastructure can be created to practicably support the increase in traffic of haulage trucks.</p>	<p>The 'proposed route' was not stated in the application. While it is likely that a proportion of the trucks will travel through Blandstown, it is not known at this stage where gravel demand will come from and which route the trucks will take.</p>	
Ratepayer (second submission)	<p>I have forwarded an email expressing my distress at the news of the Quarry at Gilgering. The amount of trucks that will be passing by will be intolerable. I am very angry because not only will our lifestyle be affected, but my livelihood will be severely affected. In fact, my businesses will not be able to continue. I run a very successful beauty salon/beauty retreat as well as a B & B. This will also affect the other B & B's in Blandstown. All of these rely on a peaceful environment. This will not be able to continue with 80 odd trucks passing by. Not only will my business have to close, the buildings themselves will not be able to withstand so much movement from vibration.</p> <p>Our children's health and safety is also of great concern. How on earth can the heritage of Blandstown be preserved with trucks destroying the ambience and the buildings that we all have done so much to maintain for future generations. I believe urgent attention must be taken for the construction of the by-pass road and also an alternative route for trucks until the by-pass is completed.</p> <p>I will be seeking compensation from all concerned for my loss of income and lifestyle. I will begin to obtain legal advice on this matter.</p>	<p>The route through Blandstown from the Great Southern Highway along Avon Terrace, Henrietta Street and back onto the Great Southern Highway has been a major road and transport route for many years. The residents of the area should be aware of this fact. The route is also approved by Main Roads WA as a heavy haulage route. The issues raised by the respondent do not directly relate to the proposed extractive industry and it is considered that the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p> <p>The respondent incorrectly states that 80 trucks will travel through Blandstown. It should also be noted that the maximum number of truck movements will be 40 which equates to 20 trucks into and 20 trucks out of the site each day. It is not known at this stage which direction the trucks will travel from Lot 1 and it is likely that fewer trucks will travel through Blandstown than the maximum number stated in the report.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p> <p>Any real or perceived health related issues will be required to be assessed by the relevant State Government Department.</p> <p>Claims for compensation will not be able to be entertained by the Shire of York as the heavy haulage route is outside of the Local Government's jurisdiction.</p>
Ratepayer	<p>In a report like Land Insights has produced on the proposal of a new quarry all details are extremely important. If the report is implemented it will change the traffic flow in the towns of York & Beverley. Residents need to know what to expect in the possible change process. - SO onto the details!!</p>	<p>The Shire letter that the respondent refers to is the Planning Consent which was given to the applicant in February 2008. The Planning Consent included 3 conditions and a list of advice to the applicant to help comply with the conditions. It is considered that the applicant has complied with all conditions of the planning consent as is detailed below:</p>	

	<p>In its letter dated 11/2/2008 the Shire of York requested the applicant of Lot no 1, Great Southern Highway Gilgerrig to obtain advice from the Westnet Rail advice regarding the requirements needed for upgrading if the quarry is to go ahead. In the applicants report I can find no advice from Westnet Rail regarding any requirements needed to upgrade the Wheeler St Railway Crossing. This upgrading is a worry as the turning radius of the Double Road Trains being considered for use at the quarry are 15 meters diameter to the outside front wheel of the truck & that 15 meters is the measurement from Blandstown Bridge to the edge of the footpath at the corner of Avon Tee & Wheeler St Residents & businesses on Wheeler St can expect an increase in the number of Double Road Trains using Wheeler St & the Wheeler St Railway Crossing. I could not find any proposal in the report as to how this Public Safety issue will be handled. I can find no recommendations from Westnet Rail or from Land Insights.</p> <p>The York Shire's letter 11/2/08 also requests advice be sort from the Main Roads. In Land Insights' report I can see where advise has been incorporated with regards the property & the property's entrance/exit onto the highway. I can't see any reference of consultation with the Main Rds regarding the expected increase in Double Road Trains, through the Blandstown Historic Precinct. The York Shire's letter 11/2/08 specifically covers traffic in Blandstown under section (G) Subject to the volumes of extracted materials. Access through Blandstown may be restricted. I can't find where this is addressed in the Land Insights' report.</p> <p>In the York Shire's letter under section (d) the Shire has requested that a report be prepared by a qualified traffic engineer at the applicants cost to determine the impact of the proposed development on the relevant roads & submit to council for approval. The report was to address -</p> <ul style="list-style-type: none"> - Current standards of roads; - Required upgrading of roads to accommodate the vehicles associated with the extraction industry; - Current & projected traffic volume of the roads. 	<p>a) The provision of the extractive industry licence will be subject to the following:</p> <ol style="list-style-type: none"> 1. Advice from Westnet Rail regarding the requirements of upgrading if necessary – consultation with Westnet Rail occurred during the preparation of the Traffic Report and their advice was incorporated. The application was also referred to Westnet Rail by the Shire as part of the consultation process. 2. Advice from Main Roads WA regarding the requirements of upgrading if necessary – consultation with Main Roads WA occurred during the preparation of the Traffic Report and their advice was incorporated. The application was also referred to Main Roads WA by the Shire as part of the consultation process. 3. Advice from the DEC regarding requirements for a crushing plant and relevant approvals for extraction of materials – advice has obtained from the DEC regarding relevant approvals and is being complied with. b) Required to comply with all requirements of the Extractive Industry Local Law – the application was prepared in accordance with the Local Law and addressed all points listed. <p>The Planning Consent advised the following to comply with the above conditions:</p> <ol style="list-style-type: none"> a) A report being prepared by a qualified traffic engineer to determine the impact of the proposed development on the relevant roads – the issues listed in the planning consent letter were addressed in the traffic report including a description of the current main road, the current and projected traffic numbers and the required upgrading at the entrance to the highway. b) A noise management plan is to be prepared – this has been prepared and submitted with the application c) A dust management plan is to be prepared – this has been prepared and submitted with the application 	<p>Westnet Rail have identified their requirements in relation to the entry/exit point.</p> <p>Main Roads WA have provided their requirements for the extractive industry and will monitor any damage or upgrading.</p> <p>The applicant will be required to abide by any DEC requirements.</p> <p>The activities of the extractive industry will be monitored by the Shire of York for compliance with the Shire's Extractive Industries Local Law.</p> <p>The applicant appears to have complied with the conditions of the original planning consent.</p>
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Regional Heritage Advisor	<p>The cost proportion that should be borne by the applicant for the upgrade of roads. Potential impacts on the school bus service & the provision of bus bay.</p> <p>No where in the report can I see any mention of the school bus service or the mention of the cost proportion that should be borne by the applicant for the upgrade of roads.</p> <p>The York Shire's letter also requests details of Noise & Dust Management to be covered in the report. I can see no plans mentioned on how the Dust & Noise recreated by the trucks from the quarry travelling through Blandstown (or any other route for that matter) will be managed.</p> <p>From what I can see from the report I would most strongly urge the York Shire to request the completion of the report by Land Insights to meet the requirements stated in the Shires' letter of 11/2/08</p>	<p>d) <i>Commercial operation is subject to an extractive industry licence being obtained – hence the purpose of the application</i></p> <p>e) <i>Subject to volumes of extracted materials access through Blandstown may be restricted – This is an advice note to the applicant at the Shire's discretion. The exact number of trucks through Blandstown is unknown at this stage. The exact route that trucks will travel is also unknown at this stage.</i></p> <p>In addition, it is not known what the respondent means about upgrading the Wheeler Street Railway crossing and why this would be necessary if the trucks are using a road which is already approved by Main Roads as a heavy haulage road. It is also not known why the respondent is commenting of trucks turning onto Wheeler Street when this is unlikely to occur.</p> <p>The costs will be borne by the applicant for upgrades and maintenance through the site and access onto the main road from the site. Costs should not be borne by the applicant for the use of other public roads.</p> <p>The Noise and Dust Management Plan addresses the requirements of the Planning Consent and the Extractive Industries Local Law. It's not considered appropriate that the management plan addresses noise and dust management along the entire route travelled by the trucks. Furthermore, the management plan proposes that trucks are covered in tarps to help suppress dust and the noise is not expected to be above the regulations. The route through Blandstown is approved by Main Roads WA as a heavy haulage road and is currently travelled by trucks.</p> <p>The complete route that the trucks will take is currently unknown as the proponent hasn't made any formal agreements with clients. These details will not be known until the licence has been granted and all conditions have been met so operations can commence.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>
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Ratepayer (second submission)	<p>Further to this, a possible route through the Blandstown Heritage Precinct will have a significant impact on the cultural heritage significance of the precinct including a negative (ie physical) impact on the original fabric of important buildings in the area due to increased truck movements and heavy haulage vehicles.</p> <p>Until such time that an environmental and heritage impact study has been undertaken by an appropriate consultant, which investigates the impact of the truck movements, I do not believe that either myself, Shire officers or Council can make an informed decision on this matter.</p> <p>I am also concerned about the possible affect on the amenity of the area, including some of the residential development planned for the area such as the Swan Homes aged and care facility and the possible lifestyle village at Balladong Farm.</p> <p>Council could manage this proposal as a windfall opportunity to start construction of the Blandstown bypass.</p> <p>The proposed development is to the south of Blandstown and all of the consequences from through traffic is the main issue. The proposed development is a large scale operation. The mining of gravel may be a need but the heavy vehicles are proposed to go through Blandstown and part of the CBD - the CBD was recently extended by Council to include the northern part of the Blandstown heritage precinct.</p> <p>Council could place a condition on an approval that the proponents make a substantial contribution to the southern part of the proposed Blandstown bypass. The developer could perhaps do earthworks and formation work, and then use that for their vehicles since they state that their vehicles can travel on unsealed roads. They could probably do that cheaper than most. Council could of course go for broke and demand the whole bypass, and then negotiate. It could also persuade Main Roads to put a weight limit on the bridge over Bland Brook. It should be clear to the developer, from a 2007 statement by Council, that her trucks shall not travel through Blandstown so it is her problem to come up with a solution if she doesn't like Council's suggestions.</p> <p>The development proposal is a windfall situation for Council to actually make a start on the Blandstown bypass.</p>	<p>The issues related to the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p> <p>The report has been prepared in relation to the requirements of the Shire of York Extractive Industry Local Law.</p> <p>The 'proposed route' was not stated in the application. While it is likely that a proportion of the trucks will travel through Blandstown, it is not known at this stage where gravel demand will come from and which route the trucks will take.</p> <p>The issues related to the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p> <p>It is not considered appropriate for the Council to require a contribution from the proponent for the by-pass. The by-pass is the responsibility of Main Roads and the proponent should not be expected to fund a road which can be used by all, including other trucks. Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p> <p>The requirement for a contribution to the by-pass would be onerous to impose on the applicant and would not be supported at a State Administrative Tribunal hearing.</p> <p>The construction of a by-pass would be funded at State Government level.</p>
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Ratepayer	<p>As a resident of Blandstown I am concerned that the application for the gravel quarry on Great Southern Highway has not addressed issues that will directly affect both the residents and buildings in Blandstown, many of which are heritage listed or on the Shire of York register.</p> <p>The application states that 260,000 tonnes of gravel will be transported per year by road. This equates to approximately 20 loaded semi trailers with a dog trailer per day and 20 unloaded trips a day for a total of 40 passes per day or up to one truck every 12 minutes. Combined with present hay carting and grain coming into and going out of the CBH site, for much of the year Blandstown will be seriously impacted by large trucks.</p> <p>Councillors should make any successful application be conditional on all trucks using Knotts Road for loads to the west and Top Beverley Road for loads to the East and North. If these conditions are not satisfactory to the applicant then the licence should be delayed until a bypass road of York is constructed.</p> <p>This problem again highlights the lack of a bypass road to keep heavy vehicles out of York. The Shire should have a sensible resolution of this problem as a high priority and be proactive to suggest a reasoned plan for a long term solution.</p>	<p>The issues related to the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA. The Shire will be unable to control the route taken by trucks.</p> <p>The comment that one truck will pass every 12 minutes is misleading. If the site is operating from 6am to 5pm on weekdays this equals one truck movement approximately every 27 minutes if spread out evenly over the course of the operating hours at the maximum number of trucks movements. It is likely that fewer truck movements will occur along this route as some may travel in a southerly direction from the site which would reduce the frequency of truck movements through Blandstown.</p> <p>The route through Blandstown is approved by Main Roads WA as a heavy haulage route and they have been consulted with during the advertisement of the application.</p> <p>Issues relating to the proposed Blandstown by-pass do not directly relate to this application and this is an issue that should be addressed by the Council and Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>
Department of Mines and Petroleum	<p>Thank you for your letter of 21 January 2010 regarding the application of above Extractive Industry Licence.</p> <p>Although Extractive Industry Licences fall outside the Mining Act 1978, information on mineral resources, including basic raw materials, is of importance to the Geological Survey of Western Australia (GSWA), a division of the Department of Mines and Petroleum (DMP).</p> <p>The information is used in our MINEDEX database (http://www.dmp.wa.gov.au/3970.aspx) which is a source of information for our State-wide resource mapping system (http://www.dmp.wa.gov.au/7113.aspx). The locations and status of basic raw materials extraction sites are also valuable inputs to the Geological Survey's resource assessment and land use planning role.</p>	<p>The comments made by the Department of Mines and Petroleum are noted.</p>	<p>These comments are noted.</p>

	<p>Our aim is for the database to be comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials.</p> <p>A continuing supply of low-cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy.</p> <p>However, the area is highly prospective for bauxite and the licence encroaches on pending Exploration Licence E70/3633 of Darling Range Pty Ltd. This company has indicated to the Department that they have no concerns regarding the extractive industry application.</p> <p>Reference is made to your letter dated 21 January 2010 and received by the Public Transport Authority on 27 January 2010 regarding this application.</p>		
Westnet Rail	<p>Westnet Rail advises the following conditions in regard to the proposed crossing of rail at this location:</p> <ul style="list-style-type: none"> - The change of use of this land namely now being for the purpose of extracting resource requires that the occupational level crossing falls away and this crossing now becomes a Private Level Crossing. - Such Private Level Crossing will require a Licence from Westnet Rail - Maintenance of this Level Crossing is at the expense of the proponent - Protection will need to be upgraded accordingly as outlined in the proposal - The proponent needs to be mindful of the fact that this Line 31 is in the throes of re-sleepering so it would be useful to tie in the intended works to the Level Crossing with the re-sleepering programme. <p>I am emailing to advise you of my strong objection to the proposed heavy traffic to go through Blandstown to the Quarry.</p>	<p>These comments are noted. Consultation was carried out with Westnet Rail during the preparation of the Traffic Report by a qualified traffic engineer and their recommendation incorporated into the report.</p>	<p>Westnet Rail will monitor the construction of the entry/exit point onto Great Southern Highway across the railway line.</p>
St Bridg's Convent of Mercy Perth Inc	<p>This area as we all know is of the greatest significance to the history of York and the early colonisation of W.A.</p>	<p>The issues related to the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>

	<p>Our aim is for the database to be comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials.</p> <p>A continuing supply of low-cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy.</p> <p>However, the area is highly prospective for bauxite and the licence encroaches on pending Exploration Licence E70/3633 of Darling Range Pty Ltd. This company has indicated to the Department that they have no concerns regarding the extractive industry application.</p> <p>Reference is made to your letter dated 21 January 2010 and received by the Public Transport Authority on 27 January 2010 regarding this application.</p> <p>Westnet Rail advises the following conditions in regard to the proposed crossing of rail at this location:</p> <ul style="list-style-type: none"> - The change of use of this land namely now being for the purpose of extracting resource requires that the occupational level crossing falls away and this crossing now becomes a Private Level Crossing. - Such Private Level Crossing will require a Licence from Westnet Rail - Maintenance of this Level Crossing is at the expense of the proponent - Protection will need to be upgraded accordingly as outlined in the proposal - The proponent needs to be mindful of the fact that this Line 31 is in the throes of re-sleepering so it would be useful to tie in the intended works to the Level Crossing with the re-sleepering programme. 		
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St Brigid's Convent of Mercy Perth Inc	<p>I am emailing to advise you of my strong objection to the proposed heavy traffic to go through Blandstown to the Quarry.</p> <p>This area as we all know is of the greatest significance to the history of York and the early colonisation of W.A.</p>	<p>The issues related to the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>

	<p>The proposed heavy traffic is neither suitable to this historic area nor safe for the buildings or the people who live there. Or for those who visit this area out of historic interest.</p> <p>It is the Council's responsibility to safeguard this historic area for the York and wider community and I urge Council to rethink this proposal.</p> <p>I also suggest Council look to The Burra Charter for guidance in this matter</p>		
<p>Department of Health</p>	<p>DOH is willing to assist local government to identify and respond to potential health issues that may arise from the implementation of proposals. It is recommended that the following issues associated with this proposal are considered and addressed to mitigate risks to public health.</p> <p>Dust - This proposal has the potential to generate dust on site during excavation, storage and processing, during transport and at the end destination. Dust can adversely affect the health of communities in the proximity of any of these operations.</p> <p>It is recommended that the proponent develops a dust management plan which incorporates but is not limited to:</p> <ul style="list-style-type: none"> - Measures taken to assess and control dust emissions and small particulate matter during transport, including treatments of stockpiles or overburden. Best practices may include washdown prior to leaving the premises. - Prior and systematic testing for radio-active or heavy metal contaminants. - Procedures to be followed during "inclement weather conditions". - All water needs being quantified prior to production sites becoming active. <p>Buffers - It is important that appropriate buffer distances from sensitive land uses are established to address both noise and dust emissions.</p>	<p>The proponents acknowledge the issues associated with dust. This has been addressed through the preparation of a Dust and Noise Management Plan which was attached to the extractive industry licence application report. The management plan includes procedures to assist with dust suppression such as monitoring of weather conditions, watering tracks, roads and stockpiles when necessary, covering trucks with tarps and recording and responding to complaints. It is not considered necessary for tests to be conducted for radioactive and heavy metal contaminants as the proposed activities will not create these risks.</p> <p>Buffers to sensitive land uses was considered during the preparation of the Dust and Noise Management Plan. The nearest residence is over 3 kilometres from the quarry and is owned by the proponent. Other residences are located further than 3 kilometres away.</p>	<p>Dust issues will be monitored closely for compliance with the Dust Management Plan.</p> <p>The distances from residential development to the extractive industry are considered to be adequate.</p>

The York Society	<p>In the interests of historic Blandstowm, the York Society Inc wishes to endorse the submission by (a ratepayer) opposing the proposed quarry south of York.</p>	<p>The issues related to the impact of trucks travelling along the route through Blandstowm cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p>	<p>A condition is proposed to be imposed on the License compelling the applicant to install adequate fencing.</p> <p>See comments above regarding the heavy haulage route, the Blandstowm Precinct and the by-pass.</p>
	<p>General - It is recommended that appropriate security fencing is erected to prohibit public access to production areas.</p> <p>Water - The proponent has identified water requirements for dust suppression. Appropriate consideration should be given to the extent of reliance on private water supplies in this rural area.</p>	<p>Therefore, the buffer distances are considered to be sufficient for dust and noise emissions. Noise Management Plan which proposes that noise tests are conducted on the processing plant machinery to test noise levels are within the levels specified in the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>	<p>See comments above regarding the heavy haulage route, the Blandstowm Precinct and the by-pass.</p>
	<p>Transport - It is understood that the Department of Main Roads have evaluated this proposal for all legal requirements for rail and highway access and safety structures.</p> <p>It is recommended that the traffic management plan for this proposal incorporates a local road transport management and impact study. This study should consider but not be limited to:</p> <ul style="list-style-type: none"> - Impacts to existing communities on amenity arising from increased traffic volumes, noise and safety for all residential developments along proposed transport routes. - Future development in the region and any proposed expansion of operations of the proposal. 	<p>A Traffic Report was prepared by a qualified traffic engineer (who consulted with Main Roads WA and WestNet Rail during its preparation) to address the requirements of the Shire of York Extractive Industry Local Law and the Planning Consent granted for the site in February 2008. The issues listed by the Department of Health are not listed as requirements by the above. Nevertheless, noise and dust issues are addressed in the Dust and Noise Management Plan which discusses the distances from the nearest residence (over 3 kilometres which is an appropriate buffer distance) and other management procedures.</p>	<p>Water management will be monitored by the various relevant departments.</p>
	<p>The recommended buffer for quarries to address most dust emissions is one (1) kilometre.</p> <ul style="list-style-type: none"> - Noise reduction technology should be part of best practices for this business and regular noise monitoring reports should be submitted to the Shire of York. <p>A quarantined buffer of this size should address most emissions generated by the proposal however, it is also recommended that appropriate noise and dust complaint procedural requirements are established to incorporate current and future surrounding developments. Similarly, it is recommended that the Shire recognises the importance of maintaining this buffer in planning amendments to protect potential future residential areas.</p>		

<p>Heritage Council of Western Australia</p>	<p>We have received an email from a very concerned member of the public regarding a proposed quarry at Lot 1 Gligering.</p> <p>We note that in the correspondence received, the proposed route for the heavy haulage will be on Avon Terrace through Blandstown. This level of vehicular traffic would have a detrimental impact on the heritage buildings within this area.</p> <p>We also note that we have not received any referral for this proposed quarry. The development at the quarry and its potential impact on the surrounding areas would have been captured under Section 11/778 of the Heritage Act as the vehicular traffic to and from the quarry through Blandstown affects State Registered Places.</p> <p>We wish to advise that until further studies on the impact of the vehicular traffic on the buildings in Blandstown is done and heritage impact statement is prepared, this proposal for a quarry cannot be supported at this stage.</p>	<p>The issues related to the impact of trucks travelling along the route through Blandstown cannot be conditioned or addressed as part of the application as long as the proponent complies with the legislation and regulations put in place by Main Roads WA.</p> <p>The Heritage Council of WA have advised that they have not provided a formal response to the Shire to date. However, they have stated that the proposed <i>extractive industry licence is beyond (their) jurisdiction.</i></p>	<p>See comments above regarding the heavy haulage route, the Blandstown Precinct and the by-pass.</p>
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The Heritage Council of Western Australia made a late formal submission which will be tabled.

FESA made a late submission expressing no comment.

The York Visitors Centre made a late submission repeating issues relating to the impact of heavy traffic on Blandstown.

The Department of Agriculture has made a comprehensive submission that has been addressed in full detail by the applicant's consultants. This document will be tabled.

9.2 Administration Reports

9.3 Finance Reports

9.4 Confidential Reports

9.5 Late Reports

10. NEXT MEETING

RESOLUTION
040310

Moved: Cr Lawrance

Seconded: Cr Randell

“That Council:

hold the next Ordinary Meeting of the Council on March 15, 2010 at 3.00pm in the Lesser Hall , York.”

CARRIED (5/0)

11. CLOSURE

Cr Hooper thanked everyone for their attendance and declared the meeting closed at 4.36pm.